

Politicians, Public Service Employment Relationship and the Coombs Commission

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There is a strange relationship between public service and politics. Public servants work within politics but there have always been attempts to keep politics out of public service. Attempts have been made to keep politicians removed from policy implementation and also beyond the direct control of the employment relationship (ER) of public servants. Many argue that the series of reforms that have recently swept the public service have led to the increased control by politicians of the ER of public servants. Reforms to the Australian public sector over the past decades began with the Royal Commission on Australian Government Administration (RCAGA-the Coombs Commission). This article examines the Coombs Recommendations to determine whether its proposed changes laid the basis for an increased direct control of the employment arrangements of the senior public service by politicians. The article concludes that although the Commission did not recommend a direct control by politicians of the employment relationship of public servants, many of its recommendations paved the way for increased control by recommending changes that would undermine the traditional independent relationship of public servants. Although the Commission did not recommend politicisation of senior public service employment, many of its recommendations paved the way for such politicisation. These findings are important not only for an improved understanding of the issues associated with public sector politicisation but also for their implications for understanding the nature of control in the employment relationship more generally. The findings of this article demonstrate how seemingly minor changes to traditional employment arrangements can lead to more profound alterations in the nature of control and independence.

INTRODUCTION

Since the introduction of the modern public service in the mid-nineteenth century, concerted effort has been made to keep politicians out of public management. Legal provisions have been introduced to prevent interference of politicians in employment aspects of public managers and also from the detail implementation of public policies. One purpose of the introduction of this arrangement was to get rid of the problems associated with the patronage system which many claimed led to inefficiency and ineffective use of public money. The reforms introduced to the Australian public sector in the last three decades saw a gradual but steady increase in the role of politicians in the employment relationship of senior public servants.

During the past thirty years or so, the Australian federal public service has experienced fundamental changes (Colley, 2001; Spry, 2001; Australian Broadcasting Commission (ABC), 2002; Pullin and Haidar, 2003). Many claim that these reforms have led to the increased political control of the public service (Weller, 1989:369; Mulgan, 1998:3; Hawkes, 1999:80; Nethercote, 2003). The Royal Commission on Australian Government Administration (RCAGA) chaired by H. C. (Nugget) Coombs and known colloquially as the Coombs Commission has been seen to significantly influence public sector reform in Australia for the past three decades (Colebatch, 2002; Podger, 2004:2; Briggs, 2005). The purpose of this article is to ascertain the position taken by the RCAGA Report concerning politicians controlling the employment relationship of senior public servants.

The article begins by establishing a framework for analysing the political control of the employment relationship. The actual Recommendations of the RCAGA, the academic and community discussion of relevant issues contained in the report, other statements made by Commissioners appointed to the RCAGA, and scholarly reviews of the Commission findings are viewed to assess the position of the Coombs Commission regarding political control of the employment of senior public servants.

POLITICS AND PUBLIC SERVICE EMPLOYMENT RELATIONSHIP: A FRAMEWORK FOR ANALYSIS

Woodrow Wilson was one of the most articulate authorities on the issue of the relationship between politics and public management. He argued that politics should be out of public administration: 'The field of administration is a field of business. It is removed from the hurry and strife of politics...' (Wilson, 1953:71). When students of public management separate politics from administration, they emphasise two important aspects. First, politics is viewed as policy or strategy formulation and administration is viewed as implementation. This is the infamous policy-administration dichotomy model (Svara, 1998). The second aspect focuses on removing politics from the employment aspects of public servants. The purpose behind making such a distinction is to remove politics from both the employment relationship and from the actions of public servants. The underlying idea is to create a public service independent of politics in the employment relations and in the actions of public servants.

The focus of this article is on the control politicians have over the employment relationship of senior public servants. The aim to create a public service which is beyond the direct control of politicians has been the subject of serious concern and scrutiny at least since the Northcote-Trevelyan Report of 1853. Claims that politicians have enhanced their control over the employment aspect of the Australian public service have been increased since the 1970s (Henderson, 1986:33; Emy and Hughes 1988:339; Parker and Nethercote, 1996; Mulgan, 1998:3; Podger, 2004:9-10). In order to facilitate the analysis, there is a need to develop an analytical framework that distinguishes a politically controlled public service employment relationship from one which is politically independent.

**Politically Controlled Public Service Employment
Relationship**

The issue of political control of the public service is usually addressed with the idea of a politicised public service. Politicisation in the context of the public service tends to have a variety of meanings and there is a tendency to regard all political activities of public servants as part of a politicisation process (Curnow, 1989:17-21; Parker, 1989:384-385; Weller, 1989:369-370; Mulgan, 1998:3; Haidar and Pullin, 2004:1-3). Weller (1989) argues that politicisation of the public service does not occur when public servants express their opinion, or even when they take political action as part of their trade union activity. Nor is politicisation simply the reverse of neutrality (Weller 1989). Weller (1989:370-371) maintains that public servants have the right to be politically active as long as their personal preferences do not overrule government policy or jeopardise the impartiality of the public service. Furthermore, Weller's (1989:371) standpoint is that politicisation becomes possible when the public service is used for party purposes and where there is party political influence in the appointment and promotion of public servants. Public servants appointed under this type of employment arrangement are unlikely to enjoy security of tenure and may be dismissed at the pleasure of politicians. It is also unlikely that a public servant would be successful in challenging decisions of politicians with regard to their employment matters.

Politically Independent Public Service Employment Relationship

Under a politically independent employment relationship, employment related matters such as recruitment and promotion decisions of public servants are based on merit. They also enjoy legislative protection against arbitrary decisions on their employment matters by their employers (Hughes, 1988:177). Employment related matters of public servants are managed by politically independent agencies variously called public service boards and public service commissions (Spann, 1973:386). Under this employment arrangement, public service constitutes a career where people enter the public service at a young age and have worked their way up to become the heads of department with regular promotions (Hughes, 1998:177).

The chief issue then in assessing the impact of particular values or proposals upon the politicisation of public service employment is in determining a number of factors: one, whether these promote the direct involvement and control by politicians over key aspects of public servants' employment; or two: whether they upheld the politically independent tradition wherein politicians are distanced from the employment of public servants and direct control is exercised by an independent public service agency. Other important factors determining the presence of a politicisation of the employment arrangements are the elements of appointment on merit, tenure, a career public service, and most important of all is the management of the employment aspects of public servants by an agency that is independent of the control of politicians.

The framework for analysis of the 1976 Coombs Commission Report (RCAGA, 1976) implications for the politicisation of the employment relationship of public servants consists of two elements: firstly, whether the recommendations espoused in the RCAGA Report promoted an independent public service agency or rather direct control of the employment of public servants by politicians; and secondly, whether the principles of appointment on merit, tenure and a career public service were challenged.¹

BACKGROUND TO THE COOMBS REPORT

In December 1972, the Australian Labour Party (ALP) gained office for the first time in twenty-three years. The new government was committed to a broad reform agenda and it was in a hurry (Weller and Smith, 1977:7). In June 1974, Prime Minister Gough Whitlam announced the establishment of the Royal Commission on Australian Government Administration (the Coombs Commission) (RCAGA, 1976). It was the first independent and wide-ranging inquiry since the review undertaken by Commissioner Duncan McLachlan in 1918-19, and its terms of reference required it to examine most aspects of the public service and other agencies of administration (Weller and Smith, 1977:5).

Although proposals for an inquiry into the public service had emerged in the 1950's and the last years of the Liberal-Country Party Government 1970-72, they had not received adequate support to proceed (Weller and Smith, 1977:9). A number of factors can be seen to have contributed to a growing dissatisfaction with the public service, all of which culminated in the establishment of the RCAGA in 1974, including the expansion of the public service during and since the war years, the long period of conservative government rule, the inexperience of the Whitlam government Ministers and the policies as well as attitudes of government departments and senior public servants (Weller and Smith, 1977: 7-10).

Whilst the Australian public service expanded and upgraded its services during the War years, the expansion of the State and the changes in the nature of its activities reached their fastest pace in the period after World War II when 'the universal franchise was for the first time combined with almost universal secondary education, higher incomes and adequate non-work time to organise' (Wilenski, 1986:16). The expansion of government functions was, in part, the expression of the slowly changing balance of power as newly organised groups in society, including women, gays and migrants, learnt to use democratic processes to fight for their rights (Wilenski, 1986:17). As government operations became more complex and technical, very few ministers had the time, knowledge and requisite skills to comment with confidence on this expanded range of administrative and policy matters (Wilenski, 1986:212-3). In June 1974, at the time the Coombs Commission was established, there were 146 300 people employed in the Australian public service spread over twenty-seven departments and a number of specialist bureaux and statutory commissions (Weller and Smith, 1977:6).

Issues of ministerial control and political neutrality of public servants did not appear to be of much concern during the long period of conservative Liberal-Country Party rule when change was slow and measured, although there had been periodic but unsuccessful proposals for an inquiry into the public service during the 1950's and in the last years of the Liberal-Country Party Government (Weller and Smith, 1977:8-9). However, the perceived political neutrality of the

public service became more difficult to sustain in the context of a shift of power in society to newly organised interests groups, where many Labour Ministers in the Whitlam government questioned the political neutrality of senior public servants who had served one government for a long time (Weller and Smith, 1977:8; Pullin and Haidar, 2003:2). By the 1970s, the policy advice and interpretation of the public interest by senior public servants was arguably 'limited by their background and experience... it was in its senior reaches, male, white, Anglo-Saxon, predominantly Protestant and middle-class in its origins - a highly political group with strong views on major policy issues... with a tendency towards the status quo and moving forward with caution' (Wilenski, 1986:120).

The public service was not accustomed to the pace and pressure of the Whitlam government's demands, and even those public servants who were open and welcoming to the new government were fearful that proper procedures were being ignored, changes were being introduced without adequate analysis of their implications and that many proposals were expensive and wasteful (Weller and Smith, 1977:7-9). Major changes in the structure of government departments and in policy areas, particularly related to the Treasury, were needed to accommodate the Whitlam government change proposals as ministers were frustrated by what they saw as lack of public service co-operation (Weller and Smith, 1977:8-9).

Against this background of significant ministerial frustration and concern with the Australian public service, the Whitlam government established the RCAGA with very broad terms of reference, and appointed five Commissioners of whom, Dr H.C. Coombs, one of Australia's most distinguished public servants, was appointed Chairman of the Commission (RCAGA, 1976:19; Weller and Smith 1977:10-12). The terms of reference specified in the Letters Patent were very broad and required the Commission to examine all structures and procedures of government administration. It was to pay attention to a list of twelve subjects that included many with possible employment relations implications, such as (d) responsibility and accountability of public servants, as well as a number topics specifically related to employment relations including (i) personnel policies and practices

(RCAGA, 1976: Letters Patent). In Weller and Smith's (1977:13) analysis of the conduct of the RCAGA, it was argued that the government's concern with industrial relations issues was also evident in the appointment as Commissioners of Dr Isaac, a former industrial relations university professor, and Paul Munro, Secretary of the combined council of the public service white collar unions.

In November 1975, the Whitlam government was dismissed by the Governor General and a month later, a Liberal National-Country Party government, led by Malcolm Fraser, was elected which was dedicated to reducing public expenditure, stopping the expansion of the public service and accepting the traditional role of the public service. The RCAGA was instructed to report by 30 June 1976 (Weller and Smith, 1977:24-5). Its final Report was released on 1 August 1976, although it was undated (RCAGA, 1976; MacDonald, 1977:65).

THE RECOMMENDATIONS OF THE RCAGA

The RCAGA conducted a very broad ranging inquiry. It received over 750 written submissions from members of the public on matters related to the terms of reference. More than 150 government agencies and 500 community and business organisations were invited by letter to make submissions. The Australian Council of Social Service was also invited to encourage members of the community to express their views. The Commission conducted meetings with parliamentarians, public servants, members of the business community and academics. The inquiry included a program of visits to work places and an extensive research program. The Report was presented in three parts. Part A set out the approach of the Commission and outlined the way in which Australian government administration related to Australian society and government. It identified and assessed the major criticisms of public administration. Part B reported on the major issues of particular concern to the Commission and were explored in great detail. Part C concerned achieving change, and included a summary of the recommendations and suggestions regarding implementation. The

Report was accompanied by four supplementary volumes containing supporting material.

The RCAGA (1976:S1.3.3, 7) concluded from its inquiry that Australian government administration was in need of 'significant adaptation to deal responsibly, effectively and efficiently with the tasks which confront it. The Report recommended far-reaching changes to public administration structures and processes (Briggs, 2005:2). However, it did not propose a 'wholly different system of administration nor a wholly different set of relationships within it' (RCAGA, 1976:S1.3.4, 8; RCAGA, 1977:176). Rather, the Report sought to focus on changes which were thought to be justifiable, practicable and compatible with continued effective operation and, in particular, those changes which would promote responsiveness and adaptation (RCAGA, 1976:S1.3.4,8; RCAGA, 1977:176). Hawker (1981) argued that the Commission was concerned with how to translate political desires into intelligible administrative commands, and how to put those commands efficiently into practice but the 'gravest deficiency of the report was its inability to carry through the principles of accountability to the public into specific proposals for institutional change' (Hawker 1981:157).

The major areas of concern to the Commission were outlined in Part A of the Report and concerned the inefficient use of resources, insufficient responsiveness to the needs of ministers, a lack of responsiveness to community desires and employment practices which led to inefficiency, inequity and low morale (Hamilton and Hamilton, 1976:304; RCAGA, 1976; RCAGA, 1977:176). A persistent theme of the Report which underpins many of its recommendations is the need for adaptability and for the administration 'to be aware of and responsive to the facts of social change' (RCAGA, 1977:176). The Report's three key and enduring themes concerned increased responsiveness, improved efficiency and effectiveness and greater community participation (Colebatch, 2002; Briggs, 2005:2).

To identify whether the RCAGA either actively promoted a politicisation of Australian public service employment relations, or perhaps more discretely laid the ideological or policy basis for such politicisation to occur at a later date, the actual Recommendations of

the Commission will be examined as well as associated discussion and commentary. The key issues to be evaluated are firstly, whether the RCAGA sought to diminish or replace the role of the independent public service agency and increase direct control by politicians in the employment arrangements of public servants; secondly, whether the RCAGA sought to alter or abolish the principles of appointment on merit, tenure and a career public service. Therefore, the implications of the RCAGA for the politicisation of the employment of public servants will be assessed by examining their recommendations and expressed values concerning the role of an independent public service agency, and those employment conditions seen to underpin an independent public service concerning appointment on merit, tenure and a career public service. The Commission's views and recommendations concerning the employment arrangements relating to departmental heads will then be examined in a separate section of this article, mirroring the Commission's consideration of the employment conditions of departmental heads somewhat independently of their consideration of public service employment generally. Finally, the RCAGA's views concerning ministerial offices and statutory authorities will be briefly examined because those areas of public administration have been subject to concerns regarding politicisation in recent years.

THE ROLE OF THE INDEPENDENT PUBLIC SERVICE AGENCY

Within the Westminster model of responsible government, the exercise of direct control over the employment of public servants by an independent public service agency lies at the heart of an independent public service. In Australia, certainly at the time of the Coombs Commission, the independent public service agency which controlled the employment of public servants was the Public Service Board (PSB). No-where in the Report is it recommended or even canvassed that the Board should be abolished or have its powers transferred to elected members of parliament. Nor did the Commission support ideas 'ideas earlier mooted on such matters' as 'splitting the Public Service Board'

or 'avoiding any form of central establishment and classification control' (MacDonald, 1977:68). However, the Report does include discussion and several recommendations concerning changes to the functions of the PSB which be seen to have laid the basis, in the form of an idea or suggested policy, for a future politicisation of the employment of public servants.

The Commission was concerned with the location of responsibility and accountability. It argued that ministers are frequently less skilled in administration than heads of departments, leading sometimes to the domination by department heads of both administrative and policy processes and less effective political authority (RCAGA, 1976:S3.4.4, 43). The Commission received a number of complaints about the administration as an employer: procedures were seen as cumbersome and outmoded; organisational structures as excessively rigid; control by the PSB as over-detailed and stifling of initiative; recruitment and selection procedures as biased; opportunities for career development as unnecessarily limited (RCAGA, 1976:S2.3.16, 18). The RCAGA also received a number of submissions proposing the transfer of the recruitment function from the PSB to departments and agencies based upon criticisms of the Board's responsiveness to departmental needs (RCAGA 1976:S8.2.39,179).

In its Report, the Commission expressed the view that whilst they believed there was some validity in the criticisms, they did not believe that these outweighed the need for the PSB to bear responsibility for the maintenance of quality generally in the staffing of the Service, nor did they regard the centralisation of this responsibility with the PSB as incompatible with greater delegation to departments and agencies (1976:S8.2.40, 179). It recommended that the PSB should delegate to departments the power of recruitment more extensively, including lateral recruitment but that the Board should set the standards and monitor the procedures (1976:R127-128, S8.2.40-44). The then Secretary of the PSB, Bruce MacDonald, argued that these recommendations were consistent with the Board's efforts to develop processes which would give departments 'greater flexibility to manage establishments within a system of controls' (MacDonald, 1977:72).

The Commission sought to increase ministerial control of departmental activity and improve efficiency by giving managers greater control over resources and making them accountable for the results (RCAGA, 1976:S3.4.6, 43; Nethercote, 1977:106). It was recommended that greater departmental autonomy be accompanied by the introduction of 'a regular program of efficiency audits in which departmental performance be assessed. These assessments should be so designed that they would bring before ministers, cabinet and Parliament both the assessment itself and the data on which it is based' (RCAGA 1976:S3.6.1,46). The Commission noted that the PSB was empowered under Section 17 of the *Public Service Act* to conduct periodic examinations of departments but asserted that the auditing and assessing of performance had not adequately taken place (RCAGA, 1976:S3.6.4-3.6.7, 46-7). It recommended that the role of Auditor-General be extended to undertake the assessment of departmental performance (RCAGA, 1976:R7,S3.6.17,49).

It is argued in this article that whether the RCAGA promoted a politicisation of Australian public service employment relations can be assessed in terms of whether it sought to diminish or replace the role of the independent public service agency and increase direct control by politicians in the employment of public servants. Although the Commission did not challenge the central role of the PSB in its control of the employment of public servants, it did shift some control and accountability from the Board to departmental managers, including the power of recruitment, albeit within the constraints of standards and monitoring procedures established by the PSB. The Commission also recommended that the responsibility for auditing and assessing departmental performance be removed from the Board and given to the Auditor-General. These changes were designed to ensure that 'departmental heads are to be accountable to ministers and Cabinet for the efficiency with which they manage their departments' (RCAGA, 1976:S3.4.8, 44).

Although the recommendations of the RCAGA concerning the role of the independent public service agency, the PSB, were clearly not aimed at increasing direct political control over the employment of public servants, by shifting some areas of control from the Board to

Parliament, departmental managers and to the Auditor-General, they may have laid a foundation for the future politicisation of public service employment relations. Nethercote may have foreseen such a possibility when he concluded that Mr Harold Macmillan once quipped that 'when one piece is moved in the delicate design of an administration, corresponding reactions follow, down to the humblest pawn'. The Commission's report recognised the interlocking nature of its own recommendations. It remains to be seen whether this will be reflected in their implementation' (Nethercote, 1977:116).

EMPLOYMENT CONDITIONS OF PUBLIC SERVICE

Three aspects of the employment conditions of public servants have defined the politically independent public service employment relationship: appointment on merit, tenure and a career public service. The RCAGA did not seriously challenge these aspects of public sector employment, but it did recommend changes aimed at ensuring greater community representation within the ranks of the public service and at encouraging a public service more attuned to community needs.

The Commission was of the view that the 'quality of administration is a function of the quality of the people who undertake it. No system of administrative structures and procedures can perform at its best unless it recruits and retains appropriately skilled and motivated men and women (RCAGA, 1976:S8.1, 165; Bailey, 1977:41). The Commission expressed throughout its Report strong values and recommendations concerning the need to ensure the representation of disadvantaged groups within the public service. Coombs clarified the values of the Commission in stating that:

'The composition of the bureaucracy ... reflects not the structure of Australian Society as a whole but that of the already privileged sections within it. It is not easy to achieve a more representative balance while preserving the measures of 'merit' which underlie the system' (Coombs, 1977:50).

The Commission stated clearly that it upheld the concept of recruitment by merit and did not question or challenge the role of the PSB with respect to 'appointment and recruitment' (RCAGA, 1976:S8.2.5 -S 8.2.6, 171). However, it was concerned that there were problems with the application of the merit principle and was not satisfied that the tests used provided the soundest or fairest basis for recruitment (RCAGA, 1976: S8.2, 170-2; Bailey, 1977: 41). The Commission proposed a charter for the PSB, placing it under a duty to ensure that in the recruitment, appointment, promotion, and transfer of staff there is no discrimination on grounds unrelated to the needs of the work to which the appointment, promotions or transfer is made and that special measures are taken to secure adequate advancement of members of disadvantaged groups (RCAGA, 1976:R334, S11.6.46, 401).

The Commission supported the retention of a career public service but concluded that 'certain characteristics of the 'career service' enabled the administration to function to some extent as a self-contained elite group', without being sufficiently accountable, and argued that efforts were required to ensure that the administration reflect the social composition of the community, and to facilitate the free movement into and out of the administration in order to promote responsiveness to social change (RCAGA, 1976:S2.5.1.7, 27; Bailey, 1977:45). The Commission concluded that the 'career service' sometimes resulted in people staying in their jobs although they were dissatisfied and in there being too little mobility of staff into and out of the service (Bailey, 1977:42). The Commission recommended that a system of staff exchanges or secondments be developed to facilitate greater mobility within the service and between government and other spheres of activity (RCAGA, 1976:R94, S6.3, 145; Bailey, 1977:43). The Commission also expressed concern regarding excessive attachment to formal educational qualifications and a rigid system of classification of position and work (RCAGA, 1976:S8.2.46-54 and S9.2.3, 181-4 and 255). It recommended devolution of responsibility to department heads and a greater flexibility in the administration of the classification system (RCAGA, 1976:R202, S9.2.3 and S9.2.15, 245-7).

It must be concluded that although the RCAGA did recommend changes to certain aspects of the employment conditions of public

servants, it did not recommend against appointment on merit, tenure and a career public service. With respect to these three aspects of the employment conditions of public servants that have defined the traditional Westminster system of government, the RCAGA did not promote direct political control in the employment arrangements of public servants generally. The Commission did, however, make specific recommendations concerning the employment of departmental heads, and these will now be reviewed to ascertain their implications, if any, for the politicisation of the employment relationship.

THE EMPLOYMENT RELATIONSHIP OF DEPARTMENTAL HEADS

Peter Bailey, who had been a Commissioner for RCAGA and at the time of writing was Secretary in the Department of Minister and Cabinet, asserted that 'few aspects of our inquiry attracted as much attention as the role and responsibilities of departmental heads' (Bailey, 1977:31). The Commission was required to consider 'how power over and responsibility for departments should be divided between ministers and department heads' (RCAGA, 1976:S4.5.1, 95). Issues in debate included the focus of the permanent head's responsibility, ministerial access to the department except to the extent and in the form agreed by the permanent head, the nature of the permanent head's obligations to other sources of authority within the administration including the cabinet and the duties imposed upon him by the Audit Act and the Public Service Act (RCAGA, 1976:S4.5, 95-8; Bailey 1977:31-3). Of central relevance to the issue of political control over the employment of public servants, the RCAGA Report discussed and made recommendations concerning the appointment of departmental heads and the issue of their tenure (1976:R49-55, S4.5.8-23, 98-103).

The potential for direct political control over the employment of departmental heads was affirmed in legislation before the Coombs Inquiry. As noted in the RCAGA Report, Section 54 of the Public Service Act 'while envisaging that appointments might be made on the

recommendation of the PSB, provides alternatively that they may be made by the 'Governor-General without reference to the Board'. In practice, the minister and the Prime Minister in most cases consult the Board, and recommendations receive Cabinet approval before being submitted to the Governor-General' (RCAGA, 1976:S4.5.8, 98).

Although the values and recommendations expressed by the Commission erred on the side of upholding the traditional characteristics of an independent public service, and did not recommend greater direct political control of the employment of departmental heads, it also did not propose a winding back of the then already existent provisions for direct cabinet appointment via the Governor General. The RCAGA did, however, advocate a process of consultation with the chairman of the PSB which would culminate in the collective approval of Cabinet (RCAGA 1976: R49, S4.5.9, 98). A reading of this section of the RCAGA Report leaves the reader with a feeling that the Commission was itself somewhat uncomfortable with its own recommendation; that it was perhaps reluctantly submitting to the political reality of direct political appointments. 'It is most probable that, as in the past, the majority of appointments to positions of head of a department will be made from within the Service. However the position of departmental head should not be 'closed', although we would be disappointed if the career service did not produce the best candidates in the majority of instances' (1976:S4.5.10, 99).

A similar disquiet is observable in the RCAGA discussion and recommendations concerning the tenure of departmental heads. The Commission noted that following the changes of government in 1972 and 1975, a large number of departmental heads were displaced or relocated but that they did not lose their positions in the public service but rather became an 'unattached officer(s)' (1976:S4.5.12, 99). It was argued that there were deficiencies in the extremes of the views submitted to the inquiry – that the departmental head should be assured 'permanence' or that he should be removed 'at pleasure' (1976:S4.5.15, 100). The Commission argued against fixed term appointments for departmental heads but recommended that they not remain in one department for longer than seven years but be relocated (1976:R51, S4.5.17, 101). It was recommended that a process be

followed by a minister wishing to change his departmental head, and that a departmental head's tenure of office should not be coterminous with the life of the government under which he was appointed (1976:S4.5.19, 101).

The RCAGA also recommended that 'the office of departmental head be made statutory, governed by terms and conditions of appointment specific to it which would provide that a departmental head be appointed by the Governor-General' and that a person appointed from outside the Service would have no statutory right to be employed in the Public Service (1976:R53, S4.5.20-21, 102). Although the RCAGA was not promoting direct political control over the appointment of departmental heads, its views and recommendation certainly accepted the existence of such political control and may be viewed as having laid the foundation for further politicisation by recommending the transfer of employment control from the PSB to the Governor-General who might be seen to be more directly subject to Cabinet submissions than the Board.

MINISTERIAL OFFICES AND STATUTORY AUTHORITIES

The RCAGA's views and recommendations regarding ministerial offices and statutory authorities are of interest because these aspects of public administration have been subject to criticisms of politicisation in recent years. The argument, put simply, is that the appointment of ministerial staff and heads of statutory authorities is made by ministers and Cabinet and therefore subject to direct political control.

The Commission noted the expansion in ministerial offices following the election of the Whitlam government in 1972 and the appointment of individuals from both within and outside the public service 'at a more senior level than had previously been the norm' (RCAGA, 1976:S4.6.1, 103). A view submitted to the Commission was that 'the advisor role was a temporary phenomenon, associated with the advent of a Labour government after a long period in opposition, and that over time ministerial offices would tend to revert to the purely facilitative role' (RCAGA, 1976:S4.6.1, 104). The Commission asserted

that it was 'not insensitive to the need of ministers for better staff resources' and argued 'that it can best be met by raising the level and status of the private secretary' (RCAGA, 1976:S4.6.5, 105). The Commission also argued that it should 'be possible to staff minister's offices so as to meet the minister's requirements', that 'the grading of ministerial private secretaries be made sufficiently wide...' and 'that such advisors, even if appointed for a limited term should be integrated with the staff of the department' (RCAGA 1976:S4.6.6, 105). Once again in its Report, the Commission appears torn between its desire to uphold the values of an independent public service and the political reality that government has already grown its directly controlled ministerial offices. The Commission's response to the vexing issues of ministerial offices was to avoid the potential implications for independent advice and ministerial responsibility.

With respect to the staffing of statutory authorities, the Coombs Commission was more decisively in favour of staffing under the *Public Service Act*. The Commission identified in its inquiries thirty-four statutory authorities which were not governed by the *Public Service Act* but under the terms of their establishment had some kind of statutory relationship with the Board and a further forty-six authorities staffed independently of the Board (RCAGA, 1976: S8.1.5, 166). The Commission found that 'statutory provisions concerning the staffing of statutory authorities appear to be untidy and reveal no consistent principle as to when it is appropriate for staff to be employed under the *Public Service Act*' (RCAGA, 1976:S9.4.10, 257). It was recommended 'that there should be a presumption in favour of staffing statutory bodies under a *Public Service Act*' (RCAGA, 1976:R214, S9.4.14, 258).

Therefore, on the issues of ministerial offices and the staffing of statutory authorities, the RCAGA may be seen to have expressed some concern over the issue of political control and the by-passing of the independent agency but it stopped short of opposing these. Colbatch has also noted that the RCAGA did not address the use of contracting-out or outsourcing (2002:96).

CONCLUSIONS

Many commentators have argued that the RCAGA Report (1976) has significantly influenced public sector reform in Australia for the past three decades (Colebatch, 2002; Podger, 2004; Briggs, 2005). Similarly, many recent commentators have expressed concern regarding the politicisation of the Australian public service (Mulgan, 1998:3; Hawkes, 1999:80; Nethercote, 2003). However, contemporary research has not investigated the role played by the Coombs Inquiry in perhaps paving the way for such politicisation. One of the reasons for this of course is that the RCAGA Report (1976) became somewhat lost in history as the Whitlam government, which established it, was no longer in power at the time its findings were presented.

This article examined the position taken by the RCAGA report concerning the political control of the employment arrangements of Australian public servants. In assessing the nature and potential impact of the RCAGA Report upon the politicisation of the public service, attention was directed to whether these promoted a politically controlled public service or whether they upheld the tradition of a politically independent public service.

It has been argued that the RCAGA Report supported the key elements of a politically independent public service. The RCAGA was found to support the control by the independent agency, the PSB, over the employment arrangements and the maintenance of appointment on merit, a career service and tenure. Although these key elements of an independent public service were supported, the Commission argued for modifications to these elements in line with its commitment to improved efficiency, accountability and responsiveness both to ministers and to the community. Whilst the proposed changes did not amount to direct support for political control over the public service, they may have laid the basis for future politicisation. In particular, by recommending some shift in control from the PSB to departments and to the Auditor-General as well as the statutory appointment of departmental heads, the RCAGA may have opened the way for some diminution in the role of the independent agency in the employment of public servants, and an increased direct political control.

The RCAGA, despite its strong support for those elements of an independent public service, also accepted those aspects of government administration already evidencing signs of politicisation. The RCAGA's discussion and arguments suggest that they were not entirely comfortable with their treatment of these issues. They appear to have accepted somewhat reluctantly, with a sense of inevitability, direct ministerial appointments under Section 54 of the *Public Service Act*, in ministerial offices and in statutory authorities.

In conclusion, the RCAGA overtly supported an independent public service agency exercising control over the employment of public servants but it accepted those elements of direct political control already present in some areas of employment within the public administration. Furthermore, some of its recommendations supported changes to traditional public sector employment arrangements which are consistent with those latter introduced and which may be seen to have contributed to a politicisation of the Australian public service. These issues must be considered in their historical context. The Whitlam Labour government was committed to profound social change yet it inherited a public service that had served Liberal governments for twenty-three years. The government felt some degree of frustration regarding the degree of support it received from the public service. The focus of the Coombs Inquiry was on the administration of government within this context of desired change, and concerns regarding the principles of the Westminster system of government were not paramount, although it is clear that the Inquiry did not seek to fundamentally alter the nature of its foundations in Australia.

This analysis of the RCAGA recommendations is potentially of considerable significance to any analysis of contemporary public sector politicisation. It also demonstrates the importance of adopting an historical approach to analysing social changes. Although some may be uncomfortable the idea, the research findings presented in this article suggest that the roots of the future politicisation of the Australian public service, evident and widely commented upon in the early years of the twenty first century, can be located in the report of the Coombs Commission (RCAGA, 1976).

NOTES

¹ It is recognised that these elements do not fully capture the ways in which the employment relationship of public servants can be politicised. The proposed model only recognises a small number of the elements of the employment relationship which were those identified by Northcote and Trevelyan over 150 years ago. Sadly, it is apparent from a comprehensive review and understanding of the literature, that the key elements of the employment relationship have not been adequately defined in the literature.

Whilst definitions of the relationship have been developed from various disciplinary perspectives, a comprehensive definition which might be applied in our current research is not available. The reason for this absence may well lie in the separation of disciplines. While some have sought to define industrial relations and others have provided definitions of employment relations, their focus has been upon the study of the subject and what should be included in such a study rather than upon the core elements of the relationship (Gardner and Palmer, 1992; Deery, Plowman et al, 2001; De Cieri and Kramar, 2003). Only in the discipline of law, driven by the necessity to provide definition to the 'new' non-slave class of workers, does a concise explanation of what constitutes an employment relationship exist. Yet even this definition, based upon the notion of 'control' is seriously bereft even in the purely legal sense (Mills, 1982). A comprehensive definition of the employment relationship, built upon the theoretical insights from various disciplines, would greatly assist our endeavours to understand phenomena such as the politicisation of the employment relationship.

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