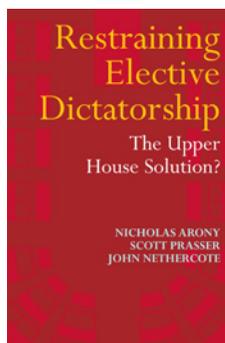


Senate as saviour

Julie Novak reviews

Restraining Elective Dictatorship: The Upper House Solution?

by Nicholas Aroney, Scott Prasser & J.R. Nethercote
(University of Western Australia Press, 2008, 301 pages)



Over the past few decades, concerns have been raised about the weakening constraints applied to public sector action across the western world.

The symptoms of such concerns have come under numerous guises, including parliamentary control by the executive, strict party discipline, greater policy discretion by bureaucrats, the erosion of federalism, rampant growth in government expenditure, regulation and taxation, special interest influence and rent seeking behaviour, and a 'democratic deficit' between political representatives and their voters.

A common thread tying all of these issues together was neatly paraphrased in 1976 by Lord Hailsham, a leading British Conservative politician, who said that 'we live in an elective dictatorship, absolute in theory, if hitherto thought tolerable in practice.' Hailsham went on to suggest that 'until recently, the powers of government within parliament were largely controlled either by the Opposition or by its own backbenchers. It is now largely in the hands of the government machine, so that the government controls the parliament, and not parliament the government.'

The subject of how to help make modern governments more accountable for their actions is the subject of a fascinating book by Nicholas Aroney, Scott Prasser and J. R. Nethercote, *Restraining Elective Dictatorship: The Upper House*

Solution? As the subtitle of the book suggests, the authors see robust upper houses of parliament as being critical to ameliorating the unrestrained powers exercised by executive government.

Restraining Elective Dictatorship kicks off by exploring the theoretical debates surrounding bicameralism. John Uhr explains that having two chambers of parliament promotes more democratic deliberation than a unicameral system, while Nicholas Aroney states that upper houses can enhance the quality of democratic institutions. Geoffrey Brennan rounds out the theoretical discussion by presenting a neat public choice explanation of the potential advantages of upper houses of parliament.

The book then provides a comprehensive analysis of the history and operations of upper houses, both at the national and lower levels of government, in Australia, the United States, the United Kingdom and Canada.

Despite the obvious differences in the character of upper houses across the western world, *Restraining Elective Dictatorship* illustrates that these chambers have withstood repeated reforms. Some of these have been substantial such as the 1999 reform to the UK House of Lords, as explained by Meg Russell, where 655 hereditary peers were expelled resulting in a smaller chamber with more government appointees.

Major changes have been undertaken here in Australia, with the states pursuing reforms such as the introduction of proportional representation voting systems, changes to the term of election

of members, alterations to legislative scrutiny committee systems, and limits on the ability of upper houses to veto appropriation bills.

One of the highlights of the book is its detailed discussion of the merits and challenges of reintroducing an upper house in Queensland, which was abolished in 1922 despite a 1917 state wide referendum supporting the retention of the Legislative Council.

These chapters cover in great detail matters ranging from the history of Queensland's former upper house right through to what constitutional and political issues need to be considered if the upper house model is to be revived. These contributions to *Restraining Elective Dictatorship* deserve careful consideration in the context of potential future parliamentary reforms for Queensland.

When reading the book one gets a sense of how community perceptions about upper houses have evolved from reviled bastions of unrepresentative privilege to beacons of democracy more reflective of the political diversity inherent within society. It appears that, at least in Australia, the emergence of a stronger legislative review culture in upper houses and their greater sense of institutional independence have drawn support from voters.

Even so, there remain important pockets of dissension about the need for upper houses of parliament, at least in their current forms. These objections include the costs of maintaining an additional chamber of parliament, and doubts about the ability of upper houses to genuinely hold governments to account in an era of public sector growth.

There is no doubt that the debate about the pros and cons of bicameral parliaments and upper houses will continue to roll on. It is for this reason that *Restraining Elective Dictatorship* represents an indispensable work in helping frame a debate that, in many respects, we need to have.

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