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Conscience Voting in the Australian Federal Parliament

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This article examines the merits of conscience voting and the historical record of parties imposing discipline when matters of individual conscience are raised in the Australian federal parliament. It examines three examples of conscience voting in which legislators were freed from their normal obligation to vote as their party requires. These involved bills to do with euthanasia, research involving embryonic stem cells, and the abortion drug RU486 — all issues posing parliamentarians with difficult questions of personal morality and highlighting the contentious intersection between religion and politics. Voting records on these bills are examined in detail as is the interaction, once party discipline was removed, between the voting decision and residual party loyalty, gender and religious affiliation. Although parties allowed legislators to vote according to their conscience, party differences remained apparent. However, gender and religious variables did challenge majority party opinion. Conscience voting remains the exception rather than the rule in the Australian parliament. Party leaders on both sides prefer predictable outcomes and to retain executive control of the legislative process.

Introduction

Three rare examples of conscience voting occurred in the House of Representatives and in Australian Senate between 1996 and 2006 when the parliament considered bills dealing with euthanasia, research involving embryonic stem cells, and the abortion drug, RU486. Each of these conscience votes has received some individual attention.¹ But this is the first attempt to examine all three and to draw out the insights they collectively offer about the values to which parliamentarians from all political parties subscribed during the Howard era. Parliamentarians were freed of their normal obligation to vote as their party requires on legislation pertaining to embryonic stem cell research in 1996-97; in 2002 when bills on cloning were introduced; and in early 2006 when parliament was required to decide on regulation of the “abortion pill” RU486. These three conscience votes allow an insight into the parliament during the Howard era. Two — the first and the last — followed successful private members’ bills. The other, though not a government bill, was introduced by the prime minister following an agreement he had struck with and State Premiers and Territory Chief Ministers at a meeting of the Council of Australian Governments in April 2002.² Each

* The research for this article was conducted with the valuable assistance of Sonya Welykyj who constructed the data base and tables for me.

¹ But on the euthanasia vote see M. Maddox, *For God and Country: Religious Dynamics in Australian Politics* (Canberra, 2001), pp 118-120; M. Maddox, *God Under Howard: The Rise of the Religious Right in Australian Politics* (Crows Nest, NSW, 2005), Chap. 3; S. Broughton and S. Palmieri, “Gendered Contributions to Parliamentary Debates: The Case of Euthanasia”, *Australian Journal of Political Science*, Vol. 34, 1 (March 1999), pp. 29-45.

² Council of Australian Governments’ Meeting, Communique, Canberra, 5 April 2002.

free vote followed upon parliamentary committee enquiries and took place amidst considerable lobbying by organized interests.

There were other occasions during the years of the Howard Government when conscience voting was considered. In 2000 the desirability of a free vote was discussed when the government proposed to deny lesbians and single women access to IVF treatment, but this did not eventuate.³ On this occasion the liberal activist Greg Barns urged the Liberal Party to allow a conscience vote, while the socially conservative Catholic trade union leader, Joe de Bruyn, unsuccessfully sought a special meeting of the Labor Federal Executive to approve a conscience vote for ALP members.⁴ In mid-2006, under some pressure to do so, John Howard announced that Liberal MPs would be allowed a conscience vote if a bill revisiting research on embryonic stem cells reached the Parliament.⁵ Private members' bills had been mooted by Senator Kay Patterson (Liberal), who had been the responsible Health Minister at the time of the 2002 vote, and by Senator Natasha Stott Despoja (Democrats). Another conscience vote on embryonic stem cell research, not considered in this study, eventually did take place in 2007 on a bill introduced by Patterson.

The Howard era also saw some well-publicised examples of parliamentarians crossing the floor when their party refused to allow a conscience vote on controversial bills. The best known example occurred when changes to the Migration Act were proposed in August 2006. Three Coalition members crossed the floor and another two abstained from voting with their party. The bill was withdrawn by the Prime Minister once it was clear it would be defeated in the Senate by at least one more defection. In June 2006 Senator Gary Humphries (Australian Capital Territory) crossed the floor to vote against the government's decision to over-ride Australian Capital Territory legislation sanctioning same-sex unions.⁶ Conscience voting here refers to debates which occur in the parliament when neither major party seeks to determine how its members should vote on a bill.

Conscience or free voting usually involves the most divisive issues of the day — and produces some of the most interesting parliamentary politics. Freed of party discipline, parliamentarians reveal so much more of their own personal values and thinking about contentious issues. This often occurs in the lengthy parliamentary debates typical of free voting. Many parliamentarians praise the conscience voting process. This is somewhat strange, even hypocritical, given that members routinely vote in the parliament as their party requires. Nevertheless, references to the very high-quality and thoughtfulness of conscience debates are common.⁷ Some members insist that parliament plays a valuable role when liberated from executive control.⁸ Others

³ Cardinal Clancy, Letter to the Editor, *The Australian*, 16-17 September 2000; I. Henderson, "Conscience vote would fit the IVF bill", *The Australian*, 15 August 2000.

⁴ G. Barns, "Right turn: the Liberal Party raises the stakes", *Sydney Morning Herald*, 17 August 2000; R. Macklin, "Beyond belief that ALP was led willingly into mire of IVF debate", *Canberra Times*, 19 August 2000.

⁵ "PM caves in on stem cell vote", *The Age*, 15 August 2006.

⁶ S. Maiden, "Same-sex unions spark Lib revolt", *The Australian*, 16 June 2006.

⁷ See, for instance, the comments by Patricia Worth (Liberal) and Duncan Kerr (Labor) during the Euthanasia debate, CPD, House, 9 December 1996, pp. 8013-8014.

⁸ See, for instance, the comments by Gavan O'Connor (Labor) and Peter Slipper (Liberal) during the debate on the splitting of the Embryos and Human Cloning Bill, Commonwealth Parliamentary Debates (CPD), House of Representatives, on 29 August 2002, p. 6127 (O'Connor) and p. 6136 (Slipper).

stress the extra individual research that legislators undertake when freed of the constraints of party policy.⁹

Party leaders invariably make extremely positive statements about conscience voting. During the RU486 debate in 2006 the then Prime Minister John Howard and Opposition Leader Kim Beazley each did so. Howard said:

I want to say at the outset that I think this has been a very good debate. I am not somebody who shirks from free votes. They are good to have from time to time on these issues. I think parliament rises to its greatest heights when we have debates of this kind. A free vote encourages people to examine their beliefs, to reflect upon their experiences, values and attitudes, and to deal sensitively with a difficult issue.¹⁰

Beazley reflected:

All too few occasions like this occur in the House. It is a wonderful thing when they do. They speak well of all of us. We are not simply identikit clones of some ad agency's decision as to what a politician ought to be; we in this place are much better people than that, and I am proud of my colleagues. On this occasion I am not only proud of my colleagues on this side of the chamber; I am actually quite proud of my colleagues on the other side of the chamber as well.¹¹

Bruce Billson (Liberal), who as a private member, had initiated the discussion that led to the splitting of the *Embryos and Prohibition of Human Cloning Bill* in February 2002, spoke effusively of the benefits of a conscience vote, after noting that there had already been 105 speakers in the House of Representatives. Speakers, according to Billson, had been "liberated by the duty and opportunity afforded by the rare and precious conscience vote available to all members regardless of their party or position in this place".¹² He continued:

This conscience debate has displayed to our nation the very best qualities of policy analysis; clear and critical thinking; deep reflection; how principles, values and motives flavour the law-making process; and how our aspirations for our nation are articulated and pursued through this parliament.¹³

It is also true that free voting exposes parliamentarians to considerable, often intense lobbying. Each of the three conscience vote debates which occurred between 1996 and 2006 is littered with references to the pressures brought to bear by well-organised and orchestrated campaigns.¹⁴ The nature of the lobbying led Bronwyn Bishop (Liberal) to comment tartly during the RU486 debate: "Individual letters showing original thinking were very rare but valued."¹⁵ The issues involved are invariably complicated and intense lobbying makes the lives of parliamentarians even more difficult. In 2002 Stephen Ciobo (Liberal) lamented "the amount of time, thought, consideration and ethical turmoil that I had to suffer in deciding which way I was going to go on this

⁹ See, for instance, Senator Cook (Labor) during the Research Involving Embryos debate, CPD, Senate, 12 November 2002, p. 6065.

¹⁰ CPD, House, 16 February 2006, p. 33.

¹¹ *Ibid.*, p. 36.

¹² "Private Members Business", CPD, House, 28 February 2002, p. 6116.

¹³ *Ibid.*

¹⁴ See, for instance, Anthony Albanese (Labor) during the Euthanasia debate, CPD, House, 9 December 1996, p. 8006; and Senator Cook (Labor) during the Research Involving Embryos debate, CPD Senate, 12 November 2002, p. 6064. Senator Stott Despoja (Democrats) notes the "very clearly orchestrated campaigns" (CPD, Senate, 9 February 2006, p. 52).

¹⁵ CPD, House, 16 February 2006, p. 21.

bill".¹⁶ In the same debate Anna Burke (Labor) has acknowledged how personally troubling such votes could be, and "asked the electorate and my family to forgive me for my view".¹⁷

Conscience Voting in Australian Parliaments

Free or conscience votes are unusual in Australian Parliaments.¹⁸ Since the formation of modern, disciplined political parties the norm is for parliamentary voting to be dictated by parties and to take place along party lines. Only on a few rare occasions have party leaders allowed members to exercise their vote free of party discipline. Ostensibly this happens where parties recognise that on some issues members will feel strongly. However on many issues — for example decisions to go to war — parties have shown no respect for individual conscience. This suggests that parties allow conscience votes largely because of a desire to avoid damaging splits. They recognize that some issues invoke deeply held, often religious beliefs that cross party lines and have the potential to fracture party discipline. Dean Jaensch correctly argues: "A conscience vote, then, is not a case of a party offering freedom for its members — it is a case of parties protecting themselves."¹⁹ Jaensch adds that Labor attempts, as at the 1984 federal conference, to impose a pro-choice party policy on abortion saw senior party members, often committed Catholics, threaten to leave the party should such a motion be carried.²⁰

McKeown and Lundie have identified twenty-seven occasions during the forty-seven years spanning 1955 to 2002 in which conscience votes occurred.²¹ Of these there were nineteen occasions on which both the Labor and Liberal parties allowed their parliamentarians a free vote. Many of the cases that McKeown and Lundie identify, before 1996, were of the socio-moral type that are particularly referred to as conscience votes: namely matrimonial causes (1959); marriage (1961); death penalty (1968); medical practice clarification (1973); sexual relationships royal commission (1973); homosexual acts (1973, Labor only); death penalty (1973, Liberal only); family law (1974); termination of pregnancy-medical benefits (1979); family law amendment (1983, Liberal only); and sex discrimination (1984, Liberal only). The others included procedural matters such as standing orders, and several votes on the new parliament house.

The above discussion almost always concerns the major parties represented in the Australian parliament. Minor parties play a different role and need to be treated differently. The Australian Democrats, created in part as a reaction to the discipline its founder Don Chipp endured as a member of the Liberal Party, allowed

¹⁶ During the debate on splitting the Embryos and Prohibition of Human Cloning Bill, CPD, House, 29 August 2002, p. 6158.

¹⁷ This was also during the debate on splitting the Embryos and Prohibition of Human Cloning Bill, CPD, House, 29 August 2002, pp. 6145-46. Burke said that "my elder sister is no longer speaking to me". Later, on 16 September, she made a personal explanation on "Stem Cell Research" clarifying family matters (CPD, House, 16 September, p. 6238).

¹⁸ D. McKeown and R. Lundie, "Free Votes in Australian and Some Overseas Parliaments", Current Issues Brief, 1, 2002-03, Information and Research Services, Department of the Parliamentary Library, 27 August 2002.

¹⁹ D. Jaensch, *Getting our Houses in Order* (Ringwood, Vic., 1986), p. 45.

²⁰ *Ibid.*, pp. 45-46.

²¹ McKeown and Lundie, "Free Votes", p. 17, Table 2.

parliamentarians a conscience vote on all bills as a matter of principle.²² The Greens do likewise, though their approach is less clear-cut. However spokespersons for both parties will express a party position on sensitive moral issues should all members agree.²³ In the case of the RU486 vote, in what sounded like a party view, Senator Stott Despoja pointed out during the debate that the Democrats were “the only political party that opposed the Harradine amendments in 1996. For 10 years, the Australian Democrats have been keen to see this decision reversed”.²⁴ In the same debate Senator Fielding spoke as a Family First Party representative.²⁵

Conscience or free votes also occur in other Westminster parliamentary systems, including the United Kingdom, Canada and New Zealand.²⁶ In the UK conscience votes have been extensively studied. Cowley has published a notable collection of case studies of free votes taken in the House of Commons between 1979 and 1997.²⁷ Hypotheses and conclusions drawn from these studies about the factors which influence conscience voting are applicable to Australia and are therefore referred to below.

The Howard Era, 1996-2007

Between 1996 and 2006 conscience votes occurred in the federal parliament on bills dealing with euthanasia, embryonic stem cell research, and the drug RU486. The final votes taken on each of these bills in the House of Representatives and the Senate are analysed here. Debate on euthanasia and embryonic stem cell research began in the House of Representatives and moved to the Senate. Conversely, debate on RU486 began in the Senate and then switched to the House. In this case, no division was recorded on the third reading and the vote taken on the second reading has been utilized instead.²⁸ The Howard Government faced four elections between 1996 and 2004. As a consequence there was a considerable change in the membership of parliament during the period studied. Some members were also “paired” and absent when votes were taken.²⁹ Not all members who remained in parliament from 1996 and 2006 chose to vote on each occasion. Thus 123 of 150 MHRs and seventy-one of seventy-six senators voted in the 1996-97 debate dealing with euthanasia. Some well-known members such as the National Party leader, Tim Fischer, never exercised a conscience vote. Overall eighty-eight members voted on each of the three issues examined — 114 voted twice and 123 voted on just one occasion.

The *Euthanasia Laws Bill 1996* was a private members bill introduced by Kevin Andrews, the Liberal Member for Menzies. It easily passed the House of Representatives on 9 December 1996 (88:35). Then on 24 March 1997 it narrowly passed the Senate (38:33), but only after consideration by the Senate Legal and

²² H. Sugita, “Parliamentary Performance in the Senate” in J. Warhurst, ed., *Keeping the Bastards Honest* (St. Leonards, NSW, 1997), p. 157.

²³ See, for instance, CPD, Senate, 5 December 2002, Senator Nettle (Greens), p. 7258, Senator Stott Despoja (Democrats), p. 7268.

²⁴ CPD, Senate, 9 February 2006, p. 50.

²⁵ *Ibid.*, p. 120.

²⁶ *Ibid.*, p. 18, Table 3.

²⁷ P. Cowley, ed., *Conscience and Parliament* (London, 1998).

²⁸ See M. Brissenden, “Parliament votes in favour of TGA”, *7.30 Report* [ABC TV] 16 February.

²⁹ Senators Ian Campbell (for) and Rod Kemp (against) on RU-486 (CPD, Senate, 9 February 2006, p. 54).

Constitutional Legislation Committee.³⁰ Andrews bill sought to overturn euthanasia legislation introduced by the Legislative Assembly of the Northern Territory. In the federal parliament consideration of the issue of euthanasia *per se* was complicated by the question of the rights of territorial parliaments to control their own jurisdiction without intervention by the Commonwealth Parliament.³¹ The *Embryos and Prohibition of Human Cloning Bill 2002* was introduced by the Prime Minister, and ministers shepherded it through parliament. On 29 August 2002 this initial bill was split into two separate parts by a vote in the House of Representatives (89:43) on a private members' bill moved by the Liberal MHR Bruce Billson. Thereafter the *Prohibition of Human Cloning Bill 2002* passed in both houses without a division. Attention then shifted to the *Research Involving Embryos Bill 2002*. This bill passed both houses quite easily. On 16 September 2002 the House of Representatives voted 99:33 on the third reading, and on 5 December 2002 the Senate voted 45:26 on the third reading, but only after consideration by the Senate Community Affairs Legislation Committee.³² A further conscience vote occurred when Senators Lyn Allison (Democrat, Victoria), Fiona Nash (Nationals, New South Wales), Claire Moore (Labor, Queensland) and Judith Troeth (Liberal, Victoria) introduced a cross-party private members' bill. After report by the Senate Community Affairs Legislation Committee,³³ their *Therapeutic Goods Amendment (Repeal of Ministerial Responsibility for Approval of RU486) Bill 2005* passed the Senate (45:28) on 9 February 2006. Shortly after, on 16 February 2006, it also passed the House of Representatives on the third reading without a division. At its second reading on the same day the bill had passed 95:50.

The votes which occurred on euthanasia, embryonic stem cell research and RU486 had enough in common to be considered as a group. Each involved a conscience issue about which some members felt strongly. In each case the political dynamics inside and outside parliament had similar features. Similar protagonists including the religious, medical and scientific communities were involved. On the latter issues there were some prior expectations about how individual members would vote based on how they voted on an earlier occasion.³⁴ Nonetheless the euthanasia, stem cell research and RU486 conscience votes each had its own individual characteristics. The euthanasia vote was complicated by the issue of territory rights and all four senators from the Australian Capital Territory and Northern Territory opposed the bill. The research on stem cell research vote was also about scientific research and its commercialization, as well as raising the desirability of a national regulatory regime. The RU-486 vote was portrayed by the Minister for Health and other critics as a matter of ministerial responsibility, while its supporters declared that it was about proper process and not abortion *per se*. In each case factors other than individual

³⁰ Senate Legal and Constitutional Legislation Committee, *Euthanasia Laws Bill 1996*, March 1997.

³¹ See Broughton and Palmieri, "Gendered Contributions to Parliamentary Debates", pp. 31-32 for a short discussion.

³² Senate Community Affairs Legislation Committee, *Provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002*, October 2002.

³³ Senate Community Affairs Legislation Committee, *Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005*, February 2006.

³⁴ Senator Patterson (CPD, Senate, 12 December 2002, p 6135) observed that there was some expectation that because she supported the Andrews Bill in 1997 she would oppose the Research on Stem Cells Bill in 2002. Senator Conroy (CPD, Senate, 9 February 2006, p 56) pointed out his voting record against euthanasia and for stem cell research in discussing his position on RU-486.

morality were involved which may have influenced the ways in which legislators voted.

Party Affiliation and Voting Patterns

Party involvement in conscience votes is potentially a complex matter. On several issues canvassed here the ALP had both a party policy and a conscience vote. It was, for instance, opposed to the procedural splitting of the initial *Embryos and Prohibition of Human Cloning Bill 2002* while allowing its members a conscience vote. This position was made clear in a formal way by the leader of Opposition Business, Stephen Smith.³⁵ Later in the year Labor policy opposed amendments being moved by Alan Cadman (Liberal) to the *Research on Embryos Bill*.³⁶ Cadman caricatured this position as “an iron fist within a velvet glove”.³⁷ During the same debate, which became quite heated, the government enforced the whip to defeat an attempt to gag the debate.³⁸ On occasions during these debates, senators from both the Democrats and the Greens also spoke on behalf of their party, not just themselves. Within individual parties it is also possible that direct and indirect pressure is exerted by sub-party allegiances and factional alignments. The federal parliamentary Labor party contains formal factions and there are less formal groupings, such as the Lyons Forum and the Liberal Left, within the Liberal Party. Individual state party Branches (or Divisions) and sponsors can also bring pressure to bear on parliamentarians although these matters are not examined here.

There are two broad ways in which party affiliation might influence the way in which individual members will vote when given a free vote in the parliament. The first is the entrenched habit of voting with party colleagues. Voting along party lines is the norm in parliament. Party cohesion is the natural state of affairs. It occurs because parties consist of like-minded people engaged in a competition with rival groups of similarly like-minded people. In this vein Broughton and Palmieri have pointed to “the more or less conservative ideology of those attracted to different parties”.³⁹ Pattie *et al.* emphasise the continuing importance of party as the major variable explaining how individuals have exercised free votes in the British parliament.⁴⁰ Even when members are asked to decide upon divisive issues, “cohesion remains the norm”⁴¹ and “it is striking that party remains a powerful lens through which elected politicians see the world”.⁴² With some exceptions such as Sunday trading which are not relevant to this Australian study, Pattie *et al.* found that British Labour parliamentarians tended to adopt more “socially liberal” positions than their Conservative counterparts, even on issues where the majority of both parties took such a stance. It seems likely that on conscience issues many members will feel more comfortable as part of the majority within their own party. In the Australian parliament this may generate a subtle pressure to conform on social liberals in the Coalition parties and on social conservatives in the Labor Party.

³⁵ CPD, House, 29 August 2002, pp. 6114, 6119.

³⁶ CPD, House, 25 September 2002, p. 7171 (S. Smith).

³⁷ *Ibid.*, p. 7182.

³⁸ *Ibid.*, p. 7190 for comments by Bernie Ripoll (Labor) on this point.

³⁹ Broughton and Palmieri, “Gendered Contributions to Parliamentary Debates”, p. 36.

⁴⁰ C. Pattie, R. Johnston and M. Stuart, “Voting without Party?” in P. Cowley, ed., *Conscience and Parliament* (London, 1998).

⁴¹ *Ibid.*, p. 146.

⁴² *Ibid.*, p. 156.

The second way that party affiliation might come into play in circumstances where members have been given a free vote is when the party organisation or party leader makes their particular position very clear. With an eye to their future career some members may take their cue accordingly. During the Howard era the prime minister was forthright in his own opposition to euthanasia. Before the matter reached the House, John Howard told Question Time: "Speaking as an individual, I have the strongest possible reservations about the legislation passed by the Northern Territory Parliament".⁴³ The prime minister voted against euthanasia (i.e. for the bill), favoured research on embryos but was not present for the vote, and opposed wider use of RU486. Kim Beazley, the Leader of the Opposition in 1996 and again in 2006, voted against euthanasia but to extend use of RU486. Simon Crean was the leader of the ALP and Opposition leader in 2002. He voted to approve research involving embryos. In some cases senior party members will also provide their colleagues with important cues. At the time of the RU486 vote the responsible Minister for Health, Tony Abbott, campaigned vigorously against the bill.

Table 1: Voting by party in each House of the Australian Parliament.

<i>House of Representatives</i>						
	<i>Anti-Euthanasia</i>		<i>Embryo research</i>		<i>RU486</i>	
	No	Yes	No	Yes	No	Yes
Labor	21	22	6	53	5	54
Country Liberal	1	-	-	1	1	-
Independent	1	2	3	-	1	1
Liberal	10	53	18	39	35	37
Nationals	2	11	6	6	8	3
Total	35	88	33	99	50	95
<i>Senate</i>						
	<i>Anti-Euthanasia</i>		<i>Embryo research</i>		<i>RU486</i>	
	No	Yes	No	Yes	No	Yes
Democrats	5	1	-	7	-	4
Australian Greens	1	-	1	1	-	4
Labor	17	9	8	20	5	21
Country Liberal	1	-	-	1	-	1
Independent	2	2	2	1	-	-
Greens WA	1	-	-	-	-	-
Liberal	6	22	12	15	18	14
National	-	4	2	-	2	1
One Nation	-	-	1	-	-	-
Family First	-	-	-	-	1	-
Total	33	38	26	45	26	45

The voting patterns on all three issues which are summarized in Table 1 suggest that party allegiance can shape free votes in the Australian parliament. The bill seeking to overturn the Northern Territory legislation sanctioning euthanasia was supported by an overwhelming number of Liberal and National party members. In the House of Representatives coalition members divided 64:13 — 83 per cent supported the bill. In

⁴³ Quoted in Maddox, *God Under Howard*, p. 52.

the Senate they divided 26:7 and 79 per cent voted to disallow the Northern Territory legislation. Broughton and Palmieri imply that coalition party support for this private members' bill was so strong that it demonstrates the existence of a "*de facto* party line".⁴⁴ The picture is less clear with voting on legislation to allow embryonic stem cell research. On this issue Liberals were fairly evenly divided in the Senate, but an overall majority (65 per cent) in the parliament supported the bill — fifty-five voted against and thirty to approve it. Their National party coalition partners, however, opposed the bill overall by the narrow margin of 8:6. A narrow majority (53 per cent) of government members from both parties opposed extending usage of the anti-abortion drug, RU486 — sixty-four voted against and fifty-six for. While Liberals in the House of Representatives narrowly supported this measure (37:35), their party colleagues in the Senate did not (14:18). The Nationals opposed the bill too, by an overall margin of 10:4 despite it having been moved by one of their number.

In aggregate, Labor members narrowly voted against (31:39) the bill to overturn the Northern Territory's euthanasia legislation. A narrow majority supported it in the House (22:21) but this pattern was reversed in the Senate (9:18).⁴⁵ Most Labor parliamentarians (84 per cent) strongly supported the bill to approve embryonic stem cell research — seventy-three voted in favour and fourteen against. A similar majority of Labor members (88 per cent) also supported the bill to extend the availability of RU486. Across both houses seventy-five voted for and ten against this measure. In the House (54:5) 92 per cent of Labor MHRs favoured providing wider access to RU486. Social conservatives, it appears, are quite isolated within Labor's parliamentary party.

The voting of minor parties in the parliament also suggests the influence of party ties on conscience voting. The vote on the *Euthanasia Laws Bill 1996* in the Senate was close. A majority of Australian Democrats (6:1) and Greens (2:0) senators opposed it. Democrats, particularly through the efforts of Senators Stott Despoja and Allison, played an instrumental role in stem cell and RU486 law reform. Democrats in the Senate voted unanimously for the bill to allow embryonic stem cell research (in contrast to the independents in both houses who split 5:1 against.) Furthermore, all Democrats and Greens in the parliament supported the RU486 bill while the independents, reduced now to just two House votes, split evenly (1:1). The newly elected Family First Senator opposed the bill. The voting patterns described in Table 1 reveal the different general characteristics of all five parties when parliamentarians are allowed a free vote on conscience issues. The pattern in Australia appears to parallel that in Britain. Members of the two coalition parties are, in general, more socially conservative on issues such as euthanasia, embryonic stem cell research and the use of the abortion-inducing drug RU486 than are their counterparts in the Labor party. This especially applies to the Nationals — Liberal ranks are rather more evenly divided

Gender and Voting Patterns

The feminist movement has played a significant world-wide role supporting pro-choice abortion policies.⁴⁶ There is an *a priori* reason, therefore, to think that women in the parliament might be more pro-choice than their male colleagues whatever their other characteristics. Pattie *et al* found that this was the case in Britain.⁴⁷ In Australia, Sawyer and Simms have noted that the "right to abortion was a major demand of the

⁴⁴ Broughton and Palmieri, "Gendered Contributions to Parliamentary Debates", p. 36.

⁴⁵ These figures were calculated from Broughton and Palmieri, Table 3.

⁴⁶ R. Albury, *The Politics of Reproduction: Beyond the Slogans* (St. Leonards, NSW, 1999).

⁴⁷ Pattie *et al.*, "Voting without Party?", p. 159.

women's liberation movement of the 1970s",⁴⁸ and women's organizations have often played a leading role in movements for abortion law reform. This has carried over to the parliamentary sphere. In general: "For many women parliamentarians abortion has been a major issue."⁴⁹ Individuals, such as Cheryl Davenport, Rosemary Kyburz and Senator Susan Ryan, on both sides of politics have played a major role in law reform at both the state and national levels. More often than not, the lead has come from women in the ALP and Australian Democrats, but not exclusively, as cross-party actions have occurred. Some anti-abortion law reform female parliamentarians, such as Marie Bignold of the Call to Australia Party in the New South Wales State parliament, have also been prominent, as have women in the Right to Life Association.⁵⁰ On the face of it, however, euthanasia and research involving embryos are not so directly feminist issues. However, in Australia Broughton and Palmieri investigated this hypothesis for the 1996-97 euthanasia votes and found some evidence that this was the case.⁵¹ They concluded that "women did speak and vote differently to their male counterparts on the issue".⁵²

Table 2: Voting by Gender

	Male Senators		Female Senators	
	No	Yes	No	Yes
Anti-euthanasia	17	31	16	7
Research involving embryos	23	25	3	20
RU 486	23	21	3	24
	Male MHRs		Female MHRs	
	No	Yes	No	Yes
Anti-euthanasia	30	75	5	13
Research involving embryos	28	72	5	27
RU 486	43	66	7	29

Table 2 highlights the choices made by men and women in voting upon the three conscience issues decided in the federal parliament between 1996 and 2006. It reveals some interesting patterns. In the lower house Liberal women were as strongly anti-euthanasia as their male colleagues. A small cohort of Labor women did favour the Northern Territory retaining its laws allowing euthanasia (3:1). Across both houses women divided evenly (21:21) whereas 69 per cent of male parliamentarians voted in favour (105:47) of overturning the Northern Territory legislation. In the Senate the evidence is startling. Some 70 per cent of female Senators strongly opposed the bill (16:7). Women from the two minor parties (6:0) and Labor (6:3) were joined by the Liberal women (4:4). (At this point there was no woman in the Nationals Senate ranks.)

There is no *a priori* reason to think that feminists would support the *Research Involving Embryos Bill 2002* although there might be some indirect flow-on effect from the attitudes towards the related issues of IVF and abortion. Clearly the pro-Life

⁴⁸ M. Sawyer and M. Simms, *A Woman's Place: Women and Politics in Australia* (St. Leonards, NSW, 1993), p. 164.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, pp. 164-168, 233; see also E. van Acker, *Different Voices: Gender and Politics in Australia* (South Melbourne, 1999), pp. 58-60.

⁵¹ Broughton and Palmieri, "Gendered Contributions to Parliamentary Debates", Tables 1-3.

⁵² *Ibid.*, p. 43

movement was opposed to research involving embryos, as it was to abortion, because of its belief that human life begins at conception. The great majority (84 per cent) of women in the House of Representatives voted (27:5) in support of the bill. A smaller but similar proportion (72 per cent) of men voted in favour (72:28). However in the Senate a gender gap was more noticeable: 87 per cent of women (20:3) compared to men who voted 52 per cent in favour (25:23). In total 85 per cent of women (47:8) voted in favour compared to 66 per cent of men (97:51). Those eight women who opposed the bill included five Liberals, two Labor and one National.⁵³ On this issue at least, women parliamentarians appear to be more socially liberal.

As might be expected the RU486 vote did have a strong feminist element. The four female sponsors set the tone. The debate followed suit, and for some supporters of the bill, gender was clearly the point. Senator Lundy (Labor) referred to "this largely male lobby group" and asked: "Why do some men in positions of power and influence get this periodic urge to prescribe for women what they do with their bodies?"⁵⁴ In similar vein Senator Vanstone (Liberal) pointed out to a male opponent of the use of RU486: "It is not going to happen to him because he is a boy."⁵⁵ Not surprisingly then gender differences were again clear when members voted on this issue. In the House of Representatives 81 per cent of women (29:7) voted in favour. Just 61 per cent of men did (66:43). In the Senate a gendered pattern of voting was more stark. Some 89 per cent of women voted in favour (24:3). In contrast less than half (48 per cent) of male Senators did (87:66). On this issue to women in the parliament adopted a more socially liberal stance than did their male counterparts. The ten women who took a social conservative position on RU486 included seven Liberals, two Labor and one National. They included all those women who had earlier voted against embryo research, except Senator Coonan, plus several newcomers from the conservative New South Wales branch of the Liberal Party.⁵⁶

Religious Identification and Voting Patterns

Conscience debates in the federal parliament often raise general concerns about the influence of a "religious lobby". Hence religion is the third variable considered here. In British studies of free voting, religion has been shown to be a factor in several ways. Firstly, Roman Catholics have been found to be more strongly anti-euthanasia and anti-abortion than their party colleagues. As Pattie *et al* put it:

Roman Catholics, for instance, were likely to act in line with their church's teaching on abortion and euthanasia, irrespective of their party allegiance: they were much more likely than were MPs with no declared religion to vote in favour of tighter restrictions on abortion (seven times more likely) and embryo research (almost 19 times more likely), and were 14 times less likely to vote in favour of euthanasia. On other issues they did not differ significantly from other MPs.⁵⁷

Secondly, there was evidence of cohesion among Christian members of parliament on other issues. On the Sunday trading issue Christians (other than Catholics) were found

⁵³ The women who voted No were Draper, J. Kelly, Panopoulos and Vale (all Liberal), and D-A. Kelly (National) and Senators Coonan (Liberal) and Stephens and Collins (Labor).

⁵⁴ CPD, Senate, 16 February 2006, p 41.

⁵⁵ *Ibid.*, p. 34.

⁵⁶ The full list of those who voted No is Bishop, Draper, J. Kelly, Markus, Panopoulos and Vale (all Liberal) and D-A Kelly (National) and Senators Fierravanti-Wells (Liberal) and Polley and Stephens (Labor). Markus and Fierravanti-Wells are the new Liberals from New South Wales.

⁵⁷ Pattie *et al.*, "Voting without Party?", p. 159.

to be more likely to vote to "Keep Sunday Special". Equally on divorce law reform Catholics were more likely to be anti-divorce.⁵⁸

In Australia there are suggestions and there is even some evidence of a similar pattern of religious influence on politics. Maddox, amongst others, makes a general case that the influence of a new Religious Right is growing in Australian politics.⁵⁹ In particular it is alleged that the Lyons Forum, a Coalition quasi-faction based in the federal parliament, exerted a conservative Christian influence over the Howard Government in policy areas related to family values.⁶⁰ Indeed during the parliamentary debates on euthanasia a number of members made remarks along these lines.⁶¹ The long history of Catholic involvement in issues such as abortion law reform has prompted a particular interest in the extent of Catholic influence upon conscience votes taken in the parliament. This also reflects a conventional wisdom about conservative Catholic moral positions, based on the public advocacy of Catholic Church leaders.

During the Howard era Catholics became particularly prominent within the Liberal Party.⁶² Among them, particular Catholic ministers have been associated with conservative moral positions. These include Kevin Andrews who eventually became a minister having held a leadership position in the Lyons Forum and moved the *Euthanasia Laws Bill 1996* as a private member. Most well-known of all was Tony Abbott, the Minister for Health at the time of the RU486 vote. Of all the Catholics in parliament Abbott is seen as the greatest critic of pro-choice abortion policies and the closest to his church leader, Cardinal George Pell of Sydney. The debates on conscience issues revealed both allegations of a "Catholic lobby"⁶³ and Catholic anger, sensitivities and defensiveness within both major parties. For instance, Nick Dondas (Country Liberal, Northern Territory) alleged that in the case of the Andrews anti-euthanasia bill "the debate has been driven by the Catholic community of this country".⁶⁴ To which Tony Abbott (Liberal), alleging that Dondas had blamed the bill on the "Catholic lobby", chided that "those comments were beneath him".⁶⁵ Another Catholic member, Senator Jacinta Collins (Labor) was at pains to reflect during the stem cell research debates that "the character and the strength of her personal Catholicism" was not the issue.⁶⁶ Two days later, while stressing that senators take account of ethical issues "not from a religious background but far more from a secular approach", she told the Senate that "I have been accused of being a staunch, rigid Catholic for years — something I have never been".⁶⁷

⁵⁸ *Ibid.*, pp. 162, 163.

⁵⁹ Maddox, *For God and Country*; *eadem*, *God Under Howard*; A. Lohrey, *Voting Yes for Jesus: Christianity and Politics in Australia*, Quarterly Essay 22 (Melbourne, 2006).

⁶⁰ Maddox, *For God and Country*, pp. 199-234.

⁶¹ See, for instance, the interchange between Senator Schacht (Labor) and Senator Bob Collins (Labor), CPD, Senate, 25 March 1977, p. 2328.

⁶² J. Warhurst, "Catholic Voices in Australian Politics", *Public Policy*, Vol. 1, 2 (2006), pp. 102-109.

⁶³ This topic is the subject of another paper, "The Catholic Lobby: Religious networks and public policy", Public Policy Network conference, Adelaide, February 2007.

⁶⁴ CPD, House, 9 December 1996, p. 8001.

⁶⁵ *Ibid.*, p. 8021. Peter Slipper (Liberal) supported Abbott and referred to the lobbying role of the Anglican Church and Archbishop Peter Hollingworth.

⁶⁶ CPD, Senate, 12 November 2002, p. 6059.

⁶⁷ CPD, Senate, 14 November 2002, p. 6345.

The question of Catholicism was given extreme prominence, focused on Abbott, during the RU486 debates.⁶⁸ Abbott accused his opponents of a "new sectarianism", claiming that they were implying that a Catholic could not serve as Minister for Health because of their beliefs:

The last time this kind of sectarianism and alleged inability of a minister to carry out their duty in the national interest was in 1916 at the time of the conscription debate. I thought we had moved on from there.⁶⁹

Among those advocating change, Senator Kerry Nettle (Greens) was photographed wearing a YWCA tee-shirt bearing the slogan "Mr Abbott, Get your rosaries off my ovaries".⁷⁰ Claims that this was offensive to Catholics followed.⁷¹ During the parliamentary debates on RU486 numerous MPs, both for and against the bill, condemned Nettle's action, often in the strongest terms. Howard drew attention to

[...] the quite offensive remarks made about a devotional practice which all of us know is peculiar to Catholics in our community. That was highly offensive and deserving of the rebuke it received.⁷²

Many MPs also defended Abbott, both through praise of his performance as a minister and by distancing themselves from any suggestion that the bill was directed at him personally. In supporting the bill Abbott's ministerial colleague and fellow Liberal, Senator Vanstone argued:

It is not about abortion and, in particular, it is not about the current minister, who holds the power in the portfolio, being a Catholic. I read in the paper today that, apparently, the minister believes that that is the case, that some people have this view because of his particular religion. [...] it is appropriate to make clear that this is not my position.⁷³

In Australia the evidence necessary to confirm the suggestion of British scholarship that there is a correlation between religion and conscience voting in the parliament is difficult to obtain. Meaningful data on the religious denomination of parliamentarians is often unavailable. The significance of data which exists is unclear because current religious identification and practice, the more important variable, is not regularly made public. This has long bothered scholars. In 1986 Joan Rydon pointed out the twin difficulties: "one is the lack of complete data; the other doubts as to the significance of stated denominations."⁷⁴ It is symptomatic that the recent analysis by Sarah Miskin and Martin Lumb of the characteristics of the 41st parliament, based on biographies supplied by members for the parliamentary handbook, is silent on religion despite the public interest.⁷⁵ A sensible analysis requires fine-grained data, including adult self-identification and church attendance. It is not enough to classify someone as religious

⁶⁸ D. Shanahan, "Abbott condemns 'sectarian' critics", *The Australian*, 9 February 2006; D. Shanahan, "Morality issues can't be ducked", *The Australian*, 10 February 2006.

⁶⁹ Quoted in Shanahan "Abbott condemns 'sectarian' critics".

⁷⁰ *Herald Sun*, 10 February 2006.

⁷¹ C. Pearson, "Bigotry makes a rebirth", *Weekend Australian*, 11-12 February 2006.

⁷² CPD, House, 16 February 2006, p. 35. See also Alexander Downer, p. 44.

⁷³ CPD, Senate, 9 February 2006, p. 33. See also the comments by a Labor opponent of the bill, Senator Stephens, p. 26.

⁷⁴ J. Rydon, *A Federal Legislature: The Australian Commonwealth Parliament* (Melbourne, 1986), p. 132.

⁷⁵ S. Miskin and M. Lumb, "The 41st Parliament: Middle-aged, Well Educated and (mostly) Male, Information and Research Services", *Parliamentary Library, Research Note*, 24, 2005-06, 24 February 2006.

on the basis of their schooling or their parents' religious denomination. Nor is it enough to rely on popular and loosely assigned labels, like the Religious Right or the Catholic Right of the New South Wales Labor Party.

This last section of the article proceeds by examining the euthanasia, stem cell research and RU486 voting records only of those prominent individuals who self-identify through their personal statements or group membership, as religious or non-religious: all Christians, Catholics, other religions and humanists. Some MPs did identify themselves as Christians during the three conscience debates studied. A few engaged in an extensive discussion of their beliefs. The majority did not.⁷⁶ In any event confessions of faith were carefully weighed. As Maddox points out, during the euthanasia debate in parliament, it was not always clear whether or not a speaker was speaking as a religious person.⁷⁷ Moreover, a comment such as "It is no secret that I have been raised as a Roman Catholic" is often an indication that that is no longer the case.⁷⁸ In a number of cases it was possible to determine a member's religious identity because of his or her involvement with specific groups. Parliamentary sponsorship of the cross-party Australia's Christian Heritage National Forum, leadership of the parliamentary Labor Humanists group⁷⁹, or leadership of the cross-party Parliamentary Christian Fellowship were all taken to signify a religious identity.⁸⁰ Leadership of the Coalition Lyons Forum was also used as an indicator, despite Maddox' concern about an ambiguity in its Christian character which belies its public image.⁸¹

The seven generally acknowledged co-founders of the Lyons Forum were Chris Miles, Alan Cadman, John Bradford, Kevin Andrews (all Liberal) and John Forrest (Nationals) from the House of Representatives and Senators John Herron and John Tierney (both Liberal).⁸² The thirteen hosts/sponsors of the Australia's Christian Heritage National Forum were Senators Guy Barnett (Liberal), Helen Polley (Labor), Grant Chapman (Liberal), Steve Fielding (Family First) and Barnaby Joyce (Nationals), and John Anderson (Nationals), Kevin Rudd (Labor), John Murphy (Labor), Danna Vale (Liberal), Bruce Baird (Liberal), Anthony Byrne (Labor), Harry Quick (Labor) and Alan Cadman (Liberal).⁸³ The three leaders of the (Labor) Humanists group, set up to counter religious influence on policy, were Carmen Lawrence, Bob Horne and Senator Chris Schacht (but Horne, 1993-96 and 1998-2001 was not an MP at the time of any of these votes).⁸⁴ Members of parliament who have made clear their religious identification in other public ways include most of the party leaders (in pre-election interviews with the ABC's religious affairs program, *Compass*).⁸⁵ This list also includes other Howard Government leaders including John Howard himself (Anglican), Peter Costello (Baptist), Alexander Downer (Anglican),

⁷⁶ Some of the more extensive and interesting discussions among Liberals include Brendan Nelson (CPD, House, 16 February 2006, p. 31); Alexander Downer (*ibid.*, p. 44); Bruce Baird (*ibid.*, p. 45); George Brandis (CPD Senate, 9 February 2006, p. 23); and Amanda Vanstone, an Anglican with a Catholic step-father (*ibid.*, p. 33).

⁷⁷ Maddox, *For God and Country*, pp. 201-208.

⁷⁸ See for instance, Phillip Barresi (Liberal), CPD, House, 16 February 2006, p. 31.

⁷⁹ G. Chan, *Weekend Australian*, 16-17 September 2000.

⁸⁰ I do not have a list of the leadership and/or membership of the Parliamentary Christian Fellowship.

⁸¹ Maddox, *For God and Country*, pp. 201-208.

⁸² *Ibid.*, pp. 204-205.

⁸³ See the website: <Australia'schristianheritageforum.org.au/about_us/politicians.aspx>.

⁸⁴ Chan, *Weekend Australian*, 16/17 September 2000.

⁸⁵ For example, *ABC Compass*, "What our leaders believe", [video ABC, 2004].

Tim Fischer (Catholic), John Anderson (Anglican) and Mark Vaile (Catholic). On the Labor side it includes Kim Beazley (Anglican), Kevin Rudd (Anglican) and Mark Latham (Humanist). The Greens' leader Bob Brown also describes himself as Humanist. Other backbenchers with a clear religious identification who sat in parliament between 1996 and 2006 include Senator Brian Harradine (Catholic), and Liberal MP Louise Markus (Christian) whose association with the Hillsong Church was taken as evidence of Christian affiliation during the 2004 election campaign. Prominent self-identified Catholics, other than those mentioned above, include John Fahey (Liberal), Trish Worth (Liberal), Anthony Burke (Labor), Joe Hockey (Liberal), Catherine King (Labor), Peter McGauran (National), Brendan Nelson (Liberal), Gavan O'Connor (Labor), Christopher Pyne (Liberal), Andrew Robb (Liberal), Malcolm Turnbull (Liberal), and senators Ron Boswell (National), George Brandis (Liberal), Helen Coonan (Liberal), Brett Mason (Liberal), Julian McGauran (National/Liberal), Santo Santoro (Liberal), Ursula Stephens (Labor), Richard Alston (Liberal), and Warwick Parer (Liberal). During this period very few adherents to non-Christian religions sat in parliament. Michael Danby (Labor) was the sole Jewish member and there were no Muslim members so no conclusions can be drawn.

Table 3: Voting by religious self-identification where this is known

House of Representatives

	<i>Embryo Vote</i>		<i>Anti-Euthanasia</i>		<i>RU486 Vote</i>	
	No	Yes	No	Yes	No	Yes
Catholic	6	3	-	10	8	4
Christian	7	4	-	10	10	6
Jewish	-	-	-	-	-	1
Humanist	-	2	1	-	-	1
Total	13	9	1	20	18	12

Senate

	<i>Embryo Vote</i>		<i>Anti-Euthanasia</i>		<i>RU486 Vote</i>	
	No	Yes	No	Yes	No	Yes
Catholic	8	1	-	8	7	1
Christian	2	2	1	4	5	-
Jewish	-	-	-	-	-	-
Humanist	1	1	2	-	-	3
Total	11	4	3	12	12	3

The overall conclusion to be drawn from the data set out in Table 3 is that parliamentarians who identify as Christians or as Catholics consistently voted in a socially conservative fashion on conscience issues before the parliament. That is they overwhelmingly voted against allowing euthanasia (Yes vote); against embryonic stem cell research (No vote) and against extending the availability of RU486 (No vote).⁸⁶ As

⁸⁶ The full list on which this table was constructed is: (Christian) — Anderson, Andrews, Baird, Beazley, Bradford, Byrne, Cadman, Costello, Downer, Forrest, Garrett, Howard, Markus, Murphy, Quick, Rudd, Vale and senators Barnett, Chapman, Fielding, Joyce, Polley, Lees, Tierney, Herron and Woodley. Of these, Andrews, Murphy, Joyce and Herron are Catholics included on this list because of their role either in the Lyons Forum or the Christian Heritage Forum. (Catholics) — Abbott, Andrews, Anthony Burke, Fahey, Hockey, King, McGauran, Murphy, Nelson, Gavan O'Connor,

a group, Christians (including some Catholics) voted against euthanasia 14:1. They opposed embryo research (9:6), and resisted the extended use of RU486 (14:4). These findings suggest that, during the Howard era there existed in parliament a socially conservative group which included a large number of Catholic or Christian Liberal and National party members, but also some Labor members (the most prominent of which was the frontbencher Anthony Burke). Notably this socially conservative group of parliamentarians encompassed many leading members of the Howard Government including Howard himself, Vaile, Downer, Anderson, Andrews and Abbott. For the period in which he sat in the Senate it also included the independent Brian Harradine and, following his election in 2004, the Family First senator from Victoria, Steve Fielding. With the possible exception of the former Uniting Church minister, Senator John Woodley,⁸⁷ there were no socially conservative Democrats or Greens.

While religion was a common denominator for social conservatives in the parliament, not all those members who self-identified as religious were socially conservative. Not all church bodies adopted socially conservative policies. Should they have been so inclined, members were able to call on the support of the Uniting Church, for instance, on the question of RU486.⁸⁸ There are two types of exception to the link between religion and social conservatism. Neither includes any National party member. There were a number who consistently took a more liberal stance. Prominent members of this social liberal group include one-time Democrat leader, Meg Lees, Labor shadow minister (now Prime Minister) Kevin Rudd, and prominent Liberal backbencher, Bruce Baird. Baird, President of the Parliamentary Christian Fellowship in 2005, is a particularly interesting case. He explained during the debate on RU-486 that "a number of those lobbying have targeted me because I am known by many as a committed Christian". But, he said:

There is not a uniform Christian approach on these issues, and there are a number of members of the Parliamentary Christian Fellowship who plan to vote for the bill before the House. I am unashamedly a liberal on these issues of social conscience.⁸⁹

There was also a larger group of religious Liberal and Labor members who sometimes voted against the social conservative position. On the Liberal side those inclined somewhat to a social liberal position include Treasurer Peter Costello (who supported RU486 but voted against euthanasia), Joe Hockey and Brendan Nelson (who supported both stem cell research and RU486 but voted against euthanasia) and Helen Coonan (who supported RU486 but voted against euthanasia and stem cell research). On the Labor side, Kim Beazley supported both stem cell research and RU486, but opposed allowing the Northern Territory law on euthanasia to stand.

The far smaller number of self-identified humanists makes generalizations about this group within the parliament more difficult. But almost without exception, humanists

Pyne, Robb, Turnbull, Vaile, Worth and Senators Alston, Boswell, Brandis, Jacinta Collins, Coonan, Harradine, Herron, Joyce, Mason, McGauran, Parer, Santoro, and Stephens. (Humanists) — Latham, Lawrence and Senators Bob Brown, Nettle and Schacht. Others who would have been included, but they did not cast a conscience vote, were Fischer (Catholic), Horne (Humanist) and Miles (Christian).

⁸⁷ This conclusion is on the basis of one vote only. Woodley supported the Andrews anti-euthanasia bill but did not vote on either of the other two bills.

⁸⁸ See the references by Senator Carol Brown (CPD, Senate, 9 February 2006, p. 35) and Stuart Henry (CPD, House, 16 February 2006, p. 47).

⁸⁹ CPD, House, 16 February 2006, p. 45. Baird pointed out also that, when a member of the New South Wales Parliament, he had supported decriminalization of homosexual relations between consenting adults in 1984.

such as Carmen Lawrence opposed the social conservative position. This is consonant with the role of organized humanism in promoting law reform in a range of moral areas. (In several states, for instance, abortion law reform associations were off-shoots of humanist associations.⁹⁰) The major exception in the pattern of humanist voting came when Senator Bob Brown opposed stem cell research because of the commercial in confidence exclusion provisions of the bill.⁹¹

Conclusion: the Collective Context of Individual Conscience

When free votes are taken in the parliament on matters of individual conscience members are not required to vote with their party colleagues. But party influences remain. The two coalition parliamentary parties are notably more socially conservative than the Labor Party, and even more so than the Democrats and the Greens. The broad ideological ties that bind members of the same party persist in the absence of formal party discipline. Members will continue to vote with their party colleagues. Party differences are noticeable during conscience voting (and noted by MPs themselves at the time). The residual influence of party loyalty remains. However the cross-cutting pressures that generate conscience votes are also clearly evident. Gender and religion are variables that cut across the major parties and link members on both sides of the parliament. In the instances of conscience voting studied — bills dealing with euthanasia, stem cell research and RU486 — women adopted a somewhat less socially conservative stance than men. Religious members — both Christians as a whole and Catholics in particular — tended to be more conservative. The small number of self-identified humanists in parliament were among those who are somewhat less conservative.

Any conclusions about the influence of residual party loyalty, gender and religious affiliation once party discipline has been removed need to be carefully framed. The dynamics of conscience voting are complicated. There are divisions within religious denominations (so generalizations about religious groups should be made carefully). Although the voting record of women in the parliament suggests that they are less socially conservative as a group, there are clearly women MPs who are staunch social conservatives. (Some are Labor women). Some MPs cast their conscience vote because of considerable personal reservations but at the same time acknowledge contrary public opinion.⁹² There are also unpredictable aspects to the voting patterns on conscience issues which arise because of the detailed characteristics of individual bills. Opposition to euthanasia was a clear-cut issue for social conservatives. Although complicated by the question of territorial rights it was a black and white issue. On the other hand the 2002 embryonic stem cell proposal involved a compromise between allowing no embryonic research at all and creating a much more open scheme (as is now under consideration). The bill allowed only embryos produced initially for IVF treatment and surplus to requirements to be used for research. This was a compromise which may

⁹⁰ A. Black "Organised Irreligion: The New South Wales Humanist Association" in A. Black and P. Glasner, eds, *Practice and Belief: Studies in the Sociology of Australian Religion* (St. Leonards, NSW, 1983), pp. 154-156.

⁹¹ See CPD, Senate, 5 December 2002, p. 7239. Brown supported an amendment removing such exclusions that was moved by Senator Harradine.

⁹² Senator Coonan, for instance, explained to the Senate that she had decided not to support the stem cell research bill because of her "personal misgivings" but she acknowledged "the broad community support for research that may lead to the development of potential stem cell therapies" (CPD, Senate, 12 November, p. 6114).

have allowed some social conservatives to support the measure. Likewise, the RU486 debate did not expressly involve a vote on abortion law. It concerned a question of process and the authority of the Health minister. Members otherwise opposed to abortion may have been able to support the bill for this reason. Conscience voting, as demonstrated in these three examples, is influenced by the detailed characteristics of each piece of legislation.

Conscience or free voting remains rare in the Australian federal parliament. It is the exception rather than the rule. The overwhelming norm is for voting to be conducted under strictly enforced party discipline. There are regular calls from various quarters for more free votes, but the party leadership on both sides resists the more open process that free votes bring. The adversarial system embodied in the usual conduct of parliamentary votes is deeply ingrained. It offers predictability in the outcomes and enhances executive control. Furthermore it reinforces the intra-party social and political cohesion upon which the whole political party system in Australia depends.