

# Building a healthy democracy

Research Paper

We are  
a powerful  
force for  
nature 



**AUSTRALIAN  
CONSERVATION  
FOUNDATION**

*Photo: Parliament House, Canberra; James Thomas*



## Executive Summary

Together we aim to build a democracy where **power resides with the people**, where people can participate in a fair and clean process in an active and meaningful way, **and where decisions are made in the interests of the people and the planet.**

### Top four opportunities for **democratic reform**:

1. **Donation and election finance reform**
2. **Broadening the parameters of government decision-making**
3. **Participatory and deliberative democracy**
4. **Civics education**

More people today live in democracies than any other time in history. But throughout the world, there are widespread concerns about how democracies are functioning to protect the things that matter most—wellbeing of people, planet and future generations. In Australia, our democratic system has failed to safeguard our landscape from crises like climate damage and habitat destruction, even though most Australians are concerned about these issues and want action. Political discontent and disempowerment are steadily rising with record low levels of trust in politics and political representatives across the country. This report explores the reasons behind these trends and articulates a vision and key principles for a healthier democracy, which can deliver on what really matters.

We spoke to prominent stakeholders from organisations across Australia to deepen our understanding of the obstacles to a healthy democracy and learn how we might move closer to our vision: **One where power resides with the people, where we can participate in a fair and clean process in an active and meaningful way, and where decisions and decision-making are made in the interests of the people and the planet.**



Participants came from universities, church groups, local government bodies and non-government organisations. They included farmers, journalists, bankers and law-makers. We asked them to articulate the principles for a healthy democracy, and to identify obstacles that prevent our current system from embodying those principles. We then asked them to name mechanisms and indicators they felt could transform us from the current system to the one we envision, and we backed this up with extensive research of our own.

The outcome was a list of ten principles for a healthy democracy highlighted by participants; a wide range of problems and obstacles that people identified as preventing our democracy from working better; and a list of mechanisms or interventions which our interviewees thought would help move Australian democracy in the right direction. The opportunities for reform which stakeholders saw as most important were:

**Donation and electoral finance reform** — reforms to control the influence of money and vested interests in Australian politics;  
**Broadening the parameters of government decision-making** — different ways to represent interests who bear the consequences of risk but

have no political representation such as future generations, non-humans, people in other countries and ecosystems; **Supporting a more participatory and deliberative democracy** — an actively engaged citizenry who participate in communities and democracy outside of elections to rebuild democracy; **Civics education** — an informed citizenry trained in the art of citizenship, critical thinking and an understanding of their own agency. These were the mechanisms that were repeatedly and emphatically called for as priority actions – and which could also form the basis of an annual report on the state of democracy in Australia.

Australia has a strong and stable democracy that has delivered great prosperity. However, that prosperity and stability has not been shared equally, and it's time for reform. It's clear that a key obstacle to the ambitious policy reforms necessary to protect people and planet from climate damage, and restore nature, is the failure of our political systems itself. Democratic reforms can unlock the potential of our democracy to deliver important outcomes for our environment, and for the wellbeing of future generations.



Photo: Stop Adani Rally 2018; James Thomas



# 10 principles for a healthy democracy

## 1. **Popular sovereignty**

Power resides with the people.

## 2. **Ethos of long-term collective wellbeing**

Decisions are made for the long-term interest and common good of people and the planet.

## 3. **Honesty and integrity**

Democratic processes must be clean and honest. Money and power do not have undue influence over policy and politics. Citizens trust their elected representatives, democratic processes and institutions.

## 4. **Inclusive franchise**

Voting franchise is inclusive of all members of society — including permanent residents and people 16 years and over.

## 5. **Equity of participation**

People and civil society can participate actively, meaningfully and equitably in decision-making within and outside of election periods.

## 6. **Rights**

Fundamental human rights are recognised and protected.

## 7. **Information**

There must be a two-way flow of meaningful information between civil society and representative government so that both sectors can make informed decisions.

## 8. **Transparency and accountability**

Decisions and decision-making are transparent and accountable to the people.

## 9. **Representation and diversity**

Decisions-makers need to reflect the diversity of the community.

## 10. **Rule of law**

Just laws are fairly, consistently and impartially applied and enforced by an independent judiciary.

*Democracy is, after all, the best example of what Gallie (1956) calls an “essentially contested concept,” requiring that continued dispute over the key components of what democracy means is actually integral to the very idea of democracy itself (Dryzek 2010)*

## **A) Introduction**

The Australian democratic system is failing to protect the environment from crises such as climate change, biodiversity loss and habitat destruction. With a mission to achieve long-term, systemic improvements in environmental governance, ACF has taken on the challenge of trying to better understand the critical obstacles in the democratic system that are perpetuating the crisis. This mission has been spurred on by an ongoing campaign of political, legal and normative attacks by the current federal government on both environmentalism and NGOs that has attempted to shut down our ability to speak up and do our work. Although ACF believes that democracy can be transformed to protect the rights of advocacy organisations, activate citizens in policy processes and to deliver improved environmental outcomes, we have not had a cohesive vision to support our belief. This research aims develop a set of principles for a healthy democracy, deepen our understanding of the obstacles to our democracy embodying those principles, and look for mechanisms that may bring us closer to our vision. The project has involved looking outside the environment sector to seek input from a wide range of stakeholders that are active in the democracy space. This work is a summary of the issues facing Australian democracy today that ACF’s internal and external stakeholders have identified as being the most important.

Document outline: Introduction, Methods, History of Attacks, Vision of a Healthy Democracy (10 principles and obstacles), Implications for Environmental Advocacy and Democracy, Campaign Planning – possible Mechanisms and Indicators for Change, Conclusion.

## **B) Methods**

The methods used for this research were an external stakeholder consultation, internal workshops and desktop research.

Unpacking the systemic issues that underpin democracy led to undertaking a broad consultation with diverse stakeholders, with high-level open-ended questions.

- I. **Stakeholder Consultation:** Key stakeholders were identified and interviewed. The initial list of existing stakeholder contacts provided the basis to employ a ‘snowball’ technique to identify additional stakeholders. Interviews were semi-structured, based on the following questions (which were sent prior to the interview):

1. What are the principles of a healthy democracy?
2. What obstacles are there to our current system embodying the principles which you have described?

3. What types of changes would you like to see in the current system to bring it in line with those principles?
4. What types of measures or indicators could we use to monitor progress?
5. Are there any other important stakeholders we should speak to? Do you have any recommended reading?

Stakeholders consulted:

- |  |   |
|--|---|
| ➤ Alastair Lawrie, Public Interest Advocacy Centre           | ➤ Joo-Cheong Tham, The University of Melbourne                              |
| ➤ Amanda Tattersall, The University of Sydney / Changemakers | ➤ Ken Coghill, Monash Business School & Accountability Round Table          |
| ➤ Andrea Maksimovich, Australian Council of Trade Unions     | ➤ Linda Burney, Member for Barton, New South Wales                          |
| ➤ Brendan Sides, Environmental Justice Australia             | ➤ Lindy Baker, Sydney Democracy Network                                     |
| ➤ Christine Milne, Global Greens                             | ➤ Mark Zirnsac, Uniting Church in Australia, Synod of Victoria and Tasmania |
| ➤ Emma Bull, Amnesty International                           | ➤ Nicholas Reece, City of Melbourne/ The University of Melbourne/ Sky News  |
| ➤ Gillian Triggs, The University of Melbourne                | ➤ Peter Wilkinson, Alliance for Journalists' Freedom                        |
| ➤ Hannah Aulby   | ➤ Rachel Ball, Oxfam  |
| ➤ Hugh De Kretser, Human Rights Law Centre                   | ➤ Robyn Eckersley, The University of Melbourne                              |
| ➤ Iain Walker, New Democracy Foundation                      | ➤ Rowan Dowland, Bank Australia   |
| ➤ Joan Staples, RMIT   | ➤ Ruby-Rose O'Halloran, GetUp   |
| ➤ John Dryzek, University of Canberra                        | ➤ Tim Nelson, AGL   |
| ➤ John Mikelsons, Australian Council of Social Services      | ➤ Tony Maher, National Farmers Federation                                   |
| ➤ John Spierings, Reichstein Foundation                      |   |
| ➤ Jonathan Pickering, University of Canberra                 |   |

- II. **ACF Workshops:** Four workshops have been run in total - two for staff, and separate workshops were run for the ACF Board and the ACF Council. Each workshop began with question 1 (refer above) and involved break-out groups for discussion and subsequent feedback into the larger group. Questions 2 – 4 followed with emphasis varying slightly for each workshop due to time constraints and to allow for different lines of inquiry.
- III. **Desktop Research:** Background research was conducted using a variety of sources either from stakeholder recommendations or other research including books, newspaper articles, peer-reviewed journals, websites and research reports.



- IV. **Campaign Planning Workshop:** A two-day planning workshop facilitated by Erik Peterson ([Bending the Arc Strategies](#)) and attended by 10 ACF staff. The workshop aimed to identify the obstacles and mechanisms that should be prioritised for the Democracy Campaign.

Limitations of the methods:

The sample of stakeholders that participated in the research were predominantly those who are sympathetic to ACF's goals and/ or already have existing relationships with the organisation. Starting with existing contacts for the stakeholder engagement meant that there was a pre-existing alignment of ideas from some stakeholders.

**c) Silencing civil society – a history of attacks**

Over the past five years the Abbott and Turnbull governments have been targeting the advocacy role of Australia's environmental charities and NGOs. This government targeting seeks to change Australia's long-held idea of democracy – one in which many voices join in public debate. Instead, they speak of democracy as a market in which these NGOs 'interfere'.

According to Joan Staples (2015), Coalition governments have been trying to stop NGO advocacy for twenty years:

*"It is now twenty years since John Howard first introduced a new language on the role of NGOs in Australian society based on this neoliberal or 'market' view ... In two speeches associated with the Menzies Institute, Howard first suggested in 1995 that 'mainstream' Australia felt unable to be heard because of vested interest groups and that, if elected, he would change this and measure policy against the interests of 'mainstream' Australia.<sup>6</sup> The following year after his election he began speaking of 'single-issue groups', 'special interests', 'elites' and 'accountability'.<sup>7</sup> These were all words used by neoliberal economists believing that NGO advocacy would interfere with the efficient operation of the economy.<sup>8</sup> Instead of the sector being of equal importance to government and corporations, it was described as 'unaccountable' because it was not elected. A process of undermining its legitimacy had begun ... NGOs were commended if they did on-the-ground practical work of feeding the homeless or planting trees, but advocacy was condemned. Organisations that disagreed with government policy experienced repercussions, including defunding. This was the reverse of the House of Representatives Committee statement in 1991 that 'an integral part' of NGOs 'lobbying role' was to 'disagree with government policy where this is necessary in order to represent the interests of their constituencies' ... Probably the most effective silencing method was placing gag clauses in the contract of any NGO receiving government funding. The clauses prevented organisations from speaking to the media. They had a chilling effect and NGO voices began to disappear from the airwaves and print, both because of the gag and because of self-censorship from fear of repercussions."*

These attacks on civil society groups have been documented by many academics. The view of democracy that is put forward through Coalition policies and rhetoric is a reduction of democracy to narrow electoral and party

politics and an illiberal restriction of the freedom of community organisations to criticise government. See Clive Hamilton's 2007 book 'Silencing dissent: how the Australian government is controlling public opinion and stifling debate'.

The Labor governments (2007-2013) saw the removal of gag clauses and a less confrontational approach to the role of civil society groups. This was helped by the 'Aid/Watch case'<sup>1</sup> in which a tiny NGO took on the Australian Tax Office (ATO) and eventually won its case in the High Court in 2010. The ATO had removed the charitable status from Aid/Watch for activities such as urging the public to write to the government to put pressure on the Burmese military regime, raising concerns about the development impacts of the US-Australia Free Trade Agreement and delivering an ironic 60th birthday cake to the World Bank asking it to retire. In a landmark decision for free speech and democracy in Australia, the Court affirmed that political activity was a legitimate charitable activity. The resulting ATO ruling and ultimately, the passing of the Charities Act 2013 (which is still law), makes it clear that advocating to influence legislation, government activities or policies is not inconsistent with being a charity.

However, in the past five years we have seen the Abbott and now the Turnbull Coalition governments pick up where the Howard government left off in its determination to ensure that charities and others are prevented from voicing 'inconvenient' opinions and criticising the government. It is the same ideology as before and it affects the whole civil society sector. But it is also more focused on environment groups, silencing the climate change debate and protecting corporations that are responsible for emissions and environmental harm. This section of the report provides a chronology of these concerted attacks over the past five years.

A short chronology of these attacks is as follows:

- In June 2014, the Liberal Party federal council [unanimously recommended](#) stripping NGOs of their ability to receive tax-deductible donations. This had been pushed for by Gary Johns (appointed Commissioner of the ACNC in 2017), the Minerals Council of Australia<sup>2</sup> and George Christensen, the Member for Dawson in North Queensland. [Christensen called for](#) a 'cleansing' of the Department of Environment's list of tax deductible recipients and described environmental NGOs as 'terrorists'.
- Liberal MP Richard Colbeck attempted to amend the Competition and Consumer Act to [ban environmental boycotts](#) to restrict the advocacy of environment groups.
- The House of Representatives Standing Committee on the Environment Inquiry in to the Register of Environmental Organisations was announced in 2015 with a media release titled 'Are eco-charity

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1 AID/WATCH Incorporated v Commissioner of Taxation [2010] HCA 42 (High Court of Australia, 1 December 2010), view case here: <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2010/42.html> (accessed on 18 July 2018) and summary here: <https://wiki.qut.edu.au/display/CPNS/AidWatch+Incorporated+v+Commissioner+of+Taxation> (accessed on 18 July 2018)

2 See 'A Critique of the Coal Divestment Campaign'



donations benefiting the environment?'. Groups then spent six months writing submissions and appearing before the Inquiry defending themselves and justifying the legitimacy of their advocacy activities. Queensland Liberal MP George Christensen [tweeted](#) during one Inquiry hearing about cancelling DGR status: "Time to get the donations in. I can't see it continuing longer once we report". A government majority of that Committee recommended in May 2016 that:

- the advocacy activities of these groups be limited, and the efforts of these groups be focused on 'on ground' environmental remediation work [Recommendation 5]
- the Australian Tax Office impose administrative sanctions on environmental organisations that support, promote, or endorse illegal or unlawful acts such as blocking access, trespass, destruction of property and acts of civil disobedience [[5.95]-[5.102]]<sup>3</sup>.

To date the Inquiry outcome has not resulted in substantive changes to the law. Regardless, the Inquiry forced poorly funded groups to spend time and resources on making submissions to justify their status. It has also, for some, created a 'chilling effect' where groups reduce the quantity or strength of their advocacy work, fearing ramifications from the government.

- EPBC Act Standing Bill (August 2015) - Prime Minister Tony Abbott [attempted to amend](#) Australia's national environment act to stop conservation groups from challenging ministerial decisions on major resource developments and other matters of environmental importance. The Bill, abolishing Section 487 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), went off to the Committee, where the government majority recommended repeal so that the standing rights of environment groups to challenge the legality of ministerial decisions be taken away.
- Anti-protest laws sprung up in Tasmania, Western Australia and Queensland that undermined the right to peaceful protest<sup>4</sup> in favour of protecting commercial interests (particularly forestry and mining operations). These laws have been criticized for "getting the balance wrong" – unduly favouring the government and vested business interests at the expense of the democratic right to protest. In 2016 Bob Brown successfully challenged the Tasmanian anti-protest laws in the High Court of Australia.
- Threats to the ACNC's independence – after moving to abolish the ACNC in 2014 ([here](#) and [here](#)) in 2017 Dr Gary Johns was appointed the new Commissioner of the ACNC, to the [shock of the sector](#). Johns has been proactive in criticising the public advocacy of NGOs, their legitimacy and their worth. For example, he has called [for compulsory contraception for welfare recipients](#), opposed international

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<sup>3</sup> Terms of Reference, submissions and Final Inquiry Report can be found here:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Environment/REO/Terms\\_of\\_Reference](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Environment/REO/Terms_of_Reference) (accessed 18 July 2018)

<sup>4</sup> Human Rights Law Centre, Safeguarding Democracy (2016),

[http://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/5812996f1dd4540186f54894/581299ee1dd4540186f55760/1477614062728/HRLC\\_Report\\_SafeguardingDemocracy\\_online.pdf?format=original](http://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/5812996f1dd4540186f54894/581299ee1dd4540186f55760/1477614062728/HRLC_Report_SafeguardingDemocracy_online.pdf?format=original) (accessed 27 July 2018)

development aid as giving money to [“Third World kleptomaniacs”](#), questioned whether there was any public benefit in environmental charities and described Indigenous women on welfare as [“cash cows”](#).

- The ‘Three Bills’ (2018) were tabled in Parliament in December 2017, under the guise of improving ‘national security’ and ‘cleaning up money in politics’. Each of the Bills presents its own restrictions to the advocacy of civil society groups.
  - ‘Foreign Donations’ Bill ([Electoral Legislation Amendment \(Electoral Funding and Disclosure Reform\) Bill 2017](#)) amends the Commonwealth Electoral Act in a number of ways. While initially a fundamentally flawed proposal which would have redefined non-partisan, independent, issues-based advocacy as political campaigning, a concerted effort from a range of charities working together as the Hands Off Our Charities Alliance engaged successfully with political decision makers to significantly amend the bill, which passed in November 2018.
  - ‘Espionage’ Bill ([National Security Legislation Amendment \(Espionage and Foreign Interference\) Bill 2018](#)) amends the Crimes Act to create overbroad and uncertain definitions of critical concepts such as national security and corresponding crimes such as ‘espionage’, standing to dangerously undermine freedom of speech and freedom of the press. Under this law the possibility remains that people who publish information about Australia’s economic and political relations with other countries will face gaol under new espionage offences. It passed both houses on the 28th June 2018.
  - FITS Bill ([Foreign Influence Transparency Scheme Bill 2017](#)) when it was first introduced, the bill proposed a requirement to register as a ‘foreign agent’ if an organisation engages in lobbying or public campaigning on an issue with a ‘foreign’ person or organisation. Being named on the register comes with a range of burdensome red tape, and high penalties for non-compliance. Fortunately, late in the piece, an exemption for charities was written in to the Bill, although some aspects of civil society will still be captured. It passed both houses on the 28th June 2018.

#### **D) Context: Issues confronting liberal democracies**

Democracy is an evolving project which is determined by the social and political culture and values. As societies inevitably change, the process of democratic reinvention continues. There is no precise consensus on the meaning of democracy or an ‘ideal model’ of a democratic system. There are, however, some fundamental features of democracies for which there is a broad consensus. These include a government that is legitimised to make decisions on behalf of society, based on majority rule, free and fair elections and consent of the governed. In principle, democracies safeguard freedom through protection of individual human rights and the rights of minorities, equality before the law, due process and political pluralism (EIU 2017).

Global surveys show that more people today live under democratic systems than at any time in history and that there is continued strong public support for democracy (IDEA 2017). However, this support cannot be taken for granted. There are deep and widespread concerns about how democratic systems are functioning; and an alarming erosion in confidence that democracies can respond to complex contemporary political and social problems. Surveys in the longstanding democracies, including Australia, identified growing levels of ambivalence towards democracy in young adults (Foa and Mounk 2017; Lowy 2018). A [2018 Lowy Institute Poll](#) found that only 47 per cent of Australians aged 18-44 say "democracy is preferable to any other kind of government".

In 2016 two events – the Brexit vote and the election of Donald Trump as President of the United States – dramatically brought to the fore the frustrations of millions of people towards mainstream politics. These events sent shock-waves around the world, particularly amongst those in the elite and those with a post-war liberal democratic world view (EIU 2017). Both the Brexit vote and Trump's electoral success illuminated that there is a substantial proportion of the population who feel severely alienated by mainstream political parties and systems of governance. The over-riding message is that, for many citizens, the existing political system does not represent their world-view and values and has not adequately addressed their needs or their grievances; they now want change.

In Australia, there has been a comparable trend in political discontent and disempowerment, with record low levels of trust in politics and political representatives. Australia has experienced a steadily declining level of democratic satisfaction since 1996, with the depth of the decline increasing since 2007, hitting a record low level of 42% in March 2016 under Prime Minister Malcolm Turnbull. This low level is consistent among the indicators of political participation, partisan alignment and trust in politicians and political institutions (Evans et al 2016). It is reflected in a malaise in the community in respect of political engagement and indifference in the outcomes of elections. The community sees politicians as out-of-touch and unresponsive, and citizens lack both the understanding and motivation to become engaged in politics. There is record low membership with political parties, with the trend particularly high amongst young people. While Australians strongly value living in a liberal democracy, they lack trust in current politicians and the adversarial style of government (Evans et al 2015).

#### The sources of the alienation – inequality as a driver of democratic dissatisfaction

These issues are not new or isolated events. They signify deep structural issues with liberal democracies and long-term, multidimensional trends (EIU 2017). Many analysts point to the destabilisation of the Global Financial Crisis of 2007-2008 as the beginning of the current decline. However, it is also argued that the roots of current democratic crisis began decades earlier, with changes in the political economy (of which the GFC was on symptom); the crisis of 'stagflation' and the end of the post-war Keynesian era; Thatcher and Reagan's consensus on neoliberalism and the retreat of the socialist democratic left (EIU 2018). Social democratic parties chose follow the 'third way' and adopt similar economic redistribution policies being implemented by neoliberals, rather than push for the protection of the welfare state and workers' rights.

The consequences of this have been greater inequality, social polarisation and disaffection with politics and the political elite. Since the 1970s there has been no strengthening in democratic resilience across the world (IDEA



2017) and there has been a re-emergence of populist leaders, parties and tactics across Western democracies (Mudde 2004).

*“Among the top priorities of researchers must be to remind citizens and their representatives that widening gaps between rich and poor, in the long run, have ruinous effects on civil society and the whole political order. The poorer citizens in unequal societies, many researchers have shown, are more likely end up sick, obese, unhappy, unsafe, or in gaol. Such dysfunctions, in various ways, impact the lives of the rich. Even plutocrats feel the pinch; nobody is safe from the scourge of inequality. In this sense, at least, inequality is perversely egalitarian in bad way.” (Robyn Eckersley, The University of Melbourne)*

Embedded within the design of Australian political institutions is a historical legacy of inequality. Australia’s foundations, including the designers of the constitution, predominantly held a value system and world view of a male social elite with English liberal values, including the precedence of protecting private property rights and capital accumulation. This issue is nowhere more apparent and present than in the sovereignty of First Nations peoples. There is no official recognition that the foundations of Australia’s nationhood have come through irreparable and ongoing decimation of the fundamental rights of First Nations Peoples and denial of self-determination. At the heart of the issue today is making self-determination a reality by giving legal effect to First Nations control of country and destiny, as well as having the central role in decision-making for their own affairs. In May 2017, delegates to the First Nations National Constitutional Convention produced the “Uluru Statement from the Heart” calling for a constitutionally enshrined First Nations Voice. Labour and the Greens supported the constitutional changes, but the Turnbull Coalition government rejected recognition of the Uluru Statement as well as a recommendation by the Referendum Council for a referendum on the issue. The issue is now up for a review by [a Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples](#).

Richardson and Denniss (2014) have shown that not only have Australian policies been negligent in addressing the growing gap between top and bottom wealth households, but that at times, increasing inequality has been an objective of government policy (under the Abbott government). There are some groups who experience multiple and intersecting inequalities, such as women and youth (IDEA 2017). These groups are disproportionately represented in lower incomes, as is the distribution of wealth across different electorates adding to the systemic issue of increasing disempowerment. Inequality feeds the cycle of disengagement and lack of faith in the process and a genuine ability to deliver what we need to maintain communities into the future. Inequality undermines the freedoms of those who are marginalised – the poor, disadvantaged, powerless (Tham 2010).

*“Inequality in standards of living is a great destabiliser of society – not poverty as such, but the differential between high earners and those on middle and low incomes. When inequality grows, when the gap between the top and bottom in society becomes palpably great, trouble ensues. This is an emphatic lesson of history. Demagogues able to blame inequality on immigration or on the uncaring self-serving elites controlling government, or both, can thereby promote a populist upswelling, from which they themselves profit. They then seek to remould the political and economic order to their own preferred pattern, which of course is not often an improvement for the people whose support they have exploited to do so” (Grayling 2017: 117).*

Many of the disaffected voters who have turned away from mainstream political parties and towards populist leaders and parties, have been both materially and economically disadvantaged by the loss of manufacturing industries in the shift to post-industrial societies. They have been bearing the brunt of growing inequality which has manifested in unemployment, stagnant living standards and badly functioning health, education and welfare services. Due to age, class and location, citizens may be struggling to find identities in times of rapid social and environmental change (Mudde 2004; Barcan 2018; Leterme and Van Der Staak 2018).

Populist leaders don't typically offer solutions to the complex problems. They are often opportunist leaders and demagogues who blame inequality on immigrants or self-serving elites (or both) and can promote a populist upswell. According to Mudde (2004), populist leaders commonly activate an emotional need of many citizens for 'the heartland' (a virtuous and unified population) and a return to more (perceived an unattainable) straight-forward times. Populists may be anti-establishment reformers, but they are not characteristically revolutionaries; they 'uplift' populations by making them aware of their oppression, but do not always seek to fundamentally change their situation. One of the effects of populism is that it pulls discourse and rhetoric of all parties into the direction of simplistic solutions. Another effect is that it discursively separates society into homogenous and antagonistic groups: 'the pure people' versus 'the corrupt elite'. It also perpetuates antagonism and goes against the principles of a pluralist and inclusive society, deepens distrust and suspicion, has often been used to demonise minority groups, and gives power to leaders with demagogic and authoritarianist tendencies.

*"The best way you can invest in democracy is to invest in education. We are seeing growing inequality and an increasing class system, so these are big structural problems. You can't have cooperation in a democracy where there is extreme inequality because people aren't taking any concern for their compatriots. Countries with strong democracies have a much narrower band between the richest and the poorest, so widening inequality is bad for democracy. It's also really bad for cooperation, it's really bad for social cohesion, it's really bad for the undereducated and closes off opportunities of all those that are going to be unemployed, underemployed and facing precarious employment. It can lead to resentment, class warfare and cultural wars." (Robyn Eckersley, The University of Melbourne)*

## **E) Vision and Principles**

The objective of this research was to explore the current state of democracy in Australia to develop a vision for a healthy democracy. The research set out to capture a broad set of perspectives about democracy to answer the below research questions:

- What are the principles of a healthy democracy?
- What obstacles are preventing our current democratic system from embodying those principles?
- What mechanisms or interventions could help get from the present system to the one we envision?
- What indicators could we use to know we are on the right path?

### **Vision of a Healthy Democracy:**

**Power resides with the people, where people can participate in a fair and clean process, in an active and meaningful way. Decisions should be made in the interests of the people and the planet.**

**Principles of a Healthy Democracy:**

**Democratic Culture and Values**

1. **Popular sovereignty:** Power resides with the people.
2. **Ethos of long-term collective wellbeing:** Decisions are made for the long-term interest and common good of people and the planet.

**Democratic Processes**

3. **Honesty and Integrity:** Democratic processes must have integrity and be honest. Money and power do not have undue influence over policy and politics. Citizens trust their elected representatives, democratic processes and institutions.
4. **Inclusive Franchise:** Voting franchise is inclusive of all members of society - including permanent residents and people 16 years and over
5. **Equity of participation:** People and civil society can participate actively, meaningfully and equitably in decision making within and outside of election periods.
6. **Rights:** Fundamental human rights are recognised and protected.
7. **Information:** There must be a two-way flow of meaningful information between civil society and representative government so that both sectors can make informed decisions.
8. **Transparency and Accountability:** Decisions and decision-making are transparent and accountable to the people.
9. **Representation and Diversity:** Decisions makers need to reflect the diversity of the community.
10. **Rule of Law:** Just laws are fairly, consistently and impartially applied and enforced by an independent judiciary.

**1) Popular sovereignty: Power resides with the people**

The vision for a healthy democracy is based on the ideal that power resides with the people, and that it is distributed across all the people equally through universal franchise (one-person, one-vote). There is no greater sovereign power that overrules the will of the majority. Democracy means 'rule by the people' of all forms of power including the economic sphere (which has not characteristically been thought of in democratic terms under neoliberalism). A strong democratic society needs active participation of '*the demos*' across many areas of



life - e.g. political, work and education – through democratic structures that allow people to have agency in contributing to decisions on issues that affect them. Voting in government elections is one way of exercising democratic rights, but it must not be the only one. One interviewed stakeholder, Professor Joo-Cheong Tham, explains:

*“When you think about democracy...you don’t need to over-complexify it. It’s about rule by the people - demos-kratos. When you think about rule by the people there are three principles you can think about in a spatial way. It’s the people ruling, but what we have is a system of representative democracy, not one of direct democracy, so there is a vertical principle of popular control...Then there is a horizontal principle of equality that in the exercise of political control the people shall have an equal ability to influence those who rule or the political process more broadly. And then the final spatial principle is a cross-cutting or diagonal principle, which is that it’s not good enough to have an equal say, but it must be equal and meaningful.”*

In representative democracy a strong, educated and informed citizenry is fundamental. Citizens provide feedback and information to representative governments, contribute to policy debates, hold governments to account and have a voice in decisions that affect them. Decision-making processes must be open and transparent, and people have agency to be heard on issues that affect them. Elections must be free and fair, with the results carried out in a lawful and equitable way.

Australia’s democratic structures are strong and stable and have delivered a peaceful and prosperous nation (although these attributes have not been distributed equally). A strength of our representative democracy is our compulsory voting system which safeguards against political tactics to disincentivise socially or economically marginalised groups from voting. Compulsory voting encourages people to be more engaged with the election process and think through their options and preferences.

As a society, however, there has been a diminishment in the exercise and expectation of democratic agency and participation outside of representative electoral process. Membership and active participation in organisations like political parties, unions, religious groups and rotary clubs used to be a pivotal part of many peoples lived experience; connecting people to each other and to democratic structures. Affiliation and loyalty to these organisations underpinned community participation and identity and increased social capital. The role that these organisations play in many people lives has been diminished, and most people now expect to conduct their lives mainly through the corporatist structures that dominate work, educational and social lives.

## **2) Ethos of long-term collective wellbeing: Decisions are made for the long-term interest and common good of people and the planet**

A structural problem that exists at the heart of liberal democracy is the predilection for political systems to produce policies that favour narrow short-term interests over long-term policy challenges. The system of electoral politics encourages politicians to appeal to the short-term self-interest of voters. The three-year

election cycle, with matching budgeting, rewards short-termism and does not incentivise communication of long-term thinking.

The enfranchised – adult citizen voters – and their political representatives lack accountability towards those interests who do not have a say but will inevitably be profoundly impacted by decisions, including non-citizens (particularly permanent residents) and future generations. Voters need to view democracy as not just ‘rule by the people’ but ‘rule for the people’ where decisions are made in the broad interest of the community at large for the long-term. An even broader view of the community of moral (not electoral) constituents for which decisions need to be considered, are the trans-boundary impacts on people in other countries and the non-anthropogenic needs of other species with whom we share the planet (Eckersley 2015).

In our political system, environmental and social values are not measured, and the long-term impacts of decisions are not systematically recognised or considered in decision-making (there is no requirement for this in accounting, and in fact these impacts are written off). One mechanism that has been established to attempt to address long-term thinking is the intergenerational report which is produced by the Australian Government Treasury at least every five years to assess long-term sustainability of government policies and to make projections about their social, economic and demographic impacts at a 40-year period. The [most recent report](#), published in 2015 under the Coalition government, did not substantially contribute to forward-thinking consideration of inter-connected policy issues. It was narrower in scope than previous reports and has been criticised for not properly contextualising issues in relation to broader economic, social and environmental challenges (Hurley 2015). The analysis and projection of climate change impacts in relation to future well-being is almost completely absent.

The research has raised a very strong theme: that democracy has lost its essence. Society lacks vision; there is no national project to believe in. The system is seen as broken and unresponsive to civil society and many people see the choice to not participate in political life as a rational and logical decision. The questions that this research has sought to uncover are: What can be done to repair the system and rebuild the faith in democracy? How do we make democracy more meaningful? These are open questions.

*“We have had quite long period of the neo-liberals running quite a concerted and consistent campaign of undermining faith in democratic government, it’s just an ongoing campaign. So, any restoration in democracy should be representing that broad community will” (Mark Zirnsak, Uniting Church in Australia, Synod of Victoria and Tasmania).*

Perhaps the least visible but most important part of a democratic system is the underlying ethos which develops democratic norms. Culture and values are the unseen drivers that frame community expectations and aspirations and determine what is possible in a political system.

*“However beautifully designed the institutions and laws are, at most they provide the machinery, they don’t provide the people that operate the machinery or the ethos that they bring to operating the machinery. Democracy is about human beings”. (Joo-Cheong Tham, The University of Melbourne)*

An overriding obstacle to our democracy embodying and ethos of collective well-being has been the ascendancy of a neoliberal mentality over the last thirty years, which has transformed Australia’s national psyche and has become so prevalent that it is almost invisible. According to Monbiot (2017) the invisibility of neoliberalism is both a symptom and cause of its power:

*“It’s as if the people of the Soviet Union had never heard of communism. The ideology that dominates our lives has, for most of us, no name. Mention it in conversation and you’ll be rewarded with a shrug. Even if your listeners have heard the term before, they will struggle to define it. Neoliberalism: do you know what it is?”*

Neoliberalism valorises the efficiency of economic markets over regulation; the primacy of individualism and private self-interest over public interest; competition over cohesiveness; and capital and material accumulation over communal wellbeing. The policies of neoliberalism were initiated in Australia during the Hawke-Keating years, but were substantially intensified under the Howard-led coalition government. Under the Howard government there was a sustained attack on democracy, undermining faith in all forms of collectivism, including government institutions, which were characterised as burdensome, incapable and inefficient drains on taxpayers. Through the politics of neoliberalism, the community has been sold the message that they should substantially lower their expectations of the government’s ability to deliver, while at the same time the government has dismantled its capacity to deliver; and has convinced large segments of the public that putting more power into the hands of private interests is better for everyone. Governments now see the primary purpose of the government as maintaining the competitiveness of the economy. Certain professions are given privileged access to guiding policy while many others who understand the complexity and nuance are totally locked out.

Thirty years of neoliberal socio-economic policy have led to a deepening in inequality, greater concentration of wealth, high perceptions of government corruption, community disengagement and record low levels of trust in the ability of governments, politicians and democracy to deliver what the community needs. Income inequality is a major factor that fuels political discontent. These factors create a ‘perfect storm’ for populist leaders to mobilise large segments of the community, not with a vision to rebuild faith in democracy, but by continuing to further discredit and undermine it.

#### **Processes of democracy (procedural/ structural focus)**



**3) Honesty and Integrity: Democratic processes must have integrity and be honest. Money and power do not have undue influence over policy and politics. Citizens trust their elected representatives, democratic processes and institutions.**

The influence of private money and power in politics is perhaps the most erosive threat to democracy in many nations (OECD 2008). There are two types of corruption: 1) private corruption—the abuse of public or private office for personal gain, and 2) institutional corruption (policy capture)—when private rather than public interests determine policy (IDEA 2017: 132). While corruption for personal gain has occurred in Australia, the growing systemic threat to our democracy is policy capture (institutional corruption). The perception of institutional corruption in Australia is getting worse, as measured by Transparency International’s Corruption Perception Index (CPI). In 2012, Australia scored 88 out of 100, but it has been steadily decreasing over the last six years, and in 2017 was down to 77 (Transparency International 2017). A prevailing theme in this research has been that the influence of private interests and money in the political space is a constant pressure that threatens to degrade our democracy.

*“The 1 percent have captured the commanding heights of decision making, so decision making tends to reinforce existing privilege. When you’ve got that bias in the decision-making process whether that’s through the regulatory process, or the parliamentary process or the judicial process and across key policy areas such as health policy, education, transport and tax, I think people’s faith gets pulled away. Increasingly people don’t think that the system is there to advance their concerns and needs.” (John Spierings, Reichstein Foundation).*

*“We have a disparity of wealth where those corporations having financial power have used it and have basically captured our government...One of the critical things Howard did was that he changed the donation rules and he made it much easier for large donations. As well, there are donations through other entities, which are set up to hide donations. I think the reform of donations is one of the most critical things. It is a core factor that has allowed capture of government to occur” (Joan Staples, RMIT).*

The anti-corruption system in Australia is administered federally through a multi-agency approach, which was strengthened in 2006 through the establishment of the Australian Commission for Law Enforcement Integrity (ACLEI) and the 2012 Australian Federal Police Fraud & Anti-Corruption Centre. At the state level, anti-corruption agencies exist with various levels of effectiveness, and with different powers. There have been ongoing calls both from within and outside government for a review of the system, and for the development of an independent Commonwealth integrity commission. Amongst the weaknesses of the current system at the federal level are that it is not well coordinated or monitored; it lacks mechanisms for corruption prevention measures; and it does not have the tools to oversee the 'grey areas' of corruption. Additionally, and precipitously, there are no independent mechanisms for parliamentary integrity (other than AFP investigations into criminal conduct) (Transparency International Australia 2016).

Australia's political finance regime has critical weaknesses in relation to elections spending, donations and disclosure. Public funding of political parties is administered by the Australian Electoral Commission after elections, with a set amount of money being paid per vote attained. Private funding of political parties occurs through political donations mostly from companies, trade unions and as investment income. Front organisations or 'associated entities' are used to transfer anonymous donations to political parties, as these third-party organisations do not need to disclose to the Australian Electoral Commission.

In the federal system the thresholds of both non-disclosure of political donations and non-compellability to record donations have been substantially increased, which means that around half the major parties' funds now come from unspecified sources<sup>5</sup>. This concerning level of non-transparency is compounded by the fact that donations can be made across different branches of political parties, at both state and federal levels, and if no individual donation exceeds the threshold, there is no requirement to disclose. According to Tham (2010) "perhaps the most serious loophole of the current law is the astonishing level of non-disclosure permitted by the high disclosure thresholds in the federal scheme. This is a direct consequence of the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006 (Cth), which greatly relaxed the disclosure obligations of federally registered parties and their associated entities". Tham (2010) is unequivocal on the implications: "There is little doubt on this point – having such a high threshold can only mean more secret donations". The ability for political parties to work around the reporting system of political donations develops mutually beneficial and reinforcing power relationships between those parties and their donors. Spending on elections has been increasing dramatically in Australia, with the major parties able to vastly outspend other parties, perpetuating their political advantage.

There is also a lack of enforceable codes of conduct around use of private money by corporations and wealthy private individuals to gain access to politicians, information and political decision-making, allowing them to achieve a level of political influence that is beyond the reach of most citizens. There is a "circular dynamic where money follows the (greater) political power of the major parties and that power is, in turn, consolidated by such money (Tham 2010: 91)."

*"My concern is the stuff that takes place behind the scenes... the donations are a direct buying, I don't have a problem with where organisations are trying to spend money on trying to influence public opinion, because that only gets you so far. It is the being able to directly buy control of the executive"*  
(Mark Zirnsak, Uniting Church in Australia, Synod of Victoria and Tasmania).

In Australian politics incumbents are unfairly advantaged due to established money sources (investments), public funding and government advertising. New parties, women, youth and minority groups who have less access to funding are particularly disadvantaged. In observing money in politics across many countries, Monbiot (2017: 133)

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<sup>5</sup> The Electoral Referendum Amendment (Electoral Integrity and Other Measures) Act 2006 (Cth) increased the non-disclosure threshold from \$1,000 to \$10,000 (indexed – now \$13,500) and the non-reporting rate from \$1,000 to \$10,000 (indexed)

has described a 'pollution paradox' where dirtier companies who could feel exposed to moves for greater regulation and decreasing public license, have the greatest incentive to spend money on politics. The dirty industries then crowd out less damaging interests and capture the system.

Corruption and misconduct can be through, for example, misuse of public resources, inequitable access to information, through the 'revolving-door' between industry and government, and by inconsistent implementation of policies. Money redistributes power in the political parties: politicians' power and pre-selection is judged by their fundraising ability as much as their ability to bring in votes, undermining procedural process and merit principle (Tham 2010). Money also makes political parties less responsive to citizens and more responsive to their political donors, moving political parties further from grass roots principles. It undermines the faith of citizens in political processes, which builds and perpetuates feelings of alienation and disempowerment.

**4) Inclusive Franchise:** Voting franchise is inclusive of all members of society - including permanent residents and people 16 years and over

One of the fundamental questions in a democracy is who is included or excluded from the 'demos' - those enfranchised members of the community that have the right to full political participation and equality. The original franchise in Australia was restricted to landholding adult (21 years and over) male citizens of European decent. Over time, as social values adapted the franchise was extended to include women and indigenous people. However full and equal adult citizen suffrage is still relatively recent; Indigenous people were only given full voting rights in 1962. In 1973 the minimum voting age was reduced to 18 (from 21). In June of this year (2018) Senator Jordon Steele-John from the Australian Greens introduced a [Bill to Amend the Commonwealth Electoral Act to lower the minimum voting age in Australian federal elections from 18 to 16 years.](#)

Arguments in favour of reducing the minimum voting age are that younger people have a right to enfranchisement because they have the capacity to understand and make reasoned judgements about political and policy choices, and that it will contribute to longer-term thinking. It is also argued that 16 and 17-year-olds have other rights and responsibilities of citizens – such as the right to drive, work and pay tax and therefore they should have the right to contribute to political representation.

In a [Submission to the Senate Inquiry on the Bill the Human Rights Law Centre argues:](#)

*“A minimum voting age of 16 years of age is an appropriate way to meet Australia’s obligations under international law, consistent with contemporary understandings of maturity and cognitive development...Today, young people have a level of access to information and engagement in public debate that is unparalleled in human history. They are engaged in political issues in Australia and internationally through technology. The minimum voting age is 16 in various countries including Austria, Scotland, Brazil and Argentina. Australia should be amongst the vanguard to adopt a reform that both reflects the contemporary science on psychological and neurological development and represents the evolution, and the strengthening, of democratic principles”*

*“Granting suffrage to 16 and 17-year-olds has political value: it is an indicator that these Australians matter and that they deserve a say in their future. Young people are most likely to benefit from or be burdened by the long-term consequences of today’s political decisions. In our time, young adults have extraordinary access to information, and are more engaged than ever before on issues that affect them and the world that they live in. Recently, issues such as climate change and same sex marriage have seen young people in Australia engage in public deliberation and express frustration in not being able to have their views recognised through a vote. Set against this backdrop of the evolution of suffrage, the expansion of the vote to 16 and 17-year-olds can be understood as the next step in the development of democratic inclusion.”*

National Children’s Commissioner, Megan Mitchell, point out in her [submission](#) that young people consistently express a desire for the minimum voting age to be lowered. They also would like to see improved civics education in the school system.

There are also strong arguments for the enfranchisement of long-term permanent residents. Permanent residents contribute to the community in every practical sense as citizens, are subject to the laws and policies like citizens, yet they lack the political equality to have a say in decisions that impact on them. Citizenship should not be the only precondition to inclusion as a member of the political community. Many permanent residents in Australia are migrant workers who are engaged in work that is precarious and unstable. Disenfranchisement of groups of people in less powerful circumstances, due only to their migrant status, is unjust and creates a dual system which perpetuates disadvantage.

**5) Equity of participation: People and civil society can participate actively, meaningfully and equitably in decision making within and outside of election periods**

In the literature and during stakeholder consultation for this issues paper, active participation and an engaged citizenry emerged as a fundamental cornerstone, not just for a healthy democracy in general, but also as a principle underpinning environmental democracy. There is a mutually reinforcing dynamic between a vibrant democracy and active citizen participation (IDEA 2017: 25). Participation develops ‘civic competence’ - including feelings of confidence, trust and legitimacy in the system. The practice of participating builds democratic skills and knowledge including critical thinking and reasoning, cooperation, social learning, social organising, understanding of legislative and democratic institutions, rights and processes (Gellers and Jeffords 2018). Being active in democratic participation encourages the process of widening world views beyond one's own individualistic desires and considering other perspectives and the common good. Participation works against individualism and alienation.

Because individual citizens usually do not have political leverage, coming together to mobilise in groups is an important way for civil society actors to gain political power (Tham 2010; Staples 2015). Civil society organisations have a vital role in democratic governance through monitoring the activities of government and holding them to account, monitoring implementation of laws and policies, bringing a long-term, grassroots and alternative vision to policy, informing the public, demanding transparency and protesting (Staples 2015). The watch-dog function of



civil society groups builds resistance against corruption and elitist capture. Higher levels of political pluralism, where there is a strong and diverse presence of civil society groups, boosts democratic resilience and is a protective force against democratic backsliding (IDEA 2017).

However, although pluralism may deliver on power distribution and checks on powerful economic and political parties in a democratic governance system, the contribution of organised groups in decision-making does not necessarily improve perceptions about the legitimacy or representativeness of those decisions. On the negative side, pluralism can create a cacophony of strong, oppositional voices which can be used to distort information polarise and confuse the broader community on issues. If one of the goals of public participation is to build social cohesiveness and enhance the trust, acceptance and legitimacy of decisions, there needs to be intentionally designed participatory mechanisms to bring about these outcomes (Böhmelt et al 2016). Proponents of direct or deliberative democracy argue for a variety of new models of inclusion that derive legitimacy from putting more decision-making power into the hands of citizens.

Theory and practice of deliberative democracy is offering new insights around deeper inclusive democratic models. Theories of deliberative democracy have been developing for over thirty years, with central ideas being that authentic deliberation between citizens produces qualitatively better results than political bargaining, and that the results will have a genuine democratic legitimacy and greater social acceptance (Böhmelt et al 2016; Niemeyer 2017). There has now been some growth in the practical use of deliberative models, applied using ‘mini-publics’ in which randomly selected citizens participate in a forum with discussion and presentation of issues from experts with different views and knowledge on the issue (Low 2013; Niemeyer 2017). Because randomly selected citizens do not come to deliberative forums as specially interested parties (like elected politicians, lobby groups or businesses) they are more likely to be open to explore ideas and options. The act of deliberating in a group of citizens increases the likelihood that there will be a common-good and longer-term orientation. Citizen juries using deliberative design have been successfully run in recent years by The City of Melbourne to write a 10-year financial plan and to write the Future Melbourne Strategy, as well as by VicHealth to develop a set of actions for tackling obesity. With growing practical use of citizen juries there has been more evidence around how they operate in the real-world and a corresponding development in methodology, recognition and acceptance. There are still significant questions, however about ways that deliberation can be applied on larger scales in ways that are compatible with institutions and principles of liberal democracy. A developing line of thinking is around ‘deliberative systems’, conceptualised as multiple, distributed, dynamic and interacting sites of deliberation (e.g. processes, actors, institutions) within a democratic system.

#### **Deliberative Democracy – Design Principles and Common Outcomes**

##### **Five Design Principles that underpin Models of Deliberative Democracy:**

- 1) Representative group of people randomly selected based on the census profile (like a criminal jury)
- 2) Diversity of sources of information used in conjunction with critical thinking training – up to 20 sources, chosen through the deliberative process
- 3) Adequate time to allow people to work through the information and deliberate thoroughly

- 4) Authoritative use of deliberation results
- 5) Posing a question, rather than trying to sell a solution

**Common Outcomes of Deliberative Processes:**

- 1) Citizens have greater awareness of a multiple value position
- 2) Citizens engage in reasoning on complex issues
- 3) Citizens deal with diversity while finding a way of moving forward
- 4) Conceptualisation of issues is transformed
- 5) Views are less polarised with a long-term, common good orientation

(Source: Iain Walker, New Democracy Foundation; Niemeyer 2018)

*“Deliberation, or reasoned dialogue, is more likely to be supportive of longer-term and common interests than short-term private interests because when people have to justify their views to other people – if you’re presenting a view that is blatantly self-serving and benefits just you but doesn’t benefit anyone else – these sorts of claims are much harder to stand up in debate. A lot of the environmental interests are longer-term common interests. A lot of environmental values are threatened by short-term private interests. So, the argument being that Deliberation is not always going to assure environmental utopia, but it is more likely than non-democratic institutions and more likely than superficial or weak democratic institutions to deliver positive environmental outcomes” (Jonathan Pickering, University of Canberra).*

*“We would like to see a time when the Prime Minister of the day, of whatever party, stands up and says ‘This is the decision we are taking on energy policy; and the next people to speak are a few representatives from a jury of 50-100 people who spent weekends across several months exploring this. So, you end up with a group of people standing next to the person in elected office who are visibly white collar, blue collar, no collar - of all ages and all backgrounds – saying “this is fair enough”. It’s our view that regardless of the party in power the people will look at that group of people picked at random and say, “I broadly trust them.” (Iain Walker, New Democracy Foundation)*

On the more radical end of the spectrum, we can completely re-envision our electoral and parliamentary machinery where we move away from a system of representative democracy, towards fully direct democracy or a parliament of randomly selected ‘ordinary’ citizens. The rapid development of technology that would allow citizens to more easily vote on a range of issues is making the prospect of using direct democracy increasingly viable. There are many existing and emerging innovative models of participatory democracy mentioned by stakeholders in this research. A summary of the following examples is in [APPENDIX I](#).

- I. Deliberative democracy: The City of Melbourne’s Citizen Juries
- II. Participatory design: The development of the Yarra River Protection Act
- III. Economic democracy: Victorian Government community-owned renewable energy
- IV. Direct democracy and E-democracy: Mivote app for direct democracy and 5 Star Movement in Italy

V. Irish blended model of MPs mixed with randomly selected citizens

**6) Rights: Fundamental human rights are recognised and protected**

The recognition and protection of fundamental human rights are critical hallmarks of a fair and healthy democracy. Human rights include freedoms of: expression, association, religion, peaceful assembly, protection of the right to vote, to run for office and freedom to impart and receive information. These freedoms and rights must be safeguarded through the state governance system (e.g. government institutions and legal structures) and through the societal and ethical norms. Protection of democracy and the rights of citizens include checks and balances to limit concentration of power and adherence to the rule of law. Secular nations like Australia must protect the separation between religious institutions and government.

Unlike other common law countries, Australia does not have a bill of rights or any single document to protect human rights. Instead, human rights are protected through different common and legislative laws and constitutional law at the state and federal levels. Many of the stakeholders consulted for this research believe the lack of a bill or charter of rights at the federal level is one of the critical weakness in Australia's democratic system. A contrary view was also expressed, that sees a charter of rights as less democratic than the current system because it would move human rights debates out of the public sphere and increasingly into the realm of the legal system.

There is a strong view that over the last decade a 'chipping away' of fundamental rights has been taking place at both the state and federal levels. Areas where human rights have been at risk are where governments see political or ideological capital in trying to tighten control of the activities of civil society. Three areas in which there have been strong pushes by the state to encroach on individual rights and freedoms have been in connection to national security, refugee policy and the protection of the environment. Human rights activists report that over the last ten to fifteen years governments have had political motivation to invoke community fear and distrust around national security and asylum seekers to expand executive powers, encroach on human rights and create a chilling effect on the advocacy actions of civil society. Some of these measures have included: increasing the powers of ASIO to conduct surveillance and to access personal computer networks; criminalising the reporting of stories based on leaked information from intelligence agencies; and allowing the retention of metadata by government agencies.

*"We are in this constant vigilance because every time the government introduces legislation you can be sure it's over reach and then you are dependent on the opposition to see a political advantage in pushing back against it...The Migration Act now has endless provisions in it that expand executive discretion and the power of the minister, the development of the Ministry of Home Affairs, the power of border patrol officers and the non-compellability and non-reviewability of the ministers discretions. Those are exceptional. Also if you move into the second main area that is a concern, the counter terrorism phenomenon, Australia's legislation in the last fifteen years since 9/11 has been to encroach upon traditional freedoms of access to legal advice, unprecedented periods of time held for questioning, preventive control orders for 14 year-olds have expanded, to the cancellation of visas on character grounds often involving alleged but never proven terrorist connections or suspicions about them...more*

*recently we have seen the phenomenon of concern by the government, under a deliberately contrived prejudice against foreign engagement ... to mask much more profound limits on advocacy and we can add to that of course the former Attorney General's attempt to reduce the budgets for community legal services and to challenge their power of advocacy" (Gillian Triggs, The University of Melbourne).*

*"Some of the biggest democratic freedoms flashpoints have occurred on issues which are politically or ideologically sensitive for governments, like environment or refugee policy. It's clear that government attempts to suppress criticism in these areas have harmed our democracy. One particularly concerning trend is of governments throwing the cloak of national security over these issues. So you have Ministers refusing to disclose basic information about what the government is doing to people who are fleeing persecution on boats, even detaining people incommunicado on the high seas. And you have law enforcement and intelligence agencies spying on environmental activists" (Hugh de Kretser, Human Rights Law Centre).*

There is a perception amongst the stakeholders for this research that as a society (at every level) there is a general lack of civic knowledge, competence and critical thinking skills which can be exploited for the political purposes of undermining rights and protections. Stakeholders have observed that getting the broader community to mobilise against government moves to encroach on human rights usually takes a crisis or a highly blatant and egregious overstep by governments. One example is the Australian Border Forces 'Operation Fortitude' in 2015, which proposed to stop people in the streets of Melbourne to check for visa fraud and deal with 'anti-social' behaviour. The immediate community outrage and protest led to the swift cancellation of this program, illustrating that when governments grossly overreach on issues of human rights protections, grassroots power can be invoked to step up for democracy. However, many shifts occur at an institutional or legislative level which do not cut through to the community discourse in meaningful ways. Often, changes are framed in complex, technocratic, impenetrable language which do not capture the imagination of the public in ways that create sustained concern in the community.

From an opposing view it is argued that law enforcement agencies need additional powers and tools, like metadata retention, to respond to growing human rights abuses and increased sophistication of criminal operations. Law enforcement agencies do not have the resources to investigate and prosecute human rights violators and those that profit from human rights abuse due to the sheer scale of problems such as human trafficking and access to child sexual abuse material. Increasing powers of agencies, which may impinge on the privacy of some individuals, is a justifiable trade-off for greater deterrence towards committing these crimes and protection of innocent victims.

Since the mid-1990s, under the Howard-led coalition government, there has been a substantial ideological shift in Australia in liberal governments' policy approach to the NGO sector, and particularly for advocacy. Prior to that time, the democratic role of NGOs was generally supported, and government grants were an important income source for many NGOs. With the intensification of the neoliberal agenda, and influence by public choice theory, the federal government began attacking the legitimacy of NGOs by framing them as self-interested,



unrepresentative 'special interests' that aim to stifle economic growth (Staples 2006). Advocacy was defunded, and government grants were attached only through contracting-for-service arrangements. As well as trying to delegitimise the democratic role of NGOs, governments have attempted to construct barriers to advocacy through 'gag clauses' in government funding agreements that limit the ability of organisations to freely engage in public policy debates or to criticize government (e.g. community law centres and Queensland gag clauses); using Deductible Gift Registration (DGR) rules as an instrument of control to silence NGOs; triggering protracted legal battles that drain NGO resources; and establishing bureaucratic procedural requirements that funnel resources away from advocacy.

**7) Information: There must be a two-way flow of meaningful information between civil society and representative government so that both sectors can make informed decisions.**

A healthy democracy is dependent on free access to quality information from diverse, independent sources. The media, public interest groups and NGOs play a critical mediating and communicative role, supporting the two-way flow of information between representative governments and the people, giving effect to freedoms of speech and holding governments to account. A healthy democracy needs access to information that is non-partisan, accurate, open to debate and qualification, and that can be tested in the public sphere (Walker 2018). A healthy democracy also needs strong, independent, non-partisan, publicly-funded news sources that support public-interest and investigative journalism. Political communication must have meaningful content and serious subject matter. Media organisations and journalists should have an understanding their important democratic function is seeking out information that the community needs, not just information that is readily available.

In terms of media freedom, by global standards, Australia has a very high ranking (EIU 2018). However, the media and information landscape has been changing dramatically over the last twenty years, in ways that have altered the quality, quantity, accessibility, distribution and impact of information. The decline of the old media model and the rise of digital and social media have created endless sources of information and a medium for instant communication. While greater dissemination and access provide a platform for different voices to be heard, there are no editorial quality controls or fact-checking mechanisms. Fragmentation of sources and application of social media algorithms for example, by Facebook, Google and Amazon, individualise news feeds and advertising which have exacerbated the 'echo-chamber' effect and the polarisation of the public. Ownership of broadcast media organisations is highly concentrated and dominated by the commercially powerful players. Australia's media is dominated by the Murdoch owned multinational NewsCorp which has been able to achieve an extreme level of political influence through its ability to shape public opinion. Changes to media ownership laws in 2017 by the coalition government repeal long-established conventions to contain media concentration<sup>6</sup>. They have paved the way for the recent (June 2018) announcement of a merger between Fairfax and Nine, which will create

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<sup>6</sup> \* Repeal of the reach rule which prevents a person exercising control of commercial television broadcasting licences whose combined licence area exceeds 75 per cent of Australia's population. \* Repeal of the rule banning a person controlling more than two-out-of-three platforms - TV, radio or newspaper - in any one commercial radio licence area. [Ref](#)

an integrated media organisation across television, online video streaming, print and digital and erase the Fairfax name (Janda and Chalmers 2018).

Decline of the old media model has severely contracted funding for journalism, reducing the number of professional journalists in news rooms and diminishing the number of people training and employed in the sector. With less money for investigative work, journalists have become increasingly reliant on readily available sources such as packaged 'off the shelf' content which is distributed through mainstream media channels. As profits of media organisations shrink, and there is more pressure to feed a continuous news cycle, and to provide 'click-bait' where journalists employ dramatic story angles and images that inflame issues rather than providing sensible and balanced coverage. The lines between information as entertainment and genuine news have become blurred, with little quality control over accuracy and reliability and few ramifications for misinformation. There has been a degradation in the substance of political communication in Australia, particularly around election campaigns which has weakened the quality of public discourse and undermined trust in politicians and political parties (Walker 2018).

*"When journalists are under the current pressures, caused by publishers' financial stresses and the impact of social media, they can be tempted to become more tabloid because they have to work harder to attract an audience to keep their jobs. That can create huge distortions in the behaviour of some politicians because they want to fit into a continuous news cycle." (Peter Wilkinson, Alliance for Journalists' Freedom).*

Stakeholders reported a progressively hostile attitude by governments to those who seek to investigate and report on its actions. In a growing culture of secrecy, there have been blocks to political communication, attacks on public interest journalism, and a lack of proper disclosure of political information. Stakeholders reported that they have experienced Freedom of Information (FoI) requests to be actively resisted and, when provided, are heavily redacted and only provided after long delays. There are no real repercussions for authorities for breaching FOI request time frames or over-reach in withholding information. The Open Government Partnership released [inaugural dashboard](#) and metrics for the public's use of FOI laws which compares data for FOI decisions and timeframes across states, territories and the Commonwealth. In 2016-2017 Commonwealth had a 90% release rate for FOI requests, with 58% being within the statutory time frame. However, there is no measure for how heavily redacted those requests are. In addition to this, there has been a decrease in publicly funded, unbiased (and non-partisan) sources that create information and collect data, for example the CSIRO, the Environment Department, the Climate Change Authority and the Bureau of Meteorology.

**8) Transparency and Accountability: Decisions and decision-making are transparent and accountable to the people.**

The role of public officials is to serve the public, for the benefit of the public. Elected members are ethically and morally obligated to make decisions for the common good. Elected representatives must follow the public trust principle, specifically:

*“The parliament and its individual members should always act in the public interest, as trustees of the public interest and that means that they should always put the public interest ahead of their private interest, their family interest, political donors’ interest, even the political parties’ interest” (Prof Ken Coghill, Monash University).*

Transparency and accountability of public decisions give the public the information they need to develop informed opinions. Control and restriction of information runs counter to a free democracy and governments should not be able to exclude information from public discussion and debate because it suits their political purpose.

In our federal system there is no transparency about who parliamentarians are consulting or meeting with. Parliamentary diaries and lists of parliamentary sponsored passes should be available on the public record. Transparency is also compromised by the revolving door of pre- and post- politics employment. There have been egregious examples of former ministers and high level political staff taking up positions as lobbyists or ‘consultants’ to private companies after politics in areas that are closely related to their former positions of influence.

Recent examples include:

- Former federal trade minister Andrew Robb, the architect of the Australia-China free trade agreement, who defended the controversial acquisition of a 99-year lease for the Port of Darwin with Chinese-owned company Landbridge (who have interests in oil and gas trade). The following year Robb left his ministerial position and immediately took up a position as a [“high-level consultant” with that company and earning an \\$880,000 annual salary.](#)
- Cameron Milner, former Queensland secretary of the ALP and chief of staff to Bill Shorten, was the key lobbyist for the Adani mining company during the 2015 Queensland election campaign. [Milner’s company Next Level](#) met 24 times with the Queensland Labor Government and eight times with the Liberal opposition to push for Adani’s interests.

Outside of elections, there are no measures for holding elected officials to account for not delivering on promises or for grossly incompetent behaviour. Parliamentary privilege allows for otherwise unacceptable behaviour like lying.

*“People can lie and there are no consequences from that lie... If people can lie and there are no consequences from that, you are starting from a long-way behind. Everything that is eroding democracy around climate change is the absence of consequences when people lie. ... On environmental issues it’s about restoring the importance of science in the middle of it all, environmental issues are a science-based issue” (Tim Nelson, AGL).*

Reform of the public sector since the 1980s, influenced by the ideas of New Public Management, have led to a less transparent and less accountable public service. Contracting out to consultants has resulted in a loss of institutional memory, expertise and capability to provide essential services and evidence-based decision-making. The money that was formerly invested in the development of the public service goes to private consulting firms who are not required to disclose the revenue that they receive from taxpayers, but it is believed that the majority of 'Big Four' revenue now derives from government; with rising revenues every year<sup>7</sup>. The diminished and politicised public sector has undermined the principle of providing 'frank and fearless' independent advice to Ministers.

*"We need to highlight the fact that we once had a public service that gave free and fearless advice. Now we have a ministerial service and there is no way for the community to know what has led to a decision being made. Informing the Minister is on a need to know basis. Plausible deniability means no one tells the Minister and he says he wasn't informed." (Christine Milne, Global Greens)*

#### **9) Representation and Diversity: Decisions makers need to reflect the diversity of the community.**

There needs to be meaningful representation of a broad cross-section of the community in parliament to ensure a diversity of voices. The current chronic under representation of women, young people and diverse ethnicities in parliament limits the potential for developing policy that challenges the status quo. There is a lack of measures to redress this and to ensure our government representatives reflect the diversity of the Australian community.

Australia's closed party and one candidate/ one district and 'majority takes all' system privileges dominant culture' candidates and leads to severe underrepresentation of smaller parties who still achieve substantial votes. Electoral success becomes focussed on a small number of swing seats which reinforces the predilection to short-term self-interest in allocation of resources. Australia needs a robust electoral system, with independent drawing of electoral boundaries. Several stakeholders have called for a system of proportional representation, which would give a voice to minority groups and broaden their stake in the system. The risks of proportional representation are that there can be long lead times in forming governments and periods of political instability. However, proportional representation can lead to a more consensual style of government than the adversarial system.

*"In corporatist and consensus democracies with proportional representation, such as in Western Europe, it normal for governments to be made up of coalition of different parties, since it is often difficult for a single party to win enough votes to form government on their own. This means that parties have to learn to cooperate with other parties, most typically on their immediate right and left, which tends to reduce the levels of abuse towards those parties. This is not seen as a loss of credibility or a caving in or losing ideological principles - it's just pragmatically necessary and generally understood*

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<sup>7</sup> Collectively the Big Four Consultancies posted the following revenues in 2017 in Australia: EY up 10 per cent to \$1.63 billion, Deloitte up 15 per cent to \$1.76 billion, KPMG up 10 per cent to \$1.5 billion and PwC up 10 per cent to \$2.12 billion [ref](#)

*that this is how governments are formed, and it tends to pull things more toward the centre. However, in our more adversarial Westminster form of government in Australia, we are seeing is an increasing hollowing out of the centre and a more abusive and intense partisan politics that puts cooperation on big public interest challenges out of political reach.” (Robyn Eckersley, The University of Melbourne).*

**10) Rule of Law: Just laws are fairly, consistently and impartially applied and enforced by an independent judiciary.**

The Rule of law is the principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced. The Rule of Law was identified by several participants in the consultation as a cornerstone of our democracy. In particular the following themes emerged.

**Undermining the judiciary:** Courts and other institutions provide critical oversight of government to ensure that it does not exceed its power or act outside of the law. The Australian Government has increasingly sought to undermine some of the institutions that hold it accountable and to sideline our independent court system in a number of critical areas including immigration detention, national security and environmental protection. Senior ministers, including the former Attorney-general have sought to vilify legal action by community groups aimed at holding government to account.

**Access to courts:** One way the Government has done this is by attempting to limit the ability of environmental groups to bring court proceedings to enforce environmental laws by removing standing provisions in key legislation. Another is through defunding community legal centres that provide access to justice for hundreds of thousands of disadvantaged clients each year and to clients seeking to protect the environment that does not have a legal voice of its own. Coupled with the lack of public interest cost protection, access to courts for these kinds of litigants is at an all time low. Instead of attacking these rights, the Government should introduce legislation to enhance access to justice by broadening standing rights, expand the power of the federal court to make protective costs orders.

**Diversity in the judiciary:** Judges and decision-makers in the judicial system do not represent the diversity of Australia. Former High Court Justice Michael McHugh has said that "when a court is socially and culturally homogenous, it is less likely to command public confidence in the impartiality of the institution." Also, a diverse judiciary allows legal argument to be received by those who bring differing perspectives and experience to bear on an issue. There have been positive steps towards addressing the gender imbalance in the Australian judiciary – with Victoria proposing legislation that requires at least 50% of newly appointed magistrates and judges to be female. Three out of seven High Court Justices are now women. However, there are no affirmative action proposals when it comes to racial minorities – and members of the judiciary from minority groups such as Asians, Muslims and those from the sub-continent are few and far between.

**F) Implications for Environmental Advocacy and Democracy**



There are barriers that prevent the democratic system from responding to environmental crisis in line with scientific understanding of issues, despite the warnings that these issues are not just a threat to intrinsic environmental values but can irreversibly damage the life support systems on which human life and wellbeing depends. It goes against reason that a democratic system, operating effectively, would not be responsive to the scientific evidence that points to such dire and irrevocable impacts. Indeed, the beginnings of the modern environmental movement, dated to the 1960s, was a response to a developing understanding of anthropogenic environmental impacts and exposure of these issues. Hard fought as many environmental wins of the time were, they initiated a mutually synergistic relationship between democracy and environmentalism, developing new and innovative policy and legislative instruments for environmental protection, and for expanding and embedding new value systems within the domains of liberal democracy. In the 1960s and 1970s Environmental Protection Authorities were created and international collaboration in research, advocacy and international affairs were developed and there was unprecedented growth of environmental action in the public sphere (including ACF).

However, over the last thirty years, the democratic system has proved highly resistant to building on this trajectory and translating community values and concern in a way that is sufficient to safeguard ecological systems and humanity. The dominant paradigm of natural resource exploitation has remained entrenched and the structural features of democracies continue to reward short-term thinking and to pass problems on through space and time (Eckersley 2018). Environmental values have remained widespread (although fluctuating) but political action is slow, and the salience of the environment issues with voters does not resonate in the same way as other more immediate concerns. The problem with getting environmental issues on the political agenda is not because people oppose action, but it is because the dispersed and intangible nature of the issues means that they get easily crowded out by other issues like taxation (Niemeyer 2018). Environmental issues are complex, have uncertainty and do not directly relate to people's daily lived experience in ways that are immediately apparent. The complexity of environmental issues and challenges of translating science has been actively obfuscated by powerful vested interests who have mounted an ongoing attack on environmental science and democracy that intensified in the late 1980s and continues today.

In Australia the fossil fuel and mining lobbies (amongst others) have vast resources which they have mobilised into a sophisticated influence infrastructure to expand and legitimise their business interests and resist environmental regulation (Staples 2009). In the case of climate change, the response from industry has been extremely virulent; using its vast resources to capture the political system to forestall action and silence oppositional voices. Since the early 1990s the carbon lobby has geared up in its use of industry-funded think-tanks, professional lobbyists, funding of political parties through right wing third-party organisations and its capture and synergies with the conservative media.

*"In Australia, a clear link exists between climate denialism and the coal industry. Many on the right, including the current and past Prime Ministers, parrot the lies and PR language of the industry – energy poverty, coal is cheap, clean coal is possible, 10,000 jobs, etc. It's a tale as old as tobacco, lead, timber wars and DDT. It's as old as industries that know their products do public harm but lie to keep them in use. The point here is simply to acknowledge what many have argued about the whole idea of "post-truth" – it's not anything new, but just more of the same.*

*Environmentalists have long seen the propagation of lies, piles of bullshit, the dismissal of science, and the creation of mythologies as a consistent core of corporate misbehaviour – and, unfortunately, conservative ideology” (Schlosberg)*

Since the late 1980s close relationships and political alignment between resource extraction industries and governments have continued to foster a culture of climate change denialism (Staples 2009). The closeness of politicians to the mining industries are most likely deeply embedded in networks of personal and financial relationships (Aulby 2017). Because of the lack of rules around transparency much of it goes unrecorded and unmonitored. Aulby (2017) investigated recorded donations and found that peaks in donations from the mining industry correspond directly with election campaigns, leadership changes and important policy debates, such as the mining tax and carbon price. From the 2006-07 to 2015-16 tax years, the mining industry donated \$13.5 million dollars to the LNP Coalition and \$3 million to the ALP. These disclosed donations are just a fraction of the expenditure and influence that the mining industry has on the policy making process.

*“The implications of this influence were demonstrated in NSW by anti-corruption investigations called Operation Jasper and Operation Acacia. The NSW anti-corruption commission (NSW ICAC) found that a complex web of personal relationships, favours, and mutual financial interests resulted in the issuing of mining licences without any proper process” (Aulby 2017).*

The most prominent sentiment expressed during this research process is that the influence of private money and the influence of powerful players in Australian politics is corroding democratic process and skewing the equality of participation and influence. The lack of transparency and absence of a powerful national corruption watchdog undermines trust in our political system. The most pressing changes that must be initiated to make the system fair and clean are a package of reforms in political donations and election spending together with a broad-based Federal Independent Commission on Corruption.

*“While wealthy individuals and corporations wielding power and distorting democracy are not new in Australia, what is different is that it is now systemic. It has taken over. It has become entrenched and normalised.” (Milne 2015)*

For environmental NGOs there has been particularly strong antagonism and attempts to block advocacy and activism through legislative amendments aimed at limiting rights to protest. These have included blocks to protesters against coal-seam gas development (NSW), logging (TAS) and general environmental protests (WA). These laws all expand police powers, have harsher penalties and prioritise business interests, particularly mining and forestry operations (Staples 2017). The NSW coal-seam gas laws have given police greater power to search and detain protesters, even pre-emptively, and have increased penalties to up to seven years imprisonment (NSWCCL 2016). The attack on environmentalism from the liberal government has also included rolling back climate policy, the dismantling of independent watchdog institutions such as the Climate Change Authority and the National Water Commission, de-funding climate science and de-incentivising the development of renewable energy.

### Strengthening Environmental Democracy

An area of democratic rights that has not received much attention in Australia, but is enacted in other countries, is the principles and rights of environmental democracy. Deriving from other human rights, the principles of environmental democracy are based on a recognition of the right to a safe and healthy environment. The Australian Panel of Experts on Environmental Law (APEEL) have produced a "[Blueprint for the Next Generation of Australian Law](#)" which builds a case to develop a rights based system in Australia for environmental protection; recognizing both the substantive right to a clean and healthy environment and procedural environmental rights (including the right to information, to public participation and to access justice in environmental matters) (APEEL 2017: 15). Currently, the Australian legal system administers environmental protection through duties to avoid harm. A rights-based approach would shift the emphasis towards enforceable right that "elaborates on other basic human protections, including right to life, health, and culture". Following the UN Conference on the Human Environment in 1972, the right to a healthy environment has been incorporated in the national constitutions of more than 100 countries. For example, the South African constitution, states that everyone has the right:

1. to an environment that is not harmful to their health or wellbeing; and
2. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation;
3. promote conservation; and
4. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development (UNEP 2014).

Given Australia's lack of constitutionally recognised human rights, these protections could be enforceable through a statutory right that is incorporated in the next generation of environmental legislation at both the Commonwealth and state and territory levels (APEEL 2017). From a social justice perspective, there is a further environmental democracy principle, which sees a healthy environment as being a precondition for exercising democratic rights (APEEL 2017). If people do not have the conditions to be able to survive and be healthy then it makes it much harder for them to be able to participate in a democracy.

From a deeper ecological perspective, the ambitions of environmental democracy are limited by their anthropocentric focus and interest in reconciling environmental needs with existing institutions of liberal democracy. Ecological democracy, based on the intrinsic rights of nature, is more radical, more eco-centric, and critical of prevailing institutions. Proponents seek environmental protections based on the intrinsic rights of nature outside any anthropocentric or instrumental value. The human role is as a trustee or guardian of the environment and its common resources. New Zealand and India have recently enacted innovative legal protections for the environment based on intrinsic, rather than instrumental values. The Te Awa Tupua (Whanganui River Claims Settlement) Bill in New Zealand confers a legal personality on the Whanganui river, giving it the same rights and responsibilities as a person (in the same way as legal personhood applies to companies, trusts and societies) (New Zealand Parliament 2017). Within days of the New Zealand law announcement, the Indian state of Uttarakhand ordered the Ganges and its main tributary, the Yamuna, be accorded the status of living human entities, "having the status of a legal person with all corresponding rights,

duties and liabilities” with officials to act as legal custodians. However, the Indian decision has been [overruled by the supreme court](#).

## **g) Mechanisms**

### **Priority Areas for Action:**

Many mechanisms were suggested to strengthen the health of our democracy and that could potentially be the objective of a democracy campaign. These are summarised in Table 1. There were a few mechanisms (or groups of related mechanisms) that were repeatedly and emphatically called for by many stakeholders as priority actions. The top four are: donation and electoral finance reform; civics education; broadening the parameters of government decision-making; and supporting more participatory and deliberative democracy.

- **Donation and Election Finance Reform:** A package of reforms to control the influence of money and vested interests in Australian politics. The influence of money is fundamentally eroding trust in our system and skewing decision-making away from the public good and toward the benefits of private interests. Private individuals and organisations have captured the government. Current donation laws, a lack of transparency and the absence of a federal ICAC which can also monitor third-party influence, have allowed political capture to become systemic. The resource-extraction industries, with the support of the right-wing media, have developed a sophisticated influence infrastructure which has been operating to delay progress on climate action for the last thirty years. Their power over successive governments has changed the narrative around democracy in Australia, which has lowered community expectations about the government’s role and capacity to build a strong society. Intimidation by the Business Council of Australia, the Minerals Council of Australia and right-wing broadcast media has had a dampening effect on oppositional voices both within and outside government. The ten-point plan developed by Prof. Joo-Cheong Tham could be the starting point for this reform ([APPENDIX 2](#)).
- **Civics Education:** Democracy needs an informed citizenry who are trained in the art of citizenship, critical thinking and an understanding of their own agency. The freedoms and rights that are the ideals of democracy are always in tension with the tendency towards elitist power concentration and corruption. An educated and informed citizenry is a protective force against the influence of powerful elites and demagogues. Education and citizenship skills empower citizens to stand up for human rights, demand accountability, and fight back against attempts to silence civil society. Civics education should start in school and extend to all citizens.
- **Broadening the parameters of government decision-making:** There are different ways in which it is possible to represent interests who bear the consequences of risk but have no political representation i.e. for future generations, non-humans, people in other countries and ecosystems. There are many possible mechanisms that could be incorporated into decision-making structures to account for these interests. Examples include: a shadow youth cabinet; systematically applying the precautionary

principle to decision-making; or developing metrics that the government can embed into decision making for social and environmental indices, rather than only economic metrics and modelling.

- **Participatory and Deliberative Democracy:** Having an actively engaged citizenry who participate in communities and democracy outside of elections is a vehicle to rebuilding democracy. Neoliberalism and expert-oriented bureaucracy have displaced active citizens and community-based local knowledge as the heart of decision-making. Advocates for participatory and deliberative democracy seek to re-orient the pendulum of decision-making towards civil society. For participatory democracy this can be through strengthening community or interest groups; developing intermediary organisations that facilitate other groups and alliances; or educating and up-skilling citizens in leadership, advocacy, engagement and communication. Advocates of deliberative democracy support models of decision-making that use regular citizens to deliberate often complex and seemingly intractable issues. These citizens replace or are combined with elected representatives to counteract bias, political persuasion and the influence of vested interests.

Table 1: Principles, Obstacles and Mechanisms

Principle	Obstacle	Mechanism/ Goal
<b>Popular sovereignty:</b> Power resides with the people	<p><b>Structural and historical inequities:</b> Australia's democracy was founded on the world-view of western, male, liberal ideas. There are structural and historical inequities (e.g. racism, sexism) that limit franchise, access to decision-making, representation and voice. Lack of recognition of Aboriginal sovereignty continues.</p> <p><b>Antagonism toward advocacy:</b> A political campaign by some Australian governments and their allies to silence criticism and alternative voices. Tactics have included delegitimising the democratic role of</p>	<p><b>Indigenous Rights:</b></p> <ul style="list-style-type: none"> <li>- Formal recognition of the Uluru Statement from the Heart.</li> <li>- Constitutionally enshrined Voice to the Parliament</li> </ul> <p><b>Voting Franchise:</b></p> <ul style="list-style-type: none"> <li>- Expand the franchise by lowering the voting age and including non-citizen residents</li> <li>- Remove exclusions based on disability and for prisoners</li> <li>- Remove barriers to voting for the young and disadvantaged</li> </ul> <p><b>Civics Education:</b></p> <ul style="list-style-type: none"> <li>- Civics education in the primary and secondary school curriculum (e.g. constitution education fund)</li> <li>- Critical thinking skills</li> <li>- Political leadership education</li> </ul>



	<p>advocacy groups, financial impediments and using legislation to block protest and to create a chilling effect on the sector.</p> <p><b>Information about political participation:</b> There is a lack of clear and readily accessible information for citizens on the ways that they can meaningfully participate in the political system.</p>	<p><b>Democratic Discourse:</b></p> <ul style="list-style-type: none"> <li>- Speaking in positive terms about democracy</li> <li>- Frame democracy in broad terms (not just thin electoral representative democracy)</li> </ul>
<p><b>Ethos of long-term collective wellbeing:</b> Decisions are made for the long-term interest and common good of people and the planet</p>	<p><b>Neoliberal values and narratives:</b> Thirty years of socio-economic policy in Australia that prioritises individual, private self-interest over collective wellbeing. Loss of belief in governments ability to deliver. Privatisation is eroding the collective sense of the common good and the social contract.</p> <p><b>Lack of national project:</b> Lack of narrative around community vision and collective spirit.</p> <p><b>Short term election and budget cycles</b></p> <p><b>Money is the predominant (if not only) metric to government:</b> Need to use a wider set of metrics in government decision-making that are systematically applied. E.g. the Four Capitals</p>	<p><b>Mechanisms for broadening decision-making criteria:</b></p> <ul style="list-style-type: none"> <li>- Systematically applying the precautionary principle</li> <li>- Shadow youth cabinet</li> <li>- Metrics in government decision-making beyond only economics to include environment, social and cultural indices</li> </ul> <p><b>Long-term forecasting:</b></p> <p>Government policies need to include long-term impacts of policies.</p> <p><b>Environmental Democracy:</b></p> <ul style="list-style-type: none"> <li>- Legislative recognition and protection for both substantive and procedural human environmental rights</li> <li>- Legislative recognition and protection for rights of nature (e.g. Whanganui River, Ganges River)</li> </ul>

	<p>– social, cultural, natural and financial.</p> <p><b>Lack of long term accounting in decision-making:</b> Long-term impacts of decisions aren't recognised or considered (they are written off).</p>	
<p><b>Honesty and Integrity:</b> Democratic processes must have integrity and be honest. Money and power do not have undue influence over policy and politics. Citizens trust their elected representatives, democratic processes and institutions.</p>	<p><b>Influence of private money and interests:</b> Deficit of strong mechanisms to prevent private interests from having undue influence on politics has degraded integrity and faith in our system.</p> <p><b>Absence of a national ICAC:</b> No national broad-based independent anti-corruption commission that can investigate and expose corruption or attempts to corrupt public administration.</p> <p><b>Donations limits and transparency:</b> Thresholds for donations and disclosure of donations to political parties is too high and timing for disclosure is too slow. There is too much secrecy in the system.</p> <p><b>Election spending:</b> Current election finance regime unfairly advantages incumbents and parties with private funding sources</p>	<p><b>Donations:</b> Tighter caps and/ or bans on political spending and donations. Full transparency of all donations to political parties. All donations publicly reported in real-time, before elections.</p> <p><b>Whistle-blower protection:</b> Strong protections for whistle-blowers.</p> <p><b>Election funding:</b> Public funding of elections and caps on election spending.</p> <p><b>Strong civil society:</b> Recognise and support the role of freedom of information, free press and civil society as a 'watchdog' on corruption.</p> <p><b>National Anti-Corruption Institution:</b> National Independent Commission Against Corruption that can investigate and expose corruption in any part of public administration and including any third parties that are attempting to corrupt public administration.</p>

	<p>including investments and third-party support.</p> <p><b>Democratic dissatisfaction:</b> Loss of trust and faith in politicians and political institutions, perceptions that the system is unresponsive and an adversarial, antagonistic style of politics demotivates citizens from become politically active.</p> <p><b>Revolving doors:</b> Elected officials move to the private sector and immediately start lobbying former colleagues. And industry with self-interest captures agency regulatory processes.</p> <p><b>Unequal access:</b> Lack of codes of conduct in politics to prevent powerful interests from gaining access to political information, processes and other sources of power which are unavailable to most of the population.</p>	<p><b>Strong regulations around third party involvement in elections:</b></p> <ul style="list-style-type: none"> <li>- Limits to third party spending on election advertising</li> <li>- Transparency and regulation of all third-party involvement in elections</li> </ul> <p><b>Regulate political appointments:</b></p> <ul style="list-style-type: none"> <li>- Political appointments to be made by panels and parliamentary process</li> </ul>
<p><b>Equity of participation:</b> People and civil society can participate actively, meaningfully and equitably in decision making within and outside of election periods</p>	<p><b>Inequality:</b> Social and economic inequality stack up into an inequality of voice.</p> <p><b>Limited Pathways:</b> There are a lack of meaningful pathways for participation in decision-making beyond voting. People do not understand how to</p>	<p><b>Support for participation:</b></p> <ul style="list-style-type: none"> <li>- Support for individuals and groups to participate in their communities</li> <li>- Training for citizens in civic skills like organising, communication, facilitation and advocacy</li> <li>- Support for intermediary organisations that can mentor and</li> </ul>

	<p>intervene in democratic process effectively to make a difference.</p> <p><b>Disempowerment:</b> Low income and economically marginalised citizens facing more pressing socio-economic issues are effectively disempowered from democratic participation.</p>	<p>build connections between community groups</p> <p><b>Deliberative Democracy:</b> Use of deliberative models of planning and decision-making that use randomly selected citizens and deliberative techniques.</p> <p><b>Democratic Discourse:</b></p> <ul style="list-style-type: none"> <li>- Build community culture, volunteering and civic responsibility</li> </ul>
<b>Rights:</b> Fundamental human rights are recognised and protected	<p><b>Absence of a bill of rights:</b></p> <p>Inconsistent and unclear legal protection of basic individual human rights weakens our system's resilience to executive and legislative overreach and political interference.</p>	<p><b>Bill of rights:</b> Federal statutory charter or bill of rights.</p>
<b>Information:</b> There must be a two-way flow of meaningful information between civil society and representative government so that both sectors can make informed decisions.	<p><b>Poor quality political communication:</b> Changing nature of media (rapid news cycles, competition, changed funding model) has led to a degradation in the communication of political messages.</p> <p><b>Poor data collection and sources:</b> Lack of critical data to make informed decisions (e.g. air pollution data). Decrease in publicly funded, unbiased, non-partisan sources e.g. CSIRO, Climate Change Authority.</p>	<p><b>Public journalism:</b> More support for publicly funded media and public interest journalism.</p> <p><b>Better data:</b> Increased funding for non-partisan science-based data collection.</p> <p><b>Media diversity:</b> Laws to increase the diversity of voices in the media and break media monopolisation.</p> <p><b>Strengthen Freedom of Information Laws:</b> Improve the laws and practices to remove</p>

	<p><b>Media independence and authenticity:</b> Monopolisation of broadcast media limits diversity of voices. No mechanism for checking factual bias in broadcast and social media.</p> <p><b>Resistance towards Freedom of Information laws:</b> Increase in government culture of secrecy. Information provided is heavily redacted and there are long delays in getting information. No real repercussions for breaching FOI timeframes.</p> <p><b>Lack of oversight into information used in decision-making:</b> The public service selects information sources into decision-making with no code-of-conduct for open and diverse consultation.</p>	costs, delays and access to full information.
<p><b>Transparency and Accountability:</b> Decisions and decision-making are transparent and accountable to the people.</p>	<p><b>Transparency of ministerial diaries:</b> No publicly available record of who MPs and Ministers are consulting or meeting with.</p> <p><b>Transparency in legislation development:</b> Lack of timely notice for legislation development and drafting processes.</p>	<p><b>Transparency of parliamentary diaries:</b> Full transparency about all communications between parliamentarians and donors. Enforceable rules around transparency.</p> <p><b>Codes of conduct:</b></p> <ul style="list-style-type: none"> <li>- Strengthen regulation of conflicts of interest</li> <li>- Improve processes of internal accountability</li> </ul>

		<ul style="list-style-type: none"> <li>- Extend codes on gifts to political parties (not just individuals)</li> <li>- Enforce ban on former parliamentarians engaging in advocacy or lobbying government directly after leaving office (revolving-door)</li> </ul>
<p><b>Representation and Diversity:</b></p> <p>Decisions makers need to reflect the diversity of the community.</p>	<p><b>Under-representative parliament:</b> Current parliament and judicial system has a narrow racial, socio-economic and professional composition. There is a lack of measures to redress this and to ensure our government representatives reflect the diversity of the Australian community. The closed party system and “majority takes all” privileges dominant culture candidates.</p>	
<p><b>Rule of Law:</b> Just laws are fairly, consistently and impartially applied and enforced by an independent judiciary.</p>	<p><b>Protection of judicial independence:</b> Legislature and executive don’t protect the independence of the judiciary in the way they should.</p> <p><b>Access:</b> Defunding of EDOs and peak bodies limits their access to the court system. Lack of public interest cost protection adds a high financial risk.</p> <p><b>Diversity of Judiciary:</b> Judges and decision-makers in the</p>	



	judicial system do not represent the diversity of Australia.	
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#### h) Measures / Indicators

Australia needs an annual report on the state of democracy written by civil society (not government) that measures the adequacy of system design, performance and satisfaction. Indicators could be benchmarked against good practices in other democracies. Suggested indicators include:

<b><u>Civic Participation</u></b> Number of ways to participate Understanding of tension between personal liberty and national interest Participation beyond elections Party membership Absence of laws that punish dissent % Youth voting % Immigrants voting	<b><u>Transparency and Responsiveness of Parliamentarians</u></b> Number of meetings with constituents vs. lobbyists Number of times they sought community input Articulation of strategy and policy Visibility of decisions Code of conduct (not set by Parliament) Transparency of diaries Performance (what they said they would do vs. what they did) Satisfaction level
<b><u>Democratic literacy</u></b> Civic understanding Critical thinking skills Education in school curriculum	<b><u>Indigenous Rights</u></b> Representation in Parliament Uluru statement adopted Council of Elders Geographic diversity Recognition in the Constitution
<b><u>Limits on Power</u></b> Fixed terms Limit impact and access to money	<b><u>Free and Diverse Media</u></b> Number of media owners Geographic diversity

Federal ICAC Prosecute failures Properly disclosed conflicts of interest	Diversity of views represented Legal protections for journalists
<b><u>Political Diversity and Representativeness</u></b> Community understanding of politician's views Diversity in Parliament Issues raised in Parliament Presence of quotas Removal of barriers	<b><u>Long-term Orientation</u></b> Policies that represent future generations Policies that represent non-voting entities Youth voting numbers Number of young people in parliament Shadow youth cabinet
<b><u>Community Wellbeing</u></b> 4 Capitals (Natural, Social, Economic and Cultural)	<b><u>Human Rights</u></b> Bill of Rights
<b><u>Data</u></b> Human beings able to understand and influence algorithms Sovereignty of people will always control the system Individuals own their own data	<b><u>Trust in the system</u></b> Levels of trust – by different parts of the population
<b><u>Working Constitution</u></b> Aboriginal and Torres Strait Islander recognition Ability to be amended Number of potential laws stopped by the Constitution Number of amendments Number of passed referendums	<b><u>Regional Governance</u></b> Local government enshrined in the Constitution Governance across national borders (flow of capital) Planetary governance Ability to address systemic issues Influence of global capital Ability to tax globally

## 1) Conclusion

Australia has a strong and stable democracy that has delivered great prosperity. However, that prosperity and stability has not been shared equally, and there have been egregious examples of where our democracy has not delivered for certain groups. Rising inequality and concentration of wealth are antithetical to a healthy democracy. Record high levels of dissatisfaction and disaffection are not just a short-term reaction to specific parties, but a long-term systemic dissatisfaction with liberal democracy (Foa and Mounk 2017). This research has sought to shed light on what a healthy democracy could look like and is based on our assumption that it is desirable to live in a democracy where citizens are engaged, and that the system should be responsive to the long-term needs of the people and planet.

Australia's democracy is fundamentally strong on some of our long-standing principles and mechanisms – such as having free and fair elections with compulsory voting, and strong and stable institutions. Compared to many other nations our media is free and our rule of law is robust. However, almost every stakeholder that

participated in this research expressed that there are serious deficiencies in the democratic system, which impact on their sector and area of professional interest – be it human rights, philanthropy, aid, law, activism, politics etc. Importantly, the issues are not currently in a pattern of improvement, but decline.

In ACFs area of environmental activism, the democratic challenges have long roots. A turning point is apparent from the early 1990s with beginning of the Howard era, and the rise of neoliberalist policies and rhetoric. Since then, and particularly under Coalition governments, there has been a successive chipping away at democracy and a strengthening in the influence of private business and their interests in the political sphere. Sometimes, the attacks on democracy have been blatant and have generated strong interest and response by civil society. But other changes are more disparate, technical or opaque which make it difficult to generate and sustain enthusiasm for a public reaction - like closure of government institutions, defunding research or technical legal and tax rules. The culmination of these changes has been that democracy has been thinned down both as an operating principle of society – e.g. reflected in low levels of basic civic knowledge – and the ‘rules of the game’ or mechanisms with which it operates.

For the purposes of a democracy campaign we can identify four priority areas, that if improved, would move towards our vision of a healthy democracy, *vis* **‘Power resides with the people, where people can participate in a fair and clean process, in an active and meaningful way. Decisions should be made in the interests of the people and the planet.’** The changes, broadly fall under four organising themes are what we see as the four pillars of a healthy democracy – that it is Clean (relating to money, corruption, influence and integrity), Fair (relating to equality, freedom and trust), Active (relating to participation, inclusion and deliberation) and Meaningful (relating to ethos, values, beliefs and knowledge).

The four priority areas for action are:

- Clean: Donation and Election Finance Reform
- Fair: Broadening the parameters of government decision-making
- Active: Participatory and Deliberative Democracy
- Meaningful: Civics Education

*“We can march, write letters, make calls, post tweets, and vote, but as long as the rich few can buy the political process, there is little hope of saving the global commons or caring for people. We have to step back from fighting each of these battles as they arise, from being placated by painkilling sops like more Inquiries or minor amendments, and instead turn our minds to aggressively treating the disease. To get our country back, to give ourselves a chance, we need to restore health to our democracy. We need to educate everyone: put it up in lights, just how big business and wealthy individuals use their money and connections to take and retain power.” (Milne, 2015)*

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## APPENDIX I

- VI. Deliberative democracy: The City of Melbourne's Citizen Juries
- VII. Participatory design: The development of the Yarra River Protection Act
- VIII. Economic democracy: Victorian Government community-owned renewable energy
- IX. Direct democracy and E-democracy: MiVote app for direct democracy and 5 Star Movement in Italy
- X. Irish blended model of MPs mixed with randomly selected citizens

### I. Deliberative democracy: City of Melbourne Citizens' Jury

Background: the concept of deliberative democracy was developed in 1980 by Joseph Bessette as a way of overcoming imbalances of power between citizens and government decision-makers, and involves citizens, including those from marginalised groups, actively participating in decision-making through deliberation of issues to reach a consensus. The citizens' jury is one of the approaches that has emerged from this concept.

The City of Melbourne completed its second jury to refresh the 'Future Melbourne Strategy' in 2016, following a successful citizens' jury in 2015 to develop a ten-year financial plan.

*"Driving the emergence of these juries is the recognition that governments need not just the support but the active participation of their communities to meet the increasingly complex challenges they face. It is a fundamental shift from decision-making for communities to community-led decision-making with government."* [Ref](#)

The City of Melbourne process initially involved gathering ideas from hundreds of people across the city into a report. Following this, 52 Jury members deliberated on the report and the previous 'Future Melbourne Strategy' to develop the refreshed strategy.

Rather than the standard government consultation process, matters for discussion and the outcomes in the final document are all at the jury's discretion. The process is carefully structured to ensure that jury members can deliberate freely, are accountable for their decisions and are not subjected to pressure from other sources. Smaller group exercises allow all voices to be heard, and the facilitators ensure resolutions are reached.

The feedback from the participants was a sense of achievement, connectivity and purpose, as well as building trust between decision-makers and communities. The growth of such models "is dependent upon not only the continuation of processes such as these but also the actions that follow."

<https://www.melbourne.vic.gov.au/news-and-media/Pages/future-melbourne-2026-citizens-jury-ready-to-help-shape-our-citys-future.aspx>

<https://theconversation.com/city-calls-on-jury-of-its-citizens-to-deliberate-on-melbournes-future-59620>

## II. Participatory design: The development of the Yarra River Protection Act

Environmental Justice Australia advocated for a participatory design approach to the overall governance of the Yarra River. This process was far more participatory and independent of government than a typical consultation would be, and the government was also more open to input than it typically would be. Although opening up processes to multiple voices is always a risk, this time the focus was on voices that don't usually get heard (not just developers, etc.) *[summary of stakeholder interview excerpt]*

The Yarra River Protection Act treats the river as "one living and integrated natural entity." The Act "provides for the development and implementation of an overarching strategic plan to guide the future use and development" of the river, and the plan will be "informed by a long-term (50 year) community vision." "Both the plan and the community vision require active public participation in their development." [Ref](#)

In February 2018, Melbourne Water randomly selected 24 citizens to form the Yarra River Community Assembly, which was tasked with writing the 50-year community vision for the Yarra. The assembly heard from experts about the history of the river and its cultural significance to the Traditional Owners, the Wurundjeri people.

The 50-year community vision will become the cornerstone of the Yarra Strategic Plan. Throughout September to October 2017 a series of opportunities for the community to get involved were held with the Library Imaginarium, walking focus groups, Wardin Silvan Field day, Yarra Conversations at the Arts Centre, Victoria Walks self-guided walk and Yarra Stories drop-in workshops and online web portal. The second phase of public engagement throughout May to July 2018 focused on the development of the Yarra Strategic Plan and the river's key elements, with community workshops being held in each of the river's reaches and an online web portal. The final Strategic Plan will be ready for community exhibition in mid-2019. [Ref](#)

## III. Economic democracy: Victorian Government community-owned renewable energy

### Definition:

*"Community-owned renewable energy (CE) refers to projects where a community group initiates, develops, operates and benefits from a renewable energy resource or energy efficiency initiative. Community groups are formed based on a common interest or geographical region such as a town or suburb."*

*CE projects may be developed to:*

- *maximise local ownership and decision making*
- *generate jobs*
- *use resources efficiently and sustainably*
- *match energy production to local energy needs and circumstances*
- *help address climate change*

*CE is already a mainstream model of renewable energy development internationally, especially in countries like Denmark, USA, Germany and Scotland.*

The Victorian Andrews Labor Government has developed various community-owned renewable energy initiatives, and believes that these projects provide a “tangible way for urban, regional or remote communities” to transition to sustainable energy and to “become consciously involved energy citizens.” There are currently six CE projects in Victoria, and twenty-two projects nationwide, with a further seventy in development (including twenty-six in Victoria)

The Andrews Labor Government’s [“Guide to Community-Owned Renewable Energy for Victorians”](#) cites a range of social, environmental, technological, economic and political motivators that drive CE projects. **[Refer p. 8 for diagram]**

The specific social and political motivators are described as:

- ‘Create actors in a renewable energy future’
- ‘Build political power and action’
- ‘Win support and trust’
- ‘Land ownership & decision making’
- ‘Community engagement & empowerment’
- ‘Builds social capital’

The process for establishing a CE project involves an initial understanding of the community group’s motivations for pursuing the project, along with the development of a shared vision, clear aims, and testing of feasibility, viability and desirability. [p.11-12] A business case is then developed with monitoring and evaluation indicators.

The guide states that “people are the foundation of a CE project and community support is critical to its success.” The initial base of community supporters ultimately forms the investor base (financial, volunteer and expertise). [p. 16]

Beyond the basic consultation processes of developers, CE project consultation must foster “relationships, trust, feelings of ownership and a sense of collaboration and shared decision-making.”

There is an emphasis on meaningful opportunities for participation in the development of the CE project.

[p.35] CE projects in Australia can be divided into six main forms:

1. Donation/philanthropic projects
2. Community investment projects
3. Community-developer partnerships
4. Community-council partnership
5. Multi-household models of community energy
6. 100% renewable energy towns

<https://www.energy.vic.gov.au/renewable-energy/community-energy>

[https://www.energy.vic.gov.au/\\_data/assets/pdf\\_file/0030/57945/Community-Energy-Projects-Guidelines-Booklet-A4\\_-WEB.pdf](https://www.energy.vic.gov.au/_data/assets/pdf_file/0030/57945/Community-Energy-Projects-Guidelines-Booklet-A4_-WEB.pdf)

*\*Coalition for Community Energy (C4CE)*

#### IV. Direct democracy and E-democracy: Mivote app for direct democracy and 5 Star Movement in Italy

##### **MiVote**

*“MiVote says it offers a ‘redesign of the democratic model’ rather than being just another technology solution applied to politics.” [The Guardian]*

##### Summary/main points from Guardian article:

- Disruption of democratic process by offering a platform to educate voters and help them to choose from a range of policy options in order to break undemocratic binary options and deadlocks on issues
- The website and app runs regular fortnightly votes on policy questions. Before participants can vote, they must read about the policy problem and are presented with four possible solutions. This differs from other technology systems that offer binary responses (yes/no), and instead provides a ‘tolerance check’ of what people ‘could live with.’
- The purpose is not to replace representative government with decision-making on an app, but to instead shift the role of these representatives to be more responsive to the will of the people, to be held more accountable and to deliver a less ideological approach. This also eliminates undemocratic bartering or ‘horse-trading’ on the part of politicians.

<https://www.mivote.org.au/>

<https://www.theguardian.com/australia-news/2017/apr/14/mivote-aims-to-shake-up-democratic-process-with-a-click-and-a-tap>

### **Five Star Movement (M5S) in Italy**

<https://theconversation.com/what-is-italys-five-star-movement-69596>

article date: 1 December 2016

#### **Summary/main points from The Conversation article:**

- M5S established in 2009 and has become one of the most voted-for parties in Italy
- Started by comedian Beppe Grillo and web strategist Gianroberto Casaleggio, with the view that the internet could be used to form a new kind of political party without organisation, money, ideology or headquarters
- Based on 'twin ideas of a new form of direct democracy and popular disgust with the political elites' with mixed policies of anti-establishment, environmentalist, anti-globalist, eurosceptic with supporters from across the political spectrum
- Despite apparent hypocrisy in the message of new, more honest politics (e.g. Virginia Raggi's administration of Rome and allegations that activists have falsified signatures on candidate nomination papers) people vote for M5S "because it represents something different from a political class in whom vast swathes have virtually no confidence"
- A vote for M5S is a straightforward protest vote - the profile of its activists and supporters casts doubt on whether it could govern effectively

<http://www.theweek.co.uk/italian-elections/92081/italian-elections-what-is-the-five-star-movement>

article date: 5 March 2018

- Victory of M5S has been attributed to a "populist wave" with Beppe Grillo having been described as "Italy's Donald Trump"
- The party was formed in aftermath of the global financial crisis, and has "fed off public fury over corruption in the Italian establishment" and sluggish economic recovery, [The Independent](#)
- The party insists that politics should not be a career and imposes two-term limits on its own representatives, also excluding those who already hold public office from joining
- Despite apparently democratic ideals, the party has drawn considerable criticism and has been accused of aligning itself with classically fascist ideals

### **V. Irish blended model of MPs mixed with randomly selected citizens**

<https://www.citizensassembly.ie/en/Home/>

#### **Summary of website info**

*The Citizens' Assembly was an exercise in deliberative democracy, placing the citizen at the heart of important legal and policy issues facing Irish society. With the benefit of expert, impartial and factual advice the 100 citizen Members considered the topics below. Their conclusions formed the basis of a*

*number of reports and recommendations that were submitted to the Houses of the Oireachtas for further debate by our elected representatives.*

- 1. the Eighth Amendment of the Constitution (which concerns abortion);*
- 2. how we best respond to the challenges and opportunities of an ageing population;*
- 3. how the State can make Ireland a leader in tackling climate change;*
- 4. the manner in which referenda are held; and*
- 5. fixed term parliaments.*

<https://www.citizensassembly.ie/en/About-the-Citizens-Assembly/CA-Fact-Sheet-June-2018.pdf>

Article:

<https://www.hansardsociety.org.uk/blog/bridging-representative-and-direct-democracy-irelands-citizens-assemblies>

How did Ireland get to its 25 May ‘repeal the 8th’ constitutional referendum on abortion? The process has innovatively blended participatory, deliberative, representative and direct forms of democracy.

This is the second time that a recommendation from a government-established deliberative mini-public has been put to the Irish people in a referendum. The first was in May 2015, when the constitutional referendum on Marriage Equality was successful. That was historic globally, as it was the first successful national referendum on the issue; and it was also the first time that a citizens’ assembly recommendation passed a national plebiscite.

*In placing citizens at the heart of the decision-making process, deliberative mini-publics such as citizens’ assemblies have much to commend them, and recent decades have witnessed significant growth in their use worldwide.*

*Traditionally, their greatest challenge has been realising output legitimacy - that is, achieving impact in terms of contributing to wider public discourses, effecting policy and/or constitutional change, reforming political processes, etc. The Irish Assemblies have bucked this trend by showing that deliberative mini-publics can make a difference in terms of constitutional change and political processes (although, in the case of the Irish Convention, for example, a number of government commitments made in response to its reports have yet to be realised). The Irish examples also highlight how deliberative mini-publics can successfully complement representative and direct forms of democracy in ways that overcome the shortcomings of each model, although it would be incorrect to present them as a panacea for all that ails modern democracies. Finally, they prove that mini-publics can deliberate even on so-called emotive topics. It remains to be seen, however, whether they will become a more formal, regular feature of the Irish political institutional landscape.*



# A healthy democracy can deliver on **what really matters**

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