
What is the point of Public Service?

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Since retiring from politics in 2006 I have been reflecting on the art and science of government both from the point of view of those who are involved in electoral politics and also those who work with elected politicians in the public service. The fact that I now teach public servants has made the latter issue just as pressing as the former. They tell me what they think and it isn't always a flattering picture.

In many ways the public sector environment can be summarised easily. The public is looking for real and demonstrated outcomes from government and governments are looking for leverage from within the public service to achieve these results. It is a world of pressure – from people to government and from government to public service.

Not surprisingly the model of bureaucracy which prized hierarchy, specialisation and standardisation has been overthrown in the interests of flexibility, responsiveness and individual needs. Expectations are high with public servants being required to deliver outcomes as well as outputs – and in an efficient way! However, all is not as it seems. Innovation is heralded and partnerships encouraged but auditing is merciless and despite the appearance provided by the system of performance management relations between Ministers and their Public Servants are characterised by significant degrees of uncertainty. The real world of performance management is much murkier than the textbooks would indicate. Just to complicate matters the media see to it that it is a world of perception as well as reality.

Deft management of pressures from above, below and within is required to keep the ship of public service afloat and working for the good of all. We see the positive side of this work when the public service marshals its forces to cope with a natural disaster here or overseas. We see the negative side when a major failure of performance exposes the community to serious risk.

When there is a sense of crisis or even of uncertainty about the role and functioning of an institution it always pays to return to first principles. In tonight's paper I will focus on the public service not only in generic terms but also in terms of the specific activities undertaken such as policy advice, service delivery, law enforcement and regulation and make a case for situating our discussion in the world of the public interest and its implications for both process and outcomes.

An Essential Part of Government

It doesn't really matter whether we seek to describe the work of public servants as "public administration" or "public management", the reality is the same. It is the non-elected,

working part of government which needs its own explanations and theories. As Woodrow Wilson put it so clearly way back in 1887:

...there should be a science of administration which shall seek to straighten the paths of government, to make its business less unbusinesslike, to strengthen and purify its organisation, and to crown its duties with dutifulness. ¹

More particularly Wilson wanted to see the "science of administration" put to work on behalf of the emerging democracy. This was a difficult and complex task that required the separation of politics from administration and "clearing the moral atmosphere of official life by establishing the sanctity of public office as a public trust, and, by making the service unpartisan".²

Do I need to say any more? Isn't this the point of public service? Hasn't this idea survived the test of time despite the many changes that have come to the way we organise and manage the public sector? My answer to these questions is a resounding "yes". Indeed, the retiring Secretary of the Department of Prime Minister and Cabinet Dr Peter Shergold said as much in his Valedictory Lecture: "It is surely no small thing to work in an occupation that takes 'national interest' and 'public good' as its reference points"³.

However, this is only the starting point and to these bones we need to add some flesh just as, we might say, public administration adds flesh to the bones of a constitution and system of government. However, in adding these bones to the flesh there are two traps that we will need to avoid.

The Many Parts of Public Administration

The first trap involves the insufficient recognition of the different parts that make up the public sector. I'm referring here to the different activities involved in public service – being part of the policy making process, delivering services to the community, monitoring and law enforcement and, of course, the general management functions that keep the system together such as financial, human resource and information technology management.

Each of these is quite different in its implications for public administration and management. Compare, for example, the role of a police officer or a corporate regulator with that of a teacher or a social worker. The former are there to apply the law without fear or favour, the latter to address the individual needs of their pupils or clients. Concepts like "responsiveness" have more meaning when located in the service delivery arena than they might in the law enforcement arena.

¹ Woodrow Wilson, "The Study of Administration", Political Science Quarterly, vol. 2. (June 1887), p. 201.

² Ibid., p. 210

³ Peter Shergold, "A Valedictory Lecture", 8 February 2008 (Australian Government, Australian Public Service Commission), p. 8.

The "point" of public service is to perform these functions well and that will require different skills and capacities as well as a different approach to relations with the public. Sometimes we might be thinking of people as citizens with rights and interests, sometimes as subjects with obligations and sometimes as clients or customers with needs and desires. Sometimes public servants need to "listen", sometimes to "think" and sometimes to "enforce". These are not just academic issues, they are crucial to the work of those in the public sector.

Note also that some of these functions require the public servants to be operationally independent of the government of the day. Two examples illustrate this point well. Sometimes government enterprises may be participants in a market requiring government regulation just like private corporations and with some notable exceptions, such as parliamentary privilege, politicians are subject to the same scrutiny as the rest of us. In fact three Australian States have Corruption Commissions with enormous powers of investigation into politics and administration. It goes without saying that these regulating and monitoring functions need a high degree of independence from the government whose commercial or political interests may be at stake in an inquiry. What this cursory overview of what public servants do tells us is that one of the roles expected to be performed involves the scrutiny of the system itself, including the elected elements. This is the first hint that a definition of public service as "serving the government of the day" is too limiting and is bound to become unstuck. It also leads one to wonder whether the point of public service can be reduced to a particular activity. This leads us to the second trap facing those who seek some clarity from the confusion.

Organising and Managing the Public Sector

The second I have already alluded to when referring in my introductory comments to the changes that have been made to the way we organise and manage the public sector. At a systematic level we have seen New Public Management replace the traditional model of public administration. In more recent times we hear of the moves to Strategic Government, Holistic Government and Joined-Up Government. Today we expect to extract value from our public sector by improving managerial skills, introducing systems of strategic planning and performance management, subjecting the sector to outside competition, and involving the community in policy development and implementation.⁴

However it is important that we don't associate the point of public service with any one of these changes. They are the ways and means of administration, forever changing as new challenges present themselves and the political landscape changes. They may be based on thorough examination or short-term expediency. Rationality, however defined, cannot be assumed.

This is not to say there ought to be no debate about the way we organise and manage the public sector. Quite the contrary. We need a continuing dialogue on what any change may mean for the ability of the public service to fulfil its obligations. In recent decades we have seen such debates over the way we select heads of departments, the relevance of private sector methodologies for public sector management, and the role and importance of

⁴ See The UK Government's Approach to Public Sector Reform (UK Cabinet Office, 2007).

Ministerial Offices in policy formation and implementation.

In relation to these matters I note the ongoing conflict between those who say the public service has been undermined and politicised and those who say it is insufficiently modern and managerial. The former point the finger at politicians and their populist and media-driven style of government.⁵ The latter point the finger at bureaucrats and their reluctance to embrace a contemporary management culture, particularly as it relates to service provision.⁶

From the point of view of my discussion tonight the important question is about how these debates are handled and brought to some sort of resolution. I say "some sort of resolution" because it is patently obvious that those who work in government do so on shifting sands.

One way of resolving them is through political decision. Indeed it is politics that provides the "authorising environment" for all who work in the public sector. As Mark Moore has pointed out "at any given moment, the authorising environments guiding and sustaining public managers have a distinct configuration: They sustain the managers' efforts in a particular form, at a particular scale, and on particular objective was."⁷

In our current system many other institutions play a role in deliberating and sometimes deciding. It has, for example, been an area for judicial pronouncement with our Courts making it clear that government is constitutionally obliged to act in the public interest.⁸ This is a principle that was taken up by the Western Australian Royal Commission into Commercial Activities in Government when it defined one of the two principles upon which our system is based in the following way:

The institutions of government and the officials and agencies of government exist for the public, to serve the interests of the public.⁹

These have become principles that other agencies of accountability, including our Public Service Commissions and Corruption Commissions, use to investigate and comment on particular behaviours and practices. In looking at the relationships that ought to exist between the elected and non-elected arms of government these agencies often tread in politically sensitive territory. Sometimes there is conflict between governments and these external agencies on how the work of the public service is to be imagined and managed. This is not surprising given that the former are more interested in power and the latter more interested in restraints on power.

⁵ See, for example, Michael Lind, "In Defence of Mandarins", Prospect, 30 September, 2005

⁶ See, for example, John McDonnell, "What's Wrong with the Public Service?", Quadrant, June 2006

⁷ See Mark Moore, Creating Public Value: Strategic Management in Government (Harvard University, 1995), p.130

⁸ Chris Wheeler, "The public Interest: we know it's important but do we know what it means", AIAL Forum, Vol. 48, p. 12.

⁹ Royal Commission into the Commercial Activities of Government, Part ii, 12 November 1992, 1.2.5 The other principle was "It is for the people of the state to determine by whom they are to be represented and governed"; 1.2.3.

This discussion of the organisation and management of the public sector as a whole and of the process of clarification. It introduces us to the over-arching concept of the public interest, to the powerful role given to political direction in the work of the public service, and to the many and varied activities undertaken by public servants. What is remarkable about the concept of the public interest is that it can give us guidance in relation to each of the obligations – the obligation to the system itself, the obligation to the government of the day and the obligation to perform as the job requires.

The Public Interest

The public interest has always been a troublesome concept. It's more a set of guiding principles than a handbook of what to do. In some ways it is easier to say what it isn't rather than what it is. It's also complicated by the fact that it is about outcomes as well as processes. However, despite all the problems associated with its definition and application it remains a central element in our conception of good government, being frequently referred to in legislation and forever used to contrast right from wrong in decisions and decision-making.

For our purposes tonight it does three things that are particularly important. Firstly, it reminds us that politics is about "the public". This privileges those who have been properly elected to represent the people and, as Woodrow Wilson put it

...administration in the United States must be at all points sensitive to public opinion... Steady, hearty allegiance to the policy of the government they serve will constitute good behaviour. ¹⁰

It is a democratic principle that helps define the special nature of the work and the disciplines that flow from it. As Peter Shergold noted in the Valedictory Lecture I referred to earlier: "Being on the inside has its constraints as well as its opportunities".¹¹ Amongst those constraints is the requirement to work with a government whose priorities and approach may not be your own. That is an essential part of what it means to be a public servant.

Secondly, the public interest can help define the way a public servant approaches his or her work with a view to making a distinctive contribution to government and what it can achieve for the community. Note, for example, the description of a positive role for the public servant- made by Rhodes and Wanna in the most recent edition of the Australian Journal of Public Administration:

... public officials can become the guardians of process, not content, working with shared meanings of the public interest and shared understandings about their roles. They may be bearers of legality, disinterested in outcomes, and motivated by honesty and integrity. They can act as counterweights to partisan interest. They remain a repository of institutional scepticism.

Officials can become trustees of knowledge, experience and expertise. They can serve as protectors of the longer view. They may also have a role in addressing procedural issues of

¹⁰ "The Study of Administration", p. 216

¹¹ "Valedictory Lecture", p. 14

equity involving the under-represented or the ignored.¹²

All of this assumes that the elected officials are the final arbiters of policy but recognises the noisy and short-term reality that is much decision-making today. To

have a public service that is capable of putting a wider range of options before the government can only be of benefit, particularly if they are based on the sort of knowledge that can only be gained by years of experience working in the field.

We always need to be reminded that the public interest embraces minorities as well as majorities, that it is concerned with the environment as well as the economy, that it deals with the long-term as well as the immediate interests of the community and that it is interested in our heritage as well as our opportunities. A good government ought to be focussed on this complex range of interests.¹³ The principle of sustainability demands that it does. However, we all know the sorts of pressures under which governments operate and which make such strategic planning and practice difficult.

So too do we know about the temptations of populism. A good public service should be able to help a government keen to enter and negotiate such territory.

More than this we need to recognise that a good public service can add value to the work of government by a creative discharge of the obligations imposed upon it by government. Even Woodrow Wilson understood that the administration "is not and ought not to be a mere passive instrument"¹⁴ There are political masters and there is an authorising environment but this does not preclude public sector initiative and innovation in the way laws and policies are implemented and services are delivered. In saying this I am reminded of the knowledge we now have about public sector innovation. A large scale Canadian study of the winners of public sector awards in the US and the Commonwealth countries found that innovation happens at the frontline:

Frontline workers and middle managers account for half of the innovations generated in the US and developing Commonwealth countries, rising to 82 percent in advanced Commonwealth countries. Policies that empowered communities, citizens or staff to drive change account for between 14 per cent and 30 percent of the innovations surveyed.¹⁵

This is, of course, precisely the point Mark Moore has been making in his argument for the role of public management in our system of government. I am surprised therefore at the extent of Rhodes and Wanna's criticism of Moore in the article referred to earlier. They claim the public value approach positions public servants as "the new Platonic guardians of society".¹⁶ The idea that public servants create value is said to

¹² R.A.W. Rhodes and John Wanna, "The Limits to Public Value, or Rescuing Responsible Government from the Platonic Guardians", *Australian Journal of Public Administration*, vol. 66, no. 4 (2007), pp. 416-417

¹³ Geoff Gallop, "What is the Public Interest?", *Public Administration Today*, Issue 12: July – September 2007, pp. 44-48

¹⁴ "The Study of Administration", p. 212.

¹⁵ Simon Parker and Duncan O'Leary, *Imagining Government Putting People at the Heart of New Zealand's Public Sector* (Demos, 2006), p. 45

¹⁶ "The Limits to Public Value", p. 419.

underestimate the role of politics and the power of politicians in Australia's Westminster-style system and if used as the basis for practice it exposes public servants to unacceptable levels of political risk. However, they themselves have acknowledged that there is more to public administration than carrying out the will of the government. The quotation from their paper which I have used illustrates this point only too well. In fact it makes the case for a public service that adds value by ensuring governments are alert to their legal responsibilities, countering partisan interest, providing expert knowledge, and widening the policy debates to incorporate equity and the longer-term.

To say that Moore doesn't sufficiently incorporate politics into the argument is simply to point to a different 'authorising environment' in Westminster systems than in the American system. Of course it is true that such differences exist. Being aware of and managing the politics of administration, including relations with Ministers, is part of the job of a public servant. It will vary from place to place and from government to government.

Rhodes and Wanna's argument also has the unfortunate consequence of treating politics as a given and not subjecting it to investigation and analysis with a view to reform. Perhaps some of the 'risks' involved in public sector creativity in Australia are holding us back from realising better results from our system of public administration?¹⁷

Thirdly, the public interest is not only pertinent to a discussion of the outcomes of government and how a creative public service can assist in that process it can also relate to the processes and procedures of government. Chris Wheeler, the NSW Deputy Ombudsman has provided a very useful list of what the public interest means for the way public servants operate:

- Complying with applicable law (both its letter and spirit);
- Carrying out functions fairly and impartially, with integrity and professionalism;
- Complying with the principles of procedural fairness/natural justice;
- Acting reasonably;
- Ensuring proper accountability and transparency;
- Exposing corrupt conduct or serious maladministration;
- Avoiding or properly managing situations where their private interests conflict or might reasonably be perceived to conflict with the impartial fulfilment of their official duties, and
- Acting apolitically in the performance of their official functions (not applicable to elected public officials).¹⁸

¹⁷ See my two essays, "Towards a New Era of Strategic Government" in John Wanna (ed.), 8 Passion for Policy: Essays in Public Sector Reform (ANU E Press, 2007) pp. 75 – 89 and Strategic Planning: Is it the new model?", Public Administration Today, Issue 10: January – March 2007, pp. 28-33

¹⁸ "The Public Interest", pp. 13-14

We know that these operational and behavioural requirements are important for good government. Indeed it is one of the points of public service to see to it that they are understood. As Wheeler says: "The meaning of the term, or the approach indicated by the use of the term, is to direct consideration away from private, personal, parochial or partisan interests towards matters of broader (ie, more 'public') concern".¹⁹

However, no one would pretend that the application of these principles is easy. Governments want to get things done and will have strong ideas on how they might proceed. They are under pressure not just to perform but also to act as soon as problems are uncovered. Providing advice that questions the viability of a course of action from a legal or an administrative point of view will inevitably be the source of tension in the relationship between a Minister and the Public Service.

Just as challenging is the administration of the law without fear or favour. Police officers, child protection officers, occupational health and safety inspectors and economic regulators face these issues on a daily basis. They do so knowing that in some cases the relevant rules are not popular or, at the very least, are highly contentious.

Indeed it is at these two intersections – where public servants interact with the government and with the general public – that we see the challenges of public service most clearly revealed. Complications don't just exist for law enforcers and political advisors they also exist for service deliverers. For example, recognition of the differences that exist within the community has led to the demand for personalised services to replace standardised services. This is never easy.

Conclusion

Public servants are not politicians but they work with politicians and cannot avoid political judgements in the work they do. It follows that we need managerial philosophies that can cope with the different roles and functions and which can appreciate the complicated responsibilities involved in the relationship between a government, its public service, and the people they serve. Jocelyne Bourgon from Canada put it this way: "Public administrators are neither masters nor mercenaries. They are professional individuals who serve the functions of analysts, managers, facilitators, moral leaders, and stewards of public values and are called upon to be responsible actors in a complex system of governance."²⁰ They act for governments but can add value to what they do.

However, all of this happens in the context of a theory of the public interest and what it means for ministerial authority and public service practice. The public interest deals with the two key elements of public administration – serving the government of the day and adding value to government – as well as ensuring that both are underpinned by proper processes and procedures. It pushes us to think more broadly about policy options and how

¹⁹ Ibid., p. 24

²⁰ Jocelyne Bourgon, "Responsive, Responsible and Respected Government: Towards a New Public Administration Theory", *International Review of Administrative Sciences*, vol. 73, no. 1 (2007), p. 23

to implement them as well encourage those within government to accept their personal and occupational responsibilities. It brings duty to the equation and reminds us that government isn't just a set of functions or a range of activities or, indeed, an array of techniques, it is a crucial link between individuals and the wider community within which they live. As guide and inspiration it has no peer.