



## FOREWORD by the EDITOR/PUBLISHER

If there is one thing most Australians can concur on, it is the premise that we are, as a people, the most over-governed in the Western World. Where we differ greatly in opinion is on the automatic follow-up question: "How do we change the existing system and replace 'over-government' with 'smaller government' or 'less government' "?

The Republican Party of Australia (R.P.A.) through its educative arm the Regional Co-operative Government Movement (R.C.G.M.) has worked painstakingly on providing a series of solutions to the overall problem. Simultaneously, we have produced a plan (the Regional Co-operative Government Plan — R.C.G.) which is, effectively, ten plans in one, itemised as follows:

1. The Plan which provides the governmental structures for Decentralisation.
2. The Plan which promotes the need for an entirely new and more reflective/relevant Constitution.
3. The Plan which ensures all minority groups of substance can participate in the Decision-making Processes of Government — at two levels.
4. The Plan which dispenses with the need to retain the existing, hopelessly flawed and failed Federal System in Australia.
5. The Plan which obviates the perpetual problem of "pecuniary interests" not being declared and election campaign donations not being divulged by shamateur, quasi-politicians at Local/Municipal Government level.
6. The Plan which engenders full-time Professionalism from **all** the elected Representatives of the People.
7. The Plan for guaranteeing the Conservation and Preservation of Australia's Environment, Ecology and our endangered fauna and flora.
8. The Plan which caters for National Planning in the National Interest — at all times — therefore makes no scope for "STATES RIGHTS" and similar anachronisms.
9. The Plan which opens the door to the multi-Party system.
10. The Plan for the 90's, but more importantly, the 21st Century in Australia.

This "greenprint" forms the latest phase in the R.P.A.'s continuing educative, constitutional reform program. It is preparatory to the major document we have now advanced to working on with all endeavour: viz. The REPUBLICAN CONSTITUTION for AUSTRALIA. A 2 tier system of government embracing the R.C.G. Plan is the only alternative for Australia as the R.P.A. envisages it.

If Australia is to have more effective, non-duplicative government and the Australian people are serious about the necessity for decentralised administration and are genuine about wanting to have opportunities for all to participate in the workings of government, then, the R.C.G. Plan has to be given strong consideration.

The R.C.G. Plan, will then, be a fillip for the furtherment of Australian Democracy.

Peter Consandine 1st March, 1991.

# REGIONAL CO—OPERATIVE GOVERNMENT

In a country where apathy prevails we need activists who will conceive a cause and work for it. As Jim McClelland wrote in the last page of his political autobiography ('Stirring the Possum'): "there is great value in people who feel the need for a cause as a justification for their existence — they are, together with the geniuses, the ones who are extending the possibilities of life, fraction by fraction, to higher levels".

In our case the cause is simply Regional Co-Operative Government. We have other professional and political interests but we feel some responsibility to play a part in promoting the development of civilised democracy in Australia.

The proposition we will put to you is radical in the sense of getting to the radix or root of the matter and therefore needs careful consideration. We sincerely believe we have, at best, third rate Government in Australia. And whilst there undoubtedly is an underlying democratic nature inherent in the Australian ethos, it struggles against all the rigidities and complications that arise from this inferior system of Government. There is, therefore, a vitally important need to demystify politics; to cut through with some common sense and purpose. We urgently need a rational, modern and professional re-organisation of the political system — a complete restructuring of our political machinery. We decidedly need to establish a framework which will attract better people into Parliament. In short, we need a new Constitution.

## THE NEED FOR A NEW CONSTITUTION

It is interesting to note that there are only five Federations in the Western world: Switzerland, the United States of America, Canada, West Germany and Australia. Australia is the cripple. In our view a congenital cripple that needs to be "born again." We are afflicted by a compromised conception.

What has failed is not the principle but the practice. The 1901 Constitution put together by the founding fathers (nary a woman among them) was a weak-minded compromise in two fundamental respects:

1. It set up a sovereign Commonwealth in parallel with six sovereign States. This was clearly a recipe for enduring conflict. Apart from the massive duplication of Federal and State public service empires it gave rise to non-uniform and inconsistent company laws, libel laws and conflicting Federal and State industrial laws etc.

2. It attempted an amalgam of two entirely different structures of Government namely the British adversarial system of Government versus Opposition and the United States Presidential system which is based on vesting enormous power in one Great Man. The result is that we flounder around in a misty "no one's land".

The failure of our Federation has been clearly recognised. Until 1988 we used to have Annual Constitutional Reform Conventions in various State capitals. They got nowhere. Those invited were mainly lawyers and politicians with a sprinkling of academics and sociologists. The best they could do was to chatter about such peripherals as three year against four year terms of Government. These Annual confabulations were abandoned by the Hawke Government, which set up the Constitutional Commission. Some names from the hoi polloi were included. After hearing millions of words of submissions they finally delivered themselves of a series of recommendations for the Bicentennial Referenda (in September 1988). The mountain had laboured and gave forth a mouse!

As it turned out this was distorted by the Hawke Government into a bogus referenda which invited the answer 'Yes' to four questions. The question concerning "fair elections" was transparently dishonest because neither the Government nor the Opposition had any intention of upsetting the unrepresentative nature of the Senate, which gives Tasmania a gerrymander ratio of 13 to 1 over New South Wales.

One result of this is that Tasmanians get twice as much per head from the Federal funds as do the people of New South Wales, despite a Constitution that stipulates no discrimination.

With characteristic "wisdom" the people saw through the whole referenda as being a grab for still more power and rejected the lot. Without counting the unquantified cost of the Commission itself, including the usual massive legal costs, the referenda alone cost over \$40 million and was the "crowning disaster of the Bicentennial Year".

Both the Hawke Government and the Coalition Opposition have now washed their hands of the whole problem. In effect they have said: "the people have spoken; they are satisfied with the Constitution; they don't want reform and therefore we will stagger on and make the best of it until next century". This, despite the statement by one of the Commission's members, Professor Donald Horne, that our Constitution is "one of the world's most intellectually senseless Constitutions". And in spite of the Great Man Himself, our Prime Minister R.J.L. Hawke, describing the Constitution in his booklet 'The Resolution of Conflict' as "an antipodean antiquity" and as "an anachronistic lunacy". The simple fact is that the people do not want reform. They want a new Constitution. To perpetuate a failure is abject defeatism.

The initiative for a new Constitution will never come from the Federal Parliament, no matter which party is in power. They have won the race for power. They have secured centralised sovereignty and have a firm grip on the power of the purse. This is the political imperative. The States have degenerated into being little more than

feeble administrators of Federal initiatives not only in fiscal matters but also in social policies. All of this is a total distortion of the clearly stated intention of the founding fathers.

The fact is that our 1901 Constitution has become as obsolete as a piece of old elastic. It has been stretched to the limit by political expediency with the compliant co-operation of the High Court which hands down judgments on what it thinks the founding fathers really would have said had they lived in the modern world.

All that the founders could possibly do was to legislate for their horse and buggy situation. If they were here now they would agree that all their fears of centralisation have come true and that their attempts to safeguard against this by erecting the Senate as the "States House" have been destroyed by the connivance of the major political party machines who have demonstrably reduced it to being nothing more than a Party House.

## **THE PLAN FOR REGIONAL CO-OPERATIVE GOVERNMENT (R.C.G.)**

The proposition is that we should do away with our six States and two Territories plus all Local Government and establish 50 Regions, each with its own 10-person Legislative Assembly elected by Proportional Representation. Of these ten persons, two would become the delegates to one single National Parliament to be known as the House of Representatives. The two delegates would double as Representatives at the National level and as non-executive members of their Regional Assembly back home at the grass roots. Nothing could be more democratic.

### **IMPLICATIONS AND RESTRICTIONS**

#### **1. The Senate Veto:**

The Senate and all Upper Houses would be dispensed with. As in the Swiss Confederation, it would be cardinal that no Region could adopt laws or regulations that run counter to the National Law. The National Law itself would issue entirely from the two Representatives from each of the 50 Regions.

#### **2. Justice:**

One legal writ would be universal, but the administration of the Lex Australiana would be over to each Region which, in turn, would appoint its own judges, magistrates, ombudsmen, auditors and other Regional Officials.

#### **3. Specific Matters:**

Upon the approval of (say) three quarters of the 100 Representatives, certain matters may need the over-riding intervention of the National Government such as

- (a) special grants to impoverished, afflicted or blighted Regions
- (b) conservation and heritage
- (c) inquiries and investigations

#### **4. Taxation**

The R.C.G. proposal contemplates that, to start with, the existing taxation system with appropriate reforms would remain substantially in place. The important thing is that the surplus of National revenue over National expense would be distributed to the Regions on a strict per capita basis, without strings attached. Exceptions may occur in the case of needy Regions where such Regions have say a high aboriginal population - again upon a 75% vote of the 100 Representatives.

#### **5. The House of Representatives.**

The single National House, to be known as the House of Representatives, would consist of 100 Representatives, there being two from each of the 50 Regions. Collectively, it would be the co-operative voice of the people. One cannot legislate political parties out of existence but it is probable, under the R.C.G. system, that political parties would become less relevant. Any appearance of bloc voting by regimented factions would be seen as a dereliction of integrity. Clearly, the National Government would have sovereign control over Civil Aviation, Planning, Industrial Relations, Police, Quarantine, Communications, Energy, Agriculture, Health, Defence, Tariffs, Immigration, Tourism, Scientific Research, Environment, Customs, the Reserve Bank etc. In addition, it would also be the authority for certain Inter-Regional bodies delegated to it by some of the Regions. This would apply particularly to transport matters, National Highways, National Railways, some Universities and to such other ad hoc boards or commissions as are advisable.

## **THE SEVEN PILLARS OF THE R.C.G. PLAN**

### **1. ONE VOTE—ONE VALUE**

This is fundamental. Even if one could imagine some of the Regions adopting some form of restricted franchise, such as, that any voter must be able to read and write 1000 English words as a qualification to be enrolled, the principle of one vote-one value is cardinal. Each Region would be in charge of its own electoral roll.

Because some rural Regions will contain less voters than urbanised Regions it will be necessary to proportion

their two Representative's votes to the number of voters on the roll for each Region. This is a simple matter. On all voting in the House of Representatives each Representative will slip his voting card into a computer which will automatically spell out the aggregate weighted result in a matter of a few minutes. A Representative would be able to vote from his office desk if necessary. Furthermore, the record will show, back home in the Region, just how he or she voted on every issue. That person will not be able to make the excuse that he or she was regimented under Party instructions.

## **2. ELECTORAL STAGE VOTING**

(sometimes called Collegiate voting)

The R.C.G. plan proposes that once the voters have elected their 10 Regional Councillors they would play no further part in determining progression to the National Cabinet. Each lower stage would elect the one above it. Because the Regional Councillors will work with each other constantly, they will be the ones best able to assess each other's competence and statesmanlike qualities. In the first instance the 2 Representatives to the National Parliament will be elected by the 10 Regional Councillors. In the second instance the 20 person National Ministry will be elected by the 100 Representatives. In the third instance the 10 person National Cabinet will be elected by the 20 Ministers. And in the fourth instance the Prime Minister will be elected by the 10 Cabinet Members.

The Prime Minister will be seen as a spokesman rather than as a supremo. The cult of the personality will be less important. Often, doubtless, the Prime Minister will be a quiet Australian rather than a flamboyant poseur.

Such a system would diminish the spurious grandstanding that features in Australia's present elections.

## **3. QUALITY**

The need is for top quality people in Parliament. Such men and women of integrity and superior standards are repelled by the present squalid arena of party politics with all its hypocrisy and sham. They need a clean workshop and a breath of fresh air. To attract such people into political affairs we need:—

- small government
- less government
- the scrapping of the adversarial system of Government versus Opposition.

Any system that predicates hostility through adversarial procedures will inevitably generate eristic politicians, meaning that any arguments they put up will be aimed at victory rather than truth.

## **4. FREE DEBATE**

With only 100 Representatives in the National Parliament there will be no practical difficulty in allowing every Representative the opportunity to speak on every issue, providing remarks are limited to, say, 10 minutes. Cabinet Ministers would be allowed an extension of time. In practice, debate on any Bill would probably last no more than a couple of hours except on controversial matters. Each Regional press would be provided with the full Hansard report of its two Representative's speeches.

Once freed from Party hypocrisy, regimentation and bitterness the exemplary Parliamentary conduct of the 100 Representatives would flow down into the 50 Regional Assemblies. There would be continuous personal interaction on a co-operative basis.

## **5. COMPREHENSION**

To secure quality members we need quality voters. The great advantage of the R.C.G. Plan is that it will enable the voters to comprehend what they are voting about. It is a matter of making government units small enough to understand and of ensuring honest and reliable quarterly 'State of the Region' Reports.

The 10 Regional Councillors would live, move and have their being amongst their constituents. Each would depend for re-election on his or her performance in the community.

An informed electorate that can comprehend both the issues and the candidates will elect better politicians who will in turn establish a better Public Service. There is a need to demystify politics.

An important element in all this is that each Region should have the right to pass whatever legislation is needed to ensure an independent Regional press owned and controlled by native persons living in the Region.

## **6. FLEXIBILITY**

The modern world changes so rapidly that constant adaptation is necessary. An absolutely civilised society cannot be established, once and for all, because life is such a fascinating succession of diversity and innovation.

The groundwork for restructure proposed in the R.C.G. Plan will itself be subject to adjustment. Nevertheless,

the best fuel for the new political machinery will be created by the collective intermixture of independent minds of proven integrity drawn from the four corners of the nation.

Continuity of government is assured by the structural nature of the new system.

"Diversity is not only the salt of life, but the basis for collective achievement". And the complement of diversity is tolerance and understanding ... we must try to understand why we judge others' actions as wrong - which implies understanding the workings of our own minds and the discounting of our own prejudices.

## 7. MUTUALISM

Each man or woman who is elected by his/her Region is expected to be a facilitator of National ideals and planning. The 100 Representatives would be the Supreme Council of State. They will carry up the Regions' aspirations onto the Canberra plateau where a collective vision will be formed and carried back down to the regular meetings of the Regional Legislatures.

It is important to realise that the R.C.G. Plan assumes interaction and co-operation between the contiguous regions especially in the metropolitan areas.

The R.C.G. Plan is all about organising the situation wherein a civilised democracy can flourish. The late MacFarlane Burnett expressed the objective in his 4th RULE for a modern ethic ('Endurance of Life' - page 220) — quote: "To ensure that opportunity to attain mental and bodily health, and to find satisfaction in achievement will be available to all future generations in a measure not less than what we now enjoy."

# THE DECLINE AND FALL OF PARLIAMENTARY GOVERNMENT

In the 1890's our founding fathers were obsessed with three concerns - (a) The British Empire; (b) White Australia and (c) States Rights. Of these three their main concern was, very rightly at the time, the loss of Colonial sovereignty. The Constitution they finally stitched together was an impossible attempt to have it both ways: to have a sovereign Commonwealth operating alongside six sovereign States. One of the more articulate and persistent of them, John Cockburn of South Australia, foresaw that Federation would finally result in what he called a "vortex" that would "suck in" the States. He said: "Government at a central and distant point can never be government by the people". This was a profound truth, then. As the century progressed Cockburn's 'vortex' became a whirlpool and then a maelstrom after the Second World War. Total war demanded a totalitarian Commonwealth from which Federation in Australia has never recovered. For all creative purposes the States have degenerated into impotence.

### **The Power of the Purse:**

The fundamental change from the firm intention of the 1901 Constitution concerns finance. The framers anticipated that the revenue from Customs and Excise would be more than sufficient to finance the total Federal budget. Samuel Griffith said that the annual cost of Federation would be "less than the cost of a dog licence per head of Australian population". For the first few years he was right but before many years had expired, the founding fathers' naive expectations were turned on their head. By the end of the First World War, Commonwealth income taxes equalled Customs and Excise revenue. Since the Second World War Federal taxation has reached over 80% of total taxation in Australia. We are now a world away from the original intentions. It is true that we still pay lip service to an annual event, or performance, called the Premiers' Conference. This is now a formal opportunity for the Federal Treasurer to dictate to the States not only how much they may spend but also how they may spend it.

### **Some Legal Legacies:**

On a legal interpretation, the executive power of the Commonwealth is still vested in the Queen. Sections 61 and 62 mean that Australia is still governed as it was in Colonial times by a Governor-General (or equivalent) with an advisory council that the Governor-General appoints. Everyone knows that this is obsolete nonsense. But it was exploited in November 1975 to justify the Fraser-Kerr coup which dismissed the elected Whitlam government. It could happen again.

### **The adversarial system of Government versus Opposition:**

This defies all nature. Sensible people work for co-operation and agreement rather than for conflict. If the political system deliberately predicates hostility then there is no way that it will produce positive results. There is no sense whatever, in any form of organisation, in any sphere, where opposing camps march into a room and line themselves up on opposite sides of the table. In the business world or in any organisation outside government such an arrangement would be ridiculed. One cannot legislate political parties out of existence but the R.C.G. Plan could make them redundant and unworthy. Regional Representatives will identify themselves with their Regions and with Australia rather than with "my Party right or wrong". Under the R.C.G. Plan any politicians who are seen to vote regularly in party blocs will be derelict to the unwritten convention that the House of Representatives is a House of Independents. Integrity will be admired rather than spurned as disloyalty to Party regimentation.

### **The gerrymandered Senate:**

At present, twelve Tasmanian Senators representing less than half a million people carry as much voting power as the twelve Senators from New South Wales who represent six million people. This is a gerrymander of 13 to 1! Australia-wide, the one quarter of electors who reside in the 3 "smaller" States have as many Senators as the three "larger" States. The Senate has never been properly elected. Nor has it ever operated as **the States House** as was originally intended. In recent years, the very layout of the ballot paper for Senate elections makes it

obviously a Party House. A valid vote no longer requires a vote for individual candidates. The hypocrisy of the major political parties is breathtaking!

#### **Politicians galore:**

Australia is notoriously the most over-governed country in the world. We have one full-time politician for every 21,000 people. Canada has one per 66,000; the United Kingdom has one for 145,000 people. Tasmania beats all the world with one per 6,600 people. Altogether we have 7 times as many politicians as the United Kingdom on a per capita ratio. On top of all this we have a "jobs for the boys" lurk which is all part of "the game" as the Aussie polities call it. Spoils for the dropouts such as Mick Young are beyond endurance. Under the R.C.G Plan we would have 500 politicians per 17 million of population which is still over-generous by world standards. That is 500 at the combined National and Regional levels which equals 1 political representative per every 34,000 people.

#### **The Parliamentary Theatre:**

At the Federal level there is one man who has recounted his personal experiences as a Senior Minister. Here are some further extracts from Jim McClelland's political autobiography 'Stirring the Possum': p. 129..."Almost nothing that is said in Parliament has any effect or influence on the government of the country...Parliament is really like a schoolyard. It is a place where you go to jostle, chieck and jeer at your schoolfellows. The pretence that it is a place for serious, thoughtful debate has long been abandoned".

P. 131..."The country is not really run by politicians and that is why political follies, though important, are not necessarily as catastrophic as they are sometimes depicted."

## **THE 50 REGIONS IN OPERATION**

Why 50? Because about 340,000-350,000 residents, on average, is a manageable and comprehensive size for a Region. Outback Regions would have fewer residents and densely populated Capital City Regions would have more -but the principle of one vote-one value would still apply.

Of the 10 elected members in each Regional Legislature/Assembly, eight would have responsibility for (eight) departments and the other two would double as the Region's Representatives in the National Parliament.\* The 8 would, in effect, be professional managers who would attend their offices for 48 weeks in the calendar year. The 2 Representatives would be decided by their colleagues and they would, it is anticipated, attend monthly meetings of their Region and vote on matters when they are there. The 10 Regional Councillors would elect one of their numbers as Paramount Executive Officer (P.E.O.). The P.E.O. would not be one of the two Representatives to the National Parliament. And there would be no parliamentary recess.

The functions of the 8 departments would be decided by the Regional Councillors themselves, largely depending on whether they are country or urban Regions. The two Representatives would retain their integrity as Individuals but would be obliged to give considerable weight to the Region's policy directions.

Once we get rid of the dead hand of centralised control we will discover that government can be a very simple matter. As American Paul Theroux expressed it: "we will discover for ourselves that government is best that governs least". This is the gospel of freedom.

\* Elections, under the R.C.G. Plan, would be held on a fixed 4 year basis — every leap year on the last Saturday in October. This would afford a 2 month transition period for the newly elected representatives — at the 2 levels — so that budgets can be prepared for Calendar Years (January 1 — December 31).

## **DYNAMIC DEMOCRACY**

In the whole metamorphosis of the Regions Plan restructure, the high note will be that some of the 50 Regions will take a unique, individual and creative line on a variety of fronts. Opportunities for full-blooded revision of the conventional wisdom will abound. Here is a list of some matters that would come up for critical examination:-

**Regional Matters:** When you come down to earth, 80% of the really important things in life revolve around everyday administration. The main concern of each Regional Assembly will be the control of the expenditure of the revenue received from the National Government, supplemented by such revenue as each Region chooses to raise in the form of rates. The eight executive Regional Councillors will each be in charge of Departments which will vary according to whether the Region is densely populated or rural.

**National Matters:** The views of the 10-member Regional Assemblies would be cogently conveyed to the National House of Representatives. In the aggregate they will add up to a national consensus on such matters as:

Immigration and Population Growth, (which some Regions will consider should be zero).

Liquor and Drug Control.

National Transport matters, especially Roads, Railways and Coastal Shipping.

Inter-Regional Authorities.

Conservation.

Abortion, euthanasia and "genetic engineering".

Assistance for needy Regions (formerly known as the mendicant States).

Ad hoc commissions, boards and the like.

**Citizen Initiated Referendums:** This covers the function known to the Americans as "checks and balances". The very existence of the provision for citizens initiated referendums would be a salutary check on corrupt behaviour at the Regional Assembly level.

The opportunities for the Australian Democracy to come alive are exhilarating. There are "nervous nellies" who

fear such a liberated society. The true Republicans among us have the courage of our convictions. In a nutshell the proposition being put to you is that the 50 Regions would counter-balance Canberra. Flexibility will replace rigidity.

## **THE NEW SYSTEM**

Certainly, the composition of the House of Representatives members will change from time to time depending on the names of the Representatives sent forward after each joint National and Regional General Election whenever that may occur (each 4 years). The Australian Government will be one continuous body, like the Board of B.H.P. or the Miscellaneous Workers Union. Barring a complete spill, there will always be continuity; there will be stable, predictable government. This will give enormous confidence to overseas investors and governments. The tributary Regional streams will change their Representatives from time to time and this may involve changes in the make-up of the National Ministry and, in turn, the National Cabinet — the 20 person National Ministry being subject to election and re-election on an annual basis during each 4 year term.

A National Co-operative System constituted in this way could never realistically become the tool of party machines. The 500 professional politicians would be above the sordid pressures of power groups or magnates whether they be from the business or union world. It may be countered that this is wishful thinking; that the National House of Representatives will gravitate into Party blocs. Much will depend on establishing the convention right from the start that the House of Representatives is a House of Independents (or Individuals) whose prime obligation is to their Region and to AUSTRALIA and not to any particular political party. Such conventions can be securely established.

Never again will we squirm with embarrassment as some great man pontificates about "my government". Reference to the Menzies or Fraser or Hawke governments would be relegated to the pages of curiosities in the history books. Machine politics will wither away. On the practical side, some likely features of the R.C.G. Plan for restructure will include:-

### **1. TAXATION**

There would be a substantial continuation of the present centralised system of tax collection but with allocation from the National Government to the Region on a strictly per capita basis (except for those Regions which may receive ad hoc special grants if approved by three quarters of the 100 Representatives). Possibly the existing Grants Commission would give expert advice on such matters. The size of the tax cake in the first place will effectively be decided by the collective voice of the Regions.

### **2. FINANCE**

Applications for approval of overseas loans, either by government authorities or by private enterprise, would need approval by the National Government.

### **3. MASSIVE REDUCTION IN THE SIZE OF THE PUBLIC SERVICE**

The present enormous duplication of public service empires at the State and Federal levels would be eliminated. They make unnecessary work for each other by creating problems that should never exist.

There will develop a recognised and measurable standard cost per inhabitant for administering each Region. At present, one in every three employees is a public servant. The R.C.G Plan would progressively reduce this to about one in six. By thus halving the Public Service, the taxpayers will save themselves massive millions of dollars every year. No Region will tolerate profligate expenditure.

The number of politicians would be reduced by 41%: The ratio would be about 1 per 34,000 inhabitants, including children. Even this is high by overseas standards but it allows for the peculiar geography of Australia.

### **4. CIVILISED PARLIAMENT**

The deplorable nonsense and outright repugnant behaviour that features the sittings of the Federal Parliament where "honourable members" shout abuse at each other would give way to rational debate. Parliamentary language such as "dogs returning to their vomit" would be relics of a gutter past. Apart from higher standards of behaviour, the running ulcer caused by having six sovereign States in conflict with a sovereign Commonwealth would be cured. It has caused endless disputation especially in industrial matters where we have a confusion of Federal Awards alongside State Awards. A multitude of barristers and solicitors would be released into **useful** work.

### **5. BETTER GOVERNMENT AT LESS THAN HALF THE COST**

When the R.C.G. Plan is taken seriously, the Treasury will be required to itemise a costing of the prospective economies that will flow right through the whole system. In direct money savings we will achieve better government at less than half the cost. The consequent reduction in taxation will result in an increased standard of living and the total result will flow through into the abstract level of civilised living for the whole population. This is the level that is beyond dollar measurement.



# CAN DEMOCRACY BE TRUSTED ?

Do Australians really want their country to be the most democratic in the world? The practical truth is that a very large proportion of our people would seem to prefer some form of guided democracy. Many want a paternalistic Big Brother. Many abhor diversity. Many want to retain the so-called Upper Houses. Many want the discipline of giving reserve powers to a central government wherein all wisdom is supposed to reside. Many of them even believe that the Governor-General should continue to have power to exercise his or her personal initiative if the democratically elected government appears to him or her to be on the wrong course. Such people believe that the Fraser-Kerr assault on democracy in November 1975 was a good thing. They do not want a true Republic. They want a centrally regimented machine.

Many of our leading politicians have little regard for true democracy. You will recall the arrogant behaviour of Joh Bjelke-Petersen, the ex-premier of Queensland, who was wont to say "Don't you worry about that" — his lesson being "leave it all to me, I know what is best for you". Fortunately, Joh is now a back number. It is now disclosed that he presided over a police force that was corrupt so far as several top officers were concerned and that at least one Queensland judge was far from being impartial in his judicial behaviour. The more important dereliction from democracy comes from our charismatic Prime Minister, R.J.L. Hawke. In 1979, before he entered the Federal Parliament, he wrote a booklet called 'The Resolution of Conflict'. It recorded his innermost beliefs, as delivered by him in the prestigious Boyer Lectures of that year.

On pages 23-24 he posited the following:

"I would advocate that as an initial step, one quarter of the positions in the (Federal) Ministry should be open to be filled by persons not elected to the Parliament".

How is that for democracy? And it was to be just "an initial step"! In the event, when he finally achieved his life ambition and became Prime Minister, he did not give explicit effect to his proposal by actually appointing to the Federal Ministry any of his favourites from the world of Big Business, Big Unions or Big Lobbies. But there is much evidence that he relies more on their advice and influence than on his colleagues in the Cabinet! He has never retracted one word from his Boyer lectures. To quote again from Jim McClelland's political autobiography, p. 240:- "My most stringent criticism of the Hawke government has been for its supine acquiescence in the Murdoch takeover of some 60 per cent of the Australian print media".

One should not place too much importance on transient politicians. They fly forgotten as a dream. It is more important to be positive; to re-organise our political machinery for the benefit of the next generation and their children.

## CONCLUSION

The 50 Regions Plan (i.e. R.C.G.) proposition constitutes a true Republic defined as a form of government that is free from classes having exclusive political privileges. For all practical purposes, all that is needed for Australia to qualify as a Republic is the withdrawal of all powers of initiative from the Governor-General.

There are five features of the sort of Republic envisaged in our proposition for the restructure of our existing Federation:-

1. No member Region may adopt laws or regulations that run counter to National law.
2. A 75 per cent majority of the House of Representatives may collectively restrict any practice of a certain Region that is contrary to National guidelines, especially regarding conservation.
3. A 75 per cent majority of the House of Representatives may have power to make financial discrimination in favour of Regions that need assistance, especially regarding aboriginal matters.
4. Within the above constraints, all the practical aspects of everyday living should be administered by the 50 Regional Assemblies.
5. The Regions should themselves make a dynamic and creative contribution to National policy on all matters usually regarded as "National". Above all, they will collectively work towards the cultivation of a civilised and distinctive national ethos in a society that is prosperous and free.

The whole thrust of the 50 Regions Plan is to create a political matrix wherein our children and grandchildren can mould Australia's "golden age". We are presented with the opportunity to become the world's most enlightened democracy. Nothing but the best is good enough for a country like Australia.

## **WHERE TO FROM HERE?**

This presentation of the 50 Regions Plan (R.C.G.) is incomplete. It needs to be supplemented with 50 maps showing the suggested boundaries of the 50 Regions. Each reader will then be able to comprehend where he or she will fit into the total picture.

When this is done, there will be the further need to print a first class brochure for distribution to the 900 Municipal Councils and Shires in Australia; to the more creative of our academics; to Regional newspapers, radio and television stations. Providing our approach is rational and professional we will probably arouse financial support from the business world. Whether influential people agree to the plan or not they will at least give us credit for the stimulating thought and public debates which will ensue and/or be generated by the dissemination of this document.

As a provisional starting point enquiries may be broached with the primary writer:

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# POSTSCRIPT

After 12 plus years and after having gone through 17 drafts prior to sending the R.C.G. PLAN to the printers for a JANUARY 1991 release, the Commonwealth Government staged the SPECIAL PREMIERS CONFERENCE on Federal-State Relations — for 1½ days — over Tuesday/Wednesday 30/31 October 1990.

We agonised as to whether we should alter the context of the R.C.G. PLAN yet again — for the 18th time — and then Mungo MacCallum came up with the perfect coverage and response to the S.P.C. which was the forerunner to what is hoped to be twice-yearly summits.

The article headed "The Constitution Bites Back" published in the Sydney Morning Herald on Saturday 3rd November 1990 is fully re-printed, with the author's consent, herewith.

By any yardstick, MacCallum's article endorses the R.C.G. strategy, albeit indirectly.

Peter Consandine  
Editor/Publisher

## THE CONSTITUTION BITES BACK

Let's not get too excited. The first constitutional convention was held in 1890, and it took another 10 years to come up with anything concrete. Even then, it was only the mishmash we are still trying to make workable 90 years later.

Nor were the politicians of the last century, now reverentially referred to as "the founding fathers", any better or any worse than the current crop: the West Australians refused to come to the Federation party until the other colonies agreed to build them a railway from the Kalgoorlie goldfields to Port Augusta, while one Tasmanian delegate, summing up his aspirations, said, "We shall build a glorious nation and there will be cheaper meat".

The document we discuss in the hushed tones normally reserved for holy writ or gross pornography is in fact nothing more than a series of compromises hammered out between jealous colonial power brokers and bored British public servants who sought to safeguard privilege for themselves and their heirs and successors by making the rules all but impossible to change.

Sensibly, Bob Hawke has given up trying to change the rules, for the moment at least — although he is still prepared to have another go at four-year terms for the Federal Parliament. Instead, he and the Premiers have set up working parties of bureaucrats who are expected to suggest the most expedient methods of working themselves out of jobs. Given the record of bureaucrats in such circumstances, the optimism of the participants at the Brisbane gabfest may have been a trifle misplaced.

It is understandable that the politicians have chosen to go down the path of co-operation rather than referendum; referendums in Australia have a history of failing, given even a breath of opposition. Malcolm Fraser's 1977 proposals for reform were supported by the Labor Party, but resisted by a fringe group within his own party, and all but one of the proposals were rejected after a referendum campaign that was, to all intents and purposes, bipartisan.\* Proposals by Labor Governments are invariably opposed by the conservative parties regardless of their merit, and are invariably defeated.

Any serious reading of the division of powers enshrined in the Constitution would persuade any but the most myopic that the document is hopelessly outdated, largely impractical and, in many cases, just plain silly. However, as practically no-one has ever read the thing either seriously or flippantly, it is absurdly easy for the opponents of change to portray it as the last bastion of the defence of individual freedom, along the lines of the American Constitution, rather than as a rather cynical act of the British Parliament by which the colonies grudgingly ceded as little as possible to central government.

It is not absolutely engraved in stone; the High Court, over the years, has interpreted it as giving the Commonwealth rather more power than its framers ever intended. It is, however, an all-but-impregnable barrier to dramatic change.

So the Hawke Government has opted for co-operation, to which the States have responded with cautious approval. Useful changes may come out of the process, but it will be a very delicate business.

If anything happens to upset the rather fragile goodwill that now exists, it will leave the most unholy mess. And the further down the track the upset comes, the messier it will be.

The principal is fine. Eliminate waste and duplication, give the Commonwealth the things a central government can do best, and leave to the States the things that are closer to the grassroots. Make the States more responsible for raising their own revenue, and when the money comes from Canberra, give the States more freedom in deciding how it should be spent. It's hardly Utopian, but it is good commonsense. Unfortunately, it may also be unconstitutional.

This would leave matters open should any of the parties, now or in the future, choose to rush into the High Court screaming for redress because they feel disgruntled by any changes. In the current climate of sweetness and light, such litigation would appear unlikely, but times and governments change.

A future Joh Bjelke-Petersen should not be expected to resist the temptation to try his luck if there were any opportunity to embarrass Canberra by not only renegeing on any arrangements made by his predecessors, but by trying to show they were against the rules in the first place.

Hawke and his advisers appear not even to have considered this possibility.

We have come a long way from Hawke's original ambitious plans to change totally the form of government (before entering Parliament he was talking about an American-style unelected ministry) and it's all been downhill.

The not-very-ambitious referendums of 1988 were a small enough attempt to change the Constitution. Now, sadder, but wiser, the Government is basically trying to pretend that the Constitution does not exist. Hawke, the master mediator, is looking for a sweetheart agreement that does not have to be ratified by the electorate at large. If he can get away with it, good luck to him; almost any change to the present dog's breakfast of duplication, waste and general inefficiency would have to be an improvement. But let us not allow the present welter of self-congratulation to obscure the fact that what we are looking at is very much the lesser option — which is, perhaps, why it enjoys nearly universal support.

But let's look on the bright side. Let's assume that, despite the likely obstruction of sections of the bureaucracy, despite the waning of enthusiasm among politicians who are bound to find other, more electorally rewarding, barrows to push, and despite the near certainty that the most difficult bits end up in the too-hard basket, we end up with significant reforms.

Let us assume that the new structures stay in place for long enough to be accepted as part of the status quo, and that it becomes a political minus to challenge them. The danger then is that the will for genuine constitutional reform will become exhausted: doing deals at well-publicised premiers' conferences will be considered sufficient.

This would be no bad thing if we could only get rid of the wretched constitution altogether, and adopt a system similar to that of Great Britain (which, incidentally, while perfectly happy to inflict a constitution on Australia, was never silly enough to adopt one of its own).

But this, alas, is no longer an option. We are stuck with the bloody thing, and while there is a certain amount which can be done by agreement, there are other things that cannot. Longer parliamentary terms is one of them: almost everyone recognises the need for them, but two referendums have been lost on the subject in the space of 15 years. (Opponents of the concept campaign under the banner that longer terms would not necessarily mean fewer elections, and indeed, if they had their way, that would probably be the case).

The ridiculous situation whereby Tasmania elects the same number of senators as NSW cannot be changed by agreement, even given the far-fetched possibility that such agreement could be negotiated. The arbitrary lines on the map which define State boundaries in such a way that everything from the defamation law to the price of petrol changes as you cross the Murray to the south or the Tweed to the north cannot be changed by agreement.

In other words, while the law and standards can be negotiated, the process which determines them in the first place cannot.

This is what constitutional reform really needs to be about. Gough Whitlam had a theory that if you wheel enough referendums up to the populace, sooner or later they will get used to the idea and start passing a few. Even if you get only three out of 30 through, it has to be better than none out of five. Whitlam was not around for long enough to give this theory a thorough test, but it must be admitted that there is little enthusiasm for it now.

Lionel Bowen, one of the last of Whitlam's true believers, bowed out of politics after seeing four innocuous proposals thumped in 1988. Both he and Hawke declared later that the possibility of constitutional reform had been put back years, and was not even worth attempting without bipartisan support (and, as the Fraser experience shows, not always then.) Hawke, resilient as ever, has since made noises which suggest he may have one more go at the next election. But, given the current state of the opinion polls, distractions like referendums may not be one of Labor's more brilliant strategic options.

If there is hope, it lies in the new breed of conservatives: the John Hewsons and the Nick Greiners who are not tied to the shibboleths of the Menzies era and before. Suggestions for constitutional reform would have a tolerable chance of success if supported by both Hewson and Greiner (and, one assumes, by Labor). But Hewson and Greiner may well feel, like Hawke, that the backdoor method of ad hoc negotiations is the easiest way to go.

If they do, they, like Hawke, are wrong. The Constitution is fundamentally unsuited to a modern nation. It is broke, and it needs fixing. It is tempting to imagine that the course of Band-Aids and placebos begun in

Brisbane will sustain the patient for a little longer. In any case, they are worthwhile in themselves. But the real problem is that act of the English Parliament. We cannot just hope that, if we ignore it, it will somehow go away.

**Editor/Publisher's Note**

*\* It would be remiss of me to proceed fully re-printing the Mungo MacCallum article ("THE CONSTITUTION BITES BACK") without correcting the glaring (unintentional) error of Mr. MacCallum's.*

*In paragraph 5 he states, regarding Malcolm Fraser's 1977 Four Referenda proposals: "and all but one of the proposals were rejected." The opposite is true. Three out of the four Referenda proposals put by Mr. Fraser were actually carried! They were, for the record:*

- (a) The proposal to give residents of the Australian Capital Territory and the Northern Territory the right to vote at Federal Referendums;*
- (b) The proposal to require High Court judges to retire at age 70, and*
- (c) The proposal for casual Senate vacancies to be filled by a person of the same political party as the vacating Senator.*

*The fourth proposal — that of simultaneous elections for the House of Representatives and Senate — was the ONLY proposal which failed — though narrowly (there was a 62% favourable vote overall but, alas, the proposal gained a majority of in only 3 states);*

*Since 1901 forty-two referendum questions have been put to the Australian electorate. Only eight have succeeded i.e. approximately one in every five! This, lamentably, gives a different aspect to the 80:20 principle.*

## NOTES