



The government and the parliament

Under Australia's system of parliamentary government, the Executive Government (the Prime Minister, Cabinet ministers and other ministers) is drawn from members of parliament. Although the government and the parliament have overlapping memberships, they are established by the Constitution as separate institutions.

Actions such as the passing and amending of legislation are actions of the parliament, not of the government. To become law, bills (proposed laws) must be passed in an identical form by both Houses of the Parliament. Once passed, it is known as an Act of Parliament.

The central function of the parliament is to consider proposed legislation and make laws. As taxation is imposed and government expenditure is authorised by law, this function extends to the consideration of government finances and administration. Its other functions include providing mechanisms for government accountability and the investigation and debate of national issues.

The parliament also has a role in airing the grievances of citizens. It is a public forum which permits opposing views to be put forward, where the government's policies and finances are discussed, its proposed legislation considered and its administration scrutinised. (Some of these functions are carried out by parliamentary committees—see Infosheet No. 4 *Committees*.)

The functions of the Executive are to govern—to set the policy agenda, propose new laws and administer existing laws. To govern, the Executive needs to have its revenue and expenditure measures approved by the parliament. To implement many of its policies it needs parliament to pass its legislation.

The House of Representatives

The House of Government...

The House of Representatives is sometimes referred to as the 'House of Government'. This is not because the House of Representatives governs, but because the composition of the House determines who will form the government.

After a general election the political party (or coalition of parties) with the support of a majority of members in the House of Representatives becomes the governing party and its leader becomes the Prime Minister. To remain in office the government must have 'the confidence of the House'—that is, it must keep the support of the majority in the House of Representatives. A government without the support of the majority in the House—and therefore unable to get its important legislation through the House—would be expected to resign.

...and opposition

The composition of the House also determines who will form the official opposition. The party (or coalition of parties) which has the most non-government members in the House of Representatives becomes the opposition party and its leader becomes the Leader of the Opposition.

The opposition has, as its name suggests, the officially recognised function (established by convention) of opposing the government. It is regarded as the 'alternative government', which would form government if the existing government were to lose the confidence of the House, or of the people at an election.

The opposition is considered to be essential for the proper working of Australia's democratic system of government and it is an essential component of the structure of the House through ensuring government accountability.

Government members can usually be expected to support the government with their votes and may not be inclined (at least in public) to be too critical of the government's actions or legislation. Opposition members can be expected to criticise and to offer alternative views. The rules and procedures of the House enable the opposition to perform this role.

Government and opposition in the proceedings of the House

In many respects the functioning of the House is based on the division between government and opposition—that is, the opposing political parties—and the working arrangements and conduct of business reflect this.

This is evident in the seating arrangements in the Chamber, where the government and opposition face each other on opposite sides—government members sitting to the right of the Chair and opposition members to the left. It is also demonstrated by the practice of the Chair calling members to speak alternating between government and non-government members.

The government's control over proceedings

The government dominates the proceedings of the House in the following ways:

- The standing orders (rules of the House) reserve the greater part of the House's timetable (over 60 per cent) for consideration of government business—mostly government-initiated legislation. The government is also allowed to arrange the order of its business as it wishes.
- The rules which set out how the House operates advantage the government in various ways. Preference is given to ministers in a number of ways—a major one (derived from the Constitution) is that only a minister is able to initiate financial legislation. Additionally, only a minister may move the motion for the adjournment of the House (termination of a sitting).
- The government may also be able to influence the operations of the House by the fact that all decisions are made by majority vote:
 - the determination of the days and times of sitting;
 - decisions on the curtailment of debate under the various closure and guillotine provisions;
 - the establishment and terms of reference of most parliamentary committees; and
 - amendments to the standing orders themselves.

This influence may not be as strong in the case of a minority government.

Opportunities for non-government members

While government business dominates the agenda and the time of the House, non-government members have the opportunity to express their views on all legislation and other matters initiated by the government.

The call of the Chair to speak during debate typically alternates between government and non-government members. Additionally, government and non-government members have a claim to equal speaking time in all debates. Leading opposition speakers on legislation are given the same additional time as ministers. When the government makes a formal policy announcement by means of a statement to the House, the opposition is traditionally given equal time to respond.

In addition, non-government members have opportunities to initiate debate on subjects of their own choosing and to question ministers, as outlined below.

- Non-government members are able to question ministers on matters for which they are administratively responsible, either in writing or during Question Time (see Infosheet No. 1 *Questions*).

There is no restriction on the number of written questions they can ask. During Question Time the Chair alternates between the government and non-government sides when calling on members who want to ask questions. Question Time is scheduled on all sitting days.

- Most discussions of matters of public importance (held daily except Mondays) are on topics proposed by non-government members. These are usually critical of some aspect of government policy or administration.
- Non-government members may use the private members' business procedures on Mondays, and the other opportunities for private members, to raise matters or to discuss legislation (see Infosheet No. 6 *Opportunities for private members*).
- Non-government members are able to move motions censuring a minister or the government, or to move to suspend standing orders to allow debate on particular matters. These procedures enable non-government members to raise a matter of concern or to publicly highlight it as one that the government is reluctant to debate.

- Outside the Chamber, non-government members serve on all committees and their views are taken account of in the committees' reports. While most House of Representatives committee inquiries and reports are notable for their bipartisan approach, in contrast to the adversarial nature of many proceedings of the House itself, members who hold a minority view have the opportunity to add dissenting reports (see Infosheet No. 4 *Committees*).

Government and Opposition—people and roles

Government members

Prime Minister

The Prime Minister is the head of the government. They achieve this position by being the elected leader of the party in government (in the case of a coalition government, the major party).

The Prime Minister comes into the Chamber for each Question Time and also to make important statements of government policy and move major motions on behalf of the government.

The Prime Minister also takes the lead on behalf of the House on non-political matters—for example, motions expressing thanks for volunteer services provided during a natural disaster or recognising nationally significant events such as the 50th anniversary of the Yirrkala bark petitions or the 20th anniversary of the 2002 Bali bombing.



The government side of the House

Ministers

Ministers are selected by the Prime Minister, who also allocates portfolios. Legislation currently allows for up to 30 ministers (including the Prime Minister). Twenty or so senior ministers administer the major departments and are usually members of Cabinet. Other ministers are responsible for particular areas of administration within a major department, or may be in charge of a small department. Ministers are appointed from both Houses of Parliament, although most are members of the House of Representatives.

In the parliament ministers act as spokespeople for the government on matters relating to their departments. They are responsible for government bills that relate to their departments. One of their main responsibilities is introducing and managing the carriage of relevant legislation—introducing the bill, making the second reading speech, speaking in reply at the end of the debate and taking part in the consideration in detail stage as required (see Infosheet No. 7 *Making laws*). Staff from the minister's department may observe proceedings from the advisers' seats in order to brief the minister on matters raised in the debate.

Other ministerial duties include making statements on government policy and answering questions on their administrative responsibilities.

The Cabinet, consisting of senior ministers presided over by the Prime Minister, is the government's pre-eminent policy-making body. Major policy and legislative proposals are decided by the Cabinet. However, as far as the proceedings of the House are concerned, no differentiation is made between cabinet ministers and other ministers.

Parliamentary Secretaries

Up to 12 members and senators are appointed by the Prime Minister as parliamentary secretaries (also referred to as assistant ministers). Parliamentary Secretaries assist or represent ministers in various aspects of their work, including parliamentary responsibilities.

In the proceedings of the House they can act in place of a minister in all respects except for answering questions.

Duty Minister

By convention, a minister or parliamentary secretary is always present in the Chamber, even when government business is not being debated.

Members expect a representative of the government to be available to take note of or respond to issues raised, and the government benefits from having someone able to react with authority on its behalf to any unexpected development. In practice the government maintains a roster of 'duty ministers'.

Leader of the House

The Leader of the House is the minister, who, in addition to their ministerial duties, has overall charge of the arrangement and management of government business in the House. They are responsible for ensuring that government business proceeds with minimal delay or disruption.

The Leader of the House determines the order in which the items of government business will be dealt with, in consultation with the Prime Minister and other ministers, and after negotiation with their opposition counterpart (the Manager of Opposition Business). They arrange the allocation of time for debates and, where problems arise in regard to the program, determine the tactics to be followed by the government.

The Leader of the House moves the majority of procedural motions—for example, alterations in the order of business, suspensions of standing orders, changes in days and times of sitting, or leave of absence to members—and motions for the closure of debate, declarations of urgency (guillotines) and the adjournment of the House.

Government whips

The whips of each party act as administrative officers to their parliamentary parties, alongside their other political parliamentary duties.

The whips of each party are responsible for the arrangement of the number and order of their party's speakers in debates (although not binding, lists of intending speakers assist the Chair in allocating the call to speak). The whips also ensure the attendance of party members for divisions and quorum calls, and act as tellers (record the votes) in divisions.

The Chief Government Whip assists the Leader of the House in the responsibilities outlined above, and has

particular responsibility for the programming of Federation Chamber business (that is, matters referred to the House's second debating chamber; see Infosheet No. 16 *The Federation Chamber*).

The Chief Government Whip may also move procedural motions and programming declarations in the House on behalf of the government. The Chief Government Whip and the Chief Opposition Whip are both members of the Selection Committee, which allocates priority and times for private members' business and committee and delegation business.

Government backbenchers

'Backbenchers' are members of the government political party who do not hold a specific role in the House (minister, parliamentary secretary, or whip).

As well as speaking on government business, government backbenchers are able to question ministers at Question Time and by means of questions in writing (see Infosheet No. 1 *Questions*). They also have opportunities to raise or initiate debate on matters of their own choosing (see Infosheet No. 6 *Opportunities for private members*).

Government backbenchers serve on, and some of them chair, parliamentary committees (see Infosheet No. 4 *Committees*). Government legislation is considered by government member backbench committees (party committees) before it is introduced in the House.

The work of a backbencher, including party and constituency aspects, is outlined in Infosheet No. 15 *The work of a member of Parliament*.

Opposition members

Leader of the Opposition

The Leader of the Opposition is the elected leader of the main non-government party (or coalition of parties) in the House of Representatives. They are a major figure in the political process and would normally be expected to become Prime Minister if the government were to lose office.

The Leader of the Opposition takes the lead in asking opposition questions during Question Time, and during proceedings such as censure motions which criticise the actions of the government or a Minister.

Whenever the Prime Minister addresses the House, the Leader of the Opposition traditionally receives an equal time to respond.

Shadow ministers

The Leader of the Opposition is assisted in the Parliament by a number of their colleagues appointed as 'shadow ministers'. Each shadow minister acts as opposition spokesperson in respect of the responsibilities of one or more ministers or areas of administration.

Unlike ministers, shadow ministers may also serve on parliamentary committees.

Manager of Opposition Business

An experienced member of the opposition executive (shadow ministry) is appointed Manager of Opposition Business. They are responsible, in consultation with their leaders and colleagues, for negotiating with the Leader of the House about such matters as the allocation of time for debates, and the order and priority of consideration of items of business.

There is normally a good deal of co-operation between the parties in arranging the program of the House.

Opposition whips

The Chief Opposition Whip and other opposition party whips are responsible for the arrangement of the number and order of their party's speakers in debates. The whips also ensure the attendance of opposition members for divisions and quorum calls, and act as tellers in divisions.

Opposition backbenchers

Opposition backbenchers have similar roles to government backbenchers.

The deputy chair of each parliamentary committee is usually an opposition member. They also serve on opposition members' committees (party committees) which consider government policy and legislation and develop alternative policies for presentation to the Parliament.



The opposition side of the House

For more information

House of Representatives Practice, 7th edn, Department of the House of Representatives, Canberra, 2018, pp. 44-83.

House of Representatives website: www.aph.gov.au/house

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