# Referendum 988



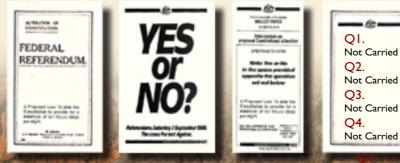
### The questions

I. To alter the Constitution to provide for 4-year maximum terms for Members of both Houses of the Commonwealth Parliament.

2. To alter the Constitution to provide for fair and democratic parliamentary elections throughout Australia.

**3.** To alter the Constitution to recognise local government.

4. To alter the Constitution to extend the right to trial by jury, to extend freedom of religion, and to ensure fair terms for persons whose property is acquired by any Government.







# Background

Q1. Parliamentary Terms – The first proposal to alter the Constitution was to make provision for maximum terms of four years for members of both Houses of Parliament.

Q2. Fair Elections – The second proposal was for amendments to the Constitution which would ensure fair and democratic parliamentary elections across Australia.

Q3. Local Government – The third proposal sought to add a new section (119A) to the Constitution recognising local government.

Q4. Rights and Freedoms – The fourth proposal sought to alter section 88 and section 116 and add a new section (115A) to the Constitution to extend the right to trial by jury, to extend freedom of religion and to ensure fair terms for people whose property is acquired by any government.

# **Other information**

The timetable The writ Enrolment and voting entitlements Types of voting Scrutineers Reference material



# **Timetable**

Writ issued: 25 July 1988.

Polling day: 8am to 6pm on Saturday, 3 September 1988.

Roll close: 1 August 1988.

# The writ

Whenever a proposed law for the alteration of the Constitution was to be submitted to the electors, the Governor-General issued a writ for the submission of the proposed law to the electors.

The writ was signed by the Governor-General and appointed:

- the day for the close of rolls;
- the day for polling; and
- the day for the return of the writ.

The writ was required to have a copy of the proposed law, or a copy of a statement attached. 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 circulated in each State and Territory,



including a copy of the proposed law or the statement (if any) and details of places at which copies of the statement were available.

Copies of the proposed law or the statement (if any) were made available at offices of the AEC in that State or Territory and at other places as directed by the Electoral Commissioner.

# **Enrolment and voting entitlements**

Enrolment and voting were compulsory.

Those entitled to enrol and vote

All persons 18 years of age and over were entitled to enrol and vote provided that:

- they were Australian citizens\*; or
- they were British subjects\* (other than Australian citizens) whose names were on the roll for a division immediately before 25 January 1984, or on a roll kept for the purposes of the ACT Representation (House of Representatives) Act 1973 or the NT Representation Act 1922.

Those not entitled to enrol and vote

- Any person of unsound mind who is incapable of understanding the nature and significance of enrolment and voting.
- Any person convicted and under sentence for an offence punishable by law by imprisonment for five years or longer.



- Any person who has been convicted of treason or treachery and has not been pardoned.
- A person who is the holder of a temporary entry permit for the purposes of the Migration Act 1958 or a prohibited non-citizen under that Act is not entitled to enrol.

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

Special enrolment provisions

Special enrolment provisions were made for people:

- who had a physical disability and were unable to fill out an enrolment form to have someone help them and to apply to become general postal voters;
- who had no fixed place of address to enrol as itinerant electors;
- working in Antarctica to register as Antarctic electors to maintain their name on the roll and to make use of special voting arrangements at election time;
- who were Australian citizens resident on Norfolk Island to claim enrolment for the division of Canberra, or another division in any Australian State with which they had a connection (enrolment by eligible Norfolk Island residents was voluntary but, once enrolled, voting at federal elections was compulsory);



- who believe that the publication of their address on the roll would put their own, or their family's, safety at risk to apply for silent enrolment so that their address was not shown on the roll#;
- who are Members of the House of Representatives to choose to enrol in the electoral division they represented and Senators to enrol in any division in the State or Territory they represented.

#Silent enrolment is not automatic. Each application is considered by the divisional returning officer and must meet the conditions for silent enrolment.

# **Types of voting**

Ordinary

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



**Postal voting** 

A postal vote was available to any electors who:

- a) would throughout the hours of polling on polling day:
  - not be within the State or Territory for which they were enrolled;
  - not be within eight kilometres by the nearest practicable route of any polling place open in the State or Territory for which they were enrolled;
  - will be travelling under conditions which will preclude them from voting at any polling place in the State for which they were enrolled; or
  - be a patient in a hospital (other than a special hospital) and be unable to vote at that hospital;
- b) be prevented by serious illness or infirmity from attending at any polling place to vote;
- c) be at a place, other than a hospital, caring for a person who was seriously ill or infirm or approaching maternity and therefore unable to attend at any polling place to vote;
- d) throughout the hours of voting on the voting day be a patient in a special hospital and unable to have their vote taken by the mobile team (see below);
- e) being a woman approaching maternity be unable to attend at any polling place to vote;



- f) for religious reasons be unable to attend a polling place or vote throughout the hours of polling on polling day or throughout the greater part of those hours;
- g) due to imprisonment; or being otherwise in lawful custody or detention unable to attend at any polling place to vote.

In 1988 there were two types of postal vote:

- written the application had to be made after the issue of the writ and received by 6pm on the day immediately preceding polling day;
- oral the application had to be made after the issue of the writ and before the close of polling to a divisional returning officer at his office or to a postal voting officer at an appointed place on a day declared by the AEC by notice in the Gazette or to an assistant returning officer for a place outside Australia at his office at that place.

The certificate and completed ballot papers had to be posted to the divisional returning officer for the division, and reach the divisional returning officer 13 days after polling day. Alternatively the elector could return it to another divisional returning officer, assistant returning officer or presiding officer if the application would not reach the relevant division in time, but they had to be received by them before the close of polling.



## **Provisional vote**

Provisional votes were available for:

- Any person who claims a vote at a referendum and whose name cannot be found on the certified list of voters for the division is entitled to a provisional vote. This vote is a declaration vote and the divisional returning officer will check that the person is either eligible to be on the roll or is not on the roll by reason of an error or mistake of an officer before admitting the vote.
- A person who was marked on the certified list as having voted but who claims they have not previously voted may also be permitted to vote, if they makes a declaration to that effect at the polling place.
- An elector whose address is not shown on the roll but must declare the Division for which they are voting for on the declaration.
- 17 year olds could provisionally enrol and could vote if their 18th birthday fell onor before polling day for the referendum.

Mobile polling

Mobile polling was available for:

- any person who was at a polling place hospital or special hospital either on polling day or in the five days before polling day from 8am to 6pm;
- remote locations mobile polling could be conducted in places, dates and times as gazetted in any gazetted remote subdivision in the 12 days preceding polling day.



# **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.

# **Reference material**

Legislation relevant to the administration of the referendum held in 1988 were:

- Commonwealth Electoral Act 1918
- Referendum (Machinery Provisions) Act 1984
- Australian Citizenship Act.



# Yes/No Cases

A Yes/No case booklet was printed for the 1988 referendum.

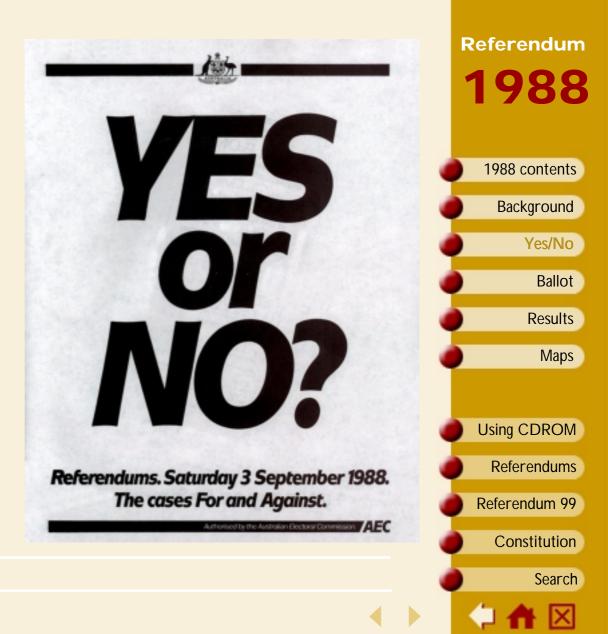
The Referendum (Machinery Provisions) Act provided for the printing and distribution of a Yes/No case booklet. This provision allowed for two 2000-word arguments, one for and the other against the proposed law to be written by a majority of members of both Houses of the Parliament who voted for or against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

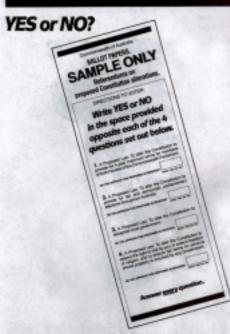
These arguments were then forwarded to the Chief Electoral Officer who arranged publication and distribution of these arguments to every elector in the form of a Yes/No booklet no later than 14 days before polling day.

This booklet also had to include a statement showing the textual 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.



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.





## Have your say on Referendum Day.

# Introduction.

A Referendum is a direct opportunity for all Australians to have their say in the country's future. On Belorendum Day Saturday September 3, all law

trailan electors will vote YES or ND on each of flour proposed laws is change the Constitution. To become taw, each proposed change requires the

approval of a majority of electors nationally and a majority of electors in a majority of States.

#### About the Constitution.

The Constitution is the "Support" which defines Autherins system of nationar geometry and excitatives the legal base for Federal Partianent's main stark. And the Constitution band guarantees that the only was the "Balagened" sent as changed is by a References. - Must is, you sating all excited excitations and the parprove proposed tend to Strange the Constitution. The is what will happen or Segments 2.

#### The four proposed laws.

1 Constitution Alteration (Parliamentary Terms) 2008.

(8) after the Donatitation to provide for 4-year manimum terms for members of both Houses of the Commonwealth-Parliament.)

2 Conditution Alteration (Fair Electrons) 1988.

(To after the Constitution to provide for fair and democratic partiamentary electrons throughout Australia.)

3 Constitution Attentition (Local Bovernment) \$200. (Re after the Caratitution to recognise local government.)

& Constitution Alternation (Nights and Freedoma) 1988.

On alter the Constitution to extend the right to trial by Jury, is estered theoriem of religion, and is ensure that terms for persons whose property is acquired by any government.)

## Voting is compulsory.

#### For or against?

The arguments for and against the proposed changes on pages 4-25 of this booket have been written by mentions of both Houses of Parliament, who other beau or oppose the changes.

I are required by tare to and these arguments to ensu-This stablet is designed to help you decide YES or NO when you have your tay on Referenced decider on to read it to help you make an informed decider when you with on Restmetion 3.



Declaral Convolutione

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## Contents:

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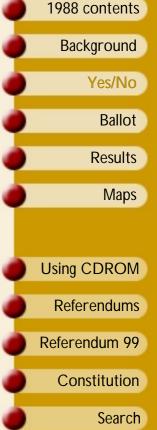
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Constitution I	Sandar Rat	the same Person	1988

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The YES case - Summary

# **VOTE YES**

#### FOR FEWER ELECTIONS

#### FOR FAIR ELECTIONS

#### TO RECOGNISE LOCAL GOVERNMENT

### TO GUARANTEE PEOPLE'S RIGHTS

 Australians have always been wary of attempts to change the Constitution.

 One reason for this is that often in the past changes were seen as increasing the power of gevernments and politicians.

+ The four Questions in this Referendum are different

 They do not seek any estra powers for politicians or governments. They offer extra rights and guarantees for the people.  The proposals you are being asked to say YES to are all sensible, modest and practical.

 They are the result of an extensive process of consultation with ordinary Australians.

\* They reflect the concerns of ordinary Austrolians.

 In a few words what they will mean is leaver elections, fair elections, the recognition of local government and rights for the people.

At last there is a chance to change the Constitution for the benefit of people and not politicians. Tell Canberra NO.

The NO Case - Summary

There is a common theme to this referendum - more power to the central government in Carberra.

The Government is trying to undermine the independence of the Senate, one of the pillers of our democnecy, and which has proved its worth in protecting Australia from the excesses of Government, such as the ED card. The Government is also trying to gain the power to order the States how to conduct their own elections. And the Government is tampering with rights — such as freedom of sulgion. — which have been entremched in the Australian Coestitution for 87 wers.

There is much more to this referendum than meets the eye.

The case for and against each question is set out clearly on the following pages. They show why you should vote NO to all 4 questions.

## AUSTRALIA HAS A STRONG CONSTITUTION.

WHY WEAKEN IT?



Question 1 - The HES case

# VOTE YES

### FOR FEWER ELECTIONS

# W HAT A YES VOTE WILL MEAN

 Federal Governments will have four year maximum terms.

 The Senate will have the same four year terms as the House of Representatives.

 A YES vote will mean that all future elections for the House of Representatives and the Senate will be held on the same day.

 This will create an environment for more responsible long-term Government planning which will assist both the private and public sectors.

 A four year maximum term will ensure governments can get on with running the country.

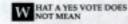
 With four year maximum terms business will be able to plan and invest with more certainty.  The business community has strongly supported four year terms because it believes they are very important for Australia's future welfare.

 All States except Queensland have already recognised the value of four year terms.

 The public will be spared the disruption caused by having too many elections.

 Having too many elections also costs taxpayers a lot of money - the bill for the last Federal election was \$47 million.

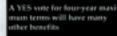
Since 1945 we have had a Federal election on average once every two years. By voting YES for four-year maximum terms for Federal Parliament you can help stop this practice. Question 1 - The YES case



While a four year maximum term offers Australia many benefits there is one thing it does not do -

 A YES vote will not touch the powers or independence of the Senate.

 On many occasions Australians have indicated they want to retain the role and power of the Senate. The proposal for four year terms wan very carefully days up to ensure the Senate setained all its powers. A VES role will not weaken the Senate's powers in any wer.



The Senate will have the same fouryear term as the House of Representatives under this proposal.

 As the whole Senate will be elected at the same time as the House of Representatives it will be more accountable.

 Eight year terms for the Senate would be too long. Such a long term for any elected representative would isolate them from the people they represent. All politicians should be accountable for their actions. A yes vote will not touch the powers or independence of the Senate

 The watchdog role of the Senate will not be affected in any way. Just as it can now, the Senate will be free to review, amend or reject legislation.

 The Senate's powers over Supply bills will not be charged.

 The changes mean the Senate will still be able to force a Government to elections but will be accountable to the people for its performance at the same time.

The arguments for a YES vote are simple and sensible.

 A YES note will mean more stable government.

Australia has too many elections

# Referendum



Question 1 - The NO-case

#### QUESTION 1 PARLIAMENTARY TERMS: THE CASE FOR VOTING 'NO'

#### WHAT IT REALLY MEANS

#### This proposal does not mean that elections will only be held every four years.

It mareful provides for a matchnam particle of floar years between electrons. It would available a Parise Minimer to call as electron for both Houses of Federal Parliament at any time to gain yearbilload advertingly.

#### This proposal would not mean fewer elections.

It gives a Prime Minister more power to call early elections. It does not require a government to serve out its term. It does not mean briter government.

#### This proposal would radically change our Parliamentary system.

It abalishes the Senate's fixed term. It abalishes the rotation of Senators.

#### This proposal would cripple the Senate's independence.

It makes it possible for a government to control the Senate It turns the Senate into a nilber stamp. It ulences the independent noise of the smaller States.

#### The fundamental importance of the Senate is this:

It is a Nonse of Review and acts as a shock spaties the scenaes of the Government in power 3 is an added protection. For the rights of the people. It is a proper state of the State protects the signs of the States and there people. It is floare of Representatives, Victoria and REW have 80 of the 148 membras, and easily dominant the state States, the Northern Territory and the ACT. But in the Section 2 to the scenario of the scenario state and scate and therefore an opeid noise. This ensures that the Interview State has 12 appresentatives and the discord on.

#### WHAT LABOR REALLY WANTS

The Labor Government's main aim is to make it easier to call elections whenever it suits in political purpose. In fact, the Prime Minister studie call an election the very day this proposal becomes low

For this reason. Labor's proposal does not include fixed terms for elections. That is why it wants to abolish the fixed term of the Secure.

The Labor Government is busically heatin to an independent Sensis, because it can require an amogan government to attandon unpopular laws, each as the ID clast. The Sensin's independence and storegith is an estendial deravorate safeguard.

For a long time, the Labor Party has been committed to abolishing the Senate, not only because of its independence, but also because it represents and gives repair weight to all the States. This frustmen Labor's atm of certralising all political power in Cambers in the House of Representations.

Here is what Labor leaders have said about the Senate and States' rights: The Trans Miniates Milliands must in the Royal Lancaux, in which is advocated the abolition of State Parliaments: "I do not have any bless what States Rights' are". The Iorane Antony-General, Senate Evens, Issueched his and Senate orusede in a Canbern Threes Question 1 - The MD case

article titled "The way to abolish the Senate, or at least massie it, in to white-ant it from within," and lates attached as a "sportness conception" for Senate's note as a "defender of States" regres." The Transmen Mr Senator, described the Senate as "the well of Australian politics," after it opposed the ED cash.

#### WHY YOU SHOULD VOTE 'NO'

QUESTION

#### 1. This proposal will not guarantee fewer elections.

The proposal is for a maximum, not a faust, four-year term for both Houses of Parliament. There is nothing in this proposal to preven the Peters Mandaer calling an early electron whenever is to the political destange. In fact, the proposal would alread certainly mean more electrons, not issue, because it actually gives the Pitne Minister more power to call electrons at value.

#### This proposal includes another attempt to introduce simultaneous elections, a further device to reduce Senate powers.

The Australian people wheely rejected this idea in referendams in 1074, 1077 and 1064. It was wrang then and it is wrong now. In fact, in 1077 Labor's Senato John Burton admitted that simultaneous directions reduced the power of the Senate. He said the Labor Party sound to see the proposal peaked because, in this words, "It imply the algorithmet and influence of the Senate."

#### This proposal is a direct attack on the fundamental purpose and structure of the Senate.

At present, the House of Representatives has a maximum term of there years, while the Senate has a land term of six years. By maring the Senate into a nation image of the Lower House with an identical fear-year feestble term, the whole purpose of the Senate would be fundamentally understand.

This preparati would use the Senate of its powers and independence. A Prime Matterer would be able to such the entire Senate whenever it disagnees with the Government or votes against bad laws. The first to read. The Prime Mattere could do this by transmittantly senaling the whole Performent to a new effection.

This proposal, under the gains of a flow-pear were, is an attack on the integrity and independence of the Sensie. This integrity and independence provides the fundamental checks and balances necessary to a study democratic Pathanese.

#### 4. This proposal would undermine our bi-cameral Parliamentary system.

A lie cament spaces provides two separate and distruit chambers with the Losse Husse consolided by the Government and with the Upper House providing the essential checks and balances of a Hours of Parateries under our Meanmanter upware.

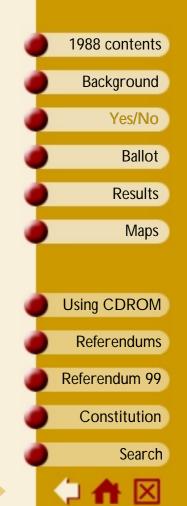
The proposal will place the Senate constantly under the hammer of the Prime Minister, reducing its ability to act feadeauly in the public internet.

#### 5. This proposal would give the Pederal Government more power over the Senate.

It would allow the Government to push laws through the Senate under the threat of an early election. This was advantalily by the Marketer Re Justice. Senates Taxe, where he total the Padlaeners' that the proposal for strendinencous elections contained in Question. I means that it would be in the Savaatia and fumeral "moto push to the twink too scarary progenitions iso early in the Covernment" life."

# Referendum

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Question 1 - The MD case

#### 8. This proposal would give the Federal Government more power over the States.

The proposal would above the Government to ignore the propin from the smaller Gauss and their legiterate vitor in Cantorna. It would undermine the Constantianal tolarus evolutional in the concept of pring all States. regardless of propulsion, an equal voice in Canbern through the Sense.

#### 7. This proposal rejects recommendations of the Governmen's own Constitutional Commission.

Two questions need to be asked. First, if the Government is serious down fower elections, why did is reject the Constitutional Commission's recommendation that it must serve a maintain of these years before adding an electrical? Second, why did the Covernment right the Covernment Commission is accommendation that the Senate's semi be two items of the Notes of Representations? It will be conversioned and the registed the adding of the Notes of Representations of the Reserver.

#### There is more to this proposal than meets the eye. It has hidden and dangerous consequences which would forever remove the essential checks and balances in our democratic rystem of government. It means more power for the Prime Minister and the Government, and less power for the States. It does not oven guarantee fewer elections or better government.

#### NO MORE POWER TO CANBERRA. VOTE 'NO.'

#### IN A NUTSHELL WHAT DOES THIS PROPOSAL MEAN?

- It does not mean four years between elections.
- It does not mean fewer elections.
- It does not mean better government.
- It does not require a government to serve out its term.
- It does, however, radically change our Parliamentary system.
- It abolishes the Senate's fixed term.
- It abolishes the rotation of terms for Senators.
- It will reduce the Senate's independence.
- It makes it easter for a government to control the Senate. It gives a Prime Minister acope to call more early elections.
- It gives nothing, but takes much away.

#### QUESTIONS YOU SHOULD ASK

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#### What's wrong with a four-year term for the House of Representatives?

If it was just that, nothing, that this proposal is at the expense of the Senate. It downlows the basis of our democratic systems by exoding the Senate's independence and transferring more power to the Peters bilineater. Since the Harvie Government's hand-picked Constitutional Commission saw the dempeter in that.

#### Wouldn't four year Parliaments mean fewer elections?

No. It makes more electrons likely. The proposal will abolish the fixed sum: of Senators and the singjorns of fixes terms, and this reasons any Person Minister will be live to call an electron live both the House of Representatives and the entire Senate whenever he chooses. This fundamentally address the protons and independence of the Senate. Question 1 -- The ND case

Mr Hawles is being completely hypocritical about this. In the part fire years, be has gone out of his way, noteding use of the dashed dissolution device, to add elections for his political advantage. His second in bod enough so it is. Thereorem phe constraints will make it even worse.

And for record specials for listef. We have had non-decisions since he became Prese Minister in blanch 1983. He collied this first election within 10 months, although another election was not due and 1986, and then he collied the second in 1987, again well before it into due. If Mi Havies had gone his full term, there would have Seen only one election since 1983, and the second one would not have been due and Minist 1988.

#### What's in this for Mr Hewke?

QUESTION

This proposal gives Mr Handre the option of an entru five months in office.

At present, is half-Senate election has to be hold by early June 1980, and the Government would probably call a Nouse of Representatives election to coincide with it. This proposal, however, would extend the Senate's term beyond 30 June 1980, is an late as 17 November 1980, so that he could delay the election cutif then.

#### How does the proposal affect the Senate?

Destinatly is read become a more onlo of the Hanse of Representatives through a change to its basic structure — abolison of both is present fixed six-poor term — and the singpring of Sension's terms so that had of them is one election every threes years.

This structure is fundamental to the Sensitr's role as a House of Review and as the vote of the Sease. The stability of the size-year term earliest Sensitors to serve over a period long enough for important issues to be given the futurestion they deserve, and not rashed through permutately without proper consideration.

Australians have adverge secogrased the dangers of such a change, proven by their rejection of the same idea in selevenduma in 1974, 1977 and 1984.

Each time, Australiana have recognized that such a change would reduce the Senate to a robber stamp for the government of the day.

### Why does the proposal make it easier for the Government to control the Senate?

This proposal also allows the Prime lifetimier to pick the politicity most advantageous time to hold elections for the Senant. It gives here the right to manipulate the date for the election m-exploit a single emuty insue and so in manipulate lise chances at if the election and its control both Houses.

#### Why did the Government reject the Constitutional Commission's advice?

The Constitutional Convension angued against this very proposal, it suit that the binary of Begenerative terms should only be increased to four years if there was also a three year minimum term, to pervent a Frine Minister calling an easily electrary. The Convenient of the free performance of the free sectors are interview of the free sectors in the or even contemplate a finable flow-person terms of the Free sector by because it would undermine intelling queuement.

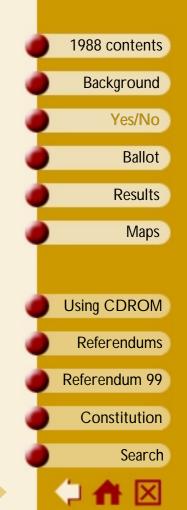
Green Mr Header's revent of rading andy distribution for apportunating political advantage, it is not surprising that he sejected the recommendations of the Constitutional Commission to provide subgateds against the system of morpolations of electrons dates. It is also no surprise that instead he interaction to provem and independence of the Senate and the Toters, seeks to realis the powers to call decisions when he lines and warms to catanulae powers in Californian.

#### DON'T BE DECEIVED BY CANBERRA. KEEP THE STATES AND THE SENATE STRONG. VOTE <u>NO.</u>

Referendum

QUESTIO

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Question 2 - The YES case

# QUESTION TWO

#### FOR FAIR ELECTIONS

AT Australians are equal and should be treated equally. In some States however Australians are not treated equally when they exercise their fundamental right to elect gamerning pairs.

A YES vote will give all Australians the guaranteed right to vote in fair elections.

At present the electoral laws of the Commonwealth and some States provide for fair elections.

Henveyer, the Constitution does not prevent States and Territories from having unfair electoral laws

+ For examples

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In Queensland, 3 country electorates of just over \$,000 voters. (25,000 voters altogether) elect 3 representatives, whilst one city electorate of 25,000 electors elects one. Vote values vary by three to one.

The position is just as had for elections to some State Upper Houses

 The Constitution also does not prevent the unlair weighting of the votes of particular types of electors. (e.g. property owners) within a particular electonate.

The Constitution does not guarantee anyone the right to vote

At present the qualifications for voting in any election for a Parliament are whatever that Parliament chooses.

If all Australians are to be given a fair go the Constitution needs to guarantee equal treatment. through fair elections and the right to vote.

HAT A YES VOTE WILL DO

- The changes will apply to elections
- . The House of Representatives
- State Parliaments
- · Mainland Territory Legislative Assemblies.
- The changes will ensure that:

· The number of voters in each electorate must be within 10% of the average number of voters in all electorates in that State.

· Redistributions occur at least every seven years or more frequently when required.

· The votes within an electorate cannot be given different weights.

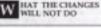
· All Australians have the right to vote, unless they are legally disgualified because of nonresidence, non-envolment, mental illness or incapacity, or imprisonment.

· Waters vote only once at each election.

COVERNMENTS WILL LOSE THE POWER TO HOLD UNFAIR ELECTIONS



Question 2 - The YES case



The proposal does not interfere with the present equal representation of all States in the Senate. This basic feature of our Federation is guaranteed by the Censititution.

The proposal does not affect the representation of the States in the House of Representatives. Tesmania will keep its 5 seats, as guaranteed by the Constitution.

The proposal cannot reduce any State's representation in either the Senate or the House of Representatives.

The proposal does not affect the preferential voting system. It does not require 'first post the post soting. Voters will still be able to distribute their preferences in elections.

\*The proposal does not give any Government greater power. Australians will be guaranteed the right to a fair vote.

· The proposal does not impose Commonwealth law upon the States. Don't believe the tired old tale that State Illections are a matter of "State's rights". You are being asked to guatantee that all Australians have the right to vote at fair elections for their governments.



Question 2 - The NO case

#### QUESTION 2 ELECTION CHANGES: THE CASE FOR VOTING 'NO'

#### WHAT IT REALLY MEANS

#### This proposal would impose the Pederal Government's electoral biosprint on the States.

It deprives State Parliaments of the right to tallor their electoral laws to their own needs. It is an anomaly by the Parliesed Government to control State electrons. It is workdet the powers of State Parliaments.

This proposal would not guarantee fair elections.

It does not stup genymanders - the "rigging" of electoral boundation. It dises not onesite a true "one vote, one value" electoral system.

#### This proposal will inevitably result in Constitutional challenges.

The Bill is highly technical and complex and has already required significant anordements. It will create expensive, drawn-out legal battles paid for by the taxpayer.

#### WHY YOU SHOULD VOTE 'NO'

#### This proposal is an attempt by the Labor Government to take control of State electrons away from the States.

This proposal takes awing their people in the States the right to determine the laws governing their over State elections, through their over State Parliaments. It would create a precedent for any State is laws being severtion and changed by yours its order States.

People living in South System or South would deaths how people in the vast authors of Weatern Australia elect their own local member to their own. State Parliament. This clearly is mether day, nor democratic.

If accepted as a legitimate way of forcing change on the Sates, this process result be used again by the Government to poler its nose into all sorts of insues which are none of Canbern's leadness.

#### 2. This proposal will not guarantee fair elections.

The proposal does nothing to prevent genyrmanders — the tigging of election boundation. Some Status already have 'one vote, one value' in their electioni system. Bespite this, the Labor Conversates in Worker's, food Manadala, and Westers Anexañal would have be power with 48.7 per cent of the tote. 47.8 per cent of the vote and 46.5 per cent of the vote respectively. At the Pederal level, the Havies Conversates and with the next House of Representatives election with only 47 per cent of the tote.

In other woods, even where the supposed "one you, one value" is already the law, Labor could start in Government although the majority of people note against them.

#### 3. This proposal means one rule for the States - another for Canberra.

The Headin Government is targing to force on to the Starse a right numerical systems which does not apply in Federal decisions. The Australian Constitution has always made allowances for the more inclused and less populous Starse. This is with Tarmantia is guaranteed five members in the Hears of Representatives, and why each State index S12 feasities no matter whole its population — HOM with 3.2 million versas. Quaranteed with 1.6 million versas. and Tarmantia with only 200000.

#### 4. The proposal could have many legal flaws.

Below the Bill for the proposal was passed by the Senate, the Government was forced to edmit errors in 8, and hastily patch up serious matabas. Because the Government sublistedy gigged the



#### Question 2 - The NO case

debate before the Senate had time property to test it for even more flaves, there will inevitably be time, complex and costly High Court challenges if the property becomes law.

Since these battles will be longful between the Conststerwealth and the States, the tappaper will pay the lawyers' bills.

REJECT ANOTHER CANBERRA POWER GRAB. KEEP LABOR'S HANDS OFF THE STATES. VOTE '<u>NO.</u>'

#### QUESTIONS YOU SHOULD ASK

QUESTION

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#### How would this proposal affect the conduct of State elections?

It would give the High focust supportedneted new powers to inservent distribution to have polls. The proposed new neutrance DMC and DMD would allow any elector to challenge four electional boundates. They would also set up a mechanism for a State election to be helded or a State added basis with no single-member electorates, just like a Some election, and a laws which could be made by the Helder Parlament. For example, if the reduced forememers was underpy with the electoral distribution in Wastern Assessing, that electritudes could be overtained. As a result, votage could be their sights to have a local member. This is a total indiagement of the rights of the States, and the tight of heri works.

#### Will the proposal ensure fair elections?

No. First, it allows a 20 per cert difference in the number of people in different electorates, so that some people will have less as than others. Many impostantly boundaries can still be regard to get advantages to a party or a particular conductor forough genymenders, which slow a government in field power without a majority of volus. This proposal does nothing to prevent genymarkes.

#### Bas Labor been unfairly deprived of Government in Queensland?

No. In the 1896 State election, Labor received 41.3% of the vote, in 1983 — 44%, in 1980 — 41.5% and at 1977 — 42.0%. Even after all performance in Labors here election year (1983), they multi-end order obtain 40.6% of the State while vote. It's Labor's lack of electoral appeal in Guorenland that explains their lack of success.

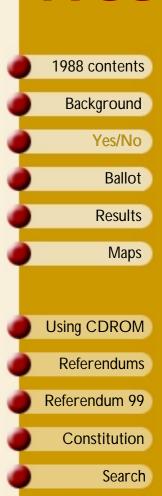
#### What mistakes have been found in this proposal?

The original propersit, before minimizes some found in the Senate by the Opportions, would have imposed the Government own electronic instem for the ACT, and formed major changes in the method of electricity the SOV and Teamanna Legislative Councils. These may be more matching and anistemedial council property be considered in the pean aband the High Court in second of many complication associations will be for the fourth teamanna based the High Court in second of many complication associations in or it.

Enceptonly in Asemula accepts that electrons should be conducted fairly and democratically. For when the first print of this mideading proposal is committed, there are powerful reasons for writing against this uneccessary and potentially dangenous changes.

DON'T LET CANBERRA RUN YOUR STATE. DEFEND A DEMOCRATIC SYSTEM THAT WORKS WELL. VOTE 'NO.'





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**CUESTION** 

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Question 3 - The YES case

# VOTE YES TO RECOGNISE LOCAL GOVERNMENT

#### W HAT A YES VOTE WILL MEAN

 A YES vote will ensure that the Constitution recognises that our federal system has three spheres of government working in partnesship.

Only recognition in the Australian Constitution will guarantee Local Government's role.

 Most State Constitutions recognise Local Government but that can be changed by politicians.

 The Australian Constitution can only be changed by the people. A YES wate will mean that Local Government cannot be permanently replaced by State appointed administrators. As a result, a system of elected local councils, accountable to their commanifies, will be guaranteed in each State.

 A YES vote will mean Federal and State politicizes and bureascusts will be more ready to consult with Local Government on issues affecting the local community.

 New opportunities will open up for Local Government to work with Pederal and State governments. In this way coeffy waste and duplication can be cut down.

Local Government is the form of prvernment closest to the people

A YES vote will guarantee that Local Government remains a vital part of Australia's federal system. Question 3 - The TES case

 A YES vote will recognise the reality that Local Government is an important element of the public sector.

 Assund Australia there are more than 850 connoise working to provide a windle range of services to local communities. Last financial year these councils appent more than \$6.5 billion and were responsible for physical infrastructure worth in excess of \$60 billion.



A YES vote will not give extra power to Canberra, at the expense of State powers.

 On the contrary, it will strengthen the system of decentralised community-based government.  How and where Local Generation operates will still be decided by State Parliaments.

 A YES vote will not stop a corrupt or inefficient council from being sacked.

 Constitutional recognition will require frush elections to be held within a reasonable time after any diaminal of a local government body.

 States will still be able to identify areas not suitable for incorporation.

A YES vote will not mean the establishment of a network of regional governments across Australia.

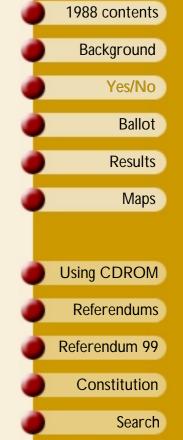
 The terms of the relevendam proposal put any prospect of a Consumorwealth imposed system of regionalism for Local Conversement out of the question. The role of the States being specifically set out.

 A YES vote will not affect financial matters such as grants, Local Government revenue and borrowings.

 These are issues for resolution at the political level, not in the Constitution.

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# Referendum 1988



Question 3 - The NO case

## QUESTION 3 LOCAL GOVERNMENT - THE CASE FOR VOTING NO.

#### WHAT IT REALLY MEANS

#### This proposal is detrimental to Local Government and rategayers.

Cariberts is making Local Government take a loop in the dark. Is could result to Local Government being replaced by large, imperional Regional Government, ultimately controlled from Cariberts. Is does not give Local Government may guarantees, protection, or rights.

#### This proposal will not stop arbitrary dismissals or analgamations of Local Government bodies.

It could also allow the absolution of Local Government in any part of a State.

#### The proposal is uncertain and vague.

The proposal is open to countless interpretations. It is a legal minefield that will keep the High Court hury for years.

Labor is threatening the future of Local Government with this proposal. It will give Casheers an interfering floor in the door, and as with the other referendum proposals, give more power to the Federal Government at the expense of the States. It could pave the way to regional government responsible directly to Casheers, not the States.

#### WHAT LABOR REALLY WANTS

Labor has always sought to be pass Bate Coversesents and implement its policies through lever but larger regional forms of Local Government, which it finds easier to dominate.

In his Boyer Lectures, the Prime Minister, Mr Hawke, sold we must have "one government with suspensioned powers" and were on to argue that this meant eliminating the States, and dealing directly with what he described as "selevanly demanded geographical assas"... in other words, regions.

Labor's Senator Burna expanses di sindle contrinsent in the Senare on May 23. Bort the Prime Miniate and Senator Burns toled to angue tale diministring the Sames would give more power in Local Government, but this is not the case. The real power would go to Labor's regional authorities.

WHY YOU SHOULD VOTE 'NO'

1.0

#### 1. This proposal is detrimental to Local Government and ratepayers.

The proposal requires States to maintain "a system of Local Government."

This lasse ploase leaves completely undefined important matters such as the structure, role, basic rights and sequentibilities of Local Government. Under this proposal, a "system" of Local Government is the fotuse need not monsatily be the Local Government bodies we have today. The Government has recently attended that this sould include regimal automation.

The proposal will dear the way for the Tederal Government in Carberts to intervene divertly in Load Government numbers, and thereby completely generate the States. This will be the lowerness of Carberts exacting substantial power over Load Government: "bodies" — not receiverily exhing councils and states as we know them today. Question 3 - The ND case

QUESTION

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Labor. For years, has wanted to make Local Government a kind of "brench office" for Canberra and heep Local Government under Canberra's control.

This would make State Governments irrelevant. It would also abolish the independence of Local Government bodies. This is a fundamental and dangerous shift in power to Cariberta.

#### 2. This proposal will not stop either arbitrary dismissals or amalgamations of local government bodies.

This proposal does nothing in protein present Load Government budies from arbitrary distributed forced analysismation. It would will have allowed the foreast WWA Lobe Concernment to summarily distribute the elected Sydney City Council. It could connect a Stan's right to this and fire Local Government budies at will in the Senate on 31 May, the Minister key Justice, Tain, advected that under this proposal, a State Government could durinitia to council and there yields it.

#### 3. This proposal is uncertain and vague.

The meaning of the phone: "a system of Local Government" is uncertain. What would happen is that the High Court would inertiably have to desemble what it means. And such a determination, is one after successful inertiably take into account the pathodar needs and adaptations of more than 800 Local Government bodies, spread right across Australia with different responsibilities, revenue bases, and political constituencies.

In any case, Local Government already axiats in every Stars. It is recognised in the Constitutions of the States of Victoria, NSW, South Antendia and Weiners Australia and is soon to be recognised in Queensland and Taumasia. So, not only is the proposal uncertain and vague, but is activete mething — except recore power for Candiene and enders legal dvallenge.

#### QUESTIONS TO ASK

QUESTION

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#### Does this proposal pose any danger to our democratic system in Australia?

It certainly does. It threatens the independence and authority of the States. It would encourage the Federal Gomeranew to use the agenv ended "extend allidar" power internals into Lond Government by entering into international texture. This would allow the Federal Government to overside State and Incal decision and policies, as happened in the Taxamania dawa case.

#### Is the Government sincere in its claim to be making Local Government stronger?

No. While the Newlee Government offers doublid recognition it has show corring to offer in 1952, significantly reduced Local Government finances by cutting tood hands and Commonwealth guara, Mara and more, It attaches strings to the annuant of money it does give. Labor has failed to help Local Government financially — and all householders incov it when they pay higher rates for reduced services.

While the Hawlee Government is claiming to strengthen Local Government, the fact is that Local Government no longer has a guaranteed ihner of income tax receipts as it did under the previous Catalities Government. Bis danks been this source have been out. Road funding has also been statistical acts of the last three parts.

### Is the Federal Government fair diskum about working with Local Government?

No. It absoluted the Advancy Council for Inner-Governmental Relations, the major forum which gave Local Government an equal voice with State and Federal Governments in speciving problems between the three flows (Government.

This proposal would not have the Pederal Government to consult in other ways with Local Government. It is typical of the Government's null attude to Local Government that is slashed read lands by ESI million in the May Sciencesis (Internet) — without price consultation.



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Question 3 - The ND case

#### What did Local Government itself want?

Local Government associations have consistently argued that if there is to be Canadautional assognitum, it should be much stempter than this proposal. The Anstendam Council of Local Government Associations and the Council of Capital City, Local Mayon have locally argued that as entirely new chapter should be added to the Committee.

And most importantly, both hodies wanted pretection against undernocratic dismissal or amaigamention. This proposal dearly does not astisfy these demands.

#### Does the proposal apply to Territories?

20

No. There are a number of councils in the Northern Techtory, and for seasons bust income to the Government itself, the proposal will not apply to councils these. The Government is not structure.

#### Why is the Government ignoring its own experts?

Some of the Government's own experi advisers, attached to the Constitutional Commission, strongly opposed recognition of Local Government in the Constitution.

The addisses, a body called the Dasthetion of Provens Advancy Committee, after extension story, give many solid reasons for recommending against Constitutional recognition, among term boling uncentarian as to how the High Coat would interpret sort a Constitutional provinery, shortes about the seal need for such recognition, and the underschildy of enterching in the Constitution arother level of government which would compare with the Samo.

These carefully considered recommendations were dismissed out of hand by the Government.

The Australian Constitution should not be thoughtlessly changed. Vague and uncertain proposals should not be carelessly written into the document which is fundamental to our democratic processes. This proposal changes nothing for Australians — except for the worse. And again, it panders to the Federal Government's increasing desire for more power, cantred in Canberra.

STOP CANBERRA'S POWER GRAB. PROTECT YOUR SYSTEM OF LOCAL GOVERNMENT. VOTE 'NO.' Question 4 - The YES case

# VOTE YES TO GUARANTEE PEOPLE'S RIGHTS

Voting YES will guarantee all Australians three basic rights and freedoms against the actions of all Governments

arial by jury for people facing serieus criminal charges.

.fair compensation if a government takes your property

freedom of religion

QUESTION

2

Presently the Constitution gives limited protection for all three, but only from the Commonwealth Government.

State and Territory Governments are not bound to observe these rights.

TRIAL BY JURY

At present, the Constitution does not give a right to trial by jury:

 for offences against State and Territory laws

 for a number of serious Commonwealth offences.

#### W HAT A YES VOTE WILL DO

A YES vate will guarantee trial by jury for any person liable:

· to imprisonment for more than 2 years, or

 to any form of corporal punishment finduding the death penalty)

 The only exceptions are contempt of court and Defence Force courtmartials.

 The accused will be able to waive the right to trial by jury.

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#### Question d - The YES case

 State and Territory Governments will continue to determine the size and composition of juries.
 However, the principle of jury trial would everythe any attempt to desp the right to trial by jury through sensil juries or anything other than what is commonly understated to be a trial by jury.

#### FAIR COMPENSATION

At present, Australians are only entitled to compensation on just terms where the Commonwealth Government acquires their property.

The Constitution gives no right to fair compensation when property is taken

 by a State Government or Local Government

· by a Territory Government or

 by the Commonwealth Government in a Territory.

In the past State Governments have confiscated privately owned property without providing just terms.

This provision will prevent State and Territory Governments doing so again.

 The proposal will mean the Commonwealth will also be bound to fully compensate Territory citizens.

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The proposal means that wheneve any government takes your property you will receive fair compensation

#### FREEDOM OF RELIGION

There is no common lase protection of the right to religious freedom. Nor are the States or Territories obliged to observe this right.

These are facts that most Australians would not realise. However, the Supreme Court of South Australia confirmed them as recently as 1984.

The Constitution presently says that the Commonwealth shall not make any law for establishing any religion, for imposing any objects observance, for prohibiting the free exercise of any religion, and does not allow any religions uset as a qualification for any Commonwealth public office.

This protection is inadequate:

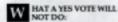
 It does not apply to the administrative acts of the Commonwealth.

 It does not apply to State or Territory Governments. HAT A YES VOTE WILL

The proposal will apply the guarantee of religious freedom consistently throughout Australia.

Question 4 - The YES case

It will extend the present guarantee of Australians' religious freedom so that it is protected against the actions of all Governments, whether Federal, State of Territory.



The proposal does not prevent Government aid to religious schools or hospitals

 The High Court has said that the government is prohibited hous establishing a State or national religion but not from assisting commanity services previded by religious Sockes.

 This will remain the case under the proposal. The proposal does not mean that people can commit harmful acts in the name of religious beliefs.

 Again, the High Court has said that religious freedom is not absolute and conduct that offends against normal laws of civilized behaviour will not be protected.

The propesal does not mean proyers will be prohibited in Government schools or at public caremonies.

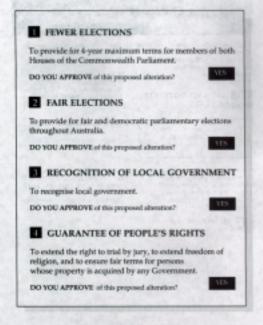
 Just as Governments cannot compet you to attend religious convencions, they will not be able to prevent you from voluntarily engaging in religious observance such as proves.

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The YES case

### HOW TO VOTE IN THE REFERENDUMS



Question 4 - The NO case

#### QUESTION 4 RELIGION, JURY AND PROPERTY -THE CASE FOR VOTING 'NO'

#### WHAT IT REALLY MEANS

This proposal threatens rights and freedoms all Australians have now. The proposal threatens the future of State Aid for independent schools.

It doo thereatens Governmente funding for the welfner work of religious holdes, including heaptable It would weaken our rights, not make them stronger. **This prospoul is inadequate, sumeccessary and legally flawed**.

It puts together three questions of fundamental importance to all Australians in a "take it or leave it" package.

#### WHY YOU SHOULD VOTE 'NO' - ON RELIGION

Preedom of religion in Australia is not currently under theast. Why replace certainty with uncertainty? If this proposal were passed, it exult open up all the old sectation conflicts.

For example, Government funding to Church and other private schools is tuday secure. If this proposal is carried, these is no guarantee that such funding would continue.

This has been admitted by the Minister for Justice. Sevanto: Tare, who told the Parlament. "I camual, ner can areyone, give an absolute, underspecied guarantee."

If this proposal becomes law, the opposents of funding for Chuich schools are curain to enopse the High Court shadings to State AAI. They will be able to do this horizone the proposal omits the very words from the Courtiention which last time stopped their challenge. This will anywhich service the division bilinteness of the pass which we have now put behind us.

Memower, the preposal is so ambiguous and financi that other established religious rights could be disculy threatened, among them prayers in schools and the broadcasting of religious programmes.

It could open the way to extreme sects and practices.

#### WHY YOU SHOULD VOTE 'NO' - ON TRIAL BY JURY

The this by Jury proposal is similarly and hopelessly flavout, and woold understance our existing sights exclanated for servers invations since Mingan Casta. At present, a person sharged with any serious offence has the right to a jury trial. This proposal would exclude to our Constitution lower simulated of rights than Austanian shready have.

Parties: the meaning and nature of trial by Jaru would change. It parks the way for majority renders — pathage two-out of only three juron — and for juries to the chosen on the basis of new, see, extended in or professionit qualification, or other gravels.

Thus it opens the way for the destruction of the concept of trial by jury which it purposes to preserve.

#### WHY YOU SHOULD VOTE 'NO' - ON PROPERTY

Autostans already have adequare safeguards in the important axes of compensation for property computationity sequent by governments. The proposed singun would not improve this position. Moreover, it would allow the government to conducate the property of a Territory government without the solar is provide any compensation.

#### This proposal is inadequate, unnecessary and legally flawed.

It is inadequate because the proposal is an "all or none" choice. The three proposals stand together, tobbing you of seal functions of choice.

B is surveyensets because the Australian Constitution shready recognises that by jury, ediginal freedom and the right to compensation if a government compensionly acquires your private proteins professors. And does not strengthes, and many indees fundamental freedoms are under threat in Australia?



Referendum

QUES

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#### Question 4 - The NO case

It is legally flawed because there is a very real danger that by defining such rights in so much detail, those rights are in fact lawsed and weakened; and subject to endless legal challenges in the counts. This has already happened in America, where the courts are full of such cases.

#### DON'T RISK THE RIGHTS YOU ALREADY HAVE. DON'T VOTE MISTAKES INTO THE CONSTITUTION. VOTE 'NO'.

#### QUESTIONS YOU SHOULD ASK

#### Are religious freedoms under threat in Australia right now? So

#### Which religious freedoms are threatened by these changes? This peoposal would put at mix our established religious rights and freedoms

The broadcanting of church sentors and seligious programmes could be baseaut

The precedent for these prohibitions comes from the United States, which has a committerional guarantee of religious freedom very similar to itis proposal, and where Supreme Coast rulings have braned seligious freedors rather than enhancing it.

Additionally, there are some specific practices in various religious nects which offend against prevailing social standards and freedoms. These practices, sometimes offensive to a responsity of Australians, could gain transmity under this proposal.

#### Will State Aid continue?

The proposal would create an opportunity for the opponents of lasts Add to challenge the 1981 High Court decision in the notorious D.O G.S. case which sought to stop government funding of **Osurch and other independent schools** 

That case created bitter dispute in the Australian community, dividing biends and families. That Internets has fided over the years since the High Court suisd that the Constitution's words as they then stood, and still stand, were not violated by government funding to religious schools. This proposal removes the crucial woods - which relate to making a law to establish a religion - and than opens the was for renewed challenges to State Aid.

#### Are there flaws in the trial by jury proposal?

Yes. At present, persons charged with any serious offence are entitled to stal by jury.

Under this proposal, some people facing charges would no longer have this sight.

The traditional form of trial by a jury of 12 fellow estateme could be a thing of the past

### Will this proposal improve existing rights to compensation?

Me. there is already such a provision in the Constitution, but this has made no difference to people's rights under estating Commonwealth laws, which the government itself concodes are in need of radical overhead

Each of these questions, in various ways, is famed and inadequate. There is no good season for endangering the rights we already have, or for writing ano the Constitution. new provisions which are uncertain in their effect, costadictory, and unnecessarily complicated.

#### DON'T ENDANGER THE RIGHTS YOU ALREADY HAVE. VOTE 'NO'



# The proposed changes to our Constitution.

Four propensed laws for the alteration of the Comatifation have been passed by absolute majorities of each House of the Parliament and are to be submitted to the electors in accordance with section 126 of the Canatilation. The short titles of the proposed laws are:

(2) Constitution Alexañor (Fisrikanentary Terres) 1988

(2) Canadhudian Alteration (Tair Elections) 2088

(3) Constitution Alteration (Local Government) 1988

(4) Constitution Alteration-Flights and Freedomic 2088

The provisions of the Constitution directly affected by each of the propused taxs are set out below.

Words proposed to be inserted in the Constitution are printed in bold tape.

Words proposed to be deleted from the Constitution are evied through.

(2 Constitution Attention (Parliamentary Terms) 1968

#### The Senate

It The Iterate shall be composed of senators for each Mate, directly chosen by the people of the Mate, using until the Parliament otherwise provides, as one elector 104

But until the Parliament of the Commonwealth otherwhile provides. the Parliament of the State of Dueses. land. If that State he an Original State, may make laws dividing the State trits divisions and determining the number of senators to be shosen for each division, and in the absence of such provision the Blate shall be one admittantia

titll the Parliament otherwise provides there shall be six senators for each Driginal State. The Parliament may inable lands increasing or devolutioning the number of senators for each Bale. but so that equal representation of the several Original States shall be maintained and

that no-driginal State shall have less than ais senators The senators shall be shosen for a term of six years. and the names of the senators chosen for each State shat be certified by the dovernor to the dovernor-Connected.

#### Method of election of senators.

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 low the Parliament of each State may make lows prescribing the method of choosing the senators for that State

Times and places

The Parliament of a State may make laws for determining the times and places of elections of senators for the Dista

#### issue of write.

12. The Governor of any State may cause write to be issued for elections of senators for the State. In same of the description of the Benate the write shall be insued willow ten days, from the prophenation of such deapt without a

The units shall be insued within ten days from the aspiry of a House of Representatives or from the proclamatic of a dissolution thereof, but so that the polling day shall be the same day as the polling day for the election of members of the House of Representatives.

#### Retation of constors

13 Ja ocen as may be after the Sanata first meets and after each first meeting of the Senate following a dissolution thereof, the Esnate shall divide the senators shower, for each-Date into two classes, as nearly equal is number as practicable; and the places of the senators of the first class shall became vacant at the expiration of done years, and the places of done of the second class. at the expiration of aix years horn the beginning at their term of cervice, and alterwards ine places of cervice. shall become sacard at the expiration of aix years from the beginning of their term of service.

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

Fas 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 same of the limit election and of the election next after any dissolution of the Genute, when it shall be taken to begin on-the first-day of July preceding the day of his election

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Authorised by the Australian Electoral Const



Referendum 1988

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HOW TO VOTE

for Auser machine terms for memory of some

4. A company of the star the localitation is astern the fathers that he just to assent insertion of reliator and is insure his terms for persons whether property is acquired by one Construment

NO







#### Terms of service of senators

 (2) The terms of service of semators expire upon the expiry or dissolution of the Hause of Representatives.

(2) Subsection (2) applies is relation to the tasm of service of any sesurce, including:

(b) a senator holding office at the commencement of this section; and

(b) a senator chosen or appointed after that commenoment in consequence of a vacancy existing at that commencement;

but, is the case of a tenator appointed by the Greener of a State, this section does not extend the term of the appointment after the explexities of fourteen days from the beginning of the read sectors of the Parliament of the State Moviem (the making of the appointment of

#### Further provision for estation

14. Whenever the number of senators for a Data is increased or diministrat, the Parliament of the Common webbilt may make such provision for the resulting of the please of senators for the Data as it deams necessary to maintain applicable in the rotation.

#### Duration of House of Representatives.

28. Every House of Representatives shall continue for these years from years from the first meeting of the House, and no lingst, but may be scorer dissolved by the Gesenva-General.

In relation to a House of Representatives whose fast meeting conserved backness the commancement of the Generalized on Alterative (Parliamentary Name) 2000, the last proceeding paragraph has effect as if the reference to flow years and enderance to three years.

#### (2) Constitution Alexation (Far Elections) 2068

Qualification of electors.

8. The qualification of electron of sensitive of all be in each Datis field which is presented by this Constitution, or by the Fattment, as the qualification in the electrons manisms of the Houses of Representations, but in the channel of the Houses and Representations, but in the channel of the Houses and Representations, but in the channel of the Houses and Representations, and and constitution of the House and Representations are all the the sentencies. It budget to this Constitution, the guardination of the House and Sentencies and Representations.

8. Budgeti in Unit Constitution, the qualification of clusters of constitution the loc such State or Technopy that adult is presented by the Particement as the qualification of alsoines of members of the Fourse of Searcher Martines.

#### Provision as to races discustified from upting-

28-Far the purposes of the last section, if by the law of any State all persons of any race are dispusibled from white all electrisms for the more numericule House of the Parliament of the State, then, in reclaming the number of the paragraph of the State, and the Commonwealth, perenne of that race readant in that State shall not be overlash.

#### Electoral divisions.

20. Until the Destances, of the Connectmentation of the main provides, the Destances of days Spatial responses lanes for determining the divisories in each laters for which members of the Nouse of Representations may be doness, and the number of members to be charact for each division. A division analised to formed out of parts at different Gause.

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

29. (3) Bulgert is this Constitution, the Parliament may make laws providing for electoral distance. For which mambers of the Hause of Representatives may be chosen and folg the number of mambers to be chosen

for each division. (2) A division shall not be formed out of parts of different States.

(3) A division may be formed out of an area comprising two or more areas each of which is a Taritory or part of a Territory.

#### Qualification of electors

30. Smill the Parliament phonoton provides, the qualification of another of dhe shares of dhe shares of Representatives shall be in each Date that which is prescribed to the two dhe Suite as the qualification of decision of two on numerous locus of Parliament of the Suite-text in the docume of manifest suit-slactor shall onto only smoo.

30. Subject to this Constitution, the qualification of electron of mantices of the Bouse of Representatives shall be, in each State or Tenthry, that which is presorbed by the Parlament.

#### Right of employs of States.

42. No adult person who has or accuires a right to was an electrone for the more numerous risous of the Destanaem of a form shall, while the right continues, the personnel by any law of the Commonwealth from voting at electrone for enter Hause of the Parliament of the Commonwealth.

#### **Election of State Parliament**

18TR. (3) A House of the Parliament of a State shall be composed of members directly chosen by the people of the State.

Automotive Restandard Filmings Com-

(2) Subject to this Constitution, the qualification of electron of members of a lineare of the Parliament of the State shall be that which is prescribed by the laws of the State.

#### Election of contain Territory legislatures.

1229. (1) The implainture of a Tarritory forming part of Australia are a cambination of such Tarritories shall be composed of mombors directly chosen by the people of the Tarritory or Torthories.

(2) Indepet to the Constitution and to any law made by the Fadiament of the Constrained. Its qualifcation of electers of members of the legislature shall be that which is prescribed by the laws of the Seriflery or Seriforder.

#### DAPER VA.

interpretation.

- 134A. In this Chapter
- "election", means an election for choosing: (a) members of the Hause of Representatives for an electeral region;
  - It's members of a House of the Parliament of a State; or
  - (c) members of the legislature of a Territory forming part of Australia or a semidination of each Territories;

officensise from for the purpose of Hiling contail vioannies; "electoral region" means:

#### (a) a Biate or Territory or

Ro an area competing two or more areas each of which is a familiary or part of a family; "Me distribution" makes a determination of electoral divisions in accessionic with section are hundred and hearth-four C.

#### **Totas to have equal value**

#### 5240, (5) hr

 an election held in an electoral division; or its an election held in an electoral region that is one electorate;

the method of voting shall be such that, with respect to the votes of all electran in the division, or in the electrosts, as the case may be, votes shall not be weighted scootling to different classes of electron.

(2) in this section, "skection" includes an election to choose senators. Rain distributions of electroni divisions.

1246; 11 Where a low provides for electrical distance, is an electron regime, the divisions shall be determined on that the sumber of electricity is not it division alone and depart to a greater extent than enalisation more an aneterity lease than the number calculated under subsection (b).

(2) For the purposes of subsection (3), a number, in relation to a particular electoral division, shall be caleslated by

(a) dividing the total number of electors in all the electors: divisions in the electronic region in the total number of members to be chosen in all those divisions; and

Its multiplying the result by the numinors of members to be chosen for that electoral division.

(2) 8, in relation to a determination of electroni dist-

(a) no precessings challenging the determination have been instituted as provided by this Chaplan or

(b) any proceedings as instituted have been withdown or disclosed;

the determination shall be taken to have been made in accordance with this section.

#### Elections in divisions.

1240. (1) An election is an electoral region may be hold in electoral distalance only if:

- (c) the divisions have been determined by a fair distribution made after the commencement of this Chapter and not more than server years befare the eleminer, and
- (b) extendition (2) does not apply to relation to the electoral divisions.

(2) Soliper In subsection (2), this subsection applies to existent of shorts for an existence R, as the last day of solid of any tests or more successed or models, allow the day't shift distribution before that develops, the mandees of the shorts in many than one-third of the division strees work that, if the obtained shorts these advancements with these manifests of electronics, the determination would not have been in all distributions.

(3) In secontaining vehicles colonicities (2) applies in relation to electrical divisions for an electrical, a particution most shall be changeparted if the test day of that mostly-occurs address hereity-air seeks before the data of expiry, by effluates of time, of the testes canceled.

#### Authorised by the Australian Electroni Commission

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# 1988 1988 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution

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Referendum

(4) This section does not apply to an election hold before the end of one year after the commencement of this Chapter.

(5) in this section:

"House" means

- (a) the House of Representatives; (b) a Bouse of the Parliament of a State; or
- (c) a chamber (by shatever name called) of the legislature of a Territory or combination of Terri-
- tories; "monfit" means one of the basive months of the year.

Electrons where exchanal region to be one electronity.

L24E. (2) Where an election in an electroni region is not to be boid in electroni distations on, if an hald, is or would be contrary to socilize one hundred and teamlyhar 0, the signer shall be one electronic.

(2) Where a region is to be one electropic, an election in the electronic shall be held. (a) If the electron is for the purpose of choosing

- (a) If the election is for the purpose of choosing members of the House of Representatives – as the Parliament provides; or
- (4) If the statute is for the purpose of observing meetines of a lease of the Parliament of a Hala or the inglishikes of a furthery or a combination of Parliamen — is accordance with the time of the Statis, Serving or Parliament, as the case regulary, so, IF there is no such line, as the Parliament parenting.

but so that the method of choosing those members shall be a system of propertional representation.

#### **Circuit vacanches**

50

1247, Nothing in this Constitution prevents the filling of a casual vacancy in the membership of:

(a) a House of the Parliament of a State; or

(to the legislature of a Teoritary forming part of Australia or a contribution of such Teoritarius; In the manuse provided by the Parliament of the State or, subject to any loss made by the Parliament of the Commenseesth, by that legislature, as the rase tocommenseesth, by that legislature, as the rase tocommenseesth.

#### Right to challenge detaeminations of electoral division

1346. (1) Subject to subsection (2), a determination of electroni divisions may be challenged by an electra in a court of competent jurisdiction on the ground that the determination was not a full charton.

(2) An elector shall not inatilate proceedings under subsection (2) after the end of forty days after both of the following have been sutfied to the public, namely: (a) the results of the determination; and (b) all statistics recensury is ascertain whether or not the determination was a lab distribution.

(2) In Ode seedlers, "window", in mission is a determination of electron difference, means a person whose same is on a self of shecker qualified to role at an electron (bose division).

#### Flight to write.

1344. (2) Lowe prescribing the qualifications of election for electrons shall be such that each Australian offer when (a) complete with reasonable conditions prescribed by Does lows as its readings and en-

rolment, and (b) has reached the age of eighteen years:

is actilized to vote, subject to any disqualification proscribed by those laws as to persons who:

(a) because of anacumbrass of mbid, are incapable of understanding the nature and sigsificance of exectment and rolling; or

(d) are undergoing imprisonment for an offense.

#### (2) M

find.

(c) a person applies to a court of competent (when defines for an order under this understitut, and (i) the person would be qualified as an invitor an provided by this another but for the fact that the extrement line is incompatient with this sampler, the sourt may order that the person shall be another all is written to work, as if the communication is provided.

(3) This section does not apply in relation to an election held below the and of one year after the commensurent of this Grapher.

#### Electors to have only one vote.

5240. In the choosing of

id senators; It members of the Hauss of Representatives; id members of a House of the Parliament of a

Static or (d) members of the legislature of a Territory form-

ing part of Australia or a combination of such

by the Australian Electoral Comm

each elector shall rote-only once.

(3) Constitution Attention (Local Government) 2068

1238. Each State shall provide for the establishment and coefficiance of a system of load government, with band government loadse school to assessmithme with the laws of the State and emperatured to administrate, and to make by fave los, their mapseither areas in associance with the laws of the State.

(4) Constitution Atsention (Rights and Reactoms) (1988) Trial la jure.

Bio-The trial co-inductment of any offence against any law of the Communication shall be by any and early and trial shall be held in the State where the offence was committee, and if the offence was not committee white any faste the trial shall be held a such piece or piece as the Parsiament generation.

BC. 3) The total of a parsan: for an officers, where the measure is a lattice is imprisonment for more than herpress any term of compared participants, shall be by provide the term of the participants from of any of a total of a member of the Defence From of the Commensation because on a soft oungit and in a form relating is the dissiption of the Defence From of the Community and the Defence From of the Community.

(2) The total by jury of an offence against a law of the commonwealth that:

(a) was not committed in a State or Territory; (b) was consettled in ten or more of the States and Territories, or

(c) was committed at a place or places unbrown; shall be held at such place or places as the Parliament presentee.

(2) The initial by jury of any other offences against a low of the Communication shall be held in the State or Textlary show the offence was committed.

(4) At any firms during a bial softward to in subsection (2) or (3), the court may, on application by the assumed or the presentation, transitien the bial to a court of some petant antidetion in surother State or furthery.

(5) Nothing in subsection (1) presents the making, or affects the spontifour, if a law to the outpart that the law isi permits water by the accused of this is jump; the regulates the size or exampletion of the jump; or id) predices for mightly workets.

Association of property under State law.

125A. A tare of a State may not provide for the acquiatten of property from any person except on just terms. Angulation of property in Tenttories.

1238. A law made under section one hundred and benety two or a law of a Territory map not provide for the acquisition of property from any person except or just terms.

Commenwealth not to legislate in respect of religion.

1.24. The Commonwealth shall not make any law for establishing any edgine, or for imposing any edgine derivations, as to particularly the free assesses of any edgine, and no edgines test shall be required as a qualification for any effice or public trial under the Commensation.

#### No setablishment etc. of seligion.

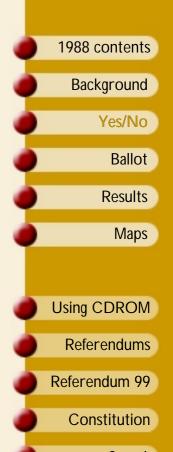
23.6. The Commensuealth, a State or a Territory shall not establish any edigion, impose any religious observowns or problem that has measured as a qualification for any edigious least shall be required as a qualification for any effect or public trade under the Commensuealth, a State or a Territory.

AUSTRALIAN ELECTORIAL COMMISSION. West Block, Parkes. ACT 2500.

West Block, Parkes. ACT 2500.

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# Referendum



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# YES or NO? Have your say on Referendum Day.

# Vote anytime from 8am to 6pm.

mentile of Australia 1988, 1989 (1994) 19530 2, 8500803 (24, No. 88 0982) 5, Published for the Australian Enore Australia Society, Contenue (1988) Avenue to Australia to Australia to Australia A 1988 1988 contents Background Yes/No Ballot Results Maps Using CDROM Referendums **Referendum 99** Constitution

Referendum

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# **Ballot paper**

One ballot paper containing the four questions was issued to electors. Each ballot paper contained the questions, the full title 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.

	Referendum
Commonwealth of Australia. ABSENT VOTE BALLOT PAPERS. WESTERN AUSTRALIA.	1988
Referendums on proposed Constitution alterations.	
DIRECTIONS TO VOTER:	
Write YES or NO	1988 contents
in the space provided	Dealumaumd
opposite each of the 4	Background
questions set out below.	Yes/No
<ol> <li>A Proposed Law: To alter the Constitution to provide for 4-year maximum terms for members</li> </ol>	TCS/NO
of both Houses of the Commonwealth Parliament.	Ballot
<ol> <li>A Proposed Law: To after the Constitution to provide for fair and democratic parliamentary elections throughout Australia.</li> </ol>	Results
DO YOU APPROVE THE PROPOSED ALTERATION?	Maps
3. A Proposed Law: To after the Constitution to recognise local government.	lviaps
DO YOU APPROVE THE PROPOSED ALTERATION	
4. A Proposed Law: To after the Constitution to	
extend the right to trial by jury, to extend freedom of religion, and to ensure fair terms for persona whose property is acquired by any Government.	Using CDROM
	Referendums
Answer every question.	Relei endums
Polid the ballet paper so that the votes cannot be seen and return it to the Presiding Officer	Referendum 99
before whom you made your declaration.	
	Constitution
	Search

# 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 marked 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.



# Results

Q1. The referendum was NOT carried.

No States recorded a YES vote. Nationally 32.92% of electors voted YES.

- Q2. The referendum was NOT carried.
- No States recorded a YES vote. Nationally 37.60% of electors voted YES.
- Q3. The referendum was NOT carried.
- No States recorded a YES vote. Nationally 33.62% of electors voted YES.
- Q4. The referendum was NOT carried.
- No States recorded a YES vote. Nationally 30.79% of electors voted YES.
- **Click** to find out more about what is required for a referendum to be carried.



				Referendum
Enrolment Statistics by Division	Excel	Text	Notes	1000
Turnout Statistics by Division	Excel	Text	Notes	1700
Votes Counted by Vote Type by Division	Excel	Text	Notes	
Informality Statistics by Division	Excel	Text	Notes	1988 contents
Referendum Results by State and Division				Background
Q1. Parliamentary Terms	Excel	Text	Notes	Yes/No
Q2. Fair Elections	Excel	Text	Notes	Ballot
Q3. Local Governments	Excel	Text	Notes	
Q4. Rights and Freedoms	Excel	Text	Notes	Results
				Maps Maps

