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Edited by Jeremy Moon and Campbell Sharman

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Chapter

Introduction

Campbell Sharman and Jeremy Moon

The centenary of federation marks the growth of the Commonwealth government from a single public servant on 1 January 1901 to its current role as a national government with involvement, direct or indirect, in almost every area of public policy. This growth has taken place in the context of a federal system whose other components, the states, have also seen a massive expansion of their role over the last hundred years. If there was a major theme to the history of democratic politics in the twentieth century it was the extension of government in response to the ever-expanding expectations of citizens and voters.

In the Australian context, this enlargement of the role of government has been inextricably linked to the evolution of the federal system. The states, now joined by the Northern Territory and the Australian Capital Territory, continue to deliver the great bulk of the day-to-day services expected of government – health, education, transport, the maintenance of public order, land use and the host of regulations affecting social and economic transactions of all kinds. But, in addition to its stated constitutional responsibilities for international relations and commercially related issues extending across the federation, the central government is now involved to some degree in most areas of public policy making. This has been achieved in large part through the leverage that the Commonwealth's superior access to taxation revenue has given it in making conditional grants to the states; in several important areas, the constitutional interpretations of the High Court have also been of major importance in extending the influence of the national government.

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The result has been a system of government with seven major players – nine since the addition of the self-governing territories in the 1980s – all of whom are critical components for the delivery of public services and the regulation of social and economic life. The system appears complex because of its goal of incorporating representative government and popular involvement at both the national and regional levels but, by any measure, it has been extremely successful. It has coped, without substantial structural change, with world wars, depression, unprecedented social, economic and technological change, and the expectation that government will provide or regulate a range of services and activities undreamt of in 1901. And this has been done in the context of a system of representative democracy and the preservation of a high level of personal and political freedom.

Institutional themes

In celebrating the centenary of federation it is natural to focus initially on those institutions which originated in 1901. But in the hundred years since federation there have been equally dramatic changes in the institutions which had their origins in the nineteenth century. Nor is it always easy to draw a clear line between the new and the continuing. Take the Commonwealth itself. The governmental institutions of the Commonwealth grew out of debates and constitutional conferences that spanned the 1890s. These, in turn, sprang from intercolonial co-operation and competition that had begun almost as soon the Australian colonies achieved self-government in the 1850s. Most important of all, the ideas about parliamentary government on which the Commonwealth is based grew out of the previous experience of colonial self-government.

This experience had substantially modified the operation of British-style parliamentary government by the time of the federation debates in the 1890s. To begin with, all the self-governing Australian colonies had constitutional documents setting out the broad details and legislative powers of their popular assemblies. In addition, key sections of these documents had a special status indicated by procedural restraints on the process of amendment. Such arrangements made some areas of government activity open to challenge in the courts, a form of constitutional limitation and judicial review that was outside the British tradition of so-called parliamentary sovereignty. Of greater political significance, all six colonies had a tradition of strong bicameralism with a powerful upper house designed to check the excesses of a popular assembly. With the exception of New South Wales and Queensland, these upper houses

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were elected and had enough political legitimacy to make vigorous use of their constitutional powers, to the annoyance of many colonial governments. While there was some similarity with the House of Lords before 1911, this body was a feudal remnant which, unlike colonial upper houses, was not part of a nineteenth-century design for limited representative government.

There were many characteristics the new national government of the Commonwealth shared with the colonial experience of self-government and which gave it a form which differed substantially from the British parliamentary tradition: the importance of the Commonwealth Constitution as a document setting out the operation and powers of the legislature; the existence of a constitutional document that had special status as a higher law, with the possibility of constitutional challenge in some areas through judicial review; and a powerful upper house with popular legitimacy. Nor should this borrowing be at all surprising since it was from among some of the most able and experienced colonial politicians that the framers of the Commonwealth Constitution can be found. They wanted to replicate at the national level of the new federation a system of parliamentary government which was familiar to them and accommodated their aspirations for a broadly based representative democracy acceptable to the six political communities that were to comprise the new federation.

It is also true that the new Commonwealth modified and strengthened these colonial traditions. The Commonwealth Constitution was a comprehensive statement of the powers of the national government and specified its key components, with the notable exception of the office of prime minister and the operation of a parliamentary executive. The Constitution was not only entrenched in its entirety but its status as a higher law was reflected in an amending procedure that required the endorsement of a popular referendum, an innovation which grew from the popularity of direct democracy and the Progressive movement of the 1890s. The Senate as the upper chamber of a bicameral federal parliament had all the features of the most powerful of the state legislative councils in 1901 except that its franchise was as wide as that of the lower house, and its constituencies were the six state political communities rather than wealthy and conservative interests.

It can be argued that directly elected, powerful upper houses in a parliamentary system are Australia's contribution to the repertoire of representative democracy; they are currently a distinctive feature of six of the nine parliamentary systems in the Australian federation. While the composition of the Senate is closely tied to the federal system, its place in the parliamentary process is very much in the tradition

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established by elective colonial legislative councils. The changing role that these chambers have played in both state and federal politics is one of the issues considered in the chapters which follow.

Federalism and the states

There is no question that the federation of the six Australian self-governing colonies, their transformation into the six component states of the new Commonwealth of Australia, and the creation of a national government with substantial areas of responsibility, represented a radical change to the system of government for the Australian colonies. Yet, even here, federation reflected the pre-existing realities of Australian society and government rather than the imposition of something completely new. By the end of the nineteenth century, the growth of European settlement had come to be characterised by expansion from a few large urban centres spread widely across the southern part of the continent. These had become the capitals of six largely autonomous political communities. While linked by a common political origin and attachment to British traditions and style of government, each was shaped by a distinctive set of economic and political concerns. One of the claims for colonial self-government and the creation of new colonies had been the demand for both the ability to deal with the issues that were peculiar to each political community, and the freedom to deal with common problems in ways which suited the preferences of local citizens – the same justifications which underpin the adoption of a federal system.

By the end of the 1890s all the Australian colonies were justly proud of their achievements in both the economic and social spheres, especially Western Australia for whom self-government had been delayed until 1890 because of its small European population and large geographic size. Even though the commercial benefits of some form of union were clear, it could not be at the cost of limiting local autonomy in the great bulk of government activities. For this reason alone, federation was the only acceptable form of union. This made the United States model of federal union attractive because the political autonomy of the state political communities could be better protected. Following this model, a narrow list of specified powers was granted to the new central government with the remainder left to the jurisdiction of the states. It is something of a paradox that, by the end of the first century of federation, the Commonwealth Constitution has not prevented the central government from intervening in almost every sphere of state policy making, and yet the centre of gravity for political and government

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activity remains with the states. In 2001 as in 1901, federation reflected the geographical dispersal and different political preferences of the political communities which make up the Commonwealth.

The importance of federalism for this study is not so much the network of financial transfers and intergovernmental arrangements which have come to characterize the operation of parliamentary federations, but the fact that the states have persisted as the dominant agencies for the delivery of most public services. Over the last forty years, policy in an increasing array of subjects has been shaped by the preferences of the Commonwealth but its involvement in most fields has been indirect. It is state and territory public servants who staff hospitals and schools, provide fire and police services, and regulate traffic, urban growth and local government. This means that, notwithstanding the financial dependence of the states on Commonwealth transfers for much of their revenue, the states still play a critical role in the formation, execution and administration of public policy. The states remain as major components of the federal system whose governmental systems and politics deserve as much interest and celebration as the Commonwealth government with which they are inextricably linked. The centenary of federation is a centenary for all its constituent parts.

Representation

While federalism was a new governmental form for Australia, other aspects of the new national government built on pre-existing assumptions about representative democracy. In addition to the institutions of colonial parliamentary government, the Commonwealth government went even further than the states in extending the scope of popular representation and involvement in the governmental process. The Australian colonies had been adventurous in extending the franchise for their popular assemblies and in pioneering such electoral innovations as the secret ballot. Women had gained the vote in South Australia in 1894 and most states had universal franchise for their lower houses by 1901. Although the right to vote was not specified in the Constitution, there was a presumption that the new Commonwealth should operate in a context of broadly based popular representation.

The Commonwealth Constitution extended popular involvement in two ways which were new to the Australian context. The first was to adopt a broad popular franchise for the choice of members of the federal upper house, the Senate, even though the method of elections meant that each state elected an equal number of senators irrespective of the state's population. This feature was seen as undemocratic by

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many of the residents of the two most populous states, particularly New South Wales, because it was based on equal representation of political communities rather than individual citizens. Apart from the political reality that equality of state representation in the Senate was insisted upon by the smaller states as a condition for joining the federal union, the move to universal franchise for the selection of members of an upper house in a parliamentary system was itself a major extension of popular representation.

The other feature was the use of the referendum both as a means of gaining initial popular approval of the Commonwealth Constitution and as a requirement for any subsequent amendment. While used in the Swiss federation, such a measure was alien to the British parliamentary tradition and had not been used to provide popular legitimacy or an amendment procedure for either the United States or the Canadian federations. The inclusion of the referendum procedure for Australia grew out of a political need to demonstrate widespread support for union as well as a contemporary concern with the encouragement of popular involvement in government expressed. The experience of the Commonwealth and subsequent use of the constitutional referendum in Australian state politics has, until very recently, been seen less as a way of encouraging popular involvement than making constitutional change difficult for one's partisan opponents. If the Progressives in the 1890s saw the referendum as an opportunity for innovation, the experience of both Commonwealth and state politics over the last 100 years has been that the constitutional referendum has been a conservative device, an issue which is touched on in several of the chapters which follow.

To these two novel aspects of representation could almost have been added a third. Proportional representation was raised in the 1890s as an electoral system suitable for the choice of members of the Commonwealth Senate, but this was not adopted either as part of the chamber's constitutional design or by successive Commonwealth governments for the first half-century of federation. Its adoption for the choice of senators from 1949 has helped to transform the operation of the Senate by working to reduce the ability of the two largest parties to control majorities in the chamber. It is tempting to speculate about what would have been the effect of proportional representation on the Commonwealth government had it been adopted from 1901.

The propensity for electoral innovation – some would say manipulation for partisan advantage – did not end with federation. In both national and state spheres, there has been continuing experimentation with every aspect of the rules affecting elections, campaigning and representation. Preferential voting (the alternative vote) has been tried

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in all jurisdictions since the 1920s, as has compulsory voting (attendance). A variety of forms of proportional representation have been tried for both lower and upper houses in a number of states, and there have been many schemes for ballot design, campaign finance rules and, more recently, the public funding of elections. Above all, there has been a longstanding debate over the definition, extent and justification of malapportionment – the extent to which the number of voters varies between electoral districts. The political effects of malapportionment may not have been as extensive as its fiercest critics have argued but it has been a factor in shaping the composition of state and Commonwealth lower houses for much of the last century. The willingness of Australian governments to experiment with the system of representation, usually for partisan gain, has ensured that every chapter in this collection deals with changes to some aspect of the electoral rules that have had a significant effect on the political process.

Party

Talking about representation without bringing in political parties is like the sound of one hand clapping – something that is impossible to imagine. Yet the political parties we know today did not emerge in their current form until well into the 1900s. If federation led to a profound structural change in government, the emergence of the modern mass political party has had an equally powerful effect on the nature of politics in Australia.

There had been political parties in the Australian colonies as long as there had been self-government but these had been groupings of like-minded members of parliament clustered around particular policies or leaders, or held together by the benefits of being in office. These groupings were often unstable and few had any organizational structure which extended outside parliament or lasted longer than an election campaign. The engine of change was the rise of the Australian Labor Party (ALP). Based on a coalition of labour unions, groups favouring social and economic change and a few with radical socialist ideas, the ALP emerged in the 1890s and steadily acquired the characteristics that made it both organizationally distinctive and electorally successful. Of greatest importance, it was a party based on an organization outside parliament – its basic premiss was that parliamentarians who were elected under its banner were the servants of the party and not its masters. Candidates had to pledge their loyalty to the party and, if elected to parliament, were expected to vote according to party decisions. The enforcement of strict party discipline transformed the

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parliamentary process and the relationship between parliament and the government.

The electoral implications were equally far-reaching. Growing out of its commitment to control by its membership, the ALP was a programmatic party in the sense that it campaigned less on the virtues of its candidates, local concerns and single issues, and more on a comprehensive set of policies it would carry out if it won government. This style of politics was endorsed by an increasing proportion of the voters until, in 1910, the ALP won a majority of seats in the House of Representatives. This event was equally significant for other parties. The success of the ALP prompted the fusion of the major anti-ALP parties to form the Liberal Party, a party which, in spite of several changes of name and significant organizational evolution, has continued to be the major rival of the ALP ever since. The success of the ALP also ensured that its style of party politics was adopted by its opponents and continues to characterise the party system today.

Within a year or two of 1910, similar developments had occurred in state politics and a pattern of political rivalry between the ALP and the Liberal Party was established across Australia. This pattern was, however, neither uniform nor stable for the first half of the century. Not only did the emergence of the Country Party (now National Party) around 1918 change the shape of non-ALP politics in most states and in the federal sphere, but war, depression and social change led to major upheavals in all parties and turmoil in the party system until the 1940s.

In spite of a largely stable pattern of competition between the ALP and non-ALP parties after the second world war, it would be wrong to suggest that there have been no significant changes since 1945 or that there are no major differences between the party systems of the states – much of the chapters that follow analyses the idiosyncrasies of state and federal party politics, the insurgence of new parties and the pattern of success and failure of old ones. But, in spite of the fluctuating importance of minor parties, the pattern of a largely dichotomous party system has persisted in all states except Queensland, partly encouraged by the nature of parliamentary government and opposition, and partly induced by the continuing importance of the ALP as, more often than not, the party gaining the most votes at general elections.

This has meant that the major source of variation between political systems in the federation has been on the non-Labor side of politics, and in the variety and importance of minor party and independent candidates represented in parliaments. Such variation has provided many of the distinctive features of politics and government in each

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system and the rise of new parties continues to be a way in which new groups and issues are incorporated into the political process.

Government and policy

Parties play a critical role in winning office but there are many other factors that are important in the running of government and the framing of public policy. A host of groups ranging from rural, commercial and industrial interests to lobby groups of all kinds want an equally diverse range of government action – legislation, planning permission, exemptions, and government subsidies and public expenditure for an equally diverse set of projects and good causes. Harmonizing all these claims and incorporating some idea of the public interest is a major task of government. The chapters in this collection show how each government has been shaped by the differing sets of demands put upon it and how each has responded in its own way.

While framing policy is clearly a political activity, the implementation of policy can also be important in shaping the final outcome. The administrative agencies of government are themselves participants in the governmental process and the way in which the structure of government is arranged can have a major effect on the style of government. Australian governments have shown great ingenuity in creating structures for delivering public services and there has been considerable variation in the way they have responded to changes in the scope and range of government activity. The number and designations of ministerial portfolios, for example, have varied considerably over the last hundred years, indicating both the modification of the scope of government and the changing pattern of political concerns.

Identifying a style of politics and government can be difficult, but the idea that a system has a distinctive way of coping with political issues is an attractive one. It is a way of combining persistent historical and institutional factors with those that spring from the social and economic profile of the political community, all of which can be blended with political traditions and more immediate political issues of importance to the community. One of the purposes of the chapters which follow is to give a feel for the differing styles of politics that have characterized the components of the Australian federation. Australians may think that their system of government is relatively new but, in comparison with the histories of present-day representative democracies, a hundred years of continuous operation is a long time and certainly long enough to develop a rich and varied tradition. Revealing and exploring this richness is the purpose of this collection.

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Contents of this book

The chapters in this collection pursue the themes of representation, party and style of government for the Commonwealth, the six states and two self-governing territories which comprise the Australian federation. While these themes run through all the chapters, there are variations in stress to accommodate the idiosyncrasies of each political system. For the Commonwealth (chapter 2), the distinguishing issues are the growth since 1901 in political influence of a newly created national government, its accommodation of the complexities of partisan change over the century, and the way its governmental structure has been shaped by its involvement in an ever-increasing range of policy areas.

With a political history that long predates federation, a component of all the state chapters is the recognition of the influence of the period of self-government before 1901. This constitutional inheritance is important for all states in affecting both the operation of parliamentary institutions and the style of government over the last hundred years. Another common theme is the importance of the Australian Labor Party as the largest party in terms of vote share for most general elections. But the extent to which this has been reflected in the control of government has varied widely between the states, from extensive periods of Labor government in New South Wales, Queensland and Tasmania, to much more modest success in Victoria. The theme of partisan dominance is a major component of the chapters on New South Wales (chapter 3) and Victoria (chapter 7), and is an important part of the analysis of other states.

Social and economic changes have presented state governments with persistent challenges. For the smaller states in particular, this has presented problems that have dominated the political agenda. Slow economic growth and rival approaches to fostering state development have been major issues in Tasmanian politics (chapter 6), and have coloured much of the political debate in South Australia (chapter 5). But, even in those states which have grown most rapidly, economic development has posed political difficulties. For Queensland, the issue of harmonizing the political interests of the burgeoning south-east of the state around Brisbane with the resource-rich hinterland of the state has long coloured the state's politics and continues to present conflicting demands on the state government (chapter 4). In a similar fashion, successive West Australian governments have had to cope with the rival claims of suburban Perth and the demands of regional areas across a vast and diverse area (chapter 8).

The latest additions to the Australian federal system – the self-governing territories of the Australian Capital Territory (chapter 9) and