



# **AUSTRALASIAN STUDY OF PARLIAMENT GROUP (Queensland Chapter)**

**PARLIAMENT AND PUBLIC SERVANTS -  
SEPARATE OR UNITED IN 21ST CENTURY  
WESTMINSTER PRACTICE?**

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## Parliament and public servants - separate or united in 21st century Westminster practice?

**Ms Nonie Malone:** It is my pleasure as Chair of the Australasian Study of Parliament Group (Queensland Chapter) to welcome you all here this evening to our discussion—'Parliament and Public Service: Separate or United in 21st Century Westminster Practice?' I would like to extend a special welcome to IPA members who have joined us this evening. For those who do not know me, my name is Nonie Malone. Just before we get started, I would like to briefly introduce you to the chapter, for those of you who have not joined us before, and give you some idea of how the proceedings might progress this evening.

The Queensland Chapter was established in 1993 as a nonpartisan body to encourage and stimulate research, writing and teaching about parliamentary institutions in Australia in order to generate a better understanding of their functions and our democratic system of governance. The Queensland Chapter holds three to four seminars each year on topical issues relating to the parliament in Queensland and Australia. Past topics have included parliamentary privilege and the media—our most recent function—roles and processes of appointing governors and governors-general, state constitutions in an Australian federal republic, and quite a number more. That gives you a general idea.

The topics this evening—parliament and public servants—is an interesting one to explore. It is an invariably controversial relationship. There are some who cling to a simple, traditionalist view of the relationship, holding to a pure form of separation of powers and ministerial accountability—a view of public servants as docile, cardigan wearing administrators. There are others who take more extreme views. There is a prominent view that public servants are Manchu courtiers who are compliant and corrupted, unable to stand up to powerful governments. Other commentators suggest another extreme again—that public servants are all powerful and that parliamentarians do not really get a look-in.

So some of the questions that arise are: who leads whom? Is there a symbiotic relationship between the elected representatives and the mandarins? Do they serve different functions? Is there a system of public accountability? Or has it all gone to the dogs? These are some of the questions that may be teased out this evening. To do the teasing we have three fine and suitably experienced speakers in Professor Ken Wiltshire, Ms Rachel Hunter and Ms Judy Gamin. Tonight Professor Wiltshire will address the breadth of the topic, and Ms Hunter and Ms Gamin will give a distinctly Queensland view from their experiences. One is a DG and former Public Service commissioner; and the other, a committee chair—the grilled and the griller. There will be ample opportunity for people to ask questions from the floor this evening. I will discuss that a little further as I introduce each speaker. After the first course we will commence with the speakers. Please enjoy your soup.

**Ms Nonie Malone:** It is now time to start with the discussion—'Parliament and the Public Service: Separate or United in 21st Century Westminster Practice?' It is my pleasure to introduce the first speaker for this evening. Professor Kenneth Wiltshire is the J.D. Story Professor of Public Administration at the University of Queensland Business School. He is also Australia's representative on the Executive Board of UNESCO. He began his career in the Queensland Public Service, serving for 10 years as an economist and director of research in the department of primary industries and industrial development. He has degrees from the University of Queensland and the London School of Economics and Political Science and is the author of 14 books and numerous scholarly monographs in public administration, public policy, comparative federalism and government-business relationships. So much of his experience directly relates to the topic under discussion this evening.

He has served as consultant to parliamentary committees, royal commissions, prime ministers, premiers, government business enterprises and the private sector. Specifically, he was consulted to the Coombs Royal Commission into Australian Government Administration and the Fitzgerald inquiry, and recently conducted reviews of the ombudsmen of Queensland and Vanuatu. He has chaired the Australian Heritage Commission, the review of the Queensland school curriculum, the Tertiary Entrance Procedures Authority, the World Heritage Wet Tropics Management Authority and the Australian National Commission for UNESCO. He was a foundation board member of the Constitutional Centenary Foundation with responsibility for citizenship education. He is a national fellow and past Queensland president of the Institute of Public Administration Australia, and he has just completed a nine-year term as commissioner of the Commonwealth Grants Commission. In 1988 he was awarded the Order of Australia for services to public administration, policy making and UNESCO.

This evening he will direct his understanding from this vast and distinguished array of experiences to the topic of the current relations between the parliament and the Public Service. Please welcome Ken Wiltshire.

**Prof. Ken Wiltshire:** Thank you very much, Madam President, and distinguished guests, highly

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distinguished guests and extremely highly distinguished guests and others. Thank you for the honour of inviting me to be here tonight on a very, very important topic. It is true: I started my career in the Queensland Public Service for 10 years. I wanted to tell you of the first traumatic moment when, as a public servant, I confronted the parliament. I will never, ever forget this. One of the first jobs I was given was the director-general giving me the Hansard galley proofs. He said, 'I want you to correct these.' I said, 'What do you mean correct them?' He said, 'Well, there's the minister's speech. He made the speech today in parliament and you have to correct all the mistakes that he made.' I said, 'Hang on just a minute. I thought Hansard was a verbatim, correct record of parliament.' He said, 'No, no, no. We get the proofs and we change it to make sure the minister has not said anything wrong or inappropriate and so on.' As a young, innocent public servant I was staggered. I was going to complain, and the director-general said, 'Listen, if it's good enough for you to take his money, it's good enough for you to keep him out of trouble.' That was my first introduction.

Tonight we are talking about public servants and parliament. I have had a grudge ever since. Hansard is not a true record of what happens in parliament, and it should be. It should be a verbatim record—warts and all. I do not approve—and you cannot get an agreement from the Hansard reporters. They think it is their professional right to keep correcting all the stuff that is said in parliament. It is wrong. There should be a royal commission into it.

Nonie, you were very unfair with your introductory classification of people and their stereo typical views, because I hold the cardigan view of public servants. I say that right from the beginning. So you will not be surprised when I say that we have to begin with the Westminster model. I am sorry, but we do have to begin with it, because if you are trying to understand parliament and public servants you begin there.

As you all know, in a democracy there must be a separation of powers between the legislature, the executive and the judiciary. In the Westminster system the problem, of course, is that you have a fusion between the legislature and the executive, because some of the people who sit in the executive are also members of parliament, and they are the ministers. This is part of the problem. We are supposed to keep governments accountable. Parliaments keep governments accountable through the doctrine of ministerial responsibility. That means each individual minister is supposed to be responsible for their portfolio and their department, and it means cabinet as a collective whole is supposed to be accountable to the parliament. This is very important, because it positions the public servants. The public servants work for the ministers, and it is the ministers who are supposed to be accountable. We will return to this in a little bit.

I have to—I am sorry—also talk about the Northcote-Trevelyan report. Since the 1850s the theory of our system is that for a good system of governance our public servants must give frank and fearless advice. That makes for a good system of governance. After the inquiry that they conducted, the method of making sure public servants always give frank and fearless advice was to give them permanent tenure, in return for which they were expected to be politically neutral. That is a deal. It is a quid pro quo. Public servants had permanent jobs for life, in return for which they were politically neutral and they could serve any government of the day. A truly professional Public Service can serve any government. That deal is very important, because it has been broken recently. That is why we are, I think, in a lot of the trouble and strife that we are actually in. So that is fairly important—the frank and fearless advice. One wit said to me the other day at a conference, 'That is all very well, but when there is a change of government you know who the two first public servants are to be sacked—frank and fearless.' I suppose there is probably some truth in that.

When the public servants joined the Public Service in those days they had to take the vows. You had the vow to be silent, permanent, anonymous and neutral. They have not introduced celibacy yet, but they are working on it. It is coming. There is a regulation coming out at any moment. That is our concept, and I have to begin there because that is the starting point of our departure.

There are a number of trends. Since that time this whole concept has been watered down, and we have lost the whole essence of what our democratic system is supposed to be about. The main culprit is party politics. When the Westminster system was invented at the end of the 19th century, we did not have rigid party politics. Parliament was fluid, and therefore governments came and went. Now we have this dreadful, dreadful business of rigid, loyal party politics; members of parliament who slavishly follow their party line. It makes for a dull and ineffective parliament. In Queensland, where is the ginger group? Where are the Bill Hewitts of today? Where are the Bill Lickisses? Where are the Alan Missens? Where are the Peter Raes? You know, the small 'l' Liberals. They are an endangered species. They were wonderful in their day, but today it is almost impossible to find a member of parliament who will break that party line. It is that which has allowed cabinet to control the parliament through the rigid party system.

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The public servants are part of this rising executive. The public servants enjoy the power over the parliament which this trend towards party politics has introduced. Parliaments themselves are very weak, and their powers have become weaker as well. The obvious aberration is the Senate, but that is only because the proportional representation system ensures that minority parties hold the balance of power in that Senate. We have had very little civics education in Australia, and our members of parliament do not get a great deal of civics education either. To be fair, I am convinced that a great many of our members of parliament of the past genuinely did not understand the history of the Westminster system and did not understand what the separation of powers was actually all about. Civics education is a mixed blessing. When we did the review of the school curriculum, the schoolteachers told us, 'It is absolutely hopeless.' They said, 'All day in school we teach them about active and informed citizenship and the importance of participation,' and they go home at night and what do they watch? Question time! Chook house on parliament! They see people screaming abuse at one another, yelling at one another. How can we be expected to teach the kids about responsible citizenship when our leaders in the parliament are behaving that way? I was one of the great advocates for the televising of parliament. It is the greatest mistake we ever made. It has really ruined the whole image of the cornerstone of our parliamentary institution, but that is another story.

The separation of powers is a tricky business, too. I was writing a book on the independence of parliament. I was in Canada and I went to Prince Edward Island, of all places—the home of Anne of Green Gables. I had an appointment with the clerk of the parliament to interview him about the independence and the way the parliament operated. A taxi pulled up outside the cabinet office. I said, 'No, no, no. I have to see the clerk of the parliament.' He said, 'Yeah, this is his office here—cabinet office.' So I went in. The first thing I said was, 'I am a bit surprised. I thought you'd be down at the parliament.' He said, 'Parliament only sits for five weeks a year here, so I double up as clerk of the cabinet.' I said, 'Have you ever heard of the separation of powers doctrine?' He said, 'No, what's that?' I started to feel very homesick for Queensland at that particular point. As one of my students wrote in an assignment, 'In Queensland justice must not only be done; it must be seen to be done.' I gave him an extra mark for that.

The other trend that is disturbing, of course, is the decline of ministerial responsibility. In the academic world we date this from the VIP planes affair in 1966. I believe a book has just come out about the VIP planes affair. The last time I was counting, there had been 58 individual episodes since 1966 of ministers having been caught out, found to have misled the House but refused to resign and got away with it. I think this doctrine is really particularly weak. Of course, with the media making parliament redundant as well, the media is now the main focal point of debate, rather than the parliament. This is sad, and I think these trends have influenced parliament. In fact, Madam President, I do not know why we have a study of parliament group. There is nothing to study. There is nothing happening. I think it is pretty ineffective. Maybe we ought to dissolve this whole body straight away.

Let us try and pinpoint this a little bit more clearly as to what has been happening. One thing I wanted to mention tonight was the decline of what I call the buffers. Once upon a time there were buffers between public servants and governments and parliament. These buffers served to protect the integrity of the Public Service. The most important one was the Public Service Board. Australia was the first country to introduce these. They combined the merit principle protection with personnel management. They were very important. They actually prevented the politicisation of the Public Service, and they prevented governments from intimidating them. We abolished them all.

In Queensland the Savage committee abolished it. Savage by name, savage by nature. It said, 'They don't have these in the private sector, so why would you want them in government?' Yet they were there for that very reason—to protect the merit principle. We now have officers of the Public Service—and I hope Rachel would agree with me—who do not have anything like a fraction of the powers which the old Public Service boards used to have. You would be flat strap to find the office of the Public Service now defending public servants against the government. I doubt that it would actually happen, because they do not have the power. It is a pity. Rachel is absolutely wasted in her job. She should be back in the TAFE. She is the greatest director of a TAFE college that we ever had in Queensland. So to put her into that role is a tragedy, as far as I am concerned.

The other buffer used to be the head of the Department of the Prime Minister and Cabinet and the head of the Premier's department. If the government was intimidating public servants, sometimes these people saw themselves as the guardian of the Public Service, and they would be prepared to have a word to the Prime Minister or the Premier. I do not think you would find Max Moore-Wilton tackling John Howard and defending the public servants and telling him to lay off. You would not have found the previous head of the Premier's Department in Queensland tackling the Queensland Premier—he was of the same political persuasion. The current head of the Premier's Department is a very well educated man—he was

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one of our students—but there is no way in the world that he would stand up as a champion of the public servants. So we have lost that buffer as well.

The Auditor-General is a buffer, too. Len Scanlan is arguably one of the greatest auditors-general we have had in this state, but where is the parliament? The Premier is shamelessly attacking him constantly now. I do not see the Public Accounts Committee of this parliament defending the Auditor-General. The Auditor-General is an officer of parliament. He is not an officer of the government. Really, I think that parliamentary committees from time to time ought to support the people who support them. This does not actually happen. The same is true of the Ombudsman, who has been getting a rough time. So has the Information Commissioner in relation to FOI. But I do not see the Queensland parliament and the parliamentary committees giving support to these people, who really are an arm of the actual parliament.

In terms of buffers, the courts can be a buffer, too. But today we live in a litigious society. Regrettably, because people can no longer get a remedy through parliament, they go to the courts. I am absolutely astounded that the government has decided to introduce compensation for customers of Energex. It is absolutely staggering that that would happen. It is a nightmare. I had a session with a bunch of lawyers today and they are terrified of it, because if you want a remedy against a government corporation you should do it through parliament, through your member of parliament. We should not be encouraging a litigious society. So I think there is another symptom—the buffers that used to exist between public servants have declined and the parliament has done little to actually help them.

Finally, there are some structural elements that have also weakened this relationship between parliament, public servants and the government as well. One of the structural problems is the Westminster model itself, because the Westminster system has nothing to say about downward responsibility. The theory of Westminster is all about upward responsibility. It tells you all about the responsibility of public servants to ministers, but it does not say anything about the responsibility of ministers to public servants. So ministers now blame public servants. They blast them. They give all sorts of trouble to them. But really our system cannot cope with this because we do not have it. We have codes of conduct for public servants, but we do not have codes of conduct for ministers, nor for members of parliament. The guidelines do not cover this.

The independence of parliament itself is a serious issue, especially here in Queensland. The parliament does not control its own budget. It does not control its own staffing. It ought to. The Speaker is the minister for parliament. The Clerk of the Parliament is the director-general of parliament. They should see themselves in those roles, and they should be independent. They are now in Britain. They are in Canada, in Ottawa, and in most of the Canadian provinces. You will never get parliament standing up with its true role and supporting the public service if it does not have its own independence.

The three-year term is a nightmare. We live in a constant political hiatus. We will never get long-term thinking. Public servants will always be under political pressure as long as we have three-year terms of parliament. The average length of life of a government in this country is about 2.2 years. Queensland desperately needs a four-year parliament. I am amazed that the Premier refuses to introduce it on this lame excuse that he will not do it until the opposition supports him. He is a man with a record majority in his third term. If he cannot introduce a referendum to introduce four-year parliaments I would be absolutely staggered.

The committee system is not brilliant. It is better in Canberra than it is here. The estimates committees I find very sad here in Queensland. Ministers keep fronting the estimates committees. It should be public servants. This is the one place where parliament and public servants can actually meet in the committee system, but what do we have in Queensland? We have the ministers answering all the questions and refusing, most of the time, to allow public servants to answer those questions. Where is the Bronwyn Bishop of the Queensland parliament? Where is the Kim Carr? Where are these people? I worked at the Australian National Training Authority for two and a half years. I can tell you, Kim Carr put the fear of death into those public servants. They used to spend weeks preparing because of the scrutiny they would be getting. This is a healthy thing. As you know, in Canberra public servants kick around until about 3 a.m. waiting to be called before the federal parliament. I think this is particularly important.

The one exception, in my experience, has been the committee that Judy sat on, which was the Queensland Parliament's Legal, Constitutional and Administrative Review Committee, which did some very, very effective work. But the Queensland committee system is a pretty sad sort of process here. I do not think it helps. I think public servants actually welcome the interest of parliaments at times in the work that they do, but it is not the case.

It is a bit sad in this parliament that there is no upper house. When you have a unicameral system,

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the one chamber should work twice as hard because it also should fulfill the role of reviewing—those functions which an upper house normally fulfils. Regrettably, I think there are some structural concerns. There is one that particularly bothers me tonight. There may be someone in the audience who can comment on this. A very eminent governance expert told us two weeks ago that the rewriting of the Queensland Constitution has resulted in a situation now where ministers are no longer responsible directly to parliament. Ministers are now responsible to cabinet, I understand. The constitution has changed this line of accountability. If that is true, it is an extremely serious situation. Of course, the corollary of that is that the director-generals of Queensland Public Service departments now are accountable to the Premier, not to their minister, because their contract is with the Premier. This is breaking down the whole fundamental lines of responsibility.

I also get concerned about the Financial Administration and Audit Act. Pat Craven and Allan Sewell wrote it. It is a fantastic act. It is very, very good in the way it defines the accountabilities and responsibilities of the departments and their relationships with Treasury. But under the FA&A Act, the director-general is the accountable officer. The director-general can go to gaol—two have gone to gaol—and the minister gets off scot-free. So, by introducing the legal regime in the role of the director-generals, we have again broken the chain of ministerial responsibility. I think this is a concern.

My greatest worry tonight is about contracts—public servants being on contracts. The moment you put public servants on contract, you break that nexus that I mentioned—permanent tenure in return for political neutrality. It is a recipe for politicisation of the Public Service. The Queensland Public Service is politicised. The Commonwealth Public Service is politicised. It does not matter which government is in power.

The moment you say that, Pat Weller is usually in the audience. He jumps up and down and says, 'No, they don't belong to necessarily the same party.' But I am talking about small 'p' political. My definition is the Fitzgerald inquiry definition. Tony Fitzgerald said, 'When a public servant gives a minister the advice they think the minister wants to hear, rather than the advice that the minister should hear, you have a politicised Public Service.' That was the beginning of the corruption that occurred in Queensland identified by the Fitzgerald inquiry. So I think contracts are a disaster. You cannot tell me that a public servant, in the last year of his or her contract, is going to be giving frank and fearless advice to the government, especially if it is unpopular. They might if they are courageous, but maybe not.

The ministerial staff has clouded the issue. Now in Canberra every minister would have 15 or 18 members of staff. In Queensland they have about seven or eight members of staff. These are strange creatures. They are hybrids. When I was president of the Institute of Public Administration Australia, the ministerial staff came to us and said, 'Can you help us? Everybody hates us. Public servants hate ministerial officers. Pressure groups hate us. We are the lepers of public administration, and we want to have some kind of career path and career structure. It is a very uneasy circumstance and an uneasy sort of situation.' I think that at times this makes public servants' role very difficult as well, because they are not quite sure who is giving the political advice and who is giving the expert advice.

Finally, I just mention the new administrative law. In the Commonwealth and in Queensland we have had a battery of administrative law, including administrative appeals tribunals, administrative review councils, ombudsmen and so on. This is a very, very complex area. It has made the life of our public servants an absolute nightmare. When we did the review of the Ombudsman we discovered that, of every decision a director-general makes in the department, there are about 50 to 60 individual pieces of oversight and scrutiny that need to be accounted for. The total is about 150. We recommended that there should be a rationalisation of these bodies and bring them down maybe into just one or two rather than this enormous complex of appeal mechanisms and processes. Of course they have to be strong.

That is why I get disturbed in Queensland. The Fitzgerald inquiry agenda has gone amok. The whole theory of Fitzgerald was that the CJC would disappear. When the Queensland Police Service was restored to its credibility, there would be no need for a CJC. But EARC was supposed to continue. We needed to have a grandfather, a grandparent body, which watched over the whole of these administrative arrangements. The exact opposite has occurred. EARC, which was a fantastic body—it did a superb job, and I think we needed it—has gone and the CMC, in another role, is performing its relationship.

I am sorry to be so negative. I am not normally particularly negative, but it is a pretty dismal situation. I think it is time for us to really think it all through. In all this, we might consider the plight of the public servant. The most famous case in the history of the world about public servants and parliament occurred right here. It occurred about 60 paces from where you are sitting tonight. It is the case of Vivian Creighton, the public servant who was part of what was called a scandal. His role was revealed and he was summonsed before the bar of this parliament—not this bar. There have been a lot of people

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summonsed before this bar, but he was summonsed before the bar of parliament. I remember well reading his defence. His defence was, 'I have never wavered from the view that a public servant has a higher duty to the people of the state than to the government of the day.' So there is a highly courageous public servant.

If I can be really controversial tonight, I would contrast him with Mr Scafton. I must be the only person in Australia who finds his story a bit weak. Mr Scafton was given the opportunity, by an inquiry, to actually explain what his advice had been to the Prime Minister. Despite the merits or otherwise of the children overboard affair, he had an opportunity earlier to make those comments. He did not have to be critical of the Prime Minister; all he had to do was explain what the advice was that he had given. I find this straight forward. He also had gone into the realm of being a ministerial adviser. Any public servant who accepts a role as a ministerial adviser, I think, is putting their toe into the world of politics and suddenly they lose the purity of the Public Service arrangements. So I really am personally a little bit doubtful about his case. I suppose at some point we will have people studying it and writing it up, but it is a very, very interesting case.

My conclusion is that we have a 'Washminster' system of government, as you have heard, particularly in relation to the Public Service. In all of this, the bottom line is that we need to think about the motivations of public servants themselves and what motivates them. There is the old-fashioned theory of Public Service which Nonie mentioned. The traditional view was that public servants are motivated by serving the public interest, by having a permanent job, by the adrenalin of being close to the political action, by being part of reform and the chance to do something worth while for the community. The modern management view is that public servants are motivated by their contract, by performance indicators, by the threat of being sacked, by the fear of intimidation and the renewal of their contract. At the end of the day, you have to work out which is the better way to design a system to achieve that motivation.

For my part, I am a bit old-fashioned. I like a good Gershwin song. I think a man should stand up for a lady on a bus, and I think public servants should be silent, permanent, anonymous and neutral, and should wear cardigans. Thank you very much.

**Ms Nonie Malone:** Thank you very much, Ken, for introducing the topic in all of its breadth. It is quite wonderful to have the comparative experiences—not just with Queensland and Australia but also with other parts of the world. I feel I must at this point defend the ASPG and its existence. Ken admirably pointed out that there was a wonderful book produced just recently on the VIP affair. It was an ASPG publication. It was the last edition of our journal, Australian Parliamentary Review. So perhaps there is some purpose for us after all. We will just adjourn now while the main course is served.

**Ms Nonie Malone:** After the very comprehensive, provocative and thought-provoking introduction to the topic by Ken Wiltshire, it is now my pleasure to introduce Rachel Hunter to speak to you from her perspective. Rachel has had a 26-year career with the Queensland Public Service. Throughout that career she has played a pivotal role in leading ministerial and departmental initiatives which involved organisational change and workplace reform—perhaps some of that managerial change that Ken was decrying a little earlier.

You know already from Ken's speech that Rachel was the best ever director of TAFE. Rachel enjoyed a 20-year association with the vocational education and training sector in a variety of roles, but her leadership certainly stood out. Tragically, her career has declined from there, it seems, although I know from Rachel that she has thoroughly enjoyed the roles she has had since TAFE. The TAFE experience certainly prepared her very well for her later role as Queensland's Public Service Commissioner from December 2000 until November 2003. During her term as the Public Service Commissioner, Rachel led the development of a highly professional Public Service in the areas of organisational and executive capability and performance, public service reform and governance. The document that was produced in Rachel's time, a document called Realising the Vision, is now being implemented across the state. It is making a difference to how service is delivered in some of the very difficult service delivery areas in this state.

Rachel was appointed the Director-General of the Department of Justice and Attorney-General in February 2004, so she has just recently undergone her first estimates experience as a director-general. On top of her work achievements and commitments, Rachel has been a long-standing member of the Griffith University council. I ask you to join me in welcoming Rachel to speak to us from her perspective from her longstanding career in the Public Service.

**Ms Rachel Hunter:** I would like to begin by acknowledging the traditional owners of this land,

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thanking ASPG members and guests for the opportunity to be with you this evening, and acknowledge the members of parliament and fellow speakers, ladies and gentlemen.

I guess some people here might feel that in addressing you tonight I am going to approach what I have to say with some level of bias, and you would be right. Coming as I do from government entities with aspirational titles like the Office of Public Service Merit and Equity and the Department of Justice and Attorney-General, my view of public administration might be somewhat removed from yours. I felt like starting with the phrase, 'Trust me, I'm from the Public Service.' There would probably be some of you here who would mutter darkly about the demise of the Westminster system and wonder what the famous fictional public servant, Sir Humphrey Appleby, would make of the public sector today. In fact, whenever we have these debates about the Public Service—the role of the public servant—it is really interesting how often Sir Humphrey's name crops up, not only in media commentary but also in academic writing. We hear phrases like 'Sir Humphrey would never have stood for this' and 'Sir Humphrey would never have given such advice'. He is cited as the archetypal Westminster civil servant. I find this alarming, but it does explain why there is so much confused comment over the impact of public sector reforms and a sense of loss about what used to be.

Sir Humphrey is, of course, as we know, a piece of fiction. I know that there are a few people who think that he is real and that he is still busy manipulating the government of the day. Those people, happily, are in the minority. Other people have a much more commonsensical approach. They know that he was real but is no more; that this Machiavellian and self-serving television character seems to be held out as a benchmark by which public servants should judge themselves, which I find profoundly disturbing. I have just stopped short of saying that he has been held out as best practice, but somehow that is the case. Having said that, I am a great fan of Yes, Minister, and I do think that Sir Humphrey certainly has his uses as a reference point for public servants. He may not have been real, but the really interesting thing is the public reaction to him was. It is clear that Sir Humphrey confirmed their deepest suspicions about what civil servants were really up to—namely it was not civil and it was not service, but that is a theme I would like to return to later.

We are here to talk about the Westminster system and the role of public servants. It is useful, firstly, to focus on what the convention means. As Ken has outlined, the Westminster system is built on a convention about ministerial responsibility, a collective responsibility as a member of cabinet and an individual responsibility for the actions of the departments for which they are responsible. For the public sector, the line of accountability under the Westminster model is that public servants are responsible to ministers, who are responsible to parliament, which in turn is responsible to the people. The hallmark of the traditional Westminster public servant was, as Ken said earlier, independence from the government of the day and the capacity to give fearless and frank advice. This arose, as Ken has said, through a sense of security that a Public Service head had in knowing that his or her position was permanent and that governments would come and go but that civil servants would stay.

There has of course, as Ken has already outlined, been a shift, and certainly there has been a perceived shift in more recent Public Service history from the Westminster model of Public Service to a Washington model. For those attuned to popular culture, it is from Yes, Minister to something a little closer to the White House advisors of West Wing. There are various versions of what this means. At the core is a shift in policy making power. Under the Washington model the government controls its own policy and appoints its own people to the senior ranks of the public administration. There are some academics who believe that Australia has struck some sort of balance between the Washington system. Ken alluded earlier to the 'Washminster' system. There are several points that I would like to make about this, apart from the fact that I think such labels are more likely to confuse than clarify, and misrepresent what is a very healthy maturing of the Public Service.

Systems can evolve and become reinvigorated without changing their fundamental nature or the values framework in which they operate. It is self-evident that public services throughout Australia have experienced significant change over the last 20 to 30 years, but tell me which institutions have not experienced similar change. This started with the work of the royal commission on the Australian government administration in the 1970s. The commission, as many of you would know, was concerned about the lack of responsiveness of the Australian Public Service to the elected government. So, it appears, was the public. Secondly, the public sector, in order to continue to mature, must continue to experience change if it is to remain responsible and relevant. The real question, though, is whether that means there has been a fundamental shift in the nature of the Public Service and its ethos. I believe that is not the case. In Queensland, the changing environment has heightened, not diminished, the commitment to the core values of the public interest. Last year, when I was in the Office of Public Service Merit and Equity, the government released a statement which set out its vision for the future governments

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of the Queensland Public Service. We have already talked about that document which is, in fact, a strategic framework for the development of future capability in the Public Service. It is called Realising the Vision. There are some copies here for those of you who would like to take them with you. It sits alongside the Public Service charter in providing a clear statement of what it means to be a public servant in contemporary Queensland.

The times may be changing, but if you read the charter you will see that the Public Service ideals that underpin our confidence in Public Service remains strong. The charter details a commitment to the government from the Public Service to be responsive to the policies of the government of the day; to provide objective impartial advice or, in media speak, to be frank and fearless; and to carry out the government's decisions faithfully and impartially, providing timely, clearly formulated advice, accurately representing the views of interested parties. There again is the emphasis on rigorous advice. Anyone who has picked up a newspaper or watched the television news over recent months would know that the capacity and willingness of the Public Service to give rigorous advice to their ministers is occupying a great deal of media space. In fact, frank and fearless policy advice is often treated as a sort of quality assurance trademark for an effective Public Service. When the Queensland Public Service Act came into force in 1996 there was a lot of debate about the impact of new employment structures on the traditional Public Service, in particular whether it would result in its politicisation. That debate has continued. Ken, of course, has continued with that theme this evening.

I hold a personal view. Tenure does not necessarily lead to performance, but performance certainly leads to tenure. There is a lot of evidence in the Public Service that the introduction of a contract service for the senior executive has not, in fact, led to the wholesale dismissal of senior executives. In fact, there is a lot of evidence to show that contracts are consistently renewed and that contracts are renewed on the basis of performance.

It is hard to argue against a view that the appointment of chief executives and senior executives on fixed term contracts has affected the nature of the Public Service. Of course it has. But whether that translates into a loss of traditional values is quite a different question. Several years ago Dr Leo Keliher, the Director-General of the Department of Premier and Cabinet, was interviewed by the Public Interest, the journal of the Queensland edition of the Institute of Public Administration Australia on this issue. He argued that ministers have the right to have, as a principal advisor, the person they feel most comfortable with. Trust and loyalty are key components in that area. The chief executive has a key relationship with the minister. If it does not work, the department's work will be seriously impeded. A minister is not inclined necessarily to fight hard for extra resources for a department for which he or she has little respect and which they see as frustrating their policy goals. Nor is a minister likely to readily accept the advice of someone he or she does not trust.

Just think of Jim Hacker and back to Sir Humphrey. I said I wanted to come back to this scene because if Yes, Minister shows us anything it is that advice to ministers has always been an issue one way or another. Sir Humphrey, as we know, was not above giving accommodating advice if it suited him. Jim Hacker was certainly not above asking for it. Remembering this was a sitcom set in what now seems to be regarded as the good old days by some public servants. Like all good satires the show amused because it tapped into some real life community perceptions. Consider this classic exchange. Sir Humphrey: 'Ministers should never know more than they need to know. Then they cannot tell anyone. Like secret agents, they could be captured and tortured.' Then Bernard, his secretary, in reply: 'You mean by terrorists?' Sir Humphrey: 'By the BBC, Bernard.'

The treatment of inconvenient information and unpalatable policy advice is, and probably will continue to be, an issue for organisations, both private and public. The promotion of candour comes down to the dominant culture and values within the organisation more than anything else. An entrenched and insular Public Service may encourage independence but not necessarily the kind that serves the public interest. Despite the move from tenure to contract based employment for the Senior Executive Service, the governing legislation strongly supports traditional Public Service values. The Public Service Act still requires merit based selection. Other provisions emphasise the standards of behaviour required of public servants. In particular, section 23 of the act sets out the key principles of Public Service management including maintaining impartiality and integrity in forming and advising and assisting the government, implementing government policies and priorities responsibly, managing public resources efficiently, responsibly and in a fully accountable way. We have, in addition, a Public Sector Ethics Act, protection for whistleblowers, the Crime and Misconduct Commission, et cetera, to all act as watchdogs against official misconduct.

Certainly the changing environment is creating new pressures and accountabilities for the Public

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Service. The role of government has become more complex. The activities and functions of departments and agencies have become so diverse that there is general acceptance that ministers cannot be personally and intimately aware of all that is done under their authority. The Westminster convention of ministerial responsibility remains but reflects the reasonable limits of ministerial knowledge. While departments and government agencies continue to be formally accountable to their minister and through him or her to the parliament, they are now more directly accountable to the community.

Never before has the Public Service been subject to so much scrutiny. Much of this has come byway of legislative reform—the Judicial Review Act, the Freedom of Information Act and the Ombudsman Act to name but a few. Bureaucratic decision making is no longer anonymous, inscrutable and unchallengeable. The transparency has not only enhanced community awareness of service but also the public sector's awareness of what the community expects of it.

Greater public accountability is not the only challenge to the public sector in the 21st century. Ken alluded earlier to the demands of the media in quantity, quality and immediacy of information, which have created new pressures on ministers and the agencies under their control. The relationship between ministers and bureaucrats has become more dynamic and more direct. Ministerial advisors have entered the equation. The interface between ministerial advisors and the Public Service was not contemplated in the traditional Westminster model, but that does not mean it is inconsistent.

In an address given in June last year, Dr Peter Shergold, Secretary to the Department of the Prime Minister and Cabinet, talked about the roles of senior public servants and ministerial advisors. Dr Shergold quoted Australian Public Service Commissioner Andrew Podger, who suggests that while the two groups have different responsibilities they share a common commitment to serve the minister. Dr Shergold states that advisors play an equally beneficial and healthy role in our system of governance. They are able to handle issues of confidential nature, deal directly with the media and on occasion liaise with party organisations. Their role helps the Public Service to do its job. Advisors help to question, to test the quality of advice that the Public Service is providing, bringing a perspective that reflects the close working relationship they have with their minister. In Dr Shergold's view it is quite appropriate, indeed absolutely necessary, that Public Service policy advice is contestable, that public servants work closely with ministerial advisors to exchange ideas, assess policy options and share commitment to serving the minister. Finally, he notes that by doing so we should recognise that the perspective brought by both parties is subtly different.

Without doubt the line between what is political and what is policy advice is sometimes difficult to define, but no more so than the line between policy development and its implementation or administration. In one well-known episode of *Yes, Minister* the question was put to Sir Humphrey, 'Look, Sir Humphrey, whatever we ask the minister he says it's an administrative question for you. Whatever we ask you, you say it is a policy question for the minister. How do you suggest we find out what is going on?' Sir Humphrey replied, 'Yes, yes, yes, I do see that there is a dilemma here in that while it has been government policy to regard policy as a responsibility of ministers and administration as a responsibility of officials, the questions of administrative policy can cause confusion between the policy of administration and the administration of policy, especially when the responsibility for the administration of the policy and administration conflicts or overlaps with the responsibility for the policy of administration.' The Public Service, I believe, is managing these challenges well.

By way of conclusion, the Public Service has undergone a lot of reflective thinking and has experienced significant reform in recent years. It has done so in response to increasing pressures on institutions generally to change the way they do business. The community has demanded much greater accountability and professionalism of public servants, and our role and the way we discharge our obligations to the people and to the government are constantly under scrutiny. My view is that this is a mark of a healthy democracy.

**Nonie Malone:** So all must not wear cardigans, after all, it appears. Thank you so much, Rachel, forgiving us your perspective on the topic and taking us just across from the cardigan wearing people and into some of the realities that we now face in making the Public Service work without those divisions that once upon a time made things a little more difficult. Ladies and gentlemen, we will have a short break while the plates are cleared and desserts are served. Then we will carry through with the rest of the program uninterrupted.

At this stage of the evening it remains to round off with the experience of somebody who has been on the parliamentary end of the parliamentary-Public Service interface. To do this, this evening we are fortunate to have the presence of a former committee chair who has the reputation of having been extremely competent and formidable. Judy Gamin was the National Party member for the south coast in

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Burleigh during interesting times. Judy was inducted into the Ahern government and served in opposition in the Goss period, during which time she served on a Travelsafe select committee and was, for a time, deputy chairperson. When the party was returned to government, she served as Chair of the Legal, Constitutional and Administrative Review Committee and Chair of Estimates Committee G in 1996 and 1997. She was, in addition, involved in a wide range of ministerial and shadow ministerial legislative committees. She is currently a central councillor of the National Party and maintains an active interest in many community and welfare organisations. Judy has travelled from the Gold Coast to speak to us this evening from her perspective as a committee chair. I ask you to welcome Judy.

**Mrs Judy Gamin:** It is not very far from the Gold Coast, Nonie. Since we put that road in, it is really pretty quick.

Madam President, ASPG members, my former parliamentary colleagues, ladies and gentlemen, I was asked to make reference to the interaction between the Public Service and the parliament with particular reference to committees. But it is not going to take me long to explore the interaction between my old parliamentary committee and the Public Service, so this first segment of my presentation will actually be quite brief.

I should explain that my parliamentary experience did not come from a cabinet or a shadow cabinet basis. I was never a minister or even a shadow. Firstly, geography and, secondly, age precluded me from selection for these offices. It is not a subject I talked about when I was serving, of course, but in my last term I was the oldest member of the Queensland parliament. Bob Dollin, who was the former member for Maryborough, was about the same age as I was. I think he was a few days older. I always had the comforting feeling that there was somebody older than me, but Bob went out in 1998 and then I was the oldest member in the Queensland parliament. I am not sure that that is a distinction. I was a backbencher for about 10 years. I will not say 'only a backbencher' or 'just an ordinary backbencher' because the backbench is, in fact, the backbone of the parliamentary system. The state may be controlled by executive government, but the day-to-day work in the real world outside George Street is done by the backbench.

First of all, let me deal with my old committee. That was the Legal, Constitutional and Administrative Review Committee. It is a huge mouthful and it is commonly called LCARC. Over the five or six years that I served on LCARC, as chair and deputy chair, we always prided ourselves that we had particularly good relationships with all those who assisted with our inquiries—academics, health professionals, media, legal practitioners, business operators, educationists, as well as fairly senior public servants over a large range of portfolios. I do not remember conducting any inquiries or engaging in any deliberations or research where I had occasion to even question or be concerned about our interaction with the Public Service. Other committee chairs could quite possibly tell a different story. There could well have been some conflict between senior departmental officers and, let us say, the Public Accounts Committee or the Public Works Committee. Almost certainly there would have been differences of opinion between senior officers and those committees. Even the parliamentary CJC probably crossed swords with the Public Service.

By the very nature of our charter, LCARC obviously also touched some sensitive areas from time to time—witness Professor Wiltshire's strategic review of the Ombudsman's office in 1997 and 1998. The committee then had to review Professor Wiltshire's report. We started that under my chairmanship in 1998, and we finished it under Gary Fenlon's chairmanship in 1999. These were very difficult and sensitive times for the Ombudsman's office. It says something for that office and for LCARC that we both came through that whole process with good relationships intact.

We in LCARC were always observant of courtesies to offices like that of the Ombudsman, the Anti-Discrimination Commissioner, the Electoral Commissioner or ministerial offices and government departments, as we sought assistance in our inquiries. Officers from all departments returned these courtesies in full measure as they worked with us through different processes. Senior departmental officers frequently suggested further avenues we might pursue as they appeared as witnesses before our public hearings. In short, LCARC had excellent relationships with the Public Service. We were not at odds with each other. I thought we were on the same side. I must say that this was largely due to the professionalism of the committee staff, who were always the first line of communication with departmental officers.

My first research director, with whom I am having dinner tonight, was Neil Laurie, who is now Clerk of the Parliament, followed by Kerryn Newton, who has lately been acting as deputy clerk. They headed an extremely professional team in their dealings with government on behalf of the committee. So, you see, I am not really competent to talk to you about problem relations between parliamentary committees and the Public Service. My experience was always one of good relationships which we worked very hard to

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maintain.

Ken Wiltshire mentioned estimates committees. Estimates are quite a different kettle of fish from parliamentary committees. When I was a government member, as opposed to a member of Her Majesty's loyal opposition, I did chair Estimates Committee G for two years. It gave me a really hard time, entirely due to the poor behaviour of its parliamentary members from both sides of the parliament, certainly not due to the Public Service. Estimates G covered health and finance. I am not looking across to that table over in the corner—health and families. Ministers and shadows tore into each other. They shouted and screamed at each other. I will not name names, but there were some instances when they behaved like feral cats. In the first year I kept adjourning for five minutes to force the combatants to cool down.

Estimates Committee G was quite a spectator sport, and certainly on some occasions it was almost a blood sport. The second year was better, because I read the riot act to all parties before we started. I told them that if they did not behave I would abandon the committee entirely and throw them to the wolves of public opinion. Kevin, you might remember—was it you or Mike Horan—who said to me before we went into that Estimates Committee G in 1997, 'You've emasculated me, Jude. You won't let me say anything. What can I ask if you won't let me speak?' Les Dunne was my research director for estimates in 1996 and 1997. I felt sorry for him, but it was harder for me than it was for him. The general rule is that questions from estimates committee members are directed to the minister, who may use his own discretion in requesting one of his departmental officers—a public servant—to respond.

Things changed in 1996 and departmental officers were able to be questioned. Estimates Committee G was not the only committee where problems arose with the type of questioning or the quality of responses undertaken by committee members—both government members and opposition members. As I said, it was a blood sport. I refused to allow committee members to engage in harassment of public officials or unfair attacks on persons unable to defend themselves. Anyway, my committee experience is a bit old hat now. I am not at all up on current matters, and the parliament is different, too. I feel sure that big parliamentary majorities, coupled with small and divided oppositions, are not conducive to good parliamentary committee processes. I have not been close enough over the past few years to judge how this affects interaction with the Public Service.

Ken's and Rachel's experiences are light years, really, from my own. What I can talk to you about, what I really do know about, is the relationship between ordinary members of parliament dealing with constituency problems—that is, the backbench, not the cabinet—and public servants at a local level; in other words, departmental officers based mainly in the regions. This is the real world. It is, in fact, the most common interaction. Backbenchers—that is, the backbone of the parliamentary system—no matter whether they are government or opposition members, are trying to represent constituency interests and concerns. Sometimes they are in accord with departmental officers, but sometimes they are at odds, when interpretation of legislative regulations is in some dispute. Nevertheless, there is no reason why conflicting views cannot be resolved with courtesy and mutual respect.

The general public has an amazing lack of knowledge about the parliamentary process and its practitioners, and that goes for the Public Service, too. Some of you might remember Graeme Kinnear, perhaps he is still here. He was an education and protocol officer in my day. In the late 1990s he instituted a system of seminars designed to teach incoming departmental officers something about the parliament and the strange creatures who inhabit this place. I was one of his regular speakers, and I would try to instill in to these fledgling public servants some understanding of what makes politicians tick, no matter what their political party might be.

There is a popular misconception that we are all lazy and overpaid and live a life of luxury here in the Annexe. It is totally unfounded, of course. Parliamentarians do not have two heads. We are seriously conscious that our work is undertaken for the public benefit. We strive for the satisfaction of doing our job well, working as a team, working for motives other than selfishness and for the benefit of those who depend on good, stable, honest and reliable government.

So good, effective constituency members develop a deep understanding of the fabric of the society or community in which they live and work. They are very aware that they represent a whole range of people of differing opinions, all shades of political views, all socioeconomic levels and all age groups. They do not only represent those who supported them at the ballot box but also those they feel sure did not support them. I must say this to you, ladies and gentlemen: there is certainly a remoteness within all departments when you come down to the nitty-gritty of day-to-day problems of ordinary people. I would notice this more particularly when dealing with senior Brisbane based public officers than at a regional level.

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Ideas and projects and whole programs come out of departments that are sometimes quite unreal and unworkable on the ground. Regional officers, by their very existence, are more practical and understanding than some Brisbane personnel who do not get out and about enough. There are whole buildings—there used to be; perhaps times have changed—absolutely full of public officials who rarely came out into the regions and who rarely came down into constituencies and into backbench members of parliament's offices to actually see how they operated and what happened.

So it is important for departmental officers to understand that local members get involved in local issues only when complainants have exhausted their own resources. Granted that the mental resources of some of the constituents may be fairly limited, and granted that they often do not have the capacity to put their emotions aside and deal with their problems on a factual and reasonable basis, people come to their members of parliament because they do not know where else to go. We are often the last line. For many ordinary people, a visit to their local member's office is a big deal. We are their last hope. A problem might appear to us to be quite trivial, but it is not trivial to a constituent who has plucked up the courage to make an appointment and open his heart to us.

'You should always go through the minister' is the advice given to new, green politicians—young backbenchers at those new pollie training seminars. It is good advice, but it is pretty useless in most of the constituency situations in which we find ourselves. Why clutter up the minister's desk with day-to-day trivia like teacher aide time or assisted transport to special schools or getting water police or transport inspectors after boating hoons on Tallebudgera Creek or nagging at Main Roads to get its big drains cleared out or the slasher onto the overgrown road verges, traffic problems, line marking, pedestrian crossings? You are not going to go to the minister with that sort of stuff.

Dealing at the local level, or through a regional office, usually gets many things fixed up without too much argument, including lots of general hospital problems, dental services, putting a bomb under Workers Comp, getting the Public Trustee's office to get a move on to clear up a simple will, many local government matters, Liquor Licensing complaints and the ever present problems with public housing. The office of the Minister for Public Works and Housing would go mad if backbenchers wrote to him every day on those issues that come up every day with public housing.

I used to have a great system going with the bloke who looked after the Main Roads slashing down in my area of the Gold Coast. I had his mobile phone number and I could ring him up and say, 'Hello, Errol, it's Judy Gamin speaking. It's about time you slashed that big drain along Reedy Creek Road.' He'd say, 'Righto, Jude. I can't do it this week, but I'll be there about the middle of next week.' By Wednesday of the next week it was done. It was a great system until the Department of Main Roads, in its wisdom, decided to contract out the whole set-up. When I rang the people who were managing that contract, the first time I rang them it took me a considerable time to get through to somebody who would actually talk to me. When I said I needed that big drain along Reedy Creek Road cleared out, he said, 'Mrs Gamin, we don't do that. That isn't part of the contract. That won't be done.' I said, 'Don't be stupid. You've been cleaning out this drain for 20 years.' I must say that it took me probably three months before my will prevailed and they slashed the drain. It was much easier when I rang up the bloke with the grader. But you need to work out your list of contacts—and he was a really good contact—so that you are talking to a person at the right level, to that person who can actually make a decision and make a difference. You need a competent and experienced electorate secretary who has her own whole network of contacts for dealing with day-to-day matters, and that goes particularly for public housing.

Department of Families' problems are always much more sensitive and difficult. There is no point in ringing up and demanding to speak to the case officer on a Family Services issue. That case officer will, quite properly, not talk to you. With family services, a good rapport with the regional director will normally produce a call back and some answers without breaching any protocols at all. But, then, it is just as important for you to have a good rapport with your Main Roads district director or the Assistant Commissioner of Police in charge of your region—better still, with your regional inspector, who is not so remote.

In passing, I have followed Grant Hackett's career with great interest. His father, Nev Hackett, was my regional inspector for a long time. A better police officer you could not find to work with. In some instances, local officers—school principals, for instance—unable to solve a matter through their own department would send complainants to the member of parliament to get a problem fixed up. I would find this a bit disconcerting, to say the least, to say to an anxious parent across my desk for the first time, 'Have you been to see the school principal?' 'Oh yes, Mrs Gamin. He sent me to you.'

Of course, not all local problems are solved by waving a magic wand. I mean, every now and then I would strike a departmental officer or sometimes a local council officer who would decide to resist my

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blandishments. What temerity! Sometimes they would sigh when they heard my voice on the phone. I have seriously dialed a number and said, 'Hello, it's Judy Gamin speaking,' and you could hear the sigh, like 'What does that old bag want now?' Bad luck! After all that sighing, I would find that persistence and persuasiveness would usually win the day, even if it did all take a bit longer. I do not want to hear the word 'nagging' but I was pretty persistent. I can hear myself saying to some of them, 'Look, it's quicker and easier in the long run to just say "Yes, Jude".' With some of my local blokes I had that sort of rapport.

We went through difficulties on some issues. Some issues I had to fight really hard for, such as the new police station at Palm Beach. This was resisted manfully before we went into government by the previous government and the department. Even after the government changed and the construction of a police station at Palm Beach was policy—policy of the conservative government that came in in 1996—it was resisted to the very end by some pretty senior people. We got there in the end. Another issue was banning jet skis from Tallebudgera Creek, or finally getting Palm Beach Community Health Centre and Robina Hospital under way, achieving a reasonable route for the Robina-Coolangatta rail line. There were major ministerial issues where victory was only ultimately achieved from a ministerial to director-general level. There are some really major issues where backbenchers just cannot cut it.

The Palm Beach Police Station—no, I am not ashamed of myself, but I certainly diminished myself just a little. It was one of those issues where after we went into government there was a certain dragging of the feet in the department. Not long after we went into government—which was about March 1996—the first budget came down in May with a budgetary allocation for the initial planning and design. So at least they had no excuse for not getting out there and identifying a site. We did not even have a site when we went into government. With the site identified and the planning and design done, there was lots more foot dragging. Eventually I had to go not only to the minister but also to the Premier. I do not know what the Premier said to the director-general. I do not know how that side of it worked. All I know is that things happened. In 20 months from the initial budget allocation we opened the police station doors with the departmental people still saying to me, 'But, Mrs Gamin, you must understand that it takes three or four years to build a new police station. It takes three or four years from the time of the first budget allocation. 'We got it up and running in 20 months. I am ashamed to say that on the day we opened it I met these senior people for the first time. I had never actually seen them before. I had only spoken to them on the telephone. They were good-looking fellows, well barbered, nice suits. I am ashamed to say I said, 'I told you so.' It diminished me, I know, but it made me feel better.

Representations to ministers need only come about when you cannot fix it at a local level, and then you bring in the heavy guns. On issues to do with police, though—complaints about police behaviour—I always had the constituent write it down before I sent it to the minister. It was amazing how many complainants did not proceed when they had to put it in writing or send it on to the CJC. Anything to do with Treasury I made people put in writing, too. As to state revenue, we did not have too many wins from my office with the Department of State Revenue. That was always a tough nut to crack.

But I come back to the point I made before. For most ordinary people a visit to their local member's office is a big deal. They come to us because they do not know where else to go. Some problems that hit our desk as members of parliament do not require much intervention; they merely require a setting in the right direction. But not all of our constituents have the capacity to deal with problems that appear to them quite insurmountable, even if to us they are relatively minor. That is why people in trouble come to us. Our job is to give them the best attention that we can. It is our job to give them courteous attention, and to try and solve the difficulties that they cannot cope with themselves. That is the real world. That is out in the electorates. It is certainly not in George Street, which is quite divorced from reality.

I spent 10 years in this place. There is nothing more divorced from reality than this complex. I must say that I have known some members who really thought it is the real world. It is not. The real world is out there in the constituencies, out there with the day-to-day problems of ordinary people. They are the ones where the backbench and the public officers at a regional level really get on pretty well together.

To summarise, I cannot comment at all on that level of Public Service-parliament interaction where advice on matters of state or national importance is requested and received. Nor can I comment on those levels where government wants to make sure its political interests are met and its stated policies are driven home, although backbenchers do a fair bit of pushing to make sure that a variety of ministers get budget allocations to do things for them in their electorates, like police stations, schools, roads, health centres and that sort of thing. We are not involved at that actual level where the Public Service is pushing those political views.

I can only speak about what I have experienced myself. Even though I have had a few confrontations over the years, I did find that on the whole amicable relations between myself and the

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bureaucracy were almost always the norm. We could normally negotiate to produce decent results. My views and my experience, as I said, are light years away from the presentations that you have had from Ken and from Rachel. But, whether we are talking about interaction at the highest level between ministers and senior public servants or about the day-to-day interaction between members and their constituencies and middle ranking departmental officers, we have to remember that mutual respect is not automatic. It has to be progressed in a professional and courteous manner, and that will in turn lead to successful relationships that will benefit everybody.

**Ms Nonie Malone:** Thank you, Judy. Much as Rachel and Judy came from quite different perspectives, and Judy had a perception that she was dealing in the real world, which I am certain was so, and that Rachel was dealing in the George Street less-removed world, there was something in common with those two—that is, public servants and parliamentarians do come together, are close and that they are there to work together to make a difference and to get things done. I found it quite interesting to hear that there was that similarity. It certainly contrasted with some of the things that Ken was saying.

Unfortunately, Ken Wiltshire has had to leave us at this point. I apologise to you on his behalf. We have time for one or two questions. Brian Head, who is professor of governance from Griffith University, has kindly agreed to step in to Ken's shoes just for the question time. Please direct questions on the nature of the theory and the breadth of the topic to Brian, and to Rachel and to Judy on those other topics. There will only be time for about two questions.

**Mr Bill Hewitt:** I come from a perspective of being a person who entered this parliament almost 40 years ago. I have watched the change in the relationship between the Public Service, cabinet and government in those 40 years. Substantially I lament the change. If it is not too late, I would like to see certain changes implemented. I relate particularly to public servants of great note and great repute when I came into parliament—Sir David Longland, David Muir, David Haigh, the Valuer-General, and Leo Hielscher. Leo's name is probably the only one that comes readily to mind. All of those public servants started their Public Service career during the terms of long-term Labor government.

When there was a change in 1957—consequent of a split in the government, not because the opposition particularly came in and took government—those people had to effect a transition. They affected it painlessly because the Public Service of the day was substantially inherited and because those public servants instinctively understood the great principle of Westminster that you give loyalty and support to the government of the day. For a variety of reasons those sentiments have changed. I think one of the reasons they have changed is the consequence of one side of politics being in office for too long. I refer to Whitlam coming into office in 1972 after Menzies had been there since 1949. Whitlam was entitled to feel that the bureaucracy was too entrenched and too conservative in nature. While he did not indulge in dismissals, he did enlist other advisors to also help him. I think one may look at the change from that point forward. To me the consequence is that the one thing that the bureaucracy no longer offers is the benefit of long-term experience. That was the great tragedy of the Westminster system: governments may change, but there is a consistency in the bureaucracy and the advice was always quality advice.

I do not know how you turn back the clock, because I think the contractual relationship is difficult—and given it is more disadvantage than advantage—but it should be looked at critically. I think there is the need for both sides of politics to look critically at the relationship and maybe to decide whether we want an enduring Westminster system or whether we want to embrace an administrative system that the Americans handle. In personal terms I say 'perish the thought', but to the lady who is still here I would be interested to know your response to those comments, if indeed I have made anything that is particularly germane anyway.

**Ms Rachel Hunter:** I guess it goes back to the fundamental difference in opinion that Ken and I share about the nature of the contract service versus the nature of tenure. I actually believe that the Public Service is no different with respect to the changed pressures that have impacted on organisations in the private sector. We are asked to be more efficient and more effective in the use of public resources. Increasingly, we are asked to deal with highly complex and often intractable problems and policy issues. We are asked to manage increasingly more complex relationships. We are asked to work at a whole-of-government level. So senior public servants—public servants universally—need a whole set of skills and experiences that enable them to rise to those challenges. We work in a highly ambiguous and difficult environment. Ken talked earlier about celibacy not being in the selection criteria for senior appointments. I would argue that it does not need to be; you are too damn tired, anyway.

I am not trying to be flippant. I think that the issue of tenure is not actually the real issue. The real issue is about finding people who want to make a difference, tapping into the core values about delivering public interest and recognising that will to deliver the public interest. I am a 26-year public servant, so I do

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not see that that is diminished and I do not see that my opportunities to make a difference have been diminished by the introduction of a contract service. I do not think I have had tenure for 15 or perhaps more years. That is true for a lot of public servants. I think we engage in the debate about tenure versus contract, but I do not think we actually engage enough in the debate about what makes for a high performing, relevant Public Service. We tried to do that in the office of the Public Service over the last few years.

The other thing about the examples you have provided of great leadership in the Public Service is that the one thing that characterises those leaders is that strong commitment to making a difference. I do not see any diminution of that core value.

**Ms Nonie Malone:** I think that question and answer rounded it off very, very nicely. I think we will need to move along. I would now call on Dr Paul Reynolds to present a vote of thanks to the speakers.

**Dr Paul Reynolds:** Thank you, Nonie. Firstly, I would like to reiterate my welcome and greetings to all who have made the effort to come. This is not a topic which the ASPG would perhaps, off the top of its head, think was a core area for a study of parliament group. I congratulate Nonie and the office holders, though, for putting together an excellent panel of speakers who have given us a very pertinent and relevant series of commentaries on a relationship which is obscure for most of us.

We think of public servants as interacting with ministers, with ministerial offices and with cabinet as a collectivity. We do not often think of the Public Service and its role of interacting with the parliament. I think Nonie was being pretty courageous, actually, by putting this one together, and certainly by the caliber of speakers. We have had a very interesting array. We have the theoretician, we have the practitioner and we have had the parliamentary gadfly. That has been a pretty interesting combination. I have known Ken Wiltshire since I was appointed to the University of Queensland in April 1973. I am here to tell you in his absence that I have never known him to wear a cardigan—rather formal suits maybe but cardigans not at all.

I think it is very interesting that Rachel chose as her lead motif Yes, Minister and Yes, Prime Minister. I actually said to Ken when that program was going to air for the first time—not the 50th time, as we are seeing it now—that it did far more for the study and appreciation of public administration than all the millions of boring textbooks that he wrote on the subject. He was kind enough to agree with me that that was the case.

We all have our own favourite stories and anecdotes from Yes, Minister and Yes, Prime Minister. My one—because I am a religious tragic—concerns the appointment of a bishop. As some of you will know, the Prime Minister's office in Britain is responsible for Episcopal appointments because the Church of England is, by law, established. He actually has an Episcopal secretary who recommends the filling of the 26 bishoprics of the Church of England. There is this guy who is a candidate and he has been runner-up a couple of times. He is passed over because he actually believes in God, which is considered to be pretty radical for a bishop. Jim Hacker is trying to get his head around this. Of course, in real life Paul Eddington was a Quaker, so he was as removed from this as it is possible to be. But Humphrey actually made a joke. Humphrey said, 'Long time, no see.' The fact that Humphrey actually made a joke was, in itself, amazing, but, as tended to happen as the series progressed toward its conclusion, it was Bernard who was left with the last word. At the end of the program he said, shrugging his shoulders, 'Well, Prime Minister, it's the Church of England. It'll either be a Queen or a knave.'

Anyway, moving right along, Judy has had a pretty chequered career. She has always been a lady to speak her own mind. Judy, I did not realise that you were the oldest member of parliament, but I think that gave you a certain immunity. Perhaps in the National Party there is a degree of ancestor worship; I am not sure. But certainly LCARC is one of the most high-powered committees of the parliament and deals with some pretty high-profile matters. I was very interested, too, on Judy's experience on the estimates committee. I wrote an article on the estimates committees in about the second year that they had been in operation. Wayne Goss actually said to me when he read it, 'It's my opinion that it'll take the parliament four to six years to get used to the estimates process and use it properly.' I leave it to your judgment whether that has occurred or not, but it was an interesting observation from the Premier who introduced the estimates committees because everyone was bored with the full ranging estimates debates which really progressed the process very little. At least it was better than Joh's time when the cabinet actually decided whose instruments were debated in the parliament. Guess whose estimates were never debated? The Department of the Premier. Surprise, surprise!

With those memory lane-type ramblings, I would like you to join with me in congratulating the speakers on very fine deliveries. They have enlightened us. They have amused us. They have informed

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us, and I think they have let us go away better able to get our heads around this complex and ever changing relationship.

Ms Nonie Malone: Thank you, Paul. I add my sincere, heartfelt thanks to the speakers as well for making this such a wonderful evening, and I thank you all very much for joining us.