

Ch 3

Powers of the Governor General

Governor-General → 'constitutional/formal' executive
↳ constitution implies he's significant power
↳ in reality, power restricted by Westminster conventions of responsible govt.
↳ acts on advice of Federal Executive Council (EXCO). Made up of senior ministers of govt who are appointed by GG under s62 and s63.
↳ at discretion of GG as to whether to follow EXCO
↳ 'real' exec power held by Cabinet and PM
↳ word used first mid-1800s in Australia to describe governors of NSW whose jurisdiction extended to other colonies too
↳ represents Queen, too far away in Britain

- Office of the Governor-General

↳ established in section 2 of the constitution.

- Appointment of the Governor-General.

↳ s62 → appointed by the Queen.

↳ since 1930 under consultation with PM.

↳ March 2014 PM Abbott re-introduced titles of Knight (Sir) and Dame for GG.

↳ GG plays part in PM and Ministers' appointment i.e. circular accountability.

↳ term averages 5 years but at will of the Queen.

↳ salary set at start of term, can't be changed - allows them to remain a politically neutral figure.

- Constitutional/formal executive est. s2
- Power limited by convention in reality - acts (at discretion) on advice of EXCO
- Appoints Ministers (in council with PM) under s62 and s63
- Appointed by Queen - since 1930 in council w/ PM
- GG and PM - circular accountability, can dismiss each other
- Av. 5yr term.
- Salary set @ start of term, can't be reduced.

Roles of the Governor General

Constitutional Roles of the Governor-General

- Legislative powers: Chapter 1

- ↳ exercised on advice of EXCO: constitutional monarchy
- ↳ proclamation of a parliamentary session within 30 days following an election (s5)
- ↳ proroguing/suspending parliament between sessions, dissolving HoR after election (s5)
- ↳ dissolving HoR (s28)
- ↳ issue writs for an election (s32)
- ↳ double dissolution powers and convening joint sitting of parliament (s57)
eg. 8 May 2016, PM Turnbull requested GG Sir Peter Cosgrove to call double dissolution after failure of parliament to pass Australian Building + Construction Commission laws twice in 3 months.
- ↳ grant Royal Assent to bills (s58)
 - ↳ technically, may withhold assent. - undemocratic.

- Executive powers: Chapter 2

- ↳ select + appoint EXCO members (s62)
- ↳ act on advice of EXCO (s63)
- ↳ appoint + dismiss Ministers (s64)
- ↳ appoint senior govt officials (s67)
- ↳ roles that conflict with responsible govt are inactive
eg. in theory GG can independently appoint Ministers.
In reality, acts on advice of PM. PM relies on GG to give power to govt decisions

Non-Constitutional Roles of the Governor-General

- Ceremonial Roles

- ↳ Commander-in-Chief of Armed Forces → ANZAC Day etc
- ↳ receiving + visiting visitors eg. Heads of State / Govt
- ↳ opening new sessions of parliament
- ↳ receiving credentials of diplomats etc.
- ↳ conducting investitures to present awards.

- Non-ceremonial roles: should represent all of Australia

- ↳ travelling widely to meet people
- ↳ accepting patronage of charitable causes.
- ↳ attending services and functions
- ↳ speaking at/opening national/international conferences.
- ↳ presenting awards at major public functions.

Legislative

- acts on advice of EXCO
- ∴ can theoretically refuse legislative orders
- s28 dissolve HoR
- s32 issue election writs

Executive

- appoint EXCO s62
- act on advice of EXCO s63
- appoint/dismiss Ministers s64
- if conflict with responsible govt powers are inactive

Non-constitutional

- Commander in Chief
- Open sessions of parliament
- Receive guests and diplomats etc.
- Patronage
- Speaking/opening events
- travelling to meet and represent ppl.

Powers of the Governor General

Types of power

- Express powers: under advice of Ministers, conveyed through EXCO - requires Cabinet approval
 - ↳ dissolution of parliament
 - ↳ issue of election writs.
 - ↳ royal assent
 - ↳ appointing federal judges (s72)
 - ↳ appointing senior govt ministers such as High Commissioners to other countries
 - ↳ establishing Royal Commissions of Inquiry
 - ↳ exercising prerogative of mercy (pardon)
 - ↳ authorising executive decisions eg. approving treaties
- Reserve powers: GG may exercise without or contrary to ministerial advice. - only last resort
 - ↳ appoint PM if hung parliament
 - ↳ dismiss PM if lost parliament's confidence or acting unlawfully (s64)
 - ↳ refuse to dissolve HoR on request by PM.
 - ↳ in reality, use of reserve powers limited by conventions of Responsible Government, despite not being subject to Convention/ executive/ parliament.

limited by Convention

Express: under advice of Ministers

- Dissolution of parliament
- appointing judges
- Royal Assent
- Election writs
- Authorising exec decisions eg. treaties

Reserve: without/contrary to Ministerial advice

- Appoint/Dismiss PM if don't hold parliament's confidence.
- refuse to dissolve parliament

BOTH: restricted by convention.

1975 Dismissal.

Events:

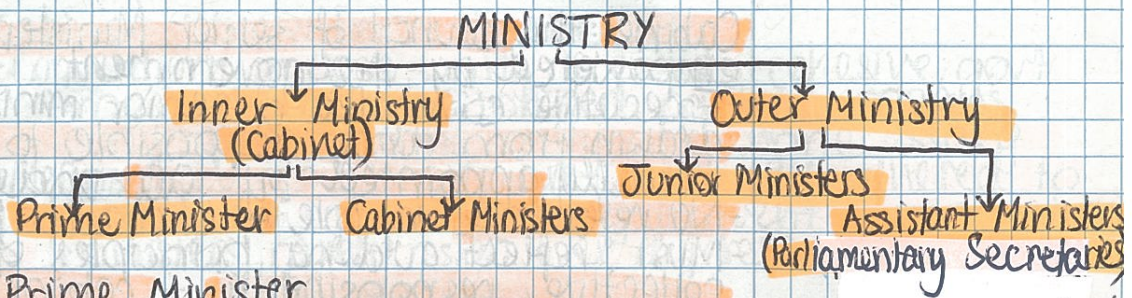
- Labor govt came to power 1972 - Gough Whitlam.
- 1974, 2 casual vacancies opened in Senate
 - ↳ Labor Senator Lionel Murphy appointed to High Court
 - ↳ Labor Senator Bert Milliner died.
- Replaced by non-Labor MPs - in favour of Opposition
- October 1975, Coalition used power in Senate to block Budget by rejecting 2 appropriation Bills.
 - ↳ Constitution doesn't prevent, but was unconventional
 - ↳ Coalition hoped it would force govt to call double dissolution election - hostile environment to Labor
- Whitlam had already been forced to call DD after Senate blocked supply May 1974 → precedent.
 - ↳ Whitlam refused to resign or call DD
 - ↳ advised GG to call half-senate election i.e. break convention and use constitutional reserve powers.
- GG Sir John Kerr worried that PM would request his dismissal to the Queen - problem of circular accountability.
- GG asked Opposition Leader Malcolm Fraser to form a proviso govt providing he would pass supply - agreed.
- 11 November 1975, GG dismissed Whitlam govt and appointed Fraser as PM.
- December 1975 - DD election, Liberal majority.

Issues raised:

- 1977: Fraser govt amended s15 by referendum: vacancies must be filled by same party → codify convention, but no other effort made to formalise conventions of responsible govt eg. role of upper house, GG powers.
- inconsistencies of responsible govt + role of GG.
- questions regarding role of Senate
 - ↳ hasn't blocked supply since 1975 - only House of Review to recommend changes to Budget eg. Abbott govt 2014-15
- scope of GG powers unclear.
 - ↳ Australians questioned need for GG boosted republic movement, esp during Keating govt of 90s.

Ch 4

Powers of the Political Executive



Prime Minister

- leader of party (or senior party) which holds majority in HoR. Must be a member of the HoR.
- Commissioned by Governor-General as PM under s64.
- Office of PM not mentioned in Constitution, thus has no official legality
 - ↳ authority stems from Westminster Conventions.

Ministers

- s64 requires that ministers are MPs.
- Drawn from senior ranks of majority party in HoR.
- PM allocates ministers and roles/portfolios.
- Formally appointed by GG.
- Appointment regulated by Ministers of State Act 1952
 - ↳ number of ministers cannot exceed 42
 - ↳ up to 12 designated as assistant minister
- Roles of ministers:
 - ↳ manage a portfolio → responsible for a department of the public service (administrative, executive)
 - ↳ participate in Cabinet meetings + deliberations regarding policy development, political strategy etc. meetings are secret. Ministers may debate + disagree.
 - ↳ publically support Cabinet decisions i.e. convention of Cabinet solidarity.
 - ↳ be answerable to parliament (Individual Ministerial Responsibility) for personal probity (character, honesty and integrity), political integrity/propriety (abuse of power) and management of portfolio.

PM

- leader of majority party
- Member of HoR (convention)
- Commissioned by GG s64
- Role not mentioned in Constitution → convention

Ministers

- s64 must be MPs
- appointed by GG in council w/ PM.
- Ministers of State Act 1942: up to 42: 30 ministers, 12 assistant ministers.
- Roles
 - Cabinet meetings/deliberations
 - Manage portfolio
 - Cabinet solidarity
 - Answerable for personal probity and political integrity.

Cabinet: the council of senior Ministers who are empowered by the government

- Executive committee of senior ministers of the Crown, drawn from and responsible to the parliament, formally appointed by GC under s64.
- No reference to role of Cabinet or Ministers in Constitution
- Must reflect guiding principles of Cabinet i.e. collective responsibility + cabinet solidarity.
- Otherwise, structure + operation up to PM, by advising the GC.
- s64: Ministers must be MPs or become MPs within 3 months of appointment. → Westminster system
- No direct reference to powers in Constitution, ∴ decisions may require action by GC, holders of statutory office, or by parliament.

Cabinet Conventions:

- **Cabinet secrecy**
 - ↳ Cabinet meetings kept secret: occur in soundproof Cabinet Room, discussions minuted + recorded but must be kept secret for 30 years, breaching Cabinet secrecy is a criminal offence.
 - ↳ Cabinet meetings contain thorough debate to test + refine arguments, seek expert advice, investigate cost and consequence etc.
 - ↳ secrecy important because Ministers must have confidence that media will not report their views lest they are punished by electorate or Opposition.
 - ↳ helps create a unified govt voice: open meetings would destroy public perception of public unity and give Opposition opportunity to exploit differences
- **Cabinet solidarity:** requires Ministers to publically support Cabinet decisions
 - ↳ decisions made by: consensus, majority, PM authority, party room pressure (by wider party)
 - ↳ may disagree due to moral/religious convictions, believe is in contrast to electorate's interests
 - ↳ if can't support, must resign by convention (from exec i.e. may move to backbench/non-Cabinet members eg. Barnaby Joyce criticised govt's attempt to 'water down' language of Racial Discrimination Act in 2017)
 - ↳ consequence for breaking solidarity depends on government of the day.

Cabinet

- Senior Ministers
- Drawn from (s64: within 3 months) and accountable to parliament
- No direct reference to powers ∴ require action by GC, statutory authority, parliament etc.

Cabinet secrecy:

- meetings secret - soundproof room, minutes secret for 30 years, breaching is criminal offence
- enable vibrant debate w/o fear of punishment by media/electorate/Opposition for views
- ensure unified voice of government.

Cabinet solidarity:

- Publicly support Cabinet decisions - if can't, must resign by convention but consequence depends on party / govt of the day
- eg. Barnaby Joyce criticised Coalition's attempt to 'water down' Racial Discrimination Act in 2017

Cabinet Conventions in Reality

- Conventions impose unity to ensure cohesive govt
 - ↳ modern day: disciplined parties, means conventions ensuring unity are unnecessary.
- Means that conventions are not strictly adhered to
 - ↳ breaches of cabinet secrecy frequent + unpunished
 - ↳ ministers rarely resign over differences with colleagues

Cabinet Committees: small groups of ministers with the role of focusing on specific areas of govt. activity.
eg. Abbott govt → National Security Committee.

- general committees also formed eg. all govts have Expenditure Review Committee → budget review
- meet separately from main cabinet + report decisions to whole cabinet for approval
- cabinet usually remains superior, has final say.
 - ↳ some committees can make decisions without cabinet approval eg. NSC

Ministry:

- **Ministry:** all Ministers of state including Cabinet Ministers, other Ministers, parliamentary secretaries. Together form EXCO, ie. Federal Executive Council, who advises CU on administration of the country.

Outer Ministry: introduced 1956.

- Necessary due to size + complexity of govt operations
- Junior ministers ie. 'Outer ministry'
 - ↳ not permanent members of cabinet
 - ↳ hold portfolios in less important areas eg. Michael Keenan → Minister Assisting PM for counter-terrorism
- Parliamentary Secretaries/Assistant Ministers
 - ↳ not considered Ministers before 2000 → Parliamentary Secretaries Act 1980 amended to recognise them as Ministers
 - ↳ provide support for Ministers due to increased complexity
 - ↳ Malcolm Turnbull changed name to Assistant Ministers
 - means they are now appointed by CU (s64)
 - ↳ may administer their own small departments.
- Junior Ministers + Assistant Ministers may be called to Cabinet meetings if applicable → 'co-opting'
 - ↳ participate fully, but leave as soon as issues relating to their portfolio are complete.

Cabinet Conventions
- Unnecessary today due to disciplined party system, eg. breaches of cabinet secrecy + solidarity frequent and unpunished.

Cabinet Committees
- Groups of Ministers focus on specific area of govt policy eg. National Security Committee - can make decisions w/o Cabinet approval, however most must report to Cabinet ('superior')

Ministry
- All ministers
- Form EXCO

Outer Min 1956
- Junior: not perm. members, hold small portfolios
- Secretaries/Assistant Ministers provide support for Ministers, administer own small depts
- Called to Cabinet, leave when resolved

Prime Ministerial Power

Roles (as described by Cabinet Handbook):

- Responsibility for Cabinet, arrangement, final arbiter of Cabinet procedures
- Advise AU on appointment of ministers
- Setting Cabinet agenda, meetings, guiding discussion, make authoritative decisions where a collective decision is impossible, other roles of chair of Cabinet

Chairing Cabinet
 Head of majority party
 Election Date
 Access to information
 Patronage
 Public face of govt.

Sources of Prime Ministerial Power

- Being leader of majority party in HoR
 - ↳ has power to determine procedures of the HoR and outcome of most votes (due to party discipline)
- Being chairperson of Cabinet Meetings
 - ↳ power to determine business of govt. by determining Business List (Cabinet agenda)
 - ↳ Ministers must follow strict guidelines to submit agenda items to Cabinet, which limits their ability to raise other matters eg. page limits, statements.
 - ↳ Tony Abbott used this power extensively for issues eg. Knights + Dames (2014), delisting Tas Wilderness World Heritage Area (2014)
- Access to information
 - ↳ PM has access to info from all depts, Ministers usually only info from their own dept.
 - ↳ Dept of PM and Cabinet → policy advice to PM, Cabinet Secretary and Parliamentary Secretary to PM by consulting across Public Service.
- Patronage
 - ↳ can promote members to Ministry/Cabinet, allocate portfolios, demote or dismiss Ministers.
 - ↳ thus, has power to reward/punish party members.
 - ↳ chance promotion inspires loyalty to PM
 - eg. Abbott promoted Scott Morrison from Immigration to the bigger Social Services portfolio - reward good work.
- Determining election date
 - ↳ set date that best advantages govt. eg. successful policies, opposition weakness
 - ↳ use 'sweetener' last budget to convince voters of a particular demographic eg. ALP's Howard → helped small business.
- Being public face of government
 - ↳ media's main focus - ∴ media personalities can enhance power.
 - ↳ ability to master popular media eg. social media = power
 - eg. Kevin Rudd embraced new social media.

eg. Dan Tehan: Veterans Affairs → education.

Roles:

- Chair Cabinet, determine business, make authoritative decisions
- Advise AU on Ministerial appt
- Arbiter of Cabinet + parliamentary procedures

Chairing Cabinet
 Head of Majority Party
 Election Date
 Access to information
 Patronage
 Public face of govt

Limits on Prime Ministerial Power

- Lack of personal mandate
 - ↳ not given direct authority from the people, as is not elected as executive (unlike US president)
 - ↳ means that parliament can dismiss a PM, as PM's only mandate is claimed by being leader of majority party in lower house
 - ↳ eg: dismissal of Julia Gillard 2013, Malcolm Turnbull 2018
- Lack of solidarity + unity in Cabinet
 - ↳ 'leaky' Cabinet can reveal proceedings of PM to undermine PM or gain more political leverage, eg. Abbott govt suffered frequent leaks regarding foreign affairs etc.
- Rivals within Cabinet or Party
 - ↳ ie. rivals for leadership challenge PM
 - ↳ eg. Scott Morrison ousted PM Malcolm Turnbull
- Constraints of own party
 - ↳ PM elected by and accountable to their party
 - ↳ thus, must consult + account for all members
 - ↳ May restrict policy position + leadership style
- Agreements within a coalition
 - ↳ made between leaders of parties.
 - ↳ eg. Malcolm Turnbull had to give Water portfolio to Barnaby Joyce, Deputy Leader of the Nationals
- Federalism
 - ↳ powers of PM/Federal Exec limited by constitution.
 - ↳ divided into exclusive, concurrent, residual powers
 - ↳ Council of Australian Governments (COAG): meeting of PM, Premiers, Chief Ministers of Territories, Head of Local Govt.
 - ↳ Federal most powerful - fiscal might, must distribute funds to state govts.
- Size + nature of HoR majority
 - ↳ minority / small margin govts → unstable, uncertain
 - ↳ small margin weakens public confidence in govt.
- Opposition
 - ↳ hold govt accountable - collectively + individually, present itself as a viable alternative - use tactics, media etc
 - ↳ eg. Tony Abbott campaigns saw fall of 3 Labor PMs 2010-13
- Negative media + polling
 - ↳ 24/7 news cycle - reports popularity of parties / PM
 - ↳ lagging in polls → party may be dissatisfied with PM
 - ↳ pressure groups may influence polls eg. Minerals Council of Australia had \$20m campaign against Mining Tax of John Howard - lost PM and own seat.

- Lack of personal mandate = parliament / party can dismiss.
- Lack of solidarity in Cabinet - leaky Cabinet
- Rivals in party - for leadership
- Constraints of party - elected by, must account for party
- Coalition: negotiate gains
- Federalism: heads of power
- Size of HoR majority: minority / small margin = less stable
- Opposition - use tactics / media to present as viable alternative
- Negative media / polling: influenced by pressure groups
- polling may influence party / public confidence in PM

Cabinet

Roles of Cabinet:

- Develop the narrative + vision of the government
 - ↳ must all act cohesively for a common vision
 - ALP → social democratic, fairness + equality
 - Coalition → liberalism; freedom, individuality
- Develop + implement policy
 - ↳ derive from election promises, current issues, political strategy.
 - ↳ implemented:
 - by legislation: laws passed by parliament eg. 'axe Carbon Tax'
 - by regulation: executive power used to regulate actions eg. Abbott govt issued 'investment mandate' directive to Clean Energy Finance Corporation to stop investing in wind power
 - ↳ policy drives legislative agenda, as 95% laws start with govt.
 - ↳ implements policy → Cabinet Implementation Unit within Dept of PM&C tracks, monitors, gives feedback on implementation
- Coordinating activities of the govt
 - ↳ bureaucratic power guided into departments, + public services which require coordination to avoid waste of resources
 - ↳ political power used by ministers to guide policy advice downwards while allowing expert advice to flow upwards.
- Acting as an information exchange
 - ↳ act on and organise information received from public, service, committees etc to maximise efficiency
- Responding to crises
 - ↳ Cabinet can + must exercise power quickly + decisively eg. Lindt Cafe Siege 2015, ongoing asylum seeker crisis.

Factors affecting function of the Cabinet

- Prime Minister:
 - ↳ leadership affects decision making of Cabinet members.
- Relationships between ministers and/or parties
 - ↳ collegial cabinets → reach decisions by consensus
 - ↳ rivalrous cabinets → coercive or majoritarian decisions eg. Kevin Rudd abused PM authority 2007-10 → increased dysfunctionality
- Timing
 - ↳ new govt may struggle with decision-making at first,
 - ↳ mature govt may make easier decisions
 - ↳ long-term govt lack innovation and vigour.
 - ↳ eg. Whitlam 1972 → after 23 years in Opposition → hasty, indecisive
- Nature of decision
 - ↳ deliberative, long-term discussion decisions
 - ↳ crisis decisions eg. 2001 Al Qaeda attacks in NYC.

Roles of Cabinet

- vision, narrative + ideology of govt.
- Develop/implement policy: by legislation (95% laws start w/ govt policy), or by regulation (executive power) - Cabinet Implementation Unit - PM&C - checks
- Coordinate govt activities: guide bureaucratic power into depts, allow expert advice to flow ↑
- Information exchange btw public service, committees etc
- Respond decisively to crises.

Factors Affecting Cabinet

- PM leadership
- Collegial/rivalrous cabinets
- Timing: new/experienced/long term govt
- Nature of decision: crisis/deliberative.

Expanding Role of Government

- Role + size increased since WWII
↳ to manage a more complex society + economy

Causes:

- Expansion of voting franchise (universal suffrage 1902)
↳ gov't expected to meet needs of all voters.
↳ more redistribution of income - tax + welfare
- Great Depression led to development of new economic theory - Keynesian Economics
↳ during downturn → more gov't spending
↳ during boom → less gov't spending.
↳ resulted in more gov't economic management, creation of portfolios such as Finance, Treasury
- Australia → vast country, small population ∴ lacks private investors + companies to build infrastructure eg. railways, telecommunication
↳ gov't is only organisation with funds to build these eg. Telstra (recently privatised), NBN.
- Dependency of society on rights entitled by the gov't
↳ negative rights: guaranteed by gov't non-intervention in people's lives eg. freedom of movement.
↳ positive rights have grown: require gov't provision of programs to deliver outcomes so people can achieve rights eg. education, healthcare.

Modernisation of the Ministry 1956 - present.

- Growth of ministry alongside growth of gov't
↳ 1956 Robert Menzies split Ministry into inner/outer Ministry
ie. Cabinet + Outer Ministry = Ministry
↳ growth in number of departments.
- Parliamentary secretaries (now Assistant Ministers) are part of Ministry under Ministers of State Act 1952.

Causes of expansion of gov't

- Expansion of franchise: universal 1902
- Post-WW Keynesian Economics = more gov't ec. management, portfolios eg. Finance, Treasury
- Aus small, lack of private industry investment ∴ gov't must provide infrastructure.
- Increased positive rights recognition ∴ gov't must provide programs to achieve them eg. education.

Ch 5

The Opposition

Democracies → opposition is institutional + recognised
Autocracies → opposition is suppressed or eliminated.

Opposition: the party with the 2nd largest number of seats in the HoR which is loyal to the system of government but in adversarial competition with the current executive government.

Shadow Ministry / Opposition Front Bench: composed of senior members of an opposition party who directly oppose a current govt minister, whose role is to scrutinise and oppose govt ministers

Private members: all MPs who do not form part of the Ministry (executive). Includes Shadow Ministry, Leader of the Opposition, and govt backbenchers. Bills that private members introduce are Private Members' Bills e.g. Australian Cannabis Agency Bill 2018 introduced by Senator Richard di Natale.



Opposition
- Party w/ 2nd largest majority in HoR
loyal to system of govt, opposes current govt/ executive

- Shadow Ministry
- Senior members of Opposition Party directly oppose a current govt minister, role to scrutinise + oppose govt.

Private Members:
- MPs not part of Ministry
↳ Shadow
↳ Backbench
e.g. Australian Cannabis Agency Bill 2018
Senator Richard Di Natale (Greens)

Roles of the Opposition

② Holding executive power to account.

- Question Time

↳ each sitting day between 2-3pm

↳ Private members may ask

• questions on notice: more complex, may require research

• questions without notice

↳ Ministers must not mislead parliament (IMR)

↳ Questions may be avoided:

• limited requirements that response will be relevant

• govt backbenchers may ask Dorothy Dixers.

↳ options for reform eg: non-govt MPs only, time limits.

- Censure motions and no-confidence motions

↳ actions by which parliament expresses disapproval of a specific action of a Member of the executive, or general loss of confidence in executive as a whole

↳ may be moved by either house, but must pass

↳ censure motions: IMR

• moved against a particular Minister

• if approved for debate (unlikely), Leader of the Opposition and PM both speak for 30 mins.

Private Members may speak for 20 mins.

↳ no-confidence motions: CMR

• aimed at whole govt don't reference specific action

• may be: direct vote against govt, defeat of core govt Bill in HoR, defeat of govt money Bill, loss of govt control of business of the House.

• LO/PM 30 mins each, Private Members 20 mins

• if passed, must resign + allow formation of new govt from HoR, or request CU call a new election.

• defeat of key govt policies in HoR → no-confidence

• defeat of appropriation Bills → no-confidence

↳ rarely pass, but used to highlight flaws govt.

- Debate

↳ used by Opposition to speak against or highlight flaws/embarrassing matters for govt.

- Calling for quorum: minimum # of MPs present in the house for a vote to be taken - HoR, is 1/5 of the House (30)

↳ Opposition may not present to delay business of the HoR.

- Refusing pairs:

↳ Opposition agrees to remove 1 member for each absent member of the govt to preserve govt majority

↳ Opposition may refuse pairs: force govt to summon all MTRs, will delay govt business.

Question Time: questions on / w/out notice, mustn't mislead, 2-3pm but limited restriction on how questions may be avoided

Censure (Minister) or No-Confidence motions (govt, no action)

with no official legal consequence, rarely pass

Debate: draw attention to flaws

Calling for quorum: Opposition delays govt business

by refusing to present doesn't meet min members to vote

Refusing pairs w/ govt in order to delay govt business

- Calling for divisions

- ↳ voting 'on the voices': members say aye or no
- ↳ divisions: formal votes whereby MPs move to the right of the speaker for 'yes' and left for 'no'
- ↳ phone time consuming → Opposition will call for divisions to delay govt business.

- Utilising the Senate

- ↳ usually free of exec dominance - rarely govt majority
- ↳ permits passage of censure + no-confidence motions
- ↳ Senate Estimates Committees: ask ministers probing questions
 - must not mislead, covered by parliamentary privilege → rigorous process.
- ↳ may persuade crossbench to support opposition to gain Senate majority + reject govt Bills eg. Shorten
- ↳ Opposition used Senate to refuse some parts of Abbott govt budget 2014

- Media

- ↳ Opposition can exploit media reports of govt wrongs eg. ABC Four Corners: 2016, dual investigation into mistreatment of Aboriginal juveniles in NT detention.
- ↳ whistle-blowers: govt employees who learn of govt wrongdoing and report, often to the media
 - protected from persecution under law, if their information leads to discovery of illegal activity.
- ↳ reporters protected by freedom of information laws - Freedom of Information Act 1982.
 - doesn't apply to some information eg relating to national security / cabinet secrecy.
 - eg. Shadow Attorney General Mark Dreyfus called for Senator George Brandis' parliamentary diaries to be released → Federal Court forced under FOI laws.

Divisions: formal moving vote, right = yes, left = no, delay.

Senate: little chance of exec dominance, censure/no confidence motions, convince crossbench to reject govt Bills, Senate Estimates Committee asks probing Qs - vigorous

Media:

Exploit reports of govt wrongdoing
Whistleblowers: usually protected
Freedom of information Act 1982 ex. Cabinet/National Security

② Being a viable alternative

- Being prepared for government
 - ↳ have its own policies
 - developed by shadow Ministry
 - ↳ present a unified + coherent vision
 - ↳ present as competent/ready to govern.
- Be prepared to gain control of the HoR
 - ↳ govt's depend on confidence of HoR
 - eg. Fadden govt ejected by no-confidence motion after an amendment to their budget passed the HoR, 1941
 - ↳ more common in a hung parliament.

Liberal oppositions

- Based on ideas of individualism, free market and small govt eg. Abbott govt - reduce spending + taxes
- Relies heavily on parliamentary members for policy development, while extra-parliamentary members concerned with logistics eg. fundraising
- Diversity of opinions eg. Tony Abbott → social conservative while Malcolm Turnbull → social liberal
 - ↳ policy development depends heavily on character + beliefs of leader.

Labor oppositions:

- Strong extra-parliamentary involvement in policy development and financial support (trade unions)
 - ↳ national conference helps determine policy.
- Factions: Left, Centre Left, Right
 - eg. Left + Right divided on boat turnbacks.
 - ↳ purpose of national conference is to voice all opinions
- Policies endorsed at conference become policy platform
 - ↳ will be developed by caucus before election

Be prepared for governance
Be a viable alternative
have own united parties,
coherent vision
Prepared for HoR: esp
hung parliament
eg. FI amendment to
budget passed HoR,
1941 Fadden govt
expelled.

Liberal
- MPs develop
policy
- Extra-parliamentary
members: logistics
and fundraising
- Diverse opinions

Labor
- Factions = divided
- National Conference
- Policies agreed on
by extraparliamentary
members, developed
by caucus.

Factors affecting Opposition's success:

- Impartiality of the Speaker

- ↳ chosen from HoR
- ↳ in theory, is politically neutral
- ↳ in practice, chosen by governing party from their own party, seldom resign from party, may still attend party meetings. May be a reward position for loyal members
- ↳ speakers hold office at discretion of PM therefore loyalties to party clash with impartiality
- eg. Bronagh Bishop: speaker 2013-15, Abbott govt. Accused of bias eg. 2014, ALP's Tony Burke moved no-confidence motion against her, as had ejected 98 ALP and no Liberal members from the HoR - motion failed (exec dominance)
- Resigned after entitlements scandal

- Lack of resources

- ↳ limited resources to hold govt accountable, and to formulate a strong policy line
- ↳ doesn't have govt resources of expert advice, detailed knowledge of govt workings and administrative support of public service
- eg. has around 21% of the govt's staffing.
- ↳ ALP has strong extra-parliamentary support however Liberal Party doesn't.

- Executive Dominance

- ↳ exec controls accountability measures in the HoR, and flow of information.

Overcoming limitations of Opposition

- Increased use of 3rd parties

- ↳ to provide detailed policy analysis
- eg. Shorten Opposition Commissioned National Centre for Social + Economic Modelling to analyse Tony Abbott's budget in 2015.
- ↳ independent analysis to develop own policy.

- Reforms

- ↳ proposals to address lack of Opposition resources
- eg. Charter of Budget Honesty
- ↳ usually ineffective as relies on govt support.

Factors affecting Opposition

- Impartiality of speaker: accountable + loyal to own party, reward position.
- Lack of resources: lack of staff (21%) funding, knowledge of govt workings, administrative/expert support, ALP strong extra-parliamentary support
- Exec dominance in the HoR: little ability to use accountability measures.

* Increased third party policy development + analysis

* reforms to lack of govt resources - ineffective under govt

CASE STUDY: Abbott Opposition 2009-13

- One of the most successful oppositions
- Emissions Trading Scheme
 - ↳ after replacing Malcolm Turnbull, charged party stance on Labor's ETS
 - ↳ after Copenhagen Climate Conference failed to deliver a unified world plan, labor withdrew ETS
 - ↳ Abbott attacked Rudd's 'lack of conviction'
- Attacking poorly managed policies.
 - ↳ GFC → Labor provided spending incentives eg. \$900 stimulus payment.
 - ↳ Energy Efficient Homes Package led to death by electrocution of 4 ill-trained installers.
 - ↳ effectively scrutinised by Abbott Opposition.
- Capitalising on dissatisfaction with Rudd leadership
 - ↳ party unhappy w Rudd's management of Resource Super Profits Resource Tax
 - ↳ 24 June 2010, replaced by Julia Gillard
- Minority govt formed by Gillard's ALP.
 - ↳ dependent on support of Greens MPs + independents
 - ↳ Craig Thompson, ALP backbencher, faced criminal charges re: use of union credit card
 - ↳ gave opposition ammunition to attack govt integrity
- Carbon Tax
 - ↳ prior, Gillard promised no Carbon Tax, but later went back on decision
 - ↳ Abbott called her a 'liar'
- Kevin's search for vengeance
 - ↳ accused of leaks → weakened party
- Media
 - ↳ Abbott used conservative news (News Corp) to portray unattractive images of Gillard as a witch
 - ↳ after father's death, said he'd 'died of shame'
 - ↳ effective slogans 'ace the tax' 'stop the boats'
- June 2013, Rudd replaced Gillard.
 - ↳ tried to repair policies
- Abbott success
 - ↳ landslide election result - took office
 - ↳ claimed 3 prime ministerial scalps.

ETS
- Labor withdrew after CCC
- 'lack of conviction'

GFC
- 4 electricians died Energy Effective Homes Package
- scrutinised

Attacked Gillard
Minority govt for Carbon Tax (Adam Bandt + independents)
'liar'

Conservative media = images of Gillard as a witch, slanders father's death

Rudd scalped 2010 after Resource Super Profits Resource Tax Replaced by Gillard

Kevin leaks weakened party.

2013 Rudd returns
2013 Abbott wins election.