

Read, Shane (REPS)

From: Philip Lillingston [lillingston@australia.edu]
Sent: Thursday, 4 July 2002 11:48 PM
To: JSCEM.reps@aph.gov.au
Subject: inquiry submission



lillingston.doc

The Secretary
Joint Standing Committee on Electoral Matters
Parliament House

Dear Sir/Madam,
Please find attached a submission on behalf of myself with regards to the inquiry into the conduct of the 2001 election and ways of improving Australia's electoral system.

Attached file is titled "lillingston.doc". I would appreciate it if you could send me notice of receiving said file.

Thanking You,

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Joint Standing Committee on Electoral Matters	
Submission No.	120
Date Received	5/7/02
Secretary	Palmer

VOTING ON THE BOAT PEOPLE AND THE GST

The Secretary
Joint Standing Committee on Electoral Matters
Parliament House

I, Philip Lillingston, present the following submission in relation to the Inquiry into the 2001 Federal Election. I am responding to the terms of reference to inquire into and report on all aspects of the conduct of the 2001 Federal Election and matters related thereto.

Summary

Choosing our Executive as well as our MPs

In the 2001 Federal Election, many Australian voters were faced with a conundrum of wishing to support one party because of the legislative agenda offered but at the same time another party with regards to Prime Ministerial executive action in response to the "war on terrorism" and "boat people" issues. As in certain other democracies they should have been allowed to express their wishes on both counts.

Proposal

I request that the following proposal be taken into consideration:

- That actions be taken so as to present to the Australian people a referendum to change the Australian Constitution to the following effect: That in accordance with the separation of powers doctrine, the executive arm of government be accountable to the people by a direct vote, rather than responsible to the legislative arm of government.

Specifics of Proposal

- ❖ At elections, as well as their normal ballot papers for the Senate and House of Representatives, a separate ballot paper should be offered to voters where political parties would have entered their candidate's names for Prime Minister as well as deputy Prime Minister.
- ❖ On winning office the successful candidate would then choose his/her own cabinet which, due to the separation of powers doctrine, would exclude existing Members of Parliament.
- ❖ As compared to the US constitution, the powers of the Prime Minister would not necessarily have to include a veto power on legislation.
- ❖ Possibly with a higher than just simple majority, Parliament would also retain the right to remove the Prime Minister from office upon a hearing inquiring into charges of misconduct.
- ❖ For the sake of expediency, voting for the Executive, Senate and House of Representatives should all be on the same day. As it might be improper for either the Legislature to dictate to the Executive or the Executive to dictate to the Legislature as to when there will be an upcoming election, the obvious viable solution to this would be to have fixed terms, and thus a set date for House, half-Senate and Prime Ministerial elections every three years (or whatever the term should be).

Supporting Arguments

The framework of democracy in Australia is what is called 'responsible government' which generally is implicit with parliamentary, as compared to presidential government. The concept being that government (i.e. the executive) is not directly responsible and accountable to the people but instead to Parliament. What this effectively means is that we directly elect our members of Parliament, that is, our lawmakers who in turn appoint our executive arm of government.

However the problem with this is that, as evidenced below, the values people want in their executive are often judged from a different criteria than those they want in their lawmakers.

I believe the 2001 election was a good example of how when people vote for a lawmaker so as to appoint a certain chief executive they want, they will get the chief executive they want but in the process may well end up with a lawmaker they didn't want.

12 months legislative; 8 weeks executive

For at least 12 months prior to September 2001, according to both the Australian's *Newspoll* and the *Roy Morgan Research Centre Pty Ltd*, the Australian Labour Party was the popular preferred choice for government, due to amongst other things the public's resentment of the GST. Then (also according to the Roy Morgan Research Centre) within a period of just two months Prime Minister John Howard defined himself in the eyes of the electorate by making a certain **executive** decision with regards to the *Tampa* incident and the newly declared 'War on Terrorism' to the degree that the Liberal party won sufficient electoral support to win the November election. Thus the electorate's lesser desire for a change in the legislative program was laid waste due to the more compelling desire for executive action over border protection and other external affairs.

The point is not that Prime Minister Howard somehow 'stole' the election and should not now be Prime Minister. If the title of a Morgan poll release: 'Howard's Boat People Stand Key to Coalition Revival, but Anti-GST Sentiment Still Aiding ALP', as cited below, reflected the truth, then Mr Howard now does deserve to be Prime Minister but what is in question is why the party that supported the GST should now be a majority in the House of Representatives.

Historical similarity

In 1954 the then government, also the Liberals, were similarly accused of having 'stolen' the election from a position in the polls where they were expected to lose.

An incident involving the dramatic defection of Vladimir Petrov, a Soviet diplomat-agent in Canberra, galvanised public attention and awareness (with regards to geopolitical affairs of state and the threat of communism) to such an extent that it became the dominant factor in the election. Nothing in the legislative agenda of the opposition Labour Party caused them to lose the election as much as the public's desire to have the Liberals in charge of government, rather than the Labour personalities, who were perceived to be soft on communism.

Disclaimer

Even though supporting evidence for the previous two examples depends on the integrity of polling organisations as well as commentator's subjective interpretation of recent history, the essence of this submission is that there is no reason to believe that the values and beliefs the voting public desire in their lawmakers is exactly the same as the character, determination and attitude to external affairs they want in their chief executive.

It would be highly disingenuous to claim that all voters happen to share with their chosen political party not only the policies of legislative reform but also the attitude toward executive action by that of the party's leader. One needs to go no further than noticing that when opinion polls regularly publish the results of the support of the two major parties, they also publish results of the preferred Prime Minister, a statistic that is rarely the same as that of the leader's party.

Package deal

- The basic problem with the current parliamentary system is that you can't vote for a local member to represent you in the legislative chamber as well as the Prime Minister to represent you in the executive arm of government.
 - You either choose a Labour M.P. and P.M. or a Coalition M.P. and P.M. Your vote is tied and specific preferences are not allowed.
- This conundrum couldn't have happened in either France or the United States, where citizens vote for their chief executive **and** their legislative representative.

Separation of powers

The separation of powers principle holds that the three arms of government: the executive, the legislature and the judiciary should always be kept at arms length, independent from each other and each able to exercise an autonomous influence in the good government of Australia. Just as it would be anathema for the legislature to arbitrarily remove a member of the judiciary for the way the laws of Australia were interpreted, similarly the Prime Minister and cabinet should also have the right to act independently of Parliament when executing those same laws.

For all the reference made in contemporary thought to the reverence of the 'separation of powers' doctrine, parliamentary government actually violates the concept when compared to presidential style government: i.e. without any manner of justification, the legislature can both appoint and remove the executive.

Anachronistic system

It is hard to see why we should retain such an anachronistic electoral system as the parliamentary system which presumably was only implemented because of the original provincial nature of society: i.e. people didn't know anyone but those in their own local geographical community so the decision as to who would be prime minister was left to their member of parliament who was more aware of who the contenders were, hundreds of miles away in the nation's capital.

Now with mass communications all voters can be aware of the personality and issues associated with all candidates vying for the role of P.M

Additional problems of the current parliamentary system

Majority not guaranteeing victory

One of the most bizarre aspects of the current electoral system to determine who shall be the chief executive is that a candidate who wins **less** votes than his opponent can still win the election. In the NSW 1995 state election and both the 1989 and 1998 federal elections the candidates leading their parties into the election who won more preference votes actually lost the election due to the peculiarities of the gerrymander effect of single member electorates.

- Under direct election for the executive, when voters cast their votes for who shall be Prime Minister (and deputy P.M.) on a separate ballot paper, only the team winning the majority of (preference) votes cast, can win.

Divided role of members of cabinet.

At present the Prime Minister and other members of cabinet not only perform the very important duties that those offices require but are also expected to act the role of representative of the approximate 100,000 people of their respective electorates.

- Under a presidential system, the role of representing an electorate would be treated as a job in itself while that of Prime Minister or other cabinet minister would similarly be deemed to be a full time position without the need for even extra responsibilities added on.

Responses to common criticisms of the presidential system

Presidential electoral systems lead to elections becoming American style money fed circuses.

- The fact that whoever wins the American presidency will become the most influential and powerful person in the world might be more of a reason for the “circus”, rather than the particular voting method used.
- To have three different ballot papers to choose our government and Parliament instead of the current two, can only mean that each particular vote would have less significance instead of more.

Presidential electoral systems lead to personality politics

- To the degree that it may be true it is a small price to pay for extending democracy and ensuring the separation of powers.
- In a democracy the general public should not be denied the right to choose someone as important as the chief executive because they may allegedly decide their vote for the wrong reasons.

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Appendix

Roy Morgan Research Centre

cited at <http://www.roymorgan.com/polls/2001>

Below are the headings from individual polls performed in conjunction with the Bulletin Magazine and with between 750 and 1000 respondents from across Australia. Statistics revealed in each finding support the respective headings.

Finding No 3361 [January 2001] **ALP Continues To Lead As Year 2000 Draws To Close.**

Finding No 3370 [January 2001] **Federal ALP Begins Election Year With 11.5% Lead**

Finding No 3377[February 2001] **Federal Opposition Increases Lead Over Coalition**

Finding No 3380 [March 2001] **All-time Record Low For Coalition Government Lowest Since Founding Of Liberal Party During WW2.**

Finding No 3395 [April 2001] **Federal Coalition Continues To Trail ALP As Electors Desert Major Parties**

Finding No 3406 [May 2001] **Pre-Budget Doldrums For Federal Government As L-NP Support Falls Again.**

Finding No 3409 [June 2001] **Post-Budget Gain Disappears As Federal Government Support Falls Again.**

Finding No 3415 [July 2001] **Federal Coalition Marginally Closer But Labor Still Enjoying Handy Lead**

Finding No 3433 [August 2001] **Federal Coalition Continues To Trail As GST Resentment Remains.**

Finding No 3438 [September 2001] **Refugee Crisis Throws Federal Government Life-Line.**

Finding No 3444 [September 2001] **Howard Government Hits Lead For First Time Since 1998 Election**

Finding No 3445 [September 2001(post 9/11)] **Electors Strongly Back Howard Government Following Week Of Turmoil.**

Finding No 3449 [September 2001] **Tough Stand Key to Howard's Recovery.**

Finding No 3463 [October 2001] **Howard's Boat People Stand Key to Coalition Revival, but Anti-GST Sentiment Still Aiding ALP**

Newspoll

cited at <http://www.theaustralian.news.com.au>

Preferred vote support for the two major parties.

18 th April 2001	ALP	65%	Coalition	23%
5 th October 2001	ALP	19%	Coalition	63%