

## PUBLIC SERVICE BILL

Second Reading speech by the Prime Minister (Mr. Menzies)  
House of Representatives  
Thursday, 17th November, 1960

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The main purpose of this Bill is to amend the recruitment and appointment provisions of the Public Service Act following the Government's consideration of the Report of the Committee of Inquiry into Public Service Recruitment.

The development of a Public Service of the highest quality and integrity is a first essential of good government; and the quality of the Public Service itself is closely related to the standards established for recruitment. It follows therefore that it is prudent to keep standards of recruitment under review.

The recruitment provisions of the Public Service Act have remained substantially unaltered since the Act was first passed in 1922. The Government readily agreed therefore with a recommendation of the Public Service Board that a Committee of Inquiry should be appointed to enquire into and report upon recruitment methods with the object of improving the quality of recruits. This Committee consisted of:-

Sir Richard Boyer, Chairman, Australian Broadcasting Commission

Professor Hysten, former Vice-Chancellor of the University of Tasmania.

Dr. J.C. Radford, Director of the Australian Council for Educational Research

Mr. R.S. Parker, Reader in Public Administration, Australian National University

Mr. F.J. Webb, Commissioner of the Commonwealth Conciliation and Arbitration Commission.

### Terms of reference:

The terms of reference of the Committee were:-

"To inquire into and report to the Prime Minister on the recruitment processes and standards of the Public Service and to make recommendations for any changes which, in the opinion of the Committee, are necessary to ensure that recruitment is soundly based to meet present and future needs and efficiency of the Public Service at all levels".

I should say at the outset that the Government is indebted to the Boyer Committee for its comprehensive and thorough review of the recruitment problem within the Public Service. The Committee made a number of recommendations which were interesting, challenging, and constructive, and the report is a valuable contribution to the current and future development of the Commonwealth administration. In many respects also it will be a continuing document of reference.

It is a general conclusion of the Boyer Committee that the Public Service is not obtaining sufficient recruits of the right quality to meet its greatly expanded tasks and that the Service is too tightly closed against recruitment from outside to positions at intermediate and senior work-

levels. In addition, the Committee suggests that policies in respect of organisation and staff development should ensure that the best use is made of talent available.

The recommendations of the Committee, about 70 in all, have been examined most carefully. Many of them have been accepted by the Government, and of these, some are incorporated in the Bill before the House and the remainder will be put into effect administratively. In other cases the Government endorses the objectives sought by the Boyer Committee but prefers to achieve these objectives by means different from those suggested by the Committee. In a few cases the Government was unable to accept the recommendations of the Boyer Committee whilst in other cases, for example, the employment of married women, the implications of the recommendations are so far reaching that much further study of them is required before a final decision is taken by the Government.

I do not propose to develop a full analysis of the implications of all the recommendations of the Boyer Committee in the course of this speech; but I shall say a few words about some of them.

#### Re-casting of recruitment provisions of the Public Service Act:

There was a number of difficulties associated with the amendment of the existing provisions of the Act in order to achieve the objectives of the Committee's report for clear and flexible recruitment machinery. It has been decided therefore to re-cast completely Division 4 of Part Three of the Public Service Act which deals with recruitment and appointment. There is, nevertheless, no departure in the new provisions from the broad principles on which the present legislation is founded.

Appointment to the Public Service will remain in the hands of the Public Service Board as an independent authority and within the principle of open competition. The Boyer Committee in endorsing this principle has recognised that a statement of it in legislation would need to be qualified by a number of important exceptions. The Government therefore proposes to continue to apply the principle of open competition without having it expressed formally in the Act.

The standards for appointment will be set by the Board from time to time and notified in the Commonwealth Gazette.

The Public Service Board will retain authority to conduct its own examinations or to use the standards of education authorities and provision will be retained for promotion within the Service so that the most junior officers will have the whole field of the Public Service open to them, provided they are able to meet the standards which are set for promotion within a Division or advancement from one Division to another. There will be a firm minimum standard for appointment to the Third Division of the Service about which I shall speak presently. It is intended that there will be two general levels for recruitment to the Fourth Division. These will be at elementary and intermediate standard educational level. Within the Second, Third and Fourth Divisions of the Service appointments will now be possible, not only to specific positions within a Division, but also generally within a Division.

Basic Eligibility for Appointment:

The basic requirements for appointment to the Commonwealth Service under the existing Act are that the applicant is:

a British subject;

medically fit;

has made and subscribed an Oath or Affirmation

They are retained in the new legislation.

Additionally it is necessary to make it clear that the Board may reject a candidate who, because of character, including police record, etc., or for other good reason, is not considered to be suitable for admission to the Public Service. The Board, in the past, has been working on the assumption that it has the ordinary rights of an employer to decide whether a candidate for appointment meets the standard of character and integrity which is clearly essential. But there is some doubt about this and therefore there is included in Clause 11 of the Bill - Section 34(c) of the new Act, a provision to enable the Board to be satisfied that a candidate for appointment is a fit and proper person to be an officer of the Commonwealth Service.

Educational standards for entry to the Third Division:

The Government has adopted the Boyer Committee recommendation that the Leaving Certificate standard should be the firm minimum requirement for entry to the Third Division of the Public Service. This is a most important recommendation. Entry to the Third Division in this context includes Leaving Certificate entry, appointment of ex-servicemen who were previously eligible for appointment at about Intermediate Certificate level, and also transfers from the Fourth to the Third Division, which is done by internal examination.

It would be difficult to bring down legislation owing to the need to take account of the variation in educational standards as between the States. Hence the Government feels that it would be preferable for the Public Service Board to give effect to this recommendation by administrative action. The legislation therefore leaves it to the Board to determine the standards of entry, but it is the clear intention that an examination at the level and standard of the New South Wales Leaving Certificate will be the firm minimum standard for entry to the Third Division of the Service, with equivalent examinations in other States - for example, the Senior Public in Queensland.

This minimum standard will apply both on first appointment to the Third Division and on transfer from the Fourth to the Third Division, although the latter may need to be put into effect over a period.

Graduate recruitment:

The Boyer Committee has made recommendations which are designed to facilitate recruitment of university graduates who have had work experience outside the Public Service as well as graduates fresh from the universities. The Committee has also recognised the need for persons,

whether they are graduates or not, with particular qualifications and experience to meet special needs both in individual positions and specialised employment categories. The Government supports these objectives and provision is made in the legislation to give effect to them.

Entry at university graduate level will be freely used for recruitment of professional or technical officers, but the existing ten per cent limit will be retained for recruitment of graduates to other posts in the Second and Third Divisions of the service.

It is proposed to retain the provisions of the Principal Act which permit the Board to make appointments from outside the Commonwealth Service, subject to certain safeguards and to the established selection procedures. However, the new Section 38, which re-enacts the old Section 47, will be limited in the future to the appointment of persons of exceptional ability and experience.

A new Section 37 will be used for most of the appointments of persons with professional and specialist qualifications. Under both these Sections the rights of officers will be protected.

#### Criteria for promotion:

The Boyer Committee recommended that seniority as a criterion for promotion should be dropped entirely from the Public Service Act and Regulations.

I would like to make it plain that we are on common ground with the Committee that seniority should not be the sole, or even the principal, basis for promotion in administrative and senior clerical posts within the Commonwealth Public Service. The Public Service Act prescribes that the criterion for promotion in the Second and Third Divisions of the Service is efficiency. It is only in a case of equality of merit that seniority is applied.

In examining this suggestion, the Government was impressed with the fact that the Boyer Committee's recommendations would extend not only to the Second and Third Divisions of the Service, but also to the Fourth Division, which comprises approximately 66,000 officers, and which covers a great variety of employment including skilled, semi-skilled and unskilled operations, typing staff, general office assistants, minor clerical workers, and so on. The application of a pure efficiency test throughout the Fourth Division would present very great, and perhaps insuperable, difficulties. The Government is not convinced that there is a need to depart from the existing provisions and procedures.

In the Government's view there must be a continuing quest for greater efficiency and the most efficient officers should be preferred for promotion. The Bill provides, in Clause 13, for an extension and a more flexible application of the principle that in considering officers for promotion to certain positions, regard is to be had to qualifications and aptitude to perform duties of higher positions.

#### Employment of married women and physically handicapped persons:

There are two important recommendations of the Boyer Committee on which the Government has not yet reached decisions. These are the employment of married women and the medical standards for entry of physically handicapped persons.

The Public Service Act at present requires women members of the permanent Service to retire on marriage. The Boyer Committee has recommended the repeal of this provision and an interdepartmental committee is examining the implications of the proposal. The Government will consider the problem carefully as soon as this work is completed.

As to the proposed relaxation of medical standards for the appointment of physically handicapped persons, it should be remembered that the Government and the Public Service Board are mindful of their responsibilities in the employment of the physically handicapped and a great deal is being done to provide employment in the Commonwealth Service for such people including those who are no longer physically fit to carry out their previous duties.

While the problems of the physically handicapped merit and do receive the Government's sympathetic consideration, there are difficult problems of definition as well as the need to maintain an overall standard of medical fitness in a career Service. The Public Service Board has established a separate committee, including medical authorities, to examine this question and the conclusions of this group will be considered by the Government.

#### Appointment of Permanent Heads:

The Committee has recommended that Section 54 of the Public Service Act be amended so that the Public Service Board would be required to make a recommendation to the Governor-General on all appointments as Permanent Head of a Department, and so that if the Governor-General appoints a person other than the person recommended by the Board, the reasons for the rejection of the Board's recommendation should be reported to the Parliament. It has been my consistent practice as Prime Minister, as I understand it was the practice of my predecessor, Mr. Chifley, to consult with the Chairman of the Public Service Board when appointments to positions of Permanent Head are required. This I regard as a most desirable practice, and one which I would therefore hope will be continued by all future Governments. The Government has not, however, thought it desirable to amend the present section of the Act in the way recommended by the Boyer Committee.

#### Re-shaping the Second Division:

The Second Division of the Service includes officers who are required to exercise executive and professional functions in the more important positions. The Boyer Committee recommends that the definition of this Division should be amended to read "administrative or executive functions and officers in training to exercise such functions". The object of the recommendation is to improve the efficiency of the service by a clearer definition of the "administrative career", which the Committee believes can be achieved with the least dislocation by a modification of the Second Division.

Basically, the Boyer Committee seeks a distinction between those positions which have an important policy advising element and those which have not; and therefore positions of a purely managerial or professional character, containing no policy advising elements, would remain in the Third Division. The Second Division would include all positions with an important policy-advising element, together with intermediate positions that might form part of an administrative career, and below them a training grade with positions suitable for administrative training.

The Boyer Committee was concerned that senior officers in the Service are too immersed in routine work and do not get "time for thinking" and in making its recommendation it had the very laudable objective of attracting and making the best use of officers with creative ability, and of encouraging self-improvement.

The Government supports the objective of the Boyer Committee. It feels, however, that the methods by which the Boyer Committee sought to achieve this objective, namely the creation of an administrative civil service along the lines of the United Kingdom, would not be suitable in the present circumstances of the Australian civil service. The Government feels that the future requirements in staffing the Second Division of the Service can be achieved by more flexible recruitment provisions and the continuance of advanced training programmes, assistance to officers taking university courses, use of external training facilities such as the Australian Administrative Staff College, use of the Australian universities and overseas institutions for advanced specialist study, and other methods. This is the present approach by the Public Service Board and it will be intensified from time to time as the demands of the Public Service increase.

It will be clear to honourable members that the availability of an adequate number of people, trained and expert in functions of policy advising and policy administration, is so important that recruitment methods, including the composition of the Second and Third Divisions of the Service should be kept constantly under review and the Public Service Board has been asked to ensure that this is done.

Preference to Ex-servicemen:

Since the First World War, ex-servicemen have enjoyed the following concessions:-

- (a) Preference in appointment over other candidates
- (b) Eligibility for appointment up to age 51 years.
- (c) Lower medical standards where the medical condition results from war service
- (d) Reduced educational standards - in particular, the acceptance of a qualification of Intermediate examination standard for appointment to the Third Division.

In the view of the Boyer Committee, the efficiency of the Service will be improved if minimum educational standards for appointment are fixed and applied evenly at the various levels of recruitment. The legislation provides therefore that ex-servicemen will continue to receive preference in appointment as against other candidates who are not ex-servicemen only where there is equality in qualifications. They will retain eligibility for appointment up to age 51 and receive the same concessions as to medical standards as exist at present. However, they will be required in other respects to qualify for appointment at the same standard and under the same conditions as other candidates. Clause 35 of the Bill makes an exception in favour of ex-servicemen who have attained the minimum qualifications for appointment which have previously applied and who are applicants for appointment immediately before the date on which the new provisions of Division 4 of Part Three come into operation. Such ex-servicemen will remain eligible for appointment by virtue of their existing qualifications.

Opportunity has been taken to include other

amendments which have been found to be necessary for the effective administration of the Public Service. One such amendment gives the Board authority to determine conditions of service for the increasingly complex section of the Public Service on duty overseas, where conditions vary from post to post.

I conclude my remarks by saying that in Australia we are fortunate to have a Public Service of great integrity, which is efficient and dedicated to its task of facilitating good government. It is certainly no reflection on the Service that the objective of the Bill before the House is to provide machinery for attracting more good recruits to the Service. I pointed out at the beginning of my speech that the establishment of proper standards of recruitment to the Service is essential to the development of a Public Service of the highest quality and integrity and is a first essential of good government. I conclude on this note and I commend the Bill to the House.

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