

## Topic 2:

# Representing everyone!

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How are we represented? .....p 50  
Upper primary | Lower secondary



**AEC**

Australian Electoral Commission

# Topic 2: Representing everyone!

Australia is a representative democracy. The Australian Constitution provides the framework for our government. The democratic principles of representation are protected under the Australian Constitution. Included in the provisions of the Constitution is the right of individuals to be represented at the federal level and to participate in the choosing of representatives.

Representing everyone! provides students with the opportunity to explore how individual citizens are represented at the federal level.

## The topic contains two investigations:

- Investigation A: How do you have your say?
- Investigation B: How are we represented?

These investigations explore the federal arrangements created by the Australian Constitution, how individual citizens are represented at the federal level through different voting and electoral configurations, and the referendum process required for constitutional change.

## Introductory activity

### Resources

- Photos/illustrations/objects representing the Constitution, Parliament House, the Senate, House of Representatives, laws (Electoral Act), a referendum, elections, Member of Parliament, enrolment form, ballot paper, ballot box
- Seven large sheets of poster paper, plus seven extra sheets for summary statements

Divide the class into seven groups and allocate each group a photo and poster paper. Ask all groups the following three questions: What does this image represent? What do you know about it? What questions does this image raise?

Allow enough room for all groups to record their responses under each of the three headings.

Tell students to discuss each image and to record their responses to the questions. Rotate each group to add their responses.

Draw the class together to discuss the responses. To facilitate discussion, ask one group to read out or summarise the recorded responses from one of the posters.

Some questions to consider:

- Do we agree on what the image represents?
- What do we know about (the image)? Does anybody disagree with this information? Why? (Any incorrect or queried responses should be transferred to the 'questions raised' heading.) Is there any other information that you would like to add?
- What were the questions raised about (the image)? Can you think of others to add?

Return the posters to the groups. Using the revised information on each poster, ask students to summarise information under the heading 'What we know' on a new piece of poster paper. Ask students to group similar questions and to summarise these in two or three 'big' questions. Write these on the poster under the heading 'What we would like to know'.

Display the seven new posters. Students will be given the opportunity to revisit these posters and add information under 'What we know'.

Questions answered can be crossed off the 'What we would like to know' list.



**Figure 12:** Ballot boxes for the House of Representatives and Senate elections

### From the margin

#### **A vote for the environment**

A large amount of cardboard equipment and paper materials is produced for each federal election. Whenever possible, the AEC uses cardboard and paper equipment manufactured from recycled materials that is in turn recycled or reused.



# Investigation A

## How do you have your say?

Recommended levels | Upper primary | Lower secondary

In this investigation students examine the federal arrangements created by the Constitution and compare the different voting and electoral configurations used to facilitate representation in the House of Representatives and the Senate, and in the referendum process.

### The investigation at a glance

#### Background briefings for teacher reference

- Australian Electoral Commission; Constitution; electoral division; full preferential voting; House of Representatives; referendum; Senate

#### Suggested classroom teaching time

- **Activity 1:** How are we represented in Federal Parliament? (40 minutes)
- **Activity 2:** How are members of Parliament elected? (40 minutes)
- **Activity 3:** Are there other ways to have your say? (40 minutes)
- **Activity 4:** How do referendums help decision-making? (80 minutes)

#### Indicators of student achievement

- Compare voting procedures for the House of Representatives and the Senate
- Understand the differences between Senate and House of Representatives electorates
- Explain how the citizens of Australia can alter the Constitution by voting in a referendum



Figure 13: A busy polling place on election day

### From the margin

#### Swinging voters

Swinging voters do not hang from the trees or a trapeze! These are voters who tend to vote for different parties at different elections. These voters are in a minority as most people tend to vote for the same party at each election.

## Activity 1

# How are we represented in Federal Parliament?

### Focus questions

- How many members represent us in Federal Parliament?
- What is the distribution of members of the House of Representatives and the Senate across all the states and territories?
- What are the similarities and differences in representation for the House of Representatives and the Senate between each state and territory?

### Resources

- AEC, [electorates maps](http://www.aec.gov.au/Electorates/maps.htm): [www.aec.gov.au/Electorates/maps.htm](http://www.aec.gov.au/Electorates/maps.htm)
- AEC, [elections results map](http://www.aec.gov.au/Elections/federal_elections/2013/files/results-map-2013.pdf): [www.aec.gov.au/Elections/federal\\_elections/2013/files/results-map-2013.pdf](http://www.aec.gov.au/Elections/federal_elections/2013/files/results-map-2013.pdf)
- Parliament of Australia, a [list of members](http://www.aph.gov.au/Senators_and_Members/Members) of the House of Representatives: [www.aph.gov.au/Senators\\_and\\_Members/Members](http://www.aph.gov.au/Senators_and_Members/Members)
- Parliament of Australia, a [list of senators](http://www.aph.gov.au/Senators_and_Members/Senators) of the Senate: [www.aph.gov.au/Senators\\_and\\_Members/Senators](http://www.aph.gov.au/Senators_and_Members/Senators)
- Parliamentary Education Office, [understand our Parliament](http://www.peo.gov.au/understand-our-parliament/): [www.peo.gov.au/understand-our-parliament/](http://www.peo.gov.au/understand-our-parliament/)



### Gathering information

Explain to students that Australia is a representative democracy. This means that its citizens choose representatives to make the laws on their behalf. Through provisions made in the Australian Constitution, there are two houses in Federal Parliament: the House of Representatives and the Senate. These houses make the laws that govern Australia. The members of both houses are elected by the citizens of Australia.

Provide students with web addresses, election results maps or hard-copy information showing electorates and members of both houses of parliament. Ask students to investigate the number of seats in the House of Representatives and the Senate. Instruct students to record their findings in a table.



### Identifying and analysing

Group students in pairs or small groups and ask them to analyse their findings for commonalities and differences between the states and territories for both the House of Representatives and the Senate, and to record their findings.

For example: NSW has ... members in the House of Representatives. South Australia has ... There are different numbers of members for the House of Representatives for each state and territory. However, each state and each territory has the same number of senators. All states have 12 representatives and each territory has two representatives in the Senate. Although each state has a different number of members in the House of Representatives, they have the same number of senators.



### Presenting findings

Draw the class together and discuss these findings. Summarise students' findings on poster paper or the board.

Ask students to question and hypothesise about the reasons for commonalities and differences. Add these questions and hypotheses to the summary.

## Activity 2

# How are members of Parliament elected?

### Focus questions

- How are members elected to the House of Representatives?
- How are senators elected to the Senate?
- How do the voting systems and electoral configurations differ and what are the similarities?

### Resources

- Multiple class numbers list for year levels or whole school (depending on size of school)
- **Animation: Making your vote count**



### Gathering information

Explain to students that both houses of parliament use full preferential voting to elect representatives.

View the **animation 'Making your vote count'** with students. Have students draw a flow chart that explains the process. Discuss with students why preferential voting might be considered more democratic than first-past-the-post voting. Explain to students that the houses differ in that the House of Representatives is a single-member system and the Senate is a multi-member system. These arrangements have been set out in the Australian Constitution. The Australian Electoral Commission (AEC) conducts elections for both houses.

The House of Representatives is often called the 'people's house'. The 151 members of the House of Representatives are chosen from each of the 151 electorates in Australia. These electorates are population based, and within each state or territory electorates have similar numbers of voters. For a member to be elected they must receive an absolute majority of the formal vote, meaning over 50%. These may have been gained by a candidate as the result of first preference votes only or after the distribution of further rounds of voter preferences.

Provide students with lists indicating the number of students in each class at a year level or in whole-school year levels. Using the school as an analogy, explain to students that each class will be a single-member 'electorate'.

Instruct students to work out how many votes a candidate would need to be elected. For example, a class of 24 students as an electorate would require a candidate to receive 13 votes to become the member for that electorate. In a class of 21 electors, 11 votes would be required for election, assuming that all class members vote formally. Students can record their results in a table like the one below.

Class	Number of electors	Votes required by candidate

Check student responses.

Explain to students that each state and territory is an electorate in the Senate and voters choose senators to represent their state or territory.

The Senate is often called the 'states' house'. Each state, regardless of its size or population, is represented by the same number of senators to ensure equal representation.

### From the margin

#### Donkey vote

Some voters number the candidates in the order that they appear on the ballot paper, not because it reflects their real choice, but because it is the easiest way to cast a formal vote. This is called a 'donkey vote'. Until 1983, candidates were listed in alphabetical order on ballot papers. This gave candidates at the top the 'donkey vote' advantage – estimated to be 2–3% of the vote. (Jaensch, D, *Election: How and why Australia votes*, Allen & Unwin, 1995, p 47)



The boundaries of each state or territory form an electorate and people voting in those eight electorates elect a group of people to represent them. There are 12 senators for each state; the Australian Capital Territory and the Northern Territory are each represented by two senators. There are 76 senators in the Senate.

A proportional system of representation applies to the Senate. Under this system candidates must gain a specific proportion of the electorate's (the state or territory) votes – a quota – to be elected.

The quota is worked out by dividing the total number of formal ballot papers by one more than the number of vacancies to be filled and by adding 1 to the result:

$$\frac{\text{number of formal votes}}{\text{number of vacancies} + 1} + 1 = \text{quota}$$

For example: Three senators are to be elected and the total number of formal votes for the state is 2,400. Therefore the quota is:

$$\frac{2,400}{3 + 1} + 1 = 601$$

So for a candidate to be elected as a senator they must receive 601 votes.

This may be through first preferences or by a complicated distribution of preferences until a candidate has received the quota.

Demonstrate this to the students and also allow them to again view the [animation](#) 'Making your vote count'.

Using the selected lists, inform students that the whole year level or school (whichever was used in the first section of this activity) will be the electorate (state) and that three representatives need to be elected.

Explain that other schools (states or territories) would form other electorates.

Using the quota formula, ask students to work out how many votes each candidate would require to be elected. Assume that all members of the electorate will vote formally.

Record as follows:

Number of electors	Votes required by candidate

Check students' responses.



## Identifying and analysing

Discuss how the different electoral configurations of the same population provide us with representation. Are you represented in both systems? How are you represented? Review the previous discussion and hypotheses in Activity 1.

Were the questions answered and were the hypotheses correct? What needs revising?

Summarise discussion points.



## Presenting findings

Instruct students (in pairs or small groups) to visually represent the electoral configurations of the school – as single-member electorates and as a multi-member electorate. For example:

Twelve classes, 12 single-member electorates, with 12 representatives; total number of students in 12 classes as one multi-member electorate with three representatives. Allow students to be as creative as they wish, as long as the information is accurate and able to be interpreted by others. Display visual representations.

Figure 14: A sample ballot paper for the Australian Senate

### Activity 3

## Are there other ways to have your say?

#### Focus questions

- What is a constitution?
- How is the Australian Constitution changed?
- What is a referendum?
- What voting system is used in referendums?

#### Resources

- **AEC, Referendums:** [www.aec.gov.au/Elections/referendums/](http://www.aec.gov.au/Elections/referendums/)
- **BLM 1** Referendums – double majority
- **BLM 2** Referendum maps of Australia
- **Animation: Changing the Constitution**
- **Interactive quiz 1: Referendums – Do you get it?**



Figure 15: Counting ballots in the 1999 referendum



#### Gathering information

Provide students with a copy of **BLM 1**.

Show students the **animation 'Changing the Constitution'**. Discuss with students the procedures outlined in the Australian Constitution; the vote in parliament; the 'double majority'; and that in a referendum voters write 'Yes' or 'No' to the proposed alteration.

Discuss the information on **BLM 1**. Check for understanding by asking, for example, if a referendum is passed if 45% of the national population voted 'Yes', and the majority of voters voted 'Yes' in two states. Give a range of examples, asking students to justify their responses.



#### Identifying and analysing

Provide students with **BLM 2**.

Instruct students to use information from the AEC website on referendums from 1901 to 1999 to research three constitutional referendums. Information could include proposed alterations, which states voted 'Yes/No', national 'Yes/No' votes and whether the proposed alterations were passed. Students could graph the 'Yes/No' votes by national and state results. Ensure that students choose a range of referendums. Present information pictorially on **BLM 2** with accompanying statements.



#### Presenting findings

Cut out the maps of the completed **BLM 2** and ask students to classify each example under the headings of 'Approved – Yes' and 'Not approved – No'. Display and discuss these questions:

- Is it easy to change the Constitution?
- How important are the states in such decisions?
- Is it fair to require a double majority?
- What are the safeguards provided by a double majority?

Summarise discussion points.



## Activity 4

# How do referendums help decision-making?

### Focus questions

- How does the referendum process allow for decision-making?
- What type of representation does the referendum process facilitate?
- How does this representation differ from the House of Representatives and the Senate?

### Resources

- [BLM 3 Representation](#)
- Ballot boxes; ballot paper with the proposed change and provision to write: 'Yes' or 'No'
- Class lists to use as electoral rolls
- [Interactive quiz 1: Referendums – Do you get it?](#)
- [Interactive voting challenge – What do you know?](#)



### Gathering information

Inform students that they will participate in a referendum.

Provide a scenario, either the example provided or one decided by the students on an issue of their choice. Possible scenarios could be based on the desirability of school uniforms, privileges for final-year students or another school-related issue.

### Scenario example

The School Council has decided that they would like to introduce a school blazer which will have to be worn by all students to and from school. They believe that this will help profile the school in the area, create uniformity and look neater than the current mixture of jumpers, windcheaters and spray jackets being worn. Others believe that the introduction of the blazer will impose too great a cost on parents, especially for those with students in the final years of school. Blazer cleaning is costly and time consuming. Dirty blazers would not look good. Some believe that part of the charm of the school is that students have some choice in what they wear.

The introduction of the school blazer requires a change to the school uniform rules.

The school believes it is important for the school community to be involved in decision-making and has decided to hold a referendum. The question is: 'A school blazer will be worn by all students to and from school. Yes or No?'

Ask students to summarise reasons for and against the proposal. They may add their own reasons as well. Discuss and summarise all responses on large poster paper. The paper will serve the role of the pamphlets that are distributed to all voters to help them make an informed decision.

Divide the students into five groups. It is not necessary for groups to be even as states and territories do not have even populations either. Four groups will be states and one group will represent a territory.

### From the margin

#### Taking polling to the people

Early voting is available for people who are not able to get to a polling place on election day. Early voting centres are located:

- in or near AEC offices around the country
- in remote areas with mobile polling teams
- at airports for Australians travelling interstate or overseas
- at special sporting and cultural events depending on the time of the election.

#### Activity 4 (Continued)

Ask the groups to choose a name for their state or territory. Label each ballot box with the chosen name.

Instruct students on how to participate in a referendum by following the AEC procedures as outlined in '[Running an election in your school](#)' – highlight compulsory voting and the secret ballot. The procedures for running an election and a referendum are similar, with the same rules applying to the franchise, electoral roll, secret ballot and polling officials. The procedures differ in the design of the ballot paper and the count.

Discuss with students what will be required for the referendum to pass. That is, three out of the four states will need to have voted 'Yes', plus a majority of the whole class will have to have voted 'Yes'. Display visually to reinforce the concept.

The ballot paper needs to state: 'A school blazer will be worn by all students to and from school.' Students need to write 'Yes' or 'No' in the square.



### Identifying and analysing

Allow each state or territory to vote and place their ballot paper in their respective ballot box. Count the formal votes separately for each state and record the results. Record the states with a majority of 'Yes' votes. Is there a majority of states with a 'Yes' vote? Now recount the states' votes together and include the territory's votes. Has a majority of voters in the class voted 'Yes'? Record the results on a poster showing 'State' and 'National' votes and the result.



### Making connections

Drawing on information from previous activities, discuss with students how citizens are represented in our federal system and how they can have their say.

Possible prompt questions:

- Who represents us in Federal Parliament?
- How do we choose these representatives?
- What types of electorates and voting systems facilitate this representation?
- How do we have our say in changing the Constitution?
- Do we have a direct or indirect say in the proposed alterations to the Constitution?
- How does this differ from other ways of having our say?

Provide students with a copy of [BLM 3](#) to complete based on this discussion. Also refer students to the [Interactive quiz 1: 'Referendums – Do you get it?'](#) and ['Interactive voting challenge – What do you know?'](#).



### Presenting findings

Draw the class together and combine information from individual responses to create a class summary. This will also provide an opportunity to clarify understandings.

Ask students to provide summary statements about what they have learnt in this investigation, for example: 'Both the House of Representatives and the Senate use the full preferential voting system to elect representatives'; 'The Senate and the House of Representatives have different electoral configurations'; 'Australian citizens have the opportunity to change the Constitution through the referendum process'.

Write statements and display findings. Instruct students (individual or in pairs) to design a pamphlet outlining the features of the different systems.



## Going further

### Focus questions

- How are citizens represented in Australia?
- What are the relationships between the Constitution, Parliament, referendums, electoral systems and electoral configurations, and the voter?
- How do the features of Australian democracy assist to represent us?

Display images used in the introductory activity and posters produced in the investigation. Revisit the original questions and check how they have been answered during the investigation.

Divide the class into small groups and ask each group to design a concept map showing the relationship between the Constitution, Federal Parliament, the House of Representatives, the Senate, referendums, elections, voting systems, members of parliament and Australian citizens. Encourage students to think about how they want to present concept maps; for instance, as illustrations, labels, sentences or computer graphics.

Display maps and allow each group to speak about their concept map, explaining reasons for placement and links. Further discussion could take place around the commonalities and differences of each map.



# Investigation B

## How are we represented?

Recommended levels | Upper primary | Lower secondary

In this investigation students research the history of arrangements created by the Constitution and the history of referendums in Australia as a means of changing the Constitution.

### The investigation at a glance

#### Background briefings for teacher reference

- Australian Electoral Commission; Constitution; democracy; electoral division; Federation; full preferential voting; House of Representatives; referendum; Senate

#### Suggested classroom teaching time

- **Activity 1:** Who rules? (80 minutes)
- **Activity 2:** How does the Australian Constitution influence our lives? (120 minutes)
- **Activity 3:** How can we change the Constitution? (80 minutes)

#### Indicators of student achievement

- Describe the ways in which rules help society to function in a fair and orderly way
- Identify the arguments for and against the federation of the Australian colonies
- Understand the way the Australian Constitution can be changed by a referendum
- Explain the role of the Australian Electoral Commission in administering the referendum process

## Activity 1

# Who rules?

### Focus questions

- How do rules allow us to function in society?
- How and why are rules formalised?
- What is a constitution?

### Resources

- *Alice's adventures in Wonderland* by Lewis Carroll
- Multiple copies of the school rules
- Multiple copies of a constitution, for example, from a sports club



### Gathering information

Begin by reading chapter 8 'The Queen's croquet-ground' from *Alice's adventures in Wonderland*. Set the scene by reminding students of the story. Some students will have knowledge of the book and could help set the context.

In discussion with students include the following questions:

- What happened in the chapter?
- Why was the croquet game so chaotic? What made it chaotic?
- Were there any rules? Were they followed?
- How did the Queen behave? Was her behaviour consistent?
- Did the playing cards have any say?
- Could you live in a world like this? What would be the problems?

Pose the question: 'Why are rules important in a society?' Record student responses on the board or poster paper.



### Identifying and analysing

Instruct students to list examples of rules they follow in their everyday life. Ask whether they are informal (general consensus) or formally written, and the reasons for the rules. For example: classroom (hands up to ask questions, to allow everyone to participate, to be heard); community group, such as sports club (getting to practice on time, doesn't waste others' time, respects others). List this information under the headings in the table below.

Draw the class together and ask students to share their examples. Record examples on a class poster and display.



### Making connections

Group students into pairs or small groups and provide each with a copy of the school rules and the selected constitution. Instruct students to analyse the documents according to their purpose, who they are directed to, areas covered, mechanisms for change, format and language.

Draw the class together. Discuss the analysis and record responses under the table categories.



## Presenting findings

As a class, compare the recorded information, discussing commonalities and differences between documents. Summarise findings in the following statements:

- Rules provide .....
- A constitution provides .....

Display the statements.

	Rules	Formal/Informal	Reasons
<b>Friends</b>			
<b>Home</b>			
<b>Classroom</b>			
<b>School</b>			
<b>Community groups</b>			



## Activity 2

# How does the Australian Constitution influence our lives?

### Focus questions

- How has our past influenced the Australian Constitution of today?
- How does the Australian Constitution provide the framework for our society?
- What are the federal arrangements provided by the Constitution?
- Why is it important to protect state rights and how are they protected?

### Resources

- [BLM 4](#) Provisions of the Constitution



### Gathering information

Explain to students that the six British colonies of Australia joined to form the Commonwealth of Australia, with the colonies becoming the six states of the new Federation. The Australian Federation was proclaimed on 1 January 1901. The colonies had been self-governing, making laws for their own territories. In the 1890s there had been much debate about whether the colonies should join together or remain separate.

Different colonies had different opinions; people within colonies had different viewpoints. There was no uniform point of view, with a range of reasons on both sides of the argument.

Throughout the 1890s debate raged. A series of conventions was held to debate these issues, and finally a draft constitution was agreed on. The draft constitution was submitted to the people of each colony in referendums. The people of the six colonies voted 'Yes' to federate under the Australian Constitution. When agreed to by the people, the Constitution was taken to the British Parliament. Queen Victoria signed the *Commonwealth of Australia Constitution Act* into law. This Act took effect on 1 January 1901.

Divide the class into two groups. Explain that one group will be taking the position of those opposed to Federation and the other for Federation. Encourage sub-groups, such as defence and trade, to research information on points of argument. These 'experts' can present the research on behalf of the larger group. Ask students to nominate who in their group will present each argument. Responses to arguments can be by anyone in the team.



**Figure 16:** The *Commonwealth of Australia Constitution Act* was passed by the Parliament of the United Kingdom in 1900, during the reign of Queen Victoria



## Identifying and analysing

Select two teams of four members each to argue opposing views. Use the following modified debating model to debate the issue. Numbers indicate the order in which speakers present their case.

In favour of federation (affirmative case)	Against federation (negative case)
1. First speaker presents first argument in favour	2. First speaker presents first argument against
3. Second speaker presents second argument in favour	4. Second speaker presents second argument against
5. Third speaker presents third argument in favour	6. Third speaker presents third argument against
7. Fourth speaker rebuts the opposing side's arguments and sums up the arguments in favour of federation	8. Fourth speaker rebuts the opposing side's arguments and sums up the arguments against federation

The remainder of the class can take notes during the debate and score the teams on criteria such as content, relevance and performance of individual speakers. A show of hands at the end can be used to decide which team presented the better case. Alternatively, the teacher may use the board to record points made during the debate and adjudicate the result.

Follow up by discussing the importance of the colonies maintaining their voices in the new federation.

Instruct students to complete the following table using information from the previous debate.

Advantages	Disadvantages

Draw students' attention to the fact that the colonies' respective franchises applied in the Federation referendums. This meant that in South Australia and Western Australia men *and* women over the age of 21 could vote. Women in Victoria, New South Wales, Tasmania and Queensland did not have a voice. With some exceptions, Indigenous Australians also did not have a vote.



## Making connections

Group students in pairs. Provide students with a copy of [BLM 4](#). Using information from [BLM 4](#), instruct students to summarise in their own words the provisions outlined. Draw the class together and discuss provisions made under the Constitution, for example, federal arrangements, the bicameral system, terms of office, state and federal responsibilities, and division of powers. Also discuss with students why they think the people of the colonies were willing to accept the draft constitution. How were their rights protected? Summarise discussion points.



## Presenting findings

Organise students into pairs or small groups. Instruct them to draw on information from the debate and the provisions of the Constitution to present a persuasive case for adopting the Australian Constitution. This could be presented orally, as a role-play or in graphic form (such as a cartoon or poster).

## From the margin

### The Senate

When the Constitution was being drawn up, the Senate was designed to represent the states equally. This was to stop states with large populations – such as New South Wales and Victoria – dominating states with small populations, such as Tasmania and South Australia.

### Activity 3

## How can we change the Constitution?

#### Focus questions

- How are state and federal rights protected under our Constitution?
- How does the referendum process allow for both the states and the nation as a whole to have a say?
- How does the Australian Constitution remain relevant in contemporary society? What is the role of the AEC in the referendum process?

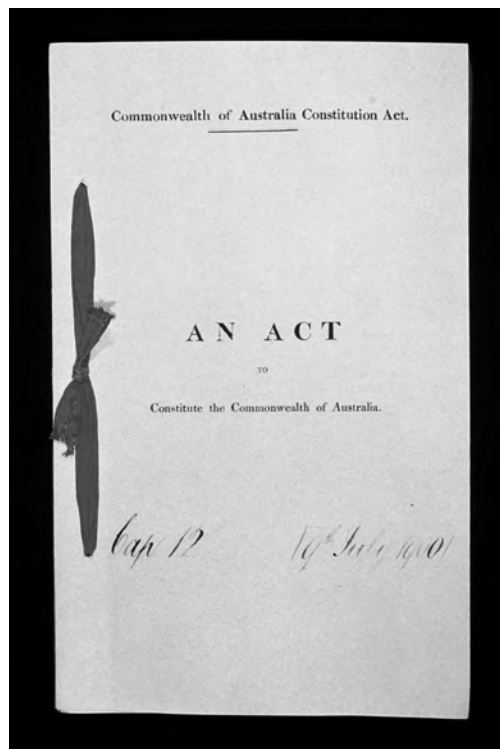
#### Resources

- Parliament of Australia, **The Australian Constitution**: [www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Constitution](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution)
- **AEC, Referendum dates and results**: [www.aec.gov.au/Elections/referendums/Referendum\\_Dates\\_and\\_Results.htm](http://www.aec.gov.au/Elections/referendums/Referendum_Dates_and_Results.htm)
- Australian Politics website, **1999 Republic referendum**: [www.australianpolitics.com/topics/republic](http://www.australianpolitics.com/topics/republic)
- Parliamentary Education Office, **Referendums and plebiscites**: [www.peo.gov.au/understand-our-parliament/having-your-say/elections-and-voting/referendums-and-plebiscites/](http://www.peo.gov.au/understand-our-parliament/having-your-say/elections-and-voting/referendums-and-plebiscites/)
- Parliament of Australia, **Constitutional Referenda in Australia**: [www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp9900/2000RP02](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9900/2000RP02)
- **Interactive Quiz 1: Referendums – Do you get it?**
- **Interactive Quiz 2: The Constitution – Are you a whiz?**

### Gathering information

Explain to students that the Australian Constitution is a living document. Display a copy of the Constitution for students and give them the opportunity to examine it. The Constitution of Australia was written over 100 years ago, and society has changed dramatically since then. The writers of the Constitution provided a mechanism for change, to deal with situations that were unforeseen at the time the Constitution was written. Section 128 of the Constitution provides the framework for changes to the Constitution. Only the citizens of Australia can alter the Constitution, through the process of a referendum. Since Federation 44 proposals for constitutional change have been put to the Australian electors but only eight have been approved.

For a referendum to be successful and become law, a double majority of electors must approve the proposed change: a national majority of electors from all states and territories combined, and a majority of electors in a majority of states (at least four of the six states).



**Figure 17:** Australia's Constitution

### Activity 3 (Continued)

In 1999 two proposed laws to change the Constitution were put to eligible voters.

One was to alter the Constitution to establish the Commonwealth of Australia as a republic and the other was to alter the Constitution to insert a preamble.

Divide the class into six groups; each group is to research one of the following:

- The 'Yes' position for Constitution Alteration (Establishment of Republic)
- The 'No' position for Constitution Alteration (Establishment of Republic)
- The 'Yes' position for Constitution Alteration (Preamble)
- The 'No' position for Constitution Alteration (Preamble)
- The results of each of the referendums
- The role of the AEC in conducting the 1999 referendums

Explain to students that they will be the 'experts' in their area and will be presenting to the rest of the class. Groups may choose the medium of presenting the information. This could include role-plays, speeches, Yes/No posters, diagrams, slide presentations and flow charts.

### Identifying and analysing

Drawing on information presented by each group, discuss the following questions with students:

- How do referendums give Australian citizens a voice?
- What is the importance of the double majority? Why do you think the double majority is required?
- How does our system of referendums protect our Constitution?
- Do you think it is too difficult to change the Constitution?
- Can you think of other ways that would allow us to change our Constitution in a fair and responsible way?
- What problems do you think could arise if referendums were not administered by an independent statutory body?

Have students use **Interactive Quiz 1: 'Referendums – Do you get it?'** and **Interactive Quiz 2: 'The Constitution – Are you a whiz?'** to test their knowledge of this topic.

### Presenting findings

Instruct pairs of students to design a 'report card' to evaluate and assess the Australian Constitution based on agreed rubrics. They might consider such criteria as relevance in contemporary Australia, mechanisms for change, protection of state and federal rights, and representation. Provide an opportunity for students to present their 'Australian Constitution report cards' to the class.

As a summary activity for Topic 2, have pairs of students compete in the **interactive 'Democracy Rules: The quests 1 and 2'**.



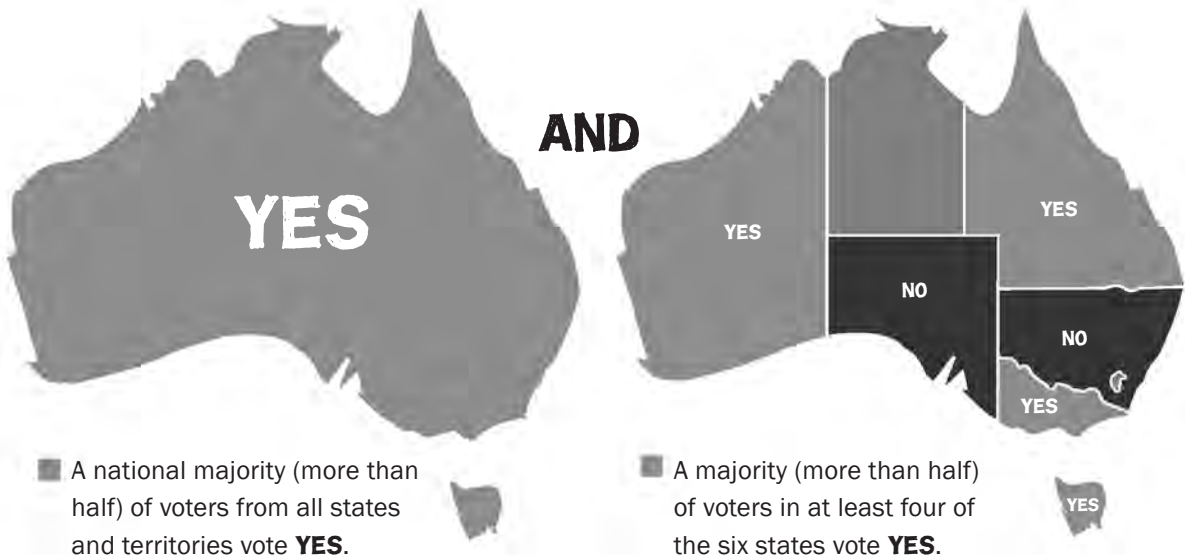
Figure 18: Promoting in the referendum in 1999



# Referendums – double majority

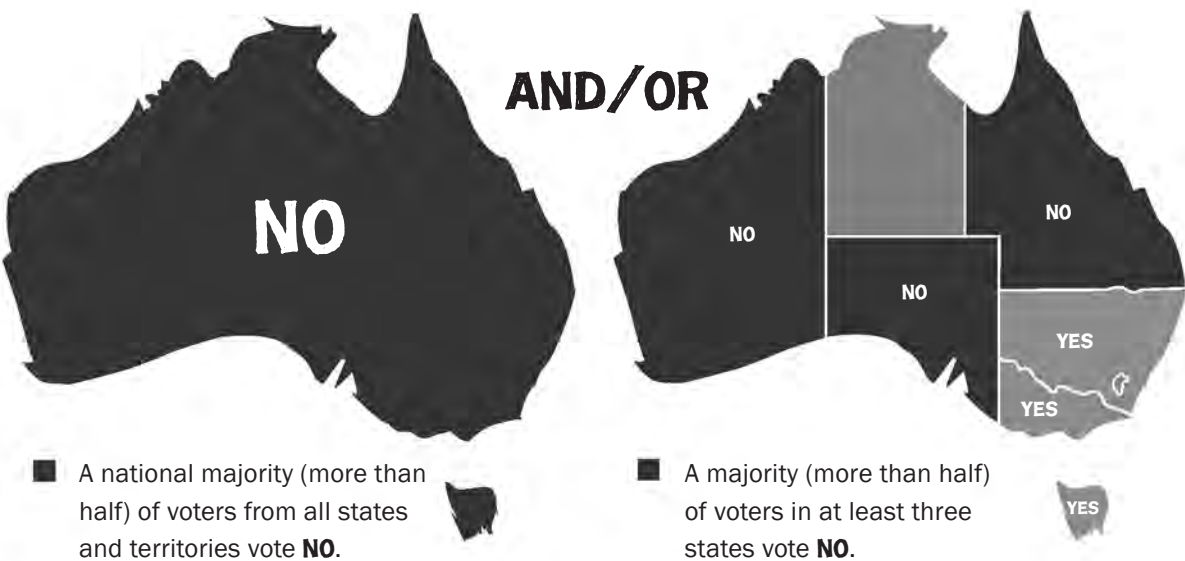
To change the Australian Constitution, each proposed alteration must be approved by a double majority of voters in a referendum.

## A referendum is passed when:



■ The votes of people living in the ACT, the NT and any of Australia's external territories count towards the national majority only.

## A referendum is NOT passed when:



# Referendum maps of Australia



Proposed alteration: .....

.....

Referendum date: .....

National vote: 'Yes' votes ..... 'No' votes .....

Number of states with majority 'Yes' votes: .....

Was the referendum successful? .....



Proposed alteration: .....

.....

Referendum date: .....

National vote: 'Yes' votes ..... 'No' votes .....

Number of states with majority 'Yes' votes: .....

Was the referendum successful? .....



Proposed alteration: .....

.....

Referendum date: .....

National vote: 'Yes' votes ..... 'No' votes .....

Number of states with majority 'Yes' votes: .....

Was the referendum successful? .....



## Representation

Interesting facts I learnt about the Senate:

Interesting facts I learnt about the House of Representatives:

Interesting facts I learnt about referendums:

# Provisions of the Constitution

## Chapter 1: The Parliament

### Section 1: Legislative power

The legislative power of the Commonwealth shall be vested in a federal parliament, which shall consist of the Queen, a Senate and a House of Representatives, and which is hereinafter called 'The Parliament', or 'The Parliament of the Commonwealth'.

### Section 7: The Senate

The Senate shall be composed of senators for each state, directly chosen by the people of the state, voting, until the parliament otherwise provides, as one electorate ...

Until the parliament otherwise provides there shall be six senators for each original state. The parliament may make laws increasing or diminishing the number of senators for each state, but so that equal representation of the several original states shall be maintained and that no original state shall have less than six senators.

The senators shall be chosen for a term of six years, and the names of the senators chosen for each state shall be certified by the Governor to the Governor-General.

### Section 8: Qualification of electors

The qualification of electors of Senators shall be in each state that which is prescribed by this Constitution, or by the parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of Senators each elector shall vote only once.

### Section 15: Casual vacancies

If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the state for which he was chosen ... shall choose a person to hold the place until the expiration of the term ...

Where a vacancy has ... occurred in the place of a senator chosen by the people of a state and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party ... a person chosen or appointed under this section ... shall, unless there is no member of that party available to be chosen or appointed, be a member of that party ...

### Section 24: Constitution of House of Representatives

The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators ...

### Section 27: Alteration of number of members

Subject to this Constitution, the parliament may make laws for increasing or diminishing the number of members of the House of Representatives.

# Provisions of the Constitution

## Section 28: Duration of House of Representatives

Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

## Section 30: Qualification of electors

Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by law of the State as the qualification of electors of the more numerous House of Parliament of that State; but in the choosing of members each elector shall only vote once.

## Section 34: Qualifications of members

Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:

- i He must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen;
- ii He must be a subject of the Queen, either natural-born or for at least five years naturalized under law of the United Kingdom, or of a Colony, which has become a State, or of the Commonwealth, or of a State.

## Section 51: Legislative powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- i Trade and commerce with other countries, and among the States ...
- v Postal, telegraphic, telephonic, and other like services;
- vi The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth ...
- xii Currency, coinage, and legal tender ...
- xv Weights and measures ...
- xxi Marriage ...
- xxiii Invalid and old-age pensions ...
- xxiv The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States ...
- xxvi The people of any race, for whom it is deemed necessary to make special laws;
- xxvii Immigration and emigration ...
- xxix External Affairs ...

# Provisions of the Constitution

## Chapter 3: Judicature

### Section 71: Judicial power and Courts

The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

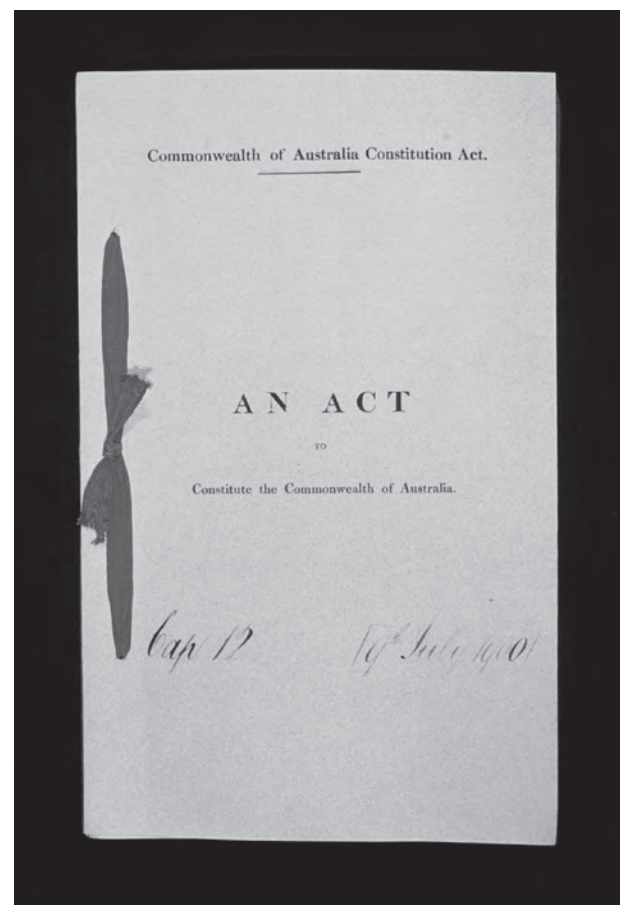
## Chapter 8: Alteration

### Section 128: Mode of altering the Constitution

This Constitution shall not be altered except in the following manner: The proposed law for alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted to each State and Territory to the electors qualified to vote for the election of members of the House of Representatives ...

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent ...

Note: Only selected provisions of the Constitution are reproduced here.



Australia's Constitution