

# AUSTRALIA'S SYSTEM OF GOVERNMENT

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## Introduction

Australia's political institutions and practices follow the Western liberal democratic tradition, reflecting British and North American experience.

Broadly, the Australian federation has a three-tier system of government based in the Westminster tradition and characterised by the separation of powers to provide checks and balances:

- at the national level and under the provisions of the Constitution, the Legislature (the House of Representatives and the Senate), the Executive Government, and the Judiciary, which are responsible for all matters of national interest;
- at the State and Territory level and under the relevant statutes, a Legislature, Executive Government and Judiciary, are all responsible for matters specifically relevant to the States and Territories; and
- approximately 900 local government bodies at the city, town, municipal and shire level.

Elections are held regularly and governing political parties change periodically.

## The Constitution

The powers of the Federal Parliament are laid down in a written Constitution. State parliaments are subject to the provisions of this as well as their own State Constitutions.

The Australian Constitution can be changed only by referendum and then only if a majority of voters in at least four of the six States, as well as an overall national majority of voters, favour it.

Before a referendum can be put to the people it must either be passed by both Houses of Parliament or, if one House refuses to pass it or passes it with amendments not agreed by the other House, it can be presented to the people by the Governor-General.

State Constitutions, like the Australian Constitution, originate from British statutes. Power to change them, however, lies with their parliaments and not with a combination of parliament and the people voting at referendums.

Broadly, the division of powers between the Federal and State Parliaments follows the American model of federation. Powers exercised by the Federal Parliament and Government are specified, leaving all others to the States. A federal law overrides any State law not consistent with it.

## **The Federal Government**

The Federal Parliament is bicameral, having two chambers: the House of Representatives (Lower House) and the Senate (Upper House).

A system of Cabinet or “responsible” government based in the British Westminster tradition is practised. The party or coalition of parties commanding a majority in the House of Representatives becomes the government and provides the ministers (including the Prime Minister), all of whom must be members of the Parliament. The Ministry remains collectively responsible to the

Parliament, and through it to the electors, for government actions.

The Constitution requires membership of the Australian House of Representatives to be, as nearly as practicable, twice that of the Senate.

The House has 148 members - 50 from New South Wales, 37 from Victoria, 26 from Queensland, 12 from South Australia, 14 from Western Australia, five from Tasmania, three from the Australian Capital Territory and one from the Northern Territory. Elections for the House of Representatives are held at least every three years.

The House of Representatives parallels the British House of Commons and is, traditionally, the Australian Parliament's more important chamber.

The Prime Minister is normally drawn from its membership and, if the Government ceases to command a House of Representatives majority, it is obliged to go to an election or resign.

A government need not command a majority in the Senate which has an equal number of members - 12 - from each State.

The Australian Capital Territory and the Northern Territory were not represented in the Federal Parliament until 1975 when they each gained two Senators.

Normally, Senators serve a six-year term with half the Senate retiring every three years. Senators elected to represent the Territories, however, serve a maximum of three years and their terms coincide with those of the members of the House of Representatives.

In Senate elections, the people of each State and Territory vote as single electorates.

At a double dissolution election, all Senators retire and each State must elect 12 Senators. The first six selected each serve a six year term while the remaining six serve for three years.

## **The Political Party System**

The Australian Labor Party had its genesis in the trade union movement last century but today represents a broader band of Australian society on the left of the political spectrum.

The Liberal Party, which traditionally represents the business community, and its coalition partner the National Party, which predominantly represents rural interests, are on the right of the political spectrum.

The Australian Democrats and the West Australian Greens, political parties with close ties to the environmental movement, were formed to capture the balance of power in the Senate, where neither of the major political parties has a majority.

## **State and Territory Government**

All State parliaments except Queensland, which abolished its Upper House in 1922, are bicameral, with two Houses of Parliament.

The Lower House in New South Wales, Victoria, Queensland and Western Australia is known as the Legislative Assembly; in South Australia and Tas-

mania it is called the House of Assembly. Each of the five State Upper Houses is known as the Legislative Council.

Under the federal Constitution, State Governments are responsible for the residue of powers not administered by the Federal Government. These include education, transport, law enforcement, health services and agriculture.

## **Local Government**

The powers of local government vary from State to State and are the responsibility of State Governments under the relevant legislation.

In general they include town planning, construction and maintenance of roads, streets and bridges, water, sewerage and drainage systems, public health and sanitary services, supervision of building, administration of slaughtering, weights and measures and other regulations, and the development and maintenance of parks, recreation grounds, swimming pools, public libraries and community centres.

Some local government bodies operate public business undertakings such as transport systems or gas and electricity reticulation.

The powers of local government normally derive from legislation enacted by their State parliaments and their operations usually are subject to supervision by a department of their State Government.

Finance for their undertakings is obtained through rates and from the Federal and State Governments.

## **The Queen**

Though an independent nation, Australia, like Canada, retains close constitutional links with Britain and gives allegiance to Queen Elizabeth II of Great Britain and Northern Ireland who is also formally Queen of Australia.

The Queen is represented in Australia by a Governor-General and six State Governors.

Under the Constitution, the Governor-General's powers and duties include summoning, proroguing and dissolving Parliament, assenting to Bills, appointing Ministers, setting up Departments of State, commanding the armed forces and appointing judges.

By convention, however, the Governor-General acts only on the advice of Ministers in virtually all matters and the appointee to the office is selected on the advice of the Government. The six State Governors perform similar roles in their States.

## **The Executive**

The Cabinet is the major policy-making agency of Federal Government in Australia and is presided over by the Prime Minister.

Cabinet meets in camera. Apart from announcements of decisions by the Prime Minister or other authorised Ministers, there is no public record of its proceedings. Cabinet is serviced by a secretariat within the Department of the Prime Minister and Cabinet.

Where necessary, legal effect is given to Cabinet decisions by the Executive Council, a formal body presided over by the Governor-General and usually attended by two or three Ministers of State, although all Ministers are members.

The purpose of the Executive Council, like the Queen's Privy Council in Britain, is essentially to receive formal advice, make appointments, accept resignations, issue proclamations and regulations, and approve the signing of formal documents.

Similar procedures of Cabinet decision-making are followed by Australia's State Governments.

## **The Australian Public Service**

Policy advice and the implementation and administration of Federal Government programs are undertaken by the Australian Public Service, six State and two Territory Public Services.

All are career services and, generally, staff are recruited on a permanent basis.

A Minister of State is responsible to Parliament for each department's functions and activities. Under the Minister is the head of a department, usually a career public servant.

In the Federal and State Governments, there are three broad categories of government institution: those serving directly the respective parliaments; Departments of State for whose operations, in all respects, individual Minis-



ters are responsible to their parliament; and a miscellaneous category which includes statutory agencies, corporations, tribunals and commissions.

## **Electoral System**

The Commonwealth Electoral Roll is maintained and continually updated by an independent statutory authority, the Australian Electoral Commission.

Australians are required to ensure that they are enrolled in the electoral division in which they live and computer records are kept of those who voted and failed to vote at federal elections and referendums. Australians may be fined up to \$50 for failing to enrol and/or vote.

Under the Commonwealth Electoral Act federal elections for the House of Representatives and the Senate are conducted using a full preferential voting system, as opposed to optional preferential voting or 'first-past-the-post' as used in other countries.

The voter marks his or her preference for each of the nominated candidates whose names are printed on the ballot paper for the House of Representatives or the Senate. The voter does this by placing a number, starting with the number '1' to indicate the first choice, opposite each candidate's name.

Voters may use ticket voting for the Senate, where only one mark is required against the name of a political party or an independent, and preferences are then distributed according to the ticket lodged with the Australian Electoral Commission prior to polling day.

The voter must indicate his or her preference for each and every candidate

or the vote will not be counted. The vote will be invalid if there is a mark on the paper which identifies the voter.

This system of full preferential voting ensures that a majority of voters have a say in the election of the successful candidate even though each voter's first choice might not be elected.

## **Electoral System - House of Representatives**

Each Member of the House of Representatives is elected for a Division under an absolute majority system, where a candidate must receive 50 per cent plus one of the votes in a Division for election.

Formal votes are counted to see whether any candidate has an absolute majority of first preference votes. If no candidate receives an absolute majority of first preference votes, later preferences are distributed.

The process of distributing the later preferences of voters and eliminating lowest-placed candidates continues until one candidate has a majority of the formal votes cast.

## **Electoral System - Senate**

In contrast to House of Representatives elections, where only one candidate is elected for each single-member Division, Senators are elected as part of a multi-member constituency, a State or Territory.

That is, 12 Senators are required to be elected for each State, and two for each Territory. The electoral system for the Senate is known as quota-based

proportional representation.

As there is a number of vacancies to be filled under the system, candidates do not need an absolute majority of formal votes to be elected. A candidate is elected when he or she receives a 'quota' of the formal vote.

This figure is arrived at by dividing the number of formal votes cast in the State the candidate seeks to represent in the Senate by a number equal to the number of vacancies being contested plus one, and increasing the quotient of that calculation, disregarding fractions, by one.

In a half-Senate election, which normally takes place at the same time as a general election for the House of Representatives, and where six vacancies for a State are being contested, a candidate needs to obtain one seventh of the total formal vote, plus one, to be elected.

Under the Commonwealth Electoral Act Senators representing the two Territories stand for re-election every three years. Their quota is one-third of the total formal vote, plus one.

If a candidate receives a quota of first-preference votes, he or she is declared elected and all his or her surplus votes, first-preference votes in excess of the quota, are transferred according to the voters second and subsequent preferences.

This continues until all the vacancies have been filled by candidates receiving quotas.

Under the proportional representation electoral system for the Senate, inde-

pendents or smaller-party candidates have a far better chance of election than in elections for the House of Representatives.

## **Electoral History**

The six British colonies established in Australia by the mid-19th century inherited British electoral methods, including public and plural voting (allowing a person to vote more than once in an election) and first-past-the-post counting.

In their efforts to erase abuses of these methods, such as bribery, rorting and intimidation of voters, the colonists soon became world leaders in electoral reform.

Victoria introduced the secret ballot in 1855 and in 1856, South Australia led the world in granting the vote to all adult males, regardless of professional or property owning qualifications.

In 1892 South Australia again led the way as the first place in the then British Empire to grant voting rights to women. All Australians were granted the franchise for federal elections in 1902 after federation.

Plural voting remained widespread until the 1890s when all colonies adopted the principle of one vote per person. By the turn of the century all colonies had payment for members of their legislatures.

Consequently, the foundation of a modern democracy was already firmly laid when the colonies federated in 1901 to become the six constituent States of Australia.

During the first 25 years of the Federal Parliament, electoral laws evolved rapidly. A permanent electoral office was established in 1902.

Later the Government, led by Mr William Morris Hughes, introduced legislation which replaced first-past-the-post voting with full preferential voting which was pioneered by Queensland in 1892.

Compulsory voting was introduced in Queensland State elections in 1915 and adopted for federal elections in 1924. Although penalties for not voting were small the new system produced an average turnout of 90 per cent or more of enrolled voters. This compared with less than 50 per cent when voting was non-compulsory.

In the 1940s, electoral reforms included improved postal voting, an increase in the size of Federal Parliament, and introduction of proportional representation in the Senate.

In 1973, the minimum voting age was lowered from 21 to 18, and by 1975 Senators were created for the Northern Territory and the Australian Capital Territory.

## **Electoral reform**

In February 1984 the Commonwealth Electoral Act 1918 was almost completely rewritten to bring the federal electoral laws up to date.

The Government established an independent statutory body, the Australian Electoral Commission to take over functions formerly exercised by the Australian Electoral Office.

The Government also undertook a national redistribution of federal electorates and introduced the following changes, effective from February 1984:

- 17 year olds may enrol although cannot exercise their right to vote until they turn 18;
- electors are able to vote by post for their originating Division;
- compulsory enrolments for Aborigines, bringing their voting rights and responsibilities into line with all other citizens; and
- A comprehensive system of public funding and disclosure for election campaigns.

*Source: DFAT*