

# ANTAR



## **Submission: Inquiry into civics education, engagement and participation in Australia**

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**ANTAR and the ALA are proud to acknowledge and pay our respects to First Nations Peoples as the traditional owners of the lands on which we work across the continent.**

## About ANTAR

**ANTAR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Nations Peoples. We do this primarily through campaigns, advocacy and public education.**

ANTAR campaigns for the principles of the Uluru Statement from the Heart, including the establishment of a Makarrata Commission to oversee national agreement-making and truth-telling processes, as well as for the self-determination of First Nations Peoples. We actively support state and territory-based voice, treaty and truth-telling.

ANTAR engages in national advocacy across various policy and social justice issues affecting First Nations communities, including cultural heritage protection; justice reinvestment, over-incarceration and raising the age of criminal responsibility; child safety, development and wellbeing; anti-racism campaigns, native title and land rights, and closing the life equality gap.

ANTAR is a foundational member of both the Close the Gap Campaign and Change the Record Campaign Steering Committee, and an organisational and executive committee member of Just Reinvest NSW. ANTAR has been working with First Nations communities, organisations and leaders on rights and reconciliation issues since 1997. ANTAR is a non-government, not-for-profit, independently funded and community-based organisation.

## About the ALA

**The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.**

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia, including a large and active membership base in Queensland. More information about us is available on our website.<sup>1</sup>

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<sup>1</sup> [www.lawyersalliance.com.au](http://www.lawyersalliance.com.au).

## Introduction

ANTAR and the ALA welcome the opportunity to provide commentary and recommendations on the matters of civics education, engagement and participation in Australia to the Joint Standing Committee on Electoral Matters ('Committee').

When considering the issues of civics education, engagement and participation in Australia, ANTAR and the ALA submit that it is critical to first recognise that, for tens of thousands of years prior to colonisation and Federation, the continent now known as Australia was made up of many hundreds of distinct geo-cultural First nations, each with their own unique governance and legal systems, customary protocols, conceptions of citizenship and education systems around civic duty and engagement. Aboriginal and Torres Strait Islander conventions and conceptualisations of civics and citizenship are still very much alive and active to this day, despite continual attempts to erase them.<sup>2</sup>

By contrast, the Australian nation established on lands never ceded by the First Nations Peoples of this continent – though now prioritising and valuing equitable civil participation and civic engagement – did not provide Aboriginal and Torres Strait Islander peoples with the right to enrol and vote in federal elections until 1962. In fact, individual states and territories had explicit laws that stopped Aboriginal and Torres Strait Islander Peoples from voting.<sup>3</sup> ANTAR and the ALA wish to acknowledge that it is only through the tireless resistance and activism of First Nations individuals such as William Cooper, Oodgeroo Noonuccal (Kath Walker), Charlie Perkins, Dulcie Flower, Doug Nicholls, Pearl Gibbs, Faith Bandler and many others, as well as groups such as the Federal

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<sup>2</sup> [Humanities and Social Sciences – Civics and Citizenship Resource Guide](#), Narragunnawali Reconciliation in Schools and Early Learning (nd): 2.

<sup>3</sup> ['Our Vote = Our Future'](#), National Museum of Australia, nd.

Council for Aboriginal Advancement (FCAA), that First Nations Peoples secured the right to civic engagement, including the right to vote.

Far from being relegated to the ranks of history and filed under ‘colonial mistakes’, this history should be understood as relevant and central to the contemporary issues of civic disengagement and barriers to electoral participation, particularly as they relate to Aboriginal and Torres Strait Islander Peoples. Meanwhile, the many issues that came to light in the lead up to and during the 2023 Aboriginal and Torres Strait Islander Voice Referendum (‘Voice Referendum’) – not to mention its disappointing result – only add to this complicated and ongoing struggle, and in many ways go to the heart of the issue of civics participation and what it truly means to be an active citizen of what is now known as Australia.

It is in this context that this submission – focused particularly on civics engagement as it concerns First Nations Peoples and in light of the Voice Referendum – points to the significant erasures of First Nations sovereignty, perspectives, experiences and conceptions of citizenship within current civics and electoral education. These must be remedied if we are to make significant progress in enabling and encouraging First Nations Peoples, and particularly young people, to engage genuinely in democratic and electoral processes.

## **Policy context**

ANTAR and the ALA note that this Committee is seeking submissions to this Inquiry seven months after the 2023 Voice Referendum failed, with a majority of Australian voters voting against the proposal to amend the *Constitution of Australia* to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament (‘Voice’).

Both ANTAR and the ALA – along with thousands of other not-for-profits, community organisations and corporate entities – campaigned for YES, in

support of the Voice and the fulfilment of the first stage of the reforms proposed in the 2017 *Uluru Statement from the Heart*.

The outcome of the Voice Referendum was incredibly disheartening for all those involved in the YES campaign and also deeply distressing – especially for First Nations Peoples across Australia.

ANTAR and the ALA, therefore, consider that this submission is an opportunity to reflect on how adequate civics education could have affected the experience of many campaigners in the campaign leading up to voting on 14 October 2023, and possibly even the outcome of the Voice Referendum.

Staff, members and volunteers at ANTAR and the ALA have reflected that their experience was that YES campaigners found themselves performing two roles during the Voice Referendum campaign:

1. Explaining what the Voice would be; *and*
2. Answering a lot of questions from voters about what a referendum is, how the outcome of the Voice referendum would be determined, what the *Constitution of Australia* is, et cetera.

Many Australians simply did not know about those latter processes and key elements of Australia's democracy, nor had many Australians voted in a referendum previously. ANTAR and the ALA contend that the amount of 'unknowns' for voters in the lead-up to the Voice Referendum allowed for mis- and disinformation to foster fear, doubt and concern about the Voice proposal and about the Voice Referendum process generally.

We note that the NO campaign was replete with slogans fuelling voter confusion and discouraging voters receiving or seeking further information. For example, "If you don't know, vote no" – a slogan which not only applied to whether people did not know about or enough about the Voice proposal, but also to whether people did not know about or enough about the *Constitution of Australia*, or referenda.

ANTAR and the ALA submit that the Voice Referendum illustrates the need for better civics education across Australia. While referenda in Australia are irregular and while engaging with matters concerning the *Constitution of Australia* is a rare occurrence for most Australians on a daily basis, ANTAR and the ALA contend that Australians of all ages must be educated about those processes and about all the key elements of our democracy *well before* Australians of voting age are asked to decide on significant constitutional reform proposals – including and importantly when those proposals affect First Nations Peoples.

ANTAR and the ALA's recommendations for improving civics education generally are articulated throughout in the next section of this submission.

## Civics education

Civics education can be understood as the development of citizenship or civic competence by conveying the unique meaning, obligation, and virtue of citizenship in a particular society or the acquisition of values, dispositions, and skills appropriate to that society.<sup>4</sup> The final report from the 2007 Inquiry into civics and electoral education by this Committee stated that:

**...a clear objective of civics education is the development of 'active citizens', namely those who are able to 'discharge the formal obligations of citizenship' and 'make an informed judgement about the extent of their civic participation.'**<sup>5</sup>

There is, however, an increasing trend among young people in Australia who appear to be disengaging from civics and becoming increasingly apathetic toward democracy both in practice and as an institution. This phenomenon, referred to as the 'civic deficit', is characterised by a lack of knowledge about

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<sup>4</sup> See Saha, L. 'Political activism and civic education among Australian secondary school students', *Australian Journal of Education*, Vol. 44, No. 2 (2000): 155-74.

<sup>5</sup> Civics and Electoral Education, Parliament of Australia, Joint Standing Committee on Electoral Matters (2007): 4.

and interest in democratic mechanisms and institutions.<sup>6</sup> Results from the National Assessment Program – Civics and Citizenship (NAP-CC) seemingly back this up, with data suggesting that by Year ten, Australian school students don't possess the fundamentals deemed necessary to become active, informed citizens.<sup>7</sup>

At the same time, young people across Australia are engaging in vibrant social movements both online and in person, with many young people at the forefront of activism for issues like climate justice, First Nations rights and sovereignty, cultural heritage protection, and women's safety.<sup>8</sup> These vibrant social movements – many of them led by First Nations activists – suggest a high-level of political consciousness among young people, with researchers arguing that young people's engagement with civil society and democracy should not be understood as weaker but as having changed, with many valuing more direct and participatory approaches.<sup>9</sup>

Similarly, data from the Australian Bureau of Statistics shows that young people between 18 and 19 years of age were more likely to participate in the 2017 marriage equality postal survey than any other age groups under the age of 45 years, suggesting young people are actively involved in civic life when they feel the issues are important and relevant to them.<sup>10</sup>

Particularly where it concerns First Nations Peoples, ANTAR and the ALA believe it is crucial that understanding of civics education and engagement are broadened beyond a narrow focus on voting to include the various, diverse and sometimes less visible ways in which First Nations Peoples participate in the life of a community in order to improve conditions for others or to help shape the

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<sup>6</sup> Ewins (2006) as cited in [Justice Citizens, Active Citizenship, and Critical Pedagogy](#): Reinvigorating Citizenship Education, *Democracy and Education*, Vol. 27, No. 1 (2019): 3.

<sup>7</sup> ['Schools are not adequately preparing young Australians to participate in our democracy'](#), The Conversation, 13 December 2017.

<sup>8</sup> Celina Ribeiro, ['Taking it to the streets: 'The movements making noise are being led by young people'](#), The Guardian, 24 January 2021.

<sup>9</sup> Keith R. Heggart and Rick Flowers, ['Justice Citizens, Active Citizenship, and Critical Pedagogy](#): Reinvigorating Citizenship Education', *Democracy and Education*, Vol. 27, No. 1 (2019): 2. For more, see: Davies, Ryan, & Pena, 2016; Loader, Vromen, & Xenos, 2014; Quintelier, 2007

<sup>10</sup> ['National Results'](#), Australian Marriage Law Postal Survey 2017, Australian Bureau of Statistics, November 2017.

community's future.<sup>11</sup> This means acknowledging and encouraging a broad scope of activities including volunteering, activism, participation in social movements, kinship and other forms of community care.

As part of this, ANTAAR and the ALA strongly recommend that the civics and citizenship modules of the Australian Curriculum necessarily include foundational concepts from First Nations perspectives, including an introduction to and exploration of complex concepts of First Nations sovereignty, governance, citizenship, nationhood and lore. We recommend the [resource guide on First Nations civics and citizenship](#) produced by Narragunnawali is distributed to all teachers, educators and other relevant individuals, and incorporated into Civics and Citizenship curriculum as a matter of priority.<sup>12</sup>

### **Active citizenship: a gap or an opportunity?**

The final report from the 2007 Inquiry into civics and electoral education by this Committee identified that this 'gap' in civics education and civic engagement (understood as electoral enrolment) particularly and disproportionately impacts First Nations Peoples, with those in remote communities especially under-represented in enrolment figures.<sup>13</sup>

Similar trends are apparent, perhaps unsurprisingly, in civics and citizenship proficiency – as measured by the NAP-CC – of non-Indigenous and First Nations students, with 25 percent of First Nations Year 6 students reaching the proficient standard nationally in 2019, compared with 54 percent of non-Indigenous Year 6 students.<sup>14</sup> In later years, 13 percent of First Nations Year 10 students reached the proficient standard, compared with 39 percent of non-Indigenous Year 10 students.<sup>15</sup>

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<sup>11</sup> Richard P. Adler and Judy Goggin, '[What do we mean by 'civic engagement'?](#)', *Journal of Transformative Education*, Volume 3 Issue 3 (2005)

<sup>12</sup> [Humanities and Social Sciences – Civics and Citizenship Resource Guide](#), Narragunnawali Reconciliation in Schools and Early Learning, nd.

<sup>13</sup> Civics and Electoral Education, Parliament of Australia, Joint Standing Committee on Electoral Matters (2007): 87.

<sup>14</sup> [NAP-CC 2019 Public Report](#) (2019): 26.

<sup>15</sup> *ibid*

Whilst Aboriginal and Torres Strait Islander lore and culture is mentioned in the NAP-CC student survey, designed to measure Australian students' attitudes toward Aboriginal and Torres Strait Islander cultures and Australian diversity, it is worth considering whether the broader curriculum which aims to inspire and teach students about civics engagement and democratic institutions is inclusive of non-Western/First Nations perspectives, and to what extent it is (dis)empowering to young First Nations Peoples.

For example, current professional development content for teachers delivering civics education in NSW to Stage 3 (Year 5 and 6) students learning about Parliament, democracy, how laws are made and how Australia became a nation celebrates the establishment of the early colony and colonial government and makes no reference to First Nations Peoples.<sup>16</sup> Research finds that particularly in communities historically shaped by dispossession and lack of access to equitable housing and jobs, young people find mainstream schools-based civics education does not reflect the reality of the issues they are facing and is inconsistent or out of touch with their lived experience.<sup>17</sup> Furthermore, this research finds that this distance between the curriculum and the civic experiences of racialised and minoritised youth is made worse by school-based studies and resources which present “versions of the nation’s past that centre Whiteness and other-ise Indigenous Peoples”.<sup>18</sup>

As such, when considering formalised civics education through schools and other institutions – and particularly where it concerns First Nations students and young people – ANTAR and the ALA believe a paradigm shift is necessary. Civics education must incorporate the civic experiences and understandings of First Nations young people as articulated by them, and prioritise and reflect the issues and experiences that matter to young people more broadly. Following recommendations from the Queensland Commission for Children and Young People and Child Guardian, the NSW Commission for Children and Young People and the Commissioner for Children, Tasmania, ANTAR and the ALA

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<sup>16</sup> [Teaching Parliament in Stage 3 History](#) – Professional Learning Session, Parliament of NSW, nd.

<sup>17</sup> Kevin Clay and Beth Cara Ruben, “[I look deep into this stuff because it’s a part of me](#)”: [Toward a critically relevant civics education](#), *Theory & Research in Social Education* (2019): 1.

<sup>18</sup> Clay and Ruben, ‘I look deep’, 4.

agree that for meaningful youth engagement to happen, there must be visible evidence that the local, state and federal governments are genuinely seeking to listen to, engage with and represent children and young people, and particularly First Nations children and young people.<sup>19</sup>

This suggests the need to shift away from a one-size-fits-all and deficit focused aim to close the ‘civic opportunity gap’ and toward developing more relevant and critical approaches to school-based civic instruction Australia-wide that engage First Nations students in culturally relevant ways, include First Nations knowledges and encourage active citizenship in young people more broadly. By incorporating First Nations understandings of civics and citizenship into the curriculum, we pave the way for a more informed, empathetic, and equitable civic society – one that acknowledges the complexities of history and actively works towards practical reconciliation.

In terms of what this new model of civics education might look like, the academic literature suggests at least two frameworks which ANTAR and the ALA believe could be adapted and integrated into the Australian context to better engage and include Aboriginal and Torres Strait Islander young people in civics education. The first is justice-oriented citizenship, proposed by Westheimer and Kahne, and the second is what Clay and Ruben term ‘critically relevant civics’ (CRC).

Both models expand the traditionally minimal approach to civics education (that is, teacher-centred approaches which are usually limited to learning about the nature, mechanisms and institutions of government) to include and embrace multidirectional, participatory and experiential notions of learning, where students are empowered to think critically, to advocate for systemic change and to learn by actively engaging in issues that have personal meaning and relevance to them as individuals and as a community.

For First Nations learners in particular, this ‘maximal’ justice-oriented citizenship approach offers a means to reclaim agency and address issues of social justice

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<sup>19</sup> Inquiry into Civics and Electoral Education by the Joint Standing Committee on Electoral Matters, [Joint response by Commission for Children and Young People and Child Guardian, Queensland NSW Commission for Children and Young People Commissioner for Children, Tasmania](#) (2007): 6.

that directly impact their communities. By acknowledging the historical marginalisation and systemic barriers still facing First Nations communities, students are empowered to challenge entrenched inequalities and advocate for structural change. Multidirectional knowledge exchange and participatory learning are also more aligned with First Nations pedagogies, meaning these approaches are likely to contribute to an educational environment that is more culturally responsive and inclusive.

This new approach to civics education should also include the civic potential of social media and prepare young people to take an active role in shaping public discourse through social media. The need for digital citizenship programs is becoming increasingly apparent, with global social networks now facilitating diverse and non-traditional sources of information production and acquisition, including non-formal educational experiences that can bring about civic learning.<sup>20</sup> A maximal approach to civics education that includes digital citizenship would also be better able to prepare young people to identify and mitigate social media misinformation and disinformation (discussed further in the final section of this submission).

There are several best practice examples of student-centred participatory approaches to civics education in Australia, including the 'ruMAD' (Are You Making A Difference) program developed by David Zyngier<sup>21</sup> and Justice Citizens, a participatory citizenship education program that took place with Year 9 students in Penrith NSW.<sup>22</sup> In both programs, students take an active role as present citizens who are able to grapple with, analyse, and develop critical understandings of the civil landscape they belong to, as opposed to passive learners of static civic information.

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<sup>20</sup> Manisha Pathak-Shelat, [Social Media and Youth: Implications for Global Citizenship Education](#), *The Palgrave Handbook of Global Citizenship and Education* (2018): 542.

<sup>21</sup> For more on its application in Queensland and Tasmania, see '[Civic participation through the curriculum](#)' by Rosalyn Black, Helen Stokes, Malcolm J. Turnbull & Josh Levy in *Youth Studies Australia* Volume 28, Number 3 (2009)

<sup>22</sup> For more, see [Justice Citizens, Active Citizenship, and Critical Pedagogy](#): Reinvigorating Citizenship Education, *Democracy and Education*, Vol. 27, No. 1 (2019)

Research on high quality civics education suggests students' broad commitment to civic participation will be enhanced when three factors are present:<sup>23</sup>

- a) *capacity* – when students feel they have the agency and capacity to be effective as civic actors;
- b) *connection* – when they feel connected to groups and other individuals who share their commitments and/or can facilitate their involvement and effectiveness as civic actors; and
- c) *commitment* – when they have formed particular and strong commitments with respect to specific social issues.

Similarly, research in Australia confirms that schools that provide greater opportunities for young people's active and agentic participation show higher average achievement in civics and citizenship education.<sup>24</sup>

Overall, civics education works better when it is taught to young people in terms of developing life skills as opposed to information that is divorced from the context and priorities of their lives. This is particularly relevant for First Nations young people, who disproportionately face systemic barriers and intersectional disadvantages due to the legacy of colonisation and its resulting intergenerational trauma, leading to increased contact with police, the criminal justice system and children in out-of-home care.

In its section on civics education, the Australian Law Reform Commission's Report 84 notes that children in legal processes are often disadvantaged in their dealings with institutions and adults because they have little understanding of their rights and responsibilities, of the government services or complaints mechanisms available and of the roles and functions of different participants in the legal system.<sup>25</sup> The Australian Law Reform Commission's report goes on to state that schools should play a central role in teaching

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<sup>23</sup> Joseph Kahne and Ellen Middaugh, [High Quality Civic Education: What Is It and Who Gets It?](#), *Social Education* 72(1) (2008): 35.

<sup>24</sup> Rosalyn Black, Helen Stokes, Malcolm J. Turnbull & Josh Levy, ['Civic participation through the curriculum'](#) *Youth Studies Australia* Volume 28, Number 3 (2009): 14.

<sup>25</sup> ['Seen and heard: priority for children in the legal process'](#), Australian Law Reform Commission Report 84 (1997): 104.

children about their rights and responsibilities, including by supplying material on human rights, including children’s rights and the rights of First Nations Peoples (as set out in the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP), in the civics education curriculum.<sup>26</sup>

Given the many First Nations children who are disproportionately exposed to the criminal justice system, out-of-home-care systems and legal proceedings, ANTAAR and the ALA believe that access to this information as part of high quality civics education would be beneficial if not life-saving for many First Nations young people.

### **Informal civics education**

The Committee’s Terms of Reference for this Inquiry acknowledge the vast array of informal mechanisms through which Australians seek and receive information about Australia’s democracy, electoral events, and voting. Research reveals that young people, and particularly First Nations and other racialised young people, increasingly utilise out-of-school resources, including family members and new media platforms, to investigate and interpret the civic landscape, including the injustices these young people often find themselves facing.<sup>27</sup>

Similarly, in informal discussions between this Committee and the Australian Electoral Commission (AEC) during the 2007 Inquiry into civics and electoral education, the Committee heard that young people in First Nations communities tend to rely heavily on mentors or community leaders for civics knowledge and education.<sup>28</sup> The AEC acknowledged that this is one of the challenges it faces – building networks and relationships with First Nations communities in order to identify these leaders so that they can assist in delivering electoral education.<sup>29</sup>

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<sup>26</sup> ‘Seen and heard’, 105.

<sup>27</sup> Kevin L. Clay and Beth C. Rubin, [Toward a critically relevant civics education](#), *Theory & Research in Social Education*, Vol 48 (2020): 1.

<sup>28</sup> [Civics and Electoral Education](#), Final Report, Joint Standing Committee on Electoral Matters (2007)

<sup>29</sup> *ibid*

Furthermore, ANTAR and the ALA wish to note that there are a significant number of First Nations children (and non-Indigenous children) – including those who are incarcerated or otherwise criminal justice system-involved, those who do not or cannot attend school, early school leavers and those in rural communities with irregular school attendance – who for various reasons might rely more heavily on informal civics education. In light of this, we recommend that community-based civics education and awareness programs are set up and delivered through community hubs, youth organisations, festivals, sporting events, community events and other relevant locations that young people frequent. Furthermore, particularly where it concerns First Nations children, these programs should be co-designed and led by relevant and trusted local community leaders, Elders and/or mentors.

### **First Nations young people in detention**

ANTAR and the ALA are particularly concerned with the over-representation of First Nations children in detention and the criminal justice system (CJS). Detention is a highly disruptive factor in young people's education with long-lasting effects on educational and employment outcomes, livelihood, as well as the ability to become active and engaged citizens.<sup>30</sup>

Children exposed to the CJS, and particularly First Nations children who are incarcerated at shockingly high numbers, should be afforded the same rights and education as any other young person. Culturally relevant civics education is particularly important for these children, who have been removed from their communities and culture, to feel empowered to engage with civics and to equip them with the tools to advocate for positive, structural change. This empowerment will inevitably lead to a greater likelihood that these young people will enrol to vote, and to become active and engaged citizens who feel they can contribute to the betterment of society.

ANTAR and the ALA also see opportunity to develop a capacity-building program to teach older First Nations youth (aged 16-24) – and particularly

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<sup>30</sup> Federation of Parents and Citizens Associations of New South Wales [Position Paper – Juvenile Justice](#) (2017): 1.

those who have experienced CJS-involvement or have participated in diversionary programs – how to deliver culturally relevant civics education programs themselves. This would create meaningful employment and mentorship opportunities among young First Nations people, as well as contribute to solving the AEC’s stated challenge of how to properly identify and empower community leaders and mentors capable of delivering civics education within their communities.

**ANTAR and the ALA submit the following recommendations with respect to improving civics education, both formalised and informal:**

- Incorporate the civic experiences and understandings of First Nations young people as articulated by them in Australia-wide curriculum-based civics education, ensuring it prioritises and reflects the issues and experiences that matter to First Nations youth as well as young people more broadly;
- Incorporate the [resource guide on First Nations civics and citizenship](#) produced by Narragunnawali into the Civics and Citizenship curriculum as a matter of priority and distribute the resource guide to all teachers, educators and other relevant individuals;
- Shift away from a one-size-fits-all and deficit focused aim to close the ‘civic opportunity gap’ and toward developing more relevant and critical approaches to school-based civic instruction that engage First Nations students in culturally relevant ways, including by embedding participatory approaches, multidirectional learning, First Nations knowledges and First Nations pedagogies in the design and delivery of civics education;
- Ensure this newly imagined inclusive and participatory ‘Civics and Citizenship’ program is taught explicitly as a cross-curriculum priority or as an independent stand-alone unit (as opposed to an ‘important learning area’ as it currently is in NSW);
- Ensure that formalised civics education includes comprehensive instruction on children’s rights and responsibilities, of the government services or complaints mechanisms available and of the roles and functions of different

participants in the legal system, including by supplying material on human rights, including children's rights and the rights of Indigenous Peoples (as set out in the UNDRIP);

- Adapt curriculum-based civics education for use in community-based civics education and awareness programs, with particular attention paid to culturally relevant civics education for CJS-involved and incarcerated First Nations young people. For First Nations children, these community-based programs should be set up and delivered through community hubs, youth organisations, festivals, sporting events, community events and other relevant locations and should be co-designed and led by relevant and trusted local community leaders, Elders and/or mentors;
- Develop a capacity-building program to teach older First Nations youth (aged 16-24) – and particularly those who have experienced CJS-involvement or have participated in diversionary programs – how to deliver culturally relevant and participatory civics education programs to children and youth; and
- Provide dedicated funding (similar to the funding given to the National Indigenous Australians Agency, NIAA, prior to the Referendum) to First Nations-led media and organisations to produce civics education material and targeted ad campaigns on social media for First Nations Peoples that are in language, culturally suitable and locally specific.

## **Access to relevant, culturally suitable information**

Regarding opportunities for supporting First Nations communities, including remote communities, to access relevant, appropriate, and culturally suitable information about Australian democracy, electoral events, enrolment and voting to promote full electoral participation, ANTAAR and the ALA emphasise again the importance of such information being presented in culturally relevant ways, including in local First Nations languages.

ANTAR and the ALA recommend the Committee revisit the recommendations from the Local Government Association of the Northern Territory ('Association') published in the 2007 Final Report on the inquiry into civics and electoral education as many of these remain relevant.<sup>31</sup> The Association underscored the importance of generous allocations of time and resources when raising public awareness, particularly in remote areas. They also recommended the following elements are included for best results:

- local people are enlisted to assist;
- a local champion or sponsor for the cause exists;
- sessions are conducted face-to-face;
- information is delivered when elections are about to be conducted or have recently occurred;
- hands-on activities are included for participants;
- Written material or oral presentations are made both in English and local dialect and are culturally sensitive;
- certain sections of the community are specifically targeted (e.g. youth, non-voters, etc.) and those particular sessions are customised to suit;
- educational support material contains a high degree of local content (e.g. local electoral event, local personalities); and
- graphics and colour are used widely in published material.

**Furthermore, ANTAR and the ALA recommend:**

- Clear, factual, impartial and culturally sensitive information is provided in appropriate formats (printed, digital and via radio) for Aboriginal and Torres Strait Islander voters, including in First Nations languages, clear easy-to-read English as well as in audio / visual form;
- The development and dissemination of this material should be community-controlled and involve local people where possible;

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<sup>31</sup> [Civics and Electoral Education](#), Final Report on the Inquiry into civics and electoral education, Joint Standing Committee on Electoral Matters (2007): 91.

- Increased dedicated funding and resourcing for First Nations-owned and led media – including through television, community radio, print and social media – to distribute relevant, culturally suitable and localised information; and
- Expanding the number of polling place staff and other support people, including interpreters, to be available on site during voting periods and able to provide information, guidance and interpretation of educational materials in culturally relevant ways, including in community languages.

## **Barriers preventing electoral participation**

There exist a variety of social, socio-economic, physical and other barriers preventing electoral participation for First Nations Peoples, and particularly those in remote and very remote communities.

ANTAR and the ALA note that this Committee has previously acknowledged these barriers:<sup>32</sup>

**Barriers to electoral participation by Indigenous electors include literacy and numeracy levels, cultural activities, school retention rates, health and social conditions, transience and remoteness.**

We note specifically that these barriers can include:

- a lack of educational materials, including ‘how to vote’ instructions, available in appropriate First Nations languages;
- uncertainty about how to cast a formal vote;
- problems related to English literacy and a lack of access to interpreters;
- a lack of appropriate identification necessary to enrol, for example not having a birth certificate;

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<sup>32</sup> [Civics and Electoral Education](#), Final Report, Joint Standing Committee on Electoral Matters (2007) 88.

- a lack of awareness of alternative enrolment options (ie. voting with no fixed address, and/or AEC's simplified enrolment process to be completed online);
- high cost of internet access in remote communities, and intermittent telecommunications service;
- limited polling booths in the lead-up to and on Election/Referendum Day;
- lack of access to reliable transportation to and from places of voting, including financial barriers to accessing available transportation;
- often limited hours for remote voter services (ie. some services only available for 2-3 hours per day);
- cultural activities and responsibilities that take precedence over voting;
- laws that exclude those serving sentences of more than 3 years from voting,<sup>33</sup> noting that — as of 30 June 2023 — First Nations Peoples accounted for 33 percent of all prisoners in Australia;<sup>34</sup>
- distrust or lack of faith in Government, including feelings of a lack of agency; and
- deliberate non-voting on principled grounds.

In a previous submission on the Referendum Machinery Bill, ANTAR put forward a package of recommendations to address these barriers, improve participation and access to voting as well as access to impartial information, many of which were echoed by the Central Land Council in their submission. These included:

- allowing 'on the day' enrolment, phone voting and a greater number of identification methods to be accepted to enrol;
- extension of the period available for remote mobile polling;
- expanding voter eligibility to allow those serving a sentence of more than 3 years to vote; and
- ensuring official pamphlets are reviewed by independent fact checkers before dissemination, as well as translated into First Nations languages and widely disseminated far enough in advance.

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<sup>33</sup> *Commonwealth Electoral Act 1918* (Cth) Part VII, s8AA.

<sup>34</sup> ['Prisoners in Australia'](#), Australian Bureau of Statistics, 25 January 2024.

ANTAR and the ALA acknowledge that during the Voice Referendum, the AEC made significant and well-intentioned efforts to increase First Nations voter enrolment and participation. These initiatives included the release of a month-long advertising and communication campaign aimed at empowering First Nations Australians to have their say at electoral events; developing more than 80 partnerships with government and community organisations aimed at delivering localised, culturally appropriate engagement through the Indigenous Electoral Participation Program (IEPP); simplifying the enrolment process for voters without an accepted identification document; and expanding the AEC's remote services delivery team, covering 3.4 million square kilometres of remote parts of Australia.<sup>35</sup>

Many of these initiatives were successful, with updated AEC enrolment data showing that an additional 21,000 First Nations individuals enrolled to vote in the period between the end of June 2022 to the end December 2022, bringing the overall rate of First Nations Peoples enrolled to vote to an all-time high of 94.1 percent.<sup>36</sup>

Still, voter turnout remains a challenge, particularly in remote communities, with the Central Land Council reporting that voter turnout in some communities for the 2022 Election was as low as 25 percent.<sup>37</sup>

**ANTAR and the ALA submit the following recommendations to build on those previously suggested:**

- The establishment of 'roaming' mobile polling booths in remote and very remote areas that are available for longer periods during the day to ensure maximum accessibility, particularly for those with disability and/or mobility restrictions (currently, mobile polling remains static at a location

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<sup>35</sup> ['Reaching out to remote communities this referendum: More places, more time'](#), AEC [Media Release] August 2023.

<sup>36</sup> [Record increase in estimated Indigenous enrolment ahead of Referendum](#), AEC [Media Release] February 2023; Dana Morse, ['Australian Electoral Commission record highest First Nations and young people voter registration yet'](#), *ABC News*, 21 September 2023.

<sup>37</sup> [Chapter 2 - Aboriginal and Torres Strait Islander participation in elections](#), Conduct of the 2022 Federal Election and Other Matters, Joint Standing Committee on Electoral Matters (November 2023).

that is operated by a service provider, e.g. residential aged care facility, residential mental health facility, homeless shelter or a prison);

- Continuing to identify and strengthen relationships with First Nations leaders in communities in order to deliver localised, culturally appropriate engagement and education;
- Increased and flexible free transport options to and from voting in remote and very remote areas over multiple days;
- Ensuring all educational materials – including how to vote instructions and awareness of elections, voting locations and alternate enrolment options – are provided in First Nations languages in printed and digital form as well as via community radio, and that these are widely disseminated and available far enough in advance for individuals and communities to engage with and reflect on these materials;
- Ensuring access to interpreters during the enrolment and voting process; and
- Securing adequate funding for AEC offices that are servicing parts of Australia with First Nations communities, including the Darwin office.

Regarding distrust of Government and non-voting on principled grounds from First Nations individuals, ANTAR and the ALA wish to make the point that while civics education and engagement opportunities should be widely available and encouraged across Australia, it is equally important to acknowledge and respect the sovereign rights of First Nations Peoples to refuse engagement in colonial systems in favour of participating in their own self-determining and nation-based governance systems and processes. Given the historical relationship of the state with First Nations Peoples marked by dispossession, paternalistic policies, exclusion, violence and child removal, as well as the ongoing injustices perpetrated by the contemporary settler colonial state, choosing not to participate in these systems through electoral engagement makes sense and should be respected. Recognising the legitimacy of abstention from colonial electoral systems is a crucial step towards acknowledging and redressing historical and ongoing injustices against First Nations communities.

Furthermore, ANTAR and the ALA submit to the Committee that voting is merely one facet of civic engagement, and that First Nations Peoples contribute to the vibrancy and success of their communities in ways that are less visible and not measurable or captured by civic engagement data. It must also be said that in order to address and remedy distrust of Government and refusal to participate in mainstream systems, Government at all levels must commit to the deep structural transformation agreed to in the National Agreement on Closing the Gap, including through genuine power-sharing and the relinquishing of control away from Government agencies and toward First Nations community-controlled organisations. This transfer of meaningful decision-making power will ultimately repair mistrust and boost civic engagement and participation.

## **Misinformation and disinformation, including on social media**

Reflecting on the processes and outcome of the Voice Referendum, ANTAR and the ALA have particular concern with how governments and the community can prevent or limit inaccurate or false information influencing future electoral outcomes, including misinformation and disinformation through social media, mainstream media, and digital platforms, and in particular the level of racist and discriminatory information and public opinion that First Nations Peoples continue to be exposed to both online and in person.

ANTAR and the ALA submit that online spaces (including social media platforms and apps) must be safe and productive for all Australians and in all contexts. That includes during election campaigns, between elections, as well as in the lead-up to any future referenda.

However, we saw during the Voice Referendum campaign that disinformation in particular was identified as a problem in the lead-up to voting on such

significant constitutional change.<sup>38</sup> Such was the prevalence of disinformation that the AEC created a 'Disinformation register':<sup>39</sup>

**This register lists prominent pieces of disinformation the AEC has discovered regarding the announced referendum on the Voice to Parliament. It also provides details of actions the AEC has taken in response.**

**ANTAR and the ALA are proposing the following recommendations concerning the urgent action required to address the prevalence of misinformation and disinformation in Australia's democratic processes:**

- That, with regard to there being a Federal Election by May 2025, the Federal Government must address the issue of misinformation and disinformation being spread online – especially where the dissemination of misinformation and disinformation poses a threat to Australia's democracy and safety for members of the general public safety; and
- The Federal Government must enact legislative and regulatory reforms to address the spread of misinformation and disinformation, including progressing the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, on which we note stakeholder consultation was conducted last year.<sup>40</sup>

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<sup>38</sup> Linton Besser, ['The Voice campaign was infected with disinformation. Who's in charge of inoculating Australians against lies?'](#), *ABC News*, 17 October 2023.

<sup>39</sup> ['Disinformation register - Referendum process'](#), AEC.

<sup>40</sup> See: [Submission from the Australian Lawyers Alliance to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#), Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, 21 August 2023.

## Conclusion

ANTAR and the ALA thank the Joint Standing Committee on Electoral Matters for the opportunity to contribute to this Inquiry into civics education, engagement and participation.

We sincerely hope the voices, experiences and priorities of First Nations Peoples, and particularly First Nations young people, are reflected in future policy-making and legislative changes with respect to these issues, and in civics education more broadly.

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