



Dissenting Report

1.1 In dissenting from the Report, we make the following comments:

- Recommendation 1: The generality of this recommendation calling for the amendment of the *Referendum (Machinery Provisions) Act 1984* (Cth) to 'improve the process' is unhelpful. It does not detail any amendments and as such can be interpreted to mean any number of things. We therefore cannot support this recommendation.
- Recommendation 2: In calling for the removal of current word restrictions of the Yes/No case, this recommendation does not preclude a **decrease** in the word limit. Any decrease in the word limits may be detrimental to comprehensive arguments being presented for the Yes and No cases for any particular referendum.
- Recommendation 3: If adopted this recommendation would result in the Yes/No booklet be delivered to every household instead of every elector. We strongly disagree with this recommendation. Household distribution would reduce the number of people who had access to the Yes/No case.

Referenda to change the Australian Constitution are significant events and require the engagement of as many Australians as possible. All politicians know that communicating with their constituents via direct, personalised mail is far more effective than a letter delivered 'To the Household'. It therefore seems rather odd that the Australian Government would reduce the direct delivery of official information regarding referenda.

Even constitutional expert, Cheryl Saunders whose view of the Yes/No case via the mail was that 'I would be doubtful that it is very useful

even for older people', went on to say '...but you may have research that shows differently, and you are the members of parliament, so you know what your constituents do.'¹

- Recommendation 6: Whilst we generally agree with this recommendation for the development and implementation of a national civics education program, we believe the recommendation would be enhanced if it included provision for such a program to be developed in conjunction with non-government organisations currently promoting and operating education programs about the Australian Constitution. Such organisations could include CEF-A and the Centre for Comparative Constitutional Studies.
- Recommendations 7, 8 and 9: These recommendations propose that a Referendum Panel be established. This panel would amongst other things be responsible:

For determining an appropriate and relevant information and communications strategy for the referendum, including what education material should be distributed and the methods of distribution.²

We strongly disagree with this recommendation. It should not be an unelected, unaccountable panel that is responsible for the matters described above. Members of Parliament are elected and accountable to the Australian public and are more appropriately placed to make these decisions. It has been suggested that a panel would be more objective in providing information about a referendum. Experts in any area are not immune from subjectivity. As we have seen from previous referenda, experts quite freely and frequently support one side or the other. In fact some experts are rather extreme in their views. Mr Rod Cameron went so far as to say:

Thus, in my world there would not be a no case except perhaps one championed and funded by private interest groups.³

- Recommendations 10, 12, 13, 14, 15. These recommendations relate directly to the Referendum Panel. Following from paragraph 5 above, we do not agree with these recommendations.
- Recommendations 4, 5, 11, 16 and 17 are supported.

1 Cheryl Saunders, *Transcript of Evidence*, 5 November 2009, p. 5.

2 House of Representatives Standing Committee on Legal and Constitutional Affairs, *A Time for Change: Yes/No? Report into the Machinery of Referendums*, Recommendation 9, p. 64, December 2009.

3 Rod Cameron, *Transcript of Evidence*, 29 October 2009, p. 1.

The Hon Peter Slipper MP, Deputy Chairman

The Hon Kevin Andrews MP

Mrs Sophie Mirabella MP

