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### Submission on

### Reform of Australian Government Administration

#### **Q 6 Do the five key characteristics outlined in Chapter 3 adequately encapsulate what you would expect from a high performing public service?**

These are a good set of performance standards for internal consumption and motivation but they do not meet the requirements of a set of public service values (eg 'values-driven culture' is all very well but what are the values?) In this sense these characteristics are narrower than the lists of qualities given immediately before (p 11).

#### **Q 7 Should the APS Values be streamlined? What values do you consider should be included in a revised set of APS values?**

The present set of APS Values in the Act is generally recognised as a dog's breakfast. It reflects an uneasy political compromise between 1990s managerialist reformers and traditional CPSU members who had the ear of the ALP and Democrats whose support was needed in the Senate. It should be replaced by a much shorter, general list which would then be amplified by a specific Codes of Conduct (similar to s 13 of the current Act) and also Guidelines, for which the APSC would have responsibility as now. Many of the values (eg 'apolitical') are highly general, requiring sensitive application in context – guidelines can help here – there is no point in aiming for too much specificity in the values themselves.

A possible list of APS values could be:

- Apolitical while responsive to elected government
- Ethical and impartial
- Accountable and transparent
- Merit-based
- Serving the citizens and maintaining public trust
- Efficient, effective and flexible in performance

#### **Q 9 Do you think the APS engages appropriately and actively with government on an apolitical basis?**

This is a difficult issue which depends on the interpretation of 'apolitical' and its converse, 'politicised'. There is undoubtedly a general perception among those who take an interest in politics (eg the press gallery), as well as from many reputable retired senior public servants (eg Andrew

Podger) that the public service has become too close to the government of the day and hence 'politicised'. It may no longer match up to the 'Westminster tradition of an independent merit-based selection and continuity of employment between governments' (p 10). Reasons commonly given include: short-term contracts for Secretaries, combined with the Prime Minister's key role in Secretary appointments; the increasing use of public servants as public spruikers of government policy; the increased role of ministerial offices, particularly in vetting public service advice before it is finally submitted.

Admittedly, some of this criticism is misguided, containing an unrealistic and rose-tinted view of public servants' role<sup>1</sup>. But it is not entirely misplaced, particularly in relation to the latter years of the previous government, some of whose practices were subsequently modified under Senator Faulkner's leadership. The perception continues, as can be seen in public controversy over the OzCar affair and over the Secretary of the Treasury's very public role as both an independent adviser to government and as the government's loyal servant.

I think the report should acknowledge and confront this perception. It needs to say more about how public service advice and performance differ from those of partisan government advisers and consultants and how these differences lie at the core of public confidence in the public service.

In this connection, consideration should also be given to strengthening the role of the Public Service Commissioner as guardian of public service values, including giving the Commissioner a more central role in Secretary appointments and service-wide initiatives. Allocating the main APS leadership role to the Secretary of PM&C gives insufficient weight to maintaining the full range of APS values, especially in so far as these values may require preserving a proper distance from the short-term partisan concerns of government. The primary role of the Secretary of PM&C is to coordinate and implement the government's policy program and he or she is inevitably drawn into a very close relationship with the Prime Minister and the government. Moreover, while recent incumbents have been public servants of impeccable integrity, the position has become *de facto* politicised, with each Prime Minister appointing a congenial Secretary of PM&C early in his term of office. We are fortunate at present to have a Prime Minister and Secretary of PM&C who both understand and respect their traditional roles but we should plan for a future in which one or other does not. Placing the Commissioner at the centre of Public Service control would be good institutional insurance for the future.

### **Q 11 How can internal and external collaboration be strengthened to improve policy development and implementation?**

Chapter 5 makes occasional reference to the need to draw more on academia for research and development. In which connection, it is symptomatic of the gulf between the public service and Australian universities that the current document draws entirely on government reports and overseas consultants, and makes no attempt to engage with the considerable academic literature on the APS.

### **Q 17. How do we embed a citizen centred philosophy in all aspects of program and service design and delivery?**

The emphasis on citizen-centred service delivery is admirable and to be encouraged. It is important, however to appreciate the pressures that militate against such a bottom-up approach to meeting citizen's needs. Most prominent among these is the dominance of top-down accountability to Ministers and Parliament in controlling the behaviour of public servants at all levels. The very first page of the report emphasises ministerial accountability as the core accountability relationship of public servants and all public servants know that their primary responsibility is upwards through the chain of departmental command to the minister. Public servants have other avenues of accountability (to Senate committees, audit, ombudsmen, FOI, public complaints procedures) but ministerial

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<sup>1</sup> Mulgan, R. (2008), 'How much responsiveness is too much or too little?', *Australian Journal of Public Administration* 67 (3), 345-56

accountability tends to trump all others. When the heat of public anger is ignited, it is usually the Minister (or occasionally the Secretary) who has to front up, by providing explanations and implementing remedies through the chain of hierarchical command. In such a context it is difficult to encourage front-line service deliverers to be responsive directly to members of the public to the point of using their professional discretion to make their own decisions to suit local needs, decisions which ministers may later be called on to defend. The only sure way to free up front-line public servants is to break the chain of command and accountability at some point, as happens with non-government contractors and other purchaser/provider splits. But purchaser/provider separation has fallen out of fashion, at least within government itself, with Centrelink and other service-providing agencies bought back under direct ministerial control. Moreover, public expectations of top-down political accountability remain very robust, even for privatised services. It is best to acknowledge that our accountability conventions place inevitable limits on the extent of citizen-based responsiveness by individual public servants.

Another area where caution is needed is in the emphasis on performance information as a means of securing better, citizen-centred performance. The report should certainly look for improved information where that can be relevant, but should avoid any notion that specified outcomes and indicators are a universal method of improving public sector performance. My own regular contact with rank-and-file public servants reveals a deep cynicism about the overselling of outcomes and indicators as standards for guiding or evaluating what they do. Much better to recognise that qualitative, professional judgment of peers is often the most reliable method of assessing performance, as one would expect in a values-based profession