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Submission to the Australian Senate Legal and Constitutional Affairs Reference Committee's Inquiry into Nationhood, National Identity and Democracy

SUBMISSION

This submission is made on behalf of Citizens for Democratic Renewal, a group of citizens who are concerned about the challenges our current governmental processes face in addressing complex or contentious issues in a way that draws the community toward 'common interest' decisions that the vast majority of the community can accept. We believe that our liberal democratic processes can be re-calibrated and augmented in a manner that re-engages the community and re-builds trust in our parliamentary processes and decision-making ability.

THE ISSUE

During the nineteenth century the system of representative democracy evolved to the precursor of the current forms. As societies are regularly faced by competing ideas and interests, this system of government aimed to address the perennial challenge of finding a trusted process to make 'common interest' decisions that the vast majority can accept.

This system has worked reasonably well for the past hundred years in meeting the needs of those many societies who adopted it – including Australia. However, there are significant

signs that the system as practised today is not meeting the needs of today's societies and the myriad of new and distinctive 21st century challenges they face.

Frustration with the failure of the liberal democratic system to move with the times has morphed into growing lack of trust, cynicism and disengagement by citizens who increasingly believe the system is no longer geared to achieve the common interest. Instead of leading through transparent and fact-based, deliberative policy development – supported by processes of broad and appropriate community consultation – politicians are seen as reactive, risk averse and partisan in their policy development. Societies are venting their frustration through voting for political extremes or fragmentation. We are also seeing a growing pattern of civil disobedience as citizens resort to more radical action in the belief this is the only way to have their voices heard.

The concerns, mood and levels of disengagement of Australian voters are most recently documented in the Quarterly Essay '*Australia Fair – Listening to the Nation*' by Rebecca Huntley.

While these patterns of frustration and dysfunction are evident across most liberal representative democracies, the good news is that the system can evolve to overcome the shortcomings.

A WAY FORWARD

During 2017 a group of concerned Australians - representing a range of political views and social elements of our society - gathered in two symposium meetings to discuss the question: "What changes can we agree upon to deliver effective long-term decision-making which earns public trust?"

The outcomes of those meetings could be clustered into three categories:

- Firstly, improved *transparency and accountability* in government to minimise the impact and perception of political and partisan influence on government decisions that affect the whole community and, in this way, help to restore public trust in government.
- Secondly, seeking *evidence-based and openly consultative* government policy making on all decision-making and matters of significance.
- And thirdly, a *refresh and rebooting* of Australian democracy through changes in some of our governmental processes - and broadly re-engaging our citizens in the processes for making the policy decisions that are *required for the common good*.

The issues inherent in the first category are topics of ongoing discussion in the public arena.

In the second category Professor Percy Allan AM has progressed a widely publicised piece of research - and guidance for governments based on the work of Professor Kenneth Wiltshire, of the University of Queensland Business School.

The issues within the third category have the potential to produce the most impactful and sustained change for the better – but due to the size and degree of difficulty in implementation, there has been limited progress to date. A small group of participants from the 2017 seminars have, with the support of the New Democracy Foundation, been discussing a way forward with various interested parties. Matt Ryan (a former Deputy Chief of Staff to South Australian Premier Jay Weatherill) has contributed reflections on his experience in developing South Australia’s extensive program of democratic innovation and knowledge of citizen participation practices that are emerging internationally. Dr Mark Triffitt (University of Melbourne) has written and contributed a paper that details a description, and evolution, of the challenges our democracy faces – and a way forward in addressing these: *‘Australia’s Democracy - A Strategic Roadmap For Renewal’*

<https://democraticrenewal.org.au>

CITIZENS FOR DEMOCRATIC RENEWAL

This group of concerned citizens decided to come together in early 2019 under the name ‘Citizens for Democratic Renewal’ with the following objective.

Our end objective is to stimulate the establishment of a special purpose Australian citizens’ assembly, that is reflective of our whole community, to determine how we can regenerate and strengthen our democracy, through:

- *Better enabling the discourse, deliberation, legislation, regulation and enactment of Government policy making to be conducted in a transparent, fact-based, consultative, timely and civil manner with the common good given overriding priority;*
- *Better representing the views of our population in government policy formulation;*
- *Establishing a constitutional review process that will give us a contemporary constitution promulgated and legislated by the people of Australia (in place of the current constitution legislated by the UK Parliament in 1900!) that sets the framework for governing our country wisely as we face contemporary and future opportunities and challenges.*

This submission is made as Citizens for Democratic Renewal on behalf of our convening group and the growing number of citizens who wish to see our democracy reinvigorated and widely trusted by an engaged Australian public.

We recommend that the Australian Senate Legal and Constitutional Affairs Reference Committee's Inquiry into Nationhood, National Identity and Democracy:

1. Proposes an Australian citizens' assembly, that is reflective of our whole community, to determine how we can regenerate and strengthen our democracy.
2. Specifically considers and recommends action on:
 - a. A code of professional conduct for all politicians, similar to the standards the Hayne inquiry set for the banking industry.
[Obey the law; Do not mislead or deceive; Be fair; Provide services that are fit for purpose; Deliver services with reasonable care and skill; When acting for another, act in the best interests of that other.]
 - b. A federal ICAC, a publicly credible and transparent political donation and campaign funding policy, and election spending caps.
 - c. A framework for all government policy decisions to be developed transparently, on a base of evidence and fact, and with appropriate levels of consultation that establishes the case for each policy being both the most appropriate for the common good - and as un-intrusive on the individual as possible.
 - d. A series of citizens juries (or similar informed public forums, that are clearly independent of partisan bias in agenda and participant selection) to address the big, complex and controversial policy challenges - where our normal political processes are unable to adequately lead the public discourse and find the 'common good' that the vast majority can accept.
[For example: Reform of tax and the social safety net; An energy policy for a sustainable future (including managing our national impact on climate change); Affordable housing; Sustainable living (Minimising depletion of non-renewable resources; protecting our land, water and air from degradation, and leaving a healthy environment for future generations); Affordable health and aged care service delivery; Formal recognition of our First Nations, their citizens and cultures; Freedom of speech.]
 - e. A process for the refresh and reboot of our liberal democracy and making it fit for purpose in the 21st century. Specifically, review the benefits of:
 - i. Establishing a permanent Constitutional Council of esteemed community leaders to consider the constitution in the light of contemporary society and advocate appropriate change. The Council to be responsible for drafting any referendum questions and publicly presenting these to the parliament for action.

- ii. A re-structuring of the Senate as “a people’s house of review”, removing partisan politics and minimising the opportunity for frustration and distortion to the mandate of the elected government. [For example, a Senate selected by sortition and having a mandate and protocols similar to that of the UK Upper House.]
- iii. A re-think and clear articulation of the role of each layer of government and how they are to be funded. [Seeking to make and implement policy - and the inevitable trade off decisions - as close to local communities as is possible. Only drawing policy making and implementation up the hierarchy when the benefits of centralisation are clearly evidenced.]
- iv. Re-establishing the role, quality and independence of the Public Service. [Respected professionals who can fearlessly bring fact, perspective and substance transparently to government in a non-partisan way to support quality decision making.]

We would welcome the opportunity to provide the Committee with additional information on any of these points.

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Further Reading:

CITIZENS' CONVENTION ON UK DEMOCRACY - A USER'S MANUAL:

<https://drive.google.com/file/d/1AtZt68Oc1TAFfIQfW8-OoT2OwUZVITe/view?usp=sharing>

WHY COMPETITION IN THE POLITICS INDUSTRY IS FAILING AMERICA – A STRATEGY FOR REINVIGORATING OUR DEMOCRACY:

<https://www.hbs.edu/competitiveness/Documents/why-competition-in-the-politics-industry-is-failing-america.pdf>

Two Final Thoughts from Experienced Community Leaders:

John Howard (11 May 2017):

Is reported by The Australian newspaper's Andrew Burrell to have made this comment when talking about the potential energy crisis facing Australia's eastern states.

Our political processes are failing Australia and Australians! They need change to meet the challenges faced by society today and better engage the people of Australia in the big decisions we "must" make.

Kofi Annan (September 2017):

“This means that we need to make our democracies more inclusive. This requires bold and innovative reforms to bring in the young, the poor and minorities into the political system. An interesting idea put forward by one of your speakers this week, Mr. Reybrouk, would be to reintroduce the ancient Greek practice of selecting parliaments by lot instead of election. In other words, parliamentarians would no longer be nominated by political parties, but chosen at random for a limited term, in the way many jury systems work. This would prevent the formation of self-serving and self-perpetuating political classes disconnected from their electorates.”