

Parliament of Australia

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Parliament House, Canberra (Source: https://en.wikipedia.org/wiki/File:Parliament_House,_Canberra,_Pano_jjron_25.9.2008-edit1.jpg)

Electoral System

The members of the Australian Parliament are elected using two different electoral systems, Senate elections use Single transferable vote, whilst the House of Representatives employs a preferential voting system.

Federalism heavily influences the Senate of Australia; as such, Senators are elected in equal numbers to represent the States and Territories of the Commonwealth of Australia. There are 76 Senators, 12 from each State and two from the Northern Territory and the Australian Capital Territory. Senators have 6-year terms. The House of Representatives has 151 Members of Parliament who are elected to 3-year terms by the population of the electoral division they seek to represent. Voters must rank all candidates in their division according to preference; if voters fail to rank every candidate, their vote is not valid.

Elections for the House of Representatives take place at least every three years; in the same year, half of the Senate will also be contested. Elections always take place on a Sunday, the last election took place in 2019, and the next election is due in 2022. Following the 2019 election for the House of Representatives, the Conservative Liberal-National Coalition won 77 seats, a majority, the Centre-left Labor party won 68 seats. Smaller parties won 6 seats.

Table 1 Composition of smaller parties in the House of Representatives of the 46th Parliament of Australia

Party	Seats
Greens	1
Katter's Australian Party	1
Centre Alliance	1

Independent	3
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Table 2 Party Composition of the Senate of the 46th Parliament of Australia

Party	Senators
Coalition (Liberal & National parties)	36
Australian Labor Party	26
Greens	9
Centre Alliance	1
Pauline Hanson's One Nation	2
Jacqui Lambie Network	1
Independents	1

Seat redistributions take place every seven years in each State and Territory. The Australian Constitution does not place a numerical limit on the number of Senators and MPs; however, it does create a 'Nexus' whereby the number of MPs must be as close as possible 'twice the number of Senators. The geographic size of electorates varies greatly, but the population of each electorate is similar. For example, the smallest electorate is Grayndler, Sydney, which covers an area of 32km², the largest electorate Durack, Western Australia, is 1,629,858km² making it the second-largest single-member electoral area in the world.

Demography of Parliamentarians

Overall, women are under-represented in the Parliament at just 38% of members. However, in the Senate, women are in the majority (53%) compared to 31% in the House of Representatives. Women are more likely to be placed in marginal divisions.

The Parliament of Australia also over-represents Anglo-Europeans. There are only 6 Parliamentarians who are aboriginal or hold aboriginal heritage. The first Aboriginal government minister, Ken Wyatt, was appointed in 2015. Additionally, Asian Australians represent just 2% of the House of Representatives, despite representing 16% of the general population of Australia.

Type of Political System

The Parliament of Australia heavily borrows elements from the UK Parliament in Westminster. However, there are also heavy influences from Federalism. There are three elements of the Australian Parliament; The Queen of Australia, represented by the Governor-General (Currently David Hurley), the Senate and the House of Representatives.

The Constitution of Australia provides for a separation of powers between Parliament, the Executive, and the Judiciary. In keeping with the Westminster style of Government all members of the Government are answerable to Parliament and as such must be a member of either House within three months of appointment. Interestingly, the Constitution does not provide for the position of Prime Minister despite providing for the existence of Ministers and Ministerial departments.

Powers of the Parliament of Australia

The Constitution of Australia gives the legislative power to Parliament, meaning that the Federal Parliament can legislate on only areas that have been granted to it by the States. Although the Constitution delineates legislative boundaries between the Commonwealth and State Parliaments, the Commonwealth has gradually increased its powers. The Constitution also provides for the Parliament to meet at least once a year, and no more than 12 months can elapse between each session.

The Constitution limits the power of the Parliament to legislate; it is not Sovereign in the same way the UK Parliament can legislate for constitutional changes and other significant matters. Instead, the Constitution lists the areas that the Commonwealth parliament can legislate, including international & inter-State Trade and commerce, defence, currency, immigration, and external affairs. In those areas where the Constitution allows the Commonwealth Parliament to legislate, the Commonwealth prevails over any inconsistent State law. The Commonwealth Parliament passes constitutional changes which the States and Territories must then ratify.

The legislation follows a similar path to that in the Westminster Parliament; Figure 1 outlines the process. Both the Senate and House of Representatives can initiate legislation; however, money bills must originate in the House of Representatives. Aside from money bills, both Houses are equal; consequently, disagreement results in either a bill being set aside or a Double Dissolution of both House of Parliament. If, after a Double Dissolution, there is still disagreement between the Houses, the Governor-General can convene a Joint Session of Parliament whereby both Houses vote together on any legislation. In a joint session, amendments and the overall bills must gain approval of an Absolute majority of Senators and MPs.

The 1974 joint session is the only Joint session that has occurred. After successful passage through Parliament, the Governor-General assents or withholds assent in the Queen's name. The Governor-General can also return a piece of legislation to the originating House of Parliament with amendments.

In keeping with the principle of Responsible Government, Parliament holds the Executive to account. There are several accountability mechanisms. The most public mechanism is through

Question Time, held every sitting day in the Senate and House of Representatives. During Question Time, Senators and MPs can put questions directly to Ministers. Question Time is entirely in the gift of the Government as it can suppress the session from happening and can end the session at any point with the request for further questions to be placed on the Notice paper.

'Washminster'- Implications of a Hybrid system of Government

The bicameral nature of the Australian Parliament means that there is a dual representation, and each House can claim to hold a mandate from the electorate. The Senate is the 'States House', however until the introduction of proportional voting, the Senate reproduced the composition of the House of Representatives. It was not always able to exert itself as an independent Chamber.

A second chamber with an independent mandate means that the Government must receive confidence and supply from both the House of Representatives and the Senate. The principle of Dual Responsibility was invoked by Sir John Kerr when he controversially dismissed Gough Whitlam during the 1975 Constitutional Crisis. However, this interpretation of responsible Government in the Australian context is subject to dispute. Some scholars, such as Barwick, contend that whilst a government needs to pass supply through the Senate, principles and conventions do not compel it to resign if it cannot do so.

Voting rights, exclusion, and Obligations

All Australians over the age of 18 are eligible to vote in elections to the Australian Parliament. Women were allowed the same voting rights as men in the Commonwealth Franchise Act 1902, Australia is second only to New Zealand in expanding the vote to Women. However, the same legislation served to prevent Aboriginal Australians, Africans, and Asians from voting. Aboriginal Australians only gained equal franchise in 1962.

All eligible voters are under a legal obligation to register to vote and, most notably, cast a ballot. In 1924, Compulsory voting was introduced to promote voter turnout and ensure that Parliaments were genuinely representative of the electorate's views.

Non-voters have an opportunity to provide a 'valid and sufficient reason' for not voting, such as physical obstruction. If non-voters cannot provide a valid and sufficient reason, or the electoral officers reject their explanation, they must pay a \$20 administrative fine. Failure to pay the fine can lead to prosecution and a more costly financial penalty.

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(Texts recommended for further reading are indicated in bold)

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