

Determining Parliamentary Parties—A Real Status Symbol

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The current requirement for parliamentary party status in the Federal Parliament is that a party holds a total of at least five seats in the House of Representatives and/or the Senate. Some of the benefits of having party status include additional resources, such as extra research and media staff (around 12 extra staff in all), and increased salaries, travel and postal allowances for party leaders. For smaller parties such as the Nationals and Australian Democrats, these additional resources make a significant difference in the ability of these parties to be effective both inside and outside of Parliament.

It is understandable that the two major parties, Labor and Liberal, have a common interest in limiting the effectiveness of minor parties; however, the Liberal Party's reliance on the Nationals has meant that concessions have been made for its junior Coalition partner. As a result, the Democrats, who have had similar parliamentary representation and voting support as the Nationals (up until the 2004 election), have been able to benefit from the same entitlements, including party status, that have been primarily intended for the Nationals.

One of the outcomes of the 2004 Senate election is that the Australian Democrats will lose party status from 1 July 2005, when the party's representation drops from seven to four Senators. The Greens, who had a relatively successful election result, have just failed to win party status, with their Queensland Senate candidate, Drew Hutton, narrowly missing out on winning the party a fifth Senate seat. Considering these additional resources are worth more than \$1 million a year, a substantial amount for a small party, it is not surprising that the Democrats are considering seeking an alliance with the Greens (amongst other reasons, no doubt).

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It is also interesting to note how things are done in terms of party status in other jurisdictions. Most notable in recent times is the case of the Western Australian State Parliament, where the criteria for attaining parliamentary party status are similar to the Federal model, with one significant difference. The Western Australian requirement is that a party needs to hold five Legislative Assembly seats, irrespective of the number of members a party may have in the Legislative Council.¹ The requirement was originally for seven members, however, the National Party's representation in the Assembly had been reduced to five members in 1983, and the requirement was amended under a Labor Government (with minimal debate) to five members in 1986. This was at a time when the Labor government required National Party support for its electoral reforms, apparently a nice little contra deal!

At the 2001 WA State election, the Greens won five Council seats, and so they were understandably angered when the Gallop government would not grant them additional resources equivalent to those enjoyed by the National Party, which held only one Council seat, but also held five Assembly seats. It is also pertinent to note that the Greens' Assembly vote on a state-wide basis was 7.3 per cent, compared to the Nationals' 3.3 per cent (in the Council the contrast was even greater, 8.0 per cent to 2.4 per cent, respectively), but that's another story.

Despite four years of seeking change, interestingly at a time when the Greens have held the balance of power on critical issues such as electoral and parliamentary reform, the party's calls for additional resources have been unsuccessful. It is understood that if the Greens had been more willing to support Labor's attempt to introduce electoral reforms based on the principle of one-vote, one-value, then Labor would have provided the additional resources that the Greens had requested.

Victoria provides another interesting example of parliamentary party status, where the requirement is for 11 members of the parliament (both Houses).² This appears to be quite nicely geared to the National Party, which, coincidentally, currently has 11 members in the parliament (seven in the Assembly, four in the Council). Some governments, such as the ACT and South Australia (and Federally to some extent)

¹ s.4 (2)(k) *Salaries and Allowances Act 1975* (Western Australia)

provide additional resources to minor party and independent members, however, these funding decisions appear to be largely arbitrary, with no direct correlation between the provision of adequate resources and the level of representation.

The above examples in relation to party status highlight the ability of Labor and Liberal to work together to limit the effectiveness of minor parties, and in so doing, creates a bias in favour of themselves in terms of resources. It is a denial of political equality when resources are not distributed in proportion to the size of the parties or number of independents. It would be far more appropriate for the collective resources allocated to members' entitlements, irrespective of party status, to be pooled and distributed proportionally to each member. Members would then be able to allocate any proportion of those resources to a collective party unit.

In this way, parties could determine how to spend the resources (e.g. require each of its members to contribute to 'x' number of research and media staff that may be allocated to the leader). This would create a fairer, more democratic system that reflects the wishes of the electorate, while allowing all parties to determine how to best utilise the resources at hand. At the same time, independents and members of parties with only a few parliamentary members would not be discriminated against, as is currently the case.

The Western Australian example, where Upper House members are clearly discriminated against in legislation, denies Western Australians fully effective representation. In addition, the Western Australian and Victorian examples indicate that the major parties believe that any public backlash in response to these obvious self-serving actions will quickly dissipate.

It is also interesting to note that in the Western Australian parliament since 1997, when minor parties (initially the Democrats, and since 2001, the Greens) have held a balance of power position, first the Coalition and then the Labor government have moved to reduce the funding of the Legislative Council. This reduction, 23 per cent in real terms since 1999, has been a response to what the government-of-the-day sees

² s.3 *Parliamentary Salaries and Superannuation Act 1968* (Victoria)

as a troublesome Council that is questioning the actions of the government. By restricting funds the Council's capacity to act as a house of review is restricted, for it becomes difficult for committees to employ qualified and experienced staff, and committee inquiries are less able to engage in extensive public consultation. This diminishes public engagement and participation and therefore democracy is threatened by the actions of a majority government.

Although there has been a trend in voting terms away from the two major parties in recent decades, the Labor and Liberal parties retain the ability to combine to limit the effectiveness of representatives of non-major interests. Protectors of democracy need to remain ever vigilant.