

## Democracy in Australia – Strengthening of the role of the Senate

Australia's national political system has been described as a unique hybrid combining British and American norms of governance. Members of Parliament are elected to the House of Representatives using a preferential voting system (the alternative vote). This leads to clear cut political outcomes and thus to strong government. As in Britain, governments are formed by parties with the largest number of members elected to the lower house, in Britain to the House of Commons, and, in Australia to the House of Representatives. The voting system in Australia makes it extremely difficult for candidates of minor parties and independents to win seats in the House of Representatives.

Senators are elected to the Senate, Australia's upper house, using what is called a Single Transferable Vote system (a somewhat unusual preferential form of proportional representation). This leads to a more broadly representative chamber, typically including several Senators from minor parties and one or more independents. As in the United States, the Senate acts as a house of advice, review and consent.

### **The Structure and powers of the Senate**

The Senate has limited control over the actions of the Government of the day except to the extent that the Senate must pass legislation introduced by the Government before that legislation becomes law. By its review of all proposed legislation the Senate can ensure that under-represented groups are not completely excluded from the attention of the Parliament. When independent Senators and the minor parties hold the balance of power in the Senate, as has occurred very frequently in Australia's political history, they can and regularly do exert a major influence by ensuring that amendments to legislation are properly debated and *in extremis* by teaming with the Opposition in the Senate to block the passage of legislation.

### **The Senate Committee system**

The Committee system has traditionally been the centre of review activity in the Federal Parliament in Australia but was considerably weakened in recent years by the Howard government. It dismantled the system of legislative and reference committees with their balanced memberships and instead the chairs of Government and Senate legislative committees were given to Government Senators and the committees were also given a government majority membership. Combined with a Government reluctance to send legislation to committees, and frequent disregard of the reports of reference committees, the impact of Senate committees was greatly reduced.

### **Why are Senate Committees important?**

Parliamentary, and specifically upper house committees, provide an opportunity for in-depth scrutiny and consideration of proposed legislation. Committees can consider information and evidence from other sources, allowing individuals to give testimony in person and organisations with special expertise to present evidence.

Committees also provide an open and transparent way for parliaments to conduct their policy debates since deliberations are conducted by members in public and evidence is available for the public to access.

A third benefit of committees is that they can take a longer term view of public issues because committee members have the time to become expert in the area of their interest, and have the time to consider a broad range of issues.

# T H E A U S T R A L I A N C O L L A B O R A T I O N

## **Senate Inquiries**

Another role of great potential importance is the carrying out of parliamentary inquiries. Parliamentary Inquiries not only have the scope to inform the Parliament and the Government on matters of public significance but, as has been noted about the US Senate, they also have the scope to inform the nation. In the US the progressive broadening of Congressional investigative powers and roles has more and more strengthened the outreach of the Senate's roles.

## **Examples from other countries**

In Germany, two different types of parliamentary committee and inquiry systems carry out analysis and research. Committees of inquiry are constituted of members of parliament only. They investigate public affairs of immediate significance to the Bundestag (Parliament). Study commissions, by contrast, comprise members of parliament and an equal number of outside experts. Their task is to collect as much information as possible on complex, long term policy issues facing the nation. The outside experts enjoy the same rights as members of parliament on these commissions.

The Parliamentary Office of Science and Technology (POST) in the United Kingdom is also a broadly based standing parliamentary body. It has membership from both the House of Commons and the House of Lords and like the German Study Commissions includes outside experts. The agreed definition of science and technology is very broad. POST, for example, carries out studies in areas such as defence, transport, environment and health as well as science policy.

The Parliament funds committees through a parliamentary commission. Committees are provided with staffing and resources to carry out their roles.

## **Creating a Strong Committee System**

Five changes would greatly help to support the work of Committee and Inquiry systems in Federal and State parliaments:

- A committee dedicated to reviewing the budget and economic strategy would be an ideal forum to harness bipartisan ideas and long term planning. A strong committee covering these areas would raise the status of all committees.
- Rationalisation of committees is necessary. There are a limited number of Senators and Members available for committee work.
- Independent funding through a parliamentary commission in the style of the UK would reduce the influence of the executive over committee resources.
- Increased funding would allow a broader and longer term scope for committees.
- A system of public inquiries on long term issues with equal membership of Senators (members of state upper houses) and external experts should be introduced.

Unlike the US Senate, the Australian Senate has never realised its full potential. Every effort should be made to help it do so in the future.

## **Resources**

Marsh, I., & Yencken, D. (2004) *Into the Future: The Neglect of the Long Term in Australian Politics*, Black Inc, Melbourne. [http://www.australiancollaboration.com.au/booksreports/IntoFuture\\_Marsh\\_text.pdf](http://www.australiancollaboration.com.au/booksreports/IntoFuture_Marsh_text.pdf)

Sawer, M., Abjorensen, N., & Larkin, P. (2009) *Australia: The state of democracy*, The Federation Press, Sydney.

Yencken, D. and Henry, N., (2008) *Democracy under Siege*, Australian Collaboration, Melbourne