The Senate

Legal and Constitutional Affairs References Committee

Nationhood, national identity and democracy

© Commonwealth of Australia 2021

ISBN 978-1-76093-181-0 (Printed Version)

ISBN 978-1-76093-181-0 (HTML Version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 4.0 Australia License.

The details of this licence are available on the Creative Commons website: http://creativecommons.org/licenses/by-nc-nd/3.0/au/.

Printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

Members

Chair

Senator the Hon Kim Carr	ALP, VIC

Deputy Chair

Senator the Hon Sarah Henderson (from 3 February 2021)	LP, VIC

Members

Senator Anthony Chisholm	ALP, QLD
Senator Nita Green	ALP, QLD
Senator Paul Scarr (from 3 February 2021)	LP, QLD
Senator Lidia Thorpe (from 6 October 2020)	AG, VIC

Discharged Members

Senator Claire Chandler (to 3 February 2021)	LP, TAS
Senator Nick McKim (to 6 October 2020)	AG, TAS
Senator Amanda Stoker (to 3 February 2021)	LP, QLD

Secretariat

Sophie Dunstone, Committee Secretary
Emma Banyer, Principal Research Officer
Antony Paul, Senior Research Officer
Sofia Moffett, Research Officer
Sara Lailey, Research Officer
Brooke Gay, Administrative Officer

Suite S1.61
Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 3560
Fax: (02) 6277 5794
Email: legcon.sen@aph.gov.au

Contents

Members ..... **iii**

List of Recommendations ..... **ix**

Chair's Foreword ..... **xiii**

Chapter 1—Introduction **1**

Conduct of the inquiry 3

Structure of the report 3

Comments on Australia's democratic history 5

Myths and realities of Australian democracy 8

Chapter 2—Nationhood and democracy: International trends **11**

Indicators of democratic decline 13

Declining trust 13

The rise of populism 15

Authoritarianism 20

Growing inequality 21

Fraying social cohesion 23

COVID-19 and democracy 26

Australia's place in the world 29

Committee view 30

Chapter 3—The Australian nation: Our history, our identities, our future **33**

National stories and national identity 33

First Nations 36

The Australian nation 41

A migrant nation 43

An independent nation: the Australia Acts 45

An egalitarian nation 46

A nation forged through military service 48

A resilient, resourceful nation 50

Truth-telling and recognition 51

Three great streams 53

Constitutional recognition 55

Teaching Australia's history 60
Teaching civics 64
Australian nationhood, the future 69
A new constitutional chapter? 71
Committee view 75
Chapter 4—The Australian people: Citizenship, culture and religion, social cohesion 79
Citizenship 79
What does it mean to be an Australian citizen? 80
Removal of Australian citizenship 85
Dual citizens in parliament 89
Treatment of non-citizens 90
Committee view 92
Social cohesion 94
Australia's diversity 94
Social cohesion: how are we doing? 98
Multiculturalism 101
Racism, intolerance and mistrust 106
Identity politics 113
Strengthening social cohesion 115
Research 116
Committee view 117
Chapter 5—Australia's democracy: Trust, satisfaction and belief 121
How Australians feel about our democracy 122
Contested views 122
Trust in politicians and 'the government' 123
Belief in democracy 133
Why do we feel this way? 134
Dissatisfaction with politics 135
The media, social media and media literacy 137
Committee view 141
Leadership 142
Declining civic participation 144

Rebuilding trust and satisfaction 146
Integrity and transparency measures 147
Citizen engagement 149
Participation of young people 154
Committee view 157
Trust, satisfaction and belief 157
Renewing political engagement 158
Integrity and transparency 159
Chapter 6—Democratic institutions: Building strength and resilience 161
A closer look at Australia's democracy 161
The federal parliament 164
Parliamentary committees 166
Evidence-based decision-making 171
Electoral reform 174
Political parties 179
The Federation 182
The public service, strength and independence 184
National institutions, arts and culture 186
National cultural institutions 187
Historical and heritage societies 192
Screen, visual and performing arts 193
Universities 194
Committee view 196
Parliamentary committees 196
Improving the image of parliamentarians 197
Other suggestions 198
Chapter 7—Conclusion 201
Australia today 201
Restoring faith in democracy 202
Defending democracy 203
Touching hearts and minds 204

Dissenting Report by Government Senators: Senator the Hon Sarah Henderson and Senator Paul Scarr **207**

Additional Comments from Senator Nita Green **231**

Australian Greens Additional Comments **233**

Appendix 1—Submissions, additional information, answers to questions on notice, form letters and tabled documents **237**

Appendix 2—Public Hearings **245**

List of Recommendations

Recommendation 1

3.137 The committee recommends that the teaching of history and active citizenship should be made compulsory in years 9 and 10 and conducted by appropriately trained teachers. The Australian government should:

- **increase the time dedicated to civics and citizenship education to at least 30 hours per year;**
- **review the current civics and citizenship module of the Australian National Curriculum with a view to redesigning it to make it more engaging for students; and**
- **commit to a review of the new civics and citizenship module five years after its implementation to assess its effectiveness in increasing knowledge and engagement of young people in relation to civics and democracy.**

The new civics and citizenship module should:

- **be based on international best-practice, evidence-based pedagogical approaches;**
- **include content about First Nations history, and issues of civics and citizenship for Aboriginal and Torres Strait Islander Australians;**
- **include resources developed by First Nations people; and**
- **focus on issues of interest to young people.**

Recommendation 2

3.138 The committee recommends that the Australian government funds annual national excellence in teaching awards, which incorporate grants, scholarships and teaching placements, in the following categories:

- **Australian History and Civics; and**
- **First Nations History and Civics.**

Recommendation 3

3.145 The committee recommends that the Australian government works through the National Cabinet to increase the number of school children accessing trips to Australia's democratic and cultural institutions through the Parliamentary and Civics Education Rebate program each year.

Recommendation 4

3.183 The committee recommends that the Australian government prioritises engaging fully and respectfully with the calls of the Referendum Council and the *Uluru Statement from the Heart*.

Recommendation 5

3.184 The committee recommends that the Australian government adopts the 'three great streams' model as a powerful and inclusive image of Australian nationhood, and as a way of telling Australia's national story that offers dignity and respect to all Australians.

Recommendation 6

4.59 The committee recommends that the Australian government engages in dialogue with Australian citizens–including prospective citizens–about their rights and responsibilities, and our shared values, history and national identity.

To support this dialogue, the committee recommends the government:

- **develop and support educational and school programs that improve co-operation, communication and participation, as well as increasing critical ability, reducing prejudice and building tolerance, understanding, empathy, and an openness to diversity;**
- **enable people and local communities to get involved in their democratic process across all levels – from small country towns to our suburban cities and nationwide activity; and**
- **provide prospective citizens with an engaging and informative history of Australian democracy and our system of government as part of their citizenship preparation process.**

Recommendation 7

4.61 The committee recommends that the Australian government investigates options to allow dual citizens to run for, and sit in, the federal parliament.

Recommendation 8

4.181 The committee recommends that the Australian government establishes and resources a national research centre on migration, citizenship and social cohesion, to monitor:

- **flows of migration and migrant settlement;**
- **issues of diversity and cohesion;**
- **affiliation and identity;**
- **civic participation and engagement;**
- **evaluation of service provision and access; and**
- **gaps in existing research.**

Recommendation 9

5.88 The committee recommends that the Australian government works with the Australian Media Alliance, through a co-design process, to develop a

national strategy to tackle fake news and misinformation. This process should be facilitated through the Department of the Prime Minister and Cabinet.

Recommendation 10

5.89 The committee recommends that the Australian government communicates its support for amendments to the United States *Communications Decency Act* to ensure that hate speech, violent and extremist content, and dangerous and malicious misinformation, are not permitted to flourish on the internet.

Recommendation 11

5.169 The committee recommends that the Australian government consults with the National Youth Commission and Youth Commissioner to develop options to:

- **ensure greater youth input into political processes of the federal parliament; and**
- **promote democracy among Australia's youth.**

Recommendation 12

5.175 The committee recommends that the Australian government establishes an independent federal anti-corruption commission that earns and maintains public confidence through transparency and accountability while also upholding the fundamental principles of justice and procedural fairness.

Recommendation 13

6.15 The committee recommends that the Australian government establishes and funds an ongoing independent Australian Democratic Audit, modelled on democratic audits in the United Kingdom and European Union.

The Australian Democratic Audit should use evidence-based, objective comparative measures to monitor the quality, durability and effectiveness of Australia's national and state level political and democratic institutions, and make recommendations for improvements and reforms.

Recommendation 14

6.60 The committee recommends that the Australian government establishes a Parliamentary Office of Science, modelled on the United Kingdom Parliamentary Office of Science and Technology, to provide independent, impartial scientific advice, evidence and data to the parliament, and all Members and Senators.

Recommendation 15

6.69 The committee notes that the Joint Standing Committee on Electoral Matters recently tabled its report on the 2019 federal election. The committee recommends the Australian government works with the Australian Electoral Commission (AEC) to develop and implement strategies to increase and voter enrolment and voter turnout at subsequent federal elections.

Recommendation 16

6.87 The committee recommends increasing the rate of public election funding paid to parties and candidates and the introduction of administrative funding for political parties and elected independents.

Recommendation 17

6.178 The committee recommends that the Australian government amends the *National Archives Act 1983* to extend the definition of a public record to include new forms of information storage such as digitised data, and to clarify the rules for public access to the Archives.

Recommendation 18

6.179 The committee recommends that the Australian government works with academics, national institutions and cultural organisations, and the non-government sector, to develop a long-term national strategy to strengthen Australia's democracy.

Chair's Foreword

Nationhood, National Identity and Democracy: Australia in the wider world

This is not a typical report for a Senate inquiry. It makes relatively few policy recommendations. But its subject matter – trust in government and the democratic process, and how these can be sustained – underlies all policymaking. When trust declines, our system of government is threatened.

In the past decade, popular trust in public institutions has been in decline in liberal democracies around the world. The optimism about a bright democratic future based on the Western model that held sway after the end of the Cold War in the early 1990s has waned. In some countries, liberal democracy has been all but extinguished as right-wing populists have gained power and re-imposed authoritarian rule.

Some commentators attribute this loss of public confidence to the stresses unleashed by the Global Financial Crisis of 2007-08. The inequalities laid bare by that upheaval did indeed contribute to citizens in many democracies, including Australia, feeling that the system no longer works for them. The decline in trust, however, preceded both the financial crisis and the sense of threat arising from the terrorist attacks on the United States (US) in 2001 and the subsequent Middle East wars.

The seeds of the decline can be discerned in the circumstances in which the Cold War came to an end. As Ivan Krastev and Stephen Holmes have argued in their book *The Light that Failed: Why the West is Losing the Fight for Democracy*,[1] the triumph of the West in the Cold War did not result in the inculcation of a liberal ethos in the political institutions of the former Soviet Union and its allies, despite the expectations of many Western liberals at the time.

This was partly because the unchallenged ascendancy of the US meant that the US and its Western allies no longer used the vigorous assertion of an international order based on respect for human rights as a means of defining the difference between their own systems and those of other countries. After the 9/11 terrorist attacks and the beginning of what President George W. Bush called the 'war on terror', unwavering adherence to the defence of human rights even came to be seen as a liability by some Western governments. They wanted to fight terrorists not only with

[1] Stephen Holmes and Ivan Krastev, T*he Light That Failed: Why the West Is Losing the Fight for Democracy*, 2020, www.vlebooks.com/vleweb/product/openreader?id=none&isbn=9781643133805 (accessed 15 February 2021).

enhanced surveillance and the restriction of liberties, but also with measures that terrorists themselves would use – kidnapping, torture and arbitrary detention. Internationally, this hypocrisy fuelled a cynicism that is perhaps the deepest reason for the decline in trust. Ultimately this is a cynicism not only about democratic institutions, but about the Enlightenment ideals that underpin those institutions, and which have animated both liberal democracy and social democracy in the West. In the former communist states of Eastern Europe, this cynicism was exploited by astute and ruthless political operators, as right-wing populists convinced voters that they, and not those perceived to be liberal elites, were better able to advance their interests.

The reaffirmation of local and national identities, and the hostility to elites, in this kind of populism also resonated with many voters in Western countries who felt that they were excluded from full participation in the economic and social opportunities the elites enjoyed. Right-wing populism drove the rise of ultra-nationalists such as Marine Le Pen in France and the Alternative fur Deutschland in Germany, the Brexit vote in Britain, and the election of Donald Trump as US president in 2016.

As yet there is no indication that Trump's defeat by Joe Biden will also mean the eclipse of populist nationalism. It is not only that more than 70 million Americans voted for Trump; physical reminders of his style of politics, such as the unfinished wall on the Mexican border, remain as a challenge to the new administration. The proliferation of such barriers has ironically become a feature of post-Cold War politics. As Krastev and Holmes have noted, when the Berlin Wall was torn down in 1989 there were only 16 walled borders in the world. Now there are 65, either complete or under construction.[2] The destruction of the Berlin Wall once seemed to be the great symbol of liberalisation through freedom of movement, but that symbol has been emphatically repudiated.

Australia has not had to endure the chaos and the virulent manipulation of hatreds, deceits and conspiracy theories that have characterised the Trump administration in the US. Nor does the full-blown authoritarianism that has unravelled democracy in Hungary under Viktor Orban seem likely to gain traction here. We have not been immune, however, to the decline in trust in public institutions that has afflicted other democracies with which we compare ourselves. The decline in trust is measurable: the Democracy 2025 research project, based in Old Parliament House in Canberra, has tracked a fall in public satisfaction with democracy from 78 per cent of survey respondents in 1996, down to 41 per cent in 2018.

---

[2] Stephen Holmes and Ivan Krastev, *The Light That Failed: Why the West Is Losing the Fight for Democracy*, 2020, p. 2.

It has not been a relentless downward plunge; Democracy 2025's surveys record peaks and troughs in public satisfaction. But it is clear that increasing numbers of Australians feel disconnected from democratic institutions and processes; they do not feel they are full participants in, or beneficiaries of, a system that works for them. That is why the Senate referred this inquiry into Nationhood, National Identity and Democracy to the Legal and Constitutional Affairs References Committee in July 2019. The inquiry drew submissions and testimony from across the political spectrum and from all sectors of Australian society. The committee's work was affected, like so much else in public life, by the COVID-19 pandemic. The decline in trust in government that seemed widespread when our deliberations began seemed to be replaced by a renewed confidence in the power of the Commonwealth and the states to keep Australians safe. Whether this revival of trust will outlast the pandemic is an open question.

Measured against the essential elements of a democratic society, Australia mostly performs well. Our electoral system is highly regarded, and we have a largely independent judiciary, despite recent moves to impose mandatory sentencing for some crimes. The news media, too, are independent despite the concentration of ownership. Although there are disturbing levels of inequality, Australia remains a much more equal society than many of those with which we compare ourselves. Historically, populism has not only been a right-wing phenomenon, as Thomas Frank explains in his recent book *People without Power: The War on Populism and the Fight for Democracy*.[3] Denigrating all forms of populism ignores the fact that there are grounds for complaint. In Australia, we do not meet the needs of all our citizens or always satisfy the highest standards of human rights.

What is undoubtedly true is that the level of civic engagement and debate in this country is disturbingly low. This report concentrates on the need to rebuild public trust by strengthening democratic institutions, especially parliament. The committee's report calls for strengthening of the work of parliamentary committees, which play a key role in reaching out to the Australian people. Committee inquiries shine a light on the performance of government, draw on ideas and creativity from across our society, and bring the public into the work of the parliament. This report starts from the premise that our parliament and other core democratic institutions must be respected, because through them we can build a higher level of civic engagement. That is the best defence of democracy, and the best means of building a more just and equal society.

The committee believes, however, that this report demonstrates why Australia's democratic institutions matter, and why reinvigorating them is an urgent task. It is a task in some ways made harder by developments in the institutions themselves: one

[3] Thomas Frank, *People Without Power: The war on populism and the fight for democracy*, 2020.

of the consequences of the pandemic has been an increase in the amount of delegated legislation, that is regulations made by the executive government, rather than bills debated by parliament. The committee argues that members of parliament must be more vigilant when it comes to defending democratic processes, discharging their responsibilities as elected representatives, and ensuring adequate scrutiny. Nearly half of all legislation is now delegated legislation, and some of it cannot be disallowed by parliament. That figure must be reduced if the government is to restore trust in its accountability to the people's elected representatives. This report is a snapshot of Australia at a turbulent time in its history and in that of the wider world. The committee commends the report to all Australians in the hope that it will become a benchmark and a starting point when they debate ways to preserve and extend this country's vigorous democratic history. Australians will respond if they are persuaded that politicians and the parliament are acting in defence of their living standards, their liberty and their democratic rights.

Chapter 1
Introduction

> Australian citizens are free; our parliament is a strong custodian of democratic values; our liberty is the envy of our region; and our system of justice is robust and fair. The guardians of our security—the police and defence service—are trusted and in the main, subject to democratic, legal control. We also have a world-ranked public service that is an impartial steward of public trust; our cities are amongst the most liveable in the world; against all the odds Australia's Indigenous communities maintain a proud identity; and, our media is brave and honest.
>
> These beliefs and practices, however, are increasingly threatened.
>
> Democracy 2025, *Submission 98*, p. 2.

1.1 On 29 July 2019 a motion to refer an inquiry into nationhood, national identity and democracy to the Legal and Constitutional Affairs References Committee was passed by the Senate. The motion was co-signed by the Chair and Deputy Chair of the committee, Senator the Hon Kim Carr, and Senator Amanda Stoker.[1]

1.2 The referral tasked the committee with inquiring into:

> Nationhood, national identity and democracy, with particular reference to:
>
> (a) the changing notions of nationhood, citizenship and modern notions of the nation state in the twenty first century;
> (b) rights and obligations of citizenship, including naturalisation and revocation, and the responsibility of the state to its citizens in both national and international law;
> (c) social cohesion and cultural identity in the nation state;
> (d) the role that globalisation and economic interdependence and economic development plays in forming or disrupting traditional notions of national identity;
> (e) contemporary notions of cultural identity, multiculturalism and regionalism;
> (f) the extent to which nation states balance domestic imperatives and sovereignty and international obligations;
> (g) comparison between Australian public debate and policy and international trends; and
> (h) any other related matters.

[1] *Journals of the Senate*, No. 8—29, July 2019, p. 257.

1.3 The referral was indicative of a bipartisan recognition that governments in strong liberal democracies such as Australia must not take that strength for granted. Historically low levels of public trust and satisfaction with government are a cause for concern. The challenges of 'fake news', misinformation and conspiracy theories must be faced head on. Governments and democratic institutions need to explore innovative ways to re-engage Australians in their democracy.

1.4 Discussions about constitutional recognition of First Nations Australians have reignited debates around Australia's past, present and future, and the notion of truth and healing. This has led to calls from many for a redefinition of official constructs of Australia's national identity, but not all Australians agree.

1.5 Changes in law allowing dual citizens to be stripped of their Australian citizenship for certain conduct,[2] and recent cases, such as the Love and Thoms High Court cases,[3] have led to discussions around citizenship, and the rights and responsibilities of citizens. These, and broader issues of citizenship and nationhood, give context to the inquiry.

1.6 Australia has a great migrant tradition. We pride ourselves on being a peaceful, socially cohesive multicultural nation. But is this view shared by everyone? Are we as tolerant as we believe? Are our current policy approaches the right ones? The committee sought to explore these issues more deeply, seeking both empirical data and input from diverse perspectives.

1.7 The terms of reference asked submitters to consider the health of Australia's democracy, and the reasons for falling trust and satisfaction; as well as to provide suggestions for ways to turn the tide. Submitters addressed these issues with generosity and creativity.

1.8 The unforeseen occurrence of the COVID-19 pandemic complicated the inquiry. Governments around the world have handled COVID-19 in differing ways, with contrasting results. The political fall-out from these decisions is only just beginning to become apparent.

1.9 In Australia, restrictive measures put in place by governments to slow the spread of the virus had implications for democracy. These measures tested the trust and faith of Australians in our governments, and put pressure on democratic institutions including parliaments and the federation. The

---

[2] *Australian Citizenship Amendment (Allegiance to Australia) Act 2015 (Cth).*

[3] The High Court found that the two Aboriginal men, one born in Papua New Guinea to an Aboriginal father and PNG mother, one born in New Zealand to an Aboriginal mother and New Zealand father, could not be deported. They were not citizens of Australia, but they could not be classed as 'aliens' as they are Aboriginal, and accepted as such by their tribes: *Love v Commonwealth of Australia; Thoms v Commonwealth* [2020] HCA 3, 1—3, 169.

committee sought evidence on COVID-19 as it relates to the terms of reference, and that evidence is reflected in this report.

Conduct of the inquiry

1.10 On 28 August 2019 the committee called for submissions from the public, and published a discussion paper to guide submitters in responding to the broad terms of reference. The initial discussion paper is available on the committee's website.[4]

1.11 The committee also wrote to a wide range of organisations and individuals to invite them to make a submission, in response to the terms of reference and the initial discussion paper. The committee called for submissions to be received by 30 September 2019.

1.12 Accounting for the impact of COVID-19 upon the terms of reference and conduct of the inquiry, the committee extended the reporting deadline, and published a second discussion paper. The committee invited submissions and supplementary submissions in response to the second discussion paper by 30 August 2020. The COVID-19 discussion paper is available on the committee's website.[5]

1.13 The committee accepted 210 submissions. It also received approximately 250 *Uluru Statement from the Heart* form letters and selected 30 that represent a cross-section of views and perspectives from across Australia for publication. Submissions are listed in Appendix 1.

1.14 Two roundtable hearings were held in Canberra featuring academics, representatives of organisations, and social commentators on 7 and 14 February 2020 (See **Figure 1.1**).

1.15 On 13 November 2020 the committee held a further public hearing in Canberra. A list of witnesses who appeared at the roundtables and public hearing is at Appendix 2.

Structure of the report

1.16 The report has six chapters.

1.17 **Chapter 1. Introduction.**

---

[4] Legal and Constitutional Affairs References Committee, *Inquiry into nationhood, national identity and democracy Discussion paper*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Nationhood/Discussion_paper

[5] Legal and Constitutional Affairs References Committee, *COVID-19 Discussion paper*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Nationhood/COVID-19_Discussion_paper

Provides background to the referral and outlines the conduct of the inquiry, then provides some brief introductory comments on the history of democracy in Australia.

1.18 **Chapter 2. Nationhood and democracy: International trends.**

Discusses the international context for the inquiry; looks at evidence around populism, right-wing nationalism, democratic decline and increasing authoritarianism, and considers how COVID-19 has impacted upon global democracy. The chapter also considers the results of recent international elections, and other global events, and asks the question: Where does Australia fit into this world?

Figure 1.1 Nationhood roundtable, 14 February 2020, Main Committee Room, Parliament House, Canberra

Source: David Foote, Auspic,

1.19 **Chapter 3. The Australian nation: Our history, our identities, our future.**

Considers different constructions of Australia's 'national story', and how this has changed over time. Considers the issue of 'national identity' and characteristics of Australia as a nation. Looks at First Nations' perspectives on Australia's history, calls for constitutional change and the *Uluru Statement from the Heart*. Acknowledges Australia's migrant history and preservation of migrant stories. Looks at history teaching, and the teaching of civics in Australia. This chapter finishes by considering whether the time may be right for an official change in the way Australian national identity is constructed.

1.20 **Chapter 4: Citizenship, culture and religion, social cohesion.**

Discusses the history and definition of Australian citizenship, the rights and responsibilities of citizenship, and the issue of revocation. Looks at the treatment of non-citizens and the notion of 'global citizenship'. Considers evidence around social cohesion, languages, and multiculturalism, as well as discussing racism, intolerance and 'identity politics'. Considers the impacts of the pandemic of social cohesion. The chapter includes discussion of proposals around defining and protecting citizenship, building social cohesion, and reviewing policy approaches to multiculturalism.

1.21 **Chapter 5: Australia's democracy: Trust, satisfaction and belief.**

Analyses a wide range of evidence around declining trust and satisfaction in politics and political institutions, and theories explaining the declines. Looks at the impacts of the pandemic on trust and satisfaction in government and democratic institutions. Considers evidence around the role of the media, social media, 'fake news' and conspiracy theories. The chapter finishes with discussion of proposals in two areas: implementing integrity measures to increase trust in politicians and officials; and increasing citizen engagement in decision-making. Reforms relating to Australia's democratic institutions are discussed in Chapter 6.

1.22 **Chapter 6: Democratic institutions: Building strength and resilience.**

The final chapter considers evidence regarding the health and vitality of some of Australia's most fundamental democratic institutions. It discusses the functionality and strength of the federal parliament, the independence, expertise and professionalism of the public service, and the perceived decline of Australia's major political parties. The performance of Australia's federal system is discussed in relation to COVID-19 and the process of federation reform springing from the replacement of the Council of Australian Governments with the National Cabinet. Australia's cultural institutions, museums, libraries, galleries and universities are also discussed, as key institutions within the liberal democratic structure. The chapter includes discussion of proposals for reform.

Comments on Australia's democratic history

> [I]f democracy were a sport, Australia would be Olympic champions. We are one of only a handful of democracies around the world that has had a seamless and peaceful transition between governments since Federation.
>
> Mrs Daryl Karp, Director, Museum of Australian Democracy at Old Parliament House, *Committee Hansard*, 7 February 2020, p. 6.

1.23 Australia has a long and diverse history, with at least 60,000 years of occupation by the oldest continuing culture on earth. At the point of colonisation there were more than 500 nations, with distinctive cultures and languages and deep spiritual connection to the lands and waters. First Nations had their own languages, laws and customs, as well as ancient songs and ceremonies connecting nations via kinship protocols.

1.24 Australia has a democratic history of which Australians can be proud. When Australia's colonial parliaments were established in the 1850s, they were among 'the most radical in the world'. White adult males in the colonies quickly gained the vote in lower house elections, regardless of their financial means or whether they owned property. Elections were held on Saturdays, increasing the ability of working citizens to participate, and by secret ballot.[6]

1.25 In a democratic world-first, the colony of Victoria began paying representatives of parliament in 1856, meaning you no longer had to be 'a person of substantial means to participate and be a representative in our democracy'.[7]

1.26 In the 1890s South Australia became the first jurisdiction in the world where women could vote and run for office.[8] Then, in 1902, one year after federation, the new Australian parliament passed legislation providing white women Australia-wide with the right to both vote and to stand for federal office. Author, historian and television broadcaster, Dr Clare Wright submitted that the *Commonwealth Franchise Act 1902* meant Australian women were now 'the most fully enfranchised in the world'.[9] However, the same Act, Dr Wright wrote, 'disenfranchised' all First Nations Australians by excluding them from the body politic.[10] This reflected, *inter alia*, a presumption that there had been no 'government' or 'systems of governance' on the Australian continent before Europeans arrived.

1.27 In the process of creating the nation of Australia and the federal government, the framers of the Australian Constitution 'were aware of the varied constitutions of Canada, Switzerland and the United States of America'.[11] Taking elements from Europe and the US system, Mr Nicholas Reece from the University of Melbourne, described the design of Australia's system of

---

6 Mr Nicholas Reece, Director of Strategy Policy and Projects, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 12.

7 Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 12.

8 Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 12.

9 Dr Clare Wright, *Submission 7*, [p. 4].

10 Dr Clare Wright, *Submission 7*, [p. 4].

11 Frank McGrath, *The Framers of the Australian Constitution: Their Intentions*. Brighton-le-Sands, NSW: Frank R. McGrath, 2003.

government, with its relationship between the states and Commonwealth, as 'best in class'. Mr Reece said the framers:

> …synthesised them, came up with some innovations of our own, and basically designed the best system in the world. We also have the quirk of compulsory voting—something which I think most Australians still support to this day. We established institutions like an independent electoral authority and institutions of government which still serve us well today.[12]

1.28 First Nations Australians were to be given equal voting rights in Australia much later. The first step was the *Commonwealth Electoral Act 1949*. This Act gave Aboriginal people the right to vote in Commonwealth elections if they were either enfranchised under a state law, or had served as member of the defence forces. At that stage, New South Wales, Victoria, South Australia, and Tasmania allowed Aboriginal people to enrol and vote; Queensland did not; and Western Australia and the Northern Territory provided voting rights on a conditional basis to some Aboriginal people.[13]

1.29 Following the publication of the report of the House of Representatives Select Committee on Voting Rights of Aborigines in 1961, the Parliament passed the *Commonwealth Electoral Act 1962*, which gave all Aboriginal Australians the *option* of enrolling to vote at Commonwealth elections, without making enrolment compulsory.[14] First Nations voters received 'formal equality' in relation to Commonwealth elections in 1983 with the passage of the *Commonwealth Electoral Amendment Act 1983*, which made voting in Commonwealth elections compulsory for First Nations Australians, in the same way as for other Australians.[15]

1.30 The first women elected to the federal parliament were Dame Dorothy Tangney, elected to the Senate in 1943, who served until 1968, and Dame Enid

---

[12] Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 12.

[13] 'In Western Australia, an Indigenous person could apply for a certificate of citizenship under the *Natives (Citizenship Rights) Act 1944*, if a magistrate issued a certificate the certificate-holder was deemed to be no longer an Aboriginal and instead to have all the duties and liabilities of a British subject-including the right to vote. Serving and former members of the armed forces could vote in the Northern Territory, as could any Aboriginal person declared fit to perform the duties of a citizen': Jennifer Norberry and George Williams, 'Voters and the Franchise: the Federal Story', *Research Paper no. 17 2001-02*, p. 15.

[14] Jennifer Norberry and George Williams, 'Voters and the Franchise: the Federal Story', *Research Paper no. 17 2001-02*, p. 17.

[15] Jennifer Norberry and George Williams, 'Voters and the Franchise: the Federal Story', *Research Paper no. 17 2001-02*, p. 17.

Lyons, elected to the House of Representatives in 1943, who served until 1951.[16]

1.31 The first First Nations Australian elected to the federal parliament was Neville Bonner AO. Elected to the Senate in 1971, Senator Bonner served until 1983.[17] The first First Nations Australian elected to the House of Representatives was the Hon Ken Wyatt MP, elected in 2010. Mr Wyatt made history as the first First Nations member of the federal executive and the first Minister for Indigenous Australians who is Indigenous.[18]

1.32 Linda Burney MP is the first First Nations female member of the House of Representatives, elected in 2016. Nova Peris OAM was the first female First Nations senator, serving from 2013 to 2016.[19]

1.33 Since these 'firsts', a number of other members and senators who are, or are descended from First Nations Peoples have served in the Parliament of Australia, including Mr David Kennedy, Ms Joanna Lindgren, and Mr Aden Ridgeway.[20]

1.34 Notable examples include Senator Patrick Dodson, a Yawuru man from Broome in Western Australia. Senator Dodson has previously served as inaugural chair of the Council for Aboriginal Reconciliation, co-chair of the Expert Panel for Constitutional Recognition of Indigenous Australians, and co-chair of the National Referendum Council. Since entering the parliament in 2016, Senator Dodson has served in the position of Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders.[21]

1.35 The number of members of Parliament who are, or are descended from, First Nations Peoples has continued to increase in recent elections. As well as Senator Dodson, Mr Wyatt and Ms Burney, other members of the 46th Parliament include Senator Malarndirri McCarthy, Senator Lidia Thorpe and Senator Jacqui Lambie.

---

16 Janet Wilson and David Black, 'Women parliamentarians in Australia 1921–2013', *Parliamentary Library Research Papers 2013-14*, pp. 4—7.

17 Hannah Gobbett, Indigenous parliamentarians, federal and state: a quick guide, *Parliamentary Library Research Paper Series 2017-18*, p. 2.

18 Department of Prime Minister and Cabinet, 'About the Minister', ministers.pmc.gov.au/wyatt (accessed 14 November 2020).

19 Hannah Gobbett, 'Indigenous parliamentarians, federal and state: a quick guide', *Research Paper Series 2017-18*, Parliamentary Library, Canberra 2017, p. 2.

20 Hannah Gobbett, 'Indigenous parliamentarians, federal and state: a quick guide', *Research Paper Series 2017-18*, Parliamentary Library, Canberra 2017, p. 2.

21 *Patrick Dodson: about*, www.patrickdodson.com.au/about (accessed 2 December 2020).

Myths and realities of Australian democracy

1.36 A vigorous democracy requires more than voting in periodic elections. There must also be a shared understanding among those who vote that no one is excluded from the opportunities the nation has to offer.

1.37 When the six Australian colonies federated in 1901, this country was widely seen as a great progressive social laboratory in which the inequalities of the old world were being overcome. That view ignored all those who had no place in the new Commonwealth: the First Nations peoples who had been dispossessed and anyone shut out by the race-based immigration law.

1.38 Nonetheless, many features of Australian life in the Federation period, such as an adjudicated 'living wage', did conform to the image of Australia as an egalitarian society. Australians thought of themselves as living in the land of 'the fair go', and that belief is still strongly entrenched. The social reality underpinning it, however, has frayed.

1.39 As the Australian Council of Social Service points out in its report *Inequality in Australia 2020*,[22] there is a stark gap 'between the few who have a great deal and the many who are struggling to get by with very little'.[23]

1.40 In Australia today, the report notes, 'someone in the highest 20 per cent of the income scale lives in a household with almost six times as much income in the lowest 20 per cent of the income scale'.

1.41 The causes of inequality are complex, but two stand out: long-term low wages growth, and a decline in the availability of secure work. Increasingly, many Australians depend on precarious casual work to survive. This trend has been clearly apparent during the Covid-19 pandemic but was already present beforehand, and has been associated with technological changes in the workplace and shifts in global trade.

1.42 In Australia as in other democracies, many people now believe that 'the system' no longer works for them. The result has been a social fragmentation in which people feel increasingly isolated from traditional associations that once anchored them to the wider society: political parties, faith communities, and clubs and organisations of all kinds.

1.43 That in turn has made them vulnerable, especially in an age of social media, to manipulation by extremists of the right and the left. This has fuelled the rise of populist movements and, in some countries, populist governments.

---

[22] Australian Council of Social Service, *Inequality in Australia 2020*, http://povertyandinequality.acoss.org.au/inequality/inequality-in-australia-2020-part-1-overview/ (accessed 1 December 2020).

[23] Australian Council of Social Service, *Inequality in Australia*, www.povertyandinequality.acoss.org.au/inequality/ (accessed 1 December 2020).

1.44 In Australia, some of those who were excluded from the benefits of being Australian in 1901 are still denied a full share in the opportunities their fellow citizens take for granted. Every *Closing the Gap* report presented to the federal parliament testifies to the continuing effects of the dispossession of First Nations Australians.

1.45 This report acknowledges the enduring successes of Australian democracy. It is equally important, however, to understanding the social changes that have posed new challenges to democratic participation and stability.

Chapter 2
Nationhood and democracy: International trends

> Democracy globally is at a tipping point. Nearly every key indicator of its health – in particular, public trust and engagement – has been falling over the past decade.
>
> Citizens for Democratic Renewal, *Submission 22*, Attachment 2 (Australia's democracy, A strategic Roadmap for Renewal), p. 5.

2.1 Supporters of democracy have had cause for concern over recent decades. We have watched as surveys, studies and questionnaires conducted in mature democracies around the world have indicated a growing disenchantment with politics and democratic institutions. We have observed with trepidation a slow spread of 'authoritarian populism and the "strong man" leader, right wing nationalism, and real world and online activism pushing harmful ideologies'.[1]

2.2 Overwhelmingly, participants in the inquiry described indicators of a healthy democracy, as being 'challenged', 'threatened' or 'in crisis'. Concepts that are fundamental to Western liberal democracies around the world, like trust, equality and freedom, have been the subject of qualitative and quantitative analysis over a number of decades, with the results often pointing toward democratic decline.[2]

2.3 Yet the story is not a simple one, nor is it one of consistent, linear decline. In some countries and regions democracy has grown over the last four decades.[3] Pew Research Centre reported that at the end of 2017, 96 out of 167 countries

---

1 The University of Western Australia, *Submission 20*, [p. 1].

2 See for example: University of Western Australia, *Submission 20*, [p. 6]; Citizens for Democratic Renewal, *Submission 22*, Attachment 1 (Australia's Democracy A Strategic Roadmap for Renewal), pp. 5-8; Citizens for Democratic Renewal, *Submission 22*, Attachment 3 (Why Competition in the Politics Industry is Failing America), p. 9; *Submission 179*, p. 4; Civil Liberties Australia (CLA), *Submission 199*, p. 2; Mr Peter Sheldrake, *Submission 23*, pp. 11-12; YMCA Australia, *Submission 30*, p. 2; Embassy of Switzerland, *Submission 55*, p. 4; Dr Tony Ward, *Submission 86*, p. 6; Whitlam Institute, *Submission 87*, p. 10; The Melbourne School of Government and Democratic Decay & Renewal (DEM-DEC), *Submission 95*, pp. 1-2; Democracy 2025, *Submission 98*, p. 2; Professor Murray Print, *Submission 195*, p. 1; Freedom House, 'Democracy in Retreat', n.d., freedomhouse.org/report/freedom-world/2019/democracy-retreat (accessed 18 November 2020); Grattan Institute, *Submission 80*, Attachment 2 (A Crisis of trust, The rise of protest politics in Australia), p. 3.

3 Pew Research, *Despite global concerns about democracy, more than half of countries are democratic*, 14 May 2019, www.pewresearch.org/fact-tank/2019/05/14/more-than-half-of-countries-are-democratic (accessed 18 November 2020).

were 'democracies of some kind' and only 21 were autocracies.[4] Importantly, the research identified that 'broadly speaking, the share of democracies among the world's governments has been on an upward trend since the mid 1970's'.[5]

2.4 Along with these dual narratives, broad trends across Western liberal democracies were highlighted in evidence. They include declining trust in political institutions, the rising influence of populism, growing socioeconomic inequality and fraying social cohesion. These trends, explored in further detail throughout this chapter, were broadly described as both, indicating *and* contributing to, a decline in, or growing disenfranchisement with, democracy over recent decades. Citizens for Democratic Renewal described these indicators as 'now strongly evident across the democratic world, particularly in long-established, so-called "core" democracies'.[6] While no two countries are the same, these trends provide context and shape the way we perceive what is happening in our democracies.

2.5 The relationships between different indicators are complex. Does growing economic inequality explain the rise of populism in Western liberal democracies? Or are populist leaders simply exploiting anti-immigrant sentiment exacerbated by rapid globalisation and immigration, using fear and division to grow their support base? Is declining trust in political institutions causing polarisation among communities? Or is growing disengagement with mainstream political parties causing political candidates on the extremist fringes to 'break out' from the political mainstream? Relationships and causal linkages between trends were hypothesised at length in evidence. They were rarely clear cut, and at times, contradictory.

2.6 The indicators identified below are far from exhaustive; we know that there are a number of salient factors shaping Western liberal democracies around the world. Technology, social media, and foreign interference are examples of disruptive forces impacting on our conceptions of nationhood and democracy. However, the trends below featured prominently and consistently throughout the inquiry. As such, they set a useful context for the Australian experience.

---

4 Pew Research, *Despite global concerns about democracy, more than half of countries are democratic,* 14 May 2019.

5 Pew Research, *Despite global concerns about democracy, more than half of countries are democratic,* 14 May 2019.

6 Citizens for Democratic Renewal, *Submission 22*, Attachment 2 (Citizens' Convention on UK Democracy, A User's Manual), p. 5.

Indicators of democratic decline

Declining trust

2.7 Participants argued that recent decades have seen declining trust in liberal democracies, including the United States, United Kingdom and those within the European Union.[7] This issue was articulated to mean the declining trust of citizens in 'political institutions', generally taken to include individual politicians, the parliament, the government and other democratic institutions such as the media, an independent judiciary and the public service. As trust between citizens and political institutions is integral to effective liberal democracies, trust levels are a useful indication of the health of a democracy.[8]

2.8 In broad terms, declining trust in political institutions means that fewer and fewer people perceive that the 'system works for them'. It means that fewer people believe that governments will do the right thing by their citizens and that politicians are working for the prosperity of all, rather than looking out for themselves. Citizens for Democratic Renewal surmised:

> Frustration with the failure of our political system to move with the times has morphed into growing lack of trust, cynicism and disengagement by citizens who increasingly believe the system is no longer geared to achieving the common interest.[9]

2.9 Declining political trust 'is thought to erode civic engagement and conventional forms of political participation'.[10] It makes solving complex problems more difficult for governments where they are unable to foster the public support necessary to address complex policy issues. Without support for long-term, evidence-based policy making with a clearly articulated rationale, politics becomes more partisan, reactive and short term.[11]

2.10 We have seen that declining trust encourages polarisation. As citizens become frustrated with the political class, democracy is transformed 'into an arena for

---

7 Citizens for Democratic Renewal, *Submission 22*, Attachment 1, p. 5.; Emeritus Professor Ed Davis AM, ABC Friends National Vice President, *Submission 48*, p. 1; Jeff Bleich Centre for the US Alliance in Digital Technology, Security & Governance, *Submission 57*, [p. 1]; Social Global Studies Centre, RMIT University, *Submission 67*, [p. 1]; Transparency International Australia, *Submission 92*, p. 5; Democracy 2025, *Submission 98*, p. 2; James Curran (Professor of Modern History, University of Sydney), *Submission 114*, p. 1; Scanlon Foundation, *Submission 115*, p. 3; Department of Home Affairs, *Submission 138*, p. 10; Organization for Co-operation Economic Development, *Trust And Public Policy: How Better Governance Can Help Rebuild Public Trust*, March 2017, p. 19.

8 Dr Tiziana Torresi, *Submission 104*, p. 2.

9 Citizens for Democratic Renewal, *Submission 22*, [p. 2].

10 Democracy 2025, *Submission 98*, p. 2.

11 Democracy 2025, *Submission 98*, p. 2.

immoderate, polarised if not in extremist views'.[12] In democracies around the world polarisation was observed in two ways; candidates appealing to extremes, 'as there is no electoral benefit from being a moderate voice',[13] and secondly, voters venting their frustration through voting for political extremes.[14] Mistrust fosters fertile ground for authoritarian, populist forces and creates an environment in which 'certain dominant groups can capture the state, and try to exclude other groups from the national identity'.[15]

2.11 Ultimately, declining trust in political institutions may erode the core tenets of democracy, resulting in 'democratic backsliding'. Democracy 2025 submitted:

> …liberal democratic regimes are thought most durable when built upon popular legitimacy...The risks of democratic backsliding are regarded as particularly serious if public scepticism spreads upwards from core institutions of governance to corrode citizen perspectives about the performance of liberal democracy and even its core ideals.[16]

2.12 Acknowledging that declining trust in politics is evident, including in mature democracies like the United Kingdom and the United States, Dr Sarah Cameron argued that it is not a universal trend.[17] For example, satisfaction with democracy has remained stable in Canada and New Zealand.[18] Dr Cameron argued that while trends in voter demographics, and the disruptive influence of social media, are contributing factors in declining trust, it is largely driven by government performance.[19] Others echoed this sentiment, arguing that the 'zeal of incompetent government is one of the main drivers of the public loss of confidence in our institutions and our ability to govern ourselves'.[20]

2.13 The Embassy of Switzerland in Australia submitted that trust in government in that country is very high, having been measured at 80 per cent in 2017, giving Switzerland the highest ranking among countries in the Organisation for Economic Co-operation and Development (OECD) (the OECD average in 2017 was 42 per cent).[21] According to the Embassy, Switzerland has 'a strong

---

12 Citizens for Democratic Renewal, *Submission 22,* Attachment 1, p. 10.

13 newDemocracy, *Submission 45*, Appendix 1, p. 6.

14 Citizens for Democratic Renewal, *Submission 22*, [p. 3].

15 International IDEA, *Submission 88*, p. 1; See also Democracy 2025, *Submission 98*, p. 2.

16 Democracy 2025, *Submission 98*, p. 2.

17 Dr Sarah Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

18 Dr Sarah Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

19 Dr Sarah Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

20 Institute of Public Affairs, *Submission 36*, p. 32; See also Dr Kristine (Kris) Klugman, President, Civil Liberties, *Committee Hansard*, 13 November 2020, p. 1.

21 Embassy of Switzerland in Australia, *Submission 55*, [p. 1].

and unique democratic tradition'.[22] The Swiss political system allows for citizens to elect parliaments at 'communal, cantonal and federal levels', as well as to participate in activities of 'direct democracy' (such as through referenda), to refuse or accept new laws passed by parliament, and to propose modifications to the Constitution.[23] Swiss government is as localised as possible, with each of the 26 Cantons able to 'levy their own taxes and spend it according to their autonomous democratic decisions'.[24]

The rise of populism

> Populists therefore tend to 'speak and behave as if democracy meant the power of the people and only the power of the people'…In this way, we might say that populists exploit the gap between what the ideal of democracy promises…'government of the people, by the people, for the people'…and what contemporary liberal democracies actually deliver (which is, in fact, limited and restrained majority rule in the name of the people).
>
> Dr Glenn Kefford and Professor Duncan McDonnell, *Submission 73*, p. 2.

2.14 The rising tide of right-wing populism and populist leaders, often displaying authoritarian tendencies, was explored at length.[25] While countries have varying levels of historical populist influence, there was broad agreement that populism, particularly right-wing populism, has grown over recent decades:

> Populism is on the rise internationally in the twenty-first century. In some areas of the globe, this growth has been sudden, however, this is not the case in Western Europe…Indeed, countries like France, Italy, Belgium, Austria and Switzerland have had radical right populist parties since the 1970s and 1980s. Meanwhile, countries previously thought immune to radical right populism for historical reasons of association with Fascism such as Germany and Spain, have proven scholars wrong over the last decade.[26]

Hungary and Poland also have stridently populist, increasingly authoritarian right-wing governments.

---

[22] Embassy of Switzerland in Australia, *Submission 55*, [p. 1].

[23] Embassy of Switzerland in Australia, *Submission 55*, [p. 1].

[24] Embassy of Switzerland in Australia, *Submission 55*, [p. 1].

[25] *Submission 73*, pp. 1—4; See also: Social and Global Studies Centre, RMIT University, *Submission 67*, p. 3; Institute of Public Affairs, *Submission 36*, p. 34; Mr Peter Sheldrake, *Submission 23*, [p. 3]; Professor Greg Melleuish, *Submission 10*, p. 7; Steering Committee of the Evidence Based Policy Research Project, *Submission 4*, p. 10.

[26] Dr Glenn Kefford and Professor Duncan McDonnell, *Submission 73*, p. 2.

2.15 Populism is not only restricted to the right, or to Europe. India and the Philippines have populist leaders, and in South America populism has been mostly associated with left-wing or left leaning personalities, parties, and governments (for example Hugo Chavez in Venezuela, Andrés Manuel López Obrador in Mexico and Evo Morales in Bolivia). In Europe, left-wing populist parties such as Syriza in Greece and Podemos in Spain surged as a reaction to the European Debt Crisis.[27]

2.16 Simultaneously, as observed in the context of declining trust, voters in some countries are increasingly moving further towards the ideological extremes.[28] Citizens for Democratic Renewal described this issue as voters disengaging from democracy, thereby creating space for the election of those representing increasingly narrow interests:

> First, as more of the public becomes more distrustful and invests less interest in, or commitment to democracy – thereby literally 'exiting' the system – our democratic systems become increasingly dominated by those with narrow if not unrepresentative world-views and life-experiences.[29]

2.17 Attention has been drawn to candidates representing extreme or conspiratorial views as demonstrating signs of the populist influence on mainstream political parties. An example is provided by the recent success of United States Republican candidate Marjorie Taylor Greene, who won her Georgia seat in the US House of Representatives at the 2020 election. *The New Yorker* described her as 'an entrepreneur who…expressed a belief in QAnon, a sprawling set of delusional notions centered on the idea that President Trump is leading a fight against a "deep state" engaged in child sex trafficking, cannibalism, and Satan worship'. Greene campaigned that Americans have a 'once-in-a-lifetime opportunity to take this global cabal of Satan-worshiping [paedophiles] out'.[30]

2.18 The United Kingdom's exit from the European Unit (Brexit), the 2016 election of President Donald Trump in the United States of America, and growing support for populist leaders globally, were singled out as connected events demonstrative of a broader pattern of disillusionment with 'the mainstream' or 'the status quo':

> The rise of populist parties in continental Europe, Britain's Brexit referendum result and the political quagmire it has created, and the largely unforeseen election of Donald Trump to the United States Presidency, are

---

[27] Benjamin Moffitt and Octavia Bryant, 'What actually is populism? And why does it have a bad reputation?', *The Conversation*, 6 February 2019.

[28] Citizens for Democratic Renewal, *Submission 22*, Attachment 2 (Citizens' Convention on UK Democracy, A User's Manual), p. 7; Darebin City Council, *Submission 25*, [p. 3].

[29] Citizens for Democratic Renewal, *Submission 22*, Attachment 1, p. 5.

[30] Charles Bethea, 'How the "QAonon candidate" Marjorie Taylor Greene reached the doorstep of congress', *The New Yorker*, 9 October 2020, www.newyorker.com/news/us-journal/how-the-qanon-candidate-marjorie-taylor-greene-reached-the-doorstep-of-congress (accessed 4 November 2020).

> three recent events that have persuaded many observers that Western democracies are in crisis…In mainland Europe, the centre-left and centre-right parties that dominated politics in their countries since World War Two have seen their vote erode, sometimes collapse, as disillusioned voters move further right and left.[31]

2.19 Disillusionment was often linked back to declining trust, or declining faith in the ability of politicians and government to solve complex problems. It was linked to perceived economic inequality between citizens and fraying social cohesion.[32] The emergence of populism was attributed to 'a loss of confidence in the ability of nation-states to achieve this balance for their citizens',[33] or a 'rational response' to complex problems at home and abroad such as protracted armed conflict or inequality.[34]

2.20 Distinctions were drawn between populist parties and populist sentiment. Mr Sam Roggeveen argued that the rise of populism has been overstated in Western democracies, and is symptomatic of political disengagement. As mainstream political party membership has declined, parties of the centre right and the centre left have all gone into slow and steady decline, and radical elements are 'breaking out':

> …in Europe, for instance, where you see the rise of a lot of populist parties on the right, is not so much that populist ideas are becoming more popular; it's just the right-wingers used to be contained and somewhat suppressed within these big centre Right parties. Those parties are becoming weaker and those radical elements that used to sit inside are now breaking out and moving out towards new populist parties.[35]

2.21 Rather than a 'radical element' of the right wing, growing right wing populism has also been described as bearing little resemblance to traditional conservatism.[36] In countries with two-party systems that have seen the election of right wing populist leaders in recent times, 'the right is in power, but only by jettisoning the values that used to define it'.[37] Where conservatism has traditionally been associated with pragmatism and a shared sense of belonging

---

31 Scanlon Foundation, *Submission 115*, p. 3.

32 See for example: Dr Kristine (Kris) Klugman, President, Civil Liberties Australia (CLA), *Committee Hansard*, 13 November 2020, p. 1.

33 Institute of Public Affairs, *Submission 35*, p. 34.

34 Social and Global Studies Centre, RMIT, *Submission 67*, p. 3.

35 Mr Sam Roggeveen, Director, International Security Program, Lowy Institute, *Committee Hansard*, 13 November 2020, pp. 45—46.

36 The Economist, 'The global crisis in conservatism', *The Economist*, 6 July 2019, p. 9.

37 The Economist, 'The global crisis in conservatism', *The Economist*, 6 July 2019, p. 9.

through religion, family or community, the populist right has been described as 'zealous, ideological and cavalier with the truth' and 'revolutionary'.[38]

2.22 Mr Roggeveen argued that while we have seen rising support for populist parties and leaders, populist *ideas* have not necessarily taken hold at the global level. Accordingly, populist parties do not 'suddenly have a lock on this vote; they too will suffer from the increasing volatility of voter behaviour'.[39]

2.23 Recent election results in the United States of America (US) confirm this volatility. Despite fervent support from a loyal base of voters for populist President Donald Trump, Democratic nominee Joe Biden won the November 2020 US election and took office in January this year, in accordance with the US constitution. Both the Republicans and the Democrats increased their vote in the election, and President Trump's refusal to concede defeat is regarded as having fuelled a belief among his supporters – despite lack of evidence – that the election result was fraudulent. The anger of Trump supporters spilled over into a riot in Washington DC on 6 January 2021, in which the US Capitol building was stormed and members of the Senate and House of Representatives were threatened. The rioters had previously been addressed by President Trump, who urged them to go to the Capitol and 'fight like hell'.[40] His remark is widely regarded, by many Republicans as well as Democrats, as having been an incitement to insurrection, and the events of 6 January resulted in President Trump being impeached for a second time.[41] Whether most US voters will welcome the return of a 'mainstream' candidate or swing back towards a populist leader at the next remains to be seen. The question may well be determined by the extent to which the new President can rebuild trust between citizens and political institutions and ensure that the system is 'working for them'.

2.24 What could growing populism mean for democracy? Dr Glenn Kefford and Professor Duncan McDonnell maintained that populism is not necessarily anti-democratic, and that, 'populists present themselves as the sole true democrats and the sole true defenders of "the real people"', against the 'corrupt elite'.[42]

---

38 The Economist, 'The global crisis in conservatism', *The Economist*, 6 July 2019, p. 9.

39 Mr Sam Roggeveen, *Submission 149*, [pp. 1—2].

40 Aaron Blake, 'What Trump said before his supporters stormed the Capitol, annotated', 11 January 2021, www.washingtonpost.com/politics/interactive/2021/annotated-trump-speech-jan-6-capitol/ (accessed 29 January 2021).

41 On 13 February 2021, the US Senate voted on whether or not to convict Donald Trump on these charges. Senators voted 57 'guilty' to 43 'not guilty' on the charge of incitement of insurrection. However, a two-thirds majority – 67 or more guilty votes – would have been required to convict the former president. See: 'Donald Trump acquitted of incitement of insurrection in second Senate impeachment trial', *ABC News Online*, www.abc.net.au/news/2021-02-14/donald-trump-acquitted-in-second-senate-impeachment-trial/13151916 (accessed 15 February 2021).

42 Dr Glenn Kefford and Professor Duncan McDonnell, *Submission 73*, p. 2.

However, populism has proven to encourage distrust of the institutions that are integral to Western liberal democracies, particularly institutions that act as a check on executive power:

> …populists often do claim that the checks and balances of liberal democracy - such as independent media and judges, or minority rights – get in the way of the democratic will of the people. Populism therefore proposes what has been termed a type of 'illiberal democracy'.[43]

2.25 This has been described as a 'hollowing out of the democratic system from within', evidenced in a number of states, including Poland and Hungary, where elected governments sought to diminish the judiciary, public service and media to entrench their power and reduce accountability.[44]

2.26 Civil Liberties Australia described the way in which populist leaders encourage tribalism and, more dangerous still, erode a shared truth or shared reality upon which liberal democracies rely for legitimacy:

> Populists reduce governing to rewarding, and pandering to the fears of, their tribe at the expense of the rights of others. But, when everybody says 'trust no one but me', then there can be no trust in political institutions. Parliament cannot check Executive government when Parliament and the Executive no longer agree on a single set of external values or, in many cases, a single set of facts, on which the performance of each can be judged.[45]

2.27 Civil Liberties Australia further described the ways in which populist leaders avoid accountability and scrutiny, and erode 'the traditional balanced equivalency between the Executive, Legislature, and Judiciary'.[46] Under populist influence, the public service becomes simply a mechanism for implementing partisan policy and judicial flexibility is 'overridden by statute and regulation'.[47]

2.28 This is not to say that popular representation or popular engagement with issues is always problematic. The National Museum of Australia reminded the committee that political movements in democratic societies always have a 'popular element' and 'populist forces at play', and this does not have to be to negative effect. For example, the movements for civil and land rights for Aboriginal and Torres Strait Islander peoples in the later part of the twentieth century 'were ultimately joined by broadly-based political engagement from across a wide cross-section of Australian society'.[48] With that said, there is

---

43 Dr Glenn Kefford and Professor Duncan McDonnell, *Submission 73*, p. 2.

44 The Melbourne School of Government and Democratic Decay & Renewal, *Submission 95*, p. 6.

45 CLA, *Submission 199*, p. 2.

46 CLA, *Submission 199*, p. 2. See also: Mr Stamford, *Committee Hansard*, 13 November 2020, p. 4.

47 CLA, *Submission 199*, p. 2.

48 National Museum of Australia, *Submission 126*, [p. 2].

broad consensus that Brexit, Trump and growing populism have, in part, contributed to the perception that Western democracies are in crisis.[49]

Authoritarianism

2.29 While populism has increased over the past decades, so too has authoritarianism. Broadly speaking, it may no longer be taken for granted that liberal democratic principles are 'the standard banner for modern nation states'.[50]

2.30 Some argued that the perceived competency of authoritarian regimes to act decisively and lift large sections of society out of poverty has contributed to increasing legitimacy. Using China as an example, the New South Wales Law Society suggested that some authoritarian regimes have become 'emboldened under strong economic and rising political success':[51]

> With the rise of China and their growing middle class under an authoritarian regime this strikes a contrasting image compared to the sluggish economic growth and development amongst democratic country…Particularly after the 2008 Crisis, the Beijing Consensus and authoritarianism has become a new platform to aspire to.[52]

2.31 Meanwhile, declining trust in democracy, and a perception of dysfunctionality has fortified groups that are 'hostile to democratic institutions and practices'.[53] Submitters contrasted the perceived inability of Western liberal democracies to effectively serve the needs of their citizens, with the perceived ability of authoritarian regimes to deliver.[54] The link between declining trust in political institutions in Western liberal democracies and the rise of authoritarian 'strongmen' was articulated thus:

> Strong-man authoritarian regimes are increasingly viewed as favourable in democracies because they are seen as more 'effective' in addressing real-world problems, regardless of whether they damage or destroy long established democratic practices and values. The election of Donald Trump as United States President may appear an outlier. But in reality, it can be seen as a mainstreaming of trends which have been developing and coalescing in core democracies over the past two decades.[55]

2.32 Rising authoritarianism has long been described as a threat to democracy, and at the international level, we continue to see competition to the global

---

[49] Scanlon Foundation, *Submission 115,* p. 3.

[50] University of New South Wales (NSW) Law Society, *Submission 46*, p. 8.

[51] University of NSW Law Society, *Submission 46*, p. 8.

[52] University of NSW Law Society, *Submission 46*, p. 8.

[53] Citizens for Democratic Renewal, *Submission 22*, Attachment 1, p. 10.

[54] Mr Sajan Goyal, *Submission 47*, p. 6.

[55] Citizens for Democratic Renewal, *Submission 22*, Attachment 1, p. 10.

rules-based order and authoritarian governance. The Department of Home Affairs acknowledged that authoritarian regimes are a real threat to liberal democratic nations, observing that 'some states are refusing to act in ways consistent with international laws and norms, and asserting authoritarian models in opposition to open, democratic governance'.[56]

2.33 However, growing authoritarianism and democratic decline do not paint a full picture. In 2020 alone we have seen pro-democracy protestors in Hong Kong challenging the Chinese government's move to implement sweeping national security legislation, albeit ultimately unsuccessfully.[57] 2020-2021 has also seen an emboldened pro-democracy movement in Thailand campaigning for constitutional reform, greater protections for rights activists and state critics and curbing of the power of the monarchy.[58] In some countries, citizens continually risk severe criminal penalties in pursuit of democratic reform.[59]

Growing inequality

2.34 Growing socioeconomic inequality is considered to be a threat to democracy across the globe. Citizens perceive that wealth and opportunity are increasingly concentrated in the hands of the few, while the majority enjoy little benefit from economic growth. This perceived or actual inequality affects democracy in a number of ways. Citizens who do not feel they are benefitting from economic growth can become mistrustful of political institutions. They are less convinced that the government can solve complex and systemic societal problems. The idea that citizens have equal opportunities to develop and improve their lot, the 'fair go' in Australia or 'the American dream', dissipates, and social cohesion begins to fray:

> Most particularly concepts such as the Australian and American Dream, developed to sustain a sense of nationhood and unique identity, have become more difficult to sustain. For the first time in the history of democratic nation states like the USA have begun to see children be less successful than their parents in terms of income.[60]

---

[56] Department of Home Affairs, *Submission 139*, p. 10.

[57] ABC, 'What's in Hong Kong's new national security law imposed by China, and why is it so controversial?', *ABC/Wires*, 1 July 2020, www.abc.net.au/news/2020-07-01/what-is-in-hong-kongs-new-china-imposed-national-security-law/12409024 (accessed 24 November 2020).

[58] ABC, 'Thai police fire water cannon at anti-government protesters outside Parliament', *ABC/Reuters*, 18 November 2020, www.abc.net.au/news/2020-11-17/thai-police-fire-water-cannon-at-parliament-protest/12893328 (accessed 24 November 2020).

[59] ABC, 'Hong Kong activist Joshua Wong detained after pleading guilty to illegal assembly', *ABC/AP*, 23 November 2020, www.abc.net.au/news/2020-11-23/hong-kong-activist-joshua-wong-plead-guilty-protest-charges/12912200 (accessed 24 November 2020); see also, Tassanee Vejpongsa, '2 top Thai pro-democracy protesters released from jail', *AP News*, 8 September 2020, apnews.com/article/85cfc1f7dc45d1f14172b59e53d05c0e (accessed 24 November 2020).

[60] University of New South Wales Law Society, *Submission 46*, p. 8.

2.35 Dr Tony Ward pointed to research undertaken by the Organization for Co-operation and Economic Development that articulated the link between socioeconomic inequality and declining trust in political institutions:

> In recent decades, as much as 40% of the population at the lower end of the distribution has benefited little from economic growth in many countries. In some cases, low earners have even seen their incomes fall in real terms. When such a large group in the population gains so little from economic growth, the social fabric frays and trust in institutions is weakened.[61]

2.36 The Uniting Church in Australia Assembly and Uniting Church in Australia Synod of Victoria and Tasmania (Uniting Church) drew attention to research findings that those who are deeply distrustful of government and politicians are disproportionately Australians who have 'been left behind economically or are feeling very economically insecure'.[62] The Uniting Church pointed out that a significant proportion of this cohort is on welfare or low incomes, and drew parallels with voters in other Western liberal democracies, arguing that they are 'are increasingly politically alienated and angry just like Trump and Brexit voters'.[63]

2.37 Submitters argued socioeconomic inequality has led many to believe that the government does not have the capacity to resolve systemic issues:

> More generally, while the winding back of the protective state and elevation of markets might have delivered efficiencies, it has also contributed to eroding public faith in the capacity of government to grapple with serious systemic issues. Economic inequality, low productivity, stagnant wages, housing unaffordability, educational underperformance and anthropogenic climate change come to mind.[64]

2.38 In addition to inequality *within* states at the national level, some submitters highlighted the inequality *between* states at the international level. The Group of Eight argued that, 'in a context of rising inequality within nations, economic integration between them has become a terrain of conflict'.[65] The Group of Eight argued that trade liberalisation and lower trade barriers, advanced by the World Trade Organisation, have failed to gain consensus in recent years, with rhetoric of trade wars playing out increasingly on the worlds stage.[66]

---

[61] Dr Tony Ward, *Submission 86*, p. 6. See also: Organization for Co-operation and Economic Development, *In It Together: Why Less Inequality Benefits All*, May 2015, p. 21.

[62] Uniting Church in Australia Assembly and Uniting Church in Australia Synod of Victoria and Tasmania (Uniting Church), *Submission 91,* [p. 9]. See also: Law Council of New South Wales, *Submission 109*, p. 3.

[63] Uniting Church, *Submission 91,* [p. 9].

[64] School of History, ANU, *Submission 66*, p. 2.

[65] Group of Eight, *Submission 78*, p. 4.

[66] Group of Eight, *Submission 78*, p. 4.

2.39 Some highlighted Australia's unique position in the world, with decades of economic growth. Associate Professor Salvatore Babones argued that the Australian experience provides little evidence to support the assertion that socioeconomic equality affects satisfaction with democracy:

> Is there a connection between satisfaction with democracy and economic conditions, such as living standards or wages growth? This is often asserted, but there is little empirical evidence of such an association…There is little evidence that economic inequality has any impact on social cohesion or national identity in open societies like Australia.[67]

2.40 Inequality has the potential to threaten social cohesion.[68] In order to meaningfully participate in the democratic process, citizens require their basic needs to be met. Socioeconomic inequality is at risk of translating to political inequality, where citizens are unable to meaningfully participate in democracy due to their socioeconomic status. Excluding some people from democratic participation undermines the legitimacy of any regime. People are less likely to be satisfied with the system and less likely to reinforce its legitimacy through participation.

Fraying social cohesion

2.41 Social cohesion is integral to nationhood and national identity, 'strength and belief in democracy and the wellbeing and prosperity of our communities'.[69] It goes to the heart of trust between citizens, 'the quality of relationships and connections individuals have within their communities'.[70] One of the many benefits of social cohesion is the provision of a society 'in which individuals are prepared to compromise what they see as their self-interest for continued participation in the larger community'.[71] These compromises are integral to functioning Western liberal democracies.[72] The Australian National University Social Cohesion Team argued that social cohesion is 'threatened by complex national and global events and long run changes in the composition of our

---

67 Associate Professor Salvatore Babones, *Submission 32*, pp. 13—15.

68 See for example, University of New England, *Submission 158*, p. 5; Australian Historical Association, *Submission 76*, p. 4; Mr Peter Sheldrake, *Submission 23*, p. 26; Social and Global Studies Centre, RMIT University, *Submission 67*, p. 5; Grattan Institute, *Submission 80*, Attachment 2 (A crisis of trust: The rise of protest politics in Australia), p. 30; SBS, *Submission 116*, Attachment 1 (The economic benefits of improving social inclusion), p. 37; Dr Peter Balint, *Submission 150*, p. 3.

69 Australian National University (ANU) Social Cohesion Team, *Submission 85*, p. 1.

70 ANU Social Cohesion Team, *Submission 85*, p. 1.

71 Grattan Institute, *Submission 80,* Attachment 2 (Who's in the room? Access and Influence in Australia Politics), p. 85.

72 Grattan Institute, *Submission 80,* Attachment 2, p. 85.

societies and economies'.[73] As a result of increasingly diverse societies, social cohesion is fragile in a number of countries around the world.[74]

2.42 Social cohesion was described as the antidote to many of the threats to democracy, including declining trust and inequality:

> Where based on inclusiveness and respect for diversity, social cohesion can help to promote national identity and trust in government and other institutions, enable economic and social stability and sustainable growth, reduce inequalities, discrimination and conflict between groups (including violent extremism and hate crimes) and reduce the economic costs of crime, security, business transactions and the provision of community, health and welfare services.[75]

2.43 Conversely, fraying social cohesion leads to polarisation and division that has the capacity to undermine democracy.[76] Participants linked social cohesion with other indicators of democratic decline, arguing that declining levels of trust between citizens, socioeconomic inequality and exclusive populist rhetoric are all real threats to social cohesion.

Globalisation and immigration

2.44 Trust between citizens and institutions is integral to a functioning democracy, as is trust among citizens. Changing patterns of migration accelerated by globalisation, have undoubtedly shaped democracies around the world. While acknowledging the benefits of globalisation, the Institute of Public Affairs described the impact of the global market and immigration on social cohesion:

> The creative destruction of the global market can seem, at the local level, like a cyclone beating a path across the suburbs and towns of the West, leaving once settled lives in pieces. And rapid population growth driven by immigration can have an unsettling impact on our cities by increasing competition for work, overburdening infrastructure, and destabilising widespread customs.[77]

2.45 The rapid integration of global markets has been described as undermining social cohesion within states, and particularly destabilising in the presence of existing inequality:

> In combination with new information and communication technologies, the automation of work, high levels of immigrations and government'

---

[73] ANU Social Cohesion Team, *Submission 85*, p. 1.

[74] Professor Kate Reynolds, Private capacity, *Committee Hansard*, 7 February 2020, p. 34.

[75] Grattan Institute, *Submission 80,* Attachment 2, p. 85.

[76] Grattan Institute, *Submission 80,* Attachment 2, p. 85.

[77] Institute of Public Affairs, *Submission 36*, p. 34.

> laissez-faire attitudes towards social integration, [globalisation] eroded the ties that bind people of a nation to one another.[78]

2.46 Others drew attention to the rise in anti-immigrant sentiment in Europe and the United States, particularly where citizens perceive that the benefits of immigration are not shared by all, or certain cohorts in a host country are disadvantaged by immigrants. Some participants made links between anti-immigration sentiment and the rise of right-wing populism.[79] Professor James Curran argued:

> Although the reasons behind the emergence of populist movements in these countries need to be understood and explained on their own terms, their figureheads are giving voice to a common set of grievances: most particularly over the unevenly shared spoils of globalisation and fears that immigration and multiculturalism are diluting a national 'essence'.[80]

2.47 In the absence of long term strategies aimed at carefully managing the impacts of immigration, resentment between citizens may flourish, and risk being fuelled or exploited. The Australian Historical Association highlighted the importance of managing the challenges of diversity and demographic and social change, explaining that:

> …historical scholarship shows that the challenges of nationhood have shifted in the context of globalisation and mass migration. Rather than projecting an ideal of cultural homogeneity, nations have increasingly been called on to manage the diversity within their societies and to articulate plural interests in civic and international domains defined by the rule of law and the recognition of human rights. There have been many recent examples of the ways in which a nationalistic populism has gained traction when the dynamics of globalisation are not well managed by national policy responses.[81]

2.48 Dr Robert Walters and Dr Matt Harvey argued that 'migration-related social cohesion must indeed rely on a coherent policy framework' with comprehensive practical measures related to employment, education and housing.[82] Intentional efforts are needed to foster positive perceptions between immigrants and those in the host country. Telling a positive story about migration and reinforcing the benefits for 'host states' may go some ways to ensuring trust between citizens. As one submitter articulated, accepting and accommodating diversity is the key to social cohesion:

---

[78] Jonathan Rutherford, 'Towards a new left conservatism', *New Statesman*, 28 June—4 July 2019, p. 34.

[79] See for example: Professor Greg Melleuish, *Submission 10*, p. 7.

[80] Professor James Curran, *Submission 114*, p. 1.

[81] Australian Historical Association, *Submission 76*, p. 1.

[82] Dr Robert Walters and Dr Matt Harvey, *Submission 43*, p. 8.

> To the contrary, we see understanding and acceptance of difference, diversity and multiple identities as reinforcing of social cohesion. The key to social cohesion and national identity is the acceptance and accommodation of difference and diversity, as opposed to their denial or suppression.[83]

COVID-19 and democracy

2.49 The COVID-19 crisis has affected the whole globe, and it is too early to gauge the longer-term impact of the pandemic. However, early observations include that the virus has necessitated a willingness to sacrifice personal liberties to ensure public health and safety. COVID-19 has required citizens to put a great deal of trust in politicians, governments and experts. The pandemic has provided insights about nationhood and democracy, against a backdrop of international trends such as declining political trust and fraying social cohesion.

2.50 Participants proposed that COVID-19 has exposed truths about democracy. Authoritarian regimes perceived as more effective at 'getting the job done' and delivering outcomes for the citizens have not necessarily fared well:

> The biggest lesson from the pandemic is that it has destroyed growing claims that authoritarian regimes are better positioned to address crisis and govern more broadly – due to their ability to act swiftly and decisively. The pandemic has revealed the weakness and ineptitude of many authoritarian regimes, from Tajikistan to Tanzania to Turkey.[84]

2.51 However, some leading democratic states, which have until recent years been considered the great world powers, have not necessarily fared much better. While COVID-19 has not necessarily caused the demise of political parties and leaders, it appears, at least, to have exposed and accelerated the decline of some:

> The failures of many of global democracy's perceived 'leading lights' – particularly the USA and UK, but also countries like Sweden – has further tarnished their democratic reputations, which have been damaged for years now by the rise of authoritarian populist governance and political forces.[85]

2.52 World leaders have been tested and subjected to the same measures of success – the ability to provide adequate healthcare and services, stem the spread of the virus, and prevent the deaths of their citizens. Some argued that the pandemic 'laid bare the global failure of populism'.[86] Populist leaders have not avoided scrutiny and judgement in their handling the pandemic. Indeed, there

---

[83] Mr Peter Fisher, *Submission 15*, [p. 3].

[84] University of Melbourne, *Submission 59.1*, p. 10.

[85] University of Melbourne, *Submission 59.1*, p. 10.

[86] CLA, *Submission 199*, p. 1.

has been speculation that President Donald Trump's 2020 election loss was due, in large part, to his poor handling of the pandemic and the hundreds of thousands of deaths and recorded cases of COVID-19 in the US.[87]

2.53 Some authoritarian regimes have used COVID-19 to further cement their grip on power. Participants cautioned that populist governments may seek 'to take advantage of the crisis to suppress the opposition or increase their powers, especially as the world is focused on other things'.[88] While incompetence has been exposed, some opportunistic governments have 'pounced on the crisis to further expand, and dismantle any remaining checks on, their power – accelerating an existing pattern of serious democratic decay'.[89] Hungary was singled out as a prime example, with the head of state 'empowered to rule by decree, aided by unconstitutional extension of the emergency'.[90]

2.54 The importance of political leadership is undeniable. This crisis, however, has arguably exposed underlying weaknesses within states that existed long before COVID-19. For example, the Australian Human Rights Council suggested that Singapore has experienced a second wave that may have been avoided but for the nation's policies of excluding migrant workers:

> After bringing the spread of COVID-19 under control early in the pandemic, Singapore experienced a second wave that originated within its population of temporary migrant workers. This can be clearly attributed to the Singapore Government's failure to include them in the initial COVID response and to long-standing policies that exclude migrant workers from the labour rights protections available to citizen workers.[91]

2.55 International IDEA proposed that fault lines emerging as a result of the pandemic are less to do with democratic versus authoritarian governance and more closely related to state capacity.[92] Access to quality healthcare, transparency, and existing levels of institutional trust may explain why some

---

87 See for example: Nick Bryant, 'US election 2020: Why Donald Trump lost', *BBC News*, 7 November 2020, www.bbc.com/news/election-us-2020-54788636 (accessed 24 November 2020); Abigail Abrams, 'My Frustration Turned Into Anger.' Some Americans Who Lost Family Members to COVID-19 Have Turned Against Donald Trump', *Time*, 19 November 2020, time.com/5913055/covid-19-grief-politics-trump (accessed 24 November 2020).

88 Ms Leena Rikkila Tamang, Regional Director, International (IDEA) Institute for Democracy and Electoral Assistance, *Committee Hansard*, 13 November 2020, p. 35.

89 University of Melbourne, *Submission 59.1*, p. 6.

90 University of Melbourne, *Submission 59.1*, p. 6.

91 Human Rights Council of Australia, *Submission 200*, p. 9.

92 Ms Rikkila Tamang, Regional Director, International (IDEA), *Proof Committee Hansard*, 13 November 2020, p. 35.

'authoritarian regimes that have come out well with high trust, like Vietnam, but then on the other hand are the examples mentioned to the contrary'.[93]

2.56 Democracy 2025 argued that the existing level of economic inequality was the key factor impacting how communities responded to COVID-19-related lockdowns, a factor which will also determine how well countries fare in the recovery process:

> We know that all of those countries that are experiencing very significant civil disobedience problems are economies that were really badly hit by the global financial crisis, where the gap between rich and poor has increased very significantly and where there has been a reluctance to engage in public investment and there were very clear winners and losers…In my view, one of the biggest impacts of COVID-19 is the importance of giving every citizen human dignity. But the key bunfight now is going to be in the recovery process, because that's when the politics hits: who gets what, where and when?[94]

2.57 The story for Australia has been positive in many respects. Witnesses suggested that, in particular, the pandemic highlighted the importance of transparency in relation to decision making.[95] Some were hopeful that lessons could be learned from COVID-19 for the purpose of addressing issues like declining trust. Civil Liberties Australia suggested that the Australian response could serve as 'a case study for rebuilding the public trust that has been reduced by the rise of populism in Australian politics and that continues to damage our political institutions':

> [T]he public health response to the pandemic's first wave in Australia demonstrated the value of agreeing to a common context for decisions and making sure that the political conversation is mediated by third party experts. The response showed that, at that moment, our democracy was committed, and accountable, to us. Australians responded with trust.[96]

2.58 While the long-term impacts of COVID-19 on democracy will take years to crystallise, the narratives emerging are that domestic context matters and state capacity is significant. Countries with adequate existing levels of trust, equality and social cohesion appear to have fared better than those without. Similarly, governments and leaders have been judged on their ability to ensure citizens' access to quality healthcare and to slow the spread of the virus. Existing domestic states of play mattered and the ability of governments to protect the health of their citizens was a key determinant of their perceived success.

---

[93] Ms Rikkila Tamang, Regional Director, International (IDEA), *Proof Committee Hansard*, 13 November 2020, p. 35.

[94] Professor Mark Evans, Director, Democracy 2025, *Proof Committee Hansard*, 13 November 2020, p. 35.

[95] Professor Evans, Democracy 2025, *Proof Committee Hansard*, 13 November 2020, p. 40.

[96] CLA, *Submission 199*, p. 1.

COVID-19, to some, has provided an 'opportunity for democratic renewal and innovation'.[97]

2.59 The question remains whether enhanced trust in government during the pandemic will endure beyond it. According to a study published in the *Australian Journal of Public Administration*, and reported in January 2021 in *The Mandarin*, 80 per cent of respondents believed government was 'generally trustworthy', compared with only 49 per cent in a similar study a decade ago. But, as Professor Shaun Goldfinch, of Curtin University, who conducted the survey, noted:

> Because the research was conducted during a global pandemic, the findings may not signal a long-term change in trust in government, which may return to previous levels when, and if, the crisis passes.[98]

Australia's place in the world

> The Scanlon Foundation research shows that Australians think differently from citizens in other countries about the challenges set out in the terms of reference. Any national response to these challenges, while not ignoring global trends, should be built, above all, on how Australians perceive their lives, the state of their country, and its place in the world.
> Scanlon Foundation, *Submission 115*, p. 1.

2.60 Global trends are instructive, but to what extent are they reflected in the Australian experience? Some argued that the Australian experience aligns with the international trends, highlighting declining trust in political institutions, rising economic inequality, and fraying social cohesion. Others posited that unique conditions in Australia have meant we have been largely resilient to the worrying indicators of democratic decline that characterise the experiences of comparable Western liberal democracies.

2.61 The University of Western Australian emphasised that Australia 'has so far been less touched by the emergence of populist politics than many other Western democracies', arguing that steady economic growth, strong electoral institutions and state funded services distinguish Australia from our Western liberal democratic comparators.[99] Others hypothesised we have seen a limited rise in support for populism because, 'our elites haven't failed on the scale that

---

[97] Ms Rikkila Tamang, Regional Director, International (IDEA), *Proof Committee Hansard*, 13 November 2020, p. 33.

[98] Matthew Elmas, 'Australians' trust in government surges during COVID-19 pandemic, survey finds', *The Mandarin*, 11 January 2021, www.themandarin.com.au/147512-trust-covid-19/ (accessed 29 January 2021).

[99] University of Western Australia, *Submission 20*, p. 4.

they have in the United States or in Europe' rather than any special feature of the Australian system.[100]

2.62 Regardless of the extent to which Australia has been impacted by these indicators of democratic decline, messages of caution and reflection were common. The Scanlon Foundation warned:

> Australia cannot consider itself immune from these tectonic shifts, since its history, structures of government and defining political ideas all emerge from the same Western tradition…Nevertheless, it is wise to be cautious. Australia is not the United States or Britain, let alone mainland Europe. Despite Prime Ministerial churn, the Scanlon Foundation surveys do not support the claim of a drastic decline in political trust or democracy in Australia over the past five years, as is said to be occurring in Europe and other high-income countries.[101]

Committee view

2.63 Committee members are united in our shared concern regarding threats to democratic systems and norms around the world. Indicators of healthy democracies, including trust and social cohesion have steadily declined in many countries over recent decades. At the same time, the global rules-based order continues to face significant challenges.

2.64 Populists and autocrats seek to take advantage of existing dissatisfaction and disillusionment of citizens who are looking for solutions to the very real problems they face in their lives. Populists offer simple solutions such as, ban immigration, wage war on drugs, and raise trade tariffs. However, simple solutions will not solve complex problems.

2.65 COVID-19 has exposed great weaknesses in populist administrations. Wealthy nations run by populist leaders who ignored public health advice and evidence-based approaches have had many more deaths than some poorer nations with less robust health infrastructure.

2.66 There is reason to hope that ultimately leaders in democracies will be judged by long-established standards. How healthy and safe are citizens? Do they perceive their lives are getting better or worse? Are benefits enjoyed by many or few? In the long term, populism offers little but cynicism and polarisation.

2.67 However, the committee wishes to heed the warning that democratic values, institutions and norms can no longer be taken for granted as the model for modern nation states. Advancing democracy at the international level and within states requires concerted effort and strategy. There is a role for governments and parliaments in rebuilding trust in political institutions, and

---

[100] Mr Roggeveen, Lowy Institute, *Committee Hansard*, 7 February 2020, p. 25.

[101] Scanlon Foundation, *Submission 115*, pp. 3—4.

enacting policies to ensure that all people feel enriched rather than threatened by globalisation and immigration.

2.68 This chapter has provided the international context for the chapters that follow, which concentrate on Australia–our nation, our people, our democracy and our democratic institutions.

Chapter 3
The Australian nation: Our history, our identities, our future

3.1 What does it mean to be Australian? What is our national story? How are Australians connected to place, to country, to history? What binds us together? What do we hold true? Who are Australians? What is our national identity? What is our national character? Has it changed over time or has it remained constant? Is it time for a new chapter to be written in the Australian story? Or are Australians content with things the way they are?

3.2 This chapter presents insights from a broad range of participants on the Australian nation, its history and character, and the hopes diverse Australians hold for our nation's future.

3.3 This chapter is focussed primarily on the role of governments in articulating national stories and national identity. The role of national institutions, cultural institutions, key educational institutions, galleries, libraries, heritage bodies and collecting institutions is explored in Chapter 6.

National stories and national identity

> The arts have told and retold the many and diverse unfolding stories of our nation – in the paintings of Tom Roberts, from shearing sheds to Coogee beach; the bush poetry of Henry Lawson and Banjo Paterson, from the Drover's Wife to Waltzing Matilda; in the struggles and humour of family and community life, from Ruth Park's *The Harp in the South* to Tim Winton's *Cloudstreet*; in the migrant experiences of Melina Marchetta's *Looking for Alibrandi* and Ahn Do's *The Happiest Refugee*; and in the working class anthems of Jimmy Barnes and the songs of Paul Kelly, Archie Roach and Courtney Barnett, to name but a few.
>
> Australia Council for the Arts, *Submission 102*, p. 6.

3.4 Although the world we live in is heavily globalised, with goods and commodities passing freely across borders, and many social and political issues taking on a global character, the nation state still matters. The University of Western Australia stated that the nation 'remains the key geo-political entity that provides individuals with rights, as well as a sense of identity and emotional connection'.[1]

[1] The University of Western Australia, *Submission 20*, [p. 2].

3.5 Feeling a sense of connection to the nation state, and belonging to the Australian community, contributes to the wellbeing and security of individual Australians. This, in turn, bolsters the security of Australian democracy.[2]

3.6 Evidence indicates that a majority of Australians feel a sense of belonging and connectedness. The Scanlon Foundation submitted:

> For all the impacts of globalisation on the way humans live, work and think, people retain a deep desire to identify with a place and a community. In 2018 the Index showed that the vast majority of Australians feel a sense of belonging in Australia and pride in the Australian way of life. In the 2018 survey, 90 per cent of respondents said they had a sense of belonging in Australia to a great or moderate extent. Respondents to Scanlon's surveys believe in the importance of maintaining the Australian way of life and culture, again with 90 per cent of respondents either strongly agreeing or agreeing.[3]

3.7 However, for a significant number of Australians, this feeling is complex. For many Australians, both Indigenous and non-Indigenous, as well as those from non-English speaking backgrounds, some questions remain unanswered, and some wounds remain unhealed. While there is much to celebrate in our nation's history, many participants maintained that Australia's national story is incomplete.[4]

3.8 Governments play a key role in building a sense of national identity through articulating national stories. These stories, which offer official versions of Australia's history, are articulated through official documents, acts of parliament, speeches, events and celebrations, and Australia's national symbols, including the flag and National Anthem.[5] According to history professor, Dr Ann McGrath, 'the way history is told…shapes the national psyche. It becomes our story'.[6]

3.9 The Department of Home Affairs (the department) submitted that Australia's political and cultural institutions and 'shared values' have been influenced by Australia's 'Aboriginal and Torres Strait Islander peoples, British history and multicultural ancestries'.[7] The way Australia's national story is told has

---

2 Department of Home Affairs, *Submission 138*, pp. 5—6.

3 Scanlon Foundation, *Submission 115*, p. 9.

4 A majority of submissions to the inquiry supported greater recognition of Aboriginal and Torres Strait Islander peoples in the Constitution and a process of truth-telling and reconciliation. This issue is discussed further in this chapter.

5 Department of the Prime Minster and Cabinet, *National Symbols*, www.pmc.gov.au/government/australian-national-symbols (accessed 16 November 2020).

6 Dr Ann McGrath, Private capacity, *Committee Hansard*, 14 February 2020, p. 22.

7 Department of Home Affairs, *Submission 138*, p. 4.

changed over the decades, and with these changes, a more 'inclusive identity has evolved over time'.[8]

3.10 According to the Australian Museums and Galleries Association (AMaGA), the ways in which Australia's national story has been told has evolved over time through 'three successive frameworks':

- a history shaped by predominantly white 'explorers, pioneers, settlers, rural farmers, itinerant workers, miners [and] soldiers';
- a history shaped by 'immigrants, multicultural communities, urbanism, the contributions of women, environmental awareness, and study of Indigenous prehistory'; and, more recently
- a history shaped by 'multifaceted processes, multiple stories and perspectives, asking new questions, and increasingly recognising the continuity of Indigenous cultures'.[9]

3.11 Inquiry participants observed that history can be contested, with different understandings of the national story and national identity coexisting.[10] Professor Frank Bongiorno from the Australian National University (ANU) proposed that 'a unitary and homogenous national identity is neither possible nor desirable in a modern, democratic and multicultural country such as Australia'.[11] Central governments cannot 'dictate', or impose a definition of Australian identity, as any definition would become 'out of date pretty quickly' in our diverse democratic society.[12]

3.12 This view was echoed by historians Associate Professor Martin Crotty, Associate Professor Lisa Featherstone and Dr Geoff Ginn, who said:

> We believe that the controversy about national identity and nationhood is an overstated problem…Plural identities no longer challenge contemporary ideas of national identity or the nation state.[13]

3.13 Other participants, however, saw the role of governments in articulating, and from time to time re-articulating, stories about the nation and our national identity as critical.[14]

---

8 Department of Home Affairs, *Submission 138*, p. 4.

9 Australian Museums and Galleries Association (AMaGA), *Submission 77*, [p. 3].

10 Associate Professor Martin Crotty, Associate Professor Lisa Featherstone and Dr Geoff Ginn, *Submission 16*, [pp. 2—3].

11 Professor Frank Bongiorno, Head, School of History, Australian National University (ANU), *Committee Hansard*, 14 February 2020, p. 5.

12 Professor Bongiorno, ANU, *Committee Hansard*, 14 February 2020, p. 6.

13 Professor Crotty, Professor Featherstone and Dr Ginn, *Submission 16*, [pp. 2—3].

14 For instance, Professor Alexander Reilly submitted: 'Effective democratic government remains our best hope of negotiating difficult questions of identity'. *Submission 8*, [p. 3]. See also: University of Melbourne, *Submission 59*, p. 5.

First Nations

3.14 For many decades, official versions of Australian history have been told from the arrival of Captain Cook in 1770 and the First Fleet in 1788, but Australia has a much older history. Over many decades, Australians have come to learn and share what the Australian Historical Association referred to as 'a much longer Australian history'.[15] Emeritus Professor Genevieve Lloyd submitted that new research has shone a light on the length of time First Nations Australians have lived on the Australian continent, and the 'mode of their presence on—and interaction with—their land':

> It is now widely recognised that they developed a rich civilization involving agriculture, aquaculture, and land management — along with complex systems of governance, communicated through generations.[16]

3.15 Aboriginal and Torres Strait Islander peoples have inhabited Australia for at least 60,000 years, with strong and diverse cultures, laws, languages, ceremonies and connection to lands and waters. These cultures and connections endure. According to Reconciliation Australia:

> The nation of Australia resides on land that Aboriginal and Torres Strait Islander people have lived on, cared for, governed their communities within, and been custodians of for some 60,000 years. The First Nations Peoples of this continent are also members of the oldest living cultures in the world.[17]

3.16 Before the arrival of Europeans, there were over 500 nations, around 270 different language groups, and 'many different cultural ways' practiced on the continent.[18]

3.17 Many First Nations peoples have a deep spiritual connection to lands and waters. First Nations peoples are connected to country through lines of descent (paternal and maternal), as well as through clan and language groups. According to Professor Mick Dodson AM:

> Territory is defined by spiritual as well as physical links. Landforms have deep meaning, recorded in art, stories, songs and dance. Songlines or Dreaming Tracks as well as [Kinship structures] link Indigenous peoples to the territories of other groups. In the past, these links were also used for trade…When we say country we might mean homeland, or tribal or clan area and in saying so we may mean something more than just a place; somewhere on the map. We are not necessarily referring to place in a

---

15 Australian Historical Association, *Submission 76*, p. 3.

16 Emeritus Professor Genevieve Lloyd, *Submission 13*, p. 1.

17 Reconciliation Australia, *Submission 119*, p. 7.

18 Source: 'Aboriginal Australia' map, David R Horton (creator), Aboriginal Studies Press, AIATSIS and Auslig/Sinclair, Knight, Merz, 1996, at: Reconciliation Australia, 'Our Culture', *Share Our Pride*, www.shareourpride.org.au/sections/our-culture/index.html (accessed 2 December 2020).

> geographical sense. But we are talking about the whole of the landscape, not just the places on it.[19]

The doctrine of terra nullius

3.18 *Terra nullius* is a Latin phrase meaning 'no-one's land'. The doctrine of terra nullius 'existed in the law of nations throughout the development of Western democracy', and was derived from Roman law. It is the concept that 'ownership by seizure of a thing no one owns is legitimate' applied to lands and waters that were 'discovered', or 'conquered', during the period of empire building between the 15th century and the middle of the 18th century. Captain Cook had been instructed by the British Admiralty to take possession of undiscovered land in the South Pacific if he found it to be uninhabited. Despite seeing many Aboriginal people when he arrived on the continent that would later be called Australia, Captain Cook did not see what he understood to be agriculture or signs of permanent habitation, and he claimed the eastern half of the continent for the for the British Crown.[20]

3.19 The term *terra nullius* was used in an 1835 proclamation by Governor Bourke of NSW, which was intended to reinforce the notion that no one owned the land before British possession and settlement. Bourke's understanding of the term became accepted doctrine in the law of the colonies, and remained a cornerstone of Australian law until its repudiation by the High Court *Mabo* judgment in 1992.[21]

3.20 According to Justice Jayne Margaret Jagot:

> By the doctrine of terra nullius, the common law of Australia could not and did not recognise the laws and customs of Aboriginal and Torres Strait Islander peoples. It should be apparent from this that, in such a context and until 1992 and the Mabo decision, to acknowledge that land is the land of Aboriginal people would have conflicted with legal doctrine. That legal doctrine, in common it must be said with a number of others, did great harm to our society, and its consequences continue today…[22]

3.21 The doctrine of terra nullius was challenged and eventually overturned as a result of the Mabo case. Meriam man from the Island of Mer in the Torres

---

[19] Professor Mick Dodson AM, *United Nations International Expert Group Meeting on Indigenous Peoples and Protection of the Environment*, Khabarovsk, Russian Federation, August 2007, www.shareourpride.org.au/sections/our-culture/index.html (accessed 2 December 2020).

[20] Justice Jayne Margaret Jagot, 'The Rule of Law and Reconciliation', *Opening Address to the Law Society of New South Wales Young Lawyers' Conference*, www.fedcourt.gov.au/digital-law-library/judges-speeches/justice-jagot/jagot-j-20171020#:~:text=Terra%20nullius%20means%20%22nobody's%20land,no%20one%20owns%20is%20legitimate (accessed 2 December 2020).

[21] Justice Jayne Margaret Jagot, 'The Rule of Law and Reconciliation', *Opening Address to the Law Society of New South Wales Young Lawyers' Conference*.

[22] Justice Jayne Margaret Jagot, 'The Rule of Law and Reconciliation', *Opening Address to the Law Society of New South Wales Young Lawyers' Conference*.

Strait, Eddie Koiki Mabo, discovered that according to Australian law, he and his family did not own their land on Mer. In 1982, Mr Mabo, the Reverend David Passi, Celuia Mapo Salee, Sam Passi and James Rice brought an action against the State of Queensland and the Commonwealth of Australia in the High Court.[23] The Mabo case challenged the legal doctrines that:

- Aboriginal and Torres Strait Islander peoples had no concept of land ownership prior to the arrival of British colonisers in 1788 (the doctrine of terra nullius); and
- sovereignty delivered complete ownership of all land in the new colony to the Crown, abolishing any existing rights that may have existed previously.

3.22 *Mabo v Queensland (No. 1)*[24] was heard in 1986 and 1988. After a number of intervening steps at state and national levels, over many years, the High Court's decision in *Mabo v Queensland (No. 1)* led to the subsequent High Court case, *Mabo v Queensland (No. 2)*,[25] which would determine the matter of the plaintiffs' land rights.

3.23 On 3 June 1992, the High Court upheld the plaintiffs' claim and ruled that the lands of the Australian continent were not terra nullius when European settlement occurred. The High Court ruled that the Meriam people were 'entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands'.[26]

3.24 The High Court decision in *Mabo v Queensland (No. 2)* established the doctrine of native title in Australian law, recognised that Indigenous peoples have lived in Australia for thousands of years and enjoy rights to their land according to their own laws and customs, and overturned the doctrine of terra nullius. In 1993, the *Native Title Act 1993* (Cth) was passed by the Australian Parliament, paving the way for claims by Aboriginal and Torres Strait Islander peoples to their traditional rights to land and compensation.[27]

3.25 The High Court's decision also held, however, 'that native title is extinguished by valid government acts that are inconsistent with the continued existence of native title rights and interests, such as the grant of freehold or leasehold estates'.[28]

---

[23] AIATSIS, *Land rights*, aiatsis.gov.au/explore/articles/land-rights#Yirrkala%20Bark%20Petitions (accessed 2 December 2020).

[24] (1988) 166 CLR 186.

[25] (1992) 175 CLR 1.

[26] AIATSIS, *The Mabo Case*, aiatsis.gov.au/explore/articles/mabo-case (accessed 2 December 2020).

[27] AIATSIS, *The Mabo Case*, aiatsis.gov.au/explore/articles/mabo-case (accessed 2 December 2020).

[28] Justice Jayne Margaret Jagot, 'The Rule of Law and Reconciliation', *Opening Address to the Law Society of New South Wales Young Lawyers' Conference*.

3.26 Some inquiry participants argued there are significant problems with existing native title claims processes and legislation. For instance, Indigenous health organisations peak body, the National Health Leadership Forum submitted:

> Native Title was meant to recognise rights and interests over land or waters where Aboriginal and Torres Strait Islander peoples practiced and continue to practice, traditional laws and customs prior to colonisation. However, the process is tedious and time consuming which has been compounded by a series of amendments to the *Native Title Act* (1998, 2007 and 2009) which have reduced the ability to make claims, where previously it was possible, in order to favour other forms of land use such as mining. In addition, the Native Title has also created divisions within communities through the reorganising of Aboriginal communities which has been imposed on by the state through the process of Native Title countering its original intent.[29]

Changing the story

3.27 First Nations Australians and their supporters have been trying to tell the story of Australia from a First Nations' perspective for many years. On the 26 January 1938, which was the sesquicentenary of the arrival of the First Fleet, Aboriginal activists held a conference at Australia Hall in Sydney at which they declared a 'Day of Mourning'. The conference, which was open only to Aboriginal people, passed the following resolution:

> We, representing the Aborigines of Australia, assembled in conference at the Australian Hall, Sydney, on the 26th day of January, 1938, this being the 150th Anniversary of the Whiteman's seizure of our country, herby make protest against the callous treatment of our people by the whiteman during the past 150 years, and we appeal to the Australian nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to full citizen status and equality within the community.[30]

3.28 The Day of Mourning, which included prominent Aboriginal activists, Jack Patten (who had founded the *Abo Call*, a newspaper written and published by Aboriginal people), and William Ferguson (from the Aborigines' Progressive Association) and William Cooper (from the Australian Aborigines' League), was the first time Aboriginal activist groups from different states had fully cooperated[31] and was 'the first national Aboriginal civil rights gathering and

---

[29] National Health Leadership Forum, *Submission 128*, p. 3.

[30] Parliament of Australia, *Overview of Indigenous Affairs: Part 1: 1901 to 1991*, 10 May 2011, www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/1011/indigenousaffairs1#_Toc293318912 (accessed 2 December 2020).

[31] National Museum of Australia (NMA), *Day of Mourning*, www.nma.gov.au/definingmoments/resources/day-of-mourning (accessed 2 December 2020).

represents the most clearly identifiable beginning of the contemporary Aboriginal political movement'.[32]

3.29 The message of these activists, and the many who would join the struggle over subsequent years, would take years to break through to the mainstream. Professor Lloyd explained that historical research has increased our understanding of the extent to which First Nations people resisted colonisation, of the 'frontier wars and massacres', of the 'mistreatment associated with dispossession', and the trauma that continues for Aboriginal and Torres Strait Islander Australians today. The professor concluded: 'The facts are now widely known'.[33]

3.30 Dr McGrath noted that, over the years, Australians have increasingly come to appreciate that Australian history goes back to long before 1788. It is a history of the continent long before European settlement.[34]

3.31 Sociologist, Mr Salvatore Babones, observed that most Australians now appreciate the state institutions to which Australian national identity is tied, such as citizenship and parliamentary democracy, were imposed upon functioning and complex First Nations societies by force:

> Arthur Phillip was not an immigrant to Australia. You could call him an invader—that's reasonable. You can have a debate about that. But don't call him an immigrant. To call him an immigrant suggests that there was a civic community on this continent that admitted him through some welcome ceremony, perhaps a welcome to country, thanking him for coming. I doubt that that is how history played out.[35]

3.32 The Australia Council for the Arts highlighted the work of Bruce Pascoe, award-winning Yuin, Bunurong and Tasmanian author whose non-fiction book *Dark Emu*, published in 2014:

> …is a monumental work of scholarship that disproved the long-held myth that Aboriginal and Torres Strait Islander peoples were nomadic hunter gatherers before European colonisation.[36]

3.33 Darebin City Council submitted that truth-telling 'is missing in the way our history has been told, to ourselves and to the world'. The Closing the Gap Campaign Steering Committee shared this view, questioning:

> How can all Australians including those who have recently arrived feel safe, comfortable and united while aware that the truth has never been respectfully told in relation to the First Australians?[37]

---

[32] Dictionary of Sydney, *Day of Mourning*, dictionaryofsydney.org/entry/day_of_mourning_1938 (accessed 2 December 2020).

[33] Professor Lloyd, *Submission 13*, p. 1.

[34] Dr Ann McGrath, Private capacity, *Committee Hansard*, 14 February 2020, p. 23.

[35] Mr Salvatore Babones, Private capacity, *Committee Hansard*, 14 February 2020, p. 18.

[36] Australia Council for the Arts, *Submission 102*, p. 8.

3.34 The council argued that truth-telling 'is the hallmark of a functioning democracy', and should be a non-partisan exercise.[38] The New South Wales Aboriginal Land Council articulated the value of truth-telling, a sentiment shared by numerous participants to the inquiry, as 'healing and moving forward together in genuine partnership'.[39]

3.35 Publicly and officially acknowledging this history, Dr McGrath contended, would have profound impacts for many Australians:

> I do remember, with the [2008 Apology to the Stolen Generations], Jackie Huggins on Radio National actually said it was the first day she really felt like she was an Australian, included in the nation. When we look at the relationship between citizenship and nation, it is not only about legal rights, citizenship and the Constitution but also about emotion, sense of belonging and so forth—and a collective imaginary, you may call it.[40]

3.36 It was Professor Lloyd's view that the work of researchers, artists and writers have led to 'changes in Australian consciousness' in recent decades, giving Australians a deeper understanding of First Nations history: 'It is crucial that this transformation should find reflection in the articulation of Australian nationhood and identity'.[41]

3.37 The pivotal questions of truth-telling and recognition are discussed further on in this chapter.

The Australian nation

3.38 The nation of Australia was officially created on 1 January 1901 with the establishment of the Commonwealth of Australia and the federal system of government, which is 'based on the liberal democratic traditions of an active citizenry and representative democracy'.[42]

3.39 The dominant narrative around the time of Federation was one in which Australia was seen as part of Britain, and Australians as essentially British. The Department of Home Affairs (the department) quoted a High Court ruling from 1906 in which the Justices stated; 'we are not disposed to give any countenance to the novel doctrine that there is an Australian nationality as distinguished from a British nationality'.[43] The Australian Historical Association, however, said research shows there were a diverse range of

---

[37] Closing the Gap Campaign Steering Committee, *Submission 129*, p. 4.

[38] Darebin City Council, *Submission 25*, [p. 2].

[39] New South Wales Aboriginal Land Council, *Submission 121*, [p 3].

[40] Dr McGrath, *Committee Hansard*, 14 February 2020, p. 22.

[41] Professor Lloyd, *Submission 13*, p. 1.

[42] Department of Home Affairs, *Submission 138*, p. 4.

[43] Department of Home Affairs, *Submission 138*, p. 4.

cultural and ethnic identifications among settler populations in colonial Australia, many of whom identified 'more strongly as Irish, Scottish, Welsh, Cornish, German or Chinese', than British.[44]

3.40 At this time, Australia's story of nationhood did not include Aboriginal and Torres Strait Islander peoples, who were 'excluded from the new nation'.[45] This is discussed further in the next section.

3.41 Historians observe that early Australian nationhood was 'framed by a larger imperial identity', and governments of the era were keen to preserve what they saw as the defining characteristics of Australia–'whiteness' and 'Britishness'.[46] The *Immigration Restriction Act 1901* (known as the White Australia Policy) was one of the first pieces of legislation introduced into the federal parliament. According to then Attorney-General, the Hon Alfred Deakin MP, it was intended to enable:

> …the prohibition of all alien coloured immigration, and more, it means at the earliest time, by reasonable and just means, the deportation or reduction of the number of aliens now in our midst. The two things go hand in hand, and are the necessary complement of a single policy — the policy of securing a 'white Australia'.[47]

3.42 Immigration historian, Ms Ann-Mari Jordens, submitted that this law 'marginalised and rendered invisible large sections of Australia's population', including the Chinese, Afghans and Jewish people who had immigrated to Australia during the preceding century.[48]

3.43 The implementation of the law had a dramatic impact on Australia's demographics. Where Chinese people had made up 3.5 per cent of the Australian population in 1901,[49] they accounted for only 0.2 per cent in the 1954 census.[50] By 1947, only 2.7 per cent of Australia's total population was born outside of Australia, Ireland or the United Kingdom.[51] The History Council of Western Australia (WA) explained that, during this period, Chinese

---

44 Australian Historical Association, *Submission 76*, p. 3.

45 Australian Historical Association, *Submission 76*, p. 1.

46 Australian Historical Association, *Submission 76*, p. 1.

47 National Museum of Australia, *White Australia Policy*, www.nma.gov.au/defining-moments/resources/white-australia-policy (accessed 16 November 2020).

48 Ms Ann-Mari Jordens, *Submission 2*, p. 2.

49 Joanne Simon-Davies, 'Population and migration statistics in Australia', *Parliamentary Library Research Paper Series 2018-19*, p. 6.

50 Commonwealth of Australia, *1954 Census - Volume VIII - Part I Supplement Australia – Characteristics of Population – Race*, p. 5.

51 National Museum of Australia, *White Australia Policy*, www.nma.gov.au/defining-moments/resources/white-australia-policy (accessed 16 November 2020).

people who had settled in Australia were 'feared and maligned' for 'their appearance and cultural practices' despite their 'hard work and innovation'.[52]

3.44 At the same time, a concept of Australian national identity as distinct from 'Britishness', was emerging. The new nation sought to establish a unique 'new world' identity, as a nation committed to equal opportunity, 'expressed in the national commitment to a 'living wage' – and the political equality of men and women'.[53] According to the department, the forging of this 'unique' Australian identity was solidified in 1949 by the enactment of the *Nationality and Citizenship Act 1948*, and the creation of Australia's first Department of Immigration. In this period of 'nation building' after the Second World War,[54] the Commonwealth of Australia sought to 'share the future' with 'vast numbers' of 'new Australians'.[55]

A migrant nation

3.45 World War II had left Australia feeling vulnerable to invasion, and needing to fill critical labour shortages. Despite the government's preference for British immigrants, insufficient numbers of British immigrants could be secured to fulfil the ambitious quotas. Department of Immigration staff were dispatched to Germany, to select 'young, physically strong and attractive' candidates from Estonia, Latvia and Lithuania, and efforts were made to 'promote them in a positive light to the Australian public'. Following the initial scheme, between 1947 and 1954, 'more than 170,000 displaced persons arrived in Australia from countries across Eastern and Western Europe'.[56]

3.46 Historians reflected that this post-war immigration 'challenged Australians' tolerance' of new migrants, with '[o]liveskinned dark-haired southern Europeans' receiving racial slurs and being stigmatized.[57] Despite the tensions, difficulties and challenges faced by migrant populations to Australia,[58] Australia continued to be a destination 'in high demand'.[59] Since 1945, around

---

[52] History Council of Western Australia (WA), *Submission 21*, p. 3.

[53] Australian Historical Association, *Submission 76*, p. 1.

[54] Department of Home Affairs, *Submission 138*, p. 5.

[55] The Hon Arthur Calwell MP, *Second reading speech: Nationality and Citizenship Bill 1948*, Senate and House of Representatives, Debates, 30 September 1948, p. 1065.

[56] Department of Immigration and Border Protection, *A History of the Department of Immigration: Managing Migration to Australia*, pp. 26—28.

[57] History Council of WA, *Submission 21*, p. 3.

[58] For more detail, see: Australian Historical Association, *Submission 76*; and History Council of WA, *Submission 21*.

[59] Department of Immigration and Border Protection, *A History of the Department of Immigration: Managing Migration to Australia*, p. 26.

seven million migrants have settled in Australia, with over 60 per cent becoming Australian citizens.[60]

3.47 Over time, as post-war immigration diversified the Australian population, 'the White Australia Policy was gradually dismantled', and the notion of Britishness lost its primacy in relation to Australian national identity.[61]

3.48 The 1980s saw a concerted effort to restate and promote an understanding of Australian national identity as a multicultural society, such as through the 1989 *National Agenda for a Multicultural Australia*.[62] The National Agenda included 'eight goals of multiculturalism', which were directed towards 'all Australians', and ranged from (goal 1) having 'a commitment to Australia' and 'our national interests', to (goal 8): 'Australian institutions should acknowledge, reflect and respond to the cultural diversity of the Australian community'.[63]

3.49 According to the Australian Historical Association, the early multicultural agenda included 'attempts' to include First Nations people as part of the broader multicultural milieu. These attempts 'foundered on a failure to recognise the specificity of First Nations' claims to sovereignty, prior occupation, land rights and self-determination'.[64]

3.50 Today, there is 'strong evidence' that Australians are generally positive about multiculturalism, and see it as 'an important, indeed vital and unique element of Australian identity…fundamental to their sense of themselves'.[65]

3.51 Capturing the way in which national stories change over time, the Australian Historical Association observed:

> …Australia has evolved into a successful, multicultural nation located in the Asia-Pacific region. This framing of national identity would not only have been foreign to Australians in 1901; for the vast majority who supported the White Australia Policy it would have been anathema.[66]

3.52 There was some criticism, however, for the way in which political leaders now talk about immigration. The Scanlon Foundation observed that political leaders in the last 20 years seem 'reluctant' to talk about the 'full impact' of the

---

60 Department of Home Affairs, *Submission 138*, p. 5.

61 Australian Historical Association, *Submission 76*, p. 4.

62 Ms Jordens, *Submission 2*, p. 4.

63 Office of Multicultural Affairs, Department of the Prime Minister and Cabinet, *Making Multicultural Australia: National Agenda for a Multicultural Australia*, p. 2.

64 Australian Historical Association, *Submission 76*, p. 4.

65 UWA, *Submission 20*, [p. 3].

66 Australian Historical Association, *Submission 76*, p. 1.

immigration program on Australian life, focussing only on its economic benefits:

> For at least 50 years after World War Two, political leaders from both major parties spoke directly to Australians about the economic, social and cultural benefits of the nation's immigration program…[The new] approach has shrunk the Australian story; the official rationale for migration is less about nation-building than the national bottom line. Migration is simply 'recruiting'…[67]

3.53 The Scanlon Foundation argued that 'Australia has a bigger story to tell' regarding the way immigration has changed, and continues to change, Australia, and about its many benefits. Most Australians, Scanlon's polling shows, already 'accept and endorse' this story.[68]

3.54 Chapter 4 discusses the Australian people and social cohesion, citizenship, culture and religion, and further considers the role of multiculturalism.

An independent nation: the Australia Acts

3.55 The *Australia Act 1986* (Cth) and the *Australia Act 1986* (UK) (the Australia Acts) were passed concurrently in 1986 in Australia and the United Kingdom. According to legal scholar Liam Boyle, the Acts 'completed Australian independence', and:

> …had the 'important effect' of 'cutting off the last links of United Kingdom sovereignty and passing into Australian hands full power to amend or repeal all Australia's constitutive documents'.[69]

3.56 In a speech made at the time, Chief Justice Mason said:

> Now that the *Australia Acts 1986* have severed the residual constitutional links between Australia and the United Kingdom we are, as we have never truly been before, the masters of our own legal destiny.[70]

3.57 History lecturer, Dr Benjamin Jones remarked that Australia did not really become a nation, independent from Britain, until the passage of the Australia Acts:

> …it is extraordinary that Australia achieved independence so recently and yet the date and its significance is almost completely unknown by its citizens. Why is there no public holiday? Why does the government, like previous governments, make no attempt to celebrate this momentous

---

[67] Scanlon Foundation, *Submission 115*, p. 10.

[68] Scanlon Foundation, *Submission 115*, p. 10.

[69] Liam Boyle, 'The Significant Role of the Australia Acts in Australian Public Law', *Federal Law Review*, vol. 47, iss. 3, pp. 358–389, p. 361.

[70] Liam Boyle, 'The Significant Role of the Australia Acts in Australian Public Law', *Federal Law Review*, vol. 47, iss. 3, pp. 358–389, p. 361.

> occasion? Australian national life is poorer for its lack of reflection on this extraordinary and peaceful transition from dominion to nation.[71]

3.58 Dr Jones suggested the decision of successive governments *not* to replace the British symbols that 'dominate' our public monuments, parliamentary oaths, flag and national holidays 'represents a failure of imagination and leadership'. He argued that new symbols would 'reflect the independent, multicultural nation that we are not the white British dominion we were'.[72]

An egalitarian nation

3.59 A core ideal associated with the Australian nation is that of equality. Melbourne University historian, Professor Marilyn Lake, said that 'the key value of equality…was crystallised in Australia' in the late 19th and early 20th centuries as an idea through which Australia expressed its 'distinctiveness from Britain…Australia wasn't Britain, it was against class inequalities, against privilege and against hierarchy'. The Australian notion of equality was distinctly different from the American notion of 'freedom', which emphasised the rights of individuals. In contrast:

> …the very term 'Commonwealth' was mindfully chosen for our nation state because it suggested the commonweal, the common good or, as that great liberal, HB Higgins, said, that we preferred the common good to private greed.[73]

3.60 Along with the value of equality, Australia has historically been associated with 'a culture of egalitarianism'.[74] Professor Lake tied this culture to a framework of secular, 'binding civic values' established at Federation dedicated to 'social justice and the common good',[75] and commitment to the fundamental (British) idea of 'equality before the law'.[76]

3.61 Australia's welfare system is often seen as an expression of the value of equality. Anglicare WA submitted that providing all Australians with access to 'a safety net' is an expression of our 'national values of compassion, fairness and justice', because 'we all have value beyond our economic contribution'.[77]

3.62 Director of the Australian War Memorial, Mr Matt Anderson said:

---

71 Dr Benjamin Jones, *Submission 17*, p. 1.

72 Dr Benjamin Jones, *Submission 17*, pp. 1—2.

73 Professor Marilyn Lake, Private capacity, *Committee Hansard*, 14 February 2020, p. 34.

74 Mr Nicholas Reece, Director of Strategy Policy and Projects, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 13.

75 Professor Lake, *Committee Hansard*, 14 February 2020, p. 24.

76 Professor Janet McCalman, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 30.

77 Anglicare WA, *Submission 37*, [p. 3].

> There are 102,800 women and men recorded on the Roll of Honour, and they're all equal under death. There are no postnominals. There's no rank. We just see that as an Australian society we're being very egalitarian in what we seek to do in the highest honour we can bestow upon someone—to have them recorded on the Roll of Honour. William Throsby Bridges was a major general commanding the Australian troops at Gallipoli and was commandant at Duntroon. Above him is a driver. Below him is a private. That speaks to us a nation, both at that time and perhaps as an ideal that's worth retaining—that we are actually fundamentally decent, equal human beings.[78]

3.63 The History Council of WA cautioned that the notion of Australia as an egalitarian society 'deserves scrutiny'. While early Australian society may have lacked the obvious class stratification characteristic of British society, it was not 'classless', nor, the History Council argued, is Australian society classless now: 'We may not have an aristocracy, but there are certainly graduations based on wealth and other socio-economic factors'.[79]

3.64 Participants in the roundtable on 7 February 2020 debated whether Australia was ever, and is still, an egalitarian nation.[80] The Academy of Science's Professor Ian Chubb AC was critical, pointing to unequal access to medical treatment in regional areas.[81] Policy specialist, Dr Scott Prasser expressed a more positive view, saying, 'Australia has a very outstanding record—far better than other countries—of distributing money and resources to areas of need'.[82]

3.65 Mr Sam Roggeveen from the Lowy Institute argued that Australia was not *more egalitarian* in the past, observing there were previously fewer women and people from 'non-Anglo backgrounds' in Australia's parliaments than there are today.[83] Professor Lake agreed that the ideal of equality was 'limited in its application at first', excluding certain groups. However, over the years, through the participation of Australians in civil and political society:

> …we had campaigns and struggles to extend equality to women, to Indigenous people and to migrants, so that those ideals of equality extended to become multiculturalism or Aboriginal rights.[84]

---

78 Mr Matt Anderson, Director, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 52.

79 History Council of Western Australia, *Submission 21*, p. 3.

80 See: *Committee Hansard*, 7 February 2020, pp. 22—24.

81 Professor Ian Chubb AC, Councillor, Australian Academy of Science, *Committee Hansard*, 7 February 2020, p. 23.

82 Dr Scott Prasser, Private capacity, *Committee Hansard*, 7 February 2020, p. 22.

83 Mr Sam Roggeveen, Director, International Security Program, the Lowy Institute, *Committee Hansard*, 7 February 2020, p. 23.

84 Professor Lake, Private capacity, *Committee Hansard*, 14 February 2020, p. 34.

3.66 The Australian Multicultural Council suggested the ideal of equality has an ongoing role to play in uniting diverse Australians by focussing 'on ideas that unite all Australians, such as equality and democracy'.[85]

3.67 Professor Lake expressed a similar view, proposing that government should revitalise the idea of egalitarianism as all that is best about Australia:

> …to re-invoke this national story of equality that was laid down in the 1890s and the 1900s by those great liberal founding fathers and mothers, including women like Vida Goldstein, Catherine Spence and Alice Henry. They laid down this vision of a country, a Commonwealth, based on the common good and the ideal of equality.[86]

3.68 Conversely, the University of WA cautioned that promoting the notion of specific 'Australian values', should be 'undertaken with great care to ensure it doesn't become a means by which to exclude certain members'.[87]

A nation forged through military service

> We welcomed 1.3 million visitors to the memorial in 2018-19, more than any other cultural institution in Australia. Of those visitors, 191,000 were schoolchildren. At its heart, the memorial represents how highly Australians value democracy and the willingness to serve, to sacrifice and to preserve our freedoms. We honour those who put service before self. We develop in young learners a deeper understanding of the connection between civic responsibility and military service by exploring the stories of Australians who have served.
>
> Mr Matt Anderson, Director, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 51.

3.69 The Australian War Memorial's Director, Mr Matt Anderson said, through depicting the Australian experience of war and conflict, the memorial 'seeks to define part of our national identity', and reflect the 'values and aspirations' of Australian society.[88]

3.70 The values captured in the memorial's Hall of Memory are values associated with service, and sacrifice. These are values that capture the imaginations of Australians today. They are: 'resource, candour, devotion, curiosity and

---

85 Australian Multicultural Council, *Submission 107*, [p. 2].

86 Professor Lake, Private capacity, *Committee Hansard*, 14 February 2020, p. 34.

87 The University of Western Australia, *Submission 20*, [p. 3].

88 Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 50.

independence; comradeship, ancestry, patriotism, chivalry and loyalty; and coolness, control, audacity, endurance and decision'.[89]

3.71 While its role has changed over the years, the memorial remains a place of reflection, a place for research, and place for healing. Mr Anderson said the memorial is also a place of 'truth-telling' and does not shy away from telling stories in a 'holistic way', including where those stories may not be heroic.[90]

3.72 Mr Anderson commented on the continuing strong interest in the memorial and Australia's military history:

> The importance of the Anzac spirit and what it stands for today is also a key element in defining our national identity. Though born from the ill-fated campaign on Gallipoli, the spirit of Anzac is of course not about loss at all; it's about courage, endurance, duty, love of country, mateship, good humour and the survival of a sense of self-worth and decency in the face of dreadful odds.[91]

3.73 The Australia Council for the Arts submitted that the memorial's Official War Art Scheme 'is one of the longest running commissioning programs of art in Australia' and the 1981 film *Gallipoli*, directed by Peter Weir, broke box office records and 'helped to shape the national understanding of Australian identity'.[92]

3.74 Dr Clare Wright criticised the focus of successive governments on ANZAC Day and Gallipoli, saying that the Australian nation 'was not born on the blood-soaked beaches of a far-flung militarised zone'. Instead, Dr Wright argued, the nation was born 'in the town halls and parliaments' at home, and also at Eureka. Dr Wright believed a bigger focus should be on these histories than on the history of war as a component of nation building.[93]

3.75 This criticism was echoed by the History Council of Western Australia, which submitted:

> Commencing with Bob Hawke's pilgrimage to Gallipoli in 1990, we have seen a return to the militaristic Victorian concept that nations are born in war. Despite many commentators refuting the rationality of this concept, it persists in the public mind and is rewarded by immense government funding.[94]

---

89 Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 50.

90 Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, pp. 50—51.

91 Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 51.

92 Australia Council for the Arts, *Submission 102*, p. 6.

93 Dr Clare Wright, *Submission 7*, [p. 10].

94 History Council of Western Australia, *Submission 21*, p. 5.

3.76 Mr Anderson remarked that our military history is not 'the sole story' of who we are as a nation, but 'it's an important part of what we are'.[95] Ensuring the memorial remains relevant in a modern Australia, where 'about one in three Australians' were born overseas, Mr Anderson said, is about 'making sure that it tells a story of a culturally diverse Australian Defence Force':

> The last post ceremony last weekend was delivered by a young private wearing a hijab. That's how you do it. You make it relevant by speaking to every generation in the farthest corners of this massive country of ours…[96]

3.77 Mr Anderson also talked about the War Memorial's increasing focus on peace-keeping, which he argued goes to Australian values of 'services beyond self':

> We've sent more than 40,000 peacekeepers on, I think, more than 60 peacekeeping operations to over 30 countries and disputed territories. That goes to our values. That goes to those things that we seek to engage in—these services beyond self, both at the individual level and as a nation. We say, 'We want to uphold the rules based international order and we want to uphold United Nations Security Council resolutions.' I think we should absolutely be telling the story of what we've done and what we continue to do in the South Sudan today, and what we did in Timor Leste, in Bougainville, in the Regional Assistance Mission to Solomon Islands or RAMSI, where we went in and then we stayed.[97]

3.78 The most important thing, Mr Anderson said, is that the memorial does not mythologise, or glorify war or service people. Australians can see when they come to the memorial that service men and women 'were ordinary men and women who proved capable of extraordinary things'.[98]

A resilient, resourceful nation

3.79 The committee heard evidence about the contribution of agricultural shows to Australia's national identity. Dr Robert Wilson, Chairman, Agricultural Shows Australia, said the 580 shows around Australia, including regional and country shows, and capital city royals, are 'an iconic part of Australia's history', with many shows in their 100th or 150th year, and the Sydney Royal Easter Show in its 200th year.[99]

3.80 Dr Wilson explained that agriculture societies arose 'very early in our colonial history' as a way of dealing with the 'harshness and isolation of our early settlers and land owners'. Shows provide 'a community connection' important to Australian culture, Mr Wilson said, are and 'good for community wellbeing':

---

[95] Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 52.

[96] Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 54.

[97] Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 55.

[98] Mr Anderson, Australian War Memorial, *Committee Hansard*, 13 November 2020, p. 54.

[99] Dr Robert Wilson, Chairman, Agricultural Shows Australia, *Committee Hansard*, 13 November 2020, p. 57.

> The annual show is the glue in most small country towns. It gives the opportunity for them to compete, to learn and to be involved, particularly it's a great opportunity for the volunteers because most of these are run by volunteers. That ongoing connection with the land, the celebration of agriculture, the competition and the education through competition continues now.[100]

3.81 Over six million people attend an agricultural show every year, which equates to one quarter of the population, and around 50,000 volunteers are involved across all agricultural shows each year, with more than 12,000 volunteering at country shows.[101]

3.82 Dr Wilson highlighted the role of shows in reflecting the importance of agriculture to Australia's history and to future, bridging the divides between city and country, demonstrating the creativity, resourcefulness and inventiveness of farmers, and providing an outlet for arts and crafts.[102]

3.83 The shows also provide an opportunity for city people to learn about agricultural practice and 'where their food comes from',[103] and for young people interested in agriculture to participate in competitions and programs where they can become the rural leaders of the future.[104]

Truth-telling and recognition

> What is Australia? Who are the Australians? These are questions we have never properly answered as an Australian people. That there is an Australian people, there is no question. That this continent and its islands are our land, there is no question. And when I say ours, I mean all of us.
>
> Yet we have never properly faced the idea of Australia. How could the idea of Australia conjured in our mythic reconstruction of January 26, 1788, or the Federation of 1901 — without contending with the indigenous inhabitants of our land — be a proper answer to the question of Australia?
>
> Noel Pearson, 'Grand narrative holds epic strands: A Declaration of Australia requires three verses, but it must be one song', *The Australian*, 16 September 2017, p. 19.

[100] Dr Robert Wilson, Chairman, Agricultural Shows Australia, *Committee Hansard*, 13 November 2020, p. 57.

[101] Agricultural Shows Australia, *Submission 203*, [p. 3].

[102] Dr Wilson, Agricultural Shows Australia, *Committee Hansard*, 13 November 2020, p. 58.

[103] Dr Wilson, Agricultural Shows Australia, *Committee Hansard*, 13 November 2020, p. 58.

[104] Dr Wilson, Agricultural Shows Australia, *Committee Hansard*, 13 November 2020, p. 59.

3.84 This section addresses a key concern raised by a majority of submitters to the inquiry – Australia's ongoing relationship with First Nations peoples.

3.85 The constitution as originally drafted included section 127, which read: 'In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted'.

3.86 While there is significant complexity and some misconceptions around what section 127 meant in practice for Aboriginal and Islander Australians at the time, legal academic Elisa Arcioni argues that it meant First Nations Australians were excluded from 'membership of the constitutional community'. First Nations Australians, Arcioni writes, were deliberately excluded from being counted as 'one of the "people" of the Commonwealth Constitution, represented by parliament', and excluded from being counted to determine the number of representatives each state should have in the parliament.[105]

3.87 Section 127 was repealed after a referendum in 1967. In his second reading speech, then Prime Minister, Sir Robert Menzies MP said '[s]ection 127 is completely out of harmony with our national attitudes and with the elevation of the Aborigines into the ranks of citizenship which we all wish to see'.[106]

3.88 A number of inquiry participants suggested the failure of the framers, and early national governments, to accommodate First Nations Australians meant the modern Australian nation was constructed upon unstable foundations. The Australian Lawyers Alliance said, despite their special place, Australia's First Nations 'were completely ignored at Federation in 1901'.[107] Similarly, Mr Peter Fisher submitted that the concept of 'terra nullius' (land that is unoccupied), overturned by the High Court in 1992, lies at the foundation of 'the fundamental flaw of the modern Australia'.[108]

3.89 Since the 1967 referendum repealed section 127, there have been a number of inquiries and other processes aimed at progressing further changes to the Constitution, exploring options for a treaty or compact with Australia's First Nations peoples, or other proposals for recognition. The *Final Report of the Referendum Council* (2017) lists:

- Gough Whitlam's statement that Aboriginal and Torres Strait Islander peoples needed to take 'their rightful place in this nation';

---

[105] Arcioni, Elisa, 'Excluding indigenous Australians from 'the people': A reconsideration of sections 25 and 127 of the constitution'. *Federal Law Review*, Vol. 40, No. 3, 2012: 287—315.

[106] Sir Robert Menzies MP, Prime Minister of Australia, *House of Representatives Hansard*, Thursday 11 November 1965, pp. 2648—2640.

[107] Australian Lawyers Alliance, *Submission 18*, p. 6.

[108] Mr Peter Fisher, *Submission 15*, p. 2.

- Malcolm Fraser's inquiry into the feasibility of a compact or 'Makarrata' between the Commonwealth and Aboriginal People;
- Bob Hawke's response to the Barunga Statement at the bicentenary of 1988, which supported a treaty or compact;
- Paul Keating's 'Redfern Speech' in 1991; and
- John Howard's commitment to a referendum in 2007, when he said: 'I believe we must find room in our national life to formally recognise the special status of Aboriginal and Torres Strait Islanders as the first peoples of our nation.'[109]

3.90 The Referendum Council notes that none of these 'promising intentions' ever came to fruition. However, in the Council's view, this history of bipartisan action and intention confirms that constitutional recognition is a 'longstanding and unfinished business for the nation'.[110]

3.91 A large number of participants in the inquiry shared this view, and argued that the time is right to start a national conversation aimed at resetting the relationship between the nation-state and Aboriginal and Torres Strait Islander Australians.

Three great streams

> The first part of this story is the epic trek out of Africa. Latest research pushes back the date of Aboriginal presence in Australia beyond 60,000 years. Our epic story begins from science as well; as from within the mythologies of the First Peoples of this continent…There is a second epic story of Australia: the voyage of the Endeavour…I now want to turn to the third species of epic story. There are in fact millions of such stories. The epic migrations from Auschwitz, Somalia, Italy, Vietnam, Beirut and Tiananmen Square, and so many other places.
>
> …
>
> These are three equally epic parts to our national story. A Declaration of Australia should have three verses, but it must be one song. A Declaration will enable us to thread together these three epic stories into the one story of our Australian commonwealth: a declaration to unite the nation.
>
> Noel Pearson, 'Grand narrative holds epic strands: A Declaration of Australia requires three verses, but it must be one song', *The Australian*, 16 September 2017, p. 19.

3.92 Participants in the roundtable on the 14 February 2020 discussed the construction of Australian nationhood put forward in the *Final Report of the*

[109] Referendum Council, *Final Report of the Referendum Council,* June 2017, p. iii.

[110] Referendum Council, *Final Report of the Referendum Council,* June 2017, p. iii.

Referendum Council in 2017. The report, which includes the *Uluru Statement from the Heart*, and recommends a referendum on constitutional recognition of First Nations Australians and a voice to the parliament, also recommends progressing an 'extra-constitutional Declaration of Recognition'. The declaration would be legislated by all Australian parliaments simultaneously, 'as an expression of national unity and reconciliation'.[111]

3.93 The Referendum Council states that the declaration would 'bring together the three parts of our Australian story: our ancient First Peoples' heritage and culture, our British institutions, and our multicultural unity'.[112]

3.94 Sydney-based historian, Professor Heidi Norman, described the 'three great streams', or 'three epic strands', articulated by Noel Pearson and others, as the 'ancient Indigenous heritage, which is its foundation; the British institutions built upon it; and the adorning gift of multicultural migration'.[113] Professor Janet McCalman AC added:

> The first is the great stream of traditional Aboriginal knowledge. Bruce Pascoe has shown that in fact there was a diversified horticulture at the time the Europeans arrived and that the land was cultivated in all sorts of very interesting ways; actually, the archaeologists have been telling us that for a long time. The oldest tools for making flour have been found in this country, 30,000 years old, 20,000 years before we have evidence of that happening…So we've got that rich tradition and that sense of belonging to country. Secondly, we have the British tradition, which has given us our institutions, and, thirdly, we have the rich multicultural. These three great streams flow together.[114]

3.95 This point of view should be seen as a 'gift', Professor McCalman said:

> I think that the Uluru statement, and what Noel Pearson has been talking about, is in fact an extraordinary gift to modern Australia. The Aboriginal community has made a gift to us of giving us a new way of imagining what we are. We come from three great streams.[115]

3.96 The National Museum of Australia indicated support for this construction of Australian history, submitting:

> The Museum is committed to representing the long human history of the continent through the history and experience of Aboriginal and Torres Strait Islander peoples in all their diversity, and joining this to the remarkable story of the making of modern Australian in the past two centuries or so. This story, unique in terms of the global storytelling of

---

111 Referendum Council, *Final Report of the Referendum Council,* June 2017, p. 2.

112 Referendum Council, *Final Report of the Referendum Council,* June 2017, p. 2.

113 Professor Heidi Norman, Private capacity, *Committee Hansard*, 14 February 2020, p. 24.

114 Professor Janet McCalman, University of Melbourne, *Committee Hansard*, 14 February 2020, pp. 29–30.

115 Professor Janet McCalman, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 29.

human experience, is composed of three important, inherent strengths, as identified by Noel Pearson and others:

- The lives and cultures of the First Peoples of Australia, the Aboriginal and Torres Strait Islander peoples;
- The foundation of Australian democracy upon British forms and institutions; and
- The successful integration of people of varied faiths, cultures and ethnic backgrounds in a diverse, multicultural Australian people.[116]

Constitutional recognition

> We stand at a crossroads, historically unlike any other, as we are aware now of the damage that has and is still being wrought on first nation's peoples, the environment and future generation's peacefulness. We cannot claim ignorance of the colonial project legacy in Australia, but we can take a mature and responsible attitude to acknowledge, recognise and listen to the truth.
>
> We have an amazing opportunity, an invitation to draw on the unique wealth of knowledge about this country held in the multitude of Aboriginal nations and their communities and make a significant and profound statement as a nation about a new stance with which to face the future. Please embrace this goodwill as a gift to be treasured.
>
> Paul McGaw, Leanne Thompson, Lily McGaw and Ella McGaw, Uluru Statement from the Heart form letters, [p. 42]

3.97 A majority of submissions to the inquiry, along with the approximately 250 form letters the committee received, expressed support for the *Uluru Statement from the Heart*, and for the recommendations of the Referendum Council for a Voice to Parliament and a Declaration of Recognition. The Uluru Statement and recommendations were the end result of the '12 First Nations Regional Dialogues', which culminated in the National Constitutional Convention at Uluru in May 2017, at which First Nations peoples from around the country formed 'a consensus position on the form constitutional recognition should take'. According the Referendum Council, '[t]his is the first time in Australia's history that such a process has been undertaken'.[117]

3.98 The Uluru Statement includes the following:

> We seek constitutional reforms to empower our people and take a *rightful place* in our own country. When we have power over our destiny our

[116] National Museum of Australia, *Submission 126*, [p. 1].

[117] Referendum Council, *Final Report of the Referendum Council,* June 2017, p. iii.

> children will flourish. They will walk in two worlds and their culture will be a gift to their country.
>
> We call for the establishment of a First Nations Voice enshrined in the Constitution.
>
> Makarrata is the culmination of our agenda: *the coming together after a struggle*. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.
>
> We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.
>
> In 1967 we were counted, in 2017 we seek to be heard.[118]

3.99 Reconciliation Australia acknowledged that we are making progress toward 'a reconciled Australia', but argued that 'we must address the calls made in the Uluru Statement from the Heart in relation to progressing Agreement Making/Treaties, an Aboriginal and Torres Strait Islander Representative Voice to parliament, and truth telling'.[119]

3.100 Professor Norman described the Uluru Statement as 'an attempt to build a political strategy', to establish a relationship between First Nations peoples as 'a polity' and the state, where previously that relationship was been absent or dysfunctional.[120]

3.101 The Australian Lawyers Alliance described the Statement's call for a constitutionally enshrined Voice to Parliament as 'sensible, pragmatic and legally moderate':

> The proposed amendment would serve a dual purpose in that it would constitutionally empower Aboriginal and Torres Strait Islander peoples with a voice to Parliament, but at the same time would respect parliamentary supremacy and sovereignty and uphold the *Constitution*.[121]

3.102 UWA submitted that recognition of Australia's First Nations peoples in the Constitution is 'vital' and failure to progress it will put 'the legitimacy of the nation-state itself' at risk. UWA suggested Australia could learn from New Zealand, which 'has created a national identity based on its relationship with its indigenous peoples', and strengthened by the Treaty of Waitangi.[122]

---

[118] 'Uluru Statement from the Heart', Referendum Council, *Final Report of the Referendum Council*, June 2017, p. i.

[119] Reconciliation Australia, *Submission 119*, p. 11.

[120] Professor Norman, *Committee Hansard*, 14 February 2020, p. 24.

[121] Australian Lawyers Alliance, *Submission 18*, pp. 6—7.

[122] UWA, *Submission 20*, [p. 4].

3.103 Anglicare WA emphasised that Australia is among a minority of Commonwealth nations that do not have treaties with their First Nations peoples.[123] The Fred Hollows Foundation highlighted that state governments are moving independently 'in the absence of leadership at the national level':

> This is exemplified by the current treaty process between First Peoples and the state of Victoria, the Northern Territory Treaty Commission and the *Barunga Agreement 2018*, and the recent announcement of the Queensland Government to embark up on a similar process.[124]

3.104 Australians for Native Title and Recognition (ANTaR) echoed this view and called for the government to 'finally enter into a negotiated settlement or treaty with the First Nations peoples to truly reconcile the last 230 years of shared history'.[125] ANTaR drew attention to the progress that had been made in Canada, the USA and New Zealand and acknowledged that while treaties are 'not perfect', treaty frameworks in like jurisdictions 'have been the mechanism for ongoing dialogue and agreement'.[126]

3.105 Greater inclusion of First Nations voices in our national dialogue, the Australian Lawyers Alliance said, would give Australia 'a unique cultural identity that we can be proud of – more than 60,000 years of continuous culture'.[127]

3.106 Box 3.2 below contains extracts from the *Uluru Statement from the Heart* form letters received by the committee from Indigenous and non-Indigenous Australians all over the country, some of which included heartfelt personalised messages.

Box 3.1 Extracts from the *Uluru Statement From the Heart* form letters[128]

I walked in the Reconciliation Bridge Walk of 2000, it is almost twenty years later and nothing has really changed for Aboriginal and Torres Strait Islander people. Please, give us the opportunity to make Constitutional enshrinement of a Voice happen in my lifetime, put the *Uluru Statement from the Heart* to the people. Our democratic society can only benefit.

123 Anglicare WA, *Submission 37*, [p. 2].

124 The Fred Hollows Foundation, *Submission 29*, [p. 2]. The British Broadcasting Corporation (BBC) reported in 2017 that Australia is the *only* Commonwealth country that has no treaty with its Indigenous peoples. Editorial, 'Why doesn't Australia have an indigenous treaty?', *BBC News*, www.bbc.com/news/world-australia-40024622 (accessed 18 November 2020).

125 Australians for Native Title and Recognition, *Submission 144*, p. 7.

126 Australians for Native Title and Recognition, *Submission 144*, p. 7.

127 Australian Lawyers Alliance, *Submission 18*, p. 7.

128 *Uluru Statement From the Heart* form letters.

Carmel Grimmett, Marrickville NSW, [p. 3]

Allowing Aboriginal and Torres Strait Islander people a voice in laws that affect them as [suggested] in the *Uluru Statement of the Heart* to me is not only logical but decent and right, and the only true way forward to show the respect and understanding to the Aboriginal people. I also strongly believe that it is the only way we will see positive social changes for the Aboriginal and Torres Strait Islander people. Clearly the current way of things in managing Aboriginal affairs is not working to anyone's benefit.

Renee Dwight, [p. 10]

I work on the primary prevention of violence against women. I believe that accepting this statement and the changes that can flow from it are fundamental to ending the pandemic of violence that Aboriginal women are facing. Evidence shows us that inequality is the key driver of violence, and this would be both a moral and practical step toward a more equal and violence free society.

Belinda O'Connor, [p. 15]

The fact that, upon the foundation of Australia as a federation of states in 1901, a binding agreement was not been made with Australia's First Peoples means that now in a democracy in which they are numerically a minority, any current voice they may have can inevitably be submerged and superseded by the interests of the majority…The customisation of engagement and formulation of success-producing responses need to be guided by them.

Dr Maria Power, [p. 24]

I acknowledge the grit, courage and determination of the first settlers and the diggers, but so much of who we are as a nation is built on a foundation of lies, denial and disassociation. We whitewash everything, including the deep subjugation, trauma, and dispossession in our own pre-colonial history, and in our journey across the sea to the land later to be known as Australia…I am not ashamed of who we are, but we can be so much more. There is much truth to be revealed, and healing to be done…If only we would begin to restore some of what was stolen. If only we would allow their voices into our consciousness, hearts, and yes, into our nation state and politics.

Luke Ringland, [p. 29]

I lived and worked in Redfern in the 1970's and 1980's where my father owned a Milk Bar which…was the only one that served Aboriginal people and he had great relationships with them…As a migrant child I was discriminated as the

policy of the Government during the time we migrated in 1954 was one of assimilation…Eventually a position became available for Aboriginal Welfare Officer at an organisation called South Sydney Community Aid in Redfern which was assisting Aboriginal, migrant and other people with the numerous problems…

I heard from the Aboriginal people the blatant discrimination in all spheres of their lives, the racism, the persecution of them by the police…They were discriminated when looking for jobs, or seeking accommodation, homelessness and living in terrible conditions…Their children did not attend school…I learned of the stolen generation and the *Aboriginal Welfare Protection Act*.

The working together at South Sydney Community Aid of the migrant, Aboriginal and Anglo communities on the issues which were experienced by them was a unique experience which governments recognised and the policies of Multiculturalism, Social Justice and Human Rights were instituted but there is the missing link of the Aboriginal people feeling excluded and deprived of their land which is the backbone of their civilisation.

Vivi Germanos-Koutsounadis OAM, [pp. 52-53]

We were outraged that the Prime Minister of the day, Malcolm Turnbull, rejected the statement and the Referendum Council's recommendation for an Indigenous Voice in Parliament. We wrote to the Prime Minister on 8th November 2017 expressing our disappointment and how we disagreed with the decision and that the government must begin the process for constitutional change and bring on the referendum for the people of Australia to make the decision and that there was no other outcome.

Patricia David, Secretary, Unions Shoalhaven, [p. 56]

In my work with Indigenous young people at the Australian Indigenous Education Foundation…the one thread that connected every story was the racism that comes as part and parcel of Indigeneity in this country. Young Aboriginal and Torres Strait Islanders are suffering because of the abuse, exclusion, and institutionalised racism they experience every day in a country that doesn't understand them, and doesn't try to. We owe those young people a country that they can participate in; that they can feel proud of; and where they feel belonging: a country where social cohesion and cultural identity in the nation state belongs to everyone.

Anna Mackiewicz, [p. 71]

My great great grandmother stolen, I also adopted out in the 60's to white family/ lost identity and culture.

Jking, [p. 73]

3.107 Not all witnesses agreed that constitutional recognition was the priority issue in relation to First Nations Australians and nationhood. Psychology academic, Dr Anthony Dillon said:

> I don't have a problem with there being some insertion which recognises Aboriginal people as the first people here. What I do have a problem with—and it's been used often; we see it in the media and in meetings—is where there are people saying, 'Until we do recognise Aboriginal people in the Constitution we cannot move forward or we cannot fix the problems that are plaguing too many Aboriginal people, particularly in remote communities.' That's the main point I wanted to make. Constitutional recognition is fine: do it if you think it's the right thing, but the absence of it should not be an excuse for people not to take action now in fixing those problems that are in Aboriginal communities as we speak.[129]

3.108 Dr Dillon argued that governments should focus on trying to close the gap 'within' Aboriginal communities (that is between First Nations Australians who are doing well in terms of social and economic indicators, and those who are not doing well), rather than 'between' Indigenous and non-Indigenous Australians.[130]

3.109 Questions of constitutional recognition and constitutional change are further addressed in the final part of this chapter, *Australian nationhood, the future*.

Teaching Australia's history

> Our cultural identity is far too complex and far too vibrant to be summed up by a statue or any one version of history, even though those individual works can of course inspire us and educate us. In the words of EH Carr, history is 'an unending dialogue between past and present'. I think in Australia we can accommodate a robust, open and unending dialogue [about] who we are as a nation. As we do this, I think we strengthen our resilience if we maintain the ability for all Australians to engage in their own discovery for truth telling and the constructive reappraisal of history.
>
> Mr David, Director-General, National Archives of Australia, *Committee Hansard*, 13 November 2020, p. 23.

3.110 Participants talked about the importance of historical knowledge in addressing concepts of nationhood, national identity, and democracy. President of the Australian Historical Association, Professor Melanie Oppenheimer, maintained that nationhood and national identity are 'dynamic' concepts,

[129] Dr Anthony Dillon, Private capacity, *Committee Hansard*, 14 February 2020, p. 21.

[130] Dr Dillon, *Committee Hansard*, 14 February 2020, p. 22.

changing and evolving over time.[131] Associate Professor Don Garden, President of the Federation of Australian Historical Societies, agreed, adding '[y]ou cannot value democracy if you cannot understand it'.[132]

3.111 Professor Garden argued that there are 'failures in our education system' at the moment, which result in young people not being provided with the 'capacity to understand, to analyse and to discriminate' as civic citizens. He suggested there is a lack of knowledge among Australians of Australia's democratic history, and the significance and rarity of our institutions. This leads to many students leaving school ill equipped to engage as civic citizens.[133]

3.112 One reason suggested for this is that 'history has been swamped', or 'watered down' in the school curriculum as a result of 'the culture wars and parochial protection from the states'.[134]

3.113 Professor Garden said studying history provides skills in research, writing, analysis, to and how to assess and critically analyse evidence, as well as helping students 'discern between the fake news, the fake evidence, and the truth'.[135]

3.114 The British Australian Community expressed the view that Australian schools are failing to teach students 'about British Isles culture and history or about the characteristics and values of Australia's pioneers' and 'tend to emphasise Aboriginal [and] Asian history and environmental issues' instead.[136] This view could be seen as controversial. Complex constructions of First Nations' history have only recently begun to be taught in schools, and are still not taught consistently across all schools, with reports suggesting the level of detail and coverage are dependent on teacher interest and capacity.[137] A study of the New South Wales syllabus, reported in the *Sydney Morning Herald*, found:

> Most students will leave history lessons knowing about the Stolen Generations and campaigns for Indigenous rights, such as the freedom rides and 1967 referendum. Their understanding of frontier wars, forced labour or blackbirding, however, might be less robust…The NSW curriculum gives teachers scope to cover different aspects of 50,000 to

---

131 Professor Melanie Oppenheimer, President, Australian Historical Association (AHA), *Committee Hansard*, 13 November 2020, p. 13.

132 Associate Professor Don Garden, President, the Federation of Australian Historical Societies (FAHS), *Committee Hansard*, 13 November 2020, p. 14.

133 Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 14.

134 Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 14.

135 Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 14.

136 British Australian Community, *Submission 24*, p. 2.

137 Georgia Mokak, 'Do our teachers care enough about Indigenous Australia to bring it into the classroom?', 9 May 2017, *NITV SBS Online*, www.sbs.com.au/nitv/article/2017/05/09/do-our-teachers-care-enough-about-indigenous-australia-bring-it-classroom (accessed 2 December 2020).

> 60,000 years of Indigenous history. But insufficient teacher training and discomfort about confronting content, as well as limited teaching hours, can mean students graduate with gaps in their knowledge.[138]

3.115 A number of submitters did not share this view and instead argued that stronger emphasis needs to be placed on teaching First Nations history at all levels of schooling.[139] Reconciliation Australia drew attention to its research findings that 'perceptions of the relationship between Aboriginal and Torres Strait Islander peoples and other Australians improve when Australians are more aware of our history, and its ongoing impacts'.[140]

3.116 Dr Wright argued that Australian school students should learn an expanded Australian history, which includes more about First Nations 'frontier warriors', and Australia's suffrage campaigners:

> …just as they learn about Charles Macarthur, John Monash, Charles Bean, Weary Dunlop or Peter Lalor. I would prefer that every school child has the opportunity to forget their names than never have learned them at all.[141]

3.117 Professor Garden said the fact that Australia has compulsory voting makes it all the more 'essential' that all students in primary and secondary schools 'are provided with a good basis of Australian history, and, with that, an understanding of civics'.[142]

3.118 Professors Garden and Oppenheimer argued that history teaching at the year 9 or 10 level, with a focus on civics and Australia's democratic history, should be made compulsory in all states and territories, as it is currently in New South Wales schools.[143] Professor Oppenheimer observed that it has 'been very successful' in New South Wales, and can be 'taught well', in a 'holistic way that is not bogged down in the culture wars'.[144]

3.119 Professor Garden noted a decrease in specialised training of history teachers over recent decades, and recommended more dedicated training of history teachers.[145] At the moment some of the professional development of teachers in

---

138 Natassia Chrysanthos, 'How Indigenous history is taught in NSW schools', The Sydney Morning Herald, 21 June 2020, www.smh.com.au/national/nsw/how-indigenous-history-is-taught-in-nsw-schools-20200616-p5534w.html (accessed 2 December 2020).

139 Reconciliation Australian, *Submission 119*, p. 15; See also History Teachers' Association of Victoria *Submission 101*, pp. 4-5; Multicultural Your Affairs Network NSW, *Submission 72*, p. 14; The Whitlam Institute, *Submission 87*, p. 7.

140 Reconciliation Australian, *Submission 119*, pp. 14-15.

141 Dr Clare Wright, *Submission 7*, [p. 5].

142 Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 14.

143 Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 14.

144 Professor Oppenheimer, AHA, *Committee Hansard*, 13 November 2020, p. 15.

145 Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 15.

history and civics is provided by historical community groups and professional associations[146] and the Museum of Australian Democracy.[147]

3.120 Participants in the inquiry also talked about history teaching at universities. Professor Greg Melleuish argued that Australian universities have developed a new kind of 'cultural cringe' and are failing to serve the national interest by 'promoting the study of things Australian'.[148] Associate Professor Martin Crotty, Associate Professor Lisa Featherstone and Dr Geoff Ginn of the University of Queensland School of Historical and Philosophical Inquiry presented a counter argument. They reported the results of research examining all history courses taught in Australian universities over 2015 and 2016, including enrolment numbers. It found that traditional areas of European history, world history, wars, and Australian history were still the most popular. The submitters concluded '[t]he "Western canon" survives and thrives in Australian history teaching'.[149]

3.121 Professor Crotty, Professor Featherstone and Dr Ginn observed that Australian history courses look 'very different' to the way they looked fifty years ago, because 'Australia looks very different':

> Students are growing up and engaging in a vastly different country and vastly different and more interconnected world, with changing values about race, ethnicity, sex and gender.[150]

3.122 Dr McGrath commented that Australian history 'used to be only about white male politicians' but much has changed, with progress made towards 'a more inclusive history and national story'.[151]

3.123 When asked about academic freedom in universities, Professor Oppenheimer said she had never felt her freedom to teach had been restricted in her 25 years of teaching.[152] Professor David Carment, from the Federation of Australian Historical Societies, agreed:

---

[146] Professor David Carment, Former Vice-President and Secretary, FAHS, *Committee Hansard*, 13 November 2020, p. 17.

[147] Ms Daryl Karp, AM, Chair, Council of Australasian Museum Directors; and Director, MoAD, *Committee Hansard*, 13 November 2020, p. 39.

[148] Professor Greg Melleuish, *Submission 10*, p. 5.

[149] Associate Professor Martin Crotty, Associate Professor Lisa Featherstone and Dr Geoff Ginn, *Submission 16*, [p. 2].

[150] Professor Crotty, Associate Featherstone and Dr Ginn, *Submission 16*, [p. 2].

[151] Dr McGrath, Private capacity, *Committee Hansard*, 14 February 2020, p. 22.

[152] Professor Oppenheimer, AHA, *Committee Hansard*, 13 November 2020, p. 19.

> In fact, with history one of the important things to emphasise to students is that it's a discipline which involves debate. It's a discipline where you look at historians disagreeing with one other on fundamental issues.[153]

Teaching civics

> The community also has responsibility for the health of a democratic political system. It has an obligation to consider, with an open mind, all aspects of an argument before coming to a conclusion and to resist the easy option of being influenced by fear campaigns, robo calls, three-word slogans and pork barreling. In other words, the community has an obligation to be well informed before casting a vote and to value and protect the political system that allows them to vote in free and fair elections not rigged to achieve a pre-determined outcome.
>
> Dr Collen Lewis, *Submission 155*, p. 7.

3.124 In a democratic society, responsibility for the fate of the nation rests with every citizen. Every person of voting age not otherwise disqualified from voting (for instance due to incarceration for greater than five years, or a similar reason) has a direct say in the future direction of their nation. Some value and cherish this role, some take it for granted, and some choose not to exercise it at all.

3.125 The Department of Home Affairs submitted that the nation 'is stronger' when citizens are 'informed' and 'understand their rights and responsibilities'. The department maintained that students at all levels in Australia's 'strong universal education system…learn about Australia's history, democracy and their obligations as citizens of our society'.[154]

3.126 However, many inquiry participants argued that Australia is not currently providing enough civics education, and that much more is needed to ensure citizens can engage effectively in their democracy.[155] This section looks at civic education and democratic empowerment in Australia, and proposals for increasing and improving these important functions.

3.127 Dr Prasser observed that there has been 'a decline in civic education' of young people, and a corresponding decline in the study of political science:

> We don't teach state politics. Federalism, so important, is hardly taught, except maybe in law faculties. You said that the federalism research centre at ANU got closed down. The Fraser government set up the Advisory

[153] Professor Carment, FAHS, *Committee Hansard*, 13 November 2020, p. 17.

[154] Department of Home Affairs, *Submission 138*, p. 6.

[155] See for instance: Dr Ian Tregenza, Senior Lecturer, Department of Modern History, Politics and International Relations, Macquarie University, *Committee Hansard*, 14 February 2020, p. 31; Dr Prasser, *Committee Hansard*, 7 February 2020, p. 19; and Dr Menzie-Ballantyne, CQUniversity, *Committee Hansard*, 7 February 2020, p. 31.

> Council for Inter-Government Relations, a research institute based in Tasmania. It got closed down in 1986.[156]

3.128 Mrs Karp confirmed that only two universities now provide 'dedicated courses on civics and citizenship for preservice teachers in Australia…Monash and Sydney University'. She maintained that civics education in schools has been 'really, really marginalised'.[157]

3.129 Dr Karena Menzie-Ballantyne, from CQUniversity, said the civics and citizenship curriculum in Queensland is currently allocated 18 hours a year. A civics and citizenship test is conducted 'with a selection of schools around Australia' in grade 6 and grade 10:

> [S]tatistics from those tests are that, on the whole, the highest score we ever get from our grade 6s is somewhere between 50 and 60 per cent—and then the scores go backwards. Our grade 10s scored about 47 per cent in the last testing. I hasten to add that what they are testing is the thing that is easy to measure—civic knowledge. And yes, we are failing the children in that because we have only 18 hours a year to do it.[158]

3.130 The Constitution Education Fund released a research paper in March 2019 reporting on results of the triennial sample assessment of year 6 and year 10 students on civics and citizenship. The paper reported a 'very large drop in results over the last two cycles of testing (2013 and 2010)' for year 10 students. In 2016, 55 per cent of year 6 students achieved a 'proficiency standard'; a result relatively in line with the 2004 results. However, only 38 per cent of year 10 students achieved 'proficiency'; representing a 'very large drop' over the last two cycles.[159]

3.131 Ms Deborah Sulway, Manager of Learning at MoAD, argued that 'teachers want to teach civics and citizenship and they see it as very important', but they do not have the knowledge, time or resources:

> …it's not overt in the Australian curriculum: it's either not taught or it's embedded across other subjects and extracurricular activities. Democracy and civics knowledge has to be learnt. It's not innate knowledge. The most effective way to increase civic knowledge for young Australians is by making civics and citizenship overt in the Australian curriculum and providing consistent high-quality professional development for teachers.[160]

---

156 Dr Prasser, *Committee Hansard*, 7 February 2020, p. 19.

157 Mrs Karp, MoAD, *Committee Hansard*, 13 November 2020, p. 39.

158 Dr Menzie-Ballantyne, CQUniversity, *Committee Hansard*, 7 February 2020, p. 31.

159 Constitutional Education Fund, *Why national constitutional, civics and citizenship education must be a priority for Australian school students*, www.cefa.org.au/why-national-constitutional-civics-and-citizenship-education-must-be-priority-australian-school (accessed 26 November 2020).

160 Ms Deborah Sulway, Manager of Learning, MoAD, *Committee Hansard*, 14 February 2020, p. 19. See also: The University of Western Australia, *Submission 20*, [p. 1].

3.132 Professor Evans said the *way* in which civics is taught is also important. Democracy 2025's survey data indicates young people think current civics education 'is not in tune with how they understand and think about democracy'.[161] Rather than approaching civics from the point of view of teaching about the institutions, young people may respond better to an approach that focusses on issues and problems to be solved.[162]

3.133 UWA highlighted research on the Australian National Curriculum which found student 'disengagement may be due to the traditional and proceduralist approach' to civics and citizenship education in schools, 'as well as the very limited time' (a maximum of 20 hours annually): 'The focus of the module is on teaching students about the governmental system, rather than engaging them in creative ways to consider their relationship with the nation and beyond'.[163]

3.134 UWA suggested that a 'reconsideration' and redesign of the civics and citizenship module may have the effect of improving young people's 'engagement and commitment' to civics. UWA recommended 'an urgent reconsideration of the content of the module and the improving the 'quality and range of resources available for teachers', as well as dedicating more time to the civics.[164]

3.135 Dr April Biccum, from the ANU, and Dr Karena Menzie-Ballantyne argued that a global citizenship education model 'is the appropriate education to respond to the challenges articulated by this Inquiry'. Global citizenship is 'already embedded in Australian educational policy and curriculum', and could be a powerful tool for promoting democracy if provided with 'proper political, institutional and financial backing from the Australian government'.[165]

3.136 Dr Menzie-Ballantyne asked the committee to consider recommending that the federal government endorse 'education for global citizenship', and provide 'some funding to give teachers professional development' so that they could better deliver the civics already in the national curriculum: 'They have a mandate to do it, but, as was pointed out earlier, they simply have not been professionally trained to tease it out'.[166]

---

[161] Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 38.

[162] Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 39.

[163] UWA, *Submission 20*, [p. 4].

[164] UWA, *Submission 20*, [p. 4].

[165] Dr April Biccum and Dr Karena Menzie-Ballantyne, *Submission 26*, p. 1.

[166] Dr Menzie-Ballantyne, CQUniversity, *Committee Hansard*, 7 February 2020, p. 32.

Recommendation 1

3.137 The committee recommends that the teaching of history and active citizenship should be made compulsory in years 9 and 10 and conducted by appropriately trained teachers. The Australian government should:

- **increase the time dedicated to civics and citizenship education to at least 30 hours per year;**
- **review the current civics and citizenship module of the Australian National Curriculum with a view to redesigning it to make it more engaging for students; and**
- **commit to a review of the new civics and citizenship module five years after its implementation to assess its effectiveness in increasing knowledge and engagement of young people in relation to civics and democracy.**

The new civics and citizenship module should:

- **be based on international best-practice, evidence-based pedagogical approaches;**
- **include content about First Nations history, and issues of civics and citizenship for Aboriginal and Torres Strait Islander Australians;**
- **include resources developed by First Nations people; and**
- **focus on issues of interest to young people.**

Recommendation 2

3.138 The committee recommends that the Australian government funds annual national excellence in teaching awards, which incorporate grants, scholarships and teaching placements, in the following categories:

- **Australian History and Civics; and**
- **First Nations History and Civics.**

The Parliamentary and Civics Education Rebate (PACER)

3.139 Administered by the Department of Education Skills and Employment, the Parliament and Civics Education Rebate (PACER) Program provides a travel subsidy for Year 4-12 students across Australia to visit Parliament House, the Museum of Australian Democracy, the National Electoral Education Centre, the Australian War Memorial and other national institutions as part of their civics and citizenship education. The PACER program provides subsidies per student, on a sliding scale depending on the distance from Canberra (See **Figure 3.1**).[167]

[167] *Parliament and Civics Education Rebate (PACER)*, www.pacer.org.au (accessed 26 November 2020).

Figure 3.1 PACER subsidies, per student

Distance from Canberra	Funds allocated per student #
150–499 kilometres	$20
500–999 kilometres	$30
1,000–1,499 kilometres	$60
1,500–1,999 kilometres	$100
2,000–2,499 kilometres	$150
2,500–2,999 kilometres*	$200
3,000–3,999 kilometres	$310
4,000 kilometres and over	$340
*includes all students from Tasmania because of additional air/sea travel expenses.	

Source: Parliament and Civics Education Rebate (PACER), www.pacer.org.au/faqs.

3.140 To qualify for the subsidy, students must participate in an educational tour of Parliament House and, where possible, a role-play in the Parliamentary Education Office, the Museum of Australian Democracy and/or the National Electoral Education Centre at Old Parliament House, and the Australian War Memorial. Schools are required to report on the funding the school receives, and activities undertaken, in the school newsletter or equivalent.[168]

3.141 Ms Sulway praised the PACER subsidy program, saying:

> Our approach is to provide unique and transformative learning experiences that explore what it means to be an informed and engaged citizen through curriculum aligned education programs for schools, tertiary and teacher professional development programs, and youth leadership programs such as the National Indigenous Youth Parliament, the National Schools Constitutional Convention and mentoring programs.[169]

3.142 The National Museum of Australia stated that it is not currently a mandatory PACER recognised organisation, 'despite the fact that there is a clear sense in which the history of the nation is essential to understanding one's place in our

---

[168] *Parliament and Civics Education Rebate (PACER)*, www.pacer.org.au/faqs (accessed 26 November 2020).

[169] Ms Sulway, MoAD, *Committee Hansard*, 14 February 2020, p. 19.

civil society and the responsibilities such membership of the national community confers'.[170]

3.143 The Constitutional Education Fund noted that in 2016, 58 per cent of year 6 students and 44 per cent of year 10 students 'reported having been on an excursion to a parliament, local government or a law court'. The students who had reported going on an excursion to a democratic institution 'generally did better on the test'.[171]

3.144 Between 2014 and 2019, at total of 558,243 students received funding (see **Figure 3.2**). In any one year, there are about 3.8 million school students enrolled in Australian schools.

Figure 3.2 Students and schools that have received PACER funding

Table 2

Year	Number of schools which have received PACER	Number of students which have received PACER
2018 - 2019	2,121	119,706
2017 - 2018	2,037	114,747
2016 - 2017	1,992	109,798
2015 - 2016	2,004	108,400
2014 - 2015	1,960	105,592

Source: Department of Education, Skills and Employment, Parliament and Civics Education Rebate (PACER) Factsheet.

Recommendation 3

3.145 The committee recommends that the Australian government works through the National Cabinet to increase the number of school children accessing trips to Australia's democratic and cultural institutions through the Parliamentary and Civics Education Rebate program each year.

Australian nationhood, the future

> Australia has reason to be proud of, and to preserve, its democratic history. Equally, it should recognise and address its tragic history of Indigenous dispossession. For Australia's nationhood to become fully modern it needs to reconcile these historical legacies.
>
> Associate Professor Elisa Arcioni, Professor Helen Irving, and Dr Rayner Thwaites, *Submission 151*, p. 5.

[170] National Museum of Australia, *Submission 126*, [p. 3].

[171] Constitutional Education Fund, *Why national constitutional, civics and citizenship education must be a priority for Australian school students*, n.pag.

3.146 The way Australia's national story is told has changed since Federation, and continues to evolve. These changes have been brought about by broad cultural and academic movements, as well as through the struggles of sections of Australia's community who fought to have their stories added to the wider narrative. However, many Australians feel that the process has stalled, and is incomplete.

3.147 Historian, Dr Benjamin Jones, submitted that in its 'privileging of Britishness', Australia's official construction of nationhood 'isolates those without British heritage and undermines the concepts of Australian independence and multiculturalism'.[172]

3.148 Professor Alexander Reilly from the Adelaide Law School argued older versions of nationhood, 'built on the defence of the nation in conventional war, or on building the nation's wealth in a world of unlimited potential, no longer serve us'. Professor Reilly suggested a national conversation 'around values and identity' would help Australia respond to global challenges that threaten democracies.[173] This view was supported by International IDEA, which argued that a process of constitutional change 'could help sustain democracy in the face of threats like populism and institutional capture'.[174]

3.149 Ms Mary Jane Ahern identified 'growing support' across Australian society and business for the calls in the Uluru Statement, citing 2019 Federal Election Vote Compass data.[175] The survey of 368,097 respondents found 64 per cent of voters supported the idea of changing the Constitution to establish a First Nations body to advise parliament, while 22 per cent rejected it.[176]

3.150 Welcoming Australia submitted that recent global events, such as the Black Lives Matter protests, and increased media attention on issues of racism and police brutality, have 'invigorated' the Australian public's concern about Aboriginal deaths in custody and structural racism, making change even more critical.[177]

3.151 Professor Oppenheimer said, from a historian's perspective:

> We need to be conscious and aware of our history and the continuing legacies of that past. As we all know, modern Australia rests on a much longer Australian history, and Indigenous people have lived on this

---

[172] Dr Benjamin Jones, *Submission 17*, p. 2.

[173] Professor Alexander Reilly, *Submission 8*, [p. 3].

[174] International IDEA, *Submission 88*, p. 3.

[175] Mary Jane Ahern, *Uluru Statement From the Heart* form letters, [p. 69].

[176] Isabella Higgins and Sarah Collard, 'Federal election 2019: Vote Compass finds Australians are ready to back Indigenous "voice to Parliament"', *ABC News*, www.abc.net.au/news/2019-05-03/vote-compass-federal-election-voice-to-parliament/11071384 (accessed 18 November 2020).

[177] Welcoming Australia, *Submission 65.1*, p. 2.

> continent for 60,000 years, but that date is being pushed back as science and technology and archaeologists get more data. So it is continuously evolving. I think the failure to acknowledge Indigenous demands for constitutional recognition and acknowledgement of the history of dispossession in a real and meaningful way makes social cohesion difficult.[178]

A new constitutional chapter?

3.152 Participants believed that a process of constitutional reform, led by governments in a spirit of positivity, could be used to redefine a coherent national identity and set of national values that heal wounds and unite the nation. Professor Reilly said:

> The process of constitutional change is a highly effective way to engage the polity in this conversation…The benefit of interrogating issues of national identity through constitutional change is that the whole community has a tangible stake in the proposal and its outcome through the requirement to vote in the referendum. A referendum is our only formal exercise of direct democracy. It is the only process by which the Australian people are forced to consider their position on issues of national significance. If the referendum process is managed well, it has the potential to provide a platform for a productive discussion about Australian identity at the national level…If we are to find a coherent image of Australia to rally around for the future, it must emerge from the people. Constitutional change offers a vehicle for the people's voices to be heard. It is time to re-engage with this mechanism of democratic governance.[179]

3.153 Australia's Constitution is unusual among modern democracies as it is 'a very "thin" document',[180] providing a framework for a stable federated government, while leaving many other fundamental issues unarticulated. Mr Geoffrey Robin submitted that the Constitution:

> …has nothing to say about the Australian people, about citizens or citizenship, Australian values…It does nothing to express our humanitarian values, it has nothing to say about our national identity and nothing to say about our democratic beliefs, rights and liberties…At some stage Australian Members of Parliament must decide that it is time to bring our 19th century Constitution up-to-date.[181]

3.154 Intergovernmental think tank, International IDEA said that a primary function of most constitutions is establishing 'the political community, defining who is in (who is a citizen, and what that means) and who is out', and what the rights of citizenship entail. Modern constitutions also increasingly spell out 'the

---

[178] Professor Oppenheimer, AHA, *Committee Hansard*, 13 November 2020, p. 13.

[179] Professor Alexander Reilly, *Submission 8*, [p. 3]. See also: University of Melbourne, *Submission 59*, p. 5.

[180] International IDEA, *Submission 88*, p. 3.

[181] Mr Robin, *Submission 11*, p. 4.

shared values of the community, present a narrative of a country's history, and set a roadmap for the future'.[182]

3.155 International IDEA examined two alternative ways of 'managing diversity' in national constitutions: 'an accommodative approach, seeking to recognise differences, and an integrative one, seeking to overcome differences'. Ms Leena Rikkila Tamang said that nations can utilise 'a mixed approach', 'dealing with broader diversity [such as immigration] through an integrative approach', while 'taking an accommodative approach to certain groups of people', such as First Nations peoples.[183]

3.156 Ms Ann-Mari Jordens recommended, along with recognition of First Nations Australians, amending the Constitution to 'acknowledge and define the scope of citizenship, to clarify its extent and operation and the concept of national identity'.[184] Citizenship is further discussed in Chapter 4.

3.157 Constitutional law lecturer, Dr Matt Harvey, argued that 'thinness' of the Constitution, and reluctance to attempt constitutional change, means that 'deep constitutional or metaconstitutional issues' are being decided by the High Court rather than through democratic processes:

> I know constitutional change is extremely difficult. There has been talk of constitutional change for Indigenous recognition or for a First Peoples voice or other things, but it has to be wider than that. The Constitution is about all of us. It seems to be in the too-hard basket to look at constitutional reform that makes our Constitution really stand for who we are and what we're about.[185]

3.158 Professor Irving said that, unlike the United States Constitution, which is seen as 'a constraint and a limitation upon and a suspicion of the exercise of power', Australia's Constitution has always been seen more 'as a facilitator of the public good, and we should not lose sight of that'.[186]

Is constitutional change achievable?

3.159 In its report, the Referendum Council stated the reforms called for in the Uluru Statement 'conform to the weight of views of First Peoples expressed in the First Nations Regional Dialogues as well as those of the wider community'. It was the council's view that the proposal for a Voice to Parliament could

---

[182] International IDEA, *Submission 88*, p. 2.

[183] Ms Leena Rikkila Tamang, Regional Director, International (IDEA) Institute for Democracy and Electoral Assistance, *Committee Hansard*, 13 November 2020, p. 32.

[184] Ms Ann-Mari Jordens, *Submission 2*, p. 4.

[185] Dr Matt Harvey, Private capacity, *Committee Hansard*, 14 February 2020, p. 26.

[186] Professor Helen Irving, Private capacity, *Committee Hansard*, 14 February 2020, p. 10.

succeed at a referendum if it were progressed with 'focussed political leadership and continued multiparty support for meaningful recognition'.[187]

3.160 Having researched constitutions around the world, International IDEA highlighted the need for the process to unite, rather than divide Australians. This is not an impossible task, but requires careful balancing of the desire to reflect and recognise the concerns of First Nations Australians, while also 'reassuring' mainstream Australia, and reflecting mainstream identities:

> Recent decades have in many countries seen a whirlwind pace of technological, sociological, and demographic change. Identities of people and places change. Some thrive on that. Others are unsettled by it. A constitution – as a supreme and fundamental law that attempts to be an instrument of national unity, a common point of reference, and a shared cornerstone of legitimacy even in the midst of profound disagreement on policy choices – has to somehow recognise and mediate between both of those concerns. A constitutional formulation of national identity that is too conservative or exclusive may alienate some. A constitutional formulation that is too progressive or inclusive may alienate others. This is not to argue against attempting to use the constitution as a means to reinforce national unity and national identity, but it is to counsel caution in adopting divisive – and counter-productive – wording.[188]

3.161 The Australian Historical Association pointed to the slow pace of change in Australia's history. Australia did not adopt the Statute of Westminster, passed in the United Kingdom in 1931, until 1942, and did not legislate for an independent Australian citizenship until 1949, or adopt a national flag until 1954. Australia did not have its own national anthem until 1984, and did not achieve 'full legal independence' from Britain until 3 March 1986, with the passage of the Australia Acts.[189]

3.162 These changes, though considered gradual by some, are still considered radical by others. The Australian Monarchist League argued that Australia's nationhood is 'under attack', through 'suppression of the place of Christian belief and thought in our heritage, history, values and character'. The Monarchist League recommended that 'Australian governments should encourage patriotism, and in particular should foster all Australians' shared allegiance to the Crown'.[190]

3.163 International IDEA explained that 'groups and communities who have been historically dominant may feel a disproportionate sense of loss of ownership of the State as it becomes more diverse', which can lead to a sense that these

---

[187] Referendum Council, *Final Report of the Referendum Council,* June 2017, p. iii.

[188] International IDEA, *Submission 88*, p. 15.

[189] Australian Historical Association, *Submission 76*, p. 2.

[190] Australian Monarchist League, *Submission 52*, p. 1.

groups are 'unwelcome in the public space', which is not a productive or positive outcome for Australia's social cohesion.[191]

3.164 Some have opposed the call for a Voice to the Parliament on the grounds that it could constitute a 'third chamber of parliament'.[192] International IDEA submitted that a Voice to the Parliament is not a third house of the legislature, but 'a permanent representative body of aboriginal interests to the legislature', and 'there are international precedents for such bodies'. For instance, the parliament of Greenland is consulted by Denmark on decisions that impact it, and the Chittagong Hill Tracts (CHT) region of Bangladesh is represented by a tribal council that must be consulted on laws impacting the CHT.[193]

3.165 The characterisation of a Voice to Parliament as a 'third chamber' was opposed by a number of participants,[194] and has been rejected by constitutional law experts.[195] Professor Anne Twomey argued that a constitutionally enshrined Voice would not amount to a 'third chamber', on the basis that the body would not have power to 'initiate, pass or reject bills'. Rather, its role would be to give a voice to First Nations people that could be heard within the parliament, so that parliament could be better informed to make laws. This model is similar to the way in which existing bodies, such as the Auditor-General, Australian Human Rights Commission, and Australian Law Reform Commission provide advice and report to parliament.[196]

3.166 Professor Twomey argued that a constitutional amendment is necessary to ensure that the Voice to Parliament has 'the moral authority of the people', and to 'prevent future backsliding by governments' that may otherwise be possible if the Voice was not enshrined in the constitution. The most recent Australian Reconciliation Barometer recorded that 81 per cent of the general community, and 88 per cent of First Nations people, support a constitutionally entrenched Indigenous representative body. Previous barometer studies have also consistently shown majority support for such a proposal.[197]

---

[191] International IDEA, *Submission 88*, pp. 12—13.

[192] Amy Remeikis, 'Peter Dutton rules out voice to parliament, labelling it a "third chamber"', *The Guardian*, 12 July 2019, www.theguardian.com/australia-news/2019/jul/12/peter-dutton-rules-out-voice-to-parliament-labelling-it-a-third-chamber (accessed 21 November 2020).

[193] International IDEA, *Submission 88*, p. 2.

[194] Australian Lawyers Alliance, *Submission 18*, pp. 7—8; National Health Leadership Forum, *Submission 128*, p. 5; Carwyn Davies, *Submission 24*, [p. 1]; Jonathon Hancock, *Submission 175*, [p. 2].

[195] Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, *Final report,* November 2018, pp. 24—26.

[196] Anne Twomey, 'Why an Indigenous Voice would not be "third chamber" of Parliament', *The Sydney Morning Herald*, 28 May 2019, www.smh.com.au/national/why-an-indigenous-voice-would-not-be-third-chamber-of-parliament-20190526-p51r7t.html (accessed 2 December 2020).

[197] Reconciliation Australia. *2020 Reconciliation Barometer Summary Report*, November 2020, p. 7.

Committee view

3.167 Australia's national story has evolved and continues to evolve today. There is room within a healthy democracy for debate, discussion and disagreement on nationhood. It is not for governments to impose a strict interpretation of history, or to tell Australians how to feel about our past. All the same, what governments do and say matters.

3.168 Gestures that may seem symbolic have real-world effects, touching souls, hearts and minds, changing the way Australians feel about themselves, their place in the nation, and their fellow Australians.

3.169 There is strength in unity, of that there is no doubt. A country that is united is strong. A country where citizens feel connected, feel that they *belong*, is a country that can better withstand threats to its peace and stability. An Australia in which *all* Australians feel respected, in which the heritage and contribution of *all* Australians is clearly valued, can only be a more united Australia.

3.170 There are many ways to be an Australian. To attempt to define or impose a homogeneous national identity can only have the effect of excluding a multitude of Australians. In the words of Mr Aleem Ali:

> …it's important that we increasingly acknowledge a complex past, that informs our present and the opportunity to shape our future. There is no such thing as a single or archetypal Australian story and yet, we can often perpetuate one.[198]

3.171 The days of the White Australia Policy are long behind us. We have come a long way, and changed beyond recognition from the nation envisioned by those who framed our Constitution. Yet some of the qualities valued by the framers remain, and should be nurtured: egalitarianism, our commitment to equality, our resilience, resourcefulness and community spirit, the drive to volunteer, to help out when times are tough. These are attributes that should be fostered and encouraged.

3.172 Australia today is a relatively prosperous, diverse and cohesive society, in which most Australians feel a sense of belonging and connectedness.[199] However, First Nations Australians have told us they do not feel seen or heard. They do not feel their stories have been told. They do not feel our national story respects their place in the past, present and future of this land.

3.173 The committee believes that the calls in the *Uluru Statement from the Heart* represent unfinished business. The committee notes the recent release of the

---

[198] Mr Aleem Ali, Chief Executive Officer, Welcoming Australia, *Committee Hansard*, 13 November 2020, p. 8.

[199] Scanlon Foundation, *Submission 115*, p. 9.

Indigenous Voice Co-design Process Interim Report to the Australian Government,[200] and the Minister's invitation to all Australians to 'have a say' on the final design of a Voice to parliament.[201] These are positive steps, and the momentum must be maintained. Committee members may not agree on the best way to respond to the calls, but we all appreciate the need to progress a sincere and meaningful response.

3.174 The idea of the Australian nation as being composed from 'three great streams' is compelling. This idea, constructed by Noel Pearson and the Referendum Council in its proposal for a Declaration of Recognition,[202] offers a new way of telling Australia's national story. It is model that is uniquely inclusive, respectful and optimistic.

3.175 The 'three great streams' idea acknowledges the different but equally important place of each of the three:

- our Aboriginal and Torres Strait Islander cultures and their ancient heritage;
- our British institutions and histories, which are the foundation of our democracy; and
- our rich multicultural diversity, varying faiths, cultures and ethnic backgrounds.

3.176 To diminish any one of these is to leave the nation impoverished.

3.177 As well as lifting up Australia's First Nations peoples to take their rightful place as equals in our national story, the model of three great streams provides proper acknowledgement of the nation-building role played by waves of immigrants who have settled here over the decades. Evidence from the Scanlon Foundation indicates a majority of Australians already support this view of immigration.[203] This support should be nurtured.

3.178 Contemporary conversations about nationhood and national identity are about writing the next chapter in Australia's story; not erasing the past, or seeking to devalue it. It is about making something that is great, *even better*.

3.179 A conversation about healing the rift between the nation-state of Australia, and Australia's First Nations peoples has been going on for decades. It is

---

200 Commonwealth of Australia, National Indigenous Australians Agency, *Indigenous Voice Co-design Process Interim Report to the Australian Government*, October 2020, https://voice.niaa.gov.au/sites/default/files/2021-01/indigenous-voice-codesign-process-interim-report-2020.pdf (accessed 27 January 2021).

201 The Hon Ken Wyatt AM MP, Minister for Indigenous Australians, 'Have your say on Indigenous Voice proposals', https://ministers.pmc.gov.au/wyatt/2021/have-your-say-indigenous-voice-proposals (accessed 27 January 2021).

202 Referendum Council, *Final Report of the Referendum Council,* June 2017, p. 2.

203 Scanlon Foundation, *Submission 115*, p. 10.

within the power of the parliament, in conjunction with the people of Australia, to bring it to a conclusion.

3.180 Taking this step will benefit *all* Australians. It will build national pride, increase social harmony, and lift our international standing.

3.181 The importance of broad political and community support for this process cannot be overstated. History shows that major changes, including changes to Australia's Constitution, if that is the approach taken, are unlikely to succeed without bipartisan support.

3.182 The committee encourages all parliamentarians to look beyond the short term and consider the health of the nation and of Australia's democracy. The people of Australia look to us to work together, with them, in a spirit of sincere cooperation, to find solutions to complex questions. This is achievable.

Recommendation 4

3.183 The committee recommends that the Australian government prioritises engaging fully and respectfully with the calls of the Referendum Council and the *Uluru Statement from the Heart*.

Recommendation 5

3.184 The committee recommends that the Australian government adopts the 'three great streams' model as a powerful and inclusive image of Australian nationhood, and as a way of telling Australia's national story that offers dignity and respect to all Australians.

Chapter 4
The Australian people: Citizenship, culture and religion, social cohesion

> In a world in which there's a lot going wrong at the moment and in which we can't take that kind of cohesion for granted, we have a lot of very good news stories in Australia about the extent to which the centre has held, I think, in our society. So, allowing for the decline in political trust, I think that what is striking, actually, is the extent to which this remains a very cohesive society.
>
> Professor Frank Bongiorno, Head, School of History, Australian National University, *Committee Hansard*, 14 February 2020, p. 5.

4.1 What does it mean to be an Australian citizen? What rights and responsibilities attach to citizenship? How does citizenship interact with democracy? Should citizenship be defined in Australia's Constitution? Should the federal government have the ability to remove a person's Australian citizenship? If so, from whom and under what conditions?

4.2 Is Australia a socially cohesive country? Is it a tolerant country? Are Australians free to practice our diverse religions, and express our varied cultures? Are we safe from persecution? What does the data and evidence say? How do different communities feel? How has COVID-19 impacted upon social cohesion?

4.3 What is the role of governments in building mutual respect and promoting social cohesion? What is 'multiculturalism', and is it the right policy approach for modern Australia? What about the role of language teaching, and language policies?

4.4 This chapter presents evidence from a broad range of sources, and the views of inquiry participants in response to these questions, concluding with a discussion of proposals for defining and protecting citizenship, and strengthening social cohesion.

Citizenship

4.5 The legal category of 'Australian citizens' did not exist until 1949, when the *Nationality and Citizenship Act 1948* came into effect. Prior to this, Australians could only be British subjects.[1] Citizenship is not defined in, or protected by,

[1] Klapdor, Coombs and Bohm, 'Australian citizenship: a chronology of major developments in policy and law', *Parliamentary Library Background Note*, 11 September 2009, p. 1, www.aph.gov.au/binaries/library/pubs/bn/sp/austcitizenship.pdf (accessed 28 October 2020).

Australia's Constitution.[2] This section considers what it means to be a citizen as Australia enters the third decade of the 21st century, the rights and responsibilities of citizens, and how citizenship interacts with democracy and nationhood. It also looks at:

- whether citizenship should be defined in the Constitution; and
- whether governments and/or parliaments should have the ability to remove citizenship from individuals who possess it, and under what conditions.

What does it mean to be an Australian citizen?

4.6 In the early 1900s students in Australian schools were being taught about what it meant be a citizen of Australia, despite the fact that legally the category did not yet exist. Walter Murdoch's book, *The Australian Citizen: An Elementary Account of Civic Rights and Duties*, published in 1912, was 'read and approved' by then Leader of the Opposition, the Hon Alfred Deakin MP, before being published in large numbers and distributed throughout Australian schools as part of the civics curriculum.[3]

4.7 History lecturer, Dr Ian Tregenza, said Murdoch's book 'promoted the idea of citizenship as service', an idea with origins in Christian church culture. Murdoch wrote:

> To make the society in which we live a true *Commonwealth*, in the best sense of the term – not a mere collection of persons scrambling for wealth, each one seeking his own selfish ends without regard for others – but a hearty comradeship for all noble purposes, each one striving for the good of all, and all together seeking for the most splendid and beautiful life possible to human beings – that is the task of citizenship.[4]

4.8 Citizenship later became a 'secular category', Dr Tregenza explained, and was linked to 'rights' rather than 'service'. According to Dr Tregenza, this shift was captured in the essay *Citizenship and Social Class,* published by British social theorist TH Marshall in 1950. In *Citizenship and Social Class*, Marshall argued that citizens in countries around the world increasingly expected (and were increasingly likely to be granted) more civil rights, regardless of wealth or social stature. Rights such as 'the right to freedom of speech, the right to own

---

Note: While this Act created a category of 'Australian citizenship', anyone who was an Australian citizen was *also* a British subject. This remained the case until the *Australian Citizenship Amendment Act 1984* repealed 'the definition of the status of British subject' (p. 24).

2 Professor Kim Rubenstein submitted: 'Most of the rights and obligations of citizenship are set out in other pieces of legislation, that can be changed and do change in a way that makes citizenship status vulnerable,' *Submission 42*, p. 4.

3 Arran Gare, 'Educating for Democracy: Teaching "Australian Values"', *Educational Philosophy and Theory*, Vol 42, Iss 4, June 2010, p.

4 Murdoch, Walter, *The Australian citizen: an elementary account of civic rights and duties,* Melbourne: Whitcombe and Tombs, 1912, p. 234.

property and to conclude contracts, and the right to justice [and] political rights'.[5]

4.9 Constitutional law specialist, Professor Helen Irving described citizenship as a 'modern form of membership of the modern state', which is determined by law, and is internationally recognised. Professor Irving said that citizenship provides citizens with certain rights, and means the state 'has responsibility for the person in question', who has 'the right to return' and 'the right of abode' in that country.[6]

Rights and responsibilities

4.10 The *Australian Citizenship Amendment Act 1993* added a preamble to the 1948 Act, setting out 'reciprocal rights and obligations' of Australian citizenship, and a new pledge of commitment. The pledge calls on applicants for citizenship 'to commit to the Australian nation and people, rather than pledging allegiance to the sovereign', and commit to upholding 'national unity' in multicultural Australia.[7]

4.11 On 1 July 2007, the *Australian Citizenship Act 2007* replaced the 1948 Act. The *Australian Citizenship Act 2007* 'defines who is, who can become, and who ceases to be an Australian citizen'.[8] Applicants for Australian citizenship by conferral must meet a set of 'expectations' to qualify for citizenship, including:

- a basic knowledge of the English language;
- signing an Australian values declaration;
- sitting and passing the Australian citizenship test (20 multiple-choice questions on 'knowledge of Australia and the responsibilities and privileges of Australian citizenship)'; and
- making a pledge of commitment within 12 months of their citizenship application being approved (usually made at the conferral ceremony).[9]

4.12 Visa applicants, and those aspiring to become citizens of Australia, are required to sign the Australian Values Statement (Figure 4.1), which commits applicants to 'confirm that they will respect Australian values and obey Australian laws'. The Department of Home Affairs submitted:

> The Australian community expects that aspiring citizens demonstrate their allegiance to Australia, their commitment to live in accordance with

---

5 Associate Professor Ben Jackson, 'T.H. Marshall: English Sociologist', *Britannica Online*, www.britannica.com/biography/T-H-Marshall (accessed 28 October 2020).

6 Professor Helen Irving, Private capacity, *Committee Hansard*, 14 February 2020, p. 11.

7 Department of Home Affairs, 'Attachment B–Summary of key developments in Australian citizenship law and policy', *Submission 138*, p. 15.

8 Department of Home Affairs, *Submission 138*, p. 5.

9 Department of Home Affairs, 'Attachment C–Expectations of applicants for Australian citizenship by conferral', *Submission 138*, p. 18.

Australian values, and their willingness and ability to integrate into and become contributing members of the Australian community.[10]

Figure 4.1 Australian values statement

AUSTRALIAN VALUES STATEMENT

This statement must be signed by the main applicant and each person aged 18 years or over who is included in the visa application, unless they have already signed it on the visa application form.

I confirm that I have read, or had explained to me, information provided by the Australian Government on Australian society and values.

I understand that Australian society values:

- respect for the freedom and dignity of the individual;
- freedom of religion (including the freedom not to follow a particular religion), freedom of speech, and freedom of association;
- commitment to the rule of law, which means that all people are subject to the law and should obey it;
- parliamentary democracy whereby our laws are determined by parliaments elected by the people, those laws being paramount and overriding any other inconsistent religious or secular 'laws';
- equality of opportunity for all people, regardless of their gender, sexual orientation, age, disability, race, or national or ethnic origin;
- a 'fair go' for all that embraces:
  - mutual respect;
  - tolerance;
  - compassion for those in need;
  - equality of opportunity for all;
- the English language as the national language, and as an important unifying element of Australian society.

I undertake to conduct myself in accordance with these values of Australian society during my stay in Australia and to obey the laws of Australia.

I undertake to make reasonable efforts to learn the English language, if it is not my native language.

I understand that, if in the future I meet the legal qualifications for becoming an Australian citizen and my application is approved, I will need to pledge my loyalty to Australia and its people.

Source: immi.homeaffairs.gov.au/form-listing/forms/1281.pdf *(accessed 12 November 2020).*

[10] Department of Home Affairs, *Submission 138*, pp. 6–7.

4.13 The following factors may be taken into account in denying citizenship or visa applications:

- any recorded criminal convictions;
- obligations to a court in Australia or overseas;
- association with people of concern;
- incidents of reported domestic violence; and
- whether the applicant has been honest in their dealings with the Australian community, including providing false or misleading information in relation to a visa or citizenship application.[11]

4.14 Some participants in the inquiry were concerned that the *Australian Citizenship Act 2007* is too prescriptive in relation to qualities or attributes that aspiring and dual Australian citizens must possess. Dr Anne Macduff, a senior lecturer at the Australian National University (ANU) College of Law argued that criteria for citizenship in a democratic country should 'be the minimum possible'. Dr Macduff believed that references in the Act to 'good character' and 'Australian values' were aimed at excluding people on largely racially-motivated grounds, and could be used by decision-makers to exclude people who, in Dr Macduff's view, should be considered part of the Australian community.[12]

4.15 Similarly, Professor Irving from the University of Sydney said of citizenship that it is a 'neutral' status, and should not come with a 'test of qualities' of the person:

> [I]t is and properly is to be understood as a neutral internationally recognised status. Once you start to attach tests to citizenship—and one needs to talk a little bit differently there about citizenship acquisition through naturalisation, or conferral as it's known now, and citizenship by birth right. Once you start to, in a sense, look into the soul or the heart of a person and say, 'In order to be a true citizen, you have to hold certain values or you have to have certain attributes,' then you are undermining citizenship as a neutral modern form of membership of a state.[13]

4.16 Citizenship researcher, Dr Rayner Thwaites, submitted that government references to Australian citizenship as 'a privilege', rather than a right, risk undermining, rather than strengthening, Australia's citizenship:

> I would say that it's not a status that is at the dispensation of government. Once conferred, a person is a member of the Australian citizenry…An official or someone appointed from time to time has to be careful of

---

[11] Department of Home Affairs, 'Attachment C–Expectations of applicants for Australian citizenship by conferral', *Submission 138*, p. 18.

[12] Dr Anne Macduff, Private capacity, *Committee Hansard*, 14 February 2020, p. 28.

[13] Professor Helen Irving, Private capacity, *Committee Hansard*, 14 February 2020, p. 11.

> arrogating to themselves the right to bestow or remove a person's citizenship…It's an affirmation that it's not a favour; it's a right.[14]

4.17 The Department of Home Affairs submitted a list of the privileges and responsibilities of Australian citizens, as outlined the Australian citizenship test handbook, *Australian Citizenship: Our Common Bond*:

> Privileges
>
> Australian citizens have the right to:
>
> - vote in federal and State or Territory elections, and in a referendum;
> - apply for work in the Australian Public Service or in the Australian Defence Force;
> - seek election to parliament, if aged 18 years or over and not a dual citizen;
> - apply for an Australian passport and re-enter Australia freely;
> - receive help from an Australian consulate while overseas; and
> - register children born overseas as Australian citizens by descent.
>
> Responsibilities
>
> Australian citizens must:
>
> - obey the law;
> - vote in federal and State or Territory elections, and in a referendum;
> - defend Australia should the need arise; and
> - serve on a jury if called to do so.[15]

The conflation of citizenship with immigration

4.18 The Minister for Citizenship currently sits within the Department of Home Affairs. Professor Kim Rubenstein observed that this results in citizenship policy being framed largely in terms of 'exclusion (who becomes a citizen) rather than citizenship as inclusion…[birth and descent,] citizenship and rights and participation'. It has also led in recent years to an increasing connection between citizen provisions and border protection mechanisms.[16]

4.19 Professor Rubenstein argued that having citizenship sit in the Department of Home Affairs:

> …detracts from the possibilities available to government to think more positively about policies and programs that promote Australia's national identity, ensuring we work towards a more cohesive and socially inclusive society, built on principles of democracy and active citizenship.[17]

---

[14] Dr Rayner Thwaites, Private capacity, *Committee Hansard*, 14 February 2020, p. 11.

[15] Department of Home Affairs, 'Attachment A–Privileges and responsibilities of Australian citizens', *Submission 138*, p. 14.

[16] Professor Kim Rubenstein, *Submission 42*, p. 9.

[17] Professor Kim Rubenstein, *Submission 42*, p. 9.

4.20 Suggesting that citizenship could be located in the Department of Prime Minister and Cabinet instead, Professor Rubenstein said this would enable a more holistic, whole of government approach to promoting 'active citizenship', informing Australians about the rights and responsibilities of citizenship, and progressing discussion on nationhood, national identity and democracy.[18]

Removal of Australian citizenship

4.21 In 2015 the parliament passed the *Australian Citizenship Amendment (Allegiance to Australia) Act 2015*, which 'expanded the grounds on which the Australian citizenship of a dual citizen will cease if the person acts inconsistently with his or her allegiance to Australia'.[19]

4.22 The legislation introduced three new ways in which dual citizens could cease to be Australian citizens:

- by engaging in specified terrorist-related conduct;
- by fighting for, or being in the service of, a declared terrorist organisation, as defined by the Criminal Code and declared by the minister; or
- by being convicted of a specified terrorism offence as prescribed in the Criminal Code.[20]

4.23 The provisions operate so that the person's Australian citizenship is deemed to cease automatically as result of the conduct, and 'do not necessitate the Minister making a decision'.[21] Dual citizens whose Australian citizenship has ceased on this basis are permanently ineligible to apply to have that citizenship reinstated, unless the minister grants an exemption.[22]

4.24 A number of inquiry participants argued that the 'citizenship stripping' provisions result in Australia treating dual citizens differently to sole citizens.[23]

4.25 Legal scholar, Professor Rubenstein argued that the policy undermines previous steps taken by governments to 'affirm' dual citizenship in Australia, and creates 'the potential for dual citizens to be alienated and identified as "other" from the mainstream community', which may have negative impacts

---

[18] Professor Rubenstein, *Submission 42*, p. 9.

[19] Department of Home Affairs, 'Attachment B–Summary of key developments in Australian citizenship law and policy', *Submission 138*, p. 16.

[20] Schedule 1, *Australian Citizenship Amendment (Allegiance to Australia) Act 2015*.

[21] Revised explanatory memorandum, Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, p. 2.

[22] *Australian Citizenship Amendment (Allegiance to Australia) Act 2015 (Cth)*.

[23] See for instance: Australian Multicultural Council, *Submission 107*, [p. 2]; Professor Kim Rubenstein, Private capacity, *Committee Hansard*, 14 February 2020, p. 3; Professor Reilly, *Submission 8*, [p. 1].

upon social cohesion.[24] The capacity to strip dual citizens of their Australia citizenship undermines national unity, Professor Rubenstein said, and 'creates a second-class citizenship', and it 'should only be in the rarest of cases that the state is able to strip citizenship'.[25]

4.26 The ministerially-appointed Australian Multicultural Council submitted that dual citizens should be treated the same as Australian-born citizens, protected from revocation of citizenship except in the most extreme cases, and provided with due process.[26] The Multicultural Communities Council of New South Wales and Chinese Community Council of Australia (MCC NSW and CCCA) recommended legislation be put in place to ensure 'Australians (citizen by naturalisation or acquired by birth), shall not be deported under any circumstances'.[27]

4.27 Professor Rubenstein argued that stripping dual citizens of Australian citizenship is a 'policy direction' that is not 'consistent with democratic principles'.[28] She cautioned against connecting citizenship with criminality, saying:

> There are many actions of individuals that do not represent shared values in a western liberal democratic nation and they are generally criminalized – and the criminal law is brought in to manage that activity. Using citizenship, as the tool to manage that aspect of human behaviour is not wise.[29]

4.28 The one situation which Professor Rubenstein believed removal of citizenship was an appropriate response was if a person 'sought to get rid of the nation-state itself'. In other cases, processes of criminal law should be seen as the appropriate avenue.[30]

4.29 The revised explanatory memorandum to the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 states that the laws are necessary 'to ensure the safety and security of Australia and its people and to ensure the Australian community is limited to those persons who continue to retain an allegiance to Australia'.[31]

---

24 Professor Rubenstein, *Submission 42*, p. 3.

25 Professor Rubenstein, *Submission 42*, pp. 5—6.

26 Australian Multicultural Council, *Submission 107*, [p. 2].

27 Multicultural Communities Council of New South Wales and Chinese Community Council of Australia (MCC NSW and CCCA), *Submission 50*, p. 3.

28 Professor Rubenstein, *Submission 42*, p. 6.

29 Professor Rubenstein, *Submission 42*, p. 7.

30 Professor Rubenstein, *Committee Hansard*, 14 February 2020, p. 12.

31 Revised explanatory memorandum, p. 2.

4.30 Historian, Ms Ann-Mari Jordens argued that, in a legal sense 'citizenship is a statutory rather than a constitutional concept', which leaves Australians vulnerable. Ms Jordens quoted Professor Rubenstein, who proposed:

> …that amendment of the Australian *Constitution* 'to acknowledge and define the scope of citizenship would clarify its extent and operation amidst a confusing patchwork of legislation, and would crystallise the all-important questions of national identity'.[32]

4.31 The Science Party made a similar recommendation, proposing the *Constitution* be amended by referendum 'to append the rights, privileges and obligations of citizens'.[33]

The case of Love and Thoms

4.32 A 2020 High Court judgment provided a focus for discussions during the inquiry. In the judgment of 11 February 2020, the High Court found that the two plaintiffs, Daniel Love and Brendan Thoms, were not to be considered 'aliens' within the meaning of section 51(xix) of the Constitution,[34] and thus could not be subject to deportation on character grounds, despite never having taken up Australian citizenship.[35]

4.33 The two plaintiffs identified as Aboriginal men, and claimed connection to Aboriginal communities and lands. Mr Love was born in Papua New Guinea (PNG) to an Aboriginal father and PNG mother, and Mr Thoms was born in New Zealand to an Aboriginal mother and New Zealand father.[36] Despite having lived in Australia for many years, neither had taken up Australian citizenship and both were residents on visas. Both had been found to fail the character test.[37]

4.34 In concluding the lengthy judgment, Justice Edelman wrote:

> Political community is not a concept that is wholly a creature of legislation. For example, a child born in Australia to two parents who have only Australian citizenship is not an alien. The metaphysical ties between that child and the Australian polity, by birth on Australian land and parentage, are such that the child is a non-alien, whether or not they are a statutory citizen. The same must also be true of an Aboriginal child whose genealogy and identity includes a spiritual connection forged over tens of thousands of years between person and Australian land, or 'mother nature'.

---

[32] Ann-Mari Jordens, *Submission 2*, p. 3.

[33] Science Party, *Submission 117*, p. 4.

[34] Section 51(xix) of the *Constitution* gives the Commonwealth legislative power over 'naturalization and aliens'.

[35] *Love v Commonwealth of Australia; Thoms v Commonwealth* [2020] HCA 3, 168.

[36] *Love v Commonwealth of Australia; Thoms v Commonwealth* [2020] HCA 3, 1-3.

[37] *Love v Commonwealth of Australia; Thoms v Commonwealth* [2020] HCA 3, 75.

> This conclusion could only be avoided by denying its premise, so that the children in both scenarios are capable of being aliens according to the definition of citizen chosen by the Commonwealth Parliament. That approach would be contrary to the essential meaning of s 51(xix), which is not tied to the state of legislation. It would deny the long-standing existence of a category of persons who are non-citizens and non-aliens. It would effectively allow the Commonwealth Parliament to recite itself into power.[38]

4.35 Constitutional law specialist, Professor Elisa Arcioni, said the case went to the heart of who is a member of the Australian people, and who is *not* an alien, and the High Court found that Aboriginal persons could not be considered aliens under Australia's Constitution.[39]

4.36 Participants discussed Justice Gageler's dissent, which has been represented by some as an argument that the majority ruling creates a 'special category' of citizenship. Justice Gageler wrote:

> To concede capacity to decide who is and who is not an alien from the perspective of the body politic of the Commonwealth of Australia to a traditional Aboriginal or Torres Strait Islander society or to a contemporary Aboriginal or Torres Strait Islander community, or to any other discrete segment of the people of Australia, would be to concede to a non-constitutional non-representative non-legally-accountable sub-national group a constitutional capacity greater than that conferred on any State Parliament. Yet that would be the practical effect of acceptance of either of the first and second variations of the plaintiffs' argument.[40]

4.37 Professor Arcioni disputed that interpretation of Gageler's commentary. She said:

> It wasn't about creating different classes but asking, 'What is the outer boundary within which the parliament is allowed to act in excluding people?' The answer being that Aboriginal Australians are not aliens and, therefore, are not within the alien category. That's, at its simplest, what the case presents rather than setting up multiple categories of persons…The concern in response to the case might be, from the parliament or government's perspective, that they perceive a separate class simply because they had operated on the assumption that Aboriginal Australians could be aliens. And so the High Court has just affirmed that they're not.[41]

4.38 Professor Irving contended that the judgment 'affirmed and firmly established…a right of abode of Australian citizens', challenging what she saw

---

[38] *Love v Commonwealth of Australia; Thoms v Commonwealth* [2020] HCA 3, 168.

[39] Professor Arcioni, *Committee Hansard*, 14 February 2020, pp. 10—11.

[40] Love v Commonwealth of Australia (2020) HCA 3, Thoms v Commonwealth of Australia (2020), B43/2018 B64/2018, p. 47.

[41] Professor Arcioni, *Committee Hansard*, 14 February 2020, pp. 10—11.

as increasing executive power in relation to citizenship inherent in legislative measures passed in recent years.[42]

4.39 Professor Rubenstein proposed the case demonstrated a need to revisit the issue of long-term residents of Australia who have not taken up citizenship, 'for whatever reason':

> We have…a very concerning period where we have Australians in all but law…removed to countries they have no association with other than a formal citizenship certificate because we can remove them. It hails back to our origins as a penal colony, where the executive decides to remove criminals because they can rather than recognising [their] true connection to community.[43]

Dual citizens in parliament

4.40 Dual citizens of Australia are not currently able to run for, or sit in, the federal parliament. State and territory parliaments do not have this restriction.[44] Section 44(i) of the constitution reads:

> Any person who -
>
> Is under any acknowledgement of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or citizen of a foreign power;
>
> …
>
> shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

4.41 A number of inquiry participants suggested this prohibition is outdated and negatively effects social cohesion in a modern multicultural country like Australia. For instance, Professor Alexander Reilly from the University of Adelaide's Law School Section, said 44(i) 'harks back to a time when the concept of foreign allegiance was simpler'. In 21st century Australia, 'the diminished political status of dual citizens' that section 44(i) imposes 'strikes at the very heart of Australia's multicultural identity'.[45]

---

42 Professor Irving, *Committee Hansard*, 14 February 2020, p. 9.

43 Professor Rubenstein, *Committee Hansard*, 14 February 2020, p. 4.

44 Note: However, 'in New South Wales, Queensland, Western Australia and Tasmania, the state constitutions, or relevant electoral laws, provide that a parliamentary seat will become vacant if a member commits any act that acknowledges allegiance to any foreign power'. Lorraine Finlay, 'Think the dual citizenship saga does not affect state parliamentarians? It might be time to think again', The Conversation, 17 July 2018, theconversation.com/think-the-dual-citizenship-saga-does-not-affect-state-parliamentarians-it-might-be-time-to-think-again-100020 (accessed 19 November 2020).

45 Professor Reilly, *Submission 8*, [p. 1].

4.42 The terminology of 'allegiance', Professor Rubenstein commented, 'is not a helpful way of conceiving of and understanding membership in Australian society today'.[46]

4.43 The University of New South Wales Law Society said that the series of cases in which members and senators lost their seats due to section 44 in 2017 and 2018 'exposed the inadequacies of Australia's strict approach to political citizenship'. The Law Society said that countries such as the United Kingdom and the United States do not impose such a restriction, and many of the elected representatives of those countries hold dual citizenships.[47]

4.44 However, the committee heard from Mr Iain Walker, Executive Director, newDemocracy Foundation, that to change section 44 would be a challenging task for any government:

> There's bipartisan agreement that there is unfairness in this and who can be eligible to stand for office, and yet if someone in elected office stands up and says, 'I want to change the Constitution,' there are 16 million voters out there saying, 'I don't want to give you what you want,' which is an irrational opinion and response. That's why I agree with you that it's a thankless task.[48]

Treatment of non-citizens

4.45 Participants raised concerns around Australia's treatment of non-citizens. This included: those who have lived in Australia for a significant portion of their lives but have not taken up citizenship, refugees, and those on temporary visas who found themselves stranded here during the pandemic.

4.46 Dr Thwaites identified 'an increasing class' of people who have lived in Australia for many years, but cannot access citizenship. A number of these are people from New Zealand who:

> …pay their taxes, who are full members of the community and who are at primary schools and wherever else but who are formally legally locked out of a pathway to citizenship, because the requirement of permanent residence locks them out and the increased use of temporary visas locks them out.[49]

4.47 Dr Thwaites said this situation has occurred as a result of changes to citizenship pathways, residency and visa requirements, and needs attention.[50]

---

[46] Professor Rubenstein, *Submission 42*, p. 6.

[47] University of New South Wales Law Society, *Submission 46*, p. 7.

[48] Mr Iain Walker, Executive Director, newDemocracy Foundation, *Committee Hansard*, 7 February 2020, p. 18.

[49] Dr Thwaites, *Committee Hansard*, 14 February 2020, p. 10.

[50] Dr Thwaites, *Committee Hansard*, 14 February 2020, p. 10; See also Settlement Services International, pp. 3-4; Federation of Indian Associations of ACT, *Submission 125*, [p. 9].

4.48 Professor Foster submitted that some of Australia's current policies on asylum seekers are inconsistent with the Convention relating to the Status of Refugees, which we 'helped to draft'. The professor said the United Nations Human Rights Committee has declared Australia in violation of its obligations under international law 'on about 30 occasions in relation to our policy of indefinite detention':

> We currently have people in detention who have been there for up to 10 years simply because they're stateless. They haven't committed a crime; they simply have nowhere else to go.…I would argue that, really, when our branches of government act in a way that's so inconsistent with the values that we've proclaimed internationally and that represent the minimum requirements of a civilised society, that it erodes trust in those institutions.[51]

4.49 The Peter McMullin Centre on Statelessness shared these concerns, arguing that Australia's 'harsh' immigration and citizenship policies are widely viewed as amongst the 'least compassionate' globally, particularly with respect to the offshore processing of asylum seekers.[52]

4.50 The Australian Multicultural Council submitted that Australia has 'a generous resettlement program' for refugees. However, adopting an 'Australian Bill of Rights' would assist in ensuring Australia implements the provisions of the *International Covenant on Civil and Political Rights*.[53]

4.51 According to Welcoming Australia, over 1.1 million people in Australia on temporary visas, including international students, people seeking asylum, and temporary workers, were excluded from the JobKeeper and JobSeeker support payments during the COVID-19 crisis. Many of these people were unable to leave Australia, and as such, state and local governments, community organisations, and universities stepped in to provide 'emergency food and financial support to ensure that nobody [was] left behind'. Welcoming Australia suggested this 'represents a significant risk to Australia's international reputation'.[54]

4.52 The Department of Home Affairs submitted that it has worked with the Department of Foreign Affairs and Trade to provide consular support for temporary visa holders, provided information and support, and implemented changes to the temporary visa program allowing visa holders to remain in Australia during the pandemic. The department also undertook not to enforce certain visa conditions (such as work limits) and enabled temporary visa holders to work additional hours in certain critical sectors, such as healthcare,

---

51 Professor Foster, Peter McMullin Centre, *Committee Hansard*, 14 February 2020, p. 27.

52 Peter McMullin Centre on Statelessness, *Submission 96*, [pp. 5-6].

53 Australian Multicultural Council, *Submission 107*, [p. 3].

54 Welcoming Australia, *Submission 65.1*, pp. 1—2.

aged and disability care, supermarkets, agriculture and food processing, and childcare.[55]

Committee view

4.53 Our citizenship is a valuable thing. It makes us part of a national community. It gives us certain rights and privileges, as well as certain responsibilities. We should treasure it and seek to participate in our democracy as active citizens. Governments, in turn, should work to create a society in which everyone is free to participate equally.

4.54 The committee strongly believes that Australia's democracy is best served by a well-informed and active citizenry. The committee also believes that this is best achieved by engaging in dialogue with Australian citizens–including prospective citizens–about their rights and responsibilities, and our shared values, history and national identity.

4.55 Active citizenship pertains both to the rights and the responsibilities of citizens. Its underlying premise is to encourage citizens to become more involved in public affairs, the democratic process and the world around them. There are many benefits to active citizenship, which can be exhibited in different ways and at different levels. It can involve civic engagement with minority groups in the belief that deeper democratic participation will contribute to social cohesion, national unity and a healthier, just and more prosperous democracy.

4.56 The committee notes, however, that citizens by birth and descent are not routinely provided with this information, and may not fully appreciate the rights, privileges, and responsibilities associated with citizenship. Nor would many Australians be familiar with the Australian Values Statement. These statements are of value to all Australians.

4.57 It is important that citizenship be seen not only as an issue for migrants and new and aspiring citizens. All Australians should have an awareness of the value and importance of their citizenship, of their rights and responsibilities as citizens, and of the critical need to defend and engage with the institutions of their democracy.

4.58 The committee was interested in discussions around dual citizenship. In a modern multicultural nation, such as Australia, where dual citizenship is becoming more common, there is a risk that the prohibition on dual citizens running for, and sitting in, the federal parliament may dissuade otherwise excellent candidates. This is an issue that warrants further consideration.

---

[55] Department of Home Affairs, *Submission 138.1*, p. 10.

Recommendation 6

4.59 The committee recommends that the Australian government engages in dialogue with Australian citizens–including prospective citizens–about their rights and responsibilities, and our shared values, history and national identity.

To support this dialogue, the committee recommends the government:

- **develop and support educational and school programs that improve co-operation, communication and participation, as well as increasing critical ability, reducing prejudice and building tolerance, understanding, empathy, and an openness to diversity;**
- **enable people and local communities to get involved in their democratic process across all levels – from small country towns to our suburban cities and nationwide activity; and**
- **provide prospective citizens with an engaging and informative history of Australian democracy and our system of government as part of their citizenship preparation process.**

4.60 The committee acknowledges the challenges inherent in changing the constitution. The committee notes recommendation 2 in the Joint Standing Committee on Electoral Matters' report for its inquiry into matters relating to section 44 of the Constitution which recommended that:

> …the Australian Government further engages with the Australian community to determine contemporary expectations of standards in order to address all matters of qualification and disqualification for Parliament through legislation under section 34 of the Constitution.[56]

Recommendation 7

4.61 The committee recommends that the Australian government investigates options to allow dual citizens to run for, and sit in, the federal parliament.

[56] Joint Standing Committee on Electoral Matters, *Excluded: The impact of section 44 on Australian democracy*, May 2018, p. 102

Social cohesion

> [I]ndividual and community functioning is at its best when we have trust in one another, when we have a sense of belonging and connection to the community and to the nation more broadly, and [when people] engage in their political institutions, including thinking that those institutions are legitimate and representative of who they are.
>
> Professor Kate Reynolds, Private capacity, *Committee Hansard*, 7 February 2020, p. 33.

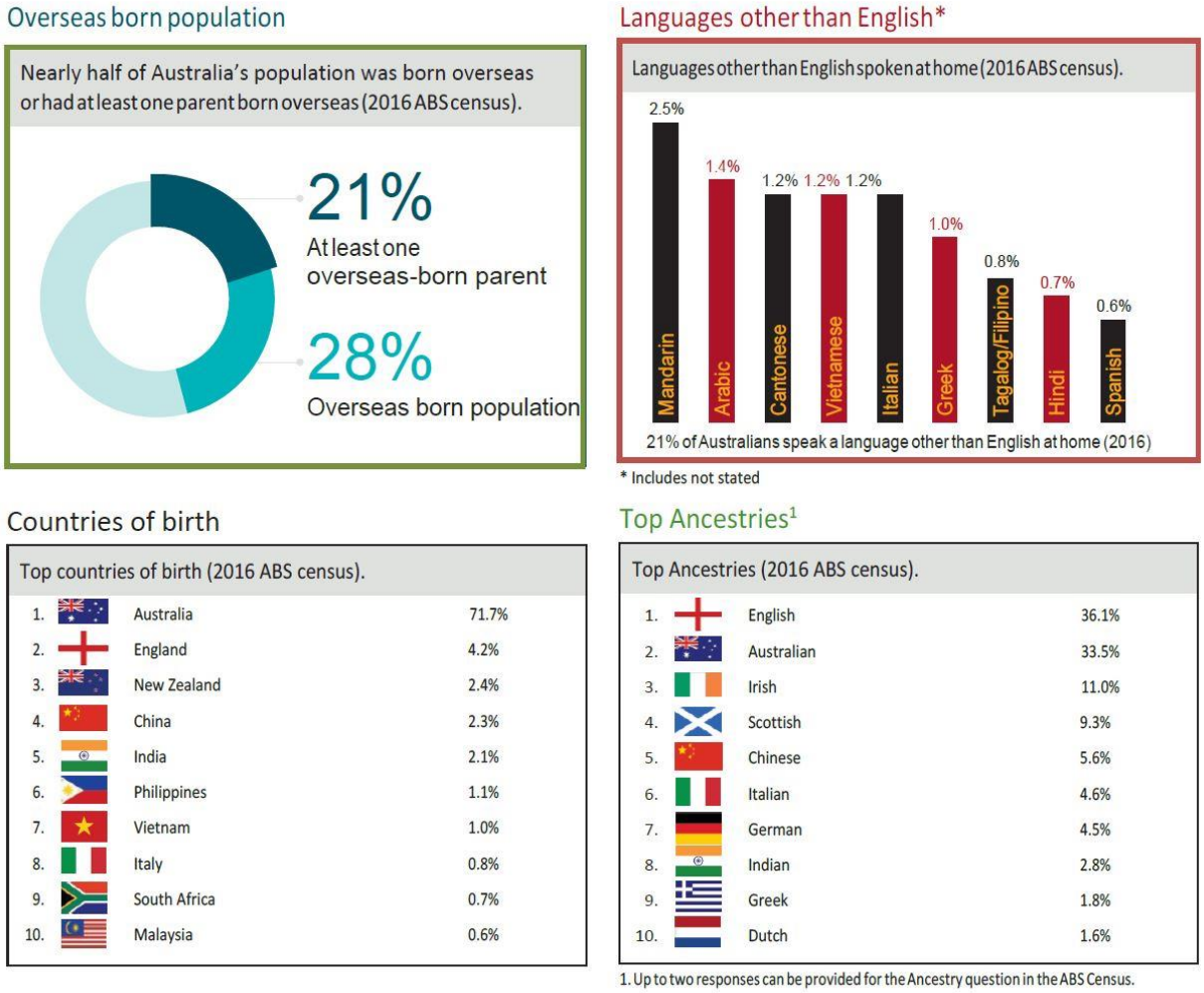
4.62 This section considers Australia's cultural, religious and linguistic diversity, policy and programs relating to language, and contested views around current levels of social cohesion in Australia. It discusses different approaches to multiculturalism and multicultural policy, before considering racism, intolerance, discrimination and distrust in modern Australian society. The views of participants in relation to religious freedom and expression, and the concept of identity politics are discussed, as well as evidence around the impacts of the COVID-19 pandemic on social cohesion. Proposed suggestions for increasing Australia's social cohesion are then presented.

Australia's diversity

4.63 Modern Australia is an ethnically, linguistically and culturally diverse nation. Almost half of our population was born overseas, or has at least one parent who was born overseas.[57] Figure 4.2 shows Australia's cultural and linguistic diversity as enumerated in the 2016 Census.

[57] Department of Home Affairs, *Submission 138*, p. 6.

Figure 4.2 Australia's cultural and linguistic diversity, 2016 Census



Source: Department of Home Affairs, Submission 138, Attachment D, p. 19.

4.64 Darebin City Council commented on the changing ethnic makeup of Australia's cities:

> At least one in seven people you pass when walking down the streets in Australia's largest cities arrived in this country in the past twenty years; Today one in ten of us is born in Asia, and for the first time in the nation's history, a greater proportion of people born overseas are from Asia than from mainland Europe; More than one in three residents of Melbourne's CBD speaks Mandarin or Cantonese at home while in 67 Sydney suburbs at least half the population does not speak English at home; In just 70 years, Australia has changed from a mostly white, Anglo-Irish society, with a small Aboriginal population, to a society in which half the population is born overseas or has at least one parent who was.[58]

4.65 The Multicultural Communities Council of New South Wales and Chinese Community Council of Australia (MCC NSW and CCCA) submitted that this diversity gives Australia 'an advantage' in global geopolitics over counties

[58] Darebin City Council, *Submission 25*, [p. 3].

with low immigrant populations. Ties that immigrants maintain with 'the old country' should be considered 'an asset' as they give Australia 'the human capacity to understand a wide range of cultures and civilizations'.[59]

4.66 Dr Karena Menzie-Ballantyne, from CQUniversity, said Australia's diverse population is increasingly identifying with a 'cosmopolitan citizenship' model:

> The cosmopolitan citizenship framework says that it is perfectly possible to hold a local, national and global identity at the same time. In fact, the research shows that using those three levels of terminology with our youth has almost become redundant–because…they are holding all of these identities at the same time, without conflict.[60]

4.67 Migrants have contributed greatly to Australian's population, culture, and the economy. The Diversity Council of Australia cited Australian Bureau of Statistics data that indicates recent migrants are well educated and participate in the labour market at rates equivalent to, or higher than the total Australian rate.[61]

Languages

4.68 According to the 2016 Census, Australians speak over 300 languages. Professor Catherine Travis, from the Australian Research Council (ARC) Centre of Excellence for the Dynamics of Language (the ARC Centre), observed that twenty-one per cent of Australians speak a language other than English at home.[62] The Diversity Council of Australia submitted that this linguistic diversity has the potential to greatly benefit 'Australia's economic performance', particularly as people who speak more than one language are better able to 'understand and appreciate people of other countries, thereby lessening racism, xenophobia, and intolerance'.[63]

4.69 Professor Travis proposed that part of building Australia's nationhood and national identity should be making 'positive statements' around multilingualism as a way to 'help people accept diversity', which in turn 'will help tolerance and cross-cultural understanding'.[64]

---

[59] Multicultural Communities Council of New South Wales and Chinese Community Council of Australia (MCC NSW and CCCA), *Submission 50*, p. 4.

[60] Dr Karena Menzie-Ballantyne, Lecturer, School of Education and the Arts, CQUniversity, *Committee Hansard*, 7 February 2020, p. 31.

[61] Diversity Council Australia (DCA), *Submission 58*, p. 14.

[62] Professor Catherine Travis, Professor of Modern European Languages and Chief Investigator, ARC Centre of Excellence for the Dynamics of Language, Australian National University (ARC Centre), *Committee Hansard*, 14 February 2020, p. 36.

[63] DCA, *Submission 58*, pp. 15—16.

[64] Professor Catherine Travis, Professor of Modern European Languages and Chief Investigator, ARC Centre of Excellence for the Dynamics of Language, Australian National University (ARC Centre), *Committee Hansard*, 14 February 2020, p. 36.

4.70 Director of the ARC Centre, Professor Nicholas Evans, maintained that 'languages matter deeply to our nationhood, our national identity, and in the promotion of democracy'. He argued for the need to 'maintain the languages of immigrant communities', because doing so makes Australia more economically competitive and capable of working in global business, especially in China and India.[65]

4.71 The Association for Language Testing and Assessment of Australia and New Zealand emphasised the importance of linguistic diversity in fostering social cohesion, arguing that 'the fact that Standard Australian English is an additional language…is unrelated to a person's ability to contribute positively to a nation as a citizen or to form strong bonds in the community'.[66]

4.72 A number of participants suggested the government could ensure a focus on languages by reviving the national policy on language, such as the policy developed in 1987 by Professor Joseph Lo Bianco.[67]

English language capability

4.73 Professor Lo Bianco, from the Melbourne Graduate School of Education, opined what he saw as the 'erosion of the public commitment to teach English to adult immigrants' over recent decades, saying the Adult English Migrant Program (AMEP) is 'just treated as a bit of an administrative thing, beaten from one department to another'. The program:

> …is a major way in which new arrivals can find jobs, support their children in school, have their qualifications recognised and become participating, substantive citizens; it goes back to 1947…I think this is one of the things that distinguish the Australian success of immigration from practices or experiences around the world.[68]

4.74 The Scanlon Foundation confirmed that levels of English proficiency were falling among migrants, noting that 820,000 migrants, or one in eight, overseas born migrants 'reported poor English proficiency' in the 2016 Census, 'the highest level since 1996'.[69]

4.75 Research conducted for the Scanlon Foundation in 2019 corroborated Professor Lo Bianco's views on the AMEP, finding that the program, which once

---

[65] Professor Nicholas Evans, Director, ARC Centre, *Committee Hansard*, 14 February 2020, p. 16.

[66] Association for Language Testing and Assessment of Australia and New Zealand, *Submission 122*, p. 2.

[67] Professor Evans, ARC Centre, *Committee Hansard*, 14 February 2020, p. 17. See also: Professor Travis, ARC Centre, *Committee Hansard*, 14 February 2020, p. 36; Association for Language Testing and Assessment of Australia and New Zealand, *Submission 122*, p. 6; School of Languages and Cultures, The University of Queensland, *Submission 162*, p. 1.

[68] Professor Joseph Lo Bianco, Private capacity, *Committee Hansard*, 14 February 2020, p. 17.

[69] Scanlon Foundation, *Submission 115*, p. 11.

'enjoyed a global reputation' for excellence, 'has suffered from falling student numbers and a crisis of identity, focus and morale'.[70]

4.76 The department submitted that it is making 'substantial reforms to the AMEP so that English capability is more accessible and widespread'.[71]

4.77 Reforms to the AMEP were announced by acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alan Tudge MP on 28 August 2020. The reforms involve amending the *Immigration (Education) Act 1971*, in order to:

- remove the cap that limits free English tuition to 510 hours;
- raise the AMEP eligibility threshold (and exit point for the program) from functional…to vocational…English; and
- remove the time limits on enrolling, commencing and completing AMEP tuition (for those already in Australia as at 1 October 2020).[72]

4.78 According to the department, these are 'the most significant' reforms to the program in many years, and are designed to 'support Australia's social cohesion'. These changes will mean:

> …more migrants will be able to access free English tuition for longer and until they reach a higher level of proficiency. The reforms to the AMEP are being led by the Commonwealth Coordinator-General for Migrant Services as part of her work to drive better settlement outcomes for refugees and migrants with a focus on employment, English language acquisition and community integration.[73]

4.79 As at publication of this report, the bill to enable the reforms is being considered by the parliament.

Social cohesion: how are we doing?

4.80 The Department of Home Affairs is responsible for policy and strategy in relation to social cohesion, along with protecting Australia's sovereignty, border control, domestic and national security, law enforcement, countering foreign interference and counter-terrorism. Its purpose statement is: 'prosperous, secure, united'.[74]

4.81 The department submitted that Australia's 'robust' democratic system, inclusive citizenship model, and 'shared values' help to maintain strong social

---

[70] Scanlon Foundation, *Submission 115*, p. 12.

[71] Department of Home Affairs, *Submission 138.1*, p. 4.

[72] Department of Home Affairs, *Adult Migrant English Program (AMEP) Reform Announcement, 28 August 2020*, p. 1, immi.homeaffairs.gov.au/amep-subsite/Files/reform-announcement-general-communications.pdf (accessed 20 November 2020).

[73] Department of Home Affairs, *Adult Migrant English Program (AMEP) Reform Announcement, 28 August 2020*, p. 1.

[74] Department of Home Affairs, *Submission 138*, p. 3.

cohesion. The department relies on the Scanlon Foundation's data on social cohesion, saying Australia has enjoyed 'relatively strong social cohesion' since surveys began in 2007:

> The 2018 Scanlon Foundation report found that 'a large majority of Australians have demonstrated a remarkable resilience and optimism about the future', with 85 per cent of people providing a positive response on questions concerned with sense of belonging, identification with Australia and happiness.[75]

4.82 The Scanlon Foundation's 'Mapping Social Cohesion' survey, conducted annually, looks at a range of indicators, including:

- social cohesion;
- support for immigration and multiculturalism;
- trust in government; and sense of belonging.

It uses the Scanlon-Monash Index of Social Cohesion, which incorporates 'five domains of social cohesion: belonging, worth, social justice and equity, participation, and acceptance and rejection/legitimacy'.[76]

4.83 Referring to the Scanlon data, policy and public administration specialist, Dr Scott Prasser, said:

> We've got phenomenal social cohesion, given the level of immigration we've had in this country—of which my family is part. I think there's a fair amount of tolerance within some limits and in some issues from time to time. We see that with some debates, where people can't debate because they are pilloried for having a point of view which doesn't meet consensus. But overall I think Australia has been pretty fantastic.[77]

4.84 ANU Professor, Kate Reynolds argued that Australia 'is in a better position' than some countries. However, evidence from the Scanlon Mapping Social Cohesion Survey and the ABS General Social Survey points to an emerging decline in the data on social cohesion. Professor Reynolds said Australia has an opportunity to address the issue early:

> This is a point in time where there is still opportunity to think about different ways to act that could buffer some of these early signs that we're seeing in the Australian data.[78]

4.85 The Scanlon Foundation confirmed that the index has registered a modest but 'general decline' in social cohesion since 2007, with 'acceptance and rejection' being the component to experience the largest decline.[79]

---

[75] Department of Home Affairs, *Submission 138*, p. 7.

[76] Scanlon Foundation, *Submission 115*, p. 2.

[77] Dr Scott Prasser, Private capacity, *Committee Hansard*, 7 February 2020, pp. 18—19.

[78] Professor Kate Reynolds, Private capacity, *Committee Hansard*, 7 February 2020, p. 34.

[79] Scanlon Foundation, *Submission 115*, p. 2.

Effect of immigration on social cohesion

4.86 The British Australian Community submitted that the 'rise in ethnic diversity has produced a decline in social cohesion in Australia'.[80] This issue was discussed at the roundtable on 7 February in Canberra. Professor Reynolds said that the limited evidence available on Australian communities does not indicate this is the case:

> When we look at the Australian data, which we have…we can't see that relationship in the Australian context. Furthermore, with increasing diversity in local communities there is also, it seems, more opportunity for positive contact, which is leading to benefits to social cohesion.[81]

4.87 Chief Executive Officer of the Scanlon Foundation, Ms Anthea Hancocks agreed that data suggests social cohesion in Australia is not damaged by immigration: 'That is not the impact point. I would say that we are a highly cohesive society. Compared to societies around the world, Australia is an extremely cohesive society'. [82]

4.88 The Scanlon Foundation submitted that its survey results provide no evidence 'of rising hostility towards immigration reshaping Australian politics'. When asked to indicate 'pressing issues facing Australia', respondents consistently cite 'the economy' and 'growing inequality', not immigration.[83] Scanlon stated: '[i]n 2018, only seven per cent of respondents indicated that high immigration was the most important issue of concern'.[84]

4.89 In most of the survey's years, a majority of respondents have replied that the number of immigrants accepted into Australia is either 'about right' or 'too low'. Scanlon further observed that public opinion does not seem to correlate 'with actual rates of immigration':

> Over the past 12 years between 35 and 40 per cent of respondents have described immigration levels as 'about right', despite immigration rates shifting up and down considerably in this time period. This hints at the importance of non-immigration factors, such as political leadership and individual economic outcomes, driving views on immigration.[85]

---

80 British Australian Community, *Submission 24*, p. 1.

81 Professor Reynolds, *Committee Hansard*, 7 February 2020, p. 35.

82 Ms Anthea Hancocks, Chief Executive Officer, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 35.

83 Scanlon Foundation, *Submission 115*, p. 5.

84 Scanlon Foundation, *Submission 115*, p. 6.

85 Scanlon Foundation, *Submission 115*, p. 6.

4.90 In 2018 the Scanlon report cited global polls that ranked Australians equal fourth with Canadians in believing immigration has a 'positive effect' on the country.[86]

4.91 The Multicultural Youth Advocacy Network (MYAN) felt that more could be done to deliver positive messaging in relation to migration, and to highlight that diversity provides opportunities for migrants as well as their host country.[87] MYAN argued that messaging 'that speaks to shared democratic values will contribute to stronger and better informed communities and improved settlement outcomes', particularly for young people from refugee and migrant backgrounds.[88]

4.92 Despite Australia's relatively high scores in relation to social cohesion, there is evidence that a proportion of Australians have experienced racism, discrimination or exclusion on the basis of race, ethnic or cultural identity, or religious affiliation. There is also evidence that the COVID-19 pandemic has led to increased incidence of racially motivated attacks on certain sections of the community. This evidence is detailed in the following sections.

Multiculturalism

4.93 Closely tied to social cohesion in Australia is the issue of multiculturalism. The University of Western Australia (UWA) submitted that Scanlon surveys demonstrate 'goodwill' in Australia towards multiculturalism, with around 85 per cent of Australians 'consistently supporting' multiculturalism.[89]

4.94 International IDEA shared the insights of its research into policies around the world, saying countries tend to adopt policies that promote multiculturalism from either a 'melting pot' or a 'salad bowl' perspective:

> …in the melting pot, differences are transcended as part of a greater homogenising whole; in the salad bowl individual differences are preserved – they co-exist without being homogenized, distinct elements of a whole.[90]

4.95 The department submitted that Australia's approach to multiculturalism is an 'integrated' approach, meaning 'migrants embrace the Australian national identity, actively participate in the community and achieve comparable living standards'. The department runs a network of Community Liaison Officers (CLOs) who engage with communities around Australia to 'build positive and trusting relationships'. These relationships enable the department to

---

86 Scanlon Foundation, *Submission 115*, p. 7.

87 Multicultural Youth Advocacy Network, *Submission 84*, p. 13.

88 Multicultural Youth Advocacy Network, *Submission 84*, p. 13.

89 University of Western Australia (UWA), *Submission 20*, [p. 3].

90 International IDEA, *Submission 88*, p. 3.

communicate and receive information to 'ensure that Australia continues to be safe, prosperous and socially cohesive'.[91]

4.96 The Australian Multicultural Council promoted the current national multicultural statement, *Multicultural Australia: United, Strong, Successful*, launched in March 2017. The Council argued for a redefinition of the narrative of Australian multiculturalism, from the notion of 'celebrating diversity', to a stronger focus on 'citizenship and nation building', saying '[w]ithout social cohesion and shared citizenship values, celebrating diversity for itself may lead to cosmopolitanism'.[92]

4.97 The Scanlon Foundation submitted that Australians largely support an 'integrated' approach to immigration. Between 2015 to 2018 about two-thirds of survey respondents agreed with the statement 'people who come to Australia should change their behaviour to be more like Australians', and in 2015, 92 per cent of people surveyed by the ANU believed the ability to speak English 'was central to "being truly Australian"'. The Scanlon Foundation concluded:

> Despite the long-term philosophical shift from assimilation to multiculturalism as the basis of Australian nation-building, both established Australians and new migrants continue to believe that newcomers should embrace the country and become Australian as quickly as possible.[93]

4.98 Conversely, the Australian Psychological Society said research demonstrates that migrants need to 'maintain their cultural identity' to maintain a healthy 'sense of self…in the resettlement context'. This is especially important for the wellbeing of young migrants.[94]

4.99 The MCC NSW and CCCA stressed the key role of governments in promoting social cohesion while *preserving* cultural identity in Australia:

> If all communities believe that they are Australian first, then the new definition of multiculturalism for contemporary Australia must be promoted by political leadership. We are one and not them and us.[95]

4.100 Some submitters argued the federal government was not sufficiently dedicated to a multicultural agenda. Immigration historian, Ms Ann-Mari Jordens submitted that the Commonwealth government has steadily turned away from the policy of multiculturalism since 1996, while state and territory

---

91 Department of Home Affairs, *Submission 138*, p. 9.

92 Australian Multicultural Council, *Submission 107*, [p. 1].

93 Scanlon Foundation, *Submission 115*, p. 9.

94 Australian Psychological Society, *Submission 53*, p. 2.

95 Multicultural Communities Council of New South Wales and Chinese Community Council of Australia (MCC NSW and CCCA), *Submission 50*, p. 3.

governments remain committed to it.[96] According to Professor Reilly, this shift in policy occurred along with 'new global divisions along religious lines and the rise of Islamic extremism', and an increase in the number of temporary residents, which has led governments to reduce their support for permanent migration in favour of temporary visas.[97] Ms Jordens submitted:

> The social cohesion, so vital to a prosperous and just society, is in danger of being eroded by the weakening of support for multiculturalism at the Commonwealth level since the emergence of the One Nation party in the 1990s.[98]

4.101 Welcoming Australia similarly saw a risk to social cohesion inherent in favouring temporary migration over permanent migration:

> …where citizenship had once been recognised for its power in building social cohesion and loyalty. Currently, migration is less about nation-building and more about the national bottom line and recruiting for company talent. The Australian story is increasingly being framed in economic terms.[99]

4.102 The department argued that current immigration policies, focussed on attracting 'young, skilled migrants', 'maximise the economic and social benefits of immigration for all Australians'.[100]

4.103 The Australian Historical Association contended that the ideology of multiculturalism 'has failed to address entrenched racism and structural inequality within Australian communities'.[101] Multiculturalism encourages the 'consumption of "other" cultures' while allowing racist rhetoric to continue in public discourse and politics, and multicultural policies fail to provide minority groups with 'culturally-appropriate materials' to assist them to access mainstream civic institutions and participate in civic life. Australia's major cultural institutions have also 'relegated migration history to the status of "minority" history', leaving its preservation and collection to under-funded ethnic community organisations.[102]

---

96 Ms Ann-Mari Jordens, *Submission 2*, p. 3.

97 Professor Alexander Reilly, *Submission 8*, [p. 1].

98 Ms Jordens, *Submission 2*, p. 4.

99 Welcoming Australia, *Submission 65*, p. 6.

100 Department of Home Affairs, *Submission 138*, p. 7.

101 Australian Historical Association, *Submission 76*, p. 5.

102 Australian Historical Association, *Submission 76*, p. 6.

4.104 The Hon Malcom Turnbull MP famously described Australia as 'the most successful multicultural society in the world',[103] but University of Technology Sydney researcher, Ms Ly Ly Lim, questioned this rhetoric, saying:

> I submit that it is very difficult to join and participate in Australia's nationhood journey and feel a sense of belonging here when there is such a disjuncture between what our political leaders say and the reality of life in the community. For example, it's very difficult to join this journey when you enter a court room and there is no judge who looks like you and when you turn on the television you see no reflection of anyone who looks like you or similar to you at all. This is true also for this parliament, the executive, the ministers, as well as senior public servants and leaders in the corporate sector.[104]

4.105 MYAN echoed this sentiment, submitting that through consultation, young people expressed that 'they felt traditional notions of nationhood and national identity are framed by the Government and ignore the lived reality of young people in contemporary Australia'.[105] MYAN posited that national identity 'should emphasise shared democratic values, rather than a person's ethnicity or the length of time someone has lived in Australia'.[106]

4.106 The Australian Multicultural Council argued for a redefinition of multiculturalism that promoted the principles of 'inclusion, loyalty to Australia, equality and democracy'.[107] In line with this view, the MCC NSW and CCCA argued that immigrant communities should be 'encouraged to participate in all aspects of Australian life', and be reminded of the civic responsibilities of citizenship.[108]

4.107 The department stated that initiatives to foster integration are part of its remit and are linked to social cohesion. The department appointed a new Australian Multicultural Council in 2018 'to provide independent and robust advice to government on multicultural affairs, social cohesion and integration policy and programs'. The department also administers Fostering Integration Grants, which:

> …facilitate integration of migrants by encouraging economic and social participation of migrants, promoting Australian values, addressing issues

---

[103] The Hon Malcom Turnbull MP, Prime Minister of Australia, *Media Release: Remarks at the release of the Multicultural Statement 2017*, www.malcolmturnbull.com.au/media/remarks-at-the-release-of-the-multicultural-statement-2017 (accessed 23 October 2020).

[104] Ms Ly Ly Lim, University of Technology, Sydney, *Committee Hansard*, 14 February 2020, p. 37.

[105] Multicultural Youth Advocacy Network, *Submission 84*, p. 7.

[106] Multicultural Youth Advocacy Network, *Submission 84*, p. 7.

[107] Australian Multicultural Council, *Submission 107*, [p. 2].

[108] MCC NSW and CCCA, *Submission 50*, p. 2.

> of low social integration, and supporting greater understanding and tolerance of racial, religious and cultural diversity.[109]

Renewing multiculturalism

4.108 Despite the existence of a national multicultural statement, a number of inquiry participants felt that commitment from the federal government to multiculturalism was invisible. The MCC NSW and CCCA said that multiculturalism in Australia 'was in deep sleep in the last 10 years', and recommended that the federal government:

- redefine multiculturalism in the 21st century context for younger Australians;
- publicly articulate its support for a multicultural Australia;
- better promote Harmony Week; and
- conduct an Australia wide consultation 'which should include First Australians'.[110]

4.109 The Australian Psychological Society recommended that the Australian government introduce a comprehensive bill of rights and/or a Federal Multicultural Act, 'as part of the strategy to strengthen multiculturalism and address racism and discrimination':

> A Multicultural Act has the potential to promote individual wellbeing across all communities. The evidence that racism and discrimination disrupt all dimensions of social cohesion is well-documented in the national and international literature.[111]

4.110 The Diversity Council of Australia agreed there was a need to clearly articulate multiculturalism in government policy, saying '[w]e cannot have inclusion without having multiculturalism clearly defined and articulated in government policy'.[112]

4.111 The Australian Historical Association added that national collections must 'accurately reflect the cultural diversity of the population'. The association recommended boosting funding to ethnic communities councils in states and territories, and the Federation of Ethnic Communities Councils Australia to ensure collections are done by those with community knowledge.[113]

---

[109] Department of Home Affairs, *Submission 138*, 'Attachment G – Summary of key developments in Australia's multicultural policy and programs', p. 27.

[110] Multicultural Communities Council of New South Wales and Chinese Community Council of Australia (MCC NSW and CCCA), *Submission 50*, p. 3.

[111] Australian Psychological Society, *Submission 53*, p. 1.

[112] DCA, *Submission 58*, p. 20.

[113] Australian Historical Association, *Submission 76*, p. 6.

4.112 A number of submitters suggested that fostering social cohesion requires long term-strategy and planning.[114] The Australian National University Social Cohesion Team argued for the creation of 'a whole-of-government social cohesion policy framework…to guide and integrate local and national initiatives to support and strengthen social cohesion'.[115] Such a policy framework would ideally be supported by a Minister for Social Cohesion, a Research Institute on Social Cohesion, and increased data collection, to inform decision making.[116]

Racism, intolerance and mistrust

> I think that many of the successes in Australian history…have been when we've been more inclusive and tried to bring many more people in. Some of the problems in Australian history have been when we've been divisive.
>
> Dr Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

4.113 The department maintained that Australians 'are united by shared values that form the normative framework for civic engagement in our society'. The values 'set clear expectations for how we interact and behave', and are based on 'respect, equality, freedom and commitment to the rule of law'.[117]

4.114 Participants noted, however, that these values are only communicated to immigrants and visa applicants, with the Diversity Council of Australia submitting Scanlon Foundation research showing 'relatively high levels of reported experience of discrimination' on the basis of 'skin colour, ethnic origin or religion':

> In 2018, 19% of respondents indicated they had experienced discrimination on the basis of 'skin colour, ethnic origin or religion'. Of those, people of a non-English speaking background reported the highest experience of discrimination, at 25%...people of non-Christian faiths, reported experiences of discrimination two to three times higher than those of Christian faiths…Reported experience of discrimination ranges from 13% Anglican and 14% Catholic, to 22% Buddhist, 36% Hindu and 39% Muslim.[118]

---

[114] Settlement Services International, *Submission 111*, pp. 6-7; See also Australian National University Social Cohesion Team, *Submission 85*, pp. 1-1.

[115] Australian National University Social Cohesion Team, *Submission 85*, p. 1.

[116] Australian National University Social Cohesion Team, *Submission 85*, p. 2.

[117] Department of Home Affairs, *Submission 138*, p. 6.

[118] Diversity Council Australia (DCA), *Submission 58*, p. 12.

4.115 Diversity Council Australia reported that its *Inclusion@Work Index 2017-18* found almost 30 per cent of Australian workers 'have witnessed and/or personally experienced harassment and/or discrimination at work', and almost 22 per cent have 'personally experienced harassment and/or discrimination', with individuals from minority groups twice as likely to report having experienced discrimination at work. Diversity Council Australia also reported that 23 per cent of LGBTIQ+ workers had been harassed.[119]

4.116 In August 2020, Diversity Council Australia released new research looking at the impact of class, an area not previously studied in the Australian context. The research found that 'class has the biggest impact on people's experiences of inclusion at work and one of the biggest impacts on exclusion—that is, harassment and discrimination'.[120]

4.117 According to the Diversity Council, Aboriginal and Torres Strait Islander peoples experience 'the highest rates of workplace discrimination and harassment of any demographic group' in Australia, with close to two-fifths, or 38 per cent of Aboriginal and Torres Strait Islander workers having 'personally experienced at least one incident of harassment and/or discrimination in the past twelve months'.[121]

4.118 Mr Aleem Ali from Welcoming Australia argued that 'increasingly' the idea of free speech can be used to create 'fear and profit-making', leaving people from 'vulnerable' communities or minority groups exposed to hate speech.[122]

4.119 The Harmony Alliance: Migrant and Refugee Women for Change Young Women's Advisory Group (Harmony Alliance) drew attention to the role of the Australian media in negatively representing refugees and migrants, which can 'further isolate these communities and subject them to racism'.[123] The Harmony Alliance argued that 'reporting based on ethnicity feeds into public panic' and 'can amplify racism and intolerance by presenting refugees and migrants as a threat to Australian society'.[124]

4.120 Professor Kam Louie, fellow of the Academy of the Humanities, drew the committee's attention to 2016 research entitled *Australia's diaspora advantage*. The research identified a perception among ambitious ethnically-diverse elites

---

[119] DCA, *Submission 58*, p. 10.

[120] Ms Cathy Brown, Director, Policy and Projects, Diversity Council Australia, *Committee Hansard*, 13 November 2020, p. 9.

[121] DCA, *Submission 58*, p. 10.

[122] Mr Aleem Ali, Chief Executive Officer, Welcoming Australia, *Committee Hansard*, 13 November 2020, p. 12.

[123] Harmony Alliance: Migrant and Refugee Women for Change Young Women's Advisory Group (Harmony Alliance), *Submission 195*, [p. 2].

[124] Harmony Alliance, *Submission 195*, [p. 2].

that they may not be able to 'make it' in Australia, as leadership positions are still very white-dominated. This leads to a loss of talent from Australia.[125]

4.121 The Chinese Australian Services Society reported that 82 per cent of Asian-Australian survey respondents had experienced discrimination, 'mostly at shops and restaurants…in the workplace or educational institutions', and that Asian-Australians account for only 3-5 per cent of senior leadership positions in business 'while they represent 12 per cent of the population'.[126]

4.122 Submissions from Chinese Australians and their representative organisations expressed significant concerns. The Federation of Chinese Associations of Australian Capital Territory said that 'Sinophobia and anti-China sentiment' in the media, and political rhetoric about 'foreign interference', is undermining 'the resilience and the continuing contributions of Chinese people to Australian civil society'.[127]

4.123 Dr Wanning Sun submitted that Chinese Australians are 'becoming collateral damage in the escalating diplomatic tensions between China and Australia':

> The media, public commentators and politicians imagine this community mostly in terms of transactional relationships – either as subjects to be managed for their potential connections with the Chinese government, or as ethnic voters to be wooed during election campaigns. In such imaginings, they're often reduced to individuals whose rights as Australian citizens have become less relevant than their pre-determined identity as ethnic Chinese, and they are called on to choose between Australia and China – us or them – as if they were individuals without any cultural, emotional or cognitive ambivalence and tensions.[128]

4.124 The Federation of Chinese Associations of Australian Capital Territory suggested the Australian government needs to move past its 'fear' of 'Communist Party influence' over Chinese academics and fund more Chinese Australian academics to conduct research on the Chinese diaspora in Australia. Particularly those conducting research into the impacts of fear and tension among the Chinese diaspora on Australia's economy and social welfare and integration of the diaspora into Australian civil society.[129]

4.125 Dr Jonathan Cole, who researches interfaith dialogue in conjunction with both Muslim and Christian scholars, said that annual reports show an increasing 'trend in Islamophobia':

---

[125] Professor Kam Louie, Private capacity, *Committee Hansard*, 14 February 2020, p. 15.

[126] Chinese Australian Services Society, *Submission 68*, p. 2.

[127] Federation of Chinese Associations of Australian Capital Territory (FCAACT), *Submission 12*, [p. 2].

[128] Dr Wanning Sun, *Submission 182*, [p. 1].

[129] Federation of Chinese Associations of Australian Capital Territory (FCAACT), *Submission 12*, [p. 4].

> Certainly the trend there is of an increase of incidents. These are incidents reported by Muslim Australians where someone might suffer verbal abuse or some physical harassment going about their business. So there's certainly an increase, but this research is quite new so we don't have a 10 to 20-year sort of base of data to go by.[130]

4.126 Research also indicates that some Christians feel a growing sense of 'hostility' or 'intolerance' towards them and their faith. Dr Cole explained that this is largely limited to Christians who hold more conservative views, such as those who voted or campaigned against same-sex marriage:

> I think a part of that perception is fed by social media. It only takes a couple of real incidents where someone is verbally abused or someone suffers what they might call a bit of persecution. They're plugged into large networks of other conservative Christians, so everyone learns about that story almost overnight.[131]

4.127 This sense of persecution is then funnelled, Dr Cole observed, into the growth of organisations such as the Australian Christian Lobby, which provides a voice and advocates for these views.[132]

4.128 Professor McCalman noted that religious intolerance is not a new phenomenon in Australia, which has a history of disputes between Catholic and Protestant communities.[133]

4.129 Fr Frank Brennan SJ AO argued that freedom of religion needs to be protected 'by legislation with judicial teeth':

> It's time to advocate and demonstrate that all rights including freedom of religion and the right to equality of treatment are universal and inalienable, indivisible, interdependent and interrelated…it is desirable that we at least have a *Religious Discrimination Act*.[134]

4.130 The Diversity Council suggested there is a need to separate the idea of religious belief from religious expression, saying that people can hold any belief they wish, 'but expressing those beliefs in a way that is harmful to other people could breach anti-discrimination laws, and may also not be respectful in a workplace context'. The council argued instead for:

> …recognising that community expectations are constantly shifting over time. At various times in history, religious beliefs were used to justify a range of practices including slavery, prohibitions on interracial marriage,

---

[130] Dr Jonathan Cole, Assistant Director, Centre for Public and Contextual Theology, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 40.

[131] Dr Cole, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 39.

[132] Dr Cole, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 40.

[133] Professor McCalman, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 32.

[134] Fr Frank Brennan SJ AO, *Submission 44*, p. 7 and p. 7.

> and the criminalisation of homosexuality. But in 2019, thankfully, the views and expectations of the community have since shifted.[135]

4.131 The Australian Multicultural Council recommended the government focus on building stronger and more cohesive communities by 'addressing barriers to participation, including racism and discrimination', and 'promoting greater intercultural and interfaith understanding and dialogue'.[136]

4.132 The department was asked to comment on reports that 'extreme right-wing individuals' and ideologies are now posing a significant risk to Australia's social cohesion and national security. Secretary, Mr Michael Pezzullo confirmed that there has been a rise in 'new types of politics', spread through social media, 'creating cross-border global communities of common interest'. These may relate to 'Neo-Nazism or other…extreme right-wing ideology' and attract…typically, younger men who are disaffected, disassociated and disconnected socioeconomically'.[137] Mr Pezzullo confirmed that there had been 'scuffles' with the police, resulting in 'some injuries to officers' involving such groups.[138]

4.133 The government is responding to these groups in a number of ways, Mr Pezzullo said. 'More extreme' or 'violent, abhorrent material' in the online environment can be taken down by the Office of the eSafety Commissioner, as specified in legislation. Mr Pezzullo also referred to a process underway in the United States in relation to the *Communications Decency Act*, a United States federal law which currently absolves social media platforms 'from any responsibility…for moderation, editorial control or publishing' of content, including fake news, misleading content, hate speech, etc. While Australia has significant take-down powers for extreme content, the broader issue, Mr Pezzullo indicated, 'will not be resolved in Australia'.[139]

COVID-19 and social cohesion

4.134 There is evidence that the COVID-19 pandemic has put pressure on social cohesion. The department submitted reports of increased racism targeting people of Asian appearance.[140]

4.135 Mr Pezzullo confirmed that Chinese Australians reported being subjected to increasing verbal assaults in relation to COVID-19.[141] First Assistant Secretary,

---

135 DCA, *Submission 58*, p. 21.

136 Australian Multicultural Council, *Submission 107*, [p. 1].

137 Mr Michael Pezzullo AO, Secretary, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 61.

138 Mr Pezzullo, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 62.

139 Mr Pezzullo, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 62.

140 Department of Home Affairs, *Submission 138.1*, p. 6.

141 Mr Pezzullo, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 65.

Mr Richard Johnson reported that the department was 'getting feedback' through its network of Community Liaison Officers (CLOs) that 'particular communities…were feeling targeted' in relation to the virus.[142]

4.136 The department provided statistics from the Australian Human Rights Commission showing that in the 2019-20 reporting year, there were 55 complaints lodged with the commission under the *Racial Discrimination Act* in relation to COVID-19; and 587 written enquiries, of which an unspecified percentage related to 'racial hatred and abuse' (other issues of enquiry included 'mask wearing requirements' and 'quarantine').[143]

4.137 The Australian Human Rights Commission stated:

> The COVID-19 pandemic has highlighted how racism and xenophobia can threaten community harmony and social cohesion and cause disunity. Racial tensions are likely to remain an issue of concern moving into the post-pandemic recovery phase, and as the global and local economy remain weak…Today's release of a study of 3000 people by the Australian National University supports this analysis indicating that Australians of Asian descent had experienced racist incidents because of COVID-19. It found that almost 85 per cent of Australians of Asian descent had experienced at least one incident of racism between January and October this year.[144]

4.138 After early media reporting highlighted the cultural diversity of COVID-19 'hotspots', concerns were raised that migrant communities were unfairly targeted as the cause of Melbourne's outbreak.[145] The department submitted evidence from the Australian Bureau of Statistics debunking the myth that ethnic communities were not heeding government warnings in relation to social distancing and COVID-safe measures. It reported: 'those born overseas were more likely to have taken action due to the spread of COVID-19 than people born in Australia' and 'twice as likely to wear a facemask…than people born in Australia (40 per cent compared to 18 per cent)'.[146]

---

[142] Mr Richard Johnson, First Assistant Secretary, Social Cohesion Division, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 65.

[143] Australian Human Rights Commission, *2019-20 Complaint statistics*, 'Attachment A: COVID-19 related written enquiries and complaints', p. 35. Provided in: Department of Home Affairs, Answers to Questions on Notice taken on 13 November 2020.

[144] Australian Human Rights Commission, *Issues facing diaspora communities in Australia*, 2 November 2020.

[145] Naveen Razik and Nick Baker, 'Warnings that migrant communities are being unfairly blamed for Melbourne coronavirus spike', *SBS News*, www.sbs.com.au/news/warnings-that-migrant-communities-are-being-unfairly-blamed-for-melbourne-coronavirus-spike (accessed 22 November 2020).

[146] Department of Home Affairs, *Submission 138.1*, p. 6.

4.139 The Australian government launched an information campaign 'to support and inform communities affected by COVID-19 related racism'. The campaign is targeted towards Australians of Asian descent, and provides 'accurate information about their rights and reporting mechanisms', encouraging people to lodge a complaint if they experience or witness 'racist behaviour'. The campaign includes print, radio, digital and 'out of home' advertising, as well as community engagement, and online information provided in 63 languages. The department reported:

> The digital advertising component of the campaign delivered almost 20 million digital ad impressions and 70 thousand click-throughs to the campaign website.[147]

4.140 In collaboration with the Special Broadcasting Network (SBS), the department launched a COVID-19 'in language' website with 79 key documents translated into 63 languages, in collaboration with the Special Broadcasting Network (SBS). The website has had more than 1.25 million unique page views. Between 1 March and 16 August 2020, the department reported conducting over 6,700 engagements with multicultural organisations and leaders; a 500 per cent increase on the same period last year.[148]

4.141 In response to especially serious threats, the department has removed online content that was 'particularly vilifying people on the basis of ethnicity or race' on social media platforms. Mr Johnson said, '[w]here we identified material…we referred that swiftly to the social media platforms for take-down or action'. In addition, if community groups feel 'particularly that they might be threatened', they can apply for funding through the Safer Communities Fund, which has an allocation of $83 million to improve physical infrastructure and security, such as reinforcing buildings and enhancing security systems.[149]

4.142 The Australian Multicultural Council recognised the 'extensive efforts' of state and territory governments, and the federal government, in communicating with culturally and linguistically diverse (CALD) communities during the pandemic. The council specifically cited the 'virtual roundtables' held by Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alan Tudge MP, which enabled the council to 'provide timely, independent and robust advice to the Government in relation to the unique challenges facing CALD communities during the pandemic'.[150]

4.143 However, the Multicultural Council submitted that traditional print and media advertising were insufficient, diverse communities filter information

---

147 Department of Home Affairs, *Submission 138.1*, p. 6.

148 Department of Home Affairs, *Submission 138.1*, p. 5.

149 Mr Johnson, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 65.

150 Australian Multicultural Council, *Submission 107.1*, [p. 1].

differently, and some may 'have a mistrust in government'. The council advocated for diverse and rapid forms of communication, including social media,[151] and better use of community leaders.[152]

4.144 The Multicultural Council noted that both the Prime Minister and Acting Minister for Immigration had spoken out 'publicly condemning racist incidents' but submitted:

> It is important that any government messaging focusses on the fact that combatting COVID-19 is an issue for all Australians and that CALD communities are not to be singled out and blamed for any possible future regional spikes of COVID-19 cases. Positive narratives can also highlight the role that diverse communities are playing as part of the wider community in supporting response efforts and the sentiment that we are all in this together.[153]

Identity politics

4.145 The social fragmentation caused by the decline in secure work and the weakening of older class identities has resulted in new forms of so-called 'identity politics', on both the left and the right.

4.146 The Oxford English Dictionary defines identity politics as 'a tendency for people of a particular religion, race, social background etc. to form exclusive political alliances, moving away from traditional broad-based party politics'. The effect of this new surge in identity politics has been to further increase social fragmentation.

4.147 On the left, identity politics often means that political engagement becomes primarily about issues of gender and sexuality, and on the right, it might emphasise religious adherence. Both left-wing and right-wing identity politics also often focus on ethnicity, in different ways: for the left, it is about resisting the exclusion of minorities, whereas for the right it is often a barely disguised form of xenophobia.

4.148 These new forms of identity politics have compounded the differences between political activists in the affluent inner cities and people living in the outer suburbs and the regions.

4.149 The rise of identity politics has also been exploited by populists who engage in rhetoric that divides the world between 'people like us' and everyone else: when people become defined chiefly by narrow group identities, it becomes easier to portray those groups as the enemy.

---

[151] Australian Multicultural Council, *Submission 107.1*, [p. 1].

[152] Australian Multicultural Council, *Submission 107.1*, [p. 2].

[153] Australian Multicultural Council, *Submission 107.1*, [pp. 2—3].

4.150 Participants in the inquiry were asked to comment on the role of current forms of 'identity politics' and whether they have had a damaging effect on social cohesion and Australia's democratic discourse.

4.151 Mr Ian Walker from the newDemocracy Foundation believed that only a small number of people were affected by 'polarisation', with most people taking more moderate positions, or being 'disaffected'. Most people, he said, hear 'a predictable set of arguments' and 'just switch off entirely'. This may cause problems for Australia's democratic culture as polarisation can erode a more civil political discourse and result in moderate groups choosing not to get involved.[154]

4.152 Mr Chris Stamford from Civil Liberties Australia proposed that populism is 'an exclusionary form of identity politics', in which populist leaders define their base as 'the people' and everyone else as 'elites'.[155] Mr Stamford said:

> Identity politics is about 'us' and 'them'. You define yourself—you define 'us'—by virtue of looking at other people and saying why they're not like us. In Australia we're a diverse country. We have an enormous range of people here.[156]

This kind of exclusionary populism, Mr Stamford said, undermines social solidarity, and undermines trust in government.[157]

4.153 Dr Cole said that identity politics, which has historically been associated more with 'the left', has 'become a phenomenon on the right'. He talked about the way in which 'conservative Christian Australians' has become an identity for some Christians due to 'sense of growing hostility' to some of their views. According to Dr Cole, this has led to a 'kind of public Christianity' and conservative Christian identity politics.[158]

4.154 Professor Greg Melleuish from the University of Wollongong suggested that the internet has heightened the problem of identity politics, because:

> …it has moved out of the realm of personal interaction, where people are soft with each other, and it has become more abstract because it has been put in an abstract medium, so people solidify opinions. When we sit around this room we interact with each other, but if we had an interaction on Facebook or something we might be harsher with each other.[159]

---

[154] Mr Iain Walker, Executive Director, newDemocracy Foundation (newDemocracy), *Committee Hansard*, 7 February 2020, p. 29.

[155] Mr Chris Stamford, Manager, Human Rights Campaign, Civil Liberties Australia (CLA), *Committee Hansard*, 13 November 2020, p. 2.

[156] Mr Stamford, CLA, *Committee Hansard*, 13 November 2020, p. 4.

[157] Mr Stamford, CLA, *Committee Hansard*, 13 November 2020, p. 4.

[158] Dr Cole, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 41.

[159] Professor Greg Melleuish, Private capacity, *Committee Hansard*, 7 February 2020, p. 29.

4.155 The shift from actual to virtual engagement, especially, but not exclusively, for younger Australians, poses serious challenges for Australia's democratic discourse, not least because it can lead to pathologizing political differences and offer unregulated access to populism, extremism and the 'politics of hate'.

4.156 Mr Ali identified three sources for the 'tension' behind identity politics. The first was people who are 'disenfranchised'. These people feel 'left out or…left behind by the Australian society and community'. The second was 'those who are fearful, people who don't necessarily understand cultural diversity because they don't have lived experience'. The third was 'those who profit from' the tension, such as those in the media or social media seeking to gain publicity.

Strengthening social cohesion

> [S]uppleness…is an incredibly important feature of Australia. We continue to learn from the diverse knowledge base that we now have and to build new Australian ways of doing things and create more firsts. That is only possible if we actually invite and engage with the broader diverse population.
>
> Ms Anthea Hancocks, Chief Executive Officer, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 35.

4.157 Participants in the inquiry made a number of suggestions for further strengthening social cohesion in Australia. Dr Menzie-Ballantyne suggested the government focus on initiatives which provide 'education for global citizenship', an internationally recognised method for promoting social cohesion. Dr Menzie-Ballantyne said the federal government has already funded two programs in rural and regional Australia after the Christchurch tragedy, 'High Resolves' and 'Together Through Humanity', as 'a recognition that that social cohesion element was needed'. Education for global citizenship provides 'a vehicle to explore controversial issues'.[160]

4.158 A key vehicle for social cohesion, promoted by a number of submitters, is the Welcoming Cities initiative, launched by Welcoming Australia in 2016, and supported by the Scanlon Foundation. The initiative aims to attract migrants to communities around Australia, and help to retain the newcomers by helping to advance their social cohesion and economic participation, while 'supporting them to integrate successfully into community life'. The Welcoming Cities initiative works to build communities that 'are welcoming and actively engage with migrant communities'.[161]

---

[160] Dr Karena Menzie-Ballantyne, Lecturer, School of Education and the Arts, CQUniversity, *Committee Hansard*, 7 February 2020, p. 31.

[161] Welcoming Australia, *Submission 65*, p. 3.

4.159 Local governments that aspire to be part of the Welcoming Cities initiative are assessed and make progress against the *Welcoming Cities Standard*, a peer-reviewed guide for 'increasing the impact of local government initiatives' and planning for changes to meet the standard.[162]

4.160 Mr Ali talked about the Welcoming Centre in Adelaide, the Welcoming Cities initiative whose membership includes 54 local councils, 'representative of more than 30% of the Australian population', and 'Welcoming Sport': 'a sports inclusion program working with sporting codes and clubs to be more representative of the communities they serve'.[163] Mr Ali recommended the federal government supports and resources communities to achieve accreditation under the Welcoming Cities standard.[164]

4.161 Mr Ali further recommended that the government develops a national, multi-stakeholder settlement strategy with particular focus on regional communities, and works closely with migrant communities to better understand their 'needs and aspirations in relation to residency and citizenship'.[165]

4.162 Professor Reynolds called for the government to create a 'minister for social cohesion practice'.[166]

4.163 UWA proposed the government support organisations that monitor online hate speech, such as the Online Hate Prevention Institute.[167]

4.164 The Chinese Australian Services Society suggested that more resources be allocated 'to expand culturally and linguistically appropriate services' such as interpretation services, and that existing settlement services must be expanded to meet growing demand and cover new geographic locations.[168]

Research

4.165 A number of participants commented on the need to improve the national research and evidence base in relation to culture and ethnicity. The Scanlon Foundation observed, 'there is very little research into the particular aspects of Australia's culture that have created and sustain our support for multiculturalism and cultural diversity'.[169]

---

[162] Welcoming Australia, *Submission 65*, p. 4.

[163] Mr Ali, Welcoming Australia, *Committee Hansard*, 13 November 2020, p. 8.

[164] Mr Ali, Welcoming Australia, *Committee Hansard*, 13 November 2020, p. 8.

[165] Mr Ali, Welcoming Australia, *Committee Hansard*, 13 November 2020, p. 8.

[166] Professor Reynolds, *Committee Hansard*, 7 February 2020, p. 33.

[167] UWA, *Submission 20*, [p. 1].

[168] Chinese Australian Services Society, *Submission 68*, p. 3.

[169] Scanlon Foundation, *Submission 115*, p. 12.

4.166 UWA submitted that there is no national research agenda on 'immigration, multiculturalism, extremism, inclusion and exclusion', which UWA considered should be coordinated nationally. UWA recommended the reinstitution and resourcing of a national research centre on migration and social cohesion to:

> …monitor the flows of migration, issues of diversity and cohesion, nationalism and national identity, evaluation of service provision, and identification of gaps in existing research. This could be similar to the Bureau of Immigration, Multicultural and Population Research, disestablished in 1996 under John Howard.[170]

4.167 According to UWA, the Bureau of Immigration, Multicultural and Population Research 'played an important research and consultative role', engaged with ethnic communities, and 'published independent findings'. UWA suggested a new research centre should have 'a distributed rather than centralised structure', with offices across both urban and rural centres.[171]

4.168 The Australian Multicultural Council suggested research is required in relation to ethnicity and workplace participation. As a starting point, the council suggested amending the *Workplace Gender Equality Act 2012* to require the Workplace Gender Equality Agency to collect data on 'ethnicity, language spoken, and/or country of birth information' in addition to its role in collecting data on gender.[172]

4.169 Ms Cathy Brown, from the Diversity Council of Australia, agreed that there is 'no standardised way of counting cultural diversity in Australian organisations'. The Diversity Council is working on a project with the University of Sydney to develop a method to 'count and measure cultural diversity'. The team established includes representatives from the Australian Bureau of Statistics.[173]

4.170 Professor Reynolds called for the government to create a research institute on social cohesion, and funding for the Australian Bureau of Statistics to collect data on measures on social cohesion 'more regularly and more systematically', to inform policy decisions.[174]

---

[170] UWA, *Submission 20*, [p. 7].

[171] UWA, *Submission 20*, [p. 7].

[172] Australian Multicultural Council, *Submission 107.1*, [p. 2].

[173] Ms Brown, Diversity Council Australia, *Committee Hansard*, 13 November 2020, p. 9.

[174] Professor Reynolds, *Committee Hansard*, 7 February 2020, p. 33.

Committee view

4.171 Australia's relatively strong social cohesion is among its greatest assets. We are one of the most ethnically, culturally and linguistically diverse nations in the world, and have successfully integrated generations of migrants into a highly functional multicultural society.

4.172 There is much to be proud of, but we cannot take our social cohesion for granted. Increasing racist attacks during the COVID-19 pandemic have shown that in times of increased pressure, social cohesion can suffer.

4.173 The committee condemns the recent spate of racist abuse directed towards Chinese Australians. Racially motivated attacks on Asian Australians, Muslim Australians – or indeed on anyone – are deplorable and contravene Australian values and community standards. We are all in this together and we are stronger together.

4.174 We also note concerns raised by Chinese Australians and their representatives in relation to media and political commentary around political interference. While political interference is a genuine concern, ordinary Australian citizens with Chinese heritage should not be made to feel that they are suspect, nor made to feel unwelcome or targeted, simply because of their heritage or ethnicity.

4.175 The committee condemns racism and discrimination in all forms, including religious discrimination. The committee notes with sadness data from the Diversity Council of Australia that indicates Aboriginal and Torres Strait Islander Australians are the demographic group that reports the highest levels of workplace discrimination, with LGBTIQ Australians not far behind.[175]

4.176 Certainly Australia has come a long way, but social cohesion must be nurtured. Tolerance of difference, intercultural and interfaith understanding can be learned and developed through positive interactions and messaging.

4.177 The committee encourages the government to continue to invest in measures to foster social cohesion, such as the Welcoming Cities initiatives and programs based on education for global citizenship.

4.178 We encourage further investment and efforts into monitoring hate speech and countering all extremist groups and online content, including extremist right-wing groups and ideologies, especially those that promote Neo-Nazism and white-supremacy.

4.179 High quality data and research is the foundation for promoting social cohesion. The committee commends the work of the Scanlon Foundation and others. We further recommend that the federal government funds a national research centre on migration, citizenship and social cohesion, to monitor flows

[175] DCA, *Submission 58*, p. 10.

of migration and migrant settlement, diversity and cohesion, affiliation and identity, civic participation, and adequacy of services.

4.180 Finally the committee notes the critical importance of English language learning to Australia's multicultural communities, and notes the changes announced in relation to the Adult Migrant English Program.[176] Assuming the changes to the legislation pass parliament and are implemented, the impact of these changes should be reviewed around 24 months later, and a further expansion of the program should be considered, if necessary.

Recommendation 8

4.181 The committee recommends that the Australian government establishes and resources a national research centre on migration, citizenship and social cohesion, to monitor:

- **flows of migration and migrant settlement;**
- **issues of diversity and cohesion;**
- **affiliation and identity;**
- **civic participation and engagement;**
- **evaluation of service provision and access; and**
- **gaps in existing research.**

[176] Department of Home Affairs, *Adult Migrant English Program (AMEP) Reform Announcement, 28 August 2020*, p. 1.

Chapter 5
Australia's democracy: Trust, satisfaction and belief

> [W]e shouldn't forget that, in relative terms, Australia still has a gold standard democracy. I think we have certainly been the subject of some worrying drift in recent times, and we've heard data that I think proves that. But we still have an outstanding democracy, and we got that outstanding democracy because people, like the people in this room, cared enough to create a system which was a beacon for the world, and we can do that again if we're prepared and committed and brave enough to make some changes.
>
> Mr Nicholas Reece, Director of Strategy Policy and Projects, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 12.

5.1 How do Australians feel about our democracy? How do we feel about politics? Do we feel connected to the political process? Do we feel empowered or disempowered by it? Do we feel represented? Do we feel heard? Do Australians believe that democracy works for us? Do we think there's another system that could work better? Are there changes we would like to see made to the way our democracy functions?

5.2 How can politicians earn our trust? What is the role of the traditional media and social media? Of truth and 'fake news'? What integrity measures do Australians want to see?

5.3 Do all Australian have equal access when it comes to engaging with the political process? Do Australians want to be *more engaged* in making decisions about how the country is run? Or do we just want *better* decisions? What would this look like?

5.4 This chapter looks at trust, satisfaction and belief. It weighs up evidence on declining levels of trust and satisfaction with democracy in Australia, identifies causes for these declines, and explores possible remedies. Solutions explored in this chapter relate to:

- the behaviour and integrity of politicians, political communication, accountability and transparency; and
- building civic engagement through improving equity and access, utilising direct and deliberative democratic processes, and better engaging young people.

5.5 Discussion of political institutions, including political parties and the parliament, is in Chapter 6.

How Australians feel about our democracy

5.6 There is mixed evidence about how Australians feel about our democracy. The data is complex, and COVID-19 has complicated it further. There are major differences in research methods and survey methodologies employed in different studies, and these lead to differing results.

5.7 All studies and surveys looked at during the inquiry showed a decline in trust and satisfaction leading up to 2019, but the degree and nature of the decline varies. Some suggest a downward trend, others show satisfaction and trust going up and down over the course of the last 10 to 15 years, suggesting it is more cyclical. Surveys conducted during the COVID-19 pandemic show a sizable spike in trust and satisfaction with the performance of governments, but inquiry participants warned this may well be temporary.[1]

5.8 This section contrasts different perspectives, some more optimistic, and some more pessimistic, and considers different research methodologies. It compares and analyses evidence from a number of sources on:

- trust in politicians and governments;
- satisfaction with the performance of governments; and
- belief in democracy as a system of government.

Contested views

5.9 During the inquiry, the committee brought together people from a variety of backgrounds and disciplines at its roundtables and public hearing. Some of the participants expressed divergent views on what the available data and surveys indicate about the health of Australia's democracy and how Australians feel about government. Some questioned the methodology of certain surveys; some questioned the way in which data were being used and compared; and some interpreted the same data in more or less positive ways than other participants.

5.10 Some inquiry participants in the first roundtable felt that there were two distinct 'camps' of thought – the 'optimists' and the 'pessimists'. Dr Jonathan Cole from Charles Sturt University said:

> We're in the optimists' camp, but it's a qualified optimism; it's not as bullish as some of the opinions here, but we're certainly not in the pessimistic camp. While, on the one hand, we certainly recognise and acknowledge the research that has been done that shows a growing sense among the Australian people that their democracy is under threat and growing dissatisfaction, the operative word here is 'sense'. It's not clear, in our view, to what extent we're dealing with perception here versus

[1] Democracy 2025, *Report No 7: Is Australia still the lucky country?*, tabled 13 November 2020

> actuality. Perception doesn't always correlate to actuality, and there's plenty of research that shows this…[2]

5.11 Dr Sarah Cameron from the ANU Australian Election Study said it is critical to look at how surveys are conducted. Dr Cameron argued that 'online opt-in surveys…aren't representative', and surveys that use landlines or mobile phone numbers make it 'very difficult to get a random sample of the population'.[3] The Australian Election Study, by contrast is a 'scientific study of elections and voter opinion in Australia', with a long, continuous history, a 'representative public opinion survey'.[4]

5.12 The Scanlon Foundation was critical of methodology employed in surveys by Democracy 2025, and cautioned overreliance on its data, saying these surveys were based on a 'non-probability sample of the population'. The Scanlon Foundation argued *its* surveys, and the Lowy Institute Poll,[5] as 'probability-based random samples of the Australian population', constitute 'a better indication of Australian opinion on these questions'.[6] Democracy 2025 describes its surveys as 'representative'.[7]

5.13 Professor Greg Melleuish from the University of Wollongong was critical of what he saw as the 'pessimistic' views of other participants in the inquiry. He submitted his own analysis of data from the Australian Election Study, which is discussed after **Figure 5.4**, further on in this section.[8]

Trust in politicians and 'the government'

5.14 A majority of Australians do not trust politicians. All data sources found low levels of trust in politicians and 'the government'. Democracy 2025 submitted that, in 2019 only 21.1 per cent of Australians trusted their politicians.[9] The Scanlon Foundation's results were slightly better: 29 per cent in 2018 agreed 'the government in Canberra can be trusted to do the right thing for the Australian people…almost always' or 'most of the time'. It was 27 per cent in 2013.[10]

---

2 Dr Cole, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 38.

3 Dr Sarah Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 36.

4 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

5 *Lowy Institute Poll 2020*, poll.lowyinstitute.org (accessed 23 November 2020).

6 Scanlon Foundation, *Submission 115*, p. 4.

7 Democracy 2025, *Report No 7: Political trust and democracy in times of coronavirus: Is Australia still the lucky country?* (tabled 13 November 2020), p. 4.

8 Professor Greg Melleuish, *Submission 10.1*, p. 1.

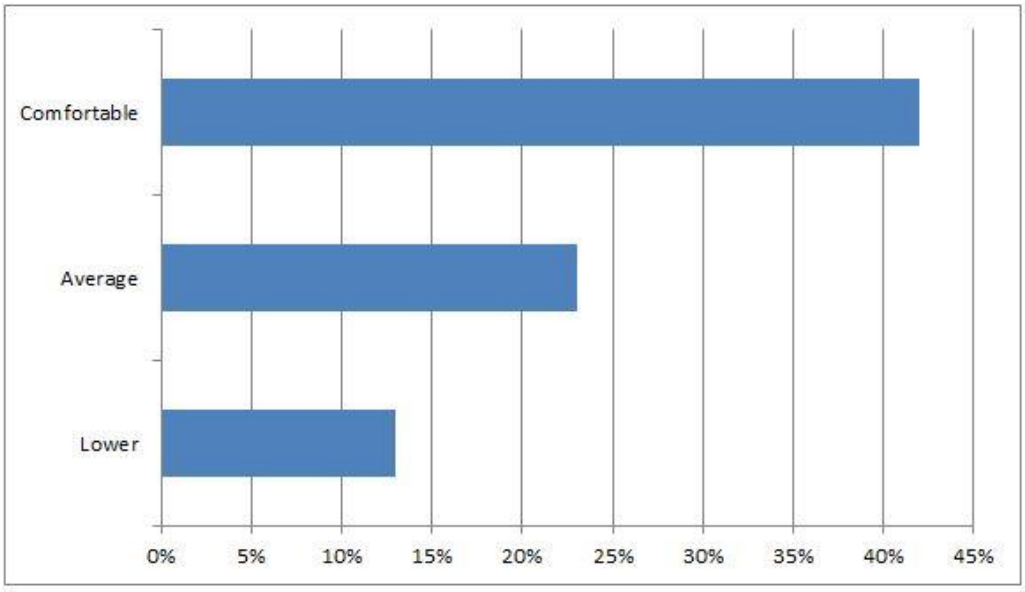
9 Democracy 2025, *Submission 98*, p. 3.

10 Scanlon Foundation, *Submission 115*, p. 4.

5.15 According to Democracy 2025, 48 per cent of Australians distrust government ministers. Trust for local members (31 per cent trust their member 'a little bit') and local councillors (29 per cent trust them 'a little bit') is marginally better. In comparison, respondents report high levels of trust in general practitioners (81 per cent) and judges (55 per cent), and trust in the public service is higher than it is for politicians, at 38 per cent. Only journalists and trade unionists are at levels of trust close to as low as for politicians, at 31 per cent and 26 per cent respectively. Only one in five respondents trust political parties. Those who support 'established political parties' tend to be more trusting of political institutions, but 'the size of this cohort is rapidly decreasing (from 72 per cent in 1987 to 36 per cent in 2019'.[11]

5.16 Demographic factors play a role in levels of trust. The University of Western Australia (UWA) submitted 2017 analysis of Scanlon data by Professor Andrew Markus in which he observed that levels of trust are significantly different by socioeconomic status (See **Figure 5.1**). UWA concluded that 'the state of the economy and distribution of wealth is a significant factor is trust in government'.[12] Mrs Daryl Karp, Director of the Museum of Australian Democracy, also noted that Australia has a 'particularly high' trust-gap between 'the informed public and the masses'.[13]

Figure 5.1 Levels of trust in government by socioeconomic status



UWA, Submission 20, [p. 5], based on Professor Andrew Markus's analysis of Scanlon Foundation data, 2017.

[11] Democracy 2025, *Submission 98*, pp. 3—4.

[12] The University of Western Australia (UWA), *Submission 20*, [p. 5].

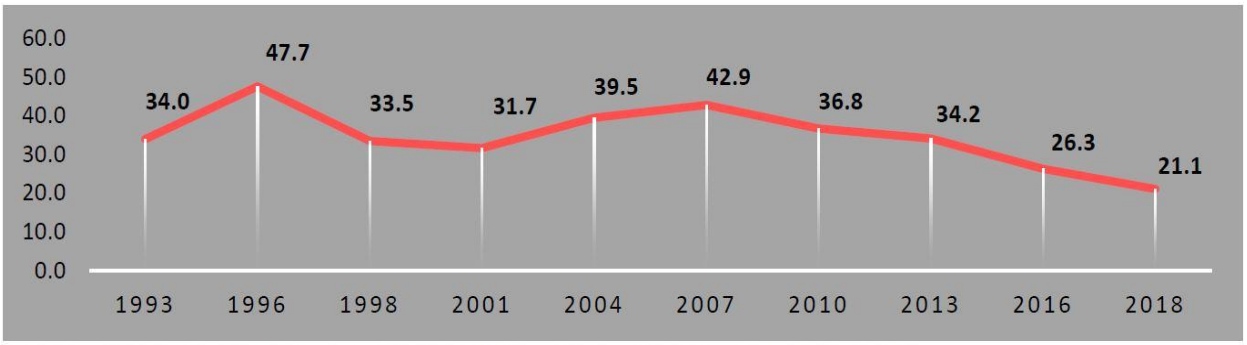
[13] Mrs Daryl Karp, Director, Museum of Australian Democracy at Old Parliament House, *Committee Hansard*, 7 February 2020, p. 6.

5.17 Professor Markus noted that support for a 'major change or replacement of Australia's system of government' was 68 per cent for those with lower socioeconomic status, 46 per cent for those 'just getting along' (average), and 27 per cent for those who were 'prosperous' or 'very comfortable'.[14]

5.18 Professor Markus compared political trust in Canada, which was 67 per cent in 2017, with Australia, which the Scanlon Foundation put at 48 per cent in the same year.[15]

5.19 Democracy 2025 sourced its data for 1996 to 2013 from the Australian Election Study, conducted by the Australian National University (ANU) for elections from 1969 to 2019,[16] and the data for 2016 and 2018 from its own research. Democracy 2025 maintained this data shows a downward trend in trust (see **Figure 5.2**). If this trend continues, by 2025 'fewer than 10 per cent of Australians will trust their politicians and political institutions'.[17]

Figure 5.2 Trust in politicians in Australia (per cent)



Source: 1996 to 2013 Australian Election Study, 2016 and 2018, Democracy 2025

Democracy 2025, Submission 98, p. 3.

5.20 The committee notes that spikes of trust in 1996 and 2007, as shown in **Figure 5.2**, suggest that trust has fluctuated, and complicate the idea of a downward trend.

5.21 The Scanlon Foundation was critical about the methodology used by Democracy 2025 in relation to its 2016 and 2018 data, saying the Democracy 2025 report 'was based on a non-probability sample of the population and is an inferior methodology' [compared to the Scanlon and Lowy Poll's probability-based polling methods].[18]

5.22 In contrast to the suggestion made by Democracy 2025 that trust was on a downward trend, the Scanlon Foundation submitted that, while survey data

[14] UWA, Submission 20, [p. 5].

[15] UWA, Submission 20, [p. 4].

[16] Australian Election Study, australianelectionstudy.org (accessed 23 November 2020).

[17] Democracy 2025, *Submission 98*, p. 4.

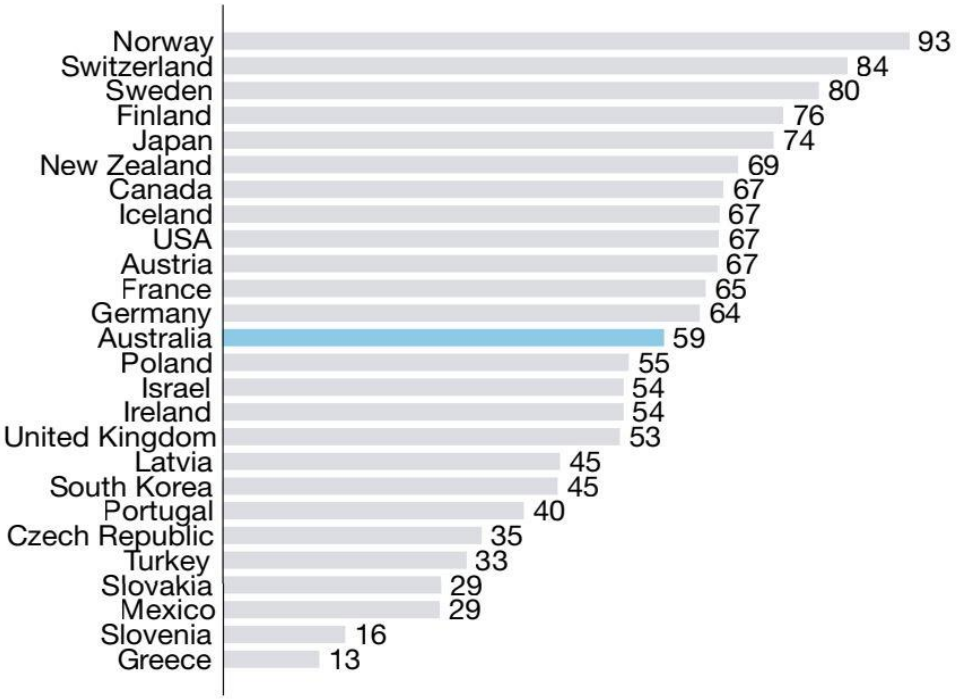
[18] Scanlon Foundation, *Submission 115*, p. 4.

confirms *low* trust in government, 'the major decline in trust occurred between 2009 and 2010. Since 2013, there has been a period of relative stability'.[19]

5.23 Dr Cameron reported the results of the Australian Election Study, saying trust in government reached its 'lowest level on record' in 2019, with records covering 50 years (**Figure 5.4**), and satisfaction with democracy was 'at its lowest level since the 1970s', during the Whitlam dismissal. **Figure 5.5** shows that just under 60 per cent of voters reported being satisfied with democracy in 2019.[20]

5.24 Dr Cameron observed that in 2007 (as shown in **Figure 5.5**), Australians were 'among the most satisfied democrats in the world', with 86 per cent of citizens surveyed expressing satisfaction with their democracy. This figure is comparable to 'countries in northern Europe like Norway and Switzerland' (see **Figure 5.3**).[21] Analysis of the graph in **Figure 5.5** shows that the 2007 result was historically high, with averages closer to 70 per cent.

Figure 5.3 Satisfaction with democracy in OECD countries



Note: Estimates are percentages.

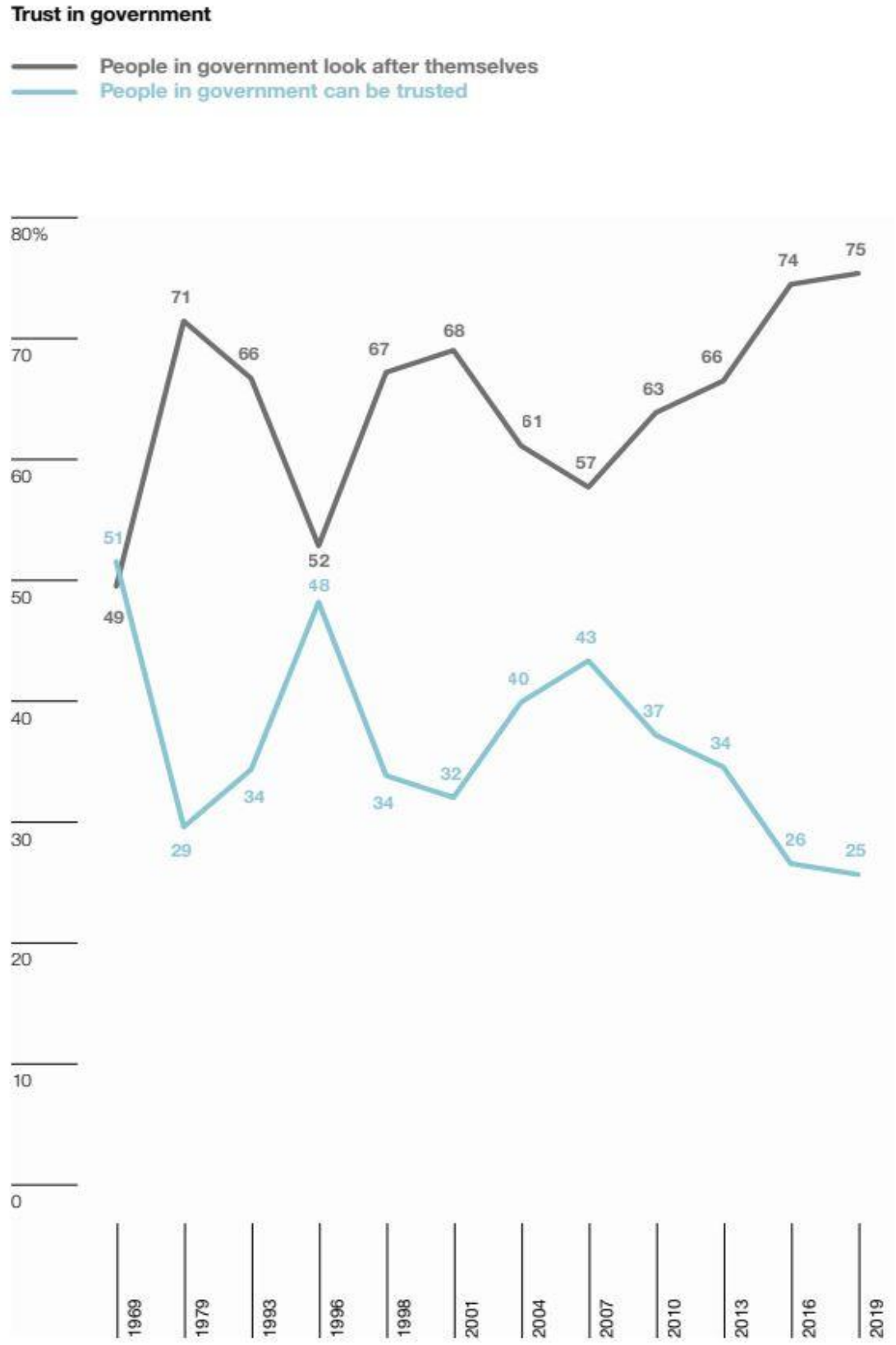
Source: Satisfaction with democracy in Organisation for Economic Co-operation and Development (OECD) countries. Sarah Cameron and Ian McAllister, Trends in Australian Political Opinion: Results from the Australian Election Study, 1987–2019, p. 15.

[19] Scanlon Foundation, *Submission 115*, p. 4.

[20] Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

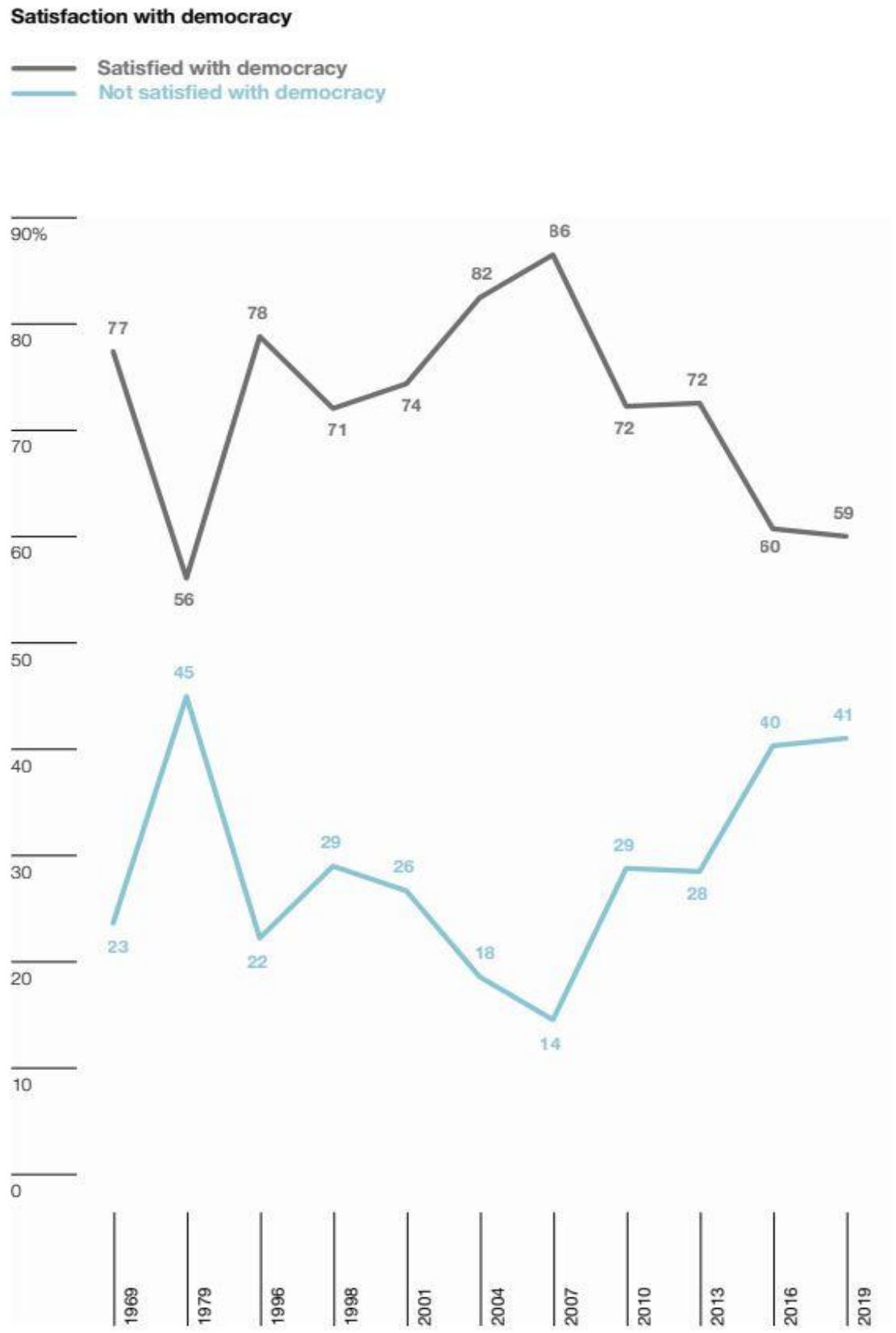
[21] Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

Figure 5.4 Trust in government, Australian Election Study, 1969 to 2019



Source: Sarah Cameron and Ian McAllister, Trends in Australian Political Opinion: Results from the Australian Election Study, 1987–2019, p. 99.

Figure 5.5 Satisfied with democracy, Australian Election Study, 1969 to 2019



Source: Sarah Cameron and Ian McAllister, Trends in Australian Political Opinion: Results from the Australian Election Study, 1987–2019, p. 98.

5.25 Dr Cameron maintained the data indicates 'a steep decline in these indicators of trust over a reasonably short period of time', and that this 'is a new development in Australian politics'.[22]

5.26 Professor Melleuish submitted an alternative analysis of the graph in **Figure 5.2**. He noted there are large gaps in the data, which does not include what he called 'the crucial 1975 election'. While it includes the 1993 election, with trust at 34 per cent, no other elections during the Hawke/Keating era are included in the data. Professor Melleuish concluded:

> There was a drop during the Howard years followed by an increase to 43 per cent in 2007 followed by a decline since that time. The current level of 25 per cent is not that much lower than the 29 per cent of 1979…Incumbency, in the case of John Howard appears to have led to decreased trust…There has been a decline in trust since 2007 and it can be speculated that this is related to the instability in political leadership…gaps in the data means that there is no clear pattern, primarily because we simply do not know the pattern regarding trust in government during the Hawke/Keating years.[23]

5.27 The Jeff Bleich Centre for the US Alliance in Digital Technology, Security & Governance reported on the 2019 Edelman Trust Barometer, which found Australia 'has an overall distrusting population'. The Edelman Barometer found only one in five Australians believes that 'the system is working for them', and 47 per cent of respondents distrust both government and the media. The barometer also found that 'trust inequality, or the gap between the informed public and the mass population, is at a record high'.[24]

5.28 The Lowy Institute Poll findings for 2019 were as follows:

- 'confidence' in Prime Minister Scott Morrison was 58 per cent;
- confidence in former Opposition leader Bill Shorten was 52 per cent;
- support for democracy was 'stable', with 65 per cent of Australians saying 'democracy is preferable to any other kind of government';
- 22 per cent said 'in some circumstances, a non-democratic government can be preferable'; and
- 12 per cent said 'for someone like me, it doesn't matter what kind of government we have'; and finally
- a 'strong majority of Australians' (70 per cent) were 'very' or 'fairly' satisfied with the way democracy works in Australia.[25]

---

[22] Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9

[23] Professor Greg Melleuish, *Submission 10.1*, p. 1.

[24] Jeff Bleich Centre for the US Alliance in Digital Technology, Security & Governance, Submission 57, [p. 1].

[25] Lowy Institute, *Lowy Institute Poll 2019*, www.lowyinstitute.org/publications/lowy-institute-poll-2019 (accessed 25 November 2020).

5.29 The committee notes the difference between the results of the Australian election study, which found 59 per cent of respondents were satisfied with the way democracy is working (**Figure 5.4**), and the 2019 Lowy Poll, which found 70 per cent were satisfied (in the same year).

5.30 The committee suggests that reasons for the difference may be related to both survey methods *and* the subject matter of the polls. The Lowy Poll is focussed on international relations, setting up a contrast between Australia and other countries. This may lead respondents to look more favourably upon Australia. The Australian Election Study, on the other hand, is focussed on the domestic political context, and as such, may encourage more critically-reflective responses in relation to questions about politics and democracy.

The impacts of the pandemic

> I think the public has rewarded leadership that has taken this seriously…the public has everywhere rewarded collaboration by the government. They have rewarded transparency and openness in communication. I think we are moving from an era of strongman leaders to leadership of care and empathy…
>
> Ms Leena Rikkila Tamang, International IDEA, *Committee Hansard*, 13 November 2020, p. 36.

5.31 Evidence indicates the pandemic has led to a significant increase in trust and satisfaction towards Australia's politicians and governments. But inquiry participants warned this may not be sustained once the pandemic moves from 'crisis mode' to 'recovery mode'.[26]

5.32 The Director of Democracy 2025, Professor Mark Evans, said:

> In the short term, we're experiencing the highest levels of trust in the Commonwealth government that we've experienced for 11 years. Political trust in federal government has literally doubled between the Australian Election Study in 2019 and this moment. So we are experiencing high levels of political trust in Australia and high levels of the belief that the Australian government has been very effective in addressing COVID-19. So there's big support in favour of Australia exercising effective governance. It is particularly strong in comparison with the other countries that we looked at: the US, Italy, and the UK. Interestingly enough—and this is probably the most interesting finding—Australia is a far less politically polarised society than those three countries.[27]

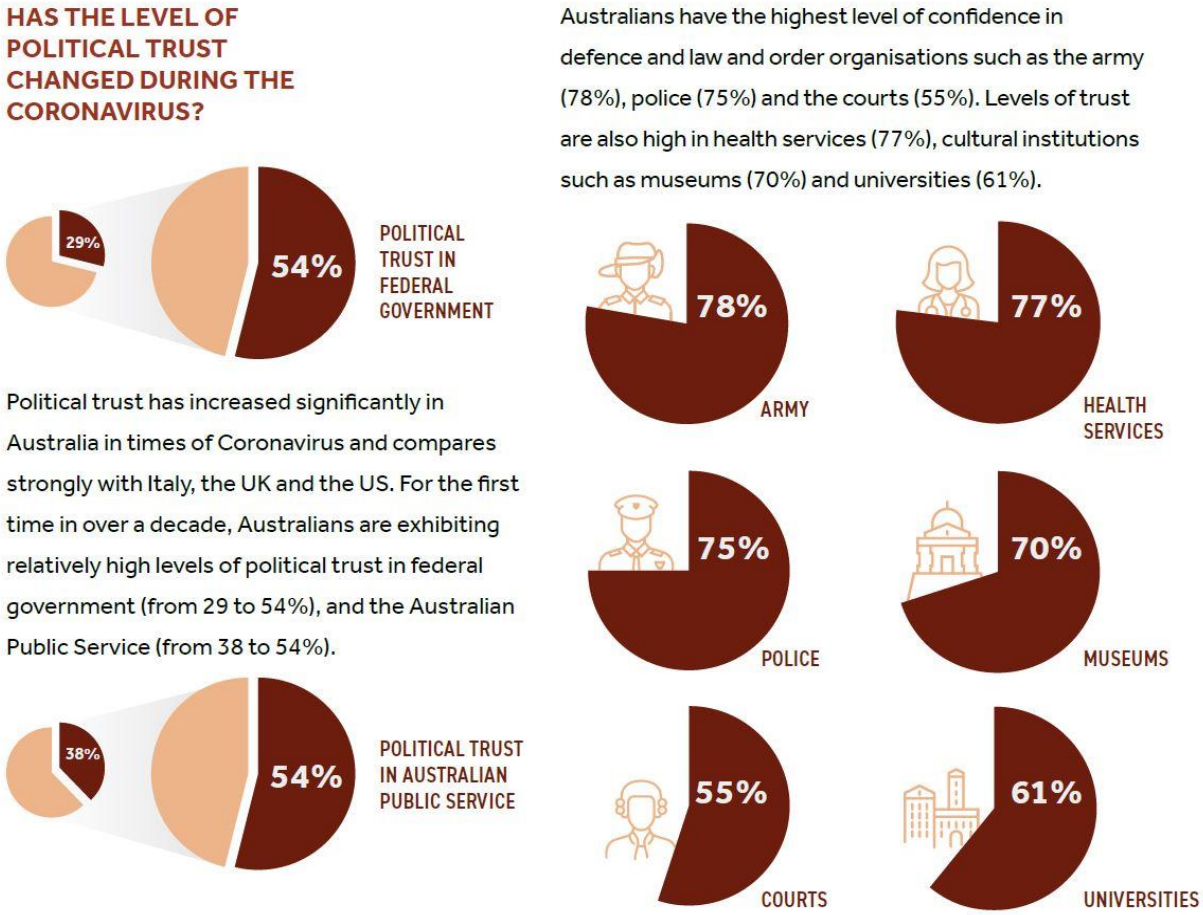
5.33 Democracy 2025 surveyed 1059 Australians aged 18 to 75 between May and June 2020. The survey was also conducted in Italy, the UK and the United States so comparisons could be made. The results indicate trust in the federal

[26] Professor Mark Evans, Director, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 34.

[27] Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 34.

government and the public service almost doubled compared with 2019, as shown in **Figure 5.7**.

Figure 5.6 Political trust during COVID-19 according to Democracy 2025



Source: Democracy 2025, Report No 7: Political trust and democracy in times of coronavirus: Is Australia still the lucky country? (tabled 13 November 2020), p. 4

5.34 The 2020 Lowy Institute Poll reported:

- Six in ten Australians express confidence in Australian Prime Minister Scott Morrison (60%) and in Opposition leader Anthony Albanese (58%).
- In April 2020, nine in ten Australians (93%) say Australia has handled the COVID-19 pandemic very or somewhat well so far. A third (31%) say China has handled the outbreak well, and only 10% say the United States has handled it well so far.
- Many Australians are unimpressed with the UK's handling of COVID-19, with only 30% of the respondents to COVID poll saying the UK has done very or fairly well so far.[28]

[28] Lowy Institute, *Lowy Institute Poll 2020*, poll.lowyinstitute.org/report/ (accessed 25 November 2020).

5.35 The Department of Home Affairs submitted that Australians are reporting 'high levels of satisfaction' with the COVID-19 response. The department relied on the Lowy data, saying 93 per cent say 'Australia has handled the COVID-19 outbreak very or fairly well compared with other countries', and that a majority of Australians believe chief medical officers, state and territory governments and the Commonwealth government are 'doing a good job', with 92 per cent, 86 per cent and 82 per cent respectively agreeing.[29]

5.36 The department suggested these results are due to Australia's 'open system of government, built on transparency and accountability', which has helped to build trust in our democratic 'institutions and processes' during the pandemic:

> Government's transparency around COVID-19 data and information sharing has been critical to the success of Australia's response. Through regular press briefings, government websites, the COVID-19 app and WhatsApp channel, the Australian Government has enhanced the delivery of factual information to Australians, and countered misinformation and disinformation.[30]

5.37 While agreeing that the Australian government has generally handled the pandemic well, International IDEA noted that there have been disproportionately negative impacts on women and young people, and that the crisis 'raised additional concerns regarding restrictions on parliamentary activity'.[31]

5.38 Democracy 2025 observed that trust in social media has fallen very slightly during the pandemic from the already low level of 20 per cent to 19 per cent, while trust in television and newsprint has risen significantly – from 32 per cent to 39 per cent, and 29 per cent to 37 per cent respectively. Trust in radio remains the highest at 41 per cent.[32]

5.39 Considering the impact austerity measures had on trust in countries including Greece, the UK, Portugal, Spain and the United States, Democracy 2025 suggested the Australian government should resist the temptation to introduce austerity measures too quickly in the recovery period post-COVID. Democracy 2025 concluded:

> Building on the burst of covert political trust in the Australian system there is support in our survey for building a national post-COVID-19 consensus

---

29 Department of Home Affairs, *Submission 138.1*, p. 4.

30 Department of Home Affairs, *Submission 138.1*, p. 4.

31 Ms Leena Rikkila Tamang, Regional Director, International (IDEA) Institute for Democracy and Electoral Assistance, *Committee Hansard*, 13 November 2020, p. 33.

32 Democracy 2025, *Report No 7: Political trust and democracy in times of coronavirus: Is Australia still the lucky country?* (tabled 13 November 2020), p. 5.

> featured by more inclusive, clean, collaborative and evidence-based politics.[33]

Belief in democracy

5.40 While participants had differing views on the nature and extent of the decline in political trust and satisfaction, there was general agreement that Australians *believe* in democracy. Dr Cameron stressed it is important to understand 'the distinction' between *satisfaction* with democracy and *support* for democracy:

> Australians, on the whole, are supportive of a democratic political system but are dissatisfied with the performance of democracy—in it not meeting their expectations.[34]

5.41 The Scanlon Foundation confirmed a majority of Australians believe in democracy, saying 'about 65 per cent believe that it's the best model for Australia', with recent migrants valuing democracy especially highly.[35]

5.42 Professor Nicholas Evans, Director of the ARC Centre of Excellence for the Dynamics of Languages, said that his work with Chinese immigrants and their descendants in Australia suggests the Chinese diaspora in Australia is highly supportive of democracy and democratic values.[36]

5.43 One way the Scanlon survey measures support for democracy is by asking about support for 'a strong leader who does not have to bother with parliament and elections'. First asked in 2014, sixty-six per cent of respondents to this question indicated that 'reliance on a "strong leader" would be "fairly bad" or "very bad"'. The result was the same in 2018.[37]

5.44 The Scanlon Foundation submitted that the 2019 Lowy Institute Poll identified '*more* support for democracy in 2019 than six years ago'. The Lowy Poll asked if 'democracy is preferable to any other kind of government'. Sixty-five per cent of respondents agreed with the statement, 'up from 59 per cent in 2013'.[38]

5.45 Survey results indicate that Australia's school children are 'champions of democracy'. Eighty-seven per cent of the 88,500 school children per year who visit the Museum of Australian Democracy, and fill out a survey, report that they are 'satisfied with their democratic arrangements'. However, these young

---

[33] Democracy 2025, *Report No 7: Political trust and democracy in times of coronavirus: Is Australia still the lucky country?* (tabled 13 November 2020), p. 8.

[34] Dr Sarah Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 10.

[35] Ms Anthea Hancocks, Chief Executive Officer, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 36.

[36] Professor Nicholas Evans, Director, ARC Centre of Excellence for the Dynamics of Languages, *Committee Hansard*, 14 February 2020, p. 16.

[37] Scanlon Foundation, *Submission 115*, p. 4.

[38] Scanlon Foundation, *Submission 115*, p. 4, emphasis added.

people do not feel as connected to Australian democracy as they could, with only 43 per cent reporting that they feel 'a part' of democracy, and only 33 per cent feeling that they 'have a say'.[39]

5.46 The YMCA reported on a survey it conducted in 2018 on lowering the voting age to 16. One 17 year old told the YMCA, 'we don't have a say on how our own nation is governed or share opinions on federal matters, nor do we have the power to have our say on what happens with our future'.[40] The political engagement of young people is discussed later in this chapter.

5.47 According to Democracy 2025, institutions associated with the democratic system attract significantly more public trust than government does, including the police (around 70 per cent), civil wellbeing organisations (69 per cent), the military (66 per cent), and universities (62 per cent).[41]

5.48 The Scanlon Foundation cautioned against over-reacting to the data, saying its surveys 'do not support the claim of a drastic decline in political trust or democracy in Australia over the past five years'.[42]

5.49 Dr Tony Ward from the University of Melbourne said 'there has been a long-term trend of people generally losing trust—but it's not in democracy'. Dr Ward said polls indicate people are still 'proud to be part of Australia', and 'happy with the social system in Australia'. He explained, '[w]hat people are not impressed with is what politicians have been doing over the last 15 to 20 years'.[43]

Why do we feel this way?

5.50 Democracy 2025 observed that the dissatisfaction and distrust that Australians feel is 'distinctive', because it is unusual to see such low levels of political trust in a country where the economy 'is performing so well'.[44] A number of factors appear to have contributed to rising dissatisfaction and distrust over the last 10 to 15 years, and to people turning away from traditional modes of political involvement. Some of these are discussed below.

---

39 Democracy 2025, *Submission 98*, p. 12.

40 YMCA Australia, *Submission 30*, p. 2.

41 Democracy 2025, *Submission 98*, p. 3.

42 Scanlon Foundation, *Submission 115*, p. 4.

43 Dr Tony Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

44 Democracy 2025, *Submission 98*, p. 5.

Dissatisfaction with politics

> We've seen in the last 10 years that both sides of the political spectrum have spent more time—apparently, and this is certainly reinforced by the media—fighting amongst themselves than they have in actually doing things for the public good.
>
> Dr Tony Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

5.51 Participants had different views about what is leading to lower levels of public trust, and dissatisfaction with politics and government.

5.52 Mr Sam Roggeveen from the Lowy institute argued that politics is going through 'a long and chaotic phase of realignment', characterised by a public withdrawal from traditional politics and traditional political institutions.[45] This leaves politics 'operating in [a] void' caused by declining membership and increasing professionalisation of the major political parties.[46]

5.53 Dr Cameron identified political 'scandals', changes of leadership between elections, and 'increasing levels of voter pessimism about the state of the economy in Australia' as key drivers of mistrust and dissatisfaction.[47] The 'strongest factor', Dr Cameron said, is government performance, including both 'political performance and economic performance'. The leadership changes between 2010 and 2018 were a particular source of dissatisfaction:

> We had six prime ministers in a period of just eight years, with only one change of Prime Minister coming about following an election, in 2013. A majority of voters have disapproved of how those changes were handled and that has been a major factor contributing to the decline in trust.[48]

5.54 The Grattan Institute submitted that evidence from the Electoral Integrity Project shows 'campaign finance integrity in Australia is rated a lot lower than most democracies in the [Organisation for Economic Co-operation and Development]'. Grattan proposed that voters are 'concerned about the influence of big interests in politics through the process of political donations'.[49]

5.55 The Grattan Institute also contended that Australians 'are concerned about corruption and misconduct by politicians', with most Australians believing 'politicians look after themselves and their mates, at the expense of the public

---

45 Mr Sam Roggeveen, *Submission 149*, [p. 3].

46 Mr Roggeveen, Lowy Institute, *Committee Hansard*, 7 February 2020, p. 25.

47 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

48 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

49 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 10.

interest'.[50] Australian Strategic Policy Institute analysis of politicians' disclosures reveals:

> Federal politicians have accepted at least 55 corporate-sponsored overseas trips since 2010…About 68 per cent of federal ministers and shadow ministers have declared corporate sponsored hospitality (events or travel) and 7 per cent have accepted overseas trips sponsored by a foreign government or agency…Since 1990, around a quarter of former federal ministers or assistant ministers have taken up roles with special interests after political life.'[51]

5.56 Grattan suggested that accepting this kind of 'hospitality' creates 'an actual or perceived conflict of interest', with gifts and benefits making 'favoured treatment more likely'.[52] With rules on lobbying in Australia currently 'weak', Grattan suggested they provide 'little comfort to anyone concerned about undue influence over policy'.[53]

5.57 A number of participants raised concerns regarding that lobbying, which is otherwise a democratic right that can inform decision making and facilitate democratic participation, 'is increasingly associated with secrecy and unfair advantage'.[54] Research undertaken by Transparency International Australia:

> …noted that the inadequate regulation of political donations and lobbyists, the movement of staff between government and industry, and the culture of mateship are significant factors that could enable inappropriate and undue influence to occur.[55]

5.58 Democracy 2025 also argued that integrity was a major cause of mistrust and dissatisfaction with politics. Reporting on how citizens view standards of honesty and integrity, Democracy 2025 said just 11 per cent of citizens rate political standards as 'high', while 36 per cent rate standards as 'somewhat low', and 25 per cent rate them as 'very low', with 27 per cent selecting neither 'high' nor 'low':

> Given that honesty and integrity are qualities that most citizens would highly prize in politics then we can conclude that 90 per cent of citizens have a negative view of the standards of honesty and integrity held by politicians.[56]

---

50 Grattan Institute, *Submission 80*, p. 1.

51 Grattan Institute, *Submission 80*, p. 22.

52 Grattan Institute, *Submission 80*, p. 24.

53 Grattan Institute, *Submission 80*, p. 29.

54 Transparency International Australia, *Submission 92*, p. 4; See also, University of Melbourne, *Submission 59*, p. 9, *Submission 80*, p. 2.; Grattan Institute, *Submission 80*, Attachment 1(Who's in the room? Access and influence in Australian politics), National Health Leadership Forum, *Submission 128*, p. 11.

55 Transparency International Australia, *Submission 92*, p. 4.

56 Democracy 2025, *Submission 98*, p. 3.

5.59 Mr Chek Ling observed that, since the 2008 release of the Rudd government's *Electoral Reform Green Paper – Donations, Funding and Expenditure*, nothing has been done to improve integrity issues associated with electoral donations:

> That Green Paper was comprehensive and thorough: relevant statistics were provided in abundance; references to pertinent studies and commentaries by public institutions and individuals were made. Despite that serious intent, nothing significant seems to have been made of the submissions made to that Green Paper. In fact, things have got worse.[57]

5.60 Mr Geoffrey Robin proposed that citizen distrust is the logical end-result of the way members and senators treat each other in the public eye. Most members and senators, he said, work hard, sacrifice family time, and 'genuinely believe' that they are working to create a better a society. However, when they call each other 'untrustworthy, incompetent and self-seeking, citizens have difficulty in knowing where the truth lies'. The short-term gain achieved by attacking political opponents ultimately leads to 'a greater long-term cost to our democracy, our Parliamentarians and to our democratic institutions'.[58]

5.61 The Melbourne School of Government and Democratic Decay & Renewal posited that the 'increasingly regular ousting and resignation of prime ministers (six prime ministers since 2007, compared to six prime ministers in the previous 36 years (1971-2007))', was a contribution factor in the 'dominant narrative that Australia's democratic system is one of crisis, paralysis and decline'.[59]

The media, social media and media literacy

5.62 Participants talked about the contributions of traditional media, social media and political messaging to mistrust and dissatisfaction.

Traditional media

5.63 Democracy 2025 submitted that federal politicians are deeply concerned about 'the pressure of the media cycle', and being misrepresented.[60] Evidence suggested these concerns are founded, with television networks preferring to show political adversarialism over political cooperation, which policy specialist, Dr Scott Prasser said damages people's perceptions of government and politics.[61]

5.64 According to Democracy 2025, the traditional news media still plays a significant role in shaping 'public perceptions of government performance'.

---

[57] Mr Check Ling, *Submission 168*, p. 2.

[58] Mr Geoffrey Robin, *Submission 11*, p. 6.

[59] Melbourne School of Government and Democratic Decay & Renewal, *Submission 95*, p. 7.

[60] Democracy 2025, *Submission 98*, p. 11.

[61] Dr Scott Prasser, Private capacity, *Committee Hansard*, 7 February 2020, p. 19.

Negative news coverage of government, focusing on 'gotcha' moments, is linked to a 'lack of confidence in government':

> These concerns have grown in an age of truth decay, social media bubbles, overseas meddling in domestic election campaigns, and suspicion of legacy journalism. Some argue…that the media simply informs citizens or signals to them to pay attention to certain issues but on balance a review of available research indicates that the way that news is framed is having a negative impact and encouraging public distrust.[62]

5.65 Dr Prasser noted that television reports less these days on state politics, so the federal government tends to take the blame for issues that are out of its jurisdiction.[63]

5.66 In order for democracy to function properly, citizens must have access to 'accurate information about what is happening' in their society, provided by a free and diverse media. In the view of ABC Friends, ensuring and protecting this access is a responsibility of the state. ABC Friends argued Australia is affected by 'a very high degree of concentration in its commercial media', with dominance by News Corporation, Channel 9 and Channel 7. ABC Friends also expressed concerns about media freedoms in relation to the raids by the Australian Federal Police in June 2019.[64]

5.67 Transparency International Australia submitted that 'a robust and free media is a fundamental pillar of democracy and helps in keeping the public informed'.[65] Concerns were raised over the raids of media organisations in recent years, which have been perceived as 'adverse consequences for news organisations who make life uncomfortable for policy makers and regulators by shining lights in dark corners and holding the powerful to account'.[66]

5.68 ABC Friends argued funding cuts to the ABC in recent years have undermined its critical role in Australia's democracy as the 'major public broadcaster, charged with the responsibility of providing accurate and impartial news and information':

> Our recommendation is that Australian governments commit 0.5% of Federal Government Expenditure to funding the ABC and that they establish longer term frameworks for this funding so that ABC funding is de-coupled from the electoral cycle. ABC Friends submit that properly funded, strong and independent public broadcasting plays a vital role in maintaining the health of Australian democracy.[67]

---

62 Democracy 2025, *Submission 98*, p. 7.

63 Dr Scott Prasser, Private capacity, *Committee Hansard*, 7 February 2020, p. 19.

64 ABC Friends, *Submission 48*, pp. 2—3.

65 Transparency International Australia, *Submission 92*, p. 5.

66 Transparency International Australia, *Submission 92*, p. 6.

67 ABC Friends, *Submission 48*, p. 6.

Social media and online platforms

5.69 Inquiry participants talked about the impacts of social media and online platforms on political trust and satisfaction. ABC Friends observed that many commentators now believe 'the notion of truth has been undermined' in the public sphere, citing Donald Trump's 'disregard for facts', and his 'declared war on journalists'. ABC Friends said tech platforms, such as Facebook, Amazon, Apple, Netflix and Google are providing a platform for 'misinformation and the distortion of news'.[68]

5.70 The Department of Home Affairs observed that social media and online platforms are creating opportunities for 'subversive and criminal behaviours', such as cyber-bullying, harassment, and the distribution of conspiracy theories:

> [T]hese groups seek to divide and weaken our society by exploiting differences, promulgating violent extremism, promoting ethno-religious intolerance or facilitating foreign interference. All these activities can undermine Australia's national security, open system of government, effective democratic processes, electoral integrity and sovereignty.[69]

5.71 The secretary of the department, Mr Michael Pezzullo, advised the committee's November hearing that the question of how best to moderate content on the internet – whether on child protection matters, fake news, propagation of racism, anti-Semitism and religious hatred, or incitement to political violence – could not ultimately be resolved in Australian jurisdictions. The relevant legislation is the US *Communications Decency Act*, which separates the provision and technology of social media platforms from editorial responsibility for their content. The US Congress is conducting hearings on the operation of the Act.[70]

5.72 The Jeff Bleich Centre for the US Alliance in Digital Technology, Security & Governance researches cyber warfare and 'cognitive warfare', which are 'attempts to influence the cognitive processes of online users'. A well-known example is online campaigns of interference in the 2016 United States election. The Jeff Bleich Centre submitted that the Australian government must be extremely cautious in how it responds to these kinds of threats, to ensure that it does not *increase* citizen distrust in government, by responding in a way that citizens perceive to be authoritarian:

> When it comes to foreign and defence policy, [public] trust can be understood as a strategic resource. In this context, it is vital that that a state like Australia should not respond to authoritarian tactics by becoming more authoritarian. Illiberalism cannot defeat illiberalism. Any response

---

[68] ABC Friends, *Submission 48*, p. 1.

[69] Department of Home Affairs, *Submission 138*, pp. 10—11.

[70] Mr Michael Pezzullo AO, Secretary, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 62.

> must be steeped in democratic values. Limiting civic freedoms in the name of national security does not help build trust in government or national security agencies at a time when it is most important.[71]

5.73 Mr Bill Rowlings from Civil Liberties Australia observed that traditional media failed to embrace social media platforms, which are used successfully by populist leaders. Populist leaders simply bypass traditional media and speak straight to their audiences:

> So the media is playing a vastly different role from what it used to. It's now more the policeman on the block, whereas it was actually a setter of standards and a marker of what was going on in public life.[72]

5.74 Political scientist, Professor Jim Walter noted that, while 'the legacy media of the past' was not perfect, 'the increasing fragmentation' of social media makes it harder to facilitate 'rational, sensible discussion'.[73] Economist, Mr Henry Ergas commented that all historical media transitions have impacted upon politics:

> The rise of radio had a fundamental effect on politics, not merely in democracies, but it helped in many respects the rise of autocracies around the world. The rise of television was transformational in terms of the nature of politics and the way politics works. It would be entirely surprising if as fundamental a change as the rise of the internet did not in the long run alter the kind of politics we have.[74]

Media literacy

5.75 Education specialist, Dr Karena Menzie-Ballantyne confirmed that today's generations do not 'engage' with traditional television and radio, but have 'a podcast society', and 'rely on Facebook' and other online sources. This will not change, she said, but educators 'can change', and focus on teaching young people to think critically:

> We actually overtly teach, from primary school up, things like what is a fact and what is an opinion. We overtly teach children to have a look at whether it is a '.com', '.edu' or '.gov' website that they are looking at.[75]

5.76 Associate Professor Don Garden, President of the Federation of Australian Historical Societies, talked about the critical importance of media literacy for young people.[76]

---

[71] Jeff Bleich Centre for the US Alliance in Digital Technology, Security & Governance, Submission 57, [p. 2].

[72] Mr Bill Rowlings, Chief Executive Officer, Civil Liberties Australia, *Committee Hansard*, 13 November 2020, p. 3.

[73] Professor James Walter, Private capacity, *Committee Hansard*, 7 February 2020, p. 43.

[74] Mr Ergas, *Committee Hansard*, 7 February 2020, p. 30.

[75] Dr Karena Menzie-Ballantyne, Lecturer, School of Education and the Arts, CQUniversity, *Committee Hansard*, 7 February 2020, p. 31.

5.77 Ms Sue McKerracher from the Australian Library and Information Association (ALIA) agreed that 'people are being fooled by fake news, they are being sucked in by misinformation'. Ms McKerracher argued media literacy education programs should be directed to adults as well as young people 'to make sure we are actually addressing those issues'.[77]

5.78 The Australian Academy of Science submitted that science has a role to play in helping citizens learn to distinguish between truth and 'fake news':

> In a post-truth world of many 'truths' and 'alternative facts', science and scientific knowledge should be held in high esteem as the most reliable source of information that is closest to an objective truth, alongside other forms of knowledge and rationality such as that embedded in the social sciences and humanities. Scientific knowledge is grounded in empirical inquiry…Because it must have regard to established evidence, scientific knowledge is sceptical, considered and careful in its claims.[78]

5.79 Ms McKerracher said the library sector is recommending the federal government work with the Australian Media Literacy Alliance to develop 'a national policy, a framework, a call to action for media literacy'. A national framework would replace the current piecemeal approach, which sees duplication of programs and effort, and allow for a nationally coordinated program to reach more people.[79]

5.80 ALIA submitted that it would like to work with the federal government, 'through a co-design process, to develop a national strategy to tackle fake news and misinformation'.[80]

5.81 ALIA observed that the issue of media literacy– as it relates to fake news and misinformation – crosses multiple government departments, including the Departments of Home Affairs, Communications, Education, and Social Services, and government agencies, including the Australian Communications Consumer Action Network and the National Indigenous Australians Agency:

> We believe that, as for Open Data and other issues of great importance to all Australians, media literacy should be elevated to a special focus within the Department of Prime Minister and Cabinet.[81]

---

[76] Associate Professor Don Garden, President, the Federation of Australian Historical Societies, *Committee Hansard*, 13 November 2020, p. 17.

[77] Ms McKerracher, Australian Library and Information Association (ALIA), *Committee Hansard*, 13 November 2020, p. 22.

[78] Australian Academy of Science, *Submission 56*, p. 4.

[79] Ms McKerracher, ALIA, *Committee Hansard*, 13 November 2020, p. 22.

[80] ALIA, *Submission 63.1*, [p. 1].

[81] ALIA, *Submission 63.1*, [p. 1].

Committee view

5.82 The malicious dissemination of disinformation, dangerous conspiracy theories, and fake news are a threat to democracy, stir up conflict and division, and cause very real harms.

5.83 Those who spread disinformation and fake news do so in insidious ways. They use decentralised and unregulated media, targeting specific segments of the population to cause confusion, or to achieve specific political or ideological aims. Their messages are often violent, racist, anti-democratic or extremist.

5.84 Australian government approaches to dealing with fake news and disinformation are currently fragmented, spread across a number of agencies and departments.

5.85 The committee notes that parliament is moving to establish a code which would require online platforms to pay for Australian news content that is displayed on their sites. The proposed legislation is aimed at supporting high-quality, original Australian journalism.[82]

5.86 Citizens have varying levels of skill and capability in identifying fake news and disinformation, and have had varying access to media literacy education.

5.87 The committee supports the suggestion made by the Australian Library and Information Association that the government work with the Australian Media Alliance to develop a national strategy to tackle fake news and misinformation.

Recommendation 9

5.88 The committee recommends that the Australian government works with the Australian Media Alliance, through a co-design process, to develop a national strategy to tackle fake news and misinformation. This process should be facilitated through the Department of the Prime Minister and Cabinet.

Recommendation 10

5.89 The committee recommends that the Australian government communicates its support for amendments to the United States *Communications Decency Act* to ensure that hate speech, violent and extremist content, and dangerous and malicious misinformation, are not permitted to flourish on the internet.

---

[82] The Senate Economics Legislation Committee reported unanimous support for the code in February 2021. Senate Economics Legislation Committees, *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2020 [Provisions]*, February 2021, www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/TLABNewsMedia/Report (accessed 15 February 2021).

Leadership

5.90 A common theme among participants was concern around a dearth of strong political leadership. Whether it be fear of telling the truth, fear of losing one's position, or fear of upsetting special interests, participants argued that politicians are failing to make hard policy decisions and progress complex reforms. Professor Ian Chubb from the Academy of Science said:

> …one of the things we as a people should want is leadership—straight, honest, open, persuasive, insightful, smart and intelligent, particularly in our polity—and values and principles of a high order. We should applaud it when we see it and act decisively when we don't…[83]

5.91 Asked if good political leadership makes a difference, Ms Nicole Hunter from MosaicLab said:

> I think the answer is yes. I think the behaviour of politicians does make a difference to how people engage in civic affairs. We have seen this time and again in local, state and federal government levels in terms of the way in which that leadership sets up the parameters, the frame and, in fact, the questions that people get involved in.[84]

5.92 Democracy 2025 said focus groups show Australian citizens don't think 'any real progressive change has been achieved [on] major public policy challenges of our time'. Citizens feel public policy has stagnated and governments lack 'confidence': 'Risk aversion and low political trust is leading to a vicious cycle of apathy and of stagnation in government'.[85]

5.93 Inquiry participants including the Australian Historical Association and Professor Walter pointed to failure to act decisively on climate change as an example of a failure in leadership. The Australian Historical Association maintained that the concerns of everyday citizens about climate change 'have not been adequately addressed by policy makers in any country, least of all in Australia'. The association added that political leaders have 'a moral duty to attend to the concerns of citizens'.[86]

5.94 Professor Walter identified a 'growing disconnect' between political parties and voters:

> …the closer you get to the centre, the more unrepresentative the people who are in the parties are. So we have leaders who are caught between a majority opinion and what they rightly see as their base…The bases are asking for something different to what the majority opinion is. It's the same for both parties…It's because of this problem of having to deal with small

---

[83] Professor Ian Chubb, Councillor, Australian Academy of Science, *Committee Hansard*, 7 February 2020, p. 2.

[84] Ms Nicole Hunter, Managing Director, MosaicLab, 13 November 2020, p. 36.

[85] Professor Evans, Democracy 2025, *Committee Hansard*, 7 February 2020, p. 5.

[86] Australian Historical Association, *Submission 76*, p. 8.

> groups of unrepresentative people in the party base who are holding them hostage.[87]

5.95 Adjunct Professor Eric Sidoti from Western Sydney University said many no longer believe change is possible:

> It seems to me that there's a growing risk in the way that our democracy operates—that a number of issues are pre-emptively taken off the table on the presumption that they will not succeed, or they will not be capable of being handled politically in an appropriate way. We're continually narrowing the scope of debate and the capacity for innovation because we don't even allow it to get to the table.[88]

Declining civic participation

5.96 Mr Ergas argued that society has become 'more atomised and fragmented' because the state no longer demands 'active signs of loyalty to the polity', such as military service.[89] Legal academic, Professor Helen Irving criticised this view, saying:

> [This] description of citizenship, and the responsibilities of citizenship, is an extremely masculine notion of citizenship built around the idea of serving in the military forces, and conscription. Mr Ergas talked about citizenship being traditionally associated with the obligation to perform military service and to be conscripted. Women, of course, were not conscripted. Women were citizens but they were conditional citizens up until 1948.[90]

5.97 A number of participants cautioned against reading the decline in political party involvement as a decline in civic engagement. Mr Roggeveen said he believes Australians 'are still interested in civil society and are still interested in politics; they're just not interested in the two major parties'.[91] Dr Cole agreed, saying people have not 'deserted' Australia's 'democratic life', they have just moved on to other organisations, such as 'GetUp on the Left and the Australian Christian Lobby on the Right': 'Their membership has been growing exponentially during the same period in which that of the two major parties has been declining'.[92] Mr Walker suggested that the high rates of membership

---

87 Professor James Walter, Private capacity, *Committee Hansard*, 7 February 2020, p. 27.

88 Adjunct Professor Eric Sidoti, Vice-Chancellor's Fellow, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 16.

89 Mr Henry Ergas, AO, Private capacity, *Committee Hansard*, 14 February 2020, p. 5.

90 Professor Helen Irving, Private capacity, *Committee Hansard*, 14 February 2020, p. 9.

91 Mr Sam Roggeveen, Director, International Security Program, the Lowy Institute, *Committee Hansard*, 7 February 2020, p. 26.

92 Dr Cole, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 27.

in these organisations may also be a reflection of the relatively low commitment it takes to be involved.[93]

5.98 The Social and Global Studies Centre at RMIT University said it is important to recognise the many alternative ways people 'operate in civil society' outside of political institutions. Census data from 2011 to 2016 indicated a rise in volunteering from 17.8 per cent of people to 19.2 per cent among those aged 15 and over. Many others are also engaged in paid work that has a caring or 'social welfare' element.[94]

5.99 Others still argued that the move away from participation in formal politics does not necessarily mean that the civic or political sphere 'has been diminished'. Professor Irving observed that a significant amount of civic engagement operates outside of traditional political spheres, especially environmental activism.[95] Dr Ward cited the same-sex marriage campaign as a 'fantastic example' of civic engagement, where there was 'huge involvement by the general population'.[96]

5.100 Professor Irving also drew attention to the high level of volunteer work in Australia 'amongst older Australians, retired Australians', saying it 'is very significant and shouldn't be underrated'.[97]

5.101 The 2019–20 Australian bushfire season, known as Australia's 'Black Summer', saw around 7,373 firefighters deployed across Queensland, New South Wales, Victoria, the Australian Capital Territory and South Australia. The vast majority were volunteers.[98]

5.102 Those who assisted with the firefighting efforts in New South Wales received a citation, certificate of recognition, commemorative cap and letter from the Premier and then NSW Rural Fire Service Commissioner, Shane Fitzsimmons, acknowledging their contribution and thanking them for their service. The letter said, '[y]our selflessness, courage and resilience caused all of us to pause and think about the true meaning of family and community'.[99]

---

93 See for instance: Mr Walker, newDemocracy, *Committee Hansard*, 7 February 2020, p. 27.

94 Social and Global Studies Centre, RMIT University, Submission 67, pp. 6—7.

95 Professor Irving, *Committee Hansard*, 14 February 2020, p. 10.

96 Dr Tony Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

97 Professor Irving, *Committee Hansard*, 14 February 2020, p. 32.

98 Lisa Richards and Nigel Brew, '2019–20 Australian bushfires—frequently asked questions: a quick guide', *Parliamentary Library Research Paper Series*, 2019-20, 12 March 2020, p. 6, parlinfo.aph.gov.au/parlInfo/download/library/prspub/7234762/upload_binary/7234762.pdf (accessed 24 November 2020).

99 NSW Government, *Bushfire responders awarded for heroism*, www.nsw.gov.au/media-releases/bushfire-responders-awarded-for-heroism, (accessed 24 November 2020).

5.103 In the year 2018-2019 there were a total of 152,798 volunteer firefighters registered in Australia. Nine firefighters lost their lives battling the Black Summer fires.[100] Yet following the fires, record numbers of volunteers signed up to join state and territory rural firefighting services.[101]

5.104 Dr Ward suggested that the generous response of Australians to bushfire appeals demonstrates that, even while people are disillusioned with politics, they still care about Australian society and want to be involved: 'I think there's something difficult in politics, not in democracy'.[102]

Rebuilding trust and satisfaction

> Australia has a long history of ingenious political innovation, from the secret ballot and compulsory voting to the design of our federal system. Over the past 100 years, however, innovation in our political system has stagnated. Despite enormous structural changes in global politics and the way politics is conducted, we appear to have lost our appetite for democratic and parliamentary reform.
>
> …
>
> Australia has the chance to once again lead the way on democratic reform, and we are excited that this Inquiry looks to make a meaningful step in that direction.
>
> University of Melbourne, *Submission 59*, p. 2.

5.105 Inquiry participants warned that the decline in trust and satisfaction with politics, and engagement with Australia's democratic institutions, may not be able to be reversed without radical changes to the way in which politics functions.[103]

5.106 Submitters offered a number of possible solutions:

- UWA called for 'visionary leadership' and a focus on time frames longer than 'the 3 year election cycle'.[104]

---

[100] Lisa Richards and Nigel Brew, '2019–20 Australian bushfires—frequently asked questions: a quick guide', *Parliamentary Library Research Paper Series*, 2019-20, 12 March 2020, p. 2.

[101] See for instance: Katie Burgess, 'Record numbers join ACT Rural Fire Service after Black Summer', *The Canberra Times*, 16 November 2020, www.canberratimes.com.au/story/7012778/record-numbers-join-act-rural-fire-service-after-black-summer/ (accessed 24 November 2020).

[102] Dr Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

[103] See for instance: The University of Western Australia, *Submission 20*, [p. 5].

[104] The University of Western Australia, *Submission 20*, [p. 5].

- Democracy 2025 called for a constitutional convention, mixing citizens and politicians, which would 'evaluate the state of democracy in Australia' and 'build public support for a period of renewal'.[105]
- The Federation of Chinese Associations of Australian Capital Territory called for elected representatives to hold 'clear and meaningful communications' between elective representatives and the Chinese community, designed to heal a rift created by divisive rhetoric.[106]

5.107 However, the majority of suggestions for improving trust in politicians and 'the government' fell into two categories:

- measures to improve integrity and increase transparency; and
- measures to facilitate greater involvement of citizens in decision-making.

These measures are detailed in this section.

Integrity and transparency measures

5.108 Dr Kris Klugman, President of Civil Liberties Australia said the government's 'best chance' of rebuilding trust is to become more accountable through improving Australia's 'ethical architecture'. Civil Liberties Australia encouraged the committee to take advantage of a 'unique opportunity' to make bipartisan recommendations to improve the image of Australian politicians, including through introducing an independent commission against corruption 'with teeth'.[107] The Science Party similarly called for a federal integrity commission with 'broad and coercive powers'.[108] Many other submitters made similar calls.[109]

5.109 Research conducted in 2018 published by Griffith University and Transparency International Australia regarding 'public attitudes about the types of corruption that impact on trust in government decision-making' sought to illicit what citizens 'meant when they saw corruption as a problem. Responses indicated that a relatively small proportion of people surveyed nominated issues of 'dissatisfaction with government', and 'issues of nongovernment corruption, such as banking misconduct'. Rather, respondents were much more concerned about undue influence over government (for example, through lobbyists), self-interest by public officials, and political deceit, dishonesty, lack of transparency or accountability. For this reason, it

---

[105] Professor Evans, Democracy 2025, *Committee Hansard*, 7 February 2020, p. 6.

[106] Federation of Chinese Associations of Australian Capital Territory (FCAACT), *Submission 12*, [p. 1].

[107] Dr Kristine (Kris) Klugman, President, Civil Liberties Australia, *Committee Hansard*, 13 November 2020, p. 1.

[108] Science Party, *Submission 117*, p. 5.

[109] See for instance: Democracy 2025, *Submission 98*, p. 7; Citizens for Democratic Renewal, *Submission 22*, Attachment 1, p. 18; Mr Martin Hensher, *Submission 40*, [p. 6].

was argued that significant reforms are needed to strengthen open, trustworthy decision making at 'both the political (parliamentarians) and bureaucratic levels (public servants)'.[110]

5.110 The University of New South Wales Law Society said transparency reforms would also lead to better decision-making.[111]

5.111 Democracy 2025 argued that, as well as an integrity commission, there is a need for 'a parliamentary integrity pledge for our politicians'.[112] Mr Nicholas Reece from the University of Melbourne suggested 'comprehensive and continual professional training in policy, ethics and procedures for…ministers, members of parliament and ministerial staff'.[113]

5.112 A code of professional conduct was recommended by Citizens for Democratic Renewal, based on the standards set down for the banking industry by the Hayne inquiry:

> Obey the law; do not mislead or deceive; be fair; provide services that are fit for purpose; deliver services with reasonable care and skill; when acting for another, act in the best interests of that other.[114]

5.113 The Grattan Institute also supported introducing a code of conduct for parliamentarians, as well as appointing an ethics adviser, 'and ensuring all codes of conduct are independently administered'.[115]

5.114 The University of Melbourne proposed professional training for members, senators and their staff, saying current orientation programs are insufficient in the areas of 'management, financial analysis, governance and behaviour…':

> An Australian politician, who has responsibility for matters affecting the interests of millions of his or her fellow citizens, should be assisted by receiving a comprehensive level of training about their duties, responsibilities and the technical knowledge required for the role. This can be achieved through the introduction of comprehensive, professional training for members of parliament and ministers. Given their influence in the political process, ministerial staff would also receive this sort of training.[116]

5.115 The Grattan Institute called for a public register of lobbyists who have unescorted access to Parliament House, and the publication of ministerial

---

[110] Transparency International and Griffith University, *Australia's National Integrity System: The Blueprint For Action*, November 2020, [pp. 65–66].

[111] University of New South Wales Law Society, *Submission 46*, p. 11.

[112] Professor Evans, Democracy 2025, *Committee Hansard*, 7 February 2020, p. 6.

[113] Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 14.

[114] Citizens for Democratic Renewal, *Submission 22*, [p. 4].

[115] Grattan Institute, *Submission 80*, p. 1.

[116] University of Melbourne, *Submission 59*, p. 9.

diaries, 'so people know who ministers meet with'.[117] Grattan and others, including Mr Reece, called for much 'stronger regulation of lobbyists'.[118]

5.116 Another suggestion, related to improving the integrity of government decisions and executive action, was that Australia adopt a bill of rights or legislate a human rights act.[119]

Citizen engagement

5.117 Some participants argued that the reason for democratic discontent is the failure of those in power to conduct political decision-making in fair, transparent, *engaging,* and consultative ways. Mr Roggeveen said 'cynicism and despair' characterise the feelings of many towards Australian politics, but the 'abiding condition' of most of the Australians public 'is just disengagement': 'The connection with the system…has simply been lost'.[120]

5.118 Citizens for Democratic Renewal said citizens see politicians as 'reactive, risk averse and partisan' in the way they develop policy, rather than consultative and deliberative.[121] Deliberative approaches, such as 'citizen juries', Mr Roggeveen proposed, can be useful in helping 'reconnect the Australian public to politics, where that connection…has almost totally broken down'.[122]

5.119 Some argued for more innovative engagement with citizens, and some argued for direct participation of citizens in decision-making. Proponents of 'new democracy' argued for 'evidence-based and openly consultative government policy making', and 'refreshing and rebooting' democracy through engaging citizens directly in policy decision-making processes.[123]

5.120 Mr Ray Bricknell submitted that governments have failed to take advantage of communication technology to engage citizens, and use it to simply 'push out' information. The public service should make better use of technology by, for instance, using citizen surveys, as recommended by Terry Moran in 2010, and should 'utilise organisations with expertise in direct and deliberative democracy to facilitate decision-making exercises'.[124]

5.121 Professor Julian Thomas from the Australian Academy of the Humanities cautioned that digital inclusion and digital citizenship 'are still very unevenly

---

[117] Grattan Institute, *Submission 80*, p. 1. See also: University of Melbourne, *Submission 59*, p. 5.

[118] Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 14.

[119] See: Dr Klugman, Civil Liberties Australia, *Committee Hansard*, 13 November 2020, p. 1.

[120] Mr Roggeveen, Lowy Institute, *Committee Hansard*, 7 February 2020, p. 24.

[121] Citizens for Democratic Renewal, *Submission 22*, [p. 2].

[122] Mr Roggeveen, Lowy Institute, *Committee Hansard*, 7 February 2020, p. 25.

[123] Citizens for Democratic Renewal, *Submission 22*, [p. 2].

[124] Mr Ray Bricknell, *Submission 178*, [p. 2].

distributed', and suggested this must be improved in order to facilitate truly democratic citizen engagement: 'Without broader digital inclusion, we don't really have effective democratic deliberation here'.[125]

5.122 Ms McKerracher described the role of libraries in the:

> …digital space…We bridge that gap for the population that is not learning to use the internet at school, at work or through study-that 20 per cent of the population that still is not really online in the way that we would understand it. We are trying to articulate digital access as an essential element of Australian infrastructure-in the same way that we see electricity, gas or whatever. Having access to the internet is absolutely essential…[126]

Deliberative democracy

5.123 Ms Nicole Hunter, Managing Director of MosaicLab, a consultancy that works with government to facilitate deliberative democratic processes, said deliberative democracy is 'about placing people, be they citizens, residents, affected individuals or communities, closer to the affairs of government'. Deliberative democratic processes do not 'replace' the decision-making role of elected representatives, but there is an expectation that they will influence the final decision 'to the greatest extent possible'.[127]

5.124 Participants in deliberative exercises should have access to the information and the time required to consider an issue in depth. In general participants are selected 'randomly' and are 'representative of the broader community and inclusive of all voices'.[128]

5.125 MosaicLab research indicates that involvement in an exercise of deliberative democracy changes a person's attitude to government:

> Before each process commenced, 25% of respondents had never been involved in a government decision before, and only 11% had been 'very involved' in civic affairs in the past. Post-deliberation results showed that 79% of respondents thought they were likely or very likely to get involved in future government decisions…a 50% increase in likelihood to engage in civic affairs.[129]

---

[125] Professor Julian Thomas, Fellow, Australian Academy of the Humanities, *Committee Hansard*, 7 February 2020, p. 37.

[126] Ms McKerracher, ALIA, *Committee Hansard*, 13 November 2020, p. 22. The committee notes that interpretations of data regarding digital access and inclusion may vary. Readers can access data from the Australian Bureau of Statistics here: 'Household use of information technology', www.csi.edu.au/media/2019_ADII_Report.pdf (accessed 15 February 2021). Another, more recent, source is: Roy Morgan, *Measuring Australia's Digital Divide: Australian Digital Inclusion Index 2019*, www.csi.edu.au/media/2019_ADII_Report.pdf (accessed 15 February 2021).

[127] Ms Nicole Hunter, Managing Director, MosaicLab, *Committee Hansard*, 13 November 2020, p. 33.

[128] MosaicLab, *Submission 81*, p. 2.

[129] MosaicLab, *Submission 81*, p. 4.

5.126 Participants' trust in government organisations also improved, with 50 per cent of respondents saying the sponsoring organisation was 'trustworthy' or 'very trustworthy' at the start, and 82 per cent of respondents selecting 'trustworthy' or 'very trustworthy' at the end.[130]

5.127 The newDemocracy Foundation talked about the highly successful deliberative process that led to the reform of abortion laws in Ireland, which were set down in the nation's constitution. Director, Mr Iain Walker explained:

> For those not aware, the Right-aligned Irish government made a move to reform its abortion laws, which were entrenched in the constitution. Whatever you may think of the issue—the degree of difficulty, politically, in a very religious country—it is an extremely challenging issue to take on. That parliament ultimately felt safe to address that and take that on publicly by having a substantive role for a citizens' assembly of just a hundred Irish people, selected at random, who found some common ground, and, in effect, knocked out the worst edges of the debate, and said, 'Should this law pass, these are the nine main conditions we'd see as operable'.[131]

5.128 Associate Professor Tom Daly from the Melbourne School of Government said the Irish example provides an important lesson for Australia, as we have similar challenges in achieving constitutional change:

> When they started this experiment, there was huge cynicism about what it could achieve. It was completely a trial. Our system for achieving constitutional change, same as the Australian system, was by referendum, and we had suffered a lot, with polarisation and misinformation, especially as we got into the 2000s with referendums on the EU, for example. There was huge cynicism about what could be achieved. It was actually the process and the design of the initial body that worked very well: 66 members of the public, with 33 politicians nominated by their own parties…[132]

5.129 Professor Evans also lauded the Irish example, saying it proves how deliberative democratic processes that bring citizens together with members of parliament can cut through the adversarialism of politics, helping governments 'deal with those sticky problems'.[133]

5.130 Another example mentioned was the citizens' assembly in France on climate change. The French assembly includes 150 randomly selected people from across France, engaged in 21 days of deliberation across seven months.

---

[130] MosaicLab, *Submission 81*, p. 6.

[131] Mr Iain Walker, Executive Director, newDemocracy Foundation (newDemocracy), *Committee Hansard*, 7 February 2020, p. 11.

[132] Associate Professor Tom Daly, Deputy Director, Melbourne School of Government, *Committee Hansard*, 7 February 2020, pp. 16—17.

[133] Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 41.

Mr Walker noted the citizens involved asked 'to hear from the President' at their third meeting, and 'he turned up and answered questions for 2½ hours'.[134]

5.131 Mr Ryan Winn from the Australian Council of Learned Academies provided a current Australian example; a project by the National Health and Medical Research Council on mitochondrial donations. The project includes a panel of citizens working with a scientific panel to discuss options for legislating in this contentious political area.[135]

5.132 Melbourne School of Government and Democratic Decay & Renewal acknowledged that it is too early to determine whether individual experiments with citizens' assemblies are a success, but they may present a useful way to approach complex policy problems:

> Recent analysis of Ireland's Citizens' Assembly, which was convened across four weekends from November 2016 to March 2017, and which broke a longstanding political deadlock regarding the vexed issue of abortion reform, cautions against seeing these bodies as a panacea. However, despite limitations, these bodies may carry significant potential to cut across deadlock or hyper-partisan political systems, to marry public, political and expert knowledge, to attenuate the impact of excessive lobbying by sectoral interests, and can possibly provide a better means for participatory government than one-off referendums (which of course have a particularly problematic place in Australia's political system).[136]

5.133 Professor Melleuish articulated an argument that is commonly expressed against participatory democracy – that 'not everyone wants to participate'. Most people expect 'the elites they elect and the people in their public service' will make good decisions and do 'the right thing by them'.[137]

5.134 In contrast, private citizen Mr Ivan Winter submitted his frustration with what he saw as a lack of opportunities to engage in democratic decision-making:

> There is no meaningful or authentic mechanism whereby the citizen can contribute his or her informed opinion on matters of substance. Any views expressed to parliamentary members or, indeed, to the citizens' own political party are treated as irrelevant or merely given token acknowledgement. But more serious is their elitist perceptions of ordinary people – the citizens – who are all too frequently dismissed on the basis that, 'the people haven't got the facts (that we are privy to), therefore they don't know what they are talking about!' Consequently, citizens are relegated to the 'subject classes'.[138]

---

[134] Mr Walker, newDemocracy, *Committee Hansard*, 7 February 2020, p. 12.

[135] Mr Ryan Winn, Chief Executive Officer, Australian Council of Learned Academies, *Committee Hansard*, 7 February 2020, p. 44.

[136] Melbourne School of Government and Democratic Decay & Renewal, *Submission 95*, p. 7.

[137] Professor Greg Melleuish, Private capacity, *Committee Hansard*, 7 February 2020, p. 8.

[138] Mr Ivan Winter, *Submission 186*, [p. 1].

5.135 Mr Winter suggested '[t]rust, understanding, tolerance, responsibility and wisdom' are developed through 'involvement': 'If one is excluded from the political process then apathy, alienation and, or, contempt prevails'.[139]

5.136 Professor Daly said, even if the government did not want to consider options such as a citizens' assembly, it should think about ways to 'shore up what has been lost', and re-establish citizens' 'connection to the system'.[140]

5.137 Citizens for Democratic Renewal argued citizens juries were useful for making big decisions that governments struggled to make, such as in areas like climate change or constitutional recognition of First Nations Australians, 'where our normal political processes are unable to adequately lead the public discourse and find the "common good" that the vast majority can accept'.[141]

5.138 MosaicLab offered evidence to suggest the federal government is currently 'lagging other levels of government in taking up deliberative processes', with a number of state and territory government, and local councils having conducted multiple deliberative processes, leading to concrete outcomes.[142]

5.139 **Table 5.1** enumerates major deliberative exercises undertaken by governments in a number of countries, according to evidence provided by MosaicLab.

Table 5.1 Deliberative processes undertaken in the last 10 years[143]

Country	Number of long form deliberations
Australia	35
Austria	1
Belgium	1 and 1 permanent house of German speaking Belgium randomly selected
Brazil	1 (in planning)
Canada	31
Denmark	2
Estonia	1
Germany	37
Ireland	2

139 Mr Ivan Winter, *Submission 186*, [p. 1].

140 Professor Daly, Melbourne School of Government, *Committee Hansard*, 7 February 2020, p. 20.

141 Citizens for Democratic Renewal, *Submission 22*, [p. 4].

142 MosaicLab, *Submission 81*, p. 8.

143 MosaicLab notes that this list may not be exhaustive, *Submission 81*, p. 9.

Netherlands	1
Norway	1
Poland	4
South Korea	2
Spain	5
UK	10
USA	8

Source: MosaicLab, Submission 81, p. 9.

Direct democracy

5.140 Others argue for more direct democracy, where citizens are invited to take part in making (usually) binding decisions, such as through referenda. The Embassy of Switzerland in Australia described the Swiss political system, which makes heavy use of direct democratic methods, saying:

> Direct democracy is about setting the agenda and making decisions, not about consulting the people in a top-down process. The latter are plebiscites rather than referenda.[144]

5.141 The University of New South Wales Law Society referred to a recent example from Taiwan, where citizens can now enact or repeal laws through a petitioning process:

> By gathering enough signatures, citizens can propose reform that, if requirements in both turnout and popular approval are met, will lead to new legislation. There are of course strict procedural guidelines (e.g. numbers of signatures required to initiative a referendum and percentage required to actually pass the referendum) and limitations on what matters of state can be reformed (notably budgetary issues are off limits). To administer this process, Taiwan's Central Election Commission (CEC) has also been used as an impartial method to ensure that the required processes are adhered to before a referendum can be proposed.[145]

Participation of young people

5.142 UWA highlighted the particular problem of disengagement and dissatisfaction of young people with democracy and politics. The university argued that because the problem is more heavily concentrated among the young, solutions should be too:

> [I]t makes sense to focus any ameliorative steps on young people, and on broader issues of inter-generational equity. There is a strong sense among many young people that they are losers from a political process that privileges the interests of older voters and neglects younger ones. Primary,

[144] Embassy of Switzerland in Australia, *Submission 55*, p. 6.

[145] University of New South Wales Law Society, *Submission 46*, pp. 9—10.

> secondary and tertiary educational institutions have a key role to play in addressing both the perception and the reality of this problem.[146]

5.143 YMCA Australia submitted findings from research it conducted in 2017: 74 per cent of Australians aged 13 to 22 'don't believe those in power are making decisions with their best interests at heart'; 66 per cent feel their age 'prevents them from being heard', and over half 'believe social media is the only avenue to have their voice heard' (figures are from 2017). Results of a survey conducted in 2018 were even worse with less than 20 per cent of young people feeling that their concerns were represented by those in power in Canberra.[147]

5.144 Professor Sidoti highlighted the importance of encouraging young people to participate in democracy. Professor Sidoti said the government's message to young people who participated in student strikes over climate change gave the impression that young people's views were 'illegitimate'. Telling students to 'Get back into school', Professor Sidoti said, communicated that 'somehow our participation is not wanted in reality, that it's not warranted and it's not taken seriously'.[148]

5.145 History Professor, Dr Ann McGrath expressed a similar view, supporting the right to protest:

> Coming from Queensland, and living under the Bjelke-Petersen regime, there were quite a few restrictions happening. I think it's really important that politicians don't think about curbing civil expression that can really change society for the better.[149]

5.146 Professor Sidoti said that young people were 'simply asking' to be recognised by the federal government 'as legitimate agents in a political process and be treated meaningfully and with respect'.[150]

5.147 School students who tour the Museum of Australian Democracy as part of their civics program overwhelmingly report that they 'want more opportunities to participate in their democracy'. The surveys show that 64 per cent are 'interested in politics', and want the parliament to engage in 'issues that will impact on their future', such as 'mental health, bullying, indigenous constitutional recognition, equal gender rights, unemployment and climate change'.[151]

5.148 When young people are given opportunities to participate in relation to issues of interest to them, 'they are highly engaged'. YMCA Australia submitted that

---

[146] UWA, *Submission 20*, [p. 6].

[147] YMCA Australia, *Submission 30*, p. 2.

[148] Professor Sidoti, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 41.

[149] Dr Ann McGrath, Private capacity, *Committee Hansard*, 14 February 2020, p. 39.

[150] Professor Sidoti, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 41.

[151] Democracy 2025, *Submission 98*, p. 12.

the 2017 marriage equality postal survey resulted in a 'significant increase' in the enrolment of young voters:

> The total number of new enrolments of 18 to 24 year olds was 65,000 representing 66% of all new enrolments. While the postal survey was voluntary, 76% of young voters aged 18 to 25 years participated in the survey…Ensuring that young people have a voice is critical for the future health of our democracy.[152]

5.149 The YMCA detailed its youth empowerment programs, which contribute to engaging youth in civil society and global democracy. These include:

- the Youth Parliament, for ages 16 to 25, where youth are heard at the highest levels of state government about issues relevant to young people's lives;
- the National Indigenous Youth Parliament; a partnership with the Australian Electoral Commission, for young people aged 16 to 25, which helps empower young First Nations Australians in electoral participation;
- the YMCA Global Change Agent Program, a leadership development program to empower 18 to 30 year olds to be 'change makers in their own communities'; and
- the Young CEO Movement, where young people are supported to be 'CEO for a Day', and provided with opportunities to 'have a voice and be heard, locally and nationally', over a twelve-month period.[153]

5.150 The ANU's Dr April Biccum suggested a practical recommendation for the committee to make would be to encourage the federal government to explore 'mechanisms' for providing young people with 'a seat at the table'.[154]

Government responses to participatory processes

5.151 How governments respond to democratic processes in which citizens participate is critical for the health of democracy. MosaicLab argued that participants in deliberative democratic processes should be able to have an expectation that the process will have some bearing on the outcome.[155]

5.152 Professor Sidoti said the manner of the government's response to the *Uluru Statement from the Heart*, and the calls of the Referendum Council, demonstrated a failure on the part of the executive to genuinely engage with the community.[156]

---

[152] YMCA Australia, *Submission 30*, p. 2.

[153] YMCA Australia, *Submission 30*, pp. 3—4.

[154] Dr April Biccum, Senior Lecturer, Department of Politics and International Relations, Australian National University, *Committee Hansard*, 14 February 2020, p. 35.

[155] Ms Nicole Hunter, Managing Director, MosaicLab, *Committee Hansard*, 13 November 2020, p. 33.

[156] Professor Sidoti, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 42.

5.153 The process to develop the Uluru Statement, and the recommendations of the Referendum Council, was thoroughly 'representative', lasting 'many years', and involving numerous communities, committees, and 'special panels'. It was a deeply 'consultative' process, and the response to it was 'decided in the executive'.[157]

5.154 Professor Sidoti said, regardless of ones views on the issue of constitutional recognition, the government's actions were a disappointing response to such a long and deliberative process, involving so many citizens:

> [C]learly what it was saying was that we as an executive will make the decision, without reference, as far as I know, to the party, and not to the caucus and certainly not to the parliament, and not talking to the Indigenous leaders in advance. They're simply illustrations of a pattern of behaviour of governments over some time in the way they shut down the space for conversation at the same time that we're saying we want to open the space for conversations.[158]

Committee view

Trust, satisfaction and belief

5.155 The committee has considered all the data on trust, satisfaction and belief in democracy submitted by participants in the inquiry. We note that there are differences in the way data are collected and interpreted, and differing views as to what this means for the health of Australia's democracy.

5.156 Whether or not the Australian data shows a downward trend over the long term is questionable. The Australian Election Study's reports show trust at a low 29 per cent in 1979, at 34 per cent in 1993 and 1998, and at 32 per cent in 2001, after a high of 48 per cent in 1996. We note that there are a number of elections missing in this analysis. In 2013, trust was at 34 per cent again, before dropping to 26 per cent in 2016 and 25 per cent in 2019 (see **Figure 5.3**, p. 7).

5.157 While the low levels of trust reported in 2016 and 2019 are concerning, the committee believes it too soon to definitively establish a downward trend, based on this data. The increase in trust reported during COVID-19 complicates the situation further. It will be interesting to see how long these increases in trust and satisfaction are maintained, and if they impact the results of the surveys conducted after the next election.

5.158 Regardless of how the data are interpreted, we know that levels of trust and satisfaction have been at historic lows for a number of years now. This is not something governments can afford to ignore.

---

[157] Professor Sidoti, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 42.

[158] Professor Sidoti, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 42.

5.159 A sizable majority of citizens in Australia in recent years have told us that they do not believe the federal government makes decisions in their interest, that they do not trust political parties, and that they are not satisfied with the way democracy is functioning at the moment.

5.160 Australians may not like politics, but we still believe in democracy.

5.161 Surveys report that support for democracy as the best system of government has remained relatively stable in Australia. Scanlon ranks support for democracy at 65 per cent[159] as does the Lowy Institute Poll.[160]

Renewing political engagement

5.162 The logical conclusion is that politics is broken, not democracy. Or, more specifically, something is broken in *the way* we are conducting politics. The way politics functions is alienating to citizens; causing them to turn away from established political parties and mainstream political processes.

5.163 Citizens are not lazy, nor are they apathetic. Australians volunteer in high numbers, and lend their support to their fellow Australians in tough times, such as during fires, floods and emergencies. We get involved in civic organisations; Rotary, the Red Cross, GetUp, or the Australian Christian Lobby. We lend our support to online petitions, make donations to charities and campaigns, community donation drives, and volunteer for our local schools, religious organisations and clubs.

5.164 Elected representatives cannot afford to disregard the many ways Australians are engaging. Governments must find new channels and new ways of communicating that really *speak* to citizens. We must find a way to reach out and meet citizens *where they are*, or risk being stuck in an echo chamber, which is where citizens are telling us we are now.

5.165 Critically, we must *listen* and *respond*. Whether through deliberative exercises, or other forms of consultation, governments must seek input from citizens, and meaningfully engage with that input.

5.166 Young Australians also have an interest in their world and its future. They talk to their friends about issues they care about, they participate in online campaigns, and, more recently, they have organised strikes and protest action on climate change.

5.167 There is a need to nurture democratic sentiment in young people. As Professor Sidoti said, 'young people are legitimate agents' in our democracy.[161] We must

---

[159] Ms Anthea Hancocks, Chief Executive Officer, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 36.

[160] As reported in Scanlon Foundation, *Submission 115*, p. 4.

[161] Professor Sidoti, Western Sydney University, *Committee Hansard*, 7 February 2020, p. 41.

encourage their interest in politics and ideas, and facilitate their participation in the political system. If this initially manifests in online activism, or legal protest activity, so be it. Attending a rally may spark a lifelong interest in politics in a future Prime Minister.

5.168 This report contains recommendations to ensure our young people learn about the history of our nation, about civic participation, and about Australia's democracy. History is the foundation: young people are the *future* of our democracy.

Recommendation 11

5.169 The committee recommends that the Australian government consults with the National Youth Commission and Youth Commissioner to develop options to:

- **ensure greater youth input into political processes of the federal parliament; and**
- **promote democracy among Australia's youth.**

Integrity and transparency

5.170 The choices and behaviour of politicians significantly impact upon public trust in governments and democracy.

5.171 The committee is in agreement that an independent federal anti-corruption commission is required; and that the commission must be constructed in a way that ensures it can operate effectively to detect and prosecute corrupt behaviour.

5.172 The committee notes the calls for a code of conduct for members, senators and their staff, and professional training or orientation for newly elected members, senators and their staff, and believes there is merit in these calls.

5.173 The committee acknowledges the importance of high quality, impartial public broadcasting in providing citizens with trusted information, local content and emergency services information. An adequately resourced, independent public broadcaster – incorporating online, radio and free-to-air offerings – is a critical component of a healthy democratic system. As is an adequately-resourced multicultural broadcasting service.

5.174 The committee notes the calls from the Grattan Institute and others for a public register of lobbyists with access to Parliament House and supports this call.

Recommendation 12

5.175 The committee recommends that the Australian government establishes an independent federal anti-corruption commission that earns and maintains public confidence through transparency and accountability while also upholding the fundamental principles of justice and procedural fairness.

Chapter 6
Democratic institutions: Building strength and resilience

6.1 How strong are Australia's key democratic institutions, including the Commonwealth parliament, the federal public service, our major political parties, Australia's federal system, and key national, cultural and educational institutions? Do we have accurate measures of their strength and resilience? How can we measure their performance? How do they compare to equivalent institutions internationally? How could these core institutions of democracy be further strengthened?

6.2 While most Australians *believe* in democracy, many are unhappy with how Australia's democracy is working. Many feel it does not work *for them*. To strengthen our democratic institutions, we must first acknowledge that they are not perfect. A closer look at our institutions is warranted.

6.3 Evidence suggests Australia's democratic institutions are strong, their practices generally held in high esteem, and their procedures robust by international standards. However, Australians consistently report low levels of faith and confidence in these institutions. Why do so many Australians express cynicism towards the key institutions of their democracy? What can be done to change this?

6.4 In an era of increasing social and political fragmentation, how can governments and others who defend democracy re-establish trust in the legitimacy of our democratic institutions? Australia's democracy is highly regarded around the world. How can we ensure it remains strong and resilient in the face of populist and anti-democratic threats?

6.5 This chapter considers a wide range views on the strength of Australia's democratic institutions, and proposals for making them stronger, more resilient, and more capable of handling the shocks imposed by global threats to democracy.

A closer look at Australia's democracy

6.6 According to intergovernmental think-tank, International IDEA, Australia is 'a high performing democracy with many strengths to draw from'. Australia ranks highly in most areas that are fundamental to a functioning democracy,

including 'absence of corruption', 'representative government' and 'access to justice' (see **Figure 6.1**).[1]

Figure 6.1 Performance of Australia's democratic institutions, 2019

International IDEA, Submission 88, Attachment 1, [p. 1].

6.7 Despite these democratic strengths, many Australians do not see our democracy in the same way. The 2019 Australian Election Study found that 56 per cent of Australians believe 'the government is run for a few big interests', with only 12 per cent believing 'the government is run for all the people'.[2]

6.8 International IDEA submitted data that indicates, while Australia is still a high-performing democracy, there has been a slight reduction in our scores in a number of areas over recent years; including 'fundamental rights' and 'checks on government'.[3]

---

1 International IDEA, *Submission 88*, Attachment 1, [p. 1].

2 Sarah Cameron and Ian McAllister, *Trends in Australian Political Opinion: Results from the Australian Election Study, 1987–2019*, p. 3.

3 International IDEA, *Submission 88*, Attachment 1, [p. 2].

6.9 Professor Mark Evans, Director of Democracy 2025, argued there are many political institutions in Australia and internationally about which there is insufficient information. Without 'a strong evidence base to inform decision-making', it is impossible to know if political institutions are working effectively.[4]

6.10 Democracy 2025 argued 'there is an urgent need to create a permanent and independent Democratic Audit of Australia to provide ongoing intelligence on the strengths and weaknesses of Australian democracy'. A democratic audit would be 'funded by, but independent from Parliament'. It would operate like the Productivity Commission, or the Treasury, reporting periodically 'on the state of Australian democracy', in a similar manner to the Intergenerational Report. Its role would be to 'champion liberal democracy, audit the qualities of Australian democratic practice, celebrate its successes and facilitate policy debate on its weaknesses'. Democratic audits exist in the United Kingdom and the European Union which could provide a model.[5]

6.11 Professor Evans said his research has exposed 'big gaps' in the knowledge about what is working to sustain Australia's democracy, and what is weakening it. One of the reasons for this is that there are areas that don't receive a lot of research attention:

> [T]here's a tendency with political scientists to focus on Commonwealth government, because they're interested largely in power and power relations, and that's where they think the political game is occurring. There's far less research on the role of, for example, local government. There's far less research on state-local government relations. There's far less research on things like how effectively our integrity agencies are working…in the Northern Territory, we only had the choice of, literally, two people to do the audit for the Northern Territory.[6]

6.12 A democratic audit would 'start with Australia' and develop a comparative index, looking at 'which of our institutions are delivering great success stories in terms of our democracy, and which institutions are under pressure'. It could propose areas where institutions may need to modernise, because they no longer meet their objectives, or make suggestions for where institutions 'could play a different role in promoting democracy'.[7]

6.13 The Australian Museum and Galleries Association proposed government develop a 'national policy framework for strengthening democracy'. The national policy would be cross-governmental, co-designed with academics,

---

4 Professor Mark Evans, Director, Democracy 2025, *Committee Hansard*, 7 February 2020, p. 6.

5 Democracy 2025, *Submission 98*, p. 12—13.

6 Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 37.

7 Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 37.

cultural organisations and the non-government sector, and resourced over the long-term.[8]

6.14 The sections that follow look at the features of some of Australia's key democratic institutions. They consider what contributes to their strength and resilience, issues of concern, and proposals for making them stronger.

Recommendation 13

6.15 The committee recommends that the Australian government establishes and funds an ongoing independent Australian Democratic Audit, modelled on democratic audits in the United Kingdom and European Union.

The Australian Democratic Audit should use evidence-based, objective comparative measures to monitor the quality, durability and effectiveness of Australia's national and state level political and democratic institutions, and make recommendations for improvements and reforms.

The federal parliament

> It is interesting when you look at survey results about how our democracy is performing and you see it waning. I would say: the institutions of Australian government still perform very well. Look at our airports, for example: 130 million people travelled through Australia's airports last year. There wasn't one single fatality as a result of an airline accident. That is a system that works. I think our hospitals and many other institutions of government work quite well.
>
> …This week my daughter started high school, and I opened her humanities book to see, out of great interest, what was in there…There was nothing in there about Australia's democracy and those things that I just took you through. So, at least in the Victorian school system…in year 7 humanities…we are not teaching those children about our own proud democratic history.
>
> Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, pp. 12—13.

6.16 There are nine parliaments around Australia: six state parliaments, two territory legislative assemblies, and the federal parliament. Australia's federal parliament is the central pillar of Australia's democracy, with legislative, representative, scrutiny, and executive functions.

6.17 The federal parliament's committees perform two key roles that have the capacity help to build and maintain confidence in the parliament. Committees

[8] Australian Museums and Galleries Association (AMaGA), *Submission 77*, [p. 6].

are the parliament's main mechanism for reaching out and engaging directly with citizens and civic organisations. The committees also perform key scrutiny and accountability functions, helping to hold the government to account. The role of committees is further explored in the following section.

6.18 Public perceptions often fail to match reality when it comes to Australia's federal parliament. Dr Jonathan Cole from Charles Sturt University observed that dramatic clips from question time are the only parliamentary proceedings most Australians ever see, because they make the news. However, in reality, parliamentarians spend many hours working productively together, across the political divide, to ensure a well-functioning parliament.[9]

6.19 Private citizen, Ms Dinah Kimbell commented on the unsatisfactory experience of watching question time, which she described as 'gotcha moments of one-up-manship'. Ms Kimbell said instead of time spent on 'Dorothy Dixers', she wants to see 'my government working for me, and all Australians'.[10]

6.20 Participants proposed a number of changes to the way parliament operates in order to address some of these perception issues. Mr Nicholas Reece from the University of Melbourne suggested the parliament could trial a change to the seating arrangements in the parliament. Instead of parliamentarians sitting in party blocs, they could be seated by 'a random ballot'.[11]

6.21 The University of Melbourne suggested the offices of the President of the Senate and the Speaker of the House of Representatives should be turned into 'quasi-judicial' offices, with the holders 'being seen as truly independent and not attending party room meetings'. In this model, the Speaker and President would be appointed for set terms. Another option would be to have the presiding officers appointed by 'a bi-partisan parliamentary committee'.[12]

6.22 Mr Ray Bricknell criticised the notion of a government 'mandate', saying there is 'a fundamental deceit' in governments claiming to have a mandate to introduce policies after winning an election. Each bill or policy proposal should be considered on its own merits, and scrutinised individually.[13]

6.23 A number of participants proposed that allowing senators and members to vote freely, instead of along party lines, would strengthen democracy. Mr Reece said, 'Parliament is often at its best when people engage in free votes'.[14]

---

[9] Dr Jonathan Cole, Assistant Director, Centre for Public and Contextual Theology, Charles Sturt University, *Committee Hansard*, 7 February 2020, p. 38.

[10] Ms Dinah Kimbell, *Submission 41*, [p. 1].

[11] Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 13.

[12] University of Melbourne, *Submission 59*, p. 6.

[13] Mr Ray Bricknell, *Submission 178*, [p. 1].

[14] Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 13; Mr Ray Bricknell, *Submission 178*, [p. 1].

Democracy 2025 remarked that 60 per cent of Australians support free votes in parliament and 72 per cent support co-design of public services with citizens.[15]

6.24 The Melbourne School of Government and Democratic Decay & Renewal stated that the federal parliament does not reflect the diversity of the Australian community, and highlighted three issues:

- women remain underrepresented in parliament: they comprise 36.6 per cent of the federal parliament after the May 2019 elections; and the proportion of women in senior leadership positions in parliament is far lower;
- Indigenous communities continue to seek greater recognition in the democratic system; and
- some have called for granting the vote to Australia's many permanent residents.[16]

6.25 Democracy 2025 reported that citizens would respond well to 'reforms to enhance the representativeness (in age, gender and ethnic terms)' of the Australian Parliament.[17]

6.26 In relation to COVID-19, intergovernmental think-tank, International IDEA commented that restrictions placed on parliamentary activity 'could hamper effective scrutiny of government pandemic measures', and weaken Australia's democracy.[18] International IDEA suggested Australia's parliament could learn lesson from parliaments around the world, 'especially from targeted measures taken in the United Kingdom, New Zealand, and Canada', which demonstrated 'parliaments do not hinder an effective pandemic response'.[19]

Parliamentary committees

6.27 In 2007, authors John Halligan, Robin Miller and John Power wrote that parliamentary committees have the power to promote democratic renewal, and offer the 'greatest potential for development in all types of parliamentary systems'.[20] In 2019, authors Carolyn Hendriks and Adrian Kay stated that 'opening up' parliaments to more public participation through committees could help renew democracy and rebuild public trust and satisfaction.[21]

---

15 Democracy 2025, *Submission 98*, p. 9.

16 Melbourne School of Government and Democratic Decay & Renewal, *Submission 95*, p. 9.

17 Democracy 2025, *Submission 98*, p. 7.

18 International IDEA, *Submission 88.1*, p. 3.

19 International IDEA, *Submission 88.1*, p. 5.

20 J. Halligan, R. Miller, and J. Power, *Parliament in the twenty-first century: institutional reform and emerging roles,* Carlton Victoria: Melbourne University Publishing, 2007, p. 243.

21 Hendriks, C. and Kay, A. (2019), 'From "Opening Up" to Democratic Renewal: Deepening Public Engagement in Legislative Committees', *Government and Opposition*, 54(1), 2019, pp. 25—51.

6.28 This section looks at two aspects of parliamentary committees: their role in rebuilding trust in the institution of parliament through citizen engagement; and their role as mechanisms of scrutiny and accountability.

Citizen engagement

6.29 Halligan, Miller and Power's 2007 book, *Parliament in the twenty-first century*, was focussed largely on the Commonwealth's committee systems. It posited that parliamentary committees provide the best opportunity for parliaments to engage meaningfully with citizens:

> As the parliament moves through the twenty-first century, these opportunities for 'outside' engagement may come to be of the highest significance for the functioning of the parliament as the leading institution of representative democracy in Australia.[22]

6.30 The Senate's key procedural text, *Odgers' Australian Senate Practice* (*Odgers'*), describes public engagement as a key function of senate committees.[23]

6.31 In 2012, the Inter-Parliamentary Union and the United Nations Development Program produced the *Global Parliamentary Report: The changing nature of parliamentary representation*. The *Global Parliamentary Report* brought together experience from 129 parliaments and 663 individual parliamentarians on the changing relationship between parliaments and citizens, and promoted democratic renewal through innovative public engagement, and more responsive representation.[24]

6.32 That same year, the United Kingdom House of Commons voted to make public engagement a 'core task' of the work of committees. The Commons then commissioned in-depth research into committee engagement in 2014, and has continued to improve its practices, providing opportunities for citizens to engage directly with committee work online and in person.[25]

6.33 More recently, legal academic Dr Sarah Moulds has established that committees have 'strong deliberative attributes', and provide 'a vital

---

[22] Halligan, Miller and Power, *Parliament in the twenty-first century*, Melbourne University Publishing, Carlton Victoria, 2007, p. 238.

[23] Harry Evans, *Odgers' Australian Senate practice 14th edition*. Rosemary Laing (ed). Canberra: Department of the Senate, 2016, p. 462.

[24] Inter-Parliamentary Union and United Nations Development Program, *Global Parliamentary Report 2012: The changing nature of parliamentary representation*, 2012, p. 22, www.ipu.org/resources/publications/reports/2016-07/global-parliamentary-report-2012-changing-nature-parliamentary-representation (accessed 30 November 2020).

[25] House of Commons Liaison Committee, *Building public engagement: Options for developing select committee outreach: First Special Report of Session 2015–16*, 2015, p. 5, publications.parliament.uk/pa/cm201516/cmselect/cmliaisn/470/47002.htm (accessed 30 November 2020).

connection between the "governed and the governors" on the development of laws and policies that may have a direct impact on their individual rights'.[26]

6.34 House of Representatives and Senate committees in the federal parliament conduct dozens of committee inquiries every year. Mr Geoffrey Robin remarked that most people never see the parliament 'at work' in committees; 'the deliberations, the interaction between people who have different policy views, the probing of public servants or the benefit of the advice they proffer'.[27]

6.35 The Grattan Institute commented on the important role of committees in ensuring a greater number of voices are able to provide input into policy development and consideration of legislation. Grattan submitted:

> Many politicians and the public service will try to work through broader public interest considerations, aided by institutions within government such as the Productivity Commission as well as outside experts. But even with the best of intentions, the interests of these groups can be given insufficient weight by decision-makers and voters, especially if their voices are 'drowned out' by well-resourced, well-organised and self-interested groups.[28]

6.36 Because committees 'actively seek out and invite contributions', the Grattan Institute suggested they are able to get 'a greater variety of relevant perspectives'.[29]

6.37 Science and Technology Australia reflected on the value of parliamentary inquiries and the need to ensure they do not become politicised. When inquiries are politicised 'faith in the inquiry process is significantly diminished'. Science and Technology Australia also noted that government responses to inquiry reports routinely take much longer than the prescribed time limit,[30] and suggested rules be strengthened to 'enforce a requirement to respond to inquiries and specific recommendations within six months of receiving a report'.[31]

6.38 Dr Jodi Steel CSM suggested parliamentary committees could strengthen their reports by making better use of experts 'where specialist expertise' does not exist on the committee. Dr Steel suggested that experts be 'drawn from academia, professions and trades, consultants and suitably [qualified] retirees',

---

[26] Sarah Moulds, 'Committees of influence: The impact of parliamentary committees on law making and rights protection in Australia', AIAL Forum no. 97, 2019, pp. 11—36, p. 14.

[27] Mr Geoffrey Robin, *Submission 11*, p. 6.

[28] Grattan Institute, *Submission 80*, Attachment 1 (*Who's in the room? Access and influence in Australian politics*), p. 53.

[29] Grattan Institute, *Submission 80*, Attachment 1, p. 53.

[30] Science & Technology Australia, *Submission 64*, p. 6.

[31] Science & Technology Australia, *Submission 64*, p. 3.

they watch the proceedings of hearings 'remotely', and 'feed' suggested questions to the committee in real time.[32] Senate Standing Order 25(17) allows for the appointment of 'persons with specialist knowledge for the purposes of the committee, with the approval of the president'.[33] Senate committees also take advantage of the parliamentary library to request research assistance from time to time, and request assistance with costing proposals from the Parliamentary Budget Office.

6.39 Dr Steel proposed committees could also be more active in how they seek evidence from citizens, such as asking communities affected by potential decisions to 'submit criteria of importance to them'.[34]

6.40 Halligan, Miller and Power made a number of suggestions for making committee inquiries more participatory so that they could play a greater role in rebuilding trust in the parliament, and satisfaction with democracy. These included: providing more time and resources for inquiries; allowing committees to inquire earlier in the legislative process; introducing formal evaluation of inquiries, and monitoring their impacts and outcomes; and conducting more inquiries into *emerging* policy issues, rather than issues upon which parties already have set positions.[35]

Holding government to account

6.41 Parliamentary committees are one of the parliament's key accountability mechanisms. In 2008, former Clerk of the Senate, Harry Evans said, '[t]he principal means whereby the Senate obtains information bearing on the accountability of the executive are committee inquiries'.[36]

6.42 Senate committees include standing and scrutiny committees, with a critical accountability and oversight role played by the scrutiny committees, including the Senate Standing Committee for the Scrutiny of Delegated Legislation, which looks at legislative instruments.

6.43 Legislative instruments are the rules and regulations made under a parent Act that have the force of that Act. They do not go through the same rigorous process as legislation, but must be tabled in both houses of parliament and can be subject to 'disallowance' in either house. According to *Odgers'*, over time, the varieties of legislative instruments used in Australia have become

---

[32] Dr Jodi Steel CSM, *Submission 194*, p. 7.

[33] The Senate, *Standing Order and Other Orders of the Senate*, January 2020, p. 31.

[34] Dr Steel, *Submission 194*, p. 7.

[35] Halligan, Miller and Power, *Parliament in the twenty-first century*, Melbourne University Publishing, Carlton Victoria, 2007, p. 252—258.

[36] Harry Evans, 'The Senate, Accountability and Government Control', *Papers on Parliament No. 48*, January 2008, [p. 9].

'extremely diverse': 'In 1970 there were only three different kinds; by the 1990s this had increased to over 100'. Some of the varieties include:

- regulations
- determinations
- ordinances of territories
- plans of management, for example, for fisheries
- approvals of service providers
- by-laws of statutory authorities
- navigation and aviation orders
- notices, such as broadcasting service notices
- standards, such as accounting standards
- declarations, such as health legislation declarations
- directives, such as airworthiness directives
- guidelines and principles, such as aged care principles and child care guidelines.[37]

6.44 *Odgers'* further notes that 'about half of the law of the Commonwealth by volume consists of delegated legislation rather than acts of Parliament', and notes the important scrutiny role of the committee.[38]

6.45 The Committee for the Scrutiny of Delegated Legislation has noted a rise over time in the number of instruments that are exempt from disallowance (**Figure 6.2**).

[37] Harry Evans, *Odgers' Australian Senate practice 14th edition*. Rosemary Laing (ed). Canberra: Department of the Senate, 2016, p. 432.

[38] Harry Evans, *Odgers' Australian Senate practice 14th edition*. Rosemary Laing (ed). Canberra: Department of the Senate, 2016, p. 432—433.

Figure 6.2 Instruments exempt from disallowance 2013-2019

Year	Exempt	Disallowable	Total	Percentage exempt
2019	330	1345	1675	**19.7%**
2018	256	1630	1886	**13.6%**
2017	265	1436	1701	**15.6%**
2016	347	1698	2045	**17.0%**
2015	361	1840	2201	**16.4%**
2014	277	1609	1886	**14.7%**
2013	639	3086	3725	**17.2%**

Source: Senate Standing Committee for the Scrutiny of Delegated Legislation, Annual Report 2019, p. 34.

6.46 On average, almost 50 per cent of legislation is delegated and in 2019 that was nearly 2,000 pieces. Of these, 20 per cent were exempt from disallowance by the parliament and scrutiny by the Committee for the Scrutiny of Delegated Legislation. The growing amount of delegated legislation that is exempt from full parliamentary scrutiny in this way, and the consequent growth in the power of the executive and the public service, is of increasing concern to senators.

Evidence-based decision-making

6.47 Participants highlighted the important role of evidence in parliamentary decision-making: both the use of evidence by decision-makers, and sharing that evidence with the public to explain decisions.

6.48 Mrs Daryl Karp, Director of the Museum of Australian Democracy (MoAD), noted that the COVID crisis has seen an international increase in public support and trust for 'experts': 'We're returning to evidence based information. They sat side by side with the politicians; they were supporting each other, as opposed to often being antagonistic'.[39]

6.49 The Steering Committee of the Evidence Based Policy Research Project encouraged governments to make better use of consultation processes, saying governments had a much higher likelihood of securing upper house approval for contentious bills if the consideration of bills was preceded by 'a proper and

[39] Mrs Daryl Karp, Director, Museum of Australian Democracy at Old Parliament House (MoAD), *Committee Hansard*, 7 February 2020, p. 40.

transparent Green/White paper process to elicit the known facts, policy options, their pros and cons and citizen feedback'.[40]

6.50 Economist, Mr Henry Ergas was critical of what he considered Australia's tendency for 'delegating contentious decisions about value to quasi-judicial bodies' outside of the legislature that are not 'directly accountable to the legislature', such as the Productivity Commission, Reserve Bank, and the Australian Competition and Consumer Commission (ACCC). While these independent bodies reduce the decision-making burden on politicians, and diffuse political contention, Mr Ergas suggested they may also 'impoverish' and 'infantilise' politics by removing the responsibility for making important and complex decisions from politicians, and giving it to 'experts'.[41]

6.51 Others believed that the use of experts, in cooperation with parliamentarians, gives greater legitimacy to political decisions. Professor Evans reported that 77 per cent of Australians believe 'experts should play a fundamental role in policymaking', a figure that is higher than comparable countries surveyed by Democracy 2025.[42] The Australian National University's (ANU) Professor Frank Bongiorno agreed, saying '[s]ome of Australia's greatest success stories have been institutions and authorities that are of government but are at arm's length from government'.[43]

6.52 Professor Bongiorno argued that the Australian Electoral Commission, the Reserve Bank, and royal commissions provide examples of the 'substantial authority and legitimacy' offered by independent institutions that use evidence to help inform government decisions. These bodies perform a 'kind of salving function', he said:

> Royal commissions are opportunities for people to tell their stories, to have their identities and stories recognised, and to have the pain that they've often experienced recognised. It seems to be that that's of government, but it is at arm's length of government, and that's what I think gives it its authority and its legitimacy.[44]

6.53 Political analyst, Dr Scott Prasser also commented on the valuable contribution made by the Parliamentary Budget Office, which provides independent, non-partisan costings and analysis.[45]

---

[40] Steering Committee of the Evidence Based Policy Research Project, *Submission 4*, p. 4.

[41] Mr Henry Ergas, Private capacity, *Committee Hansard*, 7 February 2020, pp. 20—21.

[42] Professor Mark Evans, Director, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 34.

[43] Professor Frank Bongiorno, Head, School of History, Australian National University (ANU), *Committee Hansard*, 14 February 2020, p. 5.

[44] Professor Bongiorno, ANU, *Committee Hansard*, 14 February 2020, p. 5.

[45] Dr Prasser, *Committee Hansard*, 7 February 2020, p. 21.

The role of science

6.54 Participants noted that increasing trust during the pandemic was related to the ever-present involvement of scientific experts in government decision-making. Expert evidence was shared with the public, and the public could see that decisions were being made based on expert advice, rather than on partisan interests.[46] The Academy of Science observed the contrast between this treatment of scientific experts, and previous comments made by politicians in relation to scientific evidence on climate change.[47]

6.55 Professor Chubb recommended the Australian government set up a 'formal relationship' between the parliament and the scientific community, defining what it means to 'provide expert scientific advice into the parliament or the government'.[48] Such a relationship exists in the United Kingdom, where the parliament has a signed agreement reflecting roles and responsibilities of 'the two parties':

> It included things such as that scientists had an obligation to provide free, frank advice that was as good as they could possibly offer given the evidence that was available to them and their own expertise and their own work. On the other side, parliament made a commitment to make the advice public.[49]

6.56 The Academy of Science noted that in many other countries science and technology advice 'is more integrated into the activities of government and parliament'. The Australian government has a Chief Scientist and a National Science and Technology Council, but the Australian Academy of Science argued that these functions are not sufficiently integrated.[50] Recent calls by some federal politicians for the creation of 'a government watchdog' to evaluate scientific findings that have been provided to government demonstrate the disconnect. Such calls risk undermining faith in science, and are damaging to democracy, the Academy submitted:

> The ensuing potential to politicise subject matter experts and consultation processes threatens Australia's democratic and free political process by disincentivising experts from engaging and providing advice and evidence.[51]

6.57 The Academy of Science suggested that scientific advice to the parliament 'could be strengthened' by establishing an office within the parliament, 'that

---

[46] Mrs Karp, MoAD, *Committee Hansard*, 13 November 2020, p. 40.

[47] Professor Chubb, Australian Academy of Science, *Committee Hansard*, 7 February 2020, p. 22.

[48] Professor Chubb, Australian Academy of Science, *Committee Hansard*, 7 February 2020, p. 22.

[49] Professor Chubb, Australian Academy of Science, *Committee Hansard*, 7 February 2020, p. 22.

[50] Australian Academy of Science, *Submission 56*, p. 4.

[51] Australian Academy of Science, *Submission 56*, pp. 5—6.

would work with the learned academies to provide dispassionate, impartial and bipartisan advice on science and technology issues to MPs and Senators'.[52]

6.58 Such an office exists in the United Kingdom. The UK Parliamentary Office of Science and Technology (POST) works for the House of Commons and the House of Lords to 'help bridge the gap between research and policy' by providing parliamentarians with up to date research evidence and expertise to inform legislation and scrutiny.[53] POST was established in 1989 as an external science advice office and now features as permanent office in the UK Parliament. POST is jointly funded by both houses parliament with one of the research areas receiving funding from the Economic and Social Research Council.[54]

6.59 The POST Board oversees POST's objectives, outputs and future work program. The board reflects the make-up of the UK Parliament and spans the breadth of scientific disciplines comprising:

- ten parliamentarians drawn from the House of Commons, and the four from the House of Lords, roughly reflecting the balance of parties in the parliament;
- non-parliamentarians from the research community, nominated by the National Academies; and
- representatives of the House of Lords, and the Research and Information, and Chamber and Committees teams of the House of Commons.[55]

Recommendation 14

6.60 The committee recommends that the Australian government establishes a Parliamentary Office of Science, modelled on the United Kingdom Parliamentary Office of Science and Technology, to provide independent, impartial scientific advice, evidence and data to the parliament, and all Members and Senators.

Electoral reform

6.61 Inquiry participants were highly complementary about many aspects of Australia's electoral system. However, there were some areas where participants believed reforms would help to strengthen democracy.

6.62 Mr Geoffrey Robin talked about the importance of compulsory voting and urged the government to protect it:

---

[52] Australian Academy of Science, *Submission 56*, p. 6.

[53] UK Parliament, *POST, About Us*, post.parliament.uk/about-us/ (accessed 30 November 2020).

[54] Economic and Social Research Council, 'What we do', https://esrc.ukri.org/about-us/what-we-do/ (accessed 29 January 2021).

[55] UK Parliament, *Post Board*, post.parliament.uk/post-board (accessed 30 November 2020).

> In other democracies significant resources are spent on bribing people to vote in order to give credibility to the idea that a government has the support of the people. This is one instance where the Australian way is far superior. We should always fight to retain compulsory voting.[56]

6.63 In line with this view, the Australia Institute noted that, while still comparatively high, 'voter turnout is falling' in Australia, from an average of 95 per cent to 91 per cent.[57] The institute suggested that the $20 fine for not voting, which has not increased since 1984, should be increased to $70, to better reflect today's wages and act as an incentive.[58]

6.64 Mr Thomas Stephen remarked that the House of Representatives should adopt a system of Proportional Representation under the Mixed Member Proportional System (MMP) with some differences to the New Zealand system. The system proposed by Mr Stephens (MMP+) 'is a mixed member proportional system that uses instant run off voting for electorates and party/group based single transferrable voting for the list seats – all on one ballot'. According to Mr Stephens, the benefit of this system would be that voters would still get to vote for a local representative, as they do now, but also receive 'an assurance that voting for a party other than the majors will count'.[59]

6.65 Professor Greg Melleuish from the University of Wollongong argued for more federal members. With population increases, 'we're going to have bigger and bigger electorates', he said, which will make members of parliament 'increasingly distant' from their constituents. Professor Greg Melleuish proposed there should be more lower house seats.[60] The Australia Institute supported this call, saying most Australians 'have no direct contact with their local member or his or her electoral office', and having more members would make politicians more accessible to voters.[61]

6.66 Mr Reece reported on the outcomes of a major review of Australia's democracy conducted by the University of Melbourne and the newDemocracy Foundation, in conjunction with former premiers, Peter Shergold, Glyn Davis, Innes Willox, and representatives from the social services sector. The review came up with 15 commitments, the first of which is a proposal to review

---

56 Mr Geoffrey Robin, *Submission 11*, p. 2.

57 Tony Shields and Rod Campbell, 'democracysausage: Voting in Australian culture and the 2016 election', *Electoral Matters Inquiry Submission*, 25 November 2016, www.tai.org.au/content/democracysausageelectoral-matters-inquiry-submission (accessed 4 November 2020).

58 The Australia Institute, *Submission 132*, p. 2.

59 Mr Thomas Stephen, *Submission 3*, p. 1.

60 Professor Greg Melleuish, Private capacity, *Committee Hansard*, 7 February 2020, p. 8.

61 The Australia Institute, *Submission 132*, p. 1.

parliamentary terms: 'There was a view that a fixed parliamentary term would be an improvement to democracy'.[62]

6.67 The University of Melbourne argued that, by world standards, Australia's three-year parliamentary terms 'are exceptionally short', and their 'unfixed nature' causes 'problems'.[63]

6.68 Another suggestion from Mr Reece and University of Melbourne process was for candidate information packs issued by the Australian Electoral Commission:

> …so that when you stand for office you are required to answer a questionnaire that really puts forward who you are, what you're about and what you will stand for. Citizens can get that information, unfiltered by the media, from those information packs and thereby make more informed decisions when casting their votes.[64]

Recommendation 15

6.69 The committee notes that the Joint Standing Committee on Electoral Matters recently tabled its report on the 2019 federal election. The committee recommends the Australian government works with the Australian Electoral Commission (AEC) to develop and implement strategies to increase and voter enrolment and voter turnout at subsequent federal elections.

Political advertising

6.70 A number of participants were concerned about political advertising and made suggestions to improve the way it functions within our democracy.

6.71 Mr Ryan Winn from the Australian Council of Learned Academies argued there is a need to regulate and even ban certain forms of political advertising, such as 'micro-targeting of political campaigns'.[65]

6.72 The Australia Institute recommended the government bring in truth in political advertising regulations, saying these regulations work well in South Australia and New Zealand.[66]

6.73 Mr Bill Browne from the Australia Institute observed that recent election campaigns have seen routine complaints 'from one side or the other about misleading and deceptive advertising'. Mr Browne said, '[t]here's a feeling that, if anything, it's getting worse and that if it's not addressed then we could face an even worse situation in the future'. The Australia Institute said as well as

---

62 Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 13.

63 University of Melbourne, *Submission 59*, p. 6.

64 Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 14.

65 Mr Winn, Australian Council of Learned Academies, *Committee Hansard*, 7 February 2020, p. 29.

66 The Australia Institute, *Submission 132*, p. 1—2.

working well in South Australia, truth in political advertising had also been adopted in the ACT: 'I think it works well there'.[67]

6.74 Mr Bill Browne remarked that truth in advertising regulations improve 'the tenor of the debate culturally', as well as providing 'real redress', with issues of deceptive advertising having 'been addressed, and reasonably promptly' under existing regulations.[68]

6.75 Mr Check Ling argued for full public funding of political advertising campaigns, saying:

> With properly planned public funding, campaigning will be limited to unadorned facts, say on what the government has achieved, the state of the economy, social issues yet to be fully confronted and attended to, and the pros and cons of proposed policies for the next term of government. All this to be supported by recognised experts in the field.[69]

Electoral donations

6.76 Another significant concern was political donations.

6.77 Dr Sarah Cameron from the ANU Australian Election Study said campaign finance integrity in Australia 'is rated a lot lower than other similar democracies'.[70]

6.78 The Grattan Institute observed that political parties received hundreds of millions of dollars in donations leading up to the 2016 federal election and in the final days of the election campaign, and parties 'collectively spent $368 million over the two financial years spanning the election'.[71]

6.79 Grattan noted about 40 per cent of the money spent on elections in Australia is 'money from sources we know nothing about':

> A lot of this is likely to be donations below the disclosure threshold. Some of these will be from 'mum and dad' donors who give small amounts to support a political cause. But some is probably 'donation splitting' – where donors make multiple payments below the threshold – which the parties don't need to disclose.[72]

6.80 The 'little' we do know about this funding 'raises red flags', Grattan maintained, 'about the risk of policy capture'. For instance, thirty six individual people or organisations contributed $25 million over the course of the 2016

---

[67] Mr Bill Browne, Researcher, the Australia Institute, *Committee Hansard*, 13 November 2020, p. 44.

[68] Mr Browne, Australia Institute, *Committee Hansard*, 13 November 2020, p. 45.

[69] Mr Check Ling, *Submission 168*, p. 4.

[70] Dr Sarah Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 10. See also: Grattan Institute, *Submission 80*, p. 1.

[71] Grattan Institute, *Submission 80*, p.34.

[72] Grattan Institute, *Submission 80*, pp. 33—34.

campaign,[73] and, according to Grattan, 'highly regulated industries contribute the biggest share of political donations, followed by unions, and individuals with no known industry links'.[74]

6.81 Mr Check Ling recommended banning all political donations:

> This would end overnight all the cunning ways with which many with big monies try and sometimes succeed in corrupting our MPs, governments, or public servants, such as local government town planning officers.[75]

6.82 Democracy 2025 said 73 per cent of citizens support 'limiting how much money can be spent on election campaigning and how much political parties/candidates can accept from donors'.[76]

6.83 The Grattan Institute recommended 'capping political advertising expenditure during election campaigns, to limit the influence of money in politics'.[77]

Public funding of elections

6.84 Public funding of elections is an important safeguard against the potential undue influence of our elections by wealthy donors and levels the playing field so that public debate is not dominated by the party with the biggest bank balance. Currently, candidates or parties receive an automatic payment of $10,344 after each federal election.[78] They may apply for further public funding which is paid at the rate of $2.829 per eligible vote as long as the candidate receives at least 4% of first preference votes.[79] Parties and candidates must demonstrate actual electoral expenditure for the amount claimed which prevents parties from profiting from the electoral system.[80]

6.85 The rate of public election funding differs markedly between the various states and territories and the Commonwealth. In the ACT it is $8.62 per eligible vote

---

[73] Grattan Institute, *Submission 80*, p. 36.

[74] Grattan Institute, *Submission 80*, p. 37.

[75] Mr Check Ling, *Submission 168*, p. 3.

[76] Democracy 2025, *Submission 98*, p. 9.

[77] Grattan Institute, *Submission 80*, p. 1.

[78] Australian Electoral Commission, *Election funding rates*, 13 January 2021, https://www.aec.gov.au/parties_and_representatives/public_funding/current_funding_rate.htm (accessed 2 February 2021).

[79] Australian Electoral Commission, *Election funding rates*, 13 January 2021, https://www.aec.gov.au/parties_and_representatives/public_funding/current_funding_rate.htm (accessed 2 February 2021).

[80] Australian Electoral Commission, *Election funding rates*, 13 January 2021, https://www.aec.gov.au/parties_and_representatives/public_funding/current_funding_rate.htm (accessed 2 February 2021).

for candidates who receive 4% of first preference votes.[81] In Victoria it is $6.25 and in New South Wales it is $4.66 per eligible vote.[82] Recent reforms in Queensland will see the rate of election funding increased from $3.30 to $6.00 per eligible vote where 4% of first preference votes are received.[83] These increases to election funding rates support a range of donations reforms implemented by the states including the introduction of donations and expenditure caps, and reduce the pressure on parties and candidates to conduct fundraising.

6.86 Several states also provide administrative funding to parties and elected independents. Administrative funding assists parties with the increased compliance measures which are required by a transparent donations disclosure regime. Future reforms to the federal donations scheme should be supported by administrative funding so that parties, who often rely on volunteers, can appropriately comply with disclosure requirements. Administrative funding would also assist parties to implement important cyber-security measures to ensure the protection and integrity of our electoral roll. In addition to increasing the rate of public election funding, administrative funding would also further reduce parties' reliance on private donations and hence reduce the potential for corrupting influences. Adequate public funding of our elections and political institutions, including the independent Australian Electoral Commission, is a necessary part of a functioning democracy.

Recommendation 16

6.87 The committee recommends increasing the rate of public election funding paid to parties and candidates and the introduction of administrative funding for political parties and elected independents.

---

[81] ACT Electoral Commission, *Election* funding, 25 May 2020) https://www.elections.act.gov.au/funding_and_disclosure/election_funding (accessed 12 February 2021)

[82] Victorian Electoral Commission, *Funding*, https://www.vec.vic.gov.au/candidates-and-parties/funding (accessed 12 February 2021); NSW Electoral Commission, *Election Campaigns Fund*, 25 August 2020 https://www.elections.nsw.gov.au/Funding-and-disclosure/Public-funding/Election-Campaigns-Fund (accessed 12 February 2021).

[83] *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* (Qld), Item 21, s 225

Political parties

> The political party does not consider the elected member as a delegate of the people. Consequently, the member doesn't need to know her or his constituents or their wishes...it seems that the current party political governments, and its administrative units, treat the citizenry as 'the customer' rather than the body politic or common-wealth to whom it is paid to serve...the customer simply shops around for the best policy or product (pre-packaged by the ruling elite of each party) at an election. Thereafter, the customer is irrelevant…And after voting every three or four years the subject has no further involvement in the political process. They are effectively disenfranchised. This doesn't bode well for developing and maintaining a democratic culture.
>
> Mr Ivan Winter, *Submission 186*, [p. 1].

6.88 Participants commented on a perceived decline of major political parties and their decreasing connection with the polity. The Scanlon Foundation observed that faith in political parties is weakening:

> There are signs of declining trust in Australia's main political parties. The vote share of the three parties – Liberal, Labor and National – that have formed all federal governments since 1941 has fallen, and the share of independents and minor parties has risen. 23.3 per cent of the primary vote in the 2016 House of Representatives went to non-major parties, compared to 7.2 per cent in 1996. Likewise in the Senate, 35 per cent of the primary vote in the 2016 Senate went to non-major parties, compared to 9 per cent in the 1996 election.[84]

6.89 The Lowy Institute's Mr Sam Roggeveen argued that the conditions in which the political parties arose 'simply no longer exist'. Mr Roggeveen said the parties now 'lack any real connection with a social and economic base':

> The parties themselves have become much smaller. Their membership is in decline. When they become smaller, the way they've survived is to professionalise. We're in a situation now where I think roughly half of MPs and senators in the Australian parliament are either former political staffers or party officials. The political parties have gone from being mass-membership movements and true representatives of a social and economic class to becoming, really, machines for producing the next generation of politicians.[85]

6.90 Mirroring British and European trends, participation in party political activity in Australia is declining. Mr Roggeveen remarked that in 2006, only 1 per cent

---

[84] Scanlon Foundation, *Submission 115*, p. 4.

[85] Mr Sam Roggeveen, Director, International Security Program, the Lowy Institute, *Committee Hansard*, 7 February 2020, p. 24.

of Australians were actively involved in a political party, and membership has declined markedly. More importantly, 'neither [major political] today represents a large social and economic base':

> The Labor Party was formed to represent the interests of unions and their members. But union membership went into sustained decline in Australia from the 1950s as blue-collar jobs gave way to white.[86]

6.91 Mr Roggeveen pointed to a trend of declining voter share for the major parties, saying that eventually the House of Representatives will have more cross-benchers, and most governments will govern in minority. He argued this is 'not necessarily a disaster; lots of Western democracies function quite well that way'.[87]

6.92 Citizens for Democratic Renewal commented that political parties need to change: '[N]o system or organisation can function effectively in perpetuity if it remains unchanged or sees itself as immune from disruption'.[88]

6.93 Mr Roggeveen observed that 'political staffers and party officials now dominate the parliament' because outsiders are excluded. He suggested this may be because it is 'in the interest of the senior power holders within those parties to keep the party small and insular—they're much easier to control that way'.[89]

6.94 Reporting on the results of its survey of politicians, Democracy 2025 noted that they 'appear to be genuinely concerned with the adverse impact of the professionalization of the party machine on its community-linkage role':

> Perhaps the most damaging outcome of this development has been declining public trust which in turn has weakened the ability of political parties to perform their educative function through communities.[90]

6.95 Mr Roggeveen concluded:

> Liberalism is not in peril, but our political parties are. The old parties are dying, but they are dying in place. In the process they are losing public legitimacy, becoming more unstable, and more vulnerable to ideological fringe elements. The story of Australia's political turmoil is not about the rise of a new political movement but the fall of the existing party political settlement, with only chaos, confusion and political nihilism emerging in its place.[91]

---

86 Mr Roggeveen, *Submission 149*, [p. 3].

87 Mr Roggeveen, Lowy Institute, *Committee Hansard*, 7 February 2020, p. 25.

88 Citizens for Democratic Renewal, *Submission 22*, Attachment 1: Dr Mark Triffitt, *Australia's Democracy: A strategic roadmap for renewal*, 2019, p. 16.

89 Mr Roggeveen, Lowy Institute, *Committee Hansard*, 7 February 2020, p. 28.

90 Democracy 2025, *Submission 98*, p. 11.

91 Mr Roggeveen, *Submission 149*, [p. 6].

6.96 Dr Lewis observed that former prime ministers, Bob Hawke and John Howard, saw 'the narrowly focused backgrounds of those selected to be candidates as contributing to the problem Australia is facing in the political space'. Dr Lewis said the 'rules governing political parties must change'. She argued for free votes, less factionalism, and pre-selection processes that would select more representative candidates.[92]

The Federation

6.97 The strength of Australia's federal system of government was a topic of discussion among participants in the inquiry, especially in relation to COVID-19. This section considers the performance of the federation during the pandemic and the role of the National Cabinet in 'renewing' Australian federalism.

Renewing the federation: the National Cabinet

> The survey data is very, very clear that most Australians citizens view that to be the old politics. The new politics is about common ground. It's not about adversarial politics; it's not about conflict-driven politics.
>
> Professor Mark Evans, Director, Democracy 2025, *Committee Hansard*, 7 February 2020, p. 16.

6.98 The Department of Home Affairs submitted that coordination of the pandemic response through the National Cabinet process, and other mechanisms of 'commonwealth-state collaboration', 'has reinforced unity and trust in all levels of government'. The National Cabinet has allowed Australian governments to:

> …capitalise on coordinated information sharing through functions such as the National Coordination Mechanism…in responding to the pandemic and, through the National Cabinet, have delivered innovative responses to the virus.[93]

6.99 International IDEA described the National Cabinet as a 'democratic innovation…stemming from the times of crisis', saying it worked not only across borders, but across 'political divides'.[94]

6.100 The Department of Prime Minister and Cabinet's (PM&C) Ms Stephanie Foster, described the National Cabinet as 'the rejuvenation of the federation over the course of this year':[95]

---

92 Dr Collen Lewis, *Submission 155*, p. 3.

93 Department of Home Affairs, *Submission 138.1*, p. 4.

94 International IDEA, *Submission 88.1*, p. 5.

95 Ms Stephanie Foster, Deputy Secretary, Governance Group, Department of the Prime Minister and Cabinet (PM&C), *Committee Hansard*, 13 November 2020, p. 70.

> To see the way in which our first ministers have been able to come together in response to this crisis has been inspirational, not to put too much weight on it. You will see in the media people highlighting those areas where there's been tension or friction. I think what that ignores is the overwhelming degree of cooperation and the success of that mechanism…[96]

6.101 Ms Foster praised the way the National Cabinet has been able to 'tackle really tough issues' and 'set a road map and a broad direction and still allow for flexibility for individual jurisdictional requirements', while maintaining a 'national momentum towards our recovery'.[97]

6.102 Ms Foster said she believed the ability of Australia's first ministers to come together and work cooperatively through the National Cabinet is responsible for the successful position of Australia in relation to the pandemic.[98]

6.103 PM&C said the National Cabinet has demonstrated that 'intergovernmental relations can be more effective when ministers take ownership of agendas, focus on a small number of national priorities and make decisions quickly'. PM&C submitted the following information about the National Cabinet:

> Initially [the National Cabinet's role] was a health and crisis management response and increasingly it is one of economic recovery and jobs creation. The National Cabinet meets frequently and via telepresence…The National Cabinet directly commissions and receives advice from a range of experts…National Cabinet discussions are confidential, facilitating frank and open debate. National Cabinet members have the flexibility to implement decisions in accordance with jurisdictional circumstances. Some of the benefits of the National Cabinet is that all leaders receive the same, expert and up-to-the-minute advice, can take into account the special circumstances of their jurisdictions and can learn lessons from the experiences of other jurisdictions.[99]

6.104 Professor Evans said there has been 'a massive endorsement for more collaborative politics', and the creation of the National Cabinet was seen by citizens as 'a very, very important initiative in moving away from adversarial politics towards more collaborative, cleaner politics'.[100]

6.105 International IDEA stated that the Australian Human Rights Institute has raised concerns about aspects of the COVID-19 response, specifically its 'impact on vulnerable groups':

> Reports indicate that the pandemic has exacerbated existing gender inequalities. More females are frontline workers, and are likely to care for

---

96 Ms Foster, PM&C, *Committee Hansard*, 13 November 2020, p. 70.

97 Ms Foster, PM&C, *Committee Hansard*, 13 November 2020, p. 70.

98 Ms Foster, PM&C, *Committee Hansard*, 13 November 2020, p. 71.

99 Department of the Prime Minister and Cabinet, *Submission 204*, p. 1.

100 Professor Evans, Democracy 2025, *Committee Hansard*, 13 November 2020, p. 34.

> family members. The economic impact of the pandemic has also affected females more than males. More time at home and isolation measures have also placed females at higher risk of violence.[101]

6.106 The Department of Home Affairs argued that the measures implemented by the governments have been based on 'expert medical advice', 'within the constraints of the law', and have placed 'clear limitations on emergency actions to preserve strong democratic governance'.[102]

6.107 Democracy 2025 remarked that its research has further shown that states 'which have been seen to pursue self-interest rather than the national interest during the pandemic, such as Queensland, have the lowest public approval rates in our survey'.[103]

Reforming the federation

6.108 In its submission made before the COVID-19 crisis and the creation of the National Cabinet, the University of Melbourne recommended the government should reform the Council of Australian Governments (COAG) 'in such a way as to mitigate the problems of federalism' and 'exploit the advantages of federalism'. This should with a 'properly funded and independent secretariat charged with developing an agreed forward agenda'.[104]

6.109 PM&C explained that leaders agreed on 29 May 2020 to 'cease' COAG, replacing it with the National Cabinet, and to commission a review of the former COAG Councils and Ministerial Forums. They also established the National Federation Reform Council (NFRC). The NFRC is made up of the state, territory and federal leaders, the treasurers and the president of the Australian Local Government Association:

> The NFRC will focus on national priorities not otherwise dealt with by the National Cabinet. Three Taskforces will support the NFRC: Women's Safety, Indigenous Affairs and Veterans' Wellbeing. The first meeting of the NFRC is scheduled for 11 December 2020. The Prime Minister has said mental health will be a key focus of the meeting.[105]

---

[101] International IDEA, *Submission 88.1*, Attachment 1, The Global State of Democracy Indices: Australia (COVID-19), p. 4.

[102] Department of Home Affairs, *Submission 138.1*, p. 3.

[103] Democracy 2025, *Report No 7: Political trust and democracy in times of coronavirus: Is Australia still the lucky country?* (tabled 13 November 2020), p. 8.

[104] University of Melbourne, *Submission 59*, p. 11.

[105] Department of the Prime Minister and Cabinet, *Submission 204*, p. 2.

The public service, strength and independence

> At every point in our history as a country where major and necessary changes have been made to public policy—and I'm thinking here of periods such as the Federation era, the 1940s and 1950s and also the 1970s and 1980s, government has been willing to draw on expertise, and it's been particularly willing to draw on the expertise of an independent Public Service. If public servants aren't in a position to share that kind of expertise, we have a problem, and I think some of the gridlock that we've seen in the last generation around a lot of policy areas is directly connected to that.
>
> Professor Frank Bongiorno, Head, School of History, Australian National University, *Committee Hansard*, 14 February 2020, p. 6.

6.110 Originally designed to offer advice 'to guide and inform government', the School of History at the Australian National University, argued that the Australian public service has increasingly been required to operate under a model 'emphasising responsiveness to ministerial direction'. The School of History recommended government commit to 'greater independence' for the public service, and wider use of 'independent statutory authorities, public enquiries and royal commissions'.[106]

6.111 Mr Chris Stamford from Civil Liberties Australia said that a lack of 'ethical architecture' at the federal level in Australia means public servants end up being 'asked to implement increasingly partisan policy'.[107]

6.112 Professor Bongiorno said there is benefit to senior public servants having 'greater security of tenure' in that it increases the 'likelihood' that they will provide 'frank and fearless advice'.[108] Dr Scott Prasser concurred, saying the public service has 'lost some of its capacity over the years': 'I'm all in favour of a permanent career Public Service. I'm pretty critical of contractual systems and arrangements for those sorts of people'.[109]

6.113 Monash University Professor, Dr Colleen Lewis was critical of recent 'sackings' of department heads by incoming governments, saying such action 'is another barrier to impartial policy advice':

> The sackings usually occur not because of incompetence but rather because senior members of the incoming government believe some department heads have been too close to the previous government from a different

[106] School of History, Australian National University, *Submission 66*, pp. 2—3.

[107] Mr Chris Stamford, Manager, Human Rights Campaign, Civil Liberties Australia, *Committee Hansard*, 13 November 2020, p. 4.

[108] Professor Bongiorno, ANU, *Committee Hansard*, 14 February 2020, p. 8.

[109] Dr Prasser, *Committee Hansard*, 7 February 2020, p. 20.

> political party. Such sackings only serve to politicize the public service, which is not in the public interest.[110]

6.114 Dr Lewis identified problems caused by the 'rising influence' of ministerial advisors over the public service as a source of advice to government, saying:

> …the advice ministers seek, rely on and often act on is too often based on the interests of the party and/or the individual minister rather than the public interest…Partisan ministerial advisers also contribute to the combative nature of politics that is becoming tiresome to the electorate. It appears to be impossible for MPs to comment on a policy or to put forward an idea to change a policy direction without denigrating the other side of politics. To use a war analogy, it seems MPs cannot stop lobbying hand-grenades at each other from deeply dug trenches.[111]

6.115 Mr Reece said instituting a 'more independent process for senior appointments', to the public service, the judiciary and major statutory bodies would strengthen Australia's democracy:

> Those decisions would absolutely still remain with the parliament, and there needs to be respect for the government of the day, but we have some mechanisms which we believe can just make that a bit more independent and a bit more rigorous.[112]

6.116 The University of Melbourne recommended government implement an independent selection process for senior appointments that 'includes improved parliamentary oversight but does not limit the ability of governments to enact change'. The university recommended appointments be made after 'a rigorous independent process has been carried out and parliament…be given the opportunity to scrutinise and comment on the appointment'.[113]

National institutions, arts and culture

> [I]ndependent public institutions are critical [and] provide opportunities for discussion of what is in the public good: the ABC, universities and the cultural sector. I'm thinking of museums, libraries, archives, perhaps state education systems and local government—all of these are really important forums in which people debate one another, discuss things with one another and try to work out something that isn't just about immediate political expediency…
>
> Professor Frank Bongiorno, Head, School of History, Australian National University, *Committee Hansard*, 14 February 2020, p. 5.

[110] Dr Collen Lewis, *Submission 155*, pp. 5—6.

[111] Dr Collen Lewis, *Submission 155*, p. 5.

[112] Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 14.

[113] University of Melbourne, *Submission 59*, p. 5.

6.117 Arts, heritage and culture are core components of the democratic ecosystem. Australia's national cultural institutions play a key role in 'exploring national identity, strengthening communities and supporting democracy'.[114] The arts play an 'increasingly powerful role' in 'bridging social divides, and building empathy, social cohesion and the health of our civil society'.[115] Ms Alexandra Marsden, National Director of the Australian Museums and Galleries Association, said, '[a]n informed, educated, inquiring and empathetic citizenry is a fundamental requirement for a mature understanding of nationhood and a sustainable democracy'.[116]

National cultural institutions

6.118 Director of the National Museum of Australia, Dr Matthew Trinca, said national cultural institutions are 'critical to our self-understanding as a nation and that, in turn, underpins our democracy and the strength of our nation'.[117]

6.119 The Australian Library and Information Association (ALIA) maintained that libraries provide equity of access to current and historic materials; support family historians, scholars and academics; hold content in languages other than English; and promote cultural harmony and diversity. Libraries contribute 'to the development of an informed society and to citizens who can participate in public debate and decision-making'. By providing free internet access, civic, and literacy programs, libraries provide 'a safety net' and access to government information, helping people participate in their democracy.[118]

6.120 Dr Marie-Louise Ayres, Chair of National and State Libraries Australia talked about the critical role of national and state libraries as collecting institutions. This year alone, Dr Ayres explained, the libraries have collected 'what is going to be needed tomorrow' for the nation to reflect upon and understand one the most challenging and significant years in recent memory: 'We have collected well over 1000 COVID websites, and nearly that many around the bushfires. We have collected Black Lives Matter Twitter streams'.[119]

6.121 The collections held by libraries, archives and museums, which are made available to all Australians, provide the knowledge and materials Australians need to understand the past and face the future armed with wisdom. Dr Ayres offered this example:

---

[114] Ms Alexandra Marsden, AMaGA, *Committee Hansard*, 13 November 2020, p. 21.

[115] Australia Council for the Arts, *Submission 102*, p. 4.

[116] Ms Alexandra Marsden, AMaGA, *Committee Hansard*, 13 November 2020, p. 21.

[117] Dr Matthew Trinca, Director, National Museum of Australia, *Committee Hansard*, 13 November 2020, p. 21.

[118] Australian Library and Information Association, *Submission 63*, pp. 2—4.

[119] Dr Marie-Louise Ayres, Chair, National and State Libraries Australia, *Committee Hansard*, 13 November 2020, p. 22.

> As we have been dealing with COVID, you'll have seen lots and lots about how Australia managed the Spanish influenza—what happened, how we dealt with it and the resilience. That commentary that allowed Australians to say we've been here before, we can get through this and we'll do it again all came from our collections and it came from the fact that they were available online to anybody in Australia.[120]

6.122 The Director-General of the National Archives, Mr David Fricker, made clear that a core and unique role of the institution under the *National Archives Act 1983* (the Archives Act) is to identify the most important records of government for permanent retention. It is the responsibility of the Archives to protect records of importance to governments, selected for their evidentiary, cultural and historic value.

6.123 This underpins democracy and public accountability, protects the rights and entitlements of the Australian people, and facilitates an historical understanding of our national identity. A strong Archives, with a transparent public-access regime, has crucial role in reinforcing trust in public administration and strengthening our international reputation.

6.124 The Archives Act is 37 years old and in need of revision. For some time a need for amendment has been recognised, to deal with such questions as the definition of a Commonwealth record in the digital age. The recent High Court decision on the so-called Palace Letters has reinforced the need to establish a new interpretation of what is a public record, and the rules for public access need to be clarified.

6.125 Mr Fricker said it is only the National Archives and the Archives Act 'that stop government officials from destroying records':

> Without that role, many records would be destroyed before they even saw the light of day. We've heard a bit of discussion already about the phenomenon of disinformation and misinformation. Without authentic primary source records, Australian democracy would be poisoned by misinformation or, indeed, information warfare.[121]

6.126 The archives also preserves records, and makes them available for all Australians. Mr Fricker explained:

> We are not keeping records because we are setting out to glorify the past and we are not keeping records because we are setting out to apologise for the past. We are keeping records to remember the past—to faithfully and completely remember the past, warts and all—and to have that memory available in equal fashion to all Australians.[122]

---

[120] Dr Ayres, National and State Libraries Australia, *Committee Hansard*, 13 November 2020, p. 22.

[121] Mr David Fricker, Director-General, National Archives of Australia, *Committee Hansard*, 13 November 2020, p. 23.

[122] Mr Fricker, National Archives of Australia, *Committee Hansard*, 13 November 2020, p. 23.

6.127 Mr Fricker was asked to comment on the need to balance issues of 'national security' and 'state secrets', with Australians' right of access. Mr Fricker's role in fighting a legal battle to prevent the release of correspondence between former governor-general, Sir John Kerr, and the Queen ('the Palace letters'), was discussed, along with Australian involvement in incidents in Indonesia and Chile in the 1960s and 1970s. Mr Fricker was asked if there should be 'a statute of limitation on national secrets'.

6.128 Mr Fricker said that, while that is a matter for legislation, he believes a 'balance needs to be struck':

> The Archives Act is 1983. The world has moved a lot: the nature of information, our understanding of a social contract, of our citizenship, has changed in the decades since 1983. And, if the legislation could be brought up to date with contemporary thinking, then that might open new avenues for the release of that information. I would say this, though: it does go to the committee's terms of reference around citizenship. If you've ever had to negotiate the release of an Australian hostage or you've ever had to negotiate the repatriation of Australians who are stranded around the world, then sometimes you appreciate healthy foreign relations and you appreciate the work that has gone in by successive governments to maintain good relations with our friends and allies around the world…However, it has to be balanced with the universal right of access. I agree—and I think all our colleagues agree—that the more we understand about ourselves as a nation, then the stronger our social cohesion will be, the more we'll feel a part of the fabric of Australia's society and our obligations to the future of Australia would be strengthened.[123]

6.129 Mr Fricker also observed that the role of institutions can sometimes be 'politicised…in the heat of a debate', which is unhelpful for democracy:

> Whether the Bureau of Meteorology can be trusted or not is running at the moment. I think there is a role for parliament and a role for government to actually be a bit more supportive of institutions and—rather than, in a short-term debate, being dismissive of an institution—to try and think about: 'What's that institution for? What rules is it operating on?' And maybe its opinion might have an equal weight to something voiced by a journalist or something elsewhere. We were talking about trust earlier on. It has to be said that sometimes institutions do get dragged through a fairly highly politicised discussion, and it's unhelpful.[124]

6.130 National and State Libraries Australia said Australians trust and value libraries, and visit them repeatedly.[125] Ms Marsden observed that museums are highly trusted institutions. In fact, in the United States museums are considered 'the most trustworthy source of information', more trustworthy

---

[123] Mr Fricker, National Archives of Australia, *Committee Hansard*, 13 November 2020, p. 26.

[124] Mr Fricker, National Archives of Australia, *Committee Hansard*, 13 November 2020, p. 30.

[125] National and State Libraries Australia (NSLA), *Submission 110*, p. 1.

than 'local papers, non-profits researchers, the U.S. government, or academic researchers'.[126]

6.131 Ms Deborah Sulway, Manager of Learning at the Museum of Australian Democracy said, since it opened in 2009, the museum has had three million visitors, including 'over 890,000 students and teachers from more than 3,000 schools'. Ms Sulway said the museum makes 'a difference' in promoting democracy and educating students and the public about democracy: '[O]ur programs provide enriched experiences that highlight shared values, build social cohesion and create pride in our democratic heritage'.[127]

6.132 Mrs Karp added that those who visit the museum for civics education 'are less cynical and more optimistic about democracy than 'we have been led to believe'.[128]

6.133 The National Museum of Australia proposed that museums raise public awareness about 'the value of cultural and natural heritage' and encourage citizens to 'recognise responsibilities to their fellow citizens'.[129] Museums 'make abstract ideas of national meaning more material and physical' and stimulate 'reflection upon national identity, national community and the practice of citizenship', especially for school children.[130]

6.134 Cultural institutions also help to create more active citizens. The Australian Museums and Galleries Association (AMaGA) said museums are increasingly encouraging active participation and interaction as part of their exhibitions: '[V]oicing your opinion or sharing your experience – whether as visitor, citizen, or community collaborator – is an accelerating trend.'[131]

Digitisation and discoverability

6.135 Representatives from the national institutions noted the importance of making their collections as accessible as possible to all Australians. Mr Fricker said:

> There's no value in a sheet of paper in a dark room if nobody knows it's there. We are in a digital society. It's got to be where the people are, and the people are on their smart devices. So, if we want to pluralise our collections, we must digitise. That's the antidote to the misinformation and disinformation that we were talking about.[132]

---

126 Ms Alexandra Marsden, Answer to Question taken on Notice 13 November 2020, *Museum Facts & Data – American Alliance of Museums*, aam-us.org.

127 Ms Deborah Sulway, Manager of Learning, Museum of Australian Democracy (MoAD), *Committee Hansard*, 14 February 2020, p. 19.

128 Mrs Karp, MoAD, *Committee Hansard*, 7 February 2020, pp. 6—7.

129 National Museum of Australia, *Submission 126*, [p. 3].

130 National Museum of Australia, *Submission 126*, [p. 3].

131 Australian Museums and Galleries Association (AMaGA), *Submission 77*, [p. 4].

132 Mr Fricker, National Archives of Australia, *Committee Hansard*, 13 November 2020, p. 27.

6.136 Dr Ayres said digitisation is about 'proliferating access to the collections'. The National Library has digitised just under 10 per cent of its physical collections, all 50,000 hours of its audio collections, three quarters of Australian newspapers up to 1955 (the project will be complete in about three years), and the papers of General Sir John Monash.[133]

6.137 Dr Trinca said digitisation is only one side of the coin, with 'discoverability' being equally important. Despite significant efforts of the sector to make records available, such as through 'Trove', it is not 'at the same level' as it needs to be for the public to enjoy easy access to these resources. Dr Trinca said the cultural sector needs something like 'The Atlas of Living Australia':

> …which enables you to go in and spatially locate collections relevant to an area you might be interested in—that same kind of facility across the breadth of the cultural heritage estate, held by all of us as a distributed collection, is not available.[134]

6.138 Dr Ayres confirmed that the library sector has been campaigning for a kind of all-inclusive 'index'. All of the collections are currently represented through Trove, but not in a way that is truly interconnected and discoverable to the public. [135]

6.139 Dr Trinca agreed, saying he wanted to see Australia's cultural heritage collections digitised and made accessible:

> …in ways that allow you to compare Phar Lap's heart, say, held at the National Museum of Australia, with a newspaper report that might be available in Trove and, indeed, with information about Flemington Racecourse online.[136]

Copyright reform

6.140 Chief Executive Officer of the Australian Library and Information Association (ALIA), Ms Sue McKerracher said another way the federal government could support digital access would be through supporting copyright law reform. She noted that initial copyright law reforms were passed in 2017, and urged the government to continue supporting the 'round of copyright law reform being discussed right now'.[137]

6.141 The current tranche of reforms relate to copyright access. The Department of Infrastructure, Transport, Regional Development and Communications notes that 'the need for change has been highlighted during COVID-19, with schools,

---

[133] Dr Ayres, National and State Libraries Australia, *Committee Hansard*, 13 November 2020, p. 28.

[134] Dr Trinca, National Museum of Australia, *Committee Hansard*, 13 November 2020, p. 28.

[135] Dr Ayres, National and State Libraries Australia, *Committee Hansard*, 13 November 2020, p. 28.

[136] Dr Trinca, National Museum of Australia, *Committee Hansard*, 13 November 2020, p. 28.

[137] Ms Sue McKerracher, Chief Executive Officer, Australian Library and Information Association, *Committee Hansard*, 13 November 2020, p. 30.

universities, cultural institutions and governments having to deliver essential services online'. The reforms being proposed are designed to 'simplify and update Australia's copyright laws' so that they 'better support the needs of Australians and public institutions to access material in an increasingly digital environment'. These reforms would support schools, libraries and other institutions that support democracy. The Government expects to release exposure draft legislation later in 2020.[138]

6.142 Ms McKerracher said, '[d]igital access to collections is essential. Please help us get those reforms through'.[139]

Historical and heritage societies

6.143 President of the Federation of Australian Historical Societies, Professor Don Garden talked about the role of historians and historical societies in strengthening Australian civil society and national identity, and building community by igniting an interest in history. Professor Garden said:

> The voluntary community historical and heritage societies do an enormous amount to preserve and retell our stories; they collect the documents and images and the ephemera, and use those to promote a sense of understanding. This is very important in developing a sense of wider community connection and a sense of being Australian, being part of the wider community.[140]

6.144 Small government grants, provided at key times for well-planned projects have had big impacts, such as during the Centenary of Federation, when many community projects were funded. More recently, the COVID-19 pandemic has seen a massive community interest in the history of the flu pandemic of 1919:

> …there's a historian in New South Wales, Peter Hobbins, who's been both an academic historian and a professional historian and is very active in community history. He recently said in a talk that I heard on Zoom that he has made more than 50 appearances talking about his special knowledge of the Spanish influenza pandemic that started in 1918. I think this is where community historians and professional historians can really play such a vital role in informing the wider community.[141]

6.145 Mr Gary Kent from the Australian Council of National Trusts said national trusts have been 'an important part of Australian heritage protection and awareness for…50 or 60 years'. National Trusts not only preserve buildings

---

[138] Department of Infrastructure, Transport, Regional Development and Communications, *Copyright access reforms*, www.communications.gov.au/departmental-news/copyright-access-reforms (accessed 27 November 2020).

[139] Ms McKerracher, ALIA, *Committee Hansard*, 13 November 2020, p. 30.

[140] Associate Professor Don Garden, President, the Federation of Australian Historical Societies, *Committee Hansard*, 13 November 2020, p. 14.

[141] Professor Don Garden, President, Federation of Australian Historical Societies, *Committee Hansard*, 13 November 2020, p. 16.

and the built environment, they also have a comprehensive program of research, education and walks.[142]

6.146 Mr Kent cautioned that preserving the nation's heritage 'doesn't just happen by accident':

> It requires an effective national heritage regime, requiring strong leadership, effective legislation and appropriate funding, backed by state and local initiatives…We would like to see the importance of heritage reflected in the committee's report. We'd like to see a renewed Commonwealth interest in heritage. We think that's been on the wane over recent decades. We're also, of course, very keen to see continued and appropriate resourcing of the national institutions here today, because so much of our heritage is captured in these institutions.[143]

6.147 Mr Kent said the National Trust is 'very disappointed' to note that in the last 20 years there have only been 'about 130 heritage listings'. The trust believes heritage assessments 'take a long time' and often do not progress. Mr Kent recommended the resources provided to the Australian Heritage Council be increased, and that heritage listing should be 'a much more independent process', not the choice of one minister, and that more should be listed.[144]

Screen, visual and performing arts

6.148 A combined submission from Australian performing arts organisations proposed that the arts are 'vital enablers helping us to explore identity' – both individual and national. Performing arts provides 'different understandings of the world, of how we live and who we are' to local and international audiences. The arts are 'fundamental to nation-building', and to the vibrancy and inclusiveness of Australia's democracy.[145]

6.149 The Australia Council for the Arts explained that Aboriginal and Torres Strait Islander arts and culture are increasingly becoming Australia's key tourism draw card. The Australia Council is now providing support to 'the First Nations arts sector' to develop a National Indigenous Arts and Cultural Authority, to ensure First Nations artists can have control over their production.[146]

---

[142] Mr Gary Kent, National Board Member, Australian Council of National Trusts, *Committee Hansard*, 13 November 2020, p. 24—25.

[143] Mr Kent, Australian Council of National Trusts, *Committee Hansard*, 13 November 2020, p. 24.

[144] Mr Gary Kent, National Board Member, Australian Council of National Trusts, *Committee Hansard*, 13 November 2020, p. 27.

[145] Australian Major Performing Arts Group, Blak Dance, Live Performance Australia, Music Australia, Performing Arts Connections, Regional Arts Australia, Symphony Services Australia, and Theatre Network Australia, *Submission 35*, [p. 1].

[146] Australia Council for the Arts, *Submission 102*, p. 9.

6.150 The arts have a role in promoting social cohesion, which helps to strengthen democracy and protect against populism and other threats. The Australia Council for the Arts submitted:

> Given rising social divisions, anxiety and xenophobia both at home and overseas, there is an urgent need to harness the dynamic energy of our multi-layered, multicultural, contemporary democratic society. The arts are an antidote to social divisions and threats, through their ability to inspire our collective imagination, engage and connect us, challenge our assumptions and humanise those with whom we may disagree. They enable a plurality of voices to be heard, including the disaffected and divided 'quiet Australians' and those who feel they are being left behind by rapid social change.[147]

6.151 The Australian performing arts organisations maintained that art has been 'the most effective tool for building relationships and awareness between First Nations peoples and the wider community'. There is currently 'no dedicated program' for the funding of First Nations performing arts, and the performing arts are currently underrepresented in existing government arts programs: 'Enhanced government investment will increase the vibrancy, diversity and capacity of the arts to explore and reflect our national identity'.[148]

6.152 The Australia Council for the Arts recommended the government:

- scale up existing programs aimed at increasing social and community cohesion through investment in arts and culture;
- provide funding for First Nations performance, art and culture in recognition that culture is 'a cross system priority through the Closing the Gap Refresh'; and
- provide funding for arts activities through the Department of Home Affairs as part of a social cohesion package for 'Bringing Australians Together', 'similar to the funding stream providing investment in "Driving Social Inclusion through Sport and Physical Activity"'.[149]

[147] Australia Council for the Arts, *Submission 102*, p. 14.

[148] Australian Major Performing Arts Group, Blak Dance, Live Performance Australia, Music Australia, Performing Arts Connections, Regional Arts Australia, Symphony Services Australia, and Theatre Network Australia, *Submission 35*, [pp. 2—3].

[149] Australia Council for the Arts, *Submission 102*, p. 15.

Universities

> Australian universities actively engage in community civic discourse and play an integral role in giving a forum for open and informed debate. This function of Australian higher education institutions is a vital contribution to Australia's cohesive democracy, national identity and understanding of nationhood.
>
> Western Sydney University, *Submission 161*, p. 1.

6.153 Universities have historically been seen as important institutions upholding and strengthening liberal democracy. The University of Western Australia (UWA) maintained that public universities 'offer the foundation of educated, thoughtful, critical, decision-making that should be at the core of democratic engagement'.[150]

6.154 Professor Joy Damousi from the Australian Academy of the Humanities said that the humanities, including her discipline of history, play a critical role 'in promoting a robust and enduring democracy'.[151] With over half of Australians between the ages of 25 and 35 now holding tertiary qualifications, Professor Damousi argued the university sector 'plays a major role in identifying the strengths of democracy and creating social cohesion around knowledge'.[152] Professor Chubb added that university education in the sciences and other disciplines teaches Australians to be active, critical citizens.[153]

6.155 Ms Meghan Bergamin from Australasian Council of Deans of Arts said students who undertake studies in the humanities and social sciences (HASS) disciplines 'participate more in democracy': 'They have greater trust in democratic institutions and they participate more in civic society than students who haven't had that advantage'.[154]

6.156 Ms Bergamin said that HASS graduates learn to 'apply critical and analytical skills', which help them to identify sources of information that are 'trustworthy and which ones may not be', learn to solve complex problems, and may gain

---

150 University of Western Australia (UWA), *Submission 20*, p. 2.

151 Professor Joy Damousi, President, Australian Academy of the Humanities, *Committee Hansard*, 14 February 2020, p. 13.

152 Professor Damousi, Australian Academy of the Humanities, *Committee Hansard*, 14 February 2020, p. 13.

153 Professor Ian Chubb, Councillor, Australian Academy of Science, *Committee Hansard*, 7 February 2020, p. 3.

154 Ms Meghan Bergamin, Executive Officer, Australasian Council of Deans of Arts, Social Sciences and Humanities, *Committee Hansard*, 14 February 2020, p. 20.

'cultural competency, global citizenship and research capabilities in a variety of disciplines'.[155]

6.157 The Australian Academy of the Humanities suggested that with trust in politics and the media so low, 'it is useful to look to sectors and institutions which continue to maintain high levels of public trust'. Universities continue to enjoy relatively high trust compared with politics and the media, the academy stated. As such, the academy suggested government 'consider ways to harness the collective experience and expertise' of Australia's universities to contribute to protecting and defending Australia's democracy.[156]

Committee view

6.158 By international standards, Australia's key democratic institutions are strong. From our national cultural institutions, to our independent electoral commission, to our public schools and universities.

6.159 The key pillar of Australia's democracy – the federal parliament – is a strong democratic institution with robust procedures and a number of mechanisms for holding governments accountable. The Senate in particular has powerful ways of scrutinising the actions of the executive, government departments, and officials.

Parliamentary committees

6.160 Parliamentary committees are the key mechanism by which parliaments can build strength and resilience to guard against threats to democracy.

6.161 Committees take parliament to the people and bring the people to the parliament. They provide a direct line of communication between citizens and elected representatives. At their best, committee inquiries bring together citizens and communities affected by policies and legislation, with experts and decision-makers, to work through detail, and solve problems.

6.162 Committee inquires can lead to improvements in legislation, or to new ways of doing things. They can uncover truths, and they can heal divisions.

6.163 To fulfil their potential as agents for citizen engagement, committees need to be better resourced. The parliament should fund more secretariat staff to complete committee work. Committees need adequate staffing so they can dedicate sufficient time to public engagement activities and promotion of inquiries. Committee secretariats need additional time and, where appropriate, additional training, to help them reach out to vulnerable or hard-to-reach stakeholder groups.

---

[155] Ms Bergamin, Australasian Council of Deans of Arts, Social Sciences and Humanities, *Committee Hansard*, 14 February 2020, p. 20.

[156] Australian Academy of the Humanities, *Submission 78*, p. 1.

6.164 The Senate Standing Orders provide for the provision of 'all necessary staff and resources' and the appointment of 'persons with specialist knowledge' for committee purposes, with the approval of the President (Senate Standing Order 25(17)). Committees should be encouraged to make better use of this facility to ensure inquiries are better resourced and have access to specialised expertise, where it is beneficial to do so.

6.165 The COVID-19 pandemic has exposed weaknesses in the committees' communications technology systems. Committees have traditionally relied heavily on collecting evidence through face-to-face hearings. This method is very effective, but its weaknesses have become apparent in light of the travel bans and social distancing requirements imposed by COVID-19.

6.166 Committees need to look at new and innovative ways to engage the public in the work of committees. These should not replace face-to-face hearings, but supplement them. Critically, committees need access to effective and reliable communications technology, especially during the pandemic. Australia's parliament is the core institution of our democracy: its IT system should be world-class.

Improving the image of parliamentarians

6.167 Australia's parliaments are largely functional, surprisingly cooperative organisations. Parliamentarians are generally hard working, dedicated and passionate about serving our constituents, and most of us have a genuine belief in the policies we promote.

6.168 It would be foolish indeed, however, for us to ignore the anger and cynicism of Australians who do not see things that way. When many Australians look at the parliament, they do not see a proud institution, full of hardworking women and men. They see division, they see infighting, and they see game-playing. What they see has no relevance to their lives. It is alienating, it is disappointing.

6.169 The public sees so little of the good that happens in parliament, and this is unfortunate. Question time is not a positive reflection on the parliament or parliamentarians, and does not build trust and confidence in Australia's democracy. The committee notes that the House of Representatives Standing Committee on Procedure is conducting an inquiry into the practices and procedures relating to question time. We look forward to the outcome of that inquiry.

6.170 Members of parliament have a role to play in upholding the institutions of democracy. Criticisms levelled against democratic institutions and their representatives may make short term political gains, but the effect is to delegitimise our institutions, and lessen public trust in their role. Ultimately, this weakens democracy. When we attack our political opponents in a way that delegitimises democracy itself, all we do is score political 'own goals'.

Other suggestions

6.171 Inquiry participants made a number of suggestions to strengthen parliamentary democracy. The committee has adopted some of these and made recommendations. In relation to others, we wish to express our support.

6.172 The committee sees merit in the idea of candidate information packs created and issued by the Australian Electoral Commission, using information sourced through research, and a candidate questionnaire. These information packs need not replace existing forms of election advertising, but would provide a reliable source of basic candidate information citizens could access if they wished to inform their vote.

6.173 The committee supports the copyright access reforms that would update Australia's copyright laws to simplify access to digital materials for schools, libraries and public institutions that support democracy.

6.174 The committee notes the critical role of libraries as civic spaces, and spaces for learning, literacy and social engagement.

6.175 The committee supports our national cultural and heritage institutions, and the key role they play in protecting Australia's knowledge, history, heritage, information, data and cultural artefacts. Perhaps even more importantly, these institutions provide *access* to this history, this culture and this knowledge for Australians and those who visit us – both in person and online.

6.176 The committee acknowledges the important role played by screen, visual and performing arts in exploring and enforcing national identity, and building social cohesion. Social cohesion strategies should not ignore this critical area of investment.

6.177 Finally, the committee recognises the optimism generated in response to the creation of the National Cabinet, and the reported 'renewal' of the federation. It is too early to know if this optimism will be maintained. However, the committee is encouraged to hear of its innovative working practices, and hopes this may be indicative of a new era of political cooperation.

Recommendation 17

6.178 The committee recommends that the Australian government amends the *National Archives Act 1983* to extend the definition of a public record to include new forms of information storage such as digitised data, and to clarify the rules for public access to the Archives.

Recommendation 18

6.179 The committee recommends that the Australian government works with academics, national institutions and cultural organisations, and the

non-government sector, to develop a long-term national strategy to strengthen Australia's democracy.

Chapter 7
Conclusion

Australia today

7.1 Australia is a country of contradictions; a young democracy constructed over a proud and ancient civilisation. Amends have never been made, the wounds have not yet been tended to.

7.2 The contradictions, in reality and in the symbols we used to describe the nation, are slowly being resolved. Earlier this year the Prime Minister, Scott Morrison, announced the change of a word in the national anthem: Australians will no longer sing that we are 'young and free' but 'one and free'. This is a welcome symbolic acknowledgment that people have inhabited this land for more than 60,000 years, and not only since British settlement in 1788. The choice of the anniversary of that settlement as the national day, however, remains contentious for many Australians.

7.3 A spirit of equality, of mateship, the 'fair go', has sat alongside policies of exclusion and erasure. The shadows of racism remain today, resurfacing, creating tensions and divisions, impacting lives and livelihoods, leaving some Australians less able to enjoy our society than others.

7.4 Our history is one of convicts, outcasts, explorers, farmers, itinerant workers, soldiers, gold miners, refugees, immigrants and settler families trying their luck in a strange and inhospitable land. It is a story of courage, bravery, ingenuity, resilience, hope and triumph. Of an emerging nation its own way in a far flung corner of the world and slowly constructing its own destiny.

7.5 But it is also a story with dark chapters. The frontier battles and massacres of Indigenous tribes; the gruelling experiences of the early Jewish, Afghan and Chinese immigrants; the racism and social exclusion faced by European prisoners of war as they tried to make new lives in a 'white' country; and the 'blackbirding' of Pacific Islanders,[1] to name a few.

7.6 Once upon a time we may have struggled with these contradictions, but modern Australians have grown up in a complex, interconnected world. We can handle contradictions; we can come to terms with a complex past and not shrink from the truth.

---

[1] Will Higginbotham, 'Blackbirding: Australia's history of luring, tricking and kidnapping Pacific Islanders', 17 September 2017, www.abc.net.au/news/2017-09-17/blackbirding-australias-history-of-kidnapping-pacific-islanders/8860754 (accessed 1 December 2020).

7.7 Most Australians are wise enough to know that Australia is not perfect. This knowledge does not dent our love of it. We accept its diversity, and respect tolerance and difference.

7.8 It is arguably our democratic system – its freedoms, its benefits, and its supports – that make this country great. Why then, do Australians love their country, but not *their democracy*?

7.9 One only need take a look at what Australians *see*. Most Australians never see politicians or federal public servants *at work.* We do not see the legislative work of parliaments, the policy work of the public service, the consultative work done through committees.

7.10 Australians see politicians dragging each other down in public, undermining the whole profession by casting doubt on the trustworthiness and professionalism of their opponents. Fighting and backstabbing, rather than getting work done. It is not becoming to our great democracy.

7.11 In addition, Australians are exposed to a constant stream of media reports about scandals and integrity breaches. Social media feeds us 'fake news' and conspiracy theories. Malicious actors seek to influence politics through online platforms, targeting the vulnerable, and spreading disinformation. Much of this is out of the control of politicians, but there are things that can be done to lessen the impact, as have been explored in this report.

Restoring faith in democracy

7.12 There is no one thing that will restore public faith in politicians and governments, and increase satisfaction with democracy. We may be coming from a low point, but evidence suggests Australians are a forgiving people. Satisfaction with democracy has been almost as low in the past (lower according to some data sources), and rebounded to historic highs.[2]

7.13 It is likely that Australians will be willing to believe in democracy again but governments cannot afford to take this for granted. And some indicators of democratic decline are on a clear downward trajectory, and show no sign improvement, such as citizens' faith in the major political parties.[3] Australians continue to support democracy, despite being deeply dissatisfied and disenchanted with politics and politicians.

7.14 COVID-19 provided a refreshing reprieve from politics as usual, and Australians embraced it. All of a sudden, political leaders were fronting up to

---

[2] The Australian Election Study reported satisfaction with democracy at a low of 56 per cent in 1979, after the Whitlam dismissal. Then at 78 per cent in 1996 after the Coalition's win with John Howard as leader, and 86 per cent in 2007 after Labor's win with Kevin Rudd as leader. Sarah Cameron and Ian McAllister, *Trends in Australian Political Opinion: Results from the Australian Election Study, 1987–2019*, p. 98.

[3] Scanlon Foundation, *Submission 115*, p. 4.

the media, accompanied by experts, spending significant amounts of time explaining their decisions, providing evidence and justifying their actions. Political leaders took questions, they were serious and contrite, they treated journalists with respect, they stayed until no one had any more questions left to ask, they published data, and they admitted when they were worried.

7.15 Our leaders worked together, across political divides; they acted swiftly and decisively, with a sense of shared purpose. This gave Australians confidence and made us feel safer and more secure in uncertain times.

7.16 Perhaps most importantly, the government announced unprecedented financial support. The restrictions put in place to stop the spread of COVID-19 impacted the lives and livelihoods of many Australians. If the government had not stepped in swiftly to help these people, it is possible Australians may not have been so accepting of the restrictions placed upon us. Poverty and inequality are the enemies of democracy.

7.17 A functioning democracy requires give and take – if the government wants citizens to give up some of our freedoms, in exchange it must provide protection, resources and dignity. *This* is why Australia has been able to effectively suppress COVID-19. On the whole, while citizens may be cynical towards governments, we still trust that our governments will look after us when times get tough.

7.18 Outside times of crisis, Australians just want politicians to be *better*. We want our politicians to act with decency, humanity, dignity and respect – towards the public, towards others and towards their opponents.

7.19 We want to see *better* government. Moments like the tabling of the *National Report of the Royal Commission into Aboriginal Deaths in Custody*, the tabling of the *Bringing Them Home Report* and the later Apology to the Stolen Generations, the Apology to Forgotten Australians, and the passage of legislation for marriage equality are moments that reflect the dignity and value of the great institution of parliament. These are the moments Australians should be able to associate with our democracy. Governments must ensure they get the attention they deserve.

7.20 Empowering parliamentary committees to conduct more and better inquiries, and ensuring they are better resourced, has the capacity to provide more avenues of connection between the parliament and citizenry. This will help provide for better quality legislation, a greater variety of viewpoints on policy development, and more opportunities to hold governments to account.

Defending democracy

7.21 Governments need to actively defend democracy. We need to monitor its health, promote it, and protect it. Civics, history, politics and democratic

theory should be front and centre in our schools; delivered by well-trained teachers, and supported with excellent resources.

7.22 Governments must nurture an appreciation of civics and democracy among Australia's youth, and encourage their participation in civil society. In addition, governments must build strong democratic citizens, including through developing programs for media and information literacy.

7.23 Governments must submit themselves to further scrutiny and integrity measures, and they must do it willingly. Democracies with the most satisfied populations are those with highly transparent and participatory government practices, codes of conduct, integrity commissions, and opportunities for citizens to scrutinise government decisions and participate in decision-making.

7.24 Becoming more insular, secretive and opaque can only serve to further weaken trust in democracy.

Touching hearts and minds

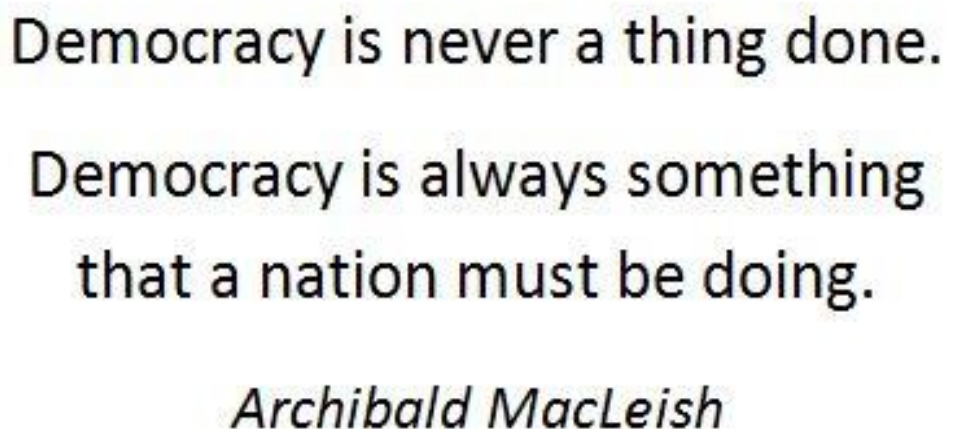
7.25 The best way to defend democracy is to convince Australians of the many reasons our democracy is *worth* defending. The freedoms, dignity, choices and opportunities that our democracy provides; the protections of our welfare safety net; universal education and healthcare; our liberal democratic values of equality, fairness, and the rule law.

7.26 Governments can *tell* Australians we should value these things, but it is meaningless rhetoric if Australians do not *feel* that those things are expressed in the way our country is run, the actions of our politicians, and decisions taken in our parliaments.

7.27 In uncertain times, where many of the old social bonds have broken down, and communities are more fragmented than ever, Australians have turned away from combative, partisan politics. We are looking to our governments for leadership, cooperation, bravery, dignity…and heart.

7.28 It is up to the governments, parliaments and political parties of today, to look past short-term political imperatives, and implement the changes required to strengthen democracy for tomorrow.

7.29



Senator the Hon Kim Carr
Chair

Dissenting Report by Government Senators: Senator the Hon Sarah Henderson and Senator Paul Scarr

Introduction

> Australians all let us rejoice
>
> For we are one and free

1.1 In December last year, Prime Minister Scott Morrison announced a small but important change to Australia's national anthem, 'Advance Australia Fair'. The replacement of the words 'young and free' to 'one and free' represents the type of sensible, incremental change which says so much about who we are as Australians.

1.2 In describing the change, the Minister for Indigenous Australians, the Hon Ken Wyatt AM, said that it reflected 'our indigenous, British and multi-cultural history and is a call to look forward in unity with a determination to build a stronger and more rewarding Australia for all'.[1]

1.3 We seek to reflect this same spirt in our report. Whilst we agree with some recommendations, there are others with which we disagree as we explain in the following pages.

1.4 As relatively new members of this committee, we acknowledge and respect the bipartisan origins and conduct of this inquiry including the contribution of Senator the Hon Amanda Stoker and Senator Claire Chandler (former members of this committee) to the terms of reference. Regrettably, however, we did not participate in the inquiry's hearings or have the opportunity to question witnesses.

1.5 The majority report reflects a very substantial body of work incorporating many submissions and witness testimonies. We thank those who made submissions and acknowledge the hard work of the committee secretariat throughout this inquiry.

1.6 In this dissenting report, whilst highlighting some important differences in views, we have focused on responding to the recommendations contained in the majority report.

---

[1] Ken Wyatt, 'Changing the national anthem is real reconciliation', *Sydney Morning Herald*, 1 January 2021.

Nationhood and democracy: international trends

1.7 The majority report identifies five indicators of democratic decline globally: declining trust, the rise of populism, authoritarianism, growing inequality and fraying social cohesion.

Trust in government

1.8 There is strong evidence that the overwhelming majority of Australians believe in democracy.[2] Submissions from the Scanlon Foundation,[3] Lowy Institute[4] and the University of Melbourne[5] indicated that support for democracy, as opposed to other systems of government, remains very high in Australia and continues to steadily climb.

1.9 Support is also high when compared to international standards. For example, Dr Cameron of the Australian Election Study submitted that Australians are 'among the most satisfied democrats in the world'.[6] Nicholas Reece argued that 'Australia still has a gold standard democracy'. [7] It should come as no surprise that Australians are passionate democrats – we always have been:

> Our constitution was the first to be written by and voted on by the people. We were the first to give women universal suffrage – the right to vote and stand for parliament. We introduced the secret ballot and have one of the highest voter turnouts in the world.[8]

1.10 However, there is cause for great optimism. As highlighted in the majority report and as discussed further throughout our report, trust in government has dramatically increased during the COVID-19 pandemic.

Combating extreme populism in all its forms

1.11 While much of the commentary in the majority report focuses on 'the rising tide of right-wing populism', we reject this emphasis. Populism is not exclusively a creature of the right. Mr Sam Roggeveen of the Lowy Institute submitted that:

> The electoral convulsions of recent years in Europe and the US have triggered an outbreak of misplaced moral panic about the decline of

---

2 Ms Anthea Hancocks, Chief Executive Officer, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 36.

3 Ms Hancocks, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 36.

4 Scanlon Foundation, *Submission 115*, p. 4.

5 Dr Tony Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

6 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

7 Mr Nicholas Reece, Director of Strategy Policy and Projects, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 12

8 Mrs Daryl Karp, Museum of Australian Democracy at Old Parliament House (MoAD), *Committee Hansard*, 7 February 2020, p. 10.

> liberal-democracy and the rise of right-wing populists who will undermine democratic institutions…Recent European elections have not only helped the populist right. In France there is the movement of liberal-centrist Emmanuel Macron. While foreign commentary on German politics tends to focus on the right-wing populist AfD, the German Greens now regularly match the AfD in national opinion polls and they are a major force in German state politics. Greece's Syriza party, a populist party of the left, stormed into government in 2015 on the back of dismay with the old order. None of this is consistent with the notion of a European shift to the populist right.[9]

1.12 Additionally, populist leaders in South America typically hail from the left side of politics;[10] for example, Hugo Chavez in Venezuela, Andrés Manuel López Obrador in Mexico and Evo Morales in Bolivia. Even in the West, a number of high-profile left-wing populists have enjoyed significant levels of support in recent years such as Bernie Sanders[11] in the United States and Jeremy Corbyn in the United Kingdom. Violent left-wing movements such as ANTIFA have also become increasingly influential.[12]

1.13 None of this is to say that 'right-wing populism' is not an issue – it is. Rather, extreme populism in all its forms should be combated and condemned. Indeed, extreme populism bears little resemblance to the traditional centre-right philosophy of small government, individual responsibility, respect for institutions and sensible, incremental change.[13]

Inequality in Australia low by international standards

1.14 While socioeconomic inequality has become a dominant political issue in many countries around the world, inequality in Australia is 'is low by international standards'.[14]

1.15 In 2018, the Productivity Commission released the most comprehensive review of inequality in Australia to date, titled *Rising Inequality? A stocktake of the evidence*. The report found that inequality has barely increased in Australia in the last 15 years. It also noted that '[e]conomic mobility is high in Australia, with almost everyone moving across the income distribution over the course of

---

9 Mr Sam Roggeveen, Director, International Security Program, Lowy Institute, *Submission 149*, p. 1.

10 Benjamin Moffitt and Octavia Bryant, 'What actually is populism? And why does it have a bad reputation?', *The Conversation*, 6 February 2019.

11 Mr Roggeveen, Lowy Institute, *Committee Hansard*, 13 November 2020, p. 46.

12 Peter Beinart, 'The Rise of the Violent Left', *The Atlantic*, September 2017, www.theatlantic.com/magazine/archive/2017/09/the-rise-of-the-violent-left/534192/ (accessed 16 February 2021); Brenna Cammeron, 'Antifa: Left-wing militants on the rise', *BBC News*, 14 August 2017, www.bbc.com/news/world-us-canada-40930831 (accessed 16 February 2021).

13 The Economist, 'The global crisis in conservatism', *The Economist*, 6 July 2019, p. 9.

14 Productivity Commission, *Rising Inequality? A stocktake of the evidence: Highlights package*, August 2018, p.16.

their lives',[15] while living standards for the average Australian in every income decile has 'significantly improved'.[16]

1.16 These promising figures are largely a function of Australia's social safety net and highly targeted transfer systems which 'substantially reduce inequality'.[17] Interestingly, in Sweden – a nation often held out for its egalitarian qualities – equality has sharply deteriorated.[18]

1.17 The biggest difference in inequality in Australia is between those who have a job and those without a job.[19] Indeed, whether a person has paid employment is the single biggest determinant of whether they are likely to be stuck at the bottom of the mobility ladder in the long-run.[20] This serves as a poignant reminder of the need for governments to relentlessly pursue job creation.

1.18 The HILDA Survey released in 2018 also found that relative poverty in Australia is at its lowest point in the history of the survey, while absolute poverty remains close to record lows.[21] It similarly recorded 'little change in income inequality' between 2001 and 2016.[22]

1.19 Furthermore, '[s]ince 2007, more than 70 per cent of those surveyed in Scanlon polls feel satisfied or very satisfied with their financial situation, while 85 and 89 per cent of Australians surveyed feel happy or very happy'.[23] In this context, it is no surprise that Associate Professor Salvatore Babones submitted that: 'There is little evidence that economic inequality has any impact on social cohesion or national identity in open societies like Australia'.[24]

Social cohesion in Australia

1.20 Fraying social cohesion is of less relevance in Australia, arguably the most successful multicultural nation in the world. Dr Tony Ward of the University of Melbourne stated: 'Are people happy with the social system in Australia?'

---

15 Productivity Commission, *Rising Inequality? A stocktake of the evidence*, p. 4.

16 Productivity Commission, *Rising Inequality? A stocktake of the evidence*, p. 2.

17 Productivity Commission, *Rising Inequality? A stocktake of the evidence*, p. 2.

18 Productivity Commission, *Rising Inequality? A stocktake of the evidence*, p. 43.

19 Productivity Commission, *Rising Inequality? A stocktake of the evidence*, p. 2.

20 Productivity Commission, *Rising Inequality? A stocktake of the evidence*, p.125.

21 Geoff Gilfillan, *Findings of the 2018 HILDA Statistical Report*, 31 July 2018, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/2018HILDAStatisticalReport (accessed 16 February 2021).

22 Geoff Gilfillan, *Findings of the 2018 HILDA Statistical Report*, 31 July 2018, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/2018HILDAStatisticalReport (accessed 16 February 2021).

23 Institute of Public Affairs, *Submission 36*, p. 9.

24 Associate Professor Salvatore Babones, *Submission 32*, p. 13—15.

It's up to around 95 per cent. [25] He also indicated that 'polls of people saying they are proud to be a part of Australia, those are pretty uniform and at very high levels internationally'. [26]

Increasing trust in Australian governments during COVID-19

1.21 We agree with the observations in the majority report that the global pandemic has required citizens to put a great deal of trust in politicians, governments and experts and has tested both authoritarian regimes and democratic states, with some not faring so well.

1.22 It is both heartening and significant that the trust and confidence of Australians in our governments has increased dramatically during the COVID-19 crisis.[27] In the context of the very substantial health and economic measures being delivered by the Australian government, we are of the view that Australians are buoyed by the success of the government's measures as reflected by Australia's relatively low death rate, compared with many other countries, and our nation's economic recovery which is tracking well ahead of most other comparable countries.[28]

1.23 This trust and confidence is underpinned by the success of Australia's universal, high standard health system, respected regulatory agencies such as the Therapeutic Goods Administration, a nimble and hard-working public service and governments which are prepared to enact policies to keep Australians safe and support them financially during this unprecedented crisis.

1.24 Whether it is JobKeeper, the Coronavirus supplement, free telehealth service, mental health support or a safe and effective vaccine, it is our view that most Australians feel reassured that their federal government will stand by them in their hour of need.

1.25 In making these observations, we are bound to reflect on some of the controversies which have served to undermine confidence in some governments, particularly in Victoria where there has been substantial opposition to the government's management of its hotel quarantine program and to 'lockdown' decisions such as the detention of residents living in public

---

[25] Dr Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

[26] Dr Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

[27] Democracy 2025, *Report No. 7: Political trust and democracy in times of coronavirus: Is Australia still the lucky country?* (tabled 13 November 2020).

[28] John Edwards, *The costs of COVID: Australia's economic prospects in a wounded world*, 20 August 2020, www.lowyinstitute.org/publications/costs-covid-australia-economic-prospects-wounded-world (accessed 16 February 2021) and Swati Pandey, 'Australia's economy rebounds sharply in third-quarter from COVID-19 recession', *Reuters*, 2 December 2020, www.reuters.com/article/us-australia-economy-gdp-idUSKBN28C01R (accessed 16 February 2021).

housing towers in inner Melbourne which the Victorian Ombudsman found to be a violation of human rights.[29]

The Australian nation: our history, our identities, our future

> From whatever our beginnings or circumstances, Australians have always demonstrated our ability to overcome. To rise above. To better our history. To create our future. Today, on Australia Day, we reflect on that journey, the price that has been paid for our freedom, the lessons of our history and the privilege of being able to call ourselves Australians. We do it on this day when the course of this land changed forever. There is no escaping or cancelling this fact. For better and worse, it was the moment where the journey to modern Australia began. And it is this continuing Australian journey that we recognise today.
>
> Prime Minister Scott Morrison.[30]

The Australian Constitution

1.26 The *Australian Constitution* has served Australia extremely well. It was the first constitution to be written and voted on by the people,[31] and has been the foundation for over 100 years of stability and prosperity.[32]

1.27 During the course of this inquiry, some have complained about the 'thinness of the *Constitution*'.[33] For instance, Mr Geoffrey Robin submitted that the *Constitution*:

> …has nothing to say about the Australian people, about citizens or citizenship, Australian values … It does nothing to express our humanitarian values, it has nothing to say about our national identity and nothing to say about our democratic beliefs, rights and liberties.[34]

1.28 However, we submit that that is in part what makes our *Constitution* so enduring: it does not purport to be anything other than what it is – a technical, legal document setting up and dividing power between the institutions which comprise Australia's government. Justice Keane of the High Court has described the *Australian Constitution* as a 'small brown bird' when compared with the 'eagle' that is the *American Constitution*:

---

[29] See newspaper report of the Ombudsman's findings, 17 December 2020: https://www.theguardian.com/australia-news/2020/dec/17/melbourne-public-housing-covid-lockdown-violated-human-rights-victorias-ombudsman-finds

[30] Scott Morrison, Australia Day National Flag Raising and Citizenship Ceremony, *Speech*, 26 January 2021.

[31] Mrs Karp, MoAD, *Committee Hansard*, 7 February 2020, p. 10.

[32] Nicholas Aroney and James Stellios, 'Rights in the Australian Federation', *European Journal of Law Reform*, 17 January 2018, p. 1.

[33] Dr Matt Harvey, Private Capacity, *Committee Hansard*, 14 February 2020, p. 26. See also International IDEA, *Submission 88*, p. 33.

[34] Mr Geoffrey Robin, *Submission* 11, p. 4.

> There is no getting away from the modesty of the document, both in form and in substance. It does not announce itself to an amazed world as the self-executing resolve of: 'We the People'.[35]

History, civics and citizenship: why it matters

1.29 In discussing Australia's rich indigenous origins, we acknowledge the detailed analysis in the majority report which emphasised the importance of truth telling – teaching our indigenous history warts and all - including about important legal doctrines such as terra nullius. We do not intend to replicate any of this work in our comments here.

1.30 With respect to the intersection between our indigenous history and modern democratic institutions, Dr Ozdowski submitted that:

> …because each group is very diverse as well, it's very difficult to have one member who would be representative of a whole group of people. It gives simply a new focus on particular characteristics. I think we should stick to shared values, which are on a much higher level. We all agree on democracy. We all agree that our parliament should be elected and everyone should be able to vote. We agree that our discussions should be based on respect. We agree on equality of opportunity.[36]

1.31 There is much to celebrate and be thankful for in our British origins. As Nicholas Reece stated:

> I also want to reflect briefly on Australia's democratic history, because I think it's awesome. In the 1850s when the colonial parliaments were being established, they created a democratic franchise which was the broadest and most radical in the world. You didn't have to prove that you owned property; you didn't have to prove that you were of particular financial means; but you got a vote in those colonial parliaments. They also did things like the establishment of the secret ballot, and little things like holding elections on a Saturday—who would have thought: such a small thing but such an important thing in allowing the citizenry to participate. They also did, again, little but important things like paying representatives of parliament. That happened for the first time in the world in the colony of Victoria in 1856. What did that mean? It meant that you didn't have to be a person of substantial means to participate and be a representative in our democracy because the state would provide you a fund and enable you to represent your community.[37]

---

[35] Justice P A Keane, 'In celebration of the *Constitution'*, *An address to the National Archives Commission*, 12 June 2008, p. 1, www.austlii.edu.au/au/journals/QldJSchol/2008/64.pdf (accessed 16 February 2021).

[36] Australian Multicultural Council, *Committee Hansard*, 13 November 2020, p. 11.

[37] Mr Nicholas Reece, Director of Strategy Policy and Projects, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 16.

1.32 The Australian Monarchist League reminds us that:

> A sense of national identity can only be enduring and constructive if is based on a realistic understanding of the nation's people, culture, history, values and place in the world. For this reason governments must not attempt to distort the national identity in the hope of conforming the nation to a new ideology.[38]

1.33 As a migrant nation, Andrew Markus, in the annual Scanlon Social Cohesion survey, suggests that there is generally goodwill in Australia towards multiculturalism, with around 85 per cent of Australians consistently supporting multiculturalism (this varies by age).[39] The Scanlon Foundation submitted that: 'In 2018, only seven per cent of respondents indicated that high immigration was the most important issue of concern'.[40]

1.34 The Scanlon Foundation stated that: 'the history of immigration policy in this country, and Australians' relatively strong support for immigration over many years, provide an example of enduring relevance to this inquiry'.[41]

1.35 Nicholas Reece also posed the question: 'how and why did Australia, for much of its history, achieve these reforms that made us the gold standard in global democracy and governing systems? I put it to you that it was first because we had a culture of egalitarianism'.[42]

1.36 The inquiry heard how Australia's military traditions have been critically important in defining our national identity. That the Australian War Memorial is Australia's most visited tourist attraction speaks volumes about how the service of Australian men and women resonates in our national psyche. As the Institute of Public Affairs (IPA) contended:

> Perhaps one of the most evocative articulations of Australian values can be found at the Isurava battle site on the Kokoda Track. There etched on four stone pillars are the words 'courage, endurance, mateship and sacrifice'.[43]

1.37 Many young Australians also venture to Canberra each year to visit the Museum of Australian Democracy. According to its Director, Daryl Karp:

> We have direct engagement with hundreds of thousands of visitors and 90,000 students who come and do face-to-face civics education with us, along with their teachers. It's a really clearly targeted market, and I can honestly say that there is no doubt that the young people who come there—and we're actually doing some research now on how young people

---

38 Australian Monarchist League, *Submission 52*, p. 1.

39 University of Western Australia (UWA), *Submission 20*, p. 3.

40 The Scanlon Foundation, *Submission 115*, p. 6.

41 The Scanlon Foundation, *Submission 115*, p. 8.

42 Mr Reece, University of Melbourne, *Committee Hansard*, 7 February 2020, p. 17.

43 Institute of Public Affairs, *Submission 36*, p. 8.

> see their democracy—are not nearly as cynical as we have been led to believe. They actually are quite optimistic about democracy as a framework. They place it well above the other, non-democratic options that you might expect them to consider.[44]

1.38 Failure to teach young Australians the significance of our history and our democratic institutions leaves students ill-equipped to engage as civic citizens. Professor Garden argued that there are 'failures in our education system' at the moment, which result in young people not being provided with the 'capacity to understand, to analyse and to discriminate' as civic citizens. He suggested there is a lack of knowledge among Australians of Australia's democratic history, and the significance and rarity of our institutions. This leads to many students leaving school ill equipped to engage as civic citizens:

> Capacity to understand, to analyse and to discriminate, or the failure of it, points to failures in our education system, at least in part, particularly an ignorance of our history, how our democratic institutions were achieved and how significant and, indeed, how rare they are.[45]

1.39 We all have an interest in our children having the skills and values they need to become active and informed citizens of a cohesive Australian society. In fact, it was the then Howard government – under Minister for Schools David Kemp – that launched Discovering Democracy in May 1997. This was the first real national commitment in policy and funding toward civics education.

1.40 In recognition of the importance of civics and citizenship education, the Australian government provides approximately $1.3 million per year to promote civics and citizenship education in schools and funds selected targeted initiatives including the National History Challenge, The Simpson Prize, World Schools Debating Championships, International Geography Olympiad and the National Schools Constitutional Convention.

1.41 The Australian government also funds the Parliament and Civics Education Rebate (PACER) Program and the Australian Constitution Centre. PACER rebates are available for students in Years 4 to 12 travelling more than 150 kilometres to Canberra to visit key institutions including the Australian Parliament and the Australian Constitution Centre, located within the High Court of Australia, to improve their understanding of Australian democracy and their roles and responsibilities as active citizens.

1.42 In 2019, more than 114,000 students from about 2,000 schools throughout Australia visited Canberra with the support of the PACER program. As announced by the Australian government on 12 February 2021,[46] the PACER

---

[44] Mrs Karp, MoAD, *Committee Hansard*, 7 February 2020, p. 10–11.

[45] Professor Garden, FAHS, *Committee Hansard*, 13 November 2020, p. 14.

[46] See Minister for Education Media Release, https://ministers.dese.gov.au/rebate-boost-to-increase-civics-and-citizenship-education

rebate which students receive when they travel to Canberra is being increased by 50 per cent.

Recommendation 1

1.43 The committee recommends that the teaching of history and active citizenship should be made compulsory in years 9 and 10 and conducted by appropriately trained teachers. The Australian government should:

- **increase the time dedicated to civics and citizenship education to at least 30 hours per year;**
- **review the current civics and citizenship module of the Australian National Curriculum with a view to redesigning it to make it more engaging for students; and**
- **commit to a review of the new civics and citizenship module five years after its implementation to assess its effectiveness in increasing knowledge and engagement of young people in relation to civics and democracy.**

The new civics and citizenship module should:

- **be based on international best-practice, evidence-based pedagogical approaches;**
- **include content about First Nations history and issues of civics and citizenship for Aboriginal and Torres Strait Islander Australians;**
- **include resources developed by First Nations people; and**
- **focus on issues of interest to young people.**

We agree with this recommendation.

Recommendation 2

1.44 The committee recommends that the Australian government funds annual national excellence in teaching awards, which incorporate grants, scholarships and teaching placements, in the following categories:

- **Australian History and Civics; and**
- **First Nations History and Civics.**

We agree with this recommendation in principle. However, we would seek further information in relation to the scope of teaching awards currently available and what initiatives (if any) are currently in the planning stage.

Recommendation 3

1.45 The committee recommends that the Australian government works through the National Cabinet to increase the number of school children accessing

trips to Australia's democratic and cultural institutions through the Parliamentary and Civics Education Rebate program each year.

This recommendation has in essence been implemented. By increasing the PACER rebate by 50 per cent as discussed in paragraphs 1.46-1.47, the Australian government is providing additional financial support to students which are expected to lead to an increased number of school children travelling to Canberra to visit Australia's democratic and cultural institutions.

Recommendation 4

1.46 The committee recommends that the Australian government prioritises engaging fully and respectfully with the calls of the Referendum Council and the *Uluru Statement from the Heart*.

We support the Australian government's approach which is to finalise details of an Indigenous Voice through the co-design process as the first step, ahead of considering its legal form. We must be pragmatic. Constitutional recognition is too important to get wrong. We have not had a referendum since 1999 which was unsuccessful, noting that only eight out of 44 past referenda have been successful.

In line with the recommendations of the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islanders, which considered the recommendations of the Uluru Statement from the Heart, finalising co-design of an Indigenous Voice should precede consideration of options for constitutional recognition.

Co-design members developed proposals for an Indigenous Voice with two complementary parts, a National Voice and Local and Regional Voices. These proposals are detailed in the Indigenous Voice Co-design Process Interim Report to the Australian government. The co-design groups are currently seeking feedback on the proposed features of an Indigenous Voice.

Recommendation 5

1.47 The committee recommends that the Australian government adopts the 'three great streams' model as a powerful and inclusive image of Australian nationhood, and as a way of telling Australia's national story that offers dignity and respect to all Australians.

We agree that the 'three great streams' model is a powerful and inclusive image of Australian nationhood. We reiterate the importance of telling Australia's national story in a manner which offers dignity and respect to all Australians. However, is this the totality of our national story? Does this model encompass of all of who we are as Australians? We are not certain and believe further work is required before these questions can be settled.

The Australian people: citizenship, culture and religion, social cohesion

The rights and responsibilities of citizenship

1.48 As the Department of Home Affairs contended, the 'Australian community expects that aspiring citizens demonstrate their allegiance to Australia, their commitment to live in accordance with Australian values, and their willingness and ability to integrate into and become contributing members of the Australian community'.[47] In its submission, the department reiterated:

> Our nation is stronger when we have informed citizens who understand their rights and responsibilities. At all levels, from primary schools to universities, students learn about Australia's history, democracy and their obligations as citizens of our society.

1.49 Mr Geoffrey Robin submitted that: 'Many born in Australia take citizenship for granted. Too often they trivialise the power they have as citizens'.[48] We agree with the view expressed in the majority report that citizenship is not just an issue for migrants and new and aspiring citizens:

> All Australians should have an awareness of the values and importance of their citizenship, of their rights and responsibilities as citizens, and of the critical need to defence and engage with the institutions of their democracy.[49]

1.50 That citizenship carries with its responsibilities, as well as rights, lies at the heart of laws enacted in 2015 which expand the grounds on which the citizenship of a dual citizen can cease if a person acts inconsistently with his or her allegiance to Australia.[50]

1.51 During the first roundtable, Professor Rubenstein rightly noted that 'the one scenario that I believe would lead to the loss of citizenship is if you sought to get rid of the nation-state itself, because, of course, citizenship is membership, in a formal sense, of that nation-state'. When a terrorist wants to harm Australia, betraying their oath of citizenship, destroy Australia is their ultimate fiendish goal.[51] This logic is one of the fundamental reasons why the rare and limited powers the Australian government has to strip citizenship of terrorists exists.

1.52 We are troubled by the notion that a dual citizen could be eligible to run for, or sit in, the Australian Parliament. The act of renouncing citizenship is an act of

---

47 Department of Home Affairs, *Submission 138*, p. 6.

48 Mr Geoffrey Robin, *Submission 11*, p. 3.

49 Paragraph 4.57, majority report.

50 *Australian Citizenship Amendment (Allegiance to Australia) Act 2015*.

51 Professor Rubenstein, Private capacity, *Committee Hansard*, 14 February 2020, p. 12.

renouncing allegiance to a foreign power; it is not a rejection of one's heritage or multicultural origins. Yes, we agree that Australia imposes a strict approach to political citizenship.[52] However, this we believe helps to engender the trust and confidence of Australian citizens in their political representatives which is a fundamental tenet of our parliamentary democracy.

A strengthened Australian citizenship test

1.53 Our shared values are central to the success of our socially cohesive nation. It is important that Australian citizenship applicants understand and are committed to these values. From 15 November 2020, the Australian government introduced an updated, strengthened Australian citizenship test. The citizenship test includes information that Australians would generally regard as important to know and understand to live in Australia. It assesses prospective Australian citizens' understanding and commitment to the values, traditions, institutions and history of our nation.

1.54 The updates put Australian values at the heart of citizenship testing and ensure citizenship applicants understand and appreciate Australian values, based on freedom, respect, fairness and equality of opportunity.

1.55 The citizenship test resource booklet, *Australian Citizenship: Our Common Bond*, has been updated and contains all the information an applicant needs to help them prepare for the test, including a practice test. The booklet has been published on the Department of Home Affairs' website in English, translated into a number of community languages, and has been released as a podcast series for greater accessibility.

Identity politics

1.56 We are persuaded by the evidence of the Australian Monarchist League which submitted that: 'Politics is becoming more and more fractious and divisive, and the radical left and right are using identity politics as a screen for appeals to base and degraded selfishness and division'.[53]

1.57 We also note the IPA's concerns as set out in its submission:

> The main division in identity politics is between those who the state determines belong to groups that require to be patronised, and those who do not. This latter group are seen to be privileged because the institutions of society anticipate their identity and so interact with them fairly, in a way that is not true of others. This formulation assumes that the advantage of one is the disadvantage of another, and that our institutions are necessarily zero-sum. It is self-defeating to think this way, since if institutions are zero sum as alleged, then politics is reduced to a scrabble for status and cooperation becomes unmotivated, if not impossible. That is, there is no

---

[52] See the discussion in paragraphs 4.53 – 4.61 of the majority report.

[53] Australian Monarchist League, *Submission 52*, p. 2.

> reason for the top-dog to yield to the underdog absent some shared identity that motivates their cooperation. The function of equal citizenship is to enable this kind of trust. As such, dignity comes from being treated the same as everyone else, not from the recognition of difference.[54]

A more united, cohesive and resilient Australia during the COVID-19 crisis

1.58 We recognise the significant and important work undertaken by the Scanlon Foundation Research Institute. Each year their independent Mapping Social Cohesion report provides an insight into public perceptions on social cohesion, immigration and population issues.

1.59 In the face of the unprecedented twin health and economic challenge posed by COVID-19, Scanlon's 2020 report findings demonstrates our strong social cohesion, resilience, and our capacity to unite in response to crisis. The Scanlon-Monash social cohesion index has in fact moved in a positive direction from 83.7 in 2019 to 92.3 in November 2020.

1.60 Keeping Australians together is a key priority of the Australian government which is taking action to maintain strong social cohesion, particularly during the COVID-19 recovery period. In the 2021-21 Budget, the government announced $62.8 million funding over five years in the Budget to strengthen Australia's social cohesion and community resilience in the COVID-19 recovery period. This funding includes support to promote Australian values, identity and social cohesion, and counter malign information online and to enhance engagement with multicultural communities. A research program to inform initiatives to strengthen social cohesion has also been established.

1.61 We also note the importance of the Centre for Population which was established in 2019 to better understand how Australia's population is changing and the implications of these changes. The Centre's population forecasts and projections, including for Net Overseas Migration, are used in Treasury's macroeconomic and fiscal forecasts and the Federal Budget.

Recommendation 6

1.62 The committee recommends that the Australian government engage in dialogue with Australian citizens–including prospective citizens–about their rights and responsibilities, and our shared values, history and national identity.

To support this dialogue, the committee recommends the government:

- **develop and support educational and school programs that improve co-operation, communication and participation, as well as increasing critical ability, reducing prejudice and building tolerance, understanding, empathy, and an openness to diversity;**

---

[54] Institute of Public Affairs, *Submission 36*, p. 25.

- **enable people and local communities to get involved in their democratic process across all levels – from small country towns to our suburban cities and nationwide activity; and**
- **provide prospective citizens with an engaging and informative history of Australian democracy and our system of government as part of their citizenship preparation process.**

We agree with this recommendation in principle. We commend the submission of the Department of Home Affairs to the inquiry and note the positive programs being implemented by the Government which reflect the sentiments of this recommendation.

We also note the testimony of Mr Richard Johnson, First Assistant Secretary, Social Cohesion Division, Department of Home Affairs to the Committee:

> I think the activities that I've just set out showed a real priority in terms of our administrative support for the government's very strong stance against racism. It's obviously an important part of social cohesion considerations. It's not the whole of it. But there's a range of other, broader work that we're doing, particularly around promoting Australian values. Our values clearly state that racism is not on. So there are some very clear articulations, through a number of formal government documents, about Australian values, and also our work to promote citizenship, which is inclusive, and also our work to promote Australia's inclusive national identity I think is very important.[55]

Recommendation 7

1.63 The committee recommends that the Australian government investigates options to allow dual citizens to run for, and sit in, the federal parliament.

We do not agree with this recommendation for the reasons discussed above.

Recommendation 8

1.64 The committee recommends that the Australian government establishes and resources a national research centre on migration, citizenship and social cohesion, to monitor:

- **flows of migration and migrant settlement;**
- **issues of diversity and cohesion;**
- **affiliation and identity;**
- **civic participation and engagement;**
- **evaluation of service provision and access; and**
- **gaps in existing research.**

---

[55] Mr Richard Johnson, First Assistant Secretary, Social Cohesion Division, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 66.

In principle, we see merit in this proposal. However, prior to agreeing to such a recommendation, we would require further analysis with respect to the need for such an initiative, including the identification of any gaps in current monitoring.

Australia's democracy: trust, satisfaction and belief

> I often say that, if democracy were a sport, Australia would be Olympic champions.[56]

Belief in democracy

1.65 The good news is that the overwhelming majority of Australians believe in democracy.[57] Evidence from the Scanlon Foundation,[58] Lowy Institute[59] and the University of Melbourne[60] indicated that support for democracy, as opposed to other systems of government, remains very high in Australia, and continues to steadily climb.

1.66 Further to the comments in chapter 5 of the majority report, the Institute of Public Affairs noted:

> Australia's democratic culture had taken root long before 1901. The Australian Colonies were some of the first to introduce universal male suffrage and the secret ballot. Australia was also one of the first nations to introduce female suffrage alongside New Zealand.[61]

1.67 So why has there be so much pessimism on this matter? Dr Cameron reminded us that it is vital to draw a distinction between 'satisfaction with democracy and support for democracy: Australians, on the whole, are supportive of a democratic political system but are dissatisfied with the performance of democracy – it is not meeting their expectations'.[62] That is, Australians believe in democracy, but do not trust, or are satisfied with, their government. However, there is also reason to be optimistic on this front.

Trust and satisfaction with government

1.68 As previously stated, trust in government has dramatically increased during the COVID-19 pandemic. Democracy 25 contended that Australia is still the lucky country:

> The relative performance of leaders in terms of the impact of the pandemic is therefore reflected in their respective ratings: Australia's Prime Minister

---

56 Mrs Karp, MoAD, *Committee Hansard*, 7 February 2020, p. 6.

57 Ms Hancocks, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 36.

58 Ms Hancocks, Scanlon Foundation, *Committee Hansard*, 7 February 2020, p. 36.

59 Scanlon Foundation, *Submission 115*, p. 4.

60 Dr Ward, University of Melbourne, *Committee Hansard*, 14 February 2020, p. 33.

61 Institute of Public Affairs, *Submission 36*, p. 6,

62 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 10.

> Scott Morrison is well ahead in terms of being viewed as competent and efficient in his handling of the outbreak, followed by Giuseppe Conte, then Boris Johnson, and then, Donald Trump.[63]

1.69 Other studies also support this strong turnaround in trust. For example, a survey conducted by PwC in 2020 found a 150 per cent turnaround in the percentage of Australians who have a high level of trust in government over the period 2018-2020.[64] In particular, the survey found a strong surge in confidence in the federal government, with trust rising from 39 per cent at the end of 2019 to 54 per cent during the pandemic.[65] This suggests that stable, competent governments will be rewarded by a trust by their citizenry:

> When the pandemic first struck Australia, government workforces mobilised at speed and scale to expand services and provide additional support for citizens. This included relaxing identity set-up requirements in the short term so that citizens could get quicker access to essential JobKeeper payments. Overall, citizens in our survey consistently recognised this, with almost one third saying government institutions are exceeding expectations (30% in June, 28% in October).[66]

1.70 The YouGov-Cambridge Globalism Project found that out of 25 nations only two countries (Denmark and India) have higher levels of trust in their government than Australia – with 73 per cent of Australians saying that they trust the government to provide them with accurate information about COVID-19.[67] In contrast, social media was trusted by just 23 per cent and distrusted by 70 per cent.[68] Some 79 per cent of respondents said the Australian government had done well in handling COVID-19.[69]

1.71 This sharp turnaround in trust can be contrasted with the last time the Australian Labor Party was in government: a 'major decline in trust occurred in 2009 to 2010. Since 2013, there has been a period of relative stability'.[70] Of

---

63 Democracy 2025, *Political trust and the covid-19 crisis*, p. 7.

64 PwC, Australia's Citizen Survey 2020, p. 6.

65 PwC, Australia's Citizen Survey 2020, *PwC*, p. 6.

66 PwC, Australia's Citizen Survey 2020, *PwC*, p. 4.

67 YouGov-Cambridge Globalism Project, *Global survey: Which sources of information do people trust on COVID-19?*, 9 February 2021, https://yougov.co.uk/topics/politics/articles-reports/2021/02/09/global-survey-which-sources-information-do-people- (accessed 16 February 2021).

68 YouGov-Cambridge Globalism Project, *Global survey: Which sources of information do people trust on COVID-19?*, 9 February 2021.

69 Daniel Hurst, 'Australians more likely to trust government advice on Covid-19 than other nations'. *The Guardian*, 30 October 2020, https://www.theguardian.com/australia-news/2020/oct/30/australians-more-likely-to-trust-government-advice-on-covid-19-than-other-nations (accessed 16 February 2021).

70 Scanlon Foundation, *Submission 115*, p. 4.

course, this period marked the beginning of Australia's 'revolving door prime-ministerships': 'We had six prime ministers in a period of just eight years, with only one change of prime minister coming about following an election, in 2013'.[71] Dr Cameron noted that her work had revealed that:

> …the strongest factor influencing this decline in satisfaction with democracy is government performance, including aspects of political performance and economic performance – in particular, the frequent change of prime ministers outside of elections.[72]

An Australian bill of rights?

1.72 A number of submissions advocated for the adoption of an Australian bill of rights as a means to bolster trust in government and democracy.[73] This should be rejected; introducing American-style judicial review into Australia would only damage, not enhance, the institutional integrity of our legal system.[74] A cursory glance at the political turmoil which engulfs almost every US Supreme Court nominee demonstrates the dangers of handing over significant political power to the judiciary. Indeed, a bill of rights would ultimately diminish not enhance Australian democracy.[75] Rights are inherently polycentric and value-laden in nature, and are therefore more appropriately left to be dealt with by the legislature, which is representative of, and accountable to, the people.

Recommendation 9

1.73 The committee recommends that the Australian government works with the Australian Media Alliance, through a co-design process, to develop a national strategy to tackle fake news and misinformation. This process should be facilitated through the Department of the Prime Minister and Cabinet.

In any proposal which limits or regulates free speech, it is incumbent on the Australian government to consult extensively. For this reason, this recommendation requires further consideration, particularly in the context of relevant government reforms such as the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2020 and exposure draft Online Safety Bill.

---

71 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

72 Dr Cameron, Australian Election Study, *Committee Hansard*, 7 February 2020, p. 9.

73 See Australian Multicultural Council, *Submission* 107, p. 3; Australian Psychological Society, *Submission* 53, p. 1; Dr Klugman, Civil Liberties Australia, *Committee Hansard*, 13 November 2020, p. 1.

74 Janet Albrechtsen, 'Democracy may be messy but the alternative is chaos', *The Australian*, 1 February 2020, p. 20.

75 Institute of Public Affairs, *Submission 36*, p. 26.

We note that Australia and 131 other countries co-signed a statement warning the coronavirus pandemic had 'created conditions that enable the spread of disinformation, fake news and doctored videos to ferment violence and divide communities'.[76]

We further note the testimony of Mr Richard Johnson, First Assistant Secretary, Social Cohesion Division, Department of Home Affairs as follows:

> We have a dedicated team that works in the online environment. As the secretary set out, one of the limitations of their activities is that we identify material and then refer it to a service for removal, but we have to work within the terms of service of the particular platform—for instance, Facebook, Google et cetera. They have their own terms of service which set out criteria for content that they find. Yes, we could remove that. I have team that works in that environment—flags it; refers it. I frequently get a positive result, in that the platform will then remove it. At other times, because of the particular judgement made by the platform, they won't remove it, but there are a number of other activities they can take, including flagging it as a potential piece of misinformation et cetera.[77]

Recommendation 10

1.74 The committee recommends that the Australian government communicates its support for amendments to the United States *Communications Decency Act* to ensure that hate speech, violent and extremist content, and dangerous and malicious misinformation, are not permitted to flourish on the internet.

We deplore all acts which seek to promote hatred and division in our society or spread dangerous and malicious information. This recommendation relates to amendments to the law in another jurisdiction.

Recommendation 11

1.75 The committee recommends that the Australian government consults with the National Youth Commission and Youth Commissioner to develop options to:

- **ensure greater youth input into political processes of the federal parliament; and**
- **promote democracy among Australia's youth.**

---

[76] Jamie Seidel, ' China cyber attacks: Beijing's misinformation war against Australia', *News.com*, 24 June 2020, www.news.com.au/world/asia/china-cyber-attacks-beijings-misinformation-war-against-australia/news-story/6019e997f01ff63ce84dd5e10fe40e5b (accessed 16 February 2021).

[77] Mr Richard Johnson, First Assistant Secretary, Social Cohesion Division, Department of Home Affairs, *Committee Hansard*, 13 November 2020, p. 63.

While we agree in principle with this recommendation, we acknowledge the substantial support the Australian government provides to school students in programs such as PACER.

Recommendation 12

1.76 The committee recommends that the Australian government establishes an independent federal anti-corruption commission that earns and maintains public confidence through transparency and accountability while also upholding the fundamental principles of justice and procedural fairness.

The Australian government is already in the process of implementing this recommendation.

The Commonwealth Integrity Commission (CIC) will strengthen and complement our existing multi-agency approach to integrity, anti-corruption and law enforcement at a federal level. The CIC will be a centralised, specialist centre investigating corruption in the public sector. It will be established as an independent statutory agency, led by the Integrity Commissioner and assisted by the Law Enforcement Integrity Commissioner and the Public Sector Integrity Commissioner.

The establishment of a CIC is a complex issue. In establishing the CIC, as stated in the recommendation, it is important to consider issues such as transparency, accountability, fundamental principles of justice and procedural fairness. The right balance needs to be achieved. The Australian government is correct to take the necessary time to work through these important challenges.

Democratic institutions: building strength and resilience

1.77 Our response to Recommendations 13 through to 18 provides insight into key issues discussed in Chapter 6 of the majority report.

Recommendation 13

1.78 The committee recommends that the Australian government establishes and funds an ongoing independent Australian Democratic Audit, modelled on democratic audits in the United Kingdom and European Union. The Australian Democratic Audit should use evidence-based, objective comparative measures to monitor the quality, durability and effectiveness of Australia's national and state level political and democratic institutions, and make recommendations for improvements and reforms.

We appreciate this recommendation is well intentioned. However, we require further information and analysis before we could reach a view as to whether this should be supported including the extent to which such an audit duplicates the work of other agencies and organisations.

Recommendation 14

1.79 The committee recommends that the Australian government establishes a Parliamentary Office of Science, modelled on the United Kingdom Parliamentary Office of Science and Technology, to provide independent, impartial scientific advice, evidence and data to the parliament, and all Members and Senators.

We agree with the provision of independent, impartial scientific advice, evidence and data to the parliament and all members and senators. However, we query whether the establishment of a Parliamentary Office of Science would be an unnecessary replication of the work currently conducted by the National Science and Technology Council (NSTC) led by Australia's Chief Scientist as Executive Officer.

In Australia, there is no shortage of robust, world-class scientific information including from the CSIRO, the Academy of Science, the Royal Institution of Australia, the Defence Chief Scientist, and the various State Chief and Lead Scientists.

In addition, supporting the work of the NSTC, the Rapid Research Information Forum (RRIF) was convened in 2020, at the request of the Prime Minister and Minister for Industry, Science and Technology. It is headed by former Chief Scientist Alan Finkel and its operations are led by the Australian Academy of Science. The RRIF is designed to tap into the capacity of the scientific and broader research community to contribute to a wide variety of issues during the COVID-19 pandemic. As of 20 January 2021, the RRIF has published thirteen responses to questions asked by the government, and three updated responses, on the Australian Academy of Science and the Australia's Chief Scientist websites. These reports are highly valuable in providing an evidence base to inform the government's decisions.

We also note the expert research support provided to members and senators by the Parliamentary Library.

Recommendation 15

1.80 The committee notes that the Joint Standing Committee on Electoral Matters recently tabled its report on the 2019 Federal Election. The committee recommends the Australian government works with the Australian Electoral Commission (AEC) to develop and implement strategies to increase and voter enrolment and voter turnout at subsequent federal elections.

This recommendation should properly be considered by the Joint Standing Committee on Electoral Matters. We note that in its 2018/2019 annual report, the Australian Electoral Commission made the following comment in relation to the 2019 Federal Election:

> With the largest ever number of Australians enrolled to vote and a national enrolment rate of 97 per cent, we also saw a large increase in early voting and an increase in turnout for the House of Representatives. At 91.9 per cent, turnout was nearly one per cent higher than at the 2016 federal election.[78]

Recommendation 16

1.81 The committee recommends increasing the rate of public election funding paid to parties and candidates and the introduction of administrative funding for political parties and elected independents.

This recommendation should properly be considered by the Joint Standing Committee on Electoral Matters.

Recommendation 17

1.82 The committee recommends that the Australian government amends the *National Archives Act 1983* to extend the definition of a public record to include new forms of information storage such as digitised data, and to clarify the rules for public access to the Archives.

We require further analysis of the implications of this recommendation before we would be in a position to agree to it.

Recommendation 18

1.83 The committee recommends that the Australian government works with academics, national institutions and cultural organisations, and the non-government sector, to develop a long-term national strategy to strengthen Australia's democracy.

We consider Australia's democracy to be vibrant, robust and healthy. While we have no issue with the sentiments expressed in this recommendation, we are not clear as to what this means in practice. In order to strengthen Australia's democracy, practical, evidence-based initiatives are preferred.

Conclusion

1.84 Economic factors have a demonstrated impact on trust in democracy, and we see how in prosperous times people are happier with our system of government and politicians. People want to know that the decision makers are making choices which benefit the country and their family.

---

[78] Australian Electoral Commission, *Annual Report 2018-19*, p. 5, https://annualreport.aec.gov.au/2019/_template/files/2018-19-aec-annual-report.pdf (accessed 16 February 2021).

1.85 Notwithstanding, it is a testament to the strength of Australia's democratic system that the Australian government's handling of the global COVID pandemic during a time of such unprecedented crisis has aided in raising public trust in democracy.

1.86 In contrast to some other countries, Australians can rightly be proud of our democracy which encompasses core defining values: freedom of election and being elected; freedom of assembly and political participation; freedom of speech, expression and religious belief; the rule of law and other basic human rights.[79]

1.87 As a people, we must continue to vigilantly safeguard these values. In contrast to motherhood statements about the need to strengthen democracy, we welcome practical evidence-based initiatives such as a greater focus on the teaching of civics and citizenship to young Australians which helps build our sense of national identity and nationhood, whilst highlighting the perils of other systems of government such as communism.

1.88 It is also important that Australians understand their continuing rights and obligations as productive and committed citizens who will maintain an allegiance to Australia, our institutions, systems of government and democracy.

1.89 Similarly, it is incumbent on our democratic institutions to rectify past wrongs and tell our full Australian story, with particular reference to our indigenous foundations.

1.90 Yes, we are now one and free, but these hard won gains are not etched in stone; they require a continuing commitment of all Australians.

Senator the Hon Sarah Henderson
Deputy Chair

Senator Paul Scarr
Liberal Senator for Queensland

[79] Museum of Australian Democracy (MOAD), *Australian democracy: an overview*, https://www.moadoph.gov.au/democracy/australian-democracy/# (accessed 16 February 2021).

Additional Comments from Senator Nita Green

Firstly, I acknowledge the work of the Chair, committee members and committee secretariat for undertaking this inquiry and formulating this lengthy report. The report the committee has presented addresses important changes needed to ensure that Australia's national identity is promoted, and democracy in Australia is strengthened. The recommendations outlined in this report will make a positive contribution to pursuing Australia's Nationhood, the following is noted:

1.1 Regarding Recommendation 1 of the report, while civics education plays an important role in engaging school aged people in the processes of Australian democracy, our history and our national identity instead of mandating civic education, policy makers should also be given the necessary tools and resources to increase understanding of Australian civics for people of a school age.

1.2 Secondly, Recommendation 7 of the report regarding section 44 of the *Constitution* requires further investigation and public consultation as to how this change can be made, if through referendum or, if not, through another avenue. The Parliament should also work out a way to mitigate section 44, the rules that apply and effect those rules have on the Parliament.

1.3 The view of Iain Walker, Executive Director, newDemocracy Foundation should be noted that 'a change to section 44 of the *Constitution* would be a challenging task'.[1]

1.4 The Parliament is currently faced with many challenging and pressing constitutional reform agendas which should be actioned with priority.

1.5 Finally, The Australia Institute's view that the fine for not voting should be increased from $20 to $70 to 'better reflect today's wages and act as an incentive', is noted, however it has not been recommended by this committee.[2]

1.6 Instead, it is the view of the committee, as laid out in Recommendation 15 of the report that the Australian Government should work with the Australian Electoral Commission (AEC) to devise strategies to increase enrolment and voter turnout before, during and after elections are held.

1.7 It is worth noting that there may be unexpected consequences for increasing the fine for non-voters including the impacts of an increased fine may be felt mostly by those who cannot afford it.

---

[1] Mr Iain Walker, Executive Director, newDemocracy Foundation, *Committee Hansard*, 7 February 2020, p. 18.

[2] The Australia Institute, *Submission 132*, p. 2.

1.8 The Australian Government should also explore how the current system of fining non-voters can discourage people from enrolling to vote in the first place, before changing the penalty for not voting.[3]

Senator Nita Green
Senator for Queensland

[3] Joint Standing Committee on Electoral Matters, *Report on the conduct of the 2016 federal election and matters related thereto*, November 2018, Recommendation 10 p. 58

Australian Greens Additional Comments

Acknowledgement

1.1 The Australian Greens acknowledge the First Nations people of this continent as the Traditional Owners and custodians of the lands and waters of this country.

1.2 The Australian Greens believe that First Nations peoples have a right to self-determination over their own destiny, to prosper and achieve the aspirations they have for their lives and for their children and grandchildren and for First Nations peoples to have all they need to live their lives in health, well-being and peace on their lands.

1.3 The Australian Greens acknowledge that First Nations people never ceded sovereignty over their lands and waters. Without the full and true acknowledgement and reckoning that this country was built, often violently, on the unceded lands and waters of First Nations people, we cannot build a nation where everyone feels that they belong.

> To have it still in view that shedding the blood of these people is a crime of the highest nature...They are the natural, and in the strictest sense of the word, the legal possessors of the several Regions they inhabit. No European nation has a right to occupy any part of their country or settle among them without their voluntary consent. Conquest over such people can give no just title; because they could never be the Aggressors.
>
> Advice given to James Cook before his voyage to the continent by James Douglas, the 14th Earl of Morton.[1]

Truth

1.4 Building a nation begins by telling the truth. Concepts of nationhood and identity on this continent pre-date British invasion. There were over 250 distinct nations on this continent when James Cook arrived at Kamay.

1.5 British invasion and colonisation has been devastating for First Nations people. Since British colonisation there have been at least 270 massacres of First Nations peoples in this country. Unfortunately, we will never know the true number of casualties – only that many thousands of First Nations people across this nation were massacred in numerous frontier wars, over many decades, often in cold blood.

> Men, women and children are shot whenever they can be met with…For myself, if I caught a black actually killing my sheep, I would shoot him with as little remorse as I would a wild dog...They will very shortly be

[1] National Museum of Australia, *Endeavour Voyage Exhibition*, www.nma.gov.au/exhibitions/endeavour-voyage/important-advice (accessed 11 February 2021).

> extinct. It is impossible to say how many have been shot, but I am convinced that not less than 450 have been murdered altogether.
>
> Coloniser on Gunnai Country, Henry Meyrick, 1846.[2]

1.6 The ongoing legacy of settler colonialism has not yet been fully recognised and understood. Our foundation for nationhood and identity must be based on a process of truth telling, reconciliation, justice and healing.

1.7 It is not possible to become a forward looking, united, and visionary nation if our horrific past isn't acknowledged, understood, and where possible, repaired. The future of this country begins with understanding its past. To heal this land we must address the inequality and injustice faced by First Nations people; injustices directly linked to colonisation.

1.8 A common response by governments to egregious human rights violations, like those that occurred all over this country, has been to establish a truth and justice commission. These bodies serve to investigate and tell the truth of what happened, reckon with trauma, and to foster reconciliation and healing.

1.9 First Nations people have been deliberately and wilfully locked out of the prosperity of this country – their country – from the moment of colonisation, to federation, and beyond. We must embark on a process of truth telling and reconciliation, together.

Recommendation 1

1.10 The Greens recommend that the Australian Government establish a truth and justice commission to explore the ongoing impact of colonisation on First Nations people.

Treaty

1.11 A treaty is a written agreement between sovereign nations, and Australia is the only Commonwealth country without a treaty with its First People. If we write it together, a treaty can be a blank canvas to reframe the story of who we want to be as a country.

1.12 We can simultaneously celebrate what unites us, protect the rights of First Nations people and acknowledge injustices, both past and present. There can be no justice without peace. Treaty could bring that peace.

1.13 The disadvantages and inequality that First Nations people are pushed to are not due to inherent failings in their character; they are symptoms of the persecution and oppression this country and its Constitution were founded upon.

---

[2] 'The black watch and a verdict of history', *The Age*, 27 April 2002, www.theage.com.au/national/the-black-watch-and-a-verdict-of-history-20020427-gdu5tt.html (accessed 11 February 2021).

1.14 Treaty is about mutual respect – speaking to one another, as equals, and starting with the truth about what First Nations people have faced, since invasion. A treaty would transform this country. A genuine national treaty would elevate Aboriginal voices and reframe us as a more caring society where nobody is left behind.

Recommendation 2

1.15 The Greens recommend that the Australian Government enact a national Treaty and/or Treaties with First Nations people in this country.

Trust and confidence in our democracy

1.16 Public trust and confidence in our democratic institutions, especially the federal parliament, have reached historically low levels in recent years. The committee report notes this loss of faith in democracy, but fails to comprehensively engage with its drivers. As noted by the Grattan Institute and others, there remains significant public concern about the undue influence of donors and lobbyists on political outcomes.

1.17 The Senate Select Committee on the Political Influence of Donations in 2018 noted:

> [A]ll stakeholders have a right to have a legitimate say in the democratic process. However, there is significant public concern around the motivations of some donors, and that the influence they have on the decision-making of governments is disproportionate to the influence other citizens enjoy…The committee heard compelling evidence that the current political funding and disclosure regime fails to provide the necessary safeguards to prevent corruption of the political process. The fact that the source of the significant majority of funding to those involved in the political process is undisclosed and unknown, is inimical to maintaining trust in the process.[3]

1.18 The inter-relationship between industry and parliament that allows lobbyists, including former politicians and their staff, to gain privileged access and to exert significant influence over policy outcomes, further erodes public trust.

1.19 The Grattan Institute estimates that 25 per cent of former federal ministers and assistant ministers take on roles with special interests after their political career ends.[4] Reform is needed to avoid the actual and perceived conflicts of interest that arise as a result of this revolving door.

---

[3] 'Australian Green Dissenting Report', Senate Standing Committee on Finance and Public Administration, *Report of the Inquiry into the Commonwealth Electoral Amendment (Donation Reform and Other Measures) Bill 2020*, www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/ElectrolDonation2020/Report (accessed 11 February 2021).

[4] Grattan Institute, *Submission 6*, p. 2, Senate Finance and Public Administration Committee inquiry into Compliance by former Ministers of State with the requirements of the Prime Minister's Statement of Ministerial Standards, September 2019,

1.20 While we strongly support this committee's recommendation to establish a robust, independent federal anti-corruption commission, this must be supported by broader reforms to regain the public's trust. We need to remove the influence of big money on politics, and ensure people know who is gaining from the decisions being made.

1.21 Much needed reforms include:

- greater transparency of political donations through lower disclosure thresholds and more timely reporting;
- donations caps to ensure that democracy is not sold to the highest bidder;
- bans on donations from damaging industries;
- election spending reforms;
- strengthening the Lobbying Code of Conduct;
- requiring publication of ministerial diaries; and
- introducing enforceable Parliamentary Standards, and appointing a Parliamentary Ethics Adviser.

Senator Lidia Thorpe
Senator for Victoria

www.aph.gov.au/DocumentStore.ashx?id=adeb36dc-8250-4d32-a8ff-37cb31392d9e&subId=668805 (accessed 15 February 2021).

Appendix 1
Submissions, additional information, answers to questions on notice, form letters and tabled documents

Submissions

1 Mr Gil Hardwick
2 Ms Ann-Mari Jordens
3 Mr Thomas Stephen
4 Steering Committee of the Evidence Based Policy Research Project
5 Mr Patrick Allan
6 Mr Keith Dwyer
7 Dr Clare Wright
8 Professor Alexander Reilly
9 Mr Peter Duffy
10 Prof Greg Melleuish
- 10.1 Supplementary to submission 10

11 Mr Geoffrey Robin
12 Federation of Chinese Associations of Australian Capital Territory
13 Em/Prof Genevieve Lloyd
14 Mr David Hall
15 Mr Peter Fisher
16 Associate Professor Martin Crotty, Associate Professor Lisa Featherstone and Dr Geoff Ginn
17 Dr Benjamin Jones
18 Australian Lawyers Alliance
19 Mr Vincent Lazzaro
20 The University of Western Australia
21 History Council of Western Australia
22 Citizens for Democratic Renewal
- 22.1 Supplementary to submission 22

23 Mr Peter Sheldrake
24 British Australian Community
25 Darebin City Council
26 Dr April Biccum and Dr Karena Menzie-Ballantyne
- 26.1 Supplementary to submission 26

27 Mr Barry Miller and Mrs Paula Miller
28 Ms Julie James Bailey
29 The Fred Hollows Foundation

30 YMCA Australia
31 World Citizens Association of Australia and Democracy Without Borders
32 Associate Professor Salvatore Babones
33 Dr Alexandra Dellios
34 Mr Carwyn Davies
35 Australian Major Performing Arts Group, Blak Dance, Live Performance Australia, Music Australia, Performing Arts Connections, Regional Arts Australia, Symphony Services Australia, and Theatre Network Australia
36 Institute of Public Affairs
37 Anglicare WA
38 Legal Services Commission of South Australia
39 Queensland University of Technology
40 Mr Martin Hensher
41 Ms Dinah Kimbell
42 Professor Kim Rubenstein
43 Dr Robert Walters and Dr Matt Harvey
- 43.1 Supplementary to submission 43

44 Fr Frank Brennan SJ AO
45 newDemocracy
- 45.1 Supplementary to submission 45

46 University of New South Wales Law Society
47 Mr Sajan Goyal
48 ABC Friends
49 Zachary Casper
50 Multicultural Communities Council of New South Wales and Chinese Community Council of Australia
51 Ms Ella Beniamini
52 Australian Monarchist League
53 Australian Psychological Society
54 Don Owers
55 Embassy of Switzerland in Australia
56 Australian Academy of Science
57 Jeff Bleich Centre for the US Alliance in Digital Technology, Security & Governance
58 Diversity Council Australia
59 University of Melbourne
- 59.1 Supplementary to submission 59

60 The Real Republic Australia
61 Ms Beverley Pattenden
62 Mr Nicholas Bulbeck
63 Australian Library and Information Association
- 63.1 Supplementary to submission 63

64 Science & Technology Australia
65 Welcoming Australia
- 65.1 Supplementary to submission 65

66 School of History, Australian National University
67 Social and Global Studies Centre, RMIT University
68 Chinese Australian Services Society
69 Australian Republic Movement
70 Australasian Council of Deans of Arts, Social Sciences and Humanities
71 Charles Sturt University
72 Multicultural Youth Affairs Network NSW
73 Dr Glenn Kefford and Professor Duncan McDonnell
74 Professional Historians Australia
75 Ms Catherine Crittenden
76 The Australian Historical Association
77 Australian Museums and Galleries Association
78 Australian Academy of the Humanities
79 Group of Eight
80 Grattan Institute
81 MosaicLab
82 GLAM Peak
83 Australians for Native Title and Reconciliation (ANTaR) Queensland
84 Multicultural Youth Advocacy Network
85 Australian National University Social Cohesion Team
86 Dr Tony Ward
87 The Whitlam Institute
88 International IDEA
- 88.1 Supplementary to submission 88

89 Alfred Deakin Institute for Citizenship and Globalisation
90 National Association for the Visual Arts
91 Uniting Church in Australia Assembly and Uniting Church in Australia Synod of Victoria and Tasmania
92 Transparency International Australia
93 Professor Janet McCalman
94 Public Law and Policy Research Unit, University of Adelaide
95 The Melbourne School of Government and Democratic Decay & Renewal (DEM-DEC)
96 Peter McMullin Centre on Statelessness
97 Minerals Council of Australia
98 Democracy 2025
99 Religions for Peace, Australia
100 Mr Tsebin Tchen
101 History Teachers' Association of Victoria
102 Australia Council for the Arts

103 Mr Michael Wood
104 Dr Tiziana Torresi and Associate Professor Marinella Marmo
105 Mr Maurice Foley
106 Mr Greg Day
107 Australian Multicultural Council
- 107.1 Supplementary to submission 107

108 Mr Peter Subramaniam
109 Law Society of New South Wales
110 National and State Libraries Australia (NSLA)
111 Settlement Services International (SSI)
112 Australian Human Rights Commission
113 Adjunct Professor Eric Sidoti
- 113.1 Supplementary to submission 113
- 113.2 Supplementary to submission 113

114 Professor James Curran
115 Scanlon Foundation
116 SBS
117 Science Party
118 Dr Anne Macduff
119 Reconciliation Australia
120 Per Capita
121 New South Wales Aboriginal Land Council
122 Association for Language Testing and Assessment of Australia and New Zealand
123 Australian Bahá'í Community
124 Mr Michael Doyle
125 Federation of Indian Associations of ACT
126 National Museum of Australia
127 *Name Withheld*
128 National Health Leadership Forum
129 Close the Gap Campaign Steering Committee
130 Australian Association of Social Workers
131 Cr Dominic Wy Kanak
132 The Australia Institute
133 Ms Ainslie Lamb AM
134 Jamie Bradshaw
135 Ms Gabrielle Smith
136 Philanthropy Australia
137 NSW Young Lawyers International Law Committee
138 Department of Home Affairs
- 138.1 Supplementary to submission 138

139 Mr Marshall Perron

140 Professor David Flint
141 Multicultural Council of Tasmania
142 Adjunct Professor Stephen Alomes
143 Professor Peter Rutland
144 ANTaR
145 Mr Frank Upshire
146 Mr Thor Prohaska
147 Refugee Advice & Casework Service
148 Mr Brenton Thomas
149 Mr Sam Roggeveen
150 Dr Peter Balint
151 Associate Professor Elisa Arcioni, Professor Helen Irving, and Dr Rayner Thwaites
152 Combined Refugee Action Group
153 Self Employed Australia
154 Mr Jon Cocks
155 Dr Colleen Lewis
156 Ms Janet Kossy
157 Older Women's Network Aboriginal Support Circle
158 University of New England
159 Mr Cameron Paterson
160 Mr Michael Mullerworth
161 Western Sydney University
162 School of Languages and Cultures, The University of Queensland
163 *Name Withheld*
164 *Name Withheld*
165 Mr Paul Stephen
166 Australian Taxpayers' Alliance
167 United Macedonian Diaspora (Australia)
168 Mr Chek Ling
169 Human Rights Council of Australia
170 Ms Aida De'Ceglie
171 *Confidential*
172 *Confidential*
173 *Confidential*
174 Mr Craig Joy
175 Mr Jonathon Hancock
176 Ms Janice Tamba
177 Mr Niclas Witton
178 Mr Ray Bricknell
179 Community Colleges Australia
180 Professor Tony Fry
181 Wu Chong-nan

182 Dr Wanning Sun
183 Ms Anna Howe
184 Dr Ian Tregenza
185 Professor Murray Print
186 Mr Ivan Winter
187 Mr Bill Fisher
188 Mr John Gregan
189 Professor Ian Chubb AC
190 Mr Kevin Brennan
191 Mr Robert Wilson
192 Dr Areti Devetzidis
193 Dr Geoffrey Burn
194 Dr Jodi Steel CSM
- 194.1 Supplementary to submission 194

195 Harmony Alliance: Migrant and Refugee Women for Change Young Women's Advisory Group
196 Mr Jerry Magoch
197 Mr Kelvin O'Keefe
198 Multicultural Communities Council of NSW, National Sikh Council of Australia, Chinese Community Council of Australia, Australian Health Reform Association and National Chinese Australian Leaders Group
199 Civil Liberties Australia
200 Human Rights Council of Australia
201 Mr Benjamin Cronshaw
202 Federation of Australian Historical Societies
203 Agricultural Shows Australia
204 Department of Prime Minister and Cabinet
205 Dr Mary Elizabeth Calwell
206 *Name Withheld*
207 Public Interest Advocacy Centre
208 Australian Muslim Advocacy Network
209 *Confidential*
210 *Confidential*

Additional Information

1 Correspondence from Mr Peter Brohier, 'Bass Strait – A critical part of a national transport corridor that connects and supports a nation' (received 16 October 2019)
2 Blog post provided by Mr Eric Olthwaite, 'Politicians and parliamentary democracy: a new direction', 15 July 2017 (received 9 October 2019)
3 Journal article provided by Dr Varun Uberoi, 'National identity – A multiculturalist's approach', 2018 (received 21 November 2019)

4 Speech provided by the Department of Home Affairs: Mr Michael Pezzullo, Secretary, '3rd Advancing Community Cohesion Conference – Western Sydney University', 11 February 2020 (received 2 March 2020)
5 Speech provided by the Department of Home Affairs: Mr Michael Pezzullo, Secretary, 'Australia Day message to staff', 26 January 2020 (received 2 March 2020)
6 Speech provided by the Department of Home Affairs: Mr Michael Pezzullo, Secretary, 'Harmony Day message to staff', 21 March 2019 (received 2 March 2020)
7 e-Journal article provided by Mr Rodney Crisp, 'Decay and decadence of democracy', 19 March 2020 (received 27 April 2020)
8 Department of Home Affairs correction to evidence given at a public hearing on 13 November 2020 (received 8 January 2021).

Answer to Question on Notice

1 Australian Museums and Galleries Association, answers to questions take on notice, 13 November 2020 (received 24 November 2020).
2 Department of Home Affairs, answers to questions take on notice, 13 November 2020 (received 26 November 2020).

Form Letters

1 Uluru Statement from the Heart

Tabled Documents

1 Document tabled by Senator Carr at public roundtable 7/2/20—The 2019 Australian Federal Election: Results from the Australian Election Study
2 Document tabled by Senator Carr at public roundtable 7/2/20—Trends in Australian Political Opinion: Results from the Australian Election Study 1987-2019
3 Document tabled by Senator Carr at public roundtable 7/2/20—Museum of Australian Democracy brochure, 'Bridging the Trust Divide: Democracy. Are you in?'
4 Document tabled by Senator Carr at public roundtable 7/2/20— Museum of Australian Democracy brochure, 'Together we are educating tomorrow's leaders'
5 Document tabled by Senator Carr at public roundtable 14/2/20—Newspaper article, 'Dutton flags legal fight to "rectify" indigenous ruling'
6 Democracy 2025 Report No 8, Political trust and the COVID-19 crisis, tabled 13 November 2020
7 Democracy 2025 Report No 7, Is Australia still the lucky country?, tabled 13 November 2020

Appendix 2
Public Hearings

Friday, 7 February 2020
Parliament House
Canberra

CAMERON, Dr Sarah, Australian Election Study

CHUBB, Professor Ian, Councillor, Australian Academy of Science

COLE, Dr Jonathan, Assistant Director, Centre for Public and Contextual Theology, Charles Sturt

University

DALY, Associate Professor Tom, Deputy Director, Melbourne School of Government

ERGAS, Mr Henry, Private capacity

EVANS, Professor Mark, Director, Democracy 2025

HANCOCKS, Ms Anthea, Chief Executive Officer, Scanlon Foundation

KARP, Mrs Daryl, Director, Museum of Australian Democracy at Old Parliament House

MELLEUISH, Professor Greg, Private capacity

MENZIE-BALLANTYNE, Dr Karena, Lecturer, School of Education and the Arts, CQUniversity

O'DONNELL, Dr James, Private capacity

PRASSER, Dr Scott, Private capacity

ROGGEVEEN, Mr Sam, Director, International Security Program, Lowy Institute

SIDOTI, Adjunct Professor Eric, Vice-Chancellor's Fellow, Western Sydney University

REECE, Mr Nicholas, Director, Strategy Policy and Projects, University of Melbourne

REYNOLDS, Professor Kate, Private capacity

THOMAS, Professor Julian, Fellow, Australian Academy of the Humanities

WALKER, Mr Iain, Executive Director, newDemocracy Foundation

WALTER, Professor James, Private capacity

WINN, Mr Ryan, Chief Executive Officer, Australian Council of Learned Academies

Friday, 14 February 2020
Parliament House
Canberra

ARCIONI, Associate Professor Elisa, Private capacity

BABONES, Mr Salvatore, Private capacity

BERGAMIN, Ms Meghan, Executive Officer, Australasian Council of Deans of Arts, Social Sciences and

Humanities

BICCUM, Dr April, Senior Lecturer, Department of Politics and International Relations, Australian

National University

BONGIORNO, Professor Frank, Head, School of History, Australian National University

CHAVURA, Dr Stephen, Campion College

DAMOUSI, Professor Joy, President, Australian Academy of the Humanities

DILLON, Dr Anthony, Private capacity

ERGAS, Mr Henry, AO, Private capacity

EVANS, Professor Nicholas, Director, ARC Centre of Excellence for the Dynamics of Language

FOSTER, Professor Michelle, Director, Peter McMullin Centre on Statelessness, University of Melbourne

HARVEY, Dr Matt, Private capacity

HATHERLY, Dr Christopher, Chief Executive Director, Academy of the Social Sciences in Australia

IRVING, Professor Helen, Private capacity

LAKE, Professor Marilyn, Private capacity

LANE, Dr Aaron, Private capacity

LIM, Ms Ly Ly, University of Technology, Sydney

LO BIANCO, Professor Joseph, Private capacity

LOUIE, Professor Kam, Private capacity

MACDUFF, Dr Anne, Private capacity

McCALMAN, Professor Janet, University of Melbourne

McGRATH, Dr Ann, Private capacity

NORMAN, Professor Heidi, Private capacity

RUBENSTEIN, Professor Kim, Private capacity

SULWAY, Ms Deborah, Manager of Learning, Museum of Australian Democracy

THWAITES, Dr Rayner, Private capacity

TRAVIS, Professor Catherine, Professor of Modern European Languages and Chief Investigator, ARC

Centre of Excellence for the Dynamics of Language, Australian National University

TREGENZA, Dr Ian, Private capacity

WARD, Dr Tony, University of Melbourne

Friday, 13 November 2020

Parliament House

Canberra

ALI, Mr Aleem, Chief Executive Officer, Welcoming Australia

ANDERSON, Mr Matthew (Matt), Director, Australian War Memorial

AYRES, Dr Marie-Louise, Chair, National and State Libraries Australia

BEHM, Mr Allan, Head, International and Security Affairs Program, The Australia Institute

BROWN, Ms Cathy, Director, Policy and Projects, Diversity Council Australia

BROWNE, Mr Bill, Researcher, The Australia Institute

CARMENT, Professor David, Former Vice-President and Secretary,

Federation of Australian Historical Societies

EVANS, Professor Mark, Director, Democracy 2025

FOSTER, Ms Stephanie, Deputy Secretary, Governance Group,

Department of the Prime Minister and Cabinet

FRICKER, Mr David, Director-General, National Archives of Australia

GARDEN, Associate Professor Don, President, Federation of Australian Historical Societies

GRIFFITHS, Ms Kate, Fellow, Grattan Institute

HUNTER, Ms Nicole, Managing Director, MosaicLab

JOHNSON, Mr Richard, First Assistant Secretary, Social Cohesion Division,

Department of Home Affairs

KARP, Ms Daryl, AM, Chair, Council of Australasian Museum Directors; and Director,

Museum of Australian Democracy

KENT, Mr Gary, National Board Member, Australian Council of National Trusts

KLUGMAN, Dr Kristine (Kris), President, Civil Liberties Australia

LEO, Ms Anne, Acting First Assistant Secretary, Citizenship Division, Department of Home Affairs

MARSDEN, Ms Alexandra, National Director, Australian Museums and Galleries Association

McGREGOR, Ms Leonie, First Assistant Secretary, Cabinet Division,

Department of the Prime Minister and Cabinet

McKERRACHER, Ms Sue, Chief Executive Officer, Australian Library and Information Association

OPPENHEIMER, Professor Melanie, President, Australian Historical Association

OZDOWSKI, Dr Sev, Chair, Australian Multicultural Council

PEZZULLO, Mr Michael, AO, Secretary, Department of Home Affairs

REID, Mr John, First Assistant Secretary, Government Division,

Department of the Prime Minister and Cabinet

RIKKILA TAMANG, Ms Leena, Regional Director,

International (IDEA) Institute for Democracy and Electoral Assistance

ROGGEVEEN, Mr Sam, Director, International Security Program, Lowy Institute

ROWLINGS, Mr Bill, Chief Executive Officer, Civil Liberties Australia

STAMFORD, Mr Chris, Manager, Human Rights Campaign, Civil Liberties Australia

TRINCA, Dr Mathew, Director, National Museum of Australia

WILSON, Dr Robert, Chairman, Agricultural Shows Australia

WOOD, Ms Danielle, Chief Executive Officer, Grattan Institute