

# Leading Issues Journal

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### In this Issue

As the first year of the new millenium draws to a close, The Centre for Leadership for Women commends to you a challenging and probing critique of the Australian parliamentary system from a renowned Labor Minister who is in her fourteenth year of her parliamentary career.

Dr Carmen Lawrence, currently the Shadow Minister for Industry, Technology and Innovation, and Shadow Minister for the Status of Women, in her paper, "Renewing Democracy: Can Women Make a Difference?" presented to the Sydney Institute on August 17, 2000 leaves no stones overturned in her evaluation of the democratic processes in Australian Politics. Taking into account the concerns of a disillusioned electorate, Dr Lawrence gives us an inside account of the application of what is purported to be democratic and in the best interest of Australians -"Byzantine, power-focused behaviour of our major political parties; the disquieting alliance of our political parties with corporations and large organisations; the control of our political parties by privileged minorities; the seeming irrelevance of much parliamentary debate and political discourse in the media; the permanent state of vitriolic antagonism between the major parties; the elevation of executive secrecy above public disclosure; the winner takes all outcomes of elections which preclude the input of minority opinion; and the failure to enunciate and plan for the long term challenges we face as a community. To nominate just a few!"

Can women make a difference to transform politics? Dr Lawrence argues that women need to "articulate a detailed agenda for that reform based on an analysis of the deficiencies in our system" that women need to aim higher than simply believing, "that the mere presence of women will automatically modify our democracy and transform our Parliaments."

**With the view that the responsibility to work towards a "new democracy" lies with each of us and begins with our analysis of the deficiencies in the system that governs us, you are invited to take part in the [Have Your Say topic: Evaluating Australian Politics](#)**

**To view the Centre's interview with Dr Carmen Lawrence please click here: [Interview with Carmen Lawrence](#)**

### **Renewing Democracy: Can Women Make a Difference?**

**By Dr Carmen Lawrence**

#### **Introduction**

One of the most obvious and fundamental flaws in the development of democracies everywhere has been the exclusion of women. Debate on democracy proceeded as if women were not there.

Women were belatedly included only after hard fought campaigns by the suffragists, often in the face of bitter opposition. The failure of the architects of modern (and indeed

Athenian) democracies to see women as part of "the people" was a reflection of the almost universal "verity" that women were the possessions of their husbands and fathers. Hence, like slaves, they needed no separate representation. The associated belief was that women were incapable of the rational thought needed to participate in the demos.

In the midst of the ferment of debate about equality of citizens and the emerging democracies, Mary Wollstonecraft observed that she still knew she would:

*"excite laughter, by dropping a hint...that women ought to have representatives, instead of being arbitrarily governed without having any direct share allowed to them in the deliberations of government."*

Some have argued that the omission of women in calls for freedom, equality and the "rights of man" was not just a "scandalous oversight" but an indication of the "relentless privileging" of men; that it is not just unfinished business but affects the very foundations of democracy. Democracy, in this view, has to be remodelled to accommodate the female half of the population.

As Anne Phillips observes, the association between equality and democracy is a recent affair and early liberals "could talk of human beings as equals without any inkling that they might all expect to vote." This failure clearly violated even the most rudimentary notions of equality.

The most powerful argument to extend the suffrage to women has always been one of simple justice: women should vote and be eligible to be elected to parliaments because they are entitled to equal rights as citizens. Added to this is the observation that all the forms and procedures of modern democracy have evolved without any significant contribution from women. Our constitution, our parliaments and our political parties were designed by men to suit their preoccupations and convenience. It follows that the full participation of women might well require and/or result in significant changes to the structures and processes of our political system.

Despite the extension of suffrage to women and their entitlement to run for Parliament, the progress toward equal representation has been glacially slow. Even now, only 22% of members and Senators are women. Perhaps because the women's movement re-emerged during the 60s when there was also a renewed enthusiasm for direct democracy, the under representation of women in parliaments did not excite much interest. In the eyes of those for whom a representative democracy was very much a second best system, getting more women into politics was a low priority. Scepticism about orthodox politics and a repudiation of the hierarchical and male dominated political parties were (and are) commonplace attitudes amongst activists. The more important issues of democracy and representation were thought to lie elsewhere.

Those who have campaigned to increase the number of women in politics often argue that women can make a unique contribution. This sometimes takes the form of an assertion that women's historical and continuing subordination gives them "privileged access to the truth." Less ambitiously, many women want more women MPs because they expect that women are more likely to understand the problems they face. Australian research shows that women are seen as more likely to be in touch with the needs and interests of the average person.

Many women have pressed and continue to press their claims for greater representation because they see themselves as bringing new qualities to the political stage. They believe they "will not only add to the dramatis personae but of necessity alter the play."

It has been argued, for example, that since women's exclusion has arisen in part from conventions that distinguish sharply between the public and private, women will necessarily bring these issues to the foreground of public debate, eg. concern for the young, sick, old and disabled, the removal of discrimination based on status and the grounding of the abstractions of economic or foreign policy in more compassionate understanding of people's daily lives.

Some have held out the promise that women will radicalise the very practices of democracy: that they will cut through the "pomposity" of male rhetoric; subvert unnecessary hierarchies; open up decision making to those who were once the objects of policy and ensure a more responsive and open system. While there is a Utopian flavour to all this, it reflects many of the same aspirations that I hear every day from people who are said to be sceptics about the possibility of reforming our political system.

There is hope that when a sufficient number of women is elected, their "critical mass" will produce a qualitative change in political life. Women will no longer be forced to "adapt to their surroundings, conforming to the predominant rules of the game" and may bring a more sceptical viewpoint to the assessment of our political institutions and practices.

In general, when these arguments rest on the assumption that the mere presence of women will automatically modify our democracy and transform our Parliaments; change is seen as inevitably flowing from the different experiences and sensibilities of women. While there are good reasons to advocate reform and while women, as outsiders and newcomers, may well be in the best position to see what is needed, I doubt whether the mere presence of women will prove sufficient. We need to articulate a detailed agenda for that reform based on an analysis of the deficiencies in our system.

### **Can we improve our democracy?**

Whatever its origin, or its validity, the perception that more women will make a difference reflects a conviction that our political system needs to change; that the fundamentals of the democratic contract have been corrupted. Many Australians I talk to are disgruntled by a system which does not appear to respond to their needs and seems, increasingly, to be in the hands of elites more interested in their own advancement than the general good. As a result, our political system has less and less legitimacy.

Others have characterised this as a crisis which ranges across many of our democratic institutions and processes: our outdated constitution; the Byzantine, power-focused behaviour of our major political parties; the disquieting alliance of our political parties with corporations and large organisations; the control of our political parties by privileged minorities; the seeming irrelevance of much parliamentary debate and political discourse in the media; the permanent state of vitriolic antagonism between the major parties; the elevation of executive secrecy above public disclosure; the winner takes all outcomes of elections which preclude the input of minority opinion; and the failure to enunciate and plan for the long term challenges we face as a community. To nominate just a few!

Amongst the pessimists, this disenchantment spills over into disparagement of government action and a retreat into individual solutions to social and economic problems. This, of course, suits the neoliberal agenda but is anathema to effective joint action necessary to reduce inequality, improve broad social outcomes and to protect the environment. Fortunately, there are optimists who believe it is possible to redesign our institutions. However, it is ironic that in an era which glorifies the novel and worships change, the same politicians who advocate flexibility and reform cling to conventions and practices which always had design flaws and which have ossified into caricatures of themselves.

Whether or not the greater involvement of women in our political system will drive improvements in our political system, it is clear that they are needed.

### **Representation: One vote, one value?**

The minimum requirement of any representative democracy is that governments should be elected and that all adults should have an equal right to vote. This minimum is indeed very little. As Rousseau acerbically observed:

*"The English people believes itself to be free; it is gravely mistaken; it is free only during the election of members of Parliament; as soon as the members are elected, the people is enslaved; it is nothing"*

We might well ask what kind of accountability it is that operates only once every three or four years and which depends on assessments of performance which are inevitably based on information which the government of the day chooses to make available.

That said, it is fundamental even with our circumscribed democracy that all votes should be of equal value. In broad terms this has been achieved in Australia, with universal suffrage, electorates of roughly equal size and independent electoral commissions to determine electoral boundaries and prevent gerrymandering. However, in my own State, entrenched conservative opposition in the Upper House has made it impossible to achieve one vote one value and a High Court case to force the issue constitutionally did not succeed. The latest figures show that the largest metropolitan seat Wanneroo has 36,000 voters (42% over the quotient of 25,400) while the smallest country seat has just under 9,700 (a 4:1 weighting). The legislative application of differential quotas to metropolitan and country seats means that the average vote weighting is two to one in the Assembly. No action has been taken to remedy this inequality despite the recommendation of the 1992 Royal Commission into the Commercial Activities that the Assembly should be constituted on the basis of "as close to equal value in the votes of electors as is practicable." Given the intransigence of the conservatives in Western Australia, the only remedy may lie in a Bill of Rights enshrining equal votes for all.

Despite the otherwise general equality in voting power, many are suspicious that not all citizens are equally able to influence their representatives. This breeds cynicism and a belief that the ordinary voter's needs and views are ignored, while preference is given to the interests of the wealthy, to big business and to political cronies.

Several features of our political system contribute to these attitudes. Substantial campaign donations to the major parties by corporations and large organisations such as unions and business foundations foster the perception (and perhaps the reality) that it is possible to buy privileged access to MPs and ministers and that this influence is in proportion to the amount

of money donated. The recent disclosure that business leaders paid \$10,000 per head for dinner at the Lodge indicates that not even the Prime Minister's office is free of this practice.

Like many Australians, I am perturbed at these tendencies. We run the risk of becoming a "corporate democracy" in which the number of shares you have purchased in the party of your choice determines your effective voting power. While there has been extensive debate about big money in politics in the U.S., there appears to be a conspiracy of silence on the issues among Australian politicians.

Public funding of elections was supposed to reduce the parties' reliance on private corporate and union donations: all that has happened is a blowout in both public (doubled since 1993) and private funding as parties engage in an increasingly expensive bidding war at elections. Figures collated by the Parliamentary Library show that in the 1998-99 financial year, which included that last election, \$37 million was paid to the parties by corporations and by unions. Although disclosure laws require the sources of these funds to be identified, there are still loopholes. These include dressing up donations as loans and making them through "foundations", dummy trusts and celebrity fundraising dinners which do not identify individual donors.

The substantive problem is the possibility that such donations can purchase influence. While I know of no comparable Australian data, surveys of major corporate donors in the U.S. (some of whom donate in Australia) show that they do so not because of charitable impulses or civic duty – they expect a return for their money. A Business Week/ Harris Poll surveyed 400 senior executives from large public corporations to explore their reasons for donating to political parties. Over half nominated securing access to lawmakers to ensure consideration of matters affecting their businesses as the main reason. A further 27% indicated that gaining access was at least part of their rationale, while 58% nominated losing influence to the unions or to environmental organisations as a relevant consideration. A worrying 41% said that at least part of the reason they made political donations was to the hope of receiving "preferential consideration on regulations or legislation benefiting our business."

I believe it is time to reign in the exponential growth of corporate donations and to curtail the proliferation of content free, coercive media advertising that passes for policy debate during elections. The retention of public funding of elections should be accompanied by measures to limit the size of individual private donations to \$1500, or thereabouts, and to proscribe any donations from corporations and large organisations. An extension of free-to-air radio and television could accompany these changes.

### **Mirror or descriptive representation**

Part of the growing sense of disenfranchisement about politics amongst Australians may lie in the obvious differences between party members and MPs and the wider community. This failure of "mirror" or "descriptive" representation is, of course, most noticeable in the relative absence of women in the senior echelons of the major parties and in the Parliament.

What kind of representation is it where the candidates are not even remotely typical of the wider society, even using crude indicators such as: age, gender, income and occupation. For example, one in three of the House of Representatives liberal members trained as lawyers

(22/64), with preference given to those who have a family trust or two. These discrepancies contribute to the sense of mistrust. Voters need to feel that their representatives – at least in aggregate - can understand their circumstances and have sufficient identity with them to press their interests. The greater the distance of representatives from electors, the greater the mistrust.

These weaknesses begin with the political parties who determine who will be presented to the community for election and govern the behaviour of their members in law making.

None of the parties in the Australian political system is a mass party with a substantial membership base: less than 1% of Australians are members of a political party. Nor are their members typical. In general, factions within the parties control the branches and manoeuvre for control of seats or regions which then become their fiefdoms – new members which they do not control are a threat. Candidates for safe and winnable seats are then chosen from within the group which controls the area; serious contests are rare, although factions sometimes test their support in full-scale combat. We are seeing something of this in NSW at the moment in the contest between John Fahey and Albie Schultz following a redistribution of boundaries. Contests for marginal and unwinnable seats are left to the naïve - or to women. This was one of the reasons we pushed to hard to change the ALP's rules to secure safe and winnable seats – at least up to 35%.

It is no secret that real (as opposed to stacked or phantom) membership of all parties is declining. This is a global phenomenon which is also evident in fewer people identifying with the major political parties. Some have argued that this loosening of political ties stems from an increasing resistance to ideology and the greater appeal of single-issue politics. Whatever the reasons, there is no question that the parties themselves have contributed to the view that they are in the thrall of special interest groups.

There are almost daily revelations of people being signed up to parties without their knowledge or wheeled out only when critical votes are taken (usually about selecting candidates) for election. The current row amongst the Liberals in Ryan and the Labor spat over Isaacs are examples. In W.A. there have been claims that some recruits' signatures on their application for membership of the Liberal party were actually forged.

While I do not intend to single out my own party for criticism, it is clear that unions – honourable contributors to Labor history and policy- exercise disproportionate influence through the 60:40 rule and through their affiliated membership, many of whom have no direct connection to the party. One vote, one value – the prime condition for a democracy - is not observed in the party's rules. Not only does this rob us of the active commitment and participation of union members, it also disenfranchises ordinary branch members (many of whom are women) who are active in their own right. It means they can be overwhelmed by solid blocks of disciplined votes. They often resent this.

I believe it's time for the ALP to embark on a massive campaign to increase active membership, particularly amongst young people. It is time for the party to insist on one form of membership – that of individuals who take responsibility for their own membership, including paying for it. As a first step, only individuals should be permitted to sign up as members and everyone's vote should have the same value. I'm told that in the U.K when Thatcher moved to prohibit union affiliation fees being paid to the Labour Party, workers responded by joining in droves, providing a solid non-factional foundation for Blair's "New Labour" as well as a surge in funds.

There is no reason why similar results couldn't be achieved here. Members who sign up as individuals are more likely to commit energy and enthusiasm to an organisation they have chosen. Eliminating branch stacking, a process that has already begun in the ALP, may also help divert the considerable energies currently dissipated in turf wars and internal machinations to policy development, community activism and political strategy. It may also produce greater diversity of real membership.

### **Parliament – debates, legislation, consultation, accountability**

Once elected, MPs may find that their contribution and that of the parliament as a whole is much more limited than the theories of representative government suggest. It is fair to say that, even with the expanding contribution made by the Senate Committee system, executive domination remains a hallmark of Australian politics. This too may have contributed to the alienation of voters.

The author of a Parliamentary Library report, compiled as part of the Centenary of Federation celebrations, concluded that " the domination of the Parliament by a disciplined bipolar party system meant that the House of Representatives came to be seen at worst as a theatre of meaningless ritual and at best as an institution under the foot of the Executive." Although she politely places her observations beyond contemporary politics, the view is one that is often repeated today.

The novice MP is often the best source of insight into the strengths and weaknesses of our Parliamentary system. I remember feeling as if I was suffering from brain rot. As a former academic accustomed to hearing tight argument supported by evidence, the empty nature of much parliamentary debate came as a shock. Talking to some of our new members, it is clear that parliamentary processes still produce a sense of unreality.

One of the more disquieting experiences in the Federal Parliament is that most speeches are delivered without an audience, into the void. Speech after carefully prepared speech disappears without a trace having no impact on the fate of the legislation. This, in the House of Representatives, is determined in advance by the simple arithmetic of majority. Even in the Senate, where outcomes are more fluid, deals are done behind closed doors rather than fleshed out in public. As one visitor to the U.S. Congress observed: "Congress is so strange. A man gets up to speak and says nothing. Nobody listens. And then everybody disagrees."

In each of the last three parliaments, approximately 10,000 speeches were given but no real debates were held. What passes as debate is actually a series of unrelated speeches, often canvassing the same arguments without reference to those of other speakers. Over 600 Bills were considered in the House of Representatives between 1996 and 1998. Somewhat less than a third of these were considered in detail at the committee stage. Because of the sheer volume of legislation, most members are unaware of the detailed provisions of legislation. As David Marquand, a former U.K. parliamentarian and academic observed, parliamentary life is one of "feverish inconsequence."

This is particularly true of the House of Representatives where there is almost no opportunity for individual members (or even the opposition en bloc) to introduce or modify legislation. Scrutiny of the Executive is limited to the charade that is Question Time, when no questions are answered. Committees in the Lower House, while they often inquire into matters of great significance, have no capacity to quiz ministers and bureaucrats about

budgets and legislation. Some of our brightest and best are effectively excluded from the tasks they were elected to perform.

While most MPs I have met are conscientious, they are largely unable to influence the legislative or policy agenda except behind the closed doors of the party rooms. Even then, there is often little room to manoeuvre because decisions have already been made by the executives. Matters which deserve free and open consideration are often submerged because of anxiety about dissent. The media feeds this paranoia by portraying even the most minor disagreements as tests of leadership or signs of party disintegration.

While the Parliament often seeks the views of the community and of experts in various fields, most of this contribution occurs in committees whose deliberations and conclusions are ignored. A treasure trove of thoughtful and meticulously prepared submissions and reports languish in countless bottom drawers.

On a broader front, members of the wider community are pressing for greater involvement in decision making while their representatives, especially in government appear to be moving in the opposite direction, involving fewer and fewer people, with less and less public scrutiny of the development of public policy.

Aspirations by voters for greater participation are often quashed by the claim that further democratisation/ participation is not desirable because the people are too ill informed or too irrational to be trusted with power. This at a time when the community is better educated than at any time in the past.

It is possible to do much better, to open up decision making, to involve more MPs and engage the wider community, to actually thrash out the issues in real debates. Australia was once considered the "democratic laboratory" of the world. It's time to conduct a few new experiments to revive our body politic and embrace the principles of openness, accessibility and accountability.

As a start we could:

- As in the new Scottish Parliament, establish an all party Business Committee to determine the business of the Parliament including the allocation of business to committees. The Committee would require regular endorsement of the Parliament for its plans.
- Amend standing orders to require that a greater proportion of parliamentary time is devoted to non-government business;
- Ensure that legislation introduced by the Executive undergoes a substantial period of pre-legislative development and consultation through the relevant committees, interest groups and the general public;
- Give committees the power to initiate legislation arising from their inquiries, especially if the government has failed to respond to major recommendations;
- Establish joint estimates and legislation committees with the power to question public servants and ministers from either House and to take submissions and commission independent research;



- Limit the number of speakers on legislation and change the standing orders to ensure that a real debate occurs with members from both sides to provide a quorum;
- Devote the second chamber to a more extensive deliberation of the bills in committee;
- Provide for private bills which allow private citizens or groups (with sufficient backing) to bring certain matters before the Parliament (probably through sponsoring MPs);
- Require that all petitions be investigated, if necessary by special hearings, of a dedicated petitions' committee;
- Commission citizens' juries or deliberative polls on contentious and complex issues;
  
- Invite expert and community representatives to address the chamber in session and engage in debate with members;
- Promote and sponsor the establishment of groups such as civic and youth forums to enable more regular and efficient consultation with the public;
  
- Strengthen freedom of information legislation to reduce the number of exemptions from disclosure.

As well as engaging the general public and their representatives more fully in the democratic process, I believe such initiatives could transform politics in the way that many women have dreamed about; into a more engaged and active democracy. The goals of greater participation, more civil and co-operative parliamentary conduct and an informed public debate are worth striving for. Policy development could be more widely shared and it could be a more consensual enterprise, the atmosphere of the parliament could be less reflexly adversarial and we could all become more focused on solving the problems we face as a nation. We need a project for a new democracy.

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