

# What's In It for Us? Why Governments Need Well Resourced Parliaments

Jordan Bastoni and Clement Macintyre\*

The trend in Australian parliaments is to decrease in size. This reduction in the size of parliament reflects a declining respect for the work done by these bodies both within them, in the eyes of the executive; and without them, in the eyes of the public. The size of the parliaments of the Australian States and Territories leaves them open to executive dominance. It is now ten years since the Tasmanian House of Assembly voted to cut its numbers from 35 to 25 MPs, with the Legislative Council concurrently being reduced from 19 members to 15.<sup>1</sup> In South Australia a Bill was introduced into the Parliament ahead of the 2010 election designed to reduce the Legislative Council from 22 to 16 members.<sup>2</sup> Prior to this, the former speaker of the House of Assembly, Peter Lewis, advocated a reduction in the size of the House of Assembly to 35 members, and a reduction in the size of the Legislative Council to 17 members.<sup>3</sup> The Victorian Legislative Council, as part of the reform program of the Bracks Government, was reduced from 44 members to 40.<sup>4</sup>

Parliaments in Australia are expected to play a role in keeping the government of the day accountable to the people. They achieve this through the recognition of an Official Opposition, whose role it is to scrutinise the policies of the government, as well as the actions of the government. Oppositions are also expected to take an active role in policy development and promotion, and in this sense act to establish themselves as alternative governments that the people can elect in the place of the government of the day. Small parliaments present problems in carrying out these key democratic functions.

---

\* Jordan Bastoni (University of Adelaide) and Clement Macintyre (University of Adelaide)

<sup>1</sup> Herr R. 2005. 'Democracy and Small Parliaments: Some Diseconomies of Scale', Democratic Audit of Australia Discussion Paper, available at [http://democratic.audit.anu.edu.au/papers/200512\\_herr\\_smallparls.pdf](http://democratic.audit.anu.edu.au/papers/200512_herr_smallparls.pdf)

<sup>2</sup> Constitution (Reform of Legislative Council and Settlement of Deadlocks on Legislation) Amendment Bill 2009 (SA).

<sup>3</sup> Lewis P. 2002. *Compact for Good Government*.

<sup>4</sup> Costar B. and G. Gardiner. 2003. 'From Breaking Governments to a Brake on Government: A New Bicameralism in Victoria?' *Australasian Parliamentary Review*, 18(3): 38

One of the key issues related to this has been the critical mass needed to ensure that the largest party (or parties) can form a viable executive as well as the capacity of the formal opposition and backbenchers to maintain scrutiny of the government.<sup>5</sup> The scale of the Australian State and Territory lower houses (or the sole house in the three unicameral systems), which range from 93 members in NSW to 17 in the ACT, can have a direct effect upon the dynamics of the adversarial system. In smaller parliaments, where the government hold a reasonable majority it may mean that the opposition is reduced to a number that makes the mounting of an effective scrutiny of the government difficult. Even in cases where there are enough opposition members to shadow all of the government members (which in the smallest Houses does not always occur) the quality of the opposition front bench may not be very high. Opposition leaders, constrained in their ability to select a shadow ministry due to the number of ministers to shadow being similar to the size of the Opposition party room, are thus hamstrung in their ability to manage their party, being virtually unable to demote members who are not performing up to standard. While it is true that few governments will see the existence of a handicapped opposition as a problem, this paper will argue that it is in fact in the self interest of all governments that there is a strong and viable opposition. Using the South Australian House of Assembly (one of the mid-size parliaments) as a case study, it concludes that good government requires good parliamentary opposition.

Oppositions need to have the institutional capacity to oppose. Part of this capacity is inherent in the design of most Australian parliaments, which embody strong bicameralism. This bicameralism fosters an upper house which is less heavily dominated by the government of the day, and thus provides the opposition and minor parties with a forum in which they are more freely able to scrutinise the activities of government. However, bicameralism, whilst necessary for effective scrutiny of government, is not in itself sufficient for it. Scrutiny of the executive also requires that oppositions be adequately resourced, to enable them to undertake comprehensive investigations of government policy and actions, and to be able to afford to research and develop comprehensive policies of their own. The executive dominance of lower houses, in which money is controlled, has meant that oppositions are chronically under-resourced for the tasks that they are meant to perform, as governments do not see well resourced oppositions as being conducive to the maintenance of their hold on power.

In parliaments that are small and especially when the government of the day is in a commanding position, there is an inevitable temptation to treat the parliament with disrespect, and to begin to evidence complacency and hubris not only in dealings with the parliament, but also with the people. Recent events in the South Australian politics can be seen to illustrate this point.

---

<sup>5</sup> Macintyre C. 2003. 'The size of parliament and the location of ministers', in C. Macintyre and J. Williams (eds) *Peace, Order and Good Government: State Constitutional and Parliamentary Reform*. Kent Town: Wakefield Press, pp. 241–9.

The first was the formal presentation of the State budget on 4 June 2009. Shortly after Kevin Foley, the Treasurer and Deputy Premier, began the speech introducing the budget, a senior government minister reached down to the floor and produced a large blue paper bag emblazoned with the name of a well-known chocolate company. He reached in, selected a chocolate, and then passed the bag along the front bench and, in turn, all ministers, with the exception of the Treasurer who was on his feet, took a chocolate, unwrapped it and ate it. On the government side of the parliament there was more interest in the progress of the bag than there was in the content of the speech. Eventually the bag reached the back-bench members and, in time, virtually every government member sat chewing on a chocolate.

On reflection, the bag of chocolates turned out to be an apt metaphor. Despite the state of the economy in South Australia and elsewhere in the world, as governments everywhere sought to position themselves in the face of the Global Financial Crisis, the Treasurer spent part of the speech listing individual ALP members and commenting on the quality and insistence of the lobbying they had conducted in favour of specific projects. So, as the Treasurer announced various initiatives: an investment in a rail extension in one part of Adelaide; a desalination plant in the southern suburbs and so on; the campaigns run by the relevant local members were singled out for praise. For example, when detailing new expenditure for public transport infrastructure including the Seaford rail extension, the Treasurer made specific reference to:

a long campaign by the member for Mawson, the member for Kaurana, other members, the member for Reynell, in particular, and the member for Bright. [For] electrification of the Gawler line, ... the long-held argument and lobbying put forward by the member for Light, both as mayor and as the local member. He has delivered to his community an outstanding result in this budget for which he should be very proud. in particular, I acknowledge the excellent work of the Minister for Infrastructure in consistently lobbying his federal counterpart and the Premier for consistently lobbying the Prime Minister to such an extent that I thought we might not get anything, so much were they pestering the federal government.<sup>6</sup>

In parts of the speech, it was almost a case of ‘every government party member wins a prize’. Or, given the presence of the chocolates, something of a lucky-dip with major projects rather than chocolates as the reward.

To an observer of these parliamentary proceedings, the key message was that the government was not taking the parliamentary process very seriously. There was a degree of lack of respect for the institution and a clear message of disdain for the opposition. The fact that there was not a single journalist in the Gallery to report the speech (all the press accounts of the budget were based on the briefing at the pre-speech lock up), similarly indicates that this was a Government that had nothing to fear from the Opposition or the public and was so comfortable that it did not feel pushed or challenged and certainly did not feel the heat of close scrutiny. This

---

<sup>6</sup> *South Australian Parliamentary Debates*, House of Assembly, 4 June 2009.

should be a cause of concern, though it is doubtful that a government would see it this way. Even though, in this case, the Opposition was well short of the numbers to challenge the Government on the floor of the House, the Parliament would be a more valuable institution if there were mechanisms to ensure that any Government is less comfortable than was the South Australian one in the middle of 2009.

In a culinary echo of the bag of chocolates, there was a second demonstration that the hubris of a complacent government extends beyond the parliamentary chamber. With very little notice, the formal announcement of the beginning of the 2010 South Australian election campaign was made on at 9.00am on a Saturday morning. The theory behind this was that the Premier, Mike Rann, wanted to avoid the appearance of Michelle Chantelois, a former Parliament House waitress who had made unsubstantiated allegations that Rann had conducted an affair with her. To assuage any irritation that the journalists might have been feeling from having been given short notice about a traditionally important announcement, Rann had two of his senior ministers, Kevin Foley and John Hill, handed out chocolate cakes to the assembled journalists, for them to eat whilst Rann made his speech.<sup>7</sup>

The basis of the oppositional style of Westminster systems of government is that 'good' governments, ones where ideas are tested, defended, refined and polished, need strong opposition and scrutiny. The value of strong oppositions was recognised in the famous observation by the British Foreign Secretary ahead of the 1983 election in Britain. With all the polls indicating an overwhelming win for the Thatcher government in the election held in the aftermath of the Falklands war and the SDP split from Labour, Francis Pym saw the dangers of a strong Conservative majority. He said 'Landslides don't on the whole produce successful governments'.<sup>8</sup> There are many examples in Australia that show that governments that are not tested by strong oppositions tend to become less disciplined and less focussed and more likely to generate poor policy outcomes. An obvious current example of this is the case of the government of New South Wales, which was suffering a rising tide of discontentment amongst voters in the lead up to the 2007 election for what were seen as poor policy decisions, yet was returned to government as the opposition was unable to convince the public that they were a safe alternative.<sup>9</sup> Clearly, in those chambers where oppositions are weak in terms of the number of Members, it is important that there is provision of sufficient resources to support oppositions, minor parties and independents. It is only through this that parliaments can be assured of having the capacity to keep governments accountable.

What form should these resources take and where should they be applied? The first area of focus should be the Committee system. Committees are a vital part of all Australian parliaments — but not all work as well as they might. When they are

---

<sup>7</sup> *Sunday Mail*, 21 February 2010

<sup>8</sup> [http://news.bbc.co.uk/2/shared/spl/hi/uk\\_politics/04/thatchers\\_government/html/pym.stm](http://news.bbc.co.uk/2/shared/spl/hi/uk_politics/04/thatchers_government/html/pym.stm)

<sup>9</sup> Spies-Butcher B. 2007. 'The New South Wales Election of 24 March 2007: Explaining the Re-election of an Unpopular Government', *Australian Journal of Political Science*, 42(4): 694-696

hamstrung in their scale and their scope, they are of limited value. The committee systems that exist at a State level tend to exhibit a common set of flaws. They, like the parliamentary bodies from which they are drawn, are too dominated by the executive. Most of the committees that exist at a State level are joint committees that are drawn from both of the houses of parliament. This cripples the committees in terms of time, as lower house members have to devote a significant amount of time to electorate duties, and thus reduces the time in which the committees can sit. The use of joint committees can also often result in governing party dominance of the committee system.<sup>10</sup> Committees in this sense are therefore treated as second order bodies. Committees at a State level are not always resourced appropriately. Unless they have resources and the will to engage in productive and fruitful research they are likely to add little of value to public debates. Accordingly, one critical area of support is a budget that supports the employment of staff with the capacity to produce detailed reports designed to be read and understood with ease. Similarly, the ability to contract external consultants with particular research expertise and travel when needed should be guaranteed. Of course, this is easier said than done. Few governments are far-sighted enough to see that a well-resourced Committee system will be in the interests of the government as much as its critics. However, there are areas of administrative efficiency that can be marshalled to benefit Committees. In some of the Australian State Parliaments there have been moves to break the administrative rigidities through the greater use of IT and the electronic distributions of papers as well as the blending of some existing administrative positions that lead to more flexibility in employment contracts for Committee staff.

The second matter that flows from this is how to ensure that Committees undertake a serious scrutiny of policy. Here, the balance of Committee membership is critical. If the governing party holds a clear majority, then the Committee is at risk of being either too tame or being disregarded. However, when oppositions, independents or minor parties have a majority there is no incentive for governments to provide sufficient resources. This problem is compounded in the Australian State and Territory Parliaments by the fact that they rarely have a sufficient critical mass to ensure some independence of mind from governing party Committee members. When those holding executive and the associated appointed positions make up more than half or two thirds of the major party, it is unlikely that there will be enough members whose ambitions stretch no further than maverick Committee member. To take the case of South Australia, in the parliament elected in 2006, there were only a handful of members on the governing side that are not either Minister, Parliamentary Secretary or who are realistically aspiring to one of those two positions. In other words, there are not enough brave enough, or realistic enough about their prospects to risk rocking the boat. The case in those parliaments that are smaller in size — Tasmania and the Territories — this problem is magnified.

---

<sup>10</sup> Stone B. 2008. 'State legislative councils — designing for accountability', in N. Aroney, S. Prasser and J.R. Nethercote (eds) *Restraining Elective Dictatorship: The Upper House Solution?* Crawley: University of Western Australia Press.

The second area of focus is the provision of support for the Opposition (as well as minor parties and independents). One estimate from the South Australian Parliament suggests that the sum of the resources and staff available to the Premier and Ministers compared to those allotted to the Opposition leaves the Opposition disadvantaged by a ratio of approximately 32:1.<sup>11</sup> This makes it almost impossible to sustain a rigorous check upon the actions of the Executive. One possible reform might be to tie the quantum of resources available to the Leader of the Opposition as a fraction of those that go to the Premier. This would mean that the natural growth in support for governments would be matched by a proportionate increase in the opposition's allowance. It would also have the parallel benefit of acting as a disincentive for growth across the system.

But these, and other reforms to Parliamentary Libraries and research services and the like are all likely to fall in the face of government resistance to any actions that benefit their oppositions and which may empower the parliament as a check upon the actions of government. So how can governments be persuaded that it is in their interests that Parliaments have strong and effective accountability mechanisms? There is no simple answer to this: perceived self interest and actual self interest are frequently not the same thing and convincing governments to assist their political rivals can take a bit of doing. Yet, even a simple study of State and Federal governments in Australia over the past few decades suggests that those that have collapsed in the face of 'policy failure' however measured, have done so when their oppositions have been either weak in number or weak in ability. Governments are at their best when tested regularly, and when they lack the numbers to give a confidence that induces complacency. As the South Australian Government went from a position of overriding strength and suffering a swing of 8.4% against it at the 2010 election, the Deputy Premier admitted on election night that the first Rann Government may have been a better government because [its minority status meant that] it had a sharper focus'.<sup>12</sup> When governments need to defend and argue their case with great attention to detail, when they have an opposition that is informed, active and forensic in its critique, and when the numbers are tighter, they are more likely to generate better policy outcomes. Those that command a parliament are apt to propose policy that is ill considered and not fully assessed. Clearly, no political party will choose to give up the numerical superiority; but a smart one might see a case for supporting or supplementing the ability of the opposition on the basis of their self interest.

If that argument seems too naïve, there is a second that is more compelling. That is the optimum *timing* of reform. The time to persuade governments to make an institutional investment in reform by providing better resources for the opposition and for Committees is shortly before an election that the governing party fears that

---

<sup>11</sup> Private communication with the authors by a Member of the Liberal Party in the South Australian Parliament, September 2009.

<sup>12</sup> Kevin Foley, Election Broadcast, ABC1 TV, 20 March 2010.

it will lose. A well resourced opposition and a vibrant Committee system will look far more attractive to a party that expects to move into opposition in the near future.

In conclusion, the resources and facilities available to parliaments should be distributed on an agreed basis. Despite the reservation of most Australian governments, this is in the interests of the parliament, of the government of the day and of the taxpayers. Low levels of scrutiny and low levels of accountability all too often led to governments that lack rigour in policy. Accordingly, there should be some formal institutionalisation of support for all the aspects of parliaments that aid oversight and that apply checks and balances. Leaving the provision to some ad hoc determination that is based — even in part — on the whim of a partisan government risks turning the process into something that resembles a lucky-dip from a governments ‘bag of chocolates’. This is not a good way to present a budget and certainly not a good way to run a parliament. ▲