

Epilogue: Changing the game

The political system must be turned on its head. After nearly 60 years of observing politics from the gallery, I believe the system has lost its way. The competition for ideas is constrained as parliamentary colleagues of the Prime Minister or Opposition Leader are required to fall in behind whatever policies they hand down from on high. Before new policies are introduced, the political leaders give too much weight to the political advantage or disadvantage that might follow.

There is excessive attention devoted to market research and devising the best spin for new policies, and not enough to the intrinsic merits or otherwise of policies. The stranglehold on political power by the two major parties, Labor and Liberal, needs to be broken. We need more parties, not less, and a system that will encourage the participation of the grassroots of parties in policy formulation. Rigid party discipline and television have combined to transform the Prime Minister from a party leader to an elected dictator and celebrity. Few prime ministers or presidents in modern Western democracies are as powerful as the Australian Prime Minister.

Party discipline in the United Kingdom is not nearly as tight as in Australia and the occupant of 10 Downing Street can be forced by his or her party to bend. The American President needs the approval of Congress for legislation and Congress may initiate its own legislation, whereas in Canberra, once the Prime Minister has decided on a measure, it is rubber-stamped in the Lower House. There is the brake of the party room and it is more effective in the Labor Party than in the Liberal/Nationals party room. When Labor is in government, Caucus has a theoretical right to both scrutinise and reject legislation; this often happened during the Whitlam Government, but is rare now.

Caucus also elects the ministry. Since Whitlam, Labor prime ministers have assured voters that they alone decide the composition of the ministry. In truth, the factions work out in advance who will be in and out, although the Prime Minister may always insist on getting his or her way if they want particular MPs in the ministry who are not on the factional lists. The Prime Minister has the sole right to allocate portfolios to those chosen by Caucus for the ministry.

When R. G. Menzies wrote the rules for the parliamentary Liberal Party, he insisted that the leader alone would decide which Liberals would be in the ministry and allocate their portfolios. Liberal prime ministers, and particularly Howard, used this power to keep dissenters in the party room out of his ministry and to reward those who unquestioningly supported him. Ministers became 'yes' men and women. Since 1949, when in government, the Liberals

have formed a coalition with the Nationals (the Country Party in Menzies' day), and the Liberal and Nationals leaders come to an agreement as to how many Nationals will be in the ministry and what portfolios they will occupy.

Fortunately, governments generally lack a majority in the Senate and when they do gain control of the Upper House, the result is invariably bad government, a lack of accountability and arrogance. The media, particularly the electronic media, has become a fixation for prime ministers, particularly at public events, putting them in front of the TV cameras, and they have taken over many of the traditional tasks of the Governor-General—an example being ceremonies marking the departure or return of troops from overseas service.

Election campaigns are increasingly presidential in style, with voters urged to ensure that the Prime Minister or the Leader of the Opposition runs the country after the election, not their party. Despite the central role in government of the Prime Minister, this summit of national government is not directly elected by the people, unlike the President of the United States and the heads of state in many democracies. Voter reaction to the removal of Kevin Rudd demonstrated that many imagined they had voted him in as prime minister, and were unaware of the fact that the party room decides on and disposes of the leader.

Leaders were just as central to politics in the Chifley, Menzies and Whitlam eras, but these three showed considerable respect to their party room. The fundamental change in politics of the past three decades has been the erosion of the numbers of rusted-on supporters of the major political parties who could be relied on to vote the party ticket, no matter who is the party leader. Maybe only 5 per cent of voters were 'swinglers' in the Menzies era; now the percentage of 'swinglers' is probably as high as 20 or 30 per cent. They vote on issues, of course, but also on their attraction or otherwise to the leader. (Much of the above changed with the hung parliament elected on 21 August 2010, but there will be a return to near normality once one of the major parties gains a clear majority at a future election.) Because of the swinglers, party leaders are extremely cautious about policies and each policy must pass the test of support from swinglers, rather than the first priority being the national interest.

I propose abandonment of the present system of one MHR representing each of the 150 divisions of the Lower House, with voting on a preferential system. Instead, there would be 30 divisions and five MHRs elected from each division, on a proportional basis, which retains the present size of the House of Representatives of 150. This could be accommodated in terms of Section 29 of the Constitution and would not require any change to the present senate numbers and system of voting.

Tasmania's constitutional right to at least five House of Representatives seats would be undisturbed. These divisions would be named federal, regional and metropolitan divisions. With five MHRs elected for each division, the small parties and independents would have a reasonable chance of picking up at least one seat in each division. A diversity of policy ideas would flow as a result. The Senate would continue in its role as the house of review, as well as the protector of the rights of the smaller States and regions in the States from the dominance of New South Wales and Victoria in the Lower House.

Something needs to be done about the mounting cost of election campaigns, which in turn drives parties in their unceasing search of large donations from unions and corporations. The donations amount to the purchase of the right to influence parties' policies. The political parties all deny this—a denial I do not accept and nor, I suspect, do most voters. It is difficult to devise a system that would deal with this unsatisfactory situation. An inquiry equivalent to a royal commission should examine this issue with terms of reference to examine and report on the funding of political parties and the cost of election campaigns.

There should be a specific reference to examining the need for an absolute ban on paid commercial advertising on television and radio by political parties, or by any entity on behalf of a political party. Pressure groups such as unions, farmers, gays and all the rest would be free to advertise and advocate whatever they liked, but not to advocate the election of a particular party. A problem is that the parties could set up 'independent' donor organisations to advocate the policies of political parties, without actually seeking votes for a political party.

The unions did this in the lead-up to the 2007 election by damning the Howard Government's WorkChoices legislation without actually urging voters to support the ALP. Alternatively, television and radio stations could be required to provide limited free time to political parties or the Australian Electoral Commission could recompense them.

Public funding of parties or individuals is provided for those that reach 4 per cent of the primary vote and could be doubled or trebled from the \$2.31 per vote at the 2010 election, with both the Liberal Party and the ALP receiving about \$21 million each. A total cost twice or three times this amount would be well spent if it produced greater competition in ideas and less dependence of the parties on outside donations. Compulsory voting would also be abandoned, requiring political parties to work to ensure their supporters turned up at the ballot box.

This would, hopefully, bring the parties in closer contact with the community. The parties' easy reliance on a presidential election, fought on TV by two political leaders, largely funded by pressure groups, would end. Hopefully, with

a reduction or elimination of TV advertising, campaigns would return to the town halls, workshops and the streets, and grassroots membership would once again be important to the parties for donations and voluntary work. Private donations to political parties from any entity or individual of \$1000 or more (indexed to the consumer price index) would be registered on a public register.

The system I am sketching here would automatically halt the rise of centralism. Both the Howard and the Rudd Governments fostered, or advocated, centralism in various policy areas, such as health, education and industrial relations. Howard succeeded in winning federal control of most of the area of industrial relations and Rudd welcomed this development and applied it in government. The Federal Government should return industrial relations powers to the States. Because it is easier to lobby one government rather than a number of State governments—and appear before a single, national industrial relations commission or court—employers and unions warmed to Howard's centralised industrial relations.

Tony Abbott is an unashamed centralist and in his book *Battlelines*, published before he took over the Liberal leadership, Abbott proposed that the Constitution should be radically altered to ensure the Commonwealth may always overrule the States. In an interview with the *Australian Financial Review*, Abbott argued that if the States would not refer unspecified powers to an Abbott federal government, he would seek the powers via a referendum. Before he entered Parliament and 10 years before he became Treasurer, Peter Costello was one of the founders of the anti-union H. R. Nicholls Society, established in 1986.

When John Howard revealed his WorkChoices industrial relations legislation—built around a centralised system—Ray Evans, President of the H. R. Nicholls Society, rejected the plan. Instead, said Evans, the Government should abandon Section 51:35 (the industrial relations power) of the Constitution and 'let the states compete with each other in providing effective labour market regulation (or freedom) as opportunity or political fashion afforded'. Evans continued: 'Regrettably we have a Prime Minister and Treasurer who are strong centralists and a Cabinet in which the number of federalists can be easily accommodated on the fingers of one hand.'¹ Evans was—as is the author—championing competition and diversity. To this end, I propose restoring the prewar income-taxing powers of the States to increase their independence and stop the swing towards centralism. It is madness for governance of a continent to be centralised in Canberra.

The Griffith University Values Survey of 2008 measured the views of those surveyed on the present three-tier system of government (federal, State and

¹ *Inside Canberra*, 11 April 2006.

local governments) 20 years on. Only 31 per cent wanted to keep the system while nearly 66 per cent wanted 'reform'. When asked what type of reform, only 7 per cent suggested abolishing the Federal Government, while 30.5 per cent said abolish State governments, nearly 33 per cent wanted to abolish local government and the same percentage wanted to create regional governments. Yet this poll—apart from its value in showing support for change—is pointless. A referendum abolishing State governments would not even be put, let alone succeed.

What is possible, without any referendum, is a big improvement in the system. The local-government tier could be abolished by the States, yet this would be a mistake. It is the tier of government closest to the people—accurately described as 'local' government. Through State agreements, all existing councils and shires could be abolished and replaced with one council or shire responsible for each of the 30 federal regional divisions outlined above. This would be a worthwhile reduction in the present number of some 700 local-government organisations, while some existing local-government bodies, such as land councils in northern Australia, would be retained.

Because of the diversity of parties sending representatives to Canberra, the needs and ambitions of various geographical areas would have to be taken seriously. The Australian Electoral Commission would still be responsible for regular redistributions of House of Representatives divisions. Democratic countries, including federations, all over the world operate successfully with coalition governments of two or more parties.

The successful economies of Western Europe and Scandinavia have not been held back by their coalition governments. What I propose will mean changes in the outlook of the two major political parties. The Liberals will need to think about coalitions with other parties, apart from their traditional ties to the Nationals. Labor—convinced that it alone has all the answers—will be forced into coalitions (as it was after the 2010 election). Sometimes the system seems to fail—Italy, with chronic political instability, is a prime example, but that arguably has more to do with the culture of the country than the voting system.

I would favour four-year fixed terms of Parliament, but this would surely fail at a referendum. My alternative is a fixed three-year term, imposed by legislation. Lawyers point to a difficulty as Chapter 1, Part 1 Para 5 of the Constitution allows the Governor-General to dissolve the House of Representatives at any time. The legislation could be worded to provide for a fixed three-year term, while not denying the power of the Governor-General. Who would then want to challenge the legislation and who would be recognised by the High Court as having the necessary standing to mount a challenge? The fixed three-year term for the house would leave untouched the present fixed terms of senators,

allowing for election of both houses on the same day every three years. Legislation for fixed three-year terms could, of course, be repealed, but once it came into operation, it would be a gallant government that attempted to abolish it. In short, big changes and improvements can be made to the system without difficult referendums.

I also propose a royal commission to inquire into an entirely new system of setting the salaries and allowances of parliamentarians, with the primary aim of lessening the profound cynicism of voters towards politicians. Perhaps the pay should be higher and the perks lower; the salary would have to be high enough to encourage capable people, not just the wealthy or party hacks. Various changes could be made. For example, the salary could be two or three times higher and MPs would be required to rent their electoral office. The \$100 000 printing allowance provided by taxpayers should be abolished. My particular objection to this is that it gives an unnecessary advantage to sitting members at elections. The printing allowance is used exclusively to retain electorates for the incumbents and such printing costs should be carried by the political parties. The less advantage to the sitting MP the better.

In short, my proposals would enhance the power of the Parliament at the expense of the executive. The complexities of policy options and various shades of opinion on display in both houses would once again be adequately covered by the media. The obvious final problem is how to achieve change. The current ranks of politicians will not voluntarily change anything impinging on their power.

We need something like Rudd's Australia 2020 Summit on a permanent basis, and devoted entirely to reviewing the whole apparatus of parliamentary democracy. What to call it? Perhaps, the 'People's Democratic Assembly' (which sounds a bit like something in a communist state), or maybe the 'Australian National Democratic Assembly'. Whatever the name, it could perhaps meet at the beginning of each new term of Parliament following an election; annually might be a bit much. The chair would be the Chief Justice of the High Court and a small executive body—independent of government and political parties—would invite, say, 50 eminent Australians to each assembly and there would be appropriate representation from the Federal, State and Territory Parliaments. Maybe a political party might be formed—the 'Change Politics Party'—just to bring this all about.

Changes to the political system should be easy compared with dealing with global warming and putting a man on the moon. To borrow from President Obama's election campaign theme, YES WE CAN!