

Democracy in Australia – Australia’s political system

Australia is a representative democracy, founded in the liberal democratic tradition. This means that the people vote for candidates from among multiple political parties to represent their interests in parliament; and the decision-making power of elected representatives is subject to the rule of law. The Constitution, together with statute and common law, protects the rights and freedoms of individuals and minority groups; diverse political interests are acknowledged; and all Australians are entitled to procedural fairness in the resolution of disputes.

This sheet explains how power is divided and exercised by parliaments, the courts and the different levels and branches of government in Australia. It also introduces the role of the Australian Constitution and describes the electoral system.

Australia’s head of State

Queen Elizabeth II is Australia’s nominal head of state, as she is of 14 other sovereign states including Canada and New Zealand. She is represented in Australia by the Governor General. In practice, however, when an appointment of a Governor General is required, the Queen always acts on the advice of the Australian Prime Minister of the day. A similar system applies in the states and the Northern Territory where the Governors and Administrator act as the representatives of the Queen.

The Governor General acts on the advice of the Prime Minister about such matters as the calling of elections. The Governor General only acts independently in extreme situations, such as in 1975 when the Governor General Sir John Robert Kerr very controversially dismissed the Labor government of Gough Whitlam.

Australia is a member of the Commonwealth of Nations, a voluntary association of 54 sovereign states formerly associated with the old British Empire.

The Australian federation

Australia has a federal system within which power is primarily divided between the Commonwealth and State and Territory governments.

Governments of the states are responsible for all matters not assigned to the Commonwealth in the Australian Constitution, so they play an important and formal part in Australia’s political system. In practice the two levels of government cooperate in many areas where states and territories are formally responsible – for example in education, transport, health and law enforcement. The state governments have their own constitutions as well as their own legislatures, bureaucracies, courts and police.

While the two territories – the Northern Territory and the Australian Capital Territory – share many of the attributes and powers of the states, there are important differences. The assemblies in the two territories exercise their powers under legislated delegation from the Commonwealth Parliament. This means that they are not fully independent and their laws can at times be overridden by the Commonwealth. Furthermore, they do not enjoy all the protections of the Constitution.

Local government bodies are created by state and territory legislation.

The Council of Australian Governments (COAG) promotes cooperative action on policy reforms among the three levels of government: national, state or territory, and local.

The Australian Constitution

The Constitution sets out the roles and powers of the national parliament, the government and the courts. It guarantees the protection of certain rights and freedoms, defines the responsibilities of the Commonwealth government (such as foreign relations, trade, defence, immigration and taxation) and places constraints on government authority.

Amendments to the Constitution are infrequent, as they are only possible following the approval of the electorate through a national referendum, and the passage of an amendment bill through Parliament.

Separation of powers

Under the Constitution, the federal legislature (the parliament) has the power to make laws, the executive (the government) has the power to implement the law and the judiciary (the courts) has the power to interpret the law. This separation of powers, ensuring that the parliament, the executive and legislature remain independent of each other, is a fundamental aspect of Australia's political system. It prevents inappropriate interference from any one of these entities in the functioning of the others.

Legislature

Australia has a legislature based upon the Westminster system of government. The federal parliament comprises two popularly elected chambers: the Senate (or 'upper house' of 76 senators) which includes members from each state in numbers that represent the states equally; and the House of Representatives (or 'lower house' of 150 members) which includes members from each state in numbers that are proportional to the voting populations of the states.

Government is formed in the House of Representatives by the party able to command a majority in that chamber, and the leader of that party is appointed by the Governor-General as Prime Minister of Australia. The party or coalition with the second largest number of seats in the House of Representatives forms the Opposition. The Leader of the House, a minister appointed by the Prime Minister, is responsible for ensuring that the government's business proceeds efficiently through the House of Representatives. The Speaker, selected by the members from among their own number, runs the House of Representatives according to the standing orders and acts as spokesperson for the House of Representatives in its dealings with the Government, the Senate, the Governor-General and other parliaments.

If no party holds a majority of seats in the House of Representatives, a hung parliament results, and no party can pass laws without gaining support from other parties or from independent members of the House.

In the Senate, the Leader of the Government and the Leader of the Opposition lead their parties in debating proposed laws (known as bills). Although these two senators are responsible for their parties in the Senate, they do not have the same powers as the Prime Minister and the Leader of the Opposition in the House of Representatives. Minority parties often hold the balance of power in the Senate, which serves as a chamber of review for the decisions of the government. The President of the Senate is elected by members of the Senate in the same way that the Speaker of the House of Representatives is elected.

Bills must be passed by both the House of Representatives and the Senate – and be assented to by the Governor-General – before they can become Acts of parliament. In most cases, a bill can be introduced in either chamber.

Executive

The Federal Executive Council, referred to in the Constitution, comprises all ministers from the House of Representatives and Senate. The powers of the Queen as head of state are exercised through her representative, the Governor-General, who presides over the Federal Executive Council and, by convention, acts on the advice of ministers on almost all occasions.

The principal functions of the executive branch of government are to run government business, make policy decisions, and control government departments which administer the laws passed by the parliament. Ministers are assisted in their executive role by the public service.

Although the Cabinet is not mentioned in the Constitution, it is the key decision-making body of the government and comprises senior government ministers. The decisions of Cabinet are given legal effect by their formal ratification by the Federal Executive Council.

Judiciary

The High Court of Australia and the Federal Court of Australia variously interpret constitutional provisions and Commonwealth laws.

The judges of the High Court are appointed by the Governor-General (acting on advice of the Federal Executive Council). The functions of the High Court are to interpret and apply the law, to decide cases of special federal significance, and to hear appeals from federal, state and territory courts. The High Court also acts as a final court of appeal.

Political parties

There are two major political parties (the Labor Party and the Liberal Party) and various minor parties (including the Nationals and the Greens). In parliament, elected politicians nearly always vote with their party, but on rare occasions they may choose to abstain or cross the floor to publicly express disagreement with party policy.

Elections

The Commonwealth, state and territory parliaments are all directly elected by the people. At elections, citizens vote for their preferred candidates and parties to act as representatives in government. Voting is compulsory for all citizens over the age of 18. Each jurisdiction has its own electoral administration body which is responsible for conducting elections.

Federal elections are run by the Australian Electoral Commission, in line with the requirements of the *Commonwealth Electoral Act 1918*. The Act sets out a range of electoral processes including the determination of electoral boundaries; maintenance of electoral rolls; registration of political parties and nomination of candidates for elections; scrutiny of votes; disclosure requirements for political expenditure and receipts (including donations); and public funding of political parties and candidates.

General elections (i.e. elections for the federal legislature) are held every three years, following the agreement of the Governor-General to a request from the Prime Minister.

Members of the House of Representatives are elected for a three-year term, whereas senators are elected for a six-year term. Therefore in an ordinary general election all of the lower house members and half of the upper house members face the voters.

It is worth noting that while term lengths are consistent within each jurisdiction in Australia, they vary across jurisdictions. Among the lower houses only Queensland and the Commonwealth have terms limited to three years, whereas the lower houses in all other states and territories may sit for up to four years. Some states such as New South Wales and Victoria have introduced fixed term elections,

meaning that the date of the election is fixed by law. In the absence of such legislation, the date of the election is determined by the Prime Minister, Premier or Chief Minister.

Elections for the House of Representatives use a preferential voting system to elect one member for each electorate. Citizens vote by writing a number beside every name on the ballot paper: '1' for the first preference, '2' for the second preference and so on. If a candidate gains an absolute majority of first preference votes, that candidate wins the seat. If no candidate has enough first preference votes for an absolute majority, then further preferences are counted. The winner is the candidate who gains an absolute majority of first and later preferences.

Elections for the Senate use a more complex voting system known as proportional representation. Voters have two options: they can simply place the number '1' beside their preferred party (in which case preferences are allocated according to the party's registered 'group ticket'), or they can number each candidate in order of their preference. State and territory senators must win a designated quota of first and later preferences that equals a specified proportion of the vote.

In Australia, there is strong public participation and trust in the political system. Compared with other countries, Australia has a high level of public satisfaction with elections as a mechanism both for electing governments with adequate power to act, and for ensuring government accountability and responsiveness.

Useful Sources

Australia's System of Government

http://www.dfat.gov.au/facts/sys_gov.html

This is one in a series of fact sheets prepared by the Department of Foreign Affairs and Trade.

Parliamentary Education Office - Frequently asked questions

<http://www.peo.gov.au/faq/index.html>

This database is designed to answer questions related to the Federation, Parliament, Government and Judiciary.

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

Parliamentary Education Office – Fact sheets for students

<http://www.peo.gov.au/students/fss/index.html>

This is a series of fact sheets and associated online quizzes about Australia's Parliament. The site is aimed at school students.

Strengthening Australia's Democracy – Chapter 1:

An Introduction to the Australian Electoral System

http://www.dpmc.gov.au/consultation/elect_reform/strengthening_democracy/docs/strengthening_australias_democracy_1.pdf

This chapter is taken from the Australian Government's Green Paper on Electoral reform, released in September 2009.