

SUBMISSION

In response to the Australian Government's September 2009 Parliamentary Entitlements Review

Andrew Murray¹ November 2009

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Note

The Terms of Reference for a Review of the Parliamentary Entitlements Framework (the Review) is broad ranging and examines parliamentary entitlements from many perspectives. This submission does not seek to cover all items of interest therein, and a number of matters of concern or needing reform have not been commented on.

This is a personal submission by Andrew Murray and does not represent the views of any other individual or entity. For most of his 12 years in the Senate Andrew Murray was a member of the Senate Finance and Public Administration Committee (SF&PA) and the Joint Standing Committee on Electoral Matters (JSCEM) and was the Australian Democrats Accountability and Electoral Matters Spokesperson.

In this capacity Andrew Murray dealt extensively with parliamentary salaries and entitlements issues. This submission draws directly on much of that work and experience.

There is nothing in this submission that is confidential.

¹ Andrew Murray was a Senator for Western Australia from July 1996 to June 2008. He is best known in politics for his work on finance, economic, business, industrial relations and tax issues; on accountability and electoral reform; and for his work on institutionalised children. Aspects of his work can be found in the Committee and Senate Hansard record and on his website www.andrewmurray.org.au

1 A public inquiry is warranted

I note the Review Committee does not have a concluded view on whether to make its inquiry and its submissions public or not. May I suggest that one of the worst mistakes any committee can make is to hold a secret inquiry into parliamentary entitlements. Secrecy will just feed already widespread general public suspicion and mistrust of politicians on matters where they have a personal interest.

The Review Committee should follow the open wise and principled standard of the federal parliament and its committees and conduct a public inquiry, except where confidentiality is validly sought or necessary.

2 Executive summary

National ramifications

Academics and the media certainly compare the salaries and entitlements across the various Australian parliaments. There are nine parliaments in Australia and all take note of Commonwealth procedures systems and precedents on parliamentary salaries and entitlements, often following them or approximating them.

The Review Committee should comment on the issue of linkages and harmonisation, and consider whether there should be a single national remuneration and entitlements tribunal for all 824 federal, state and territory parliamentarians.

Salaries and superannuation

A common view is that community standards should guide the salary of parliamentarians but what are community standards?

The starting point has to be at the apex, the Prime Minister, where the salary is ludicrously low for the office, and where the consequence is a knock-on effect of compressing the salaries of those holding office and of parliamentarians. Through its large network, the ACTU would be in touch with community standards. Their suggestion to a recent Productivity Commission inquiry of *an absolute cap on the base earnings of executives and directors, of a multiple of ten times the average weekly full-time earnings paid to employees of the enterprise* would equate to \$622 700. At the base, which is a federal parliamentarian without an official post of any kind, using a multiple of three times the average weekly full-time earnings would result in an annual salary of \$186 810.

If significantly different new salary scales were to be recommended they could apply to Senators and Members from the 2016 election. This would prevent any perception of a conflict of interest from the Prime Minister, the Executive and the Parliament in agreeing to new salary scales. The alternative is to phase in the recommended changes.

Parliamentarians are now subject to an accumulated fund based on public sector superannuation standards. Pre-2004 parliamentarians are left better off than post-2004 parliamentarians; post-2004 parliamentarians have no in-built superannuation compensation for low salaries and (for many) insecure tenure in marginal seats. Some parliamentarians find securing reasonable employment hard after leaving parliament, because of the low regard for the profession and (often unfounded) employer concerns about attitudes skills and history. The travel and work-related demands on a parliamentarian mean that some spouses or partners must forgo work opportunities of their own to look after the family. These aspects need to be recognised and compensated for in parliamentarians' salary structures.

Parliamentary entitlements

There are three categories of entitlements afforded to parliamentarians: their salary package; the resources required to do their job; and their retirement package. In summary:

- The salary retirement and entitlements packages of parliamentarians office holders and ministers should be set by an independent statutory body;
- The tribunal should benchmark the resources parliamentarians need to do their job against relevant international and national standards;
- The tribunal should conduct public hearings;
- There must be at least triennial audits of parliamentarians functions and offices by the Auditor General, including benchmarking to detect unusual usages of entitlements;
- Any salary or entitlement change must be able to be voted on by parliamentarians; these are the sort of matters on which there should be a conscience vote.

The Life Gold Pass retirement benefit should be abolished, except for former prime ministers.

The Electoral Allowance should be paid into a separate bank account other than a salary account, with clear proof subject to periodic audit that it is used only for electoral and not private purposes.

Incumbency should not only be considered federally but discussed at COAG with a view to agreeing principles and protocols; agreeing to genuinely independent advice by Remuneration Tribunals on what is an acceptable level of parliamentary resources; agreeing to audits of entitlements usage once an electoral cycle; and maximising transparent reporting. Using offices or entitlements for political party purposes should be universally prohibited, and any abuse subject to appropriate penalty.

Better political governance

Reviewing parliamentary entitlements has to be done in the context of the realities surrounding parliamentary and executive careers. The push for higher standards and better

performance is strong but has left the political sector largely untouched, as if only the political class at the apex do not need to be more able, a higher calibre, more productive, more competitive, professionally more suited for the future.

Markedly smaller membership of political parties than was once the case will inevitably have diminished the numbers, quality, and variety of potential candidates for public office.

Improved political governance will over time lift the overall calibre of the political class by requiring greater professionalism, better pre-selection recruitment and training, a sustainable career path for professional parliamentarians as well as those that aspire to executive ministerial careers, and by reducing the opportunity for patronage, sinecures and dynastic factionalism.

A trained professional experienced political class that is subject to the rigours of regulation, due process, and organisational integrity will always perform better than one that is not.

Most work environments or the trades are focussed on productivity and performance. In contrast formal training is curiously neglected in politics, and training is best characterised as 'on the job'. The training our elected representatives get before resuming full duties is perfunctory haphazard and limited. Like all workforces, elected representatives would benefit from better training on entering their new profession.

3 National ramifications

The Review Committee would be well aware that this inquiry has national not just federal ramifications. Academics and the media certainly compare the salaries and entitlements across the different parliaments.²

There are nine parliaments in Australia and all take note of Commonwealth procedures systems and precedents on parliamentary entitlements, often following them or approximating them, depending on the entitlement. In matters of salary a number of jurisdictions link their parliamentary and executive rates to Commonwealth rates.

This nexus may or may not be considered appropriate, as the functions responsibilities duties and obligations of the Prime Minister, Premiers, Chief Ministers, Ministers, Parliamentary Secretaries and lower house and upper house parliamentarians in the federal state and territory jurisdictions are not equivalent.

Nevertheless, presently there are deliberate links established between jurisdictions, and there are virtues in harmonisation, where valid and appropriate.

The Review Committee should inquire into and comment on the issue of linkages and harmonisation in the federal state and territory spheres, and should recommend its report for formal presentation to the appropriate Council of Governments (COAG) forum, in addition to consideration by the Commonwealth.

One of the matters the Review Committee might wish to consider is whether there should be a single national remuneration and entitlements tribunal for all federal state and territory parliamentarians, including the executive, replacing the multiple tribunals now in existence. There would likely be useful financial savings overall, but the real benefit is in rationalisation and standardisation where appropriate. After all there are only some 824 parliamentarians in the nine parliaments (only 253 of them women...)³ Federally the 150 Members and 76 Senators constitute 27.4% of the total.

The structure and operation of any such single national tribunal would need to be agreed by COAG and be ratified by all Australian parliaments.

² For instance pages 16-17 *The West Australian* Wednesday October 14 2009 – *MP's rich pickings in grab bag of allowances and Barnett pay beaten only by Rudd.*

³ The table at this link gives a party and gender breakdown, and the total size of all nine jurisdictions: <http://www.aph.gov.au/library/intguide/pol/currentwomen.pdf>

4 Salaries and superannuation

Salaries

Parliamentary salaries are too low.

The salary package of parliamentarians is considered reasonable by many,⁴ but even by these lights the present salary is not appropriate for the responsibilities of senior Ministers such as the Prime Minister and Treasurer, who are seriously underpaid by community standards for their responsibilities. Service as a Minister of the Crown is a great privilege and honour, and one expects it to be accompanied by a lower salary package than commensurate work in the private sector. However, if the objective of parliamentary entitlements is to reflect community standards, the point must be made that ministerial salaries are way out of touch with salaries paid to executives with far less responsibility than ministers.

But what are community standards? The Review Committee would be assisted by a recent Productivity Commission publication that examined this issue.⁵ In that Report (page 300) is *Box 11.1 Pay caps, tribunals or tax changes?* part of which is quoted below:

An executive pay-setting institution

... the Australian government to establish an Executive Pay Tribunal ... [with] power to examine, amend, approve or cancel any executive pay package, contract or termination payment ... (Kyneton Branch ALP, sub. 33, pp. 1–2)

... set quantitative limits ... related to minimum wages in the community, average wages in the industry, the total package of the nation's head of state or simply set by a remuneration panel ... (John Lance, sub. 79, p. 1)

Executive pay caps linked to others' remuneration

... an absolute cap on the base earnings of executives and directors, of a multiple of ten times the average weekly full-time earnings paid to employees of the enterprise. (Australian Council of Trade Unions, sub. 82, p. 3)

... we make the following suggestions for amendments to the Fair Work Act (FWA)

... (i). Institute a federal maximum wage order. We suggest ... 20 times average weekly earnings could be adopted. (Construction, Forestry, Mining and Energy Union of Australia, sub. 78, p. 10) ... the introduction of a ratio between the average wage and the maximum CEO package of 1:10. (Klaas Woldring, sub. 8, p. 1)

... limit the salary of any Executive or Director of a Publicly Listed company to, say, 50 times the average of the 100 lowest paid employees of the company. (Ray Bricknell, sub. 17, p. 1)

... executive wages should be no more than 12 times that of the lowest paid employee. (Rodger Hills, sub. 26, p. 2)

⁴ Particularly with the addition of fringe benefits, including the provision of a car.

⁵ *Executive Remuneration in Australia* Productivity Commission Discussion Draft September 2009. The final report is due in December 2009.

On the face of it, through its large network, the ACTU would be in touch with community standards. Their suggestion above of *an absolute cap on the base earnings of executives and directors, of a multiple of ten times the average weekly full-time earnings paid to employees of the enterprise* would equate to \$622 700 at present, far more than the Prime Minister earns.⁶ The Construction, Forestry, Mining and Energy Union of Australia suggested *20 times average weekly earnings could be adopted*, equating to \$1 245 400.

While many would consider \$1 million the salary warranted for an Australian Prime Minister,⁷ in terms of community practice for chief executives \$1.25 million is hardly unusual.

The starting point has to be at the apex, the Prime Minister, where the salary is ludicrously low for the office, and where the consequence is a knock-on effect of compressing the salaries of those holding office and of backbench parliamentarians. In decades past the political establishment was well aware of this effect, and used an over-generous superannuation and entitlements system to make up for low parliamentary salaries, but that option has largely disappeared due to very significant reductions in the value of superannuation and retirement benefits.

In any case, that was an unhealthy system since a public stance of low salaries encouraged a culture of subterfuge in the provision of less transparent indirect benefits.

At the base, which is a federal parliamentarian without an official post of any kind, and using the ACTU measure but of a multiple of three times the average weekly full-time earnings, this would result in an annual salary of \$186 810 at present.

That is a reasonable salary for the considerable responsibilities of a federal parliamentarian.

It would be relatively simple to grade those multiples of average weekly full-time earnings upwards for those holding parliamentary posts, so encouraging parliamentary careers, and the executive, so encouraging executive careers.

How to introduce such a change? In my experience, when discussing parliamentarians' salary with the media, some parliamentarians and members of the executive posture in public and whinge in private, saying that salaries are reasonable when they believe they are not.

One way to get over this barrier to rational and necessary change is to introduce any salary change a term of the Senate hence; in other words, assuming a federal election in 2010 the

⁶ The latest average weekly earnings figures can be found at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6302.0May%202009?OpenDocument>. Table 2 gives the figure and the Explanatory Notes (at the end) paragraphs 3, 4, 23-27, 30, 31 and 33 give the definitions.

⁷ For instance refer the reported October 2009 comments by the Leader of the Nationals in the Senate, Senator Barnaby Joyce.

new salary linkage to average weekly earnings would apply to Senators and Members from the 2016 election.

This would prevent any perception of a conflict of interest from the Prime Minister, the Executive and the Parliament in agreeing to new salary scales.

The alternative is to phase in the recommended changes.

Superannuation

The over-generous parliamentary contributory superannuation defined benefit scheme attracted strong criticism and was closed. Parliamentary superannuation has now been brought into line with community standards. Parliamentarians entering parliament after the 2004 federal election are now subject to an accumulated fund based on public sector superannuation standards.

As a result post-2004 parliamentarians who retire do so with much lower superannuation.

This has not only left a two-tiered system for a period, since pre-2004 parliamentarians are left better off than post-2004 parliamentarians; but post-2004 parliamentarians have now no in-built compensation for low salaries and (for many) insecure tenure in marginal seats.

Coupled with that, some parliamentarians find securing reasonable employment hard after leaving parliament because of the low regard for the profession and (often unfounded) employer concerns about politicians' attitudes skills and history.

It is well known that the travel and work-related demands on a parliamentarian mean that some spouses or partners must forgo work opportunities of their own to look after the family.

These aspects need to be recognised and compensated for in parliamentarians' salary structures.

5 Parliamentary entitlements

Accountability and politicians entitlements

A section of the public and media do not seem to respect value or understand the work of a parliamentarian. Criticism from this sector just goes with the job.

What must be heeded though are legitimate concerns – where ministers and parliamentarians salary and retirement packages, office resources and entitlements, are ahead of reasonable community standards; where these are not subject to regular and proper independent determination and audit; and where reporting and disclosure is not full and transparent.

Parliamentary salaries, allowances and benefits in the nine jurisdictions generate high public and media interest, quite often negative and unfair, and sometimes profoundly vindictive.

Such views are not just fed by prejudice but by the entrenched public memory of the decades-long battle principally fought through the media to expose conflicts of interest, rorts, hidden or unwarranted perks, poor accountability, poor and corrupt process, inadequate reporting and poor auditing.

Despite great improvements in the federal jurisdiction, particularly over the last decade, the taint of suspicion and mistrust in the media and the community remains strong.

There are essentially three categories of entitlements afforded to parliamentarians: their salary package, which includes benefits such as a car; the resources required to do their job, which includes electorate allowances, office expenses and staff allocations; and their retirement package, which includes superannuation and entitlements available under the Life Gold Pass for qualifying former parliamentarians.

All these should be reasonable, independently determined, audited at least triennially⁸ and transparent.

All these should be dealt with by a genuinely independent tribunal to ensure consistency and a holistic approach. As far as is feasible and reasonable, the review and deliberation process of the tribunal should be public. The present Remuneration Tribunal is a fairly secretive body that needs to be far more accountable, including by holding public hearings.

⁸ In 2000 and with Labor support, the Australian Democrats successfully moved a motion to initiate the first ever comprehensive audit of all parliamentary entitlements in 100 years. This essential step to achieving greater transparency resulted in the Auditor-General's Report No 5 in 2001. In 2003, a Democrat initiative generated the Auditor-General's Report No.15, the first ever audit of the staff of parliamentarians. In 2009 there followed the Auditor-General Report No.3 2009–10 Audit Report *Administration of Parliamentarians' Entitlements by the Department of Finance and Deregulation*.

In summary:

- The salary retirement and entitlements packages of parliamentarians office holders and ministers should be set by an independent statutory body;
- The tribunal should benchmark the resources parliamentarians need to do their job against relevant international and national standards;
- The tribunal should conduct public hearings;
- There must be at least triennial audits of parliamentarians functions and offices by the Auditor General, including benchmarking to detect unusual usages of entitlements;
- Any wage or entitlement change must be able to be voted on by parliamentarians. It cannot be imposed by law but the parliament can establish a precedent; these are the sort of matters on which there should be a conscience vote.

The life gold pass

When the *Members of Parliament (Life Gold Pass) Bill 2002* was under Senate inquiry some submitters, including the Association of Former Members of Parliament, argued that retirement travel benefits are legitimate compensation for the lower rates of salary that sitting members receive while in office, and for the difficulties and stresses associated with being a member of parliament.

Instead of providing for compensation post service, members of parliament should be paid an appropriate salary for the work they do while in office, and regard should be had to the unusual nature of the job, particularly its consequent effects on families. Except for transitional arrangements on leaving office, retirement benefits should be confined to superannuation.

The Life Gold Pass retirement benefit entitles some eligible former parliamentarians and their spouses to travel within Australia for life for ‘non-commercial’ purposes at government expense. There is no justification for retirement travel benefits being provided to former parliamentarians and their spouses or partners.

This taxpayer funded perk costs over \$2 million annually and should be abolished.

There should be one exception. Former Prime Ministers do have justifiable official engagements post-retirement and continued travel entitlements for them are appropriate. Their expenses should however be funded as an executive cost, and not as a parliamentarian’s benefit.

The entitlements are out of step with benefits available to Australian government officials and to former members of parliament in other countries. Entitlements similar to the Life Gold Pass retirement travel benefits had never been available to public servants either past or present. Apart from retired members of some private sector air or rail corporations, equivalent perks are simply not a feature of normal retirement.

Electorate office entitlements

Since 1996 there have been major improvements in the reporting, disclosure and management of the resources parliamentarians use to do their job, often referred to as 'entitlements'. This area can be further improved by benchmarking techniques to help detect unusual usages of entitlements.

The Electoral Allowance has been considered by some to be a salary supplement. It should not be. There is a need for an Electoral Allowance. The allowance should be paid into a separate bank account other than a salary account, with clear proof subject to periodic audit that it is used only for electoral and not private purposes.

*Incumbency*⁹

Incumbency has been disgracefully enhanced in the past, with hugely excessive printing and postal allowances, thankfully recently reined in significantly. Incumbency enhancements represent the heavy use of taxpayer funds for re-election purposes, and a strong anti-competitive barrier to entry.

Any parliamentarian holding a seat benefits from incumbency, even more so if they are in a safe seat or they hold high office and therefore have a high profile. The incumbent has a natural advantage over any challenger who seeks to win office. There is no way of diminishing the status and that automatic preferred access that incumbents get to the media, parliamentary resources and information.

What is of concern is where this natural advantage is reinforced by pork-barrelling systems and generous entitlements that are in excess of those required to do the parliamentarians job, and are instead used for electioneering. A particular danger is any appropriation for one year that a parliamentarian can roll over to the next year, so accumulating an election 'war-chest'.¹⁰

When that incumbency advantage is artificially boosted so that it becomes much more expensive or difficult for a challenger to contest the seat, it becomes a real problem.

⁹ See also submission by Andrew Murray February 2009 in response to the Australian Government's December 2008 Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE.

¹⁰ As an example, federally in 1996, six large electorates could have a second electorate office and an extra staffer; by 2007 there were 20 such electorates. Members serving large constituencies could aggregate their communications and charter allowances, and money allocated for travel to distant parts of the constituency could be used for mail. At the time this came through, the then Leader of the Opposition in the Senate, Senator Evans, estimated that each of the 33 members in large constituencies could now accumulate, with other entitlements, as he described it, 'a whopping \$393,500 of taxpayer funds for their re-election'.

Parliamentarians have a wide range of responsibilities: party, political, parliamentary, legislative, representative, and portfolio. They do need modern, efficient office resources to carry out these responsibilities effectively, but their staffing¹¹ and office provisions; modern phone, fax and electronic communications; fast franking and risograph machines; colour printers and advanced computer facilities all help give them an advantage over non-contestants.

Office entitlements have expanded to provide enhanced parking and travel allowances for parliamentarians and their staff; broadband web access; significant computer, electronic and mechanical office enhancements; home and office fixed and mobile phone lines, digital organisers, increased subscriptions and increased printing and postage allowances.

The counters to incumbency abuse are parties and parliaments committed to high political standards, proper processes, and transparent audited fully reported grants and entitlements.

Incumbency should be considered by the Review Committee and then not only considered federally but discussed at COAG with a view to agreeing principles and protocols; agreeing to genuinely independent advice by Remuneration Tribunals on what is an acceptable level of parliamentary resources; agreeing to audits of entitlements usage once an electoral cycle; and maximising transparent reporting.

Using offices or entitlements for political party purposes¹² should be universally prohibited, and any abuse subject to appropriate penalty.

¹¹ Federally under the Howard regime there was a large increase in the number of ministerial staffers and media officers. At the individual parliamentarian level, the Howard government lifted the number of staff members per parliamentarian from three to four and doubled the relief staff provision—neither of which resulted from thorough, independent, publicly available assessments of whether members of parliament's work demands warranted it.

¹² The Howard government even allowed how-to-vote political party cards to be printed from member's office entitlements. At the 2007 federal election the public purse was funding transport and telecommunication costs, mail and printing costs, the running of websites, the maintenance of electoral databases—all trappings of political incumbency and all worth many millions of dollars in each political cycle.

6 Better political governance¹³

Not much effort so far

The Review Committee would be well aware that reviewing parliamentary entitlements has to be done in the context of the realities surrounding parliamentary and executive careers. It should also be done in the context of making those careers attractive to potential parliamentarians.

That means that the Review Committee needs to take into account governance considerations that affect recruitment into politics.

Australians are demanding much more of their Governments. The push for higher standards and better performance is strong. Plans have been devised that embrace nearly every sector in Australia, yet the political sector has been left largely untouched, as if only the political class at the apex do not need to be more able, a higher calibre, more productive, more competitive, professionally more suited for the future.

The personal calibre quality and character of political and public service leaders matter greatly in delivering better performance.

Can better political governance give Australia an improved political class?

This question has even more relevance in the context of markedly smaller membership of political parties than was once the case. That shrunken membership will inevitably have diminished the numbers, quality, and variety of potential candidates for public office.

Poor governance has significant negative effects. Governance through law, regulation and process makes power subject to performance and accountability and leads to better outcomes and conduct; which is why so much effort was put into better governance in the bureaucratic¹⁴ union and corporate sectors, with great improvements resulting.

In contrast not much effort has been put into reforming governance in the political sector, although it must be said that at least the reporting of parliamentarians' interests and entitlements has significantly improved in recent years.

¹³ A considerably expanded argument along these lines is included in the submission by Andrew Murray November 2009 in response to the Australian Government's September 2009 Electoral Reform Green Paper STRENGTHENING AUSTRALIA'S DEMOCRACY; and *Agenda: A Journal of Policy Analysis and Reform* vol 16, no 3 2009, which in turn drew on a section of the 17 February 2009 public lecture given by me in Brisbane for the Australia & New Zealand School of Government: *Essential Linkages – Situating Political Governance Transparency and Accountability in the Broader Reform Agenda*; and has also been reproduced in *Critical Reflections on Australian Public Policy selected essays* edited by John Wanna ANU E Press Canberra 2009.

¹⁴ For instance see the definition in page 13 of ANAO and PM&C 2006 *Implementation of Programme and Policy Initiatives: Making Implementation Matter*, Better Practice Guide Commonwealth of Australia, Canberra.

Political parties matter

Political governance matters because political parties are fundamental to the Australian democracy, society and economy. They wield enormous influence over the lives of all Australians. They decide the policies that determine our future, the programmes our taxes fund, the Ministers that government agencies respond to and the representatives in parliaments they are accountable to.

Conflicts of interest and the self-interest of politicians have meant minimal statutory regulation of political parties. It is limited and relatively perfunctory, in marked contrast to the much better and stronger regulation for corporations or unions.

Although they are private organisations in terms of their legal form, political parties by their role, function, importance and access to public funding are of great public concern. The courts are catching up to that understanding.¹⁵ Nevertheless, the common law has been of little assistance in providing necessary safeguards.

To date the Courts have been largely reluctant to apply common law principles (such as on membership or pre-selections) to political party constitutions, although they have determined that disputes within political parties are justiciable.

Increased regulation

Political governance includes how a political party operates, how it is managed, its corporate and other structures, the provisions of its constitution, how it resolves disputes and conflicts of interest, its ethical culture and its level of transparency and accountability.

Greater regulation offers political parties protection from internal malpractice and corruption, and the public better protection from its consequences. It will reduce the opportunity for public and private funds being used for improper purposes.

In their report into the 2004 election, in Recommendation 19¹⁶ to its credit the JSCEM again recommended that political parties be required to lodge a constitution with the AEC that must contain certain minimal elements.

¹⁵ For instance, *Baldwin v Everingham* (1993) 1 QLDR 10; *Thornley & Heffernan* CLS 1995 NSWSC EQ 150 and CLS 1995 NSWSC EQ 206; *Sullivan v Della Bosca* [1999] NSWSC 136; *Clarke v Australian Labor Party* (1999) 74 SASR 109 & *Clarke v Australian Labor Party (SA Branch)*, *Hurley & Ors and Brown* [1999] SASC 365 and 415; *Tucker v Herron and others* (2001), Supreme Court QLD 6735 of 2001.

¹⁶ Joint standing Committee of Electoral Matters report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto, September 2005, Canberra; pages 94-95.

Improved political governance will over time lift the overall calibre of the political class by requiring greater professionalism, better pre-selection recruitment and training, a sustainable career path for professional parliamentarians as well as those that aspire to executive ministerial careers, and by reducing the opportunity for patronage, sinecures and dynastic factionalism.

Australia is fortunate in having many very able politicians, but the overall quality and ability of politicians and ministers – local, state, territory, and federal – needs to be lifted.

A trained professional experienced political class that is subject to the rigours of regulation, due process, and organisational integrity will always perform better than one that is not.

Most work environments or the trades are focussed on productivity and performance. In contrast formal training is curiously neglected in politics, and training is best characterised as ‘on the job’. The training our elected representatives get before resuming full duties is perfunctory haphazard and limited.

It is true that some politicians are already trained in politics policy and government as former advisers or former public servants, but most are not. Many have no experience in managing an office a budget and staff.

Like all workforces, elected representatives would benefit from better training on entering their new profession.¹⁷

¹⁷ Intensive residential courses could be devised. As an example formal courses might include essential legal principles and legislation design; Australian political parliamentary electoral and constitutional law and systems; government and the bureaucracy in all its complexity; foreign affairs, treaties and diplomacy; accountability laws systems and practices; procurement and tendering; budgets finance and revenue, including cost-benefit analysis; managing a parliamentary office and staff; and so on.