

‘Ministerial Responsibility in Australia: 2005’

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In this brief paper, I outline three current Australian *modes* of ministerial responsibility, all occurring in the one *medium* or public space constructed by the overlapping interests of the press and parliament. Parliamentary advocates of stricter standards of ministerial responsibility tend to come from opposition ranks, and they tend sometimes to lead but, more often, to follow lines of attack initiated by the press. The purpose of this sketch of three modes operating differently in the one medium is to provoke fresh discussion through a new point of contrast to conventional approaches to ministerial responsibility.

My argument is that ‘ministerial responsibility’ is best thought of as one label covering several forms of political conduct, with several norms of appropriate ministerial conduct. Conventional approaches treat ministerial responsibility as though it referred to one standard: a lofty ideal, usually far removed from the everyday realities of political conduct. I think a more productive approach is to see that ‘ministerial responsibility’ is one term that refers to a set of political relationships, each with quite distinct standards of political conduct. Analysts and commentators can be too judgmental when discussing ‘ministerial responsibility’, where the prevailing theme is that Australian ministers rarely

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if ever live up to the ideal standards associated with doctrines of ministerial responsibility.

This conclusion might well be correct. But I think the first step is to try to see the issue through the eyes of ministers themselves, which reveals a more complex picture of different and, to an extent, competing modes of ministerial responsibility. My aim here is to chart three of the main modes of ministerial responsibility competing for the attention of Australian ministers. Each of these modes carries its own set of standards of conduct appropriate to the political conduct of ministers. Perhaps in an ideal world, these distinct sets of standards would or should be mutually consistent and reinforcing. But in Australian reality, many tensions exist among the three modes of ministerial responsibility, which I label:

- (a) the black letter mode of legally-specified duties;
- (b) the grey letter mode of loosely prescribed duties; and
- (c) the unwritten or ‘invisible ink’ mode of conventional duties.

At the outset, I can report that contemporary UK practices are just as messy. Both parliamentary systems are reframing those earlier preoccupations about when, if ever, ministers are responsible for the errors of subordinate officials. UK constitutional authority Diana Woodhouse has mapped the new British developments where the practice and study of ministerial responsibility revolves around the various ministerial roles expected of those occupying ministerial office. Professor Woodhouse acknowledges that ‘the system’ has no agreed definition of ministerial role responsibilities. However, she further acknowledges that the attempt to track debates over ministerial responsibility in terms of offices or roles is more realistic than traditional and increasingly unrealistic approaches which confine the analysis to the narrow traditional categories of either personal fault (eg, resignations over personal sexual misconduct) or vicarious fault (eg, resignations over public service failures).¹

¹ Diana Woodhouse, ‘UK Ministerial Responsibility in 2002’, *Public Administration*, 82/1, 2004, pp1-19.

Current Australian practices of ministerial responsibility elude this traditional net of fault-finding. Public and political debate now turns on competing role expectations with quite different standards of fault. To a considerable extent, parliament finds itself 'behind the curve' in that the press is contributing, albeit it in a highly personalized and non-systematic way, more to standards-setting than parliament itself. In general, the press displays greater power to investigate suspect ministerial conduct than parliamentary scrutineers. Clever parliamentary critics of ministerial conduct can, at times, try to enlist this press power, particularly when the task is to establish public demand for a ministerial resignation. Parliament is more about prosecution than investigation: parliament is a forum for the prosecution of the case against suspect ministerial conduct, drawing on investigations made by many other political actors, including the press. On this occasion, I have to warn you that I am a political scientist, and that my approach will be in terms of general *institutions* rather than specific *individuals*, and in institutional relationships between ministers and parliaments, rather than in terms of particular *individuals* who might or might not deserve to resign.

Anyone for tennis?

But being human, let's begin with individuals. I want take you back to the recent Australian Tennis Open and the antics of one of Australia's most promising tennis stars. You know the one I mean: not Ms Molik with the admirable on (and off) court conduct, but the man who almost won the Open. Winning isn't everything, but judging from his conduct you might think so. You might remember in the lead up to the final match, this young Aussie hero went very close to incurring penalty points for inappropriate on-court conduct. You might remember the mean-spirited antics designed to intimidate line callers. One prominent incident was the famous 'foot fault' call which our young hero hotly disputed: not by an appeal to the chair but by a regrettable display of bullying (finger pointing and ranting) at the line caller in question. Alas, it was all caught on TV: including the correctness of the call.

What's the relevance of this story? To my mind, this saga of winning at all costs nicely illustrates some current tendencies in the state of ministerial responsibility. Ministers would like to think that they can do whatever they want to intimidate those who can call them to account. Ministers do not like being foot-faulted. Losing a long rally to one's opposition is one thing; but having some accountability agent rule out one's attempted serve is another thing altogether. Ministers, like many good professional sports, want their conduct judged more by reference to the ends than the means: and the end is winning, regardless of compliance with all the procedural niceties of fair play. The striking thing is that voters seem quite prepared to take the government at its word and to overlook the irregularity of means in favour of acceptable ends.

The tennis metaphor is not exact: debates over ministerial conduct have no real umpire who sits impartially keeping the score. We have seen Speakers of the House of Representatives dumped out of office for even moving in that direction! And my image is based on a singles match, which does not do justice to the realities of ministerial conduct where ministers rarely act, or even decide *not* to act, simply alone. Just think of last week's parliamentary defence of regional affairs minister Lloyd, for whom the prime minister came to the rescue, turning Lloyd's disastrous singles match into a winning double match. And the prime minister is a very capable captain-coach of his team, able to read the game well and easily wrong-foot his opposition.

And prime ministers generally get where they are because as ministers they mastered the arts of intimidating those responsible for calling ministers to account. We can see this in the saga of the Rau case now before public and parliament, where the relevant minister, supported by the prime minister, rejects calls for any sort of public inquiry, preferring to put the matter into the hands of a policing expert who can report confidentially to government. Rejected out of hand is any possibility of a wider public inquiry: either a parliamentary inquiry or a judicial inquiry, with opposition calls for either being dismissed as 'pure politics'. The Rau case is doubly relevant in that it also illustrates that much of the real debate over ministerial responsibility is over what ministers have *not* done relative to their many official relationships with other government officials, rather

than what they *have* done in their ministerial capacity as chief political executives. This is also a classic case of a media-driven issue of ministerial responsibility, with the opposition piggybacking off media investigations of policy and administrative failures.

Three modes of ministerial responsibility

The Rau case highlights the larger framework we have to focus on when discussing ministerial responsibility. This is the framework of responsible government which contains a set of nested relationships about ministerial responsibility. Consider this way of teasing out the three nested relationships: ask the question, could the Rau issue bring down the government? Unlikely, but simply posing the question reminds us that instances of disputed ministerial responsibility can, potentially, bring a government unstuck. My ANU colleague Ian Hancock has recently unearthed the real story behind the 1966-67 VIP Affair which is a classic illustration of how small debates over individual ministerial responsibility can snowball into large debates over parliamentary and public confidence in a government – even when a government has a majority in both houses.²

Each of my three modes of ministerial responsibility deals with important set of political relationships. I am unpacking ‘ministerial responsibility’ as one phrase covering at least three distinctive modes or routines of responsibility. Each *form* has its distinctive *norm*, and it helps to treat each form separately. Ministers can expect to manage all three modes as part of an ensemble of official duties which contains many cross-cutting tensions. The black letter mode deals with relationships between ministers and their public servants, as provided for in the black letters of public service legislation. The grey letter mode maps a wider set of relationships within the ministry itself, sometimes called collective ministerial responsibility but increasingly understood in terms of relationships within the ministry established by the chief or prime minister, as now set out by the prime minister in his code of ministerial conduct. The third or ‘invisible ink’ mode maps relationships

² Ian Hancock, *The VIP Affair, 1966-67. Causes, course and consequences of a ministerial and public service cover-up*. Canberra: Australasian Study of Parliament Group 2004.

between the ministry and parliaments, as contained, or thought to be contained, in unwritten conventions of responsible government.

This ordering of the three modes illustrates a movement from law through guidelines to convention. To some, it might sound as though I am suggesting that the more we move away from law, the less ministerial responsibility we really get. My claim is quite different: it is that while ministerial responsibility might well take legal form, it must be judged against public standards of appropriate ministerial conduct, ideally judged by parliament rather than external legal experts, but practically judged by public opinion as influenced by the press. Political judgment is at the heart of the public management of ministerial responsibility: each of the three modes works, or fails to work, according to the political judgments of the ministers and other politicians involved. Each mode begins and ends in exercises of political judgment, well or poorly performed, according to the lights of parliamentary support or censure, drawing as necessary on wider sources of public information -- and indeed misinformation.

Although these three modes reveal compatible sets of responsibilities, in practice they can and usually do exist in considerable tension. The priority of a minister's departmental responsibilities can be affected by the partisan priorities expected by prime ministers, which in turn can be affected by the partisan priorities of parliament, including the partisan priorities of non-government parties, and the battle for public confidence between government and opposition. Parliament is, after all, a political institution, and ministerial responsibility is one of its most hotly contested concepts.

This is far too neat for most ordinary political purposes. It is largely silent about ministerial responsibilities to the high ground of 'the public' and is silent about the low ground of party or factional responsibilities. And my account simply takes for granted the power of the press to set the agenda of debate over ministerial responsibility. But limited as my approach is, it serves to focus our attention.

Black letter mode

First: individual ministerial responsibility in its black letter version. This is the one where the key concept is a minister's job responsibility or 'role responsibility' narrowly understood: doing what they are paid to do as a high public official, commissioned as the political head supervising one or a number of public agencies. An example would be the responsibilities of an Immigration Minister relative to the immigration agency and its programs. A useful formulation of this version of ministerial responsibility comes from the Commonwealth Public Service Act – although I stress that this statutory provision far from exhausts the remit of responsibility facing ministers. But it is a good place to start.

The Commonwealth Public Service Act describes agency heads as 'responsible for managing' agency business 'under the Agency Minister'. Public service heads are also responsible for advising 'in matters relating to' the agency. And in turn, the agency head 'must assist the Agency Minister to fulfil the Agency Minister's accountability obligations to the Parliament to provide factual information, as required by the Parliament'.³ This is a model of vertical responsibility relating minister to their subordinate officials, with the minister directing the officials and the officials assisting the minister satisfy parliamentary inquiries.

Systems of constitutional government are energized by centers of responsibility but they balance this valuable energy with safeguards of accountability. How does accountability fit into this picture of black letter responsibility? To focus in on this panel's hot topic: does ministerial responsibility for government administration mean that ministers should resign over public service failures? Should an immigration minister resign over mistakes and failures by immigration officials to protect the interests of a Ms Rau?

At its worst, individual ministerial responsibility means whatever individual ministers want it to mean. Thankfully for the public, debates over ministerial conduct do not rest there, because the parliamentary system draws on conventions holding that those invested

³ Public Service Act, s57.

with official responsibilities can expect to face a range of public accountabilities, some quaint in the manner of Question Time and some not so quaint in the manner of Senate inquiries, like that currently into the regional grants program inherited by minister Lloyd.

The Australian doctrine on ministerial resignations was put by former Liberal Attorney General Billy Snedden in 1965, when he declared: 'If the minister is free from personal fault and could not by reasonable diligence in controlling his department have prevented the mistake, there is no compulsion to resign'.⁴ This is the original version of the recent formulation of the same doctrine in the Howard code. Speaking of ministers, the Howard code states that: 'Where they neither knew, nor should have known about matters of departmental administration which come under scrutiny it is not unreasonable to expect that the secretary or some other senior officer will take the responsibility'.⁵ These two statements fall either side of the Australian development of 'the new administrative law' which did so much to impose new burdens of direct public accountability on officials, much to the relief, one suspects, of many ministers.

In its pure form, this version of ministerial responsibility requires ministers to be accountable for their official conduct: for what they have done and for what they did not do but should have done. In its political form, this means that parliament has to have some incentive to hold them accountable. What is that incentive? In our system, it is the adversarialism of an opposition, which works to *elevate* the merits of the party in opposition by *deflating* the merits of the party in government. This means ministerial resignations. To quote journalist Michelle Grattan, for these forms of accountability 'to really work for an opposition, however, it needs scalps. There is only so much mileage in banging on about the trade deficit'.⁶

If I were asked to make one useful change to improve the black letter model of ministerial responsibility, it would be to question 'Question Time'. I say this with some

⁴ Quoted in B Snedden, 'Ministers in Parliament', P Weller and D Jeansch, *Responsible Government in Australia*. Drummond 1980, p68.

⁵ *Guide to Key Elements of Ministerial Responsibility*. December 1998, section 6, p13.

⁶ Michelle Grattan, *The Sun-Herald*, 6 February 2005. See Richard Mulgan, 'On Ministerial Resignations (and the Lack Thereof)', *Australian Journal of Public Administration*, 61/1, 2002, pp121-127.

hesitation because one has to acknowledge the raw power of Question Time to put the fear of (if not God) public scorn into a government. For example, federal Opposition attacks on the regional grants scheme early this week rattled the government.⁷ But the system could be so much better: meaning, a better adversarial balance between ministerial responsibilities and parliamentary accountabilities. Many reformers advocate an independent Speaker. I would simply change the rules regulating the call, so that whoever is Speaker can apply them openly and fairly. The fact that the Senate does not have an independent presiding officer shows that this is no barrier to other improvements in Question Time: such as supplementaries and time limits on answers. But if I had my way in the House calling itself the house of government, I would dump the existing practice of alternating questions from opposition to government, which gives any government not only all the answer time but half the question time. At the very least, give the non-government parties the first 30 minutes or so, so that they can generate some momentum. If governments insist on retaining their half, then timetable it after the half allocated to the non-government parties.

Grey letter mode

Second comes the grey letter mode of ministerial responsibility based on the expectations of a minister's boss: ie, the prime minister, as set out in his *Guide to Key Elements of Ministerial Responsibility*. To repeat what I have said elsewhere and often: this is an excellent code -- as far as it goes. The code articulates norms of collective as well individual ministerial responsibility and represents a kind of horizontal responsibility across the ministry as a whole, something of the spirit of team-play according to the game-plan of the captain-coach, the prime minister. This form of responsibility relates ministers to one another and to the prime minister as head of the government in which they all serve. This deals with the responsibilities of ministers to play their part in the government of the day, according to norms of responsibility formulated by the prime minister.

⁷ Mike Secombe, *Sydney Morning Herald*, 15 February 2005.

Where does accountability enter to balance this version of ministerial responsibility? In theory, the answer should be ‘the cabinet’ if collective ministerial responsibility really is to mean collective decision-making. But for all intents and purposes, the answer today is the prime minister in his capacity as head of cabinet and head of government. The Howard code is emphatic that when in doubt, do as the prime minister says. At its best, this means that the head of government is the one best placed to act as advocate of ministers charged with failure or mistakes. At its best, this means that a prime minister is prepared to treat ministerial actions as delegations of his own actions, and prepared to defend them as his own.

The two censure motions moved by the opposition last week against minister Lloyd (minister for local government, territories and roads) are good illustrations of the importance of this team-play managed by the prime minister: who usually dominates the government case at Question Time but leaves it to his deputies to run down the opposition during urgency debates which occur after Question Time, when most of the media have left their observation posts. At its worst, collective ministerial responsibility means whatever the collection of ministers want it to mean. This in effect points back through the ministry and through cabinet to the power of the prime minister to articulate and interpret the collective sense of the political executive. Collective ministerial responsibility formally means that ministers share responsibility for decisions made by the political executive; in effect it means the responsibility that ministers have to abide by word of the prime minister. Again, there is a larger meaning that says that prime ministers too are accountable. They are creatures of their party, even though they are usually the creators of whatever political success their party might have. In extremis, political parties can and will replace even prime ministers: as Labor did when it replaced Hawke with Keating.

But at its worst, which I am sure we have not yet seen, this grey letter mode means that ministers can get away with anything that attracts the support of the prime minister, who alone assumes the role of the conscience of the cabinet, defending the rightness of whatever ministerial wrongs attract his support. We saw this with some of former prime

minister Keating's dogged defence of minister Ros Kelly during the 1994 'sports rorts' scandal, which was only terminated upon receipt of the remarkably impartial and stern report of the so-called Langmore inquiry, after the Senate threatened to establish its own inquiry into the suspect community grants program.⁸

If I was asked to make one useful change to the grey letter mode of ministerial responsibility, I would note that Parliament has let itself down by not adopting its own code of conduct for elected representatives, including a charter of what it expects of those of its members who take on ministerial duties. There is something pathetic in watching the Leader of the Opposition moving censure motions arguing that ministers for their 'failure to abide by the Ministerial code of conduct'.⁹ This makes for good politics: judging ministers against standards formulated by their own party leader. But think how much stronger the case would be if the House itself had formulated its own code, or even formally resolved to adopt the current Howard code. The federal parliament is not the only parliament without a code of conduct, but it is one of the very few. But it should go further and devise a code that tells public what parliament itself expects of ministers, which is closer to current British practice.¹⁰

Invisible ink mode

My third mode of ministerial responsibility deals with the underlying concept of responsible government, which relates the ministry as a whole to the parliament from which they are derived. This form of ministerial responsibility relates ministers to parliament in its barest form: maintaining parliamentary confidence in the government of the day. We have traveled from law to prime-ministerial code and have now reached the unwritten terrain of political convention.¹¹

⁸ John Uhr, *Deliberative Democracy in Australia: the changing place of parliament*. Cambridge University Press 1998, pp152-7.

⁹ See eg House of Representatives *Hansard*, 9 February 2005, pp52-56; and 10 February 2005, pp53-63.

¹⁰ John Uhr, 'Moderating ministerial ethics' ch 15 in J Fleming and I Holland eds, *Motivating Ministers to Morality*. Ashgate 2001, pp187-200.

¹¹ See Ian Holland, 'Reforming the conventions regarding parliamentary scrutiny of ministerial actions', *Australian Journal of Public Administration*, 63/2, June 2004, pp3-15.

There are many competing interpretations of responsible government.¹² I favour those that emphasise the ‘responsible-to’ dimension (ie, responsible to parliament) in contrast to other interpretations which emphasise the ‘responsible-for’ dimension (ie, responsible for getting on with government). Of course, this great historical doctrine encompasses both dimensions by protecting the rights to executive office of those governing parties capable of mustering a parliamentary majority. My perspective is simply one of balance: trying to see the practice of a responsible political executive through the eyes of a parliament which includes significant cross party representation.

Doctrines of responsible government provide the underlying rationale for both individual and collective ministerial responsibility. They are political rather than strictly legal doctrines. They rest on political conventions and can take on as rich or as spare a meaning as parliamentary antagonists want them to mean. Not surprisingly, a version of this doctrine features prominently at the beginning of the Howard ministerial code.¹³ At its worst, responsible government means that political executives can do whatever they want so long as they do not lose their parliamentary majority. But there is a wider meaning that brings in a degree of public accountability. One promising version is that ‘parliamentary government’ is really shorthand for ‘responsible *parliamentary* government’ with the implication that ours is a system of parliamentary government as distinct from cabinet or even prime-ministerial government. Another version is more realistic: it is that ‘parliamentary government’ is really shorthand for ‘responsible *party* government’, with the implication that the head of the governing party is invested with the responsibility to get on with the task of governing – so long as the governing party retains the confidence and support of parliament, usually defined in terms of the confidence of the lower ‘house of government’.

The realistic party government version is true to the facts of political life. Yet the parliamentary government version is a useful counterpoint to the norms of presidentialism that have captured major political parties here and in other parliamentary systems. It is

¹² John Uhr, ‘Parliament and the executive’, *Adelaide Law Review*, 25/1, 2004, pp51-65.

¹³ *A Guide to Key Elements of Ministerial Responsibility*, section 1.

also an invitation to non-government forces in parliament to take greater public responsibility for the state of government and, at the very least, experiment with new arenas of parliamentary accountability relevant to executive government: including the bureaucratic as well as the political executive. The experiment with Senate estimates committee began just in this way, supported to no small degree by Liberal senators prepared to use parliamentary powers to hold their own government (initially Gorton, then later Fraser) to stricter standards of public accountability.

If I had to make one change to this mode, I would begin by noting that it is, as I have termed it, largely unwritten. The paradox is that being unwritten, it is very hard to rewrite. But if the problem with this model is governments using the rhetoric of the *responsibilities of* governing to the detriment of their *responsibilities to* parliament, then I think the secret to strengthened accountability is any strategy that can keep the political executive *responsive to* parliament. That is, if the problem is entrenched in the routines of party government, then the solution has to do with restraints on the power of the head of the governing party. One solution is through fixed term parliaments: now adopted by half the Australian states. The federal parliament reflects a rather traditional approach, although one must acknowledge the Senate's original scheme of fixed six year terms. The power of a prime minister to 'go to the people' at times of political convenience is, I suggest, part of a recipe for irresponsible rather than responsible government. It eats away at the independent parliamentary components of responsible government. The problem is not that prime ministers necessarily *use* this power but that they *possess* it, and speculation about whether and when they might use it suppresses potential opponents, wears down their real opponents and weakens the incentives for independent parliamentary action, including robust parliamentary deliberation. If we want to go down the path of presidentialism, then at least have the sense to adopt fixed parliamentary terms which would arguably strengthen the accountability of the political executive to parliament: ie, the 'responsibility to' parliament expected of the government.

Putting it all together

Time now to try to put all this together. When push comes to shove, discussion of this topic of the health of ministerial responsibility always comes down to the question of resignations. Each of my three modes is usually tested against this question of ‘when should ministers resign?’. Each mode in the end comes down to this one question, which is usually asked in order to show up the limits to ministerial responsibility. Does the fact (if it is a fact) that ministers ‘no longer resign’ mean that ministerial responsibility is not just an unwritten letter but a dead letter? Let me conclude with some comments on resignations.

The importance of resignations for democratic politics comes through in the recent stories about US Defence secretary Rumsfeld who faced repeated public calls for his resignation over the many misadventures and malpractices in the Iraq War. He did not resign, thereby reinforcing the public feeling that he had no sense of public honour and really did deserve to resign. His solution? He waited until after the 2004 presidential election and then put out the story that he had not once but twice tried to resign: but President Bush would not accept either resignation. This nicely illustrates the theory of the importance of resignation -- and the practice of thwarted resignation, publicly known.

Prime minister Howard came to office and released his ministerial code even before parliament had met after the 1996 election. The code is tough: tough talk about tough standards, where even the appearance of inappropriate conduct justifies resignation or failing that dismissal. Of course, the code is really only as tough as the prime minister wants it to be. But despite that, eight members of the political executive have resigned since 1996, most for breaches of the ministerial code. Others have not been reappointed after elections. Interestingly, the highwater mark of code-related ministerial resignations came early and in the Senate: in October 1996, within 24 hours senators Short and Gibson resigned for conflict of interest breaches of the code. In terms of parliamentary politics, it is relevant that the government has learnt from these early incidents that

ministerial ethics is a hot political issue that plays into the hands of the opposition but more importantly plays well with the public. The Senate is where the opposition has most of its power: and five of the eight resignations have been senators.

Of course, there are many reasons for resignations by ministers, including matters of conscience when they can no longer remain a loyal member prepared to abide by collective responsibility. But here we mean resignations by ministers when they admit policy or administrative fault – or even more typically, the one particular fault of ‘misleading parliament’ which is one of the gravest forms of unparliamentary conduct. It must be important because the Howard code singles out intentionally misleading parliament or the public as a hanging offence.¹⁴ Hence the parliamentary politics over suspect ministerial conduct: oppositions try to give ministers every early opportunity to deny that they have ever even heard of the alleged government misconduct – before tabling information already at hand showing that ministers have known or been informed for some considerable time.

All too often, bad ministers escape free, able to spin a tale of plausible possibilities; but even more distressingly, on some occasions good ministers come unstuck on a minor technicality. But even the clouds of ministerial responsibility can have silver linings. One of the Howard ministry resignations is a model of honour rare in Australian politics, illustrating how ministers can (when they have the political will) prioritise parliament when managing the three competing modes of ministerial responsibility.

I want to conclude by noting this largely-unnoticed resignation of a member of the political executive, which illustrates ‘best practice’ in ministerial responsibility through a gracious resignation. The issue was, as ever, misleading Parliament. The substantive issue was a conflict of interest arising from ownership of shares in the area of the policy he ‘ministered’. The minister (junior minister, really) acted, as we expect them to, on public service advice in signing approvals for a significant commercial benefit for an Australian company. These were not marginal bits of the bureaucracy: they were

¹⁴ *A Guide to Key Elements of Ministerial Responsibility*, section 6.

Treasury and the Australian Securities Commission. The minister described this as ‘a minor administrative action’ but more importantly, he was already on the record as having stated in Parliament that he had never put himself in a position of a conflict of interest. A quick scan of the parliamentary register of interests showed that not to be the case. Despite having decided on public service advice, and having acting ‘with no intended impropriety’, the minister gave his ‘unreserved apologies’ to Parliament, and ‘took the only honourable action possible’: resignation of his ministerial office.

No self-serving extenuating defence; no protracted debate over opposition errors; simply an honourable exit. The reason you probably do not recall this resignation is that the minister was in fact a newish parliamentary secretary, a junior junior minister as it were, and a senator, and a Tasmanian to boot: senator Brian Gibson, parliamentary secretary to Treasurer Costello.¹⁵ But his voluntary resignation shows up many of the defects in other cases of disputed ministerial responsibility, including those who have refused to depart so decently. This serves to show that ministerial responsibility is not only a matter of *political* judgment but also a matter of *personal* judgment.

¹⁵ Senate *Hansard*, 15 October 1996, pp4139-40.