Green members in green chambers: the role of the Australian Greens in government formation

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Introduction

Typologies of party systems have traditionally classified Australia as a near model of what Sartori (1990) calls “two-partism”, allowing for the complication of the Liberal-National coalition. Such a view is at least partly understandable in relation to studies conducted at the national level. Australia has alternated between majority Labor and Liberal-National/Country Party governments since the foundation of the modern Liberal Party in 1944, with rarely more than a handful of independent and (even more rarely) minor party members occupying the cross-benches. However, state parliaments, with their smaller chambers and electorates presenting greater opportunities to convert personal support into seats and influence, present a more complicated picture. Minority government was a frequent occurrence in the first half of the twentieth century, and has undergone a renaissance as the major parties’ share of the vote has declined in the past two decades. Based on the available case studies, research into this phenomenon has concentrated on independents rather than minor parties. However, electoral trends suggest future minority governments might equally have to contend with the cross-bench presence of the Greens. Whereas independent members have traditionally won support by promising to advance the material interests of their constituency, Greens members owe their seats to the appeal of a broader ideological and policy program at odds with many of the consensus viewpoints of the major parties (Crowley 2003). This paper will consider the party’s potential to alter the dynamics of minority government formation by comparing its modern experience in Tasmania and the Australian Capital Territory, which are distinguished by electoral systems which allow it a consistent level of representation, with the more conventional scenarios involving independents in the mainland states.

The slow decline of two-party hegemony

While the formation of the anti-Labor “fusion” of free traders and protectionists in 1910 is generally considered the starting point of the two-party system in Australia, minority government remained a regular occurrence at state level (and an occasional one at federal level) for at least half a century thereafter. Moon (1995: 146) calculates that “minority government years” as a proportion of “total government years” across the six states amounted to 30 per cent from 1910 to 1944, and 17.4 per cent from 1945 to 1977. However, a perception that majority government was part of the natural order was encouraged by its unbroken run at federal level after 1943, and the decreasing frequency of minority government at state level in the two decades after World War II. Only South Australia experienced minority government between 1962 and 1977, and from 1977 to 1989 majority

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1 Many thanks to Campbell Sharman, Giz Watson MLC and Roland Manderson for their assistance in the preparation of this paper.
government prevailed in every jurisdiction. However, the period since has seen the frequency of minority government return to levels comparable with the immediate post-war period: repeating Moon’s exercise from the period May 1989 to August 2009, using months rather than years as the unit of analysis, produces a result of 19.3 per cent.

Examining the first four such cases from the vantage of 1995 (South Australia from 1989 to 1993, Tasmania from 1989 to 1992, Western Australia from 1991 to 1993 and New South Wales from 1991 to 1995), Moon questioned the strength of the link between the collective decline in voting support for the major parties (taken in this study to refer to the National Party as well as Labor and Liberal) and the re-emergence of minority government. It was noted that the transformation of votes into seats remained uncertain for minor parties and independents in majoritarian electoral systems, and that the South Australian and Western Australian examples resulted from sitting members resigning from long-serving and soon-to-be-defeated Labor governments, thus constituting a parliamentary as distinct from an electoral breakdown of two-party hegemony. While the record of the major parties alternating in office remains unbroken, the recent course of events strengthens the thesis that electoral trends have indeed weakened the major parties’ grip on state lower houses. As the chart below illustrates, it was far from clear in 1995 that the trend towards minor parties and independents discernible after 1989 would yield a corresponding increase in parliamentary representation. However, the decline in the major party vote has since been sustained, and has been accompanied by a durable increase in the number of seats won by independents and minor parties at elections starting in the late 1990s. The acceleration on both measures was driven in the short-term by the fleeting phenomenon of Pauline Hanson’s One Nation, which won an extraordinary eleven seats and 22.7 per cent of the statewide vote (from seventy-nine seats contested out of eighty-nine) in the Queensland election of 1998, and performed strongly on the primary vote in New South Wales in 1999 and Western Australia in 2001. However, the overall non-major party seat share fell only slightly, and the vote share not at all, as the party’s star rapidly waned at subsequent elections.

The chart also demonstrates that the total non-major party share of votes, if not seats, has been sustained by the growing strength of the Greens. In large part this has been achieved at the expense of the Australian Democrats, with which the party shares a focus on post-materialist issues (Blount 1998). However, the most recent state elections (in New South Wales, Victoria, Queensland and Western Australia) have found the Greens vote continuing to increase even after the Democrats had ceased to be a significant force at the preceding elections. Furthermore, the geographic concentration of the Greens’ support base suggests the party may prove to be more competitive in single-member electorates than the Australian Democrats had been. Greens candidates have twice been elected at by-elections in seats previously held by Labor: the federal division of Cunningham in New South Wales, which Michael Organ held for the party from September 16, 2002 until his defeat at the general election of October 9, 2004, and the Western Australian state district of Fremantle, which was won by Greens candidate Adele Carles on May 16, 2009. The party has also outpolled the Liberal Party in inner-city electorates in Melbourne and Sydney at recent elections, to the extent that it fell narrowly short of victory (within the six per cent range used as the definition of a

2 The Australian Democrats’ only success outside of proportional representation systems was in the South Australian state district of Mitcham from 1977 to 1983, which was achieved in the first instance by an incumbent member who joined the new party upon its foundation.
“marginal” seat by the Australian Election Commission) after distribution of preferences in the districts of Melbourne, Richmond and Brunswick at the Victorian election of 2006, and Balmain at the New South Wales election of 2007.

Sustained success for a minor party in single-member electorates would mark a departure from the normal pattern of Australian electoral politics, where their representation is normally restricted to chambers elected by proportional representation. In the federal parliament and four of the five mainland states, this has limited the Greens and the Democrats before them to the legislative brokerage role with which they are popularly associated. However, the two jurisdictions where the Hare-Clark system of proportional representation operates in the lower or single chambers provide case studies for the Greens’ attitude towards government formation when in a balance-of-power position. The party has maintained a consistent base of representation in Tasmania’s Legislative Assembly since “Green independents” were first elected in 1986. After emerging with the balance of power at the 1989 election, this grouping acted in concert during negotiations which produced a minority Labor government, and would ultimately coalesce into a formal political party in August 1992. The Tasmanian Greens would again hold the balance of power between February 1996 and August 1998. The other Hare-Clark jurisdiction is the unicameral parliament of the Australian Capital Territory, where the Greens secured the balance of power in their own right for the first time after the election of October 18, 2008.

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3 The mainland exception is Queensland, where the Greens have only briefly been represented in the unicameral parliament. This occurred when Indooroopilly MP Ronan Lee defected from the ALP in October 2008, going on to lose his seat at the March 21, 2009. The Australian Democrats have never held a seat in the parliament.

4 There were two further occasions where Greens MPs were technically in balance-of-power positions. In South Australia, the defection of Mitchell MP Kris Hanna from Labor to the Greens reduced the government to a minority position, where it remained until National Party MP Karlene Maywald was brought into the ministry. The election of Adele Carles in Fremantle also added her to the group of independent MPs holding the balance of power. In both cases, the governments retained the ongoing support of other independents.
The first point to be noted in each of these three cases is that none resulted in Greens entering a governing coalition. This is in contrast to the experience of environmental parties in western Europe, which have regularly participated in national cabinets over the past two decades. Most have been multi-party coalitions, usually but not always including social democratic parties, which reflects the norms of parliamentary systems operating under proportional representation systems of high district magnitude. A notable exception was the pure “red-green” coalition of the Social Democratic Party and the Greens which governed Germany from 1998 to 2005. By contrast, Australia’s majoritarian traditions are such that the ALP has felt able to institute a formal rule prohibiting participation in coalition governments. On each of the three occasions where the Greens have held the balance of power, red-green coalitions have not been in prospect due to resistance from Labor. The Liberal Party has equally refused to enter formal arrangements with the Greens in Tasmania, instead governing in minority by default from 1996 to 1998 due to Labor’s refusal to enter a new agreement with the Greens.

However, in the Australian Capital Territory after the 2008 election the Liberal Party offered the Greens two positions in cabinet, including the deputy chief ministership. The parliamentary party rejected this offer in favour of a formalised minority government agreement with the ALP, reportedly on the basis that it could put more of its agenda in place under a Labor government (Stockman 2008). This went against the advice of the Greens leader in the federal parliament, Senator Bob Brown, who told the media: “My counsel throughout this election was for the Greens to take ministries, to share government” (AAP 2008). However, the party has left open the option of negotiating positions in cabinet later in the term (The Canberra Times 2008).

Moon’s model of minority government

After the first cluster of state-level minority governments which began in 1989, ending the twelve-year run of majority party control in every state, Moon (1995) constructed a model of minority government which identified four types along two dimensions. On one dimension, a distinction was drawn between balance-of-power holders motivated by “particularistic” concerns and those pursuing a “general challenge” to the political system, either in respect to political processes or substantive policies. The other distinguished between situations in which the balance-of-power holders pursued “individual” or “collective” modes of action. The traditionally dominant type in Australian experience had been “ersatz majoritarianism”, in which particularistic concerns were pursued individually. Under this type, independents sought benefits for their constituency which they perceived to be essential to their re-election, allowing single-party executives to retain their traditional privileges at the cost of “pay-offs” to balance-of-power MPs (which could also take the form of personal rewards such as committee memberships or other parliamentary positions).

However, the series of minority governments which emerged from 1989 to 1995 were mostly of alternative types which posed greater challenges to the executive. Most significantly, those holding the balance of power in the New South Wales minority government of 1991 to 1995 pursued sufficient collective commitment to a reform program to constitute a substantial (if short-lived) challenge to the majoritarian basis of the system, coming close to the type identified by Moon as “minoritarianism”.

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5 This rule did not prevent South Australian Premier Mike Rann from integrating an independent and a National Party member into his cabinet in 2002 and 2004.
Moon further established a connection between particularistic motivations and balance-of-power holders elected as “local notables” in the expectation they would advance the material interests of the constituency. Related to this concept was the traditional tendency for independents to emerge from the major party system, and to subsequently win re-election by virtue of the profile they built through their activities as local members. Observing the minority governments of 1989 to 1995, Moon noted that eight of the sixteen members identified as holding the balance of power across three states (excluding Tasmania and its Green independents) were major party defectors, or nine if the National Party was counted as a major party. Furthermore, two of the remainder had sought major party preselection before winning seats as independents. However, as has been demonstrated, the electoral weakening of two-partism has since been maintained, generating a corresponding increase in electoral opportunities for independents without past major party connections. The twenty-one independents currently serving in federal, state or territory lower houses include only five who were first elected as major party candidates, along with a further two who won their seats after first seeking party endorsement.

Another eight of the thirteen current independents with no past connection to the party system came to prominence as local councillors before winning seats in state or territory parliaments. In one sense, these members might be seen to fit the particularistic mould in that their objectives would be to secure advantage for their constituencies. Their political emergence through established institutional channels might also suggest that any challenge they posed to the system would be reformist rather than radical. Nonetheless, it could equally be expected that their conception of their parliamentary role would be distinct from that of the “independent Liberal” and “independent Labor” members who had traditionally held balance-of-power positions in the past. In particular, their background on non-partisan local councils would presumably encourage a concern that parliament function effectively as a deliberative chamber, whereas ex-party independents might be more tolerant of an “ersatz majoritarian” parliament in which deals reached with the executive could be most efficiently delivered.

The other manifestation of declining two-party support has been the opening of opportunities for minor parties as well as independents. Moon’s model distinguishes between the two only insofar as it provides for collective as opposed to individual action, a category including but not exclusive to minor party collaboration. While none of the four case studies available to Moon for examination involved minor parties in the strict sense of the term, the Green independents in Tasmania could clearly be treated as such. Moon typified this government as “ersatz coalition” (in which particularistic concerns are pursued collectively) for the sixteen months in which a formal accord was in place with the Labor minority government, and as minoritarianism after it had broken down. This appears to sit uncomfortably in the model, suggesting a change had occurred in the Green independents’ objectives rather than their methods, when it could more accurately be said that the opposite had occurred. It would seem more appropriate to regard minor parties or independents motivated by collectively held ideologies as posing a “general challenge” regardless of the strength of the accommodation reached with the governing party. The change that took place when the accord broke down more properly belongs on a separate dimension accounting for the party composition of the executive, in which the accord was nearer to coalition than the minority government circumstance the model was designed to accommodate.

Coalitions of the almost willing: formalised minority government agreements
This paper posits that the persistence of the decline in the major parties’ vote share warrants a reformulation of the “motivation” dimension of Moon’s model. This should be seen as a continuum extending from the traditional particularist independent with no concern beyond deriving benefits for his or her electorate, through to ideologically mainstream independents who seek to challenge the system to the extent of strengthening the effectiveness of parliament and other institutions of government accountability, and on to those pursuing a substantial policy breach from consensus major party positions in addition to a strengthening of parliament and accountability mechanisms. Each type can be generally associated with commonly encountered categories of member as previously discussed. These are, respectively, former major party members who maintain their parliamentary careers following breaches with their party; local notables with little or no party background; and ideological minor parties such as the Greens.

Support for this proposition has been sought from formal agreements reached by balance-of-power holders in minority governments. Of the ten minority governments at state level since 1989, five have been constituted on the basis of agreements of this kind. Consideration has also been given to the agreement reached between Labor and the Greens following the Australian Capital Territory election of October 18, 2008. This allows for two case studies of agreements between Labor and the Greens, the other being the 1989 Tasmanian accord. Three involve independents from outside the party system, while the remaining example involves a former major party member. Content analyses have been conducted which account for each agreements’ relative emphasis on parliamentary, constitutional and democratic reform as distinct from specific policy commitments, in particular those involving environmental issues pursued by the Greens. This involved counting the number of lines devoted to each item while excluding such extraneous matter as statements of principle and matters of timing. It is anticipated that agreements with the Greens will combine parliamentary and constitutional measures with policy commitments, particularly in relation to the environment; that those involving independents with no background in the party system will primarily be concerned with parliamentary and accountability measures; and that constituency-based commitments will largely be restricted to the case involving the former major party member.

It must be acknowledged that there are too few case studies available to reach conclusions with any certainty, and that public documents of this type might not constitute the full scope of the agreements reached. In particular, there will be the suspicion that agreements to provide particularistic, constituency-oriented benefits might not be publicly acknowledged, or at least not granted the dignity of inclusion in published agreements of this nature. The content analysis technique also makes the contestable assumption that each aspect of an agreement carries weight proportional to the space allocated to it. Perhaps most significantly, the insight the agreements provide into the objectives of the balance-of-power holders is limited by the fact that they cover only what the governing party to the agreement would agree to. In many circumstances, it would have been open to the governing party to combine with the opposition to vote down measures desired by those holding the balance of power. Nonetheless, the exercise will allow for a comparative assessment of the Greens’ attitude to government formation negotiations in general terms, if due consideration is given to the peculiar circumstances of each minority government. These will be summarised in turn, starting with the two cases involving the Greens.

Tasmania 1989. The Tasmanian state of election of May 13, 1989 left the ruling Liberal Party fall one seat of a majority in the thirty-five seat House of Assembly with seventeen seats, against thirteen
seats for Labor and five for the Green independents. The latter grouping won one seat in each of the state’s five seven-member divisions, elected under the Hare-Clark model of proportional representation. As both major parties ruled out a coalition agreement with the Green independents, negotiations for a minority government arrangement were pursued with both parties. However, negotiations with the Liberal Party quickly foundered due to the vehement opposition of some Liberals to any such arrangement with the Greens, which threatened to split the party (Haward & Smith 1990). On May 29, Labor and the independents reached an “accord” as the basis for the Governor to commission Labor leader Michael Field to form a government with the backing of a parliamentary majority, notwithstanding the advice of Liberal Premier Robin Gray that parliament be dissolved and a new election held (McGarvie 1999: 50). The basis of this arrangement was a published agreement of approximately 1800 words. Following a dispute over forestry policy, the Green independents terminated the Accord on October 1, 1990, but continued to allow the Labor Party to serve out its term. The subsequent election on February 1, 1992 produced a decisive victory for the Liberal Party.

**Australian Capital Territory 2008.** Minority government has been the norm in the Australian Capital Territory since self-government was established in 1989, owing to the two systems of proportional representation electoral system which have been used (“modified d’Hondt” in 1989 and 1992, Hare-Clark since 1995). Opposition to the establishment of self-government at first produced a fragmented party system owing to the election of numerous independents and minor groupings running on a platform of its abolition. However, by the 2001 election voting behavior had settled into a familiar pattern, with one Democrats and one Greens member holding the balance between evenly represented Labor and Liberal parties. The refusal of the solitary Greens member to countenance a Liberal government on that occasion enabled the formation of a Labor minority government (Singleton 2002), which won a majority in its own right for the first time at the 2004 election. At the election of October 18, 2008, the Greens gained the balance of power by increasing their representation from one seat to four, at the expense of Labor and an independent who had been elected as a Liberal in 2004. After rejecting the Liberal Party’s offer of cabinet positions, the Greens announced a comprehensive formal agreement with Labor of around 4000 words.

The following minority governments covered in the case study involved agreements between independents with no background in major party agreements. Two of these were collective agreements, the other between the governing party and a single independent.

**New South Wales 1991.** After one term in office, the Liberal-National government led by Premier Nick Greiner lost its majority at the state election of May 25, 1991, when the coalition parties won forty-nine seats out of a hundred (thirty-two for the Liberal Party and seventeen for the National Party) against forty-six for Labor, plus four independents. The government retained office by signing a “memorandum of understanding” of slightly less than 5000 words with three of the four independents. On June 24, 1992, the independents used their balance of power position to force Greiner from office after the Independent Commission Against Corruption ruled he had committed a corrupt act in awarding a public service position to an member of parliament (the finding was later overturned by the New South Wales Supreme Court). The government was subsequently headed by John Fahey, who led the coalition parties to defeat at the election of March 25, 1995.
Queensland 1998. The Queensland state election of June 13, 1998 resulted in a spectacular success for the recently established Pauline Hanson’s One Nation, which won eleven of the eighty-nine seats. As a result, neither major party achieved a majority: Labor fell one seat short with forty-four seats, and the coalition parties fell well short with thirty-two (twenty-three for the National Party, nine for the Liberal Party). Two weeks after the election, Labor leader Peter Beattie was able to form a government with the support of independent member Peter Wellington, who was given a six-page, 1700-word list of commitments emphasising integrity in government and parliamentary reform. It was further agreed that independents would be “properly resourced with appropriate staff to carry out their duties” and given access to ministers and key public servants, and that there would be no election until May 2001. This period of minority government lasted little more than five months, at which point Labor secured a majority by gaining a seat from One Nation at a by-election. Labor would again lose its majority in November 2000 after two members implicated in an electoral rorts scandal resigned to sit as independents, at which point Wellington withdrew his support from the government. However, before parliament could resume an election was called which produced a landslide victory for the ALP.

Victoria 1999. The Victorian state election of September 18, 1999 led to the defeat of the Liberal-National government of Jeff Kennett, which was reduced to forty-three seats (thirty-six Liberal and seven National) in the eighty-eight seat Legislative Assembly against forty-two for Labor, with three independents holding the balance of power. Each of these independents became party to a 1300-word “charter of good government” agreed to by the Labor leader, Steve Bracks, who was accordingly sworn in as Premier on October 21. Despite gaining two seats in by-elections during the course of its term, one at the expense of the Liberal Party and another from the National Party, the Labor government remained in minority until its decisive victory at the election of November 30, 2002.

The final case study is the solitary example involving a former member of a major political party. South Australia 2002. The South Australian state election of February 9, 2002 returned twenty members of the ruling Liberal Party from a Legislative Assembly of forty-seven, one National Party member, twenty-three from the ALP and three independents. Contrary to expectations resulting from the expressly conservative orientation of the cross-bench members, Labor leader Mike Rann was able to form a minority government with the support of Peter Lewis, the independent and formerly Liberal member for the rural electorate of Hammond. Lewis’s support for Labor was secured through a 1400-word “compact”. It should be noted that Rann was later able to achieve majority government by inviting two non-Labor members into the cabinet: independent Rory McEwen on December 4, 2002, and National Party member Karlene Maywald on July 23, 2004. The defection of Labor member Kris Hanna to the Greens on February 3, 2004 meant the government returned to minority status from that time until the appointment of Maywald. This government was exceptional in Australian experience as an example of both a coalition cabinet involving Labor, and an “oversized” coalition (i.e. one larger than necessary to constitute a bare majority). However, the arrangements that brought McEwen and Maywald into cabinet were unaccompanied by any broader agreement on the policy direction of the government.

Table 1: Content analysis of agreements between minority governments and balance-of-power holders
Contrary to the expectation that the Greens agreements would combine parliamentary and constitutional measures with policy commitments, the Tasmanian and ACT agreements appear at first glance to present a mixed picture. Whereas the Tasmanian accord was overwhelmingly dominated by specific environmental issues, the ACT agreement was weighted much more heavily towards parliamentary reform, and in terms of policy commitments environmental matters were given no more emphasis than government services. It could be hypothesised that this reflects the early stage of the political development of the Green independents in Tasmania in 1989, who retained a closer attachment to their roots in environmental activism and had yet to develop the broader platform on social issues which would follow their establishment as an official party. However, it could equally be seen to indicate the very different nature of the two jurisdictions: one the home to nationally iconic environmental assets and accompanying controversies over their development, the other a geographically small polity in which urban issues are predominant.

Notably, the combined coverage of environmental and “other” policy issues in the ACT agreement, while well short of that for the Tasmanian accord, is almost double that for the agreements reached with independents. The other notable feature of the Greens agreements is the surprising lack of emphasis on parliamentary reform in the Tasmanian accord: in other respects, the hypothesis regarding the Greens is supported.

The analysis also provides support for the contention that independents with no background in the party system would be primarily concerned with parliamentary and constitutional measures. Such
was clearly the case with both the 1991 New South Wales memorandum of understanding and the agreement reached between the ALP and independent member Peter Wellington in Queensland in 1998. However, there is a slightly unexpected finding from the 1999 Victorian charter, which placed substantial emphasis on “regional” issues that would normally be associated with particularistic motivations. This aspect of the charter can in large part be understood by the context of the 1999 election, which gave the Kennett government a surprise defeat following a dramatic backlash in regional Victoria. Each of the three independents holding the balance of power represented electorates outside Melbourne, and could well have felt empowered with a mandate to use their position to reverse what was widely perceived as the outgoing government’s neglect of non-metropolitan Victoria (Economou 2006). It might alternatively be argued that particularism is to be expected of regional independents regardless of their background or otherwise in major party politics. Notably, the one agreement reached primarily by city-based independents, the New South Wales memorandum of understanding, was the most heavily concentrated on parliamentary and democratic reform. On this basis it might be expected that Peter Wellington would have used his position to pursue regional benefits, although it could equally be said that his Sunshine Coast hinterland electorate falls between the city and country stools.

The one agreement reached with an independent who emerged from major party politics, former South Australian Liberal member Peter Lewis, confirms the assertion of Manning (2002) that it shared much in common with the 1999 Victorian charter. As such, the emphasis on regional policies common to both bears out the proposed hypothesis in the South Australian case. However, the agreement equally contains a greater than expected emphasis on parliamentary reform, and in particular on the strengthening of accountability agencies.

**Conclusion**

Recent electoral trends provide clear evidence that Australia’s state parliaments are unlikely to again produce an extended drought of minority government such as that experienced between 1977 and 1989. As a result, the phenomenon is likely to attract further attention from political scientists in the decades ahead. This paper has sought to identify areas for future research to explore as further case studies become available, in particular through the refinement of the model of minority government established by Moon. While this has primarily involved consideration of the potential role of the Greens, it is important to note that the challenges the party presents to the system may not be unique over the longer term. The dramatic though short-lived phenomenon of Pauline Hanson’s One Nation was equally born of the demonstrable long-term decline in the electoral dominance of the two major parties, which might yet take on other unpredictable manifestations in the years ahead. Overseas experience suggests that the potential for systemic challenges from the right as well as the left are by no means exhausted.

Another lesson of recent experience is that the more radical manifestations of the weakening of two-party hegemony are likely to co-exist with, rather than supplant, the kind of independent politics with which the literature is more familiar. The particularistic concerns traditionally associated with major party defectors are continuing to find expression through the growing number of independents elected in rural constituencies from outside the party system, who have demonstrated a tendency to value both the independence of parliament and the scrutiny of the executive through accountability agencies. Future balance-of-power scenarios are likely to involve
complex interactions between actors at both ends of the spectrum as well as major parties, enhancing the potential for consensus-driven policy making and even coalition government.

References


