# Referendums 1

The 2019 Federal election saw promises the Commonwealth is unable to fulfil because of Australia’s system of Government. Referendums on substantive Commonwealth powers might be needed to enable such promises to be kept.

Instead of dealing with these vital matters, Labor promised referendums on: four-year Parliamentary terms; a republic; Indigenous recognition. The Government recently signalled some intent for a referendum on Indigenous recognition, possibly via a new Constitutional preamble.

Since Federation there have been forty-four referendum proposals. Eight have been carried. Lack of success has been ascribed to: a difficult process; a conservative electorate; opposition to change.

I propose four considerations in identifying topics for Australian referendums:

1. importance of the issue;
2. clarity of the proposal;
3. consequences of failure;
4. likelihood of success.

Of the proposals highlighted by the political parties, only one meets these tests. This is: Indigenous recognition via a Voice to Parliament – as distinct from via a Constitutional preamble. It has been recommended by experts yet misrepresented by the Government.

The argument in favour of the Voice is not yet watertight. Apart from details of the proposal, an explanation – intelligible to the public – is needed of why / the extent to which it would:

1. assist to permanently resolve practical issues afflicting Aboriginals;
2. satisfy Aboriginal people;
3. differ from previous ‘Voices’ and Aboriginal representative bodies;
4. need to be initiated by Government;
5. not set a precedent for other minorities;
6. be worth the risk of a public vote if failure would damage Aboriginal self-esteem.

Several matters not identified by the parties are worth putting to referendums. These are matters for which the parties loudly assert a ‘Commonwealth role’ but where Commonwealth activity relies on Constitution s.96 (conditional) grants to the States. Examples include: transport; cities; regions.

The purpose of such further referendums would be to advance reform of Australia’s federation, which we are repeatedly told is a matter of great importance.

The objective of such reform is not to reduce or shift costs of government. Rather, it is to improve the functioning of Australia’s democracy.

The failure of politicians and advisers to comprehend this aim contributed to rejection of recent referendum proposals, distrust of national leadership and questioning of public institutions.

A later article may examine the cases for referendums on water, energy and new States.

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