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Submission No 31

BY: LACA

Referendum education in Australia

This submission proposes a fundamental shift in the way public education programmes for referendums – the Yes/No cases - are envisaged and delivered.

'...the high rate of rejection of referendum proposals is the failure of successive Parliaments and governments adequately to adapt practices developed in the context of representative government to the quite different demands of the referendum. This manifests itself in:

- the highly adversarial character of most debate on constitutional change;
- the lack of importance that has been attached to an understanding of the Constitution on the part of people born in Australia or those migrating to the country;
- the lack of an accepted process for public consultation on constitutional issues;
- the inadequacy of the procedures for informing voters about particular proposals for change at the time of a referendum.'¹

To meet the test of 'desirable, irresistible and inevitable' reform that s.128 demands, a government must actively guide citizens in thoughtful debate and deliberation. To engage with purpose, to strengthen the common wealth, citizens deserve credible, relevant information that clarifies the complex and connects to their concerns. Its quality should be the lens through which other, more partisan campaigns are judged. Placing the electorate's civic educational needs at the centre of this process demands a collaborative - not top-down - approach: working with citizens to frame and meet those needs rather than determining them for citizens.

It is likely that the 'official' referendum pamphlet meets none of these objectives. Despite it being the only state-generated referendum literature sent to every Australian elector, no evaluative work of the Yes/No pamphlet has ever been done to ascertain its effectiveness. ² Anecdotally, the public has met the publication with indifference and disdain. Those with expert constitutional knowledge view it with frustration: "...the lengthy yes and no case booklets that no one reads is indeed a major symptom of the problems of constitutional change."³ And sometimes as a vehicle for misinformation: "...an absolute disgrace ... particularly the no but also the yes cases have often just been pretty scurrilous political tracts"⁴; visually muddled: "...the typeface in the no case is manipulated to horrify people."⁵; or just incomprehensible: "...very, very difficult to understand and indeed very often the yes and no cases contradict each other. So you have to ask yourself, 'What is the purpose of those booklets?'"⁶ But surely the purpose is very clear: clarifying complex and contested issues to critically inform a voter's choice.

REFERENDUM '99

From the perspective of effective information design ⁷, the most recent iteration of the 'official' pamphlet - Yes/No Referendum '99 - fails this test. The premise of information design is to enable the user to discover, reason, critique, understand, and act. Hierarchies allow the user to extract the level (or layer) of information they need at any one time. Easy navigation allows the reader to control the experience to a large extent and feel confident engaging with the material. This is not evident in the Referendum '99 booklet:

STRUCTURE

- The overall physical architecture is poor with no consistent 'visual language' ⁸ or voice (be it messenger, mediator, authority) driving the three sections ⁹ comprising the publication.
- It is unnecessarily long and overwhelming.

HIERARCHIES OF INFORMATION

- There is no unifying hierarchy for the Yes/No cases to follow.
- There are inconsistencies in setting hierarchies over both cases.
- The arguments set their own individual pace over the 32 pages but have no relationship whatsoever to each other visually or with regard to content eg they do not respond to structured questions so that the voter can compare differing positions on the same issues.

- In the third section containing the proposed laws and changes, the reader is expected to scan through 27 pages to find underlined or crossed-through text indicating alterations/deletions. No attempt been made to annotate or explain the Constitution further with its 69 proposed changes for a citizenry already proven in many studies to be largely ignorant of such matters.

- CONTENT**
- The partisan, combative nature of several sections of the text renders the information unreliable as a whole.
 - Rather than a dialogue between two contesting viewpoints, two monologues vie for attention.
 - The 'No' case interweaves rhyming slogans and alliteration a total of 17 times across its argument, the sub-text being that ignorance is a valid position to take to the ballot box.
 - Slogans are not information. There are seven different slogans in the 'No' case. They feed fear and marginalisation. Ironically, though the 'No' case presents reasons for rejecting both proposals, the 'Don't know' slogans assume the voter will still know nothing after reading them.
 - There is no further engagement offered beyond the cases presented – no contact numbers or website are given should a voter have further questions.

- READABILITY**
- Line lengths (measure) use up to 98 characters, are too long and fatigue the eye – the optimum is 65-72 characters.
 - The typeface - a version of Bodoni - has extreme contrasts between its thin and thick strokes and does not make for comfortable reading; such fonts are amongst the hardest to read for textual settings.
 - Justified setting of the text means that the spaces between each word vary – psychological and physiological studies reveal that even spaces between words aid readability.
 - Defies traditional reading patterns: we don't read every second page in order to make sense of content. Double pages are generally designed as one unit to aid comprehension.
 - Complementary colours on facing pages sets up colour hierarchies – red active, and green passive.
 - The text in both arguments is erratic in its setting and no rhythm can be discerned: paragraphs are sometimes lengthy in the 'Yes' case, but the 'No' case often prefers single sentences.
 - Proliferation of boxed content, a device used for emphasis: used particularly for slogans in the 'No' case, sub heads in the 'Yes' case, and lengthier content in both cases. Again, no consistency of application.
 - Consistency of style needs to be established and adhered to for the reader to feel at ease with the material; it must remain predictable; the completion of the 'Yes' case's argument before the 'No' case has finished leaves five blank pages which sets up imbalance on the page; the same applies when the 'No' case completes its argument in the preamble question one page before the 'Yes' case has finished.

- VISUAL AESTHETIC**
- We absorb innumerable visual messages daily, an aesthetic is a functional tool in which is embedded clues to help the user determine the intent and navigation of a piece of communication. In this instance, it fails the reader.
Please refer Appendix to view some of the above problems from the Yes/No section.

However, the potential of a Yes/No pamphlet, or its equivalent, cannot be easily dismissed. Ideally it should have enough authority - accurate, impartial, transparent and trustworthy - to be considered the definitive 'information of choice'. While it is tempting to think a print pamphlet passé in an age of 'communicative abundance'¹⁰, its unique value lies in the fact that it reaches the letterbox of every elector. Delivery of referendum information certainly needs to be multi-platform but automatically reaching for social media tools is not a panacea. New media is transferable and interchangeable, offering an exciting platform for citizen engagement though it does have its design idiosyncrasies. Like good print information it is privileges a visual aesthetic as an information tool. While many Australians are digitally literate, many still do not have ready access to computers and fast internet services.

Building publics around civic issues is vital to improving the quality of political debate in Australia. Referendum education fits into a larger narrative of participation and the building of social capital. Contemporary public policy and democratic theory embrace a participatory capacity in nurturing the state-citizen relationship, evidenced in deliberative citizens' parliament, Gov.2.0, Public Media 2.011 and so on.

Aligning with that principle of people being at the centre of government processes is co-design, a collaborative approach to designing systems, artefacts, and services. It has developed from useability and user centred design approaches. A significant benefit of a co-design approach is its ability to generate rapid prototyping - provisional iterations - that very quickly inform a direction. A useful definition is this:

*"Co-design covers and extends more traditionally used terms such as 'participation' or 'engagement'. What, then, is it that marks co-design as different to other kinds of participation? Co-design places the involvement of users at the very heart of the design of a public service. Whereas engagement can simply involve getting people thinking and talking about a service or policy, co-design implies something more fundamental: it requires involvement in the design and delivery of the service itself. It is, ideally, 'upstream', meaning that it helps to identify the kinds of problems to which a service responds, rather than just giving people a say in the answers to pre-defined problems. It means that the voices of users are heard and given a position of influence over the development and application of the service. In its purest sense, co-design implies that no viewpoint is afforded greater legitimacy than another."*¹²

Within the field of governance, an excellent example of co-design methodologies can be found in the design of US federal election materials.¹³ An on-going collaborative project between design and election officials, the initiative grew out of the 2000 US Presidential election where a poor ballot design brought into sharp focus a myriad of electoral inadequacies that served neither democratic tradition nor honoured the voice of citizens. The US Election Assistance Commission (EAC) considers the materials, developed over eight years, best practice, and the intention is to tie electoral funding to their use.

Australian traditions of referendum education needs a similar fillip. It reached a point in 1999 where the materials were unusable; it exasperated citizen goodwill. To move towards more inclusive, transparent and effective referendum education, the following strategies are proposed:

RECOMMENDATION 1: Prior to any further referenda being mooted, establish a small discrete non-partisan working party inclusive of several interested citizens, subject experts, writer, and information designer to model possible approaches, recommending one to be employed at the next referendum. They need to model approaches:

OVERARCHING PRINCIPLES

- To minimise adversarial approach.
- To actively re-think the architecture of the print pamphlet to be truly educative:
- To approach and frame referendum materials differently than those used in a general election ie contesting *arguments* rather than contesting *parties*.
- To work towards development of the public's ability to understand and evaluate current issues as they pertain to the Australian Constitution.
- How s.128 can be viewed as a mechanism for thoughtful reflection and considered action rather than a mechanism for protest against politicians.

CONTENT

- Framing for/against arguments for the proposed change in terms of its relevance to Australians' lives (eg community, regionally, nationally). This may take the form of a dialogue between contesting views, perhaps responding to specific questions posed rather than independent monologues.
- Explaining Constitutional change in lay terms.

DELIVERY PLATFORM

- Recommend suite of media to be used to carry arguments plus referencing how the content would be rolled out.

RECOMMENDATION 2: When a referendum is to be called, establish an independent team – intermediaries – comprising subject experts, writer, information design, and useability experts, public – to be responsible for:

- the overall creation and development of content.
- subsequent physical design and fabrication, that is, the education task is seen in entirety, not just limited to text of arguments.

The composition of this group should be fluid and temporary dependent on the assessed need of each proposal. The AEC would still be responsible for the production and delivery of print

RECOMMENDATION 3: Evaluate the effectiveness of the public education materials after a referendum takes place eg were they used to inform a decision; were they clear and understandable; could a voter evaluate partisan campaigns more discerningly as a result of the public materials; what media was accessed, and so on. The results gleaned would inform public materials for the next referendum.

- FOOTNOTES
- 1 Saunders, C. 2001. *The Parliament as Partner: A Century of Constitutional Review*. U of Melbourne, Public Law Research Paper No.12; Vision in Hindsight Research Paper 3/200-01.
 - 2 Questions were asked if voters had enough information, about discussion of politics and so on (in Gow, D., C. Bean and I. McAllister. 2000. *Australian Constitutional Referendum Study, 1999*. Canberra: Social Science Data Archives) though not specifically whether respondents had read the official pamphlet.
 - 3 Williams, G. HRSC/LCA [House of Representatives Standing Committee on Legal and Constitutional Affairs] 2008. *Reforming our Constitution: A Roundtable Discussion*. 5.
 - 4 Zines, L. *ibid.* 8.
 - 5 Blackshield, A. *ibid.* 11.
 - 6 Saunders, C., *ibid.* 8.
 - 7 Information design is an area of professional expertise devoted to clear and eloquent visual solutions of complex data; it employs systems such as hierarchy and navigation to maximise information, access and comprehension.
 - 8 Refers to elements employed to lend meaning to content for the user eg colour, typography (font(s), weight(s), size(s), leading), grid, image, shapes, textures. Choice of elements needs to be fit for its purpose.
 - 9 SECTION 1: AEC voting /enrolment enquiries/sample ballots,
SECTION 2: Yes/No cases;
SECTION 3: Statement to Constitution Alteration (Establishment of Republic) /Australian Constitution/ Statement to Constitution Alteration (Preamble).
 - 10 A term coined by John Keane. See: Keane, J. 2009. *Media Decadence and Democracy*. Senate Occasional Lecture, Parliament House, Canberra.
 - 11 For an excellent overview see Clark, J and Pat Aufderheide. 2009. *Public Media 2.0: Dynamic, Engaged Publics*. http://www.centerforsocialmedia.org/resources/publications/public_media_2_0_dynamic_engaged_publics/ Accessed 7 October 2009.
 - 12 Bradwell, P. and S. Marr. 2008. *Making the most of collaboration: an international survey of public service design*. Demos Report 23. London. 18.
 - 13 The full report, Effective Designs for the Administration of Federal Elections, can be found at: <http://www.aiga.org/content.cfm/design-for-democracy-eac-reports>

Referendum '99 pamphlet YES/NO
CONTENT

Slogans

The case for voting 'YES'

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

An Australian Republic - it's all about our future

Australia has evolved and matured as an independent nation. All Australians should be proud of our country and committed to its values. Our Head of State should be chosen on merit and not by the privilege of birth. Every Australian child should be able to aspire to be our Head of State. As it stands today, an Australian no matter how talented they are or how hard they work will never be Australia's Head of State. The past has served us well, but as a vibrant growing nation it's time to move on. Our pride and esteem as a truly independent nation are a vital part of our national unity. An Australian President will represent our uniquely Australian identity as we face the world in the future.

Becoming a Republic simply means having an Australian as Head of State instead of the Queen

It's time to have our own Head of State. Britain and the British monarchy have served us well and will always be part of our history. However, the British monarchy is no longer relevant to our daily lives as Australians. Now we need someone who will genuinely represent Australia and our interests - someone who is one of us.

We should stand on our own two feet

From our heritage as an ancient land and a British colony, we have progressed and grown. We now come from many backgrounds and nationalities - our Head of State should represent all Australians. Only an Australian can do this.

Please note: The names of the appropriate members of the House of Representatives or the Senate who voted for the proposed law are listed on the back of this pamphlet. This is the only valid and proper way to check the names of the members of the House of Representatives or the Senate who voted for the proposed law.

The case for voting 'NO'

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

'Vote NO' to the politicians' republic

This referendum is not just about whether Australia should become a republic. It is about the type of republic. And the republic model being proposed is seriously flawed - it is untried, unworkable, un-democratic and elitist. The politicians will represent the President, not the people. It removes the checks and balances from the current system.

Different people will be voting 'NO' for many different reasons:

Don't know? - Vote 'NO'

Those who don't know - should vote 'NO' - because that is the only safe way to go.

No say? - No way! - Vote 'NO'

Those who want to elect their President - should vote 'NO' - because under the proposed model, they will have no say in who their President will be.

A puppet for President! - Vote 'NO'

Those who want an appointed President - should vote 'NO' - because the proposal would in fact elect a puppet. The President will be a Prime Minister's puppet, subject to instant dismissal.

Keep the status quo! - Vote 'NO'

Those who value the certainty and stability of our current Constitution - should vote 'NO' - because any alternative has to be as good or better than the current system. This proposal fails that fundamental test.

Please note: The content of this pamphlet was approved by a majority of your members of Parliament who voted against the proposed law and who are listed on the back of this pamphlet. This is the only valid and proper way to check the names of the members of the House of Representatives or the Senate who voted for the proposed law.

1 Slogans formed a prominent part of the 'No' case argument. They contain no information.

A total of 7 different slogans using rhyme or alliteration were used across both proposals 17 times.

- Don't know? - Vote 'NO'
- No say! - No way! - Vote 'NO'
- A puppet for president! - Vote 'NO'
- Keep the status quo! - Vote 'NO'
- When in doubt, throw it out.
- No gain, only pain - Vote 'NO'
- 'NO' is the only way to go

2 Four slogans appeared on the first page of the 'No' case for the Republic, forming the main message on the page.

The words - VOTE NO - appear 22 times across both 'No' cases; repetition through this and slogans appears to be a major device used to argue this case

3 In the 'No' case to the Preamble proposal, slogans were repeated at the top and bottom of 4 from 6 pages of its argument.

The case for voting 'NO'

If you don't know - VOTE NO

It's a Politicians' Republic

Those who want to elect their President - should vote 'NO' - because under the proposed model, they will have no say in who their President will be.

No say? - No way! - Vote 'NO'

Those who don't know - should vote 'NO' - because that is the only safe way to go.

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Keep the status quo! - Vote 'NO'

Those who value the certainty and stability of our current Constitution - should vote 'NO' - because any alternative has to be as good or better than the current system. This proposal fails that fundamental test.

It's Part of a Political Game

The proposed Republic is being used as a political game.

The Labor Party heavily supports the proposed Republic while the Liberal Party heavily opposes it. This is a political game. The Liberal Party has a long history of opposing the proposed Republic. The Liberal Party has a long history of opposing the proposed Republic. The Liberal Party has a long history of opposing the proposed Republic.

No say - NO WAY!

Those who want to elect their President - should vote 'NO' - because under the proposed model, they will have no say in who their President will be.

Referendum '99 pamphlet YES/NO READABILITY

Typeface
Justified text
Long line length

Italics and the use of a bold weight are best used for emphasis, just a few words, as it is fatiguing to the eye to read.

Excessive use of bold weight of font tires the eye.

The case for voting 'NO'

A PROPOSED LAW: *To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.*

Vote 'NO' to the politicians' republic

This referendum is not just about whether Australia should become a republic. It is about the type of republic.

And the republic model being proposed is seriously flawed - it is unfair, unworkable, undemocratic and elitist. The politicians will appoint the President, not the people. It removes the checks and balances from the current system.

Different people will be voting 'NO' for many different reasons:

Don't know? - Vote 'NO'

Those who don't know - should vote 'NO' - because that is the only safe way to go.

No say! - No way! - Vote 'NO'

Those who want to elect their President - should vote 'NO' - because under the proposed model, they will have no say in who their President will be.

A puppet for President! - Vote 'NO'

Those who want an appointed President - should vote 'NO' - because the proposed model is fatally flawed. The President will be a Prime Minister's puppet, subject to instant dismissal.

Keep the status quo! - Vote 'NO'

Those who value the certainty and stability of our current Constitution - should vote 'NO' - because any alternative has to be as good as or better than the current system. This proposal fails that fundamental test.

Please note: The content of this pamphlet was influenced by a majority of these members of Parliament who voted against the proposed law. It is not intended to be used to persuade anyone to vote 'NO' without their own research into the issues raised by the Electoral Commission.

The font - Bodoni - has extremely high contrast between its thick and thin strokes; it is difficult to read, especially in extended body copy.

A number of factors combined to inhibit easy reading and comprehension

The case for voting 'YES'

A referendum is a vote on a proposed law. The proposed law is set out in the text of the referendum. The proposed law is set out in the text of the referendum.

An Australian President

The Australian President will be elected by the people. The President will be elected by the people. The President will be elected by the people.

A President, not a politician

The Australian President will be elected by the people. The President will be elected by the people. The President will be elected by the people.

The line length across the pamphlet is very long - up to 98 characters when the optimum for reading is 65 - 72 characters.

Referendum '99 pamphlet YES/NO HIERARCHY

Text

1
Because each case is written independently, there is no continuity; each argument is set independently. It is not designed as a document would, as double page spreads, and hence is difficult to follow.

The case for voting 'YES'
A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

An Australian Republic - it's all about our future
Australia has evolved and matured as an independent nation. All Australians should be proud of our country and committed to its values. Our Head of State should be chosen, not just not by the privilege of birth. Every Australian child should be able to aspire to be our Head of State. As it stands today, no Australian, no matter how talented they are or how hard they work will ever be Australia's Head of State.

Our pride and stature as a truly independent nation are a vital part of our national unity. An Australian President will represent our uniquely Australian identity as we face the world into the future.

Becoming a Republic simply means having an Australian as Head of State instead of the Queen

It's time to have our own Head of State. British and the British monarchy have spread as well and will always be part of our history. However, the British monarchy is no longer relevant to our daily lives as Australians. Now we need someone who will proudly promote Australia and our interests - someone who is one of us.

We should stand on our own two feet

From our heritage as an ancient land and a British colony, we have progressed and grown. We were once from many backgrounds and nationalities - our Head of State should represent all Australians. Only an Australian can do that.

Official version
Please note: The content of this document was authorised by a majority of House members of the Parliament who voted for the proposed law and others to forward such an important. The law has been passed and published without amendments by the Parliament of the Commonwealth.

The case for voting 'NO'
A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Vote 'NO' to the politicians' republic
The referendum is not just about whether Australia should become a republic. It is about the type of republic. The republican model being proposed is seriously flawed. It is untried, unworkable, unbalanced and elitist. The politicians will appoint the President, not the people. It removes the checks and balances from the current system. Different people will be voting 'NO' for many different reasons.

Don't know? - Vote 'NO'
Those who don't know should vote 'NO' because that is the only safe way to go.

No say! - No way! - Vote 'NO'
Those who wish to elect their President should vote 'NO' because under the proposed model they will have no say in who their President will be.

A puppet for President! - Vote 'NO'
Those who want an appointed President should vote 'NO' because the proposed model is totally flawed. The President will be a Prime Minister's puppet, subject to instant dismissal.

Keep the status quo! - Vote 'NO'
Those who value the certainty and stability of our current Constitution should vote 'NO' because any alternative has to be as good as or better than the current system. The proposed date has fundamental flaws.

Official version
Please note: The content of this document was authorised by a majority of House members of the Parliament who voted for the proposed law and others to forward such an important. The law has been passed and published without amendments by the Parliament of the Commonwealth.

Hierarchies are erratic over the entire Yes/No case; devices such as boxes, bullet points, paragraphs, single sentences, use of bold type are not used in a consistent way to aid the reader identify key points

