

The government and the parliament

Under Australia's system of parliamentary government (see Infosheet No. 20 'The Australian system of government'), the Executive Government (the Prime Minister, Cabinet Ministers and other Ministers) is drawn from Members of the parliament. However, although the government and the parliament have overlapping memberships, they are established by the Constitution as separate institutions, referred to respectively as the Executive and the Legislature.

Actions such as the passing and amending of legislation are actions of the parliament, not of the government. Legislation passed in identical form by both Houses of the Parliament, as it must be to become law, is known as an Act of Parliament.

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 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. It has a role in airing the grievances of citizens. Parliament 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 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, keep the support of the majority in the House of Representatives.

It is sometimes said by way of criticism that the government controls the House. However, our system of government requires that the government have the support of a majority in the House of Representatives. A government unable to get its important legislation through the House would be expected to resign.



The Cabinet room

...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.

The House depends on an effective opposition to carry out its functions in respect of 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 clearly evident in the seating arrangements in the Chamber, where the government and opposition face each other on opposite sides of the Chamber—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, and that the two sides of the House have equal time to speak on any matter.

The government's control over proceedings

The government dominates the proceedings of the House:

- The standing orders (rules of the House) reserve the greater part of the House's timetable (over 60 percent) 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—a major one (derived from the Constitution) is that only a Minister is able to initiate financial legislation. Preference is also given to Ministers in a number of minor ways—for example, 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—for example, 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. As noted before, the call of the Chair to speak always alternates between government and non-government Members. 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:

- Non-government Members are able to question Ministers on matters for which they are administratively responsible. There is no restriction on the number of written questions they can ask. During Question Time the call of the Chair to ask oral questions alternates between government and non-government Members (see Infosheet No. 1 '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 also able to move motions censuring a Minister or the Government or to move to suspend standing orders to debate 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. If in a minority, they have the opportunity to add dissenting reports (see Infosheet No. 4 'Committees'). However 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.

Government and Opposition— people and roles

Government Members

Prime Minister

The Prime Minister is the head of the government. He or she achieves 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 every Question Time, and 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.



Ministers

Ministers are selected by the Prime Minister who also allocates portfolios. 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.

Legislation currently allows for up to 30 Ministers (including the Prime Minister). About 19 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 (about two thirds) are Members of the House.

In the parliament Ministers act as spokespersons for the government on matters relating to their departments. Their duties include introducing and managing the carriage of legislation, making statements on government policy and answering questions on their administrative responsibilities.

Parliamentary Secretaries

Up to 12 Members and Senators are appointed by the Prime Minister as Parliamentary Secretaries (also referred to as Assistant Ministers) to 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.

Leader of the House

The Leader of the House is the Minister, who, in addition to his or her ministerial duties, has overall charge of the arrangement and management of government business in the House. He or she is 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 his or her opposition counterpart, the Manager of Opposition Business. He or she arranges the allocation of time for debates and, where problems arise in regard to the program, determines 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, suspension of standing orders, changes in days and times of sitting, motions for leave of absence to Members, and often motions for the closure of debate, declarations of urgency (guillotines) and the adjournment of the House.

Government whips

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). 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.

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.

Minister in charge of legislation

Each piece of government legislation is the responsibility of a particular Minister. For example, the Treasurer is responsible for taxation bills, the Minister for Health for legislation concerning Medicare, etc. The Minister concerned introduces the bill and makes the second reading speech, which explains the purpose and general principles and effect of the bill. The Minister will also speak in reply at the end of the debate and take part in the consideration in detail stage if the bill goes through that stage, moving any government amendments (see Infosheet No. 7 'Making laws'). The Minister responsible for the bill is not necessarily present for the whole of the debate, but there is always another Minister or Parliamentary Secretary present to represent the government's position. In addition staff from the Minister's department observe proceedings from the advisers' seats in order to brief the Minister on matters raised in the debate.

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'.

Government backbenchers

As well as speaking on government business, government backbenchers are able to question Ministers at Question Time and by means of (written) questions on notice (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. The Leader of the Opposition is 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 his or her 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 with the responsibility, in consultation with his or her leaders and colleagues, of 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, outlined earlier. 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.

For more information

House of Representatives Practice, 7th edn, Department of the House of Representatives, Canberra, 2018, pp. 43–83.

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

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