

The Australian

Serial monogamist twists to PM's tune

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WHEN Ken Henry's predecessor as secretary to the Treasury, Fred Wheeler, appeared in 1975 at the Senate hearings into the Loans Affair, he stood up, said: "My name is Sir Frederick Wheeler. I am Secretary of the Treasury, and I am instructed to answer no further questions," and sat down again.

In today's Australia, Wheeler's behaviour, and even more so that of the government which instructed him, would seem an affront to democracy.

Used as we are to public servants who regularly appear before parliamentary committees, and give speeches canvassing contentious issues of public policy, the conventions that once underpinned the public service seem archaic and indefensible.

And to some extent they are. The electorate is far better educated, both in general and about public policy, than it was when those conventions formed.

Unsurprisingly, it demands more detailed explanations than earlier generations required. And the blowtorch of the 24-hour news cycle, along with the explosion in the range of communications channels, only adds to those pressures.

That government is consequently more open, including in its inner workings, is to be welcomed. And there are obvious benefits in having public servants of the calibre of Henry openly analyse key issues.

But these developments also raise important questions about the role of the public service, questions which came sharply into focus with Treasury during the Rudd years.

Start from the basics. The public service exists to serve the nation, but to do so by serving the government of the day. It is therefore anything but neutral: rather, its duty is to assist the duly constituted government implement its program.

By thus making policy responsive to the desires of the government of the day, the public service enhances the democratic process, whose essence lies in the electorate's ability to change policy by voting governments into and out of office. But that function also imposes two crucial limits on public service conduct.

First, while assisting the government of the day, the public service should do nothing that undermines the democratic process itself. It is, for example, entirely appropriate for public servants to draft replies to possible parliamentary questions; but it would not be appropriate for those prepared replies to be misleading.

Second, the public service, while never devoid of its own views, must stand ready to change its loyalties in line with the electorate's shifting wishes. By reducing the costs of changing government, this makes the threat of displacement greater, increasing the tension that keeps governments on their toes.

The public service is therefore fated to be a serial monogamist, whose dalliances, like a rigidly chronometred dance card, are timed by federal elections. Especially with an electoral cycle as short as ours, this can only work if there is a clear boundary between the public service and the government: changing government may then change the nation, but, at least in our system, it should not necessitate changing the public service.

That separateness, which is central to the service's professional ethic, is all the more valuable as it allows the public service to speak truth to power, warning governments of risks, and to do so drawing on greater experience than any elected administration could muster.

Now, all this is easier said than done. And at least since John Gorton replaced John Bunting with Lennox Hewitt as secretary to the Prime Minister's Department in 1968, observers have lamented the Westminster system's decline, with each government adding its own twist to the knife.

But those developments were largely actions by governments: the public service itself has generally been protective of the established conventions, and as best it could, avoided crossing the line between its role and that of ministers.

Yet that line became exceptionally blurred in the conduct of Treasury during the Rudd prime-ministership. To begin with, Treasury was placed in the position where rather than support policies because they were determined by the government, it was presented as giving those policies a tick of approval that was all the more authoritative for being "independent".

And more than once, the established roles were reversed: the government defended its choices as being Treasury's, instead of the other way around.

Preventing that was admittedly hardly easy with a government eager to shift ownership of contentious policies to Treasury. Rejecting that ownership would have amounted to criticising the government, which is not public servants' role. But accepting it inevitably compromised the distinction between the public service and the government, casting doubt on whether the latter could be changed without changing the former.

The role confusion then reached dizzying heights in the tax review. That Henry was superbly qualified to head that review is beyond question; but it was difficult to see how he could simultaneously head an independent review, answer to the Treasurer on preparations for an eventual response and, review completed, serve both as the government's principal adviser on the report's strengths and weaknesses and as the leading public advocate on the report's behalf.

Common sense suggests combining those roles was unwise; the aftermath, as well as confirming the risks, was all the more disappointing for setting back the cause of tax reform.

All this partly reflects the exceptional circumstances of the times. But there are also longer term forces at work. Indeed, over the past 20 years, senior officials have become more entangled with executive politics in virtually every advanced democracy.

Faced with those trends some countries, such as Germany and Sweden, now have well-honed processes for managing that interaction. We, in contrast, have responded through a mix of nostalgia for the past, navel-gazing about the present, and anxiety for the future.

The debacle of recent years suggests that anxiety is well-founded. And witnessing those events, many in politics and public administration are whispering "never again". Lessons are therefore being drawn, but only sotto voce. With few institutions as vital to our democracy as the public service, it's high time the debate moved into the open.

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