

## Supplementary submission

(Supplement to submission 20)

Michael Pepperday 3.1.23

This government inquiry is about supporting democracy. Most submissions to it are about policy whereas democracy is about rule.

Democracy is rule by the people, an alternative to rule by a hereditary king, rule by a military junta, etc.

A perfect democracy would be where every person has a precisely equal say in making the rules. A real-world democracy advances when the people's influence on the rules increases. The increase is at the expense of the influence of politicians and other special interests.

If a foreign agency from Australia or elsewhere pursues a certain policy—say, to counter oppression or corruption—it excludes the people themselves from deciding. However worthy the policy, its application is not democratic.

It is hard to see how any policy could support democracy. Even such an aim as pressuring for protection of a minority—which might ameliorate the condition of the minority and is the sort of policy we expect of democracy—would pre-empt, rather than advance, democracy.

It is not that good policy leads to democracy but that democracy leads to good policies. That is why we are in favour of it. The world's established democracies have incomparably better policies than non-democracies.

There may be good reason for Australia and other foreign agencies to apply pressure to adopt this or that policy—but that would be a different inquiry. This inquiry is about supporting democracy.

My submission suggested Australia apply pressure to improve democracy, specifically to introduce a governing structure which, inter alia, can *withstand* pressure from foreign agencies. Similar reasoning applies to claims that a strong civil society is a prerequisite for democracy. The contrary is the case. RAMSI built up civil organisations in Solomon Islands and the RAMSI personnel were proud of their effort. When RAMSI left it fell to pieces and the democracy, such as it was, deteriorated. For 400 years people have been building civil society all over South America. Those countries still cannot sustain democracy. After 1992, Russia rapidly built civil society organisations. It did not bring democracy. Sustainable democracy requires a viable constitutional foundation.

Over the last two centuries experience has accumulated from countries' practical attempts to create democracy. Stable democracy is possible—there are at least a couple of dozen—and certain principles have evolved, such as free speech, popular election of the rule-makers, and the separation of the powers of executive, judiciary and legislature. These things seem required; they are not optional.

There are, though, options for the relationship of the people to the legislature and the executive. There are three choices: parliamentary or presidential, unicameral or bicameral, multi-member PR or single-member electorates. That makes  $2 \times 2 \times 2 = 8$  possible combinations.

If we exclude presidentialism there are four combinations; three have been found to support democracy but one, the combination of unicameral parliament and single-member elections, never produces stable democracy. This is the constitution the colonial authorities bequeathed to PNG, Solomon Islands, and Vanuatu and these countries have been propped up by Australian and other foreign agencies ever since.

If the house of government consists of single-member seats, there must be a second chamber. The 1992 Royal Commission into "WA Inc" had this to say on the role of an upper house:

[The Legislative Council's] role as a House of Review is of vital concern to the Commission. If it is not the Council which discharges this role, then we are compelled to accept that the protection given by the Parliament against the abuse and misuse of official power will, for the future, as in the period into which we have inquired, be gravely compromised.

The Commission is saying abuse of power is to be *expected* with the single-member lower house. If Western Australia needs an effective second chamber, why wouldn't PNG, Solomon Islands and Vanuatu?

I am disappointed that the other submissions emphasise policy and none specify structural reform. The IDEA organisation (Submission 12) would have more relevant data than anyone else. Perhaps it could be asked whether it actually recommends that the present single-member, unicameral structure continue in these three countries.

To me it seems obvious that if these countries are ever to be viable democracies reform is essential.

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