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House of Representatives Standing Committee on Social Policy and Legal Affairs
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Submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs, inquiry into constitutional reform and referendums

Dear Committee Members,

Thank you for providing us with the opportunity to contribute to the important discussions relating to the conduct of referendums and the need to improve public awareness and education about the Australian Constitution. It is critical that Australians are empowered to cast an informed vote and that the integrity of referendums is upheld.

Civics Education and Awareness of the Australian System of Government

To play a meaningful role in Australia's democratic decision-making and system of government, citizens must have at least a basic level of understanding of how it functions and their obligations and rights within it. The most foundational of Australian laws is the Australian Constitution. Regrettably, a 2015 poll by Ipsos Mori found that only 65% of Australians "had heard of the Australian Constitution", let alone knew how they can participate in the institutions it prescribes.

Even lesser known is the Queen's role in that Constitution. For all her popularity, the overwhelming majority of Australians do not associate Queen Elizabeth II with a role in Australia's system of government or as Australia's Head of State.

An Essential Media poll in May 2018 found that only 34% of Australians polled knew Queen Elizabeth II was Australia's Head of State, with a further 30% believing it was her

representative the Governor General, and 24% believing Australia's Head of State is the Prime Minister.

Awareness differs greatly by age, with 47% of Australians aged over 55 aware that the Queen is Australia's Head of State, compared to just 22% of those aged 34 years old and under (38% of this cohort believe the Prime Minister is Australia's Head of State). A majority of all age groups polled were unaware of her role as Australia's Head of State.

The Australian Republic Movement's own research has also highlighted the general lack of awareness about the nature and role of the office of Governor-General, their important constitutional functions and the separation of powers outlined in the Constitution.

The Australian Republic Movement supports a greater emphasis on civics education in Australian schools. Voters will continue to feel alienated from the decisions made by elected leaders unless they are equipped with a working knowledge of government institutions in Australia.

Improving the Integrity of the Referendum Campaigns

A ban on foreign donations to Australian election campaigns and political parties was introduced in 2019. Equivalent prohibitions on foreign donations to those contained in s287AA of the *Commonwealth Electoral Act 1918* should also apply to entities campaigning for constitutional change in Australia. Similarly, the Committee may wish to consider the introduction of a register of political campaigners equivalent to that contained in sections 287F and 287H of the Act.

Foreign influence campaigns should not be allowed to undermine Australian democracy or subversively attempt to amend Australia's Constitution. Australians should have the confidence that those seeking to inform them about constitutional change represent Australians' interests, not those of a foreign nation.

Increasing Participation in Referendums

The Australian Republic Movement supports steps towards full participation in elections and referenda campaigns. Australian voters should be given every opportunity to cast their vote. To that end, the Movement supports the introduction of 'no excuse' eligibility criteria for postal votes, which would allow all Australians, regardless of personal circumstances to vote by postal ballot. Schedule 3 of the *Referendum (Machinery Provisions) Act 1984* could be amended to provide for this.

In addition, the Australian Republic Movement would welcome consideration of the introduction of electronic voting in order to increase participation, reduce the cost of referenda to taxpayers and decrease the time required to determine a result, so long as this can be done securely and maintain the integrity of the ballot process.

Recognition of the Official 'Yes' and 'No' Campaigns

The *Referendum (Machinery Provisions) Act 1984* appears to assume that support for referenda proposals will split along party lines and makes provision for political parties to fulfil critical functions in the conduct of referenda. Examples include:

- s11: Stipulating that a majority of the members of parliament who supported or opposed the referendum initiative (respectively) are responsible for authorising the 2,000 word pamphlet argument distributed to voters;
- s62A: Restricting access to the list of postal vote applicants to senators, members of the House of Representatives and registered political parties; and
- s89: Limited opportunities to appoint scrutineers. The Governor-General, State Governors, Chief Minister of the ACT and Administrator of the Northern Territory may appoint only *one* person at each counting centre to act as a scrutineer for the referendum, whereas registered political parties may appoint as many scrutineers at each polling location as there are electoral officers.

In addition, section 90B of the *Commonwealth Electoral Act 1918* provides candidates, members of the Australian Parliament and registered political parties access to a copy of the Federal Electoral Roll, which can be used for the purposes of referendum campaigns.

Political parties that have no formal position on a referendum proposal are unlikely to play a formal role in the conduct of the referendum or the scrutiny of votes. The success or otherwise of a referendum proposal should not be dependent on the active advocacy of members of parliament or a registered political party. To ensure that both proponents and opponents of a proposal are afforded the same opportunity to participate in and scrutinise the conduct of a referendum, these provisions should be extended to include the official 'Yes' and 'No' committees (where established), who are formally responsible for the conduct of the campaigns for and against the referenda proposals. These campaign committees should be empowered to receive access (under the same strict conditions imposed on registered political parties) to electoral roll data, the list of postal vote applicants, be given the same status as registered political parties with regard to the appointment of scrutineers and be responsible for the preparation and authorisation of the material distributed to voters under s11 of the *Referendum (Machinery Provisions) Act 1984*.

Conclusion

The Australian Republic Movement believes that the process through which Australia's Constitution is amended could be strengthened with the introduction of comprehensive civics education, with an emphasis on the relationship between the Parliament, Governor-General and Monarch. We would also welcome the expansion of postal vote eligibility, consideration of the use of electronic voting and the introduction of prohibitions on foreign contributions for referenda campaigns.

The Australian Republic Movement believes that greater consideration should be given to formalising the status of appointed 'Yes' and 'No' committees through equivalent provisions

as those provided to registered political parties in the Act, and providing those committees with an entitlement to appoint scrutineers.

We thank the Committee for the opportunity to share our views and would welcome the opportunity to contribute further to the Committee's deliberations.

On behalf of the Australian Republic Movement,



Sandy Biar
National Director & CEO