



Visible and Invisible Cultures of Parliamentary Ethics: The 'Sports Rorts' Affair Revisited

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A growing body of research has examined the ethical cultures of liberal democratic legislatures via interview studies of parliamentarians. Mancuso's recent study of British parliamentarians distinguishes between four ethical types—Puritans, Entrepreneurs, Servants and Muddlers. Such studies, while valuable, appear to have two shortcomings when applied to Australia. First, they underestimate the centrality of political parties in most parliamentarians' ethical perspectives. A fifth ethical type, the Party Servant, is needed to remedy this deficiency. Second, the studies risk overestimating the diversity of ethical views effectively operating in parliaments because of their methodological focus on individual interview responses. Parliamentarians' individual responses form invisible cultures of legislative ethics. The visible cultures found in the everyday discourse of legislatures contain considerably less ethical variety. Here parliamentarians generally appear limited to Puritan and Party Servant perspectives. These arguments are explored through a systematic investigation of parliamentary discourse on the 'sports rorts' affair.

'Delays in Trial Force Lawrence Off Frontbench'; 'MP Rorts: New Plan to Bring in Police'; 'Have Taxes Will Travel'; 'How Lib Senator's Affair Turned Ugly'; 'PM "Forgot" About Woods Inquiry'; 'Crackdown on Political Liars'; 'MPs Before the Courts: Their Fears and Anger'; 'Crackdown On Election Rorts'.¹ In recent years, headlines such as these—a small selection from the many news stories on Australian parliamentarians' ethical failures in 1997 alone—have helped to generate increasing interest in political corruption and ethics among Australian political scientists. This interest parallels developing interest in the legislative ethics of other liberal democracies such as the United States, United Kingdom, Canada and New Zealand (see, for example, Preston, Stampford and Bois 1998). Unsurprisingly, much of the research has focused on attempts to explain the causes of ethical failure among legislators and assessments of measures designed to combat corruption or improve ethical standards (Heywood 1997; Preston et al 1998).

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¹ Headlines from the *Sydney Morning Herald*, 28 January, 5 February, 6 February, 13 February, 16 June, 21 June, 30 July 1997 and the *Australian Financial Review*, 18 July 1997.

One important strand in this research has argued that understanding the ethical cultures of legislatures is crucial to explaining unethical behaviour and the likely success of measures to curb it (Jackson et al 1994). The most common means used to research such cultures has been analysis of the results of interview or questionnaire studies of parliamentarians. This paper has no argument with the idea that legislative cultures are important factors in shaping the ethical understandings and behaviour of the legislators who inhabit them. Rather, it argues that the emphasis on interview or questionnaire research in recent studies of legislative ethical cultures—such as Maureen Mancuso's (1995) on that of the United Kingdom—risks a misreading of those cultures and hence of the explanations of corruption and the prospects for ethical reform.²

These studies have two particularly important shortcomings. First, they underestimate the centrality of political parties in most parliamentarians' ethical perspectives. Second, they risk overestimating the diversity of ethical views operating in parliaments because of their methodological focus on individual parliamentarians' responses to abstract scenarios. These individual responses form what might be termed invisible and atomised cultures of legislative ethics. The visible and active cultures found in the everyday discourse and voting behaviour of legislatures appear to contain considerably less ethical diversity and dissension. The rest of this paper defends these points, first via a critical review of Mancuso's research and second through a systematic investigation of parliamentary discourse over the 'sports rorts' affair in the Australian parliament in 1993 and 1994.

Ethical Diversity in the Invisible Parliamentary Culture

Mancuso's recent research on British parliamentarians (1995) represents an important advance in clearly delineating the ethical diversity found within the invisible cultures of Westminster-style parliaments like Australia's. Mancuso distinguishes different approaches to legislative ethics adopted by parliamentarians based on issues surrounding constituency service and conflicts of interest. Constituency service refers to the balance MPs must strike between serving their particular constituents and serving another good, such as equity for all citizens or the national interest. As she writes,

MPs are ... supposed to bias their judgments in favour of the interests of their constituents. How biased their judgments should be ... is both a political and an ethical question. Are MPs permitted or expected to go to any lengths to advance the interests of their electorate? Or is there a point past which serving one's constituency at the expense of the nation as a whole becomes ethically dubious? (Mancuso 1995, 37)

The well-known problem of conflict of interest refers to clashes between parliamentarians' private and public roles, notably when private roles detrimentally affect parliamentarians' public duties, or when parliamentarians are able to use their public office to advance private concerns. Drawing neat lines between public and private affairs is often difficult, and parliamentarians (and others) will disagree about where the appropriate line should be (Mancuso 1995, 39–40).

² For recent Australian studies of this sort, see Jackson and Smith (1995) and Preston (1996).

Constituency service and conflict of interest provide Mancuso with two dimensions for plotting four 'ideal type' ethical positions for legislators—Puritans, Servants, Muddlers and Entrepreneurs. The Puritan is 'unwilling to tolerate any deviance from the straight and narrow' on either dimension. Servants give 'primary consideration to the interests of their constituents in their ethical determinations', but they take strict stances on issues of conflict of interest. Muddlers are 'willing to tolerate dubious behaviour when it suit(s) their own interests, but fe(el) no obligation to do so for the sake of their constituents', while Entrepreneurs take a 'minimalist' 'anything goes' approach to ethical problems on either dimension (Mancuso 1995, 50–1).

To operationalise these dimensions, Mancuso asked a representative sample of 100 British parliamentarians to respond to a series of hypothetical scenarios involving ethical dilemmas. Their responses were then summed and averaged to give every parliamentarian a position on the two dimensions. In turn, Mancuso used the overall average of responses on each axis as the points at which to divide parliamentarians into her four types. Thus, for example, her British parliamentarians were considered Puritans if they scored lower than average on both the conflict of interest and constituency service items (Mancuso 1995, 52). None of Mancuso's four ethical approaches claimed a majority of adherents among British parliamentarians. Entrepreneurs were the most numerous (35%), followed by Puritans (28%), Muddlers (21%) and Servants (16%). From further questions, Mancuso found that these different types of parliamentarians tended to define corruption in different ways, with Entrepreneurs and Muddlers stressing ideas of abuse of office, Servants focusing on giving in to inducements, and Puritans divided between inducement and betrayal of promises or principles (Mancuso 1995, 50–2, 56, 91–2, 119–20, 146). The ethical world of British parliamentarians is—at least at the invisible, atomised level of individual parliamentarians' attitudes measured by Mancuso—one marked by considerable diversity.

The same would seem to be true of Australian parliamentarians. In 1990, Michael Jackson and others conducted an interview study of New South Wales state parliamentarians' attitudes to corruption. The parliamentarians were asked, among other things, to respond to ten hypothetical scenarios (Jackson et al 1994). In a later analysis, nine of these were found to fit conceptually and empirically along Mancuso's two ethical dimensions. As for Mancuso's study, the parliamentarians' average scores for each dimension were used as cut-off points to divide them into Puritans, Servants, Muddlers and Entrepreneurs. The result was a pattern of legislative ethical positions among parliamentarians in New South Wales equally diverse as that in Britain. Thirty-five per cent were Entrepreneurs, 32% Puritans, 19% Muddlers and 14% Servants (Smith 1998). Both studies reveal cultures containing conflicting ethical impulses. Membership of parliament apparently does not bind parliamentarians to the same perspectives on how they should conduct their relations with each other and those they represent, or relations between their public roles and private interests. For some parliamentarians, public office implies a strict code of conduct; for others it permits a *laissez-faire* attitude to ethical dilemmas; for yet others a particular emphasis on combating conflicts of interest; and others special attention to fair treatment of different constituents.

Are the ethical worlds of parliamentarians really as diverse as studies like Mancuso's indicate? Claims that they are sit a little oddly with the way in which political parties in Australian and British parliaments habitually and with apparent

case marshal debate about the ethics of their members along partisan lines. If parliamentary parties each contain members with diverse ethical views,³ why is this diversity not reflected more often in the playing out of real ethical dilemmas in parliamentary politics? The answer lies in the first important shortcoming of these studies: they underestimate the centrality of political parties in most parliamentarians' ethical perspectives.

The Role of Parties

Parties play an important role in developing legislators' distinctive ethical perspectives. Lack of attention to this point in previous empirical studies of legislative ethical cultures may partly have been due to the American lead in studies of legislative ethics, where parties are less cohesive than in parliamentary systems such as Australia's.⁴ Whatever the reason, the literature on legislative ethics in parliamentary systems tends to treat parties as though they only enter the stage when the demands of party cohesion *come into conflict with* the apparently externally formed outlooks of individual legislators. Parties are thus set up against individual parliamentarians as if the two were fully formed and separate ethical identities. Mancuso's study of British parliamentarians is typical in this regard. Aside from brief descriptions of the distribution of party affiliations among MPs in her four ethical groups, Mancuso's few references to parties almost entirely refer to party discipline as a source of ethical dilemmas. A number of Servants, Entrepreneurs and Muddlers—although, rather incredibly, no Puritans—identified conflicts between conscience and party as a key dilemma (Mancuso 1995, 165; see also 24, 113, 140):

Most Entrepreneurs pointed to the dilemma inherent in party discipline: 'Frequently I am asked to vote in favour of legislation with which I have reservations. Occasionally I don't vote, but I can't do this all the time.' Another member agreed: 'I usually vote according to my conscience but frequently I vote for the party on a policy which is not strictly consonant with my views.'

Mancuso's neglect of possible dynamics between parties, parliamentarians and ethical outlooks, other than the party versus conscience dilemma, appears to have drawn no comment from other political scientists who have reviewed her arguments (see Birch 1995; Jogerst 1996).

The criticism raised here is not that the dilemma Mancuso describes is unimportant. The power of party whips to force a parliamentarian to act in support of ethical positions that are contrary to his or her own views cannot be dismissed. This power provides some of the answer to the question raised at the end of the last section. Nonetheless, it is only part of the answer. Focusing too heavily on the conflict between party and individual risks ignoring the important way in which parties are explicit and implicit sources of ethical learning and guidance for legislators. Some evidence of these processes can be seen in the differences in patterns of ethical

³ As is noted below, parliamentarians from different parties do show mild tendencies towards different quarters of the ethical compass. Nonetheless, considerable diversity remains within parties. No British or Australian party is made up solely of Puritans, or Entrepreneurs, for example.

⁴ The classic American study, on whose approach Mancuso and others have drawn heavily, is Peters and Welch (1978).

outlook between MPs from different parties. In the United Kingdom and Canada, members of government and opposition parties have different attitudinal patterns on ethical dilemmas (Atkinson and Mancuso 1985; Mancuso 1995, 151–2). In New South Wales, the divergence lies between members of the major parties on the one hand and minor party and independent MPs on the other (Jackson and Smith 1995).

Such differences may partly reflect self-selection—individuals with different ethical outlooks are attracted to different parties. Such a process seems plausible where an individual's ethics highlight policy or ideological differences between the parties.⁵ It is less plausible in areas of ethics having to do with the processes of politics such as conflicts of interest and constituency service. Indeed, an ethical commitment to a party's ideology, program or policies is likely to impose its own logic on legislators for questions of political process, regardless of the party to which those legislators are committed. Commitment to a party and the institutional position of that party—particularly whether it is in government, in opposition or on the cross-benches—combine to provide compass readings for parliamentarians' actions. Other institutional factors, such as the positions of organised factions within parties, may also play a major part in structuring the ethical responses of politicians to particular situations (a parliamentarian may be willing to use the dubious actions of a member of a rival faction to damage that faction but defend or suppress knowledge of similar actions by a fellow faction member). Nonetheless, the limits of these other institutional factors on parliamentarians' behaviour will tend to be set by their party's general position and outlook.

The Party Servant

Recent expression of the party as ethical compass can be found in the memoirs of Hawke and Keating cabinet minister Graham Richardson (1994). Although their title—*Whatever it Takes*—refers specifically to Richardson's role in deposing Hawke (Richardson 1994, 282), it also serves as a summary of Richardson's approach to politics. The Labor Party is far better for Australia than the alternative; the party can only prosper if its members are loyal to it; members must be prepared to do 'whatever it takes' to ensure the party's success and thereby the country's prosperity. Richardson was a factional warrior, one of the most powerful figures on the dominant right-wing faction of the NSW Branch of the Labor Party. Underlying many of his political actions was a desire to maintain the right's factional dominance over the left. Despite this, even he viewed factional fights with an eye to the overall fortunes of the Labor Party.

The reasoning that animated Richardson's political career thus resembles that of one of Mancuso's Servants, with the crucial insertion of the party between the parliamentarian and the constituency. Such an MP might be termed a 'Party Servant'. The Party Servant meets constituency demands in two ways, through individual action (à la Mancuso's Servant) and through active membership of a party team serving the constituency at large. The dilemma here lies not in potential conflicts between individual conscience and party discipline, but in ensuring

⁵ For some examples of this process in early adulthood, see the biographies of recently prominent Labor parliamentarians in Cumming (1991). Cheryl Kernot's explanations of her recent move to the Labor Party provide a more unusual example from a mid-career politician.

individual constituency service does not damage the ability of the party to maintain its wider role for good.

Richardson was not a Muddler or Puritan, and still less an Entrepreneur, since loyalty to the party cut across an 'anything goes' approach to ethical issues. He may have been an extreme case—perhaps only a few politicians would see membership of a party in the quasi-religious terms Richardson apparently did (1994, 8, 14, 359). Nonetheless, in disciplined party systems like Australia's, versions of the Party Servant ethic are likely to be widespread. Researchers will only find them, however, if political parties are moved closer to centre stage in studies of parliamentary ethics. One way of achieving this is to shift the focus of investigation from hypothetical scenario studies to examinations of the patterns of attitudes generated as real ethical controversies are played out in parliaments. The next sections of this paper attempt to show how such studies of the active and visible cultures found in the everyday discourse and voting behaviour of parliaments might be done via an examination of the 'sports rorts' affair of 1993 and 1994. It should be stressed, if it is not already obvious, that the object of this exercise is not to determine whether Minister Ros Kelly and other protagonists in the affair acted ethically or not. It is instead to analyse the ethical assumptions revealed in parliamentary debates over the affair as a means of better understanding legislative ethical cultures.

Community Grants: A Brief History

The program of sporting and cultural community grants at the centre of the 'sports rorts' affair was established by Richardson in 1988 during his period as Minister for Arts, Sport, the Environment, Tourism and Territories. Ros Kelly took over responsibility for the program when she replaced Richardson as minister in April 1990. In 1992, \$30 million was allocated in the budget for several rounds of grants up to 1994. Community groups could apply for up to \$250,000 in each round. They were required to raise matching funds for grants over \$50,000 and the Commonwealth money was to take the form of reimbursements rather than up front payment. Kelly's department grouped the 2,800 eligible applications into three categories, category 1 comprising those with the clearest case for funding and category 3 comprising the most marginal (but still eligible) applications. Kelly's office made the final decisions on which of the applications would receive funding. By early 1993, the money for all the grant rounds had been allocated.

Meanwhile, the coalition parties announced in *Fightback!* and the 1993 election campaign that they would abolish the program. Later in 1993, the auditor-general's *Audit Report No. 9*, tabled in parliament on 16 November, was critical of the administration of the program, particularly the absence of sufficient records to determine whether grants had been determined on merit. Considerable parliamentary and public debate ensued and the House of Representatives Standing Committee on Environment, Recreation and Arts investigated allegations of maladministration and abuse of the grant scheme. Its majority report, delivered on 28 February 1994 by Labor committee chair John Langmore, was critical of Kelly's documentation, recordkeeping and administration. The dissenting report by coalition committee members accused Kelly of partisan bias. Kelly resigned as minister hours before the report's release. Richardson once again became the responsible minister. After some unsuccessful opposition efforts in the Senate to

widen the 'sports rorts' investigations to Richardson's earlier handling of the grants, parliamentary interest in the affair dwindled.

The 'Sports Rorts' Affair: A Key Case-study of the Visible Culture of Parliamentary Ethics

The sports rorts affair is a particularly fruitful case-study for illuminating the visible and active ethical culture of the Australian parliament for three reasons. First, it clearly captures the Service dimension of Mancuso's legislative ethics typology. Indeed, when boiled down, the affair closely resembles a questionnaire item commonly used to indicate MPs' views on the limits of ethical constituency service: 'A cabinet minister uses his [*sic*] influence to obtain a contract for a firm in his constituency' (Mancuso 1995, 34; for an Australian application, see Jackson and Smith 1996, 31). The range and pattern of attitudes among Australian parliamentarians towards the affair would thus give a solid indication of their attitudes to the general ethical problems of constituency service.

Second, many government and non-government parliamentarians were implicated to varying degrees in the scheme, since they had encouraged community groups to apply for funding, personally supported their applications and so on. These individual stakes in the ethical status of the scheme and its administration would be expected to give the sports rorts debate sharpness and seriousness lacking in some other ethical debates, since its outcome could potentially affect perceptions and judgements not just of Kelly but of most or all parliamentarians.

Third, possibly because of these individual ethical stakes, debate over the affair developed such a momentum that an unusually large number of parliamentarians made contributions. Between November and March, 88 parliamentarians (out of a total of 223) made some kind of intervention into the parliamentary debate. Even if interjections, points of order and rulings on points of order are excluded from the count, 77 parliamentarians with 331 speeches contributed to parliamentary debate on the affair. Of course, some parliamentarians made disproportionate numbers of these speeches (notably Kelly with 64; and opposition frontbenchers Peter Costello with 36 and Michael Ronaldson with 30). Taking this disproportionality into account still leaves a large and varied list of contributors. The sports rorts case differed from the other ethical controversies surrounding parliamentarians during the same period—the Alan Griffiths 'sandwich shop' affair and the Paul Keating 'piggery' affair. Unlike the Griffiths case, which became public during parliament's summer recess in 1994 and was dealt with quickly by the executive and the police, the sports rorts issue was dealt with over a relatively long period by parliament itself. In contrast to the piggery case, which was pursued largely by one Liberal senator, Michael Baume, the sports rorts affair drew attention and speeches from a large number of non-government and government parliamentarians. It is thus an ideal case through which to investigate possible shades of ethical outlooks evident within Australian parliamentary culture as a whole.

Methodology

In order to interpret parliamentarians' public assumptions about the ethics of the sports rorts affair, every speech directly concerning the affair made by members of the House of Representatives and senators on the floor of parliament during sitting

days was identified and examined.⁶ 'Speeches' for this purpose were defined broadly to include contributions to debates over censure motions, motions to suspend Standing Orders, matters of public importance, adjournment and grievance debates, members' statements, questions without notice, answers to questions without notice, points of order, rulings on points of order and pertinent interjections. These were identified as belonging to the parliamentary discourse on the affair by the titles given them in Hansard, usually either 'Community Grants' or 'Minister for the Environment, Sport and Territories'.

Three hundred and eighty-one items were identified in this way. The first occurred on 17 November 1993, the day after the tabling in parliament of the auditor-general's report and the last on 23 March 1994, a little over three weeks after Kelly's resignation. Each item was coded for the time and type of speech, the identity of the speaker and the position of the speaker on dimensions of the affair and its implications for parliamentary ethics. In addition to these summary measures, details of the language and structure of each speech were recorded for qualitative analysis.

Some parliamentary discussion of the affair will inevitably have been missed using these methods; primarily because passing references to the affair occurred in speeches on other topics in late 1993 and throughout 1994. Interjections in the House of Representatives will also have been missed, since Hansard records only those that draw a response from the chair or the member who has the floor (Barlin, Wright and Fowler 1997, 486). Such very minor omissions were inevitable. They would not seem to affect the arguments developed below. The passing references that were uncovered in other speeches, for example, appear merely to repeat themes and arguments raised in speeches directly addressing the affair,⁷ and what follows is primarily a qualitative rather than quantitative analysis of the collective ethical assumptions of federal parliamentarians.⁸

Constructing Narratives of Ethical Legislative Behaviour

The most striking aspect of the parliamentary speeches about the community grants program is that virtually all of them formed parts of competing attempts to construct plausible narratives about what actually happened.⁹ The speeches, and the larger narratives they constitute, divide neatly along party lines. Within a week of the tabling of the auditor-general's report, the main elements of two competing narratives were in place. With some embellishment, they remained fixed until the debate ended in March 1994.

⁶ Committee deliberations away from the floor of parliament were thus excluded. Such an exclusion seemed reasonable, since the major allegations and issues raised in committee were immediately re-debated on the floor of the parliament. Examining the committee investigations would not alter the conclusions drawn in this paper.

⁷ See, for example, Alexander Downer's speech on 'Ministerial Standards' (H of R 1994, 8 December, 4359).

⁸ I am also not concerned in this paper with extra-parliamentary public discussion of the affair, such as media reportage and commentary, although this would form an interesting related area for research. Statements on the affair made outside parliament by parliamentarians and reported in two major daily broadsheets (*Sydney Morning Herald* and the *Australian*) were examined as part of this study. These extra-parliamentary statements conform to the arguments presented in this paper.

⁹ On the role of narratives in political ethics more generally, see Inglis (1988).

Speeches by coalition parliamentarians told the story of 'sports rorts' or, less originally, 'Kellygate' (Australia, Senate (Senate) 1993, *Debates*, J. Tierney, 25 November, 3824–5). In this story of 'unparalleled ... political corruption' (Senate 1993, J. Short, 23 November, 3489), the community grants program was part of Labor's 1993 re-election strategy. Labor leaders, 'masters of the marginal electorate campaigning strategies ... out of ... the ability to rort the public purse' (Senate 1993, D. MacGibbon, 23 November, 3420), saw the grants as a means to boost the stocks of sitting Labor MHRs and to raise the profiles of Labor candidates in coalition electorates. To achieve this 'vote-buying' (Australia, House of Representatives (H of R) 1993, *Debates*, P. Costello, 17 November, 3018; Senate 1993, J. Short, 23 November, 3488), Kelly had to ignore the real needs of people in different electorates and her department's division of the applications into three categories. Instead, she and her office deliberately divided the applications according to the party status of the electorates in which they fell, granting disproportionately large amounts of money to marginal Labor electorates and far less to safe seats and to marginal coalition seats (H of R 1993, M. Ronaldson, 17 November, 3010).

Attempting to hide this strategy, Kelly made sure that there was no paperwork about the grant decisions that could be uncovered by any later audit process (H of R 1993, J. Hewson, 22 November, 3261; H of R 1994, P. Costello, 7 February, 423–7). Kelly's office encouraged community groups in coalition electorates who had made applications to use Labor candidates, rather than the sitting coalition MHRs, as their point of contact with her. These candidates were later able to announce the success of the grant applications prior to the 1993 election (H of R 1993, D. Dobie, 22 November, 3356–7; H of R 1993, B. Reid, 24 November, 3549). Groups controlled by local Labor identities, sometimes apparently invented for the purpose of applying for a grant, received favoured treatment (H of R 1993, M. Ronaldson, 22 November, 3255). The result was not just 'political bias' in the grants (Senate 1993, A. Ferguson, 23 November, 3410), but grants going to inappropriate groups and groups unable to use the money—sporting clubs without the land or planning permission to build their proposed buildings, for example (H of R 1993, P. Costello, 23 November, 3379). Innocent electors, community groups and the coalition MPs who supported their grant applications in good faith were thus 'duped by a bunch of crooks' (Senate 1993, D. MacGibbon, 23 November, 3419).

Having won the 1993 election with the aid of this 'outrageous pork-barrelling' (Senate 1993, J. Tierney, 25 November, 3823), Kelly obscured her 'calculated rort' by resisting the attempts of the Australian National Audit Office and opposition to investigate it (H of R 1993, M. Ronaldson, 22 November, 3270). In her continued attempts to hide her wrongdoing, she misled parliament and implicated other cabinet ministers, including the prime minister, who 'excuse(d) her on the basis of her personal friendship' (H of R 1994, P. Costello, 10 February, 786).

Labor's narrative told quite a different tale, one of coalition revenge for an election lost. In this story, community grants featured in the 1993 election mainly because the official coalition policy in *Fightback!* was to abolish them (H of R 1993, A. Bevis, 22 November, 3271–5). John Hewson and the coalition 'hate(d) this program' and 'never recognised the value ... to the community' (H of R 1993, R. Kelly, 16 December, 4218). A popular scheme of great value to the community—'one of the best programs that ever hit the turf' (H of R 1994, C. Knott,

10 February, 758)—was to be destroyed by an uncaring coalition. Coalition ‘hypocrisy’ over the scheme was revealed by the fact that many individual coalition parliamentarians actively supported grant applications from groups within their electorates (Senate 1993, C. Schacht, 23 November, 3410). Even Hewson did so (H of R 1994, P. Keating, 7 February, 421).

Only after losing the unlosable election did Kelly’s administration of the grants come under fire from coalition parliamentarians desperate to shift the blame for their own electoral and policy failures (H of R 1994, P. Staples, 21 February, 927–9). They thus concocted claims of rotting against Kelly in a ‘deliberate deception to deflect attention from having to admit that these programs ha(d) been enormously successful’ (H of R 1994, R. Horne, 10 February, 791). Kelly had administered the scheme fairly and according to the various published criteria under which granting decisions were to be made (H of R 1993, R. Kelly, 17 November, 3007). Money went to areas with demonstrated ‘need’ in which groups had applied for legitimate projects (Senate 1993, J. McKiernan, 23 November, 3422–3).

The ministerial discretion that Kelly exercised in choosing some applications over others was within the program’s guidelines (H of R 1994, R. Kelly, 22 February, 1019). She noted which grants came from which electorates because parliamentarians had requested her to do so to facilitate their own representations on behalf of constituents (H of R 1993, R. Kelly, 22 November, 3266–9). Her office had used a whiteboard rather than paper to keep track of funding decisions. This method, a legitimate ‘ministerial choice’, helped to explain why the auditor-general could not be provided with more paperwork (Senate 1994, G. Evans, 10 February, 700). Rather than attempting to obstruct the audit, Kelly had provided all the information requested (H of R 1994, R. Kelly, 7 February, 414–15). Apparent anomalies and lacunae were the result of the auditor-general or the opposition misunderstanding aspects of the program or asking the wrong questions (H of R 1993, R. Kelly, 15 December, 4055–6). If administrative weaknesses emerged in the program, this was the result of Kelly’s blameless desire to see as much of the money as possible spent on projects themselves and as little as possible on administrative costs. Kelly and her office had done nothing wrong and had tried to improve facilities for Australian communities (H of R 1994, P. Keating, 28 February, 1365).

Backbenchers on both sides of parliament inserted themselves and their constituents into these narratives. Indeed, they had to find some way of doing so, since both stories centred on themes of good and bad representation. For coalition backbenchers, their roles in the narrative were invariably those of hard-working representatives with deserving constituents whose needs had been unjustly overlooked by Kelly in favour of less deserving Labor parliamentarians and less needy constituents. The typical form of their interventions in the debate, repeated again and again, was a comparison of the lower socio-economic status of, and grants to, their electorates with the higher status and grants of neighbouring Labor electorates (see, for example, H of R 1994, C. Miles, 21 February, 929–30). Where coalition parliamentarians were able to win higher grants than Labor representatives, despite Kelly’s bias, it was because they ‘tried harder’ (H of R 1993, W. Truss, 22 November, 3275).

Labor backbenchers depicted the people they represented as due every grant they got. If Labor electorates gained more money for projects than coalition ones, that was simply ‘social justice’ (H of R 1993, C. Haviland, 22 November, 3280).

Labor's tale was thus one of righting class wrongs. Mary Crawford accused the coalition of thinking that 'only young people from Toorak or the North Shore of Sydney be permitted to play rugby' (H of R 1993, 22 November, 3358-9); Chris Haviland depicted its criticisms of the program as 'sneering' at 'working class' areas (H of R 1993, 22 November, 3279). Mirroring the coalition's narrative, Labor electorates also did well because of better representation. Labor parliamentarians were more willing to 'fight for their electorate(s)' (H of R 1994, R. Brown, 3 February, 325). Peter Staples, for example, said he lobbied Kelly, but argued that 'any member of this House would be doing his or her job by doing exactly that' (H of R 1994, 21 February, 928). Not that Labor representatives only looked after those they thought would vote for them. A number took pains to explain that they had promoted projects for people in well-off areas of their electorates where they could expect little electoral reward (for example, H of R 1994, R. Brown, 3 February, 323-4).

Interpreting the Ethical Meaning of the Community Grants Narratives

What should be obvious by now is that these two narratives do not rest on different conceptions of ethical legislative behaviour. Rather than arguing over the nature of political right and wrong, the parliamentarians who constructed these stories were engaged in a contest over whether the various elements of their stories could plausibly be made to conform to, or vary from, implicitly agreed ethical standards. Such a procedure is hardly unusual. Narrative contests of this sort are found in a range of cultures (see, for example, Myers 1982, 93) and narrative thinking of this kind is probably one of the main ways in which people make sense of the world (see Bruner 1985). The ethical standards around which the Australian parliamentarians constructed their narratives can be fairly easily enumerated:

1. that parliamentarians should act openly and honestly;
2. that public resources should be distributed by a transparent process following transparent principles of equity and demonstrated need;
3. that good parliamentarians should actively press the claims of their constituents but accept that they are competing against the legitimate claims of others; and
4. that responsible ministers must where necessary exercise discretion in distributing resources but should not do so in ways that distort equitable needs-based distributions for partisan ends such as vote-buying.

The coalition narrative depicted Kelly and the ALP generally as failing these standards. Labor's narrative denied these failings. In Labor's story, coalition parliamentarians broke the first and third standards in their 'hypocritical' attacks on the grants scheme and, Labor's storytellers suggested, would break the others as soon as they got 'their hands in the lolly jar' (H of R 1994, C. Haviland, 10 February, 758-9).

Since the community grants debate took the form outlined above, it is not surprising that the issue of openness assumed a great deal of importance for each side. Indeed, 211 of the debate's 381 speeches contained references to issues of openness. The opposition's use of openness built on the Kantian precept that ethical acts are those that can withstand public scrutiny (see Goodin 1992, ch. 7). In the opposition's narrative, the fact that Kelly was unprepared or unable to allow public scrutiny of the details of her decisions on specific community grants was thus

evidence that those decisions were unethical. Labor's narrative once again accepted the same ethical logic as the coalition's. Kelly thus spent much of her time on the floor of parliament explaining why she simply could not provide further evidence of the details of her decisions, explanations that reached apotheosis in February 1994 with the story of the whiteboard. Moreover, Labor parliamentarians regularly turned the same ethical logic of openness back onto the stories of coalition parliamentarians by, for example, asking rhetorically whether the latter had explained their intention to abolish the grants scheme to constituents wanting them to support community projects (H of R 1994, C. Holding, 3 February, 319–21).

If the competing Labor and coalition community grants narratives remained firm during the lengthy parliamentary debates, so did the consensus between Labor and coalition parliamentarians about the relevant ethical principles at stake. No coalition parliamentarians suggested that Kelly might have had a right to distribute grants as she saw fit, or that their own energetic representations on behalf of electors had ever suggested the principle of equity was less than absolute, or that their presence as local party representatives at the opening of facilities provided through a grant scheme their party opposed might have suggested a principle less rigid than absolute honesty, or that their Leader John Hewson's off the cuff promise of \$30 million dollars for a university in the electorate of Leichhardt during the 1993 election had suggested the legitimacy of a least some partisan pork barrelling.¹⁰

By the same token, Labor parliamentarians never argued that even if Kelly's program and their own representations for local funding were shown to be designed to win Labor votes, there would have been nothing ethically wrong in that. Stephen Loosley and Bob Collins came closest to such a questioning of the ethical consensus that marked the rest of the community grants debate. Loosley gave a brief general account and defence of marginal seat strategies as practised by both major parties without, however, mentioning Kelly once (Senate 1993, 23 November, 3424). Collins pointed to the widespread practice of parliamentarians linking grant success to themselves and their parties, focusing particularly on the case of the Northern Territory treasurer (Senate 1993, 9 December, 4276–7). These embryonic defences of Kelly's actions both implied an extension of the boundaries of ethical legislative activities beyond the narrow constraints proposed by the opposition but neither was taken up by other Labor parliamentarians.

The distance between the competing community grant program narratives constructed by Labor and coalition parliamentarians around their shared ethical position remained to the last. Each side stuck to its story. Neither admitted truth in the other's account. Even Kelly's resignation, as WA Green Senator Cristabel Chamarette noted, brought no cathartic release of tension between the two stories—'no admission of guilt; no acknowledgment that improper, if not corrupt, conduct ha(d) occurred' (Senate 1994, 3 March, 1436). Kelly's resignation, Prime Minister Keating stressed, was offered solely to help the government get on with its business. It did 'not constitute acceptance of the claims of corruption, fraud or other improprieties ... nor d(id) it justify the barrage of personal abuse and misrepresentation' against Kelly (H of R 1994, 28 February, 1365). The coalition's story of

¹⁰ The allegation, not denied by coalition parliamentarians, was made in a speech by Paul Keating (H of R 1994, 21 February, 913–15).

'sports rorts' was thus only confirmed by Kelly's resignation if it could be assumed that Keating's explanation of the resignation was yet another Labor lie.

The Minor Parties and Independents

The foregoing analysis has focused on MPs from the major parties. Major party voices dominated parliamentary discourse on 'sports rorts'. Minor party Senators and independent MPs made only 14 of the 381 speeches relating to the affair. Australian Democrat Senators made seven, the independent member for Wills Phil Cleary made four, Green Senator Chamarette two and independent Senator Brian Harradine one.

These speeches, though few, suggest that minor party and independent MPs approached the affair in two ways. The first approach was to insert themselves into the sports rorts narrative in the same way as coalition parliamentarians did—as aggrieved hard workers for constituents who had been treated unfairly by Labor's cynical vote manipulation. Cleary took this path, complaining that grant applications in his Wills electorate that rated highly on the funding criteria were not funded. On the other hand, Kelly approved proposals designed to undermine Cleary's electoral support because of their association with his endorsed Labor opponent (H of R 1993, 15 December, 4051; H of R 1994, 3 February, 3223, 325). This showed Labor's 'fraud and mendacity' (H of R 1994, 10 February, 757). Kelly's response to these claims was identical to her replies to coalition parliamentarians. Wills was an electorate of 'high need', so not all worthy projects could be funded, and it was an 'offensive notion' that Labor Party members should not apply for grants like everybody else (H of R 1993, 16 December, 4230–1).

The Democrat senators and, to a lesser extent, Senator Harradine took a second and more distinctive ethical approach. They were largely silent while the Labor and coalition parliamentarians were constructing their competing community grants narratives in November and December 1993 and, in the Democrats' case, explicitly refused coalition calls for the reconvening of an Estimates Committee to investigate the case (Senate 1993, 23 November, 3437–41). They made no attempt to write themselves into either of the major parties' narratives. When Democrats leader Cheryl Kernot finally asked four questions about the grants in February 1994, she linked the affair to previous scandals and mismanagement involving Labor and coalition state government ministers (Senate 1994, 10 February, 699–700, 708). After Kelly resigned, the Democrat senators and Harradine refused to support the coalition's move to set up a committee inquiring into grants from 1988 to 1994. In return, they gained from Labor a commitment to new accountability measures, including a code of conduct, enhanced powers for the auditor-general and a Senate pecuniary interest register (Senate 1994, C. Kernot, 3 March, 1423–30). In this context, Harradine and Democrat John Coulter both suggested that parliamentarians should focus on ethical behaviour for the future, not revive past scandals (Senate 1994, 3 March, 1448–52).

The Democrat senators' approach seems to have been dictated by their self-proclaimed promise to 'keep the bastards honest' (see Sugita 1997, 162). To pursue this role, they too constructed a narrative around the sports rorts affair. In their narrative, however, Kelly now became a single character in a large cast of Labor and coalition figures who had failed tests of public integrity. An ethical narrative told in this way could not be properly closed solely by the sacking of a single

minister on one side of the major party divide. By telling a story that focused attention on ethical failures in both major parties' ethical behaviour, the Democrats' narrative could only satisfactorily lead to broader institutional reforms like those they extracted from the Labor government.

Conclusion: A Parliament of Puritans and Party Servants?

Returning to Mancuso's ethical typology, the Australian parliament's debating of the 'sports rorts' affair shows virtually none of the ethical diversity she identified among British parliamentarians. No Australian parliamentarian justified Kelly's behaviour along the Entrepreneur's 'anything goes' lines. Perhaps more surprisingly, none attempted a Servant defence that Kelly was justified in looking after 'her' constituents ahead of other considerations. Instead, the whole debate was marked by Mancuso's Puritan ethic: no deviance from a well-defined and uncontested political straight and narrow.

At the same time, the debate was deeply inscribed by a version of the Party Servant ethic suggested earlier in this paper. The coalition's ethical attacks were not simply against Kelly. She represented a wider corruption and fraud within the Labor Party without which the coalition—the true servants of the Australian people—would have won the 1993 election. Labor's defence began with the position that it alone was serving the people as they ought to be served with a grants scheme that the coalition wanted to abolish. However attenuated and baroque they became, the rest of Labor's arguments were designed to maintain the integrity of this original claim about the grants scheme. The claims and counter-claims by individual parliamentarians about representation discussed earlier fit the same logic of an ethic governed by party identity. Finally, Kelly's own resignation can be seen in these terms, tendered and accepted only so that the greater good of the party's work continue.

These arguments are not meant to imply that the type of diversity identified by Mancuso would not be found if members of the Australian parliament were individually interviewed and presented with contextless ethical scenarios. Nor does it imply that these parliamentarians would not genuinely hold those views under such atomised conditions. Nor that the types of ethical attitudes identified in the discourse of the 'sports rorts' affair are somehow more genuinely held than those expressed in different contexts to academic interviewers. Examination of the 'sports rorts' affair does, however, suggest that the attitudes found in a parliament's invisible atomised cultures and those of its more active culture may not be identical and that the active ethical culture is likely to be a more powerful force when specific ethical controversies and power struggles arise.

The suggestion here is that parties act to mobilise and give shape and definition to the otherwise more diverse ethical positions of parliamentarians. Too little is known about the ways in which Australian parliamentary parties work to be sure about how this occurs. Nonetheless, there are good reasons to think that the processes of ethical mobilisation suggested here involve more than bullying and coercion by party whips to force parliamentarians to toe a party line against their consciences. First, as the commonplace observation made by political scientists regarding authoritarian regimes testifies, coercion alone is a costly, inefficient and often ineffective means for party leaders to achieve consensus and compliance. It is thus very unlikely that the unity, not just of voting but of ethical voice, found

in all parties during the lengthy debates on the Kelly affair was the result of coercion alone. Second, the reflections of Australian parliamentarians themselves suggest that while party coercion is one factor in their behaviour, the party environment also acts in non-coercive ways to help formulate their perspectives and actions. In this context, Gary Johns (1997, 86), a minister in the Keating government, has recently written of the party as a 'touchstone' for parliamentarians trying to determine their views on particular issues.

Finally, evidence of party as a common ethical touchstone is found in the speeches of the parliamentarians discussed earlier. When they had to talk about the sports rorts affair, parliamentarians did not refer to their own individual sources of ethical integrity or the individual qualities that made Ros Kelly a good or bad minister. Rather, their understanding of their own actions and those of other parliamentarians was couched in terms of the ethics of their own and other parties. If their own parties did not play the constructive ethical role for parliamentarians attributed to them here, those parties would hardly have figured so prominently and favourably in their narratives.

For lack of direct and systematic evidence of the ways in which the parties mobilise ethical consensus, these arguments must remain somewhat tentative. The ways in which this mobilisation occurs deserve direct investigation if researchers want to understand better the causes of ethical failures in parliaments and to propose worthwhile mechanisms for their ethical reform.

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