

CIVICS EDUCATION

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I The problem of political disengagement in Australia

A properly functioning democracy requires a citizenry that is both informed about, and engaged in, political matters. Our system of government is in need of reform. It suffers from structural flaws which impair its operation as democratic system. As but three examples of this one can cite the disparity between voter support and seats won in House of Representatives elections, which frequently leads to a party or coalition winning a majority of seats in the House while obtaining less than 50% of the popular vote; the inability of the parliamentary committee system to obtain adequate answers from the executive on matters such as the “Children Overboard” affair and pre-war intelligence on Iraq; and the fact that the Senate has a blocking power over money Bills, which is a constitutional arrangement that is inconsistent with the notion of responsible government residing in the House of Representatives and which could lead to a repeat of the 1975 constitutional crisis. All these are important constitutional issues which need attention but on which there is little public debate, largely because the prevailing – and often justified – suspicion that Australian’s have of their politicians colours appears also to deter public interest in, or debate upon, reform of the institutions of government. Surveys reveal how undeveloped public knowledge of our Constitution is: A survey taken in 1992 indicated that 33% of those surveyed were not even aware that a federal constitution existed, and that this proportion increased to 45% among those aged between 18 and 24.¹ The sense one obtains from observing Australian society is that defects in our system of government – even when people are aware of them – are

¹ Denis Muller, ‘Most want Constitution changed once they work out what it is’, *Sydney Morning Herald*, 3 July 1992, 6. See also Galligan, *A Federal Republic – Australia’s System of Constitutional Government*, 1995, Cambridge, CUP, 129 and Hughes, ‘Australia and New Zealand’, in Butler and Ranney (eds), *Referendums around the World – The Growing Use of Direct Democracy*, 1994, Washington DC, AEI, 163.

considered to be unfixable, a fact which adds to popular disenchantment with, and consequent disengagement from, public affairs.

Australian society lacks the concept of the citizen being what Aristotle referred to as a *zoön politikon* – the person as a political creature, bearing political rights and responsibilities in equal measure with all other citizens, be they office holders or not. Of course this view of the citizen was a product of the particular circumstances of Ancient Greek democracy, in which every citizen was a member of the legislature and many were office holders as well. Nevertheless I would argue that the obligation attaching to citizens to be involved be informed about the institutions of government applies in modern representative democracies in the same way as in the direct democracies of the ancient world. The ‘them’ and ‘us’ attitude citizens have towards politicians is the product of a belief that politics is the realm of the professional politician, not the ordinary person. However it is also true to say that the consequence of this stance of non-involvement is that people have only themselves to blame if the system has produced politicians they do not trust. The remedy for that circumstance is to become involved, and to change the system rather than to withdraw and adopt a negative or despairing attitude. Ultimately, the strength of a democracy depends upon the ordinary citizen’s commitment to and involvement in its workings.

II Remedies

How then can broad public interest in and critique of our institutions be fostered? I would argue that attention needs to focus on two areas

- i. research into civics programmes in schools with a view to ensuring that all students in Australia are exposed to a civics course with a minimum uniform national content, and
- ii. a programme of public education on constitutional matters, followed by consultation on the extent to which increased public awareness about our system of government has led to public demand for constitutional reform.

(i). Civics education in schools

As an initial step, there needs to be a survey of civics education in schools in order to determine its effectiveness, and a move towards a uniform approach to such education. Given that education is a matter that falls within the legislative competence of the States and Territories,

responsibility for it lies in the first instance with those levels of government. However, the Commonwealth has also been active in relation to civics education, through its *Discovering Democracy* programme, which is aimed both primary and secondary schools, and which covers such issues as the nature of governmental power, the history of democracy from ancient times, the branches of government, judicial independence, the function of constitutions and civic involvement.² The programme has been developed as a resource available for use by education departments in the States and Territories. All States and Territories include at least some civics-related subject matter as part of the syllabus in such subjects as Legal Studies or Studies of Society and the Environment (ACT), Society and the Environment (Queensland, Victoria, Tasmania, South Australia and Western Australia) or Human Society and its Environment (New South Wales), but the depth of coverage of civics varies from jurisdiction to jurisdiction, and even from school to school.³ There is clearly a need for a comprehensive approach to this issue. The ability of the Commonwealth to fund projects in the States by means of tied grants provides an opportunity for the Commonwealth to be proactive in this regard, by granting supplementary funds to the States, on condition that such funds are used to include at least a core element of the *Discovering Democracy* programme in school curricula. However, as a first step towards achieving uniformity, it would be useful if the Commonwealth funded research on civics education as it is currently delivered and on how it could be made uniform both in breadth and in content.

(ii). Public consultation on the Commonwealth Constitution

Primary and secondary education aside, there is also a need for an education programme directed towards the general public. As indicated in the first paragraph of this submission, there are a number of issues in relation to our system of government which need attention in order to improve our democracy. As someone who is interested in constitutional reform generally, I could add numerous other issues to those already cited, including questions such as whether Australia should have a Bill of Rights and, of course, the issue of whether Australia should become a republic. However it is clear that debate over these issues requires broad public consultation, preceded by a programme of public education on constitutional matters.

An important source of ideas in relation to this is the experience of countries which have made the transition from undemocratic systems to democratic ones. In this regard, the experience of

² The *Discovering Democracy* programme (including teaching materials) is available via the internet at <http://www.curriculum.edu.au/democracy/>

South Africa is particularly useful:⁴ As South Africa emerged from apartheid it began the process of drafting a new Constitution, starting with an interim Constitution in 1993 governing the election of a Parliament elected on the basis of universal franchise, followed by the enactment of a final Constitution in 1996 by that Parliament sitting as a constituent assembly. Part of the constitution-making process from 1993 to 1996 involved the solicitation of submissions from the general public. The response was enthusiastic: In addition to formal submissions by organisations, submissions were made by individuals by means of petitions, letters, email and telephone calls to a Constitutional Assembly telephone talk line. Petitions on various matters were signed by 1.9 million people, while 13 000 individual submissions were sent. The Constitutional Assembly published a free magazine, *Constitutional Talk*, which was distributed to the public and which contained a draft of the Constitution, on which comment was invited. In addition there was a series of television and radio talk shows on constitutional issues. Face-to-face workshops were held in remote areas where many of the people were literate or semi-literate. The result, according to public surveys, was that people felt that they had been consulted in the constitution-making process and that the Constitution was, to some extent at least, 'their' Constitution, which in turn impacted positively on the legitimacy of the document.⁵ Once the Constitution was adopted, free copies of it, in the form of a small booklet in the various official languages of the country were made available for distribution by collection at post offices all over the country, with the result that millions of citizens have as part of their household, a copy of their nation's most important legal document.

Something of the same kind needs to happen in Australia. I would envisage a two-stage process: first, there should be a programme of public education about the Constitution, including distribution of free copies of it, along with a discussion booklet pointing out its strengths as well as issues that might require attention. This should be followed by a process of public consultation (such as the public forums that were held during the republic referendum in 1999 and, more recently, the forums held when Victorians were asked to comment on a proposed Charter of Human Rights and Responsibilities for that State) at which people should be asked to comment on the Constitution and to suggest ways in which it might be approved. The process would then be needed to be carried forward by the government, perhaps by means of a combination of non-binding plebiscites leading ultimately to referenda to amend the Constitution.

³ See Margaret Cook, 'Breathing New Life Into Civics', *The Age*, 27 March 2002, 4.

⁴ Gloppen, *South Africa: The Battle Over the Constitution*, 1997, Aldershot, Dartmouth, 257-8.

Although the government has the primary role to play in this regard, non-government organisations also have an important contribution to make: During the ten years of its existence, the Constitutional Centenary Foundation performed a positive role in surveying public opinion on constitutional matters, conducting public education programmes, hosting community debates, convening youth parliaments and publishing pamphlets on contemporary constitutional issues. Unfortunately that organisation's charter required that it be wound up at the end of 2000, but there is clearly a need for successor organisations to carry on its work. A useful model from overseas is the United States the Centre for Civic Education, which promotes understanding of the federal Constitution by constructing curricula for the teaching of civics education, and through its publication of student texts explaining the functioning of the Constitution.⁶ An even more ambitious project is that overseen by the National Constitution Centre,⁷ which consists of a museum and library opposite Independence Hall in Philadelphia, which functions both as a monument to the Constitution and as the headquarters of an organisation which engages in broad public education programmes. There would be great merit in the Commonwealth government providing seed funding for a similar organisation in Australia, dedicated to promoting understanding and discussion of our Constitution on a continuing basis.

⁵ Ibid 264-7.

⁶ The Center's site at <http://www.civiced.org/> outlines a curriculum for teaching civics at high schools.

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