SENATE INQUIRY INTO

NATIONHOOD, NATIONAL IDENTITY AND DEMOCRACY INQUIRY

Thank you for the opportunity to contribute to the Senate inquiry into *Nationhood, National Identity and Democracy*. As your discussion paper outlines, there are many issues of concern to Australian citizens. This submission confines comments to three identified topics:

- National Identity - Reference (a) and (c)
- Citizenship – Reference (b)
- The declining trust in Members of Parliament and our most important democratic institutions – Reference (b) (c) (g) and (h) and Discussion paper

A common factor with these three issues is that Australia would be better served if our Constitution were designed to better address some of the questions that lie at their core. My submission concludes with a suggestion for altering the way the Parliament approaches Constitutional change so that in the process of essential reform, our democracy could be strengthened.

NATIONAL IDENTITY

The discussion paper thoroughly canvasses the many aspects of the national identity as our world becomes increasingly interconnected. As notions of national identity change there is little to bind the multifarious Australian communities into anything uniquely Australian. We all know that public discourse about Australian identity evoking such words as egalitarian, tolerant, a fair go for all, is too superficial and generalised to define Australian identity.

What the nation requires now is a commitment to values that ensure a stable and peaceful society in which people are treated equally before the law, are able to seek justice without resorting to violence, have accepted mechanisms for dealing with differences and an appreciation of diversity. We want equal opportunity, the right for all citizens to get on in life and to have access to health, education and public infrastructure.

On 26 January 2012, Dr Helen Szoke, then Race Discrimination Commissioner with the Australian Human Rights Commission, suggested that our identity as a nation required our values to be enshrined not only in culture and in practice but also reflected in our laws, in order to give them weight. To quote Dr Szoke:

> We need to ensure that identity is clear, which often means ensuring that people retain contact with their primary culture as well as working with their new. We need to ensure that

> perceptions of identity are not subject to abuse or to stereotyping and to do this we need laws, frameworks, campaigns and constant diligence.[1]

Many laws and frameworks vary between States. Our most important national law, the Constitution, binds the federation into Australia. In another great federated nation of immigrants, the United States of America, the feature that unites the country across geographic, religious and historically based cultures is their Constitution. This document defines what it is to be to be American.

Australia's Constitution, while providing a framework for stable federated governance, has nothing to say about the Australian people, about citizens or citizenship, Australian values or about the culture as it has emerged in the 21st century. 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. Much of it reflects a sentimental attachment to the era of Queen Victoria. Of the 127 sections in the Constitution, 17 sections are redundant, 25 sections are at least partly flawed and 22 sections warrant serious debate. These are identified at Attachment 1.

At some stage Australian Members of Parliament must decide that it is time to bring our 19th century Constitution up-to-date. When they do we will have an opportunity to define what it is to be Australian. The Constitution could be the means of uniting our many different cultures into something that is a uniquely Australian identity.

CITIZENSHIP

National identity defines the values of a nation. Citizenship defines the relationship between an individual and the nation he or she belongs to. 'Belonging' is a key word. It is reasonably assumed that people born in Australia are loyal to Australia and take their democratic systems, rights and liberties as their birthright. People born overseas who take up Australian citizenship swear an oath which reads:

> From this time forward, (under God),I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey.

A person taking out citizenship in the USA swears:

> I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same…

[1] H Szoke, address, Public Policy Dinner, Melbourne, 26 January 2012.

A member of Congress solemnly swears*:*

> that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

A significant factor in the American statement of allegiance is its symbiotic relationship with the US Constitution, which declares that all persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside. The wording places national citizenship before state citizenship. An American is first a citizen of the United States and then a citizen of the state in which he or she lives.[2] The US Constitution spells out Americans' rights in relation to their government. It guarantees civil rights and liberties to the individual—like freedom of speech, press, and religion. The words citizen and citizenship appear 24 times in the US Constitution.

Andrew Inglis Clark, who wrote the first draft of the Australian Constitution, did not suggest that Australia should adopt the US Bill of Rights but he did want to include in our Constitution the concept of an Australian citizenship and for it to embrace the most fundamental of individual rights; the protection of life, liberty and property and equality before the law. His vision was beyond the perception of other Founding Fathers, who were concentrating on establishing a stable system of governance while preserving for the new states the power of their colonial predecessors.[3]

Australian Members of Federal Parliament do not have to swear loyalty to Australia or its people, nor to defend the Constitution or to uphold the democratic beliefs of citizens nor swear to uphold and obey the law. Instead they do solemnly and sincerely affirm and declare to be 'faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law'. Similarly state MPs make no undertaking to care for the well-being of the people.

The point in contrasting the Australian and American approaches is that in the United States the Constitution and citizenship are entwined to express the essence of the nation and its people. It spells out the obligation of the state to its citizens. In Australia, we have a Victorian-era Constitution without any acknowledgement of citizens.

Many born in Australia take citizenship for granted. Too often they trivialise the power they have as citizens. Politicians and commentators too often reinforce the idea that having to vote is somehow an imposition, a chore, a function to be undertaken only once every three years because it is compulsory.

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[2] Whipple, Ward. "Citizenship", *The New Book of Knowledge.* Grolier *Online*, 2014.

[3] FM & LJ Neasey, *Andrew Inglis Clark*, (Tasmania, 2001.)

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.

In practical terms, Australian citizenship carries an entitlement to vote, to be issued with an Australian passport and to Australian consulate assistance overseas, to re-enter Australia at any time without any immigration restrictions, immunity from deportation, to register overseas-born children as Australian citizens by descent, to seek employment by the Federal (Commonwealth) Government or in the Australian Defence Force, to stand for public office (although currently dual citizens cannot stand for the Federal Parliament), to permanently reside in Australia, and to access education, health services and social security and other public services. The obligations of a citizen are to enroll to vote, to vote at all elections and referenda, to obey the law, pay tax, defend Australia should the need arise, and to serve on a jury if called upon.

In reality, millions of Australians are active citizens, contributing through schools, community groups, sporting and service clubs and in activities at community level in a myriad of other ways. Much of this activity is seen a part of normal living and is in fact active citizenship. According the Australian Bureau of Statistics, the most recent estimate of the monetary value of voluntary work in Australia was $43 billion in 2006. In 2010, 34% of adults participated in voluntary work. By 2014, this number had slipped to 31%. Does the decline in volunteering suggest that our commitment to citizenship is declining in parallel with our falling faith in our democratic institutions? Or is the decline due to changing conditions in the workplace, in transport logistics and in family life?[4]

The word ‘citizen’ is important. It carries a sense of belonging, of dignity, a status and acknowledgement of a right. Commonwealth, state and local governments might encourage the use of the word ‘citizen’ rather than ‘persons’, ‘people’, ‘clients’ and ‘customers’ in their publications and information programs.

Local Government has leadership in the encouragement of citizenship. Apart from the extremely important and usually well executed citizenship ceremonies for people born overseas, councils can make ‘belonging’ more accessible by providing information about and supporting local organisations, by facilitating volunteer citizen services and through community development programs.

Commonwealth and state governments should recognise that where community development and community welfare programs are properly grounded and practical they are as important the more tangible functions of local government such as essential infrastructure. As an aside and notably, it is mainly at community level that those who do not feel they belong look for some place where they will be accepted and might seek solace in an anti-social group.

[4] ABS Discussion Paper 4159.0.55.004

When Members of Parliament decide it is time to bring the Australian Constitution up-to-date there would be merit in revisiting the vision of Andrew Inglis Clark and to acknowledge the responsibility of the state to its citizens by including in the Constitution the most fundamental of individual rights - the protection of life, liberty and property and equality. It is quite apparent that a review is necessary to overcome the problem of dual citizenship revealed in the calamity in Federal Parliament in 2017-18. In the process of recognising the status of all citizens in a reformed Constitution, it is timely also to introduce specific acknowledgement of the rights of Indigenous people as the original Australians.

DEMOCRACY

> *A cohesive democracy and nation may rest, in part, on clear and meaningful communication between the public and elected representatives. In some respects, Australia has a vibrant civil society that seeks to engage in this dialogue. (Committee Discussion paper).*

The relationship between the Committee Discussion paper and the Committee Terms of Reference is at first glance a little opaque. To ensure the following comments are seen as relevant it is pointed out they relate to the above quote, but also to:

(b) Responsibility of the state to its citizens in … national … law
(c) Social cohesion and cultural identity in the nation state
(g) Comparison between Australian public debate and policy and international trends
(h) Other – '*meaningful communication between the public and elected representatives'.*

The first point is that the link between Australian public debate and policy and international trends could be misleading. The Committee Background Paper has noted the unsettling impact of erratic, unstable and aggressive leadership tensions in our uncertain world. However, we would be mistaken to attribute the loss of trust in Australia's democracy solely to international trends. The trend might be international but our problems are at least partly home-grown.

Moreover, it is because of the uncertainty of the globe that we need to be confident of the principles underpinning our own democracy, to be certain of clear and meaningful communication between the public and elected representatives, to promote social cohesion by uniting the various cultural components of the nation state and to ensure that our national law explicitly covers the responsibility of the state to its citizens. We need these things so that members of the international community, especially those within our region and with which we trade and have obligations, clearly understand Australia's national identity and the fundamental values on which our society is based.

This submission will now focus on the relationship between our citizens, their elected representatives and their institutions.

The Critical Link

The function of our Constitution is to provide a sound structure for our democracy. It distributes powers between the Commonwealth and states and between the judiciary, the executive and the legislature. It provides the framework within each level of government is able to develop policies and administer programs. Significantly in terms of this inquiry, it also creates the operating framework for individual MPs.

Arguably the most important link in our democracy is the Member of Parliament who provides the connection between the institutions of democracy and Australian citizens. When support for our democracy appears to be in decline and healthy scepticism is displaced by destructive cynicism and distrust, it is pertinent to ask whether something has changed with the way MPs function, whether societal and technology advances have interfered in the relationship between electors and elected or whether the framework established 120 years ago needs adjustment.

The gulf that is growing between Members of Parliament and citizens is corroding the most important link in our representative democracy. Yet most Members of Parliament work long hours, spend much time away from their families and are in constant demand from their constituents when they are at home. They genuinely believe they are working in the best interests of the nation.

This is not the time to canvas any perceived failings of MPs other than to observe that when politicians brand each other as untrustworthy, incompetent and self-seeking, citizens have difficulty in knowing where the truth lies. The words of the German philosopher Friedrich Nietzsche: *'I'm not upset that you lied to me, I'm upset that from now on I can't believe you'* are apposite. Before politicians for rhetorical effect demand that their opponents 'come clean' or otherwise accuse them of mendacity, and before political parties launch dishonest attack-advertisements as part of disinformation strategies during election campaigns, they should contemplate whether any short term gains they make may have a greater long-term cost to our democracy, our Parliamentarians and to our democratic institutions.

Language is important, not only for its direct meaning, but also for the attitude it conveys. When Members of Parliament are identified as members of the 'political class' - a privileged elite at a station above the ordinary citizen - citizens are justified in asking who their representatives are representing. When citizens are told that their affairs are in the hands of people who live in 'a Canberra bubble', they are being told that bureaucrats and their political masters are oblivious to the facts of life in the cities, the suburbs and rural Australia. When we worry about the declining standing of Parliamentarians, words matter.

Most people do not have time to understand all of the work of Parliament. They do not see the 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. They do not see their Parliament at work.

What they see is the traditions of the Australian version of the Westminster system being weakened as the leadership of political parties effectively diminishes their back-bench MPs.

Question Time is the exemplar. Traditionally Question Time allowed back-bench MPs regardless of party affiliation to ask Ministers about matters of significance to their electorates, and to do so without having to give notice. Now the rights of back-bench MP's have been usurped by puerile Dorothy Dix questions written in ministerial offices for government MPs to read, and by unanswerable polemic thrusts posing as questions from the Opposition front bench.

What citizens perceive is an excluding insider's game in which their representatives are mere pawns. Political leaders seem to not trust their own back-benchers to ask intelligent questions at Question Time. Few back-bench MPs seem able to deliver a speech without quoting their leader as the source of knowledge and font of all wisdom. Citizens can be forgiven for suspecting that their representatives are mere pawns in a game of political chess.

This assessment leads to the conclusion that the public functioning of back-bench MPs should be more prominent and more independent if the decline in respect for Members of Parliament and our democratic institutions is to be reversed.

The Communication Conundrum

Backbenchers are the cornerstone of our democracy. The situation outlined above is emblematic of a deeper problem. MPs should command respect, but they are becoming increasingly remote from their constituents. The more remote Members of Parliament become the more difficult it is for democracy to be understood and supported. Meaningful communication is difficult. It is a particularly serious problem for young adults who generally do not attend political meetings and who do not have the letter-writing culture of earlier generations. All generations now use social media platforms for rapid quick-fire communication.

Two of the reasons for the communication gap are the impact of information technology and the impact of section 24 of the Australian Constitution.

Ironically, it is the ease of communication via social media that makes communication in a democracy so difficult. Senators need not be told of the hundreds of emails, texts and electronic messages that bombard MPs each day, with opinions flying freely. It is a challenge to discern between legitimate concerns, impulse reactions and outrage stimulated by shock-jock imprecations. The plethora of think-tanks and advocacy groups pushing agendas with increasing sophistication builds up a wall which is difficult for individual concerned citizens to penetrate. Political discourse often seems to depend on a simplistic assessment of whether those who try to communicate are 'with us' or 'against us'. Genuine concerns tend to be discarded if they are conveyed via the convenience of *GetUp*, Amnesty International or through a petition advocating for a cause that a citizen agrees with, whether or not he/she is associated the initiating organisation.

Many MPs now have an automated response to emailed letters. The response is, in essence: 'if you are a constituent I will reply to you when I can find time; if it is urgent, phone my office and my staff will deal with the problem for you; if you are from outside the electorate you should know that my constituents have priority and you are unlikely to hear from me; and if your communication is part of a petition or campaign your views have been taken into account'; although how this could be is baffling to the citizen. This automatic processing is a reasonable management response providing acknowledgement while triaging the work load. But it also says: 'I'm too busy to deal with you. I don't have time to take notice of your concerns'.

An attempt to communicate with an MP can be intensely frustrating. Often the outcome depends on the disinterested judgement of staff in the MPs office. The frustration will get worse as population increase exacerbates the overload problem - and this is because of section 24 of the Constitution.

Section 24

The pressure on Members of the House of Representatives is caused in part by the impact of population growth in their electorates. This is a consequence of section 24 of the Constitution which creates a nexus between the number of seats in the lower and upper Houses of Parliament.

The fact is that since the last increase in the number of House of Representatives seats, in 1984, the number of people eligible to vote in Australia has jumped from 9.2 million to 16.4 million. According to projections by the *Australian Bureau of Statistics*, by the time a current 30 year old reaches retirement age, the number of electors will be around 32 million while the number of seats in the House of Representatives will remain frozen at 151. As the number of constituents in each electorate grows apace, communication between the constituent and the MP will become almost impossible.

Following the 2019 election the author of this submission wrote individually to every member of the House of Representatives explaining how this population growth would impact on their own electorate.

When this problem emerged with the spurt in population growth after the Second World War the Chifley Government increased the number of senators per state from six to ten, allowing the number of MHRs to increase from 72 to 120. The Hawke Government similarly reduced the impact of population growth by increasing the number of senators from ten to twelve, lifting the number of seats to 148. In 1967 the Holt Liberal government, with ALP backing, sought to amend section 24 to break the nexus between the size of the two Houses. This was defeated by two arguments: the first being the populist assertion that Australia did not need any more politicians and it would cost too much, the second that reform would reduce the influence of the smaller states.

Because of the successful 'no' campaign, South Australia has now lost one lower house seat. A report by Jacob Kagi of the ABC on 28 May 2019 suggested Western Australia may be next

to lose a seat - perhaps in the next redistribution. It has also been suggested that the Northern Territory may be reduced to one lower house seat in the years ahead. Tasmania would lose at least one seat were it not for the provision that ensures that no original state will have less than five seats.

It should be self-evident that, while the deterioration of trust in our political system may not be solely due to the nexus, acquiescing to the whittling of constituents' power while ignoring the impact of population bloating on electorates is damaging our democracy. While the rich and powerful will always have resources that can command attention, the chances of individuals and small groups being heard, or thinking they are being heard, are fading. As your discussion paper notes, those with the lowest incomes are least satisfied with democracy. Many of these people have the lowest level of education and lack the sophisticated tools needed to communicate their concerns in a crowded arena.

As the law now stands, Parliament has the options of again increasing the number of senators, again asking the people to amend section 24 of the Constitution, or pretending the problem does not exist. If it pretends the problem does not exist electorates will bloat to the point that our representative democracy will lose its meaning. If the number of senators per state is increased to allow expansion of the lower house, the quota for a person to be elected to the Senate will be significantly lower – and the problem of population bloating will be kicked down the road for future generations to deal with. So changing section 24 of the Constitution would seem to be the sensible option.

Breaking the nexus is essential, but it presents a particular problem for Senators. While it would enable the size of electorates to return to a workable scale, unless some special provision was made it would also change the balance of power between the Senate and the House of Representatives during a joint sitting of both Houses. For the deterioration of our democracy to be reversed by breaking the nexus, Senators would either need to agree to their power being shaved during joint sittings or create a formula to preserve the one third to two thirds relationship between the two Houses.

The problem of population bloating in electorates stemming from section 24 has been raised in correspondence with the Attorney General, with every Member of the House of Representatives, with the Joint Standing Committee on Electoral Matters, with the House of Representatives Standing Committee on Social Policy and Legal Affairs (in 2018), with the Senate Legal and Constitutional Affairs Committee (2018) and again through this submission. The facts of the matter are provided through the Australian Electoral Commission and the Australian Bureau of Statistics.

They are beyond dispute. If the Parliament does not act it will be because the Parliament does not want to act – because it does not care about representing Australian citizens fairly. That, of itself, would augur ill for the future of our democracy.

The Hard Core of the Problem

Australia's supreme law, the foundation of our democracy, is seriously out-of-date. There are 127 sections in the Constitution. At Attachment 1 is a layman's assessment of a deficient Constitution informed in part by the Constitutional Centenary Foundation publication *The Australian Constitution (Annotated) 1996*. However, the author takes sole responsibility for the assessment, accepting that some comments could be challenged by experts. Never-the-less, there is enough substance in the analysis to cause serious concern. The hard fact is that reforming the Constitution is initially a political problem rather than a legal problem. Only Members of Parliament can initiate action to bring reform.

Almost Guaranteed to Fail[5]

Forty-two years have passed since the last successful referendum. Reasons given for the failure of referendums include the perception that constitutional questions are so technical and complex that only politicians and lawyers can properly understand them. Some argue that constitutional questions in Australia are inherently party political in nature, type-casting those who engage in public discussion of them as being themselves politically aligned. The fact that Australia's election cycles are so short means the time for mounting a reform campaign is limited.

Once Parliament decides to hold a referendum it must take place no later than six months after the bill is passed, adding further to the time pressure and leaving only a small window of opportunity for public understanding of a reform proposal. And then there is that quaint 19th century gentlemen's debating club rule that a proposal to reform a section of the Constitution must be accompanied by an equally firm case as to why this should not happen.

The 'yes' and 'no' approach has developed over the last 100 years. However this is not a Constitutional requirement. Indeed the Constitution says clearly that: 'When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes.' Of the 44 referendums held since Federation, five have not had a 'no' case put, the last being at the 1967 referendum on the Aboriginal question.

When an issue is judged to be of such importance that a national referendum is required, the proponents cast their message to the nation as a whole. Opponents mount a formally approved case against it but informal campaigns can be mounted based on the perceived concerns of individual states or other sectional interests. The report of a round table sponsored by the House of Representatives *Legal and Constitutional Affairs Committee* on 1 May 2007 explored this question in some detail. At that meeting Professor Leslie Zines observed: "'yes' and 'no' cases have sometimes been 'an absolute disgrace…If you look back into the past, particularly the 'no' but also the 'yes' cases have often been pretty scurrilous political tracts."

[5] The points made in this part of the submission have also been made to the Joint Standing Committee on Electoral Reform inquiry into the 2019 Federal Elections.

The round table covered five points necessary for a successful referendum – bi-partisanship, adequate popular education, a level of popular ownership of the proposal, that the proposal must be one of substance and that the states need to co-operate. There is also a view that politicians should be kept as far away from the process as practicable. All of these factors, when added to the deliberate crafting by the Founding Fathers to make change as difficult as possible, would seem to make reform virtually impossible.[6]

A SUGGESTION – A DIFFERENT APPROACH TO REFORM?

Reform of the Constitution has always been looked at through the prism of Parliament, politics and constitutional lawyers. Is there scope to look at reform through a different prism - to deal with it initially as a change-management proposition? Governments and major corporations facing difficult and complex issues commonly establish a task force, a commission or some other senior dedicated expert body to guide them through to a solution to seemingly intractable problems. Would it be feasible for the Parliament to establish what might be called something like the *Constitutional Reform Implementation Commission*, with 'implementation' being the operative word? Such a body would need to be appointed by and be responsible to Parliament, not the executive, and would need to be able to operate over several terms of the Parliament to overcome time restraints. Parliament, perhaps through an appropriate bi-partisan committee, would need to have formal oversight of the Commission's work but should not interfere with its operations.

Parliamentary Commissions

The concept of a Parliamentary commission is not new to the Westminster system. The Office of the Conflict of Interest and Ethics Commissioner of Canada is an entity of the Parliament of Canada that seeks to prevent conflicts between the public duties and private interests of elected and appointed officials. The New Zealand Parliamentary Commissioner for the Environment is appointed by the Governor-General on the recommendation of the House of Representatives. In the UK an officer is appointed by Parliament to investigate complaints against officials accused of not acting in a proper administrative way. Other Parliamentary commissions investigate corruption, such as ICAC in NSW. Similar parliamentary commissions in Queensland and WA have dealt with allegations of misbehavior.

The fact that a Westminster-style Parliament establishing a constitutional reform implementation commission is unprecedented should not, of itself, rule the proposition out of consideration.

[6] A Twomey, *The Conversation*, 16 July 2019.

Working within the Constitutional Framework

This is clearly a hypothetical proposition and in no way is it intended to be prescriptive. The purpose is to stimulate exploration of alternative yet safe means of achieving Constitutional reform. The reform process might go something like this:

- Parliament establishes a Parliamentary Commission. It is given a ten-year operating life, with option for renewal if the subsequent Parliament sees fit. Its overall objective is to manage the implementation of reform of the Constitution.
- The executive nominates, and the Parliament endorses, the appointment of high status Commissioner/s for a period of five years with options for renewal. If three commissioners were appointed, one of the commissioners could have professional knowledge of Constitutional law, another might be from a major corporation with significant change management and negotiation experience and a third might be a communications specialist.
- The *Constitutional Reform Implementation Commission* would first review the Constitution and identify sections which must, should and might be amended. It would suggest priorities and seek approval from the Parliament (or Parliamentary Committee) to commence the reform process. The Parliament might add new proposals such as, say, appropriate constitutional recognition of the Aboriginal and Torres Strait people or defining the responsibility of the state to its citizens by cementing their rights in the Constitution.
- The Commission would then go through the process of identifying stake-holders. It would encourage submissions from those in favour of a proposition and those likely to be against. It may amend the proposition or adjust questions according to those who would otherwise argue 'yes' and those who would otherwise argue 'no'. It would negotiate with states and where there was resistance, seek to accommodate concerns. It may discuss with political parties their philosophical or policy perspectives. It would be free to expose flawed argument or hyperbole.
- When the Commission was satisfied that it had met all reasonable requirements and had dealt with all rational arguments it would advise Parliament it was ready to proceed. It would advise that the people had been informed and/ or recommend a program to inform the public about the issues. There would be no formal 'no' case because those with legitimate arguments would have already had their views incorporated into the process. Parliament would then pass the legislation setting the referendum process in motion as determined by the Constitution.

CONCLUSION

This submission argues that by undertaking a program to modernise our Victorian-era Constitution, Australia could better define its national identity, consolidate the core values of its citizenship and citizens and strengthen understanding of what the nation stands for at home and in the region. It argues that while the structure of our democracy is sound, the

link between citizens and our democratic institutions has been weakening as the population is each electorate expands and the actions of the executive, along with political party leadership, effectively undermines and diminishes the role of back-bench MPs. And finally, it argues that essential Constitutional reform may be safely achieved with a managerial approach to change. I am happy to elaborate on this submission if required.

This timely Senate inquiry into *Nationhood, National Identity and Democracy* gets to the essence of Australian values. It has the capacity to clarify who we are and set directions for the future of our nation. The Committee deserves every success in this nationally significant endeavour.

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