Browne, P. (2004, 19 October). This is not a mandate. *The Australian.*

Copyright © 2004 Peter Browne.
This is the author’s version of the work. It is posted here for your personal use. No further distribution is permitted.
This is not a Mandate
by Peter Browne

Published in the Australian, 19 October 2004

The polling booths hadn’t been closed for too long on election night before the Finance Minister, Nick Minchin, began talking about the mandate voters had given the government. “I think this gives us the opportunity to implement the policies for which we now have a clear mandate,” he told Kerry O’Brien on ABC television’s election broadcast. “We went to this election again saying that our policy was to sell Telstra.”

The Australian took up the theme two days later, adding to Senator Minchin’s list of “mandate” policies the government’s unfair dismissal laws, its proposed changes to cross-media and foreign ownership of media outlets, and its plan to tighten the criteria for disability benefits – all of which were introduced or reintroduced by the Coalition during its third term but blocked by the Senate. The striking thing about this list is that these policies figured so little in the election campaign itself. Which raises the question: can the government run dead on four important policies then claim a mandate to implement them after the election?

The idea that a government is given a mandate to implement each and every one of its policies is probably as old as the electoral process itself. It reflects a winner-take-all view of politics, and – not surprisingly – is more popular among the winners of elections than among the losers. In 1987, when Bob Hawke was prime minister, John Howard declared that “the mandate theory of politics” was “absolutely phoney”. This week, at his first post-election media conference, he welcomed “a very strong, a very emphatic mandate” from the Australian electorate.

Part of the problem about saying that governments have a mandate is that the word has come to have two different but related meanings. A “mandate” can simply mean the majority electoral support a party has been given to govern. Or it can be used to argue the case that the electorate has charged the government with the job of implementing all the policies on which it campaigned. The distinction is important, but quickly becomes lost in the post-victory euphoria.

The important thing to remember is that Australia’s political system is based on the idea that the winner doesn’t take all. The Senate is elected by a different method so that it will reflect the diversity of opinion in the Australian electorate in a distinct way, and it has the unarguable power to originate and reject legislation. Once in office, political parties tend to rail against the Senate every time the two houses disagree – despite the fact that the overwhelming bulk of legislation is passed, either intact or with improvements readily accepted by the government.

All the evidence suggests that Australians support the idea that the Senate can have a different majority opinion from the view in the government-controlled lower house. When John Howard took his rhetoric a step further and launched a process last year designed to reduce the chance of non-government parties controlling the Senate, it failed through lack of any detectable support in the community.
But although we expect the Senate to fix bad legislation and resist ill-conceived bills, it’s possible to make a case – an arguable case – that the government should be allowed to implement the policies on which it campaigned. (The government will certainly be doing this if it has to strike deal with Family First or recalcitrant government backbenchers in the Senate.) This is where the current debate about John Howard’s mandate gets very interesting.

In debates over the past few years, Coalition ministers have slammed the Senate for blocking government initiatives on Telstra, unfair dismissals, disability benefits and media ownership, threatening to take both houses to the polls early to enable the bills to be passed. “Obviously we should not discount the possibility of a double dissolution election on the basis of the extent to which the Senate continues to block our legislation,” Senator Minchin said early last year.

So you’d expect the government to have campaigned on these policies during the election to make sure it had a clear, unarguable “mandate” for action. Yet, in the Coalition’s 2004 election manifesto, Our Plans for Australia, and in the Prime Minister’s two major speeches during the campaign – his campaign launch and his Press Club address – there’s no mention of Telstra, cross-media laws, foreign ownership of the media or the disability benefit. On these three key policies the three documents are silent. The manifesto includes a brief reference to the unfair dismissal laws (ninth on the list of policies for “Supporting Small Business”), but that’s all.

During the campaign these issues received correspondingly little attention. When a National Party member for Riverina, Kay Hull, broke ranks to declare that Telstra should not be fully privatised, the Prime Minister responded with a curt “She’s said that before”, deftly sidestepping discussion of the issue itself. Media ownership and the disability benefit scarcely rated a mention during the campaign. Unfair dismissal laws were mentioned in some forums but avoided in others.

The Prime Minister told journalists on Monday that the government wants “to get on with the job of implementing as many as we can of the policies that we took to the public during the election campaign”. The evidence suggests that the government tried its best not to take its policies on Telstra, media ownership, the disability benefit and unfair dismissals to the public during the campaign, for the simple reason that none of these are particularly popular plans.

Less than a week after the election it’s already looking like the government considers that it has a mandate to push through controversial policies that it didn’t mention in its manifesto. And if Peter Costello’s admission that Treasury’s pre-election forecasts were “pretty optimistic” is any guide, it also sees the mandate as permission to pick and choose among the policies it did mention. In a neat reversal, it could be that the “non-core” promises were mentioned in government’s manifesto, but the “core” promises were not.

Peter Browne is editor of Australian Policy Online (www.apo.org.au) at the Swinburne Institute for Social Research. He is co-editor of A Win and a Prayer: Scenes from the 2002 Australian Election, to be published early next month.