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# Accountability Newsletter

July 2003

## The Year 2003 at a Glance

The Democrats have endeavoured to maintain the high levels of activity in our accountability portfolio this year to constantly promote openness, transparency and honesty in our system of government. This has been done through bills, amendments and speeches, which have sought to highlight the lack of accountability not only in our system of government but also in the private sector.

The main areas of accountability we have pursued in the last six months include appointments on merit, whistleblower protection and freedom of information (FOI) reform:

- ✓ Meritorious appointments are the essence of accountability. Every Democrat Senator has at one time or other called for an end to 'jobs for the boys.' Wherever appointments are made to the governing organs of public authorities - whether they are institutions set up by legislation, "independent" statutory authorities or quasi-government agencies - the process by which these appointments are made should be transparent, accountable, open and honest.

We have put up amendments requesting that Ministerial appointments be made on merit 20 times over the last few years. Labor and the Coalition have combined to block reform every single time. This ensures that the trend of "parachuting" mates of the government into lucrative positions on various boards and authorities, at the expense of the taxpayer, continues.

- ✓ We continue our campaign for whistleblower protection at a Federal level and were delighted to see the Western Australian Government secure passage of the Public Interest Disclosure Bill 2002 in December 2002. Whistleblowers play an important role in ensuring the accountability of government. They are individuals who, by reason of their employment, come across information that reveals corruption, dishonesty or improper conduct at any level of government. When such people bring this information to the attention of the appropriate authorities, they must be protected from retribution.
- ✓ My campaign to reform the Freedom of Information Act continues with gusto. FOI is a democratic imperative because it enables the people, the Parliament and the media to access information about the activities of the Government. The inadequacies of the current system have been repeatedly exposed. I recently introduced further legislation responding to a Senate Committee's consideration of my earlier Bill. I am hopeful that we are approaching a parliamentary consensus on the best way to progress this issue.

We strive constantly to promote standards of accountability wherever possible. The role of the Democrats as the check and balance in Parliament is as vital as ever in the current political climate.

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## KEEPING YOUR SENATE STRONG

The very essence of accountability is threatened by the Howard Government's call to curb the powers of the Senate. The proposals would strip away core checks and balances, concentrating power in the hands of an unaccountable Executive. The following is extracted from an article by Senator Andrew Bartlett which appeared in The Age on 8 June 2003.

History has taught all mankind that those they should fear most are the Executive. Democracy was invented to curb the power of kings, dictators, theocrats, oligarchs and sundry others. The separation of powers, and the establishment of democratic checks and balances, are the third party insurance against he who would be king.

He is right in one respect. That is to have the debate. One in which we will argue for more checks and balances, not less.

By proposing to strike down the power of the Senate, doing away with the only effective check on government, John Howard is proposing a parliamentary dictatorship.

To put it bluntly, John Howard's plan to neuter the Senate, to reduce it to a benign rubber stamp for the executive in the House of

Representatives, is a plain bad idea. It is also out of touch. In the Senate 25% of Australians do not cast their first vote for Labor or the Liberals. Many Australians vote differently lower to upper house.

A proposal to corrode the Senate's powers would turn the Australian parliament into nothing but a two party playground.

Under the current rules, any party could actually gain a majority of seats in the Senate – allowing them to effectively govern without Senate challenge – if they got a majority of votes from the public.

In the face of John Howard's constant gripes about the Senate, the facts actually totally undermine his claims that the Senate is not functioning as a house of review. Bills are constantly being amended as a result of Senate inquiries and the Government is accepting those amendments.

So far this year, the Senate has passed 44 Bills and the Senate successfully amended 12 Bills. Last year 156 Bills were passed, with 42 Bills successfully amended by the Senate.

The Senate in recent years – indeed since the Democrats initially gained the balance of power following the 1980 election – has operated and continues to work in anything but a hostile manner.

The Senates of the previous four parliaments have passed between 97.6% and 99% all bills that came before it.

What the Senate is currently stopping is the Government making medicines more expensive, the Senate is stopping them making life more difficult for the disabled, the Senate is stopping an erosion of civil liberties and an undermining of workers rights.

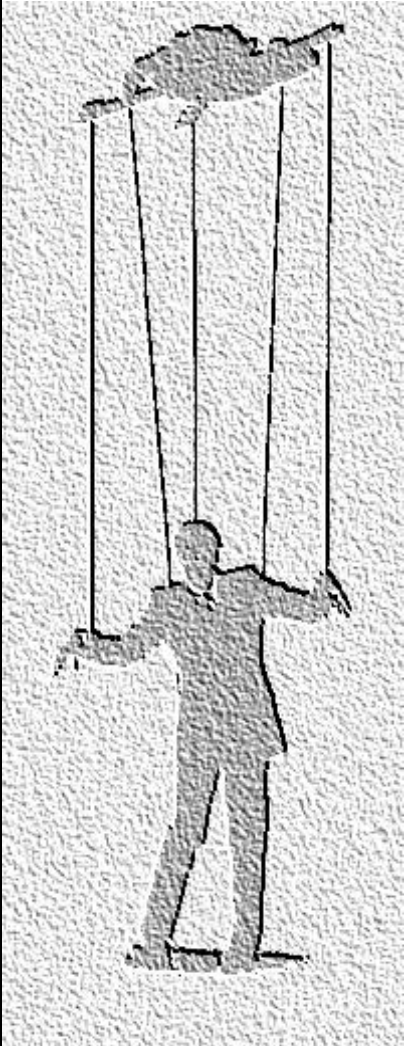
Not passing these does not threaten our economy. The Senate can hardly be accused of applying the handbrake to progress.

Democracy is designed to ensure that all citizens have an equal say. The Senate guarantees that. And the Australian public is wise to it.



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## No Strings Attached Please!

Against a background of Labor and Liberal mudslinging over political donations, the Australian Democrats once again call for strong measures to ensure full transparency in political lobbying and political funding.

The recent revelations of alleged impropriety in the area of political donations are a shock lesson which tells us that the Government finally needs to confront the perception or reality of dishonesty and illegality.

It is essential that we have a comprehensive regulatory system that legally requires the publication of explicit details of the true sources of donations to political parties, and the destinations of their expenditure. The objectives of such a regime are to prevent, or at least discourage, corrupt, illegal or improper conduct in the formulation or

execution of public policy.

But the side benefits of such accountability are a revival of faith in the integrity of the political system amongst the wider public, and the protection of politicians from the undue influence of donors.

Donations which have 'strings attached' should be explicitly prohibited by the Electoral Act. The policies and practices of political parties should not be influenced by the inclinations of their donors.

The Democrats have made a number of recommendations over many years which we believe will clean up this area of controversy and public interest. Australia still needs much stronger disclosure laws to restrain political lobbying and make the funding of politics fully transparent.

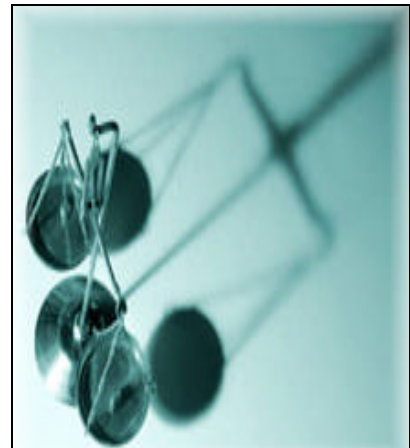
## Premier must act on miscarriages of justice

Following fresh revelations of regular fabrication of evidence by some WA Police in recent months, it is time the State Government considered introducing a Criminal Cases Review Commission to review miscarriages of justice.

The Government is right in moving to crack down on police corruption. However, it also must recognise that some improper activities by police have likely put innocent people behind

bars. These victims of the law need a dedicated body to help them have their cases reviewed.

In the United Kingdom, this function is carried out by the Criminal Cases Review Commission –an independent and impartial body responsible for investigating suspected miscarriages of justice. It investigates new evidence and then refers appropriate cases to the Court of Appeal.



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Premier must act on miscarriages of justice

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About two-thirds of the convictions referred to the Court of Appeal are overturned.

We undoubtedly have innocent people sitting in WA jails right now with nowhere to turn to for their cases to be reviewed. Once a person has been convicted, the police and the courts generally consider

the case closed. Even where new evidence emerges, it is extremely difficult for innocent people to clear their names.

Revelations about elements in the WA Police Force will no cast doubt on the soundness of some convictions. The Government's proposed Corruption and Crime Commission will play a key

role in addressing issues of corruption. However, its focus will inevitably be on catching corrupt police, not on clearing the names of the innocent.

The WA justice system would benefit greatly from a standing body dedicated to investigating suspected miscarriages of justice and vindicating the innocent.

## STRONGER POLITICAL GOVERNANCE FOR AUSTRALIA

The Australian Democrats have long campaigned for the urgent need for Constitutional reform, much stronger political governance and much greater disclosure and accountability in the area of political donations.

This was reiterated in the Democrats' extensive Supplementary Remarks to the Inquiry into the Conduct of the 2001 Federal Election, which was tabled in Parliament this June. We welcomed the Report, whose recommendations will advance federal law and the functioning of our democracy. However, while we agree with most of the Main Report, the topics not covered are coincidentally those of greatest public interest and notoriety.

Political governance remains an area of reform priority. The major parties must not continue to shy away from dealing with these issues. The mere fact that political parties wield so much influence over all Australians demonstrates the need for

stronger regulatory controls. Since political parties control the legislature, the consequence is that regulation of political parties is largely perfunctory, in marked contrast to the much stronger legislation for corporations or unions.

Reforms are vital in bringing political parties under the necessary regulatory regimes that befits their role under our system of democracy and accountability.

The public interest demands this.

The Democrats have an established reputation of activism for greater accountability, transparency and disclosure in



political donations. This is our second other main area for reform.

The current practice of disclosing all donations over \$1,500 should continue, but more stringent requirements of immediate disclosure should apply to donations over \$10,000. Details of large donations should be publicly available as soon as practical, not left to an annual return.

A third area of needed reform is the Australian Constitution. It is notoriously difficult to advance the cause of constitutional reforms and the Democrats have been at the forefront of this debate for 26 years—we want to see greater progress in this area.

The Constitution needs to reflect the evolving nature of Australian policies and practice.

We must bring Australia in line with other democratically progressive nations of the world.