

'RE-THINKING GOVERNANCE WHEN PARLIAMENT MATTERS'

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The Queensland Parliament is experiencing something which is increasingly common in functioning democracies - the absence of a clear and predictable majority for government proposals.

This is often given alarmist descriptions by journalists responding to the tone adopted by the leaders of the two largest parties in parliament – 'hung parliaments' are branded as unstable and also undemocratic because the uncommitted minority 'can hold the government to ransom'. On the eve of the last State election, the *Courier Mail* carried an advertisement authorised by Brad Henderson, the then-director of the LNP's campaign. In front of photos of five vociferous leaders - Katter, Palaszczuk, Wellington, Palmer and the leader of the Greens nationally – the question was starkly posed: 'Ready for Chaos?'

The text informed readers:

We know that a hung parliament ruled by minority parties in Canberra has been an economic disaster for Australia. The last thing Queensland needs is its own hung parliament. A weak government will stall the economy, cost jobs and provide more uncertainty for families. That's what happens when 'you number every square' for the minor parties.

When such an outcome eventuated, Leahy's cartoon a week later had the Cinderella Premier being offered a Wellington boot, 'Not exactly a glass slipper' which she accepted graciously: 'I just hope one Wellington will be all I need'. In the background, amid the flood-waters, is a notice with the same message that the *Courier Mail* had promoted before the event: 'Caution Quicksand'.

But political scientists interested in parliamentary institutions are now re-casting the notionally immutable rule about the natural tendency towards a two-party system which underlies many of the assumptions of the 'Westminster model'. Maurice Duverger is the writer most commonly cited on this topic.¹ Even the *Courier Mail* allowed columnist Paul Syvret to put an alternative case. Reflecting on the recent Queensland experience of both LNP and ALP minority governments, first under Borbidge and then under Beattie, Syvret suggested that this situation was 'arguably actually a positive both for public accountability and administrative discipline' and that 'democracy works even if you don't like the result'.²

This sudden change of attitude has been provoked by the 'motherland' travelling in the same direction. Before the event, the British election on 7 May looked certain to create more than two party groupings being needed to form a government, neither of whom will have the numbers to govern alone 'in their own right'. This was occurring despite the retention of an archaic electoral mechanism which uses 'first-past-the-post' counting in single member electorates, once seen as the strongest reason why the two-party system was so entrenched.

¹ https://www.princeton.edu/~achaney/tmve/wiki100k/docs/Duverger_s_law.html.

² *Courier-Mail*, 3 February 2015.

A recent book (not about Queensland) uses the same sub-title as this commentary to demolish most of the hysteria and misinformation that accompanied the excoriation of the Gillard Parliament when it could not govern 'in its own right'. The very legitimacy of its existence was questioned constantly by the Abbott-led opposition as the LNP leaders did during and after the State election campaign. Abbott in government has had necessarily to moderate his language as he does deals with a variety of Senators representing a range of minority opinions.

*Minority Policy*³ is a book written by Brenton Prosser and Richard Denniss, two Canberra authors with significant insider experience as advisers to members of parliament wielding the minority power conferred on independents and those representing minority parties. It should be recommended reading for all Queensland parliamentarians and commentators, especially Ministers and their advisers and the strategists directing the Opposition.

The biggest lesson for Queensland is that the electorate, acting separately but collectively, gives power to Ministers to govern - perhaps 'in their own right' but much more frequently than is usually appreciated this right is tempered by being shared with others.

Prosser and Denniss indicate how little attention tends to be given to the way in which both the National/Liberal coalitions and the ALP have almost always needed to work with an array of independents and minor parties in upper houses – not only in the Senate but also in the upper houses of states other than Queensland. They also note in passing the influence of recalcitrant back-benchers, especially in the reality of conflicting interests within the conservative coalition.

Prosser and Denniss suggest 'minority policy' that arises from the need to negotiate with these minority interests is often, in practice, highly effective. In some circumstances, decisions out of sympathy with the wider public may be blocked – like the 2014 national budget; in other circumstances, a middle way may be found between the entrenched positions of the two major parties – they refer to the role of the Australian Democrats in the introduction of the GST and the Greens in relation to climate change proposals.

Their book uses interviews which deal mainly with the Gillard years, but the Abbott government is occasionally beset by troublesome back-benchers if it seems to be weakening their electoral chances (or offending the deeply held convictions of their most-favoured constituency interests). A constant feature under both Gillard and Abbott has been the presence in the Senate of a diversity of independents and minor parties. This means that 'minority power' can assert itself, for example in setting up Senate Committees of Inquiry on topics which both major parties would regard as low priority or even potentially embarrassing – such as the Lazarus Committee on Queensland.

The lesson for Queensland can be drawn more the experience of the Gillard years which, after the event, scholars have recognized had an extraordinary level of output in legislative achievements. Prosser and Denniss use case studies to show the patient approach and respect accorded to the minority members characteristic of Gillard, in contrast to Rudd, which produced these outcomes.

One of the later chapters is headed 'marauders or moderators at Westminster's gate'. It concludes by observing that: 'The existence of parliamentary impediments, either from one's own backbenchers in slim majority, another party or the crossbench in minority, creates an environment of less parliamentary certainty, but far greater scrutiny'.

It is likely that the Borbidge Report into the LNP election campaign will identify lack of trust and breaking of promises as key components in the LNP defeat. The current parliamentary situation

³ Brenton Prosser and Richard Denniss, *Minority Policy: Rethinking Governance When Parliament Matters*, Melbourne University Press, 2005. One of the authors (Prosser) has identified lessons which the UK needs to learn from the Gillard's government's experience with minority government: <https://theconversation.com/what-westminster-can-learn-from-minority-government-in-australia-41239>

and the capacity for independents and minor parties to pursue genuine accountability may be an unintended as well as unexpected consequence of the decisions of individual electors. But it is neither illegitimate nor necessarily a recipe for bad government.

In their conclusions discussing the national scene, Prosser and Denniss comment that:

The major parties are not about to be swept out of parliament by a wave of independents or minor parties, and neither is the party approach within Westminster systems under much threat... (but) adopting new perspectives may both provide useful insights into contemporary political conditions and possibilities for the two major parties.

At a practical level, in the Queensland context, this means accepting that four democratically-elected individuals have their 'own right' to make choices outside the constraints of major party discipline. They are entitled to exercise the bargaining power currently conferred on them. Whatever the textbooks used to tell us, this now makes Parliament a central rather than a marginal institution when it comes to the making of public policy.