

Role of the Senate

AUSTRALIAN DEMOCRATS ACTION PLAN ROLE OF THE SENATE PRIME MINISTER & CABINET

History should have taught us to avoid giving any politician absolute power. Democracy was invented to curb the power of kings, dictators, and sundry others. The separation of powers, and the establishment of democratic checks and balances, is third party insurance against those who would be king.

The Senate should be the safeguard - the most conspicuous example of an institution set up for striking a balance between the will of the broader parliament and the otherwise unrestricted power in the House of Representatives of the Executive of Government (the Cabinet).

The Senate's role has evolved over time and has provided proper checks and balances on the government of the day. Most importantly, the Senate acts as a house of review – the chance for a 'second opinion' and to open up to the public, the decisions of government. It also acts as a house of accountability – probing budgets and government decisions that are not necessarily carried by legislation.

All that changed in 2005 after the Coalition won its slender majority of one seat in the Senate. Now legislation is passed without amendment, the committee system and its inquiries have been heavily curtailed, orders for documents are ignored and democracy and due process is treated with disdain.

Our Action Plan

- defend the Senate as a Chamber elected by the present system of proportional representation
- support a binding plebiscite on disputed legislation: resolving deadlocks, preferably in a general election
- support the elimination of the power of the Senate to block supply for the ordinary annual services of government
- defend the role of the Senate as a balancing power, as an independent house of review, keeping the government honest and accountable
- continue to bring to the Parliament the benefit of our 30 years of experience of working in and with the Senate, providing an effective and balanced voice on the proposals of government

"Mr Howard's great lie was that he would use his Senate power 'soberly, wisely and sensibly'. He hasn't. Bad process produces bad law, and bad law harms all Australians – sometimes in very big ways."

Senator Andrew Bartlett
Australian Democrats
Whip



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The issues

The Senate has been given powerful tools for reviewing, debating and improving legislation; for questioning and probing government for information that they would rather keep to themselves; and for keeping it accountable. It is a place to debate issues of community and national significance.

The role of the Senate as a brake on the excesses of government is not functioning properly today. Mr Howard's great lie was that he would use his Senate power 'soberly, wisely and sensibly'. He hasn't. Bad process produces bad law, and bad law harms all Australians – sometimes in very big ways.

The disenfranchisement of the one in four voters who don't vote for the government is now complete. Our parliamentary democracy is now less democratic and less accountable. The flow of information to the public is even more controlled.

A parliamentary system without appropriate checks and balances is a dangerous system. In the words of the Clerk of the Senate it is a 'sort of elective monarchy'.

Complex and important legislation is rushed through the Senate with little time for scrutiny or debate, often under gags and guillotines. The Senate Committee system was 'restructured', with the Government giving themselves the majority, and the position of Chair, on the remaining committees. Inquiries into anything a bit controversial or which might embarrass the government are routinely blocked.

(See [Senate Watch](#) for full details of other legislative oversights and accountability mechanisms that are now lost in the Senate.)

Checking the Executive

The Coalition's majority of one since July 2005 has made the Senate another rubber stamp of the Executive, just like the House of Representatives.

While the power and intent of the Executive is today challenged occasionally in the Coalition Party Room, on the floor of the Senate Government Senators, with a few honourable exceptions, defer to the Executive.

In the absence of a Senate where all Senators seek to check the Executive, to keep them honest and accountable, the only solution is to keep the Senate out of Government hands.

This role must be tempered by careful and deliberative decision-making, a role that the Australian Democrats have experienced and very successfully taken part in since we entered the Senate in 1977.

Strengthening the Parliament

The Democrats have put forward a range of proposals over the years on parliamentary reform including supporting the present election system of proportional representation (see [Electoral Reform Action Plan](#)), and two of our major proposals on Senate reform are:



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The 'deadlock' issue: A binding plebiscite on disputed legislation

If the two Houses of Parliament cannot agree on legislation, then the Democrats believe the dispute could be resolved through binding plebiscites, to be put to the Australian people for a yes/no vote at a general election (or even outside of an election if the Government of the day thought it important and urgent enough).

Our current referenda process is a constitutional device with specific provisions for activation. It requires a majority of votes in a majority of states. A plebiscite process, by contrast, can be introduced through legislation and would just require a simple majority of all voters.

The Democrats are willing to back moves to give less power to the Parliament – but only as long as that power goes to the people.

Eliminating the power of the Senate to block supply for the ordinary annual services of government

One of the founding principles of the Democrats in 1977 was that we would not block supply for the ordinary services of government. We would not hold the government to ransom as the Liberal Party did in 1975.

One hundred years has shown that this 'ultimate' power of blocking supply is not needed. It does not automatically lead to an election, and can actually inhibit the resolution of a major dispute between the Government and the Senate, as well as having the obvious risk of threatening the pay of public servants, our international reputation and the stability of the entire economy.



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