

# Inquiry into civics education, engagement, and participation

## *Submission*

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## INTRODUCTION

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Once every three years, Australians vote in a federal election. Voting is the most concrete and measurable manifestation of democracy, but between elections it is every other act of civic participation that safeguards and strengthens liberal democracy in Australia.

Voting is necessary but not sufficient for democracy. A focus on electoral participation should not come at the expense of civic participation, including party membership, attending protests and rallies, approaching one's local member, debating political issues with family and friends, making submissions to inquiries and participating in consultations, and engaging in community organising.

In the words of American localist writer Michael J Sauter:

*the vote should be, in many respects, the least significant act of a citizen who has a robust engagement with politics and with all that has traditionally gone along with civic virtue. ...*

*Lacking a larger view of political life, voting, despite the hype, reeks of death.*<sup>1</sup>

Australia's civic participation does not yet reek, but it has been undermined.

State governments have introduced punitive limitations on the right to non-violent protest. Politicians have rejected the need for protest altogether, with NSW Labor

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<sup>1</sup> Sauter (2012) *On 'The Fall' and that Obama video*, <https://www.frontporchrepublic.com/2012/11/on-the-fall-and-that-obama-video/>

Police Minister Yasmin Catley saying “I don’t want to see protests on our street at all, from anybody. I don’t think anybody really does”<sup>2</sup> and Opposition Leader Peter Dutton calling student protests “an indulgence”.<sup>3</sup> In July 2024, Prime Minister Anthony Albanese said of a protest at Parliament House “Peaceful protest has an important place in our society but this was not a peaceful protest” and “those responsible should feel the full force of the law”.<sup>4</sup> The protest involved draping a banner over Parliament House. A few days later, a young woman was sentenced to three months in prison for locking on to machinery during a climate protest in a Newcastle coal terminal.<sup>5</sup>

At the federal level, Australia’s broad and ill-defined “secondary boycott” laws restrict freedom of conscience for workers and activists.<sup>6</sup>

Public servants experience pressure to self-censor. Often this pressure is undocumented, but there are examples that have made it onto the public record. Social media advice issued by the Australian Public Service Commission is vague and threatening, and overly concerned with criticism of the government of the day even though praise of the government poses the same risk of apprehended bias. Public servants critical of government policy have been reprimanded or pushed out while senior public servants aligned with the government have been given lassitude.<sup>7</sup>

Citizens who use freedom of information requests to seek out information about what their government is doing are stonewalled.<sup>8</sup> The Government has guided senior public

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<sup>2</sup> McLeod & Rose (2023) *Experts slam ‘disproportionate’ NSW approach to pro-Palestine rallies as government threatens ‘full force’ of law*, <https://www.theguardian.com/australia-news/2023/oct/13/experts-slam-disproportionate-nsw-approach-to-pro-palestine-rallies-as-government-threatens-full-force-of-law>

<sup>3</sup> Hevesi (2023) *Peter Dutton labels school student protest for Palestine an “indulgence” but Greens back pupils walking out of class*, <https://www.skynews.com.au/australia-news/peter-dutton-labels-school-student-protest-for-palestine-an-indulgence-but-greens-back-pupils-walking-out-of-class/news-story/817c2b3d15479646031630be05468ee5>

<sup>4</sup> Guardian Live Blog (2024) *PM condemns protesters and says they ‘should feel the full force of the law,’* <https://www.theguardian.com/australia-news/live/2024/jul/04/australia-politics-live-fatima-payman-labor-anthony-albanese-coalition-peter-dutton-question-time>

<sup>5</sup> Beazley (2024) *Blockade Australia climate activist sentenced to three months in jail over Port of Newcastle protest*, <https://www.theguardian.com/australia-news/article/2024/jul/08/blockade-australia-climate-activist-sentenced-to-three-months-in-jail-over-port-of-newcastle-protest-ntwnfb>

<sup>6</sup> Browne (2019) *Secondary boycotts in Australia - history and context*, <https://australiainstitute.org.au/report/secondary-boycotts-in-australia-history-and-context/>

<sup>7</sup> Browne (2021) *Free speech in the lucky country*, pp. 10–17, <https://australiainstitute.org.au/report/free-speech-in-the-lucky-country/>

<sup>8</sup> Shields and Browne (2023) *Submission: Freedom of information inquiry*, <https://australiainstitute.org.au/report/submission-freedom-of-information-inquiry/>

servants in avoiding answering the questions of elected representatives.<sup>9</sup> Centrelink recipients who speak to the press have been punished by having their personal details leaked, while whistleblowers are prosecuted.<sup>10</sup> Earlier this year, the Government used the distraction of Budget Day to give a perfunctory boilerplate response to 65 parliamentary committee reports, which represent the collective effort of thousands of Australians over many years.<sup>11</sup>

Barriers to becoming an Australian citizen means more residents of voting age are not eligible to vote. In 1946, 98% of the voting age population was enrolled to vote. By 2019, this had declined to 88% in large part because 1.7 million residents were not eligible to vote.<sup>12</sup>

Electoral law decides the fruits of electoral participation. In a period of declining major party voting, single-member “winner takes all” seats in the House of Representatives mean most voters cast a primary vote for someone other than the person ultimately elected as their local member. Tasmania demonstrates that an alternative is possible. The proportional representation used there means most voters cast a primary vote for a winning candidate at this year’s election, and “over 90% cast a vote for a party that won at least one seat in their electorate”.<sup>13</sup>

Even electoral participation is valued differently, with some states’ public funding systems in effect providing more funding per-vote for major party voters than some minor party or independent voters.<sup>14</sup> The same is likely to be true at the federal level. The consequence is that Australians who are not party members – the vast majority of all Australians – are major funders of political parties, sometimes majority funders, without oversight or governance standards in return for their investment.

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<sup>9</sup> Galloway and Duke (2024) *The PMO’s secret manual on sidestepping Senate estimates questions*, <https://www.capitalbrief.com/newsletter/the-pmos-secret-manual-on-sidestepping-senate-estimates-questions-6c6bd896-70f2-4fed-b303-26959dd530fa/>

<sup>10</sup> Browne (2021) *Free speech in the lucky country*

<sup>11</sup> Butler and Shepherd (2024) *Submissions, witnesses, questions ... then nothing. Australian government cites ‘passage of time’ for silence on reports*, <https://www.theguardian.com/australia-news/article/2024/may/25/submissions-witnesses-questions-then-nothing-australian-government-cites-passage-of-time-for-silence-on-reports>

<sup>12</sup> Browne and Shields (2022) *Fortifying Australian democracy: submission to the inquiry into the 2022 election*, pp. 36–37, <https://australiainstitute.org.au/report/fortifying-australian-democracy/>

<sup>13</sup> Raue (2024) *Making votes count is about more than turning out*, <https://www.tallyroom.com.au/55642>

<sup>14</sup> Browne (2024) *Submission - Review of the 2023 NSW election*, pp. 12–13, <https://australiainstitute.org.au/report/submission-review-of-the-2023-nsw-election/>; Browne and Connolly (2023) *Submission: Money and power in Victorian elections*, pp. 12–14, <https://australiainstitute.org.au/report/submission-money-and-power-in-victorian-elections/>

Democracy thrives on high expectations, but often the message from politicians on both sides of the aisle has been that the public should temper their expectations.

Australians have gotten the message. Australia Institute polling research finds few Australians know their local member's name or would be prepared to approach them.<sup>15</sup>

In New South Wales, the one state where political party member numbers are routinely disclosed, party membership is low and trending lower, even as the state's population grows.<sup>16</sup> Parties are insulated from the consequences of declining small donor and volunteer participation by generous public funding.<sup>17</sup>

Trust in politics and satisfaction with democracy have trended downwards, although both measures have recovered somewhat from their lowest ebbs.<sup>18</sup>

Electoral politics is a worthy activity, and electoral and party-political participation should be encouraged. After Mark Latham warned young people to keep out of politics in 2005, speechwriter Dennis Glover explained why "politics can be great":

Reformers should take democracy seriously. One of the reasons politics allows in so many cynics, mediocrities and machine men is that too often the good depart the field, thinking politics and the pursuit of power somehow beneath them. In a democracy, contesting power is a legitimate vocation.<sup>19</sup>

But by the same token, those in power should cultivate civic life and democratic participation. To stifle civic participation is to deny the spirit and purpose of electoral participation, even if the formalities of voting remain intact.

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<sup>15</sup> Browne and Shields (2022) *Fortifying Australian democracy: submission to the inquiry into the 2022 election*, pp. 42–43

<sup>16</sup> Using the method described in Browne (2024) *Submission - Review of the 2023 NSW election*, pp. 16–17

<sup>17</sup> Browne (2024) *Submission - Review of the 2023 NSW election*, pp. 15–19

<sup>18</sup> Cameron and McAllister (2022) *Trends in Australian political opinion*, pp. 100–101, <https://australianelectionstudy.org/>

<sup>19</sup> Glover (2005) *Ten reasons why politics can be great*, <https://www.theage.com.au/national/ten-reasons-why-politics-can-be-great-20050929-ge0yi5.html>

## EXISTING AUSTRALIA INSTITUTE RESEARCH

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The Australia Institute welcomes the opportunity to make a submission to the Joint Standing Committee on Electoral Matters' inquiry into civics education, engagement, and participation in Australia.

The Australia Institute's Democracy & Accountability Program was founded in 2021 to improve the quality of Australian governance and heighten public trust in politics and democracy. Although the program is new, the Australia Institute has written about democracy and accountability issues since it was founded in 1994.

The Australia Institute's research has often touched on issues of civic and electoral participation. We have written a short description of how our research relates to the terms of reference.

### Formalised civics education

Australians have a democratically-elected, powerful and proportional upper house that is rightly the envy of other Westminster democracies, but Australia Institute polling research shows that Australians have a relatively poor understanding of the Senate. For example, only one in four respondents correctly identified that ministers can come from the Senate and most do not know whether the Senate has particular powers like proposing new legislation or setting up its own inquiries.

Existing parliament and civics education programs mostly focus on school-aged children. Teaching Australians of voting age about the Parliament of Australia's history and practice would encourage political participation.

Browne and Oquist (2021) *Representative, still: The role of the Senate in our democracy*, <https://australiainstitute.org.au/report/representative-still-the-role-of-the-senate-in-our-democracy/>

Oquist and Browne (2022) *The Senate's new role in protecting our democracy*, Australian Senate Lectures Series <https://australiainstitute.org.au/event/the-senates-new-role-in-protecting-our-democracy/>

Australia Institute polling research also finds that many Australians are confused about the mechanics of voting in the Senate, with only three in 10 respondents able to correctly answer a question about how to vote in the Senate to make it hardest for a party they did not like to get elected.

The Australia Institute (2022) *Polling – Senate Voting and Election Awareness Issues*, <https://australiainstitute.org.au/report/polling-senate-voting-and-election-awareness-issues/>

Australia has a proud history as an electoral innovator, and emphasising this history – both in formal education and in political communication more broadly – might inspire Australians to be more ambitious in their reform efforts.

Browne and Shields (2022) *Fortifying Australian democracy: Submission to the inquiry into the 2022 election*, <https://australiainstitute.org.au/report/fortifying-australian-democracy/>

## Legitimacy of information about electoral matters

The Australia Institute has long made the case for robust truth in political advertising laws. Such laws are currently in place in South Australia (since 1985) and the Australian Capital Territory (since 2021), where the electoral commissioners can request the removal of specific advertisements, and the courts can require it. Australia Institute polling research consistently finds that such laws are popular among Australians, regardless of which party or candidate they vote for.

Browne (2023) *Misinformation and the referendum*, <https://australiainstitute.org.au/report/misinformation-and-the-referendum/>

Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*, <https://australiainstitute.org.au/report/we-can-handle-the-truth-opportunities-for-truth-in-political-advertising/>

The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the “Misinformation Bill”) would complement, rather than make redundant, truth in political advertising laws along the South Australian model.

Browne (2024) *Submission – Review of the 2023 NSW election*, <https://australiainstitute.org.au/report/submission-review-of-the-2023-nsw-election/>

“Deepfakes” and other disinformation produced by generative AI (Artificial Intelligence) have become easier, cheaper and faster to produce, and are more convincing than those made just a couple of years earlier. However, they ultimately belong to a broader class of photo and audio manipulation; the whole class should be regulated rather than singling out deepfakes.

Browne (2021) *Foreign interference through social media: Submission*, pp 10–11, <https://australiainstitute.org.au/report/foreign-interference-through-social-media-submission/>

## Opportunities for supporting diverse communities

Indigenous participation continues to be significantly lower than participation of the rest of the population. In the 2022 federal election this has been dramatically highlighted in the seat of Lingiari, which had voter enrolment of between 75% and 80% and voter turnout of 67%.

The lower participation rate in Lingiari has already generated considerable attention. Lingiari is not alone. Enrolment and turnout rates are lower in other electorates which have a significant Indigenous population though Lingiari, which has the highest proportion of Indigenous voters, still stands out.

Browne and Shields (2022) *Fortifying Australian democracy: Submission to the inquiry into the 2022 election*

## Barriers to electoral participation

At the 2019 federal election, 836,000 Australians voted informally (many by accident), 1.3 million Australians on the electoral roll did not vote and 515,000 Australians eligible to vote were not enrolled. Taken together, 2.7 million Australians did not have their votes counted. There were a further 1.7 million residents of Australia of voting age who were not eligible to vote, making them the single largest group of disenfranchised residents of voting age.

Browne and Shields (2022) *Fortifying Australian democracy: Submission to the inquiry into the 2022 election*

Browne, Robyn Seth-Purdie and Tony Shields (2021) *Identifying the problem: Voter ID laws a solution in search of a problem*, <https://australiainstitute.org.au/report/identifying-the-problem/>

## CONCLUSION

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Australia's electoral participation is relatively good, though there is significant room for improvement, including doing better to count the votes of Aboriginal and Torres Strait Islander people and making citizenship more accessible for Australian residents.

But it is not at the ballot box where civic participation is most at risk.

State and federal governments have suppressed civic participation by penalising non-violent protests, stonewalling requests for information, insulating political parties from the consequences of declining membership and silencing dissenting public servants.

The Australia Institute's body of research on democratic participation provides a starting point for reform efforts, but these efforts will be futile unless governments and parliaments stop suppressing and start encouraging civic participation.