



## **Australian Government**

Australian Government response to the  
House of Representatives Standing Committee on Social Policy and  
Legal Affairs:

*Inquiry into constitutional reform and referendums*

MAY 2024

## **Introduction**

On 9 February 2022, the House of Representatives Standing Committee on Social Policy and Legal Affairs tabled a report titled *Inquiry into constitutional reform and referendums*.

The Government's response to the recommendations of the Report follows below.

**Government Response to the House of Representatives Standing Committee on Social Policy and Legal Affairs report: Inquiry into constitutional reform and referendums**

#	Recommendation	Government Response
1	<p>The Committee recommends that the Australian Government fund and support an expansion of the National Schools Constitutional Convention (NSCC) program with the objective of including more students every school year.</p> <p>In expanding the NSCC, the Department of Education, Skills and Employment should work with the states and territories to ensure the broadest possible participation, including by:</p> <ul style="list-style-type: none"> <li>• Rotating the location of conventions to ensure that students in rural, regional and metropolitan areas can equally participate, or supporting students who face barriers to travel (geographical, financial) to attend Canberra</li> <li>• assisting schools to hold their own convention, to encourage wider participation</li> <li>• expanding the conventions or increasing their frequency to accommodate more students from years 9 to 12</li> <li>• ensuring that students from disadvantaged and diverse backgrounds are appropriately represented.</li> </ul>	<p><b><u>Noted</u></b></p> <p>The Government notes the recommendation. Given the passage of time, a substantive government response is no longer appropriate.</p>

#	Recommendation	Government Response
2	<p>The Committee recommends that the Attorney-General's Department commission a study on the Australian people's awareness of the Constitution, referendum and constitutional matters.</p> <p>Outcomes from this study should inform consideration of future initiatives to increase public literacy about Australia's Constitution.</p>	Refer to recommendation 1.
3	<p>The Committee recommends that the Australian Government develop and implement a public awareness and education program on the Constitution, constitutional framework and Australia's democratic system.</p> <p>Such a program may include an ongoing education campaign, and promotion online and on social media. It should draw on and seek to increase public engagement with existing resources already available to the public, such as those of the Australian Constitution Centre, Australian Electoral Commission and Parliamentary Education Office.</p> <p>Such a program should be designed and operated independently from the timeframe and context of any particular referendum, while being able to capitalise on opportunities for public education presented by referendum</p>	Refer to recommendation 1.

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	<p>periods or other constitutional events when they arise.</p> <p>Any program should ensure it appropriately communicates with First Nations and CALD communities.</p> <p>An ongoing education campaign should complement and feed into other processes considered by this Committee, including conventions, which are intended to increase citizen involvement in proposals and campaigns for constitutional reform.</p>	
4	<p>The Committee recommends that both Houses of the Australian Parliament establish a Joint Standing Committee on Constitutional Matters to operate from the commencement of the 47th Parliament.</p> <p>The Joint Standing Committee should be:</p> <ul style="list-style-type: none"> <li>• given a broad mandate to review the Constitution and consider constitutional matters, including receiving and inquiring into proposals for change</li> <li>• able to self-refer constitutional matters for inquiry as well as receive references from either House of Parliament or a relevant Minister</li> </ul>	Refer to recommendation 1.

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	<ul style="list-style-type: none"> <li>• required to consider and make recommendations to Parliament relating to the establishment of, agenda for, and resulting report from, ongoing or one-off constitutional conventions that may be warranted generally or to consider specific reform proposals</li> <li>• mandated to exercise functions relating to the referendum process once a referendum proposal is taken forward by Government and/or Parliament, as recommended below at Recommendation 9.</li> </ul>	
5	<p>The Committee recommends that the Australian Government use the opportunity of any constitutional convention established on the recommendation of the Joint Standing Committee recommended at Recommendation 4 to conduct a program of public engagement, including through media and social media campaigns, to ensure broad public awareness of the convention and help increase public understanding of the Constitution.</p> <p>This should form part of the enhanced public education effort recommended at Recommendation 3.</p>	Refer to recommendation 1.
6	<p>The Committee recommends that Section 11 of the <i>Referendum (Machinery Provisions) Act</i></p>	Refer to recommendation 1.

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	<p>1984 be amended to enable the Electoral Commissioner to distribute the yes/no pamphlet to all electors using any additional methods that the Electoral Commissioner considers appropriate.</p>	
7	<p>The Committee recommends that Section 11(4) of the <i>Referendum (Machinery Provisions) Act 1984</i> be amended to provide for the Australian Government to fund referendum education and promotion of the arguments for and against the referendum proposal.</p>	Refer to recommendation 1.
8	<p>The Committee recommends that the <i>Referendum (Machinery Provisions) Act 1984</i> be amended, consistent with relevant provisions in Part XX of the <i>Commonwealth Electoral Act 1918</i>, to:</p> <ul style="list-style-type: none"> <li>• prohibit referendum campaign organisations from receiving gifts or donations of \$100 or more from foreign donors</li> <li>• require referendum campaign organisations to disclose gifts or donations above a certain threshold.</li> </ul>	Refer to recommendation 1.
9	<p>The Committee recommends that an Independent Expert Panel be established to provide advice to the Joint Parliamentary Committee recommended at Recommendation</p>	Refer to recommendation 1.

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	<p>4 in the lead up to each referendum on aspects of the referendum process, including but not limited to:</p> <ul style="list-style-type: none"> <li>• the form of the wording of the referendum question</li> <li>• the inclusion of neutral information in the yes/no pamphlet</li> <li>• other neutral information and education activities</li> <li>• establishment of yes/no committees.</li> </ul> <p>The Joint Parliamentary Committee would consider the advice of the Panel before providing that advice to the Parliament, along with the considered views of the Committee.</p> <p>The Committee recommends that the Panel be appointed by the Prime Minister in consultation with other parliamentary party leaders, and should include experts in constitutional law, public communication, representatives from the Australian Electoral Commission and/or other relevant government entities, and community representatives.</p> <p>This process should be reflected through amendments to the <i>Referendum (Machinery Provisions) Act 1984</i> where appropriate.</p>	



#	Recommendation	Government Response
10	The Committee recommends that the Australian Government ensure that the <i>Referendum (Machinery Provisions) Act 1984</i> and the referendum process more generally is modernised well in advance of any referendum on the question of constitutional recognition of Indigenous Australians, which is expected to occur in the next term of Parliament, or any other future referendum.	Refer to recommendation 1.

**The Government notes that there are no dissenting recommendations.**