

# The 47<sup>th</sup> Parliament and the Democracy Agenda

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*2024 is the last opportunity for the integrity super-majority in the 47<sup>th</sup> Parliament to build on its record of democratic and integrity reforms and to add to the 18 democratic and integrity reforms that have been adopted or progressed so far.*

Discussion paper

**Bill Browne**

**February 2024**

Thank you to Tony Shields for helping to prepare this report.

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# Summary

In 2022, the Australia Institute released the *Democracy Agenda for the 47<sup>th</sup> Parliament* to encourage parliamentarians and the government to consider how to improve integrity and democratic responsiveness.

Halfway through the 47<sup>th</sup> Parliament and the first term of the Albanese Government, four of the recommendations have been implemented in full and another 14 implemented in part or otherwise progressed. The Albanese Government has advanced other democratic reforms, including a spill of the Administrative Appeals Tribunal and the restoration of territory rights on voluntary assisted dying. This is a significant improvement, and a much more substantial rate of change than that seen under the previous Coalition governments.

Despite this welcome progress, much more needs to be done to ensure elections are as fair and representative as they can be, and to make the government more transparent and accountable. This paper identifies 16 “off the shelf” reforms that should be adopted this year, many recommended by parliamentary reviews that considered these issues in detail.

Reforms for which the groundwork have already been laid include:

- Passing truth in political advertising laws.
- Increasing the representation of territory senators from two to four.
- Lowering the disclosure threshold for political contributions, and disclosing them in real time.
- Strengthening enrolment and participation, particularly of Aboriginal and Torres Strait Islander people.
- Establish the Independent Parliamentary Standards Commission and appoint a commissioner.
- Amend the law so that a change in minister does not impede the right to access documents.
- Update the register of members’ interests to be in HTML, include changes in-line and be searchable by keyword, just as the register of senators’ interests is.
- Appoint members of the crossbench to the Parliamentary Joint Committee on Intelligence and Security.
- Increase funding for the Australian Broadcasting Corporation and Special Broadcasting Service.
- Adopt the standing order for the production of consultants’ reports, which would make public the advice given by consultants to government and the terms on which it was commissioned.
- Further cut contracts with external suppliers and consulting firms.

# Introduction

In the final sitting week of the 46<sup>th</sup> Parliament three key independent crossbenchers, Helen Haines, Rebekha Sharkie and Zali Steggall joined the Australia Institute to launch a major new report: *Democracy Agenda for the 47th Parliament of Australia: Options for Reform*.<sup>1</sup>

The Agenda presents over 40 proposals to improve how Parliament works, increase checks and balances on the Australian Government and keep the integrity watchdog funded and independent. The proposed reforms would restore a measure of accountability and transparency to Australian democracy, and include:

- A national integrity commission ‘with teeth’
- Truth in political advertising laws
- Reforms to Question Time
- Guarantees that private Members’ business will be debated and voted on
- A ban on political fundraising in Parliament House.

The Agenda collects in one place reform proposals to be discussed and debated, and hopefully adopted, over the 47<sup>th</sup> Parliament. Some proposed reforms are modest, and others are ambitious.

The focus on integrity proved prescient.

The Australia Institute conducted a poll ahead of the 2022 election in which 30% of respondents answered that integrity issues were more important in the 2022 election than they had been in the previous election. Only 5% of respondents said integrity had become less important. Roughly half – 46% – said integrity was equally important. The results led the Australia Institute to describe the 2022 election as the “integrity election”.<sup>2</sup>

The term would be taken up by academic AJ Brown in his contribution to the Australian National University’s anthology about the 2022 election, adding:

Against a prevailing elite wisdom that elections are won or lost on ‘hip-pocket’ issues and appeals to voter self-interest, the 2022 election was unprecedented in turning significantly on an iconic issue of government accountability: support for a national integrity or anti-corruption commission.<sup>3</sup>

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<sup>1</sup> Browne (2022) *Democracy Agenda for the 47th Parliament of Australia*, <https://australiainstitute.org.au/report/democracy-agenda-for-the-47th-parliament-of-australia/>

<sup>2</sup> The Australia Institute (2022) *Polling: Integrity a key issue to voters*, <https://australiainstitute.org.au/post/polling-integrity-a-key-issue-to-voters/>

<sup>3</sup> Sawyer, Gauja, & Sheppard (eds) (2023) *Watershed*, pp. 39–40, <https://press.anu.edu.au/publications/watershed>

At the May 2022 election, the crossbench swelled at the expense of both the Coalition and the Labor Party. Many crossbenchers focused their campaigns on integrity and promised to do things better. As expected, the crossbench holds the balance of power in the Senate. The much-needed reforms already passed, like the National Anti-Corruption Commission, demonstrate the willingness of this government and parliament to effect change.

With the government's polling worsening, this term of government represents the best chance for passing constructive electoral reform. Australians cannot afford to wait for the next term of government when an integrity super-majority exists now.

This report assesses progress against the *Democracy Agenda* halfway through the 47<sup>th</sup> Parliament and identifies priorities for 2024 – the last chance to implement electoral reforms ahead of the federal election due in 2025.

# Progress towards the Democracy Agenda

The Albanese Government and the 47<sup>th</sup> Parliament have implemented four of the Democracy Agenda's proposed reforms:

1. A code of conduct for parliamentarians and their staff.<sup>4</sup>
2. Shorter sitting days to make Parliament a more hospitable workplace.<sup>5</sup>
3. A National Anti-Corruption Commission “with teeth” will be operational by the middle of 2023.<sup>6</sup>
4. The House of Representative and Senate have stopped taking bookings for political fundraisers in parliament's public areas.<sup>7</sup>

Fourteen other reforms have been progressed or implemented in part:

1. The Indigenous Voice to Parliament referendum was held in October 2023, although the constitutional amendment was rejected by Australian voters.
2. The Joint Standing Committee on Electoral Matters and the Albanese Government are considering an increase in the number of parliamentarians.<sup>8</sup>
3. The same committee has recommended truth in political advertising laws.<sup>9</sup>
4. The rules around what parliamentarians must disclose in the register of interests have been tightened in one key way: ministers must disclose blind trusts.<sup>10</sup>
5. The Government is considering a parliamentary standards commissioner.<sup>11</sup>

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<sup>4</sup> The Australian Human Rights Commission (2023) *Commission welcomes parliament's codes of conduct and improved workplace safety*, <https://humanrights.gov.au/about/news/media-releases/commission-welcomes-parliaments-codes-conduct-and-improved-workplace>

<sup>5</sup> McLeod (2022) *'Controversial' changes for federal MPs*, <https://www.news.com.au/national/politics/federal-parliament-to-become-more-family-friendly-after-changes-to-rules-for-mps/news-story/63ddf4148139f046b1c6f0db78b6effe>

<sup>6</sup> *National Anti-Corruption Commission Act 2022* (Cth), <http://www.legislation.gov.au/Details/C2022A00088>

<sup>7</sup> Hutchinson (2022) *Forget the glitz - Labor's budget bash is a low-key affair*, <https://www.afr.com/politics/labor-s-bread-and-butter-budget-a-glamour-free-affair-20221024-p5bsi4>

<sup>8</sup> Barlow & Rollins (2023) *Govt "should consider" more MPs, ACT senators: minister*, <https://www.canberratimes.com.au/story/8218039/govt-should-consider-more-mps-act-senators-minister/>

<sup>9</sup> JSCEM (2023) *Conduct of the 2022 federal election and other matters: Interim report*, pp. 106–107, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Electoral\\_Matters/2022federalelection/Interim\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2022federalelection/Interim_Report)

<sup>10</sup> Remeikis & Karp (2022) *Labor's new ministerial code of conduct bans blind trusts like Christian Porter used*, <https://www.theguardian.com/australia-news/2022/jul/07/labors-new-ministerial-code-of-conduct-bans-blind-trusts-like-christian-porter-used>

<sup>11</sup> Parliamentary Leadership Taskforce (2023) *Taskforce 2022 Annual Report*, p. 20, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Leadership\\_Taskforce/Updates/Taskforce\\_2022\\_Annual\\_Report](https://www.aph.gov.au/About_Parliament/Parliamentary_Leadership_Taskforce/Updates/Taskforce_2022_Annual_Report)

6. Of the 28 recommendations of the Jenkins review into Commonwealth parliamentary workplaces (*Setting the Standard*), six have been implemented, and another four partly implemented.<sup>12</sup>
7. The first tranche of reforms to the *Public Interest Disclosure Act* whistleblower laws have passed and the second tranche has been tabled, although more changes are needed.
8. The ABC has had some funding restored, and Labor is moving to a five-year funding cycle for the public broadcaster.<sup>13</sup>
9. In roughly its first year, the Albanese Government cut contracts with external hire suppliers cut by about a third and with consulting firms by a half.<sup>14</sup>
10. Minister for Education Jason Clare has committed to ending political interference in Australian Research Council grants (except for national security concerns).<sup>15</sup>
11. The Albanese Government has created the Australian Centre for Evaluation, a limited version of the Evaluator-General model.<sup>16</sup>
12. The Labor majority on the Parliamentary Joint Committee on Intelligence and Security (PJCIS) has recommended allowing crossbench MPs and senators to join the committee.<sup>17</sup>
13. The register of senators' interests is now in HTML, includes changes in-line and is searchable by keyword.<sup>18</sup> The register of members' interests has not been updated.

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<sup>12</sup> The Australian Human Rights Commission (2023) *Commission welcomes parliament's codes of conduct and improved workplace safety*

<sup>13</sup> Davies (2022) *ABC given \$83.7m to reverse Coalition's funding cuts but little help for arts in 2022 budget*, <https://www.theguardian.com/australia-news/2022/oct/25/abc-budget-2022-84m-funding-coalition-cuts-reversed-australia-media-sbs-arts-spending>

<sup>14</sup> Burton & Tadros (2023) *PwC not the only loser in Canberra's \$2.9b cost-cutting drive*, <https://www.afr.com/politics/federal/pwc-not-the-only-loser-in-canberra-s-2-9b-cost-cutting-drive-20230602-p5ddgt>

<sup>15</sup> Hare (2023) *'No political plaything': Labor to end research grant veto*, <https://www.afr.com/policy/health-and-education/no-political-plaything-labor-to-end-research-grant-veto-20230821-p5dy4q>

<sup>16</sup> Department of the Treasury (2023) *Australian Centre for Evaluation*, <https://evaluation.treasury.gov.au/>; Jarvie, Mercer, & Ayres (2022) *An evaluator-general won't just create trouble. APS needs one with teeth*, <https://www.canberratimes.com.au/story/7894750/an-evaluator-general-wont-just-create-trouble-aps-needs-one-with-teeth/>

<sup>17</sup> PJCIS (2023) *Advisory report on the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Bill 2023*, pp. 14–15, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Intelligence\\_and\\_Security/NSLAB2/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/NSLAB2/Report)

<sup>18</sup> Parliament of Australia (2023) *Register of senators' interests*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Senators\\_Interests/Senators\\_Interests\\_Register](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Senators_Interests/Senators_Interests_Register); (2023) *Register of members' interests – 47th Parliament*, [https://www.aph.gov.au/senators\\_and\\_members/members/register](https://www.aph.gov.au/senators_and_members/members/register)

14. The Albanese Government called the independent Commonwealth Government COVID-19 response inquiry, albeit with limited terms of reference and without the powers of a Royal Commission.<sup>19</sup>

A parliamentary vote before the country goes to war was the subject of a parliamentary inquiry.<sup>20</sup> However, because ministers said they did not support the reform even before the inquiry concluded,<sup>21</sup> this has not been counted as an issue that has progressed.

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<sup>19</sup> PM&C (2023) *Commonwealth Government COVID-19 Response Inquiry terms of reference*,  
<https://www.pmc.gov.au/resources/commonwealth-government-covid-19-response-inquiry-terms-reference>

<sup>20</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade (2023) *Inquiry into international armed conflict decision making: Report*,  
[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Armedconflict](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict)

<sup>21</sup> Wong (2023) *QON - Iraq War*,  
[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/26439/&sid=0127](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/26439/&sid=0127)



# Parliamentary priorities for 2024

The Albanese Government and the 47<sup>th</sup> Parliament have the opportunity to introduce wide reaching, transformative and popular electoral reforms this year, ensuring that the federal election next year is more transparent, fair and representative than ever before. Much of the groundwork on these reforms has already been done by parliamentary committees.

Late in 2023, the Joint Standing Committee on Electoral Matters handed down its report in the 2022 election. The report, including supplementary reports by crossbenchers, provides impetus and the intellectual foundation for ambitious electoral reforms:

1. Calling an inquiry into increasing the size of the House of Representatives to reduce malapportionment and improve the ratio of electors to MPs (Recommendation 1).
2. Increasing the representation of territory senators from two to four (Recommendation 2).
3. Lowering the donation disclosure threshold (interim report, Recommendation 1).
4. Introducing real-time donation disclosure requirements for political parties and candidates (interim report, Recommendation 2).
5. Considering amending the definition of “gift” to ensure it meets community expectations of transparency in political donations (interim report, Recommendation 3).
6. Introducing measures to govern truth in political advertising (interim report, Recommendations 11 and 12).
7. Strengthening enrolment and participation, particularly of Aboriginal and Torres Strait Islander people (interim report, Recommendations 14 and 15).

The Government and Parliament should also build on existing progress:

8. Establish the Independent Parliamentary Standards Commission and appoint a commissioner, as recommended by the Joint Select Committee on Parliamentary Standards.<sup>22</sup>
9. Amend the law so that a change in minister does not impede the right to access documents, as recommended by the inquiry into the operation of freedom of information laws.<sup>23</sup>

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<sup>22</sup> Joint Select Committee on Parliamentary Standards for the 47th Parliament (2022) *Report*, p. xi, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Parliamentary\\_Standards](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Parliamentary_Standards)

<sup>23</sup> Senate Standing Committee on Legal and Constitutional Affairs (2023) *The operation of Commonwealth Freedom of Information (FOI) laws report*, p. x, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/CommonwealthFOI2023/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CommonwealthFOI2023/Report)

10. Update the register of members' interests to be in HTML, include changes in-line and be searchable by keyword, just as the register of senators' interests is.
11. Pass the Australian Research Council Amendment (Review Response) Bill 2023 to end political interference in Australian Research Council grants.
12. Appoint members of the crossbench to the Parliamentary Joint Committee on Intelligence and Security, as recommended by the majority on that committee.
13. Increase funding for the Australian Broadcasting Corporation and Special Broadcasting Service to be closer to the per capita funding for public broadcasting in Western Europe and the Nordic countries.
14. Adopt the standing order for the production of consultants' reports, which would make public the advice given by consultants to government and the terms on which it was commissioned. Such a motion has already been prepared by Greens Senator Larissa Waters.
15. Further cut contracts with external suppliers and consulting firms, as the Albanese Government has already successful begun.
16. Make ministerial diaries public as a matter of course, as has already occurred in an ad hoc manner in response to freedom of information requests.<sup>24</sup>

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<sup>24</sup> Buckley (2023) *A Senate push could force Albanese to hand over his diary*, <https://www.crikey.com.au/2023/01/20/anthony-albanese-diary-rex-patrick/>; Ireland (2024) *Albanese, King met Qantas' Joyce as government mulled extra Qatar flights*, <https://www.smh.com.au/politics/federal/pm-met-with-joyce-in-weeks-after-qantas-opposed-extra-qatar-flights-diary-shows-20240104-p5ev30.html>

# Other democracy developments

The Albanese Government has made progress on democracy issues that did not appear in the *Democracy Agenda*.

Attorney-General Mark Dreyfus has announced the Administrative Appeals Tribunal will be abolished and a new tribunal with an independent appointments process will replace it. The Australia Institute has recommended a spill of positions and an independent appointments process, along with other recommendations to improve the integrity of administrative review.<sup>25</sup>

The Albanese Government has appointed Matt Thistlethwaite as Assistant Minister for the Republic, although it does not intend to hold a referendum on the republic in its first term.<sup>26</sup>

In late 2022, the Parliament passed a private member's bill restoring the rights of the territories to legislate for voluntary assisted dying.<sup>27</sup>

The Albanese Government is not pursuing the Morrison Government's kludge of describing National Cabinet as a committee of the federal cabinet to evade freedom of information law. It tried to withhold documents via a different mechanism, an approach that was rejected by the Administrative Appeals Tribunal.<sup>28</sup>

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<sup>25</sup> The Australia Institute (2022) *Abolition of AAT a Welcome Step Towards Integrity*, <https://australiainstitute.org.au/post/abolition-of-aat-a-welcome-step-towards-integrity/>; Wilkinson & Morison (2022) *Cronyism in appointments to the AAT*, <https://australiainstitute.org.au/report/cronyism-in-appointments-to-the-aat/>

<sup>26</sup> Butler (2022) *New minister for republic says 'twilight' of Queen's reign chance 'to discuss what comes next for Australia'*, <https://www.theguardian.com/australia-news/2022/jun/01/minister-republic-twilight-queen-reign-good-opportunity-next-for-australia>

<sup>27</sup> Giannini (2022) *Territories given euthanasia voting rights*, <https://www.canberratimes.com.au/story/8002855/territories-given-euthanasia-voting-rights/>

<sup>28</sup> Burton (2023) *Inside national cabinet's early COVID-19 decisions*, <https://www.afr.com/politics/federal/inside-national-cabinet-s-early-covid-19-decisions-20230504-p5d5fj>; Crowe (2022) *New disclosure test for Anthony Albanese on national cabinet*, <https://www.smh.com.au/politics/federal/new-disclosure-test-for-anthony-albanese-on-national-cabinet-20220824-p5bc90.html>

## CHANGES TO ELECTORAL LAW

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The conventional tools for addressing political finance concerns are public funding, donation caps and spending caps. These three issues feature heavily in the Joint Standing Committee on Electoral Matters' recommendations following the 2023 election.<sup>29</sup>

Late last year, the Australia Institute published *Securing transparency and diversity in political finance*, which analyses these tools in detail and finds that they are blunt instruments that have so far failed to rein in vested interests or address cash-for-access, and they risk many perverse outcomes – most notably, introducing unfair barriers to new entrants, independents and minor parties.<sup>30</sup>

*Securing transparency and diversity in political finance* recommends an alternative suite of political finance reforms that would go a long way to making the political playing field more level and addressing cash-for-access at its roots: exposing it when it happens, making governments pay a political cost for facilitating it and banning it outright where doing so is proportionate, constitutional and likely to be effective.

These include donation transparency reforms, which appear above where they overlap with the recommendations of the Joint Standing Committee on Electoral Matters. Others, including a proposed mega-donor cap, changes to public funding and a ban on political donations by government contractors, are yet to be considered by parliamentary committees.

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<sup>29</sup> JSCEM (2023) *Conduct of the 2022 federal election and other matters: Interim report*, pp. 109–120

<sup>30</sup> Browne & Walters (2023) *Securing transparency and diversity in political finance*, <https://australiainstitute.org.au/report/securing-transparency-and-diversity-in-political-finance/>

# Party leaders on democracy

Australia's party leaders have expressed heartening positive sentiments about the importance of democracy, which are worth recording and referring back to as debate continues about possible reforms.

## Anthony Albanese

At the Woodford Folk Festival in 2022, Prime Minister Anthony Albanese celebrated the passage of the National Anti-Corruption Commission legislation and connected it to the broader need for democratic protections:

We have established a National Anti-Corruption Commission, because restoring integrity and trust to our politics is essential if we are to maintain the health of our democracy ... I urge anyone who thinks our democracy is unassailable to have a look around the world. Even some of the oldest, most stable democracies have come under attack from whole range of corrosive, insidious forces. No one is immune. Our democracy is precious, something we have carefully grown and nurtured from one generation to the next. One of our core responsibilities is to make it stronger, and key to that strength is transparency and accountability.<sup>31</sup>

He identified the secretive and convention-defying appointment of Scott Morrison to multiple ministries as representing a broader threat to democracy, saying:

I think that democracy is undermined by a lack of transparency.<sup>32</sup>

While Opposition Leader, Albanese was quick to condemn the attack on the Capitol:

Democracy is precious and cannot be taken for granted - the violent insurrection in Washington is an assault on the rule of law and democracy. Donald Trump has encouraged this response and must now call on his supporters to stand down.<sup>33</sup>

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<sup>31</sup> Albanese (2022) *Woodford Folk Festival Speech*, <https://www.pm.gov.au/media/woodford-folk-festival>

<sup>32</sup> Gould (2022) *Anthony Albanese says young people's view on democracy is 'scary'*, <https://www.news.com.au/finance/work/leaders/anthony-albanese-says-young-peoples-view-on-democracy-is-scary/news-story/7a52a8efa289a9b167d43e46d83a33fe>

<sup>33</sup> Albanese (2021) <https://twitter.com/AlboMP/status/1346929529198055424>

## Penny Wong

Upon accepting the 2018 McKinnon Prize in Political Leadership, Penny Wong (at the time, Shadow Foreign Minister) reflected on democracy and its relationship to security – in the context of the Christchurch massacre which had occurred a fortnight earlier.

I believe the normalisation of hate speech, extremist views in our Parliament, and a lack of unity in response to these, have rendered the Australian democracy more fragile. ...

We cannot continue to allow the adversarialism and competition of ideas that is intrinsic to democratic politics to mutate into the kind of hyper-partisanship and deep polarisation that can place democracy itself under stress. ...

And the erosion of democratic values may undermine international security. For history shows that constitutionally-stable democracies are far less likely to go to war with one another. ...

We must recognise the importance of the resilience and health of our democracy to the nation, to its people and to our capacity to prosecute the foreign policy agenda we want.

A robust Australian democracy is not only fundamental to the country we cherish, it is a necessary prerequisite to our ability to advance our interests and advocate our values internationally.<sup>34</sup>

## Jim Chalmers

Treasurer Jim Chalmers' long piece in *The Monthly*, titled *Capitalism after the crises*, ties economic reform to the health of democracy:

[The Albanese Government's mission] ... is to redefine and reform our economy and institutions in ways that make our people and communities more resilient, and our society and democracy stronger as well. ...

It's time for democrats to understand that economic inclusion is fundamental to the health of democracies and the safety of nations. There will always be bad actors and bigots, but they will only find widespread public support if the political economy is failing the people.<sup>35</sup>

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<sup>34</sup> Wong (2019) *McKinnon Prize in Political Leadership Oration*, <https://www.pennywong.com.au/media-hub/speeches/mckinnon-prize-in-political-leadership-oration-melbourne-university-29-03-2019/>

<sup>35</sup> Chalmers (2023) *Capitalism after the crises*, <https://www.themonthly.com.au/issue/2023/february/jim-chalmers/capitalism-after-crises>

## Clare O’Neil

In her National Press Club address last year, Home Affairs Minister Clare O’Neil also tied democracy to national security, saying:

[I]n our quest to keep Australia safe in the coming decades, democracy is our biggest national asset. We need to protect our national assets. ...

But politicians like me need to tell a better story about Australia’s world-leading democratic history.

We are the sixth oldest democracy in the world. We are the great democratic innovator: the inventor of the secret ballot, one of the first in the world to give women the right to vote. We have very high participation in our democracy, and a strong and independent electoral commission, where politicians do their bit, and respect the result. An independent media, that despite its many challenges, does a bloody good job. We have a hell of a lot of be proud of. ...

People should choose their leaders. To me, to us, this is a truism. But democracy is not just a political system. It is a mindset. About community, pluralism, tolerance, rationality, choice and freedom.

And yet, trust in democracy is in substantial decline in Australia and around the world, and polarisation and populism are on the rise. And we cannot stand by and do nothing.<sup>36</sup>

## Mark Dreyfus

When he presented the 2022 Accountability Round Table integrity awards, Attorney-General Mark Dreyfus said:

The integrity of Australia’s public institutions lies at the heart of the Australian Government’s capability to deliver social, political and economic outcomes in the public interest.

These Awards also act as a reminder that all parliamentarians, who share the great honour and privilege of representing our communities in the federal Parliament, are the custodians of our nation’s democracy and the rule of law.

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<sup>36</sup> O’Neil (2022) *Home Affairs and the long view – National Press Club Address*, <https://minister.homeaffairs.gov.au/ClareONeil/Pages/national-press-club-address.aspx>

A central part of the Albanese Government’s agenda is to restore public trust and strengthen standards of integrity in our federal government.<sup>37</sup>

## The Opposition

Members of the shadow cabinet have also made statements defending or celebrating democracy. Some of the more notable follow.

In 2021, Then Minister for Defence, Peter Dutton, along with then Minister for Foreign Affairs, Marise Payne, issued a joint statement in conjunction with their US counterparts including:

The United States and Australia stand committed to democracy.<sup>38</sup>

In a call for education to go back to “the basics”, Opposition Leader Peter Dutton says what is needed (in preference to “a sanitised and selective version of history and the arts – and radical gender theory”) is:

Fostering a love of our country and pride in our history and democracy, without sugar coating the past.<sup>39</sup>

Shadow Foreign Minister Simon Birmingham condemned the 2023 attack by supporters of defeated president Jair Bolsonaro on Brazil’s congress.

Win or lose, democracy should always be defended & respected. There is no place for violence in the face of democratic outcomes.

Those who can influence protesters should use all their influence to have them end such violence & attacks.<sup>40</sup>

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<sup>37</sup> Dreyfus (2022) *Accountability Round Table Integrity Awards*, <https://www.markdreyfus.com/media/speeches/accountability-round-table-integrity-awards-mark-dreyfus-qc-mp/>

<sup>38</sup> AUSMIN (2021) *Joint Statement Australia-U.S. Ministerial Consultations (AUSMIN) 2021*, <https://www.dfat.gov.au/geo/united-states-of-america/ausmin/joint-statement-australia-us-ministerial-consultations-ausmin-2021>

<sup>39</sup> Dutton (2022) *Budget in Reply Speech*, <https://www.peterdutton.com.au/leader-of-the-opposition-budget-in-reply-check-against-delivery/>

<sup>40</sup> Birmingham (2023) *Twitter post*, [https://twitter.com/Birmo/status/1612320491456585729?ref\\_src=twsrc%5Etfw](https://twitter.com/Birmo/status/1612320491456585729?ref_src=twsrc%5Etfw)



# Conclusion

The Albanese Government and the 47<sup>th</sup> Parliament have made welcome progress on democratic reform, particularly when these reforms deliver on Labor’s election promises. However, much more remains to be done to fortify Australian democracy, and the existence of an integrity “super-majority” in the Parliament gives the Government no excuses for dragging its feet.

There are many more proposed reforms in the *Democracy Agenda for the 47<sup>th</sup> Parliament* that should be implemented, including truth in political advertising laws, a review of government advertising to ensure public money is not being spent for partisan political reasons and an improved culture around freedom of information requests.

The public service, and its relationship to government and the private sector, is in particular need of attention. The Australia Institute has identified potential conflict of interest issues in relation to Australia’s carbon offsets system and climate change advice, and the over-use of consulting firms.<sup>41</sup>

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<sup>41</sup> See for example Shields, Adhikari and Browne (2023) *Neither frank nor fearless*, <https://australiainstitute.org.au/report/neither-frank-nor-fearless/>; The Australia Institute (2022) *Chubb carbon offsets inquiry – conflicted, too late & missing the point*, <https://australiainstitute.org.au/post/chubb-carbon-offsets-inquiry-conflicted-too-late-missing-the-point/>; (2023) *Conflict of interest concerns spread to Climate Authority after PwC scandal*, <https://australiainstitute.org.au/post/conflict-of-interest-concerns-spread-to-climate-authority-after-pwc-scandal/>

# Appendix: Progress of proposals

## Parliamentary business

Proposal	Progress
Indigenous Voice to Parliament	Conducted; the outcome was a No vote.
Increasing the number of parliamentarians	An inquiry into an increase has been recommended by the Joint Standing Committee on Electoral Matters. <sup>i</sup>
Disclosures – Clarification of rules	In part: blind trusts included <sup>ii</sup>
Disclosures – Digitising the registers of interests	The register of senators' interests is now in HTML, includes changes in-line and is searchable by keyword. <sup>iii</sup> The register of members' interests has not been updated.
Fixed three-year terms	
Code of conduct for parliamentarians	Endorsed <sup>iv</sup>
Parliamentary standards commissioner	Government is considering <sup>v</sup>
Question Time reforms	More questions for the crossbench <sup>vi</sup>
Time limit for committee inquiries	
Private member's motions and Bills always scheduled for a vote	
Suspension of standing orders to not require an absolute majority	
Remote voting permitted	
HOR cut-off for introducing legislation	
Implement the Jenkins review recommendations	6 of 28 implemented, 4 others partly implemented <sup>vii</sup>
Shorter sitting days	Earlier starts, earlier finishes, changes to what happens at what times <sup>viii</sup>
More sitting days	At 65 for 2023, just below the average of 67 sitting days per year since Federation. <sup>ix</sup>
No fundraising events in Parliament House	On the request of Prime Minister Anthony Albanese, the House of Representative and Senate have stopped taking bookings for political fundraisers in parliament's public areas. <sup>x</sup>
Ministers to give reasons for not producing documents	

## Use of parliamentary powers

Proposal	Progress
Order for consultants' reports	
HOR estimates hearings	
Security oversight reform (PJCIS etc)	The Labor majority on the Parliamentary Joint Committee on Intelligence and Security (PJCIS) has recommended allowing crossbench MPs and senators to join the committee. <sup>xi</sup>

## Restraints on government

Proposal	Progress
Parliamentary vote on war	Subject of an inquiry, although government ministers said they did not support the reform. The inquiry found “no basis for overturning established Executive prerogative”. <sup>xii</sup>
ANAO review of government advertising	
Removal of copyright restrictions and access fees	
PBO to track delivery of election commitments	
PBO to conduct budget costings	
ABC appointment process made independent	The Albanese Government has followed an independent appointment process for its appointments to the ABC Board, but not legislated it for later governments.
Conflict of interest declaration for grant-making ministers	
Senate Committee for the Scrutiny of Grants	
Publication of ministerial diaries	Done in response to FOI by Burke, Chalmers and Dreyfus; resisted by PMO for 16 months. Adopted by Victorian Government. <sup>xiii</sup>
Quota for unreviewed FOI exceptions	
Whistleblower legislation reforms	First tranche passed; second tranche under consideration.
Disclosure of Cabinet discussions	Progress in Queensland following the Coaldrake Report.
Documents to remain in possession of a minister	

## Accountability institutions

Proposal	Progress
ABC funding	Funding cuts reversed; Labor moving to a five-year funding cycle. <sup>xiv</sup>
Integrity commission “with teeth”	Legislated <sup>xv</sup>
Funding guaranteed for officers of the parliament	
Evaluator-General	Established in a limited form as the Australian Centre for Evaluation. <sup>xvi</sup>

## Elections

Proposal	Progress
Robson Rotation for ballots	
Truth in political advertising laws	Government has committed; JSCEM has recommended <sup>xvii</sup>

## Constitutional reform

Proposal	Progress
Referendum: Recount method for senators	Not this term
Referendum: Section 44 reform or abolition	Not this term

## Other possibilities

Proposal	Progress
2010 unfinished business: <ul style="list-style-type: none"> <li>• HOR committees able to prioritise and/or launch own-motion inquiries</li> <li>• where the government refuses to cooperate on issues of public interest disclosure, this would be referred to the Information Commissioner for adjudication</li> <li>• dedicated time for private members' Bills</li> <li>• HOR to commit to debating and voting on private members' Bills from the Senate</li> <li>• a Parliamentary Integrity Commissioner to advise on entitlements, conduct investigations, uphold the Code of Conduct and maintain the lobbyists' register</li> <li>• Speaker and Deputy Speaker of the House of Representatives to be drawn from different parties, paired, and to abstain from party meetings.</li> </ul>	
Petitions to be debated in HOR	
Govt to commit to Nolan Principles	
Royal Commission into the handling of COVID	An independent COVID-19 response inquiry has been called.
Stop contracting out of government services	In first year, contracts with external hire suppliers cut by a third and with consulting firms by a half. <sup>xviii</sup>
Remove ministerial discretion over Australian Research Council grants	Minister has committed to do so. <sup>xix</sup>
Political ad library	
Lifelong civics education	
HOR Standing Committee on Social Policy and Legal Affairs recommendations on facilitating referendums	
Referendum: Recognition of local government	Not this term
Referendum: Right to freedom of expression/broader Bill of Rights	Not this term
Referendum: Allow for country-wide proportional representation	Not this term

<sup>i</sup> Barlow & Rollins (2023) *Govt "should consider" more MPs, ACT senators: minister*, <https://www.canberratimes.com.au/story/8218039/govt-should-consider-more-mps-act-senators-minister/>; JSCEM (2023) *Conduct of the 2022 federal election and other matters: Final report*, p. 15, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Electoral\\_Matters/~/\\_link.aspx?\\_id=B0EB44BCE6544D448F8F90E44E0AA37&\\_z=z](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/~/_link.aspx?_id=B0EB44BCE6544D448F8F90E44E0AA37&_z=z)

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- <sup>ii</sup> Remeikis & Karp (2022) *Labor's new ministerial code of conduct bans blind trusts like Christian Porter used*, <https://www.theguardian.com/australia-news/2022/jul/07/labors-new-ministerial-code-of-conduct-bans-blind-trusts-like-christian-porter-used>
- <sup>iii</sup> Parliament of Australia (2023) *Register of senators' interests*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Senators\\_Interests/Senators\\_Interests\\_Register](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Senators_Interests/Senators_Interests_Register); (2023) *Register of members' interests – 47th Parliament*, [https://www.aph.gov.au/senators\\_and\\_members/members/register](https://www.aph.gov.au/senators_and_members/members/register)
- <sup>iv</sup> The Australian Human Rights Commission (2023) *Commission welcomes parliament's codes of conduct and improved workplace safety*, <https://humanrights.gov.au/about/news/media-releases/commission-welcomes-parliaments-codes-conduct-and-improved-workplace>
- <sup>v</sup> Parliamentary Leadership Taskforce (2023) *Taskforce 2022 Annual Report*, p. 20, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Leadership\\_Taskforce/Updates/Taskforce\\_2022\\_Annual\\_Report](https://www.aph.gov.au/About_Parliament/Parliamentary_Leadership_Taskforce/Updates/Taskforce_2022_Annual_Report)
- <sup>vi</sup> Taylor & Remeikis (2022) *Dutton withdraws Albanese 'liar' allegation in question time – as it happened*, <https://www.theguardian.com/australia-news/live/2022/sep/05/australian-politics-live-with-amy-remeikis-greens-emissions-coal-gas-environment-parliament-anthony-albanese-welfare-petrol-inflation-integrity-train-strikes-nsw-victoria-weather-covid>
- <sup>vii</sup> The Australian Human Rights Commission (2023) *Commission welcomes parliament's codes of conduct and improved workplace safety*
- <sup>viii</sup> McLeod (2022) *'Controversial' changes for federal MPs*, <https://www.news.com.au/national/politics/federal-parliament-to-become-more-family-friendly-after-changes-to-rules-for-mps/news-story/63ddf4148139f046b1c6f0db78b6effe>
- <sup>ix</sup> Elder & Fowler (2018) *House of Representatives practice (7th edition)*, chap. 7, [https://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/Practice7](https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7)
- <sup>x</sup> Hutchinson (2022) *Forget the glitz - Labor's budget bash is a low-key affair*, <https://www.afr.com/politics/labor-s-bread-and-butter-budget-a-glamour-free-affair-20221024-p5bsi4>
- <sup>xi</sup> PJCS (2023) *Advisory report on the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Bill 2023*, pp. 14–15, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Intelligence\\_and\\_Security/NSLAB2/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/NSLAB2/Report)
- <sup>xii</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade (2023) *Inquiry into international armed conflict decision making: Report*, p. 31, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Armedconflict](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict); Wong (2023) *QON - Iraq War*, [https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/26439/&sid=0127](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/26439/&sid=0127)
- <sup>xiii</sup> Buckley (2023) *A Senate push could force Albanese to hand over his diary*, <https://www.crikey.com.au/2023/01/20/anthony-albanese-diary-rex-patrick/>; Ireland (2024) *Albanese, King met Qantas' Joyce as government mulled extra Qatar flights*, <https://www.smh.com.au/politics/federal/pm-met-with-joyce-in-weeks-after-qantas-opposed-extra-qatar-flights-diary-shows-20240104-p5ev30.html>; Kolovos (2023) *Victorian ministers to be forced to make diaries public and reveal meetings with lobbyists*, <https://www.theguardian.com/australia-news/2023/dec/01/victoria-ministers-ministerial-diaries-public-reveal-disclose-meetings-lobbyists-code-of-conduct>
- <sup>xiv</sup> Davies (2022) *ABC given \$83.7m to reverse Coalition's funding cuts but little help for arts in 2022 budget*, <https://www.theguardian.com/australia-news/2022/oct/25/abc-budget-2022-84m-funding-coalition-cuts-reversed-australia-media-sbs-arts-spending>
- <sup>xv</sup> *National Anti-Corruption Commission Act 2022 (Cth)*, <http://www.legislation.gov.au/Details/C2022A00088>
- <sup>xvi</sup> Department of the Treasury (2023) *Australian Centre for Evaluation*, <https://evaluation.treasury.gov.au/>; Jarvie, Mercer, & Ayres (2022) *An evaluator-general won't just create trouble. APS needs one with teeth*, <https://www.canberratimes.com.au/story/7894750/an-evaluator-general-wont-just-create-trouble-aps-needs-one-with-teeth/>
- <sup>xvii</sup> JSCEM (2023) *Conduct of the 2022 federal election and other matters: Interim report*, pp. 106–107, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Electoral\\_Matters/2022federalection/Interim\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2022federalection/Interim_Report); Karp (2022) *Labor aims to legislate spending caps and truth in advertising, says Don Farrell*, <https://www.theguardian.com/australia-news/2022/jul/10/labor-aims-to-legislate-spending-caps-and-truth-in-advertising-says-don-farrell>

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<sup>xviii</sup> Burton & Tadros (2023) *PwC not the only loser in Canberra's \$2.9b cost-cutting drive*, <https://www.afr.com/politics/federal/pwc-not-the-only-loser-in-canberra-s-2-9b-cost-cutting-drive-20230602-p5ddgt>

<sup>xix</sup> Department of Education (2023) *Review of the Australian Research Council Act 2001*, <https://www.education.gov.au/higher-education-reviews-and-consultations/review-australian-research-council-act-2001>; Hare (2023) *'No political plaything': Labor to end research grant veto*, <https://www.afr.com/policy/health-and-education/no-political-plaything-labor-to-end-research-grant-veto-20230821-p5dy4q>; Visentin (2022) *'Political interference needs to end': Minister to review university research grants*, <https://www.smh.com.au/politics/federal/political-interference-needs-to-end-minister-to-review-university-research-grants-20220706-p5azei.html>