



PRIME MINISTER

FOR PRESS

14 NOVEMBER 1977

GARRAN ORATION

The Garran Oration honours the name of a most distinguished Australian. As Constitutional Lawyer and civil servant Sir Robert Garran was pre-eminent. His concern for Australia's law and Government was manifest throughout his long career. As Permanent Head of the Attorney General's Department he served with great distinction under no less than sixteen Governments between 1901 and 1932, and his personal influence continued long after that. It continues still, through his scholarly works.

I am honoured to be directly associated with the annual commemoration of a man who contributed so significantly to the understanding and practice of government in this country.

It is about a basic principle of our political system that I want to talk tonight - the principle of responsibility in government. This has been much discussed in recent times, and a great deal of emphasis has been given to what are regarded as the limits to the principle of responsibility. It is even suggested on occasion that it no longer accords with reality.

My theme tonight is to affirm the vital role of the principle of responsibility in our system, in which the Government derives its authority from and is the servant of the people. The essence of the principle is very simple. Those who make Government policy and control its implementation should be responsible and accountable for the performance of their trust.

All democracies are based on the fundamental belief that the people choose the Government and charge it with pursuing the public interest, and that if they are not satisfied with its performance they can dismiss it. Among the democratic forms of Government however, our system is designated "responsible government" because it has another feature.

The Government and its individual Ministers are responsible not only to the people at elections, but to the Parliament between elections. The people not only charge the Government with the responsibility of managing their public affairs. They also charge the Parliament with reviewing the Government's action. Ministers are individually responsible to the Parliament for the proper administration of their Departments, and the Government is accountable collectively for its performance.

/The legislature's

The legislature's power to scrutinise constantly the performance of Ministers and Government supplements and supports the requirement of regular accountability to the people at elections. If Parliament ceases to believe that the Government is acting in the nation's interests, it can withdraw its support from the Government and the Government will lose office. Though this power is rarely exercised, recent events in Australia demonstrate that the Government's accountability is a living part of our constitutional system.

The principle of responsibility - to the electorate and the Parliament - is a vital one which must be maintained and strengthened because it is the basis of popular control over the direction of Government and the destiny of the nation. To the extent that it is eroded, the people themselves are weakened. If the people cannot call to account the makers of Government policy, they ultimately have no way of controlling public policy, or the impact of that policy on their own lives. For the Government to be truly accountable to the people and Parliament, the electoral and Parliamentary machinery must of course work effectively and democratically.

But just as fundamental are two further requirements. First, people and Parliament must have the knowledge required to pass judgement on the Government. Second, the Ministers and Government must themselves be in control of public policy so that those who the Parliament and people can call to account are indeed those responsible. To the extent that responsibility is diffused beyond the elected government - other than by legislative intent - to that extent is effective, popular control diminished. These two conditions for effective responsibility in Government are complementary, but there are also areas where they compete.

The clearest area of competition is the appropriate extent of confidentiality in Government. Too much secrecy inhibits people's capacity to judge the Government's performance. A complete absence of privacy in our system where advisers must be capable of advising Governments of different political complexions, inhibits the frank and open discussion between Ministers, and between Ministers and officials which is critical to effective Government and Ministerial control.

Responsible Government in Australia has over the years provided Government which, on the whole, has served the peoples wishes. It is important that we should seek to find and perfect the appropriate balance between the two principles which are essential to its operation.

My Government has actively sought to reconcile these principles in the legislation on freedom of information and access to Government archives which is being developed, and which we propose to proceed with in the new Parliament, and in the Ombudsman and Administrative Appeals Tribunal, which are already in operation.

I now turn to consider the various elements in our system of Government in more detail, in order to consider the implications of the principle of responsibility. Since I cannot deal with all the underlying questions in a limited time, I will concentrate on the Cabinet, the Minister, and the Public Servant, and on those matters which pose particular difficulties for the realisation of responsibility in Government.

/Cabinet is

THE CABINET

Cabinet is the focus of executive responsibility in our system of Government. It is not referred to in the Constitution and, until recently, was unknown to legislation. The Cabinet system has evolved over the years and this Government has effected and developed a number of measures - including wide use of the system of Cabinet Committees, which I believe has enabled the business of Cabinet to be handled more effectively. Important as these measures are, however, I do not believe I should subject you to an extensive account of their intricacies, and I have covered these in an addendum to the printed copy of this oration.

Two of the basic aspects of responsible Government of which I have spoken are clearly evident in the functions and duties of the Cabinet. In order that the people can shift home responsibility for the Government's performance, the Cabinet takes collective responsibility to people and Parliament for that performance. Equally, Cabinet responsibility can only work if Cabinet maintains effective control over Government policy.

COLLECTIVE RESPONSIBILITY

Collective responsibility is the key feature of Cabinet Government. The classic doctrine is that each Minister must, in casting his vote in Parliament and in his public actions and statements, abide by, defend, and take responsibility for decisions of the Government of which he is a member. This basis of the doctrine is quite simple and immensely powerful. Unless the members of Cabinet pull together, once a decision is made, the Government's policies will lack cohesion and consistency.

Those implementing decisions will receive confused and conflicting instructions and the public will lack a clear basis on which to judge a Government's performance. The requirement that a Minister's public stance be supportive of Cabinet's decision does not mean that a Minister who disagrees with a particular decision ought to or does abandon his private opinions. What it does mean is that the Minister must stand by the Cabinet decision in public, and this applies in particular to the Prime Minister.

Closely allied with the need for Cabinet solidarity is the need for privacy on the deliberations of Cabinet. This is fundamental to the operations of any Government, and the courts have long recognised the justification for Cabinet proceedings to remain confidential. I should perhaps mention that the need for confidentiality in advice given by Ministers as executive councillors is specifically covered by the oath taken at the time of appointment. Without general observance of privacy, the Cabinet system as we know it could not survive. Views would not be expressed with frankness; colleagues would not be consulted fully; and good government would suffer.

Much of what I have said about collective responsibility and the need to have a smoothly operating Cabinet system, depends directly on the existence of mutual trust, confidence and respect as between Ministers in the Government. Cabinet is not, and cannot be, an organisation that relies on hierarchy and sanctions. Mutual trust, respect and confidence can be the only bases on which the full co-operation of all members of the Ministry can be secured. The significance of Cabinet unity, of Cabinet members' loyalty and support to one another cannot be over-emphasised, and

/I would

I would like to pay a tribute to the way in which my Ministers have complemented and supported one another. Co-operation is the word that comes most readily to mind when I look back over the past two years on my Cabinet's work. I believe that the foundations of a sound Cabinet system can only be built if there is a reasonable degree of stability in the composition of the Cabinet and Ministry. Membership of the Ministry and Cabinet must change and vary for many reasons, but too great a rate of change can be disastrous for responsibility in Government.

The major threats to responsible Government, which I have seen, have occurred when high rates of change in the composition of Cabinet or Ministry have inhibited the growth of those necessary conditions. In the last Government, there were no fewer than 31 Ministerial changes in three years. In my view, such a record of shuffling and reshuffling of Ministers is not conducive to Cabinet confidence or good Government.

The Cabinet system imposes most significant responsibilities and functions on the Prime Minister, and sometimes it is suggested that Australia is heading towards "Presidential" Government. On occasions I see in newspapers and journals that I have a "Presidential" style of Government. I do not usually bother to debate it because such an assertion is never clear as to its precise meaning nor what the evidence for it might be. If the comparison is with the President of the United States then on the one hand it overlooks that a President not in control of Congress has to face limitations that an Australian Prime Minister leading his Parliamentary party does not have. On the other hand, it overlooks the fact that an Australian Prime Minister must retain the support of his own party, and where applicable, of a coalition.

If the commentators are implying that all power lies in the hands of the Prime Minister, then I can dismiss such an assertion simply by referring to the essential features of my own Cabinet. Strong Ministers taking responsibility daily inside and outside the Parliament for their individual actions and decisions within the framework of collective responsibility and mutual support between Ministers.

The attribution of untrammelled power to a Prime Minister shows a lack of understanding of how an effective Cabinet system functions. It falsely assumes that the Prime Minister's views always prevail, because when Cabinet confidentiality operates as it should, a Prime Minister is never seen to adopt views at variance with those of Cabinet.

Some deliberate checks to slow down the number of submissions and reduce the pressure on Ministers have been reduced. The Ministry has insisted on wider and more thorough consultation between Departments before matters come to Cabinet. But we are dealing with a lot more business, and it still has to be encompassed in the time available for meetings - mostly in Canberra and on the days when Parliament is sitting. In this Government the consequence of the greater pressure that the Ministry has to cope with is not the emergence of one man rule but rather the opposite. A greater emphasis on consultation and a greater use of the mechanism of Cabinet than ever before.

/What the

What the public does not see is the vast co-operative effort of Ministers and Departments to see that a proposal is fleshed out, examined, options considered and decisions taken.

In the Cabinet Room proposals are explained, are freely discussed, privacy is respected and agreement is reached on a proper course of action. The collectivity of Cabinet is not just an academic phrase; it is a real, and necessary, and enduring part of our system.

THE MINISTERS

I turn now to the specific question of Ministerial responsibility. The role of the Minister in our system of Government is fundamental. It is through Ministers that the ends of Government are formulated and pursued in dynamic and creative ways. It is the Minister who as a Member of Parliament owes his position to popular election. It is the Minister who, between elections, is the person clearly identifiable as responsible for the initiation, the definition, and the administration of public programmes. Performance of the Minister is a vital factor judged when the Government faces the electorate.

The Westminster system can only work if it is clear to the people that exercises of authority are controlled by those who have been elected. Writers on Ministerial responsibility are now recognising that the idea is not an easy one to achieve in practice - if it ever was. It has always been difficult for a Minister to be aware of - let alone directly involved in - every exercise of the powers conferred upon him. I do not know why this Ministerial inability to be Superman should surprise anyone. It is, after all, the very reason for the existence of a public service, organised into Departments, to act as the Minister's agents.

Too often, commentators tend to overlook the Minister's role in controlling, guiding and continuously supervising the bureaucracy, and the mechanisms and structures necessary to secure effective Ministerial control. Occasionally this can lead to the notion that the Minister is there just to carry the can in Parliament and in public - when something goes wrong in the public service. The Minister can even be seen as the Department's representative in the Cabinet and the Parliament, carrying the Department's position, bargaining for it and securing its victory.

This picture is inaccurate but nonetheless when notions of this kind are present in our thinking and discussion they can condition proposals for change.

For example, some contemporary discussion of the accountability of our executive Government is in terms of the accountability of the public service, and aims at developing checks and balances in the public service itself (which basically bypass the Minister). The primary role and responsibility of the Minister, as the representative of the electorate, is to be responsible to it, through the Parliament, for the formulation of policies and their implementation. That is the positive aspect of the doctrine of Ministerial responsibility. Any suggestion or proposal whose effect is to restrict or confine this responsibility must be rejected.

I should also make mention here of the valuable role being played by Ministerial staff in strengthening Ministerial control. The Ministerial staff provide an important support to the Minister in his carrying out of those functions which cannot be delegated to Departments without handing over responsibilities which must be his alone. The Ministerial staff have become an important increment to the resources available to the elected Government in carrying out the tasks for which it was elected.

The experience of the present Government shows that it is possible for the Ministerial staff and Departments to work harmoniously together in carrying out their respective functions. Provided it is recognised that the functions of these two groups of staff are distinct, it is possible to avoid the damaging competition which arose in the past. I have no doubt that the system can continue to develop in a way which strengthens the principle of Ministerial responsibility in our system of Government. It is also appropriate to mention here that all Ministers in my Government and each member of their staff have provided me with a statement of their personal pecuniary interests, and have kept it up to date. Detailed rules have also been developed under the present Government concerning the acceptance of gifts by Ministers.

THE PUBLIC SERVANT

The role of the public servant is to act as the agent of the elected Government. That is an extraordinarily important role and the responsibility of the public servant is a high and onerous one. By any standards, the Australian public service is highly sophisticated, knowledgeable, and professional. It has considerable security of tenure and constitutes a career system within which individual public servants can pursue their career ambitions.

This range of benefits and reward opportunities is available almost exclusively to public servants in contemporary societies. In return, Australians have been well served by the Australian public service. It has performed its role with dedication and often under considerable pressures. In recent years, as part of the expansion of public expenditure promoted by our predecessors, the public service network underwent a very rapid growth which had a significant impact on the Budget deficit.

This Government has pursued a policy of streamlining the service with the objective of making it a more efficient instrument of Government policy. In the period from 30 November 1975 to 30 June 1977, the real reduction in total Commonwealth full time civilian staff under ceilings control was about 11,500.

If, instead of this policy, Commonwealth staff had continued to grow at the average rate of 4.83 per cent experienced over the three years up to June 1975 - about \$770 million would have been added to the Commonwealth salaries bill over the past two years. When superannuation, office accommodation, and other overheads are included, the total cost of this would of course have been very much higher.

/This initial

This initial process of streamlining has now been substantially completed. There will be pockets of expansion and contraction, but in general there will be stability in the service. There will of course continue to be change and progress to meet the changing needs of modern Government. It is important, however, that changes to the existing framework should only be brought about for good reason.

I do not believe in changing the machinery of Government for the sake of trying to give an impression of new and grand initiatives. Constant reorganisation is disruptive to the Departments and often costly. The public service can only give of its best when it is not faced with continuing upheaval in its organisation.

My Government looks to it, and its senior members in particular, for strong and competent support in the formulation of policies, and in taking a major part in administering those policies when they are determined.

The responsibilities of the public service in part are onerous because the public servant must work in a political environment. The basic philosophy of our public service is that it is non-political. This does not mean that a senior administrator should not have a sense of the political. Indeed, he must recognise the political context of his actions and their political components. This is applicable in all policy fields for even the most abstract science and neutral technology can have a profound political impact when translated into practice.

The public service, however, must be able to serve the needs of the Government of the day, regardless of that Government's political complexion. Senior officers must canvass a range of policy options with Ministers, but once a decision is made, they must use all of their skills to ensure effective implementation. This may require a public servant to pursue policies and programmes with which he disagrees.

There will be less strain on the official in doing this and on his capacity to behave similarly with a different Government, if he is politically detached and non-partisan. Unless this is the case with the career official, the stability and the professionalism of the public service will also be subject to severe strain.

The present Government has recognised that there may be occasions upon which Governments will wish to appoint politically committed persons to the highest public service positions. When such politically committed persons are appointed, there should be no continuing commitment to them on the part of succeeding Governments. To argue that there should be is to misunderstand the nature of the Australian public service.

This appointment of a politically committed individual as head of a department, might serve the interests of the Government making the appointment verywell. But new governments might conclude that it is impossible for a person so identified with their politicalopponents to serve them impartially.

The senior administrator frequently finds himself in situations which require the highest degree of confidentiality. He is present at discussions with and between Ministers and Departments. On all such occasions, the public servant is occupying a position of trust. Where discussions between Ministers are concerned, the public servant is only present on the basis of trust. The result of the implantation of political partisans within a career public service would be the destruction of this trust, and ultimately the total destruction of the public service as we know it.

We have responded to this problem with the Public Service Amendment (First Division Officers) Act passed earlier this year. It establishes new statutory procedures for the appointment of permanent heads of departments. Primary responsibility is now placed in the hands of a committee headed by the Chairman of the Public Service Board. This Committee prepares for Cabinet a short list of suitable candidates. Only a person appointed from this list - or from any revised list prepared by the Committee - retains security of tenure. If the Government of the day chooses to appoint a person not on the short list, he or she can only be appointed initially for a fixed term of not more than five years, and on a change of government, the appointment can be immediately terminated.

It is felt that these new procedures enable a government to make appointments from outside the normal public service career structure, but prevent any lasting breach of the principle of an apolitical public service.

Non-partisanship and the observance of confidentiality are not simply the requirements of advisors and senior management. Citizens at all points of contact with public departments and agencies are entitled to expect, and receive, non-partisan treatment and to have their affairs treated respectfully and confidentially. Moreover, we expect officials to observe the highest possible standards of technical performance.

On both counts - in maintaining ethical and technical standards - the government is able to rely to a considerable extent on the powerful ethos of the Public Service itself. The Government and the Parliament also rely on central coordinating agencies for advice and administrative assistance in maintaining many of these standards. More recently, innovations have been made to provide Parliament and people with additional information, and to provide aggrieved citizens redress for their complaints.

These include the House of Representatives Committee on Expenditure; efficiency audits by the Auditor-General; the Administrative Appeals Tribunal; the Commonwealth Ombudsman; the Administrative Decisions (Judicial Review) Act.

Other suggestions have been made to enhance the standards of performance and accountability for those administrative actions for which the Government is responsible. Many have come from the Royal Commission on Australian Government Administration and are being considered by the Government.

The Government will continue to work on the implementation of various aspects of the Coombs Report, which contains many worthwhile recommendations. We will help public servants with further training and education; we want to make the Public Service more mobile within and between departments; and we have approved schemes for executive training and exchanges between the Public Service and private industry. Such schemes will be mutually productive - private industry and the Public Service will each understand the other better.

I stress once again, however, that the first premise in our consideration of suggestions for change in the Public Service should always be that methods of accountability must enhance not diminish the positive roles embedded in the doctrines of Ministerial, Cabinet and Parliamentary responsibility.

EXECUTIVE AND POLICY RESPONSIBILITY

It now remains to speak briefly on how the three arms of executive government of which I have spoken - Cabinet, the Minister and the Public Servant - combine in the formulation of new policy.

While the administration of the executive powers of government has a great impact on many business and private decisions, the formulation of policy reaching out to the future is clearly of equal importance. This is especially true in a world where circumstances, attitudes and behaviour patterns are changing rapidly as appears to have been the case in recent times.

How is policy formulated? To what extent is it under the control of Ministers or bureaucracies? What power do those outside Government and bureaucracies have in influencing policy?

Any competent administration will start from the point that no one person or group has a monopoly of good ideas - good ideas are scarce. Hence a government must have the capacity to find these ideas, wherever they may be and more importantly have the capacity to recognise and to act on them. A competent administrator does not necessarily have to be a person capable of generating novel or new ideas of his own. He will often be busy with the tasks of administration.

But he does need to know how to find the ideas from which new policies can develop. My Government has sought to develop new ideas in several ways. Ideas, constantly flow out of Cabinet meetings, and on a number of occasions full Ministerial meetings have been held to discuss forward policy issues. Quite deliberately at these meetings, there has been no formal agenda in front of Ministers, nor are Ministers limited to putting forward ideas that cover only their own departments. They have been positively encouraged to put forward ideas across the whole realm of government.

A Minister has a responsibility to see that his department is so organised that it does think positively about the future. The department that merely reacts to circumstances and cannot think of the future, that cannot propose ideas, is self-evidently badly organised. In addition, my Government consciously endeavours to reach out into the wider public for the development and formulation of ideas.

We have done this both formally and informally. We have, for example, established a government economic panel and an economic consultative group for the formal communication of broad economic ideas. Ministers, also have frequent contact in the Cabinet room with the executives of various organisations. At these meetings, the conversation and exchange of ideas is quite informal. We also endeavour at these meetings to increase our understanding of how the general public will react to new proposals and programmes. This is not just a question of political advancement, which I suppose has to be part of the concern of all governments.

It is also a question of being able to judge whether there is an aspect to a potentially new policy to which the public could be particularly sensitive, and which could cause the failure of the policy as a whole. This is not always an easy judgement to make, for people do react in unexpected ways.

I can illustrate this point by taking an example from the economic area. Many people still look for public reactions to economic policies as though conditions have not changed from the time when the policies of Keynes were appropriate. Keynes developed the thesis that at a time of unemployment, increased government spending would create more jobs. Those who still propound that view today fail to understand that the pre-conditions for the successful applications of Keynes no longer exist.

The public simply does not react in the classic manner Keynes described. Increased government spending leads people to increase their inflationary expectations. Businessmen start predicting higher costs and wages, and raise their own prices in anticipation. Wage and salary earners expecting a more difficult economic outlook, curtail their spending. The result is higher unemployment in the private sector, offsetting any short lived stimulus arising from the initial government spending.

CONCLUSIONS

May I conclude by commenting briefly on the need for responsibility in government in its widest sense. If public confidence in our Parliamentary institutions is to be maintained, it is vital that Ministers and those who aspire to Ministerial rank remain responsible in what they promise to achieve in office. Promises which are quite unrealistic and cannot be performed damage not just the politician who makes them, but our entire system of government.

The Australian electorate is profoundly suspicious of any political leader who promises the world, particularly if he implies that his promises can be achieved at no cost. The electorate in fact pays a heavy cost for glossy new programmes with a big price tag - either through higher taxes or through increased inflation. This is a lesson we have all learnt in the recent past.

Our responsibility as political leaders is to contain the public's expectations of the government's performance within the bounds of what is in fact achievable. People must be able to see government effectively implementing the policies on which it was elected. A constant procession of promises followed by disappointment can only lead to widespread public cynicism and disenchantment.

The pressures placed on a Minister - of meeting the expectations of the electorate and of satisfying the constant scrutiny of Parliament and of keeping firm control over this portfolio - are very great, but it is vital that they be met. For the continuing health and vitality of our political system closely depends on the extent to which the duties of Ministerial responsibility - in all its facets - are fully performed.

/Addendum

ADDENDUM

ORGANISING THE CABINET

To the extent that responsible government depends on the effectiveness of Cabinet, the efficient organisation of Cabinet becomes of paramount importance. Since 1956, Federal Liberal Governments have distinguished between "Cabinet" and "Ministry". Just as the British have found, it has been our experience that this division has greatly improved the overall decision making process.

There are periodically meetings of the full Ministry, and Ministers not in the Cabinet are coopted - to be present at Cabinet or a Committee when particular matters of interest to them are under discussion, or may attend with the Prime Minister's agreement.

Under my government there are strict rules about what matters must be decided in Cabinet and on the procedures to be followed in the actual submission of items. Items considered by Cabinet include, major or significant issues (including both the implementation of new policies and programmes and the revision of existing ones); proposals involving large expenditure or employment questions; proposals having a considerable impact upon relations with other governments; proposals requiring legislation; and senior government appointments.

The present government has adopted a structure of Standing Cabinet Committees which range over the various areas of government activity. The General Administrative Committee, the Legislation Committee, the Foreign Affairs and Defence Committee, the Intelligence and Security Committee, the Machinery of Government Committee, and the Planning and Coordination Committee meet frequently and have proved to be very useful.

We originally established an Economic Committee but it touched on so many portfolios that it became akin to Cabinet itself. For that reason, Cabinet as a whole now normally deals with economic issues.

How to resolve issues involving two Ministers or more, but not listed for Cabinet, is a matter for the judgement of the Ministers concerned, or ultimately for the Prime Minister. Committees are chaired by the Prime Minister or a Minister appointed by him, and make decisions or refer their conclusions to Cabinet as appropriate. Some Standing Cabinet Committees are supported by Committees of relevant permanent heads. They may coopt other permanent heads and they may work through sub-committees and task groups.

In addition to the Standing Committees, frequent use is made of specialist committees embracing Cabinet members or other Ministers and these are disbanded on reaching a conclusion. They are often supported by officials drawn from relevant specialist areas and transact business which would otherwise absorb a great deal of Cabinet's time.

The increasing load of government business has required us to make every effort to streamline the decision making processes of Cabinet, and I believe the comprehensive system of committees now in operation contributes significantly to our desire for more efficient government.

THE CABINET AND OFFICIALS

Cabinet does a large part of its business considering formal written submissions and its decisions are also formalised. Inevitably an effective Cabinet Secretariat is required. The system has come a long way since the 1940's. Before that, department officials were not used to record the deliberations of Cabinet. The Department of the Prime Minister and Cabinet has come to play an important role in advising the Prime Minister on the programming of the substantial volume of Cabinet business and on the completeness of submissions; in advising relevant Ministers of those decisions which are the basis for action; and in following up Cabinet decisions.

Officials from Departments may be invited to attend during Cabinet or Cabinet Committee meetings to provide on the spot advice on specific issues, though such attendance is more likely at meetings of short term committees set up to examine particular matters.

Officers of Departments also have important functions in the complex processes of consultation and coordination involved. In the overall programming of Cabinet business; in the production of coherent Cabinet papers; and in their subsequent implementation.

I should say that while officials may attend Cabinet to provide advice covering technical areas or to supply the Cabinet with factual information, the Cabinet very strictly conforms to the practice that officials should only be in the Cabinet room to provide necessary information. Officials should neither become, nor should they be seen to become, part of the process of debate which is involved in Cabinet reaching its decisions. In Cabinet the official's role is to inform, not to debate.

Once the public servants have given the required information, the normal practice is for them to withdraw from the Cabinet decision-making process. This is necessary to make quite sure that they retain their impartiality.