



Democratic Values: Political equality?

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Discussion Paper 9/07 (May 2007)

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The views expressed are the authors and do not necessarily reflect those of the Democratic Audit of Australia.

Every new Australian citizen has to pledge their loyalty to Australia and its people ‘whose democratic beliefs I share’. What are these democratic beliefs and are they widely shared? The most commonly accepted democratic principles are those of political equality and popular control of government. The Democratic Audit of Australia, housed in the Australian National University, has been auditing the extent to which these values are upheld in Australia.¹

Australia’s national identity has long been tied up with being a pioneering democracy, a country that took seriously the recording of electoral preference, inventing the Australian ballot and preferential voting systems. One hundred and fifty years after the introduction of manhood suffrage and the Australian ballot, to what extent has the value of political equality been realised?

The right to vote

Something that comes as a surprise to citizens of other democracies is that there is no guarantee of the right to vote in the Australian Constitution. The right to vote is fragile, as we found last year when the right to vote in federal elections was removed from all prisoners. We don't have a national Bill of Rights under which such disenfranchisement might be prevented, as in Canada, and the Australian government has increasingly thumbed its nose at the obligations imposed by the International Covenant on Civil and Political Rights. Prisoner disenfranchisement will have a disparate impact on Indigenous Australians, who are some 15 times as likely to be in prison as non-Indigenous Australians.

Even for eligible voters enrolment is becoming more difficult. Under last year's federal changes, electoral rolls will be closed for new voters on the day the writs are issued for an election—the very time that many eligible voters start thinking about it. In other democracies such as Canada new voters can enrol on election day, while in New Zealand they have until the day before. In Australia they now have to be on the roll a minimum of 33 days before election day, supposedly as a safeguard so they don't enrol at their mother’s house in a marginal seat rather than in their own house in a safe seat. There have been constant rumours

¹ For more detail on the issues raised in this paper see the Discussion Papers and Audit Reports posted on the Democratic Audit of Australia website: <http://democratic.audit.anu.edu.au>

of such enrolment at false addresses, but successive audits have been unable to find any evidence of significant fraud.

Another surprise in our pioneering democracy is that we still have property votes. Democracy is usually associated with the representation of the people rather than of property, and with the principle of one vote, one value. Even the United Kingdom abolished property and plural votes after World War 2, although they survive in the feudal arrangements for the City of London. Australia still has property votes in local government in five States; only Queensland has abolished them. Sometimes non-resident property owners have multiple votes if they have property in more than one ward, as in Western Australia. This means that non-resident property owners or corporations may effectively be voting on what level of community services or environmental protection local residents receive from their Council.

Apart from property votes, there are other major departures from the principle of one vote, one value in Australia. These are partly a consequence of the horse-trading embedded in the Constitution—for example, a Tasmanian Senate vote is worth 13 times as much as a NSW Senate vote. Other departures from one vote, one value are, however, the result of more recent horse trading. In 2005, for example, an electoral amendment bill in Western Australia moved the electoral system closer to one vote, one value for the Legislative Assembly but further away from it in the Legislative Council, where a vote in the Mining and Pastoral region is worth more than five times one in the North Metropolitan region. In the federal parliament legislation passed in 2004 meant that a House of Representatives vote in the Northern Territory was worth twice as much as a vote in the ACT.

The role of private money

But the strange survival of property votes and the failure to achieve one vote, one value are not the greatest threats to the principle of political equality. A far greater threat comes from the very lackadaisical attitude to the role of private money in elections. While other democracies have been tightening up the regulation of political finance Australia has gone in the other direction. We have no restrictions on the size or source of private donations to political parties nor any restriction on the level of campaign expenditure (except for the Tasmanian upper house). Corporations may pour large amounts of money into the coffers of political parties, purchasing access and influence far greater than that of ordinary citizens. While other democracies such as Canada ban all corporate donations, we do not even ban

donations from government contractors or foreign interests. Nor do we require companies to gain the approval of their shareholders before they make donations to political parties as in the United Kingdom.

The only condition we impose is that of annual disclosure and even here we are notably lax. We do not require disclosure immediately following donations, even in an election context where voters may wish to know who is giving to whom. By the time disclosure records are made public by the Australian Electoral Commission it may be long after public interest has evaporated. It was 16 months before the Australian public found out that an overseas donor active in both UK and Belize politics, Lord Ashcroft, had donated one million dollars to the Liberal Party's 2004 federal election campaign. Our disclosure requirements have been further weakened by last year's amendments to the Commonwealth Electoral Act to raise the threshold for disclosure to \$10 000 (effectively \$90 000 if a donation is split between the federal, state and territory units of a party).

Skewing the playing field

Not only does private money purchase access to government far greater than that enjoyed by ordinary citizens, it also undermines what should, according to the political equality principle, be a level playing field for electoral competition. In Australia the golden opportunity was missed of making the acceptance by parties of public money conditional on abstaining from private money. While public funding for elections is provided on the relatively equitable basis of say \$2 a vote, private money is concentrated on parties that may be able and inclined to return the favour. So while some parties have only their \$2 per vote of public funding, others may receive \$5 per vote once the private funding is added.

Another major factor undermining the level playing field is that of incumbency benefits. At the federal level, in particular, Australia has departed from the constraints imposed in other democracies on the use of public resources for electoral campaigning. Parliamentarians are provided with staff and allowances so that they can perform their representative and legislative roles more effectively. Instead allowances may be used for purposes such as printing how-to-vote cards and campaign literature. The use of allowances as a campaign war chest (they can now be rolled over for use in election year) and the use of staff to maintain party data-bases and to do other party work has become notorious. There has been no

attempt, as in other democracies to cut off access to parliamentary resources once an election is called, so that incumbents would be competing more on a par with other candidates.

There is a hierarchy of incumbency benefits. All sitting members of parliament are provided with resources unavailable to challengers, particularly challengers from outside the major parties. Government members have a further raft of advantages, including the saturation use or abuse of government advertising in pre-election periods. There is also 'pork-barrelling'—the use of ministerial discretion over funding allocations for political purposes rather than public benefit.

To take yet another example of the many departures from the principle of political equality: between 1999 and February 2007 Australia slid from 15th to 33rd place on the Inter-Parliamentary Union ranking of countries by the parliamentary representation of women. This was less because the number of women in the House of Representatives was dropping (although there *was* a small drop in 2004) than because other democracies were making concerted efforts to increase the presence of women in public decision-making. In Australia the presence of women in federal Cabinet dropped in January 2007 and at 11 per cent is way below countries such as Norway, Spain or Chile where women make up half the Cabinet, or even the United Kingdom where they are over a third.

Conclusion

So the democratic beliefs of Australians are hardly matched by the reality of our political institutions. We don't seem to be living up to the values on which we intend testing would-be citizens. And this is restricting ourselves to a quick overview of the democratic principle of political equality without even starting on the principle of popular control of government and the kind of accountability and transparency that entails.

The erosion of the accountability role of the Australian Senate once the Government gained control in 2005 has been well recorded by the Clerk of the Senate, Harry Evans. And as Audit author Graeme Orr has commented, the High Court decision in *Combet v The Commonwealth* appeared to be another nail in the coffin of public accountability. It rejected the need for specific parliamentary appropriations for large-scale government expenditure—in this case the multi-million dollar advertising campaign promoting the 'WorkChoices' policy before any legislation had been introduced. It was said that the expenditure was

covered by a one-line 2005 Budget item: 'Higher productivity, higher pay workplaces'. Many people are seeking the return of an independent Senate and trying to make public accountability an issue in the forthcoming federal election. Let us hope it doesn't get drowned out by scare campaigns on interest rates, terrorists or asylum seekers this time. Political equality will probably have to wait for another day.