

## Chapter 16

# Rewriting the Federation Through Referendum

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### I Introduction

Australia's recent history of federal reform demonstrates a clear desire to avoid change to the text of the nation's Constitution. The reason for this is obvious: doing so requires a referendum of the Australian people, and the prior record of such referendums is dismal. Since Federation in 1901, 44 referendum proposals have been put to the Australian people with only eight of those succeeding. Significantly, no referendum has been passed by the people since 1977. As at 2011, 34 years have passed since Australia changed its Constitution. At around one-third of the life of the nation, this is by far the longest period that Australia has gone without constitutional change.<sup>1</sup>

The referendum record is no better when it comes to federal reform. Australian history is littered with failed attempts to alter the federal system by granting extra power to the Commonwealth. Indeed a majority of all attempts at constitutional change, 24 of the 44 proposals, have sought to further centralise power. Of these, just three have been successful, with none having been put since 1973. The fact that most referendums have been an attempt to gain more federal power reflects the fact that the Commonwealth has a monopoly over which proposals are put to the people. Indeed, it is striking that Australians have never been asked to vote on granting the states a new power or extra protection from Commonwealth intervention in their affairs.

The record of failure is a key reason for the current political aversion to bringing about federal reform by way of a referendum. The aversion is reflected in the fact that Australia has not held a referendum on any topic since 1999, when Australians voted No to becoming a republic and inserting a new preamble in the Constitution. This made the first 10 years of the 21st century the first decade in Australian history in which not even one referendum was held. Moreover, no attempt has been made to alter Australia's federal system by way of referendum for nearly a quarter of a century, with the last effort being made in 1988 when Australians rejected the idea of inserting a new s 119A into the Constitution to

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1 The next longest period was 21 years between the 1946 and 1967 referendums.

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