

MONASH University

Monash Governance Research Unit



Panel of Constitutional Experts - Review into Recall Elections
GPO Box 5341
Sydney NSW 2001

Email: Recallelections@dpc.nsw.gov.au

5 August 2011.

Dear Panel Members,

Thank you for the invitation to make a submission to your review. Accompanying is my submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ken Coghill'.

Ken Coghill
Monash Governance Research Unit.

Associate Professor Ken Coghill
Department of Management
Faculty of Business and Economics
Caulfield East VIC 3145

The history of the proposal to consider Recall Elections is recorded in the E-Brief.¹ It also reflects comments by Mr Chris Hartcher MP when speaking on a Matter of Public Importance in 2010 (see Appendix 1) and a brief statement shortly before the 2011 NSW elections by the now Premier that "NSW Liberals & Nationals have already pledged to examine the application of 'recall' provisions to the State's Constitution".² Mr Hartcher provided the context for the policy in his statement the "issue of recall has become important in New South Wales in recent times because of enormous dissatisfaction with the Rees Government" and indicated that the Review "would address the issue of whether the recall system would be confined to individual members or be capable of being extended to the whole of government".

The Panel has indicated that the "Government believes that Parliament should be responsive to the people and the issues they want debated. Accordingly, it wishes to investigate the potential for a recall procedure to allow early State elections based on a petition by voters (Recall Elections)."

There are very significant differences between these statements, which suggests that Government policy has undergone a major shift away from that announced in Opposition. The change to "early State elections" no doubt reflects the practical difficulties of recalling "the whole of government". Would the whole of government be all members of Executive Council under Commission (i.e. current ministers), the members of the constitutionally distinct Cabinet or, more colloquially, all members of the governing party or coalition (i.e. all members who support the Premier, perhaps only in the Legislative Assembly)? Would it include Members of the Legislative Assembly and the Legislative Council? What would be the effect of some members of the "whole of government" ceasing to be members of the government (however defined) but remaining sitting members. The insurmountable complexities are obvious.

The most commonly cited precedents are in executive presidencies, in particular USA. The position in systems with an executive head of state (president or governor) is, of course, fundamentally different. There the whole of government is the head of state supported by his/her appointed (generally not elected), secretaries of state or ministers. Recall of the individual removes the whole of government.

A "recall procedure to allow early State elections" also implies that the procedure would not apply to individual MPs but to the whole of the Legislative Assembly. The implications for the Legislative Council are less clear to the author but may have the effect of one half of the members of the Legislative Council also facing election.

However, the terms of reference suggest that the Panel may be at liberty to consider provisions for the recall of individual MPs. That would be most relevant to the Legislative

¹ Griffith, G. and L. Roth (2010) "Recall Elections. February E-Brief 3/2010." E - BRIEF. Retrieved from [http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/RecallElections/\\$File/Recall+Election+s+E+Brief.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/RecallElections/$File/Recall+Election+s+E+Brief.pdf) (accessed 5 August 2011)

² Barry O'Farrell, Tuesday 01 March 2011, "NSW Liberals & Nationals Will Return Power To The People Through Their Parliament" Retrieved from: <http://www.nsw.liberal.org.au/news/leader-of-the-opposition/nsw-liberals-nationals-will-return-power-to-the-people-through-their-parliament> (accessed 4 August 2011)

Assembly; the Legislative Council is elected by a single state-wide electorate and vacancies are filled by the Houses sitting together.

The recall of individual MPs raises basic questions about the relationship between the elected member and his/her constituency: is the member an instructed delegate or a trustee elected to exercise judgement in each of the roles of a member. In the NSW parliamentary system the member is clearly not a delegate acting under instruction but is elected on the basis of a complex mix of criteria which are aggregated in the individual mind of each voter and the collective will of the constituency. These criteria will include party affiliation, party policies, government performance (of a candidate's party or political opponent), representational performance of the incumbent and personal qualities.

This is a great strength of Westminster and other parliamentary systems as they have evolved and developed since the period in which the executive presidential model was created in USA. It may be argued that the limitations and rigidity of that dominant executive presidential model has stimulated the development of work-around add-ons such as recall elections. Parme indicates that it was introduced "as a defence mechanism against the party boss system that answered primarily to business interest" which "arose to remedy the worst possible side effects of representative democracy – namely, when so-called representatives sold out to privileged interests at the expense of the public (Cronin 1989, 131)".³ This may explain why such measures have been relatively popular in the US system but rare elsewhere.

To subject the MP to recall is to move towards an instructed delegate model. Such a model is intrinsically unstable as it reduces the capacity of the MP to exercise judgement in the face of threats by special interests to seek recall unless the MP bows to their will. By exposing individual MPs to greater personal pressure from narrowly based interests, it dilutes the capacity for the parliament's exercise of collective wisdom, one of the great strengths of parliamentary democracy. As Bowler et al (2004) speculate, it could "sap them of their last ounce of political courage".⁴ In the same way, it has the potential to be a tool whereby the majority could exercise tyranny over minorities – in the manner of Californians who voted in 1994 to deny schooling to the children of undocumented immigrants (described as "illegal aliens").⁵

In response to the particular matters on which the Panel is asked to consider and report upon:

³ Michael Parme (undated) *The Gun Behind the Door: Who put the recall on the ballot?* Retrieved from <http://www.creighton.edu/fileadmin/user/CCAS/departments/PoliticalScience/MVJ/docs/parme.pdf> (assessed 5 August 2011)

⁴ Bowler, Shaun and Bruce Cain (2004) Introduction—Recalling the Recall: Reflections on California's Recent Political Adventure *Political Science and Politics*, 37: 7-10 DOI: 10.1017.S104909650400352X (About DOI) Published online: 2004 Retrieved from (accessed 5 August 2011).

⁵ Finegan, Edward, Charles Albert Ferguson, Shirley Brice Heath, John R. Rickford (2004) *Language in the USA: themes for the twenty-first century* Retrieved from http://books.google.com/books?id=s9L9rpxD9FEC&pg=PA350&lpg=PA350&dq=schooling+to+the+children+of+undocumented+immigrants+%E2%80%9Cillegal+aliens%E2%80%9D+referendum+california&source=bl&ots=xi4Zl6TZxP&sig=5eumIEfSHhxmTxeaGbmwebQ33s&hl=en&ei=joA7Tv2II4XImAXDqaX0Ag&sa=X&oi=book_result&ct=result&resnum=3&sqi=2&ved=0CCQQ6AEwAg#v=onepage&q&f=false (accessed 5 August 2011)

1. **Whether or not it is desirable to amend the Constitution Act 1902 to permit Recall Elections, in particular, having considered:**
 - a. **international practices, including in Canada and the United States of America, and their applicability to a Westminster system;**

It is not desirable to provide for Recall Elections, especially in a parliamentary democracy. There is only one Westminster-derived parliamentary system of which the author is aware where there is provision for Recall Elections – British Columbia, Canada (BC). The BC provisions include:

Any registered voter can apply to have a petition issued for the recall of their MLA (the elected Member representing their electoral district in the Legislative Assembly). A registered voter who wants to start a recall petition must obtain an application form from the Chief Electoral Officer. The completed application form must be submitted to the Chief Electoral Officer with a non-refundable processing fee of \$50 and include a statement of 200 words or less of why, in the opinion of the applicant, the Member should be recalled. A Member cannot be recalled during the first 18 months after their election.

If the application is complete and meets the requirements of the *Recall and Initiative Act*, a petition is issued to the applicant (called a "proponent") within seven days. The proponent then has 60 days to collect signatures from more than 40% of the voters who were registered to vote in the Member's electoral district in the last election, and who are currently registered as voters in B.C. The proponent may be helped by volunteers when canvassing for signatures.

When all the signed petition sheets are submitted, the Chief Electoral Officer has 42 days to verify that enough eligible individuals have signed the petition. If enough valid signatures are on the petition, and the financing rules have been met by the proponent, the Member ceases to hold office and a by-election must be called within 90 days. A recalled Member can run as a candidate in the by-election.⁶

Those provisions relate only to individual members of the BC Parliament and not to the Chamber or Parliament as a whole as envisaged in Government policy.

Recall Elections are also provided for in some Swiss Cantons.⁷ These provisions are unused.⁸

In US and other executive presidential systems where there are provisions for individual recall elections, in practice they have four remarkable features:

- few succeed - they are largely unsuccessful in proceeding to the removal of incumbents (e.g. Chavez – Venezuela; Morales – Bolivia);
- they are subject to corruption i.e. financial inducements to collect signatures;
- they are enormously costly in gathering signatures, authenticating the signatures, campaigning for and against the petitions for recall and, if successful, in the conduct of the Recall Election and, (if separate) the election to fill the resulting vacancy; and
- they severely distract and divert policy making, policy implementation and the routine administration of government programs and services.

⁶ Elections BC. Retrieved from: <http://www.elections.bc.ca/index.php/referenda-recall-initiative/recall/> (accessed 4 August 2011)

⁷ Griffith, G. and L. Roth (2010) "Recall Elections, February E-Brief 3/2010." E - BRIEF. Retrieved from [http://www.parliament.nsw.gov.au/prod/parliament/publications.nsf/key/RecallElections/\\$File/Recall+Election+s+E+Brief.pdf](http://www.parliament.nsw.gov.au/prod/parliament/publications.nsf/key/RecallElections/$File/Recall+Election+s+E+Brief.pdf) (accessed 5 August 2011)

⁸ Twomey, A. (2011) 'The Recall and Citizens' Initiated Elections – Options for NSW' Retrieved from http://sydney.edu.au/law/cru/documents/2011/Recall_Report.pdf (accessed 5 August 2011)

b. their compatibility with democratic principles;

The most basic democratic principle is responsive rule i.e. the “*necessary correspondence between acts of governance and the equally-weighted felt interests of citizens with respect to those acts*”.⁹ Intrinsic to this understanding of democracy is the weighing up of interests of citizens rather than the reaction to special interests inherent in Recall Elections.

The population size of modern states such as New South Wales renders the direct democracy of the ancient Greek small city-states an absurd impossibility.

c. the potential of any proposed changes to improve the accountability, integrity and quality of government; and

There is nothing to suggest that Recall Elections have any beneficial effect on the accountability, integrity and quality of government. Rather, as indicated above, they risk undermining and weakening good governance.

d. any risks or negative consequences for the accountability, integrity and quality of government.

As indicated above, Recall Elections risk undermining and weakening accountability, integrity and quality of government.

2. If Recall Elections were to be permitted, the relevant requirements or mechanisms, including:

a. the reasons or grounds (if any) for a petition by voters for a Recall Election;

Petitions by voters for a Recall Election should not be simply on the basis of some disagreement with government policy or advocacy of some policy or to advance a special interest. This argument is strongest in the case of calling for an early State election, as policy direction should be determined by general elections and the collective wisdom of the Parliament. In the case of Recall to precipitate an early State election, a petition should be required to assert and cite evidence of gross, continuing incompetence in the administration of the government of New South Wales (alleged illegality should be dealt with by the system of justice).

In the case of a petition for a Recall Election for an individual MP should likewise not be simply (a) on the basis of some disagreement with the incumbent’s policies or (b) advocacy of some policy or (c) to advance a special interest. Rather, a petition should be required to assert and cite evidence of gross, continuing negligence or incompetence in representation of the constituency (again, alleged illegality should be dealt with by the system of justice).

In either case, the Electoral Commission should be required to verify that the claim of the petition is reasonable and be authorised in its absolute discretion to disallow a petition which fails to do so.

⁹ Saward, Michael (1996). “Democracy and Competing Values”, in *Government and Opposition*, Vol. 31, No. 4, Autumn 1996, pp. 467-486.

The courts have generally been reluctant to intervene in matters affecting the parliament, reflecting a respect for separation of the powers of the legislature and the judiciary. That custom and practice should be respected in any provisions for Recall Elections. The Electoral Commission is properly regarded as being of such high standards of independence and integrity that it can be relied upon to administer such provisions and determine any matters affecting their operation in an exemplary manner.

b. the appropriate percentage of voters who would need to petition and the time frame for collecting signatures;

An appropriate percentage of voters who would need to petition would be:

- in the case of an early state election, a minimum of 10 percent of enrolled voters in every state electorate (to ensure the voters in remote or sparsely populated electorates have an opportunity to participate) and a minimum of one third of the total number of voters enrolled in the State;
- if Recall Elections for individual members of the Legislative Assembly were provided for, a minimum of one third of the total number of voters enrolled in the electorate concerned;
- if Recall Elections for individual members of the Legislative Council were provided for, a minimum of 10 percent of enrolled voters in every state electorate and a minimum of one third of the total number of voters enrolled in the State.

A reasonable timeframe for collection of signatures would be a maximum of one third of a year (four months).

c. processes for verifying and auditing signatures against eligible voters;

The Electoral Commission should be required to apply the standards and procedures applied at general elections plus such additional procedures as it requires to satisfy itself that:

- the person or persons collecting the signatures have taken adequate steps to ensure that each signature is the signature of a person entitled to vote in the State and that the address provided is the address at which the signatory is enrolled at the time of signing;
- no inducement has been offered or accepted to collect a signature or sign the petition;
- no signature appears more than once on the petition; and
- each signature is the signature of a person entitled to vote in the relevant electorate.

d. the time limits (if any) that should be imposed before a Government is subject to a petition; and

Although the focus of attention is likely to be the Government, the effect is in fact upon the Parliament. A reasonable time limit before a Parliament is subject to a petition is the first anniversary of the date of the election.

If a Recall Election is approved and signatures have been verified and audited, the Recall Election should occur according to the normal timetable for dissolution of the Parliament and the conduct of general elections for a fixed term.

Recall Elections should not occur in the normal pre-election period. Accordingly, no petition should be permitted within one year prior the expiry of the fixed four year term i.e. after the third anniversary of the election.

e. appropriate funding arrangements for the process.

No funding should be provided for the collection of signatures. Corporations and natural persons should be banned from any financial support for gathering signatures (note that a large personal donation was a major factor in payments that enabled sufficient signatures to be collected for the Recall of Californian Governor Davis).¹⁰

Candidates in a Recall Election should be eligible for the same public funding as candidates in a general election. Expenditure restrictions, including on third parties, should be the same as in a general election.

3. If Recall Elections were to be permitted, the best ways for constitutional reform to take place in NSW, including:

(it is assumed that this is a reference to the procedures for constitutional reform to enable &/or entrench provisions for Recall Elections)

a. mechanisms for canvassing the level of community support for any proposed constitutional changes; and

No comment.

b. potential referendum questions.

No suggestions.

4. Any other matters relevant to Recall Elections.

Nil.

¹⁰ Bowler, Shaun and Bruce Cain (2004) Introduction--Recalling the Recall: Reflections on California's Recent Political Adventure *Political Science and Politics*, 37: 7-10 DOI: 10.1017.S104909650400352X (About DOI) Published online: 2004 Retrieved from (accessed 5 August 2011).

Matter of Public Importance

Mr CHRIS HARTCHER (Terrigal) [7.57 p.m.]: Recall procedures allow citizens to remove and replace a public official, generally through another election before the expiration of their term of office. A recall procedure generally is brought about by a petition that may cite specific reasons for the dismissal of the office holder and bears the signature of a certain percentage of citizens or voters. Historically in the United States, recall has been less frequently used at the local level. By some estimates, three-quarters of recall elections are for the city council or the school board. However, as far as its relevance in New South Wales is concerned, essentially it would apply at State level.

In the United States, 18 States permit recall elections to remove statewide officers. Minnesota was the most recent State to adopt a recall provision in 1996. There was substantial Australian media coverage when Californian Governor Gray Davis was recalled over alleged mismanagement of the State budget, resulting in the election of Governor Arnold Schwarzenegger in November 2003. In that case, to establish the preliminary steps in California, more than 1.35 million valid signatures were collected to ensure that the relevant petition requirements were met. In some seven States of the United States, specific grounds are required for recall. In other States, no specific grounds are required, and recalls may be circulated for any reasons. The minimum number of signatures and time limit for a recall varies between American States, as does the means of how to handle such recalls. In some States a recall triggers a simultaneous special election where the vote on the recall and replacement vote, relevant only if the recall succeeds, are on the same ballot, as happened in the 2003 recall election in California.

In other States a separate special election is held after the target is recalled or the Governor appoints a replacement. The number of signatures necessary to qualify a recall petition varies. Recent attempts at the State level in the United States have been largely unsuccessful. Prior to the successful Californian 2003 recall election, the only successful recall of a Governor to date took place in North Dakota in 1921. There have been, however, more successful applications for recall at a local government level. In the Westminster system the province of British Columbia in Canada enacted representative recall in 1995. In British Columbia voters can petition to have a sitting representative, including a Premier, removed from office. If enough registered voters sign a petition, the Speaker of the House announces the member's recall and the by-election follows, providing the public with an opportunity to replace its previous choice.

While it is understood that quite a few recall efforts have been launched in British Columbia, no-one has technically been recalled, although the process has led to one senior resignation while a recall application was underway. The Liberal-Nationals Coalition is interested in establishing a debate on the issue of recall and seeking the public's views on this important issue. A Coalition Government would be interested in establishing a committee of constitutional experts to advise on the potential for recall elections in New South Wales. We would seek to have the panel of experts examine practices in other constituencies, including the 18 of the 50 States of the United States that have recall provisions, and the applicability of a system of recall to the Westminster system.

We would like to identify the key reasons under which a recall election could be petitioned for New South Wales. We would address the issue of whether the recall system would be confined to individual members or be capable of being extended to the whole of government. We would be interested in looking at the most effective procedure by which the public could pursue a recall election, including the appropriate percentage of voters that would need to petition and the time frame within which signatures would need to be collected. We would look at the process of auditing signatures to establish bona fides, whether the process should be State or self-funded, and the relationship with the New South Wales Constitution and the relationship to local government. We would also be keen to ensure that in any public consultation on the process of recall the community was fully involved. If a final decision were made, we would look to any final decision to go forward to a recall being ratified by the community in a statewide referendum.

The issue of recall has become important in New South Wales in recent times because of enormous dissatisfaction with the Rees Government. The public opinion poll taken at the end of 2008 showed that only 26 per cent of registered voters continued to support the Rees Government. That rose to a staggering 30 per cent at the second poll, which was taken only last month. The Rees Government has lost its way and has lost the confidence of the people of this State. The fixed four-year terms introduced by the Greiner Government in 1993 and ratified by the community of New South Wales in a referendum in 1995 were designed to address the issue of too-frequent elections. But like so many constitutional reforms, it contained within it the pitfall of what the community can do with a government that has lost its way and lost the confidence of the community. In this

case the Government of New South Wales stands out in a salient manner, unlike any other Government in the history of New South Wales since the Second World War.

This Government has now been through no fewer than three Premiers and has an innumerable revolving door of Ministers, which was shown by the fall of the Premier, the Treasurer, the planning Minister and the health Minister at the end of 2008. Its entire senior frontbench was decapitated, without consultation with or involvement of the community. This is not the Government that the community of New South Wales elected, and it is appropriate that the community of New South Wales be given the opportunity to address the issue of whether a fixed four-year term is the appropriate mechanism in every case for representative government in New South Wales.

The Liberal-Nationals Coalition is interested in ensuring that there is a public debate on the issue of recall, whether it should be implemented at a local government level or at the State level. But however it is implemented it must be implemented with full public consultation and ratified by the community by way of referendum. To have a government like that of the former Governor of California, whose mismanagement of the budget caused such enormous public concern, continuing in office in defiance of the public will is a denial of democracy, and it is time we addressed the issue of recall in this State. [*Time expired.*]

Ms TANYA GADIEL (Parramatta) [8.04 p.m.]: While the New South Wales Government is working hard to support jobs in New South Wales and steer the State through the international economic crisis, the Opposition chooses to spend its time engaged in campaign politics and electioneering. The Constitution of New South Wales requires that general elections be held every four years. It appears that the Opposition is not only short on policy but is also short on memory and has forgotten that the issue of fixed four-year terms went to a referendum of the people of New South Wales, I am advised, in 1991. Members opposite seem to have forgotten the result, so let me remind them. The people of New South Wales voted in favour of fixed four-year terms by an overwhelming majority of 75 per cent. Let me repeat that: 75 per cent. It is also interesting to note that the proposal for fixed four-year terms in New South Wales was initiated by the last Liberal Government when it was in office.

But now that the Liberals are in Opposition they have decided that they would like to go against what the people of New South Wales clearly want and go with a system they think will serve their interests now that they are in Opposition. There are serious policy concerns with the recall provisions proposed by the Opposition. These are real concerns that the New South Wales people have already said they do not want. The first is the cost of an additional election. The last State election held in 2007 cost more than \$38 million. That is money that could instead pay for more than 450 nurses a year. The second is uncertainty. Allowing a small minority of voters to call an election could undermine the stability of the democratic process. Governments and the community do not need to be distracted by constant electioneering.

Thirdly, it is incompatible with the Westminster system of government. Arguably, a system that allows a statewide recall for an entire Government is contrary to a system of representative government. This is because it could allow voters in some electorates to recall representatives who continue to retain the support of voters in a completely separate electorate. The next concern is that the system could be open to abuse. Using the example of certain states in the United States, a recall election can be called after a petition is signed by just a small minority of voters. For example, powerful special interest groups such as big business or those living in certain geographical areas could fund a massive campaign to topple governments whose policies they simply choose to oppose.

Lastly, it could lead to absurd results. For example, a small group could rustle up enough support to trigger a recall election. A different minority who were unhappy with the result of that recall election could then require another recall election to be held. The process could go on repeatedly and the majority of the community would pay the price. The issue of recall election provisions was considered as recently as last Thursday in the *Sydney Morning Herald* in an editorial by Associate Professor Anne Twomey of the University of Sydney law school. Allow me to share with the House some of the professor's observations. On recalling an election in New South Wales, Professor Twomey said:

This type of approach does not really fit in with our system of Government.

Further in the article she said:

It might inhibit Governments from taking unpopular but necessary decisions for the long-term benefit of the state.

It is clear that members opposite do not know what they are talking about when it comes to recall electoral provisions. This is evidenced by the fact that The Nationals' Duncan Gay, when commenting on this issue on electoral provisions in this place in 1991, made the following statement:

People ask members of Parliament from both sides to have strength and integrity and to make the hard decisions. This system would mean that members of Parliament could not make hard decisions.

That is further proof that the Opposition cannot get its own policy right because it is more concerned with doing anything necessary to gain government, selling its soul perhaps. I saw a portrait of the member for Terrigal on sale for \$25,000. Earlier today I admired that picture with an unsaid member of the Opposition and I noticed that the member for Terrigal was reading the book *Never Give In: The Best of Winston Churchill's Speeches*. That is truly admirable. I love the never give in, never give up attitude. I am actually a very big fan of Oscar Wilde, in particular, his novel *The Picture of Dorian Gray*. Beware the tale, I urge the member for Terrigal. We know the story of Dorian Gray, who sells his soul and asks in exchange that the painting age rather than him. I caution the member for Terrigal that that story could be akin to what might befall him. He should not sell his soul for a five-second news grab, and he should not turn his back on Liberal Party policy. All I ask of the member for Terrigal is to stop selling his soul, because the picture is much too beautiful.

Mr VICTOR DOMINELLO (Ryde) [8.11 p.m.]: I support the member for Terrigal on the issue of whether this State should have recall election provisions considered as a matter of public importance. Since the last general election in March 2007, the Government has mismanaged this State and has shown little interest in remaining accountable to the people of New South Wales. The Government has almost zero interest in providing the services we all need and the infrastructure we must have. The popularity of this Government is at an all time low and New South Wales has no choice but to suffer another two years of possibly catastrophic decision-making. This low level of public support is aggravated because Sussex Street powerbrokers, not the public mandate, forced the Premier upon us.

Recently, the Leader of the Opposition called for a public debate on the issue of recall elections in New South Wales. The recall provision has been effectively used throughout certain jurisdictions of the United States of America and allows the people to remove a government that is failing to perform to expected standards. Currently, no mechanism exists in Australia for a Government to be removed from office by the people it represents, even if that Government proves to be detrimental to the effective operation and growth of the State. Many media sources have called on the Government to sack itself and call an election to seek a fresh mandate or make way for the Opposition. As beneficial as that may be for the people of this State, the likelihood of that scenario playing out, as those opposite no doubt will attest, is almost impossible. Now is the time to debate this issue in a public forum. I urge the Government to support what the Opposition is seeking in this debate. I clarify that the Opposition has not formed a view about whether recall provisions are appropriate but it is clear that this issue should be debated.

Mr CHRIS HARTCHER (Terrigal) [8.14 p.m.], in reply: I thank the member for Parramatta for her contribution and for her interest in the great English novelist Oscar Wilde and *The Picture of Dorian Gray*. In that novel, the portrait of Dorian Gray aged while he did not, but you, Mr Assistant-Speaker, have known me for many years and can attest to the fact that I have aged. I also thank the member for Ryde for his contribution in opening up this important issue for public debate. The importance of this issue has not been lost on all sides of politics over many years. The issue of a recall arose from the great parliamentary reform movements that swept England at the close of the nineteenth century and was taken up by William Jennings Bryan and other great reformers in the United States Democratic Party and the associated movements that swept America in the 1890s. Part of the ongoing legacy of that came across to Australia.

If the member for Parramatta consults the history of the Australian Labor Party she will discover that for many years the introduction of the recall system was in the State platform in New South Wales but was never acted on by the Labor Party, as was the idea of the initiative referendum, which is another legacy of the great parliamentary movements of the last nineteenth century and which also found its way into the United States. The Labor Party has put both of those somewhat populist issues to one side. However, it is appropriate to debate the issue and that is what the Coalition is asking for. The problem in modern society is that it moves very quickly. Technology has changed enormously. The impact of social change now happens at great pace and at great speed. Political and economic decisions occur at a rapid rate.

For example, the 1929 Depression took a number of years to permeate to other societies after the great stock market crash in October 1929 in the United States. The global financial crisis that started in September 2008 went around the world within two weeks. It was only three months later that the Iceland economy effectively

collapsed. The rate of social change means that political structures must also be examined as to whether they should change and whether a fixed four-year term continues to be appropriate for a government in the modern era when that government has clearly lost its way and no longer commands popular support. Of course, there are arguments against recall—and the Opposition expects them to be debated—but the Opposition is putting the concept of recall to the House and to the people for public debate.

Discussion concluded.