

E – BRIEF



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Recall Elections

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1 WHAT IS MEANT BY A RECALL ELECTION?

In other jurisdictions Recall is a term used to describe a process whereby the electorate can petition to trigger a vote on the suitability of an existing elected representative to continue in office. In those jurisdictions where it operates, Recall is seen as an important, directly democratic, tool for the electorate to remove from office those elected representatives seen to be ineffective.

In the recent debate in NSW, the idea of a Recall election has taken a different form. Basically, it is not concerned with the Recall of an individual Member of Parliament. Rather, the suggestion is that a Recall petition can be used to trigger an early State election, thereby presenting the electorate with the opportunity to remove an ineffective or unpopular government. This argument has developed in the context of four year fixed term Parliaments, under which an early election can only be called under very limited circumstances.¹

2 THEORETICAL NOTE

There is in democratic thought and practice a schism between, on one side, participatory or plebiscitary processes and mechanisms, which can be discussed under the heading of 'direct' democracy and, on the other side, those processes, mechanisms

and conventions associated with representative democracy and, in the Westminster tradition, responsible government. Direct democracy, as the name suggests, argues on behalf of popular involvement in the democratic process, whereas the guiding ideas behind representative democracy tend to limit such involvement to the choosing of representatives at election time.

In the direct or plebiscitary model, Members of Parliament are seen as 'agents' or 'delegates' of the electors. In the representative model, in the words of Edmund Burke, they are more than mere delegates. Rather, under this second model MPs are trustees of the electorate, there to exercise their own judgement in the broad interests of the nation, or whatever form of polity is involved.²

The idea of Recall elections can be seen as a direct democracy check on representative democracy. As noted, the mechanism operates in other jurisdictions as a check on wayward or ineffective individual representatives:

The Recall idea is based on the political theory that voters should retain the right of control over their elected officials'.³

3 HISTORICAL NOTE

A complex history lies behind the Recall idea. It is enough to say that more populist versions of democracy developed in some quarters in the 19th century. For example, the Chartists in England campaigned for annual elections. Referendums also became a feature of democratic discourse, including those initiated by citizens to pass or repeal particular laws.

In Australia, populist checks on representative democracy were advocated by the ALP, including the NSW State Branch. Included under the heading 'constitutional reform' in the 1918 State Fighting Platform is the call for:

Abolition of the Legislative Council and the substitution therefor of the Initiative, Referendum and Recall.

The 1965-66 State Objective and Platform includes the following agenda for constitutional reform:

Abolition of the Legislative Council.
Institution of the Initiative Referendum and Recall.
Abolition of the office of State Governor.

While the Recall idea appealed to the rank and file, the prospect of it being acted upon by the party leadership was remote. Writing in 1955 about the Australian Federal Labor Party, LF Crisp described the Recall and Initiative proposals as 'anachronistic'. He wrote that Labor had long accepted the rules of the game of responsible government:

the Initiative, Referendum and Recall cut right across the basic principles of responsible cabinet government. Both parties accept the broad traditions of the British parliamentary system: the Initiative,

Referendum and Recall would lay both open to destructive harassing by outside pressure groups and extremist forces and occasionally would lay each open to more or less irresponsible harassing by the other...It would have been appropriate if the ALP had long since struck the anachronistic references from the Platform.⁴

Note that in the context of the Federal Labor Party, LF Crisp stated that 'there can be no doubt that Recall means recall of legislation, since it is linked immediately with Initiative and Referendum'.⁵ It is possible that the same applied at the State level. However, at the 1916 Conference of the NSW Branch a resolution was moved to apply the Recall to Members of the NSW Parliament, which suggests that for some at least it was seen as a rank and file check on MPs.⁶

Professor George Williams has commented on this history:

Australia has a long, forgotten history of debating the Recall. The ALP adopted the idea nationally in its policy platform in 1912 but dropped it in 1963. The Recall was also debated in the Queensland Parliament over 1917 and 1918, but was not passed. Today no Australian Parliament allows voters to exercise a recall.⁷

4 STANDPOINTS IN THE CONTEMPORARY DEBATE

The *Sydney Morning Herald* is currently inviting registered NSW voters to sign an online petition calling for a referendum to be held at the next State election to change the NSW Constitution to allow for a Recall mechanism. As of 4 January 2010, 20,054 people had signed the petition (no updated figure has been published).

There has been considerable comment and debate on this issue, from politicians, academics and others. These are presented in summary below.

4.1 Political standpoints

Barry O'Farrell – Leader of the Opposition:

In a speech to the Sydney Institute in March the Opposition Leader announced that if elected in March 2011 he would appoint a panel of constitutional experts to look at introducing a Recall election provision in NSW. He would then look for a referendum at either the 2012 local government elections or at the 2015 State election to introduce a Recall provision.

Taking the debate a step further, the *SMH* reported in December 2009:

Mr O'Farrell said that if the *Herald* campaign produced enough signatures he would introduce legislation next year in an attempt to set up a referendum in 2011.⁸

At that time Mr O'Farrell confirmed his commitment to the Recall idea, stating:

Recall elections are democratic, increase accountability, offer a safeguard against abuse and can help restore confidence in, and promote active involvement with, the political process. The spectre of being forced to an early election by the public could provide the stimulus needed for government - even a NSW Labor one - to put in a full four-year effort as well as a safeguard against political abuses.... A recall election mechanism would give the public a release valve. It would only prove successful if first, supported by sufficient petitioners, and second, by a majority of electors in any subsequent poll.⁹

The *SMH's* State political editor Andrew Clennel reported on the same day:

Mr O'Farrell said there were four chief reasons why people thought he should not pursue recall elections, and he dismissed all of them.

"The first check [on it] is if you can't get the signatures, well, clearly there's not enough support there, so that's the first democratic feature about it.

"Second, if you do get a fresh election, it's possible the person you're seeking to recall could win again.

"Third, they argue that it's an additional expense ... [they] would probably argue we shouldn't have elections at all because they're pretty expensive too.

"Fourth, they argue that it characterises all MPs or all representatives as not hard-working ... well, I think, to quote Malcolm Turnbull and Tony Abbott, that's just BS."

Mr O'Farrell ruled out another, possibly simpler, option to improve democracy to NSW - a return to three-year term.

Mr O'Farrell is quoted as saying:

"So I'd be happy to have a fixed four-year term with a recall provision".¹⁰

Premier Keneally

On 12 December 2009 it was reported that the Premier would 'support a debate' on recall elections in NSW. The *SMH* reported:

Ms Keneally said she was prepared to listen if the public wanted a debate on the issue. "What I would say is that we're talking about a significant constitutional change here, one that is untested in the Australian context," Ms Keneally told reporters. The community should have a debate "before we would

take such a step", she said. On one side of the debate, fixed terms provided stability for a government to make a hard decision "and deliver on it". On the flipside, Ms Keneally said a recall provision or even the return of non-fixed terms could "provide a better opportunity for people to engage in the political process".¹¹

Andrew Stoner – Leader of the Nationals

On behalf of the NSW Nationals, Andrew Stoner on 21 December 2009 added his support for the debate on the Recall idea in these terms:

Yes, recall elections would represent a serious constitutional change. The proportion of the population petitioning for a recall election would have to be suitably large so that interest groups are not able to hijack the political process.

The electorate does not want to vote too often - John Fahey's suggestion of a mechanism becoming available only after a set period in the government's term has merit.

These are serious things that need to be considered. But as they say, where there is a will, there is a way and now is the right time for this debate. The potential for a recall mechanism to re-engage a disenfranchised public should not be discounted.¹²

Lee Rhiannon – NSW Greens

For the NSW Greens, Lee Rhiannon also lent support to the debate on the Recall idea, although her main concern was to call for more fundamental change in the form of introducing proportional representation for Lower House elections. On the Recall idea, she stated:

But the debate about building a right of recall into the state constitution has merit. An improvement of the democratic process is needed.

There have been surprisingly few advances since the 19th century campaigns of the Chartists for universal suffrage, secret ballots and payment for MPs.

A number of letters to the editor published in the *Herald* have warned that there can be a downside to the right of recall on unpopular governments. In most of the US states with this provision, the bar is set at 12 per cent of votes cast at the previous election. Many now think this is too low. Cashed-up lobby groups and corporate interests are able to wheel out sophisticated campaigns to gather the necessary number of signatures.

The Greens do not rule out building a right of recall into the NSW constitution. But we need a community-wide debate to answer questions about how to achieve such a change, so the democratic process is advanced but sectional groups do not find ways to exploit the recall provision.

How do we determine the number of voters needed to petition for a recall? Would the new parliament sit for another four years, or just finish off the term of the previous one? Would the upper house be dismissed along with the lower house?¹³

4.2 Academic standpoints

Anne Twomey

After reviewing the way Recall provisions operate in other jurisdictions, basically for the purpose of forcing individual representatives to an early election, Associate Professor Twomey commented in March 2009:

This type of approach does not really fit in with our system of government. If the voters in Nathan Rees's electorate were to recall him, it would not result in a change of government, as the Labor Party

would still hold the confidence of the Legislative Assembly.

Twomey explained:

What O'Farrell is really talking about is not a "recall" election, as used in the United States or Canada, but a trigger for an early election.

One such trigger, as specified in the state constitution, is a vote of no confidence in the government passed by the Legislative Assembly. The constitution could be amended, by way of referendum, to include another trigger, being a petition signed by 25 per cent of voters on the NSW electoral roll. It would be best to avoid requiring grounds for such a petition, as this would embroil the courts in political controversy. It might be wise, however, to include some time limits, so that an election triggered by a petition could not be held in the first two years of a government's term, to give it a chance to get runs on the board, and in the last six months of its term, for reasons of economy.

As for the merits of the Recall idea, Twomey commented:

Whether or not it would be a good idea is debatable. On the one hand, it is democratic and allows the people to withdraw their mandate. On the other, it might inhibit governments from taking unpopular but necessary decisions for the long-term benefit of the state. As the National Party's Duncan Gay said when the issue was raised in Parliament in 1991: "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 the hard decisions."

That could ultimately be a price that is too high to bear.¹⁴

George Williams

Another constitutional expert, Professor George Williams, tended to agree with Twomey's critique of the Recall idea, stating by way of conclusion:

The recall should be part of the current NSW debate about early elections and fixed terms. While I am sceptical about its merits, it should not be dismissed out of hand. The question is whether a recall procedure can be designed to add a useful element to our system of government without undermining its strengths. While a recall election could enable the early poll that many people now seek, we must be wary because over the longer term it may do more harm than good.

Basically, Williams explained that the Recall idea runs contrary to the principles of representative democracy and, as such, it 'represents a radical challenge to the Australian system of representative government'. He went on to consider checks and balances that should be considered in any debate, including the need for broad support across the State. Williams explained:

if the recall was for the whole parliament, the petition should be required to gain support from across the state. A minimum number of signatures should be received from, say, 80 per cent of the state electorates. This would ensure that the recall cannot be used by a disaffected part of the state at the expense of other interests.

Unlike Twomey, Williams also favoured the idea of the grounds for Recall being made subject to judicial review. He stated:

we should look to parts of the US where a recall can only be lodged on

specific grounds. For example, the recall might be invoked only where there is evidence of misconduct or misuse of power. Such claims might be tested in the courts to ensure that any recall petition is soundly based.

But he added this warning:

Even with these limitations, recalls will be driven not only by legitimate political considerations but by money. The procedure will most likely be used by groups able to employ signature gatherers and to advertise in the mass media. In the US, recalls and other forms of direct democracy have an unfortunate history of being manipulated by well-funded political interests and large corporations. We should not kid ourselves into thinking it would be any different in NSW.¹⁵

5 RECALL PROVISIONS IN OTHER JURISDICTIONS

5.1 United States

In the United States, 18 states have a Recall mechanism for elected state officials, including Governors and legislators.¹⁶ In some states, the mechanism has existed for a long time – the first state to adopt the Recall for state officials was Oregon in 1908.

To date only two State Governors have been successfully removed from office in this way. The first was Lynn Frazier (North Dakota) in 1921 and the second was Gray Davis (California) in 2003. That was the first time out of 32 attempts that a Governor in California had been successfully recalled.¹⁷

Recall of state legislators (i.e. MPs) has been somewhat more successful although still uncommon. For example, in California between 1911 and 1994 there were 107 attempts to trigger a Recall election and only 4 of these

succeeded in reaching the required number of signatures on the petition.

The requirements for a successful recall petition vary across the states:

- *Grounds:* In 10 states a petition can be initiated for any reason but in the 8 other states specific grounds are required; e.g. in Washington, the commission of an act of misfeasance or violation of oath of office.
- *Number of signatures:* In some states the number of signatures required is a percentage of the votes cast in the last election for the office being recalled. In other states, it is a percentage of eligible voters for office at the time of the last election. The percentages vary from 10 to 40 percent but in most states it is 25 percent. In California, where the recall was successful in 2003, the requirement was for 12 percent of the votes cast in the last election for Governor. In addition, signatures needed to come from at least five of the 58 counties and amount to at least 1% of the vote for that county in the last election for Governor.
- *Circulation time:* Most states specify a time period for collecting the requisite number of signatures. This ranges from 60 days to 180 days.
- *Recall election:* In 12 States, the Recall ballot contains only the question of whether or not the official should be recalled. If the majority vote is 'yes' for Recall, the office is declared vacant and is filled at a special election or as provided by law. In 6 States, the Recall election

is held simultaneously with the election for a successor.

5.2 British Columbia

British Columbia is the only jurisdiction in the Commonwealth that is known to have a Recall mechanism. It adopted the Recall process in 1995 through the *Recall and Initiative Act 1995*.¹⁸ The requirements are set out below.

A Recall petition cannot be issued until 18 months after the election. There are no set grounds for a Recall but the petitioner must provide a statement of why the Member of the Legislative Assembly should be recalled. The signature requirements are very demanding. The petitioner has 60 days to collect signatures from more than 40 per cent of the voters who were registered to vote in the Member's electoral district in the last election. If the Chief Electoral Officer verifies that enough eligible individuals have signed the petition, the Member ceases to hold office and a by-election must be called. A recalled Member may contest the by-election.

Since 1995, the Chief Electoral Officer has approved 20 Recall applications. Of these, 19 petitions failed to collect enough valid signatures and in the other case the petition was halted during the verification process because the Member resigned. Richard Johnston, professor of political science at the University of British Columbia, has stated that the political events that led to the adoption of the Recall resulted in 'a law that dangles the prospect of recall ...even as it renders [it] essentially unworkable'.¹⁹

5.3 Other jurisdictions²⁰

In Switzerland, six of 26 cantons have Recall provisions for their cantonal parliament. Although part of cantonal law since the 1850s Recall has been

rarely employed and, as at 2003, an elected official had not been removed.

Venezuela adopted Recall provisions in its Constitution in 1999. They apply to all elected officials including the President. Voters may submit a petition calling for Recall of an elected official following the midpoint of their term of office. A petition requires valid signatures from at least 20 percent of the registered voters in the electorate. Petitioners have only four days to collect signatures, the dates of which are established by the National Electoral Council. At the Recall election an individual may be recalled if (a) there are more votes for the Recall than against; and (b) the number of votes for the Recall is greater than the number of votes the official received in their election. In 2004, a recall election was held for President Chavez: 59 percent of the electorate voted for him to stay in office so the recall was defeated.²¹

Peru, Bolivia and the Philippines are other countries where a Recall mechanism is known to operate.²²

5.4 Recent proposal in UK

In mid 2009, following revelations about the abuse of MP's expenses, the Prime Minister, Gordon Brown and Opposition Leader, David Cameron, both raised the idea of adopting Recall for MP's who have engaged in misconduct.²³ In September 2009, the Prime Minister announced an intention to implement this proposal. In a speech to the Labour Party Conference the Prime Minister said:

...where there is proven financial corruption by an MP and in cases where wrongdoing has been demonstrated but Parliament fails to act we will give constituents the right to recall their Member of Parliament.²⁴

The UK Government has not yet introduced a bill to take this forward. Note however that in October 2009, Conservative MP Douglas Carswell introduced a Ten Minute Rule bill, which would provide for a Recall if an MP was found guilty of serious wrongdoing by the Committee on Standards and Privileges, and if Recall was supported by 'a significant number of local people'.²⁵ It is rare for Ten Minute Rule bills to proceed and this bill has not had a second reading.²⁶

6 ARGUMENTS FOR AND AGAINST RECALL ELECTIONS

6.1 Arguments for

- In the NSW context, the basic argument in favour of a Recall mechanism is that it would provide a trigger for an early election in appropriate political circumstances.
- The added argument is that this trigger would be in the hands of the electorate, thus providing the voters of NSW with a new and enhanced role to play in the democratic process, in particular in bringing non-performing governments to account. As Anne Twomey said: 'it is democratic and allows the people to withdraw their mandate'. Likewise, Andrew Tink commented: 'as the Opposition Leader has pointed out, a recall system "would give the public a release valve" and put the ultimate fate of a government in the hands of the voters'.²⁷
- At present, under the four-year fixed terms, an early election can only occur in very restricted circumstances, notably where a vote of no confidence in the Government is passed by the

Legislative Assembly, subject to certain conditions.²⁸

- While the practical requirements for a valid Recall election may be hard to achieve, it is worth remembering that such provisions have been applied successfully on occasions in other jurisdictions.
- Proponents of the Recall mechanism argue that it acts as a discipline on elected officials for the full term of office.
- It is argued that a Recall debate is worth having, perhaps guided by a panel of experts as suggested by the Leader of the Opposition.
- Fixed four year terms are themselves an innovation on the Westminster tradition of responsible government and the Recall would only add a further refinement to this, by adding a new popular accountability check on governments.
- Australian constitutionalism has always been innovative in nature and capable of evolving in ways that accommodate new practices and ideas. The use of referenda is an example, something which at one time was considered alien to parliamentary democracy. Constructive constitutionalism is not a matter of conforming to some pure theoretical construct but of adapting to meet real needs.

6.2 Arguments against

- Fixed four year terms were approved overwhelmingly by referendum, held on 25 March 1995 with 2,449,796 voting 'Yes' and 795,706 voting 'No'.
- Recall is contrary to the Australian system of

- representative government and responsible government.
- Basically our system of government relies on voters casting an informed vote at election time, thereby providing the elected government with a mandate to govern for a designated period. Frustrations and problems are sure to arise. That is the nature of politics.
 - In other jurisdictions the Recall mechanism targets specific members of Parliament, whereas in NSW it is proposed as a mechanism for forcing an early election.
 - The Recall was designed therefore for other purposes, to target particular politicians, and in different circumstances, notably as in the US States where the constitutional system is based on individual office holders – Governors or city mayors.
 - Citing US experience, George Williams warns that the Recall mechanism can be subject to manipulation and abuse, stating: ‘The procedure will most likely be used by groups able to employ signature gatherers and to advertise in the mass media’.
 - Critical of the Recall idea, Twomey said ‘it might inhibit governments from taking unpopular but necessary decisions for the long-term benefit of the state’.
 - Writing in the 1950s, LF Crisp said: ‘Recall would lay both [major parties] open to destructive harassing by outside pressure groups and extremist forces and occasionally would lay each open to more or less irresponsible harassing by the other’.

- Is the Recall idea anything more than a piece of constitutional window dressing, designed as a kind of symbolic safety valve for disgruntled voters? It may be that in practice the requirements for a successful Recall petition would be so onerous as to make its application highly improbable. That would seem to be the case in British Columbia, where the political system is similar to our own.

6.3 Key issues of detail

If a Recall provision were adopted, many difficult issues of detail would arise.²⁹ For example:

- Should grounds be required under the Constitution Act for a Recall petition? If so, would these be subject to judicial review? This may require the courts to make difficult political decisions. As Twomey said, ‘It would be best to avoid requiring grounds for such a petition, as this would embroil the courts in political controversy’. On the other hand, George Williams seemed to favour the involvement of the courts in testing the grounds for a Recall election.
- What percentage of eligible voters would be needed to activate a Recall petition? If this were set at around 20-25% of eligible NSW voters, the mechanism may be hard to activate, especially if signatures have to be collected in a limited time period. Around 20,000 have signed the *Sydney Morning Herald* petition, which is only around 0.5% of the 4,052,126 total vote at the 2007 State election.

- Should the whole or a significant proportion of the State be required to activate a Recall petition? George Williams counselled against a Recall petition emanating from a disaffected part of the State and suggested that 'A minimum number of signatures should be received from, say, 80 per cent of the state electorates'.
- How many steps would be involved in the Recall process? Presumably a Recall petition that obtained the required proportion of signatures would be sufficient to trigger a general election. However, it may be suggested that a referendum on the Recall question would also be required before a general election could be called.
- A further issue is whether time limits would have to be placed on the use of the Recall mechanism? That is, to ensure that governments were given a fair chance to fulfill their mandate at the start of their term³⁰ and further ensuring that funds were not wasted in calling an election within about 6 months of the end of the fixed term period. If such time limits are established, they may only leave a narrow window for the operation of the Recall mechanism, which may frustrate its proponents.
- What would be the result of a successful Recall? Would an incoming government serve a four year term from the date of the Recall election? Alternatively, would the incoming government only serve for the balance of the existing term?

- What implications, if any, would a Recall election have for the Legislative Council?

7 Conclusion

Recall elections are presently the focus of political debate in NSW, as is the case in the UK where the Labor Government has indicated its support for the Recall of individual MPs in certain circumstances. The UK proposal is similar to the model in the United States and British Columbia. In NSW on the other hand the suggestion is that a Recall petition can be used to trigger an early State election. Therefore care must be taken when drawing comparisons from experience in overseas jurisdictions. It suggests that the debate in NSW should be conducted on its own terms.

¹ Under s 24(2)-(4) of the *NSW Constitution Act 1902* the Legislative Assembly may be dissolved in one of four circumstances: (a) a motion of no confidence is passed in the government, subject to certain conditions; (b) the Assembly rejects Supply; (c) the Assembly fails to pass Supply 'before the time that the Governor considers that the appropriation is required'; and (d) within 2 months before the Assembly is due to expire if the election would otherwise be 'held during the same period as a Commonwealth election, during a holiday period or at any other inconvenient time'. Section 24B(5) also contemplates the dissolution of the Assembly by the Governor 'in accordance with established constitutional conventions'. For commentary on this section see – A Twomey, *The Constitution of New South Wales*, pp 649-658.

² E Burke, 'Speech to the Electors of Bristol' (1774) in B Hall (ed) *Edmund Burke on Government Politics and Society*, pp 156-158.

³ TE Cronin, *Direct Democracy: The Politics of Initiative, Referendum and Recall*, p 130.

⁴ LF Crisp, in *The Australian Federal Labor Party 1901 to 1951*, p 213.

⁵ Crisp, n 4, p 212.

⁶ ALP (NSW Branch), *Annual Conferences 1912-20* (Mitchell Library). Various Recall resolutions were moved at the 1913, 1914,

- 1916 and 1917 Conferences and (successfully it seems) at the 1918 Conference.
- 7 G Williams, 'The policy Labor used to support', [SMH](#), 11 December 2009.
- 8 A Clennell, 'I'll back a recall bill, says O'Farrell', [SMH](#), 11 December 2009.
- 9 B O'Farrell, 'We should introduce recall elections', [SMH](#), 11 December 2009.
- 10 A Clennell, 'I'll back a recall bill, says O'Farrell', [SMH](#), 11 December 2009.
- 11 S Nicholls and B Robins, 'Keneally adds support for debate on recall elections', [SMH](#), 12 December 2009.
- 12 A Stoner, 'In NSW, scandal fatigue has set in' [SMH](#), 21 December 2009.
- 13 L Rhiannon, 'Yes, it's time for change – but we need more than a recall provision', [SMH](#), 17 December 2009.
- 14 A Twomey, 'Total recall: the revenge of the voters', [SMH](#), 26 March 2009. Duncan Gay made that comment in the context of a debate on the *Constitution (Citizen-Initiated Referendums) Bill*, which was introduced by Hon F.J Nile. See [NSWPD](#), 5 December 1991, p5673.
- 15 G Williams, "Debate the recall, but safeguard the system", [SMH](#), 15 December 2009.
- 16 This section is primarily based on National Conference of State Legislatures, [Recall of State Officials](#) [Online].
- 17 F Feeney, 'The 2003 Gubernatorial Recall', (2008) 41 *Creighton Law Review* 37 at 40.
- 18 Elections BC, [Guide to the Recall Process](#) [Online].
- 19 R Johnston, 'A piece of democratic window dressing', [SMH](#), 30 December 2009.
- 20 This is primarily based on Chief Electoral Officer, [Report of the Chief Electoral Officer on the Recall Process in British Columbia](#), Elections BC, November 2003, p29-30.
- 21 The Carter Center, [Observing the Venezuela Presidential Recall Referendum](#), February 2005.
- 22 B Robins, 'How it works – and if it works', [SMH](#), 11 December 2009.
- 23 'Cameron Backs MP's "sacking" powers', [BBC News](#), 31 May 2009; and A Sparrow, 'Voters could recall errant MPs, says Gordon Brown', [Guardian](#), 10 June 2009.
- 24 Gordon Brown, [Speech to Labour Party Conference](#), 29 September 2009.
- 25 Douglas Carswell, *House of Commons Debates*, 13/10/09, [col. 166](#).
- 26 For more background to the proposal in the UK see C Coleman, [Recall Elections](#), House of Commons Library, Standard Note, 20 October 2009.

- 27 A Tink, 'A recall system to protect stability', [SMH](#), 8 January 2010.
- 28 See endnote 1.
- 29 For debate on these issues see - [NSWPD](#), 31 March 2009, p 14158 (Chris Hartcher, Tanya Gadiel and Victor Dominello).
- 30 Andrew Tink has suggested that a three-year prohibition would be 'reasonable' - A Tink, n 27.

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