

FACT SHEET 8

What is the difference between a referendum and a plebiscite?

Understanding the difference between a plebiscite and a referendum is useful. It can provide us with insight into the nature of constitutional change as opposed to the role of the Executive Government and the Federal Parliament in developing policy and passing legislation on issues that are important to the nation but which don't involve constitutional amendment.

A referendum is a vote of the people under section 128 of the Constitution in relation to a proposed change to the Constitution. It is compulsory for the same people who are required to vote in a general election to vote in a referendum and the outcome of the referendum is binding. Fact Sheet 2 details the requirement for prior passage of the proposed law by the Parliament. 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. If this occurs, the change to the Constitution will be provided to the Governor-General for royal assent, after which the Constitution will be changed. A referendum is not passed if either a national majority of voters from across Australia vote NO or a majority of voters in a majority of States vote NO. Should this occur, the Constitution will not be changed.

A plebiscite is a different kind of vote altogether. A plebiscite may be held without the proposed question passing the Parliament and there isn't necessarily a double majority requirement. Some commentators have described a plebiscite as a giant opinion poll that indicates the will of the people on a particular subject. A government can submit a plebiscite to the people on any subject it likes. 'A constitutional referendum only allows a YES or NO vote to the proposed change to the Constitution.' A plebiscite, on the other hand, can offer voters a range of options to vote on. In plebiscites held in Australia to date, voting has been optional and the outcome is non-binding.

In 1977, four choices were given in a national plebiscite on what should be Australia's national anthem. Up to that date, the anthem was God Save the Queen (or King), the same song as the United Kingdom's national anthem. The plebiscite resulted in an easy victory for Advance Australia Fair with Waltzing Matilda running a distant second.

National Anthem	1977	God Save the Queen	18.78%
		Advance Australia Fair	43.29%
		Song of Australia	9.65%
		Waltzing Matilda	28.28%

The Government could have changed the national anthem without having the people vote in a plebiscite. However, by consulting the people in a plebiscite vote it was given a clear mandate to proceed with Advance Australia Fair.

The plebiscite was run on the same day, 21 May 1977, as four referendum questions were put to the people:

1. A proposal to alter the Constitution to ensure that Senate elections are held at the same time as House of Representatives elections.
RESULT: Not carried (national majority but a majority was obtained in only three States)
2. A proposal to alter the Constitution to ensure as far as practicable that a casual vacancy in the Senate is filled by a person of the same political party as the Senator chosen by the people and for the balance of their term.
RESULT: CARRIED (national majority and a majority in all six States)
3. A proposal to alter the Constitution so as to allow electors in the Territories, as well as electors in the States, to vote at referendums on proposed laws to alter the Constitution.
RESULT: CARRIED (national majority and a majority in all six States)
4. A proposal to alter the Constitution so as to provide for retiring ages for judges of federal courts.
RESULT: CARRIED (national majority and a majority in all six States)

In 1916 and 1917, two highly divisive plebiscites were held on whether or not there should be conscription during World War I. The Commonwealth Parliament had the necessary power, to pass a law to conscript people to fight in the war, but the Senate was unlikely to pass it. Both plebiscites did not achieve a majority of votes and conscription was not introduced.

Conscription	1916	No	51.61%
Conscription	1917	No	53.78%

In 2017, a postal survey was held on whether to approve same-sex marriage. It was a voluntary poll of similar effect to a plebiscite. It passed with 61.6% of the vote in favour. After that, the Australian Government proposed new legislation that the Parliament then passed to legalise same-sex marriage.

Same-sex marriage	2017	Yes	61.60%
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If the people of Australia indicate a desire for a particular outcome through a plebiscite, the Government may take action to bring about that outcome, such as introducing appropriate legislation into Parliament. They are a useful tool for the government to seek the views of the public on an issue before taking action.



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