



Strengthening Government and Parliamentary Accountability in Victoria

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1. The Democratic Audit of Australia ('the Audit') is an ARC-funded research project based at the Australian National University in Canberra, which focuses on integrity of all aspect of Australia's political institutions and processes. The Audit's analysis is underpinned by a commitment to the core values of popular control of government, political equality, civil rights, and inclusive public debate. The Audit welcomes the committee's inquiry into 'Strengthening Government and Accountability in Victoria'. We are in total agreement with the Australasian Study of Parliament Group's (ASPG) diagnosis of the problem of failing accountability, and agree with the spirit of the remedies they propose. However, unless institutional reforms are underpinned by a 'culture of accountability', then they will not succeed. This is not straightforward, but it must be the principle that informs the consideration of reforms.
2. In recent debates in the UK about the need to strengthen government accountability to parliament, significant emphasis was placed on the role of parliamentary committees. This is reflected in this submission. The Audit is happy to respond to issues arising from this submission, or arising from the inquiry more generally.
3. The accountability of government to parliament is an important facet of parliamentary democracy. For this to be conducted in a constructive, open, transparent, and effective way, parliament must operate in a manner sufficiently independent of government. However, the Westminster model of government, with its fusion of executive and legislature has been criticised for failing to perform this role well enough. Government has too often been able to use this link to silence dissent and evade public scrutiny of its actions. This is clearly a failing in accountability terms, but it also results in poor policy (without scrutiny from a range of perspectives, failings go uncorrected and mistakes are not learned from). As well, evasion of scrutiny and a dismissive attitude towards parliament promotes a cynicism about the relevance and integrity of politics more generally.

4. The ASPG's submission highlights the centrality of the accountability of government to parliament. It reiterates some of the Audit's concerns about the lack of transparency and accountability surrounding government in Australia and the thrust of the proposed measures are ones with which we generally agree. Parliaments need a degree of operational independence from their governments if they are to have a systematic capacity properly to hold them to account. Resourcing needs to be as independent as possible from government intervention to allow an independent-minded parliament to flourish. This needs not only formal budgeting independence, but an active role for parliament in scrutinising its own financial affairs.¹

5. Measures such as independent Presiding Officers—the position of Speaker or its equivalent—might also add to the perception of that independence. However, the implication is that it is the partisanship of speakers that is the main problem, which we are not convinced is the case: the real problem is that the government is able to dominate proceedings, through control of business so as to contain accountability. Whilst government business is inevitably going to take a sizable quantity of the available time, that does not mean that government need monopolise the timing of debates, for instance. As well as more non-government involvement in timetabling, other measures might include allowing non-government parties the majority of questions at Question Time and, perhaps, greater insistence that questions and answers are genuinely that.²

6. One could also look to the example of other Westminster-model parliaments for possible means of promoting government accountability to parliament, particularly with respect to committees. In New Zealand, committees have the opportunity for intensive scrutiny of almost all

¹ See June Verrier, forthcoming, 'Benchmarking Parliamentary Administration: The United Kingdom, Canada, New Zealand and Australia', *Australasian Parliamentary Review*

² Australasian Study of Parliament Group, 2006, *Renewing Government Accountability: Reforming Government Accountability in Victoria*

legislation. Committees are given six months to consider a bill and make their report, except in exceptional circumstances.

7. UK committees have functioned sufficiently well for them to be put forward as a central means by which parliament's scrutiny and accountability functions can be reinvigorated.³ Given the onus being placed on UK parliamentary committees, it might be worth considering them, to see if any lessons can be drawn.
8. In the UK there is a distinction between standing committees, which conduct the detailed 'line-by-line' scrutiny of legislation before the final reading stage, and select committees, which have a broader mandate including operational scrutiny of the departments and agencies within their remit, pre-legislative scrutiny, as well as more general 'blue skies' inquiries. Perhaps the most notable contrast between UK and Australian committees is, however, that the executive cannot so readily control the agendas of the former. For example, UK select committees are free to choose their own inquiries and are not reliant on references. This allows them to range more broadly, investigating matters of public concern or interest thus maintaining a degree of topicality and relevance, largely outside the scope of the control or direction of the executive.
9. UK select committee chairs are allocated roughly in proportion to the seats in the House of Commons: with the increase in the number of Conservative members after the 2005 general election, they gained more Committee chairs, as well as an increase in the total number of committee members. The process for allocating chairs is through negotiations of the party elites, which means that awkward or recalcitrant committee chairs can be removed. Furthermore, governments rarely allow very high-profile committees, such as the Treasury Committee, to be chaired by the Opposition. Nonetheless, it does provide a small but useful antidote to the

³ Hansard Society, 2001, *The Challenge for Parliament: Making Government Accountable*, Vacher Dod, London; Modernisation Committee, 2001, *Select Committees*, HC 224-I and II; Liaison Committee, 2000, *Shifting the Balance: Select Committees and the Executive*, HC 300

‘winner takes all’ syndrome that is, to varying degrees, a feature of Westminster-system politics. This is reinforced by the relative rarity of dissenting reports from the committees: committees generally operate in a fairly bipartisan manner and are seen as overcoming the shortcomings of other aspects of adversarial Westminster politics. Whilst there is the suspicion that this cross-party consensus on committees is, at times, maintained by avoiding inquiries on issues that are subject to serious party-political division, nonetheless, it does not stop governments being criticised where they are seen to be failing. And nor does it stop Opposition positions from being dismissed.

10. Beyond this, other reforms have been mooted to the select committee system in the UK, designed to increase parliament’s ability to hold the government to account. Changes to the way in which members are selected to the committees have been proposed by two inquiries, after many felt that some ‘uncooperative’ committee chairs had been deliberately removed from their committees following a general election.⁴ Though the specific measures recommended were rejected, the reports did serve to emphasise the need for independence from the executive, and indeed from the Opposition leadership, in the way committees operate. The rejection of the proposals was for reasons other than the party whips’ desire to maintain influence.

11. Measures have also been proposed to increase the attractiveness of committee service as an alternative career path to the pursuit of a place on the front bench. This might include enhanced research resources or larger salary,⁵ and would have the two-fold benefit of increasing the commitment of members to their roles on committees, and promoting a greater degree of independence from the party leadership. Without the pursuit of a front-bench position, the pressure on a member to behave as instructed, or as they perceive the whips to wish them to, is reduced.

⁴ Modernisation Committee, 2001, *Select Committees*; Liaison Committee, 2000, *Shifting the Balance: Select Committees and the Executive*

⁵ There are, of course, salary enhancements for committee chairs in Australia already.

12. However, as one British expert review of governmental accountability to parliament noted, ‘procedural reform alone will not improve the quality of parliamentary scrutiny’.⁶ Without a ‘culture of scrutiny’ amongst the members of all parties in parliament, any institutional reforms will be undermined: ‘Proposals for reform may include giving Parliament a range of statutory powers to demand information or call ministers and their officials to account, but the effectiveness of the institution relies on its members’ willingness to use the powers at their disposal. This in turn requires that every MP regards the pursuit of accountability as an integral part of their work’.⁷ The way in which this might be achieved is not straightforward and the specifics are likely to vary between different jurisdictions. Promoting alternatives to the front bench as a means of career advancement is one strategy, giving parliament itself, independent from the executive, a greater say in organising its own affairs is another. This might include a greater say in the timetabling of business, or in allocating members to committees, for instance. But it will, ultimately, require parliamentarians to acknowledge that accountability is a central duty to which their office compels them. Promoting public debate about this, highlighting the failures and shortcomings that a lack of accountability has led to, and drawing attention to best practice and examples from other countries is a first step. Recent experience in both Canada and the UK highlight the extent to which positive changes can occur.

13. Absolutely central to the effectiveness of any reforms to government accountability to parliament is a commitment to genuine transparency amongst the elected representatives: without this, other reforms will be undermined. And even in the absence of other measures, greater transparency will contribute much to the political process; even if votes in parliament are predictably partisan, the commitment to transparency surrounding government policy and its implementation, the motivations

⁶ Hansard Society, *The Challenge for Parliament*, p.14

⁷ *Ibid.*

and the alternatives will not only do much to improve the quality of legislation, it should also do much to restore parliament's relevance.