**Episode 4 – How did we get here?**

A LISTNR production

Sponsored by the Australian Electoral Commission

Kerry: This year, Australia will hold a national referendum. This referendum will ask voters if the Constitution should be altered to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

With Australia’s last referendum being held over 20 years ago, many might not know why they’re held or how to vote.

Hi, I’m Kerry, and in this podcast, I’ll be joined by the team from the Australian Electoral Commission to unpack the process ahead of the referendum - so that you can vote with confidence.

This is an unbiased and detailed look at why the referendum is important, how you can make your vote count, and why your answer matters.

Last episode we looked at what the AEC is and explored the important role that they play in the referendum. Meg and Alex have joined us again, this time to dive into exactly how a referendum comes to be and what the most important steps along the way are.

Meg and Alex, thanks so much for your time today.

Meg: Thanks for having us.

Alex: Howdy, howdy!

Kerry: Let’s start at the beginning here, who decides we have a referendum?

Meg: Parliament does. So, Senators and Members of Parliament debate it out and they pass a Bill. That includes the wording and the content that they’d like to change in the Constitution. And then, after that, the Prime Minister sets a date for polling day. You might think that we might have some secret intel into what date that is, but no, we find out when everyone else does - on the news!

Kerry: And how is the question of the referendum decided on?

Alex: It’s actually a Parliamentary process. So, just like any Bill that gets debated and passed in Parliament, the government might introduce a certain wording and then certainly in the case of this referendum, it’s gone to a Parliamentary Committee that’s asked for submissions from the public. Everyone’s had a bit of a say on what the referendum question should look like, and that’s ultimately been passed by both houses of Parliament and that’s decided on the wording. So, in exactly the same way as any other Bill happens.

Kerry: So, once a referendum has been confirmed and a question has been formed and we’ve kind of gone through those initial steps, what happens after that?

Alex: Well, it’s up to the Prime Minister on when and how to call the referendum. What we can say now is it might look similar like an election being called - that sort of famous drive from the PM’s car…he drives from Parliament House all the way down to Yarralumla to ask the Governor General for a thing called a Writ, and he’ll probably go back to Parliament House to announce it in the PM’s courtyard, just like an election getting announced. And I expect you’ll see that very heavily covered on the news when it happens.

Kerry: So, a Writ gets issued. What exactly is a Writ? And what happens after that?

Meg: A Writ is an instruction for us at the AEC to hold a referendum and it comes from the Governor General. The Writ includes deadlines that we have to meet. For example - the last day to enrol before polling day, the polling day date and the date that we have to provide the result back to the Governor General. It also enacts our legislation, and our legislation requires us to do a whole bunch of other things and that includes mailing out a pamphlet a fortnight before polling day and that pamphlet will go out to 12.5 million Australian households. So, a huge task.

Kerry: Can you tell me a little bit more about what people can expect in that pamphlet?

Alex: Yeah, sure. It’s something that we haven’t done in 24 years so we’re all a little bit rusty, and Australians might not have received something like this before. The pamphlet is going to contain written cases for voting ‘Yes’ and for voting ‘No’ in the referendum and those cases - we talked about the Bill being passed in Parliament before - so the ‘Yes’ case is written by Parliamentarians, Members and Senators who voted ‘Yes’ to pass the Bill, and the ‘No’ case is written by those Members and Senators who voted ‘No’, to not pass the bill. This is basically giving both sides the opportunity to put their case to 12.5 million Australian households, which is just about every voter, and it will give you information from both cases about the arguments for and against. Now, if you’re curious, you don’t have to wait for the pamphlet. We’ve already got the written cases up on the AEC’s website so you can visit that. Just visit aec.gov.au and you can have a peruse at your leisure.

Kerry: I’m a Millennial. But I do in fact love a good hardcover book, so I will be waiting for the pamphlet. Do you have any say of what goes into it?

Alex: No, and that’s a really, really important point. So, the AEC is, honestly and almost literally, a post box in this circumstance. So, we receive written cases from the ‘Yes’ and the ‘No’ campaigns. We have no role in editing it in any way. Even if there’s a typo in there, we can’t correct it. It’s entirely their words. All we do is, we put it out on some nice typesetting, and then we’re responsible for sending that pamphlet out to 12.5 million households.

Meg: Yeah, and I think that’s in line with our role as being an independent umpire in this whole process.

Kerry: Okay wow, so you can’t even edit it, even if there’s a spelling mistake? Were there any spelling mistakes in this one?

Meg: No, not that we found, and they were all received on time as well.

Kerry: Okay, so the pamphlet goes out, everyone gives it a good read, then everyone casts their vote on voting day, and then the AEC counts the votes. What happens next? How do you figure out the result?

Alex: Well, you might think that it’s as simple as just collecting all the ‘Yes’ votes and putting them in one pile, collect all the ‘No’ votes, put them in other pile – bing bang bong, we’re out by seven o’clock. Not the case.

Meg: So, there’s two hurdles that we need to meet when we’re declaring a result. So, one is a majority for the national vote and the other is a majority for the states and that’s called a double majority.

Kerry: Just as I thought I was getting my head around this, you’ve gone and thrown another term at me - double majority! I think we might save this one for another episode if that’s okay with you guys…?

Meg: Let’s do it!

Kerry: On the next episode…

Alex: It comes down to the Constitution being the most important document in Australia, really. So, it’s so important that it can’t just be changed with a national vote, you need the states to get on board as well. So, instead, there are actually two hurdles that you need to clear if you want to change the Constitution.

Kerry: …we unpack everything about the double majority. That’s next time, on Your Answer Matters.

LISTNR