



**Sharing sustainable solutions  
with communities**

The Chairman  
Inquiry into Electoral Reform – Strengthening Australia's Democracy  
C/- Electoral Reform Secretariat  
Department of the Prime Minister and Cabinet  
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27 November 2009

Dear Sir/Madam

**SUBMISSION  
ELECTORAL REFORM GREEN PAPER – STRENGTHENING AUSTRALIA'S  
DEMOCRACY – SEPTEMBER 2009**

This submission is made on behalf of the members of Permaculture Sydney North. Permaculture is a design system for the creation of sustainable agriculture as the basis for a sustainable society. An absolutely critical foundation of a long-term sustainable society is democracy, whereby those entrusted with power by the people make decisions that are always in the best interests of the people.

**CHAPTER 2 – STANDARDS, QUALITIES AND EXPECTATIONS**

**SECTION 2.10 - KEY PRINCIPLES OF AN AUSTRALIAN ELECTORAL SYSTEM**

There are some important considerations that are not addressed in the statement of Key Principles.

**INTEGRITY**

The dot points listed under the heading of Integrity in the Green Paper relate to the mechanics of the electoral process. These are important but they do not guarantee that persons elected by a fair system will act with Integrity.

Later sections (Truth in Advertising Paragraphs 10.53 to 10.66) touch on this issue but it must be of sufficient import to be included prominently in the statement of Key Principles.

The Key Principles should state that: **All elected representatives have an obligation to honour commitments given to the electorate.** The Australian electoral system should not allow people to illegitimately gain power by making false promises and commitments that they do not intend to keep. Electors do not simply choose representatives. They choose policies and commitments that align with what they think government should be doing.

Page 1 of 5

**Major parties should provide a detailed policy manifesto available to all electors via the Internet at least 3 months prior to an election.** The manifesto should not be allowed to become a vague, formless essay. Where appropriate it needs to clearly identify numerical measures and timeframes for policy implementation. A very clear example is the issue of Climate Change. Prior to the 2007 federal election the Labor Party and the Liberal Party should have identified their respective targets for greenhouse gas reduction, consistent with the structure of targets nominated by the Inter-governmental Panel on Climate Change (IPCC). That is, X% reduction on 1990 levels by 2020 and Y% reduction on 1990 levels by 2050. Labor voters no doubt thought they were voting for meaningful action on Climate Change and a 2020 target of at least a 25% reduction on 1990 emission levels. Instead they got a 5% reduction based on 2000 levels. Liberal and National voters probably thought they were voting for no action to be taken on Climate Change. Now they find they voted for a party that doesn't know what it wants to do.

Minor parties or what might be called special interest candidates and independents should be required to provide a manifesto limited to the special interests that they purport to represent.

**Processes need to be implemented whereby electors can call their representatives to account for non-delivery of policy promises and commitments, for example by petition.** It would be nonsense to argue that a government that fails to deliver on its promises should be allowed to run its full term with no mechanism for electors to call it to account short of voting it out at the next election. In such a scenario electors are robbed of the representation they thought they were voting for and governments lacking in integrity are shielded from timely accountability.

## **SERVING THE PEOPLE OF AUSTRALIA**

The Key Principles should include a statement that: **Representatives are elected to serve the people of Australia.** This may sound obvious but it is not what happens in practice at present. Currently, governments are besieged by armies of professional lobbyists employed by corporations and industry groups. Corporations and industry groups do not have an electoral franchise so they should not have a right to direct government policy and decision making. This problem has reached scandalous proportions in Australia with property developers in NSW paying Graham Richardson huge amounts to sway government decisions in their favour and against communities. At the national level the Minerals Council has extracted so many concessions from the Rudd Government that the Carbon Pollution Reduction Scheme has been rendered useless. No doubt this serves the interests of the Minerals Council and its members but it is directly counter to the wishes of the Australian people who elected the Rudd government to take meaningful action to address Climate Change.

**It should be illegal for corporations and industry groups to lobby governments. It should be illegal for corporations and industry groups to make political donations. Political donations should only be made by natural persons and should be capped at \$1,000.**

This is an extremely important issue and is the key threat to Australian democracy at the present time. The unhealthy influence of corporations and industry groups on Governments is a festering sore that needs to be excised from Australian politics. Mussolini described fascism as, *a merger between state and corporate power*. Australia has already proceeded too far down this path and this dangerous undermining of democracy in our society must be stopped

## **CHAPTER 3 – THE LEGAL FRAMEWORK FOR ELECTIONS**

### **SECTION 3.16 - HARMONISATION**

While harmonisation is a desirable objective we need to strongly resist lowest common denominator options. The Green Paper notes that 75,000 electors in NSW marked their ballots in the 2007 Federal Election with a “1” only and these votes were deemed informal. The problem is with the NSW system not the federal system. The NSW system of optional preferential voting should be abolished.

Optional preferential voting favours larger parties over minor parties and results in some persons being elected, for example in local government elections, with only a small fraction of a quota. If full preferential voting causes problems for some people then we need education campaigns to properly explain the system. The solution is not to ‘dumb down’ and devalue the whole election process.

## **CHAPTER 4 – THE FRANCHISE**

### **SECTIONS 4.32, 4.33 AND 4.34 – DEFINING THE FRANCHISE**

The franchise should be restricted to Australian Citizens. If people wish to reside in Australia for a long period they should be prepared to become citizens and make a commitment to Australia.

## **CHAPTER 5 – REPRESENTATION AND VOTING SYSTEMS**

### **SECTIONS 5.42 to 5.46 – PROPORTIONAL REPRESENTATION**

It is submitted that Australian electors would have more choice and would be better represented by candidates more closely aligned to their thinking if a system of proportional representation were to be introduced for the House of Representatives. If the House of Representatives currently has 146 members, excluding the Northern Territory and the ACT, then perhaps the remainder of Australia could be divided into 21 multi-member constituencies each returning 7 representatives.

The arguments against proportional representation are fairly flimsy and in the main represent the vested interests of existing major parties that wish to maintain the status quo. The 3<sup>rd</sup> dot point of Section 5.45 which states, “that a successful candidate under the current system ‘is no less a representative of an elector in the house simply because the elector did not direct a vote to that candidate’”, is nonsense. How can a person with whom an elector may have diametrically opposed views be an equal representative to the person they voted for who held views consistent with their own? The JSCER would be hard pressed to find one single elector who would agree with their statement.

### **SECTIONS 5.47 to 5.62 – FORMS OF VOTING**

It is submitted that full preferential voting should be retained. The incidence of informal voting should be addressed by appropriate community education.

## **CHAPTER 7 – ENROLMENT AND PARTICIPATION**

### **SECTION 7.7 – EVIDENCE OF IDENTITY**

When enrolling to vote all persons should be required to produce proof of their identities. The third dot point, explains current procedures whereby a person who cannot produce any acceptable form of identification is allowed to enrol if their enrolment form is countersigned by two persons who have known the applicant for one month. This provision seriously undermines other provisions that limit the electoral franchise to Australian Citizens.

It is submitted that there are sufficient forms of identification that can be produced between drivers' licences, passports, birth certificates and Medicare Cards. It is reasonable to expect that Australian citizens will have, or could readily obtain, at least one of these forms of identification. The provisions for enrolment outlined in dot point 3 should be abolished.

### **CHAPTER 3 – REGISTRATION OF PARTIES AND CANDIDATE NOMINATIONS**

#### **SECTION 8.31 – OPTIONS TO IMPOSE REGULATION ON THE WAY CANDIDATES ARE SELECTED BY PARTIES**

The idea of party primary elections, as proposed in the Nationals trial in NSW, is supported. Parties should be required to put forward a minimum number of genuine candidates.

### **CHAPTER 10 – THE CAMPAIGN**

#### **SECTIONS 10.21 TO 10.23 – CHALLENGES, OPPORTUNITIES AND OPTIONS FOR CHANGE**

It should be illegal to use the resources of government departments and public monies for party political advertising. An example of such abuse was the Howard Government campaigns promoting the Work Choices legislation. Governments should not be allowed to masquerade political advertising as public information campaigns.

Voluntary codes seldom work. While freedom of communication is important we should not endorse anyone's right to disseminate inaccurate or untruthful information or information whose purpose is to unfairly impugn the reputation of a political opponent or to disseminate information intended to cause obfuscation.

It is submitted that the AEC needs to develop and enforce codes of conduct. A serious breach of the code should result in the disqualification of the candidate(s) responsible or, if the breach was committed by party officials, party members or persons otherwise connected to a party, disqualification of the candidate(s) who stood to benefit.

#### **SECTIONS 10.53 TO 10.66 – TRUTH IN ADVERTISING**

Earlier in our submission it was suggested that **Integrity** and **Honouring Electoral Commitments** should be added to the list of **Key Principles** of an Australian Electoral System.

While Truth in Advertising is a difficult issue it is far too important to ignore or to opt for inaction.

It is considered that there are two options to address the problem of truth in advertising:

1. Legislate to prohibit statements, that is all statements not just material contained in formal media advertisements, that are either:
  - Factually incorrect, or are;
  - Deceptive and misleading.

An example of a factually incorrect statement was provided by the 'children overboard affair', in which the Howard Government led Australians to believe that refugees had thrown their children into the sea when they knew this to be untrue. The general issue of 'boat people' provides an example of deceptive & misleading statements. The Howard Government vilified 'boat people' as illegal immigrants when it knew that many such arrivals were genuine refugees & it also knew that most illegal immigrants arrive via plane and simply overstay visas. A brilliant political strategy that successfully deceived a large part of the Australian electorate but thoroughly dishonest.

The courts could apply the 'reasonable man test' to such cases, as has been done in cases involving 'duty of care'. That is, would 'a reasonable man' regard a given statement as untrue, deceptive or misleading?

## 2. Legislate to Undo Concentration of Media Ownership in Australia

If there were a sizeable number of independent media organisations in Australia and little cross media ownership then it may be that the media would bring to notice instances where politicians lie or act in a deceptive or misleading fashion.

Australia's current media ownership and control arrangements do not give one any confidence that the media is independent or interested in exposing the truth.

### **SECTION 10.72 – POLLING BOOTH NEUTRALITY**

Options for reform that should be adopted are:

- To limit the size of posters
- To limit the number of posters to 1 at each entrance to a polling place, typically schools, which may have 2, 3 or more entrances
- To limit the number of supporters to one at each entrance, plus two within the grounds of the polling place but not within 6 metres of the entrance to the polling booth

### **CHAPTER 11 – POLLING**

#### **SECTIONS 11.33 TO 11.41 – ELECTRONIC VOTING AND INTERNET VOTING**

It is submitted that electronic voting and Internet voting should not be entertained. Such systems would introduce unwarranted complexity. Simple solutions are more robust, while complexity inevitably leads to unforeseen problems. A move to electronic voting and or Internet voting would inevitably raise questions over the integrity of results.

#### **Section 11.61 to 11.64 – Voter Identification on Election Day**

We have submitted earlier that electors should provide proper identification before being placed on the Electoral Role. To be consistent we believe voters should be required to produce some appropriate form of photographic identification on polling day. For the great majority of people this would be a Drivers License. For others it could be a Passport and consideration could be given to other existing forms of photo identification such as the NSW Proof of Age Card. A Voter Identification Card could be provided to persons who do not have and do not wish to obtain any other form of photographic identification.

#### **SECTIONS 11.71 TO 11.88 – COMPULSORY VOTING**

It is submitted that compulsory voting should be retained.

Yours Sincerely

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Page 5 of 5