

# Hypothetical Referendum Question for Section 114A Amendment

Right to Bear Arms, Self-Defence, Federal Licensing, Uniform Regulation, and State Castle  
Doctrines

Drafted for illustrative and analytical purposes

February 2026

## 1 Background

Under section 128 of the Australian Constitution, amendments require approval by a national referendum following passage of a proposed law by Parliament. The referendum question must be clear, neutral, and accurately reflect the intended constitutional change.

This hypothetical amendment proposes inserting a new section 114A into the Constitution. It would:

- Establish a constitutional right to bear arms for self-defence and other lawful purposes;
- Grant the Commonwealth power to license and regulate semi-automatic and full-automatic firearms uniformly across Australia;
- Mandate uniform state firearm regulatory control embracing the *Federal Firearms Licensing Act 2026* (Cth) and its associated Federal Firearms Licensing Doctrine;
- Permit and encourage the development of state-specific castle doctrines (self-defence laws applicable in one's home or property), consistent with federal guiding principles.

The amendment aligns with the Act's framework of well-regulated liberty, drawing on section 51(ii) (taxation) for federal administration, section 117 (rights of residents in States) for uniformity, and principles of functional, risk-proportionate regulation.

## 2 Proposed Text of Section 114A

The amendment would insert the following new section after section 114 of the Constitution:

### **114A. Right to bear arms and self-defence**

(1) Every citizen shall have the right to keep and bear arms for the purposes of self-defence, security of person and property, and other lawful uses, subject to well-regulated federal and state laws.

(2) The Commonwealth shall have power to make laws for the uniform licensing and regulation of semi-automatic and full-automatic firearms across all States and Territories, including the establishment of a federal licensing authority and doctrine to ensure functional, congruent, and non-fragmented jurisdictions.

(3) States shall retain powers to develop and enact castle doctrines tailored to their jurisdictions, provided such laws are consistent with federal guiding principles under the federal licensing regime.

(4) This right shall not be construed to prevent reasonable regulations for public safety, including prohibitions on illegal usage, background checks, and protections for Indigenous cultural practices and rural viability.

(5) The federal licensing regime shall embrace principles of substantial nexus to Commonwealth powers, private agent compliance, fee-for-service administration, and periodic stakeholder reviews to achieve a well-regulated liberty.

### 3 Hypothetical Referendum Question

The referendum question, as it would appear on the ballot paper, should be concise, factual, and neutral, consistent with the requirements of the *Referendum (Machinery Provisions) Act 1984* (Cth). A possible wording is:

#### Referendum Question

Do you approve of a law to alter the Constitution by inserting a new section 114A, which establishes a right to bear arms for self-defence and other lawful purposes, subject to federal licensing for semi-automatic and full-automatic firearms, uniform state regulatory control embracing a federal licensing act and doctrine, and the development of state castle doctrines consistent with federal guidance?

#### Voting Options:

- YES
- NO

### 4 Rationale for the Amendment and Referendum Question

- **Right to Bear Arms and Self-Defence:** Constitutionalises the right, balanced with regulation, supporting the Act's distinction between lawful and illegal ownership.
- **Federal Licensing for Semi-Automatic and Full-Automatic Firearms:** Centralises higher-risk categories under uniform federal control to reduce fragmentation

and black-market risks.

- **Uniform State Regulatory Control:** Reinforces section 117 by eliminating jurisdictional inconsistencies, with states ratifying federal processes via the Doctrine.
- **Embracing the Act and Doctrine:** Integrates the existing hypothetical framework, including stakeholder reviews, Indigenous/rural exemptions, and *Competition and Consumer Act 2010* (Cth) alignments.
- **State Castle Doctrines:** Preserves state autonomy to tailor self-defence laws to local economic and cultural conditions, guided by federal principles for national coherence.
- **Question Design:** The wording is clear, unbiased, and summarises the key elements without advocacy, enabling informed voter decision-making.

This hypothetical referendum question and proposed amendment text provide a constitutionally coherent foundation for embedding a balanced right to bear arms within Australia's federal system, while preserving the functional regulatory model established under the *Federal Firearms Licensing Act 2026*.