

Reform of
Australian Government Administration
Building the world's best public service

Submission of Sir Lenox Hewitt OBE

1. Achievement of the Prime Minister's vision of *“reinvigoration of the Westminster tradition of an independent public service with merit-based selection and continuity of employment between governments”*¹ will immensely improve the administration of our great country and remedy the dreadful effects of the Public Service Bill 1997 that was enacted in 1999 with effect on 5 December 1999.

2. The intent of this Submission is to show the manner in which the changes that were made at that time conflict with the Prime Minister's vision and the Westminster tradition.

3. For this purpose I have attached copies of: -
 - a) my submission to the Joint Committee of Public Accounts dated 17 July 1997
 - b) relevant sections of the Official Hansard Report of:
 - (I) the preliminary hearing on 6 August 1997
 - (II) the hearing on 7 August 1977

¹ Page 10 Advisory Group discussion paper.

(III) the hearing on 9 September 1997

and ask that all four documents be treated formally as part of this, my present Submission, and read, in sequence, at this stage of the consideration of my Submission.

4. The Public Service had been disemboweled on 5 December 1999.
5. Earlier, on 8 March 1996, the Prime Minister designate announced in a Statement that the swearing in of the new Ministry would take place on Monday 11 March 1996. The Ministry and Departmental changes were also announced in that Statement.

The section of the Statement titled “HEADS OF DEPARTMENTS” also recorded, *inter alia*, that “There will be some changes in departmental secretary arrangements”, and there followed, immediately afterwards, “Mr Paul Barratt who has been the Executive Director of the Business Council of Australia since 1992 will rejoin the public service as Secretary to the Department of Primary Industries and Energy.”

In the next paragraph of the Statement there appeared the words “..... several secretaries will be leaving the public service.”

6. A later report of the Canberra Times, of 16 November 2008, said that:
“In Mr. Howard’s first week in office, six government department heads were sacked in Canberra’s ‘night of long knives’.”
7. The present ‘atmosphere’ does not provide the solid foundation that is essential to the Prime Minister’s aspirations. I know, from both written and oral communications that I received at the time of the proposed amendments of 1997 that morale in senior ranks, to put it at its best, was far from what the Prime Minister of today would wish it to be.
8. The overhang of the threat of instant dismissal, on a Ministerial whim, is wholly incompatible with our Prime Minister’s aspirations for the Service.
9. Whatever the humiliation, whatever the family sufferings - at school, or at social gatherings - that could arise from some quite brutal action under the previous legislation, the new provisions of the 1999 legislation rubbed salt in the wound by introducing the spectre of summary unemployment. This is not the state of mind in which the Prime Minister’s aspirations will be achieved.

10. I believe that the Founding Fathers created, through the Public Service Bill 1901, a career Service that served the Government of the day and the country honourably and efficiently.
11. The creation of that Service arose out of dissatisfaction with the conduct and practices of the administrations of the States.
12. The Commonwealth's career Service was destroyed by the legislation that took effect on 5 December 1999.
13. I believe that the reinvigoration of the Westminster tradition of an independent public service, the call of the Prime Minister, can only be achieved by a career Service with appropriate terms and conditions.
14. In practical terms, judging by such 'sounds off' as have come my way, I doubt whether any other means will achieve "continuity between governments" despite its complete observance by the incoming Government on the last such occasion.

Conclusion

My entire life in the Service of the Commonwealth, some forty years, from 1939 to 1980, and subsequent years of service to the governments of New South Wales and Western Australia brought me into direct association with Ministers of the Crown throughout all those years .

I mention this simply for the purpose of putting down the experience that has guided me in the composition of this Submission.

I, and my colleagues of those times, knew full well the possible consequences of pressing frank and fearless advice but were not exposed to the turmoil of instant unemployment at the unnecessary and callous whim of a Minister with no reason given.

Should the Advisory Group wish it I will gladly respond to enquiries orally or in writing.



Lenox Hewitt

29 November 2009