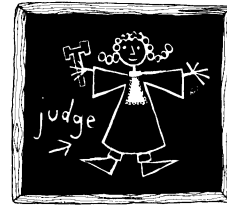


LEGAL STUDIES

Referendums



The article 'Reworking Australia's Referendum Machinery' by Paul Kildea and George Williams (pp 22–26) considers the effectiveness of the referendum process and offers suggestions for improvements.

Understanding referendums

Carefully read the Introduction and section headed 'Effectiveness of the *Referendum (Machinery Provision) Act 1984*'. Working individually, answer the following questions:

1. What is a referendum?
2. According to s 128 of the *Australian Constitution*, what is required for a successful referendum?
3. The *Referendum (Machinery Provisions) Act 1984* sets out additional rules for how a referendum is conducted. Explain.

Making judgments about referendums

Working in groups of three or four, read the rest of the article. Discuss the following questions and then record your group's response to each question.

1. The article says: 'Australia's referendum record is a poor one'. What evidence is presented to support this conclusion? Explain.
2. A number of reasons are identified as to why the Yes/No pamphlet fails to 'inform and engage ordinary citizens in constitutional change'.
 - a. List the reasons.
 - b. What do you consider are the three most important of the reasons listed? Justify your decision.
3. The article suggests that the way in which referendums are conducted should meet four goals:
 - Fairness and efficiency
 - Deliberation
 - Popular participation
 - Education.

Do you agree that these goals are important? Why/Why not?

4. Draw up a chart like the one following. The first column lists the possible areas of reform discussed in the article. For each proposed reform:
 - a. Provide a brief description of the proposed change
 - b. Evaluate if the proposed change would satisfy each of the goals for conducting a referendum. Place a tick in the column for each goal satisfied.

Proposed reform	Explanation of proposed reform	Fairness & Efficiency	Deliberation	Popular participation	Education
Expenditure of Commonwealth money on referendums					
Referendum Panel					
Information for voters					
Yes and No committees					
Initiating referendums					
Greater public engagement					

What makes a good referendum?

Working in pairs, find out more about the referendum process. Research the reasons why referendums fail and provide one example of a successful referendum. Prepare a poster on what makes a good referendum. Your poster should include the following:

- A diagram illustrating the referendum process.
- An explanation of a Yes/No pamphlet.
- A chart like the one below:

Reasons referendums fail	Possible reform

- What do you consider the three most important reasons that referendums fail? Briefly explain each reason that you identify in the first column.
- For each reason you have identified, suggest a possible reform.
- Undertake research into one successful referendum. Outline how it changed the *Constitution*. Suggest reasons why it was successful.

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