

Closer Look

A series of discussion papers for secondary teachers and students

A Comparison of the Australian and United States Federal Legislatures

Introduction

At first glance, both Australia and the United States of America (USA) appear to have similar political systems. They are both federated nations and both have an elected House of Representatives and Senate. However, Australia is a constitutional monarchy and the USA is a republic. The parliamentary and executive aspects of Australia's political system are derived from England, while the Australian federal design is derived from the USA, the first federal nation. This Closer Look compares the major features of both political systems and is intended for students studying the world's political systems.

Main points

The similarities and differences between the two political systems can be identified by examining each nation's:

- written constitution
- election processes and systems of representation
- appointment of the head of state
- composition of the Executive and the Legislature
- operation of the Executive and the Legislature
- party system.

Tables 1-7: comparing and contrasting two systems

The following series of tables compare and contrast the Australian political system with that of the USA. Each table is followed by a short list of similarities.

Table 1: Constitution

Table 2: Elections

Table 3: Head of state

Table 4: Executive

Table 5: Legislature

Table 6: Legislative process

Table 7: Party system

1. Constitution

Australia	United States
<p>Origins</p> <p>The Australian Constitution was drafted during five conventions in 1890, 1891, 1897 (twice) and in 1898. It was approved by popular referendum and came into force under an Act of the British (Imperial) Parliament in 1900 as the <i>Commonwealth of Australia Constitution Act</i> which gained royal assent on 9 July 1900.</p>	<p>Origins</p> <p>The US Constitution was written by 55 state delegates at a convention in Philadelphia in 1787. It was adopted by the convention and approved by all 13 states (nine were needed to make it effective). The Constitution was declared in effect on the day of George Washington’s inauguration—30 April 1789—also the day that Congress first met in session.</p>
<p>Executive power</p> <p>The Australian Constitution vests executive power in the Queen. This power is exercised by the Australian Governor-General. By convention, the leader of the party or parties which control the House of Representatives is commissioned by the Governor-General to form a government. Ministers are either chosen by party leaders or elected by the parliamentary party (as defined by the party constitution). Portfolios are allocated by the Prime Minister.</p>	<p>Executive power</p> <p>The US Constitution vests executive power in the President. The President nominates the members of his or her Cabinet and other senior executive branch officials, many of whom must be confirmed by the Senate.</p>
<p>Separation of powers</p> <p>The Australian Constitution describes the separate legislative, executive and judicial arms of Australian governance.</p> <p>Australia has a limited separation of powers. The Executive comes from within the parliament—in fact the Constitution says that ministers must be members of parliament—or else become members of parliament soon after appointment. The Judiciary however, is quite separate.</p>	<p>Separation of powers</p> <p>The American Constitution describes the separate legislative, executive and judicial arms of United States governance.</p> <p>It prohibits members of the House of Representatives and senators from holding an executive office. Similarly, members of the Cabinet may not be members of the Legislature.</p>
<p>Amending</p> <p>A proposed amendment to the Australian Constitution can only be advanced if the amendment proposal is approved by an absolute majority vote of each house of parliament. The proposal is then taken to Australian voters in a referendum.</p> <p>For the change to be agreed it must gain the support of:</p> <ul style="list-style-type: none"> • a majority of voters in a majority of states • a majority of all voters. 	<p>Amending</p> <p>A proposed amendment to the American Constitution may begin its path if:</p> <ul style="list-style-type: none"> • two thirds of both houses of Congress support it, or • two thirds of the state legislatures call a convention to consider it. <p>The amendment is passed if it is ratified by three-quarters of the state legislatures or by conventions in three-quarters of the states.</p> <p>(In fact conventions have never been used, so in effect, the amendment needs to be passed by Congress and by three-quarters of the state legislatures.)</p>

Some constitutional similarities are that both systems:

- use a written constitution
- are federations
- were created by a number of sovereign states handing over some of their power to a central government.

2. Elections

Australia	United States
<p>Frequency</p> <p>Elections for the Australian Parliament are held at least every three years or earlier if requested by the Prime Minister of Australia.</p>	<p>Frequency</p> <p>Elections for the American Congress are held every two years. They are fixed term elections, being held every second November—always in an even numbered year.</p>
<p>House terms</p> <p>House of Representatives members are elected for three year terms.</p>	<p>House terms</p> <p>House of Representatives members are elected for two year fixed terms.</p>
<p>Senate terms</p> <p>State senators are elected for a period of six years. A system of rotation ensures that half the state senators retire every three years. By contrast, the four senators who represent the Australian Capital Territory and the Northern Territory are elected for a period of three years at the same time as members of the House of Representatives. Senate terms begin on the first day in July following an election.</p>	<p>Senate terms</p> <p>Senators are elected for six year fixed terms. At each election for the House of Representatives, one third of the Senate seeks re-election.</p>
<p>Organisation of elections</p> <p>Elections for the Australian Parliament are conducted by the Australian Electoral Commission (AEC). <i>The Commonwealth Electoral Act 1918</i> provides for a standardised procedure across the nation.</p>	<p>Organisation of elections</p> <p>Elections for the American Congress are organised by each of the 50 states. Although there are variations from state to state, voting arrangements are, in effect, the same across the country. Variations between the states tend to be in the detail e.g. prisoners may vote in some states but not in others.</p>
<p>Voting</p> <p>Voting is compulsory for all Australian citizens for state and federal elections. Preferential voting is used for House elections and proportional representation for Senate elections. Members are elected from single-member electorates at the same time as six senators are elected (in a half Senate election) from each state and two from each territory.</p>	<p>Voting</p> <p>Voting is not compulsory for Americans. Elections for both houses use the simple majority or 'first past the post' system. Representatives are elected from single-member districts. As in Australia, Senators are elected in a state-wide election by all the voters in a state.</p>

Some election similarities are that both systems:

- elect members in the House of Representatives to represent particular electorates or districts
- elect one person per electorate or district

- organise electorates so that relatively equal numbers of voters are achieved in electorates that sit within a state or territory.
- elect senators to represent states
- elect a uniform number of senators per state, regardless of the size or population of the state; that is 12 senators for each of six Australian states (two senators for both federal territories) and two senators for each of 50 American states.

3. Head of state

Australia	United States
<p>Title</p> <p>The Queen is the Head of State of the United Kingdom and the Head of State of 16 former British colonies including Australia. The Governor-General is the Queen's representative and carries out all the position's functions.</p>	<p>Title</p> <p>The President is the Head of State in the United States.</p>
<p>Appointment</p> <p>The Governor-General is appointed by the Queen on the advice of the Prime Minister. The appointment is at the Queen's pleasure and is usually for five years, although the term can be extended.</p>	<p>Appointment</p> <p>The President is elected for four years by a vote of the citizens of the United States.</p>
<p>Removing</p> <p>The monarch is a hereditary position within the British royal family. The monarch cannot be removed, though he or she may abdicate as Edward VIII did in 1936.</p>	<p>Removing</p> <p>The President can be removed if he or she is impeached (charged with treason or a serious criminal offence) by the House of Representatives and convicted by a two-thirds majority vote in the Senate.</p>
<p>Reform</p> <p>A referendum to change the Constitution to make Australia a republic (and therefore to change our head of state) was defeated in 1999.</p>	<p>Reform</p> <p>There is no agenda to reform this aspect of the American political system.</p>

There are no significant head of state similarities.

4. Executive government

Australia	United States
<p>Composition</p> <p>The Australian executive government consists of the Prime Minister and ministers meeting as the Cabinet. Each minister is an elected member of parliament.</p>	<p>Composition</p> <p>The American executive government consists of the President, who is advised and assisted by the secretaries of the Cabinet.</p>

<p>Appointment</p> <p>The Prime Minister selects ministers who are then commissioned by the Governor-General. Ministers lose their appointment if the Governor-General withdraws their commission. This can occur on the advice of the Prime Minister or if the minister fails to retain his or her seat in parliament in a federal election.</p>	<p>Appointment</p> <p>The President selects and removes department secretaries. The Senate must confirm the appointment of each secretary and many other senior executive branch officials.</p>
<p>Responsibility</p> <p>Ministers are responsible to the Parliament. They must answer to the Parliament for the running of their department and the legislation they introduce.</p>	<p>Responsibility</p> <p>Secretaries are responsible to the President. They must answer to the President for the running of their department. Secretaries are also accountable to both houses of Congress (though not formally so) and may be called on to explain their actions during the committee process.</p>
<p>Size</p> <p>Approximately 30 ministers (and parliamentary secretaries) comprise executive government—also known as the ministry. Senior ministers who are in charge of major departments form the Cabinet. Junior ministers are not members of Cabinet, though they do attend Cabinet meetings from time to time.</p>	<p>Size</p> <p>The American Cabinet is made up of the President, the Vice-President and 15 secretaries of departments. Various other positions have been given Cabinet-rank status.</p>
<p>Deposition</p> <p>The Prime Minister is replaced or loses the position if members of the governing party vote for a replacement leader or if that party loses its majority in the House of Representatives.</p>	<p>Deposition</p> <p>The President is replaced after he or she has served two terms (of four years each). The president may also be replaced if he or she is not re-elected or is convicted following impeachment.</p>

Some executive government similarities—in both systems:

- The day-to-day running of the government is carried out by executive government.
- Cabinet meetings are secret (unlike the Legislature) and are not subject to public scrutiny.

5. Legislature

Australia	United States
<p>Composition</p> <p>The current House of Representatives has 150 members (one member per electorate). The current Senate has 76 senators (12 for each of six Australian states and two for each of the federal territories).</p>	<p>Composition</p> <p>The current House of Representatives has 435 members (one member per district) and five delegates with limited voting rights. The current Senate has 100 senators (two for each of 50 American states).</p>
<p>Terms</p> <p>Members are elected for three years. Senators are elected for six years.</p>	<p>Terms</p> <p>Members are elected for two years. Senators are elected for six years.</p>

Some legislative similarities—in both systems:

- Both countries employ a bicameral system and use the same names for the upper and lower house

being the Senate and the House of Representatives.

- The chair of the House of Representatives in Australia and the US is called the Speaker. The chair of the Senate is called the President in Australia and the Vice President in the US.
- Members represent single member electorates (known as districts in the US) and senators represent states.
- The work of the two houses is supplemented with many committees. These committees scrutinise legislation, investigate current issues, examine government expenditure and do other detailed work to support the work of both houses.
- The main work of the Legislature is to consider bills, to represent voters and to scrutinise the Executive.

6. Legislative process

Australia	United States
<p>Bills</p> <p>Legislation is usually introduced by a minister on the floor of either house. Therefore the great majority of bills are government bills. A limited number of bills are introduced by private members and senators, though few become law.</p>	<p>Bills</p> <p>Legislation is introduced by individual representatives (members of the House of Representatives) and senators of both major parties. No bills are officially designated as government bills.</p>
<p>Committees</p> <p>Members or senators may refer bills to committees for further scrutiny.</p>	<p>Committees</p> <p>Every bill is referred to one or more committee for study and recommendation before being considered on the floor of the House of Representatives or Senate.</p>
<p>Assent</p> <p>When a bill has passed the Parliament, it is presented to the Governor-General for signing into law, known as an Act of Parliament. The Governor-General may request that the Parliament review a bill, but is yet to refuse a bill.</p>	<p>Assent</p> <p>When a bill has passed the Congress, it is presented to the President for signing into law. If the President refuses to sign (vetoes) a bill, it may only become a law if Congress overrides the veto by a two-thirds vote in each house.</p>

Some similarities of the legislative process—in both systems:

- Any member of the Parliament or Congress may introduce a bill.
- Bills pass through stages. At each stage, a vote is taken to see whether the house supports the bill or not. Amendments can be made to bills at certain stages.
- Whips or party managers organise the hour by hour operations of debating and voting in each house.
- The legislative houses and debates are open to the public and the media.
- Bills must be passed by both houses if they are to become law.

7. Party system

Australia	United States
<p>Major parties</p> <p>There are two major parties—the Liberal Party of Australia and the Australian Labor Party and currently four minor parties—the Nationals, the Australian Democrats, the Australian Greens and the Family First Party.</p>	<p>Major parties</p> <p>There are two major parties—the Republicans and the Democrats.</p>

<p>Discipline</p> <p>Party discipline is very strong and party members are expected to vote with their party. The Australian Democrats do allow some voting freedom in the Senate.</p>	<p>Discipline</p> <p>Party discipline is not imposed, yet party unity in voting is high. Ultimately, all representatives and senators decide on an individual basis how they will vote.</p>
<p>Independents</p> <p>Both houses may contain Independent members of parliament. There are no Independent senators in the current Senate.</p>	<p>Independents</p> <p>Independents are very occasionally elected to Congress. Independents usually become associated with one of the two parties.</p>

Some party system similarities—in both systems:

- Two major parties dominate the legislature.
- Independents constitute minor membership of the legislature.

Conclusion

There are elements of both the British and US system in the Australian political system. Written Constitutions, representational systems, two major political parties and rigorous legislative processes are all similarities between the two countries; but there are also many differences to be explored.

More information

FAQ (all sections) <http://www.peo.gov.au/faq/index.html>

Fact Sheet Series

- 31 The Constitution <http://www.peo.gov.au/students/fss/fss31.html>
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- 56 Where bills come from <http://www.peo.gov.au/students/fss/fss56.html>

The Australian Constitution <http://www.aph.gov.au/senate/general/constitution/index.htm>

Senate Brief No. 9: Consideration of Legislation

<http://www.aph.gov.au/Senate/pubs/guides/briefno09.htm>