

# COMMONWEALTH OF AUSTRALIA

## SPEECH

BY

**The Rt Hon. W. McMAHON, M.P.**

ON

# MINISTERS OF STATE BILL 1971

## Second Reading

[From the 'Parliamentary Debates', 29 April 1971]

### MINISTERS OF STATE BILL 1971

Bill presented by Mr McMahon, and read a first time.

#### Second Reading

Mr McMAHON (Lowe—Prime Minister) (2.15)—I move:

That the Bill be now read a second time.

The purpose of this Bill is to obtain parliamentary authority to increase the number of Ministers by 1. Section 65 of the Constitution, coupled with section 51, placitum 36, gives to the Parliament, and to it alone, authority to vary the number of Ministers of State. The additional Minister, which it is the purpose of the Ministers of State Bill to provide, will bring the number of Ministers of State approved by Parliament to 27. Clause 4 of the Bill provides for payment at the rate applicable to Ministers not in the Cabinet.

Three major considerations have led me to propose an increase in the number. Firstly, I want to allocate to a separate portfolio some important matters which could only otherwise be handled by a senior Minister by adding unduly to the responsibilities now imposed upon him. I am thinking particularly of the discharge of Commonwealth responsibilities in the fields of Aboriginal Affairs, the Arts and the Environment. Secondly, there are administrative advantages in placing with a single new Minister and Department a

group of specialised general service functions which have hitherto been attached to a number of departments. Thirdly, and in association with the creation of the new Department of the Prime Minister and Cabinet, the additional Minister and Department will permit the Prime Minister to discharge more effectively his main functions, which are leadership of the Government and administration of the Cabinet system.

Before discussing these matters further, I think it will assist honourable members if I list the functions which at this stage will be under the administration of the new Minister. These are:

1. Aboriginal affairs, including responsibility for the Council for Aboriginal Affairs and the Australian Institute of Aboriginal Studies.
2. Activities relating to the environment, including responsibility for the Office of the Environment.
3. Activities relating to the arts and letters, including responsibility for—
  - Australian Council for the Arts
  - Australian National Gallery
  - Commonwealth Art Advisory Board
  - Historic Memorials Committee
  - Commonwealth Literary Fund
  - Commonwealth Assistance to Australian Composers Advisory Board
4. National Library of Australia.
5. Commonwealth Archives Office.

6. Australian War Memorial.
7. Anzac Agency, Commonwealth War Graves Commission.
8. Activities relating to the production of Australian films, including responsibility for the Australian Film Development Corporation and the National Film and Television Training School.
9. Grants to national organisations
10. World expositions.
11. National Radiation Advisory Committee.
12. Certain general service functions, including responsibility for—
  - Australian Government Publishing Service
  - Government Printing Office
  - Commonwealth Advertising Division
  - Commonwealth Stores Supply and Tender Board

I have decided that, in addition to these functions, administration of Commonwealth activities in the rapidly developing and increasingly important field of tourism, including the activities of the Tourist Commission, should be placed with the new Minister. Overall policy on matters relating to tourism will remain, as at present, with the Minister for Trade and Industry.

For the past 3 years, as honourable members know, Senator Wright has been the Minister responsible for tourism under the Minister for Trade and Industry. He held this portfolio in addition to his other principal duties as Minister for Works. I take this opportunity to acknowledge the fine service he has given to the development of tourism during his term of office. He has been energetic, enthusiastic and effective in helping to create a new awareness in Australia of the value of tourism and the great opportunities for its development on a national scale.

Following a review by the departments concerned, we have also decided to establish an Overseas Property Bureau. The Bureau will be a specialist agency charged with a functional responsibility for the provision, management and maintenance of overseas land and property for Commonwealth purposes. It will not detract from the responsibilities of other departments or Heads of Mission for the effective operation of overseas posts and will be assisted

by an Advisory Overseas Property Committee composed of senior representatives of those departments. The operations of the Bureau will help departments and Heads of Mission to concentrate on their principal task of representation. Administration of the Bureau will be placed within the new Department, as an additional general service function for which the Minister will assume responsibility.

The administration of Aboriginal affairs and of Commonwealth functions in the fields of the arts and the environment are among those to be transferred to the new Minister. It is the Government's view that it is now appropriate to separate these 3 functions from the Prime Minister's own administration. As Prime Minister, I will continue to have a deep interest in them. But it is not necessary, for that purpose, that I remain the responsible Minister. I now mention briefly each of these 3 functions because of their importance in the new Ministry.

The effect of the successful referendum in 1967 was to give the Commonwealth Parliament power to make laws in relation to the Aborigines, as it already could for the people of any other race. Following the overwhelming vote of the people the then Prime Minister, Mr Holt, judged that initially the administration by the Commonwealth of Aboriginal Affairs should be within the Prime Minister's responsibility. A Council for Aboriginal Affairs was established and a Minister, though necessarily occupying another portfolio, was appointed Minister in Charge of Aboriginal Affairs under the Prime Minister. It now seems opportune to entrust this important responsibility to the new Minister, as one of his major functions.

As the welfare and development of Aborigines affect more than one department, a ministerial committee will be appointed to study the special needs and problems of Aborigines and to advise ways of improving them. In this connection, I invite the attention of the House to the statement on Aboriginal Affairs which the Minister for Social Services (Mr Wentworth) read on my behalf at a recent meeting in Cairns of the Australian Aboriginal Affairs Council, which is composed of Commonwealth and State Ministers responsible for Aboriginal

affairs. Furthermore, I want to acknowledge the energy and application of my colleague, the Minister for Social Services and the high worth of his contributions in his role as Minister-in-Charge of Aboriginal Affairs over the last 3 years. He has established the portfolio for the Commonwealth and has contributed in large measure to the advancement of Australian Aborigines. The Government will, of course, continue to get his counsel in Aboriginal matters and he will be a member of the ministerial committee which was referred to in the statement made by him on my behalf last week at the Cairns conference of Ministers responsible for Aboriginal affairs.

In the field of the arts, the Commonwealth is becoming increasingly involved and is giving assistance in a wide variety of forms. I have no doubt that this is widely welcomed. We ought to continue to develop in this field and we will. But the increasing variety of Commonwealth involvement again suggests that the time has arrived where the functions can be transferred to a new Minister. In addition to responsibility for the Council for the Arts, the new Minister will be responsible for the National Library, for the Australian National Gallery, and for assistance to Australian authors and composers. All these are related functions and can usefully be put in the charge of the one Minister.

Then there is what has come to be called 'the environment'. An office to bring together and generally to superintend the Commonwealth's work and responsibilities in the environmental field is a new initiative, and an important one. Commonwealth activities in this field are beginning to gather momentum, and will need the attention of a Minister. Responsibility for them, too, may now with advantage be moved to the new Minister. Putting these proposals in another way, the Commonwealth initiatives in Aboriginal affairs and the arts have now achieved a status and a level of activity that require separate administration. It has seemed desirable at the same time to add what will be a rapidly developing role in relation to the environment.

The second main reason for creating the new portfolio is that there is a range of what might be termed 'general service'

activities which are at present allocated among various departments. In each case the activities are not directly related to the primary purpose of those departments, but they have an important contribution to make to the effective functioning of the administration as a whole. Examples are the activities comprehended within the Australian Government Publishing Service, the Commonwealth Archives Office, preparation for world expositions and the new Overseas Property Bureau. Each of these functions involves the provision of services in important areas for all or a number of departments. The Government believes that locating them in the one department, under the control of one Minister, will yield significant advantage to the administration as a whole.

The third main reason for creating the new portfolio is to permit the Prime Minister and his Department to devote themselves to the matters which are central to Government. An examination of the history of the functions attached to the Prime Minister and his Department reveals a recurring theme of the detachment from the Prime Minister of new functions as they develop sufficient momentum to sustain a portfolio or department of their own, or as other opportunity for appropriate attachment arises. Thus in earlier days the Department of External Affairs and, in more recent times, the Department of Education and Science have been separated from the Prime Minister's Department. It is natural that, as initiatives are made and before they are fully proven, new ministerial and departmental arrangements should not be sought. But equally, once the significance of the new activities has been proved and accepted, it is appropriate that they be given separate ministerial and departmental status. Further than that, it is important that the Prime Minister, as leader of the Government, should be able to give a great deal of attention to the administration of the Cabinet system. Whatever other functions may come or go, the Prime Minister is Chairman of the Cabinet. It is his function to ensure that leadership is given; that there is effective co-ordination, through the Cabinet machinery and by individual consultation, of the activities of Ministers, each of whom has full responsibility and accountability to Parliament; and that, through the Cabinet machinery and

in other ways, the ever-changing problems of Government are given full attention and co-ordinated and speedy resolution.

These are the central functions of the Prime Minister as leader of the Government, and he must look to his Department to give him support in them. It is these considerations that lie behind the creation of the new Department of the Prime Minister and Cabinet. This Department will have administrative responsibility for the co-ordinating role of the Prime Minister and it will also be geared to give me advice on the demanding and ever-present preoccupations of the Government as a whole. These vary from day to day but range across such matters as the state of the economy, the Commonwealth's role in welfare, relations with the States—so important in a Federation—and external relations and defence. These are the administrative responsibilities of the Prime Minister as leader of the Government. When to these are added the role of leadership in the Parliament, the duties as leader of a party, the requirements imposed as chief spokesman for the Government both in the Parliament and in public, and the many representational obligations that must be accepted, it can readily be seen that functions which are in the main administrative, or can be handled by another Minister and department, should where practicable be transferred to them.

In short, I believe that the addition of a new ministerial portfolio to discharge the functions I have outlined represents a significant advance in the organisation of the functions of government. There will be renewed emphasis upon the importance the Government attaches to three different groups of responsibilities—in Aboriginal Affairs; in the arts; and in the environment. In each of these the Commonwealth is increasingly assuming a role in community affairs at the national level. There will also be a useful concentration under single control of a number of 'general service' activities having a functional or administrative affinity. By making these changes, the Prime Minister and his Department will be released to discharge more effectively their primary functions. And the lines of responsibility to the Parliament for the various functions will be clarified. I commend the Bill to the House.

Debate (on motion by Mr Whitlam) adjourned.

## APPOINTMENT OF ASSISTANT MINISTERS

### Ministerial Statement

**Mr McMAHON** (Lowe—Prime Minister)—by leave—In association with the Ministers of State Bill, I wish also to inform the House of my intention to appoint Assistant Ministers to support certain Senior Ministers in the discharge of their responsibilities. Honourable members will recall that, since the earliest days of Federation, Assistant Ministers, Honorary Ministers or Ministers without Portfolio have been a recurring feature of ministerial arrangements. These Assistant Ministers—I use that term to describe all the persons I have just referred to—are not Ministers of State in the strict Constitutional sense. The Queen's Ministers of State are, under section 64 of the Constitution, only those members of the Executive Council who are appointed to administer Departments of State. The Assistant Ministers will be members of the Parliament who are appointed to assist a particular Minister in the discharge of his duties.

Because they are not Ministers of State in the constitutional sense, section 44 of the Constitution precludes the payment of any salary to Assistant Ministers in respect of their duties. All it will be possible to do will be to make payments to them to meet out-of-pocket expenses, including travelling expenses, which they necessarily incur in the performance of their duties. I intend that the Assistant Ministers will be sworn as Executive Councillors. They will thus form part of the Federal Executive Council whose function, under section 62 of the Constitution, is to advise the Governor-General in the government of the Commonwealth. The Assistant Ministers will thus participate in a most important aspect of the continuing good government of the Commonwealth. As members of the Federal Executive Council, the Assistant Ministers will in general be able to exercise statutory functions of the Ministers they are assisting—including the making of appointments and the performance of other functions expressly conferred on the Minister—provided he has authorised them

to this effect. This is made possible by section 19 of the Acts Interpretation Act which, subject to any contrary intention in the particular legislation, permits any Minister or member of the Federal Executive Council to act for and on behalf of a Minister referred to in the legislation. Thus Assistant Ministers will be able to make appointments and perform other functions expressly conferred on the Minister by legislation.

The Assistant Ministers will be assigned to assist certain Ministers of Cabinet rank, who have the responsibility, not only of administering their own departments, but of taking part in the continuing process of consultation which is an essential feature of effective Cabinet government. By appointing Assistant Ministers in this way I see the system of Cabinet government as being strengthened through allowing senior Ministers to give more time to Cabinet business. Assistant Ministers will, of course, work in accordance with the authority given to them by the Senior Minister. I see them, within this general authority, as conducting correspondence and making inquiries on his behalf. They will also be able to receive deputations on behalf of the Minister. I emphasise that Assistant Ministers will not be able to take political responsibility in the administration of any department. This is as it should be. As Prime Minister Menzies explained in his ministerial statement on Parliamentary Under-Secretaries on 27th August 1952, it is important that Ministers should be directly answerable to the Parliament for the administration of their departments.

Again taking up what Sir Robert Menzies said in that statement, there are occasions when it would be of great assistance to a Minister if his Assistant Minister could, during the Committee stages of a Bill, sit at the table of the House and represent his Minister in the discussion of clauses and amendments as they arise. I shall be consulting with the Presiding Officers on this matter to ascertain whether, to achieve this, an amendment of Standing Orders will be necessary. Num-

bers of those who in times past held office as Assistant Ministers were in due course elevated to full Ministerial status. I believe that the experience they obtained as Assistant Ministers was of great value in preparing them to assume full Ministerial status. I am confident that those who will be appointed to the new positions will obtain valuable and broadening experience.

To sum up, the new Assistant Ministers will bring greatly needed assistance to senior Ministers in the discharge of their heavy duties, and will contribute to the better working of the Cabinet system. Secondly, they will help such Ministers to achieve more effective supervision of the activities of the departments to which they are related. Finally they will, as I have mentioned, provide important experience for members from this side of the House in both the legislative and administrative fields. I do not intend at this stage to make specific appointments to the office of Assistant Minister. These will be left until the parliamentary recess, when there will be opportunity to give further consideration to details of the way in which the Assistant Ministers will work and to select members for the positions. I make the statement at this stage partly to acquaint the House of events that will take place before it meets for the Budget session, and also because the decision to appoint Assistant Ministers needs to be seen in the full context of other changes being made in administrative arrangements, including particularly the proposal to appoint an additional Minister of State. I present the following paper:

Appointment of Assistant Ministers—Ministerial Statement, 29th April 1971.

Motion (by Mr Swartz) proposed:

That the House take note of the paper.

Mr Whitlam—May I suggest that this matter and the Ministers of State Bill be the subject of a cognate debate in due course.

Mr McMahon—I will agree to that course being followed.