

Forming Government Online Program

Background Notes

Government in Australia

Liberal Democracy

Liberal democracy is the term used to describe the style of governance common in countries such as Australia, the United States of America, the United Kingdom and Canada. This type of democracy is based on key principles, such as the prioritisation of individual liberty (freedom), a belief in the concept of a mutually beneficial society, and a suspicion of any concentrated forms of power.

The ideals of liberal democracy have influenced the way the government in Australia is structured. The separation of powers principle, for example, in which the power to govern is distributed between the Parliament, the Executive and the Judiciary, is followed to combat an excessive concentration of power in any one area of government.

Federalism

Federalism is the term used to describe a system of government where power is divided between one central or national government and more than one regional (e.g. state or territory) governments. When Australia federated in 1901, the six colonies each kept their own pre-established governments but also created one central 'Australian Government' to oversee national issues.

In Australia the regional and national governments share similar structures, with each having an elected parliament as the law-making body, and following Westminster (United Kingdom) tradition, the lower house of each parliament determines who will serve as members of the executive branch of government. There are some notable differences in parliamentary structures around Australia however, for example Queensland, the Northern Territory, and the Australian Capital Territory (ACT) all have unicameral (one house) parliaments, while all others are bicameral (two houses).

Constitutional Monarchy

A Constitutional Monarchy is a system of government where the head of state is an inherited position, but their powers are limited by a constitution. Australia's official head of state is King Charles III, however in practice this role is carried out by the Governor-General, the Monarch's representative in Australia.

The Australian Constitution assigns a broad range of powers to the Governor-General, but the majority of these can only be used on the advice of the government.

Australia's Contemporary Party System

Political Parties

A political party in Australia is a type of organisation which seeks to represent a particular group of people or set of ideas, while actively trying to have members elected to a parliament. Political parties play a key role in the Australian parliamentary system at both a state and national level, with the majority of individuals elected to a parliament belonging to a party.

In order to register as a federal political party, an organisation must have at least 1500 members who are on the electoral roll and not members of any other political party or have at least one current member who is already a member of the House of Representatives or the Senate, and submit an application to the Australian

Electoral Commission. These requirements changed in 2021, with the previous number of required members to register a party just 500.

Political parties can be identified as either a parliamentary party or a non-parliamentary party depending on whether they have any current members elected to parliament. Political parties can also be sorted based on the size of their electoral support into major parties, minor parties, and micro parties; however the differences between minor and micro parties are not well defined and often subjective. Some parties disagree with the term micro party, arguing it reduces their legitimacy; however, the growth in the number of small political parties and rise of single-issue parties since 2000 has resulted in the term increasing in popularity.

Once elected, the members of different political parties may work together in formal coalitions or informal alliances. Political parties may choose to work together to increase their numbers (and chance of forming government), or to further their own policies and influence the law making process.

Major Parties

Major parties are political parties that could reasonably win enough lower house seats to form government. They need to have widespread support from voters at an election, so their policies will often reflect the values of a broad range of people. There are two major parties in Australia, the Australian Labor Party (ALP) and the Liberal Party of Australia (Liberal).

Minor Parties

Minor parties are political parties which have enough support to win some seats in a parliament, but not enough to form government in their own right. Due to differences in the voting system explained below, minor parties can generally achieve more representation in upper houses such as the Senate, although they may still win seats in the lower house, with the Australian Greens (The Greens) a current example of this.

Minor parties elected in the lower house may seek to form government by entering into a coalition with a major party. At the federal level, the National Party of Australia (The Nationals) is a minor party which has a longstanding coalition with the Liberal Party, so their seats are counted together when determining who will form government after an election.

Micro Parties

Micro parties are political parties which may win a small number of seats in a parliament, most often in upper houses such as the Senate. Micro parties often campaign around a single issue or ideology and may not be able to win seats in consecutive elections. A recent example of a parliamentary micro party is the Jacqui Lambie Network, and a recent example of a non-parliamentary micro party is the Socialist Alliance.

Parliamentary micro parties can increase their influence in the law making process by negotiating or forming agreements with other political parties or independents.

Independents

It is also possible for an individual to be elected to parliament as an independent candidate, without belonging to a political party. It is generally harder to win a seat as an independent as individuals often do not have the same level of recognition as political parties among electors.

Independents are more likely to win a seat in parliament if they are a well-known local identity, which may explain why independent candidates are traditionally more successful in single-member electorate voting systems (often used for lower houses of Parliament, including the House of Representatives).

Forming Government

Role of the Lower House

The House of Representatives is the lower house of the Federal Parliament. It was designed to be a 'people's house', with members to be directly chosen by the people. The number of members elected from each state or territory depends on their populations, although it cannot drop below five for the original states of Australia.

Currently there are 151 Members of the House of Representatives, who each represent one of Australia's 151 electorates. Each electorate is designed to represent approximately the same number of voters (100,000), and depending on population, the number of electorates and their boundaries can change from time to time. At the 2019 federal election the House of Representatives changed from 150 to 151 members.

At the federal level Australia has a system of responsible government, which means the ruling members of parliament (the government) must have the support and be accountable to the lower house of parliament. This means the House of Representatives is crucial in determining which political party will form government.

Parliamentary Majority

Many features of the Australian system of government are based on traditions from the Westminster system. Also known as conventions, these 'unwritten rules' determine many aspects of how the Australian Parliament works, including the formation of government.

Under these conventions, in order for a political party or coalition to form government they must hold a parliamentary majority, or more than half of the lower house seats. Currently the number of seats required for a parliamentary majority (and as such to form government) in the House of Representatives is 76.

Following an election, if a single political party or established coalition wins a parliamentary majority, they are invited by the Governor-General to form a majority government and the leader of this party (who must hold a seat in the lower house) becomes the prime minister. The prime minister also selects elected members from their party or coalition to be appointed as ministers by the Governor-General. When a coalition wins a parliamentary majority, the leader of the party with the most seats traditionally becomes prime minister, and the leader of the next smaller party becomes deputy prime minister.

Hung Parliament and Minority Government

If no political party or pre-arranged coalition wins a parliamentary majority following an election it is considered a hung parliament, because no party is immediately able to form government.

The process for resolving a hung parliament is also derived from Westminster conventions. Once the results of an election have been called, if no political party has an outright majority of seats the major parties must work quickly to gain support from other members elected to the lower house, such as independents and minor parties. This support may be shown through the creation of formal coalitions, or less formal agreements and alliances, as long as the major party will be able to pass supply (the budget).

Once a major party has formed enough agreements to show they have the support of a parliamentary majority, they are invited to form a 'minority' government by the Governor-General. One of the main criticisms of the formation of minority governments is that it puts a lot of power and influence into the hands of a few elected members, who may not represent the interests of a majority of Australians.

Hung parliaments and the formation of a minority government at the federal level is traditionally very rare in Australia. The 2010 Gillard (and later Rudd) minority government represented the first federal hung parliament for almost 70 years. However, in recent years there has been a decline in voter support for the major parties and an increase in the emergence of minor and micro parties and independents, suggesting a hung parliament is more of a possibility in future elections.

The Opposition

The opposition is another feature of the Australian system that is based on Westminster tradition. The political party which holds the second highest number of seats in the House (following the Government) is known as the opposition.

The role of the opposition is to hold the Government to account, and serve as a viable alternative should the Government lose the support of the House at any time in between full federal elections, e.g. if they lose majority due to the outcome of a by-election (an election held for a single seat following a vacancy caused by the death, resignation, absence without leave, expulsion, disqualification or ineligibility of a sitting member).

The opposition uses parliamentary mechanisms such as Question Time to hold the Government accountable for both their general actions and competency, and specific actions or policies. They also commonly use 'extra-parliamentary' avenues such as the media to bring any perceived issues to public attention.

Additionally, to help keep the government to account and demonstrate their ability to serve as a viable alternative, the opposition also nominates a leader and members to serve as the leader of the opposition and shadow ministry. These shadow ministers are each responsible for areas which correspond to the portfolios (areas of responsibility) of the government ministers. This allows them to better scrutinise the actions the government takes in specific areas.

The Crossbench

The elected members of parliament which do not belong to the government or opposition are known as the crossbench. Members of the crossbench can use parliamentary processes such as Question Time and bill debates to scrutinise the actions of the government or promote the views of their own electorate or political party.

The crossbench has grown in influence alongside the rise in minor parties, micro parties, and independents over the past two decades and has an increasing level of involvement in Australia's parliamentary processes. Following the results of the 2022 federal election 16 members were elected to the House of Representatives crossbench (10 independents and 6 minor party representatives), the highest number following an election since the establishment of the current federal parliamentary system¹.

Role of the Senate and Upper Houses

In Australia the Senate was designed with a dual purpose; to serve as the 'state's house', representing the interests and opinions of each state equally, and also to serve as a house of review for the lower house and the actions of the government.

In order to balance the population-based representation in the House of Representatives, the Senate has an equal number of seats for each original state of Australia (the two mainland territories were formed after Federation, and each elect two senators), designed to ensure the states could equally voice their concerns on issues. There are currently 76 seats in the Senate, and senators serve six-year terms (excluding territory senators, who serve a three-year term, or in the case of a double dissolution election).

In Australia's contemporary parliamentary system, the Senate's primary function is to act as a house of review, seeking to check and balance the power used by the government in the lower house. Similarly, the

¹ In December 2022 an elected member of the Nationals resigned from the political party, continuing his term within the House of Representatives as an independent member (Hon Andrew Gee MP, Member for Calare). This increased the size of the crossbench in the House to 17.

upper houses in bicameral state parliament systems primarily serve to scrutinise the actions of the government-led lower house. In Western Australia, the Parliament upper house is known as the Legislative Council.

Many upper houses around Australia, including the Senate, use a different voting system at elections to choose members. This often leads to higher numbers of minor party and micro party members gaining seats in an election, and as a result the concept of balance of power becomes very relevant and important. This has also led to electoral reform for many different upper houses, including the Senate and the WA Legislative Council.

The Senate: Holding the Government to Account

In order for a bill to pass through the Australian Parliament and become a law, it must be agreed to in an identical format by both the House of Representatives and the Senate. Following an election, it is a common result for the political party which forms government to not hold a majority of seats in the Senate, providing an opportunity for representatives of other political parties or independents to closely examine any proposed legislative changes, and work together to amend or reject bills they feel do not represent the best interests of the Australian public.

The Australian Parliament has a strong system of committees to investigate issues and proposed legislation, made up of both government and non-government members of parliament. While both houses of the Parliament have committees, lower house committees generally have a majority of government members while upper house committees generally reflect the traditional diversity of representation in the Senate. This means Senate committees play a key role in scrutinising the actions and policies of government, and as such the reports and recommendations produced by Senate committees are one of the key ways information on the actions of the government is communicated to the media and general public.

There are two types of parliamentary committees- standing committees, which are created following an election and operate continuously until the next election and concentrate on examining bills and issues related to a particular subject (e.g. Senate Standing Committees on Education and Employment); and select committees, which are established to investigate specific issues and dissolved once their report is finalised (e.g. Select Committee on Australia's Disaster Resilience). Senate standing committees are also able to scrutinise government spending through specific hearings and inquiries known as Senate estimates.

Voting Systems and the Balance of Power

There are several differences between the ways members of the upper and lower houses of Federal Parliament are elected, which often results in a very different spread of parties being elected to seats.

An electorate (also known as a division) represents a geographical area of Australia that is represented by a member of parliament. In the House of Representatives, each seat represents an electorate of approximately 100,000 eligible voters. These are known as 'single-member electorates' because each electorate chooses only one member to sit in parliament. Votes are cast using a preferential voting system, where voters must number all of the candidates on the ballot in order of preference.

For the Senate, each state and territory are individual electorates, known as a 'multi-member electorates', as more than one candidate on the ballot paper is elected. The Senate, like many state upper houses, uses a system of proportional representation, which requires a candidate to win a set proportion of the electorate's votes (known as a quota) in order to be elected. Votes are cast using a partial preferential voting system, where voters must show a minimum number of preferences on the ballot paper but can choose to fill in additional preferences beyond the minimum.

For state seats in regular Senate elections the quota required for election is approximately 14.3% of the total number of votes in that state, as opposed to needing an absolute majority (at least 50% +1) of votes to be elected for a seat in the House of Representatives. This means it is generally easier for minor and micro parties to win seats in the Senate than it is in the House, often resulting in a situation where no single political party or coalition holds a majority of the Senate seats. When this occurs, the members of the crossbench are said to hold the 'balance of power', as some or all of their votes are required to pass or block the passage of bills.

When minor parties, micro parties, and independents hold the balance of power in the Senate their actions can sometimes draw criticism and be labelled 'undemocratic', as the members of the crossbench may only represent a small number of votes but can have the power to stop the majority elected government from passing laws they may have committed to before the election. In contrast, there are also those who say the crossbench holding the balance of power helps keep the government accountable and their power in check.

There have been many reforms around Australia in recent years to address perceived issues with upper house voting systems. In 2016 the Federal Parliament passed voting reforms for the Senate which introduced partial preferential voting, giving electors more freedom when allocating their vote to candidates. In 2021 the Western Australian Parliament passed electoral reforms changing the structure of the Legislative Council. These changes included removing regionally defined multi-member electorates, and instead identifying the whole state as a single electorate which chooses all 37 members of the Legislative Council through partial preferential voting.

Political Spectrum in Australia

Political parties can generally be placed onto a spectrum depending on the values they represent and the attitudes they hold towards certain economic or social issues. There are lots of different ideas about how to define the political spectrum, but they all contain some concept of 'left vs right'. In the lead up to federal elections, the Australian Broadcasting Company releases an online *Vote Compass* tool to identify how individual views align with those of political parties, placing them on an x and y graph spectrum, where one axis shows the spectrum between economic left and right values, and the other between social progressive and conservative views.

Traditionally, parties who are left on a simple political spectrum are more progressive, while parties on the right are more conservative. In an economic sense, the left represents socialism (high levels of government intervention), while the right represents a 'laissez-faire' (hands off) approach, with no or minimal government intervention. Centrist parties fall around the middle of this spectrum, finding the middle point between these views or taking elements from both. The more ideological a party is, the closer it falls to the ends of the spectrum.

The position where a political party falls on this spectrum can be subjective and open to interpretation. The position of a party may also change over time, as they change their policies and viewpoint over time to match the evolving values of broader society or the specific groups they seek to represent, although most political parties in Australia remain close to the middle of this spectrum.