What should Oppositions do?[1]

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Abstract: This article explores the range of policy, political, parliamentary and tactical choices political parties face when they move from government to opposition in Australia. That there have been so many such changes at both national and state and territory levels following recent elections makes this an especially pertinent topic. Further, that the Coalition (Liberal and National parties) are in opposition nationally and across every other jurisdiction except Tasmania, adds to this interest given the strains this imposes on these parties given their structures and history. Attention is given to centrality of parliament in Westminster type democracies like Australia's in affecting the roles and expectations of oppositions. Also explored are how recent developments in modern political campaigning, the availability of resources, the changing nature of political parties and the growing demands on oppositions to develop more detailed policies, affects opposition choices in what roles they might perform and what tactics they might pursue to regain office.

INTRODUCTION

In Australia in recent years, there has been a movement of parties once in office to the opposition parliamentary benches. Several parties already in opposition had their place confirmed given their poor recent election results. The federal Coalition parties after

[1] The author acknowledges the late Dr Graeme Starr's contribution to the early draft of this article.

nearly nine years in government lost heavily at the May 2022 election and are now in opposition. So too are the South Australian Liberals. In Victoria and Western Australia non-Labor parties remain on the opposition benches as they are in Queensland, the Northern Territory and the Australian Capital Territory. The New South Wales Coalition after twelve years in office joined the opposition ranks following the March 2023 elections. Only in Tasmania has a Liberal Government survived a recent election (2021).

This article examines the choices facing oppositions in terms of their roles and strategies to return to power with some attention to the non-Labor parties given their current predominance in this role and the particular challenges this poses for these parties. As Marija Traflaga commented, the general electoral success of non-Labor parties, especially federally, and their particular structure with the parliamentary leader and parliamentary members dominating, combined with their weaker links to supportive external community groups, creates very different dynamics for these parties when in opposition.[2]

A focus on oppositions highlights the centrality of parliament in Westminster democracies. Parliament determines not just who governs by virtue of their numbers on the floor, but also who forms the 'alternative government' by where they sit in parliament. How parties and leaders perform in parliament greatly affects their futures, though in different ways for governments and oppositions. For governments, their parliamentary tasks are more straightforward – maintain their majority, control the agenda, pass the budget and legislation, and deflect opposition attacks. Governments usually have the numbers to guarantee the outcomes, though elected and powerful upper houses in Australia, unlike other Westminster democracies[3], make it more

[2] Marija, Traflaga, 'Prepared for Opposition?', in Tom Frame, (ed), *The Desire for Change, 2004-2007 The Howard Government Volume IV*. Sydney: UNSW Press, 2021, pp. 239-48.

[3] The United Kingdom and Canada have non-elected upper houses and New Zealand none – see Nicholas Aroney, Scott Prasser and John Nethercote, (eds), *Restraining Elective Dictatorship: The Upper House Solution?*. Nedlands: University of Western Australia Press, 2008.

difficult. Generally, governments' fortunes are more critically judged by a wider audience outside of parliament in how they are managing the economy, delivering election promises, and responding to the latest 'crisis'. For oppositions, parliamentary performance is more critical. They have few other avenues to hold governments to account or to promote their leader and policies. It is also more challenging as oppositions, lacking the numbers, must master parliamentary processes to exploit every opportunity, no matter how small, to expose a government's flaws. Considerable political acumen is also required to pick the right issues with the most appropriate tenor.

OPPOSITIONS AND WESTMINSTER

The notion of an official opposition as part of the legislative process evolved with the development of the Westminster system and the essence of the notion was widely acknowledged by the eighteenth century. It was later recognised and defined in Britain by parliamentarians like John Hobhouse and Randolph Churchill and by commentators like Walter Bagehot who advanced the idea of having an ongoing formal opposition 'which made criticism as much a part of the polity as administration itself'.[4]

The idea of a government facing a formal and official opposition reflected the adversarial and competitive nature of the Westminster system. It meant that politics was a contest between one party in power against the other, the opposition, seeking to gain office by attacking and criticising the government in what has been seen as a continuous election campaign.[5] It has also been suggested that the idea of a system that recognised the legitimacy of a matching government and opposition was a natural consequence of the architecture of the House of Commons. The idea of a 'shadow cabinet' also fits this suggestion.

[4] Walter Bagehot, *The English Constitution*. London: Collins/Fontana, 1963, p. 72.

[5] Joel Bateman, *In the Shadows: The Shadow Cabinet in Australia*. Canberra: Commonwealth Parliamentary Library, Commonwealth Parliament, 2009.

In Australia, our parliaments developed (reflecting the shape of the House of Commons) with the legitimacy of the opposition essentially accepted in practice. Although the opposition is rarely recognised or implied in State or Commonwealth constitutions, it is acknowledged in parliamentary procedures in all sorts of ways – questions time, debates on legislation, right-of-reply on the budget – and in electoral and other laws. We might not always agree on the proper policy role or roles of the opposition, but we know it is there somewhere and we respect its right to oppose the government as vigorously as it wishes, and to strive to replace the government as soon as it possibly and legally can.

Defeated parties thrown into opposition after a lengthy period in government are confronted with the question: 'What the heck are we supposed to do now that we are in opposition?' It is a particularly vexing question for these parties as they have, after all, lost members, personal staff, status, and connections in the community. No-one calls them anymore. The first term in opposition is usually the hardest. The party thrown into opposition is usually led by a new leader,[6] has depleted ranks, and is attempting to work out what went wrong as well as what to do next. It is the harder for non-Labor parties as Traflaga has pointed out earlier. So, most oppositions initially face a bleak future, unless the new government is totally inept and obliges them an easy route back to office in one term, as we especially saw with the one term Queensland Newman Government (2012-15).

[6] Most prime ministers (and premiers) in recent times whose governments lose, usually resign, if they have not already lost their seats (eg Prime Minister John Howard, 2007; Queensland Premier Newman, 2015). Exceptions include Prime Minister William McMahon (1971-2) whose government lost but who retained his seat but not his leadership of the Liberal Party. The other was Gough Whitlam, Labor Prime Minister (1972-75) who after losing the 1975 election stayed as Labor Party leader and contested the 1977 election which he also lost. He then resigned as leader and in 1978 retired from parliament.

OPPOSITIONS ROLES AND OPTIONS – THE IMPORTANCE OF POLICY

All oppositions in Westminster-model parliaments have a range of roles they are expected to serve, but any opposition of any worth at all has only one fundamental goal – to quit its day-job and to take on something more challenging like becoming the government. A successful opposition is one that achieves this goal as fast as possible. The achievement of this objective requires a range of skills, qualities and attributes, but it calls for nothing that is more important than the possession of appropriate and acceptable policies. An opposition must face the reality that, with little warning, it might cease to be the opposition and suddenly become the government, whether ready or not. Without meaningful policies, it is not ready.

Policy is about problem solving and many other things, but the concept of policy in the context of opposition politics can be conveniently understood at two levels:

- Opposition policy as parliamentary tactics
- Opposition policy as electoral strategy

Before exploring these further, it is useful to identify the range of roles oppositions can serve.

OPPOSITION ROLES AND POLICY IMPACTS

Oppositions tend to select their policy responsibilities from a menu of roles that is now quite widely understood. Five major roles are usually identified, all inter-related and each requiring attention to policy-making:

- Opposition as criticism of government policies, legislation and actions, and holding government to account;
- Opposition as opposing government policies and legislation;
- Opposition as cooperation to augment and improve government legislation and helping to solve policy problems;
- Opposition as government-in-waiting – to be available and ready as an alternative government; and
- Opposition as offering a difference.

All five roles have policy implications. The first three are essentially tactical and relevant primarily at the parliamentary level. The fourth suggested role is largely strategic and more relevant at the electoral level. The fifth suggested role is vital, both tactically and strategically and discussed in more detail at the end of this article.

OPPOSITION POLICY AS PARLIAMENTARY TACTICS

The tactical aspects of opposition policy require reactive decisions in response to the government's agenda and legislative program. The essential question is how the opposition will respond to the government's initiatives from the menu of options outlined above. Will it seek to hold a government to account? Will it flatly oppose? Will it offer positive proposals or amendments?

Criticising the government and holding it to account

The opposition plays an important role in the policy process simply by being available to criticise the government, holding it to account, scrutinising its proposals and assessing its actions. As Bagehot observed, the opposition is there to ensure that 'the nation has the opportunity to hear two sides – all the sides, perhaps' of any argument that arises in the policy process.[7] A government, it is argued, will perform better when it knows that there is an effective opposition watching its every move.

Oppositions complain, usually with good reason, that they are often unable to fulfil the role of critic as effectively as they might because government parties dominate parliamentary processes and seek to camouflage their mistakes, to protect their ministers, and to deflect criticism on key government projects. This control by executive dominance is well documented in Australia.[8]

[7] Bagehot, *The English Constitution*, p. 72.

[8] Jim Chalmers and Glyn Davis, *Power: Relations between the Parliament and the Executive*. Research Paper No 14, Canberra: Commonwealth Parliamentary Library, 2001.

Nevertheless, despite these limitations, criticising government is relatively easy for the opposition at one level. Governments and the large bureaucracies, budgets and complex programs they now administer inevitably result in some mistakes at some time. Through insider 'leaks', media investigations, information garnered through normal parliamentary processes of question time and committees, reports from auditors-general and other review bodies, and interest groups' reactions to government policy initiatives, there are always revelations of enough 'mistakes' to stir even the most inept opposition or shadow minister. Criticising government is also cheap in terms of resources, involving minimal effort on the part of the opposition. In practice, an opposition's forensic efforts have rarely been responsible for exposing government vulnerabilities.

There have been some exceptions. The Coalition Opposition's pursuit of the Whitlam Government (1972-75) over the 'Loans Affair' was seen to have been exemplary in its analysis of both the intrinsic financial implications and the constitutional implications of the issue.[9] So too, was the Labor Opposition's dogged and persistent exploitation of the issues relating to the Howard Government and the Australian Wheat Board and its dealing with Iraq prior to the 2007 election.[10] More frequently, oppositions rely on other sources to identify their targets and often get their cue from the media, reports from external review or integrity agencies and sometimes even from the government itself about what to attack. Abbott's success when leader of the Coalition Opposition (2009-13), was more through a consistent battering of the Gillard Labor Government on a small number of issues and exploiting Labor's leadership changes and internal

[9] Alan Reid, *The Whitlam Venture*. Melbourne: Hill of Content, 1976, pp. 240-78.

[10] Stephen Bartos, 'Sweeping the wheat under the carpet – how much have we learnt from the AWB oil for food kickback scandal? in Scott Prasser and Helen Tracey (eds), *Royal Commissions and Public Inquiries: Practice and Potential.* Ballarat: Connor Court Publishing, 2014, pp. 233-47.

divisions while enforcing rigid discipline on his own ranks than by forensic policy analysis.[11]

Opposing the government's policies and legislation

The classic statement of the role of positions is that 'the purpose of the opposition is to oppose.' This is what people expect an opposition to do. There are all sorts of means within parliament that the opposition can use to perform this basic function, ranging from questions to ministers, debates on legislation and budgets, participation in committees and through the use of the upper house to block or delay government proposals or even to hound a government from office. Activities to harass the government outside parliament include seeking to change public opinion against proposed government actions through media commentary, highlighting government 'scandals' and ongoing public debate with government members.

Most importantly, there is an expectation today that simple opposition must be matched by policies to fix the problems being highlighted. Criticism of government performance or even defeat and rejection of government policies might often not be enough by itself to win electoral support for an opposition. Oppositions that just oppose without offering an alternative policy framework are often unfairly dismissed as being negative, 'whingeing and whining' and lacking capacity to tackle current public policy problems.

There will often be situations, however, where an opposition might be convinced that the policy approach of the government is wrong, but the opposition has not the resources to develop an alternative. The Coalition Opposition was in this situation during the Rudd Government in relation to the Henry Tax Review. This was a large and complex report compiled after considerable consultation and research and not released

[11] Jennifer Rayner and John Wanna, 'An overview of the 2013 Federal election campaign: Ruinous politics, cynical adversarialism and contending agendas', in Carol Johnson and John Wanna (eds), *Abbott's Gambit: The 2013 Australian Federal Election*. Canberra: ANU Press, 2015, pp. 17-34.

to the public (and the opposition) until after some delay. In such circumstances, the opposition might be serving a useful purpose if it can send the government off to try again to get a better solution to a problem. Similarly, there will often be situations where a government motivated by ideological considerations might adopt a policy involving radical, complex and expensive changes, while the opposition policy simply calls for the maintenance of the status-quo and does not require the exposition of any other option. Under such circumstances, simple rejection of government policy is more useful than the development of any equally unsatisfactory alternative policy.

Improving government policy and legislation

This is the positive side of opposition, when, as Menzies suggested, the opposition will be seen to be 'constructive.'[12] Oppositions do not always oppose and on occasion they give government measures their full support, perhaps simply proposing improvements. The two sides will often agree on the nature of a crisis or a problem of some urgency and on the measures necessary to deal with it. This sort of co-operation is common in the event of wars and natural disasters and it is not all that uncommon when government is dealing with less critical and politically salient problems. The opposition under Peacock and Howard, for example, supported many of the Hawke-Keating Government's proposals for financial deregulation and privatisation (although it should be noted that these were areas where the opposition, when previously in government, had itself taken relevant agenda initiatives).[13] During the recent pandemic the Labor Opposition supported many of the basic thrusts of the Morrison Government's responses – like the *JobKeeper* program and the increased level of social welfare payments and the formation of the National Cabinet which had the support and attendance of five Labor premiers and chief ministers.

[12] Robert Menzies, *Measure of the Years*. Melbourne: Cassell, 1972, p. 20.

[13] Paul Kelly, *The End of Certainty*. Sydney: Allen and Unwin, 1992, p. 237.

Evidence of the level of bipartisan agreement might not be clearly reflected in the debates and votes in the parliament (although a study of the number of votes that are settled on the voices with no significant debate would be interesting), but a quick examination of the work of parliamentary committees is a helpful indicator of the incidence of constructive policy consensus. Even when there is not outright agreement on the totality of a bill, moreover, opposition amendments are often accepted by the government as well-intentioned efforts to improve the legislation in the national interest. The Howard Government, for instance, accepted in 1997, many of the amendments from Labor to its first tranche of reforms to industrial relations to have its legislation (*Workplace Relations and Other Legislation Amendment Bill 1997*) passed by the Senate.[14]

Bipartisanship is a tricky business, of course, and oppositions are wise to be cautious when governments call for support in this spirit. Consensus is not always desirable, and politically it usually amounts to the opposition conceding the policy ground to the government. Good government is partly a product of good opposition, and too much bipartisanship makes the opposition irrelevant. Abbott's rejection of Prime Minister Rudd's call for a bipartisan agreement on a target for homelessness and the emissions trading scheme reflected this concern. The current federal Coalition Opposition, especially its Liberal Party component, initially had the same dilemma in relation to recent constitutional referendum issue or on climate change issues. While the National Party very early on declared their opposition to the proposed referendum, the Liberal Party took six months of careful incremental manoeuvring to join them to make it official opposition policy.

At the same time, oppositions must be careful not to be seen as too negative. It may strengthen partisan support, but the general voter is often unimpressed, preferring to see evidence of co-operation or at least recognition that not all the government's

[14] Gwynneth Singleton, 'Industrial Relations: Pragmatic Change', in Scott Prasser and Graeme Starr (eds), *Policy and Change: The Howard Mandate*. Sydney: Hale and Iremonger, 1997, pp. 192-207.

policies are regarded by the opposition as wrong. Discretion and considerable judgement on the part of the opposition would seem to be the key when governments call for bipartisanship. Governments have little to lose, but oppositions have little to gain from the political mischief of bipartisanship.

Policy at the tactical level

At the parliamentary level, opposition policy is essentially reactive and negative. The reality of opposition is that its role is to react in response to someone else's agenda. Because of the adversarial nature of Westminster-model parliamentary politics, the response of the opposition will often be to oppose the government's initiatives and even when the opposition proposes a good alternative or when its criticisms are well-warranted, it will be relatively simple for the government to brand it as negative.

When it is properly motivated and when it faces a government that is unusually vulnerable and inept, an opposition might sometimes be able to seize the initiative and force the agenda on some specific area of policy, as the Abbott Opposition did on the carbon tax, but this will be exceptional. Schattschneider's dictum – 'who determines what politics is about runs the country'[15] – is especially poignant in the parliamentary system. Even an extraordinarily inept government, however, will nearly always control the agenda. The opposition, no matter how effective, will usually be at a disadvantage, especially in promoting its policies. It must pay its own way, while the government can generate considerable advantages for itself through government-funded advertising of its policies (and, implicitly, its criticisms of those of the opposition). Similarly, the opposition is naturally disadvantaged on questions of timing. The government sets the clock. The opposition has to judge the best time to announce its policy. If it announces early, it might get the benefit of more publicity, but it also opens its policies to the risks of more forensic analysis by a better-resourced government. John Hewson's *Fightback!* program announced before the 1993 election managed to turn the 'unlosable election'

[15] Elmer. E Schattschneider, *The Semisovereign People.* Illinois: *Dryden Press,* 1960, p. 68.

for the Coalition into a complete failure as Keating exposed its complexity and flaws. The Labor Opposition's announcement prior to the 2019 election of its proposed tax treatment of share dividends and investment properties allowed the Morrison Government to attack these relentlessly, as did major interest groups.[16] If an opposition announces its policies late it might protect its better policies against theft, but it also leaves itself open to the charge of being bereft of policy.

Oppositions are now challenged by the expectation that they must have their policies immediately on hand on any issue that the government decides to advance. This means that oppositions are expected to work according to the government's timetable and its policy agenda. Accordingly, the opposition can often be caught off-guard when the government announces a new policy initiative, leaving the opposition with insufficient time to develop a detailed response. Thus, the opposition will often be vulnerable to government accusations of being a 'policy free zone' and to media and interest group charges that its policies are too hastily assembled, ad hoc, contrived, political, impractical, ideological, lacking detail and poorly costed. There is a tendency to expect too much from oppositions given the increasing complexity of policy.[17] After all, oppositions face numerous constraints in developing policies that are rational, 'evidence' based and 'do-able' while at the same time popular and consistent with previous party stances and long held ideological beliefs. The opposition is not making a useful contribution when it is trapped into releasing a 'half-baked' policy simply because it is expected to respond to a government or media agenda.

Further, it is inevitable that an opposition will sometimes yield to the temptation to take the easy road and opt for policies that they know they might never have to implement and thus be more 'populist' or extreme, appealing to narrow segments of

[16] Sarah Cameron and Ian McAllister, 'Policies and performance in the 2019 Australian federal election'. *Australian Journal of Political Science* 55(3) 2020, pp. 241-44.

[17] Scott Prasser, 'Opposition one day, government the next: Can oppositions make policy and be ready for government?'. *Australasian Parliamentary Review* Vol 25(1) 2010, pp. 151-62.

the political market at the expense of the wider public interest. Tony Abbott's generous parental leave scheme announced in the early days of his leadership when the Coalition was still languishing in the polls was said to be vulnerable to criticism on these grounds.[18] This is perhaps what Menzies meant when he stressed that the opposition must be 'judicious' in the development and announcement of policy.[19] The trouble with sudden policy initiatives is that when they do not align with a party's traditional policy stances or its leader's record they are seen for what they are – attempts by oppositions to 'buy' their way into office.

Any modern Australian government that comes to office with a healthy majority will be likely to maintain its position through several terms unless it is blinded by its own perception of its grandeur and importance and is inept in maintaining its political base (witness the Whitlam, Rudd, Greiner and Newman governments). The normally lengthy periods in office reinforce the advantages enjoyed by incumbent governments and have many adverse consequences for their opponents. After a long period in opposition, for example, a party might lack experience when it is returned to government, although this problem can be overcome by effective leadership (witness Hawke and Howard). Further, a lengthy period in opposition might reduce a party's ability to attract quality parliamentary candidates.

The opposition is also disadvantaged in terms of the staff places available to it and in its capacity to both attract and recruit high calibre policy and political savvy staff for its limited range of positions. Given the imbalance in staff resources between a government (even without including its public service support) and its opposition, just what can the opposition be expected to produce in terms of well-researched policies and detailed statements such as the reply to the budget. This problem of staff resources is no longer as serious as it was in earlier times when opposition front-bench members

[18] Rob Manwaring *et al*, 'Unstable bipartisanship or off the agenda? Social issues during the 2013 election campaign', in John and Wanna, *Abbott's Gambit*, pp. 365-66.

[19] Menzies, *Measure of the Years*, p. 20.

had virtually no staff and often had to share an office with a colleague.[20] In those days, of course, even ministers similarly had very little in the way of staff resources, but Parkinson's Law in relation to office space (ie staff expands to fill the available desks and office space) has served them all very well in the new Parliament House. While the problem has eased, however, the disadvantage of the opposition in terms of staffing remains, as indicated by this simple table.

Table 1 Federal ministerial and opposition staff, 2009-2021

	2009	2010	2011	2021
Government	328	366	420	463
Opposition	72	77	88	102

Leaving aside the issue of the capacity of oppositions to develop detailed policy, there is the question of whether they should even attempt to do so. Some suggest that oppositions should seek to focus on broad principles of policy and overall directions rather than the detail of policies about which they are patently ill-equipped to develop. Prime Minister Harold Macmillan, for example, quipped about his opposite number, Hugh Gaitskell, who developed detailed policies covering every policy area:

> *The trouble with Mr Gaitskell is that he is going through all the motions of being a government when he isn't a government. It is bad enough having to behave like a government when one is in power. The whole point of being in Opposition is that one can have fun and lend colour to what one says and does.*[21]

[20] Maria Maley, 'Too many or too few? The increase in federal ministerial advisers, 1972–1999'. *Australian Journal of Public Administration* Vol 59(4) 2000, 48-53; Liz Dowd and Scott Prasser, 'The Resources of the Federal Opposition', in Scott Prasser and David Clune (eds), *The Art of Opposition,* Redland Bay: Connor Court Publishing, forthcoming 2024.

[21] Quoted in David Butler and Richard Rose, *The British General Election of 1959*. London: Macmillan, 1960, p. 32.

Menzies (and the media) made the same criticism during the 1954 election chiding his Labor opponent, Dr H.V. Evatt for having a policy for everything that was also too costly in the extreme.[22]

OPPOSITION POLICY AS ELECTORAL STRATEGY

While the first three of our five suggested policy roles of opposition are essentially tactical functions of the opposition party (or coalition of parties) at the parliamentary level, the fourth suggested role – offering an alternative to the government and being ready to replace it – is the strategic aspect of opposition policy. In best practice, this role involves the combined efforts of both the parliamentary and the organisational arms of the opposition party. The parliamentary policy-makers in opposition, inevitably lacking the resources available to the government, should be able to rely on their party organisations for necessary longer-term policy directions and research. With the declining policy role of party organisations, however, there is a tendency to be satisfied with standards considerably lower than 'best practice.'

Posing an alternative – the 'government-in-waiting' role

An opposition in Westminster systems is the 'government in waiting' and because of this it has to be more than just a critic. While there are numerous other categories of critics of government – such as the various statutory review agencies, interest groups, academics, think tanks, the media and citizens both as individuals and through public opinion – none of these is in the business of seeking office. Only His Majesty's Loyal Opposition is seen as the 'government in waiting' and thus it has policy obligations imposed upon it.

Policy-readiness is important for the opposition in our system because oppositions must be prepared to take over the reins of office immediately after an election or some

[22] See Allan W Martin, *Robert Menzies: A Life, Volume 2 1944-1978*. Carlton: Melbourne University Press, 1999, pp. 259-60.

other decisive political event. There is no transition to office period for oppositions in Westminster systems unlike in the United States where newly elected presidents have several months before their inauguration and formally taking over the reins of power. Under the Westminster model, a party might be in opposition one day and in government the next. It is a question of 'government, ready or not.' The very speed of this transition and its occasional unexpectedness, imposes real demands on oppositions concerning their policy 'readiness.' This problem is exacerbated when, as is the case federally, when there is no fixed term for the parliament and the election timetable rests with the government.

Policy at this strategic level must be partly reactive to some programs of the incumbent government, of course, but ideally it must be proactive and longer-term in its perspective. It is policy that has a grander purpose than simply making a point in the on-going political contest or creating a headline in the morning paper or the six o'clock television news. It is policy that will be used in the context of the electoral contest. It aims at achieving some measure of control over the policy agenda and establishing ownership of strategic issues. The objective of policy development at this level was expressed by Abbott when in opposition in these terms:

> *Our task is to use the coming year to establish political ownership over moves towards lower taxes, fairer welfare, better services and stronger borders by showing that they are backed by well-developed policies that could be swiftly and competently implemented.*[23]

Policy at the strategic level

Many puzzling problems confront parties in their development of strategic opposition policy. There has been a tendency, for example, for ex-ministers from defeated governments to retire from parliament, leaving the shadow ministry dominated by

[23] Tony Abbott, 'The Coalition must develop the policies to govern', *The Australian*, 15 December 2010.

people inadequately 'connected' to the realities of how actual policies emerge and develop incrementally within government and society. In opposition, moreover, a party's links with the policy networks are often very loose and informal, its interactions with stakeholders are usually sporadic and the real nuances of the working of particular policies are likely to be poorly understood.

Similarly, new oppositions face peculiar problems in that they are likely to have found their policy cupboard bare, with many of their policies having been taken over by the new government and others having been disowned and dumped as embarrassing reminders of electoral defeat. This might provide a clean policy slate, but it also leaves the opposition in a policy vacuum and directionless. The federal Coalition Opposition after 2007 faced this very problem in relation the *Workchoices*, the industrial relations policy inherited from the last Howard Government (2004-7).[24] Abbott during the 2010 election campaign had to announce that Howard's *Workchoices* was 'dead, buried, cremated'[25] so Labor could not reignite the electorate's concern about this issue as they had done in the 2007 campaign. The current Coalition Opposition is facing the same challenges on several issues like its discredited Robodebt program which the Albanese Government kept alive by appointing in 2022 a royal commission into this matter and which reported in July 2023. It was highly condemnatory of the previous Coalition Government and especially of Scott Morrison both as Minister for Social Services and later as Prime Minister.[26]

[24] The 2004 election gave the Howard Government unexpected control of the Senate which it sought to exploit by introducing amendments to *Workchoices* that had been rejected by a hostile Senate previously. Many saw these changes as too ideological and the cause of Howard's defeat in 2007.

[25] 'Abbott sends mixed WorkChoices messages', ABC News Online, 19 July 2010. Accessed at: <https://www.abc.net.au/news/2010-07-19/abbott-sends-mixed-workchoices-messages/911064>.

[26] Catherine Holmes, (Chair), Royal Commission into the Robodebt Scheme*, Report*. Canberra: Commonwealth Government, 2023.

HOW OPPOSITIONS MIGHT DEVELOP POLICY

There are three issues an opposition, newly out of office, needs to consider in how it might develop policy include the importance of utilising the party resources, the nature of modern election campaigning and the question of platform, policy and manifesto.

Utilising party resources

Politicians consult their party organisations on policy questions for a variety of reasons, but today three reasons seem to dominate:

- to keep the organisation busy (and quiet) until election day when their workers might be needed;
- to give the impression of participation and consultation for public relations purposes; or,
- to provide an excuse for doing nothing (eg 'we are delaying a decision on this issue until it is discussed by the party conference').

Sometimes, of course, they actually consult their party because they are working on new policies and are seeking real and meaningful input. Wise party leaders, whether in government or in opposition, work to build up the policy potential of their party and maintain close policy links with their party as their principal political base and their best assurance of longevity in office.

In opposition, party leadership, severed from the support of the public bureaucracy and other sources of advice, necessarily turns to party supporters. There is a natural inclination for a parliamentary party to return to its roots, to sip again at the ideological well as a means of redefining its political and policy stands, to restore depleted partisan support, and to distinguish itself from the government. Purity in policy is what partisans preach. There is danger that subsequent policies may please the party faithful but become too doctrinaire and impractical and thus alienate the more moderate and larger parts of the electorate. This was seen why Labor languished on the opposition

benches so long – its pursued ideological policy purity at least until Whitlam emerged.[27] This problem can be overcome by effective leadership in a party that is trained and experienced in research and policy-making.

In government, on the other hand, parliamentary parties tend to move away from their ideological base as they confront the realities of office, and the policies as advanced through the party organisations are often shelved, or worse, rejected outright and just ignored. The wiser leaders are wary of this tendency. The parliamentary party must necessarily focus on winning day-to-day victories, dealing with occasional but inevitable crises, and simply being ready to govern 'now' – or at least immediately after the next election. The rest of the party, however, exists because it has long-term philosophical objectives and should be expected to look far beyond the next election. Again, Menzies was the exemplar when he told his leading strategist John Carrick, then General Secretary of his party in New South Wales: 'It is my job to be distracted. Your job is to focus on the long-term'.[28]

Modern election campaigning

Most of the problems inherent in opposition strategic policy making are exacerbated by the nature of modern election campaigning. Public funding of parties and the abundance of ministerial and parliamentary staff on the public payroll (see Table 1 above), along with increased mailing and other entitlements, have transformed parties and elections. The political campaign as it was once understood has given way to media or advertising campaigning with the parties tending to wither in the direction of irrelevance except as conduits through which public funds are transferred from the party officials to the various media, opinion research and advertising agencies parties now employ – the real beneficiaries of public funding. This is a problem for our system but one that could be overcome, by redirecting some of the public funding windfall

[27] Donald W. Rawson, *Labor in Vain?*. Melbourne: Longmans, 1966; Ross McMullin, *The Light on the Hill: The Australian Labor Party 1891-1991*. Melbourne: Oxford University Press, 1991, pp. 35-7.

[28] Graeme Starr, *Carrick: Principles, Politics and Policy*. Ballarat: Connor Court Publishing, 2012, p. 150.

towards restoring and facilitating some of the old policy research and strategic functions of the parties – but this is unlikely to happen.

Platform, Policy and Manifesto

Politics worked well in Australia when parties made a clear distinction between their platform and their fighting policy. The platform was the statement of beliefs, directions and objectives, developed by the party as a whole through its internal mechanisms. It had a degree of permanence. One version of the Liberal Federal Platform, for example, remained current with only marginal changes throughout the sixteen years of the Menzies Government. It contained the broad principles on which the party's specific policy decisions were expected to be based and with which they were expected to be consistent. The fighting policy was essentially the policy speech delivered by the party leader for the imminent election. The 'policy speech' was a concise and specific statement of a party's commitments, understandable to voters without forensic media analysis or interpretation, and useful when holding a government to account.

This has changed over recent decades. Platforms as statements of principle now play very little part at all in the political contest. Oppositions and governments alike are now expected to present the electors with something like a manifesto and highly detailed policy documents complete with the research base of each significant decision and with costings that can be measured with some degree of objectivity and accuracy. This has been driven in part by media expectations, but it is also explained by the fact that parties in Westminster democracies have been much more programmatic than goal-directed. As Finer explains, 'parties ... spend a good deal of time in preparing a program of action which they expect to carry out if returned with a majority'.[29] This 'program of action' also becomes tied up with an incoming government's 'mandate' of election

[29] Samuel E. Finer, *Comparative Government*. Harmondsworth: Penguin, 1970, p. 159.

promises and thus justification for certain policy actions once in power.[30] Detailed and programmatic policy manifestos and promises are also favoured by some as a means to keep a party on track, in ideological terms, once it has gained office. This, of course, applies especially in the case of 'reformist' or 'visionary' parties whose members become concerned that the party once in office might be resisted by other institutions (such as the permanent public bureaucracy) or seduced from the party line by the day-to-day crises and pressures from key interests. It reached its zenith in Australia with the Whitlam led Labor Party which came to power with a detailed list of promises that became known as 'The Program'. It was to prove an attraction to gain voter support, but it became a distraction to good government once Labor was in office as unexpected events overtook some of its detailed policies or others proved too difficult to implement – at least in the short term.

Whatever the reason, the 'policy speech' approach appears to be a thing of the past, and the trend in Australia has been for both sides of politics to develop ever more detailed policy documents before and during an election campaign. Oppositions that produce policies without sufficient detail tend to be ridiculed by the government and the media. The production of an over-abundance of detail, on the other hand, opens an opposition to scaremongering and ridicule for any mis-statements or inaccuracies in the wording of the policy. An abundance of detail also opens more opportunities for misrepresentation as highlighted earlier concerning Hewson's *Fightback!* policy in the run-up to the 1993 election, which made the opposition an easy target for the Keating Government, from which the Coalition learnt for their more successful landslide 1996 election.[31] Similarly, some argued that Labor leader Bill Shorten brought a too detailed program to the 2019 election allowing the Morrison Government to attack it especially

[30] See Samuel Beer, *Patterns of Government*. 3rd ed, New York: Random House, 1973; Hugh V. Emy, *The Politics of Australian Democracy*, Melbourne: Macmillan, 1978, pp. 227-30.

[31] See Pamela Williams, *The Victory*. Sydney: Allen and Unwin,1997, pp. 147-51 for the debate within the Coalition over whether to release policy details prior to the 1996 election; Graeme Starr, 'The 1996 Election and the Changing Policy environment', in Prasser and Starr, *The Howard Mandate*, pp. 37-40.

on retirement issues.[32] By contrast, Albanese led the Labor to victory in 2022 by being a small policy target in contrast to not only Shorten but Whitlam.[33]

The real value of an unrealistic and highly detailed manifesto, as opposed to the 'policy speech' approach, falls into place when we consider its possible role at the first cabinet meeting after an opposition has been elected to govern. The image of the newly-minted ministers sitting around the table ticking off the relevant sections of the voluminous manifesto does not seem to be as realistic as a scenario involving shredding machines.

CONCLUSIONS – VIVE LA DIFFERENCE?

It appears to be accepted as a truism that: 'oppositions don't win elections, governments lose them.' Nevertheless, oppositions cannot rely simply on government mistakes and mismanagement. They need to be more than critics of governments. There are any number of government critics, but few are ready to govern. Until they win office, oppositions must be able to present themselves credibly as 'governments in waiting' and ready to govern, and to achieve this they need to have real policy alternatives ready to implement. Several factors – such as the more sophisticated electorate, the growing interest group expertise in policy analysis, the development of think tanks, the complexity of modern policies, the demands for improved rationality and 'evidence' in policies – call on opposition parties to improve their policy efforts, but at a time when parties lack the capacity or inclination to respond. Institutionally, given the 'winner takes all' nature of Westminster systems and the increasing dominance of executive government, oppositions find the competitive policy game to be increasingly difficult. Well-intentioned resolutions at party conferences are no longer sufficient. The

[32] Michelle Grattan, 'Labor in Opposition: When the Favourite Loses', in Mark Evans, Michelle Grattan and Brendan McCaffrie (eds), *From Turnbull to Morrison – The Trust Divide: Australian Commonwealth Administration 2016-2019*. Carlton: Melbourne University Press, 2019, pp. 134-35; pp. 137-43.

[33] David Crowe, 'Timid campaign needs big ideas'. *Sydney Morning Herald*, 29 April 2022.

future of any opposition lies in developing alternative policies that have both good content and the right political appeal. Abbott in opposition acknowledged this: 'knowing what you are against is important for oppositions, but it is not a recipe for effective government'[34] as he was to find out. Oppositions must be ready and without good policy they are not ready.

A key to good opposition policy is the word 'alternative', or as Menzies put it more precisely, to be 'different'.[35] The challenge for oppositions is to avoid policy 'me-tooism' – of following too closely to the new government's policy line. If the opposition is not presenting an alternative – not offering something different – it is not doing its job or serving a useful function. The notion of bipartisanship in key areas of policy seems currently to have some superficial appeal, but its benefits are usually illusory. Good opposition is a precondition for good government. A wise opposition leader should check the trophy shelf and count the silverware whenever he hears a call from the government for bipartisan support for any measure. Inept and lazy governments rejoice in the idea of bipartisanship and crave a docile opposition that does not strive to present itself as a credible alternative.

These are the issues and choices that confront any party that goes from government to opposition. It is a period of immense personal and party readjustment. It requires considerable thought across both parliamentary and organisational wings about what being in opposition means and a clear appreciation of the available options to return to office – follow the government leader or strike out on a more decisive policy track. Initially, the skills to do this will be missing in a new opposition. It will take time to learn those skills and political acumen in how to apply them, and for non-doctrinaire parties, like the Coalition, that cannot fall back on a narrow ideology that views issues through a single prism, it makes choice of policies, and their presentation to the public more difficult.

[34] Tony Abbott, 'The choice will be clear cut'. *The Australian*, 1 March 2010.

[35] Menzies, *Measure of the Years*, p. 20.