

## FACT SHEET 7

# How do Australians have their vote count in a referendum?

Many Australians don't know or are unsure that for a referendum to be successful it needs a majority of voters in a majority of States as well as a majority of voters nationally, to pass. This is what we call the DOUBLE MAJORITY requirement and it is described in section 128 of the Australian Constitution:



*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...'*

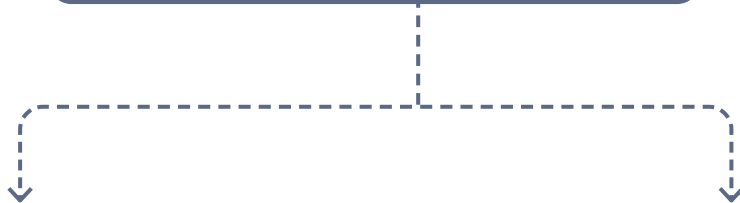
People from the Territories only count in the majority of voters overall. In the 1977 referendum, one of the four questions was whether electors in the Territories should be able to vote at referendums on proposed laws to alter the Constitution. This change was approved nationally and in the six States.

The drafters of the Australian Constitution, such as Edmund Barton, Alfred Deakin and Samuel Griffith, intended that it should be a high bar for a referendum to be successful. The framers did not want the Constitution to be altered unless the people voting under section 128 thought it was really important to do so. However, they did not want it to be almost impossible to change either. Particularly relevant for the DOUBLE MAJORITY requirement is that the framers wanted to protect the position of the smaller States. They hoped to ensure that the Constitution couldn't be changed purely on the basis of votes from the bigger States in ways potentially detrimental to the interests of the smaller States. Another interesting point here is that the constitutional requirements regarding parliamentary representation of a state cannot be reduced without the majority of that particular state agreeing (as well as the double majority) per s 128. Did they get the balance right?

Just to reiterate, a referendum is passed when a national majority (more than half) of voters from across Australia vote YES AND a majority (more than half) of voters in at least four of the six states also vote YES to the proposed change. A referendum is not passed when a national majority (more than half) of voters from across Australia vote NO OR a referendum does not achieve a majority of voters in a majority of States. In determining this, the Territories are not counted towards the majority of States and their voters are only counted in the National majority.

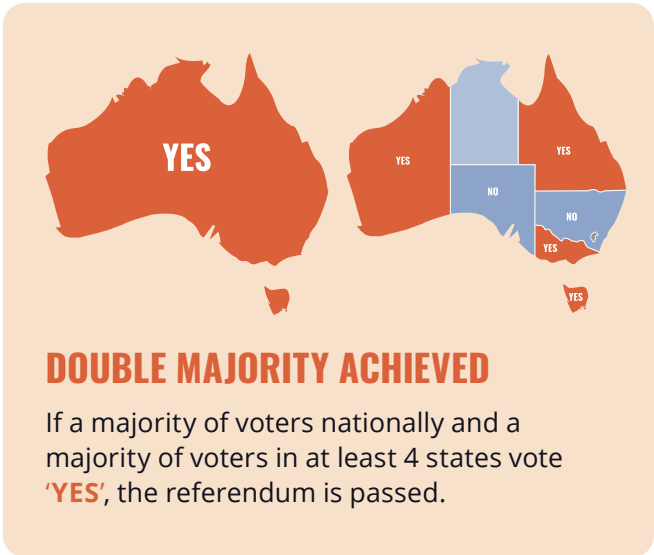
<https://www.aec.gov.au/elections/referendums/files/double-majority-fact-sheet.pdf>

# How is the Australian Constitution altered?



## DOUBLE MAJORITY NOT ACHIEVED

If a majority of voters nationally or a majority of voters in at least 3 states vote 'NO', the referendum is not passed.



## DOUBLE MAJORITY ACHIEVED

If a majority of voters nationally and a majority of voters in at least 4 states vote 'YES', the referendum is passed.



## BILL SIGNED

The Governor-General gives royal assent to the proposed constitutional alteration and the Constitution is changed.



## Let's have a look at the effect of the double majority in some past referendum results

<p>National Yes Vote: 83%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1906 Senate Elections</p>	<p>National Yes Vote: 33%</p> <p>States with majority vote in favour: None</p> <p><b>NOT CARRIED</b></p> <p>1988 Parliamentary Terms</p>	<p>National Yes Vote: 49%</p> <p>States with majority vote in favour: Qld, Tas, WA</p> <p><b>NOT CARRIED</b></p> <p>1910 Finance</p>	<p>National Yes Vote: 80%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1977 Retirement of Judges</p>
<p>National Yes Vote: 54%</p> <p>States with majority vote in favour: Qld, Vic.</p> <p><b>NOT CARRIED</b></p> <p>1937 Aviation</p>	<p>National Yes Vote: 55%</p> <p>States with majority vote in favour: Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1910 State Debts</p>	<p>National Yes Vote: 78%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1977 Territory Voting in Referendums</p>	<p>National Yes Vote: 50%</p> <p>States with majority vote in favour: NSW, Vic, WA</p> <p><b>NOT CARRIED</b></p> <p>1946 Industrial Employment</p>
<p>National Yes Vote: 49%</p> <p>States with majority vote in favour: Qld, Tas, WA</p> <p><b>NOT CARRIED</b></p> <p>1951 Communists and Communism</p>	<p>National Yes Vote: 74%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1928 State Debts</p>	<p>National Yes Vote: 73%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA, NT</p> <p><b>CARRIED</b></p> <p>1977 Senate Casual Vacancies</p>	<p>National Yes Vote: 34%</p> <p>States with majority vote in favour: None</p> <p><b>NOT CARRIED</b></p> <p>1988 Local Government</p>
<p>National Yes Vote: 91%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1967 Aboriginal and Torres Strait Islander peoples</p>	<p>National Yes Vote: 62%</p> <p>States with majority vote in favour: NSW, SA, Vic</p> <p><b>NOT CARRIED</b></p> <p>1977 Simultaneous Elections</p>	<p>National Yes Vote: 45%</p> <p>States with majority vote in favour: None</p> <p><b>NOT CARRIED</b></p> <p>1999 Republic</p>	<p>National Yes Vote: 54%</p> <p>States with majority vote in favour: NSW, Qld, SA, Tas, Vic, WA</p> <p><b>CARRIED</b></p> <p>1946 Social Services</p>



This program is funded by the Australian Government



Administered by the Constitution Education Fund Australia (CEFA)

