Submission to Joint Standing Committee

on Electoral Matters Inquiry Into Civics Education in Australia

24 May 2024

A Future for Civics Education in Australia (or Building a Shared Australian Future through Civics Education)

> *... quality of life cannot be determined only by the conditions of our material environment. Our lives are also shaped by a number of intangible factors such as the health and fairness of our democratic processes and the extent to which citizens participate actively in their communities. Involved communities are healthy communities.*
>
> Dr Geoff Gallop, Constitution Education Fund Australia Pty Ltd ('CEFA') Director and former Premier of Western Australia[1]

Executive Summary

CEFA's submission seeks to address in a general way the Terms of Reference of the Joint Standing Committee which is required to have regard to a number of matters. Our specific comments on those matters are brief, having regard to what is set out in the Submission that follows.

> *Terms of Reference 1: The effectiveness of formalised civics education throughout Australia and the various approaches taken across jurisdictions through schools and other institutions including electoral commissions, councils, and parliaments; the extent to which all students have equitable access to civics education; and opportunities for improvement;*
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> **CEFA's position is that the state of civics education in Australia at all levels is currently fragmented, inequitable and not sufficiently targeted at key areas of need. Key priorities are improving primary and secondary school teacher training and community educational opportunities. Socio-economic, linguistic and regional/remote disadvantage impairs equality of access to civics education and the ability to fully participate as citizens in Australia's democratic life. Addressing equality of access requires an integrated approach across State, Territory and Federal governments to develop a comprehensive national civics education policy directed at the diverse needs of the Australian community in the field of**

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1 Western Australia, Department of Premier and Cabinet. Citizens and Civics Unit, *A Voice for All: Strengthening Democracy – Western Australian Citizenship Strategy 2004-2009*, (Citizens and Civics Unit, Department of the Premier and the Cabinet, 2004) Forward.

civics and citizenship education and to establish a Joint Federal, State and Territory Civics Education Council to monitor and evaluate progress in civics education reform.

Terms of Reference 2: The vast array of informal mechanisms through which Australians seek and receive information about Australia's democracy, electoral events, and voting; and how governments and the community might leverage these mechanisms to improve the quality of information and help Australians be better informed about, and better participate in, the electoral system;

Primary and secondary teachers and community members rely to a great degree on informal civics education providers such as CEFA to provide civics education materials, classroom activities and online resources. For example, in the lead up to the 2023 Voice to Parliament Referendum CEFA was contracted for 6 months by the Commonwealth Government to provide an apolitical civics education campaign directed at understanding the constitutional reform process generally. Organisations like CEFA are uniquely placed to provide highly accessible digital learning resources, collaborate with other community education providers as well as assist in the maintenance of key sites of civic educational learning including the Australian Constitution Centre ('ACC') at the High Court in Canberra. CEFA supports the development of micro-credentials for community workers interacting with diverse groups in Australian society.

Terms of Reference 3: The mechanisms available to assist voters in understanding the legitimacy of information about electoral matters; the impact of artificial intelligence, foreign interference, social media and mis – and disinformation; and how governments and the community can prevent or limit inaccurate or false information influencing electoral outcomes;

There are a range of mechanisms to assist with voter understanding including through electoral commissions, politically neutral government advertising campaigns and civics education providers, such as CEFA. As noted at Terms of Reference 2, CEFA was contracted by the Commonwealth government to provide neutral civics information about the process of amending the Commonwealth Constitution to counter the potential for misinformation and disinformation at this important democratic moment. Community education campaigns such as this play a key role in countering or limit inaccurate or false electoral and referendum information, contributing to the ability of voters to make informed decisions at key electoral events.

Terms of Reference 4: Opportunities for supporting culturally diverse, geographically diverse, and remote communities to access relevant, appropriate, and culturally suitable information about Australian democracy, electoral events, enrolment and voting to promote full electoral participation;

The development of a national civics education policy will allow for a concerted educational approach attuned to the varied needs of Australian citizens across culturally, linguistically and geographically diverse communities. A Joint Federal, State and Territory Civics Education Council will also assist in evaluating approved civics programs against agreed key performance indicators and conducting inquiries to monitor for ongoing inadequacies or shortcomings in civics education and its capacity to meet the diverse needs of Australian communities. A particular focus would be in pilot schools to be selected from isolated and remote areas, disadvantaged socio-economic regions, First Nations students, and in communities with culturally and linguistically diverse backgrounds ('CALD').

Terms of Reference 5: Social, socio-economic, or other barriers that may be preventing electoral participation; and ways governments might address or circumvent these barriers.

Research by the Australian Curriculum Assessment and Reporting Authority ('ACARA') highlights that there is a differential distribution of civics knowledge along social, socio-economic, cultural and regional lines in Australia. This differential distribution means that not all Australian voters, and voters-to-be, are able to effectively and fully participate in Australia's representative democracy. The Law Council of Australia's Justice Project Report[2] highlights the significance of information inequality for disadvantaged groups. Circumventing these inequalities requires a cooperative federalist approach with State, Territory and the Federal governments establishing a Joint Federal, State and Territory Civics Education Council and developing a medium to long term integrated national civics education policy to overcome civics educational gaps and inadequacies.

Terms of Reference 6: Potential improvements to the operations and structures that deliver electoral events to support full electoral participation.

CEFA contends that, alongside other government measures, the development of a comprehensive national civics education policy and the establishment of a Joint Federal,

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2 Law Council of Australia, *The Justice Project* (Final Report, August 2018).

State and Territory Civics Education Council to monitor and evaluate progress in civics education reform will play a vital role in improving the broad structural framework that enables citizens to fully participate as informed voters at electoral events.

Introduction

1. CEFA welcomes the establishment of the Inquiry by the Joint Standing Committee on Electoral Matters into Civics Education, Engagement and Participation in Australia. CEFA is a company limited by guarantee as trustee of a fund which was established in 1995 with the general object of improving civics education within Australia. CEFA conceptualises civics and citizenship education as follows:

    i. Knowledge of our system and how to build community resilience to adapt to it.

    ii. Values that underpin the system and how they change over the decades since federation.

    iii. Skills to both contribute to, and negotiate the system of government in a world of massive technological and social changes that challenge the very being of society and communities.

2. There are 'formal' and 'informal' ways of delivering civics and citizenship education. CEFA is dedicated to developing constitutional teaching and learning civics education programs through projects that promote and strengthen Australians' understanding of our parliamentary democratic system of government, the constitutional arrangements that underpin it, and the common values that bind our communities. CEFA programs and resources particularly focus on materials that support education on the workings of Australia's constitutional legal system to achieve justice and towards a fair society.

3. The current state of civics education, particularly in our schools as evidenced by successive national assessments and in the population generally, is not as good or as widespread as it should be. Schools' assessments indicate that deficiencies in meeting established proficiency standards are skewed against relatively disadvantaged social and economic groups. CEFA submits this is because the delivery of sequenced learning programs, and the various stakeholders who deliver their programs, is random, disjointed, and spasmodic. It is almost impossible for a member of the public, or a teacher wanting answers and more information on a particular topic, such as the separation of powers, or what does 'terra nullius' mean, or how does the High Court work, or what was the Mabo decision, to find factual and relevant answers they can trust. The information is literally all over the place and often factually incorrect.

4. Australia has an enviable reputation as one of the world's most successful representative democracies with an increasingly diverse population and vibrant political and social advocacy.

5. Shortcomings in civics education may cover unawareness of the basics of our fundamental constitutional laws at Commonwealth and State levels, the legal frameworks to which they give rise and the key constitutional institutions — the Parliament, the Executive, elected and non-elected, including the role of the Public Service, and the Courts. Unawareness and ignorance create arid areas in civic discourse, readily penetrated by snake oil salesmen offering misinformation, disinformation and conspiracy theories. These arid areas provide fertile ground for polarisation, distrust of democratic process and alienation. Shortcomings in civics education are also productive of social injustice because people who are unaware of the basics of our constitutional and legal frameworks are at risk of not knowing what rights and protections they have and what mechanisms might be available to them.

Public trust in democratic institutions

6. The confidence of the Parliament which is a central element of responsible government is itself only meaningful if there is public confidence in the Parliament'.[3] Trust in our public institutions may be a questioning or even sceptical trust, but trust in their basic working is fundamental.

7. Sadly there is evidence of diminishing levels of trust in our institutions in Australia. In 2023 a global report under the banner of the Edelman Trust Barometer issued reflecting the results of a survey-based methodology conducted in 28 countries around the world. That was its 23rd year. The global index is based on what is called an average percentage of trust in NGOs, business, government and media. In 2023, Australians were said to have indicated a level of trust measured at 48%. Of course, the first question that one might ask is: why should the Edelman Trust Barometer be trusted? Perhaps because it accords with what we see ourselves. Causative factors included economic imbalance, institutional imbalance, class divides and the battle for truth. Social media also plays a part. So it was said:

> A shared media environment has given way to echo chambers, making it harder to collaboratively solve problems. Media is not trusted, with especially low trust in social media.[4]

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[3] R French, 'How Responsible is Responsible Government – Parliament, Statutes, the Executive and the Courts', Annual Harry Evans Lecture, 1 December 2023, Parliament House, Canberra.

[4] 2023 Edelman Trust Barometer Global Report, 4 https://www.edelman.com/sites/g/files/aatuss191/files/2023-03/2023%20Edelman%20Trust%20Barometer%20Global%20Report%20FINAL.pdf

The so-called Gen Z is said to lead the decline in trust.[5] Australia falls into what the Trust Barometer calls the field of moderate polarisation where people see deep divisions, but think they might be addressable. Not surprisingly perhaps, the United States falls into what is categorised as 'severely polarised'.[6]

> Australians who report greater confidence in their civic knowledge are more likely to have high levels of satisfaction with how democracy is working.[7]

8. Obviously civics education has a very important part to play. People are less likely to trust institutions whose workings they do not understand or of which they are ignorant. Civics education attainment in our schools is below par as indicated by NAPLAN assessments issued by ACARA.[8]

9. Of course, civics education is not a complete answer to issues of trust. When it comes to establishing and continuing trust in our key constitutional institutions, the Parliament, the Executive and the Judiciary, the people who operate those institutions are key. If the confidence of the Parliament necessary to responsible government, is to be meaningful, the people who are elected to the Parliament must collectively inspire the confidence of the people who elect them.[9] Trust goes both ways, a people's trust in the government and a government's trust in the people. The willingness of a government to engage with the community — in and beyond elections — is a sign that citizenship is being supported.

A Fragmented landscape

10. Civics education has a number of dimensions. They include effective participation in civil society, protection of democratic society against destabilising and polarising misinformation and disinformation which readily takes root where the basic checks and balances of democratic society and its institutions are not understood or trusted.

11. We acknowledge that there is another side to the issue of citizenship and that is the means and the extent by which people are given a role in governing. By their very actions governments can demonstrate their commitment to a citizen-enriched idea of democracy. It can range from serious information provision to meaningful consultation and even referenda or citizen assemblies. We

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5 Ibid, 15.
6 Ibid.
7 https://ministers.pmc.gov.au/gorman/2024/trust-and-satisfaction-australian-democracy-survey-report-released
8 French, above n 3, [16].
9 As to which see French, above n 3.

need to remember that trust goes both ways, a people's trust in government and a government's trust in the people. Indeed civics education needs this wider commitment on the part of governments to provide endorsement for its importance.

12. The present landscape of civics education in Australia is fragmented. It requires a national effort, involving Commonwealth, State and Territory governments to enhance school and wider community education through:

    (1) Capable and qualified teaching at primary and secondary levels.

    (2) Capable and qualified programs of community education.

    (3) Trainee teachers completing civics and citizenship units as a part of a teacher's education degree.

    (4) In each of the above, identification of targeted or priority areas where deficiencies in civics education create the potential for social injustice, increase the risk of polarisation and associated risks to societal stability.

13. Against that background, this submission makes some reference to the particular history of CEFA, the history of civics education in Australia, the current landscape of civics education in Australia, and proposals for measures to address those deficiencies.

History and Activities of CEFA

14. This section of the submission provides a brief description of the history and the activities of CEFA.

15. It was established, initially as a Trust, by a Deed dated 29 November 1995. The Settlor was Lloyd Waddy. The initial trustees were Gareth Grainger, Jeffrey Phillips and John Paul. The initial corpus was $100.

16. In the Deed, Mr Waddy expressed his desire to establish a public fund to be known as 'The Constitution Education Fund' to encourage public subscriptions and gifts to the Trust for the purpose of carrying out its objects. Those objects were set out in cl 2.3 of the Deed. They are:

> To better educate the people of Australia in matters relating to the Commonwealth of Australia Constitution, and the Constitutions of the States of Australia including, without limiting the generality of the following:

(1) to educate Australians of all ages on the detail and workings of the Australian Constitution and the Australian system of government.

(2) to develop educational materials including books and videos to enhance the educational process.

(3) to train spokespeople on a national basis and provide educational materials to support spokespeople training.

(4) to run appropriate advertising campaigns to encourage public interest in the role and purpose of the Trust.

(5) to facilitate educational seminars.

(6) to provide materials in languages additional to English.

(7) to provide educational materials at no cost to schools and educational institutions who request them.

(8) to develop educational materials for use in conjunction with new computer technological developments.

(9) to maintain educational centres capable of distributing educative materials in regional areas of Australia.

(10) to service the ongoing constitutional educational needs of all Australians.

17. The Trust has statutory recognition as a deductible gift recipient under s 30.25 of the *Income Tax Assessment Act 1997* (Cth) ('*ITAA 1997*'). On 21 June 2010, the Constitution Education Fund Australia Pty Ltd was incorporated as a company limited by guarantee and succeeded the three individual trustees as Trustee of the Constitution Education Fund. T he Trust, as the 'legal entity' referred to in the *ITAA 1997*, continues to be recognised. CEFA as Trustee for the Constitution Education Fund was registered as a charity with the ACNC on 3 December 2012.

18. For much of its existence CEFA has depended for its operation on donations by individual donors and the services provided by its Chief Executive Officer, Mrs Kerry Jones, through her company Kerry Jones Strategic Management Services Pty Ltd ('KJSMS') pursuant to a Deed of Consultancy for the provision of those services. Much of Mrs Kerry Jones' time has effectively been donated as debts to KJSMS, have been forgiven in successive years.

19. CEFA's Board comprises members with a range of skills necessary to help it to meet its objectives. Currently they are former Chief Justice Robert French AC; former Parliamentarian and Commonwealth Attorney-General George Brandis KC; former Parliamentarian and Premier of Western Australia Geoffrey Gallop AC; Solicitor George Harris; Head of St Marks College, Adelaide Professor Don Markwell AM; former Chief Executive & Principal Registrar of the High

Court of Australia Mr Andrew Phelan AM; Professor of Constitutional Law at the University of Western Australia Professor Sarah Murray. A recent appointment is Paul Lenton, a partner in the Sydney office of Nexia Australia, an accountancy and business advisory firm. The Chief Executive Officer, Mrs Kerry Jones is also a member of the Board. The Governor-General is Patron-in-Chief of CEFA. Each of the State Governors is a Patron.

20. CEFA's teaching and learning resources provide a national civics education program to improve public understanding of the workings of the Australian Constitution and its history including the key institutions of government. CEFA delivers curriculum-sequenced resources that fill gaps, providing in-depth content not provided by other stakeholders. CEFA resources and programs particularly support activities for the year-level based ACARA Australian Curriculum strand 'Laws & Citizens', 'Constitutional legal education!' It is the strand that teachers tell us they don't know much about and don't have supportive resources to back their programs. Topic based units of work are provided online. Practical activities and lesson guidelines include extensive online libraries, SEO-optimised, that include films and animations, fact sheets, blogs, and sample teaching activities (lessons), Parliaments in Schools, Classroom Courts, online interactive activities such as quizzes, debates and constitutional treasure hunts.

21. CEFA currently contributes to civics and citizenship education in Australia through the operation of the Australian Constitution Centre ('ACC') at the High Court, through the Governor-General's Essay Prize and through its teaching and learning resources provided on its three websites: www.cefa.org.au, www.australianconstitutioncentre.org.au, www.civicsaustralia.org.au. CEFA resources can also be found on government-funded Hubs such as those supported by Education Services Australia ('ESA'), the National Digital Learning Resource Network ('NDLRN') and Scootle which is the NSW Government teach and learning hub.

22. CEFA was the recipient of a grant from the Commonwealth Department of Education to upgrade the ACC and, associated with that, to develop the written teaching and learning resources for schools referred to above, distributed through websites, and the exhibits at the ACC. The focus was particularly around Chapter III of the Australian Constitution, The Judicature. There is still an identified lack of government funded organisations who specifically provide materials that lead to better knowledge and understanding of Australia's legal structures, such as the judicial powers in the separation of powers, the rule of law, the differences between common law and statute law, and the roles and powers of Australian Courts and Judges. CEFA strives to fill that gap in providing teaching and learning resources.

23. The resources now completed as the ACC Stage 2 were prepared with the assistance of former Board Member and Professor of Constitutional Law at Sydney University, Anne Twomey AO. The Aboriginal and Torres Strait Islander Peoples' perspective(s), including schools factual materials on Indigenous laws and lore pre-1788, were contributed originally by Noel Pearson, through a contracted collaboration with Good to Great Schools Australia, supported with activities and lesson plans contributed by educators from Narragunnawali, Reconciliation Australia. Practicing Teachers, from all school sectors, and from across Australia, were contracted to contribute Activities and Lessons.

24. In connection with the 2023 Referendum, CEFA was contracted by the Commonwealth Government to provide a six months neutral, apolitical and balanced civics education campaign focused on animations about the Referendum process and its constitutional setting. Checking for its constitutional accuracy was carried out by a team from the University of Western Australia, led by Professor Sarah Murray who has since become a Director of the CEFA Board. Fact-checking was also carried out by Public Servants nominated through the NIAA and the Attorney-General's Department. The very best teaching and learning pedagogical practice available today for content impact, uses film, video and animations, backed up by factual contemporary support materials, that is distributed digitally through social media platforms that lead to learning through content that is easily accessed on vibrant websites that are regularly maintained and that include continually updated SEO optimisation.

25. CONSTITUTION EDUCATION FUND AUSTRALIA TIMELINE OF MILESTONES

• 1995 - Established as a Trust, by a Deed dated 29 November 1995 to better educate the people of Australia in matters relating to the Commonwealth of Australia Constitution, and the Constitutions of the States of Australia
• 2001 - The trustee for THE CONSTITUTION EDUCATION FUND (ABN 76 750 439 829) specifically named as a deductible gift recipient in item 2.2.30 of the table in section 30-25(2) of the Income Tax Assessment Act 1997.
• 2004 - Established the Governor General's Undergraduate Essay Prize
• 2005 - Launched CEFA Undergraduate Scholar Interns Program
• 2008 - Established Parliaments in Schools Program

• 2010 – The Constitution Education Fund Australia Pty Ltd was incorporated as a company limited by guarantee.
• 2010 - Launched The Australian Way Short Film and ran the AusCivics national film program
• 2011 - Launched Yaba education program for schools, funded by the Education Department under Minister Peter Garrett
• 2012 – CEFA is registered with the Australian Charities and Not-for-profits Commission (ACNC)
• 2014 - CEFA submission to the Australian Curriculum Review: The delivery of civics and citizenship to schools
• 2014 - CEFA Australian Constitution Centre Project Plan submitted to the Commonwealth's Attorney-General's Department includes detailed listings of civics education providers
• 2015 - Launched CEFA's online Constitutional Forum
• 2015 - Completed educational films for YouMeUnity, Reconciliation Australia
• 2015 - Launched national prospectus "Will you invest in our children: The future of our democracy? Proposal to establish the Australian Constitution Centre"
• 2018 - Established the Australian Constitution Centre (ACC), in the High Court, Canberra, and the ACC education resources website
• 2019 - ACC granted $2 million from the Department of Education for schools curriculum resources Stage 2 and High Court exhibits “The Six Principles Touch Wall”
• 2020-2024 - Completed the Stage 2 Australian Curriculum teaching & learning resources C&C years 5-10 on the ACC new website
• 2023 - Ran neutral referendum 2023 education program for the NIAA. Launched civicsaustralia.org.au with animations Emmy & Kanga.
• 2023 - (Nov, 17) - Lodged referendum 2023 report for government Civics Education Neutral Program
• 2024 - February - CEFA Proposal for two year funded civics education campaign distributed to the Australian Government (**The Proposal**) (**Appendix 4**)

• 2024 - April - CEFA campaign strategy components document presented to Department of Prime Minister & Cabinet and Department of Home Affairs. **(Appendix 5)**
• 2024 – May - ATO confirmed The Trustee for The Constitution Education Fund satisfies its purpose and activities in meeting its DGR status after a review.

CEFA's Strategy

26. Subject to the achievement of a stable financial foundation, CEFA will seek to prioritise the enhancement of teacher education through the maintenance and upgrading of its teacher resources and to promote their use in the development of teacher-training education and micro-credentials for teachers who are or wish to become engaged in civics and citizenship education. Any such program would necessarily be supportive of the implementation of the Australian Curriculum so far as it relates to civics and citizenship education. It could also be supportive of the development of micro-credentials for community workers interacting with diverse groups in Australian society. A particular focus would be in pilot schools to be selected from isolated and remote areas, disadvantaged socio-economic regions, First Nations students, and in CALD. CEFA teaching and learning resources will be made available to all teachers and school leaders on the National Teacher Resource Hub as funded by the Department of Education in the Federal Budget, May 14, 2024.

27. CEFA also seeks to explore the expansion of its outreach to the general public through

i. further upgrading of the ACC, both at the High Court and the associated website (The Proposal)

ii. further public education campaigns on the civicsaustralia website (such as Kanga & Emmy going to the Paris Olympic Games to compare Australia's system of government to that of other countries participating).

iii. through public lecture events and webinars; and

iv. through focussed programs that address identified civic issues facing the nation at a particular time and that requires civics education resources. A 2024 campaign theme could focus on Co-existence in Australian Society: Living together in communities that are socially cohesive, harmonious, tolerant, just and fair.

CEFA is open to pursuing its objectives collaboratively with other organisations including associations of teachers in the field of civics education and academics and practitioners involved in the fields of constitutional and public law. Securing and maintaining social community cohesion is a major issue facing contemporary Australian Governments and civics education has an important role to play in that space. Collaborations will need to be established such as with the Department of Home Affairs *Strengthening Democracy Taskforce*, the National Security Securing our future taskforce and the Multicultural Leadership Initiative. Collectively, education programs can address challenges to three historic strengths of Australian democracy:

- *Trusted institutions: the security, integrity, legitimacy, responsiveness, and performance of democratic institutions.*
- *Credible information: the accuracy, relevance, responsibility, accessibility, and civility of information flows within a deliberative public sphere.*
- *Social inclusion: a society that is connected, cohesive, participatory, engaged and respectful, reinforcing and reflecting a sense of common purpose and shared identity.*

Those strengths were identified by the Strengthen Democracy Taskforce of the Department of Home Affairs.

28. Each year CEFA has built on its educational resources and libraries of civics materials to increase the reach, visibility, and engagement with these products aiming for a more informed and knowledgeable voting Australian public with at least some constitutional understanding. All CEFA projects and programs promote the six foundational principles (pillars) of the Australian Constitution.

- Rule of law
- Separation of powers (The three key institutions of Government)
- Parliamentary democracy
- Nationhood
- Federalism (The three levels of government)
- Rights (constitutional freedoms balanced by responsibilities of Australian citizenship)

29. Future government funding should avoid duplication of offerings and target gaps in programs. A clear picture of the existing civics education landscape is necessary. For example, the ABC 'Behind The News' weekly program is a service used by most teachers in most primary schools across Australia for their teaching of civics and citizenship so does not need replicating. Our shared sense of National identity is covered on the PACER school visits such as to the War Memorial, the National Museum, the AEC education program, the Parliament by PEO, democracy by MoAD in Old Parliament House, Indigenous perspectives by Narragunnawali Education Reconciliation Australia and Rights by the Education arm of the Human Rights Commission. CEFA continues to build resources in the much-needed constitutional legal education space including for the exhibits in the CEFA developed ACC in the High Court, Canberra, also visited by students and teachers on the PACER program and the general public.

30. CEFA is perhaps an example of the challenges posed by the absence of coordinated, coherent and sustainable funding programs for civics education in Australia. It cannot maintain or extend its operations under its current business model, which has depended upon what amounts to, for the most part, the voluntary services of the Chief Executive Officer and her staff. It is necessary in order for CEFA to realise its full potential that it have access to a reliable funding base sourced annually both from the Commonwealth and the philanthropic corporate and private sectors. This would support a small but effective administration comprising a Chief Executive Officer to administer CEFA's projects and programs and to seek project and program-specific funding. It would also support a corporate secretary who can attend to the Commonwealth and State regulatory requirements as well as the operations of the Board, and provide general administrative support to the Chief Executive Officer. There is a need for ongoing support for the maintenance and updating of the ACC at the High Court.

The uncontroversial need

31. The need for improved civics education across Australia is uncontroversial. There are longstanding deficiencies in the understanding of our constitutional and legal systems by our school students and, more broadly, by the general public. As demonstrated in the Report of the Sixth Annual Assessment Program — Civics and Citizenship Report, conducted by ACARA that deficit is differentially distributed across different social and economic strata and between different groups of our society. It raises serious questions of social justice, societal inequity, effective participation in our representative democracy and, related to each of those matters,

societal stability. The present situation with respect to civics and citizenship education generally is best understood by reference to its historical context.

Civics education in Australia a potted history

32. Civics education was carried out in Australian schools from 1901 to about 1930 when the courses were abandoned save for Victoria which retained the subject under the heading 'Social Studies'. It re-emerged at a national level in the 1980s, linked to the 1988 Bicentennial and greater interest in the nature of Australian identity.

33. This section of the submission is drawn from a history of civics education from 1989 to 2015, written by Professor Murray Print and found in A Peterson and L Tudball, *Civics and Citizenship Education in Australia: Challenges, Practices and International Perspectives*. The history is contained in the first chapter — 'The Recent History of Teaching Civics and Citizenship Education in Australia, 1989-2015'. Civics and citizenship education has existed within Australian education systems curricula and schools for more than a century. It had an important part to play in the early years of Federation in building a sense of unity and being 'Australian'. It was, however, subject to the curricular innovations and vagaries of the 1960s, including the creation of Social Studies as an integrated subject in school curricula. Deliberate education for civic and democratic citizenship was difficult to identify in Australian schools for the next three decades. By the late 1980s, however, there was growing agitation for action.

34. The focus of Print's paper was on the period between 1989 and 2015. He described the presence of civics and citizenship education in Australia during that time as mercurial, with its fortunes ebbing and flowing in response to political ideology, federal election outcomes and bureaucratic whim.

35. Until the 1990s civics education came under the rubric of 'Social Studies' or the like. It was characterised by studies of 'government institutions and political processes liberally with adages about being a good citizen … taught in a rote, pedantic and expository manner with a heavy dependence on a conservative textbook.' Despite the extent of post-war migration from Europe and later from Asia, civics education was not emphasised in school curricula.

36. Two reviews were undertaken by the Australian Senate in the 1980s. The Senate Standing Committee on Employment, Education and Training 1989, reported on Education for Active Citizenship in Australian Schools and Youth Organisations and in 1991 on Active Citizenship

Revisited. Neither Report made a significant impact on the policies and practices of the governments of the day. In 1989, Education Ministers at the Australian Council for Education issued what was called the *Hobart Declaration: Common and Agreed National Goals for Schooling in Australia*. This too, had little impact on civics education.

37. About that time, on 1 January 1989, the Curriculum Corporation of Australia was established. It acquired functions previously exercised by the Curriculum Development Centre between 1975 and 1982. The Curriculum Corporation was responsible for devising and developing, promoting, and assisting in research into matters relating to school curricular and school educational materials. The Curriculum Corporation was merged with Education.Au on 1 March 2010 and was renamed Education Services Australia.

38. In 1994, then Prime Minister, Paul Keating, set up the Civics Expert Group to inquire into the condition of civics and citizenship education in Australia. The Report, entitled 'Whereas the People … Civics and Citizenship Education in Australia' confirmed, in Print's words, 'a national chronic deficit of civic knowledge and concern about the levels of commitment to Australian political institutions'. The Report recommended an extensive program for the education of young Australians based on civic knowledge and skills. It did not propose that civics and citizenship become a separate subject in the school curriculum. In 1995–1996 the Keating Government translated the Report into a practical school approach through the Curriculum Corporation. Preliminary planning commenced in 1995, but the Government was defeated in early 1996.

39. In the meantime, between 1986 and 1993, Australia had created a framework of statements and profiles in eight learning areas, including studies of society and the environment which included some civics and citizenship. That was part of a national curriculum reform movement. It reflected a more centralised consolidated approach to education as seen in the Unified National System, creating universities out of former Colleges of Advanced Education.

40. In 1997, the new Minister for Education, David Kemp, who was formerly a Professor of Politics, released 'Discovering Democracy', a statement of the Government's policy on Education for Democratic Citizenship in Australia.

41. Print describes the period between 1997 and 2003 as the halcyon days of civics and citizenship education in Australian education. They were dominated by the Discovering Democracy Program. Resources were available from governments, including the Federal Government. There was widespread interest in the topic in academic and education circles generally. The Program

was widely accepted by the State and Territory Governments and the broader educational community as the principal source of education for democracy, civics and citizenship education. The Australian Government injected some $32 million directly into the Program with further resources and funds provided by the States and Territories over the period 1997–2003. A feature of the Discovering Democracy Program was the provision of several sets of centrally devised curriculum resources distributed at no cost for Australian schools. It funded substantial teacher professional development which was managed through the States.

42. Discovering Democracy was reviewed in 1999. Progress had been adequate but rapid acceptance and use of the curriculum materials was not identified in schools. Many teachers were unaware of the resources. However, funding continued in the same manner and several projects were supported including case studies of exemplary programs in schools.

43. The *Adelaide Declaration on Educational Directions* in 1999 clearly identified the need for civics and citizenship education in schools. Despite all this, neither the Discovering Democracy Program nor any form of civics and citizenship education program was mandated for implementation in schools which applied the program at will. An evaluation of the program, published in 2003, by the Erebus Consulting Group, found that implementation was highly variable in schools in terms of expanding student civics and citizenship knowledge, understanding and dispositions. It recommended termination of the Program. Brendan Nelson who had become the Minister for Education decided upon another initiative by way of a national approach to developing good practice in values education in schools.

44. Print concludes that the period 1996–2003 was a remarkably productive and successful period for civics and citizenship education through the vehicle of and funding support for Discovering Democracy. The program had heightened awareness and understanding of Australian democracy among teachers and students and encouraged greater civic, citizenship and political participation by Australian youth.

45. The report, *National Key Performance Measures in Civics and Citizenship Education*, (2001), of which Print was a co-author, proposed a structure to include civics and citizenship education within the National Assessment Program. That was manifested in the first National Assessment in 2004.

46. Print described the period 2004–2009 as an interregnum, a waiting period until a new wave of civics and citizenship ensued. Little occurred largely due to the vacuum caused by the

disappearance of Discovering Democracy.

47. There were three instances of government policy over the period 2006 to 2008 which evidenced continued support for civics and citizenship education by State and Federal Governments. These were:

- 2006 — Statements of Learning for Civics and Citizenship for Use in Schools.
- 2008 — The Melbourne Declaration: demonstrating consensus at Government level that a major goal of Australian education is to produce active, informed citizens.
- 2008 — The formation of ACARA from the initial National Curriculum Board by the Rudd Government with the acceptance of civics and citizenship education in a 'national' curriculum in 2009.

48. The period 2004–2010 was dominated, according to Print, by Australian Government support for a Values Education Program. This had been preceded by a Values Education Study — a qualitative investigation into current national and international values education research, research with a selected group of 69 schools across Australia and research into parent, student and teacher views on values. Its principal outcome was the *National Framework for Values Education* in Australian Schools. This was endorsed by Ministers of Education and published and distributed in pamphlet form to Australian schools in mid-2005. The Values Education Program from 2004–2010 depended on the commitment and funding of the Federal Government. However, Print suggested that this was at the expense of civics and citizenship education.

49. In 2003, the Ministerial Council on Education, Employment, Training and Youth Affairs had decided to develop Statements of Learning setting out essential knowledge, understanding schools and capacity in a number of areas including civics and citizenship. The Statements of Learning for Civics and Citizenship were published in 2006. However, little was achieved in terms of practice in schools.

50. A future pathway for Australian education at the programmatic level was formulated through the Melbourne Declaration, agreed to by all Australian Education Ministers in December 2008. It acknowledged the necessity of new capabilities and skills for 21st century citizenship in response to global integration, increased regional engagement and international mobility. It was endorsed by Federal action as a basis for policy and program development. It led to the formation of ACARA and the Australian Curriculum and the subsequent development of a civics and

citizenship curriculum within that National Curriculum.

51. ACARA was established in 2008. In January 2009, all Australian Governments committed to a National Education Agreement in which they agreed to the development and implementation of a 'national' curriculum. This was to be called the Australian Curriculum.

52. Turning to the period 2010–2015, Print describes the key to that period as the decision by ACARA to include civics and citizenship education as a legitimate field of study within the Australian Curriculum. ' The Australian Curriculum: Civics and Citizenship', was finalised in 2013.

53. According to Print, it was clear that civics and citizenship should be part of the formal school curriculum in Years 3 to 10 as well as in wider-whole school programs. It could include participation in experiences external to the school but linked to the school curriculum. In 2014, a Review recommended several changes. Ultimately, changes adopted for civics and citizenship education by the Ministerial Council included the integration of the subjects history, geography, civics and citizenship and business into a single entity called Humanities and Social Sciences ('HASS') for the primary school years as well as greater emphasis on the origins of the Australian system of government and its Constitution. The Australia Curriculum: Civics and Citizenship ('ACCC') was finally endorsed by the Ministerial Council in September 2015. ACARA had released a 2013 version designated V 7.2 for use from 2014. It later sat with V 8, released in 2015.

54. There were difficulties in implementing the ACCC in all Australia's 9,600 primary and secondary schools. The timeline and nature of the implementation differed across jurisdictions. As at 2015, according to Print, despite widespread and sustained policy consensus and support, civics and citizenship education remained in a tenuous position. Multiple documents had clearly identified the need for it. Mechanisms to support CCE in schools had been devised.

55. On 9 May 2022, ACARA launched its updated Australian Curriculum Version 9, which includes a civics and citizenship component.

56. It is helpful to refer briefly to the legislative framework supporting ACARA and how the current Civics and Citizenship Curriculum came about.

Civics education and social justice — The Law Council Report

57. There is an intersection between aspects of civics education and social justice. This was recognised in the Law Council of Australia's Justice Project Report, published in 2018.[10] The Chair of CEFA, the Hon Robert French AC, was Chair of the Steering Committee overseeing the work that led to the production of that Report. While the Report was focussed primarily on the intersection between the Australian legal system and thirteen categories of disadvantage, it recognised the importance of building understanding of the legal system amongst those affected by their interactions with it. Thus among its recommendations were a set of recommendations relating to the building of legal capability and awareness. The Report recommended specific funding to ensure that tailored effective and accessible community legal education and information ('CLEI') strategies meet the needs of diverse justice project priority groups having regard to lack of legal awareness and capability as a formidable frequent barrier and CLEI as a key preventative tool in achieving access to justice.

58. Having the 'legal elements' of civics and citizenship is very important. The CEFA units of resources outlined in Appendix 4 for the Law & Citizenship strand of the Australian Curriculum and the exhibits in the ACC at the High Court, provide in-depth teaching and learning resources on essential constitutional topics never developed before in that space of 'the legal element' of civics and citizenship.

59. The Justice Project recommended that Commonwealth, State and Territory governments should initiate or extend community awareness campaigns in reducing or addressing the need to:

- overcome a lack of awareness of specific legal issues amongst key priority groups, including amongst people with intersectional disadvantage; and
- overcome broader community discrimination, misperceptions and/or stigma which contribute to poor justice outcomes

including with respect to:

- elder abuse;
- family violence;

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[10] A copy of the Recommendations and Group Priorities Section of the Final Report is appended as Appendix 6 to this Submission.

- race, gender, disability, LGBTI + and age-based discrimination

To increase community awareness of poorly understood, widespread legal issues these measures should be accompanied by increased resourcing to legal services to accommodate additional demand.

60. The Law Council of Australia recognised and accepted responsibility for engaging with the ACARA regarding the inclusion of targeted measures to support the ACCC to build practical knowledge of everyday legal issues and how to address them effectively.[11]

61. In the specific area of recent arrivals in Australia, the Law Council referred to the need to:

- work with recent arrival communities to build their legal literacy and general knowledge of the Australian system of law and government during the initial settlement and later phases;

- ensure that information about the law, particularly regarding key legal issues experienced by recent arrivals, is provided in a range of languages, as well as Easy English, and is available in a range of accessible modes (radio, audio visual, face-to-face, peer-to-peer, as well as printed and online material);

- ensure that free, appropriately skilled interpreters are available to assist recent arrivals at every stage of their interaction with the justice system in line with the Judicial Council of Cultural Diversities Best Practice Guidelines.

The Commonwealth Legislative Framework for Civics and Citizenship Education

62. The Commonwealth authority responsible for defining the content of civics and citizenship education for Australian school students is ACARA.

63. It was created by s 5 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cth) ('ACARA Act'). Its functions, set out in s 6, include:

> (a) Develop and administer a national school curriculum, including content of the curriculum and achievement standards for school subjects specified in the Charter.

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11 Law Council of Australia, *The Justice Project, Final Report, Recommendations and Group Priorities* (August 2018) [1.1]–[1.4].

(b) Develop and administer national assessments

…

(f) Provide school curriculum resource services, educational research services and other related services; and

(g) Provide information, resources, support and guidance to the teaching profession.

64. The Charter, is defined in s 3 of the ACARA Act as 'the Charter of the Australian Curriculum, Assessment and Reporting Authority as determined from time to time by the Ministerial Council.'

65. ACARA is an exercise in cooperative federalism. It has a Board, membership of which is set out in s 13 of the Act and includes in s 13(f):

> Eight members each of whom is nominated by a different State or Territory education Minister.

It also has a Chair, a Deputy Chair, a Member nominated by the Commonwealth Minister and members nominated by the National Catholic Education Commission and the Independent Schools Council of Australia.

66. Section 7 of the ACARA Act provides that ACARA must perform its functions and exercise its powers in accordance with any directions given to it by the Ministerial Council on Education, Employment, Training and Youth Affairs. Section 42 provides for that Ministerial Council to give directions by resolution.

67. The current ACARA Charter, issued by the Ministerial Council, took effect from 23 November 2016. It sets the strategic direction for ACARA. It provides for the National Assessment Program — Literacy and Numeracy (NAPLAN), which is used in combination with other forms of assessment to diagnose learning and inform priorities for students, cohorts and schools. The Charter provides also for the use of digital technologies in the assessment process.

68. Schedule 1 to the Charter specifies curriculum content and achievement standards. The curriculum content for Foundation to Year 10 comprises:

> English, Mathematics, Science, Humanities and Social Science (**HASS**), the Arts, Technologies, Health and Physical Education, and Languages.

69. Under the heading 'Humanities and Social Science' one of the five dot points is 'civics and citizenship'.

70. For Years 11 and 12 the subject areas are English, mathematics, science, humanities and social sciences. Civics and citizenship is not mentioned for those two years.

71. ACARA is supported by an advisory structure. This comprises reference groups, advisory groups and specialist and working groups. Australian Curriculum Review Reference groups include learning area curriculum reference groups, learning area teacher reference groups, and primary curriculum and primary teacher reference groups.

The Australian Curriculum Review 2020–2021

72. For the year 2020–2021, according to its Annual Report, ACARA undertook a review of the Foundation to Year 10 Australian curriculum pursuant to terms of reference agreed by the Education Ministers in June 2020. Its task was to refine, realign and 'declutter' curriculum content across all eight learning areas within its existing structure. The process was consultative and the first draft revisions being published on 29 April 2021.

73. Following the Australian Curriculum Review, an updated Australian Curriculum (Version 9-0) was endorsed by the Council. According to the ACARA website the new version 'is more manageable for teachers and clearly identifies the essential content our children should learn.' One of the consultation reports, which informed the Review, was prepared by the University of Queensland Institute for Science Research and headed 'Final Report – Humanities and Social Sciences'.

74. ACARA had invited public feedback on its proposed provisions through a consultation process which was open from 29 April to 8 July 2021. CEFA made a submission that focused on the need at that time for factual, sequenced teaching and learning resources that would support and be linked to the Australian Curriculum. CEFA recommended year level topics of work that would fill gaps in areas that practicing teachers had identified. That included understanding of the separation of powers, (most teachers thought it meant the three levels of government), how to set up classroom courts, the role of the High Court, an understanding of the Mabo decision and 'terra nullius', and the meaning of common and statute law, and what is representative and responsible government.

75. Practicing teachers also asked CEFA to provide practical activities and lessons for the classrooms to better explain how the Australian Constitution works. Many teachers at that time advised CEFA they had never looked at the Australian Constitution and thought it was no longer used in Australia

— (in other words it was a dusty old book from 1901!). The Institute for Social Science Research at the University of Queensland was contracted to undertake an independent analysis of the data collected during the consultations and to prepare reports to assist ACARA in completing the revisions.

76. Its Final Report presented key findings from the analysis of the consultation feedback in relation to humanities and social sciences. Since that time, CEFA school resources planning has always had an ACARA representative on the Project content development sub-committee established for the purpose of that specific Project.

77. There was reported feedback, in relation to civics and citizenship education, about perceived gaps in the current curriculum relating to special aspects of Australia's electoral system and the removal of too much content related to Christianity and Western heritage, the contribution of other cultures to Australian society, fundamental questions about life and identity, aging and dying literacy, excursions for authentic learning and a desire to see elaborations that outline how State-specific histories with national significance could be included in civics and citizenship perspectives.

78. Only a few jurisdictions offered specific feedback in relation to civics and citizenship, with Queensland and Western Australia offering the most detailed and specific responses.

79. There was an interesting comment at s 5.2.2 of the Report: Given the universe of relevant teacher, school leader, parent and other stakeholder populations in Australia, the number of survey respondents for civics and citizenship was very small. The small number of respondents means that six respondents agreeing or not makes a difference of 10 per centage points. Reported proportions are therefore volatile to small differences in responses.

80. The reporters noted that the most prevalent theme that emerged was that 'content should be removed'. This was stated by 14 respondents. Eight of them did so in a general way. The other six suggested very different things, e.g.:

> Remove the judicial system from Year 7, its too much to fit in a year with all the other subjects and is not very relevant to the age group.
>
> There was an emphasis on a clear and user-friendly, curriculum.

81. Further in the Report (p 107) it was stated that manageability was a prominent theme in relation

to civics and citizenship. The feedback indicated a sense that the revised curriculum needed decluttering (apart from Victoria). Clarity was another theme which received attention and mixed feedback.

The New Civics and Citizenship Australian Curriculum (Version 9.0)

82. On 9 May 2022, ACARA launched its new Australian Curriculum website and posted the updated and approved Australian Curriculum (Version 9.0). According to a media release from ACARA this is one of the few digitalised curricula in the world. It was said to set high expectations and standards for what all students should know and be able to do. It was endorsed by Education Ministers on 1 April 2022. It was described by the CEO of ACARA as a 'more stripped-back and teachable curriculum that supports deeper conceptual understanding and improvement in education performance.' A key aim was described as giving teachers 'time to teach for deeper understanding'.[12] The website allows teachers access to all areas of the curriculum through a 'selector tool'. It includes advice about planning and implementation, exploring different dimensions and how to access various resources. According to the media release updates to the functionality of the website and further teacher resources will be rolled out in subsequent releases as they are developed to support teaching the new curriculum. The implementation of the new curriculum will be determined by timelines and approaches set by each State and Territory education authority.

83. The ACARA Civics and Citizenship Australian Curriculum: About the Subject has a statement of rationale which begins with the following sentence:

> A deep understanding of Australia's federal system of government and the liberal democratic values that underpin it is essential for students to become active and informed citizens who can participate in and sustain Australia's democracy.

84. The Curriculum is organised into two interrelated teaching strands: knowledge and understanding; skills. Under each strand curriculum content is further organised into sub-strands being laws & citizens, government & democracy and citizenship, identity and diversity. CEFA's Stage 2 ACC teaching and learning resources are sequenced knowledge, year level based units of work years 4-10 and are topics ACARA curriculum aligned to Version 9.0. Each topic covered includes fact sheets titled 'Teacher Reference Documents' ('TRDs') and lessons/activities for each. The full set of teaching and learning resources can be found on the CEFA ACC website Resources Stage

12 ACARA, 'New Australian Curriculum Website Now Live', (Media Release, 9 May 2022) 1.

2. They include a title index introductory page for each unit (Appendix 7 to this submission), and the topics, activities and lessons covered in it. Practicing teachers in classrooms continue to inform CEFA that they greatly appreciate the detail provided in the resources, 'textbooks style' because they do not themselves have a fundamental understanding of the materials they are required to teach. CEFA considers it is essential that civics education programs content specifically provides constitutional knowledge of the Australian system of government, the rule of law that is fundamental for fairness and justice in society, the skills to negotiate it, the values underpinning it and a sense of how those values have evolved in the decades since federation. It is this specific area of content development that CEFA specialises in providing.

85. Further resources to support the new ACARA curriculum are still, according to the ACARA website, 'under development'. There are resources aligned to the previous Version 8.4 of the Australian Curriculum on the Version 8.4 Australian Curriculum website. Meanwhile CEFA has provided resources to fill that gap, including through collaborating with ACARA through the Content Sub-committees (Content Advisory Groups ('CAG)), and established for each Commonwealth project grant's content development activities. When relevant, State/Territories Civics Curriculum Experts have been added to the CAG. The CAG for each project has also included Constitutional experts, interest groups such as Indigenous perspectives, other relevant advisors, practicing teachers from all school sectors, and other relevant advisors specific to an individual project.

86. There is a specific website sponsored by the Australian Government Department of Education, Employment and Workplace Relations which is maintained by Education Services Australia. It is designated as 'The Civics and Citizenship Education' website. There are many other online resources, both public and private, some of which appear to be out-of-date. The 'Discovering Democracy' website can still be accessed online. There is a notable gap in those materials concerning the legal constitutional framework as referred to elsewhere in this submission. In addition, in developing the teaching and learning resources for the ACC Stage 2 website, CEFA sought to bridge the gap in the knowledge base between constitutional experts, and practicing civics teachers in writing specific activities and lesson samples. CEFA's resources include sequenced units of work, year level topic based, which incorporate fact sheets (teacher reference documents) supported by specific classroom activities and lessons for each part of a teaching program in a classroom. These can be seen in the content of the resources mapping of the ACC

Stage 2 website.[13] Storytelling is a major tool for teaching our topics and teachers do appreciate the facts. So the bulk of time finalising the resources was spent bridging the expert materials to actual classroom Activities & Lessons, that support the topic materials, and that the teachers wanted and say they will use. CEFA is very proud of achieving that balance.

87. A list of some of the websites, of other civics education stakeholders, which does not pretend to be exhaustive, is set out in an Appendix to this submission. The list provided is simply a sample and includes links in some cases.

The Current State of Play — Standards of Proficiency Among Australian Students

88. The most recent data about standards of proficiency in civics and citizenship education among Australian school students is to be found in the sixth National Assessment Program — Civics and Citizenship Report. That Report was based on surveys administered in 2019. The Foreword to the Report states:

> At the national level, while student performance for both Year 6 and 10 students has plateaued, it is worth noting that female students at both levels continue to demonstrate higher levels of civic knowledge and the vast majority of female and male students indicate increasingly positive attitudes towards Aboriginal and Torres Strait Islander cultures and Australian diversity since 2010.

The Report has demonstrated, not surprisingly, significant differences across socio-economic strata and other sections of Australian society.

89. Going to the outcomes of proficiency standards the following survey results appeared:

- At the national level in 2019, 53% of Year 6 students attained a proficient standard – this was not significantly different from the percentage achieved nationally in any of the previous NAP-CC cycles. However, in Queensland the achievement of Year 6 students in 2019, while not different from 2016, was significantly higher than in each of the previous four cycles from 2004 to 2013. In South Australia, the achievement of students in 2019 was significantly lower than it was in 2016.

- At the national level in 2019 the average scale score of students in Year 6 was 408 scale points. This was not significantly different from the average in any other cycle.

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13. Appendix 7 to this Submission.

- At the national level in 2019, 38% of Year 10 students had attained a proficient standard. This was not significantly different from the previous cycle in 2016 or the first two cycles in 2004 and 2007. It was significantly lower than the percentage achieved nationally in 2010 and 2013.

- At the national level, the average scale score of students in Year 10 was 488 scale points. This was not significantly different from the average in the previous cycle in 2016, or in the first two cycles in 2004 and 2007.

90. The Report on performance by reference to background characteristics noted:

- Gender: 58% of female Year 6 students attained the standard, compared to 47% of male Year 6 students. 42% of female Year 10 students attained the standard, compared to 35% of male Year 10 students.

- Indigenous/Non-Indigenous: 25% of Indigenous Year 6 students reached the standard, compared to 54% of non- Indigenous Year 6 students.

- 13% of Indigenous Year 10 students reached the proficient standard, compared with 39% of non-Indigenous Year 10 students.

- Language at home. The differences in achievement were not significant at either Year level.

- Geographic location: For both Year 6 and Year 10 students from metropolitan schools had the highest scale scores. These were significantly higher than for students in regional and remote schools at both year levels.

- Parental occupation: Students with parents who are senior managers or professionals had significantly higher scale scores than students with parents who were classified as unskilled labourers, office, sales or service staff.

- Achievement by parental occupation: Students who had a parent with a Bachelor degree or above achieved on average more than 130 scale points, one proficiency level – higher than students whose parents completed Year 10 or Year 9 as their highest level of education.

91. This is only the briefest snapshot of the 2019 Report. Overall it showed that the proportion of

Australian school students with the skills and knowledge required to be active and informed students had not changed since 2016. It also demonstrated a degree of societal inequity in proficiency — an inequity which goes to social justice, the workings of our representative democracy and societal stability.

92. 2014 - CEFA Australian Constitution Centre Project Plan submitted to the Commonwealth's Attorney-General's Department included detailed listings of civics education providers as can be seen in an Appendix to this report.

A Proposal

93. CEFA's position is that the state of civics education in Australia should be addressed at a national level involving Commonwealth, State and Territory governments. That requires an exercise in cooperative federalism. It requires a more focused and intensive effort in relation to national civics education policy than can be provided by existing arrangements. It must be programmatic and designed for the medium to long term. It must be able to address the diverse needs of the Australian community in the field of civics and citizenship education — both as to particular subject areas and as to the needs of particular communities. CEFA proposes that a Joint Federal, State and Territory Civics Education Council be established. Administrative support for such a Council should be delivered by Prime Minister & Cabinet (PM & C). This gives PM & C a whole-of-government focus and the necessary authority to engage with all communities across the nation. The Council will be established along the lines of the COAG Reform Council, with the Chair appointed by the Commonwealth and the Deputy appointed by the States & Territories and that its functions should include:

(1) Continuing assessment and review of the state and effectiveness of civics and citizenship education in Australia.

(2) Proposals to governments for the funding and establishment of programs which, in the opinion of the Council, can provide effective civics and citizenship education in particular subject areas.

(3) Where government policy provides for funding for particular programs, that it be authorised to assess submissions for the establishment or continuation of programs and to make recommendations to the relevant governments accordingly.

(4) To evaluate the performance of any approved programs against agreed targets.

(5) To establish standards of civics and citizenship education and to conduct inquiries into and report upon the extent to which such standards are being met, and where there are shortcomings, how they can best be addressed.

(6) Annual continuity to identify those gaps in civics education teaching and learning resources that may be needed by teachers and that may be required by governments due to new challenges facing society at a particular time.

CONCLUSION

94. CEFA has been pleased to have the opportunity to make a submission to this important Inquiry. It looks forward to the outcome of the Inquiry and stands ready to provide such further information which it can access and which the Committee may require.

List of Appendices in the order they appear in the document:

Appendix 1 – CEFA 2014 Submission to the Australian Curriculum Review: The delivery of civics and citizenship to schools.

Appendix 2 – CEFA 2014 Australian Constitution Centre Project Plan submitted to the Commonwealth's Attorney-General's Department included detailed listings of civics education providers.

Note significant changes and additions since 2014 include:

a. **The Constitutional Centre of Western Australia** provides civics education to some primary and secondary school students in Western Australia, including an annual Schools Constitutional Convention, but has had its staffing and resources reduced in recent years, including its travel budget, which had facilitated travel to rural/regional areas and more disadvantaged schools.

b. **The Australian Constitutional Centre (ACC)** at the High Court and online resources 2018 (www.australianconstitutioncentre.org.au)

c. **Electoral Commissions:** Electoral Commissions provide varying degrees of elector education primarily focused on how to vote in elections and referendums, rather than more general civics education.

d. **Cool.org (formally Cool Australia):** 83 real-world, curriculum-aligned teaching resources to equip educators to create better outcomes for humanity. (https://cool.org/)

e. **Together for Humanity** received a Department of Education $4.0 million grant in the May 2024 budget. This will expand their reach into underrepresented jurisdictions and communities as well as increase activities aimed at addressing all forms of discrimination in schools, in particular antisemitism and Islamophobia. (Building a better and fairer education system for a future made in Australia Press Release, 14 May 2024, The Hon Jason Clare MP, Minister for Education)

f. **The Australian Human Rights Commission**, Education, has updated Australian Curriculum-aligned resources to promote and provide education seeking to build a universal culture of human rights. (www.humanrights.gov.au)

g. **NSW Government Department of Education** 2024 has announced a commitment to civics & citizenship content to be incorporated across all NSW syllabuses Year 6-Year 10 (DOCX 480KB)

h. **National Teacher Resource Hub** received $34.6 million in the Federal Budget, May 2024 (Department of Education) to make evidence-based curriculum and student wellbeing support and professional development materials available to all teachers and school leaders through a National Teacher Resource Hub. Civics & Citizenship resources from providers of curriculum-aligned materials will be added to the hub by all stakeholders. Fact-checking of materials before they are uploaded must be built into the evaluation criteria. As identified in previous CEFA reports to the Commonwealth Government, the fragmented approach to civics & citizenship resource development has resulted in some factually incorrect materials placed on resource hubs for schools.

Appendix 3 – CEFA November 2023 lodged Referendum Report for Government Civics Education Neutral Program.

Appendix 4 – CEFA February 2024 **The Proposal** for two-year funded civics education campaign distributed to the Australian Government.

Appendix 5 – CEFA April 2024 campaign strategy components document presented to Department of Prime Minister & Cabinet and Department of Home Affairs.

Appendix 6 – Civics education and social justice – The Law Council Report.

Appendix 7 – CEFA ACC Resources Stage 2 Introductory Units and Topics Index for curriculum aligned, year-level-based, sequenced teaching and learning materials.

Appendix 8 – List of Websites of other civics education stakeholders.