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the agency head should not only evaluate the effectiveness but should be reporting on the outcomes, and the performance criteria should be generally available through the commissioner or otherwise; they should be a matter of general consensus. However, I think we would want to move on from what was in the old legislation. We did have problems with that.

**CHAIR**—As there are no further questions on the question of diversity, we will move on to the question of merit.

**Senator FAULKNER**—In the first instance, I would be interested in hearing some reactions from around the table. I thought that might be a useful place to start.

**Ms Macintyre**—The Women's Electoral Lobby has considerable difficulty with the definition that has finally been arrived at, particularly as it now no longer aligns with the three points that were included in the original as core aspects of merit. If the current draft were to be adopted, WEL would not choose to be associated with that definition.

One of the reasons is that we see those qualifiers as tending towards prescription and, if the aim of merit is to open up the labour market, then these are in fact restricting it. We also think that they can limit the changes in cultures in departments through the recruitment of people who fit only particular models, and that is not what the merit principle was designed to do.

**Sir Lenox Hewitt**—Before commenting, I have an opening question derived from my supplementary submission. I discovered in this draft direction the requirement that appointments, engagements and promotions for the future be open to all Australians, whether or not they are members of the Australian Public Service. I have searched the documents that I have had access to and I do not know the reason for this direction, so I would like to hear the reasoning behind and the reason for those two clauses before addressing them.

**CHAIR**—You might be able to help, Dr Shergold.

**Dr Shergold**—The reason for those clauses is that there is a view that whatever we have done on merit until now has been extremely restricted. When we say that positions are available on merit, in at least three-quarters of instances we then quickly go on to define that merit by saying that it only applies to those presently within the APS. The intention of the clauses to which Sir Lenox has referred you is to ensure that those positions which are made available in the *Gazette*—and I think there are still about 8,000 such positions a year—will from now on not be able to be restricted to members of the APS. In order to widen merit and to open up the APS to the community, those positions are to be made broadly available.

**Sir Lenox Hewitt**—That confirms my suspicions and the comment that I made in

my original submission about the bills themselves which were referred to you. In my original submission I said that the bill, by its terms, will destroy the Australian Public Service as a career, with inevitable consequences. Listening to the reason for these two clauses—that they should ensure merit—is very enlightening now that the draft subordinate legislation is available. These two clauses are the nails in the coffin of the Australian Public Service as a career. Let us not make any mistake about that. Every engagement will be affected by them.

Up until now engagement has been provided at distinct levels: school leaving level, university level and at the level of particular posts and particular qualifications. Now it is proposed that there will be no Public Service as a career. Every person who is currently a public servant entered the service upon certain expectations of conditions of service. Those are all to be destroyed, partly by a draft direction of the Public Service Commissioner. These are people who chose a life-time career. I notice that the minister is still saying in his interviews that this will give a career. That is an abuse of the English language. This is not a career. Every promotion is to be available to every Australian. I do not think I am exaggerating, Mr Chairman. What you are confronting and what we should be talking about is not the minutiae of trivia. We are talking about the destruction of the Australian Public Service as a career.

**Mr GEORGIU**—Dr Shergold, how much does this develop what has already been in train for some protracted period of time?

**Dr Shergold**—It clearly builds upon it. Since 1984 we have had a senior executive service in which all the positions are open to the Australian community and not just to public servants. That is the basis on which people compete for those positions. Even within that framework the very large majority who win positions in the SES are already members of the APS. I do not think that opening the SES to the Australian community has undermined a career service.

**Mr GEORGIU**—I would like to develop that, because Sir Lenox is making the point that the career service is being fundamentally undermined by this. My view would be—and I ask for comment on this—that, if there is a notion of a career service, it is a service which rests on being able to move progressively through a series of positions without contest except from people within the APS. In so far as that is true, that involves closed competition for the SES. In so far as closed competition for the SES amounts to a career service and in so far as that was ended in 1984 then, in so far as there is a point, that process was implemented through the 1980s. It is not being implemented through this bill.

**Dr Shergold**—That is absolutely correct.

**Mr Gourlay**—I would like to make a couple of brief comments on this issue. To establish my bona fides, I might say that I have been involved in recruitment work for the

about is in fact not what the direction requires. What has concerned some of us is that what is being proposed is something that would be potentially enormously expensive.

I do not disagree with what Dr Shergold is saying about the entry test. In fact, some of us have been trying to have that changed for a good while. I think it is desirable that that is now being done. But what is being done here will undo that benefit and go way beyond that to a very costly and potentially very complex and very time-consuming process.

I personally have been in situations where something that has been advertised generally—and I must say in the circumstances very desirably so—attracted something like 4,500 applications. It had cross-references from place to place across Australia. It was much more complicated than the situation with protective appeals that Dr Shergold quite rightly said should be avoided.

I really do not see in the circumstances where what is being attempted by the commissioner and, for that matter, by the government and, ultimately, the parliament is going to make the Public Service a much more flexible organisation and individual agencies much more flexible so that you would want to tie it down to something that is very costly and could well involve a huge workload for no very good purpose.

**Mr BROADBENT**—Could I clear something up. When you said that most public servants are simple people, I think you meant that most public servants take a simpler approach to the meaning of the words and the clarity of the advertising.

**Mr Volker**—I am not sure what the situation is now, but certainly in my day—

**Mr GEORGIU**—Too simple to understand, Derek.

**CHAIR**—On that note, I think we might break for lunch.

#### **Luncheon adjournment**

**CHAIR**—Before we get back to the substance of the bill, I wish to deal with another issue. When Sir Lenox Hewitt gave evidence some weeks ago there was some reaction in the media. Sir Lenox has asked us for the opportunity to make his position clear and to clarify a number of statements, which relate to his evidence, that have been made in media. Sir Lenox, I invite you to do that before we return to the bill.

**Sir Lenox Hewitt**—Thank you, Mr Chairman. I did write to you about this and I thank you for the opportunity of correcting a misrepresentation of the evidence which I gave to this committee on 7 August. That misrepresentation occurred in print in the *Canberra Times* on 20 August and in the *Sydney Morning Herald* on 9 August. I had answered an observation of yours in relation to secretaries to departments. I said in