

Reinventing Westminster – How Public Executives Reframe Their World

Professor R. A. W. Rhodes (primary contact)
Director and Distinguished Professor of Political Science
Research School of Social Sciences
Australian National University
Canberra
ACT 0200
Australia

Telephone: 61-2-6125 2117
Facsimile: 61-2-6125 0520
E-mail: Roderick.Rhodes@anu.edu.au

Professor John Wanna
Sir John Bunting Professor of Public Administration
Research School of Social Sciences
Australian National University
Canberra
ACT 0200
Australia

Telephone: 61-2-6125 2134
Facsimile: 61-2-6125 3051
E-mail: John.Wanna@anu.edu.au

and

Professor Patrick Weller AO
Premier of Queensland Chair of Governance and Public Management
Department of Politics and Public Policy
Nathan Campus, Griffith University
170 Kessels Road
Nathan
Queensland 4111
Australia

Telephone: 61-7-3735 7723
Facsimile: 61-7-3735 7737
E-mail: p.weller@griffith.edu.au

To be presented at the Governing by Looking Back Conference
12-14 December 2007, ANU CANBERRA

Reinventing Westminster – How Public Executives Reframe Their World

Abstract

The rise of the new public management in the 1980s led to recurring challenges to the administrative traditions of the public service in Australia, Canada and the United Kingdom. This article analyses how the heads of the public service articulate the traditions of ‘constitutional bureaucracy’ found in Westminster systems of parliamentary government and selectively draw on past understandings to understand present-day changes. We describe traditions under challenge that reshape reforms as reforms reshape them. We conclude that the heads of the public services have found ‘space’ or ‘voice’ to articulate innovative ways of combining past traditions with new organising principles of governance. In each case, it is not a question of ‘in with the new, out with the old’, but of ‘in with the new alongside key components of the old’. The myths and legends of yore remain germane to the modern public service.

Biographical Details

R.A.W. Rhodes is Director of the Research School of Social Sciences and Distinguished Professor of Political Science at the Australian National University. He is also Emeritus Professor of Politics at the University of Newcastle (UK). He is the author or editor of 25 books including; *The Oxford Handbook of Political Institutions* (joint editor, 2006), *Governance Stories* (with Mark Bevir 2006) and *Interpreting British Governance* (with Mark Bevir 2003). He has been editor of *Public Administration* since 1986.

John Wanna is the Sir John Bunting Chair of Public Administration at the Research School of Social Sciences at the Australian National University, Canberra. He is also Director of Research for the Australian and New Zealand School of Government (ANZSOG). Professor Wanna has produced around 17 books including two national textbooks on policy and public management. He has just completed a study of state and territory leaders in Australia entitled *Yes Premier: Labor leadership in Australia's states and territories* (with Paul Williams 2005) and co-edited the book *Westminster Legacies: Democracy and responsible government in Asia and the Pacific* (with Haig Patapan and Patrick Weller 2005).

Patrick Weller AO is Director of the Centre for Governance and Public Policy at Griffith University, Queensland, and Deputy Director of the Key Centre for Ethics, Law, Justice and Governance. He is a Fellow of the Australian Academy of Social Sciences and has published

widely on Australian politics, executive government, politics and policy making in central governments in Westminster systems and comparative studies of civil servants. Recent books include: *Cabinet Government in Australia 1901-2006* (2007), *The Governance of World Trade: International Civil Servants in the GATT/WTO* (with X.Yi-Chong 2004), *Don't tell the Prime Minister* (2002), *The Engine Room of Government: The Queensland Premier's Department 1859-2001* (with J. Scott, R. Laurie and B. Stevens 2001) and *Are you being served? State, Citizens and Governance* (with G. Davis 2001).

Introduction

Office creates expectations. Rules provide direction. Precedents guide action. Civil services are the creation of decades. They consist of both organisational form and collections of individuals. They are suffused with formal institutions, long memories and established modes of behaviour. Yet they are also contested arenas. There are few certainties about how people should act in given circumstances. Civil servants must constantly interpret their position.

That does not mean there is no formal documentation about the proper roles of civil servants and their relationships with governments and clients. Any government - Canada, Australia and the United Kingdom in our case - will have both legislation and guidelines about how civil servants should work. They will prescribe proper behaviour between senior officials and ministers. But these documents are often the rules of governments, handed down to suit their political purposes and even then must be general in outlook¹.

Our concern here is different. Even within the boundaries created by government commands and formal legislation civil servants must still make sense of their position and their role. They are professionals on government, heirs to long traditions; they need to explain to themselves and their colleagues where they fit. As circumstances change, they need to rationalise how their circumstances may have altered too and what expectations may now exist. Making sense is not a matter of law but of self positioning.

¹ Central government ministerial codes/guidelines exist in Australia (1998), the United Kingdom (2007) and Canada (2007). In Canada, in the wake of the Gomery inquiry, the Canadian Government initiated a 'Federal Accountability Action Plan' (2006) as a 'companion' to a new *Federal Accountability Act*. These documents are listed in the references together with URLs where they can be accessed via the internet.

So, we do not ask here about the formal position of civil servants, but about how they interpret and understand their place in the political firmament. Since such an enterprise could be enormous, we focus our discussion primarily on the way three senior civil servants, each head of the civil service in their countries at the time they spoke, explain their understanding of how they place themselves in the broad tradition that shapes their working life. We draw on various primary sources; speeches, writings, evidence to inquiries and interviews. These texts may express personal views but the position of their authors lends weight to the ideas and accords them a more general applicability. So, we look at how heads of the civil service, or former heads, articulate and proselytise about traditions of ‘constitutional bureaucracy’ (Parris 1969; Sossin 2006). Each in their own way was protecting the eternal verities of their version of a ‘constitutional bureaucracy’. They are rearticulating what they see as enduring traditions, selectively reinventing beliefs to equip themselves and the civil services they lead to make sense of the present. Of course, their views shade into the classic arts of political rhetoric and myth-making. But these are influential myths.

Our approach is deliberately general. We not seek to show civil servants in action; to provide examples of where these principles may have been put into effect. We want to understand how they think and feel about their position, about the ways they perceive the world. We identify the arguments they use to justify and rationalise the relevance of the civil service in the new circumstances in which they must now work. We show how they look for continuities and consistency by appealing to the common themes and traditions despite different national circumstances.

We recognise that even in similar Westminster-derived countries with some shared heritage and common traditions of understanding government, there remain distinct differences. Their respective civil services are not identical and have constructed interpretations depending on the different challenges and contexts they faced in the past. We are not claiming, therefore, that there is some comparative convergence. We seek to show how key actors across these Westminster jurisdictions reengaged with their traditions and, in the process, helped to reinvent new versions.

Refracted Traditions

Traditions can be normative and idealised, practical and applied, or combinations of both. They are selective legacies passed down from generation to generation and adapted to present-day use. Earlier traditions can be selectively reconstituted and re-formed. Actors draw from memory and previous training to provide guides to their roles and responsibilities. So, practitioners reach for historical notions of governance and call into play antecedent notions to enable them to better manage or understand their present-day circumstances. Such antecedents may allow scope for reinventing governance principles or provide a suitable rhetoric that practitioners can wield as a defence mechanism. In this latter sense, governance legacies can be revisited and rehabilitated in an almost atavistic manner provided they have plausibility, believability and authoritativeness. They provide a backdrop against which today's protagonists do not merely grasp their world but seek to guide its directions.

Traditions of governance are evolving, adaptable sets of beliefs that enable those acting in the political sphere to understand and make sense of their world (see Bevir and Rhodes 2003 and 2006). They are sometimes resilient and enduring; sometimes ambivalent or contradictory in their core beliefs. Some parts are codified and rule-bound, others exist as a loosely connected constellation of ideas variously constructed by participants or observers. Importantly, traditions of governance adapt and change with circumstances, events and reinterpretations. This article explores the notion of tradition from the vantage point of the leadership of the senior civil service.

Civil services – or public services – in Westminster systems have evolved according to a hybrid set of traditions of governance that are partly inherited from the political and parliamentary realm and partly learnt through administrative practice. On the one hand, civil services are not the sole masters of their fates. They are not the autonomous inventors or creators of their own identifiable traditions. They exist in and are subordinate to a legitimate political authority. So, there is a derivative character to their traditions. They work in formalised traditions of governance that are dependent and contingent on the political process and notions of proper decision-making and accountability. These *political traditions*, which we label ‘responsible government’, frame the dominant narratives in which they construct and make sense of their roles and existence. There are distinct political variations in this broad church of ideas – Tory-conservatism, Whig-liberalism, labourist-socialism and, especially in the former dominions, statist traditions of social liberalism and agrarian socialism.

The civil service enjoys some institutional continuity and both keeps and refracts these traditions of ‘responsible government’ while also remaining embedded in it. So, although the

formative political legacies of ‘responsible government’ were created and moulded elsewhere – through parliament and cabinet government, by the electoral process, by constitutionalists and the judiciary, by interest groups, and by public consent or popular discourse – the civil service nevertheless is an active conduit, conductor and disseminator of such traditions.

On the other hand, the civil service also embodies two related sets of *administrative traditions* – the generalist and specialist traditions – that are couched in the normative aspirations of a constitutional bureaucracy. These, in turn, created professional administrative bureaucracies with strong norms, precepts and values. Such administrative traditions have organic or discrete roots in the bureaucracy but must coexist with the political traditions. So, evolving conventions of responsible government are complemented by evolving notions of professionalism, degrees of independence, expertise and technical proficiency, management, and preferred patterns of recruitment and workforce composition.

In addition, bureaucratic organisations also develop distinctive agency cultures and traditions based on their internal organisational cultures, their continuing relationships and collective memories, their discrete training and types of expertise, and their professional values and codes. Often these are agency-specific, insular and self-referential. These departmental philosophies and cultures interact with the service-wide constitutional bureaucratic or administrative traditions in complex and iterative ways.

Civil service traditions represent a plurality of inherited beliefs – sometimes separate and distinct, sometimes coexisting but also competing. Such traditions are not merely passively picked up from the political framework of responsible government. Rather, the civil service

is an active cultivator and preserver of its traditions. It functions as the repository of government history and institutional practice. Its political and administrative traditions are not mutually exclusive but are constantly intersecting together. They provide meaning not in the form of some abstract, external constitutional doctrine but in the intersection of daily practice and reflection – occasionally with tensions but often in harmony.

Transmission and Recalibration of Traditions

Civil servants construct their understandings of these complementary and competing traditions through two forms of socialisation. First, they imbibe beliefs through on-the-job learning and practitioner mentoring. They work and operate in institutional settings and learn the transmitted belief structures and norms. Career structures are learning apprenticeships. Second, they are informed by a literature that packages dominant ideas or beliefs in the traditions of responsible government. This literature has two strands – ‘insiders’ and ‘outsiders’. The ‘insiders’ comprise former experienced public servants expounding normative frameworks or explaining changing conventional practice (for example, Bridges 1950 and 1956 is the *locus classicus* but more recently see Wilson 2003). The ‘outsiders’ comprise journalist, academic and constitutional writers attempting to describe and make sense of evolving political systems to explain to others (see for example: Bagehot 1867, Dicey 1914 and Hennessy 1989). There is a tendency with both forms of socialisation for anachronistic elements or nostalgia to characterise the narrative structures.

But such socialisation is not frozen in time. The civil service can be seen to be continually recalibrating its traditions. It does so consciously and unconsciously and episodically as it confronts new challenges. Intensive episodes of recalibration can be interpreted as attempts

to update traditional legacies and beliefs, or as attempts to endorse and legitimise cherished traditions in changed circumstances. Traditions thus evolve and are reconfigured, but they can also be more comprehensively reinvented when they confront major challenges.

Challenge and Disjuncture

The main challenge faced by the Westminster-derived civil services over the past 20 years was the belief among governments that the civil service was impervious to political rule (see Aucoin 1995; Lange 1998; Caiden 1990; Savoie 2003). There was a clear belief from the 1970s onwards shared across much of the Westminster democracies that the bureaucracy had become too powerful and obstructionist. It was accused of having invested too much in its own independence and permanency. It was accused of being insular, self-referential and unresponsive; and accused of being an ‘entrenched aristocracy within a democracy’ and seeking to be above governments (Savoie 2003, 12). In the UK, Prime Minister Margaret Thatcher (1979-90) was out of sympathy with the ethos of a ‘permanent’ civil service she thought too risk averse. Prime Minister Tony Blair (1997-2007) extended, rather than reversed, this trend and sought to make public agencies more responsive, contestable and focused on delivery. In Australia, successive governments eroded permanent appointments in the public service, expanded contractual employment and introduced performance regimes. They also used various mechanisms for exerting political control over agencies and their agendas (such as the growth of political advisers as policy managers). The story is similar in Canada, where deputy ministers are personally exposed to public accountability,

employed on short-term contracts and more open to political pressure. Their ministries are run on results-based business lines.

Relationships at the centre of government between politicians and departmental heads have also changed. The civil service now deals with a different set of politicians. Compared with the nineteenth century, when many parts of the Westminster came into being, politicians are now full-time career politicians, highly educated, reflexive and spin-conscious. Ministers are more interested in immediate impact and effectiveness. They invest in driving change and intensive media exposure makes them more directly accountable in the community for the performance of their agencies. Many ministers are not prepared to accept conventional ways of doing things but are interested in choices, in alternative solutions, comparative experiences, and transforming the incentive structures within policy frameworks (for instance, greater citizen-choice models of delivery).

The roles and responsibilities of governments in Westminster systems have also changed (for a more detailed account see Rhodes and Weller 2001). Initially, government played largely a regulatory role and had limited responsibilities. In the twentieth century governments created the welfare state but that era of big government gave way to the new public management and outsourced services. Today, improving service delivery has become a key priority for government policy making. Government responsibilities still increase with far more discretion in policy choice and delivery instruments.

Most important for the civil service, there is far more contestability in policy advice, research and information. Much of the contestable advice is from outside the public sector – from think-tanks, consultancy firms, management consultants, academic centres, and peak

bodies and their research arms. The civil services no longer hold a monopoly on advice to ministers. Mostly the policy units of departments play a lesser role in original policy formulation, but instead 'add value' by collating, arbitrating and recommending between contestable options circulating the minister. The picture is further complicated by ministerial advisers and minders. They not only mediate and liaise between the department and the minister but also give the minister more capacity to become involved and have an impact.

One Australian minister summed up these changes follows:

There has been a transition over 25 years from the final days of an imperial public service to a public service which is focused on policy advice and service contracts, as an enterprise operating in a competitive environment where governments have alternative sources of advice and service provision... it was an institutional struggle between the democratically elected governments and the public service for control over the public service. And in that struggle the elected governments have won (Weller 2001,81).

But Nostalgia Remains

While core relationships at the top have changed over past decades, the key bureaucratic actors did not always welcome the changes. There remains nostalgia for the days when the civil servants were reputedly at their most effective, when they were regarded as 'statesmen in disguise'. Mostly this golden era refers to the mid-twentieth century and to such giants of the profession as Sir Warren Fisher and Sir Edward Bridges.¹ These cabinet secretaries in Britain were educated, urbane, effective, and regarded as the archetypal mandarins. In Canada, the senior officials of a similar era became the subject of a collective portrait, *The Ottawa Men* (Granatstein 1982), which charted their considerable impact on post-war

Canada.² In Australia, a group known collectively as the ‘Seven Dwarfs’, men small of stature (at least some were) but of dominant intellect, ruled for decades at the top of the Australian public service. They were scarcely a united team, but they were able to monopolise the provision of advice in an environment where there was little intellectual or institutional challenge to their position. The most dominant, Sir Roland Wilson, was secretary of the Treasury for 15 years and regularly participated at cabinet as if he were a senior minister.³

Why this particular era of civil servants attained such hallowed status is difficult to determine. It was that period between the mass mobilisation of society to pursue total war with its belief in the efficacy of state action, and the decline of faith in state solutions in the late 1970s. Whether the giants of those periods deserve the plaudits is debatable and disputed as the files become available to historians. The other side of this nostalgic coin suggests that today’s leading public executives are pale by comparison. But, as the current Australian Secretary of the Department of Prime Minister and Cabinet, Peter Shergold, noted recently:

There is a growing tendency to look back to the Secretaries of the past with nostalgia, finding in them qualities that have failed to withstand the passage of time and which reflect badly on their contemporary incumbents. The past becomes legend, and those who occupy the present are portrayed as unworthy to stand in the shoes of those who have gone before (Shergold 2004,2).

In a subsequent reflection, he added:

The *perceived decline* in the power and status of public service often seems to coincide with the departure of the perceiving public servant. There is a remarkable conjunction of personal and administrative history. Whether individually, or in collective groups ... retired diplomats, military brass and mandarins have a disarming if understandable tendency to see their successors as failing to live up to their own high standards of truth, ethics and integrity (Shergold 2005,2).

So we have a conundrum: the so-called golden era of the civil service was regarded by ministers as a period when officials were too powerful and there was a need to reassert political leadership. Now in a period of enhanced political control, the senior echelons of the civil service are regarded as 'lacking the fearlessness and courage' of their predecessors, open to politicisation and partisanship, and ready to adopt a willingness-to-please mentality (Shergold 2004,2).

Reinventing Traditions

But the controversy is not an either-or debate. We focus here on three examples of how the present leadership of the civil service goes about appropriating and inventing its framing traditions. We are concerned to identify which aspects of its traditions the leadership selects and embraces. Which elements of the broader traditions do they engage with and select for endorsement or dissemination?

In Britain the touchstone for many practitioners are the principles reflected in the Northcote-Trevelyan *Report on the Organisation of the Permanent Civil Service* (Great Britain 1854), still regarded as the main foundation for the modern civil service. There are no British references to the need to maintain the Westminster *system*. Why would there be any such

reference when that would be mere self-description? So, Northcote-Trevelyan provides the source of the administrative tradition read against the accepted backdrop of the political tradition of responsible government.⁴ It provides an 'ideal', a related set of ideas, and even a measuring stick against which to judge current practice. Even if not often read or understood by officials today, appeals to the supposed principles of Northcote-Trevelyan remain common features of debates about the progress and the behaviour of the modern civil services.

In his valedictory address, the British Cabinet Secretary and head of the Civil Service, Sir Andrew Turnbull (2005,1), concluded that

The British Civil Service enjoys an excellent reputation and it is particularly admired abroad... Yet it has its detractors and critics, particularly at home. I have reflected on this and have come to the conclusion that the Civil Service has been strongly shaped by the Northcote-Trevelyan report and the traditions which have developed from it, but that this has also given rise to many of the features which people find unsatisfactory.

Turnbull argued (2005, 1) that:

The Northcote-Trevelyan report grew out of the clash between a growing state and an administration based on nepotism. It recommended a series of changes, which have shaped the organisation even to this day. These were:

- a permanent and impartial civil service;
- accountable to Ministers who are in turn accountable to Parliament;
- recruitment and promotion on merit;

- based on self-sufficiency - that is, it largely developed its own talent with the presumption of one employer for a whole career;
- providing services from in with little outsourcing;
- federal, organised into departments each of whom has a Secretary of State accountable to Parliament.

Turnbull believed these principles were fundamental to Westminster civil services.

Turnbull also noted there was a price to pay. This constitutional bureaucracy produces: a 'closed world' that was 'hierarchical and inflexible', that was slow to change and draw on external talent or use outsourcing, that gave little priority to the development of leadership, and had few incentives to improve efficiency. The service was also 'too reliant on the skills of those recruited many years earlier, leaving it underpowered when requirements changed' (2005, 2-3).

His direct appeal to, and criticism of, Northcote-Trevelyan is interesting because the report was silent on many of the principles Turnbull itemises. Myth becomes synonymous with tradition.⁵ For example, apart from the term 'Permanent Civil Service' mentioned in the introduction, the report does not mention permanency nor defend the case for it. Nor are key attributes such as anonymity or impartiality discussed. The civil service is valued for having 'sufficient independence' but this is not expressed as demonstrating apolitical values. There is no mention of self-sufficiency although the report did allow for both recruitment from outside and for the dismissal of the indolent. Nor is the civil service's accountability to ministers mentioned or explored. The authors content themselves with the comment that

officials occupy ‘a position duly subordinate to that of the Ministers who are directly responsible to the Crown and to Parliament’.

Turnbull’s appeal to Northcote-Trevelyan attempts to identify and preserve the virtues of the traditional civil service in the face of recent challenges. His message is code for continuity, rather than fundamental change. It represents a reinterpretation of administrative traditions by an administrative elite coping with present-day uncertainties and, in the process, defending *their* understanding of *their* administrative traditions. Put another way, Turnbull was projecting his version of the eternal verities of a constitutional bureaucracy. He was also critical of those inside government who did not share his view or his preferred ways of working. For example, he described Chancellor Gordon Brown’s operating style as ‘sheer Stalinist ruthlessness’ (Timmins 2007).⁶ Brown was perceived as challenging the sanctity of the administrative tradition; Turnbull defending it against such attacks.

The views expressed in Turnbull’s reinterpretation are not idiosyncratic. Similar statements have been made by previous cabinet secretaries who were themselves coping with earlier bouts of reform. For example, the 1994 White Paper, *The Civil Service. Continuity and Change* (Cm2627 1994) claims that the Northcote-Trevelyan report set out the principles that continue underlie the civil service. According to the then head of the civil service, Sir Robin Butler, they were ‘Integrity, impartiality, objectivity, selection and promotion on merit and accountability through Ministers to Parliament’ (Cm2627 1994, para 2.7, p. 8. See also Wilson 2003, 366-7). So,

Northcote-Trevelyan is employed as a myth set up as an ideal and used as a defence of the civil service, less to resist change and more to select the parts that fit with existing departmental philosophies.

The Westminster notion of a non-partisan bureaucracy subordinate to ministers is a long accepted feature of Australian government.⁷ *The Royal Commission on Australian Government Administration*, headed by H. C. Coombs, a public servant who was nominated as Australian of the Century in 1988, starts by commenting that:

This system has traditionally been identified and described as an example of the Westminster system. The Commission has become increasingly aware of the degree to which the Australian system in fact differs from the Westminster model and of the significance for the administration of such differences (Australia 1976, para. 2.1.2).

Its definition was that:

The Westminster model envisages a government chosen from elected representatives and responsible and accountable to them. It presents the bureaucracy as simply an extension of the minister's capacity; it exists to inform and advise him; to manage on his behalf programs for which he is responsible. Except where Parliament specifically legislated otherwise, its power to make decisions or to act derives entirely from the minister by his delegation and he remains responsible to his Cabinet colleagues and to Parliament for decisions made and actions performed under that delegation (Australia 1976, para 2.1.4).

The Australian public service has long accepted this interpretation of their position. Ask departmental secretaries about their relations with ministers and they often say: 'I'm a traditionalist; I believe in the

Westminster system...’ – meaning they are non-partisan but work entirely for the minister (Weller and Grattan 1981, 69; see also Weller 2001). Ministerial supremacy was a given.

However, after a series of recent scandals⁸ in which the professionalism of the public service was called into dispute, senior officials drew on interpretations of Westminster to defend their position and responsiveness to ministers. So, Peter Shergold, Andrew Turnbull’s Australian counterpart, lamented in a speech, entitled *Once was Camelot in Canberra?*, that recent critics of public administration in Australia thought Westminster was now dead, and no longer found in the administration. He summarised the critics’ case thus:

The current view is that ‘accountability and responsibility Westminster-style no longer exist’ and that the public service has been tarnished by ‘politicisation, intimidation and demoralisation’. The public service, and particularly those who head it, now lack the fearlessness and courage of [their predecessors]. Instead, behind layers of secrecy, has been built a rotten edifice of ‘plausible deniability’, designed to protect Ministers from unpleasant or inconvenient truths (Shergold 2004, 2).

Shergold referred several times in his speech to the Westminster legacy. Most references were used as an anchor for his argument and to dispel contrary views:

It is too often forgotten that a Westminster system depends on expectations of confidentiality (Shergold 2004, 2).

Australia may be rightly proud of its Westminster tradition but Canberra is far more open to scrutiny than Whitehall. Over the last generation there has been a profound increase in the extent to which public decision-making can be accessed and examined (Shergold 2004, 3).

I do not think that the particular and distinctive role of the ministerial staffer will bring about the demise of the independent public service or destroy the Westminster system (Shergold 2004, 7).

To Shergold, Australia's Westminster system was less precisely defined and constantly adapting. He talked of Westminster 'systems', 'traditions' and 'styles', all in the same speech. He argued that its past ideals, variously constructed, were still alive and well, and in some cases they were more robust now than previously. He not only recognised the imperative to accommodate and anticipate change, but also warned against distorting the picture by simplistic or idealised versions drawn from perceptions of previous eras. He disputed that only former heads were frank and fearless. His message was that there was never a 'Camelot' in Canberra.

His version of the administrative traditions stressed that Westminster was an evolving system involving relations of trust. It was based on balances and counter-balances of power and position, roles and responsibilities, ideas and advice. To him, administrative law and new public management were enhancements to Westminster not threats to it. While he eschewed the term 'constitutional bureaucracy', his argument for an evolving continuity was a plea to be 'bound... by the preservation of a shared tradition' (2004, 9).

In Canada, the Privy Council Office's (PCO) 1977 submission to the Royal Commission on Financial Management and Accountability explained the foundations of Canadian constitutional government.⁹ Its submission, entitled *Responsibility in the Constitution*, commenced with the proposition that 'Our system of government, deriving from British and pre- and post-federation practice, is ministerial in character' (PCO 1993, 1.1). It traced

precedents back to the earliest constitutional developments of the Middle Ages ‘The system faithfully reflects the evolution of constitutional responsibility stretching back to Magna Carta and beyond’ (PCO 1993, 1.21). Many of the early references to precedent were to British writers. The PCO drew on British traditions, while delineating Canadian adaptation and practice.

More recently, a commission of inquiry held over 2004-06 into the ‘Sponsorships Scandal’¹⁰ led by Judge John Gomery, examined the behaviour of the civil service. Gomery criticised the lack of formal accountability in the system. He disagreed with officials on the meaning of conventions, writing in his final report that the ‘government expresses the belief “that the public service has no independent identity, and hence no accountability apart from that of Ministers and the government of the day”’ (Gomery 2006, 62). Instead, he agreed with one of his academic advisers, Lorne Sossin who argued forcefully that:

A range of unwritten constitutional conventions and principles clearly give rise to obligations, responsibilities and constraints on decision-making by members of the public service which arguably together confer constitutional status on the public service as an organ of government. (Sossin 2006, 30)

Gomery’s interpretation was a response to a host of senior Canadian public service executives appearing before the commission who used the opportunity to defend their record with a re-statement of the traditional verities of their profession. They had evoked the principles of Westminster to explain their behaviour and that of ministers in the scandal. Some used Westminster conventions to lay responsibility squarely on the shoulders of ministers, while others wielded their understandings of Westminster to shield themselves from direct accountability.

Unlike in Australia, key actors in the Canadian government do not often explicitly articulate traditions of Westminster – principally because it would imply English cultural dominance over French sensitivities. Canadians talk of ‘responsible and representative government’ derived from parliamentary practice (Jackson and Jackson 2006, 35-51). However, in the context of the Gomery inquiry, a number of senior officials described the Canadian variant of Westminster as they interpreted it. The former Clerk of the Privy Council, Jocelyne Bourgon, in her testimony to the Commission on 8th and 9th December 2004, spoke of the strength of the ‘parliamentary accountability system’ in which a minister ‘assumes full ministerial responsibility’ (Gomery 2004, 8162 and 8257). Ministers were accountable for every decision, while public servants were only accountable for the advice they gave or for ‘personal responsibilities’. In her view, ‘we’re always responsible for advice we may have given, good or bad, for lack of courage in not giving any when it needed to be given. We’re responsible for our personal actions’ (Gomery 2004, 8257).

Alex Himelfarb, the Clerk of the Privy Council and Secretary to the Cabinet at the time of the inquiry, in his testimony before the Commission on 27 September 2004, stressed that the Canadian public service was one of the variety of ‘Westminster systems’ each with slight differences in convention and law:

The public service has a long tradition of continuity. It precedes and often exists longer than a government of the day. So it brings all of that accumulative knowledge of the processes, of the procedures, of the conventions to bear on its advice. It provides a degree of continuity that political advice doesn’t. It also has particular responsibilities by tradition. (Gomery 2004, 1835-6).

He argued that the public service had to remain ‘non-partisan’ in its provision of advice and in implementing policies (Gomery 2004, 1833). Continuity gave the public service specific duties and responsibilities – to advise the minister as best they could independently. But elected officials ‘are ultimately responsible for everything that happens in their portfolio or department under mandate’ (Himelfarb 2004, 1905). He defended a precise definition of ministerial responsibility by stating:

The principle of ministerial responsibility in the Westminster system is that a minister would be answerable in parliament for everything in their mandate even for things over which they have no authority; in fact, for decisions that they may be obligated not to interfere with (Gomery 2004, 1889).

He contrasted legal responsibility (‘to our superiors through the hierarchy of government and, ultimately, to parliament’) with ethical responsibility (‘to report wrongdoing even if you don’t have the authority’). Although he commented that ‘every public servant coming across wrongdoing has a larger responsibility’, he reflected that there was a ‘lacuna’ in the system that left ‘enormous space for judgment and courage’ (Gomery 2004, 1934).

Again, the appeal to notions of Westminster serves more than its ostensible purpose of describing the system. Himelfarb and colleagues were answering from the dock under oath, emphasising the inherent ambiguity of Westminster administrative traditions, but insisting that lines of responsibility still exist. They stressed the ambiguities because otherwise they could be accused of reneging on their professional responsibilities. Westminster, thus, is variously an ideal, an explanation, and a defence all rolled into the same expressions of principle and convention.

Conclusions – Why and Why Now?

Such appeals to Westminster from the heads of the respective civil services do not imply that nothing has changed. Some academics have recently portrayed the systems as radically changed. Donald Savoie (2003) writes about the fracturing of the implicit agreement or ‘bargain’ between politicians and civil servants. Campbell and Wilson (1995) write about the end of Whitehall. Mulgan (2006) talks of ‘undue partisanship’ by public servants straining the principles of Westminster. The pictures they paint are apocalyptic. The old principles have been rejected and the new precepts, according to academic critics, lack accountability and principle.

We do not see the four horse riders of this apocalyptic vision. Rather, we see traditions under challenge that reshape reforms as reforms reshape them. Indeed, what some academics see as revolutionary and discomforting, the practitioners see as evolutionary and normal adaptation. The latter are reflecting on what specific legacies are important to them and the parts of the managerial public sector systems they will run with. Patently, the new public management tradition is not a total replacement for traditional Westminster ideas. It is grafted on to the previous set of beliefs. So, the generalist public service tradition had to be – and was – rescued by reinvention.

The rise of the new public management in its various guises in the 1980s led to recurring challenges to administrative traditions for the next two decades. In early stages of these reforms, senior public servants would not have referred to their traditions and such nineteenth century notions as permanence and impartiality. These ideas would have sounded anachronistic, self-serving and reactionary. Shergold has recently admitted that such views

would have been regarded as ‘inward-looking and defensive, focused on process not outcomes, hierarchical, risk-averse, short-term view, predictable, lacking in innovation’ (Shergold 2004a, 2). The mood of the day stressed the need for ‘ultra-responsiveness’, for the ‘can-do manager’ motivated by results-based achievement, managerial competence and performance driven commitment. New public management arrived and was eagerly embraced by a professional public service and talk of Westminster was largely suspended by the architects of reform.

Today, these same civil servants are prepared to discuss whether – or how far – we have moved from Westminster, and from the Northcote-Trevelyan ideals. Current and former heads of the civil service have each mused about which aspects of their respective traditions still survive, how the traditions shape today’s practices, and how Westminster traditions provide both a defence from powerful critics and coping mechanisms for future changes. So in the 2000s, historical legacies are increasingly seen as important. Thus, Shergold (2004, 8) was anxious to stress today’s continuity with the previous norms of the public service but in different contexts:

The Westminster tradition today, just as fifty years ago, refers to a complex set of balanced relationships, marked by subtleties and nuances. For that reason the sign of a good Secretary is not marked alone by the independence of his mind or the robustness of her advice. Rather it is indicated by the extent to which they fully appreciate the respective roles of elected government and appointed public servant. Nowhere is the necessary balance of Secretarial responsibility better articulated than in the key public service value set out in the bipartisan *Public Service Act 1999*, namely that: ‘The APS is

responsible to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programmes'.

In addition, the set of ideas and myths surrounding, say, Northcote-Trevelyan are called upon as a means of legitimising change and defending practices. Turnbull, Shergold and Himelfarb each defended the confluence of political and non-partisan advice to ministers. There was benefit in having separate 'political' advice at the centre while preserving the expertise of bureaucratic advisers. Himelfarb stated that 'good policy' emerged from the combination of political advice from the Prime Minister's Office and a non-partisan source of advice from the Privy Council. He argued that the PMO:

... has a Policy Research Unit where they assess a range of issues that come to their attention from departments or from the outside in terms of their constituency with the government's overall agenda, and they provide advice independently of the Public Service to the Prime Minister on a range of policy issues that they themselves have researched and assessed, generally in close communication with departments and the PCO.... PCO provides non-partisan advice, that is, advice that – well, non-partisan policy advice. PMO provides a political lens on policy advice. It is not duplicative. It often converges as good policy, is often good politics. But the Prime Minister has access to both a political lens, in particular, a partisan political lens, and a non-partisan source of advice often on the same issues (Gomery 2004, 1833).

Equally, Turnbull welcomed 'the fact that we are much more open to ideas from think-tanks, consultancies, governments abroad, special advisers, and front-line practitioners' (2005, 3).

He ventured: 'in developing policy we not only consult more widely than we used to but

involve outsiders to a far greater degree in the policy making process'. He then quoted Shergold approvingly:

'Let me make it clear that I extol the fact that the public service policy advice is increasingly contested. I welcome it intellectually: our perspectives and strategies benefit from challenge. I also welcome it professionally, as a public servant. In my view, more Ministerial advisers does not represent the 'politicisation of the APS' (Australian Public Service), still less the demise of an independent public service or undermining of the Westminster tradition.' (Turnbull 2005, 3)

For civil servants the challenge now is to know whom the minister has consulted and from what direction they approach the problem (see Savoie 2003). Civil servants now have to justify their involvement and contribution, argue for their expertise, and prove their worth to their political bosses. They are not accepted as merely part of the infrastructure. Indeed, one Canadian political chief of staff challenged the right of bureaucrats to be there at all, arguing they 'should get back to their real job – to implement decisions and see to it that government operations run smoothly and leave policy to us' (Savoie 2003, 124). Alternatively, as one Australian secretary noted, the growth in the number of ministerial advisers:

... has fundamentally transformed the role of a secretary. I constantly have to compete for the policy attention of the minister with those in the minister's office. No two ways about it; I have to fight for my position at the table (Weller 2001, 103).

We are not charting a convergence of traditions as Westminster-derived jurisdictions wrestle with new challenges to their understanding of governance. Rather, we can see empirically that the heads of the civil services have found 'space' or 'voice' to articulate innovative

ways of combining past traditions with new organising principles of governance. In each case, the UK, Canada and Australia, it is not a question of ‘in with the new, out with the old’, but of ‘in with the new alongside key components of the old’.

Although each head legitimated Westminster traditions, they fudge the crucial elements they wish to hold on to. Sometimes they cling to the myths of Westminster. At other times, they are simply not specific about which aspects they continue to consider legitimate. Sometimes they disagree – while Himelfarb is anxious to hold on to anonymity at all costs, Shergold finds the new requirements holding public servants personally to account as a positive attribute to open scrutiny consistent with the Westminster system. Turnbull was critical of much of the old trappings of what he saw at the Northcote-Trevelyan legacy, but does not want to discard many of the most important attributes he cherishes: the impartiality of the civil service; some degree of permanency (indeed, he prides the UK on having retained more permanency than Australia); on a close accountability between ministers, officials and parliament; on the promotion of staff by merit; and even on the advantages of departments as non-statutory organisations of state. To paraphrase Shergold, if Westminster was never ‘Camelot’, this does not mean that some of the myths that sustain the Camelot legend do not remain germane to the modern public service.

Notes

1. On Bridges see Chapman 1988 and on Fisher see O’Halpin 1989.
2. For the collective portrait of these senior officials (such as Oscar Skelton, Clifford Clark, Norman Robertson, Graham Towers, Lester Pearson, Louis Rasminsky, Mitchell Sharp, and Robert Bryce) see Granatstein 1982 and Savoie 2003, 62-69. Interestingly,

many of these senior administrators made the transition into elected office becoming ministers and, in Pearson's case, prime minister.

3. See for example, Weller 2001, 37-52 and 183-88; Weller 2007, 100, 113. There is no overall study of the 'Seven Dwarfs' (Roland Wilson, Richard Randall, H.C. Coombs, Frederick Shedden, Alan Brown, Henry Bland and John Crawford), but some individual studies include: Coombs 1981; Rowse 2002; Cornish 2002, Horner 2000, Arklay *et al.* 2006.

4. For a more detailed account of the origins of Britain's 'constitutional bureaucracy' see: Chapman and Greenaway 1980, Chester 1981, MacDonagh 1977, Parris 1969, Sutherland 1972, and Rhodes 1994.

5. We are indebted to Rodney Lowe for his seminar at the Australian National University on 'Western Public Administration and the Myth of Northcote Trevelyan', 12 October 2005. The ideas in this paragraph were developed as a result of his seminar.

6. Turnbull said about Gordon Brown's style of leadership: 'There has been the absolute ruthlessness with which Gordon Brown has played the denial of information as an instrument of power. He has maintained an iron grip on spending and on the distribution to departments.... Do those ends justify the means? It has enhanced Treasury control, but at the expense of any government cohesion and any assessment of strategy. You can choose whether you are impressed or depressed by that, but you cannot help admire the sheer Stalinist ruthlessness of it all' (Timmins 2007).

7. For a more detailed account of the origins of Australia's 'constitutional bureaucracy' and administrative professionalism see: Caiden 1967; Caiden 1990; Finn 1987.

8. Three significant scandals raising issues of propriety and professionalism by both ministers and officials impacted on Australian politics between 2001 and 2006. These were the 'children overboard' affair (where convenient untruths were told and left uncorrected), the scandals over wrongful detention by the Immigration department, and the Australian Wheat Board Ltd scandal in which (known) kickbacks were paid to the Iraqi regime under Saddam Hussein and covered up. For details see: Weller 2002; Marr and Wilkinson 2005; Palmer 2005; and Botterill 2007.

9. For a more detailed account of the origins of Canada's 'constitutional bureaucracy' see: Sossin 2006; but also note Aucoin's 1995 depiction of the Canadian bureaucracy as the 'administrative state' that was supposed to remain 'constitutionally subordinate to its political masters' but was often perceived to have 'become an independent power in its own right' (1995, 30).

10. The 'sponsorship scandal' refers to the Canadian federal government's 'sponsorship program' in the province of Quebec, established originally as an effort to raise awareness of the Government of Canada's contributions to Quebec industries and other activities and counter the efforts of Quebec's Parti Québécois government to promote Quebec separatism. For more information see: http://www.cbc.ca/news/background/groupaction/gomeryreport_phaseone.html.

References

Arklay, Tracy, John Nethercote and John Wanna, eds. 2006. *Australian Political Lives. Chronicling political careers and administrative histories*. Canberra: Australian National University E-Press.

Aucoin, Peter. 1995. *The New Public Management in Canada in Comparative Perspective*. Institute for Research on Public Policy. Montreal: IRPP.

Australia. 1976. *Royal Commission on Australian Government Administration* (the Coombs Royal Commission), Government Printer, Canberra.

Bagehot, Walter. 1963 [1867]. *The English Constitution*. With an introduction by R. H. S. Crossman. London: Fontana.

Bevir, Mark and R.A.W. Rhodes. 2003. *Interpreting British Governance*. London: Routledge.

Bevir, Mark and R.A.W. Rhodes. 2006. *Governance Stories*. Abingdon, Oxon: Routledge.

Botterill, Linda C. 2007. Doing it for the Growers in Iraq? The AWB Oil-for-food and the Cole Inquiry. *Australian Journal of Public Administration* 66(1): 4-12.

Bridges, Sir Edward. 1950. *Portrait of a Profession*. Cambridge: Cambridge University Press.

Bridges, Sir Edward. 1956. Administration: What Is It and How Can It Be Learnt? In *The Making of an Administrator* edited by A. Dunsire. Manchester: Manchester University Press.

Cabinet Office (UK). 2007. *Code of Conduct for Special Advisers*.

http://www.cabinetoffice.gov.uk/propriety_and_ethics/special_advisers/code/index.asp

Cabinet Office (UK). 2007. *Code of Conduct for Special Advisers: Annex B: The Seven Principles of Public Life*

http://www.cabinetoffice.gov.uk/propriety_and_ethics/special_advisers/code/annexb.asp

Cabinet Office (UK). July 2007. *Ministerial Code*.

http://www.cabinetoffice.gov.uk/propriety_and_ethics/publications/pdf/ministerial_code_current.pdf

Caiden, Gerald E. 1967. *The Commonwealth Bureaucracy*. Melbourne. Melbourne University Press.

Caiden, Gerald E. 1990. Australia's Changing Administrative Ethos: An exploration. In *Dynamics in Australian Public Management* edited by A. Kouzmin and N. Scott, 29-49. Melbourne: Macmillan.

Campbell, Colin and, Graham K. Wilson. 1995. *G. End of Whitehall: Death of a Paradigm*. Oxford: Blackwell.

- Chapman, Richard A. 1988. *Ethics in the British Civil Service*. London: Routledge.
- Chapman Richard A. and John R. Greenaway. 1980. *The Dynamics of Administrative Reform* London: Croom Helm.
- Chester Sir Norman. 1981. *The English Administrative System 1780-1870*. Oxford: Clarendon Press.
- Cm 2627 1994. *The Civil Service: Continuity and Change*. Cabinet Office: Office of Public Service and Science. London: HMSO.
- Coombs, Herbert C. 1981. *Trial Balance*. Melbourne: Macmillan.
- Cornish, Selwin. 2002. *Sir Roland Wilson: A biographical essay*. Canberra: ANU.
- Department of the Prime Minister and Cabinet. December 1998. *A Guide on Key Elements of Ministerial Responsibility*.
http://www.pmc.gov.au/guidelines/docs/ministerial_responsibility.pdf
- Dicey, Albert Venn. 1914. *Lectures on the Relations Between Law and Public Opinion During the Nineteenth Century*. 2nd edition. London: Macmillan.
- Finn, Paul D. 1987. *Law and Government in Colonial Australia*. Melbourne: Oxford University Press.
- Gomery, John H. 2004. Public hearing before the *Commission of Inquiry into the Sponsorship Program and Advertising Activities* (Gomery Commission), Volume 12, 27th September.

Gomery, John H. 2004. Public Hearing before the *Commission of Inquiry into the Sponsorship Program and Advertising Activities* (Gomery Commission), Volumes 47 and 48, 8th and 9th December.

Gomery, John H. 2005. *Who is Responsible? Fact-Finding Report: Phase 2 of the Report of the Commission of Inquiry into the Sponsorship Program and Advertising Activities* (Gomery Commission), Canadian Government Publishing.

Gomery, John H. 2006. *Restoring Accountability: Phase 1 of the Report of the Commission of Inquiry into the Sponsorship Program and Advertising Activities* (Gomery Commission), Canadian Government Publishing.

Granatstein, Jack L. 1982. *The Ottawa Men: The civil service mandarins 1935-1957*. Toronto, Oxford University Press.

Great Britain. Civil Service Committee 1854. Cm1713. Report on the Organisation of the Permanent Civil Service. (Signed: Stafford H. Northcote, C.E. Trevelyan). London: H.M. Stationery Office.

Hennessy, Peter. 1989. *Whitehall*. London: Secker & Warburg.

Horner, David. 2000. *Defence Supremo: Sir Frederick Shedden and the making of Australian defence policy*. Sydney: Allen & Unwin.

Jackson Robert J. and Doreen Jackson. 2006. *Politics in Canada: Culture, Institutions, Behaviour and Public Policy (6th edition)*. Pearson Prentice Hall, 2006.

Lowe, Rodney. 2005. *Western Public Administration and the Myth of Northcote Trevelyan*. Seminar presented as part of the Political Science Program, Research School of Social Sciences, Australian National University, 12th October.

MacDonagh Oliver. 1977. *Early Victorian Government*. London: Weidenfeld and Nicolson.

Marr, David and Marion Wilkinson. 2005. *Dark Victory*. Sydney: Allen & Unwin.

Mulgan, Richard. 2006. *Truth in Government and the Politicisation of Public Service Advice*. *Policy and Governance Discussion Papers 06-02*, Canberra: ANU.

Palmer, Mick J. 2005. *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau Report*, Canberra.

Parris Henry 1969. *Constitutional Bureaucracy: The development of British central administration since the Eighteenth Century*. (London: Allen & Unwin).

Privy Council Office 1993. *Responsibility in the Constitution*. Submission to the Royal Commission on Financial Management and Accountability. Minister of Supply and Services Canada. Available at: http://www.pco-bcp.gc.ca/default.asp?Page=Publications&Language=E&doc=constitution/toc_e.htm

Pusey, Michael. 1991. *Economic Rationalism in Canberra: A nation building state changes its mind*. Melbourne: Cambridge University Press.

O'Halpin, Eunan. 1989. *Head of the Civil Service. A study of Sir Warren Fisher*. London: Routledge.

Report on the Organisation of the Permanent Civil Service (Northcote-Trevelyan) 1853. Reprinted in: Committee on the Civil Service (Fulton 1968), *Report* (Cmnd 3638, London, HMSO), Appendix 3.

Rhodes, R.A.W. 1994. State-building without Bureaucracy. In *Developing Democracy: research in honour of Jean Blondel* edited by I. Budge and D. McKay, 165-88. London: Sage.

Rhodes, R.A.W. and Patrick Weller. 2001. (Eds.). *The Changing World of Top Officials: mandarins or valets?* Buckingham: Open University Press.

Rowse, Tim. 2002. *Nugget Coombs: a reforming life*. Melbourne: Cambridge University Press.

Savoie, Donald J. 2003. *Breaking the Bargain: Public Servants, Ministers and Parliament*, Toronto, University of Toronto Press.

Shergold, Peter. 2004. Once was Camelot in Canberra? Reflections on Public Service Leadership. *Sir Roland Wilson Lecture*, 23 June, Canberra. Available at: http://www.dpmpc.gov.au/speeches/shergold/public_service_leadership_2004-06-23.cfm

Shergold, Peter. 2004a. Can Governments be Strategic? The Role of the Public Service. Address to the ANZSOG Public Policy Program, 30th July, Canberra.

Shergold, Peter. 2005. Goodbye to all That?, *The Canberra Times*, 5th April.

Sossin, Lorne. 2006. Defining Boundaries: The constitutional argument for bureaucratic independence and its implication for the accountability of the public service. Chapter 2 of

Restoring Accountability - Research Studies: Volume 2 The public service and transparency
by Gomery J. 2006.

Sutherland, Gillian. Ed. 1972. *Studies in the Growth of Nineteenth Century
Government* London: Routledge & Kegan Paul.

Thompson, Elaine and Greg Tillotsen. 1999. Caught in the Act: The Smoking Gun
View of Ministerial Responsibility. *Australian Journal of Public Administration* 58(1):
48-57.

Timmins, Nick. 2007. Highlights of Turnbull Interview. *Financial Times*, 20 March.
Available at: <http://www.ft.com/cms/s/7a58bfa0-d6d7-11db-98da-000b5df10621.html>

Treasury Board of Canada Secretariat. January 2007. *Policies and Guidelines for
Ministers' Offices*. http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/mg-ldm/gfmo_e.pdf

Treasury Board of Canada. April 2006. *Canada's New Government – Federal
Accountability Action Plan: Turning A New Leaf*. http://www.faa-lfi.gc.ca/docs/ap-pa/ap-pa_e.pdf

Turnbull, Sir Andrew. 2005. Valedictory Lecture. Wednesday 27 July 2005. *Guardian
Unlimited*. Available at: <http://politics.guardian.co.uk/print/0,5248727-110471,00.html>

Weller, Patrick. 2001. *Australia's Mandarins: the frank and the fearless*. Sydney:
Allen & Unwin.

Weller, Patrick. 2002. *Don't Tell the Prime Minister*. Carlton North: Scribe
Publications.

Weller, Patrick. 2007. *Cabinet Government in Australia, 1901-2006*, Sydney: UNSW Press.

Weller, Patrick and Michelle Grattan. 1981. *Can Ministers Cope? Australian federal ministers at work*. Melbourne: Hutchinson.

Wilson, Sir Roland. 2003. Portrait of a profession revisited, *Public Administration*, 81(2): 365-78.