

# THE INAUGURAL PARLIAMENTARY INTEGRITY AWARDS

Parliament House, Canberra – 15 June 2010

*The Hon Sir Anthony Mason AC KBE*

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## *Introduction*

1. It is a pleasure to present the inaugural Parliamentary Integrity Awards. I do so at the invitation of the Accountability Round Table, the organisation which has established the Awards. The Accountability Round Table is a non-partisan group of citizens from diverse backgrounds whose objective is to promote open and accountable government in Australia.
2. The awards which are to be presented to-day honour two parliamentarians whose performance has been distinguished by their principled and uncompromising honesty.
3. The object of the awards is to offer public recognition and support to those members of parliament whose service to the public bears the hallmark of integrity. It is hoped that the awards will focus attention on the vital importance of integrity and accountability in public life, encourage public understanding and discussion of government

accountability issues and in this way counter the growing cynicism about our parliamentary democracy<sup>1</sup>.

### ***The values of democratic government***

4. In Australia, we believe in democratic government for a variety of reasons. We believe, for very good reason, that it better secures our freedom than any other form of government. We believe also that, because democratic government is representative, it will be open and accountable, responsive to the needs and opinions of the people, that it will exhibit the qualities of integrity and humanity and that it will be reasonably efficient.

### ***The present condition of democratic government***

5. Does the Australian political system exhibit all these aspirations? According to surveys, many Australians would give a depressingly negative answer to that question. As we look at democratic government and the political process in Australia and the world, the picture is seemingly one of general disenchantment. In countries where voting is voluntary – in Europe and the United States – the percentage of the electorate actually voting continues to fall. For all we know, if voting

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<sup>1</sup> In the remarks which follow I have drawn on Tony Judt's "Ill Fares the Land", Allen Lane, 2010. The title is taken from Oliver Goldsmith's "The Deserted Village", 1770: "Ill fares the land, to hastening ills a prey, where wealth accumulates, and men decay."

was voluntary in Australia the result might well be the same. Even as it is, there are strong grounds for thinking that a sentiment of indifference, if not cynicism, prevails in Australia about the political process.

6. There is a popular belief, whether accurate or not, that politicians are disconnected from the concerns of the people, that politics is all about gaining and maintaining power and that the political process is exploited by powerful lobby groups and stakeholders. This belief is reinforced by the relationship which exists between the media and politics, a relationship in which politicians compete for media attention and the media sensationalises and trivialises politics. The dispassionate viewer who relies on the television footage of proceedings in this Parliament on ABC news and current affairs programs to make a judgment about Parliament would scarcely describe it as a deliberative assembly.

7. John Lloyd, in an opinion piece, published in the “Financial Times”<sup>2</sup> following the recent British MP’s expenses claim scandal, quoted the views of well-known political scientists on the condition of modern democracy. Their views were disturbing. Colin Crouch, who wrote the book “Post Democracy” in 2004 argued that politics was “increasingly slipping back into the control of privileged elites and that

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<sup>2</sup> “Politicians must listen, learn and level with citizens”, 3-4 July 2009, p.7.

“the consumer has triumphed over the citizen”. John Keane who published “The Life and Death of Democracy” in 2009 wrote that there is a “sense that official politics . . . . poorly represented the interests of the citizens”.

8. Margit van Wessel, the Dutch political scientist, who tested a sample of Dutch voters was reported by Lloyd as concluding

“Many saw parliamentarians as self-interested, prone to compromise, unable to connect with citizens’ concerns, immured in their own world”.

This view, strikingly captured in that phrase “immured in their own world”, resonates widely, not least in Australia where political donations have paved the way for access to government ministers and that very large “success fees” have been paid to former ministers who acted as unregulated lobbyists.

9. If we want to improve standards of integrity in government, we should impose restrictions on political donations and political lobbying.

But will the political process craft an effective regime? As Upton Sinclair said long ago,

“It is difficult to get a man to understand something when his salary depends on his not understanding it,”

or, as I would add, when the fortunes of his political party depend on his not understanding it. It calls to mind the example of asking world

financial leaders to devise a strategy for avoiding another GFC when they were complicit in the GFC catastrophe.

10. Although our governments pay lip-service to the ideals of open and accountable government, including freedom of information, the reality is different. There have been, at both federal and state levels, instances of the suppression of, or failure to publish, adverse reports or material which the public has an interest in knowing. Whistleblowers have been prosecuted for disclosing information the publication of which was in the public interest but politically detrimental to the government of the day.

11. Suppression of embarrassing information that will restrict a speaker is freedom to put an interpretation on events is understandable, though not excusable. Politicians seek to convey good news, not bad news. Bad news spells a loss of votes and perhaps loss of power. That is why Greek political leaders failed for so long to warn the people of Greece's perilous financial position and that the good times had to end. The politicians reaped the abundant harvest while it lasted. Now they are reaping the whirlwind and receiving the blame for what happened.

12. And just as politicians do not care to be seen as conveying bad news, nor do they want to be seen as receiving bad news. Indeed, it seems from the experiences of the last decade or so that ministers have been protected by their staff from receiving unwanted but material information which they ought to have known, information which was received in their offices or by government but seemingly not passed on to them.

13. What, one might ask, has happened to the old democratic idea that a controversial public measure should be open to public scrutiny and debate before it is adopted? Sometimes that idea is acted upon, but at other times controversial measures are decided upon and enacted without adequate opportunity for public consideration. All too often governments are anxious to avoid public debate because it may lead to controversy. Instead they prefer to manage public opinion by advertising and public relations campaigns.

14. The effect of these techniques is either to stifle or manage, rather than promote public debate. Opinion polls and “talk back” programs enable politicians to say that they listen to and take account of the public’s views. But it is very much an exercise in the strategy of managing public opinion. If we go back some years to the privatisation

of public utilities, the legislation providing for the privatisation of Telstra was rushed through Parliament without the opportunity for considered Parliamentary debate, despite what was then thought to be significant public opposition to the proposal.

15. High standards of what was liberal constitutionalism are in decline in Australia and elsewhere. The convention that the minister bears individual responsibility for the mistakes of his or her subordinates, whether he was personally at fault or not, was once thought to be fundamental. Now the convention seems to be largely of historical interest, *perhaps* for good reason in view of the complexity of modern government. Ministers rely on the mistakes of subordinates as a complete answer to criticism. Failure to give relevant or embarrassing information to the minister is not an occasion for the minister's resignation. Nor is it seen as an occasion for disciplining the officer responsible. The modern practice is scarcely a recipe for good government.

16. Parliament's historic role as a watchdog over the executive government has been compromised by a number of developments. Apart from the demise of ministerial responsibility, the discipline of the party system, combined with the control of the Lower House by the party in

government, constrains the conscience and the capacity of a member to voice community views<sup>3</sup>. Another factor is the growth of “presidential” style government with less reliance on the public service and more reliance on ministerial assistants. Yet another factor seems to be that politicians devote a significant proportion of their time to political point scoring.

17. All that said, members of parliament devote a very high proportion of their available time to the business of government. But the business of government is now so extensive and complex that it is unreal to think that Parliament can act as an effective watchdog over the entire operations of the executive government. It can do no more than maintain a selective oversight over executive government. The limitations of that role are evident for all to see in the continuous cost overruns that have been a feature of government programs for more than a decade, quite apart from costs wasted in programs started only to be abandoned at a later date. The consequence is that the public’s expectation that parliamentary government will be reasonably efficient has been disappointed.

18. In all probability democracies can survive the indifference, even the cynicism of their peoples, though it would be a mistake to take this

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<sup>3</sup> R. Torbay, “Spin is no match for debate in a democracy”, Sydney Morning Herald”, 10 June 2010.



proposition for granted. Whether this be so or not, this indifference itself reinforces the existing political culture. If electors were more engaged with the political process, our representatives would be less inclined to take the electorate for granted or to think that public opinion was a matter to be managed by of advertising campaigns and public relations strategies. Unfortunately the price we pay for disengaging from the political process and not expressing our views is not so much that our representatives don't listen to us but we offer nothing for them to listen to.

19. A central problem, which is of our own making, is that the prevailing culture, fostered by the media and the advertising industries, is one of materialism. And our unreal expectations are that government will solve all our problems and provide us with material benefits. So the political emphasis on the provision of material benefits is but a reflection of our own expressed material values. Effective political leadership might moderate our expectations and lead us in the direction of other values if, but only if, the public were convinced that our political representatives subscribed to those other values.

20. The popular image of the political process would be enhanced if the ideals of openness and accountability were pursued, if relevant

information was made available in timely fashion to the public and if our representatives gave us the bad news as well as the good news. People would react favourably if they felt that they could rely on the accuracy of political statements. Unreliability of statements by politicians and “cover-ups” lead to lack of trust and confidence in the political process. Sometimes these statements are made carelessly for opportunistic reasons. But on other occasions the unreliability of the statements is exaggerated and then exploited by other politicians and the media for their own ends. Statements of intention are frequently elevated into “promises” even if they are obviously conditional on no change in relevant circumstances taking place.

### ***Conclusion***

21. I conclude by saying that my remarks have been directed at the political process as an institution and not at individuals. The two MPs who are to receive awards to-day, in common with others, have set a standard in relation to integrity and open and accountable government. Their example should help to restore public confidence in democratic government.

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