

The Democratic Project

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The democratic project

The citizen is at the heart of a properly functioning democracy. Indeed the core principles of democracy are popular control over public decision making and political equality. For democracies to flourish, people need to be actively involved, and not just on polling day. Without such participation, government power can be abused and people sidelined in the key decisions which affect their lives. It is crucial that decision making is not left to a small minority with privileged access to influence and power.

To participate fully, citizens need to have access to information about the processes of government and the skills to voice their concerns. It is a sad fact that many Australians have an almost monumental lack of political interest and knowledge¹; they leave the work of democracy to others. But knowledge is a prerequisite to effective political engagement and participation, in turn, informs citizens about politics and increases their attentiveness to political events. However, because they have greater resources at their disposal and easy access to an often uncritical media, governments can “spin” stories to their advantage, making a balanced appraisal of government claims very difficult. Even those who don’t accept such pronouncements at face value are often at a distinct disadvantage, since other sources of argument and analysis may not be readily available to them.

Whether it is a cause or effect of disengagement, Australians are very cynical (but not sufficiently sceptical) about politicians and political institutions. One recent assessment of trends in attitudes toward political institutions and democratic government confirms that “citizens have grown more distant from political parties, more critical of political elites and political institutions, and less positive toward government.” Perhaps, as a result, people are relatively passive – and this is the way many of our current leaders prefer it. Even people who are keen to participate are often reduced to the role of spectators or monitors – experts and elites do the actual work of government and there are very few serious attempts to engage the public in debate about policy and legislation.

In a healthy democracy, governments should be active in developing strategies to help citizens become more engaged in decision making, to increase the connections between citizens and public officials and to allow citizens to hold legislatures and other government bodies accountable for their decisions. Free speech, transparency of government operations and diverse media sources are all essential to achieving these ends. So are fair dealing between government and citizens and high standards of ethical behaviour by public officials.

When measured against these objectives, it’s fair to say that we’re falling short. Governments too often appear to be more concerned with making themselves look good than on making good decisions.

¹ McAllister (2001).

Reforms to increase participation

Popular dissatisfaction with present democratic structures is fuelling calls for reform all over the world. Declines in political support and growing alienation from traditional politics are widespread. Australia is not unique, in this respect.

In traditional forms of representative democracy, the potential for citizen participation has been limited to the chance to cast a few votes during a multiyear electoral cycle. The alternative is a “strong”² democracy, which gives greater opportunities for deliberation and participation. In such a democracy, citizens are engaged in political action and involved in debate and deliberation in order to reach agreement about solutions to shared problems. In other words, people take a greater role in governing themselves.

Some democracies have been experimenting with initiatives designed to facilitate citizens’ participation in the policy making process. Such innovations include:

- Citizen initiated Parliamentary Committee inquiries;
- Deliberative polls, citizens’ juries and consensus conferences on contentious issues where it is necessary to balance expert opinion with public understanding and control;
- Internet forums and chat rooms, especially for young people;
- Client surveys;
- Greater use of Royal Commissions for long term policy development;
- Funding of advocacy groups;
- Regular community Cabinets and public forums.

Our government is almost alone among the advanced democracies in ignoring such advances. This is amongst the most secretive of governments, more interested in manipulating people’s fears than taking them on as partners in public policy. The Howard Government seems intent on keeping people at arm’s length from the actual work of government. Apart from the occasional invitation-only forums and hit and run appearances on talk-back radio, the Prime Minister does not seem very keen for people to actually get involved in our democracy. His message is that we should trust the government, the experts and policy elites to do the actual work of government, reducing most Australians to little more than onlookers. It is ironic that as many members of the wider community are pressing for greater involvement in decision making the government appears to be moving in the opposite direction, involving fewer and fewer people, with less and less public scrutiny.

During a recent trip to Europe, I undertook a study of the approaches being adopted by a number of governments – Scotland, Norway, Sweden and Denmark, in particular - to broaden and deepen civic participation in their democracies; to re-engage their communities. All started from the premise that citizen engagement beyond voting was desirable and that it was declining.

² Barber (2004).

In my visit to Scotland, I was repeatedly told that accessibility to Parliament and the ability of civil society to influence the policy and decision-making process was regarded as the “cornerstone” of the new Scottish Constitution. An illustration of the importance they ascribed to education and community outreach occurred soon after I left. The Scottish Parliament held a “Festival of Politics”, billed as a festival “where politics meets the people”. It included music and theatre with political themes performed in the debating chamber and debates between members of the Parliament and members of the Scottish Youth Parliament. The public were invited to submit questions to a special Question Time. It’s pretty hard to imagine any such event taking place in our own self-important institution.

A continuous program of civic participation is also required of all government departments; from their inception the Scottish Parliament and Executive have emphasised the importance of effective participation. As the policy unit responsible for co-ordination of the program (the Civic Participation Branch) puts it, “Civic participation is an essential tool of modern government” and “inclusiveness in the policy making process is a key principle at the core of the modernising government agenda”.

In my discussions with them, ministers and officials stressed the Government’s desire to go beyond consultation and to ensure ongoing dialogue and engagement. They stressed that this requires action and investment, particularly in capacity building and the application of resources to encourage and facilitate engagement. It was impressed on me how important it is to recognise and overcome resistance and cynicism in the community and officials indicated how crucial it is, as part of this effort, to give feedback about the uses to which information and opinions gleaned are put.

Achieving greater participation clearly required a program of organisational change within government – “changing to deliver” – which was designed to ensure that departments and agencies were more open and more outwardly focused. Departments are required to register consultation exercises and to meet agreed standards for community engagement. The Civic Participation Branch conducts research and evaluation programs to better understand what works and what doesn’t, tracks public attitudes to participation, develops innovative techniques, including deliberative methods, seeks to understand the reasons for lack of engagement and provides feedback on how such participation contributes to policy development, program delivery and legislative review. Part of their task is to identify gaps in consultation and representation and to monitor operational glitches. There is nothing even remotely resembling these initiatives in Australia, but we could do well to modify and adopt such policies.

Sweden has actually developed a democracy policy and assigned responsibility for the program to a senior minister. Following the Government Commission on Swedish Democracy in 1997, the government introduced systematic national initiatives to promote democratic development, including legislation to facilitate and co-ordinate government action and set long-term goals for greater and more equal participation of Swedish citizens in their democracy. Four key goals were adopted:

- 1 To increase voter turnout in all elections, including to the European Parliament;
- 2 To increase the number of citizens holding some form of political appointment or position;
- 3 To provide more and better opportunities for citizens to participate in and influence the political process; and an increase in the overall number of citizens taking part; and
- 4 To achieve more equal participation in the political process; a broader cross section of the population including young people, the unemployed and people from foreign backgrounds.

As a result of my discussions and observations while in Scotland and Scandinavia, I am even more convinced that the institutions and practices of Australia's democracy need substantial reform and that our governments are far too complacent about the state of our democracy. Many of the problems identified in the countries I visited are far less severe than they are in Australia and the contrast in creativity, seriousness and energy with which these issues are addressed could not be sharper.

Citizen's juries, deliberative polls and consensus conferences

It is possible to do much better, to open up decision making and to engage the wider community in policy making. Australia was once considered the "democratic laboratory" of the world. For example, citizen's juries, deliberative polls and consensus conferences have all been used in other jurisdictions to bring together groups of citizens to explore policy options and deliberate on contentious issues. Although each of them differs a little in structure and process, they share the core characteristic that a representative group of citizens are selected and then exposed to the relevant information and arguments, hearing from expert witnesses and engaging in questioning and discussion before reaching a series of recommendations or conclusions on a designated topic.

Those who commission such panels usually rely on a reference group to oversee the process and ensure that those who take part are broadly representative of the wider community and that the material placed before them is as balanced and comprehensive as possible. Such methods have been used to consider a wide range of ethical and social questions, including national healthcare reform, indigenous health, services for the dying, genetic modification of foods, local planning, transport options for a region, ways of improving recycling and so on.³ Well used, the results of such deliberations are a powerful tool for policy makers and for engendering informed public debate. What's more, citizens who have taken part in such deliberations regularly report an enhanced sense of empowerment.

Better use of the internet

The current government has not shown any interest in using the internet to further citizen participation in civic affairs or, for that matter, to educate Australians about government services and programs.

³ Carson and Gelber (2001).

Other developed democracies have recognised the potential of the internet to increase people's knowledge of and involvement in decision making. Although some of the claims made about the new media are almost certainly overstated, they do represent important new tools, particularly when directed toward the young, to make our democracy more relevant and responsive to a wider range of views and interests than at present.

It is surely time for our Parliament to develop interactive sites which allow comments on Parliamentary proceedings and debates and ensure that the Parliament itself maintains a lively and interactive on-line presence (see the Scottish Parliament, for example – www.scottish.parliament.uk). To support this, and to enable broad participation, a network of internet access points in public places could be further developed and extended and a campaign undertaken to encourage people to go online and express their opinions to the appropriate bodies about what they would like to see done. Deliberative polls, consensus conferences etc could be facilitated by such means

Appointment of boards and committees

Contemporary government relies heavily on the contribution of those who serve on the myriad boards and committees which advise and manage government agencies and corporations. Under the Howard Government, the appointment of political allies to such boards and committees has been pursued with an enthusiasm not seen before in Australian politics. This effectively skews representation, narrowing the range of views available to government and denying much needed talent to the development of public policy. Public service insiders report that Cabinet devotes inordinate amounts of time to forensic scrutiny of the political credentials of anyone recommended for such appointment. Anyone with even the slightest record of criticism of the conservatives or association with other political groupings is vetoed for appointment and, conversely, known Liberal and National Party members and close associates are preferred. The political stacking of the ABC Board, in particular has become a national scandal.

There is no transparency in the process and the criteria which are used to select suitable candidates are not made public. Similar problems in other jurisdictions have resulted in measures to make the processes public and hold the government accountable for appointments they make. For example, in the United Kingdom the Office of the Commissioner of Appointments was established in 1995 to monitor, regulate and report on and advise on appointments to public bodies. Recently, the Office released a code of practice for Ministerial Appointments to Public Bodies which serves as a concise guide for the steps which must be followed to ensure a fair, open and transparent appointment process.

The development of a code of practice for Government appointments is long overdue. It would be relatively easy to require the Public Service Merit Commissioner (or the Ombudsman or a separate Commissioner of Appointments) to monitor, regulate and report on appointments to public bodies and any departures from the published code of practice.

The ABC

The ABC, in particular, is vital to the functioning of our democracy and its independence from political influence crucial. The practice of stacking the ABC Board with political mates must stop and the Board must be made more answerable to the Australian public.

One way in which this can be achieved is to require (as Lindsay Tanner has suggested) that:

- **Detailed selection criteria could be developed and made public;**
- **All board positions could be advertised nationally;**
- **An independent selection panel could be constituted, comprising the head of the Department of Communication, Information Technology and the Arts and the head of the department's broadcasting section, the Public Merit Commission and an independent eminent person;**
- **The panel's role would be to select and present a shortlist of at least three candidates to the minister for final selection.**

Direct election of at least some of these positions is also worth serious consideration. For example, it may be possible to have (as now) one elected staff representative and two or three members elected by the community at large (elected at the federal election), while the remaining members (4) would be selected for specific skill and expertise according to the procedures suggested by Lindsay. If it was decided to elect some members, it would be critical that there be no paid campaigning and that CVs/qualifications would be presented to voters in much the same way as the “yes” and “no” cases for a referendum, i.e. equal public funding and access for all candidates.

Another means of ensuring accountability would be to **require the Board to subject itself to the same procedures as are required for publicly listed companies - an annual “shareholders” meeting** in which board members can be questioned and required to account for the performance of the organisation. Sub-groups of the Board could also be required to travel to regional Australia at reasonable intervals to undertake similar exercises.

Representation: equality of influence

The minimum requirement of any representative democracy is that governments should be elected and that all adults should have an equal right to vote and that all votes should be of equal value. In broad terms this has been achieved in Australia, with universal suffrage, electorates of roughly equal size and independent electoral commissions to determine electoral boundaries and prevent gerrymandering. What we have not achieved, is a more equal distribution of the power to influence government decisions between elections.

Political donations

Despite the otherwise general equality in voting power, many are suspicious that not all citizens are equally able to *influence* their representatives. This breeds cynicism and a belief that the ordinary voter's needs and views are ignored, while preference is given to the interests of the wealthy, to big business and to political cronies.

Several features of our political system contribute to these attitudes. Substantial campaign donations to the major parties by corporations and large organisations such as unions and business foundations foster the perception (and perhaps the reality) that it is possible to buy privileged access to MPs and ministers and that this influence is in proportion to the amount of money donated. The same companies and organisations are able to employ lobbyists seeking to influence the policies and decisions of the Parliament.

The substantive problem is the possibility that such donations can purchase influence. Reliance on donations may also create a strong inducement for political parties to bias their policies toward business and high income earners who provide the bulk of the funding, thus conspicuously undermining the promise of democracy that we all share equally in political power.

Public funding of elections was supposed to reduce the parties' reliance on private corporate and union donations: all that has happened is a blow-out in both public (doubled since 1993) and private funding as parties engage in an increasingly expensive bidding war at elections. Although disclosure laws require the sources of these funds to be identified, there are still loopholes. These include dressing up donations as loans and making them through "foundations", dummy trusts and celebrity fundraising dinners which do not identify individual donors.

The substantive problem is the possibility that such donations can purchase influence. While I know of no comparable Australian data, surveys of major corporate donors in the U.S. (some of whom donate in Australia) show that they do so not because of charitable impulses or civic duty – they expect a return for their money. A Business Week/ Harris Poll surveyed 400 senior executives from large public corporations to explore their reasons for donating to political parties. Over half nominated securing access to lawmakers to ensure consideration of matters affecting their businesses as the main reason. A further 27% indicated that gaining access was at least part of their rationale, while 58% nominated losing influence to the unions or to environmental organisations as a relevant consideration. A worrying 41% said that at least part of the reason they made political donations was to the hope of receiving "preferential consideration on regulations or legislation benefiting our business."

Retired U.S. Senator Paul Simon observed in a recent speech that "anyone who has been a candidate for major public office and says "Campaign contributions don't affect you" is simply not telling the truth" and that "the financially articulate have inordinate access to policy makers." By way of example, he cites his own responses:

“I have never promised anyone a thing for a campaign contribution. But, when I was still in the Senate, if I arrived at a hotel in Chicago at midnight there might be twenty phone calls waiting for me. Nineteen of them are perhaps from people whose names I did not recognize, and the twentieth is someone who gave me a \$1,000 campaign contribution. At midnight I am not going to make twenty phone calls. I might make one. Which one do you think I am going to make?”

There is no reason to believe the same observations do not apply to Australian MPs.

I believe it is time to reign in the exponential growth of large corporate and individual donations. The retention of public funding of elections should be accompanied by **measures to limit the size of individual private donations to \$1500, or thereabouts, and to proscribe any donations from corporations and large organisations. An extension of free-to-air radio and television could accompany these changes.**

Attack advertising

There are other reasons to scale down paid political advertising, particularly given the increasing tendency of Australian parties to emulate the negative tactics of our American cousins. As many have suggested, such advertising is one of the corrosive influences in our political system. Increasingly, so-called “attack advertising” focuses on the weaknesses of political opponents, a particularly dangerous trend when political advertisements are notoriously difficult to police for accuracy and often embellish and even distort the facts. They are designed to strike the opponent rather than the policies or views he or she holds. The attacks on Latham during the last election were a case in point.

Politicians shouldn't be surprised when their negative campaigns succeed, not only in diminishing their opponents, but in undermining confidence in all politicians. Tony Abbott's “don't trust politicians to elect the President” campaign was a case in point. I think we should be greatly concerned that negative campaign advertising increases voters' cynicism about the electoral process and is taken by some voters as “a signal of the dysfunctional and unresponsive nature of the political process itself,” causing them to lose interest in how they vote.

If free time on radio and television were to replace such paid advertising and candidates themselves were required to speak, they might spend more time advancing their own agendas and less time abusing their opponents. It might just encourage the media to focus more on the real issues and less on the trivial and combative characteristics of campaigns.

In some parts of the world, paid advertising on the electronic media is banned, a solution which would not appear to be available in Australia because of the 1992 High Court decision. Others have **suggested legislating to require candidates or party leaders to “stand by their ads”, to take responsibility by speaking for themselves in their own ads.** These proposals would require candidates (or leaders) to appear full screen to state the disclaimer (and to do so intelligibly) or to use a full-screen photograph of the candidate which has to be shown during the voiceover of the

disclaimer. It is argued that such personal accountability will cut down on false, misleading and undocumented attacks and create incentives to focus on issues of concern to voters.

In the United States, some bodies have developed voluntary codes of conduct limiting negative advertising. The candidates agree to uphold the codes, with special enforcement panels monitoring candidate's advertisements and the weight of public opinion and media scrutiny ensuring compliance.⁴

Political lobbying

One of the most obvious features of national political life is the steady stream of lobbyists who turn up in the corridors of Parliament seeking to influence the policies and decisions of their representatives. At one level, most people would regard such contact as a legitimate and basic right in any democracy since politicians need to be aware of the needs (and wants) of various sectors of the community and to be exposed to a range of policy ideas.

But it is disturbing that there are some who are more equal than others. This is, in part, due to the fact that some – mainly business - groups are able to devote substantial resources to the task. They wine and dine MPs and provide them with “corporate hospitality” as part of carefully crafted lobbying built on personal contact and expensive “information” campaigns. And no public record is kept of these proceedings.

The public should be alarmed when some people are in a privileged position to change legislation or administration through such lobbying. Since we are aware of only a small proportion of the lobbying that goes on, there is a reasonable suspicion that a great many more decisions are being shaped without our knowledge and without the interest groups having to face public scrutiny of their claims and arguments.

There has been no systematic attempt in Australia to monitor just who is wielding such influence – who gains access, in whose interest and with what level of expenditure they pursue their policy objectives. There used to be a very basic register of lobbyists in the Federal Parliament but even this has fallen into disuse. There is no public disclosure of who lobbies MPs, Ministers and public servants and about what issues they make representation.

This is in stark contrast to other national parliaments who have taken seriously the need for MPs and ministers to be transparent about who is knocking on their doors. It is seen as one of the fundamental tools to prevent corruption and ensure that government decision-making is not distorted by “influence peddling.” For example, in Canada there is a code of conduct, a complaints procedure and stringent requirements for registration. In Australia, by comparison, we're in the dark. We don't know who is being paid to lobby the government, on which issues, and what departments and agencies they are contacting. Unless the amount is sufficient to trigger disclosure by an MP, we don't know how much is being spent to inform, persuade and cajole our decision makers. It's

⁴ See examples in Coalition for Campaign Conduct, www.coalitionconduct.com.

time we caught up with the rest of the world and allowed voters to judge the decisions of our governments knowing who has been in their ears.

The time is long overdue to move for a comprehensive and formal registration of lobbyists in the national Parliament. In such a system:

- **Individuals would be required to adhere to a code of conduct and to register if they are paid to communicate with federal public office holders (public servants, MPs and Ministers) in attempts to influence - i.e. lobby for - the making, developing or amending of legislative proposals, bills, regulations, policies or programs, and the awarding of grants or contributions;**
- **Registration would entail the disclosure of the names of their clients or employers, information about their companies or associations, specific information on the subject-matters lobbied, the names of departments or agencies contacted, and the communication techniques used to lobby;**
- **Failure to comply would constitute an offence;**
- **The legislation should cover consultant lobbyists who are paid to lobby for clients, in-house lobbyists for corporations and in-house lobbyists for organizations;**
- **The registrations should be made public and available on the internet;**
- **To ensure high standards and compliance Office of Ethics Commissioner could be established to oversee the operation of the Act and to advise on the code of conduct.**

Ethical standards

High ethical standards in public life are essential if we are to avoid corruption in public life and retain public confidence in our democratic institutions.

One of the worrying breaches of such standards in recent years has been the increasing tendency of former Ministers, MPs and senior public servants to use the privileged information gained in their former positions to benefit themselves. The former Defence Minister, Peter Reith, moved within days of his resignation to take up a position as a lobbyist with a major defence contractor - Tenix; the position was within the responsibilities of his former Ministerial portfolio and was taken up at critical juncture in defence procurement decisions. Former Health Minister Dr Wooldridge took up employment with an organisation for which he had approved substantial additional funding just prior to his resignation. As Simon Longstaff from the St James Ethics Centre put it, a few MPs

“are tempted by the revolving door of Australian politics. Spinning on its well-greased bearings, it beckons those who are willing and able to trade on their public position for private profit. For those who step through the door, the rewards can be extremely lucrative – especially if you have held a senior ministry within a government still in power.”

While there was public revulsion at this sale to the highest bidder of political influence and insider knowledge, there was no protest or resistance at all from his former colleagues. Indeed, the Prime Minister defended Reith's and Woodridge's actions.

Such actions inevitably lead to the suspicion that, in anticipation of retirement, Ministerial decisions could be made with one eye on future employment prospects. This practice is unfair and improper. Public power should not be tradeable for private profit or advantage.

There is a clear need to:

- **Establish a post-employment code for public office holders which they will be required to agree to uphold as part of their contract of employment;**
- **Insist on a two year moratorium on former Ministers, MPs and senior public servants working in jobs where at least some part of their role is to lobby government or to advise others in such lobbying;**
- **Compliance with the code could also be overseen by an Ethics Commissioner.**

Restrictions on government advertising for partisan gain

While it is generally agreed that it is “reprehensible for governments to use public money for partisan propaganda in the guise of ‘information’”⁵, the practice is increasingly commonplace in Australian politics. An avalanche of taxpayer funded advertising before the last two elections generated considerable public disquiet and calls for proper controls over the misuse of public funds for partisan advantage. The Government, even before the election cycle begins, is currently outspending every other major advertiser. The most recent \$50 million avalanche of advertisements on workplace changes has taken this practice to levels never before seen in Australian politics. Since its election, the Howard Government's advertising budget has grown exponentially reaching a total of around two billion dollars, much of it to fund propaganda rather than information.

Following complaints by the Opposition in 2000 about misuse of government advertising, the Auditor General made recommendations about the principles and guidelines which should apply to government advertising. A subsequent investigation and report by the Joint Committee of Public Accounts and Audit in 2000 agreed to adopt these guidelines⁶. Despite two attempts by the Labor Opposition to legislate these guidelines and despite its own promise to do so in the 1996 election campaign, the Government has done nothing.

The guidelines recommended by the Auditor General include the requirement that material should be relevant to government responsibilities and meet an identified need for information about new policies or policy revisions. They also require that material

⁵ Argy Fred (2005).

⁶ www.anao.gov.au/WebSite.nsf/Publications - Taxation Reform: Community Education and Information Programme

should be presented in an objective and fair manner, something conspicuously lacking in the notorious “Unchain My Heart” advertisements, the ones designed to stampede people into taking up of private health insurance, and the current blitz on so-called “workchoices”.

At the very least, we need legislation to require the Government to abide by the guidelines recommended by the Auditor General to regulate Government advertising.

Parliament – participation, consultation and accountability

Parliaments are the most visible symbols of our democracy where, theoretically, decisions are made by the elected representatives of the people. However, it’s fair to say that, despite the contribution made by the Senate Committee system, domination by the Executive remains a hallmark of Australian politics. The Parliament itself is often sidelined from key decision and may seem irrelevant. This almost certainly contributes to the alienation of voters.

Parliament is long overdue for substantial reform to enable it to take greater responsibility for its own affairs and to act more independently of the government of the day. Our current system is increasingly based on the “rubber stamp” model of government criticised by the Clerk of the Senate, Harry Evans in his commentary on Howard’s proposal to water down the role of the Senate.

“The electors elect a party (or a party leader) to govern. The government governs with total power to change the law and virtually do what it likes between elections.”

In this scenario, the MPs are there for no other purpose than to register the voters’ choice. What then is the purpose of having a Parliament at all? If this is the way government is to operate, then there appears to be little justification for all the effort and expense entailed. The government has been ruthless in prosecuting the majority it now has in the Senate, amending standing orders to limit Opposition questioning, ramming legislation through with minimal debate and abandoning thorough scrutiny by the Senate’s committees.

At the same time as MPs lecture the community about the need for greater flexibility and efficiency, they participate in one of the most rigid and inefficient institutions in the country. It is ironic that in an era which glorifies the novel and worships change, the same politicians who advocate flexibility and reform cling to conventions and practices which always had design flaws and which have ossified into caricatures of themselves.

The following initiatives represent a modest start to reforming our Parliament:

- **Install an Independent Speaker, something Labor has campaigned for in the past;**

- **Establish a Parliamentary Commission consisting of the Presiding Officers, three Members, three Senators and the Clerks of the House of Representatives and the Senate. The Commission would be responsible for staffing and appropriations for the Parliament and for all services to Members' and Senators' electorates;**
- **Establish a House of Representatives Business Committee, with cross party representation (replacing the Selection Committee), to determine the business of the House. The Committee would require regular endorsement of the Parliament for its plans;**
- **Establish a House of Representatives Modernisation Committee to examine practices and procedures to make the House of Representatives more up to date and more open and engaged with the public;**
- **Introduce electronic voting into the House of Representatives;**
- **Better display the activities of the House, including electronic bulletin boards of current activities eg what Bill is being debated; who's speaking; what motions / amendments etc are being debated or voted on and the results of votes;**
- **Reform the Standing Orders to improve question time (see below);**
- **Reform the Committee system to enable greater citizen participation (see below);**
- **Amend standing orders to require that a greater proportion of parliamentary time is devoted to non-government business;**
- **Make provision for Private Members Bills to proceed to a vote;**
- **Ensure that, where possible, legislation introduced by the Executive undergoes a substantial period of pre-legislative development and consultation through the relevant committees, interest groups and the general public;**
- **Establish joint estimates and legislation committees with the power to question public servants and ministers from either House and to take submissions and commission independent research;**
- **Limit the number of speakers on legislation and change the standing orders to ensure that a real debate occurs with members from both sides to provide a quorum;**
- **Restrict Question Time to genuine questions without notice, with a majority going to the Opposition;**
- **Devote the second chamber to a more extensive deliberation of the bills in committee;**
- **Provide for private bills which allow private citizens or groups (with sufficient backing) to bring certain matters before the Parliament (probably through sponsoring MPs);**
- **Require that all petitions be investigated, if necessary by special hearings, of a dedicated petitions' committee;**
- **Commission citizens' juries or deliberative polls on contentious and complex issues;**
- **Invite expert and community representatives to address the chamber in session and engage in debate with members;**

- **Promote and sponsor the establishment of groups such as civic and youth forums to enable more regular and efficient consultation with the public;**
- **Strengthen freedom of information legislation to reduce the number of exemptions from disclosure;**
- **Permit personal presentation of petitions by citizens at the Bar of the House;**
- **Provide for petitions to be submitted electronically (See Queensland, Scotland)**
- **Allow the identification of citizens (if they wish) in Questions on Notice asked on their behalf.**

Debates

The people who come to sit in the public galleries are a good source of insight into the strengths and weaknesses of our Parliamentary system. They often report being shocked to see that, except at Question Time, there is almost nobody in what is supposed to be the debating chamber. Most MPs deliver speeches into the void, the only audience being the House staff, the rostered duty MPs (2) and the next speaker.

Speech after carefully prepared speech is read into the Hansard, only to disappear without a trace. In each of the last three parliaments, approximately 10,000 speeches were given but no real debates were held. What passes as debate is actually a series of unrelated speeches, often canvassing the same arguments without reference to those of other speakers. This is about as interesting as watching paint dry and ensures that the media will pay no attention at all to what is being said, unless it is provocatively outrageous. As a result, the strengths and weaknesses of the arguments for and against various propositions are neither tested in debate nor exposed to public scrutiny.

After more than 100 years of Federation, it is more than time to change the standing orders to improve the quality of debates in the House of Representatives and to make them more interesting and relevant.

For example:

- **For legislation about which there is substantial disagreement between the Government and the Opposition, formal debates could be held. Following the speeches of Minister and Shadow Minister there should be an organised debate comprising four or five speakers for each side of the argument, with each speaker dealing with different aspect of the case to be made and speaking for approximately 5 minutes. Speakers should be selected for their strong interest in subject matter. The normal rules of debate would apply, with a right of reply from the lead speaker;**
- **Others wishing to make a contribution to the debate could either table a paper or use the Committee stage of Bill to detail their views and to ask questions, something which is now rarely done in the House of Representatives;**

- **To ensure a lively, engaged debate, both Opposition and Government could be required to maintain an agreed number of members in the Chamber. During such debates, more “ordinary” citizens, recommended by the MPs, could be invited by the Speaker on to the floor of the House.**

Somewhat less than a third of Bills are considered in detail at the committee stage. Because of the sheer volume of legislation, most members are unaware of the detailed provisions of legislation. This needs to change. **While there has been some improvement in recent months, more MPs should be encouraged to make better use of the Committee stage of debates and Ministers should, as a matter of course, be available to answer questions at that time.**

Question Time

Question Time itself is a notorious source of disaffection for anyone but the most ardent political insiders. It is often mentioned by voters as one of the most irritating of parliamentary procedures with its aggressive and insulting language, accusations instead of questions, replies that contain no information and evade the question, and gratuitous attacks on political opponents, all in the atmosphere of an unruly locker room complete with “sin bin”. The occasionally raucous and frequently rude behaviour of MPs leaves most people (and many MPs) cold. It is not even very good theatre.

It is difficult not to agree with Coghill’s assertion that, “The rules for Question Time are so ridiculous it is no surprise that they generate the type of behaviour we see on the nightly news” and his contention that it has “degenerated almost to a farce.”⁷ As a result, Question Time rarely functions as it was intended - as a means of ensuring accountability of the executive, exposing abuses of power and corruption and challenging the arbitrary exercise of power by the government. The Standing Orders and, more importantly perhaps, the approach of the Government, do not require responses to be particularly relevant to the question, let alone to provide an answer. While people complain, there has been little real appetite for reform – either from MPs themselves or those in the media gallery forced to witness the charade. I believe it is more that time for **reform of the Standing Orders to improve question time:**

- **Dorothy Dix questions should not be permitted and the majority of questions should be allocated to the Opposition. Ministerial statements should be used to outline government policies;**
- **Time limits should be applied to both questions and answers;**
- **Supplementary questions should be allowed;**
- **Standing Orders need to be amended to require that questions be answered;**
- **The House could adopt a “take note” procedure similar to that used in the Senate, allowing follow up and further exploration of matters which are the subject of questions;**
- **Questions should be asked directly of the responsible Minister, not through the Chair.**

⁷ Website: www.democratic.audit.anu.edu.au

Improving the role of committees

Committees should be seen as an integral part of the operation of the House of Representatives, not as secondary and unimportant, as they are now. They represent a potentially powerful tool for connecting MPs and citizens as well as shaping policy development and holding the executive accountable. The committee system in the House of Representatives is arguably less effective than it is in the Senate, even now, and is virtually moribund. Resources are stretched to the limit and Committees have to compete for Parliamentary time, interrupted by divisions and other business of the Chamber.

While the Parliament often seeks the views of the community and of experts in various fields, most of this contribution occurs in committees whose deliberations and conclusions are ignored. A treasure trove of thoughtful and meticulously prepared submissions and reports languish in countless bottom drawers.

Many Members see little point in participating when the actions they recommend are ignored (sixty at last count had received no response at all) and the Executive, rather than the MPs, largely dictates what issues will be examined and then pays scant attention to the results. A recent example was the Government's apparent rejection of the recommendations of a report it commissioned on the education of boys. Against the weight of evidence and the Committee's carefully considered recommendations, the Government advocated a solution not recommended by the Committee, viz amending the Sex Discrimination Act to give men preference in teacher training.

There is almost no opportunity for individual members (or even the opposition en bloc) to introduce or modify legislation. Committees in the Lower House, while they often inquire into matters of great significance, have no capacity to quiz ministers and bureaucrats about budgets and legislation. Some of our brightest and best are effectively excluded from the tasks they were elected to perform.

There are a number of ways in which the Committee system could be strengthened so that they are more responsive and accessible to the public at large:

- **Committees could be given the power to initiate their own inquiries;**
- **They could also be permitted (as they are in the Scottish Parliament, for example) to draft and present non-Executive Bills which flow from their investigations. Such non-Executive legislation is a potentially powerful means of sharing power amongst all MPs and the people they represent;**
- **A Petitions' Committee could be established. Such a committee could investigate petitions from the public, refer them to other committees or government agencies for further inquiry as relevant and monitor the progress of such investigations as well as conducting their own inquiries. Like other committees the Petitions Committee could also be empowered to initiate legislation arising from the investigation of public petitions;**
- **Ministers could be encouraged to use the committees relevant to their portfolios for preliminary investigation of proposed legislation and the development of model legislation. Committees could also be encouraged to**

undertake more frequent issue driven inquiries rather than the “one big report every three years syndrome”;

- **More Joint Committees with the Senate could be established to reduce overlap and duplication and facilitate a better use of the resources of the Parliament. Fewer, better resourced Committees would be preferable to the current thinly stretched system;**
- **Committees' work needs to be better promoted so that people are more aware of the Committees' inquires and their mode of operation. In particular, there is a need for more extensive and user friendly use of internet to track committee hearings and to allow opportunities for on-line comment;**
- **Committees should not be required to sit at the same time as the Chamber and special Committee sitting weeks could be scheduled. This is likely to enhance the authority of the Committees and ensure better attendance by MPs. Regularly scheduled Committee weeks would also allow members to travel, as required, to regional areas and assist citizens in making submissions and taking part in the committee's deliberations. Making provision for brief, informal presentations to the Committee would also make it easier for people to have their say without the need for a formal, comprehensive submission.**

Conclusion

As well as opening government to more effective scrutiny and involving more MPs in the practice of government, I believe such initiatives could result in a more actively engaged citizenry and a more robust democracy. The goals of greater participation, more civil and co-operative parliamentary conduct and an informed public debate are surely worth striving for.

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