



Policy on Democracy

The LDP believes in a constitutional democracy and competitive federalism.

It supports voluntary voting, citizens initiated referendums, fixed parliamentary terms, the option of recall elections, constitutional protection of private property and sunset clauses on legislation. These reforms represent a tangible step forward in promoting both liberty and democracy in Australia.

Voluntary voting

The LDP would make voting a right and give Australians back their voting freedom.

The right to do something implies that you have a choice not to do that thing. It would be absurd to say that Australians have the “right to pay tax”. Paying tax is not a right, it is a legal obligation. Under current laws, voting is also not a right but a legal obligation.

The right to vote is a civil freedom, like free speech or free association. But free speech does not imply a requirement to speak and free association does not imply a requirement to join clubs. Likewise, the freedom to vote should not imply the requirement to vote.

Proponents of compulsory voting argue that forcing people to vote improves the quality of the democracy. This is untrue. There is no evidence that countries with compulsory voting receive any benefit compared with voluntary voting countries such as New Zealand, Germany, Canada or the United Kingdom.

Indeed, it may be true that compulsory voting makes the democratic process less responsive to the views of the electorate, as political parties can ignore their primary constituency (who are forced to vote) and

instead concentrate solely on swinging voters. Under voluntary voting a candidate would need to appeal both to their supporters (who otherwise might decline to vote) and swinging voters (who might vote for other parties).

Under compulsory voting, representatives of safe seats face no democratic pressure. Voluntary voting would mean that no seat was truly safe as supporters may refuse to vote. This means that representatives need to constantly be aware of the views in their electorate and could take no victory for granted.

Citizen initiated referenda

The LDP believes that Government is a servant and not a master. It believes that the people of a nation should be able to strike down what they see as fundamentally unjust or unfair laws. The LDP wants to give Australians the chance to strike down unpopular laws by way of referenda.

Citizen Initiated Referenda (CIR) allow for laws to be struck down in a two part process. First, a petition requiring the signatures of 2% of the eligible electors would be submitted to the Australian Electoral Commission. Second, following a period long enough for people to think the issue over, the electorate has the chance to vote Yes or No to abolish the law in question. The decision would be made on a simple majority basis.

This policy effectively introduces the citizenry as a part-time, voluntary “third house of parliament” that exercises a “citizen’s veto” over bad government policy. The politicians (the House of Representatives and Senate) would retain responsibility for introducing new legislation but in the knowledge that grossly

unpopular laws, taxes or regulations were liable to be repealed.

This reform should also be extended to State and Territory governments.

The LDP believes this would introduce a new discipline on politicians and bureaucrats and allow greater democratic participation by the general public. As such, this policy promotes both liberty and democracy.

Private property rights

More than any other political party in Australia, the LDP supports private property rights.

Under the Constitution the federal government may compulsorily acquire private property, but only on just terms. State and Territory governments are not bound by the Constitution and can, in certain circumstances, compulsorily acquire property without paying any compensation.

Both State and Federal governments are free to pass regulations that damage the value of property without paying any compensation at all.

This needs to change. All levels of governments should be responsible for the consequences of any compulsory acquisitions as well as regulations that impact on the value of private property. The payment of compensation on just terms should apply in every case that government legislation impacts on property value.

This change would mean that the government only introduced regulations that provided more benefit to society than the costs they imposed. This would introduce another important discipline on government, promoting good policy and protecting private property rights.

The LDP proposes that these changes be made permanent through constitutional amendments.

Parliamentary terms and recall voting

The LDP believes that elections are often scheduled to favour a Government's chances of retaining power and at times inhibit the removal of incompetent or corrupt Governments.

Therefore, in line with the existing situation in many States, the LDP proposes that the Constitution be amended so that Federal Parliament is elected every four years on a set date, including Senate half elections. This policy increases the fairness of our democratic processes.

The LDP also proposes a constitutional change where citizens (using the same criteria discussed above for CIRs) may dismiss Parliament and call for a dissolution of both houses of Parliament (otherwise known as a recall vote). This policy increases the democratic options available to the citizenry and provides another limit on the possibility of bad government.

Legislative sunset clauses

The LDP believes that there are too many laws, taxes, regulations, mandatory licensing systems, hand-outs, rebates, off-sets, agencies and generally too much government. Each year the Federal government introduces hundreds of new pieces of legislation and thousands of pages of regulations and spending programs. Unfortunately, much of this legislation is never reviewed.

As the library of government legislation grows, the transparency of government decreases. It is simply not possible for anyone to wade through the mountains of government programs and assess their continued importance and success. Unnecessary or counter-productive laws remain on the books simply out of inertia. The solution to this problem of every-increasing and non-transparent law is to introduce a sunset clause on normal legislation. When a new policy is introduced it will automatically lapse within a certain time-frame, no greater than 20 years. If the policy continues to make sense and has popular support then the legislation can be re-

introduced. However, if the policy is not longer relevant or no longer provides a clear benefit to Australia, then it can be allowed to lapse. Over time this approach will help to weed out excessive government legislation and introduce greater accountability on the government.

Long term laws (that do not have sunset clauses) could be introduced with a super-majority of 75% of Parliament. This would allow laws with broad support (such as laws against murder, theft etc) to remain permanently in force while obliging the government of the day to defend and justify all other legislation.

Such long term laws could still be repealed with a simple majority of parliament (or by the citizens through a citizen initiated referendum).