

Greens NSW

Democracy, Participation and Elections Policy



Revised August 2014

Principles

The Greens NSW believe that:

1. parliament should reflect the diversity of New South Wales society;
2. all citizens who have the right to vote should have every opportunity to do so;
3. the electoral system should be transparent and democratic and ensure every vote counts;
4. citizens should be educated to understand how to make their voices heard in government processes and how the electoral system works;
5. government processes in New South Wales should be democratic, participatory and transparent;
6. New South Wales should have a head of state who represents the people of New South Wales, not a foreign monarch;
7. a deep and egalitarian democracy requires all residents to be treated with equal respect regardless of their level of wealth or power, and that all citizens have equal access to the processes of government;
8. the depth of a democracy and its resilience to corruption rely upon openness and transparency of decisions and of those that make them;
9. participation in democracy should not be limited to voting in elections. There must be opportunities for individuals and other organisations to participate in decisions affecting their lives, including in their workplaces and local communities;
10. corruption and influence peddling corrode democracy by destroying public confidence and undermining belief in the ability of government and the political process to act for the common good. They also inflict costs on households, the environment and the economy;
11. the NSW Legislative Council should function as an effective and independent house of review;

12. the NSW Parliament should function as an effective and independent check and balance on the executive;
13. the electoral system must be adequately funded by government;
14. transparency in funding and lobbying activities is essential to democracy;
15. government policies, election outcomes and political decision-making must be, and must be seen to be, independent of donations or favours from the private and non-government sectors;
16. the influence of money on politics should be minimised;
17. democratic representation relies on an election funding system that provides access to the public debate for a diversity of voices regardless of the amount of money or party influence they can deploy;
18. the integrity of democracy and the public interest are best protected by tightly regulating and limiting political donations and, in particular, those that do not come from individuals who are citizens or permanent residents of Australia;
19. the separation of government and the private sector should include restrictions on retiring members of parliament (MPs) in their subsequent work in the private sector;
20. all citizens should have equal access to and influence on political decision-making, government policy and election outcomes;
21. constitutional provisions that separate church and state and protect freedom of religion and belief benefit people of all beliefs. The governance of New South Wales should be fully secular;
22. the Greens NSW accept donations only from individuals. The Greens NSW recognise, however, an implied right of political communication in the Australian Constitution and that other parties can choose to take political donations from organisations. These donations should be regulated to protect the public interest.

Aims

The Greens NSW will work towards:

23. implementing Proportional Representation in the Legislative Assembly through a system of multi-member electorates;
24. requiring all local government elections to use proportional representation;
25. recognising local government in the NSW Constitution;
26. reforming the Legislative Council electoral system, with the election of Members of the Legislative Council for a four-year term;
27. maintaining fixed four-year terms for the NSW Parliament;

28. Australia becoming a republic and, in the interim, reviewing the reserve powers of the Governor and working towards codifying those powers;
29. increasing support for civics education in NSW schools;
30. extending the right to vote to all citizens aged between 16 and 18;
31. ensuring that individuals retain the right to make small donations to parties and candidates;
32. implementing a system where:
 - a. a donor and a political party are each obliged to immediately declare all donations from the donor once the total exceeds \$1,000 in any one financial year and that information is placed on a public website maintained by the electoral office within one week of receipt, and
 - b. electoral expenditure by political parties, candidates or elected representatives of \$1000 or more be promptly disclosed on a public website maintained by the electoral office;
33. requiring political parties and candidates to certify and declare for each donation over \$1,000 they receive that:
 - a. it is legal within the electoral laws,
 - b. its ultimate source; and that that person or entity is legally entitled to donate,
 - c. the purpose for which it has been received (being a local, state or federal election, and in the case of the former, the identity of the local government area) and that it has been deposited into the account for that purpose;
34. a ban on campaign donations from
 - a. all for-profit corporations and other business entities,
 - b. representative bodies of for-profit corporations and other business entities,
 - c. organisations and trusts that receive donations from any of the above for the purposes of political activities,
 - d. organisations and trusts that are established by or predominantly supported by any of the above, and
 - e. otherwise legal donors or organisations that have received funds from any other organisation or person for the purpose of making a donation;
35. prohibiting campaign spending by for-profit corporations and other business entities that support the election of a candidate or party;
36. maintaining the ban on all political donations from companies that profit from property development, tobacco, alcohol and gambling and their directors and other close associates;

37. extending the ban on political donations to include companies, their close associates and industry representative groups involved in:
 - a. mining and petroleum extraction,
 - b. companies that are currently involved in government contracts or are intending to bid for government contracts in the next 4 years,
 - c. registered clubs and other not-for-profit gambling entities, and
 - d. all other industry sectors that pose a significant specific risk of corruption or damage to the public interest;
38. requiring each political donation from not-for-profit organisations including unions to be:
 - a. approved by a decision-making body that is elected by the membership,
 - b. fully disclosed to all members of that organisation, and
 - c. within the relevant donation caps;
39. requiring all spending by third-party organisations on advertising and other electoral communication specifically for the purposes of promoting a party or candidate to be strictly regulated and limited to \$500,000 in any one election including no more than \$20,000 in any one seat;
40. capping donations to a candidate or associated entity of a political party at \$1,000, and to a political party (including all in-state branches of the same political party) at \$2,500 within each financial year;
41. allowing uncapped bequests;
42. enhancing public funding of state election campaigns to reduce reliance on donations;
43. maintaining a system of public funding of party administration expenses but changing it to a fairer system based on the number of votes a party received in the last relevant election;
44. ensuring small parties without parliamentary representation have access to appropriate levels of public funding;
45. prohibiting payment of a party's or a candidate's electoral expenses or electoral advertising expenses by entities other than identified, registered political parties or candidates or their authorised agents;
46. limiting electoral expenditure caps to levels that allow candidates and political parties to communicate their message to the electorate while not unfairly advantaging candidates and parties with greater financial resources;
47. treating as a pecuniary interest, subject to a conflict of interest test, all donations to political parties, candidates or elected representatives;
48. requiring all MPs to declare the financial affairs of:

- a. their partners,
 - b. any children or other relatives with whom they have a beneficial financial relationship, and
 - c. any trusts that might provide a benefit to the MP or their family members
49. subjecting all MPs and their partners and family members with whom they have a beneficial financial relationship to unexplained wealth tests;
 50. introducing legislation for a compulsory code of conduct for retiring MPs in relation to their subsequent employment;
 51. strengthening existing cooling-off periods so that ministers, ministerial staff, parliamentary secretaries and senior bureaucrats are prohibited for a period of four years from working in or obtaining a benefit from industries over which they had exerted regulatory influence
 52. while recognising that lobbying by professional lobbyists and lobbying companies creates specific influence-peddling risks, broadening the definition of lobbying to include all meetings between:
 - a. ministers, their staff, parliamentary secretaries or senior bureaucrats, and
 - b. any professional lobbyist or any person or representative of an entity seeking to gain financial benefit or material advantage;
 53. strengthening existing NSW lobbying law and regulations in accordance with the provisions of this policy;
 54. maintaining the existing legislated ban on success fees in lobbying;
 55. legislating a ban on party officials, former ministers and ministerial staffers becoming professional lobbyists or engaging in lobbying activities in areas covered by their former portfolio for a period of four years from leaving office;
 56. creating an Integrity Commissioner with responsibility for investigating potential breaches of the laws relating to lobbying and MPs' personal finances, prosecuting minor matters, and referring others to the Independent Commission Against Corruption (ICAC);
 57. creating greater transparency of all lobbying activities of ministers, their staff, parliamentary secretaries or senior bureaucrats by both professional and in-house lobbyists, by:
 - a. requiring all meetings with lobbyists and others seeking personal or corporate benefits to:
 - i. occur in an official location,
 - ii. be attended by at least three public officials,
 - iii. be minuted, including details of who is present, what was discussed, and what outcomes were obtained from the meeting

- b. minuting all phone calls with lobbyists,
 - c. indexing the minutes by topic and participants, with the index being placed on a public website,
 - d. Disclosing the decisions and other details of the minutes except where there is an overriding public interest against disclosure , the decision to not disclose is to be open to challenge,
 - e. Empowering the Integrity Commissioner, in all instances where public access to details of lobbying activities is denied due to confidentiality or commercial-in-confidence reasons, to assess the validity of the determination in the first instance and if access is denied subsequently, allowing appeal to the NSW Supreme Court;
58. moving for a referendum to enshrine the powers, funding and scope of ICAC in the state constitution, with any change that would weaken or reduce the capacities of ICAC requiring a two-thirds majority of both houses of parliament;
 59. reviewing the operations of the NSW Electoral Commission and maintaining an enhanced audit function to monitor compliance by political parties and candidates, and increasing funding for this purpose;
 60. ending the culture of 'consult and ignore' and replacing it with genuine community involvement in state and local government decision-making;
 61. enhancing the recognition of Aboriginal peoples and the role they have played in the history of this state including removing the vestiges of New South Wales's British colonial and imperial past;
 62. moving for a referendum to insert provisions into the NSW constitution to separate church and state, protect the practice of religion and personal conviction, and ensure that New South Wales is constitutionally a secular state.
 63. extending the anti-corruption, funding and donations provisions in this policy to local government, including:
 - a. a ban on donations from developers and for-profit entities,
 - b. a ban on donations from individuals or entities that have had matters considered by that council within the preceding four years,
 - c. a ban on donations being made through a third party,
 - d. requiring full public disclosure on a public website of all donations within one month of their receipt where the total amount provided by that donor exceeds \$1,000 in that financial year,
 - e. instituting a fair system of public funding of council elections and a cap on spending by candidates and parties,

- f. requiring full public disclosure of any lobbying of councillors, mayors and council staff, and
- g. prohibiting the future employment of councillors and council staff by corporations or individuals that have had matters considered by the relevant in the preceding four years.