

# TOWARDS A Charter for Democratic Renewal in South Australia

## 1. Introduction

### 1.1 Preamble

As the world changes rapidly, our democratic systems need to evolve to stay relevant. South Australia has a proud legacy of leading democratic reform—and we have the opportunity to build on that legacy by reimagining how power is shared, how voices are heard, and how decisions are made. Democratic renewal isn't an abstract concept; it's about real reforms that bring power closer to the people.

### 1.2 Purpose

The aim of Dem36 is to engage the South Australian community in discussions about how we do democracy in our State. Through this process of community engagement, we will compile the community's ideas, formulate proposals, and advocate for change. One of the key outputs of this process will be the development of a *Charter for Democratic Renewal in South Australia*, which we will use to inform, and build momentum for, a new or refreshed state constitution in time for our state's bicentenary in 2036.

There are three key phases of our work, and in each phase we plan to partner with other organisations. The first phase, taking us through the next 2-3 years, will involve community discussions about the challenges our democracy faces, and possible approaches and strategies to address these. We are prepared for big questions and wide-ranging discussions; this is a time for us to test our own assumptions, to be idealistic, to expand our conceptions of what can and should be done. To assist with this process, Dem36 has developed this discussion paper, *Towards a Charter for Democratic Renewal in South Australia*, which contains a number of questions designed to prompt discussion about different aspects of democracy.

In phase two, we will build on our discussions to develop the *Charter for Democratic Renewal in South Australia*. During this process, we will review all community feedback received during phase one, compile the ideas presented by the public, and refine them into clear reform proposals ('the people's demands'). After refining the charter through more community consultation, the final version will become the focus of Dem36's advocacy work until 2036.

Phase three of our work will see Dem36 take an advocacy role, building community and political support for the Charter for Democratic Renewal and, ultimately, a new or refreshed state constitution. By this stage, the pathway to changing the most important document in any democracy – the Constitution – will be clear, as will the proposals ('the people's demands') for what needs to be changed. Our hope is that by this time, there will be wide agreement and support for the proposals put forward in the Charter.

The world is changing rapidly around us, presenting enormous challenges for democracy. The three-phase process outlined above offers an exciting opportunity for South Australians to reflect on our system of government, and ensure that it remains accountable, effective, fair, and in the hands of the people. South Australia was once a global leader in democratic innovation, and it can be so again.

### **1.3 A fundamental task for democratic renewal: Reconciliation with First Peoples**

Like other States and Territories, the South Australian community must face up to an issue that has scarred our democracy for more than two hundred years – the fact that it was built on a fundamental injustice in its attitudes towards, and treatment of, First Peoples. Unless this is widely recognised and accepted, talk of democratic renewal will simply confirm the arc of injustice that began with the European settlement and, in various ways, has continued to the present day.

South Australia has taken steps to address this issue over recent decades, and this must continue in order to create the conditions for a genuine reconciliation between First Peoples and the settler state – a reconciliation which is fundamental to any project of democratic renewal.

## 2. Principles for Democratic Renewal

We believe four key principles are central to a strong democracy: *Political equality*, *Government of, by, and for the people*, *Empowered communities*, and, *Open government*. These principles focus on how we do democracy; they don't seek to dictate outcomes, but to ensure that the rules of the game are as fair as they can be.

While reform priorities may change, these principles offer a steady guide to ensure that we remain true to our democratic values. These principles reflect the kind of inclusive, fair, and vibrant democracy that we believe all South Australians can support. We'll be asking South Australians if they agree.

### 2.1 Political equality

Political equality refers to the extent to which community members have an equal voice in governmental decision-making. At the most basic level, political equality means equality before the law – this includes civil and political rights such as the right to free speech, freedom of association and assembly, and natural justice. It also means that there are no unreasonable barriers preventing people from participating and exercising their rights – including through voting and running for election.

In addition to the important work of upholding and expanding democratic rights, the process of democratic renewal offers us the opportunity to explore how we can empower all citizens to understand and exercise their rights.

### 2.2 Government of, by, and for the people

Democracy means, literally, 'rule by the people'. In contrast with an oligarchy, where power is held by a select few, democracy is a system in which all community members can have a say and contribute to collective decision-making. In our present system of representative democracy, people rule when their government is composed *of the people*, where representatives are chosen *by the people*, and where policies are made *for (the good of) the people*.

This basic system of accountability forms the backbone of modern liberal democracies, but requires vigilance to maintain. In particular, an effective system of representation requires competitive elections that offer genuine choice among candidates and policy positions, and a transparent flow of information that enables voters to make informed choices and communicate their preferences clearly.

In addition to enhancing our present system, the process of democratic renewal offers us an opportunity to ‘democratise’ democracy, by expanding the ways in which people can participate and make their voices heard and exercise power – whether this is via direct democratic methods (such as referendums), innovative deliberative forums, or by making use of emerging technologies.

### **2.3 Empowered communities**

A strong democratic culture is built on the active participation of all community members. Widespread participation is vital for ensuring that public policies reflect the views of everyone, and that no one’s perspective or experience is marginalised. But participation is also beneficial in and of itself: it provides a civic education, builds skills and confidence, and can help to foster a sense of community, civility, and a shared commitment to this democracy of ours.

To a large degree, our democratic culture is built from below – in our communities, clubs, cultural institutions, and through engagement with local government. Democratic renewal provides us with an opportunity to enrich and empower communities and civic society as the spaces in which we all learn to become active citizens, responsible actors, and agents of change.

### **2.4 Open government**

Governments are ultimately accountable to the people. However, in order for ‘the people’ to feel fully capable of judging the actions and decisions of governments, there must be maximum transparency and openness in public decision-making processes.

Democratic renewal offers the opportunity to take meaningful strides towards the goal of open government – not merely by upholding our ‘right to know’, but by advocating for processes and technologies that enable proactive and real-time information sharing.

### 3. Ideas for democratic renewal in South Australia

The following questions are intended to kick-start a community conversation about ways to revitalise South Australian democracy. Each question is designed to reflect or embody one or more of the democratic principles outlined above. As consultation proceeds and reform proposals generated, they will be sharpened to become ‘demands’, forming the basis of an advocacy campaign for change.

#### 3.1 Our democratic framework

A democratic framework is the set of institutions, rules, and processes that structure how a government operates, including how power is organised, exercised, and checked. The democratic framework determines the mechanics of government, but it is not values-neutral – it is underpinned by assumptions about how democracy should work, informed by particular values, aspirations, and agreed principles (such as our rights and freedoms).

Our democratic framework, including its underpinning values, should be public and accessible, not least because they provide a way to judge our democracy against its stated intentions. The South Australian Constitution is the primary place where our democratic framework is set out, and where our civic rights are guaranteed. Yet, while our constitution details the mechanics of our system of government, it currently does not include any explicit statement about the purposes, values, rights and principles that our system of government is designed to uphold. As the key document setting out our democratic framework, we must also consider how the document itself is changed. Our democratic principles suggest that a legitimate constitutional change must be one that is determined, and agreed to, by the people.

**Questions to guide community discussions on the topic of our democratic framework include:**

- Does South Australia need a new or refreshed constitution?
- Should the South Australian Constitution contain a preamble statement about the purposes of democratic government, and identify the values and principles that are central to it?
- As a piece of state legislation, most of the Constitution's provision can be changed by Parliament itself. Should citizens be involved in making and changing the constitution, such as through a periodical 'citizen's convention'?
- How can we ensure that the State's Constitution not only recognises First Peoples as the original inhabitants of the State, but contains the outcomes of a fair and just reconciliation negotiated between First Peoples and the settler state?
- Should South Australia introduce a Human Rights Charter to require decision-makers to consider human rights when developing policy or making laws? Should such a charter be contained in a new State Constitution or should it be stand-alone legislation?
- Does the reference to Local Government in Section 64A of the State's Constitution need to be rewritten so that rather than being an add-on which simply guarantees 'recognition', Local Government is reflected in the Constitution as a vital partner in the governance and democratic life of our state (including as a 'school for democracy')?

**3.2 Our decision-making institutions and processes**

Decision-making institutions and processes determine how legislation and public policy is made (and how public money is spent!), including the ways in which 'the people' are able to participate and influence those decisions. As a representative democracy, our preeminent decision-making institution is the South Australian Parliament – including the Legislative Council (upper house) and the House of Assembly (lower house). The primary means for people to participate in a representative democracy is to vote or participate in an election campaign by standing for office or supporting another candidate. In addition to Parliament, South Australia also has a system of local government, overseen by democratically elected councils, also based on the representative model of democracy.

Beyond elections, there are many ways for community members to have their voices heard. These include direct contact between electors and the elected, opportunities to sit on committees, and also community engagement/consultation processes run by public servants,

where community members can have a say on policies and projects. These opportunities, however, often have advisory status only, and rarely allow participants the opportunity to make the final decision, which remains with the elected representatives.

Our system of responsible government and representative democracy has served us well for almost two centuries. Yet, given the rising disillusionment with politics and the decline in trust in politicians and institutions, as well as rapidly changing social, economic and technological realities, it is necessary to ask whether these are still fit for purpose. Any meaningful project of democratic renewal should not simply examine the small and technical reforms – it must also consider the basic institutions upon which the whole edifice is built.

**Questions to guide community discussions on the topic of our decision-making institutions include:**

- How can we improve the representativeness of representative democracy?
  - Population growth has far outpaced the increase in the number of our representatives in state and local government. Do we need more representatives to improve responsiveness and give more people and viewpoints a chance to get elected?
  - Should we introduce proportional representation voting for elections to the House of Assembly (lower house)?
  - Should we lower the voting age?
  - Should we have compulsory voting in local government elections?
  - Should we reconsider the view of politics as a full-time job, and instead find ways for people to serve in a way that enables them to fulfil other responsibilities (like family caring) or to keep their job?
- Should we move beyond the system of representative democracy?
  - A number of places around the world are trialling approaches that increase the role of citizens in decision-making, or replace the representative model with more direct or participatory approaches. Should we implement citizens' assemblies, citizens juries, participatory budgeting, or direct democracy (e.g., more regular referendums on policy issues)?
  - Should we consider new and innovative approaches to membership of the Legislative Council (upper house), such as a random ballot of citizens (sortition), like jury duty?

- Can formal consultation with citizens be built into the legislative passage process for certain Bills, for example at the second reading stage?
- How do we make politicians more responsive to their constituents than to their parties or other interests?
  - Promotion costs can be prohibitive. How can we reduce the financial cost of running a successful election campaign?
  - The discipline of political parties means that the executive (Ministers) has tight control over the Parliament, with individual members regularly voting as a party block. What changes might be made to open more debate in Parliament?
  - Should we limit politicians to a set number of terms, to reduce the chance of ‘lobbyist capture’, to encourage a wider range of background experiences in our Parliamentarians, and to allow more people to have a chance to serve as representatives?
  - Should constitutional changes be made to the respective roles of the Legislative Council and the House of Assembly, including the deadlock provision?

### 3.3 Our transparent and accountable democracy

Transparency refers to the extent to which government actions, decisions and processes are open and accessible to the public, so that community members can see what the government is doing and judge it on its performance. Accountability means that those who exercise power must explain and justify their actions and must face consequences if they misuse power.

Transparency and accountability are closely related; we can’t have accountability if decisions are regularly made in secret, with no oversight or way for the public to know what happened and who was responsible. Elections provide an important way to hold government to account, but elections alone are insufficient, because elections are won on a very broad range of policy issues, so instances of corruption may not generate sufficient outrage to change election outcomes.

There are a number of ways within and beyond the formal institutions of Parliament and the Constitution by which transparency and accountability operate in South Australia. It is important to continually review these mechanisms to ensure they are fit for purpose. There is

also the possibility of expanding our idea of accountability beyond the individuals in our government, by making the very health of our democracy a key focus for regular review.

**Questions to guide community discussions on the topic of our transparent and accountable democracy include:**

- In what ways can laws relating to truth in political advertising, regulation of lobbying, and political donations be strengthened?
- What extra protections are needed to safeguard whistle-blowers from retaliation and to make organisations accountable?
- Can South Australia lead the world in developing safeguards to protect against cyber threats, including misinformation and disinformation?
- Should there be an independent body with powers to review, recommend and enhance democratic practice in the State?
- Should there be democratic audits of South Australian democracy undertaken at regular intervals (e.g., every four years) with the results being widely disseminated to the public, and Parliament held responsible for acting on the results?

### **3.4 Our democratic culture**

Our democratic culture comprises the values, attitudes, habits, and everyday practices that sustain and animate our democracy, beyond simply the formal institutions. In other words, democratic culture is the spirit that activates democracy.

One of the biggest challenges we face when trying to bring people together to address important issues that affect us all is that people trust each other less and less. For many reasons, including technology and pressures of modern life, but also a declining sense of solidarity, involvement in community activity is declining. A growing feeling of disillusionment and resentment is also making public discussion increasingly toxic. At all levels of society, and across many arenas, we need to find better ways of talking to, and working with, each other.

**Questions to guide community discussions on the topic of democratic culture include:**

- Can South Australia lead the way in developing and implementing new approaches to educating for democracy in schools and the community, especially as it relates to enabling greater respect and decency in interactions through public discourse?
- How can we build vibrant, participatory communities? Would empowering community organisations (including local government), through increased resources and authority, help to make them more relevant to the people?
- How can the power of arts and cultural institutions be harnessed and strengthened as agents for democratic values?
- In what ways can we foster public interest journalism and media to ensure that diverse voices are heard, citizens have access to multiple sources of information, and government is held to account?
- Can South Australia be an innovation hub for the use of AI and digital technologies to strengthen individuals' agency, inclusion and wellbeing, while protecting their rights and preventing undemocratic use of citizens' personal data?