Rebels with a cause

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4529 words

National Affairs

12 September 2013

The election of a minority federal government in 2010 threw the spotlight on the quiet rise of a generation of independent MPs in state and federal parliaments. In this article first published in August 2010, Brian Costar and Jennifer Curtin look at their motivations, role and significance


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“TO IMAGINE politics without parties is like trying to imagine Australian football without teams,” wrote the political scientist Geoffrey Brennan in 1996. “Politics just is the game played out by rival parties, and anyone who tries to play politics in some way entirely independent of parties consigns herself to irrelevance.” A decade and a half later, those words describe a political world that might never return.

But the political game that Brennan described had already changed by the time of the 2001 federal election, which was contested by no fewer than 29 registered political parties – only three of whom secured representation in the House of Representatives – but which saw three independents elected, the largest number to succeed at a single federal poll for decades. Of the three, Peter Andren remained the member for Calare until his death in 2007 and Tony Windsor and Bob Katter are still MPs – both with a dramatically increased national profile following this weekend’s election. The three were joined in 2008 by Rob Oakeshott, a former state member who had left the National Party in 2002.

While it’s true that government in Australia, both federally and in the states and territories, almost always alternates between the Labor Party and the Liberal Party (sometimes in coalition with the National Party), independent members have been a feature of the parliaments for many years. Over the last two decades independents have been key political players at different times in different places: at times, they have held the balance of power in New South Wales, Victoria, Queensland, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory. For part of the third term of the Howard government a loose alliance of four independents held the balance of power in the Senate.

Historically, too, independents have been more important than is generally recognised. Two of them brought down a federal government in 1941 and from the late 1930s to the 1960s successive Liberal Country League governments in South Australia relied on independent support to stay in office. The very first federal election of 1901 saw Alexander Paterson chosen as an independent for the north Queensland seat of Capricornia; the longest-serving independent, Tom Aikens, represented Townsville South in the Queensland parliament from 1944 to 1977. But it is only since the late 1980s that it’s made any sense to speak of an “independent movement.” Of course, the word “movement” needs to be used cautiously, especially as the term is contested by some independents who are as keen to stress their independence from each other as they are from the major parties.

Since 1990 an unprecedented sixty-six independents have served in the lower houses of Australian parliaments; twenty-two of them are still there. This is more than six times the number of independents sitting during the 1970s. New South Wales has been the most productive jurisdiction during that time, with seventeen independent members, and Tasmania the least, with only one. Size of state is not, however, of great significance. Nine independents have served in South Australia since 1990 – three times as many as have come from Victoria.
A disproportionate number represent what the federal and state electoral commissions designate as rural or regional constituencies. The willingness of regional voters to return relatively large numbers of independents reflects a disillusionment with the major parties – particularly the Liberal and National parties – which is the product of the disproportionate impact of economic change on some areas of rural Australia. In fact, the rise of the modern independent “movement” is reminiscent of an earlier phase of agrarianism that produced the Country Party after 1913. Founded as a protest by the rural community against metropolitan dominance, the party sought socio-economic policies designed to assist regional Australia. Either alone or in coalition governments, the Country Party was for a long time very successful in achieving its objectives.

Australia is now home to more non-party independent parliamentarians than any other comparable Western country. Three factors have produced the shift away from the parties.

First, over the past three decades the major political parties – the Australian Labor Party, the Liberal Party of Australia and the National Party of Australia (the modern Country Party, renamed the Nationals in late 2003) – have largely abandoned traditional rural policies and now require regional communities to take more responsibility for their own sustainability. Combined with a major restructuring of the rural economy, unreliable commodity prices and rising production costs, this shift has denied the benefits of an otherwise healthy national economy to some parts of rural Australia. These changes have created a social, cultural and economic divide between city and country – a divide that was illustrated most graphically by the spectacular electoral successes of Pauline Hanson’s One Nation in the mid to late 1990s. Equally significant, if not quite so dramatic, has been the resurgence in popularity of non-party candidates in rural and regional areas.

Secondly, while overall support for the major parties is in long-term decline, the control those parties seek to exert over their parliamentarians has rarely been greater. By adopting neoliberal ideology and policies, the Liberal, Labor and National parties have rendered some of their local MPs – who, of course, are required to advocate often-unpopular party dogma – electorally vulnerable to independents who are free from any party discipline.

Thirdly, and ironically, although it was designed by and for major parties, Australia’s electoral system of compulsory, preferential voting in single-member districts aids the cause of independents. Those voters disillusioned with their traditional party of choice are compelled to vote; Labor and the Coalition are more likely to direct preferences to independents than to each other; and, unlike some proportional systems, electorates are small enough to allow a candidate without the support of a party machine to assemble sufficient primary votes to win.

Because the Liberal and National parties hold more regional seats than the Labor Party does, independents have defeated Coalition candidates twice as often as they’ve defeated Labor candidates over the past two decades, and each of the seats they’ve won was previously “safe” for the losing party. The growing electoral attractiveness of non-party candidates, tempting voters to abandon their long-held political affiliations, is the product of a dislocation of the settled patterns of rural life and the feeling among some voters that “their” parties have forgotten them. As the then federal leader of the National Party, John Anderson, observed in 1999, “The sense of alienation, of being left behind, of no longer being recognised and respected for the contribution to the nation being made, is deep and palpable in much of rural and regional Australia today.” Although they earned him a public rebuke from the prime minister, John Howard, Anderson’s sentiments were echoed by many regional dwellers interviewed as part of the research for our book, Rebels with a Cause. They expressed a distrust of political parties and politicians (though local politicians were often exempt from this negativism) and a willingness to vote for independents.

The major parties frequently deride independent candidates for being ineffective and implore electors not to “waste” their votes on them. The behaviour of the Howard government between the 1998 election, which it nearly lost to Labor, and the 2001 election vividly demonstrated that the reality is otherwise. There is clear evidence that the Coalition, in order to regain ground lost to One Nation and independents, targeted regional and rural voters both symbolically and financially. The government convened a summit in October 1999, at which 282 delegates discussed ways of addressing the needs of regional Australia. They also set up an $83 million fund after the summit to “kickstart” community projects in disadvantaged electorates. The prime minister
conducted a “listening tour” of the bush in early 2000 and a number of parliamentary committees examined employment and infrastructure problems in rural Australia. In late 2000, in response to the Besley inquiry into telecommunications in regional Australia, the government undertook not to privatise the remainder of Telstra until certain service standards were met.

During that period, the government also made a number of policy adjustments and financial commitments favourable to the regions. Work began on the long-promised Alice Springs to Darwin railway. Fuel-excise indexation was suspended in February 2001 to restrain price rises in the bush. Local governments were given $850 million to improve rural roads. And the 2001 budget committed $163 million to improve telecommunications. Launching his party’s election campaign for the 2001 election, John Anderson reminded voters that the government had invested $28.5 billion in 300 regional programs. Prime Minister Howard issued an “impassioned plea” to voters not to support independents.

The result? Two extra independents in the House of Representatives, bringing the total to three.

Of the three, one was a sitting member, Peter Andren, who had won the NSW seat of Calare in 1996. Andren had no former party affiliation; his profile in Calare was based on his years as a journalist and newsreader with local radio and television networks. Attracting preferences from both sides of politics, he turned a primary vote of 29.4 per cent into a winning margin at his first attempt. Despite supporting the Howard government’s gun laws – not necessarily a popular cause in an electorate like Calare – he increased his two-candidate-preferred vote to 72 per cent at the 1998 election; despite supporting the rights of asylum seekers and adopting a number of other positions that were potentially unpopular in his electorate, he was returned to parliament in 2001 with a significantly increased first-preference vote and a two-candidate-preferred vote of 75 per cent. Three years later, in 2004, his two-candidate-preferred vote fell a little, to a still very high 71.24 per cent. He succumbed to pancreatic cancer and died shortly before the 2007 election.

Tony Windsor, another member of the class of 2001, was the former independent member for Tamworth in the state parliament, a position he had occupied for a decade. Switching to the federal sphere and the seat of New England, he won 45 per cent of the primary vote and a two-candidate-preferred 58.4 per cent. At the three elections since then he has easily won re-election on his primary vote, despite sometimes vitriolic campaigns against him by the Nationals. At this month’s election his primary vote rose slightly once again, to 62.3 per cent.

The third of the successful independent candidates at the 2001 election was Bob Katter, a former state minister who had been the member for the Queensland federal seat of Kennedy since 1992. Katter had resigned from the National Party four months earlier in protest at the leadership of John Anderson and the party’s support for the sale of Telstra. There was strong local support for his decision, with one constituent describing him as “one of the hardest-working politicians around [who] has always done the right thing by us.” Even before his decision to become an independent, Katter was seen as being independent from party discipline. As one local put it, “In the electorate he’d be the most popular person. All sides of politics would vote for Bob Katter because what he says is what he’ll stand up and fight for until the next election, irrespective of the party machine and that will always keep him there, because he’s getting votes from all sides...”

By easily retaining Kennedy, Katter fits into a relatively small group of MPs who have abandoned their parties and gone on to win their seats as independents. Rob Oakeshott is another: as the sitting National Party candidate in the 1999 NSW state election he had attracted 56 per cent of the primary vote and two-thirds of the two-candidate-preferred vote. As an independent in 2003, his primary vote leapt to 70 per cent, with a two-party preferred percentage of 82. At the subsequent state election his support fell slightly, to 67 per cent of the primary vote – a level still unimaginable to most other MPs – and when he stood for federal parliament at the Lyne by-election in 2008 he attracted 64 per cent of the primary vote.

Some commentators regard these ex-party independents as less than “genuine” independents because of their former party affiliation. But, as electoral analyst Antony Green points out, the distinction is unhelpful since many have “since behaved impeccably as independents on the floor of parliament.”

Like Katter’s, most other independent electoral victories have occurred in formerly ultra-safe Coalition seats and have been the product of huge shifts in voter preferences. Tony Windsor, for example, won Tamworth in 1991
with a swing of 40 per cent. Why this can happen was explained as long ago as 1990 by former NSW minister Rodney Cavalier, who pointed out that in order to win national majorities the major parties have to paint “big pictures,” allowing independent candidates to win seats by appealing to the regionalism “of the local borough.” Ted Mack was more brutal, arguing that the parties were vulnerable to independents such as him because they had deserted their philosophies in a “scuffle for the middle ground and power.” Peter Andren asserted that the big parties frame regional policies “on marginal [city] seat mentality” and that this loses them support in the bush.

These independents reflect a belief in parts of regional Australia that the major parties are struggling to reconcile local representation with the brutalities of machine politics. Rory McEwen was a member of the South Australian Liberal Party for 25 years and heir apparent to the safe seat of Gordon. He had spent over a decade in local government, was the party’s corporate fundraiser and had been heavily involved in community affairs. When the sitting member of twenty-two years retired, McEwen nominated for the seat. After receiving firm assurances that he had the support of forty-six of the fifty-six members of the preselection panel, he polled only six votes. “I said to myself something’s gone wrong here, you’ve been a silly boy... I’m going to run as an independent.” He ran, won the seat in 1997 and remained in parliament until 2010.

IN TRUTH, ours is less a two-party system than a two-party dominant system in which, at federal and state levels, government alternates between the Labor Party and the Liberal–National Coalition. One way of measuring the level of two-party dominance of a parliament is to add together the first-preference vote of the two major parties (Labor and the Coalition); the closer the result to 100 per cent, the greater the dominance. At the 1987 federal election the two parties accounted for 92 per cent of the vote; this year the figure is around 81 per cent.

Are we in a period of transition in which the traditional parties could be subsumed in a new, multi-party configuration? The political scientist Haydon Manning observes that “while no one is suggesting that the major parties are terminally ill, it is clear that the proportion of voters who are persistently loyal to the same party is shrinking.” But it is important to remember that the two-party system has survived sieges in the past: contrary to popular mythology, Ted Mack (1990–96) was not the first independent to have sat in the House of Representatives since the second world war. Adair Blain represented the Northern Territory, 1934–49; Lewis Nott, the Australian Capital Territory, 1949–51; and Sam Benson, Batman, 1966–69. At the 1943 federal election the main parties won only 83 per cent of the vote. It is in the states that the patterns are most divergent. For example, until 1955 Victoria operated a three-party dominant system; from the late 1930s to the 1960s many non-Labor governments in South Australia were propped up by independents, who won a remarkable 35 per cent of the lower house seats in 1938.

While major parties have constituted the main game of Australian politics for a century, there has always been a strong anti-party mentality within sections of the community. Politicians of all parties currently suffer very low ratings for ethics and honesty and voters don’t express great confidence in the parties themselves. Distaste for “party” and “faction” has a long pedigree in the western political tradition, which Australia has shared. As early as December 1904 the Bulletin predicted that the “satyr” of “party government” would threaten the virtue of the “fair maiden” Federation, and in the 1930s there was an outbreak of what the political historian Peter Loveday termed “anti-political political thought,” contemptuous of both parties and democracy. But scepticism about the parties has waxed and waned over time, and if any consistent electoral trend is evident it is that there is no trend. Given the known obstacles to independents seeking to break the stranglehold of the parties, this should come as no surprise. As Antony Green has observed, “you cannot talk of a vote for independents, merely a vote for individual independents.”

WHILE most independent MPs would not concur with Rodney Cavalier’s prediction that “they can be effective only by taking on the assumptions and practices of the parties,” there is a difference of opinion among them as to whether an alliance of independents is desirable. But, as many have observed, life as an independent can be lonely. As Ted Mack put it: “When party members make mistakes the party closes ranks and protects them. When independents stumble they are on their own.” Because they need to form their own judgements across the policy agenda, conscientious independents have a heavier parliamentary workload than the average party backbencher. Balancing that, they have the luxury of never having to suppress their own views in the interest of party unity.
When there is more than one independent in a parliamentary chamber then cooperation is often good politics – particularly if the independents hold the balance of power and have signed compacts with a minority government. The challenge for these independents is to behave cohesively in parliament and freely in their constituencies. While the Victorian independents worked together closely between 1999 and 2002 and issued a joint newsletter, the first issue of Independent Forum stated: “We do not share the same views on every issue. Nor do the views expressed in the newsletter necessarily reflect ours. This may make Independent Forum different from other newsletters. However, we hope this difference makes it all the more interesting.”

Victorian independent Craig Ingram recommended to his colleagues that “the way to exert greater pressure... is to ally yourself to others. So you might be moving in and out of a whole range of different alliances...” Ingram’s fellow Victorian, Russell Savage, took the advice across state boundaries and opened a dialogue with the National Party member for Chaffey in South Australia, aiming to cooperate on cross-border issues. That MP, Karlene Maywald, was the sole National Party representative in the South Australian parliament, but she refused to enter a coalition with the Liberal Party because she believed that where “the National Party has failed in other states, it has become too close to the Liberals and hasn’t identified itself as an independent force in the Coalition.” She went on to serve (still as a National Party MP) as a minister in the Rann Labor government.

While an Independents’ Party is difficult to imagine, there are two recent examples of independents becoming ministers in minority governments. In April 1998 the Liberal cabinet in the Australian Capital Territory was expanded to five to accommodate the independent member Michael Moore, who was made health, housing and community services minister. Moore remained an independent and negotiated an unprecedented arrangement with the chief minister, Kate Carnell, binding him to the conventions of collective cabinet solidarity only in relation to his own portfolio areas and the annual budget bills. Moore was personally committed to drug law reform and in late 1999 was successful in having legislation to establish supervised drug-injecting rooms accepted by the majority of the Assembly, despite the fact that two of his ministerial colleagues voted against it. Moore had been personally recruited by Carnell, but he survived her forced resignation in October 2000 and remained health minister until retiring from parliament at the 2001 election after thirteen years in the Assembly. He explained in 2001 that he believed that “I have achieved more in the three and a half years that I spent as a minister than the years I spent on the cross benches... I make no bones about it, it was a trade-off and in accepting a ministry I did lose some of my independence, but not all of it by any means.”

The second independent to join a ministry was Rory McEwen, who was appointed South Australian trade minister in the minority Labor government of Mike Rann in November 2002. Like Michael Moore, McEwen entered “a very mature arrangement” with the premier which allowed him to remain an independent and criticise the government of which he was a member.

SOME COMMENTATORS have welcomed the rise of independents as an opportunity to enhance governmental and bureaucratic accountability, currently impeded by the discipline inherent in a two-party dominant system. The political scientist Ian Marsh, for example, argues: “The habits and practices of two-party politics are deeply ingrained. Those most ambitious for power have the deepest stake in current arrangements. The only hope is for new political forces outside the existing structure of party politics... The renovation of our present political policymaking system is a potential unintended consequence of the rise of independents.”

These expectations raise two important questions. Do all or most elected independents see enhancing governmental accountability as their primary role? And if they do, how can they cement in place parliamentary mechanisms to hold governments to account – mechanisms that will persist even when independents and/or minor parties do not hold the balance of power? How this crop of independents viewed these conundrums reflects the complexities of the issues.

Some regard their representational function as paramount. Russell Savage, for example, says that he promised his electorate that he would “always represent their views” and that he wasn’t going to “abandon them” after he was elected. “‘Elect a representative, not a politician,’ that was one of the slogans I used.” Clover Moore, a member of the NSW parliament since 1988, said that “in four successful state elections I don’t believe that many people voted for me in the belief that I would hold the balance of power. I believe they voted for good representation...” In a similar vein, Tony Windsor observed: “I’ve been in a hung parliament with a majority of
one and [another parliament with] a majority of seventeen and really it doesn’t make a lot of difference [provided] you are genuine in terms of your constituents... People don’t expect you to kick goals every time you go into bat and in fact they will quite often reward failing.” According to Peter Andren, “An independent has no baton in his haversack to be anything else but a good representative of that electorate.”

Others place greater weight on the enhancement of accountability. Long-running NSW independent John Hatton (1973–95) believed he was in parliament to defend “the freedom of the individual... and... to safeguard public money and properties against misappropriation, misuse or mismanagement.” Robyn Read, who also sat in New South Wales (1988–91), said, “I will continue to strive while I am in this House to open up the processes of government... to render it more accountable to the electorate.” For David Barr, the former NSW independent member for Manly, “That’s what we’re there for... to keep the bastards honest.”

The difficulty for independents is that they are only able to increase government accountability and transparency if and while they exercise a numerical hold over a parliamentary chamber. And to do so they must win and retain a constituency by providing quality representation. Susan Davies (Victorian independent member for Gippsland West, 1997–2002) argued in 2001 that while it was important for independents to serve on parliamentary committees, it would be unwise to take on a committee chair because the workload “will keep you away from the electorate and the locals don’t always look at the nitty gritty of committee work...” She described the power of an independent as “a double-edged sword... people fantasise about you getting anything you like with the balance of power and it doesn’t work like that...” Richard Torbay, a NSW MP since 1999, doubted the worth of democratic reforms achieved through the balance of power because “they’ll [the government] change it back again when they get the numbers...” A range of views exists among independents regarding their relationship to their constituents. Rory McEwen has said that he always voted “with my conscience and nothing else, because when I go back to my electorate I do not have the privilege of hiding behind the old excuse that it was the party line.” Until he joined the National Party, the Queensland MP Ray Hopper took the opposite approach; when there was a contentious piece of legislation before parliament he tested public opinion by conducting a phone poll of his electorate, and “sometimes [the] feeling is against my personal opinion but I will still vote on behalf of my constituents and I believe that’s true democracy.”

Independent MPs face a dilemma. They are most politically prominent and effective when they are able to use parliamentary procedures to increase governmental accountability and transparency; yet the people who vote for them do so because they value the quality of constituency representation provided by independents and regard “keeping the bastards honest” as much less important.

The challenge for Rob Oakeshott, Tony Windsor and Bob Katter is all the greater. The last time we had a minority government in Canberra was in 1940; Robert Menzies was prime minister and the country had been at war for a year. Less than twelve months later the government collapsed when two independents voted with Labor in a no-confidence motion, after it had been revealed that the roguish Billy Hughes, Menzies’s attorney-general, had been using federal funds to try to bribe trade union officials not to go on strike. But we can take heart from the more positive experiences of recent minority governments in the states. In the past couple of decades independents have supported minority Labor and Coalition governments in most of the states and territories and only in Tasmania have these ended in tears. The evidence is that minority governments can be as stable and as active in making policy as the more familiar majoritarian ones. Remember: it is not in the interests of independents holding the balance of power to force early elections lest they lose their positions of influence to the major parties. •