



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

***THE PUBLIC SERVANT AND
WESTMINSTER:
EXPECTATION AND REALITY***

Speakers:

*Professor Ken Wiltshire
Sir Leo Hielscher*

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Parliament House
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The Meeting commenced at 3.05 p.m.

Dr REYNOLDS: Firstly, I wish to say how much I regret that Ross Dunning cannot be with us this afternoon. Ross only recently came out of hospital and he did not feel that he could make it here this afternoon. Ross has supported us very enthusiastically in the past and is a very good friend of the Chapter. We offer him our best wishes for a speedy recovery.

A number of apologies have been received. The only two I wish to highlight are those from our patron, the Speaker, the Honourable Neil Turner, and Dr Noel Preston, who is known to many of you. Noel is one of our members. He is presenting a paper at the Australasian Study of Parliament Group Conference this weekend, which for the first time is being held at the Legislative Assembly in Wellington. I hope that all goes well for him.

On behalf of the Queensland Chapter, I welcome you here and say that we very much appreciate your support. We have never met on a Friday afternoon before and we have certainly never met in the Legislative Council Chamber; the venue is rather grander than we are used to.

The Australasian Study of Parliament Group has experienced a few glitches since our AGM last May. We have successively lost a Treasurer and a secretary. Our former secretary, Belinda Noakes, is no longer employed by the Parliament; she now has a job at the other end of town. Because it is desirable that our secretary be on the parliamentary staff, she has reluctantly tendered her resignation. I thank Belinda because she wrote to our speakers, organised this meeting and did a good job. In her absence, at the last moment, Mary Seefried, our first secretary, very kindly stepped in. Mary has put the fine detail of the meeting together. I am very grateful to Mary for her willingness to step in.

We will start by hearing from the two speakers. Then, as is normal, we will have some questions, comment and discussion. After the meeting has concluded, afternoon tea will be served on the balcony. In addition, for those who would like refreshments of another type, the Strangers Bar will be open at a quarter to five.

Without further ado, it is my great pleasure to introduce the speakers to you. I will introduce them together so that the proceedings are not disrupted unnecessarily. Our first speaker is Ken Wiltshire, who is J. D. Story Professor of Public Administration at the University of Queensland. To people who are interested in the study of politics and public administration in Queensland, Ken scarcely needs any introduction. He is widely published in the area of public administration. His speciality is federalism. He has made extensive studies of comparative federalism in Australia and Canada and served on so many Government boards, commissions and instrumentalities that we would be here all afternoon if we had to list them. He also wrote his PhD thesis on the Queensland Public Service, which he titled the *Portuguese Navy*. That title has always intrigued me when I have seen it on the booklists. He may or may not elucidate what he meant by that title.

The second speaker also needs no introduction to students of politics and public administration. For many years, Sir Leo Hielscher was in the Treasury and, for quite a period, served as Under Treasurer. He has served under many Government administrations in Queensland and made many, many reforms and innovations in Treasury, budgetary procedures and things of that sort. So in a sense we have an academic and a professional, although I think those lines of demarcation are a bit invidious. Both will be giving different perspectives on the topic and we look forward to hearing from them.

Prof. WILTSHIRE: Thank you very much, Paul and Sir Leo for the kind invitation to be with you this afternoon. I do not think I will talk about Portugal; Portugal is not exactly the flavour of the month at the moment, having recently defeated us for a seat on the United Nations Security Council. I will leave that discussion for another day.

I began my working life as a Queensland public servant. I worked for 10 years in the Queensland Public Service before becoming an academic. On the day I started work in the Public Service, I remember clearly that I was given three instructions: "Join the union, have a medical, and write a 1,000 word essay on why you joined the Public Service." That was my introduction to the whole process. It was good fun. The most exciting part was the medical. Upon passing, we were admitted to the Public Service. The best piece of advice I had later on was from Sir Leo Hielscher, who said, "Just one piece of advice: be careful if anyone ever describes you as fair and just, because it means that you're a fair bastard and just an idiot." I have taken careful note of that advice ever since. Unfortunately, the words "fair" and "just" keep cropping up these days, and I find it hard not to smile when they do.

This afternoon, I wanted briefly to put our topic into a historical context, because I do not think we can talk about the relationship between Westminster and the Public Service without to some extent revisiting its context and history. It goes back 1,000 years into our British parliamentary history. As members of the Australasian Study of Parliament Group would well know, in those days sovereignty rested with the monarch. If I could make a sweeping generalisation, basically, over the next 1,000 years—over that millennium—what happened was that the power of the monarch, or the Executive,

declined and the power of the Parliament, or the people, increased progressively. It was a long trend. There were some important milestones, particularly the Tudors and the Stuarts. As you know, one king lost his head over the battle for sovereignty between the power of the monarch and the power of the Parliament.

The significance of that event to our topic is that this put public servants in something of a dilemma, because having once had their loyalty to the monarch they then were part of this shift in sovereignty. As the sovereignty moved from the monarch to the Parliament, in a sense the responsibility of the public servants also shifted from being purely Crown employees, or purely servants of the Crown, to being servants of the people and of the public. For civil servants it was an important transformation. Interestingly enough, the growth of the Civil Service really began under the Stuarts, because that was the beginning of the British Civil Service. The Civil Service was intimately involved in the crisis over the so-called separation of powers and the role of the monarch. You know all of the other milestones—the Bill of Rights and other factors—that affected the power and the role of the Parliament. Public servants were a part of that process.

I do not think we can get through this afternoon without mentioning the Northcote-Trevelyan report. I do not want this speech to sound like a university lecture, but it is fairly significant that in the 1850s the British Government commissioned those two gentlemen to conduct an inquiry into the Civil Service. The reason was that there were concerns about the quality and calibre of civil servants in Britain. An inquiry was set in place to discover why that was so. They discovered that the Civil Service in Britain was rife with patronage, or political appointments, and sinecures, or people delegating their job to other people, together with a whole range of other politicisations of the Civil Service. So in the 1850s they recommended, and the British Government at the time accepted, that Britain should move to an openly competitive Civil Service and that politicisation and sinecures be abolished; that is, that the British Civil Service should be an openly competitive career service in which people would be given permanent tenure in return for which they were expected to be politically neutral.

I will return to that theme constantly this afternoon, because in my view that is a deal—a quid pro quo—for the Public Service. If you give them permanent tenure, you can expect them to be party politically neutral, but the moment you play around with the tenure of public servants you must at the same time expect to introduce some kind of politicisation. The bargain struck in the 1850s is still fundamental to the dilemma we face today and the topic we will be discussing this afternoon.

When you joined the British Civil Service, you took vows to be silent, permanent, anonymous and neutral. They have not introduced a vow of celibacy yet, but they are working on it. I believe there will be a regulation in the near future—just kidding. The 1850s then saw the British model. That is pretty significant, because what the British were saying is that a public servant can be equally loyal to any elected Government of the day; that a public servant is a professional motivated by the public good, or by the desire to serve the public interest. For example, if a socialist Government is elected and decides to nationalise the steel industry, the public servants would nationalise it effectively and efficiently. If a Conservative Government were elected in the next week and wanted to denationalise an industry, the same public servants, with the same professionalism, effectiveness and efficiency, would denationalise the steel industry. In other words, it is based on an assumption that a public servant can serve equally and effectively the Government of the day.

In doing that, the British were turning away from the American model. The Americans say that the only effective Public Service is the one that shares the political values of the elected Government of the day. In other words, you need to have public servants who are ideologically and politically committed to the Government's philosophy in order to be effective. So already by the 1850s or 1860s we had two contrasting views about what constitutes an effective Public Service.

A lot of people and academics spend a lot of time looking at the Northcote-Trevelyan doctrine, but I really think people lose sight of its true end. The whole idea was not to produce just open competition and a neutral Public Service; the object of the exercise was to produce the best possible kind of advice. At the end of the day, in a good system of government, what a Government needs is the best advice it can achieve, that is, frank and fearless advice. It is generally accepted that Governments should receive frank and fearless advice; that they should receive advice even if that advice is contrary to their own wishes and intentions. That was the purpose of the British reforms. They were not an end in themselves; they were a means towards achieving the end of getting the best possible policy advice and, I might say, motivation for public servants. There is an argument that public servants are best motivated by permanent tenure and by all of the other trappings that go with the British Civil Service.

At the end of the nineteenth century, the Westminster model was refined. At the end of the Victorian era, the Westminster model reached its highest point of sophistication with respect to the power of the Parliament, the role of the Civil Service and so on. If you go to Westminster, you can see the pattern. Parliament is on one corner, with Downing Street, Whitehall and Westminster Abbey on

the others. The whole complex is there. The Westminster model was created at a time when the test of a Government was small government. In fact, the size of government was incredibly small. The Government played a very limited role even in the economy and hardly any role in terms of welfare provision. Its role was also fairly small in terms of taxation. The real test of good government in those days was a balanced budget. This was pre-Keynesian, and the balanced budget doctrine ruled the day.

The Westminster model and the relationships in terms of public servants were conceived and designed at a time when government was smaller and nowhere near as complex as it is today. I think that is fairly important, because we have witnessed a lot of changes since then. The main change around the world in all Westminster countries has been the rise of party politics. I do not have to tell you that that has changed the balance of power substantially. Whereas for a millennium we witnessed the rise of the Parliament and the decline of the Executive, I believe that in the twentieth century we have now seen a reversal of the trend. Because of the rigidity of party politics, we have been witnessing a decline in the power of Parliament and a rise in the power of the Executive. In a Westminster system of government, the elected Government using its majority in the Parliament can have its way and can have a significant effect.

Australia took on board the Northcote-Trevelyan reforms and the Westminster system, and the Commonwealth Public Service that came into being in 1902, 1903 and then 1904 adopted the new British model of a neutral, permanent career Public Service. It was not long before Australia invented a brand-new device, which we called a Public Service Board. Australia is the first country and, I might say, the only country in the world that has ever had a concept of a Public Service Board combining two functions: the protection of the merit principle and personnel management. In most other countries in the world, those two functions were always kept separate. The protection of the merit principle and the neutrality of public servants was given to one set of authorities, and the managing of personnel and staff was handled by a separate function. But in Australia we combined the two, and for most of our history this century that has created a fairly powerful institution which has in a way been a watchdog over the neutrality of the Public Service. I will come to the history of that in a moment.

Queensland followed the Commonwealth pattern, and the Queensland Public Service, from separation, past Federation and onwards in time, has had to tussle with these concepts as well. However, for most of the twentieth century Queensland had a neutral Public Service—politically neutral, anyway—and has dabbled in and out with Public Service Boards and Commissions. To some extent, our history has been reasonably similar to that of other parts of Australia.

The big difference is the size and complexity of government. Two World Wars and a depression saw the size of government in Australia cranked up substantially so that now, as with other countries, the public sector in Australia is fairly large by world standards. We are about halfway up the OECD ladder in terms of public sector employment. One in three employees works in the public sector. If I remember rightly, something of the order of 33 per cent of GDP is in the public sector. That is fairly large. Our geography is such that we are a small population in a large continent. You might say that Australians are not as dense as other people! I suppose that is another way you could put it. We are encompassed by a Federal system. In this country, the Government had to perform a lot of functions which in other countries were performed by the private sector, particularly in transport and communications. It is no accident that, at the moment, those areas are the main targets for privatisation; they are the main areas in which the public sector has had to perform functions which in some other countries have been performed by the private sector.

Society's demands have increased. People expect Governments to do more than they did previously. But there have been a couple of other major trends over the last 30 years that I wanted to dwell on this afternoon, because I think they have changed the whole equation substantially. I have mentioned the growth of government. The new managerialism has to be a significant factor. It was the by-product of managerialism that saw the abolition of the Public Service Board and some of the other appeal processes. So in the name of efficiency we have watered down some of the protective measures against the politicisation of Public Services in this country, including the appeals processes.

Another trend is the explosion in the new administrative law. Australia now leads the world in its development. Because of worries about administrative discretion and the control of Public Service behaviour, we now have a very complicated administrative law regime which, as you know, features freedom of information, ombudsmen, administrative appeals tribunals, a whole range of other administrative review councils and so on. The list goes on and on. Most people around the world have hailed these things as being very effective in terms of accountability, but they have made the machinery of government incredibly complicated in our particular system. I refer to the administrative law.

Regrettably, we have also witnessed a decline in ministerial responsibility. If I had to put my finger on one of the major issues in our discussion this afternoon, it would be that factor: ministerial

responsibility, as defined under the Westminster system, is now significantly watered down and much weaker than it ever was.

In the academic trade, we usually date that from the VIP planes affair. According to my count, since that date in 1966, there have been more than 45 examples of Cabinet Ministers having refused to accept responsibility for activities that occurred in their departments and, on occasions, having misled the Parliament—and having got away with it. That is the point I am trying to make. Whatever our definition of ministerial responsibility used to be, it is no longer the same. It is not as strong as it was. That is terribly important in terms of Public Service behaviour, because the whole doctrine of a neutral Public Service is intimately linked to the concept of ministerial responsibility. The theory is that, if Ministers are responsible, public servants should fall into line behind the Ministers. If you water down the ministerial responsibility doctrine, then you create all kinds of tensions and implications for the role of public servants.

Some Governments have exploited that by the development of what I call a "responsible bureaucracy doctrine". In the last 30 years, we have seen that new doctrine arise in Australia, particularly with newly elected Governments. There is a view around now that a newly elected Government is entitled to responsive bureaucracy, that is, responsive to the new Government's policies. I do not have any worries about that, except that it is a very fine line between a responsive bureaucracy and a politicised bureaucracy. At times it looks to me as though a lot of incoming Governments, with their enthusiasm and their policies and their suspicion of the previous Governments, have used that responsible bureaucracy doctrine to politicise the Public Service, which I think is a great problem.

A corollary of that, of course, is that Ministers have started to criticise public servants in a way that we have never seen before. It is not uncommon now for a Minister to blame a department for something that goes wrong. That never used to happen so much. That is a problem, because the Westminster doctrine has nothing to say about downward relationships. The Westminster system doctrine is all about upward relationships; it is all about the responsibility of public servants to Ministers, to Parliament, to the people. The responsibility of Ministers to public servants is not clear. That has caused all manner of confusion. There have been quite a number of cases where that has given rise to all sorts of difficulties.

So, too, has the introduction of privatisation and corporatisation. Today, Governments are privatising everything that moves, they are corporatising everything that stands still, and they are streamlining everything that is left. That will change the role of the Public Service significantly. I did want to single out corporatisation this afternoon, which has a lot of advantages to it in terms of efficiency and effectiveness, but it creates all kinds of problems in terms of accountability. I was in Britain a few months ago and four prisoners had escaped from the Isle of Wight. Those highly dangerous prisoners were loose for a week on that pretty small island. In Britain, the prisons have been corporatised, of course. The Minister was under enormous pressure about what he was going to do about those prisoners. The Minister said to the Parliament and to the media, "Well, of course, I'm not responsible for this any more; we've corporatised the prisons. The management of the prisons is the responsibility of the Prisons Authority. I just set the policy. My policy's perfect; they just don't know how to implement it." Fortunately, in my view, neither the Parliament nor the press was prepared to wear that nonsense. As long as the prisons are in Government hands, the Minister has to accept some degree of responsibility. I raise that because it shows how a concept such as corporatisation can change the relationship between a Minister, a Government and the Public Service and make it easier for Governments to shift the blame to public servants if they want to.

We have a variation of that in Queensland, where there have been some complications under the Financial Administration and Audit Act, under which the accountable officer is now legally, by and large, the chief executive officer. That has one big advantage, of course: it clarifies the relationship between central agencies and line departments—there's no question about that. But the more you legally clarify the role of a chief executive officer, the more you blur the distinction between the chief executive officer and the Minister. I am worried, I must say, that I think that that move towards capturing the role of public servants in contracts and in legal regimes may have broken the ministerial responsibility doctrine, because it will be much easier now for Ministers to absolve themselves from responsibility if they can argue that the public servant has a legal and corporate responsibility under the FAA Act or under some other contract or performance indicator. All those things have, in a way, interfered in that old fashioned practice and relationship between the two. They have been affected as well by contracts and the creation of the Senior Executive Service. They have been particularly affected by Governments' politicisation of the Public Service. I think we have had some very unfortunate examples in Queensland in the last 10 years of incoming Governments politicising the Public Service. I would have to say that I think that the Goss Government was very ill advised by a bunch of academics who had had no practical experience, who ended up basically politicising the Public Service and affecting its morale. From an outsider's point of view, there seemed to be a little bit

of tit for tat from the incoming Government. I think that is an important lesson: the moment one Government politicises the Public Service, it is creating a pendulum effect, because, when there is a change of Government, there will be a tendency for an incoming Government to do the same. I wonder whether, as a society, we really do want to see those sorts of moves occurring. It does take us close to the American model. You may think it is a more effective way of doing business—I do not—but I guess there is a contrary point of view that is worth considering.

In all of that, what has happened is that the separation of powers doctrine has become blurred, whereas once upon a time under a Westminster system, under any democratic regime, there was a separation between the Parliament, the Executive and the judiciary. That is much harder in a Westminster system, of course, because the same people who sit in the Executive are also members of Parliament—I am talking about Cabinet Ministers—so it is harder to maintain a separation of powers in a Westminster system than it is elsewhere. What has been happening in Australia, of course, is that the Parliament, I think, has become weaker and less effective. The courts have become either ineffective or less appropriate for controlling administrative discretion, so what we have done—instead of reforming the Parliament and bringing it back to its true powers of scrutiny and involvement watching over the Public Service and so on—is create a whole batch of quasi-parliamentary bodies and quasi-judicial bodies. We have created all of the bodies at the cracks, if you like: National Crime Authorities, CJs and so on. We have created all of the para-parliamentary processes and paraphernalia. Now we have a whole range of complex machinery of government. In Queensland in particular this is true. I think that the machinery of government in this State is too heavy for the size of the population of the State. The average chief executive officer in the Queensland Public Service has to consult somewhere between 35 and 40 individual instruments of policy or be aware of those bodies and their roles before a decision can be made. Those are excellent, I guess, in terms of accountability, but you wonder at times how heavy a regime of that kind you can have on a Public Service making it.

Finally, I want to have a bit of thought about the future of the Public Service. We have talked about the ancient past. We have talked about the trends to the present. What is the Public Service going to look like in the future? How will the relationship of public servants to Westminster fare in all of this? There is no doubt that there will be significantly more privatisation and, to some extent, corporatisation. We need to realise this afternoon that the truth of the matter is that there is no longer a Westminster system of government at Westminster. Something like two thirds of the British Civil Service has now been contracted out to agencies. With a whole range of other reforms that have been introduced, the pure form of Westminster no longer applies there. We do have to grasp a new model, if we can try to produce one. One of the biggest changes in Britain, of course, is the move of the Citizens Charter. Today, people are looking more towards the legal form of redress rather than the parliamentary form of redress over public servants and Government behaviour. That is pretty important, because in the separation of powers doctrine it looks as though people are going to prefer the courts or some form of legal redress rather than the parliamentary method. If the Citizens Charter tells us anything, that is what it tells us. We are witnessing that in Australia, of course, at the moment: people are now taking school teachers to court because of the melanomas kids are contracting in the schoolyard at lunchtime; people are taking Health Departments to court for misappropriations; people are suing Main Roads for potholes in the road. If we are not careful, we will become a litigious society like the United States. Instead of using our parliamentary political methods of achieving redress, we will simply resort to the legal framework. I think it would be a pity if that should actually happen.

At the moment the buzz words around the Public Service are that it is shifting to a purchaser/funder/provider model. The theory is that Governments will no longer be providers of services; they will be purchasers or funders of services. That will change the nature and role of the Public Service as well. The other night, we had a long session with Allan Stockdale in Victoria. Stockdale's vision of the Public Service in the year 2000 is interesting. He says that, by the year 2000, the Public Service will have only three functions: policy advice, regulation and contract management. They are the only functions that the Public Service will perform because all the delivery will be out-sourced. It will be contracted and the public sector will be a small body that will watch over contract management and operate from there. At the moment, there is a joke in Victoria that even the hot pies in Melbourne are going to be out-sourced. If you like, you can add that to Jeffrey Kennett's vision of the world. He takes it a step further. In his view, Victoria can simply put a satellite up above Melbourne and not only can they do all that for themselves but they are happy to do it for any other State. All Queensland needs to do is contract out its service delivery to Victoria and it can handle it by a satellite above Melbourne. By and large the other States could become redundant and everything could operate from Victoria. That is a view of the world that they have. It is an extreme view but, on the other hand, it is a view that is gaining popularity. That, of course, will change the role of the public sector. By the way, I should tell you, particularly Paul, that when Stockdale was describing that model, I said, "That sounds remarkably like the British pattern." He said, "Of course it is; didn't you know I won a Commonwealth Parliamentary Fellowship in 1992 which enabled me to spend three months at the

London School of Economics where I did a complete study of the British Government's reform of the public sector?" I thought the Study of Parliament Group would be interested to know the impact that parliamentary fellowships can have on thinking. He says that that is where he got his ideas from, which I think is quite interesting.

If we wanted to, we could throw in the Hilmer report and National Competition Policy, which will see public servants in a totally different role having to cooperate but also compete with the private sector and share their infrastructure with the private sector and engage in joint tendering, level playing fields and all those sorts of things. We could look at the new federalism, the growth of Executive federalism and the complications caused for accountability for the public when you have a whole range of policies intertwined between Federal, State and, to some extent, local levels. Every day, public servants are engaged in those new Commonwealth/State bodies. Some of them are very effective and working extremely well. Of course, there is the constitutional agenda, which I have not mentioned. If you do think Australia will become a republic, then the relationship and role of a public servant could be quite different under a republican form of government, because, naturally enough, it is to some extent different from a Westminster system of government. If you think, as I do, that there will be new States in Australia in the twenty-first century—I should think that there will be at least four or five new States in this country—that will again change the balance and the relationship.

In the light of all that, what recommendations can we consider to address the issue of Westminster and the Public Service? For my part, I think that the title of your session this afternoon is very well chosen. At the moment, in Australia, we are living in a world where we pretend the Westminster model exists, but it does not really exist. The political system happens in quite a different way from the way Westminster designed it, but whenever something goes wrong, we all rush back to Westminster and we use the Westminster doctrine to define what is or is not happening. I think that it is a bit of a false world. We really ought to take some account of it. For my part, I, of course, prefer the old-fashioned model. I rather prefer public servants to be permanent. I do not see why you cannot have public servants serving any Government of the day; they do not need, in my view, to be on contracts in that way, but that is a personal point of view. I would like to see some buffers created between politicians and public servants. I am very attracted to the idea of Police Boards, for example, acting as a buffer between Police Ministers, Governments and the Police Service. However, in this country, I think we need the concept of the head of the Public Service so that whenever there are allegations of politicisation there is somewhere for public servants to go to complain and voice their concerns in a confidential way about political interference in the affairs of the Public Service. If we could have such a concept as the head of the Public Service, then I think that that person ought to report directly to a parliamentary committee and there ought to be some capacity for transparency so that any undue breach of the appropriate relationships between Ministers and Governments and public servants could be tabled in Parliament and debated in Parliament. At least there would be a democratic process to address it.

For my part, I am in favour of the Fitzgerald machinery, but I am very worried about the intrusion of the CJC in the Queensland Public Service. I do not believe that a criminal justice body has a brief to investigate medium and minor complaints within the Public Service. When we did the inquiry into the schools two years ago, I was horrified to find what they had done to the morale of the schoolteachers. I think it is like using a sledgehammer to crack a nut. For my own part, I would prefer to have an internal Public Service complaints process rather than have that heavy handed arrangement. On the other hand, I think it is time to revive EARC, because in EARC we had one of the finest examples of reform. It was objective and well researched. I thought that it was a great mistake to abolish that body. It could have easily been converted into a smaller equivalent of the Administrative Review Council and could have served as a kind of a grandparent body, maintaining a constant oversight of problems affecting the politicisation and the morale and efficiency of the Public Service. I suppose, to an extent, I agree with Tony Fitzgerald's doctrine. Tony Fitzgerald says that when a Public Service starts to give Governments the advice that it thinks the Government wants to hear rather than the advice that it thinks the Government should hear, then you have the beginnings of a politicised Public Service. To my mind, some of the suggestions that I have made would, I hope, go some way towards rectifying that.

In terms of the motivation of public servants, the old fashioned doctrine said that public servants were motivated by a permanent job, by serving the public interest, by the buzz that comes from being close to the action, and by that sort of sense of loyalty and commitment. Modern day management theory says: no, public sector managers are motivated by a remunerations package, by a contract, by performance indicators, by being held accountable in those sorts of ways. I suspect the truth lies in some blend of the two, but in trying to blend them we seem to have lost sight of the old-fashioned virtues. To my mind, I would really favour reinventing Westminster and going back to the expectations side of the topic rather than the reality. But then I am also in favour of 1930s music, so maybe I am a bit old fashioned. Thank you very much indeed.

Sir LEO HIELSCHER: Thank you, Paul and Ken, for giving me an opportunity to address you on this topic. Very rarely, if ever, does a public servant get an opportunity to speak publicly about these issues. And very rarely does a retired public servant get that opportunity. Ken, you were very comprehensive. We have not compared notes. We have not even spoken about our views on this topic, but we are not very far apart. However, you were very comprehensive. I will not go back to 1215. I will be content to speak from 1970 or so onwards. I think our conclusions are the same.

As we all know, the topic is The Public Servant and Westminster: Expectation and Reality. Up until the last decade, the expectation was the reality in Queensland. The expectation was that the public servant working in Queensland under the Westminster system was party politically neutral. The expectation was that the public servant gave his Minister expert, unbiased advice, no matter to what political party his Minister belonged. The expectation was also that, if the Government and the Minister changed, the public servant remained, continuing to provide his new Minister with similar expert, unbiased advice varied only by the recognition that a party with a different political philosophy had been elected to Government.

For instance, in 1957, after almost 50 years of Labor Government, except for the Depression years, the Nicklin/Morris/Hiley conservative Government came to office, and not one public servant in Queensland was dismissed. Under Secretaries and senior public servants who had begun their careers as juniors and worked most of their lives for a Labor Government automatically switched to advising a new Government. Some had been private secretaries and some very senior advisers, yet they were able to accept their new political masters without qualms and with dignity and professionalism.

My own career in the Public Service in Queensland is an example in point. In 1942, I began as a junior clerk in the State Government Insurance Office. Six months later, I moved across to the Auditor-General's Office, and after a period of war service worked my way up through the Public Service to become Under Treasurer before my current position as Chairman of the Queensland Treasury Corporation. Over those 50 or so years, I served many Treasurers and several Premiers from both sides of the political fence. In those years, the system was that you worked for the Minister and the Government—in that order—providing advice that was straight down the middle. Therefore, my expectation of a Westminster public servant is one who serves and advises his Minister, irrespective of the Minister's politics, with professional and expert advice to the best advantage of his Minister. He serves and advises the Government of the day irrespective of politics, with professional and expert advice to the best advantage of the Government. That advice is always designed for the good of the total population, not just a political segment of it.

Of course, he must recognise the political philosophy of the governing party and not present the Government with conflicting philosophies, and he has a role to survive and to tactically position himself so that his independent and expert advice succeeds. After all, it is not much use being an expert and being correct in your advice if you cannot get recommendations approved and then executed. However, if his recommendations are rebuffed or altered, then the expectation is that the public servant carries out the approved procedure with grace, diligence and professionalism. His objective continues to be the same: to show his Minister and the Government in the best possible light.

In the past 10 years, the reality in Queensland has been that the Public Service is progressively moving away from the Westminster system to one that resembles the system in the United States. Increasingly, very senior appointments are being made from outside the public sector, and those appointments are later terminated by the incoming Government. In other words, political appointments, which once remained safely ensconced within the Minister's private office, are now being made at very high levels within the Public Service almost as a matter of course.

While blatant political appointments are expected to be terminated by a new Government, what of the true Westminster heads of department who, after years of dedicated service to whatever Government was in power, suddenly find themselves out of a job to make way for a political appointment? In the last two changes of Government, we have seen many senior public servants depart, some of them taking their expertise into the private sector. This loss to the service and to Government is irreversible, as most of these people would now have little incentive, financial or otherwise, to return to the Public Service. Some take their experience interstate.

A career public servant who was replaced recently now holds a very senior position with another State Government. As a result, Queensland has not only lost very valuable knowledge and expertise; it has lost it to a State which quite regularly competes with it around the Commonwealth/State negotiating table. I might add that this person was appointed to his position in the Queensland Government some 12 months or so before the last election. In fact, I acted as his referee. How he must have wished later that he had been unsuccessful in this application! Had he remained as the deputy within the department, he would still be there.

Of course, one of the reasons it is so easy to dismiss directors-general and other senior public servants these days is the contract system. All heads of departments and most senior officers are on contract. This system was introduced in the mid eighties, and perhaps I should claim a little of the credit or debit for it. However, I believe that the reasons for introducing contracts were pretty close to correct at the time, but I certainly did not expect to see contracts used as a weapon to politicise the senior division of the Public Service. The aim then was to make government—with a small "g"—more commercial and effective, and contracts exposed senior people to some of the realities of present-day commercial life.

For example, the Director-General of Education had to be the managing director of his department, as well as the top educationalist in the State. If he did not perform as such, his services could be terminated on the renewal date of his contract. Also, in Queensland superannuation entitlements of all public servants are fully funded. Senior people can be dismissed and superannuation entitlements funded out of the superannuation funds without any recourse whatsoever to the current Budget. It does not cost the Government anything to politically cleanse the service.

The trend towards political appointments within the Public Service is having a very serious and negative effect on not only our Public Service but also, I believe, on our quality of government. It is removing the public servant's traditional security of tenure, which has been a key factor in attracting and keeping highly skilled people in the public sector. In the past, job security was always considered a major advantage of working for the Public Service, and it offset the high salaries offered by the private sector. Now public servants have lost that security, and they are still being paid much lower salaries. Quite clearly, if the high-quality service personnel are lost so also is the quality of advice the Government receives, with the consequential deleterious effect on Government decisions generally.

The current system is also creating uncertainty and confusion for public servants. The game rules have changed, people are caught in a vacuum between the Westminster and American systems, and they are questioning their career paths. Do they really want to be a senior public servant in Queensland come election time? It is not surprising that the private sector looks increasingly attractive to senior people. Salaries are much higher, job security is no different from the Public Service at the moment, and at least they know how the game is played.

As well as affecting the quality of the Public Service through the resulting "brain drain", there is an effect on the morale, quality, and motivation of the whole public sector. When merit does not ensure promotion and security, morale deteriorates very quickly. The more energetic see their future blocked or at least clouded. The job then becomes a 9 to 5 time-occupier, and the principal motivation is to keep your head down. The quality issue runs right back to recruitment of the best staff from universities. High-quality students will not be attracted to a Public Service that does not recognise their talents and capabilities, but instead rewards the politically aligned. And what incentive is offered for a lifetime of effort to succeed to the top, only to be exposed to political head lopping?

I mentioned the deleterious effect on the quality of Government that flows from the loss of expert top-level staff. This is of particular concern. Good Governments rely on broad, well-informed advice from experts in their field in order to make decisions that benefit the whole State. Narrow-minded or politically biased advice which is accepted by a Government is not the basis for quality decision-making. A Minister should seek neutral expert advice. He may then, if he wishes, apply his own political twist to it. However, he recognises that if he does vary the expert advice he must do so with great care. If a Minister does not have the capacity to see the political ramifications of an issue, there is always the opportunity for him to appoint political advisers to his personal staff to help him—and that is done now, anyhow.

Also, with politically motivated permanent heads there is the very real danger that he will strive to please a politically superior Minister rather than disagree, play devil's advocate, or present better options. But if a Minister is not receiving full and complete advice or is not made aware of all the alternatives or repercussions of what might flow from his decision, again the result is likely to be a narrow, out-of-touch approach which does not take full account of the needs of the entire community.

The Westminster system of Public Service as it has been developed has often been accused—and quite rightly sometimes—of being moribund, out of touch with the real world, and overregulated to the extent that it stifled real initiative. These shortcomings were acknowledged and were being addressed in Queensland, through the introduction of commercialisation, contracts and other measures, to create a dynamic Public Service. The vision was for a Public Service well equipped with ambitious and well-qualified recruits, motivated by the recognition of their work for the good of the issue rather than the politics of the issue, and aspiring to achieve the head of department position.

Unfortunately, we are heading towards a Public Service which will attract few people with high academic achievement. Public servants will have no real desire to do more than their required hours or to excel. They will utilise all the leave and other perks of working for Government, but offer little in the

way of initiative and effective performance. Few will have any drive to reach the top. Few will carry the field marshal's baton in his pocket! So can we get the Public Service system back on the rails? I believe we can, if clear expectations are set. I believe we must, as Government continues to intrude so much into our daily lives, and good government is therefore so essential to our quality of life.

Firstly, I believe the Government must clarify the ground rules for a career Public Service, and be committed to building standards. They must let public servants know exactly how the game is played, and they must actively apply those principles to the appointment and promotion and retention of good-quality senior staff. Secondly, the Government must keep political appointments where they belong—within the ministerial office—and allow and encourage senior public servants to provide expert neutral advice that is given for the good of all the people of Queensland.

Finally and importantly, the Government must review the salaries of its senior public servants and bring them more into line with those offered by the private sector. This is essential if the Public Service is to attract and keep experienced senior people in this day and age. The Public Service has been a very important part of my life, and I have some real concerns about where it is heading. I do not want to turn back the clock to the days of the clerk with the eyeshade and ink bottle, but I do believe that the basic principles of the Westminster system should be preserved. We must focus now on the Public Service we need to drive our State into the next century. The choice is fairly clear: we can have a dynamic Public Service providing whatever Government is in power with expert unbiased advice, or we can have a politically aligned Public Service with its associated uncertainty, low standard and low morale.

The Queensland Public Service can offer great personal opportunities and immense satisfaction. It can and has produced outstanding administrators and managers. Let us not lose these qualities and the good people who remain. And let us now use this core of good people to build a career service of professional, expert and politically neutral public servants who are recruited from the universities and schools into a dynamic and exciting service in which the top jobs are open to them if they are good enough and they remain there through political change, provided they themselves continue to perform as professional, expert and politically neutral public servants.

Dr REYNOLDS: Thank you, Sir Leo. Thank you, Ken. I think it is remarkable that we have had two very tightly packed addresses and no one has once mentioned Sir Humphrey Appleby. That has got to be a first. We now have ample time for questions, comment and contributions from the floor. If you wish to direct a question to both speakers or to either one, please indicate. If you just want to make a general statement and would like the speakers to pick up on that, that is fine, too. Who is the first cab off the rank?

QUESTIONER: Sir Leo, when do you feel that politicisation of the Public Service began? You said the mid eighties—are you talking about under the Bjelke-Petersen regime when people like Allen Callaghan and Stan Wilcox were appointed to very high positions within the Public Service? It was not only them but also in that particular area—I think it was sport/tourism—a host of people were extremely supportive of that particular Government. Similarly, you mentioned the fact towards the end that, under the present regime, public servants would take advantage of taking all their sick leave and so on. I have been working throughout the Public Service for a long time. It seemed to me that that was always part and parcel of what were seen as the perks of Public Service life. There was the tenure but also there was the fact that you had that ability to take particular leave entitlements. I would suggest that things are possibly better in one sense because of variable working hours, and possibly absenteeism and things like that have altered. I agree with what you are saying about politicisation of the Public Service, but at the same time I am saying that it started a long time ago. In certain areas, things are better as far as public servants are concerned.

Sir LEO HIELSCHER: In answer to the first question, I tried deliberately to blur when this all started. I used the word "decade" instead of saying "on 1 October 1985". Yes, I guess those appointments that you are talking about would be perhaps the commencement of the era that I am talking about, but it has been done since then with a great deal of expertise and professionalism. You might have noticed also that I said that, if they are appointed as political appointments, they should very well expect to be dismissed because of that reason when the Government is changed. The next question about the use of perks of office and so forth—what I was trying to get to there is that when the great satisfaction of being a successful public servant is gone as a motivation because your morale is low, there is a great incentive, I feel, to take advantage of all the perks of office and work the nine to five hours and not work the extra bit. For example, I know people who have left the service with about 70 weeks of undrawn sick leave. They were so satisfied with their work, the service that they are rendering, the rewards—nebulous though they might be sometimes—and the job satisfaction that they did not worry about those perks of office. But once you lose your morale, you think, "What the hell! Nine to five—I'll stay home tomorrow", that is what we must avoid, I feel.

Prof. WILTSHIRE: The way the politicisation began in the Queensland Public Service was that, progressively, certain positions were no longer subject to appeal under the promotions system. Some of those appointments you mentioned occurred under that system. The moment you started to remove the potential for people appealing against those appointments is when politicisation began. I think that was a structural element. I agree with Sir Leo entirely about private secretaries' offices. We do not see that quite as much in Queensland, but in Canberra now it is quite remarkable. The average Minister has a ministerial office of 15 people. It is not uncommon to have 20. They are full of advisers. I think that is the way the Australian system will go. It is the way it happens in Europe and other parts of the world. Those people, of course, are caught in a bind, because they have to go if there is a change of Government. The point that we are making is that Governments are totally entitled to political advice; in fact, they need it. But it is best to try to distinguish between the Public Service advice and the political advice. That is probably the best way that we can go institutionally. That has been a proliferation in Canberra to some extent. We are grappling for solutions. Those institutional demarcations are probably a better way to proceed under that light. My point was that, the moment one Government starts politicising the Public Service, you immediately start to create the escalation effect. You then have to expect that the incoming Government will do the same and possibly go further. That creates its own momentum, which I think is particularly dangerous.

QUESTIONER: That does not need to negate the fact that a purely political appointment can also forward neutral advice.

Prof. WILTSHIRE: Yes, that is true, there is no question—

QUESTIONER: And in using it in a political sense and seeing it as the correct way that we are doing it.

Prof. WILTSHIRE: Surprisingly enough, I thought that the Fraser Government was onto something quite good in its term because it introduced the concept called the First Division Officers Amendment Bill, which basically said that if you had a vacancy for a head of a Government department you would allow the normal internal Public Service process to select a candidate, and they would recommend that candidate to the Government. If the Government in turn wanted to appoint a political person, it had the right to override the selection process and appoint the political person. If the political person were appointed, that person knew that they had a job only for the life of that Government and they would have to be sacked if there were a change of Government. It was a kind of attempt to blend the permanent method but give the Government the right to have some degree of politicisation, but then to make sure people knew where they stood. It is not my ideal model, but at least—and I think this is Sir Leo's point—it clarifies for public servants where they stand and what the rules of the game are rather than having this blurred situation in which, these days, nobody knows whether they will be sacked or whether they will not be. That cannot be good for the morale of the public servants.

QUESTIONER: Ken and Leo, your papers were as good as I expected them to be. They were very stimulating and I enjoyed them very much. Leo, I admire your great courage in saying the things that had to be said. Firstly, I want to say something to Ken which is a little bit removed from the subject under discussion; nevertheless, I would like to draw his opinion thereon. I have the greatest of disquiet about the appointment of Parliamentary Secretaries. They are politicians, not public servants, but it seems to me that that is the Executive arm of Government reaching out, embracing more backbenchers and compromising them by putting them under the umbrella of the Executive and therefore diluting a little bit more the influence of the private member—a term seldom used these days. I would welcome your observation thereon. As to the Public Service itself, I think politicians on both sides of the fence in recent years have performed like philistines. They have demonstrated that, while they preach Westminster, in fact they have the poorest of understanding of it. They would have done themselves an enormous favour by being here today in hordes and learning first-hand—and maybe for the first time—what Westminster is all about. If they are allowed to cut and slash with the change of Government in the way that they have been performing, then we will undoubtedly have a transfer to Executive style of government that the Americans have, which I strongly deplore.

Therefore, taking up Sir Leo's suggestions on how things could be put right, can we pursue that a little bit further? For example, once upon a time there were traineeships, or a certain amount of young people who were enrolled each year, who started at the lower level, and with study and application rose through the ranks. Could that be done? Importantly, can we establish that one of the great virtues of our system is ongoing, long-term experience. I remember great men like David Muir, David Longland and yourself, who, by dint of long experience, were able to call upon past events and, in consequence, preach some caution to Governments when they might otherwise plunge needlessly ahead. I have so much concern about it, but I wonder whether people of goodwill—of political parties or not—can spell out some sort of a protocol so we can understand what are the expectations of the Public Service and, hopefully, can elevate it to the respectability and dispassionate standard that it once enjoyed.

Prof. WILTSHIRE: Thanks, Bill. I should have said that I started life as a cadet, which was the scheme that you were talking about. I think that is pretty significant. If you are going to create Parliamentary Secretaries just for the purpose that you have identified, to try to bring more people within the fold of the Executive and less within the fold of Parliament, of course, that would be deplorable. I have to say I am not quite sure of the reason for the need for parliamentary secretaries. Whether you would prefer a junior Minister system or a group of Ministers in a big portfolio area, I am not sure. It is interesting that there is a numbers game involved in this in terms of the size of Parliaments. Obviously, the smaller the Parliament, the more dangerous this sort of thing becomes. Let us take a Parliament the size of 100 members of Parliament—for a Government to get elected, they would need, let us say, 60 members. The average-sized Cabinet these days is about 20 or 18. For every Cabinet Minister, there is an aspirant or two. So you have 18 Ministers and you have another 18 totally on side because they want to be Ministers. You might have another nine as well who are hopeful. That is 45 people out of 60, whom you virtually have within the fold of the Executive, who are much less likely to be critical and perform the true role, as you said, of a private member.

In the House of Commons in Britain, you do not find that, of course. With 650 or so members, there are hundreds of members of Parliament who are probably not going to be Cabinet Ministers, who are out of the fold of the Executive. They are much more robust and much more prepared to be critical of the Executive of the day. Under a system like that, the parliamentary committees become more important and more powerful. Indeed they become a career path in the process. I think there is something in the scale. The smallest Parliament I have ever been in was in Prince Edward Island in Canada. I had an appointment to see the Clerk of the Parliament. The taxi pulled up outside the Cabinet Office. I said, "There must be some mistake, I have to see the Clerk of the Parliament." He said, "This is the address that you gave me." I walked up and met the gentleman. I said, "There's something wrong here. This says 'Cabinet Office'." He said, "The Parliament only meets six weeks of the year in PEI, so I double up as Clerk of the Cabinet as well as Clerk of the Parliament." I said, "Have you ever heard of the separation of powers doctrine?" He said, "No, what's that?" At that point, I started to feel homesick for Queensland. Two years ago, one of my students wrote in an assignment, "In Queensland justice must not only be not done; it must be seen to be not done." That case reminded me of that. The point you make is a good one, but it becomes even more important the smaller the Parliament, because of that balance between the size of the Executive and the size of regime.

QUESTIONER: Although I agree with most of the things that both Ken and Sir Leo have said by way of praising the way in which Governments previously operated according to something like a Westminster system and disparaging the way we are getting further away from that position, I do not think we should over-idealise the Westminster system. We should bear in mind the faults that have always been endemic to it. What I am thinking of in particular is that the home of the Westminster system is also the home of the Official Secrets Act, section 2 of which makes it an offence to disclose any of Her Majesty's Government's business.

The episode of *Rumpole* in which somebody was prosecuted for revealing to the press how many cups of tea were consumed per day in a defence installation was based on fact. I know that, according to some ideal of ministerial responsibility, loyalty to the Minister demands that secrets not be let out without the Minister's consent. To me that seems thoroughly pernicious. I would hope that one day England will follow the example of its former colonies in having some freedom of information legislation. The moral for us is that, as we discuss the Westminster system, we must always be prepared to analyse it fairly critically and to advocate the copying of those features of it which are beneficial and, at the same time, pick out those features of it which are deleterious and campaign for changes to them. I wonder whether either of you have any comments as to what you see as being any practical effect of combining freedom of information legislation and perhaps fairly strong whistleblower legislation.

Another defect of not particularly the Westminster system but of government in most places is the tendency for Ministers to want everybody to be loyal whether they are right or wrong. Could you comment on the effect that both strong whistleblower and FOI legislation has on trying to run something according to traditional notions of ministerial responsibility?

Sir LEO HIELSCHER: Perhaps we should agree not to follow any particular system slavishly but to use some system as a basis, pick the eyes out of it, see where the faults lie, find alternatives and so forth. We could probably end up with something that we want as our system. In my view, it would probably be based on the Westminster system. There are pluses and minuses. When I was in America for six or seven months, I was questioned on the way our system worked. This was at the time of the Nixon Watergate problem. I was being questioned about how the system worked in Australia. I told them that we operated under the Westminster system. I said that we give advice—and I used the same words I used today—down the middle for the good of all the people. One fellow said to me, "How would you know what's good for all the people?" It would be very hard to convince the Americans that we should not be adopting a few items from their Constitution and system.

Prof. WILTSHIRE: Interestingly, the British system has been one of the last in the world to adopt freedom of information legislation. My answer to all of this is to restore Parliament to its true place. We would not have all of these problems you alluded to if Parliament had the powers that were properly conceived of for it. I am staggered that the main group of people using the FOI Act in this country are Members of Parliament. I find that absolutely contrary to the true principles of Westminster. If a Member of Parliament wants information, that member should write to the Minister and the Minister should provide that information. But now we find that politicians themselves are using a legal remedy—the FOI Act—in order to get information which in the old days should have morally been available to them as Members of Parliament.

I agree with you, of course, about open government and some of the virtues of the FOI Act. A member of Parliament should be able to get almost unfettered access to documentation and should be obliged to keep it confidential. Probably, they brought about their own demise by their own behaviour in leaking documents and so on. But as I was trying to get at, my answer was not to invent all of the paraphernalia—the new administrative law. If the Parliament were working as it was conceived, that is, as sovereign over the Executive, then the bulk of these problems would not occur.

My concern about ministerial responsibility really was not whether it is good or bad. My concern is that we do not know where it is at. I honestly do not know where ministerial responsibility stands any more. We have had Ministers who have been wrong and who have refused to accept responsibility. We have had Ministers who blame public servants. We have had chief executive officers of departments who have gone to gaol, yet their Ministers got off scot-free. We have had Ministers who have been to gaol, but the chief executive officer has got off scot-free. We have had the Ros Kelly affair, in which a Minister, I suggest, technically and legally in a sense did nothing wrong except to politically allocate money without making criteria transparent. But I was not sure where that left ministerial responsibility. In the Carmen Lawrence affair, a Minister, after having been found to have lied in a State Government regime, obtained a ministerial post in a Federal Government regime. Whether you agree or whether you do not, all I am saying is that it makes the doctrine even more confusing.

On the other hand, we have had some absurdities, such as the colour television set affair, in which not only the Minister who did not fill in the form was sacked but also the Minister for Customs, because it was somehow felt that Customs ought to have known what the Minister was doing. I thought that was a gross reaction the other way. He keeps belting my ear about it every time I see him. He has never forgotten it. In the Paddington Bear affair, again there was a bit of an overreaction. All I was trying to get at was that we really need to start clarifying it.

I think the only position that is left is that, if Ministers are found to have deliberately misled the Parliament, I suspect they would probably have to resign. That is about the only rule that I think remains out of the whole ministerial responsibility concept. However, even then I am not totally sure that, if they had the backing of the Prime Minister or Premier, they could not tough that out, too. I am asking: where does the doctrine stand? We need at least to clarify that. The whole rationale and logic of the Westminster system depends upon the Minister being accountable to the Parliament and hence to the people for the actions of the Government. If the logic and rationale of that are not pure or at least clear and understood, we are always going to have this obscure relationship. That puts public servants in a bad place because they, in turn, do not know where they stand. It is a dangerous solution to try to remedy all this by legal means and contracts rather than by clarifying that political relationship. This is a very long answer to a short question, but that is all I was arguing for. We need to clarify the concepts of ministerial responsibility, because I do not think they are very clear at the moment. I do not know whether you would agree with that.

QUESTIONER: I certainly agree; they are not clear.

Dr REYNOLDS: On the issue of freedom of information legislation and members of Parliament using it, I would like to share an anecdote with you. Some 20 years ago, I was chairing a social issues forum at St John's Cathedral. On the platform at the time was a Minister of the State Government, Sir William Knox, and a fellow Liberal who was then in Opposition, Sir James Killen. In response to a question from the floor, Knox made the amazing statement that, if he thought that a question he was asked in Question Time in Parliament was too complex, it would be placed on notice and he would instruct his public servants not to answer it; it was a waste of their time and they had better things to do with their time. I thought Killen would have an apoplectic fit when he heard that. He turned on Knox and savaged him—and rightly so. I was relatively new to Queensland at the time and I was absolutely aghast to think that Ministers would not only do such a reprehensible thing but also brag publicly about it.

QUESTIONER: Can I follow up on something that you were saying in reply to the question before mine about the size of Parliament? It seems to me that, if you want Parliament to fulfil all of those roles which we have invented the new administrative law for, size is a very important concept. You have a Parliament of 89. You could have a governing party which only has 45 members and, of those, a

good proportion and nearly all of the talent—and some non-talent—is already in the Ministry. The Parliaments in the US and the UK number in the 500s and 600s. Therefore, there are sufficient personnel such that, after you have formed a Ministry with all the assistant Ministers that might conceivably be needed, you still have a lot of talent to serve as chairs of committees. Some investigative committees are very important. In the US, you do not have the Executive in Congress at all, but I think the number is still a significant matter. It worries me that, as we start talking about maybe bringing back a Legislative Council here, one of the strategies that people are talking about so as to stop terrifying the voters with the prospect of having yet more politicians is a reduction in the number in the Assembly. It seems to me that the Assembly would then have way below the critical mass at which you could expect to have any effective policing and criticism of Government from within the Government's own side of the Chamber.

Prof. WILTSHIRE: I must make it clear: I was not advocating larger Parliaments. I was saying that the problem becomes more difficult with a smaller Parliament. In a place like Queensland, with no Upper House, you are expecting the Lower House to fulfil as well the House of review function, so there is extra pressure on a unicameral Chamber. Of course, that happens in Canada where all the provinces are unicameral and they have to perform the review function as well. What it does highlight is—something we have not mentioned this afternoon—that the other way around it is the research capacity and staffing of the Parliament itself. Another way to bolster the members of Parliament in their role in relation to the Executive is that they ought to have very good research capacity and they ought to have good ability to query the Government and good backup capacity in terms of putting pressure on the Executive. While I do not think any of our Parliaments are really that good at that in this country—they have magnificent libraries; this Parliament has possibly one of the best parliamentary libraries in the Westminster world—research is what you make of it. If a member of Parliament's idea of research is just press clippings or "What did I say about this one year ago?"—that is their concept. I am talking about the research of the sort that you would find in the American Congress, where the American Congress really puts pressure on the President because the Congress itself has a highly professional staff. We have to be careful here: we do not want to create one bureaucracy to catch another bureaucracy. I think there is definitely a vacuum in Australia in that our Parliaments do not have the fully fledged research capacity of the sort that you really need. In a way, that would compensate a little bit for the smaller size of the Parliament. If those remaining Independent private members had that capacity, that would add a little more strength to their arm. I think you are right: there is debate about the appropriate size of Parliament and what is a critical mass and so on. In this era, to advocate an increase in the size of Parliament probably would not get us terribly far. If there ever were to be an Upper House restored in Queensland, I am fairly confident that you would have to reduce the size of the Lower House to some extent to gain political acceptance for the introduction of an Upper House, but that is just a personal opinion.

Dr REYNOLDS: Thank you for those questions. I thank you for coming. I particularly would like to thank the two Hansard reporters for giving time up from their other duties to come and provide us with a full verbatim record, which we will have a look at editorially and speakers will be able to make any emendations they wish. I also thank the refreshments staff. I remind you that tea and coffee will be served and the Strangers Bar will be open for people who would like cold drinks. You are most welcome to use those facilities.

Since it was his idea that we have this session and he gave it the title and, indeed, suggested the speakers, I think that it is only fair to give Bill the chance to move a vote of thanks.

Mr HEWITT: I do so with a good deal of pleasure, because I have enjoyed the papers immensely. I hope that the papers can be made available to a broader reading audience. Ken mentioned the fact that he was once a cadet in the Public Service and then moved to academia. He neglected or avoided mentioning that he was once a pretty sharp player on percussion in a band. I have fond memories of incidents at the Camp Hill High School which, if lubricated sufficiently, I might be prepared to share.

We have addressed a very serious subject this afternoon. It is one that is of great concern to me. I have enormous faith in the Westminster system, but particularly in the obligation it imposes upon public servants. Public servants cannot give that ongoing impartial advice if they are insecure in their own right and if they see enormous movements happening every time there is a change of Government. I know I am becoming tedious by citing this example, but I cite it once again. When Menzies came to office in 1949, he inherited Coombs, who was openly and unashamedly a Fabian socialist. There was enormous pressure upon Menzies to rid himself of Coombs. I remember Liberal Party conventions at which leading spokespeople of that party at that time were insisting that Coombs be removed. Menzies, to his eternal credit, would not do so; Coombs, to his eternal credit, had no problem in understanding the policies of the new Government. They worked very closely together. I always hold that up as the shining example of how the Westminster system can work and how it should work.

Today, we have heard from two people who also empathise with it. Ken gave us the historical background. I was pleased that he expressed his own sentiments, more pleased because they coincide so closely with my own. Leo gave us the benefit of his great experience, but I am also very grateful to him for his great honesty, because he perceives a problem and he is prepared to identify it and give us some ideas on how it can, hopefully, be addressed and how it can be corrected. On behalf of everyone here this afternoon, gentlemen and good friends, thank you for coming. We enjoyed your papers very much.

The Meeting adjourned at 4.33 p.m.