

## Responsible Government

*John Hyde*

Australians have recently suffered (or is it enjoyed?) a spate of ministerial resignations following trenchant criticism of the management of the relevant portfolios--- Fordham and Jolly in Victoria, Dowding, Parker and Grill in WA and Brown in Canberra. Despite the high turnover of Ministers, 'Ministerial responsibility', is in decline. There is, alas, more to responsible government than the opportunity to dance on the graves of erring Ministers.

Senator Tate's gaff once again raised the nature of the resignation requirement. Ought an Attorney General who ignores a fundamental principle related to his office resign? If the standards of propriety and competence which when breached lead to resignation are too strict, would not a government soon run out of able ministers?

Too what extent should a Minister be held accountable for the actions of other people who are ultimately accountable to him but over whom he has no direct control? If Jolly should have been compelled to resign because of the activities of the State Bank and its subsidiary Tricontinental, then why not Mr Kerin because of the even more costly wool market fiasco?

The whole wool marketing arrangement rests upon Federal Government legislation for which Mr Kerin, the relevant Minister, could not, even if he wanted to, escape responsibility---the buck stops with him. That it should be the essence of responsible government. Yet no one who is likely to be taken seriously is calling for Mr Kerin's head---grower politicians don't count. That is as it should be, but why is his case different from Mr Jolly's? It is certainly not that Kerin is not ultimately responsible.

What then are the principles which govern (or should govern) ministerial resignation?

There has, of course, been a great deal written about the particular form of 'responsibility' upon which the Australian and other 'Westminster' governments rely. One of the more useful accounts of it is to be found in a

recent publication, 'The Theory of Politics' by Kukathas, Lovell and Maley. This book, by emphasising the adjective rather than the noun in the term 'liberal democracy', might help members of the Liberal Party, among others, sort out their priorities.

Kukathas, Lovell and Maley point out that the doctrine of Ministerial responsibility takes two forms that ought not to be confused, but which often are. First, there is collective responsibility: the principle that a minister must resign rather than depart from the declared policy of the Government. It would, indeed, be invidious for conflicting views of government policy were to be advanced by different Ministers. A corollary of this principle is that Ministers must not pre-empt government policy as Senator Richardson did with environmental issues in the run up to the election. Without such a doctrine government would be unworkable and, properly defined, it is uncontentious. Oppositions will, however, keep confusing Ministers' differing opinions about the state of the world with differing interpretations of policy. Public admission of differences of opinion may be politically unwise but do not call Ministerial responsibility into question.

The doctrine of individual responsibility, holding a Minister accountable to parliament for the actions of his department, is more contentious. The authors of 'The Theory of Politics' state something that I have long felt: namely, that Ministerial responsibility to Parliament does not afford the long-suffering citizen much protection from overweening government. His protection must come from stricter application of the principle of the rule of law; independent courts; independent upper chambers; written constitutional constraints; more respect for the unwritten bounds to governmental authority; a free and fearless press; and from more Ministerial humility when faced with the difficulties and the doubtful legitimacy of imposing the government's ideals upon others.

Too much faith in 'mandates', which are said to be sanctioned by elected lower houses, has led to disregard for practices and institutions which are collectively, and in some cases individually, more important to the a free society than is democracy itself. The weak accountability that Ministers have to parliament has been treated by governments as a licence to do much as they please. But parliamentarians do not have the skills nor the time to hold Minister's accountable for most of the significant actions of their departments. And, even if they did, liberals would not trust Ministers with authority that is restrained only by parliament.

That is not to say that accountability to parliament is pointless, even when accountability is to a Lower House which votes on party lines. By astute parliamentary questioning, such as the Whitlam Government faced over

the 'Loans affair', Ministers may, in extreme cases, be forced to account directly to the voters. Disclosure is the most important sanction facing a government and, therefore, Ministers who knowingly mislead Parliament must resign or be sacked. That Ministers fear disclosure is made evident by the trouble they take to avoid it. They reduce the number of parliamentary sitting days to a minimum, pad out question time, stack committees with loyal back benchers, and employ 'the animals' to snow the media.

Ministers ought to resign or be sacked for breaking with policy and lying to parliament, but for what else? Obviously, to replace them with someone better and *pour encourager les autres*. However, threats encourage better performance only when related to matters that are within Ministers' powers of remedy. These matters boil down to questions of personal competence and propriety---namely, the attributes for which anyone keeps a job. Blunders by others and occasional mistakes, even if serious, have little to do with either attribute. Mr Hawke was right not to call for a resignation from Tate who has made a sufficient fool of himself to be more careful in future. Mr Jolly plainly had to go, and the resignation of Mr Kerin over wool should be unthinkable. The criteria are quite simple, even if they often lead to borderline cases. It is the avenues for holding Ministers accountable, other than resignation, which are most in need of refurbishing.

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