

Historical background: Internal Prime Minister's Department Minute

Bailey to Bunting, Minute, 29 July 1969

When the supply of Cabinet papers to the Governor-General was discussed at a meeting of senior officers some time ago, it was agreed that I should attempt to set down the main reasons for supplying the Governor-General with copies of Cabinet papers.

2. The central reason is that the Governor-General represents the Crown in Australia. While undoubtedly his status is that of regent for a constitutional monarch, there still is a monarch and his or her representative needs to be kept in touch with developments in the body politic. At the heart of these developments is the business of the Cabinet, where Ministers bearing the royal commission conduct much of their most important business. It would be odd if it were not the duty of Ministers to keep the Governor-General informed about these matters. How else should he be informed? Perhaps reading the press? The point, once raised, hardly needs discussion. Supplying copies of Cabinet papers is an obvious, sensible and practical way of complying with this duty.

3. Even if one does not accept at first sight the duty I have mentioned in the previous paragraph, one could argue that, at the very least, the Governor-General should see:--

(a) Cabinet Submissions and Decisions leading up to legislation, because he ultimately has to sign the Bills passed by the two Houses of Parliament; and

(b) Submissions and Decisions which lead to a Minute to the Executive Council.

4. The two groups of papers mentioned in the preceding paragraph, it would, I think, be proper to say that the Governor-General himself has a right and a duty to be informed. This involves not only a right to be informed – to be given papers (the converse of the points in paragraphs 2 and 3) – but also an obligation on him to see that he keeps himself informed. The role of the Governor-General is nowadays consultative and connected with maintaining social cohesion in the broad sense. It is difficult to see how he can discharge these functions if he is not adequately informed (in both senses). Those who will hold the position of Governor-General are likely to continue to be men of ability, experience and judgment. It would be something of an insult to them, as well as an impediment to the due discharge of the duties of the office, if they were not trusted with the majority of papers handled by their Ministers.

5. It would be fairly obvious to Governors-General that, if they ceased to hold a position “above politics”, they would encourage the Government of the day to withhold relevant information. Thus any likely incumbent of the position could be

expected, having thought the issues through, to realise that he for his part must handle Cabinet papers with great care and discretion.

6. In this minute I have not so much argued a case for providing Governors-General with Cabinet papers as stated that there seems, while the position remains in anything like its present form or substance, to be no sensible alternative. The more I think about the issues, the more I return to this as the inescapable conclusion. The practice running back over a decade or more is an added reason now for acting on the basis that it will be continued. Indeed, I would think that, in future, the main object should be to ensure that, in whatever way this can best be achieved, the thought process referred to in the final sentence of the previous paragraph is undertaken by successive incumbents.

7. Copies of this minute have been given to Mr Lawler and Mr Linford.

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