

The Distinctiveness of Australian Democracy*

John Hirst

At my university, at the beginning of each semester, I am asked to speak to the new students from overseas. My task is to tell them what sort of society they have come to. Most of what I say is very conventional and would not surprise you. But one thing I say I ask them to keep secret from the Australians they will meet. I tell them that Australians are a very obedient people. I advise them to keep this secret because Australians imagine themselves to be the opposite of obedient. They think of themselves as anti-authority. They love a larrikin. Their most revered national hero is a criminal outlaw, the bushranger Ned Kelly. Their unofficial national anthem honours an unemployed vagrant who commits suicide rather than be taken by the police troopers for stealing a sheep.

All this is true. So I am careful to give the evidence for Australian obedience.

We were the first nation to make the wearing of seatbelts in cars compulsory. We have gone further and made the wearing of bike helmets compulsory for the riders not only of motor bikes but push bikes as well.

We led the way with compulsory breath tests for the drivers of motor cars to ensure they are not driving under the influence of alcohol.

Our laws against smoking in public places are very severe. Smoking is banned at our greatest sporting stadium—the Melbourne Cricket Ground—even though it is open to the skies. At games of Australian rules football the spectators yell foul abuse at the umpire and then at half time they file quietly outside to have a smoke.

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The founding population of Australia came from Britain and by the nineteenth century the British were a very law-abiding people. Is that the reason for our obedience? The great sociological work on political cultures written by the American scholars Almond and Verba, *The Civic Culture*, judges the British to be an obedient people because of the survival of deference to a ruling class.¹ That can't be the reason for the ongoing Australian obedience. We have no respect for anyone who thinks they have a natural claim to rule us. We very certainly have complete contempt for the politicians who make our laws.

So here is the puzzle I want to consider. The Australian people despise politicians, but the politicians can extract an amazing degree of obedience from the people, while the people themselves believe they are anti-authority.

We will begin by considering one of the most distinctive features of Australian political life, the compulsion to vote. Other countries have this provision but none in the English-speaking world. We did not copy it from anywhere else; we worked it out for ourselves.

The adoption of this system is universally believed to have been a response to shamefully low turn-outs at elections. This is not so. It was first used in Queensland state elections in 1915. At the previous election the turn-out had been a very respectable 75 per cent. It was adopted by a Liberal government because it feared at the next election the Labor Party for the first time would gain a majority of seats. Labor's great advantage was its large number of campaigner workers who, for no payment, worked to get out the vote; that is, to bring the people to the polls. The Liberals thought to offset this advantage by passing a law to make everyone come. They still lost the election but compulsory voting was law and Labor not surprisingly thought well of it and quickly adopted it as its national policy.

It was not worry about shifts in turn-out figures that put compulsion in the mind of Australian politicians. Compulsory voting was seen as a natural extension of compulsory enrolment in which Australia was also a pioneer. Before the federal elections in 1903, the first on the new federal franchise, the police of the various states went to every house in the Commonwealth to enrol the voters. This is an amazing exercise: the state's enforcing arm, the police, enrolled the citizens to vote, a task usually regarded as the responsibility of the citizens. Some colonies had been using the police for this task, which is how the Commonwealth got the idea. The police produced a comprehensive roll, but when people moved, which they often did, they did not inform the authorities of the change. The Electoral Office wanted the people to be forced to report changes. In 1911 the Fisher Labor Government accepted this policy and enrolment became a continuing obligation on citizens.

To get the new system started the police were called in again. They visited every house and got each elector to fill in an electoral card with their personal details. The cards were now to form the master roll. When electors moved house, they had to send in a new card. If they did not do so, they were to be fined.

¹ Gabriel A. Almond and Sydney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Boston, Little, Brown [1965].

But how would the Electoral Office know if people had moved house? It appointed spies. In cities and towns they were the postmen; in the countryside the police. They sent regular reports of comings and goings to the Electoral Office. They also distributed electoral cards to new-comers on their beat and encouraged them to send them in. When the Electoral Office got reports from their spies, it checked to see if new-comers had sent in their card. If they had not, they were asked to explain why. If they did not offer a good excuse, the Electoral Officer fined them.

In 1911, when compulsory enrolment was adopted by the Commonwealth, several politicians were ready to add to it compulsory voting. They asked what the point was of getting everyone on the roll, if they did not bother to vote. If Parliament was ready to force people to do their civic duty as regards enrolment, why not force them to perform the higher duty of voting? Note that at this time the proportion of people voting was rising. At the 1910 federal election the proportion voting had jumped to 62 per cent from 51 per cent in 1906 and 50 per cent in 1903.

Four years after the Commonwealth adopted compulsory enrolment Queensland adopted compulsory voting. The Commonwealth did not adopt compulsory voting until 1924. Now it is true that turn-out had fallen at the previous election—down to 58 per cent from above 70 per cent at the previous four elections—but that did not prompt any immediate reaction. Again it seems to have been a fear of what Labor might achieve at the next election that pushed the Nationalist government to propose compulsion. Labor supported it and the measure was passed in a rush with almost no debate.

Australian voters accepted compulsion and turn-out figures rose to above 90 per cent. Compulsory voting was adopted for state elections in Victoria in 1926, in New South Wales and Tasmania in 1928, in Western Australia in 1936, and South Australia in 1942.

Opinion polls record that over 70 per cent of the people are in favour of compulsion. If all those people voted voluntarily that would be a respectable turn-out. But the Australian people want to be compelled to vote.

Those who write and comment on politics in this country are overwhelmingly in favour of compulsion. In defending compulsion, they make a distinctively Australian contribution to political philosophy.

They argue that with compulsion governments have to pay attention to the interests of everyone and particularly of the poor which they could ignore under voluntary voting since the poor are the people least likely to vote. That may be so, but they go on to claim that to move to voluntary voting would 'disenfranchise' the poor. This is amazing double-speak. To allow people the freedom to vote or not would be to take the vote from them!

The writers and commentators are scathing about the low turn-out for American presidential elections and boast that in Australia governments have greater legitimacy because all the people take part in their creation. They do not think their case is weakened because the people are compelled to take part.

To the objection that compulsory voting is a denial of liberty, they argue that governments regularly make citizens do things—to serve on juries, to pay taxes, to fight in the defence of the country. Of course governments compel citizens, but compulsory voting relates to another issue altogether: how governments are themselves created. According to liberal principles, citizens create governments; governments don't force people to be citizens.

You see I am an opponent of compulsory voting. I don't expect to persuade you to change your minds. If you are a fair sample of enlightened opinion you will favour compulsory voting. What I want to persuade you is how distinctive your position is. A policy that in the UK and the US would be thought totally at odds with liberal principles is here accepted almost unquestioningly. We are examining something that is instinctive to Australian political culture.

The value placed on personal liberty and the responsibilities of citizenship has shifted markedly from that in other English-speaking democracies. The existence of government is taken for granted and the people can be forced to be citizens.

That government is simply there; that its existence does not have to be explained: that has been the Australian experience. Government in Australia has been continuous; it has never broken down and had to be reconstituted. Except in the treatment of Aborigines, government has never been an oppressive force, something that large numbers of people feared. Government has never been simply a means of fleecing people; it has always been a supplier of services that people wanted.

Australian government was not created in Australia. The government came off the boat, in the person of the Governor and his officials, carrying all the authority of the government in Britain. With only one exception settlers never had to come together and form a government. The authority which secured to them the benefits of their pioneering was not of their making.

Melbourne was the exception; it alone of the colonial capitals was an unauthorised settlement. For a few months the settlers did govern themselves. Then the Governor in Sydney visited and installed a magistrate responsible to him.

The founding governments of the Australian colonies had the virtues of the British government that created them; they provided a secure world in which all people enjoyed protection of their property and liberty. The convicts of course did not have their liberty, but they were deprived of it by the law, which also set the term for their release and protected the property and persons of ex-convicts as if they had always been free.

The early Australian governments were actually better than the British. The British government was run by the aristocracy and gentry who rewarded their followers with government jobs. The job might pay well but have no duties. If the job did have duties, the holder was not obliged to perform them himself. He hired a deputy to do the work, but kept most of the proceeds for himself. Jobs frequently did not have salaries; the holder made his money by the collection of fees which he could manipulate to his own advantage.

This system was being reformed just as Australia was settled and so the new rules applied here from the beginning. All jobs had to be real jobs; the work could not be done by a deputy; the reward would be a fixed salary rather than fees. So the British officials who ruled under the Governor's control were efficient and honest.

Government did not begin with taxation. The funds of the first governments came from the British taxpayer. The job of the Colonial Office was to get the Governor to limit his spending and to raise money by local taxation. It was some time before the colonists in Australia were paying the full cost of their government. For the first hundred years they never really did that because their defence was provided free by the British Navy. For most of human history defence spending has been the biggest item in government budgets. In the Australian colonies it was one of the smallest, which allowed government funds to be spent on the internal development of the colony.

Usually in empires, governors of colonies taxed the people and sent the proceeds back to the mother country. In the Australian colonies taxes were not sent to Britain. After the revolt of the American colonies Britain resolved not to tax its overseas settlers. Britain got its benefit from the colonies through the increase of its trade and the returns on the private funds invested in Australia. The governor's job was to promote the development of the economy which would enable the colony to pay its way and bring more benefit to Britain. There was a basic harmony between what the British government wanted of the governors and what the settlers wanted.

Governors and their officials built roads and bridges, improved ports, encouraged exploration, surveyed land for settlement, and provided settlers with their labour force, at first convicts and later free immigrants. The British government which sent the governors did none of these things in its own country. So the function of government changed in Australia; it was not primarily to keep order within and defeat enemies without; it was a resource on which settlers could draw to make money.

The social character of the government changed too, or rather it did not have a social character. In Britain government was closely linked to the social order; the richest people were the great landowners and they and their friends ran the government. In Australia the government was one person, the Governor, who was detached from, and superior to, all groups in the local society. Yet government was much more than the person of the Governor; he embodied the full authority of the British government and was the representative of the monarch. So government was both more singular and more abstract.

Settlers of course attempted to influence the Governor. The richer settlers had more influence than others and they occupied the positions in the legislative councils, which were at first appointed and then two-thirds elected. But the councils never controlled the Governor and the Governors did not rule simply in the interests of the wealthy settlers. Several governors clashed with the wealthy settlers. The demand for self-government in New South Wales in the 1840s came from the rich squatters who objected to Governor Gipps attempting to make them pay more for their land.

In the mid 1850s governors and officials were replaced by premiers and ministers responsible to the new parliaments. The transition was smooth. The public servants remained in place. The regular business of government remained the same: to provide the infrastructure for the development of the economy. Democratic government made it easier for more people to make demands for roads, bridges and local services. If people wanted something done, they went in a deputation to the minister, escorted by their local member. If the local member could not get results out of ministers, he lost his seat at the next election.

The democratic governments, like those run by the governors, were omni-competent; they took on everything. They ran the school system and the police, which in Britain and in many other countries were the business of local government. Local government in Australia was weak; it was established late and did not cover the whole country. Its chief job was the making of local roads and in the towns the collection of rubbish. Where there was no local government, the colonial government did all that was necessary. In most of the countryside of New South Wales there was no local government until 1906.

The colonial governments did all their work without imposing direct taxation. Until late in the nineteenth century there was no income tax and no company tax. All the money you earned you kept. Government was not a burden that you had to pay for; it was a magic pudding; you could cut slice after slice and there was always more.

The magic was performed by the government collecting its revenue from taxes that you were unaware of—duties collected on imported goods— and from the sale of crown lands—which was not a tax at all. Local government did tax directly; its revenue came from rates collected on land. This was the chief reason why it did so little and why in many places it did not exist at all. No one wanted to give local government more responsibilities because that would increase direct taxes.

The first government schools were built only if local people raised some of the cost of the building. That gave them some say in the running of the school. But from the 1870s the colonial governments, without raising any new taxation, were able to cover the full cost of school building. Local control of education disappeared. Who could quarrel with this when schools came for nothing?

I have been stressing the continuity of government and its continuing benevolence. But with democratic politics came an important change: a rapid decline in the respect for politicians. In recent years the reputation of politicians is claimed to have fallen. This change has been very small compared to the catastrophic collapse that can be dated precisely to the introduction of democracy in the late 1850s. We have to understand this change if we are to answer the puzzle we have set about Australians and their attitude to government.

Before self-government, as we have seen, the colonists were allowed to elect two-thirds of the members to the single chamber legislatures that went under the name of legislative councils. The Governor appointed the remaining members and was himself the real head of government. New South Wales had such a Council from 1842, Victoria, South Australia and Tasmania from 1851. The right to vote for these Councils was based on the owning or renting of property, as in Britain. The British

Parliament set the level of these qualifications. In 1851, the British Parliament was tricked into lowering these qualifications by a clever scare tactic: it was told that in New South Wales ex-convicts who owned property had the vote while the virtuous free working man recently arrived did not own or rent enough to qualify. To create a respectable electorate a lower franchise was needed. This amendment was actually initiated in the House of Lords, the only occasion when that noble body has proposed to give the vote to more people; its usual task was to quash such proposals. It did not realise how radical a change it was making because the new lower rates were to be the same as Britain's, but in the colonies property values were much higher. This meant that in the Australian cities skilled workingmen gained the vote whereas in Britain working men were excluded from the vote.

Just as these new qualifications came into operation in 1851 gold was discovered. In the goldrush boom, property values went through the roof. The occupier of the meanest hovel in Sydney and Melbourne was paying enough rent to get the vote. There were some demands from working people for the vote, but not widespread or well sustained. With everything in turmoil and fortunes to be made, it was impossible to keep a political movement together. But it turned out that a movement was not necessary to widen the franchise in goldrush Australia. Inflation was the great engine of democratic change.

In 1852 the legislative councils were given permission from Britain to draw up constitutions under which self-government would operate. Overwhelmingly, the elected and nominated members of these councils were conservative; they were large landholders, squatters, merchants, professional men, senior government officials. They had no intention of introducing, in the words of William Wentworth, a Yankee democracy. But the ground was shifting under their feet. Without approval from them, more and more people were qualifying for the vote. So for the new parliaments they were planning, they added new qualifications for the vote based on salary rather than property and rent in order to give the vote to their household servants, clerks and managers. It was a desperate ploy: to stave off full democracy they were giving more people the vote.

When the new parliaments came into operation the conservatives were quickly bundled aside. Power fell to the liberals who moved to introduce full manhood suffrage. This was no longer a radical change. Far many more people had acquired the vote courtesy of inflation than were granted it by parliamentary legislation.

Historians have struggled to explain why democracy came so easily. They have not looked at the qualification levels for voting and what happened to them in the 1850s. Not having a convincing explanation, they slide over the issue quickly or imply that democracy was the natural outcome for a new society like Australia. This argument seems to have some plausibility, but I don't want you to accept it. In detail this is how it runs: the first settlers came from very unequal societies where inferior people had to show respect to superior people. Most of the migrants to Australia did not come from the superior upper classes; they were middle-class or working people. They wanted to get rid of old-world distinctions and create in the colonies a world in which people did not have to know their place. Anyone in Australia who tried to pretend they were upper class was just laughed at. The old distinctions simply could not be re-

established in the new land. People began to treat each other as equals and so democracy was the only form of government that would suit them.

This is very misleading. Society was not democratised first and then politics. It was the other way about. Politics was democratised long before society was.

It is true that the migrants rejected some aspects of the old society. They did not want position to depend on birth or education or knowing the right people. But those who came to the colonies to better themselves wanted to show off their success in the old ways. What other signs did they know; what other signs would be recognised?

The migrants did not want dukes and lords in Australia, but successful migrants claimed the title of gentleman. Gentlemen in England were at first the large landowners who were not noble. They had to be of good breeding; that is, descended from other gentlemen, or better still, from a lord. They had to be men of leisure and not directly involved in money-making. They also had to display certain moral qualities, which was the opening for more people to claim the title. If you had the education of a gentlemen that might be enough, even if your parentage was doubtful. The rank of 'Gentleman' proved to be an excellent import for the colonies. It was not quite definite; the qualifications were elastic and could be stretched. Here they were stretched a long way. The test for not being involved in business was easily dropped. Even true gentlemen in Australia—and there were some—were very closely involved in money-making. So that made it acceptable for others to be making money. But the test was not dropped altogether. It was shifted. If you made money as a merchant, that was alright; if you ran a shop and served the public, you could not be a gentleman. As to good breeding, when the new gentlemen in Australia talked of their origins, they pushed their ancestors as far up the social scale as they dared.

The final result was that in Australia most men who had made money could be gentlemen. This was a huge change in the rules and it was not reached without great social turmoil, but the category of gentleman did not implode. The one definite test for a new gentleman in Australia was that he had to be wealthy and a wealthy man could look like a gentleman once he had a large house and a carriage and dressed like a gentleman with top hat and tails.

The first partly-elected legislatures in Australia were made up of landowners and squatters along with a few merchants and lawyers. They thought of themselves as gentlemen and were treated as such. As at Westminster, the councils were gatherings of the rich and well-educated.

All this changed with the rapid move to a democracy in the late 1850s. The rich found it hard to get elected and were forced to retreat to the upper houses. Poor men of little education replaced them. Members heaped vulgar abuse on each other and some were only in Parliament to benefit themselves.

Parliamentarians still dressed as gentlemen and hoped to be treated as gentlemen, but now there was an implosion: no one believed that parliamentarians were gentlemen. The new democratic institution did not dress itself in its own clothes; it set itself up for a fall by putting on a distinctly undemocratic uniform.

Rich and educated people now regarded politicians as a low-class bunch of incompetents. They made fun of those who could not speak or write properly, who had done lowly work before they became MPs, and who had wives who could never be accepted into good society. If a rich and well-educated man did get into Parliament, he was always apologising for keeping such low company. It did give him a lot of good stories to shock and amuse his friends.

These very ordinary parliamentarians had been elected by the votes of ordinary people. Their votes gave them the opportunity to show that they did not want parliamentarians to be just the rich and the well-educated. They elected parliamentarians who could not look down on them and whom they did not have to look up to. But they had not got rid of the idea that Parliament was a place they should be able to respect. By their votes they had produced parliaments that they too despised.

We have visual evidence of how two leaders of the democratic advance dressed. The illustration below shows Henry Parkes being chaired by his supporters after winning the seat of Sydney in the old Legislative Council in 1854. He is dressed as a gentleman with frock coat and top hat. This is the man who arrived in the colony as an assisted migrant and whose first job was common labouring. We can follow the rise in his status by looking at how he was addressed by other people. Fortunately Parkes kept not only letters sent to him but also their envelopes. As we scrutinise the envelopes, we know we look no more closely at them than Parkes did himself. When briefly he worked in the Customs Department some people addressed him as Henry Parkes Esq. Parkes was not yet claiming the title for himself. At this time he was content to give himself a middle name and told his family to address him as Mr Henry F. Parkes. When he opened a toy and knick-knack shop in Hunter Street he was definitely not a gentleman. He made the transformation to that status in 1850 when he became the editor of the liberal newspaper *The Empire*, which was regarded as a gentlemanly occupation. To the disgust of the more radical *People's Advocate*, he began to talk of the respectability of his ancestors.



HENRY PARKES, ESQ., CARRIED IN TRIUMPH TO THE "EMPIRE" OFFICE.

Illustrated Sydney News, 6 May 1854

Daniel Deniehy was more radical than Parkes; he kept true to republican principles after Parkes abandoned them. He is famous for coining the term that destroyed William Wentworth's plan to give New South Wales an aristocracy so that the colony could have an upper house to match the House of Lords. Deniehy called the proposal 'a bunyip aristocracy'. But Deniehy was no social leveller. He thought of himself as a gentleman, a rank he was fully entitled to claim as a lawyer. When one of his opponents denounced him for remaining seated while the national anthem was sung he replied that, as a republican, he would he would not have minded if his enemies had sworn that he had said the anthem was 'damnable trash', but he objected 'as a gentleman' to being accused of sitting while ladies stood. Contemporary photographs show Deniehy dressed as a gentleman, and with a top hat.

By 1859 Deniehy was completely disillusioned by democracy because of the sort of men the people elected. In his own newspaper he named members of Parliament who he declared were unable to write two sentences or unable to read half a page of a book without a dictionary, or fit only for driving bullocks. But this was after all to be expected, he lamented, because of the quality of the electors who sent them there. Deniehy gave them the local name Geebungs:

The Geebung looks down with contempt upon all education, literature and refinement, except such reading and writing as are necessary for 'getting on', and upon all scientific forms of knowledge except for 'lor'—for 'lor' he has the a sort of fascinated admiration like a savage's for firearms. The Geebung would rather put into Parliament a bullock-driver with 'property'—certainly not without, than an impoverished Fox or an O'Connell.²

Respect for Parliament evaporated very quickly. In the Supreme Court in Sydney in 1861 the Chief Justice at the top of society and a criminal at the bottom shared a joke at the politicians' expense. The criminal was being tried for escaping from gaol. Before the case began he asked that he be given another judge because it was the Chief Justice who had given him the harsh sentence that had put him in gaol. The criminal said the Chief Justice might have 'prejudicial feelings' against him. The judge, thinking he had said 'political feelings', replied, 'Why should I have political feelings against you. Are you a member of Parliament?' To which the criminal replied: 'Not yet'.

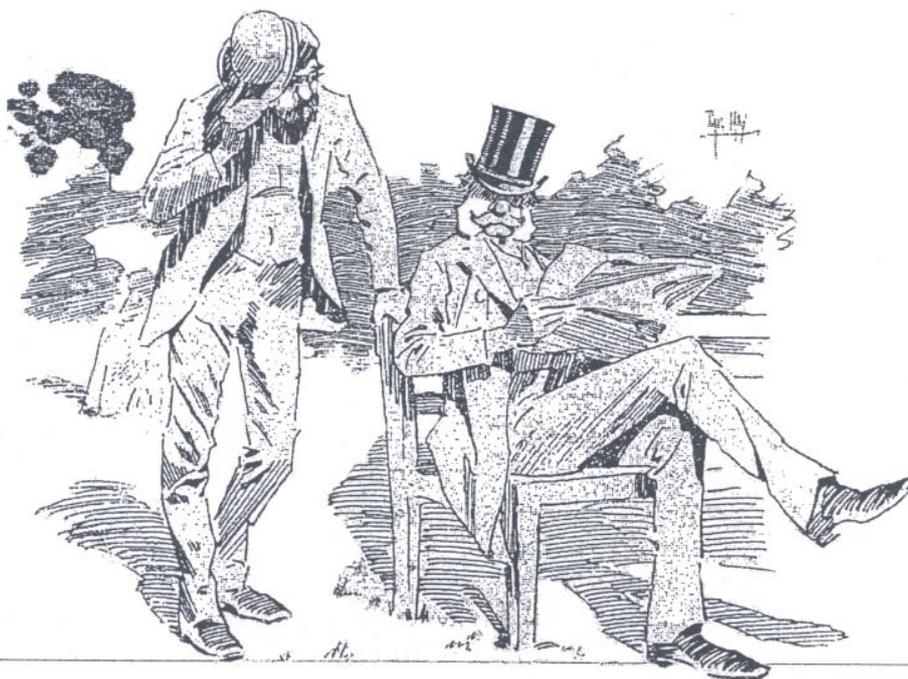
When the parliaments acted to protect their reputation, they discovered how little respect they enjoyed. The big man behind the bribing of the Victorian Parliament in the 1860s was the squatter Hugh Glass. When the Parliament committed him to prison, he became a popular hero. The Supreme Court set him free and the Parliament took no further action. The most corrupt member of Parliament was C.E. Jones, the Member for Ballarat. While he was a minister, he took money to organise opposition to his own government. When this was discovered, the Parliament expelled him, but Ballarat re-elected him.

² *Southern Cross*, 12 November 1859.

The Ballarat voters thought he was no worse than the men who had expelled him, so they were not going to see him punished. A vicious cycle had set in. Parliament was despised, but voters continued to elect men who kept its reputation low.

The *Bulletin* cartoon below from the 1880s allows us to see how far the status of politicians had fallen. A man approaches a well-dressed figure in the park and asks whether he is a Member of Parliament. The man replies indignantly: 'No sir; I am a gentleman.'

DISTINCTIONS



IN SYDNEY DOMAIN

"EXCUSE MY INTERRUPTION, BUT MAY I ASK IF YOU ARE A MEMBER OF PARLIAMENT?"
"NO, SIR; I AM A GENTLEMAN"

Bulletin (Sydney) 20 August 1887

'Gentleman' as social rank has now disappeared, though it still survives as a standard of behaviour. We might not expect parliamentarians to behave like gentlemen (or ladies) but we do expect that Parliament as the supreme tribunal of the nation will be conducted with decorum. We know particularly at question time this is not so. Teachers who visit with their children are hard put to explain why parliamentarians can act in the chamber in a way that children cannot act in the classroom. I have no doubt that the overall quality of parliamentarians has risen greatly from the rough-house beginnings of democracy, but the standard then set for parliamentary debate appears to persist.

But now I want to suggest that our respect for politicians would not increase even if they changed their behaviour. Their enemy is Australian egalitarianism, which has greatly strengthened during our history. By this I don't mean that society is becoming more equal in the distribution of material goods. It may be true as many complain that the gap between the rich and poor is growing greater. By egalitarianism I mean that insistence that we treat each other as equals and that no-one gives themselves airs. That is why we have sympathy for the larrikin and are reluctant to show respect for people exercising power. Australians will recognise that a boss or a military officer must have power, though they will respect him only if he exercises power properly. But politicians have no excuse for wanting power; they have wilfully put themselves above the rest. They will have trouble therefore in gaining respect, no matter who they are or what they do. Many Australians seem to think politics exists only because there are a few egomaniacs wanting to be politicians. So if Mark Latham does become prime minister and if he cleans up question time, perhaps it will make no difference.

We are now ready to offer an answer to our puzzle.

There has been strong, continuous, benevolent government in Australia but no ruling class. When the governors ruled, the rich landowners and squatters thought they would take over when self-government was granted. But when that happened, they were quickly defeated and democratic politics began. The democratic politicians were a very mixed bag indeed, not identified with any one group in society, so distinct that they were a group in themselves—the despised politicians, which is how they have remained.

Government is without social character; it is an impersonal force. That makes it possible for Australian egalitarians to give it the great respect which its record deserves. Australians are suspicious of persons in authority, but towards impersonal authority they are very obedient.



Question — My question is about democracy and government process. Ralph Nader said: 'A well-informed citizen is the lifeblood of democracy.' He went on to talk about timely information, and he said the prompt flow of information from government to people is essential to achieve the reality of citizens' access to a more just government process. Do you see a discernable difference between different governments as far as access to administrative justice, public accountability, malfeasance of public coffers, responsible government and all these important issues that we care about? And when you answer that question, can you define democracy?

John Hirst — In my talk today, I have been very careful not to define democracy. A democracy is a society in which the citizens are sovereign and control the government. As I give that definition, the argument about compulsory voting again comes to mind. If the citizens are sovereign, the government should not be telling us we have to vote. There should be that free moment, when we create the government. But you mention many of the things that are important for the good functioning of

democracy. I didn't address those because I was trying to identify what is distinctive about democracy. I think the government in Australia is accepted very readily—we are a deferential or obedient people in our relations with government, and that is what I was interested in establishing. And if that is true, that may mean that governments get away with more in Australia than they do elsewhere, which is an argument that some people have been running in recent times.

Question — My question also relates to the nature of democracy. In voting over the last twenty or more years, there has only very rarely, if ever, been a person elected that I have given my first preference to. I have probably voted in the past either for a socialist candidate or, since the Green party has been in, for a Green candidate. And there has been no Green Senate candidate elected in the ACT. So I don't feel that I have really been represented, or that our system really allows us to be properly represented, and I think your definition points to why that is the case. Certainly since we have single-member electorates a lot of people don't ever have the chance of having someone elected that they have voted for, and also by the system of voting once every three years on whatever happens to be the issue at the time—and that can obviously be very much influenced by fear or whatever, as we have seen in recent elections. So I would like you to perhaps expand on how you think democracy can be improved.

John Hirst — Well I want to accommodate you, but if you go on being a socialist you will probably go on having the same experience that you've had hitherto. But in our federal system we have stumbled upon a system of electing the two houses which goes a long way to meet your objection. Proportional representation for the Senate was introduced for the lowest of motives by the Labor government in the 1940s in its dying days. But what it has meant is that, though we run single-member electorates for the House of Representatives, we still have preferences there. It is a better system than first-past-the-post single electorates. In the Senate we have whole states voting as one and proportional representation—which means that if a party can get eight or ten per cent of the vote it will get a senator up. I think that has been a great improvement in our democracy. We have had some pioneers in electoral systems too, with the preferential system. Some people criticise the Australian electoral voting system as far too complicated—who *really* understands how to count Senate votes?—and it is said that it is only because we have compulsory voting that we can run such a complicated system. In France, for example, they have to have two rounds for presidential elections. They have one round one week, and then three weeks later, they choose between the top two candidates. We are very clever, we can do that in one go. So that supports the comment that we have been quite innovative.

Question — The two features of Australian democracy that I think are the most distinctive are the fact that we have compulsory voting, and also how very close, historically, federal elections have been. I think since 1945 all federal election result except three could have been changed with 10 000 votes. Often a political party can win power and get a minority of votes on the two-party-preferred system. When you look at the situation in America and elsewhere, elections overwhelmingly seem to have a comfortable majority. Do you think there is a relationship between compulsory voting and having very close election results?

John Hirst — I hadn't thought of that before, but it may well be the case. I am an historian, so I have been interested in studying the origins of compulsory voting, and I think they are often misrepresented completely. But I can see that your suggestion may have force, because what affects the results of elections elsewhere is the proportion of people who show up. A government might be doing well and might have the admiration of the people—so much so that the people do not show up to vote for it because they think everything is OK. So elections do have more things in play where there is voluntary voting. So you may well be right, but it is not something that I have studied or could give a definite answer to.

Question — One of the reasons why Australians have been shown to be deferential to government is perhaps connected to this holy grail of the rule of law, and all the regulations that can be hung on that. I suspect that the combination of the executive and the legislature in Parliament has tended to give the executive power over Parliament to a degree. Could you tell us in what ways that perhaps might be mitigated if it is so? The prime minister in our country seems to have a weight of power that defies the notion of separation of powers.

John Hirst — This has happened also in other Westminster systems like our own, where the party system and party discipline has meant that at least in one house of Parliament a government is almost never going to be challenged. But again, I point to the Senate. The Howard government has only been able to pass laws which can get through the Senate, which it does not control. A lot of people speak as if the government at the federal level now can do whatever it wants—this is not so.

The British government is in a better position, in a way. Party discipline is not as strong, so it faces more opposition in the House of Commons, but the House of Lords only has a suspending veto. The Howard Government has been putting up all sorts of things, and the Senate has been knocking them back for the whole period it has been in office, so I don't think we are in such a parlous position as you think.

What I am interested in is the fact that governments must always consider whether or not the people will wear a particular law. We have a proper respect for the rule of law, and I wouldn't want to join you in denigrating that, if that is what you were doing. I think that is the cornerstone of our system. But governments have to consider the level of tolerance of the people, and what laws they will obey. I thought when they banned smoking in the MCG that they had reached a point where there would be mass defiance, but this turned out not to be so.

Question — A couple of years ago, a Maoist from Monash University, Albert Langer, advocated support for informal voting. Even though he did not suggest that people resist compulsory voting, both major parties quickly grouped together to block that through legislation. They did this to prevent people exercising their democratic right to advocate an informal vote. Could you comment on that?

John Hirst — I was opposed to what they did. Langer's suggestion was that people voted, but that they did not number all the preferences. There is an instruction that you must number all boxes for your vote to be valid. But Langer knew inside the system, and he knew that if your first three preferences are clear, then your vote is in fact counted. He broadcast that information, and that was his offence. They subsequently

tidied it up so that that couldn't happen again. As an opponent of compulsory voting, as you can imagine, I am equally an opponent of that. What is interesting is that the parties can come together to do that, and no-one batted an eye. I think that says something about the Australian political culture.

Question — What do you think, as an historian, about the dealings that we have had with Aboriginal people over the course of time, and what influence those dealings may have had on the process of democratisation, particularly in the nineteenth century? And whether indeed there was an influence at all?

John Hirst — Your question is very large and it differs from the matters I have been talking about. Although you will have noticed that in my talk I did say that governments have been benevolent in Australia towards everyone except the Aborigines. To me, the difficult and shameful legacy that we live with is not so much that Aborigines were displaced from the land, but that it was done in such a crude and offhand way, without any system or driving ideology. It was a much nastier regime that said, for the purity of Australian blood, we are going to control Aboriginal marriages and we are going to take away Aboriginal children. There are still people alive who experienced that, and it is an ongoing problem for this democracy.

Question — What are your ideas on a comparison with Canadian democracy, and how it came about? Because they have essentially ended up with a copy of Westminster, right down to the palace in Ottawa.

John Hirst — Yes, it is a different history. The history of Canadian union is different from that of Australia, in that the Constitution of Canada was virtually written in Great Britain, whereas ours was written here and the British were just asked to endorse it. Democracy also came later to Canada. New Zealand might be the equivalent case I think. What I am trying to stress is the rapidity with which democracy came here. It came before people were ready for it socially, and I don't think Canada or New Zealand—or even the United States—had that very rapid change. I think the explanation for the reasons why the standing of politics and politicians fell so rapidly is because our society was still British enough to think that parliamentarians should be superior people and have top hats. They put on the top hats, but they didn't act like British parliamentarians. So that's the implosion that I see. I'm not well enough informed to be definite, but I think that Canadian history and New Zealand history had a more gentle transition, and in that situation I think you can probably maintain a better respect for parliament and politicians.

