What’s It Going to Take?
Convincing Australians to Vote ‘Yes’ to Constitutional Reform during the 43rd Parliament

Gilbert + Tobin Centre UNSW Constitutional Law Conference, 18 February 2011

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<www.griffith.edu.au/federalism>
NSW Freedom Riders, 1965 (top left), and this week (February 2011)

<www.youthconnections.com.au>
## Types of recognition

<table>
<thead>
<tr>
<th>Type</th>
<th>Indigenous recognition</th>
<th>Local government</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Symbolic</strong></td>
<td>Preamble</td>
<td>Preamble</td>
</tr>
<tr>
<td></td>
<td><em>(Meaningful language?)</em></td>
<td><em>(Any language meaningful)</em></td>
</tr>
<tr>
<td><strong>Substantive</strong></td>
<td>Race laws only for positive discrimination <em>(s.51(xxvi))</em></td>
<td>Financial recognition <em>(s.96)</em></td>
</tr>
<tr>
<td><em>(minimum)</em></td>
<td><em>(continue 1967 job)</em></td>
<td><em>(continue 1928 job)</em></td>
</tr>
<tr>
<td><strong>More substantive</strong></td>
<td>Delete race power <em>(Cth? &amp; State?)</em></td>
<td>Financial recognition <em>plus</em></td>
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<tr>
<td></td>
<td><em>(finish 1967 job)</em></td>
<td>- Require system of local govt</td>
</tr>
<tr>
<td><strong>Even more</strong></td>
<td>Recognise prior rights <em>(done elsewhere... and should be done here)</em></td>
<td>- Specify main responsibilities</td>
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<tr>
<td><strong>substantive</strong></td>
<td></td>
<td>- Collaborative principle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Power to legislate w/respect to <em>(requires more comprehensive federal reform... also needed)</em></td>
</tr>
</tbody>
</table>
Australian Constitutional Values Survey

• Conducted nationally in Australia by Newspoll Limited
• Funded by the Australian Research Council, Discovery Project DP0666833 – led by Griffith University, with Charles Sturt University, University of New England and the University of Melbourne
• Conducted by telephone over 1-8 May 2008, 1-14 March 2010
• Stratified random sample, respondents aged 18 years and over
• Results post-weighted to Australian Bureau of Statistics data on age, highest level of schooling, sex, and area
• National 2008: 1,201 respondents
• National 2010: 1,100 respondents
Prospects for Reform 2011-13

At the moment, the Constitution does not actually mention or officially recognise that local government exists in Australia. Which one of the following comes closest to your view?

<table>
<thead>
<tr>
<th></th>
<th>The existence of local government <strong>should</strong> be officially recognised in the Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td><strong>Or,</strong> there is no real benefit in making this change to the Constitution</td>
</tr>
<tr>
<td>3</td>
<td>[Neither \ don’t know]</td>
</tr>
</tbody>
</table>

Thinking about other things that could be changed in the Constitution. Do you think it is **important,** or **not important for Australia to have a referendum** about the following things in the next few years. [If important, is that **very** important or **somewhat** important?]

<table>
<thead>
<tr>
<th></th>
<th>A referendum to decide if Australia should become a Republic</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>A referendum to recognise the <strong>history and culture of Indigenous Australians</strong> in the Constitution</td>
</tr>
<tr>
<td>C</td>
<td>A referendum about what <strong>levels of government</strong> Australia should have</td>
</tr>
<tr>
<td>D</td>
<td>A referendum to decide which level of government is responsible for doing what</td>
</tr>
</tbody>
</table>

A FIRST, THEN B-D RANDOMISED, MAINTAINING ORDER C-D
Importance of **holding referendum** in next few years (March 2010)
Importance of holding referendum in next few years by state (March 2010) (Very important)
Should **local government** be officially recognised in the Constitution? (2008 and 2010)
Support for **substantive, reform-driven recognition** of local government (2008)

(If changes state there must always be a system of local government, set rules and standards of accountability, and guarantee a reasonable level of funding for local govt)
Major combinations of preferences for system of government, 20 years from now

- Status quo (current three levels, same number of states)
- Abolish / replace states (with regional or local or both)
- Keep fed & state govt, but less states, or abolish or replace local
- Four tiered system (fed, state, regional, local)
- No federal government
- Only federal government - no other levels
- More states
- Other / don't know

All respondents (n=1201) May 2008

- Status quo: 31.0%
- Abolish / replace: 20.9%
- Keep fed & state: 13.0%
- Four tiered: 12.0%
- No federal government: 12.0%
- Only federal government: 12.0%
- More states: 12.1%
- Other / don't know: 12.3%

All respondents (n=1100) March 2010

- Status quo: 26.8%
- Abolish / replace: 21.9%
- Keep fed & state: 12.0%
- Four tiered: 12.0%
- No federal government: 12.1%
- Only federal government: 12.1%
- More states: 12.3%
- Other / don't know: 5.2%
What’s It Going to Take?

1. Problem(s) need addressing / positive reason to change
2. Fair consensus that this change will address / achieve result
3. Downsides or risks to the change are negligible / worth it
4. Issue is important relative to other issues
5. ‘Utopian moment’ – contribute to destiny as a nation
Going together, or separately?

- Support both (Indigenous ref very important, recognise local govt)
- Support neither (Indigenous ref not important, no benefit to recog local govt)
- Indigenous referendum very important, but not local govt
- Recognise local govt, but Indigenous referendum not important
- Don't know / only somewhat support Indigenous recog

Percentage distributions across states:

- Australia:
  - Support both: 25.3%
  - Support neither: 15.6%
  - Indigenous referendum very important, but not local govt: 19.1%
  - Recognise local govt, but Indigenous referendum not important: 15.0%
  - Don't know / only somewhat support Indigenous recog: 15.0%

- NSW:
  - Support both: 35.2%
  - Support neither: 18.9%
  - Indigenous referendum very important, but not local govt: 13.4%
  - Recognise local govt, but Indigenous referendum not important: 13.4%
  - Don't know / only somewhat support Indigenous recog: 15.0%

- Vic:
  - Support both: 36.5%
  - Support neither: 16.5%
  - Indigenous referendum very important, but not local govt: 13.4%
  - Recognise local govt, but Indigenous referendum not important: 11.2%
  - Don't know / only somewhat support Indigenous recog: 11.2%

- Qld:
  - Support both: 33.4%
  - Support neither: 29.6%
  - Indigenous referendum very important, but not local govt: 11.8%
  - Recognise local govt, but Indigenous referendum not important: 16.3%
  - Don't know / only somewhat support Indigenous recog: 3.5%

- SA:
  - Support both: 29.4%
  - Support neither: 18.2%
  - Indigenous referendum very important, but not local govt: 18.2%
  - Recognise local govt, but Indigenous referendum not important: 3.5%
  - Don't know / only somewhat support Indigenous recog: 3.5%

- WA:
  - Support both: 32.4%
  - Support neither: 21.7%
  - Indigenous referendum very important, but not local govt: 16.7%
  - Recognise local govt, but Indigenous referendum not important: 6.6%
  - Don't know / only somewhat support Indigenous recog: 6.6%

- Tas:
  - Support both: 39.9%
  - Support neither: 20.3%
  - Indigenous referendum very important, but not local govt: 15.2%
  - Recognise local govt, but Indigenous referendum not important: 12.5%
  - Don't know / only somewhat support Indigenous recog: 13.3%
The combination of issues... by voting preference

- Support both (Indigenous ref very important, recognise local govt)
- Support neither (Indigenous ref not important, no benefit to recog local govt)
- Indigenous referendum very important, but not local govt
- Recognise local govt, but Indigenous referendum not important
- Don't know / only somewhat support Indigenous recog

<table>
<thead>
<tr>
<th>Issue</th>
<th>Labor</th>
<th>Green</th>
<th>Liberal</th>
<th>National</th>
<th>Ind/Other</th>
<th>DK / refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support both</td>
<td>32.2</td>
<td>24.6</td>
<td>12.1</td>
<td>13.7</td>
<td>23.9</td>
<td>12.0</td>
</tr>
<tr>
<td>Support neither</td>
<td>24.6</td>
<td>33.8</td>
<td>21.1</td>
<td>12.1</td>
<td>18.8</td>
<td>10.8</td>
</tr>
<tr>
<td>Indigenous referendum very important, but not</td>
<td>12.1</td>
<td>17.4</td>
<td>22.7</td>
<td>13.0</td>
<td>16.5</td>
<td>11.7</td>
</tr>
<tr>
<td>Recognise local govt, but Indigenous referendum not important</td>
<td>9.7</td>
<td>6.8</td>
<td>15.3</td>
<td>14.6</td>
<td>3.8</td>
<td>8.5</td>
</tr>
<tr>
<td>Don't know / only somewhat support Indigenous recognition</td>
<td>6.8</td>
<td>12.1</td>
<td>10.2</td>
<td>8.5</td>
<td>12.0</td>
<td>20.3</td>
</tr>
</tbody>
</table>
What’s It Going to Take?

1. As much time as needed (not just 12 months).
2. A second panel or equivalent for local government.
3. A co-ordinated process / vision, so that citizens know the changes being considered are coherent, not just *ad hoc* political distractions, even if particular steps or polls are not simultaneous.
4. Preferential ‘Advisory Votes’ of key communities (Pearson proposal); deliberative proposal development (e.g. Citizens’ Assembly).
5. Both panels (and any other!) supported by people, skills, political research, and education (Reform Commission / Secretariat).
6. Real bi/multipartisan leadership... finding changes to benefit the nation, not postures to benefit political parties or politicians in general.
7. No substantial ‘no’ cases.
8. A staged process in which other issues are also addressed:
   • Cooperative federalism
   • Roles, responsibilities & resources
   • Longer term structures and finances (Federation Commission)
   • Democratic reform... inc. Australian head-of-state when wanted.