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## REFORMING THE RULES

GARTH HEAD,

PRESIDENT: RULES REVISION COMMITTEE

The ALP is an expression of many peoples' aspirations and beliefs. Like a football club it has supporters, members, players, leaders, coaching and administrative staff.

Football clubs allow for personal and collective ambitions to be played out; players, members and supporters to know the rapture of victory and the pangs and division of defeat.

They allow for new ways of organisation and playing the game to be developed so it can rebuild to achieve its objective.

And they have a system of internal government to manage all of their activities in the struggle towards repeatedly meeting

their objective – to win the Grand Final, again, and again.

The football club analogy is a good one as far as it goes. Unfortunately, too many regard the ALP's Grand Final as being just to win elections rather than seeing such victories as vital steps in our ongoing march to fulfil our core objectives.

The ALP's core objectives and principles of action are clearly stated in the opening of our Rules but I think it is reasonable to paraphrase them thus:

*To build for all a democratic, just, fair and inclusive society (community and economy) which maximises all of its citizens' capacity to reach*



Garth Head

*their full potential for personal and communal benefit based on the principles of reciprocity (legal and social rights, obligations and duties). To develop policies that will underpin fulfilment of these objectives and co-operatively campaign to attain the political power required to implement them.*

The ALP is a political organisation tasked to do all that is legally and electorally necessary

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“Surely we cannot accept the argument that these changes have left the Australian democracy stronger and fairer. The truth is far clearer: ... a government in the grips of arrogance and one that will do anything to win”.

Liam O'Brien  
Victorian  
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## Closing The Rolls: Why Howard is Locking Young People out of Democracy and Political Discourse

In October 2006, the Howard Government announced the most significant changes to our electoral system since compulsory voting was introduced in the 1930s. The changes will deny nearly 100,000 young Australians their right to their vote in this year's federal election. This represents a significant social injury to some of society's most vulnerable citizens. However, these changes have gone largely unreported by the media and drawn little reported criticism from Federal Labor.

The most notable of the changes is that the rolls will now close on the day the writs are issued rather than one week after the election was called, as has previously been the case.

In 2004, nearly 100,000 young people enrolled to vote in the last week prior to the rolls closing and here lies the government's real reason for making these “so-called” reforms. Of the approximate 5% of the population who could be enrolled but are not, nearly 75% of them are young people. And young people, according to most polls, favour Labor. These changes will benefit marginal Coalition MPs who face the fight of their political lives later this year.

The Howard Government has cited “roll sanctity” as its reason for implementing these changes claiming that the previous system had

allowed significant roll fraud and manipulation. This is simply not the case.

The reality about voter fraud in federal elections is quite clear. Between 1990 and 2001, 72 million votes were cast federally. Of those 72 million votes the Australian Electoral Commission (AEC) found that only 70, or less than 0.0001 per cent, were cast fraudulently. The AEC stated in 2001 “there has been no widespread or organised attempt to defraud the electoral system.”



*Liam O'Brien is the Victorian Young Labor President and an Organizer with the Australian Workers Union*

Surely we cannot accept the argument that these changes have left the Australian democracy stronger and fairer. The truth is far clearer: a government desperate to retain control in light of its greatest electoral challenge; a government in the grips of arrogance and one that will do anything to win.

Voting is not a privilege but a right. Universal suffrage is the cornerstone of our democracy; it is what separates us from other countries. These reforms are targeted at those who do not support the Coalition, young people and the more transient members of society whose enrolment is often inaccurate.

Our society is becoming unhinged by the introduction of ruthless policies such as WorkChoices, which is pushing young workers into unfair work practices preventing them from getting a good start in life.

Howard can talk about how real wages and employment figures are better than they have been in 30 years but the reality is that young people now represent nearly half of the country's homeless population. Full time employment among young people has dropped 11% during the Howard years, with more than 15% of young people unemployed.

The Howard Government has made a political decision with regard to young people. Rather than pay attention to the issues that face young people, the Government has decided to injure and impede their democratic rights. These changes are borne out of pure political motivation, and the consequences are such that this already dwindling voice will be all but extinguished by these measures.

## Union Report: “The Bracks Government Delivers for Owner Drivers” by Bill Noonan

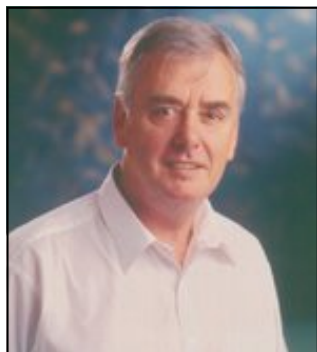
In August 2005 the Victorian Parliament passed legislation to provide important protections for Victorian owner drivers. The TWU was instrumental in lobbying the Government on behalf of all Victorian owner drivers to establish this fundamentally important legislation, and we have been central to its development.

Australia’s first-ever road transport unions were created by owner drivers, so we have a long tradition of representing both employee drivers and owner drivers ... two groups with sometimes disparate interests.

We have sought for many years the establishment by government of a low-cost, easily accessible system of dispute resolution for owner drivers. With no award structure and little or no access to the conciliation and arbitration system, it

has always been difficult to maintain any consistency and fairness in their rates and conditions.

In dealing with mixed fleet companies, it has generally been possible to negotiate outcomes that provide owner drivers with a similar level of incomes to employee drivers after their extra expenses are taken into account.



*Bill Noonan is the Victorian & Tasmanian Branch Secretary & Federal Vice President of the Transport Workers Union*

However, individual non-fleet owner drivers have been vulnerable to rate cutting by companies who take advantage of the fact that any income is better than no income when your

fixed costs keep mounting whether you are working or not.

We believe that these owner drivers, as well as fleet and non-fleet couriers, stand to gain the most from the new system.

Among other reforms, the law now specifies that contracts have to be in writing and that owner drivers have to be supplied with information explaining their rights in detail.

The new information booklet has been put together by the Transport Industry Council, a representative industry body set up under the legislation. The Council has also developed a model contract and indicative rates and cost schedules, together with a new industry Code of Conduct.

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“This is a classic example of how Labor governments can deliver major progressive reforms that will have a significant practical impact on the lives of working men and women”.

***Bill Noonan***



## UNION REPORT, (CONT PAGE 3)

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“The new Owner Driver and Forestry Contractors Act creates historic opportunities for owner drivers and their families to benefit from collective bargaining and Union representation”.

*Bill Noonan*



The legislation gives owner drivers access to a conciliation process through the Small Business Commissioner with an arbitrated process through VCAT. To date, the conciliation process has proved to be effective in most cases.

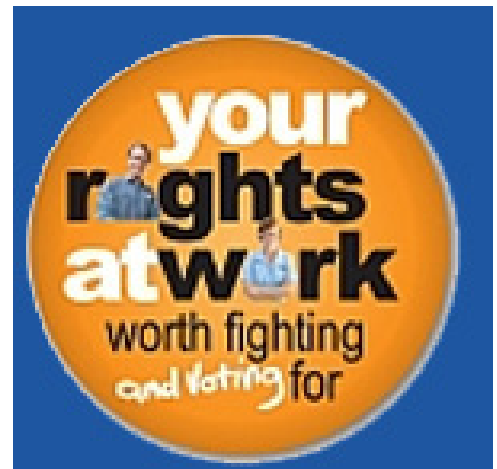
Steve Bracks took up the issue at our request in his role as Shadow Industrial Relations Minister prior to his election to the ALP leadership. The Opposition upper house majority defeated his legislation during the Government's first term. However, once that barrier was removed, Steve Bracks and Rob Hulls pushed ahead with enthusiasm.

The new Owner Driver and Forestry Contractors Act creates historic opportunities for owner drivers and their families to benefit from collective bargaining and Union representation. It protects Owner Drivers from making uninformed financial decisions and prohibits unfair conduct.

Owner drivers will be obvious winners from the Act, but the industry as a whole will benefit too. It will make it easier for businesses to be sustainable in the long term. Most importantly, because everyone is playing by the same rules, no one will have to cut corners on health and safety to stay competitive.

It should be noted that, while the Liberal and National Parties opposed the legislation, the major transport employer body in Victoria supported it and plays a positive role on the Transport Industry Council.

This is a classic example of how Labor governments can deliver major progressive reforms that will have significant practical impact on the lives of working men and women. The Victorian legislation is now being adopted as a model by other governments.



On behalf of many thousands of Victorian owner drivers and their families, I commend Steve Bracks and Rob Hulls for their commitment and support.

**Bill Noonan is the Victorian and Tasmanian Branch Secretary & Federal Vice President of the Transport Workers Union**

## GARTH HEAD: REFORMING THE RULES (CONT FROM PAGE 1)

in the struggle to meet our core objectives. Developing best policies consistent with achieving our objectives, community advocacy/education to build awareness and support for these policies, campaigning and winning elections and referenda to implement them and running community (including industrial) campaigns are all part of the Labor task.

To successfully fulfil these tasks Labor Unity believes the ALP must be a large, broad based political party not a narrow or special interest elite. It believes in an ALP that reflects all of its often diverse constituency and an organisational structure which facilitates inclusiveness in decision making processes, whether in selecting candidates, determining policy or growing and developing the party.

The ALP Rules spell out our objectives, principles of public action, membership rights and obligations and the overall governance

structure of the Party. Rules can and have been used to exclude new members and limit membership involvement. This is sometimes the result of unnecessarily complex rules the result of well intentioned but misjudged Rule amendments;

Sometimes it's the result of darker intentions by those who want internal power which by any measure of our objectives, principles and tasks is illegitimate. Either way, these are anathema to long held LU principles.



Labor Unity's position in working through the current Victorian Rules in the Rules Revision Committee is to adopt the adage *As simple as you can; As complex as you must.*

We are aiming to reform the Rules to remedy ambiguities, remove impediments to a larger, broader and more inclusive membership and provide clarity on the role and function of constituent units and office holders including the specification of objectives for each unit or office holder to guide the interpretation of relevant Rules.

As part of our consultations over these reforms I would be pleased to speak with your branch or FEA. I look forward to hearing from you soon.

*Garth Head has been an active Labor member for 35 years and joined Labor Unity in March 1974. A member of the Administrative Committee for a total of over 20 years, he was first a State Conference delegate in June 1974 and currently represents Hotham FEA. During his career to date he has worked as a Union Officer, Campaign Regional Organiser, Government Adviser and political consultant.*

