



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL  
AFFAIRS

**Reference: Machinery of referendums**

THURSDAY, 22 OCTOBER 2009

CANBERRA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

TO EXPEDITE DELIVERY, THIS TRANSCRIPT HAS NOT BEEN SUBEDITED



## **INTERNET**

Hansard transcripts of public hearings are made available on the internet when authorised by the committee.

The internet address is:

**<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to:

**<http://parlinfoweb.aph.gov.au>**

**HOUSE OF REPRESENTATIVES**  
**STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS**

**Thursday, 22 October 2009**

**Members:** Mr Dreyfus (*Chair*), Mr Slipper (*Deputy Chairman*), Mr Andrews, Mr Debus, Mr Georgiou, Mr Melham, Mrs Mirabella, Ms Neal, Mr Neumann and Mr Perrett

**Members in attendance:** Mr Andrews, Mr Dreyfus, Mr Melham, Ms Neal, Mr Neumann, Mr Perrett and Mr Slipper

**Terms of reference for the inquiry:**

To inquire into and report on:

1. The effectiveness of the Referendum (Machinery Provisions) Act 1984 in providing an appropriate framework for the conduct of referendums, with specific reference to:
  - a) Processes for preparing the Yes and No cases for referendum questions;
  - b) Provisions providing the public dissemination of the Yes and No cases; and
  - c) Limitations on the purposes for which money can be spent in relation to referendum questions;
2. Any amendments to the Referendum (Machinery Provisions) Act 1984 the Committee believes are required to provide an appropriate framework for the conduct of referendums;
3. Any other federal provisions relevant to terms 1 and 2 above, as the Committee considers appropriate.

**WITNESSES**

**BERESFORD-WYLIE, Mr Adrian Frederic Vere Peregrine, Chief Executive Officer, Australian Local Government Association..... 1**

**BRENT, Dr Peter, Member, Democratic Audit of Australia, Australian National University..... 14**

**PRITCHARD, Mr John Alexander, Executive Director, Policy and Research, Australian Local Government Association..... 1**



---

**Committee met at 9.46 am**

**BERESFORD-WYLIE, Mr Adrian Frederic Vere Peregrine, Chief Executive Officer, Australian Local Government Association**

**PRITCHARD, Mr John Alexander, Executive Director, Policy and Research, Australian Local Government Association**

**CHAIR (Mr Dreyfus)**—Welcome, Mr Pritchard and Mr Beresford-Wylie. I declare open this public hearing of the House of Representatives Standing Committee on Legal and Constitutional Affairs with its inquiry into the machinery of referendums. I thank you for the submission that the association has made. The hearing is open to the public. A transcript of what is said will be placed on the committee's website. If you would like any further details about the inquiry or the transcript, you can ask the secretariat representatives who are here at the hearing. I welcome you here today. I am sure the discussions will be informative.

The committee does not require you to speak under oath, but you should understand that these proceedings are formal proceedings of the Commonwealth parliament. As a consequence, giving false or misleading evidence may be treated as a contempt of the parliament. Do you want to make a brief introductory statement before we proceed to questions?

**Mr Beresford-Wylie**—Yes. I might if I may. Thank you very much. Thank you for much for giving us the opportunity to appear. We have welcomed the opportunity to make a submission. The Australian Local Government Association has a strong interest in the issue of constitutional reform and, I guess from our perspective, the inclusion of local government in the Constitution. It is our view that carefully considered amendments to the Constitution are an important part of Australia's evolution as a nation and a mechanism for addressing omissions from the original text about the changing circumstances that face Australia and the evolving aspirations and wishes of the citizens. We know how difficult such reforms are to achieve unless we, from our perspective, can see a change in the process for identifying and developing reform proposals and for administering the referendum process. The track record I am not going to tell you. It is clear for everyone to see. I was musing over the fact that tragically I turn 50 this year and I have never voted in a successful referendum. I was just a bit too young for the 1977 referendum, so people my age have never had the opportunity to vote in a referendum in which a proposition got up.

It is our contention that one of the things that is in issue is the electorate's lack of familiarity with referenda and agreeing to change. And that reflects, I think from our perspective, a lack of ignorance about the Constitution and our system of government or a mechanism for change which hinders rather than facilitates such change, or perhaps a combination of both. I might briefly say a little about our issue in terms of constitutional recognition since it leads into some useful research. We take the issue of constitutional change very seriously. The Australian Local Government Association has had constitutional recognition as a long-held objective for a number of decades. In December 2008, we conducted a national constitutional summit for local government, with representatives across Australia. The purpose of the summit was to engage councils on the issue of constitutional recognition with the goal of improving their knowledge and understanding of the Constitution and the process for constitutional change as well as options for including local government in the Constitution.

Since then, we have commissioned a consultant to develop a framework which would set the pathway for us towards potentially a referendum on the inclusion of local government in the Constitution. We have contracted that consultant to implement the strategic framework. As part of that framework, some independent research was undertaken into public awareness, attitudes and opinions on constitutional reform as well as on local government and the other levels of government. And that finding is to really inform us in taking the issue forward. We are aware of the challenge that is faced by anybody who is advocating constitutional change as well as, of course, the challenge that will be faced by local government if it actually wants to successfully persuade the Australian population that there is value in changing the Constitution to include local government.

One of the things that we are aware of in terms of our research is a demonstrated need for public education or a civics education. In our submission, we have put a proposition in there about a public education campaign, drawing on the precedent of the 1999 referendum, which set aside some money. We are also a supporter of public funding for yes and no advertising. We have nominated an approach there where we would see that funding allocated on the basis of the proportion of vote that the proposition received in parliament. We have had the benefit of reading the transcript of the roundtable held in Sydney. There was quite an engaging discussion on that point. From our perspective, we put that proposition there because I think we do see the option for public funding. But there is a need for us to tie that to some concrete proposal. Looking at a public funding allocation, I saw the discussion; there is public funding of elections at the moment. It is based on the outcome of the elections and the amount of votes received by individual political parties. From our perspective, the funding which needs to be provided before a referendum campaign needs to be based on something, and the best proxy we have, I think, for public support is support within the parliament. It is for that reason that we put forward that proposition. We also put forward the idea that there be public funding—

**Mr MELHAM**—So support within the parliament is the basis of public funding?

**Mr Beresford-Wylie**—From our perspective, yes. That is the proposition.

**Mr MELHAM**—Sorry to interrupt. So if no-one voted against, there would be no funding? For instance, the preamble question ultimately got defeated, as it should have.

**CHAIR**—Peter Andren voted. He was the only vote.

**Mr MELHAM**—I know he did. But is it one out of 150 or one out of 225? That is the point I am asking. You have awakened—

**CHAIR**—Perhaps we could let Mr Beresford-Wylie finish his opening statement.

**Mr Beresford-Wylie**—I will address that. I will make a note of that. I thought it would come up.

**CHAIR**—We will make that the first question.

**Mr Beresford-Wylie**—Sure. In terms of the actual amount of funding that we put on the table, we put on the table the proposition that the funding be equivalent to the amount in an

election because that amount exists. If we had put forward another amount, you would have been asking, ‘Why did you nominate that particular amount?’ It is really up to the parliament to determine whether there is an amount and how much that amount is. But from our perspective, at least that is a position we can put on the table and say is a starting point from that point of view.

In terms of the yes and no case, I have to say that our work does throw up issues of concern with the accuracy and content of the case. Therefore, we see a greater role for quality control. We are not suggesting that there not be pamphlets and there not be a 2,000-word case for and against, but we do see the need for greater control. We have nominated, of course, the parliament for that control. I have to be frank and say that I come from an organisation which is based on elected representatives. They have a responsibility and we accept the responsibility of parliament. So we are not suggesting that there be another organisation or body which looks at the wording of those pamphlets but that it go back to parliament and there be a process set up to try and ensure a better quality outcome.

**Mr PERRETT**—What is the nature of the formula?

**Mr Beresford-Wylie**—Again, it is a matter for parliament to determine. It is a situation where perhaps the whole of parliament might vote and pass a view on the yes case and the no case. Nevertheless, I think the responsibility resides with parliament. We do see the Constitution as a political document, not just a legal change, and change being a political issue, not just a legal issue. I will probably leave it there.

**CHAIR**—Thanks very much, Mr Beresford-Wylie. We will go to the first question from Mr Melham.

**Mr MELHAM**—It is on the funding aspect. The classic example is the referendum on the preamble. For instance, I think the late Mr Andren was probably the only vote against in the parliament. In effect, he compiled the no case. So the no case was written by him. How does your public funding work in that instance, where one independent votes against a proposition in both houses of parliament? Is the vote in the House or the vote in the Senate or a combination?

**Mr Beresford-Wylie**—I think, a combination. I think we have nominated that it be the full number of members, and I think it is 226.

**Mr MELHAM**—It is 225.

**Mr Beresford-Wylie**—It is 225.

**Mr MELHAM**—It is 226, sorry.

**Mr Beresford-Wylie**—It is 226. If 225 members of parliament voted in favour of an issue, from our perspective, it is difficult to imagine, then, why. I have seen the debate that you would provide perhaps fifty-fifty funding between the yes and no case. I think if 225 members of parliament voted for something and one against it, I am not persuaded that that is strong enough to allocate half of the amount of public funding to a no case in such a strong indication of bipartisan, mostly cross-party support.

**Mr MELHAM**—And in that instance, who do you allocate the funding to? To the late Mr Andren to do as he saw fit because he was the one who voted against it? There was a lot more opposition in the community. As it was, the preamble only got 39 per cent. The republic got 46 per cent, probably 39 per cent more than it deserved, by the way.

**Mr Beresford-Wylie**—We have said that Mr Andren voted.

**Mr MELHAM**—Mr Andren voted against it, and he crafted the no case.

**Mr Beresford-Wylie**—So did 225 members vote for it?

**Mr MELHAM**—Yes; or abstained.

**Mr Beresford-Wylie**—Or abstained?

**Mr MELHAM**—There was no vote. He had his name registered, because you need a minimum number of people to actually force a division.

**Mr Beresford-Wylie**—I think that is an interesting proposition where something only gets 39 per cent of the public vote but is not, as you have just pointed out, opposed by our members of parliament. That is an unusual disconnect between public opinion and parliamentary opinion.

**Mr MELHAM**—Well, some people would say it is pretty reflective of a disconnect of politicians and the public in some instances.

**Mr Beresford-Wylie**—I have a lot of confidence in politicians.

**Mr MELHAM**—I am just testing the proposition. Who, then, do you allocate the public funding to? Do you set up a body that is responsible for both cases?

**Mr Beresford-Wylie**—You could set up a body that was responsible for both cases. I conceive that we are a supporter of public funding. But in that case, at least if there were a minimal amount of opposition and if funding were allocated, as you have said, to Mr Andren to do as he sees fit, it would be a small proportion of funding compared potentially with an alternative proposal.

**Mr MELHAM**—I am now interested in the second bit. Who do you allocate it to? The political parties? Community groups? The main opposition to the republic, for instance, came from certain organisations. How do you get your access to public funding?

**Mr Beresford-Wylie**—I think one of the issues here is, having raised the issue in principle in our submission, we were cautious of presenting a solution on that point. That is why we actually had included in there the idea of a select committee of parliament to consider some of the issues in more detail. We do not pretend to have the answers immediately for all of those questions whereas in principle the idea is that there is public funding, which we support—we are supportive of that—and that it be allocated on the basis of the proportion of the parliamentary vote. But really it is an issue for parliament in terms of how you work out the mechanics of that.

**Mr MELHAM**—That is all I have.

**Ms NEAL**—In terms of your proposal that it should be funded in the same way as elections, I am sure you are aware that a number of different types of funding goes to elections. There is the actual funding of the AEC to conduct the election, which is polling booths, hiring polling staff and counting the vote—that sort of funding. There is also public funding to the parties. When you said it should be funded the same way, do you mean both aspects of the funding or one or the other?

**Mr Beresford-Wylie**—We were talking about the public funding to the parties.

**Mr PERRETT**—Based on votes?

**Mr Beresford-Wylie**—Well, not based on votes. I think that was the issue that we faced. If you were going to provide support for and against the proposition, how would you allocate such funding? We looked and thought there is a precedent there in terms of the actual public funding which is provided to parties after the event which tells you if there is money. But it is just difficult to imagine how you could develop a model which provided funding after the event or attempted to predict. Actually, to be frank, if you were predicting funding before a referendum, the no case would always have the majority of funding, since it has been successful, it seems, most of the time.

**Mr MELHAM**—Well, not necessarily. In the only eight referendums that Lionel Bowen championed in terms of political polling, just before the kick start, they were coming in with 65 per cent public opinion in favour but ended up at about 35 per cent by the end of the campaign in actual votes. That was courtesy of Peter Reith, of course.

**Mr Beresford-Wylie**—So allocating on the basis of a poll means there is not a connection there between what might be an outcome. That is why we reverted back to the numbers. So we were thinking of the public funding that is allocated to parties. We chose that as a mark in the sand. I think the figure for allocation of funding for the yes and the no advertising in 1999 was \$15 million.

**CHAIR**—We were given, in a very helpful submission from the Australian Electoral Commission, that actual cost, not an estimate. They also gave us a current day cost estimate of \$25 million. This is for the printing of the pamphlet and postage, because the act requires postage.

**Mr Beresford-Wylie**—That is right. We are not suggesting that you would not have that in terms of funding. We have only been talking there about the support for the yes and no campaign. The act itself obviously deals with the mechanics of how you run a referendum, and it is an expensive business. It is not widely understood in the community, as our research unfortunately shows. It is an expensive business.

**Ms NEAL**—We had quite a lot of discussion in a Sydney hearing we had about exactly how it should be communicated and whether the present practice of mailing out to every voter was really the optimum way of publicising it and giving people access to information in this day and

age. Does your organisation have a particular view about whether there should be a broadening of the options for communicating about the referendum to voters?

**Mr Beresford-Wylie**—I think that we would say it should be the most effective mechanism that is available. We have not done research on the type of communication. I think there was quite an extended commentary on how to communicate with younger people. One of the things that our research did show—we can discuss it in a moment—was that young people have a lower than average understanding and knowledge of the Constitution. Therefore, that is a challenge.

**CHAIR**—You have all that in your written submission?

**Mr Beresford-Wylie**—That is right. Therefore, that is a challenge in any campaign or any communication mechanism—trying to engage those people. I have to be frank and say it may well be the fact that a lot of us receive our knowledge of the Constitution when we participate in a referendum. If you have not had one for 10 years, there is obviously going to be a lot of younger people who have not necessarily understood the idea of a constitution and what it is there for. I have to say now that one of the things our research did show is that 21 per cent of young people under the age of 24 think they have voted in a referendum. So obviously they participated in an election but have just thought, ‘Well, that was a referendum vote.’ Now, clearly that has not been possible, but that is unusual.

**Mr NEUMANN**—I have about three questions. First, you talk about guidelines. You do not want to vary the 2,000 word limit. You talk about guidelines. Who should prepare those guidelines, do you think?

**Mr Beresford-Wylie**—Again, our proposition is that parliament itself would sign off those guidelines. We did suggest again that select committee mechanism as a way of taking things further. The guidelines might be as simple as saying that we envisage guidelines which enable people to actually compare the two cases so that if you have a 2,000-word pamphlet, it is very clear perhaps what the change is and what the major arguments are. On the face of the 2,000-word pamphlet there is an introduction and a statement of perhaps the nature of the change and why the opposition is there so it becomes very clear.

**Mr NEUMANN**—You also mention that you are concerned—at page 10 of your report—that the wording on each referendum question could influence the vote. What steps do you think we could undertake to prevent that happening in the future?

**Mr Beresford-Wylie**—Because referenda are so infrequent, we have not gone into detail to suggest how that wording might be achieved. It would be a neutral set of wording. There are examples in the past where the wording itself has led to people being able to draw conclusions about whether the change is a good change or a bad change. I guess we are thinking in terms of a neutral set of wording. Again, we are not interested in taking away the power of parliament to actually run that process. We are assuming that any improvements will still allow parliament to be fully engaged in how this process is run regardless of whether parliament itself seeks advice from a parliamentary draftsman, who is commissioned to draft that very—we have a lot of confidence in parliamentary draftsmen—neutral set of words. That is a possibility.

**Mr NEUMANN**—I have just one more question. I know you have 565 councils throughout Australia and 167,000 employees and your budget is \$25 billion, so you are a pretty significant force in the Australian polity and economy. I strongly believe we should have a constitutional recognition of local government. Do you have any ideas about what wording you would use? In your attachment to your submission, there are a lot of noble sentiments that are almost Jeffersonian in their expression and your declaration. I would like to know what you actually want. I am sure my local man, Mr Paul Pasali, would be extremely appreciative of any recognition. He has told me so, by the way, on numerous occasions.

**Mr Beresford-Wylie**—On page 15 of that submission there was a declaration. As you have said, there is the declaration of Melbourne. That is important. Significant constitutional events result in declarations or various other documents. That last segment of the declaration identifies three principles. The first one is that the Australian people should be represented in the community by democratically elected and accountable local government representatives. The second principle is that the power of the Commonwealth to provide direct funding to local government should be explicitly recognised, which is really something along the lines of the 1974 proposal, which had the introduction or insertion of the words ‘local government’, I think, in section 96. The third comment is if a new preamble is proposed, it should ensure local government is recognised. In terms of the preamble, we will not really know if that is a proposition that comes forward at some stage and what the wording might be. But I imagine that if there is reference made there to a federal system of government that involves democratic acceptance of the states and the Commonwealth, it might make reference to local government. We have talked about the issue surrounding the direct funding and, therefore, the suggestion that there be the insertion of the words ‘local government’ in section 96.

In terms of the first proposition, that is a proposition that is in general principle. It may be something that could be reflected in wording. It may not. It depends entirely on the nature of a proposal that might be developed. We would be looking for a fairly simple set of words.

**Mr Pritchard**—You would note that on page 5 we have outlined a process that we have established to go forward. The actual amendment we will be putting forward will be the consequence of further and extended research and further work to be done. Our president is currently engaging with the major political parties and political representatives to work through what might be viable options.

**Mr Beresford-Wylie**—What I can say is that the Constitutional summit we held in Melbourne was in part also aimed at taking people through what might be practical and, therefore, getting an understanding that it was not practical to come up with ideas that individual councils would be protected, they could never be dismissed, that somehow this would be a declaration of independence by local government and it would go off on its own as something else or, indeed, that a power to legislate for local government be included in section 51. Those were discussed and the Constitutional summit came to the view that they were not practical. That was not something that should be pushed. That is why there is a reaffirmation of that connection between state government and local government contained in that summit declaration. The summit basically accepted the idea that local government would continue to be the responsibility of the states and that we would continue to be subject to a state accountability and legislative framework. That is not something that they were seeking to change.

**Mr ANDREWS**—I want to tease that out a bit further. I am not sure whether you are seeking for the Constitution to provide some general recognition of local government as a tier of government in Australia and/or some mechanism for, for example, funding of local government. Is it one or the other?

**Mr Beresford-Wylie**—We are cautious about putting a proposition on the table without actually engaging first with parliamentarians and political figures about what might be practical. Part of the approach that Mr Pritchard outlined was in fact that engagement. It is not a situation where we have a fait accompli, where we are going to put something on the table today or tomorrow without actually engaging with the political process.

**Mr ANDREWS**—My difficulty is this: we might have preferred it to be, but the Constitution is not an aspirational document. It is not the American Bill of Rights or the American Declaration of Independence. It is a mechanism for the working of government in Australia. The difficulty is that the working of government at the local government level, as you have just said in your previous remarks, is something which is the primary responsibility of state governments. Indeed, local governments are the creation of state governments and can be ended, as we see from time to time, in the reorganisation of local government. So unless it is going to go to something which has some practical outcome, such as the funding of local government, it does not fit within the form, if you like, of the Constitution as it has been framed.

We could have an argument—which we did at the Constitutional Convention—about whether you should have a preamble and whether it should be aspirational and whether or not it could be relied upon by the courts et cetera. We spent a day or so on that. In fact, Gareth Evans and I agreed with each other; it was quite unusual. But the point I am making is that the Constitution is a practical document for the mechanism of how government operates. It is not an aspirational document. Therefore, to say simply, ‘We recognise local government’ in the end does not mean much. If it says, ‘There is power for the Commonwealth to fund local government’, for example, that is a different matter entirely. In fact, in a de facto way, it gives you your recognition.

**Mr Beresford-Wylie**—Let me say a couple of things. First of all, yes, we agree with you. In fact, our research shows that people will not support a symbolic change. They are not interested in changes to the Constitution which do not have credibility. From our point of view, we would be looking for something which is substantive but is also simple. Bear in mind the outcome of 1988, where a set of words which were relatively vague and open to interpretation, I think, put on the table a model which we observed. We observed its significant and dramatic failure. We can take and draw lessons from that. We have seen in recent months a decision in the High Court in *Pape v the Commissioner of Taxation*, which, in a sense, throws into doubt the Commonwealth’s broad capacity to move beyond section 51 and fund a variety of different things. For us, that tends to crystallise some of the issues you are talking about.

**Mr PERRETT**—Mr Beresford-Wylie, it is sort of going back a while, but in the 1967 referendum there was no no case put out. There was a yes case—not that I remember it well—but still no no case. We had about 91 or 92 per cent of the population. Some states had 10, 11 or 12 per cent of people still voting against it, even without a no case. So I want to return to your proposal of parliament coming up with some words. It seems to me that parliament, like our courts, works best when it is adversarial. We extract truths from people putting up counter or opposing ideas. Your proposal is that we politicians can sit down together and come up with

some impartial words, with the assistance of parliamentary counsel, I think you were saying. I am not as optimistic, that is all.

**Mr Beresford-Wylie**—I have much more confidence than you.

**Mr PERRETT**—I hang around with them a lot more.

**Mr Beresford-Wylie**—I think there is an issue here about whether or not people are sitting here thinking that there are changes necessary to the Australian Constitution to improve our government which are supported generally and which parliament believes in general should be approved by the Australian people. But we have a couple of things. First of all, I see no reason for a no case if everybody in parliament agrees. I am sure there may be some propositions—

**Mr PERRETT**—Well, in 1967, obviously it had to happen. But, still, in some states, 12 or 13 per cent of people, even without a no case, agreed that Aborigines should be treated as fauna, basically. I know the Australian people never get it wrong.

**Mr Beresford-Wylie**—I think we could abstract a little from that. Some of our research actually went to people changing the Constitution and people's views of the Constitution. The truth is that there are a proportion of people who think that the Constitution should not be changed or they are very reluctant to change it, which is independent of the question. I think around 70 per cent said that they would make up their mind on the basis of the issue in our research. About 15 per cent were very cautious about changing the Constitution. Seven per cent were very enthusiastic about changing it. So some people will be—

**Mr PERRETT**—Some see it as something written in stone brought down from Mount Sinai.

**Mr Beresford-Wylie**—Yes. There will be a segment of people who say that it was got right and should not be changed. That is independent of any question, I think.

**Mr PERRETT**—I think Labor have seen it as a document that was always written to be amended whereas other people see it as the Shroud of Turin, or whatever, that can never be changed.

**Mr SLIPPER**—In a situation where no members of parliament support the no case, do you think it is appropriate that a no case should still be prepared? Just because all members of parliament agree does not necessarily mean that they are right.

**Mr Beresford-Wylie**—I would have said that is really something for you to decide. But the issue in my mind would be if no members of parliament actually opposed a change, I cannot understand why you would have a no case. To be honest, I take it as a bit of a pillar of my belief in democratic government that in fact you bring forward—

**Mr MELHAM**—I could be wrong, but the reason Mr Andren got to write the no case was he was the only one who voted against it. The then government and the then opposition could not write the no case because they did not vote against it. If he had not voted against it, there would have been no no case.

**CHAIR**—There is no compulsion under the present arrangements for even members of parliament who have voted one way or another to assist or actually prepare the no case or yes case essay.

**Mr MELHAM**—That is right.

**CHAIR**—There have been referendums in Australian Constitutional history when no no case was prepared.

**Mr MELHAM**—That is right.

**CHAIR**—That is after the introduction of this regime, which was 1912. We had three referendums conducted before 1912 which were not conducted under the present machinery. All the rest since have been conducted under this present machinery, but not always has a no case been prepared. As I said, we are indebted to the Local Government Association for the comprehensive submission. I have three local government entities in my electorate—the City of Kingston, the City of Greater Dandenong and the City of Frankston. That is most of the land area of the City of Kingston and about two-thirds of the people who live in the City of Kingston and, in respect of the other two, lesser proportions. I have close relations with all three of my councils. Since joining the parliament, I have had quite extensive discussions with councillors and staff at those councils about the Constitutional question, which is a longstanding desire of the local government movement in Australia. I attended the first local government conference convened by the Prime Minister in 2008. There was some discussion about constitutional recognition then. I have watched with interest the further deliberations, including in Melbourne. But I would have to say it seems that within the local government movement there is still a lack of complete agreement. This declaration from Melbourne reflects that, because it really offers some choices rather than a definitive direction.

**Mr Beresford-Wylie**—Yes.

**CHAIR**—This is a long-winded preamble to my questions, but I am trying to set a frame for you. I took your submission to be directed at the need for much greater information about the Constitutional amendment process to be provided to Australians, because in order to achieve the long-held aim of the local government movement, even though the detail of that aim has yet to be agreed upon, it is agreed that there ought to be some form of recognition or some reference to local government in the Constitution which is presently lacking. Your association is saying in this submission, ‘We won’t be able to achieve any change to the Constitution’, be it to fulfil your aim or, indeed, any other change, ‘unless there is a greater level of information about the process.’

**Mr Beresford-Wylie**—Yes. It is true. You may have followed the progress of ALGA through 2008. But we began that process with the view that we had to educate councils about the Constitution. We provide a lot of materials to individual councils about the Constitution, how to change the Constitution, the history of change and the challenge that is placed therein. I had a telephone call three weeks before the 2007 election from a mayor, who said, ‘Adrian, there’s three weeks to go. There’s still time for a referendum. We can get it up. We can have a referendum at the same time.’ I thought at that stage there was a problem. In fact, the majority of our process early on has been aimed at doing two things. The first is increasing the knowledge of

local government about the Constitution, about the nature of change and the challenge that is faced if we want to go about doing that. The second is trying to get local government to think about the practical nature of change we would seek as a sector. So it is moving away from those ideas of protecting individual councils and going to something achievable.

There is a huge disparity, and certainly was in the past. If you asked an individual councillor what they thought constitutional recognition meant for them, you would get a large number of different views. So our aim has been to meet our responsibilities as a sector to say that if we are going to seek some sort of change, we need to bring people with us, educate them and actually determine what that change might be in practical terms. So the two things have run hand in hand. There is that education about change. People have often made the point; they made the point in 2007 at our national general assembly. Someone got up and said, 'We've talked enough about it. Let's just make it happen now.' And there just is not the knowledge out there. So our research, in terms of our strategy, was aimed at providing a bit more meat on the bones of the challenge we face. It threw up obviously confirmation that there is a lack of knowledge about the Constitution and about the process for change. That, to us, means that if there is to be any change, after 32 years without change, we will need to break the cycle of people assuming that when there is a referendum, it is not going to get up; referenda do not get up. We need to educate people about the Constitution before we suddenly put on the table a referendum proposal. People need to have some knowledge.

**CHAIR**—Thank you. You have put forward this suggestion about a constitutional commission. I take that to be a rather broader proposal in terms of the whole process of constitutional change and, indeed, the development of proposals for constitutional change. It is a broader question than the matters which are before this particular inquiry by the committee.

**Mr Beresford-Wylie**—That is true.

**CHAIR**—Our inquiry is directed at machinery for the conduct of an actual referendum, which presupposes that the proposal will already have been developed.

**Mr Beresford-Wylie**—Yes. Indeed.

**CHAIR**—You have suggested a constitutional commission with approximately six members. Its purpose, as you have indicated in your submission, is to develop proposals for constitutional change. All of us on the committee understand the aim of the Local Government Association and why you are putting this forward. We already have the assumption. Let us say that it is a clearly articulated proposal for the recognition of local government, the funding of local government or a prohibition on abolishing local government, which was the 1988 proposal. Let us imagine that we have a referendum proposal and it is about to go through the parliament. We are here considering what mechanism, including funding and informing the public, should be used to carry forward that proposal.

We are indebted to you that you have read the *Hansard* of the roundtable in Sydney. One thing that arose pretty clearly in those discussions is that if we are to move away from the very rigid prescription of a single means of informing, which is a pamphlet containing the yes case and the no case and that is all, and if we are to move away from the very strict limit on the provision of Commonwealth funding, which is what the mechanism presently is—it limits the funding to only

that means of informing the public—it is going to be necessary to devise some mechanism to make decisions about funding or to make decisions about the means of informing the public. Would your association think it useful that there be some kind of standing commission or, alternatively, an ad hoc commission that deals with the conduct of referendums? What I am trying to direct your attention to is not the Constitutional commission proposal you are putting forward, which is for the development of proposals, but what kind of body might be appropriate for conducting referendums or making decisions about how the public is to be informed. To remind you, in 1999, the government established by special legislation which authorised the expenditure of greater funds, but only for the 1999 referendum, a quite complex structure.

**Mr Beresford-Wylie**—I will make a couple of points. Obviously, we are aware of the narrower terms of reference of the committee. We chose to be a bit more expansive in our submission because we are a political body and it is always nice to get our views on record. So that is why we have gone there.

**CHAIR**—We welcome your expansiveness. There is no criticism.

**Mr Beresford-Wylie**—Indeed. We were not attempting to broaden the nature of the discussion too much. In terms of the submission we put on the table there, yes, that had a particular focus. We were looking at that rather than a convention, which is more expensive and a much more extended process, and I am not sure it actually achieves too much. In terms of the process of actually reviewing the things you put on the table, we had suggested a joint select committee as a mechanism. It is entirely up to parliament to determine whether it wants to be advised by a separate panel. I have seen the discussion in the roundtable. It is about various models in overseas jurisdictions.

The Australian Local Government Association has not expressed a view about how parliament itself might determine whether it wants to take advice from a special panel or establish a panel under legislation to provide some guidance on referenda, although ultimately I presume that parliament itself would approve whatever is put forward and tick it off. Therefore, it would not be an opportunity to remove responsibility outside the scope of parliamentarians. It is entirely up to you. Obviously, you might feel that there is a need for a more expert body to provide advice on the particular aspects of a referendum in terms of how you might run a referendum. You would be mindful of the fact that 1999 was a bit of a watershed because it broke some of the mould in terms of how to approach these issues. So we have no particular view for or against the establishment of a specialised panel to look at referenda and how they might be carried out.

**CHAIR**—I take it from the association's submission that you are expressing a general concern about the removal of impediments to information being provided to the public and the removal of any impediment that is going to get in the way of the fullest and best consideration of a constitutional question.

**Mr Beresford-Wylie**—That is right. I think our experience and the research we have done throws up a few issues. First of all, the accuracy of the yes and no cases remains an issue for us in terms of how they are written and portrayed in the public. I think there is a need for greater quality control of the wording of them. We have not discussed whether the 2,000-word case should be more or less than 2,000 words. I think we detect a clear indication from the studies and commentary from a lot of other people that those cases are subject to exaggeration. The reality is

that they are a piece of political documentation in an adversarial context, as we have heard, in which people will make all sorts of assertions about what might happen if a particular proposition is agreed to. We would rather see some greater accuracy and, you could almost call it truth in case, but 'truth' is such a loaded word that I am reluctant to use it. But, nevertheless, the reality is a more accurate case.

We think there is an issue in terms of knowledge about the Constitution in the public at the moment which may reflect the fact that we have so infrequently had in the last 20 or 30 years referenda that people are not really aware of the Constitution and the nature of how it has changed. We have not suggested that there be a change to education in terms of incorporating something in curricula simply because of the difficulty that everybody faces. So many arguments come up these days for adding things into children's curricula. That is an extended process. It takes a very long period of time. As a person who has dealt with road safety, I found there were always calls for road safety to be incorporated there. It is just very difficult to get traction. It would be much easier, from our perspective, to simply say, 'Okay, let's have a public information campaign that is neutral run by the AEC which provides people with some indication that, yes, we have a constitution. This is how it has changed. It has been changed in the past. It is changed. It can be changed as a matter of course.'

**CHAIR**—I might stop you there, Mr Beresford-Wylie.

**Mr NEUMANN**—Do you think you might sully or harm the impartiality, integrity or the Australian public's view of the AEC if they conduct that?

**CHAIR**—I will come over the top of that question to pin it down a bit. The AEC, at the roundtable, expressed the view very clearly to us that they would be more than willing to assist in referendum processes but were concerned that they not be asked to run any aspect of this process, including making decisions about informing the public and what was to go to the public for the reason just expressed well by Mr Neumann—that it would compromise their tremendously good reputation for neutrality and independence.

**Mr Beresford-Wylie**—Which is why we said in our submission that we are talking about some form of education about the Constitution and the nature of how it has changed, not about the question.

**CHAIR**—So you very much agree—

**Mr Beresford-Wylie**—We are distinguishing between the actual proposition that might come up at one time and some general education about the Constitution given that 25 per cent of the population does not know we have a constitution or thinks that—

**CHAIR**—So you would agree that the AEC certainly should not be asked to be involved in the preparation of material about the questions?

**Mr Beresford-Wylie**—About the question itself, yes. We are not suggesting that.

**CHAIR**—But there could be a role for it in an information campaign or assisting with the neutral issues, if you like, of the conduct of the referendum?

**Mr Beresford-Wylie**—That is right. Yes.

**CHAIR**—We have to call it quits there—thanks very much—because we have another witness this morning. I thank you both, Mr Pritchard and Mr Beresford-Wylie, for attending here today. The secretariat will send you a copy of the transcript for any corrections that need to be made. You can liaise with the secretariat before you leave if you have anything you want to ask. We may wish to come back to you, depending on what arises in subsequent hearings. Thank you very much.

**Mr Beresford-Wylie**—Thank you for giving us this opportunity.

[10.33 am]

**BRENT, Dr Peter, Member, Democratic Audit of Australia, Australian National University**

**CHAIR**—Welcome. Do you have any comments to make on the capacity in which you appear?

**Dr Brent**—I am from the ANU. I appear half wearing a Democratic Audit of Australia hat and half in my own private capacity. I am doing that because my opinions do not necessarily represent the audit, although some of them may.

**CHAIR**—Thank you for clarifying that. The committee does not require you to speak under oath, but you need to understand that these hearings are formal proceedings of the Commonwealth parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Do you want to make an introductory statement, Dr Brent, before we proceed to some questions that the committee has?

**Dr Brent**—Yes, sure. Twenty years ago I wrote an honours thesis on constitutional referendums. It was focused on electoral behaviour at constitutional referendums, not the Constitutional legalities, but the way Australians behave at constitutional referendums. My findings were not particularly surprising: (a) most of them fail; and (b) if you want to have a chance of success, you have to have bipartisan support. Referendums held mid-term, if they do not have bipartisan support, tend to go down particularly badly. Referendums held at elections tend to attract about the votes. If it does not have bipartisan support, the yes support tends to approximate the government's primary support at the election. In short, just about all of the results, with one exception—1967—are not consistent with people giving any consideration whatsoever to the content of the questions. The results are consistent with pretty well anything else having more of an influence on the way people vote at referendums than the content themselves. I will give as an example the 1988 set of questions that did particularly badly. They were initially designed to be so inoffensive that no-one could possibly vote no against them. They were called motherhood proposals.

**Mr PERRETT**—Can you say that year again, sorry?

**Dr Brent**—In 1988.

**CHAIR**—Your honours thesis was 1989. Sorry to interrupt your introduction. It could be regarded really as almost up to date, despite being 20 years old, because we have only had one attempt since.

**Dr Brent**—An exception, yes, that is right. That set of four, on very different topics, all got just about the same yes vote within a few per cent of each other. Unless by coincidence all four happened to be of equal odium to the Australian people in their content, it is consistent with all sorts of other things coming into play—'Do I want to give the government a kick up the bum? How do I feel? Basically, how is the government travelling? What is the opposition campaign against it?' In the end, people say, 'Oh, well, the Constitution's done. The world has not fallen apart without this change, so let's vote no.' My opinions are a bit outside the scope of your inquiry, but the ideal thing would be to get rid of section 128. Obviously you cannot do that without a referendum, although I notice a couple of submissions discussed ways of changing the Constitution without a vote, if you were going to be sneaky about it.

**CHAIR**—I can say to you very directly, Dr Brent, it is outside the scope of this inquiry to consider section 128. We have 22 minutes in which we would like to ask you some questions about matters—

**Dr Brent**—I will take one more minute, if I can. This is also going to be outside the scope. It is in the nature of Australian national character to not be interested in the Constitution, to not know much about the Constitution and to, therefore, vote no. It would be as easy to change the way we are in this respect as it would be to stop us eating junk food or whatever. It is very, very hard. One solution is education. Education is interesting. Education needs to really involve people—stories about the founding fathers and tales about them and how the document came into being. We do not have any exciting wars that we can make movies about. It would be great if you could make a movie about when they sailed down that river.

**Mr NEUMANN**—Henry Parkes and so on?

**Dr Brent**—Yes. That is right.

**CHAIR**—We could set it on the *Lucinda*.

**Dr Brent**—Sorry. I did not get that.

**Mr NEUMANN**—Cate Blanchett.

**Dr Brent**—Right.

**Mr PERRETT**—No. The boat where they drafted the Constitution. What is the Tasmanian guy?

**CHAIR**—*Lucinda* is a boat—or 'ship' perhaps is a better term—that belonged to the colony of Queensland. It was a steam ship. Some of the drafting of the Australian Constitution occurred on that boat, which is why I was making the suggestion that if we are going to tell tales about the creation of the Constitution, setting a movie on the steam ship *Lucinda* might be a good possibility.

**Mr NEUMANN**—And we could get some stars. We could get Cate Blanchett.

**Mr ANDREWS**—A few romantic attachments and things like that.

**CHAIR**—Russell Crowe.

**Mr NEUMANN**—Exactly. Russell Crowe.

**Dr Brent**—I will make one more point. We are almost unique in the world in having to have a vote before we change our Constitution. At least we were 20 years ago when I looked at it. Switzerland was the only other country at the time and they almost invented the thing themselves. They also have citizen initiated referendums. They do actually consider the questions much more than we do. Maybe we should think about CIRs.

**CHAIR**—Thank you.

**Mr PERRETT**—I want to go back to that proposal in terms of how informed the Australian public is at referendums. You suggest that there is a correlation between how the government is travelling at the prior election if it is the government's matter that is up, except for 1967, which is a bit strange. You said there are other factors. I assume that means the Queensland Premier and the Western Australian Premier are against it. I think there was one referendum where they led strong no cases and that sort of thing.

**Dr Brent**—Yes.

**Mr PERRETT**—Is it almost suggesting that the pamphlets are basically a waste of money?

**Dr Brent**—I think they are a waste of money, yes. I think, especially in this day and age, people are not likely to read them. The last referendums on the republic are an exception because it was an issue that people appreciate is an important issue.

**Mr PERRETT**—But they appreciated it not because of the pamphlet?

**Dr Brent**—No. But they were possibly more likely to read the pamphlet because it was, 'Oh, a republic. I know what that means. I may as well read this. I'll have a look at this pamphlet.' But, in 1988, there was the recognition of local government. They say, 'Oh, that sounds fascinating. Free and fair elections' and so on.

**Mr PERRETT**—The retiring age of judges does not get people salivating, probably.

**Dr Brent**—No. They do not rush home to read that.

**Mr PERRETT**—I want to go to that 1967 referendum. In terms of a strong yes vote for the Aborigines, the government equally put up another proposal that got slapped down pretty savagely as well. It would suggest that the Australian people are quite informed, irrespective of whether they go to the pamphlets.

**Dr Brent**—Yes. If all our referendums were like that, you could say that the Australian people are clever and informed and can differentiate on issues and so on. But that is the exception.

**Mr PERRETT**—Did the Labor opposition run a no case for the parliamentary one?

**Dr Brent**—No. They both had federal bipartisan support.

**Mr PERRETT**—Both propositions?

**Dr Brent**—I think the state governments and certainly lots of organisations around the country campaigned against the nexus question.

**Mr PERRETT**—Is that where Queensland and Western Australia particularly had a strong case?

**Dr Brent**—I think so. It has been a while.

**CHAIR**—Just for accuracy, I should advise that the pamphlet that was produced for the 1967 referendum contained a yes case and a no case in respect of the nexus question and only a yes case in respect of the recognition of Aboriginal people and no no case.

**Dr Brent**—Right. I think because some coalition parliamentarians were against the government's proposal. So that would be why there was a no case, I suppose.

**CHAIR**—Well, I am indicating to you that no no case was distributed.

**Dr Brent**—For the nexus, I mean.

**CHAIR**—For the nexus, the pamphlet, which I have here, contained both the yes and no case arguments. But on the Aboriginal question, there was only a yes case and no no case in the pamphlet. The yes case had the great virtue of having been authorised by the members of the houses of parliament, as the legislation requires, but it contains an annotation to the effect that it was prepared by Prime Minister Harold Holt, Deputy Prime Minister John McEwen and Leader of the Opposition Gough Whitlam, which is quite a powerful implicit message, at least.

**Dr Brent**—That is right, yes.

**CHAIR**—That is an unusual situation that no no case was distributed.

**Dr Brent**—I am not sure about that. It is, is it? For example, there are the 1977 ones?

**CHAIR**—There are other examples where no no case has been distributed, but since we introduced this procedure in 1912, it has been more usual that both a yes and no case are distributed.

**Dr Brent**—Yes.

**Mr NEUMANN**—I accept that most people get a lot of their political understanding from what they see on TV or maybe on radio. But political parties do not produce pamphlets for nothing. They certainly can be quite powerful. In fact, in Queensland, we are about to send one into the federal seat of Dickson in relation to a certain preselection. I have seen good pamphlets and I have seen bad pamphlets. Presume that we are going to send a pamphlet out to every elector in the country concerning a referendum. How can we make them better to better inform the public and educate them? What would you like to see in a pamphlet?

**Dr Brent**—Short, attractive.

**Mr NEUMANN**—Pictures?

**Dr Brent**—Pictures.

**CHAIR**—Shorter than 2,000 words?

**Dr Brent**—Do you mean the republic?

**Mr PERRETT**—No. On any topic. Always 2,000?

**Dr Brent**—Two thousand words. Sorry. Yes, I think the length of a newspaper op-ed would be good—about 800 words. Punchy. Here are the arguments—boom, boom, boom, boom. If you want more information, go to this web address or give us a call and we can send you out the Constitution and things.

**Mr PERRETT**—So a letter, almost? Almost a one-pager but printed both sides rather than a pamphlet with 4,000 words in it?

**Dr Brent**—I think the shorter, the better. But pleasing to look at. Part of the problem is that people think, ‘Why you are bothering with this? I don’t want to have to decide yes or no. Don’t bother me with this. I’m going to vote no anyway.’ Again, giving people ownership of the whole process, I do not know how you do that apart from citizen initiated referendums. But I am digressing.

**Mr PERRETT**—Do you have any data on the informal votes at referenda?

**Dr Brent**—It is there.

**Mr PERRETT**—Compared to elections particularly.

**Dr Brent**—Off the top of my head, no. But I imagine because it is much easier to vote at a referendum than it is to number every square at an election, the informal vote would be lower. The accidental informal vote would be anyway. I could have a look and get back to you, if you like.

**Mr PERRETT**—On initial reading, it looks like it is much higher than it should be, in a way. I am just doing a quick count.

**Dr Brent**—That would be deliberate, we would imagine.

**Mr PERRETT**—Yes. That is right.

**Dr Brent**—Twenty years ago, I could have told you off the top of my head.

**Mr NEUMANN**—Should we inform the public in any other way other than a pamphlet? Are we talking about the Internet? We have Twitter these days. Should we look at a pamphlet and/or? What do you think?

**Dr Brent**—We should inform them in those other ways certainly, yes. Lots of people will never read a pamphlet, so Internet, Twitter—

**Mr PERRETT**—Ad on Mumble.

**Dr Brent**—Paid.

**CHAIR**—Since Mr Perrett has mentioned it, you publish a very informative website.

**Dr Brent**—Thank you.

**CHAIR**—[www.mumble.com.au](http://www.mumble.com.au)

**Mr PERRETT**—Which we all look at from time to time.

**Dr Brent**—Good.

**CHAIR**—And it is a website devoted to Australian politics.

**Dr Brent**—Yes. Electoral in particular.

**CHAIR**—And of particular electoral matters. Do you have any data on who is visiting your site?

**Dr Brent**—No. I just have ideas, but I do not have any hard data.

**CHAIR**—Do you get feedback about the site?

**Dr Brent**—Sure. I get emails, yes, and comments now. I have recently introduced comments.

**CHAIR**—Yes. I have seen that. What does that tell you about the way in which people like to be informed or can practically be informed about politics?

**Dr Brent**—Well, I see it as not at all relevant to our discussion because it is only a particular type of politics tragic that reads a site like that. And 98 per cent of people do not fit that category.

**Mr NEUMANN**—That is 100 per cent of the people in this room.

**CHAIR**—You have stated the problem that we are grappling with here—that there are some people in Australia you would describe as politics tragics who are deeply and vitally interested in every single thing that happens in Australian political life.

**Dr Brent**—Tragically, yes.

**CHAIR**—Perhaps tragically. But a great many other Australians do not pay the same level of attention to political events and political debates. For so long as we have section 128 of the Constitution in its present form, we are going to require voting by very many of those people who are not taking a detailed interest in political events and political ideas. Because of that, we are trying to grapple with how to inform for the purposes of the section 128 process. Can I be more direct? Do you think that the single prescription that is in the machinery provisions at the moment, which is a written pamphlet posted to every voter, is an adequate means of informing Australians who are being required to vote?

**Dr Brent**—No. In the first instance that is because of the way the world has changed in the last 80 years. People get so many pamphlets in their letterbox that they will throw them away. So we need those other avenues that were mentioned—the Internet and so on. But, again I come back to people. Australians are not interested. The story about our Constitution and how it came about is not well-known. It has not been cast as an interesting one. If we can cast it as an interesting one, people are more likely to read about the Constitution. (a) they will know it exists; that is a start.

**Mr PERRETT**—(b) there is no fifth amendment.

**Dr Brent**—Yes. That is right. They are more likely to have heard of the fifth amendment and all that stuff than ours. How do we make people want to read it? That is again my rhetorical question.

**CHAIR**—Have you given any thought to the question of funding for the kind of information provision that we are talking about here either as to level or how it is to be decided?

**Dr Brent**—Well, if I am correct, one problem is that the Commonwealth government cannot advertise in favour of a referendum proposal but state governments are able to advertise against them, I think. That is a problem. I was listening to the local government people before. That is interesting. It is one of those difficult issues. I think just because no-one in parliament voted for a particular proposal does not mean that it does not warrant funding for a no case. I suppose we need both sides of the argument to be put. Who is to judge what is a proposal worthy of funding a yes and no case and who is not apart from numbers in parliament or whatever? I think somebody mentioned earlier in the previous session the opinion polls. I would not do that at all. They do not really mean much.

**CHAIR**—Speaking for myself, Dr Brent, and I do not have a concluded view on it, I am quite attracted to the notion that we should equally fund the yes and the no case simply on the basis that that is the only way in which we can convey neutrality.

**Dr Brent**—Yes.

**CHAIR**—Independence and neutrality in the use of government funning can only be conveyed in that way.

**Dr Brent**—I agree, yes. Otherwise you get people complaining and the inner paranoid person comes out in people—that there is something dodgy going on. So I agree with you.

**Mr ANDREWS**—That in itself would probably be enough to destroy the proposition.

**Dr Brent**—That is right.

**Mr ANDREWS**—The failure to adequately fund, I suspect, a no case, for example, would be used by opponents of the proposition to say that this is a stitch-up. Knowing the innate suspicion, scepticism or whatever you want to call it of the Australian people, I suspect that would be sufficient to kill a referendum.

**Dr Brent**—Yes. It could be, yes. It was not in 1967, for example.

**Mr PERRETT**—Dr Brent, about 10 years ago at this time you would have got a pamphlet in your mail about a referendum. You did your PhD thesis on this previously or your thesis?

**Dr Brent**—Honours.

**Mr PERRETT**—Honours thesis. You probably knew a lot more referendums than 99.9 per cent of the population. Do you remember if you or your friends read the pamphlet from cover to cover and talked about the pamphlet in terms of the republic preamble?

**Dr Brent**—I cannot—

**Mr PERRETT**—I am sorry to put you on the spot here.

**Dr Brent**—I possibly would have looked at it and possibly, with friends, may have said, ‘Did you see the pamphlet? That was a stupid argument’ or ‘That was a good argument’ or whatever. Again, as a—

**Mr PERRETT**—Ten years is a long time.

**Dr Brent**—Yes. Again, I am not a—

**Mr PERRETT**—I remember getting it in the mail, but I cannot remember much else.

**Dr Brent**—Do you remember what colour it was?

**Mr PERRETT**—Green and yellow, from memory.

**Mr ANDREWS**—Green and white, was it not? I am pretty sure it had green in it.

**Mr PERRETT**—I remember we got it in the household, because we had four people living together. I remember we all got it and talked about it.

**Dr Brent**—So you did all read it?

**Mr PERRETT**—No. I do not think we read it cover to cover, that is for sure. I am reiterating that point: people receive information in different ways than they did in 1911, or whenever they first started the pamphlets.

**Dr Brent**—That is right. And if politics tragiics like us do not read it, what hope is there? I have one more thing. There was talk earlier that the AEC does not want to be involved in publicising the cases because they do not want to be accused of impartiality. Again, this is veering off a bit, but I think the AEC should be split up into three bodies—one for funding, one for enrolment and running elections and one for education. This education body would have to watch its Ps and Qs much less than the current AEC does, which has to make sure it is never in the news about anything. Look at New Zealand. They have a good—it is called the Electoral Commission, actually—education body that has young groovy people with purple hair going around making elections interesting to young people and so on. Something like that with referendums as well would be worth considering in Australia.

**CHAIR**—We have reached the end of our time because this hearing room is otherwise engaged at 11 o'clock. I thank you very much, Dr Brent, for attending the hearing today. The secretariat will send you a copy of the transcript for any corrections that might need to be made. It is possible that the committee will have some further questions for you arising from subsequent hearings, in which case the secretariat will be in touch with you before we end this inquiry. I thank you very much for your attendance today.

**Dr Brent**—Thank you for having me.

**CHAIR**—I declare this meeting closed. I thank you all for your attendance.

Resolved (on motion by **Mr Andrews**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 10.59 am**