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IN THE SHADOWS

THE SHADOW CABINET IN AUSTRALIA

Joel Bateman
2008 Australian Parliamentary Fellow



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Presiding Officers' foreword

Since its establishment in 1971, the Australian Parliamentary Fellowship has provided an opportunity for academic researchers to investigate and analyse aspects of the working of the Australian parliament and parliamentary processes. The work of Dr Joel Bateman, the 2008 Australian Parliamentary Fellow, examines the Shadow Cabinet as it operates in the federal sphere in Australian politics.

Dr Bateman discusses the roles, functions and procedures of the modern Australian Shadow Cabinet. In so doing he aims to redress the shortage of material on the Shadow Cabinet, and provide the reader with a better understanding of what the Shadow Cabinet does and how it operates. He examines some of the issues arising from the Shadow Cabinet's role in the parliamentary system. He also considers factors that affect Shadow Cabinet's primary roles of organising the Opposition, providing an alternative government and serving as an arena for the training and testing of potential future Cabinet ministers. His monograph makes a valuable contribution to this little-studied political institution.



HARRY JENKINS
Speaker of the House of Representatives



JOHN HOGG
President of the Senate

May 2009

Acknowledgments

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I would also like to thank my colleagues in the Politics and Public Administration Section in the Library all of whom helped make the past year more interesting, enjoyable and informative. Their individual and combined wisdom was a great help on countless occasions and our many conversations throughout the year were a welcome respite from the demands of a solitary project such as this one.

Findings of the project rest heavily on the information gleaned from my interviews with a number of current and former shadow ministers and I thank those who were able to speak to me. Without exception, the shadow ministers I interviewed, from both sides of politics, were helpful and accommodating. Many of them gave me more time than I had expected in order to explain various aspects of their experiences in the Shadow Cabinet. I also thank the various advisers and staff members who helped to arrange the interviews, some of whom went to considerable lengths to ensure that mutually convenient times could be found.

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Joel Bateman
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Introduction

It is not difficult to argue that Cabinet is a key institution of Westminster politics. The central decision-making body, the branch of government comprised of the leaders of the government, site of a specific form of political conflict and the political home of the prime minister: Cabinet is each of these things. Yet its mirror, the Shadow Cabinet, occupies a far less certain place in the political system. For a group which functions as the alternative government, and which plays a significant role in the democratic process, the Shadow Cabinet is an institution which has been curiously under-studied, particularly in Australia. In this monograph, I will discuss the roles, functions and procedures of the modern Australian Shadow Cabinet as it operates at the federal level. In so doing, I will begin to address the shortage of material on the Shadow Cabinet available to date, by providing an outline of what the modern Australian Shadow Cabinet does and how it operates. In addition, I will examine some of the issues which arise from the Shadow Cabinet's place in the system and procedures, and how these affect its roles in the broader Australian parliamentary system.

The Australian Shadow Cabinet is a body often referred to, and its members occupy identifiable roles. Yet the functions, roles and practices of the Shadow Cabinet are far less clear than those of the Cabinet. The institutional basis of Cabinet is relatively well-defined and understood. Cabinet meets on a regular basis in a room designed for the purpose, operates with formal procedures and has the administrative support of the public service. Cabinet papers are produced to a set template, circulated by specific deadlines and discussed at meetings which run according to established procedures. While these practices vary from government to government, to a large extent because of the preferences of prime ministers or the party holding government, they remain fairly consistent.

Much less is known about the processes and practices of the Shadow Cabinet. Does it meet regularly, like Cabinet, or are its meetings conducted on an as-needed basis? How formal are these meetings: are minutes taken; are papers circulated beforehand? In its capacity as the alternative government, to what extent does the Shadow Cabinet focus on proposing and refining new policies? To what extent is its focus on reacting to the government's actions? Perhaps most fundamentally, to what extent can Shadow Cabinet be regarded as an institution in the Australian political system?

While the Shadow Cabinet exists as a recognised component of the parliamentary system, it can be argued that it is little more than a party committee for whichever party

(or coalition) forms opposition. Paid scant attention by most textbooks on the Australian political system, Shadow Cabinet is usually passed over entirely in discussions of Australian political institutions. Factions in the Australian Labor Party (Labor) and the Liberal Party are typically described in such texts. The role of the Opposition in Westminster parliamentary systems is frequently described, with special focus on the importance of a constitutional, organised and identifiable alternative to the office-holders of government. But the roles and practices of the leaders of the alternative party or coalition, that is, those directly responsible for countering the government's policies are ignored.

Unlike Cabinet, there are no formal procedures for the release of Shadow Cabinet documents. Under the thirty-year rule, each January some of the highlights of past Cabinets are revealed. Without an equivalent release of Shadow Cabinet materials, the nature of the meetings of the Opposition front bench remains unclear. Thus, a strange irony exists: Cabinet is surrounded in conventions of secrecy, yet its papers are released to public view, while the Shadow Cabinet actually operates under much greater secrecy.

Only some of this is intentional, however. As noted above, most introductory texts on Australian politics barely mention the Shadow Cabinet. At most it is discussed as a component of the parliamentary opposition to the government. Related topics, such as parliamentary party organisations, the roles of oppositions in Westminster parliamentary systems and Cabinet's procedures and functions, are all common topics for introductory textbooks. Yet even when these topics touch directly on Shadow Cabinet-related matters, such as the importance of party structures and systems on the appointment of ministers or shadow ministers, there is little in-depth consideration of Shadow Cabinet as a political institution. In the recently published *Oxford Companion to Australian Politics*, Shadow Cabinet does not rate an entry. It is only fleetingly mentioned in the two-page section on opposition and not at all in the longer entry on Cabinet.¹ Most dictionaries of Australian politics comply with the definition of Shadow Cabinet found in the *Penguin Macquarie Dictionary of Australian Politics*:

[Shadow Cabinet comprises the] parliamentary leaders or front bench of the Opposition. They are assigned the task of criticising and suggesting alternatives to

1. B Galligan and W Roberts, *The Oxford companion to Australian politics*, Oxford University Press, Melbourne, 2007.

government performance in particular ministerial portfolios. They are known individually as shadow ministers.²

In short, the Shadow Cabinet in Australia is a body deemed unworthy of scholarly attention. Is Shadow Cabinet ignored because it is, by nature, not in power? Is it ignored because it tends to be dominated by leaders of the opposition? Are its practices too unclear to merit in-depth academic study?

This shortage of material on the Australian Shadow Cabinet is in stark contrast to the range of studies and other materials on the Cabinet itself. The *Cabinet Handbook*, for instance, readily available on the website of the Department of the Prime Minister and Cabinet, provides a useful starting point for studies of the institutional basis of the Australian Cabinet. Additionally, academics such as Patrick Weller have written extensively on the roles and functions of Cabinet within the Australian system.³ Weller has looked at Cabinet over time as well as how specific Cabinets have functioned under the leadership of individual prime ministers.⁴ Cabinet is also discussed on a regular basis in the news media, which means that members of the public can have at least a basic grasp of when it meets and what purposes it serves. On these three levels, information about and analysis of Australia's Cabinet system is readily available. In many ways this disparity makes sense, since Cabinet has a firm institutional basis as a central convention within Westminster politics, and as the de facto holders of executive power in the Australian system, whereas Shadow Cabinet's position, as already argued, is much less clear. Compared to Cabinet—where clear records are kept and, after thirty years, released and reported on by the news media, and where executive decisions are made—Shadow Cabinet may seem like a body not worthy of examination.

Much of what we do know about the Shadow Cabinet comes from memoirs of its former members. At the same time most of these memoirs focus on intra-party politics: the Leader of the Opposition, of criticism and challengers or the mood of a party new to opposition or stuck in the long-term political wilderness. Memoirs offer only brief glimpses of the Shadow Cabinet, however. For example, while Barry Jones (ALP, Lalor, 1977–1998) comments, '[d]iscipline and concentration on policy formulation

2. *The Penguin–Macquarie Dictionary of Australian Politics*, Penguin, Melbourne, 1988, p. 12.

3. See P Weller, *Cabinet government in Australia, 1901–2006*, University of New South Wales Press, Sydney, 2007.

4. See P Weller, *Malcolm Fraser PM: A study in prime ministerial power in Australia*, Penguin, Melbourne, 1989.

was important in the Hayden Shadow Ministry', Jones does not discuss the process of policy formulation within that Shadow Ministry.⁵ In a characteristically different opinion, former Opposition Leader Mark Latham (ALP, Werriwa, 1994–2005) argues:

My original goal coming into the Parliament was to make better public policy according to Labor principles. I've now concluded that the Shadow Ministry process is external to this process.⁶

Yet despite this opinion, Latham, like Jones discussed the earlier time, provides little information on how the Labor Shadow Cabinet operated during this period. In discussing his tenure as Opposition Leader, Billy Snedden, (Lib, Bruce, 1955–1983), describes the system he installed as one under which each shadow minister acted as chair of a committee in a portfolio area. The committee formulated party policy on that topic, and responded to the Government's policies.⁷ Snedden considered that some of these committees worked quite effectively, but some were all-but-ignored by their chair.⁸ Snedden also describes the way votes were taken:

When I was Leader I would not have votes in either the Party Room or the Shadow Cabinet. From Menzies I learned that the trouble with votes is that the person who came into Parliament yesterday has a vote equal to that of the Prime Minister – which is absurd because the Prime Minister has been there longer, gained wisdom and has responsibility. For that reason we took a 'sense of the meeting'.⁹

Snedden does not elaborate on this process, and his description raises one immediate issue: he makes the point that there were differences between 'party room' and 'Shadow Cabinet' votes but gives no indication of what types of matters were discussed and resolved by a 'sense of the meeting' in each forum. What issues were discussed at Shadow Cabinet meetings and which at party room meetings? By distinguishing between the types of questions discussed and resolved at the two types of meetings, Snedden could have illustrated the role the Shadow Cabinet played during his leadership of the Liberal Party. That he does not do so leaves the question unanswered. Snedden notes further that after the 1972 election, with the status of the coalition between his party and the Country Party still undetermined, he appointed 'spokesmen'

5. B Jones, *A thinking reed*, Allen and Unwin, Sydney, 2006, p. 335.

6. M Latham, *The Latham diaries*, Melbourne University Press, Melbourne, 2005, p. 10.

7. BM Snedden and MB Schedvin, *Billy Snedden: An unlikely Liberal*, McMillan, Melbourne, 1990, p. 150.

8. *ibid.*

9. *ibid.*, p. 147.

on various portfolios, rather than a Shadow Cabinet.¹⁰ What the difference between these two positions was remains unclear.

In summary, indications as to what various Shadow Cabinets did, or how they operated, seem unimportant even to many of those who spent time in high-ranking positions, even leadership, within them. The Shadow Cabinet also remains overlooked and understudied as far as academic studies of Australian politics are concerned. Yet this does not mean that the Shadow Cabinet can be disregarded as a topic for study and analysis. Indeed, the very uncertainty of its nature and operation makes the Australian Shadow Cabinet worthy of investigation.

In order to address this shortage of research into, and analysis of the Australian federal Shadow Cabinet, this monograph will explore its roles, processes and functions. In so doing, the monograph will begin the process of understanding how the Shadow Cabinet fits into Australia's overall political system. As will be argued throughout this monograph, the modern Shadow Cabinet is closely modelled in many of its practices on the Cabinet. However, with fewer resources, the Shadow Cabinet relies for its information and organisation on less formal means than the Cabinet. Some of these will be discussed in the final chapter of the monograph.

Method

Because there has been little research undertaken on the nature of the Shadow Cabinet, the conclusions of this project are to a large extent the result of primary research.

In June 2008, I requested interviews with current federal parliamentarian who had Shadow Cabinet experience—in all 56 parliamentarians. I was granted interviews with twelve of the parliamentarians as well as with Peter Hendy, chief of staff of the then Leader of the Opposition, Brendan Nelson (a list of those who were interviewed for this project is included at Appendix). Six of the twelve parliamentarians interviewed were from the Coalition, six from the Labor Party. Interviews were conducted between June and October 2008, in Parliament House. Most interviews, which were similar in structure, lasted between 30 and 60 minutes. The interviews were noted but not recorded. In two cases, advisers to the shadow ministers attended.

Not all the interview subjects were happy to be identified and quoted, therefore I have chosen not to identify subjects by name or position. However, where it is relevant, I

10. *ibid.*, p. 143.

have identified the party to which a shadow minister belongs. I have also referred to subjects as ‘a shadow minister’ rather than ‘a current shadow minister’ or ‘a former shadow minister’ to de-emphasise the party to which they belong. Unless explicitly stated, references such as ‘a shadow minister’ should not be read to indicate that the person in question is a current shadow minister.

Outline

In this monograph, I will investigate the role, practices and process of the Shadow Cabinet in modern Australian federal politics. The first chapter provides an overview of the institution, beginning with an outline of the historical development of the Shadow Cabinet in British politics and in Australia. Following this, I will discuss the three roles most commonly ascribed to the Shadow Cabinet: organising the Opposition, providing an alternative government and serving as an arena for training and testing potential future Cabinet ministers. The second chapter considers the modern Australian Shadow Cabinet as an institution. It begins with a description of the formal processes of running Shadow Cabinet, including how meetings are structured and the use of Shadow Cabinet submissions. The second section of the chapter discusses the appointment of shadow ministers, including the extent of guidance they are given by party leaders and the resources available to them. In the third section, I examine the Shadow Cabinet’s policy-making function. The chapter concludes with a section focused on the roles of individual shadow ministers.

The final chapter discusses some key practices and functions of the recent Australian Shadow Cabinet. In this chapter, I draw heavily on the interviews conducted for this project, and the chapter therefore reflects the themes which arose in those discussions. The first is the distinction between the Shadow Cabinet and the broader Shadow Ministry. The second is the various other groups which operate in and in conjunction with the Shadow Cabinet. In the third section of this chapter, I expand on an issue raised in Chapter two: the resources available to shadow ministers. The next section discusses an important, if often overlooked, component of the shadow minister’s role: building relationships with stakeholders from his or her portfolio area. The final section examines the paradox of autonomy and centralisation for shadow ministers.