



# A SUBMISSION TO THE JOINT SELECT COMMITTEE ON CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.

**The Constitution Education Fund  
Australia (CEFA) submits the need  
for “neutral” Constitutional civics  
education as an important step for  
progressing towards a successful  
referendum outcome.**

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## Introduction

The Constitution Education Fund Australia (CEFA) welcomes the opportunity to make a submission to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. In particular CEFA argues that an important step that can be taken as a part of progress towards a successful referendum on Indigenous Constitutional Recognition must be an extensive “neutral” civics Constitutional education campaign. The last referendum held in Australia was in 1999. At this time and ever since there have been numerous calls for constitutional education. Specifically relating to referendums, there is an urgent need for education as to how referendums work, their role in changing the Australian Constitution and their importance to the Australian developing story of nationhood since Federation.

Unless the community understands what the Constitution is, and what a referendum is, they can’t properly understand why changing the Constitution through a referendum is important for recognising Aboriginal and Torres Strait Islander Peoples, let alone assess whether a proposed amendment is a good one. CEFA would like to play a leading educational role in preparing the community to consider all aspects of this important referendum proposal so that when the referendum does occur the people of Australia can cast their vote as an informed and engaged decision. CEFA is well placed to provide neutral, impartial and bipartisan civics education for the proposed referendum.

Successful referendums don’t have a great track record in Australia. Only eight of the 44 called have been successful and no referendums held since 1977 have succeeded. The most successful referendum was in 1967, when 90.7% of voters elected to include Indigenous Australians in the census and enable the Federal Government to make laws in respect to them. With Australia poised to go a step further in voting for Aboriginal and Torres Strait Islander Peoples to be recognised in the Constitution, and with bipartisan support for the proposal, it is a national imperative that a civics education campaign on this issue is commenced in the near future.

In 2009 CEFA made submissions and appeared at the Senate Inquiry into the Machinery of Referendums Act. CEFA proposed that for future referendums substantial funding and support should be given to civics education and with a long lead up period. Traditionally the Commonwealth Government funded “neutral” civics education referendum campaigns that have only been set up a few weeks prior to the referendums and that have had little impact on the voters. Run by the Australian Electoral Commission (AEC) and Government Taskforces these “neutral” campaigns have had little chance of breaking through the advertising noise of the Yes and No campaigns. This is despite millions of dollars of Government funds being expended on these “neutral” civics referendum education campaigns. For instance the Gillard Government was providing \$11.6 million to conduct the national civics education campaign for the cancelled 2013 referendum on the proposed Constitutional Recognition of Local Government.

CEFA recommends in this submission that the Joint Select Committee implement support for an independent national civics education campaign and that it be established in the near future as a commitment to moving forward the proposed referendum through a better informed Australian citizen. CEFA is aware Reconciliation Australia has a substantial committed budget to raise awareness of and support for winning the

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Referendum. However the “neutral” education campaign proposed in this submission needs to be run as a complimentary campaign. This is because there is a public and media perception, supported by the website materials of Reconciliation Australia and their trading company Recognise to the effect that their role is to persuade people to vote a certain way. If CEFA were to be given the “neutral” civics education campaign its purposes will be to educate people about what the Constitution is, what a referendum is, and what they are being asked to do by Reconciliation Australia.

CEFA defines a successful referendum as one in which every voter is knowledgeable, fully informed and engaged as they cast their vote. In the steps that can be taken to progress towards a successful referendum on Indigenous Constitutional Recognition, it is a vital and separate role for the Government to commit to “neutral” Referendum education.

## **About CEFA**

Since 1995 CEFA has delivered innovative projects to better educate Australians generally, and particularly young Australians, about the Constitution, now well into its second century. CEFA programs provide national education on the history and operation of the Australian Constitution and the Australian democracy. Under an eminent-person board and under the patronage of the Governor-General, State Governors and Territory Administrators CEFA has each year developed projects and run campaigns that inform and engage Australians of all ages with an emphasis on Constitutional, Civics and Citizenship, democracy, voting and values education.

In 2011 CEFA was granted \$600,000 from the Federal Minister for Education, Peter Garrett, through the Department of Education Employment and Workplace Relations (DEEWR) for YABA – a Civics and Citizenship Video-based Online Curriculum Resource for Australian schools which utilises social media in a safe and secure classroom environment. CEFA privately contributed over \$400,000 to complete this pilot program and the final evaluation report was forwarded to DEEWR May 2013. Yaba 2014 is developing new curriculum materials in support of the unendorsed Australian Civics and Citizenship Curriculum.

Examples of other successful past and present projects include the CEFA School Parliaments and the Governor-General’s Undergraduate Essay Competition which is now in its tenth year. University students and their teachers from all universities across Australia partake in important Constitutional conversations and topical issues of debate. The Competition final judging is chaired by a Justice of the High Court of Australia. In 2014 the final judging panel will be chaired by the Hon. Justice Susan Kiefel AC in Brisbane. The 2014 competition is being sponsored by Reconciliation Australia trading as Recognise and all questions are focusing on Aboriginal and Torres Strait Islander Peoples reconciliation issues and the proposed referendum for Constitutional recognition. The 2014 Prize giving will be hosted by the High Court of Australia, Canberra, in December and the Prime Minister has committed to make the key-note address. CEFA is also contracted by Recognise for a separate project to make a bipartisan short-film to be used later this year as educational awareness building for the upcoming referendum.

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Our experience in partnering for a wide variety of civics education projects with Commonwealth, State/Territory and private stakeholders uniquely positioned CEFA to deliver an impartial public information and education civics campaign for the Local Government Constitutional Recognition Referendum that was to be held September 14, 2013. CEFA was contracted to provide in-depth education materials in support of the Government Referendum Taskforce for the civics education campaign that was funded by the Gillard Government with a \$11.6 million allocation. The materials to be developed through a CEFA interactive website included Fact Sheets, FAQs, links to established other sites and campaign education materials such as

- Constitutional Recognition proposals
- The Australian Constitution
- Birth certificate of a nation
- Implications for today
- Making changes to the Constitution
- Changing the Australian Constitution
- Referendums, how they work and their history
- Double majority
- Referendum to be held
- Relevant sections of the Australian Constitution. What is the proposed change? What now?

The Local Government Constitutional Recognition referendum was cancelled due to the calling of an earlier Federal election. However CEFA partially fulfilled its Government contract and has developed useful resource materials under topics such as those mentioned above.

## **The Uniqueness of Constitutional Education Campaigns**

There are a number of elements that make constitutional education campaigns unique. While each campaign has dedicated issues to the particular proposal they can include:

- The need to engage every eligible voter at least once before voting
- The fact that most Australians are unaware of how a referendum works, the issues involved, the importance of the Australian Constitution and the mechanism for changing it, and have little understanding or no understanding of what a referendum is
- If Australians suspect they are being fed spin about a referendum, but they don't have enough knowledge to make a judgment, they tend to vote No, to be safe. (Ann Twomey. Director of the Constitutional Reform Unit at Sydney Law School, The Australian May 24, 2013)
- The Lowy Institute poll 2012 reports 'just 60% of Australians say democracy is preferable to any other kind of government, and only 39% of 18 to 29 year olds. A quarter (23%) of Australians say that in some circumstances, a non-democratic government can be preferable and 15% that for someone like me, it doesn't

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matter what kind of government we have.’ Getting Australians to engage and cast an informed vote on what many will see as an obscure political issue will be difficult

- Civics education campaigns need to be impartial, neutral, factual and avoid spin and controversy

## **The Need for Civics Education for the Proposed Referendum**

The Expert Panel provided its report, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, to the Government on 16 January 2012 and concluded :

“Qualitative research conducted for the Panel in August 2011 by Newspoll and a separate study by Reconciliation Australia found there is little knowledge among Australian voters of the Constitution’s role and importance... A 1987 survey for the Constitutional Commission found that 47 per cent of Australians were unaware that Australia has a written Constitution. The 1994 report of the Civics Expert Group, *Whereas the People ... Civics and Citizenship Education*, found that only one in five people had some understanding of what the Constitution contains.”

In 2012 research was commissioned by Recognise to identify issues in the Australian Indigenous community that might affect the proposals to gain Constitutional Recognition. Highlighted in the results were; their sense there are decreasing levels of respect across cultures (Indigenous and non-Indigenous), disenchantment that Indigenous Australians are not properly recognised and therefore not defended by the Government or the Australian population, the proliferation of negative stigma by the broader population and lack of celebration of Indigenous success. The findings also refer to the Constitution being seen as a rulebook and set of guidelines, that is understood by the Indigenous population to be a very powerful document but Indigenous people do not feel they have ever had a say in it’s content. There is a strong view that any Constitutional Recognition without respect, acknowledgement, understanding and justice will be meaningless.

CEFA proposes a dedicated civics education campaign be developed with a goal to engage Australians of all ages in the proposed referendum. The aim of the campaign will be to reach all eligible electors at least once, and hopefully a number of times, so that they are engaged and informed and can fully participate in the referendum through their vote whenever this Referendum may occur.

Subject to the results of further commissioned qualitative and quantitative research, the major messages in the campaign could be based on and promoted by:

- Understanding what the proposed constitutional change is and why it is being proposed at this time.
- Understanding of the wide public consultation processes that have occurred in the lead up to the proposed referendum.
- Understanding the proposed wording alteration to the Constitution and the consequences of it (once this is finalised).

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- Understanding the key arguments presented by the Yes and No cases (if such cases are formed).
- Providing further detailed information at a variety of depth and levels that may be required by individual voters.
- Providing information via the medium and in the format required on the internet

The proposed civics education campaign could provide its public information and key messages utilising a variety of campaign components including an interactive website, advertising, public relations, publications, national telephone enquiry service, social media engagement, public information events and other educational activities. There could also be specific activities designed for key target groups of electors from non-English speaking backgrounds, Aboriginal and Torres Strait Islander electors and electors with a disability. The proposed campaign could replace any need for a “neutral” civics campaign in the last few weeks as has historically being run by the AEC and the Government at the cost of millions of dollars. If desired the campaign could intensify in the final few weeks before voting.

CEFA has the ability, experience, contacts and infrastructure to coordinate some or all of the following campaign components essential to an effective civics Constitutional education campaign in the lead up to the proposed referendum.

#### **1. Steering Committee to be established**

A key stakeholder Steering Committee could coordinate each of the components of the campaign. It could include relevant Government and Ministerial referendum personnel, key stakeholders promoting the Referendum, key Indigenous Representatives, the head of each of the campaign component sections and sub-committees, a representative from the AEC and other personnel as required. The Steering Committee would consult with all interested stakeholders either regularly or from time to time. The Committee could be chaired by CEFA Director, Mrs Kerry Jones, who has extensive campaign and education experience. Kerry was appointed as Chair of the No Case in the 1999 Referendum. She has since appeared to speak on referendums on numerous public and private platforms. Kerry has a strong education background as a teacher and administrator for 15 years with the NSW Department of Education and holds a Master of Education Administration degree. Kerry has been Director of CEFA since 2001.

#### **2. Content Development**

Simple campaign content messages could be developed through campaign films and videos to be developed after consultation with the relevant stakeholders. CEFA has successfully used this model to develop the campaign film ‘The Australian Way’ that encourages through eminent spokespersons valuing the Australian Constitution and the freedom to vote under it. The film CEFA has already being contracted to develop for Recognise is another example of a civics education campaign film that may be able to be used. CEFA director Mr Tom Keneally scripted both these films. The core messages as expressed in campaign films can be adapted for campaign information materials such as radio advertising, television advertising, web information, fact sheets, media releases content, public spokespersons briefing notes and telephone inquiry briefing notes. In

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past referendums a substantial amount of funding has been spent for the “neutral” civics campaign on written materials such as brochures, pamphlets and books. The internet may have replaced the need for content in this format to go to every voter by post. This was a cost saving issue raised in the 2009 Senate Inquiry report into the Machinery of Referendum Act.

All materials, information, films, videos and other campaign features will at all times provide neutral, impartial education information only and be approved by the Steering Committee before being released. All content must be designed to be attractive to users but avoid any controversy and allow no claims for it to be biased.

Content development could be centralised through a campaign Content Sub-committee, working under the Steering Committee. Other duties beside content development will include moderating the live website functions such as comments, blogging and other online activities available to the public that need to be moderated before being published.

### **3. Civics Education Campaign Website**

To ensure referendum campaign materials are organised in one central place, the campaign would establish its own interactive website. It is recommended the website build be given to a cloud computing infrastructure provider with expertise in developing enterprise grade solutions including relevant security protocols. CEFA can potentially collaborate with organisations such as Google to drive more visitors’ traffic to the civics education campaign website. Such collaborations could also include other Google services such as Youtube channelling, Google hangout sessions, access to Google analytics relating to referendum voting patterns and Google Ad and Words services.

The website will have search engine optimisation and point to links on other Australian websites dedicated to constitutional matters. This will allow users of other related sites to easily discover the new civics campaign website. Examples include Parliamentary websites, the High Court website, the Governor-General’s website, the AEC website, relevant university constitutional websites, the Conversation, the ABC Drum, Recognise and Reconciliation Australia websites and other government and institution websites.

The new civics campaign website build could include:

- The campaign film/s and videos
- Information factsheets
- Final report from the Senate Inquiry on Constitutional Recognition and other report considered relevant
- Media releases
- Interviews with the campaign public spokespersons
- Information about how referendums work
- Information on the importance of an informed vote and core messages
- FAQs
- Quizzes
- Newsfeed providing constant civics campaign activities updates
- Neutral, impartial materials case pamphlet in English and in 14 other languages

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- The Australian Constitution showing the textual alterations proposed
- Video and audio of campaign television and radio advertisements
- Optimisation for smartphones and tablets using the following mobile operating systems Apple IOS, Google Android, Windows Mobile 7 and Blackberry RIM
- Referendum related apps to disseminate the information shown above could also be developed to allow easier access to information for those Australians increasingly reliant on mobile technologies for their news and information
- Use of social media and new media channels such as Facebook, Twitter, Youtube, Tumblr and Pinterest to engage the Australian electorate leading up to the referendum
- Google hangouts and twitter sessions with the campaign public spokespersons giving Australian voters the opportunity to directly ask their questions and express their thoughts to the civics education campaign leaders involved in the referendum
- WCAG
- W3C standard for website materials
- Braille
- Large print for printed pdf materials
- Opinion Pieces
- Competitions to engage the public

#### 4. Public Relations

Only those given the authority to appear in the media on behalf of the civics campaign would be authorised to do so and may include the Chair of the Steering Committee, Mrs Kerry Jones, selected campaign public spokespersons, the Minister designated to lead the campaign, and any other spokesperson authorised by the Steering Committee.

CEFA would set up a Press Office for the duration of the Civics Education Campaign and appoint at least one experienced media adviser already networked to the major Australian media outlets. The press office would be responsible for distributing media releases to these outlets and to the ethnic media outlets. The media releases would be made available on the Campaign and CEFA websites in a number of different formats. They would also be distributed through social media and new media channels such as Facebook, Twitter and Tumblr. Key media releases would also be translated into community languages and made available to the ethnic media via the abovementioned channels.

CEFA would organise an official campaign launch to attract maximum media attention. The campaign launch would ensure that maximum publicity for the campaign film and all other materials would be achieved and that the launch would reach and interest all eligible voters.

A national civics campaign competition with attractive prizes would also be launched at the campaign official launch. The competition will be content based.

The campaign could establish a civics education campaign call centre which provides national telephone free enquiries questions and answers. The centre would include a

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telephone interpreting services. The staff manning the call centre would be fully briefed to provide only official campaign information.

CEFA would identify a number of public spokespersons (campaign ambassadors) to promote the campaign including representatives of the Aboriginal and Torres Strait Islander Peoples. The public persons must be prepared not to advocate a Yes or No Case argument. They would be used to urge voters to understand the key civics referendum campaign messages. Public spokespersons would be used in all or only some of the campaign outreach components which include the films, advertising, opinion pieces, research papers, campaign events, media appearances. Public spokespersons would agree that they would not vary from the script and argument provided by the campaign Content Sub-committee unless given specific authority to do so and all contributions from this group would be authorised and approved before release.

Public spokespersons could take part in interviews on national, metropolitan, regional, community and ethnic radio and television throughout the civics campaign period. They could also partake in live chats on the campaign website and the new social platforms such as Facebook, Google Hangouts and Twitter.

CEFA would also conduct public information events promoting the civics education messages. For example well-known legal firm Baker and MacKenzie is a CEFA principal partner 2013-2014 and could host information sessions in each of the capital cities and provide other supportive services to the public relations civics education campaign as required.

## **5. Advertising**

Advertising would consist of a national-based advertising campaign that reaches all areas of Australia and could include television, radio, internet newspaper advertisements, and community announcement advertising. Advertising would be linked in to the other components of the campaign such as referring voters to the campaign website, social media channels and the campaign call centre.

The national advertising would be translated into a minimum of 17 languages in the ethnic press, 25 languages on ethnic radio and 11 languages for ethnic television. In addition, radio advertisement may need to be translated into 20 indigenous languages and advertisement broadcast on the Radio for the Print Handicap network.

## **6. National Schools civics education Campaign**

CEFA proposes materials and resources be separately developed for schools distribution. If the Referendum were to be held in 2017 it may well be the first vote for young Australians currently in years 10, 11 and 12. CEFA believes it is a national imperative that all young Australians and their teachers are educated in the history and culture of the Aboriginal and Torres Strait Islander Peoples. The unendorsed Australian Civics and Citizenship Curriculum currently under review identify this as a cross-curricular priority. CEFA submits the need for a specific national school education project (with a particular focus on years 10-12) for innovative education on all aspects of our Indigenous heritage and its context in modern Australia.

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CEFA is well placed as part of its work delivering Australian Civics and Citizenship education to schools to develop a specific Yaba Indigenous Education Channel on the site [www.yaba.edu.au](http://www.yaba.edu.au). The word Yaba was used in some Indigenous languages as meaning to talk. Yaba is a multi-channel video website designed to encourage students of all years to further their understanding of the Australian Constitution, the Australian democracy, Australian values and the Australian way of life. Yaba provides teaching and learning resources in support of the draft Australian Civics and Citizenship curriculum. Yaba provides a safe environment for students and teachers to use video and social media technology to talk about issues relevant to them within their own classroom and across all other Australian classrooms. Yaba provides feedback for learning topical content and outcomes, issues and opinions of the day, and provides assessment tools to evaluate both knowledge and community engagement. Chatrooms allow students and teachers to talk to each other across the nation. In 2014 the CEFA Schools Parliament Project is being incorporated under the Yaba umbrella, allowing Prime Ministers and Leaders of the Opposition to share their thoughts with counterparts in other States and Territories.

The Yaba Indigenous Education Channel would be designed to provide students with interactive Indigenous content that celebrates the oldest continuing culture on earth. Yaba will develop and produce films, multimedia interactives, games, timelines, teacher curriculum resources, quizzes, blogs, and student downloads, in consultation with key Indigenous stakeholders. These resources will be complimented by lesson plans and teacher curriculum resources linked to the Australian Curriculum and relevant State/Territory Curriculums. Separately to the channel, but promoted through the channel, this project will also fund an Annual National Indigenous Awareness Raising Student Film Competition.

Already available to students on Yaba are two videos providing education on Indigenous Australian issues. In the Flip Side channel the Indigenous perspectives of Australia Day features the opinions of two significant aboriginal women. North Queenslander Ms Shelley Reys AO debates the editor of Tracker Magazine, Amy McQuire, on their alternative views on the meaning of the Australia Day holiday. Another film on the Sensational Kids Channel is about Tyrus Arndt, a Torres Strait Island boy, who sings in the Gondwana National Indigenous Children's Choir. Tyrus also features in a QANTAS commercial singing the first verse of 'I still call Australia home' in Kala Lagaw Ya, a dialect of the Torres Strait Islands. This moving rendering of an iconic song and the story of Tyrus captures how Indigenous youth are achieving greatness in modern Australia while retaining their cultural heritage. Both these videos are accompanied by extensive cross-curriculum teaching resources for different class levels and a chat forum to explore the themes and issues. Yaba students develop their own videos in response to the units of work they study around this film stimulus.

This project will also develop dedicated resources content aimed at the teachers and students in all classrooms years 10-12. For example, if a referendum were to be held in 2017 the current years 10-12 would be eligible voters in the electoral cycle. Special units of work will be developed such as on customary law, legal governance in Aboriginal and Torres Strait Islander communities, rights and responsibilities and the passage of rites for young aboriginal people both pre-white settlement and today. Students will examine the unique identities of Aboriginal and Torres Strait Islander Peoples and how they shape

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national Australian identity. They will consider how these communities are maintaining and developing their identities and what this means for Australia as a whole.

All content development will be strictly approved by all relevant education Authorities. CEFA already collaborates closely with Education Services Australia (ESA) as the national curriculum support provider. CEFA is also collaborating with the Australian Curriculum Assessment and Reporting Authority (ACARA) to evaluate and assess all CEFA education projects and how they align with the Australian Curriculum Teaching and Learning Achievement Standards. CEFA has submitted, at the request of the Minister for Education The Hon Christopher Pyne MP, a submission to the review of the Australian Curriculum due to report later this year. The CEFA submission urges the Federal Government to implement a world-class Australian curriculum for Civics and Citizenship and that Yaba should provide the practical implementation resources to teachers and students.

All content, curriculum, resources and films for the new Indigenous channel will be developed in close consultation with relevant Indigenous authorities including with Reconciliation Australia and Recognise. If appropriate CEFA will form a Schools Subcommittee to work under the Steering Committee, made up of all key stakeholders. In particular there will be a need to develop authentic content that links with existing Indigenous educational resources and materials. The new Yaba Indigenous channel will complement all current classroom resources available and utilise best practice in the implementation of 21st Century teaching and learning pedagogy.

The new Indigenous channel will be a mix of both existing and yet to be developed films, interactive activities, teaching and learning downloads, collaboration forums and assessment tools. Yaba will also establish an Annual Schools Indigenous National Film Competition. The theme will reflect issues relevant to Indigenous constitutional recognition. The CEFA Patron-in-Chief, the Australian Governor-General will be asked to host the schools prize giving to be held in Reconciliation week each year.

## **Conclusion**

CEFA is well placed to provide neutral, impartial and bipartisan education for the proposed referendum on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. CEFA is able to deliver civics education campaigns at minimal costs to Government if compared to similar campaigns conducted by Governments for previous Referendums. CEFA recommends the Joint Select Committee supports education, which should commence in the near future, and be delivered through campaigns and projects such as those suggested in this Submission. Education campaigns are very different from political campaigns and both have an important part to play prior to any national vote under the Australian Constitution. We thank the Joint Select Committee for their work so far as Australia faces the final steps for progressing towards a successful referendum outcome for Constitutional Recognition for Aboriginal and Torres Straits Islander peoples. CEFA representatives would be most happy to make further submissions and/or verbal representations in support of this Submission at any time.

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