

WOMEN for an Australian Republic

www.womenrep.org

@ozfemrepublic

Supplementary Submission to House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry Into Constitutional Reforms and Referendums

Introduction

At its public hearing on 20 September 2021, the Committee invited further contributions from witnesses to suggest priorities for amendments to the Referendum (Machinery Provisions) Act 1984.

Proposed Changes to the Referendum (Machinery Provisions) Act 1984

Women for an Australian Republic, based on its direct experience of only online campaigning in the 1999 Republic referendum, proposes in order of importance:

- a) that the Act should contemplate, provide for and regulate (as far as possible in conformity with electoral legislation) all forms of online campaigning – from websites to Tik Tok and other ephemeral social media
 - There should be clear instructions/guidelines in the Act and Regulations about authorisations for online and social media material including electronic how-to-votes and for all hardcopy materials produced including how-to-votes by otherwise online campaign groups (including publication of their material/s by other parties)
- b) that an independent reference and complaints mechanism, easy to access, adequately funded and resourced, should be instituted; this body to rapidly deal with complaints and remove incorrect or misleading information/claims (would also have the task of clearing the official YES and NO case material). The ACT complaints mechanism for quickly dealing (ie overnight) with incorrectly sited and removed/stolen corflutes may be a guide
 - Social media platforms should also have to conform with general and electoral legislation that regulates and sanctions them for incorrect and misleading information, advertising and posts as well as being required to remove them as soon as possible

- c) An official start date for all referendum campaigns is specified
- d) An independent panel set (not Parliament) and review the referendum question/s to ensure neutrality; able to take submissions requesting refinement as occurred during the Brexit referendum in 2016.

Comments

The Act should contemplate that, for any referendum in the future, there are likely to be a significant number of small, community-based campaigning groups (such as the plethora of single-issue groups, for example: Sir William Deane for President or Conservatives for an Australian Head of State, among many others, that emerged during 1999 with a website or an occasional media release or interview - and disappeared just as quickly). Most of these groups will only exist for a short amount of time in the lead-up to the vote. They are unlikely to have offices or administrative staff, or function like established referendum campaigning groups that resemble political parties in their operations (long-established; long-term campaigning; used to conforming with electoral and company legislation) *but* they may have access to substantial amounts of campaign funds.

WfaAR believes it is fair to say that the small campaigning groups and those not represented on the official YES/NO Committees had next-to-no knowledge about the Referendum (Machinery Provisions) Act – either its existence or contents - during the period 1997 to 1999; scant knowledge about the electoral laws at the time and whether they were applicable to their activities hence the confusion about authorisations of material on the net and/or hardcopy how-to-votes. Not having an official structure and an office address means that an identifiable person and private address has to be used for authorisations. This may be of understandable concern to smaller groups, especially women’s groups, if things get nasty during a campaign and there are threats of physical violence and/or property damage.

WfaAR noticed in the submission made by the Indigenous Law Centre UNSW, a proposal that once a referendum campaign officially starts (when is that?),” any organisations (definition?) undertaking referendum campaigning (definition?) *could* also be required to disclose donations they received within the preceding two years (from when?) for the purpose of campaigning”. Again, it is easy to comprehend how such a provision could apply to large, established campaigning groups but difficult to see how it could be applied to small or community groups without an official structure or office-holders (eg not even incorporated) especially if there are sanctions for non-disclosure. However, WfaAR has no objection to small, voluntary and/or ad hoc single-issue groups being required to disclose funds, in real time, received from external sources/donors during a defined campaigning period (implies would be aware that they were required to do so). Would a start-line declaration of existing campaigning funds from any source – including personal funds - also have to be disclosed?

We also note that while discussion at this Inquiry has focussed on online/social media platforms for engaging young people, their likely success should be viewed with caution. Scholarly and mainstream media articles, many recent, abound online particularly in relation to uptake and trust among millennials, our newest voting

group. Useful sources can be found from searches for <youth engagement in Australian politics> and <mistrust of social media millennials>. It is concerning to note news items as recent as early October 2021 that millennials' distrust of online media is leading to political disengagement (ABC News online week of 4 October 2021). This suggests that the Referendum (Machinery Provisions) Act will continue to need regular review and amendment as popular, reliable sources for obtaining (political) information change over time.

In addition, while hailing the advent of extensive online connectivity and familiarity ("everyone can do Zoom now"); more reliable connections (noting that this is not a universal experience in our country especially in regional and rural areas); and, more recently, improved software for online gatherings, WfaAR considers that *online participation* is no substitute for face-to-face meetings and consultations because the latter also promote invaluable networking and development of mutually beneficial relationships – not to mention the physical discomfort and possible injury associated with long, unbroken hours concentrating on a screen, often a small screen. It may also not be suitable for groups who value personal contact above all; may not be successful if other "short-cut", less expensive meeting formats are used. It also raises issues about assertiveness, finding a place/voice in an online dialogue; only the loudest and most confident voices being heard and good chairing!

Additional Contributions

WfaAR was not given the call by the Chair during the discussion on civics education and schools at the Roundtable on 20 September.

If we had been, we would have supplied information about:

Schools Constitutional Conventions

In usual times, these are held every year in Canberra for approximately 125 Year 11 and 12 participants present in person from schools across the country. The convention communique is usually presented to the President of the Senate and other senior Senate office-holders.

Feeder conventions are held in all States and Territories. Funds are approved in the federal Budget and administered by the Commonwealth Department of Education. The objective is "to explore contemporary constitutional issues".

The 26th such convention (commenced 1995) was held online at the Museum of Australian Democracy in Old Parliament House 24-25 March 2021 with 107 participants.

This network of conventions provides practical, hands-on civics education but WfaAR would want to ensure that they do not appeal only to the "keen debaters" from better-funded schools but are participated in equally by students from all schools – and all students, including female students, have equal opportunity to participate. More funds could be provided for additional

online conventions and practice parliaments in order to enable students outside capital cities, from a wider range of schools and from a wider range of feeder subjects to participate. These online events should be held more frequently and also be extended to students in Years 7 to 10 at appropriate levels of participation/activity.

More information is available online at:

www.civicsandcitizenship.edu.au/cce/national_schools_constitutional_convention,8980.html
www.ncsonline.com.au/projects/national-schools-constitutional-convention

School students and adults should also be educated about the State Constitutions that are regularly amended by vote - and with greater success during the 20th century than federal referendums achieved.

Communication Networks used by Women's Groups for Input to International and Constitutional Activities

In the lead-up to the 4th World Conference on Women convened by the United Nations and held in Beijing in 1995, funds were provided to women's networks in all States and Territories to facilitate information dissemination and to gather input to be fed back to Australia's delegates. This was carried out using existing networks of women's organisations.

Trained facilitators briefed groups of women (involving a wide range of existing women's organisations; no restrictions on participation) several times during the preparation for Beijing (personal experience of attending the consultations held in Townsville). This was well-received and successful.

Commonwealth funding was provided for a similar but more restricted "telephone tree" of briefing about and feedback to the Women's Constitutional Convention held in Canberra in 2002 so that women outside the eastern States and those in regional and rural areas could participate to some extent in the days before streaming.

WfaAR submits this additional input to assist the Committee in its deliberations.

Sarah Brasch
National Convenor
Women for an Australian Republic
6 October 2021