

Robert Vose

12 December 2022

Committee Secretary  
Joint Standing Committee on Electoral Matters  
PO Box 6021  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam,

I wish to make a submission on the proposed Referendum (Machinery Provisions) Amendment Bill 2022.

**For this submission, I will only address the Disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984:**

**Disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984**

**Section 11 of the Referendum (Machinery Provisions) Act 1984 does not apply during the period:**

**(a) beginning on the day this section commences; and**

**(b) ending on polling day for the first general election of the members of the House of Representatives held after the commencement of this section.**

**I disagree with the disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 for the period until the next election for the House of Representatives.**

In my submission, I argue to keep section 11 of the Referendum (Machinery Provisions) Act 1984 intact for the upcoming referendum on the Voice to Parliament, and for any future referenda such as for Australia to become a republic. The benefits for funding the YES and NO cases as in the previous referendum in 1999, and for printing and distributing the YES/NO pamphlet as a hard copy to every person enrolled in the electoral roll far outweigh the costs. The arguments put forward for ditching the YES/NO pamphlet don't stand up to even cursory scrutiny.

**My first recommendation is to remove the proposed disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 from the Referendum (Machinery Provisions) Amendment Bill 2022.**

Yours Sincerely,



Robert Vose

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## Submission on Referendum (Machinery Provisions) Amendment Bill 2022

For this submission I will only address the Disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 in the Referendum (Machinery Provisions) Amendment Bill 2022:

### Disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984

Section 11 of the Referendum (Machinery Provisions) Act 1984 does not apply during the period:

- (a) beginning on the day this section commences; and
- (b) ending on polling day for the first general election of the members of the House of Representatives held after the commencement of this section.

I disagree with the disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 for the period until the next election for the House of Representatives.

## 1. Commend the Government for the Voice referendum

I commend the Albanese Government on committing to run a referendum to add the Voice to Parliament into the constitution through a referendum under Section 128. I fully support the Voice to Parliament and the process of establishing local and regional Voices within the Aboriginal and Torres Strait communities.

## 2. Intention of this submission is to help the YES Case

I sincerely hope the referendum will be successful and the intention of my submission is to help the YES case for the Voice to Parliament based on maintaining a **fair democratic process** for the referendum, giving the population access to official YES and NO cases in order to **mitigate against misinformation** during the referendum campaign, and in terms of **justice through equal access to information** by having the YES/NO pamphlet distributed to over 90% of the population as a printed pamphlet mailed to each voter by the AEC. Australians expect that the process for the Voice referendum be fair and that it will follow the established procedures of previous referenda.

## 3. Conflict of interest for the government with proposal

There is, however, a serious conflict of interest for the government in that it fully supports the YES case and will campaign for the YES case, but it currently does not intend to provide

any funding for the NO case and does not intend to provide the public with official YES and NO cases in the traditional YES/NO pamphlet. Instead, the government will invest tens of millions of dollars into public “education” as digital marketing only for a successful vote in the referendum. There is an obvious conflict of interest embedded in the proposed changes in section 11 of the Referendum (Machinery Provisions) Act 1984, by not giving fair airtime to both the YES and NO cases.

#### **4. Parliamentarians are responsible for YES and NO Cases**

Parliamentarians write and authorise the YES and NO cases in the traditional YES/NO pamphlets. Parliamentarians are responsible to the people of Australia through Parliament. The public will hold them responsible for their views expressed through the YES/NO pamphlet on both sides of the referendum question. This accountability is essential for the quality of the debate around a referendum question.

#### **5. YES/NO Pamphlet needed to counter misinformation**

Without official YES and NO cases, and by asking the public to rely on what they can search for on the internet or see on TV, sections of the public may be exposed to influencers who propagate racist and right-wing extremists views, conspiracy theories, and nonsense that has no basis in reality. We saw some of this with the anti-vaxxers during COVID lockdowns, and with groups such as Q-Anon. It is easy to host digital media sites overseas, and there is little chance of regulating them. The referendum debate could become divisive and ugly, with racist memes propagating through the internet if there are no official YES and NO cases. The Trump presidency encouraged fringe right-wing groups, and some of these racist groups may actively campaign in an Australian referendum on Voice to Parliament. Official YES and NO cases are a measure to mitigate against the worst excesses of misinformation that the digital internet has enabled. The YES/NO pamphlet is MORE important now for a balanced debate on a referendum question in the digital age.

#### **6. YES/NO Pamphlet contains relevant information**

The traditional YES/NO pamphlet provides the public with official arguments both for and against the referendum proposal. It also contains the full text of the proposed changes to the constitution. For over 100 years, it has been a part of every referendum and it is an essential aspect for a referendum and ensuring that all voters have access to official and balanced information on the referendum question.

#### **7. The AEC is impartial**

The AEC manages the process to produce and distribute the YES/NO pamphlet. The AEC is an impartial agency which is trusted to disseminate official and authoritative information about the referendum in question. It is a body that is trusted by the public.

## **8. A referendum without YES/NO pamphlet may not appear legitimate**

Running a referendum without the official YES and NO cases being put into an official YES/NO pamphlet creates the risk that the community will not accept the process as legitimate. This perception may influence voters to vote NO, even if they support the Voice to Parliament. This perception will persist after the referendum and may taint the outcome, even if the referendum vote is successful. The perception that the government is “cheating” or trying to “stack” the referendum vote will permanently afflict the perception of the Voice to Parliament if the standard democratic processes for running a referendum are not followed.

## **9. Claim that Section 11 is outdated is incorrect**

One of the main reasons put forward for ditching the YES/NO pamphlet is the claim that the process is outdated, and that digital media is more appropriate. The government provided no evidence for this claim. It is just an assertion. There are many reports on the state of digital media in Australia. I will examine several of these reports to demonstrate that the reach of digital news media is highly fragmented and will only reach a small proportion of the population (see Appendix C to F). By contrast, the AEC is confident that 91% of the residential addresses of voters in the electoral roll are accurate (see Appendix B), and hence we can expect the process of mailing out YES/NO pamphlets to every address on the electoral roll can reasonably reach close to 90% of eligible voters.

## **10. YES/NO pamphlet an opportunity to research paper recycling**

One of the possible objections against printing the YES/NO pamphlets and mailing them to every person on the electoral roll is that it would require a massive amount of paper for the physical pamphlets. This is a once in a generation opportunity to research and develop the paper recycling patterns in Australia. It is an incentive to find out what gaps there are in the cycle of paper products from plantation, to mill, to products for consumers, back into recycling plants, and for creating a closed circle for recycled consumer paper products. It is an opportunity for the community to participate and help build up recycled paper stock that is needed for the mailout. It could also be used to prime the public with the need to recycle paper. It is a chance to research the logistical gaps that prevent stockpiles of recycled products from being shipped to recycling plants where they can be processed into saleable recycled products. The government has an opportunity to commission research into the recycling patterns in Australia, identify and introduce measures that will link up the gaps in the processes, and identify, measure and regularly report metrics that will tell Australians how well we are recycling post-consumer products. While the emphasis in this case is on paper, the same process once established could be used to investigate and optimise recycling of plastic bags, metals such as aluminium and copper, and other kinds of products and processes needed for a circular economy. It could also look at accreditation of recycled products so that consumers can select recycled products with confidence. Experts may already know much of this, but the YES/NO pamphlets are an excellent opportunity to invite the community to participate and feel ownership in the recycling economy, and act to support this aspect of our economy. My second recommendation is that the government

consider the production of the YES/NO pamphlet as an opportunity to research, optimise, and calibrate appropriate metrics for the recycling industry in Australia's economy.

## **11. Voters have the right to consider whatever information they want**

Another possible objection against the YES/NO pamphlet is that many people will throw them away without reading them. That is the right and prerogative of a voter. It is the voters' right to decide what information they will consider for their vote, if any, and it is their right to refuse to accept any information regarding a referendum question. There is an obligation, however, for the government to make sure that every voter has access to the relevant information to make an informed decision. The government has an obligation to make sure there is no discrimination based on age, disability, access to information, language, location, and so on. The government also has an obligation to make sure the referendum is a fair democratic process, and even if they are firmly of one opinion, they need to make sure the arguments formulated for and against, and the distribution of the information, is balanced and fair, and without an undue bias based on a conflict of interest. They can do this by engaging the AEC and asking them to manage and distribute the YES/NO pamphlet as with every traditional referendum for over the last 100 years.

## **12. Possibility of disapplication of section 11 for TWO referenda**

I would like to note that I am concerned that the government may be contemplating using the disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 for not only the Voice to Parliament referendum, to be held within a year, but also for a second referendum on an Australian republic, possibly to coincide with the next federal election for the House of Representatives. The Government, through the Assistant Minister for the Republic, is actively engaging with the Australian Republic Movement (ARM) on discussions regarding the ARM Choice Model. With regard to timing, the government is stating that its first priority is a referendum on the Voice, and only after that will it consider a referendum on a republic. Given the disapplication of section 11 would persist until the next federal election, the statements from the government do leave open the possibility of a second referendum to coincide with the next federal election. The ARM Choice Model for an Australian republic is not fit for purpose. It does not consider the head of state of the six Australian states in Australia's Federation. At least one constitutional expert is of the opinion that it is inconceivable that the government could run a second referendum on a republic by the time of the next federal election. There is too much work still to be done. It is my opinion that there needs to be at least a Constitutional Convention on a republic before we venture to a referendum vote on a model suitable for a republic. My third recommendation in this submission on the Referendum (Machinery Provisions) Amendment Bill 2022 is that the government make a clear and firm promise to the Australian people that it will not attempt to run a second referendum within the applicable timeframe of the disapplication of section 11. This should not be controversial.

### 13. Additional reasons for keeping section 11 for the Voice referendum

**More reasons for keeping section 11 intact in the Act and engaging the Australian public through YES and NO cases published in a pamphlet and mailed to every voter for a referendum vote is that this process will achieve the following:**

- It will give **voice** to both the YES and NO cases.
- It will provide equal funding to both the YES and NO cases.
- It will provide an open civic space to debate the issues.
- It permits an authorised version of the YES and NO cases to be prepared and made public, and this will help moderate the debate.
- It will hand every voter a document that clearly states what the main issues are, as authorised by parliamentarians supporting both the YES and NO cases, and it will clearly specify the proposed changes to the Constitution.
- It hands the choice of voting in a referendum to the individual voter, and their personal conscience after being able to engage openly with the questions to the extent that they are willing to.
- Section 11 already includes provisions to distribute the YES and NO cases, the YES/NO pamphlet and other presentations through digital channels (2C, 4ac – highlighted in Appendix A). It has already been modernised for the digital age and has been operating in this way for the previous referendum in 1999. The AEC is already operating in the digital realm, contrary to the claim the YES/NO pamphlet is outdated.
- The deliberative processes for a referendum are important and the marketing should be managed by an impartial body such as the AEC. The government should not directly outsource the marketing for a referendum to corporate media entities. The referendum should be a way for Australians to voice their informed choices on an important issue, and the marketing should not depend on manipulative media clips driven by only the YES side of the referendum through media companies operating on a profit motive.
- There is clearly a YES case, and some indigenous parliamentarians and the National Party have said that they will campaign for a NO case. There are both YES and NO cases that need to be articulated and presented to the public clearly as with the YES/NO pamphlets.
- Not mailing out the YES/NO pamphlets will discriminate against parts of the population who do not engage with news on digital media. This could be up to 59% of the population.
- Australians have a strong feeling for what is fair and typically feel sympathy for the underdog. I am certain that the Voice referendum vote will be successful if the process is fair. If, however, the process feels like it is being manipulated, if it is one sided and supporters of the NO case are crying foul, then there is the risk that proponents of the NO case will look like the underdogs. If people feel the government is trying to “stack” the YES vote, then the referendum will fail.
- Note that a referendum to change the Constitution is an event that will leave a lasting change in the text of the foundation document for our nation and will persist for hundreds of years. News articles, whether in newspapers or digital platforms, have a very short lifecycle in the order of days at most. The YES/NO pamphlet for a referendum is not part of the news cycle. It is not the same kind of entity that is consumed through digital media as news. The attempt to equate a change to the constitution with ephemeral news articles on digital and social media is not appropriate. A physical copy of the official arguments for and against a referendum question is something to be taken seriously and warrants a mailout of the YES/NO pamphlet to every person who is voting.

## **Recommendation 1**

The first recommendation in this submission is to have the proposed disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 removed from the Referendum (Machinery Provisions) Amendment Bill 2022. Trying to “stack” the vote for a referendum by refusing to fund or publish a NO case will probably have the opposite effect, it will be controversial, and the referendum will probably fail if the proposed disapplication of section 11 remains in the Referendum (Machinery Provisions) Amendment Bill 2022.

## **Recommendation 2**

The second recommendation in this submission is for the government to use the production of YES/NO pamphlets as the motive to initiate research into the state of the paper recycling industry in Australia. One aim would be to print all the YES/NO pamphlets on recycled paper and encouraging voters to recycle the pamphlets after the Voice referendum vote. The research could identify gaps in the recycling processes for paper and optimising logistical and other processes to facilitate the establishment of a viable and cyclical recycling economy. This research, and a framework of recycling metrics for the government to monitor, could be expanded in future years to other products and post-consumer wastes such as plastic bags, metals, and other products that need to be recycled. Another aim is to invite the public to participate more actively in the recycling economy.

## **Recommendation 3**

The third recommendation in this submission is for the Government to state clearly that the proposed disapplication of section 11 will only apply for one referendum vote, the Voice to Parliament, and no other referendum vote. They need to confirm and promise clearly that they will NOT run a referendum on a republic for the next federal election. For this submission I will not elaborate into the reasons why I believe the ARM Choice Model is not fit for purpose as a model for an Australian republic, but I note that there needs to be more time and a Constitutional Convention before a further attempt for a referendum on an Australian republic can take place.

## **Conclusion**

In conclusion, this submission has been only regarding the proposed disapplication of section 11 of the Referendum (Machinery Provisions) Act 1984 as mentioned in the first reading of the Referendum (Machinery Provisions) Amendment Bill 2022. Please note that submissions were requested only over a short number of days at the end of the year. I wrote this on short notice.

I commend the Albanese government on taking the Voice to Parliament to the Australian people in a referendum. This is a historical step, and a successful referendum vote will help the Aboriginal and Torres Strait Islander peoples build up their communities and prosper with all our communities. This referendum for the Voice to Parliament to be included in the Australian Constitution is also an important step for Australia’s nationhood. I sincerely hope that a majority of Australian voters will say YES in the Voice referendum, and the YES vote is also in a majority of states. My intention with this submission is to help the Voice referendum achieve a YES vote. I do this in good faith and hope the government is also operating in good faith.

## Appendix A - Section 11 of the Referendum (Machinery Provisions) Act 1984

### 11 Distribution to electors of arguments for and against proposed law

(1) Where:

- (a) a proposed law for the alteration of the Constitution, being a proposed law passed by an absolute majority of both Houses of the Parliament, is to be submitted to the electors; and
- (b) within 4 weeks after the passage of that proposed law through both Houses of the Parliament, there is forwarded to the Electoral Commissioner:
  - (i) an argument in favour of the proposed law, consisting of not more than 2,000 words, authorized by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument; or
  - (ii) an argument against the proposed law, consisting of not more than 2,000 words, authorized by a majority of those members of the Parliament who voted against the proposed law and desire to forward such an argument;

the Electoral Commissioner shall, unless the Minister informs the Electoral Commissioner that the referendum is not to be held, not later than 14 days before the voting day for the referendum, cause to be printed and to be sent to each address to which subsection (2A) applies, as nearly as practicable, a pamphlet containing the arguments together with a statement showing the textual alterations and additions proposed to be made to the Constitution.

(2) Where:

- (a) a proposed law for the alteration of the Constitution, being a proposed law passed by an absolute majority of one House of the Parliament only, is to be submitted to the electors; and
- (b) within 4 weeks after the second passage of that proposed law through that House of the Parliament, there is forwarded to the Electoral Commissioner:
  - (i) an argument in favour of the proposed law, consisting of not more than 2,000 words, authorized by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument; or
  - (ii) an argument against the proposed law, consisting of not more than 2,000 words, authorized by a majority of those members of the Parliament who voted against the proposed law and desire to forward such an argument;

the Electoral Commissioner shall, unless the Minister informs the Electoral Commissioner that the referendum is not to be held, not later than 14 days before the voting day for the referendum, cause to be printed and to be sent to each address to which subsection (2A) applies, as nearly as practicable, a pamphlet containing the arguments together with a statement showing the textual alterations and additions proposed to be made to the Constitution.

(2A) This subsection applies to the following addresses:

- (a) an address that is shown on the Roll for a Subdivision;
- (b) an address that is not shown on the Roll for a Subdivision because of section 104 of the *Commonwealth Electoral Act 1918*.

(2B) The Electoral Commissioner may arrange for a pamphlet referred to in subsection (1) or (2) to be sent to any other addresses that the Electoral Commissioner considers appropriate.

(2C) The Electoral Commissioner may arrange for the information in a pamphlet referred to in subsection (1) or (2) to be sent to any email addresses that the Electoral Commissioner considers appropriate.

- (3) When there are to be referendums upon more than one proposed law on the same day:
  - (a) the arguments in relation to all the proposed laws shall be printed in one pamphlet;
  - (b) the argument in favour of any proposed law may exceed 2,000 words if the arguments in favour of all the proposed laws do not average more than 2,000 words each and the argument against any proposed law may exceed 2,000 words if the arguments against all the proposed laws do not average more than 2,000 words each; and
  - (c) there may be one statement setting out all the alterations and additions proposed to be made to the Constitution by all the proposed laws, with marginal notes identifying the proposed law by which each alteration or addition is proposed to be made.
- (4) The Commonwealth shall not expend money in respect of the presentation of the argument in favour of, or the argument against, a proposed law except in relation to:
  - (a) the preparation, printing and sending, in accordance with this section, of the pamphlets referred to in this section;
  - (aa) the preparation, by or on behalf of the Electoral Commission, of translations into other languages of material contained in those pamphlets;
  - (ab) the preparation, by or on behalf of the Electoral Commission, of presentations of material contained in those pamphlets in forms suitable for the visually impaired;
  - (ac) the distribution or publication, by or on behalf of the Electoral Commission, of those pamphlets, translations or presentations (including publication on the internet);
  - (b) the provision by the Electoral Commission of other information relating to, or relating to the effect of, the proposed law; or
  - (c) the salaries and allowances of members of the Parliament, of members of the staff of members of the Parliament or of persons who are appointed or engaged under the *Public Service Act 1999*.

## **Appendix B – AEC website**

[https://www.aec.gov.au/enrolling\\_to\\_vote/enrolment\\_stats/annual-review/index.htm](https://www.aec.gov.au/enrolling_to_vote/enrolment_stats/annual-review/index.htm)

**Accessed 7 December 2022**

**Screenshot on following page.**

The AEC conducts an Annual Roll Integrity Review where the accuracy of the addresses on the electoral roll is checked against other databases.

In 2022 the AEC estimates that 91% of all addresses across Australia are accurate.

For a voter to enrol with the AEC for federal elections, including a referendum to change the Australian constitution the following conditions apply:

- you are an Australian citizen, or [eligible British subject](#),
- aged 18 years and over, and
- have lived at your address for at least one month.

## **Key Takeaway**

The AEC is confident that it has accurate addresses for over 90% of the population.

Any mailout of the YES/NO pamphlet by the AEC can reach over 90% of the population.



# Annual Roll Integrity Review

Updated: 14 November 2022

Divisional accuracy rate <sup>1</sup>

State	2017 ARIR %	2018 ARIR %	2019 ARIR %	2020 ARIR %	2021 ARIR %	2022 ARIR %
NSW	96%	96%	97%	96%	95%	96%
VIC	96%	97%	97%	96%	95%	96%
QLD	95%	96%	96%	95%	95%	95%
WA	96%	96%	97%	96%	96%	96%
SA	96%	96%	97%	97%	96%	97%
TAS	96%	97%	98%	97%	97%	97%
ACT	96%	97%	96%	95%	95%	96%
NT	94%	94%	95%	96%	93%	93%
National	96%	96%	97%	96%	95%	96%

Address accuracy rate <sup>2</sup>

State	2017 ARIR %	2018 ARIR %	2019 ARIR %	2020 ARIR %	2021 ARIR %	2022 ARIR %
NSW	92%	93%	93%	92%	91%	90%
VIC	93%	94%	94%	93%	92%	92%
QLD	91%	92%	92%	91%	91%	90%
WA	92%	92%	93%	92%	92%	91%
SA	91%	92%	93%	92%	91%	92%
TAS	92%	93%	94%	93%	93%	93%
ACT	92%	93%	93%	93%	92%	92%
NT	80%	81%	82%	79%	78%	78%
National	92%	93%	93%	92%	91%	91%

Notes:

1. Divisional accuracy is the percentage of electors whose division of enrolment is corroborated by relevant external data.
2. Address accuracy is the percentage of electors whose enrolment address is corroborated by relevant external data.

## Appendix C - AEC 1999 Referendum - Public Information Campaign

[https://www.aec.gov.au/elections/referendums/1999\\_referendum\\_reports\\_statistics/Public\\_Information\\_Campaign.htm](https://www.aec.gov.au/elections/referendums/1999_referendum_reports_statistics/Public_Information_Campaign.htm)

**Accessed 12 December 2022**

This AEC website demonstrates how section 11 of Referendum (Machinery Provisions) Act 1984 also includes the use of digital media and a modern website, as well as the printed YES/NO pamphlet.

The first section is about managing the printing and distribution of the pamphlets, and the second section is about how section 11 permitted the production of the YES/NO pamphlet in many languages and in digital form, and how the information was made available over the internet.

### Key Takeaway

Section 11 has already been modernised and can deliver relevant content over digital channel. This was demonstrated in the 1999 referendum. The claim that section 11 is outdated is simply incorrect.

As an aside, the physical pamphlet was 72 pages.

A digital version that is now available from the AEC website contains only the first 38 pages of the document and excludes the proposed changes to the constitution.

It is important that digital copies of important documents, such as the YES/NO pamphlets for a referendum, are reproduced in full when made available in digital form.

Usually, for the internet a Content Management System would store one digital copy of a document that can be accessed online and downloaded.

Online digital content can be altered at any time, and it may be possible to deliver different versions of online digital content to different sets of website visitors, as is regularly done with A/B Testing.

Many people distrust online digital media. It can be easily manipulated, and the information can be falsified in ways that can be difficult to detect.

This is another reason for printing the YES/NO pamphlets and mailing them to every person.

## Yes/No case Pamphlet

- [Download the 1999 Yes/No case Pamphlet \[PDF 1.5MB\]](#)

### Production of the pamphlet

One of the major logistical challenges of the 1999 referendum was the production and delivery of an individually addressed multi-page pamphlet to every Australian elector. The AEC was required under the Referendum Act to deliver a pamphlet to every person listed on the electoral roll at the close of rolls for the 1999 referendum.

A total of 12.9 million pamphlets were produced, making it the largest single print job and largest single mail out ever undertaken in Australia. Due to the size of the project, the AEC worked with two major printing companies, a mail house and Australia Post to successfully complete the massive task in the short timeframe available.

Production of the pamphlets needed nine high-speed web presses in Sydney, Melbourne and Dubbo working round-the-clock for ten working days. A complex and tight production schedule was required to print, plastic wrap, individually address and deliver the pamphlets.

Delivery of the pamphlets commenced on 27 September 1999 and was completed by 22 October 1999. This gave electors at least a fortnight in which to consider the various arguments before they went to vote on polling day, as required by referendum legislation.

Key information in the elector pamphlet was also provided on audio cassette, ASCII computer disc, braille and large print to assist electors with a print disability.

The pamphlet was also available from 20 September 1999 on the AEC's website in English and in an additional 14 languages.

The total cost of the production of the pamphlets was over \$16 million, with the printing costing almost 45 per cent of the total and the delivery component costing just over 54 per cent of the total.

### Contents of the pamphlet

The 72-page Yes/No case pamphlet contained the arguments for and against the two proposed constitutional changes and a complete copy of the Australian Constitution showing the proposed amendments.

The arguments in favour of the changes, 'the Yes cases', were prepared and authorised by members of the Federal Parliament who voted in Parliament for the proposed Bills. The arguments opposed to the changes, 'the No cases', were prepared and authorised by members of the Federal Parliament who voted against the proposed Bills.

The Yes and No cases were required by law to be given to the Electoral Commissioner within four weeks after the passage of the Bills. For the 1999 referendum, the cases had to be received by 9 September 1999. The arguments were printed as provided by the parliamentarians.

The Referendum Act requires the pamphlet to include those parts of the Constitution that would be amended if the proposed laws were agreed to. Due to the number of proposed amendments the full text of the Constitution was included in the 1999 pamphlet so as to avoid any confusion.

[https://www.aec.gov.au/elections/referendums/1999\\_referendum\\_reports\\_statistics/Public Information Campaign.htm](https://www.aec.gov.au/elections/referendums/1999_referendum_reports_statistics/Public_Information_Campaign.htm)

**Accessed 12 December 2022**

## Internet

The AEC internet website at [www.aec.gov.au](http://www.aec.gov.au) has played an increasingly important and comprehensive role in disseminating electoral information since it was first launched prior to the 1996 federal election.

The internet played an especially important role during the 1999 referendum as it was the official means of providing the results of the referendum. To speed up the access to referendum information, the AEC established a separate web address at [referendum.aec.gov.au](http://referendum.aec.gov.au) which housed the virtual tally room and other referendum specific information. This referendum address operated from 13 September 1999, and was accessible and integrated with the AEC general website.

The website contained extensive referendum information and was continually updated throughout the period. The referendum materials available included the:

- virtual tally room
- Yes/No case pamphlet in English and in 14 other languages
- Australian Constitution showing the textual alterations proposed
- referendum timetable
- Scrutineer's Handbook and other referendum publications
- video and audio of referendum television and radio advertisements
- pre-poll facilities, postal vote application forms and overseas voting posts
- electorate search incorporating polling place locations
- links to the Referendum Taskforce website.

Over the referendum period, over 166 200 users accessed the AEC's two web addresses downloading 509 100 page views. The site proved to be very popular internationally with over 25 per cent of users accessing the site from overseas.

[https://www.aec.gov.au/elections/referendums/1999\\_referendum\\_reports\\_statistics/Public\\_Information\\_Campaign.htm](https://www.aec.gov.au/elections/referendums/1999_referendum_reports_statistics/Public_Information_Campaign.htm)

**Accessed 12 December 2022**

## **Appendix D - Reuters Institute Digital News Report 2022**

[https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-06/Digital\\_News-Report\\_2022.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-06/Digital_News-Report_2022.pdf)

**Accessed 7 December 2022**

**Screenshot of Page 131 on following page.**

The Reuters Institute Digital News Report 2022 provides a comparative report of the use of digital products across the world. They summarise their key statistics in a single page, with page 131 for Australia in 2022 on the following page.

Things to note are:

- The level of trust of digital news for Australia is only at 41%.
- While 67% of the population uses Facebook as the most popular digital media, only 31% will use Facebook for news content.
- This can be contrasted with the trust that Australians have in the AEC, and the fact that the AEC is confident that 91% of addresses in the Electoral Roll are accurate.

### **Key Takeaway**

Digital media CANNOT realistically be used to send news messages to the majority of Australians (perhaps reaching as little as 31% of the population), while a mailout of the YES/NO pamphlet by the AEC can realistically reach over 90% of the population.

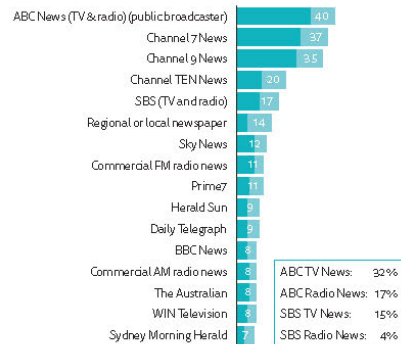
## WEEKLY REACH OFFLINE AND ONLINE

### TOP BRANDS

% Weekly usage

- Weekly use TV, radio & print
- More than 3 days per week TV, radio & print
- Weekly use online brands
- More than 3 days per week online brands

### TV, RADIO AND PRINT



### ONLINE



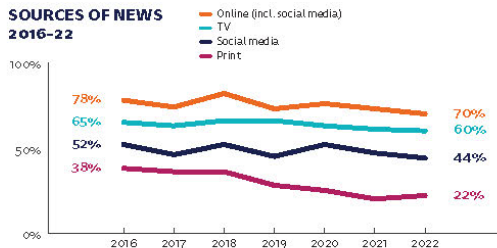
## CHANGING MEDIA

News access continue to decline with a slight recovery in newspaper consumption (+2pp), which was hit hard in 2021. News access on smartphones remains stable (61%), but computer access to news continues to decline at a rapid pace (-5pp).

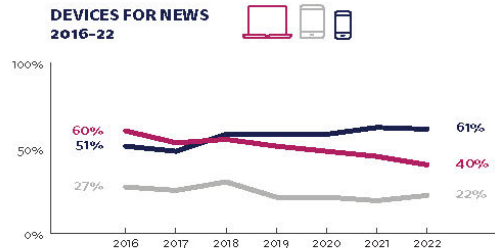
**18%**  
pay for  
**ONLINE NEWS**

**33%**  
listen to **PODCASTS**  
in the last month

### SOURCES OF NEWS 2016-22



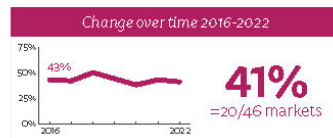
### DEVICES FOR NEWS 2016-22



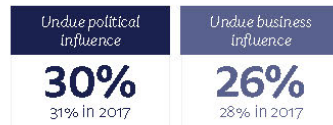
## TRUST

Trust in news (41%) is slightly down, placing Australia in the mid-range among the 46 countries. Trust in news brands has also declined across the board with commercial broadcasters suffering most. Amidst crises such as COVID-19 and major flooding, accurate, up-to-date local news is critical to audiences' trust. Local or regional newspapers are ranked third, after the two public broadcasters.

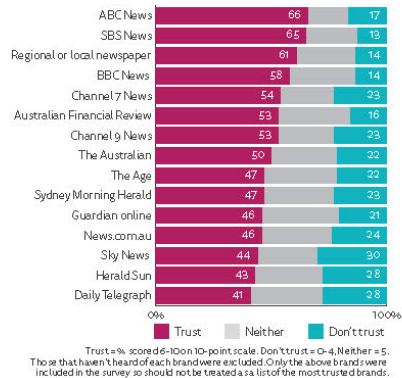
### OVERALL TRUST SCORE



### MEDIA IS FREE FROM ...



### BRAND TRUST SCORES



**31%**  
**SHARE NEWS**  
via social, messaging  
or email

### TOP SOCIAL MEDIA AND MESSAGING

Rank	Brand	For News	For All
1	Facebook	31% (-2)	67%
2	YouTube	19% (-1)	57%
3	Instagram	11% (+1)	35%

Rank	Brand	For News	For All
4	Facebook Messenger	11% (-)	51%
5	Twitter	11% (+2)	18%
6	WhatsApp	6% (-3)	26%

## **Appendix E – Deloitte - Media Consumer Survey 2022**

### **Australian media and digital entertainment insights**

<https://www2.deloitte.com/au/en/pages/technology-media-and-telecommunications/articles/media-consumer-survey.html>

**Accessed 11 December 2022**

**Screenshot of Page 12 on following page.**

The Deloitte Media Consumer Survey 2022 investigates media consumption in Australia. For news it reports that news consumption is fragmented.

TV is the most frequent source of news for 34% of their sample.

Social media platforms come second as a source of news with only 14%

There are many more summaries in this report of 39 pages.

### **Key Takeaway**

Deloitte reports into digital media consumption in Australia 2022 show that the penetration of news programs through digital media is fragmented and the statistics from the sample size can demonstrate little more than 34% of the population can be engaged through any one form of digital media (TV news programs).

This compares to the AEC YES/NO pamphlets which have demonstrated for the 1999 referendum that they can deliver the YES/NO pamphlet to a vast majority of the population – possibly over 90%.



## **Appendix F - University of Canberra - Digital News Report: Australia 2022**

### **News & Digital Research Centre**

<https://www.canberra.edu.au/research/faculty-research-centres/nmrc/digital-news-report-australia-2022>

#### **Accessed 11 December 2022.**

This is a fascinating 142 page report about the current state of digital media in Australia 2022.

My recommendation is that you download the report and see for yourself.

There are too many diagrams and statistics that are relevant to this argument to reproduce in this submission.

The following pages provide some points relevant to comparison of digital and social media to the YES/NO pamphlet as mailed out by the AEC.

I encourage you to download the report and read of the status of news and digital media in Australian for 2022.

## Some of the Key Findings (Pages 12-13) include:

### CHAPTER 2 - PARTISANSHIP AND POLARISATION

- 42% believe all or most news organisations put their political views ahead of what is best for society, and 47% believe they put commercial interests first.
- Less than one-third of Australians believe news organisations are independent from undue commercial or political influence.

### CHAPTER 3 - NEWS INTEREST, MOTIVATIONS AND AVOIDANCE

- Despite significant events, news interest has fallen by 6% since the start of the global pandemic.
- More than two-thirds of respondents now actively avoid the news, increasing by 11 percentage points since 2017.
- People avoid the news because they think there's too much news about politics and coronavirus, and because of the negative effect it has on their mood.

### CHAPTER 5 - NEWS ACCESS

- People are turning away from social media to get their news, in particular Gen Z and Y.
- Overall news consumption is steady but has increased among young people and women.
- One in four (23%) Australians use smart TVs to access news, and TV remains the most popular main source of news (42%).
- More than a quarter watch TV (27%) or look at their smartphone (26%) to get news first thing in the morning.

### CHAPTER 6 - SOCIAL MEDIA AND EMERGING NEWS HABITS

- Facebook is still the most popular social media platform (67%), however its use for news continues to decline (-2).
- Australians prefer reading news (61%) rather than watching it online (12%) and say that this is because text is a quicker way to get news.

### CHAPTER 7 - TRUST AND MISINFORMATION

- Trust in news has fallen to 41% (-2) and distrust has risen to 30% (+2).
- Trust in news brands has declined across the board with commercial broadcasters suffering most.
- Those encountering Covid-19 misinformation increased (+3) since last year, and concern about misinformation remains high (64%).

Only 31% of the sample use social media platforms – such as Facebook – for news.

## SOCIAL MEDIA FOR NEWS

As highlighted in Chapter 5, we find that the overall proportion of respondents using social media to get news has dropped since last year. This is consistent with a fall in general use of social media. Facebook (67%), YouTube (57%) and Facebook Messenger (51%) continue to be the top three social media platforms Australians use generally. While Facebook and Facebook Messenger use remain unchanged, YouTube use dropped by 4 percentage points. General use of Instagram has also fallen slightly in the past year.

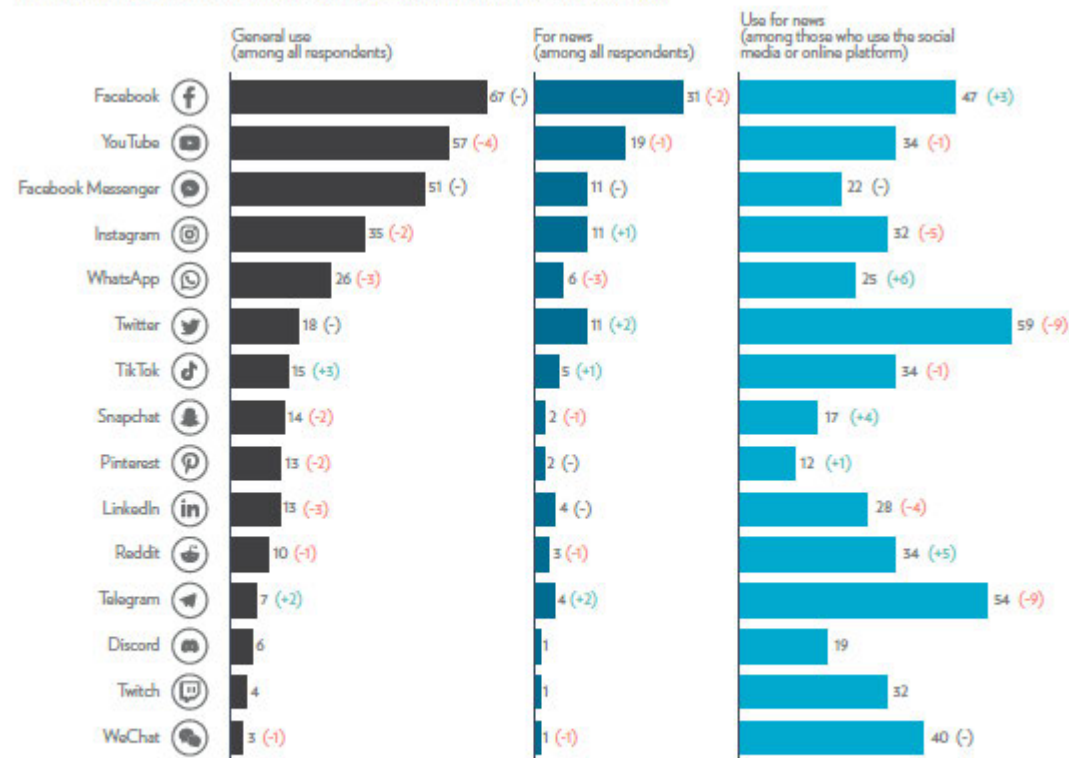
While Facebook remains the most popular social media platform to access news, it has continued to decline and only 31% of news consumers now use it for news. Only around one in five say they use YouTube as a source

of news. There has been a slight increase in the use of Instagram (+1), Twitter (+2) and Telegram (+2) since 2021 alongside a slight decrease in the use of YouTube (-1) and WhatsApp (-3) for news.

The use of TikTok has increased in the past three years and doubled since 2020 from 7% to 15% this year. However only 5% of respondents say they use it as a source of news. Other platforms popular with younger generations including Discord and Twitch are used by only 1% for news.

Proportionally, around half (47%) of Facebook users say they use it for news, while only a third (32%) of Instagram users do. More than half of Twitter users (59%) use it for news (see figure 6.1).

FIGURE 6.1: SOCIAL MEDIA PLATFORMS USED: GENERAL VS FOR NEWS (%)



[Q12A] Which, if any, of the following have you used for any purpose in the last week? Please select all that apply [Q12B] Which, if any, of the following have you used for finding, reading, watching, sharing or discussing news in the last week? [Base: N=2,098] Discord and Twitch were not asked in 2021.

Many people avoid the news on digital media.

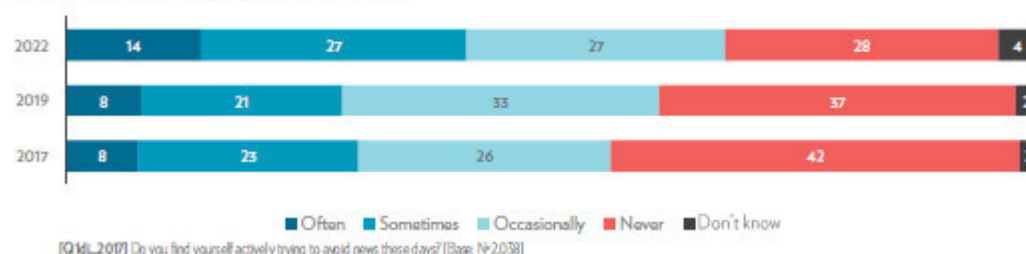
## NEWS AVOIDANCE

### MORE PEOPLE ARE AVOIDING NEWS

There has been a large increase in news avoidance over the past five years. More than two-thirds (68%) of respondents say they 'often, sometimes or occasionally' avoid the news, compared to 62% in 2019, and 57% in 2017. Only 28% of respondents say they never avoid the news (see figure 3.8).



FIGURE 3.8: NEWS AVOIDANCE 2017-2022 (%)

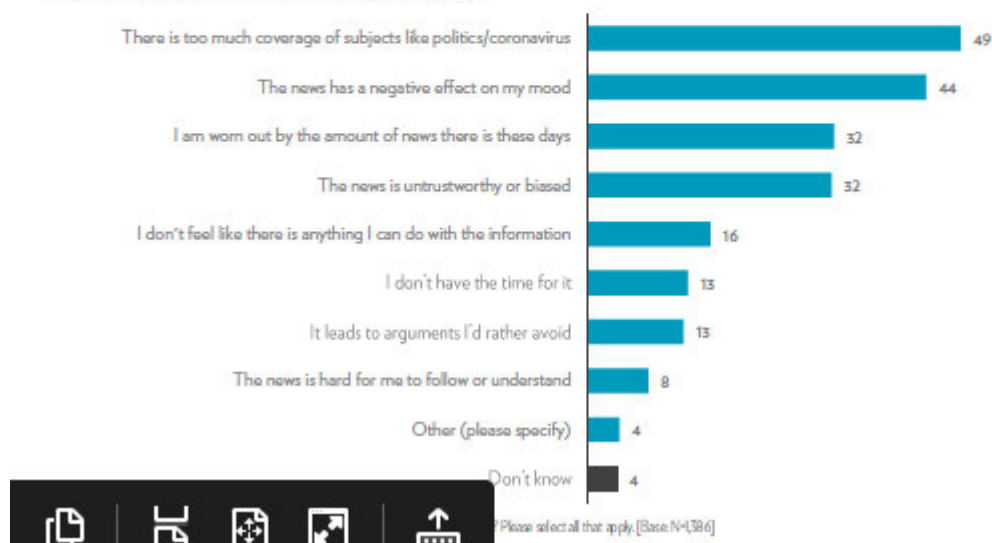


### WHY PEOPLE AVOID NEWS

We asked respondents to list the reasons why they avoid news (see figures 3.9). Among those who avoid news, the top answer is that there is too much coverage of subjects like politics or coronavirus (49%), followed by the negative

effect of news on their mood (44%). People also say they are worn out by the amount of news there is these days (32%) and that news is untrustworthy or biased (32%).

FIGURE 3.9: REASONS FOR AVOIDING NEWS (%)



Many people perceive digital news to be inherently biased.

## POLITICAL & COMMERCIAL INTERESTS

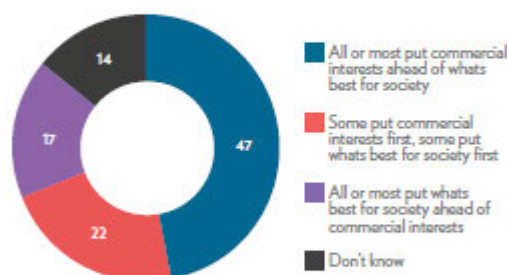
### MORE SAY NEWS OUTLETS PRIORITISE POLITICAL AND COMMERCIAL INTERESTS OVER THE NEEDS OF SOCIETY

This year we asked participants about the priorities of news organisations and if they put what is best for society ahead of their own political and commercial interests.

A similar proportion say all or most (47%) news organisations put their commercial interests ahead of the needs of society, and 17% believing the opposite is true (see figure 2.21).

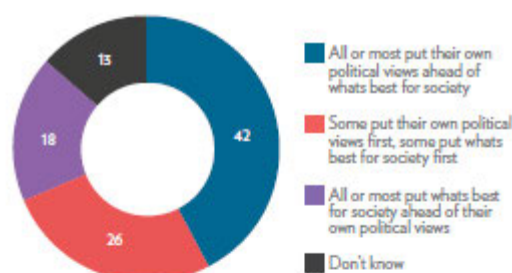
Almost half say that all or most (42%) news businesses put their own political views ahead of what is best for society, compared to 18% who felt they tend to put societies needs first (see figure 2.22).

FIGURE 2.21: BELIEF IN COMMERCIAL PRIORITIES (%)



[Q...Cynicism...a] Which of the following comes closest to your view of news organisations in your country? (Base: N=2,038)

FIGURE 2.22: BELIEF IN POLITICAL PRIORITIES (%)



### POLITICAL AND COMMERCIAL PRIORITIES BY DEMOGRAPHICS (%)

Men, highly educated, high-income earners and older news consumers are more likely to think news organisations put their commercial interests ahead of what is best for society (see figure 2.23).

FIGURE 2.23: BELIEF IN COMMERCIAL PRIORITIES BY DEMOGRAPHICS (%)

