

PROGRESSIVE LABOUR PARTY

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Submission by the Progressive Labour Party, a federally registered political party since 1997.

Preface

The Progressive Labour Party, since its inception, has considered electoral reform as a most important issue. The Party regards the present system as entirely inadequate in terms of the frequent claims made for it, in particular, that it is a democratic system. Secondly, this electoral system has produced and maintained a dominant two-party regime which discourages the formation of new parties and, if established regardless, prevents them from having a fair chance to grow. There is a fairly widespread view that minor parties emerge from time to time only to die a natural death after a few years of fruitless struggle. Furthermore that their policies and views somehow become incorporated in the two-party regime. Such an appearance, so the justification for the maintenance of the current two-party tyranny continues, serves to inject new ideas into the system which is then thereby rejuvenated. The PLP considers such a justification as false and unhelpful. The reality is that the two-party system comprises two-look alike parties with mediocre non-reform or reactionary programs. They have a vested interest in maintaining the status quo, including the electoral system, perhaps especially so because this is what protects them most of all.

This submission is built around the PLP's Republic, Government and Electoral Policies document and is organised as follows.

- A. STATEMENT OF DISSATISFACTION WITH THE CURRENT ELECTORAL SYSTEM TO ELECT THE FEDERAL PARLIAMENT. IMPROVE IT BY REPLACING IT**
- B. COMMENTS ON THE ELECTORAL SYSTEM FOR THE SENATE AND THE CLAIMED ADVANTAGES AND DISADVANTAGES.**
- C. THE UNDER-REPRESENTATION OF WOMEN, ETHNIC MINORITIES AND INDIGENOUS PEOPLE**

D. THE RELEVANT SECTIONS OF THE PLP POLICY

E. RECOMMENDATIONS TO THE JOINT STANDING COMMITTEE

A. STATEMENT OF DISSATISFACTION WITH THE CURRENT ELECTORAL SYSTEM TO ELECT THE FEDERAL PARLIAMENT. IMPROVE IT BY REPLACING IT.

The dissatisfaction with the major parties, their policies and their leaders is now widespread - and deep-seated. Up to 35% of the voting population have given their first preference to minor parties and Independents in recent years. However, Australia's electoral system ensures that most preferences still end up with the major parties, at least in all lower houses of federal and state parliaments, except Tasmania. This means that the claim that Australia is a representative democracy is a myth - and not only on this ground. The unrepresentative "winner take all" mentality, inherent in the single-district electoral system, further adds significantly to render the claim worthless. In most federal elections the governing party or coalition doesn't even receive a majority of first preferences! In 1998 the Coalition received 39.2 % and the ALP 40.1% of the primary vote. On a two-party preferred basis the Coalition actually failed to get a national majority (49%/51%), but won more seats than the ALP. On other occasions the ALP has won minority Government in similar fashion. The so-called "preferential" or "Australian vote", a minor variant of the "first-past-the post" system, hasn't overcome that major problem of the latter.

Secondly, in each federal electoral district at the very least a large minority, on average 48% to 49% of voters in a close election, are not represented by the party of their first or even second choice. It is worse actually, considering that only around 40% of either major party attract a primary vote one could safely say that the majority of voters are not really represented by the party of their first choice in the House of Representatives!

Thirdly, unlike most other Western-type Democracies, in Australia there are constitutionally no effective provisions for an Opposition to present a Motion of No-Confidence and, if successful, to bring the Government down. In a House of Representatives dominated by two major parties the majority party can mostly easily vote such a Motion down. The only way that an erring Government can actually be stopped in Australia is by blocking Supply a measure that has created considerable anxiety when used twice by the conservative Coalition in the early 1970s. Legally this situation and option still prevails but for some reason both the Australian Democrats and some ALPers argued after that episode that they would be very reluctant to use that only effective device as a Motion of No Confidence - should they be in a position to do so (as they are at present). Thus, in practice, a further negative consequence of the electoral system that produces two-party domination, is that an erring Government has to be suffered for a full parliamentary term. This is decidedly a major drawback of this system and it cannot be justified by arguing that blocking Supply would cause instability. The record shows that it hasn't but, we argue, that it would be a far superior solution to change the present electoral system. In that way an effective

multi-party parliamentary system would soon emerge which allows re-alignment of government coalitions without the necessity of having a new election. This should be combined with fixed four-year parliamentary terms.

There are many other problems with the existing electoral system which Australian voters live with because they lack the awareness of alternatives. We do need to summarise these here to make our case. The voters appear to be brainwashed to believe that Australia's electoral system is superior and that the alternatives used in very many other countries are somehow not suited to Australian conditions or just bad. In this submission advocacy of the Proportional Representation, particularly the Hare-Clark system, will be presented. Of course this is not really new for Australia at all but it has not been used for the principal legislative chambers with the exception of Tasmania. Not surprisingly that state was the home of Justice Andrew Inglis Clark the co-architect of the Hare-Clark system (he was also a principal contributor to the 1891 draft of the federal constitution).

Pork-barrelling, the Government providing marginal electorates with often grossly disproportionate financial benefits and/or employment creating projects - are aimed to swing single-member districts to its fold - or to keep it there. Often the result is a form of (un) economic development perverted by political considerations. Economic benefits nationally are then not used to maximum benefit for the nation as a whole. Electoral campaign sometimes concentrate on just 8 or 10 swinging seats to clinch an election. In a Proportional System this is simply not possible because electorates are multi-member with many parties contesting the election with a reasonable chance to win seats - it is not an either-or situation.

Conversely, safe single-district seats can and do suffer neglect, over long periods even. In low income electorates this can mean serious deprivation, both in country and city seats. On account of population movements between electorates it is necessary in the current system to reassess electoral boundaries periodically. The earlier major disadvantage of the single-member-district system is thereby countered to some extent. However, the need for these corrections hardly exists in multi-member electorates typical of Proportional Representative electoral systems.

In a country where the population is so highly urbanised and so unevenly distributed, as in Australia, a single-member-district system is completely unsuited. Many sparsely populated and therefore extremely large electorates have the same one-member representation as densely populated city electorates. Country electorates clearly suffer as a consequence - in spite of much improvement in communication and transport systems during the 20th century.

In the party system that developed in the 20th century voters increasingly vote for party programs, NOT for individuals as in much of the 19th century. But the single-member district system still pretends otherwise. Clearly the Local Member does not represent his/her constituents, not even the 40% that actually voted for him or her, s/he represents his or her **party program**. This archaic myth should end. It grossly distorts the reality and doesn't make for genuine representation. It is one further reason why the political system, political parties and politicians have become so distrusted, lowly rated and ignored by the general public.

The many advocates of Proportional Representation in Australia are well aware of the existing problems and have long argued for a change to PR in one form or another. Neither major party is interested in this for the House of Representatives - (misguided) self interest being their principal motivation. Therefore, a solution to break the vicious circle can at present only be found by voters utilising the existing voting system by voting for parties and Independents who favour Proportional Representation. However, these are the several minor parties who continually suffer the consequences of the bias in the entire political system reinforced by the media. Several major dailies plainly glorify the two-party system, especially at election time, as a bulwark of stability. Serious debate about alternatives is deliberately avoided. It would be better that reform comes from the major parties before an even greater crisis of confidence in the system emerges. At least the New Zealand Labour Party had the guts to instigate a Royal Commission into their electoral system in the mid-1980s. That Inquiry came up with a mixed Proportional -Single-Member System which does have a number of flaws. However, in Australia such reform stopped in 1949 when the Australian Senate introduced PR.

The decline of Australian Parliaments as effective, democratic legislative chambers has been the subject of serious research for the last 35 years and is well documented. We submit that this is in large measure attributable to the current electoral system which, while at one stage a minor improvement on the earlier (British) first-past-the-post system, is still based on single-member districts.

Although it is true that theoretically Australian voters, at every election, do have an opportunity to break the vicious circle and not vote for either major party, in practice this is virtually impossible to achieve. At every opportunity the establishment will warn against PR because it "would cause instability" referring usually to Italy and Israel. That kind of instability there, certainly not primarily the result of the electoral system anyway, has not happened to the 19 Western style countries listed below which have PR as their principal or only electoral system - and usually entrenched in their Constitutions. In most of these countries between four and 10 parties gain representation and rather than having to resort to an adversarial style of debate and parliamentary interaction, there is more often than not a need and desire for cooperation in order to form Government and maintain rapport with those parties not in Government. In actual fact that is the norm there and it is the direct result of their electoral systems, based on Proportional Representation with multi-member electoral districts. **Note how many there are that we rarely hear about: The Netherlands, Belgium, Luxembourg, Sweden, Norway, Denmark, Finland, Iceland, Germany, Austria, Czech Republic, Switzerland, France, Portugal, Spain, Greece, and Malta. PR also was also introduced in South Africa in 1994 and in New Zealand in 1999.**

It was estimated that 2.7 m. people who could have voted in the November 2001 election did not actually vote. This included those who could enrol but didn't, at least 5% of those who are enrolled but didn't bother to vote, and those who voted informally. My own experience as a candidate during the election campaign was that on the Central Coast of NSW at least 25% of voters either did not vote or voted most reluctantly - simply to either avoid a fine or because it

was a duty which they decidedly disliked. The reluctance is largely the result of disdain for politicians and the political process. Handing out electoral material for my party during a week of meeting commuters at train stations in peak hours **many volunteered this view “if I could get out of it I would not vote”**. Many stated proudly that they had never enrolled and intended never to do so. Others indicated that voting was a **“terrible bore”** and they wouldn't do it if they could avoid it. Of course there were also many interested voters but their percentages are declining. **The young are especially turned off.**

Why should the two-party tyranny, because that is what it has become, be relegated to history as soon as possible, quite apart from the above telling reasons? Forcing together factions in major parties, which are in reality often opposites, is unproductive, eg. Tories and “small l” liberals, ALP Right and Left factions. It doesn't really make for cohesive teams of like-minded politicians. It is much easier to achieve that in a multi-party parliament where much greater flexibility can produce coalitions of like-minded parties to find common ground for the important issues of a particular period. The rigidity of the two-party system is not only productive of (frequently quasi) adversarialism but, far worse, of the failure to produce sensible common ground and compromise. Thus immobilism, internal tension in both Government and Opposition ranks, farce, mediocrity (especially in the Westminster system where Ministers must be drawn from the **elected** MPs) are the increasingly uninspiring norms.

B. COMMENTS ON THE ELECTORAL SYSTEM FOR THE SENATE AND THE CLAIMED ADVANTAGES AND DISADVANTAGES.

The 76 Senators, 12 in each of the six states and four for the two territories, are elected on the basis of Proportional Representation. Half the Senate is normally elected at a Federal Election, except in the case of a Double Dissolution.

One of the arguments against having Proportional Representation introduced for House of Representatives elections is that the Senate is already elected on that basis so that a more representative chamber is in any case part of the Parliamentary system. This is a nonsensical argument because the Senate is regarded as the subservient chamber that should not thwart the Government's “mandate” - even if it failed to achieve a national majority of votes!. First of all, the conflict between the two chambers is often the very result of the two different ways of electing them. Frequently the claim is made that the Senate frustrates the Government with its legislation and it will then claim that it has a mandate for its program because it was elected to govern and has the majority in the House of Representatives. This situation in itself, in existence since 1949, surely has to be ended by electoral reform. The claims by Governments of different persuasion more often than not don't stand up though. The claim to have a mandate for something or other, is dubious in itself because it is never quite possible to determine which part of an overall program it was that the voters endorsed - that is to establish the intensity of support for particular aspects. One would say that the present Howard Government was elected largely on the basis of its Refugee Policy wrought during the Tampa crisis. Polls before that crisis indicated defeat.

The Senate is the more democratic chamber of the two in terms of representation in spite of the fact that population ratios between states, say Tasmania and NSW, detract from the value of the vote. Each state has 12 Senators but the vote of NSW is based on a population 9 times larger than that of Tasmania. The value of these votes no doubt differ greatly but the proportional nature is still comparable between them - although there is also a distortion here which should be removed. A more serious detraction is the fact that the Senate is elected over two parliamentary sessions - Senators have six-year terms and therefore a claim can be made that its current representativeness is distorted somewhat as a result.

However, against this it can easily be demonstrated that the actual PR representation of minor parties in the Senate as against the representation of major parties actually favours the major parties. In other words its proportional character is far from perfect. To give one example: in the 1998 election 40 Senators were elected. The Coalition and ALP Senators totalled 33 while the minor parties gained 7. In percentages 74.46% as against 25.54% of the primary votes. In terms of number of seats gained (7) only represents 18.25%. With a quarter of the total vote one would expect 10 minority party Senators in 1998. Overall, if truly proportional, in terms of the vote attracted over the 1996 and 1998 Senate elections, non-major party seat should be approx 18 instead of 13 - however even the 18 would not necessarily reflect the diversity of the electorate properly (see also below). It should also be remembered that the major parties are in a much stronger financial position than the minor parties, both in terms of Public Funding and Private Donations because they are the ones which determine the outcome of the election for the House of Representatives. Thus they can afford to staff every booth in every electorate which will have a positive effect on their Senate vote as well. For these reasons the Keating criticism of the Senate as "unrepresentative swill" and similar statements of disapproval by the Coalition - and other attempts to curtail the power of the Senate, eg. by breaking the "nexus" or Senator Helen Coonan's idea of joint sessions in case of deadlocks, only aim to serve the major parties. These are not improvements at all, to the contrary.

Of course, we have no illusion that a Joint Parliamentary Committee dominated by the major parties would come up with any recommendations for the electoral system that would not serve THEIR immediate interests best - that is, as seen by them. Nevertheless, we have decided to put our views and policies on record. We will also disseminate these view to other small parties and to the media in the hope that some of them may finally wake up to the realities. However, do consider, as a Committee of Inquiry, that there may well be many other groups which just couldn't be bothered to make a submission for that very reason - the inherent bias against serious reform.. We and they have not seen any evidence of a major party being able to look beyond its own electoral interests.

The Progressive Labour Party is nevertheless particularly mindful of the fact that since 1967 the Senate has performed solid parliamentary and legislative work in challenging the Government through its Committee System. There have been many well organised, in-depth public inquiries into a great variety of public issues. This has resulted in accumulating a large amount of useful information for designers of legislation, interest groups, the media and universities. It has also resulted in developing a sense of pride amongst the Members of that chamber. On occasion that

quality even transcends that of Party loyalty as recently displayed by the Liberal Party Senator Marissa Payne. That record surely must suggest to reformers of the electoral system that PR for the Senate has been a major improvement enabling that chamber to operate the way it does. It is our view that one could say that the Senate represents the redeeming Branch of the Parliament and of an otherwise mediocre if not ramshackle political system. Thus any attempt to reduce the influence of the Senate is most undesirable. As in psychiatry if one wants to improve the patient build on the healthy side of the personality. It is the House of Representatives that has to be reformed by adopting the Proportional Representative electoral system. Of course, we would argue that there is lot more than that which has to be reformed - as our policy suggests.

C. THE UNDER-REPRESENTATION OF WOMEN, ETHNIC MINORITIES AND INDIGENOUS PEOPLE

The under-representation of women, 51% of the population, is especially unsatisfactory in the major parties and has long been a topic for debate - without a great deal of success. It is only in the late 1990s that some steps were taken to address this matter with a modicum of success. The PLP favours gender parity of representation. It is part of our policy for internal organisation and this translates to public policy. The WASM (White, Anglo-Saxon and Male) domination of the National Parliament is undesirable, undemocratic and unrepresentative. Proportional Representation in the 19 countries mentioned earlier has generally been productive of breaking down male domination as well as of achieving minority representation, probably particularly ethnic minority representation.

The single-member-district electoral system discriminates very much against party members of ethnic origin becoming candidates in winnable single-district seats in elections even though they may be excellent candidates. The reason is simple. A substantial majority of voters are of Anglo-Australian origin and in a close contest particularly swinging voters may object to an ethnic candidates. Hence, more often than not they won't be preselected. The role of ethnic party members appears to be often that of voting cattle for branch stacking so as to get the right Anglo-Australian candidate up! Remember only one candidate will be successful, not five, six (half Senate), seven, nine, or 12 (full Senate). With multi-member electorates it makes good sense to run a team of diverse candidates! Hence, women and minorities have better chances to also gain a Guernsey.

With Indigenous people their chances of gaining a seat in a single-district system are basically nil unless there is a very large concentration of Indigenous voters in one district which is very rare. Thus only the Senate affords a small opportunity for representation. Two candidates, Bonner and Ridgeway, succeeded. However, a very strong case for Reserved Seats in the House of Representatives can be made to achieve Indigenous representation provided this is an initiative that originates from the Indigenous community itself.

The various ethnic communities in Australia are grossly underrepresented in all Australian Parliaments including the National Parliament. Migrants of Non English-Speaking Background, First and Second Generation (NESB I and II) are under-represented in all senior decision-making

agencies in Australia (Woldring, 1995), eg. Corporate Boards, the Judiciary, the Police, the Military, the Universities, the Public Services and Parliaments. NESB (I and II) comprise at least 19.6% of the population (2001 Census figure). Representation in Governance positions is generally well below 8%. In the National Parliament, in 1998, going by surnames, the figure is approximately 8% but this includes MPs like eg. Schultz and Albanese who are probably at least third generation Australians. What this means is that the Australian National Parliament does not reflect the ethnic diversity of the multicultural society it claims to represent. Far from it. Replacing the single-member district electoral system by Proportional Representation for the House of Representatives is, in our view, the best way to address this problem.

D. THE RELEVANT SECTIONS OF THE PLP POLICY

At this juncture we will merely state the relevant sections of the PLP 's Policy document dealing with electoral matters. We will include the entire policy document pertaining to the Republic, Government and Electoral Policies, as an Appendix, so as to explain the context of the particular section. No further commentary will be provided here. However, one aspect should be pointed out. The idea of piecemeal tinkering with the electoral system, with a view to providing substantial and long-overdue reform, we regard as virtually an impossibility. In our policies we look towards strategic and maximalist (systemic) reform as the best way to correct the many inadequacies in the Australian political system.

“Measures to end to the domination of the National Parliament by two parties.

The PLP calls for a referendum to introduce Proportional Representation by means of the Hare-Clark system based on multi-member electoral districts (these districts could be same as the administrative regions for local governments.)

This would provide scope for the representation of more parties and Independents - provided they would have minimum support of, say, 4% or 5% in a nine-member district. This would also end the single-member (district) system, pork barrelling, by-elections, neglected seats (safe seats), electoral boundary changes and the adversarial mode of debate.

The proportion of votes required for representation in a district would not be able to be raised without a referendum or some other means of democratic consultation. This is to ensure that major parties in a district cannot simply vote together and raise the percentage without community consultation, in order to reduce the representation of smaller rival parties and independents.

A system of 30 electoral districts, each returning nine members, would yield a 270 member legislature (House of Representatives). Add to this three Senators per district (possibly not belonging to any party) and a total of 360 MPs would represent the nation in Canberra. That

would be less than half the present total number if the states are abolished. The Hare-Clark system is well known in Australia as it is used in Tasmania, the ACT, and for the present Senate elections. It is preferred over other PR systems, such as list PR systems and the NZ MMD system of PR (based on the German system).

The Senate would retain its present powers and functions. The Senate, already elected by PR - Hare-Clark now (although distorted by "malapportionment" on account of the federal system and state representation) would retain its present powers and functions. However, in the PLP proposal Senators would not represent the abolished states. The principal functions of the Senate would be legislative review and holding Parliamentary inquiries as at present. The PLP would (then) remove the power of blocking Supply .

The PLP favours the Robson Rotation system for PR (used in the ACT, and Tasmania) with the right to discontinue the allocation of preferences beyond the number of vacant positions. the PLP supports Voter-determined Above-the-line or Under-the-line Optional Preference Voting. Compulsory voting will be retained.

<<Equality of Opportunity in Election Campaigns (inserted 2001 in bold and in brackets <<>>):

The PLP favours a very substantial increase in the public funding of elections and in free time on TV and on air, so as to enhance the process and quality of democracy in election campaigns. At present small parties are at a great disadvantage to attract donations while the major parties are disproportionately favoured by both public funding arrangements as well as by corporation donations. Through the system both major parties have become subservient pawns of corporate capital.

We suggest that to further strengthen the democratising effect of the introduction of Proportional Representation, public funding for political parties be quadrupled and much stricter measures as to exposure of corporate donations, and absolutely maximum levels of such donations be introduced in law.

However, it is also proposed that an absolute ceiling on public funding be introduced. Furthermore parties entitled to a refund should be able to attract at least 2% of the vote.

How to Vote Material:

"That the practice of handing out 'How-to-Vote' leaflets outside polling stations be abolished completely. That, instead, explanatory laminated posters be affixed to the walls of polling booths which explain to voters which parties are contesting the election, what 'how to vote' tickets each candidate recommends, if any, and what the task of the voters is at that moment, in an objective and neutral way. with assistance available to those with reading difficulties">>

The introduction of a FIXED four-year terms for the National Parliament and Government - with provision for optional early elections only if a Government has lost majority support in the House of Representatives, and after exhausting all options of forming a new government under the existing parliament.

Fixed-term parliaments are supported by many people but the major parties won't take steps to introduce this reform once in power. The advantages are widely accepted though. It provides time to implement policy and predictability. It reduces uncertainty and the frequency of elections. **POLICY: Change the electoral law or write it into the new constitution.**"

E. Recommendations:

The PLP's recommendations follow closely from the PLP Policy Section contained in Section D above. However, in part these are premised on other proposed changes to the political system and the constitution, eg. the abolitions of the states and the strengthening of local government. Nevertheless, many of the electoral recommendations can be introduced regardless:

1. Introduction of Proportional Representation, Hare-Clark by changing the electoral law by Referendum, including the Robson Rotation;
 2. All the provisions recommended for the achievement of equal opportunity in election campaigns and making parties far less dependent on corporate donations;
 3. All the provisions recommended for the abolition of How-to-Vote pamphlets, replacing them with other materials within the polling stations, as outlined above in D;
 4. The introduction of fixed four-year parliamentary terms, as explained in the PLP policy.
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Appendix

Progressive Labour Party

Republic & Government and Electoral Policies

Below the Official PLP Policy , as at this date, 10th June, 2001 adopted by the National Conference held in Newcastle, June, 2001

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Amendments passed at the 2001 Conference, here inserted in this document.

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Preamble:

a/ The PLP proceeds from the premise that major political, electoral and constitutional reforms are long overdue in Australia and that they are not and will not be tackled by the major parties. In developing a blueprint for change we prioritise an order in the change process on the basis of urgency and achievability. Therefore, what follows is an ambit package, eg. proportional representation for all Parliaments is high on the list, followed by the abolition of state upper houses, followed by the creation of a two-tier structure of elected government. Depending on the changing preferences of the Australian people some stages may be speeded up, collapsed or skipped altogether. What we present here is an overall concept for change.

b/ Our principal policies for a new Republic are:

- President: elected DIRECTLY by the people, with symbolic powers only:
Note: the Irish Presidential model provides a useful guide: strictly symbolic powers unlike the present powers of either the Monarch or Australian Governor-General. In addition, persons who have been members of any Parliament during the past 10 years cannot be candidates. Steps would be enforced to prevent expenditure by parties or business interests of large sums of money to distort the result of the poll. A President is needed to perform a variety of ceremonial and legislative functions.
- Two-tier system of elected government: National government and a much strengthened local government system, coupled with administrative local government regions
- Proportional Representation: aimed to create greater diversity in Parliament
- Improvement in the Quality of Political Executive Government, with consideration of a number of options for democratisation and broadening of cabinet government in Australia.
- Fixed four-year parliamentary terms
- A comprehensive Bill of Rights

- Safeguards for: (a) the environment; (b) Indigenous Peoples' rights; (c) other minority groups

c/ PLP policy is aimed at creating the Maximalist Republic, a Republic for the people, by the people and of the people - as it should be!

A mere change of ceremonial Head of State would still leave Australia with a rigid and archaic constitution, an outmoded political system and a grossly unequal society. This would be piecemeal tinkering of the worst kind. The time has come to consider clear alternatives to the federal form of government, the two-party system, the electoral system and the scope of government. A Bill of Rights, constitutional protection of the environment and a conciliatory settlement of indigenous rights need to be incorporated in a Republican constitution.

d/ The PLP has adopted the position that a sovereign people naturally have the unfettered right to rewrite and replace their constitution if they believe this to be a requirement for their survival, prosperity and improvement of their democracy. The PLP holds that what has happened in Australia in recent years is like putting the cart before the horse. Neither major party has a program for significant constitutional and political change.

e/ The notion that a government can be enterprising - and enabling - itself is the antithesis of the view that only private enterprise can deliver economic recovery, jobs and future prosperity for Australia. Many other countries, even those with a significant private sector, have entirely government-owned or jointly-owned public corporations to run key industries, eg. France and Norway. As the PLP is of the view that Australia should aim at government enterprise rather than privatisation it becomes imperative to build real quality and independence into the Government and Parliaments and to ensure that Government and Parliaments cease to be the servants of powerful multinational corporations and financiers in the private sector.

The reformist strategy is dealt with in three sections:

SECTION 1: THE INADEQUACIES OF THE EXISTING POLITICAL SYSTEM;

SECTION 2: A MAXIMALIST MODEL FOR POLITICAL AND CONSTITUTIONAL REFORM IN AUSTRALIA;

SECTION 3: DRAFTING THE NEW CONSTITUTION, - CONSTITUTIONAL CONTINUITY, - LAUNCHING THE NEW CONSTITUTION BY MEANS OF SECTION 128.

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SECTION 1 The Inadequacies of the Existing Political System

a/ The kind of question which Australians are now increasingly increasingly asking themselves in relation to the Republic is: What kind of a Republic do we really want? If Australians can reconstruct their political system to meet the demands of a society vastly different from Federation in 1900, having greatly advanced technology at its disposal and possessing superior transport and communication systems as well as physical resources, how will they do it? Would there still be any need for a federal system at all? Or would it be a huge hindrance to effective government? Would there still be need a for some 830 politicians? Should they introduce a two-tiered system of elected Government and enable the majority party or coalition to select the Ministry from outside Parliament rather than appoint career politicians? Surely the issue is no longer whether Australia should be a Republic OR continue to be an outpost of a rather shaky constitutional monarchy which has little interest in her distant Dominion. Improving the processes of Government in Australia, steeped in 200 years British colonial and Westminster traditions, is a task habitually avoided by both major parties. Unless it's done Australia may no longer in business on account of its antiquated constitution and political system. More likely it will be governed by the Boards of Directors of foreign Multi National Enterprises through a comprador class of well-paid compliant Australian managers and politicians. That trend is unmistakable already. The PLP intends to create a real democracy in Australia.

b/ The domination by two major parties has led to an erosion of democracy and to a weakening of Government, often described as 'the passing of Parliament'. The electoral system has kept that now sterile, male dominated, two-party system in place for far too long. A greater variety of interests, persons and cultures should be represented in the National Parliament. The role of the citizens in constitutional change has been minimal and tokenistic. The initiative and timing of referendums is the prerogative of the Government of the day. Almost every constitutional referendum turns into a political slanging match regardless of the merits of the proposal(s). Only eight of many such referendums have been successful over the 100 years of federation. The rejection of the four proposals of the 1988 referendum demonstrated the present Constitution's dangerous inflexibility once again. Updating the Constitution has proven to be far too difficult. The result has been to devise expensive ways to circumvent it, often unsuccessfully, a recipe for stagnation and deterioration.

c/ The PLP's answer to these problems is that the piecemeal tinkering must end. Australians need to rewrite the entire constitution. The idea that the constitution cannot be replaced by another one, supposedly because it can only be amended (and then only in terms of the highly unsatisfactory amending clause, section 128), is no more than a legal fiction. It suggests that the legal system ultimately rules Australia rather than the people. This line of argument, frequently voiced by socalled constitutional experts, suggests that today's Australians are shackled by past agreements among some of the citizens who voted on the 1900 Constitution Draft in a VOLUNTARY referendum 100 YEARS AGO.

SECTION 2: A Maximalist Model for Political and Constitutional Reform in Australia

2a/ The phoney Minimalist Republic 'debate' resulted in the Constitutional Convention of February, 1998.

The Convention was dominated by conservative politicians, Minimalist candidates of the ARM and the pro-monarchist candidates. However, a vocal minority of Maximalist candidates presented the kind of arguments which are embodied in PLP policy as well. In addition, the Australian voters favour a directly elected President a fact that the conservative majority at the Convention found hard to deal with. We have incorporated that wish also in our policy.

2b/ That policy now follows:

A. Head of State to be directly elected by the Australian people. Head of State to have essentially symbolic powers, plus some reserve powers aimed essentially at breaking legislative deadlocks. In the event of legislative deadlock the President convenes a joint sitting of Parliament where a majority can resolve the matter, or otherwise a referendum is called. The PLP does not favour the US-style Presidential system or a dual executive structure (as for instance in France).

B. The Prime Minister will remain the effective Head of Government.

This official is the leader of the party or coalition of parties which command majority support on the floor of the House of Representatives

C. The PLP is most concerned with the lack of quality in political executive government.

We propose a democratisation and broadening of cabinet government in Australia, including consideration of :

- + Inclusion of ministers with appropriate expertise and experience from outside of Parliament (as is the practice in most overseas countries);
- + Nomination of ministers not only by the Prime Minister but also by unions and community organisations in their sphere of responsibility;
- + Election of cabinet by the whole of parliament, instead of appointment by prime minister or factional leaders;
- + Direct election by voters of all executive/cabinet positions;
- + All ministers to be responsible to parliament, and subject to recall at any time.

Ministerial Codes of Conduct

We endorse the creation of codes of conduct for each Ministerial Department in order to enshrine a character of ethics and accountability to the decision making processes and to ensure that the Universal Human Rights of the UN Charter and a concern for the welfare of all people becomes the fundamental basis for all policy making.

D. Measures to end to the domination of the National Parliament by two parties.

The PLP calls for a referendum to introduce Proportional Representation by means of the Hare-Clark system based on multi-member electoral districts (these districts could be same as the administrative regions for local governments.)

This would provide scope for the representation of more parties and Independents - provided they would have minimum support of, say, 4% or 5% in a nine-member district. This would also end the single-member (district) system, pork barrelling, by-elections, neglected seats (safe seats), electoral boundary changes and the adversarial mode of debate.

The proportion of votes required for representation in a district would not be able to be raised without a referendum or some other means of democratic consultation. This is to ensure that major parties in a district cannot simply vote together and raise the percentage without community consultation, in order to reduce the representation of smaller rival parties and independents.

A system of 30 electoral districts, each returning nine members, would yield a 270 member legislature (House of Representatives). Add to this three Senators per district (possibly not belonging to any party) and a total of 360 MPs would represent the nation in Canberra. That would be less than half the present total number if the states are abolished. The Hare-Clark system is well known in Australia as it is used in Tasmania, the ACT, and for the present Senate elections. It is preferred over other PR systems, such as list PR systems and the NZ MMD system of PR (based on the German system).

The Senate would retain its present powers and functions. The Senate, already elected by PR - Hare Clark now (although distorted by "malapportionment" on account of the federal system and state representation) would retain its present powers and functions. However, in the PLP proposal Senators would not represent the abolished states. The principal functions of the Senate would be legislative review and holding Parliamentary inquiries as at present. The PLP would (then) remove the power of blocking Supply.

The PLP favours the Robson Rotation system for PR (used in the ACT, and Tasmania) with the right to discontinue the allocation of preferences beyond the number of vacant positions. the PLP supports Voter-determined Above-the-line or Under-the-line Optional Preference Voting. Compulsory voting will be retained.

<<Equality of Opportunity in Election Campaigns (inserted 2001), in bold and in brackets <<>>:

The PLP favours a very substantial increase in the public funding of elections and in free time on TV and on air, so as to enhance the process and quality of democracy in election campaigns.

At present small parties are at a great disadvantage to attract donations while the major parties are disproportionately favoured by both public funding arrangements as well as by corporation donations. Through the system both major parties have become subservient pawns of corporate capital.

We suggest that to further strengthen the democratising effect of the introduction of Proportional Representation, public funding for political parties be quadrupled and much stricter measures as to exposure of corporate donations, and absolutely maximum levels of such donations be introduced in law.

However, it is also proposed that an absolute ceiling on public funding be introduced. Furthermore parties entitled to a refund should be able to attract at least 2% of the vote.

How to Vote Material:

"That the practice of handing out 'How-to-Vote' leaflets outside polling stations be abolished completely. That, instead, explanatory laminated posters be affixed to the walls of polling booths which explain to voters which parties are contesting the election, what 'how to vote' tickets each candidate recommends, if any, and what the task of the voters is at that moment, in an objective and neutral way. with assistance available to those with reading difficulties">>

E. The introduction of a FIXED four-year terms for the National Parliament and Government - with provision for optional early elections only if a Government has lost majority support in the House of Representatives, and after exhausting all options of forming a new government under the existing parliament.

Fixed-term parliaments are supported by many people but the major parties won't take steps to introduce this reform once in power. The advantages are widely accepted though. It provides time to implement policy and predictability. It reduces uncertainty and the frequency of elections.

Change the electoral law or write it into the new constitution.

F. The creation of a two-tier system of elected government with STRONG local government units.

The present states could be replaced by smaller, administrative regions indirectly elected by groups of local councils and/or on some Bio Regional principle. Special separate City Administrations could be established modelled perhaps on the Greater Brisbane Council.

This would reduce direct popular elections to two levels: the national and local levels.

The regions could be grafted onto the local government tier. Already an extensive system of voluntary regional councils exists which could be a base to start from. The savings of such

measures have been estimated to be in the order of many billions of dollars (possibly \$30 billion pa., *Drummond in Hall*, 1998) depending on what model of regional administration is adopted. Eg. Drummond has developed detailed scenarios of such options by means of cost/benefit analyses based on applications of linear regression techniques to State, Territory and Local Government outlay as well as population data.

The need for special regions to ensure representation for sparsely populated outlying areas is acknowledged and will be accommodated. Existing powers and responsibilities of the states would be redistributed between national and regional governing bodies.

The PLP greatly favours the strengthening of local government, both in terms of funding and functions. In order to effectively extend functions critical mass needs to be achieved and some smaller local government units would need to be amalgamated. Certain functions which are now the domain of state governments will be transferred to local government of sufficient size and capacity to handle them. In addition, the PLP will introduce the precinct (or ward) system to ensure maximum community involvement in local government - and generally promote grassroots democracy in every way possible.

In 1900 an excellent case could be made for a federal structure. A lot has changed since then. Communications and transport systems have improved dramatically. In 2000 a country of only 19 million people does not need a federal structure, seven different administrations plus that of the Northern Territory and ACT. All the reasons for federation have long disappeared!

As a first step the PLP advocates the abolition of the state upper houses by means of state referendums - assuming that our priority No. 1, the introduction of PR for state lower houses, has first been achieved. This would then be followed by a campaign to abolish the states altogether.

G. The introduction of a Bill of Rights, including a preamble concerning the rights of Indigenous people and providing a conciliatory settlement with similar status and protection as a Bill of Rights. The protection of human rights and special minorities will also be included in a Bill of Rights.

H. The introduction of national environmental aims and safeguards together with ways of redress and compensation where a community's or industry's livelihood is adversely affected.

I. The amendment procedure for the new Constitution will be simple. The new Constitution can be amended in two ways:

ONE by a 3/4 majority of all National Parliamentarians of both Houses of Parliament voting jointly

OR by a binding, mandatory national referendum which can be introduced in two ways:

1. Initiated by the Government of the day

2. Initiated by the people on the basis of a petition signed by 1% of the electors on the national electoral roll

J. Review of Constitution procedure

The new Constitution needs to be extensively reviewed after every five years. The review need to be given wide publicity and adjustment facilitated

SECTION 3: Drafting the New Constitution, - Constitutional Continuity, - Launching the New Constitution by means of Section 128

K. Who would draft the New Constitution?

The PLP recommends a panel of 50 persons representing various key constituencies of all age groups and all classes in society. These should be in a position to consult extensively with their constituencies . Politicians should number no more than five and constitutional experts would be equally limited to five. There could be five foreign constitutional experts to provide input.

L. Continuity

It is desirable that the Constitution has a link with the old one and provides continuity in spite of introducing radical changes. Many new Constitutions of national states have been the outcome of great political and/or social upheavals, major crises such as wars, a struggle for independence, civil unrest and secession. However, this does not mean that states which are not subject to such major crises (a) therefore have no need for major changes to the ground rules of their governmental system; (b) that such changes as are needed cannot be achieved in a civil, democratic and peaceful manner. After all major crises are almost always the result of inadequate, evolutionary adjustment.

Moreover, the notion that Australia is free from crisis at present would be challenged by many and denied only by the ultra conservative and foolhardy. It has become a very unequal country in recent decades with many pressing social issues. In economic terms Australia is struggling to maintain its independence and achieve greater competitiveness. International capital is increasingly dictating her destiny. Australia's present Constitution and political system has severe constraints which, the PLP maintains, cannot be remedied by ineffectual piecemeal tinkering at the margins.

M. Launching the New Constitution through Section 128 - an evolutionary method

The principal problem in having a constitutional referendum accepted has been the requirement laid down in Section 128 that , apart from a national majority, there has to be "majority in a majority of states". Clearly this represents a bias in favour of the federal system

itself. In order to alleviate this problem, an undemocratic feature of the present Constitution the cause of much rigidity and expense, the following strategy is recommended:

In a "New Constitution Referendum" there could be two questions in order to overcome the "majority of states" problem, as follows:

1. For the purpose of voting on this New Constitution Package are you in favour of disregarding a requirement of Section 128 that a constitutional referendum needs to be carried by a majority of states? YES/NO

2. Do you support the proposition that the New Constitutional Package should replace the present Constitution in its entirety? YES/NO

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* PLP National Home Page< <http://www.progressivelabour.org>>

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(NOTE: Total election funding repayments for the federal election of 1998 were as follows (rounded):

Australian Labor Party	\$ 14,000,000
Liberal Party	11.500,000
National Party	2.000,000
Australian Democrats	2.250,000
Pauline Hanson One Nation	3,000,000
The Greens	150,000
Australian Greens	150,000
Unity	<u>50,000</u>
TOTAL ALL PARTIES	\$33,900,000

Refund rate for 1998 was 162.210 cents per House of Reps and Senate vote. 2001: \$179 cts

END OF POLICY

