Independents in a Multi-Party System: the Experience of the Australian Senate[*]

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Since political parties have taken control over the proceedings of legislatures, party government has become the norm in most parliamentary systems. This principally has taken two forms—the two-party or multi-party system. In a two-party system, two parties compete for office in an adversarial contest. Control of government is delivered to the party which secures an overall majority in the Parliament. A multi-party system exists when no one party can govern alone and co-operation between the parties is required to form or maintain effective government.[1]

It has been suggested in some political science texts that Australia has a two-party system because only two parties in the House of Representatives, the Australian Labor Party and the Liberal Party, are likely to form government. For convenience sake the long-standing coalition between the Liberal and National parties in government, and more often than not in opposition, has been fused into a single unit to sustain the analysis, or explained away as a two-and-a-half party system.[2]

The situation is more complex. This two-party explanation does not take account of the constitutional provision of the Senate as the second Chamber in Australia's Parliament with

[1] J. Blondel, 'Consensual politics and multi-party systems', *Australian Journal of Political Science*, vol. 30, 1995, special issue, pp. 7–26.

[2] A. Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, Yale University Press, New Haven, 1984.

equal powers with the House of Representatives, except for restrictions on the initiation and amendment of money bills. Governments have not always had majorities in the Senate because of the staggered system of half-Senate elections and, more significantly, the introduction of proportional voting for the Senate in 1948, which provided the capacity for the Senate to break away from the two-sided model of politics. This became apparent when the split within the Australian Labor Party of 1955 saw two members of the Democratic Labor Party elected to the Senate. The trend was reaffirmed with the success of the Australian Democrats in 1977 with two Senate seats and the election of a number of Independents.

No government has held a majority in the Senate since 1981. Minor parties and Independents have held the balance of power in the sense that they have had the decisive vote in any contested division between the opposition parties and the government. The fact that the government has to negotiate with these groups to secure passage of its legislation suggests the Australian parliamentary system more accurately should be described as multi-party in practice.[3]

The balance of representation in the Senate after the 1993 election strengthened the multi-party analysis:

Australian Labor Party	30
Liberal-National parties	36
Australian Democrats	7
The Greens (WA)	2
Independent (Harradine)	1

The Keating Labor government after 1993 needed nine votes from a mix of the minor parties and Harradine to pass its legislation through the senate (Senator John Devereux, a former Labor Senator, who sat in the Senate as an Independent from 1995 until he resigned to contest the February 1996 Tasmanian state election, continued to support the government).

The impact of this non-government majority can be seen from the following record of bills passed through the Senate for 1994:

Total number of bills considered by Senate	217
Number of bills in which amendments were moved	95
Number of bills to which amendments were agreed	60

(Source: *Business of the Senate* 1 January 1994–31 December 1994, Department of the Senate, Canberra).

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[3] D. Jaensch, *Parties, Parliament and People*, Longman, Melbourne, 1991.

An examination of the source of amendments moved at committee stage indicates in raw figures the impact of the government's minority on its legislation:

Democrat amendments

Agreed to	48
Negatived	145

The Greens (WA) amendments

Agreed to	34
Negatived	95

Independent amendments

Negatived	3

Opposition amendments

Agreed to	83
Negatived	40

Government amendments

Agreed to	540
Negatived	2

(Source: *Business of the Senate*, 1 January 1994–31 December 1994, Department of the Senate, Canberra).

The large number of government initiated amendments suggests the degree of compromise needed to secure passage of legislation. The figures do not reveal those amendments to government policy negotiated and agreed prior to a bill being drafted and presented to Parliament. Overall, the figures confirm a government having to conciliate and work with the Opposition, minor parties and Harradine to secure passage of legislation.

John Uhr has argued the multi-party hypothesis most forcefully in pointing to the impact of the minor parties in forcing amendments to the government's 1993 budget in order to secure its passage through the Senate; obtaining greater access by non-government Senators to government information and justifications for ministerial decisions; imposing time limits on questions and answers in Senate question time and changing Senate procedures to allow some committee Chairs to be held by non-government Senators.[4] Previous practice had been for Senate committees to have government majorities and be chaired by a government Senator.

The 1994 changes to the Senate committee system, which came about as a result of pressure from the Opposition parties and the Australian Democrats, allocated the membership and Chair of references and other committees (except legislation committees where the Chair remains a government Senator) on the basis of representation of parties and Independents.[5]

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[4] J. Uhr, 'Proportional representation in the Australian Senate: recovering the rationale' *Australian Journal of Political Science,* vol. 30, 1995, special issue, pp.127–141.

[5] For a comprehensive explanation of these changes, see H. Evans, 'Restructuring the Senate's Committee System', *Canberra Bulletin of Public Administration*, no. 78, August 1995.

The Opposition and minor parties have used their majority in the Senate and the new committee procedures to establish select committees with non-government majorities and non-government Chairs to inquire into areas of government policy and ministerial performance. The government may consider it has no formal responsibility to act upon the recommendations of these committees because the government is formed by the majority party in the House of Representatives, but media coverage of the proceedings forces the issues onto the political agenda so the government has to defend its policies and its performance. Failure to do so may result in substantial electoral damage.

The multi-party analysis is rendered complex in the Australian experience by the inclusion of an Independent in the potential coalition of votes required by the government to secure the passage of its legislation. The question is, how do Independents fit into the concept of a **multi-party** system? To approach this issue, this paper will compare the characteristics of a multi-party system with the way Independents operate, using the experiences of Independent Senator Brian Harradine, who has sat in the Australian Senate since 1975, as an example.

The multi-party system

Multi-party government disperses formal powers of political initiative because the policy-making process is opened to scrutiny and influence by those minor parties whose votes are needed, and to those interest groups with whom they have links or a sympathy of understanding.[6] Coalition building and consensus formation is necessary to produce a governing majority in those legislatures where no one party has the numbers to control the proceedings.[7] This can take the form of:

- a formal, stable coalition of parties in government, such as between the Liberal and National parties in the Australian House of Representatives;

- issue-based consensus where a minority government has to secure the agreement of minor parties or Independents for each piece of legislation. The minority Fahey government in New South Wales, for example, needed to get the agreement of Independents to secure passage of its bills through the Legislative Assembly.

Australian governments operating within a bicameral parliamentary system have to secure passage of their legislation through a second Chamber. The New South Wales Fahey government, for example, not only had a minority in the Legislative Assembly, it lacked the numbers also in the Legislative Council, where it had to gain the support of minor parties to pass its legislation through the Parliament. The Commonwealth government, as we have seen, in recent years has had control of the House of Representatives, but not the Senate.

The maintenance of stable and effective government in a multi-party system requires that 'all the forces involved in public decision making, directly or indirectly, either work in harmony or strive towards harmony'.[8] A two-party system based around electoral competition and

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[6] I. Marsh, *Policymaking in a Three Party System*, Methuen, London, 1986.

[7] ibid; Lijphart, op.cit., Chapter 2.

[8] J. Blondel, op. cit.

parliamentary opposition discourages 'public bipartisanship on any aspect of any issue'.[9] This is more pronounced in a multi-party system with a number of parties contesting for electoral support, each with its own political agenda and policy preference, but it is not impossible. It depends on the motivation and objectives of the parties. If the goal is political power for its own sake with the discomfort and dislodgment of the government as the key objective, then there is less likely to be an interest in conciliation and consensus that would help keep it in power. Under these conditions, only an unfavourable electoral climate would encourage parties to enter into a negotiated compromise.[10] Parties that are ideologically opposed to the government would be less likely to reach agreement on areas of significant difference.

If the aim of the parties is to affect public policy, then coalition building would take place on an issue-by-issue basis and minority governments would survive, provided they satisfied the policy aspirations of a majority of their Opposition.[11] Even when the parties are in broad agreement over policy goals, they can disagree on the means of achieving them.[12]

Different characteristics of minor parties identified by Duverger will affect the conditions under which successful coalition building and consensus can be achieved. 'Personality' minor parties with no real organisation or social substructure, 'fairly fluid and shifting, not based on any precise doctrine … founded under the banner of opportunism or of shades of opinion' are more likely to be open to persuasion, whereas 'permanent minority parties' with characteristics of a 'spiritual family', including a marked ideology or set of principles will coalesce only on their own terms.[13]

The greater the number of parties involved, the more difficult it will be to find common ground.[14] A multi-party system which reflects the deep cleavages in society on religious, language or ideological grounds clearly will make it even more difficult.[15] Multipartism in itself is not the problem. The key to consensus in a multi-party system is the degree of heterogeneity between the parties.[16]

The Australian experience reveals that to be the case. The Democratic Labor Party (DLP), split away from the Australian Labor Party (ALP) in the 1950s under conditions of such hostility that it used its balance of power in the Senate between 1972 and 1974 to block legislation because it was put forward by an ALP government. The Greens (WA) are firmly

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[9] I. Marsh, op. cit.

[10] M. Laver and N. Schofield, *Multiparty Government: the Politics of Coalition in Europe*, Oxford University Press, Oxford, 1990.

[11] M. Laver and B Hunt, *Policy and Party Competition*, Routledge, New York, 1992.

[12] M Sjolin, *Coalition Politics and Parliamentary Power*, Lund University Press, Lund, Sweden, 1993.

[13] M. Duverger, *Political Parties*: *Their Organization and Activity in the Modern State*, Methuen, London, 1959.

[14] J. Blondel, op. cit.

[15] A. Lijphart, op. cit.

[16] J. Lane and S. Ersson, 'Multipartism' in M. Holler (ed.) *The Logic of Multi-party Systems*, Martinus Hijhoff, Dordrecht, the Netherlands, 1987.

wedded to a set of principles on environmental issues, equity and human rights, on which, like the Nuclear Disarment Party before them, they will not compromise. The Australian Democrats' broad sympathy of understanding with the Keating government on some issues relating to social justice, did not prevent disagreements over the means of achieving them. They were not prepared to compromise their principles on issues involving equity and the environment.

The methods used to achieve an accommodation with the minor parties in the Senate have included:

- compromise by both sides;
- concession by the government to minor party demands in return for support for a particular piece of legislation.

Blondel, in his study of multi-party systems in Europe, found four out of five instances of patronage to secure consensus.[17] The Australian experience involves 'a spoils system' or a positive-sum outcome, where the benefits have been shared between the negotiating parties, for example, the Keating government's concessions to secure the support of minor parties and Harradine for its Native Title Act, and the exchange of preferences from time to time between a major and a minor party in return for support for particular policies (a critical factor in both the proportional and preferential voting systems used for the Australian Senate and House of Representatives elections).

But governments might not be willing to compromise or make concessions. This leaves it two alternatives: to abandon the legislation; or take the issue to the people. The latter is risky unless the government is confident it has sufficient electoral support to win and the particular issue at stake is likely to become submerged within the broader context of the party political contest. For that reason a government is more likely to compromise on the detail to achieve its broad policy objective.

The Australian multi-party system is semi-consensual in that it is 'pivotal' where the minor parties and Independents move in and out of coalition. This is similar to experiences in the Netherlands, Belgium and Italy.[18] But it is different also, because the minor parties have not entered into a formal coalition with the government and their voting record has been flexible and fluid, as this history of the voting in divisions of The Greens (WA) reveals:

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[17] J. Blondel, op. cit.

[18] ibid.

	With Government against Opposition	With Opposition against Government
Senator Vallentine (1.7.90–31.1.92)	39	11
Senator Chamarette (24.3.92–30.6.93)	71	10
Senators Chamarette and Margetts (17.8.93–4.2.94)	105	25

(Source: Senate Table Office)

Historical experience and the desire to avoid a repetition of that experience is another factor that encourages consensus.[19] This is true to some extent in the Australian Senate. The deadlock between the Senate and the Whitlam Labor government in 1975 over the passage of the Supply Bill which led to the sacking of the Whitlam government by the Governor-General, has left its legacy. The government, wary of the potential power, is more likely to negotiate, while the pledge by the Australian Democrats not to block Supply provided an incentive to reach an accommodation with the Keating government over its 1993 Budget bills. Nevertheless, neither The Greens (WA) nor Senator Harradine were prepared to give the same commitment.

The conditions of multipartism in the Australian Senate have been such that government can reach an accommodation with minor parties only on those issues where it has a commonality of interest or where it has been prepared to make concessions for the sake of securing its broader objectives or staying in government.

The literature on coalition and consensus-building derives principally from the experiences of political parties, yet the Australian Senate has seen situations where an Independent has held the pivotal position between the government and opposition parties. Do Independents in this situation behave differently from political parties?

Independents in a multi-party environment

Consensus cannot be achieved unless there is harmony and a sympathy of understanding between the negotiating parties. Party members are restricted by the conditions of their party membership to cast their votes in the Parliament within the framework of party policy. Because these strictures do not apply to the Independent, it might be assumed that the exercise of independent judgment in a fluid, open and flexible manner would be the prime directive of their votes in the Parliament. This is not the case.

Independents are influenced in their voting in much the same way as representatives of political parties, by constituency and ideology. An Independent may be elected for a variety of reasons—a protest vote against the party system, a disaffected former member of a major party who has strong personal support in the electorate, a local personality with strong links to

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[19] ibid.

the community, or a proponent for particular interests or issues. Independents have their own particular ideology in terms of what they 'stand for', a view of the good society and how to achieve it, which is not likely to change over time. They also will have some form of organisation to assist at election time 'with an independent existence and continuity'.[20]

Independents must have some form of constituency-based group, even if only to assist in the organisation and funding of their election campaign. this may not be as formal as the organisational structure of a political party, but will perform many of the same types of functions such as doorknocking or handing out 'how to vote' cards at the polling booth on election day on behalf of the candidate. Independent Member of the ACT Legislative Assembly, Michael Moore, for example, has an informal group of volunteers who come together at election time for this purpose. He also has a continuing small core group of supporters whom he finds keep him in touch with the primary beliefs and views that led him into politics. Unlike political parties, however, his supporters' group does not have any formal say in his election platform.

Clover Moore, Independent Member in the New South Wales Legislative Assembly, works in a similar fashion, relying on volunteers to provide research assistance in the electoral office, fundraising, doorknocking, letterboxing of leaflets and distribution of a regular newsletter. Clover Moore also receives assistance from volunteers who are specialists in areas such as town planning or gay and lesbian matters which are important issues in her constituency.

Some Independents have taken on the form of political parties by registering a formal slate of candidates for electoral purposes. Michael Moore, for example, stood at the 1995 ACT Legislative Assembly election with a group registered as the Moore Independents to gain advantage of the ACT electoral system, which provides for grouped candidates to have their own column on the ballot paper, allowing easier voter identification, whereas ungrouped candidates are placed together in the same column. Conventional wisdom has it that ungrouped candidates rarely get elected.[21]

Constituency ties for the Independent are particularly strong as they rely for their continued place in the Parliament on satisfying that constituency. The options for an Independent in deciding how to vote in the Parliament have been identified as:

- to seek to do what it is perceived the constituency want;
- to act according to what is believed is best for the welfare of the constituents;
- to act on his or her own judgement, unless bound by campaign promises.[22]

The fact that 'a constituency is not a single unit with a ready-made will or opinion on every topic'[23] presumably allows the Independent scope to exercise personal judgement on what is believed to be best for the welfare of the constituents, but how do you identify what is in the best interests of a constituency made up of multiple contending and conflicting interests?

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[20] D. Aitkin, B. Jinks and J. Warhurst, *Australian Political Institutions*, Longman Cheshire, Melbourne, 1989.

[21] Interview with P. Green, ACT Electoral Commission.

[22] H.F. Pitkin, *The Concept of Representation*, University of California Press, Berkeley, Calif., 1967.

[23] ibid.

The answer lies in the close connection between the ideology of the Independent and the constituency interests that supported the candidate for that reason. The first priority of Independents wishing to secure re-election, must be to look after the interests of those who provided the electoral support that got them into Parliament, the 'campaign promise' factor. We can find here a strong empathy between Independents and Duverger's typology of **personality-based** and **minority-based** minor parties discussed above.

Ted Mack, former Independent Member of the Australian House of Representatives, was very much a 'personality' type Independent, who viewed party government as an 'elected dictatorship'. He was elected because of his commitment to and record of service in meeting local community needs as independent local major and Member of the New South Wales Legislative Assembly. Mack's strong belief in direct democracy and consultation with the electorate caused him to vote according to his constituency needs, and only where this was unclear did he make a private choice.[24]

Jo Vallentine, who began her parliamentary career as a member of the Nuclear Disarmament Party (NDP) but then sat in the Australian Senate as an Independent Senator for Nuclear Disarmament, was very much in the mould of the 'spiritual family' of **minority-based** minority parties. She considered her mandate was purely to the NDP constituency and did not take part in votes on other issues. Her selectivity, which continued after she changed her affiliation in 1990 to The Greens (WA), is evident from her voting record:

Year	No. of Divisions	No. times voted
1990	107	40
1991	150	48
1992 (retired January 1992)	221	0

(Source: Senate Table Office)

Between 1 July 1990 and 31 January 1992, thirty of Vallentine's votes cast in divisions were in favour of the government and eleven in favour of the Opposition.

Other Senators who parted company with their party for a range of reasons, have remained in the Senate as Independents, but this does not mean that their votes then became more open and fluid, because the principles that attached them to their original party affiliation remain the principal determinant of their voting activity in the Parliament. Examples are Senators Janet Powell and John Siddons, who resigned from the Australian Democrats, and Senator John Devereux, of the Australian Labor Party.

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[24] Interview with Ted Mack, former Independent Member for North Sydney, House of Representatives.

Brian Harradine

Senator Brian Harradine provides a pertinent study of the role of Independents in the Senate, because unlike many others who were elected to represent a particular party and then resigned their party affiliation to sit on as Independents, he was elected to the Senate in 1975 as an Independent, where he is seen to be 'a solitary figure' and a 'political loner'. Harradine has stated that he is the 'only Tasmanian senator who will not be told what to do by a political party', with the advantage of being able 'to set one's own agenda, determine one's own priorities'.[25] This is certainly true in terms of his ability to vote in the Parliament without direction from any party organisation. Nevertheless, Harradine's strong commitment to his own set of principles and to his constituency underpin his longevity in the Parliament and provide direction to the way he votes in the Parliament. He could not have achieved that success without some form of supporting organisation.

Organisation

Harradine has a group of dedicated voluntary workers who assist him during election campaigns and between elections with 'captains of areas' to coordinate these activities. He was assisted in his 1983 campaign for re-election, for example, by 500 voluntary workers throughout Tasmania who assisted in doorknocking and distribution of pamphlets.[26] Harradine regularly keeps his workers informed about what he is doing and they, in turn, provide constant feedback to him on the concerns of the electorate.

In response to the introduction of optional bloc voting for the Senate, Harradine took advantage of provisions of the Commonwealth Electoral Act (Section 125) which provides for the registration of a parliamentary party, at least one member of which is a parliamentarian, to establish the Brian Harradine Group and stood at the 1987 election with a colleague, Kath Venn. In 1992 he applied to change the 'group' name to Tasmanian Independent Senator Brian Harradine Group. Harradine took advantage of amendments to the legislation in 1992 that enabled a registered political group to field only one candidate and not to run a slate of candidates at the 1993 election.[27]

The Harradine 'group' of supporting candidates and helpers provide an organisational support base characteristic of political parties.

Ideology

The set of principles which have underpinned Harradine's parliamentary career have a mixed and related parentage in Catholicism and the labour movement, the former imparting the spiritual and ideological foundations for his exposition of equity and social justice for the family, society and at the workplace. Harradine's 'philosophical wellsprings' derive from his

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[25] *Bulletin*, 6 November 1984; *Canberra Times*, 13 November 1994; *Age*, 5 March 1993; *Ring the Bells*, 4 August 1989, transcript.

[26] B. Harradine, *Senator Brian Harradine (Ind. Tas.): 1983 Re-election Campaign—Background Information for Interstate Media*, 1983.

[27] Interview with Brian Harradine, Independent Senator for Tasmania.

'Christian morality',[28] reinforced by four years at a Catholic seminary, where he studied religion, philosophy and sociology. There is a view of Harradine as 'a living Catholic whose Catholicism shapes his every attitude', including his political values which are 'firmly, unshakeably in place'.[29] His strength of purpose is reflected also in his long-term commitment to the labour movement and the protection of workers' rights and conditions. Harradine was a prominent figure within the right wing of the Australian Labor Party and the trade union movement. Between 1964 and 1976 he was General Secretary of the Tasmanian Trades and Labour Council. He was expelled from the Australian Labor Party in 1975 for statements about communist influence within the party.

Harradine's commitment to principle is evident in the consistency in which he has rigorously pursued a range of issues during his lengthy parliamentary career. These include:

- **Family policy** In 1987 Harradine argued that the family was under economic and moral attack, that government was usurping its functions when it should be supporting it as the fundamental unit of society. Economically, families with children were being subjected to discrimination through the devaluation of the family allowance and indirect taxation.[30] In 1994 he called for fiscal measures to ensure 'a true economic freedom of choice for the mother who wishes to care for her own young children in her own home'.[31] In his view, 'families under pressure and disintegrating make for a very sad and long social decline'.[32]

- **Anti-abortion** He opposed the introduction of the abortion drug RU486 into Australia.

- **Coercive population programmes** Opposed overseas aid money being spent on international population control bureaucracies and on target driven population related activities which are inherently coercive.[33]

- **Human genetic manipulation** He argued this will pose grave problems for the whole of mankind.[34]

- **Anti-pornography** He pursued, in recent times, through his membership of the Senate Select Committee into Community Standards, the examination of the issue of R-rated programmes for pay TV.

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[28] *Bulletin*, 6 November 1984.

[29] *Sydney Morning Herald*, 5 September 1981.

[30] *Age*, 3 July 1987.

[31] *Commonwealth Parliamentary Debates*, Senate, 31 August 1994.

[32] B. Harradine, *"First … Do No Harm": Families and Government Economic Policy*. Address to Centacare National Conference, Hobart, 12 August 1994.

[33] Innumerable *Hansard* references, the latest being Senate Foreign Affairs Defence and Trade Legislation Committee of 13 November, p. 234 & ff.

[34] *Ring the Bells*, 4 August 1989.

- **Equity** This has been a driving philosophy 'to assist in the creation of an economic and social order in which persons can live with freedom and dignity and pursue both their spiritual development and material wellbeing in conditions of economic security and equal opportunity', including a deep commitment to the rights and wellbeing of Australia's indigenous people.[35] Harradine has consistently opposed 'unjust and unnecessary sales taxes' arguing in 1981 that 'introducing sales tax on necessities, such as clothing, footwear and house building materials was disregarding the welfare of Australia's lowest income earners.[36] In 1995 he maintained that position when he combined with the Australian Democrats to defeat a Keating government proposal to increase the sales tax on building materials: 'I strongly feel', he said, 'that necessities of life should not be taxed. I believe that shelter happens to be one of those necessities of life and building materials fall into that particular category.'[37]

- **Industrial relations**   In parliamentary debate on the industrial relations system in 1984, Harradine set out a framework of principles which he considered important to orderly industrial progress, including encouragement of effective, responsible trade unions working in the best interests of their members, the encouragement of members to participate fully in union affairs, the coordinated and disciplined action of trade union members, and self-disciplinary rules for individual unions.[38] In 1988 he spoke against union amalgamation: 'I stand here on behalf of 100,000 trade union members in Australia who will be forced out of their unions into others, to express the feelings they may experience as a result of this legislation'. In 1992 he supported the arbitration system, stating 'I have always upheld the right of final recourse to an arbiter as a means of ensuring a fair go'.[39] In 1993, he voted with The Greens (WA) to seek changes to the 1993 Budget, which he believed unfairly attacked workers.[40]

The constituency

Harradine never loses sight of the fact that he is a 'Tasmanian Senator, elected by Tasmanian citizens, and that my state needs to fight every inch of the way for recognition within the federal system'.[41] He has expressed concern, for example, about the cost of travel between Tasmania and the mainland,[42] and opposed the price increase on leaded petrol in the 1993

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[35] *Age*, 5 March 1993; *Commonwealth Parliamentary Debates*, Senate, 16 November 1994, p. 3199.

[36] *Courier-Mail*, 15 September 1981.

[37] *Commonwealth Parliamentary Debates*, Senate, 28 June 1995, p. 2026.

[38] *Commonwealth Parliamentary Debates*, Senate, 24 October 1984, p. 2357.

[39] *Commonwealth Parliamentary Debates*, Senate, 10 December 1992, p. 4744.

[40] *Age*, 22 August 1993.

[41]*Canberra Times*, 9 July 1978.

[42] *Ring the Bells*, 4 August 1989.

Budget because of its 'discriminatory treatment of poor people, particularly poor people in regional Australia and outlying states like Tasmania'.[43]

The constituency that has supported Harradine whenever he has come up for re-election, presumably is in broad agreement with his values and principles, otherwise they would not have voted for him. On his election to the Senate in 1975 he said: 'Don't call it a personal success—it's not. It is a success for the principles I stood for and the people who voted for those principles.'[44] Media reports described those people as traditional Labor voters, with his success in obtaining nearly two full Senate quotas due to 'tremendous spontaneous support, both financial and manual', from the public and 'a strong following among the right-wing unions and Catholics'.[45] In 1981, a constituent wrote that Harradine was 'popular purely because people like myself can identify with his principles'.[46] In an interview for *Ring the Bells* of 4 August 1989, Harradine made the point that he had 'an extensive range of contacts in the community' in the areas of his priorities. The strong link between his principles and this constituency support is reflected in Harradine's statement that he would use his position in the Senate for two main purposes:

> I will fight to get a better deal for Tasmania. I don't think we have been getting a fair go. And I will be a force which understands the problems of power. I will work to preserve the integrity of groups such as trade unions and our educational system.[47]

It is this nexus between ideology and constituency that has sustained Harradine's place in the Senate for over twenty years.

Harradine and the Senate

The firm values and ideas and commitment to constituency, described above, are consistent and immutable in Harradine's statements and votes in the Senate. He has stated that his pursuit of issues in the Senate is based 'upon an assessment of the priorities of persons of goodwill and in particular those who elect me and form part of my group'.[48] The range of Questions Without Notice he asked during 1994 included topics related to the import of the drug RU4865, coercive population programmes in Indonesia, funding of the National Health and Medical Research Council, freight equalisation, and population growth and development.

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[43] 7.30 Report, 18 August 1993, transcript.

[44] *Canberra Times*, 15 December 1975.

[45] *Australian*, 25 December 1975.

[46] *Examiner* (Launceston), 19 June 1981.

[47] *Courier-Mail*, 15 December 1975.

[48] Communication with author, 14 March 1996.

There have been occasions when he has been persuaded by argument to change his mind on a particular issue, such as amendments to the Native Title Bill,[49] but his decisions have been firmly grounded in his principles. In deciding whether or not to support an Opposition proposal for an inquiry into sports funding, for example, he said: 'I want to hear the arguments for and against an inquiry. I particularly want to hear the arguments as to whether the accountability of the executive government to the people through the Parliament has been satisfied through the resignation of one minister.'[50] He voted with the government and the Australian Democrats against the Opposition motion, only after he had extracted a commitment from the government for improvements in accountability.

This does not mean his vote will always be courted. It will occur only when his vote is critical for a majority in favour of the government. Between 1976 and 1980, for example, 'he sat unwanted and unloved by the major parties, watching the Fraser government taking advantage of its Senate control'.[51] He was unable also to introduce a Private Member's bill for the want of a seconder.[52]

In the period between 1981 and 1983 when Harradine's role was pivotal, it was different. Without his vote, the Labor Opposition and the Democrats were restricted to a negative role of rejecting or blocking government legislation in the Senate, and the government could not head off initiatives taken jointly by them. Harradine used this position, for example, to warn the government he would oppose any attempts to manoeuvre business through the Senate by incorporating it in Appropriation bills.[53] Harradine explained, 'it depends on the arrangement of numbers. There was a time, of course, when my vote was the vote which either decided or didn't decide issues. There was a period of about three years of that. There is a noticeable decline in the attention that one receives when one is not in that position.'[54]

Between 1993 and 1996 Harradine shared the pivotal position with the Australian Democrats and The Greens (WA). If both minor parties voted with the government or the Opposition, then Harradine's vote was not critical to the outcome and coalition building on his terms proved difficult. In 1994, for example, he could not gain sufficient support to carry any of three amendments he proposed. The only time his vote was pivotal was on those occasions when the Australian Democrats voted with the government and The Greens (WA) voted with the Opposition:

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[49] *Commonwealth Parliamentary Debates*, Senate, 16 November 1994, p. 3199.

[50] *Australian Financial Review*, 3 March 1994.

[51] *Age*, 21 August 1993.

[52] *Canberra Times*, 3 January 1982.

[53] *Canberra Times*, 14 November 1981.

[54] *Ring the Bells*, 4 August 1989.

Government	30	Opposition	36
Australian Democrats	7	The Greens (WA)	2
Total	37	**Total**	38

Harradine's vote under these circumstances was decisive for the government to block amendments to its legislation, because on a tied vote the question is resolved in the negative. The results were not favourable for the Keating government, as this analysis of Harradine's voting record in divisions between 1993 and 1995 shows:

Voted against the Government

Committee divisions	130
Senate divisions	131

Voted with Government

Committee divisions	44
Senate divisions	57

Harradine has had avenues of influence, other than his parliamentary vote. Having come out of 'the fire of ALP factionalism',[55] Harradine has been a master at using the forms and procedures of the Senate to his own advantage. For example, he pioneered the procedural strategy of splitting off from a bill sections to which he is opposed.[56] He has referred to occasions when he has had amendments prepared and circulated yet never formally moved, because negotiations have seen their intent subsumed into the legislation, and of success at 'log-rolling', gaining agreement of the major and minor parties from time to time to support initiatives in which he has an interest.[57] More significant, however, has been his work on parliamentary committees, including a substantial commitment to the work of the Joint Committee on Foreign Affairs, Defence and Trade and its Human Rights Sub-committee.[58] His opposition to industrial relations legislation proposed by the Fraser government led to the establishment of a Senate Select Committee on Industrial Relations, of which Harradine became Chair. Because of that committee's work, he argues, the legislation was defeated.[59] Harradine has used his position on the floor of the Parliament and in committees to make government confront issues which they 'might otherwise allow to slide past'; for example, his opposition to retrospective tax legislation and treating homosexual partners and unmarried partners as spouses for purposes of posting and overseas travel.[60]

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[55] *Sunday Review*, 2 May 1971.

[56] *Canberra Times*, 4 November 1981.

[57] Interview with Brian Harradine, 1996.

[58] For an example of his effectiveness in extracting information and a response from government on issues in which he has an interest see Senate Estimates Committee *Hansard*, 8 November 1993, pp. 332–336.

[59] Interview with Brian Harradine, 1996.

[60] *Bulletin*, 6 November, 1984.

Harradine's record suggests that if a government is going to deal with him, it must do so on his terms. Consensus will be achieved only if the interests of the government and Harradine are compatible, or if the government is prepared to make concessions to gain his support.

The paradox of independence

There is a perception that Independents, unlike political parties, have the luxury of being 'populist' in their approach to policy, free to oppose the government's hard decisions with no responsibility for the results of their voting decisions,[61] yet the paradox of independence is that Independents are not free. They are bound by their principles and their constituencies.

Some, like Harradine, have entered Parliament with strong individual views and principles from which they will not divert.[62] Those who have split from their parent parties for reasons of principle are similarly identifiable. Others who have done so for personal reasons, such as disappointed ambition, have gone on to find structural and collegial support within another party or departed the political scene at the next election.

Independents exhibit similar characteristics to those ascribed to political parties. They enter Parliament with the intention of exercising some control over the state,[63] they have a supportive organisation and colleagues and respond to a variety of forces, including the structure and interests of the electorate, 'the moves and countermoves' of the parties and the institutional and legal setting in which they compete.[64] Australian Independents have acted like parties in the following ways:

(a) mediating information from the voters;
(b) focusing attention on and channelling voter opinion and evaluation on policy issues;
(c) shaping voter preference in terms of their platform;
(d) recruiting political personnel and presenting candidates to the electorate under their banner;
(e) having an organisation that has taken an active part in elections, including assistance in election funding, campaigning and supporting the candidate by active propaganda.[65]

If Independents exercise their power in the Senate against the interests of the constituency for which they were elected, they will find, like political parties, their 'popularity' and their seats in jeopardy.

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[61] *Australian Financial Review*, 8 March 1994.

[62] For example, Cleary and Mack in the House of Representatives, the former a 'true believer' in Labor principles, the latter, an opponent of party government with a commitment to direct democracy.

[63] A. Ware, *Citizens, Parties and the State*, Polity Press, Cambridge, Eng., 1987.

[64] J Schlesinger, cited in S.B. Wolinetz (ed.), *Parties and Party Systems in Liberal Democracies,* Routledge, London, 1988, p. 5.

[65] M Duverger, cited in M.J. Holler (ed.), *The Logic of Multiparty Systems*, Nijhoff, Dordrecht, the Netherlands, 1987, p. 25.

The effectiveness of Independents relies on how critical their votes are in the Parliament. This is no different to minor parties in the same situation. The rules of the game for a minority government are the same, regardless of whether they are dealing with the Opposition, minor parties or an Independent, it requires coalition building through negotiation to reach consensus. The strength of purpose of Independents may make that more difficult. Independents do not have to sacrifice principles to maximise their vote.[66] Indeed, adhering to the principles upon which they stood for election will reinforce the support of their constituency.

Graham Maddox has pointed out that 'minor parties and independents are indispensable for infusing new issues into the political arena and, at least sometimes, for keeping the big parties on their toes'.[67] He argues, however, that 'the conceptual importance of the two-party system remains; for "party" is the facilitator of opposition, a necessary condition of modern democracy'. Independents, he states, should be viewed with some scepticism—'the price of the benefits they bring might be an acceptable measure of instability, but we may also be sure that persistent instability is a threat to democracy'. This may be so in terms of the *ancien regime* that considered Australian federal government to be modelled on the two-party system. It does not accurately reflect the conditions of minority government imposed by the multiparty Senate in 1996 where coalition building and consensus, by necessity, will be the name of the game.

The reality of the situation facing the Howard government is best expressed in the words of Christine Wallace of the *Australian Financial Review*:

> Confident leadership is necessary but not sufficient for good government. Politics is, after all, the business of persuasion. For the foreseeable future in Australia, government will have to persuade the Senate (in particular the Australian Democrats, the Greens in their various hues, and Brian Harradine) to embrace and guarantee passage of good policy, and be prepared for its patience to be severely tested in the process.[68]

Questioner — Do you see the introduction of the Hare-Clarke system or some other proportional representation system being introduced into the House of Representatives at some time in the near future? If not, what do you think is preventing this from happening?

Dr Singleton — I do not think it is likely in the near future, but I suppose I do not have a crystal ball. I do not think it is likely that the Hare-Clarke system will be introduced in the House of Representatives in the near future because the major parties are quite happy with the preferential system that helps them maintain their majorities. The fact that the House of Representatives now has Independents and pseudo-Independents—that is, those who have just temporarily lost their party endorsement—shows that the electorate is not necessarily always voting on the party ticket but is looking at the record of people who have served the community.

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[66] R.S. Katz, *A Theory of Parties and Electoral Systems*, John Hopkins University Press, Baltimore, Md, 1980.

[67] G. Maddox 'Political stability, Independents and the two party system', *Current Affairs Bulletin*, June 1992.

[68] *Australian Financial Review*, 10 May 1994.

Again, if we look at Ted Mack and Phil Cleary, they were basically appealing to traditional party constituencies in what were relatively safe seats. So I think you would have to perhaps take it on a case by case basis. I do not see any government willingly giving up a strong majority and one house for multi-party representation in the House of Representatives. I think it would have to come from the people to have such a momentum for change or a push for change.

Questioner — I am very interested in some of the things you said at the beginning of your speech about the potential that minor parties provide for negotiated outcomes. I happened to hear on the radio this morning that the proposition has been raised by the minor parties to introduce a bill into the Senate which would block the mining and export of uranium. That sets up a very interesting proposition, because so far we have been talking about trading around the edges, around amendments, but with bills substantially getting through—those bills having been initiated by the government. I wonder whether what we are about to see is trading on a much grander scale.

The journalist who was talking about this matter this morning was immediately dismissive of it by saying that they might get it up in the Senate but then it has got to go through the House of Representatives, and of course the Liberals have an overwhelming majority there. I think his dismissal was based on a couple of assumptions which may not hold up. One of those assumptions is that there will not be any trading, that in fact there will not be some behind the scenes work where the minor parties say, 'If you pass this bill in the lower house, we might be a bit more amenable to something like the sale of Telstra or perhaps changes to the Industrial Relations Act.' If that is the case, we will know about it.

Another assumption he was making was that if they introduced a bill to ban the mining and export of uranium in the Senate, the minor parties would combine with Labor to get it up. However, if they introduced it in the context of a deal on some legislation that the Liberals were putting forward, we will know it because we will see the Liberals voting for it in the Senate. Do you see the potential for that kind of trading on a grand scale?

Dr Singleton — I would have thought the 1993 Budget was trading on a grand scale. I think that already takes place. Any government that has to rely on minor parties to get its Budget through is trading not only when the bills come before the Parliament, it is trading before it even puts those bills together. That becomes continuous consultation, as it did between the Keating government and the Democrats.

The uranium issue is one that is still to be tested. I am not sure whether parties have firmed up their positions on that, so I would not like to comment on it in a particular sense. While you have multi-partyism, you are going to have trading off and deals done in order to have stable government, otherwise you are going to have the deadlock provisions being invoked again and again, or government is going to have to give up its legislation. No government wants to do that.

Howard will perhaps have to test some of his legislation in the Senate, and it will be interesting to see, if any is defeated, how strongly he will want to push it—whether he will want to push it to a double dissolution. That comes back to a point I made: often it depends on the popularity of the issue. If it is something you feel you have popular support for and it is just a minor group holding it up, you might be more confident about seeking a mandate or a

majority in the Upper House as well. Or, if it is something that is going to be fairly divisive in the community, then you might compromise. But that is for the future.

Regardless, if there are differences between the government and the majority of combined votes in the Senate on all these major issues then there has to be some sort of trading between them. The question is to what extent those people will compromise their principles, will be pragmatic and will negotiate. I am afraid that I do not have a definitive answer, but it is a scenario which makes Australian politics at the moment highly exciting and interesting to watch.

Questioner — I was fortunate—or unfortunate, depending on your point of view here—to have been secretary to Brian Harradine for sixteen years, and prior to that, secretary to Vince Gair and Frank McManus, the leader for the Australian Democratic Labor Party. A lot of what you have talked about I actually saw and lived through. A lot of the people I dealt with are now dead—I am one of the last survivors. I can remember things like the negotiation about the formation of estimates committees, and so on.

However, let me congratulate you on what you have attempted to do. It is a formidable task. I think you have travelled this part of the journey but there is an enormous vista out there that has yet to be travelled. The very fact that Senator Harradine has been in the Parliament for sixteen years gives rise to a cumulation of material that is quite incredibly formidable. I will make a few points and observations more so for the record. I am not so sure there are many questions.

Many times when I was working with both DLP Senators and Senator Harradine we would receive angry phone calls from disgruntled commentators and others: 'How come with X percentage of the vote you are holding Australia to ransom?' I rather liked your emphasis there of the fact that you really need two to tango, and a balance of power only becomes effective when it is married with another thirty or thirty-five in the Senate. The impact of Independents and minor party Senators is manifested not just in amendments to bills. I think you were correct to draw attention to those government initiated amendments because on many occasions I have seen those actually being drafted in an Independent Senator's room or somewhere else. The draftsman is given instructions to go and see Brian Harradine to see how he wants it put into actual words.

However, there is one area that I think needs a lot of tilling, furrowing and further exploration and that is estimates committees. Senators have done a tremendous amount of advocacy work rather quietly in estimates committees. There is a whole raft of material there that could be fruitfully explored.

You mentioned Dr John Uhr and his emphasis on greater accountability—how these representatives have brought greater accountability into the equation. Yes, they have brought accountability to Parliament—not just to government—but amongst bureaucrats. I think that has been a valuable contribution. I left Brian in 1992 for some rest and recuperation to go back into the Australian public sector. I moved into the Department of Administrative Services. Little did I know that it was at the cutting edge of commercialisation. But one goes back and then realises that when people talk about accountability from the public sector they are talking about accountability to the government. I think the activities of these minor party

and Independent Senators by extent of cross-examination in estimates and Senate select committees and so on bring back emphasis on to the broader picture, as it should be.

You made a blanket statement about how in 1972–74 the DLP Senators blocked ALP legislation simply because of its origins. That is possibly a gross paraphrasing of what you said, but I think that was the drift—not that my memory does not tally with that. Those with long memories would realise that Jim Cairns was diametrically at opposite poles to the DLP Senators. He sent his departmental officials to the DLP Senators' offices to negotiate on, for example, the Australian Industry Development Corporation legislation. Frank McManus had great negotiations with Simon Crean's father, Frank Crean, about amendments to the ALP government's education legislation so that he could achieve justice for non-government schools.

You made a comment about how Senator Harradine has made no pledge on a double dissolution. That is true, and he has absolutely nothing to lose which makes him a potently powerful and politically dangerous person in the equation. He has never made that pledge right throughout his career, certainly not during the time I worked with him.

You said the first priority of these people is to look after the interests of those who got them into Parliament and then later on you made that distinction. That is not quite the case with Senator Harradine. You made that comparison with Ted Mack and Brian Harradine but I cannot recollect any occasion where Senator Harradine might have changed his vote because of a bit of market research done amongst his supporters saying, 'Okay, 51 per cent disagree with what I intended to do therefore I am going to vote that way now, even though it is contrary—'

Dr Singleton — I want to pick you up on that because that was something I did not say—in fact, it was the other way around. I was pointing to the fact that Brian Harradine would not compromise and if he made a decision it would be on his own priorities and his own principles but it would reflect his supporters and his constituency. I do not see too much difference in that sense. I think the point I was making was that he said he did make up his mind on the merits of an argument but when he finally voted it would be with those principles and his constituency's interests would be taken into account. I think you misunderstood what I said there.

I wish to make a comment about the committees. There are a couple of people here who are doing some very valuable work that I hope will bring out some of the richness of committee work. I refer in particular to Grant Jones, who has just started a PhD looking at the culture of parliamentary committees, and Robin Miller, who is doing some work on parliamentary committees with two of our colleagues at the University of Canberra.

Within a small paper like this, it is impossible to embrace the full richness of what had gone on. What I was trying to show was the fact that the actual floor of the Parliament itself is not the only picture; you have to look behind it to see just how effectively someone can work. I am looking forward to seeing the work of Robin Miller and his colleagues and that of Grant Jones which will show the diversity and richness and the contribution that not only the Independents and Brian Harradine but also the Democrats have made to the effectiveness of committees in terms of accountability. Thank you very much for your comments.

Questioner — It looks as though Bob Brown is going to be elected as a Senator. He has made no qualms about the fact that he would block Supply in order to uphold his principles. Given your study of the voting patterns of the other Independents in the Senate, do you think he is likely to change his view or do you think the other Independent Senators are likely to support him in blocking Supply?

Dr Singleton — It is a case of the crystal ball syndrome. It often depends on the political engineering or the political management that is going on at the time. It is too difficult to look into the future and predict what people are or are not going to do because you cannot see the circumstances under which it would arise. So I will take about three years on that one and come back and have a look at the record.

Questioner — I was also interested to know whether in your talks with the Independents the subject arose about whether their ideological commitment was strong.

Dr Singleton — Not in the case of the two Independents I talked to in New South Wales and not in Ted Mack's case. I did not raise that question because I was more interested in the multi-party facets within the Senate itself. Certainly, both the Greens in the past Parliament and Brian Harradine said that they had given no guarantee that they would not block Supply. That is perhaps slightly different from saying that that they will block Supply. Again, it depends on the question and the context in which these things arise. With historical experience, everyone is going to be a bit more careful and a bit more wary about treading into those waters in a great rush.

Questioner — To what extent do you think these developments are undermining the two-party system, in that we are getting more minority parties in the Senate consistently? I guess with five Independents now in the House of Representatives there is a possibility that we will have a minority government in the House of Representatives some time in the future. What do you think this is actually doing to the two-party system and its stability over the last few years?

Dr Singleton — I think I have argued that we really have not had a two-party system, if you look at both Houses. But I agree with you. If you look at the voting patterns for the Senate, as distinct from the House of Representatives, you will see that people are making that distinction in the way they vote. In the ACT we had a referendum and people voted for a proportional system. So I think the constituency rather likes it. I am sure the major parties do not like it because they would like to see some sort of certainty about power. The other argument is the instability factor and how well these parties work together. Again, that goes back to the question raised earlier about the particular mix of groups and individuals that you get at any one time and how stable or unstable that system will be.

There was a question that someone else raised about minorities holding governments to ransom, or whether it is more democratic for the executive to be checked. There are two views on that, both deriving from some issues about liberal democracy. If you are a strong proponent of separation of powers you would be very comfortable with the Senate as it is; if you are a strong contender in a political party and wanting to get into government, I think you would have another view. So perhaps where you sit depends on where you stand on these issues. Thank you for the question.