

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the COAG Legislation Amendment Bill 2021

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Cabinet conventions – historical key changes

Senator: Chandler

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Question:

CHAIR: Thank you for that response. That segues quite nicely into my last question. Broadly speaking, throughout the history of our federation, how have our conventions around cabinet changed and in what instances have they changed? We've talked about the unprecedented nature of COVID-19 and that that precipitated the creation of the national cabinet. What are the other key changes that we have seen throughout history, and why are they occurring?

Ms McGregor: I might have to take that on notice. I can say with confidence that cabinet conventions change. That is the nature of a convention in some cases—that is, whilst it's established it evolves over time. There are some exceptional circumstances where a government may choose to have a particular construct around cabinet and its committees to deal with issues at any one time. Over the last 18 months we have probably seen a set of circumstances that has resulted in some conventions evolving a little more rapidly, perhaps, than they would have in the past. In some cases we have had to actually establish potentially new conventions, but in a way that tries to consider those that have been in place for 100-plus years.

Answer:

Long running conventions and practices include (but are not limited to) the establishment of Committees of Cabinet that operate in addition to the Cabinet proper and the engagement of a Cabinet Secretary to manage Cabinet business. The number and constitution of Cabinet Committees have shifted to respond to emerging pressures and manage the volume and breadth of issues before government. The way in which Cabinets have operated throughout Australia's history of government has evolved over time.

For example, the Barton Ministry (1901-1903) consisted of five Ministers, covering portfolios of Prime Minister and External Affairs, Attorney-General, Treasury, Defence and a

Minister responsible for Executive Council. This was in practice, the first Cabinet. This composition did not include Committees of Cabinet, and was reflective of the discretion of Prime Minister Barton in establishing the first Australian Parliament and Cabinet.

The first Committees of Cabinet were introduced informally by Prime Minister Menzies in 1954, and formally in 1956 and this practice has characterised all governments since.

Some other examples of the differing structures of the Committees of Cabinet over time include:

- the Fraser Government (1975-1983) which is recorded by the National Archives as maintaining up to [14 Committees of Cabinet](#)
- 2011 Gillard Government is listed as maintaining [eight Committees of Cabinet](#)

Another example of a practice which could be seen as a convention is engaging a Cabinet Secretary, which is a practice that has persisted at least for the last 25 years. The flexibility of having this position, as with Committees, is a direct result of the Prime Ministerial discretion to shape Cabinet to respond to emerging or current pressures and managing cabinet business.