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**The Future of Cabinet Government in  
New Zealand: The Implications  
of MMP for the Formation,  
Organization and Operations  
of the Cabinet**

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## **Abstract**

This paper considers the implications of the impending introduction of the mixed-member proportional (MMP) electoral system in New Zealand for the formation, organization and operations of the Cabinet. The literature on coalition government is surveyed and the likely forms of government under MMP are outlined. The paper then explores the dynamics of multi-party government, including the selection of the Prime Minister, the allocation of portfolios, and the internal organization of the Cabinet. Consideration is also given to the possible impact of MMP on the doctrines of individual ministerial responsibility and collective responsibility, and the case for appointing non-MPs as Cabinet ministers is examined.

It is argued that the implications of MMP for the operations of the Cabinet will depend primarily on whether the governments which are formed are single-party minority governments, multi-party minority governments, or multi-party majority governments. The type of government which is most likely will in turn depend on the nature and evolution of the party system and any changes in the constitutional conventions relating to the formation of governments and the dissolution of Parliament.

## **Key Words**

Cabinet, coalitions, policy making, proportional representation, ministerial responsibility

## Introduction

The introduction of the new mixed-member proportional electoral system (or MMP) sometime in 1995 or 1996 will have a significant impact on the governance of this country. In particular, it is improbable in the future that a single political party will secure a majority of the seats in Parliament. This means that we are likely to witness either single-party minority governments or coalition governments (be they minority or majority in nature). The advent of multi-party or coalition government will have major implications for our political institutions, especially the Governor-General, Parliament, Cabinet and the public service (see Chen, 1993; Harris and McLeay, 1993; Palmer, 1992).

The purpose of this paper is to consider the ramifications of MMP for the formation, organization and operations of the Cabinet. Since it is not possible in a single paper to cover all the relevant issues, I will limit my discussion to five main subjects: the varying approaches evident within the academic literature on coalition government; the likely pattern of government under MMP; the dynamics of multi-party Cabinet government, including the selection of Prime Minister, the allocation of portfolios, and the internal organization of the Cabinet; the implications of coalition government for the doctrines of individual ministerial responsibility and collective responsibility; and the merits of appointing non-MPs as Cabinet ministers. There are, of course, many other issues which deserve attention, including the consequences of MMP for the relationship between Cabinet and Caucus, Cabinet and Parliament, and Cabinet and the public service. Since these topics are being covered by other contributors to this conference, I will largely ignore them here.

In considering the implications of proportional representation for Cabinet government in New Zealand, we need to bear in mind that we are not entering a totally foreign or unknown world. On the contrary, there is a wealth of experience from overseas upon which we can draw. Most of the countries of continental Europe and Scandinavia, for example, have had proportional representation of one form or another since at least the Second World War, and it has been relatively rare in such countries for a single party to secure a parliamentary majority. Their experience in government formation, consensus building, logrolling (i.e. inter-party policy trade-offs), the allocation of ministerial portfolios under coalition arrangements, and the use of ad hoc non-governmental policy-making coalitions, is thus of considerable relevance to the new political environment and warrants careful scrutiny. There are many lessons to be learned, and many practices and procedures that we are likely to adopt, whether by accident or design.

This is not to suggest that the operations of New Zealand Cabinets under MMP will emulate those, say, of Austria, Germany, or Sweden, let alone Ireland, Israel, Japan, or Switzerland. We will not simply replicate the German model of Cabinet government merely because we are adopting an electoral system of a similar kind (including party lists and a 5% threshold). Far from it: every country has certain unique features in terms of its history, political culture, social cleavages, electoral geography, governmental institutions, and party system, and these in turn have a profound bearing on the nature and style of government. Hence, the conduct of Cabinet government varies a good deal even between states with similar electoral systems. For such reasons, New Zealand can be expected to chart its own distinctive course of Cabinet government under MMP, just as it has done under the first-past-the-post system. We would be wise, however, to observe how other countries with systems of proportional representation conduct their governmental affairs, and learn, where possible, from their failures and their successes. Among the countries most relevant for us to consider are the small, relatively homogeneous Scandinavian democracies.

## The Literature on Coalition Government

In the past two decades, political scientists (amongst others) have given a great deal of attention to the subject of Cabinet government, and there is now a large and burgeoning literature. A major sub-field within this literature is the study of coalition governments. Academic research in this latter area has been dominated by two intellectual traditions (Laver, 1986).

The first approach falls within the "European politics" tradition. This is strongly empirical in orientation, largely inductive, more qualitative than quantitative, and primarily focussed on the experience of coalition governments in (Western) Europe. A core concern of scholars within this tradition has been the nature of social cleavages, the implications of the cleavage structure for the party system, and the impact of the party system on the pattern of coalition government. Another focus of attention has been the dynamics of policy making under multi-party arrangements. Good examples of work in this tradition include the edited collections by Bogdanor (1983a), Blondel and Muller-Rommel (1988), Blondel and Thiebault (1988), and Mackie and Hogwood (1985). I will refer to some of this work later in the paper.

The other main approach has been much more quantitative, theoretical and deductive in nature, and has drawn heavily on public choice (or rational choice) theory and game theory. The formal model building in this tradition has tended to be complex and highly mathematical, but it is nevertheless full of fascinating insights and hypotheses (see, for example, Austen-Smith and Banks, 1990; Baron, 1991; Budge and Laver, 1986, 1993; Franklin and Mackie, 1983; Laver, 1974; Laver and Shepsle, 1990a, 1990b; Riker, 1962; Schofield and Laver, 1985; van Roosendaal, 1992). Those adopting this theoretical approach have been concerned to explain a variety of matters, such as why coalitions form and why they disintegrate, why they take the form that they do (in terms of size, composition, and ideological orientation), why some parties prefer to remain outside a coalition, why some opposition parties often support a minority government on motions of no-confidence (or abstain), why some parties (e.g. centre parties) often enjoy more policy influence than other parties even if they are not part of the government, why some coalitions are more stable than others, and why the policy payoffs and ministerial portfolios are distributed the way they are.

In order to account for the behaviour of parties, various simplifying assumptions have been adopted. Some writers, for example, have assumed that parties are solely interested in seeking office (because of the benefits, in terms of power, status and financial rewards, that office-holding provides) (see Riker, 1962). Others, however, have maintained that parties are also motivated by other considerations, in particular the pursuit of policy objectives (see Budge and Kernan, 1990; Budge and Laver, 1986, 1993). From this perspective, the quest for power is seen as both an end in itself and a means of achieving the party's policy goals. As one might expect, models which include both policy and office-seeking objectives have a much better predictive capacity than those which assume only office-seeking objectives (although there appears to be some variation in the behaviour of parties between countries).

Coalition theorists have advanced numerous propositions. Amongst these is the claim that the most likely, as well as the most desirable (or at least durable), coalitions are those which: a) are winning coalitions (i.e. they have a majority of seats in the legislature); b) are as small as possible, consistent with (a) (i.e. they are minimum winning coalitions (MWC)); and c) are as ideologically cohesive as possible, consistent with (b) (i.e. they are minimum connected winning coalitions (MCW)) (see Franklin and Mackie, 1984). Although the empirical evidence tends to support these propositions, there are numerous exceptions. For example, the parliamentary strength of some coalition governments far exceeds the requirements of a MWC (i.e. the coalition includes one or more parties which are unnecessary in terms of achieving a simple parliamentary majority). "Oversized" coalitions have been especially prevalent in Belgium and the Netherlands (see Andeweg,

1988; Frogner, 1988). In many other cases, coalitions form which fail to meet the requirements of a MWC (i.e. they are minority coalitions) (see Budge and Laver, 1986; Strom, 1990). Yet many of these prove to be perfectly viable -- in the sense of being able to pass most of their proposed legislation and winning votes of no-confidence. Some are also reasonably durable (i.e. they survive a full parliamentary term). Finally, some coalitions are ideologically diverse and include parties which in terms of various key policy dimensions are closer to one or other of the main opposition parties. This is often the case in Scandinavian countries. Coalition theorists have made considerable efforts over the years to explain such phenomena.

## Types of Cabinet Government

As will be evident from the preceding remarks, there are various types of Cabinet government. One way of categorizing such governments is according to whether they hold a majority or a minority of seats in Parliament and whether they comprise a single party or more than one party (i.e. a coalition of parties). On the basis of these categories, there are four options:

- a. single-party majority government;
- b. multi-party majority government;
- c. multi-party minority government; and
- d. single-party minority government.

It is, of course, possible to make further distinctions and introduce additional dimensions. In some (rare) situations, a government may have an equal number of seats in Parliament as the opposition party or parties, and hence technically it is neither a majority nor a minority government. Multi-party governments can be sub-divided in various ways -- for example, according to the number of parties in the coalition (two, three, four, etc.), the relative size of the parties in the coalition, the ideological cohesion of the coalition, whether it is a MWC, a MCW, an oversized coalition, a grand coalition of all the *major* parties, an *all-party* coalition, and so forth. Minority governments can be sub-divided according to the various criteria, such as the nature and degree of the support they receive from opposition parties (see Strom, 1990).

New Zealand has had relatively few minority governments during the twentieth century, and none since the Great Depression. Nor has it had many coalition governments. With the exception of war-time accommodations, the most recent coalition was during the Great Depression. Instead, most governments have been single-party *majority* governments. Some of these of course, such as the current National Government, have had very slender majorities. By international standards, this prevalence of single-party majority government is relatively uncommon. Since the Second World War about a third of all governments in democratic countries have been minority governments (Strom, 1990). Moreover, in some countries, such as Denmark, Norway and Sweden, minority governments (whether single party or multi-party) have been more common than majority governments. Further, in most European countries coalition governments have been the norm rather than the exception. Hence, single-party majority governments have been limited, with a few notable exceptions like Ireland and Japan (and in the immediate post-war period, Norway and Sweden), to countries with first-past-the-post electoral systems (i.e. Britain, Canada, India, and New Zealand).

Under MMP a party will not necessarily need to win 50% of the list vote in order to obtain a majority of the seats in Parliament. This is because some parties are unlikely to secure sufficient votes to cross the 5% threshold. Even so, it is improbable that a party would be able to secure a majority of seats without at least 46-47% of the list vote. In New Zealand, parties do not often win such high levels of electoral support, and no party has won more than 50% of the vote since 1951 (James and McRobie, 1993). In view of this, it seems highly unlikely that we will witness single-party majority governments under MMP. It is not, however, impossible.

Beyond this reasonably confident prediction, I am uncertain as to which of the remaining three types of government is likely to be most prevalent in New Zealand during the next few decades. The experience amongst countries with PR systems is varied (see Strom, 1990, pp.246-268). Since the 1960s, Sweden has mainly had single-party minority governments. This has been due to the fact that the Social Democrats have been by far the largest party in the Riksdag, with the Communist party generally holding the balance of power (and naturally the Communists have backed the Social Democrats over the so-called bourgeois parties). By contrast, Denmark has had a mixture of single-party and multi-party minority governments; Germany (i.e. West Germany until 1989) has been dominated by two-to-three party majority governments (which included a grand coalition of the major parties in 1966-69); Finland, Italy, the Netherlands, and Portugal have generally had multi-party majority governments (often with three or more parties in the coalition); Belgium regularly has four-to-five-party majority governments, and in 1980 had a coalition of six parties; and Austria has had long periods of government by a grand coalition of the two major parties (the People's party and the Socialists).

It remains to be seen which of these examples, if any, New Zealand will imitate in the coming decades. Nevertheless, overseas experience suggests that the type of government which predominates under PR systems is influenced by a range of considerations. Two of these are particularly important: first, the constitutional rules and conventions concerning the *formation* and *dissolution* of government; and second, the configuration of the party system (see Bogdanor, 1983b, Budge and Keman, 1990; Harris and McLeay, 1993; Pesonen and Thomas, 1983; Sarlvik, 1983).

#### i. Constitutional Rules and Conventions

The experience of other parliamentary democracies suggests that the constitutional conventions relating to the formation and dissolution of government in New Zealand will facilitate, if not encourage, the establishment of minority governments (whether single party or multi-party in nature). Unlike the situation in some countries (e.g. Finland), there is no constitutional requirement for the government to hold a majority of the seats in Parliament. Nor is there a formal requirement, as in Sweden, for an incoming government to face a vote of confidence (or confirmation). There is, of course, nothing to stop an opposition party in New Zealand forcing such a vote. But even if a confidence vote were to be held, an incoming minority government may well survive because of the decision of one or other of the opposition parties to abstain. After all, the opposition parties may be deeply divided. They may conclude that there is little prospect of putting together a viable alternative government. And one or other of the opposition parties may not wish to force an early election. Political considerations, therefore, may dictate that a minority government is the only realistic option in the circumstances. Interestingly, governments in Sweden can only be defeated if an absolute majority of the 349 votes in the Riksdag (i.e. 175 votes) are cast against it. Such a rule makes it easier for a minority government to survive since most, if not all, the opposition parties must vote against it in order to secure an absolute majority (see Sarlvik, 1983, p.139). It is worth considering whether such a requirement would be desirable in New Zealand.

The conventions relating to the dissolution of Parliament in New Zealand will also increase the possibility of minority government. As Bogdanor puts it,

Broadly, the easier it is for the Prime Minister of a minority government to secure a dissolution, the easier it will be for his government to survive. For the Prime Minister will be able to threaten his opponents with a dissolution if he is defeated in the legislature. He will be under no pressure to negotiate with other parties to secure a coalition agreement if he believes that he has a dissolution 'in his pocket' (1983b, p.6).

Unlike some countries (e.g. Norway), New Zealand does not have a fixed parliamentary term. Prime Ministers thus have some flexibility to call early elections (as, for example, Sir Robert Muldoon did in 1984). And as Bogdanor has argued, this flexibility can be expected to give the Prime Minister of a minority government a degree of political leverage. But having said this, such flexibility will be constrained by a number of considerations. First, the government may perceive that the electoral consequences of an early dissolution will be negative, or at least it may not want to take the risk. Second, even if the government believes that it has a good chance of picking up seats in an early election, it still risks the possibility of losing office. In Denmark a number of minority governments have performed well in elections but have nonetheless failed to receive the necessary support in the Folketing to continue in office. Third, in accordance with current conventions the Governor General can refuse a Prime Minister's request for a dissolution (unlike the situation in Denmark) if she or he is certain that another party (or parties) could form a viable government and wishes to do so (Harris and McLeay, 1993, p.111). Bear in mind that the Governor General is obliged to act on the instructions of the person who commands the confidence of Parliament, and in certain situations this may not be the Prime Minister.

Notwithstanding these qualifications, New Zealand's *current* constitutional conventions are such that minority governments are not only possible, but quite likely under MMP. Moreover, depending on the circumstances such governments may enjoy significant political leverage. We must not rule out the possibility, of course, that our conventions will change in the future. Were New Zealand to become a republic, the powers of the head of state (or President) in relation to governmental formation and the dissolution of Parliament may be different to those currently exercised by the Governor General.

#### b. The Configuration of the Party System

The future configuration of our party system will also influence the type of government which is most common. This is because, amongst other things, the party system has implications for the level of political certainty, the willingness of the parties to bargain with each other, and their willingness to entertain short-term or long-term alliances. Key features of the party system which will be important are the number, size, stability, and type of the parties represented in Parliament. The type of government which is most likely will depend in particular on:

- i) whether one party, perhaps National, emerges as the only major party (i.e. regularly exceeding, say, 35% of the list vote) or whether we continue to have two relatively evenly balanced major parties (as in Germany);
- ii) whether two (or perhaps three) parties with strong personal and ideological affinities secure a clear majority of seats; and
- iii) the nature of the party (or parties) holding the balance of power in Parliament. For example, is it an extremist or anti-system party (and hence uncoalitionable and non-ministrable), or a maverick, populist party like New Zealand First (which may or may not be coalitionable), or an office-seeking and readily coalitionable party at the centre of the political spectrum? Overall, coalitionable centre parties are likely to have the greatest influence where there are two relatively evenly balanced parties on either side which they can play off against each other.

As it stands, there are so many uncertainties surrounding the current political situation and so many potential scenarios concerning the re-alignment of the existing political parties and the formation of new parties, that it would be foolish to make any firm predictions. However, unlike some commentators, I think it is doubtful that our party structure under MMP will emulate that of Germany's. Rather, I expect that we will end up with a minimum of five parliamentary parties (certainly in the short-to-medium term) compared with Germany's more usual four (see von Beyme, 1983; Schmidt, 1983).



Such parties are likely to include National, Labour, the Alliance (in some form), New Zealand First, and a party on the right (based on the views of the Association of Consumers and Taxpayers). It is also possible that a Maori party, a social-liberal centrist party, or a separate Green party could secure representation in Parliament. If this analysis is correct, then the two largest parties will secure a significantly smaller percentage of the total list vote than the two largest parties in Germany (the Christian Democrats and the Social Democrats). Also, such an outcome would probably witness the end of the post-war pattern of having two dominant and relatively evenly balanced parties (which has also been the case in Germany). At the same time, the force of history and tradition, the continuing salience of party identification, the 5% threshold, the fact that New Zealand society has relatively few significant social and cultural cleavages (e.g. ethnic cleavages are important, but religious cleavages are neither intense nor politically salient), and the relative absence of politically salient policy issues which fall outside the normal left-right spectrum, will tend to limit the degree of party fragmentation. For such reasons, we are unlikely to have as many successful parliamentary parties as, say, Denmark and Italy. Rather, we are more likely to mirror the experience of countries like Norway and Sweden.

#### The Implications for Governmental Types Under MMP

What conclusions, if any, can be drawn from the preceding analysis concerning the likely type of government during the next few decades?

- i) Under MMP we should expect to have a reasonable number of minority governments, some of which will be coalitions. It is more doubtful, however, whether minority government will be the norm.
- ii) In all probability, coalitions will be the most common form of government and many (if not most) of these can be expected to have parliamentary majorities. Oversized coalitions, grand coalitions, and all-party coalitions are likely to be rare.
- iii) In line with experience elsewhere, most coalition governments can be expected to comprise parties which are relatively close to each other on the ideological continuum. However, we cannot rule out the possibility of having coalitions of strange political bedfellows as, for example, have occurred from time to time in Denmark (Christensen, 1985; Sarlvik, 1983) and Ireland (Farrell, 1983).
- iv) Assuming that we emulate the general experience of other countries with PR systems, coalition governments under MMP, whether of a minority or majority nature, will tend to include the party or parties at the centre of the ideological continuum (or the most central party in a multi-dimensional policy space) (Budge and Laver, 1993, p.508). Under MMP, therefore, politicians with a primary interest in enjoying the benefits of ministerial office will have an incentive to form or join centre parties (assuming, of course, that such parties can be expected to secure at least 5% of the list vote or win a constituency seat).
- v) It seems doubtful, especially given the 5% rule and New Zealand's recent political history, that extremist parties will secure representation in Parliament. Against this, parties may from time to time be elected which are regarded as uncoalitionable.
- vi) It remains to be seen whether there will continue to be a roughly equal balance of centre-left and centre-right governments or whether we will enter a period of long-term centre-left or centre-right dominance. Similarly, it is unclear whether we will follow the Norwegian and Swedish experience of essentially "two-bloc" politics (i.e. a socialist or social-democratic bloc versus a bourgeois bloc), or the "balancing centre" pattern that has been more typical in Denmark and the Low countries (i.e. with the parties in the centre forming alliances with both left-wing and right wing parties). We can be reasonably confident, however, that there will be changes in the ideological orientation of our

governments from time to time. Such changes will not necessarily coincide with general elections.

## **The Dynamics of Cabinet Government**

Turning, then, to the question as to how MMP will affect the nature and operations of Cabinet government. In particular, how will the move away from single-party majority government affect the structure and operations of Cabinet?

It must be emphasized at the outset that we will continue to have Cabinet government under MMP. Major issues of public policy will continue to be decided collectively. Much of the work of Cabinet will continue to be undertaken through a series of committees. The tradition of informality (i.e. the unwillingness to regulate the operations of Cabinet via formal constitutional rules) is likely to prevail. The conduct of government will continue to depend a good deal on the personality and leadership style of the Prime Minister. Most Cabinet ministers will doubtless remain overloaded! The bureaucratic apparatus supporting the Cabinet system will be needed as much as ever, and in most respects will continue to operate as at present. Hence, departmental policy advisers can expect neither a diminution in the demand for their services nor a diminution in their influence. They may, however, face some changes in the nature of their work, including the need to provide more advice to MPs other than their own minister(s).

Despite such continuities, MMP will almost certainly have some major impacts on the system of Cabinet government. These impacts will vary according to the type of government that emerges. Three general propositions can be advanced in this respect:

- i) the advent of coalition government will have more significant implications than the establishment of a single-party minority government;
- ii) the implications for the Cabinet will be all the greater if a coalition holds only a minority of the seats in Parliament; and
- iii) the implications for Cabinet will be all the greater the larger the number of parties which comprise a coalition.

Let me explain these points further. A move from single-party majority government to single-party minority government would undoubtedly alter the relationship between the executive and Parliament. It would mean, above all, that the Cabinet would be unable to pursue policies which lacked the support of those holding the balance of power in Parliament, and it would necessitate a great deal more inter-party consultation, consensus building, and horse trading than has been the case in New Zealand in recent decades. In this regard, it might result in the use of so-called "jumping majorities" whereby the government would secure the support of a different grouping of MPs for each piece of controversial legislation (see Bogdanor, 1983b, p.6). Yet in many other respects, the operations of the Cabinet would be unaffected. The Prime Minister and all other ministers would be selected from the governing party, as at present. Portfolios would continue to be allocated by the Prime Minister (in consultation with senior colleagues). And there would continue to be Cabinet committees, the membership of which would be determined primarily by the Prime Minister. There would generally be no need to consult with other parties over the choice of Prime Minister, the size and composition of Cabinet, or the nature and allocation of portfolios.

A move to coalition government, by contrast, complicates things a good deal, and these complications are compounded if the government is a minority one, and/or if there are more or than two parties in the coalition.

### 1. The Choice of Prime Minister

One of the key problems facing a coalition government is which party will supply the Prime Minister. Given the status and influence of the Prime Minister's position, the question as to which party will secure the Prime Ministership may from time to time be controversial. Occasionally, it could even be one of the crucial issues governing the success or otherwise of the negotiations which will precede the establishment of a coalition. Overseas practice indicates that the Prime Minister is *usually* the leader of the coalition partner with the largest number of seats. This, for example, has been the practice in Germany, and is currently the case in Denmark and Sweden. However, there are many exceptions to this rule, especially where there are three or more parties in the coalition (e.g. Italy and Sweden). In such a situation, the position of Prime Minister may be rotated between the parties (assuming that the coalition survives long enough for this to be done). Alternatively, the largest coalition party may trade the position of Prime Minister for certain policy concessions from the other parties or perhaps for additional Cabinet posts. Personality issues (including gender, trustworthiness, ability, electoral appeal, etc.) may also play a role in determining which party leader becomes Prime Minister. It should not be assumed, therefore, that the largest coalition party will automatically supply the Prime Minister. Generally speaking, the position of Deputy Prime Minister under coalition arrangements goes to a party that does not hold the Prime Ministership.

### 2. The Size of Cabinet

Another issue is whether coalition government will affect the size of the Cabinet. In recent decades, New Zealand Cabinets have had around 20 members, together with a number of ministers outside the Cabinet and/or a few parliamentary under-secretaries. This practice conforms to the average amongst parliamentary democracies (see Boston, 1990, p.64; Mackie and Hogwood, 1985, p.18; Blondel and Muller-Rommel, 1988). Some Cabinets elsewhere are much smaller (e.g. Switzerland usually has around 7 ministers and Japan about 13), while others are much larger (Italy frequently has around 30 ministers and Canada up to 40). Most, however, are of a similar size to New Zealand (e.g. Australia - 17; Austria - 16-18; Germany - 15-17; Norway - 17-19; and Denmark - 20-24). There is no systematic tendency elsewhere for the Cabinets of coalition governments to be larger than those of single-party governments, and it seems unlikely that a coalition government in New Zealand under MMP would have significantly more ministers than is currently the case. After all, there are only a certain number of responsibilities to be allocated, and the larger the Cabinet the more unmanageable it is likely to be. If anything, there is a case for reducing, rather than increasing, the current size of the Cabinet.

There is one situation which might arise under MMP that could significantly affect the size of the Cabinet. In a number of countries, including Denmark and Sweden, single-party governments have occasionally been formed with as few as 10-12% of the seats in the legislature. Given the small size of the New Zealand Parliament, a similar development here would necessarily limit the size of Cabinet. After all, a party in such a situation would only have 12-14 MPs, and some of these may not be suitable for appointment to a Cabinet position.

### 3. The Allocation of Portfolios and the Process of Coalition Building

Whatever the size of the Cabinet, coalition governments face various issues with regard to the allocation of ministerial portfolios and the selection of ministers (see Budge and Kernan, 1990). The general pattern internationally is for coalition parties to be allocated portfolios (as well as more junior positions in the government) on the basis of a principle of proportionality: that is to say, the number of portfolios secured by a party will be in proportion to its number of parliamentary seats (see Browne and Franklin, 1973; Browne and Frendreis, 1980). Committee chairpersons tend also to be distributed on a

proportional basis. There are, however, some exceptions to the proportionality rule. For example, parties with a pivotal role in the bargaining game may be able to secure a disproportionate number of seats, particularly if the larger coalition partners believe that the coalition is secure. Likewise, small parties in two-party coalitions are sometimes "overpaid". This is because it costs the larger party relatively little in terms of influence or patronage to concede a few additional ministerial posts to its coalition partner, and such generosity may well produce a more cohesive and durable government. In Germany, the two smaller parties, the Free Democrats (or Liberals) and the Christian Social Union, have consistently been over-represented (though not vastly so) in the Cabinets of which they have been part (Schmidt, 1983, p.46). Correspondingly, the two large parties have been under-represented.

Deviations from the proportionality rule may also occur in other circumstances. Occasionally, the two largest parties in a coalition may agree to have the same number of ministers even though one of them has clearly more parliamentary seats. In addition, where a coalition remains in office after an election, there may be no change in the number of ministerial portfolios held by each party despite significant changes in the proportion of parliamentary seats secured by the coalition partners.

A related issue is how particular portfolios, such as Finance, Education and Health, are to be allocated. The practice here varies a good deal between coalitions. But there are a number of rules of thumb. For example, the party which holds the Prime Ministership generally does not also hold *all* the other key portfolios, such as Finance or Economics, Foreign Affairs and Home Affairs (in some jurisdictions, Defence is also important). Further, portfolios tend to be allocated according to the policy interests and ideological dispositions of the parties comprising the coalition (e.g. Agriculture tends to go to the party with a clear rural or agrarian interest, Commerce to the party with a strong business orientation, Environment to the party with a green orientation, etc.) (see Budge and Keman, 1990, pp.89-131; Budge and Laver, 1986, p.494). The particular interests of senior party members will also influence the distribution of portfolios. Hence, the leader of a minor party who is especially interested in, say, Foreign Affairs, Maori Development, Education or Health, is likely to receive the portfolio of her or his choice.

Unquestionably, the most important portfolio in New Zealand is Finance. It is the only portfolio (other than the Prime Ministership) which touches on almost every area of public policy. It gives its minister control over the budgetary process, as well as direct access to the intellectual resources and power of the Treasury. And the Treasury has no rival department, such as an Economics Department or a Treasury Board (unlike the situation in many other countries). Thus, unless the responsibilities of the Treasury were to be divided between two portfolios (which cannot be ruled out), the parties in a coalition may be unwilling to allow the Finance portfolio to be held by the party which holds the Prime Ministership. This might even be the case in a two-party coalition where one party is very much the minor partner (as the German example highlights). At the very least, a minor party can be expected to demand the position of Associate (or Deputy) Finance Minister. The allocation of portfolios other than Finance is likely to be less contentious politically. Foreign Affairs is less important in New Zealand than in many other countries. We have no equivalent to a Home Office, and the State Services Commission has lost many of its previous roles and responsibilities.

Another feature of some coalition governments which could well be emulated in New Zealand is for associate ministers or deputy ministers (and perhaps the positions of under-secretaries, were there to be any) to be distributed to one or other of the parties which does not hold the main portfolio responsibility (see Mackie and Hogwood, 1985, p.13). This would provide a means by which the coalition partners could monitor each other's performance. It might also help the process of inter-party dispute resolution and reduce the number of issues requiring the attention of Cabinet committees.

The selection of ministers under coalition arrangements will obviously be different from the present pattern. Instead of the Prime Minister making the decisions as to which person will hold which portfolio, there will need to be negotiations amongst the leaders of the coalition partners. The experience elsewhere indicates that selections are guided by a range of considerations including seniority, ability, gender equity, and geographical representation. In New Zealand the inclusion of Maori and perhaps Pacific Island MPs will be of special concern. Another issue is whether the introduction of MMP will result in changes to the way the Labour party selects its Cabinet members. Currently, they are elected by caucus. Under coalition arrangements there may be pressures for this to change. Note, too, that just as a Prime Minister in a coalition government has less influence than in a single-party government over the membership of Cabinet and the allocation of portfolios, she or he will also be more constrained in undertaking cabinet reshuffles and sacking a particular minister. Indeed, the very fact that reshuffles will require inter-party consultation and negotiations means that they are likely to occur less frequently than is currently the case.

While the distribution of Cabinet portfolios is generally a crucial area during the process of coalition formation, other issues are also of importance at this stage, namely, the determination of the coalition stance on major policy issues. The process of coalition building, therefore, can be extremely complex and very time-consuming (in some countries it can take weeks or even months). There are often a wide range of issues on the bargaining table and it is necessary for the parties to engage in simultaneous and complicated trade-offs concerning who is to be Prime Minister, how many portfolios each party is to receive, how particular portfolios are to be allocated, and what policy position the coalition is to adopt in key areas. The complexities, as well as the likelihood of failure, will be all the greater the more parties there are involved, the lower the level of trust between them, the greater their policy differences, and the more limited their experience of coalition bargaining. During the formation process, for example, a particular party may refuse to join the coalition or to take a particular portfolio unless it can secure guarantees from the other parties on various policy matters and/or the provision of additional revenue to the portfolio in question. How far it decides to press its case will depend on a range of political calculations. Part of this cost-benefit calculus will include whether it thinks its longer-term electoral prospects will be enhanced or weakened by participation in the coalition and how much influence on policy it expects to have if it is not part of the coalition.

There is not the space here to consider in detail the likely dynamics of coalition formation under MMP, but a few comments may be in order. First, overseas experience indicates that in many situations coalitions are more-or-less formed and major policy agreements hammered out prior to an election. Indeed, in many situations a coalition will already be in office and will indicate its intention to continue in its present form, assuming it receives the necessary electoral backing. It is not necessary, therefore, for all the issues of coalition formation to be determined in the few days or weeks after an election (unless, of course, the election results are dramatically different from those expected). Second, as far as policy trade-offs are concerned, the pattern in many countries (especially Scandinavia) is for the parties in the legislature (including opposition parties) to reach long-term agreements on important policy issues, rather like the three-party agreement on superannuation in New Zealand in 1993. If we adopt such a pattern of policy making under MMP (which I think is likely), then the number of issues upon which there is likely to be significant disagreement will necessarily be reduced, thereby making coalition building somewhat easier. Finally, it is not difficult to imagine the kinds of issues that may pose problems for parties seeking to form a coalition in New Zealand during the remainder of the decade. A Labour-Alliance coalition would doubtless face serious problems resolving its policy with respect to the Reserve Bank Act, taxation, and some areas of social policy. Likewise, a coalition between National and a right-wing party (if one forms) would probably face major difficulties determining its policy with respect to targeting, the merits of vouchers (e.g. in education, health care, etc.), and cuts in social expenditures.

#### 4. The Operations of the Cabinet

As noted, many of the operations and internal dynamics of a coalition Cabinet under MMP will be similar to those of a single-party government. There will continue to be Cabinet committees, some of which will be more important than others. Most decisions will be taken by these committees rather than by the whole Cabinet. Some committees will be served by a "shadow" or parallel committee of officials, as happens now. Moreover, the committee structure is likely to vary, as it does at present, according to the changing priorities and concerns of the government. Weekly meetings of the full Cabinet can be expected to remain the norm -- as in most other parliamentary systems. Voting is likely to remain relatively rare.

Having said this, on the basis of overseas experience at least six changes are probable under coalition arrangements (see, for example, Andeweg, 1985, 1988; Christensen, 1985; Eriksen, 1988; Frogner, 1988; Harris and McLeay, 1993; Muller-Rommel, 1988; Schou, 1988). First, the power of the Prime Minister is generally reduced in a multi-party government. Strong Prime Ministerial leadership, if not Prime Ministerial government, of the kind associated with the Muldoon and Thatcher administrations, is thus less likely. Against this, the role of the Prime Minister as a mediator, conciliator, and final arbiter of inter-party and intra-party disputes will almost certainly be expanded. Despite this, it is interesting to note that in most Scandinavian countries the Prime Minister has only modest staff support (see Christensen, 1985, p.134; Eriksen, 1988, p.192:)

Second, the composition of Cabinet committees will change in a multi-party government. Each party in the coalition may well want representation on each committee, even if none of its ministers have direct responsibility for the issues being dealt with by a particular committee. Similarly, the largest party in the coalition may wish to have the largest number of seats on each committee. Such factors could well result in somewhat larger committees in a number of cases. It may also mean that senior ministers end up sitting on more committees than would be the case under single-party government.

Third, there will almost certainly be a need for a small committee made up of the most senior members of each party in the coalition to act as a forum for resolving inter-party disputes. Potentially, this could include people other than ministers (e.g. party presidents or Whips). The coalition partners may decide that all politically sensitive matters should be referred to this committee before going to the Cabinet.

Fourth, each coalition party is likely to organize regular meetings of its own ministers to discuss their political strategy, priorities, and relevant policy issues. This will be in addition to regular meetings of each party's caucus. As an example, in the Netherlands the ministers of each government party meet for dinner on a Thursday evening to discuss the agenda for the Cabinet meeting the following day (Andeweg, 1985, pp.139-140).

Fifth, ministers, and especially those from the smaller party or parties in the coalition, are likely to want more advice from their officials on matters which fall outside their immediate portfolio area. This may lead to pressure for some expansion of ministerial offices and requests for departmental officials to provide advice to ministers other than their own portfolio minister. Unless additional resources are provided to departments for this purpose, some of the smaller policy ministries could find themselves under even greater pressure than at present.

Sixth, there will be pressures for more detailed scrutiny of the decisions taken by individual ministers, especially where these have not been referred to the Cabinet for consideration. Where there is a lack of trust between the coalition partners, various devices may be employed to ensure that individual ministers do not take decisions which are contrary to the policy preferences of the other coalition partners. In Denmark, for example, a system of pairing has been used on occasions. Christensen explains this arrangement as follows:

In 1978-9 only a minimum of trust was present between the Social Democrats and their Liberal partners. Under these circumstances an elaborate system of so-called contact ministers was added to existing cabinet committees. Each minister was paired with a minister from the other party. The Social Democratic prime minister had the Liberal leader and Minister of Foreign Affairs as his counterpart. To take another example, the Liberal Minister of Industry had the Social Democratic Minister of Environmental Protection as his contact minister and vice versa. The implication was the creation of a procedure where a minister from one party was not allowed to make a decision on an issue falling clearly within the jurisdiction of his or her department without the prior consent of his or her contact minister. If consent was not given, a negotiation had to take place between them. If they were still not able to reach agreement on a decision, the issue would be referred first to the relevant cabinet committee and in case of further disagreement to the planning committee of the cabinet. This committee thus became the final clearing house for many issues which had been blocked by the veto of the contact minister (1985, p.131).

Needless to say, procedural arrangements of this nature are likely to be time consuming and burdensome, and will tend to impede the efficient and effective operations of the government. They may, however, be essential for the government's political survival.

Finally, if the coalition does not have a parliamentary majority, further changes in the operations of the Cabinet will be necessary (as will also be required in the event of a single-party minority government). As noted earlier, ministers will need to consult more extensively with senior members of parties outside the government, especially on controversial issues where the government cannot be certain of a parliamentary majority. This will obviously have implications for the role of parliament, as well as other participants in the policy community (lobby groups, interest groups, voluntary organizations, etc.).

##### 5. Cabinet Durability and Ministerial Turnover

The issue of government stability has been the subject of very considerable controversy amongst political scientists. Not only is there disagreement about the meaning of terms like "stability" and "durability", but there is also no consensus on the relationship between governmental type and the degree of stability (see Lijphart, 1984). This is not the place to consider the details of the debate, but it is important to note that when talking about durability various distinctions can, and perhaps should, be made. As Dodd (1984, p.160) argues, a distinction can be drawn between *partisan* durability (which refers to the length of time particular parties remain in office), *coalition* durability (which refers to the length of time a particular grouping of parties remains in office) and *leadership* durability (which refers to the length of time prime ministers remain in office).

For the purposes of this discussion let me take governmental durability to mean the amount of time a government remains in office after inauguration. (I will ignore the fact that governments sometimes resign only to be reinstated a short while later in more-or-less the same form.) On the basis of this definition, the evidence points unambiguously to the fact that single-party majority governments are much more durable than the other three types of government under consideration. According to Strom's (1990, p.116) analysis of 342 democratic governments in the post-war period, single-party majority governments survived on average for 30 months, whereas coalition majority governments survived for only 17.7 months. Minority governments are less durable again at between 13.2 and 14.1 months, depending on the nature of the government in question. Since the war, New Zealand has enjoyed highly durable governments. On the basis of Strom's evidence, it seems reasonable to expect that under MMP the level of durability will fall, possibly significantly. Hence, unless we follow the pattern in Germany, the rate of turnover of Cabinets, Prime Ministers, and Cabinets ministers can be expected to go up. This, in turn, will have various implications for the operations of

the executive. Officials will be required to prepare policy briefings for incoming governments and new ministers more frequently. More significantly, if ministers have less experience in particular portfolios there may be consequent implications for the relative influence of officials and ministers. Against this, the overall quality of ministers may be enhanced by the larger number of MPs and the introduction of the list system.

If New Zealand follows the pattern elsewhere, we should expect that most coalition governments will come to an end as a result of factors *other* than election outcomes. According to Sarlvik (1983, pp.140-145), there are three main reasons why coalitions break up: a) policy disputes of an essentially ideological nature; b) policy disputes that have little to do with the left-right dimension (e.g. the merits of nuclear power or membership of the European Union); and c) the effect of the coalition on the parties' perceptions of their likely electoral prospects at the next election. With respect to the last point, one of the problems facing a party in a coalition is that it becomes identified with a range of policy positions and governmental decisions, some of which may be strongly opposed by the party's core supporters. In such circumstances, there may be pressures on a party to leave the coalition prior to an election in order to distance itself from the coalition's policies. An example of this occurred in Sweden in the run up to the 1982 election when the Moderates (i.e. the conservative party) left the three-party coalition as a result of a deal between its coalition partners (the Centre party and the People's party) and the opposition Social Democrats over tax policy (Sarlvik, 1983, pp.131-3). Apparently in Finland it is common for coalitions to collapse in the period preceding an election with the result that caretaker governments are a regular feature of the political scene (Pesonen and Thomas, 1983, p.76). Elsewhere, caretaker governments are normal only in the period between the resignation of an administration and the appointment of a successor.

### **The Implications of Coalition Government for Collective Responsibility and Individual Ministerial Responsibility**

This brings us to the issue of the impact of coalition arrangements on the doctrines of collective responsibility and individual ministerial responsibility. Both doctrines are, of course, of crucial importance for ensuring the accountability of the ministers, whether collectively or individually. It would thus be a serious situation if either doctrine were significantly weakened. Experience elsewhere with multi-party Cabinets suggests that this is unlikely to occur (see Butler, 1986, p. 137). Collective responsibility is an important doctrine in all systems of Cabinet government, regardless of the composition of the government. This is hardly surprising because there are powerful political incentives for a government to present a united face to the country, and equally strong incentives for ministers to defend the government when it is under opposition attack. At the same time, disagreements between the coalition partners may well be aired more often in public than is the case with respect to factional disputes in single-party governments. Equally important, the doctrine of collective responsibility is likely to be severely tested in the period leading up to an election, since there will be strong political pressures for each party in the coalition to distinguish its policies and philosophy from that of its partners.

The doctrine of individual ministerial responsibility, which in theory means that individual ministers are responsible to Parliament and the public for all that goes on with their portfolio area (including the activities of their officials), has been under siege in New Zealand for many decades. Yet it continues to survive, notwithstanding the tendency for ministers either to hide behind the doctrine of collective responsibility or deny their culpability and blame others, especially their departmental officials. In principle, coalition government should make little difference to the willingness or otherwise of ministers to take responsibility for their own actions and those of their officials. However, there is certainly a possibility, as Butler (1986, p.138) points out, that coalition government may make it more difficult for civil servants to maintain the appearance of neutrality, especially when a coalition is deeply divided and trust is lacking. Against this, it should be remembered that the tradition of a non-partisan public



service has survived in many countries (e.g. Denmark) despite many decades of coalition government.

### **The Case for Appointing non-MPs to Cabinet**

As it stands, under Section 6 of the Constitution Act 1986 ministers must be MPs. There are provisions for non-MPs (e.g. those who have recently lost their seats) to hold ministerial positions, but only for short periods. There is no necessity for these provisions to be changed once MMP is introduced. Nevertheless, in many, if not most, countries with proportional representation, there are provisions for at least some ministers to be selected from outside of the legislature. These provisions are used on a regular basis in some countries. Thus, in the early 1990s there were 3 non-MPs in the Danish Cabinet, 6 in the Swedish Cabinet, and 11 in the Norwegian Cabinet (more than half the Cabinet). Such ministers enjoy speaking rights in their respective legislatures and are able to introduce legislation, but they do not have voting rights. In some countries (e.g. the Netherlands, Norway and Sweden) this decoupling of the legislature and the executive has been taken a step further: MPs who become ministers are required to vacate their parliamentary seat for the duration of their time in the Cabinet, their place being taken by another person from the same party.

Whether these provisions should be introduced in New Zealand is certainly open to debate. Advocates of the idea of allowing non-MPs to join the Cabinet maintain that it would bring two major advantages: it would enable a government to appoint people with specialist skills not otherwise available (including, perhaps, senior politicians who have lost their parliamentary seats at a recent election); and it would enable the representativeness of the Cabinet to be increased (e.g. by facilitating the appointment of more women or Maori ministers). Under MMP, there is another advantage in allowing the appointment of non-MPs to the Cabinet. As noted earlier, minority governments are likely from time to time in the future, and some, if not most, of these will be single-party governments. If recent elections are anything to go by, there is a possibility that even the largest party under MMP will have no more than 35% of the seats in Parliament (i.e. around 42 MPs). In this event, a single-party minority government will need to select its Cabinet (and other office holders) from a relatively limited pool of MPs. This is not only likely to result in some rather weak appointments, but will also present the Government with problems finding sufficient backbench MPs to serve on select committees. Arguably, if a Prime Minister were able to appoint at least a few ministers from outside the legislature, the quality of the Cabinet is likely to be enhanced while the potential problems of operating the select committee system would be diminished.

Against this, various objections might be raised against such a reform. If the power of appointment were to lie exclusively with the Prime Minister, it would undoubtedly enhance his or her powers of patronage. A further concern might be the negative incentives generated by such a system: aspiring ministers might conclude that they have little to gain by entering parliamentary politics; they can achieve office instead by courting the favour of the leaders of the major parties. There would doubtless also be concerns that ministers selected from outside the legislature would be less politically sensitive and less accountable for their actions. So far as I am aware, there is little evidence from elsewhere to support such objections. Nevertheless, they are not unreasonable concerns and deserve careful attention.

Some people have argued that we should resist the temptation to embark on additional constitutional reforms until MMP has been in operation for at least a few years and we have learned the art and craft of politics in the new electoral environment. However, the appointment of non-MPs to Cabinet is not a major constitutional change, and it might be advisable to consider it before the first MMP election. After all, it is possible that the first MMP government will be a single-party minority government, and its leaders may believe it desirable to appoint some non-MPs to the Cabinet. If the facility to do so is there, it

will avoid the problems of having to changing the Constitution Act in what might be a difficult and unstable political environment.

## Conclusion

The introduction of MMP will have some significant consequences for the operations of the New Zealand Cabinet. The nature and magnitude of these consequences will depend, at least in part, on the evolution of our party system and the evolution of our constitutional conventions, particularly those relating to the formation of governments and the dissolution of Parliament. Hence, in the unlikely event that the party system atrophies and we end up with seven or more parties in parliament, the impact on the system of Cabinet government will be all the greater than if we retain an essentially two-party (oppositional) system.

Further, we can say with some confidence that coalition government will have more substantial implications for the operations of the Cabinet than single-party government (whether majority or minority in nature). Under coalition government, for example, there will be major changes in way ministers (including Prime Ministers) are selected, in the allocation of portfolios, and in the overall policy-making process. Such changes will be all the greater where coalitions are comprised of three or more parties.

At the same time, we must not exaggerate the likely changes. As I have sought to emphasize, most systems of Cabinet government in parliamentary democracies have a great deal in common, regardless of their electoral arrangements. Hence, I would expect more continuities than discontinuities in the years which lie ahead.

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