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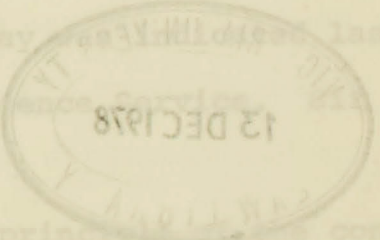


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Ministerial Responsibility

Following the decline of the power of the monarchy in the United Kingdom the influence of Parliament grew. By the mid-nineteenth century Parliament insisted on its right to question all policies. Members of Parliament demanded that every aspect of central government should be dealt with by one or other minister who could then be held responsible for all the actions of his department. This was the doctrine of 'ministerial responsibility'. In those days the doctrine had reality in two senses. First, the departments were small enough for the minister to have been seen and to have endorsed every decision likely to arouse outside comment. Secondly, if there was comment, the House of Commons would insist on holding the minister personally responsible. It was an effective method forcing ministers to MINISTERIAL RESPONSIBILITY might cause concern and officials to be scrupulous. Today, 150 years later in a country that inherited the Westminster system but with different traditions, institutions and culture, the relevance of the doctrine has been subject to question. That it continues to hold considerable sway was evidenced last year in the Report on the Security Intelligence Service. Guy Powles reported at the time that:



"It is a basic principle of the constitution that each Minister is responsible to Parliament for the conduct of his department. The act of every member of the department is regarded as the act of his Minister".¹

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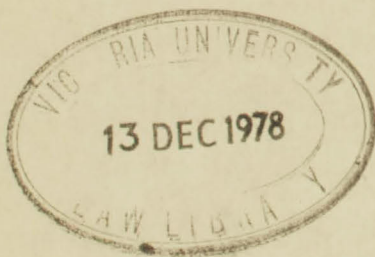
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Ministerial Responsibility

Following the decline of the power of ^{the} the monarchy in the United Kingdom the influence of Parliament grew. By the mid-nineteenth century Parliament insisted on its right to question all policies. Members of Parliament demanded that every aspect of central government should be dealt with by one or other minister who could then be held responsible for all the actions of his department. This was the doctrine of 'ministerial responsibility'. In those days the doctrine had reality in two senses. First, the departments were small enough for the minister to have been seen and to have endorsed every decision likely to arouse outside comment. Secondly, if there was comment, the House of Commons would insist on holding the minister personally responsible. It was an effective method forcing ministers to watch over everything that might cause concern and officials to be scrupulous. Today, 150 years later in a country that inherited the Westminster system but with different traditions, institutions and culture, the relevance of the doctrine has been subject to question. That it continues to hold considerable sway was indicated last year in the Report on the Security Intelligence Service. Sir Guy Powles reported at the time that:

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However during the same year a major Royal Commission into Australian Government Administration examined the doctrine. Their conclusions were profoundly influenced by a paper by Professor Emy² whose findings were summarized by the Commission. as being:

"(i) Ministerial Responsibility, as a system for ensuring accountability of both executive and administrative arms of government is defunct.

(ii) A new system of managing the administrative arm and ensuring its and the executives' accountability is required.

(iii) A new system is to be found in institutionalising a set of measures to be called 'accountable management'".³

meaning?

Thus we have a situation where there is considerable debate as to whether the doctrine has any applicability in this era, and if it does what in practical terms is its value. This paper therefore examines the relevance and substance of the doctrine in New Zealand, considers what we mean by responsibility, views the New Zealand situation and analyses the results of the doctrine.

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A. What is 'responsibility'?

'Responsibility' is a complex term which has varied meanings and shades of meaning. Two however are of particular relevance to this paper. They are what Frederick Mosher⁴ refers to as 'objective responsibility' and 'subjective responsibility'. The first, 'objective responsibility', points up the responsibility of a person, or an organisation, to someone else (outside of self) for some thing or some kind of performance. It is closely akin to 'accountability' or 'answerability' and envisages a predictable response to the demands made by one person on another. The second, 'subjective responsibility', has different connotations. Its focus is not upon whom and for what one is responsible but to whom and for what one feels responsible and behaves responsibly. It identifies an individual's loyalties and conscience and introduces the possibility of competition and conflict among responsibilities.

The doctrine of ministerial responsibility is closely associated with 'objective responsibility' and the classical approach to organisations in which administrators were assumed to carry out the policy directives issued i.e. 'from above', by the Minister. It assumed that in a hierarchial structure the impartial, responsible servant would carry out the duties clearly delegated to him whether or not he liked or approved of them. However, particularly since World War II, with the growth of the social sciences and its associated psychological and sociological insights an awareness of the subjective aspects of the concept of responsibility has developed. It is realised,

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for example, that a senior public servant is not merely an impartial implementer of public policy but has his own loyalties and conflicting responsibilities which influence the performance of his duties. It has also been realised that the development of public policy is not based on an exclusive relationship between minister and his senior officials and that many other groups and pressures play a part. Thus in discussing this doctrine we are faced with changing understanding of the concept itself which in turn is related to a developing awareness of the realities of the political system.

Now turning to the New Zealand situation with these concepts in mind we can examine the realities of the nature of the minister's functions and those carried out by the public service more closely.

B. Ministers and the Public Service in New Zealand

i) The changing public service:

At the simplest level it is clear that a minister could not possibly know a great deal about all of the many actions taken by the public servants responsible to him. In terms of sheer size the State emerges as by far the greatest single employer of labour in the New Zealand economy. When the staff of all the various state service departments, and of all the state operated organisations such as the railways, post office, education services, hospitals and the Armed forces and Police are aggregated it can be seen that they comprise nearly a quarter million⁵ in number.

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The public sector has not only increased vastly in size but there has also been a multiplication of the functions undertaken. It is no longer a typically clerical - administrative service. Since the 1930s, in particular, the government has extended its role as a provider of services and "the State has assumed responsibility for the management of the economy, in industrial development, internal stability, full employment, and the best use of export income".⁶ Numbered amongst public servants today are people performing such diverse duties as manning various sea-going vessels, air traffic control operations and social work. Indeed there are today over 130 occupational groups many of whom see themselves as professional groups and whom are often found almost exclusively in the public service. These groups naturally develop their own professional doctrines and standards apart from their allegiance to the public service. The "double allegiance"⁷ conflicts with "the conventional demand ... that the State servant should put all his judgment, insight and support at the disposal of the politician - not just the practice of a technique".⁸

Furthermore the relatively recent emergence of more aggressive industrially active groups⁹ of public servants again has served to remove the image of 'ye good and faithful servants'. It is clear that public servants have their own interests which may conflict on occasion with those of the Government.

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Along with the growth in size and nature of the public service has been the increasing importance of the managerial role of officials within departments. Operations such as Government Printing, Forestry and Electrical production and Railways are handled by 'managers' who are expected to make a positive contribution to the running of what is basically a business-like organisation. To be effective they need to be active dynamic innovative individuals. They might only occasionally become involved with the leading administrators or ministers - maybe when the operation is being rendered ineffective by a need for technological change or a change in staff resources is required - but generally they are expected to be the judge of whether the operation is running effectively.

There have also been large areas of government activity which have been effectively 'hived off' to independent corporations - for instance : the Accident Compensation Commission, Shipping Corporation, Natural Gas Corporation, National Airways and the Broadcasting Corporation of New Zealand - lessening even more any thought that a Minister is involved in the day to day running of activities for which he is responsible. Indeed even the extent to which the Minister can be held accountable to Parliament for the operations of such organisations has been the subject of some debate, and for some organisations it appears extremely limited.

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There are also large areas where administrators have been delegated executive powers by Ministers and indeed Cabinet - for instance : the Director of Civil Aviation has power to issue safety regulations in relation to civil aviation matters.

Furthermore government departments are concerned with increasingly complex issues which are dealt with by a highly qualified departmental staff. Many largely technical, scientific and administrative problems occur for which a Minister normally has no expertise. In such event the Minister is heavily dependent upon the advice of his expert¹⁰ (unless his departmental advisers are in disagreement and he assumes the position of an arbitrator¹¹).

Thus the circumstances of government today are very different from those when the doctrine of ministerial responsibility emerged. We have the reality of a growing public service with employees with varying degrees of 'independence' and discretion, and activities frequently involving complex operations of day-to-day life which are of little concern to the Government. This calls into question the adequacy of a system of holding the Minister accountable to Parliament and the people for the actions of the public servants. Furthermore if we look at the work of the Minister these questions are given further strength.

ii) The work of the Minister:

A consideration of the typical workload of the Minister gives us some idea of the real limitations a Minister is faced with in modern government.

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First, most Ministers are the managing directors of more than one organisation. Only 3 Cabinet Ministers¹² are limited to a single portfolio. Another holds one but also acts as an associate minister.¹³ The Hon. G.F. Gair and the Hon. D.A. Highet each hold 5 portfolios, 5 ministers¹⁴ hold 4 portfolios - one of whom is also an associate minister¹⁵ -, 4 hold 4, and 5 hold 2.

A minister's time is heavily committed. The Cabinet meeting occupies a large slice¹⁶ of Monday. During the preceding weekend the minister has spent some hours reading the particular Cabinet papers along with handling local electorate business. Ministers are also involved in some 16 Cabinet Committees, 6 of which meet weekly for up to three hours, 4 meet periodically, and the balance as necessary.¹⁷ (The Rt. Hon. B.E. Talboys was on 15¹⁸ Cabinet Committees in 1970¹⁹; the present Minister of Education, the Hon. L.W. Gandar, is on 7 Cabinet Committees).

A minister would be likely to spend 10-12 hours a week at meetings of cabinet and cabinet committees.²⁰ In addition Caucus meets weekly for up to 3 hours and there are periodically Caucus Committees. Parliament sat for over 600 hours in 1976 though Ministers do not attend much of the time.²¹ More frequent attendance would be imposed if the Government majority was less. Outside the debating chamber are the Parliamentary Select Committees. One minister is a member of 4 Select Committees, 5 of 2 and 7 of 1 such committee. (Seven ministers are on no Select Committees).

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Furthermore it is part of "the democratic folklore in New Zealand that the minister's door is open to the most humble of citizens".²² Ministers personally receive numerous individual electors and pressure groups. Outside the House there are speeches to be made²³ and an electorate to keep in touch with.

A minister thus has very limited time to devote to contact with the members of his department²⁴ for whom he has responsibility. Most ministers meet with their departmental heads - often accompanied by 1 or 2 other senior officials - for a couple of hours prior to Cabinet each Monday morning. One other ministerial visit (as distinct from accompanying deputations) by the permanent head or senior officials is common during a week. Senior officials also see their minister at Cabinet Committees and whilst attending deputations. Telephone contact is frequent. Informal discussions and interchanges are restricted by the physical separation of Ministers from their department to say nothing of the time Ministers are absent overseas when a caretaker minister holds the fort. The amount of contact with middle-level administrators is generally infrequent.²⁵ Rarely do ministers visit their departments.

Apart from his restricted contact with department officials, he has limited opportunities to scrutinise more than the major essential operations that require his involvement. He considers departmental papers, reports and letters that are directed through him. He seeks further explanations where he feels it is necessary. On occasions he initiates reports on specific matters, but indepth supervision is rare.²⁶ The instance of the Hon.

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T.P. Shand examining in detail departmental files for 5-10 per cent of all departmental work that came to his desk for approval²⁷ was exceptional. Generally a minister's concerns are issues of political moment and he trusts the running of the administrative machine to senior public servants.

In decision making, whilst not denying the importance of a minister "to win the battle in Cabinet",²⁸ it is also true that many of the key decisions are taken in the course of the preparatory work²⁹ before the issues reach Cabinet. The attached interviews reveal a complexity of working parties, officials and cabinet committees with varying powers and functions. They also point up the inter-departmental nature of much decision making. While a minister may shoulder the responsibility the nature of decision making is generally collective and it appears that he may not even be present when many decisions are made about matters concerning his portfolio.

If any simplistic notions of a minister sitting atop his department making decisions which are then to be implemented remain, they will be swiftly dispelled by a hypothetical illustration given by J.F. Robertson, Secretary of Defence, recently at a Conference in Auckland.³⁰

"To finally get a decision on a project for a new activity, even one listed in the manifesto, a minister might have to: Firstly, he has to schedule the project in his annual programme of new policy for consideration by the Expenditure Committee and argue the case for it to be accorded

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a priority. If he is successful, then it may go forward for Estimates provision where he may find it necessary to drop some other activity to enable him to finance it within his allocation. If he requires extra personnel, which means an increase to his staff ceiling, he has to justify the numbers to the State Services Committee, and should there be construction work or capital equipment necessary he has to justify the expenditure for it in his Works Programme before the Works Committee".

A minister has a wide range of responsibilities to Government, Party, Parliament and electorate. Little time is available to manage the operations of the departments responsible to him. Even in the area of policy-making a vast network of Cabinet, Caucus, Select and Officials Committees leave him unable to be actively involved in some of the decision-making affecting his portfolios. These coupled with the changed size and nature of the public service, further reducing the ability of Ministers to be involved in the 'detail' and sometimes the 'policy' formulation, all lead one to ask why this doctrine conceived as a means of accountability for the actions of the executive is maintained. Certainly the doctrine, whatever its content is still very much in being.³¹ As Keith Jackson pointed out in 'New Zealand : Politics and Change'³²: "... the public as a whole clearly does hold [the Minister] responsible for the administration of his department even on matters of minute detail often approaching him directly when problems arise".³³ In

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Parliament ministers are made answerable for such items as the number of cars with the Wanganui Hospital Board³⁴ and may be called to resign over the loss of investors funds in the Securitibank collapse.³⁵ They are expected to find answers to such matters as the Lake Alice Hospital Affair.

C. Why the doctrine is maintained

The chief advantage of the concept appears to be for the representatives of the general public assembled in Parliament and public at large that it provides a clear means of focusing responsibility on one person or a small group of persons, rather than attempting the often extremely difficult task of identifying within the ranks of the public service the responsible person or persons. The complicated process by which decisions get made - as Mr Robertson's remarks indicate - and actions are taken, for all practical purposes, make it virtually impossible to establish responsibility for inadequacies in the executive's actions. The doctrine provides a means whereby the Parliamentarians and public can put someone who they can identify with 'on the spot'. They believe in the concept.

Furthermore ministers and public servants have their interest in maintaining the doctrine. For the Ministers the restricting of departmental advice to them ensures that they are much better informed than their critics and that the alternatives available were not made public. John Mackintosh notes that for public servants "the advantage is that the doctrine leaves them utterly free of any repercussions arising from their advice and thus

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greatly adds to their freedom and power".³⁶ Public servants also have the privileged position of being 'insiders in-the-know'. As they can shelter behind a minister or the cabinet from any criticism and are not forced to defend actions they can remain politically neutral - a factor basic to the maintenance of a permanent public service.

Given the value of maintaining one person who can be held to answer for the actions or inactions of the executive, the value of confidentiality of advice between the Minister and his advisers, and the value of the maintenance of a politically neutral public service what are the results for our system of retaining the doctrine?

D. The results of maintaining the doctrine

First the concept can on occasions promote a sense of irresponsibility within the public service. Requiring "immediate channel[s] of communications to and instructions from the top"³⁷ (as the minister is the sole recipient of praise or blame) the doctrine results in public servants tending to lose the sense of making a personal contribution³⁸ and not feeling ultimately responsible for their actions.

Also as the exposure of individual irresponsibilities or organisational inadequacies may be thought to reflect badly upon the Minister there is a tendency to hide incompetence, bad advice, or poor practice within the system and thereby inhibit its rectification.

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Furthermore, the doctrine of ministerial responsibility has another important implication. As public servants are obliged to observe secrecy in their official dealings and to remain in a situation of anonymity in order not to 'embarrass the Minister' ³⁹ the service is secretive. The secrecy inhibits the mass of highly trained and experienced men and women in the Public Service from contributing their skills to the public forum. This is particularly significant in New Zealand where such a high proportion of the highly trained and experienced people are within that service. Starved of material the public, press and M.P.s sometimes can not compete effectively in the decision-making process thus denying the proponents of more open-government potentially valuable input.

Thus one of the main effects of the concept is an excessive emphasis being placed on showing that the actions of the government were responsible and well-considered, whether or not this was in fact the case. It results in public servants being able to hide their mistakes behind the Governments need to 'show a brave' front to the public. In such a situation it is often virtually impossible to find where the problems arose. Furthermore the public service by losing its ability to join in the debate on public issues becomes inward looking and tends to lose its sense of closeness to the community around it.

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E. Concluding comments

In an age in which there are widespread pressures for more open participation, more responsive and innovative government⁴⁰ the concept of ministerial responsibility appears to be one of the major stumbling blocks towards the realisation of that aim. However it is my belief that in reality the legal fiction⁴¹ of ministerial responsibility appears to be adjusting to our changing notions of the democratic process in New Zealand. Indeed public servants today are encouraged by Government to be less anonymous.⁴² Senior public servants are increasingly emerging as public personalities in their own right and commenting on public issues⁴³ - for instance the director of social services of the Treasury (Mr D.A. Preston) recently wrote an article in the 'New Zealand Medical Journal' claiming there is mounting evidence that New Zealand's health system is using its resources inefficiently;⁴⁴ and in the Justice Department's 1976 Annual Report the Secretary for Justice (Mr G.S. Orr) criticised the Government's known policy approach of having the Ombudsman as a member of the proposed Human Rights Commission.⁴⁵ Furthermore it is increasingly common for public servants to be criticised in public for actions which could reasonably be considered within their sphere of administrative discretion - for instance Dr Finlay was openly critical of Civil Aviation staff when they failed to produce an Environmental Impact Report on the extension to Rongotai airport in a reasonable time in 1975. Recently Mr Gill was critical of delays in the payment of a Government subsidy to the Plunket Society.⁴⁶

Marshall Horton
c 1956

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Yet the concept appears to have continuing applicability in two particular senses. First, the public continue to see the Minister as answerable for and responsible for rectifying the problems which arise. There are numerous aspects of public service administration which normally remain of little public interest which may suddenly cause political concern. As pointed out earlier the complexities of modern government mean that there will generally be little clarity as to who is responsible and the doctrine does provide an identifiable person to answer. At the same time it prevents a 'witch hunt' and the public servants from having to openly defend themselves. The Minister is held to answer but is not held responsible in the sense of being morally culpable and certainly will not be expected to resign.⁴⁷ Secondly, in the more difficult area of disputes over government policy, which lead to questions about the advice given by the public service, the government continues to vigorously defend its actions; irrespective of whether the advice received was good or bad. For instance there has been the suggestion that the recently proposed oil exploration levy was based on inadequate advice. In changing its mind the politicians involved did not blame their officials, for despite the alleged poor advice they considered that they were finally responsible for the decision made. It illustrates the important point that in the public policy area so complex are the issues that it is rarely possible to determine in advance all the consequences of a particular decision. If the politicians were to blame the senior public servants for poor policies the result would be a public debate on the alternatives put up by the public servants

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with the politicians seen as excessively reliant on the bureaucrats for the making of public policy. It would furthermore destroy the relationship between the Minister and his leading adviser, and the concept of a politically neutral public service.

However despite the above comments there have been considerable developments in the sources of information and advice that Ministers and Cabinet receive. We have seen that much preliminary work and even decision making is delegated to joint working parties, inter-departmental and Cabinet Committees. Moreover there has been a sporadic development of an enthusiasm for public advisory councils and bodies whose role is to advise government on policy in various sectors of the economy and indeed some on the economy as a whole.

We had the Agricultural Development Council, which the Minister of Agriculture chaired, and took its recommendations to Cabinet. It was followed by the National Development Conference and its successor the Council. The Educational Development Conference was followed by the Advisory Council on Educational Planning. The Task Force on Economic and Social Planning reported in 1976 and was followed by a new Planning and Advisory Council with the Minister for National Development as a member.

A Commission for the Future is to be established by legislative action and as well government has a multitude of departmental, regional and national advisory bodies on which the public are represented.

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Whilst it would appear from these activities that a more open government is developing it rarely makes available for public security the totality of the advice it is receiving from all sources. That received from the public service in particular remains confidential.

While this remains the concept of ministerial responsibility will be little damaged. Even after all the public involvement there has been in advising conferences and councils the myth of the omnipotence of the Minister in decision making remains and a lack of appreciation of the decision making process persists. The Minister retains his status in that most of the public consider that he, as their elected representative, and only he, is answerable to them.

Whilst the concept of Ministerial responsibility is changing it will continue to have validity as a method of public answerability as long as responsibilities are ill-defined in government and as long as government sees advantage in keeping confidential the advice it receives and the factors which go into making political decisions.

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FOOTNOTES

- 1 At page 51.
Sir Ivor Jennings, The Law and the Constitution (5th ed.),
pg. 207 : "Each minister is responsible to Parliament for
the conduct of his Department. The act of every civil
servant is by convention regarded as the act of his minister".
- 2 Professor H.V. Emy, "The Public Service and Political
Control" in Royal Commission on Australian Government :
Report, Appendix Volume One, pg. 32.
- 3 Royal Commission on Australian Government Administration :
Report, 1976, pg. 15.
- 4 Frederick C. Mosher, Democracy and the Public Service
(1968), pg. 7-10.
- 5 233,041 - 19.6% of the labour force (1975 New Zealand
Yearbook, pg. 91).
- 6 Austin Mitchell, Government by Party (1966), pg. 15.
- 7 G.S. Orr, "Ethics in the Public Service", N.Z. Journal of
Public Administration, March 1975, pg. 1;1.
- 8 J. Roberts, "Whatever happened to your Obedient Servant?"
N.Z. Journal of Public Administration, pg. 29;32.

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- 9 Recent examples in social workers, prison officers and police pay claims.
- 10 B.E. Talboys, "The Portfolio of the Minister of Agriculture" in Readings in New Zealand Government, edited by L. Cleveland and A.D. Robinson, pg. 79.
- 11 See Austin Mitchell, Government by Party, pg. 112 (interview with Hon. T.P. Shand).
- 12 Hon. L.R. Adams-Schneider - Minister of Trade and Industry.
Hon. David Thomson - Minister of Justice.
Hon. W.L. Young - Minister of Works and Development.
- 13 Hon. J.B. Bolger - Minister of Fisheries, Associate Minister of Agriculture.
- 14 Including the Prime Minister who includes Finance amongst his portfolios.
- 15 Hon. H.C. Templeton.
- 16 10.30 a.m. until 5 or 6 p.m. broken only by a lunch break.
- 17 J.F. Robertson, "Changes in the Machinery of Government and their effect on Senior Officials" - an address to the Second New Zealand Political Studies Association. Conference, Auckland, 26 August, 1977.

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- 18 There were over 30 Cabinet Committees.
- 19 B.E. Talboys, "The Cabinet Committee System", N.Z. Journal of Public Administration, Sept. 1970, pg. 1.
- 20 W.E. Rowling, "Committees - Public Obstruction or Political Art?", N.Z. Journal of Public Administration, March 1971, pg. 57.
- 21 See attached interview with Mr H. Hewitt.
- 22 E.W. Thomas, "Parliamentary Control of the Administration of Central Government : Fact or Fiction?" (1976) 3 Otago Law Review, pg. 447.
See also : R.J. Polaschek, Government Administration in New Zealand (1958), pg. 210 et seq.
- 23 Hon. L.W. Gandar stated on 'Morning Report' of the 31/8/77 that he had made "200 addresses in the last 500 days".
- 24 See attached interviews.
- 25 T.B. Smith, The New Zealand Bureaucrat (1974), pg. 63.
- 26 See attached interviews.
- 27 T.P. Shand, "The Expert and Policy-Making" in N.C. Angus (ed), The Expert and Administration in New Zealand, pg. 83-86.

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- 28 Richard Crossman, Inside View, pg. 70.
See also attached interviews.
- 29 See attached interviews.
See also Austin Mitchell, Government by Party (1966), pg. 28.
- 30 The Second New Zealand Political Studies Association
Conference, 26 August 1977.
- 31 Similarly in the United Kingdom - see Henry Parris,
Constitutional Bureaucracy, pg. 298.
- 32 (1973), pg. 155.
- 33 See also attached interview with Mr H. Hewitt.
In relation to written contact from the public see :
Nigel Roberts, "Political Letter Writing and Petition
Signing in New Zealand", N.Z. Journal of Public Administra-
tion, September 1974, pg. 35.
- 34 Question time in Parliament : 17 June, 1977.
- 35 "Evening Post", 3 September 1977.
- 36 The Government and Politics of Britain, 3rd (revised) ed.,
pg. 158.

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- 37 John MacIntosh, *ibid*, pg. 156.
- 38 See generally Professor H.V. Emy, "The Public Service and Political Control" in Royal Commission on Australian Government Administration : Report, Appendix Volume One, pgs. 27-29; 38-39.
- 39 See the attached interviews.
- L.A. Atkinson, "The Public Official's Role and Responsibility in the Community", *N.Z. Journal of Public Administration*, March 1969, pg. 1; 13.
- G.S. Orr, "Ethics in the Public Service", *N.Z. Journal of Public Administration*, March 1975, pg. 1.
- M.F. Hammond, "The Minister and the Permanent Head in Policy Making - With Particular Reference to Education," March 1968, pg. 52.
- 40 Examples:
- Britain's (Fulton) Committee of Inquiry into the Civil Service 1966-68, see pg. 91-92.
- Thrust for reform from a group of Parliamentary back-benchers which include Mr Minogue and Mr Birch.
- Pressure from scientific and environmental groups.
- Task Force on Economic and Social Planning, New Zealand at the Turning Point (1976), e.g. pg. 380.
- 41 Henry Parris, Constitutional Bureaucracy, pg. 298.

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42 The recommendations of the McCarthy Commission on State Services in 1962 in this regard (see Chap. 5, pg. 190) were conveyed to departments in Cabinet directives in 1964 and 1973.

See : Ian Thynne, "Permanent Heads and the Public", N.Z. Journal of Public Administration, March 1976, pg. 2.

! State Services Commission Memorandum 1973/37.

43 As to general trend:

Austin Mitchell, Government by Party (1966, pg. 35.

G.S. Orr, "Ethics in the Public Service", N.Z. Journal of Public Administration, March 1975, pg. 1.

L.A. Atkinson, "The Public Official's Role and Responsibility in the Community", N.Z. Journal of Public Administration, March 1969, pg. 1; 13.

44 See front page "Evening Post", June 18, 1977.

45 page 5.

46 "Morning Report", 10 August, 1977.

47 Egs: K.J. Scott, The New Zealand Constitution (1962), pg. 130.

: L. Cleveland; Government and Politics in New Zealand (1977 Course Notes), pg. 89.

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ATTACHMENTS.

MINISTERS AND SENIOR PUBLIC SERVANTS.

In preparing this paper I encountered a scarcity of New Zealand material concerning the working relationship between Ministers and Senior Public Servants - from the latter's viewpoint. I therefore interviewed several Senior Public Servants.

Attached are reprints of four such interviews. The text of each interview has been edited and revised in consultation with the subject. I am indebted to the four men for permission to reprint the interviews.

(The interview with Professor Lang can not be further distributed. To respect Professor Lang's wishes I ask that the copy of his interview be returned to me upon the completion of marking this paper).

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INTERVIEWS :

- Mr. Jim Callahan, Director General of Social Welfare
- Mr. Harold Hewitt, Private Secretary to the Minister of Agriculture
- Dr. Alan Johns, recently retired Director General of Agriculture and Fisheries
- Prof. Henry Lang, recently retired Secretary to the Treasury

MR. JIM CALLAHAN
Director General of Social Welfare

Q. How much contact do you have with your Minister?

J.C. Oh, it's regular. Pre-cabinet of a Monday morning I see him for an hour to an hour and a half. We discuss the week's business, any Cabinet items and anything he or I want to raise. Intermittently we might have other discussions. Where appropriate I will attend on delegations or deputations. Telephone contact perhaps the most frequent. Some weeks we would be in daily contact.

Q. For the Monday morning visit do you take other departmental officials with you?

J.C. No, not necessarily. I do if there's something for which they can contribute - but remember other officials may go up independently on other particular visits.

Q. Are you the public official the Minister sees most?

J.C. The Minister would see me more than he sees any other individual official, but collectively he would see other officials more than he sees me.

In a department like Agriculture there is a wider involvement of officials seeing the Minister than here. We haven't as wide a range of special issues or socialist pressure groups as in Agriculture.

Q. Do most things go through you to the Minister?

J.C. All major policy items but not all communications. We have a tremendous ministerial correspondence in this department. I don't normally see the ministerial files. I keep in touch by spending a few minutes a day quickly looking at incoming correspondence. I clear important policy documents.

Q. Could the permanent head be described as a 'filter'?

J.C. The permanent head is a 'filter' for important information going to the Minister but not for regular information. I couldn't possibly act as a filter with all these ministerials.

Q. How does a Minister keep a check on ministerials?

J.C. A Minister when he comes into power will establish a rapport and understanding with officials so they get to understand his views. Initially he will test a few more cases than when the officials become accustomed to his role and views. Once you have passed the novel period he will normally question them only occasionally.

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J. How would you describe the basis of an effective relationship between a Minister and his senior public officials?

J.C. Mutual confidence.

An official has to establish his credentials with the Minister and establish confidence.

J. How do changes of government affect a department?

J.C. A new Minister of the same party is relatively easy as he is an M.P. who has worked up into the post learning the ropes, people and philosophy. With a change of government it is novel. Both the new government and officials go through a learning period in the early months - but last time it didn't take long to establish a rapport. It was a question of mutual education. For new Ministers it was learning the practicalities of the real world of government.

There were a few strain points among officials and Labour did grizzle a bit about the Public Service.

I suppose that occasionally some public servants may have appeared to thwart the proper aspirations and intentions of Ministers - perhaps 'object to' rather than 'thwart'.

Some professional groups within departments have particular problems in grasping the concept of ministerial government. Professional groups in the public service may sometimes see themselves as operating more within the boundaries of their profession than being accountable to a politically elected government.

J. Was greater responsibility given to individual Labour Ministers?

J.C. Labour ministers did tend to have more responsibility if they were prepared to take it. It depends largely on personalities. Some are more willing to take things to Cabinet. But as some Labour Ministers were prepared to act more independently they did on occasions come unstuck (e.g. in contradicting colleagues proposals). . . That was a reflection of the novelty of office for them.

J. How important is your Minister in Cabinet to your department?

J.C. It is pretty important that you have an effective advocate in Cabinet. I would brief him as best we can but over and above that different Ministers work differently. Some Ministers do their homework before Cabinet and by a bit of lobbying will have their views accepted. Some will rely on logic - the logic of the case. Others may equally effectively rely on an 'old boy' network of 'gives and takes' in getting something they are committed to. But a Minister has himself to be convinced before he'll really push a case.

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But don't neglect the fact that we have this more 'open' system of Cabinet committees and that these are real decision making bodies. Even when they don't make a final decision they go a fair way towards it.

. . . It is an advantage for Ministers to be able to question officials face to face. It helps them to get to grips with a subject.

J. How informed is a Minister before he goes into a Cabinet Committee?

J.C. It depends on himself largely as to how much he wants to be briefed on an issue.

J. Which Cabinet Committees do you personally attend?

J.C. I go to the Cabinet Committee on Social Affairs, I'm convenor of the Officials Committee supporting that. My deputy on the Social Work side goes to the Cabinet Committee on Family Affairs. To the Cabinet Committee on Works and the State Services Cabinet Committee my assistant Director-General (Administration) would go unless there was something that warranted my personal attention. For things these days like staff ceilings a permanent head of Social Welfare will show up to be counted. Attendance indicates his commitment to the point of view his department is pushing.

J. What do Officials try to achieve at Officials Committees?

J.C. We try to get some kind of consensus in line with government philosophy and aims - then we've got a good chance of getting it through.

J. How much contact with other Ministers do you have?

J.C. I have 2 Ministers of course: the Minister of Social Welfare and the Minister in Charge of War Pensions. The Minister in Charge of War Pensions I would see occasionally - not regularly at all. I would see him if some policy issue arose. For the casework my senior officials see him fairly regularly. Other Ministers?, well, I might very occasionally see another Minister on some particular matter. I'd always inform my Minister if I was seeing another Minister.

J. Do you attend Caucus Committees?

J.C. Occasionally, yes . . . The Minister would suggest there's something he'd like me to be there to talk to Caucus Committee about. Of course, not only he but my officers go to explain things as well. It is to be remembered that important policy decisions are not made by officials but by the ruling party through its parliamentary machinery. Cabinet makes all the 'crunch' decisions. Cabinet has to bring along the other party members. Their debating support is needed. They need to be informed. In New Zealand it is pretty important to be effective in the House.

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P.J. What about attending Opposition Caucus Committees?

J.C. No, that puts officials in embarrassing positions . . . but there ought to be machinery for opposition to question officials. Opposition members need a reasonable advisory or support unit.

P.J. When answering questions in Parliamentary Select Committees do you express you Departments or the Governments views?

J.C. In both Select Committees and Caucus I wouldn't debate matters of established government policy, I would just say it's a matter of government policy.

P.J. How would further opening up of Select Committees affect the answers given by public servants?

J.C. If you open them to the public then public servants may feel that if they speak freely they may be seen or assumed to be saying something that doesn't quite line up with their governments policy and I think that would be open to misinterpretation . . . one could tend to be very cautious . . . Yet there is a case to make them public. I'm not sure if this secrecy thing is not ever done.

P.J. What information is released under your name?

J.C. I'll release matters concerning things affecting the Department. Broadly speaking, policy announcements are made by the Minister.

. . . .

P.J. Do you think permanent heads are becoming better known.

J.C. I don't think they're becoming any better known.

. . . .

P.J. Do you expect your Minister to defend the Department?

J.C. Oh, he does.

P.J. Have you any general comments about the concept of Ministerial responsibility? Some have suggested it is defunct.

J.C. There's still plenty of life in it. You must recognise that the Minister has 2 sorts of responsibility. He has the responsibility as minister as the responsible spokesman in the House and in public for a particular area of government and of course his other responsibility is collectively as a member of cabinet. I think that basic arrangement still stands. . . it provides the essential accountable link between a non political system of administration and a political system of government. You've got to have a link or otherwise you'll have a situation where officials truly are not accountable. At least it is known who is accountable.

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MR. HAROLD HEWITT

Private Secretary to the Minister of Agriculture.

T.J. Has there been any pattern of Ministerial/Departmental contacts over the years?

H.H. Well, to my mind, there are 2 distinct types of permanent head. Firstly, there is the type who wants to be in everything and to be the only liaison with the Minister. One particular permanent head used to spend most of his day up here (in Parliament Buildings). He would at times bring an adviser up with him, but in no way would he let anyone from the Ministry come up here on their own. Nor did he want the Minister or me talking with anybody in the Ministry other than him. He was an extreme but there are those of this kind - permanent heads who want to be in on everything - around today. The second and more typical type is the one who has no wish to come up here to talk to the Minister on other than major issues.

T.J. What is the present extent of contact?

H.H. Two hours every Monday morning from 5 a.m. to 10 a.m. is set aside for the Minister to talk to the 4 top men of the Ministry - it's a sacred time. Over and above that either the permanent head or deputy come up and talk to the Minister on their own (as distinct from being advisers in a meeting) approximately another 2 or 3 hours in a week. Departmental officials would attend deputations to the Minister, I suppose, on average 2 to 3 hours a day. In this department officials to a very low level might attend - it depends on their speciality. Permanent heads come themselves for major issues or for their 'pet' subjects - the ones they like.

T.J. What proportion of the Minister's contact would be with the permanent head?

H.H. If presence at deputations and representations are included the permanent head of Agriculture would be up here only a quarter of the time that his underlings are up here.

T.J. What information does the department supply to the Minister?

H.H. Only on a few occasions do they say, "I want to report this to the Minister". On most occasions it results from the necessity to report things to the Minister. This is caused by someone writing to the Minister about something he thinks wrong and the Minister asking for a report or comment, (or something is raised in caucus or cabinet and the Minister asks for something), or as something is going to cabinet they feel they ought to report this to the Minister. Sending information to the Minister is caused rather than initiated.

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T.J. Can we divert our thinking to decision making?

H.H. Well, firstly I need to start with the differences between the two governments. The National Government is a collective government in the extreme and the just gone Labour Government was the other extreme. Under National everything of importance is decided by Cabinet rather than individual Ministers. The Labour Cabinet agenda was down to 18 to 20 items, sometimes 14 to 15 (e.g. 40 - 60 with National).

It was an armchair ride for permanent heads in the Labour days. They'd wheel up a proposition for approval . . . discuss it . . . "fair enough" . . . signed . . . announced. Ministers in other portfolios would pick up the newspaper and read what their colleague had done. On more than one occasion there was a hassle as the decision was contrary to what they proposed to do in their own portfolio. National wouldn't do this they go to the other extreme. Labour reduced the number of Cabinet Committees but did stick to the major regularly meeting committees.

T.J. How many Cabinet Committees is your Minister on?

H.H. Six . . . Economic Committee, Family Affairs, Gang Activities, Science, Social Affairs, Planning . . .

T.J. I understand the influence of Caucus has changed over time.

H.H. Yes there has been a remarkable change. Caucus has become more powerful, not through any constitutional change, but in my view it has been very largely through the higher salaries now for M.P's. The salaries have provided for better backbenchers. They are younger, keener and more professional and able than 20 years ago.

. . . a Caucus Committee is just a group of a Ministers backbench mates who a Minister gets around him to kick a thing around.

. . .

T.J. Where does the Minister find time for meetings with various groups while the House is sitting?

H.H. At night or he'll have to come out of the House. He would spend only about a quarter of the daylight sitting time in the House.

T.J. It is often said that a Minister's door is always open to the humblest citizen. Is that so?

H.H. Yes, unfortunately Ministers like it that way. They like it and they moan about it in the same breath. They like to be regarded as accessible.

T.J. Where do individual representations stem from?

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H.H. M.P's may say a constituent wishes to see him. Well, if he didn't see them, he'd fall out with his backbenchers. That's how it usually happens - asked by a backbencher. I'd say 90 percent of 'nothing event interviews' are the Government backbencher wanting to please his constituent by parading him to the top. It's a facet of New Zealand life.

T.J. What information do Ministers want to release?

H.H. It's basically common sense. If there is political eudos in it - give it to the Minister. If it is technical - give it to the D.G. (Director General). There is no set of rules. It is a matter of personalities.

. . . . Permanent heads don't want to fall out with their Minister or the Government. They won't say anything to upset their Minister.

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DR. ALAN JOHNS

Recently retired Director General of Agriculture
and Fisheries.

T.J. How much contact did you have with Ministers?

A.J. Regularly every Monday morning - usually for 2 hours before Cabinet. Other contact during the week depended on what was coming up at the time . . . It varied greatly between Ministers. Some Ministers were quicker at picking things up and you could practically go over everything on a Monday morning while others would want further discussions during the week. When a Minister is new in office you naturally see a good deal more of him than when he's been in for a period.

I'd often accompany the Minister when he received delegations - particularly on policy matters. For technical matters various people concerned in the particular area would attend the Minister on their own.

T.J. Who would see the Minister on Monday morning?

A.J. Generally myself, the 2 assistant Director-Generals and possibly another person for particular problems under discussion. Who went depended somewhat on the particular Minister. Some Ministers would quickly grasp all that you wanted to discuss relating to Cabinet. For one Minister I had the practice of always taking the divisional directors in turn each Monday so that, after finishing the specific business, the Minister could receive a survey of what was going on in a particular division at that time. With others there was never time for this.

T.J. Was there an agenda for the Monday meeting?

A.J. The Minister's private secretary would make a note of things during the week and ring up on a Friday afternoon indicating the items the Minister would like to discuss. To that extent there was an agenda. In addition we would bring up matters to discuss with him. The Minister's questions would come from items on the cabinet agenda, both directly and indirectly related to Agriculture, items being raised later in the week at Cabinet Economic Committee, reporting progress on preparation and drafting of legislation and regulations, progress on proposals for the budget, reports on climatic disasters, policy on price fixing (e.g. floor price for wool or meat), questions raised by various farmers' organisations, some background to Ministerial replies drafted in the Ministry to letters received during the week, and discussion on reports that have been sent to him from the Ministry. These are just a few examples.

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Some Ministers will also get down to things concerning individual constituents they've seen in the weekend or have phoned him. Others will leave these matters entirely to his private secretary to contact people in the Department most concerned with the constituent's particular problem and obtain the answers.

T.J. What information does the Department give the Minister?

A.J. Primarily what we feel he should be informed about from a political point of view and what he should inform his Cabinet colleagues about... you've got to avoid his getting bogged down in a lot of detail but he has to be forewarned about matters that are likely to hit the headlines.

. . . from the Ministerial replies he has to sign he gets quite an idea of how things are going from day to day concerning the public. However there are a great many routine matters that he would never come across on his desk.

T.J. Does all information go through the permanent head?

A.J. No, most documents would be signed at Assistant Director General or Divisional Director level. The bulk of the letters or reports that go to the Minister are within known policy or are asking for technical information. These are drafted by the officer concerned.

Where policy matters are concerned the Deputy D.G. or D.G. would vet or draft the document. As Director General I kept in touch with what was going up to the Minister (and hence much of the activity in the Ministry) by having a copy of all such papers minuted to me. This avoided delays in transmission to the Minister as I would read them when time allowed. This enabled me to influence, if necessary, future documents or in extremely rare cases have one already transmitted withdrawn.

T.J. How did the relationship between the Permanent Head and Minister operate?

A.J. In advising the Minister in private my policy was always to tell him what I considered to be the facts and what I believed should be his course of action - not tell him what I thought he wanted to hear. Outside a restricted group I would be bound to act in a manner that did not embarrass the Minister.

T.J. Why?

A.J. Because a correct course of action can only be based on facts tempered with political considerations. It is his job to be the politician and mine to put forward alternative courses of action regardless of politics. Once a decision is made by him it is my job to implement it regardless of whether I consider it the correct decision or not.

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T.J. What is the basis of an effective relationship between a Minister and his senior officials?

A.J. An informal exchange of views. From officials what's going on in the Department and from the Minister's point of view what's going on in government - what its' viewpoint is on topical issues. Papers go up to Cabinet and you receive a 'yes' or 'no' answer. For framing effective proposals for the future it is best - particularly if you get a 'no' - to find what was the basis of the decision. If the Minister can give you a feeling for and an appreciation of the background to the viewpoints (and idiosyncrasies) of Cabinet and its' general outlook, you can in the future better plan your strategy for what you want to achieve. This practice varies very considerably between Ministers. It is a matter of whether they feel free to discuss these things and whether they trust the officials not to reveal discussions of personalities within Cabinet.

T.J. Is a department's 'image' important in Cabinet?

A.J. Yes. You have to build up a feeling of confidence on the part of the other Cabinet Ministers that the Department and the Minister are putting up proposals that are sound and are not going to lead them to a political disaster. In other words it is important to demonstrate that the judgements of the Department and Minister are consistently reliable.

T.J. Is your Minister's presence important in the Cabinet room?

A.J. Yes, certainly - in his ability to persuade his colleagues that a particular course is the right one to follow.

T.J. Is briefing important?

A.J. Yes. Some Ministers pick up a briefing a lot quicker than others in that they can readily pick out the important points. You've got a head start in Cabinet if you've got someone who doesn't get bogged down in detail, can highlight the important points and implications of a submission. It is also easier to get things through if the Minister and permanent head get on well and if the mana of the Minister and permanent head is high.

. . . It is often important for the Minister to do a bit of quiet lobbying outside Cabinet.

. . . The Minister's judgement is important in which matters to fight on and on which to give way - there are certainly tactics in this.

T.J. Do you and the Minister plan a strategy in the cabinet briefing?

A.J. It depends largely how much a Minister has taken you into his confidence as to how deeply the Permanent Head can assist in planning a strategy.

T.J. How informed does the Minister need to be in the Cabinet Economic Committee.

A.J. It depends very much on the Minister as to what extent he wants to take part in the discussion himself and how much he is happy to leave to officials. He may inform himself of the general background and leave details

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to officials to outline and answer questions on, or he may wish to have all the say. It largely depends on the personality and ability of the Minister.

I have handled important matters in the Cabinet Committee without the presence of the Minister when he was overseas. However this did have some political repercussions.

T.J. Who attends Cabinet Economic Committee?

A.J. It is primarily the Ministers and officials concerned with economic policy. Prime Minister's Dept., Treasury, Trade and Industry, and Agriculture are the core members with Foreign Affairs, Transport, Customs being the most frequently concerned of the others. It depends on the particular agenda item being discussed. The officials present change with each item on the agenda.

The Permanent Head does not always attend. It depends on whether your department has a vital or only seconding concern. If specialist knowledge is requested other department members will attend. However, efforts are made to keep the number of officials down to two per department.

T.J. How is the Cabinet Economic Committee handled?

A.J. It is usually chaired by the Minister of Finance or the Deputy Prime Minister and meets each week.

It has a fairly open discussion with no inhibitions on Ministers disagreeing with each other or with officials. The extent and freedom of discussion depends on the Chairman and how much business is on the agenda. Sometimes the discussion can become very wide ranging and only marginally related to the matter requiring a decision. The final decision or recommendation to Cabinet is made with only the Minister and the Secretary of Treasury present. Permanent Head learns of decision from a minute of the meeting. All items go on to Cabinet either for rubber stamping or for further consideration, that is unless Cabinet has delegated the decision to the Committee.

The Cabinet Committee system is a useful one as Cabinet papers are short and cannot carry enough background for intelligent decision making in some contentious areas. Ministers do not have all details at their fingertips. The discussion between a group of Cabinet Ministers and officials allows some Cabinet members to better inform itself than would otherwise be possible.

T.J. How much contact would you have had with the Cabinet Committee?

A.J. I would probably have attended on the average only once a month. My deputy attended regularly as his area of responsibility covered economic policy. It is important for the permanent head to attend fairly often as he needs to use the Committee as a means of keeping in touch with government attitude and outlook. There is no better forum for taking part in discussion with a group of Ministers to become familiar with the current political outlook and so getting a 'feel' for what is realistic in proposals that can be put to your Minister.

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T.J. How much contact would you have with other Ministers?

A.J. The Cabinet Committees are the main point of contact apart from social occasions. However over a period in top administration while they would work their way up the party seniority list, most of them would come to know you by name and a proportion by christian name.

T.J. How does the Officials Committee for the Cabinet Economic Committee operate?

A.J. The Secretary of Treasury is chairman of the Officials Committee and all papers that go from the Committee to the Cabinet Economic Committee go over his signature. The composition of the Committee actually varies according to the subject matter and the range of departments interested in that subject matter.

The final paper represents a consensus of opinion among senior officials and is most frequently the result of a series of compromises. If as happens infrequently, no compromise is possible, a minority report may be added to the views of the majority.

In the case of very contentious issues such as Transport policy, the paper may be referred back from the Cabinet Economic Committee to the Officials Committee many times before a final decision is taken.

T.J. What is the role of Caucus in decision making?

A.J. This depends a good deal on which party is in power. With the National Party almost everything of political significance will go to Caucus. The route is frequently Cabinet Committee, Caucus, Cabinet. The Caucus step can be just for information or as a political sounding board before or after Cabinet decisions. If Caucus is violently opposed it may well be referred back.

The reference to Caucus is as much to try and keep keen young back-benchers in the picture and make them feel that they have some role in decision making as well as keeping them informed so that they can explain the rationale of the decisions to their electorate.

T.J. How much contact did you have with Caucus Committees?

A.J. As Permanent Head I attended rarely. It is mostly staff explaining the background to particular legislation or the mechanics of some regulatory scheme that attend. The Minister is usually but not always present.

T.J. What Select Committees did you attend?

A.J. None other than the Public Expenditure Committee or Lands or Agriculture Committee. As Permanent Head I would always attend these.

T.J. In answering questions before these committees whose views do you express, the Departments' or the Governments'?

A.J. Members of the Committee are not permitted to ask questions on policy. They are limited to enquire about details on expenditure, the reasons for over expenditure, how various programmes are progressing and questions to gauge efficiency of operation. You limit yourself to factual statements.

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It is up to the Chairman to protect you from questions on policy and appeal for his ruling if you are in doubt.

T.J. What do you think about opening the proceedings of the Public Expenditure Committee to the press?

A.J. I do not believe that the press would find the committee proceedings of much interest except on rare occasions. There would be a danger of their obtaining an unbalanced view of the expenditure of a department as questions focus almost entirely on pet hobbies of members or on items where overexpenditure is shown. Where the answer is complicated, written answers are requested and these only reach the committee some weeks later by which time I imagine the press would have lost interest.

T.J. What personal control does a Minister exercise over the department?

A.J. The permanent head is responsible to the Minister for the economy and efficiency of the department. However Audit, Treasury and the State Services Commission are the real control agents. Theoretically, the Minister is in charge but he can only judge performance by the reports he receives, by the small amount of personal contact he has with staff, and from comments and complaints from outside the department.

T.J. How important are the Parliamentary checks?

A.J. Not very effective. Searching questions can be asked and followed up in the Public Expenditure Committee but the Parliamentary debate on estimates serves little purpose. There was some point to it when the estimates debate was confined to discussing the actual estimates but now that policy matters are included very little attention is given to the financial statement.

T.J. Annual Report - Is it your own or the Minister's?

A.J. The Departments - the Minister rarely ever sees it until it is printed and arrives on his desk for tabling in the House. There is very little policy included - it is a factual report on the activities of the previous year. Only because it is partly the implementation of government policy does this intrude at all.

T.J. Some departments use it to put their views.

A.J. I do not believe that this is the purpose of the report and I have not done so.

T.J. What information do you release publicly under your name?

A.J. It has been said flippantly that the Minister releases the good news and the department the bad. However it is mainly information of little or no political significance - that of a technical nature or staff changes that go out on the D.G.'s signature.

T.J. How many public addresses have you made in a year?

A.J. This has varied enormously according to the Minister - probably from 20 to 4 or 5. If he is keen on speaking and has an Under Secretary who is also, you don't give nearly so many. Some Ministers tend to over commit themselves and

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then you get caught as a first emergency.

T.J. Do you expect a Minister to defend his department?

A.J. Yes.

T.J. Why?

A.J. As the political head of his department he is responsible for its actions. Morale and loyalty will certainly suffer if he does not accept this responsibility.

T.J. What do you understand by this concept of Ministerial responsibility?

A.J. Theoretically he is responsible for the actions of his department - if he is not, who is?

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