

## SUBMISSION TO THE GREEN PAPER REVIEW

*Electoral Reform Green Paper - Strengthening Australia's Democracy*

**BRUCE SPIERS**

1. The Green Paper is titled *Electoral Reform Green Paper -Strengthening Australia's Democracy*. It presents very considerable material on the electoral processes but virtually nothing on the nature of Australia's Democracy. This is, unfortunately and perhaps unavoidably, a LOOK-OVER-THERE approach. Presumably the entire objective here is to Strengthen Australia's Democracy with this particular process focussing on the suite of electoral opportunities that might advance that primary ambition. The Green Paper stays almost exclusively on the (much) lesser side of its purpose.

What must be scrupulously guarded against is modifying the electoral process with the effect of weakening Australia's democracy - much of which has been enshrined in the present evolution already. In this respect we have to be extremely careful of Rational Incrementalism.

Rational Incrementalism is that process of working where Good Ideas are advanced to make Improvements to more fundamental systems or structures that are Very Poor Alternatives. The present Green Paper is, substantially, an invitation to contribute such patches to the present electoral process.

Rational Incrementalism is everywhere, sometimes as we "make the best of a bad lot" but much more often as we polish up some Total Hogwash so we can keep on believing that it is part of the solution rather than part or most of the problem.

Politics Grounded-In-Durable-Vested-Interests/Imaginations(GIDVII) would be one of the very biggest of these I can think of. It has such "hogwash"

spinoffs as Party Politics(GIDVII), Political(GIDVII) Economics, Politicised(GIDVII) All-Sorts, which have entirely submerged democratic governance, democratic economics, and democratic all-sorts because they have been actively promoted as the GIDVII-Conventions.

I believe it is extremely important to unwind the Rational Incrementalisms of the past in the electoral process, to address the electoral processes as simply and elegantly as possible to "strengthening Australia's democracy" in its pure terms, and in doing so to expose as fully as we can the Hogwashes that we have accepted as our Conventions.

**2.** The *Constitution* is non-political law, even apolitical. It gives no support at all for the notion of Political Parties, or of any form of predetermined preference for any member of the House of Representatives or of the Senate as a candidate for office in the Executive Government. It makes no reference to a "prime minister" among the ministers of state or among the wider executive of government.

Political Government, and even more, Party Political Government, have no Constitutional imprimatur. Indeed the lack of such recognition, in the general "political" contexts of the time, would seem a stronger negative to the admission of a Party Political conception of executive government than to its validation.

Party Politics and Party Political Government are only conventions. And conventions change. Such change will likely be motivated by people outside the privilege of a particular convention, rather than from its most adamant subscribers.

The *Constitution* established a model of representation and of executive government that was directly responsive to the direct expression of the people.

The conventions of Party Political primacy in the system of government make government much less responsive to the direct expression of the people.

*It makes government much more responsive to "political realities" than to reality itself. It is a poor convention.*

This point is extremely important in the context of this Green Paper process. The Green Paper is the product of the Convention-in-power and is heavily biased towards it, often unwittingly. However if one makes the assumption that the present process has the capacity for a wider objectivity than just to support the present imagination of the Convention, then some very valuable gains might be made in the "democracy" of the system and in its capacity to adjust to real demands beyond its political imperatives.

3. The *Constitution* requires that: *"The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate."*

The Parliament has not acted to divide any State into multiple electorates, so the Constitutional imperative is simply that senators will be directly chosen by the people.

For the House of Representatives, the *Constitution* requires *"The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of senators."*

It further anticipates electoral division for the House of Representatives:

*Section 29 – Electoral divisions*

*Until the Parliament of the Commonwealth otherwise provides, the Parliament of any State may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.*

*In the absence of other provision each State shall be one electorate.*

The consequences of these sections are that, while ever the Senate remains a state-wide electorate, Senators are elected on a Proportional model, while Members of the House are elected, one member per electorate, on a Representative model.

*It seems extremely likely that the Constitution fully intended that the model of election of Members and of Senators should be quite different. Attempts to harmonise the electoral systems must seem very dubious.*

However the essential point enshrined in the *Constitution* is that senators and members should be people meeting a few qualifying criteria and should be chosen directly by the people. The *Constitution* nowhere envisages voting for a Party. It envisages the people voting directly for candidate people.

Its authors might wonder at how such a simple direction could yield up the Convention we have now and a Green Paper process of the dimensions of the present one.

**4.** I submit the following in regard to the election process.

a) *No one should have to vote for any candidate as a collateral requirement of the mechanics of the voting system.*

I believe there should be a first square on every ballot-paper that permits an elector to indicate, explicitly: "I elect not to vote for any candidate listed".

I believe that every elector should be able to make a formal vote by indicating only whatever number of preference votes they decide upon

and not be required to indicate more. Voters should decide whether their vote should pass deeper into the ballot than their more preferred candidates.

- b) No details other than the candidates name should be shown on any ballot paper and the individual order of all candidates should be established completely by chance. Desirably, something like "Rowland rotated" ballot papers should always be used.
- c) No automatic preference voting should be permitted. Only a vote for a candidate which is marked on the ballot paper by the elector *directly* should be counted.

The mechanics of the system should be adjusted to deliver (these or) its "pure democratic" purposes as technically perfectly as possible. No structural biases - like ballot design, party identification, non-random grouping, or automatic vote cascading - should be permitted.

If we could achieve that I am fairly sure any future Green Papers Processes will be much more elegant - and that our Democracy would be stronger than any deliverable under some assembly of conclusions of the present Green Paper process added onto the present electoral system.

BRUCE SPIERS

4 November 2009