

A mild case of split portfolio disorder

Alan Moran



Getty Images

Alan Moran

18 August 2022

As a one-time senior public servant, I find the debate over Scott Morrison's supposed power seizure of separate ministries to be based on somewhat unrealistic depictions of the powers of individual ministers.

There are two issues in Prime Minister Morrison's visits to the Governor-General. The first concerns the massive overreaction to Covid and the Prime Minister's decision to formally appoint himself as

several ministers as an insurance against his colleagues' incapacitation and, astonishingly, doing so without informing those colleagues. The second was the insertion of himself as de facto Minister in the Department of Industry, Energy and Resources.

With regard to the latter, Morrison has said, 'The decision in relation to the Department of Industry, Energy and Resources was undertaken ... as a consequence of my decision to consider the issues of the PEP11 license directly.' He added, 'Under the legislation the decision is not taken by Cabinet, but unilaterally by a Minister with authority to administer that Department.' The Minister, Keith Pitt, was made aware of the Prime Minister taking control, as was the public.

Ministers do have nominal control over specific acts and regulations but they don't have a form of feudal autonomy in exercising that control. For a start, every major decision made would be passed through Cabinet and would be collegial. Even a relatively minor decision with implications on other portfolios would be first discussed at the departmental and/or ministerial office level. Moreover, the Prime Minister – the hirer and firer of ministers – has a keen interest in any decision that a minister might be able to take if that has overarching consequences.

Think, for example, of the preliminary determination by Tanya Plibersek as Environment Minister, that she is inclined to reject a coal development proposal by Clive Palmer's Central Queensland Coal. She did so on the flimsy grounds that it might impinge upon the Great Barrier Reef (which is about 100 kilometres away and is, as recent data has demonstrated, in excellent condition).

Minister Plibersek might well have formal authority to make the decision without consulting her colleagues but it is inconceivable that

she would do so. She and an approving Prime Minister would see the decision as offering testament that the ALP is the nation's environmental custodian and burnishing the party's credentials in the war against coal while, as a bonus, administering a spanking to a political adversary who had recently spent \$100 million to counter the ALP.

Morrison's insertion of himself as Minister in the Department of Industry, Energy and Resources to override the likely decision of its National Party Minister, Keith Pitt, was cynical and somewhat draconian but not really very much different from other examples of Prime Ministerial domination.

Thus, although Treasurer Josh Frydenberg was unaware of the PM taking control of his Department, this was not his first experience of such Prime Ministerial high-handedness. When Frydenberg was energy minister in the Turnbull government he was relegated to a peripheral role. On occasion, he could not even engage in conversations with various industry titans, since any such discussions were reserved for the Prime Minister himself. He had to grin and bear it or resign.

Commenting on **Morrison** taking control, Turnbull himself was full of wrath. Asked, 'Did you ever take on secret roles yourself in government?' He feigned outrage saying, 'No. This is sinister stuff, one of the most appalling ... etc.' He went on to loftily tell us, 'Democracy is about we-the-people knowing who's the minister for this, who's the minister for that.'

Relieving ministers of their de facto controls would be not uncommon in other governments. Thus, in Victoria, Premier Kennett similarly restricted energy minister, Jim Plowman during the privatisation

policy formulations. Plowman was instructed to refrain from engaging in any discussions with industry leaders. In that case the Treasurer, Alan Stockdale, was made the ministerial link.

In both cases, the constraint was to prevent any mixed messages being made. This could be done informally when the ministers were part of the same political party as the Prime Minister/Premier himself. To replace a National Party Minister who favoured economic development over the (as it happens) vain protection of Liberal Party MPs from teals, Morrison would have opened a can of worms. Though a poor decision from the perspective of sound policy, the various parties saw it as a convenient way of allowing a Departmental Minister to acquiesce in a political override with which he did not wish to be associated.

All ministers are acutely aware that their jurisdictional scope is limited. Those who exceed it do not last.