

## Accountability : Is Westminster the Problem?

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The outcome of the Symposium reported in AJPA 58(1) is said by the convenors to be that there are many different kinds of accountability and that there may be clashes between them. This paper suggests one possible reason is that the Westminster label hides the potential tensions between the increasing demands for accountability, more responsiveness and responsibility, the new public management and the institutional framework. Everyone wishes to cover perceived unmet demands and expectations, providing we remain with basic Westminster as our starting point. The paper suggests that commitment to what we call Westminster is the problem. It restricts understanding of the reality of Australian governance because it is not an uncontested term. Westminster is made to mean whatever the normative stance of the commentator requires. The paper argues that it is an opportune time to answer some basic questions about responsible parliamentary democracy in Australia.

It seems to me a case of negligence if, after becoming firm in our faith, we do not strive to understand what we believe.

Anselm, Archbishop of Canterbury, 1093

The convenors of the recent symposium on accountability (AJPA 58(1)) reported that the contributors' papers had revealed there are many different kinds of accountability and that there may be clashes between them (Simms and Keating 1999). I want to suggest in this rejoinder one possible reason is that over time structures and processes have been added to Westminster without any consideration of whether the institutional skeleton would accept the grafts.<sup>1</sup> In this rejoinder, I suggest that a continuing commitment to accept what we call Westminster is in fact the problem. It restricts our understanding of the reality of Australian governance because it appears to be an uncontested term. Westminster is often applied to mean whatever the normative stance of the commentator requires. By contrast, I wish to argue that we have reached an opportune time to answer some basic questions about responsible parliamentary democracy in Australia.

Simms (1999:35) rightly points out that it is

surprising that we have clung so persistently to the Westminster label in light of our more open and democratic forms and the impact of federalism. These latter characteristics have arguably had major implications in terms of public accountability but no one in the symposium, other than perhaps Braithwaite, appeared to regard them as critical. Uhr grappled with the core meaning of the concept of accountability integrating it with responsibility and responsiveness. He wants to change the Australian orientation to the term, incorporating notions of public service responsibility for protecting some aspects of the public interest, but his argument remains still within the Westminster tradition (Uhr 1999:100).

Anyone using the concept accountability can discover deficiencies which arise in the existing system. However, proposed solutions are still dependent on maintaining the basic principles of Westminster as our starting point. The situation reflects Yeend's comment to the Senate

Report on Freedom of Information: 'The Westminster system is all things to all people — it depends on who you are asking to define it' (quoted in Thompson 1978:32). The term Westminster is today frequently used to legitimate a range of practices scarcely envisaged 25 years ago but now brought under the rubric of accountability. No one seems prepared to ask whether Westminster is in fact the problem.

Australia has witnessed the introduction of a series of pragmatic adaptations to accountability based around 'new administrative law' which emerged during the 1970s as forms of extra-parliamentary restraints on bureaucratic action (Thynne and Goldring 1987). Accountability became the vehicle for the reconciliation of the demand for more consultation and public participation and the growth of new public management in the 1980s under the style coined by Halligan and Power as political management (1992). The scenario favoured by many commentators, such as Uhr and Braithwaite, is greater entrenchment of popular sovereignty in the Australian political system and maintenance of tight control on both politicians and public servants through notions of accountability. They hope 'to take the very basic British idea of the Westminster system — lines of responsibility — and give it an expanded role' (Simms 1999:37; see also Uhr 1998, 1999).

While this aim is perfectly feasible, it is, in reality, at loggerheads with the central Westminster objective — strong executive government. Over the years the Westminster system of parliamentary government appears to have been extremely flexible. The export of Westminster has resulted in many variations and it is claimed the essential Westminster remains despite certain modifications in tune with or at least not fundamentally detrimental to, the core characteristics of the system (Mahler 1986). Most of these changes have to do with representation, procedure or accountability. Each time significant criticism has been leveled in one of these areas the response has been either electoral change (for example, to proportional voting) or extra-parliamentary procedural change, (for example, to the new administrative law) or intra-parliamentary procedural changes, or executive change (for example, committee systems or enhanced ministerial control over the bureaucracy).

The system of parliamentary democracy in Australia is variously called 'responsible government' (Emy and Hughes 1993), 'accountable' (Thynne and Goldring 1987), 'responsive', 'representative' (Weller and Jaensch 1980), 'majoritarian' or 'consensus' (Lijphart 1984), and 'two-party government' (Marsh 1997; Maddox 1992). The incompatibility of these characterisations arises from the justificatory sources for the structures and procedures commentators used in their arguments for change or no-change. Those wishing to emphasise the sovereignty of people over governors stress the requirement for representativeness and responsiveness. On the one hand, they affirm the permeability of institutions and the participative nature of procedures and on the other, the source of all power is said to lie in the 'swamp of [parliamentary] politics' (Evans 1999:88). They concentrate on the working principles and conventions built on by their ideological forerunners when they gained parliamentary power. They uphold the democratic tradition of freedom of the people from the oppressive burden of the state through parliamentary control (see Smith 1997 for a critique of these characterisations).

Westminster's adversarial, two-party tradition has received approbation for strong, centralised government (Marsh 1997). Yet there is a notion that parliamentary democracy as outlined above is also expected to diffuse power rather than concentrate it. To some extent the Senate has redressed this situation at the federal sphere but this has not been replicated in the state upper houses (Sharman 1990(a); Galligan 1995:Chap 3). Executive dominance flies in the face of the democratic tradition anticipated by those pressing the claims for greater accountability. The idea of the omnicompetence of parliament predominates; representation, responsibility and responsiveness are assumed to be sources of control. However, where the executive dominates the lower house the concept of collective and individual ministerial responsibility is greatly diminished (Johnson 1977:80; Uhr 1999 98/9; Thynne and Goldring 1987:6–10). In the AJPA symposium, Thompson and Tillotson show that this untenable situation exists today in the Australian Commonwealth.

Accountability as a limiting factor for

executive government was not what Bagehot had in mind when describing the English Constitution (1963). His claim to have discovered its 'efficient secret' was to discredit the first principles of government as described by JS Mill. The secret is that the efficient part rules from behind the scenes (cabinet), while the mass of people defer to the dignified (theatrical show) of society. Bagehot, however, was well aware of the idiosyncratic nature of this situation. He pointed out that while 'its simple essence' may be transplanted 'its august outside ... is narrowly confined to nations with an analogous history and similar political materials' (Bagehot 1963:65).

Australian politics does not share an analogous history or the same political materials where the 'simple essence' was given nurture. Instrumentalism and pragmatism have been significant factors and the lack of any extreme of ideological party politics has enhanced these characteristics (Emy and Hughes 1988). Political parties have used their power to enhance their own electoral chances and to retain government. As Emy points out (1995:339) Australians have really not produced a major, conceptually or philosophically grounded explication of their own system of government or addressed the relationship between government and society systematically.

So efficient has our 'philosophically handicapped' system been, we have witnessed patterns of very long periods of strong leaders and single party government in both the Commonwealth and the states, as the following chart illustrates.

The domination of the executive in the Australian system has been both a combination

of the two party adversarial system and the 'efficient secret'. The result for Westminster advocates like Lucy (1985:18) has been that 'we have a perpetually inclusive double dealing struggle between the identities conferred by parliamentary institutions and the identities conferred by parties. We have a complicated, inextricably tangled mess - the full catastrophe called Australian politics'. In other words, our desires for more responsible government (Weller and Jaensch 1980) or more accountability as discussed at the symposium are actually incompatible with the reality of Australian Westminster and gives rise to the problem noted above. It is not that the views expressed in the symposium do not meet some 'ideal type' espoused by this author but rather that there is no uncontested model which gives rise to the very real 'fears' noted by Uhr (1999:101).

In my view, the discussion of accountability seems to be too narrowly conceived. It would be beneficial to differentiate words like 'responsible' and 'responsive' from accountability as Rhodes showed in discussing UK experience (1998:24–25) or Weller in Australia (1999:62–64). The utilitarian approach (what will work) allied to current argument for smaller government and economism (who will benefit) undermines the value of the public sphere and public culture (what is in the public interest). Frankel (1992) points out that 'a public sphere is not merely the sum total of all the organisations interacting with one another'. That more limited view has resulted in key decision-making being left in the hands of 'appropriate elites, managers and professionals' (which Bagehot would applaud) and the virtually unchallenged 'economisation' of cultural life.

Table 1: Single Party Government in the Commonwealth and States

Government	Political Formation	Years
Tasmania	Old Labor	36 (1933–1969)
Victoria	Old/middle Liberal	27 (1955–1982)
Queensland	Old Conservative	33 (1956–1989)
South Australia	Old Liberal	27 (1938–1965)
New South Wales	Old Labor	24 (1941–1965)
Western Australia	Old Liberal	13 (1958–1971)
Commonwealth	Old Conservative	23 (1949–1972)

Source: Halligan and Power 1992:255 (detail of the Commonwealth my addition)

Another reason why the reality of Westminster may be the problem is to be found in the vagueness of the constitutional principles that undergird the Westminster system in Australia. There are few references to the basic institutional arrangements in the constitutions of the Commonwealth and the individual states. Institutional forms are not static. Form is an active principle not just a structure - a constant process of becoming. If there are no clearly uncontested frameworks, behaviour will be shaped by actors. Parliamentarians and public servants, who have to make the system work, establish conventions and working principles which may end up at odds with implicit constitutional values. What works to satisfy immediate needs is favoured rather than assessing the consequences against some theoretical model.

Vague notions or conventions of responsible parliamentary government do not provide a viable framework for adequate democratic political and administrative institutions and practices. Blick (1999:58) may feel the pressure in the Department of Prime Minister and Cabinet in the 'hot house' of Canberra politics but he is honest enough to admit that being responsible (that is, taking the blame) is more often than not a political judgement. In order to make the 'different sets of calculations about how they [ministers] should behave' Weller (1999:62-64) argues for a differentiation between personal behaviour, collective behaviour and administrative behaviour (see also Chapman 1990:203-16). The desired outcome of such differentiation is to have 'a more complete appreciation of what is at stake when ministers face crises'. However, this is just another 'practical' response to a perceived gap taken out of any contextual considerations about accountability.

It is one thing to recognise that parliament, the executive and public service are not functioning adequately, it is another to argue that the defect lies in some failure to transplant Westminster to Australia (Parker 1978:15). Either way there are expectations that are not being met. One of the prime reasons, I would suggest, is precisely the multiplicity and inconsistency of those expectations. Another, I argue, is that a commitment to Westminster gets in the way of clear thinking about alternatives. That is not to say that Baxter is right when he

submits 'the Westminster System is largely dead' (1999:11). Yet Parker is surely right when he argues that to focus discussion on the Westminster model is a red herring because all the critics can do is to argue for a more effective application of rules on which they have no agreement (Parker 1978:11-22; Parker 1978:334-59 and see also Walkland, 1976:190-200).

Instrumentalism and political pragmatism dominate the responses to problems of governance because there are no fully developed theoretical frameworks. Finn was right to use the metaphor of 'leap-frogging' — recycling inherited platitudes; conventional assumptions repeated and re-affirmed irrespective of experience (Finn 1990:41; Chapman 1999). Systematic analysis of the changing nature of governance on our parliamentary system arising from privatisation, outsourcing, competition policy and other manifestations of the new public management is urgently required. How should these be accommodated, if at all? Braithwaite went some way to provide one possible answer in an earlier paper (1995:312) but basic questions still remain to be answered

These issues, I would suggest, need to be addressed in three ways. First, we need empirical and descriptive accounts of institutional practices and behaviour that are not based on normative criteria. Second, we must re-assess notions of administrative arrangements for coordination and control as a critical requirement of any form of democratic parliamentary government. Third, the historical record of Australian politics and administration has to be consolidated across the states rather than for writers to simply concentrate on the federal sphere. Despite the diversity of experiences, finding the common features will enhance understanding of what is regarded as fundamental. In addition, there is now a corpus of work with its focus on citizenship and values that is important for setting the parameters of debate about an uniquely Australian system of government outside of the Westminster problem.

## Notes

1. The term 'Westminster' is used here as shorthand for the political and institutional framework of parliamentary and cabinet government that all Australian states and the Commonwealth have

inherited from Britain.

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