The Secretary
Senate Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Secretary

I write to make a submission to the work of the Committees.

My Credentials
First, my credentials for doing so. I present myself as a policy specialist with experience in two States (Victoria and Queensland) and internationally (Papua New Guinea). From 1980-1986 I was a local government councillor and in 1983 was Shire President in the Shire of Sherbrooke, Victoria. From 1991 until my unwilling retirement in July 2011 I was a policy manager in the Queensland Public Service, much of the time involved in the Cabinet process. I served in the lands, natural resources, mines and energy portfolios.

In 1994 I gained the degree of Master of Public Administration and in 2008 the degree of Doctor of Philosophy, with a dissertation focused on public policy and the nature of "public interest". I have experience as both a thinker and a practitioner in policy.

My submission does not relate to the "purge" of the public service that has happened since the Liberal National Party took government in Queensland in 2012. It focuses on the status of public sector employment generally, though drawing on aspects of my personal case, relating to a period in 2010 under the previous Government.

Public Interest is Paramount

During my pre-retirement position in Queensland's Department of Mines and Energy, an incoming executive made this statement at a staff meeting in 2010:

> "We work for the government of the day, we deliver what policy they decide they want and it is up to us to make it work."

But section 7 of Queensland's *Public Sector Ethics Act 1994* states that:

"…public officials—
(a) accept and value their duty to be responsive to both the requirements of government and to the public interest;".

This legislation places an explicit legal obligation upon a public official to serve the public interest. The executive's statements negate this second obligation, which is to present to the Government policy advice that is non-partisan, professionally competent and consultative. The model that the executive sketched requires a public official to wait passively until Ministers decide what they want and then jumps to put that into effect. This is unethical and contrary to Westminster traditions.

The executive also advised all staff at a staff meeting that "We serve the people's representatives, not the people – that is Westminster 101". No, it is not. The Westminster traditions require the public service to serve the public interest (i.e. the people) in a partisan-independent manner as well as to be obedient to the government of the day. There is a twin obligation.

The executive jumped from the unarguable proposition that a public servant must abide by lawful formal instructions from their Minister, to the false proposition that a public servant presents *only* advice that reflects opinions of Ministers.

I mention this narrative not because my personal case has any significance in the overall scheme of things, but because the perspective presented by this executive is quite common, in Canberra or the States.

I explored this question in an article published in *Public Administration Today* in 2010. This article is appended for the information of members of the Committees. It is copyright and I will seek permission of the Editor to include it in the published submissions.

And I mention this because "public interest" is missing from the "APS values" in section 10 of the Commonwealth's Public Service Act 1999. *So also is security of tenure.* Section 29 states that:

> "(1) An Agency Head may at any time, by notice in writing, terminate the employment of an APS employee in the Agency."

Further, the weak term "ongoing" appears instead of the beacon word "permanent" as an indicator of the status of the public servant's tenure.

If Not Public Interest, What Else?

A normative foundation of "public interest" as an anchor for employment policy is a counterfoil for the alternative themes of "efficient" and "responsive" which are less normative, more fluid, more vulnerable to budget cuts and more susceptible to politicisation.

Without a solid foundation such as this, what basis can the Committees have a drawing attention to the folly of the mass coerced redundancies by the Queensland Government and others? So long as "efficiency" is the guiding theme, then a vindictive government can claim that budget imperatives make sackings inevitable. "Responsiveness" is similarly quicksand for mounting a case for secure employment, because it legitimises an incoming government in doing whatever it fancies.

Certainly, international treaties can form a robust foundation, but one can't help feeling that reliance upon the ILO protocols by themselves for justifying domestic policy is rather passive and defensive. Also, treaties and legislation are derivative. It would be better to explain the international treaties as themselves deriving from foundational principles of best practice public sector employment that have been refined internationally over the decades and that also apply here. This will allow the Committees to present them in positive terms.

State vs Commonwealth Responsibilities

The published Terms of Reference seem to tip toe awkwardly around the distribution of functions between the States and the Commonwealth. I do not wish to make any representation about the minutiae of the intersecting regimes, except to say that anything that the Committees

can do to reduce complexity, increase transparency and increase the accountability of each government for the well-being of its own public service is to be commended.

I do not support increasing centralisation of statutory power over industrial relations into the Commonwealth. Nine separate centres of government employment allow nine independent semi-independent loci for innovation. Transferring powers to a single central government will inevitably ossify policy and increase the barriers to improvement, as orthodoxy in nine governments – not just one – must be overcome. Ironically, when functions gravitate to the centre, complexity – which is already a bane of the current industrial relations system – increases, as vestiges of the separate regimes inevitably remain in place.

Migration of powers to the Commonwealth inherently weakens the capacity of the States to achieve ethical best practice in their public services; and weakens their accountability to the electorate and the workforce for their policies.

That one or two State governments may at a given point of time be pursuing regressive policies does not negate this argument, although it may justify invoking non-statutory involvement by a third party (such as the Commonwealth) for a time.

The Commonwealth Can do Much Without Legislation

It is a fallacy that the Commonwealth's influence must rest upon legislation. The Commonwealth has extensive budgetary powers of persuasion and also has a very large though intangible role as a setter of standards – as a role model. This potential role is not being exercised optimally at present. So long as the Commonwealth ministers in charge of Treasury and Finance & Administration repeatedly demand that departments yield up efficiency dividends and claim that these savings can be achieved without affecting unduly affecting "frontline services", the Commonwealth can hardly criticise State governments for doing much the same.

The single most powerful action that the Commonwealth could take to improve morale, security, professionalism and reputation of the State public services would be to publicly proclaim the importance of a technically competent public service, recruited on merit, with permanent tenure and independent of political preferment. And then demonstrate its sincerity by abolishing performance pay and contract employment (for its policy officers).

It is possible to mount an argument that the States have imposed the recent coerced redundancies upon their public services because the Commonwealth has led the way by abandoning permanence from its own public sector.

The Senate Committees' reports could be a suitable vehicle for articulating a vision along these lines. All State governments could then be pressed by their employees, unions, the media and the community to adopt that vision as a goal. It would be a standard to which all States could be expected to aspire. It would be a fruitful subject for COAG: can one imagine the benefit if COAG adopted a protocol that entrenched *employment security*, partisan independence, recruitment on merit and *pre-eminence of the public interest* as the foundations for public sector employment throughout Australia?

By articulating a model of a modern public service equal to the challenges of contemporary policy-making, the Committees can avoid being hedged by the Commonwealth's narrow constitutional window into simply recommending tinkering at the edges of the Fair Work Act.

Of course the Commonwealth has an important and unavoidable role in interpreting international treaty and common law into terms that the Australian States can digest; and this will sometimes necessitate statutory action, but the non-statutory options should also be pursued.

Frank and Fearless Advice Requires Secure Tenure

A government ineluctably depends upon its public service to sieve and analyse information and representations from all quarters; and to implement decisions once made. A government which fails to foster honest, technically thorough ("frank and fearless") policy analysis is vulnerable to error, because it defaults to pre-conceived ideology or exposure to advocacy from interested parties.

Only a public servant whose employment is secure and whose promotional prospects depend upon merit-based procedures can offer genuinely frank and fearless advice.

This is an all-or-nothing position.

Recommendations

1. The Committees should articulate a vision of a frank and fearless public service that will signal an end to the "new managerialism" of the 1990s and 2000s that has prioritised "responsiveness" over independence and so has down-valued the professionalism and the reputation of the Australian public services.

2. The Committees should urge the Commonwealth Government to amend its public sector legislation to reflect this model, notably by restoring permanence to its own service.

3. The Committees should promulgate this model through the Council of Australian Governments.

4. The Committees should explain the vital role that an honest, technically proficient public service plays in a modern Society. They should urge all governments to train all staff, especially incoming staff into the principles of public sector ethics and the Westminster conventions so that the quality and professionalism of Australian policy analysis can be enhanced.

5. The Committees should speak publicly against undiscriminating efficiency dividends and the commonly held view that only "frontline services" are essential.

6. The Committees should articulate a conception of the "public interest", entrenched in its own legislation, as the bedrock for public sector employment.

I make no particular request for an opportunity to appear before the Committees to elaborate on my submission, but would be prepared to do so if the Committees wish to explore the issues above in more detail.

Yours faithfully

(*Signed*)

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APPENDIX

WHERE DOES THE 'PUBLIC INTEREST' LIE?
By Geoff Edwards*

INTRODUCTION

A potentially powerful signal is buried in the manifesto that independent MPs Messrs Katter, Oakeshott and Windsor delivered to the two major parties shortly after the August 2010 national election. They sought a commitment to "negotiate in good faith and with the national interest as the only interest."

Restoration of the *national* or *public interest* as lodestars of policy would be a most excellent antidote to the malaise that has gripped Australia's body politic, attested in recent writings by journalists and commentators, such as:

Laura Tingle: "With both sides of politics so apparently lost, apparently unable to articulate a policy platform, might it be the case that the best antidote for spin-driven, focus group-tested, oppositional politics would be a hung parliament?" [i]

Brian Costar: "the growing disconnection between the "political class" and the electorate as a whole. …the parties and their campaign managers are so locked into the 24/7 media cycle that never again will we see leaders putting forward bold and integrated policy manifestos."[ii]

Some explanations for the supplanting of analysis-driven policy by opportunistic policy keep surfacing in commentary:

- the rise in influence of ministerial staffers, commonly young partisan apparatchiks who have known no other profession;
- increased partisan point-scoring within the parliament; and
- increasing politicisation of the public service.

I wish to argue that these are proximate causes. There is a deeper cause, the loss of an ethos of 'public interest'. This article describes some different conceptions of public interest and suggests some ingredients of a new conception that could re-invigorate our national policy community.

A couple of examples of policy agendas that have lost their way through confusing public with private interest can demonstrate the point. A single model for tackling climate change was foisted onto parliament before it fell victim to lobbyist-driven politics and to the unanswered critique that the scheme was a gift from taxpayers to private corporations. A decade earlier, the assumption that a privatised Telstra could secure the public interest concurrently with the private interest of shareholders has led to a colossal waste through competitive duplication of natural monopoly infrastructure and to the present NBN-Telstra standoff.

What Use Could a Standard Serve?

A standard of public interest might serve three main purposes. It could serve as a purposeful objective towards which to orientate public policy and new legislation. The Foreign Investment Review Board for example needs something more nuanced than a rubber stamp: in 2008-09 it rejected three applications on national interest grounds and passed 5477. Second, it could be an antidote to me-first political jostling and could co-opt or placate a majority to accept policies that run against their own perceived interests. Third, it could be used by supporters or critics as a lens to evaluate contemporary policy argument and to expose participants who are pursuing self-interest.

The formulation of policy is necessarily untidy and non-clinical. The best intentions of a government can be thwarted by random events, natural disasters, personalities or chaotic political forces. However, there must be such things as 'good' public policy and 'competent' government which advances community 'well-being', if the words 'good' and 'competent' and 'well-being' have any meaning. It follows that there must be principles that policy officers with a conscience can apply to overcome the more erratic forces in the policy environment. If this were not so, good government would happen or not happen by chance.

Clarification of Terms

'Public interest' is defined here as the stake which citizens hold collectively in public affairs, at any given level of government. I define 'national interest' as a subset of public interest, confined to foreign affairs. (The Independents' usage is slightly different and embraces both domestic and foreign affairs, at the national level). There are many variants: 'the common good', 'the public good', 'the common weal'...

Since ancient Greek times and earlier the public sphere has been differentiated from the private. The principle that the common good is opposed to special interest runs through all theories of justice. For a couple of millennia the accepted role of government has been to protect the public interest by restraining tyrants and cheats, conducting common endeavour and preventing the atomisation of society.

The earliest reference I have found to the phrase is by the French satirist Mathurin Régnier who in 1609 applied it as a rhetorical flourish that governments invoke to justify unjust or illegal action[iii].

That the concept has some higher meaning is evidenced by its frequent appearance in legislation. Such definitions then serve as a guide to civil servants and the courts when exercising discretion for the purposes of that statute. For example, in Queensland's *Land Act 1994*, "'public interest'" includes the cultural, environmental, heritage, land protection, planning, recreational, social and strategic interests of the public." Interestingly, 'economic', the ingredient which would most readily justify conflating economic development with public interest, is absent from the list. And all items listed are mostly 'externalities' to markets.

Comprehensive scholarly treatments of public interest are sparse. Academic attention seems to have waned since the 1970s in parallel with the rise in influence in the social sciences of post-modern relativism (there are no standards) and neoliberalism (markets set the standards). If norms are idiosyncratically determined or contextual or determined by the market, then the search for an enduring standard of public interest is futile.

Ethics and public interest

The term public interest often surfaces in codes of conduct written for public servants and the professions. Most expressions are tantalisingly vague or circular. For example, Lord Nolan's 1995 UK benchmark *Seven Principles of Public Life* includes the exhortation that "Holders of public office should take decisions solely in terms of the public interest". To break out of this circularity, a standard is required.

Acting ethically is not the same as acting in the public interest, but the two concepts are connected. It is possible to erect a reciprocal definition: an ethical practitioner will seek to uphold the public interest; and the public interest requires a practitioner to act ethically. But honourable motives and ethical process do not inoculate a practitioner from making crashing mistakes against the public interest. It is also necessary to master the field's technical content-knowledge and to be sensitive to evidence, expertise and alternative opinion.

THREE MEANINGS OF PUBLIC INTEREST

The fact that a term may seem ambiguous upon critical scrutiny does not invalidate it. Many terms, such as the legal concepts of 'reasonable' and 'duty of care' have multiple meanings and derive precision from their context. Each is understood sufficiently to allow a conversation about them. However, the discourse of public interest is burdened because the concept is played out in three distinct ways. At any given time, these three co-exist – rhetorical, current-position and normative meanings of the term. Practitioners tend to conflate them, downplay the significance of the normative, then equate market outcomes with public interest. Let me explain.

As a Rhetorical Device

The term is widely used rhetorically by protagonists – either to justify their position or to berate their opponents' positions. Although this usage is inevitable, it is not very helpful in discovering where merit lies in policy, for if public interest is no more than propaganda, then we either abandon the prospect of civic-minded progress or we search for ideals under some other label.

As a Current Position

The term applies to policies or decisions identified accordingly by a government. Here and there one can find assertions of what the public interest means and when these are promulgated officially, they become definitive in that sphere and become instructions to the public service. The position becomes more authoritative if crystallised into departmental policy, Cabinet decision, regulation or legislation. One prominent example is that national interest in Australian foreign affairs has been defined in official statements twice (in 1997 and 2003).

It is difficult to deny that the responsible minister in a representative democracy is entitled to issue a statement asserting what public interest or national interest means in a given case, especially if parliament bestows a discretion allowing this. What is challengeable is whether such assertions do transmute into the 'ultimate' or normative public interest. By the representative approach explained below they do, but to the frank and fearless officer, they remain only the minister's or government's contemporary opinion.

As a Normative Standard

The third usage is as an ideal against which public policy can be anchored. A carefully analysed statement of current position by a minister should approach this ideal but the two notions remain conceptually distinct. Popular support is not essential: reformers with vision or a public service with independent analytical capacity may carry a people beyond populist opinion to where they would go if they had better insight into the issues. The broader the trans-disciplinary or international support, the more robust and normative is the interpretation likely to be.

THREE APPROACHES TO ASCERTAINING PUBLIC INTEREST

In recent decades, two flawed conceptions or models of public interest seem to have been propagated widely in debate in Canberra. These, and a normative approach, are now described.

Representative

By the *representative* approach, elected ministers determine what is in the public interest. Public servants "do have a particular public interest role: to promote due process" said Andrew Podger, then Australian Public Service Commissioner, in 2002[iv]. Michael Keating, former Secretary for the Prime Minister's Department, wrote in 1999[v] that the public servant's responsibility for the public interest lay in overseeing an ethical process. He doubted that the public service can be "some sort of independent guardian of the public interest in good policy" because advocates of that view have failed to define the

public interest in a way that can usefully guide action. How this difficulty evaporates when the locus for making the determination shifts to the minister is unclear.

An exposition by Peter Shergold, Secretary in 2003, was different, stating that in providing policy advice the service does so on the basis of "its understanding of the public interest"[vi]. Yet a year later Shergold reverted to the representative view in language worthy of Humphrey Appleby: "Now, at the end of the day, it is the government, the elected government, not the public service, that decides on national interest"[vii]. But Sir Humphrey was a self-declared "moral vacuum"; whereas the State of the Service reports have repeatedly observed that the best results come from workgroups who have senior leaders with values and who act accordingly.

The statements by Podger, Keating and Shergold seem to leap from two valid propositions – that a lawful ministerial decision is binding on the portfolio public servants; and that the public service is custodian of due governmental process – to an invalid position, that their roles end there. Their statements assume away the existence of a normative usage. Six serious defects can be identified in this insipid rendition of the public servant's role.

First, it skates over the question of how the personal convictions or current attitudes of the minister are shaped. The minister is not omniscient. As representatives politicians are legitimately exposed to ideological enthusiasms, pressure from lobbyists, factional forces, media polemics and public clamour. Knowing this, the minister wanting to govern in the public interest needs a standard on which to lean, a shield capable of detecting and deflecting self-serving advice.

The representative view legitimises a form of politicisation more pernicious than finding sinecures for partisan mates, because it is less overt. It places the ministers' conception of good policy at the mercy of the best resourced or best connected lobby group. It paints a veneer of decorum over 'business dinners' that sell access to ministers by wealthy invitees, rationalised by the plaintive 'Nowadays ministers have many sources of advice'.

Second, the view overlooks the reality of delegation. Day by day, officers at various levels hand down operational policies and deliver discretionary decisions, but to gather street-level bureaucrats within the definition of representatives is to rob that term of meaning. Even when the delegate is standing in the minister's shoes, let alone when legislation grants autonomy, s/he is a different person with different ideological pre-dispositions, experience, skills and knowledge. The delegate needs a standard of public interest to avoid merely second guessing the minister's whims, which case law confirms is illegal. (A delegate must exercise their own judgement on the evidence before them). Delegation would seem fatal to the representative position.

Third, the logical corollary that the public interest is unknown wherever no ministerial statement has issued on a subject is anti-intuitive. Fourth, the implication that a policy or decision embodies public interest *because* it is by a minister seems ridiculous, given Australians' reluctance to accord hero status to its politicians. Fifth, the representative approach drives a stake through the heart of the notion of an independent 'frank and fearless' public service which has any role other than as a supine functionary carrying out ministers' preconceived directives.

The crowning defect of the representative view is that it beguiles the honourable public servant into invoking the Nuremberg defence – 'I was only following orders' – when implementing a venal or pro-private interest decision. Since the 1945-46 trials, this defence has been untenable in international law.

Not all government statements parrot the representative line. The Victorian Government's careers web site notes: "Senior staff in the Victorian Government are responsible for public funds and delivering on the Government's agenda. But the ultimate responsibility is to the Victorian public." Serving the government is only one of three limbs.

Underpinning philosophy
Jack Waterford in 2005 associated the representative view of the past 20 years in the Australian Public Service – that politicians define the public interest – with new managerialism, a theory with neoliberal, rationalist and relativist ancestry. The public servant's job was seen to be about results, not moral philosophy.

Not inconsistent with that explanation, the theory that policy is subordinate to politics reflects pluralism, the pre-eminent textbook explanation of how policy is formed in the fractured US polity. Pluralists assume that prudent policy will arise out of arm wrestling between interest groups. It might, but it is more likely that results will be skewed in the interests of whichever lobby group can mount the most powerful campaign. There is little room in this model to accommodate the views of the silent majority, elders, civil society or experts who shun publicity. The very existence of a Westminster-style career public service invalidates much of the pluralist explanation in Australia. Also, pluralist theory does not explain how to distinguish self-serving lobby groups from civic-minded ones. (Unions for example have both faces).

Market Rationalism

By this approach, in Australia called 'economic rationalism', the public interest comprises a summation of private preferences and the market is the preferred instrument for aggregating them. It follows that as economic prosperity is in the public interest, and markets are the time-honoured method of bringing prosperity, markets bring public interest. This conception fails for four main reasons.

First, by definition, markets do not recognise un-priced environmental or community services or natural capital. A public interest that ignores social capital and the health of the environment is altogether too parsimonious.

Second, a belief in market discipline infects fiscal policy with the view that agencies need to be starved to prevent profligacy. Fiscal cost-cutting obliges departments to retreat to their irreducible statutory duties and to prune functions like extension and research that can only indirectly demonstrate a cost-benefit. The damage that this accountancy-led approach is doing to the nation's environmental and social infrastructure is incalculable.

Third, it has led to separation of regulation and policy from operations and a shift to project funding and casual contracts to get things done rather than baseline funds and long-term staff. This contractual rather than cooperative approach can lead to short-termism, loss of corporate memory, under-investment in training and fragmentation of knowledge. Fourth, markets accentuate inequality because they deliver the goodies to those with greatest purchasing power. Markets suck vitality from regional and satellite arenas into the centre: Australia is seen as a trade post not a sovereign nation of citizens.

For these reasons, markets cannot solve the great policy challenges of our times, such as education, environmental sustainability, climate change, foreign indebtedness and resistance to footloose international capital, all of which have public good, equity, market failure or natural monopoly dimensions. Stop trying to square circles, Canberra, opt for a public interest template instead!

Underpinning philosophy
Under market rationalism lies neoliberalism, a fusion of neoclassical economics and individualistic liberalism. Neoclassical economics is an ethically vacuous discipline that assumes that the good life consists of an abundance of possessions. To this mindset can be traced the fiction that electorates vote on the basis of bribes.

Social Darwinist Herbert Spencer (1820-1903) argued that the public good was the sum of individual interests and that governments' only role should be to protect the liberties of the citizens: they had no business imposing their own idea of what was good. This thinking makes heroic assumptions about the life skills of ordinary citizens, overlooks unequal starting opportunities and nowadays is increasingly invalidated by the growth in complexity of globalised industrial society. Classic liberalism metamorphosed into Reaganomics and Thatcherism and the late-century neoliberal revolution which equates public interest with free exchange of money and goods across international borders and has forgotten that markets function only because of foundational public good institutions.

Normative

By this approach, there are eternal verities as well as absolute standards, both of ethical process and of best technical practice.

Is not policy too messy and erratic and circumstantial to allow any benchmark standard? Politics can never be erased from public policy. However, norms are normative not directive. Their theoretical validity and pragmatic usefulness do not depend upon their being followed clinically or systematically by every practitioner. The approach presumes that policy *can be* crafted prudently, not that it *always will be*. It would set out an ideal, the best knowledge distilled from the insights of those competent to advise. It does not require a one-step transformation; it can be applied iteratively and incrementally allowing unintended consequences can be refined out as consequences unfold. It will be reinterpreted continually as history marches on.

Are not values incommensurable? Market rationalists hold that it is next to impossible to determine whether one particular form of human activity is more valuable than another, except via the market. There is no other known formula for weighing the value to society of, say, relief from individuals' illnesses against a community's preventative health, let alone on transport or education or landcare. However, this assertion is simply false. Yes, individuals are idiosyncratic, but community aspirations unite people of all ages and all partisan stripes. Markets are a lazy and clumsily indirect way of discovering these. Witness the consensus that well informed citizen senates reach.

Underpinning philosophy

Under the normative approach lies a great body of learning, including knowledge accumulated over centuries in a wide range of technical disciplines, and ethical positions such as *noblesse oblige* and moral conservatism. These pillars of civilised society are being relentlessly undermined by the other two approaches.

SOME AXIOMS

The following suggested foundations for a standard of public interest don't pretend to be exhaustive. However, they are fundamental and, as soon as any is conceded, then the public interest must embrace policies that give effect to it.

Some Biophysical Axioms

There is only one planet available to support human life. The absolute requirements for human well-being include the basics of food, shelter and drink, all derived from the biophysical environment. Sufficient natural ecosystems must be retained in self-regenerating condition to allow the life support systems based upon carbon, nitrogen, phosphorus, water and biodiversity to function.

The Millennium Ecosystem Assessment involved more than 1360 leading experts and multilateral institutions. "At the heart of this assessment is a stark warning. Human activity is putting such strain on the natural functions of earth that the ability of the planet's ecosystems to sustain future generations can no longer be taken for granted. ...Nearly two thirds of the services provided by nature to humankind

are found to be in decline worldwide. ...The benefits reaped from our engineering of the planet have been achieved by running down natural capital assets" (2005:5).

The oceans, the atmosphere and the forests are unequivocally now affected on a global scale by human exploitation. Rates of production of some key non-renewable resources are peaking or approaching peak.

That this consensus of international scientists has not transposed into mainstream public policy says more about scientific literacy within our institutions of policy than about uncertainties in the science.

Economic growth in a finite world is unsustainable. Almost all sub-disciplines within economics portray economic growth as the accepted process for achieving increased 'standard of living' which explicitly or implicitly is in the public interest. But economic growth, an accelerating real increase in monetary transactions, is anchored in physical growth. Growth is an exponential function: each year's increase in throughput compounds, making it inevitable that the conversion of natural capital to marketable goods and services will sooner or later strike biophysical limits.

If these two biophysical axioms hold, policy should transition society to a state of stable or declining throughput of material resources. Scientists should be recruited to the parliament and senior executive service to shape an understanding of how to cope with worsening indicators of environmental condition. 'Quality-of-life', a more comprehensive index than 'standard of living', should replace GDP in the national accounts and GDP should never appear without a balance sheet of natural capital accompanied by a regular update on net losses.

Some Sociological Axioms

The common good has both individual and social dimensions. The common good is not necessarily opposed to the individual good: human relations are not a zero sum game. People gain as much as or more from a vigorous community than they are obliged to contribute.

Humans exhibit both a private persona, a motivation to self-fulfilment; *and a public persona*, a motivation to participate in civic affairs and to advance the common good. Each of these motives may be more or less ascendant at a given time in any given individual. Both the self-interested and the cooperative attributes have a genetic origin then are shaped by the cultural forces surrounding every individual from birth.

Human societies are systems, not machines. Society displays systemic characteristics different from and supra to the characteristics of aggregates of atomistic individuals. By analogy, cells are more than a group of independent molecules, human thought is more than a cluster of cells and a telecommunications system is more than an array of switches and wires.

If these two sociological axioms hold, and if humans have an inherent civic orientation, that is, people are more than rationally self-interested, then a large body of economic theory falls by the wayside. It follows that the public interest requires policy to build community capacity, such as by nourishing NGOs instead of bullying them if they dare engage in policy debate. Policy should build systems capacity, such as by a more progressive tax system.

Some Axioms in Public Policy

Governments exist to advance society's well-being and to facilitate the conditions that allow individuals to advance their own well-being and that of their families. People cannot entirely manage these circumstances by themselves as they need an agent to assemble opinion, to achieve economies of scale and to exercise restraining force over antisocial behaviour on their behalf. If this axiom be accepted, it follows that governments must adequately resource themselves to perform this vital role.

International UN treaties are normative. International law exists both as customary law and statute or treaty law. Since 1901, Australia has signed up to more than 2500 treaties – itself an act of sovereignty. The extent of debate that precedes these instruments – sometimes ten years or more – and the need for agreement via the UN General Assembly between nations of all stripes suggest that these statements more nearly approach an ideal than the legislation of individual nations, which is more likely to be captured by power, wealth, fashion or ideology. They are also more normative than the lop-sided disciplines of the World Trade Organization, designed by free trade enthusiasts, or the International Monetary Fund, a bankers' cartel. The interconnectedness of nations via transport, trade and communications imbues every nation with a partial vicarious responsibility for every other nation's well-being. Treaties help to do this by establishing right order in global affairs.

If this axiom holds, it follows that the 2003 exposition *Advancing the National Interest* should be re-crafted to acknowledge Australia's obligations to our international neighbours, not just our urge to make a quid out of them, as we did in strong-arming East Timor over its petroleum assets.

CONCLUSIONS

At any given time, rhetorical, current-position and normative meanings of the term co-exist. Taken together, the six axioms lead to the summary conclusion that governments have the duty to secure the conditions under which their people and international neighbours can pursue their self-fulfilment in an honourable and socially constructive manner within the carrying capacity of the planet, free from coercion by thugs and thieves; and this ultimately is where the public interest lies.

What might be done to revive an ethos of public interest in our federal parliament and federal public service? The challenge is daunting, as pursuit of the six axioms would jettison large slabs of current policy, which are based on endless economic growth, financial liberalisation, free trade, suspicion of civil society and neglect of environmental deterioration. Practical steps can be suggested. For example, each portfolio could run policy research to clarify some fundamentals of good practice in their field. The numbers of independent evidence-seeking researchers in the Parliamentary Library could be beefed up at the expense of numbers of ministerial policy advisers who as courtiers tend to magnify differences. The multi-disciplinary CSIRO should be commissioned to tackle 'wicked problems' such as how to transition to sustainability, not turned into a commercial consulting outfit. The public service can fortify its policy apparatus with trans-disciplinary scholarship and can systematically align legislation, policies, budgets and operations to pursue the ideal objectives identified, just as to this outsider it now seems to be doing to pursue the divisive and dead-end neoliberal agenda.

None of these practical measures can succeed, though, unless ministers, senior officers and commentators jettison their adherence to the representative approach, which is causing issues to gravitate upwards from policy officials to the increasingly politicised partisan arena; and their pursuit of the market rationalist approach, which is systematically laying waste to the nation's public goods and public institutions. Both these conceptions are corroding the analytical capacity of the public service and both are entrenching the assumption that only self-interest matters.

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The paper is written in a scholarly capacity. No criticism is implied or can be inferred of any position,

policy or action of the Queensland State Government.

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