Public service workforce regulatory frameworks in Australia – a matter of balance

Three Themes

- Critical traditional frameworks built for good reasons, most still valid
- Some public sector reform has shaken if not destroyed foundations of institutions and created unintended and perverse outcomes not in the public interest
- Structures need to be rebuilt with clear ideas about what they are to do and look like.
Presentation Outline

- Recent reforms in WA and Australian public sectors
- Public service commissions and the like
- Key issues in institutional reforms
- Restoring balance in future frameworks
Setting the scene – career support

1. Would you recommend a career in the public service to your children?
Setting the scene – declining trust

The percentage of respondents having ‘a lot or a great deal’ of confidence in the public service in Australia declined from 47.3 in 1983 to 37.9 in 1995.

The corresponding figures for the federal government dropped from 55.3 in 1983 to 26.1 in 1995 (Ryan).
Declining trust...
Setting the scene – politicization?

3. Public stoush – Podger versus Shergold – is the APS politicized?

*Merit must rule in choice of judges*

**GEOFF DAVIES**

AS the appointment of the next High Court judge draws closer, there is renewed debate about how judges should be appointed. That debate is between politicians in power and informed lawyers.

*Round two in public service*

**FIONA BEFFIN**

The top federal public servant has bitten back at a former close ally of Prime Minister from the public service commissioner as well as one from the secretary of PM&C.

*Public service ‘damaged’*

**VERONA BURGESS**

Prone to criticism is Peter Shergold says he has no evidence of public servants being too responsive or too political.

**PODGER**

Mr Podger for the quarterly Australian Journal of Public Administration. Responding to criticism is Peter Shergold, a former head of the Public Service Commission.

**Shergold**

Shergold says: “I do not believe that... any of those current have not been highly credible and competent, with long experience of... and commitment to public policy.” Podger did not claim otherwise, although some observers hold strong views about the political background of Foreign Affairs secretary.
Shaking the Foundations – public perceptions

Politics ‘eroding public service’

Premier’s control ‘erodes public service independence’

Public service workforce - IPAA - Christopher Williams September 2007
WA Public Sector Reform

- ‘Tsunami’ of post- ‘WA Inc.’ Royal Commission ‘reforms’ introduced, including the *PSM Act 1994*

- ‘Responsiveness’ to political direction, flexibility & agility
WA Public Sector Reform

- *PSM Act* – statutory general principles of public administration & management
- Premier appoints CEO’s
WA Public Sector Reform

- CEO’s employers of agency staff
- Commissioner for PS Standards replaces PS Commissioner
- Department of Premier & Cabinet responsible for workforce planning
Australian Government Public Sector Reform

- Similar drivers – responsiveness & flexibility
- *PS Act 1999* – CEO’s appointed by PM
- CEO’s are employers and manage workforce at agency level
- Public Service Commissioner & Merit Protection Commissioner
Australian Public Service
Commissions & Successors

- Australian jurisdictions are compared:
  - Legislation
  - Independence & accountability
  - Workforce powers and functions
### Jurisdictions compared

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Agency name(s)</th>
<th>Legislation</th>
<th>Independence &amp; accountability</th>
<th>Powers &amp; Functions in relation to PS workforce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Government</td>
<td>Public Service Commissioner</td>
<td>Public Service Act 1999 Part 5</td>
<td>Statutory agency; appointed by the Governor for 5 year term; annual reports to Parliament.</td>
<td>Promotion of values and statutory Code of Conduct; employment policies and practices; power to give binding directions. Department heads are employers of public servants.</td>
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Key Issues in reform

- Independence
- Whole of government workforce management
- Employment of senior officers
- The two masters dilemma – a matter of balance
- Trust
Key Issues - Institutional Reform

- **Independence** of commissions from political influence in only 3 jurisdictions
Key Issues - Institutional Reform

- Whole of government workforce planning, resourcing & data -
  - Good in APSC, poor in WA
Key Issues - Institutional Reform

- Senior executive employment arrangements:

  - Permanent heads were created in 19th C for very good reasons

  - ‘disposability’ and employment ‘precipice’ does not foster ethical and courageous action by public servants.” (Colley, 2006)
Key Issues in Institutional Reform – SES arrangements

- CEO’s the employers
- Frank and fearless advice is scarce
- Merit tied to responsiveness
- ‘Permanency’ for all but CEOs employed by independent Commissioner
Key Issues in Reform – two masters dilemma

Neutralist or balanced typology

G.o.D

PUBLIC INTEREST

INDEPENDENT EMPLOYING AGENCY

PUBLIC SERVANTS
Key Issues in Reform – two masters dilemma

Responsive, reformed, unbalanced typology

G.o.D  
REFORM
PUBLIC INTEREST

EMPLOYER – DEPARTMENT HEAD

PUBLIC SERVANTS
Key Issues in Reform

Decline in Trust and public confidence in public service
- Market-like approaches
- Clash of values – competition vs cooperation?
- Constant reorganisations
Key Issues in Reform

Decline in Trust and public confidence in public service

- Public Service is fundamentally different from private sector
- Marketing & recruitment problem for public services
Future features

- Public service is different – needs unique employment arrangements – security of tenure, independence
- Governments must show commitment to public service – mutual obligation
Future features

Whole of government challenges require whole of government employment/deployment capacity
Conclusions

- Reform created collateral damage
- Strategic workforce planning framework and capacity required
Conclusions

- Systematic whole of sector collection of key data to understand what’s going on
- Independent, boundary-riding capacity is critical
Conclusions

- Commission as central employer – a return to balance
- Enhanced security of tenure
- Retain appeals/review on merit and reinstate at even at higher levels
The End