

Fifty Years of Proportional Representation in Australia

by David E. Smith

The Australian Senate was the first popularly elected upper house in the world. Originally, senators were elected under a plurality system of voting. After 1919 the preferential ballot was used and then, in 1949, proportional representation was introduced. In August 1999, a conference to mark fifty years of proportional representation took place at Canberra's Parliament House. The program included sessions on the origins of PR, its effect on concepts of representation and accountability, the implications of an altered chamber for the behaviour of journalists and interests groups, and the contribution of minor parties and independents who have benefited from the Senate's change in electoral procedure. Although the papers and subsequent discussion were largely Australian in their references, their unifying theme – the changing role of the upper house in that country's Parliament – possesses immediate interest for Canadians. This article summarizes some of the issues raised at the conference.

States have equal representation in the Senate. At the time of federation six each but now twelve, and today there are two senators apiece for the two Territories. Until 1949, the size of both the Senate and the House of Representatives had remained unchanged since 1901. It was the desire of the government of the day to enlarge the lower house that opened the door to introducing PR in the Senate. Section 24 of the *Commonwealth of Australia Constitution Act, 1900* states that the number of house members "shall be, as nearly as practicable, twice the number of senators." Many participants noted this linkage between the size of the two chambers. Section 24 underlines a more general proposition however, which is that the houses are two

parts of one Parliament. From a Canadian perspective this is a useful reminder of a truth proponents of reform to the Senate of Canada seldom mention – the effect of change in the upper chamber upon the operation of the lower house. In short, the conference on PR was at another level a conference on the dynamics of bicameralism.

And so it should have been, since much of the attention in Australian political debate today focuses on the inability of governments of either of the two major parties (the Liberal-National Coalition or Labor) to secure majority control of the Senate. Since 1955, when the first minor party (Democratic Labor) appeared as a result of a split in the Australian Labor Party, minor parties have held the balance of power for 32 of the 44 years. According to one presenter, what has happened in Australia is a "regime change," and PR has been its agent. The Senate has become the forum for minority interests, and more of these interests are active now than ever before. Major parties in Australia, as in Canada, have witnessed a decline in

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voter allegiance and a loss in authority to control political debate at large. Ian Marsh, a professor at the Australian Graduate School of Management, University of New South Wales/University of Sydney argued that "the women's, environment, gay, Aboriginal, consumer, multi-cultural ... movements are all organised independently of the major parties."¹ These are largely the same constituencies that avail themselves of the Charter of Rights and Freedoms in Canada.

Following this line of argument the Senate in Australia has become a house of minorities whose primary concern is to broker interests that go un- or under-represented in the lower house. Passage of the Howard Government's GST legislation in June 1999 depended upon support from the leader of the Australian Democrats in the Senate. In addition to winning a GST exemption for food, the Democrats won a government commitment to increase social benefit spending. Some conference participants said that the Senate had yet to define its role in Australian politics. That may be true from where Australians stand, but from the vantage of an outsider what is significant is that the Senate is not now, nor ever has been, the States' house so dear to federal theorists. There was general agreement with the observation offered by John Uhr of Australian National University that if states rights was the objective then PR was not the solution, since it "would do nothing to keep state delegations cohesively together."²

The Senate has assumed the role that Bagehot and J.S. Mill once assigned to the lower chamber. It is the true educative, informing, legislative chamber, while the House, locked in the thrall of party discipline, is a permanent electioneering body.

Even if this analysis is correct, and the sense of the conference was that it is, why should it be of interest to students of parliamentary government in Canada? The answer lies in Canada's unresolved debate over the future of its second chamber. The Australian Senate is one model, and an attractive one, that Canadians might like to emulate. But Australian experience with a popularly elected upper house raises difficult questions that proponents of change should heed. For instance, Parliament in Australia is an institution of divided representation. Does that mean, as the title of one of the conference papers asked, that "the Senate can claim a mandate?"³ And if it can make that claim, what sort of a mandate does it have: strong or weak, specific or general? How far may it go in interfering with the policies of the government? It is worth noting that while the actions of the Senate of Canada normally do not pose similar challenges to government, none the less the same questions are asked here only in a different language, that of referendum and recall.

Again, where there are two popularly elected chambers in a parliament, what happens if there is a deadlock? Australians remember what happened when the Liberal-dominated Senate refused to pass Gough Whitlam's financial measures in 1975. Dismissal by the governor-general of a government that controls the lower house cannot happen often, or even seldom. The Australian Constitution provides in Section 57 for double dissolution, that is simultaneous election of both houses. But this is not attractive to a government that sees no hope of winning a majority in the second chamber. That is one reason why today Australian prime ministers prefer to bargain with minor parties in the Senate. Would the same thing happen in Canada? Would the elections some propose for the Senate be at the same or different times as the elections for the House of Commons. Whether they are simultaneous or non-simultaneous they present challenges to governments, to political parties and, maybe, even to voters. Would voters here, as the conference was told Australians do, deliberately split their vote in order to create a check on government?

There are those in Australia, in the Coalition and the Labor Party, who want to check the assertiveness of the minor parties in the Senate by making it more difficult for them to win Senate seats or to limit the Senate's power to block certain bills. That such reforms would be good for a government is obvious; for that reason they are unlikely to find favour with the public. The Clerk of the Senate, Harry Evans, made a strong plea for retention of PR as it currently operates. "By denying governments control of upper houses," he said, proportional representation "has prevented the virtually complete suppression of accountability which occurs when governments have that control."⁴ Evans is not alone in his admiration for the Senate whose vitality he attributes to proportional representation. Three of the five states with upper houses have adopted PR as well. (Even if the Canadian Senate were to become an elected body, there is no chance for a similar demonstration effect here since there is total institutional asymmetry between the federal and provincial governments in the matter of upper houses).

When it comes to the subject of elections – the secret ballot, the drawing of boundaries, the franchise – Australians have been innovators. One of the marked features of the PR Conference was the participation from the audience of members of proportional representation societies from New South Wales, South Australia, Victoria and the Australian Capital Territory. Why in these matters have Australians been disposed to experiment and Canadians so conservative? Is the root of the explanation for this inventiveness the same one that explains why Australians voted in November 1999 in a referendum on

a republic? Following Arend Lijphart's lead, many commentators describe what is happening in Australia as consensus politics. If it is consensus, it is agreement between people who share much in common. Canadians have lived with real difference for a long time and have made its politics work. Consensus is too strong a term for what happens here – negotiation would be a better description. Negotiations are fragile constructs that avoid the glare of controversy that accompanies elections.

Notes

1. Ian Marsh, "Opening up the Policy Process," paper for presentation to "Representation and Institutional Change:

A Conference to Mark 50 Years of Proportional Representation in the Senate," Parliament House, Canberra, 5 and 6 August 1999 and "Institutional Change" 5-6 (hereafter conference citation, "Representation and Institutional Change").

2. John Uhr, "Why We Chose Proportional Representation," Representation and Institutional Change, 9.
3. Murray Goot, "Can the Senate Claim a Mandate?," Representation and Institutional Change.
4. Harry Evans, "Accountability versus government control: the effect of proportional representation," Representation and Institutional Change, 5.