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The Australian and New Zealand Parliaments: Context, Response and Capacity

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We compare Australian and New Zealand parliamentary demands on executive governments to ‘do something’ about globalisation, noting that parliaments are distinctive institutionally—functioning as umbrellas protecting arenas of adversarial competitiveness, with little scope for cohesive institutional capacity. We define ‘globalisation’ as it is defined by the parliamentary actors themselves: that is, quite broadly with different actors taking different postures towards globalisation depending on party and on political and institutional perspectives. Whether parliaments can respond effectively to globalisation depends on their institutional capacity and political composition—their political resources. We establish the international context in which the two parliaments operate, establishing our hypotheses about institutional capacity from Lisa Martin’s book *Democratic Commitments: Legislatures and International Cooperation*. We conclude that both parliaments have made significant, if often unnoticed, contributions to the political management of globalisation.

Introduction

For understandable reasons, parliaments are usually regarded as unsuited to international policy activities and more suited to local rather than global politics. But few national political institutions can escape the politics of globalisation altogether. The political management of globalisation includes many institutions with only modest contributions to global politics. Where do parliaments fit in this

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intersection of global and local politics? This article tries to answer this question through a comparison of the national parliaments of Australia and New Zealand. Our conclusion is that both parliaments display quite vigorous institutional contributions to the political management of globalisation.

Parliaments are conventionally held to be the natural homes of sovereign law making in nation-states. Thus it might be expected that parliaments would be key indicators or markers of the presence of globalisation, especially if we found evidence of parliamentary complaint of 'lost sovereignty' as a result of something identified as 'globalisation'. This approach treats parliaments as institutions of national legislative sovereignty, with many additional powers over government and policy making. In this approach, parliaments might be compared in the ways that they respond or react to threats and practices of globalisation. They might then be compared as core institutions of national sovereignty, taking due account of the different constitutional settings that frame this sovereignty, for example the federal dimensions of divided sovereignty in the Australian case and the relative national unity of the New Zealand case.

Our argument goes further. We contend that parliaments are themselves international actors, managed by politicians who belong to political parties that are also in many respects international actors, learning from and informing other national political parties around the world. The political and public officials who manage parliamentary affairs are already performing internationally. Politicians are agents who contribute to 'globalisation'. The exchange of ideas amongst institutions and actors has always existed in the world of parliaments to some extent, but the pace and transferability of this exchange has itself been affected by the globalisation of information through electronic communications. For example, the Australian parliament actively supports the Geneva-based Inter-Parliamentary Union (IPU), facilitating exchanges of parliamentarians across the member states of the IPU. And not just elected members: the Clerk of the Australian lower house is a former president of the Association of Secretaries General of Parliaments (ASGP). The Commonwealth Parliamentary Association (CPA) serves a similar function to the IPU across the range of Commonwealth nations. Two rounds of CPA meetings in 2003 investigated national parliamentary options when dealing with the World Trade Organisation (WTO) and its sponsored multilateral trading system (CPA 2003). Australia and New Zealand also have their version of the British Study of Parliament Group, namely the Australasian Study of Parliament Group (ASPG), which holds national and international conferences. The Asia Pacific Parliamentary Forum (APPF) is a more recent example of a regional forum which includes regular discussion of globalisation and its discontents. The Asean Inter-Parliamentary Organization (AIPO) is another example. Then there are some 75 'parliamentary friendship groups' established in the Australian parliament to build bilateral relations between paired nations: the US group has been particularly active in promoting the FTA (Free Trade Agreement) between Australia and the United States, performing the role of advocate for Australian and US interest groups in favour of the FTA.

International networks are not confined to the backbench. Prime Minister John Howard has been head of the international body representing conservative political parties, the International Democratic Union (IDU), in part acknowledging his role as a long-serving leader of the conservative cause internationally. During 2005, some of Prime Minister Howard's party advisers assisted British conservative leader Michael Howard with preparations for the British elections, just as earlier

Tony Blair's team took advice and assistance from the Hawke–Keating government on how to modernise Labour parties. Howard advisers turned up in Canada to help the conservative cause in the 2006 elections. Similar patterns of policy learning have taken place between the New Zealand and the British Labour parties; and Green parties everywhere exchange ideas on strategy and, also, electoral system reform. The New Zealand Labour Party has for many years had close linkages with European social democratic parties, and their young members have links with Socialist International. At the institutional rather than party level, parliamentary Speakers are involved in networks of presiding officers. And closer to home, there have been joint meetings between the Australian Joint Committee on Foreign Affairs, Defence and Trade and the New Zealand Foreign Affairs and Defence Committee (McGee 1994, 462–3).

The larger point is that parliaments as institutions borrow ideas about form and process from the international environment. A classic case is Australian federation, which arose from parliamentary initiative and debate over appropriate international models of modern representative government (Reid and Forrest 1989). A more recent example of policy transfer is the New Zealand adaptation of Germany's Mixed Member Proportional (MMP) electoral system: from 1996 onwards national elections have been held under these rules. Further, as far as internal parliamentary reforms are concerned, when electoral change was imminent, the House of Representatives looked towards Europe rather than Westminster, as it had done formerly, to guide its 1995 re-examination of its Standing Orders (SOC 1995). As such, the New Zealand House became even more enveloped in the globalised world of parliamentary values and practices.

The IPU is itself one of the giants in the parliamentary story of active globalisation. But it is also a benchmark of performance for parliaments considering national regulation of international policy frameworks. Two examples will suffice.

First, an IPU Resolution of 2002 identifies national parliamentary responsibilities 'in developing public policy in an era of globalisation, multilateral institutions and international trade agreements' (IPU 2002). This is evidence of the new ways that these very old political institutions are leaguering together to promote the values of parliamentary interests 'in an era of globalisation'. This 2002 Resolution has no binding force but it does provide a window on the sorts of institutional performance that parliaments themselves might reasonably expect of their own conduct. We accept that many resolutions of international bodies are little more than window dressing, but we can still tease out from them sets of indicators of institutional performance appropriate to 'taking globalisation seriously'. We also see these resolutions as encapsulating the central ambivalence towards globalisation that is found in national legislatures, including those of Australia and New Zealand. In a sense, all the IPU can do is to endorse strategies of capacity enhancement rather than to endorse particular stances. For example, the Resolution notes that globalisation 'brings both opportunities and challenges to all countries', and that as a consequence of globalisation, 'many countries require enhanced protection in areas of human rights, sustainable development and social needs', and then notes 'the constitutional duty of parliaments, where applicable, to ratify international agreements, enact legislation and oversee its implementation', and also 'the importance of parliamentary inputs to multilateral institutions, particularly in the areas of trade, finance, sustainable development, human rights and the environment'. But the 2002 Resolution emphasises the need for parliaments to 'take steps to ensure that globalisation also benefits

developing countries' and calls on parliaments to 'play a much more active role in the area of international trade', then naming the WTO as a primary global villain, hoping that parliaments can democratise such global institutions as the WTO, the IMF and the World Bank (IPU 2003).

A further, more substantial example of the IPU's attempt to influence how domestic parliaments manage international politics, including globalisation, was its co-sponsorship of a handbook on *Parliamentary Oversight of the Security Sector* devised by the Geneva-based Centre for the Democratic Control of Armed Forces (DCAF) (Born 2003; Uhr 2005, 31–2). According to the new IPU/DCAF framework, effective parliamentary oversight of national security depends on a combination of political will and institutional power. This means political will from non-executive members of parliament to use the following range of institutional powers over and above general legislative powers: to summon executive members 'to testify at parliamentary meetings'; to summon 'military staff and civil servants' and 'civilian experts' to testify at parliamentary meetings; to 'obtain documents from the executive' including 'access to all budget documents'; and the power to 'review and amend defence and security budget funds' (Born 2003, 71–2).

As can be seen, the Australian and New Zealand parliaments function in a world environment, subject to international influences as well as local pressures. We turn now from locating the wider environment to discussing our mode of analysis.

Analysing Parliamentary Responses to Globalisation

Much of the conventional literature on parliaments, especially those within systems of parliamentary governments, stresses their passivity. Lisa Martin's *Democratic Commitments* (Martin 2000) takes a different stance and provides a valuable analytical model of active parliamentary contribution to international policy making, including active resistance to government initiatives. The strength of Martin's approach is that it reveals the Congress-like activism lurking largely unnoticed by so many parliamentary scholars. This emerges especially in Martin's challenging examination of European parliamentary activism over the 1990s in response to the integration of Europe. Her theoretical implications are that, generally speaking, parliamentary systems display much greater international activism than noticed by parliamentary scholars who are overly influenced by the hundred-year-old 'decline of parliaments' thesis. While her focus is on parliamentary influence over international agreements, we see the potential value of her approach when examining parliamentary responses to the domestic political management of globalisation, usually initiated by national political executives.

The Martin thesis addresses the power available to parliaments when responding to political executives who need their institutional support when managing policy responses to globalisation. Political executives engaged in international policy negotiations have understandable incentives for involving parliament. Executive governments actually need legislatures on side: 'in democracies institutionalised legislative integration is a key determinant of the credibility of commitments'; and executive governments need parliamentary participation to enhance their own international credibility as reliable deliverers of policy outcomes (Martin 2000, 22)

Martin's fresh approach alerts us to the underlying institutional dynamics that can be associated with parliamentary activism in relation to international issues. The starting point is to acknowledge the dangers of equating lack of legislative initiative

with lack of legislative influence. Martin suggests that influence is 'best measured by looking at patterns of outcomes', including structural environments for negotiations. The relationship between executives and legislatures is basically an exchange relationship, not one of either executive or legislative 'dominance'. Non-executive members of parliaments exercise leverage through 'the mechanism of anticipated reactions'. This means that any 'apparent legislative inactivity may simply reflect acquiescence in the executive's policies and good executive anticipation of the limits of their flexibility'. Contrary to expectation, we might find that: 'The most effective legislature is perhaps one that works quietly, putting *ex ante* constraints on the executive that avoid public *ex post* embarrassments such as failure to implement agreed policies.' Of course, the measurement of influence is difficult. The institutional relationship between legislatures and executives is not a zero-sum game: both can participate in the policy process and both can have influence over policy outcomes. The result is 'an exchange model of legislative-executive interaction' (Martin 2000, 9–12, 19, 23, 162).

Parliaments play their part through the logic of institutional delegation. These 'mechanisms of parliamentary democracy' produce 'a more intimate relationship' than we find in Congress: a system of mutual dependence with substantial delegation of executive discretion, allowing parliaments to play important and constructive roles in international co-operation (Martin 2000, 18–19). Martin's major theme is that 'delegation' of powers from parliaments to political executives does not equal 'abdication'. The structure of delegations is at its most manageable, from a parliamentary perspective, when there is something of a system of 'divided government', where members of parliament carry much greater political influence over political executives.

Martin identifies three preconditions of a parliamentary nation-state's effective credibility when delegating political executives with the responsibility to negotiate internationally: early parliamentary involvement in the wording and content of international agreements; tight ministerial accountability to parliaments so that political executives cannot escape parliamentary expectations to be kept informed; and transparent ratification processes so that parliamentary bodies can provide informed consent and not simply partisan support for the governing party (Martin 2000, 168–70). Building on this, we suggest that either or both of our two parliaments will be active and influential in relation to 'globalisation' under any of the following sets of conditions where the structures of delegation can, if there is appropriate parliamentary and political will, strengthen the capacities of parliaments to influence political executives. These conditions are:

- policy conflict generates forceful opposition partisanship, such as displayed in the Australian and New Zealand debates over free trade agreements, for example with the United States and with Singapore;
- political executives overreach their conventional limits of executive responsibility, particularly in the management of foreign policy responsibilities, and provoke procedural rather than simply political opposition, as in the case of executive use of regulatory powers to rewrite the map of Australia for the purposes of controlling the entry of 'illegal migrants';
- there is a system of minority government or divided government with the responsibilities of political office placed in the hands of a party that does not have a conventional parliamentary majority, thereby inviting non-government parties to take

greater rather than lesser control over policy negotiations, domestic as well as international (Martin 2000, 153–5, 160–1, 168–70), as was the case in New Zealand between 1997 and 2005.

We now discuss the governance environments in which the Australian and New Zealand parliaments work.

Australia and New Zealand: The Governance Environment

Clearly, the two parliaments under consideration have rather different characteristics. That one is located in a unitary and the other in a federal system is not particularly significant for this topic, given that the Australian State parliaments have no automatic jurisdiction on foreign affairs, defence and trade, or immigration—the major globalisation issues. That the Australian parliament comprises the House of Representatives and the Senate, each elected through a different set of electoral rules, while the New Zealand parliament is unicameral, is important, as several of the subsequent examples make clear.

Another issue of difference is that New Zealand, unlike Australia and almost every other democratic country, does not have a fully codified Constitution. Australian parliamentary capacity to act internationally is illustrated by the defence and external affairs powers in the Australian Constitution. The Constitution includes defence and external affairs among the legislative powers granted to parliament. As far as New Zealand's international relationships were concerned, in the absence of any written constitution that at least allocated *de jure* authority to parliament,¹ the power relationship between executive and legislature simply echoed that found in Westminster: the Crown exercised its prerogative on these matters. Parliament had no influence over the shape of these matters except through the governing political party. Like all Westminster parliaments, in formal terms the New Zealand parliament has had power over treaties 'if they entail alteration of the existing New Zealand domestic law' (Palmer and Palmer 2004, 357; see also NZLC 1997), although for most of New Zealand history parliamentarians outside the political executive had no influence over their direction and shape. The *Cabinet Manual* states that 'In New Zealand, the power to take treaty action rests with the executive.' It then outlines the relatively new referral of treaties to parliamentary select committees for their consideration, discussed below (Cabinet Office 2001, 75). This is not to say, however, that the New Zealand parliament was, or is, voiceless in expressing its views on issues relating to globalisation.

In both countries, traditional legal doctrines about the limits of legislative powers are being challenged by emerging parliamentary doctrines about the limits of traditional executive powers. There is a sharp edge to the Australian version of this story: for example, the report of the Flood Inquiry into Australian national security intelligence was commissioned by the Howard government in response to calls from the parliamentary intelligence committee (chaired and dominated by government members) which publicly reported its disappointment with the performance of Australian intelligence agencies. To a considerable extent, the Flood Inquiry was initiated by parliament rather than the political executive (Joint Standing

¹The Constitution Act 1986 is a brief document and does not specify parliamentary powers beyond stipulating that parliament continues to have legislative power.

Committee on ASIO, ASIS and DSD 2004a; and see Joint Standing Committee on ASIO, ASIS and DSD 2004b). And to a surprising extent, the Flood Inquiry recommended strengthening the hand of parliament in its search for greater institutional power over national security; not greater than the executive government but greater than traditionally conceded to parliament by political executives (and see Joint Standing Committee on ASIO, ASIS and DSD 2004b).

Inevitably, parliamentary activists claim that this is too little, too late, while political executives counter that it is much too soon (Uhr 2005, 20–2). Australian debate over the Flood proposals is a significant example of larger tensions in the political management of Australian international affairs—echoing debate in the United Kingdom over the comparable Butler Report (Butler 2004) and in the United States over the report of the 9/11 Commission (NCTAUS 2004). Analysts have to rethink the constitutional categories of ‘legislative powers’ because parliamentary institutions (elected members, parties, committees, chambers, even officials) have already begun to reshape the parliamentary powers implied by the formal legislative powers. Not that this is altogether new: Australian members of parliament have demonstrated over many decades considerable capacity for reshaping executive–legislative relations to accommodate shifting swings in the relative powers of governing parties and their parliamentary opponents (Reid and Forrest 1989).

Under the New Zealand governments elected under the simple plurality electoral system between 1935 and 1996, executive dominance characterised the legislative process, whatever the issues. Nevertheless, through party policy distinctions and the select committee system, differences on New Zealand’s place in the world emerged, as explained below. A more profound change came after the first MMP election in 1996. First, however, it is worth pointing out that MMP itself was largely the product of governmental attitudes towards globalising forces. Two governments, Labour between 1984 and 1990 and National between 1990 and 1993, swiftly implemented economic and governmental reforms that were strongly influenced by the neo-liberal economics that had become influential in many countries. The National government led by Robert Muldoon (1975–84) had tried to hold back the trends towards free trade and the modern liberal society whilst its Labour and National successors embraced these forces. They instituted privatisation and commercialisation programmes, floated the currency, removed subsidies and tariffs, and opened up the economy to foreign investment and ownership. Immigration was liberalised; and National borrowed ideas about welfare from the United States to push those on state transfers into work. The New Zealand economy became one of the most open in the world, with costs to jobs and firms as well as benefits to consumers. Public hostility towards aspects of the reforms translated into a willingness to entertain electoral reform to constrain governmental power.

Under MMP, new parliamentary parties brought new agendas to the parliamentary arena, and they challenged much of the major-party consensus on global issues. Parliament, as an institution, grappled back some of its authority and influence. The dominantly two-party parliamentary system, which regularly produced single-party majority governments, became a multi-party chamber. No single-party majority governments emerged: every government was a coalition; and every government after mid-1997 was a minority administration and thus had to create governing and legislative majorities in order to get their policies through parliament. The fact of minority government led to assertive committees, many of which lacked government majorities.

There was a further significant post-MMP parliamentary reform, a change that signalled a further shift away from the Westminster model and also recognised the complexity of New Zealand's place in the globalised world and parliament's potential role in determining that place. This was the 1999 alteration to Standing Orders that sent all treaties to select committees. The introduction to the New Zealand Law Commission report that recommended this change began: 'In the lifetime of adult New Zealanders the world has shrunk. Our oceans no longer insulate us from other states ...' (NZLC 1997, 1). Other advocates of a greater parliamentary role in the committee process had been the Clerk of the House, David McGee, a former Labour Prime Minister, Mike Moore, the Ministry of Justice, the Alliance Party, Maori concerned with treaty impacts on indigenous rights, and various commentators (Bracegirdle 2005; Foreign Affairs, Defence and Trade Committee 1997, 2–3; NZLC 1997, 30–3). After 1999, governments referred international treaties to the Foreign Affairs, Trade and Defence Committee, accompanied by a national interest statement. Subsequently (2003), the treaties were referred to the relevant subject committees. After examination, the committees may refer matters to the House. Although the process does not amount to parliamentary approval by committees, the process of committee scrutiny, added to minority government parliamentary dynamics, has heightened the influence of the House on these matters. On several occasions, Cabinet has reconsidered treaties in the light of select committee recommendations.

Despite the wider policy spectrum of the post-MMP parliament, and the greater transparency and scrutiny of government policies and legislation, there are few occasions when the House can itself debate major foreign policy, trade and other issues, such as immigration, unless the matter is dealt with by legislation or through a committee inquiry (Wood 2005). Another opportunity to raise questions is of course Question Time, when these issues are frequently raised. As with the Australian parliament, there are opportunities for the subject committees to question ministers and departmental heads during the annual scrutiny of the estimates of expenditure and the financial reviews of ministries and departments. Thus other opportunities are afforded parliamentarians to raise issues relating to globalisation as well as domestic concerns. The New Zealand parliament is largely excluded, however, from scrutinising the Security and Information Service: this is in the hands of a political committee which comprises MPs but which is not, strictly speaking, a parliamentary institution.

To sum up the New Zealand case so far, the incentives for governments to create legislative and governing majorities, together with the existence of an institutionalised committee system and changes to parliamentary processes that have enhanced committee powers, have provided the necessary elements for parliamentary capacity in this unicameral parliament. The Australian case differs because of bicameralism, which brings to the fore contrasting sets of institutional incentives. Even members of a governing party find plenty of opportunities in the federally organised Senate to restrain executive government, particularly when representing regions threatened by 'globalisation'. As we have shown, being open—or resistant to—the economic, social and political forces of globalisation entails having the capacity to act in some way or another. Parliaments must have some degree of internal governance and authority in contradistinction to economic, bureaucratic and executive powers or become mere robots, limited in reaction, response and initiation. We illustrate these points in the next section, using selected case studies.

Responses to the Globalisation Challenge: Some Policy Examples

Although our main purpose is to identify a range of structural responses devised by the two parliaments, we begin by sketching the main policy fields where 'globalisation' has become an important topic of parliamentary debate. An Australian example will serve our purpose, taking advantage of the 'Parlinfo Web' site maintained by the Australian Parliamentary Library (<http://parlinfoweb.aph.gov.au/piweb>) which allows researchers to locate instances where 'globalisation' has been under discussion in the Australian parliament. 'Globalisation' features prominently in parliamentary debate over five specific types of legislation: international trade practices; the environment; telecommunications; the financial sector; and workplace relations. The last policy field is relevant because parliamentarians can see important relationships between the macro-economic choices facing the nation and the micro-economic choices facing individuals: the global logic of competitiveness reaches into labour markets as well as financial markets. The same source reveals additional evidence of parliamentary appreciation of links between globalisation and local markets, judging from the frequency of references to globalisation in parliamentary inquiries into regional differences in employment patterns. The implication here is that Curtin is certainly right when she argues that a parliament's representative role can embrace the representation of regions and population groups adversely affected by globalisation (Curtin 2004).

When we turn to the types of structural responses devised by parliaments, we see attempts to restructure various parliamentary processes of executive accountability. International agreements favoured by Australian executive government are but the latest battleground for the 'power wars' between parliamentary and executive institutions. The Australian parliament's concern with greater control over treaty processes is part of a broader interest in greater participation in a wide range of international developments that have traditionally been monopolised by executive governments. International influences are also playing their part (Galligan, Roberts and Trifiletti 2001). The international 'war on terror' is shaking loose many of the traditional relationships between Australian executive and legislative institutions, with the consolidation of executive power triggering an intensification of parliamentary reaction against the executive domination of many parliamentary processes (and see Williams 2004, esp. 28–37).

As discussed above, in the past, the Australian parliament has generally played a minor role in international affairs, in marked contrast to Congress (particularly the Senate) in US national security and international relations (Wheare 1968, 115–31). However, the Australian parliament, with its explicit constitutional power to legislate for external affairs and defence, is becoming increasingly active in international affairs. A widening circle of parliamentary interests is making greater use of various parliamentary mechanisms to investigate the performance of the executive in managing Australia's international relations, including national security arrangements. The 2004 Free Trade Agreement between Australia and the United States provides the classic recent example of executive agreements attracting closer parliamentary scrutiny. Parliament's role here is fundamental because, even in the absence of parliamentary power to approve the proposed treaty, Australian implementation of the FTA requires substantial domestic legislation. The decision by the Bush administration to try to secure Congressional approval for the proposed FTA before the 2004 presidential elections heightened parliamentary interest in this

and related aspects of the Australia–US Alliance. Debate over the FTA brought to the fore not only substantive issues of the Alliance but also procedural issues about parliamentary roles in broader international relationships affecting national security.

Of course, conventional Australian wisdom holds that parliament ‘has had a virtually insignificant role in the making of foreign and defence policy, this being almost wholly the function of the executive’ (Clark 1982, 291). The scholarly consensus is that the Australian parliament, for instance, has never exercised any significant influence over the making of Australian foreign policy; that parliament typically reacts to—rather than initiates—policy developments; and that parliament’s most valuable impact is on elected members’ own knowledge and awareness of foreign policy issues (Gyngell and Wesley 2003, 173–8). The Australian Joint Committee on Foreign Affairs is a good example of parliament’s capacity to act as an active player in mapping the trade and defence aspects of globalisation. Relevant 2005 committee inquiries include examinations into and reports on trade and investment with the Gulf States, Singapore, Thailand, the United States and North Africa, as well as bilateral relationships with the United States and Korea. No less important is the committee’s 2005 inquiry into Australia’s ‘human rights dialogue process’ which reflects the activist edge to globalisation, with Australia as a producer as well as a consumer. Australia’s Joint Committee on Migration is another interesting example: in 2005 it conducted a series of valuable inquiries into the Australian management of international refugees while also investigating the other side of the street with inquiries into skilled migration.

Other prominent Australian examples of revitalised parliamentary structures include the Senate Foreign Affairs, Defence and Trade Committee’s inquiry into the FTA (Senate 2003a).² The same Senate committee tabled a related report on the government’s recent White Paper on foreign affairs just a month after the FTA report (Senate 2003b). Another is the Joint (bicameral) Committee on Foreign Affairs, Defence and Trade, with its overlapping inquiries into Australia’s participation in the WTO and in the United Nations, and its ‘watching brief’ on the ‘war on terrorism’.³ Yet another is the Joint Standing Committee on Treaties, established by the Howard government in 1996, to which the final text of the FTA was referred for public examination, along the lines of the committee’s earlier review of the FTA with Singapore (2003, 3–56; and see Twomey 2000). To this list must be added, of course, the Senate Select Committee on the Free Trade Agreement (chaired by former Labor Trade Minister Peter Cook) made famous by the Labor Opposition, which deferred its stance on the FTA until the conclusion of this select committee inquiry (Senate 2004a, b). When the government eventually introduced its United States Free Trade Agreement Implementation Bill in August 2004, the Labor Opposition and other non-government parties had a raft of amendments at the ready. The government decided to support Labor’s amendments to the Australian patenting regime for therapeutic goods, while also pre-empting further Labor amendments with its own changes to safeguard Australian standard-setting regimes in

² The inquiry was referred to the committee in December 2002, with a report in November 2003.

³ The Joint Standing Committee on Foreign Affairs, Defence and Trade was originally established in 1952. The committee’s resolution on WTO scrutiny dates from 29 August 2001; the resolution to review the United Nations annually dates from 2 July 2002; and the resolution to ‘watch over’ terrorism dates from 15 May 2002. See the committee’s report on terrorism (2004).

public broadcasting. Both of the major parties voted down many additional amendments proposed in the Senate by the minor parties.⁴

Australian parliamentary activism in international affairs has had its most dramatic expression in the Senate with the passage in 2003 of the unprecedented Senate resolution opposed to Australian military participation in the US-led Iraq war.⁵ The three days of Senate debate included significant acknowledgement of the need to strengthen parliamentary oversight of foreign policy making by Australian governments. This debate echoed many of the original views of the Senate committee, controlled by the then-Opposition which is now in government, and which had initiated the call for the establishment of a dedicated parliamentary treaties committee with greater independence and power than the current treaties committee.⁶

The 'war on terror' had much less of an impact on New Zealand parliamentary politics: New Zealand is further away from Asia than is Australia and it decided not to support the US-led invasion of Iraq. But this issue, as well as others, has been part of parliament's responses to globalisation. During the 1980s, cracks had appeared within the policy consensus on international issues that had been a feature of two-party politics in the post-war years. Differences between the two major parties appeared, manifested in two main ways. First, the parties increasingly differed on such issues as sporting contacts with South Africa under the repressive apartheid policies. These differences culminated in the protests around the 1981 Springbok Tour and were to profoundly affect New Zealanders' views of their place in the world (and their race relations at home). Another difference concerned attitudes towards nuclear weapons. Although the National Party was eventually to accept the nuclear-free policy that Labour advocated, it originally opposed the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987. This was a highly significant piece of legislation that bound the Crown to a particular international stance, one which still has an impact on New Zealand's relationships with the United States and causes the parties on the Right (National and Act) some disquiet.

Responses to the globalising world also came from the select committees, especially after they were reformed in 1985 and could institute their own inquiries. The Foreign Affairs, Defence and Trade Committee has been particularly active. As David McGee writes:

Since the reorganization of the select committees in 1985, the committee has carried out major inquiries into relations with China and Canada, overseas development assistance, the Anzac ship project, the sale of educational services in New Zealand, and economic and trade linkages in the Asia-Pacific region. At the direction of the House, the committee has also conducted inquiries into

⁴See, for example, *Senate Journals*, 11 August 2004, entry no. 34 and 12 August 2004, entry nos 23, 42.

⁵Commonwealth, *Parliamentary Debates*, Senate, 20 March 2003, 9887–8. For the origin of the debate, see Commonwealth, *Parliamentary Debates*, Senate, 18 March 2003, 9497.

⁶Senate Legal and Constitutional Affairs Committee, Parliament of Australia, *Trick or Treaty? Commonwealth Power to Make and Implement Treaties* (1995). The Chair was Senator Ellison, now the justice minister. See also Constitutional Commission [legislature], *Final Report* (1988), vol. 2, 731–49. See also Department of Foreign Affairs and Trade, *Signed, Sealed and Delivered. Treaties and Treaty Making: An Official's Handbook* (3rd ed., 2003), esp. 5–6, 15–16, 24–5. A useful starting point for historical study is Joint Standing Committee on Treaties, Parliament of Australia, *Report 24: Seminar on the Role of Parliaments in Treaty Making* (1999).

disarmament and arms control, and the manufacture of the defoliant Agent Orange (McGee 1994, 462).

After 1996, there was an influential report on defence (Foreign Affairs, Defence and Trade Committee 1999) when members of the Alliance Party, the junior coalition partner in the Labour-led government of the time, put forward its dissenting views on some issues. Another Foreign Affairs, Defence and Trade Committee inquiry was undertaken on New Zealand's place in the world and its role in Asia-Pacific regional security (2002a). Other inquiries during the 2002–05 parliament included focusing on relationships with Tonga, and also the United States. Thus the select committee system, before and after MMP, has provided the opportunity for parliament to pay attention to issues related to globalisation.

Executive mismanagement has had its part to play in stimulating responses to globalisation issues. For example, Robert Muldoon underestimated the opposition to the use of nuclear weapons. In the last years of his prime ministership, operating under a very tight majority, he chose to misinterpret one of his own backbencher's critical attitudes to nuclear weapons as an indication that he might lose that majority, and took the country into an early general election. In 1999, the President of China, Jiang Zemin, visited New Zealand. There was public and parliamentary criticism when the police took action against protestors (Justice and Electoral Committee 2000). And in the run-up to the 2002 general election, Prime Minister Helen Clark underestimated the impact of 'Corngate'—the accusation that the government had allowed genetically modified cornseeds into the country—on her party support. In the first and third of these instances, voters had their say on any perceived democratic deficits revealed by government action; and in the second, parliament voiced its views.

A number of differences emerged within parliament after the end of two-party parliamentary domination: 'Globalisation sharpened lines of ideological difference in the New Zealand parliament as MMP at the same time made possible, indeed encouraged, better expression of ideological positions within Parliament' (Wood 2005, 80). Key areas of debate were New Zealand's defence relationships, especially with the United States, New Zealand's free trade relationships, environmental issues, and immigration. We illustrate these points through showing how parliamentary players can, or cannot, affect government policy. They also show how destructive globalisation pressures can be on the cohesion of political parties. The small, neo-liberal party (Act) has policies that are more compatible with those of the National Party than with any other, being strongly in favour of closer relationships with the United States as well as free trade and relatively open immigration. But in order to gain a parliamentary majority after the 1996 election National formed its government in coalition with the protectionist, anti-immigration, New Zealand First Party, which held the pivotal and central position within the parliamentary policy spectrum. Act had no influence on National in relation to, for example, its nuclear ships policy (nuclear free since 1990) or on opening further New Zealand's borders to international commerce. Act could not influence National policies except when it was needed for a parliamentary majority on a particular issue.

In comparison, after the 1999 election, Labour formed a minority government in coalition with the more left-wing Alliance Party. The tensions produced by accommodating the more centralist and neo-liberal economic policies of Labour, plus the government's decisions to send armed forces to Afghanistan and, also, form a free trade agreement with Singapore, split the Alliance into two factions and only two

of its former MPs, now campaigning under the label Progressive Coalition, were returned to parliament in 2002. Parliament dealt with both of these issues in formal plenary sessions. It voted to send troops to Afghanistan and to support the agreement between Singapore and New Zealand (2000) on closer economic relations (and see Palmer and Palmer 2004, 359). The junior coalition partner voted against the government. These sorts of formal moves to authorise and legitimise government actions are at least in part the product of having minority government administrations.

The Green Party also opposed Labour on these two issues but, as a support party without ministers in the political executive, could retain its independence from government on these issues, and retain its solidarity. The Greens were much more critical of the free trade agreement with Australia, for example, arguing, among other points, that closer economic relations affects New Zealand's sovereignty and ability to control its national destiny (Foreign Affairs, Defence and Trade Committee 2002b). Further, the Green Party was the only one to vote against the Terrorism Suppression Act 2002, the legislation designed to make New Zealand compliant with UN Security Council Resolution 1373. It had neither the votes nor the negotiating position to become a veto player on these issues. Nevertheless, another issue that is a consequence of world trade almost destroyed its co-operative relationship with Labour. Labour wanted to lift a moratorium on field trials of genetically modified crops, and the Greens vehemently opposed this. But they lost out because on this issue they did not constitute a veto on government action, for this was not a matter of legislation but of executive decision making and implementation. The National Opposition opposed the government's decision to sign up to the Kyoto Agreement, making its views clear in the committee report on that treaty (Foreign Affairs, Defence and Trade Committee 2002c).

One point that emerges from this discussion is that the majority of the New Zealand parliament understands New Zealand to be part of a globalised, rather than protectionist, world: the predominant view is that, with its non-subsidised agricultural and manufacturing sectors (the former, of course, being by far the most significant earner of foreign income), the country needs free trade and bilateral and multilateral trade agreements. The Greens, New Zealand First, and perhaps the Maori Party would be the exceptions here. As far as accepting immigrants and refugees is concerned, there is also cross-party agreement, again with New Zealand First disagreeing.

A different pattern is discernible in relation to the globalisation of ideas about individual and group rights, as was obvious in parliamentary debates about Maori rights. In general the parties on the left lined up behind group rights while those of the centre and the right advocated individual rights and 'one rule for all'. But a Maori Labour MP left the Labour Party in 2003, disagreeing with it on its seabed and foreshore legislation (which affected Maori rights to these resources). She then formed the Maori Party which won four seats at the 2005 election. This piece of legislation illustrates the extent to which indigenous issues have become globalised following criticism by the UN Committee on the Elimination of Racial Discrimination for discriminating against Maori (CERD 2005).

Both the Australian and New Zealand parliaments, with their rather different governance environments, patterns of governing parties, and parliamentary party systems, demonstrate ample evidence that globalisation is perceived as a phenomenon that their institutions have to face.

Conclusion

Despite the constitutional differences between Australia and New Zealand, including the contrasting formal powers of each of the national parliaments over foreign relations, the political executives in both countries have dominated policy making in the areas that are most closely associated with the globalising world, namely foreign affairs, trade relationships and immigration. This has been the historic pattern within systems of parliamentary government. Nevertheless, in their different ways, the Australian and New Zealand parliaments have acknowledged the globalising world with their responses to key events. Also, as institutions, and as political parties and parliamentary officers within those institutions, the two parliaments play active roles in the wider world. They influence, and are influenced by, international bodies, players and ideas about parliamentary roles and power relationships.

In recent years the two parliaments have reasserted their influence on issues that concern their nations' places in the international arena. In order to do this, parliaments need the formal capacity to be able to oppose and respond to globalisation, a capacity that has developed in both legislatures. The Australian parliament called on its constitutionally proscribed powers to put forward alternative or critical views to those of the government. The New Zealand parliament, through the select committee system, acquired new influence within the treaty process; and the committee system, given formidable powers in 1985, was made more effective by a succession of minority governments that had to negotiate rather than assert their policies.

The hypotheses generated from Martin's (2000) work have largely been borne out by the case studies highlighted by this comparison. We anticipated that the issues surrounding globalisation would elicit ideological differences from among the political parties: the end of policy consensus on international issues would invigorate some groups and parties to use their parliament to voice their different views. This has occurred in both legislatures. We have also demonstrated that mismanagement by the political executives in both countries stimulated opposition to their policies and, even more interestingly, legitimated that opposition. And our third hypothesis has also been supported: there is evidence that the new players—minor parties and independents—within the environs of the two parliaments have made it more difficult for governments to unilaterally implement all sorts of policies, especially contestable ones such as foreign policy, trade relations and immigration. The Australian Senate, at least until July 2005 when the Howard government convened its Senate majority, showed how small parties can exert moral and political pressure, as did the post-MMP small parties within the New Zealand house. These examples show how institutional design interacts with voter behaviour to enhance or reduce the powers of parliaments against those of the executive. More generally, there has been the tendency, noted by Martin, for governments to look to the parliaments to legitimise executive actions.

We began our analysis by observing that although parliaments are legal entities, they are in practice fractured (and fractious) bodies, divided ideologically by the parliamentary parties and divided institutionally by operating through complex committee systems. This means that 'parliament' as such cannot actually respond to particular policies. Groups and bodies within those institutions, however, have shown themselves to be actively engaged in debating globalisation, an important signal that that phenomenon has impacted on the Australian and New Zealand parliaments.

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