

*The Relationship between the Government and  
the Opposition or Minority Parties in Selected Places*

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## **Executive Summary**

1. In both the United Kingdom (UK) and New Zealand, the largest party in terms of its membership which is not in the Government or in coalition with a Government party is known as the Official Opposition party. In the United States (US), the second largest party in the House of Representatives or the Senate is the minority party.
2. In the UK, New Zealand and the US, the recognition of the opposition or minority parties is mainly conferred by convention, parliamentary or congressional practices and political culture. Their recognition is not through formal legal rules. In the three places studied, some leadership posts of the Official Opposition or the minority party draw an official salary.
3. In both the UK and the US, there are special appropriations for the opposition or minority parties to perform parliamentary work. In New Zealand, all parliamentary parties receive public money for Party and Members Support.
4. In all the places studied, the Leaders of Opposition or Minority Leaders are consulted to a certain extent when the Government or the majority party prepares the order of parliamentary business.
5. There is a Shadow Cabinet system in both the UK and New Zealand, while there is strictly speaking no Shadow Cabinet system in the US.

# **The Relationship between the Government and the Opposition or Minority Parties in Selected Places**

## **Part 1 - Introduction**

### **1. Background**

1.1 The Legislative Council Panel on Constitutional Affairs at its meeting on 9 July 2002 requested the Research and Library Services Division to conduct a research on the operation of Shadow Cabinet systems in overseas places.

### **2. Scope of Research**

2.1 The scope of the research focuses on the role of and privileges accorded to the opposition or minority parties in various political systems. In particular, the research covers:

- recognition of the opposition or minority parties;
- privileges in the legislature such as membership in parliamentary or congressional committees and the allocation of time to opposition or minority business.
- formation and operation of the Shadow Cabinet systems; and
- the relationship between the Government and the Shadow Cabinet.

2.2 This research studies the relationship between the Government and the opposition or minority parties in the United Kingdom (UK), New Zealand, and the United States (US). The UK is chosen because the opposition has an official role and status in its parliamentary system. New Zealand is chosen because of its experience in coalition governments with the introduction of a proportional representation electoral system in 1996. The US is chosen because it is a typical form of presidential government and political parties in the House of Representatives and the Senate have played very different roles.

### **3. Methodology**

3.1 Information for this report is obtained from the Internet, government reports and relevant materials. Enquires were also sent to the relevant authorities in the UK, New Zealand, and the US.

## Part 2 - The United Kingdom

### 4. Background

4.1 The United Kingdom (UK) is a unitary state with a parliamentary system of government. It has a bicameral legislature — the House of Commons and the House of Lords. The UK does not have a constitution set out in any single document. Instead, its constitution is made up of statute law, common law, and conventions.

4.2 The 2001 general election resulted in the House of Commons being made up of 412 Members of the Labour Party, 166 Members of the Conservative Party, 52 Members of the Liberal Democrats, and 29 Members of other minority parties. The total number of Members of Parliament (MPs) is 659.

4.3 House of Lords Members are organized on a party basis in much the same way as the House of Commons with two important differences. House of Lords Members do not represent constituencies and many are not members of a political party. Those who do not support one of the three major parties (the Conservative Party, the Labour Party or the Liberal Democrats) are known as crossbenchers or independent peers. As of October 2002, there were 684 House of Lords Members, among whom 217 were from the Conservative Party, 191 were from the Labour Party, 65 were from the Liberal Democrats, 177 were crossbenchers and 34 were other Members.

### 5. Recognition of Opposition Parties

5.1 In the UK, the legitimacy of opposition parties is confirmed by law, conventions and political culture. The party which wins most seats or has the support of a majority of Members of Parliament usually forms the Government. The largest party which does not form the Government becomes the Official Opposition, which is also known as Her Majesty's Opposition.

5.2 The constitutional status of the Opposition is implicitly recognized in the *Intelligence Services Act 1994*, section 10, which requires the Prime Minister to consult the Leader of the Opposition before appointing members of the Intelligence and Security Committee constituted by the Act.<sup>1</sup>

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<sup>1</sup> See Colin Turpin, *British Government and the Constitution: Text, Cases and Materials*, 4th ed., London: Butterworths, 1999, p. 435.

5.3 In the UK's parliamentary system, the aims of the Opposition are to:

- "(a) contribute to the formulation of policy and legislation by constructive criticism;*
- (b) oppose government proposals it considers objectionable; seek amendments to government bills; and*
- (c) put forward its own policies in order to improve its chances of winning the next general election."*<sup>2</sup>

#### Leadership of Opposition Parties

5.4 Under the *Ministers of the Crown Act 1975*, the Leader of the Opposition is defined as *"the Leader of that party in the House in opposition to Her Majesty's Government having the greatest numerical strength in the House"*.

5.5 The Leader of the Opposition does not have many official functions according to legislation or parliamentary rules. However, he or she, through control of the Opposition whips<sup>3</sup>, plays a large part in deciding, together with the Government, the business arrangements of the House of Commons.

5.6 The recognition of the Official Opposition is partly reflected in the fact that some leadership posts of the Opposition draw substantial salaries in both the House of Commons and the House of Lords (see Table 1)<sup>4</sup>

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<sup>2</sup> An extract from the UK Parliament's website, available at <http://www.parliament.uk/works/pagovopp.cfm>.

<sup>3</sup> Whips are officers of each party in Parliament with particular responsibilities for party management and organization of the business of Parliament and its committees.

<sup>4</sup> There has been statutory provision for the payment of a salary to the Leader of the Opposition since 1937.

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**Table 1 - A Comparison of Yearly Salaries of Some Leadership Posts of the  
Opposition Party and Government Party**

Position	House of Commons*		House of Lords**	
	£	HK\$	£	HK\$
Leader of the Opposition	119,159	1,441,824	64,485	780,269
Leader of the House <sup>#</sup>	124,979	1,512,246	94,826	1,147,395
Prime Minister	171,554	2,075,803	NA	NA
Opposition Chief Whip	91,358	1,105,432	59,630	721,523
Government Chief Whip	124,979	1,512,246	74,040	895,884
Deputy Chief Opposition Whip	78,440	949,124	NA	NA
Government Deputy Chief Whip	91,358	1,105,432	64,485	780,269
Assistant Opposition Whip	78,440	949,124	NA	NA
Assistant Government Whip	78,440	949,124	NA	NA
Members of Parliament	55,118	666,928	nil	nil

Note: \* From 1 April 2002, including a parliamentary salary of £55,118.

\*\* From 20 June 2001, Members of the House of Lords are not remunerated.

# The Leader of the House of Commons or the House of Lords is a Cabinet Ministerial post.

NA - not applicable.

### Financial Assistance to Opposition Parties

5.7 In the UK, there is no provision of public funding for political parties on election campaigns. However, opposition parties do receive public money for their parliamentary work. Financial assistance to opposition parties in the House of Commons is commonly known as "Short Money" which was introduced in 1975 by Edward Short, the then Leader of the House. The primary intention behind the funding is to create a more level playing field so that opposition parties come closer to matching the resources available to the Government.<sup>5</sup>

<sup>5</sup> "Financial Assistance to Opposition Parties ("Short Money)," a memorandum by the Head of the Fees Office, July 2000, available at <http://www.publications.parliament.uk/pa/cm199900/cmselect/cmpubadm/238/0111502.htm>.

- 5.8 The existing financial assistance scheme has three components:
- (a) General funding to assist opposition parties in carrying out their parliamentary business.
    - The amount payable to qualifying parties is calculated on a sum for every seat won at the last election, plus a sum for every 200 votes gained by the party. The current formula is £11,411.45 per seat + (£22.79 x votes x 1/200)
  - (b) Funding for the opposition parties' travel and associated expenses
    - Introduced in 1993, the total amount payable under this component of the scheme is apportioned between each of the opposition parties in the same proportion as the amount given to each of them under the general funding scheme.
  - (c) Funding for the running costs of the Leader of the Opposition's Office
    - Funding is made available for the running costs of the Leader of the Opposition's Office for each financial year. The current figure is £531,621.

5.9 A similar financial assistance scheme, known as "Cranborne Money", operates in the House of Lords, and is paid to the two largest opposition parties.

5.10 The Leader of the Opposition, the Opposition Whips, the Shadow Cabinet, the leader of the third party and Whips of other parties occupy approximately 80 rooms or suites of rooms in the House of Commons area of the Palace of Westminster.<sup>6</sup>

## 6. Parliamentary Rules Relating to Opposition Parties

### Membership in Committee System

6.1 Each House of Parliament has a system of committees. Select Committees, such as Departmental Select Committees in the House of Commons, are the most widely known.<sup>7</sup> Departmental Select Committees are responsible for the scrutiny of individual government departments.

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<sup>6</sup> Information provided by the House of Commons.

<sup>7</sup> For details, see "Departmental Select Committees," House of Commons HC Factsheet P 2, available at <http://www.parliament.uk/commons/lib/fs06.pdf>.

6.2 The membership of Departmental Select Committees is confined by practice to backbench<sup>8</sup> MPs. Ministers, Opposition frontbench<sup>9</sup> spokesmen, party whips and parliamentary private secretaries do not normally serve on these committees. The strength of each party in the House of Commons is reflected largely in the membership of these committees.

6.3 Each Departmental Select Committee chooses its own chairman from among its members at the first meeting of its formation. An informal agreement between the parties usually provides for some committees to be chaired by an opposition MP.

6.4 There are other well-established Non-Departmental Select Committees in the House of Commons, including the Procedure Committee<sup>10</sup>, the Committee of Public Accounts, the Select Committee on European Legislation and the Committee on Standards and Privileges. By convention, both the Public Accounts Committee and the Joint Committee on Statutory Instruments are chaired by a Member of the Opposition.

6.5 There are also Standing Committees in the House of Commons, which are designed to scrutinize public bills in detail.<sup>11</sup> After a bill has been allocated to a Standing Committee, the Committee of Selection<sup>12</sup> meets to consider the number of MPs to serve on the Standing Committee, as well as its party composition. Its constitution has to acknowledge the political composition of the House. A Standing Committee normally includes one or more relevant Ministers, opposition spokesmen and whips. The Speaker of the House appoints the Chairman of the Standing Committee from the Chairman's Panel (a group of some 20 senior backbenchers), who may be a Member of the Government party or an Opposition party.

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<sup>8</sup> The back benches are the places where Members who are neither Ministers nor official Opposition Shadow Ministers sit in the Chamber. Hence, backbencher is a term used to describe a Member who holds no official position in Government or in his or her party and who is therefore not bound by the convention of collective responsibility. Such a Member may also be referred to as a Private Member.

<sup>9</sup> The front benches are where Ministers and their official Opposition Shadow Ministers sit in the Chamber. These MPs can be referred to as frontbenchers or frontbench spokesmen.

<sup>10</sup> The Procedure Committee has traditionally been a backbench committee. The current Chairman is a Conservative who has served since 1997 even though the Government is controlled by the Labour Party.

<sup>11</sup> There are also Standing Committees that look at European Community documents and delegated legislation, as well as the Scottish, Welsh and Northern Ireland Grand Committees.

<sup>12</sup> The Committee of Selection has nine members, including whips from the Government, the Official Opposition and the third largest party in the House. The Committee elects its own chairman and largely determines its own methods of proceeding.

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## Allocation of Time to Opposition Business

### *Questions*

6.6 In the House of Commons, there are three categories of Questions: Questions for oral answer; Private Notice Questions which can only be asked if the subject matter is judged by the Speaker to be urgent and important; and Questions for written answer.

6.7 Question Time takes place in the House of Commons at about 2:35 pm on Mondays, Tuesdays and Wednesdays and 11:35 am on Thursdays. Question period lasts about an hour on each of these days. During that period, Ministers from several departments may answer Questions, appearing on a rota agreed by the Government and opposition parties through the 'usual channels'.<sup>13</sup>

6.8 Every Wednesday from 3:00 pm to the end of Question Time soon after 3:30 pm is the Prime Minister's Question Time. Initial questions put to the Prime Minister are generally in an identical form of asking the Prime Minister to list his official engagements for the day. This device (known as the 'open question') enables supplementary questions to range over any governmental activities. By convention, the Leader of the Opposition is permitted three to four supplementary questions in succession to follow up his first, and the leader of the next biggest opposition party is allowed two.<sup>14</sup>

6.9 Question Time in the House of Lords is much briefer than that in the House of Commons — at most 30 minutes. There is no specific arrangement for opposition parties.

### *Debates*

6.10 There are various occasions when opposition parties, in particular Private Members, may use debates to scrutinize government activities. For instance, the daily motion for adjournment of the House of Commons is most frequently employed to provide a half-hour adjournment period for debates at the end of the business of the day.

6.11 For 20 days in each parliamentary session, opposition parties in the House of Commons can choose subjects for debate. Of these 20 opposition days, 17 are at the disposal of the Leader of the Opposition and three at the disposal of the second largest opposition party. Table 2 shows the subjects of debate on opposition days in 2000-01.

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<sup>13</sup> "Parliamentary Questions," House of Commons HC Factsheet L7, p. 3, available at <http://www.parliament.uk/commons/lib/fs46.pdf>. 'Usual channels' is a colloquial name for the discussions which take place between whips of all parties.

<sup>14</sup> Ibid, p.9.

**Table 2 - Subject of Debate on Opposition Days of the House of Commons in 2000-2001\***

Date	Day No.	Subject of Debate
18.1.01	1	(a) Teacher supply (b) Police numbers
24.1.01	2	(a) Manufacturing industry (b) Public health
1.2.01	3	(a) The asylum system (b) The crisis in agriculture
5.2.01	4	(a) Social exclusion, poverty and job losses in Wales (Plaid Cymru)** (b) Personal care for the elderly (LD)**
12.2.01	5	(a) Prison conditions (b) "Shifting the Balance" - Liaison Committee's first report of 1999/2000 (HC 300)
28.2.01	6	Foot and mouth disease
21.3.01	7	Foot and mouth disease
25.4.01	8	(a) Rural economy (LD)** (b) Foreign and security policy (LD)**

Note: \* Short Session.

\*\* LD – Liberal Democrat Motions, Plaid Cymru is a Welsh party.

Source: *House of Commons Sessional Informational Digest: 2000-2001*, available at <http://www.publications.parliament.uk/pa/cm200102/cmsid/a.htm#a3>.

6.12 In the House of Lords, on most Wednesdays up to five hours are set aside for one long (or two short) general debate(s) whose topics are chosen by backbench or crossbench peers and selected by ballot.

### Non-Government Bills

6.13 In the UK, a Private Member's bill is a bill introduced by a backbencher. Private Members cannot introduce bills authorizing expenditure, which requires a financial resolution with a recommendation from the Crown. Putting forward policies and proposals by way of Private Member's bills can be of special interest to Members of opposition parties. An opposition Member may wish to bring forward a bill directly in conflict with some aspects of a Government policy so as to draw public attention.

6.14 There are three procedures under which Private Members may introduce bills in the House of Commons - the Ballot, the Ten Minute Rule and the Ordinary Presentation procedure.<sup>15</sup> Private Members Bills may also be introduced in the House of Lords.

### Vote of Confidence

6.15 Parliamentary control of the Government is ultimately exercised by the ability of the House of Commons to force the Government to resign. This may happen if a resolution of 'no confidence' is passed or if a proposal which the Government considers as so vital to its policy that it has made the proposal a matter of confidence is rejected.

6.16 The Leader of the Opposition has a right by convention to move a motion of no confidence in the Government and parliamentary time is always made available for the motion.

6.17 The last successful 'no confidence' motion occurred in March 1979 when the Opposition's motion was passed by a margin of just one vote - 311 to 310. Parliament was then dissolved in April and the general election took place in May of the same year.

## **7. Shadow Cabinet System**

7.1 The concept of Shadow Cabinet has developed over such a long period of time that it is accepted as one of the constitutional conventions in the UK's unwritten constitution. The term 'Shadow Cabinet' has come to be commonly used since the 1880s.<sup>16</sup>

### Formation and Operation

7.2 There are some major differences between a Shadow Cabinet of the Conservative Party and that of the Labour Party. The Conservative Shadow Cabinet has never been the subject of formal rules. Its members have always been chosen at the discretion of its party leader, and its method of working has largely depended on the personality and wishes of the leader.<sup>17</sup> The Conservative Shadow Cabinet was, historically, based on members of its previous Cabinet. The Conservative Leader has an unfettered discretion in choosing his Shadow Cabinet, meaning that he or she can appoint, reshuffle and discard spokesmen at will.

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<sup>15</sup> For details, see "Private Members' Bills Procedure," House of Commons HC Factsheet L2, available at <http://www.parliament.uk/commons/lib/fs04.pdf>.

<sup>16</sup> See D. R. Turner, *The Shadow Cabinet in British Politics*, London: Routledge & Kegan Paul Ltd., 1969 and R M Punnett, *Front-Bench Opposition: The Role of the Leader of the Opposition, the Shadow Cabinet and Shadow Government in British Politics*, London: Heinemann, 1973.

<sup>17</sup> See Rodney Brazier, *Constitutional Practice: the Foundations of British Government*, 3rd ed., Oxford: Oxford University Press, 1999, p. 172.

7.3 The existing Conservative Shadow Cabinet has 27 members, including the Leaders of Opposition and the Opposition Chief Whips in both the House of Commons and the House of Lords, Shadow Secretaries of State and Shadow Ministers.<sup>18</sup>

7.4 In contrast, the Shadow Cabinet of the Labour Party has always been more formal, based on the Parliamentary Labour Party's standing orders. The standing orders provide for elections to the Shadow Cabinet and leave the leader of the Labour Party with much less discretion in selecting his team.

7.5 Since a Shadow Cabinet intends to act like an alternative Government, all Shadow Cabinet members willingly accept a duty to be bound by an obligation of collective responsibility.

### Relationship with the Government

7.6 The Leader of the Opposition is normally consulted by the Prime Minister in the event of a national emergency. There may be discussions between the Leader of the Opposition and the Prime Minister on important policies or security matters as well.<sup>19</sup> Since these discussions are held in secret and are rarely acknowledged publicly, the extent to which they are conducted cannot be ascertained.

7.7 In addition to the consultation described in paragraph 5.2, whenever the Opposition is asked to provide members of investigative bodies such as Royal Commissions or committees of Privy Counsellors, possible names are submitted by the Leader of the Opposition to the Prime Minister.

7.8 Conventions, known as the Douglas-Home Rules, allow pre-election contacts between senior civil servants and Opposition leaders on the machinery of government, in preparation for a possible change of government.<sup>20</sup>

7.9 Most of the activities between Ministers and Shadow Ministers are conducted on the floor of Parliament. Occasionally, Shadow Cabinet Members are invited to attend briefings by the corresponding Cabinet Ministers on issues of the day and future directions of the Ministries.

7.10 There are certain rules<sup>21</sup> in the UK's *Ministerial Code* which require media to provide opposition parties the right to reply to Ministerial broadcasts (broadcasts by the Prime Minister or a senior Cabinet Minister to the nation to explain events of national or international importance).

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<sup>18</sup> For a list of members of the existing Shadow Cabinet, see <http://www.parliament.uk/commons/lib/opp.htm>.

<sup>19</sup> See Rodney Brazier, *Constitutional Practice: the Foundations of British Government*, 3rd ed., Oxford: Oxford University Press, 1999, pp. 165-7.

<sup>20</sup> See Rodney Brazier, *Ministers of the Crown*, Oxford: Clarendon Press, 1997, pp. 58-9.

<sup>21</sup> Section 97(c), *Ministerial Code: A Code of Conduct and Guidance on Procedures for Ministers*.

## Part 3 - New Zealand

### 8. Background

8.1 New Zealand is a unitary state with a parliamentary system of government. It has a unicameral legislature—the House of Representatives. New Zealand is part of the British Commonwealth and the Queen, who is the head of the state, is represented in New Zealand by the Governor General.

8.2 The Parliament comprises 120 Members of Parliament (MPs), who are elected every three years by universal suffrage. Beginning with the election held in October 1996, a system of proportional representation has been adopted. The system is called the Mixed Member Proportional system (MMP)<sup>22</sup>.

8.3 The Government is formed after an election by the party or coalition which can command a majority of the votes in the House of Representatives; that is, the party or coalition which has the largest number of MPs. The leader of the winning party becomes the Prime Minister.

8.4 Following the 2002 election<sup>23</sup>, New Zealand has a minority coalition Government<sup>24</sup> led by the Labour Party. The Cabinet consists of 20 Ministers including the Prime Minister.

### 9. Recognition of Opposition Parties

9.1 With the introduction of MMP in 1996, it is less likely that one party will obtain an absolute majority and be able to govern without forming a coalition government with one or more other parties. Despite this change, the distinction between the Government and the Opposition remains very much a constitutional reality in New Zealand.

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<sup>22</sup> For more detailed information, refer to "Systems of Government in some Foreign Countries: New Zealand," Research and Library Services Division, Legislative Council Secretariat, April 2000 and Jonathan Boston et al. (eds.), *Electoral and Constitutional Change in New Zealand: An MMP Source Book*, Palmerston: Dunmore Press, 1999.

<sup>23</sup> Following the general election on 27 July 2002, the House of Representatives comprises 52 MPs from the Labour Party (the main Government party), 27 MPs from the National Party (the main Opposition party), 13 MPs from New Zealand First; nine MPs from ACT, nine MPs from the Green Party, eight MPs from the United Future New Zealand party (agrees to support the Government on crucial money supply and confidence votes) and two MPs from the Progressive Coalition (a junior party in the coalition Government).

<sup>24</sup> It is a minority coalition Government in the sense that the Labour Party only won 52 seats out of 120 seats.

9.2 *The Standing Orders of the House of Representatives*<sup>25</sup> (*Standing Orders*) gives formal recognition to political parties. A party is entitled to be recognized as a parliamentary political party if one of its members was elected at the preceding general election or at any subsequent by-election.<sup>26</sup> There may be one or more parties represented in the House of Representatives which are not in the Government. The largest non-Government party is known as the Opposition party. The National Party becomes the Opposition party after the 2002 election.

### Leadership of Opposition Parties

9.3 The leader of the largest non-Government party is the Leader of the Opposition. It is not an office created by statute, it is a product of the conventions of the parliamentary system. The Leader of the Opposition is recognized in the *Standing Orders*:

*"The leader of the largest party in terms of its parliamentary membership which is not in Government or in coalition with a Government party is entitled to be recognised as Leader of the Opposition."*<sup>27</sup>

9.4 In the debating chamber, the Opposition party has the benches directly opposite to the Government party. The Leader of the Opposition faces the Prime Minister, across the Table of the House.

9.5 The recognition of the Opposition party is also reflected in the fact that the Leader of the Opposition receives additional remuneration in the House of Representatives (see Table 3).

**Table 3 - Financial Support to the Leader of the Opposition**

	Yearly Salary*		Basic Expenses Allowance	
	NZ\$	HK\$	NZ\$	HK\$
Leader of the Opposition	162,600	617,880	12,000	45,600
Prime Minister	244,100	927,580	29,500	112,100
Members of Parliament	90,500	343,900	7,000	26,600

Note: \*The salaries of the Leader of the Opposition and Prime Minister include a parliamentary salary of NZ\$90,500.

Source: *Parliamentary Salaries and Allowances Determination 2001*.

<sup>25</sup> *New Zealand Standing Orders 1999: Standings Orders of the House of Representatives (Standing Orders)*, available at <http://www.clerk.parliament.govt.nz/publications/StOrders.pdf>.

<sup>26</sup> *Standing Orders 34*.

<sup>27</sup> *Standing Orders 36*.

9.6 Other party leaders, deputy leaders and whips are also remunerated at levels higher than MPs holding no office. For instance, other party leaders are provided with a base salary of NZ\$100,200, plus NZ\$1,050 for each additional Member up to a maximum of five and plus NZ\$630 for each additional Member in excess of five. Other deputy leader of a party whose number of MPs is not less than 35 is provided with a base salary of NZ\$110,300.

#### Financial Assistance to Opposition Parties

9.7 There is no direct public support to opposition parties in New Zealand. However, all parliamentary parties have budget allocations to cover the costs of:

- (a) each leader's office;
- (b) spending on research;
- (c) media relations; and
- (d) co-ordinating the work of the party's MPs in Parliament

9.8 The level of funding for each party is determined by the number of seats it holds in Parliament. However, Ministers do not get allocation for their offices through parliamentary funding. Instead, the Ministerial Services Unit of the Department of Internal Affairs provides the full range of administrative and political support for ministerial offices.

9.9 The amount of Party and Members Support for each parliamentary party in 2002-2003 is illustrated in the following table<sup>28</sup>:

**Table 4 - Amount of Party and Members Support in 2002-2003**

Parties	No. of Seats Elected in 1999	Party and Members Support	
		NZ\$000	HK\$000
ACT	9	1,002	3,808
Alliance	10	848	3,222
Green	7	800	3,040
Labour	49	5,167	19,635
National	39	4,801	18,244
New Zealand First	5	578	2,196
United	1	132	502

Source: *Estimates of Appropriations for the Government of New Zealand, 2002/2003.*

<sup>28</sup> Following the 1999 election, the Labour Party and the Alliance Party formed a coalition Government. The amount in table 4 was determined by the number of seats each party held in the 1999 election. There is a new composition in the House after the recent general election.

9.10 Office accommodation is provided rent-free by the Parliamentary Service to MPs in the parliamentary complex of buildings.

## **10. Parliamentary Rules relating to Opposition Parties**

### Membership in Committee System

10.1 In New Zealand, Select Committees are made up of eight or more MPs from the Government and other parties. They are set up when Parliament first starts its term following a general election. There are 13 committees covering all areas of government activity, such as agriculture, commerce, finance, justice, Maori affairs and transport. Other committees are also set up to consider a particular item of business or for some other purposes.

10.2 The overall membership of Select Committees is required, so far as reasonably practicable, to be proportional to party membership in the House.<sup>29</sup> In other words, the strength of the opposition parties would be reflected in the membership of the committee system.

10.3 The party membership on each Select Committee varies. The Members to serve on each Select Committee are appointed by the Business Committee<sup>30</sup>, in practice on the nomination of the parties. The Chairperson is selected by the committee members themselves.

10.4 By convention, a Member of the Opposition party is elected to be the Chairperson of the Regulations Review Committee. The Regulations Review Committee has the responsibility for examining delegated legislation.

### Allocation of Time to Opposition Business

#### *Questions*

10.5 In relation to Question Time held early on each sitting day, the rotating slots for asking the twelve questions for oral answer by Ministers are allocated on a basis that is proportional to party membership in the House. The Business Committee decides on the allocation. The largest Opposition party has the first non-Government party's question during Question Time.

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<sup>29</sup> *Standing Orders 187(1)*.

<sup>30</sup> The Business Committee, which determines business arrangements of the House, consists of representatives of parties and is convened by the Speaker of the House.

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### Debates

10.6 A general debate takes place after Question Time every Wednesday, in which Members raise matters of concern. Speeches are of five minutes, and the time scheduled for the whole debate is one hour. Although Government party Members also participate in this debate, it is recognized as an opportunity for opposition party Members to raise issues that cannot readily be raised in the House of Representatives otherwise.

10.7 In deciding who to call in debates, the Speaker takes account of the following factors:

- "(a) if possible, a member of each party should be able to speak in each debate;*
- (b) overall participation in a debate should be approximately proportional to party membership in the House;*
- (c) priority should be given to party spokespersons in order of size of party membership in the House; and*
- (d) the seniority of members and the interests and expertise of individual members who wish to speak."*<sup>31</sup>

10.8 The Leader of the Opposition is entitled to make the first speech in reply to important Government legislation or speeches in the House by the Prime Minister. Members of the Opposition party can also expect to have the first non-Government call in debates.

### Other Business

10.9 The Wednesday of every second or alternate sitting week is devoted to non-Government business. It is commonly referred to as Member's day. Private and local orders of the day (for private bills and local bills) and then Member's orders of the day (including Member's bills) have precedence over Government orders of the day.

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<sup>31</sup> *Standing Orders 103.*

### Non-Government Bills

10.10 Under the existing *Standing Orders*, MPs may propose legislation requiring expenditure, subject to the Government's right to exercise a veto if the legislation would have 'more than a minor impact' on the Government's general economic policies.<sup>32</sup> Bills introduced by MPs are called Member's bills in New Zealand.

10.11 In the previous session (December 1999 – June 2002), 25 Members' bills promoted by Members of opposition parties were introduced, compared with 14 by Members of the Government or Government-supporting parties. During the same session, eight Members' bills were enacted, among which six were in the charge of Members of opposition parties.<sup>33</sup>

### Vote of Confidence

10.12 A confidence vote may take several different forms.<sup>34</sup> It may be initiated by the Government, which may move a vote of confidence or declare a particular bill to be a matter of confidence. It may also arise independently of the Government in two situations. First, opposition parties may initiate a motion of no confidence in the Government. Second, votes on Appropriation Bills or Imprest Supply Bills automatically raise questions of confidence, because obtaining Parliament's authority to spend money has always been viewed as fundamental to the survival of the Government.

## **11. Shadow Cabinet System**

### Formation and Operation

11.1 Each major party in the House holds a regular party meeting of its MPs, which is called a caucus. According to the National Party (the existing Opposition party), its Shadow Cabinet varies from eight to 12 Members, depending on the size of the caucus. The party leader assigns portfolios and rankings to all Members of the cauces, and also determines the size of the Shadow Cabinet.<sup>35</sup>

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<sup>32</sup> For details, refer to "Systems of Government in Some Foreign Countries: New Zealand," p. 13.

<sup>33</sup> Information provided by the Office of the Clerk of the House of Representatives.

<sup>34</sup> For details, refer to David McGee, *Parliamentary Practice in New Zealand*, 2nd ed., Wellington: GP Publications, 1994, pp. 70-4 and Philip A Joseph, *Constitutional and Administrative Law in New Zealand*, 2nd ed., Wellington: Brookers, 2001, pp. 284-5.

<sup>35</sup> The list of portfolios as assigned to each MP of the National Party is available at <http://www.national.org.nz/wcontent.asp?PageID=100010573>.

11.2 Similar to the situation in the UK, the Shadow Cabinet in New Zealand is also called the Front Bench. There are regular Front Bench meetings, but they are not in a formal Shadow Cabinet format. The Shadow Cabinet Members follow closely relevant issues in their portfolio areas and the actions of the corresponding Cabinet members.

11.3 The vast majority of the Shadow Cabinet members, especially those with a major portfolio such as Finance, Economy, Health and Education, are more likely to become Ministers when the Opposition comes to power.<sup>36</sup>

11.4 No other opposition parties other than the National Party is large enough to have a Shadow Cabinet.

#### Relationship with the Government

11.5 In New Zealand, the Leader of the Opposition is entitled to access to some confidential security and intelligence information.

11.6 Most of the activities between Ministers and Shadow Ministers are conducted on the floor of Parliament during Question Time. There are also frequent public and media debates between Ministers and Shadow Ministers. Occasionally, Shadow Cabinet Members are invited to attend briefings by the corresponding Cabinet Ministers on issues of the day and future directions of the Ministries.

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<sup>36</sup> Information provided by the National Party.

## **Part 4 - The United States**

### **12. Background**

12.1 The United States (US) is a federal state with a presidential system of government. It has a bicameral legislature called the Congress, comprising the House of Representatives and the Senate. The President of the US is both the Head of State and the Head of Government. The President's election is separate from congressional elections. Cabinet Secretaries, who have no role in the legislature, are chosen by the President with the consent of the Senate.

12.2 The US has a written Constitution which applies the doctrine of separation of powers. The three branches of government, the executive, the legislature and the judiciary, are separate from one another with divided mandates of power conferred by the Constitution.

### **13. Recognition of the Minority Party**

13.1 In the US, the party winning most seats in each of the two houses of Congress, the House of Representatives and the Senate, becomes the majority party. The main opposition i.e. the second largest party is referred to as the minority party. The legitimacy of the minority party is confirmed by congressional practices and political culture.

#### Leadership of the Minority Party

13.2 In the US, the leader of the main opposition party in both the House and the Senate is called the Minority Leader. The position of the Minority Leader, like other party floor leaders<sup>37</sup>, is not provided for in the US Constitution. The posts of the Minority Leaders of the House and the Senate emerged during the latter part of the 19th century.

13.3 Both the House Minority Leader and the Senate Minority Leader are elected by their party Representatives and Senators. The recognition of the minority party is reflected in the fact that Minority Leaders draw higher salaries in Congress (see Table 5).

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<sup>37</sup> Including the Majority Leaders, Minority Leaders and Party Whips of the House of Representatives and the Senate.

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**Table 5 - Yearly Salaries of the Minority Leaders**

Position	Yearly Salary	
	US\$000	HK\$000
<b>House of Representatives</b>		
House Minority Leader	166.7	1,300
House Majority Leader	166.7	1,300
Representatives	150	1,170
<b>Senate</b>		
Senate Minority Leader	166.7	1,300
Senate Majority Leader	166.7	1,300
Senators	150	1,170

Financial Assistance to the Minority Party

13.4 In both the House and the Senate, the majority and the minority leadership offices are provided with funding for their expenses. Table 6 gives the level of funding for the majority and minority leadership offices for fiscal year ending 30 September 2002.

**Table 6 - Level of Funding for the Majority and Minority Leadership Offices for Fiscal Year ending 30 September 2002**

Office	Offices Expenses	
	US\$000	HK\$000
<b>House of Representatives</b>		
Office of the Minority Floor Leader	2,224	17,347
Office of the Majority Floor Leader	1,830	14,274
Office of the Minority Whip	1,168	9,100
Office of the Majority Whip	1,562	12,184
<b>Senate</b>		
Office of the Minority/Majority Leader*	2,868	22,370
Office of the Minority/Majority Whip*	1,912	14,914

Note: \*The Offices of the Majority Leader and Majority Whip are provided with the same level of funding as the Offices of the Minority Leader and Minority Whip.

Source: *H. R. 2647*, available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?Dbname=107\\_cong\\_bills&docid=f:h2647enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?Dbname=107_cong_bills&docid=f:h2647enr.txt.pdf).

13.5 Funding is also available for the minority party to carry out congressional work, including appropriations for party Conferences and Policy Committees.<sup>38</sup>

#### **14. Parliamentary Rules Relating to the Minority Party**

14.1 Many parliamentary procedures of the US Congress are different from that of the UK and New Zealand. This divergence has been brought about by the separation of powers on which the US system of government is based.

##### Membership in Committee System

14.2 Both the House and the Senate maintain three types of committees, namely the Standing, the Select and the Joint Committees.

14.3 Membership on the various committees is divided between the two major political parties, the Republicans and the Democrats. The proportion of the Members of the minority party to the Members of the majority party is determined by the majority party, except that half of the Members on the Committee on Standards of Official Conduct are from the majority party and the other half from the minority party. Traditionally, the majority party Member with the highest seniority on a particular committee serves as its chairman. Both the Rules of Congress and rules of individual party provide detailed procedures in selecting Chairpersons of Standing Committees.<sup>39</sup>

##### Allocation of Time to Minority Business

##### *Questions*

14.4 In the US Congress, Government officials do not appear before plenary sittings to answer questions. Representatives or Senators can put questions to Government officials through the committee process. There is no specific arrangement for the minority party.

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<sup>38</sup> Pending reply from the US concerning facilitates for the minority party in Congress.

<sup>39</sup> For detailed discussion on rules governing selection procedures in the House, see Judy Schneider, "House Standing Committee Chairs: Rules Governing Selection Procedures," CRS Report, RS21165, March 2002.

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### Non-Government Bills

14.5 Under the US Constitution, all legislative powers are vested in Congress. Only legislators have the power to introduce bills. The executive branch may introduce bills through Representatives and Senators. There is no specific arrangement for the minority party.

### Specific Duties of Minority Leaders

14.6 Under the *Rules of the House of Representatives*<sup>40</sup>, the House Minority Leader has certain roles and responsibilities<sup>41</sup>, which are:

- (a) Drug Testing— Under Rule I, clause 13, the "*Speaker, in consultation with the Minority Leader, shall develop through an appropriate entity of the House a system for drug testing in the House.*"
- (b) Inspector General— Rule II, clause 6, states that the "*Inspector General shall be appointed for a Congress by the Speaker, the Majority Leader, and the Minority Leader, acting jointly.*" This rule further states that the Minority Leader and other specified House leaders shall be notified of any financial irregularity involving the House and receive audit reports of the Inspector General.
- (c) Questions of Privilege<sup>42</sup>— Under Rule IX, clause 2, a resolution "*offered as a question of privilege by the Majority Leader or the Minority Leader ..... shall have precedence of all other questions except motions to adjourn.*" This rule further references the Minority Leader with respect to the division of time for debate of these resolutions.
- (d) Oversight Plans<sup>43</sup>— Under Rule X, clause 2, not later "*than 31 March in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans*" of the Standing Committees along with any recommendations it or the House leaders have proposed to ensure the effective co-ordination of the committees' oversight plans.

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<sup>40</sup> The document is available at [http://www.house.gov/rules/house\\_rules\\_text.htm](http://www.house.gov/rules/house_rules_text.htm).

<sup>41</sup> For detailed discussion, see Walter J. Oleszek, "The Role of the House Minority Leader: An Overview," CRS Report, RL30666, September 2000.

<sup>42</sup> The term "Questions of Privilege" means a matter which affects the safety, dignity, or integrity of the House; or which affects the rights, reputation, or conduct of an individual Member acting as Representative.

<sup>43</sup> In the US, congressional committees have a function to monitor executive branch performance (oversight).

- (e) Committee on Standards of Official Conduct: Investigative Subcommittees – Rule X, clause 5, stipulates: "*At the beginning of a Congress, the Speaker or his designee and the Minority Leader or his designee each shall appoint 10 Members, Delegates, or Resident Commissioners from his respective party who are not members of the Committee on Standards of Official Conduct to be available to serve on investigative subcommittees of that committee during that Congress.*"
- (f) Permanent Select Committee on Intelligence – "*The Speaker and Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum.*" (Rule X, clause 1) In addition, each leader may designate a member of his leadership staff to assist him with his ex officio duties.
- (g) Dynamic Tax Estimates – "*A report from the Committee on Ways and Means on a bill or joint resolution designated by the Majority Leader, after consultation with the Minority Leader, as major tax legislation may include a dynamic estimate of the changes in Federal revenue expected to result from enactment of the legislation.*" (Rule XIII, clause 3)
- (h) Motion to Recommit with instructions – Under Rule XIII, clause 6, the Rules Committee may not (except in certain specified circumstances) issue a "rule" that prevents the Minority Leader or a designee from offering a motion to recommit with instructions.
- (i) Corrections Calendar – Rule XV, clause 6, states that after a bill "*has been favourably reported and placed on either the Union or House Calendar, the Speaker, after consultation with the Minority Leader, may direct the Clerk also to place the bill on the 'Corrections Calendar'.*"

14.7 In addition, the House Minority Leader has a number of other institutional functions. For instance, the Minority Leader is sometimes statutorily authorized to appoint individuals to certain federal institutions, and is by tradition a member of the House Office Building Commission.

14.8 Informally, the Minority Leader maintains ties with majority party leaders to learn about the schedule and other House matters and forges agreements or understandings with them insofar as feasible.

14.9 In comparison with the House, the Rules of the Senate are less formal. In the Senate, the Majority Leader will consult the Minority Leader in reaching 'unanimous consent agreements',<sup>44</sup> by which the Senate limits the amount of time for debate and divides that time between the parties. The minority party has greater influence in the Senate because much of the Senate's business is conducted under unanimous consent agreements.

#### Vote of Confidence

14.10 There is no provision in the Constitution for Congress to initiate a vote of no confidence.

### **15. Shadow Cabinet System**

15.1 As the executive and legislative branches are separate, there is strictly speaking no Shadow Cabinet system in the US. However, the minority party in Congress may have a spokesman system. When his party holds the Presidency, the Minority Leader may be the President's chief spokesman in the House of Representatives. When the majority party holds both the House of Representatives and the White House, the Minority Leader may be the national spokesman for his party.

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<sup>44</sup> The 'unanimous consent agreements' are agreements negotiated among Senators by the Majority and Minority Leaders to limit debate on a specified measure, to restrict amendments to it, and to waive points of order. The agreements require the consent of every Senator and may be denied by a single objection.

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## Part 5 - Comparison of Various Attributes of the Relationship between the Government and the Opposition or Minority Parties in Selected Places

### Table 7 - Nature of Opposition or Minority Parties

Places	Population (million)	Membership in Major Parties	Number of Seats in the Legislature	Nature of Opposition or Minority Parties
<b>The UK</b>	59.1	Labour Party (385 000)* Conservative Party (350 000)*	House of Commons: 659 House of Lords: 684	The opposition parties are political parties in the House of Commons other than the largest party (Government party). The largest of the opposition parties is known as the Official Opposition or Her Majesty's Opposition. The Official Opposition is the "Government in waiting".
<b>New Zealand</b>	3.9	Labour Party (secret) National Party (around 40 000)	House of Representatives: 120	The largest party in terms of its membership which is not in Government or in coalition with the Government party is known as the Opposition party. The Official Opposition is the "Government in waiting".
<b>The US</b>	272.9	Republican Party (37% of voters)** Democratic Party (some 37% of voters)**	House of Representatives: 435 Senate: 100	The largest party in the House or in the Senate is generally referred to as the majority party, while the second largest party is the minority party. There is no direct relationship between the party composition in Congress and the formation of the current Government or a future Government.

Note: \* Membership in 1998, from Peter Mair and Ingrid van Biezen, "Party Membership in Twenty European Democracies, 1980-2000," *Party Politics*, Vol. 7, No. 1, pp. 5-21 at p.19.

\*\* Membership in a political party in the US is very informal. Thirty-seven per cent of voters identified themselves as Republicans, while some 37% of voters identified themselves as Democrats in the middle 1990s, data from George E. Delury, *World Encyclopedia of Political Systems and Parties*, 3rd ed., Vol. III, New York: Facts On File, 1999, p. 1195 and p. 1197.

**Table 8 - Recognition of Opposition or Minority Parties**

<b>Places</b>	<b>Means of Recognition</b>	<b>Leader of Opposition or Minority Parties</b>	<b>Financial Assistance to Opposition or Minority Parties</b>
<b>The UK</b>	<p>By convention, parliamentary practices and political culture.</p> <p>Implicit in <i>the Intelligence Services Act</i>.</p> <p>The largest minority party in the House of Commons becomes the Official Opposition.</p>	<p>The Leader of the Opposition in both the House of Commons and the House of Lords draws an official salary.</p>	<p>Receive public money for parliamentary work: known as "Short Money" in the House of Commons; "Cranborne Money" in the House of Lords.</p> <p>For parliamentary business, travel and associated expenses, and running costs of the Leader of the Opposition's Office.</p>
<b>New Zealand</b>	<p>By convention, parliamentary practices and political culture.</p> <p>No formal legal basis for recognition.</p> <p>The largest party which is not in Government or in coalition with a Government party is the Opposition party.</p>	<p>The Leader of the Opposition draws an official salary.</p> <p>The leaders, deputy leaders and whips of all opposition parties are remunerated at a higher level than MPs with no parliamentary party offices.</p>	<p>All parliamentary parties have budget allocations to cover the costs of :</p> <ul style="list-style-type: none"> <li>(a) each leader's office (except those in Government);</li> <li>(b) spending on research;</li> <li>(c) media relations; and</li> <li>(d) co-ordinating the work of the party's MPs in Parliament.</li> </ul>

**Table 8 - Recognition of Opposition or Minority Parties (cont'd)**

<b>Places</b>	<b>Means of Recognition</b>	<b>Leader of Opposition or Minority Parties</b>	<b>Financial Assistance to Opposition or Minority Parties</b>
<b>The US</b>	<p>By congressional practices and political culture.</p> <p>No legal basis for recognition.</p>	<p>The leader of the second largest parties in the House of Representatives or the Senate is called the Minority Leader.</p> <p>Minority Leaders draw an official salary.</p>	<p>Special appropriations for minority leadership offices of the House of Representatives and the Senate.</p>

**Table 9 - Parliamentary Rules Relating to Opposition or Minority Parties**

<b>Places</b>	<b>Membership in Committee System</b>	<b>Allocation of Time to Opposition or Minority Business</b>	<b>Non-Government Bills</b>	<b>Vote of Confidence</b>
<b>The UK</b>	<p>The strength of the opposition party should be reflected in the membership in the parliamentary committee system.</p> <p>By convention, both the Public Accounts Committee and the Joint Committee on Statutory Instruments are chaired by a Member of the Opposition.</p>	<p>In the Prime Minister's Question time, the Leader of the Opposition is permitted to have extra supplementary questions.</p> <p>Specific days for opposition parties to choose subjects of debate.</p>	<p>Private Members (who hold no official position in Government or in their parties) can introduce bills, except those authorizing expenditure. Putting forward policies and proposals by way of Private Member's bills is of special interest to Members of opposition parties.</p>	<p>The Government is required to resign if a motion of no confidence is passed.</p>
<b>New Zealand</b>	<p>The strength of the opposition party should be reflected in the membership in the parliamentary committee system.</p> <p>By convention, a Member of the Opposition party is elected to be the chairperson of the Regulations Review Committee.</p>	<p>The largest Opposition party can expect to have the first non-Government party question during Question Time.</p> <p>General debates after Question Time every Wednesday and specific days for non-Government business provide opportunities for opposition party Members to discuss issues of their concern.</p>	<p>Members of Parliament may propose bills requiring expenditure, subject to the Government's right to exercise a veto if the bill would have 'more than a minor impact' on the Government's general economic policies.</p>	<p>The Government is required to resign if a motion of no confidence is passed.</p>

**Table 9 - Parliamentary Rules Relating to Opposition or Minority Parties (cont'd)**

<b>Places</b>	<b>Membership in Committee System</b>	<b>Allocation of Time to Opposition or Minority Business</b>	<b>Non-Government Bills</b>	<b>Vote of Confidence</b>
<b>The US</b>	The proportion of the Members of the minority party to the Members of the majority party is determined by the majority party.	No specific arrangement.  The Minority Leaders have certain institutional responsibilities under the Rules of the House and the Senate.	All Representatives and Senators have the right to introduce bills.	Not available in the Constitution.

**Table 10 - Shadow Cabinet System**

<b>Places</b>	<b>Formation</b>	<b>Operation</b>	<b>Relationship with Government</b>
<b>The UK</b>	Leaders of opposition parties determine the size of the Shadow Cabinet and assign portfolios to its members.	Regular caucus meetings.	The Leader of the Opposition is normally consulted by the Prime Minister in the event of a national emergency.  There may be discussions between the Leader of the Opposition and the Prime Minister on important policies or security matters.
<b>New Zealand</b>	Leaders of opposition parties determine the size of the Shadow Cabinet and assign portfolios to its members.	Regular caucus meetings.	The Leader of the Opposition is entitled to access to some confidential security and intelligence information.  Public and media debates between Ministers and Shadow Ministers.
<b>The US</b>	No Shadow Cabinet system, but has a spokesman system.	Not applicable.	Not applicable.

## **Part 6 - Analysis**

### Nature of Opposition or Minority Parties

16.1 In the UK, the opposition parties are political parties in the House of Commons other than the largest party (Government party). The largest of the opposition parties is known as the Official Opposition or Her Majesty's Opposition. In New Zealand, the largest party in terms of its membership which is not in the Government or in coalition with a Government party is known as the Opposition party. In a parliamentary system of government, such as the UK and New Zealand, the Official Opposition is the "Government in waiting". The Leader of the Opposition is expected to be ready to take office as the Prime Minister.

16.2 In the US, the main opposition party in the House or in the Senate is generally referred to as the minority party. There is no direct relationship between the party composition in Congress and the formation of the current Government or a future Government.

### Recognition of Opposition or Minority Parties

16.3 In the UK, New Zealand and the US, the recognition of the opposition parties is mainly conferred by convention, parliamentary practices and political culture. Their recognition is not through formal legal rules.

16.4 In the three places studied, the recognition of the opposition or minority parties is also reflected in the fact that some leadership posts of the Official Opposition or the minority party draw an official salary.

16.5 In both the UK and the US, there are special appropriations for the opposition or minority parties to perform parliamentary work. In New Zealand, all parliamentary parties receive public money for Party and Members Support.

### Parliamentary Rules Relating to Opposition or Minority Parties

16.6 In all the places studied, the Leaders of Opposition or Minority Leaders are consulted to a certain extent when the Government or the majority party prepares the order of parliamentary business.

16.7 In the UK and New Zealand, parliamentary rules are designed to ensure that the strength of each parliamentary party is reflected largely in the membership in the committee system. Certain specific committees are by convention to be chaired by Members of the Opposition party. In these two places, specific time is allocated for non-Government business such as general debates and bills introduced by backbenchers. Putting forward policies and raising new concerns by way of statutory instruments and general debates are of special interest to Members of opposition parties.

16.8 In the US, congressional committees have extensive powers. The chairmanship of the committees belongs as of right to the majority party in Congress. No specific time is allocated for parliamentary business of an individual party.

### Shadow Cabinet System

16.9 In a parliamentary system, such as the UK and New Zealand, the executive and the legislature are inseparable. Ministers must either be MPs or become MPs when they accept ministerial office. The primary goal of a main opposition party is to form a Government in the next election. The Shadow Cabinet has become the key instrument through which the opposition party organizes itself for the daily parliamentary business, and from which the Cabinet will be formed when the party is in power.

16.10 In a presidential system, such as the US, the executive and the legislature are two separate branches. A Cabinet Office is incompatible with a congressional membership. Therefore, the primary goal of the minority party is to win in the next election and capture the majority control of Congress. Formation of a Shadow Cabinet is not important in this context because the minority party does not have to present itself as a team eminently fit to govern.

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