

Senator John Faulkner
Labor Senator for New South Wales

Thursday, 3 April 2014

Dear Fellow Member,

Integrity for Strength

I'm writing to ask for your support for a series of ambitious but achievable party reforms to address corruption in our party and build a stronger and more effective Labor Party. A party of which we can all be proud.

Corrupt individuals have tainted our party and diminished the contribution of the hard-working men and women who belong to and support Labor, right across NSW.

Those individuals who engaged in corrupt conduct and did such damage to New South Wales and to the Labor Party are being held responsible for their behaviour. It is right that they pay the price.

We cannot escape our responsibility. The party's culture made possible their behaviour and a confidence such behavior would not be held to account.

We have to learn from these experiences and take the steps required to stop corruption ever happening again.

We must introduce Rules changes not just to stamp out corruption but to strengthen the future of our party and our capacity to govern.

We must embrace changes to the Rules so as to prove to the electorate that we have learnt from the past. No less important we have to prove to ourselves we are determined to shape the future.

ALP Rules must contain strong integrity measures that leave in no doubt the party's commitment to use the powers of government solely to advance the interests of the community. Never again for our own ends.

ALP Rules must ensure that our parliamentarians – including MLCs and Senators – are chosen on merit and for their ability. Poor processes produce poor outcomes. The selection of the likes of Eddie Obeid and Ian Macdonald to represent the Australian Labor Party in the NSW Legislative Council was the outcome of a process that we must end forthwith.

To that end, I intend to try at this year's Conference to amend the Rules in two key ways:

- to include explicitly in our Objectives, Principles, Eligibility Criteria and Candidate Pledge our commitment to, and expectation of, **integrity**; and
- to reform our preselection processes for the NSW Legislative Council and the Senate, so as to transfer the power of preselection from just a small number of faction leaders into the hands of all the members of the Party.

The Rules themselves must be an unequivocal statement of our commitment to integrity. The Rules must require that holders of public and party office behave with integrity. The Rules must communicate clearly to prospective candidates and those seeking office within the party that the NSW ALP finds corruption and unethical behaviour utterly abhorrent. The electorate will not take notice of anything less. The Rules must clarify and strengthen the party's ability to discipline and expel those found in breach of our standards.

Without changing the way power is distributed in our party, such commitments will not change anything. Changing the rules to include statements about integrity and ethical behaviour while leaving power within the NSW Branch concentrated in the hands of a tiny number of factional leaders would be nothing but window dressing – hanging new curtains while behind the curtains the house is burning.

Putting preselection for Senators and MLCs into the hands of the members will bring transparency and democracy to a process that is sadly deficient in both qualities. A wider pool of candidates and a preselectorate that embraces the full party membership will, I have absolute confidence, raise the quality of our candidates. If we are seeking a team to represent our members and win the loyalty of our supporters, who better to choose that team than the members themselves?

If we want our parliamentarians to win community support, we should preselect them through a process that tests exactly that quality. Our present system rewards intrigue, trading favours and doing deals. Eddie Obeid, Ian Macdonald or their ilk would not be able to win preselection in a genuinely democratic process where all party members cast a vote. Their success depended on nothing but factional anointment; they required no support beyond the leadership of a faction.

To implement these Rules changes will require the interests and expectations of a chosen few to be set aside in the broader interests of our party. Our first obligation must always be the people we represent.

I have attached the Rules changes I propose to move at the 2014 Annual Conference in July. I ask you to support them and urge your branch to consider passing a motion submitting them for inclusion on the Conference agenda (motions must be received by 12 noon on 2 May to be considered).

Our task should begin with fundamental change to the Rules. Only changes to the Rules will cause a change in our culture and acceptable practices.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Faulkner', with a long horizontal flourish extending to the right.

John Faulkner

Labor Senator for NSW

Recommended Resolution for Party Units in NSW

“That the following proposed Rules changes be considered at the 2014 NSW Annual Conference:-

1. Integrity measures

To strengthen the Party’s commitment to integrity and its ability to deal with corruption -

- Add a new point 1 to the Objectives of the Party in Part B (that is, to what ‘the Australian Labor Party stands for’):
‘The use of public power at all times with integrity and honesty, and always in the best interests of the community.’

Then renumber the Objectives accordingly.

- Add a new point 1 to the Principles of Action in Part C:
‘party members, candidates, elected representatives and party officials to act at all times with integrity and honesty.’

Then renumber the Principles accordingly.

- Add to the Eligibility Criteria for Candidates a new section N.11(h):
‘Never have engaged in corrupt conduct.’
- Add two new clauses the Public Office Candidate Pledge in Schedule C1:
7. If returned to Parliament, on all occasions to act with integrity and honesty.
8. To resign as a Member of Parliament if found to have engaged in corrupt conduct at any time.’

2. Preselection of NSW Legislative Council and Senate Candidates

To allow the membership of the NSW Branch of the Australian Labor Party to select the Party's candidates for the NSW Legislative Council and the Australian Senate -

- Delete Rule B.2(iii) in Section B, Powers of Annual Conference, which enables Annual Conference 'to preselect candidates for the NSW Legislative Council and Australian Senate.'

- For Senators, in Section N (Endorsements and Selections for Public Office) replace existing Rule N.2(a) with:
 - 'N.2(a)(i) the first three Senate candidates for a half-Senate election will be selected by a ballot of the members of the NSW Labor Party following the procedure set out in N.4.

 - N.2(a)(ii) the first six Senate candidates for a full-Senate (Double Dissolution) election will be selected by a ballot of the members of the NSW Labor Party following the procedure set out in N.4.'

- For MLCs, in Section N (Endorsements and Selections for Public Office), replace existing Rule N.3(b) with:
 - 'After endorsement, the Party's candidates will be selected by a ballot of the members of the NSW Labor Party following the procedure set out in N.4.'

- Add new clause N.4 which sets out the procedures for selecting Senate and Legislative Council candidates, and renumber clauses accordingly:

‘N.4. Selection Procedures for Senate and NSW Legislative Council candidates:

- a) The Party’s Senate and Legislative Council candidates shall be selected according to the principles of proportional representation by a ballot of all Party members with one year of continuous financial membership prior to the date of calling for nominations
- b) To call for nominations, members must be advised and an advertisement must be placed in newspapers that are published throughout NSW.
- c) These advertisements or circulars must state that nominations will be accepted by the General Returning Officer at the NSW Branch Office.
- d) Immediately after nominations close, all nominations will be given to the Administrative Committee for their endorsement or otherwise.
- e) the Administrative Committee may determine:
 - i. Rules for campaigning (including donation and expenditure limits),
 - ii. Procedures for handling disputes,
 - iii. How voting will take place, and
 - iv. Any other matters required for conducting a ballot.
- f) If a casual vacancy for a Senate or Legislative Council position occurs, there shall be a fresh ballot of Party members according to these Rules.’”