



Policy: **Limited and Accountable Gov.**

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The Liberal Democrats will ensure that governments are restricted as to what they can do and kept accountable through extensive checks and balances.

Policy

The Liberal Democrats support:

- constitutional protection of private property
- sunset clauses on legislation
- bodies established to review and supervise government
- protection for whistleblowers
- freedom of information held by or on behalf of government and
- the separation and division of powers.

Discussion

Private property rights

More than any other political party in Australia, the Liberal Democrats support private property rights.

Under the Constitution, the federal government may compulsorily acquire private property, but only on just terms. State and Territory governments are not bound by the Constitution and can, with relatively few limitations, compulsorily acquire property without paying any compensation.

Both State and Federal governments are free to pass laws and regulations that damage the value of property without paying any compensation at all.

This needs to change. All levels of governments should be responsible for the consequences of any compulsory acquisitions as well as laws and regulations that impact

on the value of private property. The payment of compensation on just terms should apply in every case that government legislation adversely affects property value.

This change would mean that the government only introduced regulations that provided more benefit to society than the costs they imposed. This would introduce another important discipline on government, promoting good policy and protecting private property rights.

The Liberal Democrats propose that these changes be made permanent through constitutional amendments.

Legislative sunset clauses

The Liberal Democrats believe there are too many laws, taxes, regulations, mandatory licensing systems, hand-outs, rebates, off-sets, agencies and too much government in general. Each year the Federal government introduces hundreds of new pieces of legislation and thousands of pages of regulations and spending programs. Unfortunately, much of this legislation is never reviewed.

As the library of government legislation grows, the transparency of government decreases. It is simply not possible for anyone to wade through the mountains of government programs and assess their continued importance and success. Unnecessary or counter-productive laws remain on the books simply out of inertia.

The solution to this problem is to routinely include a sunset clause in legislation. When a new policy is introduced it will automatically lapse within a certain time-frame, no greater than 20 years. If the policy continues to make sense and has popular support then the legislation can be re-introduced. However, if the policy is no longer relevant or does not provide a clear benefit, then it can be allowed to lapse. Over time this approach will help to weed out excessive government legislation and impose greater accountability on the government.

Long term laws (that do not have sunset clauses) could be introduced with a super-majority of 75% of Parliament. This would allow laws with broad support (such as laws against murder, theft etc) to remain permanently in force while obliging the government of the day to defend and justify all other legislation.

Such long term laws could still be repealed with a simple majority of parliament (or by the citizens through a citizen initiated referendum).

Government review and supervision

Positions and bodies set up to keep government accountable, such as ombudsmen and auditors-general, and bodies that review government policies, such as the Productivity Commission, must be supported. At the federal level, a two-thirds majority in both houses

of parliament should be required to make appointments to, and to change the resourcing of, these positions and bodies.

Whistleblowers and freedom of information

The Liberal Democrats believe that citizens who make a public interest disclosure, known as whistleblowers, should not be penalised for taking a stand against corruption or maladministration.

The Liberal Democrats believe that citizens should be able to access information about them held or gathered by government, or held or gathered on behalf of government. Fees for retrieval should reflect reasonable costs. The onus should be on any entity seeking to withhold information to prove to an impartial tribunal why freedom from information is necessary.

Information held by the government which is not of a private or personal nature should be made available (e.g. online) for the public to view and analyse for free. Information that contains private/personal details should first have those details removed.

All contracts with the government should by default be made public with the onus on contracting parties to provide convincing reasons for maintaining confidentiality.

Separation and division of powers

The Liberal Democrats believe that the judicial, legislative and executive arms of government must remain clearly separated. At the federal level, judicial appointments should be approved by a two-thirds majority in both houses of parliament.

The Liberal Democrats' policies to cut various government activities will reduce the scope for government harm and corruption. Moreover, the Liberal Democrats' policies to transfer various activities to the state and local level, such as all health and education, will further divide power to reduce the dangers of concentrated government.