Representative democracy, responsible government, the rule of law, and federalism can all be seen as concepts that shape the way you as a public sector manager perform your duties, both in terms of your responsibilities and also, importantly, in terms of your accountability. In this topic we will look at the political and ethical nature of these accountabilities that have their foundations in the core ideas we have noted above. We examine in greater detail some of the mechanisms developed to advance Westminster requirements for accountability, including parliamentary procedures such as Question Time, committees, and independent bodies such as auditors-general and associated audit bodies.

We will then turn to ethical accountability – an essential part of the modern public sector. Ethics can often be downplayed or treated as an ‘add-on’ to what some people describe as more fundamental issues. This is not the approach taken in this program. From the start it is made clear that ethics is not ‘a county in the south of England’. The importance of ethical codes and the codification of ethical principles in public sector legislation are examined to reveal the important dimension of ethical accountability for public sector managers. In this context, we discuss whistleblower legislation and measures that seek to ensure accountability by the use of market-based models.

In Topic Two we examined some of the new administrative measures that were instituted to develop further the principles of accountability in the Australian political system. These include the office of the Ombudsman, Freedom of Information (FOI) legislation and the Independent Commission Against Corruption (ICAC) and equivalents. Thus these two topics detail the importance of accountability as an essential feature of managing up.

Learning Objectives

On successful completion of this topic, you should be able to:

1. Explain the concept of political accountability and describe its different institutional features.

2. Explain the different ways the executive, and specifically the public service, can be held accountable.

3. Describe the notion of ethical accountability and its implications for public sector managers.
4.1 Political Accountability

As Mulgan (2003) suggests, accountability is a complex and contested concept. The orthodox model of accountability relies on the Westminster chain of accountability. According to this model, you as a public sector manager are accountable to those who instruct you, who are in turn responsible to the relevant departmental secretary or director-general, and ultimately the minister. Ministerial responsibility is therefore the ultimate form of accountability in this model, with ministerial accountability expressed eventually through parliament to the people.

The traditional political accountability chain can thus be conceived as follows:

- Public servants are responsible for carrying out the wishes of properly elected governments and accountable to the ministers in charge of their bureaucratic departments.
- Ministers are responsible for the actions of their departments and accountable to the Cabinet (the committee of executive government in the Westminster system) and to parliament.
- Parliament, as well as being responsible for scrutinising ministerial actions is also responsible for making and amending laws. It is in turn accountable to the voters who elect its members and who may vote them out at election time if they are unhappy with them.

This last link in the chain, the electorate (or the ‘people’), is a crucial one. Legitimacy in a democratic system comes ultimately from the people. A government is legitimate when it has come to power through valid democratic processes and meets the expectations expressed in the electoral choice of a majority of the people. Periodic elections are the principal means of popular political accountability in our system.

However elections, though more frequent in Australia than in other countries, are relatively rare events. In between elections, governmental accountability is partly ensured by parliament. The resident opposition parties in parliament, hoping to form government themselves one day, have a perpetual interest in watching and criticising the actions of their opponents in power.

While this model is useful to our understanding, as we have seen, it does not capture all the subtle aspects of accountability that are a feature of modern public service in Australia. In order to more fully draw out the complexities associated with accountability, we will examine other more specific aspects of political accountability, including Question Time, parliamentary committees, budgetary accountability, and the media. Accountability to citizens, by means of the ombudsman and other legal avenues was explored in Topic Two. For efficiency, most of this discussion is based on Commonwealth institutions and bodies. There are equivalent or similar state institutions and we encourage you to explore further the specific ways these are in accord with, or deviate from, the accountability measures we discuss below.

The role of parliament as an institution that exercises accountability is noted by Uhr and Wanna (2000) in the table below.
Table 4.1 Core roles, functions and accountabilities performed by parliament

<table>
<thead>
<tr>
<th>Core roles performed by parliament</th>
<th>Related functions — performed in the wider context of parliament</th>
<th>Accountabilities exercised – in practice and potentially</th>
</tr>
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</table>
| Popular sovereignty and the formation of executive – but with each state enjoying equal representation in the Senate | • The head of state on advice commissions the ministry  
• Ministers are sworn in who can command the confidence of the lower house (not the Senate)  
• Ministers must be members of parliament (except for an initial three-month constitutional provision)  
• Ministers can be appointed from the Senate | • Two chambers of accountability and legitimacy  
• Consent toward the government’s authority to act or decide  
• Government needs to maintain the confidence of the lower house (otherwise it falls)  
• Senate ministers do not resign necessarily if censured by that body |
| Appropriation of resources and expenditure review | • Must satisfy constitutional provisions to operate government and draw public funds  
• Need to pass supply bills to resource the administration of government  
• Only ministers present bills seeking resources (Treasurer and Finance Minister) | • Estimate hearings with wide-ranging investigation of the performance of executive government  
• Money Bills are determined within the session, providing a forum and focus for debate on the government’s program |
| Legislation, policy advocacy and provision of information | • Ministers take lead in introducing bills (priority to government business)  
• Government announces and defends measures and technical/subordinate details  
• Allows investigation of government intentions or initiatives  
• Limited scope provided for private members’ bills | • Public scrutiny of government, including public tabling of information: documents, reports, statements  
• Second and third reading stages provide a timetable to debate the proposals  
• The Main Committee of the House considers legislation in detail  
• Senate committees can investigate independently |
| Debate, deliberation and the raising of grievances | • Free speech function in a privileged public forum which attracts publicity  
• Meets regularly and conducts an orderly business — including structured debates  
• Question time (questions without notice) provides an important opportunity to probe the executive and seek answers  
• Capacity to lodge and discuss grievances  
• Capacity to raise concerns wider than the immediate agenda of government  
• Conscience vote permitted on selected (e.g. moral) issues | • Check on executive abuse  
• Hold ministers and other public officials collectively or individually to account  
• Seek explanations  
• Bring issues to the attention of the ministers  
• Important links between the media’s dissemination of what is said or tabled in the public forum  
• Potential exists to ‘cross the floor’ on issues but this right rarely exercised by party members |
| Presentation of alternative assessments or ideas | • Provides a role, forum and resources to an organised opposition  
• Wider oppositional views and range of internal critics (all non-executive members can raise matters of concern)  
• Opportunity to criticise and amend legislation  
• Right of reply, speak under privilege  
• Question time and scrutiny within committees  
• Ability to lodge public petitions | • Allows alternative views to circulate and be examined  
• Enables comparison of policy ideas in the public domain  
• Allows the government or other members the opportunity to scrutinise any opposition plans (or lack thereof) |
| ‘Caucusing’ institution – an assembly of parties and members | • A place where parties and political groupings are paid to do their business  
• A place where parties congregate and work out modus operandi, compromises, points of disagreement  
• Parties insist on disciplined voting and appoint whips to coordinate their members | • Requires parties to operate and defend themselves in the public domain  
• Allows parties to scrutinise their own ministers’ leaders and have policy input behind the scenes (e.g. in party room, one-on-one)  
• Whips often can mediate on issues where backbenchers have differences with their leadership |

Source: Uhr & Wanna (2000:13)

As this table notes, the various core roles of parliament give rise to a range of accountabilities of ministerial and executive action. It is useful to examine a few notable forms of such accountability.
4.1.1 Question Time

Parliamentary Standing Orders identify Question Time in parliament as an opportunity to seek information. In fact, Question Time is often used as an opportunity for political point-scoring, using the media to vie for favourable public opinion. But this does not mean that Question Time fails as an accountability measure. The ability of parliamentarians to put questions to ministers means that the ministers’ ability to provide effective answers and to manage Question Time well can become an important test of ministerial ability and departmental efficiency. In this sense, Question Time is a valuable accountability measure.

Because of scrutiny and the potential for embarrassment, ministers like to be well prepared for Question Time. If issues are raised about a departmental or agency matter, the department may be asked to prepare a Question Time brief. If it is unclear what the question is going to be, it may be asked to prepare a brief outlining answers to possible parliamentary questions (PPQs). The format of these will vary from government to government, and between jurisdictions, however the key consideration is to ensure that the minister has the information necessary to deal with the question authoritatively. Middle managers will be involved in the preparation of briefings for ministers in advance of Question Time. Any issue that is likely to be raised should be briefed upwards so that the minister is prepared. This briefing process requires managers to be alert to pending issues and to act as early warning beacons for the senior executive and consequently for the minister’s office and the minister. This is a key managing up initiative.

Activity 4.1 – Is Question Time an effective accountability mechanism?

1. Read the required reading article ‘Question time: questionable questioning with few answers’ by former Speaker of the Victorian Parliament, Dr Ken Coghill.

2. Use Hansard to find the record of a recent Question Time in your jurisdiction. From your reading of the debate, do you think Coghill’s criticisms of Question Time are valid? Do you think political accountability could be improved if parliament adopted some of the reforms proposed by Coghill? Why or why not?

Alternate Activity 4.1 – Briefing the minister

For a recent event that was raised in Question Time, examine the role of the department or agency in briefing the minister. What information would you consider to be generically important to include in the brief.

4.1.2 Parliamentary Committees

As a public sector manager, you may be asked to give evidence or appear before a parliamentary committee. It is therefore important, as part of managing up, that you understand this aspect of political accountability.
A parliamentary committee consists of a group of members or senators appointed by one or both Houses of Parliament. Parliamentary committees are ‘select’, constituted for a specific issue, or ‘standing’, permanent committees. Where a committee is made up of both members of the House of Representatives and the Senate it is called a joint committee.

In establishing committees, parliament obtains general and expert information, reasoned conclusions and advice on a range of matters under investigation. Thus committees scrutinise government activity, both legislative and executive, and provide an important source of accountability.

**Activity 4.2 – Want to know more about parliamentary committees?**

Research the committees that are currently operating in your jurisdiction, either in the Lower or Upper House (where applicable). Find a committee that is relevant to your areas of responsibility and scan through some documents to get a sense of the styles of some of the members and the issues of interest to the committee.

The Commonwealth House of Representatives has a committee system that allows for the review of legislative matters. There are also expert advisory committees, for example:

- Economics, Finance and Public Administration
- Family and Human Services
- Industry and Resources
- Legal and Constitutional Affairs
- Transport and Regional Services

The Senate has a number of committees that allow detailed examination and review of important legislative and executive matters. The legislation committees review legislation referred to them by the Senate, examine estimates of governmental operations and review agency reports. References committees examine general matters of public policy referred to them by the Senate. Other committees include:

  - the Scrutiny of Bills Committee
  - the Regulations and Ordinance Committee
  - the Privileges Committee

A full list of parliamentary committees for Commonwealth and state parliaments can be found on the relevant websites.

In terms of fiscal accountability at federal level, the Joint Committee of Public Accounts and Audit (JCPAA) has a key role. The Public Accounts and Audit Committee is a joint statutory committee which examines the spending of all Commonwealth agencies. It is also responsible for examining the reports of the Auditor-General. The committee is especially powerful as it has the capacity to initiate its own references and, to a large extent, determine its own work priorities.

Giving evidence before a parliamentary committee can be stressful. The atmosphere is often intense and partisan. Parliamentary departments offer special information sessions for public servants who may be called to appear before committees. You may have been involved in the preparation of briefing material for the minister and officers attending these hearings.
4.1.3 Auditors-General

The Auditor-General’s functions, mandate and powers are established by Acts such as the Auditor-General Act 1997 (Cth). The Auditor-General is an independent officer of parliament with a wide mandate to audit government agencies, authorities, companies and subsidiaries. The Auditor-General’s functions are to audit financial statements and conduct performance audits. In exercising his or her duties, the Auditor-General must take into account the priorities established by the Joint Committee of Public Accounts and Audit or relevant state/territory equivalent.

In the Commonwealth, the Auditor-General is chief executive officer of the Australian National Audit Office (ANAO). The ANAO assists the Auditor-General, providing audit services and independent review of the performance and financial management of public sector agencies and bodies. It undertakes:

- **performance audits**: evaluating the economy, efficiency and effectiveness of the management of public sector agencies
- **better practice guides**: promulgating better practices for public sector agencies to assist them in the improvement of public administration
- **the more traditional role of financial statement audits**: independently examining the financial accounting and reporting of public sector agencies.

Each state also has an auditor-general. The offices of the various auditor-generals cooperate to examine trends and issues in order to maximise the effectiveness of the limited resources that the respective offices have.

**Activity 4.3 – Researching audits**

1. Who is the auditor-general in your jurisdiction? What agency does he or she head up?

2. Find out about the agency’s mission by searching either an annual report or a strategy document. Examine the publication looking for similarities and differences to the federal examples given above.

3. Has your department been audited through an efficiency review or similar non-regular, non-financial audit? Look up the annual report of your department or of the Audit Office to find out what the main findings were from its most recent report.

4.1.4 Media

The print and electronic media plays an essential role in modern liberal democratic countries. In disseminating news and information, the media contributes to the fundamental democratic requirement of free political discussion that is essential for sustaining informed debate and deliberation. However, this view of the media supporting a ‘public sphere’ where rational and thoughtful debate can take place is contestable on a number of grounds. For some, the media offers little more than entertainment. For others, the media simply reflects the opinions of their wealthy proprietors. More radically, others again argue that the very form of media communication limits any real debate. The ‘ten-second’ TV grab, they say, is just a
manipulative use of modern technology that appeals to our passions and prejudices rather than offering informed opinions.

Certainly the modern media, in the form of investigative journalism, provides a powerful form of political accountability. The extent to which both politicians and major corporations use communication consultants and media advisers underlines the importance of the media in modern democratic politics.

It is true that accountability by the media is not always sustained, in-depth and reliable – too often important stories are pushed off the front page by more sensational breaking news. Also some issues may be too complex or ‘dry’ to sustain extensive media coverage. However the proliferation of cable television and 24 hour news services has increased the capacity for such coverage. The Web, particularly blogs, has created new public arenas for political discussion that cannot be controlled by governments. Consequently, the ability of the press, radio and TV (and increasingly the Web) to draw the public’s attention to issues of public responsibility and accountability cannot be denied.

Most public sector agencies now have media officers or media sections to deal with press inquiries. They have protocols governing who in the agency is authorised to act as a spokesperson. Normally the minister’s office is consulted about media inquiries. Dealing with contacts from the media is considered in more detail in the Managing Out unit.

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**Activity 4.4 – The role of the media in political accountability**

Describe an example from your own organisation where the media has played an important role in holding the agency, minister or government accountable. Briefly describe the situation and then indicate what the outcomes were. What lessons were or should be learned from this experience? Focus on the strengths and weaknesses of the media in accountability.

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**Want to know more?**

The following resources will tell you more about the media’s role in political accountability.

4.2 Ethical Accountability

At the same time as accountability requirements have become more complex, they have also been complemented by an increasing emphasis on ethical awareness as an important part of public sector work. Thus, the APS, like each of the state and territory jurisdictions, is deeply concerned, amongst other things, to:

- prevent corruption among public officials
- observe equity in employment practices
- monitor the effects of government decisions and actions on the rights of individuals and groups both inside and outside of government
- be sensitive to the inconvenience or harm suffered by clients due to incompetence, neglect or discourtesy on the part of public officials.

The main reason for this move towards a culture of ethical awareness rests in the shift of reform that has seen the public sector move from a command and control model of administration toward one characterised by individual initiative and discretion. Instead of a traditional bureaucratic hierarchy with clear lines of demarcation between levels and functions, authority and responsibility have become in effect more widely dispersed throughout the organisation. Instead of emphasising rules, the new model has emphasised independent decision making informed by sound values. Is this your experience?

Today, public sector managers are expected to be potential risk-takers prepared actively to manage their agencies and operations in the interests of improved outcomes. A grant of greater freedom and discretion is seen as necessary to enable this. Greater discretion is in fact encouraged at all levels of responsibility. Staff, whatever their jobs, are expected to show independent initiative, flexibility and imagination in the fulfilment of their tasks; they should not blindly follow authoritative rules or directives whatever the consequences.

Loosening the bonds of the old command–control model for the sake of achieving greater adaptability and useful initiative among staff, however, has raised a potential problem. If an employee is allowed independence, how can incompetent or unethical conduct be controlled or prevented? How are managers who remain accountable to directors-general, to ministers and to parliament to ensure, for example, that:

- corruption of public officials is prevented?
- equity is observed and diversity respected in employment practices?
- decisions and actions of public servants do not infringe the rights of individuals and groups both inside and outside of government?

The answer provided by the APS (and by public sectors in other jurisdictions and countries that are looking towards reforms) was not more laws and regulations but the establishment of an ethical culture.

In such a culture, officials internalise and routinely apply ethical standards and values. The values and principles of the APS were to be integrated and incorporated into the daily work and continuous expectations of all staff.
In order to appreciate the change inspired by a value-based ethical culture approach to accountability, let’s turn to some key definitions.

4.2.1 Defining Ethics and Accountability

Philosophical discussion about ethics and ethical behaviour has been going on in our Western tradition at least since the time of Socrates in the fourth century BC. Arguments continue today about the ultimate basis and justifications of the values that inform ethical positions.

What do we mean when we speak of ethics, values and principles?

- **Values** express those things that people believe to be good in some way. Not all values are ethical, however. Physical fitness, serenity of mind, a taste for fine wine and regard for the rules of etiquette may all be highly valued by individuals but do not necessarily have ethical connotations. How highly a person values non-ethical values is usually a matter of personality and choice.

- **Ethical values**, however, have a particular kind of what we call ‘normative force’ – a moral force. That is, they express things that we (that is, individuals, groups or societies) think *ought* to be valued whatever a person’s particular personalities or choices. We may mention here values like honesty, integrity and respect for persons. Such values specify conduct that we think we have a right to expect or demand of anyone.

- Since we expect people to conform their conduct to ethical values, such values are usually incorporated into *ethical principles*. Ethical principles can be defined as ‘Moral rules meant to guide our ordinary action and conduct’ (Kane 2001).

As examples we may cite such familiar principles as “Honesty is the best policy”, and “Treat others as you would have them treat you”. We habitually judge each other according to such common sets of values and principles which therefore act as common standards of behaviour. We find fault with or praise particular actions, we trust or mistrust people according to such ethical judgments. Because we judge honesty as generally good (dishonesty being often harmful), we think of honest behaviour as morally right, and dishonest behaviour as morally wrong.

4.2.1.1 Ethics versus morals?

For anyone who may be wondering, the difference between ethics and morals is mostly one of linguistic origin. ‘Ethics’ comes from Greek and ‘morals’ from Latin, but the original meaning of both is ‘character’.

From this we may put forward a simple definition of ethics that will serve our practical purposes:

> Ethics is a set of principles or standards by which people’s actions may be judged good or bad, right or wrong.

Or, as already noted above, ethics is about ‘doing the right thing’. What the ‘right thing’ is in particular cases, however, may be quite hard to determine.
4.2.2 Public versus Private Accountability

The duties and responsibilities of public sector employees make them accountable in ways that differ significantly from the accountability standards relevant to private sector employees. One of the important reasons for this lies in the ‘public’ aspect of their duties. As a public sector manager who undertakes duties on behalf of the public, you are accountable for the way you fulfil this aspect of your responsibilities – in terms of the standard of your performance, the way you utilise and deploy public resources, the way you represent the public and the way you manage your various responsibilities. This raises an important question regarding the ethical accountability of public sector managers – a question that forms an important aspect of managing up.

Now it is clear that the notion of public service ethics is a contested concept. Part of the difficulty is in trying to untangle the complex problems of what is right and wrong in a public context and the difference between personal morality and public duty. Even relatively less contentious claims regarding desirable ethical standards – such as those of fairness, honesty, integrity and neutrality – become more complex when one considers the potential tensions between these different ethical requirements.

Traditional public sector ethics emphasised the importance of honesty, neutrality and professionalism – the need for ‘frank and fearless’ advice to ministers and politicians. The emphasis was on ethical accountability derived from the conventions of responsible and representative democracy. This was further reinforced by public service boards and training within each department that sustained these ethical standards by means of a chain of accountability. However, the public sector was also criticised for being too rule-bound, with every move dictated by a rigid set of procedures and reels of red tape. Public sector reforms have done away with many rules and much red-tape. However, now the debate centres on how to regulate public servants’ behaviour in this deregulated environment.

4.2.3 Codes of Conduct

The recent emphasis has been on codes and guidelines as an appropriate way to foster ethical behaviour in the modern public service. This development has been due, in part, to the increased support for parliamentary codes of conduct, ethics codes and ethics commissioners – a consequence of royal commissions and investigations in Queensland, Western Australia and New South Wales. Notably, a further consequence of these commissions and investigations has been the establishment of the Criminal Justice Commission in Queensland (now Crime and Misconduct Commission), the Independent Commission Against Corruption in New South Wales and the Crime and Corruption Commission in Western Australia.

Codes and guidelines in general have tended to be prescriptive, minimal formulations of the type of action and behaviour that is discouraged. But there is now a new stress on more aspirational codes that seek to direct individuals to the desired ethical disposition rather than simply pointing them away from what is not ethically appropriate. This change in orientation can be seen in the provisions of the Commonwealth Public Service Act regarding ethical values.
Section 10 of the *Public Service Act 1999 (Cth)* acknowledges the importance of ethical behaviour and provides general ‘values’—such as equity, fairness, honesty, professionalism—that form the bases for public sector management.

Since 2002, in an effort to promote the APS values and improve compliance with the Code of Conduct, the APSC has grouped the values according to ‘the key relationships and behaviours that underpin the integrity of an organisation’s decision-making process in the absence of detailed, central rules’ (APSC 2003a:25). These are:

- the relationship between the APS and the government and the parliament
- the relationship between the APS and the public
- workplace relationships
- personal behaviour

**The APS Values**

The Australian Public Service

- is apolitical, performing its functions in an impartial and professional manner;
- is a public service in which employment decisions are based on merit;
- provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves;
- has the highest ethical standards;
- is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament and the Australian public;
- is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government’s policies and programs;
- delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public;
- has leadership of the highest quality;
- establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- provides a fair, flexible, safe and rewarding workplace;
- focuses on achieving results and managing performance;
- promotes equity in employment;
- provides a reasonable opportunity to all eligible members of the community to apply for APS employment;
- is a career-based service to enhance the effectiveness and cohesion of Australia’s democratic system of government;
- provides a fair system of review of decisions taken in respect of employees.

Agency heads are bound by the Code of Conduct in the same way as APS employees and have an additional duty to promote the APS Values. [http://www.apsc.gov.au/values/index.html](http://www.apsc.gov.au/values/index.html) accessed 7th July 2008

These are summarised in Figure 4.1 below.
The way these values are to be implemented by Commonwealth public servants is outlined in section 13 of the *Public Service Act 1999 (Cth)*, which establishes an APS Code of Conduct:

**APS Code of Conduct**

APS employees are required, under the Code of Conduct, to behave at all times in a way which upholds the APS Values

**The Code**

The Code of Conduct requires that an employee must:

- behave honestly and with integrity in the course of APS employment;
- act with care and diligence in the course of APS employment;
- when acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment;
- when acting in the course of APS employment, comply with all applicable Australian laws;
- comply with any lawful and reasonable direction given by someone in the employee’s Agency who has authority to give the direction;
Some would argue that setting a code of conduct and list of values such as those given above is like ‘reading out the Ten Commandments and hoping for the best’. Senior Commonwealth executives such as Andrew Podger, past Public Service Commissioner, and Peter Shergold, former head of the Department of Prime Minister and Cabinet have discussed the need to operationalise these codes and value lists, and embed them in the day-to-day practice of public servants, rather than allow them simply to be ‘something you stick up on the wall of the office’. They are in fact law, so to that extent have a degree of built-in authority. One key issue is the need to build incentives into the system to encourage ethical behaviour, but even this idea is subject to critical debate.

The challenge of ensuring accountability and ethical behaviour in the reformed public sector is a major one. It is important to realise that the environment of a value-based ethical culture means you are not left to resolve ethical problems in isolation. Some cases will need to be referred upward or outward to more senior people or to agencies that exist to provide support. Part of your leadership responsibility is to ensure that staff are familiar with available lines of accountability and support. They should at least be confident that they can approach you for any information they need.

Significant effort is being devoted to building public sector employees’ understanding of the values and their obligations under codes of conduct, including through the provision of information and professional development resources. See the Other Learning Resources for this unit on the PSM Program National website for links to relevant Commonwealth and state government sites.
Activity 4.5 – Thinking about codes of conduct

State/territory participants:
Find your own code of conduct or equivalent and describe a workplace situation where you have used the code to comply with ethical requirements. How did you use the code? What force do you think the code has?

Commonwealth government participants:
Consider sections 10 and 13 of the Public Service Act 1999 (Cth). Describe a workplace situation where you have used the sections to comply with the ethical requirements of the Act. How did you use the sections? What force do you think the sections have?

Aside from issues of accountability, developing an ethical culture has positive benefits for efficiency, employee commitment, staff retention and decision-making processes (ICAC 2000). This approach assumes that most people will, in a cooperative atmosphere of trust, generally do the right thing without intrusive surveillance and constant threat. It also presumes that most people will be willing to report misconduct that threatens the integrity of the organisation without being tempted to turn it into a situation where everyone informs on everyone else. The problem is how to achieve a healthy balance.

Public servants have become familiar with the need for balance in monitoring and evaluating their work programs to test whether they are meeting the standards and achieving the outcomes intended. A proper balance of elements is needed in all program and performance management systems. Monitoring that interferes with implementation processes, or evaluation that costs more than the program being evaluated, is potentially counterproductive.

Effective evaluation is a notoriously tricky and often underdone aspect of program management. There is no reason to suppose evaluating conformity to ethical standards will be any easier than evaluating outcomes and efficiencies. Here it is essential to encourage the input of all staff in developing and implementing effective strategies of continuous evaluation. As in all other aspects of public management, the felt ownership of programs and procedures is the key to the sort of responsible, self-motivated and ethical work that a culture of trust encourages and needs.

So also with monitoring an ethical culture. The point of providing an explicit list of APS Values and an associated Code of Conduct is, as we saw, to encourage their incorporation into work practices and procedures, so that they become ‘second nature’. It is obviously essential to test work practices, and routinely check policies and procedures to check their conformity to APS standards. What is required,
however, is not heavy-handed surveillance but continuous monitoring processes that are simple enough to incorporate into policy or procedural work. The lighter and more easily integrated such processes, the more likely they are to become second nature.

4.2.4 The Place for Personal Ethics

The move to a value-based ethical culture involves encouraging public sector staff to use their own judgment more often. They are being asked to make and take responsibility for their own ethical decisions. We have already spoken, however, of the balance that needs to be struck between using too much discretion and using too little.

In fact it is very important that staff should not appear to substitute their own judgment for that of the legal and political authorities. It is a public sector manager’s role to serve the public, by definition, and also to be properly responsive to the public. However, it is not they who are the final authority on what constitutes the public interest and how it is to be best served. That, in the last analysis, is the job of the people’s elected representatives. As the Guidelines on official conduct of Commonwealth public servants (1995:8) states: [Public Servants] must adhere to the law and to the policies of the government rather than pursue their own concept of the public interest.

The law and policy regime under which public servants now work includes the published APS Values and Code of Conduct and their state and territory equivalents. The task of leaders is to make sure that their own decisions and those of staff conform to these values and code. Yet we are all well aware that people’s personal values and standards differ, sometimes quite markedly. This leaves open the possibility that a public servant’s personal standards may on occasion conflict with those of the APS. What happens if this occurs? The following activity investigates this possibility.

Activity 4.6 – Personal and public values

Read Values in the APS which can be accessed at http://www.apsc.gov.au/publications02/values.htm

As you read think about the following:

- the tension between making good use of your own ethical judgment and too much reliance on personal opinion
- the importance of ensuring that your decisions are shaped (1) by APS values and (2) by awareness of the policy and program decisions of ministers who are the public’s elected and legitimate representatives.

When you have read the passage, consider its message in the light of your own role in the public sector.

Critical reflection

Think of a time when felt a government decision in your portfolio was not in the public interest. Why was that? How did it affect you and your colleagues? Do you think you and others were able to adequately balance your public responsibilities with your private values?
4.2.5 Whistleblowers

In addition to these ethical considerations, there is of course a range of legal requirements affecting your duties as a public sector manager. These are generally captured by the requirement to comply with laws, including relevant criminal laws regarding theft and fraud.

In some cases you may be placed in a situation where you observe breaches in these duties rather than taking part in them. Consider a recent example from a Queensland Hospital where a CMC investigation recommended disciplinary action against a senior nurse for false or misleading statements set out in a résumé and failure to correct any wrong impression gained from such statements. The nurse involved had included in her résumé a Masters in Public Administration qualification. Although she had been enrolled in such a degree she had never completed it. The CMC also found the same person had demonstrated poor judgement when she failed to disclose a possible conflict of interest as a referee indicated on her résumé was also her de facto partner. (CMC 2006). Lawyers for the nurse claimed no misconduct had occurred as at the time of submitting the résumé she was not the holder of a public service position. The CMC found that the Act included provision for conduct engaged in before a person becomes a holder of an appointment can be official misconduct if there is potential for it to adversely affect the honest and impartial performance of the person once appointed.

To encourage the reporting of malpractice and unlawful actions, the Commonwealth and South Australia, Queensland, New South Wales, Victoria, Tasmania, Western Australia and the Australian Capital Territory have provided for forms of ‘whistleblowing’ legislation. This in theory protects those officers who make such malpractice visible, by ensuring that they are not discriminated against in breaking the cycle of improper action, silence and acceptance. The Commonwealth provision is expressed in the following terms:

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**Public Service Act 1999 (Cth)**

**Section 16 – Protection for Whistleblowers**

A person performing functions in or for an Agency must not victimise, or discriminate against, an APS employee because the APS employee has reported breaches (or alleged breaches) of the Code of Conduct to:

a) the Commissioner or a person authorised for the purposes of this section by the Commissioner; or

b) the Merit Protection Commissioner or a person authorised for the purposes of this section by the Merit Protection Commissioner.

c) an Agency Head or person authorised for the purposes of this section by an Agency Head.
You should note, however, that though these types of provisions are important in protecting you from victimisation and discrimination, they are at best a form of safety net. The best of all forms of protection is an ethically accountable service that does not tolerate unethical and illegal behaviour. In addition, it is important to remember that you should always attempt to rectify matters through formal channels in the first instance, as this is usually the most efficient and productive way of addressing specific problems. For example, in the Queensland case set out above the problems were raised initially by a senior doctor who was suspicious of the senior nurse’s poor performance. The doctor had to claim whistleblower protection when the senior nurse alleged harassment and bullying after he conducted an informal investigation of her claimed prior experience by contacting a previous employer and attempting to obtain a copy of her résumé.

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**Want to know more?**

The following resources provide interesting reading on whistleblowing:


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### 4.3 Ethical Dilemmas in the Contemporary Public Sector

It may be useful to note some general remarks regarding ethical accountability and the new public management. The New Public Management (NPM) approach, (examined in detail in Topic Five), emphasising a focus on clients, devolution of responsibility and managing for results has been defended on the grounds of efficiency and greater accountability. The client-based focus has been seen by some as a means of augmenting the ethical accountability of the modern public sector manager who is no longer nameless or faceless. And indeed there is a case to be made that the flexibility of such an approach does enhance ethical accountability.

But there are also some counter arguments that we should acknowledge. Output-based performance measurements and performance-related remuneration, combined with fixed-term employment contracts, may tend to emphasise ‘ends’ rather than ‘means’ and questions of equity and ethical accountability. That possibility, combined with what some see as the increasing politicisation of the upper levels of the public service and what some claim is a move away from ‘frank and fearless’ advice, might perhaps give rise to a situation where neither the traditional nor the modern measures intended to promote ethical accountability could achieve their objective.

It is probably safe to say there are no genuinely easy cases in matters requiring ethical decisions. Sometimes the breaches are quite plain and so also are your
responsibilities to correct or report them. At other times a level of ‘moral muteness’ can occur among colleagues and managers, necessitating a certain amount of courage and fortitude to ‘speak out’. It is often easier to turn a blind eye to what can be argued to be trivial breaches to avoid the embarrassment of dealing with it properly.

What the reform process has thrown into relief is the perennial problem of public service; that is, to whom are you accountable, whom do you serve?

Perhaps one of the more controversial recent examples of accountability dilemmas in the public service is the case of the 2001 Children Overboard affair, which threw the APS into a ‘spin’ regarding the conduct of ministers, public officials and the state of Australia’s political institutions. The details of the case are well documented in Weller’s Don’t tell the Prime Minister (2002) and Marr and Wilkinson’s Dark victory (2003). A Senate Select Committee on a Certain Maritime Incident (SSCCMI) (2002) as well as two internal inquiries commissioned in the aftermath of the 2001 federal election also provide exhaustive accounts of the events.

What is important for our purposes here is the role confusion that existed between public servants and ministerial staff, and which led to claims that ministerial staff sought to exact responsiveness from bureaucrats and military officials in a manner that had negative impacts on the confidence and morale of the public service (see, for example, SSCCMI 2002; Weller 2002). The 2002-03 State of the Service Report (APSC 2003a:40) identified that ministerial staff interaction with APS employees, including those at relatively junior levels is increasingly pervasive. In 2003–04, the APSC survey revealed that more than twenty per cent of employees had direct contact with Ministers or their advisers in the preceding twelve months. The contact was overwhelmingly in relation to matters of substance, such as the provision of advice and factual information, rather than administrative support (APSC 2004:4). Around thirty per cent of employees reported facing a challenge in balancing the APS Values of being apolitical, impartial and professional, responsive to government and openly accountable when dealing with ministers and their offices (APSC 2004:4).

The growth in numbers, power and influence of ministerial staff has important implications for public sector employees, which are only now beginning to become clear. Significant attention has been directed towards improving the responsiveness and professionalism of public servants in handling the ministerial office interface. Despite calls, including by the former Public Service Commissioner, to improve the professionalism of ministerial staff through education and training initiatives and the development of a code of conduct (Senate Finance & Public Administration Committee 2003), there has been little progress to date on this important emerging issue in public administration.
4.4 The Changing Dynamic of Responsiveness

As already noted, you have, as an appointed public sector employee, a particular relation to the elected representative at the head of your department, a relationship that is central to our system of responsible parliamentary government. It inevitably carries important ethical implications for your conduct.

Despite the reforms that made APS personnel more directly responsive to the public (or at least to ‘clients’), the needs of the public are still to a large extent held to be channeled through its elected representatives, the ministers of state. The old motto of the service has not therefore lost its force: public servants serve the public best by faithfully serving their minister.

You have already been alerted to the doctrine of ministerial responsibility that has always been such an important feature of our form of government. Under this doctrine:

- ministers were held wholly accountable for the successes or failures of their departments
- ministers had to shield their public servants from any political responsibility for the actions of the department
- in return, public servants owed loyalty and good service to the minister as their first duty, whatever party was in power.

It was believed that only by preserving political impartiality in this way could democratic legitimacy be respected. This requirement hasn’t changed in the new public sector. Impartiality as loyalty to the government of the day, however, does not mean abject subservience. As was discussed previously, you are expected as a public servant to act with independent initiative but also with due responsibility. This means ensuring your own judgment conforms with the law, with policy and with the published values of the APS.

Note the reference to accuracy here. In your leadership role you may often be required to give advice on policy or procedural matters, if not directly to a minister then to a member of the ministerial staff. You have a responsibility to report faithfully and accurately any problems that arise in the administration of political or organisational policies falling within your purview. Hand in hand with impartiality, then, goes the need for objectivity. This means a concern for the accuracy and comprehensiveness of the information and opinion that you convey to political superiors. Such a concern inevitably also falls under the expectation that public servants in general and leaders in particular will show due diligence in all their activities.

If the advice you tender elected representatives is of poor quality, whether through bias, incompleteness or inaccuracy, you run the risk of causing politically explosive results. This is particularly so if large issues of public interest are involved. Governments in a democratic regime are forever vulnerable, and thus highly sensitive, to adverse swings in public opinion. In the long run, it is they who must face the consequences of poor or inadequately justified decisions in parliament, in the press and ultimately at the ballot box.
It is for this reason that modern governments have tried to make the public service more amenable to their own political agendas, a phenomenon that is sometimes referred to as the ‘politicisation’ of the public service. By putting the most senior public servants on contracts, for example, governments hope to make them more sensitive to their political wishes. At the same time, however, they have been stressing the need for greater managerial autonomy in decision making, and insisting that public service leaders continue to deliver ‘frank and fearless’ advice on policy matters.

Once again we are dealing with a question of balancing interests, in this case justified governmental interests in ensuring public service responsiveness on the one hand and, on the other, in ensuring they receive the best possible counsel. This is by no means an easy balance to achieve and maintain. You are no doubt yourself very conscious of the tensions involved. As a professional public sector manager you need to be always mindful of it, but at the same time firm in your understanding of what your role requires and intent on performing accordingly. This will require constant balancing acts of your own as you attempt to deliver on the values of impartiality, objectivity and comprehensiveness of advice while being prepared to conform to the political wishes of present governments.

Ethics and accountability under the current public sector environment therefore encourages the practice of publicly defensible decision-making, paying attention to the following principles:

- Avoid bias by ensuring your decision-making process is publicly defensible, that you have taken account of all interests likely to be affected by your decision-making, and that you avoid even the appearance of any conflicts of interest
- Apply transparency and procedural fairness, and pay careful attention to documentation (the significance of record-keeping will be discussed in more detail in Topic Four of Managing Out)
- Ensure confidentiality, noting that confidentiality should not be confused with secrecy although it should be carried out in a manner that engenders trust (the issue of confidentiality will be discussed further in Topic Eight of Managing Out).

Public sector managers need to be careful that publicly defensible decision-making should not become a convenient shield behind which cynicism, sloppiness or jaded, run-of-the-mill processes can hide. The imperative to exhibit leadership and to strive with enthusiasm for the achievement of the public interest mean that being responsive in today’s public sector landscape requires a sensitivity and delicacy that will mark out successful public sector management.

**Review**

Having completed this topic, you should now be able to:

1. Explain the concept of political accountability and describe its different institutional features.
2. Explain the different ways the executive, and specifically the public service, can be held accountable.
3. Describe the notion of ethical accountability and its implications for public sector managers.
Required Reading


Further Reading

Political and ethical accountability and media:


Fleming, J & Holland, I 2001, Motivating ministers to morality, Aldershot, Ashgate.


**Impact of NPM on public sector ethics:**

From Virtue to Competence: Changing the Principles of Public Service

Virtue has long been a central principle in the tradition of public service—to what extent is it still relevant today? Focusing on the role of the monitoring officer, a key official in the ethical framework of local government in the United Kingdom, this may ask which virtues, if any, are still needed for public service and whether these virtues have been displaced by managerial notions of technical competence as the principles of public service delivery. The authors draw an initial distinction between virtue and competence that, upon further investigation, does not appear to be sustainable. Despite being drawn from two different academic perspectives—moral philosophy and management development—the concepts of virtue and competence are, in practice, very similar. This theoretical convergence is reflected in the practical concerns of monitoring officers and their perspective on public service ethics.

Good government has historically been bound up with ideas of the virtuous citizen—and indeed the virtuous citizen—but the bureaucratization of modern government has emphasized the importance of managerial efficiency over personal virtue. Intuitively, there seems to be a notable distinction between the concepts of virtue and competence. Whereas virtue is bound up in ideas of morality, offering perspectives that shape the way we live, competence embodies notions of learned skills and technical efficiency. More fundamentally, virtue is intrinsic (but not innate), although it has outward consequences—"Virtues are character traits which we need to live humanly flourishingly lives" (Calaby and Cocking 2001, 18). In contradistinction, competence highlights action rather than character, as it is "built around the fundamental principle of demonstrating capability" (Naquin and Holten 2003, 55).

This theoretical delineation has been academically reinforced by the frequent location of virtue and competence within the distinct academic fields of moral philosophy and management development, respectively. Although these two areas are separate, they are by no means mutually exclusive, and one major sphere of confluence is the area of public service management, which seeks to promote managerial efficiency while keeping a constant eye on the public good—that is, it seeks to do well while doing good. However, this is more apparent that in the realm of local government in the United Kingdom, where a new ethical framework, introduced in the Local Government Act of 2000, has attempted to promote personal standards of behavior and integrity through a system of codes, regulations, and compliance. Key questions in local government, then, include: To what extent do public officials, both elected and appointed, simply process moral standards? Is this situation compatible with individual conscience and moral choice? Indeed, to what extent are monitoring officers guided by their own personal codes of ethics? Just how virtuous are our public officials? To what extent is ethics perceived as an application of a legalistic code, or is it actually concerned with developing moral judgment in individuals?

Our research specifically explored the extent to which monitoring officers feel supported by their relevant local authority and are integrated within its ethical framework. As part of this research, we attempted to identify the key knowledge, skills, and abilities (KSAOs) that allow monitoring officers to successfully carry out their roles and responsibilities. These KSAOs seemed to fall into the two broad areas of virtue and competence. Furthermore, initial analysis seemed to indicate that monitoring officers were more predisposed toward virtue as the dominant foundation of their work.

Closer inspection reveals, however, that the two concepts are far more closely interlinked: Competencies embody certain virtues, whereas virtues require competence in order to successfully implement them through virtuous actions. Indeed, this convergence is increasingly reflected in modern literature, although it can actually be traced back several centuries. We are left, then, with two possible approaches. First, the two concepts should be kept distinct; competing virtue and competence is akin to comparing apples and
Practical wisdom is of particular importance because it facilitates political thought and enables man to determine the nature of other virtues: "Political wisdom and practical wisdom are the same state of mind, but their essence is not the same" (1947, 1141b, 25–30) Aristotle further states. "Virtue, then, is a state of character concerned with choice, lying in a mean, i.e., the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it" (1947, 1107a, 1–5)

Not only is virtue necessary for good governance, but it is also political in a broader sense, as it cannot be cultivated or practiced outside of the polis. Men can only achieve eudaimonia inside the polis because it is only this particular form of association that facilitates the development of his human self. It is crucial here to remember that Aristotle is referring specifically to male citizens: One of the reasons the polis is so important is that it has the requisite social structure (with subordinate roles for women and, of course, slaves) to allow man the time to practice virtuous actions. It is the self-sufficiency of the polis that allows moral and intellectual development to take place (1988, 1326b, 30). In this sense, all virtues are intimately connected to both public and political life. The polis enables virtues to be cultivated, which, in turn, helps man to achieve his natural good of eudaimonia. This is why, as Aristotle argues, "he who is unable to live in society, or who has no need because he is sufficient for himself, must either be a beast or a god: he is no part of a state" (1988, 1253a, 25–30).

Unlike Aristotle, however, modern liberal thinking tends to distinguish much more between the public and private spheres, even though clear boundaries between the two are highly complex and difficult to organize. A different approach is to see the distinction between public and private in terms of "manners of acting" (Steinberger 1999). Public acts take on the character of regulations and procedures; private acts are characterized by warmth, intimacy, and affection. It is the form of acting rather than the sphere of action that is important. Liberal ideology has prioritized the right over the good, arguing that there is no single "good life" for everybody, and therefore individuals have the right to choose whichever good suits them best. This prioritization has seen the end of teleological assumptions about the natural ends of human beings, and with it a decline in the notion of virtue as a means of achieving the good life.

Machiavelli (1994) offers a second conception of virtue, which again is inextricably linked with political life. Unlike the Aristotelian view, however, Machiavelli's
concept has traditionally been seen as the antithesis of the theory of the good. Europe was shocked when Machiavelli proposed that the supposedly virtuous leader should so flagrantly disregard traditional moral values and instead lie, cheat, deceive, and engage in acts of utmost cruelty. Machiavelli's authority was gained in no small measure because his concept of virtù was equated with traditional ideas of Christian virtue. This reputation is, of course, grossly unfair. Machiavelli, himself a committed republican bureaucrat, always emphasized the need for leaders to act for the public good. His admiration for the scheming and brutal cruelty of Cesare Borgia, including the murder and public bisection of his trusted lieutenant, D'Orco, always overshadowed his disgust with the very similar actions of Agathocles of Sicily (Machiavelli 1994, 24, 28–29). This point is perhaps more readily understood when reading *The Discourses* in addition to *The Prince*, in which, for example, Machiavelli praises the Roman general Valerius, who got the best out of his troops precisely because he treated them with kindness (1994, 200–204). Indeed, the overreliance on Machiavelli's most (in)famous work continues today, and it is particularly prevalent in management literature that seeks to co-opt Machiavelli in giving advice on business leadership and strategy (Macaulay and Lawton 2003).

Perhaps more importantly, it reflects a misunderstanding of the word virtù itself. Unlike Aristotle, Machiavelli did not put forward a number of specific virtues that represent excellences of human character. Instead, virtù denotes more general skills and excellences pertaining to leadership, including military prowess, diplomatic sensibility, an understanding of one’s subject’s character, and so on. As Wootton shows, Machiavelli is not so much virtuous as a virtùso (Machiavelli 1994, xxix). Machiavelli’s virtù, therefore, is not a moral concept in the tradition of Aristotle, although it is still very much connected with tight or proper action. Machiavelli’s exaltation of Virtù and skill arguably fits more comfortably with notions of managerial (or leadership) competence than with the moral character traits of *Virtù* theory. Virtù is easily demonstrable and has clearly understood results, whether in terms of successful battles, the acquisition of land, or simply good diplomacy. Machiavelli’s definition prepares the groundwork for the tension between the concepts of virtue and competence.

**Virtue and Management**

Unlike governance and politics, the area of management has long been considered bereft of virtue and virtuous behavior. Perhaps the most important—and almost certainly the most influential—exponent of this position is Alasdair MacIntyre, whose concept of *virtue ethics* depicts the character of the bureaucratic manager as distinctively lacking in virtue. MacIntyre argues that regardless of whether he or she is operating in a private or a public organization, the bureaucratic manager relies on a system of knowledge that promotes efficiency and effectiveness—looks at controlling means rather than ends—and therefore leaves no room for moral debate. For MacIntyre, managers are “seen by themselves, and by those who see them with the same eyes as their own, as uncontested figures, who purport to restrict themselves to the realms in which rational agreement is possible—that is, of course, from their point of view, to the realm of fact, the realm of means, the realm of measurable effectiveness” (1985, 30).

There can be no such managerial knowledge, however, because it is erroneously based on that of the social sciences, which foolishly seeks to find an equivalent of the natural sciences: “[T]he salient fact about those sciences is the absence of the discovery of any law-like generalisations whatsoever” (1985, 88). MacIntyre accordingly portrays managers not as omniscient and all powerful but as impotent, affecting their organizations despite rather than because of their managerial expertise. Thus, claims about managerial knowledge are doomed to fail because they are part of the wider problem of modernity, which actively seeks to substitute emotivism for sound moral judgment. MacIntyre uses the term emotivism to denote the liberal worldview, which broadly holds that all moral perspectives are equally admissible, and therefore moral debate is not about what is right or wrong but is restricted to persuading people that one point of view is preferable. For MacIntyre, the problem is a result of the Enlightenment project, which abandoned the concept of the teleological good life and instead promoted the right of individuals to discover their own *telos*.

MacIntyre’s perspective on the managerial character has been criticized on a number of different fronts. Most commonly, it is argued that MacIntyre is simply wrong—that his discussion rests on a caricature of the bureaucratic manager rather than genuine character traits (Nash 1995). Other commentators have noted that the concept of the moral manager completely ignores the many examples of corporate social responsibility that underpin morally decent organizations: “[M]any real life managers and management theorists do not so readily divorce rationality from morality” (Randels 1995, 205). Finally, it has been suggested that MacIntyre’s characterization of the manager actually asks a number of different moral questions simultaneously—descriptive, normative, and analytical—invariably creating a lack of clarity (Goodpaster 1995). More importantly, several commentators now have suggested that public management provides an interface for these two traditions in which virtue can once again play an important role.

The demands made on officials across the public services have increased in scope and scale in recent years. Unlike the classic model of bureaucracy, officials are
no longer located within a particular hierarchy and do
not merely carry out duties determined by those above
them, particularly policy makers. The extent to which
they ever did is, of course, a moot point (see Lapsley
1980 for an account of street-level bureaucracy).
Public officials engage with a range of different stake-
holders both within and outside their own organiza-
tions. Partnership building, coalition forming, and
network managing are the new imperatives in the
drive to provide a seamless public service. At the same
time, officials are expected not just to deliver public
services economically and efficiently but also to be
creative, enterprising, and innovative. As public
officials come into contact with different sets of
values—notably, those of private sector organiza-
tions—fears are expressed that the public service ethos
will be undermined (Doig and Wilson 1995). How-
ever, the extent to which there is a generalized public
service ethos and the nature of its ethical character are
open to question (Lawton 1998). Nonetheless, it is
argued that traditional public service virtues, identified
as integrity and probity, and principles, identified as
accountability, are being undermined by more recent
requirements of entrepreneurialism and risk-taking.

However, one development in the changing manage-
ment of public services that has implications for virtue
is the increase in regulatory regimes under which
public services operate. Our public service institutions
and our professions are subject to more and more
audit and compliance. However, whatever the views of
successive governments concerning the self-regulation
of public sector professionals, it is still the case that
the professions are held in high esteem by the general
public. Members of the professions are deemed to be
virtuous by the fact of membership, yet the competence
of individual professionals may be challenged and subject
to scrutiny.

Most recently, Bowman et al. (2004) have sought to
reintegrate virtue and technical competence as key
elements of successful public management. They
suggest that successful public management rests on a
"skills triangle" comprising technical competence,
leadership, and ethical competencies. Ethical competen-
cies include moral reasoning, values management,
and prudent decision making (Bowman et al. 2004,
21). Specifically, Bowman et al. distinguish an "ethics
triangle" (72) that highlights three distinctive ap-
proaches to ethical decision making: consequentialism
(i.e., decisions based on expected results), duty ethics
(i.e., decisions based on the application of rules), and
virtue ethics (i.e., decisions based on proper moral
character). Each approach has its own strengths and
weaknesses, which means that all three of these deci-
sion-making processes are equally important: "I like
that good map, [the ethics triangle] offers choices, not
formulas. Just as a map outlines a journey, the triangle
provides help in making the inevitable compromises"
(Bowman et al. 2004, 75). For Bowman et al., virtue
ethics has several hurdles to overcome, not least that
virtue is not a universal concept and that it differs
according to time, place, gender, age, and other factors.
In addition, virtue ethics provides no theory of action
and lacks integrity: "[O]ne may be good but not know
how to do good" (Bowman et al. 2004, 70–71).

Bowman et al. recognize the limitations of virtue ethics
and therefore see it as one complementary element
(alongside technical competence) of public manage-
ment.

Conversely, some commentators have sought to return
virtue to the realm of public management through the
creation of a new public virtue ethics. Cooper (1987),
for example, expands on Machiavelli's concept of prac-
tice and internal goods to posit a model of administrat-
ive practice. Cooper identifies three realms of
practice—public interest, process and procedures, and
loyalty to colleagues—and lists their attendant internal
goods. He then establishes the relevant virtues that
"must be consistent with agreed upon internal goods
of the practice of public administration" (323). The
problem here is that, as with any theory of the good,
there will always be the potential to criticize particular
choices as somewhat arbitrary. For example, Cooper
suggests that "beneficence for citizenship" is one of
the internal goods of administrative practice and that one
of its necessary virtues is benevolence. It could be
argued, however, that such a virtue is entirely unne-
necessary for an administrator, who has to implement
certain procedures and standards and therefore does
not need to be personally benevolent. The problem for
Cooper is that facing all teleological theories: Can we
agree on what can be regarded as virtues or even
internal goods? If these ends cannot be identified in
advance, they can never successfully be attained.

Other management literature has stressed that compe-
tence is inherent to character, which is also one of the
conceptual underpinnings of virtue. Ellström (1997)
argues that a distinction needs to be made between
competence and simple qualification, paralleling the
similarity between competence and virtue. Whereas
qualification refers to simple job requirements, compe-
tence can be defined in terms of a number of factors:
intellectual skills, attitudes, values, motivations,
personality traits, and social skills. His definition of
competence as "the potential capacity of an individual
(or a collective) to successfully handle certain situa-
tions or complete a certain task or job" (267) could
certainly pass for a definition of virtue, especially with
the insertion of the word "ment" in front of "situations."

Using Ellström's competence/qualification distinction
as a starting point, Virtanen (2000) constructs a series
of five public management competencies, the last of which
is ethical competence. Ethical competence is essential
to complement the competition and self-interest that have
been introduced by the promotion of the free market in

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New Public Management. For Virtanen, New Public Management has changed the landscape of the welfare state to such an extent that a public manager's ethical commitments are now orientated toward utility rather than egalitarianism or redistributive justice. Ethical competence is necessary, therefore, to establish a framework for right action in this new form of administration: “[W]ithout ethical competence, public managers do not use their political, professional, or task competence in right ways” (Virtanen 2000, 336).

In a similar manner, our research suggests that the boundary between competence and virtue, as perceived by monitoring officers in the United Kingdom, is instead indistinct and that the two concepts are much more closely interwoven than they may appear.

The Ethical Framework of U.K. Local Government

The Local Government and Housing Act of 1989 imposed a statutory requirement on each local authority to establish the post of monitoring officer, whose principal role was to ensure that local policy decisions were legal. The 1989 act offered a fairly broad definition of the monitoring officer's role, and as a result, the development of the post was somewhat ad hoc. Each authority had a monitoring officer who effectively dealt with things in his or her own way, and many of the actual day-to-day activities of the monitoring officers differed among authorities. In addition, and most importantly, the monitoring officer's role has never been an entirely separate post but an add-on to the duties of a currently serving officer (usually, but not always, the chief legal officer within the authority). Consequently, the amount of time that a monitoring officer could dedicate to his or her new role also differed significantly among authorities.

This situation changed with the introduction of a new “ethical framework” for local government, set out in the Local Government Act of 2000. The ethical framework consisted of a number of key factors: First, the 2000 Act required all local authorities to establish a Standards Committee if they did not already have one; second, each authority was legally required to adopt a code of conduct, which could include provisions for local circumstances; and third, the 2000 Act required each authority to extend the role of the monitoring officer, whose job expanded to include enforcing the code of conduct, setting up and maintaining registers of member’s interests, and assuming a strong advisory role, especially to the Standards Committees. Our research clearly shows that the monitoring officers considered their advisory role the most important and time-consuming duty that they perform.

In addition, the Local Government Act of 2000 created a new national body to oversee the ethical conduct of local authorities, the Standards Board for England, which has the power to investigate complaints of misconduct by members (and co-opted members) of their authority’s code of conduct. Investigations are the responsibility of the ethical standards officer who acts independently of the Standards Board. An ethical standards officer may, if necessary, refer a matter to an adjudication panel, which has the authority to impose sanctions, including disqualification from office for up to five years for members who have breached an authority’s code of conduct. The ethical standards officer may also refer an allegation back to an authority’s Standards Committee for a local determination. The monitoring officer thus has a potentially extensive liaison role in addition to the other duties of the post.

Our initial research consisted of a series of semistructured interviews with monitoring officers, from which a list of the post’s numerous roles and responsibilities emerged (see table 1). From this list, it can be seen that the role of the monitoring officer involves a number of activities that require both managerial competence and personal virtue.

In 2004 the boundaries became even more blurred as new regulations, introduced under Section 66 of the Local Government Act 2000, came into force, granting monitoring officers greater investigative powers. The new regulations have not only increased the workload for monitoring officers but also triggered potentially difficult ethical problems. For example, monitoring officers now face an increasing chance that conflicts of interest will emerge during investigations in which they may already have presided advice to a public official.

Monitoring officers, therefore, have a prototypical role in the ethical framework of local authorities. They promote the ethical conduct of the authority through their advisory role while enforcing particular standards through registers and codes of conduct. Consequently, for the monitoring officer, the concepts of virtue and competence are in tension.

The Virtuous Monitoring Officer?
The question of virtue and competence arose in our research when we asked monitoring officers which...

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<thead>
<tr>
<th>Table 1: Roles and Responsibilities of the Monitoring Officer</th>
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<tr>
<td>• Advising individual elected members</td>
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<td>• Advising the local authority's Standards Committee</td>
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<td>• Advising the chief executive</td>
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<td>• Advising other chief officers</td>
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<tr>
<td>• Dealing with parish councils (where appropriate)</td>
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<tr>
<td>• Advising the elected council of the authority</td>
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<td>• Training elected members</td>
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<td>• Advising the political leader of the council</td>
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<td>• Maintaining the register of elected members' interests</td>
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<td>• Investigating allegations and complaints about elected members' conduct</td>
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<tr>
<td>• Reporting on ethical standards officers' reports</td>
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<tr>
<td>• Reporting to the council under section 9 of the Local Government and Housing Act of 1989</td>
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</table>
KSAs they considered crucial in successfully carrying out their roles and responsibilities. Our initial research consisted of a number of semi-structured telephone interviews with monitoring officers from a range of local authorities (district councils, borough councils, county councils, police authorities, national park authorities), from which we compiled the following list of KSAs: ethical awareness, legal expertise, political sensitivity, investigative skills, interpersonal skills, time management skills, self-motivation, leadership skills, local authority experience, administrative skills, problem-solving skills, perseverance, personal resilience, training abilities, verbal communication skills, fearlessness, written communication skills.

Next, we sent a questionnaire to every monitoring officer in England. We included the list of KSAs and asked the monitoring officers to rate each item in terms of (1) the importance of the item to the successful implementation of his or her duties and (2) the extent to which each of the KSAs represented a personal strength or weakness of the monitoring officer in question. In both cases, a seven-point scale was used. For question 1, the scale ranged from 1, “not at all important,” to 7, “very important,” whereas question 2 ranged from 1, “very weak,” to 7, “very strong.” The results of these two questions appear in Table 2.

Intuitively, it seemed that some of the KSAs related to our initial view of virtues as character traits that allow us to develop our human selves: Personal resilience and perseverance, for example, seem to embody such virtues as determination and tenacity; fearlessness requires courage; political sensitivity needs both intelligence and empathy. Other KSAs appeared to be more competence based, in that they are clearly measurable (such as the qualifications needed for legal expertise), demonstrable (problem-solving skills and training skills), and gained through a process of learning, whether formal (written communication skills) or informal (verbal communication skills, local authority experience). Additionally, we noted that virtues are personal characteristics, whereas competencies are organizationally and role specific. As such, we categorized the monitoring officers’ KSAs into the categories of virtue and competence (see Table 3).

We were somewhat surprised by the way several important KSAs were generally perceived. In particular, we were surprised that such competencies as legal expertise and local government experience did not warrant a higher ranking, especially in light of the backgrounds of most of the monitoring officers: 75 percent of respondents confirmed that they had legal qualifications, and 71 percent said they had been working at their current local authority for more than five years (figures that were reflected in terms of personal strengths). Another interesting feature of both lists is that in each case, six of the top 10 KSAs are virtues rather than competencies (although these are not the same virtues in each list), which may suggest that monitoring officers place a greater value on the concept of virtue.

The central problem with this hypothesis is that each of the KSAs can be individually unpacked to show that there is not necessarily any major distinction between a given monitoring officer’s categories of virtue and competence. Ethical awareness, for example, was subject to several interpretations during the initial interview stages. One respondent suggested that ethical awareness could not be simply an awareness of right and wrong in the sense of personal morality because a monitoring officer needs to set aside personal morals when rendering judgments and giving advice. This respondent stressed that morals are not the same as legal judgment. Another respondent...
argued that ethical awareness is related to transparency, accountability, and the rights or wrongs of local authority systems and practices, which ties in with the monitoring officer’s need to have an intimate knowledge of the legislative and statutory duties that compose the ethical framework of local government. Clearly, this brings the twin competencies of legal expertise and local authority experience.

Political sensitivity, which some respondents saw as inextricably linked to ethical awareness, was also interpreted in at least two distinct ways: first, in a wider sense of understanding “how people work,” which, from the virtue perspective entails good judgment, empathy, and other character traits, and second, in terms of political sensitivity, which again introduces the competence of local authority experience. Similarly, personal resilience was subject to a number of interpretations. Some respondents regarded it as resistance to stress in general, whereas others saw it as the necessity of giving accurate advice and not softening one’s view when under pressure to change a decision (which had personally occurred in the case of one participant). Again, this may invoke some of the competence KSA, such as written and verbal communication skills, so that a monitoring officer may explain a certain judgment.

It is equally apparent that many of the supposed KSA competencies can be seen as embodying particular virtues. Investigative and problem-solving skills require intellectual virtues; local authority experience itself is inextricably linked to practical wisdom. The boundaries become blurred even further when we begin to look at motivations: Does legal expertise, for example, arise from an initial moral commitment on the part of the monitoring officer to study law? It is entirely plausible that people initially choose to accept the post of monitoring officer because they desire to influence ethical behavior and believe they possess the requisite skills to carry out the job. Consequently, even the act of becoming a monitoring officer may reflect a deliberate choice to match certain skills to ethical situations.

Thus, the boundaries between the personal and the public are blurred. As we argued earlier, the distinction is not just about identifying clear boundaries between two separate spheres but addressing different forms of acting and engaging with others. Public officials, both elected and appointed, have difficulty circumscribing conduct that might be deemed appropriate in their private lives and should not be subject to public scrutiny. The difference between the personal and organizational realms is nuanced for those working in and for organizations committed to serving the public interest.

Virtue and Competence Reconsidered
In the classic expositions stated earlier, virtue can be seen as reflecting notions of competence rather explicitly (as in Machiavelli) or implicitly (as in Aristotle). In all cases, virtues—which, it may be noted, have not significantly changed in nature—can be identified as particular qualities, and as such, they may be demonstrated and measured. The degree of virtuous behavior is crucial to theories that prioritize the good over the right. Most crucial of all, however, is that virtue must have a fundamentally practical application: Without any public demonstration, virtues are effectively meaningless. Thus, like competencies, they exist equally in the realm of action as in the realm of human character. An approach such as Cooper’s, for example, which identifies the relevant virtues associated with administrative practice, can easily be read in terms of management competence. Indeed, the specific virtues that Cooper identifies are not far removed from the management competencies compiled by Vilkinas et al., who list 55 specific elements (Virtanen 2000, 335), or from our own list of KSA.

It may be tempting to think that the advent of New Public Management has shifted the ethos of public managers entirely toward managerialism, efficiency, and competence, and the example of local government potentially reinforces this view. The practice of virtue, of seeking to do well while doing good, seems to have been mislaid. Ethical conduct under the new local government framework seems to be promoted through compliance: The enforcement of standards is leading to the bureaucratization of individual conscience. The expanse of regulations seems to have sublimated the need for virtuous conduct. Under the new framework, for example, codes of conduct are increasingly trying to legislate against disrespectful behavior, as well as other vague actions, which means that doing good (behaving respectfully toward others) is now simply a matter of doing right (following the regulations). Advances in management development—notably, the rise of managerial competencies—have reinforced these changes. More generally, the apparent dominance of second-order goods, such as meeting targets, over first-order goods, such as serving the public interest, appears to be established.

Our findings suggest that these arguments are both exaggerated and somewhat misguided. Competence
has not replaced virtue as a foundation of public service management because virtue is an integral feature of managerial competencies. Competence as an excellence of management inevitably has the notion of virtue at its heart. Similarly, to be in any sense meaningful (i.e., demonstrable), virtues must have some quality of competence in order to be put into practice. In this sense, commentators such as Virtunen, who shows that there is still room for ethics within public management while accepting the dominance of New Public Management, do not go far enough. All competence, in one sense, is ethical competence. Virtue and competence are equally valid routes to the successful implementation of a new ethical culture within local government because they ultimately address the same issues: excellence that fits people to certain practices. Despite attempts to bureaucratize ethics through codes of conduct and formal rules of compliance, our monitoring officers still exercise individual judgment, drawing on their practical wisdom. Their actions cannot be simply described as exercising legal competence.

Our findings, then, differ from MacIntyre's view of management, suggesting not only that there is room for virtue in public management but that it is one of its essential characteristics. Therefore, we suggest that work such as Bowman et al. (2004) does not go far enough in suggesting that virtue is one element of managers' key skills. We contend that such questions as "What should I do?" and "What kind of person am I?" are not separate questions but come together in public service organizations to allow for individual flourishing. Our research suggests that the approach of Cooper and others is far more profitable—that it is not necessary to renounce virtue and public management but to recognize that seemingly new approaches have these age-old moral concerns at their heart.

Notes

1 In their discussion of virtue ethics, Ockey and Cocking concede that other ethical theories also focus on the primacy of character (for example, Kantianism and consequentialism), although they distinguish virtue ethics from these theories by a number of other criteria (Ockey and Cocking 2001 9–19).

2 The term ethical framework is not popular with everybody, but the expression was used repeatedly by respondents in our research. The term is also used in the implementation notes of the Local Government Act. Note 102, for example, states "Part III of the Act establishes a new ethical framework for local government. This includes the introduction of statutory codes of conduct with a requirement for every council to adopt a code covering the behavior of elected members and of officers and the creation of a standards committee for each authority. Therefore, we use ethical framework to refer to the key pillars of the Local Government Act: standards committees; register of interests; codes of conduct; and the Standards Board for England.

3 This research was funded by the Standards Board for England, which the authors acknowledge for its support of the project. We stress, however, that any opinions put forth in this article are purely our own. Research completed with colleagues from the University of Warwick and the University of Liverpool.

4 The classic Eastern view is expressed by Confucius who, like Aristotle, identified a specific range of virtues—humility, honesty, loyalty, and obedience—that are vital to the successful governance of public life. Confucius believed that such virtues could be cultivated and promoted an elaborate system of rituals that public servants should follow to help facilitate their moral development. Rejoek suggests that the Confucian tradition has proved particularly influential in U.S. public administration: "In the recent history of public administration, leadership we have succeeded in creating Mandarins in the Confucian mold (2000, 5)."

5 All references to Aristotle are given in terms of standard line numbers.

6 There is a debate as to whether eudaimonia is a single concept or one that can be applied to a number of distinct human ends; see Everson's introduction to The Politics (Aristotle 1980).

7 Questionnaires were mailed to 475 English monitoring officers whose names and addresses were obtained from the Standards Board. Of these 244 questionnaires were returned, a response rate of 51.4 percent.

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Topic 4: Required Reading


Why Respect Matters in the Australian Public Service

We are what we repeatedly do. Excellence, then, is not an act, but a habit. Aristotle.

INTRODUCTION

The modern Australian Public Service (APS) is values-driven. Respect is one of our core principles—respect for ourselves, each other, for everyone with whom we have contact and for the work we do. It underpins our identity as public servants.

Let me put this in context. Australian public servants are guided by legislation and requirements that outline standards for efficiency, effectiveness and probity that are expected by our stakeholders. Many of these requirements are set out in the Public Service Act 1999.

When it was enacted, the Public Service Act included for the first time the requirement to underpin good public administration and provide a framework to support ethical decision-making. Legally, this means that people must behave professionally and cannot get away with bad behaviour towards others in the workplace.

RAISED STANDARDS OF BEHAVIOUR

This was a significant milestone. It effectively raised the bar for standards of personal behaviour and the quality of professional relationships for public servants in the course of their employment—in the workplace, with Government, with the Parliament and the public.

In practice, this means that public servants have to understand and apply a set of principles for the many different situations that confront them. The principles reflect a clear view from the Parliament of the need for professional, impartial and apolitical public service, in which relationships are courteous and respectful, interactions with others are sensitive to diversity and free from discrimination or harassment and employment decisions are based on merit.

These principles are clear throughout the APS Values and Code of Conduct, which include a number of behavioural concepts—respect, courtesy and diversity—that all relate to the nature of working relationships and workplace culture.

The APS Values support our ability to manage risks and conduct business with confidence. Our ability to apply the Values effectively in our daily work supports public confidence in the way public servants implement government policy. It also engenders in public servants a sense of profession pride and confidence in their capacity to fulfil their duties.
Duty is a concept I find very effective in bringing home the importance of the Values and the work we do as public servants. It means more than just doing a job. It means using a thoughtful combination of skills and behaviours to work effectively with others and across government.

LEADERSHIP AND CULTURE

The Values only work however, if they become a part of the culture of public sector agencies and are embedded in agencies’ systems, processes and operations. Being professional in the APS today should mean understanding and applying the Values and Code and using them to guide behaviours and decision-making.

Developing skills in balancing their inherent tensions becomes easier with practice. I believe it was Aristotle who once said:

"We are what we repeatedly do. Excellence, then, is not an act, but a habit."

Promoting and upholding the Values requires commitment from the top. Leaders are more likely to build a positive work environment if they demonstrate and reinforce their commitment to appropriate behaviour. Effective leaders model their organisation’s values and set the tone for ‘how things are done around here’.

Promoting and upholding the Values requires commitment from the top.

Public servants take their cues from their managers and immediate environment. They interpret the behaviour of others as acceptable conduct. If their leadership group actively models and champions the Values, other employees in the agency tend to do the same. This leads to development of an APS agency values driven culture.

The culture of an APS agency can lift its performance or inhibit it. The values, attitudes and behaviours of employees are strong influences on an agency’s capacity to achieve its business outcomes.

Fostering a positive workplace environment therefore makes good business sense. A positive workplace characterised by respect will support employee engagement—and happier employees are more productive, more innovative and creative, and more likely to stay working with their organisation.

PROMOTING A CULTURE FREE FROM HARASSMENT AND BULLYING

Educating staff is an important part of developing an appropriate agency culture. To assist agencies, the Commission recently released a guide, Respect: Promoting a Culture Free from Harassment and Bullying in the Australian Public Service. The guide provides practical tips to help APS leaders and employees develop strategies that promote appropriate relationships and behaviour in the workplace. This publication is now available from the Commission’s website, www.apsc.gov.au.

The Respect guide tells us that workplace harassment includes offensive, belittling or threatening behaviour towards an individual or group of employees. The behaviour is unwelcome, unsolicited, usually unreciprocated, and often repeated. Bullying is a form of harassment and is also a failure to show respect and courtesy.

The Respect guide tells us that workplace harassment includes offensive, belittling or threatening behaviour towards an individual or group of employees.

Even if the behaviour is not meant ‘deliberately’ to humiliate, offend, intimidate or cause a person unnecessary hurt or distress, it can still be harassment and can also be unlawful under anti-discrimination legislation (such as sexual harassment or racial vilification).

Agencies need to make sure there are mechanisms in place to support employees who have experienced or observed harassment or bullying.

There are legal requirements for agencies to take all reasonable steps to prevent harassment and bullying from occurring in the course of APS employment.

While the nature of bullying is such that these practices are often covert and difficult to resolve, it is critical that we take these matters seriously. The Respect guide is designed to foster a better understanding of our obligations and the consequences of failing to take appropriate, timely action.

That said, an employer’s intrusion into the private affairs of staff is exceptional and so must be proportional to the situation. Maintaining courteous workplace behaviour is not meant to impose rigid rules on workplace styles, or on workplace relationships and social activities.
We must be mindful also that people’s perceptions can differ about behaviour. Under pressure, an assertive management style may appear to give way to bullying behaviour. Managers should be sensitive about how they are perceived by others and to know the best ways to communicate difficult or sensitive matters.

One person might perceive a supervisor’s approach as ‘assertive’. Yet the person affected may think the supervisor’s tone is ‘inappropriate’, ‘rude’, or ‘sarcasm and belittling’. In some situations, behaviour that is not intended to be humiliating, threatening or demeaning may cause distress and be perceived as bullying.

Importantly, employees from various cultural and social backgrounds may also have different views and expectations of cultural norms and appropriate workplace behaviour.

In some situations, behaviour that is not intended to be humiliating, threatening or demeaning may cause distress and be perceived as bullying.

Regardless of individual cultural, social, religious or other differences however, the APS Values framework and Code of Conduct provide an objective behavioural standard to manage and harness the potential that our diversity brings.

**Organisational Health**

As part of overall agency evaluation, agencies should monitor their organisational health. This includes looking regularly at the work environment and harassment and bullying policies, as well as communication and prevention strategies. Data collection and analysis help to highlight any weaknesses in procedures and processes, and point to trends or difficulties with workplace issues in specific work areas.

With increased emphasis on devolved responsibilities for agencies comes associated accountability. Taking responsibility for actions and behaviours, including not hiding our mistakes, is a mark of maturity. It requires trust, confidence and a sense of duty. At the same time, it sends a clear message that we are prepared to acknowledge and learn from the past.

In the wake of the failures uncovered by the recent Palmer and Comrie Reports, we saw the Department of Immigration and Multicultural Affairs (DIMA) take up the challenge of addressing systemic cultural issues. A new DIMA Plan provides an integrated framework under the motto ‘people our business’. The key elements of this plan are built around values.

At a recent address, the Secretary of DIMA, Mr Andrew Metcalfe, said:

As a large and dispersed organisation, it’s essential that wherever our staff are located or whatever job they do, they have a consistent set of appropriate values to apply in their work.

Each year I report to Parliament on the state of the APS, based on an evaluation of how agencies incorporate and uphold the APS Values, and the adequacy of their systems and procedures for ensuring compliance with the Code of Conduct. A separate survey of APS employees provides me with their views on their experience across these issues.

My State of the Service Report 2005-06 tells us that there have been clear improvements in overall performance; the great majority of employees are motivated to do their best possible work. While this demonstrates that the APS is a healthy institution, there is an area of concern for the APS—sixteen per cent of employees believed they had experienced harassment or bullying in the past twelve months.

The level of this perceived behaviour has remained fairly constant over the last few years, suggesting that some agencies need to focus on improving their workplace culture. A positive workplace environment is likely to result in less absenteeism and employee turnover, better safety practices and improved staff wellbeing.

**Sixteen per cent of employees believed they had experienced harassment or bullying in the past twelve months.**

Positive work environments can also lead to reduced workers’ compensation costs and premiums. People who are harassed or bullied may suffer a range of adverse affects, from distress and anxiety to serious psychological problems.

Management attention, the development of formal policies, clear expectations about behaviour, and early intervention when things go wrong, can all assist in promoting a respectful workplace culture.

**Conclusion**

Employers and employees have shared obligations for creating respectful and courteous workplaces.
Employers want a productive workforce that manages its performance and achieves results. Employees want to work in a place where they know what is expected of them, the workplace is safe and they are treated fairly and with respect, their skills and contributions are recognised and valued and they can work harmoniously with others.

Behaving appropriately is critical to all organisations; but as public servants, we are different from other employees providing services in the marketplace. We exercise authority on behalf of the Government and the Parliament, and act for the public. Public servants need to demonstrate the professionalism expected of them.

Dealing with harassment and bullying is not always easy. There is no 'magic' solution. But workplace harassment and bullying is manageable and it must be managed in a modern public service, not only because it is the right thing to do, but also because our employees and the community expect it of us.

Organisations seen as positive places to work will always have a competitive edge in attracting and retaining highly skilled staff. In today's tight labour market, it is important that the APS is seen as an employer of choice. The integrity and reputation of the APS are tangible assets. Our identity and reputation are matters of substance of which we can be proud.

Dr Shergold warned us last year that new recruits to the public service are well educated and attracted by the opportunity to contribute, but they have different attitudes and expectations. He sensed that they are prepared to vote with their feet if their work experience does not measure up to their expectations.

We need to provide attractive workplaces where the culture promotes trust and respect and further enhances our reputation for treating our people well.

And in doing this, we will have in the APS an exciting employment opportunity where employees are engaged in their work, have the capacity and opportunity to make a real contribution and are proud to be part of our public service.

ENDNOTES
1. The Commission has produced a number of tools to assist agencies—in particular, a series of publications on Embedding the Values and a comprehensive learning and development resources kit for agencies on Being professional in the Australian Public Service. These tools focus on the practical application of the Values, taking them beyond the page and giving them life and real meaning.


3. Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet, Launch of the Management Advisory Committee (MARC) Report, No 5, Maintaining and Sustaining the APS Workforce, Canberra, 11 October 2005

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**Questionable Questioning with Few Answers**  
*Ken Coghill*

Outrageous behaviour leading to “sin-binning”, accusatory statements masquerading as questions, replies that do not answer, attacks on political opponents claiming to be answers to questions. What odds that similar behaviour in Question Time is ready to explode again on any sitting day?

Is it any wonder that Question Time is questioned as an accountability mechanism?

It is not as if the causes are a mystery. The rules for Question Time are so ridiculous it is no surprise that they generate the type of behaviour we see on the nightly news.

Question Time should fulfil a vital element of Parliament’s functions: its critical function. This includes criticism of the Executive Government, bringing to light perceived abuses, ventilating grievances, exposing, and thereby preventing the Government from exercising arbitrary power, and pressing the Government to solve problems.

Question Time has degenerated almost to a farce. It fails its very purpose of accountability.

Both Members and Ministers of differing political views have quite deliberately abused this basic purpose.

Non-Government Members generally ask questions and orchestrated series of questions prepared by or on behalf of their party/coalition with the aim of maximum media impact, often with little more than a pretence of seeking information or pressing for action.

Government Members generally ask “Dorothy Dixers” i.e., questions prepared by the Government, which invite answers favourable to the Government.

In answering, Ministers avoid accountability rather than welcome it, evade questions, attack the Opposition and try to limit the opportunities for effective questions through a range of devices including ‘talking out” Question Time. It is seen as “clever” for a Minister to evade answering, attack the questioner and deride his opponents.

Oppositions do not help either. Long and loaded preambles to questions - sometimes based on rumours alone, sometimes containing innuendoes based on speculation rather than fact - have shown scant regard for the rules and practices applying to Question Time, and invite hostile responses.

Why? Rulings by Speakers since 1901 have created and exacerbated this peculiarly Australian problem. During the first Session of the House of Representatives, the Speaker was asked whether the practice of asking question without notice should be created. He said:

> There is no direct provision in our Standing Orders for the asking of questions without notice, but as there is no prohibition of the practice if a question is asked without notice and the Minister to whom it is addressed chooses to answer it I do not think I should object.

That Ruling seems to have been off the cuff and without precedent. It meant that Ministers would not be obliged to answer questions without notice.
These practices are now firmly entrenched. It is no defence to claim that one House of Parliament is no worse than any other House. Some are worse than others.

There have been analyses, reports and papers defining the problem and suggesting solutions. In 1986, a Report by the House of Representatives Committee on Procedure said -

... whatever other purpose Members may have in regard to Question Time, its basic purpose must be to enable Members to seek information and press for action. Question Time should be the time when the accountability of Government to Parliament is demonstrated clearly and publicly.

Procedures in our Houses of Parliament should be amended so that a Minister must answer a question. An answer to any question or part of a question could only be declined:

- where the public interest – for example, national security or a criminal investigation and prosecution could be jeopardised (a limited “ground of public policy” in formal terminology),
- where the Minister is unable to answer the question fully and accurately without notice and requests that the question be placed on Notice, or
- where the Minister undertakes to give an extensive answer through a Ministerial Statement or announcement to the House.

Ministers would be forced to answer the question unless there were valid grounds, upheld by the Speaker (President in an Upper House), for a refusal in the public interest or need for notice so that a full and accurate answer could be provided. Answers would be directly relevant and responsive to the question, be succinct and not introduce extraneous matter or debate the issue.

Democracy demands that the role of the Parliament in holding the Government to account must be restored and respected. These simple reforms would be major steps in that direction.
