



# The future of Australian governance

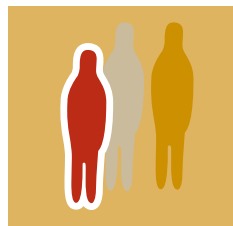
Co-chairs:

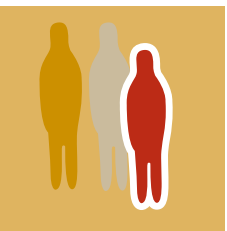
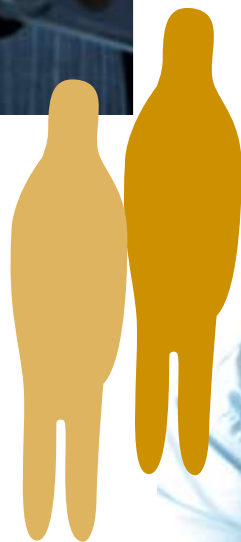
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## OVERVIEW

The Governance stream was asked to consider 'the future of Australian governance: renewed democracy, a more open government (including the role of the media), the structure of the federation and the rights and responsibilities of citizens'.

The first day of the summit commenced with a plenary session of all 100 Governance stream participants. The stream then broke into four groups which reported back to a plenary session later that day. The second day commenced with a plenary session of the 100 participants, which considered a draft summary of the Initial Report prepared by the facilitators and co-chairs of the priority themes and ideas, before further small group discussions to refine the ambitions, themes and ideas. A final plenary session determined the stream's priority themes and top ideas, which are provided in the following record together with the summary of the group and plenary discussions. Additional ideas generated in the discussions are recorded without any attached priority or indication of level of support.

## PRIORITY THEMES

The five priority themes, which emerged from the discussions under which the top ideas were grouped, were:

- constitution, rights and responsibilities
- create a modern federation
- collaborative governance: revolutionise the ways government and communities interact
- parliamentary reform
- open and accountable government.

### The top ideas, by priority theme

#### *Theme: constitution, rights, and responsibilities*

##### IDEAS

- 9.1 Introduce an Australian Republic via a two stage process:
- 9.1.1 Stage One: That a plebiscite be held on the principle that Australia becomes a republic and severs ties with the Crown.
  - 9.1.2 Stage Two: This is to be followed by a referendum on the model of a republic after broad and extensive consultation.
- 9.2 Indigenous issues:
- 9.2.1 that the Constitution be amended to include a preamble that formally recognises the traditional custodians of our land and waters—our Indigenous people
  - 9.2.2 that the Constitution be amended to remove any language that is racially discriminatory
  - 9.2.3 that a national process is conducted to consider a compact of reconciliation between Indigenous and non-Indigenous Australians.



9.3 Charter of rights:

- 9.3.1 that Australia is a country where respect and protection of the human rights of all people are maintained and strengthened
- 9.3.2 that a national process is conducted to consult with all Australians as to how best protect human rights
- 9.3.3 that there be a statutory charter or Bill of Rights (majority support) or a parliamentary charter of rights or an alternative method (minority support).

**Theme: create a modern federation**

**IDEAS**

9.4 Reinvigorate the federation to enhance Australian democracy and make it work for all Australians by reviewing the roles, responsibilities, functions, structures and financial arrangements at all levels of governance (including courts and the non-profit sector) by 2020.

A three-stage process was proposed with:

- an expert commission to propose a new mix of responsibilities
- a convention of the people, informed by the commission and by a process of deliberative democracy
- implementation by intergovernmental cooperation or referendum.

9.5 Drive effective intergovernmental collaboration by establishing a national cooperation commission to register, monitor and resolve disputes concerning intergovernmental agreements.

9.6 Engage the Australian community in the development of an ambitious long-term national strategic plan that delivers results.

**Theme: collaborative governance – revolutionise the ways government and communities interact**

**IDEAS**

9.7 Citizenship engagement:

- 9.7.1 an online portal, free and searchable government information, and a space for citizens to participate and share their views - ourgov.au
- 9.7.2 AuSpan network – an Australian C-Span
- 9.7.3 deliberative inclusive processes that feed directly into government decision-making processes
- 9.7.4 active citizenship training as a universal component of primary and secondary school curricula and available to the broader community.

9.8 Electoral processes:

- 9.8.1 universal automatic enrolment to vote, voting for all Australians over the age of 18 years and automatic re-enrolment of eligible voters
- 9.8.2 optional enrolment to vote and voting for Australians aged between 16 and 18 years [subject to debate at the plenary session and not carried forward to the interim report].

- 9.9 Third sector strengthening:
- 9.9.1 recognising the importance of the non-government, or third, sector in public policy development and governance and protecting and promoting policy advocacy—for example, removal of taxation roadblocks and reform of charity law.
- 9.10 Political donations
- 9.10.1 Abolish private campaign finances, including third party donations, with an exemption for small individual donors, to increase trust in political parties and help create the level playing field for elections. (There was disagreement with this idea at the Plenary session, in part due to lack of opportunity to discuss this in detail but it was more widely supported when described as ‘adoption of the Canadian model’.)

**Theme: parliamentary reform**

**IDEAS**

- 9.11 Strengthen government accountability to parliament:
- 9.11.1 establishment of a parliamentary code of ethics and an Ethics Commissioner
  - 9.11.2 provision of independent arbitration of public interest immunity claims by Ministers in respect of information required by a house or a committee
  - 9.11.3 the government to instruct the Australian Public Service (APS) that it has a duty to cooperate with the Parliament
  - 9.11.4 reframing of appropriation Bills to specify individual projects and programs.
- 9.12 Improve the quality of the legislative process:
- 9.12.1 establishment of minimum time and process standards for the passage of legislation, including Committee scrutiny (for example, 30 days), unless otherwise negotiated
  - 9.12.2 improved community and stakeholder engagement in scrutiny of Bills and policy development
  - 9.12.3 government to instruct the Australian Public Service that it has a duty to cooperate with parliament.
- 9.13 Ministerial advisors should have to appear before parliamentary committees when they are taking executive decisions.
- 9.14 Improve deliberative democracy and equipping citizens to participate in an engaged, modern democracy, using and including:
- 9.14.1 online participation
  - 9.14.2 citizens’ juries
  - 9.14.3 citizens’ parliaments
  - 9.14.4 participatory budgeting
  - 9.14.5 21st century and electronic town meetings
  - 9.14.6 active citizenship education as part of the school curriculum.



- 9.15 Embark on electoral and constitutional reform to renew the role and composition of the Senate as a house of review and to make the Australian parliament more representative.
- 9.16 The Commonwealth government to make an undertaking to allow a vote in both houses of Parliament before (except in cases of emergency) committing Australia to war or to a war-like situation. (There was disagreement about this idea at the Plenary session.)

**Theme: open and accountable government**

**IDEAS**

- 9.17 Reform of the current freedom of information system to be achieved through:
  - 9.17.1 legislating through the Electoral Act
  - 9.17.2 abolishing conclusive certificates
  - 9.17.3 appointment of a Commissioner for Freedom of Information
  - 9.17.4 a full merits review
  - 9.17.5 an exemption test based on the matters of essential public interest – for example, national security issues to be protected
  - 9.17.6 if public service documents are to be released in the public interest, they should be free and easily accessible
  - 9.17.7 government and public service documents to be released after 15 (instead of 30) years
- 9.18 Charter of Free Speech to ensure:
  - 9.18.1 no journalist to face criminal proceedings for publishing information they receive from their sources in the official conduct of their duties
  - 9.18.2 the journalists' 'code of ethics' to be strengthened
  - 9.18.3 effective shield laws for journalists established, without the threat that they must reveal their sources
  - 9.18.4 whistleblower protection to be respected and strengthened
  - 9.18.5 a national commitment to protecting journalists or media producers.
- 9.19 Secure independent public broadcaster
- 9.20 Improved media diversity and accountability

**Additional ideas**

The following ideas were identified from the plenary sessions and group discussions. As discussed, some ideas had wide support from the group but were not carried through as part of prioritising of the 'big ideas', some had very limited support and some were not discussed in any detail. The ideas listed are grouped under their theme headings where possible. On the whole, ideas that were determined to be big ideas or priority themes are not repeated.

*From plenary sessions***IDEAS**

- 9.21 Establish a constitutional commission or convention.
- 9.22 The Prime Minister or parliament to write a national narrative about governance and Australia's connection into that narrative as a community.
- 9.23 A national competition to draft a new preamble to the Constitution.
- 9.24 If the Constitution and Senate powers remain the same, it should be written into the Constitution that if the Senate blocks supply it should face the people.
- 9.25 The Northern Territory Intervention should happen everywhere—not just in the Northern Territory.
- 9.26 The Constitution should set out the relationship between the political and administrative arm of government, the relationship between Ministers and public servants, and the role of the public servant.
- 9.27 The principles of public service in our society should be incorporated in the Constitution so that public servants know their roles and responsibilities.
- 9.28 Abolish local government and have only two levels of government. There would then be a need to create more states (as many as 40) to take over the role of current local government.
- 9.29 Reconsider the division of power between states and the Commonwealth. Abolish local government and make the states smaller.
- 9.30 Develop a charter for parliamentary reform to restore the independence and effectiveness of parliament.
- 9.31 Establish accountability of the Executive—with specification of how public money should be spent.
- 9.32 Strengthen Parliamentary review of delegated legislation.
- 9.33 Augment representative democracy with deliberative democracy. Citizens could be randomly sampled about the different issues, have time to understand and deliberate, and then inform the legislative process.
- 9.34 Improve accountability by keeping track of ministerial council discussions as well as delegated legislation and grant allocations.
- 9.35 The Westminster form of government discourages openness. We should head towards the American 'presidential' form of government, where there are checks and balances between the legislature and government.
- 9.36 Reinvigorate the professionalism of journalism by strengthening the Press Council.
- 9.37 Strengthen accountability through a national investigative journalism fund. This could be co-funded by industry and government and would be a way to keep healthy high-quality journalism alive in Australia.
- 9.38 Resolution by both houses of Parliament before committing Australia to war.
- 9.39 Reversing the onus for public immunity tests for Ministers.



**Theme: open and accountable government**

**IDEAS**

- 9.40 Defamation laws should be reformed ‘to shift the burden of proof’. A public figure alleging defamation would bear the burden of proving falsity.
- 9.41 Crown copyright should be abolished.
- 9.42 Open-access government:
  - 9.42.1 government to apply new technologies to its records and then to make the records searchable
  - 9.42.2 a reduced closed period for access to government documents
  - 9.42.3 implementation of a citizens’ cabinet from the United Kingdom, currently being trialled in Queensland.
- 9.43 Reform of political culture in Australia:
  - 9.43.1 creation of a Trade Practices Act s. 5.52 ‘misleading or deceptive conduct’ offence for politicians.
- 9.44 More public policy debate:
  - 9.44.1 an Australian version of ‘C-span’—AuSpan (see Idea 9.5.2)
  - 9.44.2 a public affairs digital network by 2020, with a high proportion of international work (65 per cent), book launches, interviews, and other public affairs broadcasts.
- 9.45 The future of mass media and the role of national broadcasters:
  - 9.45.1 a trust established for community media and national broadcasters to secure their long-term funding
  - 9.45.2 a removal of restrictions on multi-channelling and other economic restrictions
  - 9.45.3 review of the role of the Press Council in the light of new media.
- 9.46 Elimination of jargon in governance and bureaucracy.
- 9.47 National platforms for various citizen groups:
  - 9.47.1 creation of a national online service for young people or a national platform for community radios.

**Theme: parliamentary reform****IDEAS**

- 9.48 Improve process to make law making more efficient and effective:
- 9.48.1 fixed parliamentary terms
  - 9.48.2 minimum periods of review for the passage of legislation.
- 9.49 Following an election, if an MP's party is not elected the MP should still be compelled to see out the term and not retire.
- 9.50 Expand the role of the Press Council.
- 9.51 Establish a permanent 2020 summit to increase committee function and increase discussion of issues day to day.
- 9.52 Entrench the operations of the upper houses. The idea is that governments never control upper houses: their role is reserved as a house of review.
- 9.53 A bill of rights at a state level to strengthen the accountability of states.
- 9.54 Develop deliberative and new forms of democracy on tough issues through citizen assembly, participatory budget, on-line capability.
- 9.54.1 Establish an independent process to resolve disputes about disclosure of information, along with an independent arbiter.
- 9.55 Strengthen question time:
- 9.55.1 members and the public able to ask questions in question time
  - 9.55.2 a four-minute time limit in question time
  - 9.55.3 the Senate to also have capacity for supplementary questions with one-minute answers from Ministers
  - 9.55.4 'Dorothy Dixers' to be controlled. It is a limitation that the 'other side' question time is the only bit of parliament that gets media coverage.
- 9.56 Committees:
- 9.56.1 committee structure to be broadened to include subject matter experts from outside parliament
  - 9.56.2 lower the level of public servants that are brought before committees.
- 9.57 Universal automatic enrolment (and re-enrolment) from 18 (in addition to idea 9.6.1):
- 9.57.1 use electronic means to make it easier for people to enrol to vote
  - 9.57.2 supported by a strong electoral education program (from 18)
  - 9.57.3 an alternative to the idea of changing the age to 16 is to have a youth parliament.
- 9.58 Reshape the Senate (house of review).
- 9.59 Representatives elected to represent groups rather than electorates.
- 9.60 Encourage greater use of "conscience votes" by Members.



**Theme: administering government**

**IDEAS**

- 9.61 Budget processes: need for a well-resourced and financed parliamentary budget office and research office.
- 9.62 An integrated planning process across the Commonwealth and state levels: a new compact between the three levels of government based around redefining roles and responsibilities.
- 9.63 A Federation Council: a council with a degree of independence, to facilitate Commonwealth–State relations.
- 9.64 Reform of the public sector, including:
  - 9.64.1 a commission of inquiry to look at the state of the public service, the structure and likely requirements
  - 9.64.2 the need to develop a core of strong policy professionals with ease of movement between academia and the public service
  - 9.64.3 expedite issues of remuneration, flexibility, and mobility
  - 9.64.4 develop a citizen- or community-focused public service and system that supports that
  - 9.64.5 a national civil service, where working for Australia could be a profession of first choice; introduce a public service exchange program between federal public service, state and territory public service and the private sector
  - 9.64.6 the need to strengthen institutions that develop the policy core (including the Australia New Zealand School of Government) and allow a greater flow from our neighbours in the region
  - 9.64.7 model public servants: a new public contract outlining what a model public servant should be
  - 9.64.8 establish a uniform national ethical framework and code of conduct for public servants across the three levels of government

**Theme: constitution, rights and responsibilities**

**Ambition**

Make the Constitution more suitable for the diverse 21st century Australia by removing colonial references, creating the status of an Australian citizen with democratic rights, inserting a preamble setting out aspirations for governance, and removing references to race.

**IDEAS**

- 9.65 Minister for Democracy.
- 9.66 Commission for Participatory Democracy.
- 9.67 Recognition of local government in the Constitution.
- 9.68 Suggestion box on government department websites for community feedback (on governance). All communications must be answered.
- 9.69 The Council of Australian Governments (key decision maker): building genuine public involvement into it.

- 9.70 Civic engagement: better information delivery and hubs of civic participation, presence of government in the community—roving parliamentary sittings.
- 9.71 Establish national days: Democracy Day; Constitution Day; Deliberation Day.
- 9.72 Development and implementation of a national civics curriculum.

**Ambition**

To achieve effective protection of rights in Australia and encourage the exercise of responsibilities

**IDEAS**

- 9.73 Non-statutory Charter of Comprehensive Rights and responsibilities
- 9.74 A federal Charter of Rights created in consultation with the Australian community, including:
  - 9.74.1 making human rights an integral part of law-making and policy-setting processes
  - 9.74.2 requiring parliament to consider whether laws comply with human rights
  - 9.74.3 enabling courts to interpret laws consistently with human rights where possible and to identify laws that do not comply with human rights
  - 9.74.4 providing accessible and appropriate remedies for human rights breaches
  - 9.74.5 intensive, inclusive consultation with the community on rights and responsibilities—moving around local communities—framed in non-legal jargon and *not* pre-determined by the Attorney-General.
- 9.75 Introduction of a statutory bill of rights that protects and promotes all civil, political, economic, social and cultural rights and that provides meaningful remedies where rights are violated.
- 9.76 The Human Rights and Equal Opportunity Commission to have explicit extensive power over all human rights.
- 9.77 Articulate citizens' responsibilities via a charter.
- 9.78 Improved scrutiny of the Executive and parliament—including parliamentary processes.

**Ambition**

To achieve a republican form of government

**IDEAS**

- 9.79 All agree that the Governor-General has the power in the Constitution—without reference to the Queen.
- 9.80 A system of government that derives its authority from the Australian public.
- 9.81 Be celebrating the fifth anniversary of the republic by 2020.
- 9.82 A new Constitution—retaining good bits of the existing Constitution, embodying a republic model, protecting rights, and permitting extensive community consultation.
- 9.83 Statehood for the Northern Territory.
- 9.84 The Constitution should recognise that the source of all government power and authority is the Australian people.



**Ambition**

Recognition of Indigenous Australians and appropriate constitutional change

**IDEAS**

- 9.85 Treaty.
- 9.86 An Indigenous representative body designed by Indigenous people.
- 9.87 Entrenched and guaranteed Indigenous representation in federal parliament.

**Ambition**

Re-federate Australia

**IDEAS**

- 9.88 Structure government by regions, biophysical or other.
- 9.89 Establish uniform national laws for industry, trade, finance and property.
- 9.90 Adopt a formal role for the most local level of government in adapting national policies.
- 9.91 Formally enforce cooperative federalism at all levels.
- 9.92 A regulatory framework for the non-profit sector.
- 9.93 Uniform laws for human rights, resources and infrastructure, and workplace safety.
- 9.94 National planning framework concept: by 2020 design and implement a cooperative national/intergovernmental planning framework to:
  - 9.94.1 address Australia’s sustainable growth and change in a global context
  - 9.94.2 develop an agreed vision for the future of Australia
  - 9.94.3 identify issues of national significance and a means to respond to them
  - 9.94.4 reconcile conflicting state priorities in the national interest and align state, regional and local planning activities
  - 9.94.5 achieve greater coordination and alignment between the governments (federal, state and local) of Australia
  - 9.94.6 ensure more efficient and effective government service delivery
  - 9.94.7 facilitate allocation of funding based on service responsibilities
  - 9.94.8 establish an agreed policy position, including principles, to facilitate outcome-based decision making
  - 9.94.9 establish relevant benchmarks and indicators to monitor performance
  - 9.94.10 determine appropriate community service standards linked to community needs
  - 9.94.11 empower citizens and communities to participate in decision-making processes—provide a context for and facilitate place-based community planning.

**Ambition**

Effective parliament, rigorously accountable and open government, and a strong and independent media

**IDEAS**

- 9.95 A House of Representatives estimates committee.
- 9.96 Independent arbitration of ministerial claims of public interest immunity. Strong political leadership on open government. Ministerial advisers compellable witnesses in parliament—but only when making executive decisions in the official conduct of their duty.
- 9.97 Improve media diversity.
- 9.98 Improve accountability of the media (Press Council). Not agreed by all regarding the Press Council. Media should be accountable to the public, including radio, television and media on the internet.
- 9.99 More informed and empowered citizenry predicated on more accountable media.
- 9.100 Ban on government partisan advertising prior to the elections with the agreement of the Opposition, except for cases of emergency situations (a bird flu epidemic, for example).

***Theme: strengthened participation by Australians in their governance*****IDEAS**

- 9.101 A public digital channel with access to policy debate.
- 9.102 An online channel for access to government information, including spending information and outcomes and providing for online parliament.
- 9.103 Public involvement: establish a diverse set of community engagement mechanisms and multiple forms of participation to ensure public involvement. Exploit opportunities from new technology.
- 9.104 Strengthen the capacity for non-government organisations to participate—for example, through a community Cabinet.



## RECORD OF DISCUSSION: SATURDAY

### Plenary session: group of 100

The stream's co-chair, Maxine McKew, explained that the stream would be split into four groups following the plenary session:

- open and accountable government
- parliamentary reform
- administering government
- constitution, rights and responsibilities.

Senator John Faulkner made a presentation. His major points were as follows:

Australia's democracy is stable, but while stability is a strength, stagnation is not. Australia has changed since the Constitution was drafted. There has been growth of a more national perspective – an increase in the role, power, financial control and responsibility of the Commonwealth. Yet the Constitution and the formal structures of our government have changed hardly at all.

The nineteenth century structure of our Federation is creaking, if not being stretched to breaking point, to meet twenty-first century demands.

The 2020 summit is a chance to imagine the nation of our future. It is an opportunity to look forward, beyond the most immediate weaknesses we see, and begin to discuss the shape of the nation we would like to divine:

- a nation whose democracy means every voice can be heard
- a nation whose citizens don't fall through the gaps between different levels of government
- a nation with a Constitution that accords full and proper respect to the First Australians
- a nation where individual rights are protected
- an Australian Republic, a fully independent nation with a head of state of our own.

The stream then engaged in a brainstorming session to put forward 'ideas'. The following views and ideas were put forward, but not necessarily debated or agreed upon:

- Establish a constitutional commission or convention. Look at the effectiveness and appropriateness of the Constitution now. The Constitution needs to be rewritten and reworked so it is intelligible. The language should be lyrical and needs to say what it means and mean what it says. It needs to include principles of gender equality. A constitutional commission would consider the Constitution's relevance to our values.
- The Constitution needs to derive its authority from the Australian people. We need a bill of rights. We need a constitutional preamble to acknowledge who governed this land for 50 to 60 millennia. 'Essence of Australia is not to endure but to prevail' and the Constitution should be rewritten along these lines.

- We should not be negative about referenda. Previous referenda have failed due to partisan conflict and conflict in different levels of government. We need to have partisan support to start with in order for a referendum to be successful.
- There is a lack of a national narrative about governance and Australia's connection into that narrative as a community. This is about government and trust in and our connection to government. The Prime Minister or parliament should write it.
- Proposal of a national competition to draft a preamble to the Constitution. This will involve people in the process.
- There is an issue with Senate power. We still have not dealt with what happens if the Senate denies supply to the government, as it did in 1975. This is a particular anomaly in the Constitution, and this summit should recommend that it be changed. The only reason it was possible for a double dissolution was that there were trigger Bills along with an appropriation Bill. If the Constitution and Senate powers remain the same it should be made mandatory in the Constitution that if the Senate blocks supply it should face the people.
- There is a weakness in the referendum process currently. They lose for a particular reason because it is simply 'yes' or 'no'. There is a model in Canada called a 'citizens assembly': 150 people come together and deliberate, they are informed, they make decisions. Those recommendations go to the wider community. It is hoped that the community is watching that deliberation and therefore understands. Put the people back into politics.
- The more questions you put in a referendum, the more chance there is for it to lack partisan support.
- There needs to be a Charter of Responsibilities and Rights, expressed in a way and mechanism in parliament that government can be charged: make the government answerable. It would judge the parliament every three years. Responsibilities may include intergenerational responsibility to care for the environment, responsibility to care for our children, and a duty to vote.
- New technology has radically altered the way we do things. There are now extraordinary opportunities for a government that harnesses the intellect of the people. Recommend a British model of a [www.mygov](http://www.mygov.intranet) intranet site. People are no longer consumers of policies; they should help to develop it. This website would help in the development of online policy and provide an interface with government.
- People in the Northern Territory are second-class citizens in their own country. The Commonwealth overrides the Northern Territory. The Constitution was written by a 'bunch of morons in Melbourne' and was never discussed with Aboriginal people. It is therefore invalid. The Northern Territory should be recognised as a state. Also, intervention should happen everywhere, not just the Northern Territory. The Constitution should have a preamble recognising all the Indigenous nations of Australia.
- There should be an ongoing system of collaboration between the states and the Commonwealth.
- In 2020 the public service should be secure and have quality. It should be a service that people want to join and stay. Public servants should feel they are serving the country by serving the government. The public service should have influence and input into policy.
- The Constitution needs to reflect the outcome of what the public wants. Public administration and the Constitution are closely aligned.
- There has been an increase in power of the Executive along with the development of committee systems. The power of parliament to scrutinise is being slowly whittled away (including the High Court, which effectively wiped out the appropriation power in 2007). There needs to be a reintegration of parliament.



- Institutions of collaboration need to be refined. All levels of government need to be part of national solutions, with roles and responsibilities clearly defined and all playing a role in finding a solution.
- What are the principles that underpin this collaboration? The idea of subsidiary? The idea we should have a bias against decentralisation?
- The Constitution should set out the relationship between the political and administrative arm of government, the relationship between Ministers and public servants, and the role of the public servant. The principles of public service in our society should be incorporated in the Constitution so that public servants know their roles and responsibilities.
- People feel they are over-governed and that having three levels of government is too much. This means we should abolish local government and have only two levels of government. There would then be a need to create more states (as many as 40) to take over the role of current local government.
- If we want to improve the administration of government, accountability is essential. The first idea is we have to improve freedom of information. We need to restore genuine ministerial responsibility, where Ministers are responsible for what happens in their department, whether they knew or not. Politicians should be accountable if they mislead the government. It should be an offence for politicians to engage in misleading or deceptive behaviour, similar to provisions in the Trade Practices Act.
- Reconsider the division of power between the states and the Commonwealth. In a globalised world we cannot afford to think of separate states and territories. The Council of Australian Governments is too slow, as are ministerial councils.
- Our Constitution has failed Aboriginal people. The state governments have failed too. For example, it is very hard to govern an entire state such as Western Australia from Perth because regional areas are so far away. We need radical constitutional reform and need to get rid of local government and make the states smaller.
- We need to fix federalism because it affects most aspects of public policy. In effect, we need two principles of power moving in opposite directions. Power has to be both concentrated and devolved. Think of involving people at local levels along with centralised governance. There needs to be a series of national markets.
- A Charter for Parliamentary Reform to restore the independence and effectiveness of parliament. We need accountability of the Executive, with specification of how public money should be spent. We need improvements to the legislative process, such as citizen engagement, and improvement of the protection of rights of citizens in the parliamentary process.
- Review the role of the Senate and its role as the house of review. Look at different ways to make the Senate truly the house of review.
- We should hold a governance think-tank that is nationwide, independent and involves citizens. This think-tank would seek to understand and research governance issues.
- Augment representative democracy with deliberative democracy. Citizens could be randomly sampled about the different issues, have time to understand and deliberate, and then inform the legislative process. Look to the Denmark model.
- Supplement and understand the way in which parliament operates and its limitations. Need to create a federal Ethics Commissioner who could give advice to individual parliamentarians and have a role in investigation of compliance and other ministerial codes. The commissioner or commission could provide advice to parliament.

- Australia needs a Charter of Rights. Make the parliament about the people not about the politics. Greater scrutiny of delegated legislation and parliamentary delegations.
- Electoral reform: the presumption that once a person is of age, they are automatically included on the electoral role.
- More accountability by keeping track of ministerial councils' discussions as well as delegated legislation and grant allocations.
- More open government with improved freedom of information laws. The problem is that our Westminster form of government discourages openness. We should therefore head towards the American 'presidential' form of government, where there are checks and balances between legislature and government.
- There should be more rights written into the Constitution. It should be a Bill of Rights, not just a Charter of Rights. This is the only way to control what laws the politicians make.
- A more diverse Parliament: by 2020 at least 50 per cent of members of parliament should be women.
- Reinvigorate the professionalism of journalism. A strengthened Press Council—more accountability for sloppy journalism.
- More open, accountable and transparent government. Any parliamentary, constitutional or public service reforms need to include the community.
- People should be able to put forward views via an online process. People could then easily make submissions to parliament. A Citizens Cabinet similar to the UK and NZ models.
- Strengthening accountability through a national investigative journalism fund. This could be co-funded by industry and government and would be a way to keep healthy, high-quality journalism alive in Australia.
- A charter of Australian free speech, where the Commonwealth legislates freedom of speech and information.
- Administering better government through a more efficient federal system.
- Direct election of party officials.
- States within nation, not prior to nation.

The stream then broke up into small groups for more detailed discussions.

### **Group 1: open and accountable government**

Group 1 began its discussion by considering ambitions and outcomes for 2020.

#### **Ambition: an engaged third sector and civil society taking an active part in governance**

- Many services today depend on non-government organisations. Hence, by 2020 civil society should be brought into governance. The question that remains is how to engage the third sector to fulfil this ambition?
- Data on public spending, performance of the government, and information about the effectiveness of government policies is made available to all Australians by 2020. This will result in better informed



citizens, who want to know how their government fares and how public money is actually spent. Such data will also increase the level of civic interest in governance.

#### **Ambition: open and free access to government information**

- Government information will be available to all citizens, free of cost or charge, and easily searchable (using the latest technologies) online using a domain entitled ourgov.au
- Public officials speaking on matters of public concern will have responsibility for the authenticity of the information presented.
- Australia leads the world in constitutional protection of the right to freedom of expression.

#### **Top ideas**

Following the discussion of ambitions the group moved onto developing 'top ideas'. The top three ideas were strengthening the Freedom of Information Act, constitutional protection for freedom of speech and freedom of expression, and protection of public broadcasting agencies.

#### **Strengthening the Freedom of Information Act**

It was argued that there is a need for a cultural change across the public service towards the FOI Act: a recent report showed a decline over the years in FOI given to the media across a range of areas. Media and journalists depend on good and reliable sources of information and will need the FOI Act strengthened to protect their sources and access to the material. Participants noted that whistleblower legislation also needs strengthening and that the new government needs to embrace the principle of open justice, which should underpin our democracy.

Some participants felt that the FOI Act needs massive reform and tremendous strengthening, coupled with a need for a clear understanding of its economic value to the society. It was argued that the benefits of reform should outweigh the costs. It was also argued that there should be law reform to accommodate FOI and freedom of speech (first amendment).

#### **Constitutional protection for freedom of speech and freedom of expression**

Participants argued that freedom of speech or, even more inclusively, the freedom of expression (including artistic expression), needs to be guaranteed by the Constitution (for example, in the preamble). In that sort of environment, public servants and politicians may not be so concerned about the 'leak of information'. Certain areas of public interest (for example, matters of national security) should be protected.

It was also noted that the current system of freedom of speech creates confusion and that the term needs a clearer definition, with the dimensions of the concept delimited. A Charter of Australian Free Speech was proposed, which would also draw in the state governments. The general feeling was that secrecy prevails over openness in government.

It was also argued that parliaments should make no law impinging on freedom of expression. There should be a constitutional prohibition in place that federal, state and territory parliaments cannot infringe the freedom of speech.

Crown copyright should also be abolished.

### Protection for public broadcasting agencies in 2020

Participants agreed that in 2020 national broadcasting should be preserved, well-resourced, and culturally and linguistically diverse. There should also be a strong public interest broadcasting sector that the government actively supports and in which investigative journalism is given its rightful place. It was also argued that the ABC needs to be totally independent and there should also be independent statutory reports on the question of independence. The ABC's activities should be judged against the ABC Charter.

### *Other top ideas*

The group then discussed a further top 10 ideas to guide Australia towards 2020.

### Reform of the current freedom of information system

Reform of the current freedom of information system could be achieved by:

- legislating through the Electoral Act
- abolishing conclusive certificates
- appointment of a Commissioner for Freedom of Information
- a full merits review.

It was argued that an exemption test should be based on matters of essential public interest, such as national security issues to be protected. If public service documents are to be released in the public interest they should be free and easily accessible. In Sweden, for example, FOI happens electronically. Further:

- At present there is a pervasive culture of secrecy surrounding government documents. Many politicians are holding up the release of these documents for personal goals—for example, to avoid public embarrassment. Public scrutiny would bring more democracy to the system.
- Government and public service documents should be released after 15 (instead of the current 30) years.
- A Charter of Australian Free Speech could address all these issues.
- Some participants argued that FOI should be the last resort. It is a broad issue that cuts across different areas, including public service culture. Even though the law is there, it is frustrated by the culture.
- The change should come from the top through ministerial direction. When there is a change in culture and a broader understanding of FOI exists, the bureaucracy would be far more comfortable about releasing information.
- A caveat: if and when the revised FOI laws are put in place, would there be political pressure on bureaucracy to keep fewer records? The public would also need a guarantee (under the new FOI regime) that the public service will continue to archive its activities.

### Defamation laws reformed 'to shift the burden of proof'

It was suggested that public figures alleging defamation would have to bear the burden of proving falsity.



### Open access government (refer to Idea 9.34)

Participants felt that government documents are not easily accessible and are too complicated for ordinary citizens. Government websites are complicated, too, and it is difficult to search them for information. Despite the fact that a Senate decision of 10 years ago made it a requirement for government departments to file information about their activities, no journalist has access to these files. Hence ordinary citizens cannot use government information that is already available.

To overcome this, it was suggested that government first needs to apply new technologies to its records and then to make them searchable. In addition, the closed period for access to government documents (currently 30 years) should be reduced. It was also noted that the Citizens Cabinet model from the United Kingdom is currently being trialled in Queensland.

### A charter of free speech

In addition to the issues raised under the heading Constitutional protection for freedom of speech, it was suggested that no journalist should face criminal proceedings for publishing information they receive from their sources in the official conduct of their duties. A national commitment to protecting journalists or 'media producers'—a more inclusive term—should be put in place.

Participants also noted, however, that journalists must also have a 'duty of care'. Nobody has ever been tried in the past under the journalists' code of ethics, which should also be strengthened. It was also felt that whistleblower protection needs to be respected and strengthened.

### Reform of political culture in Australia

Participants argued that political culture in Australia needs reform in a number of areas. For example, a deviation from the party or government line is viewed very negatively, whereas in other democracies disagreement is permissible. It was also noted that the media needs to play a role in the reform of a political culture towards greater openness. Another suggestion was the creation of a Trade Practices Act s. 5.52 'misleading or deceptive conduct' offence for politicians.

### More public policy debate

Participants felt that there is a need for first-hand, unedited access to the records of public policy debates. A program along the lines of 'C-span' in the United States or Canada could be established. An Australian version of 'C-span'—AuSpan—would make a big difference to the public policy debate.

It was hoped that a public affairs digital network would be established by 2020, with a high proportion of international work (65 per cent), book launches, interviews, and other public affairs broadcasts. There was an idea for the channel as an electric wall, available to all Australians, where you can hang almost anything. It was also felt that the general public should be involved in providing advice to government Ministers. Drawing on the example of New Zealand, this would only strengthen policy advice provided to government. Finally, participants felt that regular briefings from government departments are needed to feed into public policy debate.

### The future of mass media and the role of national broadcasters

Participants noted that there may not be a 'mass media' in its current form by 2020 as a result of the advances in new technologies. The question raised was, how does government talk to the citizens without mass media in 2020? Another question was, who is going to fund the good media in 2020? Is there a need for the investigative journalism fund to protect the diversity of our media and provide funding, particularly for smaller media outlets?

In addition, the following issues were raised:

- Australia needs both big (mass) media and small media outlets.
- Greater media self-regulation should be explored by the media companies.
- The media should also be more accountable by 2020: there should be a media duty to tell, corresponding to the public right to know.
- Public interest should be considered ahead of media popularity ratings.
- National broadcasters should be the venues of public education and offer a space for dissemination of mature judgment on ideas. They should be a repository of knowledge, rather than just of information. The challenge is not to make the media look elitist.
- A trust should be established for community media and national broadcasters to secure their long-term funding.
- More foreign language programs will dominate media in 2020.
- Media will be more deregulated by 2020. There should be a removal of restrictions on multi-channelling and other economic restrictions.
- The role of the Press Council needs review in the light of new media.

#### Journalism in 2020

There is a need to invest in 'good-quality journalism' for the future (for example, through training and education). Journalism needs to be de-professionalised and supportive of other journalists who are good writers in diverse fields (for example, the investigative journalists). Today it seems that some media producers are more accountable to their sponsors than to the public. The accountability of media producers should be addressed. Consumers of information and listeners should be better protected, and there should be more effective shield laws to protect journalists from being required to reveal confidential sources.

#### Elimination of jargon in governance and bureaucracy

There is too much jargon in bureaucracy and in government documents, which is obfuscatory. There is a need for clear writing, thinking and speaking.

#### National platforms for various citizen groups

A national online service for young people or a national platform for community radios should be created.



## Group 2: parliamentary reform

### *Ideas and issues*

Group 2 had a brainstorming session and put forward the following ideas and issues.

- Vision and aspiration for the nation: Where do we want to go in terms of health, skill shortages, energy policy (eg if China is buying energy companies, and so on)? How do we want to look in 2020?
- Having a more accessible and representative parliament, shaking up the party system. This could be done in part through loosening up preselection processes to get a more diverse parliament.
- Ideas should be more accessible to the public. The concept of an open parliament, with the use of a committee system. Question time does not allow scrutiny of parliament; it could be revised.
- How can parliament reassert itself against the Executive? Members should be more able to voice views without holding party lines.
- Troops should not be committed to go to war without a public vote.
- Electoral roll problems: people get turned away on election day due to things like a wrong address. Electronic reform: automatic (including same-day) enrolment.
- Links between money and politics should be taken away.
- There should be ways of settling disputes between parliamentary forums and systems of government.
- Fixed parliamentary terms. Minimum periods of review for the passage of legislation. Parliament should take its role as the law-making body as efficiently as it can. Improve processes, to make law making more efficient and effective.
- Encourage involvement: not just telling people to write to their local member. If someone is elected and the party isn't elected, they should still be compelled to see out the term and not retire if the party doesn't win.
- Need to fix the federation—the relationship between states—in particular, financial relations, which lie beneath a lot of the problems in everyday governance. Expand the role of the Press Council. Politicians need to have less fear that they will not be treated fairly in media. Members of parliament need to feel more relevant. There could be some kind of permanent 2020 Summit to increase committee function and increase discussion of issues day to day.
- The operations of the upper houses need to be somehow entrenched. Governments operate much better when they do not control both houses. There is currently an over-representation of some states (such as Tasmania, and the Australian Capital Territory in the lower house). The big idea is that governments never control upper houses; their role is reserved as a house of review.
- Parliament should be somewhere where:
  - The Executive is the Executive but there are limits.
  - Parliament as the legislature should be designed to pass good legislation. This involves good debates about making legislation better.
  - Protect children's' rights by 2020.
  - Parliament should be seen as somewhere that citizens can have a say and feel welcome.

- Bill of Rights at a state level. Queensland does not have an upper house of review. States are able to do what they want to some extent. Bill of Rights would mean that states cannot water down accountability. Ministers do not want to know what is happening, because once they know they are seen as accountable. Ministers should be accountable and consequently responsible for knowing what is going on.
- Decisions that are coming forward should span generations and not just be focused on what is best for now.
- There should be a realistic view of the pressures facing Ministers and support mechanisms put in place to protect the integrity of the process. Ministers do not say that they do not want to know: it is more about having the correct advisory system in place to ensure they do know.
- No MP stood up on behalf of Dr Haneef, for example. The outcome is owed to the vigour of the fourth estate (the media). The greater measure of an MP's effectiveness should perhaps be their independence.
- Greater engagement of people—young people in particular—in the legislative process.
- The 'circus' of question time doesn't give a positive view of parliament or promote confidence in the system. The community should be able to contribute questions to parliament. This could be achieved by greater use of technology such as the internet.
- The voting age should be reduced to 14. Young people want to be involved, so why not engage them?

### **Main themes**

Two main themes emerged from the morning's brainstorming session—a parliament we can be proud of and maximising election participation. The group split into two to further discuss these themes.

#### **Theme: a parliament we can be proud of**

*Develop deliberative and new forms of democracy on tough issues through citizen assembly, participatory budget, online capability.*

There should be an independent process to resolve disputes about disclosure of information, along with an independent arbiter (mesh with freedom of information), including:

- engagement of citizenry, corporations and the community
- minimum review periods and standards for legislation
- an opportunity or mechanism to solicit broader information
- better harnessing of the Australian Public Service process
- more specific budget appropriation.

#### *Commitment to war*

It was suggested that a commitment to take Australia to war should require approval from both houses of parliament.



*Strengthen parliamentary processes*

- Question time:
  - members and public able to ask questions in question time
  - a four-minute time limit in question time
  - the Senate to have the capacity for supplementary questions, with one-minute answers from Ministers
  - 'Dorothy Dixers' to be controlled. It is a limitation that the 'other side' question time is the only bit of parliament that gets media coverage.
- Budgetary process: descriptions of budget appropriations (measures) should be more specific. We should stop allowing vague descriptions of what money is intended to be spent on.
- Introduce a requirement that both houses of parliament vote on sending troops to war prior to any troops being deployed. No specific ideas on how to do this—perhaps through a conscience vote.
- Develop deliberative and new forms of democracy on tough issues such as citizen assembly, parliamentary budget. Public policy formation and consultation should include online discussion.
- Corporate standards of governance should be applied to parliament, although some participants suggested that this already exists.
- Issue becomes one of time available rather than engaging with parliament. Business is also ahead of government as they can make decisions quicker. Need a mechanism to devolve legislation.
- Committee structure should be broadened to include subject matter experts from outside parliament. Ministerial advisors should be included when they are taking executive decisions. Perhaps lower the level of public servants that are brought before committees.
- Concept of a deliberate democracy.
- There should be a code of ethics; a Commissioner of Parliamentary Standards was also raised.
- Discussion reinforced the view that Senate estimates is the most effective accountability method. House of Representatives hearings would also bring additional level of accountability, but would only be a small step.

**Theme: maximising election participation**

*Universal automatic enrolment (and re-enrolment) from age 18*

It was argued that using electronic means would make it easier for people to enrol to vote. However, this would raise the issue of having a national identification system (such as an identification card), which may not be preferable.

It was suggested that enrolment to vote should be optional from 16 years of age and automatic at 18 years. To be effective, this would need to be supported by a strong electoral education program (from 18 years). It was noted that the United States and Canada have embarked on student voting processes, which are aimed at educating students on the electoral process. The concept is that this makes them more engaged when they are able to vote. An alternative suggestion to the idea of changing the age to 16 was to have a youth parliament.

*Universal 'citizenship' education system in schools*

It was suggested that citizenship education be included as part of the primary and secondary education system, as well as programs to address older people who haven't had the electoral voting education program at school.

- Any education program has to focus on the principles that underpin democracy.
- No national youth forum is really in place at the moment. There are separate organisations in each state. The thing is that a lot of the issues are federal. These forums also seem to have the same kind of people involved, rather than truly reflecting young people more broadly.
- This kind of idea is broadening the definition of 'electoral participation' beyond just voting.
- Roll out things like advocacy training—how you as an individual and as part of a group can influence democracy, 'active citizenship'.
- Should other groups be entitled to vote? For example:
  - Should non-citizens (permanent residents) be entitled to vote? People may have strong reasons not to have taken out citizenship and consequently it may be appropriate for them to be entitled to vote even though they are not citizens. Countries such as the United Kingdom have this.
  - Should prisoners be entitled to vote?
- Support the 'third sector' to be able to consult with the broader community. We don't resource this sector to be able to consult fully.
- Breaking the 'taboo' of talking about politics and public affairs. It is seen as a bit of a 'conversation killer' at dinner parties.
- Government doesn't seem to be using the internet. It could be such a powerful forum but is currently under-used in the government context.
- Government websites by their nature are fairly constrained and boring. A website such as i.gov.au would need to be exciting and dynamic.

*Reshape the Senate*

The Senate should be reshaped to be more reflective of the diversity of issues and the community, and the parliament as a whole to be more reflective of the community.

- Representatives could be elected to represent groups rather than electorates.
- Public funding of elections is vital to independence.

**Group 3: administering government**

The group 3 team leader opened the session by noting that the Governance stream plenary session had allocated to the group two themes: the federal system, covering Commonwealth–State relations; and the future of the public service.

The team leader invited participants to raise any issues that might not have been raised during the stream's plenary session. The following issues were raised:

- Governance for Indigenous Australians: need to fix up the 'complete mess' of Commonwealth–State relations, including as it related to governance for Indigenous Australians. In the longer term, the idea of regional government could be a good one. The Aboriginal and Torres



Strait Islander Commission had not worked at the national level but had been successful at a regional level (based on 35 regions).

- Performance and outcomes: need to focus on performance and delivery of outcomes, rather than just focusing on frameworks.
- Government structures designed around service delivery, not the needs of citizens.
- Budget processes: need for a well-resourced and financed parliamentary budget office or research office. At a broader level, the issue was to redefine the budgetary process to increase the importance of sectors rather than 'silos'. Budgeting in defence, for example, differs from budgeting in health or education.
- Planning framework: from the perspective of local governments, state and Commonwealth governments both try to work in regions. This can become difficult. Need for a framework to agree what is in the national interest. The main issue is working together.
- Model public servants: need a new public contract outlining what a model public servant should be. Recognise that public sector work is different and falls within the framework of ministerial responsibility. Public servants also need to be able to balance their family obligations and should be encouraged to adopt life-long learning. A framework for how a model public sector employer should support that.
- Needs of citizens: need to focus on the critical needs of citizens.
- An integrated planning process: an integrated planning process across the Commonwealth and state levels is important. Need a new compact between the three levels of government based around redefining roles and responsibilities.

### ***Ambitions***

Participants were invited to focus on the 'big picture', starting with broad, general statements about how they wanted Australia—in particular, the federal system and the public service—to look in 2020.

#### **Federal system**

Participants agreed on the following ambitions for the federal system:

- roles, responsibilities and structure
  - balance between cooperative and competitive government
  - biophysical informing the structure
  - rationalised roles—centralised functions and devolved functions
  - common system, with varying implementation
  - linear, not multi-layered, government
  - regulatory framework for non-government organisations
  - subsidiarity and empowered local communities. (Note that subsidiarity is a legal principle that says that issues should be dealt with by the lowest or smallest competent authority.)

- characteristics
  - streamlined, accountable, responsive
  - agile, innovative
  - succeeds in a globalised world
  - performance standards and citizen-focused service delivery
  - accountable, honourable politicians—respect for them
  - inclusive governance for Indigenous Australians and regional Australians.

Other issues raised in discussion included the following:

- The need for clear roles: a streamlined, accountable, efficient, responsive and effective federal system with rationalised and renegotiated roles and responsibilities.
- Address globalisation: globalisation will be a dominant theme of the coming century. Need to deliver Australia benefits and progress in the globalised age. This leads to consequences about the federal system that we want.
- Address rapid change: the pace of change means we will need agile government, capable of rapid response and innovation. Therefore there is a need for multiple centres of power.
- Empower local communities: involve local communities in the policy making process.
- Balance between cooperation and competition and diversity: the balance will change over time.
- Linear government: need to restructure government so that it is linear, not multi-levelled. This would allow it to react quickly.
- Regulation of non-government organisations: governance is not just about government. It also relates to the regulation of private and community sectors in delivering services, particularly in delivering appropriate levels of transparency.
- A Federation Council: idea of a Federation Council, which has a degree of independence, to facilitate Commonwealth–State relations. We should start with the proposition that change can happen, not that it will be resisted.
- Agreement on the ‘big issues’: need collective agreement on the big things that need to be done as a nation, but implementation varies depending on the nature of the state or region. Need a planning process that engages people to determine what should be done, with implementation at the level where it needs to be done.
- Differing performance: how do you deal with differing performance at the local level? Must have form and substance so that by 2020 there is a central government that devolves responsibility for implementation and uses contractors when the local region cannot perform.
- Politicians: performance, accountability and behaviour. Need to be far more accountable, honest and honourable. [There was some disagreement on listing this as an ambition. In particular, the following counter-points were raised:
  - We do an enormous disservice if we denigrate our politicians. Cheap shots are unprofessional, unfair and inaccurate.



- The issue is how elected politicians perform and carry out their duties—particularly given the propensity of the media to focus on the negatives. Need to ask what we can do to enhance the ability of the politicians to perform.
- Australian federal politics has been remarkably clean and pure. Until the *Theophanous Case* there had been no serious allegations of corruption against federal politicians. The Australian political system (with its two-party system and an aggressive media) is set up to find and expose allegations. A suggestion (in the stream plenary session) to apply s. 52 of the Trade Practices Act to parliamentary process is foolish. We are looking at two different issues: the Trade Practices Act regulates statements of fact, while Parliament is meant to allow for dialogue between opposing views.]
- Subsidiarity: need policies to be implemented at the most appropriate level.
- Respect between levels of government: need to encourage respect for all levels of government—and between levels of government. Arrogance of one level believing it is better than the other is damaging.
- Refocusing service delivery: need to make service delivery citizen centred.

### The public service

Participants agreed on the following ambitions for the public service:

- roles and perceptions
  - integrated national public sector—one employer? Movement between levels of governments and sectors
  - closing the gap between perceptions and reality of public service—including well-understood nomenclature and a highly valued public service
  - clear rules of engagement for Ministers and the public service.
  - proper level of ministerial accountability
- workforce attributes
  - expectations of movement and flexibility—positive
  - properly remunerated public service
  - creatively liberated public service
  - flexibility of work arrangements
  - highly ethical standards.

Other issues raised in discussion included the following:

- Damaged public service: the notion of the public service has been fragmented; we have ‘lost the plot’ on skills development. Need to develop a core of strong policy professionals with ease of movement between academia and the public service. Need to strengthen institutions that develop the policy core (including the Australia New Zealand School of Government, and allow greater flow from our neighbours in the region.
- Environment: in the context of the importance that we now apply to the environment, need to determine the biophysical parameters of government. Need to sort out biophysical questions about the

best scale of government in Australia to allow for a consistent framework. In many regions the people reflect the biophysical environment in which they live.

- Perceptions of public service performance: we have a very high quality public service. One of the problems we face is the huge gap in perception between how the people view the public service and what it actually does.
- Improving public service nomenclature: public servants are all government workers and often define themselves as 'public servants'. There is no definition in the names to define what they do—as opposed to the private sector, where there are clear descriptions of individuals' positions, such as 'factory worker' or 'managing director', which give a clear description of what they do.
- Changing work systems: need to recognise the difference in expectation of employers in the coming years—recognition of the rising cost of petrol, e-commuting, and other coming differences.
- Remuneration and encouraging ideas: a properly remunerated public service, with appropriate benchmarks. Also need a process for liberating the public service to develop big ideas. (A survey in New South Wales, for example, found that the people who most wanted to abolish state governments were New South Wales government workers.) A lot of public servants in the system can see better ways to work: we need to liberate their creativity.
- A national civil service: idea of a national civil service, where working for Australia could be a profession of first choice. Need broader views about what it means to work in the public service. How do you drive that?
  - Response: theoretically a good idea, but recognise the difficulties in having one national public service. Employers in each level of government still need to be able to instruct employees about how to develop policy for their level of government.
  - In the interests of professionalism, move officers between levels of government. Link movement between jurisdictions to promotion to senior executive.
- Flexible working arrangements: need flexibility in working arrangements for the public service; there is, for example, currently greater flexibility in academia. In 2020 public servants will need to be able to work more flexibly—including by being able to work in their homes. For example, the World Bank has people living in Paris who work in Washington.
- Working for Australia: need to get public servants saying they work for 'Australia', not for the public service or a particular department.
- Creativity: the issue of creativity is very important, particularly in the lower levels of the public service.
- Independence of senior public servants: 'who is the employer' of senior public servants is a big question. In New Zealand, for example, senior public servants are employed by, and have contracts with, the Public Service Commission—not the Executive. There is no commission of inquiry at the federal level.
- Ministerial responsibility: notions of ministerial responsibility and accountability are old-world notions. We should have a proper definition of ministerial responsibility as one of our ambitions.



## **Ideas**

The group split into three sub-groups to generate and prioritise ideas. The group noted ideas generated in the stream's plenary session in the morning and added the following concepts for discussion:

### **Reform of federalism**

- Proper recognition of what is the national interest.
- Cooperative federalism with clarified and streamlined roles and responsibilities.
- Set national goals and performance standards for national programs.
- Staged approach: medium-term—Interstate Commission; long-term—begin now with a national deliberative process about the structure and workings of the federation.
- A Federalism Commission: register intergovernmental agreements, monitor those agreements, adjudicate on disagreement, research.
- Expert body and constitutional convention.
- Allocation of roles and responsibility (on the basis of subsidiarity).
- National integrated planning framework: national, state and local plans.
- Finance: cost-efficient government.
- Uniform system of laws for industry, trade and financial regulation.
- Citizen engagement in government.
- A citizen and community focus in service delivery.

### **Improving the public service**

- Greater interaction between policy development by the public service and those in the community that will be affected by it.
- Greater incentives and recognition for innovative performance and development of expertise and capacity to move between levels of government service.
- Build colleges of ideas: colleges of experts from levels of government, academia, community and business sectors to work on options to establish a way forward in policy terms.
- Harmonisation of service delivery and policy between state and federal governments.
- Ministerial and public service responsibility.
- Enhance the capacity and reputation of the Australian public service by creating a new consensus of the modern public sector employee and employer; building a national ethical framework and code of conduct for public servants and creating models for cooperation and mobility of staff between layers of government (and removing obstacles).
- Careers in public sector have to be more financially viable—better remuneration.
- Inquiry into politicisation of public service—frank and fearless advice.

## Discussion of ideas

### Federalism

There was discussion about the main themes which flowed from the ideas that had been raised during the sub-group discussions. There was general agreement that the ideas fell into two main themes:

- What the federation looks like: reallocate powers, responsibilities and finances between the levels of government. Need to find the mechanisms for doing it, which could be a three-stage process. Start with an expert body, move to a broader body (such as a constitutional convention), and get people involved (perhaps through a referendum)
- How the federation works: support cooperative federalism and developing a mechanism to deal with it. This could be a Federalism Commission to deal with the cooperative areas of federalism (such a commission could register and monitor intergovernment agreements, adjudicate disagreements and conduct research). Such a commission would be relatively cheap and could have similar roles to the Productivity Commission. The point was made that there is an opportunity to use our existing structures and make them work more effectively and cooperatively.

There was some discussion about the importance of community engagement, including in discussions about the future of Australian governance. It was felt that many people around Australia would like to be involved in discussion of the structure of government.

There was discussion about the need to define what is ‘the national interest’. There was a general view that there was a need to look at the bigger picture, rather than setting up something that just became a legal mechanism. There was some discussion about making constitutional reform to support cooperative federalism, including by restoring the cross-vesting system (undoing the *Walker Case*) and cooperative schemes being administered by one level of government (undoing the *Hughes Case*).

It was noted that the central proposal (a process to review roles, responsibilities and structures) was designed to eliminate waste and extravagance in the way that the federal system works today, an inquiry that deals with the ‘whole box and dice’. Want a well-informed report that can lead to follow-up action. Some will lead to different processes (like a constitutional commission); some will lead to a COAG-style process.

There was some discussion of whether a Federalism Commission should be responsible for adjudication—and whether that would make intergovernment agreements justiciable (the principle of an agreement having legal effect). Some participants said this should only be the case where the agreement amounted to a form of contract. Some said it could lead to problems of separation of powers.

There was comment that Australia has a uniform economy, including uniform competition laws. But there are differences between different jurisdictions, including in property law. Consistent with the idea of uniform national laws, it was considered that there should be uniform laws in relation to commercial and property transactions. A counterpoint was raised, noting the need for flexibility in legal frameworks, particularly in relation to Indigenous communities.

There was some discussion about the definition of ‘subsidiarity’, including its historical context, its use in the European Union, and its relation to the delivery of services.



### The public service

Some participants suggested that there was a general malaise and disenchantment in the public service over their relationship with the Executive. Others said this was not a general observation. Some said there was a need to restore integrity in, and the independence of, the public service. There was no agreement on the method of how to do it; one prominent suggestion was to establish a commission of inquiry, like the Coombs Inquiry, looking at 'everything' to develop a picture of how we want the public service to look in 2020.

There was some discussion about standards of ethics in the public service, including who should set, monitor and adjudicate them. There was discussion about capturing ministerial staff in public service ethics and about extending accountability provisions for politicians to ministerial staff and the public service. There was a suggestion that senior public servants should be appointed by a public service body, rather than being ministerial appointments.

There was discussion about attracting and retaining staff for the public service. It was said that there was no problem attracting good staff, but there was a problem in keeping them. There was general agreement that there was a need for greater incentives and recognition for public service expertise—not necessarily monetary—and for experience outside the public sector to be valued.

There was reference to the need to talk about the shape of the public service in 2020. One participant said there would be value in having fewer employers, so they can talk to each other more efficiently. Others noted that changes in information technology would transform the public service and that the service in 2020 would need to be a modern one. One noted that some states have a 10-year plan, with clear objectives and regular reports against objectives.

There was a discussion about the need for closer engagement between citizens and government in the development of policy. Some suggested there needed to be a fundamental structural change so that the public service is working with citizens to meet their needs, rather than leaving the citizen to work through the maze of available services. Some characterised the issue as a need for systems that allow public servants and others to engage collaboratively on policy development.

The group noted that many of the specific issues it identified could be addressed in the next three to five years, rather than being goals for 2020.

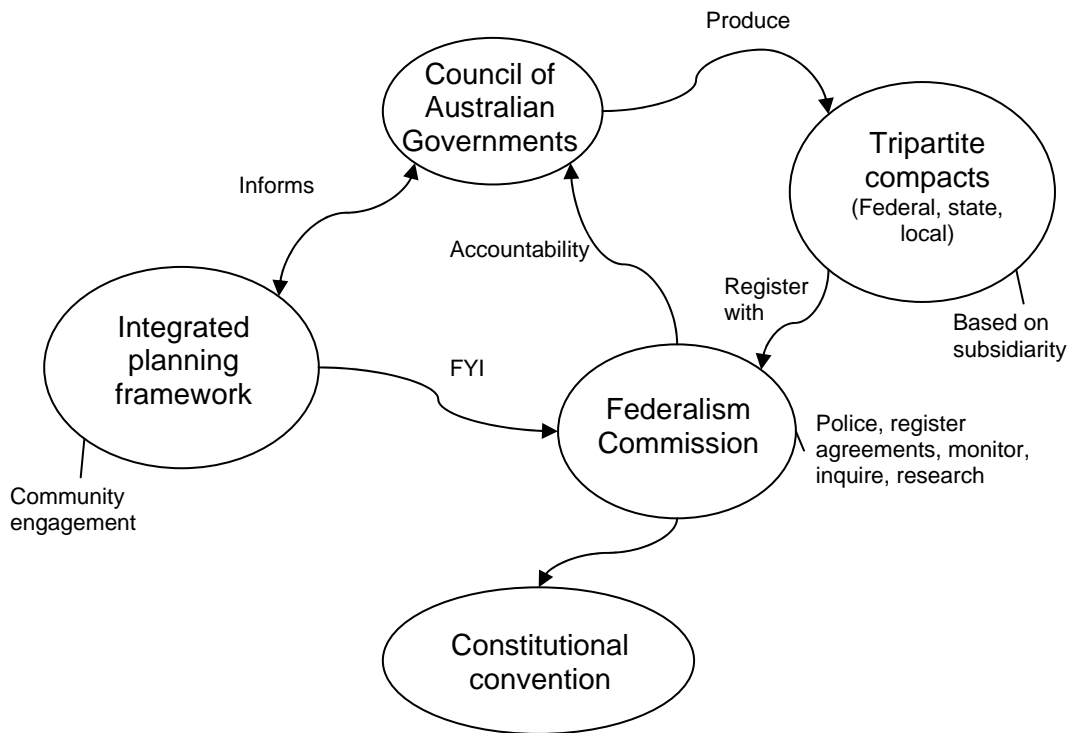
### **Top ideas**

The group agreed to the following top ideas to report to the stream's plenary session.

#### Federalism

- Establish a process to review roles, responsibilities and structures of our federal system.
- Establish an expert commission to review the issues.
- Constitutional convention to consider proposals from the expert commission and form a deliberative democracy process.
- Action by joint government decision or referendum.
- Federalism Commission to oversee and recommend on disputes and assist COAG.
- A national planning strategy to pull together plans in the national interest.

Figure 9.1 A Federalism Commission: interrelationships



**The public service**

- Commission of inquiry.
- State, structure and likely requirements.
- Taking into account role, technology requirements, ethical and professional standards, methods of appointment.
- Need to expedite issues of remuneration, flexibility and mobility.
- Develop a citizen- and community-focused public service and system that supports it.

**Group 4: constitution and rights**

**Ambitions and aspirations**

Group 4 agreed on the following ambitions and aspirations for 2020:

- To increase public involvement in constitutional and governance processes (including change).
- To achieve effective protection of rights in Australia and encourage exercise of responsibilities.
- To achieve a republican form of government.
- Recognition of Indigenous Australians and appropriate constitutional change.



## ***Ideas***

The group then brainstormed ideas.

### **Ambition: to increase public involvement in constitutional and governance processes (including change)**

- Citizen assemblies.
- Citizen parliament.
- Participatory budgets.
- Minister for Democracy.
- Commission for participatory democracy.
- Recognition of local government in the Constitution.
- Reform and support of the third sector (not-for-profit and community organisations) to help their constituents engage in government and public processes.
- Deliberative democracy—formalise community consultation processes (via structured system of peak bodies to discuss major issues).
- Automatic enrolment to vote at 18.
- Voting age: automating enrolment for 18-year-olds and optional voting for 16- and 17-year-olds.
- Suggestion box on government department websites for community feedback on governance. All communications must be answered.
- Alternative technologies—mygov.com, a mega website.
- Preamble developed (inclusive of all Australians) after discussion and/or national competition.
- Council of Australian Governments (key decision maker)—building genuine public involvement into it.
- Civic engagement: better information delivery and hubs of civic participation; presence of government in the community; roving parliamentary sittings.
- Rewrite Constitution to make it intelligible, accessible and inclusive.
- Democracy Day; Constitution Day; Deliberation Day; national days.
- Democratic classrooms—promoting civics.
- Development and implementation of a national civics curriculum.
- Publicly funded education program in schools and the community on human rights.
- Make the Constitution more suitable for the diverse 21st century Australia by removing colonial references, creating statue of Australian citizen with democratic inputs, inserting a preamble setting out aspirations for governance, removing references to race.

**Ambition: to achieve effective protection of rights in Australia and encourage exercise of responsibilities**

- Lower voting age to 16.
- Non-statutory Charter of Comprehensive Rights and responsibilities.
- When we talk of rights let's not forget to incorporate responsibility.
- Statutory charter of human rights and responsibilities.
- Not just talk about how, but also what rights are to be included—economic, political, Indigenous rights (land rights and native title).
- A federal Charter of Rights created in consultation with the Australian community could foster a human rights culture in government and Australian society by:
  - making human rights an integral part of law-making and policy-setting processes
  - requiring parliament to consider whether laws comply with human rights
  - enabling courts to interpret laws consistently with human rights where possible and to identify laws that do not comply with human rights
  - providing accessible and appropriate remedies for human rights breaches.
- Intensive, inclusive consultation with community on rights and responsibilities—moving around local communities, framed in non-legal jargon, and not predetermined by the Attorney-General.
- Introduction of statutory Bill of Rights that protects and promotes all civil, political, economic, social and cultural rights and that provides meaningful remedies where rights are violated.
- The Human Rights and Equal Opportunity Commission to have explicit extensive power over all human rights.
- Articulate citizens' responsibilities via a charter.
- Improved scrutiny of Executive and Parliament—including parliamentary processes.

**Ambition: to achieve a republican form of government**

- Preamble inclusive of all Australians through discussion or competition.
- All agree that the Governor-General has the power in the Constitution, without reference to the Queen.
- A system of government that derives its authority from the Australian public.
- Be celebrating fifth anniversary of the republic by 2020.
- A new Constitution: retaining good bits of the existing Constitution; embodying a republic model; protecting rights; permitting extensive community consultation.
- A community-led process starting now which leads to community-owned republic.
- By 2020 people should get the republic they want.
- Statehood for the Northern Territory.



- The Constitution should recognise that the source of all government power and authority is the Australian people.
- Two-stage referendum: break link and don't hold up the republic due to concern about the replacement model. Second, confirm the final model three to five years later.

**Ambition: recognition of Indigenous Australians and appropriate constitutional change**

- Delete racially discriminatory provisions from the Constitution.
- A preamble to the Constitution that acknowledges Indigenous custodianship of land and waters and recognises the unique contributions of Indigenous people.
- Treaty.
- Indigenous representative body designed by Indigenous people.
- Entrenched and guaranteed Indigenous representation in federal parliament.

The group raised the following issues:

- What is the huge idea: The republic and a Bill of Rights were regarded as the fundamental changes from which everything else flows.
- General consensus that we hadn't found the big one yet.
- The possibility of a three-stage process to modernise federation: a major inquiry could be conducted to set the scene. Convention route an option to explore.
- Why aren't people 'excited'? Reprehensible for a group like this to take cheap political shots. This will limit the ability to do something on governance in this environment. Because politicians are doing a good job—no need for a Bill of Rights. Both of the views (for and against the Bill of Rights) to be recorded as outcomes of the Governance stream.
- Fixing federalism viewed as one of the 'big ideas': collaborative federalism and the mechanisms to support that:
  - Referral of legislative power should work better.
  - Federalism Commission should be established to register intergovernmental agreements and adjudicate disputes between jurisdictions.
  - Implement the ideas that we can to fix federalism; have a referendum to address the ones that you can't.
- Increased community participation and ownership: mechanism to do this would be to have an independent agency for federalism. An independent panel to draw ideas on governance. Christmas Island could be closed to pay for it.
- People need an avenue for getting their ideas across to government: the concept of an online portal with information on how politicians are voting and an easy way for the public to make submissions.
- Have an ambitious set of national development goals long term, spanning electoral cycles, inspirational.
- Apathy is a myth: it atrophies through lack of use. People need avenues for engaging politically. Participation needs to be deeper than just online.

- We should make a commitment to achieve a republic by 2010.
- Larger idea: by 2020 we will be celebrating the fifth anniversary of the new Constitution of Australia. One that has been constructed consultatively; one that embodies how we want the country to run.
- Our vision for Australia by 2020 is that we will live in a republic and have contributed to the development of a Constitution that recognises rights of citizens and states, and that we are reconciled with Aboriginal Australia.
- Focus on federalism and accountability.

## RECORD OF DISCUSSION: SUNDAY

Participants considered and debated a draft document that summarised Saturday's discussions. Based on these discussions, it was agreed that the steam would break into four groups along the lines of the following priority themes. The priority themes were:

- an Australian republic in which the rights of all Australians, including our first Australians, are recognised
- review of the Australian federation
- effective parliament and open and accountable government, as well as a strong, independent media
- strengthened participation by all Australians in their governance.

Each group was to produce one big idea, three concrete proposals and three goals.

An additional theme of 'Excellence in the public sector for 2020' was discussed but not pursued.

### **Group 1: an Australian Republic in which the rights of all Australians, included our first Australians, are recognised**

It was felt that the draft record from Saturday seemed to tie the republic to the Bill or Charter of Rights and it was decided that the two issues should be separated.

#### ***Australian republic***

- This should be a two-stage process:
  - stage one: that a plebiscite be held on the principle that Australia becomes a republic and severs ties with the Crown
  - stage two: this is to be followed by a referendum on the model of a republic after broad and extensive consultation.

#### ***Indigenous recognition***

- That the Constitution be amended to include a preamble that formally recognises the traditional custodians of our land and waters—our Indigenous Australians.
- That the Constitution is amended to remove any language that is racially discriminatory.



- Conduct a national process to consider a compact of reconciliation between Indigenous and non-Indigenous Australians.

### ***Protection of Australian rights***

- Support in principle for looking at ways in which Australian rights can be protected.
- An Australia where the respect and protection of human rights for all people is maintained and strengthened.
- A national process is conducted to consult with Australians on how to best to protect human rights.
- The group expressed majority support for a statutory Charter or Bill of Rights.
- The group expressed minority support for a parliamentary charter or other alternatives.

### **Group 2: review of the Australian federation**

It was noted that members of the 'excellence in the public service' sub-group had joined this sub-group. It was agreed that this reflected that public sector reform, while important, would not be the stream's big idea. Ideas on public sector reform had been captured in reports of the earlier sessions.

The facilitator identified key ideas carried over from the previous day:

- review of the roles, responsibilities and structures of our federal system
- a Federalism Commission to oversee and recommend on disputes and assist the Council of Australian Governments
- a national integrated planning framework to pull together plans in the national interest
- electoral and constitutional reform to renew the role and composition of the Senate as a house of review
- potential gap—the role of local government.

One participant opened by noting that another stream (Economy) had suggested a Federalism Commission, whose first task would be reviewing the roles of different levels of government. He said that a representative of the Local Government Association had deliberately avoided raising local government during discussions on the first day of the summit, so as not to distract attention from an existing government commitment to review local government.

The facilitator noted a call in the stream plenary session for practical suggestions, rather than ideas based on process. He identified four ideas from the earlier sessions that seemed to fall into this category:

- structuring government by regions—biophysical or other
- establishing uniform national laws for industry, trade, finance and property
- adopting a formal role for the most local level of government in adapting national policies
- formally enforcing cooperative federalism at all levels.

Participants suggested a number of other concrete ideas, including a regulatory framework for the non-profit sector and uniform laws for other sectors. One participant suggested there should be uniform laws

for human rights (it was noted that this may fit better into the sub-group looking at rights), resources and infrastructure, and workplace safety. Another participant offered a contrary position, highlighting that non-uniform laws allow flexibility and diversity to deal with different circumstances in different states.

There was general agreement that the sub-group should return to the four ideas carried over from the previous day.

***Idea 1: review roles, responsibilities and structures of our federal system***

There was substantial discussion over the phrasing of the first idea. There was general agreement that it should include reference to all tiers of government, to finance, and to a three-stage process for reform. There was also agreement that there was a need to acknowledge problems with the current system—including that it was wasteful, based on an old colonial system, and did not reflect the current reality of regions.

There were various formulations of the first idea, with the following being the agreed formulation:

Reinvigorate our federation by setting up a process to enhance Australian democracy for all Australians by examining the roles, responsibilities, financial arrangements and structure of all levels of governance of our federal system through a three stage process incorporating expert, representative and deliberative processes.

There was discussion about the need for federalism to reflect the diversity of service delivery in different circumstances. There should be a recognition that there was no ‘one-size-fits-all’ approach to federalism, and that informal systems had supplemented federalism. It was agreed that this concept was captured by the term ‘reinvigorating federalism’. There were strong minority views that the idea should refer to ‘rebuilding federation’ or ‘refederating Australia’. By vote, it was resolved to use the term ‘reinvigorating our federation’.

***Idea 2: a Federalism Commission to oversee and recommend on disputes and assist the Council of Australian Governments***

There was similarly detailed discussion about the framing of the second idea from the previous day. One participant said that the idea of a Federalism Commission was a specific suggestion, independent of the process set out in the first idea. Participants recalled that the previous day the group had envisaged the Federalism Commission as being a body to register, monitor and adjudicate intergovernmental disputes. There was general agreement that this had not been captured in the idea carried over from the previous day. There were various formulations of the second idea, with the following being the agreed formulation: ‘Make inter-governmental collaboration effective and transparent by establishing a Federal Commission to register, monitor and adjudicate inter-governmental agreements’.

One participant said there was a need to step back to the ‘macro’ level. Participants agreed that the goal of a Federalism Commission was to make intergovernmental collaboration more effective. There was discussion about whether commission should ‘drive effective intergovernmental collaboration’.

One participant said that key issue for such a commission was to overcome the blame game. He said the idea was more about monitoring reform than about driving it. A Federalism Commission would put a spotlight on the system to show people how the system is working—and when it is not.



One participant said there was a need to move away from the term ‘federal’. The term ‘intergovernmental commission’ was suggested by one participant as a replacement, before the group agreed to use the term ‘national cooperation commission’.

There was some discussion about use of the term ‘resolve’. Some participants suggested that this term could include the concepts ‘mediate’ and ‘adjudicate’. One participant asked how a body could be asked to adjudicate between different levels of government, saying that giving a commission those powers would lead to problems of separation of powers.

### ***Idea 3: a national strategic plan***

One participant said there needed to be a process to develop what the levels of government are collaborating about—a nationally developed plan. Some participants said the current Council of Australian Governments processes needed to be developed. Another participant said there was a need to look at implementation and delivery, delivering results in the national interest. At present there is a big difference in performance across the states, it was said.

One participant was of the firm view that this was a dangerous proposal, saying the development of a national plan was the subject of Australia 2020 and a number of other existing discussions. She said that including this idea would water down the other content being discussed by the sub-group. Others disagreed, pointing to positive strategic plans in Tasmania and South Australia.

One participant asked that the following idea be recorded as a significant one: amend the Constitution to allow intergovernmental cooperation. The group agreed that it was too late to consider this idea fully, but that it would be included in the final record of discussions. The group agreed that the other idea (reforming the role of the Senate) and the identified gap (local government) were captured by the first and second ideas.

### ***Big idea***

The group agreed to the following big idea, concrete proposals, other ideas, and ambition to present to the stream plenary session:

- Reinvigorate the federation to enhance Australian democracy and work for all Australians by reviewing the roles, responsibilities, functions, structures and financial arrangements at all levels of governance by 2020. We propose a three-stage process with:
  - an expert commission to propose a new mix of responsibilities
  - a convention of the people, informed by the commission and by a process of deliberative democracy
  - implementation by intergovernmental cooperation or referendum.

### **Concrete proposal**

There were two low-cost concrete proposals:

- Drive effective intergovernmental collaboration by establishing a National Cooperation Commission to register, monitor and resolve disputes concerning intergovernmental agreements.

- Engage the Australian community in the development of an ambitious long-term national strategic plan that delivers results.

#### Other idea

- Embark on electoral and constitutional reform to renew the role and composition of the Senate as a house of review.

#### Ambition

It was agreed that the sub-group's ambition could be characterised as 'Create a modern federation'.

#### Addendum

One participant asked that the following idea be included in the notes from this session.

Nation Planning Framework Concept 20/4/08 (refer to Idea 9.87)

By 2020, design and implement a cooperative national/inter-governmental planning framework to:

- address Australia's sustainable growth and change in a global concept
- develop an agreed vision for the future of Australia
- identify issues of national significance and a means to respond to them
- reconcile conflicting state priorities in the national interest and align state, regional and local planning activities
- achieve greater coordination and alignment between the governments (federal, state and local) of Australia
- ensure more efficient and effective government service delivery
- facilitate allocation of funding based on service responsibilities
- establish an agreed policy position including principles to facilitate outcome based decision-making
- establish relevant benchmarks and indicators to monitor performance
- determine appropriate community service standards linked to community needs
- empower citizens and communities to participate in decision-making processes.
- (provide a context for/facilitate place-based community planning).



### **Group 3: effective parliament and open and accountable government, as well as strong, independent media**

#### ***Gaps in proposed priority themes and ideas missed***

- Effective shield laws for journalists—agreed by all.
  - These laws cannot be generalised away. The participants wanted to ‘cut through this debate and put the issue in the national debate’.
- Effective whistleblowing protection for public servants—agreed by all.
- House of Representatives estimates committee.
  - This was a point of disagreement among participants.
- Independent arbitration of ministerial claims of public interest immunity—agreed by most.
- Strong political leadership on open government—agreed by all.
  - This is a low-cost idea. Mechanisms need to be put in place to make a cultural change (in the bureaucracy).
- Ministerial advisers are compellable witnesses in parliament—agreed by all, but only when making executive decisions in the official conduct of their duty.
- Improving media diversity—agreed by all.
- Improve accountability of media (Press Council)—not agreed by all regarding the Press Council.
  - Media should be accountable to the public, including radio, television and media on the internet. All power should be accountable, including media. There was a dispute over the issue of the Press Council in the media.
  - More informed and empowered citizenry predicated on more accountable media.
- Ban on government partisan advertising before elections with agreement of Opposition, except for cases of emergency situations (for example, bird flu)—not agreed.
- Reduce time of release of Cabinet and public service records—some participants disagreed.
  - Reducing the time from 30 to 15 years, unless if it is not in the public interest to do so.
  - Some participants included a proposal that this should be the case unless the government remains in office, adding that ‘the whole point about the release of Cabinet or public service documents is that ministers can make decisions with maximum freedom, for as long as that government is in office’.

#### ***Discussion of ideas***

##### **Strengthen Executive accountability to parliament and improve parliamentary process**

Participants voted ‘yes’, but there was disagreement on processes:

- This could be done by adding or reframing of appropriation Bills to specify projects and programs.
- Everyone agreed about the need for a more transparent and open Executive.

- Independent arbitration of public interest immunity claims by Ministers in response to parliamentary inquiries.

#### Improve the quality of the legislative process

Minimum process standards in both chambers:

- proposed minimum time of process standards for legislation through both chambers—for example, 30 days. There was a disagreement on this
- better legislation by 2020. Public interest immunity will make things better
- minimum time and process standards for passage of legislation.

#### An undertaking to allow a vote in both houses of parliament before (except in case of emergency) committing Australia to war or to a war-like situation

Participants voted 'yes' on this idea.

- Seems like a good idea and there is a provision in case of an emergency. Examples from other democratic countries considered.

#### Strengthen freedom of information to improve access to information

- FOI was also about lobbying which should be a more open process.
- An idea for an independent Freedom of Information Commissioner to be established.

#### Strengthen defamation laws to change the burden of proof to proof of falsity

- There is a need to reform defamation laws (rather than the word 'strengthen') so that the public figure bears the burden of proof of falsity.

#### Deregulate the electronic media and strengthen media self-regulation

There was a disagreement among the participants on both issues:

- For the first idea, the conclusion was that this was a very complex idea and there is no time to agree on this issue. There were two ways of framing this idea—deregulating media and making media policy that works in the interests of media consumers rather than media providers.
- On the second idea, some delegates were strongly opposed, saying that media self-regulation under law is 'illogical and dangerous'.
- Most participants agreed to a proposal to abolish Crown copyright, but it was noted that this might incur high costs.

#### Other ideas

- Another suggested theme—stronger parliament, more open and accountable Executive, empowered citizenry, and strong, diverse, accountable, ethical and independent media.
- Greater protection for the freedom of expression, either a Charter or Bill of Rights—strongest possible protection of freedom of expression.



### ***Top ideas reconsidered***

- More accountable and open Executive.
- Ministerial advisers more compellable when making executive decisions.
- More accountable and diverse media (reformed and responsible).
- Declaration of war decided by the Parliament except for emergency situations.

### **Group 4: strengthened participation by all Australians in their governance**

- A public digital channel with access to policy debate.
- An online channel for access to government information, including spending information and outcomes, and providing for online parliament.
- We will institute deliberative democracy and equip citizens to participate in an engaged, modern democracy.
- Public involvement: establish a diverse set of community engagement mechanism and multiple forms of participation to ensure public involvement. Exploit opportunities from new technology.
- Electoral processes: universal automatic enrolment
  - optional enrolment for over 18s
  - universal suffrage, not excluding prisoners and others.
- Democratise political parties and abolition of private campaign finances, including third party donations.

### ***Additional ideas***

- Strengthen the capacity for non-government organisations to participate.
- Public involvement—integrated planning.
- Remove the community taboo surrounding political discussion.
- We will institute deliberative democracy and equip citizens to participate in an engaged, modern democracy.
- Public involvement: establish a diverse set of community engagement mechanisms and multiple forms of participation to ensure public involvement. Exploit opportunities from new technology.
- To implement the concept of a deliberate democracy and to equip citizens to participate in an engaged democracy, we could have a community cabinet.
- Need to revolutionise the way that we (the community) participate.
- Community cabinet.
- Digital channel.
- There also needs to be more work around collaborative decision making—for example, participatory budgeting).

- The big idea is that people are at the forefront of government (government by the people rather than for the people)

### ***Presentation to the full stream***

#### **One big idea**

Collaborative governance revolutionise the ways government and communities interact.

#### **Four concrete proposals**

- Citizenship engagement:
  - online portal, free and searchable government information, and a space for citizens to participate and share their view—we call it ourgov.au
  - AuSpan network
  - deliberative, inclusive processes that feed directly into government decision-making processes
  - active citizenship training as a universal component of primary and secondary school curricula and available to the broader community.
- Electoral processes:
  - universal automatic enrolment to vote and voting for all Australians over the age of 18 years and optional enrolment to vote and voting for Australians aged between 16 and 18 years.
- Third sector strengthening:
  - recognise the importance of the non-government organisations and the third sector in public policy development and governance and protect and promote policy advocacy—for example, removal of taxation roadblocks, reform of charity law.
- Political donations:
  - abolish private campaign finances, including third party donations, with an exemption for small individual donors, to increase trust in political parties and help create a level playing field for elections.

### **Plenary session: report back by groups**

Each of the groups reported back their big ideas and concrete. The stream agreed to five big ideas and discussed a range of concrete proposals.

Five concrete proposals were put to a vote (each participant had three votes) before the stream to identify the top proposals. The results of the vote, as determined by the facilitator, were:

1. Constitutional preamble to recognise prior Indigenous custodianship of land and waters—90 votes
2. Automatic enrolment—low cost; 65 votes
3. Campaign financing (Canadian model)—20 votes
4. A National Cooperation Commission to register, monitor—100 votes



5. Public interest immunity tests for Ministers—20 votes.

### ***Areas of disagreement***

One participant, who identified himself as an Indigenous Australian, said he did not personally consider a constitutional preamble recognising prior Indigenous custodianship as being his top idea. He asked that this be recorded.

The group that suggested automatic enrolment had also suggested optional voting for people aged between 16 and 18 years. One participant voiced strong opposition to this idea, saying that the difference in participation rates between Australia and the United States was compulsory voting. He said that introducing optional voting for people aged between 16 and 18 could be the ‘thin edge of the wedge’. There was agreement to record this suggestion as an ‘other idea’.

One group suggested that there should be a resolution by both houses of parliament before committing Australia to war. There was disagreement on this but agreement that it should be recorded as an ‘other idea’.

The stream’s co-chair suggested complete abolition of private campaign financing, including third party financing, with campaigns to be publicly financed and capped. Another participant suggested that consideration be given to a model being used in Canada, which was described as banning contributions by big companies but allowing contributions by individuals.

The co-chair suggested considering limits on government advertising before an election. There was some disagreement on this proposal, which the group agreed to record as an ‘other idea’. One participant said that preventing campaign advertising was a dangerous game and had been ruled by the High Court as a restriction on existing constitutional freedoms. Another said this was not an issue, because the Constitution could be changed. Yet another said the two issues (campaign financing and election advertisements) should be separated. There was no agreement to include campaign financing as one of the stream’s ideas.

One group suggested introducing reversing the onus for public immunity tests for Ministers. There was no agreement on this idea, but the group agreed to record it as an ‘other idea’.

### ***Conclusion***

The Governance stream agreed on the following big ideas and concrete proposals to put to the plenary session.

#### **Five big ideas**

1. An Australian republic.
2. Collaborative governance—revolutionise the way government and communities interact.
3. A modern Australian federation—reinvigorate the federation.
4. A Bill or Charter of Rights for all Australians, including Indigenous Australians.
5. Open and accountable government.

### Concrete proposals

1. The preamble in the Constitution to recognise first peoples' custodianship.
2. Automatic enrolment (low cost).
3. A National Cooperation Commission (low cost).

