SOCIAL EDUCATION VICTORIA

AUSTRALIAN POLITICS

VCE Unit 3

Area of Study 1: Australian Democracy

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Australian Politics VCE Unit 3, Area of Study 1: Australian Democracy, 1st Edition
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Preface and acknowledgments

Social Education Victoria (SEV) is pleased to produce this first online resource for VCE Australian Politics 2018. It has been written by Lisa Shukroon and we would also like to thank Zareh Ghazarian and Nicola Sabbadini for providing critical feedback within a very short time frame.

About this PDF series

This resource is part of a series created to support the learning and teaching of VCE Australian Politics in 2018. This year sees the implementation of the new Study Design. While major aspects of the previous Study Design clearly shape the new version, there are some changes in content and emphasis (key knowledge) as well as greater rigour in how students are expected to demonstrate understandings of this information (key skills). In each of the Areas of Study, students will be expected to have been taught ALL the key knowledge and grapple with contemporary issues in some depth while applying their knowledge to justify their conclusions and analysis.

SEV is producing this series of PDFs to provide a basic foundation of learning for each Area of Study. These resources are primarily for teachers, but have been written for direct use by students.

The PDF for each Area of Study will:

- broadly discuss the key knowledge for each Area of Study;
- refer to contemporary events and resources; and
- suggest possible learning activities (also frequently incorporating contemporary examples) – with indications of the key knowledge (KK) and key skills (KS) they demonstrate.

SEV hopes to produce a more comprehensive resource for the new Study Design in 2019 and welcomes feedback, questions and suggested inclusions at projects@sev.asn.au to help guide and shape this resource for the future.

About studying Australian Politics

Australian Politics is a unique and exciting subject, much of what is learnt and taught must – by the nature of the course – respond to and analyse current Australian political events (and, to some extent, international events). In this way, it is dynamic and relevant to our everyday lives.

Your understanding of the subject will be strengthened and made more meaningful by paying attention to the world around you – there is as much to be learnt from the news, debate, classroom discussion and current affairs as there is from any resource. How will climate change policy impact your future? What will it cost you to continue with your education after Year 12? How did marriage become political? Why do the media care about a discussion a politician may have had with a Chinese businessman? These contemporary events and issues ARE Australian politics and impact you on a daily basis; from the roads you drive on to the speed of your internet, from how much tax is deducted from your pay to whether you are allowed to run for parliament. Paying attention to the world around you will enable you to do well in this

subject but, perhaps more importantly, it may also empower you to help shape the world into the future.

As unpredictable as these current affairs issues and events might be, the key to learning from the observation of the world around you is to always return to the fundamental guiding principles and values of democracy and to do so in the context of the Australian political institutions and processes that provide the framework for this subject.

While observing the political world, and discovering the systems and processes currently in place, critical questions need to be asked – these questions (and the often contestable answers arrived at) will help develop the key skills you are expected to achieve; explanation, analysis, evaluation and argument. The current political world (within the last 10 years) provides the evidence for ideas explored.

Critical resources for the subject as a whole

Close familiarity with the Study Design is essential – especially from page 18 onwards.

There is also a partial glossary supplied by VCAA. This glossary is seen as a starting point but you will need to develop more extensive personal glossaries – you also need to be mindful that while definitions matter, the capacity to *explain* and *apply* the ideas in context is critical.

Area of Study 1: Australian Democracy

On completion of this unit the student should be able to explain the key values and principles of the Australian political system and evaluate the system's democratic strengths and weaknesses. To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

Key knowledge

- key terms and concepts relating to Australian democracy: liberal democracy, representative democracy, constitutional monarchy, responsible government, representative government, separation of powers, the constitution, executive, legislature, judiciary, federalism, rule of law, franchise, prime minister, cabinet
- the key principles and values that underpin a liberal democracy:
  - protection of democratic rights and freedoms
  - representation of citizens
  - accountability of government
  - the rule of law
- the key features of the Australian political system in practice:
  - key Westminster values and principles
  - the separation of powers: executive, legislature, judiciary
  - federal system of government
  - the constitution and the role of the governor-general
  - the role of prime minister and cabinet
- the protection of democratic rights and freedoms in Australia:
  - the effectiveness of the Australian Constitution in protecting rights (without a formal Bill of Rights); express rights and implied rights
  - the role of the High Court and of judicial independence on rights and freedoms
  - the operation of the Australian electoral system:
  - the role and functions of the Australian Electoral Commission (AEC)
  - the arguments for and against compulsory voting
  - the functions of elections
  - the aims and effectiveness of preferential voting
  - the aims and effectiveness of proportional representation
  - the impact of voting systems on the composition of parliament
  - consistency with the values of political equality (one person one vote, one vote one value)
  - the impact of party pre-selection, electoral funding, political donations, political advertising and campaign techniques
  - the democratic strengths and weaknesses of the Australian electoral system

- the operation of the Commonwealth Parliament:
  - the functions of the parliament; formation of government; representation of the electorate; law-making; accountability including question time and parliamentary committees, individual ministerial responsibility (IMR) and collective ministerial responsibility (CMR)
  - the role and impact of political parties in parliament
  - the role of the executive in parliament
  - the significance of party discipline
  - the key positions within parliament: the role of the opposition, the party whips, back-benchers, crossbenchers, minor parties, independents, the speaker of the house and president of the senate
  - the democratic strengths and weaknesses of the Commonwealth Parliament.

Key skills

- define and explain key terms and concepts relating to democratic theory and practice in Australia
- explain the key values and principles of liberal democracy
- explain key features of government in Australia
- explain and evaluate the protection of democratic rights and freedoms
- analyse the operation of electoral systems and the parliament
- evaluate the extent to which democratic values are upheld by the Australian political system
- evaluate the democratic strengths and weaknesses of the Australian political system
- use evidence from contemporary examples to explain and analyse institutions and processes of Australian government
- develop arguments, explanations and points of view on the Australian political system which use evidence from contemporary examples.
  - participation of citizens in the political process
  - popular sovereignty, majority rule and respect for minorities

3 Evaluating Australian Democracy

Area of Study 1: Australian Democracy

Australian Democracy

Democracy, what does that mean?

Understanding direct and representative democracy

Like many countries, Australia is considered to be a democracy. According to *The Economist's* Democracy Index for 2016, "76 of the 167 countries [in the extensive survey], or 45.5% of all countries, can be considered to be democracies" *(The Economist)*.

Yet, there are vast differences between the systems and political processes of Iceland, Malta, Uruguay, Germany and Australia – all of which make it into the top 20 democracies in this index.

Before we can understand how democracies might be ranked, we need to understand what democracy is. The word comes from the Greek words *demos* and *kratia*, which literally translates to 'the people rule.' In ancient Athens, citizens participated directly in decision-making – of course not all citizens, only those who were wealthy landowners and male. They would get together, debate and publicly vote on decisions that affected their society. This was the beginning of democracy. Radical as it was at the time, it didn't last long as a political system, disappearing for centuries and it has only re-emerged and evolved in relatively recent history.

The kind of democracy practised in Ancient Greece would now be referred to as **direct democracy**. Direct democracy is seen to be impractical for large and complex societies. Not all people have the time or interest to debate each decision needed to run a society and vote on it (nor are there venues large enough for millions of people to meet at once!). This is not to say direct democracy has vanished completely from the Australian system. Indeed, we hold referenda to make changes to the constitution and governments can hold plebiscites to understand the views of citizens on specific policy issues. Most recently there was an unprecedented call on the people to participate directly in political affairs. In 2017 the Australian Marriage Law Postal Survey (AMLPS) was conducted by the Australian Bureau of Statistics on behalf of the government in order to gauge the will of the citizens on the issue of same-sex marriage. Generally, however, very few national decisions are made with the direct input of the people.

Direct democracy refers to any system that allows citizens to directly participate in decision-making.

Representative democracy is a political system where a group of people are elected to make decisions on behalf of the population as a whole.

Usually when people speak of democracies in the modern era, they are referring to **representative democracies** rather than direct democracies.

In Australia, representative democracy has evolved to become our system of governance – we elect our representatives to parliament. Once in parliament, these representatives then may form government. Ultimately these representatives debate and develop policies and laws that are implemented on behalf of the people as a whole. This sounds simple, straightforward and fair but there are still tensions within representative democracy. How can one parliamentarian represent the diversity of views of the thousands of people they are elected to represent? When people vote for a representative are they basing their vote on a broad range of policies, a specific policy, the personality of the candidate or something else? When they are making

decisions should these representatives be thinking of the needs of their electorate or the nation as a whole? What if, between elections, a decision needs to be made on an issue not previously discussed with the public, how will politicians know how to represent the people? These are but a few of the issues that we need to think about.

What is liberal democracy?

Not only is Australia a representative democracy, it is also a liberal democracy. A liberal democracy is a political system that runs on two key principles; democracy and liberalism. Democracy we now have a clearer understanding of, but what is liberalism and how does it shape our democracy?

Liberalism is the "belief in the rights of the individual, rule of law and limited government" (Miragliotta, Errington, Barry, 2013). The **liberal democracy** system is constructed to ensure processes and laws that prioritise and protect individual rights and freedoms, and that the powers of government, are kept in check. Over time liberal democracies have evolved to share some key principles and values.

A **liberal democracy** is a system in which political rule is kept in the hands of the people through the election of government.

The key principles and values that underpin a liberal democracy

Protection of democratic rights and freedoms

At the core of liberalism are the rights of individuals. It has come to be understood that in a liberal democracy all citizens are equal and a critical role of that democracy is to ensure that the human rights of every individual are upheld – such as religious freedom, freedom of association and expression.

An extension of these rights is every citizen's right to participate in "the political, economic, and cultural life of society" (Wise, 2015). Moreover, there needs to be the rule of law for a liberal democracy to exist so that no one is above the law.

Participation of citizens in the political process

Central to any liberal democracy is the need for regular *free* and *fair* elections to allow the people to elect their representatives. Such democracies create systems to ensure that regular elections allow all eligible citizens to vote – without fear or corruption and with ease of access. The system created should make sure every citizen's vote is of *equal* value. That is to say your vote is as powerful as the prime minister's.

In addition, all citizens should have equal rights to participate in the political process to *become* politicians – any member of a community should be able to represent the rest of their community.

A healthy democracy would see large proportions of their population participating in elections by voting. However, elections are not the only form of citizen participation. Characteristics of a healthy democracy include citizens feeling free to contact parliamentarians directly, expressing diverse views in the media, joining political parties to help shape policy and protesting as some of the ways of participating in democracy.

Representation of citizens

Modern liberal democracies ensure citizens elect people to represent them in government. Once elected, these politicians act as representatives for their electorate

(which is to say they represent the citizens living in the geographic area they represent).

Some argue that an apparent failing of most modern democracies is that the people who comprise the decision-making bodies (such as parliament) do not reflect the diversity of broader society, especially in terms of gender, race, age and socio-economic status. Some claim this as a systemic failure to represent citizens effectively.

Popular sovereignty

Popular sovereignty is the idea in democratic nations that the government is created and given legitimacy by the will of the people. It extends the idea that the people have consented for politicians to act on their behalf and that permission can only be granted by the people. It also relates to the concept of **mandate**.

Mandate refers to the authority given by the people to an elected representative or group (usually a political party) to govern, or to implement specific policies they were elected for.

Accountability of government

As part of liberal democracy's tenet of limiting government power, there must be ways of keeping government accountable. Most obviously, a government is held accountable by the people at the next election. The need for free, fair and frequent elections becomes critical to accountability.

However, effective democracies need to have other means to constrain the power of those elected. Some of the ways a democratic society might keep their representatives accountable include: parliamentary processes that allow for opposition to and rigorous investigation of legislation and government action (this is a keystone of the Westminster system of responsible government which is discussed in more detail later in this section); an independent, diverse and robust media that investigates, expresses and informs the public without intervention from those in power; the right of people to protest and express ideas without intimidation and consequence; an independent legal system that enforces laws in relation to the government itself – declaring actions of politicians and the government illegal without fear or favour; and the existence of effective alternative political parties. These are just some of the mechanisms understood to keep governments accountable.

The rule of law

The rule of law is the principle that "all power in a society is constrained by the legal system" (Miragliotta, Errington, Barry, 2013).

The rule of law requires that all laws be applied to all citizens equally – regardless of wealth, age, gender and nationality. Importantly it must be applied to government as well and therefore all government actions must be lawful. Laws must also protect all citizens and their rights equally. There can be no interference or pressure from government or other forces – the courts must be able to act independently and without intimidation.

Majority rule and respect for minorities

This is the fundamental idea that a robust democratic community must act on the will of the majority of its members while upholding and respecting the rights of all others – individuals and minority groups (religious, racial, gender, physical ability or those with

less popular beliefs *et al*). Respect for minorities is not merely granted by the majority but is fundamentally enshrined in the law and processes of democracies to prevent the "tyranny of the majority" – a concept coined and discussed by historical political theorists such as Tocqueville, Mills and Maddison.

Activity - Exploring principles and values of liberal democracy

Here is a range of activities you may wish to choose from.

1. Class or group discussion – direct vs representative democracy

KK – define and explain key terms and concepts relating to democratic theory and practice in Australia; representation of citizens; popular sovereignty

KS – explain the key values and principles of liberal democracy; use evidence from contemporary examples to explain and analyse institutions and processes of Australian government; develop arguments, explanations and points of view on the Australian political system, which use evidence from contemporary examples

- As a class or group, do 15 minutes of research on the history behind, and the processes used in, the 2017 Australian Marriage Law Postal Survey (AMLPS). Be sure to understand what was legally required to address the issue, what other approaches were proposed, who wanted these or other processes and why. Has such a similar process ever been used in Australia before?
- Be ready to discuss the following statement, 'The Australian Marriage Law Postal Survey was an example of great democratic practice not an abdication of representative responsibility'. Remember you are not discussing the *issue* of marriage equality but the *way* the government chose to *act* on it and the issues this highlighted. Essentially, should the people have direct input on government decisions? If so which decisions, if not why not?
- Divide into opposing groups and take turns adding reasons for and against the issue – bonus points are allocated for linking your ideas to understandings of the kinds of democracies previously outlined and the principles of democracy as a whole.

2. Represent!

KK – representation of citizens; popular sovereignty

KS – explain the key values and principles of liberal democracy; develop arguments, explanations and points of view on the Australian political system, which use evidence from contemporary examples

- Read the following two quotes about making decisions as a parliamentarian in a representative democracy, the Tweet from Liberal MP Goodenough (whose personal views were against marriage equality) and the quote from ex-Prime Minister Malcolm Fraser.

Ian Goodenough
@IanGoodenoughMP

The Coalition has delivered on its election commitment and given Australians a say on SSM. Whilst I have made my personal views clear, my job is to represent the electorate of Moore, which has returned a majority 'Yes' vote, so this is what I intend to reflect in Parliament.

4:15 PM – 14 Nov 2017
84 Retweets **366** Likes

Photo: Ms Joonalup

"I think you are mixing up somebody who is a representative of the people and somebody who is a delegate. If you are a delegate, the people who have delegated power to you tell you what to do... If you are a representative, you are there to exercise your judgement, to learn about an issue, then make up your mind, that is what a representative is."

Malcolm Fraser; quote: https://theconversation.com/malcolm-fraser-we-have-lost-our-way-3734, photo: Archives New Zealand

- Imagine you are an elected politician having to vote on controversial legislation. Ask yourself what would inform your voting decision – your publicly known personal views, your party's position, the opinion of the majority of the people in your electorate, the arguments presented during the debate itself, the opinion of the majority of Australians or something else?
- Write a Tweet or Facebook post explaining why you decided to vote a particular way – you may choose to base it on the recent marriage equality debate or any other controversial issue such as euthanasia, Australia as a republic, etc.

3. How does Australia score?

KK – define and explain key terms and concepts relating to democratic theory and practice in Australia; potentially all the key principles and values that underpin a liberal democracy

KS – explain the key values and principles of liberal democracy; evaluate the extent to which democratic values are upheld by the Australian political system; develop arguments, explanations and points of view on the Australian political system which use evidence from contemporary examples

- Make a list of 10 countries, including Australia – choose some countries you consider to be democratic and some you consider to be undemocratic. Rank them from least to most democratic so that the first position represents your most democratic country (1-10).
- Look up the following audits/indices of democracy, freedom and press freedom:

  The Economist Intelligence Unit's Democracy Index (click here for the full report)
  Freedom
  Media freedom ranking
- Where did Australia rank? Which countries (of any in the world) surprised you in where they were ranked? Did they have the countries you ranked in the same order you did? Did the indices have them ranked in the same order as each other? What might explain this? Would you change your order, why/why not? (Make your evaluation in relation to democratic principles.) What does this report conclude about Australia? What does it argue Australia could improve?

Extension question

Looking at the criteria and methodology they used to assess countries, do they fit with your understandings of liberal democracy? Are there other criteria you would add?

What political frameworks are in place in Australia?

A little bit of historical context

As Australian author Melissa Lucashenko contends, "Australian government, democracy and diplomacy were already ancient here [in Australia] when Cook set out from Plymouth in 1768" (Lucashenko, 2015). Indeed, there is much evidence to suggest that Indigenous Australian societies may well have developed forms of democracy before the Greeks had even imagined the idea. This course, however, does not look at, or explore, the Australian political systems that existed prior to colonisation – though we must acknowledge that there were complex systems pre-existing – this course is focused on contemporary politics.

Nevertheless, to understand the contemporary system we need to understand some of the historical foundations that directly created it.

Greek democracy emerged briefly about 2,500 years ago. Over the next 2,000 or so years, other European societies dabbled in democracy, but only briefly. Following a period of revolution and political challenges to the status quo, democracy re-emerged as a system in the late 1700s, about the time when New South Wales was colonised.

Before the creation of the modern Australian federal system in 1901, the continent was home to six largely self-governing colonies – modelled on the British system. What is important to note is that, as colonies, they did not have to war or rebel to become self-governing. The colonies were able to experiment with systems of self-rule. They set up **bi-cameral legislatures**.

Colonies were also seen to be radical pioneers of democracy. They extended franchise – the right to vote – to larger groups of people much earlier than many other emerging democracies. In fact, in 1902, Australia became only the second nation in the world to have women's franchise. However, universal franchise – the right for all citizens to vote – took a lot longer to achieve. The right for all Indigenous Australians to vote in national elections did not exist until 1962. Some colonies also introduced the **secret ballot** a radical feature at that time.

Bi-cameral legislatures are legislatures with two houses but only one being fully elected.

A **secret ballot** is the ability to vote without revealing a voter's identity.

Activity - Secret ballots

KK – protection of democratic rights and freedoms; participation of citizens in the political process

KS – explain the key values and principles of liberal democracy; explain and evaluate the protection of democratic rights and freedoms

1. Create a mind-map exploring the idea of a secret ballot.
2. Ask and answer the following questions:
    - Why would people want a secret ballot?
    - When was it first used and when did other countries start adopting this practice?
    - What is the benefit of secret ballots?
    - What would the worst consequence be of not having secret ballots?
    - How might secret ballots have made elections more or less democratic?
    - Are there reasons why voting publicly on something might be a good idea?

A secret ballot mind map is available as a separate download.

The colonies grew and eventually, after much debate, they came together and formed a new federated nation, Australia, in January 1901. At this birthing of a nation they cemented the structures and processes that still provide the framework of our democracy today. Parliamentarians and law makers were heavily influenced by the British system of government – referred to as the Westminster system – because there was a deep patriotism for what was still considered the 'home country'.

At the same time, they were interested in aspects of the much newer American system. Indeed, "the Australian federal Parliament has been referred to as a "Washminster" model – a combination of the US "Washington" model and the British "Westminster" model" (Parliamentary Education Office, 2018).

The key features of the Australian political system in practice

Key Westminster values and principles

The Westminster system has several key features that are important to understand as they are also found in the Australian system. Responsible government is the practice of parliamentary government. The government is drawn from the parliament and is answerable to the parliament. The government comprises ministers, who are members of parliament, and who have the support (confidence) of the majority of members in the lower house (the House of Representatives). The leading minister is the prime minister.

In the Westminster system, the legislature is the parliament and traditionally the legislature is made up of two parliamentary chambers – the lower house and the upper house. The lower house is considered to be the 'house of government'. The upper house is considered to be the 'house of review'. The parliament is the formal body responsible for debating and approving or rejecting proposed laws.

In practice, the head of government in Australia is the prime minister, although constitutionally the head of government is the governor-general. In Australian practice, the governor-general usually acts on the advice of the prime minister. The executive is the executive in council, which is headed by the governor-general who acts on the advice of ministers who, in turn, are answerable to both houses of parliament.

Ministers are parliamentarians who are allocated specific policy portfolios by the prime minister (e.g. minister for health). In political terms, the prime minister is the leader of the party who wins a majority of seats in the lower house after each election. Functionally, the executive is the prime minister and the ministry and within this, the senior ministers form cabinet (including the treasurer, deputy prime minister, minister for foreign affairs). This practice of drawing the executive from the legislature ensures a representative government – a political system where executive actions and law-making is undertaken by elected representatives.

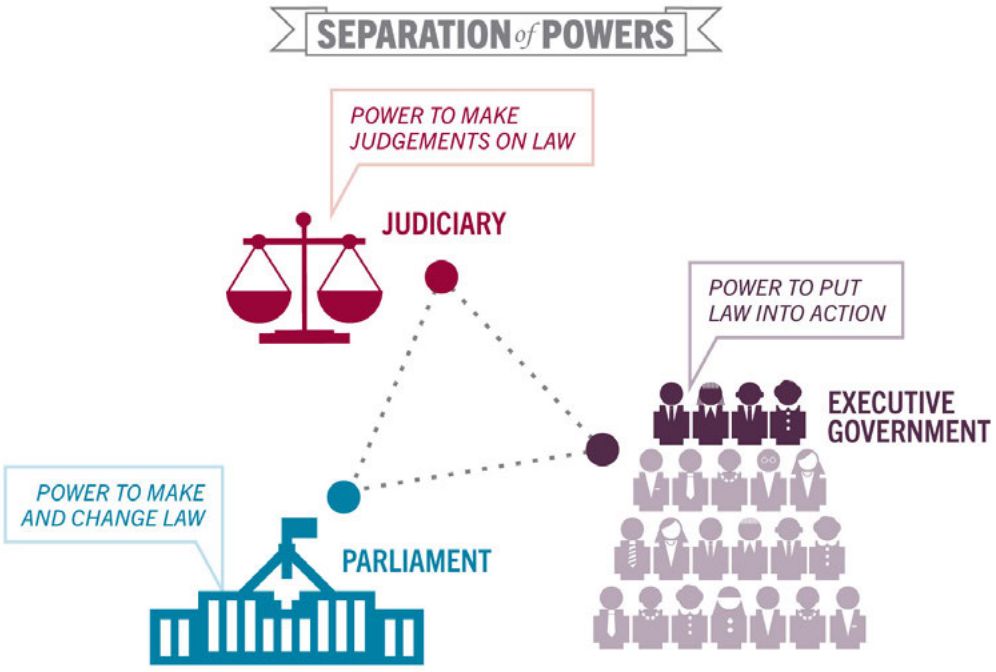
The separation of powers: executive, legislature, judiciary

A common feature of modern democracies is the **separation of powers**. This is to prevent power from becoming centralised in a group; no branch is able to gain absolute power.

These branches are the legislature (that makes laws – in Australia, parliament), the executive (that puts laws into effect – in Australia through the ministries) and the judiciary (courts that interpret laws and decide their legal validity – in Australia, often the high court). In some countries, this separation of powers is

Separation of powers is the principle that the three branches of government act separately and without interference from each other.

absolute but, in Australia, because the executive is drawn from the legislature, this creates a blurring of the separation.



Separation of powers; author: Parliamentary Education Office (www.peo.gov.au)

The constitution and the role of the governor-general

The constitution is a formal document that sets out the rules about how Australia's political system is organised and run. Our constitution has operated since federation in 1901. It is the agreement created by the six colonies about which powers and processes would allow a national government to operate. The historical context is important – it was entered into peaceably, with broad agreement and at a time where strong ties to the British system were not in question. As a result of this context, our constitution relies partly on the rules written within it and **conventions** it adopted from the British system.

The constitution also came into effect after the six colonies had already established their own rules of self-governance. As a result, they built in safe-guards to ensure they didn't lose too much power but allowed that as a federated nation, issues such as trade, defence and immigration could be administered more effectively.

Convention. A convention is an unwritten rule that refers to the operation of parliament and government.

From its beginning, the Australian Constitution contained 128 sections set out in eight chapters that provided the framework for such critical points as the mechanics of the three branches of government – the executive, the legislature and the judiciary, the power-sharing arrangements between the state and federal governments. Processes of elections and who was eligible to participate, either as voters or candidates, as well as the processes required to change the constitution itself were also included.

The constitution begins by establishing Australia as a constitutional monarchy – a political system with a hereditary head of state (currently Queen Elizabeth II) and a parliamentary system of government that is enshrined in a constitution (Miragliotta, Errington, Barry, 2013).

In practice, the governor-general acts as the monarch's representative in Australia. The governor-general is – at least on paper – a very powerful position as both head of state and the executive. However, the position has become largely ceremonial as, by convention, the governor-general only acts on the advice of the prime minister. The system has operated this way with little deviation for over 100 years (though in 1975, the governor-general exercised his powers and dismissed the Prime Minister, Gough Whitlam).

While the constitution is an old document that provides the basis for smooth operation of government, it does occasionally lead to great political controversies. Most recently the 'dual citizenship scandal' forced the resignation of many parliamentarians. The controversy was due to section 44 of the constitution that doesn't allow members of parliament to be a "subject or a citizen of a foreign power" even if they earnt the rights of citizenship in another country by descent. This then leads to questions about changing the constitution.

Built into the constitution is a safety mechanism to stop governments changing rules to suit them – section 128. It requires that any constitutional change be voted on by the people in what is called a **referendum**.

The referendum process has specific rules. Before it is held, wording has to be agreed on by parliament. When it is held it will only be passed if the majority of people and a majority of states vote for it. This has made passing referenda notoriously difficult. There have been 44 referenda since 1901 and only eight have passed. This has proven problematic as there are criticisms that the constitution fails to acknowledge such things as Aboriginal sovereignty at the time of colonisation, nor does it explicitly embed a bill of rights as many other constitutions do. The most recent referendum in 1999 failed to make Australia a **republic**.

Referendum refers to a special election on a specific amendment or amendments to the constitution.

A **republic** is a self-governing nation based on democratic, representative government without oversight from a monarchy.

The role of prime minister and cabinet

Two of the core aspects of our system of governance are those of the prime minister and the cabinet – yet these are invisible in the constitution and exist only by convention.

Inherited from the British system, by convention, the prime minister is the head of the party that forms government in the lower house, and as such is the head of government. Their role is to decide who becomes a minister and what portfolios – policy area, e.g. health – they will have. They set the agenda for cabinet and thus have great influence over the legislative priorities of government. They also become the key spokesperson for government in parliament and outside of it; gaining a huge media profile and both parliamentary and public influence.

Controversially, and some argue undemocratically, the people do not get to directly elect the prime minister and they can be removed from that position by a vote of the members of their party.

The cabinet is a core element of our parliamentary system. It is the group of senior ministers, headed by the prime minister, that effectively makes key government decisions and policy. They hold regular meetings, chaired by the prime minister, to discuss the issues of the day. By convention, what is said in these meetings stays secret – this allows them to discuss controversial issues honestly and with differences of opinion.

Leaks from cabinet are often seen as a sign of party disunity and leadership dissatisfaction. Once policies have been made, members of cabinet are expected to publicly support them and take responsibility for them in parliament – this is one of the conventions of responsible government, collective cabinet responsibility – which is discussed later in this Area of Study.

Federalism is a constitutionally embedded system of government that designates law-making responsibility, dividing the powers between the national government and the states.

Federal system of government

As alluded to earlier, when the colonies federated they were concerned about losing autonomous power. As such, Australia employs a system of **federalism**.

Constitutionally, the commonwealth, or national government, has control over areas including foreign trade, taxes, post and telecommunications, the defence force, currency, marriage and immigration – anything beyond the list outlined in the constitution is referred to as a residual power and is the responsibility of the states.

So where does this leave areas such as health, education, infrastructure and the environment? Constitutionally, they are the responsibility of the states. However, over time, a lot of responsibility overlap has occurred – this is largely because most taxes are collected and distributed by the federal government and the states rely on this money to fund these areas. This enables the federal government to attach conditions to the funding they give the states.

At different times, this has led to conflicts between state and federal governments but, more often, they reach agreement and cooperate. At least twice a year there is a Council of Australian Governments (COAG) meeting to debate and discuss issues. In recent times, issues of debate have included the state-by-state allocation of funds from the Goods and Services Tax (GST), the implementation of national curriculum standards and cooperation over national security.

The protection of democratic rights and freedoms in Australia

There is little doubt that the constitution goes a long way to protect certain political rights. The need to keep governments accountable and their powers constrained is enshrined in the notion of responsible government that is built into the constitution. Citizens are, to some extent, guaranteed to be represented by the government as they get to vote at elections. The separation of powers, even if imperfect, limits the powers of government.

The constitution itself protects these rights; firstly, by insisting on a judiciary that is separate from, and under no influence of, either the executive or the legislature – the high court alone has the ability to decide if the government abuses any of its powers constitutionally. Secondly, it reinforces any of its inbuilt democratic rights by protecting them in section 128, which makes any constitutional changes very difficult and requires the democratic input of the people to do so.

Explicit and implicit rights

There are also explicit rights – directly written into the constitution – but they are of limited value as they only apply in certain contexts. Explicit rights include:

- The right to just compensation – it only applies if property/assets are taken by the commonwealth (which happens rarely);
- The right to trial by jury – but only under commonwealth law... most indictable offences are committed against state law where there is no such guarantee;

- The right to free trade between states – this prevents tariffs at state borders and is financially useful but hardly a fundamental democratic right;
- The right to freedom from discrimination against out-of-state residents (while Sydney–Melbourne rivalry might be a thing, it does not tend to result in discrimination); and
- The right to freedom of religion – this prohibits the Commonwealth from making laws that force people to practise a particular religion or prevent people practising their religion... but there's no state-based restriction.

More interesting are the implied rights – these are rights that are "found by 'reading between the lines' of the constitution. They are derived from a particular definition or interpretation of key words or phrases" (lawgovpol.com).

Ultimately, implied rights are interpreted by the high court. Two implied rights have been found, these are the implied right to freedom of political communication and the implied right to vote.

Many countries have other rights enshrined in their constitution – including what we would consider to be basic human rights. Other countries have these rights legislated in a charter. We have neither and that is rare for a democratic nation. The idea of creating a bill or charter of rights comes up regularly in Australian politics but has yet to be enshrined in law. Do you think it should be?

Activity – Key features and protection of rights and freedoms

Here is a range of activities you may wish to choose from.

1. **Key features of the Australian politics system in practice.**

   KK – the key features of the Australian political system in practice

   KS – use evidence from contemporary examples to explain and analyse institutions and processes of Australian government; explain key features of government in Australia; evaluate the extent to which democratic values are upheld by the Australian political system

   Create a five-column table listing the key features of the Australian political system in practice. In column one, list the features. In column two, write a brief definition. In column three, explain which principles of liberal democracy this feature supports and why. In column four, explain which principles of liberal democracy this feature undermines and why; and, in the final column, list any contemporary political events the feature relates to. You can do this task individually or in pairs. If you create your table in an electronic document, you can add to it throughout the year as political events occur.

2. **Debating and speeches**

   KK – separation of powers; federal system of government; the constitution; the role of the High Court and the effectiveness of the constitution in protecting human rights

   KS – explain the key values and principles of liberal democracy; use evidence from contemporary examples to explain and analyse institutions and processes of Australian government; develop arguments, explanations and points of view on the Australian political system which use evidence from contemporary examples; explain key features of government in Australia; explain and evaluate the protection of democratic rights and freedoms

Either organise a series of debates or individual speeches that address the topics below:

- 'The blurring of the separation of powers gives too much power to the executive.'
- 'Federalism leads to poor policy with neither level of government taking policy responsibility or control.'
- 'The dual citizenship debacle and its potentially destabilising impact on parliament highlights the need for constitutional reform.'
- 'Rights and freedoms in Australia are at risk without an explicit charter to enshrine them in law.'

3. Campaign leaflet

KK – separation of powers; federal system of government; the constitution; the role of the high court; effectiveness of the constitution in protecting human rights

KS – explain the key values and principles of liberal democracy; use evidence from contemporary examples to explain and analyse institutions and processes of Australian government; develop arguments, explanations and points of view on the Australian political system which use evidence from contemporary examples; explain key features of government in Australia; explain and evaluate the protection of democratic rights and freedoms

- Create a campaign leaflet about federalism and/or protection of rights.
- Read the articles listed below – you may also want to look further into the issues outlined to discover what prompted the events.
- Write a list of arguments for and against the issues presented in the articles.
- Then, create a campaign leaflet in support of one side of either debate – be sure to list reasons for supporting this side and contextualise at least some of them in terms of democratic principles.

Rights:

- ABC Radio National, 2018. 'Greens push for bill of rights'
- *The Guardian*, 2017. 'Philip Ruddock to examine if Australian law protects religious freedom'

Federalism:

- Massola, James, 2014. 'Reform the Federation to give all states 'a fair go': PM', *The Sydney Morning Herald*
- Gartrell, Adam, 2017. 'State Labor premiers savage Malcolm Turnbull's energy policy, setting up a COAG brawl', *The Sydney Morning Herald*
- 'Energy ministers endorse federal plan at COAG meeting in Hobart', *The Mercury*

How do we vote in Australia?

The operation of the Australian electoral system

There is little doubt that the Australian electoral system is unique. The basic infrastructure that underpins our electoral system is in fact outlined in the constitution and is fixed, but many of the processes – the way the rules are enacted – have changed throughout our history.

Interestingly, while many other democracies have had relatively static electoral systems, the Australian system has continuously undergone significant reforms. The changes to the processes of electing government have ostensibly been to strengthen our democratic practices – of course, like all things in politics, there has been disagreement about every change!

The functions of elections

Representative function: regular elections give citizens a voice in democracy and ensure the majority view gets representation in parliament.

Participatory function: elections, and the campaigns that lead up to them, create a forum for national debate/education/awareness and give greater opportunities for citizens to air their views. Voting is a democratic and participatory act.

Election scene outside City Hall in Brisbane, 1935

The government function: In the Westminster parliamentary system, a chief function of elections is for the people to elect representatives who, in turn, form government. A government is formed by the party (or coalition of parties) that wins a majority of seats in the House of Representatives.

Often, a party (or coalition of parties) wins a clear majority following an election. Following the 2010 election, however, neither major party won a majority. A minority government had to be formed. This meant that parliamentarians who did not belong to either major party had to decide which party they would support (in this case it was the Labor Party led by Julia Gillard). Elections also provide governments with a mandate – or permission from the people to implement policy.

The accountability function: results of an election are often understood as either an endorsement or disavowal of the incumbent party's time in office. In this way, if voters are unhappy, they have an opportunity to hold the government accountable and vote it out.

Julia Gillard; photo: Kate Lundy

The arguments for and against compulsory voting

Unlike many other countries – such as the United States of America (US) or the United Kingdom (UK) – Australia has compulsory voting. Only 13 nations in the world use compulsory voting and some of those do not enforce it (IDEA, 2018). Australia does.

The impact of this on political culture and political outcomes should not be underestimated. Indeed, in 2015, US President Barack Obama commented that this aspect of the Australian electoral process would be a good thing to introduce into the US system, describing it as "transformative" (*The Guardian*, 2016). Compulsory voting has been in place here since the mid-1920s but is still something that is debated in terms of both its reflection of and impact on the democratic nature of the Australian system.

The role and functions of the Australian Electoral Commission

Another unique democratic innovation of the Australian political system is the existence of an independent statutory body to oversee many electoral matters, the Australian Electoral Commission (AEC). The AEC was first introduced in 1984. It is funded by government but runs independently of it. By not being directly responsible to the government, it means that the opportunities for corruption of democratic processes decreases. Moreover, the independence of the AEC is critical to its democratic function.

Some of roles of the AEC include:

- **Conducting elections/referenda** – from organising polling booths, staff training and counting votes;
- **Administering and promoting compulsory enrolment** – ensuring all eligible voters are enrolled. In 2012, laws were passed to enable direct enrolment – the AEC can use information collected by other government agencies to update who is eligible to vote (people who have turned 18) and changes in address; and
- **Providing advice on electoral redistributions.** Over time, populations fluctuate in size and move throughout the nation. In order to ensure **electorates** are equal in population size, which is necessary for each citizen's vote to be of equal value, the AEC monitors the population and then recommends changes in electoral boundaries.

  It is critical this occurs regularly to avoid **malapportionment** in the House of Representatives. Redistributions are triggered for several reasons; for example, each state regularly gets reviewed on a seven-year cycle or sometimes data reveals that "the number of electors in more than one third of the electoral divisions in a state... deviates from the average divisional enrolment in over ten per cent in over two months." (AEC, 2017).

Electorate. The geographic area represented by a member of parliament – also sometimes referred to as a seat.

Malapportionment refers to unequal numbers of voters in electorates.

In 2016, the number of House of Representatives' electorates increased by 1 to 151 – the Australian Capital Territory got an additional district as did Victoria, but South Australia lost one district due to population changes.

- **Enforcing compulsory attendance at elections** – electoral officials keep records of attendance to ensure all citizens participate but only vote once. They follow up any discrepancies and potentially issue fines ($20) to those who don't attend.
- **Providing electoral education** – to support citizen participation, it is critical that people understand what is required of them and how the system works. An example of the need for the AEC to provide electoral education occurred following the last Senate voting changes; people needed to be made aware of how to cast a valid vote and how it would be counted in terms of preferences.

  Similarly, for electors who live in areas affected by redistributions, the AEC will inform them of which electorate they will now be in. Often it produces material in a range of languages to ensure the majority of citizens can participate with understanding.
- **Vetting the registration of political parties** – there are rules about the registration of parties, from minimum membership to name restrictions.

- **Collecting and researching electoral data** – in order to notice phenomena relevant to the democratic function of the electoral system, the AEC keeps and analyses data. For example, a decline in voter registration or an increase in invalid votes may indicate a lack of understanding and a need for education.

The aims and effectiveness of preferential voting

Preferential voting is a system that requires voters to indicate their order of preference of candidates. A form of preferential voting is used for both the upper and lower houses in Australia.

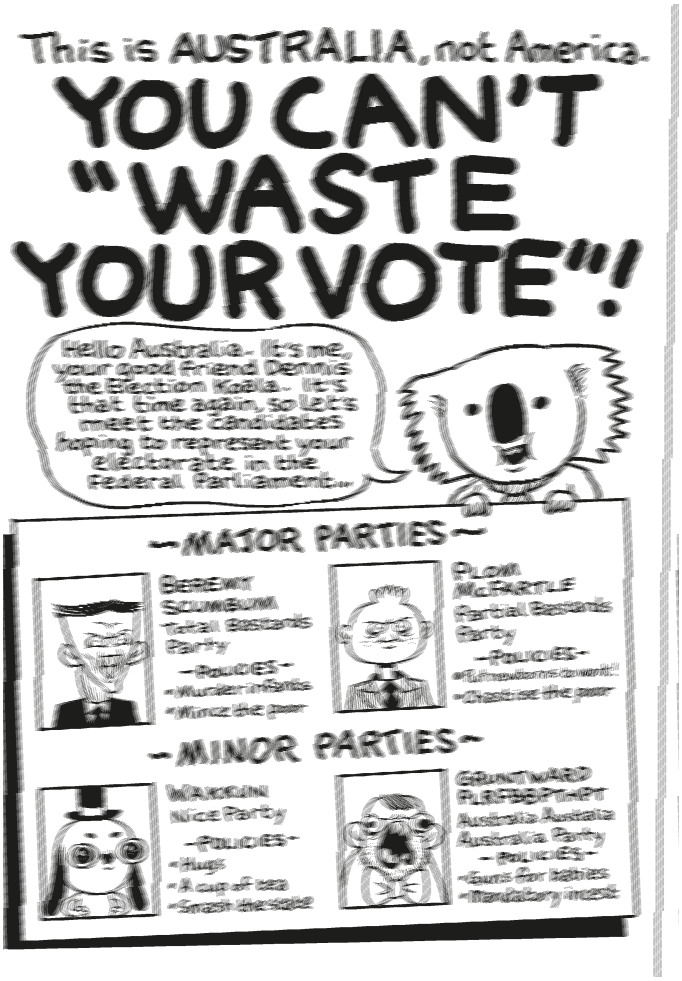
In Australia, full preferential voting is used in the House of Representatives where voters must rank all candidates on the ballot for their electorate. If no candidate receives at least 50%+1 of first preference votes – also known as primary votes – then the votes of the least popular candidate are redistributed according to the second preferences indicated on the ballot. This occurs until a candidate receives 50%+1 – then that candidate becomes the representative of that electorate.

Single-member electorates are where an electorate votes for one representative – for example at the next federal election for the House of Representatives there will be 151 members elected from 151 different electorates.

The idea behind full preferential voting in **single-member electorates** is to ensure that the most preferred (or the least disliked) candidate becomes the representative. In some other systems they have a first-past-the-post system or simple majority where the person who gets the greatest number of first preferences is the winner. Depending on the number of candidates running, an unpopular candidate could win.

For example, if there were four candidates and there was a relatively even distribution of votes across all candidates, someone could win the seat on, say, 28% of the vote even if the other 70% of citizens in that electorate would have wanted anyone other than that candidate to win!

There are positives and negatives to preferential voting. The positive outcomes are that the most preferred candidate wins, there is a tendency to produce majority rule, form a stable government and it leads to easy and quickly calculable election results. On the other hand, it makes it extremely difficult for minor parties or independents to win a seat, people need to give preferences to candidates they do not wish to, and it can add to the number of informal votes – especially when there is a large number of candidates in an electorate.



You can't waste your vote; author: Chicken Nation. For the full cartoon, visit http://www.chickennation.com/2013/08/18/you-cant-waste-your-vote/

The aims and effectiveness of proportional representation

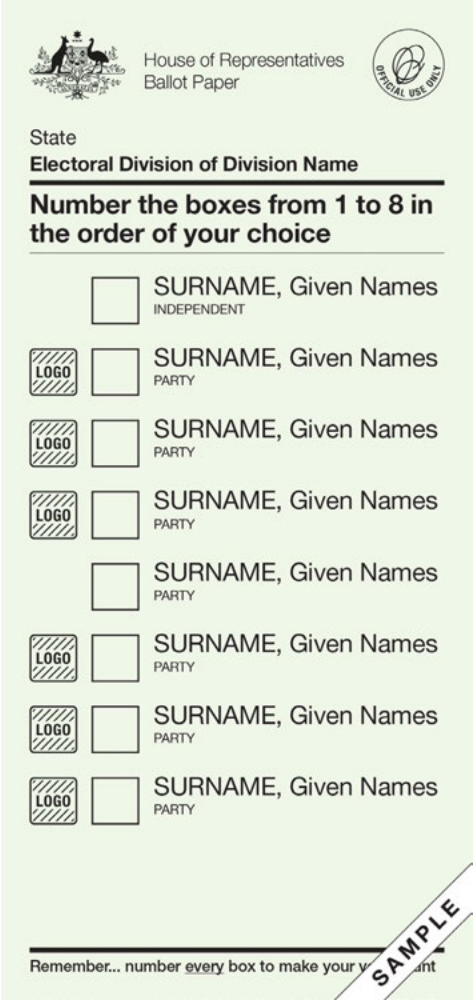
Proportional representation is a system that allocates elected positions in proportion to the number of votes a candidate gets. In Australia we have had a proportional, preferential system in the Senate since 1949. Most recently, in 2016, it became a partial preferential system where voters had to preference a certain number of candidates/parties but not necessarily all of them. In 2016, the system was also amended to remove group ticket voting, also known as **above the line voting**.

Above the line voting. A process where voters used to indicate their first preference above the line and that party, rather than the voter, then distributed the preferences of any votes they received.

The Senate voting system is still quite complex despite the changes. Each state has 12 senators who serve for six years. At a general election, only half of the Senate positions (i.e. six of the 12 senators) are up for election. At a **double dissolution** (see below), all 12 senators are up for election. The situation for Australian territories is a bit different. The ACT and NT have two senators each who serve for three years (i.e. these positions are up for election whenever there is a federal election).

A **double dissolution** is when the two houses of parliament have been dissolved. This requires a full Senate election, rather than the usual half-Senate election, and impacts on quotas and, in turn, who can get elected.

To win a Senate seat, a candidate must receive a certain quota of the votes. When candidates receive more votes than is required to meet quota, their surplus votes are transferred and distributed to the candidate's second preferences.


House of Representatives
Ballot Paper
OFFICIAL USE ONLY
State
Electoral Division of Division Name
Number the boxes from 1 to 8 in the order of your choice
SURNAME, Given Names
INDEPENDENT
LOGO
SURNAME, Given Names
PARTY
SURNAME, Given Names
PARTY
SURNAME, Given Names
PARTY
SURNAME, Given Names
PARTY
SURNAME, Given Names
PARTY
SURNAME, Given Names
PARTY
SURNAME, Given Names
PARTY
Remember... number every box to make your v nt
SAMPLE

Sample House of Representatives ballot paper; image: Australian Electoral Commission

Following the changes in 2016, voters can still vote above the line but must preference six group tickets. The difference is that these groups can only allocate preferences to those listed within their group on the ticket and, when their group list is exhausted, the voter's second preference receives any surplus votes.

If voters choose to vote below the line, they must rank 12 candidates in order of preference but may choose to preference some more, or even all the candidates – which can be a lot! Prior to these changes, there were concerns that voters had little control over their votes and that the system was, some argued, being manipulated.

The consequence of the changes to Senate voting are not yet absolutely clear as 2016 was the first election under these new rules and the election was not a typical one, it was the result of a double dissolution.

A double dissolution has only happened seven times since federation and can only occur when a government has tried to pass legislation and it has been rejected by the Senate on at least two occasions (after proposed amendments). A double dissolution can be called by the prime minister to deal with the deadlock and is seen by some as a "tactic to sweep out legislative troublemakers" (Ghazarian, 2016).

Regardless, the consequences of a proportional system of voting can be seen as both positive and negative. Here are some of the consequences:

- minor parties find it easier to be elected;
- sometimes minor parties can end up holding the balance of power;
- the system is complex and election results may not be known for several weeks;
- it provides for a larger choice of candidates;
- it is becoming rare for the party that has the majority in the lower house to also have the majority in the upper house; and
- each senator must theoretically represent their whole electorate (i.e. their state or territory).

Activity – Answer a few quick questions

KK – the aims and effectiveness of proportional representation, the democratic strengths and weaknesses of the Australian electoral system

KS – explain the key values and principles of liberal democracy; analyse the operation of electoral systems and the parliament, evaluate the democratic strengths and weaknesses of the Australian electoral system

1. Looking at the consequences of proportional representation listed above, decide which support a democratic system and which undermine it – some may well do both, say why.
2. What other consequences might there be of proportional representation?

The impact of the constitution on elections

Any analysis of the voting system must be understood in the context of the rules found in the constitution. As you will remember, when the colonies federated, each had different concerns about losing power and influence, especially the smaller colonies that didn't want to be dominated by NSW and Victoria. As a result, the constitution built in some constraints that directly impact on our electoral system and the composition of parliament and, therefore, consistency with political equality.

Frequency of elections

The constitution stipulates that elections for the House of Representatives be held at least every three years but can be dissolved earlier with the approval of the governor-general.

It goes on to say that senators are elected for six years and half of them are elected on a three-year rotation. A whole Senate election can only be held in the case of a double dissolution. The rules insist on frequent elections. Does this frequency help ensure politicians stay connected to their electorates? Or does it make it hard to formulate and implement difficult but important policy?

Size and number of electorates

The constitution outlines that each state shall have equal representation (currently 12 representatives in the Senate), regardless of the population size. It then goes on to outline some rules for the House of Representatives; that "number of such members

shall be, as nearly as practicable, twice the number of senators" (Parliament of Australia).

At the next federal election there will be 151 electorates. Each electorate's population size will have been calculated on the number of seats divided by the eligible voting population. A number of seats will be allocated to each state according to their population size. This system should ensure no malapportionment, except the constitution also stipulates that each state should have a minimum of five members in the House of Representatives – given Tasmania's relatively tiny population, each electorate there has fewer voters.

The impact of voting systems on the composition of parliament and consistency with the values of political equality

There can be little doubt that many aspects of the Australian electoral system ensure close to universal franchise and participation, including the AEC and compulsory voting. Our participation rates alone are admired worldwide and have always been high since compulsory voting was introduced in 1925. Despite this, the 2016 election saw the lowest participation (91%) since the introduction of compulsory voting, which is an alarming trend for any democracy. This decline, however, is rarely attributed to the voting system itself.

The constitution builds in malapportionment in both the Senate and, to a lesser degree, the House of Representatives. This means the value and equality of votes must be diminished. There were 373,966 voters in Tasmania at the last election while there were 5,092,749 in NSW, yet they elected the same number of senators – it is clear Tasmanians get relatively greater representation than voters from NSW. On the other hand, shouldn't each state get equal say about policies that may impact on them?

Some also argue that the voting technique for each house has a huge impact on their composition. In the 2013 election for the House of Representatives, even though the two major parties only received approximately 79% of the vote, they got 98% of the seats (Wise, 2015). This seems to be a consequence of preferential voting in a single-member seat. Is this democratic? Conversely in the Senate, while the bias towards the major parties is less extreme and a diversity of opinion is represented in the array of candidates elected, does the increasingly regular occurrence of a minor party balance of power mean that the few have disproportionate power over the will of the many?

The impact of party pre-selection, electoral funding, political donations, political advertising and campaign techniques

To think about voting, you need to ask yourselves not only about the systems and rules but also what drives people to vote the way they do. In the lead up to the election, are they choosing to vote based on a party's whole policy platform, a particular policy that matters to them most, their historic allegiance to a party, the personality of a particular candidate in their electorate, a distaste for all other candidates, the style of leadership, the appeal of advertising or at random with little or no thought? How can parties try to influence us to vote for them? Which techniques are valid and what limits do we have in place?

Ask yourself if you already know who you will vote for in the next election. If not, what will persuade you? Are you likely to vote the same way for both houses of parliament? Why or why not?

Party-preselection

For many people, the candidate running in their seat will be a factor in shaping their decision. For others, they will barely know who any of the candidates are. However, who is running can have an impact. In Australia, the decision about choosing candidates is made by members of that party.

Campaign techniques and political advertising

We all know when there is an election coming up – leaders are seen wearing hard hats and kissing babies. They want to be seen connecting with people. Indeed, elections have become increasingly focused on the key players. And while the news is full of carefully orchestrated soundbites (the core slogans parties want voters to remember), the parties employ a variety of other campaign strategies.

For a start, the parties target the **marginal seats**. It is these seats that are likely to decide which party will govern. Some parties go so far as to promise improvements that seem to advantage marginal seats most – this is known as pork-barrelling.

Marginal seats are those that are held by the incumbent parliamentarian by a very small margin (often less than 5% of the two-party preferred vote).

They make other promises that are seemingly undeliverable, such as bringing the economy into surplus, delivering higher broadband speeds or increasing paid parental leave. They often reject the other parties' platforms and evoke fear but, occasionally, they explain policy that differentiates them from the other parties.

They have myriad strategies for their campaign, which can include: brochures*, billboards *, TV advertising*, radio advertising*, newspaper advertising*, mailouts*, phone/cold calling, door knocking, social media, press releases, interviews, participating in debates and handing out 'how to vote' cards at train stations, etc.

Have you worked out what the asterisk (*) indicates? These are the campaign strategies that need to be paid for. While there are grassroots options, it is clear campaigning can be expensive. This puts some parties/candidates at an advantage. Is this intrinsically undemocratic? If we can't hear from all candidates, how can we make informed choices?

Electoral funding

Australia has long recognised that money, or a lack of it, can impede democratic participation. We were one of the first democracies to give politicians a wage, which enabled people from all socio-economic backgrounds to serve as representatives.

Similarly, we have created a system that acknowledges that running for election is expensive and that public funding should be made available to ensure candidates are less likely to be prevented from running on the basis of their economic status. In a democracy, all citizens should be able to participate as candidates should they so choose – either by forming a party or running as an independent – and not all of us have the resources of mining magnate Clive Palmer.

There are conditions on being eligible for funding – you need to attract at least 4% of the vote, then the amount you are paid is based on the number of primary votes you receive. In addition, funding is only granted after a candidate has been elected so this can make financing an election campaign difficult.

Political donations

Many parties and candidates rely heavily on political donations to fund their campaigns. There are, of course, rules put in place with the aim of preventing corruption and to make transparent any possible conflicts of interest or limit political influence. At the federal level, all donations above $13,000 must be made public. However, anyone can donate any amount they like.

Between 2014 and 2015, $10.3 million was donated to the Liberal Party and $7.3 million to Labor. Major donors included large banks, property developers and mining magnates (Anderson, 2016). Unlike most countries, Australia does not have laws banning overseas donations, which has proven to be a real controversy with accusations that foreign nationals have been able to influence politicians. As recently as December 2017, both the government and opposition have announced policy changes to deal with this issue.

The democratic strengths and weaknesses of the Australian electoral system

By most democratic standards, Australia's electoral system would be considered healthy. Overall, it achieves very high participation rates, caters to the needs of remote communities, it seems to genuinely elect representatives according to the desires of the population, politicians are held accountable by the frequency of elections, the people have access to information about the process of voting and people accept the results as legitimate.

Of course, it is not perfect – the complex details of the system are not always understood, there are concerns over the influence of political donors (especially those from overseas), the dominance of the two-party system in the House of Representatives does not accurately reflect voter intent and there has been a decrease in voter participation.

Activity – Exploring how the Australian electoral system operates

1. You decide – should voting be compulsory?

KK – the arguments for and against compulsory voting, the democratic strengths and weaknesses of the Australian electoral system

KS – explain the key values and principles of liberal democracy; analyse the operation of electoral systems and the parliament, evaluate the democratic strengths and weaknesses of the Australian electoral system

- Write three dot points for each side of the debate 'should voting be compulsory?' before you start researching the issue. Think of the principles of democracy and the likely impacts of compulsory voting.
- If possible, pair up with someone else in class and compare what you came up with. Then, research what others have said. You should now have at least six points for each side.
- Put them in order of importance to you. What do you think? If you were given the power to decide, would you keep or get rid of compulsory voting?

Here are some places to research:

- Wise, Rod, 2015. *The Indigo Handbook for VCE Australian Politics*
- Australian Electoral Commission, Compulsory Voting
- New South Wales State Library, Compulsory Voting – for and against

2. Create a video about how to vote in the Senate

KK – aims and effectiveness of proportional representation, the impact of voting systems on the composition of parliament

KS – analyse the operation of electoral systems and the parliament

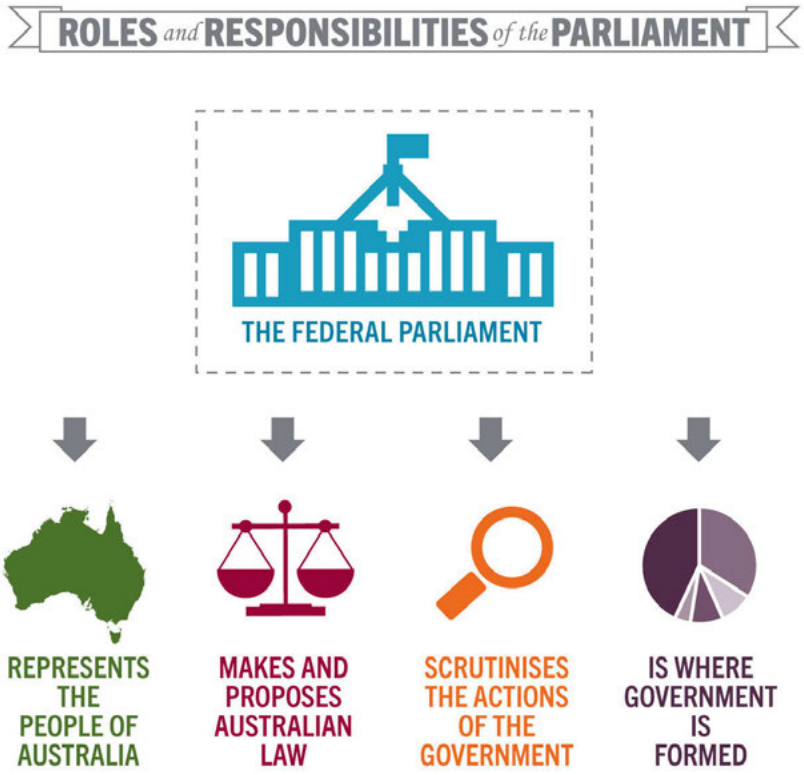
- Watch the AEC video on how preferential voting works. Since the changes to Senate voting, the Australian government is yet to produce an equivalent educational video.
- Thinking of the Senate system of voting, create a video explaining it to those who do not understand it. Alternatively, create a storyboard outlining what you would do in such a video. Visit the AEC website for information

How do governments govern in Australia?

The operation of the Commonwealth Parliament

The functions of the parliament

We have already discussed that our parliamentary system was largely modelled on the Westminster system and that our parliament is bi-cameral, with an upper house (the Senate) and a lower house (the House of Representatives). But what does the parliament do?



Roles and responsibilities of the Parliament; author: Parliamentary Education Office (www.peo.gov.au)

As illustrated, parliament has four core functions but let's explain them more.

- **To form government** – government is formed in the House of Representatives usually by the party that has the (absolute) majority of seats. In Australia's two-party preferred system, that will usually be either the Liberal-National Coalition or a Labor government. A government needs 76 of the 151 seats to form government.

Unusually, in 2010, we had the first minority government since 1940 – it is considered a rare and anomalous event. The Labor Party was only able to form government with the support of Adam Bandt (from the Greens), Rob Oakeshott, Tony Windsor and Andrew Wilke (independents). The leader of the governing party becomes prime minister and it is on their recommendation that the executive is formed.

- **To create laws** – a key function of parliament is to propose, debate and then enact laws. Both houses of parliament and the governor-general must pass a law in exactly the same form before it becomes an act of parliament. Any member of parliament can theoretically propose a bill, but the dominance of the executive means that without the government's support new legislation from the opposition or crossbench will not be considered – usually a bill is proposed by a minister.

  Unusually, the recent Marriage Equality Bill was moved by a government backbencher, Dean Smith. Once put, the **bill** is read and then scrutinised by the parliament through a variety of potential processes including committee scrutiny and debate in parliament. Amendments (changes to the proposal) may be recommended in either house, but the bill must be passed by both houses in the same form to become law.

  Bill is the name of a proposed law before it is passed.

- **To represent** – every parliamentarian is there to represent something – it is just not always clear what. In the House of Representatives, it is their electorate. But what happens when the wishes of their electorate clash with the policies of their party? Or when their electorate is diverse in its needs?

  In the Senate they are there to represent their state. But, again, what happens when the wishes of their state clash with the policies of their party? Indeed, very few politicians seem to publicly advocate for their state as their primary objective – some exceptions would include senators Nick Xenophon and Jacqui Lambie, although both have recently left the parliament.

  At times, parliamentarians raise issues of concern in their community, table petitions on behalf of their constituents (people in their electorate) or quote the concerns of people in their election as part of question time.

  Some argue that the parliament fails to adequately represent because it does not reflect the make-up of society in various ways – in terms of gender, ethnicity, occupation and socio-economic background – it is largely white, male, middle-aged (if we are generous) and highly educated.

  MP Melissa Parke says "I think a democratic parliament should reflect the social diversity of the population and it should ensure that all its citizens are able to participate equally," and further continues, "not having a representative in parliament can mean certain communities don't have a say when laws and policies that affect them are discussed" (*The House*, 2012).

- **Accountability of the government** – the notion of responsible government requires that the parliament keep the government accountable. It needs to keep a check of its actions. On the one hand, parliament does this through the rigour of parliamentary committees that look at legislation and the action of ministries in close details often revealing important flaws or concerns or providing an opportunity for bi-partisan approaches to policy consideration.

It also uses question time to publically raise issues for clarification or, more realistically, to score points and hope the media pursue an issue raised. Question time is also limited in value as a means of keeping government accountable as half the time allocated is used by the government itself for **Dorothy Dixers**. There is also a tendency for ministers to evade directly answering questions put.

Dorothy Dixers are questions the government asks itself to highlight its own successes.

The government can also be held to account by the Senate when the opposition has the majority there or when the crossbench holds the balance of power. However, rather than acting as a house of review, the Senate can also act as a block to the policy agenda of the elected government.

Part of the notion of accountability and responsible government is the concept of individual ministerial responsibility (IMR). A minister who is given a portfolio is regarded as responsible and answerable to the parliament for decisions made about policy as well as the conduct of the public service department allocated to them (e.g. the minister for health is responsible for the actions of the department of health).

If there is maladministration, the minister is expected to resign or be dismissed by the prime minister. In a modern context, this rarely happens – in some ways understandably, "where ministers have acted in good faith based on the advice of their officials, or where government departments have taken decisions of which the minister was unaware, the situation is more complex" (Miragliotta, Errington, Barry, 2013).

The function of departments is often complex and departments themselves are so huge ministers cannot know, nor control, the actions of all staff. However, when policy implementation failings are a result of the policy itself, or the funding of it, it is reasonable to expect a minister to take responsibility within our system. In reality, this is inconsistent. In recent times, the bungled Centrelink debt recovery, the deaths of refugees in detention centres, or the slow and troubled roll out of the NBN could all be seen as failings of the relevant departments with the responsible minister being expected to resign. In practice, however, resignations seem more likely to occur in response to personal misconduct – such as misuse of travel allowances – actual or perceived.

Another convention of the Westminster system is collective ministerial responsibility (CMR), sometimes known more narrowly as collective cabinet responsibility (CCR).

The idea, in both instances, is that once government makes decisions, the executive is held accountable for them – they are expected to show public agreement and speak to issues arising from them in both parliament and the public arena. In addition, "collective ministerial responsibility implies that Cabinet discussions are confidential and that while ministers may disagree with a decision in the Cabinet room, once in the parliament, they all stand together" (Wise, 2015).

The occurrence of cabinet leaks is seen as a major concern to government as they undermine the leadership of government and create a perception of disunity and government instability as the media reports this in the public arena. CMR is a central convention of the Westminster system, yet repeatedly leaks occur. A recent example of this is an internal disagreement over a banking royal commission.

The role and impact of political parties in parliament and the significance of party discipline

Australia, over time, has evolved into what is functionally a two-party system, with government either being formed by the Australian Labor Party or the Liberal Party, in coalition (partnership) with the National Party. However, they are not the only political parties represented in parliament.

Increasingly, a plethora of other parties have gained a seat in parliament. Alongside the two major parties, Labor and Liberal, that are most likely to form government, there are two significant minor parties that consistently win representation in parliament – the Nationals and the Greens. There is a variety of micro parties that run but are consistently not able to win seats.

Following the 2016 election, our parliament has the following parties represented: Katter's Australian Party, the Nick Xenophon Team, Pauline Hanson's One Nation, Derryn Hinch's Justice Party, the Jacqui Lambie Network, the Liberal Democratic Party and Family First

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/45th_Parliament_Composition]

For further information about the specific policy and ideology platforms of the parties, research relevant political party websites.

Primarily, the role of parties is to represent the people who elected them and endeavour to enact the policies they promised at the election. The major parties are better able to do this as they win the majority of seats in parliament. However, all parties seek to have influence over policy decisions. They can do this in several ways – holding the government accountable during question time, serving on committees, negotiating agreements and concessions in return for passing legislation and by using their public profile to raise issues in the media.

The evolution of strict party discipline has, however, made the parliament more adversarial, with the two parties often seemingly engaging in conflict rather than working together to solve policy problems. This also limits aspects of responsible government because "the party system and party discipline has meant at least in one house of Parliament a government is almost never going to be challenged." (Hirst, 2004).

Party discipline can also create conflict for some parliamentarians between representing the wishes of their community and the expectation to vote with their party. On rare occasions, party discipline has not been adhered to and a member will **cross the floor**.

Cross the floor. This is when a member of parliament votes against their party's positon on a certain matter.

The impact of the minor and micro parties, especially in the Senate, has been to ensure the upper house acts as a house of review and, increasingly, the 'state's house'. The need to pass legislation forces government to negotiate. Arguably, however, it gives too much power to those who represent a relatively small number of citizens.

The role of the executive in parliament

Constitutionally, the executive function (putting laws into effect) is conferred to the sovereign (i.e. the Queen) or their representative the governor-general who is advised by the executive council (the prime minister and other ministers). In practice, however,

the governor-general has great constitutional power including the power to dismiss and appoint government.

According to Westminster convention, however, the governor-general acts on the advice of the prime minister. Indeed, the prime minister and the executive are the power brokers of parliament. They dominate proceedings by tabling bills and scheduling the parliamentary program. They prioritise a government's legislative agenda and, therefore, ultimately decide the law-making priorities of parliament, not just how to put them into effect.

Key positions within parliament

The role of the opposition

Shadow ministry. A group of MPs who take on the role of 'shadowing' (following and becoming expert on) the portfolio of a specific minister.

The party with the second largest number of members in the House of Representatives forms the opposition. The opposition is critical to the function of holding government to account in parliament through question time and during debates. It forms a **shadow ministry**. The leader of the opposition (currently Bill Shorten) plays a critical role in parliament – placing the government and especially the prime minister (currently Malcolm Turnbull) under scrutiny. An effective opposition can put a government under great pressure and have an impact on policy decisions. Most recently, the government appeared to take on opposition policy with the announcement of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

Not only can this be seen as an example of the successful influence of the opposition but it was then used by Bill Shorten to undermine the prime minister, as he said, "Malcolm Turnbull has spent 601 days fighting Labor's call for a Royal Commission into the Banking and Financial Sector. It says everything about Turnbull's values and priorities that he only agreed to Labor's Royal Commission when the banks told him he had to" (*The Guardian*, 2017).

Back benchers, crossbenchers, minor parties and independents

A back bencher is any MP who is not a minister or a shadow minister. They can be a member of either the governing party, the party in opposition or a minor party, or they may also be an independent (not belonging to any party). Physically, they sit behind the front bench in parliament. This position is more than symbolic – their role is not as prominent but they are there to represent their electorates and add support to the function of parliament.

They can still direct questions, participate in debate and vote on legislation. Many backbenchers also join committees as a way of more directly exerting influence (and perhaps to be noticed for future promotion!) If they are a member of a party, their role is also to participate in party-room negotiations (and, at times, a leadership spill) and be a public supporter of their party's policies.

A crossbencher is any MP who is not a member of government or the opposition – most members of minor parties and all independents are crossbenchers with the exception of the Nationals who form a coalition with the Liberals to become part of government or the opposition. The role of crossbenchers is of particular importance in the Senate where they are more likely to hold the balance of power and exert real influence over policy and the capacity of government to legislate.

Like all MPs, crossbenchers aim to represent their constituents and use their profile to raise awareness of issues that major parties may not highlight. Crossbencher Jacqui Lambie routinely raised awareness of issues for veterans while Greens crossbenchers raise awareness of issues that might otherwise be ignored. Crossbenchers have also proven critical to the formation of minority governments, but this is extremely rare in national politics.

Party whips

While not a well understood role in parliament, it is a critical one. Essentially, whips are the parliamentary organisers for their respective parties. They do such things as check which of their party members wish to speak, set the agenda, meet with the whips of the other party to ensure the smooth function of the parliamentary day and, critically, they make sure all members attend and are aware of the way they should vote when there is a **division**.

Division. A formally counted vote.

Speaker of the house, president of the Senate

Speaker of the house and president of the Senate officiate proceedings in the house and Senate, respectively. Their role is to ensure that all members follow the rules (standing orders) during parliamentary sittings. While usually drawn from the party in government, their role is intended to be executed with impartiality. They try to ensure the flow and civility of debates.

Strengths and weaknesses of the Commonwealth Parliament

As an institution, the Commonwealth Parliament would generally be regarded as a healthy and democratic one. Its capacity to function, its strengths and weaknesses, tend to depend largely on the composition of a particular parliament – in other words, on who gets elected. How parliament operates depends on the number of seats held by the different parties. For example, if a party has the majority in both houses, it changes how it operates. If the balance of power in the Senate is held by a minor party or even a less predictable array of crossbenchers, it changes what needs to be negotiated and what legislation is even possible. A few of the strengths and weaknesses of parliament include:

Strengths

- It usually creates a clear, majority government
- When the Senate is not controlled by the government, the bi-cameral system ensures greater accountability of government
- It encourages public and robust debate
- The conventions and processes allow for other processes of accountability – through question time and committees
- As an institution, it is open and transparent
- Members have the opportunity to raise the concerns of their constituents
- Many bills are passed with bipartisan support.

Weaknesses

- Party discipline limits debate of ideas and the potential to strengthen legislature

- At times, party discipline limits members' capacity to represent their electorate
- The adversarial tendencies of the opposition and government limits the capacity to refine and develop legislature
- The dominance of the executive limits the capacity of other members to shape the political priorities or represent their constituents' needs
- When the crossbench holds balance of power, this can lead to a few members exercising disproportionate power
- The composition of the parliament does not seem to reflect that of the society.

Activity – The operation of the Commonwealth Parliament

1. A political case study

KK – key position – crossbencher, independent and back bencher, the democratic strengths and weaknesses of the Commonwealth Parliament, accountability, the role and impact of political parties

KS – explain the key values and principles of liberal democracy; analyse the operation of electoral systems and the parliament, evaluate the extent to which democratic values are upheld by the Australian political system, use evidence from contemporary examples to explain and analyse institutions and processes of Australian government, develop arguments, explanations and points of view on the Australian political system that use evidence from contemporary examples

Research:

- Who was Ricky Muir?
- Why was his election to parliament controversial?
- Read his inaugural speech.
- Highlight and annotate what points and observations he makes about democratic principles and values, representation, the electoral process and the role of MPs in parliament.
- Outline the extent to which you agree or disagree with him and give your reasons why.
- Watch Ricky Muir's maiden speech here.

2. Be a politician – Diary entry or inaugural (sometimes known as maiden) speech

KK – key positions within parliament, significance of party discipline, the democratic strengths and weaknesses of the Commonwealth Parliament, functions of parliament

KS – explain the key values and principles of liberal democracy; analyse the operation of electoral systems and the parliament, evaluate the extent to which democratic values are upheld by the Australian political system

- Imagine you are a new MP.
- Decide whether you are a member of a particular party, the nature of your electorate, which house you are in, what your role is and whether you are part of government.
- Write a diary about a week of your life including at least one day in parliament OR write your inaugural speech.
- Hint at parliamentary limitations, expectations, goals of your role and frustrations – try to relate them to policies (real or imagined) and values and principles of democracy.

Activity – Area of Study 1 – Unit overview

Be the exam writer

KK – all!

KS – many!

- Write a series of short-answer questions that you think would be reasonable in the exam – at least some questions should be challenging. Try to incorporate some prompt material. Combined, the questions should have a mark value of 30 and cover a wide range of the key knowledge areas. Check that they fit within the KS expectations.
- Write two essay questions.
- Partner with another student. Pool together your ideas and choose the best possible combination of short-answer questions to the value of 15 marks and one essay question.
- Hand it in to your teacher for approval.
- Swap exams with another pair of students.
- Sit their exam and think about what was hard, what was easy, what was predictable and what was unexpected.
- Mark the exam you set and think about what your class members found hard, what they found easy, what was predictable and what was unexpected.

References and further resources

All online resources used have links embedded.

Ghazarian, Z. (2016). 'Explainer: what's at stake in the Australian election?' *The Conversation*, Jun 30, 2016

Hirst, J. (2004). The distinctiveness of Australian Democracy, Papers on Parliament No 42.

Kilcullen, J. *Democracy in Australia*, Copyright (c) 1995, 2000, Macquarie University.

Lucashenko, M. (2015). The First Australian Democracy, *Meanjin*, Volume 74 Issue 3.

Miragliotta, Errington and Barry, 2013. *The Australian Political System in Action*, Oxford.

Wise, R. (2015). *The Indigo Handbook for VCE Australian Politics*, 4th edition.

Glossary of terms

Above the line voting. A process where voters used to indicate their first preference above the line and that party, rather than the voter, then distributed the preferences of any votes they received.

Bi-cameral legislatures are legislatures with two houses but only one being fully elected.

Bill is the name of a proposed law before it is passed.

Convention. A convention is an unwritten rule that refers to the operation of parliament and government.

Cross the floor. This is when a member of parliament votes against their party's positon on a certain matter.

Direct democracy refers to any system that allows citizens to directly participate in decision-making.

Division. A formally counted vote.

Dorothy Dixers are questions the government asks itself to highlight its own successes.

A **double dissolution** is when the two houses of parliament have been dissolved. This requires a full Senate election, rather than the usual half-Senate election, and impacts on quotas and, in turn, who can get elected.

Electorate. The geographic area represented by a member of parliament – also sometimes referred to as a seat.

Federalism is a constitutionally embedded system of government that designates law-making responsibility, dividing the powers between the national government and the states.

A **liberal democracy** is a system in which political rule is kept in the hands of the people through the election of government.

Malapportionment refers to unequal numbers of voters in electorates.

Mandate refers to the authority given by the people to an elected representative or group (usually a political party) to govern, or to implement specific policies they were elected for.

Marginal seats are those that are held by the incumbent parliamentarian by a very small margin (often less than 5% of the two-party preferred vote).

Referendum refers to a special election on a specific amendment or amendments to the constitution.

Representative democracy is a political system where a group of people are elected to make decisions on behalf of the population as a whole.

A **republic** is a self-governing nation based on democratic, representative government without oversight from a monarchy.

A **secret ballot** is the ability to vote without revealing a voter's identity.

Separation of powers is the principle that the three branches of government act separately and without interference from each other.

Shadow ministry. A group of MPs who take on the role of 'shadowing' (following and becoming expert on) the portfolio of a specific minister.

Single-member electorates are where an electorate votes for one representative – for example at the next federal election for the House of Representatives there will be 151 members elected from 151 different electorates.

SOCIAL EDUCATION VICTORIA

AUSTRALIAN POLITICS

VCE Unit 3

Area of Study 2: Comparing Democracies Australia and the United States of America

NICOLA SABBADINI

Evaluating Australian Democracy

Area of Study 2: Comparing Democracies: Australia and the United States of America

Outcome 2

On completion of this unit the student should be able ***to analyse*** the key features of the political system of the United States of America and ***critically compare*** the political systems of Australia and of the United States of America in terms of the extent to which democratic values and principles are upheld.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge

- key terms and concepts relating to American democracy:

  liberal democracy, separation of powers, checks and balances, the American Constitution, executive, legislature, judiciary, federalism, rule of law, Bill of Rights, primaries, caucuses, the Electoral College, party conventions, Congress, president, impeachment, veto

- key features of the US political system:
  - the separation of powers
  - checks and balances
  - federal system of government

- the protection of democratic rights and freedoms in the USA:
  - the rule of law and judicial independence
  - the effectiveness of the American Constitution as a protector of democratic rights and freedoms

- the electoral system of the USA:
  - voting methods
  - the arguments for and against voluntary voting
  - voter turnout and the degree to which universal franchise is achieved
  - the role of political parties in the electoral process
  - consistency with the values of political equality (one person one vote, one vote one value, a free and fair electoral system and provision of a legitimate mandate to govern)
  - the process of electing Congress
  - the processes of electing presidents: primaries and caucuses, nominating conventions, presidential elections
  - the democratic strengths and weaknesses of the US electoral system

- the Congress of the USA:
  - the composition of the Congress and its effectiveness as a law-making body
  - the effectiveness of the Congress in holding the president accountable
  - the role of committees within the Congress
  - the role and impact of political parties within the Congress
  - the democratic strengths and weaknesses of the US Congress

- political leadership in the USA:
  - the role of the president as head of government and head of state
  - constraints on the power of the president
  - methods of appointing and dismissing the president of the USA

- comparison of key features of the USA political system with the Australian political system including: protection of rights and freedoms, the electoral system, the legislative branch and political leadership.

Key Skills

- define and explain key terms and concepts relating to political systems in the USA and Australia
- explain the key features of the US political system
- explain and evaluate the protection of democratic rights and freedoms
- analyse the features and operation of the US electoral system and Congress
- analyse the role and constraints of political leadership
- evaluate the extent to which democratic values are upheld by the US political system
- critically compare the US system with the Australian system and the extent to which each reflects liberal democratic values
- use contemporary examples and evidence to explain, analyse and compare the political systems
- develop arguments, explanations and points of view which use evidence from contemporary examples.

3 Evaluating Australian Democracy

Area of Study 2

Comparing Democracies: Australia and the United States of America

CONTENTS (linked to pages)

INTRODUCTION TO THIS AREA OF STUDY

This Area of Study has changed significantly with the 2018–2022 Study Design. The political system of the USA has become mandatory for all students of Australian Politics; students no longer have the option of studying the United Kingdom, the Federal Republic of Germany or India. *This has significant consequences for how the study should be approached*. Teachers and students are required to study the American system in similar detail to the study of Australia's democracy. *As always, you are strongly encouraged to become extremely familiar with the Key Knowledge and Key Skills and to explore them in the context of the descriptive material known as 'the blurb'.*

This is set out below:

> *How does the liberal democracy of Australia compare with that of the USA? Does the USA system of government better reflect democratic values and principles than the Australian system of government? How effectively are citizens represented through the electoral system and Congress in the USA? How are rights and freedoms protected in the USA of individuals and minorities? What are the democratic strengths and weaknesses of each system?*
>
> In this area of study students critically compare the Australian political system with that of the United States of America. They examine the key features of the US political system including the separation of powers and checks and balances. They consider whether the US Constitution with its Bill of Rights better protects democratic rights and freedoms than the Australian system. Students consider aspects of the electoral system and the operation of the Congress including non-compulsory voting, primary elections, the electoral college and the impact of political parties on Congress. They consider the similarities and differences from the Australian system, especially in terms of democratic values and principles including fairness and representativeness of each system.
>
> **Taken from VCAA Australian and Global Politics Study design 2018-2022, p.21.**

In your SACs and in the exam, you can be asked about anything that is in the Study Design, including from 'the blurb'. Although the overall focus of this Area of Study is a comparison of the two systems in terms of democratic strengths and weaknesses, it is still important that you be able to discuss the American system in its own right.

A note on the key terms

All the key terms are examinable. Students need to not only define them, but they need to be able to apply them to real contemporary political situations. An effective approach is to teach and learn them as they relate to the various items of key knowledge. That is the approach taken in this resource. Each section has an introductory discussion of which key terms are relevant and how they relate to the knowledge to be studied. (**Definitions are from the VCAA Advice for Teachers Australian Politics Units 3 & 4 Glossary)** [1]

The importance of task words

The key skills set out the level of intellectual skill the student is required to master for each set of key knowledge items. This ranges from the lower-order thinking skills, such as the 'define', 'describe' or 'explain', to the more complex operations involved in the application of knowledge, such as 'discuss', 'analyse', 'evaluate' and 'critically compare'. The latter is relatively new in this study and you will notice that it is part of Outcome 2. *According to the FAQs on the VCAA website, "to critically compare political systems of Australia and of the United States of America students are required to analyse and evaluate similarities and differences*." This is a complex and challenging task which students are advised to practise.

Key Features of the US Political System

America, according to the CIA World Factbook [2], is classified as a **constitutional federal republic**. If this surprises you, it is because the Founding Fathers had a fairly suspicious attitude towards *direct democracy.* This can be seen in the way the political system is organised. For example, there are short terms of two years for the people's House of Representatives, with much longer terms (six years) for Senators. The Constitution prescribes a Republic for every state (Article IV S.4) and enshrines Montesquieu's principle of the *separation of powers* in order to prevent tyranny and the concentration of power in any one branch of government. Elections for the President and Vice-President are actually indirect, in the sense that the people can only vote for 'electors' who will usually vote for their preferred candidate.

Yet, there is a traditional belief among most Americans that the 'Land of Liberty' is the guardian of democracy both at home and abroad. There is also much disquiet about the current state of American democracy. (see Is Donald Trump ending American democracy?[3] for one example).

Your task is to find out how the American political system works, what it was designed to achieve, and analyse and evaluate whether or not it is successful as a liberal democracy.

Which key terms are relevant here?

✓ **Liberal Democracy**: A political system that combines two principles of political theory: that individuals have rights (liberalism) and that political rule should be by the people (democracy). Liberal democracies usually pursue policies that encourage capitalism and private sector involvement in the economy.

✓ **Separation of Powers**: The principle that the three branches of government, the legislature, the executive and the judiciary, should be kept independent and act without interference from each other as means of decentralizing and preventing abuse of power. In Australia, the separation of powers is blurred as the executive and legislative branches are combined; in the USA, the separation of powers is very clear.

✓ **Checks and Balances**: The mechanisms by which the three separated powers in the US political system, the executive, the legislature and the judiciary, hold each other accountable.

✓ **The American Constitution**: A written document which provides the framework for the government's powers. It contains the Bill of Rights.

✓ **Federalism:** A system of government in which law making powers and responsibilities are constitutionally divided between a central, national government and a series of state or regional governments. Both Australia and the USA operate a federal system of government

✓ **Executive:** The executive is the government and has the function of carrying out or administering the law. In Australia, the Governor-General and ministers of the governing party carry out this role. In the USA, the President and members of the cabinet carry out this role.

✓ **Legislature:** The institution which has the function of making and debating the law. The key federal law-making body in Australia is the Parliament. In the USA, it is the Congress.

✓ **Judiciary:** The judiciary refers to the courts which interpret and apply the law. This role is carried out by the courts; in particular, the High Court (in Australia) and the Supreme Court (in the USA). In a democracy, the judiciary should be independent of the executive and legislative branches, in order to achieve the *rule of law*.

✓ **Rule of Law:** The democratic principle that all people are equal before the law including members of the executive, and that all government action will be undertaken in accordance with the law.

The American Constitution

"Scene at the Signing of the Constitution of the United States" by Howard Chandler Christy.

A reading of America's constitution immediately conveys that it is a document concerned with individual liberty and with establishing a peaceful, just and free nation. The preamble outlines the purposes of the constitution; namely "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity…" It is famous for being the oldest written constitution in force, as well as for the early addition of a number of amendments, known as the Bill of Rights. The constitution is divided into seven 'articles' (similar to chapters), each of which deals with a separate aspect of government. The amendments follow the original signatures of those delegates who attended the final constitutional convention of 1787.

As students of VCE Australian Politics, you will be most concerned with understanding how the US Constitution establishes *a federal system*, a *separation of the powers* of the national government along with a system of *checks and balances*, how it tries to protect the *rights and freedoms* of the individual, as well as *preserving the powers of the states*. But you should also take the time to delve into the constitution a little more deeply, as it holds an esteemed place in the hearts and minds of American citizens, in a way that our constitution usually does not.

Go to http://constitutionus.com/ to see the original image of the original document and to read the constitution in the original language. You can see it with or without clauses and you can also read the 'letter of transmittal' that the 55 founding fathers submitted to the Congress that had been formed under the Articles of Confederation.

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LEARNING ACTIVITIES

1. Go to http://teachingamericanhistory.org/convention/glanzman/ to see another famous painting: "The Signing of the Constitution" by Louis Glanzman. It can tell you something about each of the 55 delegates to the constitutional convention of 1787, because the link will take you to an interactive version of the painting. Find out something about the main figures.
2. Using the website https://www.usconstitution.net/constquick.html create a Constitution Map like the one following. You should create a digital copy if possible so that you can continue to add information to it as we move through this area of study. We have done the first Article for you. **This acts as an introduction to other key knowledge**.

Map of the United States Constitution

Article	*Title*	*Key Content*	*Impacts on the political system*
1	*The legislature*	- To be named 'the Congress'; to have 2 houses, a House of Representatives and a Senate. - Establishes terms of 2 years for members of the lower house with an age requirement of at least 25 years old and 6 year terms for Senators, who must be at least 30 years old. - Direct election of lower house on basis of 1 vote 1 value; direct election of Senators on basis of 2 seats per state. - The Vice-President is to be the President of the Senate but has only a casting vote. - The Senate has the power to impeach officers of the government. - States can decide the method of election of Congress people. - Each House is in charge of itself, must keep a record of proceedings and cannot adjourn without the permission of the other House. - *Members of congress cannot hold any other government office.* - All bills must pass both houses in exactly the same format and require the president's signature to become law. - Only the House can initiate money bills. - Establishes provisions for presidential veto and congressional override of same. - Establishes the areas Congress can legislate in (including the 'elastic clause') and sets down some limits to Congress' powers, e.g. cannot bestow titles of nobility. - It sets limits on the powers of the states.	▪ Creates a representative democracy ▪ Creates a federal system ▪ Creates an essential condition for a separation of the branches of government ▪ Limits the power of the Vice President in Congress and provides a mechanism to impeach. ▪ Establishes some transparency ▪ Gives more power to the House in money matters ▪ Creates some checks on the power of the executive and legislative branches.
2			
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American Federalism

The transformation of America from 13 separate and semi-autonomous British colonies to the United States was marked by revolution and bitter civil conflict. After the War of Independence, the colonies agreed to come together in a loose arrangement (known as a Confederation) under the *Articles of Confederation.* This was not successful; the states were more divided than united which George Washington, in particular, saw as threatening to the unity and effective functioning of the new nation. He worked tirelessly to persuade the states to draft and agree to a constitution which would preserve their power against a sovereign national government, while allowing the country to function as a whole. The result was the constitution which you examined in the last section.

"American federalism recognised two sovereigns in the original Constitution and reinforced the principle in the Bill of Rights by granting a few ***expressed powers*** to the national government and reserving all the rest to the states". (Lowi, Ginsberg, Shepsli, 2006, p.45)

Expressed powers refers to areas of law-making listed as belonging exclusively to the Federal Government

There are 17 expressed powers listed in **Article 1 section 8** of the constitution, including the power to coin money, collect taxes, declare war, regulate commerce, raise armies and a navy and more. The last clause in this section – ***the 'Elastic Clause'*** - also grants the national government the power to make any laws *"which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."* Despite this, ***the 10th Amendment*** guarantees that any powers not given to the national government are reserved for the states (***reserved or residual powers***), and there are also a number of ***concurrent* powers** – there is still a significant amount of conflict that occurs between the states and the national government.

Reserved powers refers to areas of law-making **not** listed in the constitution as belonging to the Federal Government. The Tenth Amendment states that these powers belong to the states.

Concurrent powers refers to areas of law-making able to be shared by both Federal and State governments. Examples are taxation, the establishment of a court system and the regulation of elections.

One reason for this is that the states have 'policing power' which in effect includes the right and ability to make laws in relation to the health and welfare, safety, order, and morals of its citizens. What this has meant historically is that whenever the national government wishes to introduce changes, particularly of a progressive nature, in any of these areas, they are obstructed by the power and interests of the 50 state governments. Some examples of these tensions include civil rights, welfare provision, abortion laws, gender equality, healthcare reform, conditions of employment, gun regulation, and tribal lands. This has opened the door to the Supreme Court being required to make rulings on many issues, to the point where some argue that the Supreme Court has too much power.

On the other hand, the Constitution also states that all laws made under the US constitution should be the "supreme law of the land", which has been interpreted to mean that the national government's laws override state laws if there is an inconsistency or an issue.
(Art VI, S.2)

The tricky thing about understanding how the Supreme Court views federalism is it is impossible to know—particularly in the big cases—what is really motivating the justices. When the majority of the court reaches an outcome favoring states' rights over federal supremacy, is it out of respect for states' rights or because the justices wanted a particular outcome based on ideology? For example, in the same-sex marriage cases last term, does the vote of the majority justices illustrate their lack of enthusiasm for states as laboratories of democracy or their belief that the majority of Americans were ready to accept same-sex marriage … or both or neither? While justices' opinions offer a view into their reasoning, particular points may be overemphasized or left unsaid.

Lisa Soronen, "Federalism and the U.S. Supreme Court: Past, Present and Future" August 2017, the Council of State Governments.
http://www.csg.org/pubs/capitolideas/2016_mar_apr/federalism.aspx

EXTENSION ACTIVITY

1. Since the study design requires you to know about the protection of democratic rights and freedoms in the US system, you could research the impacts of the following two 'federalism' cases on rights and freedoms.
   - The 'sports betting case' aka *Christie v. NCAA*
   - The 'cake' case aka *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights.*

You can get some preliminary information here:
http://www.csg.org/pubs/capitolideas/2016_mar_apr/federalism.aspx

2. Write an essay or hold a class debate on the topic "American state governments have too much power."

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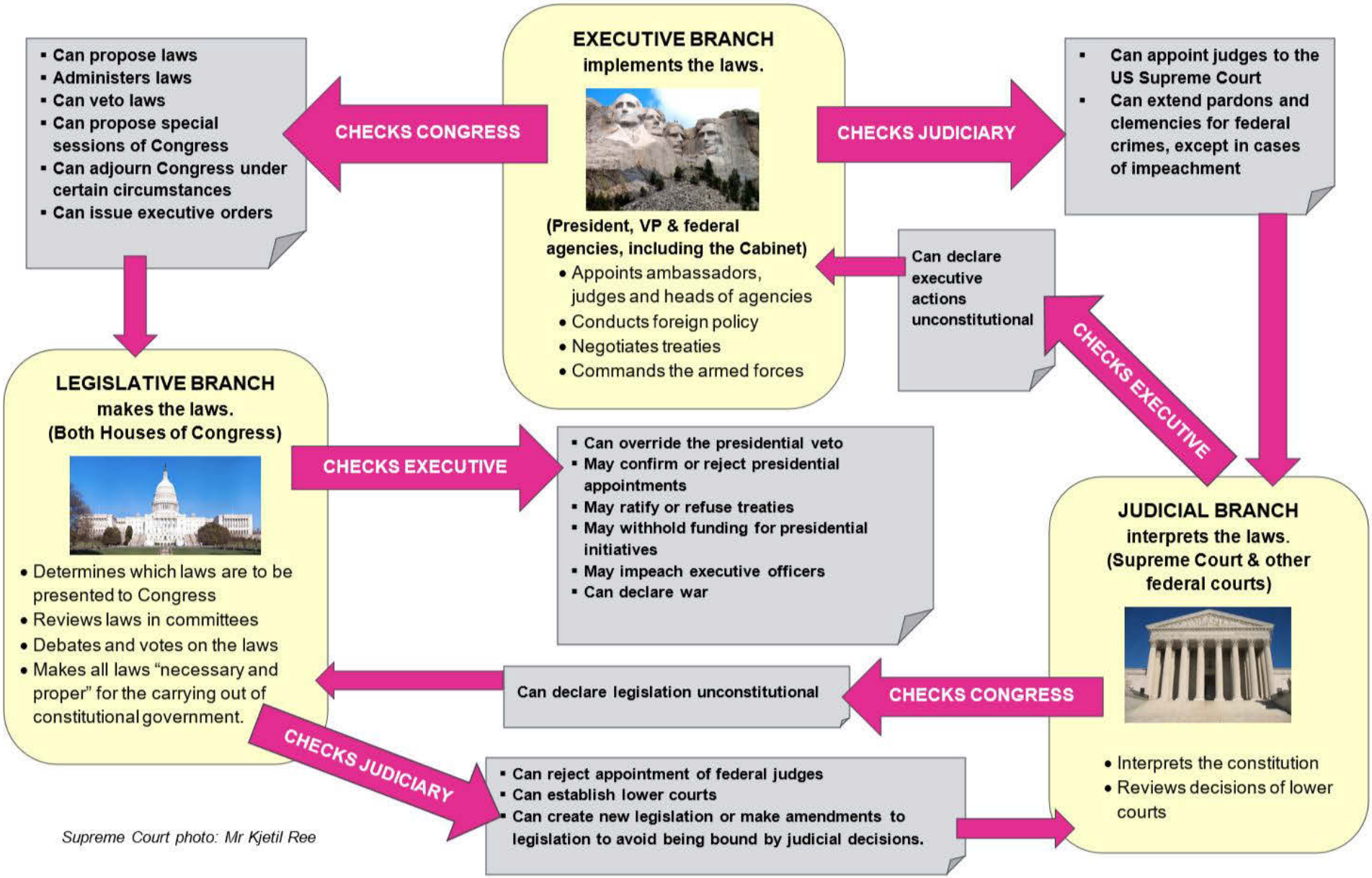
The Separation of Powers

All governments, regardless of whether they are democratic or not, need to perform three basic functions:

- The **legislative** or **law-making function**, carried out in the USA by the two Houses of Congress and the various state legislatures.
- The **executive** or **governing function**, which includes policy-making and administrative roles, carried out in the USA by the President, Vice-President and the White House staff. This is why people refer to 'the Trump administration' or 'the Obama administration'. Again, the states have their own executive branches.
- The **judicial** or **judging function,** carried out in the USA by a complex system of federal courts, the highest of which is the US Supreme Court. The states also have their own court systems. The responsibility of the US judiciary is to interpret and apply the laws and to rule on their constitutionality.

In non-democratic governments there is little or no separation of these 'powers' or functions. Largely as a result of James Madison, the US constitution provides that there be a full (though not complete) separation of these branches in order to preserve liberty. You can think of this as a separation of 'personnel' as well as function; no member of any of the three branches is allowed to be a member of another, excepting the Vice-President's role in the Senate.

FIGURE 1: THE AMERICAN SYSTEM OF SEPARATION OF POWERS AND CHECKS AND BALANCES



Supreme Court photo: Mr Kjetil Ree

Checks and Balances

A further mechanism was introduced by the framers of the constitution to ensure that no branch could become too powerful and that each would be accountable in some way to the others. This was a series of checks that each branch could impose on another branch in an effort to balance the powers of each.

You should be able to describe and explain the common checks and balances that each of the branches of the US political system imposes upon the other two. It may be a good idea to reproduce FIGURE 1 in your study notes or even to make it into a poster that you place in a fairly prominent place at home to help you remember these.

LEARNING ACTIVITIES

1. Read these views of the 'pros and cons of checks and balances'.
   https://classroom.synonym.com/pros-cons-of-checks-balances-12083339.html

   Then read the following two articles:

   Jack Pinkowski, "Checks and Balances: The Government Shutdown in Perspective" [4]
   and The Economist, "America's system of checks and balances seems to be working",[5]
   1/4/2017.

In pairs or groups, create a list of the strengths and weaknesses of the Separation of Powers and checks and balances.

The Bill of Rights

The protection of the rights and freedoms of the individual was of paramount importance to the founding fathers. But in the true liberal tradition, they saw its importance chiefly in the protection of citizens from tyranny by government. Thus, the rights in the Bill are known as 'civil rights'. They had not been included in the original constitution, but were introduced by James Madison to the First Congress in 1789 as amendments. Ten of them were adopted. It was not until the 1960s, however, that most of the civil liberties in the Bill were applied to the states, i.e. 'nationalised'.

The Study Design Key Knowledge requires you to be able to assess the "effectiveness of the Constitution as a protector of democratic rights and freedoms" and to be able to compare the US's protection of rights and freedoms with the Australian protection of rights and freedoms; the Key Skills require you to "explain and evaluate the "protection of rights and freedoms" and critically compare the extent to which each system "reflects liberal democratic values".

This would seem to indicate knowledge and understanding, not only of the Bill of Rights, but also of other rights and protections available to American citizens. These can be found:

- in common law,
- in statutes,
- in some ratified treaties and conventions,
- in other constitutional amendments and
- in the existence of an independent judiciary.

THE BILL OF RIGHTS – IN BRIEF.

Amendment 1: Limits on Congress

Congress cannot make any law establishing a religion or abridging freedoms of religion, speech, assembly or petition.

Amendments 2, 3, 4: Limits on the Executive

The Executive branch cannot infringe on the right of people to keep arms (2), cannot arbitrarily take houses for militia (3), and cannot search for or seize evidence without a court warranty swearing to the probable existence of a crime (4).

Amendments 5, 6, 7, 8: Limits on the Judiciary.

The courts cannot hold trials for serious offences without provision for a grand jury (5), a trial jury (7), a speedy trial (6), presentation of charges and confrontation by the accused of hostile witnesses (6), immunity from testimony against oneself (5), and immunity from trial more than once for the same offence (5). Furthermore, neither bail, fines nor punishment can be excessive ("cruel and unusual") (8) and no property can be taken without "just compensation"(5).

Amendments 9 & 10: Limits on the National Government

Any rights not enumerated are reserved to the states or the people (10), but the enumeration of certain rights in the Constitution should not be interpreted to mean that those are the only rights the people have.

FIGURE 2: THE BILL OF RIGHTS IN BRIEF (Lowi, Ginsberg, Shepsli, 2006, p. 70)

Evaluating the protection of democratic rights and freedoms in the USA

LEARNING ACTIVITIES

1. To get a few different perspectives on the extent and effectiveness of rights protection, go to http://www.pbs.org/tpt/constitution-usa-peter-sagal/rights/#.Wq4k1OhubiB There are some short videos to check out there.

2. Begin a 2-column table that lists strengths and weaknesses of the American protection of rights and freedoms. Use Google News to research some news stories about rights and freedoms in the USA.

Comparison of rights and freedoms: USA and Australia

3. Then visit Human Rights Watch[6] and do a **comparison** of human rights issues between the USA and Australia.

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Elections USA: the complexities of representation

As you will know from Area of Study One, elections serve a number of extremely important functions in a democracy. They are the chief mechanism for the achievement of ***popular sovereignty*** – the idea that power should belong to the citizens – and in a representative democracy they provide a means of holding those who govern us to account for what they do. Critically, the type of voting system used and the regulations that govern its operation, affect the degree to which key democratic values are able to be delivered. Those are ***equality*** and ***accuracy of representation, participation in decision-making, accountability*** and ***transparency, majority rule*** and the protection of ***minority rights***. A Key Skill in this Area of Study is to be able to analyse the features and operation of the US electoral system and to critically compare its operation with the Australian system.

The basis of comparison should be these key democratic values.

Which key terms are relevant here?

- ✓ **Primaries**: A system where political parties conduct elections to determine their final candidates for general election. These are most prominently held in the lead up to a presidential election in the United States.
- ✓ **Caucuses:** A type of primary election used in some US states where approval for candidates is sought through a meeting of local voters, where the candidate's supporters try to persuade others to join them and vote for their candidate. Iowa is a state that uses a caucus**.**
- ✓ **Electoral College:** The process by which the US President and Vice President are formally elected. It consists of 538 voters who are usually nominated by the candidates' parties.
- ✓ **Party conventions:** Large scale political meetings held by the two major parties in the USA after the conclusion of the primary election process, to confirm their respective nominations for the presidential election.

The mechanics of Federal Elections: voting systems

FAST FACTS:

Universal suffrage or universal franchise is the right of all adult citizens, *within the law,* to vote for their leaders, regardless of class, wealth, race or any other discriminating factor.

Federal Elections in the USA have the following characteristics:

- ➢ **Universal suffrage** to all citizens aged 18 years or older
- ➢ **Self-registration** to vote, including provision of ID
- ➢ **Voluntary voting** – citizens are free to choose whether to vote or not.
- ➢ **Voting is run by the states** and the rules are different in each state. The states are also responsible for 're-districting', i.e. redrawing the electoral boundaries when deemed necessary.
- ➢ Most states use the **Australian Ballot** – secret and with the same names printed on each one, rather than having separate party tickets.

- Winners are determined by a **plurality vote,** in both the House and the Senate, though there are a few states who use an **absolute majority vote** to determine the winner of congressional elections.
- **Fixed terms**: There are elections for the House of Representatives every two years; elections for the Senate every six years and elections for the President every four years.
- There is a **Federal Elections Commission (FEC)** to regulate and oversee campaign funding.
- There are **three kinds of elections**, ***primary* or *nominating* elections**, ***general* elections** and ***special elections***. Primaries are used for both congressional and presidential election races and are then followed by a general election on the first Tuesday after the first Monday in November. Special elections are used to replace a member of congress who leaves before the term is finished. Presidential elections are determined by the ***Electoral College Process*.** (more on that later!)
- There are **three kinds of primaries**:
    - ***open*** where anyone can vote for a nominating candidate for either party;
    - ***semi-closed*** where unaffiliated or independent voters can choose which party primary to vote in, but registered (affiliated voters) can only vote in their own party's primary;
    - ***closed,*** where only voters registered as members of that party may vote.
- Some states have significant and permanent **limitations on the right to vote.** "Current data shows states have chosen to deny nearly six million American citizens the right to vote because of felony convictions, including millions who have completely paid their debt to society. Some states even deny certain classes of overseas voters the right to vote." From *Fairvote*: http://www.fairvote.org/right_to_vote_faq

Plurality vote (or simple majority vote) means that the candidate who receives the most votes wins, regardless of whether it is more than 50% of the votes. It is also known as 'simple majority' or 'first-past-the-post.

Absolute majority vote means that the candidate who receives 50% +1 of the votes, wins.

For an interesting commentary on the constitutionality of requiring people to join political parties in order to vote in primaries, see https://ivn.us/2015/03/13/join-party-vote-third-circuit-decide/

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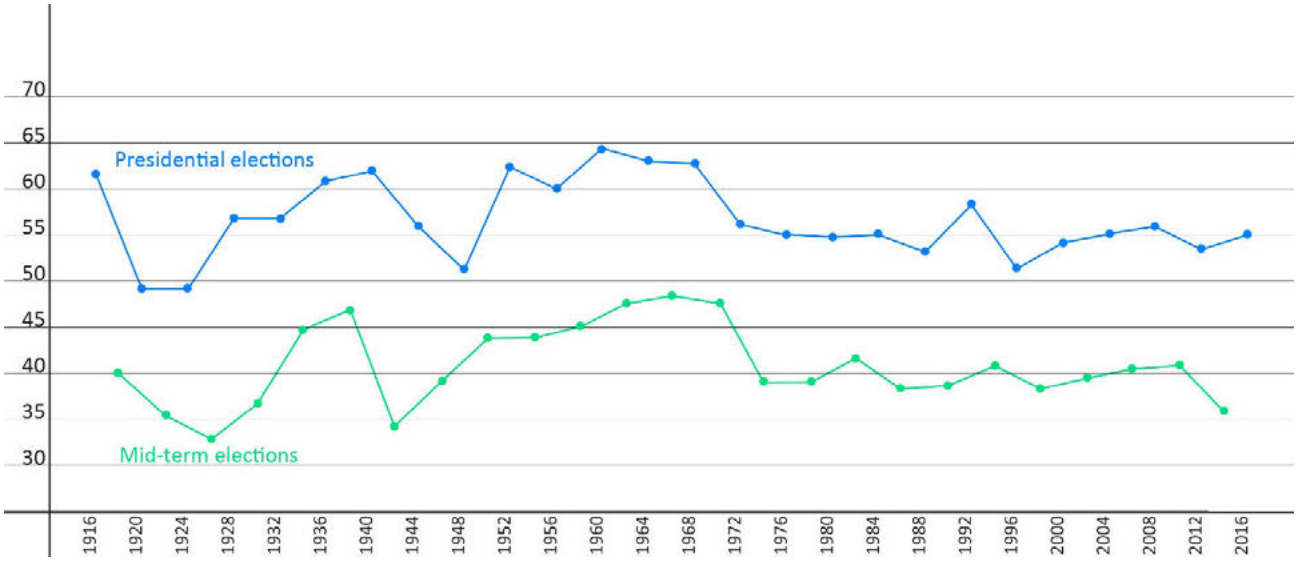
Voter turnout: issues



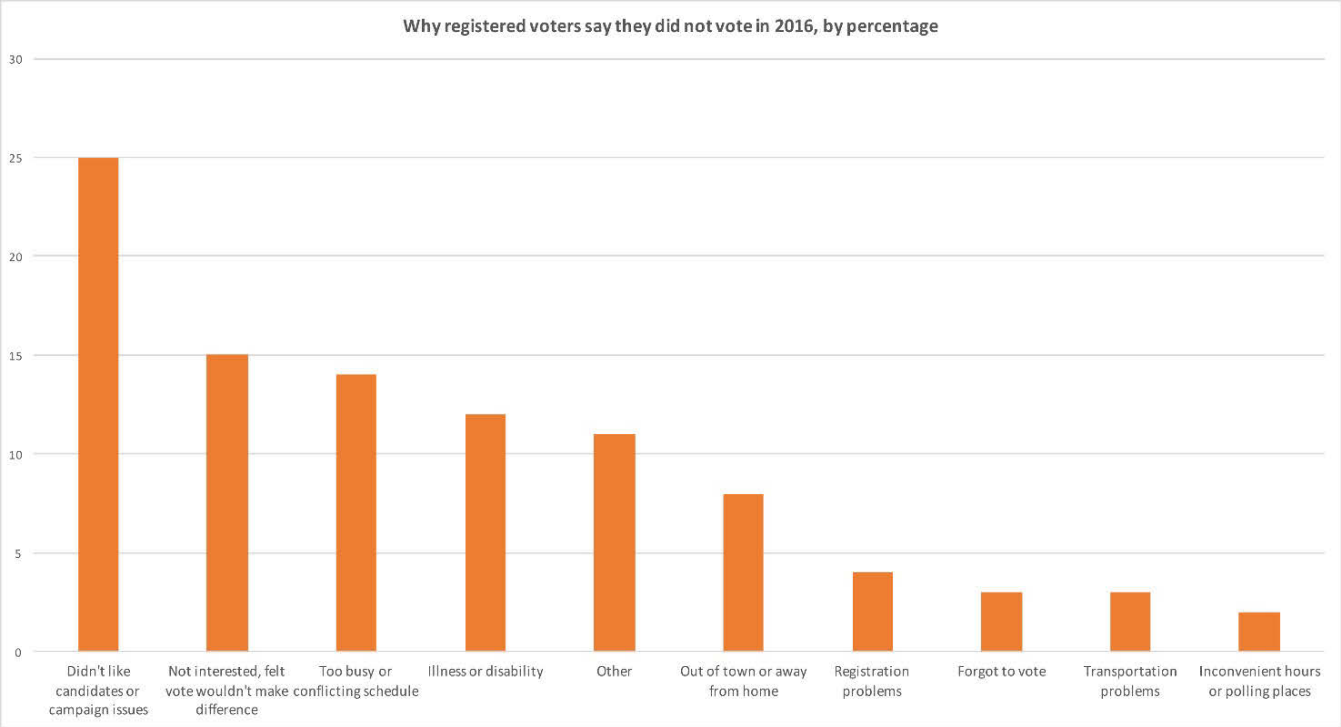
National estimates of voter turnout expressed as a percentage of the voting eligible population.

Despite having universal suffrage, America's preference for voluntary voting means it has historically had difficulty in getting people to the polls. Voter turnout for presidential elections is usually between 50% and 60% of registered/eligible voters, while for congressional or mid-term elections it's about 40%. (Source: United States Election Project http://www.electproject.org/home).

There are a number of reasons for this: Lowi, Ginsberg and Shepsle cite the difficulties associated with voter registration, which include obstacles such as not being able to do so during business hours and the level of political education and interest required to make a decision several months ahead of the election; they see a second reason as the weakness of the party machines. They suggest that mobilisation of the vote is more difficult as a result of the thousands of campaign workers needed, although it could be argued that social media makes this much easier than it has ever been.

Fairvote suggests also that electoral competitiveness of the state election (the number and type of challengers, whether there is an *incumbent*, whether there is any opposing major party candidate), the election type (primary, local, presidential, 'off-year"), voting laws and demographics such as age, wealth, gender, education and race also have a significant effect on turnout. For further information and explanation see What affects voter turnout? [7]

Finally, according to the Pew Research Center, the top reason for not voting in the 2016 election was a dislike of the candidates or the issues. See Most common reasons for not voting in 2016[8] for the full article and discussion.



LEARNING ACTIVITY

Read and summarise the main points in the articles below:

PBS: Why is Voter Turnout So Low in the US?[1]

FAIRVOTE: What affects voter turnout rates?

PEW: Most common reason for not voting 2016

Washington Post: Why don't Americans Vote?[1]

Now answer this exam-style question:

***Analyse the factors affecting voter turnout in US General elections**. (7 marks)*

TIPS:

- ✓ *Deconstruct the key words, especially 'General elections' which can refer to congressional as well as presidential.*
- ✓ *'Analyse' means to break something into its parts and show the relationships or links between those parts.*
- ✓ *For 7 marks, you would be expected to examine 2–3 factors in detail, with examples of elections in which they were thought by the experts to be a factor.*
- ✓ *You should indicate the relative importance of the factors by reference to longer term, as well as most recent, statistics.*
- ✓ *Your answer should also be structured with a brief introduction and paragraphs. You should provide an overall conclusion and it should be about three quarters of a page in length (hand-written).*
- ✓ *Feel free to quote!*

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Voluntary voting: arguments for and against.

LEARNING ACTIVITY

There are a number of arguments that people employ. Clearly one of them is that compulsory voting maintains voter turnout.

THINK, PAIR, SHARE: Go to the Australian Electoral Commission website for a good summary of the arguments.[9] Consider the extent to which they might apply to the American situation.

In pairs, decide on a ranking of the arguments in order of strongest to weakest; provide a reason for your ranking. Then hold a class discussion or debate on the topic:

"Voluntary voting undermines the democratic effectiveness of the US political system."

Alternate task:

Write an essay on the topic "Voluntary voting undermines the democratic effectiveness of the US political system."

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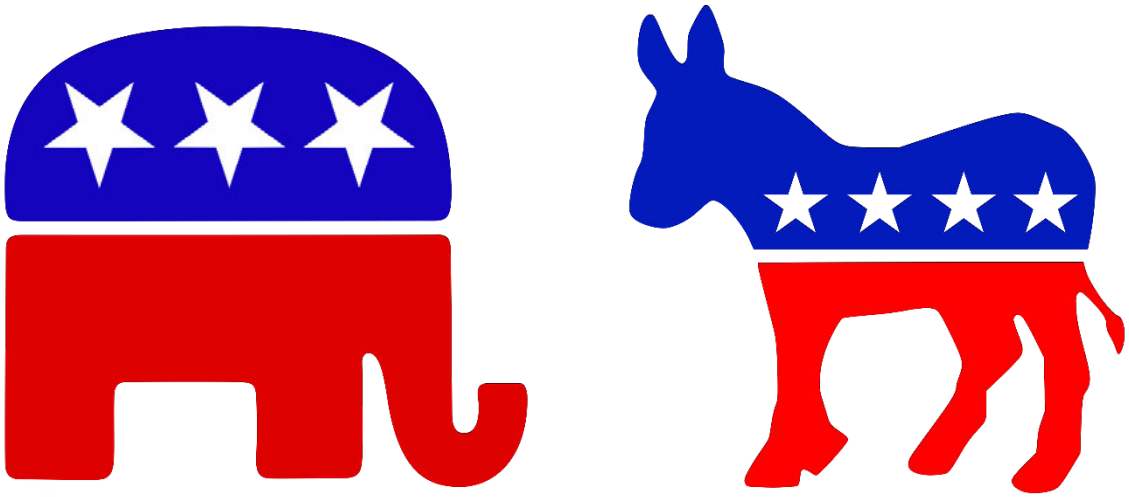
The Role of Political Parties in Federal Elections: Issues



Although political parties are seen by many as corrupt and undermining of the democratic process, they perform many essential functions in a democracy. Some of these are:

- ✓ providing a choice of candidates for voters
- ✓ facilitating public discussion of issues
- ✓ acting as a training ground for future leaders
- ✓ providing the personnel to fill executive and legislative positions
- ✓ articulating the election issues
- ✓ representing the interests of special groups (farmers, environmentalists, women or Hispanics for example)
- ✓ running the campaigns
- ✓ 'getting out the vote' and lots more.

The two major parties, the Republican Party and the Democratic Party, have a dominant role in American elections. At the national level, the most important institution is the party's **national convention**, which is held every four years and is attended by those state delegates who have either won primaries or have been elected by congressional district delegates. The national convention is responsible for nominating the party's presidential and vice-presidential candidates, drafting the party's campaign platform and approving any changes to the party's rules and regulations.

Within the parties themselves there are many competing interests, all struggling to influence the presidential nominations and the issues; all with different perspectives on how to win the electoral prize of presidential office**.** ***During the 2016 primaries, unofficial Democrat Bernie Sanders' supporters jeered and heckled Democratic Party convention officials after leaked emails showed the Democratic National Committee had tried to undermine the Sanders campaign for the presidential nomination.***

See Leaked democratic party emails show members tried to undercut Sanders[10]

However, the role of parties in the campaign process, especially for the primaries, has declined since the mid-1900s. Campaigns in the primaries are 'candidate-centred' rather than 'party-centred' as the candidates themselves, their staff and consultants, as well as ordinary supporters, work to raise the funds and direct the shape and strategy of the campaign. In general elections, the party has more influence, as the 'audience' is wider than party members. The national committees of the parties, the Democratic National Committee (DNC) and the Republican National Committee (RNC), are standing committees that work to raise funds and attract positive media coverage.

LEARNING ACTIVITY

Visit the websites of the DNC and the RNC to build a profile of their role in American elections.

Criticisms of the role of parties in US elections

- Some argue that the weakness of the party's control over the campaigns, especially of Congressional candidates, is a factor in the low turnout and the lack of party discipline evident in Congress. Lowi, Ginsberg and Shepsle, for example, assert that candidate-centred politics is "associated with low turnout, high levels of special interest influence and a lack of effective decision-making." (2006)
- *Fairvote* identifies the dominance of the major parties as an increasing cause of polarisation in US politics leading to lower voter turnout and rigid partisan control of the primaries. This in turn leads to unfair representation as independents, third parties, women, people of colour and other minorities are under-represented in congress.
- Despite regulation by the Federal Election Campaign Act of 1971, parties have found ways to spend unlimited amounts of money on campaigns. 'Loopholes' allow organisations that claim

Political Action Committee (PAC) refers to a private group that raises and distributes funds for use in election campaigns.

SuperPAC: Technically known as independent expenditure-only committees, they may raise unlimited sums of money from corporations, unions, associations and individuals, then spend unlimited sums to overtly advocate for or against political candidates. Unlike traditional PACs, super PACs are prohibited from donating money directly to political candidates, and their spending must not be coordinated with that of the candidates they benefit. Super PACs are required to report their donors to the Federal Election Commission.

to be independent to provide finance to candidates, as long as it is not coordinated with the formal party campaign. In fact, most independent spending funds negative advertisements about opposing candidates.

In 2013, independent spending totalled about $1.3 billion on all campaigns, about half of it from Political Action Committees (PACs). As of March 21, 2018, 1,853 groups organized as super PACs, have reported total receipts of $293,690,789 and total independent expenditures of $55,378,225 in the 2018 cycle.

SOURCE: https://www.opensecrets.org/influence/

- The parties which are in government in the states (the state legislatures) have the ability to redraw or manipulate the boundaries of the electoral district to suit them. This is known as *gerrymandering.*
- The dominance of the major parties leaves many voters alienated and unrepresented. There are no third parties in either House and there are no independents in the House of Representatives.

LEARNING ACTIVITY

Visit the Independent Voters Network to see 10 ways Political parties Control Your Vote[11]

A good resource: Marjorie Hershey (2015) speaks of an *"invisible primary"*: the process undertaken by all serious candidates for presidential office, which involves years of fund-raising, networking, gaining expert and high profile supporters, getting elected or appointed to political office and anything which may increase their chances of nomination. Hershey' book*, Party Politics in America,* provides interesting, relevant and accessible information for those of you who wish to understand the role of parties in more detail.

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Congressional elections

As mentioned above, these take place every two years and are known as the 'mid-terms' as they fall in between the four-year presidential term. **There will be a mid-term election taking place this year (2018) on November 6th.** There are a total of 435 seats in the House of Representatives, each representing an individual geographical electorate or district. The districts are determined on the basis of population; each district should have roughly equal populations. Larger states therefore have more seats in the House. For example, California, with a population of roughly 39.5 million people, has 53 electoral districts, while Pennsylvania with a population of 12.8 million, has 18. That means that each seat represents approximately 725,000 people. The state of Wyoming, however, with a population of 579,315, still gets one seat. Although this means that Wyoming has greater representation than the average citizen, all states are guaranteed at least one member in the House of Representatives by the constitution. Otherwise, the small states may be unrepresented.

As of 16th March 2018, the 115th Congress consists of 238 Republicans in the House and 192 Democrats, with 5 seats vacant. At least 4 of these vacancies will be contested in *special elections* on November 6th. There has been a very large number of retirees / resignations from the 115th Congress, for a variety of reasons including allegations of sexual misconduct. To see more detail about this and the forthcoming mid-term elections, visit Ballotpedia Congressional Elections [12]

In Senate elections, each of the 50 states is allocated two seats only, thus there are 100 seats. One third of the Senators are sent to elections every two years at the same time as the mid-terms, but they are elected for six years. Currently, there are 51 Republican Senators, 47 Democrats and interestingly, 2 independents. 23 of these Democrats, 8 of the Republicans and the 2 independents will face election on November 6th. The two independents both '*caucus'* with the Democrats; they are Bernie Sanders from Vermont and Angus King from Maine. 'Caucus' in this sense refers to all members of a political party, or members who share similar interests, meeting in a legislature to discuss issues.

Key battleground states in the mid-terms are listed by *Ballotpedia*[13] as follows:

	REPUBLICAN	DEMOCRAT	INDEPENDENT
SENATE	Arizona, Nevada	Florida, Indiana, Minnesota, Missouri, Montana, North Dakota, Ohio, West Virginia.	Maine
HOUSE	• Arizona's 2nd district, • Florida's 26th, • Washington's 8th, • California's 10th, 22nd, 25th, • Utah's 4th, • Texas' 23rd and 27th, • Nebraska's 2nd, • Iowa's 1st, • Minnesota's 2nd, • New York's 19th & 22nd, • Virginia's 6th & 10th, • Pennsylvania's 15th, • New Jersey's 2nd & 11th,	• Arizona's 1st district, • Minnesota's 1st and 8th, • Nevada's 3rd and 4th, • New Hampshire's 1st, • New Jersey's 5th, • Pennsylvania's 17th	

LEARNING ACTIVITY

The above table demonstrates some very interesting points about US elections. Some states, like Arizona for instance, vote differently in the House from the way they do in the Senate and vote differently according to whatever district we are looking at. ***This may be as a result of the way the boundaries have been drawn by the state's legislature.***

The 2018 primaries began with Texas on March 6th and will end with Louisiana on November 6th (same day as the general election because there are no *party* primaries in Louisiana).

You will learn a great deal about US elections if you follow the congressional primaries. Do this by keeping track of what is happening in the Battleground states above as well as any other emerging indicators.

Some resources to help you do this are:

- Ballotpedia
- Democrats' prospects in the 2018 midterm elections, explained[14]
- CNN's midterms election calendar[15]
- Midterm Congressional elections explained: Why the president's party typically loses[16]

KEY SKILLS

The study design lists the following two key skills (among others):

- use contemporary examples and evidence to explain, analyse and compare the political systems
- develop arguments, explanations and points of view which use evidence from contemporary examples. ***So…..***

1. Use the primaries as case studies to enable you to support any exam questions on US elections with evidence and examples.

2. Start a table of arguments for and against the use of primary elections**.**

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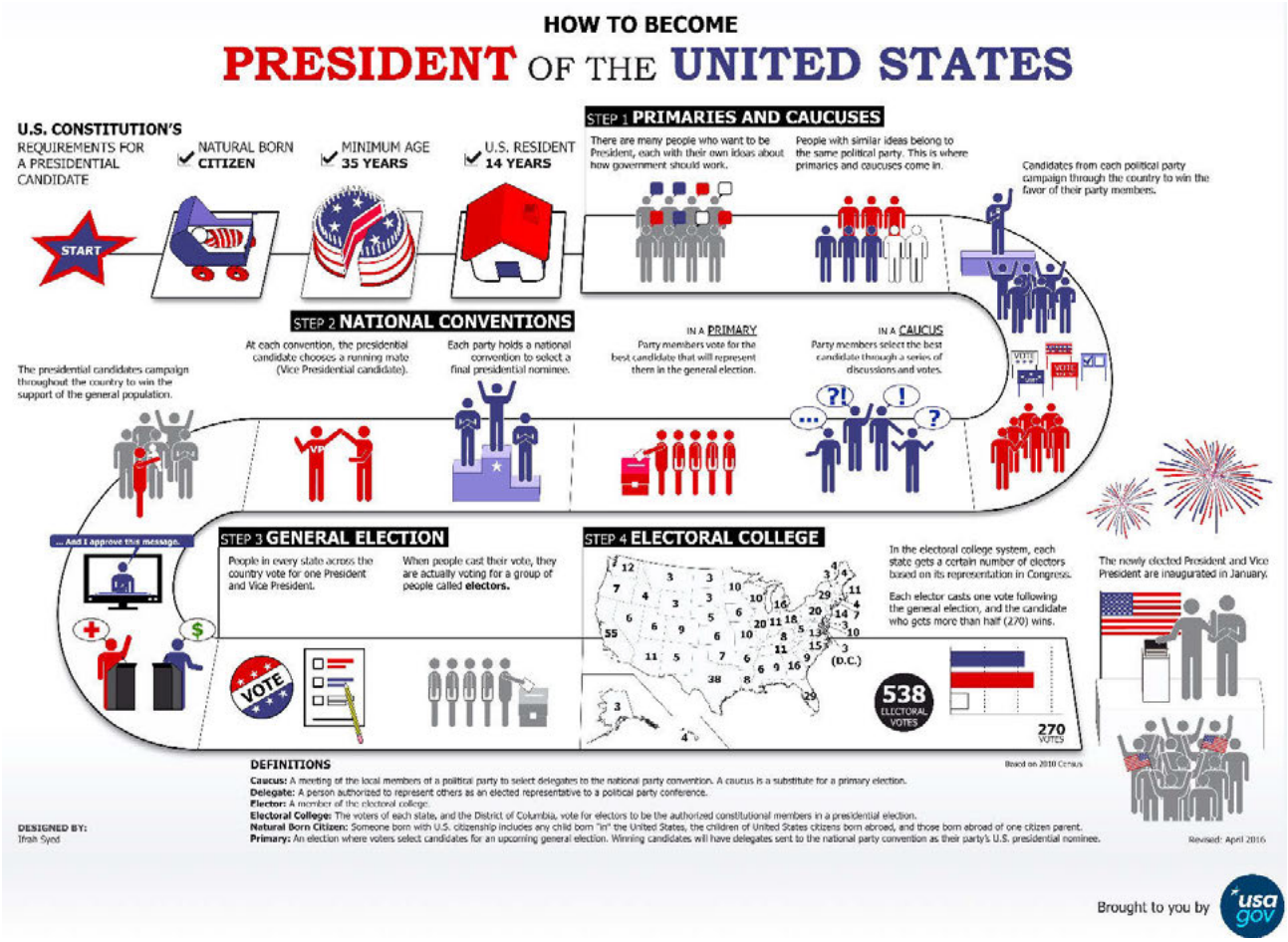
Presidential elections



Click on the above diagram to see a simple but very clear explanation of the presidential election process or go to https://www.usa.gov/election to watch the video. Everything you need to know is described at that site.

The Electoral College

The method of electing the President and Vice-President is laid out in Article 2, S.1 of the constitution as well as in the 12th amendment. The reason for adopting this indirect and, some would say now, archaic process, was because of a general mistrust of the ability of ordinary citizens to directly choose their leaders. So an intermediate body, the Electoral College, was established. These 'electors' are either elected in primaries and then appointed by the party committees or just appointed by the party committees of each state. When voters go on the first Tuesday following the first Monday in November to vote, they are actually choosing a "slate" or list of these electors who are supporters of particular presidential candidates. The numbers making up the slate are equal to the number of seats that state is entitled to in the Congress as a whole. Thus, in total there are 538 delegates sent to the Electoral College to cast their state's vote for the President, made up of 435 for the House, 100 for the senate and 3 for the District of Columbia. The winner must get an absolute majority (50% + 1) of the Electoral College votes, that is 270.

Some Issues:

Although it could be argued that the presidential electoral process is more democratic as it gives greater participation to voters than is the case in Australia, in terms of choosing the head of government or the leaders of the parties, it has significant weaknesses in terms of **accurate representation**.

- One problem is that most states give all of their electoral college votes to the candidate who won the primary, regardless of what percentage of votes the other candidate(s) received, i.e. a 'winner takes all' approach. This works to the detriment of minor or third parties and solidifies dominance of the two major parties.
- The absolute majority requirement for winning the electoral college vote also makes it virtually impossible for third parties or independents to ever be elected.
- Whereas both parties use what is known as 'super-delegates', the Democrats appoint a number of "super-delegates" to the College who are **not** bound to vote according to the outcome of that state's primaries. In the 2016 presidential process, super-delegates made up 15% of the total Democrat delegation. This was a deliberate attempt to wrest control of the nomination process away from party members and into the hands of the party elites.
- Finally, this system of using 'electors' means that the national vote can occasionally differ from the electoral college vote, which was the case in 2016, when Hillary Clinton won the popular vote but not the absolute majority of electoral college votes required.

LEARNING ACTIVITIES

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1. Write down a list of what you consider to be the most important features of both congressional and presidential elections. In one or two sentences, justify each of your selections.
2. Distinguish between primaries and general elections. (4 marks)
3. Analyse the role of the Electoral College in the presidential election process. (6 marks)
4. Create your own review questions with allocated marks for the class to answer. For example:
   Explain how the number of seats in the House of Representatives is determined. (3 marks)

Evaluating the democratic strengths and weaknesses of US elections

LEARNING ACTIVITY

Go through the following broad list of strengths and weaknesses and for each one, identify which democratic principle is, or is not being served: popular sovereignty, representativeness, equality, accountability, participation or transparency. **Copy this table below and add a column to the right of this table headed "Relates to which Democratic Principle?**

The US system of Presidential and Congressional elections
Strengths: ✓ Voters are able to vote for all levels of government. ✓ Frequent and free congressional elections. ✓ There are elections for every level of government, local state and federal. There are also referenda. ✓ Preserves the voices of the smaller states. ✓ Congressional elections produce representatives who are closely linked to a geographical region. ✓ 2 senators per state. ✓ The constitution, as well as federal laws require that the principle of 'one vote, one value' is upheld. ✓ The Voting Rights Act 1965 prohibits gerrymandering on the basis of race or ethnicity. ✓ The Electoral College system forces candidates to campaign on a state-by-state basis giving voters a chance to be rid of incumbents who have not delivered. ✓ It provides stability and prevents extremists from being elected. ✓ Plurality system (or first past the post) is simple to use and understand.
Weaknesses: × Voluntary voting and closed primaries or caucuses allow a small group of educated, wealthy and partisan voters to control the primaries. × 50% or more of eligible voters have no say in general elections for Congress or the President. × The Cabinet is not elected. × The enormous sums of money involved in US elections prevent non-affiliated or ordinary citizens from standing. × Only 2 representatives per state in the Senate, combined with the plurality vote, buttresses the power of the major parties and under-represents large states/over-represents small states. × Dominance of major parties prevents third parties from being able to represent minorities, interests of different groups in society or different ideological positions. × Currently, greater polarisation of the electorate leaves many with no choice. × The process of allocating electoral college delegates to the candidates: the 'winner-takes-all' method or having to reach a minimum percentage of votes before accruing any pledged delegates. × The use of plurality or simple majority requirements means that more voters could be 'not represented' than are represented. × State control of redistricting can lead to gerrymandering. × The Electoral College system, combined with plurality voting, means that the national vote can be overridden by the electoral college vote. State control means differences in primaries, delegate selection, ballots, voting methods and voter registration requirements. × Existence of PACs and SuperPACs masks the power of vested interests. × Lack of regulation of social media and campaign methods allows interference in elections (WikiLeaks, Cambridge Analytica, the Russians). × The existence of super-delegates.

Comparison of electoral systems: US and Australia

LEARNING ACTIVITIES

Some features of the US system could be considered both a strength and a weakness; for example, the fact that there are age and citizenship requirements for election to both Congress and the Presidency. What do you think about this? We Australians have no age requirement but we do have a citizenship requirement and a residency requirement. Remember the dual citizenship saga of 2017? If not go to How a dual citizenship crisis befell an immigrant nation[17] (BBC World News)

KEY SKILL

You must be able to "critically compare" the two systems" and the extent to which each reflects liberal democratic values". You should have enough information from Area of Study One and from this section on US elections now to be able to compare the two systems. And what does "critically compare" mean here? You can use democratic principles as a basis for comparison here as well.

1. Set up a table like the one below (or copy and paste it) and complete it.

FEATURE	US Elections	Australian Elections	Democratic Assessment
Compulsory/voluntary voting			
Independent regulation			
Type of voting system(s): ▪ Legislative branch ▪ Executive branch			
Length of terms: ▪ Legislative branch ▪ Executive branch			
Method of choosing head of executive branch			
Provision for minority representation			
Provision for state representation			
Role of the party system			
Other:			

2. "Critically compare" means to make judgements about the democratic effectiveness of the two systems *while discussing their similarities and differences.*

   Write an essay of about 800-1000 words on the following topic: *Critically compare the ability of American and Australian elections to provide effective representation.* You can get some more information about representation from the section on the representativeness of Congress, (p.27)

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Law-making in America

The Congress: how it works

Congress is possibly the most powerful branch of the US political system, yet it is frequently criticised for being the chief obstacle to effective government. In its powers, structure and operation it is quite different from the Australian Parliament, except that both institutions have a legislative and scrutiny/oversight role. You should already know the basics from your study of the US constitution and elections, so we will just focus on how it works and whether it is effective.

WHICH KEY TERMS ARE RELEVANT HERE?

- ✓ **Congress:** The legislative branch of the US political system; it is a bi-cameral body, comprising a Senate and a House of Representatives.
- ✓ **Separation of Powers**: The principle that the three branches of government, the legislature, the executive and the judiciary, should be kept independent and act without interference from each other as means of decentralising and preventing abuse of power. In Australia, the separation of powers is blurred as the executive and legislative branches are combined; in the USA, the separation of powers is very clear.
- ✓ **Checks and Balances**: The mechanisms by which the three separated powers in the US political system, the executive, the legislature and the judiciary, hold each other accountable.

Power

The constitution provides Congress with many powers quite deliberately; the intent was to allow it to act as a brake on presidential power. It controls the nation's money supply, rules of commerce and currency. It controls the nation's (not the state's) use of coercion – declarations of war, use of the armed forces and military installations. It can propose, pass or reject laws; veto presidential actions or override the presidential veto; it can impeach the President and other officers of the government. Congress has a major role in 'congressional oversight'. The Senate has the power to approve or reject treaties, ambassadorial and judicial appointments. Despite the separation of powers, ***Congress is not merely a legislative body. It is a representative body exercising the will of the people. This gives it a decisive role in government.***

Congressional oversight refers to the review, monitoring, and supervision of federal agencies, programs, activities, and policy implementation. Congress exercises this power largely through its congressional committee system.

Structure

Apart from the two houses, Congress is structured by the two major parties, the committee system, the staff system, the caucuses, the rules of each house and by its relations with the President. Congress is not a system of responsible government; there is no government and opposition and so the political parties are in control of the rules, the day-to-day operations and the business of formulating and carrying out the laws. Increasingly, it is the majority party that has all the power, especially in terms of **leadership roles**. The majority party is the party that has the most seats and the minority party is the party that holds less than a majority of seats.

LEARNING ACTIVITY - Leadership Roles in Congress

Go to American Government and Politics in the Information Age[18] and US House of Representatives[19] as well as The Congressional Institute[20] and use them to fill in the following table:

LEADERSHIP ROLES IN THE US CONGRESS

Chamber	Leadership Title	Duties	Current incumbent including party affiliation
House of Representatives	Speaker		
	Majority Leader		
	Minority Leader		
	Majority Whip		
	Minority Whip		
	Conference chairman		
	Caucus chairman		
The Senate *(you finish completing the list of leadership positions)*	Vice-President		
	President pro tempore		
	Majority leader		

The Committee System

Committees are set up to parallel legislative areas (such as Agriculture or Homeland Security); their key role is to consider bills and issues and *oversee* agencies, programs, and activities within their jurisdictions. There are 20 permanent or standing committees in the House and 16 in the Senate. There are also many sub-committees; there are also joint committees and a few select or temporary committees. **The most important thing to remember is that all proposed bills must be sent to the appropriate committee first, then to the appropriate sub-committee and then back to the full committee**. *"Many bills are simply allowed to 'die in committee' with little or no serious consideration ever given to them. Often, members of Congress introduce legislation that they neither expect nor desire to see enacted into law, merely to please a constituency group. These bills die a quick and painless death. Other (bills)… die in committee only after a long battle…Most bills are never reported out of the committee to which they are assigned."* *(Lowi, Ginsberg, Shepsle, 2006, p.104)*

Since January 3rd 2017, 88% of Bills and resolutions that were introduced, referred to committee, or reported by committee, had no further action.

The Staff System

Every member of Congress employs a large number of 'staffers' whose job is to formulate and develop proposals, deal with agencies and lobbyists, handle constituency matters and organise hearings. Every committee also has a large number of expert staff assigned to it, to research, investigate proposed bills and develop reports and recommendations. These people have increasing influence over the work, direction and effectiveness of Congress.

Procedures

The rules and procedures of Congress determine both the distribution of power in Congress and the fate of legislation. In the House, the majority party elects the Speaker and the other leaders every two years. The minority party elects its own leaders. There is a special committee for both parties whose job is to assign members to serve on committees on the basis of their interest. There is no attempt to make sure that a committee has balanced representation and the majority party will typically chair the committee.

No bill can be submitted to Congress without a sponsor who is a member of one or other chamber. The bill is then referred to a committee and/or sub-committee, where it is investigated and debated; submissions may be heard or received. If a bill makes it past the committee stage, the Speaker can decide when it might be put on the legislative agenda; **if it is considered that the bill may be ideologically divisive within the majority party, it may never be heard or debated on the floor.** *The House Rules Committee* decides the time that will be allotted for debate of the bill and whether the debate will be **closed** or **open**. That is, whether the proposal of amendments from the floor will be allowed. The Speaker has the power of *recognition,* meaning the power to recognise and allow a member to speak for or against the bill. There are similar arrangements in place in the Senate, except for the long-standing ability of the Senate to block a bill by means of a '*filibuster'*- a tactic that consists of a Senator holding the floor (speaking) until the majority backs down. A filibuster can only be ended by a vote of 60% of Senate members.

In order for bills to become law, they must make it through the committee system of both chambers, be passed by both chambers and signed off by the President. If he vetoes the legislation, Congress has the ability to override the presidential veto by a two thirds majority in both houses.

Effectiveness as a law-making body

LEARNING ACTIVITY: work with a partner

Go to https://www.congress.gov/ and click on the Top 10 most viewed bills. Choose one bill that looks interesting to you. Answer the following questions:

1. Who sponsored the introduction of the bill? Republican, Democrat, or independent?
2. Which house did the bill originate from? When was it introduced?
3. What is the bill about? (read the summary)
4. Is this bill a new bill or an amendment to an Act? Does the bill affect any other Acts?
5. How many 'actions except amendments' have been taken in regard to this bill and by whom? Any terms you don't understand? Look them up!
6. How many amendments have been undertaken and over what time span?
7. What is the bill's current status?
8. Track the progress of this bill by clicking "Get alerts".
9. At the end of this Area of Study, write a detailed commentary on what you have learned about the effectiveness of Congress as a law-making body.

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The Relationship between Congress and the President

There are a number of factors that influence this relationship. Although the Whips perform the function of identifying potential interparty conflicts and trying to persuade (through various means) the members to vote according to the leaders' wishes, this is an attempt to ensure the maintenance or achievement of a majority in Congress. This cannot be taken for granted, as representatives in particular, have a habit of voting with their constituents' interests in mind. Party loyalty does not necessarily extend to the congressional leaders, let alone to the President. In fact, there is naturally a tension or conflict between the parties in Congress and the office of the President. This is not only as a result of the great powers given to Congress and the way the Separation of Powers works (see Fig.1) but because Congress takes its role of executive oversight or scrutiny very seriously. If the President's party was always to agree with the President's policy proposals, the independence of Congress would be jeopardised, or nullified completely if his party commanded a majority in both houses.

LEARNING ACTIVITY: Research

One way to judge whether Congress can effectively hold the President to account is to see how many presidential vetoes have been overridden and how many presidential appointments have been vetoed. This information is available at the American Presidency Project[21] though you will need to dig further to see Trump's record.

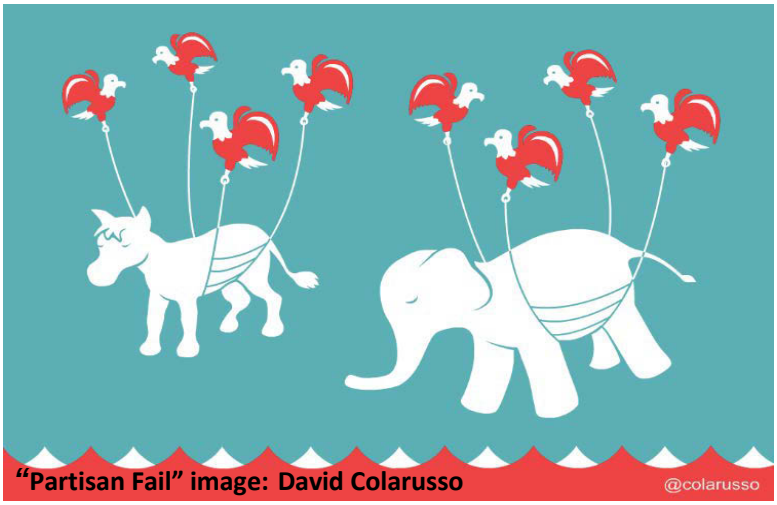
There have only been a handful of rejections of Cabinet appointments. For rejections of presidential appointments to the Supreme Court, see Supreme Court Nominations: present-1789[22] Then listen to this NPR podcast on What Makes A Great Relationship Between President And Congressional Leader?[23]

Essay Question: Discuss the effectiveness of Congress in holding the president accountable. In your response, you should consider the power of Congress, the number of rejections and vetoes, the kinds of presidential policies overridden by Congress and the views mentioned in the podcast.

The impact of political parties

Here are the key facts to remember:

1. Congressional parties are totally independent of their national/state/local party organisations and even of their counterparts in the other House of Congress. They make their own rules.



"Partisan Fail" image: David Colarusso

2. They have a great deal of power in Congress over legislation and oversight:
   - They caucus or conference to select leadership positions
   - They 'structure' the chambers by nominating the Speaker and the President Pro Tempore, the majority and minority leaders, the whips and committee chairs
   - They approve **procedures** for appointment to committee
   - Each party can **set the rules** relating to term limits for committee chairs and composition of committees
   - The Speaker and Majority Leaders manage the 'floor action' (what occurs during a session).
3. Party unity has an uneven impact on congressional functioning:
   - The Speaker endeavours to maintain control of the legislative agenda and the party majority. The large numbers in the House make a big difference to party loyalty. The Senate Majority Leader is more inclined to defer to committee chairs.
   - Parties need to retain their numbers in the houses via doing everything to ensure the re-election of *new congressmen* (freshmen). But this works both against party discipline and in favour of a more moderate line. So members would be encouraged to do whatever it took to get re-elected, even voting against a president's policy though he was a member of their own party.
   - As party unity becomes stronger (as a result of electoral polarisation), legislation is more likely to be blocked by partisanship in the committees.
   - Party leaders have little ability to discipline or punish lack of loyalty especially in cases of mavericks with strong personal electoral following; this means more reliance on incentives, e.g. **pork-barrelling**, **logrolling** or patronage, which some regard as contributing to corruption.
   - The Rules committee can decide how to construct bills in terms of what is to be included in the version that goes to the other house, for example, the recent '*omnibus bill*' – a spending bill combining a number of different and unrelated budget areas. There has been a decline in the influence of the conference committees, who have traditionally had to align senate and house versions of legislation (the same version of a bill must be passed by both houses). See Congress's new $1.3 trillion omnibus spending bill, explained[24] for a detailed explanation of Trump's recent signing of an Omnibus bill.
   - Parties are increasingly inclined to vote along party lines in order to block executive action.

Pork-barrelling refers to budget appropriations made for local projects that are often not needed but are helpful for local representatives to win re-election in their home district.

Logrolling refers to agreements made between legislators to exchange voting support on bills. The parties to the agreement have nothing in common but their desire to exchange support.

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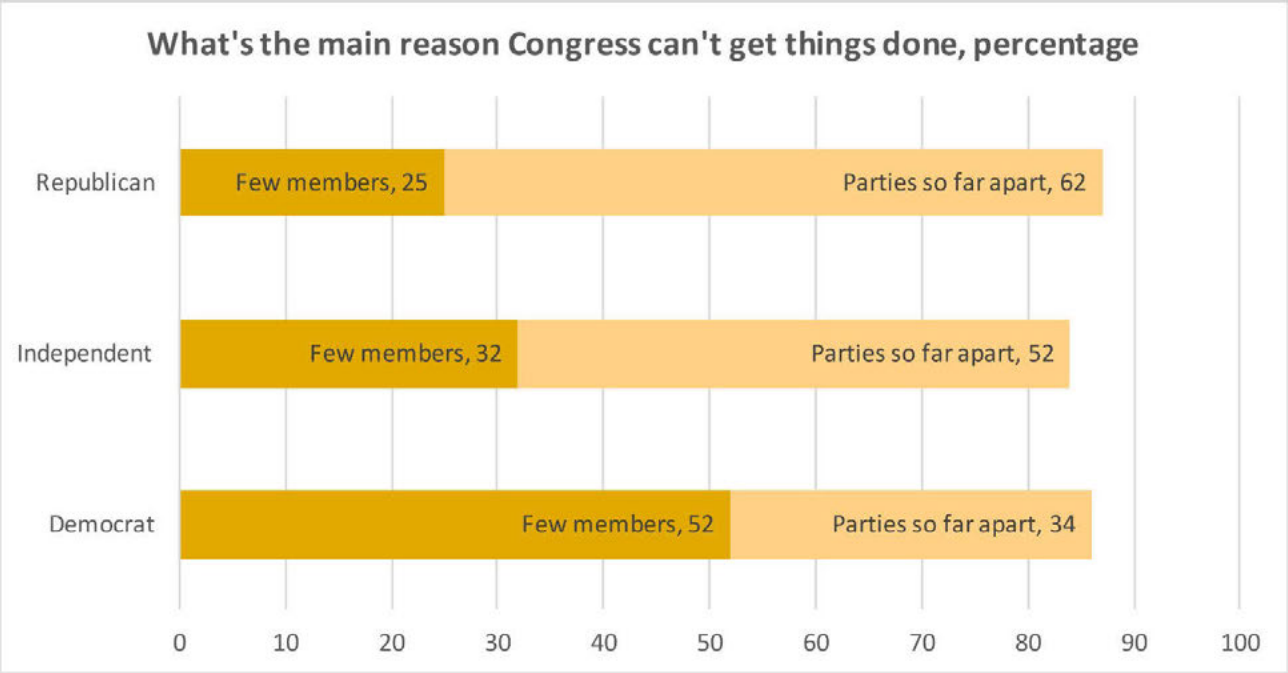
Evaluating the democratic strengths and weaknesses of the US Congress.

You have enough material by now to evaluate Congress in terms of its ability to legislate and to hold the executive accountable, but you need also to consider its representativeness.

LEARNING ACTIVITY

REPRESENTATION

1. How representative is Congress demographically? Go to https://pressgallery.house.gov/member-data/demographics and construct a pie-chart showing the number of women, Hispanic Americans, Asian Americans, African Americans and Native Americans (whom the House refer to as American Indians).
2. How representative is Congress 'ideologically' in terms of non-mainstream views? Read and summarise the key points in this *excellent and comprehensive* article: Why Your Congressional Representative Isn't So Representative Of You[25]



Questions for reflection:

Congress is said to suffer from "congressional gridlock",[26] but does the Australian parliament suffer from its own form of gridlock in that the major parties oppose each other for the sake of it? Are there measures other than the quantity of legislation that should be used to identify gridlock?

SOURCE: PEW RESEARCH CENTRE [27]

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Comparison of the legislative branches: US and Australia.

Hopefully it is obvious by now that there are very significant differences between the two legislatures, although there are superficial similarities. The Parliamentary Education Office is informative on the similarities (see Operation of the legislatures[28]).

Key differences: (these are mostly subjective opinions)

- Australia's system of responsible government means that the Executive branch (Prime Minister and Cabinet) controls the legislative and parliamentary agenda in the House, rather than the parties, as occurs in Congress.
- It also means that accountability of the Executive to the parliament is strong via an Opposition, Question Time and Individual and Collective Ministerial Responsibility. In the USA, accountability can only be achieved via checks and balances and by congressional oversight.
- Ministerial members of the Executive Branch can be held to account by the people at election time, whereby members of the US Cabinet, once appointed, are not subject to dismissal by the electors, though they can be impeached.
- The Australian Senate, because it is elected on the basis of proportional representation, is more representative of minority interests than the US Senate. The Australian House of Representatives, as a result of using the preferential system with an absolute majority requirement, is more accurate in representation, although it is still possible to have a party win government without a majority of the national vote.
- Compulsory voting delivers a better mandate for government, though some would disagree.
- The legislative process in Australia is certainly more efficient in terms of passage of legislation. Committees in the Australian Parliament do not have the same ability as American committees to influence or obstruct legislation.
- Extremely strong party discipline in Australia works to make the House of Representatives a rubber stamp for Executive policy proposals. It is often said that we have 'Responsible Party Government', whereas party control of government in America is very weak.

See if you can add to this basic list.

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Political Leadership: the President

American Presidents have acquired unparalleled influence and prestige among world leaders. They are constantly in the media spotlight and their audience is global. The advent of social media has contributed further to this: millions of people follow Obama and Trump on Twitter and Facebook, while a Google search on Obama returns 81.4 million results and one on Trump returns 242 million. The truth is that American Presidents have, throughout the twentieth and twenty first centuries, exerted decisive and far-reaching impacts on global affairs. However, the battle between the three branches of government at home can make the US President a far less powerful figure.

WHICH KEY TERMS ARE RELEVANT HERE?

- ✓ **President:** The head of state and head of government in the US political system. The president heads the US executive branch of government and is elected separately to the Congress every four years**.**
- ✓ **Impeachment:** The process by which a public or elected official can be removed from office. Most often used in relation to a method for removing the US president from office, by the legislature.
- ✓ **Veto:** The right of the US president to reject legislation passed by the congress and the right of the US congress to reject and overturn the president's veto. This is an example of the 'checks and balances' in the US system.

Roles of the President

The president has constitutional, political and ceremonial roles.

His **constitutional powers** are outlined in Article 2. In summary:

- the President is vested with executive power. Thus, he is Head of Government and he can exercise this grant of executive power. So, presidents can issue executive orders.
- He is the chief of the Armed Forces.
- He makes treaties, appoints ambassadors, judges and Cabinet positions.
- He can fill Senate vacancies as they arise until the session expires.
- He can recommend measures to Congress, convene and adjourn both houses if he thinks it necessary.
- He is required to approve all bills if they are to become law; he has two kinds of vetoes – the regular and the 'pocket' veto, although as we have seen his veto can be overridden.
- Finally, he is pledged to "faithfully execute the laws" and make a report on the state of the Union to Congress.

President's regular veto refers to a refusal of the President to assent to a bill within a time period of 10 days. He must reject the whole bill, not just a part of it and he must send a message explaining his reasons. If the president does nothing with the bill in this time frame, it becomes law without his assent.

'Pocket' veto: this can only occur if Congress is adjourned. In this case the president can just not sign the bill and the bill will be vetoed, (as though he had put it in his pocket and forgotten about it). Congress has no authority or ability to override a pocket veto.

Political Roles:

- He, along with the White House Office of Management and Budget, is responsible for the planning and submission of the Federal Budget to Congress. This helps to make the President the Chief Legislator as well as the Head of the Administration.
- He is seen as the Head of his party and can appoint the leader of the DNC or the RNC. He is expected to help with campaigning.
- He acts as the Chief Diplomat in charge of foreign policy.

Ceremonial Roles: As Head of State, the president meets and receives foreign dignitaries and other public ministers; and attends summits, representing his country overseas. He is the face of the USA.

Watch this YouTube video to summarise these roles: President's Job Description[29]

Presidential Power: how powerful is the US President really?

We have seen that there are many checks on the President's power arising from the constitutional requirement that the three branches be separated in personnel and function. A quick look backwards at the Constitution also reminds us how much power the Congress has in comparison. There are also other significant **limitations on the power of the President**, such as the fact that he may only serve two terms of office, he cannot decide when to call elections, he cannot declare war and must get congressional approval for any military operations that continue longer than 90 days. See How the War Powers Act 1973 works[30]

It is also often difficult for a President to work cooperatively and effectively with his advisors, especially military advisors and with other agencies such as the Federal Bureau of Investigation. This is for a number of reasons: firstly, many of the permanent agencies, especially the FBI and the military have accrued large amounts of power in their own right over the years. Presidents need to work carefully with these rival power centres. See How the FBI bosses the White House[31] and The President and the Military[32]. Secondly, the sheer number of agencies and offices require coordination and an ability to communicate well between them and the Office of the President. This is especially the case with the Office of Management and Budget, which is meant to perform a planning and coordinating role in relation to the president's policy program.

On the plus side, it can be argued that the powers of Congress are waning in comparison to those of the President. The War Powers Act has actually given the President more ability to wage war than was originally intended. "The last occasion on which Congress exercised its constitutional power to declare war was 8 December 1941 and yet, since that time, American forces have been committed to numerous battles on every continent by order of the President."
(Lowi, Ginsberg & Shepsle, 2006, p.149)

Further, with the advent of globalised media and new media forms, the president can gain extraordinary power and influence from them. 'The Media' has an unrelenting focus on the activities and words of the President, significantly adding to his ability to get what he wants *provided* he is effective and remains popular. When he loses this popularity, either with the media or with the

citizens, his power declines accordingly. This can especially be the case in the President's second term of office, where he can become what is known as a "lame duck president".

It will be interesting to see how the relationship between Donald Trump and the media unfolds over the next few years. His continued denigration of news reporting and the journalistic profession as purveyors of "Fake News" is a new phenomenon on the American political scene.

LEARNING ACTIVITIES

1. Do some research into the reactions to Donald Trump's "Fake News" awards, including reputable and academic commentary. Write a report on what the possible impacts on Presidential power might be.

2. **Essay Topics**: Write about 1000 words on one or both of these prompts.
   a. *"The decline of voting and other forms of popular involvement in American political life reduces congressional influence while enhancing the power of the presidency."* (Lowi, Ginsberg and Shepsle, 2006.) To what extent do you agree?

   b. *"Presidents today are able to overcome all restraints on their power."* To what extent do you agree?

Comparison of the US President with the Australian Prime Minister

LEARNING ACTIVITY

We have made mention of some of the differences between the powers of the President and those of the Australian Prime Minister. Revise your work from Area of Study One and compile a list of sources of power of both leaders and limits on power of both leaders. You could do this via a table, a Venn diagram or other graphic organiser.

References

Every section of this resource contains carefully selected and accessible resources. Key texts used in the writing of this resource are:

1. Lowi, Ginsberg and Shepsle, *American Government,* Brief 2006 edition, W.W.Norton & Company Ltd. New York and London, 2006.

2. Hershey, M.R., *Party Politics in America, 16th Ed.,* Routledge, New York, 2016.

3. US Department of State, *USA elections in brief.* Global Publishing Solutions.

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LINKS

Below you will find the web addresses of all online resources referred to by name only.

[1] http://www.vcaa.vic.edu.au/Pages/vce/adviceforteachers/ausglobalpolitics/auspol_unit3and4_glossary.aspx

2 https://www.cia.gov/library/publications/the-world-factbook/

[3] http://www.newsweek.com/donald-trump-ending-american-democracy-742561

[4] https://www.huffingtonpost.com/jack-pinkowski/checks-and-balances-the-g_b_4080850.html

[5] https://www.economist.com/news/briefing/21719787-there-still-plenty-worry-about-americas-system-checks-and-balances-seems-be

[6] https://www.hrw.org/

[7] http://www.fairvote.org/voter_turnout#what_affects_voter_turnout_rates

[8] http://www.pewresearch.org/fact-tank/2017/06/01/dislike-of-candidates-or-campaign-issues-was-most-common-reason-for-not-voting-in-2016/

[9] http://www.aec.gov.au/Voting/Compulsory_Voting.htm

[10] https://www.npr.org/sections/thetwo-way/2016/07/23/487179496/leaked-democratic-party-emails-show-members-tried-to-undercut-sanders

[11] https://ivn.us/2015/04/28/10-ways-political-parties-control-vote

[12] https://ballotpedia.org/United_States_Congress_elections,_2018

[13] https://ballotpedia.org/United_States_Congress_elections,_2018#U.S._Senate

[14] https://www.vox.com/policy-and-politics/2017/5/9/15550314/2018-elections-midterms-democrats-chances-house

[15] https://edition.cnn.com/2018/03/06/politics/midterm-elections-calendar-2018/index.html

[16] https://journalistsresource.org/studies/politics/elections/voting-patterns-midterm-congressional-elections-why-presidents-party-typically-loses

[17] http://www.bbc.com/news/world-australia-40773930

[18] http://open.lib.umn.edu/americangovernment/chapter/12-4-house-leadership/

[19] https://www.house.gov/leadership

[20] https://www.conginst.org/senate-republican-leadership-positions/

[21] http://www.presidency.ucsb.edu/data/vetoes.php

[22] https://www.senate.gov/pagelayout/reference/nominations/Nominations.htm

[23] https://www.npr.org/2017/08/23/545616825/what-makes-a-great-relationship-between-president-and-congressional-leader

[24] https://www.vox.com/policy-and-politics/2018/3/22/17150062/omnibus-spending-bill-march-ryan-mcconnell-congress

[25] https://psmag.com/news/congressional-representative-isnt-representative-73330

[26] https://ivn.us/2013/08/08/what-causes-congressional-gridlock/

[27] http://www.pewresearch.org/fact-tank/2013/10/02/most-americans-say-the-political-parties-have-grown-so-far-apart-that-they-cant-agree-on-solutions/

[28] https://www.peo.gov.au/learning/closer-look/parliament-and-congress/operation-of-the-legislature.html

[29] https://www.youtube.com/watch?v=uovyY_wpnt8

[30] https://www.nytimes.com/1984/03/29/world/how-war-powers-act-works.html

[31] https://www.theguardian.com/world/2012/oct/24/how-fbi-bosses-us-presidents

[32] https://www.foreignaffairs.com/articles/1972-01-01/president-and-military

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SOCIAL EDUCATION VICTORIA

AUSTRALIAN POLITICS

VCE Unit 4

Area of Study 1: Domestic Policy

LISA SHUKROON

Public Policy

Area of Study 1: Domestic policy

Outcome 1

On completion of this unit the student should be able to explain how Australian federal domestic public policy is formulated and implemented, analyse the factors which affect these processes and critically evaluate a selected contemporary domestic policy issue.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

Key knowledge

- key terms and concepts: executive, Cabinet, ministry, the public service, interest groups, policy platforms, mandate
- the role of government institutions in public policy formulation and implementation:
  - the executive, the prime minister, the Cabinet and the ministry
  - the public service
  - the Commonwealth Parliament
  - the judiciary
- the role and significance of ministerial advisers
- the significance of elections and electoral mandate
- the contribution of the Opposition, minor political parties and independents in public policy formulation
- elements outside the formal institutions of government that influence public policy: international influences, opinion polls, the media and interest groups
- the nature and context of ONE selected contemporary policy and government response, including significant influences on the formulation of the policy and the extent of and reasons for the success or otherwise in implementing the policy.

Key skills

- define and explain key terms and concepts relating to domestic policy
- analyse the role and influence of government institutions in public policy formulation and implementation
- analyse the role and influence of elections and the electoral mandate in public policy formulation and implementation
- analyse the role and influence of the Opposition, minor parties and independents in public policy formulation and implementation
- analyse the influences on policy making of elements outside the formal institutions of government
- critically evaluate ONE selected contemporary domestic policy issue
- develop points of view, explanations and arguments about policy making and implementation which use contemporary examples as evidence.

4 Australian Politics - Public Policy

Area of Study 1

Domestic Policy

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INTRODUCTION TO THIS AREA OF STUDY

This Area of Study has changed somewhat with the 2018–2022 Study Design. Some of the terminology has changed – for example what was known as the "bureaucracy" is now referred to as "the public service" and there have been additions such as the "role and significance of ministerial advisers." Most importantly, the study design requires you to focus on "ONE selected contemporary policy and government response". However, while one policy should be the focus of detailed learning, it will be inevitable that a range of policies will be referred to in order to illustrate key skills as no policy is likely to clearly illustrate all points adequately. As always, *you are strongly encouraged to become extremely familiar with the Key Knowledge and Key Skills and to explore them in the context of the descriptive material known as 'the blurb'.*

In your SACs and in the exam, you can be asked about anything that is in the Study Design, including from 'the blurb'. Your deep knowledge of a policy area and your ability to analyse and evaluate it in the broader context of domestic policy formulation and implementation and the many influences that can shape it, will ensure you do well in this area.

The blurb is set out below:

What influences the policy decisions and actions of the Commonwealth Government? What opportunities exist for individuals and groups to participate in the decisions of government?

In this area of study students investigate the formulation and implementation of domestic public policy. If the government has a strong electoral mandate, or there is a clear and immediate need for a policy response such as a national emergency, the formulation of public policy can be relatively straightforward. However, in other situations, policy making is subject to the input and influence of numerous factors, and can be a difficult, lengthy, highly politicised and uncertain process.

Students analyse the contribution of numerous factors to domestic policy formulation. They examine the opportunities for stakeholders to participate in the formulation of domestic policy. Students learn that while such participation is a fundamental democratic principle, in practice the government is unable to respond to many, often competing, interests, which seek to influence the contents of domestic policy.

Students analyse ONE selected contemporary Australian domestic policy issue. Important areas of domestic policy include education, health, the environment, immigration and the economy. They examine the nature and context of the issue and the government's responses to it. Once a policy is put into operation, the government is often required to amend some aspects of it, re-formulate important aspects of it or, in some cases, acknowledge the policy has failed to achieve its purpose and abandon it. Students consider these constraints on government in putting domestic policy into effect.

Taken from VCAA Australian and Global Politics Study design 2018-2022, p.24.

A note on the key terms

All the key terms are examinable. Students need to be able to define them, but also need to be able to apply them to real contemporary political situations. An effective approach is to teach and learn them as they relate to the various items of key knowledge. That is the approach taken in this resource. Each section has an introductory discussion regarding which key terms are relevant and the ways that they relate to the knowledge to be studied.
(**Definitions are from the VCAA Advice for Teachers Australian Politics Units 3 & 4 Glossary -** http://www.vcaa.vic.edu.au/Pages/vce/adviceforteachers/ausglobalpolitics/auspol_unit3and4_glossary.aspx)[1]

The importance of task words

The key skills set out the level of intellectual skill the student is required to master for each set of key knowledge items. This ranges from the lower-order thinking skills, such as the 'define', 'describe' or 'explain', to the more complex operations involved in the application of knowledge, such as 'discuss', 'analyse', 'evaluate' and 'critically compare'. These are complex and challenging tasks which students are advised to practise.

What do we mean by policy?

Policy

A policy is an idea for action, or the set of actions to be taken, that is *designed to achieve a particular aim.* In other words, a policy is a plan of action with an end goal.

Many institutions and organisations have policies – not just governments. An organisation may have policies on things such as dress code, hiring procedures, or processes for ensuring gender equity. Policies can deal with a wide range of issues. For example, many schools have a policy of smoking deterrence. They want to prevent young people from taking up smoking, therefore their policy actions might include:

- Explicitly including smoking education in the health curriculum
- Having special health days and guest "acts" to educate students on the impacts of smoking
- Banning teachers from smoking in public areas
- Informing parents, and imposing a consequence (e.g. detention, suspension) if students are caught smoking

Public policy - domestic policy and foreign policy

While many organisations have policies, public policy is more specific. ***Public policy*** *comes from and is enacted by government* in order to achieve particular aims. In this course we focus exclusively on federal government so are only interested in federal public policy. An example of federal public policy might be one focused on the economy. The current federal government – and several previously – have all had a broad policy aimed at moving towards a budget surplus. As part of this overall policy the current government (Turnbull, 2018) has put into place a wide range of policy measures over several years – from a freeze on the indexation of Medicare rebates, to increasing cigarette tax, cutting the budget of the ABC, and increasing waiting periods for welfare recipients.

Within the realm of federal public policy there are two broad subsets of policy – domestic policy and foreign policy. While this area of study focuses on domestic policy and the next area of study looks at foreign policy it is worth briefly defining each in relation to each other.

Domestic policy is public policy whose objective, actions and/or impact is primarily focused on the national interest of Australia as a whole and its people.

Foreign policy is public policy whose objective, actions and/or impact focuses on the relationship between Australia and other nations and Australia's participation in a globalised world. It is policy that involves one or more international bodies – that is, other country/countries or international agencies (e.g. the United Nations).

Both of these areas of public policy ultimately share an overriding goal – to improve the lives of Australians and the nation as a whole.

Policy platforms

You will have heard the media speak about a political party's *policy platform* – especially in the lead up to an election. A policy platform is the specific set of ideas, priorities and actions that a political party aims to implement to achieve its stated objectives *if they are elected to government*. Political parties then campaign on these ideas in the hope of coming into government.

A policy platform generally covers a broad range of areas that a party would be expected to act on if elected to government – at a federal level it would include such things as tax, environment, infrastructure and education. Within each of these areas, a variety of ideas and actions will usually be outlined in greater detail.

Where does policy come from?

Usually policy responds to a recognised problem (long term or short term). The problem might have been identified by the government, or it may have been raised by businesses, groups or individuals within the community affected by the issue. People involved in or directly affected by a policy are called ***stakeholders.***

Stakeholders are people or organisations with an interest or concern in something. Stakeholders in the marriage equality debate included: the LGBTQI community, some religious organisations, celebrants and wedding planners!

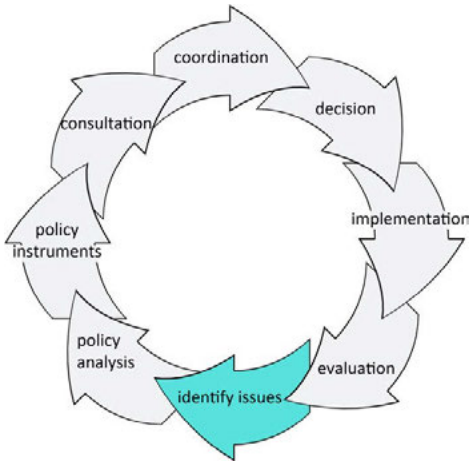
Often policy decisions reflect the ***ideology*** of the party or people proposing the policy. So, a single identified problem is likely to be tackled differently by the different political parties, based on their party's base beliefs and overall ideological position. For example, in the last decade all parties have recognised climate change as a problem, however their (changing) responses in that time, especially in relation to carbon emissions, often reflected party ideology.

Ideology An ideology is a system of political beliefs and ideas about how society should operate or function. It often drives the policies politicians will prioritise or support. For example, David Leyonhjelm is a member of the Liberal Democratic Party who have a strong libertarian ideology. They believe freedom is a key value and that governments should have a reduced involvement in most matters – essentially fewer rules.

There are other drivers of policy, or changes to policy, and many of these will be discussed later in this resource – such as the media, international influences and even the judiciary. Indeed, unexpected events such as a natural disasters or terrorist attacks can lead to new policy decisions – this is sometimes referred to as reactive policy. (Wise, R.,2015, p116)

Most policy, however, is arrived at in a considered way after a lengthy and deliberate process. (Wise, R.,2015, p116) It is, however, never static. Policies evolve and new issues emerge, for all sorts of reasons. Community opinion changes, and so policies change to reflect that. An example of this might be the marriage equality debate and resolution. Or new research may become available, and policies change to reflect that. Plain paper packaging of cigarettes was a policy that grew as a result of research – first research on the health impacts of smoking, then later, research on the impact of marketing on sales.

Some people see policy as cyclical – indeed they refer to a policy cycle (Althaus, C., Bridgman, P., Davis, G., 2007, p32). That is to say, a problem is found, people look at what current policies there are around or dealing with the problem and what means are available to a government to deliver the outcomes they want (such as laws, services and finance). Stakeholders and experts are consulted, a plan is made, a decision is reached, and the policy is put into place. Once in place people check that it is working which may well lead to new problems being discovered… then the process starts again!



The illustration above provides one way to consider where policy comes from and how it develops.
(Adapted from, Althaus, 2007)

In reality, many things can interrupt this apparently smooth cycle. For example, if the "decision" phase requires a bill to pass in parliament, the Senate crossbench may block it and a policy will not be implemented. The 2014 Budget brought down by the Abbott government had key elements blocked in the Senate. This is more likely to happen if the proposed measures are controversial or unpopular.

Domestic policy is organic. It changes and grows and feeds off the many "political players" in the system – pressure groups, lobbyists, media, courts, the opposition, minor parties, independents, unexpected events and the public service – any of which can interfere with varying impact at any point in the policy process.

Policy formulation

Policy formulation is the process undertaken to produce a policy with the intention of implementing it.

In a democracy, the process of developing domestic policy should, and often does, involve the input of a broad section of society. However, while governments need to take into account the differing views in a debate, they do so within the context of advice from experts. Policy that is developed over time reflects the advice of a wide range of people – from public service to interest groups, from the media to think tanks, from the legal profession to the public at large. Even in the formulation stage, discussions are held to try to ensure the policy's eventual passage through parliament. Does the government have the numbers in both houses? If not, is compromise achievable or even desirable? Policy is also checked for its constitutionality – would it survive challenges in the High Court? Indeed, some policies only make it part way through the formulation phase of the policy cycle; they are found to be too politically fraught or projected to be too difficult/costly to implement. There are many reasons a policy – even if raised in the public sphere – may be abandoned before it is ever implemented.

The government also needs to consider whether a specific policy fits within the policy platform they were elected on. If it was part of their policy platform, they have greater argument to claim that they have a ***mandate*** to implement it. This formulation process will help ensure policy is robust, achievable, legal, representative and desired.

Mandate is the legitimised authority granted to a democratically elected political party to form government and institute the policies it campaigned on.

Policy implementation

Policy implementation is the act of putting a policy into action. Until steps are being taken to act on a policy, it is still in its formulation phase. Indeed, there are some policies that get as far as passing through parliament (still the formulation phase) that never get implemented or may get implemented years later. For example, the privatisation of Medibank Private (a government owned health insurer) was passed through parliament in 2006 but was not implemented until 2012.

The implementation phase can still be fraught with obstacles, and translating plans into effective actions is not always easy. Even in this phase policies may need to be modified or even abandoned. The success or failure of policy implementation can depend on such things as a workable or realistic budget, timing, administrative factors, High Court decisions, accuracy of advice received, or changes in domestic or international circumstances. For example:

- the 2009 insulation policy of the Rudd government was seen to have failed because the government was not adequately advised (administrative processes) of the risks and attempted to implement the policy too quickly.
- The 2012 Mining Tax (MRRT) did not raise the revenue budgeted for partly because of amendments negotiated in order to pass the legislation in the first place.
- The ongoing roll-out of the National Broadband Network – the NBN (various governments) has been riddled with implementation flaws. It has often exceeded budget, it has run considerably behind schedule and there are claims that the service itself fails to live up to expectation.
- In 2018 there were concerns that the full implementation of the government's postal plebiscite would need to be abandoned (ballots had already been printed and other steps taken) if a last-minute High Court challenge was successful. In this instance the implementation of the policy was (largely) seen as a success.

NBN fibre-optic cable being laid; photo: Bidgee

LEARNING ACTIVITY

1. Look at the article **The 10 big issues of election 2016: how Coalition, Labor and Greens policies compare**[2], which outlines part of the policy platform for the Liberal, Labor and Greens parties, research to see if they have changed any of their policies since that time. Are there new policies that any of the parties are currently promoting?

The formal institutions and instruments of policy influence

Government – the executive, the prime minister, the cabinet and ministry

In Australia the government has great power in driving the policy agenda. This is largely because of the incomplete separation of powers. As we know from our work at the beginning of the year, in other nations there is less overlap between the *law-making* body – *the legislature* (in Australia, parliament) and those that *administer the laws*, the ***executive***. With the executive being formed by the party that has the majority in the lower house of parliament, it is inevitable that they also dominate and control legislative processes and are in a strong position to drive policy.

Executive is the government and is responsible for carrying out laws. In Australia the executive is made up of the prime minister, the ministers and the Governor General. The Governor General has extensive reserve powers, but in practice – by convention – only acts on the advice of the prime minister. Many people regard the public service as an arm of the executive as they work directly for the departments overseen by the ministers.

Within the government, different politicians can exert different levels of policy influence. A *backbencher*, generally, has little capacity to suggest new policy or develop it. The power to create, propose, develop and implement policy rests with ***ministers***. A minister's role is to oversee the development and implementation of policy relevant to their portfolio. They work with their department – the key members of a broader public service that provide critical advice. At the time of publication (May 2018), the Turnbull government had 106 members elected in the legislature. Of these, 30 Ministers held 37 portfolios – these ministers are collectively the ***ministry*** – in addition there were another 12 assistant ministers (also known as parliamentary secretaries). Of the ministers, 23 are currently members of ***cabinet***. Collectively the members of cabinet are seen to be primarily responsible for initiating, prioritising, driving and approving policy.

Ministers are members of the governing party who are in charge of particular areas of policy – such as health, defence, immigration or education, these areas are called ***portfolios***.

Ministry
The collective group of MPs and Senators who are given a role to be in charge of a particular portfolio, its policies, and relevant departments.

The prime minister and cabinet have the greatest policy power within the executive. The prime minister has the power to choose who becomes a minister or, indeed, what portfolios there will be within a ministry. There is little doubt that this in turn sets the policy tone and agenda of a government. As part of their role, the prime minister often becomes the public face for virtually all policy decisions – they are expected to stay informed across a wide range of policy areas. This requires them to work closely with their ministerial colleagues.

Cabinet is the key policy making body of executive. It is comprised of the prime minister and their senior ministers.

The prime minister decides which ministers make up the cabinet. They also lead cabinet meetings. Cabinet meetings are at the heart of policy making, "Cabinet is the apex of government, the institution that must consider the political, policy and administrative implications of any proposition, and settle a government position" (Althaus, 2007, p14).

Collective responsibility "one of the conventions of responsible government: all cabinet ministers take responsibility in parliament [and theoretically in public] for the *decisions of cabinet." (Miragliotta, Errington, Barry 2013, p5)*

Cabinet meetings are regular – usually weekly. At meetings ministers discuss proposed policies, the future direction of government, prioritise policies and expenditure, debate tensions (political and policy based), and share information. The key concept about cabinet discussion is that, by convention, it is supposed to be confidential, i.e. between the ministers involved only. The idea is that ministers should have the confidence to speak their mind – to thrash out ideas with the benefit of other ministerial input. This is to help them

arrive at good policy decisions, and to settle potential tensions before a government position is reached. It wouldn't be hard to imagine, for example, that the Minister for Agriculture might have a policy clash with the Minister for Environment or that nearly any minister might have policy expenditure issues with the Treasurer. Leaks from within cabinet are seen as evidence of party tensions and/or an undermining of the Prime Minister's authority.

As part of the function of Cabinet, there are several subcommittees that also meet. These committees have specialisations and so only the ministers whose portfolios align most closely with the aims of the committee meet to discuss policy issues and ideas as they arise. This is to ensure that policy is discussed in more efficient and focused ways. In most instances the ideas discussed at these committees are then brought to the cabinet for further debate and endorsement. An exception to this is the National Security Committee which can make quick decisions without consulting with cabinet as a whole. While many of these committees are temporary, responding to government priorities at the time, a few have become seemingly permanent. The current cabinet committees (May 2018) are:
The Cabinet Office Policy Committee, the Digital Transformation and Public Sector Modernisation Committee, the Energy Committee, the Expenditure Review Committee, the Governance Committee, the Indigenous Policy Committee, the Investment, Infrastructure and Innovation Committee, the National Security Committee, the National Security Investment Committee, the Parliamentary Business Committee and the Service Delivery and Coordination Committee.

LEARNING ACTIVITIES

1. Considering the cabinet convention of confidentiality, do a google search for 'federal cabinet leaks, news.' How many hits do you get?
   Despite the convention, what does this search suggest? Find one alleged cabinet leak for each year of this decade and make a list of the apparent leaks.
2. Research any one of the above cabinet leaks (use the dates as a key reference). What was leaked? Did it have any *policy* impact at the time or into the future? Was it connected to a change in leadership, or a leadership challenge?

The Parliament

Very little domestic policy is created without passing through parliament, as most policy will require some kind of legislation before implementation. In the Westminster system, the dominance of the executive within the legislature is clear. While the make-up of the legislature impacts on the extent of this dominance, and therefore the capacity of the rest of parliament to help shape policy, the executive has greater power overall. There are differences in the impact on policy when a government also has the balance of power in the Senate as opposed to times when they have to negotiate with the opposition or the crossbench to pass legislation. In the (rare) case of a *minority government* – such as the 2010 Gillard government –power can shift to other members of parliament outside of the Executive.

Private member's bill "a proposed new law that is introduced into parliament by a person other than a government minister." *(Miragliotta, Errington, Barry 2013, p147)*

Critically the government of the day sets the policy agenda – literally – as they control the order of business in parliament. They decide which issues/bills get discussed, when and for how long. Despite this, there are processes that ensure that legislation – and thereby policy – is scrutinised, debated and frequently amended. This is largely through parliamentary debate and question time. Additionally, a member of parliament, or a group, can introduce a ***private member's bill.*** Recently the Marriage Equality Act was put as a private member's bill by Senator Dean Smith with cross-party and independent support. It passed through parliament and is now law. In May 2018, backbencher Sussan Ley has said she has drafted and will be putting a private member's bill calling for the banning of live animal exports. A private member's bill not only potentially initiates substantial policy debate, it keeps issues of public interest in the public domain and forces the parliament to explore the reasons

behind them, potentially leading to policy action. It is clear the effective use of all of these parliamentary processes can help strengthen the quality of policy and even push new policy onto the agenda.

Parliamentary committees

Another way members of the legislature, within and beyond the executive, can impact on policy effectively is through a parliamentary committee. Backbenchers, members of the opposition and minor parties, as well as independents have been included in committees. These committees hold inquiries into policy issues. Depending on the nature of the inquiry they can then call for submissions from expert bodies, scrutinise government activity, ask high ranking members of the public service to justify and explain decisions and call for broader public input. This process often then leads to a report with recommendations, and can provide the basis for future policy direction. Committees are often credited with driving robust policy reform. As the government can have greater control of who is on House Committees due to its dominance of the House of Representatives, Senate or Joint Committees (which have members from the House and Senate) can be seen as more powerful.

In addition, there are Standing and Select committees. Standing committees are created for the life of that parliament but often end up being reinstated in the next parliament – such as the Joint Standing Committee into Electoral Matters. Select committees are formed for a single purpose and generally have a short span – currently there is a Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples 2018 that is due to submit a report in November 2018.

Commissions of Inquiry and Royal Commissions

There exist other forms of inquiry outside of parliamentary committees. These inquiries are, in fact, more formal and carry significant political and policy clout. When an issue of public interest needs to be addressed, a government may set up a Commission of Inquiry or, more commonly, a Royal Commission. These tend to generate a lot of media and public interest and are very expensive but tend to result in policy shifts. Indeed, recommendations made as a result of Royal Commissions can lead to community changes and, frequently, government policy and legislation. In 2012 the Gillard Government launched the Royal Commission into Child Sexual Abuse – the findings were only delivered at the end of 2017. While the government is yet to pass legislation as a result, the Royal Commission itself was largely lauded for creating cultural awareness and community opinion shifts. Occasionally Royal Commissions are claimed by some to be politically motivated – such as those set up by the Abbott government to investigate union activities and the Rudd government's roof insulation scheme. Others express concern that the field of reference or timeline can be too restrictive. Recently the Turnbull government initially resisted, but then called, for a Royal Commission into the banking sector – it has only been given a year to deliver its findings.

LEARNING ACTIVITIES

1. Read the following article into the Banking Royal Commission, http://www.abc.net.au/news/2017-11-30/banking-royal-commission-how-did-we-get-here/9210248
   Looking back over the last page or so, which of the parliamentary processes and influences eventually lead to the royal commission? What other factors contributed? Why did the PM decide on such a policy reversal and call the Royal Commission?
2. Research your own Member of Parliament – how have they attempted to shape policy? What steps have they taken and what has constrained them from success? Or how have they successfully exerted influence? Which issues do they seem to have demonstrated either expertise in or passion for? You may alternatively choose a Victorian member of the Senate and answer the same questions.

The public service

The public service, often referred to as the bureaucracy, comprises the many different government departments. There are thousands of people working for the public service at any

one time in a wide variety of roles. In 2017 there were 239,800 employees working for the Commonwealth government. (Australian Bureau of Statistics, 2017[3])

These people, while unelected, are a critical part of governance and policy success or failure. They are expected to remain impartial and serve whichever government is in power. They have roles that include providing advice to ministers, policy research and administering policy. Each department has a head, called the secretary. Currently the head of the Department of Health is Health Secretary Glenys Beauchamp and she works closely with Minister for Health, Greg Hunt, providing advice and expertise – she is a public servant. At the same time someone working in a Centrelink office processing claims is also a public servant implementing policy for The Department of Social Services but is unlikely to have ever met the Social Services Minister, Daniel Tehan.

The public service in policy formulation

The role of the public service in advising their minister is central in the policy formulation stage. This is especially true in the case where a minister is not already an expert in an area. Take the case of Scott Morrison, who in the five years since he has been elevated to ministerial level, has held three diverse portfolios; Minister for Immigration and Border Protection, Minister for Social Services and, at time of writing, Treasurer. It would be unrealistic for him to have been be deeply aware of, and expert in, all of the issues relevant to each of these roles. Ministers routinely find themselves in new roles and hence in charge of critical policy decisions at short notice. A minister in this context is likely to rely heavily on the public service. The department needs to be deeply knowledgeable in their portfolio and to consistently research and monitor issues in potential need of policy adjustment as their minister needs to rely on their advice. A question to think about then is, does this mean this unelected and 'shadowy' group have too much influence?

A key part of the role of the Australian Public Service (APS) is to liaise with key experts and stakeholders represented by ***peak bodies***, state-level bureaucrats, ***interest groups, think tanks, lobbyists*** (see p14 and 15) and academics. They also liaise with public servants in other departments when policies might impact on other portfolios. For example, a new mining project might involve liaison between public servants in the Departments of Industry, Innovation and Science, the Department of Infrastructure and Transport as well as the Department of the Environment, to name just a few. This inter-departmental liaison is important to ensure government consistency. Most importantly the Australian Public Service is expected to provide their minister with information and advice even if it seems to be contrary to what that minister might want to hear. A minister in the Westminster system relies heavily on the APS to provide what is commonly termed '*frank and fearless* advice delivered in a *timely* manner' as they have ministerial responsibility for anything that may go wrong.

Australian Public Service (APS) Values [4]

The APS Values articulate the parliament's expectations of public servants in terms of performance and standards of behaviour…The APS Values require that we are:

Impartial

The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

Committed to service

The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Accountable

The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Respectful

The APS respects all people, including their rights and their heritage.

Ethical

The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

Sourced from the Australian Public Service Commission - www.apsc.gov.au

Peak body a peak body is an umbrella organisation formed to represent and advocate for the interests of many other groups. They often represent a profession or industry; e.g. The Business Council of Australia or the Australian Council of Trade Unions.

In recent years there have been increasing concerns about the role and capacity of the public service. On the one hand a public servant is expected to provide consistent and deeply knowledgeable advice across a succession of governments, which is only possible when high level bureaucrats remain working for a department long term. Increasingly, however, they are hired on shorter-term contracts and governments routinely replace the heads of departments upon election. Some are concerned that this is an attempt to politicise the roles but others

believe it is intended to invoke fear so that they "toe the line" (Gittins, R. The Age p28 7/12/2015) and that this leads to hesitation in presenting risky but innovative policy, leading to claims that the APS is "so risk averse as to be dysfunctional." (Edwards, L, The Age, 14/09/2009). Some also point to the shrinking size of the bureaucracy and the loss of policy memory, or even the capacity to generate ideas. There is a concern that what was understood to be a central resource in a Westminster democracy is being diminished, as "a result of politicians failing to value and preserve our institutions" (Tingle, L., The Mandarin, 23/11/2015).

Yet there is evidence that in fact some politicians do value, and acknowledge that they rely on, the public service. As prime minister in 2008, Rudd said "The work of the APS is… crucially important to the Government… the government recognises that we cannot deliver our vision for a modern Australia without an APS that is committed to excellence in policy design [formulation], policy implementation and service delivery" (in Maddison, S., Denniss, R., 2009). Recently Prime Minister Turnbull and the Minister Assisting on the Public Service, Kelly O'Dwyer, announced a review of the public service to be run by CSIRO chairman and former Telstra chief executive, David Thodey. The focus of the review is to modernise the public service in line with technology and global demands but in recognition that the APS, "… has a critical role in this context. Our APS must be apolitical, professional and efficient. It needs to drive policy and implementation, using technology and data to deliver for the Australian community". (Turnbull in Mannheim, M., Dingwall, D., Whyte, 2018)

The public service in policy implementation and review

As well as equipping ministers to deliver robust and important policy, the public service must put it into place – must implement it. A sign of successful implementation is that nobody comments on it, because it is seamless – the natural evolution of sound policy development.

Implementation comes to the fore, generally, when there are issues or failings with it. The two most common concerns are budget blow-outs – when a policy implementation's costs exceed what had been planned, and delays – when timelines are not adhered to. This can point to errors in the formulation stage or can be a result of unexpected hurdles. The roll-out of the NBN has been fraught with problems. One unforeseen issue was the discovery that there was risk of asbestos exposure in installation pits – this caused both delay and an increase in costs.

In recent times the implementation of Social Services policy through Centrelink has been roundly criticised – from extraordinary wait times on the telephone to the poorly executed robo-debt recovery system that saw inaccurate debt recovery notices sent, resulting in community outcry. In November 2017 the government announced the outsourcing of some of the telephone operations to Cerco a private company. Some issues of implementation have been blamed (and resolved) on an increasing tendency for government to do this, rather than increasing the size of the public service. This is a practice that some claim is less transparent, expert or accountable.

Immediately after, or even concurrently with the implementation of policy, public servants are charged with appraising processes and advising the minister of any concerns. It is their role to review the policy's success or failure, any issues that arose in the process and identify possible new policy in response.

LEARNING ACTIVITIES

1. Looking back through newspapers or online in the last month find articles relating to two different domestic policy problems that have been reported on. For each write one paragraph outlining whether the article was addressing issues based on policy *formulation* or *implementation*. Then research what role the public service played, or should have played, in the process.
2. In a group, pretend you are in government and develop a domestic policy you would like to see implemented. Then brainstorm the following: which ministers would need to be consulted, what kind of questions would you ask, and what advice might the public service be expected to provide? What issues could you foresee? Who else might you need to consult before announcing the policy?
3. The ABC has two comedy series that explore the tensions between good policy formulation and implementation, the public service, and the political pressures faced by ministers. The series are called *The Hollowmen* and *Utopia.* Episodes of these are worth watching and discussing. There is a great activity for this in Rod Wise's text book, *The Indigo Handbook for VCE Australian Politics*, 4th edition.

Ministerial advisers

While not strictly part of the formal institutions of domestic policy development, ministerial advisers are now considered a central part of the process. Sometimes referred to as *ministerial staff* or *political advisers*, ministerial advisers are a relatively new aspect of the political and policy making process. Although they have been part of government life for the last 40 years their influence is perceived to be growing – as is their number. Ministerial advisers are the direct staff of a minister. They often move with them as the minister changes portfolio – they are *partisan*. Their expertise is less likely to be portfolio-based but political and strategic. Their job is to keep a minister's profile up, to keep public perception positive, and to ensure no political missteps are taken. In other words, their job is to ensure a minister and their government stay in office. On a daily basis they may write or amend speeches, decide which engagements to prioritise, or act as gate-keepers to the minister, but increasingly they are said to have direct input into policy itself. It can be difficult to discern when there has been direct ministerial adviser's input into policy, however some policy decisions are taken against departmental advice and with seemingly more political benefit to the minister or their party than to direct policy outcome.

The concerns people have with ministerial advisers' influence, in a democracy, is that they are harder to hold to account. Indeed they are rarely known to the public at all, and as mentioned previously their impact can be ambiguous. An exception to this was Peta Credlin, Tony Abbott's adviser, who was often criticised for how much of an influence she had, even being referred to as the "co-prime minister".[5] She also was accused of being a zealous gatekeeper preventing ministerial and departmental access to the Prime Minister. The gatekeeper role was a concern raised at the 2014 Royal Commission into the Insulation Scheme in relation to other ministers and their ministerial advisers. The commission found that some of the policy failings stemmed from the inability of the public service to have their concerns adequately communicated to the relevant ministers (Arbib and Garrett) in part due to the interference of ministerial staff. The tension between the role the public service should play and the role a ministerial adviser might play is now a regularly debated topic or issue.

LEARNING ACTIVITIES

1. Listen to the podcast below and read the article underneath it. Prepare either a dot point summary or a visual representation such as a Venn diagram showing the responsibilities of the public service and ministerial advisers, the changing nature of what they do, the concerns and impacts in a democracy, and suggestions for reform.
   http://mpegmedia.abc.net.au/rn/podcast/2013/04/sra_20130421_0845.mp3
   https://theconversation.com/the-barnaby-joyce-affair-highlights-australias-weak-regulation-of-ministerial-staffers-91744

LEARNING ACTIVITIES - *continued*

2. *"The tension between policy advice [public service], with its objective being to maximise the benefits to the community associated with a course of action, and political advice [ministerial advisers], with its objective being to maximise votes, is ever present in a democratic system".* (Maddison, S.,2009)
   Write a page responding to this quote on the impact of the public service and ministerial advisers on domestic policy formulation.

The judiciary

The role of the judiciary is always critical in a democracy, and within the Australian democratic system the judiciary is the only part that achieves an absolute separation of powers. While the judiciary does not shape policy as it is being formulated, it has a "legitimate role in interpreting the meaning of public policy and legislation" (Wise, R.,2015, p124).

Either as a result of implementation, or in the final steps toward implementation, the judiciary may be asked to make rulings. In granting approval for the Adani Mine, the Federal Court was asked to intervene because of the environmental endangerment of the black-throated finch. In another instance of judicial involvement in domestic policy, the Administrative Appeals Tribunal is regularly involved in arbitrating on Centrelink robo-claim debts and often finds that there has been an overreach or an inaccuracy of policy implementation. Indeed, a Commonwealth Ombudsman report found faults and "highlighted a litany of other issues related to planning, implementation, consultation, expectations of welfare recipients and staff, and a lack of understanding and communication about the new system's complicated nature".[6] This highlights concerns with both formulation and implementation. Despite this, in the May Budget 2018, the government announced an expansion of the program.

High Court of Australia building; photo: Kgbo

The High Court of Australia exercises an even more powerful role when it comes to impacting on domestic policy. It decides on matters of the Constitution. One such instance in recent years was the 2012 challenge to the government's cigarette plain packaging laws. The government's policy was found to be constitutional and its policy is still in place today.

In 2013 the High Court stepped in and overturned the ACT's law allowing same-sex marriage. While this was predictable, as marriage is clearly a federal matter in the Constitution, the case fuelled public debate. The High Court also clarified that the Constitution could allow same-sex marriage.

In recent times the High Court's interpretation of Section 44 has led to a large number of parliamentarians being ruled ineligible to hold office because of dual citizenship. While this is not directly about policy, some argue that it has shaped at least one government policy – the initial refusal to investigate the banking sector. There are claims that the National Party threat to initiate an inquiry into the banks (which led to the Royal Commission) was only possible because the government at the time had a tenuous hold on the balance of power due to several MPs having had to resign.

Regardless, should a policy be challenged, the court may decide that a policy is unconstitutional and it would therefore be dropped or amended.

LEARNING ACTIVITY

1. Create a table with 10 columns. Head the columns as follows: portfolio, minister name, opposition spokesperson, department/s, key policy, issues/process in formulation, issue/process in implementation, key players, quotes, comments. Choosing four portfolios of interest to you, fill in the table in relation to one key policy from that department (one should be the *KEY POLICY CASE YOU WILL BE STUDYING* in detail for this unit if you have discussed this yet as a class). Fill in as much as you can at this point but come back to it throughout the unit.

Political influence and policy

The Opposition

Although the Opposition does not have the same power to drive the policy agenda, they still play an important role in the policy process and can have great influence.

It is important that in Opposition, Shadow Ministers keep themselves informed of policy developments in their portfolio. They need to highlight concerns and hold the minister to account for policy issues, both in parliament and in the media more generally. Additionally, they should be working to develop policy options so that they can be a credible alternative government should an election be announced. At times these ideas – if shown to be popular with the public – are incorporated into the government's own policy priorities.

They have the opportunity to use the mechanisms of parliament to improve the rigour of policy through committees, debate and by tabling amendments to proposed legislation. They can also table a private member's bill in an attempt to drive policy, but this is rare. Their immediate policy impact will depend on the circumstances of the day. They can strike more deals to amend policies if the government relies on their parliamentary support to pass legislation.

In 2016 the Shorten Labor opposition decided to release a suite of policies that put newly installed prime minister Malcolm Turnbull on a policy backfoot. In turn this led to the government adopting some of the policies or making adjustments to their own.

Minor parties and independents

Crossbench is the name given to any elected representative in parliament who is not part of either the government or opposition. They can be from minor parties or have been elected as independents.

Like the Opposition, all parliamentary representatives can impact policy through parliamentary processes – this includes the ***crossbench***. Again, their capacity for impact depends greatly on the make-up of the parliament at the time. There is no doubt that during the minority government of 2010-2013 the crossbench enjoyed unprecedented influence over policy, as the Labor Party needed them to form government. This gave the crossbench great negotiating power when it came to legislating different policies. Indeed, many contest that Julia Gillard's carbon pricing agreement with the Greens was the undoing of her leadership. More recently, Independent Cathy McGowan pushed for an inquiry into regional development and decentralisation with a motion in Parliament on 22 May 2017 which the government has actioned. It is as yet unknown whether the recommendations that follow will become policy.

Generally, however, the crossbench in the Senate is more likely to have influence over policy as only rarely does the government hold a majority there. This gives the crossbench the ability to negotiate the passage of legislation. One Nation is seen to have the power to refuse to pass key government policy announced as part of the 2018 budget, "Senator Hanson said she had concerns about spending on tax cuts when debt was still high. She also wanted immigration numbers cut. 'If they're not prepared to reduce immigration numbers, I'm not prepared to support their budget,' she told the Financial Review." (Coorey, P May 2018).

Sometimes policy ideas can just be picked up by government. Despite the Liberal Party voting against a banking Royal Commission for years, both the Labor Opposition and the Greens have claimed credit for the commission that the government has undertaken under duress. The Green's Peter Whish-Wilson claims, "Scott Morrison has cut and pasted much of the Greens policy positions… It would have taken some of the political pressure off him if he'd borrowed them earlier… The Government has now adopted the majority of the entire banking policy package we took to the 2016 Federal election…[7] (Whish-Wilson media release 2018).

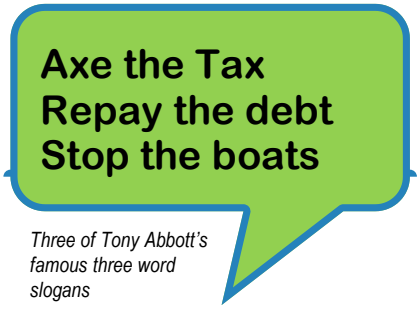
LEARNING ACTIVITY

1. A. Write three paragraphs *critically evaluating* the capacity of the Opposition to influence domestic policy. In one paragraph refer to **Newspaper Excerpt 1** for evidence, you may want to read the article as a whole for context. Use the header endnote link.
   B. Do the same in reference to the crossbench and **Newspaper Excerpt 2**.
   NB. When *critically evaluating* you analyse the positives, negatives and complexities of an idea and draw a conclusion.

The media

The media is critical to politics in modern democracies. The media in its various forms – print, TV and online – is often the communication conduit between the political world and the electorate. It informs, it interprets, it persuades and it investigates. It gives voice to alternative ideas.

As a tool to disseminate information, it is critical. Most of us would be unaware of major policy changes or issues without them being reported in the media. There has been a real shift in where people source their information – from newspapers to television to the internet and social media.



Three of Tony Abbott's famous three word slogans

Politics is a great source of media content as it is ever-changing and has direct impacts on society – it can also be full of drama and personalities. The evolving nature of how people access media has changed the way media is packaged and delivered. This in turn has changed the way both politicians and the media behave. Information tends to be briefer, more sensational. What are the impacts of these changes? Tony Abbott was famous for his two to three word catch-cries, but he is hardly alone. Indeed, political parties trying to promote an idea clearly coach their members to use key phrases so when they speak they 'are on message' but the depth of the discussion can be lost in that. So, are we as a society more or less informed? Why might this matter in a democracy?

Above and beyond information-based coverage, there are many forums that invite interpretation of news and events – for example editorials and panel discussions. These media forums call for discussion from various members of society – academics, interest groups, politicians, stakeholders and the general public. Sometimes clearly one-sided opinion is communicated. They are there to tell a story, to persuade. Sometimes genuine debate and ideas are given to an audience. As a political analyst and observer, you should always be asking yourself: which stories are being reported? Why are they being reported (what are the triggers, events etc.)? Who is being quoted? Do they have an agenda? Who is not being quoted (that might be a stakeholder or who might have a different view)? How are the stories being reported – look out

NEWSPAPER EXCERPT 1 [8]

It's hard not to conclude that Bill Shorten has the measure of Malcolm Turnbull. Policy after policy the Government is chasing the Opposition, rather than leading it… negative gearing - is only on the table because Labor announced their negative gearing policy in February… The Government's reforms to the ASIC are obviously because Labor called for a royal commission into the banks… Labor declared earlier this year that it would hike tobacco taxes. Lo and behold so will the Coalition.

…to Labor's credit, they have announced a suite of policies that fit together nicely and tell a coherent story about the world. It's not a very pleasant story - banks are ripping off their customers, multinational corporations are ripping off the budget, rich taxpayers with large super balances are ripping off poor taxpayers - but it does give a picture of what Labor stands for and what a Shorten government will mean.

26 Apr 2016

NEWSPAPER EXCERPT 2 [9]

(re the minority government 2010-2013) The power of the crossbenchers has made parliament a bonanza for private members. About a quarter of House of Representatives time has been used for private members' business (in 2011-13). Some 357 private members' bills and motions have been introduced and debated; 150 have been voted on and 113 supported, according to figures supplied by the Leader of the House's office.

In comparison, in 2005 under the Howard government no private members' motions were voted on.

17 July 2013

for the use of images, music and angles to persuade. What are we being told? What else might we want to know? Is there verifiable information from other sources to back up claims made? If you start asking yourself these questions routinely you will be able to contextualise the media impact, identify bias and even 'fake news'.

In Australia, accusations of media bias are routine. If this is accurate, this is particularly problematic as, according to Michelle Rowland, Shadow Minister for Communication (2016) "Australia's level of media ownership concentration is already one of the highest in the world and is an enduring concern to the Australian public".[10] While Australia is ranked 6-9th in democratic freedom of nations (depending on which ranking you look at), we are rated 26-29th for "press freedom", which assesses diversity, independence and neutrality.There is little doubt that some media is unashamedly biased and others less so – with accusations commonly thrown around by the different sides of politics towards News Limited, the ABC and SBS. What is less clear is how much of an influence the apparent bias has on people? Do people tend to read, view and interact with news that already reflects their political leanings? How much does the so-called social media 'bubble' that people inhabit contribute to limiting exposure to a range of ideas?

Investigative journalism has impacted on policy in many instances. In recent times investigations and allegations of political misuse of tax-payer funds have led to several parties calling for a corruption watchdog. The revelations of abuse in youth detention centres and corrupt behaviours of banks by ABC's Four Corners have both led to Royal Commissions.

It is clear that politicians of all persuasions see the media as an important tool to try to get people onside with policy. Some have regular guest spots on morning television, some make guest appearance, and some pull stunts to get attention for their ideas – from Pauline Hanson's arrival in the Senate wearing a burqa, to the bringing of props into parliament, to most of Nick Xenophon media appearances, politicians understand that they need the media to convey their ideas to the public.

LEARNING ACTIVITY

1. When a new government or opposition policy is announced, create a mini case file of media responses. Source news items from a variety of papers: The Age, The Guardian, The Australian, The Herald Sun et al and then take notes watching the news from Channels 7, 9, 10, SBS, Fox and the ABC. In their reportage, what was the same and what was different? Did you see evidence of bias? If so was that evident in *how* they presented (language, music, footage), *what* they reported (information included or excluded) or *who* got to speak? You can extend this activity by analysing the same policy and how it is presented in their current affairs and opinion responses.

Interest groups

In a democracy, members of the community will want to express their opinion to government and other politicians between elections. While they can individually write emails or try to talk directly with a politician, in reality they are more likely to be effective if they work together with other people who share a common position. When groups express their opinion collectively, politicians have greater reason to listen and will then potentially shape policy accordingly.

Interest groups –also known as *pressure groups* – are organisations of people whose role is to advocate for and represent the ideas of their members to government without seeking to form part of government. Interest groups have always been a political feature of democracy. There are many kinds of interest groups:

- *sectional interest groups* that represent the interest of a specific and defined group of people – like the peak bodies you learnt about earlier, or based on other defining criteria such as age, ethnicity or even hobbies they share. For example, National Seniors Australia lobbied Treasury with a submission[11] in the lead up to the 2018/19 budget. One of their recommendations was an increase in home care packages and this was indeed one of the budget measures.

- *promotional interest groups* represent an issue or cause that will impact on a broader section of society. They might advocate for issues around human rights, bullying or the environment. Such interest groups include Amnesty International, Bully Zero and Friends of the Earth.

There are many actions that interest groups can take to promote their ideas and to fight for their needs to be recognised in government policy. Some actions are direct; these are public actions that can interfere directly such as strikes, boycotts and demonstrations. Indirect actions may be less colourful but make clear a group's ideas; these can include petitions, social media campaigns, submissions to committees, or lobbying.

Some positive consequences of interest groups:

- They can provide a vital link between the government and the governed. They keep governments more responsive to the wishes of the community, especially in between elections.
- They are able to express the views of minority groups in the community who might not otherwise receive a hearing.
- They are able to use their expertise to provide the government with important information.
- Interest groups offer an alternative source of advice to the government, separate from that coming from the Public Service.
- Interest groups generally promote opportunities for political participation for citizens.

Some negative consequences of interest groups:

- Interest groups may represent a powerful minority force in society and exert political influence to the detriment of the majority of society. This is an argument often levelled at trade unions and business groups.
- Some interest groups exert influence because of their financial position, membership or organisation. This influence may be out of proportion to their representation in society.
- Some have greater links and therefore are better able to influence the different political parties

Lobbyists and think-tanks

Lobbyists and think-tanks are shadowy players in the world of politics. Because of this, some people believe they are innately undemocratic. Regardless, there is little doubt that they are influential.

Lobbyists are a relatively new feature of the political world. These are people whose occupation is to try to persuade government on policy decisions. They attempt to influence policy by directly contacting and meeting with ministers, senior departmental staff or ministerial advisers – the decision makers. Such people often work for industries or companies who may have a vested interest in policy outcomes, such as whether a drug stays on the pharmaceuticals benefit list or whether a tax law is changed for business. These people are hired for their links to politicians and the bureaucracy. While they are an efficient means for government to hear opinion, some argue that their greater access is ultimately undemocratic.

Think-tanks are research-based organisations who aim to influence government and community debate by promoting research and ideas. They are an increasingly prevalent part of the political landscape and are often called upon by the media to participate in public debate. Such organisations include the Institute for Public Affairs, the Grattan Institute, and the McKell Institute. Many of them have clear political agendas, though this is not always made clear when their opinion is sought on an issue.

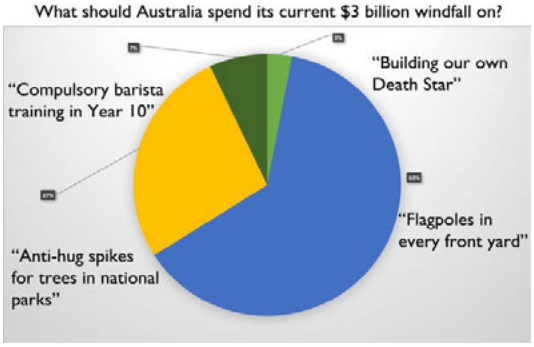
Photo: INA-DENIA

International context

In an increasingly globalised world, international events can fundamentally impact on policy decisions. Domestic policy changes here can reflect events that occur internationally. For example, the Global Financial Crisis (GFC) led to some immediate domestic policy responses from the Rudd government – such as the stimulus packages. Or international terrorist attacks are touted as reasons for changes to domestic security policies. Beyond sudden events, Australian domestic policy can be influenced by international trends. Changes in laws to recognise marriage equality in many countries around the world made it much harder for the Federal Government to defer the issue, as they may have preferred to.

At other times pressure is placed on government by international organisations such as the United Nations to bring our domestic policy into line with international expectations. Such issues include the disparity in wealth and life expectancy of Indigenous Australians relative to the rest of society and our refugee and asylum seeker policies.

In addition, governments, bureaucracy, and members of political parties conduct research into other countries' approaches to particular issues. This may include undertaking international travel. Indeed, it is common for comparisons to be made into international policy models as part of a parliamentary committee's report on an issue.



Opinion polls

Opinion poll results frequently spark public debate and sometimes even leadership challenges. Opinion polls essentially attempt to capture public opinion on an issue at a particular moment in time. Opinion polls can ask about any issue or a citizen's intended voting preferences. The influence of opinion polls is genuine – with many political players organising polls themselves to test public opinion on policy ideas. Political polls are routinely conducted by a wide variety of organisations. These include:

- Political parties conducting their own polls to try and elicit information on what issues matter most to Australians.
- Think-tanks and interest groups holding polls to gather data to strengthen their arguments.
- Media organisations conducting polls to generate and provide new sources of news.

The kinds of poll taken can impact on the results. Some of the ways people are polled includes:

- Face to face *(street polling)*
- Telephone polling
- Newspaper polls *(online response to a yes/no question)*
- Exit polling *(as people leave polling booths to look at how they voted and what influenced their vote)*
- Push polling *(this is when questions are framed to try to raise awareness of an issue and elicit a response – it is less interested in the results than in promoting an idea)*
- Online/social media

Photo: gauge opinion

Some argue that using these tools to garner public opinion is a step towards democratising policy processes. Others believe that once elected, governments have a responsibility to implement policy for the good of the nation regardless of how popular it might be. There are concerns that polling questions can in themselves lead answers and skew results. In addition, although not always published, a poll requires a large number of participants, from a broad geographical and

socioeconomic profile in it in order for it to accurately reflect society as a whole. Interestingly, the 2017 voluntary postal survey on marriage law is the first clear instance of a specific policy being decided on what many people considered to be a nation-wide poll.

LEARNING ACTIVITY

The following link takes you to a collection of articles focused on persuading governments on policy issues:
https://theconversation.com/au/topics/australian-lobby-groups-28197 [12].

In groups of 3-4, divide the articles between you. Each person should then read their allocated article and take notes on the following: Which key groups are referred to? What kind of group/s are they – i.e. interest (sectional or promotional) or even think tank? What are they trying to achieve? What techniques do they use? How successful have they been? Are there any key people referenced? Are any issues relating to democracy and policy persuasion raised or apparent to you?

Then take turns presenting an oral summary of the piece to your group and what you learned, answering any questions that they may raise.
Alternatively, if working individually, just choose three of the articles and take notes using the same questions.

Policy and the people

Elections and electoral mandate

Elections are one of the most fundamental influences on domestic policy. The significance of elections is complex. They can provide feedback on existing government policy, help shape policy in the lead up to and after an election, and give permission for implementation of announced policy.

Democracy sausage; photo: Democracysausage

How policy influences elections

In a democracy it is critical that people get to express their views. One of the most fundamental ways a citizen can express their view is by voting.

The influences on the way a person votes can be complex. It could be a long standing loyalty to a party, a like or dislike of a local candidate, a whim, a like or dislike of a party leader, or the policies the parties have presented.

There is no doubt that the policy platforms each of the parties has presented influences the choice that many people make at election. Politicians spend campaigns not only being seen smiling at children and wearing hi-vis vests, but also explaining and promoting their party's policies, and finding flaws with the policies the other parties present.

During an election, announcements are made, television appearances are organised, reports released, slogans repeated. Subsequently people go to the polling booth and vote. It is only exit polls that may indicate what motivated them, most of the time we will never know.

Electoral mandate

As outlined earlier, a mandate is the authority given to government to implement policies because they have been elected. But, how does that play out, and what questions are raised by that concept?

Are citizens who do base their vote on policy thinking about (or even aware of) *all* the policies announced? Are they predicating their vote on one or two policies? Are there situations in which they are opposed to some of a party's policies, but will still vote for that party as being the best option relative to the other parties and their platforms? In other words, does the elected government have a mandate to implement *all* their policies?

How does the authority to implement policy change when a government gets elected by a narrow majority? If it is a minority government? Or if – as has occasionally happened – it has won the majority of seats but *not* the majority of the vote? Governments are often accused of changing or announcing new policy *after* being elected. Do they have a mandate to do that?

As we live in a representative democracy, what is the role of representatives who are not members of the government, especially Senators? Do they have an obligation to uphold the wishes of those who elected them, or should they respect a government's mandate and pass legislation even if it is against their own policy platform?

A party forming government after an election victory deserves the right to implement its core policies. Genuine recognition of this mandate principle by all parties and independents would go a long way to restoring both parliamentary stability, and the sadly-lost principle of constructive opposition.

Barnes (2016) *We Must Restore the Value of a Mandate*[13]

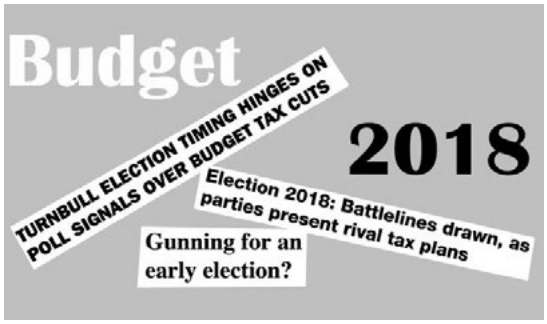
How elections influence policy

The most obvious way that elections influence policy is that the result of the election determines who will be in government and therefore which policies are likely to be implemented.

The role of the Senate effectively challenges the notion of an executive mandate, which reflects its key liberal function: to provide a check on the powers of the executive.

Strating (2016) *What a "mandate to Govern" actually means*[14]

The impact of an election on policy occurs even before an election takes place. In Australia there is a constitutional obligation to have an election at least every three years (though it can be earlier). This is a relatively short election cycle, and this alone has an impact on policy formulation and implementation. Difficult policy decisions are hard especially if the positive consequences of them will not be clear within three years. As a consequence, successive governments have been accused of having short-term vision and not governing for the long-term benefit of Australia – of responding to public sentiment rather than leading. They have also been accused of listening to ministerial advisers about politically astute directions rather than their department on policy needs.



Governments are especially reticent to announce difficult or unpopular policies in the lead up to an election, and are seen to respond to popular ideas rather than make difficult calls which might cost them politically. This is most noticeable in budgets. The 2018 Budget, and the Opposition's Reply, were both seen to reflect the likelihood of an upcoming and possibly early election. In general terms, there were tax cuts and few harsh difficult measures targeting particular groups. This seems to be part of a pattern. The most difficult budgets seem to be presented in the first financial year after election, in the hope that consequent gentle budgets will lead to political amnesia.

LEARNING ACTIVITIES

1. 'The concept of mandate is one that has little meaning in practice.'
   Analyse the role of elections and the popular mandate in the formulation and implementation of domestic policy.
   Write a 400 word response to this topic.
2. Looking at the following three links, write a speech where you reflect on the role of truth, policy and public opinion.
   https://www.alp.org.au/abbott_4_for_4_on_his_pre_election_lies
   https://www.crikey.com.au/2014/05/21/porkies-the-biggest-broken-promises-in-australian-politics/
   https://www.facebook.com/InsidersABC/videos/1560330867411749/

Domestic policy case study

Approaching the task

One of your key tasks for this unit will be to prepare a case study based on a domestic policy. The policy chosen should ideally have already been implemented, so that you can talk about formulation and implementation. You should, as soon as you know the chosen policy, start keeping a collection of articles and sources of information.

You should then organise your information in a table or in a format where it is clear that you have grappled with the following key issues of domestic policy. You may not have an answer for all of the questions:

QUESTIONS TO CONSIDER	Answers	Quotes and sources
What is the policy?		
What does it involve?		
What problems does it hope to address or prevent?		
Have there been previous policies to tackle the same issue?		
What formal processes has it gone through (e.g. parliamentary debate, committee, judiciary)		
Was this a key policy in any party's election platform?		
Who are the relevant minister/s and shadow minister/s?		
Which department/s are involved?		
What is the position of the Opposition and crossbench members?		
Who are the key figures outside of politicians involved in this issue?		
Are there interest groups who have spoken about this issue?		
Has implementation gone smoothly or have there been problems?		
Is the policy achieving its aims?		
Have there been unintended consequences?		
What is being done to measure success/failure?		
What are the responses: …		
of the media,		
internationally,		
of opinion polls		
What is the future of this policy?		

It will be important for you to organise your research information as you collect it throughout the year. You may wish to do this electronically. Two good, free apps for doing this are *Padlet* and *Pocket*.

THE CASHLESS WELFARE CARD

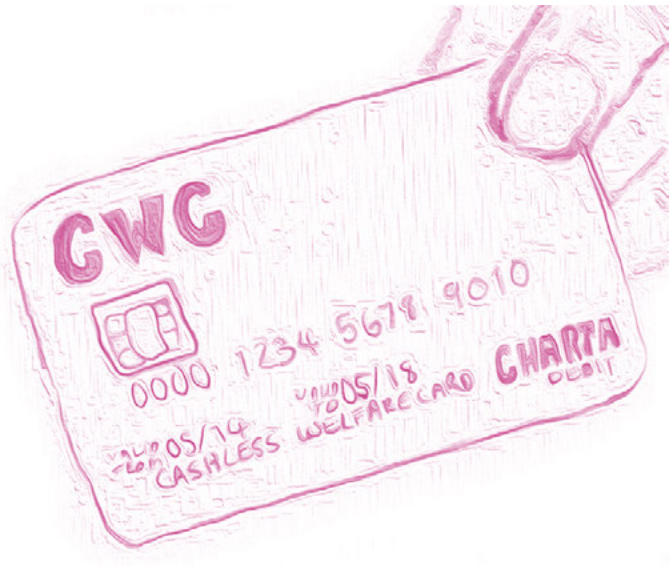


Illustration: Lisa Shukroon

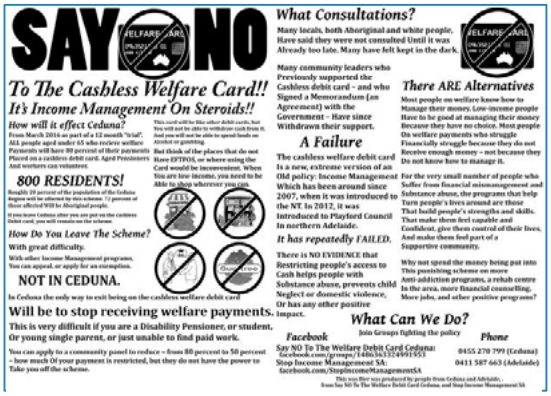
The Cashless Welfare Card (CWC) trial aims to see the impact of restricting users from access to cash, with 80% of their income support being available only via the card. The intention of this radical policy was to minimise the amount spent on alcohol, drugs and gambling in order to reduce violence, crime and child neglect.

The CWC was legislated in 2015 with bi-partisan support. Trials started on 15 March 2017. These were intended to end on 30 June 2018, however the trials have been extended, and new sites are being trialled in the Goldfields region of Western Australia as well as Bundaberg and the Hervey Bay region in Queensland. These trials began in early 2018.

The Division of Hinkler has been announced as the next region to roll out the card in 2018, with approximately 6,700 people expected to be placed on the card. This would make it the first urban area to roll out the card.

The trials have seen some keen support from influential figure Andrew Forrest, who has lobbied for it from the outset, and some other community leaders. Equally there is much resistance and criticism of the card – especially as there have been accusations that it is being trialled in largely Aboriginal communities and that this is paternalistic. There are also concerns that the card has proven to be unreliable and potentially counter-productive and this has added to concerns with its implementation.

This is an excellent policy to use as a case study, as it has supporters and detractors, a history prior to its implementation, lobbyists, interest groups, and information is available on the impact of its implementation. It may also prove to be part of a future formulation process of a bigger rollout over time.


SAY NO

To The Cashless Welfare Card!!

It's Income Management On Steroids!!

How will it effect Ceduna?

800 RESIDENTS!

How Do You Leave The Scheme?

With great difficulty.

NOT IN CEDUNA.

Will be to stop receiving welfare payments.

What Consultations?

A Failure

It has repeatedly FAILED.

There ARE Alternatives

What Can We Do?

Facebook

Phone

Flyer reproduced with kind permission of Anti-Poverty Network SA - http://www.antipovertynetworksa.org/

A searing government-commissioned evaluation of the $410 million program could not find "any substantive evidence of the program having significant changes relative to its key policy objectives, including changing people's behaviours". There was no evidence of changes in spending patterns, no evidence of any overall improvement in financial wellbeing, no evidence of improvement in community wellbeing, including for children, and evidence of the kind of learned helplessness that flows from making people dependent on the decisions of others. Twenty-three per cent said it had made their life better. Less publicised was that 42 per cent said had made their lives worse."
Peter Martin, The Sydney Morning Herald, 6 September 2017.

"Communities around the country will be looking at the success, or the experience – let's not jump ahead of ourselves – and they will be making judgments about whether it may suit their circumstances...We have got to weight that [the experience] as we seek to ensure our welfare system provides the support it is designed to do ... and encourages people to have healthier lifestyles." **Malcom Turnbull,** 31 October 2016

The St Vincent de Paul Society does not support the cashless welfare card. There is no evidence that it improves the wellbeing of individuals or communities, either by reducing substance abuse or by increasing employment outcomes. The cashless welfare card also carries a high risk of unintended and expensive consequences"
https://www.vinnies.org.au/icms_docs/279095_Cashless_Welfare_Card_Briefing_Dec2017.pdf

"The rights of the community, of the children and of elderly citizens to live in a safe community are equally important as the rights of welfare recipients." **Mr Tudge, Ex-Human Services Minister**, 14 March 2017

"I was one of the leaders that brought the card here…I was publicly and politically advocating for it due to the commitment given to me by Tudge that we would be provided with support services for people with alcohol, drug and employment issues prior to the card's introduction…Those supports didn't come for seven months after the card was introduced, and when the support did come it wasn't appropriate."
Lawford Benning, Chair MG Corp., 23 August 2017

NB some resource links for this policy are available on the next page

Cashless Welfare Card Links *(n.b. there are many more useful links available!)*

1. https://www.smh.com.au/national/western-australia/controversial-cashless-welfare-card-trial-extended-in-was-north-west-20180213-h0vzh5.html
2. https://theconversation.com/expansion-of-cashless-welfare-card-shows-shock-tactics-speak-louder-than-evidence-82585
3. https://www.sbs.com.au/nitv/nitv-news/article/2017/08/11/cashless-welfare-card-not-answer-social-problems-remote-communities
4. http://www.couriermail.com.au/news/queensland/queensland-government/cashless-debit-card-plan-to-stop-dole-bludgers-gambling-welfare/news-story/2cf53ea9b3beddfc6958c748def140ca
5. http://www.abc.net.au/news/2017-06-26/kylie-sambo-growing-up-under-the-nt-intervention/8642204
6. https://www.theguardian.com/australia-news/2017/jan/09/ration-days-again-cashless-welfare-card-ignites-shame
7. https://www.eurekastreet.com.au/article.aspx?aeid=54099
8. https://www.theguardian.com/australia-news/2017/may/02/cashless-welfare-card-trialled-for-fewer-than-2000-people-at-cost-of-up-to-189m
9. http://www.abc.net.au/news/2017-05-02/cashless-welfare-trial-costing-taxpayers-$10k-per-participant/8488268
10. http://www.powertopersuade.org.au/blog/my-experiences-of-the-cashless-debit-card/9/4/2018
11. https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1718a/18bd058
12. https://indue.com.au/wp-content/uploads/Merchant-Agreement.pdf
13. https://www.theguardian.com/australia-news/2017/sep/18/cashless-welfare-card-report-does-not-support-ministers-claims-researcher-says
14. https://www.theguardian.com/australia-news/2018/jan/12/family-violence-rates-rise-in-kimberley-towns-with-cashless-welfare
15. https://www.mhs.gov.au/sites/g/files/net1006/f/cashless-debit-card-trial-data.pdf
16. https://www.4bc.com.au/cashless-welfare-card-shows-early-success/
17. http://www.alantudge.com.au/Portals/0/CDC%20Wave%201%20Interim%20Evaluation%20Report.pdf
18. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessDebitCard/Report/d02
19. https://www.dss.gov.au/families-and-children/programmes-services/welfare-conditionality/cashless-debit-card-overview
20. https://www.creatingparity.org.au

Text references (see also links below)

Althaus, C., Bridgman, P., Davis, G. (2007) *The Australian Policy Handbook*, 4th edition.
Aston, H. (2016) Winning friends, *The Age,* 28th may 2016.
Berg, C., (2016) Turnbull's policies aren't Liberal, they're incoherent, *The Drum*, 26 Apr 2016
Coorey, P, (2018) Federal budget 2018: One Nation the key to Malcolm Turnbull's 'all or nothing' tax plan, *The Financial Review*, 9 May 2018.
Creighton, A. (2014) How many staff members does it take to change the country?, *The Weekend Australian*, 28th - 29th June 2014.
Edwards, L. (2009) When faced with a really good idea, our politicians just see trouble, *The Age*, 14th September 2009.
Gittins, R. (2015) Weak public service, weak policy, *The Age,* 7th December 2015.
Gordon, M. (2017) When a loss is a win, *The Age,* 25th March 2017.
Grattan, M. (2013) Looking back on the hung parliament, *The Conversation*, July 2013
Hayler, M. (2017) The Humpty Dumpty world of the Coalition/ We have to choose our freedoms, *The Age,* 27th April 2017.
Karp, P. Hutchens, G. (2016) The 10 big issues of election 2016: how Coalition, Labor and Greens policies compare, *The Guardian*, 11 May 2016
Maddison, S., Denniss, R. (2009) *An Introduction To Australian Public Policy - Theory And Practice*
Mannheim, M., Dingwall, D., Whyte, S. Turnbull unveils independent review of federal bureaucracy, *WA Today*, 4 May 2018
Menadue, J. (2015) The rise of the lobbyist corrupts our democracy, *The Age*, 18th May 2015.
Miragliotta, Errington and Barry, (2013) The Australian Political System in Action, 2013
Moran, M. (2016) *Serious Whitefella Stuff*, 1st edition.
News.com.au, Ten things we have learned about Peta Credlin, FEBRUARY 23, 2015
Reece, N. (2014) How to end the great Australian blame game, *The Age*, 26th May 2014.
Russell, D. (2014) How to save the Australian public service, *The Age*, 1st April 2014.
Tingle, L (2015) Tingle: Australia's legacy of public service wisdom gutted by politicians, T*he Mandarin*, 23/11/2015
Wise, R. (2015) *The Indigo Handbook for VCE Australian Politics*, 4th edition.

Links

1 http://www.vcaa.vic.edu.au/Pages/vce/adviceforteachers/ausglobalpolitics/auspol_unit3and4_glossary.aspx

2 https://www.theguardian.com/australia-news/2016/may/11/the-10-big-issues-of-election-2016-how-coalition-labor-and-greens-policies-compare

3 http://www.abs.gov.au/ausstats/abs@.nsf/mf/6248.0.55.002

4 https://www.apsc.gov.au/aps-values-1

5 http://www.news.com.au/national/ten-things-we-have-learned-about-peta-credlin/news-story/51d19888f94b3d95e6694e76ca1729b0

6 https://www.theguardian.com/australia-news/2017/apr/10/centrelink-debt-scandal-report-reveals-multiple-failures-in-welfare-system

7 https://peter-whish-wilson.greensmps.org.au/articles/morrison-adopts-majority-greens-2016-banking-policy

8 http://www.abc.net.au/news/2016-04-26/berg-turnbulls-policies-arent-liberal,-theyre-incoherent/7355740

9 https://theconversation.com/looking-back-on-the-hung-parliament-16175

10 http://www.michellerowland.com.au/media_release_media_reform_deserves_better_than_government_s_poor_effort

11 https://nationalseniors.com.au/sites/default/files/NationalSeniors_PreBudget_Submission_Dec2017.pdf

12 https://theconversation.com/au/topics/australian-lobby-groups-28197

13 http://www.abc.net.au/news/2016-06-08/barnes-we-must-restore-the-value-of-a-mandate/7488748

14 https://www.huffingtonpost.com.au/bec-strating/what-a-mandate-to-govern-actually-means_a_21433730/

SOCIAL EDUCATION VICTORIA

AUSTRALIAN POLITICS

VCE Unit 4

Area of Study 2: Foreign Policy

HEATHER LACEY

Area of Study 2: Foreign Policy

On completion of this unit the student should be able to analyse the nature, objectives and instruments of contemporary Australian foreign policy, and evaluate TWO key selected challenges facing Australian foreign policy. To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge

- key terms and concepts: national interest, bipartisan, bilateral, multilateral, sovereignty, foreign aid, terrorism, asylum seekers, refugees, national security, global citizenship
- the nature of contemporary Australian foreign policy formulation and implementation
- the distinction between domestic policy and foreign policy
- the bipartisan nature of foreign policy
- the role of the executive, the parliament, the public service
- the effect on Australian foreign policy of elections, economic conditions

The key objectives of contemporary Australian foreign policy

- the concept of national interest
- maintaining national security
- promoting Australia's economic and trade interests
- promoting Australia as a good global citizen

The key instruments of contemporary Australian foreign policy

- Bilateral and multilateral doctrines of foreign policy
- Foreign aid
- Formal agreements, treaties and alliances
- Humanitarian and emergency assistance
- Peace-keeping operations and military involvement
- Overseas delegations

TWO of the following key challenges facing contemporary Australian foreign policy

- global and regional conflicts
- humanitarian crises and natural disasters
- the threat of global terrorism
- climate change and environmental issues
- the economic development of the region
- refugees, people smuggling and trafficking in persons

Key skills

- define and explain key terms and concepts relating to foreign policy
- explain and analyse the nature of contemporary foreign policy formulation and implementation
- explain the key objectives of Australian foreign policy
- analyse the key instruments of contemporary foreign policy
- evaluate TWO key selected challenges facing contemporary foreign policy
- use contemporary examples and evidence to explain and evaluate Australian foreign policy
- develop points of view, explanations and arguments about formulation and implementation of foreign policy, which use contemporary examples as evidence.

4 Australian Politics

Area of Study 2: Foreign Policy

Introduction to Unit 4 Area of Study 2

This Area of Study has changed somewhat with the 2018–2022 Study Design. In the previous Study Design you were required to be able to: describe, analyse and discuss the nature, objectives and instruments of contemporary Australian foreign policy, and the challenges facing Australian foreign policy; whereas the new 2018 Australian Politics Study Design requires you to be able to **analyse** the nature, objectives and instruments of contemporary Australian foreign policy and to be able to **evaluate** TWO key selected challenges facing Australian foreign policy. There is no requirement for you to discuss or describe. Evaluate is a new verb or task word for this Area of Study, and you need to be mindful that it is a more challenging task for you to master before your SAC and the examination.

Finally, you must be able to develop and write about **points of view**, **explanations** and **arguments** pertaining to the **formulation** and **implementation** of foreign policy. This Study Design instruction relates to:

- Formulation –'how?', 'by whom?' and 'with what' influences. Is foreign policy formulation as democratic as domestic policy-making?; and
- Implementation – How does foreign policy get delivered? Through which instruments? With what aims? Which instruments are the most successful? Are the objectives of Australia's foreign policy always met?

As always, you are strongly encouraged to become extremely familiar with what the 'blurb' says in the box below regarding foreign policy.

> This unit focuses on Australian federal public policy formulation and implementation. During the formulation stage of many public policies, the government is subject to pressures from competing stakeholders and interests. As the government responds to these influences and pressures, policy proposals are often subject to change and compromise. Students investigate the complexities the government faces in putting public policy into operation. In Area of Study 2, students consider contemporary Australian foreign policy. As it deals with Australia's broad national interests, foreign policy may be less subject to the pressures and interests of competing stakeholders. Students examine the major objectives and instruments of contemporary Australian foreign policy and the key challenges facing contemporary Australian foreign policy. VCE Australian Politics is a contemporary study and focus must be on examples and case studies from within the last ten years.
>
> Reprinted, with permission, from VCAA Australian and Global Politics Study Design 2018-2022, p.24

In your SACs and in the exam, you can be asked about anything that is in the Study Design, including from 'the blurb'. The evaluation dot points would be the most likely dot points (but not definitely) to form the basis of the essay question in the examination.

A note on the key terms

All the key terms are examinable. Students need to not only define them, but they need to be able to apply them to real contemporary political situations. An effective approach is to teach and learn them as they relate to the various items of key knowledge. That is the approach taken in this resource. Each section has an introductory discussion of which key terms are relevant and how they relate to the knowledge to be studied. (Definitions are from the VCAA Advice for Teachers Australian Politics Units 3 & 4 Glossary).

The importance of task words

The key skills set out the level of intellectual skill the student is required to master for each set of key knowledge items. This ranges from the lower-order thinking skills, such as the 'define' and more complex operations involved in the application of knowledge, such as 'explain', 'analyse', 'evaluate' and develop points of view, explanations and arguments (using contemporary examples as evidence).

Foreign Policy

Introduction to Australian foreign policy

The term foreign policy includes all actions made by a state in relation to other states or global actors in the international context. “It is an ironic aspect of political life in the Westminster system inherited by Australia that if a Commonwealth government wished to declare war simultaneously on the United States (US) and the Soviet Union and thereby guarantee the spoilation of its territory and the destruction of its people, it would be free to do so; if it wished to add a cent in tax to the cost of a packet of cigarettes, it would have to appropriate legislation, survive debate in its own party room, pilot a bill through each of the two houses of Federal Parliament, accommodate publicity and calculate the electoral ire of nicotine addicts.” (Knight and Hudson, p.27).

Decisions in foreign policy are by their nature complex, involving always at least one other country and sometimes scores, very often several subject areas and almost invariably matters over which the government making the decision does not have full control. Foreign policy tends to be reactive in nature. This means that rather than being the outcome of long-term, meticulous planning, it is often formulated relatively quickly and in response to short-term demands. (Wise, 2017)

Foreign policy actions include (the instruments):

- Ratifying international (bilateral or multilateral) treaties or conventions;
- Adhering to international law (which includes international human rights law, international humanitarian law, etc.);
- Getting involved in international multilateral bodies such as the United Nations;
- Complying with the regulations set out in international treaties and conventions;
- Providing foreign aid to other countries;
- Sending peace-keepers to missions coordinated by international institutions;
- Funding international mechanisms;
- Advocating for the creation of international institutions;
- Funding and supporting international governmental and non-governmental organisations (NGOs);
- Undertaking diplomatic efforts and actions;
- Creating alliances and ties with other countries;
- Providing military, structural and financial support to other countries;
- Providing military, structural and financial support to non-state actors;
- Outsourcing state-owned corporations;
- Intervening in international and national conflicts; and
- Supporting countries (or areas) affected by natural disasters.

2017 Foreign Policy White Paper

In November 2017, the Turnbull Government announced a new 2017 Foreign Policy White Paper. This very important document should be read and understood by all who are studying Australian Politics 3&4. In the White Paper you will find the rationale, the underlying values and what the Turnbull Government says are Australia's national interests.

See link: https://www.fpwhitepaper.gov.au/file/2651/download?token=Q5CYuX29

Key terms and concepts

Below is a set of definitions for each term used often when discussing foreign policy. Make sure that you can provide at least two examples in contemporary Australian foreign policy for each definition.

National interest

The national interest is what is good for a state – at any given point in time (and obviously this can differ according to the international or global circumstances and the political persuasion of the government of the day). National interest is therefore a subjective concept.

Bipartisan

Bipartisanship is when the two major parties in a two-party political system have a general agreement about the executive's prerogative on foreign affairs. Senator Robert Ray said of bipartisanship in foreign policy (2003) that "bipartisanship is not about the two major parties agreeing on all matters to do with foreign affairs and defence. It is more about agreeing on general principles and ceding to the executive government of the day the right to make tough decisions on foreign affairs without being subject to opportunist attack". Bipartisanship occurs when the major parties agree that the enduring national interests will always be pursued above short-term and sectional interests.

Bilateral

Bilateralism is the conduct of political, economic or cultural relations between two sovereign states. Coalition and conservative governments tend to prefer bilateral relationships and an example of a bilateral agreement is the China-Australia FTA (entered into force in 2015).

Multilateral

Multilateralism is the process of organising relations between three or more states. Multilateralism has a long history but is principally associated with the era after World War 2, during which time there was a burgeoning of multilateral agreements led primarily by the US. An example of a multilateral organisation that Australia belongs to is the United Nations (UN).

Sovereignty

Sovereignty is the notion that a state or government of a state has the right to do what it wants within its own territory. Sovereignty means a state has control over its borders and a recognised right to make laws pertaining to its population. Challenges to state

sovereignty could come from entering into international agreements that dilute the state's ability to make its own laws.

Foreign aid

Foreign aid is money, goods and services given by the government of one country or multilateral organisation, such as the World Bank, to help another country. The Department of Foreign Affairs and Trade (DFAT) says that Australia's foreign aid program promotes Australia's national interests by contributing to sustainable economic growth and a reduction in poverty.

Terrorism

There are many definitions of terrorism. Even the UN has been unable to agree on a definition of terrorism. The *Oxford Dictionary* defines terrorism as, "the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims". Like the term 'national interest' the term terrorism is somewhat subjective. The best example of the subjective nature of the term is when we consider the terrorist actions of the Palestinian Liberation Organization (PLO). The PLO is considered a terrorist group by many in the 'West', especially in Israel and the US. But to the Palestinian people, the PLO is seen as a group of freedom fighters.

Asylum seekers

An asylum seeker is someone whose request for sanctuary and international protection has yet to be processed. At the end of 2017, there were approximately 31 million people around the world waiting for their asylum claims to be decided.

Refugees

The United Nations High Commissioner for Refugees (UNHCR) defines a refugee as someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for the reasons of race, religion, nationality, political opinion or membership of a social group. Refugee status has been recognised under the 1951 Convention relating to Refugees. Australia's humanitarian intake of refugees has remained relatively stable over the past 20 years, with about 12,000 to 13,000 accepted each year. In 2015-16 Australia committed to a one-time acceptance of an additional 12,500 refugees fleeing Syria and Iraq.

National security

National security is a key objective (national interest) of all states. It refers to the safety of a state against threats such as terrorism, espionage, cyber-attack, invasion and pandemics.

Traditionally, Australia's military has played the most important role in keeping Australia safe from these threats. Increasingly, since 9/11 and the War on Terrorism, the newly created Federal Department of Home Affairs (2017) and the Attorney General's Department – along with the Department of Defence and DFAT – also play significant roles in national security policy.

Global citizenship

All people in the world have rights and civic responsibilities that come with being a member of the world rather than just a citizen of a particular nation or place.

For Australia, a national interest goal is to be seen by the global community as being a good global citizen.

For more detail about being a good global citizen see:
http://theconversation.com/being-a-good-international-citizen-43137

Learning Activity – Exploring Australian foreign policy

Find two examples of contemporary Australian foreign policy that show you have a clear understanding of each of the 11 definitions in the Study Design and outlined above.

The nature of contemporary foreign policy

The distinction between domestic and foreign policy

Foreign policy describes the laws, orders or actions of a national government relating to other nations and international bodies. Foreign policy includes activities such as adhering to international laws and conventions; membership and involvement of multilateral bodies like the UN; alliances and security agreements; trade agreements; and supplying foreign aid to developing countries or areas affected by natural disaster. Foreign policy is a critical area of policy because it shapes the nation's relationship, reputation and trade status with its neighbours. It also affects a nation's international standing, or how it is viewed by the rest of the world.

Foreign policy differs from domestic policy in several ways:

- **Secrecy.** Development and formulation of foreign policy is usually conducted behind closed doors. Deciding foreign policy in secret allows our politicians to review secret or sensitive information and discuss regional and international issues frankly and honestly. Having this debate in a public forum would be inappropriate, as it would risk offending other nations.
- **Reactive not proactive.** Foreign policy is usually shaped by global and regional events and conditions and is therefore reactive – it is formed as a response, not an initiative. Australia has a strong commitment to multinational groups like the UN, so some of our foreign policy decisions are only made after consultation or negotiation with the governments of other nations.
- **Less receptive to public pressure.** Foreign policy is less influenced by public opinion and pressure than domestic policy, chiefly because of the two factors mentioned above. This does not mean that voters, the media and pressure groups cannot criticise foreign policy or attempt to influence it, but it does mean they are less likely to be successful.
- **External factors.** The factors involved in formulating foreign policy are broad and complex and are often outside the government's control or influence. An example is the foreign policy of other governments.
- **Balancing interests.** As foreign policy decisions can affect Australia's relationship with several countries, making these decisions is sometimes a delicate 'balancing act'. A trade deal with Japan, for example, may have ramifications for our trading relationship with China; committing troops to a conflict in the Middle East may

affect our relationship with other nations. The Prime Minister and Cabinet must take these knock-on effects into account when making foreign policy decisions.

- **Bipartisanship.** Foreign policy tends to have bipartisan support. There is a long-standing convention that the Prime Minister briefs and consults with the opposition leader on important foreign policy matters, particularly security issues. Opposition members of parliament (MPs) are less likely to criticise foreign policy decisions in public or in the parliament, even if they disagree with them privately. This enables the government to present a 'united front' on foreign policy issues.

The bipartisan nature of Australia's foreign policy

At its core, bipartisanship espouses the idea that the differences of respective political parties must be suspended to show a united front to the world and ensure long-term policy coherence and success. Foreign policy issues do not, after all, fit neatly within three-year periods that characterise domestic election cycles and government terms of office. The unintended consequence of relying too much on bipartisanship to address foreign policy issues is that debate surrounding these issues is silenced while the public is left ill-informed about the global issues impacting Australian interests. Many argue that it is bipartisanship in foreign policy that makes foreign policy formulation and implementation undemocratic.

Bipartisanship means that there is a lack of substantial debate about foreign policy inside political parties. Instead, parties debate domestic policy choices that are linked to ideology and that can answer a need in society.

Learning Activity – Sending troops to Iraq

Write a summary of the article in the first of the two links given below.

- Read the first article, following the link below, that outlines the Abbott Government's decision to send 600 troops and aid to Iraq in 2014.The opposition gave bipartisan support for this decision.

  https://singletonauspol.wordpress.com/tag/bipartisanship-and-australian-foreign-policy/

- The next article suggests that bipartisanship is not as strong in the 45th Australian parliament regarding foreign policy matters. It is worth reading.

  https://www.internationalaffairs.org.au/australianoutlook/australian-bipartisanship/

The role of the executive, the parliament and the public service

Events can move quickly and unexpectedly in foreign affairs, and governments are required to respond accordingly; the state's territorial integrity could be at risk. The state's survival is thus uniquely identified with the conduct of foreign affairs (Burton, 2004).

An early articulation of this view is found in the 17th century work of political theorist John Locke. He distinguishes between domestic and foreign policy on the basis that foreign affairs are not well-suited to the legislative process that governs domestic matters and so should be left to the executive.

The Australian Prime Minister, since Federation, has traditionally been dominant, vis-à-vis other Cabinet members (Edwards, 1983; Trood, 1992). Importantly, the Prime Minister has the discretion to decide how involved the country will get in a given issue.

Ultimately, it is their personal view as to Australia's place in the world that sets the tone of Australia's foreign policy, as well as the international community's perception of Australia's place in the world (Gyngell and Wesley, 2007).

An example of the extent to which the Prime Minister dominates foreign policy occurred in 1995 when the Australian parliament and the public were first informed about the security treaty that Prime Minister Paul Keating had negotiated with Indonesian President Suharto after the treaty had been finalised. Negotiations over the treaty had begun in mid-1994, and the first the public knew about a treaty was in late 1995 with the announcement that it had been signed.

For a detailed explanation see (Keating, press release, 1995).

The Prime Minister, the Department of Prime Minister and Cabinet

As the key decision-making body of the government, the Cabinet is the apex of the Australian government. For efficiency, Cabinet members are allocated to committees based around policy areas. In 2017, there were 11 Cabinet committees in the Australian Federal Cabinet, one of which is the National Security Committee (NSC) of Cabinet. Membership of the NSC includes the Prime Minister, the deputy Prime Minister, the Foreign Minister, the Defence Minister, the Treasurer, the Home Affairs Minister, the Attorney General and the Leader of the Government in the Senate. The NSC's official brief is described as focusing on major international security issues of strategic importance to Australia, border protection policy, national responses to developing situations (either domestic or international), and classified matters relating to aspects of operation and activities of the Australian intelligence community. The Department of the Prime Minister and Cabinet (PM&C) also advises the Prime Minister and Cabinet Secretary on national security policy issues considered in Cabinet meetings. However, their decisions do not have to be approved by Cabinet.

https://www.pmc.gov.au/national-security

The trend is not unique to Australia, as foreign affairs journalist Greg Sheridan notes:

> "Politics in the Western world is increasingly presidential, and more decisions are taken by heads of government and their offices ... The speed of modern communications means that embassies and the machinery of traditional diplomacy are less central than they once were. Decisions down to a much lower level can now all be micro-managed in a nation's capital."

Under all Prime Ministers since John Howard, the PM&C has its own international policy unit, separate from DFAT. This unit within PM&C advises the Prime Minister on Australia's two-way relations with other countries and global and regional cooperation.

The unit also supports the Prime Minister at key international summits, manages the Prime Minister's overseas travel and coordinates engagements with world leaders. This PM&C unit advises the Prime Minister and the Assistant Minister (previously Parliamentary Secretary) on foreign policy items considered in Cabinet meetings, including in the NSC of Cabinet.

Australian Special Operations Task Group in Afghanistan; Photo: LS Paul Berry, Australian Department of Defence

The Parliament of Australia does not have authority for the declaration of war or to authorise military operations. It is the Prime Minister through royal prerogative under section 68 of the Constitution of Australia – via the Governor General – who has the power to deploy the Australian Defence Force (ADF) without legislative authorisation. Australian Defence Force deployment would be decided by the Prime Minister and NSC after consultation with the Chief of the Defence Force, the Secretary of Defence and advice from the Australian intelligence services.

Learning Activity – Cabinet committees

1. Look up and record the names of the current members of the NSC of the Australian Cabinet.
2. Write a paragraph noting the position or role of the members on this Committee.
3. Read the article found at http://theconversation.com/explainer-australias-war-powers-and-the-role-of-parliament-31112. Evaluate the relationship between the Prime Minister and PM&C and the Parliament. Give one reason for maintaining the status quo and one reason to enact legislation to involve Parliament in any decision to declare war.

The Minister for Foreign Affairs and the Minister for Trade

Whatever the Prime Minister's influence on the strategic direction of foreign policy and on foreign affairs and security issues, most of the day-to-day decision-making at the operational level and a good deal of the responsibility for the general direction of foreign policy lies with the ministers of Foreign Affairs and Trade. Australia's Foreign Minister is the Hon. Julie Bishop and the Trade Minister is the Hon. Steve Ciobo.

These ministers handle the bulk of the routine decision-making (whether to vote one way or another on a UN resolution, how to respond to a development overseas), carry out representational work with foreign visitors and lead the defence of the government or make attacks (in the foreign affairs area) on the Opposition in parliamentary

question time. They are the first port of call for the media demands on foreign policy and trade matters early in the morning or late at night (Gyngell and Wesley, 2007).

The Foreign Minister and the Trade Minister also have a heavy program of overseas travel. The Foreign Minister has traditionally been one of the most senior members of the Cabinet (at time of writing Julie Bishop is both Foreign Minister and Deputy Leader of the Liberal Party).

Some of Foreign Minister Julie Bishop's work in 2018

- Visit to East Timor 31 July 2018, which marked a new bilateral relationship (first Australian Foreign Minister to visit East Timor in more than ten years) and launching a $20 million Australian support program for health outcomes for children and families.
- Participation, alongside Defence Minister Marise Payne, at the Australia–US Ministerial Consultations in San Francisco in July 2018 (see link – listed in Key Knowledge – to Bishop's speech at this meeting regarding the Australia–US Alliance). This is the annual meeting of US and Australian Foreign and Defence Ministers. It is where talks are carried out regarding shared intelligence, defence cooperation and it covers the state of the Australia–US military alliance.
- Announcing the formation of an Australia–US and Japan Trilateral Partnership for infrastructure partnership investment in the Asia-Pacific (July 2018).
- Continued promotion of the New Colombo Plan – an educational exchange program for young Australians to study in Asian states funded by the Australian Government – this year announced that 11,817 Australian students will study and work in 36 Asian nations (New Colombo Mobility Grants).
- Visiting the Marshall Islands with Opposition spokeswoman for foreign affairs, Senator Penny Wong, at the Women United Together Marshall Islands June 2018.

US Defense Secretary Ash Carter speaks with Australian Foreign Affairs Minister Julie Bishop

Some of Trade Minister Steve Ciobo's recent work and travel

- Visit to Mexico to discuss a Pacific Alliance Free Trade Agreement with Mexico, Chile, Colombia and Peru.
- A visit to the United Kingdom (UK) for talks with British Trade Minister Liam Fox and work to establish further British investment in Australia. Currently, British businesses operating in Australia employ 95,000 people.

Steve Ciobo meeting the Solomon Islands Foreign Affairs Minister Milner Tozaka; Photo: Department of Foreign Affairs and Trade website – www.dfat.gov.au

Learning Activity – Australia's Foreign and the Trade Ministers

1. Investigate the questions that either Julie Bishop or Steve Ciobo have been asked in the House of Representatives Question Time in 2018.
2. Compare the number and nature of questions posed to either of these Ministers with those asked of a Minister who deals with domestic policy such as the Treasurer.

The role of the bureaucracy in foreign policy – DFAT

DFAT is staffed by about 1,200 public servants along with staff in overseas posts. It is responsible for the day-to-day management of Australia's international relations. DFAT provides advice to the government of the day about what is happening in the world and what might be done to shape developments. Through its overseas posts, DFAT is responsible for implementing foreign policy – for example: persuading another government to follow a certain course; to accept an Australian proposal for a refugee settlement centre; to permit more exports of Australian lamb; to sign the Chemical Weapons Convention. DFAT is the core of the foreign policy bureaucracy (Gyngell and Wesley, 2007).

Most of DFAT's work consists of responding to developments within the policy space or pursuing anticipated developments in that space. Events can impact on the policy

space from a range of different directions: a coup in Fiji, the arrest of Australians in Bulgaria, the building of a refugee detention centre in Nauru or a question without notice asked of the Trade Minister Stephen Ciobo in Parliament's Question Time.

Here are the links outlining DFAT's structure, management, ambassadors and work:

http://dfat.gov.au/about-us/our-people/executive/Pages/secretary-and-deputy-secretaries.aspx

http://dfat.gov.au/about-us/department/Pages/roles-and-responsibilities-of-embassies-and-other-representative-offices.aspx

http://dfat.gov.au/about-us/our-people/homs/Pages/australian-ambassadors-and-other-representatives.aspx

http://dfat.gov.au/about-us/department/Pages/what-we-do.aspx

http://dfat.gov.au/about-us/our-people/Pages/ministers.aspx

Role of the parliament in foreign policy

Parliament has a minimal role in foreign policy, not only in its formulation but also in scrutiny of policies and actions already undertaken by the government of the day. There are several reasons for this – some constitutional, others political, and still others associated with the nature of foreign policy.

There is a formal role for the Senate Foreign Affairs, Defence and Trade (FADT) Committee in discussing foreign affairs, but although this committee is able to scrutinise it does not actually play any role in the policy process. There is also the Joint Standing Committee on Foreign Affairs, Defence and Trade, and the Senate Estimates Committee, which has the power to conduct hearings into aspects of Australian foreign policy and which provides Senators with an opportunity to ask senior members of relevant government departments for detailed explanations. In the case of the China–Australia Free Trade Agreement, it came into force in December 2015 after the Australian Parliament's Joint Standing Committee on Treaties and the Senate FADT References Committee completed a review of the Agreement.

Foreign policy is rarely implemented through legislation, giving parliamentarians few opportunities to debate and discuss foreign affairs. Budget appropriation bills do however give parliament the opportunity to question the government's foreign policy priorities and activities, particularly on extraordinary appropriations such as for Australia's 2005 billion-dollar tsunami aid pledge to Indonesia or additional funding of national security-related activities performed by the Australian Secret Intelligence Service (ASIS). But it would be a brave Opposition that questioned too closely additional funding for any serious military engagement or humanitarian aid and, particularly in the current security environment, national security-related intelligence operations.

Other mechanisms for discussion of foreign policy, such as Question Time, ministerial statements and debates on matters of public importance, are usually not useful for debating foreign policy. Parliamentary debates on foreign policy are rare. Executive control of the Lower House also means that it controls the legislative timetable and uses various means to suspend or otherwise shorten debate.

Despite committees of the parliament having unique powers to interrogate the workings of the foreign policy apparatus, in practice they are usually unable or unwilling to use those powers to full effect. On matters concerning especially sensitive foreign policy, however, there are additional obstacles, the belief that national security matters must be kept secret for instance, thus stifling debate. Despite claims that national security should remain 'above politics', it seems that governments are

prepared to make public sensitive information when it suits them, and hide it when it could lead to embarrassment.

Oppositions are often complicit in this behaviour because, as governments-in-waiting, they expect the same latitude when they are in power. Though this bipartisanship can be a strength of the committee system, in that the two major parties work constructively to examine public policy processes and outcomes, bipartisanship is not always as constructive on foreign and national security policy matters.

Perhaps the first and most obvious role parliament has in helping advance Australia's values and interests internationally is to scrutinise the White Paper itself. While the White Paper was not launched in the parliament there will be opportunity for debate through Senate Estimates hearings and committee inquiries, and budget debates over the coming months and years will provide an opportunity for the parliament to clarify and scrutinise the themes, directions and concrete proposals given prominence in the White Paper.

Learning Activity – Parliamentary committees

1. Conduct a search of the Australian parliament's website, seeking out two examples in which parliamentary committees related to foreign affairs discussed a recent foreign policy issue.
2. Write an account of both examples in your notebook.
3. Note the name of the committee, its chair, committee members and their party affiliation.

Factors that have an effect on Australian foreign policy

The media

The media's role as a shaper of public opinion has been well-documented, as has its tendency to relay information according to the perceived interests of its audiences – Australians receive what the media thinks they want. Thus, reporting on foreign affairs is largely Australian-centric, driven by crises or mishaps and is largely reactive. There are many excellent foreign policy experts writing in the mainstream media today such as Greg Sheridan and Paul Kelly in *The Australian*, and Peter Hartcher in *The Sydney Morning Herald*. ABC radio covers foreign policy very well, with regular segments on many of its talk shows that are devoted to foreign policy, such as Jon Faine's regular segment with Damian Kingsbury (The World according to Damian). However, these media experts are rarely listened to by the majority of Australians.

Public opinion

Australians generally attach a low priority to foreign affairs and their interest in foreign policy is often aroused only by a foreign policy crisis, or when a foreign policy issue becomes a domestic one.

However, public opinion can be galvinised by international events. The 9/11 attacks in New York, and other terrorist actions including the bombings in Bali in late 2002 entrenched the public's belief that Australia needed to centralise its counter-terrorism work and that Australia's national security had to be strengthened against the threat of terrorism.

For 14 years, the Lowy Institute (an Australian Foreign Policy Think Tank) has undertaken a Lowy Institute Poll of Australians, asking them what they think about questions pertaining to Australia's most important foreign relationships, including those with the US and China. It also asks Australians to consider how much they trust various global powers and political leaders. The poll probes Australians' attitudes to issues such as the importance of the US–Australia alliance and the prospect of joint military action with the US administration, now under the leadership of President Trump. The Lowy Survey also asks Australians for their opinions on topical issues like whether they approve of the level of Chinese investment in Australia, climate change and renewable energy, immigration and foreign influence in Australian politics. The report of the 2018 findings reveal many fascinating conclusions as to how Australians feel on these issues. For example, the Lowy poll showed that Australians are experiencing a significant loss of trust and confidence in the US as a responsible actor and alliance partner for Australia. Yet you could ask, does such evidence provided by the Lowy poll play a role in bringing about change in the foreign policy of Australia? You would think that in the case of our alliance with the US it would not.

https://www.lowyinstitute.org/publications/2018-lowy-institute-poll

Learning Activity – The Lowy Institute poll

1. Open the link above and read through the findings of the Lowy Institute poll for 2018.
2. Write a summary of the 2018 Lowy report and be prepared to present and discuss one of the report's findings to your politics class.
3. Discuss with your class: What is the chance that the current Australian government would amend its foreign policy on the results of an opinion poll?

Interest groups

Interest groups, also known as lobby groups, can sometimes play a key role in influencing foreign and trade policies. An excellent example of interest group influence is shown in the long negotiations held by the Rudd Government, the Gillard Government and finally the Abbott Government to finalise a Free Trade Agreement with China (ChAFTA). It was completed on 17 November 2014 and signed between the two countries on 17 June 2015. All up, the ChAFTA took 21 rounds of negotiations over five years to complete.

As ChAFTA removed 95% of tariffs for Australian exports to China, there were several key Australian interest groups seeking to influence this important trade policy. The business associations such as the Business Council of Australia (BCA), the Australian Chamber of Commerce and Industry (ACCI) and the Australian Industry Group were active and powerful bodies playing a role in the wording of this trade agreement. Individual large corporations such as the ANZ Bank, BHP and Rio Tinto were also active participants through their advocacy and high-level relationships with governments. The ChAFTA also includes a Work and Holiday Agreement in which Australia will grant up to 5,000 visas annually for Chinese workers and holiday-makers. The inclusion of work visas in the ChAFTA led to the trade union movement being highly critical of it, due to fears the agreement would mean that Chinese workers could take the jobs of Australians in industries covered by the ChAFTA.

Some observers believe that China policies, including China's nation-building exercises in the Pacific, 'One Belt, One Road', and China's military exercises in the South China Sea, are being promoted by pro-China interest groups. These groups are becoming increasingly powerful inside Australian foreign policy circles.

In June 2017 the ABC's 'Four Corners' program highlighted what it believed was an insidious growth of influence of the China 'lobby' in Australia. If you have the time this program is recommended viewing. If it is not still available on ABC iView, here is a link to the program:

http://www.abc.net.au/4corners/power-and-influence-promo/8579844

Below are some excellent commentary articles about China's influence and the 'Four Corners' program:

https://www.internationalaffairs.org.au/australianoutlook/chinas-political-influence-symptom-changes/

https://www.theaustralian.com.au/national-affairs/foreign-affairs/china-tops-us-in-jaunts-for-political-influence/news-story/818ab6b2c67485712e3552479d3e5485

https://www.afr.com/news/politics/sam-dastyari-is-a-chinese-agent-of-influence-exintelligence-chief-20171203-gzxktb

Clive Hamilton's 2017 text, Silent Invasion, provides an excellent in-depth coverage of the ways that Hamilton believes China exerts influence in Australia through pro-China interest groups and individuals. Another successful lobby group, which has had considerable success in being able to influence Australian foreign policy is the Australia Israel and Jewish Affairs Council (AIJAC).

http://aijac.org.au

Elections

Because of the bipartisan nature of Australian foreign policy, it is rarely an issue in Australian elections. As Wise says, "it is necessary to go back to the Vietnam War in the 1960s and 1970s to find a time when foreign policy was a core election issue… material produced by the major parties at election campaign times contains few or no references to the parties' foreign policies" (Wise, 2017).

Greens Senator Scott Ludlam in 2016 said:

> "Election campaigns are mostly argued based on local issues that have direct impacts on our community; so much so that the phrase 'all politics is local' is considered self-evident. However, some things are missed in our three-year electoral cycle. The biggest gap in our national conversation is the place of Australia in the world. Foreign policy takes a back seat during an election, and if it presents at all, it is as caricature: foreign wars, the nameless families who flee them, or massive defence procurements to meet undefined threats. The rest of the planet is meant to form a one-dimensional backdrop to our domestic drama."
>
> (https://www.tandfonline.com/doi/abs/10.1080/10357718.2016.1199656?scroll=top&needAccess=true&journalCode=caji20)

Enough said!

Economic conditions

Australia has the 13th largest economy in the world. Since the 1800s, much of Australia's relative economic success has been based on exports of Australian primary produce. A key national interest for any country is a strong and prosperous national economy. Since the 1980s, the major economies of the world have seen the advent of the newest version of globalisation and, since 1983, Australian governments have gradually reduced or eliminated trade tariffs, given access to foreign firms and investors to do business here and rejected protectionism in line with the-then GATT (now the rules of the World Trade Organization). This has resulted in an opening up of the Australian economy and a significant increase in the standard of living and overall national wealth. Australia has sought free trade agreements with other states to further the ability of our primary producers to sell Australian products overseas.

The world economy was plunged into a near depression in 2008 with the Global Financial Crisis. Despite the best efforts of the Rudd Government in 2008 and 2009 to stimulate the Australian economy through various government stimulus packages, helping to exempt the Australian economy from the worst of the financial crisis, unemployment in Australia has steadily risen, then fallen, but inextricably workers' conditions have become tougher and wages growth has tightened for the past eight to ten years.

Due to the lingering effects of the financial crisis and the growth in income inequality caused by stagnant wages (despite record high company profits), there has been a reassessment of the impacts of globalisation throughout the developed world. By delivering on its promise of cheaper consumer goods for all, globalisation has allowed for the outsourcing of manufacturing from advanced economies to low-wage economies. The loss of highly paid factory work in countries like Australia and the US has seen many of the people 'left behind' in relation to their work and wages begin to question the legitimacy of globalisation and ask why is it that their governments have allowed such local dislocation of work to occur. For example, in Australia, the 2016 census figures showed that the number of manufacturing workers has fallen 24% over the five years to 2016.

Thirty years of freer trade and globalisation has delivered Australian families an increase of $8,500 a year in household incomes (DFAT, November 2017). The Australian economy has also continued to grow at just under 3% for the past three years with the Reserve Bank predicting economic growth to be 3% or over in the next two years.

Tax revenue in 2018 has grown by over $18 billion. Unfortunately for the government, these improved economic conditions and forecasts, while seemingly very good, have not eased the insecurities felt by some Australians due to rising debts and wage stagnation. These concerns have led to a resurgence of populism throughout the advanced economies of the world. Donald Trump's 'Make America Great Again' slogan really means let's ditch free trade and bring your highly paid factory jobs back from low-wage countries like China. It also means a return of tariffs in the US to protect local jobs from competition and a potential trade war between the US and China.

In Australia, protest politics is on the rise. More than one in four Australians voted for a party other than a major party at the 2016 federal election. The Grattan Institute reports that minor party voters are more likely than others to have negative views about globalisation and trade. (Conversation, 13 March 2018). The One Nation Party has

increased its membership and voting strength (from 0.6% in the 2013 Senate election to 4.29% in the 2016 Senate election) largely for the same reasons that Donald Trump won the US Presidency in 2016. Supporters of Trump in the US and of Pauline Hanson in Australia are demanding an end to free trade and a return to protectionism in a bid to bring back manufacturing and factory jobs. Yet, if there were increased trade barriers between the world's trading nations – according to a report released by DFAT on the eve of the 2017 APEC world leaders' meeting – Australia could suffer a loss of 270,000 jobs and an economic loss of 2.2% of GDP (DFAT, November 2017).

Economic conditions and perceptions of economic conditions have the potential to play a significant role in shaping foreign policy, or specifically trade policy, if the electoral conditions are conducive such as they were in the US in 2016. The current government, with bipartisan support, remains a strong supporter of free trade and has not yet shown any sign of altering its trade policies to counter the rise of populism.

The Turnbull government sees that "Australia's prosperity will continue to rely on the competitiveness of our economy and our ability to seize opportunities globally and that the continuing openness of the world economy will be vital to our interests" (2017 Foreign Policy White Paper, pages 49-51).

Learning Activity – How democratic is Australian foreign policy-making?

1. Complete this table using terms such as equality, majority rules, accountability and participation in the final column.

Title	Role played in foreign policy process	How democratic or undemocratic
1. The Prime Minister		
2. Department of Prime Minister and Cabinet		
3. Ministers of Trade and Foreign Affairs		
4. Australian Parliament		
5. Media		
6. Lobby groups		
7. Public opinion		
8. Economic conditions		

2. Debate with your class: Bipartisanship in foreign policy is essential to its success.

The key objectives of Australian foreign policy

The concept of national interest

The national interest, often referred to with the French expression *raison d'état* (reason of state), is a country's goals and ambitions – whether economic, military, cultural or otherwise. It is an important concept in international relations, where pursuit of the national interest is the foundation of the realist school. National interests must be the starting point for the discussion of any country's foreign policy.

History suggests that the national interest varies over time, as national power adapts to an ever-changing international environment, and as the national community adapts to societal change. What a Coalition government sees as being in the national interest may be different to what an Australian Labor Party (ALP) government thinks about the national interest. Also they may agree that national security is 'the key' national interest but may disagree about the ways Australia should craft its policies and act to achieve national security.

A former DFAT Secretary, Dr Ashton Calvert, said of the idea of national interest:

> "I think it is important to recognise that the Australian national interest is something that is defined by the Australian government and the Australian people. The national interest is not static, nor can it be defined in a mechanical way. It depends in part on prior strategic choices we have made, and is informed by the view we have of ourselves as a country and by what we want to stand for."
>
> The architect of the 'realist' school, Hans Morgenthau, went to the core of the matter when he wrote: "the main signpost that helps political realism to find its way through the landscape of international politics is the concept of interest defined in terms of power".
>
> (https://dfat.gov.au/news/speeches/Pages/the-evolving-international-environment-and-australia-s-national-interest.aspx)

National power has both quantitative and qualitative characteristics. Geographical size, the natural resource base, industrial and military capacity and an educated, trained and employed population, all constitute the quantitative aspects of national power. National culture, public attitude, the quality of national governance and a durable diplomacy make up the qualitative aspects of national power. Taken together, these constitute the national interest. It is of importance that diplomacy is seen as one of the components of national power, and therefore a critical aspect of the national interest.

Despite the challenge of consolidating the many and often competing issues of interest to governments, it is the task of governments to identify which interests are core to our foreign policy.

Maintaining national security

Originally conceived as protection against military attack, **national security** is now widely understood to include non-military dimensions – including economic security, energy security, environmental security, food security, cyber security, etc. Similarly, national security risks include, in addition to the actions of other nation states, action by violent non-state actors, narcotics cartels and multinational corporations and the effects of natural disasters.

National security refers to the security of a nation state, including its citizens, economy and institutions and is regarded as a duty of government.

An excellent summary of the Turnbull government's assessment of Australia's national security interests can be found in the 2016 Australian Government Defence White Paper:

http://www.defence.gov.au/whitepaper/Docs/2016-Defence-White-Paper.pdf (pages 18 and 19)

The Defence White Paper Executive Summary outlines Australia's three strategic national security interests:

1. To deter, deny and defeat any attempt by a hostile country or non-state actor to attack, threaten or coerce Australia.
2. To support a secure nearer region, encompassing maritime South-East Asia and the South Pacific (Papua New Guinea, Timor-Leste and Pacific Island countries).
3. To promote a stable Indo-Pacific region and rules-based global order which supports our interests.

Image: Commonwealth of Australia

The 2017 Foreign Policy White Paper says of Australia's national security:

> 'While Australia will remain one of the safest countries in the world, we nonetheless face a diverse range of risks that will threaten our security, our freedom and our values".

The White Paper further identifies technological change, the reach and vulnerabilities of the internet, state fragility, military modernisation and environmental stresses as factors likely to amplify threats to Australia's borders, people, economy and physical assets. The White Paper says that the threat to Australia from Islamist terrorism and violent extremism will remain high and could worsen and that Australia also faces a range of sophisticated cyber threats. It also noted that crime will continue to emanate from beyond our borders and will grow in complexity. Specific regional security threats identified include Islamic terrorism in Indonesia and the Philippines and weak governments in East Timor, Fiji and the Solomon Islands.

Promoting Australia's economic and trade interests

Economic prosperity is a key national interest for all states. It includes a range of things such as improving the standard of living and the quality of life for all Australians. It also involves continued economic growth, low unemployment and high wage jobs in the economy. Traditionally, Australia has achieved economic prosperity when it has been able to sell its goods and services in the global market place and continually gained access to new markets.

As Wise (2017) notes, this is likely to be easier if Australia enjoys good, friendly relations with other states.

> "Our strong economy has been, and will remain, the foundation of our international strength and influence. We are a top 20 economy and a member of the G20, the world's premier forum for international economic cooperation. Sound economic policy and further domestic reform are essential to improve the competitiveness, flexibility and

> resilience of our economy to better position Australia to compete for jobs, investment and markets in the 21st century.
>
> By generating more and better paying jobs, a strong and flexible economy reinforces the cohesion and resilience of Australian society. It helps Australia to adjust to external economic shocks, such as financial crises or an economic slowdown in our major trading partners. It will better position the country to invest in the substantial defence, security and foreign policy capabilities necessary to safeguard our interests."

Free trade is the centrepiece of the 2017 White Paper, emphasising the investment and employment benefits of Australia's global network of trade agreements. The White Paper clearly articulates a policy of "aggressive bilateralism", designed to consolidate bilateral, plurilateral and regional trade and investment links throughout the Asia-Pacific and beyond.

Forging agreements with India, the Gulf Co-operation Council, the European Union and post-Brexit Britain are immediate strategic trade priorities. However, the Trump administration's withdrawal from the Trans-Pacific Partnership (TPP) presents serious obstacles to Australia's objective to develop a region-wide free trade area in the Asia-Pacific.

The paper acknowledges Beijing will remain Australia's biggest partner, with $A155 billion currently in two-way trade. It recognises China will dominate consumption of Australia's minerals exports, tourism and education services. However, Australia's broader pivot to the Indo-Pacific should not be understated. Foreign Minister Julie Bishop has said that the goal is an Indo-Pacific free trade area, reiterating Japanese Prime Minister Shinzo Abe's objective of "a free and open Indo-Pacific". The White Paper recognises Australia's strategic economic partnerships with India, Indonesia and South-East Asia, noting that in 2016 "Australia's trade with ASEAN countries was greater than with our second-largest bilateral trading partner, the United States".

This is also the first foreign policy White Paper to acknowledge the need for an Australian digital strategy, estimating the value of the digital economy at 7.3% of GDP by 2020. Digital trade will figure heavily in Australia's future services trade agreements, particularly with major IT players, such as India.

There is an undeniable link between economic prosperity and national security. The White Paper makes the link between a peaceful, stable and secure Indo Pacific region and strong Australian trade conditions. "We want a region where our ability to prosecute our interests freely is not constrained by the exercise of coercive power" (2017 FPWP, p.3).

Chapter 3 of the Foreign Policy White Paper states: "No long-term policy objective is more important to Australia than ensuring our region evolves peacefully and without an erosion of the fundamental principles on which the Indo Pacific's prosperity and cooperative relations are based".

In other words, if there is instability, conflict or war, trade and economic prosperity cannot be achieved.

Australia needs to promote an open inclusive and prosperous Indo-Pacific region to deliver more opportunities for Australian businesses.

Since World War Two, conservative (Liberal/National party) governments have tended to favour bilateral approaches to trade policy on the premise that deals with 'friends' will best serve Australia's interests. By contrast, Labor governments have consistently

argued that the multilateral trade system provides the best opportunities for Australia to pursue its economic interests.

http://www.fpwhitepaper.gov.au/

Promoting Australia as a good global citizen

Gareth Evans, former Australian Foreign Affairs Minister, wrote about global citizenship:

> "At the heart of the concept of global citizenship is what Kofi Annan called 'problems without passports', those beyond the capacity of any single country, however great and powerful, to resolve, but in everyone's interests to get right – including a clean and safe global environment; a world free of health pandemics, out of control cross-border population flows, international trafficking of drugs and people, and extreme poverty; a world without cross-border terrorism; and a world on its way to abolishing all weapons of mass destruction." (http://www.gevans.org/speeches/speech567.html)

Good international citizenship could mean that a country plays a prominent role in international affairs at the UN (Australia was a member of the UN Security Council between 2013 and 2014) and supports a variety of global and regional organisations and initiatives. Australia became a member of the UN Council for Human Rights in February 2018. Being a good international citizen also includes prioritising foreign aid, taking a meaningful role in the domestic circumstances of our nearest neighbours in the Pacific, adherence to our international obligations in the Paris Climate Agreement of 2015 (to reduce our greenhouse gas emissions by 26 to 28% below 2005 levels by 2030).

Tanya Plibersek, ALP Deputy Leader, said at the Lowy Institute in 2016 "Australia is a good international citizen by enhancing the rules-based international order and by promoting respect for universal human rights"

https://www.internationalaffairs.org.au/australianoutlook/australian-foreign-policy-the-alp-approach/

Australia's 2017 Foreign Policy White Paper lists examples of good global citizenship as protecting the rules-based order, global partnerships and the UN, countering the proliferation of weapons of mass destruction, responding to climate change, promoting sustainable development, advancing human rights, attention to the challenge of displaced people, guarding global health risks and investing in prosperity and stability through foreign aid.

http://www.fpwhitepaper.gov.au/

Learning Activity - Read and summarise the Conversation article

Write an essay plan that develops an argument around the proposition: Although all of Australia's national interests are important, the maintenance of national security is the most important.

https://theconversation.com/australian-foreign-policy-needs-a-broader-conception-of-our-national-interest-62092

Key instruments of contemporary Australian foreign policy

Bilateral and multilateral doctrines of foreign policy

Bilateralism is the conduct of political, economic or cultural relations between two sovereign states.

Bilateralism contrasts with unilateralism or multilateralism, which is activity by a single state or jointly by multiple states, respectively. When states recognise one another as sovereign states and agree to diplomatic relations, they create a bilateral relationship. States with bilateral ties will exchange diplomatic agents such as ambassadors to facilitate dialogues and cooperation.

Economic agreements, such as free trade agreements (FTAs) or foreign direct investment (FDI), signed by two states, are a common example of bilateralism. Since most economic agreements are signed according to the specific characteristics of the contracting countries to give preferential treatment to each other, a situational differentiation rather than a generalised principle is needed.

Australia pursues bilateral relationships with a range of countries to promote shared interests and deal with shared challenges. Australia's international engagement focuses on those countries with the greatest bearing on its strategic and economic outlook.

Examples of Australia's bilateral relationships include trade agreements with New Zealand, Chile, China, Japan, Korea, Malaysia, Singapore, Thailand and the US. Of these, the US relationship is the most important and is fundamental to Australia's broader international security and economic interests.

At the heart of security relations between Australia and the US is the ANZUS Treaty, signed in 1951, which binds the two countries to cooperate on military and security issues. The ANZUS alliance continues to underpin a dynamic and broad-ranging security relationship that involves sharing technology, training and intelligence, and cooperating extensively on issues such as counter-terrorism, non-proliferation and humanitarian activities. By providing one of the anchors for US engagement in the region, the ANZUS alliance makes an important contribution to the stability and prosperity of the Asia-Pacific.

In 2018, the US remains Australia's largest two-way investment partner. In 2017-18, the US was also Australia's largest services trading partner and third-largest merchandise trading partner. In 2017-18, Australia's two-way trade with the US was worth $68 billion, 9% of Australia's total trade. Major Australian exports to the US include professional services, beef and alcoholic beverages. The Australia–US Free Trade Agreement (AUSFTA) has continued to provide new opportunities for Australian exporters and investors since entering into force on 1 January 2005.

Australia maintains its strong alliance with the US through regular high-level talks. AUSMIN, which is held annually, brings together the Australian Ministers for Foreign Affairs and for Defence with the US Secretaries of State and Defense. The AUSMIN meeting in September 2011 underlined the contemporary relevance of the ANZUS treaty in dealing with new and emerging security issues, including in the cyber realm. President Obama's November 2011 visit to Australia included an historic address to the Australian parliament, which highlighted the enduring close friendship between the two countries and commemorated 60 years since the signing of the ANZUS treaty. During the visit, Prime Minister Gillard and President Obama announced two new initiatives that will significantly enhance defence cooperation between Australia and the US. Starting in 2012, Australia welcomed initial deployments of 250 US Marines

to Darwin and northern Australia where they will conduct exercises and training on a rotational basis with the ADF. In April 2018, more than 1,500 US Marines began arriving in Darwin for the seventh and largest rotation to date. Closer cooperation between the Royal Australian Air Force (RAAF) and the US Air Force has resulted in increased rotations of US aircraft through northern Australia.

The US top envoy, James Caruso (the acting US Ambassador to Australia – as of writing the US has not appointed an ambassador to Australia since the election of Donald Trump in November 2016) said in August 2018 that Australia is the "poster child for burden sharing" of the relationship between Australia and the US.

Learning Activity – Bilateral country to country relationships

Read through the materials in the link immediately below and choose two of Australia's bilateral country to country relationships. Sumarise each relationship.

http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1301.0~2012~Main%20Features~Australia's%20bilateral%20relationships~210

Multilateralism

Multilateralism is a significant feature of the post World War Two era. There are many examples of Australia having adopted a multilateral approach to its foreign policy including being a founding member of the UN membership of Asia-Pacific Economic Cooperation (APEC).

Multilateralism is a process of organising relations between groups of three or more states.

Asia-Pacific Economic Cooperation (APEC)

APEC formed in 1989. Its aims are predominantly trade and investment focused; trying to promote "economic growth and prosperity for the region and strengthen the Asia-Pacific community". It is also the regional forum that facilitates the UN Development Goals. APEC consists of 21-member economies. The 2017 APEC Summit was held in Da Nang, Vietnam and the 2018 APEC Summit is to be held in Port Moresby, Papua New Guinea.

APEC's Gross Domestic Product (GDP) in terms of Purchasing Power Parity has almost tripled over the last two decades – from $14.8 trillion in 1992 to $45 trillion in 2016 (calculated in international dollars). Australia's trade with the APEC region in 2011 saw an average increase of 7.5% per annum since 2006 and accounted for 71% of Australia's total goods and services trade (A$431.5 billion).

http://dfat.gov.au/trade/organisations/apec/Pages/asia-pacific-economic-cooperation-apec.aspx

https://theconversation.com/multilateral-regional-bilateral-which-agreement-is-best-19664

Learning Activity – Global and regional multilateral organisations

List and briefly describe six global and six regional multilateral organisations to which Australia belongs. Identify the national interest for Australia for all 12 examples.

Foreign aid

Australia's aid activities began before World War Two when grants, generally below $100,000, were made to Papua New Guinea. In 1950, Commonwealth Foreign Ministers met in Colombo and launched the Colombo Plan, which was concerned with aid to South and South-East Asia. Under the plan, Australia provided a diverse range of activities such as education scholarships, technical cooperation, training and staffing assistance to countries of the region.

In 1974, under Prime Minister Gough Whitlam, Australia established the Australian Development Assistance Agency (ADAA) as a single government entity that would administer the country's aid. Since that time, the name of the program has changed several times, first to the Australian Development Assistance Bureau (ADAB), then to the Australian International Development Assistance Bureau (AIDAB), then to the Australian Agency for International Development (AusAID) and finally to its current name, Australian Aid.

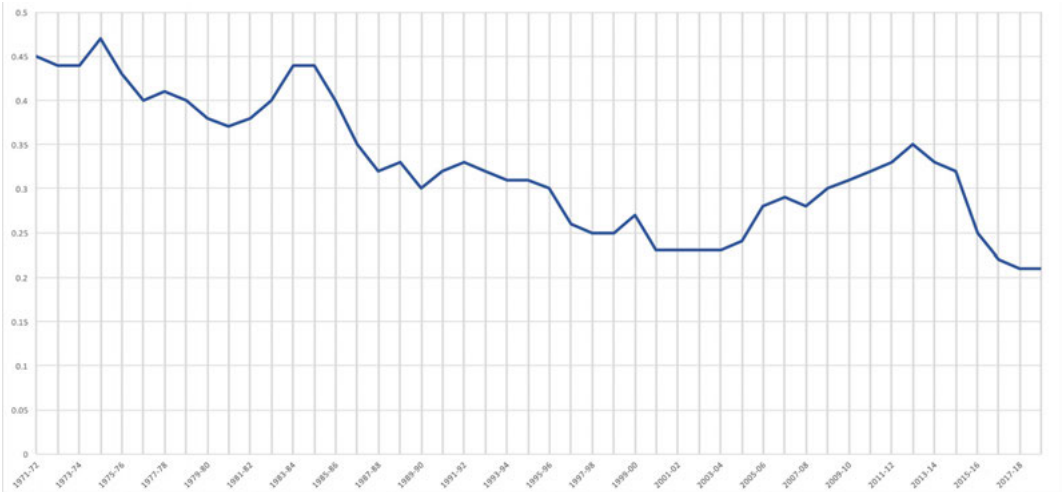
Soon after coming to power in September 2013, the Abbott government announced the integration of AusAID, Australia's stand-alone aid agency, with the DFAT – to enable the closer alignment of the aid and diplomatic arms of Australia's international policy agenda.The merger was fully implemented by June 2014. Australian Foreign Minister Julie Bishop said that expanding opportunities for people, businesses and communities is the key to promoting economic growth. It would reduce poverty, and the aid program would provide a sharper focus on investing in drivers of economic growth, including trade, infrastructure, education and health and would empower women and girls to create new jobs and opportunities that lift people out of poverty.

However, Australia's aid program has been the disproportionate victim of the Coalition government's budget saving measures since it formed government in 2013. While only about 1% of budget expenditure, foreign aid has made up around 25% of all budget cuts announced by the Coalition government for the period 2013-14 to 2018-19.

The Lowy Institute reported that these cuts have seen Australia tumble in international rankings of countries' foreign aid commitments and have left Australia at an all-time low when it comes to its aid generosity as measured as a proportion of Gross National Income.

The historically low point for Australia's foreign aid spending is shown in Figure 1 below.

Figure 1 – Percentage of Australia's national income spent on foreign aid



Source: OECD, Commonwealth budget papers; adapted from graph in *Sydney Morning Herald*

On Monday, 21 September 2015, following a Cabinet reshuffle by Australia's new Prime Minister Malcolm Turnbull, a new Ministerial position was created that covers management of Australia's aid program. Steven Ciobo, formerly Parliamentary Secretary to the Minister for Foreign Affairs and to the Minister for Trade and Investment, was promoted to become Australia's first Minister for International Development and the Pacific. Less than six months into his tenure, Mr Ciobo was promoted to Trade Minister, with Senator Concetta Fierravanti-Wells stepping into the role.

The 2018-19 federal budget papers included the following comments about Australia's foreign aid program:

> "Australian aid, focused on the Indo-Pacific region, serves our national interests by contributing to sustainable economic development and poverty reduction. We support countries to improve their governance and promote private sector-led growth and equality for women and girls.
>
> We assist countries to build resilience to natural disasters and respond to humanitarian crises, guard against the spread of infectious diseases and fight threats such as extremism. Our development assistance magnifies the influence that Australia brings to bear on pressing regional and global problems.
>
> We work collaboratively with International Financial Institutions (including the Asian Development Bank and World Bank) and multilateral organisations (such as United Nations Organisations) to strengthen the international rules-based order, protect norms, and drive inclusive sustainable development, in line with Australia's geographic and thematic priorities."

In 2018, Australia has capped its foreign aid budget to $4 billion for at least the next two years (see Figure 2). This is its lowest ever level as a proportion of the budget: 0.22% of gross national income (GNI).

Figure 2 – 2018-19 Australian aid budget at a glance

Image: Department of Foreign Affairs and Trade website – www.dfat.gov.au

In 1974-75 that figure was 0.47%. The trend has been generally downward since then. Aid spending rose during the 2000s but has declined precipitously since 2013. As a comparison, the UK allocates 0.7% of its GNI to foreign aid, despite a significantly higher public debt than Australia and a decade of government austerity measures.

Learning Activity – Foreign aid

1. Find two specific examples of foreign aid that are described in the 2017 Foreign Policy White Paper. Write a summary of these examples.
2. In groups, discuss the following point of view: Australia's foreign aid budget is already too generous.
3. Read the links below to help to sort through the two sides of this point of view.

http://www.debate.org/opinions/should-australia-increase-its-foreign-aid-budget

https://www.theaustralian.com.au/news/inquirer/doggedly-generous-to-a-fault/news-story/50e13971021951814d3c3e9a3e8b6549

http://mobile.abc.net.au/news/2016-06-09/pickering-foreign-aid-fail-the-lucky-country-is-selfish/7494968

Formal agreements, treaties and alliances

There are also single instruments that lack the formality of a **treaty** called memorandums of agreement, conventions, agreements, protocols, declarations, charters, covenants, pacts or statutes.

Treaty is the highest formal signed agreement between states (countries), which is binding at international law.

Australia's formal alliance agreement with the US continues to be called the ANZUS Treaty, even though New Zealand has not been a member since 1986.

The 2017 Foreign Policy White Paper says of Australia's most important formal agreement:

> "Our alliance with the United States is central to Australia's security and sits at the core of our strategic and defence planning. The Government will broaden and deepen our alliance cooperation and encourage the strongest possible economy engagement by the United States in the region."

The Australia, New Zealand, United States Security Treaty (ANZUS or ANZUS Treaty) is the 1951 collective security non-binding agreement between Australia and New Zealand and, separately, Australia and the US, to cooperate on military matters in the Pacific Ocean region, although today the treaty is taken to relate to conflicts worldwide. It provides that an armed attack on any of the three parties would be dangerous to the others, and that each should act to meet the common threat. It set up a committee of foreign ministers that can meet for consultation.

The treaty was one of the series that the US formed in the 1949–55 era as part of its collective response to the threat of communism during the Cold War. New Zealand was suspended from ANZUS in 1986 as it initiated a nuclear-free zone in its territorial waters; in late 2012 the US lifted a ban on visits by New Zealand warships leading to a thawing in tensions. New Zealand maintains a nuclear-free zone as part of its foreign policy and is partially suspended from ANZUS, as US maintains an ambiguity policy as to whether or not its warships carry nuclear weapons; however New Zealand

resumed key areas of the ANZUS Treaty in 2007 (currently bilateral meetings of ANZUS are held between Australia and US only).

Unlike the North Atlantic Treaty Organization (NATO), ANZUS has no integrated defence structure or dedicated forces. Nevertheless, Australia and the US conduct a variety of joint activities. These include military exercises ranging from naval and landing exercises at the task-group level to battalion-level special forces training, assigning officers to each other's armed services and standardising equipment and operational doctrine. The two countries also operate several joint-defence facilities in Australia, mainly ground stations for spy satellite and signals intelligence espionage in South-East and East Asia as part of the ECHELON network.

Learning Activity – US-Australia Alliance

1. Discuss in class whether the US–Australia Alliance continues to serve the national interests of Australia.
2. Does the ANZUS Treaty mean that the US has an obligation to provide military assistance to Australia if Australia were to be invaded or attacked? Check the wording of the Treaty and give your opinion about whether an obligation exists.

The ANZUS Treaty has contributed to a security environment and to circumstances that have meant that in the last half-century Australia has not faced a direct threat to its security. Through its alliance with the US, Australia has also benefited from having preferential access to US intelligence, to US technology and to the US military and government on a scale far greater than would appear appropriate for a country of Australia's size or power. Popular support for the alliance in Australia (although the Lowy Poll would indicate this support is in decline in 2018) indicates that the Treaty has also provided Australians with a sense of security, which has had domestic benefits as well as benefiting the nation's regional relationships.

As an insurance policy, ANZUS has had domestic benefits. It has been argued that Australia's dependence on the US alliance is a sign of foreign and defence policy weakness, that only when Australia is willing to rid itself of ANZUS will it be able to develop truly independent foreign and defence policies, policies that it is assumed would inevitably be better for Australia than those developed as a dependent ally. Bob Carr, former Australian Foreign Affairs Minister in the Gillard government believes that Australia must begin to reassess its relationship with the US:

https://www.aspistrategist.org.au/hard-truths-about-the-us-australia-alliance/

Critics of the alliance, like Carr, do nonetheless acknowledge that the alliance has provided an environment of security, which has allowed Australians to look at the region and their place in the region with a growing sense of confidence rather than with suspicion. There is the possibility that without the security that ANZUS has provided Australia could have become an inward-looking, less open and secure, more xenophobic society – a sort of apartheid-era South Africa in the South Pacific.

Australia has sent troops to fight alongside the US in the Korean, Vietnam and Gulf Wars. In 2001, John Howard invoked the ANZUS Treaty immediately following the 9/11 terrorist attacks on the World Trade Center in New York. Australia supported the US War Against Terrorism and sent Australian troops to Afghanistan in 2001 and to the US invasion of Iraq in 2003.

Australia currently has approximately 1,400 Defence Force personnel in the Middle East – with about 600 contributing to Operation Okra in Iraq. There are also about 300 contributing to Operation Highroad in Afghanistan. These troop commitments are part and parcel of Australia's treaty obligations with the US. Australia believes that such troop commitments indirectly help in keeping Australia safe through its role in supporting and educating local forces to counter the continued threats of Islamic State and the Taliban in Afghanistan.

Learning Activity – The ANZUS Alliance

Write up a table: Why the ANZUS Alliance is in Australia's interests (one side). Why the ANZUS Alliance will not keep Australia safe in the Trump era (other side).

These commentaries may be useful for you in filling your table:

https://www.theguardian.com/commentisfree/2018/aug/01/its-time-to-face-the-truth-about-anzus-its-worse-than-no-treaty-at-all

https://www.internationalaffairs.org.au/resource/the-obligations-of-anzus/

Humanitarian and emergency assistance

Natural disasters, conflict and economic shocks (such as food and fuel price spikes) throughout the world severely undermine growth, reverse hard-won development gains and increase poverty and insecurity. Women are often also at heightened risk of violence during crises. A recent example of Australia providing humanitarian assistance occurred in Vanuatu in 2017 when the government of Vanuatu ordered a complete evacuation of all 11,600 residents from Ambae Island because of the threat of volcanic eruption.

Australia responded to the Vanuatu government's request for assistance with planning and relief efforts. Australian troops worked closely with the governments of Vanuatu, New Zealand and France through the FRANZ trilateral disaster relief arrangement to assess the humanitarian impact of the evacuations and to aid affected communities. Australia gave humanitarian assistance to Vanuatu of $3.5 million, which included distribution and replenishment of humanitarian relief supplies. There was also support through local and Australian NGOs to provide ongoing health, clean water, sanitation and protection activities. The ADF played a strong role deploying HMAS Choul, HMAS Huon and C17 flights to carry emergency relief supplies to Vanuatu.

Thai cave rescue

Another very high-profile example of emergency assistance given by Australia occurred in June and July 2018. The world was transfixed when a soccer team of 12 boys aged between 11 and 16, along with their 25-year-old coach, were declared lost in the flooded Tham Luang Nang Non cave in Chiang Rai, deep below ground in Northern Thailand. The Australian government assisted the government of Thailand's efforts to locate and rescue this group.

An Australian Federal Police (AFP) Specialist Response Group team of 20 Australians was deployed to Chiang Rai. The team had capabilities in conducting searches in zero visibility areas, land search and rescue and diving in flooded caves. A DFAT officer was also deployed with the team to assist with coordination. The ADF provided a RAAF C-17 aircraft to transport the team and their equipment. The ADF also deployed

an official to the rescue command centre in Chiang Rai as a Specialist Liaison Officer to provide operations and planning expertise. Adelaide doctor and expert cave diver, Richard Harris, along with six other Federal Police divers, a Navy clearance diver and members of the DFAT Crisis Rescue Team played a significant role in the successful rescue of the boys and their coach. Humanitarian and emergency relief certainly comes in many forms.

DFAT's Humanitarian Strategy provides the framework for Australia's humanitarian action, which is designed to save lives, alleviate suffering and maintain human dignity during and in the aftermath of conflict, disasters and other humanitarian crises, as well as to prevent and strengthen preparedness for the occurrence of such situations.

The Australian government can respond to simultaneous disasters and often combines Australian personnel and expertise with that of its partners such as UN agencies, the International Red Cross and Red Crescent Movement and non-government organisations.

Australia's peace-keeping operations and military involvement

Australia has a strong record of contributing to peace-keeping and peace-building operations. Among the first to be deployed under UN auspices, Australian troops monitored the ceasefire between Dutch and Indonesian forces in 1947. Since that time, Australians have served in more than 50 UN and other multilateral peace and security operations around the world.

Peace-keeping affords Australia a good international reputation and makes for good international citizenship. Peace-keeping assists in nation-building and a more peaceful world. It also helps to alleviate human rights abuses, which can occur when a country's governance is in a state of flux.

Yet despite Australia's excellent reputation as a contributor to UN peace-keeping throughout the globe since the end of World War Two, in 2018 Australia is but a small contributor to peace-keeping for a country of Australia's size and influence in the global order. Only two other G20 countries deploy fewer UN peace-keepers than Australia: Mexico, which only recently re-engaged in UN operations, and Saudi Arabia, which deploys none. The last contingent of AFP peace-keepers (currently 10 personnel) serving in Cyprus withdrew on 30 June 2017. That means Australia is likely to have no police deployed to a UN peace-keeping operation for the first time in more than 50 years. This is significant, considering Australia's leadership in spearheading the first UN Security Council resolution on the role of police in peace operations

Just over five years ago, UN officials suggested that UN peace-keeping was entering a period of consolidation. Despite that prediction, the number of peace-keepers has increased in recent years, with new missions in Mali and the Central African Republic, and an increase in the size of the mission in South Sudan. Although there are expected drawdowns in missions in Liberia, Côte d'Ivoire and Haiti on the horizon, history has shown that there's often an unexpected need for UN missions. Syria, Yemen, Libya and Burundi are among some of the potential candidates for a UN peace-keeping mission in the near future.

Several countries are in the process of stepping up their commitments to UN peace-keeping. The Netherlands and Sweden have deployed personnel and enablers to Mali in substantial numbers. The UK has just started deploying personnel to assist with capacity building in Somalia and is expected to increase its deployment in

South Sudan. And Canada's Trudeau government is considering options to re-engage more substantively in UN peace-keeping.

Even the US has been using its political weight to improve the supply of peace-keeping personnel and capabilities the UN must choose from. President Obama co-chaired a leaders' summit on peace-keeping in September 2015. At the summit, more than 50 countries pledged an additional 40,000 troops and police to UN peace-keeping missions. China, Cambodia, Fiji, Indonesia, Japan, Korea, Malaysia and Thailand were among those countries in our region committing to deploying more personnel.

While Australia didn't make any commitments to deploy more personnel, the Foreign Minister pledged that Australia would provide training to our regional neighbours and strategic airlift "where and whenever we can". However, Australia hasn't provided any C-17 Globemasters or C-130 Hercules for strategic airlift to UN peace-keeping since January 2014.

This link provides an excellent history of Australia's peace-keeping operations since 1945.
http://rslnsw.org.au/commemoration/heritage/peacekeeping-operations

Overseas delegations

Diplomacy is the profession, activity or skill of managing a country's international relations, typically by that country's representatives abroad.

One of the key foreign policy instruments that enables a state to achieve its national interests is **diplomacy**.

Australia's key politicians such as the Prime Minister, the Foreign Minister, the Trade Minister and the Defence Minister spend much of their time flying to diplomatic meetings with their counterparts overseas or hosting such meetings in Australia. The relationships and understandings created in such meetings are crucial for Australia to be able to achieve its interests.

A list of the 114 of Australia's diplomatic posts can be found in this link:
http://dfat.gov.au/about-us/our-locations/missions/Pages/our-embassies-and-consulates-overseas.aspx

To understand how the number of Australia's overseas diplomatic posts compare with countries like Australia, the 2016 Lowy Institute Global Diplomacy Index is an excellent resource. The Lowy Institute reports that the average number of posts for the 34 OECD nations has slipped by only one since 2011, to 132 posts. The G20 average number of posts is 190, and the overall average for the 42 G20 and OECD nations is 141. Australia's diplomatic postings are well below the G20 average.

The Lowy Institute argues that since 2009 DFAT has been under-resourced. As a result, its overseas network of diplomatic posts has thinned out significantly. Australia's overseas network – those staff at the front line of Australia's diplomacy – declined by over 30% between 1987 and 2013, just before the integration of AusAID into DFAT. Although the Australian bureaucracy grew in number by nearly 60% between 1997 and 2013, DFAT staffing remained virtually unchanged.

During the 2000s, the number of Australia-based (A-based) staff posted overseas from both DFAT and AusAID reached a low point in the 2004-05 financial year, when only 556 staff in total were posted abroad, 494 of whom were DFAT officers.

http://dfat.gov.au/about-us/department/Pages/roles-and-responsibilities-of-embassies-and-other-representative-offices.aspx

Learning Activity – Does Australia do enough?

Discuss with your class: Do you think that Australia does enough in the areas of humanitarian assistance, peace-keeping and foreign aid? If so, how? If not, why not?

Key challenges facing Australian contemporary foreign policy

For this section you are to choose two of the key challenges that are listed in the Study Design. You must be able to evaluate these two challenges. These six challenges can be found on the SEV website written up as case studies, and they are listed below:

- global and regional conflicts
- humanitarian crises and natural disasters
- the threat of global terrorism
- climate change and environmental issues
- the economic development of the region
- refugees, people smuggling and trafficking in persons

References and further resources

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Nationalsecurity/Final_Report

Beeson, M. and Hameri. S. (eds) (2017) *Navigating the New International Disorder: Australia in World Affairs 2011–2015*, Oxford University Press

Burton, K., (2004) *Scrutiny or Secrecy? Committee oversight of foreign and national security policy in the Australian Parliament*, Parliamentary Library, Australian Parliament

Evans, G. and Grant, B. (1991), *Australia's Foreign Relations*, Melbourne University Press

https://www.fpwhitepaper.gov.au/ (2017)

Gyngell, A. and Wesley, M. Making (2007) *Foreign Policy*, Cambridge University Press

Hamilton, C. *Silent Invasion*, (2017) Hardie Grant books

Knight, J. and Hudson, W. (1983) *Parliament and Foreign Policy*, Australian National University

https://www.lowyinstitute.org/publications/2018-lowy-institute-poll (2018)

Russell, D. (2004) 'A PM with power unparalleled since Federation', New Matilda.com

Singleton, G., Aitkin, D., Jinks, B. and Warhurst, J. (2012) *Australian Political Institutions,* Pearson VitalSource eTexts

Trood, R. (2008) *The Emerging Global Order*, Lowy Institute speeches

https://www.unicef.org.au/blog/news-and-insights/september-2016/the-true-cost-of-australias-refugee-policies (2016)

White, H. (2018) *Australia's Real Choice About China*, The Strategist, Australian Strategic Policy Institute

Wise, R. (2017) *The Indigo Handbook for VCE Australian Politics*, 4th edition, Indigo Publishing

Glossary of terms

Bilateralism is the conduct of political, economic or cultural relations between two sovereign states.

Diplomacy is the profession, activity or skill of managing a country's international relations, typically by that country's representatives abroad.

Multilateralism is a process of organising relations between groups of three or more states.

National security refers to the security of a nation state, including its citizens, economy and institutions and is regarded as a duty of government.

Treaty is the highest formal signed agreement between states (countries), which is binding at international law.

Units 3 and 4 Australian Politics

Glossary

Asylum seeker

A person who has fled their home country to escape persecution and who is looking for protection and safety in another country as a refugee.

Bilateral

Action or agreement by two nation states on a foreign policy issue.

Bill of rights

A statement of the rights, privileges or liberties to which citizens are entitled, incorporated into a nation's constitution or a statute.

Bipartisan

Agreement by the two major political parties in Australia (the Liberal Party and the Australian Labor Party ALP) on a policy or political issue.

Cabinet

The Prime Minister and her/his senior ministers. The cabinet is the key policy making body and carries out the work of the executive branch in practice.

Caucuses (USA)

A type of primary election used in some US states where approval for candidates is sought through a meeting of local voters, where the candidate's supporters try to persuade others to join them and vote for their candidate. Iowa is a state that uses a caucus.

In Australia, the term 'caucus' is most often used to refer to the parliamentary members of the Australian Labor Party (ALP).

Checks and balances

The mechanisms by which the three separated powers in the US political system, the executive, the legislature and the judiciary, hold each other accountable.

Congress

The legislative branch of the US political system; it is a bi-cameral body, comprising a Senate and a House of Representatives.

Constitutional monarchy

A political system with a hereditary monarch, whose powers are limited by a constitution.

Constitution (Australia and USA)

A written document which provides the framework for a government's powers. It may contain a Bill of Rights, as in the USA.

Electoral college

The process by which the US President and Vice President are formally elected. It consists of 538 voters who are usually nominated by the candidates' parties.

Executive (Australia and USA)

The executive is the government and has the function of carrying out or administering the law. In Australia, the Governor General and ministers of the governing party carry out this role. In the USA, the President and members of the cabinet carry out this role.

Federalism (Australia and USA)

A system of government in which law making powers and responsibilities are constitutionally divided between a central, national government and a series of state or regional governments. Both Australia and the USA operate a federal system of government.

Foreign aid

The purpose of the Australian foreign aid program is to promote Australia's national interests by contributing to sustainable economic growth and poverty reduction in other countries.

Franchise

The right to vote in an election.

Global citizenship

Membership of the global community that requires certain rights, privileges and responsibilities. A global citizen may refer to a state, non-state actor or an individual.

Impeachment

The process by which a public or elected official can be removed from office. Most often used in relation to a method for removing the US president from office, by the legislature.

Interest group

A group of like-minded people who work to influence government policy and decision making, either for the benefit of those they represent or society more broadly, but do not seek election themselves.

Judiciary (Australia and USA)

The judiciary refers to the courts which interpret and apply the law. This role is carried about by the courts; in particular, the High Court (in Australia) and the Supreme Court (in the USA). In a democracy, the judiciary should be independent of the executive and legislative branches.

Legislature (Australia and USA)

The institution which has the function of making and debating the law. The key federal law making body in Australia is the Parliament. In the USA, it is the Congress.

Liberal democracy

A political system that combines two principles of political theory: that individuals have rights (liberalism) and that political rule should be by the people (democracy). Liberal democracies usually pursue policies that encourage capitalism and private sector involvement in the economy.

Mandate

The authority given to a political party to form government and implement policies, as a result of their democratic election by the people**.**

Ministry

Those members of government who have responsibility for a particular portfolio or policy area.

Multilateral

Action or agreement by more than two nation states on a foreign policy issue.

National interest

The national interests of a state are pursued to ensure the survival and potential growth of that state. States implement policies and types of power to achieve their national interests and maintain state sovereignty.

National security

This is the national interest of a state to ensure it maintains sovereignty. Traditionally this term refers to the protection of a state's borders from intruders but has evolved to include other forms of security, such as resource and environmental security, which are necessary for a state to maintain sovereignty.

Party conventions

Large scale political meetings held by the two major parties in the USA after the conclusion of the primary election process, to confirm their respective nominations for the presidential election.

Policy platform

A written set of ideas or plans for action to achieve particular outcomes in government, which are devised by political parties and campaigned on by them prior to an election.

President

The head of state and head of government in the US political system. The president heads the US executive branch of government and is elected separately to the Congress every four years.

Primary elections (USA)

A system where political parties conduct elections to determine their final candidates for general election. These are most prominently held in the lead up to a presidential election in the United States.

Prime minister

The leader of the political party (or coalition of parties) with a majority of seats in the House of Representatives. The prime minister has the day to day role of leading the executive branch and administering the nation.

Public service

Government departments, consisting of unelected and non-political public servants who administer government policies and provide advice on policy to Ministers.

Refugees

A person who has fled their state due to fear of persecution in their home state and is determined to be a refugee according to the 1951 Refugee Convention.

Representative democracy

A political system where people vote for other citizens in free and fair elections, to act on their behalf in the legislative branch.

Representative government

A political system where the legislative and executive functions are carried out by citizens who have been elected to make decisions on behalf of the people.

Responsible government

The term used to describe a political system where the executive *government,* the Cabinet and Ministry, is drawn from, and accountable to, the legislative branch.

Rule of law (Australia and USA)

The democratic principle that all people are equal before the law including members of the executive, and that all government action will be undertaken in accordance with the law.

Separation of powers (Australia and USA)

The principle that the three branches of government, the legislature, the executive and the judiciary, should be kept independent and act without interference from each other as means of decentralizing and preventing abuse of power. In Australia, the separation of powers is blurred as the executive and legislative branches are combined; in the USA, the separation of powers is very clear.

Sovereignty

Legitimate or widely recognised ability to exercise effective control of a territory within recognised borders. This is the primary organising principle of global politics, providing states with the authority to represent their territorial entity within the international community. State sovereignty can be challenged internally (for example, secessionist groups) or externally (for example, one state invades another).

Terrorism

Terrorism is the use or threatened use of force or violence against civilian and nonmilitary targets in order to achieve political objectives.

Veto

The right of the US president to reject legislation passed by the congress and the right of the US congress to reject and overturn the president's veto. This is an example of the 'checks and balances' in the US system.

VCE Australian and Global Politics 2018–2023 Frequently asked questions

Unit 3 and 4 Australian Politics

The Unit 3 Area of Study 2 Comparing democracies require students to critically compare the political systems of Australia and of the United States of America in terms of the extent to which democratic values and principles are upheld. What skills are required for students to critically compare?

To critically compare political systems of Australia and of the United States of America students are required to analyse and evaluate similarities and differences between the political system in Australia and the political system in the USA and the extent to which each system reflects liberal democratic values.

In Unit 4 Area of Study 1 Domestic policy what is the distinction between policy formation and policy making?

Policy making is subject to the input and influence of numerous factors, and can be a difficult, lengthy, highly politicised and uncertain process. Domestic policy is formulated by the government who have a strong electoral mandate for a policy or there is a clear and immediate need for a policy response. The last key skill on ‘policy making and implementation’ requires a broader focus on the process of policy formulation. Policy making and implementation, refers to the range of institutions that contribute to the policy formulation process including the executive, the public service, the Commonwealth Parliament and the judiciary.

Glossary of command terms

This glossary of command terms provides a list of terms commonly used across the Victorian Curriculum F–10, VCE study designs and VCE examinations.

The glossary can be used by:

- teachers across Foundation to Level 10 and VCE to develop internal assessment tasks and prepare students for tests and examinations
- examination panels in the development of assessment items for external examinations.

The glossary may be used in classrooms by teachers across all F–10 curriculum areas and VCE studies to help students better understand the requirements of command terms in the context of their discipline. Students may benefit from using the glossary in the context of questions and tasks they are working on as opposed to learning the terms in isolation.

It is important that the command terms are not interpreted in an overly prescriptive way. Teachers are reminded that study-specific nuances may elicit different kinds of responses to a given term as the term may carry a particular meaning within a discipline that is not necessarily represented in the glossary. For example, an 'evaluate' question will require a different response in Mathematics than it will in History.

The list of terms in the glossary is not intended to be exhaustive or limiting; other terms may be used if required and/or appropriate, allowing study-specific questions to be constructed. Additionally, not all terms in the glossary will be suitable for use in all disciplines and studies. Reference to the relevant curriculum and VCE study design is paramount when developing internal and external assessments.

When using command terms in the construction of assessment items, questions, tasks and marking rubrics, the following definitions may be useful in considering what the term requires students to do.

Term	Explanation
account of	Describe a series of events or transactions.
account for	State reasons for; report on.
analyse	Identify components/elements and the significance of the relationship between them; draw out and relate implications; determine logic and reasonableness of information.
apply	Use; employ in a particular situation or context.
assess	Make a judgment about, or measure, determine or estimate, the value, quality, outcomes, results, size, significance, nature or extent of something.
calculate	Determine from given facts, figures or information; obtain a numerical answer showing the relevant stages in the working; determine or find (e.g. a number, answer) by using mathematical processes.
clarify	Make a statement or situation more comprehensible.
compare	Recognise similarities and differences and the significance of these similarities and differences.

Term	Explanation
construct	Make, build, create or put together by arranging ideas or items (e.g. an argument, artefact or solution); display information in a diagrammatic or logical form.
contrast	Show how things are different or opposite.
deduce	Draw a conclusion from given information, data, a narrative, an argument, an opinion, a design and/or a plan.
define	Give the precise meaning and identify essential qualities of a word, phrase, concept or physical quantity.
demonstrate	Show ideas, how something can be done or that something is true by using examples or practical applications, or by applying algorithms or formulas.
describe	Provide characteristics, features and qualities of a given concept, opinion, situation, event, process, effect, argument, narrative, text, experiment, artwork, performance piece or other artefact in an accurate way.
discuss	Present a clear, considered and balanced argument or prose that identifies issues and shows the strengths and weaknesses of, or points for and against, one or more arguments, concepts, factors, hypotheses, narratives and/or opinions.
distinguish	Make clear the differences between two or more arguments, concepts, opinions, narratives, artefacts, data points, trends and/or items.
evaluate	Ascertain the value or amount of; make a judgment using the information supplied, criteria and/or own knowledge and understanding to consider a logical argument and/or supporting evidence for and against different points, arguments, concepts, processes, opinions or other information.
examine	Consider an argument, concept, debate, data point, trend or artefact in a way that identifies assumptions, possibilities and interrelationships.
explain	Give a detailed account of why and/or how with reference to causes, effects, continuity, change, reasons or mechanisms; make the relationships between things evident.
extract	Select relevant and/or appropriate detail from an argument, issue or artefact.
extrapolate	Infer and/or extend information that may not be clearly stated from a narrative, opinion, graph or image by assuming existing trends will continue.
identify	Recognise and name and/or select an event, feature, ingredient, element, speaker and/or part from a list or extended narrative or argument, or within a diagram, structure, artwork or experiment.
infer	Derive conclusions from available information or evidence, or through reasoning, rather than through explicit statements.
interpret	Draw meaning from an argument, point of view, description or diagram, text, image or artwork and determine significance within context.
investigate	Observe, study or carry out an examination in order to establish facts and reach new conclusions.

Term	Explanation
justify	Show, prove or defend, with reasoning and evidence, an argument, decision and/or point of view using given data and/or other information.
list	Provide a series of related words, names, numbers or items that are arranged consecutively.
name	Provide a word or term (something that is known and distinguished from other people or things) used to identify an object, person, thing, place etc.
outline	Provide an overview or the main features of an argument, point of view, text, narrative, diagram or image.
persuade	Induce (someone) to do something through reasoning or argument; convince.
predict	Give an expected result of an upcoming action or event; suggest what may happen based on available information.
propose	Suggest or put forward a point of view, idea, argument, diagram, plan and/or suggestion based on given data or stimulus material for consideration or action.
recall	Present remembered ideas, facts and/or experiences.
recommend	Put forward and/or approve (someone or something) as being suitable for a particular purpose or role.
recount	Retell a series of events or steps in a process, usually in order.
state	Give a specific name or value or other brief answer without explanation or calculation.
suggest	Put forward for consideration a solution, hypothesis, idea or other possible answer.
summarise	Retell concisely the relevant and major details of one or more arguments, text, narratives, methodologies, processes, outcomes and/or sequences of events.
synthesise	Combine various elements to make a whole or an overall point.