



RESEARCH NOTE

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Competing Mandates in Australian Politics

Introduction

The term mandate enters political discourse in Australia on a regular basis. This research note considers what a mandate means and its application in the Australian political context. It argues that there are two competing notions of a mandate in Australian political life, both of which have a claim to legitimacy.

The Current Debate

Following the 1996 federal election competing claims of a mandate have been made. On the one hand, the Coalition government, on the basis of its success in the House of Representatives, has argued that it has a mandate to form government and to implement the policy program it proposed during the election campaign. On the other hand, the Australian Democrats have pointed to their increased vote in the Senate and have asserted that this support represents a mandate to maintain their role in reviewing legislation and where required, to amend, block or request amendments to Bills that enter the Senate.

What is a Mandate?

Mandate was the term originally used to describe the legitimacy of individual members of parliament, validated by popular support, expressed during elections. Thus, a mandate has always involved notions of *legitimate democratic representation, expressed through parliamentary processes and based on popular electoral support*.

Early debates focused on whether the mandate of an individual parliamentarian required them to act as *trustee* or *delegate* of those who had elected them. In the trustee model parliamentarians decide what is in the best interests

of those people s/he represents. In contrast, the delegate's actions and decisions are derived from the demands made of them by their constituents. Parliamentarians typically interpret their mandate as combining the traits of both a trustee and a delegate.¹

The Party System

The notion of a mandate was reconceived to allow for the increasing prevalence of party systems in Western democracies. A mandate was no longer solely given to an individual but to a political party and its policy program. When people cast their vote, they envisaged it going to a particular party, rather than to an individual candidate.

The mandate has therefore become associated with the level of electoral support for a party's policies and its responsibility to implement these policies if elected. In this regard, a mandate involves a mixture of both the *right* and *responsibility* of a party to follow through with its electoral platform. This emphasis on the party, rather than the individual in parliament, is referred to as the *partisan* model of a mandate.²

The degree of electoral support that a party enjoys is also seen to influence the nature of a mandate. It is widely interpreted that the greater the majority a party wins, the broader the mandate.

There is some debate over the extent that parties may deviate from their proposed party platform without undermining their mandate. It is usually acknowledged that such changes are only acceptable when unforeseen circumstances arise, making it impossible for a party to be consistent in following through with their electoral promises.

Are mandates reserved for governments?

Debates about mandates usually focus on the activities of the government. The link between a government and its mandate are clearly defined:

1. A party publicises policies during an election campaign
2. People vote for that party based on its policies
3. Those votes provide the party with enough seats to win government
4. The government has the mandate to introduce Bills to implement its policy program.

There is nothing to suggest, however, that the same logic does not apply to other parliamentarians or parties. Thus, individuals, minor parties and oppositions, when elected to parliament with a well defined policy program, can argue that they have a mandate to influence parliamentary outcomes, as far as possible, in a manner that is consistent with their position.

Focus tends to be on governments and their mandate simply because they have a much greater capacity to influence political outcomes, thus their commitment to their mandate is more easily tested.

A Mandate in Australian Federal Politics

The meaning of a mandate varies depending on the political system in which it is located. In Australia, this has led to the term being used in a number of ways, reflecting competing assumptions embedded within the political system.

First, there is the notion that the party that wins a majority of seats in the Lower House has the electoral *mandate* to form government. This is widely accepted by the majority of actors involved in the political process.

A second view follows on from the first and contends that the party of government enjoys the *mandate* to implement the policy program it outlined prior to an election. This position may be extended to argue that the party of government enjoys the *mandate* to implement policies developed following their election.

A third perspective takes a different approach in arguing that parties in the Senate can refer to their *mandate* to review, block, amend and request amendments to legislation if they can generate a majority.

The first and second of these views places the power of the mandate firmly with the House of Representatives and the government. The third view divides this power. It identifies the role of the Senate and the mandate enjoyed by the parties that hold a majority in this house.

A fourth perspective argues that when most people vote they have little understanding of detailed party policy and any claim to a mandate is therefore flawed.

Competing Mandates

In the main, two competing notions of a mandate are evident in contemporary Australian politics. First, the government of the day may claim to have a mandate to implement the policy program on which it was elected. Second, the party or parties that generate a majority in the Senate may profess to have a mandate to review the Bills that enter the Senate, and where necessary amend, block or request amendments to that legislation.

The potential for conflict this creates is clearly evident in recent debates about the proposal to partially sell Telstra. The Coalition claims a mandate to implement the proposed sale. The Australian Democrats have argued that, in concert with other parties or individual Senators, they have a mandate to block this legislation. Both parties have pointed to their

success in the 1996 election to justify their position.

For both parties, the term *mandate* has been used in a way that is consistent with the assumptions that underpin definitions of the *mandate*: they are arguments about the rights and responsibilities of parties to implement the policies they proposed in the 1996 election. Moreover, they are linked to assertions about popular support for these policy proposals expressed through voting behaviour. The conclusion that can therefore be drawn is that both claims to a *mandate* are valid; determining whose *mandate* is more valid becomes a political question.

The Role of the Political System in Creating Conflict

It is more valuable to reconceptualise the current debate over the *mandate* as one about the nature of the Australian political system and to understand this conflict as a consequence of the Constitution and how it constructed the relationship between the House of Representatives and the Senate. Specifically, this is a consequence of the fact that apart from the power of the Lower House to introduce and amend Supply or Appropriation Bills, the Constitution gave virtual equality to each house when it came to the legislative process.

The intention of the Constitution was to distribute legislative power evenly between the two Houses of Parliament because they both had crucial roles to play in the democratic process of representing the Australian people. With this in mind it is difficult to argue that a majority in either house does not provide a *mandate*, especially when the party or parties in question went to the electorate with a clearly defined policy program.

There are some commentators who would argue that because a Senator is elected every six years, his or

her claim to a *mandate* is diminished. There are always a myriad of competing arguments about the level of representation each house embodies. Whether or not these assertions are valid misses the point insofar as it is still the case that once elected, it remains the right and responsibility of individual Senators to act in a manner consistent with the policies on which they were elected. Thus it is not a question of abusing a *mandate* given. Rather, it raises broader questions about the character of Australia's political institutions.

Conclusion

The debate over who has a legitimate *mandate* in the Commonwealth Parliament is frequently misdirected because it overlooks the origin of the problems that arise. These lie in the nature of the political system enshrined within the Constitution, a system that provides elected members of both houses with a *mandate*, albeit of a slightly different character. Debate should therefore be refocussed on the crucial issue of what is the appropriate role of each house, rather than complaining when parties in either house fulfil the role that the Constitution allocated to them.

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¹ D. Jaensch 1991 *Parliament, Parties and People: Australian Politics Today* Longman Cheshire, Australia: 88-9

² *Ibid.*