

Power sharing in Australian parliaments

Why the hang up about hung parliaments?

Discussion paper

Bill Browne

Richard Denniss

July 2024

ABOUT THE AUSTRALIA INSTITUTE

The Australia Institute is an independent public policy think tank based in Canberra. It is funded by donations from philanthropic trusts and individuals and commissioned research. We barrack for ideas, not political parties or candidates. Since its launch in 1994, the Institute has carried out highly influential research on a broad range of economic, social and environmental issues.

OUR PHILOSOPHY

As we begin the 21st century, new dilemmas confront our society and our planet. Unprecedented levels of consumption co-exist with extreme poverty. Through new technology we are more connected than we have ever been, yet civic engagement is declining. Environmental neglect continues despite heightened ecological awareness. A better balance is urgently needed.

The Australia Institute's directors, staff and supporters represent a broad range of views and priorities. What unites us is a belief that through a combination of research and creativity we can promote new solutions and ways of thinking.

OUR PURPOSE - 'RESEARCH THAT MATTERS'

The Institute publishes research that contributes to a more just, sustainable and peaceful society. Our goal is to gather, interpret and communicate evidence in order to both diagnose the problems we face and propose new solutions to tackle them.

The Institute is wholly independent and not affiliated with any other organisation. Donations to its Research Fund are tax deductible for the donor. Anyone wishing to donate can do so via the website at <https://www.australiainstitute.org.au> or by calling the Institute on 02 6130 0530. Our secure and user-friendly website allows donors to make either one-off or regular monthly donations and we encourage everyone who can to donate in this way as it assists our research in the most significant manner.

Level 1, Endeavour House, 1 Franklin St
Canberra, ACT 2601

Tel: (02) 61300530

Email: mail@australiainstitute.org.au

Website: www.australiainstitute.org.au

ISSN: 1836-9014

Contents

Summary.....	1
Introduction.....	4
The role of crossbenchers	7
Major party vote share has fallen	10
Crossbenchers can win elections with lower primary vote shares	11
Existing prediction models do not account for new entrants.....	14
The Mackerras pendulum.....	15
Independents in Australia and other similar democracies	17
Australia is unusual in having many independents.....	17
Other Australian jurisdictions.....	19
Other notable jurisdictions.....	21
Successful independents encourage other independents	22
Types of power sharing government.....	23
Coalition government.....	23
Minority government	24
Non-party ministers in majority governments.....	25
Non-government speaker in the lower house	25
Crossbench balance of power in the upper house.....	26
Power sharing governments are common	26
Conclusion	27
Appendix 1: 2022 election.....	28
Other notable electorates	29

Summary

Parliaments exist to share power, and power sharing has been a feature of Australian parliaments for as long as they have existed: between different interest groups, different communities and different political movements; across the upper and lower houses; within parties (via factions); and between parties (including coalition agreements like those between the Liberals and the Nationals).

Seen in this context, the growth in minor party and independent representation is just the latest example of power sharing. Nor is crossbenchers holding balance of power a new phenomenon. It was the explicit policy of the Labor Party until it won enough seats to form government for the first time in 1904. So called 'hung parliaments' with independents in the balance of power were not unusual in Australian state parliaments during the 1950s and 1960s, and again from the 1990s onwards. In Australia today only five of eight state and territory parliaments are dominated by a majority party. Similarly, at the national level, most Senates since the 1970s have featured crossbenchers in the balance of power, deciding the fate of legislation when the government and opposition could not agree and voted in their party blocs.

The likelihood of shared power in the Commonwealth parliament has increased as the major party vote has declined significantly since the end of World War 2, and the 2022 election marked the lowest combined vote for the two largest parties since the Great Depression. It also yielded the largest House of Representatives crossbench ever.

Significantly, on average, the crossbenchers in the Commonwealth House of Representatives won their seats with lower primary votes than successful Labor or Coalition candidates. This suggests that challengers do not need to exceed their rivals' primary votes to win election. In short, independent candidates often have an advantage over major party candidates in that they are more likely to attract the preferences of other independent or minor party candidates, and they are more likely to attract the preferences of major party voters. When this pattern of voter preferences is combined with the decline in the primary vote of the major parties the rapid raise in the number of successful independent and minor party candidates is easy to explain.

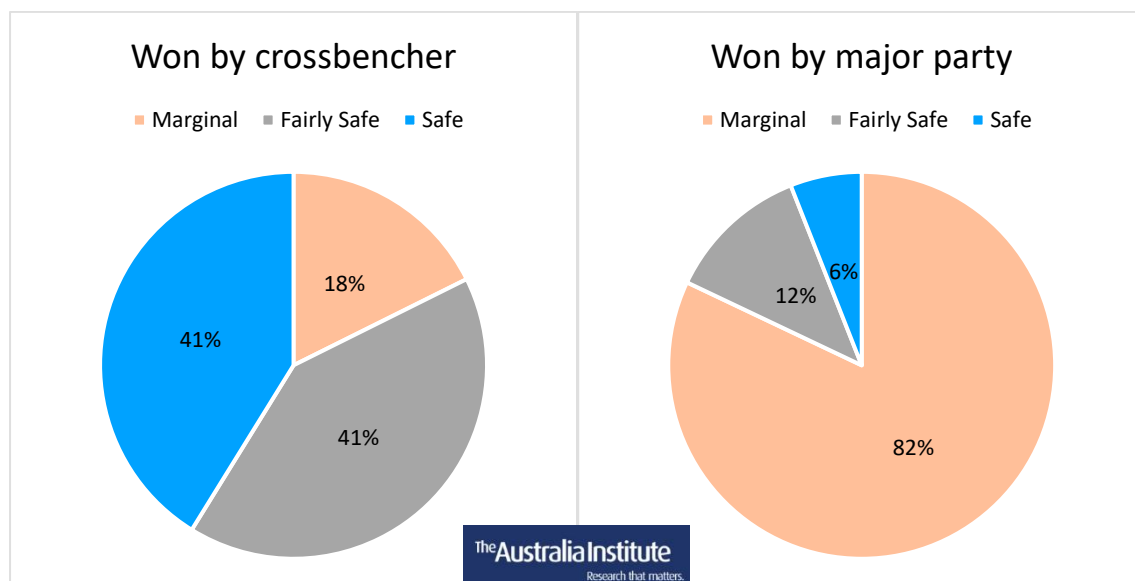
The pattern of crossbench success defies existing predictive models. Since 2001, independent and minor party victories have occurred mostly outside of the marginal seats that are supposedly most at risk in an election. That is, the so-called 'safe' seats held by major parties are only 'safe' against the other major party, not against independent candidates who appeal to a broad range of voters. For example, while it would have been inconceivable for Labor to have won the 'safe' seat of Mackellar in the 2022 election, the first-time independent candidate, Dr Sophie Scamps, won the seat with a two-candidate

preferred swing of 15.7%.¹ While the sitting Liberal MP Jason Falinski was ‘safe’ against any likely Labor campaign, he was highly vulnerable to, and ultimately lost to, an independent.

Declining voter support for the major parties, combined with the fact that independents can win seats on much lower primary votes than major party candidates, has significantly reduced the usefulness not just of terminology like ‘safe seats’ but of the so-called two-party preferred national vote share and even the significance of ‘national swings’. For example, it was not the 2 percent increase in the national vote for independents in the 2022 election that delivered Sophie Scamps her seat, it was the 25.9 percent swing to independents in the only electorate she was running in.²

Put simply, the decline in the primary vote of the major parties has crossed a threshold where traditional analytical tools and terminology for describing election results has lost much of its meaning. As shown in Figure 1, between 2001 and 2022 only 6 percent of the seats won by the major parties were defined as ‘safe’ whereas 41% of the seats won by independents and minor parties in the past two decades were considered ‘safe’. Indeed, only three seats won by crossbenchers were ‘marginal’ (Griffith and Brisbane in 2022 and Melbourne in 2010, all won by the Greens).

Figure 1: Seats won by marginality



¹ Green (2022) *Mackellar - Federal Electorate, Candidates, Results*, <https://abc.net.au/news/elections/federal/2022/guide/mack>

² AEC (2022) *First preferences by party*, <https://results.aec.gov.au/27966/Website/HouseStateFirstPrefsByParty-27966-NAT.htm>; Green (2019) *Mackellar - Federal Electorate, Candidates, Results*, <https://abc.net.au/news/elections/federal/2019/guide/mack>; (2022) *Mackellar - Federal Electorate, Candidates, Results*

Source: Browne (2022) *Between sense and nonsense*,
<https://australiainstitute.org.au/report/between-sense-and-nonsense/>, appendices

Note: Only seats changing hands at a general election have been counted. Including by-elections may change these results somewhat (for example, Lyne was a fairly safe seat for the Nationals before Rob Oakeshott won it in a 2008 by-election).

The steady rise in the number of independent and minor party candidates elected to state and national parliaments has led to increased debate about the benefits, or risks, of such democratic outcomes. Intriguingly, while it has been common in Australia for political leaders and analysts to declare on election night that ‘voters always get it right’, they seem to make an exception when voters elect enough independent and minor party MPs to require a major party to share power. As a result, most Australians are not well informed about the advantages and disadvantages of different kinds of power sharing parliaments, or indeed how common they are in Australia’s history or around the world.

Intriguingly, while power sharing arrangements of one kind or another are common in Western democracies, independent parliamentarians are very rare. Across the United States, United Kingdom, Canada and New Zealand, there are few parliamentarians representing single-member seats who are independents. This makes the Australian House of Representatives, in which 10 independents sit, remarkable.

Independents and minor parties can share power in a variety of ways. Formal coalition governments have historically been common in Australia due to the enduring Liberal–National Coalition (to avoid confusion, this paper uses capital-C Coalition to refer to this particular coalition). There is an enduring Labor–Greens coalition government in the ACT. There have also been 14 minority governments in Australia since 2004, including three coalition governments that – even after forming a coalition – still depended on crossbencher votes. Sometimes, even majority governments have shared power – including by appointing independent MPs as speakers or ministers.

Over the last 20 years, all nine jurisdictions in Australia (the six states, two territories and the federal government) have experienced some form of power sharing government. Australia’s largest state, NSW, currently has a minority government and Australia’s longest-serving government, the Barr Government of the ACT, is a coalition government between Labor and the Greens. Australia’s longest-serving and second-longest-serving prime ministers, Robert Menzies and John Howard, headed coalition governments.

Introduction

Parliaments are designed to share power – and while their design does not necessarily ensure that power is shared evenly, it does ensure that power is not concentrated entirely in the hands of an individual or a small group. As Kevin Rudd and Tony Abbott both found in their first terms as Prime Minister, parliamentary leaders who do not share power with their colleagues can lose that power rapidly.

While political parties were not mentioned in Australia's original Constitution³ they have played an important role in Australian parliaments since before Federation. Political parties are, by design, a power sharing arrangement between individuals who seek to accumulate political power: collective focus on an agreed policy platform in exchange for limiting the freedom of each individual to disagree publicly with that platform. In turn, while political parties offer voters a 'package deal' of policy pursuits they limit the ability of party candidates to focus on their personal priorities and to respond to the priorities of an individual electorate. While different parties have different rules and cultures for managing disagreements between the views of individual Members of Parliament (MPs) and their parties, party discipline – as measured by the willingness of party aligned MPs to vote with their party colleagues – is extremely high in Australia. Indeed, Labor MPs who 'cross the floor' without permission risk expulsion from the party.⁴

Power sharing within parties is often quite formalised, with MPs often joining specific factions which in turn vote as a bloc on matters ranging from party leadership to policy. Faction size often plays a major role in the selection of Cabinet and other leadership positions.⁵

³ In 1975, state Liberal premiers broke with constitutional convention and appointed an independent and a disaffected Labor member to replace two Labor senators, a key factor in the constitutional crisis of that year. A referendum in 1977 approved an amendment to the constitution to require the appointee to be an endorsed candidate of their party, the only mention of political parties in the Constitution. Crawford (1980) *Senate Casual Vacancies: Interpreting the 1977 Amendment*, pp. 225, 227, <https://classic.austlii.edu.au/au/journals/AdelLawRw/1980/12.html>; Parliamentary Education Office and Australian Government Solicitor (n.d.) *The Australian Constitution*, pp. 10, 32, <https://www.aph.gov.au/constitution>

⁴ McKeown and Lundie (2020) *Crossing the floor in the federal parliament 1950–April 2019*, pp. 6–7, 40–41, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1920/CrossingTheFloorFederalParliament

⁵ See for example Massola (2023) *How Morrison's shattering defeat gave Dutton a seismic shift in factional power*, <https://www.smh.com.au/politics/federal/how-morrison-s-shattering-defeat-gave-dutton-a-seismic-shift-in-factional-power-20230330-p5cwoq.html>; Patrick (2020) *How to wreck a political party: Victorian Labor's crazy factions*, <https://www.afr.com/politics/how-to-wreck-a-political-party-victorian-labor-s-crazy-factions-20200618-p553ua>

Power sharing between parties is also common in Australia, with the most visible example being the longstanding alliance between the Liberal, National, and Liberal National parties. This combination is so entrenched that it is often referred to as simply ‘the Coalition’, but it is not inevitable: the Liberal and National parties do not necessarily enter a coalition in states such as Western Australia and South Australia⁶ and earlier this year in NSW the Liberals and Nationals considered ending their agreement.⁷

Other coalitions have also held power in recent years. In the ACT, the Labor and Green parties have been in stable power-sharing government since 2008, with the Greens holding ministries in the three most recent governments (since 2012).

But obviously not all power sharing coalitions are stable or ongoing. The Labor and Green parties formed a coalition in Tasmania from 2010 to 2013, but after the 2024 state election, Tasmanian Labor declined to even try to form a new government by sharing power with the Tasmanian Greens.⁸ At a federal level Labor and the Greens agreed to share power between 2010 and 2013, but that arrangement ended with the election of the Abbott Coalition Government.

Surprisingly, the most common form of power sharing is also the least commonly discussed: the sharing of power between the House of Representatives and the Senate. Under the Australian Constitution, the executive government is decided by the composition of the lower house, but the passage of new laws requires the support of the Senate. While Australian Prime Ministers are prone to insist that the Senate ‘respect the government’s mandate’ and support proposed government legislation, the passage of controversial legislation through the Senate often involves the sharing of power – most usually in the form of agreed amendments to legislation or, as is sometimes the case, changes to unrelated policies – with an example being Brian Harradine tying his support for the sale of Telstra to limiting access to abortion.⁹

Significantly, the sharing of power within and between political parties and independents is neither a new phenomenon nor a uniquely Australian one. As discussed below, when the Australian Labor Party was formed its stated goals were to win enough seats to hold the

⁶ Shine (2021) *WA Liberals and Nationals enter alliance instead of formal coalition following electoral wipeout*, <https://www.abc.net.au/news/2021-04-19/wa-liberals-and-nationals-enter-alliance-not-formal-coalition/100025454>

⁷ Dole (2024) *NSW Coalition to stay together after last-minute agreement following feud over MP’s demotion*, <https://www.abc.net.au/news/2024-07-02/nsw-coalition-dispute-resolution-nationals-fang-speakman/104046640>

⁸ Holmes (2024) *Tasmanian Labor concedes it has lost the state election, party leadership position becomes vacant*, <https://www.abc.net.au/news/2024-03-24/labor-concede-tasmanian-election-rebecca-white-leader/103625422>

⁹ Keane (2014) *The lethal legacy of Brian Harradine: his long war on women’s rights*, <https://www.crikey.com.au/2014/04/24/the-lethal-legacy-of-brian-harradine-his-long-war-on-womens-rights/>; Prosser & Denniss (2015) *Minority policy*, p. 28, Melbourne University Press

balance of power. In the US, the terms 'horse trading' and 'log rolling' are commonly used to describe negotiations between voting blocs or individual members of Congress over how best to share power. In *Minority policy*, Brenton Prosser and Richard Denniss discuss the history and practice of power sharing in state and federal parliaments.¹⁰

¹⁰ Prosser & Denniss (2015) *Minority policy*

The role of crossbenchers

While crossbenchers – parliamentarians who belong to neither the Government nor the Opposition – are becoming increasingly numerous and significant in Australian politics, they are not a new phenomenon. It would also be a mistake to assume that a large, active and powerful block of crossbenches is unusual, or that there is something inappropriate or undemocratic about minority influence over major party rule. Crossbenchers have played a significant role in Australian parliaments for over a century.

Before the Labor Party was a party of government, it followed an explicit strategy of influencing the government of the day from the crossbench. Political scientist PM Weller writes about Labor’s strategy upon winning 35 seats in the 1891 New South Wales colonial election:

When the Labor Party entered Parliament in NSW in 1891, it intended not to compete with the other two parties [Protectionist and Free Trade] for ministerial positions but rather to act as a third party which would offer “support in return for concessions” and use its numbers to maintain in office whichever party offered the more attractive programme.¹¹

Gough Whitlam expressed a similar sentiment in 1967: “As a minority party, [the men who formed the Labor Party] used their power single-mindedly to win benefits for the people they represented”.¹²

At the federal level, competition for government in the early 20th century between the Free Trade, Protectionist and Labor parties meant that crossbenchers remained ‘kingmakers’ for years after Federation. For example, in 1906 the Protectionists won fewer seats than the Anti-Socialists (the old Free Trade Party) or Labor, but governed with Labor’s crossbench support until 1908.

After World War II, Australian parliaments continued to be shaped by crossbenchers. As Dr Mark Rodrigues and Dr Scott Brenton write for the Parliamentary Library, “hung parliaments with independent crossbenchers were ... common in New South Wales, Tasmania and Western Australia in the 1950s and 1960s”, as well as being increasingly common from the 1990s onwards.¹³

¹¹ Weller (1971) *Disciplined Party Voting: A Labor Innovation?* <https://www.jstor.org/stable/27508024>

¹² While noting that they did not hesitate to form governments when they got the opportunity: Whitlam (1967) *Certainly, the impotent are pure*, <https://whitlamdismissal.com/1967/06/09/the-impotent-are-pure-speech.html/>

¹³ Rodrigues & Brenton (2010) *The age of independence? Independents in Australian parliaments*, pp. 131–132, <https://www.aspg.org.au/a-p-r-journals-2/autumnwinter-2010-vol-25-1/>

In most federal parliaments since the 1970s, crossbenchers have held the balance of power in the Senate, and thus exerted a profound influence on public policy—sometimes making policy more progressive, sometimes more conservative, sometimes more moderate and sometimes more radical. The influence of crossbenchers can be seen in legislation protecting the Franklin River from damming in the 1980s, AusAID prohibitions on funding family planning in the 1990s and 2000s, the passage of the GST and the National Anti-Corruption Commission legislated last year.

Former Liberal Opposition Leader John Hewson has written of the legislative contribution of crossbenchers:

Indeed, one measure of the success of the minority government formed by Julia Gillard was its legislative agenda, with record numbers of bills passed during her term. Gillard was able to work the numbers to provide effective government and, based on the track record of the teal and other independents in both houses so far, it is reasonable to expect even better government would be possible if Prime Minister Anthony Albanese can secure their constructive cooperation.¹⁴

In the modern era, federal crossbench influence reached a peak in 2010–13, when a ‘hung’ parliament meant the Gillard Labor Government depended on the Greens and three independents to stay in power. Today, while the Albanese Labor Government has a slim majority, it came to power in an election that saw 16 crossbenchers elected to the House of Representatives—more than any other in the post-War period.¹⁵ Among this number are eight community independents who hold what have historically been Coalition seats.

The number of crossbenchers in the federal Senate also reached record numbers during the 2010s: the 2016 election returned a record 20 crossbenchers to sit in the Australian Senate, a reflection of the proportional representation system used and the lower threshold for a double-dissolution election. While ‘only’ 18 crossbenchers were elected in the current Senate,¹⁶ this figure remains high by historic standards and represents a powerful check on the Albanese Government’s ability to pass legislation – as the recent negotiations on the Safeguard Mechanism and Nature Repair Bill have demonstrated.

The trend toward increasing crossbench influence is also reflected at the state level. There have been Greens ministers in Tasmania and there are currently Greens ministers in the

¹⁴ Hewson (2024) *Anxiety over minority government is misplaced*, <https://www.thesaturdaypaper.com.au/comment/topic/2024/05/01/anxiety-over-minority-government-misplaced>

¹⁵ Andrew Gee and Russell Broadbent were elected as Coalition MPs and joined the crossbench afterwards.

¹⁶ David Van and Fatima Payman were elected as major party senators and joined the crossbench afterwards.

Australian Capital Territory.¹⁷ With the exception of WA, the crossbench holds balance of power in every state upper house.

Former CEO of Catholic Health Australia Francis Sullivan describes the role of the Senate crossbench as “acting as a broker” between the government and civil society. As an example, Sullivan cites the success civil society groups had in 1997 when pressing the Democrats to make an increase in the subsidy for financially disadvantaged people a condition of passing legislation introducing fees for nursing homes:

The credibility of the brokerage came from the community groups, which was important. The change was the result of the intellectual value-added input of the community, not specifically the Senate. In the case outlined, the Democrats happily brokered what was already a credible community-based position. It was an effective process and a pragmatic demonstration of the workings of the Senate.¹⁸

Former NSW Labor MP and state secretary John Della Bosca notes that crossbenchers are also a useful corrective to party discipline:

I think the general idea that the executive can be second-guessed by a parliament is a good idea. It was the original idea behind Westminster government. But parties have become very disciplined and very mechanical in their processes and when you apply that to government, you end up with a risk that legislation will just keep on churning through. A crossbench that is prepared to ask questions is going to be an additional filter on government over and above what party rooms can do.¹⁹

¹⁷ Noting that once a parliamentarian becomes a minister, they cease to be a crossbencher.

¹⁸ Sekules & Sullivan (1999) *Lobbying the Senate: two perspectives*,
https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~~/link.aspx?_id=AA04517790A14A5A974553BC6A239E4F&_z=z

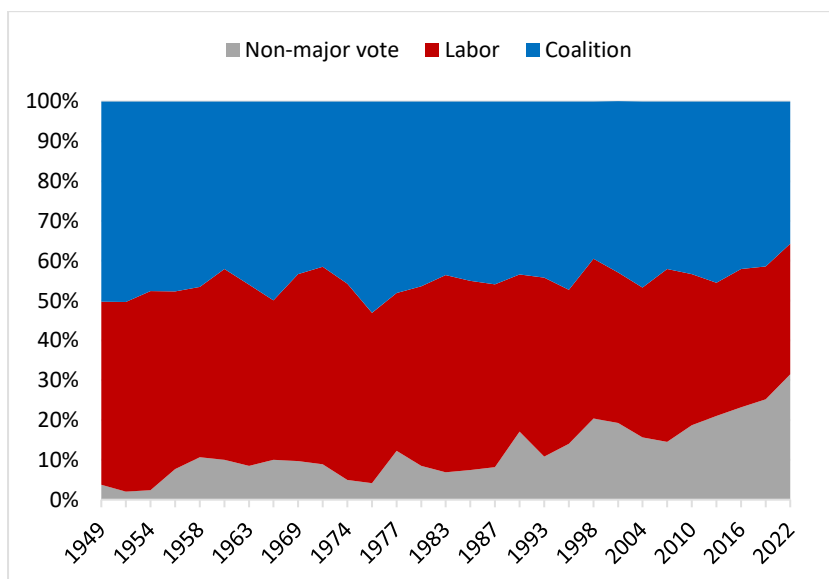
¹⁹ Clune (2019) *At cross-purposes? Governments and the crossbench in the NSW Legislative Council, 1988-2011*,
<https://www.parliament.nsw.gov.au/lc/roleandhistory/Pages/Legislative-Council-Oral-History-Project.aspx>

Major party vote share has fallen

In the 2022 election, the Coalition won 35.7% of the primary vote and Labor 32.6%, only just ahead of the aggregate non-major party vote on 31.7%. Not since the Great Depression has the combined vote for the two largest parties in a given parliament been so low.²⁰ This decline in the fortunes of the major parties is partly reflected in the historically large House of Representatives crossbench, with 16 MPs.

Opinions vary on whether major parties, minor parties or independents best represent the interests of the Australian public, or indeed whether Australia's bicameral system represents the best of both worlds. However, what is clear is that support for minor parties and independents has been growing for several decades,²¹ even if the parliamentary representation of minor parties and independents lags the proportion of the vote that they win.

Figure 2: Share of the federal vote going to major parties and other



Source: Raue (2022) *The declining major party vote*, <https://www.tallyroom.com.au/47443>

²⁰ If the Liberal National Party is treated as a separate party, the combined vote for the two largest parties has never been as low as it was in 2022, even during the 1900s when there were three major parties. However, since most Liberal National Party MPs sit in the Liberal party room, this was not considered a fair comparison.

²¹ Raue (2022) *The declining major party vote*, <https://www.tallyroom.com.au/47443>

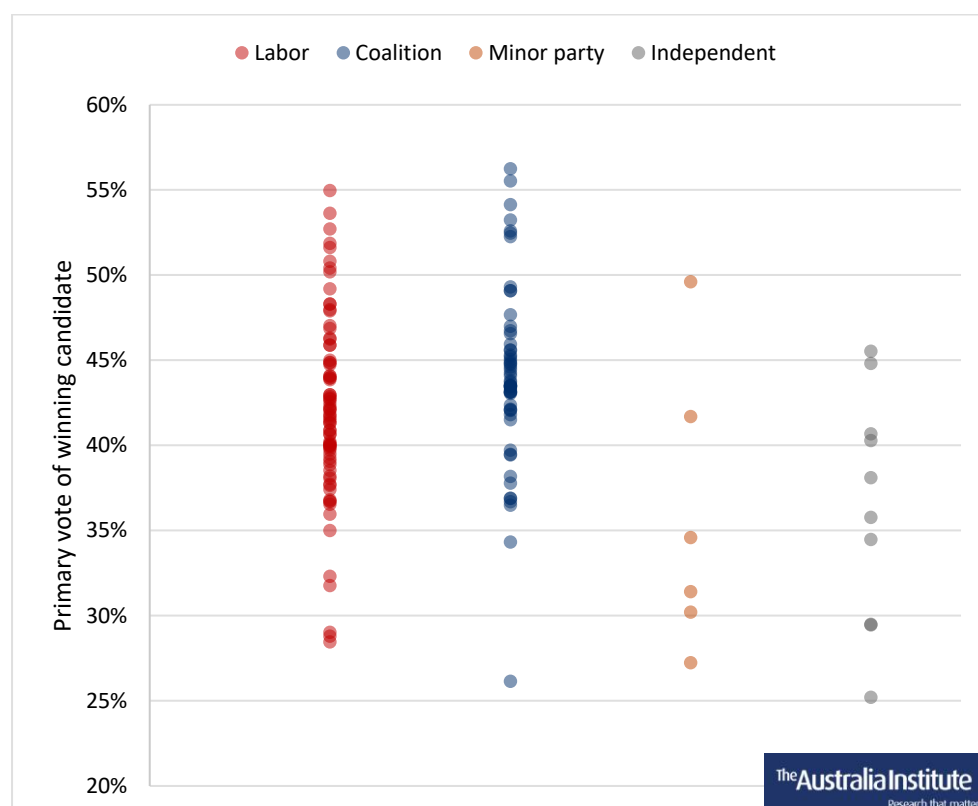
Crossbenchers can win elections with lower primary vote shares

The last two times the Australian Labor Party has won a federal election – in 2010 and 2022 – it has done so despite winning fewer primary votes than the Coalition. Famously, the 2010 election resulted in a minority government, but in 2022 Labor won a majority of seats despite its relatively small share of the primary vote.

A review of the 2022 election shows that Labor can win seats comfortably even if its primary vote trails the Coalition’s quite significantly. This is because most minor party and independent voters preference Labor ahead of the Coalition.²²

In the 2022 election, the seats won by Labor averaged a Labor primary vote of 42%. In seats won by the Coalition, the Coalition primary vote was 44%. In seats won by crossbenchers (independents or minor parties) the average primary vote for the crossbencher in question was only 36%.

Figure 3: Average primary vote in seats won by each group



²² 61% to 39% in 2022: AEC (2022) *Two party preferred preference flow*, <https://results.aec.gov.au/27966/Website/HouseStateTppFlow-27966-NAT.htm>

Note: In Nicholls, which was contested by both Coalition partners, only the National primary has been included.

Sources: AEC (2022) *2022 federal election*, “Two candidate preferred by candidate by polling place”, “Two party preferred by polling place”, “First preferences by party”, <https://results.aec.gov.au/27966/Website/HouseDownloadsMenu-27966-Csv.htm>

This shows how independent and minor party candidates can win with an even lower primary vote than Labor candidates: in 2022, eight crossbenchers won with a primary vote below 35%, compared to five Labor and two Coalition candidates. Kylea Tink, the candidate for North Sydney, won with a primary vote of just 25%.

To give an extreme example, Suzie Holt, the unsuccessful independent candidate for Groom, won 43% of the two-candidate preferred vote from just 8% of the primary vote, behind both major party candidates and One Nation.²³ Put simply, successful independent candidates can win with lower primary votes than major party candidates because voters for other independent candidates typically preference other independent candidates ahead of major party candidates and, furthermore, major party voters will often preference an independent candidate ahead of the major party candidate they did not preference first.

The result of this pattern of preferencing has significant implications for how we think about election battles. For example, the results of national opinion polls are often presented in “two-party preferred” terms which are increasingly unhelpful at predicting outcomes in the growing number of three- and four-cornered local races.

²³ Green (2022) *Groom - Federal Electorate, Candidates, Results*, <https://abc.net.au/news/elections/federal/2022/guide/groo>

Table 1: Seats where winner's primary vote share was below 35%

Seat	Candidate	Party	Primary vote
North Sydney	Kylea Tink	Independent	25%
Nicholls	Sam Birrell	Nationals	26%
Brisbane	Stephen Bates	Greens	27%
Higgins	Michelle Ananda-Rajah	Labor	28%
Richmond	Justine Elliot	Labor	29%
Lyons	Brian Mitchell	Labor	29%
Curtin	Kate Chaney	Independent	29%
Fowler	Dai Le	Independent	30%
Ryan	Elizabeth Watson-Brown	Greens	30%
Mayo	Rebekha Sharkie	Centre Alliance	31%
Macnamara	Josh Burns	Labor	32%
Boothby	Louise Miller-Frost	Labor	32%
Durack	Melissa Price	Liberal	34%
Goldstein	Zoe Daniel	Independent	34%
Griffith	Max Chandler-Mather	Greens	35%

Existing prediction models do not account for new entrants

The Australian Electoral Commission classifies seats based on whether they are marginal, fairly safe or safe:

Where a winning party receives less than 56% of the vote [two-candidate preferred], the seat is classified as 'marginal', 56–60% is classified as 'fairly safe' and more than 60% is considered 'safe'.²⁴

However, while these designations may capture how vulnerable a seat is to a challenge from a returning challenger or an existing party, they do not account for a new entrant whose support has not been tested in previous election results.

From the 2001 federal election to the 2022 federal election, 134 seats have changed hands.²⁵ This figure comprises 14 safe seats, 21 fairly safe seats and 99 marginal seats.²⁶ Of seats won by independents or minor parties, 7 were safe seats, 7 were fairly safe and only 3 were marginal. In other words, whereas most seats won by major parties were already marginal in two-party preferred terms, the opposite is true for most seats won by independent and minor party candidates.

²⁴ AEC (2019) *Divisional classifications*, <https://results.aec.gov.au/24310/Website/HouseDivisionClassifications-24310-NAT.htm>

²⁵ See appendices in this report and Browne (2022) *Between sense and nonsense*, <https://australiainstitute.org.au/report/between-sense-and-nonsense/> for data.

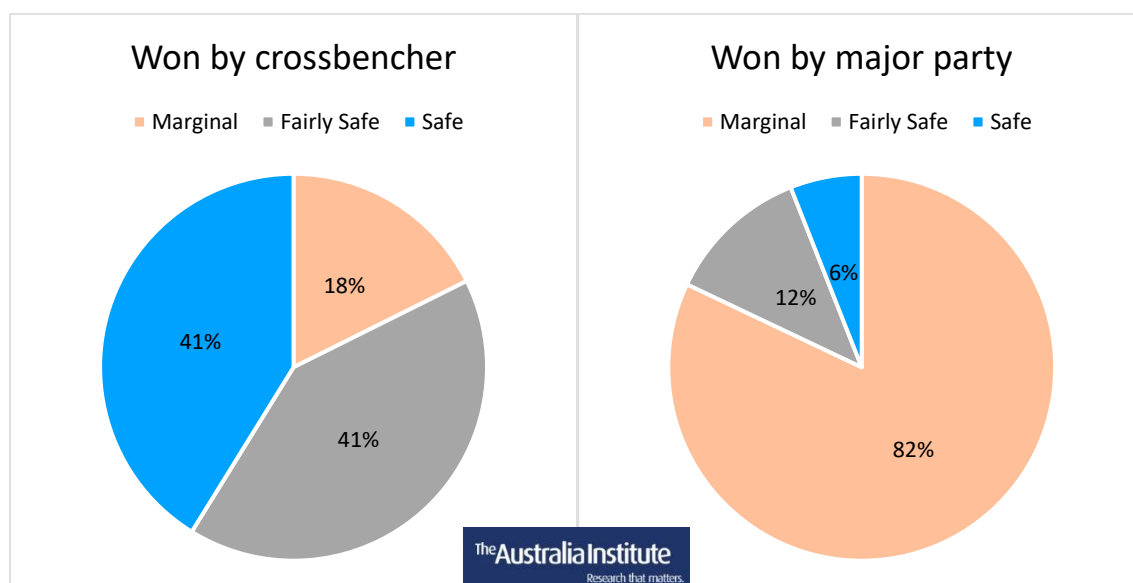
²⁶ Two-candidate preferred has been used to calculate marginality. This has resulted in some classifications that may be counter-intuitive:

O'Connor in 2010 has been classified as a safe seat won by a major party, even though it was WA National Tony Crook who won the seat from a Liberal; since Crook started on the crossbench O'Connor could arguably be described as another crossbench safe seat pickup.

In 2013, two independent MPs – Tony Windsor and Rob Oakeshott – did not contest their seats; both were won by Nationals. These have both been counted as safe seats won by a major party because they were safe for the departing independent MPs; they were not “safe” for the Labor Party and on a two-party preferred basis were nominally fairly safe or safe for the Nationals even while held by independents.

The two-party preferred margin has been used for Wentworth in 2022 because the independent candidate in 2019, Kerry Phelps, did not re-contest the seat.

Figure 4: Seats won by marginality



Source: Browne (2022) *Between sense and nonsense*, appendices

Note: Only seats changing hands at a general election have been counted. Including by-elections may change these results somewhat.

The Mackerras pendulum

The Mackerras pendulum predicts how many seats each major party will win at an election, given a particular “uniform national swing” (a uniform change in the national two-party preferred vote).²⁷

At the 2022 federal election, the pendulum performed relatively well at its task: given the national swing of 3.7 percentage points to Labor, it predicted Labor would win 75 seats. Labor won 77, an error of 2.

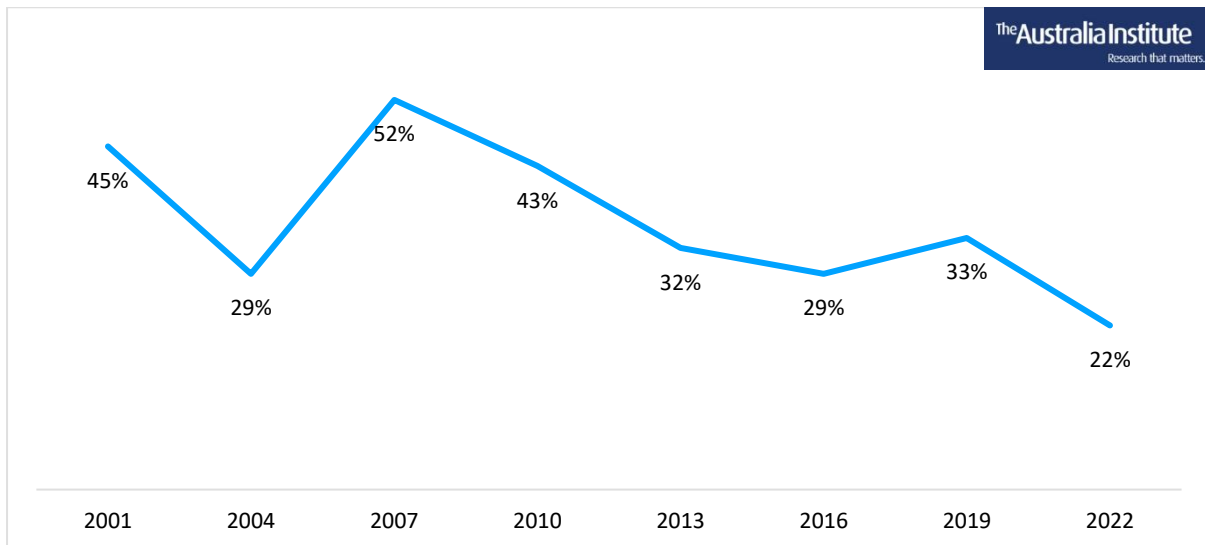
However, the pendulum is also used by many commentators to predict results in each individual seat, even though the pendulum was never intended for this purpose.²⁸ This misuse of the pendulum often leads to an undue focus on a small number of ‘key marginal’ or ‘battleground’ seats between the major parties when, as discussed above, the demarcation between ‘safe’ and ‘marginal’ seats is largely meaningless when independent and minor party candidates can attract strong support.

²⁷ See Browne (2022) *Between sense and nonsense*

²⁸ See for example Goot (2016) *The Transformation of Australian Electoral Analysis: The Two-Party Preferred Vote - Origins, Impacts, and Critics*, https://www.researchgate.net/publication/299382053_The_Transformation_of_Australian_Electoral_Analysis_The_Two-Party_Preferred_Vote_-_Origins_Impacts_and_Critics

In the 2022 election, the application of a ‘national swing’ to the electoral pendulum only explained 22% of the seats that changed hands. That said, the pendulum was more accurate when used to predict contests between the major parties, but even in those contests it still only predicted 38% of the seats that changed hands.

Figure 5: Seat changes predicted by pendulum (if crossbenchers are included)



Source: Browne (2022) *Between sense and nonsense*

When combined with the data in Figure 4 (above) on the ability of crossbench candidates to win ‘safe’ seats, commentators and political strategists should be highly cautious about relying on the pendulum to identify the seats that are ‘in play’ and in turn the issues that can ‘turn seats’. Put simply, because the Liberal Party was so focused on the priorities of ‘swinging voters in marginal seats’ their primary vote collapsed in what they thought of as ‘safe’ seats. It is not yet clear if major parties will shift their focus away from the priorities of a minority of voters in a minority of seats in 2025.

Independents in Australia and other similar democracies

There are 10 Members of Parliaments (MPs) in the Australian House of Representatives who ran, and were elected, as independents, representing 7% of the 151 MPs in the 47th Parliament.

Independents are a quintessentially Australian phenomenon. Across four other Western democracies in which parliamentarians are elected from single-member electorates – the United Kingdom, the United States, Canada and New Zealand – there are 1,595 single-member electorates, only eight which elected independents at their last election.²⁹

Australians may not realise how uniquely Australian it is to have independents play such a role in politics because independents loom large in the Australian political imagination. Independent senators have used the balance of power for decades to advance their priorities. Nick Xenophon delivered Murray-Darling water reform to help his native state of South Australia. Brian Harradine traded his vote to privatise Telstra for communications and environment funding for Tasmania; he also negotiated for the Howard Government to limit abortion rights. In the House of Representatives, independents decided who would form government after the 2010 election. At the state level, five environmental campaigners disrupted Tasmanian politics as “The Independents” before co-founding the Greens. Even former Prime Minister Billy Hughes briefly sat as an independent, in between the seven different party memberships he held during his half-century in politics.

Australia is unusual in having many independents

The Australian House of Representatives is unique among Western democracies with single-member electorates, in having candidates win election as independents: 10 of 151 in the 47th Parliament.³⁰

Seven of these independents were first elected in 2022 (Kate Chaney, Zoe Daniel, Monique Ryan, Sophie Scamps, Allegra Spender, Zali Steggall, Kylea Tink and Dai Le), two in 2019 (Zali Steggall and Helen Haines; the latter replacing Cathy McGowan who was elected in 2013) and one in 2010 (Andrew Wilkie). Bob Katter and Rebekha Sharkie, as the only members of

²⁹ List of Western democracies drawn from Weeks (2017) *Independents in Irish party democracy*, Manchester University Press, fig. 1.1; Lithuania excluded as the author could not find English language sources for independent numbers in that country.

³⁰ Andrew Gee and Russell Broadbent are independent but were elected as party MPs (National and Liberal respectively). Neither has yet gone to an election as an independent.

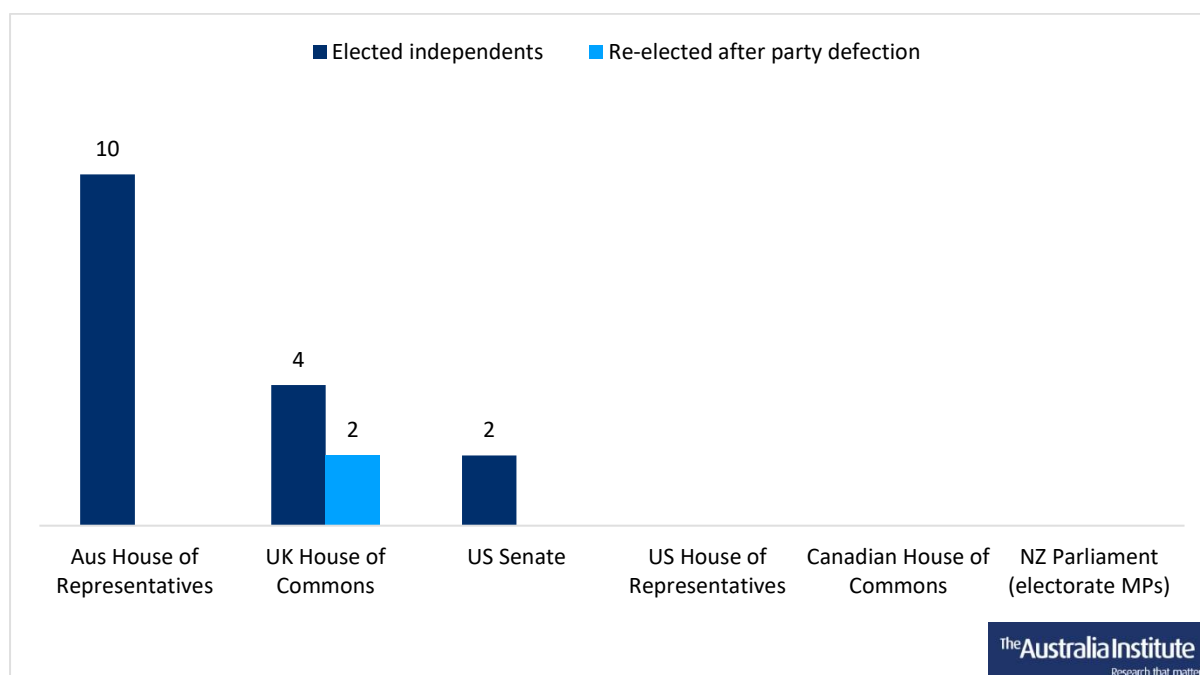
their small parties in the Australian Parliament, are in some ways like independents, but are not counted in this analysis.

There are four other Western democracies where at least one house of parliament is at least partially elected from single-member electorates: the United States, the United Kingdom, Canada, New Zealand and Hungary.

- The UK House of Commons has 650 constituencies, none of which elected an independent at the general election in 2019. In the 2024 general election six independents won election, of which two were re-elected party defectors.³¹ They will make up one percent of all MPs.
- The US House of Representatives has 435 congressional districts, none of which elected an independent at the election in 2022.
- The US Senate has 100 senators, two for each state – but as they serve staggered terms only one goes to election at a time. Two senators were elected as independents, Angus King and Bernie Sanders; both caucus with the Democrats. Another two senators defected from the Democrats after being elected.
- The Canadian House of Commons has 338 ridings, none of which elected an independent at the 2021 election. (There is one possible exception: Kevin Vuong, the independent member for Spadina–Fort York in Toronto, Canada. Vuong was only expelled two days before the election; the ballot still listed him as a Liberal Party candidate.)
- The New Zealand Parliament has 72 electorates, none of which elected an independent in the 2023 election. New Zealand also has 49 MPs elected from party lists.

³¹ McClements (2024) *North Down constituency result: Independent unionist Alex Easton secures 'wow' moment*, <https://www.irishtimes.com/politics/2024/07/05/north-down-constituency-result-independent-unionist-alex-easton-secures-wow-moment/>; Wedesweiler (2024) *Why the UK election's victorious pro-Palestinian candidates matter to Australia*, <https://www.sbs.com.au/news/article/why-the-uk-elections-victorious-pro-palestinian-candidates-matter-to-australia/o21nqftdf>

Figure 6: Elected independents in national parliaments with single-member electorates



Other Australian jurisdictions

Independents are also common in some state and territory parliaments.

The Tasmanian Legislative Council (the state's upper house) consists of 15 single-member seats, of which 7 (47%) are held by independents.

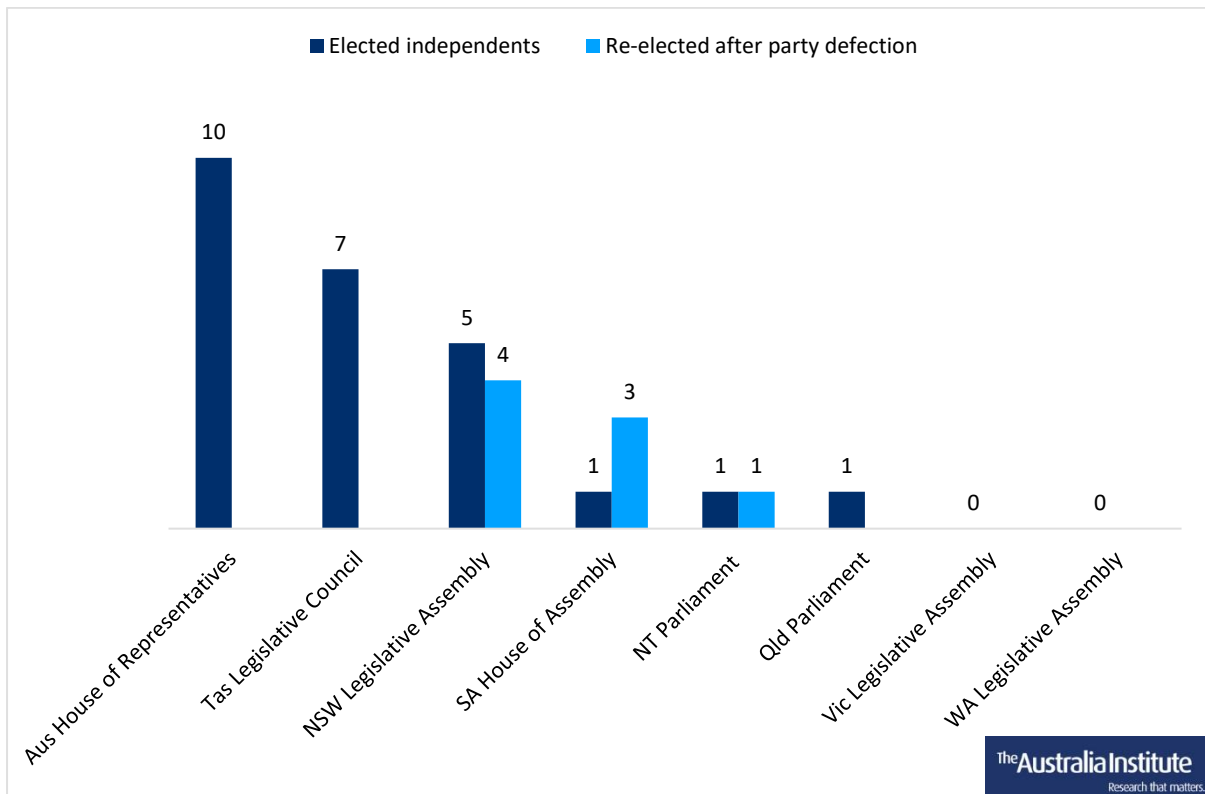
Nine of 93 NSW seats elected independents (10%), including four party defectors who won re-election.

Four of 47 South Australian seats elected independents (9%), including three party defectors who won re-election. Two party MPs have since become independents (although one of these left to become speaker, rather than due to disaffection with the party).

Two of 25 Northern Territory seats elected independents (8%), including one party defector who won re-election. Two party MPs have since become independents.

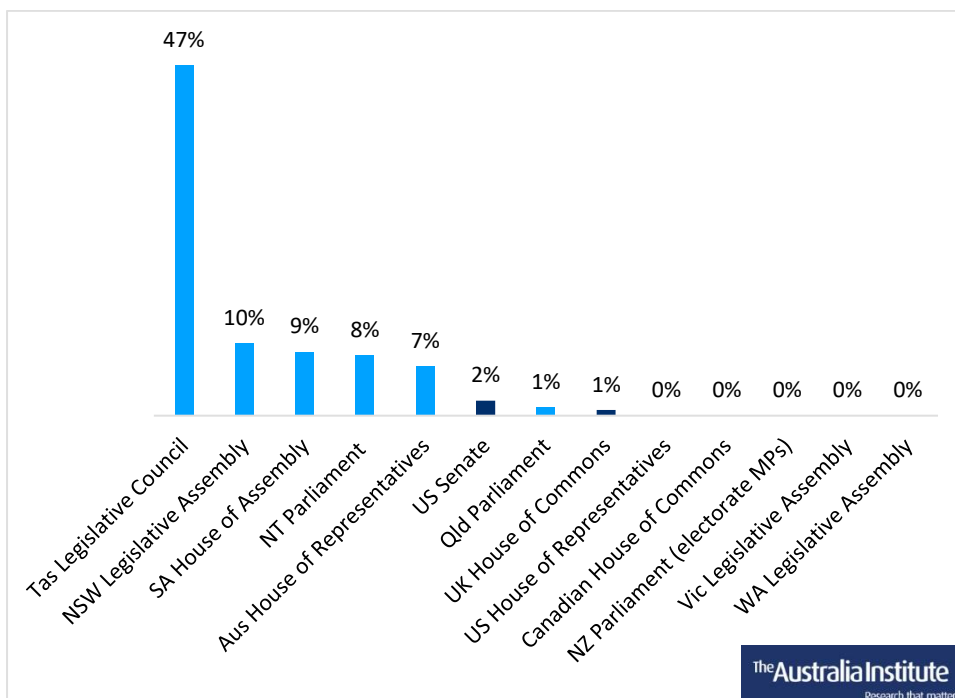
One of 93 Queensland seats elected an independent (1%).

Figure 7: Independents in Australian houses of Parliament with single-member electorates



The number of elected independents is particularly remarkable because Australian parliaments are smaller than many overseas equivalents. Figure 8 below shows that while the UK House of Commons has six independent MPs, as a share of total MPs independent MPs are more common in six of Australia’s eight houses with single-member seats.

Figure 8: Share of seats held by independents (Australian jurisdictions in light blue)



Much has been made of the success of the community independents since Cathy McGowan's 2013 victory in Indi, and especially since the 2022 election saw a series of formerly blue-ribbon Liberal seats fall to independent challengers. However, the success of independent MPs in Australia is not just historically significant, it is globally significant. No other Western democracy with single-member electorates has seen so many independent MPs elected since the rise of the party system in the 19th Century.

Other notable jurisdictions

While Japan is not generally considered 'Western' per se, its democracy is Western-style and the National Diet of Japan is based on European parliaments. Several independents were elected to single-member electorates in the Japanese House of Representatives in 2021, although in practice independent MPs in Japan often remain closely linked to a political party or even re-join that party after winning election.³²

The National Assembly of Hungary has 106 districts, one of which elected an independent in the 2022 election. That is Budapest's 8th district, represented by Dr Hadrhazy Ákos. Dr Hadrhazy was elected in 2016 as a candidate of the Politics Can Be Different party and was re-elected when he ran as an independent in 2022. Hungary also has 93 MPs elected from party lists. However, Hungary's "illiberalism" under Viktor Orbán³³ marks it as distinct from Australia and the other Western democracies featured in this paper.

The only Western democracy that boasts more independents than Australia is Ireland, which elects its lower house with proportional representation. In the Dáil Éireann there are 21 independent Teachtaí Dála (MPs) out of 160, 19 of whom were elected in 2020 as independents. Twelve of the 19 were originally elected as independents; a further seven had been elected as party-affiliated candidates at earlier elections.³⁴

Like Australians, the Irish have often elected independents. In fact, as of 2017, there were "more Independent parliamentarians in the Dáil than the combined total in all other Western democracies".³⁵

³² For more details, see Weeks (2017) *Independents in Irish party democracy*, pp. 63–66

³³ See for example Pogany (2018) *Europe's illiberal states: why Hungary and Poland are turning away from constitutional democracy*, <http://theconversation.com/europes-illiberal-states-why-hungary-and-poland-are-turning-away-from-constitutional-democracy-89622>

³⁴ Houses of the Oireachtas (n.d.) *TDs & Senators - 33rd Dáil - Independent*, <https://www.oireachtas.ie/en/members/tds?tab=party&party=%2Fie%2Foireachtas%2Fparty%2Fdail%2F33%2FIndependent>

³⁵ Ferriter (n.d.) *Why has Ireland so many Independents?* <https://www.irishtimes.com/culture/books/diarmaid-ferriter-why-has-ireland-so-many-independents-1.3172499>

Successful independents encourage other independents

In his book about the growth of independents in Ireland, Liam Weeks describes how successful independent campaigns encourage other independents to run for office:

[Independents in Ireland's] record of electoral success ... has a knock-on effect and increases the probability of other independents being elected. It is quite permissible for any ambitious candidate to run as an independent, and because an independent candidacy is not a recipe for electoral disaster, this should encourage more down this electoral path and more to support them. This was particularly evident in the run-up to the 2016 Dáil election, where the considerable numbers of candidates elected in 2011 and the large proportion of the electorate willing to vote for them motivated more individuals to contemplate an independent candidacy.³⁶

Weeks' data on Irish elections shows that after independents won a greater share of seats in the 2011 election than they had in 70 years (15 seats), they again broke records in the 2016 election (23 seats).³⁷ Independent numbers did go backwards somewhat in the 2020 election (20 seats, if the Independents 4 Change party is included).

The growing vote share and political power of independents in Ireland has also convinced political parties to treat them differently. Around the 2016 election parties spoke of “weak, unstable government” if independents held the balance of power – but after the independent candidates won one in six votes “the political parties realised ... they were not a fringe group and were voicing valid concerns”. Three independents were appointed to cabinet as part of a “partnership” government.³⁸

³⁶ Weeks (2017) *Independents in Irish party democracy*, p. 20

³⁷ Weeks (2017) *Independents in Irish party democracy*, pp. 68–69

³⁸ Weeks (2017) *Independents in Irish party democracy*, p. 79

Types of power sharing government

While Australian politics is often depicted as a clash between two major parties, in practice it is almost always the case that crossbenchers – whether minor parties or independents – hold legislative power. In addition, a smaller party – the Nationals – holds executive power when its senior coalition partner, the Liberal Party, is in government.

Coalition government

A coalition government is formed of two or more parties. Since the formation of the Liberal Party in 1943, Australia has had more coalition governments at the federal level than any other kind. This is because the Liberal Party (and its precursors) governs in coalition with the National Party. Government ministers are drawn from the Liberal and National party rooms, and there is a quota for how many National ministers must be appointed to Cabinet.

Parties in a coalition usually formalise their coalition in a written agreement. The Liberal–National Coalition keeps its agreements secret, but other coalitions – like the Labor–Greens coalition government in the ACT – publish their agreements.³⁹

The coalition governments that have held power over the last 20 years are:

- The Howard Government of Australia until 2007. Unusually for a bicameral parliament, the Howard Government also had a majority in the Senate from 2005. A Liberal–National coalition.
- The Abbott, Turnbull and Morrison Governments of Australia between 2013 and 2022, except for two periods of minority government. A Liberal–National coalition.
- The O’Farrell, Baird and Berejiklian Governments of NSW between 2011 and 2021, until the Berejiklian Government went into minority. A Liberal–National coalition.
- The Gallagher and Barr Governments of ACT from 2012 to the current day. A Labor–Greens coalition.
- The Bartlett and Giddings Governments of Tasmania from 2010 to 2014. A Labor–Greens coalition.
- The Baillieu and Napthine Governments of Victoria from 2010 to 2014. A Liberal–National Coalition.

³⁹ ACT Labor and ACT Greens MLAs (n.d.) *Parliamentary and Governing Agreement for the 10th Legislative Assembly*, <https://greens.org.au/act/parliamentary-and-governing-agreement>

So enduring are the power sharing arrangements in the Liberal–National Coalition that the Barnett Government in Western Australia continued to govern in coalition with the Nationals even after the Liberals won a majority in their own right in 2013.

Minority government

In minority government, the party or parties in government do not have a majority of seats in the lower house of Parliament. They depend on the support of other parties or independents who hold seats.

Sometimes minority governments formalise the support of minor parties and independents in written agreements. Other times, there is no written agreement.

A minority government might include ministers from outside the party in government. The first labour government in the world, the Watson Labor Government that governed Australia in 1904, drew its Attorney-General from the Protectionist Party.

The minority governments that have held power in the last 20 years are:

- The Gillard and Rudd Governments of Australia were in minority between the 2010 and 2013 elections, dependent on Greens and independents for confidence and supply.
- The Stanhope Government of the ACT was in minority until the 2004 territory election.
- The Stanhope and Gallagher Governments of the ACT were in minority from 2008 to 2012.
- The Palaszczuk Government of Queensland was in minority between 2015 and 2017.
- The Rann Government of South Australia was in minority until 2006.
- The Weatherill Government of South Australia was in minority between 2014 and 2018.
- The Marshall Government of South Australia went into minority between 2021 and 2022.
- The Giddings Government of Tasmania went briefly into minority government from coalition government in 2014.
- The Gutwein Government of Tasmania went briefly into minority government in 2021.
- The Rockliff Government of Tasmania went into minority from 2024.
- The Henderson Government of the NT was in minority between 2009 and 2012.
- The Giles Government of the NT was in minority between 2015 and 2016.
- The Minns Government of NSW has been in minority since it was elected in 2023.

A special case are minority coalition governments, where a coalition of parties in government depends on crossbenchers:

- The Morrison Government of Australia went in minority twice: in 2018 to 2019 with the election of Kerryn Phelps and in 2021 to 2022 with the defection of Craig Kelly.
- The Berejiklian Government of NSW went in minority in 2021, and its successor the Perrottet Government remained in minority until its defeat in 2023.
- The Barnett Government of WA was in minority between 2008 and 2013.

Non-party ministers in majority governments

Even majority governments have sometimes invited other MPs to become ministers. After winning a majority in the 2022 South Australian election, the Malinauskas Labor Government invited independent Geoff Brock to become Minister for Local Government, Regional Roads and Veterans Affairs and later independent Dan Cregan to become Minister for Police, Emergency Services and Correctional Services and Special Minister of State.⁴⁰

Non-government speaker in the lower house

In Australia, the government of the day usually elects a speaker from its own ranks. Exceptions include Sue Hickey, a Liberal who – with the support of the Labor Opposition and the Greens – was elected Speaker of the Tasmanian House of Assembly over her own party's nominee.

In 2021, the constitution of South Australia was amended to require the speaker of the House of Assembly to be an independent (except during an election period). Dan Cregan, who had left the Liberal Party a few days earlier, replaced Liberal Josh Teague. When Cregan became a minister, a Labor MP left the party to become an independent speaker.⁴¹

⁴⁰ Biggs (2024) *Reshuffle sees former Liberal Dan Cregan join SA Labor cabinet as government creates “super portfolio,”* <https://www.abc.net.au/news/2024-04-15/former-liberal-dan-cregan-joins-sa-labor-cabinet/103707908>; Harmsen and Dayman (2022) *Independent former minister makes surprise comeback in new South Australian cabinet,* <https://www.abc.net.au/news/2022-03-24/independent-former-minister-joins-new-south-australian-cabinet/100935424>

⁴¹ Lee (2021) *Independents rule the roost as South Australia’s parliament shaken up ahead of state election,* <https://www.abc.net.au/news/2021-10-13/analysis-on-sa-parliament-independent-speaker/100535894>; Lee and Keane (2021) *SA government rocked as Speaker ousted in late-night sitting,* <https://www.abc.net.au/news/2021-10-13/sa-government-rocked-as-defector-dan-cregan-becomes-speaker/100534200>; SA HoA Hansard (2021) *Tuesday, October 12,* <https://hansardsearch.parliament.sa.gov.au/daily/lh/2021-10-12/63?sid=29ac591c9dd04cd9a8>

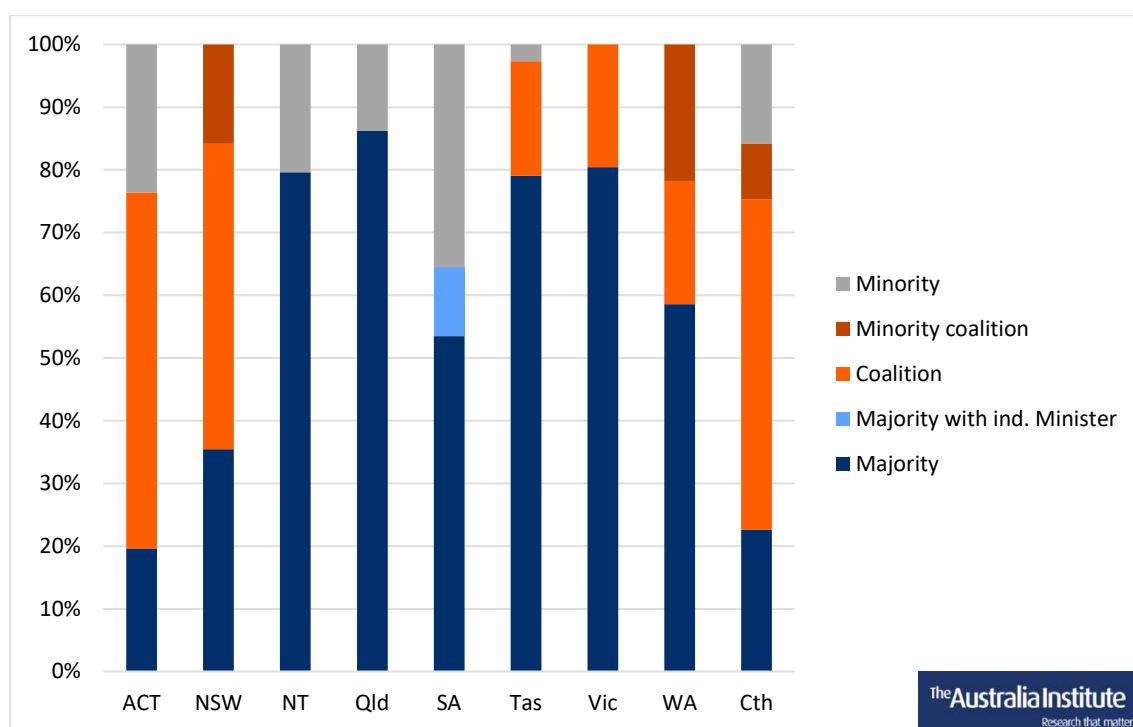
Crossbench balance of power in the upper house

Even when the government of the day has a majority in the lower house, in most Australian parliaments there is an upper house where no single party or coalition is in majority.

POWER SHARING GOVERNMENTS ARE COMMON

Over the last 20 years, all nine jurisdictions in Australia (the six states, two territories and the federal government) have experienced some form of power sharing government. New South Wales, Australia's largest state, currently has a minority government, while the country's longest-serving government, the Barr Government of the ACT, is a coalition government between Labor and the Greens. Australia's longest-serving and second-longest-serving prime ministers, Robert Menzies and John Howard, both headed coalition governments.

Figure 9: Days under each type of government since 1 January 2004, by jurisdiction



Source: Compiled by the Australia Institute

Note: Calculated from 1 January 2004 to 19 June 2024.

Overall, majority governments are the single most common form of government in Australia since 2004, representing 57% of all days across all jurisdictions, plus 1% for majority governments with independent ministers. Coalition governments are the second-most common, at 24%. Minority governments make up 18% of all days in office, including 5% for coalition governments in minority.

Conclusion

Despite occasional fearmongering about ‘hung’ parliaments, minority government and “coalitions of chaos”, the reality is that power sharing governments are common in Australia. Governments often need to secure the support of other parliamentarians, whether through the formal, albeit secret, coalition agreements between the Liberal and National parties or various arrangements with independents and minor party MPs.

Even when a government is “in majority”, power is still distributed. Crossbenchers usually hold the balance of power in the upper houses of Australian parliaments, so the government’s legislative agenda depends on negotiation and compromise. Within political parties, factions pursue their own agendas – a hidden version of the jockeying and horse-trading that occurs in public between parliamentarians of different parties or none.

While power sharing has been a feature of Australian politics since before Federation, the declining major party vote exposes the fracture lines between different political interests. Whether the declining major party vote is a product of the parties’ failure to connect a broad policy package to an increasingly disparate electorate or simply that growing number of voters like what minor parties and independents are offering, either way minority and coalition governments are likely to be more common in the future.

Independents and minor parties upend the old certainties of political life. Predictive tools like the Mackerras pendulum do not capture contests outside of the two major parties, and what is a “safe” or “marginal” seat seems to be inverted for independents and crossbenchers.

This necessitates a more mature and nuanced analysis of both electoral outcomes and the contribution of crossbenchers and their roles, just as the electoral success of the Labor Party in the 1890s and 1900s forced the political class to reckon with the political labour movement. Power sharing has always been a feature of parliamentary democracy, but the details are always changing.

Appendix 1: 2022 election

For electoral pendulum calculations.

Swing: 3.7 to Labor

Table 2: 2022 Coalition relevant seats

Seat	Margin	State	Original party	Within uniform swing?	Change?
Bass	0.4	TAS	Liberal	Yes	
Chisholm	0.5	VIC	Liberal	Yes	Yes
Boothby	1.4	SA	Liberal	Yes	Yes
Braddon	3.1	TAS	Liberal	Yes	
Reid	3.2	NSW	Liberal	Yes	Yes
Swan	3.2	WA	Liberal	Yes	Yes
Longman	3.3	QLD	Liberal	Yes	
Higgins	3.7	VIC	Liberal	Yes	Yes
Robertson	4.2	NSW	Liberal		Yes
Brisbane	4.9	QLD	Liberal		Yes (Greens)
Pearce	5.2	WA	Liberal		Yes
Hasluck	5.9	WA	Liberal		Yes
Ryan	6.0	QLD	Liberal		Yes (Greens)
Kooyong	6.4	VIC	Liberal		Yes (Independent)
Bennelong	6.9	NSW	Liberal		Yes
Goldstein	7.8	VIC	Liberal		Yes (Independent)
North Sydney	9.3	NSW	Liberal		Yes (Independent)
Tangney	9.5	WA	Liberal		Yes
Wentworth	9.8	NSW	Liberal		Yes (Independent)
Mackellar	13.2	NSW	Liberal		Yes (Independent)
Curtin	13.9	NSW	Liberal		Yes (Independent)

Table 3: 2022 Labor seats changing hands

Seat	Margin	State	Original party	Within uniform swing?	Change?
Griffith	2.9	QLD	Labor		Yes (Greens)
Fowler	14.0	NSW	Labor		Yes (Independent)

Other notable electorates

The sitting member for Hughes, Craig Kelly, left the Liberal Party in 2021 and ran under the United Australia Party. He was not re-elected. However, as electoral pendulums continued to treat Hughes as a Coalition seat,⁴² this has not been treated as a seat change.

⁴² Green (2021) *2022 Federal Electoral Pendulum*, <https://antonygreen.com.au/2022-federal-electoral-pendulum/>