

This Presentation

- I will talk for 40 minutes.
- This is the second presentation in a series which explore how Australia's system of democracy and government could be improved.

This presentation will run for around 40 minutes. It is the second in a series of presentations that will suggest improvements that should be made to Australia's system of democracy and government so as to improve its quality and the outcomes of Governmental decision making.

Recapping

In my previous presentation I suggested to you that:

- Australia's on a downward trajectory
- I gave examples of why I am of that opinion
- I identified the chief causes for this decline

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In the previous presentation, I posited that Australia has been on a downward trajectory since the 1850's to the present day. In doing that, I identified the main causes of this decline. These could be simply summarised as "Poor Governance".

A Snapshot of our Present Situation

- Country is over \$1 trillion in debt
- The Government has imported over 1 million migrants in the last three years
- Housing is unaffordable for many
- The cost of energy has greatly increased
- The health of the nation has been destroyed by forced mRNA Anti-COVID injections

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Here is a brief snapshot of the headline issues that plague Australia.

These issues are, as you will appreciate, far from trivial.

Reiterating -The Root Causes!

- 1) Poor quality of political candidates &
- 2) Low quality of (compulsory) vote, leading to
- 3) Poor quality of politician compounded by
- 4) Deficiencies in the Westminster System of Government

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I believe the cause of this decline can be slated to:
Poor quality candidates running for election which is then exacerbated by a low quality of vote (which in Australia is compulsory) resulting in a poor quality politician.

These mediocre individuals, who are now politicians, some with portfolios then have far too much power, because of deficiencies in the present system of Government, and, this being so, these individuals have the capacity to do great harm to Australia and its citizens.

My Dilemma

- These four things are interconnected.
- It is difficult to have a separate discussion on each because of this intrinsic inter-relationship.
- So I decided in the previous presentation to focus on the last item first; namely:

Deficiencies in Australia's Westminster System of Government

- **I will continue with this theme in this presentation**

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Because these four things are intertwined, unpacking them into single subjects for discussion is a challenge. I have therefore decided to firstly address the deficiencies in the Westminster System of Government employed by Australia and on this subject there are actually two parts. The first part, which I have previously presented, dealt with the essentiality of having a strong Constitution that makes it very clear the Government is the servant of the people. In this, it guarantees certain rights to every citizen and it strictly limits the power of the Government over the people.

None of the Constitutions within the Commonwealth of Australia have this stricture as their basis. Indeed, the Constitutions of the States provide a framework for autocratic governance without restriction.

Which brings us to The Relevance of a Constitution

Recapping again, the words of Thomas Jefferson are most appropriate:

“The two enemies of the people are criminals and Government.

So let us tie down the second with the shackles of a Constitution so that they will not become the legalised version of the first.”

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I showed this slide during my previous presentation but it is worthwhile revisiting it here. This slide not only emphasises the importance and prime role of a Constitution, it reminds us that politicians are not to be trusted.

I remind you that....

History teaches us that Politicians can never be trusted.



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Per that last slide, I cannot stress enough that, given politicians cannot be trusted, we have to construct a system of Government which intrinsically limits their ability to act capriciously. It is a system deliberately constructed to prevent the Government from moving quickly on anything. The only time fast decision making would occur is when there is a serious threat and, in such an instance, only when there is virtual unanimity by all concerned.

All Governments start with Good Intentions

Over time Governments become more and more controlling



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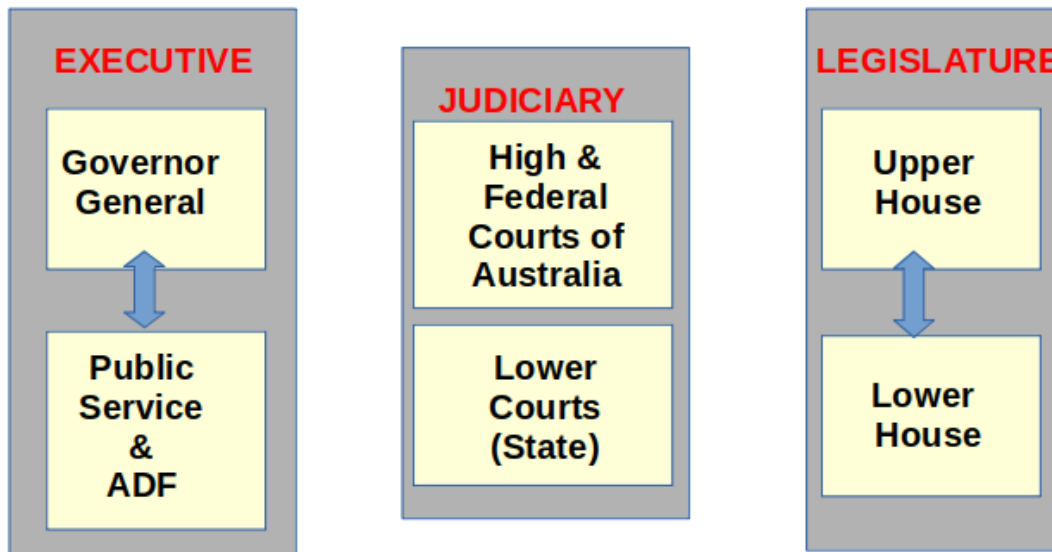
In my last presentation, I told you that all Governments throughout history start off being benign and laden with high ideals and good intentions. Over time though, Governments invariably drift towards authoritarianism.

Every law that is passed in a parliament impacts in some way on someone or something in our society.

It is for that reason we must have a system of Government that, under normal circumstances, cannot move quickly nor should legislation be passed until it has been exhaustively challenged and refined.

How to Limit Political Power?

Have independent Branches of Government



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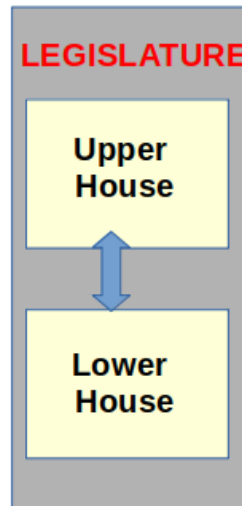
Philosophers such as John Locke and Baron de Montesquieu identified 3 branches in Government. The Executive, the Judiciary and the Legislature.

The historian R. Robertson summarises the function of the three powers in Montesquieu's separation: "The power to frame the laws must belong to one body; the power of executing them or putting them into practice must belong to another; and judgement on whether the laws have been executed properly must belong to a third" .

If one branch has all three roles, then this is despotism!

That last observation is very important and I want you to remember it as I show you that, here, in Australia there is not a proper separation of powers.

And Bicameral Structure to Ensure Exhaustive Consideration of Legislation



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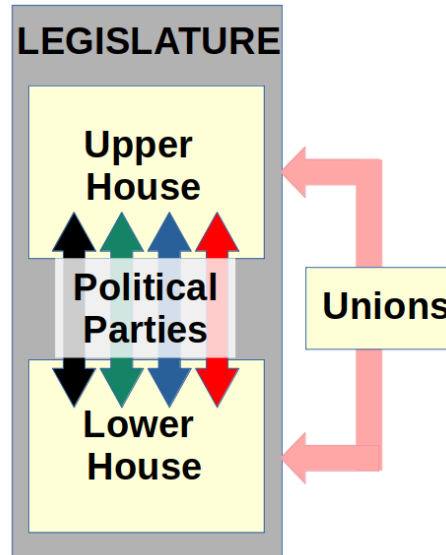
But before we go there, let me point to another safeguard that these philosophers felt was necessary in order that any legislation was exhaustively tested before it passed into law and that was the Bicameral Structure of the Legislature.

That is, an upper and lower house; the upper house being the Senate and the lower house being the House of Representatives.

The upper house is supposed to be a house of review. The framers of the Australian Constitution deliberately had the criteria for the upper house to be different to that of the lower house. An equal number of Senators come from each State regardless of that State's size and only half of the Senate is up for re-election every 3 years whilst there is a full election of the lower house every 3 years.

What's the Reality?

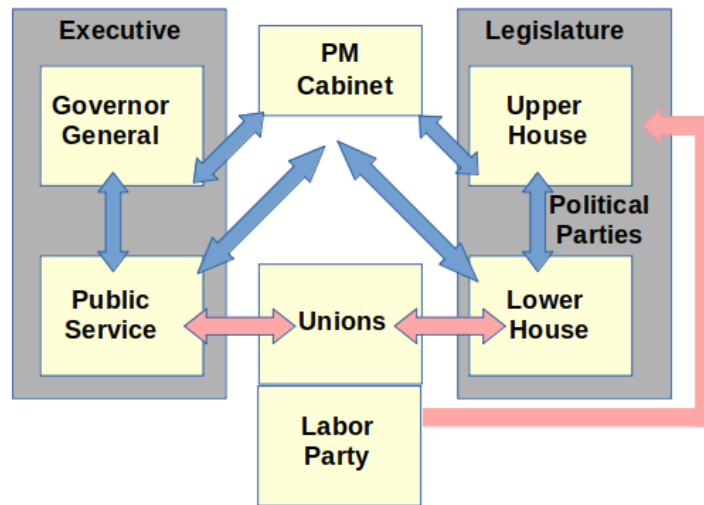
A System Failure-Bicameral Thwarted



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The reality though is that Political Parties short circuit this protective mechanism. If the same political parties are dominant in both the upper and the lower house then legislation is far less likely to be subjected to an exhaustive review as the framers of the Australian Constitution had intended.

No Independence between Legislature and the Executive



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Let's now look at the incestuous relationship that exists between the Executive Branch of Government and the Legislature.

From very "lean pickings" within the Legislature, the Government of the day selects some members of the house to become Cabinet Ministers.

The Governor General is supposed to be in charge of the public service but, over time, these Ministers with Portfolio have assumed a greater and greater role in running the Government Departments.

The Governor General is selected by the Parliament which means, in reality, he or she is a puppet of the Legislature. As it is, it is convention that the Governor General will not make any political comments nor exercise any direct control over the public service.

Illustrating the Point of No Independence between Executive and Legislative Branches of Government

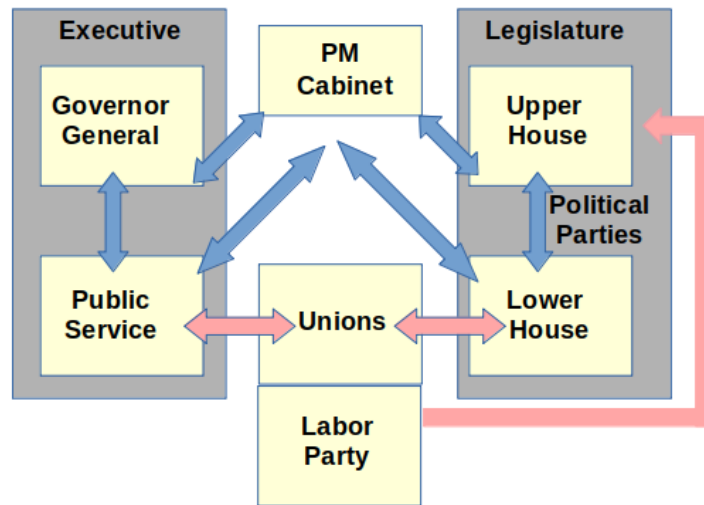


**Samantha Mostyn -Diversity and Inclusion Advocate, Ex Labor Staffer
Named Australia's New Governor-General April 2024 (no AFD joke!)**

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This is a stereo-typical example of how the Governor
General is simply a Party Apparatchik.

No Independence between Legislature and the Executive

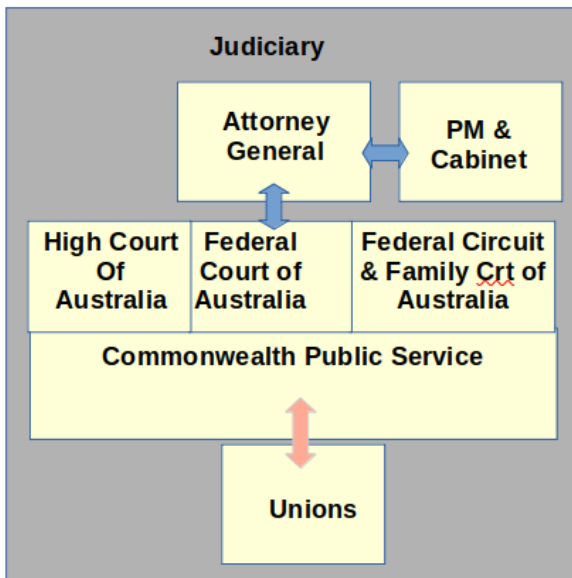


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I have returned briefly to elaborate on why there is a lack of independence between the Executive and Legislative Branches of Government.

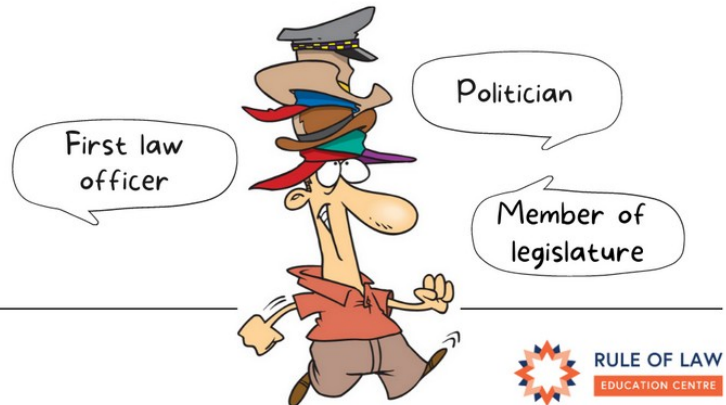
At present the Public Service is heavily unionised. The effect of this could be seen in the Voice Referendum where 70% of the people in Canberra voted in favour of the proposition whilst 61% of Australians were against it. The Labor Party is the political arm of the Unions and Unions are the muscle of the Labor Party. Unions dominate the public service; especially the education sector. The consequence of this is that the Labor Party is permanently embedded in the Legislative Branch of Government and is able to indoctrinate students of all ages to believe in socialism, climate change and Aboriginal grievance plus a multitude of other ruinous ideologies and social mores.

The Judiciary- No Independence



ROLE OF THE ATTORNEY GENERAL

to protect the rule of law & integrity of the Courts



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Now we move onto the Judiciary. The Attorney General is a member of Cabinet and comes from the Legislature. Typically he or she is a lawyer.

The Attorney General is not therefore independent of the Legislature and is biased towards the legal profession. With those qualifications he/she is unlikely to check delinquent judges nor run an efficient legal service.

To be independent the AG should be elected, like the Governor General, by the people and should preferably be someone who has skills being a practice manager. Someone from the engineering profession would be best because then there would be strong logic applied whilst not having any particular affection towards judicial officers such as lawyers and judges.

What's the Problem?

- The Government is NOT your friend.
- Would you trust any politician to run your business?
- The Prime Minister and Cabinet members have too much power and say in the running of the Public Service.

There is NO independence between any of these branches of Government.

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This slide lays out, succinctly, what the problem is.

Politicians, in general, have little demonstrated skill to run businesses and the Government is actually a huge trillion dollar enterprise.

When people elect their representative, they do so not for that person to be a cabinet minister but to faithfully represent their interests and concerns. That person cannot devote 100% of themselves to their representative duties if they also have to give 100% of themselves to running a Government Department as is now the case with a Cabinet Minister where that person is expected to resign if something goes wrong in their portfolio.

The present system is most unsatisfactory and is a recipe for disaster as we have seen with COVID-19

It is the same at the State Level

- **Your Health:-** This is why they were able to oppress all Australians under the pretext of a “COVID emergency”
- **Your Property:-** This is why they can take your property off you on the pretext of “Climate Change” and Aboriginal Treaty “Fairness”. Unlike the Federal Government, State Governments are not obliged to compensate a citizen for the compulsory acquisition of their property.
- **Your Future:- This is what they have in store for you, your children, grandchildren and their successors.**

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This unsatisfactory arrangement can also be found at State Government level.

Incompetent people, elected to be representatives of their constituents, find themselves running State Government Departments. The result is disastrous. They do neither job satisfactorily.

How to Fix?

- Reform the Constitutions at Federal and State Level with an emphasis on protecting the rights of citizens and limiting the power of Government.
- Ensure independence between the three branches of Government by having:
 - the Governors (incl Governor General),
 - the Attorney General
 - Members and Senators of the Legislature; configuring the voting system such that Independent Candidates are favoured for the Senate
elected by the people. The legislature should have the right to question the appointments made by the Governors and Governor General but, when they can't agree, their should be called a full election to have the people resolve the matter.
- Just as for the ADF, no member of any Government Public Service should belong to a Union nor a political party. They must be strictly apolitical. That, in no way, precludes them from having the right to vote at elections.

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Just as the members of the House of Representatives are elected by the people, so too, should the Governors and Governor Generals and the Attorney Generals should be elected by the people.

When electing a Governor, it is imperative the public elect someone who is not a politician but a person with demonstrated competence in creating and running businesses.

Likewise, the Attorney Generals should not be a lawyer but, instead, should be someone capable of running an organisation efficiently yet having the common sense to upbraid judges if they become activists instead of diligently applying the law.

The Public Service

- The heads of the Public Service Departments achieve their positions by successfully playing corporate politics and ingratiating themselves to those that select and promote.
- It is therefore necessary that the Governors have the right to select any person they wish from anywhere around the world to head each of the Government Departments.

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As the slide says, the present Heads of Government Departments get to their positions by being popular with those that select and promote within the public service.

Senior public servants have been there for many years, given that, it is unlikely they will have new ideas that could markedly improve the performance of the service.

It is therefore essential the Governors (including the Governor General) have the ability to select any person in the world to head each of the PS Departments. These selections should be passed by a joint sitting. Where agreement cannot be arrived at, the matter has to be put to the people by way of a full election of the Governor and the Parliament.

In Conclusion

- Australia has been on a ruinous trajectory since the mid-1850's
- This is because of the poor quality of Australia's elected representatives and systemic problems with the Government of this Country.

THESE THINGS WE CAN FIX!

FIXING WILL TAKE TIME AND A COORDINATED EFFORT

IF FIXED, THE SYSTEM WILL HEAL ITSELF

**SPEECHES SUCH AS THIS ARE THE FIRST STEP ON THIS
CHALLENGING JOURNEY**

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Australia is heading in the wrong direction and only a significant reform of its democratic system and its system of Government will arrest the present decline.

The problems we are experiencing are the result of poor quality politicians and structural deficiencies in the Australian System of Government.

In the original Westminster System, the Monarch had real power ensuring he/she was independent of the Legislature. The House of Lords was populated by people who were largely picked by the Monarch or were exceptional people in their own right. This ensured that the Lords were of a different political complexion to the House of Commons. In the Australian System these checks and balances are non-existent. The result is potential tyranny.