

*A comparison of the
Australian and United States
federal political systems*



At first glance, both Australia and the United States (US) appear to have similar systems of government. They are both federated nations meaning that the power to govern is shared between national and state governments. Both systems are bicameral, consisting of two chambers, with an elected House of Representatives and Senate. There are many similarities in the ways that laws are made. However, Australia is a constitutional monarchy and the US is a republic. The differences between the two systems can be seen in their overall structure and in the heads of state.

Australia’s political system can be considered a hybrid of the US and British systems. The parliamentary and executive aspects of Australia’s political system are derived mainly from Britain, while the Australian federal design is derived mainly from the United States.



The following sections compare and contrast key aspects of the Australian and US political systems

Written constitution

A constitution is a set of rules by which a country is run. The Australian Constitution took effect on 1 January 1901. It includes details on the composition of the Australian Parliament, how Parliament works, what powers it has, how federal and state parliaments share power, and the roles of the executive government and the High Court.

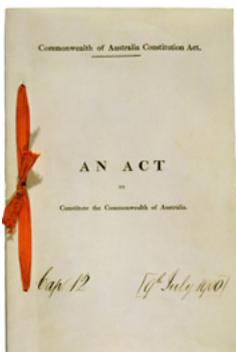
The US Constitution took effect on 21 June 1788, after it was ratified by the required nine states. It is the framework for the organisation of the US federal government, and its relationship with the US states and all its citizens. It contains 10 amendments which were incorporated into the document in 1791 in response to concerns about the rights of individuals. These amendments are known collectively as the ‘Bill of Rights’. The US Constitution is the oldest written constitution still in use by any nation.

The constitutions of Australia and the US both contain details about the three major branches of governance: the legislature (law-makers), the executive (high-ranking government decision-makers) and the judiciary (the federal courts). The power to make and manage federal law is divided between the three branches of governance. This division is known as the ‘separation of powers’. Under this principle, the power to make and manage laws is shared to avoid any one branch misusing or having too much power.

The US Constitution creates three distinct and separate branches of national governance: a legislature known as Congress (made up of the House of Representatives and the Senate) that makes the law, an executive led by the President that administers the law and a judiciary headed by the Supreme Court that interprets the law. The US Constitution specifies the powers and duties of each branch.

Below: Commonwealth of Australia Constitution Act 1900

Right: Page one of the original copy of the US Constitution



Parliament House Art Collection: Art Services Parliament House



US National Archives

The Australian Constitution describes the roles of the legislature known as the federal Parliament (made up of the House of Representatives and the Senate), the Executive (government ministers) and Judiciary (made up of all federal courts, including the High Court). However, Australia has a limited separation of powers because some of the roles of Parliament and the Executive overlap. For example, the Executive is chosen from members of the Parliament, and members of the Judiciary (High Court judges) are appointed by the Governor-General on the advice of the Executive.

The following table provides an overview of the distinguishing features of both nations' constitutions.



AUSTRALIA



Origins

- The Constitution was drafted at conventions held in 1891, 1897 and 1898 by representatives from the six British colonies that joined together to become Australia.
- Approved by popular referendum and introduced under an Act of the British Parliament in 1900 as the *Commonwealth of Australia Constitution Act 1900*.
- Gained royal assent on 9 July 1900 and took effect on 1 January 1901.

Executive power

- The Constitution vests executive power in the Queen, which is exercised by the Governor-General. In practice, executive power is exercised by the Prime Minister and Cabinet (high-ranking ministers).
- The Governor-General presides over the Federal Executive Council, which advises the Governor-General on the administration of the government. The Prime Minister and all ministers are members of the council, which is not a forum for policy debate.
- The Prime Minister and Cabinet are not mentioned in the Constitution. By convention, the Prime Minister leads the party or parties with the support of the majority of the members in the House of Representatives and is commissioned by the Governor-General to form a government.

UNITED STATES



Origins

- The Constitution was written by 55 state delegates at a convention in Philadelphia in 1787. It was adopted and approved by all 13 states represented at the convention.
- The Constitution came into effect on 21 June 1788.

Executive power

- The Constitution vests executive power in the President.
- The President is elected through an indirect ballot system involving citizens across the US.
- The President nominates the members of the Cabinet (known as executive department secretaries) and other senior executive branch officials, many of whom must be confirmed (agreed to) by the Senate.

CONSTITUTION CONTINUED

AUSTRALIA



Separation of powers

- The Constitution describes the legislative, executive and judicial arms of Australian governance.
- Australia has a limited separation of powers. The Executive is drawn from the legislature, or Parliament. Members of the Judiciary (High Court judges) are appointed by the Governor-General, on the advice of the Executive.

Amending the Constitution

- A proposed amendment (change) to the Constitution must first be approved by the Parliament.
- The proposal must then be taken to Australian voters in a referendum.
- For the change to be agreed, there must be a double majority. This means a majority of voters in a majority of states and a majority of all voters nation-wide, must agree to the proposal.

UNITED STATES



Separation of powers

- The Constitution describes the separate legislative, executive and judicial arms of US governance.
- Members of Congress (the House of Representatives and Senate) are prohibited from holding executive office.
- Members of the Cabinet cannot be members of the Legislature, meaning the President and secretaries cannot be members of Congress.

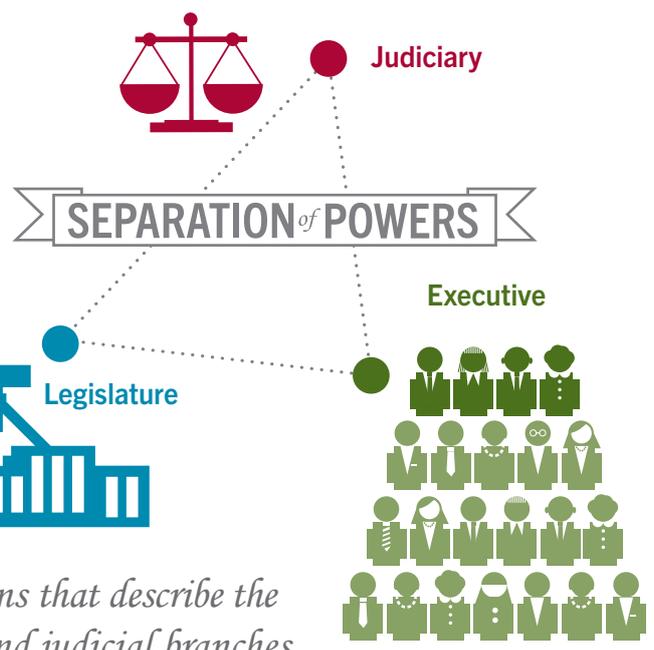
Amending the Constitution

- A proposed amendment to the Constitution must first be agreed to by:
 - two-thirds of both houses of Congress, or
 - two-thirds of the state legislatures calling a convention to consider it (this option has never been used).
- The proposal is then passed if it is approved by three-quarters of the state legislatures or by three-quarters of the states at state conventions.

SIMILARITIES

Both systems:

- are federations
- were created by states handing over some of their power to a central government
- have written constitutions that describe the functions of the executive, legislative and judicial branches.



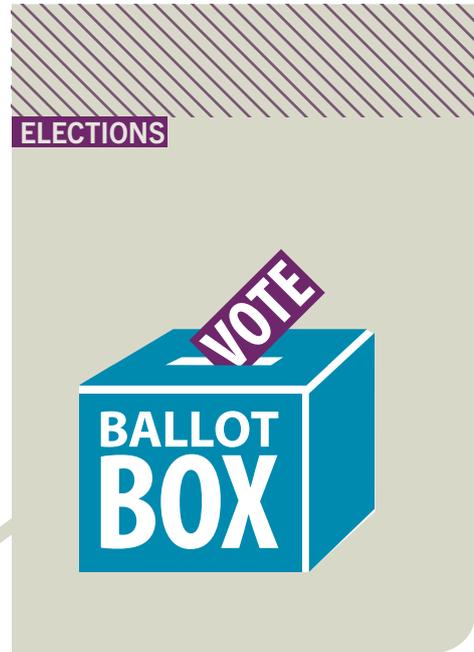
Both systems have written constitutions that describe the functions of the executive, legislative and judicial branches

Election processes and systems of representation

Elections are fundamental to democracy. Both Australia and the US have regular elections in which the constituents—citizens who vote—elect other citizens to represent them. In Australia these people represent their constituents in Parliament; in the US these people represent their constituents in Congress.

The laws and conventions that define how and when elections occur vary between the two nations.

The following table provides an overview of the distinguishing features of both nations’ federal election processes.



AUSTRALIA 
<p>Frequency</p> <ul style="list-style-type: none"> Federal elections are held at least every three years, or earlier if requested by the Prime Minister and approved by the Governor-General.
<p>House terms</p> <ul style="list-style-type: none"> 150 members of the House of Representatives, which includes the Prime Minister, are elected for a maximum of three years, although this term may be shorter depending on when an election is called by the Prime Minister. After a federal election, the party or parties with the support of the majority in the House of Representatives forms the government for the term.

UNITED STATES 
<p>Frequency</p> <ul style="list-style-type: none"> Congressional elections are held every two years in November and always in an even-numbered year.
<p>House terms</p> <ul style="list-style-type: none"> 435 members of the House of Representatives are elected for two-year fixed terms.



An Australian voting on election day

Australian Electoral Commission



In the US elections for Congress are held in November of every second year

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ELECTIONS CONTINUED

AUSTRALIA



Senate terms

- Twelve senators are elected from each state for six-year fixed terms.
- Two senators are elected from each territory for a period of three years.
- State senators are elected on a rotating basis, with half the Senate elected every three years. State senators complete their terms in rotation, half on 30 June every third year. Newly elected senators begin their six-year term on 1 July.
- The terms of territory senators are the same as the members of the House of Representatives.

Organisation of elections

- Federal elections are conducted by the Australian Electoral Commission.
- The *Commonwealth Electoral Act 1918* provides for a standardised national election procedure.

Voting

- Voting is compulsory for all Australian citizens aged 18 and over for state and federal elections.
- Elections for the House of Representatives use a preferential voting system to elect one member for each electorate. Elections for the Senate use a proportional voting system to fill multiple vacancies in each state and territory.

UNITED STATES



Senate terms

- Two senators are elected from each state for six-year fixed terms.
- At each election for the House of Representatives, one-third of the Senate seeks re-election.

Organisation of elections

- Article One, Article Two and various amendments of the US Constitution define how federal elections are held.
- Elections are organised by each of the 50 states, which regulate most of the practical details of electoral law.
- Although there are variations from state to state (for example, prisoners may vote in some states but not in others), voting arrangements are largely the same across the country.

Voting

- Voting is not compulsory for US citizens.
- Elections for both houses use the simple majority or 'first past the post' system.



SIMILARITIES

Both systems:

- elect one member to the House of Representatives to represent each electorate or district
- organise electorates or districts so each have relatively equal numbers of voters
- elect a uniform number of senators to represent states, regardless of their size or population.

Both systems organise electorates or districts so each have relatively equal numbers of voters

Appointment of the head of state

There are fundamental differences between the Australian and US political systems in regard to the head of state. Although both nations are federated, Australia is a constitutional monarchy with the Queen as the head of state. The US is a republic with the President as the head of state.

The following table provides an overview of the distinguishing features of both nations' processes for the appointment of the head of state:

AUSTRALIA 
<p>Title</p> <ul style="list-style-type: none"> • The Queen is the head of state. • The Governor-General is the Queen's representative in Australia.
<p>Appointment</p> <ul style="list-style-type: none"> • 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 or shortened, again on the advice of the Prime Minister.



UNITED STATES 
<p>Title</p> <ul style="list-style-type: none"> • The President is the head of state.
<p>Appointment</p> <ul style="list-style-type: none"> • The President is elected separately from the Congress. • The President is elected for four years by the people through a complex indirect voting system. This involves the following steps: <ul style="list-style-type: none"> – the two major parties hold state and territory based primary elections or party meetings to choose delegates to attend a national convention of their party, that then selects their presidential candidate – an election is then held in each state and the District of Columbia to select members of an electoral college that go on to elect the President – the 538 members of the electoral college normally cast their vote for the candidate with the largest number of popular votes in their state or territory. To become President, a candidate must receive a majority of votes (at least 270 of the 538).

Australia is a constitutional monarchy with the Queen as the head of state. The US is a republic with the President as the head of state

HEAD OF STATE CONTINUED

AUSTRALIA



Removal

- 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.
- The Governor-General may be removed by the Queen on the advice of the Prime Minister.
- No Australian Governor-General has ever been dismissed.

Reform

- In recent times there have been calls for an Australian head of state rather than a monarch.
- A referendum to change the Australian Constitution to make Australia a republic (and therefore to change our head of state) was defeated in 1999.

UNITED STATES



Removal

- The President can be removed if 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.

Reform

- While there has been criticism of the complex indirect voting system for the President – and support for a direct and popular presidential election – no constitutional reform is proposed at this time.



SIMILARITIES

In both systems:

- no significant similarities exist when it comes to respective heads of state.

Head of State

THE QUEEN



Her Majesty Queen Elizabeth II

THE GOVERNOR-GENERAL



His Excellency General the Honourable Sir Peter Cosgrove

THE PRESIDENT



President Barack Obama

Roles of the executive

Leaders of the executive governments of Australia and the US – the Prime Minister and the President – share their responsibilities with members of their respective Cabinets. Each Cabinet member is a high-ranking member of the government and is responsible for the leadership of a government department.

The following table provides an overview of the distinguishing features of both nations’ executive governments:



AUSTRALIA 
<p>Composition</p> <ul style="list-style-type: none"> Executive government consists of the Prime Minister and ministers. The Prime Minister and high-ranking ministers meet in Cabinet. The deliberations of Cabinet are confidential. Each minister is an elected member of parliament as well as being responsible for the management of their department.
<p>Appointment</p> <ul style="list-style-type: none"> The Prime Minister is the leader of the party or coalition (partnership of parties) who forms the government, and has been chosen as leader by a vote of the parliamentary members of this party. The Prime Minister normally selects ministers who are then commissioned by the Governor-General.
<p>Responsibility</p> <ul style="list-style-type: none"> The executive is responsible to the Parliament and each minister must answer to the Parliament for the operation of their department and the laws they introduce and administer. The executive can be scrutinised in both the House of Representatives and Senate particularly in Question Time. The executive can also be scrutinised by parliamentary committees which examine laws, the conduct of public administration and policy issues. Senate Estimates Committees examine government spending.

UNITED STATES 
<p>Composition</p> <ul style="list-style-type: none"> Executive government consists of the President and department secretaries (the heads of the executive government departments). The President and high-ranking executive members meet in private in Cabinet. Department secretaries cannot be elected to either of the houses of Congress.
<p>Appointment</p> <ul style="list-style-type: none"> The President selects and removes department secretaries. The Senate must confirm (agree to) the appointment of each department secretary and many other senior executive officials.
<p>Responsibility</p> <ul style="list-style-type: none"> Secretaries are responsible to the President and must answer to the President for the operation of their department. Department secretaries may be called on by Congress to explain their actions during the committee hearings process, which can examine laws, government responsibilities and actions, and internal administrative tasks.

THE EXECUTIVE CONTINUED

AUSTRALIA



Size

- Executive government, which is also known as the ministry, can be made up of no more than thirty ministers.
- High-ranking 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.

Removal

- There is no limit to the number of terms a Prime Minister can serve. The Prime Minister may be replaced if members of the government elect a new leader or if the government loses the support of the majority of members in the House of Representatives.
- 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 vacates their seat in Parliament or fails to retain it in a federal election.

UNITED STATES



Size

- The Cabinet is made up of the President and 15 secretaries (equivalent to ministers).
- Various other positions have been given Cabinet-rank status. These include the Vice-President and other officers such as the White House Chief of Staff.

Removal

- The President may be replaced if they are not re-elected or are convicted following impeachment.
- The President can serve a maximum of two four-year terms.



SIMILARITIES

In both systems:

- the day-to-day running of the nation is carried out by the executive government
- Cabinet meetings are secret (unlike the legislature) and are not subject to public scrutiny
- ministers and secretaries are responsible for the operation of major departments and high-ranking ministers and secretaries make up the Cabinet
- executive government is scrutinised by the legislature.

Meeting in Cabinet



David Footle/DPS AUSPIC

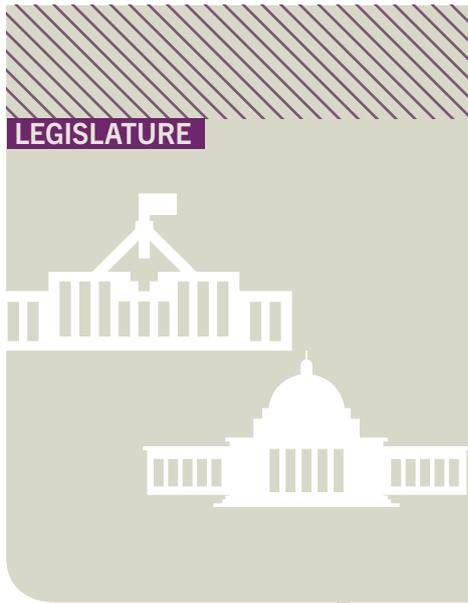
The Australian Cabinet



The White House

The United States Cabinet

In both systems executive government is scrutinised by the legislature



Operation of the legislature

Both the Australian Parliament and US Congress are bicameral, meaning they consist of a House of Representatives and a Senate. A bill (proposed law) must pass through each of the two houses in identical form before it becomes law. Members of Parliament and Congress, although elected in different ways, share similar responsibilities as elected representatives and legislators (law-makers).

Legislation, or making laws, is one of the primary functions of both Parliament and Congress. The formal part of the legislative process in both Parliament and Congress starts with the introduction of a bill.

The following table provides an overview of the distinguishing features of both nations' legislatures:

AUSTRALIA 
<p>Composition</p> <ul style="list-style-type: none"> The House of Representatives has 150 members. Each member represents an electorate. The Senate has 76 senators. Each state is represented by 12 senators and each territory is represented by two senators.
<p>Bills</p> <ul style="list-style-type: none"> Legislation is usually introduced by a minister in either house. The majority of bills are government bills. A small number of bills are introduced by other members of parliament, although few become law.
<p>Committees</p> <ul style="list-style-type: none"> Members of parliament may refer bills to committees for further scrutiny and recommendations. Both houses use committees to investigate bills and other issues in more detail than is possible in the chamber. In practice, it is usually Senate committees that look into bills. Each committee oversees a specific policy area or issue such as the Joint Standing Committee on Defence, Foreign Affairs and Trade.

UNITED STATES 
<p>Composition</p> <ul style="list-style-type: none"> The House of Representatives has 435 members. Each member represents a district. There are 6 non-voting members, representing the District of Columbia, the Commonwealth of Puerto Rico, and four other territories of the United States. The Senate has 100 senators—two for each of the 50 states.
<p>Bills</p> <ul style="list-style-type: none"> Legislation is introduced by individual members of the Congress. No bills are officially designated as government bills, although some important bills are traditionally introduced at the request of the President, such as the annual federal budget bill.
<p>Committees</p> <ul style="list-style-type: none"> Every bill is referred to one or more committees for study and recommendation before being considered in the Congress. Each committee oversees a specific policy area, and subcommittees look at specific topics in that policy area. For example, the House Committee on Ways and Means includes subcommittees on social security and trade.

LEGISLATURE CONTINUED

AUSTRALIA



Assent

- When a bill has passed the Parliament, it is presented to the Governor-General for signing into law. This final step in the process of establishing an Act of Parliament, or law, is known as ‘Royal Assent’.
- The Governor-General, on the advice of the government, may request that the Parliament amend (change) a bill, but this is rare.

UNITED STATES



Assent

- When a bill has passed Congress, it is presented to the President for signing into law.
- If the President refuses to sign a bill, known as a ‘veto’, it may only become a law if Congress overrides the veto by a two-thirds vote in each house.



SIMILARITIES

In both systems:

- legislatures 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 is ‘the Speaker’
- members of the House of Representatives represent single-member electorates or districts and senators represent states or territories
- legislatures focus on the work of considering bills, representing voters and scrutinising the executive
- any member of Parliament or Congress may introduce a bill
- bills pass through several stages: at each stage, a vote is taken to see whether the house approves the bill
- amendments can be made to bills
- all bills related to raising revenue and taxation must originate in the House of Representatives
- bills must be passed in the same form by both houses in order to become law
- members of Parliament and Congress establish and serve on committees to conduct detailed work to support both houses—including scrutinising bills, investigating current issues, examining government expenditure and listening to evidence and testimony from experts and from the general public—before making detailed recommendations
- whips, or party managers, organise the hour-by-hour operations of debating and voting in each house
- the houses contain viewing galleries open to the public and the media.



The Australian houses of Parliament



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The White House



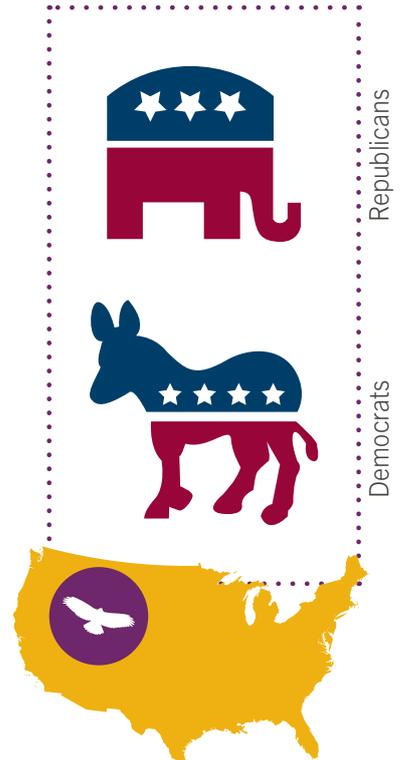
US Capitol

The US House of Representatives and Senate chambers

Party system

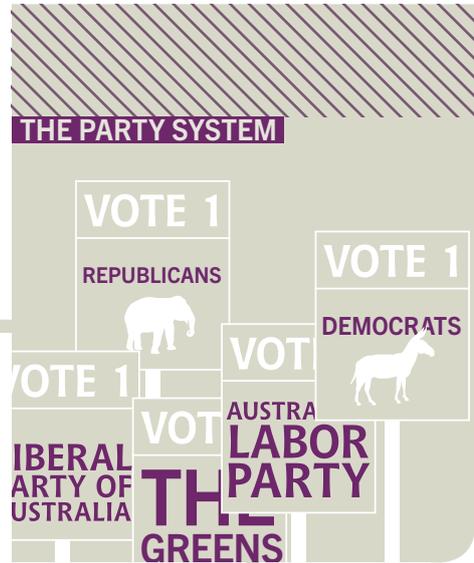
Political parties exist to represent the interests of different groups and individuals in society; their ultimate goal is to have members elected to represent these interests. Each party has a unique structure and culture reflecting its distinct history and value system.

Although the political systems in Australia and the US are dominated by two major parties, Australia's Parliament contains a greater representation of minor parties and Independents. The reasons for this are complex, but the enormous cost associated with mounting a political campaign in the US is often cited as a major reason for the under-representation of minor parties and Independents in Congress.



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The following table provides an overview of the distinguishing features of both nations' party systems:



AUSTRALIA 

Major parties

- The two major parties are the Liberal Party of Australia and the Australian Labor Party (ALP).
- Minor parties include the Nationals, Australian Greens, Country Liberal Party, Palmer United Party, Katter’s Australian Party, Australian Motoring Enthusiast Party, Family First, and Liberal Democratic Party.

Party discipline

- Party discipline is very strong and party members are expected to vote with their party.
- The ALP is the only party that has formal party rules to discourage its members voting against the party, or ‘crossing the floor’.

Independents

- Both houses may contain independent members of parliament.

UNITED STATES 

Major parties

- The two major parties are the Republican Party and the Democratic Party.
- Although Minor parties exist, they are rarely elected.
- A political party may win the presidency without controlling Congress.

Party discipline

- Party members decide on an individual basis how they will vote.
- Party discipline is not imposed, yet party unity in voting is strong.

Independents

- Independents have occasionally been elected; however, they often become associated with one of the two major parties.

SIMILARITIES 

In both systems:

- two major parties dominate the legislature
- Independents constitute minor membership of the legislature
- the status of Independents is greatly enhanced if they have the ‘balance of power’ (the ability to affect a majority vote if the numbers are even) in either house.

In both systems two major parties dominate the legislature

Point Summary

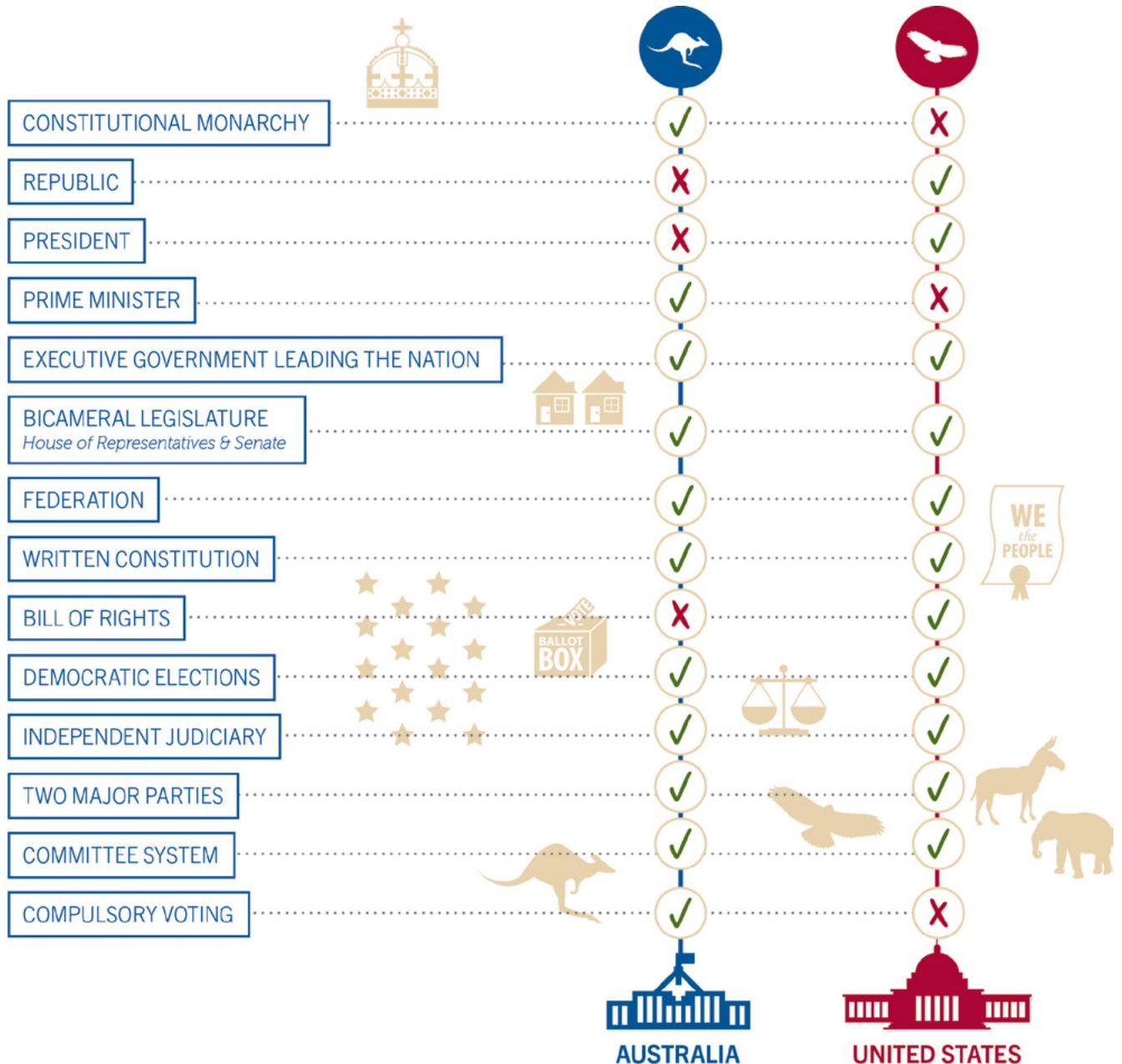
Australia and the US have unique and rich histories, with similarities and differences inherent in their political systems.

One of the most important differences between the two nations is that Australia is a constitutional monarchy with the Queen as head of state and the US is a republic with the President as head of state.

There are also several similarities. Both nations have political systems with highly structured legislatures – Parliament and Congress. The executive governments of

Australia and the US both lead their nation as well as representing them on the world stage. Australia and the US both have independent judiciaries to deliver justice. All of these elements are detailed in written constitutions that guide each nation.

Both nations enjoy the benefits of stable, organised and accountable government through the design and application of their political systems



Information correct at time of publishing

More information

PEO resources

Videos

www.peo.gov.au/multimedia/videos.html

Fact Sheets

www.peo.gov.au/learning/fact-sheets.html

Pocket Constitution

www.peo.gov.au/resources/Pocket-Constitution.html

Other resources

The Australian Constitution

www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution

Australian Electoral Commission

www.aec.gov.au

The Charters of Freedom

www.archives.gov/exhibits/charters/constitution.html

Federal Electoral Commission: United States of America

www.fec.gov

House of Representatives Infosheets

www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets

Senate Briefs

www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/senate_briefs

The White House

www.whitehouse.gov

United States House of Representatives

www.house.gov/content/learn

United States Senate

www.senate.gov

