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1.8.03

Mr Alistair Sands  
Secretary  
Senate, Finance and Public Administration  
Reference Committee  
Parliament House  
Canberra  
ACT 2600



Dear Sir,

RE: SENATE INQUIRY INTO MEMBERS OF PARLIAMENTARY STAFF (MOPS)

I am not relaxed and comfortable. I refuse to be dis-engaged from issues and political debate. I certainly refuse to stand-by and watch our inherited Westminster system of government been dismembered by any political party holding the mandate of office at any time. Thus the reason for this submission to the Members of Parliament Staff (MOPS) Inquiry.

Professor Krygier, internationally respected for his provocative questions on what makes for a civil society, has repeatedly reminded us that our system of government provides the checks and balances necessary to protect the individual from the awesome power of the state. These principles are the process by which government works. The blood of ordinary men and women lies in the history of how they came into being. When these checks and balances fail then the implications for the political health and reputation of this nation is frightening. And it appears that this is now so.

Repeatedly, Hugh Mackay, Sydney Morning Herald's social commentator is tracking the increasing disengagement of the populace from its elected representatives and thus from socio-political issues. Krygier could be heard to ask why is this happening now, in this place?

President George Bush, on SBS 29.7.0.3 was cited as one known for his political manoeuvring, so with this inquiry, must be the Howard Government. Putting the Prime Minister's latest opinion polls aside, the fundamental issue been tested with this inquiry is the basic principles on which the Australian Parliament depends - ministerial responsibility and accountability. Political manoeuvring by any government to abdicate its responsibility for action on any issue, be it Tampa, or taking Australia to war in Iraq, by putting the finger at MOPS is inexcusable. It's akin to a small child been caught out in the act and crying "it wasn't me! ".

Robert Manne has said:

*We are genuinely interested in consequences and outcomes and unusually indifferent to principles and ideals. In the mildly cynical, ultra-secular democracy we now live in, the general attitude appears to be that if, in order to achieve a desirable end, the government needs to twist the truth a little, then this is a relatively trivial price to pay.*

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If this is the political manoeuvring the Prime Minister, be it Howard or any other, is taking our Constitution, then it is the principle of "the end justifies the means" that threatens to replace the ideals and principles of this nation.

Basic to any "Civics Education" is the principle that under the Westminster system, the Minister is his/her word. He/she is responsible and accountable to the Parliament. No-one else. It is part of the "glue" that protects this nation from the "power of the gun".

Ministerial advisers maybe "unique creatures, appointed by and responsible only the minister. The "doing" of their job has been aptly described as reflecting the culture of what the minister wants. But when the Howard Government is prepared to use fraudulent information as a means of achieving the "practical" of his government's ideology and endeavours to build a firewall around ministerial accountability in order to lead, it fails to deceive because the basic principle remains and that is the minister and only the minister is still responsible. Trying to circumvent that responsibility by setting up this inquiry to focus on conditions of employment of MOPS can only be described as political manoeuvring at its worse. The ministers and their MOPS are one and this has been so for years.

The manoeuvring to put blame on MOPS reflects poorly on any minister. MOPS exist in multitudes and talk to each other. They cannot be stereo-typed and by their own "talk" would have their own informal "checks and balances" while doing the multiple of jobs they do. This is "normal" workplace behaviour that can be expected to be found in any establishment, be it in the office of the Prime Minister/ministers/corporations or on a factory floor. So how did even this "talk" fail to bring to the attention of the Howard Government doubts about the data base on which the government was prepared to act? It is recalcitrant of any minister to pretend that he/she was misled, particularly when other departmental officials knew of the falsehoods and the subsequent spin-doctoring in the name of leadership. Changes in

employment legislation or administrative framework for MOPS will not change this political behaviour by ministers and their MOPS. Setting up an Inquiry's Terms of Reference (T/R) to address employment of MOPS is transparent in its manoeuvring to deny ministerial responsibility and accountability under this nation's Constitution. So why now and worse, why the pretence that it is only now?

Professor Robert Manne has suggested that the answer to the question, "Why now?" might lay in the explanation:

*"What Iraq has revealed, then, is that Australia's deepest foreign policy instincts are those not of a truly independent nation but of a former colonial dependency."*

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Such a position may try to rationalise the Howard Government's behaviour at the international scale but it fails to address government's behaviour, be it Labor or Liberal, when dealing with individuals and their rights against the state. MOPS and their ministers have not shown they act any differently at this level. The control MOPS, as representative ministerial decision-makers, have in dealing with individuals is no more or less than their behaviour in the Tampa or Iraqi war case. At least the insidiousness of the latter is only public because of media coverage and ordinary people can separate themselves from it. In the case of these two national security events, the separation of the electorate from involvement in it was made easier because of the lack of "collateral damage" amongst the Defence Forces. And given the nation didn't lose any blood, (excluding the ABC reporter!!), the ideals and principles of our Constitution could be put aside to let "the end justify the means". This is not the case when MOPS and their ministers act against the individual. Here there is the collateral damage. It is widespread, undetected, and personal. The only difference between it and the former events is the lack of media hype.

The Senate inquiry needs to go "back to basics". Why are our checks and balances failing? Here, parliamentarians are asked to investigate themselves and in the process not abdicate the fundamental principles on which this provincial liberal democracy exists. Ministers are accountable to the parliament and responsible for the actions of their staff. It simply needs to be enforced. This inquiry should not be looking to legislative changes as means of abdicating any member of parliament's responsibility for their action and decisions.

*Padruca Ivory*