Australia’s Political System

Edited by Justin Healey
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INTRODUCTION

Australia’s Political System is Volume 373 in the ‘Issues in Society’ series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

KEY ISSUES IN THIS TOPIC
Since 1901, Australia has been governed as a parliamentary democracy represented by a federation of states under one federal government. The last federal election has brought renewed public focus on the electoral process. The rise of minor parties and independent politicians has shifted the balance of power as the major political parties and voters contend with a complex political landscape involving special interests and preference deals.

This book presents an overview of the structure and functions of Australia’s governments, and explains how voting systems work. The book also explores a broad range of proposed federal electoral reforms. How can politics in this country be improved?

SOURCES OF INFORMATION
Titles in the ‘Issues in Society’ series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the ‘Issues in Society’ series lies in its diversity of content and perspectives.

The content comes from a wide variety of sources and includes:

- Newspaper reports and opinion pieces
- Website fact sheets
- Magazine and journal articles
- Statistics and surveys
- Government reports
- Literature from special interest groups

CRITICAL EVALUATION
As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

EXPLORING ISSUES
The ‘Exploring issues’ section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

FURTHER RESEARCH
This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The ‘Web links’ section at the back of this book contains a list of useful websites which you can access for more reading on the topic.
AUSTRALIA’S SYSTEM OF GOVERNMENT

Department of Foreign Affairs and Trade explains in this brief fact sheet overview

Australia’s system of government is founded in the liberal democratic tradition. Based on the values of religious tolerance, freedom of speech and association, and the rule of law, Australia’s institutions and practices of government reflect British and North American models. At the same time, they are uniquely Australian.

The Commonwealth of Australia, created in 1901, is one of the oldest continuous democracies in the world.

RESPONSIBLE GOVERNMENT

One of the oldest continuous democracies in the world, the Commonwealth of Australia was created in 1901 when the former British colonies – now the six states – agreed to federate. The democratic practices and principles that shaped the pre-federation colonial parliaments (such as ‘one man, one vote’ and women’s suffrage) were adopted by Australia’s first federal government.

The Australian colonies had inherited an electoral tradition from Britain that included limited franchise and public and plural voting. Abuses such as bribery and intimidation of voters stimulated electoral change. Australia pioneered reforms that underpin the electoral practices of modern democracies.

In 1855, Victoria introduced the secret ballot, which became known throughout the world as ‘the Australian ballot’. In 1856, South Australia eliminated professional and property qualifications and gave the vote to all adult men, and in 1892 gave adult women the vote. In the 1890s the colonies adopted the principle of one vote per person, stopping the practice of plural voting.

Australia’s government is based on a popularly elected parliament with two chambers: the House of Representatives and the Senate. Ministers appointed from these chambers conduct executive government, and policy decisions are made in Cabinet meetings. Apart from the announcement of decisions, Cabinet discussions are not disclosed. Ministers are bound by the principle of Cabinet solidarity, which closely mirrors the British model of Cabinet government responsible to parliament.

Although Australia is an independent nation, Queen Elizabeth II of Great Britain is also formally Queen of Australia. The Queen appoints a Governor-General (on the advice of the elected Australian Government) to represent her. The Governor-General has wide powers, but by convention acts only on the advice of ministers on virtually all matters.

A WRITTEN CONSTITUTION

Like the United States and unlike Britain, Australia has a written constitution. The Australian Constitution defines the responsibilities of the federal government, which include foreign relations, trade, defence and immigration. Governments of states and territories are responsible for all matters not assigned to the Commonwealth, and they too adhere to the principles of responsible government. In the states, the Queen is represented by a Governor for each state.

The High Court of Australia arbitrates on disputes between the Commonwealth and the states. Many of the court’s decisions have expanded the constitutional powers and responsibilities of the federal government.

The Australian Constitution can be amended only with the approval of the electorate through a national referendum in which all adults on the electoral roll must participate. A bill containing the amendment must first be passed by both houses of parliament or, in certain
limited circumstances, by only one house of parliament. Any constitutional changes must be approved by a double majority – a national majority of electors as well as a majority of electors in a majority of the states (at least four of the six). Where any state or states are particularly affected by the subject of the referendum, a majority of voters in those states must also agree to the change. This is often referred to as the ‘triple majority’ rule.

The double majority provision makes alterations to the Constitution difficult. Since federation in 1901, only eight out of 44 proposals to amend the Constitution have been approved. Voters are generally reluctant to support what they perceive as increases in the power of the federal government. States and territories may also hold referendums.

**PARLIAMENTARY SOVEREIGNTY**

The *Australian Constitution* sets out the powers of government in three separate chapters – the legislature, the executive and the judiciary – but insists that members of the legislature must also be members of the executive. In practice, parliament delegates wide regulatory powers to the executive.

Government is formed in the House of Representatives by the party able to command a majority in that chamber. Minority parties often hold the balance of power in the Senate, which serves as a chamber of review for the decisions of the government. Senators are elected for six-year terms, and in an ordinary general election only half the senators face the voters.

In all Australian parliaments questions can be asked without notice, and there is a strict alternation between government and Opposition questions to ministers during Question Time. The Opposition uses its questions to pursue the government. Government members give ministers a chance to put government policies and actions in a favourable light, or to pursue the Opposition.

Anything said in parliament can be reported fairly and accurately without fear of a suit for defamation. The rough-and-tumble of parliamentary Question Time and debates is broadcast and widely reported. This has helped to establish Australia’s reputation for robust public debate, and serves as an informal check on executive power.

**FREQUENT ELECTIONS**

A national general election must be held within three years of the first meeting of a new federal parliament. The average life of parliaments is about two-and-a-half years. In practice, general elections are held when the Governor-General agrees to a request from the Prime Minister, who selects the date of the election.

For all citizens over the age of 18 it is compulsory to vote in the election of both federal and state governments, and failure to do so may result in a fine or prosecution.

The governing party has changed about every five years on average since federation in 1901, but length of hold on government has varied greatly. The Liberal Party led a coalition with the longest hold on government – 23 years – from 1949 to 1972. Prior to World War II, several governments lasted less than a year, but since 1945 there have been only seven changes of government.

**VOTING**

For all citizens over the age of 18 it is compulsory to vote in the election of both federal and state governments, and failure to do so may result in a fine or prosecution.
PARTIES

Relative to some other countries, Australia’s political parties and their internal operations are comparatively unregulated, but internal party discipline is extremely tight. There is an official system of party registration and reporting of some party activities through the Australian Electoral Commission and its state and territory equivalents.

Australia has four main political parties. The Australian Labor Party (ALP) is a social democratic party founded by the Australian labour movement. The ALP has governed since late 2007. The Liberal Party is a party of the centre right. The National Party of Australia, formerly the Country Party, is a conservative party representing rural interests. The Australian Greens is a left-wing and environmentalist party.

Australia’s major political parties have structured ways to involve their members in developing party policy on issues. Elected politicians rarely vote against their parties in parliament.

Although Australian commentators observe that elections have become more ‘presidential’ in the sense that some American campaign methods are used, the basic structure of the Australian system tends to emphasise policy stances rather than the character of individual politicians.

As in other democracies, the cost of election campaigns and the source of funds for political activity are issues in Australia. Since 1984, a system of public funding (administered by the Australian Electoral Commission) and disclosure for election campaigns has been in place. Parties must receive at least 4 per cent of the valid vote in the elections they contest to receive this public funding.

Parties must disclose campaign expenditures and sources of donations above a specified threshold. Individual candidates must also disclose sources of donations above a certain threshold. Parties and individuals contesting non-consecutive elections must disclose gifts and donations received between the campaigns.

RELATIONS BETWEEN LEVELS OF GOVERNMENT

State parliaments are subject to the national Constitution as well as their state constitutions. A federal law overrides any state law not consistent with it.

In practice, the two levels of government cooperate in many areas where states and territories are formally responsible, such as education, transport, health and law enforcement. Income tax is levied federally, and debate between the levels of governments about access to revenue and duplication of expenditure functions is a perennial feature of Australian politics. Local government bodies are created by legislation at the state and territory level.

The Council of Australian Governments (COAG) is a forum to initiate, develop and implement national policy reforms requiring cooperative action between the three levels of government: national, state or territory, and local. Its objectives include dealing with major issues by cooperating on structural reform of government and on reforms to achieve an integrated, efficient national economy and a single national market.

State parliaments are subject to the national Constitution as well as their state constitutions. A federal law overrides any state law not consistent with it.

COAG comprises the prime minister, state premiers, chief ministers of the territories, and the president of the Australian Local Government Association.

In addition, ministerial councils (comprising national, state and territory ministers, and, where relevant, representatives of local government and of the governments of New Zealand and Papua New Guinea) meet regularly to develop and implement intergovernmental action in specific policy areas.

Further information


AUSTRALIA’S POLITICAL SYSTEM

This guide from The Australian Collaboration explains how power is divided and exercised by parliaments, the courts and the different levels and branches of government in Australia. It also introduces the role of the Australian Constitution and describes the electoral system.

Australia is a representative democracy, founded in the liberal democratic tradition. This means that the people vote for candidates from among multiple political parties to represent their interests in parliament; and the decision-making power of elected representatives is subject to the rule of law. The Constitution, together with statute and common law, protects the rights and freedoms of individuals and minority groups; diverse political interests are acknowledged; and all Australians are entitled to procedural fairness in the resolution of disputes.

This fact sheet explains how power is divided and exercised by parliaments, the courts and the different levels and branches of government in Australia. It also introduces the role of the Australian Constitution and describes the electoral system.

**Australia’s head of state**

Queen Elizabeth II is Australia’s nominal head of state, as she is of 14 other sovereign states including Canada and New Zealand. She is represented in Australia by the Governor-General. In practice, however, when an appointment of a Governor-General is required, the Queen always acts on the advice of the Australian Prime Minister of the day. A similar system applies in the states and the Northern Territory where the Governors and Administrator act as the representatives of the Queen.

The Governor-General acts on the advice of the Prime Minister about such matters as the calling of elections. The Governor-General only acts independently in extreme situations, such as in 1975 when the Governor-General Sir John Robert Kerr very controversially dismissed the Labor government of Gough Whitlam.

Australia is a member of the Commonwealth of Nations, a voluntary association of 54 sovereign states formerly associated with the old British Empire.

**The Australian federation**

Australia has a federal system within which power is primarily divided between the Commonwealth and state and territory governments.

Governments of the states are responsible for all matters not assigned to the Commonwealth in the Australian Constitution, so they play an important and formal part in Australia’s political system. In practice the two levels of government cooperate in many areas where states and territories are formally responsible – for example in education, transport, health and law enforcement. The state governments have their own constitutions as well as their own legislatures, bureaucracies, courts and police.

While the two territories – the Northern Territory and the Australian Capital Territory – share many of the attributes and powers of the states, there are important differences. The assemblies in the two territories exercise their powers under legislated delegation from the Commonwealth Parliament. This means that they are not fully independent and their laws can at times be overridden by the Commonwealth. Furthermore, they do not enjoy all the protections of the Constitution.

Local government bodies are created by state and territory legislation.

The Council of Australian Governments (COAG) promotes co-operative action on policy reforms among the three levels of government: national, state or territory, and local.

**The Australian Constitution**

The Constitution sets out the roles and powers of the national parliament, the government and the courts. It guarantees the protection of certain rights and freedoms, defines the responsibilities of the Commonwealth government (such as foreign relations, trade, defence, immigration and taxation) and places constraints on government authority.

Amendments to the Constitution are infrequent, as they are only possible following the approval of the electorate through a national referendum, and the passage of an amendment bill through Parliament.

**Separation of powers**

Under the Constitution, the federal legislature (the Parliament) has the power to make laws, the executive (the government) has the power to implement the law and the judiciary (the courts) has the power to interpret the law. This separation of powers, ensuring that the Parliament, the executive and legislature remain independent of each other, is a fundamental aspect of Australia’s political system. It prevents inappropriate interference from any one of these entities in the functioning of the others.

**Legislature**

Australia has a legislature based upon the Westminster system of government. The federal Parliament comprises two popularly elected chambers: the Senate (or ‘upper house’ of 76 senators) which
includes members from each state in numbers that represent the states equally; and the House of Representatives (or ‘lower house’ of 150 members) which includes members from each state in numbers that are proportional to the voting populations of the states.

Government is formed in the House of Representatives by the party able to command a majority in that chamber, and the leader of that party is appointed by the Governor-General as Prime Minister of Australia.

The party or coalition with the second largest number of seats in the House of Representatives forms the Opposition.

The Leader of the House, a minister appointed by the Prime Minister, is responsible for ensuring that the government’s business proceeds efficiently through the House of Representatives.

The Speaker, selected by the members from among their own number, runs the House of Representatives according to the standing orders and acts as spokesperson for the House of Representatives in its dealings with the Government, the Senate, the Governor-General and other parliaments.

If no party holds a majority of seats in the House of Representatives, a hung parliament results, and no party can pass laws without gaining support from other parties or from independent members of the House.

In the Senate, the Leader of the Government and the Leader of the Opposition lead their parties in debating proposed laws (known as bills). Although these two senators are responsible for their parties in the Senate, they do not have the same powers as the Prime Minister and the Leader of the Opposition in the House of Representatives.

Minority parties often hold the balance of power in the Senate, which serves as a chamber of review for the decisions of the government. The President of the Senate is elected by members of the Senate in the same way that the Speaker of the House of Representatives is elected.

Bills must be passed by both the House of Representatives and the Senate – and be assented to by the Governor-General – before they can become Acts of Parliament. In most cases, a bill can be introduced in either chamber.

Executive

The Federal Executive Council, referred to in the Constitution, comprises all ministers from the House of Representatives and Senate. The powers of the Queen as head of state are exercised through her representative, the Governor-General, who presides over the Federal Executive Council and, by convention, acts on the advice of ministers on almost all occasions.

The principal functions of the executive branch of government are to run government business, make policy decisions, and control government departments which administer the laws passed by the parliament. Ministers are assisted in their executive role by the public service.

Although the Cabinet is not mentioned in the Constitution, it is the key decision-making body of the government and comprises senior government ministers. The decisions of Cabinet are given legal effect by their formal ratification by the Federal Executive Council.

Judiciary

The High Court of Australia and the Federal Court of Australia variously interpret constitutional provisions and Commonwealth laws.

The judges of the High Court are appointed by the Governor-General (acting on advice of the Federal Executive Council). The functions of the High Court are to interpret and apply the law, to decide cases of special federal significance, and to hear appeals from federal, state and territory courts. The High Court also acts as a final court of appeal.

Political parties

There are two major political parties (the Labor Party and the Liberal Party) and various minor parties (including the Nationals and the Greens). In parliament, elected politicians nearly always vote with their party, but on rare occasions they may choose to abstain or cross the floor to publicly express disagreement with party policy.

Elections

The Commonwealth, state and territory parliaments are all directly elected by the people. At elections, citizens vote for their preferred candidates and parties to act as representatives in government. Voting is compulsory for all citizens.
over the age of 18. Each jurisdiction has its own electoral administration body which is responsible for conducting elections.

Federal elections are run by the Australian Electoral Commission, in line with the requirements of the Commonwealth Electoral Act 1918. The Act sets out a range of electoral processes including the determination of electoral boundaries; maintenance of electoral rolls; registration of political parties and nomination of candidates for elections; scrutiny of votes; disclosure requirements for political expenditure and receipts (including donations); and public funding of political parties and candidates.

General elections (i.e. elections for the federal legislature) are held every three years, following the agreement of the Governor-General to a request from the Prime Minister. Members of the House of Representatives are elected for a three-year term, whereas senators are elected for a six-year term. Therefore in an ordinary general election all of the lower house members and half of the upper house members face the voters.

It is worth noting that while term lengths are consistent within each jurisdiction in Australia, they vary across jurisdictions. Among the lower houses only Queensland and the Commonwealth have terms limited to three years, whereas the lower houses in all other states and territories may sit for up to four years.

Some states such as New South Wales and Victoria have introduced fixed term elections, meaning that the date of the election is fixed by law. In the absence of such legislation, the date of the election is determined by the Prime Minister, Premier or Chief Minister.

Elections for the House of Representatives use a preferential voting system to elect one member for each electorate. Citizens vote by writing a number beside every name on the ballot paper: ‘1’ for the first preference, ‘2’ for the second preference and so on. If a candidate gains an absolute majority of first preference votes, that candidate wins the seat. If no candidate has enough first reference votes for an absolute majority, then further preferences are counted. The winner is the candidate who gains an absolute majority of first and later preferences.

Elections for the Senate use a more complex voting system known as proportional representation. Voters have two options: they can simply place the number ‘1’ beside their preferred party (in which case preferences are allocated according to the party’s registered ‘group ticket’), or they can number each candidate in order of their preference. State and territory senators must win a designated quota of first and later preferences that equals a specified proportion of the vote.

In Australia, there is strong public participation and trust in the political system. Compared with other countries, Australia has a high level of public satisfaction with elections as a mechanism both for electing governments with adequate power to act, and for ensuring government accountability and responsiveness.

Useful sources

Australia’s System of Government
This is one in a series of fact sheets prepared by the Department of Foreign Affairs and Trade.

Parliamentary Education Office – fact sheets
This is a series of fact sheets about Australia’s Parliament.

Strengthening Australia’s Democracy – Chapter 1: An Introduction to the Australian Electoral System

What is Australia’s system of governance?

Australia is both a representative democracy and a constitutional monarchy. A representative democracy is a system in which the people vote for delegates to represent their interests in a parliament. In Australia, members of parliament are elected to the Senate or the House of Representatives to represent the Australian people and make laws on their behalf.

A constitutional monarchy is a system in which a king or queen is the head of state, but must act in accordance with a constitution. In Australia, the powers of the Queen have been delegated to her representative, the Governor-General.

What is the Australian Constitution?

The Australian Constitution is the set of rules by which Australia is governed. It came into effect on 1 January 1901, as part of an Act of the British Parliament.

The Constitution includes details about:
- The composition of the federal Parliament, which includes the Queen (represented by the Governor-General), the Senate and the House of Representatives
- The powers of the federal Parliament
- How law-making responsibilities are shared between the federal and state parliaments
- The role of the executive government and the courts.

What is the Australian Parliament?

The Australian Parliament consists of the Queen (represented by the Governor-General), the Senate and the House of Representatives.

The Australian Parliament has four main roles:
- Making and changing federal laws
- Representing the people of Australia
- Providing a place where government is formed
- Keeping a check on the work of the government.

The Australian Parliament is located in Canberra, in the Australian Capital Territory.

How is the Australian Parliament formed?

At a federal election, eligible citizens vote for people to represent them in both the House of Representatives and the Senate.

Each member of the House of Representatives is elected to represent one of the 150 electorates around Australia.

Each senator is elected to represent their state or territory in the Senate.

Elections for the House of Representatives are held at least every three years. Half-Senate elections are usually held at the same time, to elect half of the 72 state senators plus the four senators representing the two territories.

Once the election result is finalised, the successful candidates are announced and the writs (official election documents) are returned to the Governor-General or state governors.

Federal elections are run by the Australian Electoral Commission.

What is the difference between the Australian Parliament and the Australian Government?

The Australian Parliament and the Australian Government are not the same.

The Australian Parliament consists of the Queen (represented by the Governor-General), the Senate and the House of Representatives. The main roles of the Parliament are to represent the people of Australia, make and change laws, provide a place where government is formed and scrutinise the work of government.

The Australian Government is formed by the party or coalition of parties with the support of a majority of members in the House of Representatives. A Government minister must be a member of the
House of Representatives or a senator. The main roles of the Government are to make important national decisions, develop policy, introduce bills (proposed laws), implement laws and manage government departments.

What is the Senate?
The Senate is one of the two houses of the Australian Parliament; the other is the House of Representatives. The Senate is also known as the upper house or the house of review. The Senate is made up of 76 senators: each elected to represent one of Australia’s six states or two territories. Both the Senate and the House of Representatives debate and pass bills, scrutinise government and represent the people of Australia.

What is the House of Representatives?
The House of Representatives is one of the two houses of the Australian Parliament; the other is the Senate. The House of Representatives is also known as the lower house or the people’s house. There are 150 members elected to the House of Representatives (also referred to as MPs). Each member represents one of Australia’s 150 federal electorates. The government is formed in the House of Representatives, by the party or coalition of parties with the support of the majority of members in the House. Both the House of Representatives and the Senate debate and pass bills, scrutinise government and represent the people of Australia.

Why are there two houses in the Australian Parliament?
In the lead-up to federation, the people who drafted the Australian Constitution decided that the Australian Parliament should have two houses: the Senate and the House of Representatives. This is called a bicameral parliament, which means that the two houses share the power to make laws. This idea was based partly on the British Parliament and partly on the United States system of governance.

At federation, it was considered important that the smaller states not be overwhelmed by the more populous states. The Senate was established to give each state an equal voice in Parliament. The House of Representatives was created as the place in which government is formed.

What happens in the Senate and the House of Representatives?
When in the chambers, senators and members of the House of Representatives spend the majority of their time debating issues of national importance and making laws on behalf of all Australians. They also represent their electorate, state or territory by speaking about issues that are important to their part of Australia.

Activities that take place in the chambers include:
- Debating and passing bills (proposed laws)
- Asking and answering questions, particularly during Question Time, in which members of parliament closely examine the work of the government
- Speaking on matters of public importance, in which members of parliament discuss current important issues
- Presenting and debating parliamentary committee reports
- Presenting petitions on behalf of citizens.

Who works in Australia’s Parliament House?
Parliament House is a busy place, with 4,000 to 5,000 people working in the building on sitting days, including:
- Members of parliament and their staff
- Parliamentary officers and public servants who support the work of the Parliament and the government
- The press gallery
- Employees who provide services such as broadcasting, computing, cleaning and catering.

What is a member of parliament?
Answer: Members of parliament have been elected by Australian voters to represent them in either the House of Representatives or the Senate. There are a total of 226 members of parliament: 150 in the House of Representatives (referred to as members or MPs) and 76 in the Senate (referred to as senators).

What is a minister’s job?
As a leading member of the government, a minister is given a specific area of responsibility, also known as a portfolio. Most ministers are in charge of a government department or assist in the administration of a department, such as the Department of Defence. Ministers work with their departments, as well as community organisations and professional associations to prepare new laws and change old laws which need updating or improving.

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The most high-profile portfolios are usually given to the most experienced government members, who become Cabinet ministers.

What is the Prime Minister's job?

The Prime Minister is the head of the Australian Government and is also a member of parliament. They lead the parliamentary party or coalition of parties with the support of the majority of members in the House of Representatives.

The Prime Minister has many tasks, including:
- Chairing meetings in which the government discusses policy and examines bills (proposed laws)
- Selecting members of the government to be ministers
- Meeting with top-level ministers in Cabinet to decide government policy
- Acting as the chief government spokesperson
- Representing the Australian Government overseas
- Advising the Governor-General about constitutional issues, as well as the appointment of ambassadors and heads of government departments.

What parties are in the federal Parliament?

The current federal Parliament is made up of members from the Australian Labor Party, the Liberal Party of Australia, the Nationals, the Australian Greens, the Country Liberals, the Nationals WA, the Democratic Labor Party and Katter's Australian Party. There are also independent members of parliament who do not belong to any political party.

What is a bill?

In Parliament, a bill is a proposal for a new law or a change to an existing one. Generally, bills aim to improve something or fix a problem. Most bills are introduced into the Parliament by government ministers and are then debated and voted on in both chambers.

How does a bill become a law?

A bill becomes a law after it has been passed in the same form by both houses of Parliament and is signed by the Governor-General. It is then called an Act of Parliament. For a bill to be passed, it must be agreed to by a majority vote in both the House of Representatives and the Senate. A bill may also be sent to a parliamentary committee for further investigation before being voted on by the Parliament.

If members of parliament agree on a bill, it may only take a couple of days to be passed through the Parliament. However, the process may take weeks or even months if there is a lot of debate and disagreement. An example of such a bill was the Native Title Amendment Bill 1996. It was introduced to the Parliament on 4 September 1997 and finalised on 27 July 1998, taking 10 months and 24 days to become a law.

What are Australia's three levels of law-making?

Australia has three levels of law-making, sometimes called the three levels of government:

- The federal Parliament
- State and territory parliaments
- Local councils.

Each level has responsibility for making laws about different things. Australia's federal Parliament is based in the national capital, Canberra. State and territory parliaments are located in each state or territory's capital city. There are also more than 560 local councils all around Australia.

How did Australian federation occur?

Before 1901, Australia consisted of six British colonies which were partly self-governing, but under the law-making power of the British Parliament. In the 1880s and 1890s, it was suggested that the colonies might be stronger and more efficient if they worked together. Several conventions were held to draft the Australian Constitution. In 1899, the draft was approved by a vote of the people in referendums. In 1900, it was agreed to by the British Parliament. On 1 January 1901, the Australian colonies united to become a nation. This is known as federation and resulted in the creation of a federal Parliament, with the colonies becoming Australia's six states. Through federation, the states transferred some of their law-making power to the federal Parliament.

Why is Parliament House located in Canberra?

Section 125 of the Australian Constitution specifies that the national capital had to be located within New South Wales, at least 100 miles away from Sydney. At federation in 1901, the search began for a suitable location for the Parliament. The site for the national capital was chosen in 1908 and named Canberra in 1913.

How can the community affect decision-making in Parliament?

The Parliament's role is to make decisions on behalf of all Australians; it is interested in finding out what the community thinks about important issues.

There are many ways the community can get involved with the Parliament, including:
- Creating or signing a petition to request action from the Parliament
- Writing a submission and/or giving evidence to a parliamentary committee
- Writing to members of parliament to express concerns or discuss ideas or issues.

Contact details for members of parliament can be found on the Australian Parliament House website. Most members also have their own websites and some stay in contact with people via social media, such as Twitter and Facebook.
THE PARLIAMENTARY SYSTEM

The Australian Constitution of 1901 established a federal system of government. Under this system, powers are distributed between a national government (the Commonwealth) and the six states (three territories – the Australian Capital Territory, the Northern Territory, and Norfolk Island have self-government arrangements). The Constitution defines the boundaries of law-making powers between the Commonwealth and the states/territories.

THE COMMONWEALTH PARLIAMENT

The Parliament is at the very heart of the Australian national government. The Parliament consists of the Queen (represented by the Governor-General) and two Houses (the Senate and the House of Representatives). These three elements make Australia a constitutional monarchy and parliamentary democracy.

There are five important functions of parliament:
• To provide for the formation of a government
• To legislate
• To provide the funds needed for government
• To provide a forum for popular representation, and
• To scrutinise the actions of government.

Proposed laws (known as Bills) have to be passed by both Houses and be assented to by the Governor-General before they can become Acts of Parliament. With the exception of laws relating to revenue and taxation (which must be introduced in the House of Representatives), a proposed law can be introduced in either House.

Changes to the Constitution involve action by Parliament and the people. Both Houses of Parliament must agree on a proposed change, or if agreement cannot be reached, the Governor-General can present a proposal to the people. For a proposal to succeed, it must be favoured by a majority of voters in a majority of the states, and by a majority of voters overall.

The Governor-General

The Governor-General is appointed by the Queen on the advice of the Prime Minister. The Governor-General performs a large number of functions which are defined by the Constitution, but fall roughly into three categories: constitutional and statutory duties, formal ceremonial duties, and non-ceremonial social duties. On virtually all matters, however, the Governor-General acts on the advice of the Ministry.

The Senate

The Senate has 76 Senators – 12 are elected for each of the 6 states, and 2 each for the Australian Capital Territory and the Northern Territory. State Senators are elected for 6-year terms, territory Senators for 3-year terms.

Historically, the Senate has been regarded as a state's House: the States enjoy equal representation in the Senate, regardless of their population, and State matters are still important to Senators.

The modern Senate is a very powerful Chamber. Bills cannot become law unless they are agreed to in the same terms by each House, except in the rare circumstances of a double dissolution followed by a joint sitting of both the houses.

The Senate has a highly developed committee system and Senators spend much of their time on committee work.

The House of Representatives

The House of Representatives has 150 Members – each representing a separate electoral division. Members are elected for terms of up to 3 years.

The most distinctive feature of the House is that the party or group with majority support in the House forms the Government. The accountability of the Government is illustrated every sitting day, especially during Question Time.

Members have many other functions. They are

THE CONSTITUTION

- Legislative power
- Executive power
- Judicial power

The Ministry

- House of Representatives
- Senate

Government Departments

- Governor-General
- High Court
- Other Federal Courts

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involved in law making, committee work and in representing their electors.

**EXECUTIVE GOVERNMENT**

The Prime Minister is appointed by the Governor-General, who by convention under the Constitution, must appoint the parliamentary leader of the party, or coalition of parties, which has a majority of seats in the House of Representatives. This majority party becomes the government and provides the ministers, all of whom must be members of Parliament.

The Federal Executive Council, referred to in the Constitution, comprises all ministers, with the Governor-General presiding. Its principal functions are to receive ministerial advice and approve the signing of formal documents such as proclamations, regulations, ordinances and statutory appointments.

Australia operates under a Cabinet system of government. The Cabinet, not mentioned in the Constitution, is the key decision-making body of the government and comprises senior Government Ministers. The decisions of Cabinet are given legal effect by their formal ratification by the Federal Executive Council.

**FEDERAL JUDICATURE**

The Constitution provides for the establishment of the High Court of Australia and such other courts as Parliament may create. The judges of the High Court are appointed by the Governor-General in Council (acting on advice of the Federal Executive Council).

The functions of the High Court are to interpret and apply the law of Australia; to decide cases of special federal significance including challenges to the constitutional validity of laws; and to hear appeals, by special leave, from federal, state and territory courts.

For further information see:
- Parliamentary Education Office – education and teaching materials
- Australia’s System of Government – fact sheet by the Department of Foreign Affairs and Trade
- Senate Briefs
- Odgers’ Australian Senate Practice
- House of Representatives infosheets
- House of Representatives Practice

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**A short history of parliament**

**Australian parliamentary timeline from the Parliamentary Education Office**

- **1901** Federation; Australia becomes a nation when the six colonies unite. The first Parliament is elected and Edmund Barton becomes Prime Minister.
- **1902** Parliament passes the Commonwealth Franchise Act 1902, which gives women from all states in Australia the right to vote at federal elections. It excludes ‘aboriginal natives of Australia, Africa, Asia or the Islands of the Pacific except New Zealand’ from enrolling to vote.
- **1906** At Australia’s first referendum, voters agree to change the Constitution to allow for concurrent elections for the House of Representatives and the Senate.
- **1909** The non-government parties form a Fusion party, a coalition united by their opposition to the Labor government. This leaves two major parties in the federal Parliament and leads to the two-party system which characterises Parliament today.
- **1911** The federal Parliament passes the Commonwealth Electoral Act 1911, making it compulsory for all Australians eligible to vote to be on the electoral roll.
- **1925** Compulsory voting is used for the first time in a federal election. All Australians eligible to vote are required to be on the electoral roll and to vote in the election.
- **1927** Provisional (Old) Parliament House is opened in Canberra. Both the Senate and House of Representatives chambers have a gallery, or area, where journalists can watch the Parliament at work, underlining a commitment to make Parliament accessible to the people.
- **1934** Western Australia tries to secede from Australia and become a separate country, but its appeals to the King and the British Parliament are unsuccessful.
- **1943** Dorothy Tangney and Enid Lyons become the first women elected to federal Parliament. Dorothy Tangney represents Western Australia as a Labor Party senator. Enid Lyons is a United Australia Party member who represents the electorate of Darwin in north-western Tasmania.
- **1949** Enid Lyons becomes the first woman in federal Cabinet when she is appointed Vice-President of the Executive Council in the Menzies Government.
- **1959** Parliament is televised for the first time in Australia when the opening of the Parliament is broadcast.
- **1971** Neville Bonner, the first indigenous member of parliament, is appointed to fill a vacancy in the Senate. He is elected as a Liberal senator for Queensland in 1972.
- **1975** A deadlock between the houses of Parliament results in the Governor-General Sir John Kerr dismissing the government of Prime Minister Gough Whitlam.
- **1988** Parliament moves to the new Parliament House in Canberra. It had outgrown the previous Parliament House, which was intended to be a provisional building.
- **2010** Julia Gillard becomes Australia’s first female Prime Minister when the Labor Party chooses her as its leader.
- **2010** The federal election results in the first hung Parliament in Australia in 70 years. After 17 days of consideration following the election, four Independent and minor party members decide to support the Labor Party, allowing it to form a minority government.

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Issues in Society | Volume 373
A political party is an organisation that represents a particular group of people or set of ideas. It aims to have members elected to Parliament so their ideas can affect the way Australia is governed.

**HOW TO FORM A POLITICAL PARTY**

Political parties have branches located around Australia. Party members in each branch suggest ideas for party policies. They help choose, or pre-select, party candidates for local, state and federal elections. They also assist with election campaigns, distribute ‘how to vote’ cards on Election Day, and help scrutinise the counting of votes. Before a political party can enter a candidate in an election, it must officially register with the Australian Electoral Commission. It also has to meet certain regulations under the Electoral Act, such as having a written constitution and at least 500 members who are eligible to be on the electoral roll.

The two biggest parties in Australia are the Australian Labor Party and the Liberal Party of Australia. Smaller parties, also called minor parties, include the Nationals, the Australian Greens, the Country Liberal Party and the Democratic Labor Party.

**PARLIAMENTARY PARTIES**

A political party becomes a parliamentary party when it has party members elected to a parliament at the federal, state or territory level.

Parliamentary parties are powerful because their members work as a team and generally vote the same way on issues before the parliament.

**COALITIONS**

A coalition is formed when two or more political parties join together. In a parliament, parties may form a coalition to create a bigger group and gain more power.

In the federal Parliament, parties that form a coalition sit next to each other in the House of Representatives and Senate. They generally vote the same way, although they may have different ideas on particular bills (proposed laws). Each party in a coalition usually holds separate party meetings.

A coalition that forms federal government may choose several ways of working together. For example:

- The Prime Minister is usually drawn from the larger party
- The Deputy Prime Minister is usually drawn from the smaller party
- Ministries may be shared between the two parties according to the ratio of seats held by the two parties.


**MINOR PARTIES**

Minor parties only have a small number of members elected to Parliament. They may form part of the government or the opposition through a coalition or agreement with another party. If this is not the case, they sit with the Independents on the seats that curve around at the end of each chamber. These seats are called non-government seats in the House of Representatives and cross-benches in the Senate.

Sometimes minor parties can hold the balance of power. This means that their vote may decide the outcome of an issue if the government and opposition disagree.

**PARTY MEETINGS**

During sitting weeks, each parliamentary party has a party meeting. The meeting is held in a party room, and is chaired by the leader of the party.

The main purpose of party meetings is to decide how the party will work as a team in the Parliament. In party meetings, members of parliament may:

- Elect office-holders such as the party leader, ministers and the whips (team managers)
- Debate and make decisions about party policy
- Discuss tactics and organise party members to speak on particular bills
- Resolve potential conflict and differences of opinion to ensure party unity.

Party meetings are only for party members and are confidential.

When not in Parliament, political parties also hold branch meetings. These meetings are generally open to all members of the party, as well as members of the public who are interested in becoming involved.

**HISTORY**

In the first decade after federation, the major parties in the federal Parliament were the Free Trade Party, the Protectionist Party and the Australian Labor Party. The Australian Labor Party is the oldest Australian political party and was formed by the trade union movement in the 1890s.
**FEDERAL ELECTIONS**

A guide on how elections work, from the Parliamentary Education Office

Australia is a representative democracy, which means that Australians vote to elect members of Parliament to make laws and decisions on their behalf. It is compulsory for Australian citizens 18 years and over to enrol to vote. It is also compulsory to attend a voting place on Election Day, or to vote by mail.

At federal elections, Australians choose members of Parliament to represent their views and interests, in the House of Representatives and the Senate. In this way, federal Parliament serves Australians and is accountable to them.

**ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES**

Section 28 of the Australian Constitution states that House of Representatives elections must be held at least every three years. The Prime Minister decides the date for an election. This could be at any time during the three-year term.

There are 150 members elected to the House of Representatives – one for each of Australia’s 150 electorates. An average of 150,000 citizens live in each electorate, with an average of 94,000 voters.

To be elected, a candidate must have an absolute majority of votes (more than 50% of the total votes). In the example below using 100 votes, the absolute majority is 51 or more.

<table>
<thead>
<tr>
<th>1st count</th>
<th>39</th>
<th>35</th>
<th>20</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>No one has 51 or more votes, so Lauren’s votes are transferred (distributed) according to second preferences.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2nd count</th>
<th>40</th>
<th>39</th>
<th>21</th>
</tr>
</thead>
<tbody>
<tr>
<td>No one has 51 or more votes, so Joe’s votes are transferred (distributed) according to the next preferences.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3rd count</th>
<th>46</th>
<th>54</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ari is elected with 54 votes.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ELECTING SENATORS**

Twelve senators are elected to represent each state and two senators are elected to represent each territory.

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State senators are elected for a period of six years using a system of rotation that ensures that only half the state senators end their term every three years. Territory senators are elected for a period of three years at the same time as the members of the House of Representatives and half of the Senate.

Half-Senate elections are usually held at the same time as House of Representatives elections, though they do not have to be.

Senators are elected using a system of proportional voting, designed to allocate seats to candidates in proportion to votes cast in an election. Proportional voting allows for a wider range of political parties and/ or Independents to be elected to the Senate.

Using this system, voters have a choice of voting above-the-line or below-the-line:

- Above-the-line voting requires voters to put a number ‘1’ in the box next to the party or group they choose. This party or group has already registered its preferences with the Australian Electoral Commission and defined how preferences are to be distributed. These preferences are then distributed for the voter.
- Below-the-line voting requires voters to write a number in the box beside every name on the ballot-paper; ‘1’ for their first preference, ‘2’ for their second preference and so on, until all the boxes are numbered.

To win a seat, a senator must win a quota of first and later preferences. For a state senator at a half-Senate election, this equals 14.3% of the total state vote, while a territory senator must win 33.3% of the total territory vote. The counting procedure for a Senate election is more complicated than the system used for the House of Representatives – it sometimes takes several weeks after an election to count all the Senate votes and finalise the result.

**FINALISING THE RESULT**

Once the election result is finalised, the successful candidates are announced and the official election documents, called writs, are returned to the Governor-General or state governors.

**BY-ELECTIONS AND CASUAL VACANCIES**

A by-election is a mini-election held for a House of Representatives electorate if a member resigns or dies between federal elections.

A casual vacancy occurs in the Senate if a senator resigns or dies between federal elections. They are replaced by a candidate from the same political party, chosen by the parliament or legislative assembly of that state/territory.

**LEGAL REQUIREMENTS**

Federal elections are organised and run by the AEC, who make sure that elections are free, fair and legal. The *Commonwealth Electoral Act 1918* and the *Australian Constitution* set out the requirements for running elections.

**LINKS**

- **PEO website**
  Fact sheet: *Preparing for a New Parliament*
- **APH website**
  House of Representatives Infosheet: *Elections for the House of Representatives*  
  www.tinyurl.com/Infosheet8
  Senate Brief: *Electing Australia’s Senators*  
  www.tinyurl.com/Senatebrief
- **Other websites**
  Australian Electoral Commission  
  www.aec.gov.au

OUR ELECTORAL SYSTEM

Australia’s electoral arrangements are accepted by the people, political parties and parliamentarians, according to the Department of Foreign Affairs and Trade.

After much experimentation and change over the past 150 years, Australia has found electoral arrangements that are accepted by Australia’s people, political parties, and parliamentarians.

The Australian electorate has experienced three types of voting systems: first past the post, preferential voting and proportional representation (single transferable vote). First past the post (a plurality system where the winner is the candidate with the most number of votes, though not necessarily an absolute majority of votes) was used for the first Australian parliamentary elections held in 1843 for the New South Wales Legislative Council and for most colonial elections during the second half of the 19th century. Since then there have been alterations to the various electoral systems in use around the country.

Today, two variants of preferential voting and two variants of proportional representation are used for all Australian parliamentary elections.

Preferential voting is a majority system which attempts to ensure that a candidate secures an absolute majority of votes.

Proportional representation systems are designed to allocate parliamentary seats to parties in proportion to their overall vote. These systems are explained in detail below.

Preferential voting is a majority system which attempts to ensure that a candidate secures an absolute majority of votes.

Parliaments

Australia has a federal system of government with a national parliament and legislative assemblies and councils (parliaments) in each state and territory (there is no Legislative Council in Queensland, the Northern Territory, the ACT or Norfolk Island). Under the Constitution the federal government has responsibility for foreign

ELECTORAL SYSTEMS IN USE IN AUSTRALIA

<table>
<thead>
<tr>
<th>Election</th>
<th>Parliamentary chamber</th>
<th>Seats</th>
<th>Term</th>
<th>Frequency</th>
<th>Electoral system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth</td>
<td>House of Representatives</td>
<td>150</td>
<td>3 years</td>
<td>3 years</td>
<td>Preferential voting – full allocation of preferences</td>
</tr>
<tr>
<td></td>
<td>Senate</td>
<td>76</td>
<td>6 years</td>
<td>3 years</td>
<td>Proportional representation – ‘Senate’ model</td>
</tr>
<tr>
<td>New South Wales</td>
<td>Legislative Assembly</td>
<td>93</td>
<td>4 years</td>
<td>4 years</td>
<td>Preferential voting – optional allocation of preferences</td>
</tr>
<tr>
<td></td>
<td>Legislative Council</td>
<td>42</td>
<td>8 years</td>
<td>4 years</td>
<td>Proportional representation</td>
</tr>
<tr>
<td>Victoria</td>
<td>Legislative Assembly</td>
<td>88</td>
<td>4 years</td>
<td>4 years</td>
<td>Preferential voting – full allocation of preferences</td>
</tr>
<tr>
<td></td>
<td>Legislative Council</td>
<td>40</td>
<td>4 years</td>
<td>4 years</td>
<td>Proportional representation – ‘Senate’ model</td>
</tr>
<tr>
<td>Queensland</td>
<td>Legislative Assembly</td>
<td>89</td>
<td>3 years</td>
<td>3 years</td>
<td>Preferential voting – optional allocation of preferences</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Legislative Assembly</td>
<td>89</td>
<td>3 years</td>
<td>3 years</td>
<td>Preferential voting – full allocation of preferences</td>
</tr>
<tr>
<td></td>
<td>Legislative Council</td>
<td>57</td>
<td>4 years</td>
<td>4 years</td>
<td>Proportional representation – ‘Senate’ model</td>
</tr>
<tr>
<td>South Australia</td>
<td>House of Assembly</td>
<td>47</td>
<td>4 years</td>
<td>4 years</td>
<td>Preferential voting – full allocation of preferences</td>
</tr>
<tr>
<td></td>
<td>Legislative Council</td>
<td>22</td>
<td>8 years</td>
<td>4 years</td>
<td>Proportional representation – ‘Senate’ model</td>
</tr>
<tr>
<td>Tasmania</td>
<td>House of Assembly</td>
<td>25</td>
<td>4 years</td>
<td>4 years</td>
<td>Proportional representation – Hare-Clark model</td>
</tr>
<tr>
<td></td>
<td>Legislative Council</td>
<td>15</td>
<td>6 years</td>
<td>Annual</td>
<td>Preferential voting – optional (partial) allocation of preferences</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Legislative Assembly</td>
<td>25</td>
<td>4 years</td>
<td>4 years</td>
<td>Preferential voting – full allocation of preferences</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>Legislative Assembly</td>
<td>17</td>
<td>4 years</td>
<td>4 years</td>
<td>Proportional representation – Hare-Clark model</td>
</tr>
</tbody>
</table>
relations, trade, defence and immigration. State government responsibilities include justice, consumer affairs, health, education, forestry, public transport and main roads. A variety of electoral systems are used for these parliaments. These are summarised in the table on the previous page.

The supreme law-making institution in Australia – the federal Parliament – has two houses: the House of Representatives and the Senate. Members of the House of Representatives seek re-election each time there is a federal election. The House of Representatives currently has 150 members elected by preferential voting. Proportional representation is used in the Senate.

Voting is compulsory both at federal elections and at elections for the state and territory legislatures.

For federal elections, the country is divided into electoral divisions. Australian voters choose among the candidates who are standing in their local division. As in other democracies, the cost of election campaigns and the source of funds for political activity are subject to public scrutiny. Since 1984, a system of public funding and disclosure for campaigns has been in place. Parties must receive at least 4 per cent of the vote in the elections to receive public funding administered by the Australian Electoral Commission. Compulsory voting in Australia maximises voter turnout and improves the quantum of campaign costs being reimbursed.

Parties must disclose total receipts and expenditure annually and sources of receipts above a specified threshold ($10,500 for 2007-08). Donors to political parties and ‘third parties’ also make disclosures.

Candidates and donors to candidates must also disclose donations above the same threshold and expenditure following each election.

A key feature of Australian democracy is that parties offer packages of policies for government and these are tested frequently at elections. Parliament expires three years after its first meeting, while an election can be held up to a couple of months after the expiration. In practice, general elections are held when the Governor-General agrees to a request from the Prime Minister, who can pick the occasion to begin a campaign. Since the first Parliament opened on 9 May 1901, the average life of parliaments has been about two and a half years.

The secret ballot, introduced in 1855 by Victoria, became known throughout the world as the ‘Australian ballot’.

Compulsory voting

Voting is compulsory both at federal elections and at elections for the state and territory legislatures. In some states, voting at municipal elections is also compulsory. On average about 5 per cent of enrolled voters fail to vote but prosecutions are rare and the fine, $20, is modest. In recent federal elections, with a voter turnout of approximately 95 per cent, informal voting – blank or not properly completed ballots – has accounted for about 5 per cent of all the votes cast.

Secret ballot

Australia pioneered reforms that underpin the electoral practices of modern democracies. One of these was the introduction of the secret ballot in 1855 by Victoria, which became known throughout the world as the ‘Australian ballot’.

Preferential voting

Preferential voting has become the accepted system in the federal and state parliaments of Australia and is used in municipal elections, political party elections, trade union elections, church elections, elections to company boards, voluntary bodies and sports clubs. Under this system, voters number the candidates on the ballot paper in the order of their preference.

In Australia there are two variants of this system: ‘full’ preferential voting, used for the House of Representatives at the federal level and the lower houses in Victoria, South Australia, Western Australia and the Northern Territory; and ‘optional’ preferential voting, used for the lower houses in New
South Wales and Queensland. A partial ‘optional’ preferential voting system is used for Tasmania’s Legislative Council.

Under ‘full’ preferential voting each candidate must be given a preference by the voter. First, all the number ‘1’ votes are counted for each candidate. If a candidate gets more than 50 per cent (an absolute majority, 50 per cent plus one) of the formal first preference votes, the candidate is immediately elected. If no candidate has an absolute majority, the candidate with the fewest votes is excluded. These votes are then transferred to the other candidates according to the second preferences shown by voters on the ballot papers.

If still no candidate has an absolute majority, again the remaining candidate with the fewest votes is excluded and these votes are transferred. This process will continue until one candidate has more than half the total votes cast and is declared elected.

Full preferential voting has been used in Australian federal elections since 1918. Under this system, voters rank candidates in order of preference on ballot papers. With ‘optional’ preferential voting the voter may allocate preferences to as few as one candidate. This system can produce similar outcomes to ‘full’ preferential voting but can also produce results where the winning candidate wins with less than half of the votes. It also clearly lessens the importance of preferences in many seats.

To help supporters order their preferences, political parties hand out how-to-vote cards at polling booths. The preferences that flow from less popular candidates often decide who wins. Distributing preferences after election day can take days or even weeks.

**Proportional representation (single transferable vote)**

Proportional representation systems were devised to produce ‘proportional’ election results – parties should win parliamentary seats roughly in proportion to the size of their vote. Ideally, 50 per cent of the vote should win about 50 per cent of the seats. Proportional representation is not a single method of election, for there are a number of variations in use, including the single transferable vote, which is a preferential voting system designed to ensure that votes are for individual candidates rather than for party lists. The two variants of this used in Australia: the ‘Senate’ model and the Hare-Clark system.

The ‘Senate’ model elections increases the chances of minor parties and independents winning seats compared to the single member constituency system used for the House of Representatives. It produces closer results in the struggle between the major parties and makes it difficult for a major party to gain control of the Senate and in the upper houses of New South Wales, Victoria, South Australia and Western Australia where it is used.

Preferential voting has become the accepted system in the federal and state parliaments of Australia and is used in municipal elections, political party elections, trade union elections, church elections, elections to company boards, voluntary bodies and sports clubs.

The Hare-Clark version of proportional representation is used for elections for the Tasmanian House of Assembly and the Australian Capital Territory Legislative Assembly. This system ensures that no seat is safe, creates an electoral system where party members fight each other as much as their external opponents and operates in such a way that minority governments are more common than when preferential voting is used.

**Further information**

- Parliament of Australia
  www.aph.gov.au

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**KEY FACTS**

- Australian elections are conducted in secret using paper ballots (lists of candidates).
- Our electoral system utilises both preferential voting and proportional representation.
- The cost of election campaigns and the source of funds for political activity are subject to close public scrutiny.
HOW THE HOUSE OF REPRESENTATIVES VOTES ARE COUNTED

**Australian Electoral Commission** advice on vote tallying for the lower house

A House of Representatives candidate is elected if they gain an absolute majority (more than 50%) of the formal vote.

First, all of the number ‘1’ votes are counted for each candidate. If a candidate gets more than half the total first preference votes, that candidate will be elected.

If no candidate has more than half of the first preference votes, the candidate with the fewest votes is excluded. This candidate’s votes are transferred to the other candidates according to the second preferences shown by voters on the ballot papers for the excluded candidate.

If a candidate still does not have more than half the votes, the next candidate who now has the fewest votes is excluded and the votes are transferred according to the next preference shown. This process continues until one candidate has more than half the total votes and is declared elected.

A distribution of preferences takes place in every division, even where a candidate already has an absolute majority of first preference votes. After each election the AEC produces a two-candidate preferred result for every House of Representatives seat by completing a full distribution of preferences.

For the majority of electorates (142 of the 150 seats that were contested at the 2010 federal election) the two-candidate preferred result is also the two-party preferred result because the leading two candidates were endorsed by the ALP and a Coalition party respectively.

After the official result has been declared and in order to obtain an indicative, two-party preferred result for the remaining seats, the AEC conducts a ‘Scrutiny for Information’. This process is a notional distribution of preferences to find the result of preference flows to the ALP and Coalition candidates and is conducted to determine the indicative two-party-preferred result.

The two-party preferred indicative result is also published on the AEC website and in various election publications.

**Declaration of the poll**

The result of the House of Representatives election is formally announced by the Divisional Returning Officer as soon as it is known, in a public ceremony known as the ‘declaration of the poll’.

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### Example of a distribution of preferences: Division of Lowe

**Total Formal Vote:** 49,805  
**Absolute Majority (50%+1):** 24,903

<table>
<thead>
<tr>
<th>Count</th>
<th>Armitage (Liberal Party)</th>
<th>Buchanan (Independent)</th>
<th>Hewson (Country Party)</th>
<th>Houlihan (DLP)</th>
<th>Mountford (ALP)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Votes</td>
<td>%</td>
<td>Votes</td>
<td>%</td>
<td>Votes</td>
</tr>
<tr>
<td><strong>First</strong></td>
<td>12,025</td>
<td>24.14</td>
<td>3,113</td>
<td>6.25</td>
<td>8,282</td>
</tr>
<tr>
<td><strong>Second</strong></td>
<td>810</td>
<td>1.63</td>
<td><strong>Excluded</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>12,835</td>
<td>25.77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Third</strong></td>
<td>391</td>
<td>0.79</td>
<td>3,144</td>
<td>6.31</td>
<td>13,406</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>13,226</td>
<td>26.56</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fourth</strong></td>
<td><strong>Excluded</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Counting the votes for the Senate

The Senate count is more complicated than a count for the House of Representatives. Counting of first preferences begins on election night but the full count cannot be completed until several weeks after the election.

Working out the quota

To be elected to the Senate, a candidate needs to gain a quota of the formal votes. The quota is calculated by dividing the total number of formal ballot papers by one more than the number of Senators to be elected and then adding ‘1’ to the result (ignoring any remainder). This is how the quota for South Australia (SA) was calculated at the 2010 Senate election:

\[
\frac{1,009,578}{6 + 1} + 1 = 144,226^* 
\]

Therefore the quota, or number of votes required to be elected, in SA at the 2010 federal election was 144,226.

*Note: When determining the quota, any remainder is disregarded.

The Senate count is more complicated than a count for the House of Representatives. Counting of first preferences begins on election night but the full count cannot be completed until several weeks after the election.

Counting the first preference votes

The first preference votes for the Senate are counted in the same manner as for the House of Representatives. The ballot papers are sorted according to which candidate has received the number ‘1’ preference on each ballot paper. Candidates who receive the quota, or more, of these first preference votes, are elected immediately.

As a general rule, when a candidate is elected with a surplus of votes, that surplus is transferred before any exclusions are undertaken.

Transferring the surplus

Any surplus votes the elected candidates receive (i.e. votes in excess of the quota they needed), are transferred to the candidates who were the second choice of voters. Because it is not possible to determine which votes actually elected the candidate and which votes are surplus, all the elected candidate’s ballot papers are transferred at a reduced rate.

For example:
Candidate A gains 1,000,000 votes. If the required quota was

\[
\frac{1,009,578}{6 + 1} + 1 = 144,226^* 
\]
Candidate A's ballot papers (1,000,000) are then re-examined in order to determine the number of votes for second choice candidates.

If Candidate A's ballot papers gave 900,000 second preferences to Candidate B they would receive 900,000 X 0.5 = 450,000 votes which are added to the votes they received in the first count.

If Candidate B is then over the quota, they are elected and their surplus votes transferred in the same way.

As a result of this process of transferring surplus votes, other candidates may be elected. If all surplus votes from elected candidates are transferred and there are still some unfilled positions, further counting is undertaken as explained below.

Exclusion of unsuccessful candidates

Starting with the candidate who has the lowest number of votes, unelected candidates are excluded from the count. Their ballot papers are distributed to the remaining candidates to whom the voters have given their preferences. If any of the remaining candidates obtain a quota through this process of distribution, they are declared elected. Their surplus (if any) is transferred before any other candidates are excluded. The above process continue until all Senate positions are filled.

Senate declaration

Counting for the Senate takes longer than the House of Representatives because of the complex nature of the counting system used. It is some weeks before all Senators are declared elected.

The declaration of the poll for the Senate is made by the Australian Electoral Officer for that state or territory.

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CHAPTER 2

Federal election reform issues

A SHORT HISTORY OF FEDERAL ELECTION REFORM IN AUSTRALIA

The history of federal electoral reform in Australia is a convoluted one, according to the Australian Electoral Commission.

The history of federal electoral reform in Australia is a convoluted one, reflecting not only the influence of political factors, but also the massive changes in the nature of Australian society, technology and life which have taken place since Federation. Different historians place emphasis on different issues, and this article therefore represents a very personal view of what have been the high points.

The starting point of the process came in 1902, the first election having been held, pursuant to sections 10 and 31 of the Constitution, under the laws of the various States. The Commonwealth Parliament enacted the Commonwealth Franchise Act 1902 and the Commonwealth Electoral Act 1902, which taken together provided for a secret ballot, votes for men and women (but not for aboriginals), and plurality (‘first-past-the-post’) voting for both the Senate and the House of Representatives.

THE COMMONWEALTH ELECTORAL ACT

Changing political circumstances led within a relatively short time to a review of some of these initial features. The Commonwealth Electoral Act was comprehensively rewritten in 1918 (the last such rewrite until 1983), and the new Act among other things introduced alternative (‘preferential’) voting for the House of Representatives; this was in response to the rise of the Country Party in the aftermath of the First World War, and the consequent prospect of loss of seats to Labor through a split in the non-Labor vote. The three-party system which preferential voting helped to support has remained fundamentally unchanged to this day.

A reform with profound implications for the conduct of day-to-day political campaigning, but with a partisan impact difficult to measure, was the introduction of compulsory voting in 1924. As a consequence of compulsory voting, parties do not have to devote to ‘getting out the vote’ the sorts of resources which are deployed by, for example, the main US political parties. Compulsory voting has long been accepted without much complaint within Australia, while being regarded by outside observers as somewhat eccentric. In recent years the debate, such as it is, has taken a new turn, with attention being focussed not so much on the question of individual rights – any voter can if he or she so chooses avoid making a choice of candidates by casting a deliberately informal vote – but on the effect which compulsory voting has had on the overall quality of political discourse and government in Australia.

COMMONWEALTH VOTING ARRANGEMENTS

Almost a quarter of a century was to go by before another change of comparable significance was made to Commonwealth voting arrangements. In 1948 the representational basis of the Senate was changed, with the introduction of proportional representation using the single transferable vote. This was partly a response...
to the very lopsided political balances which had been produced in the Senate by the previous voting systems: from 1946 to 1949 for example, there were only three opposition Senators, a leader, a deputy leader and a Whip, facing 33 government Senators. The effect of proportional representation since its first use at the 1949 election has been dramatic, though predictable: the balance of power in the Senate lies in the hands of parties which would, but for the voting system, be denied parliamentary representation. Recently, for the first time since 1948, questions have started to be raised in some political circles as to whether such a state of affairs is an appropriate one.

The period from 1949 to 1983 was not marked by extensive electoral reforms. The coalition government in power from 1949 to 1972 was disinclined to change arrangements which were, as it saw them, working effectively; while the Labor government in power from 1972 to 1975 was unable to persuade a hostile Senate to accept the many initiatives it put forward, and unwilling to seek common ground with its opponents. Two enduring changes were however made to the franchise: in 1962 aboriginal voters were finally given, without exceptions, the right to enrol and vote, while in 1973, the voting age was lowered from 21 to 18.

**MAJOR ELECTORAL REFORM**

In the mid-1970s the High Court, for the first time, became the catalyst for major electoral reforms. In the landmark McKinlay and McKellar cases, the Court altered the basis of the drawing of the boundaries of House of Representatives electorates by making it clear that the constitutional requirement that States be represented in the House by numbers of members “in proportion to the respective numbers of their people” was a binding one, which the Parliament could not avoid implementing. The long-term effect of these rulings has been a much greater frequency of redrawing of electoral boundaries in those States which have been affected by population flows. Queensland, for example, which saw its federal electoral boundaries redrawn only once between 1955 and 1975, has had its boundaries redrawn five times between 1975 and 1998.

The most recent round of significant reforms came in 1983. The newly elected Labor government eschewed the confrontational style which had limited the success of its predecessor, and established a parliamentary committee, the Joint Select Committee on Electoral Reform (now the Joint Standing Committee on Electoral Matters) which became the focal point for changes to the electoral system in the last decade. The Committee's work gave rise to such changes as the printing of party affiliations on ballot papers, the introduction of party financing laws, and the creation of the independent Australian Electoral Commission. The Commission has worked closely with the Committee to seek to maintain an effective implementation of the will of the Parliament in the electoral field.

Many reforms, of course, have not required legislative change. The development of computerised electoral rolls has massively changed the way elections are administered. The information revolution is touching electoral administration as it touches all aspects of modern life, and could well form the basis for the next major electoral reforms in Australia.
Australia’s major electoral developments timeline: 1788 – present

A chronological compilation courtesy of the Australian Electoral Commission

<table>
<thead>
<tr>
<th>YEAR</th>
<th>AUSTRALIA’S MAJOR ELECTORAL DEVELOPMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1788</td>
<td>• Prior to European settlement Australia was occupied by groups of Aboriginal and Torres Strait Islander people led by elders and subject to traditional laws. These groups governed themselves through a corporate decision-making process. European settlement occurred in 1788. Australia became a penal colony run by a governor (Autocratic Government).</td>
</tr>
<tr>
<td>1835</td>
<td>• The Australian Patriotic Association, Australia’s first political ‘party’, was established under WC Wentworth. It demanded democratic government for New South Wales.</td>
</tr>
<tr>
<td>1840</td>
<td>• Adelaide and Sydney City Councils were established. Men required 1,000 pounds worth of property before they could stand for election and wealthy landowners were allowed up to 4 votes each.</td>
</tr>
<tr>
<td>1843</td>
<td>• First parliamentary elections in Australia – for New South Wales Legislative Council. Only men with a freehold valued at 200 pounds or a householder paying rent of 20 pounds per year could vote.</td>
</tr>
<tr>
<td>1850</td>
<td>• Men with 100 pounds freehold, 10 pounds annual value householders, 3 year lease of 10 pounds annual value, or depasturing licence were allowed to vote. • Elections for legislative councils held in Victoria, South Australia and Tasmania.</td>
</tr>
<tr>
<td>1855</td>
<td>• Limited self government granted to New South Wales, Victoria, South Australia and Tasmania.</td>
</tr>
<tr>
<td>1856</td>
<td>• The Australian version of the secret ballot was introduced in Victoria, Tasmania and South Australia. Its main defining feature was the government-supplied voting paper containing candidates’ names. It was adopted around the world and became known as the Australian Ballot. • The right to vote in South Australia was granted to all male British subjects 21 years or over.</td>
</tr>
<tr>
<td>1857</td>
<td>• The right to vote in Victoria was granted to all male British subjects over the age of 21.</td>
</tr>
<tr>
<td>1858</td>
<td>• The secret ballot was introduced in New South Wales. • The right to vote in New South Wales was granted to all male British subjects over the age of 21.</td>
</tr>
<tr>
<td>1859</td>
<td>• The secret ballot was introduced in Queensland. • Queensland received self-government.</td>
</tr>
<tr>
<td>1872</td>
<td>• The right to vote in Queensland was granted to all male British subjects over the age of 21.</td>
</tr>
<tr>
<td>1890</td>
<td>• Western Australia received self-government.</td>
</tr>
<tr>
<td>1893</td>
<td>• The secret ballot was introduced in Western Australia. • The right to vote in Western Australia was granted to all male British subjects over the age of 21.</td>
</tr>
<tr>
<td>1895</td>
<td>• Women over 21 were given the right to vote in South Australia.</td>
</tr>
<tr>
<td>1896</td>
<td>• The right to vote in Tasmania was granted to all male British subjects over the age of 21.</td>
</tr>
<tr>
<td>1899</td>
<td>• Women over 21 were given the right to vote in Western Australia.</td>
</tr>
<tr>
<td>Pre-1901</td>
<td>• Up until 1901 each colony had its own government with its own laws.</td>
</tr>
<tr>
<td>1901</td>
<td>• Federation. In 1901 the colonies formed a new level of government known as the Federal Government. The first federal elections were held under State legislation. Federal Parliament met for the first time in Melbourne, on 9 May 1901, with 75 Members of the House of Representatives (MPs) and 36 Senators (6 for each State).</td>
</tr>
<tr>
<td>1902</td>
<td>• The first Commonwealth Parliament passed the Commonwealth Franchise Act of 1902 which was progressive for its time in granting universal adult suffrage (most men and women over 21) were allowed to vote at federal elections. However, it specifically excluded any Aboriginal native of Australia, or the Torres Strait and South Sea Island of the Pacific (except New Zealand) from Commonwealth franchise unless already enrolled in a State. The Aboriginal franchise was further reduced in practice by admitting only those Australian Aboriginals already enrolled in a State in 1902. • Women over 21 were given the right to vote in New South Wales. • Commonwealth officials were appointed to conduct federal elections.</td>
</tr>
<tr>
<td>1903</td>
<td>• First federal elections under federal law held on 16 December: 46.86% voter turnout. • Women over 21 were given the right to vote in Tasmania.</td>
</tr>
<tr>
<td>1905</td>
<td>• Electoral subdivisions created. • Women over 21 were given the right to vote in Queensland.</td>
</tr>
<tr>
<td>1906</td>
<td>• Postal voting available for the first time.</td>
</tr>
<tr>
<td>YEAR</td>
<td>AUSTRALIA’S MAJOR ELECTORAL DEVELOPMENTS</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>1908</td>
<td>• Permanent electoral rolls established.</td>
</tr>
<tr>
<td></td>
<td>• Women over 21 were given the right to vote in Victoria.</td>
</tr>
<tr>
<td>1912</td>
<td>• Compulsory enrolment introduced.</td>
</tr>
<tr>
<td></td>
<td>• Elections held on Saturdays.</td>
</tr>
<tr>
<td>1914</td>
<td>• Full-time Divisional Returning Officers appointed.</td>
</tr>
<tr>
<td>1915</td>
<td>• Queensland State elections became the first to have compulsory voting.</td>
</tr>
<tr>
<td></td>
<td>• Compulsory voting for referendums.</td>
</tr>
<tr>
<td>1918</td>
<td>• <em>Commonwealth Electoral Act 1918</em> (followed by <em>Commonwealth Electoral Act 1919</em>) set down preferential voting systems for the House and Senate.</td>
</tr>
<tr>
<td></td>
<td>• First use of preferential voting at Corangamite by-election 14 December 1918.</td>
</tr>
<tr>
<td>1919</td>
<td>• First general election using preferential voting, 13 December 1919 (i.e. first Senate election under preferential voting).</td>
</tr>
<tr>
<td>1920</td>
<td>• <em>Nationality Act 1920</em> bestowed upon British subjects ‘all political and other rights’, but South Sea Islanders still ineligible to vote despite being British subjects.</td>
</tr>
<tr>
<td>1922</td>
<td>• The Northern Territory granted a Member of the House of Representatives with limited voting rights.</td>
</tr>
<tr>
<td>1924</td>
<td>• Compulsory voting introduced at federal elections.</td>
</tr>
<tr>
<td>1925</td>
<td>• Compulsory voting first used at a federal election: 91.31% of electors voted.</td>
</tr>
<tr>
<td></td>
<td>• Natives of British India living in Australia allowed to vote.</td>
</tr>
<tr>
<td>1927</td>
<td>• Parliament met in Canberra for the first time, 9 May 1927.</td>
</tr>
<tr>
<td>1934</td>
<td>• Senate system of voting altered to require all preferences to be shown.</td>
</tr>
<tr>
<td>1948</td>
<td>• The number of Senators increased to 60 (10 for each State), and Members of the House of Representatives to 121. (The figures exclude Australian Capital Territory and Northern Territory).</td>
</tr>
<tr>
<td></td>
<td>• Australian Capital Territory granted one Member of the House of Representatives with limited voting rights.</td>
</tr>
<tr>
<td>1949</td>
<td>• Proportional voting by the single transferable vote was introduced for Senate elections.</td>
</tr>
<tr>
<td></td>
<td>• Australian Aborigines were given the right to enrol and vote at federal elections provided they were entitled to enrol for State elections (NSW, SA, VIC, TAS) or had served in the Defence Forces.</td>
</tr>
<tr>
<td></td>
<td>• Industrial ballots were first conducted by the Industrial Branch.</td>
</tr>
<tr>
<td>1962</td>
<td>• Voluntary enrolment and voting at federal elections extended to all Australian Aboriginals.</td>
</tr>
<tr>
<td>1965</td>
<td>• Queensland granted Australian Aboriginals State votes.</td>
</tr>
<tr>
<td>1966</td>
<td>• Australian Capital Territory – Member of House of Representatives granted full voting rights.</td>
</tr>
<tr>
<td>1967</td>
<td>• A Constitutional Referendum overwhelmingly approved the amendment of the Constitution. A YES vote was registered by more than 90% of Australian voters with all States voting in favour of:</td>
</tr>
<tr>
<td></td>
<td>A. The words <em>other than the aboriginal race in any State</em> were struck out of Section 51 xxvi so that the Commonwealth Parliament could now make special laws for Australian Aboriginals.</td>
</tr>
<tr>
<td></td>
<td>s.51 The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:</td>
</tr>
<tr>
<td></td>
<td>xxvi The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws.</td>
</tr>
<tr>
<td></td>
<td>And</td>
</tr>
<tr>
<td></td>
<td>B. Section 127 was struck out in its entirety.</td>
</tr>
<tr>
<td></td>
<td>s.127 In reckoning the numbers of the people of the Commonwealth, of a State or other parts of the Commonwealth, aboriginal natives shall not be counted.</td>
</tr>
<tr>
<td>1968</td>
<td>• Northern Territory – Member of House of Representatives granted full voting rights in the House of Representatives.</td>
</tr>
<tr>
<td>1973</td>
<td>• The qualifying age for enrolment, voting and candidature for all federal elections was lowered from 21 years to 18.</td>
</tr>
<tr>
<td></td>
<td>• The Australian Electoral Office was established as a statutory authority.</td>
</tr>
<tr>
<td>1974</td>
<td>• Australian Capital Territory gained second Member of Parliament (with full voting rights).</td>
</tr>
<tr>
<td></td>
<td>• Senate representation for the Territories – two for the Australian Capital Territory and two for Northern Territory (put into effect 1975).</td>
</tr>
<tr>
<td>1978</td>
<td>• Northern Territory granted self-government.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>YEAR</th>
<th>AUSTRALIA’S MAJOR ELECTORAL DEVELOPMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>• First election conducted for Northern Territory Legislative Assembly 7 June 1980.</td>
</tr>
</tbody>
</table>
| 1984 | • Compulsory enrolment and voting for Australian Aboriginals and Torres Strait Islanders introduced.  
   • Number of Senators increased from 64 to 76 (12 each State and two each Territory) and number of Members of the House of Representatives increased from 125 to 148.  
   • Franchise qualification changed to Australian citizenship.  
   • British subjects on the roll immediately before 26 January 1984 retained enrolment rights.  
   • An independent Australian Electoral Commission established to administer the federal electoral system.  
   • Group voting ticket introduced for Senate.  
   • Registration of political parties introduced to permit the printing of party names on ballot papers.  
   • Public funding of election campaigns and disclosure of political donations and electoral expenditure introduced.  
   • The time polling places close changed from 8pm to 6pm. |
| 1990 | • First election conducted for Aboriginal and Torres Strait Islander Commission (ATSIC). |
| 1991 | • New South Wales lost the seat of St George, taking the total number of House of Representatives from 148 to 147. |
| 1992 | • AEC’s mandate widened to include provision of international electoral assistance. |
| 1994 | • The seat of Namadgi was created in the ACT, taking the total number of House of Representatives from 147 to 148. |
| 1997 | • Constitutional Convention Election conducted as a voluntary postal ballot.  
   • The seat of Namadgi (ACT) was abolished in December 1997 with the newly created Division of Blair in Queensland keeping the total seats at 148. |
| 1998 | • The introduction of computerised scrutiny of Senate votes. |
| 1999 | • An automated Postal Vote issuing system was introduced. |
| 2000 | • The Division of Hasluck (WA) was created in November 2000, with the Northern Territory also gaining a seat. The division known as Northern Territory was renamed by the two newly created seats of Lingiari and Solomon, taking the total number of House of Representatives seats from 148 to 150. |
| 2001 | • A Virtual Tally Room (VTR) was developed for the AEC website which provides up-to-the-minute results on election night. |
| 2007 | • Electronic voting trials were conducted at the 2007 federal election for people who were blind or vision impaired. Remote electronic voting was also trialled for certain Australian Defence Force personnel serving overseas. |

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How can Australia’s politics be improved?

WE NEED OUR COUNTRY TO STRIVE FOR A MORE ADULT, MORE REASONABLE, AND MORE INTELLIGENT POLITICS, OBSERVES JOHN KILCULLEN

Imagine a country in which politics is not a struggle among ambitious individuals for power, but the community’s way of resolving conflicts and advancing its common interests.

Voters are well-educated and follow public affairs seriously. Citizens consider one another’s opinions and are not rusted-on partisans.

Politicians assume a knowledgeable and intelligent public who can understand complexity. Politicians campaign honestly; they acknowledge drawbacks and objections, they don’t use arguments they know are unsound.

Political parties have many volunteer members and take them seriously. Party members listen to one another, ready to be influenced by argument.

In political life there is good will, personal rivalries and resentments are kept under control, people can change their mind without humiliation.

Why isn’t Australia more like this?

Obviously I’m not describing Australia, or in fact any country. But we need our country to strive for this kind of more adult, more reasonable, and more intelligent politics.

Australia faces a problematic future. Climate change may call for great adjustments. The ‘Dutch disease’ may infect our economy. International relations will become more complex; loyalty to the US and to Israel won’t take Australia much further.

If we don’t have a better kind of politics, how can we even begin to tackle these problems?

Reforming the electoral system

So how do we help fix this fundamental flaw?

One possibility is the Hare-Clark-Robson system in Tasmania and the ACT. In Hare-Clark there are no safe or marginal seats; every vote counts, campaigns have to address the whole electorate.

With Robson rotation the votes of party supporters who have no preference among its candidates go to the candidates equally, and voters who follow politics and do have a preference decide which of the party’s candidates get elected. In effect, a ‘primary’ is built into the election itself.

Non-performing politicians can be weeded out, promising newcomers can be voted in, and there is a
In such a system the result will often be coalition or minority government. But this is not a bad thing, provided an early election can be called if government and assembly are deadlocked. (The recent US debt-ceiling crisis illustrates the vital importance of that feature of the Parliamentary system.)

The Australian Senate could easily have optional preferential voting and Robson rotation, but the House of Representatives will continue to be elected in single-member constituencies.

Can that system be improved? Robson rotation in printing Representatives ballot papers would allow each party to nominate more than one candidate even for safe single-member seats.

This would give the benefit of primaries without the drawbacks of the separate primaries of US politics. Even in safe seats there would be a role for party supporters, and election campaigns would be addressed to all electors, not just those without firm party allegiances. A seat might be safe for the party but not for the member. Factional support could not confer a ‘job for life’.

**Reforming our political parties**

Patronage corrodes our parties. Politicians’ staff should be drawn from the public service, or they should be selected by party committees using objective criteria, setting aside factional considerations.

‘Show and tell’ and similar schemes reinforce the patronage system. Recently in the election of Liberal Party president, we saw Tony Abbott showing his ballot paper for Alan Stockdale.

The Chartists demanded the secret ballot so that voters could choose the best candidate free from bribery and intimidation. In our parties, bribery and intimidation takes the form of faction-controlled access to or exclusion from jobs, such as safe seats or high positions on the Senate list. To reduce factionalism, ballots held within the parties should be genuinely secret.

**Unless factionalism is reined in, people who don’t seek a job from politics will not join or remain active in political parties.**

Unless factionalism is reined in, people who don’t seek a job from politics will not join or remain active in political parties. Why belong to an organisation if your contributions and opinions count for nothing?

**Societal change**

Commercialism is undermining journalism. We could have a media levy, distributed in accordance with a performance assessment made by voters.

Educational institutions need strengthening. Universities should not become simply adjuncts to the economy, but should encourage study of science, philosophy, religion, history, foreign languages, literature and social science. All these are relevant to political judgement, indeed to better living.
ATTITUDES TO ELECTORAL REFORM

The latest poll from the Australian National University School of Research Schools of Politics and International Relations shows that voters are broadly satisfied with their electoral arrangements, with the exception of the private funding of political parties, which remains unpopular.

Public concern about the economy and job security has doubled since 2010, while concern about global warming has halved. More than half of the people surveyed in the latest ANUpoll listed the economy and jobs among the most important issues Australia is facing right now. The second most important issue was immigration and asylum seekers, which was nominated by 28 per cent of the 1,200 randomly surveyed people.

Meanwhile, six per cent of respondents cited the environment or global warming as an issue, down from around 12 per cent in 2010. Only 0.1 per cent of people mentioned the carbon tax.

“The poll results suggest that the management of the economy will be centre-stage in the federal election campaign,” said Professor Ian McAllister from the ANU School of Research School of Politics and International Relations.

“By contrast, the environment and climate change are seen by voters as a much lesser concern than previously, and there has been a dramatic decline in those mentioning the carbon tax as an important issue. The declining importance of these issues has implications for Green party support.”

Almost 9 out of 10 people said they thought women and men would do an equally good job as Members of Parliament.

The poll also asked people about their opinions on compulsory voting, the frequency of elections, the funding of political parties and their overall satisfaction with Australian politics.

“The poll shows that voters are broadly satisfied with their electoral arrangements, with the exception of the private funding of political parties, which remains unpopular,” Professor McAllister said.

The poll also questioned people on gender issues in Parliament. Almost 9 out of 10 people said they thought women and men would do an equally good job as Members of Parliament (MPs).

“It’s clear that while gender has been an issue for some of our parliamentarians over the past three years, it is much less of an issue for voters,” Professor McAllister said.

About 50 per cent of respondents thought there should be more Aboriginal and female MPs.

Key points from the poll findings

- A majority of voters consistently support compulsory voting, and there has been relatively little change in these proportions since the 1950s.
- If compulsory voting was replaced by voluntary voting, we would expect a decline in election turnout of about 10 percentage points, to 85 per cent.
- About one-third of voters support increasing the fine for non-voting from $50 to $100, but there is reduced support for applying this to groups that are less likely to vote.
- There is little public support for changing the current Commonwealth parliamentary election terms from three to four years.
- A majority of the electorate disapproves of large private donations to political parties, regardless of their source.
- Elections are generally regarded as being fairly conducted, although Australia ranks towards the bottom of the advanced democracies.
- Internationally, Australia maintains a high level of public satisfaction with democracy, although the decline in satisfaction observed since 2007 has persisted.
- The public believes that a government formed by one party is best at providing stability, but opinions are divided on what is best to deliver other outcomes.
- There is support for increasing the proportions of MPs who are women and from an Asian or Aboriginal background.
- Almost nine out of 10 respondents believe that women and men will do a similar job as an MP.
- The economy and jobs are seen as the most important issues facing the country, almost doubling as a concern since 2010.
- Immigration (including asylum seekers) is viewed as the second most important concern.
- The political mood is generally positive, although there has been a 10 percentage point decline in overall satisfaction since the 2010 election.

‘Do you think that voting at federal elections should be compulsory, or do you think that people should only vote if they want to?’

The Westminster system offers a very limited choice of competent ministers and it fuses the government and the legislature, writes Klaas Woldring

Why should the Government have to be “in and of the Parliament”? Ministers may have to be called to the legislature, to explain government policy or to answer questions, but why should they have to be “of the Parliament”? In the Westminster system they have to be and that results in the total domination of the Legislature by the Government. This is itself a very unnecessary and quite undesirable situation. It affects the independence of the legislature, especially in a two-party system. So-called “extra-parliamentary” executives are the rule in all non-Westminster systems, both in the US and all European, collegiate parliamentary systems. Australia could adopt this as well. Especially the European collegiate system, based on proportional electoral systems, would seem to be very suitable for Australia. Even more undesirable is the endless adversarial parliamentary discourse, also inherent in the Westminster system, whereby the Government is constantly being attacked by the front bench of the Opposition, presumably the alternative Government. Australians may believe that it is ‘natural’ for politics to be conducted in this fashion but that is quite incorrect.

The theory is that the (single) Westminster-type Parliament has unlimited authority. However, in Australia, the federal structure as well as the different electoral systems for lower and upper houses detract from the pure form considerably. Moreover, it also creates checks, which are usually resented by governments but have proved to be redeeming factors of the worst consequences. Overall, the combination of these systems has created an unwieldy hybrid political system in Australia that has never worked particularly well although some would claim at least adequately in practice. Particularly after 1949, when the Senate was elected on the basis of PR and gradually became a more democratic, powerful and useful Upper House, conflicts about mandates ensued frequently. The Senate’s record since that year, although especially in the late 1960s, has been good. One could say that its role has been to prevent the worst effects of the inadequacies of the Westminster system especially when combined with a federal structure.

It is high time that questions should be asked why there is such widespread disenchantment with Australia’s political system. The beneficiaries of this hybrid system are the major parties. Others should start the debate, perhaps by Republicans who want more than just an Australian head of state.

Dr Klaas Woldring is a former Associate Professor of Southern Cross University.


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Issues in Society | Volume 373
## Current federal democratic reform initiatives

A comprehensive list of reforms proposed by **the Australian collaboration**

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<tr>
<th>REFORM REQUIRED</th>
<th>NEEDED ACTION (AS DESCRIBED IN DISCUSSION PIECES)</th>
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<tr>
<td><strong>ELECTORAL REFORM</strong></td>
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<td>Automatic enrolment</td>
<td>Young people reaching the age of 18 to be automatically enrolled and people changing their address to be automatically re-enrolled at their new address. Better registration of indigenous births to apply reform universally.</td>
<td>In June 2012, the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012 and the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 were passed by both Houses. These Bills provide for the direct enrolment of eligible Australian citizens, reinsertion to the electoral roll and inclusion of votes of people who meet certain criteria and allow the Electoral Commissioner to update an elector’s enrolled address following receipt and analysis of reliable and current data sources from outside the Commission. An ARC funded project at Monash University has established that significant numbers of indigenous births are not registered, and also that if registered, significant numbers are not obtaining copies of birth certificates, leading to issues with proving identity. The project seeks to develop evidence-based solutions.</td>
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<td>Senate ballot papers</td>
<td>Above the line sections of Senate ballot papers should be redesigned to give voters greater opportunity to express their second, third and fourth preferences clearly and transparently.</td>
<td>Commonwealth Electoral (Above-the-line voting) Amendment Bill 2010 was introduced in September 2010, and remains before the Senate.</td>
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<td><strong>ANTI-CORRUPTION</strong></td>
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| A national anti-corruption commission | A national anti-corruption commission should be established. It should be empowered to investigate corruption of all kinds including institutional and political corruption. | The Joint Parliamentary Committee on the Australian Commission for Law Enforcement Integrity (ACLEI) tabled its unanimous report in July 2011. Recommendations include:  
  - Establish second tier of jurisdiction for ACLEI to extend oversight  
  - Review the Commonwealth Integrity system  
  - Examine the merits of establishing a Commonwealth Integrity Commission with anti-corruption oversight of all Commonwealth sector agencies.  

Victoria – The Independent Broad-based Anti-corruption Commission (IBAC) commenced operations on 10 Feb 2013, almost 2 years later than initially proposed.  
South Australia – The Government will introduce legislation of a similar nature to Victoria’s IBAC, and appointed a Commissioner in February (with the office to be functional by end 2013).  
Australia completed a self-assessment report on its compliance with the United Nations Convention Against Corruption (UNCAC) in 2011-12. The Executive Summary of the subsequent independent review of Australia’s compliance was tabled at the UNCAC Implementation Review Group meeting of 18 June 2012. Work on the substantive report is ongoing but the review team makes a number of recommendations in the Executive Summary, including for Australia to “continue the consultative process for the development of a comprehensive national anti-corruption action plan, which will include an examination of how to make anti-corruption systems more effective”.  

The Attorney-General’s office has stated that the UNCAC review and the results of the current Organisation of Economic Co-operation and Development Anti-Bribery Convention review will be “closely considered” in the current development of the national anti-corruption plan. This plan will also be informed by the public consultations held in 2011-12. As of May 2013, the plan has not been announced. |
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| **Electoral donations and campaign finance** | In the short term, political donations should be regulated to force disclosure in a reduced timeframe, disclosure limits should be lowered to $1,000, and donation splitting should be prohibited. Payments made to attend functions with promised access to Ministers should be detailed. In the longer term, funding for political parties should be radically reformed as has occurred in Canada. | In October 2010, the Government introduced the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill, this Bill remains before the Senate. In late 2010, the Government also agreed with the Independents to a national inquiry by a fully representative committee of the Parliament to report during 2011 to enable passage of legislation in 2012. This inquiry was carried out by the Joint Standing Committee on Electoral Matters (JSCEM). Its report into the funding of political parties and election campaigns was tabled on 9th December 2011. Recommendations in the report include:  
- Lowering the threshold for the reporting of donations to $1,000  
- Single donations over $100,000 to be reported to the Australian Electoral Commission within 14 days  
- Banning foreign donations  
- Limiting public funding of MPs to campaign funding  
- Banning the prevention of full disclosure through the splitting of donations  
- Money paid for attending political functions treated as a normal political gift  
- Extending the powers of the Australian Electoral Commission to conduct compliance reviews.  
Two dissenting minority reports were tabled, one from Coalition members asserting that the reforms if implemented would give unfair political benefits and calling for a dedicated fraud squad within the AEC, and another from a Green Senator arguing that the reforms proposed do not go nearly far enough. The Government is still considering the JSCEM’s recommendations. |
<p>| <strong>An independent appointment system to public offices</strong> | A merit-based independent system of appointment to public offices is needed. Legislation is needed to give force to the merit based selection process for the selection of heads of departments, agencies and statutory corporations. | In July 2008, the Government introduced a statement of policy and guidelines for a merit-based selection process for the selection of heads of departments, agencies and statutory corporations (see <a href="http://www.apsc.gov.au/publications-and-media/current-publications/merit-and-transparency">www.apsc.gov.au/publications-and-media/current-publications/merit-and-transparency</a>). The National Broadcasting Legislation Amendment Bill received assent in July 2012, establishing a merit-based appointment process for the ABC and SBS non-executive directors for their respective boards and re-establishing the position of staff-elected director to the ABC Board. |
| <strong>Lobbying and post-retirement employment of ministers and others</strong> | The Lobbying Code needs to be extended to include in-house lobbyists and the prompt reporting of meetings and their details. Post-retirement employment restrictions on ministers, shadow ministers and public servants should be strengthened. Lobbying and post-retirement rules should be supervised by the proposed Parliamentary Integrity Commissioner. | In 2010, then Special Minister of State, Senator Ludwig, initiated a review of the Lobbying Code of Conduct that was completed in July 2011. Two areas of the Code recommended for improvement were: (1) the need for lobbyists to disclose details of any former government representatives on their declarations related to the Code; (2) the possibility of electronic submission of statutory declarations. Further reforms are needed to include details of all people engaged by lobbyists to assist their lobbying. The provisions relating to post retirement employment by ministers and others have not been strengthened. In November 2011, the Senate referred the operation of the Lobbying Code of Conduct and the Lobbyist Register to the Senate Finance and Administration Committees for inquiry and report. The Committees’ report was provided in March 2012. Its general conclusion was that the Code was operating effectively and meeting its defined objectives, therefore no recommendations for changes were made. |</p>
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<td>Reform of question time</td>
<td>The Standing Orders of the Parliament need to require relevancy and time limits on responses to questions, and enhance the ability of the Speaker of the House and President of the Senate to enforce these rules.</td>
<td>Following the September 2010 agreement between the ALP and independent members, Standing Rules were amended to limit Ministerial Statements to 90 seconds, limit the times of questions and answers, provide times specifically for debate of Private Members business, and to oblige members to give answers which are relevant to the question.</td>
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<tr>
<td>Parliamentary Budget Office</td>
<td>A Parliamentary Budget Office would be a valuable new institution to give independent budget advice to all parliamentarians.</td>
<td>Agreement between the Government, Independents and Greens included the establishment of a Parliamentary Budget Office. The independent Parliamentary Budget Office was established in July 2012, and its first work plan published in October 2012. The office is available to provide confidential budget analyses and policy costings to all senators and members.</td>
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<td><strong>CITIZEN ENGAGEMENT</strong></td>
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<td>Consumer rights and protection</td>
<td>Breaches of the consumer protection framework need serious attention and swift legal action against offending companies.</td>
<td>On 1st January 2011, the Commonwealth Trade Practices Act 1974 was replaced by the Competition and Consumer Act 2010 (the CCA). The new Act provides common standards and enforcement provisions for all Australian State and Federal regulators. It creates a national scheme for consumer guarantees and warranties, and introduces national standards for consumer safety. Other measures as recommended by the Australian Consumers Association are yet to be addressed. These include 'cypres' remedies (which support consumer groups with settlement funds from consumer cases), a funded national consumer organisation, integrated competition and consumer regulation, and consideration of behavioural economics in the national scheme.</td>
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<td><strong>GREATER ACCOUNTABILITY OF EXECUTIVE</strong></td>
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<td>Accountability of ministers for actions under their authority and ministerial codes of conduct</td>
<td>The responsibilities of ministers, including possible devolution of certain responsibilities, need to be clearly and formally defined.</td>
<td>Though there is no formal code of conduct, members and senators’ conduct in Parliament is guided by the Standing Orders of the Senate and the House of Representatives. The Gillard Government agreed with the Independents to establish a Parliamentary Integrity Commissioner, who should have begun to independently uphold the Parliamentary code of conduct by September 2011.</td>
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<td>Defined accountability responsibilities for ministerial advisers</td>
<td>A specific and formal code of conduct for ministerial advisers is needed. Advisers should be required to appear before Parliament when requested. The code must be independently enforced.</td>
<td>There is a current code of conduct for ministerial staff but it does not oblige staff to appear before Parliament if called. The Gillard Government had agreed to establish a Parliamentary Integrity Commissioner, who should have begun to independently enforce the current code by September 2011.</td>
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<tr>
<td>Responsibilities of members of Parliament</td>
<td>A specific code is needed which defines the responsibilities and ethical obligations of members of Parliament.</td>
<td>The Government agreed with the Independents to the preparation of a code of conduct for members of the House and Senate. The Parliamentary Committee for Privileges and Members Interests conducted an inquiry into a draft code of conduct for members of the House and reported in November 2011. A motion to endorse the draft code was debated in both May and September 2012. The Senate Standing Committee of Senator’s Interests then conducted a parallel inquiry with reference to the draft code, and tabled its report at the end of November 2012. The draft code was not endorsed and the Committee recommended against the adoption of such a code. The Greens provided additional comments stating that they did not support the conclusion of the Committee. Further Senate discussion is anticipated.</td>
</tr>
<tr>
<td>Parliamentary Integrity Commissioner</td>
<td>A Parliamentary Integrity Commissioner is needed.</td>
<td>The Government agreed with the Independents and Greens to establish, by statute, a Parliamentary Integrity Commissioner within 12 months of the commencement of the new Parliament. The parties remain committed to the agreement but the agreed deadlines have not been met. A Commissioner was not expected to be appointed until at least late 2012. Bills introduced to the Senate and the House by the Greens in May 2012, seek to establish a National Integrity Commission. In the Senate, the bill has been referred for inquiry. In the House, the bill was referred to the Standing Committee on Social Policy and Legal Affairs for inquiry and report. Its report, tabled in September 2012, recommended that a parliamentary Joint Select Committee be established to investigate the feasibility and cost of establishing a National Integrity Commission. Further progress remains to be seen.</td>
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| Protection of journalists and their sources | When journalists report on matters of public interest, they need protection from legal action which forces them to disclose the identity of their sources. | The Evidence Amendment (Journalists Privilege) Bill 2011 was assented to in April 2011, extending protection to confidential communication between journalists and their sources. These laws need to be uniform across jurisdictions. |

| Protection of whistleblowers | Comprehensive protection is needed for whistleblowers who make disclosures which expose corruption, malfeasance and/or mismanagement. | In 2010, following a comprehensive 2009 report from a House of Representatives Standing Committee, Senator Joe Ludwig, then Special Minister of State, announced that the Government would introduce whistleblower protection legislation. In September 2010, the Gillard Government agreed with Independent members of Parliament Rob Oakeshott, Tony Windsor and Andrew Wilkie to introduce whistleblower protection legislation to the Parliament during 2011. No legislation was introduced in 2011, despite the State of the Service Report 2010-11 indicating that legislation was due in Parliament that year. In November 2012, independent member of Parliament, Andrew Wilkie, introduced the Public Interest Disclosure (Whistleblower Protection) Bill 2012 to the House of Representatives. The Government, however, stated that the bill ‘falls short’ on practical grounds and announced that it is finalising its position in 2012 in order to introduce legislation in 2013. Legislation introduced in the ACT in September 2012 (the Public Interest Disclosure Act 2012) has been endorsed by A.J. Brown, Director of Transparency International Australia, as the best protection laws in Australia and a model for national legislation. |

<p>| Media concentration | The media play a crucial part in an open democratic society. Diverse ownership of mainstream media is therefore of great importance. Media convergence and interconnection clearly require policy review. Any changes which might take place as a consequence of such a review should, however, include the need for greater diversity of media ownership. | The Minister for Communications, Senator Stephen Conroy, announced in December 2010 the establishment of a Convergence Review with wide ranging terms of reference to review the current policy framework and develop advice for the government on the appropriate policy framework for a converged environment. The final report of the review was provided in March 2012, with some of the key recommendations being the establishment of: ▶ A new communications regulator ▶ A minimum number of media owners ▶ A public interest test ▶ Content standards across platforms ▶ Australian content scale threshold and service criteria. In June 2012, the Greens introduced to the Senate the Broadcasting Services Amendment (Public Interest Test) Bill 2012 to create a new public interest test to be administered by the Australian Communications and Media Authority in the absence of a new regulator. This Bill remains before the Senate. |</p>
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<td>Public interest immunity claims</td>
<td>An independent statutory office accountable to the Parliament is needed to rule on government claims of public interest immunity from freedom of information applications and calls by the Parliament for the Government to produce documents. While significant progress has been made (see next column) the question of further reforms remains unresolved, including reforms of the Freedom of Information Act in light of reforms in other jurisdictions.</td>
<td>The Australian Information Commissioner Act 2010 created the Office of Australian Information Commissioner to work in conjunction with the Privacy Commissioner and the Freedom of Information Commissioner and provide an independent review of freedom of information decisions made by agencies and ministers. In addition, the Government is considering legislation dealing with the determination of public interest claims in respect of documents called for by the Parliament and by the Information Commissioner. In November 2012, the Government appointed Dr Allan Hawke to review and report on the operation of the Freedom of Information Act 1982 and the Australian Information Commissioner Act 2010 and the extent to which those Acts and related laws continue to provide an effective framework for access to government information. The review was completed 30 April 2013. The Attorney-General is expected to present the report to Parliament by the end of June.</td>
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### OTHER AREAS OF NEEDED DEMOCRATIC REFORM

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<td><strong>ELECTORAL REFORM</strong></td>
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<tr>
<td>Fixed-term elections and extensions of parliamentary terms</td>
<td>Fixed-term parliaments are in the long term fairer to all political parties since they do not allow incumbent governments the opportunity to choose politically expedient dates for elections. Four-year terms are also desirable but require constitutional change.</td>
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<th>STRENGTHENING THE ROLE OF PARLIAMENT</th>
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<td>Strengthening of the Committee system of the Senate as an independent house of review</td>
<td>A bipartisan committee dedicated to reviewing the budget and economic strategy drawing on the resources of the new Parliamentary Budget Office would be a very valuable addition to the Senate committee system. Independent committees fully funded through a parliamentary commission in the style of the UK are also highly desirable.</td>
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<td>Civil society and public advocacy</td>
<td>The roles and significance of civil society organisations should be formally recognised, including the right to disagree with government policy without penalties or restrictions of any kind. The Not-for-profit Sector Freedom to Advocate Bill 2013 was introduced to the Senate in May 2013, if passed, it will promote engagement and prohibit or invalidate clauses that prevent NFPs from advocating with regard to Commonwealth policy issues.</td>
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| Citizen participation in democracy | Governments should take all possible steps to encourage citizens to participate actively in the functioning of Australia’s democracy. These steps should include a greater effort to make the activities of the government more transparent and understandable, greater investment in democratic education, and support for citizen initiatives such as citizen parliaments and attention to their outcomes. |

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<th>TRANSPARENCY, FREEDOM OF INFORMATION AND FREEDOM OF SPEECH</th>
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<td>Public broadcasters</td>
<td>Given the great significance of their role in a country with a very high concentration of media ownership, funding for the public broadcasters should be increased.</td>
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<th>HUMAN RIGHTS</th>
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<td>A charter of human rights in Australia</td>
<td>A human rights charter was recommended by the National Human Rights Consultation (2009) and supported by the majority of Australians participating in the Consultation. Australia is the only English-speaking country with a common law tradition without such a charter. In response to the Consultation, the Government announced a Human Rights Framework which it described as a ‘package of measures to strengthen understanding and respect for human rights’. These measures included the establishment of a new Joint Parliamentary Committee on human rights and the combination of existing federal anti-discrimination laws into a single Act. Significantly, the Framework did not include a national charter of rights. As one of the measures forming part of the Human Rights Framework, on 4 Jan 2012, The Human Rights (Parliamentary Scrutiny) Act 2011 came into force. It requires all bills to be accompanied by a ‘Statement of Compatibility with Human rights’ – an assessment of compatibility against the seven main United Nations treaties to which Australia is a party. The Act also established the Joint Parliamentary Committee on Human Rights.</td>
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FIXED NATIONAL ELECTION DATES AND FOUR-YEAR TERMS

There are a number of arguments both for and against a change to fixed-term parliaments, according to this guide from The Australian Collaboration.

Fixed electoral terms (fixed dates on which elections must be held), and the extension of current national electoral terms from three to four years, are often discussed as if they are inextricably linked. This is not the case. There is no reason in principle why the current federal arrangement of a three year electoral term for members of the House of Representatives and a six-year term for Senators should not continue to comply with fixed electoral terms nor why four-year terms for both the Senate and the House of Representatives should not be introduced together with a fixed date for elections, nor why other options should not be considered.

**FIXED-TERM PARLIAMENTS**

The current prerogative of an incumbent Australian Prime Minister and Federal Government to set election dates (within constitutional limitations) is an anomaly among Australian State and Federal Governments and international democracies. Currently, New South Wales, Victoria, South Australia, Western Australia, the Northern Territory and the Australian Capital Territory governments operate with fixed terms, as do the United States of America, Canada, and the European Parliament.

The two key benefits of fixed terms are firstly, that they remove the opportunity for a sitting government to gain political advantage from the timing of an election and secondly, that there is certainty about electoral terms for the government, other political parties, the private sector and the community. Fixed terms also improve access to the electoral role for legitimate voters.

There are, however, a number of arguments both for and against a change to fixed-term parliaments. Drawing upon some of the points made in Sawer and Kelley’s (2005) discussion of these matters (see Sources on page 36), these arguments are summarised in the following lists of advantages and disadvantages.

**Advantages**

Fixed-term parliaments:

- Provide certainty about the term of government for all parties and the entire community
- Guarantee tenure for the implementation of policies
- Protect a government that enjoys the confidence of the Lower House
- Remove the partisan advantage that incumbents have in choosing an election date for party political purposes
- Provide certainty for parliamentary inquiries and processes
- Allow more effective planning of the parliamentary timetable
- Permit more effective campaigning by minor political participants
- Facilitate better economic planning for the private and public sectors.

**Disadvantages**

Fixed-term parliaments may:

- Lead to longer, more expensive election campaigns
- Limit the scope of a government with a small majority facing competing demands to have recourse to an election to establish a clear mandate
- Limit the opportunity of an early election to solve a political crisis if a government loses its majority in the Lower House
- May set a fixed date that proves to be inconvenient due to unforeseen circumstances.

**FOUR-YEAR TERMS**

The advantages of fixed-term parliaments outweigh the possible disadvantages. Further, fixing four-year terms in place may lead to further advantages and/or disadvantages. The key argument for retaining federal three-year terms is that they enhance voter
participation and thus democracy by their frequency. Four-year terms are, however, standard practice in other jurisdictions and enhance good government by allowing greater opportunity for the implementation of government policies. They also reduce the overall time devoted to campaigning. Ways of overcoming any possible disadvantages have been identified, and these are discussed in the following section.

Advantages
Four-year terms:
• Facilitate better economic planning for the private and public sectors
• Give the government greater scope to concentrate on policy and program delivery without the distraction of imminent elections
• Reduce the number and costs of elections
• Allow more effective planning of the parliamentary timetable.

Disadvantages
Four-year terms:
• May lead to the public enduring a longer period of a government that has lost popular support
• Mean voters can determine governments only once every four years rather than every three years
• Mean that Senators would only face re-election every eight years (this is if the current arrangement were retained, whereby Senators are elected for two terms while members of the House of Representatives are only elected for one term)
• Will not change the promotion and manipulation of candidates in the period before the election
• May prolong instability where the government is reliant on cross benches for support.

Overcoming disadvantages
The problem related to the terms of office for Senators can easily be dealt with by bringing Senators’ terms of office into line with those of Members thereby requiring them to face re-election every four years. The thinking that led the founders of the Australian Constitution to provide a different and longer tenure for Senators no longer has validity. Senate elections could if necessary continue to be staggered, with half the Senate elected at each election.

Some of the other possible disadvantages of four-year terms could be dealt with through:
• Explicit provision in any new legislation that the Governor-General call an election if a government loses its majority in the House of Representatives
• Retention of the opportunity for a double dissolution of the Parliament if government bills are defeated twice
• Other accompanying accountability reforms (see related recommendations) and new opportunities for citizen engagement.

IMPLEMENTATION
There are arguments for a change to both fixed term elections and four-year electoral terms for the Federal Parliament of Australia. This change would match the practice of Australian States and many other international political jurisdictions. A change to fixed terms alone would be very beneficial and would be the sensible way to begin since such a change could be made by statute without recourse to a referendum.

The change from three-year terms to four-year terms would be more difficult because it would require a constitutional referendum and, given the great difficulties of constitutional change, bipartisan support would almost certainly be necessary. It is also likely that there would be less support for this change given some recent experience in Australia with unpopular governments and four-year terms.

SOURCES
➢ University of Western Australia, Australian Politics and Elections Database, http://elections.uwa.edu.au/
Politics in Australia is in the midst of a great transition, one the media fails to understand. While the two major parties will continue to dominate, the future will see more independents and small parties emerge as voters grope desperately for alternatives.

I was struck by comments in a recent article by former journalist, now politics professor, Shaun Carney:

“Labor’s victory in 2007 was ... substantial. In terms of seats won and the party’s healthy primary vote, it should have been enough to sustain the ALP in office for three terms, which in modern politics could be regarded as the breakeven point for any party in office. Anything beyond three terms is a bonus, as Howard learnt in his fractious and final fourth term.

The idea that “in modern politics” three terms in office is “the breakeven point” has been a truism in our politics, and it is certainly supported by the data.

But I wonder if it is truism whose time has passed?

As obsessed as the media (still) is with Labor’s leadership ructions, very little attention is given to the reasons for those ructions, and in ignoring them, journalists also ignore some of the major shifts that are occurring in our body politic more generally.

Labor’s leadership issues are a symptom of a more general problem with the party’s underlying support, the fact that the core constituency of the working class who once animated it as a political force has dissipated. The progressive element that emerged from 1960s on – the urban, educated middle class, or more cynically, the late left – provided something of a filip for this loss, but it could never entirely replace it.

This is all well known, though what is less often discussed is that the party is still structured as if nothing had changed. Labor is an early 20th century institution trying to operate in the 21st century, a party, to paraphrase writer Eric Hoffer, beautifully equipped to deal with a world that no longer exists.

The factions, once representative of genuine argument between ideological approaches, are now hollowed out, having converged on a centre-right economic consensus that leaves them with little to fight about except their own relative power within the organisation itself.

The Coalition’s political agenda is a vulnerability because it is redundant. It’s an agenda that is a legacy of the right’s historical role in opposing organised labour. It carried on long past its sell-by date as tedious “culture wars” under Howard and then came back for a gruesome swan-song under the Gillard-Abbott duet.

The vagueness of the Coalition’s policy platform in the lead-up to the election was indicative of this redundancy. They were left with nothing to say except to oppose Labor’s policies while cleaving to the whims of their business base.

Labor’s instability gets all the attention, but the Coalition’s is there for anyone who cares to look.

It is there in the divide between the Abbott and Turnbull wings of the federal parliamentary party, or the ongoing battles between the so-called wets and the drys. It is there in the unfolding disaster of the Newman Government in Queensland, a government that is itself the bastard child of the messy and protracted battle between the Queensland Liberals and Nationals. It is there in the ousting of Ted Baillieu by his party in his first-term as Victorian Premier; in the musical chairs played by the leaders of the Liberal opposition in South Australia; and in the dumping of Terry Mills by the Country Liberal Party in the Northern Territory.

The mere existence of the Katter and Palmer parties – and One Nation before them, not to mention independents like Windsor and Oakeshott – are indicative of divisions within the conservative-right more generally, of the failure of the Coalition to be the “broad church” John Howard used to like to pretend it was.

The upshot of all this is that neither Labor nor the Coalition...
command what you might call a natural constituency anymore. They have converged on a consensus on economic means (if not ends), while both 'reach out' to what they imagine is middle Australia with increasingly bizarre policies on, of all things, asylum seekers. That issue has become the country's portmanteau conflict, the one onto which many other insecurities – from border control, to job security, to urban congestion – are projected.

This is not to say that both parties are the same, only that both struggle to articulate a meaningful program of national development that addresses our long-term problems and rallies anything like grassroots support.

This failure of the major parties to connect meaningfully with the electorate is aided and abetted by the fact that the mainstream media is as used-up and antiquated as Labor’s factions and the Coalition’s anti-communism.

In other words, the media itself is suffering from the same failure to connect that is afflicting the major parties. They are by and large unable to present news – particularly political news – in a way that is meaningful for most people.

Those citizens who pay closest attention to politics – the very people who should be courted by a media struggling to fund itself – are instead dismissed as ‘partisan’ or overly critical, treated to lectures about how they ‘just don’t get’ how hard the journalists’ job is, and basically told to pull their heads in.

Thisthoroughly engaged segment of the audience has therefore long since abandoned the mainstream, using it only as a rough guide to the meta-conversation that animates the self-regarding relationship between the media and the politicians, while they look elsewhere for analysis, opinion, and increasingly, basic information that will let them make sense of the world in which they live.

Political journalists, instead of seriously reinventing the way they do their job by engaging with their most attentive customers, spend hours of airtime and acres of pixelated web pages talking to themselves (often about themselves) on tedious panel shows, moribund current affairs programs, past-their-use-by-date opinion columns, demographically restricted and preach-to-choir talkback programs, all the time blithely ignoring their own role in perpetuating the sideshow politics they purport to hate, while failing comprehensively in their role as an honest broker between politicians and the citizenry.

The two major parties will continue to dominate, even as their ability to generate much real support in the community diminishes.

Their forays into social media are (generally speaking) inept because they still haven’t jettisoned the top-down model of journalism – where active journalists pontificate while passive audiences consume – in favour of the more engaged, transparent and conversation-amongst-equals model that the new-media technology not only enables, but demands.

The net effect of all this is that our major democratic institutions – the parties that are meant to devise programs to answer the problems that beset us, and the media that are meant to act as a watchdog over those parties and act as the impartial conveyer of facts and explainer-of-first-resort – are foundering, all of them disconnected from the people they are meant to be serving.

When neither major party really has a base to speak of – that is, when neither party is able to articulate a vision of the common good that can unite in a sustainable way a reasonable majority of people – and when the media can no longer do much more than obsess about the horserace aspect of modern politics, then we would expect to see rising levels of voter dissatisfaction and electoral volatility.

And we are.

I don’t want to exaggerate the change that is going on, but at the very least, we are in a period of transition, where ‘the old is dying and the new is struggling to be born’, a process that is hardly limited to Australia. From the European Union to the United States, democratic institutions are failing to properly reflect life as it is now lived.

We continue to be bogged down in old battles about economic management, scientific knowledge, religious belief, the distribution of material wealth, and the rights we hold as individuals (not just against states but against corporations), re-litigating matters long settled instead of creatively reinventing our institutions and fixing stuff that really needs to be fixed.

The notion, in amongst all of this, that three-term governments will remain the norm in Australia, the standard by which success or failure is judged, seems quaint. Or rather, antiquated. I mean, seriously, does Tony Abbott’s government really look to anyone like it will be in power until 2022?

What seems more likely is that, thanks to the mechanics of our voting and parliamentary systems, which are structured to favour the major parties (the expenses scandal is a legacy of that favouritism), the two major parties will continue to dominate, even as their ability to generate much real support in the community diminishes.

Meanwhile, more independents and small parties will emerge as voters grope desperately for alternatives.

What will be of interest to see is whether those alternatives will cleave to the model of the Palmer United Party, a top-down model built around the wealth and prestige of a single person, or to the bottom-up model that emerged in Indi with the election of Cathy McGowan.

Somewhere in there is the future of Australian electoral politics.

Tim Dunlop is the author of The New Front Page: New Media and the Rise of the Audience.
ELECTORAL REFORM, NOW?

Philip Lillingston questions the vested interests of the major parties when it comes to delays in reforming the federal electoral system.

Following the surprising upper house Senate success of the so-called micro-parties in the recent election, there have been calls from predominately the Liberal and National parties and some academics, to ‘reform’ the Senate electoral system, which for the last 50 years has given Australian political minorities the only opportunity for representation at the federal level.

The reasons used range from voters not knowing who they ultimately voted for, party identification confusion, ‘grubby preference deals’ done allegedly in smoke filled rooms behind closed doors, albeit still published online and in voting booths before the election for all to see, to winners accruing less than 5 per cent of the primary vote. The last being an odd criticism because, as Senator Nick Xenophon amongst others, has said, in any election there is no guarantee every otherwise successful candidate could even attain that percentage.

Considering Australia’s contemporary electoral history, it is interesting how these current ‘problems’ have instigated immediate calls for reform, which would, coincidentally, aggrandise the power of the major parties, while other anomalies in our voting system seem to have passed under the radar.

In the 1998 federal election the winner, the Coalition led by John Howard, won the majority of seats when receiving 5,413,431 two-party-preferred votes. Fair enough one might think, but that total happened to be over 200,000 fewer than the 5,630,409 of the loser Kim Beazley. This situation, due to the gerrymander effect, is not unique. These ‘alternative results’ have also occurred in the 1990, 1969, 1961 and 1954 elections, not to mention various state elections.

In that same 1998 election, the average number of formal voters for each House of Representatives district was 75,061. As only a majority of votes is needed to win, gaining on average 37,531 votes in a district would have been all that was necessary for victory. Throughout the country Pauline Hanson’s One Nation Party accrued, in primary votes alone, twenty-five times that figure, 936,621 votes, yet still failed to win a single seat. In the Northern Territory election of 1974, the Country Liberal Party gained 13,690 votes as against the party with the next highest number of votes, the Australian Labor Party with 8,508. The CLP won seventeen seats while the ALP won the grand total of, none.

One Nation and Labor voters are not the only ones to be let down by the system. In the 2001 election 5,663,816 voters, whether they were Labor, Liberal, National, CLP or independent, were fortunate enough to get their first choice lower house candidate elected to parliament. Whether or not their party actually won the election, they were at least comforted by the fact that they were being represented in their local area by the man or woman of their primary choice. Unfortunately an even greater number, 5,810,235 weren’t. This, which similarly happened in 1998, meant that the average Australian voter was not represented in our House of Representatives, the most influential parliament in the land, by the person he or she truly wanted.

As was said in a Department of the Senate paper in 1999 on the 1998 election, “It is worth noting that in other, less politically stable countries, similar outcomes have led to popular revolution.”

There are democracies in the world where, because of different electoral systems, these problems can’t happen. So do we follow the examples of other countries to fix the system? Well no, because to do that would mean the major parties would lose both seats and influence in parliament.

So what are we left with: a ruling party which tells us that gross disparity between different parties’ votes and won seats is not a problem, but when someone doesn’t know who he voted for because he didn’t bother to look it up, is; that in some elections when the average voter does not end up with his primary choice as representative there is nothing to worry about, but some party losing votes because their supporters were too careless to take an extra second to read the ballot paper, is; that when the most fundamental principle of an election, the party with the most votes wins, is violated, this is not an issue worth addressing, but when parties do deals in secret, even though the outcomes are made public, this is something that definitely has to be addressed.

Philip Lillingston, has previously taught political science and now maintains the website Why Not Proportional Representation?

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Senate ‘not democratic’ claim experts following micro-party victories

THE CALL FOR SERIOUS SENATE ELECTORAL REFORM IS GROWING LOUDER, REPORTS MADELEINE GENNER FOR ABC RADIO NATIONAL

Ricky Muir, Wayne Dropulich and David Leyonhjelm are hardly household names in Australian politics – but all look set to sit in the Senate from July next year. With the micro-party candidates to hold the balance of power despite failing to attract genuine votes, the call for serious Senate electoral reform is growing louder.

While the result of the House of Representatives vote is over – save for a handful of knife edge electorates – the result in the Senate is less clear, and entirely less predictable.

Up to eight independent and micro-party candidates are set to hold the balance of power in the House of Review following some strong results on Saturday, and some preference deals that may get previously very minor players over the line.

Stephen Leslie, Vice President of Electoral Reform Australia, gave a blunt assessment of the current Senate electoral process to RN Breakfast this morning.

“It’s completely out of hand, it was out of hand last time, and this is worse: people being elected who have no legitimate claim on representing a significant proportion of the population,” Mr Leslie said.

“It’s completely out of hand, it was out of hand last time, and this is worse: people being elected who have no legitimate claim on representing a significant proportion of the population …”

Stephen Leslie, Vice President of Electoral Reform Australia

“I’m in favour of proportional representation, but a quota for election for the Senate is 14.3 per cent. People getting elected on miniscule votes or being elected by fooling the people into believing they actually are another party is not a sign of a healthy democracy.”

In New South Wales, the Liberal Democrats received nearly 9 per cent of the primary vote – partially because the party was first on the ticket, but also because some mistook it for the Liberal Party.

Whether they meant to or not, people did actually vote for the Liberal Democrats in large numbers. The same can’t be said for some of the other contenders for the Senate.

In Western Australia, backroom preference deals may see Australian Sports Party candidate Wayne Dropulich in with a chance of a Senate position despite attracting just 1,902 primary votes. In Victoria, Ricky Muir of the Motoring Enthusiasts Party stands to gain the state’s sixth senate seat with just 0.5 per cent of first preference votes.

Brian Costar, Professor of Politics at the Swinburne Institute for Social Research, has several suggestions for Senate electoral reform. He believes the first issue that needs addressing is the stringency of party registration.

“One is to address this question of party registration. It’s far too easy to register parties, and if you look at it there are people who register more than one party,” Mr Costar said.

“You need a $500 deposit, you need 500 names, and you need a brief constitution; it seems to be that that’s inadequate.”

“I think to show that you have a modicum of support you should have 2,000 names – remember that’s out of 14 million voters, that’s not a lot – and I’d go for a $20,000 nomination fee, and you might say, ‘gee that’s a lot of money’, but it’s $10 a member.”

Besides party registration, the complex nature of the ballot paper itself represents a problem.

The Australian Electoral Commission doesn’t have official figures for how many people voted below the line on Saturday, but it usually ranges between about 3 per cent and 5 per cent. Above the line voting was brought in in the 1980s to simplify the process, but has served only to allow parties to hide their convoluted preference deals.

“… People getting elected on miniscule votes or being elected by fooling the people into believing they actually are another party is not a sign of a healthy democracy.”

Brian Costar would abolish the line system in favour of a limited preference system, and introduce a threshold to ensure that micro-parties didn’t benefit from preference deals.

“I’d abolish above and below the line, redesign the ballot paper and have an optional preferential. So, last Saturday, to cast a valid vote, you’d … only have to number 6 squares.”

“I’d introduce a threshold so that if the lead candidate in a group of senators or an independent candidate didn’t poll 4 per cent of the primary vote, they are instantly eliminated and their preferences distributed.”

Mr Costar says the 4 per cent threshold was one that would have seen minor parties of the past and present, including the Democrats, One Nation, the Greens and the Palmer United Party, still in with a chance of Senate representation – but would rule out the majority of micro-parties. Liberal Senator Helen...
Coonan floated the idea of a 10 per cent quota in the 1990s, but the idea failed – many people thought it a cynical move to kill off the Greens in the Senate.

Former Democrats Senator Natasha Stott-Despoja has reservations about any changes to the way senators are elected, but admitted that most Australians would be shocked that someone could be elected with little more than 1 in 500 first preference votes.

“I can understand why people might proffer the idea of some sort of threshold,” Ms Stott-Despoja told Breakfast.

“However, every democratic inclination that I have suggests that that is an unfair bias. It is a disincentive for people to put their hand up for office, and it also discriminates against smaller parties, be they minor parties or micro-parties.”

Stephen Leslie from electoral reform is also unconvinced. He is calling for the Robson rotation, which is currently used in the upper house elections in Tasmania and the ACT, to be implemented at federal polls. The rotation system means that the order in which candidates appear within groups varies from ballot paper to ballot paper, randomising the chance of appearing at the top of the ballot.

The Robson system also allows for quotas to be evenly distributed across a party’s candidates, rather than split up in ways that favour micro-parties that are gaming the preference system.

“The major parties have all their candidates stay in the count, longer,” Mr Leslie says of the Robson system.

“Say that a party gets two and a quarter quotas. The first candidate is elected with a quota, the second candidate is elected with a quota, and the third candidate has a quarter of a quota – and is often eliminated early in the count because other parties, especially with the preference harvesting ... can build up their vote 0.1 per cent of a vote each time and get over the top.”

Under a Robson rotation system, each candidate in this example, would get more like three quarters of a quota each, theoretically staying in the preference race longer. Mr Leslie argues that this system would also help reduce the size of the ballot paper, with parties voluntarily reducing the number of candidates on the ticket to avoid spreading their allocation too thin.

“Voting is very precious and their vote should be counted and they should know where it’s going to end up.”

Nationals Senator Ron Boswell

Whatever the solution, outgoing Nationals Senator Ron Boswell is calling for an immediate parliamentary inquiry into the issue. With the micro-party candidates set to suddenly wield their power in the Senate, many are expecting a further explosion of small players next time around.

“Voting is very precious and their vote should be counted and they should know where it’s going to end up,” Senator Boswell says.

“This buying a pig in a poke, and sending your vote on a merry-go-round ride where you don’t know what’s going to happen and you elect someone with 1.5 per cent of the vote or even of 0.5 per cent of the vote – that is not democratic, and it’s done through backroom deals, not out there selling your ideas to the people and asking for their vote.”

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ADVICE ON THE PATH OF ELECTORAL REFORM

The result of the 2013 federal election has led to the usual chorus of concern over the process for electing federal senators. But like all areas of public policy, we need to be sensible about this debate, writes Joe Ludwig.

When it comes to the Senate, particularly senate elections, unpredictability is writ large. The 2013 election saw some fairly unique micro-parties elected. The success of the Australian Sports party, the Liberal Democrats and the Motoring Enthusiasts party has prompted public discussion about senate voting.

Having served for many years in the Senate, along with serving as the manager of both government and opposition business for over a decade, combined with a stint as the Special Minister of State, I can offer a unique insight into the often obscure world of the Senate.

This contribution is to set out some early markers of possible path to reform ahead of a more substantive discussion.

At the outset, I want to say loudly that I have no reason to believe that any candidate ‘gamed the system’. The election of several micro-parties into the Senate is a result of smart preference deals and the support of the punters. Nothing more, nothing less.

Saturday’s result has led to the usual chorus of concern over the process for electing our federal senators. The respected ABC psephologist Antony Green has described the process as an “amalgam of slapstick and farce”.

South Australian Liberal Senator Simon Birmingham has gone further, being quoted as saying, “the strange results where senators are being elected with less than 1 per cent of the vote are more a result of grubby backroom preference deals than a true reflection of democratic will”. Liberal National Party Senator for Queensland, Ron Boswell has also said in fewer words that the result was “a complete miscarriage of democracy”.

It’s here where I think the debate has got off to a bad start.

Like all areas of public policy, we need to be sensible about this debate. I attempted to kick-start a public discussion about senate voting back in 2009, when I released a Green Paper into electoral reform. I think the public mood has now reached a point where some further reform can and probably should occur.

The senate result has stuck in the craw of the public and commentators alike. Pinpointing just what the central issue is and how to reform it is difficult.

There are at least three issues that can be identified. First, a low level of primary votes gained by the successful micro-parties; second, the narrow nature of the micro-party platform and third, above-the-line ticket voting.

Dealing with the first matter, a usual antidote is to set an artificial threshold level for election, as is done in many countries including New Zealand, Germany, Israel and Italy. The 2009 Green Paper explores this topic. Typical models include either setting a threshold of primary votes or a minimum quota required.

The Parliamentary Library has found that in the year where I first stood, the 1998 election, with a threshold of 80 per cent of quota in place four of the six minor party or independent candidates elected would have been excluded. Only One Nation in Queensland and Democrat Meg Lees would have joined the Senate that year. The other four senators, including Brian Harradine and three other Democrats would have lost their seats, primarily to the Liberal party. This is despite the Australian Democrats securing 8.5 per cent and Senator Harradine 7.9 per cent of the national vote that year.

As an aside, it’s worth noting that in 2001 Senator Boswell was elected thanks to the flow of other party’s preferences, despite his party polling less quota and primary votes than One Nation.

The challenge for setting thresholds is to balance rewarding parties with broad community support with...
a system that doesn’t exclude a plurality of voices in our democracy.

Turning to the issue of narrow party platforms, I think we should treat potential restrictions on parties standing for office very carefully. There’s weight in the argument that the strongest handbrake on unsuitable parties being elected are the punters themselves. So the question then arises, as to how we match this with public sentiment towards the election of micro-parties.

One suggestion often floated is to increase the nomination fee which, inflated to current dollars, is just a quarter of the 25 pound fee required in 1918. Other suggestions have included a tightening of the rules to make sure that only political parties with a broad membership base and functioning organisation are able to register. Finally the idea raised in the Green Paper to require parties to become legal entities has merit. All these ideas are deserving of further debate.

On the final issue of ticket voting, it doesn’t appear that ticket voting is solely advantageous for major parties. If anything ticket voting has assisted micro-parties at the expense of the lower candidates from major parties and from minor parties such as the Greens.

The level of scrutiny and public awareness of major party preference allocations has increased markedly. It’s hard to argue that micro-parties have the same experience.

There are tough decisions ahead. Namely, between supporting a political party and the choices they make and the ability for voters to allocate their own preferences.

So what next?

My Green Paper is a solid foundation for reform. I believe a proper joint parliamentary committee should deliberate on these issues and pick up the work of my Green Paper and its submissions.

Proper electoral reform remains, in my opinion, ever unfinished business. I have remarked before that our democracy is a living thing. It has and must continue to develop to reflect not only the norms of our society, but also the expectations of our community.

Joe Ludwig is a Labor Senator for Queensland.

Proper electoral reform remains ever unfinished business ... our democracy is a living thing. It has and must continue to develop to reflect not only the norms of our society, but also the expectations of our community.

REFORMING THE SENATE: WHICH MODEL WOULD WORK BEST?

The calls for reform in electing senators have grown louder after the last federal election result. But what’s the best model to fix it? William Bowe, poll-cruncher from *Crikey*, examines the options

Ballot papers the size of tablecloths. Parties running with no further purpose in mind than funnelling preferences in directions unknown to most of those voting for them. A clamour for reform to prevent a repeat of the whole fiasco.

Welcome to 1999, and the aftermath of that year’s New South Wales state election.

That election entered political folklore on account of an upper house ballot paper that measured 100 by 70 centimetres, featuring 264 candidates representing 81 groups in pursuit of 21 seats. Among the parties involved were the Marine Environment Conservation Party, the Women’s Party, Save the Forests, the Marijuana Smokers Rights Party and the Gay and Lesbian Party, all of which did their bit to elect Malcolm Jones of the Outdoor Recreation Party off a base of just 7,264 votes out of 3,557,762, or 0.21% of the vote.

It took a while for the Senate to catch up, owing to the much higher quota where only six seats are up for election, but it did so in sufficiently fine style on Saturday to turn electoral reform into a topic of water cooler conversation.

The 1999 NSW state election entered political folklore on account of an upper house ballot paper that measured 100 by 70 centimetres, featuring 264 candidates representing 81 groups in pursuit of 21 seats.

The apparent success of the Liberal Democratic Party, Australian Motoring Enthusiast Party and Australian Sports Party has particularly focused minds on the above-the-line voting system, which was introduced in 1984 to relieve the average voter of having to laboriously copy out her favoured party’s how-to-vote card in order to register a formal vote.

The obvious model for reform is that pursued in NSW after 1999, which independent Senator Nick Xenophon appears set to pursue with the introduction of a private members’ bill. Together with raising the hurdles for registering parties and running grouped candidates, this involved abolishing group voting tickets by allowing voters to number multiple boxes above the line, with their vote exhausting at the point where no further preference were provided. Such a system would be consistent with the sound principle that voters should be free to do as much or as little with their votes as they see fit, and given the most straightforward means practicable of achieving that end.

As with the optional preferential voting regimes for the lower houses of NSW and Queensland, voters using this system have proved largely content to simply number a single box. Consequently, the final seats are typically won by the candidates whose starting point is nearest to a quota. Some complain that this amounts to a de facto ‘first past the post system’, but this doesn’t seem like much of an argument so far as elections for multiple seats are concerned. It would surely be preferable to require that parties be made to earn preferences from voters who ultimately prefer other parties, rather than being gifted them either begrudgingly or unknowingly.

To my mind at least, the consistency of such a reform with common sense can be illustrated by considering how Saturday’s result would have looked if no preferences had been allocated (see table on page 45).
In other words, the seats that stand to be won by the Australian Motoring Enthusiasts Party and the Australian Sports Party would respectively have gone to Liberal and Labor, but non-major party candidates would still have won seats where their share of the vote warranted it, including two seats for the Nick Xenophon Group commensurate with its quarter share of the vote in South Australia.

There remains the complication that the Liberal Democrats are still in the mix, despite having scarcely more meaningful a mandate than their micro-party cousins. However, the projection assumes that vote totals are unrelated to the electoral system, which is assuredly not the case.

By removing the incentive for registering micro-party preference harvesters, an optional preferential system would reduce the number of competing parties and hence the size of the ballot paper. This would lower the error rate that worked so heavily to the advantage of the Liberal Democrats.

Two further issues are raised by the Liberal Democrats’ success: the role played by fixed ordering of ballot papers, which conferred immense advantage on the Liberal Democrats, who lucked out with the ‘Group A’ position, and the potential for confusion caused by the party’s name.

The first issue could surely be resolved in the modern age by some form of randomised ballot paper ordering, as is used in the ‘Robson rotation’ systems in Tasmania and the Australian Capital Territory. My own ideal model would be for rotation to operate both above and below the line, so that those who take the trouble to pursue the below-the-line option would be the ones deciding which of a party’s candidates was elected.

It would surely be preferable to require that parties be made to earn preferences from voters who ultimately prefer other parties, rather than being gifted them either begrudgingly or unknowingly.

The party naming issue is more of a grey area. No doubt the British parliament was on solid ground when it legislated in 1998 to prohibit candidates from running as nominees of the Conversative Party, the Literal Democrats and the Labor Party (observe those names carefully), as had been happening in the years previously. However, it’s harder to justify allowing a party to claim a monopoly on ‘liberalism’ or the representation of labour interests.

This issue emerged after ‘Liberals for Forests’ contested elections in 2001 and 2004, which the Howard government sought to deal with by prohibiting party names that suggested a connection to other registered parties. The difficulty might perhaps be addressed by allowing for explanatory notes on ballot papers to clarify the point where parties are similarly named.

Finally, I have one further, and no doubt more contentious, electoral reform to suggest. Earlier I argued that voters should be free to not allocate their vote as they see fit. The logical extension of this is that we should jettison our curious practice of corralling reluctant voters to the polling booth under the threat of a fine.

One particular advantage of voluntary voting, I suspect, would be that the snake oil peddled to television viewers over the last two weeks of the campaign by Clive Palmer wouldn’t have found quite so many buyers.

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Electoral reform for all the wrong reasons

There are plenty of ways the Australian electoral system should be reformed. But such reforms should aim to foster new voices, as opposed to silencing them, writes Jeff Sparrow

In the aftermath of the Senate result, there’s been all sorts of calls for electoral reform in Australia. But many of the proposals push in precisely the wrong direction.

The success of eccentric micro-parties proves, we are told, that the Senate’s undemocratic. But how, exactly, is this news?

The Senate has always been undemocratic. It is, in fact, undemocratic by design. The architects of federation were never particularly enthused by the whole popular will thing, as evidenced by their constitutional preoccupation with the Governor-General, a position drawing its authority from the divine right of kings, in a mandate substantially less compelling than that of even the craziest micro-party.

If we’re talking of reform, there’s a good place to start, as Gough Whitlam might attest.

Indeed, the Senate was constructed in an overt and conscious affront to the basic principle of ‘one vote, one value’, offering each state, irrespective of population, the same number of representatives. Though this was justified as a protection for the smaller states (in a debate, incidentally, in which both factions invoked the defence of White Australia), from the very start senators voted by political affiliation rather than geographical origin, meaning that the flawed structure has always served to deliver a skewed representation to those parties that polled well in the smaller states rather than the big population centres.

Again, plenty to reform there. But that’s not what we’re talking about.

On the contrary, many of the critics seem aghast that the Senate gives representation to smaller parties, which is, in fact, its most democratic characteristic.

Let us be clear: most of the time, the Australian political system overwhelmingly favours the two major parties.

In the House of Representatives, Adam Bandt has retained his place. While this is generally regarded as a breakthrough for the Greens, they still hold less than 1 per cent of the seats, despite having received 8 per cent of the vote.

Indeed, if you look at the current predictions for the lower house, only four places will go to parties other than the majors – a figure that suggests 97 per cent of Australians support the big parties, something which simply isn’t true.

In the absence of parliamentary representation, small parties are largely excluded from the media, which means that voters don’t hear about them, which means, in turn, they stand less chance of winning parliamentary representation.

It’s a Catch 22 that works well for Labor and Liberal … but not so well for democracy.

Back in the day, the two-party system at least gave voters options reflecting underlying philosophical differences between Labor and Liberal. But today the old political institutions are increasingly dissolving.

Peter Hartcher’s account of his conversations with focus groups provides a neat illustration of the popular mood:

The starting point is that neither Kevin Rudd nor Tony Abbott is liked or appreciated.

[...]

The next common theme that quickly emerges across all the groups in all cities is that votes have trouble finding compelling policy differences between the two main parties.

It’s not so much that they don’t know what the parties’
policies are. The groups touch on quite a few. It’s more a case that many of the parties’ policies have converged to the point where they have become hard to tell apart.

Consider the election debates. Rudd and Abbott and several of their senior ministers faced off against each other on several occasions. But because, on most policy matters Labor and Liberal disagree more about execution than principle, the contests immediately devolved into ritualised rhetorical exchanges rather than a contest of ideas.

The climax came with the clash between Tony Burke and Scott Morrison about repelling refugees, an issue on which the parties have marched, entirely in lockstep, off to the far Right.

That episode illustrates how, despite its inherent flaws, the Senate can play a positive role.

For, whatever you think of the Greens, insofar as there’s been a parliamentary debate over asylum seekers it has not between Labor and Liberal so much as between the two major parties, on one hand and the Greens, on the other. And that’s largely because of the Senate, which provides the Greens a public platform they would not otherwise possess.

Now, that’s not to argue there’s nothing problematic about a collection of micro-parties gaining representation via mysterious preference deals, and in the absence of publicly available policies.

Yet there’s a disturbing anti-democratic tone to the sudden calls for Senate reform, a distinct whiff of disdain that anyone other than insider politicians might darken the doors of that chamber.

No, it’s not a good thing if we’re mandating people by tricky preferencing. But demands to increase the difficulties in registering a party or for a hike in the fees that would-be candidates must pay or other such measure of that nature are, quite consciously, attempts to restrict the democratic process to the bigger players.

And that matters.

In recent years, we have seen increasingly the political class reaching a consensus quite at odds with the views of the rest of the population. Think about the war in Afghanistan: overwhelmingly unpopular among voters but scarcely even a question for debate among politicians. Think about same-sex marriage, where the people have moved far ahead of the politicians.

Of course we should reform our archaic political institutions. But we should do so in order to foster more views, not to silence them.

Jeff Sparrow is the editor of Overland literary journal and the author of Killing: Misadventures in Violence.

THE CASE FOR COMPULSORY VOTING

Compulsory voting ensures people take an occasional interest in choosing a government, and therefore in public policy. If not, they risk surrendering it to the fanatical and the unscrupulous, writes Mungo MacCallum.

When the Queensland Attorney-General Jarrod Bleijie released a discussion paper on electoral reform canvassing, among other things, the option of a return to voluntary voting, our Federal Treasurer Wayne Swan went mildly apoplectic.

“It’s taking us back to the Bjelke-Petersen years,” spluttered Swan, himself a veteran of the campaigns against his state’s hillbilly dictator.

Well, up to a point, Mr Treasurer. In fact Joh Bjelke-Petersen was just four years old in 1915, when Queensland became the first state to introduce compulsory voting. The Commonwealth followed in 1924, when the Nationalist government led by Stanley Bruce noted that the turnout for the 1922 election had been less than 60 per cent. Bruce realised that such a result could scarcely be said to constitute a mandate and agreed to a private member’s bill making voting compulsory.

The result was immediate and dramatic: in the 1925 election the turnout was over 90 per cent and compulsory voting has been enshrined as a pillar of the Australian system ever since. Polling shows it is accepted and even embraced by the vast majority of voters, but there are always dissenters.

Conservatives with long memories recall that with the introduction of the compulsory system the Labor vote jumped by about 4 per cent.

Conservatives with long memories recall that with the introduction of the compulsory system the Labor vote jumped by about 4 per cent. Thus a return to the old voluntary method could only be to their advantage.

Of course, they do not put it that way: it is always wrapped up in sententious nonsense about how, in a mature democracy, there should be a right not to vote if you don’t want to.

What, like the right not to pay taxes? Well, actually quite a few conservatives take that view as well; just look at the Tea Party in the United States. But most rational people would agree that a genuinely mature democracy imposes duties and obligations as well as rights, and that compulsory voting is among them.

If people have to vote, at least they have to take an occasional interest in choosing a government, and therefore in public policy and the hard-won democratic principles that sustain it. If not, they risk surrendering it to the fanatical and the unscrupulous. This does not quite mean, as Julia Gillard has warned, that voluntary voting would deliver us to cashed-up interest groups but it does mean that they would gain even more advantage than they already have.

To the surprise of many the case was put most eloquently by the Nationals’ Barnaby Joyce, frequently dismissed as an eccentric by both colleagues and opponents, but in this case lauded by every serious politician from John Faulkner to Malcolm Turnbull. It is worth quoting him at some length, so here goes:

Well, I have to look through the eyes of my own job as a Senator. I think compulsory voting in Australia is important. I mean let’s have a reality pill here. If voting wasn’t compulsory a lot of people just wouldn’t bother voting. At times, you can only get half the people in America to vote. Now in Australia I wouldn’t be surprised if it ended up with you know 30 or 40 per cent of the people turning up to vote and I don’t know whether that would be a good outcome.

The next thing is you’d have a rise of the capacity of parties on the far right, all of a sudden you know, you’d have a White Australia policy and things like that coming back.
into the fore and on the far left we’ll have a carbon tax on breathing and we’ll have people saying that you, know, that basically all development is evil.

Both these sides would proliferate because people who are motivated in that way are motivated enough to turn up but the vast majority in the middle would be worried about getting the kids to their cricket or doing the shopping or have other things to do around the yard and they probably wouldn’t turn up to vote ...

What I like about the Australian democracy is that when you vote you have to make sure you don’t startle the troops. If you startle the troops you will not get voted in. In America you have to startle them quite a bit to get them out to vote. You have to change your message around completely. It has to be a message that works more to the fringes because you’re more motivated about getting people out of bed to vote rather than knowing that they have to vote because it is compulsory so don’t say anything too perverse.

Now I don’t particularly want to change away from that system but I’d have to acknowledge that if we do change away from that system it is more likely the conservative side that will be the beneficiary of it as well as the Greens.

I couldn’t have put it better myself. And I can attest from personal experience working in the 1964 English general election that while the Tories took taxis to the polling booths on a wet Saturday, Labor had to rely on party workers providing lifts to get the vote out. That 4 per cent margin may have been diminished, but there is no doubting where the advantage lies.

“If voting wasn’t compulsory a lot of people just wouldn’t bother voting. At times, you can only get half the people in America to vote. Now in Australia I wouldn’t be surprised if it ended up with you know 30 or 40 per cent of the people turning up to vote.”

National Senator Barnaby Joyce

But that, of course, is why some of the heavies in the Liberal Party, led by Eric Abetz and the still-influential Nick Minchin, are champing at the bit. It is most unlikely to happen, at least in the federal sphere; the backlash would be too great. But it is worth noting that all it would take is an Act of Parliament; unlike actual constitutional change (abolition of the states, for instance) a referendum would not be necessary.

And in Queensland, there is absolutely nothing to stop Campbell Newman going it alone. His state has already abolished that other tiresome impediment to totalitarian rule, the upper house. So maybe Swan is on the right track. One hillbilly dictator may be safely in his grave, but his avatar is back with us. Queenslanders should reach for the garlic, the silver bullets, the wooden stake.

But above all, just keep voting. While you still can.

Mungo Wentworth MacCallum is a political journalist and commentator.

WHY COMPULSORY VOTING UNDERMINES DEMOCRACY

An article first published in ‘Living Ethics’, written by Piero Moraro

Australia is one of the 19 countries in the world that legally enforces the vote. For Australian citizens voting is not merely a right, but also a duty. First introduced in Queensland in 1915, extended to the whole country in 1924, compulsory voting is a salient feature of the Australian electoral system. But is it democratic?

The main argument in defence of compulsory voting is the importance of raising citizens’ participation in elections. Australia’s turn out rate has never fallen below 90% since 1924, in striking comparison with most Western countries that struggle to reach 60%. These are nevertheless, merely quantitative considerations: the fact that more people go to vote is not a better thing for democracy. In fact, it could be argued that compulsory voting is likely to do more damage than good, by reducing the quality of the electoral outcome.

Forcing everyone to vote means that the voice of those with no interest in politics will influence the decision about who rules the country. This generates what author Jason Brennan calls ‘pollution of the polls’ in his book The Ethics of Voting, and is one of the main causes of the actual crisis of democracy worldwide: incompetent politicians winning elections through media control (the recent case of Italy under Silvio Berlusconi epitomises this phenomenon).

By the same token, compulsory voting cannot be defended by arguing that a government’s legitimacy of a majority formed by a low turnout is questionable, for numbers alone do not add credibility in this regard.

Favouring democracy to other forms of government cannot be because of the mere fact that democracy allows everyone’s voice in the public arena. This might be, if anything, a reason against democracy. Dragging people to the polls will do nothing to improve the quality of our democratic lives, insofar as people do not take seriously what they are doing. There must be something else that makes democracy preferable to other forms of government.

This something else is the empowerment of the citizens. In a democracy, everyone has the power to partake in determining the rules according to which the community should be run. However, the misunderstanding lies in the fact that democracy does not entitle citizens to do everything: it confers not only entitlements but also responsibilities. Those who do not care about politics should not vote.

It could even be argued that they should not have a right to vote, and maybe the state would be better off justifiably preventing them from, not forcing them into, voting. Citizens should undergo a basic competence test, as with driving. This is because careless voters may seriously undermine those other citizens who spend time and energy gathering sufficient information before voting.

People’s efforts to follow politics to develop an informed idea might be cancelled out by the vote of someone else who does not care, but still is given the power to vote. In such a situation, making the effort to follow politics might even be irrational for the individual citizen, given that this effort may well be wasted due to the careless voters. Thus, compulsory voting backfires twice, since it even makes it pointless for citizens to develop political awareness.

It is not only wrong to think citizens have a duty to vote. As Brennan argues in his book, it is rather the case that some citizens (those who do not care about politics) have a duty to not vote, for we all have duties to not cause damage to others. It is also the case that not everyone has the right to vote, for the latter is not an unconditional entitlement we receive through mere membership to a democratic community. If people do not care about politics, then they do not have a right to participate – forcing them to vote is counterintuitive, and counterproductive. The right to vote can be gained, and lost, depending on one’s commitment to democratic values.

Compulsory voting does not seem to offer any substantial advantage to the democratic life of a country, since quantity does not mean quality (and in the end, it is the quality of our decision-making procedures that should matter). Compulsory voting may advance the misleading idea that democracy works even without citizens’ commitment or responsibility. To be sure, no one should be forced to be a responsible citizen: however, neither should anyone be forced to do what responsible citizens can do; that is, cast their vote at election time.

FOOTNOTE


Writer and lecturer Piero Moraro has a PhD in philosophy. He teaches in NSW and has published articles on civil disobedience and democracy.
1. Introduction

In this brief paper I will outline some of the findings from my book, *Young People and Politics: Political Engagement in the Anglo-American Democracies*, which was published with Routledge in 2012. This book looks at political engagement across the Anglo-American democracies but in this paper I’ll stick to the Australian data.

In this paper I’ll discuss findings from my book and then draw out the implications of the findings for electoral commissions, political parties and other political groups. In this paper I’ll really just give broad brushstroke figures from the book but obviously these arguments are spelt out in more detail in the book. Also, what I present in this paper is cross-sectional data whereas there is much more over-time data in my book. In other words, for more information on across time trends and cross-national patterns please refer to the book.

2. Political participation

I should begin by stating that this paper will focus on political participation although my book looks in detail at political attitudes as well. By political participation I mean not only voting and joining a political party but what I would call ‘non-electoral’ forms of political participation as well, such as attending a demonstration and signing a petition.

One of the features of political participation today is an expanding array of political activity beyond electoral forms of political participation such as voting or joining a political party. We need then to distinguish electoral forms of political participation from non-electoral forms of political participation.

Let’s think first about electoral engagement. The first thing I’ll present is data on attitudes towards voting. The *Australian Election Study* asked respondents the following question: Would you have voted in the election if voting had not been compulsory? In response to this question in 2010 88% of older people (aged 60 and over) said they would have voted but only 78% of young people (aged 18-29) said they would have voted.

We also have data from the International Social Survey Program (ISSP) which shows that this is accompanied by low levels of civic duty. The ISSP asked “how important is it to always vote in elections?” Respondents were asked to respond on a scale of one to seven, one being ‘not at all important’ and seven being ‘very important.’ In terms of those who responded ‘very important’ in Australia older people are twice as likely to say voting is very important (the respective figures being 84 and 42).

So, young people do not seem to see voting as a civic duty in the way older generations do. And we know that these attitudes have real effects in relation to young people being much less likely to be enrolled to vote and much less likely to vote.

Young people also have lower levels of party identification in Australia.

So, I think it is clear that electoral politics is becoming less attractive to the young.

3. Attitudes towards voting reforms

So let me just focus on what electoral commissions could do about this just in terms of changing voting procedures.

The AES asked respondents in 2010 the following questions:
*Do you think that the voting age in elections should be lowered to 16, or should stay at 18?*

The AES also asked:
*Would you find it easier or more difficult to vote if you could cast your vote on the following days instead of a Saturday?*

- On a weekday (Monday to Friday)?
- On a Sunday?
- Over a weekend?
- Over a one week period?

And then the AES asked:
*Would you find it easier or more difficult if you could cast your vote in the following ways?*
The data show that young people are more supportive of lowering the voting age to 16 but support for this reform is not widespread. Twelve per cent of young people support lowering the voting age as compared to 3 per cent of those aged 60 and over.

When we turn to which reforms young people think would make voting easier young people are more likely to respond that every reform would make voting easier (the exception being postal voting). The data suggest that in terms of voting, technology and time appear to be much more important to the young. For older people mobility seems to be the bigger problem with older people being more supportive of postal voting.

4. What does all this mean?

The questions featured in the AES did not look at enrolment which is an important part of the broader voter disengagement story. However, it is clear from the responses outlined here that electronic enrolment would appeal to the young (and the AEC and others are making significant progress in this area). Therefore, it should be clear that changes to voting procedures would be most effective if changes in registration procedures were made alongside these reforms.

So there is no slam dunk case in terms of what electoral commissions do but the data hint at some of the things electoral commissions may consider.

5. Non-electoral participation

Okay, so what about non-electoral participation. As I mentioned at the beginning of the paper there is a debate about whether political participation is evolving or declining. We have data from the ISSP on non-electoral participation which shows that the most common form of activity is signing a petition and young people are much more likely to have done this in the past year, 47 to 35.

The same applies for boycotting products where young people are 16 percentage points more likely than older people to have done this in the past year (40% versus 24%).

Far fewer people have attended a demonstration (6%) but again young people are three times as likely as older people to have attended a demonstration in the past year.

Young people are also much more likely to have participated in political activities over the internet (16 to 6) and are much more likely to have visited a politician’s or political organisation’s website (40 to 13).

Now, that data doesn’t prove that young people today are more likely than young people 20 or 30 years ago to engage in these activities but other literature suggests that these findings reflect generational rather than lifecycle effects.

So, it seems that the way young people engage in politics is changing over time and this will obviously have implications for electoral commissions, parties and other organisations.

6. Implications for electoral commissions, political parties and other political groups

First of all electoral commissions will probably have to work hard just to maintain the current rate of youth voting (electoral commissions are flying into a stronger headwind than before, it seems, in terms of attitudes).

Second of all parties can no longer rely on habitual party supporters and other research I’ve done shows voting patterns among younger generations are much more volatile than before with young people being more likely to support minor parties.

Because young people seem to be amendable to different types of political participation this creates opportunities for other organisations to mobilise young people in a way not possible before. The internet seems more a symptom than a cause of this.

We should also be aware of resource inequalities inherent in this change in styles of participation. If the trends I’ve documented continue political participation will increasingly become the province of the resource rich (those with more education and so on).

My personal view is that there is no replacement for the aggregating mechanism that electoral politics and voting in particular play which is why I am very admiring of the work that the electoral commission and politicians do. Electoral politics matters.

ENDNOTES

1. These notes are derived from a talk Dr Martin gave as part of an Australian Electoral Commission Research Symposium held at Old Parliament House in Canberra on the 19th and 20th November, 2012.

Dr Aaron Martin is a lecturer at the School of Social and Political Sciences, University of Melbourne, Australia.

The views expressed in this paper are those of the author, and do not represent the views of the Australian Electoral Commission or the Australian Government.

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WORKSHEETS AND ACTIVITIES

The Exploring Issues section comprises a range of ready-to-use worksheets featuring activities which relate to facts and views raised in this book.

The exercises presented in these worksheets are suitable for use by students at middle secondary school level and beyond. Some of the activities may be explored either individually or as a group.

As the information in this book is compiled from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Is the information cited from a primary or secondary source? Are you being presented with facts or opinions?

Is there any evidence of a particular bias or agenda? What are your own views after having explored the issues?

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MULTIPLE CHOICE 56
Brainstorm, individually or as a group, to find out what you know about Australia’s political system.

1. What is the Australian Constitution; what aspects of Australia’s governance does it cover?

2. Name and describe the roles of the three levels of government in Australia; do we vote to elect governments at each of these levels?

3. What is the role of the Governor-General; why does the position exist?

4. What are the four major federal political parties in Australia; what does each party stand for?
Complete the following activities on a separate sheet of paper if more space is required.

Consider the pros and cons of the following proposed electoral reforms relating to Australia’s political system. List a total of at least 4 points both for and against each proposal.

**VOLUNTARY VOTING**

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**LOWERING THE VOTING AGE TO 16**

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**SENATE ELECTORAL REFORM**

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**FIXED-TERM PARLIAMENTS**

______________________________________________________________________________________________________________________________________________________________________________________________________________________________

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______________________________________________________________________________________________________________________________________________________________________________________________________________________________
Complete the following multiple choice questionnaire by circling your preferred responses. The answers are at the end of this page.

1. How many members of parliament are elected to the House of Representatives?
   a. 6
   b. 12
   c. 76
   d. 100
   e. 150
   f. 226

2. How many members of parliament (senators) make up the Senate?
   a. 6
   b. 12
   c. 76
   d. 100
   e. 150
   f. 226

3. In what year was compulsory voting introduced at federal elections?
   a. 1901
   b. 1918
   c. 1924
   d. 1925
   e. 1962
   f. 1973

4. In what year did the Commonwealth (Australian) Government come into being?
   a. 1901
   b. 1918
   c. 1924
   d. 1925
   e. 1962
   f. 1973

5. In what year were Australian Aboriginals given, without exception, the right to enrol and vote?
   a. 1901
   b. 1918
   c. 1924
   d. 1925
   e. 1962
   f. 1973

MULTIPLE CHOICE ANSWERS
1 = e; 2 = c; 3 = c; 4 = a; 5 = e.
Before a political party can enter a candidate in an election, it must officially register with the Australian Electoral Commission. It also has to meet certain regulations under the Electoral Act, such as having a written constitution and at least 500 members who are eligible to be on the electoral roll.

The Liberal Party and the Nationals have formed the longest-running coalition in the federal Parliament.

Since the first Parliament opened on 9 May 1901, the average life of parliaments has been about 2 and a half years.

Full preferential voting has been used in Australian federal elections since 1918.

A House of Representatives candidate is elected if they gain an absolute majority (more than 50%) of the formal vote.

The Senate count is more complicated than a count for the House of Representatives. Counting of first preferences begins on election night but the full count cannot be completed until several weeks after the election.

The Commonwealth Electoral Act was comprehensively rewritten in 1918 (the last such rewrite until 1983).

Prior to European settlement Australia was occupied by groups of Aboriginal and Torres Strait Islander people led by elders and subject to traditional laws. These groups governed themselves through a corporate decision making process.

In 1962, voluntary enrolment and voting at federal elections was extended to all Australian Aboriginals.

9 out of 10 people believe that women and men would do an equally good job as MPs.

A majority of voters consistently support compulsory voting, and there has been relatively little change in these proportions since the 1950s.

If compulsory voting was replaced by voluntary voting, we would expect a decline in election turnout of about 10 percentage points, to 85%.

The Westminster system originated in the UK and only exists in that country and in some of the British Commonwealth countries.

In the 1998 federal election the winner, the Coalition led by John Howard, won the majority of seats when receiving 5,413,431 two-party-preferred votes, but that total happened to be over 200,000 fewer than the 5,630,409 of the loser Kim Beazley.

The 1999 NSW state election entered political folklore on account of an upper house ballot paper that measured 100 by 70 centimetres, featuring 264 candidates representing 81 groups in pursuit of 21 seats.

The turnout for the 1922 election was less than 60%, however after compulsory voting was introduced in 1925, the election turnout was over 90%.

Australia is one of 19 countries in the world that legally enforces the vote.
Balance of power
Balance of power is the ability of one person or parliamentary party to decide an issue by the way they vote due to no party having the majority.

Ballot
A ballot is the group voting process by which a choice is made. The Speaker of the House of Representatives is elected by secret ballot.

Commonwealth of Australia
The Commonwealth of Australia is the Australian community. The Commonwealth of Australia is bound by the Australian Constitution.

Constitution
A constitution is the set of rules by which a country or state is run. The Australian Constitution came into force on 1 January 1901.

Council
A council is the elected body in charge of legislation for a small local area such as a shire, city or municipality.

Democracy
System of government where the people elect representatives to govern for them. Australia is a democracy.

Election
When a person or government is chosen by voting. A federal election is held at least once every three years for membership of Australia’s federal Parliament.

Electorate
Geographical area represented by a member of parliament.

Federal election
The voting process for all the seats in the House of Representatives and usually half the seats of each state, in the Senate. The last federal election (in 2013) led to a change of government and a new Prime Minister of Australia.

Federation
A nation formed by the union of a number of states which give up some of their power to a central government. The Australian federation was formed on 1 January 1901.

Government
The form or system of rule by which a country or state is governed. Australia’s system of government is a representative democracy. It is also the party or coalition of parties that wins the most seats in the House of Representatives. The act of governing means to rule, to administer or to control, and is meant to be of the people, by the people, for the people.

House of Representatives
One of two federal houses of the Australian Parliament; also known as the lower house, the people’s house or the House.

Informal vote
A voting paper which is not counted during a federal election because it has not been filled in correctly.

Minority government
A government formed by a party or coalition of parties and independents, which does not have a majority in the House of Representatives in its own right; more common in Australian state parliaments than the federal parliament.

Parliament
In Australia, a parliament consists of a group of elected representatives and a person who represents the Queen. In the federal Parliament that person is the Governor-General. Parliaments make the laws for a country or a state.

Political party
A political party is a group of people with similar ideas or aims, some of whose members stand at elections in the hope that they will be able to form government. The Australian Labor Party, the Liberal Party of Australia and the Nationals are all major political parties.

Politics
The activity associated with the governance of a state or country. It also refers to the activities involved in gaining or wielding power or success.

Preferential voting
A system of voting in which a voter shows an order of preference for candidates, giving the number one to his or her first choice and the last number to the last choice. Preferential voting is used in elections for the House of Representatives.

Proportional representation
An electoral system such that all political parties are represented in proportion to the percentage of the total vote won by the party. Proportional representation in the Senate is designed to elect multiple senators to represent each state and territory.

Senate
An elected legislative body which is one of the two federal houses of the Australian Parliament. The Senate is also known as the upper house, the states’ house and the house of review. The Senate is currently made up of 76 senators – 12 representing each state and two representing each territory.

State government
A state government is an elected group of people who administer state law, deliver goods and services and make day-to-day decisions on behalf of the people of that state.

Territory government
An elected group of people who administer territory law, deliver goods and services and make day-to-day decisions on behalf of the people of that territory.

Vote
A formal expression of a choice, such as putting one’s hand up or marking a piece of paper for the purpose of counting. Each voter marks their ballot paper to register their vote at the election. Collectively, a vote can refer to the total number of votes in an election.
Web Links

Websites with further information on the topic

Australian Bureau of Statistics  www.abs.gov.au
Australian Capital Territory Electoral Commission  www.elections.act.gov.au
Australian Capital Territory Government  www.act.gov.au
Australian Electoral Commission  www.aec.gov.au
Australian Policy Online  www.apo.org.au
Electoral Council of Australia and New Zealand  www.eca.gov.au
Parliament of Australia  www.aph.gov.au
Parliamentary Education Office  www.peo.gov.au

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