



A HISTORY OF THE INSTITUTE OF PUBLIC ADMINISTRATION AUSTRALIA

1980–2020

*Promoting the highest standards
of excellence in government*



INSTITUTE OF
PUBLIC ADMINISTRATION
AUSTRALIA

IPAA

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EDITED BY FRANK EXON, EXECUTIVE DIRECTOR, IPAA NATIONAL

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The Institute of Public Administration Australia (IPAA) is a nonpartisan and apolitical member-based organisation which provides public sector thought leadership and works to strengthen the capacity of public servants through events, training and other activities.

IPAA was established as an independent national organisation on 1 January 1980 and is governed by a National Council under the leadership of the current National President, Dr Gordon de Brouwer PSM FIPAA.

CONTACT US

Unit 4A, National Press Club
16 National Circuit, Barton ACT 2600

02 6154 9800
info@ipaa.org.au
www.ipaa.org.au

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ARTHUR W PETTIT WAS THE MOVING SPIRIT BEHIND
THE FIRST AUSTRALIAN REGIONAL GROUP OF THE
INSTITUTE OF PUBLIC ADMINISTRATION FORMED IN
SOUTH AUSTRALIA IN 1927.

Arthur Webb Pettit ca. 1884–1940.
Credit: State Library of South Australia, B 9387/37

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GOVERNOR-GENERAL'S FOREWORD



Good-governance, underpinned by considered, evidence-based policy and service design and delivery, is at the heart of effective government and the heart of our society.

The 40th anniversary of the Institute of Public Administration Australia (IPAA) is, therefore, a milestone worthy of recognition — because of what has been achieved and because of the important role IPAA will continue to play.

Like any birthday, it is an opportunity to reflect on years past and the changes that have occurred.

In almost every way imaginable Australia is radically different from the Australia of 1980. As the country has changed, so have the challenges and opportunities of public administration.

What has not changed, however, is the need — and demand — for the highest standards of excellence in government.

Promoting those standards has been and will remain the role of IPAA.

For 40 years IPAA has provided an important forum for debate, discussion and learning. It has helped shape how public services are designed and delivered, and supported the men and women seeking to improve the lives of their fellow Australians. Public services at national, state and local levels have benefited from this forum and the collective expertise and wisdom of those involved in the IPAA.

Of course, a birthday is also an opportunity to look to the future.

In doing so, it is clear that the role that IPAA plays is as important now as it was in 1980. Engaging in debate over the impact of rapid and transformative technological change and other factors that are changing the nature of public administration, for example, is critical to the provision of high quality policy and policy implementation in the future.

The public's expectations of its public service will — rightly — remain high. I am confident that IPAA will continue to play a critical role in ensuring those expectations are met and that the highest standards of excellence continue to be delivered.

Congratulations to all current and former members of IPAA.

A handwritten signature in black ink, appearing to be 'D Hurley', written in a cursive style.

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

NATIONAL PRESIDENT'S FOREWORD



The history of the Institute of Public Administration Australia mirrors that of our federation: just as six British colonies came together as the Commonwealth of Australia on 1 January 1901, so too did eight Australian regional groups of the Institute of Public Administration unite as independent national organisation on 1 January 1980.

The strength of IPAA, since the very first regional group was formed in South Australia in 1927, has been its members: those working in government, those focused on the study of public administration, and those with a strong interest in good government.

Over the past 40 years IPAA has strived to support, challenge and inspire those working in the Australian public sector and promote the highest standards of excellence in government. Nationally IPAA has produced a journal of public administration since 1937, hosted a national conference every year since 1958, and since 1959 held an annual oration to provide a link between the memory of Sir Robert Garran GCMG — the first Australian Commonwealth public servant — and the subject of public administration.

This book of IPAA's 40-year history reminds us of the wonderful spirit of service that defines the qualities of those working in public administration. Woven into this history are reproductions of ten Garran Orations delivered by some of Australia's most eminent leaders, including three Prime Ministers, two leading public servants, three academics, a chief justice, a lawyer and four Aboriginal Australians.

The Garran Orations speak of the challenges the public sector has faced and will continue to face. They wrestle with the issues of a federation and constitutional reform; of state-Commonwealth relations; of reconciliation, recognition and sovereignty for First Nations; of legal debate between an adherence to the common law and the call for a bill of rights; and of the complex interplay between elected governments, public servants, ministerial advisers and contractors.

For 40 years IPAA has provided its members with a safe and collegial environment for debate and discussion as an independent, apolitical, non-partisan national organisation for the betterment of public administration in Australia.

It is an immense honour for me to lead this wonderful organisation on this the occasion of its 40th Anniversary.

Here's to the next 40 years of IPAA and to the people it serves.

A handwritten signature in dark ink, reading 'Gordon de Brouwer'. The signature is fluid and cursive, with a long, sweeping underline.

Dr Gordon de Brouwer PSM FIPAA

National President, Institute of Public Administration Australia

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T 02 6154 9800
E admin@act.ipaa.org.au
www.act.ipaa.org.au
ABN: 24 656 727 375



T 02 8066 1900
E info@nsw.ipaa.org.au
www.nsw.ipaa.org.au
ABN: 13 432 812 038



T 08 8999 3892
E admin@nt.ipaa.org.au
www.nt.ipaa.org.au
ABN: 25 568 107 030



T 07 3003 2735
E ipaaqld@psc.qld.gov.au
www.qld.ipaa.org.au
ABN: 74 210 810 471



T 08 8212 7555
E admin@sa.ipaa.org.au
www.sa.ipaa.org.au
ABN: 73 759 280 961



T 03 6232 7122
E info@tas.ipaa.org.au
www.tas.ipaa.org.au
ABN: 80 875 874 920



T 03 9653 2000
E info@vic.ipaa.org.au
www.vic.ipaa.org.au
ABN: 49 012 662 861



T 08 9360 1400
E info@ipaawa.org.au
www.wa.ipaa.org.au
ABN: 23 762 167 128

THE GARRAN ORATION

Established in 1959 to provide a link between the memory of
Sir Robert Garran GCMG and the subject of public administration

One of the Institute of Public Administration Australia's richest and most public contributions to discussion and debate on public administration is the annual Garran Oration, delivered in association with the Institute's National Conference.

In recognition of the significant contribution made by the scores of eminent Australians who have delivered the Oration, ten of the finest orations to have been delivered are reproduced in full as part of this history.

Although the Garran Oration began under the direction of the Australian Capital Territory Regional Group of the Institute of Public Administration — with Harry Frederick Ernest "Fred" Whitlam LLB delivering the first oration in 1959 — the selection of orations for inclusion in this history starts from 1982 when the National Council assumed responsibility for its delivery.

The orations reproduced within this history include:

1. The 1988 Garran Oration by **the Hon. Robert Hawke AC MP**, Prime Minister of Australia (pp. 16–26)
2. The 1991 Garran Oration by **Professor Lois (Lowitja) O'Donoghue**, Chairperson, Aboriginal and Torres Strait Islander Commission (pp. 28–37)
3. The 1996 Garran Oration by **Patricia Turner AM**, CEO, Aboriginal and Torres Strait Islander Commission (pp. 40–49)
4. The 1997 Garran Oration by **the Hon. John Howard MP**, Prime Minister of Australia (pp. 50–58)
5. The 2000 Garran Oration by **the Hon. David Malcolm QC AC**, Chief Justice of Western Australia (pp. 60–67)
6. The 2006 Garran Oration by **Sue Vardon AO**, Chief Executive, Department of Families and Communities, Government of South Australia (pp. 69–81)
7. The 2009 Garran Oration by **the Hon. Kevin Rudd MP**, Prime Minister of Australia (pp. 82–89)
8. The 2011 Garran Oration by **the Hon. Julia Gillard MP**, Prime Minister of Australia (pp. 92–96)
9. The 2014 Garran Oration by **Noel Pearson**, Chairman, Cape York Partnership (pp. 97–103)
10. The 2019 Garran Oration by **Professor Mick Dodson**, Northern Territory Treaty Commissioner (pp. 107–112).

KPMG Australia has supported the Garran Oration since at least 2008. IPAA is most grateful for this long-term support and is very appreciative of KPMG Australia's continuing support to enable the finest calibre of thought on public administration to be shared with its members in this way.

Sir Robert Garran GCMG, ca. 1940
Edward Lefevre (Ted) Cranstone
Australian War Memorial – 003423



1927 ▶

IT BEGAN IN SOUTH AUSTRALIA



Sir Richard L Butler, Premier of South Australia, ca. 1927. State Library of South Australia.

Inspiration for a public administration institute in Australia came from the establishment of the Institute of Public Administration in London in 1922. The importance of the public servant in the scheme of British national life had been emphasised in The Great War and the Institute was concerned with the advancement of the calling of the public servant as a profession.

Five years later, and in keeping with the times, an evening smoke social was held on Wednesday 28 October 1927 at The Grosvenor Hotel in Adelaide to celebrate the inauguration of a South Australian regional group of the Institute.

The moving spirit behind the new regional group was Arthur W Pettit — an accountant and public servant with the Engineering Department — who accepted the role of Secretary.

In contrast to the establishment of the Institute of Public Administration in London — which

had been in the face of staunch opposition from the mandarins of the British Treasury — the inauguration of the regional group in South Australia was openly welcomed by the political elite. The Premier of South Australia, the Hon. Richard L Butler accepted the role of President, and the Leader of the Opposition, the Hon. Lionel L Hill, took up one of several Vice-President positions. These were men, reported *The Advertiser*, who had made their mark in Australian history.

The group adopted the objects of the Institute of Public Administration, namely “the development of the civil service and the other public services as a recognised profession, and the promotion and study of public administration”.

Membership was open to officers of the Federal or State public service, the Tramways Trust, Adelaide Corporation, or an institution of public service.

1929 ▶

A VICTORIAN REGIONAL GROUP IS FORMED

Two years later, a meeting attended by many senior officers of the Federal and State public services was held on Thursday 20 June 1929 at Kelvin Hall, in Collins Place, Melbourne. Henry A Pitt, the under-treasurer for Victoria, presided over the meeting which led to the inauguration of the Victorian regional group.

The Premier of Victoria, Sir William McPherson sent a message congratulating those taking part in the movement. He considered it would be of great value to the State.

Frank R E Mauldon, a lecturer in public administration at the University of Melbourne,

explained the objects of the Institute. *The Argus* reported him as saying that jokes about public servants were like jokes about mother's-in-law — a little stale and overdone, and indications of a lack of humor in the jokers.

In Mauldon's view, nothing could prevent their winning dignity for their profession if it were made clear that the community was under a heavy debt to them because they were contributing to the improved structure and smoother working of the machine of administration.

1935 ▶

PUBLIC SERVICE INSTITUTION LAUNCHED IN SYDNEY

Six years on, a large and representative assemblage — comprising the heads of public departments, local government and corporate bodies — met at Science House, The Rocks Sydney, on Thursday 3 October 1935.

During the meeting, chaired by E J Payne — chairman of the Public Service Board of New South Wales — the New South Wales regional group was formally inaugurated and adopted a constitution which had been drawn up by a provisional committee in June.

The Sydney Morning Herald reported that the decision to form the group had come from a realisation by the heads of national and local governing bodies of the need for an organisation in which they could meet to discuss different problems of public administration. There would "be a place in the institute for junior officers of the Civil Service as well as for heads of departments, and opportunity would be given for free and frank discussions on matters of interest".

Sir Philip Street — Lieutenant-Governor of New South Wales — accepted the role of President and addressed the meeting. He said that:

"an organisation such as this, if it fulfils the aims and hopes of its founders will help to create personal and social relations and contacts between officials in different departments and different branches of the Public Service, and will provide opportunities for public servants to meet and discuss in a scientific spirit, administrative problems of mutual interest, each contributing his own knowledge and experience to the common stock".

He went on to say:

"Such a development and such an interchange of thoughts must be of enormous value to public servants and to the wider public whom they serve. It must lead to a wider outlook and a higher conception of duty or of the dignity and importance of Public Service."

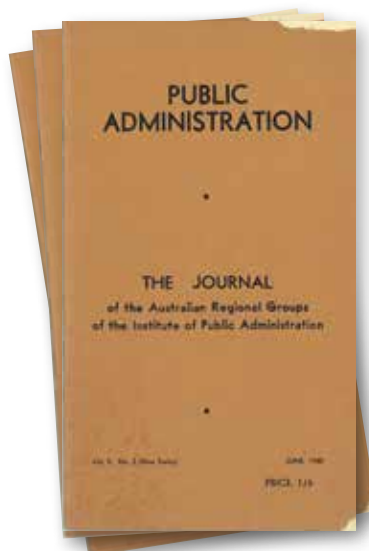
1937 ▶

THE AUSTRALIAN JOURNAL *PUBLIC ADMINISTRATION* IS FOUNDED BY PROFESSOR BLAND

Public Administration: The Journal of the Australian Regional Groups of the Royal Institute of Public Administration was founded in 1937 by Professor Francis Armand Bland ("Blandee" to his many friends) and served as its first editor.

Professor Bland was a pioneer of the academic study of Government and Public Administration in Australia and had an international reputation for this field of study.

The first issue of *Public Administration* was published in December 1937 and included two articles: one by Sir Herbert Gepp KBE, public servant, industrialist and publicist, and the other by Professor Bland.



Professor Francis Armand Bland
Professor of Public Administration, The University of Sydney.
National Library of Australia, 3670371.

Professor Bland was "the man who inspired the formation of the New South Wales Regional Group" according to Geoffrey C Remington CMG (who served as Chairman of the Group). Mr Remington also said that Professor Bland's "capacity and drive had provided the essential elements without which the Group would not have continued to survive".

Professor Bland was the founder-editor of *Public Administration* (1937–1948) and Australia's first Professor of Public Administration at the University of Sydney (1935–1948). His was a lasting legacy — the journal he founded was later renamed the *Australian Journal of Public Administration* and remains the journal of record on public administration in Australia.

1944 ▶

A REGIONAL GROUP ESTABLISHED IN WESTERN AUSTRALIA

On Wednesday 29 November 1944, a meeting in Perth attended by representatives of State and Federal public servants and local government passed a resolution to form a regional group. George W Simpson, the State Public Service Commissioner, presided over the meeting.

Professor Frank R E Mauldon from the University of Western Australia — the main driving force behind the new initiative — addressed the meeting, speaking to the question 'Why an Institute of Public Administration?'.

During his address Professor Mauldon made the point that:

"...the more thoughtful officials in the service of the Commonwealth, state and local governments are conscious of the growing complexity and difficulty of the public tasks which they are called upon to perform, and... that they are equally conscious of the need of some agency for the interchange of thought upon their common and overlapping problems."

He went on to say:

"Surely, never were the times more ripe in this State for the creation of a learned society for the study of the problems of public administration."

And in closing remarked that:

"The Commonwealth as a whole, as well as Western Australia, has everything to gain from the effective influence of such a movement as we are launching here tonight."

A provisional committee was formed to prepare a constitution and rules, to be considered at a later meeting. Thomas G Heydon, Secretary of the State Civil Service Association, was appointed honorary secretary.

One of the group's foundational members was Dr Merab Tauman (Harris) who went on to become the first woman councillor of the Western Australian regional group in 1955.



Dr Merab Tauman (Harris), 1962.

Lecturer in Economics, University of Western Australia
State Library of Western Australia — Illustrations Ltd collection
— 115714PD.

Together with Professor Mauldon, Dr Tauman delivered lectures in the University of Western Australia's first public administration course beginning in 1945. Dr Tauman was a 'formidable, uncompromising lecturer' in economics at the University of Western Australia. Several public servants, and even a Prime Minister, were numbered among her students.

REGIONAL GROUPS ESTABLISHED IN QUEENSLAND AND PAPUA AND NEW GUINEA

A Regional Group of the Royal Institute of Public Administration was established in Queensland following an exploratory meeting to discuss the formation of a branch on 2 May 1951. The meeting included representatives from Trade and Customs, Brisbane City Council, the Office of the Public Service Board, Office of Public Curator, Social Services Department, Bureau of Industry, Department of Agriculture and Stock, and the Commonwealth Public Service Board.

Officer bearers during the early years of the Institute of Public Administration (Qld Group) were H Neil Smith, State Electricity Commission (Chairman), L J Feenaghty, Main Roads Department (Vice-Chairman), H Egeberg, State Electricity Commission (Hon Treasurer) and W Nicoll, Transport Division Brisbane City Council (Hon Secretary).

The first address hosted by the Queensland Group was given on 21 June 1951 by L G Hopkins OBE, BE (UQ), BA (Oxford), a former Queensland Rhodes Scholar who spent a large portion of his service in the Middle East and West Indies. Mr Hopkin's spoke on 'Fifteen Years in the Colonial Service'. The event was jointly hosted with the University of Queensland Men Graduates' Association and held at Customs House, Queens Street Brisbane.

One of the main objectives of the Queensland group was the establishment of a diploma course in public administration at the University of Queensland, which occurred in 1956. On 7 August 1959, members of the Group Council of the Royal Australian Institute of Public Administration Queensland Regional Group visited the UQ Vice Chancellor John D Story to

"mark the occasion of his 90th birthday and in appreciation of the valuable advice and assistance which he has always given to the Institute and which were substantially

responsible for the early and satisfactory attainment of the Institute's main objective — the establishment of a course in Public Administration at the University of Queensland".

The Vice Chancellor commended the Institute for its part in the establishment of the course, its continuing interest and its sponsorship of the endowment of a public administration section in the main University library.

Little is known about the establishment of the Papua and New Guinea regional group in 1952, or its activities, until its cessation in 1968.

A former Administrator of Papua and New Guinea (1945–1952), Colonel Jack K Murray, discussed his experience of administration in New Guinea — an area of over 473,000 km² — with members of the Queensland Regional Group in 1953.

The newly retired Colonel described the technique of administration which included patrols making initial contact with villages, leading over time to the establishment of government stations.

Efforts at establishing law and order were made under the *Australian Papua and New Guinea Act 1949* with the administration of the territory mandated by the League of Nations and United Nations Trust Territory.

A 28-member Legislative Council was set up in 1951 with the Administrator as President, as well as a judiciary and public service.

Sir Donald Cleland, CBE OStJ — a soldier and administrator who restructured the public service so that it would be controlled by Papua New Guineans — served as the President of the Papua and New Guinea regional group. H H Reeve — the Treasurer and Director of Finance — and later S J Pearsall, served as Chairman.

1953 ▶

ACT AND TASMANIAN REGIONAL GROUPS ARE FORMED

The ACT Regional Group of the Institute was established at a small representative meeting of interested people, held in Canberra on 18 June 1953.

The Inaugural Public Lecture Meeting of the ACT Regional Group was held at the Canberra University College on the evening of 6 August 1953. A symposium was delivered under the general heading "Public Administration — Looking Ahead". Lectures were given by Sir William Ernest "Bill" Dunk CBE (Chairman of the Commonwealth Public Service Board), Geoffrey C Remington (Chairman of the New South Wales Regional Group of the Institute of Public Administration), and Professor Geoffrey Sawyer (Professor of Law in the Australian National University). There was wide-spread interest in the meeting which was attended by over 160 people.

The Canberra Times reported that the branch would not be restricted in its activities to just a series of addresses by guest speakers: "with its headquarters in the National Capital, the branch was seen to be uniquely placed to undertake research into developments and problems associated with public administration".

It was hoped that "all those concerned with the subject who were interested in discussing the problems and philosophic background of this field of management would play their part".

The first President of the ACT Group was Sir William E Dunk (Chairman of the Commonwealth Public Service Board). The Deputy President was Leicester C Webb (Reader and Head of the Department of Political Science, Australian National University).

A regional group of the Institute was also established in Tasmania in 1953.

1954 ▶

A REGIONAL GROUP FORMS IN THE NORTHERN TERRITORY

On Monday 23 August 1954, a meeting was held at the Courthouse in Darwin that led to the establishment of the Northern Territory regional group. Mr W H Carson of the Department of Labour and National Service accepted the role of Chairman.

Geoffrey C Remington — Chairman and co-founder of the New South Wales regional group — addressed members of the new group at a meeting on Tuesday 19 October.

After giving a short outline of the history and activities of the Institute and of its Australian groups Mr Remington added:

"You are on what I would call the 'periphery'. You may feel somewhat isolated and out of touch and you may think that what you

have to contribute is small compared with Canberra. I believe that that is not so. I do believe that in every place where the Public Service functions there are most important activities. Darwin itself has doubled in population over the last few years and is growing rapidly. You are determining the general outline of that development. You may not feel that way, but that is what you are doing... Do not think for a moment that it is unimportant, not interesting, and that it does not matter. It is important and significant and it is part and parcel of the whole development of this vast machine of the Public Service."

In 1968 the Northern Territory regional group went into abeyance.

1958 ►

AUSTRALIAN REGIONAL GROUPS HOLD THEIR FIRST CONFERENCE

On Thursday 6 November 1958, the first conference of regional groups of the Royal Institute of Public Administration on 'Public Sector Recruitment' opened in Canberra.

The conference was attended by 120 delegates with 80 from interstate and 40 from Canberra.

Representatives of the six States, both Territories and Papua and New Guinea attended.

Several statutory bodies, such as TAA, the Atomic Energy Commission, the Snowy Mountains Authority, the NSW. Main Roads Board, the Brisbane City Council and the NSW. Railways Department were represented.

The Canberra Times reported on the Saturday following the conference, that the level of public service education was queried, with John G Crawford, Secretary of the Department of Trade, expressing shock at the low standard of Leaving Certificate passes obtained by some of the junior officers of the Department.

Mr Crawford said it was perhaps time that public servants attended schools conducted by the Public Service Board for a year, rather than for weeks.

Research undertaken by Sol Encel, Senior Lecturer in Political Science at Canberra University College, discounted the theory that the Public Service provided an open career for talent.

Mr Encel said high office was more usually achieved by persons who have a favoured start, a university education and attendance at one of the Great Public Schools. He also found that — probably for historical reasons — 51 per cent of senior Commonwealth public servants came from Victoria.

The Canberra Times also reported on comments made by Robert S Parker of the Australian National University, that Australia was in an undistinguished minority of about half-a-



Robert S Parker
Reader in Public Administration, Australian National University
The Australian National University Archives — 225-956

dozen "civilised" countries of the world which limited the number of opportunities available to "females", and especially to "married females" in the public service.

Mr Parker deplored the arbitrary waste of female talent, the anachronistic marriage and the principle of preferences for ex-servicemen. These were enemies of quality and efficiency in the public service — the main instances of discrimination which prejudiced any policy of a balanced career service and of equal opportunity in the public service.

1959 ▶

THE MEMORY OF SIR ROBERT GARRAN GCMG HONoured WITH THE ESTABLISHMENT OF THE GARRAN ORATION

The Australian Capital Territory Group of the Royal Institute of Public Administration decided to establish an annual Robert Garran Oration in 1959 "to provide a link between the memory of the Commonwealth's first and one of its greatest public servant and the developing subject of public administration".

The first Garran Oration was delivered by Harry Frederick Ernest "Fred" Whitlam, the former Crown Solicitor of the Commonwealth of Australia, at the 1959 National Conference of the Australian Regional Groups, Royal Institute of Public Administration held in Canberra on 5 November 1959.

In his foreword to the published oration 'Sir Robert Garran and Leadership in the Public Service', Professor Fin Crisp (Head of Political Science at the Canberra University College and President, Australian Capital Territory Group of the Royal Institute of Public Administration) made the following observations:

"On Thursday, 5 November 1959, in association with the Second Federal Conference then being held in the National Capital, the inaugural Oration was delivered by Harry Frederick Ernest Whitlam, formerly Crown Solicitor of the Commonwealth. G G Sutcliffe, Esq., CBE, Senior Vice-President of the Group, presided and at the conclusion of the Oration a vote of thanks was moved by the Solicitor-General of the Commonwealth, Sir Kenneth Bailey.

Mr Whitlam joined the Victorian State Public Service in 1901. He transferred to the Commonwealth Public Service in 1911 and became a member of the Commonwealth Crown Solicitor's Office in 1913, thus coming under Sir Robert Garran's leadership for the following twenty years. In 1936, Mr Whitlam became Commonwealth Crown Solicitor and held that high office until his retirement from the Commonwealth Public Service in 1948. Meanwhile, his long interest in international relations led to a close concern with the development of the United Nations

Organization. Following in Sir Robert Garran's footsteps, he was one of the Australian delegation to the Paris Peace Conference of 1946...

...Mr Whitlam enjoyed long years of close friendship with Sir Robert Garran in and out of the legal service of the Commonwealth. He shared with him a deep concern for the strengthening of international understanding, institutions and law and the promotion of world peace. They had in common an abiding, scholarly love of humane letters and a high sense of social responsibility and community service. They shared also a very great deal of the secret of life-long youth and of sympathy and understanding for the young in years.

The ACT Group of the Royal Institute of Public Administration counted it a great honour to have Mr Whitlam inaugurate the Garran Oration and counts it an equal privilege to share his address, in print, with an even wider audience than the two hundred Conference delegates from the Public Services of all the States, the Commonwealth and its Territories, together with members of Sir Robert's family and many old friends and colleagues, who heard it delivered in Canberra."



Harry Frederick Ernest "Fred" Whitlam LLB
Whitlam Prime Ministerial Collection 43889, Whitlam Institute

1972 ▶ 1980

A NATIONAL COUNCIL IS FORMED AND THE CANBERRA BULLETIN OF PUBLIC ADMINISTRATION FINDS AN AUDIENCE

Momentum for an autonomous Australian Institute came from a call by Dr Roger Whettenhall, one of the most prolific writers on Australian administration, who asked in 1972:

“Is it not time... that we had a national institute with its own headquarters, rather than this simulated institutional relic of colonial days?”.

Delegates of all the Australian regional groups met in late 1975 and approved the constitution for a National Council. Its purpose was “to conduct activities of common interest to the regional groups, and represent their views overseas”.

Under the leadership of the chairman Gerry Gleeson AC — then of the NSW Public Service Board and later Under-Secretary of the NSW Premier’s Department — the National Council assumed control of the quarterly journal *Public Administration* published by the NSW regional group. Renamed the *Australian Journal of Public Administration* the NSW regional group continued to manage the business side of the journal, acting as the agent for the National Council. The National Council also began a National Essay Competition, which superseded separate essay competitions run by the ACT and the South Australian regional groups.



Gerry Gleeson AC
State Library of New South Wales | State Archives & Records,
NSW Government, 1987



The National Council produced its first annual report in 1976 which included a list of membership numbers by regional group (collectively 3,405 individual members and 59 corporate members).

Under the leadership of Duncan R Steele Craik CB OBE — Commonwealth Auditor-General and new National Council Chairman — a plebiscite of members was held in 1977 to get their views on the possibility of revising constitutional arrangements linking Australian Regional Groups with the parent body in London. A clear majority of members voted in favour of a proposal to form an autonomous Australian Institute of Public Administration.

The Canberra Bulletin of Public Administration — which had begun life four years earlier as a newsletter of the ACT Council for its members — became a professionally typeset publication in 1977, produced to complement the *Australian Journal of Public Administration*.

A constitution for the National Council was ratified in 1979.

1980 ▶ 1984

A NEWLY AUTONOMOUS NATIONAL COUNCIL FINDS ITS FEET AND THE NORTHERN TERRITORY DIVISION RETURNS

On 1 January 1980 ties were cut with the London-based Royal Institute of Public Administration and a new entity came into existence — the Australian Institute of Public Administration.

Duncan R Steele Craik, CB OBE was the first National President and The Governor-General, the Right Honourable Sir Zelman Cowen AK GCMG GCVO KBE KStJ QC was its patron.

The roles of the Institute were laid out by the second National President Rae Else-Mitchell:

- to ensure that issues of significance to public administration are aired and debated
- to assist in the maintenance and development of an *esprit de corps* among officials
- a forum in which public administrators can come face to face with others in the Australian community affected by the quality and operations of government organisation.

The major project of the Institute in 1980 was the publication of the festschrift for Professors Robert Parker and Dick Spann — published as both a special double issue of the *Australian Journal of Public Administration* and as a book titled 'Understanding Public Administration'. The festschrift was presented to Professors Parker and Spann at the 1980 National Conference.

In his foreword to 'Understanding Public Administration', ACT Group President Rae Else-Mitchell paid tribute to the professors:

"For more than a generation Robert Parker and Dick Spann have had a considerable influence on the academic study and practical exercise of the administration of government in Australia...

...each of them has been a source of inspiration to myriads of students in the



Duncan R Steele Craik CB OBE
The Canberra Times

fields of government, public administration, political science and allied subjects, and a consultant, confidant and critic of innumerable more mature people — administrators, public officials, ministers and even lawyers..."

In 1982 a new Governor-General, the Right Honourable Sir Ninian Stephen AK GCMG GCVO KBE KStJ, replaced Sir Zelman Cowen as National Patron. On the suggestion of the ACT Group the National Council also assumed responsibility for the Garran Oration which had been delivered at the National Conference since 1959.

In November 1982, Her Majesty The Queen granted the National Council of Australian Institute the right to use the prefix "Royal" and the Hon. Mr Justice Rae Else-Mitchell CMG — Chairman of the Commonwealth Grants Commission — became National President.

In 1983, the National Council established the prestigious National Fellow awards to recognise members who had made an exceptional contribution to the study and practice of public administration each year. Thirty-five appointments were made in this, its first year, considerably more than any year since.

Only one of these first National Fellows was a woman — Marjory C Ramsay. In 1946 she was the first qualified librarian appointed to a public library service in country Victoria and in 1950 she guided the formation of one of Victoria's first regional library services. In 1954 she moved to Hobart and took up a training officer role with the State Library of Tasmania, later working as librarian in charge of municipal library services.

In 1968 Marjory C Ramsay returned to Victoria as Principal of the Victorian Library Training School, and in 1969 became the State Library's Deputy-Principal Librarian. She served as the Principal Librarian from 1974 to 1981.

In February 1984, Rae Else-Mitchell gave an address at the inaugural meeting of the reconstituted Northern Territory Division in Darwin. Ken Pope, the Public Sector Commissioner of the Territory was President.

Rae Else-Mitchell noted that the Institute was a:

“free association of officials and others interested in advancing the practice and study of public administration in Australia, in promoting the highest standards of excellence in government, and in fostering community awareness of the contribution of government to national wealth and welfare in Australia”.

Rae Else-Mitchell paid tribute in his address to “the energetic, industrious, indefatigable” Professor Francis Armand Bland — “the father of modern public administration in Australia”.

Professor Bland joined the Institute on the formation of the New South Wales Regional Group in 1935. His influence on public life,



Marjory C Ramsay
Shirley Ramsay

particularly between the wars, was considerable. Professor Bland averaged 50 public addresses a year and wrote numerous newspaper articles.

It was Professor Bland who took charge of the Institute's journal, which Else-Mitchell called out as “the first national activity of the Institute in Australia and the organ which still unites us all”.

Else-Mitchell then paid tribute to the eight years of determined leadership by Gerry Gleeson and Duncan Craik in progressively shaping the National Council until its constitution as an independent entity on 1 January 1980.

Gaining autonomy spurred the Institute to action and achievement but had not — Rae Else-Mitchell was glad to report — brought provincialism.

1985 ▶ 1990

THE ROLE OF THE NATIONAL COUNCIL IS ACTIVELY DEBATED

In November 1985 the National Council launched *The Australian Administration Magazine* to provide a new perspective on the Institute's national activities and to give current information on public sector developments in the Commonwealth and in the States and Territories.

National President Rae Else-Mitchell used the first issue of the magazine to outline two truths as he saw them:

“that a firm national identity was essential for the Institute to grow and prosper as a national professional force; and that the Institute's life blood — its members — are at the local level and must for the very great part be catered to at that level”.

During 1985, the National Council began a range of initiatives that included promotion of a national inquiry into management education; establishment of a joint research fund with the Canberra College of Advanced Education (CCAЕ); improved management of the Institute's national affairs; and efforts to broaden the membership in all Divisions, particularly to include women.

In 1986 the Institute formalised a Public Administration Research Trust with the CCAЕ on the initiative of the National President Rae Else-Mitchell and Dr Sam S Richardson, the CCAЕ's Foundation Principal.

Rae Else-Mitchell stepped down as National President in November, passing the leadership baton on to Hedley R Bachmann AM, then CEO of the South Australian Department of Labour.

In 1986 the Hon. Justice Rae Else-Mitchell provided his parting thoughts as National President in *The Australian Administration Magazine*. Given the manner in which Divisions of the Institute were founded and developed, and the importance of State public agencies in their administration, it seemed to him “that it was inevitable that the autonomy of each



Division would be preserved and should be encouraged”. In other words, “the Institute should continue to be a confederate, rather than a unitary or, even federal organisation”. He felt that “were the notion of an exclusively national body be pursued” that it would “lead to a concentration of power at the national centre, wherever that may be, with the consequences of weakened Divisions”.

He doubted that that there was any sound basis at the time “for the Institute becoming exclusively a national or Australia-wide body to which members would belong and which would be governed by a National Council based in one centre, be that Sydney, Melbourne, Canberra or some other capital”. However, he argued that “there needed to be a definition, or at least a clearer understanding, of the respective roles of the Institute as a national body and those of the several Divisions so as to avoid conflict or undue overlapping”.

Hedley Bachmann noted in the same issue that “whilst most of the educational and developmental activities of the Institute have taken place at the Divisional level, the National Council has fostered and financed various activities on a national basis”.

Most of these activities were undertaken very successfully through Divisions.

John R Nethercote — a long-term observer of public administration in Australia and editor of the *Canberra Bulletin of Public Administration* — wrote that the Institute was distinctive for three reasons:

- It is an association of officials devoted to the quality of government and administration. It is a professional body concerned about standards; not a union advancing claims about terms and conditions of employment, not a think tank with an ideological axe to grind.
- It is an association composed of people from all Australian public services. As such it is the only national body catering to the professional requirements of officials irrespective to which they belong.
- It is not a specialist association which views the conduct of government from the narrow perspective of a particular disciplinary background.

Dr Roger Whettenhall AM — one of the fathers of the study of public administration — expressed his belief that the Institute would come of age nationally “when it is able to move positively towards offering its Australian members a range of integrated services such as some other professional bodies already offer”. This, he said, was made difficult by the lack of any regular National Council staff or premises.

Work was undertaken in 1986 by a planning committee of the National Council — led by Norman Fisher, President of the ACT Division — on a corporate plan designed to complement those of the Divisions.



Hedley R Bachmann AM FIPAA

The essence of the draft corporate plan was the focus of a President’s Message in *The Australian Administration Magazine* later that year. The role for the National Council was expressed as being to:

- encourage and assist in the development of activities at a Divisional level
- undertake activities on a national basis to advance the study and practice of public administration
- contribute to the debate on good public administration
- participate in related international activities and encourage participation of Australian public administrators in those activities.

The role and functions of the National Council generated spirited debate. Views were polarised on whether or not the National Council ought to be strengthened in its administrative capacity in order to carry out activities in its own right, or whether such activities were better carried out through the Divisions.

After three years of preparation the planning report was unanimously adopted. However, *The Australian Administration Magazine* reported that the report had had “a stormy path through the seas of Institute politics”, and suggested that Norman Fisher had thought on several occasions that “the ship was on the rocks and started to head for the lifeboats”. Hedley Bachmann emerged “to smooth some of the waters” ensuring the plan’s adoption.

The Australian Administration Magazine was itself contested territory, subject to lengthy debate over whether or not, as the largest funded National Council project, it provided value for money to members. This prompted a complete review of the magazine by the National Council Executive.

John Nethercote remarked that *The Australian Administration Magazine* had been a lively contributor to Institute affairs despite financial challenges and problems in attracting suitable articles over time. He paid tribute to Don McKinnon for its survival, but noted that it needed more substantial support if it were to be a permanent service to members.

John Nethercote also castigated the Institute for its weak administration and equally weak financial situation, its lack of a physical presence, the urgent problem of its financial structure — believing the national program should be self-supporting within three years — and the need for it to adopt an enterprise philosophy.

“The choice before the Institute, in its tenth year, is whether it is to become an ageing artefact of the old public administration or a professional focus for public administration in the twenty-first century.”

John Nethercote believed the Institute needed a national mandate, noting that “historically the Institute has been, if anything, something less than the sum of its parts”. He argued that its Constitution as a National Council — not a federal council as the governing body — was one which “could draw upon Australia-wide

inspirations, support and resources, could aspire to a contribution richer than that offered simply by that combination of achievement of its constituent divisions.”

Nethercote concluded with a call for action:

“1990 needs to be the year of action. Within the Institute the era of committees and reports has passed. Energies henceforth must be directed towards a concrete program of activities aimed at the contemporary needs of public administration.”

The 50th Anniversary of the *Australian Journal of Public Administration*, managed by the NSW Division, was celebrated in 1989. But the National Council’s *The Australian Administration Magazine* did not survive the years’ end.

1988 ▶

GARRAN ORATION



CHALLENGES IN PUBLIC ADMINISTRATION

*Delivered by the Hon. Robert J L Hawke
AC MP Prime Minister of Australia at the
National Conference of the Royal Australian
Institute of Public Administration, Melbourne,
October 1988.*

Bob Hawke, Prime Minister of Australia (1983–1991).
Michael Jensen | National Library of Australia.

***Published in 'Australian Journal of
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Sir Robert Garran was the first public servant of the Commonwealth of Australia and, in the period immediately after Federation, he was briefly our only public servant. In the succeeding decades Garran played a leading role in establishing the foundations of the public service as we know it today. At his retirement in 1932 he had been a permanent head for thirty-one years — a record period of service that, as the *Australian Dictionary of Biography* notes (Parker 1981, p.623), is unlikely ever to be broken.

Billy Hughes is supposed to have once said that “the best way to govern Australia was to have Sir Robert Garran at his elbow, with a fountain pen and a blank sheet of paper, and the War Precautions Act” (Parker, p.623). This judgement by Hughes goes to the heart of Garran’s unique skills. Anyone reviewing this extraordinary career and assessing his immense contribution to the

Commonwealth of Australia cannot but be impressed by two outstanding elements.

First, Garran was the paragon of professionalism. He served eleven different Attorneys-General and sixteen Governments, covering the spectrum of political affiliations in that initial period of quite rapid political change. He served them all with absolute loyalty, and received their confidence and trust, setting a fine example of one of the most fundamental values of our Westminster-derived system of government.

Second, as Garran responded to all the diverse challenges of administration he faced — initially as an advocate and agent of Federation, then as the trailblazing public servant and parliamentary draftsman, then in the international field during and after the First World War — he proved an unquenchably creative force. In a time of change, his creativity in building new institutions, developing practical solutions and creating workable machinery still stands as an admirable model for his successors today.

On the basis of my own experience of five and half years as Prime Minister, I can say that the Government I have the honour of leading has been well served by a public service which has sought, largely successfully, to emulate Garran's professionalism and his creativity.

Indeed, I argue that today's public administrators — those elected to parliament as well as those appointed to the bureaucracy — face even greater challenges than those presented to Garran by Federation, Depression and World War.

As tough as it would have been to establish a Commonwealth Government where none had been before, it is perhaps even tougher to manage and to reform machinery of government which is inherited. In the era of nuclear missiles, optical fibres, instant news and 24-hour money markets, it is anomalous that we face these challenges with a Constitution inherited from the days of the penny farthing bicycle.

In the economic sphere, we face the challenge to restructure the Australian economy so as to guarantee the future prosperity of our people. And we must do this in an era when we can no longer assume, as those of Garran's and succeeding generations of Australians assumed, that greater prosperity results simply from shearing more sheep, harvesting more wheat and finding fabulous new veins of minerals and metals.

This restructuring process has been the principal activity of our Government over the past five and a half years. It has demanded a fundamental rethinking of the economic assumptions that we inherited from the past. At the same time it requires vigilant attention to ensuring our political arrangements remain relevant to the task we face — without of course modifying the democratic and parliamentary character of our political system.

To a large extent, meeting this challenge of restructuring has relied on improving the performance of the private sector, through for example practising the hard discipline of becoming more productive and competitive, making our manufacturing industry more efficient, boosting our research effort, and building new industries in the service and high tech areas.

These have been areas of special priority for this Government and, thanks to the tremendous contribution we have received from the entire community, we are starting to see the fruits of our efforts: a more diverse and efficient economy capable of competing and winning on world markets.

But it would have been senseless to have believed that restructuring was a task solely for the private sector and that the public sector was immune from a similar need to improve its performance.

The public sector is a substantial employer and producer in its own right, and its functions in regard to the private sector, such as taxation, regulation, economic analysis and policy advice, have assumed critical importance in determining the overall efficiency of our economy.

Further, the tendency over many years, and with increasing frequency since the Second World War, to see the answer to emerging community needs lying almost automatically in an expanded role for government has in fact created a number of problem areas, both potential and real.

These include:

- inefficiencies of excessive regulation;
- the expensive spiral of government assistance, be it by direct payment to welfare recipients or indirectly to inefficient industries;
- the distortion of the taxation system by the creation of rorts for the privileged few;
- the inefficiencies of overlapping local, state and federal jurisdictions;
- the pervasive role of statutory authorities; and
- the drain and danger caused by excessive federal budget deficits.

In declaring my pride in my Government's record of achievement in minimising these danger areas, I hasten to point out that we have by no means accepted the simplistic analysis that small government is necessarily better government or that deregulation is a desirable end in itself. That is a misconception to which our conservative opponents fall victim with amazing regularity — in the same way as, for that matter, some on the Left find themselves making the too-easy

assumption of the desirability of government intervention. Deregulation and intervention are not ends in themselves; they may simply be means to the real goal which must be the creation of a fairer and a more efficient Australia.

As a Labor Prime Minister I am proud of the way in which we have met our responsibilities as a Government, protecting the needy, helping the battlers, and making Australia a fairer society. And as a Prime Minister committed to reform, I am proud of Labor's proven capacity to improve the efficiency and competitiveness of our economy which is helping to guarantee the prosperity of all Australians.

My point is that, in today's circumstances, unless there is constant vigilance by an elected government alert to the demands of the international economy, and unless organisational and attitudinal change becomes a constant part of the government's management of the bureaucracy, the public service may succumb to the almost overwhelming temptation to look inwards; to become absorbed in its own process rather than its output; to grow inexorably; in short, to serve its own ends. If that were to happen, our overall economic performance would suffer and the community would be the poorer.

The business of government must be the provision of the greatest public good at the least private cost — and the public service must achieve those ends without losing its professional capacity to serve governments of differing political views and with different policy priorities. Indeed, that capacity should be always enhanced.

In today's environment, when the economy as a whole must overcome its entrenched inflexibilities and inefficiencies, that prescription poses a massive management challenge.

The aim of government must be not only to ensure that the public service does its own job professionally and efficiently. The aim must also be to ensure that the public service is not a stumbling block for broader, economy-wide change; indeed, that the public service becomes where possible an effective instrument for the achievement of that change.

Having established this broad context, I want to describe the efforts my Government has

made to achieve those goals, and to spell out our consistent set of principles which has underpinned those efforts. You will be broadly familiar with the extent of our reforms — the new legislation in 1984, the budget reforms, the streamlining of personnel administration in 1986 and our continuing reforms of statutory authorities. I have briefly outlined these changes in an appendix to this Oration. I will address in more detail here the important structural changes I announced in July last year and the associated changes in cabinet arrangements I announced the following month.

Most commentators on the machinery changes have, perhaps not surprisingly, tended to concentrate on whether or not the two-level ministerial structure is working effectively. From my perspective it is working well — a point I will return to shortly.

It follows, however, that the commentators have put too little weight on the very substantial changes that have been wrought in the public service itself, and the improvements they have made to the quality of policy development work, to the capacity for co-operation and co ordination within the public service, and to the degree of accountability and flexibility for managers.

The likely benefit of these changes in improving the quality of management and decision-making was more important to the Government than the achievement of savings through the elimination of overlap and duplication.

Commentators have similarly overlooked the importance of the changes in the cabinet committee system we introduced, and in particular our decision to establish three policy development committees:

- the *Structural Adjustment Committee* which co-ordinates reform of the micro economy to achieve medium-term growth in our economy;
- the *Social and Family Policy Committee* which focuses on the development and implementation of our social justice strategy to ensure the fair distribution of the proceeds of economic growth throughout the community; and

- the *Public Service Reform Committee* which is concerned with further improvements in management in the public sector.

Cabinet, of course, remains the supreme organ of the decision-making processes of the Government, and any major matters which might have their genesis in the committees will in the end be determined by the cabinet itself.

But these new committees, like the Expenditure Review Committee in relation to the budget, have become the engine rooms of our decision-making processes. They are the forums in which ministers most directly concerned with the policy area can collectively and in detail consider the subject matter and develop policy proposals or positions for consideration by the full cabinet. Through these committees, we are generating a much greater ability for ministers collectively to engage in policy development, which had been essentially the preserve of one minister and most often one department.

Moreover, the new policy development committees are supported in their work by groups or task forces of officials who are interacting more closely with the collective policy development role of the ministers.

The new two-tier structure of government has undoubtedly facilitated this approach. Fewer departments need to be drawn into any particular policy development exercise and the barriers which used to exist between departments have been substantially reduced — perhaps because each department now brings a broader area of responsibility and broader perspectives to bear on any given matter.

A very good illustration of the benefits of this new approach was contained in this year's May Statement, in which we unveiled a major program of structural reform, substantial developments to advance our social justice objectives, and significant returns from the Efficiency Scrutiny program (Keating 1988). These measures had been largely developed through the processes of the three policy development committees I referred to earlier, and by a great deal of hard work on the part of both the ministers on those committees and the officials supporting them. The new machinery has also, as I expected, further improved our budget processes.

This Government's period of office has been characterised by an unprecedented period of sustained expenditure restraint.

The last three budgets have actually seen Commonwealth outlays fall in real terms, and outlays as a share of GDP are now the lowest since 1973–74. This fiscal achievement — so essential to the Government's overall economic strategy — has required five years of hard slog by Expenditure Review Committee ministers.

The sustainability of this process of expenditure restraint has required us to concentrate on improving financial management especially through the progressive introduction of program budgeting — and on streamlining budget processes.

Our innovations have proven successful. Rather than wait until just before the August budget to sift through all the bids ministers may make for new spending, ERC is now provided early in the year with a list of ministers' new policy proposals. Sifting through those bids, ERC identifies a range of high priority or unavoidable proposals which are then scrutinised more closely prior to delivery of the budget in August.

Streamlining the budget process has also involved eliminating the need for ERC ministers to decide on the trivial detail of budget-making, in particular the minor savings options and minor new policy proposals costing \$2 million or less. This desire on the part of ERC to extricate itself from the detail of budget-making complements the trend towards letting ministers take greater responsibility for their portfolios.

These twin goals have been pursued in the most recent budget period through the use of portfolio targets.

Thus, in the run-up to the August budget, ERC can now concentrate on significant new policy proposals and wrap up remaining budget matters within portfolio expenditure targets. Subject to their reporting to ERC on achievement of those targets, portfolio ministers are now free to pursue minor policy proposals and minor savings options without the previous detailed involvement of ERC ministers.

“The aim of government must be not only to ensure that the public service does its own job professionally and efficiently. The aim must also be to ensure that the public service is not a stumbling block for broader, economy-wide change; indeed, that the public service becomes where possible an effective instrument for the achievement of that change.”

Another important change I made last year was to replace the former Public Service Board with a much smaller Public Service Commission — reflecting and enhancing our clear preference for devolving responsibilities for personnel management to portfolios instead of concentrating on outdated central agency roles. A part-time Management Advisory Board was established to advise the Government on significant management issues and to be a forum for considering major management activities affecting the service as a whole.

As well as these changes, the Department of Finance has progressively become less involved in detail and changed its financial management controls to promote greater responsibility for operating departments and greater incentives for managers. The Department of the Prime Minister and Cabinet is also now substantially less interventionist, with greater concentration on its fundamental role as a co-ordinating agency — this reflects a change both in concept and in the character of the chief political office holder! The savings that I foreshadowed could arise from these major machinery changes will be achieved. But I repeat that they were not the primary purpose of the changes. Indeed we recognised at the time that there would be substantial costs associated with the changes and substantial dislocation and disturbance both for agencies and many individuals.

It was my expectation that adjustments would be necessary over some two years to accommodate changes of this scale. No certain assessment of the success of the changes would be possible before then.

I can say, however, that although they are difficult to quantify, significant benefits are already evident to me in the areas of policy development and decision-making processes, and in the area of delegation to, and incentives for, managers.

I return now to the issue of the two-level ministry and to the associated issues of accountability.

I do not need to remind an audience such as this of the relentless pressures on ministerial time in modern government. Among these pressures are:

- responsibilities in relation to the minister's electorate and constituents;
- unavoidable party political duties inside the parliament and in the broader party organisation;
- legislative and parliamentary obligations;
- overriding responsibility as a member of the executive government, and associated responsibilities to cabinet and cabinet committees;
- and finally, responsibility, derived from the Constitution, to administer his or her department.

The immensity of these competing pressures under the Government of Malcolm Fraser prompted an investigation by political scientist Patrick Weller and journalist Michelle Grattan into the chilling question *Can Ministers Cope?* (1981).

I do not pretend that ministers of my Government face no problems in reconciling competing demands on their time. But I do point out that the two-tier ministerial structure was designed to make, and I am convinced is making, it easier for my ministers to do so.

In introducing these new arrangements we addressed head-on the legal question which had bedevilled so much previous consideration of the rational allocation of functions to departments. The question whether section 64 of the Constitution permitted more than one minister to administer a department had long been the subject of learned consideration by the lawyers. Most, including Sir Robert Garran, have been of the opinion that it was possible — the most notable exception being a narrow interpretation in 1958 by Mr Barwick, as he then was, as counsel. I am pleased to note that there has been subsequent judicial endorsement of the broad interpretation of section 64 (see Griffith 1987).

The positive view however has always been tempered by caution because of the potential consequence of disqualification of a member or senator if the negative view were held to be correct. This was an important factor leading to frequent, costly and inefficient machinery of government changes.

The revised arrangements we have put in place provide the flexibility necessary to accommodate changing political priorities and circumstances, including new ministerial appointments, without the need to change the machinery of government with all the upheaval that entails. Indeed, one of the virtues of the new machinery is that there is great flexibility within portfolios in allocating responsibility to ministers and re-drawing lines of operation for officials — flexibilities which also assist departments and ministers to cope with changing pressure points.

Under the new system, non-cabinet ministers are undertaking many functions on behalf of their portfolio ministers — such as parliamentary duties, correspondence, day-to-day administration of specific areas within the portfolio — enabling senior ministers to devote precious time to broad strategic issues of government. Not insignificantly, non-cabinet ministers are also enabled to focus much more closely on the nitty-gritty issues that are often vital to the welfare of the individual clients of government.

As I envisaged at the time, it has been necessary occasionally to refine the arrangements. This will, no doubt, continue to be necessary. Overall, however, I believe the two-level ministry arrangements have worked remarkably well.

As you would be aware, the Leader of the Opposition, Mr Howard, has publicly welcomed many aspects of these new arrangements, including the two-level ministerial structure, and I welcome his support. For my part, I regard the new machinery as setting the basic pattern of Australian government administration for many years ahead. Major changes of this kind are disruptive and, while minor adjustments must be made where necessary, no major changes at the departmental level should now be necessary as far ahead as I can see.

In the lead-up to my visit last year to the Soviet Union, I had drawn to my attention a comment of Lenin's. It was a comment of great relevance to the reforms sought by Mr Gorbachev, and has been quoted approvingly by an influential Soviet economist, close to Gorbachev, seeking to condemn the rigidities and inefficiencies of the Soviet system bequeathed by Brezhnev. Lenin's comment has unexpected relevance today, less because of his definition of the problem than his articulation of the solution. If you will forgive Lenin's unfortunately scatological language, I will read it to you:

In our country everything is swamped in a foul bureaucratic morass of "departments". Great authority, intelligence, and strength are needed for the day-to-day struggle against this. Departments are shit; decrees are shit. Seeking out people and entrusting the work to them — that is all that matters (cited in Shmelev 1987).

And in many ways, seeking out people and entrusting the work to them is all that matters to reformers of the public service, and indeed of the private sector, in Australia today. In our pursuit of greater efficiency and effectiveness in the public service, we have followed a consistent set of principles. With rather less brevity than Lenin, let me outline the principles underpinning our reforms. They have been aimed at:

- clarifying the lines of accountability at all levels of government, including through greater delegation of responsibility to line managers;
- retaining and where possible enhancing the professional character of the public service and its ability to serve the elected government of the day;

- pursuing greater equity in public administration including in the delivery of services; and
- providing maximum scope for our greatest resource, our people in the workforce, through greater individual initiative, innovation and job satisfaction.

Let me now discuss how these principles have been advanced.

As to the first, accountability is a pervasive principle, that at one end of the spectrum ensures voters can endorse or reject a government in the ballot box, and that at the other gives force to the claim of a pensioner seeking assistance over the counter of a Social Security office.

It has been in pursuit of this principle that we have:

- redefined, in legislation, the relative responsibilities of ministers and departmental secretaries for the administration of departments;
- enhanced ministerial responsibility through the new two-level ministry system;
- introduced a range of measures designed to reduce central agency controls and put responsibility more clearly in portfolios — and complementary measures to reduce central controls within portfolios; and
- improved budget processes and financial controls.

Within these differing levels of accountability, one layer seems particularly problematical: the accountability of the executive to the parliament.

The parliament, through question time, parliamentary committees, and detailed scrutiny of legislation, provides the means by which government is called to account during its term of office. It has been my Government's desire, particularly through its budgetary reforms and the manner in which financial information is made available to the parliament, to do all it can to make the processes of government as transparent and amenable to parliamentary scrutiny as possible.

Given this subtle and multifaceted process of accountability, it is depressing that, at least in some quarters, the whole concept of accountability gets reduced to a barren quest for ministerial resignations. Opposition parties today — and, I suppose, of earlier periods — seem to believe they are engaged in a game of cricket. They are too eager to cry LBW, and tend to do so for all the wrong reasons.

The true measure of ministerial accountability, here and in Britain, has never been the tally of ministerial resignations. Even in the slower and simpler formative period of our system of government, the strict theory that ministers were fully accountable for every act or omission of their departmental officers was, simply, far-fetched. In today's environment the traditional hypothesis just cannot be reconciled with political and administrative realities. The relationship between ministers and officials is far more complex than the hypothesis, with its alltoo-neat dichotomy between policy and administration, permits.

Clearly there are many areas where the detailed development of policy proposals is, within a broad framework of ministerial direction, entrusted to officials; similarly, there are many matters of administration in which ministers take a close interest.

In other words, ministers must, of course, continue to be answerable to the parliament and to take any necessary corrective action. But the truth is that there is no requirement for them to resign except where a significant act or omission was theirs, or was taken at their personal direction, or was a matter about which they obviously should have known and done something.

Ministerial responsibility of course is but one strand in the web of accountability that pervades our whole political and administrative structure. It is a principle to which, as all our public service reforms show, we attach very great importance. It is not, let me stress, in any way contradictory to the second principle we have pursued: maintaining and enhancing a highly professional public service.

“Despite the apparent size and sometimes impersonal face of government there is, I believe, tremendous scope in the public service for individual initiative and sense of satisfaction arising from contribution to the public good.”

Some critics of the changes made to appointment and tenure provisions for departmental secretaries argued they would lead to politicisation. Four years later, no one could reasonably claim that the portfolio secretaries serving my Government are other than highly professional career public servants who have also served previous governments in senior positions. The public service remains, at all levels, a highly professional institution.

The third principle I referred to, which draws out the importance of equity in public sector management and employment, has also been advanced. In terms of government outputs, this is reflected in the advances we have made towards our social justice objectives. In terms of staffing it is best reflected in the legislative advances in 1984 and in the new machinery to follow those changes through and to foster a management culture in the public service which pays proper regard to the merit principle, to industrial democracy and to equal employment opportunity.

These developments tend to be seen as soft optional extras. This is short-sighted; there are substantial management benefits in all of these measures. I regard the continuing efforts the Government is making to foster EEO as especially important in seeking to harness for the public sector the best available human resources in our multicultural society.

The final principle, enhancing scope for initiative, innovation and job satisfaction, does not lend itself so readily to assessment. Much of our effort has gone into providing a framework within which managers at all levels have clearer lines of responsibility and a greater degree of autonomy.

I recognise we have more to do on these qualitative issues — but we have been necessarily living through a period of stringency and adjustment, and it takes time for a new management culture and environment to be established. I should say, however, that there have been many examples of innovative policy development and innovative changes in program management.

Despite the apparent size and sometimes impersonal face of government there is, I believe, tremendous scope in the public service for individual initiative and sense of satisfaction arising from contribution to the public good. The changes we have made should, over time, lead to greater scope for such innovation and, I believe, greater potential for job satisfaction.

One of the management challenges we face is to ensure that this is the case. Another is how to achieve greater *recognition* for the substantial contribution to this nation made by those in the public sector employment.

Public servants have come a long way since Kafka gave bureaucracy a bad name or since Tom Collins gave a particularly Australian twist to the characterisation. Tom Collins, of course, was the pseudonym adopted by Joseph Furphy in his classic of the Australian bush *Such is life*. At the outset of Chapter 1 the recently unemployed Collins writes of his days in the public service:

One generally feels a sort of diffidence in introducing one's self; but I may remark that I was at that time a Government official, of the ninth class; paid rather according to my grade than my merit, and not by any means in proportion to the loafing I had to do (Furphy 1944, p.5).

That was a laconic way of putting Lord Samuel's dictum: that a public service will find a difficulty for every solution.

It's unfortunate that such stereotypes persist in the public mind. I repeat what I said at the outset — that I consider my Government to be very well served by the federal public service. And I take considerable pride in the fact that the reforms my Government has made to the public service have served further to increase its efficiency and professionalism.

As you are well aware, over recent years I have been stressing over and over again to the business community, to the union movement, to our primary producers, and to workers throughout Australia, the overwhelming need for adaptability and readiness to accept change if we are to prosper as a nation. Similar adaptability and readiness to embrace change is absolutely imperative in our public institutions if they are to provide the framework within which our visions of an economically prosperous and socially just Australia are to be realised.

As we approach the end of this century and the centenary of the establishment of the Commonwealth, in which Garran played such a large part, I am confident that our measures to create a management environment and culture which emphasise the ability to promote and adapt to change will be seen as among our most significant achievements.

For those who question the directions we are taking, let me refer you to some remarks of Garran about the constitutional debates of the 1890s:

Looking back over these debates, one is struck by the vanity of human fears and precautions.... (T)hose fifty of the elect of Australia spent months discussing dangers and difficulties, most of which the experience of half a century has shown to be imaginary. On the other hand, many of the troubles that, as it turned out, have beset the Constitution since its establishment are matters that never occurred to them (Garran 1958, p.112).

For reasons that are obvious enough, I say nothing at this point about constitutional reform and the difficulties thereof. But I do make the

point that change is a constant. The last decade in particular has seen so many of the certitudes of the past brought into question, modified or despatched to the dustbins of history. These winds of change have been no respecter of ideological boundaries. In differing degrees they have blasted China, the Soviet Union and the West and in differing degrees the public service has been affected by, in some cases indeed is central to, how these changes are worked out in the society in question.

In the Soviet Union, for example, the success or otherwise of the historically momentous changes enunciated by Secretary General Gorbachev will be determined by his capacity both to overcome the opposition of so much of the bureaucracy to those changes, and then to harness a leaner public service as a positive element in the processes of change.

In Australia, where the challenge of change is a compelling constant for all of us, I believe we are singularly fortunate in having an Australian Public Service which has, in my judgement, both the character and capacity to enable it fully to meet that responsibility.

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APPENDIX

Against the background of the policy positions developed in opposition as reflected in the document *Labor and Quality of Government*, my Government moved quickly in 1983 to set up the task force chaired by Mr Dawkins, then Minister for Finance and Minister assisting me for public service matters. A wide-ranging discussion paper was published in December 1983. The resultant legislation, the *Public Service Reform Act 1984*, was passed in June 1984.

The Act made it quite clear that the responsibility of departmental secretaries for “the general working, and for all the business” of their departments was subordinate to the fundamental responsibility of ministers, derived from the Constitution, to administer departments. It also provided for more flexible appointment and tenure provisions for secretaries.

We established the Senior Executive Service in place of the former second division, again with more flexible appointment and tenure provisions. All SES vacancies were opened up to people outside the public service. Far greater emphasis was placed on mobility and management development programs. The Public Service Board, and later the Public Service Commission, were given important roles in ensuring the integrity of SES staffing decisions.

We moved to establish separate legislation, the *Members of Parliament (Staff) Act*, for the employment of ministerial consultants and ministerial and electorate staff, to facilitate appointment of people not drawn from the public service, while removing any possible charges of politicisation. The Act also provides an umbrella for career public servants to gain experience in a minister’s office.

A significant start was made in what was to be an ongoing process of devolution from central agencies to departmental management. From 1 July 1984, secretaries were given the ability to create and abolish positions and to reclassify them. We also began the process of integrating staff number and financial controls, by moving responsibility for the former from the Board to the Department of Finance.

Significant changes were also made in personnel policies. The merit principle and anti-discrimination provisions were included in the *Public Service Act*. Requirements were introduced for equal employment opportunity programs and industrial democracy plans. Part-time employment was introduced for permanent staff. A new grievance and appeals body — the Merit Protection and Review Agency — was established under its own legislation.

Running parallel to these changes were our reforms to the budget and financial management processes, the most important of which has been the progressive introduction of program budgeting. For the first time this has enabled ministers and the parliament to be given reliable costings of government activities, program by program, rather than the previous unhelpful breakdown by type of expenditure, such as travel, telephones, stationery.

Such information is vital for two reasons. First, it gives individual managers a far greater sense of responsibility for the expenditure of program funds. Secondly, it enables ministers to take far more informed decisions on the competing priorities of various policies and programs. In the present fiscal climate, program budgeting has assisted in the continuing and rigorous search for offsets and trade-offs.

At the same time we adopted a policy of releasing forward estimates of expenditure and, contrary to long-held views in some quarters, this has not had the dire economic consequences predicted.

In 1986 a dramatic turn-around in our terms of trade created economic circumstances which made the processes of reform on the government’s agenda much more important and urgent. There needed to be a fundamental restructuring in the private sector of the economy to enable us to compete internationally and enable continued domestic growth. It was necessary to ask the private sector to make sacrifices in this adjustment process and to find means of further increasing its efficiency.

We could hardly do so without considering what adjustments should be made in the public sector to assist the process of change in the private

sector, and indeed without seeking to set an example by accelerating the drive for greater efficiency in the public sector.

That is the background to the public sector decisions announced by me in the parliament on 25 September 1986.

An efficiency dividend was required from departments and agencies for the three financial years beginning in 1987–88, initially set at 1% of administrative expenses and subsequently amended to 1.25%.

An Efficiency Scrutiny Unit was established under the leadership of an experienced businessman, Mr David Block. A large number of scrutinies of administrative approaches and practices was conducted under the umbrella of the unit. They were carried out by departmental staff specially selected and trained for the purpose. Some 25% of the savings achieved (\$100 million in a full year) was allowed to be retained by the departments as an incentive, and that incentive remains in place with responsibility for further scrutinies resting clearly with departments.

Other incentives for improved management were also put in place.

For example, there was provision for greater flexibility in financial management, in particular by permitting some carry-over of funds from one financial year to the next and by providing greater freedom to move funds between salaries and administrative expenses votes.

There were, as well, major changes to the arrangements for the redeployment or retirement of public service staff, and many changes streamlining personnel management, including further devolution to departments.

I also foreshadowed, on 25 September 1986, the extensive restructuring of public service job classifications designed to remove obsolete distinctions, to reduce the overall number of personnel transactions, and through multi-

skilling to provide greater flexibility in the use of personnel. These changes are now being implemented following Conciliation and Arbitration Commission approval as part of the second-tier wage round in accordance with the government's wages policy.

As well as the substantial reforms in the public service, we have given close attention to statutory authorities. In January 1986, our policy statement Reform of Commonwealth Primary Industry Statutory Marketing Authorities was issued and subsequently legislation has been passed enabling these authorities to adopt a more flexible commercial approach to the marketing of rural products.

A policy information paper *Policy Guidelines for Commonwealth Statutory Authorities and Government Business Enterprises* was tabled by my colleague, Peter Walsh, in October 1987 and since then extensive work has been done, especially in the transport and communications portfolio, on the reshaping of government business enterprises to enable them to operate more competitively, to be freed of many bureaucratic controls, so that they may be held more accountable for their performance.

Details of the changes made in relation to these business enterprises were contained in the May statement this year, and further work is proceeding in relation to other business enterprises and statutory authorities.

1990 ▶ 1994

A NATIONAL SECRETARIAT LENDS AID TO THE WORK OF THE NATIONAL COUNCIL

In February 1990, Richard G Humphry AO, then Director-General NSW Premier's Department, stepped into the role of National President. The clear and urgent need for Council secretariat support was addressed that year by awarding a contract for this service to the NSW Division.

In 1991 the National Council adopted, as a priority, strategies aimed at developing:

- Professional competencies and skills within the public service
- Informed debate on current public sector issues
- Esprit de corps within agencies.

The first edition of the RAIPA National Newsletter produced since the co-location of the national secretariat with the NSW Division was distributed in March and a National Executive Director was appointed in June.

Substantial donations of \$50,000 and \$2,000 were made during the year to the Public Administration Research Trust by Dr Sam S Richardson and Mr B G Turner respectively.

And, after several years of debate, the Royal Australian Institute of Public Administration (RAIPA) was renamed the Royal Institute of Public Administration Australia, giving it a much less problematic acronym — RIPAA.

In 1992, the Trust Deed for the Public Administration Research Trust Fund between the Institute and the University of Canberra was rewritten in recognition of the generous capital grant by Dr Richardson and it was further augmented with a capital grant of \$10,000. An Annual Sam Richardson Award was also established for the most influential article published each year in the *Australian Journal of Public Administration*.

In an unexpected development, the Royal Institute of Public Administration in London went into receivership after 70 years of activity on 15 July 1992. This followed cuts to public



Portrait of Richard G. Humphry AO FIPAA, 1997.
HuiHai Xie | National Portrait Gallery

expenditure by the incoming Conservative Government led by John Major. Its journal *Public Administration*, on which the *Australian Journal of Public Administration* had been modelled, was sold to its existing publishers.

By 1993 the national secretariat included a full-time National Executive Director and a full-time Executive Assistant, as well as a part-time Conference Officer and a temporary Project Officer.

Also that year, the South Australia Division passed responsibility for the Sir George Murray Award — awarded for the best entry in a national public administration essay competition — to the National Council, making it a national award.

In March 1994 Richard Humphry stepped down unexpectedly as National President. Alison Gaines — Director of the Public Sector Management Office in the Government of Western Australia — took on the role of acting National President until the RIPAA National Conference in November.

1991 ►

GARRAN ORATION



ENDING THE DESPAIR

Delivered by Lois (Lowitja) O'Donoghue CBE AM at the National Conference of the Royal Australian Institute of Public Administration, Darwin, September 1991.

Lois (Lowitja) O'Donoghue addressing the National Press Club, Canberra, 1992.

Loui Seselja | National Library of Australia, PIC NL37054 (A) Frame 24 LOC NL37054 Photographic collection shelves.

Published in 'Australian Journal of Public Administration' Vol. 51 No. 2, June 1992

I am proud to be delivering the 1991 Sir Robert Garran Oration.

I understand that I am the first Aboriginal to give the oration: this does not surprise me, given the history of our country. My invitation to speak today, though, is an acknowledgment of the place that Aboriginal people have won for themselves in this nation, and of the great advances we are making in Aboriginal affairs administration, one of the most difficult and complex areas of government.

ABORIGINAL AUSTRALIA 1991: A LONG WAY FROM GARRAN

It has been traditional to begin this speech by making some mention of the contribution made by Sir Robert Garran. For me, however, this is a little more difficult.

In matters concerning Australia's indigenous people, Sir Robert was very much a man of

his time. He was one of the drafters of the Australian Constitution, which mentioned Aboriginal people only twice and then only to exclude them from being counted in the population, and from the powers of the commonwealth. For the policy-makers of 1901 Aboriginal people were irrelevant.

In 1788, when white Australia was founded, we were a vigorous nation, perhaps one million strong. By 1901 we were a largely dispossessed and demoralised remnant, locked away on reserves or living at the margins of white society, under the control of the government. It was assumed we were a "dying race", and that whatever problem we posed for the new nation would eventually go away.

We have not gone away. At the last census, in 1986, Aboriginal and Torres Strait Islander people numbered almost 228,000, or about 1.5% of the total population (ABS 1987); this population is projected to increase to 300,000 by the year 2001. Australians have had to come to terms with the continuing Aboriginal presence.

We have come a long way since 1901. For the last 20 or so years there has been an astonishing revival of Aboriginal culture and identity, which in part accounts for the increases in population that have been recorded since the 1970s. We are now a political presence in this country; our voices are heard. Perhaps the most recent and controversial example of this was the federal government's decision not to mine Coronation Hill, out of respect for Aboriginal religious beliefs.

In 1967 those two clauses of the Constitution which excluded us from the national life were swept away at a referendum. Since then the commonwealth has assumed a special responsibility in Aboriginal affairs. This resulted in the setting up of a Department of Aboriginal Affairs in 1972, and in 1990 its replacement by the radical new Aboriginal and Torres Strait Islander Commission (ATSIC) which I chair.

In the same period hundreds of Aboriginal community organisations have been set up throughout the country. These provide services to their communities in areas such as health, legal aid, housing and broadcasting. They are powerful instruments of self-help and of self-determination which replaced assimilation as official government policy in 1972. Growing numbers of Aboriginal people are involved in the arts, in painting and printmaking, photography, film and theatre, music and dance. Traditional forms have been revived or expanded, while new media have been adapted to express the age-old values of our culture.

Last week, as part of National Aborigines' and Islanders' Day activities, we celebrated the twentieth anniversary of our flag, born out of political protest in 1971 — a symbol that unites us all.

Accompanying these developments has been a thoroughgoing reappraisal by white Australians of the Aboriginal contribution to this nation. We have rolled back "the great Australian silence" which is how anthropologist W E H Stanner (1968), in his 1968 Boyer Lectures, described the almost total exclusion of the Aboriginal point of view from accounts of national history and culture — the silence that reigned in Sir Robert Garran's time.

Like the land to which we belong, Aboriginal people have always been central to the Australian

historical experience. Indeed, what we have contributed most to the national wealth of contemporary Australia is our land. This remains a largely unresolved issue between Aboriginal and non-Aboriginal Australians.

Despite the terrible consequences of our forced dispossession, despite our low social and economic status, I think that we are today an essential part of the way this nation defines itself. On the superficial level Aboriginality in various forms (boomerangs, didgeridoo music) is appropriated to give a stamp of "authenticity" to general Australian culture, especially as Australian identity is presented internationally (we were given walk-on parts in *Crocodile Dundee*). A great deal of Australia's, and especially the Northern Territory's, tourist trade is based on Aboriginal art and cultural sites, as at Kakadu and Uluru.

On a deeper level, our contribution to human culture, our view of the world, is also coming to be appreciated. This results in part from a growing alarm about the effects of development and technology: the greenhouse effect, deforestation, ozone depletion, pollution, the destruction of the environment. Western culture views nature as something separate from humans and dominated by them. According to Aboriginal beliefs, however, people do not rule creation, but are equal partners with other elements: plants, animals, the land itself. Among those who sympathise with Aboriginal people there is even a tendency to idealise traditional Aboriginal culture, as a sort of alternative to Western culture.

SOCIAL JUSTICE

Somewhat divorced from these considerations is the issue of social justice, of how contemporary Australian society itself is to be judged. Are we a caring, humane society that values human life and potential, that feels itself enriched by cultural diversity?

Many Australians, including governments, are now committed to righting some of the wrongs of the past, to restoring Aboriginal people to a proper place in our national life, one that acknowledges our special status as the land's original inhabitants.

Of course balancing all of these positives are many negatives, and these receive considerable media attention:

- Aboriginal people remain, according to every social indicator, the most disadvantaged identifiable group in Australian society;
- many Aboriginals still live in substandard conditions, are unemployed, have poor health or low educational achievements;
- we are far more likely to be imprisoned, mostly for minor offences;
- the health statistics are particularly alarming: a life expectancy some 20 years less than the Australian average, higher infant mortality, terrible death rates among young adults from lifestyle diseases such as coronary heart disease;
- substance abuse exacerbates these health problems, and leads to a high rate of accidents and family violence.

At the heart of all these problems lie poverty and despair. These are a product of history, of economic marginalisation, of enforced dependence, and of a system which is fundamentally oppressive to Aboriginal people. For every one person who idealises Aboriginal culture there are probably several others who denigrate us either actively or in their basic attitudes. Many Australians would say that our situation arises from a congenital inability to live in the modern world, to make a go of it. This attitude was quite pervasive in the past, resulting in the complete domination of Aboriginal lives.

Here I shall quote from the *Report of the Royal Commission into Aboriginal Deaths in Custody*, which concluded its investigations this year. The Commissioner, Elliott Johnston QC, writes:

...until I examined the files of the people who died and the other material which has come before the Commission and listened to Aboriginal people speaking, I had no conception of the degree of pin-pricking domination, abuse of personal power, utter paternalism, open contempt and total indifference with which so many Aboriginal people were visited on a day to day basis (Johnston 1991).

Of the 99 Aboriginal people who died in custody between January 1980 and May 1989, and whose deaths were investigated by the commission (1991):

- 83 were unemployed at the date of last detention;
- only two had completed secondary schooling;
- 43 had been charged with an offence at or before the age of 15, and 74 had been charged with an offence at or before the age of 19;
- 43 had experienced childhood separation from their natural families through intervention by state authorities, missions or other institutions;
- 43 had been taken into custody for reasons directly related to alcohol;
- their standard of health varied from poor to very bad; and
- their economic position was disastrous: they were at the margin of society.

I think that this catalogue is as stark an illustration of Aboriginal "social indicators" as you will find.

The commission concluded that "in many cases death was contributed to by system failures or absence of due care" on the part of those in authority — in other words a negligence arising out of that contempt for and indifference towards Aboriginal people that Commissioner Johnston found to be so pervasive (1991).

Reinforcing the findings of the *Deaths in Custody* report is the report of the two-year national inquiry into *Racist Violence* (1991).

This inquiry, conducted by the Human Rights and Equal Opportunity Commission, concluded that violence against our people is "endemic, nationwide and very severe" and that racist attitudes and practices (both conscious and unconscious) permeate Australia's institutions. The point I am trying to make in emphasising these findings is that Aboriginal people continue to have a problem with the larger structures of Australian society. There is a bias in the system which has a profoundly negative affect on Aboriginal lives, which induces feelings of powerlessness and despair.

“Like the land to which we belong, Aboriginal people have always been central to the Australian historical experience. Indeed, what we have contributed most to the national wealth of contemporary Australia is our land. This remains a largely unresolved issue between Aboriginal and non-Aboriginal Australians.”

All of this bad news comes despite over 20 years' positive government intervention in Aboriginal affairs, in particular by the commonwealth government.

THE ADMINISTRATION OF ABORIGINAL AFFAIRS

When the commonwealth's Department of Aboriginal Affairs was set up in 1972 the aim was to improve the lot of Aboriginal people:

- by making sure that we had access to the full range of welfare and other services available to non-Aboriginal Australians; and
- by funding special programs to address our particular disadvantages.

The department funded Aboriginal organisations to assist their communities in areas such as health care and legal aid. It also funded state and territory governments to provide special services or to make their mainstream services — for instance, in health and education — more accessible or acceptable to Aboriginal people. Aboriginal affairs has always been a partnership with state and territory governments, and increasingly local government, for it is these governments that are supposed to provide basic services for the whole Australian population.

In 1972 it was thought that the department could achieve its objectives in 10 years: that it had, in effect, an expiry date. Obviously, however, the size of the task was drastically underestimated. Aboriginal affairs proved to be a uniquely difficult and complex area of government.

To begin with it was involved in a very diverse range of activities: from bricks and mortar, to

education, to health, to social welfare, to arts and culture. It was perceived that all of these things were interconnected, that in fact many Aboriginal people were caught up in a vicious cycle of poverty where various forms of deprivation reinforced one another.

But the question was how to break this cycle, how to intervene. Would providing better housing have beneficial effects on Aboriginal health and education? But what kind of housing should be provided? Often bureaucrats made assumptions from their own cultural background and thought that they would hold for Aboriginal people. Perhaps they provided the wrong kind of housing. Perhaps providing housing was not the basic solution after all: it was treating the symptom and not the cause.

Spiritual poverty

Poverty itself has many dimensions. There is material poverty — evident in many Aboriginal communities — and another more profound poverty, a spiritual poverty.

The recent *Aboriginal Child Poverty* report published by the Brotherhood of St Laurence, had this to say as a result of consultations with Aboriginal people around Australia:

The adults grieved for the actual and metaphorical loss of their children to themselves and to the community. They were saddened by the loss of social order and disintegration of their communities, the loss of identity, self-respect and a sense of control over their own destiny and future. It was clear that poverty was given a much broader definition than usual (Choo 1990).

Despite my general assertion that Aboriginal culture and identity have revived over the last 20 years, the opposite effect still governs many individual lives. Despair and social breakdown also occur on the margins of white society: in the world of the chronically unemployed, of homeless children.

There is, however, an extra poignancy in the Aboriginal situation, because in many areas our culture is still very fragile. It is a diminishing resource.

The *Sydney Morning Herald* recently published an article on David Mowaljarlai, who last week was named Aboriginal of the Year by the National Aborigines' and Islanders' Day Observance Committee (NAIDOC). Mr Mowaljarlai was quoted as saying:

We must give the young ones back their culture, their language and their traditions, otherwise we will be gone... We have only a little time left before all the old people like me pass away, and when that happens, that's the end of it. The lives of our young people today are like a desert. Once I teach them about the culture, the stories and the sacred sites; once I take them out into the bush and they see it all with their own eyes, then they understand. That goes for the white man, too.

Perhaps I should further qualify my statement about the resilience of Aboriginal culture. Perhaps those Aboriginal people who in the past have lost most — the people of settled Australia — have been most successful in recent years in reclaiming their past and expressing their aspirations politically. They, as a result of their history, are more versed in the ways of white Australia.

Where Aboriginal culture is most threatened is in the mosaic of communities in remote Australia. Here the processes of disintegration set in motion by 1788 may still be going on. The situation is mixed. There are some success stories, principally here in the Northern Territory which, not coincidentally, also has the most significant land rights legislation. Mr Mowaljarlai is less fortunate in this respect: he is a Western Australian.

Spiritual desolation is rather hard for governments to grapple with. Government policy and government programs — at least as devised by centralised bureaucracies — are necessarily rather blunt instruments.

Aboriginal culture

I have been talking a lot about culture, for it is basically this which sets Aboriginal affairs apart from other areas of government. Aboriginal affairs is engaged with a different culture, and a different history. The broader framework in which almost all other government agencies operate is more or less understood: modern Australia and modern Australian culture and society. Aboriginal affairs deals with something more elusive: a culture whose values and aspirations may confound conventional definitions and expectations, and make quantification of outcomes difficult.

At this point I should explain some salient features of our culture.

Often descriptions of the traditional Aboriginal way of life are confined to a few generalisations about relationships with the land, which tend to take for granted the very profound differences between Australian culture before 1788 and the invading culture.

I have already talked about our different world view. We also had a very different economy. Aboriginal people did not farm, and thereby create surplus resources. The creation of surpluses leads naturally to specialised occupations, social inequalities and complex power structures. All of these things are of course quite fundamental to Western society. Once our most valued commodity was religious knowledge, which was acquired progressively as a person aged. And religious knowledge was based around the land, particular pieces of land according to which group a person belonged.

Above all Aboriginal Australia was a network of localities, stretching across the entire continent. It had no centre, no capital, making concepts such as "remote" — used today to describe many of the places still occupied by Aboriginal people — meaningless. Religious knowledge was local, technology was local, adapted to the immediate environment. Many languages (about 250) and many more dialects were spoken.

This great cultural diversity has been modified by history. Today there is a fundamental divide (one already alluded to) between those who still live according to longstanding cultural patterns, as in many parts of northern and central Australia,

and those whose cultures have been radically altered by colonisation and assimilation, as in southeastern Australia. Here most of the local cultural detail has been lost. However, old forms and values survive in the continued importance of family, community and locality.

As a result of history, Aboriginal people now live in a range of social and economic circumstances: from the inner suburbs of capital cities, to country towns, to communities in remote areas where our national 1.5% of the population becomes 80 or 90%. In fact, in an overwhelmingly urban nation, about one third of the Aboriginal population is still located in rural and remote areas, and more than 40% in urban areas outside major cities. This population distribution does create problems for Aboriginal people — problems of access to services and labour markets.

Today no Aboriginal people live a fully traditional lifestyle, for a number of reasons — principally the destruction of the land-dependent economy in most parts of Australia, but also the attractiveness and convenience of certain aspects of the imported culture: the labour-saving devices, vehicles, processed foods, telephones and television.

It is on the outstations in areas such as Arnhem Land that people live most as they did in the past, supplementing their income by hunting and gathering, and participating in a full ceremonial life. Many of these people are very poor by white Australian standards, but it appears that they enjoy a greater sense of wellbeing than many other Aboriginal Australians. The people of Arnhem Land and other such areas provide the image of Aboriginality that is often projected internationally the picturesque side, if you like.

It should not be forgotten, however, that more Aboriginal people live in New South Wales than in the Northern Territory, and that these people cannot continue their traditional economy on their traditional land.

The failure of public policy

These major social, cultural and economic differences within the Aboriginal population have created problems for policy-makers. Take, for example, the matter of education: an area where Aboriginal people have performed poorly. The

problems that a child from southeastern Australia encounters with the conventional Australian education system may be different from those of a child from, say, Arnhem Land.

For the latter, conventional education is a vehicle of Western culture: it expresses totally different thought processes and is often conducted in a foreign language — English. I am told that many children in traditional communities have difficulties with mathematics. These children, however, are very proficient at other systems of abstract thought inherent in their own culture. They can comprehend complex kinship systems, patterns of relationships that take in not just all the people in a community but the whole known universe. In Arnhem Land programs are now being devised which utilise these Aboriginal systems of order in teaching mathematics. In these communities flexible systems of bilingual and bicultural education are a necessity.

The difficulties for children in less traditional communities might stem from general alienation. School and school curricula may seem of little relevance to them, for whom job prospects are bleak, and whose parents have had little joy in the education system. Again the challenge is to make the education more relevant, but the means of doing this might be different.

The long-term aim of Aboriginal advancement programs has always been to achieve a sort of equality for Aboriginal people with the general Australian population, while at the same time preserving and enhancing Aboriginal culture, Aboriginal difference. The problem, then, is how to define equality and again, this has a cultural dimension.

Among non-Aboriginal policy-makers there is a natural tendency to define well-being in white Australian terms. The social indicators I have talked about are largely quantitative: they represent the criteria of wider Australian society.

Outright economic equality might, therefore, be tantamount to assimilation. Obviously, many Aboriginal people, especially those living in rural and remote areas, do not want this sort of equality with the majority of the Australian population. In any case, given the areas in which they live, this would be impossible to achieve without very costly government intervention.

These sorts of considerations highlight the need for culturally appropriate — even local — definitions of policy aims.

The fruits of neglect

I have talked a lot about the administrative context of Aboriginal affairs in order to illuminate some of the problems we face and have faced in the past. From 1972 onwards the Department of Aboriginal Affairs operated with a great deal of goodwill and the broadest of policy prescriptions, but its efforts were often frustrated by the complexities I have described. The broad emphasis of Aboriginal affairs policies did change over the years, in response to changing perceptions. From the beginning a significant proportion of commonwealth funds was spent on housing and community infra structure to redress the most visible aspects of Aboriginal disadvantage.

In economic terms, Aboriginal history over the last 200 years has been one of marginalisation and underdevelopment.

When Aboriginal communities emerged out of the assimilation era, they lacked not only acceptable housing, but also electricity, roads and streetlights, sewerage and drainage, reticulated water supplies: in other words, all the things that most non-Aboriginal Australians take for granted. This situation had arisen in part because many Aboriginal people live scattered in remote locations in small communities. It is very expensive to service these communities.

But it was also a product of neglect. A few years ago the Human Rights and Equal Opportunity Commissioner, Mr Justice Einfeld, cried on national television over conditions at Toomelah, an Aboriginal community just next door to a New South Wales town. The policy of assimilation in that state had led to the neglect of reserves (which Toomelah had once been), in order to encourage people to move off them. Alas, these conditions still existed when the judge made his visit.

In the 1980s it was increasingly realised that piecemeal, bandaid approaches to Aboriginal development tended to perpetuate disadvantage; that welfare dependence had social and cultural costs. Housing and infrastructure remain

significant areas of Aboriginal affairs spending. However, in recent years equal emphasis has been placed on measures to promote employment and economic development.

In 1980 the Aboriginal Development Commission was set up to provide grants and loans for housing and business enterprises. In the mid-1980s the approach was further refined as a result of the *Report of the Committee of Review of Aboriginal Employment and Training Programs*, otherwise known as the Miller Report (1985). This comprehensive review documented the marginal employment situation of Aboriginal people throughout Australia, and led to the formulation of an equally comprehensive and long-term policy, the Aboriginal Employment Development Policy (AEDP) launched in 1987. The AEDP's principal objective is rough equality between Aboriginal and non-Aboriginal Australians by the year 2000.

In the late 1980s, government — and Aboriginal people — had to respond to a mounting crisis in Aboriginal health. Over the past 20 years, improvements in maternal and child health have been more than offset by increasing mortality among adults from "lifestyle" diseases such as heart disease and diabetes. These deaths are not only tragic in themselves, but have a disastrous effect on Aboriginal social structures. In 1987 a National Aboriginal Health Strategy Working Party was set up, which reported in 1989. Last year the commonwealth government allocated funds to implement the wide-ranging recommendations of their report (1989), in a cooperative effort with the states and territories.

The third significant report is the one from which I have already quoted: the *Report of the Royal Commission into Aboriginal Deaths in Custody* (Johnston 1991). The recommendations of this report are currently being discussed by governments, with the aim of formulating a joint response by March 1992.

As a result of all of these reports we now know a lot more about what is happening "on the ground" in Aboriginal Australia. All the working parties or commissions included Aboriginal people and consulted widely with Aboriginal people.

“The need for the participation of Aboriginal people is, I think, the lesson of a great many past, and obviously failed, government policies.”

The need for the participation of Aboriginal people is, I think, the lesson of a great many past, and obviously failed, government policies. It was in acknowledgment of this fact that the Aboriginal and Torres Strait Islander Commission (ATSIC) was set up last year.

ATSIC AND ABORIGINAL SELF-DETERMINATION

I shall discuss the philosophy behind ATSIC, first proposed by the Minister for Aboriginal Affairs in December 1987, and the thorny path that led to its finally being established on 5 March 1990.

ATSIC is a decentralised organisation based on a series of 60 elected regional councils Australia-wide. Among other things, the regional councils formulate regional plans, and decide how commonwealth funds allocated to their regions are to be spent. The councils are in turn grouped into 17 zones, each of which elects a commissioner to sit on a central board. Three commissioners are appointed by the Minister for Aboriginal Affairs, including the chairperson — a position to which I was appointed for two years from 5 March 1990.

The board is now the main policy-making body in Aboriginal affairs. Our most recent task has been the allocation of ATSIC's 1991–92 budget, the first Aboriginal affairs budget where priorities have been determined by elected Aboriginal representatives. The board takes over many of the functions of the minister, though the minister retains certain important powers and responsibilities.

Supporting the activities of the regional councils and the board is an administrative arm, formed from the amalgamation of the previous Department of Aboriginal Affairs and Aboriginal Development Commission. This is headed by a chief executive officer. ATSIC is therefore a partnership between elected representatives, a bureaucracy and the minister: a unique arrangement, and one that is now attracting international attention.

In recognition of its special representative role, ATSIC has been granted special status at the UN Working Group on Indigenous Populations, even though it is a government funded organisation.

I do not want to underestimate the enormous challenge that ATSIC represents in terms of public administration and in the context of government decision-making. Over the 18 months of ATSIC's existence the elected and administrative arms of the commission have made tremendous efforts to establish a productive and professional relationship. Much remains to be done, but I, as head of the elected arm, and the chief executive officer, as head of the administrative arm, are determined to see the partnership securely established, and I am more than confident that we are well on the way to achieving that outcome.

Another unique feature of ATSIC is the existence within the organisation of an Office of Evaluation and Audit. The establishment of this office reflected the government's concern to ensure the highest standards of accountability and program performance in Aboriginal and Torres Strait Islander affairs.

This is crucial for a number of reasons.

Aboriginal affairs has always been subject to intense public scrutiny. The media are very fond of stories about Aboriginal people misusing taxpayers' money. I think a lot of this attention is fundamentally unfair: several of the nation's former heroes have misused more funds than have ever been spent in Aboriginal affairs. Nevertheless, ATSIC, as a truly Aboriginal-controlled organisation, will stand or fall on its use of public funds and on the effectiveness of its programs. If ATSIC does not survive, it is doubtful that the opportunity for self-management will come again. My fellow commissioners and I have therefore worked to ensure the highest standards of accountability for the commission. We cannot waste the tremendous opportunity that has been given to us.

To sum up, ATSIC represents an administrative arrangement that will at last give effect to the policy of self-determination for indigenous people — a policy that dates back to 1972. It is a decentralised organisation because Aboriginal Australia remains as it has ever been: dispersed, a network of localities. When I talked about the complexities of Aboriginal affairs administration, I spoke of the need for flexible policies, ones that engaged with the culture, values and aspirations of Aboriginal people in the areas where they live. Surely, through the regional councils, that is what we shall get.

Above all, ATSIC empowers Aboriginal people; it signals an end of domination, even the benevolent domination of distant administrators.

RECONCILIATION: A TWO-WAY STREET

Complementing these radical administrative changes is the process of reconciliation, the commonwealth's latest initiative in Aboriginal affairs. Legislation to set this in motion has recently been passed by the commonwealth parliament. A Council for Reconciliation will be established consisting of about 25 prominent Australians, approximately half of whom will be indigenous people.

The reconciliation process aims to educate non-Aboriginal Australians about Aboriginal history and culture, and about our contemporary situation. It will emphasise the urgent social justice issues involved. In a way, reconciliation is an attempt to change the invisibles, the larger structures in which Aboriginal people operate, and which Commissioner Johnston identified as having such a devastating effect on Aboriginal lives (1991).

The process — which will ideally conclude for the year 2001, the centenary of Federation — may lead to the completion of a document, an instrument of reconciliation. Many Aboriginal people would like to see some sort of treaty negotiated formally recognising Aboriginal and Torres Strait Islander people as the original owners of Australia.

So far I have spoken only indirectly about the controversial topic of land rights. I do not underestimate its importance, however. It has been a major thrust of government policy

since 1972, particularly here in the Northern Territory. The commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976* is the most significant land rights legislation in Australia, because of the large areas transferred to Aboriginal ownership and the associated right to claim unalienated crown land. Land rights legislation in the states is rather a mixed bag.

I sense that it is on this topic that Aboriginal people are going to find their part in the process of reconciliation most difficult to achieve. There is a perception in the general community that many Aboriginal political activists make ambit claims, that they automatically oppose anything that is done for them, condemning it as not enough. This opposition stems from a deep suspicion of government, and is a reaction to a terrible history, to grief and pain, and to powerlessness.

I cannot condemn this activism because it has achieved a great deal for Aboriginal people. It has dramatised our situation. However, it seems to me that the process of reconciliation is asking Aboriginal people to stop beating their heads against the now unalterable facts of Australian history. We have, to a large extent, been swept aside by the immensely powerful forces that have occupied our country. Given the history of European domination of the world, it is, in fact, hard to imagine pre-1788 Australia being allowed to remain as it was, though the process of colonisation might have been kinder and more just. We must reconcile ourselves to this fact and to our weakness, our 1.5%, and work towards a realistic accommodation with modern Australia.

Some Aboriginal people are fond of pointing to the darker aspects of Australian history, to acts of terrible cruelty against our people. However, it is probable that the most destructive forces have always been invisible: disease, despair, the loss of social structures, of the known universe. Sadly, these processes are still at work in many communities, and they manifest themselves in alcoholism, child abuse, domestic violence and early death. To give just one example, the Royal Commission into Aboriginal Deaths in Custody investigated 20 deaths in Queensland; in the same period 23 Aboriginal women died as a result of family violence in three Queensland communities alone.

The principle of self-determination must be extended to include self-responsibility. Aboriginal people must take responsibility for their own actions, their own lives, and the lives of their children. We must retrieve the values of our culture, and live by them. Role models must emerge in place of the elders of old. I fear that, by constantly invoking the horrors of the past, and by emphasising our present disadvantage, we may undermine our future. Cries of "genocide" may become self-fulfilling. We cannot be defined just by opposition, by the negatives that still abound in Aboriginal Australia.

Reconciliation is therefore two complementary processes: it needs to be undertaken by both Aboriginal and non-Aboriginal Australians.

CONCLUSION

At this point Aboriginal affairs remains rather precariously balanced.

There seems to be two versions of Aboriginal Australia. You only have to be a regular newspaper reader, or television watcher, to see these two versions reflected. On the one hand we are proclaimed as having survived, and to be looking with confidence to a future based on Aboriginal values and initiatives. This view highlights the contemporary achievements of Aboriginal culture, the vigorous artforms, the successful organisations and enterprises, the joys of community, identity, Aboriginality itself. The other, more sombre view emphasises seemingly intractable social and economic problems, Third World poverty, which adds up to despair and death for Aboriginal Australians and shame for non-Aboriginal Australians.

At the moment these two worlds coexist, but which is really dominant: and which will dominate?

I think that the answer to that question is now largely in Aboriginal hands. It cannot be otherwise. However, we need a lot of help from other Australians. Non-Aboriginal Australians need to extend dramatically their understanding of Aboriginal realities. They need to understand what we have contributed to this nation, and what we can and do contribute.

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1995 ▶ 1997

A FOCUS ON THE DELIVERY OF NATIONAL PROJECTS



Elizabeth Proust AO FIPAA.

Having taken on the role of National President in November 1994, Elizabeth Proust AO — the Chief Executive of the City of Melbourne — was quick to define her role as President, and that of the National Council, as:

“providing clear direction and strong leadership to the organisation, an increased quality service to members, and better strategic positioning of RIPAA in terms of promoting effective public administration across all levels of Government in Australia.”

During 1995 the National Office was moved from Sydney to Melbourne, following agreement by the Victorian Department of Premier and Cabinet to fund the National Secretariat for an initial period of three years.

Speaking in reference to a National Council planning day in February, Elizabeth Proust said “it was clear that a more definitive role for the National Office, combined with stronger

partnerships with State Divisions, is vital for the health and effectiveness of the whole organisation”. This was reinforced at a meeting of State Division Executive Directors in July:

“It was agreed that the National Office has an important role to fulfil in coordinating national level programs and activities, but will not seek to intrude into the program and service delivery areas already well catered for by the State Division. Rather it will concentrate on setting strategic directions and policy for the whole organisation and assisting the Divisions to capitalise on developments and opportunities to improve internal administration and service to members.”

A National Director and Assistant Director were appointed in July, and in September the National Council endorsed several projects. These included:

- a review of the *Australian Journal of Public Administration*
- the organisation of an Australian conference on Merit and Organisational Culture (an initiative of the Queensland Division)
- piloting of a stakeholder survey by the Victorian Division to track members expectations and experiences with the Institute's services and products
- a project on joint ventures to widen the Institute's network of contacts with government and non-government organisations (an initiative of the NSW Division)
- an academic endeavours project to address the relationships between Divisional Councils and universities (led by the Northern Territory Division)
- a financial management project to ensure the Institute had a sound financial management and reporting system in place (led by the ACT Division with support from KPMG).

Following a vote by members, the National Council made the decision in November to drop "Royal" from the organisation's name effective 1 March 1996, thus becoming the Institute of Public Administration Australia (or IPAA) as it is known to this day.

In September priorities for a 1996/97 Business Plan were determined with initial nominations from:

- the Victorian Division to develop a project to market public sector developments and activities
- the Queensland Division to establish an ongoing interest in seminar brokerage
- the Western Australian Division to commission a planning and evaluation checklist for agencies involved in major workplace change projects
- the NSW Division to develop a joint project with local government.

A significant development for the Institute during the year, was the transfer of responsibilities for

the management of the *Australian Journal for Public Administration* from the NSW Division to the National Office.

In December Elizabeth Proust stepped down as National President and Dr Michael S Keating AC — recently retired from his position as Secretary of the Department of the Prime Minister and Cabinet — took on the role. His first act as president was to coordinate a submission to the Reith discussion paper, *Towards a Best Practice Australian Public Service*, which attracted significant media coverage.

As Michael Keating was retired from the public service, he was willing and highly qualified to pursue a more public profile than had been possible for past National Presidents. He also sought to visit all Divisions during the year and to provide members with the opportunity for direct input on topical issues.

During the year, the National Council decided it should play a more prominent role in attempting to shape the debate and influence the pattern of public administration reform. Its guiding principle in this regard was "the protection of the core values of public service with a focus on how best to achieve the best outcomes for the community at large".



Dr Michael S Keating AC
Andrew Taylor | The Sydney Morning Herald

1996 ▶

GARRAN ORATION



PUBLIC POLICY IN INDIGENOUS AFFAIRS—NO MIRACULOUS SOLUTIONS

*Delivered by Patricia Turner AM
Chief Executive Officer, Aboriginal and
Torres Strait Islander Commission at the National
Conference of the Institute of Public Administration
Australia, Melbourne, November 1996.*

Pat Turner AM.
Australian Institute of Aboriginal and Torres Strait
Islander Studies | ATSIC.

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It is customary to pay tribute to Sir Robert Garran in this oration, but here I can only repeat the words of the ATSIC Chairperson, Lois O'Donoghue, who gave this address in 1991.

In matters concerning Australia's indigenous people, Sir Robert was... a man of his time. He was one of the drafters of the Constitution which mentioned Aboriginal people... twice — and then only to exclude us from being counted in the population, and from the powers of the Commonwealth.

The turn of this century was a low point in our history when we were still assumed to be a dying race, 'a melancholy footnote to Australian history', before developments in the national conscience brought the position of the first Australians into any sort of prominence.

In this address I shall be talking principally about the evolution of public policy in indigenous affairs, and how this has created unique administrative challenges. This is the only area of public administration in which I can speak from long experience and from a passionate, and personal, interest.

ABOUT INDIGENOUS AFFAIRS

Aboriginal affairs is a complex area of government activity, by virtue of the sheer breadth of issues covered and because it caters for just one small, but unique group within the nation. It addresses a profound historical legacy of exclusion and impoverishment. It has to deal with a very diverse and dispersed population. It has to negotiate across cultural barriers. It has to come to terms with contrary historical processes. Aboriginal culture, being confidently revived in some communities, continues to unravel in others.

Aboriginal affairs is the means by which the state attempts to extend the full benefits of citizenship to a people some of whom may

even claim to be outside the state. There are many in the general community who see government effort in this area as inherently discriminatory. Indigenous issues seem to attract criticism, and a hostility that is now deeply ingrained in parts of mainstream Australian culture.

As the present counterpart of the first secretary of the Department of Aboriginal Affairs, I read with some amusement in his very first annual report, for the years 1972 to 74, references to 'many vague and unsubstantiated allegations... about the alleged misuse of funds'.

NEW DIRECTIONS

With the change of government, and a marked hardening of community attitudes, we have entered a period of questioning some of the principles that have guided activity in this area, and some of the methods of program delivery. The Government has said that it wants to make a break with the immediate past. The Minister is searching for a new way out of what appears to be an intractable national problem — the fact that indigenous Australians remain the most disadvantaged Australians, despite 30 years of national effort.

Senator Herron in his Lyons Lecture (November 1996) set out the government's new directions for indigenous policy. His new catchphrase is to be 'self-empowerment' — a preferred alternative to the term 'self-determination', which Prime Minister Gough Whitlam made the cornerstone of indigenous policy from 1972. To quote Senator Herron,

self-empowerment enables Aborigines and Torres Strait Islanders to have ownership of programs, thereby engendering a greater sense of responsibility and independence... Selfempowerment varies from self-determination in that it is a means to an end — ultimately social and economic equality — rather than an end in itself.

TWO SETS OF RIGHTS

The government's moves to redefine policy represent just the latest instalment in this nation's attempt to come to grips with an issue which

has been present since its foundation — and that is how to accommodate Australia's original inhabitants within the new society that was being built. In 1788 Captain Phillip came to this continent with instructions to open and maintain peaceful relations with the natives. The Crown's act of possession made Aboriginal people British subjects, with all the rights that implied. There was also the potential, in the international law of the day, for Aboriginal people to be regarded as sovereign peoples and have their land ownership acknowledged. We all know that this didn't happen. Australia was treated as an uninhabited land, and it was not until 1992 that the legal fiction of terra nullius was overturned.

There have been two great themes in our modern political struggle, and these have been implicit since the first contact. The first is what we have called 'citizen rights', the right to be treated in the same way and given the same opportunities as other Australians. The other set of rights is the collective rights we assert as a distinct people and as the original owners of the land. Our right, if you like, to be different.

The concept of indigenous rights has most often expressed itself in calls for land rights. Our victories here have brought some acknowledgement of collective rights — for example the Northern Territory *Land Rights* Act of 1976 which has enabled certain groups of traditional owners to reclaim their country, and the Mabo judgment which recognised that indigenous groups hold title to their land according to their own laws and customs, so long as that title has not been validly extinguished by governments.

There are activists wanting to push the notion of indigenous rights to the limit, and declare that we are an independent, sovereign nation that has never ceded its sovereignty. It is the ability to make such claims that sets indigenous issues apart — and gives rise to some of our peculiar capacity to discomfort and annoy other Australians. At one stage in the Mabo negotiation process the former prime minister despaired of the fact that indigenous Australians seemed locked into a rhetoric which confronted but did not engage with the mainstream.

“Aboriginal affairs is the means by which the state attempts to extend the full benefits of citizenship to a people some of whom may even claim to be outside the state. There are many in the general community who see government effort in this area as inherently discriminatory. Indigenous issues seem to attract criticism, and a hostility that is now deeply ingrained in parts of mainstream Australian culture.”

THE LEGACY OF HISTORY

This necessity to oppose arises from our particular perspective on Australian history. For the greater part of the period since 1788 we were given almost no rights. The rapid extension of pastoralism last century dispossessed and all but destroyed Aboriginal societies in settled Australia. Survivors were subject to policies that attempted to demoralise, ‘protect’, segregate and ultimately assimilate them. Assimilation presented itself as an attractive policy earlier this century because it might make the Aboriginal ‘problem’ disappear. But if assimilation was the aim, restrictive and discriminatory laws and paternalistic administrators still held sway.

Assimilation was based on the premise that Aboriginal people must change their ways, and some inept and cruel social engineering was attempted to advance this. Here I am referring to the widespread policy of removing children, particularly so called part-Aboriginal children, from their families. In the 1960s, the assimilation policy came to be tacitly abandoned. By then it was obvious that it was not just inhumane, but an abject failure. The concept of ‘integration’ was considered more acceptable.

BEGINNING OF THE MODERN ERA

The 1960s was the beginning of our modern era, when indigenous issues assumed a prominence that could never have been anticipated in previous periods. Here I can do no better than quote the words of Bill Stanner, who in his 1968 Boyer lectures talked about ‘a great Australian

silence’ that had buried both the fact of our original occupation and our subsequent part in Australian history. He wrote prophetically that

like many a fact overlooked, or forgotten, or reduced to an anachronism, and thus consigned to the supposedly inconsequential past, it requires only a suitable set of conditions to come to the surface, and be very consequential indeed.

Public opinion began to mobilise in our support, assisted by international developments and by the availability of images from the frontier. The dreadful poverty of indigenous communities could no longer be regarded as natural and inevitable. The victims of further acts of dispossession were given a human face.

Aboriginal Australia mobilised, calling for both citizen rights and land rights. A campaign for Commonwealth control of indigenous affairs resulted in the resounding approval of the 1967 referendum proposals. The referendum removed those two discriminatory references to indigenous people from Australia’s Constitution, and opened the way for a national approach to Aboriginal development. The support for the referendum signalled a commitment from the Australian people, an acknowledgment that something had to be done.

But what, and how? The Commonwealth didn’t have a clue what to do with its newfound powers. A council, comprising three white men, was set up to advise the government. The first government programs were established, in

education and enterprise development. An Office of Aboriginal Affairs was set up within the Prime Minister's department and then within a catch-all department with the Arts and the Environment — all the signature issues of the new era. The indigenous affairs infrastructure was initiated in the early 1970s.

In 1972, the Whitlam Government came to power with a far-reaching reform agenda. A great deal that was thought or set in train in the early 1970s is still influential today. Aboriginal affairs began to be administered as a separate area of government, with the establishment of a department in 1972. There was even then some anxiety about this — the mere existence of a department might discourage other agencies from taking up their responsibilities, or encourage welfare-dependence among indigenous Australians.

In 1974 the first permanent head told a parliamentary committee that 'the Department should disappear within a decade'. By then...the needs, including the special needs of Aboriginal Australians should be being met by the... agencies responsible for the provision of services to the community as a whole'.

From the beginning Aboriginal affairs was seen as a shared responsibility between all government agencies and all levels of government. Prime Minister Whitlam envisaged the Commonwealth's role as one of setting policy and using its constitutional authority and financial powers to secure this position. According to Whitlam, the Department of Aboriginal Affairs:

will seek to devolve upon a wide range of Federal, State and local authorities, as well as upon organisations of Aboriginals themselves responsibility for carrying out the policies decided upon by my Government.

A tall order, as his and successive governments have found. The system has not worked as it was then envisaged. Mainstream government agencies have not met their responsibilities — a topic I will be addressing later — and, increasingly, program delivery has been devolved upon indigenous organisations.

'SELF-DETERMINATION'

The funding of self-managing Aboriginal organisations served the over-arching policy aim — which was now self-determination for indigenous Australians. Abandoning assimilation and integration, the Whitlam government introduced a policy which affirmed 'that Aboriginal citizens have a right to effective choice about the degree to which, and the pace at which, they come to identify themselves with [Australian] society'. The aim was to get away from a situation where programs were 'designed and executed by white administrators and based on their judgments of the needs of the situation'.

Self-determination could also accommodate other factors taxing to policy makers — in particular the great local diversity of the indigenous population and the fundamental divide between those who had been colonised and those in northern and central Australia still effectively on the other side of the frontier. It was early recognised that there might be a certain incompatibility between preservation of traditional culture and advancement in health, housing, education, etc.

But the policy could cope with that:

Elements in the traditional Aboriginal culture and system of values may 'impede' programs aimed at changing Aboriginals but if the aim is rather to help Aboriginals achieve their own goals as individuals and as communities, such elements cease to be seen as obstacles and can be seen rather as factors influencing the choices made by Aboriginals in determining their own future.

PUTTING SELF-DETERMINATION INTO PRACTICE

These are admirable sentiments, though putting them into practice proved more problematic, for a variety of reasons. Choice presupposes opportunity. Most Aboriginal lives were severely restricted by poverty and community prejudice. How could self-determination be made meaningful at the local or personal level? Above all, how could government, a structured and dominant activity with its own rules, provide selfdetermination? This has been one of the great challenges of indigenous affairs administration.

A number of strategies have been pursued — one being to encourage indigenous Australians to work within government. Another has been to fund self-managing organisations. The Aboriginal organisation sector, which began with a legal service and medical service in Sydney in the early 1970s, now numbers in the thousands. It has been called into existence both by the politicisation of the indigenous community and by governments seeking out these organisations to deliver accessible and culturally appropriate services.

ATSIC is itself not a service deliverer, but in the last financial year gave about 6000 grants to over 1100 organisations — legal services, housing co-ops, resource agencies, cultural organisations, land councils.

Another strategy for self-determination was to seek the advice of indigenous representatives. In 1973 an elected National Aboriginal Consultative Committee was established as a 'talking bridge' between indigenous communities and government. It was abolished, then replaced by the National Aboriginal Conference (NAC). Indigenous leadership in the NAC had an uneasy relationship with the department, which was seen as having all the power over policy advice and the budget. Frustration led to division, and to disbandment in 1985.

Meanwhile, in a separate development, the Fraser Government had established the Aboriginal Development Commission in 1980 to focus on economic development for indigenous communities. It was given an all-indigenous board of ten appointees, who did have control of the budget.

THE ESTABLISHMENT OF ATSIC

Then, with the Bicentenary looming and a general restructuring of the Commonwealth public service under way, minister Gerry Hand reviewed the accumulated wisdom on these matters and came up with the concept of the Aboriginal and Torres Strait Islander Commission, as a means, he said, of finally 'address[ing] seriously the vital issue of self-determination for Aboriginal and Islander people'. ATSIC was designed as an institutional expression of self-determination within government. This time the failed advisory bodies were to be transformed and embedded in the ATSIC structure as an elected arm, which would

have real decision-making power. Some have described this as a move from advice to authority.

Local self-determination was to be provided through the election of 60 Regional Councils around Australia — the number has since been reduced to 35. Regional Councillors would in turn elect 17 Commissioners to sit on the ATSIC Board. With three appointees they would determine national priorities.

We must ensure [Minister Hand said] that Aboriginal and Islander people are properly involved at all levels of the decision-making process ... Aboriginal people need to decide for themselves what should be done — not just take whatever governments think or say is best for them.

Needless to say, the concept of ATSIC was alarming to some, and a tortuous legislative process preceded the Commission's establishment in 1990. This process injected extraordinary accountability mechanisms into the structure.

Gerry Hand wanted the ATSIC board to be the only adviser to government on indigenous issues. But during the native title debate Prime Minister Keating realised that the Commonwealth needed an alternative source of advice, and an Office of Indigenous Affairs was set up in the Prime Minister's department.

THE SIGNIFICANCE OF ATSIC, AND THE PROBLEM IT CONFRONTS

There can be no doubt, however, that the establishment of ATSIC has raised the stakes in indigenous affairs. It has given indigenous aspirations a stronger political voice. The Commission has been the recipient of greatly increased funding, mainly due to the Commonwealth's response to the recommendations of the report of the Royal Commission into Aboriginal Deaths in Custody.

ATSIC's very existence is symptomatic of an effect that is bewildering many Australians. Why, after so many years, has indigenous affairs not got simpler? Why has it become more complicated? After the 1967 referendum it was felt that raising the status of indigenous Australians would be a relatively simple task. It just required a bit of money, a bit of goodwill.

The special Commonwealth agency was meant to disappear within ten years. ATSIC is left trying to account for why this has not happened.

In the public arena this question is often answered in terms of a failure of indigenous affairs policy or programs. Those opposed to indigenous programs often rationalise their prejudices by saying that nothing has got better anyway. In fact they've got worse. The first repost to this, of course, is that things have got better. In my own lifetime I have witnessed vast improvements. A vibrant cultural industry has arisen its expressions are readily appropriated as part of the national culture. Almost a half of the Northern Territory has become Aboriginal land, and there is land rights legislation in every state except Western Australia. Aboriginal home ownership rates and education participation rates have increased markedly. Successful indigenous businesses have been established.

But the indicators of indigenous disadvantage remain — the ramshackle communities, the tragic health statistics, the statistics on contact with the law. It is, however, simplistic in the extreme to attribute this to a failure of policy — or those other popular favourites, waste and mismanagement.

The Most Challenging Area of Government Administration

When Australia embarked on the project of raising up its indigenous population, almost nothing was known about that population. The scale and complexity of the task was underestimated, and the task itself has escalated. The indigenous population is growing more rapidly than the general population, and is significantly younger, with the majority still living in rural or remote areas.

Over the last 30 years in the Northern Territory and other parts of remote Australia there has also been a dispersion of the population through settlement on outstations. In the Northern Territory around 40 per cent of the Aboriginal population now resides, semi-permanently at least, on one of approximately 600 rural localities of less than 300 persons. This 'return to country' is a positive development, but complicates service delivery.

Remote indigenous communities have very limited revenue raising capacity and suffer severe cost disability because of poor communications and

diseconomies of small scale. The effort to catch up is occurring during a period of rapid national and international change. There is a shift to knowledge-based industries and more open competition. Aboriginal Australians, with their general lack of education, are at a particular disadvantage. The rural industries that once employed them have restructured or are in longterm decline.

There are other factors, too, non-economic ones, which impact on indigenous disadvantage. The principal finding of the Royal Commission into Aboriginal Deaths in Custody was that discrimination is entrenched in too many people's minds and institutionalised in the systems they serve, such as the law and justice system. How can this be denied? But how can public policy deal with this? The act of funding indigenous programs has also created the need for more funding. Over the years since the referendum, the expectations of indigenous people have increased and they have made increasing demands on the system. For example, ATSIC supports a vigorous indigenous broadcasting sector which did not exist in 1972.

The Mabo judgment and subsequent *Native Title Act* have called into existence whole areas of activity to do with researching, protecting, claiming and negotiating on native title. The policy of self-determination and the recognition of native title have been used by indigenous Australians to develop expansive concepts of indigenous rights within the nation.

In making these arguments, I also have to acknowledge that some funding has failed to achieve its objectives. This is hardly surprising. There have been many naive programs. I recall early enterprises foisted upon communities on the assumption that as 'natives' they'd naturally be able to farm other natives such as crocodiles and emus. There were housing programs which didn't ask what communities wanted, just gave them all the department could afford.

THE FAILURE OF THE STATES

The most significant failure in the system, however, has been continued unwillingness of mainstream government agencies to meet their obligations to their indigenous citizens. This is particularly the case with state and territory governments responsible for delivering all the most basic services — health, housing

“When Australia embarked on the project of raising up its indigenous population, almost nothing was known about that population. The scale and complexity of the task was underestimated, and the task itself has escalated. The indigenous population is growing more rapidly than the general population, and is significantly younger, with the majority still living in rural or remote areas.”

and infrastructure, education, law and justice. Arguably Australia's system of competitive federalism is a politicians' paradise. There is maximum scope for buck-passing, and little or no transparency. It is not possible in any national sense to know how much is spent in indigenous affairs, as the recent National Commission of Audit report confirmed.

Principles of access and equity form the rhetoric of Commonwealth-state agreements, but in reality are cynically disregarded. The inter-governmental agreements negotiated in the 1970s were so grey that they could be interpreted to suit the agenda of whatever level of government was at the table. In 1992 the Council of Australian Governments endorsed the ponderously titled 'National Commitment to Improved Outcomes in the Delivery of Programs and Services to Aboriginal Peoples and Torres Strait Islanders'. The national commitment provides a framework for inter-government co-operation, but so far only one agreement, for housing in the Northern Territory, has resulted.

Governments have never sat down and considered what needs to be done and by whom. They have never measured the extent of the need, a frightening prospect, or faced up to their own responsibilities. The shared responsibility in indigenous affairs, delineated by Whitlam, has become no one's responsibility — except perhaps ATSIC's. But ATSIC, popular perceptions to the contrary, is hopelessly under-resourced to be all things to all indigenous people. The Commonwealth's indigenous affairs agency was only ever meant to be a supplementary funder.

THE WAY THE GAME IS PLAYED

The nation has come to deal with indigenous funding issues in an almost ritual way. When inevitably and cyclically the persistence of indigenous disadvantage becomes a media or political issue, there is outrage and breast beating. This periodic letting-off of steam is not usually accompanied by any profound analysis, just a search for something to blame. Underlying the outrage there may also lurk a hidden resignation. Are these problems perhaps insoluble?

ATSIC, as the indigenous organisation in the public eye, is the lightning rod for various discontents — not least those of indigenous people themselves. As the source of their expectations, the Commission bears the brunt of their disappointment. Meanwhile many other Australians console themselves with the complacent assumption that (to quote one recent commentator) 'if money were the solution to Aboriginal problems, they would already be a distant memory'. I would argue, however, that the failure of mainstream government agencies to fulfil their obligations means that the nation has never spent enough on these programs.

The intense, almost unbearable scrutiny that ATSIC's expenditure receives is a function of its sheer visibility. It is assumed that we are getting something extra, when many indigenous programs are merely re-engineered mainstream programs. Over 27,000 indigenous Australians forego their unemployment benefits to work on Community Development Employment

Projects. The CDEP scheme — reengineered unemployment benefits — accounts for one third of ATSIC's budget. Through CDEP many indigenous communities provide for themselves, in the name of selfmanagement, the services that local government would undertake elsewhere.

Another third of ATSIC's budget goes on community housing and infrastructure, areas that are the direct responsibility of state, territory and local governments. Many of those carping about indigenous funding conveniently overlook the hidden government subsidies and historic investment that supports all their lives, in the form of urban facilities, and highly developed systems for health care and education.

The other third of ATSIC's funding supports land, heritage and cultural matters, business development and legal aid. Fred Chaney, a Fraser government minister for Aboriginal Affairs, has described this situation as a 'confidence trick'.

The trick pulled upon Aboriginal communities is to make specific and necessarily limited provision for special funds for Aborigines... By passing the money on to Aboriginal organisations, responsibility is shifted on to the self-managing communities or specialist agencies [such as ATSIC]. Direct government responsibility is seen as being at end.

There is no grit in the system. The grit can only be provided by a national focusing of governmental will and effort, which to date has been just too hard. Can Australia ever break out of this cycle? The national project to raise indigenous living standards must go on.

AN INDIGENOUS AGENDA

Last year a wide-ranging indigenous agenda was presented to the previous government, and offered as a way forward. It is expressed in a series of social justice reports, from ATSIC, the Council for Aboriginal Reconciliation, and the Aboriginal and Torres Strait Islander Social Justice Commissioner. This indigenous agenda is conceptually expansive. It builds on recognition of native title, and ask for some new thinking from mainstream Australia, and more room to move for indigenous systems within mainstream structures.

The reports take up the themes of citizenship rights and special indigenous rights. Some elements of the agenda are strictly practical, relating to the need for a basic reform of Commonwealth-state funding arrangements to make governments more accountable to their indigenous citizens. Others ask for national recognition of our status as the First Australians — ideally in Australia's Constitution, the document which once specifically excluded us and now doesn't mention us at all. They ask for an extension of the concept of self-determination and canvass the development of regional agreements between indigenous people and governments in a particular area, as a means of resolving issues of land use and service delivery.

The Coalition's Agenda

The new government, however, has signalled that it will not be responding to these reports, and is taking a different tack. Implicit and explicit in the government's pronouncements is a disapproval of much of the indigenous political agenda, as a diversion from the main game — achieving outcomes in health, housing, education and employment. The aim of what the Minister describes as 'practical, commonsense policies' is equality of opportunity. Some of the grit they want to see in the system is individual commitment and effort. Economic development is promoted as the means to empowerment.

The Minister's recent Lyons Lecture was presented as defining a new direction in indigenous affairs, but it does not really take us away from the fundamentals of the 1970s, from the idea of empowerment and the concerns about welfare dependence. The broad outlines of policy have been self-evident for a long time. The challenge is in the detail of implementing them. I take hope from the fact that so much of the minister's speech was devoted to inter-government relations, the need to work co-operatively with the states, and to implement the National Commitment.

NATIVE TITLE

The renewed emphasis on economic development has implications for other processes taking place at the moment, including the proposed amendments to the *Native Title Act*.

To develop requires an asset base and a capacity to negotiate. To that end land rights are central. Aboriginal people can and do agree to economic development so long as they also benefit. Those wanting to make fundamental changes to the *Native Title Act* must ask themselves how indigenous people can be part of this society if they remain subject to a process of asset stripping that facilitates their impoverishment?

Our position of dependency has come about because our economy and society were destroyed with the taking of our land. As the Mabo judgment said, our dispossession 'underwrote the development of the nation'. Native title is a means to salvage something, though for only a minority of Aboriginal people.

The potential benefits of native title should not be narrowly construed. By giving Aboriginal people legal leverage within the nation, we come empowered to the negotiating table. We are a legitimate party in our own right. Native title has the potential to unlock situations, to achieve outcomes undreamed of a couple of years ago. For example, the Cape York Land Use Agreement, or the recent announcement that the Court government will give a remote community title to large areas of land. In announcing this initiative the Western Australian Premier disparaged the *Native Title Act*, but the fact is this development would not have occurred without native title. This new willingness to deal with us as communities, and not regard us as the passive recipients of government benefits, is surely a pointer to a better future.

THE FUTURE OF ATSIC

ATSIC must be allowed to go on evolving as an instrument of indigenous empowerment. In the new environment created by the change of government ATSIC has already had its troubles and faces many challenges, including challenges unrelated to the change of government.

After the recent ATSIC elections a new board and chairperson were appointed. The new board must take seriously its partnership with the minister and the government, despite the differences in perspective between the two sides.

In creating ATSIC, politicians created an unusual composite. An organisation that is both part and not part of the government. In bringing

together an elected and an administrative arm, the Commonwealth has institutionalised the inevitable and long-standing tensions between the bureaucracy and community representatives. You still hear regional councillors muttering disapprovingly about ATSIC.

Because of the need to work through a series of complicated relationships — between the board and the minister, between the elected and administrative arms, between representatives and the three levels of government — ATSIC has always been a selfreviewing and transitional organisation. The balance and dynamics of these relationships are still being worked out. ATSIC was established in part to cope with indigenous diversity. Regionalisation has always been implicit in the ATSIC structure, and has been the thrust of many of our reforms. But how is further regionalisation to proceed?

Some have criticised ATSIC as a governmental imposition on traditional Aboriginal political forms. Prominent organisations say that they have more grassroots legitimacy in their regions, though their boards might be selected according to traditional systems of authority or even selfselected. But formed on modern democratic principles ATSIC is, I believe, a source of strength, and an acknowledgment of individual rights within the collectives that make up indigenous Australia. At the same time the election of representatives from such a small population means that many regional councillors are associated with the organisations that are applicants for ATSIC funding. A great deal of administrative work has gone on the prevention of conflicts of interest and ensuring open and transparent decision-making.

The outgoing Chairperson Lois O'Donoghue has put on the table a number of issues to do with ATSIC's structure. She believes that the devolution of decision-making on the budget has burdened and bureaucratised elected representatives who have to involve themselves in the details of hundreds of individual grant applications. Miss O'Donoghue has floated the idea of separating the policy and financial roles within ATSIC so that the elected arm is wholly focused on strategic issues. The Minister has signalled that he supports her in this, but this issue will require delicate handling.

Decision-making by regional councils has inevitably resulted in increased funding to organisations, and increased demands for accountability. ATSIC must ask itself whether giving thousands of small grants is an efficient way of achieving the outcomes we want. The new government has issued a challenge in this area, but even before the election ATSIC was working towards a rationalisation of indigenous housing organisations and evolving a policy framework for the reform of legal services as a precondition of funding.

There may also be consideration of ATSIC's role in program delivery, an issue that harks back to the earliest days of Aboriginal affairs administration. Should ATSIC confine itself to taking a strategic overview and keeping governments honest, devolving its programs on to other agencies? Or should it continue funding programs, because history tells that indigenous advisory bodies need to control a budget to have any clout?

We already know that ATSIC must operate more strategically, to find alliances and promote the inter-agency co-ordination and co-operation which has been so difficult to achieve in this area of government. A particular test for the advocacy of the new board will be the fate of the social justice reports. The government may not be engaging with them now, but they are still there on the table, even if pushed to one side. The reports were in many ways ambit claims. My hope is that some sort of middle ground can be negotiated between the indigenous agenda and the new government's agenda. The government may even be persuaded that aspects of the indigenous agenda are potentially more practical and pragmatic than they appear.

CONCLUSION

History has proven, however, that there can be no overnight or miraculous solutions. There has been progress; we now know a great deal more about the nature and scale of the activity we are engaged in. In general these issues present a challenge to Australians' fairly shallow sense of history. As the late, great C D Rowley, the first serious historian of indigenous Australia wrote decades ago:

No adequate assessment of the Aboriginal predicament can be made so long as the historical dimension is lacking; it is the absence of information on background which has made it easy for intelligent persons in each successive generation to accept the stereotype of an incompetent group.

Indigenous affairs must proceed properly cognisant of its own history, otherwise the same few ideas will go on buzzing around in the same bottle, with shifting emphases, but otherwise a certain sameness. The nation must engage more fundamentally with indigenous needs, aspirations, and rights, both on the local and the national level, and acknowledge how much accommodating these might ultimately cost. It must also ask itself the price of not doing this.

Beyond the issue of funding, which we all know cannot be the only solution, there must be more of another type of generosity — an attitude of mind which allows us to make our own mistakes and gives room to values that may not be mainstream. No amount of theorising will substitute for the kind of progress that mobilises individuals, both indigenous and non-indigenous, in the cause of reconciliation. A great deal has been talked about reconciliation, a concept that is large and, like so many issues in this area, difficult to define. But it is obvious that so long as there is any sort of stand off between our two communities no progress will be made. Confrontation must give way to understanding and to patient process and negotiation.

As is usual in any speech on indigenous issues, I am concluding with aspirations and exhortation. As a nation we are being presented with a unique opportunity. The year 2001 is both the centenary of our federation and the legislated conclusion to the reconciliation process. It would be a tragedy if Australia entered its next century, as it entered this one, with a federation that is not truly inclusive of indigenous Australians.

1997 ▶

GARRAN ORATION



A HEALTHY PUBLIC SERVICE IS A VITAL PART OF AUSTRALIA'S DEMOCRATIC SYSTEM OF GOVERNMENT

*Delivered by The Hon. John Howard MP
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Sir Robert Garran was a remarkable man. He played an active part in the constitutional conventions of the 1890s, and was secretary to the committee which drafted the proposed federal Constitution that emerged from the 1897–98 convention. Sir Robert became the first Commonwealth public servant in 1901, as head of the Attorney-General's Department, a post he held for 32 years. After his retirement he remained active in official, church and academic life. He died in 1957, one month short of his 90th birthday.

Sir Robert lived through World War 1, advising on unfamiliar issues such as domestic wartime powers and the application of international law in time of war. He advised Billy Hughes during the bitter debate on conscription, and accompanied him to the Paris peace conference in 1919. He saw the social

change and economic upheaval of the 1920s, and at the time he was ending his public service career, Australia was just beginning to emerge from the Great Depression. Sir Robert dealt with the constant tides of change, not least in serving 11 Attorneys-General during his long career.

We talk, at this the end of the twentieth century, about the pace and extent of change here in Australia and across the world. Particularly in the area of technological change and the communication of information, we are seeing developments unique in our history. I wonder though if we sometimes underestimate the changes, excitements, disruptions and adjustments previous generations have experienced. Sir Robert knew the promise and reality of federation. He was part of the establishment of a public service which, in many ways, is clearly recognisable today. Among those recognisable characteristics are qualities and values which it is the duty of

governments and public servants alike to guard and preserve. The public service cannot, however, be discrete from its environment. The way it develops in the years ahead must reflect the values and priorities of Australians, and meet the needs of government and the community.

A healthy public service is a vital part of Australia's democratic system of government and I regard it as being in the national interest that the service emerge with strength and vigour from the process of change which it, like other institutions, is experiencing.

There are, of course, those who believe that it is an option for the public service to return to some idealised, comfortable past in which it was quarantined from the winds of change blowing through the rest of Australian society. Those who hold out such an option for the public service deny the forces transforming Australia.

Let me state at the outset my firm belief that an accountable, non-partisan and professional public service which responds creatively to the changing roles and demands of government is a great national asset. Preserving its value and nurturing its innovation is a priority for this government.

One of the many challenges of change though is to ensure that certain essentials are not lost. Just as each nation must take account of its culture in determining the direction of change, so it is important to determine what basic characteristics an institution must retain if its fundamental worth is to be preserved. There are many ways in which the public service might change — and some in which it must. The public service must, for example, continue its progress towards being a modern, flexible institution whose administrative practices measure up to the best in the nation and the world. Already it can claim success in implementing reform at a pace, and with a substance, that compares with the public sectors of many Western democracies. This is not a particularly recent trend. Change did not start in March 1996. I have commented on several occasions that the public service I found in 1996 was, in many of its operations, markedly improved on the service I had known in the 1970s and early 1980s.

The budgetary and financial systems have been streamlined, and there is a greater emphasis on results in place of the past concentration on

process and inputs. Central agencies exercise far less control over the staffing and finances of other agencies, so that the public servants managing programs are clearly responsible for performance. There is more competition in the delivery of programs both within the public service and outside. And there is vastly more interest shown in delivering high-quality service to the public.

It is important to acknowledge that while governments, of both political persuasions, have been active in bringing about change, a good deal of the impetus has come from within the public service itself. Intelligent men and women do not want to work for an institution that does not reflect the changes — the opportunities and excitement — of the society and world around them. In a competitive environment, good public servants need to know they are every bit as good as those in other occupations; that they too can meet the challenges of the late twentieth century and beyond.

But for some — whether they be public servants or not — change can be difficult and unsettling. So there is an important leadership role for government and public service managers in developing and supporting the goal of a modern, relevant and valued public service, but with its fundamental values preserved. Change has to be placed in context. Consistent with all my views, change must not be for its own sake.

One can look beyond Australia to see the full picture of why change is both inevitable and desirable. What is happening here is part of a trend observable in most liberal democracies. Since the early 1980s globalisation of the world economy has seen an opening up of markets, a breaking down of barriers in trade and communication, and the emergence of a greater competitive edge which requires Australia, along with other nations, to become more efficient and innovative in the way it does business. Australian business is increasingly more competitive, and that process must continue if we are to meet the challenge of the increasingly global economy.

The government is committed to implementing policies that create an economic environment that is conducive to investment, jobs and growth. That requires fiscal stability, structural and taxation reform, strategic intervention and a reduced

burden of business regulation. For their part, Australian industry must be forward and outward looking. The challenge is for industry to harness Australia's rich endowment of natural, human and manmade resources in a constructive and positive way. In doing this, industry must focus on implementing best practice in production, management and customer service.

The public service is not quarantined from these international pressures, and its effectiveness must be seen in the context of its contribution to the strength of the national economy. There are certain common, international responses to this new way of looking at the public sector. There is much less focus on process and more on outcomes. Managers work with a stronger client service orientation.

There is another common feature, and that relates to numbers, and the size of the public service. Many governments have been critically examining their activities and deciding where they can and should allocate their scarce resources. In the United States, for example, the 'reinventing government' program, under the direction of Vice President Gore, has focused on efficiencies and cost and size reductions across the administration. In Canada and a number of OECD countries, similar processes of redefining activities have occurred.

In Australia too, there have been reductions in the size of the Australian public service. The number of staff has declined over the past 10 years, with two significant periods of reduction. From 1987 to 1990 there was a decrease of nearly 16,000, or 9 per cent. Between 1994 and the present, the decrease has been 32,720, or nearly 20 per cent. Those figures, however, include 9,500 flowing from the transfer of ACT government staff and the staff of three repatriation hospitals from coverage of the Commonwealth Act. There has also been a blurring of the divide between the public and private sectors as government business enterprises have become more competitive and more interactive with the dynamics of the marketplace and some have been privatised. There is perhaps no better metaphor for the changing phenomenon than Telstra. When I commenced my working life, the Postmaster-General's Department looked after all communications. With Telstra we have seen

the Australian public enthusiastically welcome the float of a third of a highly competitive and efficient company.

The reduction in the size of the public service has come about not only through a shedding of functions by this and previous governments. It has also come about through the changing role of government. The impact of information technology has also reduced the need for staff who previously performed tasks which lent themselves to computerisation.

There is no reason why a smaller number of government employees should mean that the nation is less well served. There is greater contestability in the delivery of publicly funded services, and it will continue to grow. Some functions are as efficiently or more efficiently carried out by the private sector. I make no apology for this being a private enterprise government — but it is one also that values a strong and effective public service. And the public service accepts that its effectiveness involves taking on many of the standards and challenges placed on Australian business.

In many areas of its operations, the public service is identifying best practice and introducing the changes necessary to achieve that best practice. In looking at internal procedures, the service has undertaken an impressive benchmarking exercise in relation to personnel services. No attempt was made to hide from public scrutiny the rather horrifying examples of bureaucratic maze and duplication. Nor was time lost in determining ways of achieving more cost effective services. One of the purposes of the Public Service Bill currently before the senate is to help the service free itself of the daunting load of process.

There are numerous other examples of how the public service is analysing its standards and performance in order to produce greater efficiency and greater client satisfaction. One of the biggest challenges, however, will be to back such change with a fresh culture that supports ongoing improvements and demands high performance standards, but accepts that this entails prudent risk management.

The government intends the new Public Service Bill to assist the service in developing that new culture. The Bill, introduced into parliament in

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June 1997, is more than just a rewrite of the existing legislation. It provides a new conceptual framework that will enable the service to meet future challenges. It provides a legal framework for employment that achieves a proper balance between improved accountability and devolved responsibility. Importantly, it also provides a succinct message about the expectations of a public service appropriate to the twenty-first century. The government hopes the new Bill will lead to better policy advice to the government, highquality services to the community and a more efficient and effective use of resources.

One of the marked changes we have seen in the public service over the last 10 to 15 years has been its acceptance of the need for a culture of quality service delivery. It is not just in the public service that the reality of good service is emerging as an essential part of overall performance. It is not so long ago that Queensland tourist resorts used to close their dining rooms before the last international tourist flight arrived for the day. Just as resort operators worked out that tourists did not want sandwiches in their rooms, so the public service worked out that members of the public did not want to be treated as nuisances when they sought services which were their right by law.

I was delighted recently to launch Centrelink, the Commonwealth services delivery agency which consolidates the major service delivery activities of the federal government. It will provide services and payments to over 7.8 million Australians and will be located at over 400 locations across the country. It is probably the biggest administrative reform of recent times. It combines efficiency with sympathetic and responsible service.

Another initiative has been the introduction of customer service charters. These will commit

government agencies to the delivery of high-quality services to the community. They will set out the expectations the public might reasonably have of agencies, and provide opportunities for public comment and suggestions on service.

I believe it right that we expect the public service to measure up to the best standards of business. But before a host of my predecessors and truly admirable heads of departments turn collectively in their graves, I add that it is not good business practice alone which has created the fine tradition of the public service and it is not good business practice alone which will continue that tradition. No matter how radical anyone’s view is about the role of government in the twenty-first century, I believe there will always be an irreducible minimum of public service functions.

Defence, justice, a social security safety net, the monitoring of outcomes of, and alternatives to, existing policies — all these will require public service input. And there will always be a need for high-quality economic, constitutional and other policy advice. For these functions we will want a highly professional, disinterested yet effective public service. And lest there be any misunderstanding, the examples cited are just that: they are illustrative, not exclusive. They highlight the key discrete public service functions that are distinct from the private sector.

Before expanding on the qualities of the public service that give it a distinctive place among Australia’s institutions, I want to touch briefly on the greater interdependence between the various sectors and institutions in Australia. Just as nations are no longer able to maintain a separateness in an increasingly globalised world, we are seeing a growing need within Australia for governments, business and the community to work together. The public service has a

“...it is not good business practice alone which has created the fine tradition of the public service and it is not good business practice alone which will continue that tradition. No matter how radical anyone’s view is about the role of government in the twenty-first century, I believe there will always be an irreducible minimum of public service functions.”

significant role to play in that regard, both in ideas and implementation. Yet, I am still surprised on occasions to find that public servants fail to understand the requirements and perspectives of business. And it can be said with equal force that business does not always have a good understanding of government. In particular, business often fails to appreciate that corners it might be able to cut simply cannot be cut in government. Accountability to parliament and the people demand care and transparency. No chairman of the board, even at meetings with probing shareholders, comes under such constant and intense scrutiny as public servants before senate estimates committees! Far from being necessary inconveniences, both shareholders’ meetings and estimates committees are vital elements of the accountability regimes of business and the parliament respectively.

There are already innovative examples of co-operation between sectors. The Supermarket to Asia Council is a great example of industry and government working together, in this case towards the common goal of increasing the Australian share of the Asian food market. The council brings industry and government leaders together to provide the leadership and drive necessary to achieve success for Australian food products in export markets. The target the council has set, incidentally, is for export growth to accelerate so that by the year 2001 there will be \$16 billion a year in value of Australian food exports to Asia. This could create an extra 10,000 jobs in the agri-food industry. Connected with the initiative, the Australian Quarantine Inspection Service and Australian Customs Service are, in consultation with industry, developing a streamlined export

clearance procedure to save businesses time and effort in obtaining export clearance.

In the international sphere too, the public service is working to support cooperative ventures. Australia’s relationship with China is one of our most important bilateral relationships. China’s modernisation will be one of the forces which defines the shape of the next century. Australia is well placed to play a key role in assisting that development, particularly as a provider of energy and raw but also as a supplier of technology and skills. When I visited China I offered to make available to the Chinese government Australia’s very considerable public sector experience and expertise. Australia has much to offer the region in terms of developing public sector infrastructure in areas such as social security and taxation. Officials are currently exploring the scope for closer cooperation between Australia and China on these issues.

There is another area of partnership that I would like to announce today and it relates to improved links between Australian businesses and the community sector. The community sector comprises a large number of non-profit organisations engaged in a broad range of activities including welfare service delivery, sporting and cultural pursuits. These organisations typically rely heavily on volunteer assistance, and each year around 2.5 million Australians participate in voluntary work. Many of these organisations have special insights and capacities to resolve social problems, and can provide a vital integrating force between different sectors of society.

While governments have an ongoing role in facilitating the community sector's work, including financial support, the business sector also has a role to play. Consultations indicate a strong interest by business to become more involved. At present only a small proportion of the non-profit sector's funding is derived from corporate Australia. As a result, the government has decided on the following approaches to promote closer partnerships:

- convene a round table of business and community leaders in 1998 to develop specific strategies to improve business and community sector partnerships. The round table will also consider the need for a broader consultative process;
- present prime ministerial awards in recognition of business and individual philanthropy; and
- the Minister for Family Services, Warwick Smith, will examine other ways of improving recognition of business and individual philanthropic activities, of educating Australians about philanthropy, and enhancing links between the business and community sectors.

There is a great scope for further development of cooperative activities across sectors, institutions and the community generally. As the clerk of the Privy Council and Secretary to Cabinet in Canada said recently in her annual report to the Canadian Prime Minister, 'Partnership arrangements recognise that government does not need to "do it all" for the public interest to be well served'.

Having put the case for the public service adopting the best, appropriate features of business, I want to return to those purposes and qualities of the public service which make it distinctive from other businesses. There are important areas of interaction between the activities of the public and private sectors. But there are also important differences. The private sector is directed wholly at delivering goals and services to customers. The public service is accountable to the democratically elected government of the day, and through ministers to the parliament and to all Australians. In that

context, I want to address the more major concerns expressed from time to time in the parliament and media about the future of the public service.

If one were asked to gather from the writings and comments of past leaders the qualities they most valued in public servants, I believe one would find high on the ensuing list the continuing and impartial nature of public service advice, that public servants are able to serve with equal dedication successive governments of varying political persuasions. This was in fact one of the most frequently mentioned attributes in the obituaries and articles which appeared on the recent death of that fine public servant, Dr H C Coombs. Sir Paul Hasluck, speaking of Sir Robert Menzies, conveyed similar sentiments: 'Menzies knew, respected and used the public service. He held clearly the traditional view that the public service had its own distinctive place in the structure of government and should be capable of serving successive governments without fear or favour regardless of which party had gained power'.

One of my very firm views on government is that, while it is most important to seek and take full account of public service advice, ultimately decisions must be for government to make, and responsibility must lie with government. Nevertheless, I, like my predecessors, regard the capacity for continuing, impartial advice as one of the essential values of the service. And it is a tradition the great majority of public servants are continuing at this very moment.

The service I have described though will not be a career for life for all those who join it. It is a healthy thing that talented people are able to move between the public and private sectors, academia, international experience and so forth. But I consider it of enormous importance to any government that there be a continuing source of sound, fearless advice based on corporate knowledge. I do not see employment mobility and short-term appointments to the public service as endangering our tradition of continuity. It is another instance of the breaking down of the barriers between institutions, and a sharing of skills and experience to the benefit of good government.

Any government must, and should, reserve the right to adapt the administrative structures of the public service to best achieve the policy priorities on which it was elected. So also, any government must, and should, reserve the right to have in the top leadership positions within the public service people who it believes can best give administrative effect to the policies which it was elected to implement. Governments of both political persuasions have recognised these realities.

But these realities are quite different and distinct from a move towards the American system where a new administration sees a change throughout the middle and upper ranks of policy advisers within the public service. I would oppose a move in that direction in Australia. In fact, I strongly reject the proposition that we have adopted what some commentators call the 'Washminster' system. I think it far more accurate to say that we have an Australian version of the Westminster system. We began in 1901 with elements of both the United Kingdom and United States models of government. Since then we have evolved in our own, unique way, sensibly selecting what suits our culture and recognises our experiences. And one of the institutions we have chosen to retain is an impartial, continuing public service.

There are practical reasons for this of course. Reinventing the wheel is not a profitable way for a government to spend its time and it can also be fraught with danger.

On a more philosophical level, however, I believe the end of continuity in advice would take from Australian government the valuable asset of considered, honest advice based on knowledge of administrative practice and sensible precedent. The greatest demonstration of the seamless character of government I have personally witnessed was on the morning of 4 March 1996 when Michael Keating, Bill Blick and Greg Wood arrived in my Leader of the Opposition office to provide professional and comprehensive briefing for my transition to government. That power can be transferred in this calm, understated way is a supreme asset.

Far from being idealistic, my own experience tells me that the best public servants can provide impartial advice untouched by selfinterest in a

way that is nurtured and encouraged within the Australian public service. Given the importance attached to impartiality as a foundation of public service professionalism, I think it fair to assume that at any given time since federation there have been those concerned about the weakening of the tradition of impartiality within the service. Those concerns have been seen to increase through the 1980s and 1990s or, at least, have been given greater prominence. Many of those concerns are based on unrealistic assumptions about what the basis of competent public service advice should be. They also neglect some of the changing realities of governance in which the public service has operated over recent decades.

Ministers are taking greater control of policy planning, detail and implementation.

This is in part a response to a more demanding electorate that expects quite properly to see members of the government responding to community needs and answering for their decisions in a public and continuous way. Although I would hope that a 'Yes Minister' model of government has never existed in Australia, perhaps the very screening of that series made the public all the more aware that they did not want to be governed by anonymous public servants but by the people they elected and could remove at the next election. Australians want value from their politicians. So that has brought ministers into a more prominent role in policy-making, but it does not in any way diminish the need a government has for ideas, constructive suggestions and even warnings based on the wisdom of past public service experience.

I have read many articles and commentaries about my relationship with and opinions on the public service. Let me make it clear now. I want a public service that is willing and able to generate ideas — new, innovative ideas. I will never react negatively to new ideas put forward by public servants, and the presence of political office staff should in no way be seen as a signal that new ideas will not be welcome.

Public servants need to be responsive, as well as responsible, in the advice they give. Now I believe public servants have always been responsive to governments. But the requirement over recent

years has become a more prominent one, indeed it is one of the values referred to in the draft Public Service Bill — as it was in the draft prepared by the previous government. I think the voicing of the requirement flows in part from the need for public servants to give advice that is not only impartial, but also creative, innovative and relevant. Public servants are required to recognise the directions in which a government is moving and be capable of playing a major role in developing policy options and assisting in imaginative and professional implementation.

The need for responsive, relevant advice in no way removes the obligation on public servants to be comprehensive, informed and honest in framing their advice. Advice might have regard to known political implications, but all other implications must also be presented in a balanced way that enables the minister to make an informed decision. No minister wants to be told what is politically pleasing without being advised of legal implications, precedents and what constitutes good policy.

Another changing reality for the public service in the 1990s is that it is competing with other sources of advice to government. The advisory role is not exclusive to public servants. In an era of streamlined communications and an informed and vocal community, it is to be expected that governments will receive advice from many quarters. I do not see that, in a democracy, this can be anything but healthy. I made it clear before gaining government and on occasions since that I do not intend to fall into the trap of being a captive of any interest group. That does not mean, however, that the government does not wish to hear from individuals reflecting the great breadth of the Australian community.

Governments for many years have used a variety of sources in developing policy options. These have included industry, business — big and small — community and welfare groups, academia and ministers' personal offices. This in no way reflects on the advice given by the public service, but is simply a sensible use of a broad range of knowledge and abilities. There is nothing intrinsically new about it. I think it only realistic to acknowledge though that public service advice

is more obviously and more regularly contestable than in the past. This is a function of our age. People no longer receive their information from just one source. Even children these days move quickly to sources of learning other than their parents and teachers.

Public servants know that their advice must be comprehensive and rigorous — and relevant — if it is to be useful to government. That has always been the case, in fact. But these days the alternative advice is likely to be more immediate, more diverse and more open. This is not something I sense the public service has any problem with, though the service naturally wishes to ensure that its views are among those considered. I too believe it important that public service advice flow freely to ministers' offices, in accordance with long-standing practice. Sir John Bunting wrote of Menzies, 'his practice was to urge his new ministers to get to know their departments and the people in it, to look for their advice and, without being enmeshed in it, never to act without taking it into account'. In the charter letters I send to ministers when they are first appointed, I stress the importance of ministers establishing relationships of trust and confidence with their departments, while requiring ministers to make decisions on the basis of their own informed judgment and to accept responsibility for the policy directions and outcomes that result.

I mentioned just now ministers' personal advisers as one of the sources of advice to government. This is yet another matter about which commentators from time to time express concern. As you all know, since the 1970s the nature of private office assistance to ministers has changed quite fundamentally. Not only are ministers' offices larger, but there is a public recognition that at least some of the personal staff are appointed because they share with the minister a common political philosophy and party commitments. One of the pleasing observations I made on coming to government was that the tension I had observed between public servants and those newly developed offices of the late 1970s and early 1980s had significantly subsided. I recall with some amusement from the time I was Treasurer a reference by a then senior public

servant to 'meretricious players who flit across the private ministerial advisory stage'. That was widely thought at the time to be a reference to Dr John Hewson and Professor John Rose, then respectively economic advisers to myself and the former prime minister.

In my opinion ministers deserve — and need — to have around them staff with whom they can properly discuss political issues and from whom they can receive straight political advice. And I believe strongly that public servants should not be used in that way. Their role is different and they are all the more valuable for remaining, not unaware of or insensitive to the day-to-day political happenings, but separate from the need to give those happenings sole or even top priority.

There is now a mature acceptance of the different roles, and, with the absence of the past tensions, I believe a more effective working relationship exists. It is, of course, open to ministers to employ public servants in their private offices so that a full range of skills — political and public service — is available. I currently have five public service advisers within my own office, among them my chief of staff, Mr Arthur Sinodinos. Ministers are best served when they have alert and activist personal staff, a responsive and professional range of public service advisers, and a relationship between their personal staff and their department which is based on openness, co-operation and mutual respect.

While maintaining a distance from political decision-making, public servants have lost some of the anonymity that existed until the 1970s and the advent of senate committees. That too is a function of our age. Shadowy, manipulative figures are not fashionable, especially when paid for from the public purse. The detail of administration is in any case an appropriate area for scrutiny by the parliament. And the public service I am sure accepts that role as part of the government's accountability to the parliament, although it does throw them into the public gaze, and sometime a political limelight.

I am a very strong believer in the independence and supremacy of the parliament, but the

occasional 'Christians 1, Lions nil' result can be pleasing. I recall Sir Geoffrey Yeend appearing once before a senate committee examining proposed freedom of information legislation. Now, I suspect Sir Geoffrey was not the strongest advocate of the legislation, and I suspect too that the committee knew it. Sir Geoffrey, of course, would never have allowed a criticism of government policy to cross his lips, so it was a long, hard session. At the end of the committee's day, one senator was heard to remark to another, 'Now I know what it must feel like to bowl all day to Geoffrey Boycott'.

This government certainly does not want a politicised public service. It does require people in key jobs to be delivering what the government wants and what it was elected to do. I like to think Sir Robert Garran would be pleased that the public service has maintained its capacity to adjust to changing needs over the decades. Overall, today's public service is looking outwards far more than in the past. It is looking more responsively at the needs of government. It is beginning to work more closely with the private sector. And it is accepting the responsibility of servicing individual members of the public in a highly efficient and accountable way.

No government 'owns' the public service. It must remain a national asset that services the national interest, adding value to the directions set by the government of the day. The responsibility of any government must be to pass on to its successors a public service which is better able to meet the challenges of its time than the one it inherited. My government clearly accepts that responsibility.

I see no conflict between the notion of a modern and efficient public service with the best features of the business sector, and a public service with the traditional attributes of impartiality, honesty and professionalism. It is a challenge, of course, to maintain such an institution. And government and public service managers must provide leadership to ensure that a flexible, outward-looking service does not lose sight of the principles which justify its special place among our institutions. That is a challenge I am committed to meeting.

1998 ▶ 2004

AMBITIONS SCALED BACK AS FUNDING FLATLINES

The big challenge faced by the National Council in 1998 was a dramatic drop in external funding: from \$120,000 plus the salary of the National Executive Director's salary, to zero. This necessitated a careful review of the services and programs delivered by the Institute nationally and increased the Council's reliance on the Divisions for their promotion.

One shining light for National Council during this difficult period was the performance of the *Australian Journal of Public Administration*. Circulation of the journal had increased 10 per cent since the mid-1990s and, in the words of Michael Keating, "was in as good shape as it had ever been".

Michael Keating stepped down as National President in November and Tony Ayers AO — Secretary, Department of Defence — took on the role of president.

After a quiet period for IPAA nationally, the National Council contributed \$45,000 to a National Research Project in 2000. The project, called 'Working Together: Integrated Governance' was led by a steering committee chaired by Michael Keating. It included six case studies, with each organisation showcased expected to contribute financially to the project. The council anticipated \$90,000 in sponsorship for the project.

November 2000 saw the end of Tony Ayers' presidency with Sue S Vardon AO — CEO of Centrelink — stepping into the role of National President.

In 2001 a Strategic Plan for 2001–2005 was finalised and Dianne James, Executive Director for the Queensland Division, augmented her role with that of National Executive Director.

In 2002 the National Council engaged a graphic and web design company to design a new logo and a final design was confirmed in November. The Council also published 5,000 copies of the National Research Project book *Working Together: Integrated Governance*.

In 2004 the National Council worked with the ACT Division to repurpose the Division's journal, the *Canberra Bulletin of Public Administration* to a national journal *Public Administration Today*. The journal was produced by the ACT Division on behalf of the National Council. The rationale for changing the divisional bulletin to a national journal was described in its final issue:

"It was felt that there was a need for a journal where conversations could be had between the different levels of government... PAT will have editors in each State and territory who will be providing articles, interviews, seminar papers, etc to promote discussions across the jurisdictions."

In November 2004 Sue Vardon stepped down as National President and Professor Andrew S Podger AO — a former Australian Public Service Commissioner — took on the role.



2000 ►

GARRAN ORATION



THE GARRAN ORATION

*Delivered by The Hon. David K Malcolm AC
Chief Justice of Western Australia at the
National Conference of the Institute of Public
Administration Australia, Perth, November 2000.*

Hon. David Malcolm AC
David Crosling I Newspix

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I am honoured to have been asked to present the Garran Oration at this year's National Conference of the Institute of Public Administration Australia. Since my law student days in the 1950s I have admired the contributions that Sir Robert Garran made to our country and I am delighted to have the opportunity to be able to commemorate them tonight.

As many of you know, Sir Robert Garran was Australia's first federal public servant. He was appointed head of the Attorney-General's Department in 1901 and remained in that position for 32 years. As the head of this newly formed government department, Sir Robert's first job was to write out by hand, *Commonwealth Gazette No 1*, containing the Proclamation by the Queen declaring the establishment of the Commonwealth and also the appointment of the ministers of state. If the adoption of the Commonwealth Constitution represented the birth certificate

of the nation, the proclamation was the birth notice. Sir Robert also found himself drafting the statute necessary to provide for the election of the first Commonwealth government. Indeed, he was responsible for the drafting of many of Australia's early statutes and was widely recognised for his clear and concise drafting style. Former Prime Minister Billy Hughes is reputed to have remarked that the best way to govern Australia was to have Sir Robert Garran at your elbow.

His distinguished career, however, did not begin and end with his many contributions to the public service. To this day, he is acknowledged as a fine constitutional scholar he is most particularly fêted for his seminal text, the *Annotated Constitution of the Australian Commonwealth*, which he co-authored with John Quick in 1901. His constitutional expertise, so evident in this work, was gained during his long association with the pro-federation movement in Australia and his involvement in the creation of our Commonwealth Constitution.

Recently, I read the transcript of an interview with Sir Robert Garran, recorded a few years before his death in 1957. In that interview he reflected upon his life and, in particular, the period leading up to Federation in 1901. In answer to the question 'has Federation turned out as you expected?' Sir Robert replied:

By and large the sort of thing we expected has happened but with differences. We knew the Constitution was not perfect; it had to be a compromise with all the faults of a compromise.

I would like to revisit something which today we might regard as one such compromise the failure to include a Bill of Rights in our Constitution. This subject is something upon which I have spoken before, however, in view of certain developments in England and Europe over the past few years, and the impending Centenary of Federation, the time has come to renew the call for a Bill of Rights for Australia.

The question whether Australia should have a Bill of Rights has been the subject of a great deal of public discussion and debate. The omission of a Bill of Rights from our Constitution is one of the elements which marked it as different from the US Constitution from which a number of provisions were derived. The omission was not by accident. The inclusion of a Bill of Rights was proposed and debated at the conventions which preceded and informed the drafting of the Australian Constitution. Its inclusion was defeated, somewhat ironically, on the basis that a 'due process' provision would undermine some of the racially discriminatory colonial laws in place at that time, including those which were concerned with immigration and others to the detriment of racial minorities. It appears that the founders were careful to ensure that the provisions of these laws would not be open to challenge on the basis of individual rights or constitutionally entrenched provisions such as a provision for due process.

Over the years since Federation, a number of attempts have been made to correct what many have regarded as a fundamental failure of our Constitution to safeguard basic human rights. In 1929 and again in 1959 successive Commonwealth inquiries rejected proposals to include a Bill of Rights in the Constitution.

Other proposals failed for lack of bipartisan support and overwhelming opposition from state governments that were loathe to forfeit any sovereign power to the Commonwealth (Galligan *et al.* 1990:57). Most of the Bills were successfully challenged in the political arena before being put to public referendum; however, the two that were submitted for public opinion were overwhelmingly defeated. The first rights referendum in 1944 merely sought to provide constitutional protection for the right to freedom of speech and expression and extend the right to freedom of religion, entrenched in s. 116 of the Constitution, so as to bind the states (Wilcox 1993:211–12). The second attempt in 1988, intended to celebrate Australia's Bicentennial, was an even less ambitious version, seeking only to broaden the scope of existing express constitutional rights in light of what were regarded as narrow and legalistic interpretations by the High Court. These proposals were also defeated in the most resounding referendum rejection in Australia's history, gaining the support of only 31 percent of the population (Galligan *et al.* 1990:62).

The reasons behind this manifest repudiation stand testament to the capricious nature of the politics of constitutional reform. They also point to the need for more open political debate in the public realm and comprehensive state cooperation on rights issues. Ironically, until relatively recently the right to debate and express political opinions freely was open to challenge due to the lack of protection of the fundamental freedoms which formed the very basis of these impugned referendums.

The approaching Centenary of Federation, to which I earlier referred, has stimulated public debate on the subject of the need for fundamental reforms to the Australian system of government. The various popular constitutional conventions organised by the nonpartisan Constitutional Centenary Foundation, commemorating the constitutional conventions of the 1890s, commencing with the Sydney convention of 1891, each tended to identify support for the inclusion of recognition of fundamental human rights in the Constitution, as well as a preamble recognising the prior occupation and special position in Australia of its indigenous peoples. Similar sentiments came out of the various schools constitutional

conventions organised under the auspices of the Constitutional Centenary Foundation. In the end, however, the political and constitutional debate in the period leading up to the Centenary was dominated by the republic issue and debate about the preamble. These issues also dominated the official constitutional convention sponsored by the Commonwealth, culminating in our latest constitutional referendum in 1999. That, of course, dealt with the question of whether we should become a republic and the proposals relating to the preamble to the Constitution. The Bill of Rights debate seems to have disappeared in the wake of these other issues. Although the constitutional change required to implement a republic could have been an opportune time for incorporating a Bill of Rights, the fact that the republic issue has faded, at least for the time being, does not mean that the crucial issue of protection of human rights should also be put aside.

Many have argued that the common law and the doctrines of parliamentary sovereignty and responsible government combine to give adequate protection to the individual. This belief is apparent from the arguments of many delegates to the convention debates that preceded Federation. Before considering the merit of this argument, I would like first to clarify what is meant by the phrase 'common law'. The 'common law' refers to judge-made law and judge-developed law. In its broadest sense, it includes the interpretation of statutes and constitutional provisions. The common law has protected civil and political rights in five main ways. First, it has recognised and protected a number of rights and freedoms which it has seen as fundamental, such as freedom from arbitrary arrest and detention by the development of the writ of *habeas corpus*. Second, by the use of other prerogative writs and administrative remedies it has developed a comprehensive array of protections against procedural unfairness and arbitrary decision-making by ministers, officials and administrative tribunals. Third, by responding to the ever-increasing amount of legislation that regulates our conduct, it has developed rules of statutory construction that limit the degree of legislative encroachment onto our rights and freedoms. Fourth, in recent years the High Court has begun to give new life to some of the express guarantees in the Constitution. These existing

constitutional rights, namely the right to a trial by jury, freedom of religion and rights of state residents, had, until comparatively recently, been consistently construed in narrow and literal terms. Finally, some judges have argued that limitations on legislative competence to contravene fundamental rights are to be found in the 'peace, order and good government' formulae in our various Constitutions, or in implications to be drawn from the structure of the Australian Commonwealth Constitution and the free and democratic nature of Australian society.

In 1986, the then Chief Justice of the High Court of Australia, Sir Anthony Mason, wrote that :

... the common law system, supplemented as it presently is by statutes designed to protect fundamental human rights, does not protect fundamental rights as comprehensively as do constitutional guarantees and conventions on human rights ... The common law is not as invincible as it was once thought to be (Mason 1986:12).

This view is echoed by Hilary Charlesworth, who considers that:

... common law protection of rights is minimal; the Commonwealth government's power to legislate to implement international obligations with respect to human rights has been only partially and inadequately exploited; the States generally have given the protection of human rights a low legislative priority; and Australian participation in international human rights instruments has often been diffident (Charlesworth 1994:195).

The significant step made by the High Court in 1992, to imply a limited right of freedom of political communication into the Constitution ((1992) 177 CLR 1; (1992) 177 CLR 106), heralded a new approach in constitutional interpretation in respect of what are considered to be fundamental civil rights. In employing techniques of constitutional implication, the High Court has made it clear that it will step in to protect individuals where parliament has failed to act to protect rights. This approach has not been without criticism and there has been something of a retreat in later decisions.

Reliance on judicial implication of rights is not a satisfactory approach. The protection that they offer is dubious. Absent express or implied constitutional provision, the common law is inherently subject to reversal or modification by legislation. Therefore the common law is a rather unsuitable vehicle for the invalidation of legislation that may encroach upon fundamental rights (Winterton 1994:205). Moreover, the common law is ambiguous and derives its content from history. Thus, like the racist colonial laws in force at the time of Federation, many common law principles are unsuitable or inappropriate today. An example of this can be found in *Mabo* ((1992) 175 CLR 1) where the common law doctrine of terra nullius was declared obsolete by the High Court. George

Winterton has observed that it may be difficult to 'distinguish between those common law doctrines which are "fundamental" and... those which are obsolete' (Winterton 1994:205). There is also the question of how far rights that are implied judicially can extend to protect individuals against the arbitrary exercise of government power. In view of this, and in the tradition of democracy, a Bill of Rights is a preferable option.

In the absence of a carefully drafted instrument there is a potential danger that certain judicially implied rights may conflict with other rights which are also considered fundamental. An obvious example is the right to freedom of speech as against the right not to be defamed. This conflict was addressed by the High Court in *Theophanous v Herald and Weekly Times* ((1994) 132 CLR 104; (1994) 124 ALR 1; Aust Torts Reporter 81–297) where it was held that the common law cause of action of defamation must yield to an implied constitutional right. This decision exposes the inherent contradictions that surface when a right implied into the Constitution from the common law is pitted against an equally fundamental and wellrecognised common law right.

The question whether Australia should have a Bill of Rights and, if so, in what form and with what content is essentially a political question. Opinions differ regarding whether it is proper for a judge to express an opinion one way or another on the question. In 1988 the former Chief Justice of the High Court, Sir Anthony Mason,

announced that he had changed his mind on the answer to the question and was now in favour of a Bill of Rights. He did so because Australia was going against the international trend and was getting out of step with comparable countries such as Canada (Mason 1988). Another former Chief Justice, Sir Gerard Brennan, was more circumspect when he said in 1992:

We could introduce a Bill of Rights and have it administered by our existing courts, but would Australians wish that to be done?

The voting at the last referendum suggests that the answer is resoundingly negative. However, non-party political interest in and discussion of the Constitution in the last decade of this century, restores the question to the agenda. I do not propose an answer to the question for reasons which I shall mention. The question is essentially political and should be answered by reference to the political needs that might be satisfied by an entrenched Bill of Rights and the burdens which might be imposed by its introduction (Brennan 1994:184).

However, Sir Gerard spoke without the benefit of the results of research being conducted at that very time. In 1993 a systematic and extensive survey of popular opinion found that 54 per cent of Australians did not think that human rights are well protected under the existing system. Seventy-two percent were in favour of the adoption of a Bill of Rights and 61 percent believed that the final decision in relation to human rights matters should rest with the courts rather than the parliament (Galligan 1993:17). The same survey also found that the views of most politicians were significantly different from those of the people they represent. Thus 78 percent of members of parliament, at both Commonwealth and state levels, concluded that human rights were already well protected within Australia. Not surprisingly, 76 percent also considered that parliament rather than the courts should be the final arbiters in matters affecting human rights.

Whether a Bill of Rights is constitutionally entrenched or contained in an ordinary statute, the question remains of what rights can be considered so fundamental as to merit protection. As a result of 200 years of relatively open

immigration, Australia has developed a rich and diverse culture. Australia today is a multicultural, multi-religious, politically complex society which has divergent stances on questions of public and private morality and rights, as well as some projected if not present differences in social status. In a fragmented and pluralistic society such as ours, it will be a difficult task to design a comprehensive set of rights and freedoms that meet with the approval of all constituents. The Bill proposed by the then Commonwealth Attorney-General, Senator Lionel Murphy, in 1973 was modelled largely upon the International Covenant on Civil and Political Rights, to which Australia has acceded. It is arguable, however, that the rights enshrined in the Constitution should be more closely adapted to Australia's own specific constitutional and legal traditions (AGPS 1988:469). This is especially the case where it is the responsibility of the judiciary to interpret and enforce such rights. Very careful, clear and concise drafting methods, such as those employed by Sir Robert Garran, must be used to guard against unintended interpretation by the courts.

When legislation gives very wide powers to courts to decide issues that may involve questions of social policy, the fear is sometimes expressed that results may differ according to the social or political philosophy of the judges who decide each case. In these circumstances it is argued that uncertainty and injustice may be introduced into the law. Some also claim that the traditional judicial process is inappropriate for the determination of rights because of the restrictive rules concerning evidence and procedure adopted by the courts (AGPS 1988:473). For example, certain social facts that are irrelevant to the adjudication of other matters may be highly relevant to the determination of issues concerning individual rights (AGPS 1988:473). Of course, those who hold these concerns about the judicial review of a Bill of Rights must necessarily have deeper concerns about the judicial implication of rights in the Constitution. The potential impact on perceptions if not the reality of judicial impartiality is clearly a problem. Campbell argues that 'drawing the courts into a more overtly political role...reduces their capacity to fulfil their prime role of administering rules chosen for them in an impartial and non-political manner' (Campbell

1994:210). Others point to the necessity of the High Court making value judgments on behalf of all Australians in the determination of what rights are fundamental as something which is undesirable (Zines 1994:183; Kirk 1995:71; Coper 1994:191). The uncomfortable reminder of the doctrine of separation of powers underlying the Commonwealth Constitution also resonates in this respect.

The arguments for and against an Australian Bill of Rights are well known and have been the subject of many monographs and scholarly articles. They were also very thoroughly expounded in the *Report of the Advisory Committee to the Constitutional Commission on Individual and Democratic Rights* (1987). Briefly, the arguments in favour of a Bill of Rights include the inadequacy of present constitutional provisions; the inadequacy of the common law; the statutory erosion of rights upheld by the common law, the enhancement of democratic government; the educational role of constitutional rights; the need for an additional guide for judicial interpretation and a means of meeting Australia's treaty obligations.

The arguments against a Bill of Rights in Australia have principally relied upon the protection afforded by the common law, which I dealt with earlier. Others are based on the contention that a Bill of Rights would confer too much power on the courts and, in particular, the High Court. Another perceived problem with a Bill of Rights is that rights and freedoms tend to be stated in very general terms without qualification. The US experience has shown how influences such as the political philosophy or values of the person called upon to interpret such legislation can result in widely differing interpretations. This has often been used as an example of the danger inherent in giving broad statements of principle constitutional or statutory effect.

Arguments against the constitutional entrenchment of a Bill of Rights can also be compelling on a practical level. In view of our method of constitutional alteration by referendum under s.128, and in light of the previous abortive attempts to entrench very basic fundamental rights in Australia, the odds do not look good for a Bill of Rights incorporated in the Constitution. But there

is, of course, the option of legislating for a Bill of Rights. Recently, George Williams has expounded upon the benefits of statutory Bills of Rights enacted by both the state and Commonwealth legislatures (Williams 2000:62). He suggests that state governments could take a leading role in this process. The NSW parliament has taken such an initiative with its Standing Committee on Law and Justice holding an inquiry into whether NSW should enact a Bill of Rights (Williams 2000:64).

It is conceivable that complementary rights statutes could be enacted simultaneously like the Australia Acts of 1986 to ensure that all Australian citizens are equally protected. Statutory charters of rights, like that recently adopted in the UK, can be very effective. Indeed many commentators see the subject of a Bill of Rights as the exclusive domain of the elected representatives of the people. An active judicial role in relation to the extension of the fundamental rights which are already protected by the common law is seen as an affront to 'parliamentary sovereignty' and the inherently democratic nature of the operation of our parliamentary system. It is often argued that the judges should not seek to change the existing common law or make new law because they are not elected, not representative and not sufficiently accountable. However, the parliaments of Australia have, in recent years, failed to take up the High Court's lead in respect of the protection of core human rights.

Of the nations that previously relied upon the common law to defend human rights, Australia stands out as the only one that continues to put faith in this method of protection. Canada, South Africa, India, Pakistan and New Zealand have all adopted a Bill of Rights, whether in statutory form or constitutionally entrenched. Even more importantly, in recognition of its accession to the European Convention on Human Rights, the UK enacted a Bill of Rights in 1998 as part of its domestic law. This latter development is of great significance to Australia, because it is from the English common law that we have drawn in the protection of human rights. There can be no doubt that this step was necessary because the protection offered by the common and statute law did not provide sufficient protection to comply with the obligations imposed by the European Convention. Given that the UK has

recognised that its common and statute law provides insufficient protection for fundamental human rights by pan-European standards, on what basis can Australia justify a lesser legal standard of protection of human rights than all of Europe, Canada, India, New Zealand, Pakistan and South Africa?

The fact that Australia is 'behind the times' in this regard is both a blessing and a bane. It is a bane, of course, because Australian citizens must currently rely upon the limited powers of the courts to protect their rights and freedoms. While s. 92 of the Commonwealth Constitution provides that 'trade, commerce, and intercourse among the States... shall be absolutely free' and guarantees freedom of movement by citizens around Australia, there are few other guarantees. The provision in s. 80 for trial by jury can be nullified by the creation of offences triable summarily. Section 116 of the Constitution, however, contains a constitutional guarantee of freedom of religion that goes far beyond protecting liberty of opinion. It protects also acts done in pursuance of religious belief as part of religion ((1943) 67 CLR 116: 124). However, we have no other positive freedoms 'as of right' without judicial decree. But it is also a blessing because we are in a position to learn from the mistakes and misfortunes of others. For instance, a criticism of the 1982 Canadian Charter of Rights and Freedoms, is that 'except in criminal cases, the major beneficiaries of Charter rights are corporations, professionals and other privileged interests' (Petter 1989:152). This runs counter to conventional notions that a Bill of Rights in a liberal democracy is supposed to express the will of the majority and protect the rights of minorities. In fact, one commentator has argued that the Canadian experience has shown that, for human rights to be adequately protected, they should be enforceable not only against the state but also against individuals and corporations who infringe such rights (Charlesworth:230).

The experience of the UK since the enactment of the Human Rights Act in 1998 is perhaps too recent to draw significant lessons from. However, there is already a body of scholarly commentary questioning the scope and impact of its application. Necessarily, the domestic recognition of human rights will give rise to a new key area of jurisprudence. There clearly will be a significant

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impact upon the practice of private law in the UK and also upon judicial reasoning and methods of interpretation (Spigelman 2000:144; Phillipson 1999:825). Nevertheless, the incorporation of the European Convention on Human Rights into domestic law by the Human Rights Act has been heralded as a great step forward for that country. Many commentators expect that the development of a new culture of respect for human rights will result from the Act and eventually permeate British society (Spigelman 2000:145).

Currently, Australia's obligations under the International Convention of Civil and Political Rights, which follow this country's accession to the First Optional Protocol, can only be tested by application to the United Nations Human Rights Committee in Geneva. This is not a formal or binding judicial process and its effectiveness is questionable. The best outcome an aggrieved Australian can hope for is a shortlived international embarrassment for the government. In the absence of action by parliament to incorporate Australia's human rights treaty obligations into domestic law, the High Court found it necessary in the past to make moves in this direction itself. Australia is a party to the United Nations Convention on the Rights of the Child under which the best interests of the child are declared to be a 'primary consideration' in all relevant actions concerning children. In *Minister for Immigration v Teoh* ((1995) 69 ALJR 424) it was held that the provisions of the convention were relevant to a decision to deport the father of children. While such provisions were not incorporated into domestic law, accession to the convention resulted in an expectation that

those making administrative decisions in actions concerning children would take into account as a primary consideration the best interests of the children, who were themselves Australian citizens. Their father was not, although he had applied for resident status. Mason CJ and Deane J ((1995) 69 ALJR 424: 430–31) said that the provisions of an international convention to which Australia was a party, especially one which declares universal fundamental rights, may be used by the courts as a legitimate guide in developing the common law. It was acknowledged, however, that courts should act in this fashion with due circumspection, when the parliament itself has not seen fit to incorporate the provisions of a convention into domestic law. A departmental instruction which, in effect, ignored the interests of the children was held to render the proceedings invalid for want of procedural fairness.

Whether the Australian government will seek to revisit the issue of domestic recognition of international human rights obligations in light of the experience of the UK is yet to be seen. In the meantime it is vital that the judiciary, lawyers and the public keep the issue on the agenda. In an address last year to the National Conference of the Australian Plaintiff Lawyers Association, Chief Justice Spigelman of NSW warned that a failure to keep up with other common law countries in respect of human rights could result in significant intellectual isolation for Australia (Spigelman 2000:150). In this country we still draw significantly upon the judicial experience in England and Canada in our interpretation, application and development of the common law. The effect of

the developing human rights jurisprudence on the common law in Canada is already limiting our comparable base. The same may follow in the case of New Zealand, although their legislation is not the 'full Bill' as in the case of Canada and the UK. The British decision to enact a domestic Bill of Rights could cause the common law in each of our countries to seriously diverge (Spigelman 2000:150). Australia will not only be geographically isolated, but also legally isolated. In these times of growing globalisation, Australia can ill afford to fall behind the rest of the developed world.

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A NATIONAL FOCUS ON ROUNDTABLES AND STRATEGIC PLANNING

The National Essay Competition, with the Sir George Murray Award presented to the first placed entrant, was promoted for the last time in 2006. It was won by Collette Rogers from the Victorian Public Service.

Also in 2006, the National Council resolved to advertise and employ a full-time Executive Director with the position filled in May 2007.

2007 saw the first of several roundtables held by the National Council in association with the Academy of Social Sciences under Chatham House rules. These roundtables brought together representatives of the three tiers of government, industry and academia in a safe space to generate dialogue on issues of national significance.

By way of example, a political-administrative relations roundtable was held in March 2008 which involved former ministers, current and former agency heads, ministerial advisers, media commentators and some of IPAA's Young Professionals. Experts from New Zealand and Canada joined in, and the discussion was aided by some commissioned research by Dr Richard Mulgan.

A new National Strategic Plan for 2008–2010 was approved by the National Council in September.

With the National Executive Director position again becoming vacant, the National Council resolved in June 2008 to enter into an interim arrangement with the Queensland Division to provide full-time support for national business and the National President. A decision confirming this arrangement was made in November.

A new National Executive Officer started in early 2009. In June the National Council approved the publication of a new National Strategic Plan 2009–2012. According to National President Andrew Podger, the National Council had been guided in its development of the plan by two principles:

"Firstly, that we should think of IPAA as a national organisation comprising both IPAA National and the IPAA Divisions in each jurisdiction...



Andrew S Podger AO FIPAA

... Secondly, we agree we are both a member-based professional organisation and a major contributor in promoting high quality public administration."

The vision for IPAA articulated in the plan was "to be recognised, as the professional face of a confident public sector, fostering high quality public administration throughout Australia". The mission: "to promote excellence in public administration, monitoring and debating public sector policy and practice in Australia and overseas."

The plan included goals around the themes of the public voice of the profession; thought leadership; promoting professional development; partnerships; and building IPAA's national capacity.

Andrew Podger finished his term as National President in November 2009 and Professor Percy Allan AM — a former NSW Treasury Secretary — stepped into the role. Percy continued the roundtable tradition in partnership with both the Academy of Social Sciences and ANZSOG. These roundtables were held under Chatham House Rules.

2006 ▸

GARRAN ORATION



DOES SIZE REALLY MATTER?

*Delivered by Sue Vardon
Department of Families and Communities,
Government of South Australia at the
National Conference of the Institute of Public
Administration Australia, Alice Springs,
September 2006.*

Sue S Vardon AO FIPAA
Nine (Fairfax Media)

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My thesis today is that size matters — of course it does. Should it dominate in the complex world of this century? I think that is the question of the conference.

As the sun rose on the new Federation, the Commonwealth of Australia, on 1 January 1901, so did the beginnings of the pecking order of power biased towards the Commonwealth and the big states, as many of the founding fathers had feared. The Commonwealth government was slow to acquire more power, accelerating in World War II and tightening its control over the states and territories, mostly by fiscal measures, right up to the present. In spite of many attempts by the states and territories to regain the equilibrium, the bigger Commonwealth set the agenda and continues to do so. The rules of engagement, which maintain the imbalance, are now set like tired old dance steps. It is time the public sector developed new ways to respond to the challenges faced by the politicians.

There have been four actions since the 19th century that have been designed to re-balance the issues of size which worried the states. I have called these structural adjustments because at each pressure point a decision was made to create a formal solution to their concerns.

The first structural adjustment for size was evident in the final construction of the Constitution. Federation was a huge topic in the 1890s. There were several conventions and conferences to which some delegates travelled for days to attend. Newspapers were awash with articles and letters, and at public meetings emotions could run high.

There was a depression in that decade, major industrial unrest and sections of society lived in abject poverty. The customs and excises that inhibited free trade across colonial boundaries severely affected the living standards of people living near borders. The railway system was uncoordinated. The colonies were organising their own defence forces. Immigration policies were disparate.

There were many reasons why Federation was so eagerly sought. A national solution was seen as preferable in many areas, particularly customs and excise.

Size had been an issue in those debates of the 1890s leading up to the Federation. While the argument for Federation was strong, there was one major reason why it took just short of a decade, from the first convention to Federation Day, and it was 'size'. The smaller colonies were concerned that the combined populations of New South Wales and Victoria would ride roughshod over their respective interests.

The architects of the Federation and its Constitution had to reassure the states, and, in particular, the small states, that the Constitution would maintain their powers to control those matters which were important to them and to make sure that they would have equal representation in one of the houses of Parliament.

There was concern, too, that a greater Federation would reduce the influence of the states.

Sir Robert Garran identified this by writing '...We do not want to abolish our separate state governments, nor to make them subordinate to the central government. We do not want to make New South Wales, Victoria and the other colonies mere departments of a great unified Australian government' (Garran 1897:125). He also said that Federalism was to provide '...a compromise between the two opposite systems of large States and small States' (Garran 1897:15). The centrepiece of this compromise in Australia was the creation of the Senate, intended as the guardian of states' rights, with equal numbers of representatives for the states. Garran continued: '...it is the fundamental compromise needed to induce small States to throw in their lot with large' (Garran 1897:127). 75 years later the two large territories were also recognised in the Senate.

The big states were not happy with the compromise. They saw a disproportionate weight of a Senate vote. It was not envisaged that the Senate would divide along party lines at the time. It was created to balance the population-based lower house and to prevent legislation which '...is offensive to a majority of the States' (Garran 1897:129). This adjustment mechanism was

diluted from around 1910, when voting along party lines became the norm. The dilution was complete with the referendum result in 1977 that now requires a replacement senator, as far as practicable, to be a member of the party of which the previous senator was a member at the time of election.

The other protection for the states built into the Constitution was the rule for amending the Constitution. A referendum needs to be passed not just by a national majority, but also by majorities in a majority of states. There have been five instances where a national 'Yes' vote has been overridden by failure to win a majority of states. The small states have been predominantly the ones who mostly voted 'No' (Australian Electoral Commission website).

The second structural adjustment for size occurred when the Commonwealth Grants Commission was established. Financing arrangements under Federation were the subject of much debate and were not as clearly resolved as other issues. As the Commonwealth assumed more taxing powers, the states argued about how the revenues should be distributed. 'Between 1925 and 1932 there were no fewer than seven separate official inquiries and three royal commissions into the effects of federation on the state finances of Tasmania, Western Australia and South Australia' (Hancock and Smith 2001:29).

From 1910 to the mid-1920s, Western Australia, Tasmania and South Australia sought extra grant allocations from the Commonwealth. These special grants were *ad hoc* and controversial. The larger states had greater revenue raising capacity and the smaller states were dissatisfied with their share of the revenue. Western Australia voted to secede in April 1933, applying extra pressure on the Federation. The Commonwealth decided to stabilise the system of grants to the smaller states by setting up the Commonwealth Grants Commission on 17 July 1933 (Hancock and Smith 2001: chapter 2.4). The principle of fiscal equalisation was established by the Commission. Although subsequently modified, according to the bigger states the modifications did not go far enough. The principle states that '...each State should be given the capacity to provide the average standard of State-type public

services, assuming it does so at an average level of operational efficiency and makes an average effort to raise revenue from its own sources' (CGC website).

While this adjustment may have given some satisfaction to the smaller states at the time, the Commonwealth found other ways of using its financial powers to control the states' spending policies by using the Loan Council's rules over borrowing and loan expenditure and by the use of tied grants (Parkin 2003:109). The decision to distribute the Goods and Services Tax to the states changed this again, to the advantage at the time of many states.

The third structural adjustment for size was the creation of the Council of Australian Governments (COAG) in May 1992. In June 1990 there had been a particularly acrimonious premiers' conference. There was tension between Prime Minister Hawke's call for restraint and the call by the premiers, led by South Australia's John Bannon, for an 11-point plan to '...to redress the imbalance between taxation revenue gathered by the Commonwealth and the States'. He also called for rational goals and nationally cooperative programs of reform and change'. He was supported by New South Wales Premier Nick Greiner, who sought a review of the '...unclear responsibilities, conflicting policies and blurred lines of accountability...' between the Commonwealth and the states (Parkin 2003).

A month later, Prime Minister Hawke proposed a major review of federalism in Australia, calling for '...a closer partnership between our three levels of government... to improve our national efficiency and international competitiveness and... improve the delivery and quality of services governments provide'. He convened a Special Premiers' Conference. Prime Minister Keating, even though he had some reservations, was persuaded by Queensland Premier Wayne Goss that the Special Premiers' Conference was of value. He put his own stamp on it and re-defined it as COAG (Parkin 2003). This body was to consider '...policy reforms of national significance which require cooperative action' (COAG website).

The fourth and latest structural adjustment, the Council for the Australian Federation, was announced in July 2006, and is a states and territories only creation to address Commonwealth dominance. The announcement followed soon after Commonwealth Treasurer Peter Costello had proposed a review of Federalism so that the Commonwealth could take full control of taxes (The Canberra Times 3 July 2006). It was formed to '...regenerate and reinvigorate the political strength of our States and Territories' (Rann 2006). Canada, as it did at Federation, helped shape this development, with the idea stemming from the Canadian Council of the Federation which was established in 2003.

The states and territories, as they did at Federation, reminded the Commonwealth that '...while we support the national economy and a united Australian identity, the role of the Federation was never designed to diminish selfgovernment at the State level' (Rann 2006).

The Council will deal with cross-jurisdictional matters, finding the best common position on COAG-related matters, sharing best practice and anticipating future Commonwealth decisions.

PUNCHING ABOVE THEIR WEIGHT

From time to time states defy the dominance of the Commonwealth, not through structures but by other means, and punch above their weight.

They can take the initiative in the national agenda

A strong premier or chief minister can take an issue to the national stage and influence the Australian policy agenda. In recent times we have seen Victorian Premier Steve Bracks drive the National Reform Agenda. South Australian Premier Mike Rann has the lead on sustainability, for example, renewable fuels and climate change challenges. The Northern Territory's Chief Minister, Clare Martin, has called for a generational review of Indigenous Affairs, and the Northern Territory was ahead of every other state or territory in building economic relationships with Asia. An individual Minister for Housing in South Australia, Jay Weatherill, was the first to call for a national policy on affordable housing.

"As the sun rose on the new Federation, the Commonwealth of Australia, on 1 January 1901, so did the beginnings of the pecking order of power biased towards the Commonwealth and the big states, as many of the founding fathers had feared. The Commonwealth government was slow to acquire more power, accelerating in World War II and tightening its control over the states and territories, mostly by fiscal measures, right up to the present. In spite of many attempts by the states and territories to regain the equilibrium, the bigger Commonwealth set the agenda and continues to do so"

They can resist the Commonwealth agenda

In recent times, states and territories have provided an alternative to the Commonwealth agenda by their emissions trading initiative. They challenged the Commonwealth's industrial relations legislation in the High Court. They resisted the changes in education proposed by Dr Brendan Nelson and they refused to agree to a national nuclear waste dump, forcing the Commonwealth to impose this on the Northern Territory.

An individual politician can use the balance of power to a single State's advantage

Former Tasmanian Senator Brian Harradine held the balance of power for a time and negotiated for additional funding and concessions for that state. That additional funding, particularly for information technology, enabled many initiatives in electronic service delivery.

THE ROLE OF THE PUBLIC SECTOR IN COMMONWEALTH-STATE RELATIONS

I want to turn my attention to the role of the public sector in the discussion.

On many occasions individual public servants have worked with politicians to address the

imbalance of power, but the general patterns, or 'song-lines', are pretty much set in routine, to reinforce Commonwealth dominance.

Sir Robert Garran reflected over the best model to suit the Federation of states. In his conclusion (p.184), he quotes from Alexander Pope's 1733 work, 'The Essay of Man'...

For forms of government let fools contest —
That which is best administer'd is best

So how would we weigh up our administration? Have we 'best administered'? We are relatively uncorrupted. The standard of public service is probably amongst the best in the world. I assert, however, that there is a down side, where we have lost sight of our role as professional advisers and problem solvers and have become players in a set piece where we behave according to our level in the political pecking order.

Coming back into state administration after nearly eight years in Canberra, working on primarily Commonwealth issues it is interesting to be back in Commonwealth-state negotiations. It feels like a familiar dance, but the person leading has a tighter grip. It is a formal dance pattern with well marked steps.

The dance steps have been designed over the years to ensure the dominance of the Commonwealth agenda. The nature of the dance is influenced by financial distribution and taxation policy. I am not sure though, in hindsight, whether they have been all that successful for the overall benefit of Australian communities.

The dance goes something like this.

First decide who can come to the dance

Every government comes into power with commitments to groups who are fellow travellers. Some of these are fellow travellers in the political ideology. Always there is a view of the 'punter'. But there are always 'out groups'. Sometimes it is real groups, other times it is language.

In more recent times there has actually been the definition of 'out groups' by perverse reference to political correctness as a negative. Out is gendered language, feminists... anything vaguely representing special interest groups not in the 'in group'.

There are preferred groups whose advice is listened to over others. There is usually some advantage to them for this influence. The groups aligned to the government with the money get the priority. For example, the Australian Council of Social Services (ACOSS) flows in and out, depending on who is in power.

Second, decide what dance

The Constitution established responsibilities of the states and Commonwealth but there is room to move. The clear and present danger to the future state and territory budgets is health — not that we are getting sicker, but because no one has worked out how to control the extraordinary escalation in costs and the emotionally effective lever of life and death that health professionals use to great effect. By about 2035 the health budget will consume all of the states' budgets.

The acute heroic end of the system gets all the money and the bit that could make a difference, prevention and early intervention, gets the leftovers. I digress. The point is that the Commonwealth, with the larger share of the tax money, could quite easily give a priority to increasing health funds separately or, in fact,

take it over. It is a matter of political choice. The looming crisis may well be the trigger for the fifth structural adjustment.

Third, dance with the richest and prettiest partners

From the beginning of the Federation, the size of a state has reflected its level of influence. Deals done with New South Wales and Victoria are pretty much the most important. Their opinions around a negotiating table are of higher value than those of smaller states and territories.

The seating at the COAG table demonstrates this and shows that size matters. The premiers of New South Wales and Victoria sit opposite the prime minister, who looks directly at them. The Premier of Queensland is in his line of vision. He has to turn his head significantly to see the premiers of Western Australia, South Australia or Tasmania and turn his whole body to see the territories' chief ministers or the Local Government Association's representative. At the press conference after COAG, the seating is also arranged in order of size. The photographs afterwards show the prime minister sitting with the premiers of New South Wales and Victoria, and sometimes the Premier of Queensland, with the others standing behind. They will have to shift the chairs in a few years when Queensland's population overtakes Victoria's. South Australia lost its status when Western Australia overtook it in size (Graycar, personal communication).

Fourth, try out new steps while holding your partner very tightly

Someone in Canberra has an idea. Sometimes it is a politician, but often a public servant. Money is put on the table, and states and territories are tempted to match it. Slowly, the matching of the Commonwealth initiatives, over time, reduces the capacity of the states and territories to deliver their own priorities important to the citizen because every state and territory treasury officer is trained to get matching money first when the budgets are tight. The conditions on these matchings are very one-sided now, and full of penalties. The grip is tightening.

Associated with this one is breaking the deadlock or wooing the first contract. Somebody will come to the party. It's just a matter of waiting.

Fifth, treading on the partner's toes

Seemingly intractable problems where the Commonwealth has had historical responsibility get highlighted from time to time by the press, and thus the Commonwealth's first defence is to attack. We have seen this with Indigenous affairs, water and affordable housing.

Sixth, the person who knows the steps controls the dance

I was surprised to hear in Canberra when I was there that the Commonwealth does policy and the states and territories do not really have the capacity, that states and territories worry about the lower order of things like service delivery and operations. This myth reinforces the notion that the states and territories are agents of the Commonwealth, something Garran went out of his way to say would not happen. It makes it easy to criticise the perceived failure of the states to solve intractable problems. This superiority of policy thinking is one reason why states are often excluded in national policy formulation. Commonwealth agencies often exclude their own state representatives from policy development.

State strategic policy is important, and is now being driven more by state plans. The South Australian one is a good example. The consultations about the indicators for success have been thorough and inclusive.

State and territory policy officers have to respond to Commonwealth policy initiatives while working on their own issues. This is a challenging dual task. There is real state's policy work to be done and it is often related to service delivery. Professor Andrew Parkin argued that there was a renaissance of states' policy as talented leaders like Dunstan, Hamer, Wran, Cain, Greiner, Kennett, Goss, Beattie, Carr and Lawrence '... became recognised outside their own states as political figures and policy innovators' (Parkin 2003:106).

Seventh, looking over the shoulder for a more attractive partner

It does not matter who is the elected government, there is a hunger for alternative partners. This may well be fine where the issues are directly the responsibility of the

Commonwealth but, when they by-pass states and territories with parallel programs, this compounds complexity and confusion.

Andrew Parkin and Geoff Anderson have described this as *Parallel federalism: Commonwealth unilateralism*. It started with Whitlam, and continues. Some recent examples they give have been the establishment of the Australian Technical Colleges, the National Community Crime Prevention Program, National Heritage Trust, Investing in Our Schools Programs Grants and the Roads to Recovery (Parkin and Anderson 2006:10).

This funding can be short-term and couched in concepts like capacity building, but there are two problems. Capacity takes a long time to build and Commonwealth withdrawal from these programs, usually inevitable, puts enormous pressure on the states to fill the gap — a bit rude when they were not involved in the first place. A little bit of magical thinking goes on here. The Commonwealth found out recently that some of the charitable organisations involved in their new work support program did not want to partner for fear of being found out they had been at the dance at all!

Eighth, listen to me. If I explain this set of steps to you on paper, you will automatically dance them first time on the floor

There is a wonderful delusion of policy-makers that says if you describe a policy and its rules, and if this policy is implemented accurately (pretty rare because the policy-makers do not often involve the implementers), there will be an automatic social/economic improvement and Australia will be the better for it. I call this policy chess.

Programs can be designed to suit a thought, not solve a problem. The pressure for instant policy is increased by the need to respond to today's headline or by the demands of the talk back radio hosts. It is even better if it can immediately be turned into a program with another acronym that no-one could remember or understand.

Ninth, dance to the loudest music

Disaster/emergency management has been brought into sharp focus due to improved media communications and the subsequent challenges to the quality of government responses around

"I cannot see a change to the cascade of power via the relative sizes of governments in the next decade, but we can provide our politicians with more appropriate and creative ways of responding to the challenges they face, particularly in this very complex world. We can develop new approaches which focus on collaborative, long lasting and positive solutions to complex problems."

the world to disasters such as the Asian tsunami in 2004 and hurricane Katrina in 2005. We are getting much better at anticipating and responding. The massive attention to planning for an influenza pandemic in Australia indicates governments can work together.

However, a recent example of two different water related disasters shows that, even in this area, size matters. In the last twelve months, the Gawler River in South Australia flooded and cyclone Larry hit Queensland. Both had devastating impacts on their communities and on farmers in particular. The farmers in both places lost the year's crops and it will take a year or more before some properties return an income stream.

The contrast in the response from the Commonwealth bureaucracy was extraordinary. In spite of advocacy from the local federal Liberal member of Parliament and bureaucratic intervention everywhere for the Gawler River farmers, Commonwealth officers in Canberra offered only the limited assistance of Farm Help. In stark contrast, the Queensland farmers were offered tax free grants, wage subsidies, income support for six months and had access to concessional loans (Howard 2006).

A CALL FOR A NEW PUBLIC ADMINISTRATION

So what is the result for the community of public administration practices developed over the last century? We have been through the power shake out over money, the more recent incredible

shrinking period after privatisation took hold, and we have survived the great managerialism era when we all learned to operate like businesses.

I think that for all our good intentions, we have left a mixed legacy. We have created industries out of regulation, both external and internal. There is a proliferation of rules, guidelines and codes. The failure to trust each other and the community has left complex accountability practices and requirements. This compliance overburden has been at high cost and money has been diverted from direct application.

We have created our own complex world of programs and acronyms. We can talk in complete sentences to each other using initials and no-one except ourselves can understand what we are talking about. These initials describe centrally based programs into which communities and other levels of government have to fit themselves. We have invented programs, for example, eight in homelessness and 17 in aged community care, which do similar things and then have to be reviewed to look at the overlap. We design short-term pilots which often disappear without a trace. We struggle to measure outcomes.

The application of strict competitive practices to the human services sector came from the private sector, which operates in a very different market place. This has created division and competition in a sector better encouraged by strategic alliances and promotion of more collaborative localised activities. The win/lose philosophy is in contrast to all the knowledge we have that communities

become more resilient and stronger when solutions are defined cooperatively by layers of government and include local leaderships with a win/win attitude by all parties.

We have skewed local initiative by forcing people to find that little bit of their bigger agenda which might fit some government guideline if they can access the complexity of the bureaucracy and find the right place to apply.

We have not solved the big problems in all this. Two of the big issues at Federation were one national railway track of the same gauge and the River Murray. It took many, many decades to sort the railway and we still have not sorted the River Murray.

At the time of Federation, there was a terrible drought which reduced flows in the Murray-Darling system to then record lows. The fight for control of the river system was, in Sir Robert Garran's words, a '...battle royal' (National Library Australia, MS 2001/4). New South Wales and Victoria argued over the issues of the river, such as the balance between navigation and irrigation, and there was fierce debate over the wording of the clause in the Constitution about relative powers of the Commonwealth and states in river navigation (Parliament of Australia, Senate 1890–98). During the next hundred years many commissions, acts and agreements would be struck. But are we managing this shared resource any better now than we did at Federation? Not at all.

The issues are now much more complex, for example, salinity, potability, hydro-electricity, effluent discharge, and the latest set of decisions still has not been implemented, thus putting the water supply to South Australia in great jeopardy. We know there is a problem with the River Murray. We know what we can do to address the problem. We have an agreed strategy that would address the problem. Why are the relevant governments unable to implement the agreed strategy?

In other places, we have encouraged an expectation that the 'government ought to do it, fix it, solve it'. We are responsible for the learned helplessness of some people because we have not involved them in solutions. Governments inevitably fail occasionally, and are then blamed when things go wrong. We are going to see the negative impact of this if an influenza pandemic

ever hits because the government will not be able to do everything and we will be very dependent on the resilience of communities. We must understand what actually builds community strength.

We have created fear of funding being withdrawn if agencies tell the truth. They do not feel like strategic friends who can have honest conversations about varying their programs over time as they solve problems.

Our solutions do not stick. We have seen it at the national level, like the River Murray problem, and it also happens at the local community level. We offer short-term funding, couched in words like 'capacity building', without understanding that this is a long-term haul. We do little forays and offer snapshots of hope. We really do not know if lots of our interventions actually work. We expect communities to find replacement funding when they are struggling to keep their doors open. We have a spare parts approach instead of looking at the whole car.

We spend our time inventing programs, developing new, ever-tightening contracts. We regionalise, centralise and de-centralise like tides flowing back and forth, putting energy into structures without firstly working out the real purpose and the real benefits.

While politicians look to the political arrangements which address the imbalance of power, what can we do to break the old patterns of public administration and provide leadership for this century with elements of the best administration?

I cannot see a change to the cascade of power via the relative sizes of governments in the next decade, but we can provide our politicians with more appropriate and creative ways of responding to the challenges they face, particularly in this very complex world. We can develop new approaches which focus on collaborative, long lasting and positive solutions to complex problems. In some ways, while the size of the dance floor might be the same, the old dance steps are out of date. Like the experience of Generation Y, the dances will be less structured and less formal. It is a dance with lots of people and mosh pits. While the metaphorical DJs mix sounds and cultures, it is a dance with lots of people expressing their individuality but still dancing to the same beat.

If we take ourselves forward to the year 2040, what would we want to see? We would want a confident, relevant, fast-moving partner to elected governments, a partner renowned for the quality of information and thinking it brought to any conversation and which operated on the basis that Australia was a strong country, respected globally for its peace-making and 'good neighbour' capabilities. Public sector people would have had lots of experience in the private or community sectors, and internationally, and would be well trained. People would think working for government was a great personal opportunity.

The public sector would be respected by the citizens who not only trusted it, and with whom they found it easy to engage in business. Communities would be safer than they were at the turn of the century and people would be much more aware of how to stay healthy. Every young person would be valued as an employee, having been given opportunity to succeed at what they could do. The very expensive 'baby boomers' will not be there anymore to drain the health system. Citizens would see all governments working cooperatively to act on challenges, in collaboration with all other sectors.

Governments would be respected and valued by the citizens. Government programs would be designed with the community and customised according to the conditions of each community. Business people would see that their opportunities for global expansion were increased because of the public sector.

Barriers to transportation would have been resolved and the economic routes across the nation and overseas would operate like a well oiled machine. Australia would have reversed ecological decline and would be a world leader in sustainable environmental practices.

To get there we must start operating differently now. We can choose to change our practices with different approaches, different ways of looking at challenges and issues and different ways of solving problems. It is not tweaking at the edges. It is time for a fundamental shift in our modus operandi. We have to learn to customise and design relevant solutions, and maybe different solutions, together. So, here are some of the things to which we could be directing our energy.

Mining Information and turning it into gold for use

There are thousands of data collections around the country of varying quality. The useful ones should be turned into knowledge. They are one of the vast treasures of Australia. We must mine them as we mine gold and copper. They can be interrogated intelligently. Some parts of the private sector do this better than us because understanding their data affects their activity, which affects the bottom line. Why are we not so driven? We have a responsibility as professional public administrators to bring the best information to the table. This is even more important as politicians receive other advice, often anecdotal and often inaccurate, which goes unchallenged.

Under the leadership of Dennis Trewin, the Australian Bureau of Statistics moved light years in making data more accessible and there is now a national Australian Statistical Advisory Council in which all states and territories have a representative. It is a start. At individual departmental levels we could, though, have a hard look at what really needs to be collected and then junk the stuff that is going nowhere. The remaining useful information would be available to everyone else.

We should not walk away from the past, but we can learn that the failure to evaluate our interventions over time means that we are bound to continue to make mistakes. We can find out what causes successful results. Good evaluation must be built in up-front.

Governments should be open about their plans and be sufficiently flexible to link them to each other. We could aim for the Holy Grail of an agreed regional framework within which our collated data gets integrated so that we would have a consistent body of knowledge about any particular area. As a minimum, we should develop clearing houses of knowledge. As a maximum, we could develop formal groups, together with local government, to develop regional plans. With this agreed data and overlapping collection regions, we could identify problems better, and work across levels and departments in looking for better solutions.

Find out what works in communities and stick with it

The Victorian government and others have undertaken studies which show what really builds strong communities. We should be concentrating on addressing our interventions to the things that work. We have had a tendency to think in terms of consistency of programs, rather than consistency of outcomes. We need to turn this around.

Communities vary. Some can be economically weak, but with strong social bonding. Others can be economically weak and in crisis. Assuming that priorities for intervention are to reduce negative indicators and increase safety, family functioning, access to employment and so on, we now know, thanks to the Victorian work, where intervention is most effective.

We also know how interventions can be made more effective by getting agreement on regional and local priorities, and then linking the funding from levels of government. While we do not anticipate ever taking away the decision making power of the politicians, we can give them much better information about how their decisions can drive real improvements.

We could have a common understanding about the communities, and customise solutions. We could have alternatives to the 'one size fits all for everything' approach. In this customisation we could have an agreed plan, with agreed expected outcomes that would be measured.

We could design the interventions without imposing standard program rules. They would emphasise strengthening the subtle institutions of neighbourhood and local leadership and community engagement.

The consistency of results would be improvements in school retention rates, community safety, in access to employment and in improved health indicators. We can tolerate inconsistency in programs if there is consistency of results. We can build community capacity by cooperating, and by being seen to be cooperating, and by taking our own jobs out to communities, which would also provide an economic boost through increased employment. All government call centres should

be out in the regions. We can recognise and build on community expertise and faces that endure, rather than the ever-changing faces of bureaucracy which leave communities confused.

The citizen counts

We can listen to what the people think about how we deliver our services. We can make it easier for them to do business with us. We can co-locate our services. We can act as each other's agents and not turn people away. We can do better with language and disability access. We can manage queues better and extend our hours of service to 24 hours, each day of the week. We can provide a human face that is constant when problems get complex; we can streamline our procedures.

We can challenge the relevance of the myriad of rules we set, open longer hours, place more people on the counters at peak times. We can set standards of service which are publicly available. We can involve citizens in design. We can do all these things – but we do not. A new public administration would require these as a minimum standard.

Australia is still ranked below the top three countries in electronic government. We can drive this stronger and use technology to improve the way we work. We can offer our services and share ideas and knowledge.

We can make it easier for community organisations to do business with us, like single grants' sites and agreed quality standards.

Most elected governments are calling for reduction in red tape. It is driven by the need to attract business and to make it easier for business to compete internationally. We can do this even with simple things like having the same forms for state business across Australia. We can also look at our fragmented legislation and the compliance burdens which we impose on others and ourselves. But it takes skill and serious non defensive attention. We must reduce processes for the citizens, businesses and the community sector. The discipline of process redesign (lean thinking) should be introduced everywhere. It is a field filled with entrenched interests, but they could be brought to the table to resolve the conflicts in the interest of the whole country.

It is everyone's business — work together

We spend a lot of time distracting ourselves by rearranging departments to try to effect improvement. In fact, this often provides a distraction. We actually know that a much better idea is to get people from different agencies to come to the table, without carrying baggage and to work on a solution with the facts out in front. Accountability attached to delivering results should drive this action, rather than being the excuse for it not happening. The ways we work in crisis, casting aside egos and rules to produce positive change should be the way we operate all the time.

It takes deep breathing and courageous leadership to move the resources from crisis to those which get in early to prevent problems. We should be prepared to hold the line and take the risks in the interest of the long-term.

We talk of 'joined up government', but the advocates usually only talk of the same level of government. We must arrange to make this happen through all the levels together.

We need a new attitude to decision-making which starts from the challenge that no one level of government has all the answers and that we come to the table as equal participants. Our people should go to the table not to defend turf, but to solve problems. It is not satisfactory to withdraw and say 'that's not my business'. The citizens don't like buck-passing. They want cooperation. It starts with the public service.

Everyone at the table

This should happen at two levels — the citizen and our young staff. It is not hard to bring people, the citizens experiencing problems, into the room while we solve problems. We must have more affected people in our conversations, even if they represent different views. Open resolution develops more honest government. 'Nothing about us without us' is the new mantra and it is worth adopting if we want traction with what we do.

We all have young people on our staff, and not enough of them. The scary thing is that lots of them will not stay. They certainly have different expectations of the workplace and will not be waiting around for their voice to be heard. Our

workplaces should be giving them opportunity to challenge the intractable problems and bring new ideas to public administration, and to work together across jurisdictions.

It is not hard to bring people suffering frustrations into the room while we solve problems. We need more people in our conversations. Grandparents are involved now in conversations with Commonwealth and state public administrations to solve some of their seemingly intractable problems. It is good for all parties to hear different perspectives in the search for a solution.

We should be designing more flexible organisational forms, not the old command and control systems of management which the great global thinkers have agreed are out of date, but ones that are more team-based and flatter.

Lifting our game to world class

Australia leads in great issues, such as sustainability and dry land management. We owe it to our governments to act in Australia's best interest and work as a united team using global connections. We should bring ideas from everywhere to our thinking.

We should embrace international best practice standards for public administration and make sure we exceed them in everything we do, so that we build Australia's reputation as a preferred, and safe and uncorrupted, country with which to do business.

We should link with universities to create more centres of global excellence so that Australia is seen as a world innovator. We must work out ways to keep our great innovators without them having to go overseas.

Connecting up Australia

There must be a way of designing the lines of movement across this country that feed the transport hubs, including ports, which will carry the tourists and the goods smoothly. There must be sensible ways to bring life into the vast expanse of our country. There should be a great infrastructure plan which serves the nation, from both transport and land use planning points of view.

“We should not walk away from the past, but we can learn that the failure to evaluate our interventions over time means that we are bound to continue to make mistakes. We can find out what causes successful results. Good evaluation must be built in up-front.”

We must resolve the conditions which threaten our biodiversity, while at the same time allowing economic development. We have the skills. We live in the digital generation and we work without boundaries. Some of the senior people had better learn to use a computer! 2040 will have us wired very differently from today.

Many other countries face corruption in government. Our public sector has a reputation for being free of corruption and having good governance arrangements. This is a community asset to be exported in the interests of building up failing states. We have a lot more to offer as a good neighbour, like Canada does, sending expertise in very respectful way to the countries of the world who can benefit by our knowledge.

The getting and keeping of wisdom

It is to our shame that in times of fiscal constraint, the public sector cuts its staff development budgets. We do spend a lot of money on internal management issues, occupational health and safety, asset management and human resources processes. This is all good stuff, but it is only part of our work. It is very internally focused. We should be building the skills which connect us outwards. There should be just as much emphasis on shared learning opportunities with universities to bring our expertise and information to ministers to the standard of the best in the world. We should be contributing to research centres in conjunction with universities, to build a global presence. This should be an investment priority.

We must develop superior analytical thinking for the big policy questions and the big service delivery questions. Those with policy responsibility should learn that the best ideas

often come from the people who are actually delivering services. We also should be reflecting on the big issues and come up with more creative ideas, based on the best research available and on learning from others.

We are losing some wisdom and knowledge with the passing through of the ‘baby boomers’, but it could be said that some of that was relevant for the times, but not so relevant for the future. Some of their knowledge, though, is invaluable. Apart from working out ways to keep them working part-time, we should be investing in electronic ways to capture their knowledge, and to combine it with official information and precedents, for easy access by the present and next generations.

All our staff should have access to regular, formal training to keep performing at the most superior level they can. It should not just be for people who put their hands up for it.

We should not cringe from building individuals with great excellence in subject matter areas and sending them overseas for advanced training. There should be an Australian public official presenting a paper at every significant overseas conference.

CONCLUSION

It's a new century. When Robert Garran quoted ‘...that which is best administer'd is best’ he followed it with ‘...it is not so easy to “best administer” a bad system’ (Garran 1897:184). He worked hard to make sure the Constitution was the best it could be, but he called it the dead mechanical framework of national unity. ‘The life and soul of the union must be breathed into it by the people themselves.’

He went on '...The nation will be a nation, not of clauses and sub-clauses, but of men and women' (Garraan 1897:185). He left us a great challenge. We do not have a bad system of administration, but we do have one with fraying edges and a few too many clauses and sub-clauses, processes and old fashioned dance steps. We need thinkers of the same calibre as Sir Robert and of the calibre of the people at this conference to make the system the best it can be. The new century requires new thinking about public administration in this different world, complex enough but often made more complex by us.

The solutions would not rest on power and size, but on knowledge, creative thinking and collaboration. Public administrators should understand the limitations of our present ways of operating and have the courage to develop more appropriate new ways of working together.

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2009 ▶

GARRAN ORATION



EQUIPPING THE AUSTRALIAN PUBLIC SERVICE FOR AUSTRALIA'S FUTURE CHALLENGES

Delivered by the Hon. Kevin M Rudd MP, Prime Minister of Australia, at the National Conference of the Institute of Public Administration Australia, Brisbane, 20 November 2009.

Kevin Rudd, Prime Minister of Australia (2007–2010); addressing the National Press Club at the Great Hall, Parliament House, Canberra, 17 April 2009.

Damian McDonald | National Library of Australia: 431692.

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The life and work of the first Commonwealth public servant, Sir Robert Garran, is one of the most remarkable stories in the history of the Australian Public Service (APS). And it is profoundly relevant to my subject — the reform of Australian government administration in a time of changing public expectations, changing technology and changing demands. The Australian public is on the whole well served by honest, capable and highly committed public servants in our government departments and agencies. You are doing nation-building work, you are doing it well, and I thank you for it.

In September, I announced that the government would undertake a process of reform of Australian government administration. I asked the Secretary of the Department of Prime Minister and Cabinet, Terry Moran, to establish an Advisory Group to develop a blueprint that would position our public service to meet the immense challenges of the 21st century.

The Advisory Group will deliver its blueprint early next year. But ahead of the release of that document I want to discuss why the Australian government is undertaking this process of review and reform of the APS. And I will discuss the main findings of an important report that measures the performance of the APS against eight of the best public services in the world.

We are not undertaking this reform process because the APS is serving the government poorly. On the contrary, many parts of the APS are distinguished by excellence in policy advice and program and service delivery. Nevertheless, the APS also has some gaps that will constrain its capacity to help the government meet some of the nation's most difficult challenges in the years ahead. In particular, the APS needs to do more to ensure that it provides the highest-quality service delivery to Australians, that it delivers the highest-quality policy advice across the public service, and that it strengthens the quality of its workforce by attracting and retaining the best employees.

“Sir Robert’s ideal of an outward-looking, engaged public service committed to the Westminster traditions of impartiality and integrity remains absolutely relevant today.”

When we think of the highest qualities of public service, we can do no better than to think of Sir Robert Garran. Sir Robert, we might say, is one of Australia’s lesser-known founding fathers. Yet he deserves a place in our national history as prominent as many of our political leaders at both state and federal level. His influence on our legal, political and administrative system is incalculable. As the first Secretary of the Attorney-General’s Department, he drafted the legislation that shaped the first departments and the first administrative arrangements of the Commonwealth. Bear in mind that the High Court had not been established at the time — giving Sir Robert the first crack at interpreting the words of the new Constitution. He was well qualified to do so, having been the secretary of the committee that drafted the Constitution and the joint author of the only annotated guide to it.

In the early days of the nation in 1901, Sir Robert did not exactly have legions of public servants at his command. He not only wrote out with his own hand the Commonwealth Gazette Number One that proclaimed the establishment of the nation — he took it down to the government printer himself. Truly, Sir Robert gave a whole new meaning to the term, whole-of government. For a few days, he was effectively the whole of our government — as Australia’s only public servant. He held the Secretary’s post for 31 years, earning the respect and trust of the 16 governments under which he served. According to legend, Prime Minister Billy Hughes claimed that the best way to govern Australia was to have Robert Garran at his elbow, with a fountain pen and a blank sheet of paper. It has even been said that whenever a crisis arose, Hughes could be heard yelling, ‘Where’s Garran?’

Much has been written about Sir Robert’s brilliant legal mind, his passion for the Commonwealth, and what former Crown Solicitor Fred Whitlam — father of Gough — described as his ‘serene

wholeness’. But it is also striking to see how ahead of his time he was in the causes he championed. To give one example, decades before the Australian National University (ANU) came into being, he saw the need to develop top-class education institutions and link them with the public service. He proposed the establishment of a National University at Canberra that would have expertise in — and I quote:

Oriental matters, Pacific relations, international relations generally, public administration, and economics.

It is remarkable how closely the final shape of the ANU reflects Sir Robert’s early proposal. Like other ANU graduates, I consider myself a beneficiary of a vision that ultimately became a reality in the postwar era. Sir Robert’s ideal of an outward-looking, engaged public service committed to the Westminster traditions of impartiality and integrity remains absolutely relevant today.

The task of the contemporary public service is to protect those enduring values, while transforming itself to meet the great challenges of our time. That sounds as if I am asking the public service to change dramatically — and to stay the same. And in a way I am. But it is precisely those institutions that are most confident in their culture and traditions that are most able to embrace change. I believe the Australian Public Service is such institution.

My confidence in the APS is based on many experiences during the past two years in government, as well as my own previous career experiences in the federal and state public service. A year ago, Australia was facing the greatest global economic crisis since the Great Depression. In the early days of the crisis, advice from the Departments of Treasury and Finance was vital in developing the Nation Building

Economic Stimulus plan that helped Australia to avoid recession and keep hundreds of thousands of Australians in work. That advice was provided quickly, under intense pressure. It was backed by clear reasoning and empirical analysis. And once decided, it was implemented without delay.

In just 12 weeks, with the help of the tax agent industry, the Australian Tax Office processed stimulus payments to more than 8.4 million Australians. Payments delivered on time and on an unprecedented scale. In the nine months since February, Commonwealth, state and territory public servants have approved nearly 50,000 major construction projects. Half of them have begun and 2,000 are already complete. Again, work on an unprecedented scale, executed at great speed and with great success.

The contribution of the APS has also gone beyond Australian domestic policy — a senior official in my department has been instrumental in developing measures now adopted by the G20 on global financial standards. The performance of the APS during the global financial crisis has been outstanding. But while this shows that the APS performs well under pressure, crisis is not the everyday experience of government. Just as important and more common is the day-to-day work of service delivery and the long term challenge of providing top quality policy advice.

How well the APS is performing those tasks is what the Advisory Group on APS reform has set out to test. From its establishment in September, the Advisory Group was clear that the APS should aspire to be the best public service in the world. This is an entirely appropriate aspiration. After all, Australians aspire to being the world's best on the sporting field, in the marketplace, in the science and medical laboratory, and on stage and screen. So too we should aspire to being a world leader in the quality of government — both in delivering government services and developing government policy. If the public service wants to be the world's best, it must measure itself against the world's best.

This way, it can learn from the best, and become the best that it can be. That is why the Advisory Group has commissioned a report from KPMG measuring the performance of the APS against eight of the world's best public services.

The report is available on the website of the Department of Prime Minister and Cabinet. It compares the APS to the public services of eight other nations: the United States, Britain, France, Denmark, Canada, the Netherlands, New Zealand and Singapore. These are public services that consistently score highly in comparative international studies. All have gone through significant reform in the past decade and all are explicitly looking to achieve excellence.

The report uses a variety of international studies, research tools and qualitative data to rate the nine administrations on the basis of six criteria essential to a top-performing public service. They are:

- a values-driven culture that retains public trust;
- the ability to provide high-quality, forward-looking and creative advice;
- delivery of high-quality programs and services that put the citizen first;
- flexible and agile responses to changing realities and government priorities;
- efficiency and effectiveness in all operations; and
- ability to recruit, develop and retain the best employees.

Of course there are difficulties in making comparisons of such complex concepts, given the different contexts in which each service operates. Even so, the report provides a valuable perspective on conditions in the Australian Public Service today.

First, there is no doubt that the APS measures up well against the world's leading public services. Across the nine administrations, the ranking of the APS on different indicators ranged from near the top, to comparable, and to below average. For example, the APS ranked highly for its independence and values — reflecting such factors as the level of political involvement in public sector appointments and the existence of legislation that clarified the roles of the public service compared to ministers and advisers. This supports the findings in the 2008 Institute for Management Development's World Competitiveness Yearbook which ranked Australia behind only Denmark and the Netherlands for its independence and culture of strong professional and ethical values.

The report also ranks the APS as a world leader — behind only Singapore and Denmark — for its longstanding role in shaping government policies that have responded quickly and skillfully to changes in the economy. Areas where the performance of the APS is on par with the overall performance of the group of eight public services include:

- its efficiency in delivering outcomes for its size;
- its ability to develop the skills and leadership capabilities of its workforce; and
- its provision of online access to government information.

But there are also some measures where the APS does not perform so strongly. One such area — as the Advisory Group suspected when it commissioned the report — is the capacity of the APS to produce informed and forward looking policy advice. On one international measure of policy capability in OECD countries — the Sustainable Governance Indicators index, which measures organisational reform capacity of governments — only France ranked lower than Australia among the nine countries in the report. However, we should note that the data on which Australia was ranked related to the years 2005 to 2007, during the previous government's time in office. As the report explains, the creators of the index judged that Australia's ranking was affected by the lack of a government strategic plan to guide decision making and insufficient consultation outside government to inform policy formation. Since that time, there has been a change of government and the government that I lead has adopted a cross-government strategic planning framework.

The report found Australia's public service to be less adept than other nations at incorporating non-government expertise and the views of citizens into its policy development and service design process. This is something that the government has been addressing since we came to office through measures such as community cabinets, reforms to Freedom of Information laws, the 2020 Summit and the development of a Web 2.0 plan. The report also finds that more needs to be done to develop an overarching identity and mission to help the APS implement government priorities — in other words, to become a unified public service.

In short, we can take encouragement from this report. By the highest global standards, the Australian Public Service is independent, professional, ethical and efficient. But at the same time, its challenge now is to become more strategic and forward-looking, more outward-looking, and more citizen-centred. To quote the report, the APS has 'some way to go if it is to realise its ambition to be best in the world'.

The report largely confirmed the initial assessments of the Advisory Group and the government of the strengths and gaps in the performance of the APS. The APS needs to improve in three key areas:

- service delivery;
- the development of excellent policy advice; and
- planning to ensure it has the highest quality workforce to meet the challenges ahead.

As the report notes concerning the APS:

It must manage high expectations from the public and Government, accommodate a greater role for citizens and users in the design and delivery of services, and adjust its operations to accommodate an ageing workforce and tight fiscal environment.

I think this goes to the heart of what APS reform is all about. It is about nothing less than the APS responding to fundamental changes in the economic, social, technological and cultural environments in which it operates — fundamental changes that require a redrawing of the relationship between citizens, governments and markets.

David Miliband, the United Kingdom's Foreign Secretary, recently predicted that this century will see three great power shifts — the shift of power from the national to the global level; the shift of power from the West to the East, and the shift of power away from governments towards individual citizens. The last of these has profound implications for the future of the public service. It is driven above all by the increased availability, reach and power of information — all of which is putting more power and choice in the hands of individuals. When computerisation first reached governments in the 1970s and 1980s, there were fears it would create an all seeing, all-powerful Big Brother state. There

“...there is still a widespread view in the community that government agencies are bureaucratic and unresponsive to individual needs and those views reflect real life experiences that many people can remember.

Too many Australians experience dealing with government as cumbersome and time consuming. Too many public services are duplicated or otherwise not efficiently delivered. Too many citizens in remote and regional Australia – and too many citizens with the highest needs — are not getting the services they require.”

still are risks that government agencies can misuse or mishandle the vast amount of personal information that they now process — a matter that the government is addressing through the first comprehensive overhaul of the *Privacy Act* in more than 20 years.

But the lesson we have all learnt since Internet access became widespread in the 1990s is that information technology is changing the relationship between individuals and the state, in favour of individuals. Individuals can access information in ways many of us could never have imagined at the beginning of our professional lives. Consumers can compare prices of hotels in different cities, measure the ontime performance of competing airlines, track the progress of a parcel around the world. Patients no longer just accept what their doctor tells them — they now go online to learn about their condition and treatment alternatives. And over time, the Internet is changing the way citizens think about their rights, their responsibilities and their expectations of government. It is a profoundly democratic force, whether you are in Ireland, India or Iran. And it is a profoundly democratic force in Australia too, one with major consequences for the operation of government.

The first impact of changing technology and changing expectations is in day to day service delivery — which is the starting point

for improving the average Australian family's encounter with government. The hospital that treats our sick parent. The school that teaches our child to read. The education and training system that helps us to make the most of our natural gifts. The welfare payments that assist us in times of ill fortune or old age. These services are at the core of what governments do.

Ensuring that they are of the highest quality is essential to achieving this government's ambition to forge a stronger, fairer nation, equipped to meet the challenges of the future. After all, we have a lot of skin in the game. We not only provide substantial funds toward the delivery of state and territory public services, we also directly deliver more than \$4 billion in services every year through a range of agencies. And we need to know more about how well these services are delivered. Unlike Canada — which holds a three-yearly national survey of public satisfaction levels with services across three levels of government — we have no measurement across the whole of government of the quality of service delivery. We know some things, and they are heartening.

In 2007, the Australian Public Service Commission collated the results of client surveys for 18 government agencies, and found that on average 80% of clients were satisfied with the services the agencies provided. And in a 2008 British study of citizen satisfaction with service delivery

across a range of countries, Australia rated highly. This is a good start. But there is still a widespread view in the community that government agencies are bureaucratic and unresponsive to individual needs and those views reflect real life experiences that many people can remember.

Too many Australians experience dealing with government as cumbersome and time consuming. Too many public services are duplicated or otherwise not efficiently delivered. Too many citizens in remote and regional Australia — and too many citizens with the highest needs — are not getting the services they require. A poor interaction with a government agency is one of the most frustrating experiences anyone can have. Because while public sector agencies often describe citizens as 'customers', the truth is that they cannot just wander down the street and choose to deal with a different government. And when people are dealing with the government, they are normally dealing with matters that are of great importance to them — like obtaining an age pension, renewing a passport or paying their tax.

At a federal level, Centrelink has shown itself to be a model of a modern, more client-focused arm of government service delivery. Its network of more than 300 customer service centres and more than 1,000 service delivery points provides a range of services — usually at the one counter. Similarly, its Mobile Office, formerly known as the Drought Bus, offers access to a range of services to people affected by natural disasters such as drought, flood and fire. Those services range from financial support to advice on tax, health and even depression and counselling services.

Many people affected by Victoria's devastating Black Saturday bushfires earlier this year have praised Centrelink for its exceptional response to the crisis. Centrelink worked with the Victorian government to run 10 Community Service Hubs that offered victims rapid access to government services. When people came in looking for help, they weren't directed to five offices or five different counters. Instead, public servants sat down with them to find out what they needed. Only later did the officials sort out how, and through which department, the service would be delivered. That kind of service makes a real difference in a time of crisis. To illustrate the importance of what Centrelink did, consider the remarks of one resident of Kinglake, Steve

Fleming, on ABC radio earlier this year. He noted that he had only ever heard bad things about Centrelink before the fires. But, and I quote:

The experience we have had here with the Centrelink people has been just marvellous. All the bad experiences I have heard of people having with government institutions has just gone out the window.

Centrelink's response to the bushfires is the sort of integrated approach to service delivery that we need to spread across all government agencies.

The Internet provides a great opportunity to make this happen — but as the Advisory Group report shows, a number of overseas countries are ahead of us. In the Netherlands the Internet has become so important to service provision that the government has established an e-Citizen Charter setting out citizens' rights and government responsibilities in online service delivery. And Denmark has created a citizen web portal that provides a gateway to government services, while also offering e-voting and online discussion forums about government policy. Citizens find information about services by modeling their personal circumstances against 12 different online 'personas' that reflect different life stages and situations. They can then find and store their personal data relating to government services through a My Page function. They no longer have to navigate through information on a raft of services administered by a range of different agencies. During the portal's first year of operation in 2007, it attracted an average of 80,000 unique users every day — among a population of only 5.5 million people.

The Australian government has begun to use information as a way to strengthen our relationship with citizens, and to be accountable for the services we provide or support. Our healthcare reform process is looking at introducing individual e-health records to give patients access to their own medical data and allow them to take charge of their own health management. Next year, for the first time, we plan to give parents access to information about the literacy and numeracy performance of their childrens' schools through our My School Website. Such information will expose strengths and weaknesses in the system, improve parent choice, and drive our policy response.

Transparency will not always be comfortable — but it is essential for accountability and improved outcomes. In addition, by the end of this year, our Government 2.0 Taskforce will report on how we can use information technology to strengthen the relationship between government and citizen. That includes ways to give citizens greater access to government information, and to hear their ideas for how government programs and services can be better delivered.

Improved service delivery is just the start of our ambition for APS reform. The second great challenge is to ensure that the APS produces the innovative and strategic policy advice for the long term good of the nation. Since coming to power two years ago, the government — in partnership with states and territories — has embarked on a highly ambitious national reform agenda.

We have made substantial investments in education and training in order to lift national productivity and give more Australians the chance to make the most of their human potential. We are introducing reforms in 27 priority areas to lift unnecessary regulation and create a seamless national economy. We have for the first time provided national leadership in water reform to secure water supplies in both rural and urban areas, in the face of an extended drought and a changing climate. We are reforming the health and hospital system to give more choice to patients and to meet the needs of an ageing population. We are establishing a framework through which we will shape our cities so that they remain economically dynamic, environmentally sustainable and socially equitable as our national population grows by 13 million in the next 40 years.

These challenges are highly complex, involving many stakeholders and much disagreement about the best means to address them. They require partnerships among all tiers of government, and between the public sector, the private sector and community organisations. They require rigorous analysis of the evidence and careful measurement of outcomes over time. Australia's future challenges require neither old, bureaucratic, state-centred solutions, on the one hand. Nor hands-off risk management and contracting out of core government responsibilities on the other. Instead, they require the highest quality strategic policy advice. This requires innovation

and openness to the best thinking from around the world. It requires over-the-horizon thinking, so that governments are making responsible policy decisions mindful of their impacts on future generations. And it requires work on how we design markets in ways that address market failures and address long term challenges.

For example, our Carbon Pollution Reduction Scheme (CPRS) will for the first time create a carbon price and a carbon market as the centrepiece of Australia's response to climate change. The government does not tell businesses and individuals how they should reduce their carbon use through the CPRS. But it sets the framework of the market — the rules of the game — in which companies and citizens can make their own decisions. This approach will deliver the lowest cost pathway to reduced carbon pollution. Similarly, by establishing a price for water, the emerging water market is helping to improve the efficiency of water use in rural Australia, while enabling farmers to cope with a future with less water. These frameworks are based on social values — that Australia must act to use water more efficiently and cut its carbon emissions over time.

We are a government that believes in markets — but markets that function in the long term interests of Australians. Markets that create opportunities and choice but also reduce inequality and ensure fairness. If we help design these markets well, we will strengthen the new relationship between the citizen and the state. Just as the best service delivery unfailingly puts people first, innovative market design will not only safeguard citizens' rights, it will give them informed choices over how they live their lives. To embrace such over-the horizon thinking we need a highly skilled public service. In essence, we need public servants who possess the finest public service traditions of impartiality and honesty, but who are also open to good ideas about public policy, wherever they come from.

As the benchmarking report shows, the best public services are exploring how to encourage smart, bold thinking — from their own employees and from citizens. In Denmark, the *Mindlab* unit brings businesses and citizens together with public servants to find fresh ideas to tackle policy challenges such as integration of

immigrants and climate change. In Singapore, the Enterprise Challenge even provides financial incentives to citizens who come up with innovative ideas for service delivery. Here, the Advisory Group is considering a similar model in the creation of Strategic Policy Centres. These centres would free public servants from their daily duties so they could collaborate on ideas with a range of outsiders — including academics, business people and overseas researchers.

Parts of the APS are already collaborating with outside expertise in this way — sometimes by bringing them in on specific projects and inviting them to share their skills. But the APS will never abandon its mission to invest in its own people. And where we bring in outside expertise, we should always do so with the goal of transferring lasting skills to our own people. Building the capability of the APS is central to the government's vision for public service reform. That is why the Advisory Group has already identified a major investment in education and development of staff as one of its key recommendations for reform. To put it simply, we want the best people for what I think are some of the best jobs in the country. And they are designing policies and delivering programs that change the lives of Australians, for the better and for the long term. This is the third great challenge the Advisory Group and the benchmarking report have identified.

I have already spoken at greater length about the government's priorities for the future of the APS workforce, both in my address to the Senior Executive Service last year and the Paterson Oration at the Australian National University in September. For all that we say about institutions and processes, the public service is no more and no less than its people. That is why we need the best possible workforce — we need to attract them; we need to invest in them; and we need to retain them.

Over the next 40 years, the ageing of the population will change the APS, as it will change Australia at large. Even today, nearly a quarter of APS employees are older than 50. In the next 10 years, nearly three-quarters of Senior Executive Service employees will be eligible for retirement. Over the coming decade, just as the APS is losing some of its best older staff, it will have to compete within a shrinking pool of younger recruits, relative to the population at large.

An analysis by the OECD in 2007 suggests there is scope to improve the way we respond to the ageing of the public sector workforce across all levels of government — in particular by improving future workforce planning and providing incentives for older employees to stay in work. The task ahead for the APS is to attract and retain a large share of talented younger employees, while also encouraging its finest older employees to stay on the job.

Addressing these reform challenges will be the job of the Advisory Group and I look forward to receiving the Group's recommendations early in 2010. The challenges ahead for the Australian Public Service are substantial. But I have every confidence that the APS has the capacity to meet those future challenges, through the reform process we are now undertaking. If we still had Sir Robert Garran with us, I think he would understand the fundamental challenge that lies ahead: to sustain, strengthen and renew the values of impartiality, honesty, candid advice and commitment to excellence that mark the Westminster tradition of public service; and at the same time, to undertake the changes necessary to be meet the challenges of the future.

The APS has managed such processes of change and reform in the past. In 1996 a review of the *Public Service Act* led, among other things, to the replacement of much outdated and cumbersome regulation. Thirteen years before in 1983, the Hawke government's White Paper, *Reforming the Australian Public Service*, unleashed a decade of change that profoundly enhanced the efficiency and professionalism of the APS. In 1976, the Coombs Commission set in train reforms that over time led to a more devolved public service, a more diverse workforce and a stronger focus on service delivery. In the 1960s, Sir Frederick Wheeler, as head of the Public Service Board, introduced the reforms that led to the hiring of more graduates, women and Indigenous Australians, and in other ways laid the groundwork for the professional public service of today. All of these changes built on the foundation that Sir Robert had laid in 1901 — in writing out Commonwealth Gazette Number One. In 2009, we continue building on those strong foundations — with the sure confidence that the Australian Public Service has every chance to become what it rightly aspires to be — the best public service in the world.

NEW REGIONAL CONFERENCES, THE CLOSE OF THE QUEENSLAND DIVISION AND THE LAUNCH OF *THE MANDARIN*

In 2011 the contract for the provision of secretariat services to the National Council was awarded to the NSW Division. The Council downsized the national secretariat to free up resources for contracting research for policy submissions, and for the national website. The functions to support the National Council were subsequently shared by several IPAA NSW staff, equivalent to one full-time position.

The reforms undertaken during this time included strengthening the governance of the national body by devolving more responsibility for proposing initiatives, and taking carriage for their implementation to seven new Standing Committees: Events, Submissions, Marketing, Awards, Journals, Finance and Partnerships. IPAA's national website was also redesigned and upgraded to be a convenient portal for all IPAA services nationwide, rather than simply a vehicle for promoting IPAA National.

The preparation and publication of major policy submissions to the government was a major focus of activity. These included:

- *Improving Australian Public Sector Values* — August 2010
- *The Inquiry into the Reform of Australian Government Administration* (Moran Report) — September 2010
- *The Australian Public Service Commission's Draft Values Statement* – November 2010
- *The future course of modern government* — March 2011
- *Getting Serious on Client Service* — November 2011
- *Public Policy Drift: Why governments must replace 'policy on the run' and 'policy by fiat' with a 'business case' approach to regain public confidence* — April 2012.



Professor Percy Allan AM FIPAA.

In March 2012 the IPAA ACT, NSW and Victoria Divisions hosted an IPAA Regional Public Administration Conference in Albury to build the capacity of public administration in regional Australia. The Institute also hosted an International Congress in Melbourne in September with the theme 'Valuing Public Administration'.

In a shock to IPAA Divisions across Australia, the Queensland Division went into liquidation in 2012. Cash flow from its training and development activities had dried up as an unintended consequence of the new Campbell Newman Government's tightening of public service budgets.

Percy Allan stepped down as National President in September and Terry F Moran AC — the recently retired Secretary of the Department of Prime Minister and Cabinet — took on the role.

During his presidency, Terry Moran focused on advocating for public administration and the important role it plays in Australia's long-term future. As the voice of the profession of public administration, Terry Moran spoke at more than 30 events and provided written contributions for a range of publications. He also became a public spokesperson for IPAA on the quality, integrity and outcomes of public administration across Australia, and was often cited by media outlets.

In March 2013 the IPAA ACT, NSW and Victoria Divisions hosted another IPAA Regional Public Administration Conference, this time in Wagga Wagga, focusing on innovation in the public sector.

June 2014 saw the release of a report commissioned by IPAA National, *Australian Public Sector Innovation: Shaping the Future Through Co-Creation* written by Roy Green, Göran Roos, Renu Agarwal and Don Scott-Kemmis from the University of Technology. Terry Moran said he was thrilled to be launching the report which provided "a practical framework for managing stages of innovation in order to overcome barriers and normalise innovation practice".

July 2014 saw the launch of *The Mandarin* public sector news site by IPAA in partnership with Private Media. Speaking at the launch, Terry Moran expressed his pleasure to have been involved in the start-up phase of *The Mandarin*:

"We think that *The Mandarin* is going to provide more discussion about the issues that deep down most public servants are, in their professional life, actually passionate about. I hope it will also be a reliable bridge across the myriad organisational divides littering the public sector."

Initially adopting a subscription model, *The Mandarin* then moved to an open, free news service independent of IPAA, establishing itself as a commercial news site for public sector leaders and executives, reporting nationwide on public sector news and events.

In 2014 and 2015 the National Council published a series of professional capability standards designed to complement and integrate with public service employment and leadership frameworks. The standards — spanning policy,

procurement and regulatory dimensions — were crafted by experts from public sector agencies, professional bodies, and organisations in the private, tertiary and vocational educational sectors.

In September 2015, the final issue of *Public Administration Today* was published. The reluctant decision by IPAA ACT to call an end to the publication — with its origin in the former *Canberra Bulletin of Public Administration* dating back to 1973 — was the result of rising production costs and a reduced commitment to the publication from IPAA Divisions.

In October 2015 Terry Moran stepped down as National President and Penny Armytage — a former Secretary of the Victorian Department of Justice and Partner in Charge with KPMG Australia — took on the role.



Terry F Moran AC FIPAA.

GARRAN ORATION



NEW CAPABILITIES TO ALLOW US TO PROSPER

*Delivered by The Hon. Julia Gillard MP
Prime Minister of Australia at the National
Conference of the Institute of Public Administration
Australia, Hobart, 26th August 2011.*

Julia Gillard, Prime Minister of Australia (2010–2013);
addressing the National Press Club, Canberra as the
then Deputy Prime Minister, 24 February 2010.
Sam Cooper | National Library of Australia.

*Published in 'Australian Journal of Public
Administration' Vol. 71, Issue 1, pp. 1–5.*

We gather today to honour the central role of good public administration and sound public policy in shaping our nation's future. Nobody represents those things more completely than our first great public servant, Robert Garran.

Garran was the 'trusted confidant and counsellor of eleven Attorneys-General and sixteen governments' and departmental head for 31 years, a record unlikely to be broken. So great his influence, that when the *Nationality and Citizenship Act* was passed in 1949, Ben Chifley was the first to receive a citizenship certificate and Robert Garran the second.

The stories of Garran are the fireside tales of our public service, told and retold. How for a brief moment he was the Commonwealth's sole public servant. How all the documents of that early Commonwealth fitted into a single leather satchel.

Garran was not only a brilliant administrator. He was a skilled barrister, a translator and linguist, a gifted diplomat, a patron of the arts and of higher education. And, of course, a founding father of our Federation. The late Professor Robert Parker, one of the greatest scholars of public administration in Australia, said of Robert Garran:

His personality, like his prose, was devoid of pedantry and pomposity and, though dignified, was laced with a quizzical turn of humour. He was capable of strong and decisive administrative action when required. What people of all kinds most remembered were charity, modesty, courtesy and charm.

It is hard to imagine a more perfect description of public sector leadership as we wish it always to be.

I am determined that our public administration will remain as strong in the future as it has been in the past.

“...it is only through the work of great public servants, in a world class public service, with courageous political leadership, sharing a vision for Australia’s future, that our country can seize the opportunities of these rich and complex, promising and challenging years.”

The Blueprint for the Reform of Australian Government Administration, released earlier this year, contains many sound modernising proposals, designed to preserve the best features of our past in the future we can see. And I know that no one is more committed to that future than the tens of thousands of Australians who work in public service. Their working lives are dedicated not just to good public administration and policy in the abstract, but to a living culture of careers in service to Australia. What began in Robert Garran’s satchel lives today, from the cabinet ante-room in Canberra to the Centrelink office in Sorell.

And it is fitting I recognise everyone who works in public service in Australia today. You have never been more important. Because it is only through the work of great public servants, in a world class public service, with courageous political leadership, sharing a vision for Australia’s future, that our country can seize the opportunities of these rich and complex, promising and challenging years. For these are years, rich in opportunity and complex in detail; promising over the long-term and challenging in the present.

And over the winter of 2011, the economic challenges of the present have been very apparent to all Australians. The debate over European debt and the near-gridlock in the United States, the wild stock market swings that followed along with the growing realisation that for good or bad a strong dollar is here to stay set the scene through July and August. And this week, Australians woke to the news of significant plant closures and job losses in heartland regions of working Australia. Some look at the troubles of the global economy and see Australia as an economic sanctuary: not immune

from the world, but still strong in the world. Certainly, many investors continue to see us in this light. But Australians know their superannuation savings have shrunk with the fluctuating stock markets. They remember the Global Financial Crisis (GFC) and how much work was required to steer Australia away from the economic abyss. And while Australia has been growing overall, while over the last two years we have created new jobs and lifted take home pay across the board, many Australians have not felt the benefits in their own lives.

So I understand when people worry about their livelihoods; worry that opportunities might not be there for their children; worry that it will become harder to make ends meet and make the family budget add up. When they suspect they are already being left behind, that some parts of the country are getting ahead while others struggle with rising prices and a lack of opportunity. And I respect the caution and concern Australians feel when they consider the uncertain global environment, uneven domestic economy and the pressures our strong dollar creates. But caution and concern must be measured against and proportionate to the facts; and to the challenges we confront. This is what Australians should know today: our economy is fundamentally strong.

There are some problems in the world; and there are some challenges at home. We are strong enough to resist the problems; we are smart enough to master the challenges. Today, I will say more about where the challenges lie; more about the government’s plan to master them. And I will also say more about what that means for all Australians. Because, if we do these things well over this period of change, I can see an even stronger economy for us in the years ahead.

We need to understand, first of all, that the long-term story of our economy remains a story of long-term strength. We have strong fundamentals: like low unemployment, low public debt, a deep, stable and liquid financial sector. And an unprecedented investment pipeline, still building, with a staggering \$430 billion planned in resource investment alone. Projects like Gorgon, Gladstone, Queensland Curtis and Australia Pacific are happening now. These are long-term investments, driven by decisions over time horizons that extend well beyond the global market turbulence. The Australian economy has created jobs, around 750,000 since Labor came to office, while other nations were losing them. In a period where US unemployment almost doubled, we have more people in work than before the GFC. This is the most important thing we have done together.

Creating jobs is not just a sign of a good economy; creating jobs is the whole point of a good economy. Life is given direction and purpose by work. Without work there is corrosive aimlessness. With the loss of work comes a loss of dignity. Believing in the importance of jobs for all who seek them (of work in every household), is deep in our own national culture and deep in my government's beliefs. Only Labor governments will always put jobs first.

Sixty years ago, Ben Chifley's *Light on the Hill* speech took a straightforward view of Labor's task. It was not about:

...putting an extra sixpence into somebody's pocket... [but to] give to some father or mother a greater feeling of security for their children... a feeling that if a depression comes there will be work.

Two years ago, the Global Financial Crisis came, and with it came bad news for jobs. And Labor in office had one priority — we put the jobs of Australian families first. We restored confidence in our banks; we provided stimulus payments to families; tax breaks for small business; and delivered investment that ensured jobs for tradespeople; and built new road, rail and port infrastructure across the nation. It was not what everyone wanted to hear. But it was what we knew was right to preserve jobs. And it did the job. We saved 200,000 jobs.

Now, in the last two weeks we have seen some bad news for jobs again. Nothing can diminish the bad news for families in Wollongong and Western Port. To those workers and families the government has not just extended sympathy. We have extended a helping hand, providing immediate and practical support. But I also know the news in the Illawarra and on the Mornington Peninsula was not just heard by those directly affected. Many people saw the fear of these Australians and thought: 'that could be me'.

Now, we do have a dynamic economy. Around 300,000 businesses start up and close down in a typical year. Half a million workers change industries. And every day, Australians navigate economic change in their own lives. How? They get a full understanding of their own situation, they think through their goals, and they do what is required to make it so; perhaps changing jobs, retraining, moving industries, sometimes even cities, all to build a better future for themselves and their families.

The task for the nation is the same. We must understand the whole economy's story; understand the whole nation's goals; make the decisions; deliver the policies; all of which will get us there together.

So first, we must understand that what we have seen this week at BlueScope Steel is only part of the story of the future of the economy. The global demand for our resources is changing the structure of our economy. That does mean some jobs are no longer there — but at the same time it lifts our national income and creates many new jobs as well.

What is happening in the Australian economy right now reflects long-term global forces which have powerful effects at home. Big changes in global growth patterns are simultaneously creating new wealth and new opportunities while putting added pressure on some industries and parts of the country. Global growth has long been shifting from West to East — and this is accelerating again.

A decade ago, Australia's national income surged off the back of increasing demand for Australian commodities — especially coal and iron ore — as the Chinese and Indian economies awakened from a generational slumber. While the GFC punctuated this boom, it did not end it. Indeed, the changes which fuelled the boom of the 2000s have continued and in this second mining investment boom have proven even more

resilient. And in the post-GFC world, the appetite of the North Asian giants for our resources is stronger and more assured than ever before.

Developing countries in our region like China and India emerged stronger from the crisis. They are generating growth still at historic highs — and that growth is not just driven by their own manufacturing exports, but is increasingly driven by their own internal demand. Demand emerging from a rapid urbanisation and growing domestic middle class, hungry for the goods and services that mark a better quality of life. So growth in our Asian export markets keeps parts of our economy surging. On top of this, current weakness in Europe and the US makes us more attractive for investment.

And both these developments drive our dollar to its greatest strengths: a climb of unprecedented duration and speed. Driven by the resources boom, the exchange rate has moved some 45 percent in the space of two years. This has been good for businesses which rely on imports. And good for many Australians: it is not just cutting the price of overseas travel or luxury imports; it helps with household necessities like washing machines and clothes dryers. However, many businesses are finding the higher exchange rate extremely difficult to handle. In effect, many exporters have had to put up their prices by nearly half in just two years. This is amplifying pressures that already existed, where long-established business models were feeling the pressure of innovation and competition.

Asian growth, European and US weakness, a boom in mining investment, are all driving our dollar higher. That puts many sectors of our economy, like education, tourism, some parts of retail, and especially manufacturing, under pressure.

The changes that can release that pressure are driven by decisions we can make. We have long known that Australian prosperity depends not just on raw materials but on our ability to improve productivity through knowledge, skills, competition and innovation. So at the heart of my approach to economic management is a long-term approach to creating, and sustaining balanced growth for the whole of our nation; a long-term plan to keep the whole economy strong.

As Deputy Prime Minister, two great projects drove me that form part of this long-term plan.

The first was to lift the nation's human capital; to give our people more knowledge and skills and get more out of that knowledge and skills as well. In universities, fundamental reform occurred with demand-driven funding, investment in much-needed capital, and new support for research. In schools, we invested in teacher quality, developing a national curriculum, and new transparency through the *MySchool* website. In early education we improved the quality of childcare, making it more affordable, and expanding access to preschool education.

The second was to reform the nation's workplaces, aiming to use flexible enterprise bargaining to lift productivity across our national economy. We set up *Fair Work Australia*, creating national employment standards, and harmonising occupational health and safety. So I got rid of *WorkChoices* and its plan to compete with the world on wages and conditions. I got rid of *WorkChoices* and its plan to end job security. And I put in place a plan to compete with the world on knowledge and skills. I put in place reforms to unlock the real drivers of future productivity.

As Prime Minister, I am still pursuing reforms to unlock productivity and to drive balanced growth across the whole of our economy:

- clean energy;
- new jobs in new industries (a price signal leveraging billions of dollars in new investment);
- high speed broadband linking every part of Australia to every part of the world;
- a tax on mineral resource rents (taking the value we all own in the strongest sector in our economy to cut company tax for every Australian firm);
- adding to the national pool of savings through higher superannuation and to build regional infrastructure;
- skills and participation, lifting the capacity of all Australians to get good work and support a growing economy;
- personal tax reform to reward participation in work; and
- supporting every Australian region with new infrastructure, investment and partnerships — indeed we are making new announcements in Tasmania today.

And this is a long-term plan for balanced growth which did not begin this week. This government has long been on the reform road, has worked methodically over our term in office to keep the whole economy strong. When we came to office, we invested in human capital and reforming workplace relations. During the GFC we saved 200,000 jobs and steered us away from recession. Today, we are meeting the problems in the world and the challenges at home, making the decisions and delivering the policies which will grow Australian jobs. Today, we are building a clean energy future, a high technology future. The clean energy revolution is poised in the way the information technology revolution was poised a few decades ago. And the brutal truth is if you did not get in on the ground floor then you got left behind. I will not allow us to get left behind and lose the jobs and prosperity a clean energy future will bring.

Managing our economy today and building for our future cannot be done if we try to live in the past. While the pressures faced by some of sectors of the economy are real, and painful, we must stand firm against calls for protectionism. We know they do not work. There can be no return to protectionist policies of the past. The Australian economy has been the great beneficiary of open trade in the world; our economy has changed; our firms have adapted; our people have prospered.

Instead we will use our effort, our influence, our reputation, to advocate international action for global stability and balanced growth. And our challenge, as exposure to the global market grows, is to build new capability which allows us to prosper.

None of that means 'leaving manufacturing behind'. The investments and reforms we are making create great new opportunities for manufacturing. More productive enterprises and more skilled workers will make manufacturing stronger than almost anything we can do. A clean energy economy with economic incentives for new clean jobs will see new goods manufactured for new markets. And a high technology economy with high speed broadband around the country see manufacturing performed in much more sophisticated ways.

And these benefits hold true, not only for manufacturing, but for retail and tourism and education, for every part of our broad and diverse economy. We are not hiding away from the world, but becoming ever stronger in the world.

We know that doing the right thing for the long-term is not easy, and it is not automatic. I am proud to live in a nation with a vibrant political culture that enables us to let off steam and express our egalitarian spirit. Governments should listen, but in the end, they need to lead. Australians do not respect governments that tell them only what they want to hear. And governments that tell people only what they want to hear cannot build the future that people want to live in. So, we will stay on the reform road. If Robert Garran could build a nation's institutions from a satchel, we can find a way to be a strong economy with a strong dollar.

And, we can do the right things together for the country we share as well. We must chart a course which does not rely on wistful reflections of the past but does not abandon or forget the achievements of our economic history. Our agenda is modernising reform to strengthen our economy and create jobs. We have a proud Labor tradition, taking on the hard economic decisions, and taking them on in ways which mean that all of Australia benefits and no one gets left behind. We will continue that commitment as we work towards strong, balanced economic growth and jobs for our great country. We can be a strong economy, modernised for the future; with a balanced budget; high speed broadband; clean energy; skilled workers; productive workplaces; and competitive firms — always directed toward the great purpose of a great nation's economy: jobs for all who seek them.

2014 ▸

GARRAN ORATION



THE SIR ROBERT GARRAN ORATION

*Delivered by Noel Pearson — Founder,
Cape York Partnership — at the
National Conference of the Institute of
Public Administration Australia, Perth,
29 October 2014.*

Mr Noel Pearson, Founder, Cape York Partnership.

Good afternoon, and thank you very much, Terry, for that very kind introduction. I'd like to acknowledge the Noongar people and the indigenous people of Western Australia. I bring greetings from Cape York Peninsula. I've been very honoured by the Institute, for being afforded the privilege of giving this year's Garran oration, and I wish to thank the members of the board for this opportunity.

I want to speak about the question of constitutional recognition, and the empowerment of indigenous Australians. And to the rhetorical question, are we Australian Aboriginals or Aboriginal Australians, my consistent answer to the suggestion that there may be a separatist alternative, is we are Aboriginal Australians. That is, we are citizens of the Commonwealth of Australia.

However, this answer faces three objections that have force. The first is that Aboriginal and Torres Strait citizenship, insofar as it concerns the Commonwealth's Parliament's power to make laws, is currently based on the problematic, and indeed fatefully wrong basis of race.

The second is there is no recognition of the fact, and the implications, of Aboriginal and Torres Strait Islanders being the indigenous peoples of Australia.

The third is the extreme minority status of Aboriginal and Torres Strait Islanders, 3% of the nation. It gives rise to a Democratic problem. We do not have a say in the laws and policies that applied to our people. In this scare and oration, I will argue that the current agendas for constitutional recognition and empowering indigenous communities to take greater responsibility for their lives, offers us the opportunity to provide solutions to these weaknesses in the current arrangements of indigenous citizenship in Australia.

Let me return to the beginning of the history of the modern Australian nation, with the acquisition of sovereignty over this country, and the advance of the common law. We now know from the high court's decision in *Mabo*, the true legal history of the colonial acquisition of the antipodes on behalf of the British crown. We now know that with the settlers came, on their

shoulders, the common law of England, which fell to the soil and became the common law of the land. And that English law, which was the heritage of the settlers, recognized the possession of the native inhabitants. According to English legal theory, the acquisition of sovereignty meant that the indigenous peoples in possession of their traditional homelands became British subjects and entitled to all of their protections of British law. So, at the moment of sovereignty, all of the lands in the new colonies were the legal entitlement, under English law, of its traditional owners. The entire of Australia was held under native title by the Aboriginal and Torres Strait Islander tribes, that had occupied and possessed of those lands for millennia before the coming of Europeans. Native title burdened to the entire country at the beginning of white settlement. And the High Court described in Mabo, a process of parcel by parcel extinguishment of that original title.

The court explained that the British Crown had certain powers to issue titles that could compromise the existence of the native title. And so, the acquisition of titles by the colonists brought out from the initial settlements right across the nation, extinguishing or partially extinguishing the original titles of the indigenous peoples. That truth of the law of this country had been obscured for 204 years. There was no illumination of this legal truth for the best part of two centuries, and the actual history that played out across the country was done both in ignorance of and in contradiction of that legal right. It was only when Eddie Mabo and his fellow plaintiffs in the Maori islands took the case before the high court that the truth became known. Australia was not, as assumed, a terra nullius, what it was like all other British colonies across the globe. It was a colony that recognized the pre-existing rights of the natives under the law of the colonizers.

The difficulty facing the highest court in Mabo, of course, was how to reconcile the truth of the law with the facts of history. How was it that the truth of the legal history was going to be reconciled with the fact of bloody and miserable dispossession. The High Court proposed a three-point plan for that reconciliation. And two of those points were really at the heart of the Mabo decision. The first point said that the titles acquired into those two centuries, through the

process of dispossession, were indefeasible. They could not now be taken off the settlers. The first principle of native title in the Mabo case, was to recognize the validity of all of the titles and privileges that had been accumulated through two centuries of dispossession. If we know anything from Mabo, it was that land rights were secure and could not be challenged as far as they were held by the whites.

The second principle in Mabo, which was a logical flow on from the finding of native title, was that the remaining lands that had not been alienated were the legal entitlement of the traditional owners. Mabo meant that the leftover lands, the remnant lands, was the entitlement of the indigenous peoples. That was how the High Court sought to reconcile the original fact of comprehensive ownership, and two centuries of history. It was a preposition to the effect that the white fellow should keep everything that they'd gained, and the black fellow should get that which was left over. And in a subsequent case in which I was involved, called the Wick People's case in Cape York Peninsula, a third principle was articulated. And this principle applied in respect of pastoral lands, mining leases, and national parks, and other forms of tenure, whereby native title could coexist with the Crown title. And so, with Wick, we had the third principle of native title law. Coexistence. Entity that coexistence according to the High Court, the Crown title prevailed over the native title, to the extent of any inconsistency. That was the promise of Mabo, and Wick. Promise to a nation wracked by colonial grievance, a promise that enabled the nation to put paid to historical grievance through the peaceful processes of the law. A proposition that said the settlers could keep everything they'd gained, no matter how bloody that history might have been. The blacks would get whatever was left over, and there were categories of land, in relation to which coexistence was the rule.

We then came to the story of Federation. And the construction of the compromise between the colonies that comprised Federation. I want to say two things about the process of the construction of the Australian Commonwealth, under what we generally have a consensus is a profound achievement. The Australian Constitution is a profound achievement of democracy. However, I will speak this afternoon about

“We now know from the high court’s decision in Mabo, the true legal history of the colonial acquisition of the antipodes on behalf of the British crown. We now know that with the settlers came, on their shoulders, the common law of England, which fell to the soil and became the common law of the land. And that English law, which was the heritage of the settlers, recognized the possession of the native inhabitants.”

some fundamental flaws in that Constitution, as far as it concerns the indigenous peoples of Australia. Of course, it is common knowledge that the indigenous peoples of Australia were excluded from that Federation. They were excluded from the lawmaking powers of the new Commonwealth Parliament, and they were not counted in the Australian citizenship. So, the original nation, discriminated against those peoples who had been in possession of this country for the previous 53,000 years. That is the first aspect of the Federation’s story, of which we are well aware.

The second aspect and has become obscured in the mists of time is one that is less well-known and that is the inside that the federal compact was not just a majoritarian arrangement. It was not just a one vote one value democracy. It was an arrangement that made special provision for the small colonies comprising very small populations, concerned about being outnumbered when they consented to the larger nations. Western Australia, and Tasmania, benefited from the rights they received in the Senate arrangements. And today, those privileges continue. It is not just a one vote one value democracy with a live in. It is a democracy that takes into account a minority status of the populations of Western Australia and Tasmania, and it has ever been thus.

The question that arises in my mind is why was not there a similar provision in relation to the Aboriginal and Torres Strait Islander societies

that had preceded the Commonwealth? What if they had received democratic recognition of their status at the time the federation was put together? The indigenous peoples were quite significant in number in the Northern Territory and in Queensland, at the time of Federation. Had Senate arrangements been made at that time in their favour and in recognition of their interest, we would have had fair representation in the new Commonwealth Parliament. And of course, questions about the democratic implications of an extreme minority, aborigines and Torres Strait Islanders, making up 3% of the Australian population. Those implications about how is it that we make provision for such an extreme minority, to at the least have a say in relation to the laws and policies that apply to them. It may be one thing to say that they can be subsumed within the Democratic polity in relation to every other question, but surely when it concerns questions affecting indigenous peoples, the laws that apply to them and the policies that apply to them, surely they have an entitlement to some Democratic contribution in relation to those laws and policies.

Prime Minister Gillard established an expert panel to consider proposals for the recognition of indigenous peoples in the Australian Constitution. It was a recognition that the citizenship vote of 1967 had not finished this business. In 1967 as you will recall, an amendment was made to count indigenous peoples in the Australian census, as citizens, and the lawmaking function of the Commonwealth Parliament was amended

to finally include the power to make laws with respect to Aboriginal and Torres Strait Islanders.

But the mechanism for the power, in retrospect, was fatefully wrong. The entry door into the new citizenship for Aboriginal and Torres Strait Islanders was through the door of race. The Commonwealth's common power in relation to indigenous peoples is a race power. The assumption being that the indigenous peoples constitute a separate race. A distinct race from other peoples in the Australian nation. And I became persuaded during the process of expert panels considerations about how fateful, and ultimately how detrimental, that characterization has been for indigenous policy these past 40 years.

Race, in this country as the world over, carries heavy baggage. It is freighted with heavy meaning. All of the assumptions about the innate inferiority. The suspicion that the aborigines of the antipodes, in particular, somehow represented the lowest form of human likeness across the globe. We are all aware of this history. We are all aware, as Australians, that the concept of race, as it pertains to Aboriginal and Torres Strait Islander peoples, is particularly tainted with that old idea of inferiority. And it still today casts a large psychological shadow over the minds of Australians when it comes to thinking about its indigenous peoples and their predicaments. These egregious problems, encountered by and suffered by the indigenous Australians, may be put down still in our minds to some questions of inferiority.

I became convinced by the arguments of my colleagues the expert on all of that that 1967 accommodation, as right motivated as it was, gave rise to a poor solution. The entry into the national citizenship should have been on the same basis as everybody else. It shouldn't have been through the door of section 51-26, the race power. And indeed, we should, today in 2014, put behind us all concepts of race. We are a human race, and we should carry with us no longer any suggestion that they are distinct races. Yes, we have different ethnicities, and we have different languages and religions and cultures, but we are not distinct races. And I believe the day we put the concept of a race behind us is the day a great psychological freedom will be reached.

I've been reading and rereading the papers of Sir Paul Hasluck, a great Western Australian thinker, and policymaker in relation to indigenous affairs in particular. And I'm struck how the argument in relation to race was one very much at the centre of Paul Hasluck's thinking. It is extraordinary for me to reflect on Hasluck's determination that concepts about treating indigenous people as a separate race was evil at its core and should have been rejected.

The expert panel came up with a proposal, a set of proposals that included changing the Commonwealth's power, or the race's power, to a power to make laws in respect of Aboriginal and Torres Strait Islander peoples. The expert panel also proposed the removal of section 25 of the Constitution, which contemplates the possibility that state governments could legislate to exclude certain races from voting. It is an archaic provision that I accept would never be contemplated being put into effect today, but nevertheless, is an anachronism in our Constitution that should be removed.

There was also a proposal for a guarantee of non-discrimination to be put into the Constitution. A new section 116A, that would make it unlawful for the Commonwealth and state parliaments to do anything that would discriminate amongst citizens. And finally, a proposal to recognize English as a national language of Australia, and the traditional languages of Aboriginal and Torres Strait Islander peoples as languages of this nation.

The launch of the expert panel's proposals met with certain objections from certain quarters. In particular, there was a conservative objection to the non-discrimination proposal, notwithstanding the fact that Pauling suggested that it was the most popular of all of the expert panel's ideas. There is strong cross-party support for guarantee against racial discrimination in the Constitution. But of course, constitutional conservatives and conservative political leaders are very much opposed to a non-discrimination provision. In particular, the line that was used against the idea is that it would constitute a one-line Bill of Rights. This objection is very firmly held on the part of constitutional conservatives, and I anticipate that it will become of the focus of various strenuous objections as we move forward.

Disappointing for me is the lack of traction on a proposal that I was in particular very much in favour of. The recognition of Aboriginal and Torres Strait Islander languages. These languages are very diverse. They represent the heritage of all Australians. They're extremely interesting. For one such as I who speaks two of those languages, they are beautiful languages. They are languages that are attached to the landscape. All of the lands of my childhood, belonging to my mother and my father's ancestors are lands infused with these languages. These languages have ancient provenance, and they constitute my most precious sense of possession. And I feel that my own anxieties about the recognition of those languages is shared by every indigenous Australian who has febrile anxieties about their future.

This country is a named continent. Sandhills, mangroves, beaches, swamps, rock formations, rivers, creeks, a mere stone, have names. And the Anglicized names that we use in common parlance today, Noosa, Tewantin, Eumundi, Coolum, all of these names that many young Australians don't even recognize as indigenous names, are but the small tip of an iceberg of names that cover the entire continent. My own estimation is that probably less than 5% of the names of Australia are officially recognized. In some parts of Cape York, there is a named place every 50 meters. That little creek has a name. And that intimacy of the Australian landscape will be lost if we don't, as Australians, take care of it. That the proper nomenclature of the continent is preserved and recognized for our future.

I told a story of every trip I take to my homeland beach house, at Hope Vale, at a place called Yugubarraalbigu. I pass a hill that on the map is called Round Hill. And its proper ancient name, probably hundreds, possibly thousands of years old, is Dhamal Nubuun. Not Round Hill. Dhamal Nubuun One Foot. And it's a terrible indictment of the country, that the official maps of the Guugu Yimidhirr lands, do not have at least a co-name of Dhamal Nubuun, next to Round Hill.

The conservative objection to some of the proposals in the expert panel's report, have got to be taken seriously. I understand how fervently and how seriously the idea that the non-discrimination clause is objectionable. I understand it in a way that I didn't understand when we reported to Prime Minister Gillard in

2011. I understand now the conservative idea that they insist that Parliament be supreme. That judges shouldn't be left to decide what policy and law should be. Their objection, that the proper government of our society, should be in the hands of the supreme Parliament and not in the hands of the courts, is a serious objection which I have endeavoured to take proper account of.

And it seems to me that this whole issue of how is it that we ensure that in the future, Aboriginal and Torres Strait Islanders are not subjected to the kind of discriminations that we endured is that first century of nationhood, discriminations that were adverse and hostile and blatantly harmful, had been added to, in recent times, that were helpful in intent, but which amounted to, in those singularly profound phrase of George Bush's, they amounted to the soft bigotry of low expectations.

It is not just adverse discrimination that has been the problem in my view, it has been benign discrimination, aimed at helping people, that has also contributed to our problems. And how is it in the future that we can ensure that we have a proper say in relation to the laws and policies that are made. And it seems to me that there are two options. One is, as proposed by the expert panel, a judicial proposal, let's leave the high court to supervise a principle of equality or as non-discrimination.

The second alternative, if you're opposed to judicial supervision, is a democratic alternative. How is it that we afford the Aboriginal and Torres Strait Islanders a say in relation to the laws and policies that apply to them. Shirley, if we're not going to allow the high court to supervise a non-discrimination principle, surely, we should make democratic provision, for Aboriginal and Torres Strait Islanders to have a say.

This raises in the minds of some objectors the idea that special provision for the indigenous peoples is antithetical to ideas of liberal democracy. And Greg Sheridan from the Australian newspaper, raised this very objection. However, proper objection of the arrangements that have been made across various liberal democracies throughout the West, discloses that there is no template liberal democracy.

Liberal democracies are not cut out by cookie cutters. Each is a unique response to the circumstances face saying the nation at hand. New Zealand has dealt with its citizenship questions in a certain way and has made accommodation for its indigenous peoples. The United States, no less, lauded by Sheridan, as the exemplar liberal democracy, is, in fact, a liberal democracy that recognized the domestic sovereign dependent status of its native peoples, since the 1820s. Indian tribes in the United States have sovereignty. A domestic form of sovereignty and are not subject to provincial law.

So, this whole question of how is it that liberal democracies accommodate the particular position of minorities in particular, indigenous minorities, those peoples who pre-existed the Commonwealth, every nation has come to their own solution. The question for Australia, is whether at this stage of the Australian nation, we will be prepared to make a more complete Commonwealth.

I believe, like Terry, that we should be positive about the possibilities. I believe like Terry, that optimism about our prospects for solving the indigenous problem as we think about it, is within our reach. We can solve Aboriginal problems. These are not intractable problems. These are not problems beyond our ken. These are problems that Australians can reach forward and solve. However, in order to do that, we have to bring together the great dialectical conflict that there has always been around indigenous policy. Between how it is that we have a one united citizenship and yet recognize that there are amongst that citizenship, peoples who were indigenous to this nation.

We have to come to grips with the idea that to be indigenous is not to contradict the idea of a one united citizenry. We also have to contend with the more dishonest suggestion that the recognition of indigeneity equates to race. It's a revival of the race problem. And Andrew Bolt and other commentators seek to make the equation between indigeneity and race, as if our demand that there ought to be recognition of the indigenous status of Aboriginal and Torres Strait Islanders, is a demand to revive the problem of race. But indigeneity is not a race. Indigeneity is about original peoples with an original heritage, particularly connected to the country. There are

white people who are indigenous to various places on the planet. It's not a question of race. This is a question of the connection between a particular people and their culture, and the place upon which the nation has been founded.

If we're going to come to terms with this, we're going to have to come to terms with that argument. It is a dishonest argument in my view, to equate indigeneity with race. We will also need to come to account, in relation to the basic question of development, and indigenous heritage. There were two agendas we must concern ourselves with. How do we recognize the indigenous heritage of Aboriginal and Torres Strait Islanders, their existential anxiety about their culture, about their languages, about their connection with their traditional homelands, and the imperatives of development?

In my view, Australians have demanded that indigenous people choose one or the other. That we cannot have that two. Australians have demanded absolute assimilation in order for development to take place. Indigenous Australians have been asked to renounce their heritage, in favour of social and economic equality and participation and development.

On the other hand, there is the argument that in order to maintain our indigenous heritage, we needed to renounce the imperatives of development. Plainly we are now at a juncture in our history where the two things have to be synthesized. The two imperatives are necessary. There is no contradiction between the idea of a people maintaining their heritage, while at the same time, participating in development. We have to want two roads to achieve that vision.

I call the road of Adam Smith, the road of development. The road of the indigenous peoples, pursuing in their own self-interest, a better life, and that road is a universal road. It is a road shared by all people seeking better for themselves, in individual and social progress. The Adam Smith road is a well-worn road. It is not a culturally specific road. It demands of all peoples the same. And Aboriginal Australians in my view are not exempt from its demands. If we want social and economic progress, we must walk the Adam Smith road. We must as individuals and families clutching our children

to our breasts, walk with our own legs, towards something better for ourselves. We must climb the stairs of social progress in pursuit of a better life, like everyone else does. That is the road of development, and it is what I call the Adam Smith road.

But there is also another road we must walk. It is the Johann Herder road. The great German nationalist philosopher, who reminded us that men cannot just live by bread alone. There are things important to human beings that transcend material wealth and progress and contentment. When we've satisfied all of our liberal and social democratic desires and agendas, we will still have a hunger in our hearts. We will have a hunger for some inner meaning, that only our culture can give us. That only our heritage can support us in. That is why I've continually been motivated by the example of the Jews. Because there represent a people walk two roads. They walk the Adam Smith road, of professional, academic, political, business, cultural, creative roads, as well as pursuing their communal road of preserving their identity, their languages, their heritage, and their traditions and rituals. Their sense of community. There is no contradiction there. They have made it work.

And the other cultures and ethnic groups that have similarly made a way through the world by preserving and sustaining their heritage, whilst at the same time participating at the very cutting edge of development. People say it's grandiose of me. I hear the suggestion that perhaps the most powerless people should not set before them the example of such an exemplary people. But I say, why not? Why don't we place ourselves to learn from those who've succeeded in keeping an identity and a communal heritage alive for millennia, whilst at the same time participating in the wider world of development.

This is a reconciliation of two things. The imperative that we get into the Australian business of opportunity, that we seek social and economic uplift of our people through the normal rules of engagement. And those rules of engagement are readily identified. It is the pursuit of self-interest. The liberal power of people choosing a better life for themselves.

And insisting that having a jealous concern for one's own family is a power. It is a great power for progress. But that does not contradict the idea that that same person also contributes to a community, and that contributes to the sustenance of languages and traditions and contributes to a community.

This whole debate, I'm very struck by dialectical debates. The whole Adam Smith and Johann Herder dialectic. The Nugget Coombs and Bill Stanner dialectic with Paul Hasluck. Hasluck was not entirely wrong. And neither was Stanner. But the proper reconciliation of those who were concerned about the preservation of our indigenous heritage, and those who were concerned about the imperatives of development, is a dialectic that runs through the whole history of indigenous policy. In many ways, it's the dialectic between Paul Keating and John Howard.

Paul Keating nailed to the national mast, to the correct principle of Aboriginal rights. When he embraces the Mabo decision with the native title act in 1993, he committed the country to the correct principle of land rights. And of course, John Howard in his own way, nailed a complementary principle to that masthead, and it was the principle of responsibility. And in my view, we now have an opportunity at this stage of our history to bring those two principles together, in a synthesis. For all of us Australians to accept that in the indigenous policy field, we can sustain rights and responsibilities as complementary principles rather than alternatives.

And the great issue before us, with constitutional recognition of the empowerment of indigenous peoples, so that we finally solve the Aboriginal problem. The challenge that lies before us is one of recognizing that the opportunity is at our fingertips. The planets are aligning. The stars are looking good. We have a conservative leader who can lead the country to a successful referendum if we as a nation understand how profound the opportunity is that now lies before us.

Thank you.

A NEW START FOR IPAA QUEENSLAND, A NEW IPAA BRAND IN THE WINGS, AND A NATIONAL EVENT SERIES HITS THE ROAD

A key focus for the National Council in 2016 and 2017 was working with the Queensland Public Service Commission and Department of the Premier and Cabinet to enable the re-emergence of the IPAA Queensland Division.

With the support of the Queensland Government Leadership Board, an IPAA Queensland Advisory Council chaired by Robert Setter, Public Service Commission Chief Executive, was established in 2016 to lead the re-building of the IPAA brand in Queensland. A year later, IPAA Queensland was 'softly' re-launched on 18 May 2017. The occasion — attended by a distinguished gathering of chief and senior executive leaders from across levels of government, universities, and private and not-for-profit organisations, other IPAA divisions, and former members and friends of IPAA — celebrated IPAA's re-emergence in Queensland. The event also featured IPAA Queensland's first Irene Longman Oration, delivered by Ken Smith, Dean and CEO of ANZSOG. Eighteen months later, IPAA Queensland was formally established as a not-for-profit incorporated association.

A strategic planning day was held by a working group in March to develop a forward work plan for National IPAA. The group's report, later adopted by the National Council, identified four key result areas to inform IPAA activities nationally:

- A national approach to member engagement
- National capability and professional development
- Scoping and implementation of national digital delivery platform
- National communications planning and policy.

At the National Council meeting in November 2017, National President Penny Armytage emphasised that IPAA National was a small organisation and likely to stay that way. In her view it should focus on supporting and ensuring collaboration with Divisions to achieve its strategic outcomes.

Penny Armytage stepped down as National President in November and Professor Peter Shergold AC FIPAA — former Secretary of the Department of Prime Minister and Cabinet and Chancellor of the University of Western Sydney — stepped into the role.

In early 2018 the contract for providing the national secretariat was taken on by the IPAA ACT Division. This led to the recruitment of Frank Exon to the position in February for the position of Manager, IPAA National.

Peter Shergold set four priorities for the year:

1. A successful IPAA National Event Series
2. Refreshing the IPAA Brand
3. Reinvigorating the national governance of IPAA
4. An effective national secretariat for IPAA.

The IPAA National Event Series was held in August with Peter Shergold visiting each jurisdiction and being involved in discussions on the theme of rebuilding trust in public purpose.

In advance of the series, Peter Shergold wrote an opinion piece for *The Financial Review*, 'Public Service review can spur much-needed modernisation' in which he warmly welcomed the announcement of a major Independent Review of the Australian Public Service (APS) commissioned by the Prime Minister. He expressed his "fervent hope" that the panel would "not only identify what is best (and worst) in Commonwealth governance but indicate how vital reforms can be undertaken on a systematic manner across the whole APS — whether in the provision of policy advice, design of programs, delivery of services or regulation".

IPAA also made a written contribution to the Independent Review of the APS — *Australian Public Service Reform: Learning from the past and building for the future* — which aimed to bridge a significant gap in the existing evidence base on APS Reform. The report was prepared on IPAA's



Penny Armytage FIPAA.

behalf by Professor Mark Evans, Director of the Institute for Government and Policy Analysis at the University of Canberra.

The IPAA National Event Series *Australia's Public Sector — Fit for Purpose*. Fit for Future was very successful. In the Canberra leg of the series, Peter Shergold's closing remarks focused on tackling the declining levels of trust and the declining levels of confidence in expertise:

"If there is one thing that public administration brings, it's professional, non-partisan expertise. I think democratic societies depend on that. I think we've got to do a much better job of getting out into the public arena — why that is important — in the years ahead."

The event series was attended by 830 people across nine cities. During these events Peter Shergold encouraged attendees to complete a survey testing the mood and pulse of the sector across Australia. Further promotion of the survey by IPAA Divisions in the months following the event series yielded a total of 817 survey responses. Peter then used an analysis of the survey results to inform his keynote address at the IPAA National Conference in October.

Significant work was undertaken, initially by IPAA Victoria and then by the National Council, to develop a national IPAA brand reflective of the modern, forward-looking organisation that IPAA — through the work of its Divisions — had become. The brand was approved by the National Council in August and won the designer — Rehan Saiyed of Storm Worldwide — a Silver Award at the 48th Creativity International Design and Advertising Awards in the USA. Divisions progressively rolled out the new branding in 2018 and 2019.

Following a review by the National Secretary of the IPAA Constitution and Governance Charter, the National Council endorsed a major overhaul of its governance arrangements in October.

Throughout 2018 the national secretariat supported monthly teleconferences of the IPAA CEOs and Executive Directors, and meetings of the National Council. It also coordinated the travel and logistics for the National Event Series in collaboration with the IPAA Divisions, and face-to-face meetings of the National Council and IPAA staff in advance of the National Conference.

IPAA HITS ITS STRAPS, ROLLING OUT A NEW NATIONAL WORK PLAN



Professor Peter Shergold AC FIPAA.

2019 saw the rollout of the new IPAA brand across all IPAA Divisions. The brand incorporated a new IPAA logo, typography, tone of voice, photographic style and application that was in keeping with its professional reputation.

The IPAA Divisions collaborated with the National Office in developing an IPAA National Work Plan for 2019 and 2020, which was unanimously approved by the National Council in March 2019.

The National Work Plan laid out two areas of priority: enabling better collaboration and the delivery of national projects.

A new national IPAA website was launched on 30 June 2019 with an improved navigation structure and revised content. The web development was contracted out and fresh content developed by the Manager, IPAA National with support from IPAA Division Communication Managers.

The National President and Treasurer worked closely with the National Secretariat to engage with the publisher, Wiley, and the Editors of the *Australian Journal of Public Administration (AJPA)*

to build stronger relationships between the three parties.

This collaboration between the parties saw a new agreement signed with the publisher in the later part of 2019, providing greater certainty to IPAA National's budget, and greater transparency to IPAA Divisions on matters relating to the production of the AJPA and its benefit to members.

The National Conference was hosted by IPAA Northern Territory and held in Darwin from 25–27 September with the theme CROSSROADS > FUTURE DIRECTIONS and attended by 190 delegates.

Peter Shergold finished his term as National President with Dr Gordon de Brouwer PSM taking on the presidency from 26 September 2019.

The focus for the remainder of the year was the continued implementation of the IPAA National Work Plan and preparation for the 40th anniversary of IPAA as a national, independent organisation in 2020.

2019 ▸

GARRAN ORATION



THE SIR ROBERT GARRAN ORATION

*Delivered by Professor Mick Dodson ,
Northern Territory Treaty Commissioner,
at the National Conference of the
Institute of Public Administration
Australia, Darwin, 26 September 2019.*

Professor Mick Dodson.

In his National Press Club address before the recent NAIDOC week, Mr Wyatt — the Minister for Indigenous Australians — said that a truth-telling process would allow we Australians to reflect upon the place of First Nations peoples and that the telling has to happen at all levels across the country. He noted that the Bringing Them Home Report opened the records of child removals, which was painful but necessary. He said that truth sets a person free, now thereby willing to listen to the truth, to find common ground to walk on.

Regarding a treaty, Mr Wyatt says it's important for states and territories to take the lead in treaties. I trust he's not implying that the Commonwealth can wash its hands on treaty-making nationwide — the Federal Parliament must be involved. I hope to outline some reasons why this is the case in this presentation.

As has been noted, our conference theme is 'Crossroads: Future Directions'. The abstract for the conference says that governments are at crossroads, and new thinking on future directions is essential in order to

actually deliver the services and manage community expectations. And I couldn't agree more with respect to Indigenous affairs in this country.

As a nation, we're certainly at the crossroads when it comes to bridging the social and economic gaps between Indigenous and non-Indigenous Australians.

And as we sit at these crossroads, despite many well-meaning efforts, we still see a very uncertain future for Indigenous Australians, which in turn creates uncertainty for non-Indigenous Australians. And to resolve that uncertainty, this country needs to take a different road than the ones we have previously travelled.

To understand that uncertain future, and to reinforce the inadequacy of past policies, you need to look no further than the Closing the Gap agenda. More than 10 years on, the Prime Minister's 2019 report advises that only two of the seven targets are on track.

The coalition of Aboriginal and Torres Strait Islander peak organisations' recent

partnership with the Council of Australian Governments to progress the next phase of Closing the Gap is a good start, I think, in doing things differently and travelling a different path.

However, improving services, or service delivery, is only one part of a different way of doing things and making a sustainable difference. I think a more comprehensive approach is to look at treaty or treaties.

I'm seeking to address two particular issues this morning. Firstly, why a treaty or treaties? And secondly, what are some of the challenges in achieving treaties in the Northern Territory of Australia?

THE NATURE OF TREATIES

But before addressing these issues, we must be clear about what we mean by 'treaty'.

So, what is it a treaty? A treaty is a settlement or agreement arrived at by treating or by negotiation. A treaty gives rise to binding obligations between the parties who make them, and it acts to formalise the relationship between the parties to the agreement or agreements.

There's a myth that treaties can only be between nation states. This is not the case, as evidenced by modern treaty-making between governments and First Nations peoples in Canada and in New Zealand. Treaties are not restricted to agreements between countries. We can negotiate treaties between states, nations, governments, and people. And treaties around the world are accepted as a way of reaching a settlement between Indigenous peoples and those who have colonised their lands — for example, New Zealand and Canada.

We can think about modern treaties with Indigenous peoples as having three key factors:

- Recognition that Indigenous peoples are distinctive, and differentiate their political communities from other citizens' within the country, state, or territory. We're not superior. We're not better. We're different.
- Secondly, settlement is reached by agreement via negotiations, and negotiations as equals in good faith in a manner that's respectful of each party's quality of standing.

- And finally, the government party recognises or establishes structures of culturally appropriate governance, with powers of decision-making and control, and provides the resources to make it happen.

So, why a treaty or treaties? Well unlike Canada, the United States, and Aotearoa New Zealand, Australia never, never formally recognised a treaty with Indigenous Australians. And in our country, it wasn't until the Mabo decision that the government recognised the property rights of Aboriginal and Torres Strait Islanders. With the exception of Australia, the British recognised these rights in all its other colonies, and the basis of British sovereignty up until the Mabo decision relied on a ruling in 1889 of the Judicial Committee on the Privy Council in the UK. The Privy Council declared that Australia was not occupied by conquest or session, but rather, and I quote, "It was practically unoccupied, without settled inhabitants or settled law at the time; it was peacefully annexed." This is essentially the doctrine of Terra Nullius, which the High Court, in the Mabo decision, overturned.

THE MORAL DIMENSION THE MABO DECISION MISSED

The Mabo decision hasn't delivered a just settlement of the legitimate historical grievances of Aboriginal and Torres Strait Islanders, and these claims are not defined in terms of meeting the physical needs of Indigenous peoples, but they have, for Aboriginal and Torres Strait Islanders, a moral dimension. And I posit also, a political one.

Our better-informed government policies or programs of service delivery which focus on health, housing, policing, justice, education, welfare, etc. will never, will never, meet the moral component.

To cater to the moral imperative there has to be a recognition and acceptance by governments of two necessary truths.

Firstly, Aboriginal and Torres Strait Islander societies have been injured and harmed throughout the colonisation process, and just recompense is owed.

Secondly, the status of Aboriginal and Torres Strait Islander Peoples, as First Peoples, and the distinctive rights and special status based

“There’s a myth that treaties can only be between nation states. This is not the case, as evidenced by modern treaty-making between governments and First Nations peoples in Canada and in New Zealand. Treaties are not restricted to agreements between countries. We can negotiate treaties between states, nations, governments, and people.”

on prior occupation that flow from that, and intensive government programs aimed at bringing about equality with other citizens will not, of itself, provide justice for Indigenous Australians. And some still think that these measures are a form of compensation for past injustices, they are not and this is due to two key issues: the adequacy of compensation, and, as I’ll talk about soon, the rights of Indigenous Australians to self-determination.

Treaties will form, in a sense, the grand Reconciliation Action Plan without the assimilationists undertones. And Mr Wyatt says truth-telling will free us.

So why truth telling? ...What I’d think is, as unfinished business.

THE IMPACT OF AUSTRALIA’S COLONIAL PAST ON FIRST NATIONS

Our nation needs to deal with our colonial past and its impact on First Nations. Every Australian must know our shared history and its deadly and ongoing impact on the Indigenous First Peoples of this land we now share.

So folks, this is what happened.

The discovery and settlement of Australia occurred in stages. Lieutenant James Cook — as he then was — [his] instructions in 1768 were to discover what was then known as New Holland. The Dutch had been here almost 200 years before Cook. Cook landed at Botany Bay on the 29th of April 1770. And by the 22nd of August 1770, they had purported to take possession of the entire Australian east coast on behalf of the British king. The First Fleet arrived on the 26th

of January 1788, and Governor Philip raised the British flag on the 7th of February 1788. The colonisation of the continent had begun.

Territories that were designated terra nullius during the colonization period were a rarity. Wherever there were people with some form of socio-political organization, the European colonists generally acquired territories by conquest or possession.

When Captain Cook left England to discover Australia, his instruction said — and I quote:

“You are also with the consent of the natives [I’ll repeat that: with the consent of the natives] to take possession of convenient situations in the country, in the name of the king of Great Britain, or if you find the country uninhabited, take possession for His Majesty by setting proper marks and inscriptions, as discoveries and Possessions.”

Well, Cook ignored the natives. He cut an inscription in a tree, raised the British flag, violated international law at the time, and disregarded the instructions of his superiors.

The consent of the natives was never sought, nor obtained.

Now, I think a treaty or treaties can fix that problem.

Cook seems to have regarded Australia as terra nullius on the assertion that Aborigines lacked political organisation with settled law. This assertion relies on the erroneous view that there was, or had to be in European terms, one single Aboriginal nation. Which is nonsense.

There were over 500 self-governing Aboriginal nations with established law and political systems. Indeed the Lower Murray tribes were joined in a confederacy, thousands of years old. This was all that was required in the international law at the time. And Australia was the exception to British behavior elsewhere on the planet, particularly in Africa.

The High Court decision in Mabo, although rejecting terra nullius and recognising native title, did not, and said it could not, challenge the foundations of present Australian sovereignty. As the court said, it was a question not justiciable in municipal courts.

So, I want to know — how can the court have accepted the validity of Aboriginal and Torres Strait Islanders' rights to land but not uphold rights of governance? Why the inconsistent allegiance by the court to the occupation settlement fallacy? Indeed, who is the sovereign for Aboriginal law and customs Native Title claimants must rely on to establish their claims?

Interestingly the Northern Territory treaty process... in the process the Northern Territory government has accepted that First Nations of the Northern Territory had never surrendered or ceded their sovereignty. They've also agreed the Aboriginal people First Nations were the prior owners and occupiers of the lands, seas, and waters that are now called the Northern Territory of Australia and First Nations in the Northern Territory were self-governing for thousands of years, in accordance with their traditional laws and customs. And finally, that there has been deep injustice done to the Aboriginal people of the Northern Territory, including violent dispossession, the repression of their languages and cultures, and the forcible removal of children from their families which have left the legacy of trauma and loss that needs to be addressed and healed.

And this is an important starting point, because it means we don't have to argue about these things. They are already agreed.

And whatever the High Court has left us with post-Mabo, as to what is now the foundations of sovereignty of the Australian nation state is a complete mystery to me. The sovereign pillars of the nation state are arguably, at the very least, a little legally shaky.

A treaty with the blacks could fix that problem.

So, folks, these questions aside, we need truth-telling to appreciate what horror and devastation most of Indigenous Australia has gone through over the last 234 years.

UNFINISHED BUSINESS AND A TREATY-MAKING FRAMEWORK

So what do we do about the unfinished business?

Perhaps first we can agree on what is 'unfinished business'. The Council for Aboriginal Reconciliation in their final report, didn't use that term, 'unfinished business' — when dealing with this issue, when dealing with the past. Rather, it chose to use a p'r'haps more politically friendly term: the 'unresolved issues'. And they defined it as follows:

"Any issue whether already identified or identified through the processes of this act [remembering the council approach was for a legislative framework] that is an impediment to achieving reconciliation until it is addressed, including but not limited to the recognition of the right to equality, the protection of Aboriginal and Torres Strait Islander cultures, heritage, and intellectual property, the recognition of Aboriginal Torres Strait Islander customary law, a comprehensive agreements process for settlement of Native Title, and other land claims, regional autonomy and constitutional recognition."

In my view, what they're talking about when I use the term 'unfinished business' is the yet-to-be met legitimate grievances of Aboriginal and Torres Strait Islanders that arise from, directly from, colonisation by the British and Britain's successors, and the ongoing consequences of that colonisation. And it's also about confronting the legacy of the past of realigning the relationship between government and us and the people of Australia. And that process is what we call 'truth-telling'.

There are, folks, outstanding matters going directly to a proper relationship between Indigenous and non-Indigenous Australians and the future of that relationship.

If we are talking about treaty-making in a new Australia, these outstanding matters must be central to the process. Their resolution by

agreement is essential to our escape from the ravages of the ongoing colonisation. And identifying what we're talking about, is not, in my view, too difficult — most of the work's already been done. Itemising or particularising the unfinished business, is not, in my view, the hard part. For example, dozens and dozens of transcripts in the Northern Territory land claims under the Land Rights Act are replete with evidence of this bloody past.

We need to establish the framework within which we are to proceed, and how we might address the unfinished business, as the first step, or steps, in the treaty process.

And in thinking about unfinished business, we need to address principles that might underlie a treaty in broad national terms. And in my opinion, they should include recognition that Aboriginal and Torres Strait Islander peoples are the First Peoples of Australia, and the distinct rights which flow from this. And secondly, agreement to necessary reforms for a more just society and the setting of national standards to inform state, territory, or regional treaties and other constructive agreements. And perhaps the preferred approach is for a national framework model that allows for treaty-making on a national, statewide, regional, or local basis.

Moreover, this framework could... allow for treaties that are comprehensive, deal with multiple or single issues, or merely address some specific local issue.

However, why should we do it this way? In other words, why do we need a treaty, or treaties, anyway?

A CONTEXT FOR TREATY-MAKING IN AUSTRALIA

There are things about the British invasion which are uncontested, or ought to be. In the first place, the invaders, their descendants, or past government, have never formally recognised our rights. Secondly, our rights have been affected by a lopsided relationship with the newcomers, who saw us as primitives with no rights and no concept of civilized customs.

A treaty or treaties could have recognised and protected Indigenous rights and led to a just

constitutional basis for the Australian Federation.

We were totally overlooked as relevant parties in the formation of the Australian Federation. If a treaty had been in place and were constituted by the principles I've already noted, the structure of Federation no doubt would have incorporated Aboriginal rights and position in the Federal system. A national treaty could fix our racially discriminatory constitution.

And the reasonable basis for treaty is the Aboriginal and Torres Strait Islander societies have been, as I mentioned, injured and harmed throughout the colonisation process, and just recompense is owed. It's important, but it shouldn't be seen just in that basis, to recognise that a national framework treaty or agreement would allow Indigenous communities and other local, regional, state, and territory stakeholders to sign treaties in line with national minimum standards with each other at those levels.

One option for those minimum standards would be to adopt the standards contained in the United Nations' Declaration on the Rights of Indigenous Peoples which Australia has endorsed. This declaration has a golden thread running through it, of free, prior, and informed consent. And it has four key themes: self determination; participation in decision-making; respect for and protection of culture; equality and non-discrimination, including the right to be free from racial discrimination.

And finally, perhaps above all, a treaties process will deliver the ultimate certainty of the relationship between Aboriginal and Torres Strait Islanders and the rest of the country's population.

PUBLIC SERVANTS NEED TO CHANGE THE WAY THEY WORK

So, why am I telling you guys as public servants and administrators, from different jurisdictions across the country, all this stuff?

Well, as you well know, there are two limbs to implementing government policy: There's the work done by the elected officers, politicians and their staffers; and there's work done by the public sector, public service, or the public administration — I'm damned if I know what you call it these days!

And even when the politicians advocate a certain approach or style, public services across the country do not always embrace that style. Especially if it requires significant changes in behavior and approach.

If treaties are to be successfully negotiated and implemented in Australia, then the way the public services do business will have to change dramatically. Especially if minimum standards such as the ones referred to earlier are introduced.

And as I mentioned at the beginning, one of the features of modern treaties is that the government recognises and establishes and resources structures of culturally appropriate governance, with powers of decision-making and control. In essence, this means that power is shared. And by definition, central power is diluted.

To be honest, over time we have seen that this is something the public service has struggled with.

So, if we want treaties in this country, we want them to be implemented to the maximum effect. And we need public servants across the country to change the way they work.

You know an elderly Aboriginal man once said to W E H Stanner, when Stanner asked him what he thought of European Australians — he said, “Very clever people, very hard people, plenty humbug.”

So, the key questions for public servants, according to Westbury and Dillion, is shifting the focus of Indigenous Affairs policy from the blame-the-victim approach, namely from ‘what’s wrong with Indigenous cultures and communities?’ to ‘what constitutes appropriate and effective public policy engagement?’.

TREATY-MAKING REQUIRES READINESS

In British Columbia, in Canada, they have a six-step framework for negotiating modern treaties.

And the first step was the First Nation lodging a detailed statement of intent to negotiate. The final step, and the last step, is the implementation of the treaty. And there are steps in between.

To me, the second step, which they call ‘readiness to negotiate’, is potentially the most important. In British Columbia, modern treaties are between First Nations, the provincial government, the government of British Columbia, and the national government

— the Federal government. And all three parties have to lodge comprehensive readiness submissions and each party gets to assess the other two.

In the Northern Territory, I would say that at this point in time, no First Nation is treaty-ready. Equally, I would suggest that no other government is treaty-ready.

SELF-DETERMINATION AND INDIGENOUS DECISION-MAKING ARE KEY

So going back to the beginning of this address, you have to ask yourself, why, despite significant financial investments over decades, Indigenous Australians are as socially and economically disadvantaged as we are compared to the rest of Australia or Australians. And to me, the key reasons are the lack of commitment to self-determination and Indigenous decision-making. Self-determination is about the right as a collective to make your own decisions and the communal rights to control your political, social, cultural, and economic development.

So, the key challenge for government and public servants when developing and implementing policies aimed at Indigenous Australians is to think of workable models of self-determination, even within existing non-treaty-based frameworks. And, as a minimum — and in the spirit of Minister Wyatt’s co-design concept — that Indigenous Australians have a genuine participation in decision-making on matters impacting them.

Folks, Indigenous people of this country are undoubtedly distinctive and differentiated political communities from other citizens. However, at the same time, we are integral and an important part of this country. So, for example, we should see efforts to close the gap in Indigenous disadvantage as a nation-building exercise. And if treaties are to be part of the solution, then we should view them as nation-building exercises and in the national interest, and investment in the future if you like.

So... and there’s no, absolutely no need to be afraid. As the Canadian Carol Blackburn noted: treaty should be seen as a marriage, not a divorce.

So in conclusion then, in order to take the right future direction from the crossroad, we must have truth-telling coupled with treaty-making.

Enough with the humbug. Thanks for listening to me.

SELECTIVE BIBLIOGRAPHY

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The Australian Administration Magazine

The Australian Journal of Public Administration

Canberra Bulletin of Public Administration

Newspaper reports published in *The Advertiser*, *The Argus*, *The Daily Telegraph*, *The Sydney Morning Herald*

and *The Canberra Times* accessed via the National Library of Australia's Trove, <https://trove.nla.gov.au/>.

Public Administration — The Journal of the Australian Regional Groups of the Institute of Public Administration

Public Administration Today

The RAIPA National Newsletter

Serving the Servants, Serving the State. A brief history of the Institute of Public Administration of Australia. Western Australian Division 1945–2005 by Ian Duckham (2005).

APPENDIX 1: NATIONAL CHAIRMEN AND PRESIDENTS

CHAIRMEN

Institute of Public Administration — National Council of the Australian Regional Groups

Name	IPAA Jurisdiction	Term as Chairman	Duration
Gerry Gleeson AC FIPAA Under-Secretary of the NSW Premier's Department (1977–1988)	NSW	March 1976 to February 1977	11 months
Duncan R Steele Craik CB OBE Commonwealth Auditor-General (1973–1981)	ACT	March 1977 to 31 December 1979	2 years, 9 months

NATIONAL PRESIDENTS

Australian Institute of Public Administration, the Royal Australian Institute of Public Administration, the Royal Institute of Public Administration and the Institute of Public Administration Australia.

Name	IPAA Jurisdiction	Term as Chairman	Duration
Duncan R Steele Craik CB OBE FIPAA Commonwealth Auditor-General (1973–1981)	ACT	1 January 1980 to 16 November 1982	2 years, 11 months
The Hon. Mr Justice Rae Else-Mitchell CMG FIPAA Chairman of the Commonwealth Grants Commission (1974–1989).	ACT	16 November 1982 to 11 November 1986	4 years
Hedley R Bachmann AM CEO, South Australian Department of Labour (1981–1991).	SA	11 November 1986 to 5 February 1990	3 years, 3 months
Richard G Humphry AM FIPAA Director-General NSW Premiers Department (1988–1994).	NSW	5 February 1990 to 4 March 1994	4 years, 1 month
Alison Gaines (acting) Director, Western Australia Public Sector Management Office.	WA	4 March 1993 to 22 November 1994	9 months

Elizabeth Proust AO FIPAA CEO of the City of Melbourne (1990–1994) and Secretary of the Victorian Department of Premier and Cabinet from 1995.	VIC	22 November 1994 to 19 November 1996	2 years
Dr Michael S Keating AC FIPAA Former Secretary, Department of the Prime Minister and Cabinet.	ACT	19 November 1996 to 24 November 1998	2 years
Tony Ayers AO FIPAA Former Secretary, Department of Defence.	ACT	24 November 1998 to 28 November 2000	2 years
Sue S Vardon AO FIPAA CEO Centrelink (1996–2004).	ACT	28 November 2000 to 10 November 2004	4 years
Professor Andrew S Podger AO FIPAA Former Australian Public Service Commissioner.	ACT	10 November 2004 to 18 November 2009	5 years
Professor Percy Allan AM FIPAA Former Secretary, NSW Treasury and Chairman of the NSW Treasury Corp (1985–1994)	NSW	18 November 2009 to 17 September 2012	2 years, 10 months
Terry F Moran AC FIPAA Former Secretary of the Prime Minister and Cabinet.	VIC	17 September 2012 to 13 October 2015	3 years, 1 month
Penny Armytage FIPAA Partner In Charge, KPMG Australia.	VIC	13 October 2015 to 14 November 2017	2 years, 1 month
Professor Peter Shergold AC FIPAA Chancellor of the University of Western Sydney and former Secretary, Department of the Prime Minister and Cabinet.	ACT	14 November 2017 to 25 September 2019	1 year, 10 months
Dr Gordon de Brouwer PSM FIPAA Honorary Professor and Distinguished Policy Fellow at the Australian National University; former Secretary, Department of the Environment and Energy.	ACT	From 26 September 2019 (Current National President)	

APPENDIX 2: EDITORS OF *PUBLIC ADMINISTRATION* AND THE *AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION*

EDITORS OF *PUBLIC ADMINISTRATION*

1937–1948

Francis Armand Bland

Department of Public Administration,
University of Sydney

1949–1952

Percy Herbert Partridge

Department of Public Administration, University
of Sydney

1952–1954

Thomas Henry Kewley

Department of Public Administration, University
of Sydney

1955–1961

Richard Neville Spann

Department of Government and Public
Administration, University of Sydney

1962

Thomas Henry Kewley (Acting Editor)

Department of Government and Public
Administration, University of Sydney

1963–1969

Richard Neville Spann

Department of Government and Public
Administration, University of Sydney

1970

**Geoffrey Ross Curnow and Thomas Henry
Kewley** (Acting Joint Editors)

Department of Government and Public
Administration, University of Sydney

1971–1972

Richard Neville Spann

Department of Government and Public
Administration, University of Sydney

1972–1974

Geoffrey Ross Curnow and

Thomas Henry Kewley (Acting Joint Editors)

Department of Government and Public
Administration, University of Sydney

1974–1975

Richard Neville Spann

Department of Government and Public
Administration, University of Sydney

EDITORS OF *AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION*

1976–1983

Geoffrey Ross Curnow

Department of Government and Public
Administration, University of Sydney

1983–1984

Barbara Page and Martin Painter

Department of Government and Public
Administration, University of Sydney

1984

Geoffrey Ross Curnow

Department of Government and Public
Administration, University of Sydney

1985–1989

Barbara Page and Martin Painter

Department of Government and Public
Administration, University of Sydney

1989–1990

Roger Scott and Roger Wettenhall

Canberra College of Advanced Education /
University of Canberra

1990–1995

Roger Wettenhall

University of Canberra

1996–2001

Glyn Davis

Office of Cabinet / Department of Premier and
Cabinet (Queensland)

John Wanna

Griffith University

2002–2008

John Wanna and Patrick Bishop

Griffith University

2009–2014

John Wanna

The Australian National University

2015–2017

Helen Dickinson

University of Melbourne

Maria Katsonsis

Department of Premier and Cabinet (Victoria) /
University of Melbourne

Adrian Kay

The Australian National University

Janine O'Flynn

University of Melbourne

Anne Tiernan

Griffith University

2017

Helen Dickinson

University of Melbourne

Maria Katsonsis

Department of Premier and Cabinet (Victoria) /
University of Melbourne

Adrian Kay

The Australian National University

Janine O'Flynn

University of Melbourne

2018–2020

Catherine Althaus

The Australian National University

Helen Dickinson

University of Melbourne

Janine O'Flynn

University of Melbourne

Maria Katsonsis

University of Melbourne

APPENDIX 3: NATIONAL FELLOWS

2019

Frances Adamson — IPAA ACT
Julie Crisp — IPAA Northern Territory
John Hubby — IPAA New South Wales
Sue McCarrey — IPAA Western Australia
James Purtill — IPAA Queensland
Liz Quinn — IPAA ACT
Dr Gillian Sparkes — IPAA Victoria
Janet Schorer PSM — IPAA New South Wales
Cathy Taylor — IPAA South Australia
Dean Yates — IPAA Victoria

2018

Dr Teresa Anderson AM — IPAA New South Wales
Cheryl Batagol PSM — IPAA Victoria
Glenn King — IPAA New South Wales
Alison Larkins — IPAA ACT
Nina Lyhne — IPAA Western Australia
David Martine PSM — IPAA Victoria
Bronwen Overton-Clarke PSM — IPAA ACT
David Reynolds — IPAA South Australia
Brendan Sargeant — IPAA ACT
Dave Stewart — IPAA Queensland

2017

Dr Gordon de Brouwer PSM — IPAA ACT
Daniel Butler — IPAA South Australia
Susan Hunt PSM — IPAA Western Australia
Elizabeth Koff — IPAA New South Wales
Reneé Leon PSM — IPAA ACT
Jennifer Mason — IPAA New South Wales
Ben Rimmer — IPAA Victoria
Dr Helen Sullivan — IPAA Victoria

2016

Jane Halton AO PSM — IPAA ACT
Martin Hoffman — IPAA New South Wales
Tim Mares — IPAA South Australia
Sharyn O'Neill — IPAA South Australia
Samantha Palmer — IPAA ACT
Kym Peake — IPAA Victoria
Adrian Robb — IPAA Victoria
Paul Sutton — IPAA South Australia

2015

Glenys Beauchamp PSM — IPAA ACT
Richard Bolt PSM — IPAA Victoria
Margaret Crawford — IPAA New South Wales
Chris Eccles AO — IPAA Victoria
Anne Gale — IPAA South Australia
Cheryl Gwilliam — IPAA Western Australia
Graham Head — IPAA New South Wales
Greg Johannes — IPAA Tasmania
Kathy Leigh — IPAA ACT
George Masri — IPAA ACT
Susan Pascoe AO — IPAA Victoria

2014

Mike Allen PSM — IPAA New South Wales
Yehudi Blacher PSM — IPAA Victoria
Gill Callister PSM — IPAA Victoria
Robert Cockerell — IPAA Tasmania
Cath Ingram — IPAA ACT
Geoffrey Knight AFSM — IPAA South Australia
Paul O'Connor — IPAA ACT
Dr Martin Parkinson AC PSM — IPAA ACT
Richard Sellers — IPAA Western Australia
David Tune AO PSM — IPAA ACT
Leanne Wallace — IPAA New South Wales

2013

Michael Coutts-Trotter — IPAA New South Wales
Peter Duncan AM — IPAA New South Wales
Andrew Jackomos PSM — IPAA Victoria
Colin Murphy PSM — IPAA Western Australia
Dr Claire Noone — IPAA Victoria
Sandy Pitcher — IPAA South Australia
Stephen Sedgwick AO — IPAA ACT
Jane Spring PSM — IPAA New South Wales
Andrew Tongue PSM — IPAA Victoria
Alison Turner — IPAA ACT
Dr Ian Watt AC — IPAA ACT

2012

Mike Blake — IPAA Tasmania
John Comrie — IPAA South Australia
Barry Dunphy — IPAA Queensland
Peter Harris — IPAA Victoria
Carmel McGregor — IPAA ACT
Andrew Metcalfe — IPAA ACT
Donna Rygate — IPAA New South Wales
Nazha Saad — IPAA New South Wales
Grahame Searle — IPAA Western Australia
Fran Thorn — IPAA Victoria
Professor Ian Thynne — IPAA Northern Territory
Jennifer Westacott — IPAA New South Wales
Dr Peter Wilkins — IPAA Western Australia

2011

Peter Achterstraat — IPAA New South Wales
Stephen Bartos — IPAA ACT
Don Challen — IPAA Tasmania
Professor Peter Dawkins — IPAA Victoria
Illana Halliday — IPAA New South Wales
Eric Lumsden PSM — IPAA Western Australia
Erma Ranieri — IPAA South Australia
Dr Kerry Schott — IPAA New South Wales
Ian Stewart APM — IPAA Queensland
Lynne Tacy — IPAA ACT
Gerard Vaughan AM — IPAA Victoria
Christopher Williams — IPAA Western Australia

2010

Dr Lynn Allen — IPAA Western Australia
Euan Ferguson AFSM — IPAA South Australia
Russell Grove PSM — IPAA New South Wales
Allan Holmes — IPAA South Australia
Helen Jones — IPAA Northern Territory
Ian McPhee PSM — IPAA ACT
Chloe Munro — IPAA Victoria
Mary-Ann O'Loughlin — IPAA New South Wales
Dr Anne Tiernan — IPAA Queensland
Jane Woodruff — IPAA New South Wales

2009

Bob Atkinson APM — IPAA Queensland
Elaine Bensted — IPAA South Australia
Peter Connelly — IPAA New South Wales
Grant Hehir — IPAA Victoria
Mal Hyde AO APM — IPAA South Australia
Lisa Paul PSM — IPAA ACT
Pam Rutledge — IPAA New South Wales
Len Scanlan — IPAA Queensland
Helen Silver — IPAA Victoria

2008

Margaret Allison — IPAA Queensland
Gary Banks AO — IPAA Victoria
Anthony Blunn AO — IPAA ACT
Karin Callaghan — IPAA New South Wales
Peter Henneken — IPAA Queensland
Anne Howe — IPAA South Australia
Prof Andrew Parkin — IPAA South Australia
Helen Williams AO — IPAA ACT

2007

John Alford — IPAA Victoria
Dr Wally Cox — IPAA Western Australia
Tim Farland — IPAA New South Wales
Terry Garwood — IPAA Victoria
Dr Jeff Harmer — IPAA ACT
John Kirwan — IPAA Northern Territory
Maxine Murray — IPAA Western Australia

Professor Peter Shergold AC — IPAA ACT
Gary Storkey — IPAA South Australia
Jim Varghese — IPAA Queensland

2006

Professor John McMillan — IPAA ACT
Michael Taylor — IPAA ACT
Deborah Sandars — IPAA New South Wales
Ray Lane — IPAA Queensland
Dr Vince Fitzgerald — IPAA Victoria
Penny Armytage — IPAA Victoria
Elizabeth Ho — IPAA South Australia

2005

Robert Cornall — IPAA ACT
Lewis Hawke — IPAA ACT
Robyn Kruk — IPAA New South Wales
Ian Little — IPAA Victoria
Jude Munro — IPAA Queensland
Christine Nixon — IPAA Victoria
Patty Renfrow — IPAA Queensland
Meryl Stanton — IPAA ACT
Prof John Wanna — IPAA Queensland

2004

Barbara Belcher — IPAA ACT
Andrew Cappie-Wood — IPAA New South Wales
John Carroll — IPAA Northern Territory
Lisa Corbyn — IPAA New South Wales
Patricia Faulkner — IPAA Victoria
Professor Bruce Guerin — IPAA South Australia
Professor John Halligan — IPAA ACT

2003

Percy Allan — IPAA New South Wales
Dr Geoff Gallop — IPAA Western Australia
Terry Moran — IPAA Victoria

2002

Carolyn Burlew — IPAA New South Wales
Bill Cossey — IPAA South Australia
Dr Frank Harman — IPAA Western Australia
Peter Harmsworth — IPAA Victoria
Garry Kellar — IPAA Queensland
Barry Mewett — IPAA ACT
Des Pearson — IPAA Western Australia
David Richmond — IPAA New South Wales

2001

Peter Allen — IPAA Victoria
Carolyn Bloch — IPAA New South Wales
Dr Hal Colebatch — IPAA New South Wales
Professor Meredith Edward — IPAA ACT
Dr Brian Head — IPAA Queensland
Ken Matthews — IPAA ACT

2000

Helen Bauer — IPAA New South Wales
Dr Basil Hetzel AC — IPAA South Australia
Denis Ives — IPAA ACT
Professor Andrew Podger — IPAA ACT
Bill Scales AO — IPAA Victoria
Professor Roger Scott — IPAA Queensland

1999

Bill Blick — IPAA ACT
Janice Connolly — IPAA South Australia
Peter Kennedy PSM — IPAA ACT
Tony Lawson — IPAA South Australia
Warren McCann — IPAA Victoria
Colleen Moore PSM — IPAA New South Wales
Philip Mussared — IPAA Tasmania

1998

Allan Hawke — IPAA ACT
Carolyn Mason — IPAA Queensland
Elizabeth Proust — IPAA Victoria
Jan Smith — IPAA New South Wales
Chris Whitaker — IPAA Western Australia

1997

Col Gellatly — IPAA New South Wales
Ann Forward — IPAA ACT
Sue Vardon AO — IPAA South Australia

1996

Jane Diplock — IPAA New South Wales
Colin Hughes — IPAA Queensland
Les Quinnell — IPAA New South Wales
John Paterson AO — IPAA Victoria
Murray Redman — IPAA Northern Territory
Lionel Woodward — IPAA ACT

1995

Tony Ayers — IPAA ACT
George Bawtree — IPAA New South Wales
Glyn Davis — IPAA Queensland
Elizabeth Harman — IPAA Western Australia
Helen Nelson — IPAA New South Wales
Peter Kirby — IPAA Victoria
Judith Worrall — IPAA South Australia

1994

Peter Coaldrake — IPAA Queensland
David Hawkes — IPAA Northern Territory
Pamela O'Neill — IPAA ACT
Dr Michael Vertigan — IPAA Tasmania
Philip Wheeler — IPAA New South Wales

1993

Patrick Barrett AM — IPAA ACT
Alison Crook AO — IPAA New South Wales
Robert Smith — IPAA Queensland

1992

Peter Agars — IPAA South Australia
Martin Forrest — IPAA Western Australia
Richard Humphry — IPAA New South Wales
Allan Skinner — IPAA Western Australia
John Taylor AO — IPAA ACT
Wilfred Townsley — IPAA Tasmania
Derek Volker AO — IPAA ACT

1991

John Nethercote — IPAA ACT
David Stevenson — IPAA Queensland

1990

Michael Keating AO — IPAA ACT
Barry Nutter — IPAA South Australia

1989

Roy Cameron — IPAA ACT
Claire Clark — IPAA ACT
Alan Peachment — IPAA Western Australia
Kenneth Rhodes — IPAA Northern Territory
Michael Wood — IPAA Western Australia

1988

Pamela Grant — IPAA New South Wales
Raymond Hodgkinson — IPAA New South Wales
Martin Painter — IPAA New South Wales
Graham Pratt — IPAA New South Wales

1987

Norman Fisher — IPAA ACT
Norman Oakes AO — IPAA New South Wales

1986

Philip Flood AO — IPAA ACT
Peter Murfett — IPAA Tasmania
Ken Taeuber — IPAA South Australia

1985

Richard Connelly — IPAA New South Wales
Jack O'Donnell — IPAA New South Wales

1984

Sir Frederick Wheeler AC CBE — IPAA ACT
Ronald Howatson — IPAA Queensland
Paul Prior — IPAA Victoria
Robert Mackenzie — IPAA Western Australia
John L. Evans — IPAA Tasmania

1983

Hedley Bachmann — IPAA South Australia
Digby Blight — IPAA Western Australia
Brian Burgess — IPAA Western Australia
Ralph Chapman — IPAA Tasmania
Victor Cohen — IPAA New South Wales
David Corbett — IPAA South Australia
Sir John Crawford AC CBE — IPAA ACT
Leslie Crisp — IPAA ACT
Geoffrey Curnow — IPAA New South Wales
Lindsay Curtis — IPAA ACT
Robert Davey — IPAA ACT
The Hon. Justice Rae Else-Mitchell CMG — IPAA ACT
Les Feenaghty MBE — IPAA Queensland
Sir Douglas Fraser ISO — IPAA Queensland
Arthur Gardner — IPAA Victoria
Gerald Glesson — IPAA New South Wales

Howard Hinton — IPAA Queensland
Leslie Hunkin — IPAA South Australia
Thomas Kewley — IPAA New South Wales
Kenneth Knight — IPAA New South Wales
Lionel Milsop — IPAA New South Wales
Robert Parker MBE — IPAA ACT
Leon Peres — IPAA Victoria
Marjory Ramsay — IPAA Victoria
Gordon Reid — IPAA Western Australia
Ronald Robertson — IPAA Western Australia
James See — IPAA Queensland
Duncan R S Craik CB OBE — IPAA ACT
Edwin Walder — IPAA New South Wales
Jack Watson — IPAA New South Wales
Roger Wettenhall — IPAA ACT
Peter Wilenski — IPAA ACT
Kenneth Wiltshire — IPAA Queensland

APPENDIX 4: MERITORIOUS SERVICE AWARD WINNERS

2015

Professor John Wanna FIPAA

For his outstanding contribution to IPAA in the capacity of Editor, *Australian Journal of Public Administration*.

2014

Ray Lane FIPAA

For his outstanding contribution to IPAA in the capacity of National Secretary.

APPENDIX 5: SAM RICHARDSON AWARD WINNERS

2019

**Christopher L. Pepin-Neff and
Kristin Caporale**

The University of Sydney and Assumption College.
For their article 'Funny Evidence: Female Comics
are the New Policy Entrepreneurs', *Australian
Journal of Public Administration*, Vol. 77, Issue 4,
pp 3–17.

2018

Jenny Stewart and James Warn

UNSW Canberra Business School.
For their article 'Between Two Worlds: Indigenous
Leaders Exercising Influence and Work across
Boundaries', *Australian Journal of Public
Administration*, Vol. 76, Issue 1, pp 3–17.

2017

John Alford and Sophie Yates

ANZSOG and the Melbourne Business School.
For their article 'Co-Production of Public
Services in Australia: The Roles of Government
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LIST OF ACRONYMS

Acronym	Title
AC	Companion of the Order of Australia
ACOSS	Australian Council of Social Service
AEDP	Aboriginal Employment Development Policy
AIPA	Australian Institute of Public Administration
AJPA	Australian Journal of Public Administration
AK	Knight of the Order of Australia
AM	Member of the Order of Australia
ANU	The Australian National University
ANZSOG	Australian and New Zealand School of Government
AO	Officer of the Order of Australia
APS	Australian Public Service
ATSIC	Aboriginal and Torres Strait Islander Commission
BA	Bachelor of Arts
BE	Bachelor of Engineering
CB	Companion of the Order of the Bath
CCAE	Canberra College of Advanced Education
CDEP	Community Development Employment Projects
CEO	Chief Executive Officer
CMG	Companion of the Order of St Michael and St George
COAG	Council of Australian Governments
CPRS	Carbon Pollution Reduction Scheme
DSC	Distinguished Service Cross
EEO	Equal Employment Opportunity
ERC	Expenditure Review Committee
FIPAA	Fellow of the Institute of Public Administration Australia
GCMG	Knight/Dame Grand Cross of the Order of St Michael and St George
GCVO	Knight/Dame Grand Cross of the Royal Victorian Order

GDP	Gross Domestic Product
GFC	Global Financial Crisis
IPA	Institute of Public Administration
IPAA	Institute of Public Administration Australia
KBE	Knight Commander of the Order of the British Empire
KPMG	Klynveld Peat Marwick Goerdeler
KStJ	Knight of Justice of the Order of St John
LLB	Bachelor of Laws
MP	Member of Parliament
NAC	National Aboriginal Conference
NAIDOC	National Aborigines and Islanders Day Observance Committee
OBE	Officer of the Order of the British Empire
OC	Officer of the Order of Canada
OECD	The Organisation for Economic Co-operation and Development
OSTJ	Order of St John
PC	Privy Councillor
PSM	Public Service Medal
QC	Queen's Counsel
RAIPA	Royal Australian Institute of Public Administration
SES	Senior Executive Service
TAA	Trans Australia Airlines
UQ	The University of Queensland

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