

Constitutional Referendums in Australia: Its Political Ideal and Value

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This article examines the history of the constitutional referendums in Australia. Renewed debate on constitutional reform has been triggered by the Prime Minister John Howard's proposal to amend the section 57. The proposal is to enable the parliament to have a joint sitting of both houses without resorting to double dissolution election.

It is possible to say that political ideal and value are vested in constitution in terms of its ultimate role to create simultaneously authority and prevent its abuse. It is also possible to say that this ideal and value can be measured in the history of constitutional referendums where the role and value of constitution is severely debated and argued.

There were forty-four proposals to amend the constitution in Australia, however, only eight of them have passed in the history of Australian federation. Almost half of the proposals were to give much more power to the Federal government by inserting new clauses in section 51. Most of them were put to a referendum in the first half-century of the Federation. However, these attempts were not successful except for only two amendments, which had consensus among Australia people. As a result, the extension of the Federal power was sought by way of changing the interpretation of the clauses in section 51.

Another major area of proposals was regarding the system of the parliament and election. There were eight proposals, but only two of them were successful to gain majority in referendums. Especially, the government of the day, whether it was the Labor party or the Coalition, pursued to weaken the power of the Senate. The Senate has been continuously hostile to the government because the government failed to obtain a majority and the minor parties have held the balance of power. Therefore, the government had to compromise with minor parties to get important legislation passed, or they had to abandon the bills which could not reach compromise.

This is the reason for the repeated attempts to weaken the power of the Senate, however, all of them lacked the Australian people's support in referendums. This is because the Australian people recognise the Senate as a "house of review" to avoid giving the major parties a free hand. A recent opinion poll on Mr Howard's proposal of the constitutional reform shows that a majority of the respondents are against the plan.

This history of the Australian constitutional referendum is to give more power to the Commonwealth through amendment of interpretation and actual amendment of key provisions. It is also to prevent give more power to rulers by rejecting all the proposals to diminish the power of the Senate, which is expected to have a role of check and balance toward the government in power.

This history of constitutional referendum shows the Australia's political ideal and value which is to

give the government certain power to deliver political programs at the same time to prevent the concentration of power.

*This article is in the opinion of the author, not the opinion of the Embassy of Japan in Australia or Ministry of Foreign Affairs of Japan.