

Big aims in democratic desires [Published *Canberra Times* 13 October 2009]

We need the political will to continue to push for reforms in Australia and strengthen our freedoms, **MARIAN SAWER** writes

Australia is one of the oldest continuing democracies in the world, one of the two oldest in terms of adult franchise (the other being New Zealand). In the mid-19th century we invented the first workable form of the secret ballot—now enshrined as a universal right in the International Covenant on Civil and Political Rights. But how healthy is our democratic system today?

The Rudd Government was elected on a broad-ranging platform of democratic reform, from strengthening freedom of information provisions and whistleblower protection, to curbing incumbency benefits such as the use of parliamentary allowances and government advertising for electoral campaign purposes.

While inquiries have been established and green papers and exposure drafts have been published, so far not a lot has happened in terms of strengthening democracy. This is partly a consequence of other priorities, such as the global financial crisis, climate change, and undoing the Howard Government's more extreme industrial relations laws. In some cases in the Rudd Government has been thwarted by the Senate, as with Electoral Act amendments which would have provided greater transparency of political donations.

Some reforms have finally been legislated, including removing the government's power to issue conclusive certificates (which prevent FOI access to documents). Some things that can be done merely by executive action have been done, such as increasing transparency in relation to government advertising, introducing a code of conduct for ministerial staff and reducing MPs' printing allowances. Other goals have proven too difficult, with 'increasing respect for the parliament', a significant component in the 2007 ALP Platform, now missing from Labor's 2009 Platform.

Where does Australia stand relative to comparable democracies? Answers can be found in *Australia: The State of Democracy*, to be launched this week. The democratic strengths include professionalised and non-partisan electoral administration, which means that the legitimacy of election results are not seriously challenged, as in the US presidential election of 2000. The independence of the judiciary and availability of judicial review of administrative decisions has been another strength, although one not always available to asylum seekers.

In terms of civil and political rights, the generally unrestricted freedoms of movement, expression, association and assembly has to be balanced against the restrictions imposed by anti-terrorism laws and the lack of a national charter of rights as in comparator democracies. The right of security of the person is encroached upon by the high level of gender-based violence and women's fears for their safety. Turning to economic and social rights, general access to social security, health and education has to be balanced against inequalities between Indigenous and non-Indigenous Australians, homelessness and a widening gender pay gap.

Westminster traditions of government secrecy have been hard to overcome, although Queensland's *Right to Information Act 2009* is an important step forward. Queensland has democratic deficits of other kinds, however. Increasingly, the ability of Australian parliaments to extract accountability from the Executive has depended on houses of parliament where the government lacks a majority and cross-benchers holding the balance of power. Bad luck for Queensland, with only one house of parliament and no proportional representation.

On corruption, Australia rates well on some international indices but less well once the role of private money in elections or the use of public resources for personal or political gain are taken into account. Australia has been slow to move on issues of post-separation employment of ministers and ministerial staff, and a number of former ministers and premiers have recently taken lucrative positions with corporations operating in areas they oversaw in government. In all jurisdictions, government advertising has been used for

political purposes to an extent that would be inconceivable in most developed democracies.

The laxity of regulation of political finance (in general, no restrictions on the amount or source of political donations or on expenditure on advertising) is another major weakness relative to comparable democracies. Public funding was introduced without making it conditional on refraining from, or restricting, private money. Of course Sweden didn't need to regulate to ensure that parties refrained from corporate donations, they did it voluntarily after the introduction of public funding. But Australia isn't Sweden and our major parties seem as addicted to private money as ever, despite its effects in increasing public distrust and skewing the electoral playing field. It also pays for all that negative advertising, which further fuels distrust in politics.

Compulsory voting ensures Australia does well on democratic indicators such as electoral turnout. We are however suffering from a 'shrinking roll' problem with over a million eligible voters not on the electoral roll, many of them young people. Automatic enrolment was one of the top ten ideas put forward by the 2020 Youth Summit and is one of the options canvassed in the *Electoral Reform Green Paper*, currently open for submissions.

Democracy is always a work in progress. We now know more about what needs to be done than ever before – the latest *Green Paper* is itself a mine of information – we just need the political will to do it.

Marian Sawer is co-author with Norman Abjorensen and Phil Larkin of *Australia: The State of Democracy*, to be launched at the ANU on Wednesday, 14 October by Special Minister of State, Senator the Hon Joe Ludwig.