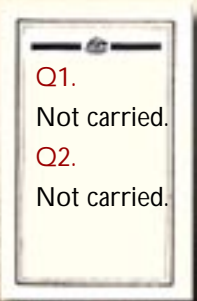
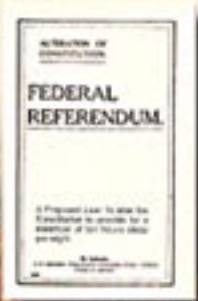
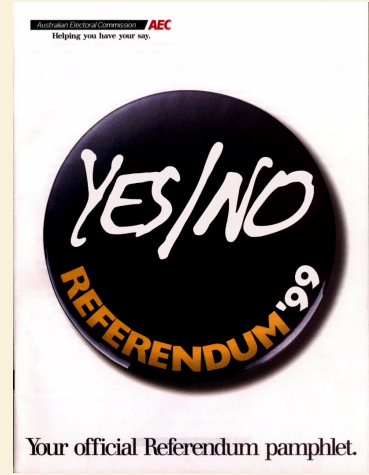


Referendum 1999

The questions

1. To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.
2. To alter the Constitution to insert a preamble.



- Using CDROM
- Referendums
- Referendum 99
- Constitution
- Search



Background

Q1. Establishment of Republic – To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Q2. Preamble – To alter the Constitution to insert a preamble.

Other information

Highlights of the 1999 referendum

Lead-up to the 1999 referendum

Public information activities

The timetable

The writ

Enrolment and voting entitlements

Types of voting

Scrutineers

The scrutiny

The results

Reference material

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Lead-up to the 1999 referendum

Following years of widespread community discussion about Australia becoming a republic, the major event which led to the 1999 referendum was the 1998 Constitutional Convention.

The Constitutional Convention

The Constitutional Convention was held at Old Parliament House in Canberra from 2–13 February 1998 to provide a public forum for debate on the issue of whether Australia should become a republic. At the beginning of the convention the Prime Minister stated that, if clear support for a particular republican model emerged from the convention, the government would put that model to the Australian people in a referendum to be held before the end of 1999.

Legislation for the proposed constitutional changes

The Federal Government agreed to hold a referendum in 1999 and followed the Convention's proposed republic model and other recommendations in drafting the required referendum legislation.

The republican legislative package, which formed the basis for the republic question, was introduced into the Federal Parliament on 10 June 1999. The legislation was referred to a Joint Standing Committee for consideration before they reported back to Parliament on 9 August 1999.

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The draft Bill to insert a preamble in the Constitution was released for a period of public comment from 25 March 1999 until 30 April 1999. The Bill was introduced into Federal Parliament on 11 August 1999.

The Federal Parliament passed both the Constitution Alteration (Establishment of Republic) Bill 1999 and the Constitution Alteration (Preamble) Bill 1999 on 12 August 1999.

The proposed republic model

The main features of the republic model which was put forward in the 1999 referendum were as follows.

- The President would become Australia's head of state, replacing the Queen and the Governor-General.
- The President would have the same powers as the Governor-General and, like the Governor-General, would, in almost all cases, act on the advice of Ministers.
- The Federal Parliament would establish a broadly representative nominations committee to invite public nominations for the office of President and to prepare a report and shortlist for the Prime Minister. After taking into account the committee's report, the Prime Minister would present a single nomination for the office of President, seconded by the Leader of the Opposition, to the Federal Parliament. The nomination would require affirmation by a two-thirds majority of a joint sitting. If the Prime Minister nominated a person not shortlisted by the committee, he would need to inform Parliament of the reasons.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

- The term of office of the President would be five years. The Prime Minister could remove the President, but would then have to seek the approval of the House of Representatives for this action within 30 days, unless an election was called.

The proposed preamble

With hope in God, the Commonwealth of Australia is constituted as a democracy with a federal system of government to serve the common good.

We, the Australian people, commit ourselves to this Constitution:

- proud that our national unity has been forged by Australians from many ancestries;
- never forgetting the sacrifices of all who defended our country and our liberty in time of war;
- upholding freedom, tolerance, individual dignity and the rule of law;
- honouring Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country;
- recognising the nation-building contribution of generations of immigrants;
- mindful of our responsibility to protect our unique natural environment;
- supportive of achievement as well as equality of opportunity for all;
- and valuing independence as dearly as the national spirit which binds us together in both adversity and success.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Legislation to conduct the referendum

The Referendum (Machinery Provisions) Act 1984 sets the legislative framework for conducting a referendum in Australia. The Federal Government introduced a bill into Parliament on 11 March 1999 proposing several amendments to the way the 1999 referendum would be undertaken.

The Referendum Legislation Amendment Bill 1999 came into effect on 19 April 1999 and resulted in the following changes:

- it allowed the AEC to spend money on a wider distribution of the Yes/No case pamphlet. The AEC was able to distribute the Yes/No pamphlet by post and other means and to persons other than electors. It also allowed the pamphlet to be published on the internet.
- it allowed each proposed constitutional change to be printed on separate ballot papers, each of a different colour chosen by the Electoral Commissioner.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Public information activities

Advertising

The AEC's advertising campaign for the 1999 referendum consisted of national and State and Territory-based advertising. The campaign cost over \$7.5 million; with just over \$6 million for national advertising and nearly \$1.5 million spent on State and Territory-based advertising.

National advertising campaign

The national advertising campaign was divided into three main phases: encouraging enrolment; explaining voting services; and explaining how to vote formally. In addition, there were press advertisements placed to promote the delivery of the Yes/No case pamphlet.



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The campaign was based around the key message of 'Yes/No'. As it had been 11 years since the last federal referendum, the campaign used every opportunity to reinforce to electors the importance of these two words when marking their ballot papers on polling day.

The national campaign consisted of seven press advertisements, eight radio commercials and six television commercials. The campaign had an early start, with enrolment advertisements appearing on television and radio on Sunday, 26 September 1999. This meant the AEC could begin to encourage electors to enrol even before the writs for the referendum had been issued. Once the referendum writs were issued, the enrolment advertisements publicised the key close of rolls date. The final AEC advertisements were broadcast on major metropolitan and regional radio on polling day.

The national advertising was translated into 17 languages in the ethnic press, 25 languages on ethnic radio and 11 languages for ethnic television. In addition, radio advertisements were translated into 20 indigenous languages and advertisements were broadcast on the Radio for the Print Handicapped network.

Of the total media budget, 51.5 per cent was spent on television, 32.5 per cent on press advertising and 16 per cent on radio. Expenditure in ethnic and indigenous media accounted for approximately 8.6 per cent of media placement costs.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

State and Territory advertising

The State and Territory-based advertising was designed to support the national advertising by providing key local information.

The advertising informed electors of the details of pre-poll and mobile polling and listed the polling places for polling day. The advertisements were placed in State and Territory, regional and local newspapers.

Translation of advertisements for the 1999 referendum

The press advertisements were translated into 17 languages:

| | | | | |
|-----------|------------|----------|---------|-----------------|
| Cantonese | Vietnamese | Spanish | Korean | Arabic |
| Greek | Portuguese | Turkish | Polish | Macedonian |
| Russian | Italian | Croatian | Serbian | Farsi (Persian) |
| German | Maltese | | | |

The radio advertisements were translated into 25 languages:

| | | | | |
|-----------|----------------------|------------|------------|-----------------|
| Cantonese | Mandarin | Vietnamese | Spanish | Korean |
| Arabic | Khmer (Cambodian) | Thai | Greek | Portuguese |
| Turkish | Polish | Indonesian | Macedonian | Russian |
| Italian | Croatian | Serbian | Laotian | Farsi (Persian) |
| German | Hungarian | Maltese | Tagalog | Japanese |

- 1999 contents
- Background
- Yes/No
- Ballot
- Results
- Maps
- Using CDROM
- Referendums
- Referendum 99
- Constitution
- Search

The radio advertisements were translated into 20 indigenous languages:

| | | | | |
|----------------|------------------|-------------|-----------------|--------------|
| Wajarri | Aboriginal Kriol | Waimajarri | Gooniyandi | Karrijari |
| Yaru | Mirriwong | Gajirrawong | Yandruwandha | Wangkumarra |
| Pitjantjatjara | Yunkunytjatjara | Arrente | Walpiri | Kala Kawa Ya |
| Merian Mir | Yumpla Tok | Tiwi | Murray language | Kalkadoon |

The television advertisements were translated into 11 languages:

| | | | | |
|-----------|----------|------------|----------|---------|
| Cantonese | Mandarin | Spanish | Italian | Arabic |
| Greek | German | Indonesian | Japanese | Maltese |
| Polish | | | | |

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Public relations

The public relations campaign was another important component of the public information campaign for the 1999 referendum. The campaign was divided into five major phases: pre-referendum activities; encouraging enrolment; explanation of voting services; explanation of voting formality; and distribution of results.

The 1999 referendum public relations campaign, which cost over \$223 000, included the following activities.

- Media releases: the AEC distributed national, State and Territory and local media releases and detailed backgrounders during the referendum period. Several key media releases were also translated into eight community languages and distributed to the ethnic media.
- Media interviews: Australian Electoral Officers were interviewed on national, metropolitan, regional, community and ethnic radio and television throughout the referendum period.
- Media briefings: information briefings for the media were held by several Australian Electoral Officers in their State or Territory during the referendum.
- Photo opportunities: a number of photo opportunities organised to promote key referendum messages gained extensive media coverage including:

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



- the Wallabies rugby union team pre-poll voting in Ireland
- AEC information booths in cinema complexes, shopping centres and university campuses
- Antarctic expeditioners pre-poll voting in Hobart
- the printing of the Yes/No case pamphlet
- the three-metre bread roll baked by a Melbourne bakery to publicise the close of rolls.



Tim Clayton, SMH; Fairfax Photo Library

Wallabies players (from left) Tim Horan, John Eales, Matt Cockbain and Andrew Blades casting their votes for the 1999 referendum.

Public information campaign

The AEC developed and conducted an extensive public information campaign for the 1999 referendum. The aims of the campaign were to ensure all eligible electors were informed and understood what was required of them to fully participate in the referendum and to advise them of the range of services to which they had access.

- 1999 contents
- Background
- Yes/No
- Ballot
- Results
- Maps
- Using CDROM
- Referendums
- Referendum 99
- Constitution
- Search



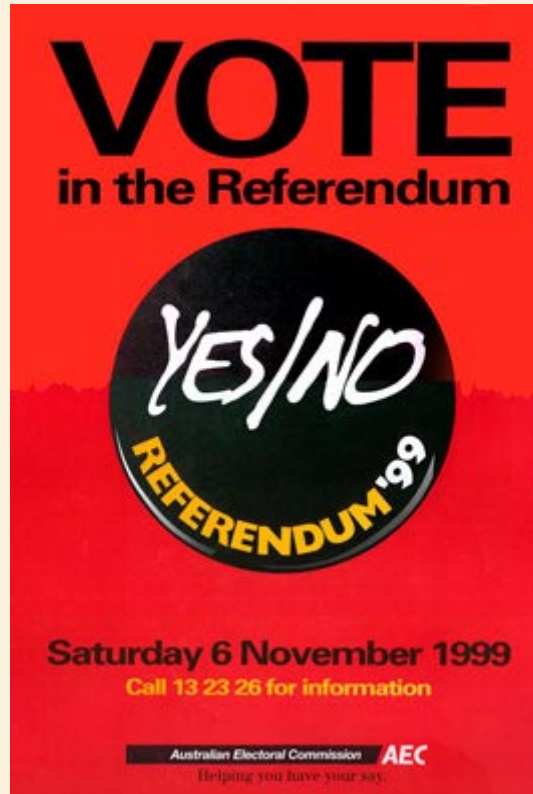
The major messages conveyed in the campaign were:

- how, when, and where to enrol and vote
- how and when to vote using services such as pre-poll and postal voting
- how to correctly complete the referendum ballot papers.

The public information campaign involved a number of components including advertising, public relations, publications, national telephone enquiry service, the internet and education activities. There were also a number of specific activities directed at the key target groups of electors from non-English speaking backgrounds, Aboriginal and Torres Strait Islander electors and electors with a disability.

Special target groups

The AEC's public information campaign included a number of activities directed at key target groups disadvantaged in their access to information about the referendum. These activities were aimed at minimising any linguistic, cultural, physical or distance barriers these electors had to fully participating in the referendum.



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Electors from non-English speaking backgrounds

A number of measures were undertaken to communicate with electors from non-English speaking backgrounds particularly those with limited English ability. The measures included advertisements translated into 25 languages placed in the ethnic media and the 15 language-specific lines on the telephone interpreting service. The Yes/No case pamphlet, translated into 14 languages, was available on the AEC web site and was also available on request from the AEC. Key referendum information was also sent to ethnic media outlets, community organisations and groups throughout the referendum period.

In addition, the voting explanation television advertisements, translated into several languages were trialed in 18 selected polling places on polling day. This trial was undertaken at polling places in the New South Wales divisions of

Translation of advertisements for the 1999 referendum

The press advertisements were translated into 17 languages:

- Cantonese
- Vietnamese
- Spanish
- Korean
- Arabic
- Greek
- Portuguese
- Turkish
- Polish
- Macedonian
- Russian
- Italian
- Croatian
- Serbian
- Farsi (Persian)
- German
- Maltese

The radio advertisements were translated into 25 languages:

- Cantonese
- Mandarin
- Vietnamese
- Spanish
- Korean
- Arabic
- Khmer (Cambodian)
- Thai
- Greek
- Portuguese
- Turkish
- Polish
- Indonesian
- Macedonian
- Russian
- Italian
- Croatian
- Serbian
- Luxian
- Farsi (Persian)
- German
- Hungarian
- Maltese
- Tagalog
- Japanese

The television advertisements were translated into 11 languages:

- Cantonese
- Mandarin
- Spanish
- Italian
- Arabic
- Greek
- German
- Indonesian
- Japanese
- Maltese
- Polish

The radio advertisements were translated into 20 indigenous languages:

- Wajarri
- Aboriginal Koori
- Walmajarri
- Gooniyandi
- Karrjarri
- Yari
- Marrngany
- Gajirring
- Yandruwathla
- Wangkarem
- Praparjara
- Yankoyjarjara
- Arneri
- Walpiri
- Kala Kawa Yu
- Murrin Mir
- Yamply Idi
- Thun
- Murray Language
- Kalkadun

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Prospect, Reid and Fowler, all of which had a high population of electors from non-English speaking backgrounds and past high informality rates.

Referendum 1999

The 1999 Referendum
Australian citizens' vote in referendums to approve or reject proposed changes to the Australian Constitution. The Constitution can only be changed by this process. Voting in referendums is compulsory.
The 1999 referendum will be the first time Australians have voted on whether to become a republic.
At the 1999 Referendum there will be two ballot papers, each containing one question. Voters are required to answer yes or no to each question. The two questions are independent and the result of one does not affect the other.

1999 Referendum on the Republic
The first question is on the proposed for Australia to become a republic.

1999 Referendum on the Preamble
The second question is whether to insert a preamble for introduction into the Australian Constitution.

Double Majority
To become law, each proposed change to the Constitution must be approved by a 'double majority' of electors voting for the proposed changes. That is:
• a national majority of electors from all States and Territories; and
• a majority of electors in a majority of the States (i.e. at least four of the six states).
The votes of people living in any of Australia's 'outer' or external territories only count towards the national majority.

Who can vote?
Voting in the referendum is compulsory.
• People who are on the Commonwealth Electoral Roll at 8pm on Friday 8 October 1999 are eligible to vote in the 1999 Referendum.
• 17 year olds who are provisionally enrolled and who turn 18 on or before polling day are also eligible to vote in the 1999 Referendum.

How to vote?
To enrol or to change your address or any other details on the electoral roll you need to complete an enrolment form. Forms are available from all Post Offices, AEC Offices or the AEC's website www.aec.gov.au.
Completed enrolment forms must be received by the AEC by 8.00 pm on Friday 8 October 1999.

How to vote?
On polling day
On Saturday 8 November 1999 polling places will be open between the hours of 8am and 6pm. Polling officials will be available to assist voters with any queries or information that they require in order to vote.
Not all voters will be able to attend a polling place on polling day. To enable every eligible voter to cast a vote the AEC will provide a number of alternative arrangements.
The poll and postal voting
Voters who are unable to get to a polling place on polling day are eligible to cast a vote before that day at a pre-poll voting centre or by post if they are:
• overseas or overseas
• more than 16km from a polling place
• approaching retirement, seriously ill or caring for someone who is ill
• unable to vote on Saturday because of religious beliefs or unable to leave work.
Voters can cast a pre-poll vote on any working day from 20 September 1999 at any AEC Office or at any of the approximately 300 pre-poll centres that will be set up in key locations around Australia. For locations, check your local newspapers or call the AEC on 13 23 26.
To pre-poll vote by post, you must complete an application form for a postal vote. These forms are available at any Post Office or AEC office. Upon receipt of your application form, the AEC will post ballot papers to you. Simply fill in the ballot papers and send them back to us. Your completed ballot papers must be in the mail by Friday 8 November 1999.
Overseas
Australians living or travelling overseas will be able to vote at approximately 100 different overseas locations including Australian embassies, consulates and high commissions or they will be able to vote by post. For location details call the AEC on 13 23 26 or visit our website www.aec.gov.au.
Mobile polling
Mobile polling teams bring the polling place to the voter. Mobile teams will visit approximately 2000 locations including general hospitals, remote outback areas and prisons to ensure people who cannot attend a polling place will still be able to vote.
Details of arrangements will be advertised at locations where mobile polling will take place. For further information call the AEC on 13 23 26 or visit our website www.aec.gov.au.

Key Dates
Issue of Writ Friday 1 October 1999
Close of Rolls Friday 8 October 1999
Issue of Yes/No pamphlet From Monday 4 October 1999 to Friday 22 October 1999
Polling Saturday 8 November 1999

Public Education Program
The Government has established a Referendum Task Force to conduct a national public education program. Information about the proposed republic model, existing constitutional arrangements, the role of State Constitutions and referendum processes will be made widely available.

YES/NO Campaign
The Government has appointed two commissioners to direct national campaigns for and against the proposed republic model to be put at the referendum.

YES/NO Pamphlet
The AEC has no involvement with the public education program or the YES/NO campaign, but is responsible for distributing a YES/NO case pamphlet to every elector. This pamphlet contains the arguments for and against each proposed law to alter the Constitution.

The YES case is prepared by Parliamentarians who voted for the proposed changes and the NO case by Parliamentarians who voted against them.
The YES/NO cases will also be available in alternative formats: audio cassette, large print, braille and computer disk. Call 13 23 26 to request your free copy.

Conduct of the Referendum
The AEC is responsible for printing ballot papers; setting up and staffing polling booths (approximately 8 000 booths and 60 000 polling staff); postal voting; pre-poll voting; overseas voting (at Australian embassies and high commissions); Antarctic voting; counting votes; releasing results.

Release of Results
Progressive results will be available on the AEC's website referendum.aec.gov.au from polling night.

Further information
For enrolment and voting enquiries phone 13 23 26 for the cost of a local call or visit the AEC's website www.aec.gov.au.
For more information on the public education program and the YES/NO campaign visit the Referendum Task Force website www.dpnc.gov.au/referendum.

The 1999 Referendum
On 8 November 1999, the Government will hold a referendum.
There will be two questions: one on the proposed model for a republic that was agreed upon at the Constitutional Convention; and one on a new preamble for the Constitution.
For enrolment and voting enquiries phone 13 23 26 for the cost of a local call or visit our website www.aec.gov.au.

Australian Electoral Commission / AEC
Helping you have your say.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Aboriginal and Torres Strait Islanders

A remote area information program was undertaken in the weeks leading up to referendum polling day. The program employed 29 Community Electoral Information Officers (CEIOs) to visit aboriginal communities and organisations to inform indigenous electors of the referendum process and of polling arrangements and times. A poster and brochure outlining the referendum process were developed to support the CEIOs in their visits.

The CEIOs were employed in every State and the Northern Territory from early October up until polling day. Many of the CEIOs continued on from providing information to indigenous electors about the Aboriginal and Torres Strait Islander Commission election which were conducted by the AEC on Saturday 9 October 1999.

Radio advertising, translated into 20 indigenous languages, was broadcast in every phase of the national advertising campaign.

Electors with a disability

In the lead-up to the 1999 referendum, the AEC contracted several disability organisations to provide information to electors with a print disability in their preferred format.

Key referendum information, including the Yes and No cases, was produced in the following alternative formats: audio cassette; ACSII disc; braille; and large-print publications. The cassettes and computer discs were distributed to disability

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

organisations and agencies, libraries and individuals, and were available along with the other two formats upon request from the AEC.

There was high demand for these alternative formats, with extra copies of all the formats being produced to meet the additional requests. The table below details the number of each format that was produced for the 1999 referendum.

| | |
|-----------------|--------|
| Audio cassettes | 16 444 |
| ASCII disc | 231 |
| Braille | 87 |
| Large print | 176 |

(AEC offices also provided additional copies on a demand basis)

An advertising campaign was run on the Radio for Print Handicapped network to promote the availability of these alternative formats. A publicity campaign was also conducted resulting in community service announcements, interviews on radio and numerous press articles. The national advertising campaign also included advertising on the Radio for the Print Handicapped network in all phases of the campaign.

To address the needs of deaf and hearing-impaired electors, all AEC television commercials were closed captioned and Telephone Typewriter (TTY) facilities were available in central office and every State and Territory head office.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



National Telephone Enquiry Service

The AEC has operated a national telephone enquiry service for all major electoral events since the 1996 federal election. The service, consisting of dedicated call centres, was established to assist AEC divisional offices to answer the large increase of telephone calls made to the national '13 23 26' number during an electoral event.



For the 1999 referendum, the national telephone enquiry service operated from 13 September 1999 to 12 November 1999 to provide information and assistance to electors. The service operated from 8am to 6pm weekdays and until 8pm on certain key dates including the week before close of rolls and the week before polling day. The service was also open on every weekend during this period.

The national service consisted of a call centre in each State and Territory capital city, with up to 170 trained telephone operators answering calls at any time. Callers would first be connected to their State or Territory call centre but, if all those lines were busy, the overflow was diverted to the national centre in Canberra. The eight integrated call centres answered a total of 447 344 calls over the operating period.

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



An electronic interactive desktop information system was used by all the call centres to ensure that all enquiries were answered promptly, accurately and consistently. This system gave the telephone operators access to referendum information on their computer screen, replacing the hard copy information files that were used in the past. The electronic system was updated on a regular basis during the referendum period.

In addition to the enquiries answered by the temporarily established call centres, AEC divisional offices answered just over 115 000 calls throughout the referendum period.

Telephone interpreting service

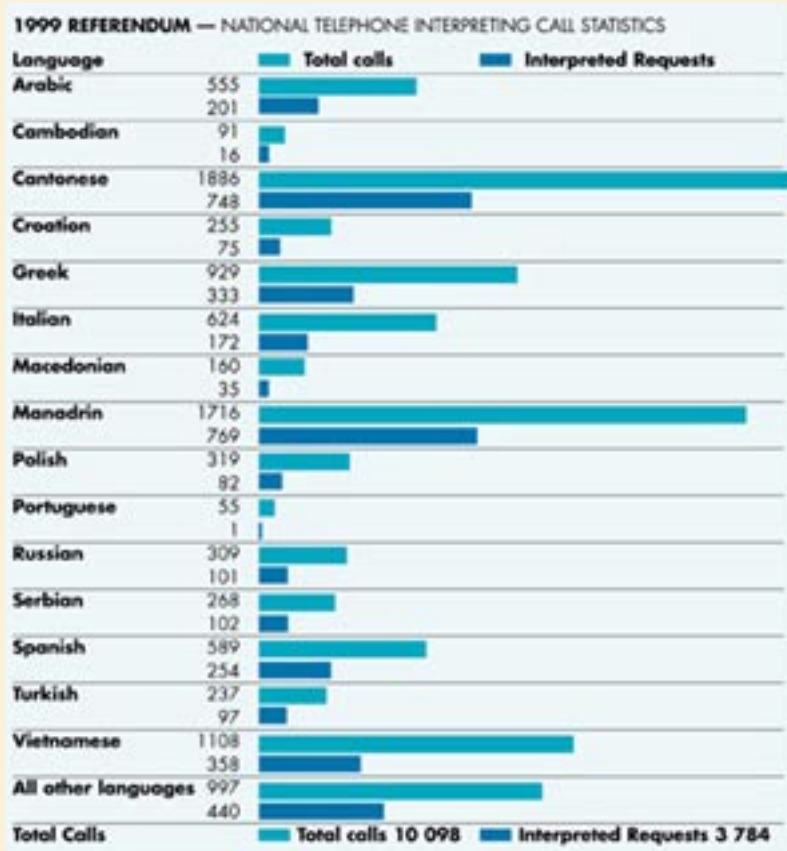
A telephone interpreting service, to assist electors from non-English speaking backgrounds, also operated during the 1999 referendum.

The service had 15 language-specific telephone lines and one line for electors who did not speak any of the 15 specific languages available. A caller to one of the 15 language-specific lines was greeted by a recorded electoral message in their own language and, if they required further information, they could choose to be connected in a three way conversation with an AEC officer and an interpreter.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

During the referendum period, a total of 10 098 calls were made to the interpreting service, with nearly 40 per cent of these callers choosing to speak further to an operator. The language lines that received the most calls during the period were the Cantonese, Mandarin and Vietnamese lines. The graph illustrates the number of calls each of the language lines received during the 1999 referendum.

The interpreting service, which was first established for the 1997 Constitutional Convention election, has proven to be a very effective means of ensuring that people from non-English speaking backgrounds, especially those with limited English language ability, have access to electoral information.



- 1999 contents
- Background
- Yes/No
- Ballot
- Results
- Maps
- Using CDROM
- Referendums
- Referendum 99
- Constitution
- Search

Internet

The AEC internet web site at www.aec.gov.au has played an increasingly important and comprehensive role in disseminating electoral information since it was first launched prior to the 1996 federal election.



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search




The internet played an especially important role during the 1999 referendum as it was the official means of providing the results of the referendum. To speed up the access to referendum information, the AEC established a separate web address at referendum.aec.gov.au, which housed the virtual tally room and other referendum-specific information. This address operated from 13 September 1999, and was accessible and integrated with the AEC general web site.

The web site contained extensive referendum information and was continually updated throughout the period. The referendum materials available included the:

- virtual tally room
- Yes/No case pamphlet in English and in 14 other languages
- Australian Constitution showing the textual alterations proposed
- referendum timetable
- Scrutineers' Handbook and other referendum publications
- video and audio of referendum television and radio advertisements
- pre-poll facilities, postal vote application forms and overseas voting posts
- electorate search incorporating polling place locations
- links to the Referendum Taskforce web site.

Over the referendum period, over 166 200 users accessed the AEC's two web addresses downloading 509 100 page views. The site proved to be very popular internationally with over 25 per cent of users accessing the site from overseas.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Education activities

In the lead-up to the 1999 referendum, the AEC undertook a number of education activities to further the knowledge of the referendum process among school students and community groups.


The Electoral Education Centres (EEC) in Canberra, Melbourne, Perth and Adelaide conducted referendum information sessions with visiting school and community groups. Thousands of school students who visited the centres in the months leading up to the referendum actually participated in a mock referendum. One of the school referendums conducted in the Melbourne EEC was filmed by the ABC schools current affairs program Behind the News.

In the months before the referendum, AEC divisional staff also visited a large number of schools and community organisations to present referendum information sessions using a newly-developed schools referendum education kit.

International Visitors Program

Electoral officials from 13 countries in the Asian, Pacific and southern African regions participated in the international visitors program conducted by the AEC during the 1999 referendum.

In the lead-up to the referendum, the AEC issued an invitation to a number of electoral organisations to participate in a study program on the planning and organisation of the referendum. A total of 31 senior electoral officials from 13 countries accepted the invitation and took part in one of the two study programs offered.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

The list which follows details the electoral officials who participated in the 1999 referendum international visitors program and the country they represented.

The first study program covered all aspects of the AEC's administration and conduct of elections and referendums and ran over ten days. This program was based at the AEC's central office in Canberra and included sessions on the legislative framework for conducting a referendum, referendum management, voter education programs, information technology and training of polling staff. The participants also travelled interstate to Brisbane, Sydney or Hobart to observe field operations at an AEC head office and several divisional offices.

The second program, conducted over four days, concentrated on polling and included information sessions on the conduct of the poll and the preliminary scrutines.

On polling day the participants of both programs visited several polling places in the Canberra region to observe polling and the conduct of the preliminary scrutiny.

The international visitors program is part of the AEC's ongoing commitment to encouraging communication and cooperation with international electoral bodies, particularly those in the Asia Pacific region. The aims of the program were to:

- strengthen links with international electoral bodies;
- convey information about the administration of Australia's elections;
- create an environment to exchange information and ideas; and
- encourage good governance in line with Australia's foreign policy objectives.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Government-sponsored information campaigns

The federal government funded two different information campaigns to inform Australians about the key constitutional issues that they were voting on at the 1999 referendum.

Public education program

The government conducted a neutral public education program that detailed the proposed republic model, the existing constitutional arrangements, the role of State constitutions and the referendum process. This program was conducted leading up to the referendum.

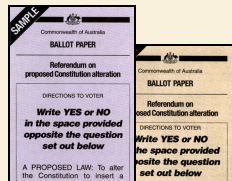
National advertising campaigns for and against the republic

The government appointed 'Yes' and 'No' committees to conduct national advertising campaigns to promote the arguments for and against the proposed republic model. Each committee was allocated up to \$7.5 million, with the members drawn from delegates of the 1998 Constitutional Convention. The advertising campaigns were run in the weeks before polling day.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Highlights of the 1999 referendum

Of the 12 361 694 electors on the Commonwealth Electoral Roll at the close of rolls for the 1999 referendum, just over **20 per cent had never voted in a federal referendum before**. For the remaining electors, it had been 11 years since the last referendum.



Each of the two referendum questions was printed on a separate and different **coloured ballot paper** for the first time since 1911. The Federal Parliament passed special legislation in order to put each question on a separate ballot paper.

The electoral enrolment form was available on the AEC web site. In the close of rolls week, around **24 000 people accessed the enrolment form** on the site.



The Automated Postal Vote Issuing System was used for the first time. The system used **leading-edge technology** to improve the efficiency of issuing postal votes, better allocate AEC resources and achieve cost savings.

The **national telephone enquiry service handled over 562 429 enquiries** throughout its seven-week operating period.

In the five weeks leading up to polling day, the AEC responded to **over 1 670 e-mails** on a range of referendum questions from people within Australia and overseas.



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search





The AEC's advertising campaign was based around a **key message of 'Yes/No'** to emphasise the importance of these two words to electors when they marked their referendum ballot papers.

The AEC's **advertising was translated** into 17 ethnic languages in the press, 25 languages on radio, and 11 languages on television. Radio advertising was also translated into 20 indigenous languages.

The AEC's **television advertisements were close captioned** for the benefit of deaf and hearing-impaired electors.



The AEC **increased assistance to electors with a print disability** by providing key information on audio cassette, computer disc, and in braille and large-print publications. There was high demand for these formats.

The production of the Yes/No case pamphlet was the **largest single print job ever** undertaken in Australia and the largest single mailout. Production of the 12.9 million pamphlets took nine high-speed web presses in three different locations up to ten days of round-the-clock production.

As there was no National Tally Room, the **virtual tally room was the primary source of official results** for the 1999 referendum. On referendum night alone, over 154 000 users downloaded 1.3 million page views.



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search





A total of **31 international electoral officials from 13 countries** visited the AEC to witness first-hand the planning and conduct of the 1999 referendum.

A total of **53 874 votes** were issued by the **99 overseas voting posts** to Australian electors living, working or holidaying overseas during the 1999 referendum.

| Overseas Voting | | |
|--|----------------|--|
| List of Overseas Posts Addresses as at 14 September 1999 | | |
| Country | Overseas Posts | Address |
| ARGENTINA | Buenos Aires | Australian Embassy Villanueva 1400 BUENOS AIRES, Ph : 54-1-4777 6580 Fax: 54-1-4772 3349 |
| AUSTRIA | Vienna | Australian Embassy Mattiellistrasse 2 1040 VIENNA Ph : 43-1-512 8580 Fax: 43-1-513 1656 |

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Timetable

Writ issued: Monday, 4 October 1999.

Polling day: 8am to 6pm on Saturday, 6 November 1999.

Roll close: Friday, 8 October 1999. The Referendum (Machinery Provisions) Act stated that close of polls must be seven days after the issue of the writ.

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.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

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.

Return of the writs

After receiving the statements of results, the Electoral Commissioner endorsed on the two writs the number of 'yes', 'no' and informal votes for Australia and for each State and Territory.

The two writs for the 1999 referendum were returned to the Governor-General on 30 November 1999.



Former Electoral Commissioner Bill Gray returns the writs for the 1999 referendum to the Governor-General, Sir William Deane.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Enrolment and voting entitlements

Enrolment and voting were compulsory.

Those entitled to enrol and vote

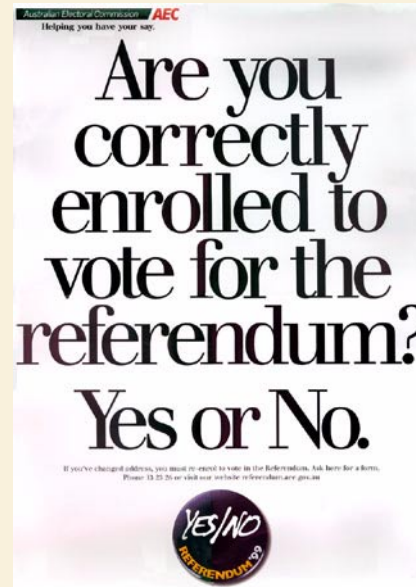
All persons 18 years of age and over were entitled to enrol and vote provided that:

- they were Australian citizens*^{*}; or
- they were British subjects who were on the Commonwealth Electoral Roll immediately before 26 January 1984, when the eligibility requirements were altered.

Those not entitled to vote

- People who are incapable of understanding the nature and significance of enrolment and voting.
- Prisoners serving a sentence of five years or longer.
- People who have been convicted of treason and not pardoned.

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



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search

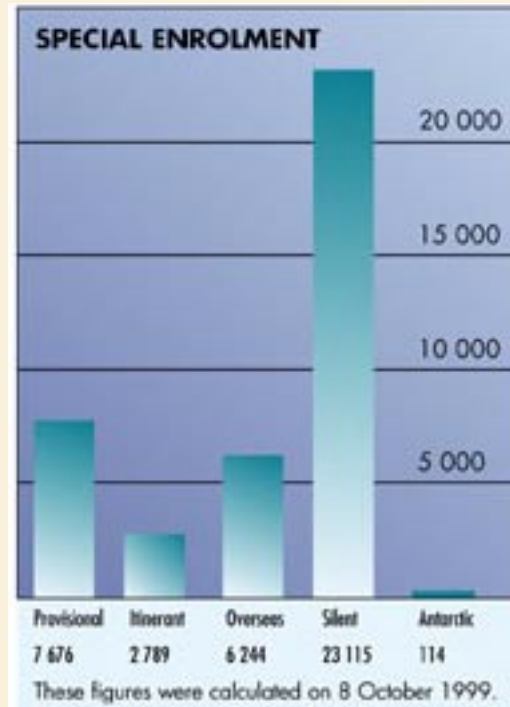


Special enrolment provisions

Some people qualify for special enrolment which provides them with services to meet their particular needs. These include:

- people with a physical disability or illness are able to have someone help them enrol and vote, if necessary, and can apply to become general postal voters
- people with no fixed address may enrol as itinerant electors
- people going overseas can register as eligible overseas electors
- people working in Antarctica can register as Antarctic electors
- enrolment by eligible Australian citizens resident on Norfolk Island is voluntary but, once enrolled, voting is compulsory
- people can apply for silent enrolment if they believe that the publication of their address on the roll would put their own or their family's safety at risk
- 17-year-olds can provisionally enrol and can vote if their 18th birthday falls on or before polling day for the election or referendum.

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



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Overseas enrolment

Changes to enrolment from outside Australia were introduced just prior to the 1998 federal election. For the first time, Australian citizens who were overseas and not enrolled, but would have been eligible if they were in Australia, and who:

- had left Australia less than two years ago
- were outside Australia for reasons related to career or employment purposes or those of their spouse
- were going to be overseas for up to six years and
- intended to return to Australia permanently

were able to enrol on a special enrolment form called 'Enrolment from outside Australia'. These forms are available from Australian embassies and consulates and on our web site at www.aec.gov.au.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Close of rolls for the 1999 referendum

At the 1999 referendum, a large number of Australians used the close of rolls week to either enrol for the first time or to check their enrolment details and, if necessary, to update these details. The AEC answered over 146 341 enquiries through the national telephone enquiry service and processed over 315 000 enrolment forms during this week.

There were 12 361 694 people enrolled on the Commonwealth Electoral Roll at the close of rolls for the 1999 referendum. This figure was calculated following the processing of all enrolment cards received by 8.00pm on Friday 8 October 1999. The actual number of electors eligible to vote on polling day is calculated by adjusting the close of rolls figure with subsequent amendments such as the death of an elector prior to polling



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



day, a provisionally-enrolled elector turning 18 by polling day, or the reinstatement of an eligible elector previously removed from the roll. On the referendum polling day, the adjusted national enrolment figure was 12 392 040 electors eligible to vote. State and Territory and divisional enrolment statistics are available in **Results**.

The number of electors who had special enrolment is presented in the table below.

| Provisional | Itinerant | Overseas | Silent | Antarctic |
|-------------|-----------|----------|--------|-----------|
| 7 676 | 2 789 | 6 244 | 23 115 | 114 |

Types of voting

Ordinary

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

Each elector was asked the following three questions by a polling official before they were issued with their two ballot papers:

- What is your full name?
- Where do you live?
- Have you voted before in these referendums?

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The official then placed a mark next to the elector's name on the certified list, initialled the ballot papers and handed them to the elector. Each elector was issued with a buff ballot paper for the republic question and a mauve ballot paper for the preamble question.

The elector then went to a separate voting compartment to mark their ballot papers in private. Each voting compartment was provided with a pencil but electors were able to use their own pen if they wished. The elector then folded their completed ballot papers and placed each ballot paper into the appropriate ballot box.

[Click here](#) for further information on polling day arrangements.

Declaration vote

A declaration vote officer issued absent and provisional votes at each polling place. Electors casting these types of votes were required to fill in a declaration envelope that they put their completed ballot papers into before they were put into the ballot box.

A total of 888 425 absent votes and 106 046 provisional votes were received at the 1999 referendum. The national and State and Territory summary of the provisional and absent votes counted and the divisional breakdowns for both questions are contained in the results section.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Absent vote

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

Provisional voting


A provisional vote was a declaration vote cast by an elector who claimed the right to vote at a referendum and whose name had already been marked off or could not be found on the certified list of voters for the Division. The vote can not be counted until a careful check of enrolment records and entitlements has been made.

A person whose address is not shown on the roll must declare the Division for which they are voting on the declaration.

Postal voting

A postal vote was available to any electors who:

- 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

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

- be a patient in a hospital (other than a special hospital) and be unable to vote at that hospital;
- be prevented by serious illness or infirmity from attending at any polling place to vote;
- 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;
- 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);
- being a woman approaching maternity who is unable to attend at any polling place to vote;
- 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;
- due to imprisonment; or being otherwise in lawful custody or detention unable to attend at any polling place to vote.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Automated postal voting

For the first time, the AEC issued postal votes using an Automated Postal Vote Issuing System (APVIS). This system was developed in response to the continued increase in the number of postal vote applications being received by the AEC at recent federal elections.

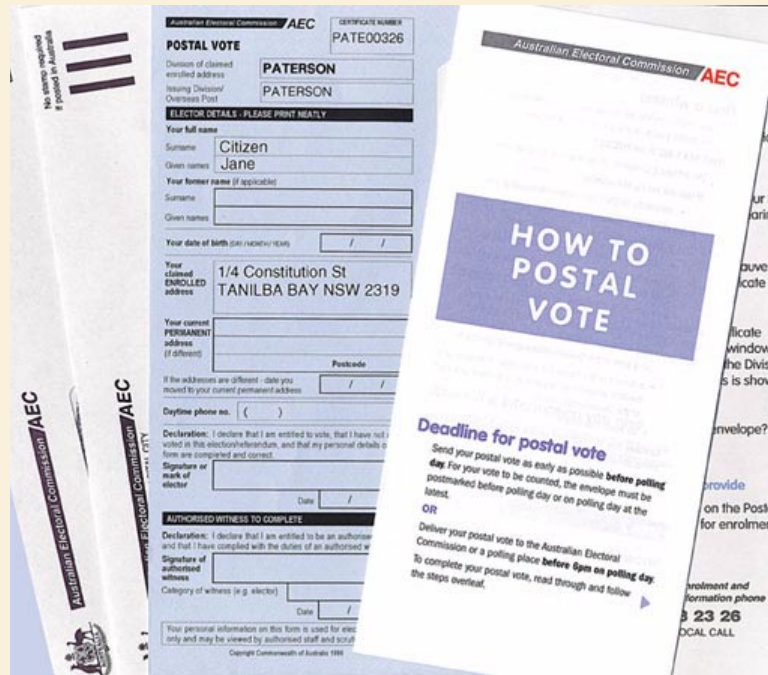
At previous electoral events, the issue of postal votes was a time-consuming manual operation undertaken in each divisional office during the hectic election period. The AEC began to investigate ways of utilising new and emerging technologies to more efficiently manage this service to electors.

The postal vote issue commenced when a postal vote application was received in a divisional office. The elector details on each application were checked for correctness and were entered into the APVIS part of the AEC's roll management computer system. This automatically recorded the issuing of the postal vote for statistical and control purposes.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

The APVIS data was extracted from the computer system on a daily basis and electronically forwarded to the printing company. Once that data was verified, the relevant personal elector details and a bar code were printed onto a blank postal vote certificate. The personalised certificate, ballot papers, an instruction leaflet and a reply-paid envelope were all automatically inserted into an outer envelope and mailed to the elector. Supervision and quality assurance was carried out by AEC staff, who remained on site whenever AEC work was in progress.

The elector returned the completed postal vote to the divisional office, where it was securely stored until the commencement of the scrutiny. At the preliminary scrutiny, the elector's entitlement to vote was checked against the original



Referendum 1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



application and the record made on the computer system. Once the elector's eligibility to vote was verified, the postal vote was admitted to the count.

A total of 424 673 postal votes were issued through the APVIS at the 1999 referendum. The introduction of the system at the 1999 referendum resulted in significant increases in the efficiency of postal vote issue, cost savings and a more effective allocation of AEC resources. An intensive review looking at the design of the automated system and the printing and mailing processes is currently being undertaken and the results will be used to refine the system for the next federal election.

Polling arrangements

For the 1999 referendum, the AEC was responsible for providing voting facilities to enable all Australian electors to cast their vote on the proposed constitutional changes. These arrangements involved organising a large quantity of materials, infrastructure and people all around Australia and overseas.

Printing of ballot papers

The two proposed constitutional changes at the 1999 referendum were printed on separate ballot papers. Each AEC head office was responsible for printing the two different ballot papers required in their State or Territory. Printing commenced on 6 September 1999 at seven different sites around Australia and was completed by 19 September 1999.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

In the week beginning 13 October 1999, ballot papers were distributed to the 148 AEC divisional offices around Australia. On receipt of the ballot papers, the divisional returning officers counted and securely stored them in readiness for polling day. A number of the ballot papers were to be used before polling day to conduct pre-poll, postal and mobile voting.

The AEC also distributed some 130 000 ballot papers to 99 overseas voting posts to enable Australians overseas during the 1999 referendum to vote.

For the 1999 referendum over 32 million ballot papers were printed, with the State and Territory breakdown listed below:

| State/Territory | Republic question | Preamble question |
|------------------------------|-------------------|-------------------|
| New South Wales | 5 160 000 | 5 160 000 |
| Victoria | 4 000 000 | 4 000 000 |
| Queensland | 3 204 500 | 3 204 500 |
| Western Australia | 1 561 200 | 1 561 200 |
| South Australia | 1 318 250 | 1 318 250 |
| Tasmania | 413 000 | 413 000 |
| Australian Capital Territory | 248 500 | 248 500 |
| Northern Territory | 170 000 | 170 000 |
| Total | 16 075 450 | 16 075 450 |

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Polling places

At the 1999 referendum, there were 7 716 polling places operating on polling day. They were set up mainly in schools or community halls with the divisional returning officer in each division having selected suitable premises as part of their referendum preparations.

As far as practicable, divisional returning officers selected buildings which had wheelchair access. All polling places were advertised in major newspapers on the Friday before polling day and the places with full wheelchair access and those accessible with assistance were identified.

The list of polling places at the 1999 referendum was also published on the AEC web site. The web site had a search engine that enabled electors to identify their nearest polling place by typing in their postcode, suburb or town.

Polling places opened at 8am and closed at 6pm sharp. Electors inside the polling place at 6pm were able to complete their vote but no one else was able to enter to vote.

| |
|--|
| Locality/Suburb |
| Enter the name of your suburb or locality to identify your Electorate(s) and Polling Places. You must enter the complete locality/suburb name. |
| <input type="text"/> <input type="button" value="Search"/> |
| Postcode |
| Enter a postcode to identify the Electorate(s) located within the postcode region. |
| <input type="text"/> <input type="button" value="Search"/> |
| Electorate |
| Enter the name of an Electorate to identify the localities/suburbs and postcodes falling within this Electorate. View all Polling Places in an Electorate. You must enter the complete Electorate name or leave blank for list of all Electorates. |
| <input type="text"/> <input type="button" value="Search"/> |

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Polling officials

Polling officials were available at all polling places to assist electors with any query or information they needed in order to vote.

The officials staffing polling places were:

- an officer-in-charge
- a second-in-charge at large polling places
- declaration vote-issuing officers
- ordinary vote-issuing officers
- queue controllers.

The attitude of voters towards the officials running AEC polling places continues to be highly positive. The friendliness, efficiency, helpfulness and integrity of polling place staff were rated very highly by electors who participated in the AEC's post-referendum survey. The telephone survey was undertaken in the 24 hours following the close of polls to assess the quality of service provided to voters on polling day.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Polling logistics

Polling places and teams

The infrastructure required to conduct the polling at the 1999 referendum was substantially similar to arrangements made at previous federal elections. The polling arrangements for the 1999 referendum are outlined below:

| | |
|---|-------|
| Number of ordinary polling places | 7 716 |
| Number of mobile teams who visited special hospitals | 462 |
| Number of locations visited | 2 130 |
| Number of mobile teams who visited remote outback locations | 47 |
| Number of locations visited | 328 |
| Number of mobile teams who visited prisons | 13 |
| Number of locations visited | 13 |
| Number of pre-poll voting centres | 286 |
| Number of overseas polling places | 99 |

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Equipment

A large amount of cardboard equipment was required to conduct the referendum. Wherever possible, the AEC used cardboard and paper that was recyclable.


For the 1999 referendum, nearly 200 000 separate pieces of equipment, consuming approximately 450 tonnes of cardboard, were produced including:

- ballot boxes 28 000
- voting screens 130 000
- queuing signs 10 000
- litter bins 12 000
- tables 5 000

Staff

The AEC required a large number of trained staff, both AEC permanent staff and temporary casuals, to provide the services required to enable electors to vote in the referendum.

Each divisional returning officer was responsible for recruiting and training the polling officials they needed to conduct the polling and the scrutiny in their division. A national training package, including videos, manuals, practical exercises and information sessions, was developed to ensure a consistently high standard of service was provided to all Australian electors. Many of the referendum casuals had worked as polling officials over many events and brought with them valuable electoral experience.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

In the lead-up to the 1999 referendum and on polling day, over 60 000 casual staff were employed by the AEC around Australia.

Electors with a disability, silent electors, prisoners, those in remote areas, and people who have religious objections to attending a polling place on polling day can apply to become a general postal voter. This means that, for all future federal elections and referendums, they will be automatically sent their ballot papers.

Mobile polling

Where voter numbers and circumstances allowed, the AEC sent out mobile polling teams so the polling place could be brought to many electors who were physically or geographically unable to get to a polling place themselves.

Hospitals and nursing homes

Mobile polling teams visited selected hospitals and nursing homes to enable patients and residents to cast their vote. The teams provided a personal service by bringing the ballot papers, ballot box and other information to electors who were elderly or unable to leave their beds.

At the 1999 referendum, 2 130 hospitals and nursing homes around Australia were visited by a mobile polling team in the days leading up to and including polling day. A total of 78 600 votes were taken by the 462 teams.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Prisons

Mobile polling teams also visited a small number of prisons and remand centres to take the votes of prisoners serving a sentence of less than five years who were entitled to vote.

At the 1999 referendum, mobile polling teams visited 13 prisons and remand centres in the days leading up to polling day and issued 1 060 votes. The majority of eligible electors serving a prison sentence vote by post.

Remote

Geographic isolation was no barrier to ensuring that electors had the opportunity to cast their vote in the 1999 referendum. Mobile polling teams visited electors living in remote locations in the 12 days leading up to and including polling day.

The AEC used road, air and sea transport to visit Aboriginal and Torres Strait Islander communities and outstations, pastoral properties, small towns, tourist resorts and mine sites in remote locations. A total of 29 Community Electoral Information Officers were employed over a month to visit Aboriginal communities and organisations to inform electors about the referendum process, including the times and dates of remote mobile polling.

At the 1999 referendum, 47 mobile polling teams took a total of 17 908 votes in 328 remote locations in the divisions of Northern Territory, Kalgoorlie, Leichhardt, Grey and Wakefield.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

- In the 12 days leading up to polling day in the Northern Territory division 21 teams visited 221 locations taking 12 080 votes.
- In the Western Australian division of Kalgoorlie 16 teams visited 52 locations taking 2 055 votes.
- In the Queensland division of Leichhardt three teams visited 17 locations in the Torres Strait recording 1 859 votes.
- In the South Australian divisions of Wakefield and Grey seven teams visited 38 locations in the mid and far north of South Australia taking 1 914 votes.

Overseas voting

To cater for eligible Australian electors who were living, working or holidaying overseas during the referendum period, voting facilities were established at Australian embassies and consulates.

At the 1999 referendum:

- there were 99 overseas posts in 72 countries at which Australians could vote
- a total of 53 874 votes were issued overseas
- the most votes, 21 137, were issued in London

Australians overseas during the 1999 referendum had the choice of visiting the nearest Australian embassy, consulate or high commission and voting in person or having the ballot papers sent to their overseas address and postal voting.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

The AEC sent the overseas voting posts 4 279 kilograms of equipment by secure international express courier in a major shipment in late September. The equipment included training information and all materials required to conduct postal and pre-poll voting.

Voting commenced at the overseas posts on Monday, 4 October 1999, and was required to conclude when the poll closed in the last time zone in Australia. Following the conclusion of voting, the overseas posts sent the votes back to the Overseas Postal Voting Centre in Canberra, which sorted and dispatched the votes to the appropriate divisional offices.

The AEC web site provided detailed referendum information to Australians located all around the world. E-mail was also used to keep the overseas voting posts up to date with referendum information.

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



List of overseas posts and votes issued

| | | | | | |
|------------|---------------------|-----|-----------|-----------|-------|
| Argentina | Buenos Aires | 89 | China | Shanghai | 521 |
| Austria | Vienna | 199 | Croatia | Zagreb | 157 |
| Bangladesh | Dahka | 48 | Cyprus | Nicosia | 92 |
| Barbados | Bridgetown | 13 | Egypt | Cairo | 166 |
| Belgium | Brussels | 191 | Fiji | Suva | 390 |
| Brazil | Brasilia | 0 | France | Paris | 787 |
| Brazil | Sao Paulo | 18 | Germany | Berlin | 435 |
| Brunei | Bendar Seri Begawan | 125 | Germany | Frankfurt | 92 |
| Burma | Rangoon | 61 | Greece | Athens | 0 |
| Cambodia | Phnom Pehn | 217 | Hong Kong | Hong Kong | 9 290 |
| Canada | Ottawa | 269 | Hungary | Budapest | 0 |
| Canada | Toronto | 0 | India | Mumbai | 30 |
| Canada | Vancouver | 643 | India | New Delhi | 161 |
| Chile | Santiago | 158 | Indonesia | Bali | 158 |
| China | Beijing | 566 | Indonesia | Jakarta | 767 |
| China | Guangzhou | 296 | Iran | Tehran | 40 |
| | | | Ireland | Dublin | 1 010 |

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



| | | | | | |
|----------|--------------|------|------------------|--------------|-------|
| Israel | Tel Aviv | 126 | Mauritius | Port Louis | 83 |
| Italy | Milan | 125 | Mexico | Mexico City | 47 |
| Italy | Rome | 169 | Micronesia | Pohnpei | 29 |
| Japan | Fukuoka City | 65 | Nepal | Kathmandu | 111 |
| Japan | Nagoya | 78 | Netherlands | The Hague | 440 |
| Japan | Osaka | 216 | New Caledonia | Noumea | 76 |
| Japan | Sapporo | 0 | New Zealand | Auckland | 970 |
| Japan | Sendai | 50 | New Zealand | Wellington | 501 |
| Japan | Tokyo | 1009 | Nigeria | Lagos | 0 |
| Jordan | Amman | 39 | Pakistan | Islamabad | 0 |
| Kenya | Nairobi | 52 | Papua New Guinea | Port Moresby | 848 |
| Kiribati | Tarawa | 58 | Peru | Lima | 0 |
| Korea | Seoul | 185 | Philippines | Manila | 615 |
| Laos | Vientiane | 115 | Poland | Warsaw | 0 |
| Lebanon | Beirut | 0 | Russia | Moscow | 0 |
| Malaysia | Butterworth | 66 | Saudi Arabia | Riyadh | 322 |
| Malaysia | Kuala Lumpur | 496 | Singapore | Singapore | 1 436 |
| Malta | Malta | 146 | | | |

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



| | | | | | |
|-----------------|--------------|--------|----------------------|------------------|---------------|
| Solomon Islands | Honiara | 125 | United Arab Emirates | Abu Dhabi | 73 |
| South Africa | Cape Town | 0 | United Arab Emirates | Dubai | 140 |
| South Africa | Johannesburg | 0 | USA | Atlanta | 156 |
| South Africa | Pretoria | 0 | USA | Honolulu | 91 |
| Spain | Madrid | 0 | USA | Los Angeles | 454 |
| Sri Lanka | Colombo | 352 | USA | New York | 1 273 |
| Sweden | Stockholm | 384 | USA | San Francisco | 574 |
| Switzerland | Geneva | 0 | USA | Washington DC | 1 206 |
| Taiwan | Taipei | 634 | Vanuatu | Port Vila | 0 |
| Thailand | Bangkok | 710 | Venezuela | Caracas | 13 |
| Tonga | Nuku'alofa | 70 | Vietnam | Hanoi | 200 |
| Turkey | Ankara | 40 | Vietnam | Ho Chi Minh City | 341 |
| Turkey | Istanbul | 49 | Western Samoa | Apia | 90 |
| UK | London | 21 137 | Yugoslavia | Belgrade | 0 |
| UK | Manchester | 366 | Zimbabwe | Harare | 0 |
| | | | Total | | 53 874 |

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Antarctic voting

Working and living in one of the most inhospitable and isolated locations in the world did not prevent the 105 registered Australian electors stationed in the Antarctic from having the opportunity to vote in the 1999 referendum.

Ballot papers were faxed to the Antarctic research bases at Mawson, Casey, Davis and Macquarie Island from the AEC's Hobart office. At each base an Antarctic returning officer was appointed from the staff and polling took place at each base on a single day chosen by the Antarctic returning officer.

After the close of polls each Antarctic returning officer phoned the votes through to the AEC officer for Tasmania, who recorded the voting details onto normal ballot papers and despatched them to the electors' home divisions. The original ballot papers filled out by Antarctic electors were packaged up and returned to Hobart on the first available supply ship.



Voting is not compulsory for Antarctic electors because the secrecy of the vote cannot be assured due to the process used to transmit the results. At the 1999 referendum 87 votes were recorded from registered Antarctic voters stationed at the bases.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)

Scrutineers

Scrutineers at the 1999 referendum were able to observe both the voting and the counting of votes at every polling place. The following officials were able to appoint one scrutineer for each polling place:

- the Governor-General (Australia-wide)
- the Governor of any State (in that State)
- the Chief Minister of the Australian Capital Territory (in the ACT)
- the Administrator of the Northern Territory (in the NT)

or persons duly authorised by them, and

- the registered officer of a registered political party.

Scrutineers were required to wear an identification badge and their rights and responsibilities are outlined in the Referendum Act.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The scrutiny

The counting of votes, known as the scrutiny, began in each polling place as soon as they closed their doors at 6pm on polling day.

Counting at polling places

Only ordinary votes were counted on referendum night – just over 83 per cent of votes at the 1999 referendum.

Declaration envelopes containing absent and provisional votes cast at each polling place were put aside as checks had to be made at the divisional office to ensure that these ballot papers were eligible to be included in the count.



After the doors to the polling place closed the polling officials opened and emptied the ballot boxes. The buff ballot papers for the republic question were unfolded and the 'yes', 'no' and informal votes were put into separate piles and counted. This procedure was repeated for the mauve ballot papers for the preamble question.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The totals of 'yes', 'no' and informal votes for both questions were phoned through to the divisional returning officer. The divisional returning officer then entered the figures received from each polling place in their division into the AEC's computerised Referendum Night Results System. The figures entered into the computer system were then electronically transmitted to the AEC's web site, which served as the main method of disseminating referendum results.

On completion of counting, the polling officials placed all the ordinary ballot papers into sealed parcels and, along with the declaration vote envelopes, securely delivered them to the divisional returning officer.

Scrutineers during the counting

Scrutineers were able to observe the counting of the votes at all polling places on referendum night. They were also able to attend the scrutiny of declaration votes carried out in the following weeks.

Scrutineers had the right to observe all stages of the scrutiny and could challenge the formality of ballot papers but they could not handle, separate or arrange ballot boxes, ballot papers, declaration envelopes or other referendum materials.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Scrutiny after referendum night

Declaration vote scrutiny

The scrutiny of declaration votes (pre-poll, postal, absent and provisional) was conducted in two stages:

- preliminary scrutiny: an examination of personal elector details on postal vote certificates and declaration envelopes to determine whether the person was entitled to vote; and
- further scrutiny: if the elector was entitled to vote the ballot papers were then admitted to the count and were treated in the same way as ordinary ballot papers.

Preliminary scrutiny

A postal vote was accepted for further scrutiny if the divisional returning officer was satisfied that:

- the elector was enrolled for the division (or entitled to have been on the roll) at the close of rolls;
- the signature on the postal vote certificate was genuine and properly witnessed; and
- the vote contained in the envelope was recorded prior to the close of the poll.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

The AEC was required by law to wait 13 days after polling day to receive postal votes before counting could be finalised. This ensured that electors in remote areas and overseas were not disenfranchised.

A pre-poll, absent or provisional vote was accepted for further scrutiny if the divisional returning officer was satisfied that:

- the elector was enrolled for the division (or entitled to have been on the roll) at the close of rolls; and
- the certificate or declaration was properly signed and witnessed.

Further scrutiny

Once a postal, pre-poll, absent or provisional vote was admitted to the further scrutiny the envelope was opened and the ballot paper was treated in the same way as ordinary ballot papers. The further scrutiny began on the Monday after polling day.

Scanning lists of electors

After the referendum, all the certified lists of electors were electronically scanned to identify apparent non-voters and possible multiple voting.

The scanners identified from the certified lists:

- whether or not a voter's name had been marked off;
- the name of the polling place and the issuing point at which the voter's name was marked; and
- any voter against whose name more than one mark-off had been recorded.

[1999 contents](#)[Background](#)[Yes/No](#)[Ballot](#)[Results](#)[Maps](#)[Using CDROM](#)[Referendums](#)[Referendum 99](#)[Constitution](#)[Search](#)


Two reports were produced from the scanning results:

- a report providing the names of those electors against whom no mark had been shown – these were identified as apparent non-voters; and
- a report showing the names of voters against whom more than one mark appears – these were identified as apparent multiple voters.

Following identification, divisional returning officers wrote to all of these electors seeking details as to why they did not vote or why more than one mark appeared against their name on the certified list.

At the 1999 referendum the scanning of certified lists to detect apparent non-voters and multiple marks commenced within two days of polling. Lists were scanned at the AEC's permanent scanning centres in Sydney (NSW, ACT lists) and Brisbane (Qld, NT lists) and at temporary centres in Melbourne (Vic, Tas lists), Adelaide (SA lists) and Perth (WA lists).

The scanning of approximately 30 000 ordinary lists used in polling places nationally was completed within eight working days after the referendum. The scanning of special lists, covering absent, pre-poll and provisional voters, was completed during the third week after polling following the cut-off date for the receipt of postal votes.

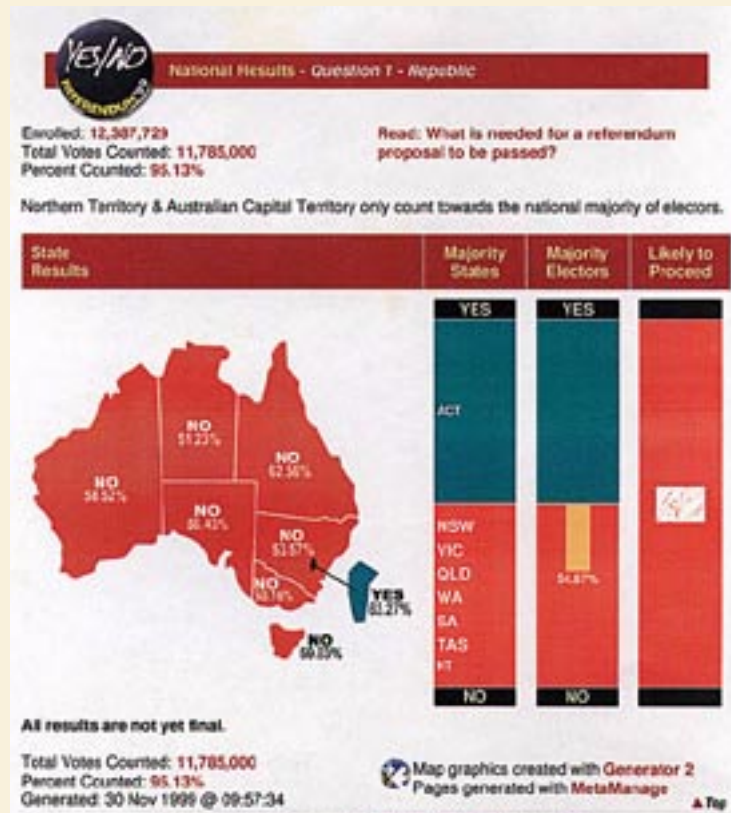
 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

The results

It was evident from the counting completed on referendum night alone that the two proposed constitutional changes would fail to gain the required double majority.

The only change to the trend of results available on referendum night occurred in Victoria. On referendum night it appeared that the republic question might have achieved a majority 'yes' vote in Victoria. However, once the counting had been finalised, Victoria joined the other States and the Northern Territory in recording a majority 'no' vote on the republic question.

Only the Australian Capital Territory recorded a majority 'yes' vote for the republic question.



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The preamble question did not gain a majority 'yes' vote in any State or Territory. Nationally, 95.1 per cent of eligible electors voted in the 1999 referendum.

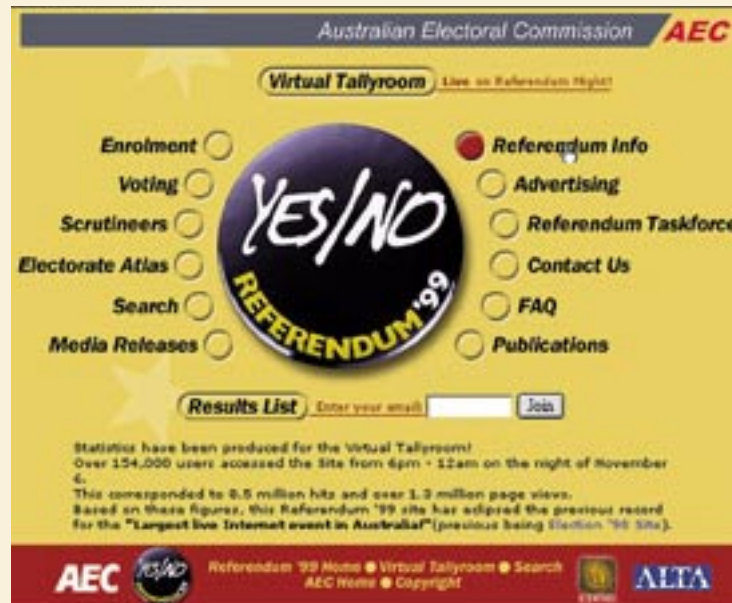
The Australian Electoral Officer for each State and Territory produced a written statement showing the referendum results for their particular State or Territory. These statements certified the number of 'yes' votes, 'no' votes and informal votes for both of the proposed constitutional changes.

These eight statements were provided to the Electoral Commissioner on 24 and 25 November 1999.

Virtual tally room

The 1999 referendum did not have a National Tally Room as it was determined that the internet would be the most timely and cost effective way of providing referendum results to the media and other interested people on referendum night.

A specially created website at referendum.aec.gov.au was established to house the virtual tally room. The virtual tally room



Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



was the official source of results on referendum night and in the post-referendum period.

On referendum night, the virtual tally room received a direct feed from the AEC's computerised Referendum Night Results System to display a number of live tables containing a range of referendum results. A national graph screen also showed a graph illustrating the results on a State/Territory and national basis. The site was continually updated on referendum night as results were entered at divisional offices.

The results of the count were published simultaneously to three web centres in Canberra, Sydney and Melbourne. The three centres shared the large load of users who logged on to the site on referendum night, so as to avoid delays in accessing information. On referendum night alone, over 154 000 users downloaded over 1.3 million page views on the virtual tally room, with the average user spending 45 minutes surfing the site. Peak use of the site occurred at 8pm (Eastern Standard Time) with 5 000 users per second accessing the site. In the three weeks following polling day, more than 55 300 people accessed over 597 264 page views.

Based on these figures, the 1999 referendum site eclipsed the previous record for the 'largest live internet event in Australia', with the previous record being the virtual tally room for the 1998 federal election.

The software and technology necessary to host the virtual tally room had been developed especially for the AEC for the 1998 federal election. It was further developed for the 1999 referendum, with results screens appropriate to the

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



referendum. The virtual tally room web site for the 1999 referendum cost just over \$214 000 to develop and run.

Utilising the internet to transmit electoral results is a key innovation which has been used successfully by the AEC at both the 1998 federal election and the 1999 referendum. It has greatly enhanced the access that the media, political consultants and other interested people have to timely progressive electoral results.

Reference material

Legislation relevant to the administration of the referendum held in 1999 were:

- Commonwealth Electoral Act 1918–98
- Referendum (Machinery Provisions) Act 1984
- Australian Citizenship Act
- 1999 Referendum Report.

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Yes/No cases

A Yes/No case pamphlet was printed for the 1999 referendum.

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

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

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

| | | |
|---|-------------|------------|
| Text of the Yes/No case pamphlet | Word | RTF |
| Statements of the proposed changes to our Constitution | Word | RTF |

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search




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.

Production of the pamphlet

One of the major logistical challenges of the 1999 referendum was the production and delivery of an individually addressed multi-page pamphlet to every Australian elector. The AEC was required under the Referendum Act to deliver a pamphlet to every person listed on the electoral roll at the close of rolls for the 1999 referendum.

A total of 12.9 million pamphlets were produced, making it the largest single print job and largest single mail-out ever undertaken in Australia. Due to the size of the project, the AEC worked with two major printing companies, a mail house and Australia Post to successfully complete the massive task in the short timeframe available.

Production of the pamphlets needed nine high-speed web presses in Sydney, Melbourne and Dubbo working round-the-clock for 10 working days. A complex and tight production schedule was required to print, plastic wrap, individually address and deliver the pamphlets.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Delivery of the pamphlets commenced on 27 September 1999 and was completed by 22 October 1999. This gave electors at least a fortnight in which to consider the various arguments before they went to vote on polling day, as required by referendum legislation.

The pamphlet was also available from 20 September 1999 on the AEC's web site in English and in an additional 14 languages.

The total cost of the production of the pamphlets was over \$16 million, with the printing costing almost 45 per cent of the total and the delivery component costing just over 54 per cent of the total.

Contents of the pamphlet

The 72-page Yes/No case pamphlet contained the arguments for and against the two proposed constitutional changes and a complete copy of the Australian Constitution showing the proposed amendments.

The arguments in favour of the changes, the 'Yes' cases, were prepared and authorised by members of the Federal Parliament who voted in Parliament for the proposed Bills. The arguments opposed to the changes, the 'No' cases, were prepared and authorised by members of the Federal Parliament who voted against the proposed Bills.

 1999 contents Background Yes/No Ballot Results Maps Using CDROM Referendums Referendum 99 Constitution Search

The Yes and No cases were required by law to be given to the Electoral Commissioner within four weeks after the passage of the Bills. For the 1999 referendum, the cases had to be received by 9 September 1999. The arguments were printed as provided by the parliamentarians.

The Referendum Act requires the pamphlet to include those parts of the Constitution that would be amended if the proposed laws were agreed to. Due to the number of proposed amendments the full text of the Constitution was included in the 1999 pamphlet so as to avoid any confusion.

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Helping you have your say.



Your official Referendum pamphlet.

Referendum 1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Introduction

Saturday, 6 November 1999 is Referendum Day. Along with other eligible Australians, you will be required to vote "Yes" or "No" to each of two proposed laws to change the Constitution.

To become law, each proposed change requires the approval of a majority of electors nationally and a majority of electors in a majority of States.

The Constitution is a "blueprint" which defines the Australian system of national government and establishes the legal basis for Federal Parliament to make laws. The Constitution itself guarantees that the only way this "blueprint" can be changed is by a referendum - that is by asking all eligible Australian electors whether or not they approve the proposed laws to change the Constitution. This is what will happen on 6 November.

The Two Proposed Laws

1. Constitution Alteration (Establishment of Republic) 1999
 - to alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.
2. Constitution Alteration (Preamble) 1999
 - to alter the Constitution to insert a preamble.

This Pamphlet

This pamphlet contains two important items of information which I am required by law to send to each elector personally.

Firstly, you will find the arguments for and against the proposed changes which have been authorised by members of the Commonwealth Parliament who either favour or oppose the proposed changes. These are the Yes/No cases. The arguments are those of the parliamentarians and the text is unedited by the AEC.

Secondly, those parts of the Constitution which will be amended if the proposed laws are agreed to, are also shown. Because of the number of amendments which would need to be made, I have included the full text of the Constitution to avoid any confusion as to what parts of the Constitution are proposed to be amended.

This pamphlet is an important source of information and is designed to help you decide "Yes" or "No" when you have your say on 6 November. I urge you to read it so that you may make an informed decision on Referendum Day.



Bill Gray AM
Electoral Commissioner

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Referendum 1999

Enrolment & Voting Enquiries

For enrolment and voting enquiries call the AEC's national enquiry service on 13 23 26 or visit the AEC's web site at referendum.aec.gov.au

Interpreting Services

| | | | | | |
|-----------|--------------|------------|--------------|---------------------|--------------|
| Arabic | 1300 720 132 | Macedonian | 1300 720 139 | Spanish | 1300 720 148 |
| Cambodian | 1300 720 134 | Mandarin | 1300 720 142 | Turkish | 1300 720 149 |
| Cantonese | 1300 720 135 | Polish | 1300 720 143 | Vietnamese | 1300 720 152 |
| Croatian | 1300 720 136 | Portuguese | 1300 720 145 | All other languages | 1300 720 153 |
| Greek | 1300 720 137 | Russian | 1300 720 146 | | |
| Italian | 1300 720 138 | Serbian | 1300 720 147 | | |

The Yes/No cases have been translated into the languages listed above and are available at the AEC's web site or on request by phoning the national enquiry service.

The Yes/No cases are available in the following alternative formats

• audio cassette • braille • ASCII disk • large print

If you, a friend or relative, require the Yes/No cases in any of these formats call the AEC enquiry service to request your free copy.

Telephone Typewriter (TTY) facilities

| | | | | | |
|-----|--------------|-----|--------------|-----|--------------|
| NSW | 02 9375 6305 | WA | 08 9470 7232 | NT | 08 8982 8017 |
| VIC | 03 9285 7172 | SA | 08 8237 6546 | ACT | 02 6271 4701 |
| QLD | 07 3834 3425 | TAS | 03 6235 0556 | | |

Enquiries 13 23 26
referendum.aec.gov.au

Australian Electoral Commission **AEC**
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4

Contents

| | PAGE |
|---|------|
| <u>Sample Ballot Paper - Republic Question</u> | 6 |
| <u>Sample Ballot Paper - Preamble Question</u> | 7 |
| <u>Argument for the proposed law to alter the Constitution to establish Australia as a republic ('Yes' case)</u> | 8 |
| <u>Argument against the proposed law to alter the Constitution to establish Australia as a republic ('No' case)</u> | 9 |
| <u>Argument for the proposed law to alter the Constitution to insert a preamble ('Yes' case)</u> | 26 |
| <u>Argument against the proposed law to alter the Constitution to insert a preamble ('No' case)</u> | 27 |
| <u>Statement in relation to Constitution Alteration (Establishment of Republic) 1999</u> | 40 |
| <small>Note: this is the full text of The Constitution showing proposed amendments.</small> | |
| <u>Statement in relation to Constitution Alteration (Preamble) 1999</u> | 70 |
| <small>Note: this contains the text of the proposed preamble.</small> | |

Australian Electoral Commission **AEC**
Helping you have your say.

5

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

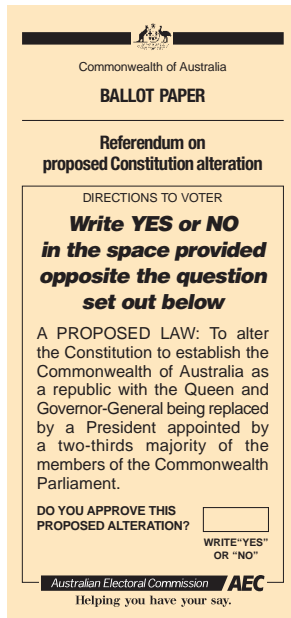
Referendum 99

Constitution

Search



Sample Ballot Paper - Republic Question



Commonwealth of Australia
BALLOT PAPER

Referendum on proposed Constitution alteration

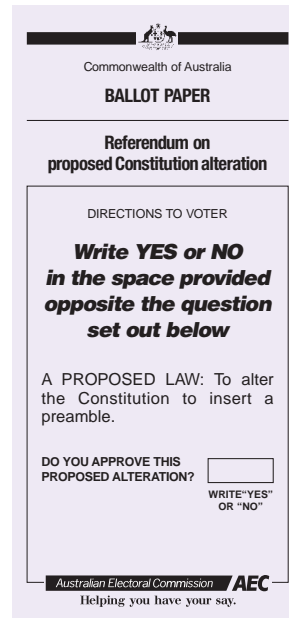
DIRECTIONS TO VOTER
Write YES or NO in the space provided opposite the question set out below

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

DO YOU APPROVE THIS PROPOSED ALTERATION?
WRITE "YES" OR "NO"

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Sample Ballot Paper - Preamble Question



Commonwealth of Australia
BALLOT PAPER

Referendum on proposed Constitution alteration

DIRECTIONS TO VOTER
Write YES or NO in the space provided opposite the question set out below

A PROPOSED LAW: To alter the Constitution to insert a preamble.

DO YOU APPROVE THIS PROPOSED ALTERATION?
WRITE "YES" OR "NO"

Australian Electoral Commission **AEC**
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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

An Australian Republic - it's all about our future

Australia has evolved and matured as an independent nation. All Australians should be proud of our country and committed to its values. Our Head of State should be chosen on merit and not by the privilege of birth. Every Australian child should be able to aspire to be our Head of State. As it stands today, no Australian, no matter how talented they are or how hard they work will ever be Australia's Head of State.

The past has served us well, but as a vibrant growing nation it's time to move on. Our pride and stature as a truly independent nation are a vital part of our national unity. An Australian President will represent our uniquely Australian identity as we face the world into the future.

Becoming a Republic simply means having an Australian as Head of State instead of the Queen

It's time to have our own Head of State. Britain and the British monarchy have served us well and will always be part of our history. However, the British monarchy is no longer relevant to our daily lives as Australians. Now we need someone who will proudly promote Australia and our interests - someone who is one of us.

We should stand on our own two feet

From our beginnings as an ancient land and a British colony, we have progressed and grown. We now come from many backgrounds and nationalities - our Head of State should represent all Australians. Only an Australian can do that.

continued overleaf
Please note: The content of this argument was authorised by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Vote ‘NO’ to the politicians’ republic

This referendum is not just about whether Australia should become a republic. It is about the type of republic.

And the republic model being proposed is seriously flawed - it is untried, unworkable, undemocratic and elitist. The politicians will appoint the President, not the people. It removes the checks and balances from the current system.

Different people will be voting ‘NO’ for many different reasons:

Don't know? - Vote ‘NO’

Those who don't know - should vote ‘NO’ - because that is the only safe way to go.

No say! - No way! - Vote ‘NO’

Those who want to elect their President - should vote ‘NO’ - because under the proposed model, they will have no say in who their President will be.

A puppet for President! - Vote ‘NO’

Those who want an appointed President - should vote ‘NO’ - because the proposed model is fatally flawed. The President will be a Prime Minister's puppet, subject to instant dismissal.

Keep the status quo! - Vote ‘NO’

Those who value the certainty and stability of our current Constitution - should vote ‘NO’ - because any alternative has to be as good as or better than the current system. This proposal fails that fundamental test.

continued overleaf
Please note: The content of this argument was authorised by a majority of those members of Parliament who voted against the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

It's 100 years since Federation, and the time is right for us to stand tall.

We should take the next step by confirming to the world our true independence as a nation, no longer constitutionally tied to England.

A small step, important and safe

Replacing the Queen with an Australian Head of State is a small but important symbolic step for all Australians. It is the final step to confirm our independence.

Only minor amendments to our Constitution will be required, and all of our democratic rights will stay the same.

Australia's Commonwealth Attorney-General has announced what will not change if Australia becomes a republic:

- It would not change the flag or the national anthem.
- It would not change the number of public holidays.
- It would not mark a break with our tradition of stable, parliamentary democracy.
- It would not alter the day-to-day operation of the Commonwealth Parliament.
- It would not give the President more or different powers to those of the Queen's representative in Australia, the Governor-General.
- It would not create an office of President that is more grand or expensive than that of the current Governor-General.

Australia will maintain its friendly relationships with Britain; we will continue to be part of the Commonwealth, and we will continue to compete in the Commonwealth Games.

continued overleaf

Please note: The content of this argument was authorised by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Ten reasons why you should vote ‘NO’

Reason 1:

A Prime Minister can dismiss the President, instantly, for no reason at all.

It will be easier for a Prime Minister to sack the President than his or her driver. The President would be a Prime Minister's puppet. The President as the umpire in our Constitution should be free from being sacked at the whim of a Prime Minister. An umpire needs to be independent.

It's not fair that the President can be sacked for no reason at all. The normal checks and balances of the Senate are missing in the dismissal model.

No other republican model in the world allows for the instant dismissal of a President.

It is not true that a Prime Minister can dismiss the Head of State under the current Constitution. No Prime Minister has ever dismissed a Head of State. There is no provision for instant dismissal in the current Constitution.

Don't allow our tried and proven Constitution to be replaced by an experiment.

No Prime Ministerial puppet for President - Vote ‘NO’ to this republic

“The proposed model is totally unacceptable because it distrusts the people; denies their basic democratic right to vote on who represents them as President; increases the power of the politicians over the people; provides extraordinary powers for the Prime Minister to dismiss a President who fails to do his bidding; it's a shoddy, undemocratic proposal that should be rejected.”

Bill Hayden, former Labor Leader and former Governor-General

continued overleaf

Please note: The content of this argument was authorised by a majority of those members of Parliament who voted against the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

An Australian President

The way for Australia to become a Republic and to choose our President emerged from the 1998 Constitutional Convention, after 152 delegates representing all Australians had considered various alternative proposals.

If the referendum is approved, we will have an Australian President replacing the Queen and the Governor-General. The Australian President will have the same job and the same powers as the Governor-General.

The Australian President will be very different to the US President - an Australian President will have an important and respected position, but with limited powers that will not change our stable system of Government.

A President, not a politician

The way Australians choose and change our President will be more democratic and open than the way the Governor-General is appointed. All Australians will have the opportunity to nominate a fellow Australian for the office of President. These nominations will be considered by a special Nominations Committee made up of representatives from all Australian parliaments and all parts of our community. It will prepare a short list and then the Prime Minister and the Leader of the Opposition will agree on one nominee. That person will then need to be approved by a two-thirds majority of a joint sitting of both Houses of the Federal Parliament.

This means that our Australian President will not be a politician.

The Constitution will provide that an Australian President cannot be a member of a political party or a Member of Parliament. Nor will an Australian President be chosen on the basis of money and influence, as has become the case in America. Our Australian President will be chosen on merit and, because he or she will need the support of both sides of politics, will be a person who is above party politics and who will unify all Australians.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 2:

The people won't choose the President: the political deal-makers will.

Only politicians will be allowed to pick the President. The Australian people will never get the chance to vote for the President.

No say! - No way! - Vote ‘NO’ to this republic

“To suggest that the appointment of a president by a two-thirds majority of the parliament in some way makes them non-political is a nonsense. They would only get the endorsement by virtue of a political deal. A president elected in this way is a president of arrogance which is making so many people in Australia determined to have their own say on who the president should be.”

Peter Beattie, Labor Premier of Queensland

“The ARM wants to foist on us nothing but a phoney republic. The big end of town wants to ride rough-shod over the people. Unless the people elect the President, what's the point? How can you have a republic when the people don't vote? That's why this republican will be voting no.”

Phil Cleary, former independent member for the federal seat of Wills and Constitutional Convention delegate.

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

A stable parliamentary system

In June this year, Sir Zelman Cowen who was our Governor-General from 1977 to 1982 said:

“I think the proposal is good, I support it..... I believe it can be safely recommended to our fellow citizens as giving us an Australian Head of State without radical change to our parliamentary system.”

Many well-respected Australians have endorsed this proposal and encouraged Australians to vote YES at the referendum. They include former Prime Ministers Malcolm Fraser and Gough Whitlam, former Deputy Prime Minister Doug Anthony and former Chief Justices of the High Court Sir Anthony Mason and Sir Gerard Brennan. They believe it is a fair and safe way for an Australian citizen to become our Head of State.

It’s a simple change, but an important one

The Republic Referendum will be held on November 6. You will be able to vote YES for the change to an Australian as Head of State or NO to retain the monarchy. If you agree that, as we enter a new century, the time has come for an Australian to be our Head of State, please join with us and help make history on November 6. Vote YES for an Australian republic.

Please remember to write the word YES on your ballot paper on Saturday, November 6.

END OF THE ARGUMENT FOR THE PROPOSED LAW.

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 3:

“If it ain’t broke, don’t fix it.”

Australia is a stable, prosperous nation.

Our current Constitution was drafted by Australians for Australians and voted for by Australians. It has worked well for 100 years - during war, depression and political crisis - and it continues to serve us well.

Our Constitution has been at the heart of our nation since Federation, holding the system of government together to create a unified, peaceful country.

Our status as a free, independent and sovereign nation is unquestioned.

Our constitutional Head of State, the Governor-General, is an Australian citizen and has been since 1965.

If we are to change this system, any alternative has to be as good as or better than the current system. This proposal fails that fundamental test.

Do we really want a republic that gives no power to the people in the appointment or dismissal of the President? Do we really want a republic that gives power solely to politicians?

Keep the status quo - Vote ‘NO’ to this republic

“To vote ‘NO’ is to say ‘YES’ to continuing constitutional and political stability.”

Emeritus Professor Dame Leonie Kramer, Chancellor of the University of Sydney

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 4: Major changes with unknown results.

In one hundred years, there have only ever been 13 separate amendments to our Constitution. The proposed model will require 69 changes in one hit!

Each of these 69 changes are untried and untested.

No one can predict how these many changes will affect our whole system of Government, Parliament, the courts or the country.

**When in doubt, throw it out.
Vote ‘NO’ to this republic**

“The result would be a disaster for Australia.”

Sir Harry Gibbs, former Chief Justice of the High Court of Australia

Reason 5: Constitutional change should unite, not divide us.

Constitutional change should unite us.

Instead, this republic proposal is dividing us as a nation. Not only is there a dispute between those supporting our Constitution and those pushing for a republic. There are even bitter divisions between republicans themselves.

How can this proposal unite Australia when it failed to get majority support at the 1998 Constitutional Convention and it is dividing republicans?

Vote ‘NO’ to this divisive republic

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 6: Australia is already an independent nation.

The proposed model adds nothing to Australia's independence.

Everyone knows Australia is a proud, strong, independent nation. Australians are world renowned for their ingenuity and capacity and efforts in war, sport and humanitarian assistance.

All legal links with Britain were cut in 1986 with the passage of the Australia Act through both Australian and British Parliaments.

In June this year, our status as a sovereign, independent nation was re-affirmed by the High Court.

Australia is a legally and internationally recognised independent nation.

**We are already independent.
Vote ‘NO’ to this republic**

“Many people have come to Australia because of the political stability that our current system of government guarantees. Why take a leap into the dark to change something that is working well?”

Wellington Lee, Deputy Lord Mayor of Melbourne and Foundation President of the Australian Chinese Chamber of Commerce

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting 'YES'

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

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Reason 7:

There will be no benefits under this republic - only problems.

This republic offers no benefits to Australians.

It won't create jobs. It won't improve trade.

It won't improve the economy or our lives.

However it will cost us our stability, our certainty and our security.

No gain, only pain - Vote 'NO' to this republic

Reason 8:

A Prime Minister can keep the President in office indefinitely.

The President can remain in office indefinitely if the Parliament cannot agree on a replacement, or if a Prime Minister refuses to nominate a replacement President.

A job for life for a President who does what they are told.

**No Prime Ministerial puppet for President.
Vote 'NO' to this republic**

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 9:

The nominations committee won't give you a say.

Even though a committee will be set up under this model to put nominations for the President to a Prime Minister, a Prime Minister can completely ignore the committee's nominations.

Half the committee will be politicians and the other half will be appointed by politicians.

The committee is an expensive window dressing exercise. It is designed to make the public think they can have input. Nominations will be received in secret. And remember, a Prime Minister has the absolute right to completely ignore the nomination committee's recommendation and nominate his or her own personal choice.

So much for public input!

No secret deals - Vote 'NO' to this republic

Reason 10:

Politician One Day - President the Next.

The proposed model allows a politician to resign from Parliament and his or her party one day and become President the very next day. Appointed by politicians, of course.

Vote 'NO' to the politicians' republic

"The real question is: who will wear the crown of sovereignty if it is to be taken from the monarch's head? The ARM says that the crown of sovereignty should descend upon the Prime Minister's head in parliament, thus increasing his absolute powers. We argue that the crown of sovereignty should descend upon the head of every Australian citizen; every Australian citizen a sovereign."

The late Professor Patrick O'Brien, former professor of political science, University of WA

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Conclusion

Australia deserves better than an inadequate and undemocratic republic.

The proposed republic gives more power to the politicians, at the expense of the people. We should not hand over any more power to politicians hammering out deals in secret behind closed doors.

To vote ‘NO’ to the republic on offer is to keep a secure and workable system answerable to the people.

If the Australian people were to vote for a republic, it should be one of which we can be truly proud. Australians should reject the republic proposed in November. We must signal to the politicians that unless any proposed republic is an improvement on the current system, we will stick with the current system. We must protect our existing rights, safeguards and constitutional strengths.

If we give the politicians the power to appoint the President, do you think they are ever going to give it up?

Any change should only be for the better - reject this third-rate republic.

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

At the referendum on 6 November 1999, you will be asked to vote on whether to approve “a proposed law to alter the Constitution to insert a preamble”. Our Constitution, which provides the framework for our system of law and government, does not currently have a preamble. As we approach our centenary of nationhood and stand at the beginning of a new millennium, it is timely and appropriate to add a preamble that celebrates the values and aspirations which unite us as Australians and which will continue to inspire us into the future.

This statement explains the new preamble and why Australians should vote for it.

In summary, a ‘YES’ vote on the preamble for our Constitution would:

- enable the Australian people to highlight the values and aspirations which unite us in support of our Constitution;
- contribute importantly to the process of national reconciliation between indigenous and non-indigenous Australians; and
- recognise at the end of our first century of federation the enduring priorities and influences that uniquely shape Australia’s sense of nationhood.

What is a preamble?

The Constitutions of many other countries commence with an introductory statement or preamble. A preamble to our Constitution would aim to reflect the unique spirit, traditions and sentiments which underpin our commitment to our Constitution. A preamble to our Constitution would seek to highlight in a broad and descriptive way the values and hopes that unite us as a people in support of our Constitution.

Would the preamble have any legal force?

No.

The preamble would not state legal rules such as those found in the body of our Constitution. Its purpose and effect would be quite different. If the preamble to our Constitution is supported at the referendum, a new provision will be included in the Constitution to ensure that the preamble has no legal effect. The new provision, section 125A, would state that the preamble “has no legal force and shall not be considered in interpreting this Constitution or the law in force in the Commonwealth or any part of the Commonwealth”.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don’t know - VOTE NO!

If, by the time the referendum comes around, you aren’t aware of the many arguments against the Preamble, a NO Vote is the only safe option for you to take.

But, if you take a few minutes to read this official NO case you will be aware of the important reasons for rejecting the proposed Preamble and be able to make an informed vote on November 6.

What’s wrong with the proposed Preamble?

- **It’s Premature** - it is absurd to introduce a new Preamble until we know whether Australia will become a Republic;
- **It’s a Rush Job** - we should not be tacking these words onto our Constitution without more work and much more public consultation;
- **It’s a Politicians’ Preamble** - the people haven’t had a say on what should be included in their Preamble;
- **It’s Part of a Political Game** - while the Labor Party voted against the Preamble in Parliament, they will not campaign against it;
- **It’s a Deliberate Diversion** - the Preamble is an unnecessary diversion from the most important issue at stake - the Republic model;
- **It’s Got Legal Problems** - the Preamble referendum question is misleading and there is much debate about what the legal effect of the Preamble will be;
- **Its Content is Defective** - the proposed Preamble is far more likely to divide rather than unite Australians.

This is not a people’s Preamble!

When you vote remember:

No say - NO WAY!

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

Is the preamble linked to the question on whether Australia becomes a republic?

No.

Australians will be asked to consider two separate and independent questions at the referendum. One is whether Australia should become a republic with the Queen and the Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament. The other question is whether to insert a new preamble into the Constitution.

The two questions are not linked.

The preamble can be inserted into the Constitution regardless of the outcome of the separate referendum question on whether Australia should become a republic. The proposed preamble does not refer to Australia’s constitutional status in terms of whether Australia is a republic or constitutional monarchy.

Change to a republic does not require or necessarily involve the inclusion of a preamble in the Constitution. The strong arguments in favour of a preamble apply irrespective of one’s views on a change to a republic or a continuation of our current constitutional arrangements.

A new preamble is not part of any broader constitutional change. It is a stand-alone issue. It needs to be considered in its own right.

What have been the processes of consultation and public debate on the preamble?

There has been extensive public debate and many avenues for community input on the issue of a preamble to our Constitution.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

It’s Premature

It’s absurd that we must vote on a Preamble before knowing whether Australia will become a Republic.

By including the Preamble question in this referendum the Prime Minister has put the cart before the horse.

Surely, the appropriate time to add a new Preamble to our Constitution is after we know whether Australia will become a Republic or not.

The proposed Preamble makes no mention of the Republic or the President. This means that if both the Republic and Preamble questions are passed, we will have the ridiculous situation of being a Republic without any mention of that fact in our Constitution.

But, if the Preamble is approved and the Republic question fails, why do we need a new Preamble at all?

It’s a Rush Job

The proposed Preamble has been included in the referendum with deliberate haste.

The Preamble Bill was not subjected to the scrutiny of a public inquiry as the Republic Bill was. This lack of public input also means you have not been given a chance to have your say on the preferred wording.

The Prime Minister did not consult widely with stakeholders such as the Opposition, other political parties, republicans, veterans, monarchists, indigenous leaders, immigrant and environment groups.

The Bill putting the Preamble question to referendum was rushed through Federal Parliament in just over 24 hours, after the Prime Minister secured a deal from the Democrats in the Senate.

More time should have been provided for a proper community debate and discussion on the final wording of the Preamble. A properly elected Convention is the only democratic way to develop such an important Constitutional reform.

The Opposition wanted to defer the vote on the Bill for one week but the Government rejected this offer, preferring to rush the Bill through without any scrutiny.

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

- The issue of a preamble came to prominence in the debates of the February 1998 Constitutional Convention. The Convention resolved that the Constitution should include a preamble and suggested a range of issues which any such preamble should cover.
- In late 1998, the Constitutional Centenary Foundation organised a Preamble Quest which invited the public to put their views on the Convention’s preamble resolution. The Foundation received hundreds of responses on what should be included in any preamble. On 24 February 1999, the Right Honourable Ian Sinclair and other Foundation representatives presented their Report on the Preamble Quest to the Prime Minister.
- On 23 March 1999, the Prime Minister released an Exposure Draft of the preamble for public consultation. Around 700 submissions were received from a diverse range of groups and individuals. The Exposure Draft prompted a significant Parliamentary and community debate on the preamble and what it should contain.
- On 11 August 1999, the Prime Minister released a proposed preamble which was passed by both Houses of the Federal Parliament and which forms the basis of the referendum question.

Why is a new preamble being proposed now?

There is currently no preamble in our Constitution itself. There is a short preamble to the Constitution Act passed by the Parliament of the United Kingdom in 1900 to establish our Constitution, but it is no more than a formal legal introduction to that legislation. It is not a statement by the Australian people about the values that unite us in our commitment to our Constitution. The time is now right for such a statement.

In 1901, the people of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania agreed to come together as a federation and form a new nation - Australia. In 2001, we will celebrate the centenary of the Australian Federation.

This milestone is a timely opportunity to insert our own preamble into our own Constitution. Our own preamble would highlight the distinctive characteristics which have shaped the Australian experience and underpin our commitment to our Constitution.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don’t know - VOTE NO!

It’s a Politicians’ Preamble

The proposed Preamble is a politicians’ Preamble when it should be a people’s document.

It is John Howard’s Preamble (drafted with two Democrats) not the Preamble of the Australian people.

We should not be asked to vote on a Preamble written behind closed doors by politicians and thrust upon the people in a ‘take it or leave it’ manner.

First, the Prime Minister wrote a Preamble with a poet - a convention of two! He wanted to include ‘mateship’ and other personal preferences, but many people objected. So he rewrote it with the help of two Democrat Senators - a convention of three!

Preambles are people’s documents. No single politician should have ownership of the drafting process for our new Preamble.

It’s Part of a Political Game

The proposed Preamble is being used in a political game.

The Labor Party doesn’t support the proposed Preamble either.

The Labor Party voted against the proposed Preamble in Parliament. They don’t want it to succeed. But because they think the Republic has a better chance of getting over the line if they campaign for a YES, YES vote, they’ve decided to run dead on the issue of the Preamble. They’ve already said they’ll rewrite it, but they won’t speak out for a NO vote now!

Party ‘solidarity’ dictates their members stay silent. Labor is prepared to trade off a flawed Preamble in order to achieve a YES for the unpopular but big party Republic model.

This NO case was prepared after wide consultation by the only MP prepared to stand by his vote on the Bill in Parliament.

So don’t be coned. Just because the Labor Party isn’t talking about the Preamble doesn’t mean they support it.

No say - NO WAY!

continued overleaf

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If Australians agree, the following words would be inserted into the Constitution as our own preamble:

“With hope in God, the Commonwealth of Australia is constituted as a democracy with a federal system of government to serve the common good.

We the Australian people commit ourselves to this Constitution:

proud that our national unity has been forged by Australians from many ancestries; never forgetting the sacrifices of all who defended our country and our liberty in time of war;
 upholding freedom, tolerance, individual dignity and the rule of law;
 honouring Aborigines and Torres Strait Islanders, the nation’s first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country;
 recognising the nation-building contribution of generations of immigrants;
 mindful of our responsibility to protect our unique natural environment;
 supportive of achievement as well as equality of opportunity for all;
 and valuing independence as dearly as the national spirit which binds us together in both adversity and success.”

Our new preamble would not replace the existing preamble to the Constitution Act, which would be retained as a statement of historical fact. The new preamble would be inserted into our Constitution.

Why this preamble?

The insertion of our own preamble into our own Constitution would give Australians the opportunity to highlight the unifying values, achievements and aspirations we share as we enter the second century of our nationhood.

continued overleaf
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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don’t know - VOTE NO!

It’s a Deliberate Diversion

Previous referendums show that multiple questions are more likely to lead to the proposed changes being voted down. You should not let the Preamble question influence the way you vote on the Republic issue.

The proposed Preamble is designed to divert attention from the most important issue at stake - whether or not Australia should become a Republic under the terms of the proposed model.

The Prime Minister does not want Australia to become any type of Republic. He has made it very clear he thinks our current Constitution has served us well. Why then would he want to change the Preamble?

At the urging of Monarchists, the Prime Minister has used his position to frustrate the Republican cause despite claiming he has given the people a choice.

For example, what happened to the Prime Minister’s promise that a public vote would be held if no clear consensus on a preferred Republic model resulted from the 1998 Constitutional Convention?

After all, that half-appointed Convention delivered only 48% delegate support for the Republic model you will be voting on at the November 6 referendum.

Rather than have a vote on any particular Republic model forced upon you as it has been, you should first have been asked:

1. ‘Do you want Australia to become a Republic?’ If so,
2. ‘Which of the following range of Republic models would you prefer?’

The Preamble is simply another step in this process of frustration. The question has been hurriedly added to this referendum (without public consultation) in the hope it will influence the vote on the Republic question.

Whether you agree with the proposed Republic or not you should not let the Preamble question influence your thinking on that important issue.

No say - NO WAY!

continued overleaf
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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

Our system of government

The preamble would speak appropriately of hope in God. It would refer to the fact that we are constituted as a democracy with a federal system of government to serve the common good. Although celebrating only our first century of nationhood, Australia is one of the world's oldest democracies. We have led the world in establishing many democratic institutions and rights.

The reference in the proposed preamble to our federal system of government highlights the important role of the States and Territories in Australia's system of government. It is also very appropriate that the preamble acknowledge those great principles of liberal democracy - freedom, tolerance, individual dignity and the rule of law - which have made Australia one of the fairest, most harmonious and most open societies in the world.

Gratitude to those who have defended our liberty

The preamble would recognise the sacrifices of all who defended our country and our liberty in time of war.

Over 100 000 Australians have given their lives in the service of their country - across the continents and oceans of the world. Many thousands more have been wounded. Countless others have been deeply scarred in different ways.

The proposed preamble honours all those Australians who contributed in so many different ways - on the home front or on active service - to the defence of our country and our liberty. In doing so, we express the deep respect and appreciation of a grateful nation.

Honouring indigenous Australians

The preamble would give us an historic opportunity to acknowledge in an appropriately positive and unifying way the important place of indigenous Australians in our national life and community. The proposed preamble honours "Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country".

The process of national reconciliation between indigenous and non-indigenous Australians is one of the most important issues we face as a nation as we enter the new century.

continued overleaf
Please note: The content of this argument was authorised by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don't know - VOTE NO!

It's got Legal Problems

There are serious questions about the proposed Preamble's legal status.

There is much debate among Constitutional experts about what the legal impact of the Preamble will be.

The question is misleading. What you won't be told is that by voting YES you will automatically be agreeing to another Constitutional amendment which says the Preamble has no legal force and can't be used to interpret the Constitution or any law. This has no precedent.

The proposed Preamble will be 'tacked on' to the current Constitution in addition to the old Preamble.

Legal experts including the former Chief Justice of the High Court, Sir Harry Gibbs argue that regardless of the addition of a clause barring its use, the Preamble may have considerable legal force.

The fact that the Prime Minister has refused to include a reference to Aboriginal custodianship suggests the Government shares this view.

There are also divided opinions on whether the Preamble can, and will, be used by International Courts to rule on Australia's international obligations.

But George Williams, another Constitutional expert, has pointed out that judges only resort to preambles extremely sparingly and could not derive rights or other meanings from the Preamble.

If the lawyers can't agree, how can we vote for this rushed and flawed Preamble?

No say - NO WAY!

continued overleaf
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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

The recognition in the proposed preamble of the special place of the nation’s first people in our national life and community would be a small but significant contribution to national reconciliation.

Recognising the contribution of immigrants

The preamble would express pride that our national unity has been forged by Australians of many ancestries and would recognise the nation-building contribution of generations of immigrants.

Throughout our history, immigrants have played a critical defining role in the development of Australia as a modern, tolerant and harmonious country. We are one of the most diverse societies on earth. That is one of our great national strengths. It underpins the dynamism, enterprise and optimism of our society.

Australia has been a source of new hope and opportunity for generations of migrants. Australian society has been enriched by that process in the past and will continue to be in the future.

It is right, therefore, that a preamble to our own Constitution recognises this great formative influence of our past and our future.

Protecting our unique natural environment

The preamble would refer to our responsibility to protect our unique natural environment. Whether it be the cities and towns, our farmlands or our wilderness areas, our rivers or our coastline, our diverse landscape is part of our identity as a nation. It contributes to the unique Australian sense of place. Australia is one of the world’s most biologically diverse countries with over one million species, many of them unique.

The preamble would highlight Australians’ responsibility to protect their environment, not only for the short term but for the generations to come.

The national spirit that binds us together

The preamble would recognise the special value which Australians place on both achievement and equality of opportunity for all, and the special defining national spirit which binds us together as Australians in both adversity and success.

continued overleaf

Please note: The content of this argument was authorised by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

Its Content is Defective

Besides all the other problems the Preamble is flawed in content, meaning and style.

The Preamble might read O.K, but it is not acceptable as an introduction to our Constitution.

Just as the Constitution should be relevant for many generations, its Preamble should also be timeless. This Preamble tries to be ‘all things to all people’ and has been criticised for containing historical inaccuracies.

According to many Aboriginal leaders, the word ‘kinship’ does not truly reflect indigenous peoples’ connection with the land.

Many veterans believe the reference to ‘all who defended our country’ should say ‘in times of war and conflict’, to pay respect to those who made sacrifices in conflicts as well as officially declared wars.

By only supporting ‘achievement’ do we only include ‘winners’ but not ‘losers’ in our Constitution?

Migrant groups want a reference to our multicultural nation, one that respects the diversity of cultural traditions.

The proposed Preamble will divide and alienate, not unite Australians.

Conclusion

- All the fine words so often associated with the American Constitution are actually in the declaration of Independence, not the Constitution’s Preamble. The US Preamble is just 52 words long and speaks in narrow terms about ‘domestic tranquility, common defence and general welfare’.
- The new Preamble proposed for our Constitution is 152 words long and will be tacked onto a Constitution that already has a Preamble. The proposed Preamble has been hastily cobbled together by the Prime Minister and two Democrats without PUBLIC INPUT.
- It is defective, its legal status is unclear, and it shouldn’t be RUSHED through, PARTICULARLY BEFORE the Republic vote is resolved. But MOST IMPORTANTLY, this is a POLITICIANS’ PREAMBLE not a PEOPLE’S STATEMENT.

For all these reasons ‘NO’ is the only way to GO.

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



The case for voting 'YES'

A PROPOSED LAW: To alter the Constitution to insert a preamble.

Australians have always stood for 'a fair go' - not only in terms of creating opportunities for advancement but also for ensuring appropriate support of those in need.

Australians have also embodied a special spirit of resilience and shared commitment - whether it be in the face of national disaster, or war, or community need, or in sharing our successes.

It is very appropriate for a preamble to our Constitution to recognise these uniquely Australian values and their continuing influence.

Why a 'YES' vote for the preamble is important

A vote in favour of a preamble to our Constitution would enable the Australian people to make a significant statement on the values, beliefs and aspirations which unite us in our commitment to our Constitution. Now is a very appropriate time for such a statement and the opportunity which is presented should not be missed.

Please note: The content of this argument was authorised by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

The case for voting 'NO'

A PROPOSED LAW: To alter the Constitution to insert a preamble.

THIS ARGUMENT CONCLUDED ON PAGE 37

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1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Statements of the proposed changes to our Constitution

Two proposed laws for the alteration of the Constitution have been passed by absolute majorities of each House of the Parliament and are to be submitted to the electors in accordance with section 128 of the Constitution. The short titles of the proposed laws are:

Constitution Alteration (Establishment of Republic) 1999

Constitution Alteration (Preamble) 1999

Statement in relation to Constitution Alteration (Establishment of Republic) 1999

The provisions of the Constitution, as they would be affected by this proposed law, are set out below. Words proposed to be inserted in the Constitution are underlined, and words proposed to be deleted from the Constitution are ruled through.

The Constitution

This Constitution is divided as follows:

- Chapter I — The Parliament
 - Part I — General
 - Part II — The Senate
- Chapter II — The House of Representatives
- Chapter III — Both Houses of the Parliament
- Chapter IV — Powers of the Parliament
- Chapter V — The Executive Government
- Chapter VI — The Judiciary
- Chapter VII — Finance and Trade
- Chapter VIII — The States
- Chapter IX — New States
- Chapter X — Miscellaneous
- Chapter XI — Alteration of the Constitution
- The Schedule
 - Schedule 1 — Oaths and affirmations
 - Schedule 2 — Transitional provisions for the establishment of the republic

Chapter I—The Parliament

Part I—General

1 Legislative power

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen President, a Senate, and a House of Representatives, and which is hereinafter called "The Parliament", or "The Parliament of the Commonwealth".

2 Governor-General

A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

3 Salary of Governor-General

There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of a Governor-General shall not be altered during his continuance in office.

4 Provisions relating to Governor-General

The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

5 Sessions of Parliament, prorogation and dissolution

The Governor-General President may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

Summoning Parliament

After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

First session

The Parliament shall be summoned to meet not later than six months after the establishment of the Commonwealth.

6 Yearly session of Parliament

There shall be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

- 1999 contents
- Background
- Yes/No
- Ballot
- Results
- Maps
- Using CDROM
- Referendums
- Referendum 99
- Constitution
- Search



Part II—The Senate

7 The Senate

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

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

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

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General President.

8 Qualification of electors

The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

9 Method of election of senators

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

Times and places

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

10 Application of State laws

Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.

11 Failure to choose senators

The Senate may proceed to the despatch of business, notwithstanding the failure of any State to provide for its representation in the Senate.

12 Issue of writs

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

13 Rotation of senators

As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the

expiration of three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service.

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

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

14 Further provision for rotation

Whenever the number of senators for a State is increased or diminished, the Parliament of the Commonwealth may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation.

15 Casual vacancies

If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where:

- (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
- (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist);

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General President.

If the place of a senator chosen by the people of a State at the election of senators last held before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* became vacant before that commencement and, at that commencement, no person chosen by the House or Houses of Parliament of the State, or appointed by the Governor of the State, in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, held office, this section applies as if the place of the senator chosen by the people of the State had become vacant after that commencement.

A senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, being a senator appointed by the Governor of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State, shall be deemed to have been appointed to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State that commenced or commences after he was appointed and further action

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search

under this section shall be taken as if the vacancy in the place of the senator chosen by the people of the State had occurred after that commencement.

Subject to the next succeeding paragraph, a senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office until the expiration of the term of service of the senator elected by the people of the State.

If, at or before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, a law to alter the Constitution entitled "*Constitution Alteration (Simultaneous Elections) 1977*" came into operation, a senator holding office at the commencement of that law who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office:

- (a) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and seventy-eight—until the expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or
- (b) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and eighty-one—until the expiration or dissolution of the second House of Representatives to expire or be dissolved after that law came into operation or, if there is an earlier dissolution of the Senate, until that dissolution.

16 Qualifications of senator

The qualifications of a senator shall be the same as those of a member of the House of Representatives.

17 Election of President of the Senate

The Senate shall, before proceeding to the despatch of any other business, choose a senator to be the President of the Senate; and as often as the office of President of the Senate becomes vacant the Senate shall again choose a senator to be the President of the Senate.

The President of the Senate shall cease to hold his office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General President of the Commonwealth.

18 Absence of President of the Senate

Before or during any absence of the President of the Senate, the Senate may choose a senator to perform his duties in his absence.

19 Resignation of senator

A senator may, by writing addressed to the President, or to the Governor-General if there is no President or if the President of the Senate, or to the President of the Commonwealth if there is no President of the Senate or if the President of the Senate is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

20 Vacancy by absence

The place of a senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate.

21 Vacancy to be notified

Whenever a vacancy happens in the Senate, the President, or if there is no President or if the President is absent from the Commonwealth the Governor-General the President of the Senate, or if there is no

President of the Senate or if the President of the Senate is absent from the Commonwealth, the President of the Commonwealth, shall notify the same to the Governor of the State in the representation of which the vacancy has happened.

22 Quorum

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

23 Voting in Senate

Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President of the Senate shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

Part III—The House of Representatives

24 Constitution of House of Representatives

The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:

- (i) a quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators;
- (ii) the number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

But notwithstanding anything in this section, five members at least shall be chosen in each Original State.

25 Provisions as to races disqualified from voting

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

26 Representatives in first Parliament

Notwithstanding anything in section twenty-four, the number of members to be chosen in each State at the first election shall be as follows:

| | |
|----------------------|---------------|
| New South Wales..... | twenty-three; |
| Victoria..... | twenty; |
| Queensland..... | eight; |
| South Australia..... | six; |
| Tasmania..... | five; |

Provided that if Western Australia is an Original State, the numbers shall be as follows:

| | |
|----------------------|---------------|
| New South Wales..... | twenty-six; |
| Victoria..... | twenty-three; |



| | |
|-------------------------|--------|
| Queensland | nine; |
| South Australia | seven; |
| Western Australia | five; |
| Tasmania | five. |

27 Alteration of number of members

Subject to this Constitution, the Parliament may make laws for increasing or diminishing the number of the members of the House of Representatives.

28 Duration of House of Representatives

Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General President.

29 Electoral divisions

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

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

30 Qualification of electors

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

31 Application of State laws

Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

32 Writs for general election

The Governor-General-in-Council President in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

33 Writs for vacancies

Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the Governor-General-in-Council President in Council may issue the writ.

34 Qualifications of members

Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:

- (i) he must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such

- elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen;
- (iii) he must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.
- (ii) the person must be an Australian citizen.

35 Election of Speaker

The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the Governor-General President.

36 Absence of Speaker

Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence.

37 Resignation of member

A member may by writing addressed to the Speaker, or to the Governor-General President if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

38 Vacancy by absence

The place of a member shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the House, fails to attend the House.

39 Quorum

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.

40 Voting in House of Representatives

Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

Part IV—Both Houses of the Parliament

41 Right of electors of States

No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



42 Oath or affirmation of allegiance

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the **Governor-General, President**, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the **schedule Schedule 1** to this Constitution.

43 Member of one House ineligible for other

A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

44 Disqualification

Any person who:

- (i) is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or
- (ii) is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or
- (iii) is an undischarged bankrupt or insolvent; or
- (iv) ~~holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or~~
- (iv) ~~holds any office of profit under the Executive Government of the Commonwealth, a State or a Territory, or any pension payable during the pleasure of the Executive Government of the Commonwealth, out of any of the revenues of the Commonwealth; or~~
- (v) has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But subsection (iv) does not apply to the office of any of the ~~Queen's~~ Ministers of State for the Commonwealth, or of any of the ~~Queen's~~ Ministers for a State, ~~or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.~~

45 Vacancy on happening of disqualification

If a senator or member of the House of Representatives:

- (i) becomes subject to any of the disabilities mentioned in the last preceding section; or
- (ii) takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors; or
- (iii) directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State;

his place shall thereupon become vacant.

46 Penalty for sitting when disqualified

Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.

47 Disputed elections

Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

48 Allowance to members

Until the Parliament otherwise provides, each senator and each member of the House of Representatives shall receive an allowance of four hundred pounds a year, to be reckoned from the day on which he takes his seat.

49 Privileges etc. of Houses

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

50 Rules and orders

Each House of the Parliament may make rules and orders with respect to:

- (i) the mode in which its powers, privileges, and immunities may be exercised and upheld;
- (ii) the order and conduct of its business and proceedings either separately or jointly with the other House.

Part V—Powers of the Parliament

51 Legislative powers of the Parliament

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

- (i) trade and commerce with other countries, and among the States;
- (ii) taxation; but so as not to discriminate between States or parts of States;
- (iii) bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;
- (iv) borrowing money on the public credit of the Commonwealth;
- (v) postal, telegraphic, telephonic, and other like services;
- (vi) the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
- (vii) lighthouses, lightships, beacons and buoys;
- (viii) astronomical and meteorological observations;
- (ix) quarantine;
- (x) fisheries in Australian waters beyond territorial limits;
- (xi) census and statistics;
- (xii) currency, coinage, and legal tender;
- (xiii) banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money;
- (xiv) insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
- (xv) weights and measures;

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search

- (xvi) bills of exchange and promissory notes;
- (xvii) bankruptcy and insolvency;
- (xviii) copyrights, patents of inventions and designs, and trade marks;
- (xix) naturalization and aliens;
- (xx) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
- (xxi) marriage;
- (xxii) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;
- (xxiii) invalid and old-age pensions;
- (xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;
- (xxiv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States;
- (xxv) the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States;
- (xxvi) the people of any race for whom it is deemed necessary to make special laws;
- (xxvii) immigration and emigration;
- (xxviii) the influx of criminals;
- (xxix) external affairs;
- (xxx) the relations of the Commonwealth with the islands of the Pacific;
- (xxx1) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;
- (xxxii) the control of railways with respect to transport for the naval and military purposes of the Commonwealth;
- (xxxiii) the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;
- (xxxiv) railway construction and extension in any State with the consent of that State;
- (xxxv) conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;
- (xxxvi) matters in respect of which this Constitution makes provision until the Parliament otherwise provides;
- (xxxvii) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;
- (xxxviii) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;
- (xxxix) matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

52 Exclusive powers of the Parliament

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

- (i) the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes;
- (ii) matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth;
- (iii) other matters declared by this Constitution to be within the exclusive power of the Parliament.

53 Powers of the Houses in respect of legislation

Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

54 Appropriation Bills

The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

55 Tax Bill

Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

56 Recommendation of money votes

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General President to the House in which the proposal originated.

57 Disagreement between the Houses

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General President may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.



If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General President may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General President for the Queen's assent for assent.

58—Royal assent to Bills

When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

Recommendations by Governor-General

The Governor-General may return to the House in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

58 Assent to Bills

When a proposed law passed by both Houses of the Parliament is presented to the President for assent, the President shall, according to the President's discretion but subject to this Constitution, assent to the law or withhold assent.

Recommendations by President

The President may return to the House in which it originated any proposed law so presented, and may transmit therewith any amendments which the President may recommend, and the Houses may deal with the recommendation.

59—Disallowance by the Queen

The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

60—Signification of Queen's pleasure on Bills reserved

A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent.

Chapter II—The Executive Government

61—Executive power

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

62—Federal Executive Council

There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

63—Provisions referring to Governor-General

The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.

59 Executive power

The executive power of the Commonwealth is vested in the President, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth. The President shall be the head of state of the Commonwealth.

There shall be a Federal Executive Council to advise the President in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the President and sworn as Executive Councillors, and shall hold office during the pleasure of the President.

The President shall act on the advice of the Federal Executive Council, the Prime Minister or another Minister of State; but the President may exercise a power that was a reserve power of the Governor-General in accordance with the constitutional conventions relating to the exercise of that power.

60 The President

After considering the report of a committee established and operating as the Parliament provides to invite and consider nominations for appointment as President, the Prime Minister may, in a joint sitting of the members of the Senate and the House of Representatives, move that a named Australian citizen be chosen as the President.

If the Prime Minister's motion is seconded by the leader of the Opposition in the House of Representatives, and affirmed by a two-thirds majority of the total number of the members of the Senate and the House of Representatives, the named Australian citizen is chosen as the President.

The person named in the Prime Minister's motion is qualified to be chosen as President if, when the motion is moved and affirmed:

- (i) the person is qualified to be, and capable of being chosen as, a member of the House of Representatives; and
- (ii) the person is not a member of the Commonwealth Parliament or a State Parliament or Territory legislature, or a member of a political party.

The actions of a person otherwise duly chosen as President under this section are not invalidated only because the person was not qualified to be chosen as President.

Each person chosen as President shall, before the term of office begins, make and subscribe before a Justice of the High Court an oath or affirmation of office in the form set forth in Schedule 1 to this Constitution.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



61 Term of office and remuneration of President

The term of office of a President begins at the end of the term of office of the previous President. But if the office of President falls vacant, or the term of office of the outgoing President ends, before the day on which the incoming President makes the oath or affirmation of office, the incoming President's term of office begins on the day after that day.

The President holds office for five years but if, at the end of the term, a new President does not take office, the office of President does not thereby fall vacant and the outgoing President continues as President until the term of office of the next President begins.

A person may serve more than one term as President.

The President may resign by signed notice delivered to the Prime Minister.

The President shall receive such remuneration as the Parliament fixes. The remuneration of a President payable during a term of office shall not be altered during that term of office.

62 Removal of President

The Prime Minister may, by instrument signed by the Prime Minister, remove the President with effect immediately.

A Prime Minister who removes a President must seek the approval of the House of Representatives for the removal of the President within thirty days after the removal, unless:

- (i) within that period, the House expires or is dissolved; or
- (ii) before the removal, the House had expired or been dissolved, but a general election of members of the House had not taken place.

The failure of the House of Representatives to approve the removal of the President does not operate to reinstate the President who was removed.

63 Acting President and deputies

Until the Parliament otherwise provides, the longest-serving State Governor available shall act as President if the office of President falls vacant. A State Governor is not available if the Governor has been removed (as acting President) by the current Prime Minister under section 62.

Until the Parliament otherwise provides, the Prime Minister may appoint the longest-serving State Governor available to act as President for any period, or part of a period, during which the President is incapacitated.

The provisions of this Constitution relating to the President, other than sections 60 and 61, extend and apply to any person acting as President.

Until the Parliament otherwise provides, the President may appoint any person, or any persons jointly or severally, to be the President's deputy or deputies, and in that capacity to exercise during the pleasure of the President (including while the President is absent from Australia) such powers and functions of the President as the President thinks fit to assign to such deputy or deputies.

The appointment of such deputy or deputies shall not affect the exercise by the President personally (including while the President is absent from Australia) of any power or function.

A person shall not exercise powers or functions as the acting President unless, in respect of that occasion of acting as President, the person has made and subscribed, before a Justice of the High Court, the President's oath or affirmation of office in the form set forth in Schedule 1 to this Constitution.

A person shall not exercise powers or functions as the President's deputy unless, since being appointed as the President's deputy, the person has made and subscribed, before a Justice of the High Court, the President's oath or affirmation of office in the form set forth in Schedule 1 to this Constitution.

An acting President, or a person exercising powers or functions as the President's deputy, shall receive such allowances as the Parliament fixes.

64 Ministers of State

The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

Ministers to sit in Parliament

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

64 Ministers of State

The President may appoint officers to administer such departments of State of the Commonwealth as the President in Council may establish. Such officers shall hold office during the pleasure of the President. They shall be members of the Federal Executive Council and shall be the Ministers of State for the Commonwealth.

Ministers to sit in Parliament

No Minister of State shall hold office for a longer period than three months unless the person is or becomes a senator or a member of the House of Representatives.

65 Number of Ministers

Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General President directs.

66 Salaries of Ministers

There shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year.

66 Salaries of Ministers

There shall be payable out of the Consolidated Revenue Fund, for the salaries of the Ministers of State, such annual sum as is fixed by the Parliament.

67 Appointment of civil servants

Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General-in-Council President in Council, unless the appointment is delegated by the Governor-General-in-Council President in Council or by a law of the Commonwealth to some other authority.

68 Command of naval and military forces

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative the President.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



69 Transfer of certain departments

On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:

- posts, telegraphs, and telephones;
- naval and military defence;
- lighthouses, lightships, beacons, and buoys;
- quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

70 Certain powers of Governors to vest in Governor-General

70 Vesting of certain powers

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

All powers and functions that were vested under this section in the Governor-General, or in the Governor-General in Council, immediately before the office of Governor-General ceased to exist shall vest in the President, or in the President in Council, as the case requires.

70A Continuation of prerogative

Until the Parliament otherwise provides, but subject to this Constitution, any prerogative enjoyed by the Crown in right of the Commonwealth immediately before the office of Governor-General ceased to exist shall be enjoyed in like manner by the Commonwealth and, in particular, any such prerogative enjoyed by the Governor-General shall be enjoyed by the President.

Chapter III—The Judiciary

71 Judicial power and Courts

The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

72 Judges' appointment, tenure and remuneration

The Justices of the High Court and of the other courts created by the Parliament:

- (i) shall be appointed by the Governor-General President in Council;
- (ii) shall not be removed except by the Governor-General President in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- (iii) shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

The appointment of a Justice of the High Court shall be for a term expiring upon his attaining the age of seventy years, and a person shall not be appointed as a Justice of the High Court if he has attained that age.

The appointment of a Justice of a court created by the Parliament shall be for a term expiring upon his attaining the age that is, at the time of his appointment, the maximum age for Justices of that court and a person shall not be appointed as a Justice of such a court if he has attained the age that is for the time being the maximum age for Justices of that court.

Subject to this section, the maximum age for Justices of any court created by the Parliament is seventy years.

The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court created by the Parliament and may at any time repeal or amend such a law, but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.

A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the Governor-General President.

Nothing in the provisions added to this section by the *Constitution Alteration (Retirement of Judges) 1977* affects the continuance of a person in office as a Justice of a court under an appointment made before the commencement of those provisions.

A reference in this section to the appointment of a Justice of the High Court or of a court created by the Parliament shall be read as including a reference to the appointment of a person who holds office as a Justice of the High Court or of a court created by the Parliament to another office of Justice of the same court having a different status or designation.

73 Appellate jurisdiction of High Court

The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences:

- (i) of any Justice or Justices exercising the original jurisdiction of the High Court;
- (ii) of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council;
- (iii) of the Inter-State Commission, but as to questions of law only;

and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

The conditions of and restrictions on appeals from the Supreme Courts of the several States to the High Court are as provided by the Parliament from time to time.

74 Appeal to Queen in Council

No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter-se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter-se of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



~~The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.~~

~~Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such limitation shall be reserved by the Governor-General for Her Majesty's pleasure.~~

75 Original jurisdiction of High Court

In all matters:

- (i) arising under any treaty;
- (ii) affecting consuls or other representatives of other countries;
- (iii) in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
- (iv) between States, or between residents of different States, or between a State and a resident of another State;
- (v) in which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth;

the High Court shall have original jurisdiction.

76 Additional original jurisdiction

The Parliament may make laws conferring original jurisdiction on the High Court in any matter:

- (i) arising under this Constitution, or involving its interpretation;
- (ii) arising under any laws made by the Parliament;
- (iii) of Admiralty and maritime jurisdiction;
- (iv) relating to the same subject-matter claimed under the laws of different States.

77 Power to define jurisdiction

With respect to any of the matters mentioned in the last two sections the Parliament may make laws:

- (i) defining the jurisdiction of any federal court other than the High Court;
- (ii) defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States;
- (iii) investing any court of a State with federal jurisdiction.

78 Proceedings against Commonwealth or State

The Parliament may make laws conferring rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power.

79 Number of judges

The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

80 Trial by jury

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

Chapter IV—Finance and Trade

81 Consolidated Revenue Fund

All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.

82 Expenditure charged thereon

The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.

83 Money to be appropriated by law

No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.

~~But until the expiration of one month after the first meeting of the Parliament the Governor-General in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth and for the holding of the first elections for the Parliament.~~

84 Transfer of officers

When any department of the public service of a State becomes transferred to the Commonwealth, all officers of the department shall become subject to the control of the Executive Government of the Commonwealth.

Any such officer who is not retained in the service of the Commonwealth shall, unless he is appointed to some other office of equal emolument in the public service of the State, be entitled to receive from the State any pension, gratuity, or other compensation, payable under the law of the State on the abolition of his office.

Any such officer who is retained in the service of the Commonwealth shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State if his service with the Commonwealth were a continuation of his service with the State. Such pension or retiring allowance shall be paid to him by the Commonwealth; but the State shall pay to the Commonwealth a part thereof, to be calculated on the proportion which his term of service with the State bears to his whole term of service, and for the purpose of the calculation his salary shall be taken to be that paid to him by the State at the time of the transfer.

Any officer who is, at the establishment of the Commonwealth, in the public service of a State, and who is, by consent of the Governor of the State with the advice of the Executive Council thereof, transferred to the public service of the Commonwealth, shall have the same rights as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

85 Transfer of property of State

When any department of the public service of a State is transferred to the Commonwealth:

- (i) ~~all property of the State of any kind, used exclusively in connexion with the department, shall become vested in the Commonwealth; but, in the case of the departments controlling customs and excise and bounties, for such time only as the Governor-General in Council may declare to be necessary;~~
- (i) all property of the State of any kind, used exclusively in connexion with the department, shall become vested in the Commonwealth.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



(ii) the Commonwealth may acquire any property of the State, of any kind used, but not exclusively used in connexion with the department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the State in force at the establishment of the Commonwealth;

(iii) the Commonwealth shall compensate the State for the value of any property passing to the Commonwealth under this section; if no agreement can be made as to the mode of compensation, it shall be determined under laws to be made by the Parliament;

(iv) the Commonwealth shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.

86 On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth.

87 During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure. The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.

88 Uniform duties of customs
Uniform duties of customs shall be imposed within two years after the establishment of the Commonwealth.

89 Payment to States before uniform duties
Until the imposition of uniform duties of customs:
(i) The Commonwealth shall credit to each State the revenues collected therein by the Commonwealth.
(ii) The Commonwealth shall debit to each State:
(a) the expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth;
(b) the proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth;
(iii) The Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.

90 Exclusive power over customs, excise, and bounties
On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.
On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, shall cease to have effect, but any grant or agreement for any such bounty lawfully made by or under the authority of the Government of any State shall be taken to be good if made before the thirtieth day of June, one thousand eight hundred and ninety-eight, and not otherwise.

91 Exceptions as to bounties
Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid to or bounty on the production or export of goods.

92 Trade within the Commonwealth to be free
On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of inland carriage or ocean navigation, shall be absolutely free.
But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

93 Payment to States for five years after uniform tariffs
During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides:
(i) the duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State;
(ii) subject to the last subsection, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

94 Distribution of surplus
After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth.

95 Customs duties of Western Australia
Notwithstanding anything in this Constitution, the Parliament of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported from beyond the limits of the Commonwealth; and such duties shall be collected by the Commonwealth.
But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, three-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.
If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



96 Financial assistance to States

During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

97 Audit

Until the Parliament otherwise provides, the laws in force in any Colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the State in the same manner as if the Commonwealth, or the Government or an officer of the Commonwealth, were mentioned whenever the Colony, or the Government or an officer of the Colony, is mentioned.

98 Trade and commerce includes navigation and State railways

The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

99 Commonwealth not to give preference

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

100 Nor abridge right to use water

The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

101 Inter-State Commission

There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

102 Parliament may forbid preferences by State

The Parliament may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State, or by any authority constituted under a State, if such preference or discrimination is undue and unreasonable, or unjust to any State; due regard being had to the financial responsibilities incurred by any State in connexion with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.

103 Commissioners' appointment, tenure, and remuneration

The members of the Inter-State Commission:

- (i) shall be appointed by the **Governor-General in Council President in Council**;
- (ii) shall hold office for seven years, but may be removed within that time by the **Governor-General in Council President in Council**, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity;
- (iii) shall receive such remuneration as the Parliament may fix; but such remuneration shall not be diminished during their continuance in office.

104 Saving of certain rates

Nothing in this Constitution shall render unlawful any rate for the carriage of goods upon a railway, the property of a State, if the rate is deemed by the Inter-State Commission to be necessary for the development of the territory of the State, and if the rate applies equally to goods within the State and to goods passing into the State from other States.

105 Taking over public debts of States

The Parliament may take over from the States their public debts or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

105A Agreements with respect to State debts

- (1) The Commonwealth may make agreements with the States with respect to the public debts of the States, including:
 - (a) the taking over of such debts by the Commonwealth;
 - (b) the management of such debts;
 - (c) the payment of interest and the provision and management of sinking funds in respect of such debts;
 - (d) the consolidation, renewal, conversion, and redemption of such debts;
 - (e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and
 - (f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.
- (2) The Parliament may make laws for validating any such agreement made before the commencement of this section.
- (3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.
- (4) Any such agreement may be varied or rescinded by the parties thereto.
- (5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.
- (6) The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

Chapter V—The States

106 Saving of Constitutions

The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



107 Saving of power of State Parliaments

Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

108 Saving of State laws

Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

109 Inconsistency of laws

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

110 Provisions referring to Governor

The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the government of the State.

111 States may surrender territory

The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

112 States may levy charges for inspection laws

After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

113 Intoxicating liquids

All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage, shall be subject to the laws of the State as if such liquids had been produced in the State.

114 States may not raise forces. Taxation of property of Commonwealth or State

A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

115 States not to coin money

A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

116 Commonwealth not to legislate in respect of religion

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

117 Rights of residents in States

~~A subject of the Queen~~ **An Australian citizen**, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were ~~a subject of the Queen~~ **an Australian citizen** resident in such other State.

118 Recognition of laws etc. of States

Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

119 Protection of States from invasion and violence

The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of the State, against domestic violence.

120 Custody of offenders against laws of the Commonwealth

Every State shall make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision.

Chapter VI—New States

121 New States may be admitted or established

The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

122 Government of territories

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed ~~by the Queen~~ under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

123 Alteration of limits of States

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

124 Formation of new States

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Chapter VII—Miscellaneous

125 Seat of Government

The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than one hundred miles from Sydney.

Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

The Parliament shall sit at Melbourne until it meet at the seat of Government.

126 Power to Her Majesty to authorise Governor-General to appoint deputies

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

126 Operation of Constitution and laws

This Constitution, and all laws made under it by the Parliament, shall be binding on the courts, judges and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State.

127 Definitions

In this Constitution:

Australian citizen means a person who is an Australian citizen according to the laws made by the Parliament.

The Commonwealth means the Commonwealth of Australia under this Constitution.

The original States means New South Wales, Queensland, Tasmania, Victoria, Western Australia and South Australia.

The President means the President for the time being.

The President in Council means the President acting with the advice of the Federal Executive Council.

The States means the original States, and such territories as may be admitted into or established by the Commonwealth as States.

127 [Repealed in 1967]

Chapter VIII—Alteration of the Constitution

128 Mode of altering the Constitution

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

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

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

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

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General President for the Queen's assent.

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

In this section, *Territory* means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

Schedule

Oath

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

Affirmation

I, A. B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

Note: The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.

Schedule 1—Oaths and affirmations

Part 1—Oath or affirmation of allegiance: Members of Parliament

Under God I swear that I will be loyal to the Commonwealth of Australia and the Australian people, whose laws I will uphold.

I solemnly and sincerely affirm that I will be loyal to the Commonwealth of Australia and the Australian people, whose laws I will uphold.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Part 2—Oath or affirmation of office: President

Under God I swear that I will be loyal to the Commonwealth of Australia and the Australian people, whose rights and liberties I respect and whose laws I will uphold, and that I will serve the Australian people according to law without fear or favour.

I solemnly and sincerely affirm that I will be loyal to the Commonwealth of Australia and the Australian people, whose rights and liberties I respect and whose laws I will uphold, and that I will serve the Australian people according to law without fear or favour.

Schedule 2—Transitional provisions for the establishment of the republic

1 The Governor-General

The office of Governor-General ceases to exist at the commencement of Schedules 1 and 2 to the *Constitution Alteration (Establishment of Republic) 1999*.

2 The first President

The first President may be chosen before the office of Governor-General ceases to exist, as if the provisions of this Constitution relating to the choice of the President had commenced when the *Constitution Alteration (Establishment of Republic) 1999* was enacted.

The first President's term of office begins on 1 January 2001. The person chosen shall make and subscribe the President's oath or affirmation of office under section 60 on or before that day.

But if no person is chosen as the first President before that day, the first President's term of office begins on the day after the person chosen makes the oath or affirmation. Until that term begins, a person shall act as President in accordance with section 63.

3 Parliament may make laws during transitional period

Before the office of Governor-General ceases to exist, the Parliament may make laws that the Parliament could have made after that time because of the enactment of the *Constitution Alteration (Establishment of Republic) 1999*, and such laws may take effect before that time.

4 Savings

The alterations of this Constitution made by the *Constitution Alteration (Establishment of Republic) 1999* do not affect:

- (i) the validity or continued effect, after the office of Governor-General ceases to exist, of anything done before that time under this Constitution or under the law in force in the Commonwealth; or
- (ii) the continuity of the Parliament and its proceedings after the office of Governor-General ceases to exist; or
- (iii) the qualifications of a senator or a member of the House of Representatives for the remainder of the term of a person who is a senator or member when the office of Governor-General ceases to exist; or
- (iv) the continuity of the Executive Government of the Commonwealth, including in particular the membership and proceedings of the Federal Executive Council, after the office of Governor-General ceases to exist; or
- (v) the continuity of courts and their jurisdiction and proceedings after the office of Governor-General ceases to exist.

After the office of Governor-General ceases to exist, anything done before that time for the purposes of a provision of this Constitution by the Governor-General, or by the Governor-General in Council, has effect as if it had been done by the President, or by the President in Council, as the case requires.

Despite the alteration of section 117 of this Constitution made by the *Constitution Alteration (Establishment of Republic) 1999*, that section continues to apply for the benefit of subjects of the Queen who were resident in a State immediately before the alteration took effect.

5 The States

A State that has not altered its laws to sever its links with the Crown by the time the office of Governor-General ceases to exist retains its links with the Crown until it has so altered its laws.

6 Unified federal system

The alterations of this Constitution made by the *Constitution Alteration (Establishment of Republic) 1999* do not affect the continuity of the federal system, including the unified system of law, under this Constitution.

7 Constitutional conventions

The enactment of the *Constitution Alteration (Establishment of Republic) 1999* does not prevent the evolution of the constitutional conventions, including those relating to the exercise of the reserve powers referred to in section 59 of this Constitution.

8 Justiciability

The enactment of the *Constitution Alteration (Establishment of Republic) 1999* does not make justiciable the exercise by the President of a reserve power referred to in section 59 of this Constitution if the exercise by the Governor-General of that power was not justiciable.

9 Interpretation

The reference to the Crown in clause 5 of this Schedule shall extend to the Queen's heirs and successors in the sovereignty of the United Kingdom.

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



Statement in relation to Constitution Alteration (Preamble) 1999

This proposed law would make the following additions to the Constitution.

Preamble

With hope in God, the Commonwealth of Australia is constituted as a democracy with a federal system of government to serve the common good.

We the Australian people commit ourselves to this Constitution:

- proud that our national unity has been forged by Australians from many ancestries;
- never forgetting the sacrifices of all who defended our country and our liberty in time of war;
- upholding freedom, tolerance, individual dignity and the rule of law;
- honouring Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country;
- recognising the nation-building contribution of generations of immigrants;
- mindful of our responsibility to protect our unique natural environment;
- supportive of achievement as well as equality of opportunity for all;
- and valuing independence as dearly as the national spirit which binds us together in both adversity and success.

125A Effect of preamble

The preamble to this Constitution has no legal force and shall not be considered in interpreting this Constitution or the law in force in the Commonwealth or any part of the Commonwealth.

Voting in the Referendum on Saturday November 6th, is very simple.

As you will be voting on two issues, you'll be given two different ballot papers. One buff in colour, the other mauve. On each paper you will see a printed statement.

If you approve of the statement you write 'Yes' in the box provided, if you do not approve of the statement

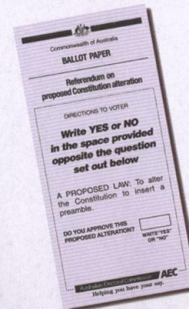
then you write 'No' in the box provided.

Remember, it's compulsory to vote in the Referendum. So, on Saturday November 6th, please remember how simple it is to vote correctly. In a word, 'Yes' or 'No' on each ballot paper.

For enquiries contact the Australian Electoral Commission on 13 23 26 or visit us on our website referendum.aec.gov.au



**Do you know
how to vote in
the Referendum?
Yes or No. Yes or No.**



- 1999 contents
- Background
- Yes/No
- Ballot
- Results
- Maps
- Using CDROM
- Referendums
- Referendum 99
- Constitution
- Search



Ballot paper

Separate ballot papers for each of the two questions were issued to electors. The republic question was printed on a buff ballot paper and the preamble question was printed on a mauve ballot paper. Each ballot paper contained one question, the full title of the proposed law for alteration of the Constitution and directions to the voters.

The two questions posed were independent of each other and the result of one did not affect the other.

Ballot papers correctly marked according to the rules for voting are called formal votes and only formal votes contribute to determining the results of a referendum. Ballot papers that do not satisfy these rules are regarded as informal and after their total has been tallied they are excluded from any counting.

Commonwealth of Australia

BALLOT PAPER

**Referendum on
proposed Constitution alteration**

DIRECTIONS TO VOTER

**Write YES or NO
in the space provided
opposite the question
set out below**

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

DO YOU APPROVE THIS PROPOSED ALTERATION?

WRITE "YES"
OR "NO"

Australian Electoral Commission **AEC**
Helping you have your say.

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



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 word 'No' in the space provided.

Informal vote

A ballot paper was considered informal if:

- it was not initialled by the presiding officer; 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.

Referendum

1999

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search



As it had been 11 years since the last federal referendum and electors were more familiar with numbering ballot papers, the AEC devoted considerable effort to emphasise to electors the importance of the words 'yes' and 'no' in marking their referendum ballot papers. The referendum advertising campaign was based around these two words and the other public information and education activities reinforced their importance.

These activities, aimed at minimising the number of informal votes, contributed to a very low level of informal voting being achieved at the referendum. Only 0.86 per cent of votes were informal for the republic question and only 0.95 per cent of votes were informal for the preamble question.

The national and State and Territory summary of informal voting and the divisional breakdown for both proposed constitutional changes is contained in the **Results** section.

 1999 contents Background Yes/No **Ballot** Results Maps Using CDROM Referendums Referendum 99 Constitution Search

Results

Referendum

1999

Q1. The referendum was NOT carried.

No States recorded a YES vote. Nationally 45.13% of electors voted YES.

Q2. The referendum was NOT carried.

No States recorded a YES vote. Nationally 39.34% of electors voted YES.

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

| | | | |
|---|---|----------------------|-----------------------|
| Enrolment Statistics by Division | Excel | Text | Notes |
| Turnout Statistics by Division | Excel | Text | Notes |
| Informality Statistics by Division | Excel | Text | Notes |
| Declaration Votes | Excel | Text | Notes |
| Polling Places Locations by Division | | | Notes |
| | Excel: NSW Vic Qld WA SA Tas ACT NT | | |
| | Text: NSW Vic Qld WA SA Tas ACT NT | | |
| Numbers of Polling Places and Staff by State | Excel | Text | Notes |

1999 contents

Background

Yes/No

Ballot

Results

Maps

Using CDROM

Referendums

Referendum 99

Constitution

Search

Results by question ►



Q1 Results

| | | | |
|--|--|----------------------|-----------------------|
| Votes Counted by Vote Type by Division | Excel | Text | Notes |
| Referendum Results by Vote Type by State | Excel | Text | Notes |
| Referendum Results by Vote Type by Division | Excel | Text | Notes |
| Referendum Results by Division by Polling Place | | | Notes |
| | NSW Vic Qld WA SA Tas ACT NT | | |
| Referendum Results by State and Division | Excel | Text | Notes |

Q2 Results

| | | | |
|--|--|----------------------|-----------------------|
| Votes Counted by Vote Type by Division | Excel | Text | Notes |
| Referendum Results by Vote Type by State | Excel | Text | Notes |
| Referendum Results by Vote Type by Division | Excel | Text | Notes |
| Referendum Results by Division by Polling Place | | | Notes |
| | NSW Vic Qld WA SA Tas ACT NT | | |
| Referendum Results by State and Division | Excel | Text | Notes |

- [1999 contents](#)
- [Background](#)
- [Yes/No](#)
- [Ballot](#)
- [Results](#)
- [Maps](#)
- [Using CDROM](#)
- [Referendums](#)
- [Referendum 99](#)
- [Constitution](#)
- [Search](#)