CHANGING CONSTITUTIONS:
The Western Australian & Commonwealth Constitutions

The Constitutional Centre of W.A. is at the corner of Parliament Place & Havelock Street in the Old Hale School building. We are open Monday to Friday and entry is free. Our phone number is 92226922 and our website is www.ccentre.wa.gov.au
Links to the Curriculum Framework

The activities in this package have clear links to the Society & Environment Learning Area and the Social and Civic Responsibility element of the Values within the Curriculum Framework. (Links have also been made to other Learning Areas where appropriate.)

What can you do in the classroom?

The activities in this package may be a starting point or an additional resource to your classroom programme. It’s up to you to provide opportunities and an appropriate learning environment for students to demonstrate understanding, behaviours and actions consistent with the underlying principles of democratic process and social justice.

The Strand Outcome Statements from the Society & Environment Learning Area that are relevant to the programmes offered by the Constitutional Centre are provided in this document.

Please refer to our catalogue “Changing Constitutions” and our publication “Dynamics in Government” for further information. Additionally, the back page of this resource has relevant internet links that would be useful for your planning.
## Activities Linked to the Curriculum Framework

<table>
<thead>
<tr>
<th>Activity 1</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students can explore the meaning of symbols by using the Constitutional Centre’s logo as an example, then working from a known school emblem to one that may not be as familiar – the State Government logo.</td>
<td></td>
</tr>
</tbody>
</table>

**SOCIETY & ENVIRONMENT**
- Investigation, Communication & Participation
- Place & Space
- Culture
- Time, Continuity & Change
- Natural & Social Systems
- Active Citizenship

**ENGLISH**
- Attitudes, Values & Beliefs
- Processes & Strategies
- Viewing

<table>
<thead>
<tr>
<th>Activity 2</th>
<th>Writing A Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students can use the internet and the provided fact sheets as a resource for exploring written constitutions. Their task is to write a class constitution that includes a preamble.</td>
<td></td>
</tr>
</tbody>
</table>

**SOCIETY & ENVIRONMENT**
- Investigation, Communication & Participation
- Culture
- Time, Continuity & Change
- Natural & Social Systems
- Active Citizenship

**ENGLISH**
- Understanding Language
- Attitudes, Values & Beliefs
- Reading
- Processes & Strategies

**LOTE**
- Cultural Understandings

<table>
<thead>
<tr>
<th>Activity 3</th>
<th>Australia’s Constitution Crossword &amp; Word Puzzler</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using Fact Sheet 3 as the source of information, students complete the word activities.</td>
<td></td>
</tr>
</tbody>
</table>

**SOCIETY & ENVIRONMENT**
- Investigation, Communication & Participation
- Time, Continuity & Change
- Active Citizenship
<table>
<thead>
<tr>
<th>Activity 4</th>
<th>Internet Research – Proclamation Day</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This activity is a worksheet that can be done by linking into the Constitutional Centre’s website.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity 5</th>
<th>Writing A Petition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This activity links to fact sheet 8 on petitions. Students can either research the rules for writing petitions (both State &amp; Federal), or you can save time by gathering this data before the activity.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity 6</th>
<th>Conscription Referendum – Maths</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This activity links to fact sheet 12. This activity can be an introduction to the</td>
</tr>
</tbody>
</table>
### Activity 7

Developing a cartoon strip based on a newspaper article (Republic & Queen visit).

This activity allows students to analyse newspaper text and then develop a pictorial representation of the article in the form of a cartoon strip. They may choose to look at the Republic Issue – taking into account comments by Paul Keating or the Queen’s visit to W.A.

- **Natural & Social Systems**
- **Active Citizenship**

### Activity 8

**Constitutional Trivia Quiz**

A fun way for student’s to learn and or revise basic constitutional facts. Can be done in pairs or small groups. Thirty questions provided. Students can also make up their own. This is not a stand alone activity but would be used as a follow-up or revision to any research or investigations done within your programme.

- **SOCIETY & ENVIRONMENT**
  - Investigation, Communication & Participation
  - Culture
  - Time, Continuity & Change
  - Natural & Social Systems
  - Active Citizenship

- **ENGLISH**
  - Listening
  - Speaking
Symbols on things like company logos, a country’s flags, club uniforms and even street signs can mean different things. Each of the symbols that make up the logo for the Constitutional Centre have a different meaning (see our fact sheet-number 1). Explain each symbol below.

Draw the symbol or logo for your school here.

What does it mean?

Here is the coat of arms for the Government of Western Australia. What do you think it is meant to represent?

Linked to Fact Sheet No1 & Learning Areas English, Society & Environment & The Arts
A constitution is a set of rules defining a system of government.

A preamble is the introduction to the Constitution (see Fact Sheet 4 and page 2 of this activity). It usually contains statements about the common goals and values of the people.

Western Australia and Australia have written constitutions. You can find these on the internet at [www.ccentre.wa.gov.au](http://www.ccentre.wa.gov.au)

Many organisations have constitutions. Your school’s parent group, your netball, basketball and football clubs will all have constitutions. These constitutions contain the rules about how the group will operate. They also outline the roles of the official office bearers like the President and the Treasurer. Ask your parent group for a copy.

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**YOUR TASK**

Your task is to write a constitution for your classroom.

It must include:

a. a title  \(\text{eg Room 6 Constitution}\)

b. a pre-amble  \(\text{eg We the students of year 7 hereby declare…….}\)

c. all the rules for your classroom numbered in sections and placed in Chapters  
  \(\text{eg Chapter 1 Classroom Times}\)  
  \(\text{Section 1 – The classroom will not be opened until 8.30 each morning.}\)

d. an official stamp and signature of approval from the School Principal  
  \(\text{(Queen Victoria gave Royal Assent to our State Constitution).}\)

---

**Linked to Fact Sheet No 4 and Learning Areas Society & Environment and English**
**Activity 3: Australia’s Constitution Crossword – Page 1**

<table>
<thead>
<tr>
<th>ACROSS</th>
<th>DOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2</td>
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<td>3</td>
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<td>26</td>
<td>27</td>
</tr>
<tr>
<td>28</td>
<td>30</td>
</tr>
</tbody>
</table>

**ACROSS**

1. An old measure of land
2. The Australian Constitution brought the states together as _____
3. The joining of states to form a nation.
4. The Constitution provides_____ to the Commonwealth to grant money to the States
5. The Australian Constitution is also known as the ____________ Constitution
6. A ______ was held to explore Federation
7. The last state to join the Federation
8. A colour in the Australian flag
9. The place where No6 across was held in 1890
10. Law and ______
11. A ______ constitution was approved in March 1898
12. A bill is debated in parliament before it becomes an_______
13. People enrolled to vote are on the electoral ______
14. A set of rules, a framework for government
15. The 1898 Federation referendum was not carried in this state
16. In 1900 W.A. citizens were able to _____ in a referendum for Federation
17. The British system of government – constitutional ______
18. This country’s constitutional model influenced Australia
19. The ______ of the W.A. Federation referendum was July 31 1900
20. _____ Victoria gave Royal Assent to our Constitution
21. The Constitution emerged from the federal_______
22. A national defence force is important in times of ___
23. You’ll find Canberra there.
24. _____ is mentioned in the Constitution
25. A joining word
26. The first state in Australia to grant women the vote.

**DOWN**

1. The Australian Constitution brought the states together as _____
2. The joining of states to form a nation.
3. The Constitution provides_____ to the Commonwealth to grant money to the States
4. The Australian Constitution is also known as the ____________ Constitution
5. Our Federal system of government was modelled on this country
6. no clue – work out the others and you have it or _____!
7. In 1900 W.A. citizens were able to _____ in a referendum for Federation
8. The British system of government – constitutional ______
9. All those in favour say ______. The ____’s have it.
10. This country’s constitutional model influenced Australia
11. An old measure of land
12. A colour in the Australian flag
13. The place where No6 across was held in 1890
14. Law and ______
15. A ______ constitution was approved in March 1898
16. People enrolled to vote are on the electoral ______
17. A bill is debated in parliament before it becomes an_______
18. A set of rules, a framework for government
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23. The ______ of the W.A. Federation referendum was July 31 1900
24. Victoria gave Royal Assent to our Constitution
25. The Constitution emerged from the federal_______
26. A national defence force is important in times of ___
27. You’ll find Canberra there.
28. _____ is mentioned in the Constitution
29. A joining word
30. The first state in Australia to grant women the vote.
How many words can you make from the word Constitutional?
Activity 4 – Internet Research – Proclamation Day – 21 October

Look up www.ccentre.wa.gov.au and enter the section on previous exhibitions and The History of Western Australia’s Constitution. Select Proclamation Day and complete the questions below.

1. What is proclamation day?

2. Who was the Governor at the time?

3. How much did it cost to go to the People’s Ball?

4. At his speech on the Esplanade in Perth, who did the new Governor lead three cheers for?

5. In the space below draw up your own People’s Sports Programme - selecting the activities that you consider to be the most fun.

PEOPLE’S SPORTS PROGRAMME

Linked to the Learning Areas - Society & Environment and English
What is a petition? *(see Fact Sheet 8 for more information)*

A petition is a request for action or change. The request is formalised in writing and signatures are collected. The document is then presented to someone in authority associated with the problem.

If you want something changed, that our Western Australian government has responsibility for, you can petition the Legislative Council (the Upper House) or the Legislative Assembly (the Lower House). If your problem is a Commonwealth issue you can send a petition to the Senate or House of Representatives. There are rules about how your petition should be written and presented.

But a petition doesn’t have to go to parliament. If you have an issue at school that you would like changed – write a petition and present it to the school principal, the parent committee or the school council.

*If you would like something changed in your local community you can write a petition to your Local Government Council.*

**NOW IT’S YOUR TURN**

It’s time to brainstorm some issues:

- **Local Issues**
- **State Govt Issues**
- **Federal Government Issues**
Activity 5 – Writing A Petition – page 2

Choose one of the issues from your brainstorming on page one. If you wish to send your petition to the State or Federal Parliament you must follow the instructions they provide at their websites.

For a W.A. parliament petitions see [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au) and click on the search page and type in the word petition.

For Federal parliament petitions see [www.aph.gov.au/parlindx.htm](http://www.aph.gov.au/parlindx.htm) and scroll down to the P section and select writing a petition for the Senate or House of Representatives.

If you are writing a petition for your school or Local Council you should follow similar rules to those used by the State and Federal government.

draft your petition here……………………..

PETITION
To…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
(full name of person and their title and position).

We the undersigned say
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
(outline the situation you want changed)

Now we ask that you
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
…………………………………………………………………………………………………………
(state the action that you want to happen)

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
(collect signatures)

What do you do now?

1. Write your petition out in full using the above format or the one outlined at the website.
2. Collect as many signatures as possible.
3. Present your petition to the person in authority.
4. **GOOD LUCK!** The future is in your hands!
Activity 6 – Conscriptio Referendums – page 1

**What is conscription?**

Conscription means compulsory enlistment for military service.

**What is a Referendum?**

A referendum is a vote by the people on an important issue.

**The 1916 & 1917 Referendums**

During World War 1, Australian voters were asked in 1916, and then again in 1917, to vote on the issue of conscription. The Prime Minister at the time was Mr W. Hughes. The first question in 1916 was about compulsory military training of men to serve overseas. The results are in the table below. The referendum was defeated.

In 1917 pressure was put on Australia to provide greater military support. Volunteers were not enough for the numbers of servicemen required. Another referendum was held but that too was unsuccessful.

<table>
<thead>
<tr>
<th>State</th>
<th>No. on rolls</th>
<th>No. to whom ballot papers were issued (a)</th>
<th>FOR (b)</th>
<th>% FOR (c)</th>
<th>AGAINST (d)</th>
<th>% AGAINST (e)</th>
<th>Informal Votes (can't be counted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>1 055 986</td>
<td>858 399</td>
<td>356 805</td>
<td>474 544</td>
<td>27 050</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victoria</td>
<td>824 972</td>
<td>696 684</td>
<td>353 930</td>
<td>328 216</td>
<td>14 538</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queensland</td>
<td>366 042</td>
<td>309 921</td>
<td>144 200</td>
<td>158 051</td>
<td>7 670</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Australia</td>
<td>262 781</td>
<td>211 252</td>
<td>87 924</td>
<td>119 236</td>
<td>4 092</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Australia</td>
<td>167 602</td>
<td>140 648</td>
<td>94 069</td>
<td>40 884</td>
<td>5 695</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tasmania</td>
<td>107 875</td>
<td>88 231</td>
<td>48 493</td>
<td>37 833</td>
<td>1 905</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Territories</td>
<td>4 572</td>
<td>3 468</td>
<td>2 136</td>
<td>1 269</td>
<td>63</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total for Commonwealth</strong></td>
<td><strong>2 789 830</strong></td>
<td><strong>2 308 603</strong></td>
<td><strong>1 087 557</strong></td>
<td><strong>1 160 033</strong></td>
<td><strong>61 013</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Working with maths**

- Complete the table above – working out the percentages in the FOR and AGAINST columns. This is how you work it out:
  - Look at NSW. (a) – (d) will give you the number of valid votes ie 858,399 – 27,050 = 831,349. Then divide (b) by this figure and multiply by 100 to work out the percentage FOR ie 356,805 / 831,349 X 100 = 42.92 %. Now you can do the same for the AGAINST and the rest of the table.
- Now go to the next page and test your graphing skills.
Activity 6 – **Conscription Referendums** – page 2

Your task is to complete this bar graph using the percentages you calculated on the other page. You have to work out how you will break up the vertical % axis – the horizontal axis has been done for you.

If you have finished your graph, you can answer these questions.

- Which state clearly supported conscription?
- How many people were on the electoral rolls in 1916?
- How many people in Australia did not complete their voting form correctly?
- How many more people were on the rolls in N.S.W. than in W.A?

Linked to Fact Sheet No 12 & Learning Areas Maths & Society & Environment
A referendum to change the Australian Constitution occurred in November 1999 (see fact sheet no 18 - The Republic Issue) and was defeated. This newspaper article was published in the West Australian on March 30 2000. It comments on two things

1. Statements made by former Prime Minister Paul Keating on the republic issue and
2. The Queen visiting Western Australia in 2000.

YOUR TASK
Read the article on this page and then on the next page draw a cartoon strip on either
a. The Queen’s visit to W.A. in 2000 or
b. The referendum held in November 1999 to change the Constitution so that Australia would become a Republic.
Instructions –

Cut out the questions on these pages and place them (face down) in a pile. In pairs take turns at asking each other a question.

You score a point for each question you answer correctly. If you do not know the answer, or answer the question incorrectly, your partner can tell you the answer. You can only answer one question at each turn. The first person to score 10 points wins the game.

If there is time you can shuffle the questions and start again. After playing this game several times you should be experts on our Constitutions!

<table>
<thead>
<tr>
<th>Q1</th>
<th>What is a Constitution?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>A Constitution is a set of rules or laws about how a society governs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q2</th>
<th>What is a referendum?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>A referendum is a vote by the people on an important issue.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q3</th>
<th>When was W.A.’s Constitution proclaimed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>21st October 1890</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q4</th>
<th>Who was W.A.’s first Premier?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>John Forrest</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q5</th>
<th>Who was Queen of England when W.A.’s Constitution was proclaimed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Queen Victoria</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q6</th>
<th>Who was Australia’s first Prime Minister?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Edmund Barton</td>
</tr>
<tr>
<td>Q7</td>
<td>How many proposals for change to the Australian Constitution have been put to the Australian people so far?</td>
</tr>
<tr>
<td>----</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>A  44</td>
</tr>
<tr>
<td>Q9</td>
<td>Name the two houses of W.A Parliament.</td>
</tr>
<tr>
<td></td>
<td>A  The Legislative Council (the Upper House) and the Legislative Assembly (the Lower House)</td>
</tr>
<tr>
<td>Q11</td>
<td>Who represents the Queen in the Commonwealth of Australia?</td>
</tr>
<tr>
<td></td>
<td>A  The Governor General</td>
</tr>
<tr>
<td>Q13</td>
<td>What is the name of the court that is used to settle disputes about our Constitution?</td>
</tr>
<tr>
<td></td>
<td>A  The High Court</td>
</tr>
<tr>
<td>Q15</td>
<td>What is a pre-amble to a Constitution?</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>A</td>
<td>It is the introduction to a Constitution. It usually contains the common goals and values of the people.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q16</th>
<th>When a Bill has been passed in both houses of parliament, what does it become?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>An Act of parliament.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q17</th>
<th>Who was W.A.’s first Governor?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Captain James Stirling?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q18</th>
<th>When was the foundation of the Swan River Colony?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1829</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q19</th>
<th>What is the title of the person who controls the Lower House of Parliament?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>The Speaker</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q20</th>
<th>What is the title of the person who controls the Upper House of Parliament?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>The President</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q21</th>
<th>Which was the last State to join the Federation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Western Australia</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q22</th>
<th>Australia’s Constitution was modelled on three countries- the United States, Switzerland and <strong><strong>?</strong></strong>. What is the third country?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Britain</td>
</tr>
<tr>
<td>Q23</td>
<td>What is a petition?</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
</tr>
<tr>
<td>A</td>
<td>A formal written request for action or change.</td>
</tr>
<tr>
<td>Q25</td>
<td>What does GST stand for?</td>
</tr>
<tr>
<td></td>
<td>A The Goods &amp; Services Tax</td>
</tr>
<tr>
<td>Q27</td>
<td>What does Royal Assent mean?</td>
</tr>
<tr>
<td>A</td>
<td>The approval of the monarch, for example Queen Victoria gave Royal Assent (approval) to our Constitution</td>
</tr>
<tr>
<td>Q29</td>
<td>What does franchise mean?</td>
</tr>
<tr>
<td>A</td>
<td>The right to vote.</td>
</tr>
</tbody>
</table>
FACT SHEETS
Our Constitutions

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A constitution is a set of rules defining a system of government. It describes the institutional structure, the conditions under which power is held and exercised, and the procedures through which the rules themselves may be changed. Alan Fenna, Essentials of Australian Government. Croydon Vic: Tertiary Press, 2000

A constitution is the framework of government and the rules about how it operates. The word democracy is derived from ancient Greek and literally means “rule by the people”.

Australia is a constitutional democracy and government consists of more than just a written document. It is a democratic political system where people are an integral part of the decision making process.

Today, virtually all liberal democracies have formally codified, or written constitutions. The chief exception is the United Kingdom where the rules of the Constitution are scattered through a range of charter documents, parliamentary acts. Elements of the common law and constitutional conventions.

Australia is unique because our Constitution was adopted by a popular referendum and it takes a popular referendum to change it. (see Fact Sheet 11 – Referendums)

Australia’s laws are subject to the High Court’s interpretations of the wording of the Constitution because it is our supreme law. (see Fact Sheet 16 – The Role Of The High Court)

The only way to change our Constitution is to hold a Section 128 referendum. This requires a majority of votes and States for the referendum to be successful, and ensures it is a democratic process. (see Fact Sheet 7 – Changing the Australian Constitution).

In contrast to Australia’s Constitution, we do not always need a referendum to change the W.A. Constitution. Some changes can be made in State Parliament (see Fact Sheet 6 – Changing the W.A. Constitution).

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Fact Sheet No 2
What Is Constitutional Democracy?

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The 1901 Australian Constitution emerged from the Federation movement of the 1880s because, to become a nation, Australia needed national laws.

By 1891, the six self-governing colonies of Australia could see the need for a common defence force, a national transport and communication system, free trade between each other, and a national policy on duties and tariffs for overseas trade.

In 1890, a meeting of politicians in Melbourne agreed to hold a convention to explore Federation and draw up a constitution. The convention, held in Sydney the following year, came up with a first draft.

A second convention in 1897 amended the constitutional document and a draft of the constitution was approved in March of 1898.

The move to Federation saw referendums in June 1898 carried in Victoria, South Australia and Tasmania, but not in New South Wales. A second referendum held in 1899 was successful in five colonies, including NSW and Queensland. Western Australia was the last to agree to federation in a referendum on July 31 1900.

In Australia we have the Constitution of Australia (also known as the Australian, Commonwealth or Federal Constitution) and six State Constitutions.

Three constitutional models from around the world were used to help frame Australia’s Constitution:
- the British Constitution
- the Constitution of the United States
- the Constitution of Switzerland.

The British Constitution was an obvious source because Australia’s system of government was modelled on the British System, including the parliamentary or Westminster system, and a constitutional monarchy.

The Constitution of the United States was a powerful influence. It gave the Australian Constitution the structure for a federal system of government with two houses of parliament; direction on the judiciary and court system; and the division of power between the Commonwealth and States.

Switzerland’s use of referendum or popular vote for constitutional change was incorporated into the Australian Constitution. There are strong similarities between this aspect of the Constitution of Switzerland and Section 128 of the Australian Constitution.

Fact Sheet 3 Continued………..
The Constitution framers adapted these influences, from other countries, to suit Australia, while developing other principles and institutions – ensuring that the Constitution was uniquely Australian.

The Australian Constitution came into being on January 1, 1901, after the Commonwealth of Australia Constitution Act was passed by the British Parliament in 1900.

It brought Australia’s six, self-governing colonies together to form a Federation and only became law after all states had agreed to it. Similarly, it can only be changed by the people through the referendum process.

See Fact Sheet 11 - Referendums and Fact Sheet 7 – Changing the Australian Constitution

Countries with a federal system of government, such as Australia, typically have more than one written constitution covering the nation and regions. Australia has the Commonwealth Constitution (also known as the Australian or Federal Constitution) and six state constitutions.

By world standards the Commonwealth Constitution is a short document, divided into 8 chapters containing 128 sections. The first section is not actually part of the Constitution. It is the preamble or opening statement (see Fact Sheet 4 – What is a pre-amble?)

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A preamble is the introduction to a constitution. It usually contains symbolic statements about the constitution, the system of government, or the common goals and values of the people.

A preamble does not lie down legal rules but can be used to help interpret the constitution when the meaning is not clear. It is usually written at the same time as the rest of the constitution.

A constitutional referendum on the issue of a new preamble was held in Australia in November 1999 at the same time as the referendum on the republic. It was rejected.

The Commonwealth Constitution preamble says:

Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian colonies and possessions of the Queen:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Note, at the time the Act was passed, Western Australia had not yet voted to join the federation.
Western Australia was proclaimed as a British colony on 18 June 1829. The Governor was the most powerful man in the colony and he and nominated officials could make laws on any matter, subject to the British Parliament’s authority.

Representative government was attained in 1870 when 12 members were elected to the Legislative Council of Western Australia.

In 1889, the Council passed The Western Australian Constitution Act, setting up a parliament with full powers to make laws for the “peace, order and good government” of the state.

Although the Act was created here, it was made law in Britain. Governor William Robinson proclaimed it on 21 October 1890. Apart from some very limited residual British authority, the State was now legally and constitutionally an independent and autonomous political entity.

Unlike the Commonwealth Constitution, there is not a single document called “The Western Australian Constitution”.

There are two important Parliamentary Acts that together provide the starting point for consideration of the State’s Constitution: the Constitution Act 1889 and the Constitution Acts Amendment Act 1899. Other important sources considered to be part of the Constitution include:

- The Commonwealth Constitution
- The Australia Acts 1986 (Commonwealth & UK)
- Other state legislation including the Electoral Act 1907, the Supreme Court Act 1935 and the Electoral Distribution Act 1947
- United Kingdom statutes such as the Bill of Rights 1688
- Letters Patent (a source of constitutional authority for the Governor as the representative of the Crown as head of state)
- The common law and
- Constitutional convention (unwritten but well-established constitutional practices).

In a survey of Western Australian electors in 1995, 79 per cent said they knew “hardly anything” or “nothing” about the State Constitution, or “did not know” that it existed.
The Western Australian Constitution was, for most of its history, different from the Commonwealth Constitution because a referendum was not required to change any part of it. Instead it could be amended by State Parliament if both Houses agreed by an absolute majority.

In 1978, however, State Parliament amended the Constitution Act 1889 so that some of its provisions could only be amended by referendum. This was the most important constitutional amendment since 1905 and required that a referendum be held to:

- abolish or alter the position of the Governor;
- abolish or reduce the number of the Members of the Legislative Council or Legislative Assembly;
- provide that either House has members other than members chosen directly by the people.

The Constitution was amended again in 1989 to extend the life of any parliament from a maximum of three years to a maximum of four. The amendment was passed by both Houses and became law. By comparison, the Commonwealth could not instigate such a change without a referendum.

Despite many changes in the State and the role of government since 1890, the constitutional structure of Western Australia has remained largely unchanged.

There are a wide range of view about whether the Western Australian Constitution needs to be changed. These issues include:

- Consolidating or amending that 1889 and 1899 Acts;
- Changing the current amendment rules;
- Recognising the role of the Premier.
The words of the Commonwealth Constitution can only be changed by the referendum procedure set out in Section 128 of the Constitution.

Changing the Constitution may mean:

- formal change to the written text itself (Referendums)
- legal change to the application of the text (Interpretation and decisions of the High Court)
- changing practices outside the written text (Conventions)
- changing political-constitutional realities that affect the way the Constitution works in practice (Tied grants) and
- political adjustments (Referral of Powers).

The procedure requires:

- a Bill proposing the change to be passed by the Commonwealth Parliament, or by one House of the Parliament twice;
- a referendum (see Fact Sheet 11 Referendums), or popular vote, in which the proposal is approved by a majority of people who vote throughout Australia, and by a majority of voters in a majority of States. Since there are six states, the majority needed is four. The Northern Territory and the Australian Capital Territory are not counted as States for this purpose;
- assent to the Bill by the Governor General acting on behalf of the Queen.

The second last paragraph of Section 28 requires certain types of proposals to be approved by a majority of people in the States affected by them. In some cases, in practice, this requires majorities to approve the proposal in all States. This special procedure applies when a proposed change would:

- Lessen the proportion of a State’s representation in either House of the Commonwealth Parliament (by, for example, changing the rule that each State is equally represented in the Senate);
- Lessen the minimum number of representatives from a State in the House of Representatives (currently five);
- Alter the State boundaries, or affect the provision of the Constitution relating to them.
A petition is a request for action. It allows citizens to request Parliament take action to redress any personal, local, state wide or national grievance they may have.

In the United Kingdom the right of petitioning Parliament dates back to the 13th century and King Edward I. The terms “bill” and “petition” originally had the same meaning and some of the earlier legislation was simply a petition which had been agreed to by the King.

The House of Commons passed the following resolutions in 1669:

- That it is an inherent right of every Commoner of England to prepare and present petitions to the House in case of grievance; and of the House of Commons to receive them.
- That it is the undoubted right and privilege of the House of Commons to adjudge and determine, touching the nature and matter of such Petitions, how far they are fit and unfit to be received.

Petitioning Parliament became the right of every Australian after inheriting the effect of these historic resolutions. Today the practice of petitioning Parliament has declined in importance for there are other ways of dealing with grievances, such as -
- direct representation by a Member of Parliament
- the State and Commonwealth Ombudsman
- tribunals eg Administrative Appeals Tribunal
- parliamentary committees.

A petition may be lodged with either house in Western Australia’s State Parliament – the Legislative Council and the Legislative Assembly. Similarly, petitions can be lodged with the both house of Federal Parliament. There are Standing Orders within the Houses of Parliament that set out how a Petition will be drawn up.

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The Commonwealth Constitution has a continuing effect on almost everything we do in our day-to-day lives.

Apart from defining laws to establish and control our national government, the Constitution enables us to understand its basic framework and operations and why we are obliged to comply with the laws of parliament and the decisions of the courts.

In our daily lives the Commonwealth Constitution affects:
- our taxes;
- the way we are defended;
- how we can marry and divorce;
- what pensions we are due;
- how we can post a letter or make a telephone call;
- what customs and excise we must pay if we are in business; and
- what sort of money we can use.

It even affects the access we have to television and the sorts of programs we can watch.

The Constitution gives us the right to trial by jury, religious freedom and freedom from discrimination.

The same applies to our State Constitution. Our Western Australian Parliament has been given power by the Western Australian Constitution Act 1889 to make laws. An example of this is the Road Traffic Act 1974. If you break the law by speeding and are arrested and charged with an offence then you must appear in court and pay your penalty. The Western Australian Constitution Act 1889 empowers the W.A. Parliament to make laws and the Road Traffic Act is such a law.

More than 100 years have passed since our Commonwealth Constitution was drafted. Since then Australia has seen dramatic social, economic and cultural change. The question now is, does our Constitution serve us well and reflect the needs of our modern society? Could it be better? Is it time for change?
In a federal system of government, Commonwealth and State Governments have power. This is the balance of power.

- This area is one of the most misunderstood aspects of government. At the time of Federation, the Commonwealth was granted some important exclusive powers eg customs and excise duties and coinage money. The States surrendered all responsibility for these areas. Most of the powers were in fact concurrent – that is, they were given to the Commonwealth under section 51 but not taken entirely from the states; power and jurisdiction were not divided but shared.

- Since 1900, the Commonwealth has exercised its powers with ever increasing vigour, resulting in its encroachment on areas that were not originally expected to be its concern.

- Under Section 109 of the Commonwealth Constitution, when a State law is inconsistent with a Commonwealth law, the Commonwealth law would override the State law.

- Under Section 51 of the Commonwealth Constitution, responsibilities given to the Commonwealth at Federation related to:
  - defence and external affairs;
  - navigation, quarantine and meteorological services;
  - immigration, citizenship, matrimonial status;
  - international and interstate trade and commerce;
  - currency, non-state banking and insurance;
  - conciliation and arbitration for interstate industrial disputes;
  - postal and telecommunications services, conditional powers with respect to railways; and
  - invalid and age old pensions.

- At Federation, the States were considered to have sole responsibility for everything not specified in the Commonwealth Constitution. This included:
  - law and order within Australia;
  - the regulation of commerce and industry;
  - transport services; natural resources, including land;
  - essential services such as water supply, sewerage, drainage, electricity and gas;
  - local government;
  - education, housing and health;
  - the environment;
  - industrial relations.

- For changes that happened to the power of levying income tax and the Commonwealth’s grants power to the States (section 96) see Fact Sheet 19.
A referendum is a vote by the people. Every citizen who is eligible to vote has the right to vote on a given issue. The people can accept or reject a government proposal put directly to them.

*Make no mistake about referendums. Their results are notorious. You couldn’t introduce free beer by referendum.*

Sir John Walsh
Sydney Morning Herald, 4 June 1965

**Constitutional Referendums**

Under Section 128, the Commonwealth Constitution can be amended only by a referendum that gains a “double majority”, that is a national majority of all voters as well as a majority of electors in a majority of the States (ie at least four of the six). This has made successful referendums difficult to achieve.

Of the 44 proposals for change put forward in our constitutional history only 8 have been successful.

Examples of successful referendums are

- **1946 Social Services Referendum**

The 1946 referendum proposed to give the Commonwealth power to legislate on:

*The provision of maternity allowances, widows’ pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorise any form of civil conscription), benefits to students and family allowances.*

Section 51 (xxiiiA)

- **1967 Aboriginal Referendum**

This proposal was to remove two references in the Commonwealth Constitution that prevented the Commonwealth legislating for Aboriginal people. It saw the highest YES vote ever recorded in a Federal referendum with all six States passing the referendum.
**Advisory Referendums**

Governments can hold advisory referendums (also called plebiscites) to test whether people either support or oppose a proposed action or issue. They are not bound by the result of an advisory referendum as they are by a Constitutional referendum.

Examples of advisory referendums are

- **State – Daylight Saving W.A.**
  Three referendums on daylight saving have been held in W.A. in 1975, 1984 and 1992. In each instance the proposal was rejected.

- **Commonwealth – Conscription**
  To support the war effort during World War 1, Prime Minister WM Hughes wanted to introduce conscription but, faced with divisions within his own party, did not wish to do so without the support of the people. To canvas public opinion, military service plebiscites were held in 1916 and 1917. Both were unsuccessful. *(see Fact Sheet 12)*

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During the First World War Australian voters were asked in October 1916, and then again in December 1917, to vote on the issue of conscription. Universal military training for Australian men aged 18 to 60 had been compulsory since 1911. This did not extend to service overseas however so the question was put to the people by Prime Minister WM Hughes.

The 1916 advisory referendum (also called a plebiscite) proposal was

Are you in favour of the Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service, for the term of this War, outside the Commonwealth, as it now has in regard to military service within the Commonwealth?

The referendum was defeated with 1,087,557 in favour and 1,160,033 against.

On the second occasion, it sought to conscript men for overseas service in sufficient numbers to make the total reinforcements up to 7,000 a month.

The referendum asked

Are you in favour of the proposal of the Commonwealth Government for reinforcing the Commonwealth Forces overseas?

The conscription issue divided the nation and was a matter of intense political debate. The majority of Western Australians however voted yes on both occasions.

In 1964 the National Service Act required 20 year old males to serve in the Army for a period of 24 months of continuous service followed by three years in the Reserve.

Between 1965 and 1972 over 800,000 men registered for National Service. Some 63,000 were conscripted and over 19,000 served in Vietnam. Although registration was compulsory, a ballot system was used to select those for national service.

With the election of an ALP government in December 1972 Prime Minister Whitlam announced the end of peace time conscription. The National Service Act was amended in 1973 to abolish the obligation to undertake National Service.

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1983 The Tasmanian Dam Case

- The decision by the Tasmanian government to dam the Franklin River and flood a substantial heritage wilderness area led to a challenge in the High Court by the Commonwealth.

- The High Court ruled that the Commonwealth had the power to prevent construction because Australia was a party to an international convention protecting world culture and natural heritage. The Franklin River was listed on the World Heritage List and, as the Commonwealth held external powers under section 51 (xxix) of the Commonwealth Constitution, it had the power to bind states to any international treaties to which Australia was a party.

- The decision raised another issue for the States. It ruled that statutory authorities such as the Tasmanian Hydro Electricity Commission (which generates electricity to sell) could be trading corporations under section 51 (xx) of the Commonwealth Constitution and therefore subject to Commonwealth legislation. This permits the Commonwealth to regulate the activities of such trading corporations.

- The case opened the door for future Commonwealth regulation because most State economic activities are carried out by trading corporations. The decision gives the Commonwealth power over certain activities that previously have been governed by State laws and policies.
1982 Koowarta v. Bjelke-Peterson, Queensland

- In 1976, John Koowarta convinced the Aboriginal Land Fund Commission to purchase a lease of land in Northern Queensland. The lease was to enable an Aboriginal community to start a cattle property. Permission to lease the land was refused by the Queensland National Party government led by Bjelke-Peterson, because it was opposed to Aboriginal people buying leasehold land.

- The Koowarta group took the case to the High Court, arguing that the Queensland government’s decision breached the Commonwealth 1975 Racial Discrimination Act. This Act implemented the terms of an international treaty that sought the abolition of all forms of discrimination based on race.

- In opposition, the Bjelke-Peterson government insisted that the Act should be declared invalid on the grounds that it extended the Commonwealth’s external affairs power beyond that intended by the Constitution. Indeed the Commonwealth did not have the constitutional authority to legislate on racial discrimination in the States.

- In 1982, the High Court ruled, by the narrowest of margins (4-3) that the Racial Discrimination Act was valid and that it could override State laws using the external affairs powers under section 51 (xxix) of the Commonwealth Constitution.
The dismissal of the Whitlam Government in 1975 has been described as the greatest political crisis in Australia’s history. It began when the Senate refused to pass the government’s budget. The supply crisis and dismissal were possible because a number of longstanding conventions were broken.

Although a constitution is a formal legal document, its operation relies on the use of conventions (accepted practices and unwritten rules). For example, the Prime Minister is not mentioned in the Constitution and neither is the Cabinet but their roles are defined by conventions. Conventions are not laws but are recognised as useful and practical.

These unwritten rules are accepted by most of the participants in the political system. However, they have a degree of flexibility because they are not written and can be, and have been, broken.

The breakdown of conventions and the way people thought the Constitution functioned, contributed to the 1975 constitutional crisis.

In 1975, the perception was that:
♦ Two State governments ignored the convention that when a Senator resigns or dies, State parliament selects a replacement from the same political party.
♦ The Senate’s decision to block supply was considered by many as a breach of convention, exercising a power that was technically in the Constitution but which Oppositions had previously declined to exploit.
♦ A longstanding Westminster convention was broken that the government is formed by the party holding the confidence of the Lower House, and that the Upper House will therefore allow that government the funds to govern.
♦ In dismissing the Whitlam government, Governor General Sir John Kerr acted within the letter of the Constitution but he did not observe the convention that a Governor General should act on the advice of the Prime Minister.
♦ After Malcolm Fraser had been appointed caretaker PM, the convention that when the House of representatives does not support a Prime Minister, the Prime Minister resigns, was not observed.

One change that resulted from the crisis was that in 1977, Prime Minister Malcolm Fraser moved a successful referendum to formalise the method of choosing Senate casual vacancies. This reflected what it was assumed the convention had intended.
The interpretation of the Constitution through the decisions of the High court is one of the main means by which important changes can be made to the way the Constitution operates.

The High Court was established in 1903. The first sitting of the High Court took place in Melbourne on 6 October 1903. It was a distinguished Bench, comprising three people who had been prominent in the Federal movement.
- The Chief Justice, Sir Samuel Griffith, former Premier and former Chief Justice of Queensland
- Sir Edmund Barton, the first Prime Minister of Australia and Leader of the Constitutional Conventions which lead to Australia becoming a federation in 1901.
- Richard Edward O’Connor, a former Minister of Justice and Solicitor General of New South Wales, and the first Leader of the Government in the Senate.

In 1912 the High Court Bench was further increased to seven Justices. In its history, only two West Australians have been appointed to the High Court Bench. They are Sir Ronald Wilson and John Toohey.

Up until 1920, the Court interpreted Commonwealth powers narrowly, seeing the Commonwealth and States as separate and equal. This view was overturned by the Engineer’s Case in 1920, which is seen as a turning point in Australian federalism. The High Court gave a much broader interpretation to Commonwealth industrial powers under section 51 of the Constitution by ruling that Commonwealth industrial law could apply to Western Australian State agencies.

For examples of High Court decisions in favour of the Commonwealth see Fact Sheet 13 - The Franklin River Dam, Fact Sheet 14 - The Koowarta Case in Queensland.

For examples of High Court decisions against the Commonwealth see Fact Sheet 17 – Decisions Against the Commonwealth.
Not all High Court decisions have expanded the power of the Commonwealth. Examples of cases where the High Court ruled against the Commonwealth are listed here.

1948 The Bank Nationalisation Case

- During the war, using the defence power of Section 51(vi), the Chifley Labor government legislated to allow the Commonwealth Bank to purchase or nationalise the private banks. After the war, it sought to continue control over the private banking system. This prompted the High Court challenge that found that Chifley’s Act was invalid.

The 1951 Communist Party

- In 1950, the Menzies government passed a Bill to outlaw the Communist Party. The Communist Party immediately challenged this in the High Court. The High Court ruled against the Commonwealth. Menzies then held a referendum seeking to give the Commonwealth powers to make laws in respect of communists and Communism. The proposal was not successful.

1992 Political Advertising

- In 1992, the High court brought down a decision in Australian Capital Television v Commonwealth that pioneered an implied guarantee of freedom of political speech in the Constitution. The court overturned a Commonwealth law that banned the broadcasting of paid political advertisements outside of allocated quotas on radio and television during commonwealth and State elections.

- The High Court found against the Commonwealth arguing that Australian citizens must have the freedom to discuss public affairs, political and economic matters relating to the system of government, including the right to criticise federal institutions.
On November 6 1999 a referendum was held to ask Australians whether they agreed to the proposed laws for the alteration of the Constitution, entitled:
(i) Constitution Alteration (Establishment of Republic) 1999,
(ii) Constitution Alteration (Preamble) 1999.

The first of these proposals to alter the Constitution sought to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament. The second proposal sought to alter the Constitution to insert a preamble.

Both questions were unsuccessful and the Constitution remains unchanged.

Debate still continues today. Regardless of which model is proposed there are arguments for and against Australia becoming a republic. The arguments below have been taken from the Constitutional Centenary Foundation’s information sheet.

ARGUMENTS FOR:
♦ The idea of a monarchy, in which people hold office by birth, is outdated in a modern democracy.
♦ The link with the Queen in the Constitution is a sign of Australia’s former status as a British colony. It is neither necessary nor appropriate in an independent country.
♦ In practice, it is impossible to avoid some conflicts of interest, when the same person is Head of State of a number of different countries.
♦ Having a monarchy in which the Monarch lives somewhere else makes the Australian Constitution and system of government more difficult to understand than they need to be.
♦ The stability of Australian government has nothing to do with the monarchy and would remain under a republic.

ARGUMENTS AGAINST
♦ The present system works well. There is no need to change.
♦ The monarchy has been adapted to suit an independent Australia. The Queen now has the title “Queen of Australia.” She always acts on Australian advice in relation to Australian affairs.
♦ As Australia became independent, the position of Governor-General became more important. In practice, the Governor-General now acts as Australia’s Head of State.
♦ There is a danger that in replacing the monarchy we might inadvertently alter other parts of the system of government.
♦ Many of our best institutions have come from Britain, including the parliamentary system and legal system. The monarchy is another.
The Australian States suffer from what is termed “vertical fiscal imbalance” because they do not have access to sufficient tax revenues necessary to carry out their constitutional responsibilities. However, the Commonwealth has the capacity to raise revenue that exceeds its requirements. It passes on some of these funds to the States by way of grants. Western Australia relies on Commonwealth funding for about 50 per cent of its revenue.

Vertical fiscal imbalance is more extreme in Australia than in any equivalent federation. It exists because the States have been excluded from access to the two main sources of tax – sales taxes and income taxes.

Section 90 of the Commonwealth Constitution prohibits the States from imposing “duties of custom and of excise.” This has been interpreted by the High Court as denying States the right to levy general sales tax at all. The consequence has been to cut the States off from what is in other federations, such as the United States and Canada, a major source of State revenue.

There is no constitutional prohibition preventing the States from levying income taxes and for many years they did. However, in 1942 the Commonwealth passed its “uniform tax” legislation as a wartime measure that allowed it to collect income taxes before the States. The States challenged the law in the High Court but lost. The legislation had the practical effect of excluding the States entirely from the field of income tax.

The scheme had two main features.

- The Commonwealth used its taxing power to impose an income tax that equalled the previous combined State and Commonwealth income taxes.
- The Commonwealth’s use of its grants power under section 96 of the Constitution meant that it could grant to the States amounts approximately equal to what they would have raised through their own income taxes, on the condition that they forgo imposing such taxes.

The most significant development in federal finance since than has been the passage of the Commonwealth Government’s GST legislation in 1999. The Commonwealth has agreed that all the revenue from the GST will go to the States. The essential facts of vertical fiscal imbalance remain untouched, with the States being enormously dependent on Commonwealth funds, including those coming from the goods and services tax.
Many people confuse our system with the American system but, in the case of citizens’ rights, Australia is very different. Our system is based on the British model and relies on legislated rights and common law rights, though specifying rights does not always add to them or ensure their existence.

Both the Commonwealth and State Constitutions are mainly about the powers of law and government. In the Commonwealth Constitution there are few references to the rights and liberties of individuals. This has been of concern to some people. In 1988, a referendum was held to add several rights and freedoms to the Commonwealth Constitution but it was unsuccessful. It sought to:
- extend the right to trial by jury
- extend freedom of religion and
- ensure fair terms for people whose property is acquired by any Government.

The Australian tradition has been to provide little if any constitutional protection for rights, relying instead on the democratic process. Some rights however are protected in the Commonwealth Constitution. These include:
- Trial by jury (section 80)
- Compensation for acquisition of property
- Freedom of religion (section 116)
- Protection against discrimination on the grounds of which State you live in.

The Western Australian Constitution makes no reference to an individual’s rights either. Instead, Australians, like the British, have the right to do something unless the government says otherwise. Thus the Constitution has a part in the daily lives of all Australians.
### Activity 3: Australia’s Constitution Crossword – Page 1

<table>
<thead>
<tr>
<th>ACROSS</th>
<th>DOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 A</td>
<td>1    An old measure of land</td>
</tr>
<tr>
<td>2 O</td>
<td>2 The last state to join the Federation</td>
</tr>
<tr>
<td>3 F</td>
<td>3 A colour in the Australian flag</td>
</tr>
<tr>
<td>4 P</td>
<td>4 The joining of states to form a nation</td>
</tr>
<tr>
<td>5 F</td>
<td>5 The Constitution provides _______ to the Commonwealth to grant money to the States</td>
</tr>
<tr>
<td>6 C O N V E N T I O N E</td>
<td>6 A _______ was held to explore Federation</td>
</tr>
<tr>
<td>7 W A D</td>
<td>7 The last state to join the Federation</td>
</tr>
<tr>
<td>8 R E D</td>
<td>8 The place where No6 across was held in 1890</td>
</tr>
<tr>
<td>9 M E L B O</td>
<td>9 A colour in the Australian flag</td>
</tr>
<tr>
<td>10 U R</td>
<td>10 The Australian Constitution is also known as the _______ Constitution</td>
</tr>
<tr>
<td>11 N E E</td>
<td>11 Our Federal system of government was modelled on this country</td>
</tr>
<tr>
<td>12 O R D E R</td>
<td>12 Law and ______</td>
</tr>
<tr>
<td>13 R D A F T</td>
<td>13 A _______ constitution was approved in March 1898</td>
</tr>
<tr>
<td>14 A C T</td>
<td>14 A bill is debated in parliament before it becomes an ______</td>
</tr>
<tr>
<td>15 P T</td>
<td>15 People enrolled to vote are on the electoral ______</td>
</tr>
<tr>
<td>16 L I S</td>
<td>16 A _______ was held to explore Federation</td>
</tr>
<tr>
<td>17 T U</td>
<td>17 The last state to join the Federation</td>
</tr>
<tr>
<td>18 Q O M</td>
<td>18 The Constitution provides _______ to the Commonwealth to grant money to the States</td>
</tr>
<tr>
<td>19 O N</td>
<td>19 The Australian Constitution is also known as the _______ Constitution</td>
</tr>
<tr>
<td>20 A C O N S T I T U T I O N</td>
<td>20 A set of rules, a framework for government</td>
</tr>
<tr>
<td>21 N S W</td>
<td>21 The 1898 Federation referendum was not carried in this state</td>
</tr>
<tr>
<td>22 W</td>
<td>22 Law and ______</td>
</tr>
<tr>
<td>23 D U T Y E E</td>
<td>23 In 1900 W.A. citizens were able to ______ in a referendum for Federation</td>
</tr>
<tr>
<td>24 U A</td>
<td>24 The British system of government – constitutional ______</td>
</tr>
<tr>
<td>25 A R C H Y</td>
<td>25 The Constitution emerged from the federal ______</td>
</tr>
<tr>
<td>26 G A Y E S</td>
<td>26 All those in favour say ______. The ______s have it.</td>
</tr>
<tr>
<td>27 T I Z E R L A N D</td>
<td>27 All those in favour say ______. The ______s have it.</td>
</tr>
<tr>
<td>28 C S O N N</td>
<td>27 A joining word</td>
</tr>
<tr>
<td>29 This country’s constitutional model influenced Australia</td>
<td>28 The first state in Australia to grant women the vote.</td>
</tr>
<tr>
<td>30 A D T E</td>
<td>29 This country’s constitutional model influenced Australia</td>
</tr>
<tr>
<td>31 The ______ of the W.A. Federation referendum was July 31 1900</td>
<td>30 A________ was held to explore Federation</td>
</tr>
</tbody>
</table>

**Linked to Fact Sheet 3 and Learning Areas – Society & Environment, English**
### Military Service Referendum Act 1916

<table>
<thead>
<tr>
<th>State</th>
<th>No. on rolls</th>
<th>No. to whom ballot papers were issued (a)</th>
<th>FOR (b)</th>
<th>% FOR</th>
<th>AGAINST (c)</th>
<th>% AGAINST</th>
<th>Informal Votes (can't be counted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>1 055 986</td>
<td>858 399</td>
<td>356 805</td>
<td>42.92</td>
<td>474 544</td>
<td>57.08</td>
<td>27 050</td>
</tr>
<tr>
<td>Victoria</td>
<td>824 972</td>
<td>696 684</td>
<td>353 930</td>
<td>51.88</td>
<td>328 216</td>
<td>48.12</td>
<td>14 538</td>
</tr>
<tr>
<td>Queensland</td>
<td>366 042</td>
<td>309 921</td>
<td>144 200</td>
<td>47.71</td>
<td>158 051</td>
<td>52.29</td>
<td>7 670</td>
</tr>
<tr>
<td>South Australia</td>
<td>262 781</td>
<td>211 252</td>
<td>87 924</td>
<td>42.44</td>
<td>119 236</td>
<td>57.56</td>
<td>4 092</td>
</tr>
<tr>
<td>Western Australia</td>
<td>167 602</td>
<td>140 648</td>
<td>94 069</td>
<td>69.71</td>
<td>40 884</td>
<td>30.29</td>
<td>5 695</td>
</tr>
<tr>
<td>Tasmania</td>
<td>107 875</td>
<td>88 231</td>
<td>48 493</td>
<td>56.17</td>
<td>37 833</td>
<td>43.83</td>
<td>1 905</td>
</tr>
<tr>
<td>Federal Territories</td>
<td>4 572</td>
<td>3 468</td>
<td>2 136</td>
<td>62.73</td>
<td>1 269</td>
<td>37.27</td>
<td>63</td>
</tr>
<tr>
<td><strong>Total for Commonwealth</strong></td>
<td><strong>2 789 830</strong></td>
<td><strong>2 308 603</strong></td>
<td><strong>1 087 557</strong></td>
<td><strong>48.39</strong></td>
<td><strong>1 160 033</strong></td>
<td><strong>51.61</strong></td>
<td><strong>61 013</strong></td>
</tr>
</tbody>
</table>

*If you have finished your graph, you can answer these questions.*

- Which state clearly supported conscription?
  - **Western Australia**

- How many people were on the electoral rolls in 1916?
  - **2,789,830**

- How many people in Australia did not complete their voting form correctly?
  - **61,013**

- How many more people were on the rolls in N.S.W. than in W.A?
  - **888,384**
**GLOSSARY**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>A Bill that has been passed by parliament, received Royal Assent, and become law.</td>
</tr>
<tr>
<td>AMENDMENT</td>
<td>An alteration to a Bill or an Act.</td>
</tr>
<tr>
<td>ASSENT</td>
<td>The formal agreement of the Governor General or the Queen to a Bill which has been passed by the Houses of Parliament in accordance with the Constitution.</td>
</tr>
<tr>
<td>BICAMERAL PARLIAMENT</td>
<td>A Parliament with two Houses or chambers: in the Australian Constitution, the Senate and the House of Representatives.</td>
</tr>
<tr>
<td>BIPARTISAN</td>
<td>Involving the support or membership of two political parties.</td>
</tr>
<tr>
<td>BILL</td>
<td>A proposed law that has been introduced into parliament but has not been passed. If passed, and granted Royal Assent it becomes an Act.</td>
</tr>
<tr>
<td>BY-ELECTION</td>
<td>An election to fill a seat in the Lower House that has become vacant during the term of the Parliament, between general elections.</td>
</tr>
<tr>
<td>CABINET</td>
<td>The policy making body of Government, consisting of senior ministers (and in some governments, of all ministers)</td>
</tr>
<tr>
<td>CASUAL VACANCY</td>
<td>A vacancy caused by the death or retirement of a member of the Upper House before the end of his or her normal term.</td>
</tr>
<tr>
<td>COLONY</td>
<td>A community that is subject to the final legal authority of another country.</td>
</tr>
<tr>
<td>CONCURRENT POWERS</td>
<td>Powers that can be exercised by either the Commonwealth or the States.</td>
</tr>
<tr>
<td>CONSTITUTIONAL CONVENTION</td>
<td>A widely accepted and important practice which affects the operation of the Constitution: for example, the convention that the Governor General generally acts on the advice of the government in exercising his or her powers.</td>
</tr>
<tr>
<td>CONSTITUTIONAL MONARCHY</td>
<td>A monarchy is a system of government in which the position of head of state is hereditary. The monarch exercises his or her power in accordance with constitutional rules, which usually require power to be exercised on the advice of an elected government.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>DISSOLUTION</td>
<td>Action taken by the Governor General, on the advice of the prime minister, to bring the term of the House of representatives to an end, making a general election for a new House necessary.</td>
</tr>
<tr>
<td>DOUBLE DISSOLUTION</td>
<td>Action taken by the Governor General, on the advice of the prime minister, to dissolve both House in accordance with section 57 of the Constitution, in order to resolve a deadlock between the Houses.</td>
</tr>
<tr>
<td>ELECTORATE</td>
<td>A geographical area or “division” within a State from which a member of the Lower House is elected.</td>
</tr>
<tr>
<td>EXCLUSIVE POWERS</td>
<td>Powers which only the Commonwealth may exercise and which the States may not.</td>
</tr>
<tr>
<td>FEDERATION</td>
<td>A form of government in which power is shared between two spheres of government, each of which has some autonomy: in Australia, the commonwealth and the States. Australia’s federal system began on 1 January 1901.</td>
</tr>
<tr>
<td>HOUSE OF REPRESENTATIVES</td>
<td>The Lower House of Commonwealth Parliament. It represents Australians in accordance with population numbers.</td>
</tr>
<tr>
<td>JOINT SITTING</td>
<td>A meeting of both Houses of parliament.</td>
</tr>
<tr>
<td>JUDICATURE</td>
<td>The entire court structure.</td>
</tr>
<tr>
<td>LEGISLATIVE ASSEMBLY</td>
<td>The Lower House of W.A.’s State Parliament.</td>
</tr>
<tr>
<td>LEGISLATIVE COUNCIL</td>
<td>The Upper House of W.A.’s State Parliament.</td>
</tr>
<tr>
<td>LEGISLATIVE POWER</td>
<td>The power to make new law.</td>
</tr>
<tr>
<td>M.L.A.</td>
<td>Member of the Legislative Assembly.</td>
</tr>
<tr>
<td>M.L.C.</td>
<td>Member of the Legislative Council.</td>
</tr>
<tr>
<td>M.P.</td>
<td>Member of Parliament.</td>
</tr>
<tr>
<td>PARLIAMENT</td>
<td>The law-making body which under the Australian Constitution consists of the Senate, the House of Representatives and the Queen.</td>
</tr>
<tr>
<td>PREAMBLE</td>
<td>The introduction to a Constitution or Act of Parliament.</td>
</tr>
<tr>
<td>PREFERENTIAL VOTING</td>
<td>The system of voting presently used for the Lower House of parliament, under which the second and later preferences may be taken into account in counting votes.</td>
</tr>
<tr>
<td>PRESIDENT</td>
<td>The presiding officer of the Upper House (Senate and Legislative Council).</td>
</tr>
<tr>
<td>PROPORTIONAL REPRESENTATION</td>
<td>The system used for counting votes in Upper House elections. Its effect is to make it more likely that the distribution of seats is proportional.</td>
</tr>
</tbody>
</table>
will roughly reflect the opinions of voters.

QUEEN IN COUNCIL
This is another way of referring to the Privy Council. The Privy Council is a court, which sits in London to deal with appeals from the courts of colonies or from the courts of former colonies that decide to continue to use it.

QUORUM
The minimum number of members required in both Houses of Parliament for business to be transacted.

REFERENDUM
A direct vote by the people on proposals for change. Section 128 of Australia’s Constitution refers to the need for a referendum for Constitutional change. Advisory referendums, unlike constitutional referendums, are not binding by the government. For example daylight saving (W.A.)

REPRESENTATIVE GOVERNMENT
A system under which government is carried on largely through elected representatives.

RESPONSIBLE GOVERNMENT
A system under which government ministers are drawn from the Parliament, have the confidence of the Parliament and are responsible to the Parliament.

RESERVE POWER
A power which may be exercised by the Governor General against or without advice.

SENATE
The Upper House of the Commonwealth Parliament designed to represent the States.

SPEAKER
The presiding officer of the Lower House.

STANDING ORDERS
The rules made by each House of the Parliament for the conduct of their own business.

TREATY
An agreement between national governments, which is binding at international law.

WESTMINSTER SYSTEM
A system of government roughly modelled on that originally developed in the United Kingdom. Its principal feature is that Parliament is elected and that the government is drawn from the Parliament and depends on the confidence of the Lower House of Parliament for it to continue in office.

Reference
Constitutional Centenary Foundation *The Australian Constitution*, Melbourne 1997
<table>
<thead>
<tr>
<th><strong>Recommended Internet Sites</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Constitutional Centre of W.A.</strong></td>
</tr>
<tr>
<td>This site is a great starting point. You can view our exhibitions and find links to other sites of interest – including other states and countries.</td>
</tr>
<tr>
<td><strong>Constitutional Centenary Foundation</strong></td>
</tr>
<tr>
<td>Fantastic site for information sheets on the Commonwealth Constitution, our system of government and related issues.</td>
</tr>
<tr>
<td><strong>Australian Parliament</strong></td>
</tr>
<tr>
<td>Once in this site there are links to further education sites including the Parliamentary Education Office. Easy to access Hansard reports are a great source of reference material.</td>
</tr>
<tr>
<td><strong>Western Australian Government</strong></td>
</tr>
<tr>
<td>Start by looking at the W.A. government site. This has links to W.A. parliament and the education pages.</td>
</tr>
<tr>
<td><strong>Australian Electoral Commission</strong></td>
</tr>
<tr>
<td>Information about Australia’s electoral process and its history. Also has links to state electoral sites.</td>
</tr>
</tbody>
</table>