
Ministers in Office: Preparation and Performance*

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Introduction

In this lecture I wish to review what we expect of governments and ministers, look at their preparation for those roles, describe a recent program to assist a new government, discuss the value of a more systematic approach and briefly foreshadow a research program aimed at better measuring their performance.

The new minister

New ministers are appallingly unprepared for office, doubly so after an election which brings in a new, inexperienced government. One minister, John Button, later wrote on his experiences as a new minister: 'I dithered because ... I didn't know much about being a minister ... I didn't have much idea what I wanted to do. I had no idea where to begin'.¹

Another, Don Dunstan, recounts one of his first major tasks being to draft the state Governor's speech officially opening parliament shortly after the election of a new government. He found that some ministerial colleagues had already fallen into unthinkingly accepting drafts with outdated content from the public service.² Bill Hayden confounded his public service, when they confronted him with a half metre stack of legislation to master, by telling them that he was already on top of it.³

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¹ John Button, *As It Happened*, Text Publishing, Melbourne, 1998, p. 246.

² Don Dunstan, *Felicia: the Political Memoirs of Don Dunstan*, Macmillan, Melbourne, 1981, p.104.

³ Bill Hayden, *Hayden*, Angus & Robertson, Sydney, 1996, pp. 181-82.

Barry Cohen tells how, when overwhelmed by his new responsibilities, he met another member of the new government, Michael Duffy. Duffy felt he had three options: slash his wrists, go into the prime minister's office and throw himself on the floor and plead for mercy, or hang on and hope it got better.⁴

The above anecdotes show that new ministers face new challenges for which they are rarely well-equipped.

What do we want from government?

What we want from ministers is inextricably linked to what we want from government. What we want from government is good governance. It has been defined in the Manila Declaration by the 1999 World Conference on Governance as: 'a system that is transparent, accountable, just, fair, democratic, participatory and responsive to people's needs.' Each of these factors—transparency, accountability, justice, fairness, democracy, participation and responsiveness—is important and relevant to how ministers perform.

Fundamental is the idea of responsiveness, which Michael Saward has identified as being at the heart of democratic government.⁵ As he explained, we expect government to be responsive to our 'felt needs', not simply looking for our electoral support at periodic elections. We expect each individual minister to demonstrate that responsiveness. Prime ministers and premiers also expect all ministers to be responsive and in so doing, to present a favourable image of the government.

Beyond this superficial requirement though, is the concept that government derives its legitimacy and therefore its authority from people. Accordingly, it has a fiduciary duty to act in accordance with the interests of all the people. It accepts that government exercises a trust in which its members' only proper interests are those in which they act on behalf of the people.⁶

This brings us to the other principles of good governance identified in the Manila Declaration.

Government, and therefore ministers, must also operate justly. Under this principle, they must operate so that there is a proper process, in which the people can be assured that the exercise of power is executed according to known and accepted procedures.

Fairness is similarly fundamental. This principle is a slightly different concept to justice. The people will want to be satisfied that there is fair treatment of each person having responsibility for the exercise of power. For example, each person is treated

⁴ Barry Cohen, *The Life of the Party: Political Anecdotes*, Penguin, Ringwood, Vic., 1987, p. 128.

⁵ Michael Saward, 'Democracy and Competing Values', *Government and Opposition*, vol. 31, no. 4, 1996, pp. 467–86.

⁶ P.D. Finn, 'A Sovereign People', in P.D. Finn (ed.), *Essays on Law and Government: Principles and Values*, The Law Book Company, Sydney, 1995, p. 10.

equally before the law, without discrimination based on political affiliation, ethnicity, gender or any other factor.

Participation is increasingly recognised as desirable in a democratic society, and is conducive to better decisions. The very fact that ministers and officials are aware that the public may participate can be a significant factor in tempering incautious or improper actions. But more importantly, participation facilitates better informed decision-making.

Accountability is fundamental to democratic responsiveness which requires that there is accountability for the exercise of power. In other words, citizens look for mechanisms through which those exercising power can be held to account. Transparency—the open disclosure of and access to information held by an organisation—is the fundamental principle underlying effective accountability. Without relevant information, how can accountability be meaningful?

Having established the principles on which best practice by the executive and individual ministers must rely, how then can they be put into practice?

Ministers

It is worth reflecting in more detail on just what we expect ministers to do in office as members of the political executive. For the purposes of this lecture, no distinction is made between members of Cabinet and other ministers.

In our ‘crowned republic’, ministers are appointed by the Crown, ostensibly to advise the head of state in relation to the government of the nation, according to the Constitution of the Commonwealth of Australia. In actual fact it is ministers who discharge the nation’s executive responsibilities, under the contemporary legislation, interpretations and conventions which surround the Constitution. Although nominally accountable to the head of state, the reality is the reverse. In normal circumstances, the head of state is bound to act in accordance with the advice of the head of government and ministers of the day.

Similarly, in our ‘crowned republic’, popular sovereignty has largely supplanted the parliamentary sovereignty which is assumed in our constitutional design. Popular sovereignty continues to extend its influence over the operations of the system of government in the Australian Commonwealth and states, the United Kingdom, New Zealand and many other jurisdictions with Westminster-style systems.

Ministers thus have the most profound, ultimate responsibilities for the design, implementation and administration of policies on behalf of the community. Having achieved dominance over the Crown, there is now no higher level of executive responsibility than the ministers.

But what of smaller government, deregulation and all those other fashionable articles of faith which are supposed to reduce the role of government and implicitly lighten the executive responsibility in government? To assume that a democratic government can abrogate its political responsibility to the electorate is a nonsense, as we see repeatedly. To give just two examples: Premier Kennett very quickly realised that a

fire in a gas plant was not merely a matter for the private owner if it threatened supplies to most homes, hospitals and workplaces; and Premier Court is finding that registration of finance brokers brings demands to defend the private interests of their private clients.

The responsibilities of ministers in a privatised, de-regulated environment are more complex and more demanding than in the relatively simple world of prescriptive control and command government. De-regulation in the form of removal of prescriptive control requires the substitution of self-regulation. In a world as complex as ours, self-regulation is not nearly as uncomplicated as the term might suggest.

We have found that those given the chance to self-regulate, and the wider society, benefit from rules providing a regulatory environment within which to self-regulate. Teubner called this ‘reflexive regulation’⁷; others have called it the regulation of self-regulation. Establishing the regulatory infrastructure for self-regulation is a far more sophisticated and difficult responsibility than imposing and policing prescriptive controls. It requires understanding that the government is part of a larger complex adaptive system, not the undisputed controller of all that occurs within its jurisdiction. In a democracy, the system of government sets the key rules (regulation) affecting the operations of an entire social system. Evidence suggests that societies which perform best are those that have moderate levels of regulation—neither the rigid central control of the former Soviet Union nor the anarchy of Somalia’s totally unregulated community. To do this effectively, ministers must maintain and execute a complex range of relationships with the parliament, business, the not-for-profit sector and other stakeholders. These stakeholders are to be found both within the jurisdiction and in the wider globalised environment.

The complexity of the relationships with which a minister must deal is not merely in the numbers involved. It is in the fuzzy nature of these relationships. They do not operate according to some precise, certain formulas. Each one involves uncertainty, judgements and bargaining, the outcome of which is dependent on a whole raft of variables, some highly unpredictable. Fuzzy logic rather than fixed rules usually determine the outcomes of ministers’ actions.

The issues arising in ministers’ relationships may themselves be highly unpredictable. Lucky the minister whose responsibilities just sail along smoothly, bereft of the stimulation provided by unexpected storms, shoals and other crises!

However, the individual minister is not alone, a situation which brings its own issues. A minister is sworn in to exercise specified responsibilities, but Cabinet operates as a central forum for coordination and integration. Commonly, junior ministers are part of a portfolio team. A senior minister has overall responsibility in a policy area. It may be a matter of discretion and judgement as to whether some particular decisions are referred to the senior minister or to Cabinet. Similarly with parliamentary secretaries, there are issues of judgement as to what duties they are delegated and what relationships are maintained.

⁷ Gunther Teubner, ‘Substantive and Reflexive Elements in Modern Law’, *Law and Society Review*, vol. 12, no. 2, 1983, pp. 239–85.

The responsibilities of the hapless new minister do not lend themselves to simply walking into the ministerial suite with a policy brief and expecting it to fit like a hand in a glove. The responsibilities which ministers bear require that they be far better equipped.

The discharge of responsibility is only one side of the onerous role of ministers. Accountability for the discharge of that responsibility is the area which causes at least as much, and arguably more, difficulty for ministers. The traditional doctrine of ministerial responsibility suggests that it is a simple matter of being subject to the scrutiny of the parliament. My research and that of others has established that it is much more complex. There is a complex accountability network in operation, in which the parliament rarely succeeds in imposing accountability. It is but one of a network of interactive social institutions that have variable roles in holding the executive and the individual minister to account.

New ministers, even those who have had extensive experience on the Opposition benches, often have difficulty in handling the accountability regime in which they find themselves.

Are ministers readied for executive office, or do they get thrown in at the deep end?

What then is the preparation which new ministers have for office? Button, despite a long career in politics and scrutinising ministers on the other side of politics, felt himself quite unprepared when his opportunity came.⁸

Cameron, referring to the Whitlam ministry, said that '[i]ndividual Ministers, in some instances, had no real conception of what their roles were and became nothing more than mouthpieces for their respective Departments.'⁹

In the UK, *How to Be a Minister*¹⁰ by sometime minister Gerald Kaufman became recommended reading for new ministers of all political complexions, and there was a Civil Service College program undertaken by the Blair front bench prior to taking up its duties.¹¹ There is now a professional development program for incumbent British ministers.¹²

Generally however, notwithstanding the excellent guidance for ministerial hopefuls provided explicitly in Kaufman's book and more often implicitly in autobiographical works by former ministers (e.g., John Button's *As It Happened*), remarkably little is done to help future leaders of government prepare for office. These selfsame political executives insist that public service executives running their agencies are highly

⁸ *As It Happened*, op.cit., p. 246.

⁹ Clyde Cameron, *The Cameron Diaries*, Allen & Unwin, Sydney, 1980, p. 19.

¹⁰ Gerald Kaufman, *How to Be a Minister*, Faber & Faber, London, 1997.

¹¹ Edward Gretton, personal communication, 2000.

¹² United Kingdom, *Programmes for Ministers Summer 2000*, Cabinet Office, London, 2000.

educated and skilled. Few other organisations would tolerate such an absence of professional development for their rising generation of executives, yet we expect ministers to exercise far more discretionary power on behalf of the community than virtually any other class of executive. It is one of the scandals of modern government that ministers come into office with no training in what is involved.

Victoria's surprise

The September 1999 Victorian general election produced an upset result that led to the Australian Labor Party forming government against all expectations. However, new ministers would have been astoundingly unprepared for office no matter who had formed Victoria's government. Had the Liberal Party and National Party Coalition scraped back into office, unexpected defeats would have meant that some new ministers would not even have been parliamentary secretaries, positions which were created by the former Premier, Mr Kennett, as a career path to ministerial office. Several of new Premier Bracks' team had worked as staff to ministers in former governments. Whilst this allowed them to see at close hand how ministers operated, none had actually been ministers.

The preparation of MPs for ministerial office is apparently no better in other Australian parliaments or most other parliamentary democracies. Few other countries do it well either. As Kaufman and Button recount in their books, new ministers simply learn on the job and from the mistakes of others.

How does the new minister know what to expect from the departing minister and later, what to do when he or she hands over the reins as a result of reshuffle, retirement or defeat? New ministers are thrown in at the deep end, and flounder to come to grips with a new role, new relationships and new information.

The luckier ministers will have experienced senior public servants who understand the predicament and do everything they can to support and guide. The less fortunate will have a new head of department—perhaps even with a newly created department—who is struggling with the same situation. In addition, there will be a never ending stream of supplicants coming to plead their special cause, or just to size up the newcomer.

No-one will give new ministers professional development to help them understand their constitutional responsibilities and the real meaning of ministerial responsibility and accountability, either as a group or as individuals. Nor will they hear how to create the close and transparent relationships which exist between a good minister's office and the minister's head of department. Who will tell them about the proper parameters of their respective roles, or current principles of public sector management, and how to behave and organise their conduct so that they do not breach the rules on personal allowances that have tripped up so many Australian ministers in recent years? How will new ministers in Australia know that the outrageous Question Time behaviour of the worst offenders in our parliaments is not something to which to aspire?

Can ministers be prepared for office?

Last minute training and advice before, or when, new ministers take up office is far too late. By then their minds are on other things—the election, attracting support for appointment to Cabinet, and then the utter turmoil which accompanies the myriad of decisions about staffing and organising their office, running a new department and digesting the facts and figures involved in all of these endeavours.

A program to provide professional development was proposed to the Victorian parliament in 1998, but no funding was provided to pilot this program. These ideas had come too late to help Victoria's new ministers.

In the circumstances, before it was certain that the election would lead to a minority government, the Leader of the Parliamentary Labor Party, Mr Steve Bracks, arranged for a short program for his frontbench. In the brief two day interval available before they were sworn in, the full Cabinet (eighteen members) participated in two sessions of four hours each at Parliament House. The format was learning through discussion of presentations, rather than lecturing and hectoring. The program was a truncated version of that which had been proposed to the parliament.

Presentations were made by former Australian Commonwealth government and Victorian state ministers, a former head of the Department of Premier and Cabinet, a senior member of the Parliamentary Press Gallery, and myself. Each brief presentation was followed by intensive round-table discussion of the issues raised.

The program covered a range of the key factors of which a minister has to be aware to properly and effectively exercise his or her responsibilities. After reflecting on the particular characteristics of being in minority government, the program turned to relations with the Governor who represents the Queen as head of state. Ministers are sworn in by the Governor and meet him regularly at meetings of the Executive Council. Australians, with memories of the 1975 constitutional crisis, recognise the crucial importance of the Governor's role and relationship with his government. Ministers must understand this relationship.

Victoria's Westminster-based system was examined from both theoretical and practical perspectives, canvassing the traditional doctrine of ministerial responsibility and contrasting it with the complex accountability network model.¹³

Accountability had become a major issue in Victoria, largely due to accusations that the outgoing Kennett Government had been evading accountability. The independent MPs now holding the balance of power had insisted that accountability be made more effective if they were to support a minority Bracks Government. The disclosure of information held by government, especially in relation to contracts between government and the private sector and the performance of government agencies, were identified as fundamental to accountability. Plans to make Freedom of Information legislation more effective, especially to force the release of contract provisions claimed by government to be commercially confidential, were given high priority.

¹³ Ken Coghill, 'Guidance for Ministers', *The Parliamentarian*, April 1999.

The complex accountability network model recognises the fundamental role of the media in the flow of information that is the key to accountability. The program incorporated examination of the role of the media in relation to the government in general and with individual ministers. On this occasion, a former President of the Victorian Parliamentary Press Gallery addressed the group. Discussion gave the new ministers insights into what to expect from the media, how to handle media relations and an understanding of the peculiar factors that could affect reporting in the unusual circumstances then existing.

The program explored the concepts of fiduciary duty and duty of care, ethics applying to ministerial office, the nature and place of codes of conduct, the separation of public duty and private interests, conflicts of interest, and steps needed to avoid both actual and perceived abuse of entitlements. Duty of care emerged as a significant concern due to claims that staff cuts had undermined the capacity of relevant agencies to fulfil their duty of care to certain categories of people subject to statutory protection.

The processes of making legislation are remarkably unfamiliar to many with no direct experience of them. The program allowed the ministers to discuss the processes which need to be followed in government.

There is no established custom in Victoria for the hand-over of ministerial responsibility following a change of government, beyond a common, quaint practice of leaving a note on the ministerial desk, usually amounting to little more than good luck wishes. Private rancour between outgoing and incoming ministers of opposing political parties is unusual, yet there is rarely any attempt to communicate information or advice on matters on which there is common ground.

One of the most delicate issues for any minister is that of staffing the private office and establishing the relationships between the minister, the private office and the agencies for which he or she is responsible. In Australia, these vary from those described by Kaufman for Westminster. For many years, Australian ministers have recruited their own secretarial and advisory staff for their private offices rather than relying on staff provided by the public service. In many cases, appointees have been associated directly or indirectly with the minister's political party.

One of the soundest pieces of advice from a former minister was: 'never appoint someone whom you cannot dismiss', namely, anyone to whom you have political, family or other obligations. The emphasis in the program was on the need to make appointments on merit, thereby avoiding the pitfalls which earlier governments in Australia have encountered by appointing political and other associates to responsibilities which they proved unable to adequately discharge. The incoming Victorian ministers asked their agencies to supply appropriate staff for the various private office positions, for at least an interim period. This had the benefits of immediately providing ministers with staff having sound understandings of the structures, cultures and ongoing policies of the agencies. This also generated enormous goodwill.

Similarly, ministers were encouraged to look beyond the common Australian suspicion that the public service will have become strongly committed to the policies of the outgoing government through appointments to senior positions or simple

enculturation. This suspicion has generally been ill-founded. As Kaufman put it, public servants are more likely to ask: 'Can it be made to work?'¹⁴ Unfounded suspicion has led to thoroughly professional senior officials being displaced by the zeal of incoming ministers determined to put their own stamp on agencies through their own appointees. Whether or not influenced by the program, the Bracks Government made very few new appointments despite some restructuring. Since then, a small number of departmental heads have resigned, but apparently without being pushed.

The nature of the relationships between the minister, staff of the private office, and each agency are clearly crucial. There are appalling tales of private office staff who, in times gone by, have bypassed the agency head to issue directions to subordinate public servants on quite detailed matters. The corrosive effects of undermining the authority of senior managers or keeping agencies in the dark on policy directions was discussed. The benefits of a close, transparent relationship between the minister's private office and the head of the agency, with respect for the proper roles and relationships of each office holder, were emphasised.

As mentioned previously, this program was a very truncated version of the one which had been first discussed in 1998. Its content was keenly discussed and seemed to be appreciated by the new ministry. Assessment of its success is difficult to separate from the multifarious factors affecting the performance of the eighteen ministers, but there is little evidence that the main points have been lost on them.

The experience of this program and the other issues raised in this lecture confirms my view that a more substantial program would benefit good governance in each parliamentary jurisdiction. All MPs who may become government ministers should be given the opportunity of a professional development program. That they are not is scandalous.

Auspice: parliament or party?

A question that arises is whether the program should be offered by the political parties or the parliament. The advocates of party-based programs may argue that party-sponsored programs could give their MPs an edge which they judge to be advantageous in government, that MPs will be inhibited in a mixed party group program, and that there is a risk of party strategy and tactics being revealed to political opponents. But it may be more difficult for a party to deal with the issue of who participates. Do they limit it to shadow ministers if in Opposition or parliamentary secretaries if in government?

Advocates of parliament-based programs may argue that the skills are generic rather than party-specific, that there is a public interest in having a pool of MPs who have studied the attributes of good ministerial performance, and that the funds are more likely to receive a high priority in the parliament than in parties pre-occupied with campaigning.

¹⁴ *How to be a Minister*, op.cit., p. 35.

There is a strong public interest in good governance. Therefore, I believe that it is fit and proper for the parliament to provide the program. I also recognise that the parliament could not select participants in the way that the parties may. Given the unpredictability of politics and the unexpected career openings that it can provide, I advocate that the program should be open to all MPs. If the 'ambition faction' is too large and the program is oversubscribed, the program could be repeated with priority based on years of service, meritorious service or some such acceptable criterion.

For MPs to learn from the program it is crucial that it is treated as a learning experience rather than a lecture series. The program should be spread over many months, beginning soon after each election. It would aim to give would-be ministers a broad and deep understanding of what makes for good governance.

A comprehensive program could include:

- theoretical and constitutional aspects of a minister's role
- ministerial responsibility and accountability
- what to expect, and request, by way of initial briefing
- time management and control over the diary
- the minister's role in Cabinet including when to go to Cabinet, Cabinet submissions, etc.
- the relationship between a minister and each house of parliament, e.g., in relation to legislation, answering questions, motions, petitions etc.
- the relationships between a minister and the public sector including department, statutory authorities, other agencies and contractors to government
- relationships with the former retired/resigned/defeated minister
- selection, appointment and management of ministerial office staff, senior public service and statutory appointees
- relationships with other ministers and their staff, lobby groups, business, unions, etc., relevant to the minister's portfolio and political responsibilities
- handling deputations and individuals making representations
- relationship between the minister's private office and the minister's head of department
- public sector management
- policy making and implementation involving the public service, parliamentary party/coalition, party administrative wing, interest groups, etc.
- ethics, codes of conduct and the separation of public duty and private interests
- avoiding abuse of entitlements, 'jobs for the boys', conflicts of interest, etc.
- relationships with the media
- preparing and testing the grounds for policy change
- intergovernmental relations
- maintaining links and service to the electorate represented by the minister.

I will comment in detail on just a few of these items.

Very few people who have not been ministers really understand the enormous demands on their time. There is incessant pressure from competing sources. Without keeping a tight rein on the diary, the minister finds there is no time left for some of the most important things, starting with family. The absence of good time management puts every other aspect of the discharge of ministerial responsibility in jeopardy. For some it comes easily, but for others there can be some very painful lessons.

Similarly, a basic understanding of how the public service is managed in the era of New Public Management is essential if the minister is to be effective in handling both ongoing policy and new initiatives. This program would equip the prospective minister with principles and practices through which he or she can keep abreast of policy implementation and routine administration.

Intergovernmental relations within the Australian federation rarely affect backbenchers or Opposition MPs, yet involve most ministers in every government. An introduction to the operation of intergovernmental relations is essential for handling them in office.

Finally, the program has been designed to give prospective ministers a better understanding of the relationship between a minister and each house of parliament, than is obvious to most backbenchers and even many shadow ministers. This includes particular reference to the minister's role in relation to preparing legislation and shepherding it through the various stages, providing information in response to questions, debates on legislation and motions, parliamentary committees, and petitions.

This type of program could never cover the exceptional cases of newly elected MPs becoming ministers immediately. Nonetheless, it would be a huge improvement on the current situation where no new ministers undertake professional development.

In Victoria, the major political parties have agreed that a professional development program would add to the quality of governance and should be introduced. The crunch is whether parliaments will see value in appropriating funds to enable MPs who may become ministers later in their careers to develop their professional skills through such programs. It is my contention that in the interests of good governance, they should.

Professional development in office

A professional development program for ministers once in office clearly has merit, as the UK has found. Such a program would give ministers the chance to debate and learn from management and administrative issues encountered in Government. It would necessarily be sponsored by the executive itself.

How is a Minister's performance in office to be measured?

Passing judgement on the performance of governments and ministers through votes cast after up to four years in office is an extremely blunt and imprecise way of measuring their success. Too often, those in safe electorates survive and those in marginal electorates suffer.

Despite all the political point-scoring over ministerial performance, there is surprisingly little debate over how it is to be measured. One such debate occurred in British Columbia in 1996. A Member, G. Campbell, asked the Premier: ‘Who is accountable, in terms of the House, for performance, and what performance criteria have been set by the Premier for his ministers and for the other arms of government?’ The Premier, Mr Clark, answered:

The measurement of cabinet ministers’ performance is made exclusively by the Premier. The decision the Premier makes with respect to evaluating performance is not an empirical one; it’s a subjective one, based on a variety of considerations about how they’re handling their portfolio—how they’re explaining to the public the positions the government is taking; how they work to reduce costs within government; how they manage within budgetary performance guidelines; how they work as a team in the cabinet; how they interact with the public in the community and with the client groups or interest groups that interface with that ministry. There is no document, no grading system. There are totally subjective criteria the Premier has to exercise from time to time, should he or she be satisfied or unsatisfied with the performance of various ministers.¹⁵

That answer conceded no basis for judging performance other than the head of government’s subjective assessment. Certainly, given that the ministers are recommended for appointment by the prime minister or premier, his or her satisfaction is a threshold requirement, but is it sufficient?

No alternative view was proffered in the British Columbia debate, but if we accept the practical reality of popular sovereignty, are not the citizens entitled to make an informed judgement? If a fundamental role of the parliament is scrutiny of the executive, then should not there be some public criteria against which the parliament assesses the performance of the government and individual ministers? If the parliament is responsible to the people, should not its own performance in scrutinising the executive itself be assessed?

How well does parliament perform its role in the scrutiny of the executive?

Beyond the oft-heard lament about the standards of parliamentary behaviour and the widespread perception that the parliament is ineffective in that it is dominated by the executive, there has been remarkably little systematic evaluation of its performance or the underlying factors at work. Indeed, there appears to have been no research which has made qualitative assessments of these matters. There has been extensive quantitative research, reporting such matters as hours of sittings, numbers of bills, categories of questions and similar information. It is useful information, but it tells us little of how effectively the system is operating.

It is known that respect for politicians has been in decline for some years.¹⁶ In Australia, there are no reported results on the effect of this on the standing of

¹⁵ British Columbia, *Parliamentary Debates*, 13 August 1996.

¹⁶ See the results of the 1997–99 Roy Morgan opinion polls at <http://www.roymorgan.com/polls/>.

parliament but there is concern that if the trend continues the legitimacy of the parliament as an institution could be threatened. Threats to the legitimacy of parliament could have grave consequences. It is not known whether any comfort can be drawn from UK evidence that the public does distinguish the performance of MPs and that of the parliament.¹⁷ But Dahl has noted that support for democracy remains high notwithstanding disillusionment with governments.¹⁸

However, little is known of the basis of the decline in respect for MPs and whether it is deserved. The effect on public perceptions of reporting of Australia's unique, robust form of Question Time is also unknown.

Research project

Methodologically sound research is required to identify factors associated with the decline in the reputation of politicians, the part played by ministerial performance and to provide a better understanding of the factors affecting the public's perception of the parliament.

The recent reforms to the Victorian parliament were designed to improve the conduct of politicians in parliament, create opportunities for citizens' concerns to be aired, improve legislative procedures, enhance the accountability of the executive and government and improve citizens' perceptions of parliamentarians.¹⁹ But has the theory translated into practice and if not, then why not?

A new research program planned to commence in 2001 aims to address those questions. Its innovative, qualitative approach will for the first time analyse citizens' perceptions of the parliamentary and non-parliamentary behaviour of politicians, the performance of ministers and the parliament, and the effect these factors have on good governance.

Conclusion

This brings us back to where I began—with a concern for good governance. Best practice must require that our ministers are as well prepared for office as is possible, and that their performance in office is transparent and accountable to those on whose democratic authority they discharge their heavy professional responsibilities. A professional development program for prospective ministers could only benefit good governance.



¹⁷ P. Norton, personal communication, 2000.

¹⁸ Robert A. Dahl, 'A Democratic Paradox?', *Political Science Quarterly*, vol. 115, no. 1, 2000, pp. 35–40.

¹⁹ Peter Batchelor, *Victorian Parliamentary Debates*, 4 November 1999.

Question — If public servants give ministers incorrect advice, the minister will be sailing along on the wrong advice. There is a tendency in the public service to close ranks. So you can get a junior public servant who makes a decision—on tendering, for example—puts his report through to the section head who just signs it and sends it upstairs to the department head, who then sends it to the minister, and the minister signs it. When you question them, the public servants say, ‘well the minister gave it the tick, it must be right.’

Ken Coghill — I think you have raised a very important point, which is similar to one that Don Dunstan makes in his autobiography, where he talks about drafting the speech for the governor shortly after the election at which Labor was elected to government. He comments that literally within weeks of becoming ministers people were behaving exactly as you indicate—they were simply accepting what was coming forward to them. In that particular case it was advice which reflected the culture of the former conservative government, so it was quite different advice from that which an incoming Labor government could be expected to welcome.

I think this is really a key part of what I am proposing. I propose that prospective ministers go through a program in which they understand how such a situation can arise, and what factors can lead to it. The program would also be about how they can manage their ministerial responsibility, their private office, their relationship with their head of department—and, though him, with other sections of their bureaucracy—to avoid that sort of problem. A conscientious and capable minister will be able to establish the systems and relationships to overcome that, but for the inexperienced minister that is a really serious trap.

Question — I have had long experience advising ministers and finding out their peculiarities. I can remember one minister who fought bitterly with his permanent head, who wanted to establish a library. He wouldn’t allow that to happen. I had one minister who used to summon me and then go and hide in the toilet, because he was frightened of me. Socrates talked about developing philosopher kings. The Chinese had a system of bringing people on as administrators, and eventually ministers, by examination. I wonder what you would suggest as a means of developing ministers from the beginning, so that they would be of considerable competence. How can you choose ministers from the beginning? How can you bring them up to be capable of performing their functions?

Ken Coghill — We’ve got to accept the limitation that those who are ministers will necessarily be drawn from the parliamentary parties, and that will necessarily be a pool that is biased against what we may see as the best available talent in the total community. There will also be people who may be very capable of being ministers, who simply do not want to be part of the political process for all sorts of different reasons. They may not like the lifestyle, it may be because of the level of income, or because of the things they would have to give up in order to be ministers. But having accepted that, then I would see it as important that this program commence with a discussion to force them to think through their own values—to think through the philosophical principles underlying what they want to do, what they see as the role of government, what they consequently would see as their relationship with public servants and others. Certainly that’s the sort of model that I’ve been proposing in my discussions in Victoria. Now you can take a horse to water, but you can’t of course

force it to drink. There will be some who—for all sorts of reasons—are not going to be very receptive, but I think it is absolutely crucial to expose people to that, to try and encourage a lot more reflective thinking about why they want to be in government, what their party wants to achieve, so that it does turn to the philosophy underlying their role as minister, should they become one.

You make the interesting contrast between the Chinese model and the Socratic model. I believe that we can learn from both of these models, which I think is implicit in what you're saying. The Socratic model tends to be very much rule based, whereas the Confucian model tends to be about virtuous conduct and matters which go along with that. In my mind, neither of them is wholly correct. It's important for anyone becoming a minister to understand not only the importance of proper process and rule of law, but also that there are really important philosophical questions which they ought to be aware of—relationship questions, questions of personal virtue and integrity in behaviour, and those sorts of things which are important foundations of the program I'm talking about.

Question — What you say is very logical, but I'm interested in how you're going to sell the proposition, and what thoughts you've given to that. Obviously, under the legislation, ministers have responsibilities—for example, for their statutory authorities, for IT implications, and how relationships take place between ministers and the public. Are there ways that we can use some of those to sell the program in the interests of ministers? And how do you sell it to parliamentary officers? I'm interested in how you would go about actually making this feasible.

Ken Coghill — The model I've been following in Victoria has been discussed with parliamentary officers, but it's mostly been discussed with the politicians. I think most public servants and parliamentary officers have said that this is a desirable thing which should occur. The difficulty is convincing members of parliament and political leaders in particular, and there are a whole lot of things that come into that. Firstly, the way in which a political party will think about it—some might be concerned that if they have a mixed group with members of different political parties, that might mean that their opponents will somehow get an insight into their thinking through the discussion which occurs. Conversely, they may say, 'if we run this within the party, it may give us a competitive edge when we come to government, so we'd rather confine it to something done within the party, rather than outside.'

The reality is that the political parties are much more focused organisationally on campaigning than they are on governance, and it's going to be fairly hard to persuade the national secretary or state secretary that it's desirable to divert some funds for this purpose. It happens to a limited extent, but it is very limited.

My approach has been to go to each of the Victorian parliamentary parties to find interested members within the party, particularly those who may one day be ministers, and discuss it with them to get their input into the content and structure of the course. But in particular my aim has been to solicit their support as a vehicle to taking it forward to the political party leaders. In terms of getting in-principle support, that has worked to date. The real test now is for the parliament, through the presiding officers, to put a budget proposal to the government and for the government to agree to it. The next thing, of course, is to ensure our prospective participants commit themselves to

the time that would be involved in doing it. It's not much use signing up say twenty people in Victoria and having only five come to one session and ten to another. So a really important part of the program is working through it with participants so that they understand what it's about, they have an involvement in the final design, and a commitment to participating in it.

All of those factors together are going to be important. I'm not suggesting that it's going to be easy to convince political parties in any or every jurisdiction to support the program, nor am I suggesting it's going to be easy to convince every prospective minister that it would be desirable or in their long term interests to participate. I think that the more involvement there can be with the parliamentary parties in soliciting support for it and in prospective participants in the design of the model, the more likely it is that we'll get support for it. At the broader level of course, the more public support there is, and the more advice that might come from senior public servants and ministerial staffers, the more likely it is that any government will see the wisdom of funding such a program.

Question — Do you have an opinion about the relative quality of the American system of selecting secretaries as opposed to the political pool selection that we use in our country?

Ken Coghil — I would have to preface my remark by saying that we're stuck with the system we've got. I think that a parliamentary system produces better outcomes than an executive presidency, and I would also reflect that there have been more than a small number of secretaries of state in America who have come to grief through impropriety or other practices which have led to their early departure from the president's office or from appointment by the president. I think that any system can be made to work, and to work well. My personal preference is for a parliamentary system because I think that it does lead to better outcomes, and there has been some research work to support that—Lijphart's work, for example.

Question — I can only say that it's marvellous that you're going in the direction you are, but can I counsel that maybe you've got to be realistic about the future. I've thought for a long time that the academics have been either too frightened or too unknowing about what happens in parliament, and they haven't therefore been of any guide. In fact, it's important that the academics expand their knowledge and they can then pass it on. That's what you may be doing, rather than founding a basis on which ministers can be trained. I've been here since 1951, and I have had long-term associations with two ministers, one of whom was Billy Wentworth. Now, when Whitlam got in, he knew what to do, and he did a lot of things in a hurry. His other people were appalling—they shot their mouths off, they carved up their departments in new ways, and put names on branches and sections that suited them. The phone books became impossible to read for a couple of years. But you see, Bill Wentworth and Gough Whitlam both had long term family—informal—knowledge and that's where the education has to start. So the problem is one of education, not job training.

Ken Coghil — Thanks for those comments. I don't think I would advocate confining ministerial office to sons and daughters of previous ministers. There is real opportunity for people to learn in later life. Hopefully one of the advantages I can bring to this advocacy is that I'm able to draw on quite a number of people now who

have completed a political career and gone on to some association with academic institutions.

Question — You mentioned in your address the importance of the relationship between the ministers and the head of state. Do you have any observation about what has happened in Victoria insofar as the premier has determined that the new governor-designate's term will be shorter than the term of the current Victorian parliament? Mr Bracks said that the next premier should have the opportunity to appoint the next governor. That's a very unusual practice. Viceregal representatives almost always have terms that bridge at least two parliaments. My feeling is that the head of state has to be someone who has the respect of the ministry.

Ken Coghill — I don't have any special knowledge of what's happened in Victoria, so my knowledge is no more complete in that area than yours. I think you are absolutely correct that the head of state has to command the respect of the government, no matter what its political complexion is and what his or her own political views might be. The head of state also has to command respect, in the sense of having intellectual capacity and personal integrity, that their views are going to stand up not just as a matter of any public reputation that the individual may have established in some other field in the past. I think that what's absolutely crucial is that the individual incumbent take their responsibilities as head of state seriously, read their papers for the Executive Council meetings, and be prepared to say, 'Well look minister (or premier), have you actually considered this implication of that particular paper which you've put before me?' I do have some limited knowledge that previous governors in Victoria have done that, and Richard McGarvie has written and published a little on it. He has indicated that simply by that cautionary questioning, a governor can have an extremely important and useful role. I would certainly endorse and encourage that.

Question — The political parties themselves should prepare people for parliamentary life within their own systems. It seems to me, from watching it over a long period, that little of this happens, so that when somebody is actually appointed to a particular position, a lot of time is lost making him or her familiar with it. Perhaps if you could get a system so that everybody who was aspiring to be a minister could be educated on the way through, or identified at an earlier stage. That might save the taxpayer some money.

Ken Coghill — I suppose your comment comes at two levels—one is the first election to parliament, which may never lead to a ministerial office. That tends to be a bit ad hoc in Australia. Some of the European political parties do that much more thoroughly and professionally than we tend to do it here. But I would certainly endorse your view that that's something the political parties should do right from the time that the person becomes a candidate. In fact, it might even be useful to do it before some people become candidates so that they may decide that this isn't the life for them after all.

Question — In Australia, and certainly in New South Wales, we have all sorts of laws created by MPs and passed by the upper house, whether state or federal. Under those rules and regulations, you have to be qualified to be a plumber, a brickie, a carpenter, a lawyer or a doctor. But to pass these laws that qualify and really put the stamp and

the screws on people, the politicians don't have to have any qualifications at all. None. I suggest we have two levels of education for politicians. The first one should be obligatory before they can stand for parliament—they should go to a TAFE course and be trained in political science. Then to be a minister they must have a university degree. So you get the two levels of occupation, two levels of salary structure and two levels of responsibility. I think that any party that had the guts, the integrity and the honesty to put this as their platform before an election would romp in. These same MPs—qualified, partially qualified or even unqualified—say that other professions, occupations and trades have to have certain qualifications and experience. But those people who make the decisions don't have to have any qualifications.

Ken Coghill — That really raises a fundamental issue that we have to think about. I understand the reason why you suggest it; the counter-argument of course would be that it's really a judgement that the electorate should make, rather than a political party or the parliament through some self-serving interest as to the type of person that we want to represent us.

Question — Having done my share of preparing briefs for incoming ministers and prime ministers, it would never have occurred to us to have included sections relating to the parliamentary and legislative process, or to personal integrity. Do you have a view on why those subjects are now so important in the preparatory courses you suggest?

Ken Coghill — I really can't think of a reason why they shouldn't have always been important. I think the experience of the last few years—take for example the fairly large number of ministers who departed the first Howard ministry—indicates why it's important to have some understanding of ethics and how you manage your personal affairs and those sorts of things. So far as the legislative process is concerned, it strikes me that that's fundamental to being a member of parliament. If you don't understand that, what are you doing there?

Question — The training of people who aspire to become or have already been chosen to be ministers is very good. Are you preparing guidelines for those who choose them?

Ken Coghill — No, I'm not. But again, we have to accept that their peers are going to make the judgement as to who they believe are the most appropriate people. In the Labor Party that will be a caucus election, in the Coalition that will be a decision by the prime minister balancing a whole lot of factors.

Question — What about shadow ministers?

Ken Coghill — I would see shadow ministers as being among the prime targets for participation in the program such as I have discussed.