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Studying Sub-national Governments and Politics: Lessons for Canada From Abroad

Australia: ‘State Politics’ (Draft entry for *The Oxford Companion to Australian Politics* (OCAP), edited by Brian Galligan and Winsome Roberts, Melbourne: Oxford University Press, forthcoming late 2004)

Campbell Sharman
University of British Columbia

The establishment of the Commonwealth in 1901 created the Australian federation of which the six previously existing British colonies of New South Wales (NSW), Queensland, South Australia (SA), Tasmania, Victoria and Western Australia (WA) became the six founding states. With the exception of WA which gained self-government in 1890, these political communities had enjoyed more than forty years of representative democracy before the creation of the Commonwealth. Since federation, the states have continued as vigorous political communities with parliamentary governments which provide most of the services which are felt to be of greatest importance to Australians; health, education, law and order and the bulk of government regulation affecting daily life. State politics deals with most of the issues about which Australians care most.

The tradition of colonial self-government centred around legislatures which were set up from 1856, and had extensive law-making powers. But, in keeping with the practice of British-style parliamentary government, colonial constitutional documents said little about the exercise of executive power—the role and responsibilities of the premier, ministers and cabinet. Executive government was to be carried out in the name of a state governor on behalf of the Crown with little specification of how these formal elements of government related to parliamentary democracy, a situation which is little changed today. State constitutions remain incomplete

guides to the operation of state government, although several states have recently moved to update aspects of their constitutional documents. The biggest change has been the increasing use of the referendum as a way of entrenching some constitutional provisions, especially those dealing with the structure and composition of the legislature and the term of governments between elections.

By 1901, each state had established a bicameral parliamentary tradition coloured by a combination of the early extension the franchise to a broad section of the community for the election of a lower house (house of assembly in SA and Tasmania; legislative assembly in the other states) and a powerful upper house (legislative council) designed as a conservative check on governments. Clashes between reforming governments based on popular majorities in the lower house, and conservative majorities in upper houses became a sporadic feature of politics in all states, a characteristic which was exacerbated by the rise of disciplined mass political parties after 1910.

The tradition of bicameral parliamentary democracy has persisted in all states except Queensland (which abolished its upper house in 1922) notwithstanding the commitment of the Australian Labor Party (ALP) until recently to abolish all upper houses and the lack of any substantial constitutional entrenchment for most legislative councils until the 1970s. As Stone (1998) has pointed out, state upper houses have undergone a process of transformation from being viewed as bastions of conservatism, through a long period of being seen as obsolete and redundant, to their current position being accepted as having the potential to enhance the public scrutiny of legislation and the activities of government. This last phase has been closely associated with the loss of government control of upper house majorities as a consequence of the introduction of proportional representation for legislative councils and the reflection of views other than those of the two largest party groupings. The process began in SA with the adoption of proportional representation for the legislative council in 1973, a measure followed by NSW in 1978, and WA in 1989. The debate over upper house reform continues in Victoria and Tasmania, although the Tasmanian Legislative Council, dominated by independents, has a long history of using its power to modify or block government legislation. These changes, coupled with the evolution of the

Senate since the 1960s, have made strong, parliamentary, elective bicameralism a distinctive characteristic of Australian parliamentary democracy.

In addition to bicameralism, state parliamentary representation has been notable for experimentation with the rules relating to elections (Farrell and McAllister, 2003). SA was the first to adopt manhood suffrage in 1856 and the first Australian jurisdiction to extend the franchise to women in 1894; SA and Victoria were pioneers in the use of the secret ballot in 1856; and Queensland was the first jurisdiction to use compulsory voting in 1915, a feature of the electoral process which has been adopted for all lower house elections in Australia since 1944. The states have long experimented with electoral formulas for turning votes into seats for lower house elections. Currently, SA (since 1930), Victoria (since 1917) and WA (since 1911) use preferential voting (the alternative vote) with compulsory preferences, while Tasmania has used proportional representation by the single transferable vote method since 1909. NSW and Queensland use preferential voting with the optional expression of preferences (NSW moved from compulsory to optional preferences at the 1981 election, and Queensland at the 1992 election).

This history of experimentation has less to do with a commitment to fairness than with a concern for partisan gain, although it would be unfair to electoral reformers to say that self-interest was always the sole reason for change. Preferential voting had emerged by the 1920s as a way of preventing the ALP from benefiting from a split in the anti-Labor vote between the precursors of the present Liberal and National parties. The other characteristic of state electoral laws until recently has been widespread malapportionment to favour the votes of rural over urban voters. The partisan gains of malapportionment have been mixed but have most often benefited the National Party and its precursors. Only WA preserves a system-wide difference between the metropolitan and non-metropolitan electoral districts for the lower house where the ratio of voters for the two regions is set at 2:1, an arrangement which is currently under challenge.

With the partial exception of Tasmania, the broad similarity in the current electoral systems of the states reflects another common characteristic; for all states since the early 1900s, the ALP has usually won the most votes at state general elections. In this sense, the ALP has been the

dominant party in shaping the pattern of partisan competition in all states. This has not meant that the ALP has been uniformly successful—its success in gaining government has varied widely between the states (Sharman 1998) and has sometimes suffered from malapportionment and gerrymandering—but that it has been a major player in all state electoral contests. The result has been pressure for a matching anti-Labor party grouping. Since the 1920s, this role has been played by the Liberal Party and its precursors, often in partnership with the rural based Country (now National) Party. But there have been wide variations in the pattern and success of non-Labor politics between the states: in Queensland, by contrast to all other states, the National Party has dominated anti-Labor coalitions; in SA and Tasmania the National Party has rarely played a significant role; and in several states, independent and minor party members have sometimes played a critical role in the formation of governments. This pattern has been complicated in recent years by the rise of the Australian Democrats and the Greens as significant players in the politics of some states.

Apart from a tradition of strong party discipline, an important characteristic of state parliaments is that they are small and, relative to the growth in population, getting smaller; a comparison of the number of members of state lower houses in mid-2004 (with the comparable number in 1906 in brackets) shows the NSW lower house had 93 (90) members, Queensland 89 (72), SA 47 (42), Tasmania 25 (35), Victoria 88 (65) and WA 57 (50). In spite of the huge growth in the number of voters in all states and a massive extension of the role of government over a hundred years, the number of lower house representatives has hardly increased and, in the case of Tasmania, has recently suffered a substantial reduction. In terms of citizen access to a member of parliament, this has meant that the quality of representation in state assemblies has suffered a steep decline.

But, as Stone (1998) has shown, this parsimony has not extended to the number of ministers. The combination of small legislatures and relatively large cabinets has led to a tradition of executive dominance in state parliaments. Legislatures have played an important role as forums for political debate, for oppositions to hone their skills at embarrassing the government, and for members to air the concerns of their constituents, but there have been limited opportunities for parliamentary scrutiny of legislation or the investigation of questionable government activities.

For a period around the 1990s, a series of minority governments in all states coupled with several major enquiries into the adequacy of parliamentary scrutiny of the executive seemed to mark a change in the style of parliamentary politics in favour of greater autonomy for backbench and opposition members of the legislature, but this phase subsided once majority governments resumed power. In spite of the occasional minority government and the role of upper houses in sporadically thwarting the legislative programs of governments, state parliamentary politics has traditionally been tightly controlled by the governing party and focused on the activities of the cabinet and, within the cabinet, on the role of the premier. As head of government, the major political actor within the state, and the personification of the state's interest when dealing the federal government, the premier dominates state politics. If he or she does not, the governing party will be looking for a replacement. The premier is expected to coordinate the activities of state government through a powerful department of premier and cabinet, and give political leadership to the party in government.

State executive government has grown extensively in both the number of ministers and the range of activities in which governments have become involved over the last hundred years (Sayers and Moon, 2002). Although there has been some recent restraint in the proliferation of ministries, the states remain the major providers of the multifarious government services now expected by their communities. This has always been the case, from the building of roads, bridges and railways in the early years of settlement, to the current expectations for the provision of health and education services and a vast range of regulatory activities. Land use and zoning, pollution and the environment, urban development and regional government, mining, forestry, agriculture, the regulation of the supply of electricity and natural gas, and the management of water resources (with the partial exception of the River Murray) are all predominantly the concern of state governments. Law and order and the administration of justice, including most law relating to property, is primarily a state concern; unlike Canada, the Australian states retained their responsibility for criminal law and their own system of courts at federation.

These responsibilities, and the hosts of interest groups that they generate, have made the states the sphere of government most concerned with economic development and urban and regional growth, and made them the forums for some of the fiercest political disputes over the use of

public resources. From being the instruments for the direct provision of industrial infrastructure, state governments have modified their role in recent years to that of facilitators for private and commercial investment, but the effect has changed little; there is still a belief that the generation of employment opportunities is a major state responsibility, and an appropriate use for state funds. The states are the agencies with the largest role in harmonizing the competing demands of urban growth and regional investment, of environmental protection and the preservation of employment in forestry and agriculture, and, above all, the insatiable demands of the health system and other areas with claims on state funds.

The states are the big spenders in the Australian federation, an unsurprising consequence of their responsibility for the provision of the great bulk of services expected by the electorate. But, since federation, the source of the necessary revenue has been a matter of fierce dispute between the states and the Commonwealth government. Customs and excise duties were transferred to the Commonwealth as part of the federation settlement, and the High Court has long held that retail sales taxes could not be levied by the states. As a consequence, the states entered federation dependent on transfers from the Commonwealth in compensation for lost revenue; a major theme in Commonwealth state relations ever since has been the adequacy and nature of federal government transfers to the states. The states had managed to reduce their financial dependence on the Commonwealth by the 1930s through the use of state income taxes but the wartime Curtin Labor government moved to expropriate this tax source in 1942. In fact, if not in law, the states have been unable to re-enter the field of income tax, and successive Commonwealth governments have been unwilling to share this most productive of tax bases with the states, although there was a time during the Fraser government (1975-1983) when this seemed a possibility.

The states are now dependent on Commonwealth transfers for more than half their funds—significantly more than this if the revenue from the goods and services tax (GST) is regarded as a Commonwealth tax. The remainder of state revenue is made up a wide range of taxes, licence fees and charges, including payroll tax, taxes on financial and property transactions, gambling taxes, motor vehicle fees, and the property taxes, rates, fees and charges levied by local governments and state instrumentalities.

The results of this financial dependence for state politics have been complex and not always what might be expected. On one hand, the dominant financial position of the Commonwealth has enabled it to trade funds for influence in areas of state administration, a technique used since the Whitlam government in the 1970s to greatly extend Commonwealth involvement with a wide range of state government activities in the fields of health, education, social welfare, land use and the environment. Now, there is hardly an area of state political activity which does not involve some direct or indirect Commonwealth participation, usually in the form of financial subventions. On the other hand, after a period of strong state hostility to this involvement, the states now take this Commonwealth participation largely for granted and give token acknowledgement to the Commonwealth while taking most of the political benefits for spending central government funds. The Commonwealth government cannot escape accusations of under funding state programs even though it has little control of the way state government services are delivered.

The paradoxical result is that the states are apparently financially dependent on the central government and yet maintain enough political power to force the Commonwealth to subsidize their activities in a way which leaves the states with considerable discretion on how the funds are administered.

The key to this apparent contradiction is the central role the state political communities play not just in state politics but in national politics. Canberra may be the focus for administrative and commercial patronage, but the bulk of Australians lives in the states; these are the voters who must be influenced to win power. As a consequence, Australian politics is structured around the six state capitals and, of greatest importance, so are the organisations of the major political parties. State party machines, except during campaigns for national elections, provide the organizational muscle for the day to day operation of party politics for the Labor, Liberal and National parties. One of the consequences of this pattern of partisan competition is that national politicians must have a state base; a politician's state of origin is as important as party affiliation in terms of the partisan influence he or she can deploy.

Even the ALP which has moved furthest in creating a national party structure is dependent for most of the decisions about the selection of candidates for national office on its state branches.

This pattern is repeated for the Liberal and National parties except that there is even greater autonomy for state branches in both state political concerns and in decisions affecting national politics. This is less true for some of the smaller parties which have emerged over the last thirty years, in part reflecting their dependence on national rather than state issues to gain election in the Senate. But the effects of proportional representation in the NSW, SA, and WA upper houses, and the Tasmanian lower house have given such parties as the Greens both representation and a stake in state politics. It is too early to guess how the tensions between the competing demands of state and federal politics will be accommodated within these parties' organizations.

One of the perennial questions about state politics is the nature and extent of differences between the states. This is sometimes expressed as a question about the existence of state political cultures, an elusive concept about whose precise meaning there is little agreement (Denemark and Sharman, 1994). At one level, it is clear that Australians have similar views about the nature of politics and partisanship, given the similarity of party contests in state and federal spheres. But the nature of party politics in each state is strongly coloured by local traditions and concerns notwithstanding the use of the same party labels across the federation. When this is reinforced by a distinctive set of representative institutions and a body of statute law which have been evolving since well before federation, in addition to an array of political issues related to geography, patterns of settlement, climate, and a host of state-based interest groups, state differences can be striking.

It may well be that Australians underestimate both the extent and the importance of the way their political and social life, and not just their sporting allegiances, are shaped by the existence of state based political communities. In spite of attempts by the Commonwealth to trumpet the virtues of national uniformity, the driving force for state politics remains the reflection of diversity, the accommodation of competing community demands, and the desire for self-government—the need to produce home grown solutions to political problems. These concerns are an integral part of state politics and are as important today as they have been for the last 150 years.

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