

Dear Mr Morrison,

I have had several conversations with XXXXXXXXX and I've asked him to pass on this message. I believe you will already recognise the matters I address as problems you need to solve, so I don't argue that they are, I just suggest possible solutions.

My suggestions are consistent with Liberal Party values (and my own). I am a member of the ALP, but you are in government, so I'm making suggestions to you. You might think it worthwhile to consider them, because you will want to appeal to voters in the middle of the political spectrum.

Some suggestions

(1) I suggest you announce

- that **Australia will exit** the 1951 [Refugee Convention](#) (see art.44—a year's notice is required) and
- that Australia will begin immediately to negotiate a multilateral agreement, or a set of bilateral agreements, with neighbouring countries regarding asylum-seekers, refugees and migrants.

To quote Mr Dutton: "I think there is a need for like-minded countries to look at whether a convention designed decades ago is relevant today."

<https://www.theguardian.com/world/2018/apr/07/peter-dutton-says-like-minded-countries-should-rethink-un-refugee-convention> (The relevant criterion is not like-mindedness, but geographical proximity.)

The 1951 Convention is the root of many problems. The fact that Australia is a signatory, while Indonesia and other neighbours are not, impedes regional cooperation. Australia's being the only signatory in the region (except for PNG and Nauru) is also an important "pull factor". The Convention constrains action that can be taken in Australia, and this prompts actions offshore that would otherwise be irrational (e.g. because of expense). The desire to deter boat journeys and prevent people from "gaming" the system leads to harsh, indeed cruel, treatment of asylum-seekers (<http://www.smh.com.au/federal-politics/political-news/malcolm-turnbull-defends-harsh-boats-policy-as-necessary-20140507-zr66s.html>).

When you announce withdrawal from the 1951 Convention, you should also say

- that the people who have been detained for so long on Manus and Nauru, if they are refugees, **will come immediately to Australia** for permanent settlement;
- that any new people who apply for asylum after arrival, whether by boat or plane, may be detained in Nauru or on Christmas Island;
- that your government will take strong action to ensure **more humane treatment** of asylum seekers, refugees, detainees and migrants, including those already in this country—the "legacy case-load" (<https://www.kaldorcentre.unsw.edu.au/publication/legacy-caseload>), detained asylum-seekers, NZ deportations, deportation of families with handicapped children, etc.

(There will be no need to repeal the Medevac legislation: it becomes irrelevant when the detainees are brought here.)

The people who have already been detained offshore for six years for deterrent effect have "done their time". They can't decently be left there indefinitely. To quote Mr Dutton again:

“We continue to talk to third countries, but let me tell you, there are very few prospects, if any, on the horizon” <https://www.reuters.com/article/us-australia-asylum/australia-says-hundreds-likely-to-languish-in-pacific-camps-idUSKBN1I80LP>

The boats did not start again when the US offered to accept detainees for settlement. If that did not restart the boats, then Australia’s accepting the detainees for settlement will not restart them. But If I’m wrong about that and the boats do start again, you can send the new arrivals to Nauru or Christmas Island, until the exit from the 1951 Convention has taken effect (after one year).

After that the new detainees could also be brought here (if they are refugees), and your Government could (if this seemed desirable) legislate that (except with the permission of the Immigration minister) **no one already in Australian territory could apply** for asylum or for recognition as a refugee—people could come here as refugees only if recognised as such by the UNHCR in some other country. Others arriving by plane or boat would not be able to seek asylum. This would solve not only to the boat problem but also to the “plane people” problem, <https://www.abc.net.au/radio/programs/am/numbers-of-plane-people-asylum-seekers-have-tripled-since-2014/11226798>. Such legislation becomes possible if Australia exits the 1951 Convention.

(You should not announce that you may introduce this legislation until you actually do so, because an announcement might prompt a flow of asylum-seekers trying to beat the cut off. What you should announce now is that new asylum-seekers may be detained on Christmas Island or Nauru.)

Australia should be generous in its “humanitarian intake”, and also in aiding neighbouring countries to support UNHCR processing and in accepting recognised refugees into Australia, in accordance with agreements with neighbouring countries negotiated in place of the 1951 Convention.

If you adopt the above suggestions you may well come into conflict with some members of your party. You should not back down. This is the time, soon after your election victory, to demonstrate that the government is the Morrison government, and that your government is *reasonable and humane*.

See remarks at the end of this message on Prime Ministerial government.

(2) Many electors believe, in my opinion rightly, that your government has no adequate policy on the climate crisis. If the Finkel Review proposals or the NEG cannot be revived, then I suggest you go back to the drawing board and hold a **national summit of experts and interests**, with extensive public consultation, to be followed by a **plebiscite** to choose (through optional preferential vote) between the several leading plans (including doing nothing). A plan of action should include compensation for people adversely affected, a “fair transition”.

Mr Abbott briefly entertained the idea of a plebiscite, <https://www.abc.net.au/am/content/2011/s3247887.htm>. I suggested it long ago to Mr Rudd and Senator Wong, <http://members.iinet.net.au/~akilcull@homemail.com.au/MessagesOnClimateChange.html>. A plebiscite after extensive discussion would set a framework that all politicians and all sections of the community, including investors, could rely on.

The “national summit” will include people who oppose action. Some may argue that there is no climate crisis, others will argue that, even if there is, a small economy like Australia can’t do much and should not take any economic risk. Their arguments may prevail. Doing nothing (or

no more than is being done at present, “no change”) will be one of the options for the plebiscite. Australians need to discuss a range of possibilities and agree on the best.

(3) There should be an independent Integrity Commission to propose rules (to be confirmed by Parliament) and to enforce the rules (including through court action). It should look at political donations, behaviour of politicians and public servants that may give rise to perceptions of corruption or conflict of interest, and appointments to paid positions (including government-appointed boards and positions as political staffers).

The independent Integrity Commission must have the power to propose rules. It is not good enough for politicians to design the rules—too often things the public regards as wrong turn out to be “within the guidelines”. However, the rules will need parliamentary approval. Whether and when public hearings should be held would be decided in accordance with rules proposed by the Integrity Commission and approved by Parliament. Other controversial matters would be decided in the same way. There is no need to wait until all the details are worked out before establishing the Commission. The commission will help work out the details.

You should make some rules even before the Commission gets to work (subject to revision later if the Commission suggests it). Two rules should be made immediately:

- that political donations should come only from individuals, **not from firms or organisations**, and be publicly declared as soon as possible—within days not months;
- that after retirement an ex-minister may not accept any job or any other benefit from any firm operating in the sphere of his or her ministry for, say, ten years.

The first of these would set the ALP free of union control and set the LNP free of the need to “busk” for donations from businesses (e.g. by praising coal and disparaging renewables). It seems to me that a lot of the LNP’s policy weaknesses come from the need to seek donors.

I don’t think it would be necessary to exclude foreign donors or to cap donations; transparency should be enough.

The reason for the second rule is that it is not sufficient to forbid ex-ministers from making use of their knowledge or contacts. Corruption can take the form of giving favourable treatment *before retirement, while in office*, to firms or economic sectors, in the hope (not necessarily expressed or negotiated) of a post-retirement job, perhaps a sinecure (Luke 16:1-13). Firms may give a good job to an ex-minister in the hope of favourable treatment from the minister’s successor.

An interesting example of how one Parliamentarian got a post-retirement job:

<https://www.abc.net.au/news/2017-06-06/the-labor-party-the-chinese-developer-and-seat-in-nsw-parliament/8593684>

The independent Integrity Commission should also propose rules for fund raising for political purposes by organisations that are not political parties. Again, transparency should be enough; donations should be from individuals and should be declared as soon as possible.

Appointing political staffers, and appointing people to paid and influential positions, may be cronyism, a form of corruption. Rules are needed to ensure that appointments are made on merit after due process. Political staffers should gradually be replaced by public servants (as in the time before Whitlam), or if politicians continue to appoint staffers they should pay their salaries; taxpayer payment of politically-appointed staffers funds factions (“preferment cooperatives”, as Mr Howard called them). Voters see the factionalism and don’t like the fact that so many politicians are former staffers.

Rule-making will be difficult. Any set of rules will be undermined and worked around. That is why an independent Integrity Commission must be permanent and the rules must be continually reviewed.

(4) Important people and professional lobbyists dominate communication with politicians, “quiet Australians” and “the forgotten people” remain unheard and forgotten. This alienates many people from the political system.

I suggest you establish a Voters Network consisting of **people chosen at random from the electoral rolls** as a sample to represent each House of Representatives electorate, and that in every electorate the sitting member, and also nominees of political parties that have members in federal Parliament, should take part in the Voters Network.

The members of the Voters Network should communicate with one another through physical meetings and online. The Voters Network online would be an officially-sponsored (but not government controlled) counterpart of Facebook and other social media.

Each panel should serve for a certain period (say six months). Government should bring a significant number of Voters Network members to Canberra to visit Parliament and meet with MPs and Senators.

The members of the Voters Network should shape the details. See the website of the organisation founded by Luca Belgiorno-Nettis,

<https://www.newdemocracy.com.au/>

<https://www.newdemocracy.com.au/2019/02/25/ostbelgien-model-belgium/>

Members of the Voters Network would follow politics more closely than people do when they don't believe anyone cares what they think. They would be tasked with speaking up to politicians; politicians would have reason to listen. A Voters Network would be a dramatic improvement in communication between voters and politicians. It would be cheaper and more reasonable than advertising campaigns. For the longer term, this is the most important of my suggestions.

(5) There are various constitutional and legislative matters you might consider.

The Voice called for in the Uluru statement never was a “third chamber”; the proposed constitutional amendment should be accepted (<https://theconversation.com/a-worthwhile-project-why-two-chief-justices-support-the-voice-to-parliament-and-why-that-matters-120971>).

At the next election there should be a referendum to suspend sec.44 from the date of the referendum to a date just past the likely date of the following election. This would give the next Parliament time to draft a replacement for sec.44 to be put to a referendum at the following election.

(6) The electoral system needs changes to make it more possible for ordinary people (as distinct from people who have long worked to become professional politicians) to become members of parliament. Two suggestions:

Joint candidacies. See Senator Sinodinos's suggestion in conversation with Patricia Karvelis https://abcmedia.akamaized.net/rn/podcast/2019/02/rnd_20190220_1806.mp3 at 17:08. This would require amendment to the electoral act to allow joint candidates (e.g. the ballot paper might have the line “X, A, & Y, B (joint candidates, Liberal)...”), and changes would be needed to allow half votes in Parliament and fractional salaries and entitlements. (I don't believe the legislation should require a man and a woman: it should be left to the parties and candidates to decide the combinations.)

Multiple candidacies. A party should be able to run two separate candidates in a House of Representatives seat, with “Robson rotation”. See my submission https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=em/./elect10/subs/sub029.pdf. This would require an amendment to the electoral act to enable a party to ask for the ballot papers printed so as to rotate their candidates (without altering the order among other candidates). Robson Rotation enables voters voting for the party to decide which of the party’s candidates gets up, like a US-style “primary” but built into the election itself. For parties this would provide a way of refreshing its parliamentary representation. It would also give some protection against an extremist takeover, since the party’s voters would reject extremist candidates.

Legislation could require that any MP must be in a joint or multiple candidacy if they have been elected already for, say, three terms. Or, if that seems too controversial, it could be left to the parties and candidates to decide when this should happen. The parties have an interest in renewing and diversifying their parliamentary representation.

I believe that it would greatly improve our political system if the House of Representatives had multi-member constituencies, proportional representation, and Robson Rotation. See my submission to JSCEM, https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=em/elect07/subs/sub085.pdf point (8). However, this is too big a change to urge now. It should be discussed through the Voters Network.

(7) A further reform would be to end the payment of public money per vote (https://www.aec.gov.au/parties_and_representatives/public_funding/index.htm). These payments have been rorted. In any case they just subsidise advertising campaigns. Elections cost too much. The Voters Network would enable a less expensive and more intelligent politics.

Transparency in political donations (suggestion (3)), a Voters Network (4), joint and multiple candidacies (6) and an end to public campaign subsidies (7) would reduce the gap between professional politicians and ordinary people. The insulation of politicians and the symbiosis between professional politicians and journalists constitutes the “Canberra bubble”.

(8) Your government seems to be deliberately harsh and even cruel in its treatment of poor and disadvantaged people: e.g. Newstart, ParentsNext, Robo Debt, etc. These domestic policies are of a piece with your harsh treatment of asylum-seekers and non-citizens. You sneer at “unfunded empathy”. Your party accuse the Labor Party of class war and the “politics of envy”. There is an arrogance of the wealthy, a downwards counterpart of the politics of envy, a politics of contempt for people despised as “losers”, “leaners” or “bludgers”. Your government should repudiate these attitudes. Being well-off is to a large extent a matter of being born at the right time in the right place to the right family.

Social security recipients should not be asked for documentation they have not been told beforehand they need to keep, and there should be a time-limit (as taxpayers don’t need to keep documents more than five years). The onus of proof should be on the Government, not on the person alleged to have been overpaid. Money should not be compulsorily taken from them without a court order.

Centerlink and other agencies (including private providers) should not be able to suspend or “sanction” recipients without a court order. (<https://www.theguardian.com/australia-news/2019/aug/08/more-than-120000-people-whose-welfare-was-suspended-were-not-at-fault-data-shows>).

The best form of welfare is a job, and the best motive to seek a job is a wage. If there aren’t enough people to fill the jobs, then employers should offer higher wages. Harsh treatment of the

unemployed is an attempt to drive people to work on low wages. If there are not enough jobs, then the economy needs stimulus, which can be provided by giving a better income to people who can't find jobs and higher wages to people with jobs.

Your party seems to think that if employees all took a wage cut then everyone would be able to get a job—forgetting that, in the end, every firm's customers are some firm's employees.

Tax cuts and wage suppression may enhance profits (temporarily) but will not lead to more investment and employment unless firms see opportunities to increase sales—which there will not be, if potential customers are struggling.

“The base” is an important concept in US politics, but not here. Political parties in the US have to mobilise the base because voting is voluntary. In Australia most people vote anyway, and those who, despite the legal requirement, don't vote won't be mobilised by anything politicians say. Some of them don't vote for religious reasons, others because they despise politicians, others because they are too busy to get involved, others because they are just not interested. The non-voters are not listening to you.

Political leadership in this country must appeal to voters in the middle—i.e. people who intend to vote, who are listening, who may currently intend to vote for one of the two major parties but could be persuaded to vote for the other.

Except in a few electorates, those who vote for a minor party in the House of Representatives, if they cast a formal vote expressing preferences, end up voting for either Labor or Coalition. People to your right will end up voting LNP pretty much whatever you do, since they will never vote Labor. The suggestions I've made in this message would appeal to many people in the middle, and they are things any Coalition government could do without abandoning any liberal or conservative principle.

Prime ministerial government

Our government is not government by committee. It is prime ministerial government. The Prime Minister appoints and removes cabinet ministers, the PM says what the government's policy is (after whatever cabinet discussion or other discussion he deems sufficient), and cabinet solidarity means that ministers support the Prime Minister's policy or resign their ministry. The basis of this power is that the Prime Minister alone decides when to call an election. If his party wants to replace him but he is sure the electorate supports him, he will (perhaps not explicitly) threaten an election. The ability of a Prime Minister with public support to face down his party by winning (or just threatening) an election is what makes our government a democracy rather than an oligarchy. The fact that the one person can (when appropriate) make a quick decision makes our government as effective as a monarchy.

The idea that the Westminster system is “cabinet government” comes from Walter Bagehot, *The English Constitution* (1867). Richard Crossman, in his introduction to the 1963 edition

(p.51), argued that Bagehot's characterisation was wrong or out-of-date, that the British system is "prime ministerial government".

So the current Government is the Morrison government. You should of course seek advice and seek agreement with your colleagues, but if you believe that the majority of electors will support a good policy you should not allow any section of your party to block it.

The failure of Turnbull's "cabinet government"

Mr Turnbull's fundamental mistake, I believe, was to misconceive parliamentary government: "Australia claims to have a cabinet system of government. *By that we mean decisions are taken collectively.* [My italics] They are taken by the Cabinet and the Prime Minister is the first among equals." <https://www.malcolmturnbull.com.au/issues/leadership-in-times-of-uncertainty-the-2013-sir-john-monash-oration-at-the>

In fact Mr Turnbull gave each cabinet member a veto over matters in his/her portfolio; indeed in the end he gave a veto to a back-bench minority—he abandoned the NEG even though a party room majority had supported it. This was the end of his authority.

The phrase "first among equals" is self-contradictory: among equals none is first, if one is first they are not equal. A contradictory phrase that points to a truth is a "paradox". In this case the truth, stated non-paradoxically, is that although the prime minister is in fact "first" (prime), he or she should as far as possible treat cabinet colleagues as if they were his/her equals. The Prime Minister's leadership style should be consultative, egalitarian and free from pride.

Mr Turnbull gave the speech quoted above before he became Prime Minister. Soon after he became PM he applied his mistaken conception to the treatment of the Manus and Nauru detainees:

"Prime Minister Malcolm Turnbull says he is concerned about asylum seekers languishing in Australian-run detention centres on Nauru and Manus Island and hinted the government may consider acting to relieve their plight.... However Mr Turnbull said cabinet must be consulted before the government changes its policies on offshore processing..." [Changes] will be made by the minister, myself [and] the cabinet"... Mr Turnbull has repeatedly emphasised he will consult colleagues and maintain the traditions of a true cabinet government in his second stint as Liberal leader, after the party voted him out of the job in 2009 when the Coalition was in opposition."

Nicole Hasham, <https://www.smh.com.au/politics/federal/malcolm-turnbull-concerned-about-asylum-seekers-on-manus-island-and-nauru-20150923-gjsxt2.html> (23 Sept. 2015, 8 days after Mr Turnbull became PM.)

In our system the position of opposition leader is the weakest, the position of Prime Minister the strongest. Lessons can't be transferred from one to the other.

Mr Turnbull's failure to act on his concern about asylum-seekers was the beginning of his downfall. As more and more people realised more and more clearly that Mr Turnbull was not going to be the leader they had expected he would be, his popularity, very high at first, dwindled rapidly (in just a few months after 23/11/2015, <https://en.mogaznews.com/World-News/1001848/The-horror-graph-that-shows-where-it-all-went-wrong-for-Malcolm->

[Turnbull.html](#)) until he was no longer a likely election-winner and his party dumped him. Once it came to be widely believed that he could not win, his power to call an election was useless.

The lesson of the Turnbull premiership is that a Prime Minister should be bold, especially early in his term, and insist on good policies acceptable to voters in the middle, even if many in the cabinet or party room mainly want to “mobilise the base”.

Yours faithfully,

John Kilcullen