

## Submission on ALP Reform

*Note that this document is the emailed version of my submission. The webform for submissions did not provide for an introduction, would not allow the inclusion of maps and restricted each answer to 500 words.*

### My background

In 1968, as a strong believer in social justice, I wrote to the Democratic Labor Party telling it what it was doing wrong. Subsequently, a member of the DLP knocked on my door inviting me to join the branch of the Young Democratic Labor Association that was being established in the Diamond Valley electorate. I joined the YDLA and became a member of the state committee of management, then state president and then state secretary

In 1970, I joined the DLP, attending conferences until 1978, when the party disbanded. In that time, I was elected to the Victorian Central Executive, then as a federal conference delegate and then as state vice president (at the age of 24), beating far longer-standing party members in the last two cases.

In 1994, appalled by the destruction of our state under the Coalition, I joined the Australian Labor Party. I have been a branch president and a branch secretary in non-factional branches, but I never been elected even to the state conference. I have been elected to the education and youth affairs policy committee and am its secretary. I achieved both positions without joining a faction but needed factional backing to win the first one. The second has been the unanimous choice of the committee every time except one when another person nominated but did not get a seconder.

When the Victorian DLP voted to disband in 1978, it had 13,571 donors on its list. That is 11 per cent of the 123,192 votes it received in the 1977 Senate election. For comparison, imagine that the Victorian ALP had as members 11 per cent of the 1,163,853 Victorian who voted for it in the 2019 Senate election. That would be 128,024 members, probably ten times the number of genuine members we have at present.

If you read the DLP rules and the ALP rules, you would conclude that the ALP was more democratic because of proportional representation. In fact, the DLP was more democratic, because members were genuine, ballots were secret and people voted, for both policy and representatives, in accordance with their individual judgement, not in accordance with factional directives. Thus, even though I had opposed and voted against the National Civic Council's mad idea to amalgamate the DLP with the Country Party and had spoken against uranium mining, I was still able to be elected as a federal conference delegate and as state vice president.

Members of the ALP have every right to join factions, but factions do not have the right and should not have the power to override the membership, which they do regularly via the Public Office Selection Committee.

This review is very focused on branch-stacking and I expect it will make a few recommendations for change there. But the real task is much bigger. I am one of the few real democrats I know. I say that because I opposed both the Greens' con job to rig the

Senate voting system and Adem Somyurek's disgraceful local government "reforms" to shut the Greens out of local councils. I believe affirmative action quotas are an affront to democracy. I am so old-fashioned that I believe that elected bodies should be fully representative of the people who vote for them. I'd like the party to be genuinely democratic, but I will be amazed if anything is done in that regard as a result of this review because any recommendations will take effect only if agreed to by those who benefit from the current power structure. Remember, the only time the ALP really reformed was in 1970 when Gough Whitlam realised he would never be prime minister if he did not fix the authoritarian Victorian branch. I would prefer it not take 21 years in opposition for the party to be reformed again.

The main principle is to entrench genuine democracy throughout the party; i.e., putting internal elections, pre-selections and policy in the hands of the genuine rank-and-file members and the affiliated unionists. That means breaking for all time the business model of the branch stackers and the factional warlords.

**Question 1.1** – How do we respect the various motivations people have to join the ALP?

The best respect we can have for people who join the ALP is to entrench democracy in the party. If people are motivated to join by the desire for personal advancement or the intention to impose an authoritarian state on us, their motivations do not deserve respect. If they join because they want to advance the cause of genuine social justice, their motivations do deserve respect. We don't need to drill down to specifics, but we do need to ensure that all members are genuine and then we respect their motivations by allowing them to have a democratic say in the party's policy-making and candidate-selection processes.

We cannot fairly expect everyone who joins to have the same level of commitment. Some members will be very active. Others will be content with the occasional branch attendance and some election work. Yet others, perhaps for reasons of infirmity, will not be able to do any more than sign up and vote in party ballots. All belong. None should be regarded as lesser members.

**Question 1.2** – Should there be other, or new, requirements on people who want to join Victorian Labor? Should there be a specific requirement for being able to vote in internal elections, such as regular Party activity or branch attendance? Should the existing requirements be amended?

There is a case for regular attendance at branch meetings, but they can be very boring or off-putting in other ways. There are people who would prefer to hand out how-to-vote cards or phone bank or letter-box rather than attend meetings. Branch meetings can clash with policy committee members. There are people who have been long-standing members and who become too old or frail to attend meetings. The Diamond Valley branch had a treasurer who was almost 90 years old. Cancelling her membership because she subsequently stopped attending meetings would have been disrespectful. Creating a complicated set of activities to justify membership or exempting some people because of age or disability would be a diversion of energy from the two central tasks, which are policy and elections.

The only requirement I would make for the right to vote in pre-selections or internal elections would be membership of more than one year's standing; i.e., no one could vote until they had

renewed their membership, thus filtering out the less committed. I suggest that requirement also apply for nomination to local positions, such as the branch executive or the FEA executive. For election to higher positions, such as membership of the administrative committee, I suggest a longer membership requirement in order to ensure some level of experience is brought to the task.

**Question 1.3** – How adequately does the Party fulfill the expectations of members? What is required to close the gap between expectations and delivery?

The party fulfils expectations very poorly. It does not give members a sense of belonging to a community of like-minded souls or one that respects difference. There is a dreadful groupthink in some branches, while others are full of division. When I lived in the Dunkley electorate, I was gobsmacked by the open hostility that some members displayed for others.

The biggest step to close the gap between expectation and delivery is the one the party will not take; i.e., to become a truly democratic organisation. Doing so requires fundamental rule changes to empower the rank-and-file members and the rank-and-file affiliated unionists. That does not mean a ban on like-minded members forming groups or factions to advance their common beliefs. It does mean ensuring such groups or factions do not gain power way beyond their numbers.

Beyond the rule changes is the cultural change. This is much harder.

I emailed all the Victorian delegates to the 2019 national conference in my capacity as secretary of the Education and Youth Affairs Policy Committee with amendments that the committee thought would improve the national platform; e.g., abandoning its support for the Howard/Gonski SES school funding model for one that really was based on need. 90 per cent of them did not even have the courtesy to reply. No party that was full of activists who took other members seriously would have so many failures to reply.

The cultural change required depends on each person. I don't think it can be enforced.

**Question 1.4** – What are the preconditions to attract and retain members of the Party?

It may be the age of mass political parties is over. If the Victorian ALP had the same level of activist support the Victorian DLP had when it folded up, it would have 128,000 members. I can't see that era returning. However, we can do better than the current membership level. My membership number suggests tens of thousands of people joined before I did. Where are they now? Some will have died, but many have simply dropped out. It would be worth asking those who leave why they do so. I know of only three, two at least partly over refugee policy and one over the internal nonsense, but that is far too few to be any sort of sample.

I suggest three preconditions. The first is to respect the working class and not fall for the identity politics of the inner-city upper classes. The second is to make the party democratic, so everyone in it believes their voice matters. The third is to follow the rules of old-fashioned courtesy. That starts with ministers in parliament answering the opposition's questions instead of indulging in displays of aggression and irrelevance. Ordinary people in

ordinary workplaces do not behave with the nastiness of MPs. If they can't behave, it's a bit much to expect branch members to.

**Question 2.1** – How do we best ensure high standards of integrity when new members join the ALP?

The requirement for membership must be tightened so that all members have to pay on joining by traceable means at a meeting they attend, thus making branch-stacking harder. Suggestions for doing this have been well canvassed by others.

**Question 2.2** – How do we ensure high standards of integrity when members and prospective members are not on the AEC roll, such as those aged under 18 years or permanent residents of Australia?

Those not on the electoral roll should not have a vote in party pre-selections in the first place. It seems absurd to allow people who cannot vote in a parliamentary election to choose the candidates for that election.

There would be little point in stacking branches with members who cannot vote in pre-selections.

**Question 3.1** – Is the current branch structure fit for purpose in 2020 and beyond? Are there viable alternatives?

Not in the slightest to the first! Yes to the second!

Once upon a time, branches were useful for information, even a night out. There is so much more on offer now that they are unnecessary for either purpose. Furthermore, their campaigning role has been taken over by the “Red Shirts” organisation. Yet, we still need a formal meeting place to help members feel that they belong and to feed into the party decision-making process. They are also subject to random re-allocation of their members according to federal redistributions.

The most basic step is to base branches on state electorates, not federal ones, because state redistributions are every eight years and would therefore provide more stability to the members. That does not mean one branch per electorate. Local geography, distance and membership numbers would determine how many branches each electorate would have.

Even if branches were based on state electorates, redistributions would not automatically move members into different branches. The rules could allow members to stay in the branch they originally joined for as long as they liked and they lived at the same address, but voting in pre-selections would be restricted to members who lived in the relevant electorate and voting for state conference delegates would be restricted to members who lived in the relevant party constituency (whether a state electorate, a federal electorate or some other geographic or interest group collective).

Interest-based branches are also possible, but they work against electioneering, which is geographical.

**Question 3.2** – Are there elements of social movements, unions and other large membership-based organisations that can be adapted to enliven branches and local activity?

I have belonged to many organisations over the years. None of them worked in the way the ALP does. All of them had people with differences of opinion, but none of them imposed iron control on the individuals who made them up.

Other organisations, other parties and even fraternal parties in other countries allow much more room for individual judgement.

The British Labour Party survives quite well with its MPs regularly voting against it. They don't get expelled. They don't get suspended. They are seen as following their consciences and the interests of their constituents. If the Labor Party were not so authoritarian with its MPs, perhaps some of them would have spoken against the undemocratic local government electoral changes or the draconian provisions of the Omnibus (Emergency Provisions ) Bill that allow anyone deemed an authorised officer to detain anyone else whom they suspect might do something wrong. Free and open debate is not just good for society. It is also good for the party as it presents small groups exercising too much power and keeps the party grounded in reality. The caucus solidarity rule in the ALP is authoritarian, allows small groups to control the parliamentary party and reduces the need for advocates to argue a case. It weakens the party.

There are two particular rule changes that the ALP desperately needs:  
the cabinet to be elected by ALP MPs by proportional representation, not have quotas for each faction and sub-faction, thus reducing insiders' power;  
MPs to be free to think and speak for themselves and vote against caucus decisions, thus improving decision-making;

Rule, 23 the one that makes all rules not rules at all but tools to be employed or ignored at the whim of whoever has the numbers at a particular time, needs to be removed. It is absurd. It would not be tolerated in consumer law, corporate law, industrial law, etc. It is extremely disrespectful of members.

**Question 4.1** – Should we abolish the 31 May deadline by changing renewals and create a new process? For instance, members renew on the anniversary of the date they originally joined, or all prospective (or existing) members pay their membership via an ongoing direct debit arrangement, charged monthly.

This sounds a sensible obstacle to the paying of bulk memberships by branch-stackers.

**Question 4.2** – Do we need a disincentive to prohibit renewals being done by others? E.g. stopping branch-based renewals, and/or payments for family members?

We need such a disincentive, but we have to be aware of individual circumstances that mean some people do not have electronic bank accounts and pay by cash and people who can't get out of their homes easily.

**Question 5.1** – Should we introduce a renewed Administrative Committee that provides the governance oversight? Should the Committee and related Sub-committees be reduced in size to reflect contemporary governance practice?

The fact that something is “contemporary ... practice” is no guarantee of anything. It just means it is fashionable, like the open classroom in the 1970s, outsourcing in the 1990s or hot-desking in the 2000s – and what disasters they all were! It is more important that the administrative committee or equivalent be representative than that it follow the latest fashion. The smaller the group, the more it will be dominated by the two broad party groupings – the left and the right. A larger group gives a chance to smaller voices to be represented.

If a smaller group is to be established, there needs to be an intermediate group between it and the state conference. There could be a state council of, say, 50 members elected by the state conference, the state president, the state secretary and the state vice presidents, that meets, say, four times a year and an administrative committee of, say, eight members, six elected by the state conference, the state president, elected by the members and the state secretary, appointed by the state council, that meets, say, 20 times a year. The administrative committee would be have even number of members and with the president having a deliberative but not a casting vote so that a 4-4 split between left and right could decide nothing. Every proposal would require at least five votes to be enacted. You could even have a rule that said the secretary had to be from a different faction from the president or no faction at all.

Abolishing proxies for administrative committee members or restricting them to members who had previously served on the administrative committee or other members on the current administrative committee would improve the functioning of that committee.

Similarly, policy committees should remain at 20 members. This size makes it possible for smaller strands of opinion in the party to be represented. It is also the case in all my years of membership of policy committees that the work is really done by about half the members. Given the amount of work that has to be done, cutting policy committees from 20 to 10 members would cut the number of active members from 10 to five and make the workload too great to share.

The Education and Youth Affairs Policy Committee has four sub-committees – early childhood education, schools, post-compulsory education and youth. It finds it very hard to get sufficient numbers on all four sub-committees. Cutting its membership to 10 would make the task impossible.

The Education and Youth Affairs Policy Committee decided some years ago to ask the party to establish a separate Youth Policy Committee but more recently decided not to pursue this option. It remains in my opinion an excellent idea.

The Youth Policy Committee would consist of 10 members elected by the state conference and 10 members elected by Young Labor, with the president and the secretary of that policy committee to come from different sections of its membership.

The more positive aspect of this proposal is that it would tie Young Labor more closely into the party's policy-making process as 10 members of the Youth Policy Committee would be elected by Young Labor and 10 by the party state conference. The proposal re the president and secretary would reinforce this idea, combining youthful enthusiasm with some older experience and help train future party members who wanted to take on leadership positions such as those on the administrative committee.

Youth policy, like women's policy and LGBTI policy, covers all areas and deserves its own committee.

The proposed rule change is below:

### **8.5. Policy Committees**

8.5.1. State Conference shall elect the following Policy Committees: ...

8.5.1.5. Education & Youth Affairs; and ...

add "to be renamed Education upon the election of the Youth Affairs Policy Committee in 8.1.15"

add ".5.15 Youth Affairs, 10 positions on which shall be reserved for members of Young Labor and 10 positions on which shall be open to any members"

Add "Notwithstanding Sections 1.1.3 and 7.1.10, the inaugural election to the Youth Affairs Policy Committee shall be conducted in accordance with the following schedule:

1. The Chief Returning Officer shall call for nominations within one week of the conference at which this rule is adopted.
2. Every candidate for the inaugural Youth Affairs Policy Committee shall nominate in writing to the Chief Returning Officer by 12.00 noon no later than ten days after the opening of nominations. Candidates must indicate if they are contesting the 10 positions for members of Young Labor or the positions open to any members. Each category of positions shall be separately elected. Should nominations need to be reopened as a result of Rule 3.3, nominees must follow the revised timetable determined by the Chief Returning Officer.
3. The Chief Returning Office shall conduct a postal ballot of state conference delegates, with ballot papers to be sent out within five days of the close of nominations and to be returned within 10 days of being sent out.
4. The Members elected to the inaugural Youth Affairs Policy Committee shall take office at the declaration of the ballot and shall hold office until their successors take office according to these Rules.

**Question 5.2** – What are the critical governance changes that would directly address the activity of branch stacking?

Scullin for years did not have internal elections. The various sub-factions in the electorate agreed among themselves how many delegates would attend the state conference from each of them, based on how many branch stacks each controlled. When I first stood for a state

conference delegate position for Scullin, I heard nothing about the election details and subsequently discovered there was no election as my nomination had been withdrawn without my request in order to avoid an election. When I next stood, I made it clear to the returning officer that if this happened again, I would lodge a dispute. Consequently, all the sub-factions combined to make sure I could not be elected. This was not due to any personal animosity to me. It was just that if I were elected one sub-faction would lose one of its agreed positions. Sub-factions are allowed to organise to beat another candidate. The problem was that 95 per cent the members in Scullin did not fill in their own ballot papers. They turned up at the polling office, had their names crossed off and gave their ballot papers to the appropriate sub-factional warlord to fill in for them. When one of the candidates on the approved list fell short of the quota in the count, one of the scrutineers said that he knew there were more votes for that person as he had filled them in himself. The missing vote were duly found. I was even told that I had made things difficult by forcing an election as party members wanted to know why they had to turn up and vote. The number of votes allocated to the various candidates by the sub-factional warlords was also organised so that, if by some chance sufficient genuine members voted for me, the affirmative action rule would still defeat me.

The rules need to be changed so that everyone able to do so is required to fill in their own ballot paper in secret, with those unable to do so because of some impairment able to request assistance from the returning officer, thus making members think.

The rules also need to be changed so that the Australian Electoral Commission or the Victorian Electoral Commission run the party's major elections, thus improving integrity. It would be impractical for the AEC or the VEC to run individual branch elections, but one or the other should run elections for state and national conference delegates, elections by state conference to various committees and pre-selections for seats in the state and federal parliaments.

The state leader of the party should be elected by the rank-and-file members of the party and affiliated unionists. Nomination would require the support of at least 40 per cent of state MPs.

**Question 6.1** – There are potentially system-based disincentives that would undermine branch stacking beyond membership and process settings. Is there a change to rules or structures that you believe is compelling, and why?

The main impetus for branch-stacking is seats in parliament. We can tell this from seeing which seats are full of stacks and which are not. Stacks help in two ways: they have a direct vote in pre-selections and they elect conference delegates who elect the public office selection committee, which because of the stability pact overrides local members' votes if they dare vote the "wrong way". One disincentive is to remove the prize; i.e., the seat in parliament.

Removing local votes from pre-selections would reduce the incentive for branch-stacking but would also be a backward step for democracy. But other changes can reduce the incentive for branch-stacking. The first is to expand the electorate so that even massive branch-sacking can't guarantee a seat in parliament. The second is to abolish the POSC so factional deals cannot override local votes because branch-stacking works hand-in-glove with the

POSC. The third is to break the connection between membership numbers and conference delegate numbers, not by an artificial cap, but by changing the basis on which delegate entitlements are calculated. The first and second steps are discussed under Question 6.2.

Breaking the connection between membership numbers and delegate numbers requires a discussion of the current 50:50 rule of membership union representation. Almost all discussion of this questions involves proposals for changing the ratio, but there is no reason for there to be any ratio of these two categories at all. It would be far more rational to set a ratio of delegates to electors and let the membership/union ratio fall wherever it might.

The ALP does need to be more democratic in its operations, but it needs to do in such a way that the argument run by *The Australian* and *The Age* against union influence is deflected. That the ALP would be influenced by its enemies into changing its rules is on the face of it absurd, but politics is full of absurdity. The motivation is not that *The Australian* or *The Age* cares about the Labor Party. The motivation is that *The Australian* and *The Age* are anti-union and wish to destroy the ability of working people to protect their working conditions whether by industrial or political action. *The Age* endorses trendy left causes in a way that the *Australian* does not, but this should not mislead us into thinking that it supports us: it leans more to the Greens in its coverage than to us. The argument re unions is nonsense, but that does not stop its being superficially credible and being made ad nauseam.

Currently, unionists have 50 per cent of the delegates to national and state conferences, and direct members have 50 per cent. This allows the anti-union forces in the country to point to the fact that only 15 per cent of workers, and only 9 per cent of private sector workers, belong to unions (down from 20 per cent and 13 per cent respectively only a few years ago) and then to claim that unionists are overrepresented in the party. The argument has a superficial appeal because of the contrast in the figures, but it is absurd.

The percentage of the workforce represented by unions is irrelevant to the division of power inside the ALP as any employee is free to join a union and gain such representation and there is no requirement for any organisation to mirror the proportions of other groups, however defined, in society. No one is suggesting that the Liberal Party must change its decision-making structure so that 15 per cent, or 9 per cent, of it comes from unions. No one is suggesting that the ACTU must change its decision-making structure so that only 15 per cent, or 9 per cent, of it comes from unions. Organisations are entitled to come together to create other organisations and to make those other organisations responsive to the needs of those that created them.

Given that the perhaps one million unionists affiliated to the ALP in nationally have the same 50 per cent say in conferences as the c50,000 direct members, one could even argue that unionists are underrepresented.

Union representation inside the ALP is not a problem of principle but a problem of presentation.

Despite the nonsense of the argument, there will be people pushing for a reduction in union say and if the unions do not reframe the argument, the anti-unionists will win. If they win, the ALP's connection with working people will be reduced, its interest in their lives will be reduced, its ability to act in their interests will be reduced, the ability of unions to act in their interest will be reduced and Labor's periods in office will be reduced.

None of this means that the unions must fight to retain a rule that says they must have 50 per cent of the delegates. Unions and party members need instead to re-conceptualise the debate. There is no need for a set percentage of delegates from direct members or affiliated unionists at all. If there were no set percentage, the argument re the 50 per cent being an overrepresentation could not be logically made. It would become meaningless.

Instead of set percentage, there should be set ratios designed to reflect the different levels of connection people have with the party.

The rules need to be changed so that the number of members' delegates to conferences would be based on the number of Labor voters in each electorate and so that the number of unionists' delegates to conferences to be based on the number of workers covered by each union's awards and EBAs.

If the number of membership delegates were based on the number of Labor voters, stacking branches would not increase any group's say in the party by much at all. If a faction doubled party membership in an electorate, it would influence the proportion of delegates from that faction but would have no effect on the number of delegates from that electorate. However, if the members doubled the Labor vote in a constituency, they would double the number of delegates that constituency had and would thus have more say in the party. An incentive that doubles votes for the party is far more beneficial than one that doubles the membership, though doubling the membership would help to double the votes. Furthermore, a conference weighted in favour of constituencies with larger Labor votes would better orient the party to the concerns and interests of those who vote for it. In essence, Labor members would be electing delegates to represent Labor voters.

Labor polled 1,506,460 votes in the last state election. If we wish to keep the conference at about the same size as now, then one delegate per 5,000 Labor voters or part thereof would be reasonable. If conference delegates were elected from state electorates, the average number of delegates would be just under four. If federal electorates were used, it would be just under eight. If Legislative Council regions were used, it would be around 38.

Averaging only four delegates per constituency would not be very proportional and would cut out most representation from anyone not in a major faction. Averaging 38 delegates per constituency would be very proportional but perhaps too unwieldy for the members to know for whom they were voting. Averaging eight delegates per constituency would be reasonably proportional and not too unwieldy for the members to know for whom they were voting. However, in all cases, we are talking averages. There would be considerable variation in the number of delegates no matter which was chosen. There is a good argument for not using any of these locations and instead using our own constituencies.

One of the principles of proportional representation is that people are represented in proportion to the way they vote and they are free to vote in any way they like. This is what is so despicable about the changes to local government electoral structures in Victoria: voters are forced to vote on the basis of where they live not what they believe in.

Furthermore, there is something distorting in a system that allows 9.1 per cent of voters to form a quota and elect a person in one constituency but requires 25.1 per cent of voters to form a quota and elect a person in another constituency. If the party uses state or federal

electorates as constituencies for the election of state conference delegates, the quotas and thus the percentage of members able to be represented will vary enormously. The greater the variation, the more distorted will party decision-making bodies be; e.g., the difference between a quota of 9.1 per cent and one of 11.1 per cent is a lot smaller than the difference between one of 25.1 per cent and one of 33.4 per cent.

This is an argument for basing state conference elections on combinations of electorates that are close to equal in numbers of members; e.g., a constituency of state three electorates of 10,000, 16,000 and 26,000 Labor voters would have the same number of delegates as a constituency of four state electorates of 9,000, 10,000, 15,000 and 18,000 Labor voters, in which case each constituency could elect eleven delegates. It is in the interests of fair representation of all members that the quota for election be small rather than large. Drafting a rule to enact this principle would be difficult. A suitable rule would require adjacent electorates to be combined in such a way that all party constituencies had at least 50,000 Labor voters and with the minimum variation from that that was mathematically possible. The Appendix contains an example using the 2018 state election results. The constituencies vary from 11 to 14 delegates and the quotas for election from 8.34 per cent to 6.67 percent, with the mean quota being 7.40 per cent, meaning all quotas are within one percent of the mean quota. A minimum of 11 delegates per constituency is sufficient to ensure minority views in the party have a chance of representation, provided other changes to require self-completed secret ballots are also made.

It should be noted that the number of party members will vary greatly from constituency to constituency as only members can vote and the numbers will not have a strict ratio with the number of Labor members. Some will say this is undemocratic, but this is a deliberate design feature designed to focus members on winning parliamentary elections instead of internal ones.

The arrangement in the appendix is not the only possibility. It would produce a conference with 315 delegates from the direct membership. The number of member delegates would increase if the Labor vote increased and fall if the Labor vote fell. A party constituency with 50,000 voters would gain an extra delegate if the members in it could increase the Labor vote across the typically three or four state electorates in it by 5,000 votes, a doable task.

Changing the basis for allocating delegates to party members needs to be accompanied by changes to the basis for allocating delegates to affiliated unionists. There is no need for any set ratio between the two types of delegates. It is far better to let the number of membership delegates rise and fall as members succeed or fail in gaining votes for the party. Similarly, it is far better to let the number of affiliated unionist delegates rise and fall as affiliated unionists succeed or fail in gaining award or EBA coverage for workers.

Ideally, affiliated unionists would have one delegate for every 5,000 workers covered by the awards and EBAs their union is a party to. However, these statistics do not appear to be publicly available. Even so, the party should provide in its rules to move to this system immediately such statistics do become available. No longer would we have the media telling the world that unions have too much say in the party: every 5,000 Labor voters would have a delegate and every 5,000 affiliated unionists would have a delegate. Both groups would be treated equally. Their say would rise and fall with their numbers.

The rules would say that affiliated unionists are entitled to one delegate for every 5,000 employees covered by their union's awards and EBAs. This information would be published before each conference. The rules would always refer to the representation of affiliated unionists, not unions.

Until the necessary statistical information is made available, there would be a separate rule stating that the proxy measurement would be based on each union covering seven employees for every member it had. This fits with union membership at 15 per cent of the workforce.

The aim of this rule is to counteract misleading claims about the over-representation of unions in the party.

Ideally, affiliated unionist delegates would be directly elected by affiliated unionists by proportional representation and not be subject to direction by union officials.

It has been suggested that policy committee presidents and secretaries be conference delegates. While there are some advantages in this, particularly while we wait for new rules to be put in place, it is a bad idea in the long run because it would lead to those officials being chosen on the basis of the faction they belonged to not their suitability for the job that needed doing.

There is one additional rule change needed to protect the interest of all. Future rule changes would require an absolute majority of conference delegates, and an absolute majority of direct member delegates and an absolute majority of affiliated unionist delegates. Such a rule would prevent one or the other group from changing the rules to suit itself.

**Question 6.2** – Could changes be made to local votes for preselection, to create a broader disincentive?

Primaries are sometimes suggested as more inclusive. The problem with primaries is money: the candidate with the most money can afford the biggest campaign and reach the most people and win even if not the best person available.

We need to broaden the electorate. We can do this by allowing affiliated unionists on the electoral roll to vote in pre-selections. Much is made of the ALP as the representative of the working class via their trade unions. Yet, we do not allow affiliated unionists to vote in party pre-selections. We confine them to an indirect say in electing officials of unions who choose delegates to conference who elect members of the public office selection committee who then, in the main, vote as they are told. We can give affiliated unionists a far greater and more direct say by giving them a direct vote. The requirements would be:  
membership of the affiliated union,  
being on the electoral roll for the relevant electorate, and  
signing a pledge that they were not members of any other political party and intended to vote Labor in the election.

Given that there are perhaps 200,000 affiliated unionists and only perhaps 10,000 genuine party members in Victoria, giving the same weighting to votes from each category would mean the actual members would be completely overwhelmed. Some will resort to thinking inside the boxes and suggest 50:50 weighting irrespective of how many vote from each

category. This weighting makes no more sense than the 50:50 weighting for conference delegates. But we do have to have a weighting.

As with the proposed conference ratios, we should let the weighting of each group rise and fall with the numbers from each group who participate. If we weight a direct member's vote too much more than an affiliated unionist's vote, we will discourage direct members from working for the party. If we weight an affiliated unionist's vote too much more than a direct member's vote, we will discourage affiliated unionists from bothering to vote at all. A weighting of 100:1 would be absurd, as would one of 2:1. I think somewhere from 10:1 to 5:1 would have minimum consequences for either group's participation.

Given that we are making the party more democratic and that affiliated unionists will have a direct vote in lower house pre-selections, we can abolish the farcical POSC.

We could extend the same arrangement to the Legislative Council and the Senate, but we are in danger of excluding small groups in the party, such as Eric Dearth's faction, from any parliamentary representation, so there is better way.

Legislative Council candidates would be preselected by a vote of the whole conference as one group of 20, thus allowing minor groups in the party some chance at parliamentary representation, with the candidates preselected then to choose which seats they stand for in the order of their election.

In a conference of around 600, the quota for the election of 20 Legislative Council candidates would be c29 votes. The normal rules for a single transferable vote election would apply. Everyone who got 29 votes would be a candidate. The order of election would be known, though you would need a tie-breaking rule for two candidates who had exactly the same number of votes. The first elected candidate would choose the region he or she wished to run in and the position on the ticket in that region. The second would then do the same. Then the third would, and so on. Candidates would be free to choose the number three position in one region over the number two in another if they wished as the party does not win the same number of seats in each region. In a landslide year, all the candidates end up in Parliament. In an off-year, only those with the most party support do.

It is fundamentally undemocratic for someone to win a vote and then be replaced by someone with fewer votes because the person who won is the wrong gender. The same principle applies no matter what category of identity is used. It is argued that gender quotas have worked, and they have. But that is as logical as applying a political quota whereby the Liberal Party must always win at least half the seats in the House of Representatives, so if the voters do not vote that way, winning ALP candidates will be replaced by losing Liberals. It would work, but it would still be undemocratic. The affirmative action quotas should be abolished thus ensuring the member's votes cannot be overridden by identity politics.

However, the curse of identity politics is too strong to abolish gender quotas. If you wanted to graft a gender quota onto the system, you could have a simple rule that said no candidate could stand in a number two position unless he or she was a different gender from the candidate in the number one position. If there were not sufficient candidates of both genders in the 20, you could replace them by those of the other gender who had not won enough votes in the reverse order in which they had been excluded from the count. If the first two candidates in each region won, you would have a 50-50 gender balance. If we won only one

position in one region and three in another, the gender balance would be only a little way off 50-50.

The Australian Electoral Commission or the Victorian Electoral Commission would run party pre-selections, to ensure the integrity of the process.

We still need a failsafe device so that manifestly unsuitable candidates who win pre-selection despite all these other reforms can still have their endorsement withheld. The state conference would be empowered by an absolute majority to withdraw endorsement from any candidate. This is high bar to ensure it is not done just because the “wrong” candidate beat the system.

In summary, the rules need to be changed as follows:

- the public office selection committee to be abolished, thus preventing disgraces like the “stability” pact and other arrangements under which factional bosses override local members;
- lower house candidates to be preselected by a direct vote of members and affiliated unionists, with a weighting in favour of direct members, thus increasing democracy and participation;
- upper house candidates to be preselected by a vote of the whole conference as one group of 20, thus allowing minor groups in the party some chance at parliamentary representation, with the candidates preselected then to choose which seats they stand for in the order of their election;
- the affirmative action quotas to be abolished thus ensuring the member’ votes cannot be overridden by identity politics;
- the AEC or VEC to run party pre-selections, thus cutting factional oversight.

**Question 7.1** – Are the current disputes arrangements adequate? How can they be improved? Are new arrangements required for appointment to the Dispute Tribunal, such as a 75% Conference vote?

The party administrators’ appointment of party members with legal qualifications is a good step. We should ensure that the president of the disputes tribunal is a former judge.

The problem with special majorities (beyond an absolute majority) is that you can end up with no appointments. The requirement for legal qualifications should be a sufficient protection from partial appointments.

**Question 7.2** - To mitigate the return of stacking, would an “independent” set of eyes be impactful, such as a Party Ombudsman or an annual review or audit of the membership? What appointment mechanisms should be put in place for such an Ombudsman role, such as a Conference threshold to appoint or replace?

There is a place for a party ombudsman. However, special majorities (beyond an absolute majority) can result in no one being appointed. It may be better to specify that no party member can be appointed to such a role unless he or she had never been a member of a faction.

**Question 8.1** – What are the key elements of successful recruitment of genuine members? What are the opportunities (eg policy or campaigns) that should be created or promoted to recruit these members?

People join parties because they have beliefs and they want to see them enacted. But they aren't all fanatics. If you read the online comments on article in *The Age*, you'd think that 50 per cent of the population vote Labor, 40 per cent vote Greens and 10 per cent votes Coalition. If you read the online comments on article in *The Australian*, you'd think that 70 per cent of the population vote Coalition, 20 per cent vote One Nation and 10 per cent vote Labor. But you find the same percentage of nasty zealots in both sets. I am not a hyper-partisan. I think the Coalition is bad news, but I don't think it is evil. Many people I know are turned off politics by the extremity, hypocrisy and sheer nastiness of the active participants. We need to welcome people who share a broad set of beliefs, and utterances by our public figures need to show that the party is welcoming to all, that it is not a narrow groupthink organisation that some want to make it.

People want to make a difference. They want to be heard. They want to matter. The recruitment drive should emphasise the democratic culture of the party – but it has to have one first.

**Question 8.2** – What are the key organisational or rule changes required to ensure the arrangements to recruit these genuine members are in place? Should the ALP set an objective for membership growth?

Rule changes have been mentioned in previous answers. In summary, they are

- the right to vote in pre-selections or internal elections to for nominate for local positions would be membership of more than one year's standing;
- the right to for nominate for higher positions, such as membership of the administrative committee would require a longer membership;
- the requirement for membership to be tightened so that all members have to pay by traceable means at a meeting they attend, thus making branch-stacking harder;
- branches would be established within state electorates but existing members would be permitted to remain in the branch they joined irrespective of redistributions;
- the cabinet would be elected by ALP MPs by proportional representation, not have quotas for each faction and sub-faction;
- MPs would be free to think and speak for themselves and vote against caucus decisions;
- Rule 23 would be removed;
- a Youth Policy Committee would be established;
- if the administrative committee were reduced in numbers, the number would be very small and a new state council of around 50 members would be established;
- everyone able to would be required to fill in their own ballot paper in secret, with those unable to do so because of some impairment able to request assistance from the returning officer;
- the AEC or VEC would run major internal party elections and lower house pre-selections;
- the state leader of the party would be elected by the rank-and-file members of the party and affiliated unionists;
- the number of members' delegates to conferences would be based on the number of Labor voters in each party constituency, with one delegate per 5,000 such voters or part thereof;

a party constituency would be a combination of adjacent state electorates that contained at least 50,000 Labor voters at the previous state election;

the number of unionists' delegates to conferences would be based on the number of workers covered by each union's EBA and award, with one delegate per 5,000 such workers or part thereof;

future rule changes would require an absolute majority of conference delegates, and an absolute majority of direct member delegates and an absolute majority of affiliated unionist delegates;

lower house candidates would be preselected by a direct vote of members and affiliated unionists, with a weighting in favour of direct members;

Legislative Council candidates would be preselected by a vote of the whole conference as one group of 20, with the candidates preselected then to choose which seats they stand for in the order of their election;

the public office selection committee would be abolished, thus preventing disgraces like the "stability" pact and other arrangements under which factional bosses override local members;

the affirmative action quotas would be abolished;

the state conference would be empowered by an absolute majority to withdraw endorsement from any candidate ;

the disputes tribunal president would be a former judge and other members would require a legal background.

**Question 9.1** – When making choices between activities, what should be prioritised between Party operations, compliance, elections, member acquisition and member retention? What other areas should be prioritised? What should be deprioritised?

This reminds me of the "Your call is important to us. It has been given priority". They don't you that it is priority number 63.

The questions raises another one; by whom? The priorities will be what the people in various positions decide that are at any given time.

**Question 9.2** – Should the Party increase membership fees; or create an extra levy to invest in specific activities? Could membership tiers be merged or threshold levels changed?

Fees and fee thresholds should be indexed to movements in the minimum weekly wage, to the nearest whole dollar; e.g.,

- concession – 2 per cent of the weekly minimum wage,
- annual income up to the minimum wage – 4 per cent of the weekly minimum wage,
- annual income from the minimum wage to twice the minimum wage – 8 per cent of the weekly minimum wage,
- annual income from twice the minimum wage to three times the minimum wage – 12 per cent of the weekly minimum wage,
- annual income from three times the minimum wage to four times the minimum wage – 16 per cent of the weekly minimum wage,
- annual income from four times the minimum wage – 20 per cent of the weekly minimum wage.

This system means that fees will automatically increase each year as general incomes increase, while the thresholds will also increase so that people are losing a higher percentage

of their real incomes simply because of inflation. The minimum wage is chosen because we ought to look preferentially at the needs of low-income earners.

**Question 10.1** - What are the wider organisational priorities we need to be consider as we renew our Party?

There needs to a be an induction program for new members to explain the party's history, culture and rules.

There needs to be a policy of answering members' correspondence by officials at all levels.

There needs to be a process for making branch meetings efficient.

**Question 10.2** – Are there any other matters relating to Party integrity, membership and rules to be brought to the attention of the Administrators?

Timing is an issue. If new elections can be held in time, the party can approve policies and the platform via the normal – renewed – conference process. If the process of changing rules delays elections too long, another process will be required to adopt policies and the platform for the next state election. There have been media reports of unions demanding consultation on such decision-making. They have every right to do so. But, so do party members. The administrators need a process for ensuring that party members have some say in decision-making. The foundational belief for the suspension of the party conference is that its election is tainted by branch-stacking. It follows, of course, that such tainting flows through to a greater or lesser extent to any committee or individual that the conference has chosen or had a say in choosing. It would be easy to conclude that no such individuals or committees should have any say. However, somebody has to decide.

There are three possibilities that come to mind:  
the national conference,  
Victorian MPs,  
the policy committees.

The national conference is tainted insofar as some of its delegates owe their presence to branch-stacking, but the number is likely to be fewer than in the Victorian conference because most delegates are not from Victoria. However, delegates from other states would not have much awareness of Victorian issues or politics and would be making uninformed decisions.

Victorian state and federal MPs who owe their pre-selection to branch stacking are also tainted, but there are many who do not, those who are not there by virtue of branch-stacking are probably greater in number, and all of them have the advantage of having been elected by the people. However, state MPs are also beholden to the executive government – remember the days when it was the other way around – and may be unwilling to speak or vote against what it wants.

Policy committees are marginally tainted in that their membership might be a little different if there had been no branch-stacking, but that difference is probably tiny. A committee might

have one more left member and one less right member or vice versa had there been no branch stacks. Branch stacks themselves do not serve on policy committees as there is work to be done. In the policy committees' favour is their experience in developing policy and the fact that members who do not turn up are meant to be removed and replaced by others via a countback. As the administrators said,

“Finally, the National Executive agreed to reactivate a number of Party Committees that had been suspended as part of the initial Resolution. These committees had little-to-no relationship with the behaviours that led to the Branch being placed into administration and are important when it comes to ensuring that the Party continues to develop policy that it can take to the next Federal and Victorian elections.”

The party administrators need an audit to ensure that all committees have followed the countback rule to ensure only committed members are on them.

My own preference for a special conference to debate and adopt party policy is for a combination of MPs, policy committee members and union delegates. If this is too large a number, policy committees could be represented by their presidents and secretaries only. While the 50:50 rule is illogical, its replacement should wait for the new rules. An interim policy-adoption conference would have 256 delegates: 72 state MPs, 21 federal MPs, four senators, 14 policy committee presidents, 14 policy committee secretaries, the state party president, the two state party vice-presidents and 128 union delegates. The party administrators would chair it. but not have vote, casting or deliberative.

We can devise far more democratic and respectful rules, but the party administrators have to get whatever they recommend through the existing power structure, which appears to mean the national executive. All recommendations will be judged according to the effects they will have on the allocation of power to the left and the right. Neither side will want to lose. Good luck!

**Chris Curtis**  
**23/9/2020**

**Appendix 1a Proposed Party Constituencies****Legislative Council Regions***Italicised* = out of region

<p><b>Eastern Metropolitan</b>            Bulleen 13,597            Eltham 19,831  <u>Yan Yean 26,717</u>            60,145/11 delegates</p> <p>Box Hill 15,360            Croydon 14,307            Ringwood 15,121  <u>Warrandyte 13,395</u>            58,183/12 delegates</p> <p>Ferntree Gully 14,618            Forest Hill 14,164            Mount Waverley 14,722  <u>Rowville 11,940</u>            55,444/12 delegates</p> <p><b>Eastern Victoria</b>  <i>Bayswater 15,548</i>            Evelyn 15,166            Gembrook 18,065  <u>Monbulk 15,912</u>            64,961/13 delegates</p> <p>Bass 19,954            Gippsland East 8,589            Gippsland South 10,464            Morwell 13,725  <u>Narracan 15,946</u>            68,678/14 delegates</p> <p><i>Frankston 16,844</i>            Hastings 16,916            Mornington 14,204  <u>Nepean 15,835</u>            63,799/13 delegates</p> <p><b>Northern Metropolitan</b>            Brunswick 16,701            Broadmeadows 22,047  <u>Pascoe Vale 15,904</u>            54,652/11 delegates</p> <p>Bundoora 19,716            Ivanhoe 18,800</p>	<p><b>Northern Victoria</b>            Benambra 7,467            Eildon 13,850            Euroa 12,003            Macedon 19,251  <u>Ovens Valley 7,703</u>            60,264/13 delegates</p> <p>Bendigo East 21,693            Bendigo West 21,004            Murray Plains 7,790  <u>Shepparton 4,772</u>            55,259/12 delegates</p> <p><b>South Eastern Metropolitan</b>            Clarinda 20,421            Keysborough 20,800  <u>Mordialloc 19,991</u>            61,212/13 delegates</p> <p>Dandenong 21,823            Mulgrave 19,649  <u>Narre Warren North 18,790</u>            60,262/13 delegates</p> <p>Carrum 21,844            Cranbourne 25,725  <u>Narre Warren South 20,797</u>            68,366/14 delegates</p> <p><b>Southern Metropolitan</b>            Albert Park 17,287            Brighton 12,193            Caulfield 13,054  <u>Prahran 11,702</u>            54,236/11 delegates</p> <p>Hawthorn 12,646            Kew 11,960            Malvern 11,141  <u>Richmond 19,705</u>            55,452/12 delegates</p> <p>Bentleigh 18,443            Burwood 14,924</p>	<p><b>Western Metropolitan</b>            Altona 24,112            Tarneit 25,084  <u>Werribee 17,539</u>            66,735/14 delegates</p> <p>Footscray 23,877  <i>Melbourne 14,568</i>  <u>Williamstown 21,839</u>            60,284/13 delegates</p> <p>Essendon 19,173            Niddrie 21,042  <u>St Alban's 22,355</u>            62,570/13 delegates</p> <p>Kororoit 26,769  <u>Sydenham 26,264</u>            53,033/11 delegates</p> <p><b>Western Victoria</b>            Bellarine 21,948            Geelong 16,660            Polwarth 13,338  <u>South Barwon 18,003</u>            69,949/14 delegates</p> <p>Buninyong 18,965            Melton 14,961  <u>Lara 22,951</u>            56,877/12 delegates</p> <p>Lowan 7,681  <i>Mildura 6,404</i>            Ripon 15,280            South-West Coast 10,074  <u>Wendouree 18,616</u>            58,055/12 delegates</p> <p><b>Constituency X delegates</b>            4 X 11 = 44 (Q = 8.34 %)            7 X 12 = 84 (Q = 7.70 %)            9 X 13 = 117 (Q = 7.15 %)  <u>5 X 14 = 70 (Q = 6.67 %)</u>            25 &gt; 315            Mean quota is 7.40 %</p>
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<u>Mill Park 24,729</u> 63,245/13 delegates  Northcote 17,748 Preston 19,409 <u>Thomastown 21,397</u> 58,554/12 delegates  <i>Sunbury 22,749</i> <u>Yuroke 28,519</u> 51,268/11 delegates	Oakleigh 19,202 <u>Sandringham 12,918</u> 65,487/14 delegates	
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Appendix 1c Proposed Provincial



