

Watching, Waiting, Winning

A presentation at “Ideas at the Powerhouse 2003”
by the Honourable Alan Demack AO, Queensland Integrity Commissioner
Friday 15 August 2003, 2.30pm, Visy Theatre Powerhouse

Why are we watching?

May we begin with Johann Sebastian Bach. In 1717, he was appointed Kapellmeister at the Court of Prince Leopold of Anhalt-Cothen. The Prince “both loved and knew music” and expected that his birthday would be celebrated with appropriate music composed by his Kapellmeister. One such piece, Cantata BWV 173a, includes a soprano aria in which the “golden sun’s joyous hours” are invited to spread the Prince’s name far and wide.

Perhaps today some one in Australia is creating a cantata scored for soprano, bass, two flutes, bassoon, strings and continuo in which the connection between our prosperity and the wisdom of our political leaders is recognised and praised to the skies. If that is happening, it will be an unusual event. Generally, when pollsters try to rank members of various professions and callings according to the way the community trusts and values them, our political representatives rank very poorly.

Most mornings my wife and I go for a walk. Bird song in all its variety accompanies us as we go. When we do the weekly shopping, the supermarket shelves will be full of delicious and nutritious food. At this time of year, scores of four-wheel drive vehicles towing comfortable caravans pass through Rockhampton – along the commodious and well-maintained Bruce Highway. I continue to enjoy the years of life that coronary by-pass surgery gave me twenty years ago. Two years ago radiotherapy halted the spread of a vigorous prostate cancer I had acquired.

It is quite a different Australia from the one I entered in 1934. Six weeks earlier my father had died of Bright’s Disease after three months of increasing pain. The house where I was born had a wood stove, kerosene lamps, candles and an earth closet from

which the pan was collected once a week. Few roads had bitumen surfaces, and chains, which could be fitted to a motor car's tyres when roads were boggy, still hung in the garage.

Today we live in a nation that has one of the best performing economies in the world; over 93% of the work force is employed. Excellent medical care and prudent public health laws have increased the life expectation of the whole population. An increasing number of Australians pursue tertiary education. Across a broad range of international sports, Australians and Australian teams enjoy success. Our scientists add to the useful fund of human knowledge and our contribution across the arts cheers the human spirit. We enjoy prosperity beyond the dreams of my father's generation.

In view of our general prosperity and our very significant success in nation building, it is a puzzle why we are so reluctant to offer credit and praise to our political and community leaders. On 4 July this year, the Jim Lehrer News Hour included a discussion about the contribution the fathers of the American Declaration of Independence and Constitution made to world history. It was quite unlike the kind of things said in Australia when we celebrated the Centenary of Federation. Then, the fact that the people who led us into nationhood by a peaceful political process were all men with beards was the measure of public discussion.

It may be that we are embarrassed by our success as a nation. It may be that we are reluctant to offer praise except when our blood is stirred by sporting victories. It may be that we are aware that our prosperity has been won at a cost which we do not want to recognise, so that it should just be accepted without giving any credit to anyone in particular.

However, letters in daily papers and segments in TV current affairs programs suggest there is another reason. There is a persistent tone of outraged complaint which seeks a proper recognition of a sectional interest or of an individual problem. This reflects the way in which our democracy has evolved. When ideas of class helped shape political parties and programs, democratically elected leaders largely served the interests of the class that supported them. Benefits to this class brought benefits to the individual members of the class.

Now we have moved away from that idea and look more and more at the rights and interests of minority groups and marginalised individuals. People expect that the government can meet their personal needs. Our solution at present to the age-old problem of the one and the many is to have the many serve the interests of the one. We have come to worship individualism and the first and only commandment of that religion is – “Thou shalt not have more than I’ve got”.

The value of this creed is that it creates an insatiable market. This is good for the economy, but it is bad for politics. Each election throws up a fresh set of proposals that will give someone something previously lacking. However, as the one and only commandment encourages us all to hold onto what we already have, new or increased taxes have to be avoided. This means that new proposals will generally result in the redirection of some services. For a time, those on the swings have more than those on the roundabouts.

This explains why we are watching so intently these days.

Who is watching?

It is a normal part of the political process in a democracy for those who are elected to our Parliaments or local governments to be under scrutiny. Electors need to know if the people they have elected are doing the job they were elected to do. In the past, the scrutiny was undertaken by other political parties and the news media and through litigation. Now we have added a number of tax payer funded entities to this list. In Queensland we have eleven entities which scrutinise the public sector.

- ? The **Crime and Misconduct Commission** investigates misconduct throughout the public sector including Parliament and the courts. It is, in turn, scrutinised by the Parliamentary Crime and Misconduct Commissioner;

- ? The **Ombudsman** investigates administrative actions in public agencies, which include government departments, local governments, and some other public sector entities;

- ? The **Auditor-General**, audits the funds of public sector entities, and also undertakes specific investigations as issues arise;
- ? The **Information Commissioner** investigates refusals to give access to documents under the *Freedom of Information Act 1992*;
- ? The **Anti-Discrimination Commissioner** investigates complaints of unlawful discrimination, including ones made in the public sector;
- ? The **Health Rights Commissioner** receives and attempts to resolve health service complaints, including ones arising in the public sector;
- ? The **Commissioner for Children and Young People** deals with complaints about the service provided to children who are subject to some court orders;
- ? The **Children Services Tribunal** provides merit reviews of various decisions about services for children and young people;
- ? The **Adult Guardian** investigates complaints about the neglect, exploitation or abuse of adults with impaired capacity.
- ? The **Public Advocate** provides systemic advocacy for persons with impaired capacity;
- ? The **State Coroner** may comment on issues which arise from an inquest into a death.

The growth of such a large number of investigative organisations might suggest that the way in which scrutiny of the public sector was undertaken in the past is no longer good enough. In a sense, that is because the public business of the State is now so diverse, and within such a complex legislative framework, that Members of Parliament and journalists will struggle to understand the issues, let alone maintain the

kind of scrutiny that is needed. Hence we have various trained investigators who work within legislative structures with which they become thoroughly familiar.

As the Integrity Commissioner I listen rather than watch. I do not investigate complaints, but give confidential and protected advice about conflict of interest issues to senior officials within the public sector. If conflict of interest issues are resolved in favour of the public interest investigative procedures can be avoided.

In the legislation under which I function, conflict of interest issues arise if an official has a conflict between personal interests and official duties. Because my advice can be sought only by senior officials, it will not be sought often because people occupying such positions should be able to resolve their own conflict of interest issues properly. However, the existence of the Office of the Integrity Commissioner should remind people within the public sector of the importance of dealing properly with conflict of interest issues.

So in 2003, we have perceived needs which no political wisdom or administrative care can meet. Scrutinising the actions of legislators and administrators is beyond the capacity of individuals. Our solution at present is to add to the public sector a phalanx of investigators to do the job for us. Are we winning?

Better than waiting.

In Australia our democracy is truly participatory. We require citizens to vote at elections. One of the challenges we have is to encourage every elector to exercise that duty responsibly, that is, to evaluate the issues and respond to them.

It could be beneficial if the community had an accepted template against which to gauge the issues. This would help the political parties to present their policies in a way that can be subjected to similar analysis across the community. It seems to be desirable that, as far as possible, elections are conducted rationally, with little or no attention to the charm factor.

If we could move towards such an approach, I suggest that the five ethics principles in the *Public Sector Ethics Act 1994* would provide such a community template. There

are the principles which in Queensland provide the ethical foundation for the public sector. The principles are –

- ✍ Respect for the law and the system of government;
- ✍ Respect for persons
- ✍ Integrity
- ✍ Diligence
- ✍ Economy and efficiency

Even if we think about these principles for only a short time, it becomes clear that they represent core values in community life. Careful thought reminds us that community life cannot exist if there is no law, or if the law is not respected. Widespread disregard of or lack of respect for the law will produce chaos. Our system of government allows us to have a say in the way our laws develop. In a society that places so much stress on individualism we need to reassess our own level of respect for the law and the system of government. As I indicated earlier, we enjoy a level of peace and prosperity that earlier generations, and most other contemporary nations, could not dare to dream about. This has happened through the legal system we have and through the system of government we have. Where there are specific injustices and identifiable inadequacies, the system of government allows us to work for change.

Within our system of government we have whistleblower protection, so that individuals can disclose matters in the public interest and be protected against reprisals. This is a concept that has not yet achieved its full potential and it needs careful nurturing. It is important that the need for an efficient and effective whistleblower protection scheme is accepted as a significant part of our system of government.

Respect for persons is a core value that is more easily accepted than practised. Even within our multicultural society, we use various strategies to marginalise people. At certain times, we place great emphasis on consumers, so that when a work force is reduced to achieve efficiencies, consumers are said to benefit, as if we can ignore that workers are also consumers. When we want to free up a workplace, unions are seen as obstacles, as if we can ignore the fact that unionists are among the workers who

make the workplace function. We can multiply these examples across the whole social spectrum. Respect for persons encourages us to stop denying our common humanity by classifying certain people as destroyers of the common good.

Integrity is a word which has three shades of meaning and each of these is important. First, it means being complete and describes wholeness. It is the product of integration, the bringing together of various parts of a community, of a project or for a work of art. Second, it means an unimpaired condition and describes soundness. Thirdly, it means uprightness, honesty and sincerity. (Source: Collins Concise English Dictionary).

It is important that we do not limit the meaning of integrity to its third important meaning. A society which emphasises individualism must also have as a core value a willingness to hold all its members together as a functioning community. Integrity commits us to working for the harmonious integration of the values and abilities of all Queenslanders.

Diligence calls for hard work, and for care and effort. When used to describe a core value that the community can use to test political issues, the emphasis is upon the careful analysis of the facts. Indeed, diligence in that setting commits us to seek the truth. There is more than a suspicion that, in our contemporary political scene, we rely more on intuition than on the diligent analysis of evidence using identifiable standards of proof.

Economy and efficiency make an unwelcome intrusion into our quest for the common good. We love phrases such as “a human life is beyond value” and “we cannot put a price on justice”. However, every need must be met within the financial capacity that the community has. The response to every human crisis will be made by procedures and systems that should work efficiently. Without economy and efficiency, resources will be wasted and human needs unmet.

If we wish to make our watching and waiting more effective we need a template with which to gauge the choices which are offered by those whom we elect to govern us. There can be no better template than one shaped by a respect for the law and the

system of government, respect for persons, integrity, diligence economy and efficiency.