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Being a trusted and respected partner: the APS' relationship with Ministers and their offices

**An ANZSOG research paper for the
Australian Public Service Review Panel**

March 2019

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ANZSOG Reference Panel

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The Review Panel identified one of its priority objectives for the APS in 2030 and beyond as being for it to be a trusted and respected partner: with the Australian public, the government and Parliament, community organisations and industry, and other jurisdictions. To achieve this, the APS must have a clear understanding of its roles and responsibilities in serving and supporting Ministers – the constitutional heads of each department of state – and how this relates to the APS' accountability to the Parliament and the Australian public more broadly.

Consideration of the purpose, leadership and governance of the APS includes how it interacts with the roles, functions, performance and expectations of Ministers. From the Royal Commission on Australian Government Administration to the present day, the executive's influence on the quality and effectiveness of the relationship between APS and Ministers has been relatively neglected. However, internationally, Ministers are acknowledged as being the 'missing link' of public sector reform (Pollitt and Bouckaert 2011; Tange 1982; Tiernan 2015). The nature and quality of their relationship with the APS affects the quality of public administration.

Our overall vision is for an APS that is trusted by governments, non-governing parties and indeed all parliamentarians, that is responsive to the executive, and that has more clarity around its relationships to Parliament and to citizens. It will be open to the community, synthesising and communicating information drawn from all stakeholders to Ministers and government; governments will trust the APS to engage with the community and expect that it is open to, and drawing on, the full range of capacities across civil society. There will be clearer lines of distinction between politics and public administration but, because the APS will be smart, innovative, imaginative and adaptive, it will also more effectively engage in the business of government.

1 GOVERNING IN A CHANGING CONTEXT

The world of governing is changing. In Australia and elsewhere, the relationship between Ministers and public/civil service advisers has fundamentally transformed. In Britain, this led academic and former ministerial adviser Patrick Diamond to proclaim the end of the Westminster model of public administration. Canadian scholar Donald Savoie (2017) draws similar conclusions. Diamond chronicles the blurring of the boundaries between politics and administration, and loss of trust to the degree that ‘mutual dependency between civil servants and Ministers has collapsed’ (2019, p. 17) in an environment where the public service ‘are too cowed to “speak truth to power” and increasingly afraid to think for themselves’ (p. 6). Diamond contends that ‘partisanship prevails over the pursuit of the public interest. The ‘deliberative space for policy-making has been denuded at the expense of good government and the public service ethos’ (p. 3).

Importantly, Diamond (2019, p. 89) argues that:

Answers to the next fifty years are unlikely to be found in the orthodoxies of Northcote-Trevelyan or Haldane, however revered. Repairing British governance is not only to do with restoring constitutional propriety and basic principles of accountability. The central issue is about what the state has the capacity to do and how the system of government is organised to deal with the most pressing social and economic issues of our time.

Others make similar observations, if in less dramatic terms (for example, Richards and Smith 2016; Peters and Pierre 2004 [quoted in Pollitt and Bouckaert 2011, p. 161]).

The changing context in Australia

These changes in governing context have also affected the Australian Public Service (APS), an institution whose relationship to government has changed and evolved over more than a century. Its features have varied in this time, as it has responded to the changing priorities and requirements of different governments, and the specific imperatives of circumstances affecting the nation. As politics and the needs and expectations of the community have changed, the public service has been repeatedly and significantly reshaped through successive waves of reform. Some of this reform has tried to accommodate the changing role of Ministers under the pressures of modern politics and ‘the permanent campaign’. However, little attention has been paid to trying to adapt how they perform their roles as leaders and decision-makers, both individually in their portfolios and collectively in Cabinet. The lack of reform on this issue is now a significant source of difficulty in the political–administrative relationship. This is evident from scholarly research; it is also apparent from the observations made by current and former Ministers and senior public servants (see, for example, Tiernan and Weller 2010; Rhodes and Tiernan 2014). To ensure governments have access to quality advice and support and to remain relevant, the way the political executive relates to the APS needs review and reform.

Evolution and change to public service institutions has always reflected the governing context. Unlike the colonial administrations that preceded the creation of State bureaucracies, the APS was established in 1901 as a united service. Its scope and responsibilities were limited, reflecting the Commonwealth's powers as enumerated in the Constitution. Major challenges that confronted the nation, including the Great Depression and two world wars, changed expectations of and demands on the federal government. World War Two and the post-war reconstruction brought to government a group of officials, drawn from outside government (particularly academia and the banks), who developed close working relationships with political leaders (Brown 2015; Macintyre 2015). This partnership between Ministers and senior officials was the product of a confluence of ideas, events and personalities during and after the war and through the 16-year Menzies era. The close working relationships and lack of transparency of public service advice created an environment in which the APS was not always impartial or accountable for its actions (see, for example, Hancock 2003).

The prevailing context affects expectations about the role of the public service and relationships with elected representatives. In the late 1960s and 1970s, a new generation of leaders came to see the public service as 'imperial', unresponsive and occasionally obstructionist to the priorities of democratically elected governments, both Labor and conservative (Maley 2018, p. 325-327; see also, for example, Roxon cited in Donaldson 2017).

Both in Australia and elsewhere, governments' experiences of frustration with career bureaucracies fuelled a zeal for change that precipitated waves of reform and 'a permanent revolution' in the public sector (Diamond 2019, p. 6). Common themes included: introducing competition to the public sector; greater emphasis on performance management; giving Ministers access to advice and support from personally appointed and explicitly partisan staff; and strengthening the strategic, as opposed to the operational, role of central government (for a useful overview, see Halligan 2015). Aspects of these changes are considered to have been decisive in creating more distant, less collaborative political-administrative relationships.

By the late 1990s, there was growing criticism of the reforms and their unintended consequences, notably fragmentation and problems of coordination, consistency and accountability. Alternative approaches to reform emerged to account for increasing globalisation and loss of coordination associated with 'network governance' (the involvement of a wider range of actors and interests in policy and service delivery). These alternative approaches included: 'joined up' government; implementation/delivery units; and the intensification of performance management regimes. Commonwealth Ministers' drive to engage in areas of traditionally State responsibility created uncertainty and role confusion, revealing the APS's lack of experience and expertise in program design and implementation (Combet 2014, 228), and the dilemmas inherent to developing the competence necessary to balance effective delivery with its responsibility to lead a coherent national policy agenda.

The political-administrative environment was also becoming increasingly politicised. Canadian scholar Peter Aucoin (2012) argues that this was the outcome of efforts to increase public service responsiveness by asserting greater ministerial direction and control in their roles as heads of departments. According to Aucoin (2012, p. 178), this has included:

... a form of politicization that explicitly runs counter to the public service tradition of impartiality in the administration of public services and the nonpartisan management of the public service.

The results have commonly included:

- *the integration of executive governance and the permanent campaign,*
- *partisan-political staff as a third force in governance and public administration,*
- *a personal politicization of appointments to the senior public service, and*
- *an assumption that public service loyalty to, and support for, the government means being 'promiscuously partisan' for the government of the day (Aucoin 2012, p. 179).*

In Australia, academics and practitioners have noted similar changes. Retiring departmental head Ric Smith is one of several to have observed the growth of ministerial offices in their valedictory speeches, noting that their role was now 'advising on the full range of a Minister's responsibilities. In effect, by comparison with 1969, we now have a whole new layer or level of government' (2012, p.35). Tiernan (2007) describes the position of these staff as constitutionally anomalous, noting that like Commonwealth–State relations, political practice has outstripped constitutional theory.

The time is therefore ripe to reconsider the role of the APS and its relationship with Ministers and their offices, in order to more accurately reflect current practice and to address the challenges of governance in the 21st Century.

2 A FUNCTIONAL APPROACH

This paper proposes a ‘problem-based approach’ to achieve the Review Panel’s ambition that by 2030 the APS will be a trusted and respected partner to Ministers. Rather than become mired in (insoluble) debates about whether and the extent to which Australia’s system of government conforms to an ‘ideal type’, we argue a more fruitful approach is to examine the ‘problems’ it is trying to solve in its jurisdictional context and historical time (Grube, forthcoming, p. 2). An appropriate starting point, following Warren (2017, p. 39), is to ask a functional question, which for our purposes might be: what problems do advice and support from a career public service help Ministers and governments to solve?

A problem-based approach that focuses on function offers a pathway out of the impasse that has characterised debates about relationships between key core executive actors: the Prime Minister, Cabinet, Ministers, ministerial staff and public servants. Specifically, there is much to be gained from clarifying ‘who does what’ in our political system and across our federation (Rhodes 2007, 1247).

Chapter II of the Constitution provides a starting point, as it sketches the framework for executive government in Australia. However, as Saunders (1997, p. 69) notes, there is only:

passing reference to ministers in section 64. Otherwise, the Constitution does not refer at all to those who have the real power in executive government, the prime minister, the other ministers and Cabinet. The structure of the rest of the system and its operation in practice depend on constitutional conventions, political understandings, legislation, and some judicial decisions.

In areas about which the Constitution is silent, political behaviour is guided by ‘conventions’, which Reid (1977, p. 244) describes as ‘well established practice, methods, habits, maxims and usages’. Conventions arise from ‘a series of precedents that are agreed to have given rise to a binding rule of behaviour’, or they may derive from some ‘acknowledged principle of government which provides a reason or justification for it’ (Marshall 1984, p. 8–9). Conventions are a normative force for political actors to conduct themselves in specific ways (Jaconelli 2005, p. 151); they impose obligations that are morally and politically binding rather than legally imposed (Marshall 1984, p. 17). Political actors recognise and abide by conventions because they provide guidance about appropriate conduct and are accepted as valid, useful, and generally worth observing.

For a convention to exist, actors must be aware of an obligation to behave in particular ways, and must believe they are bound to adhere to its prescriptions. Agreement and acceptance are important considerations, as are expectations of reciprocity and mutuality. Governments accept the constraints imposed by constitutional conventions in the expectation that alternative governments, when they attain office, will respect the same constraints (Menzies and Tiernan 2014).

A key characteristic of conventions is their flexibility. Since they are not subject to judicial interpretation, they evolve in response to changing circumstances and political values. Conventions have become an integral part of Australian democratic practice, filling in the detail and helping political actors to adhere to the principles of responsible government (Heard 1991, p. 1).

One of the features of public administration, implicit in the literature about the reforms of the last few decades, is that contemporary practice and conventions have changed. However, constitutional theory and accountability arrangements have not kept pace. In countries influenced by Westminster ideas of administration, conventions have not been refreshed to recognise:

- That the political executive has higher expectations of responsiveness from the public service;
- That the public service is not the only, and often not even the dominant, source of policy advice;
- The emergence of partisan staff as a central and permanent feature of the core executive.

The reformulation of policy and administrative practice that has already occurred necessitates that we make explicit a changed ‘bargain’ in the relationship between the administrative and the executive. Without this clarity, meaningful discussion about the relationship between the APS and Ministers and their offices is impeded because political actors and the public do not recognise the extent to which things have changed irrevocably. This creates conflicting and confused expectations for media, stakeholders and citizens. It also means that many key institutions are hamstrung between old models and new realities, leaving them unfit for purpose. This includes parliamentary accountability arrangements for Ministers and public servants, the regime governing political staff, the support for potential and incoming governments during transitions, and the objectives and roles set out for the APS in the *Public Service Act*. While we do not call for a radical shift away from conventions altogether (many conventions serve Australia’s system effectively), we propose a thorough re-evaluation of those conventions that no longer accurately reflect current practice. Where unwritten rules provide insufficient guidance, or don’t inhibit interpretations that undermine long-standing principles and intent, it may be desirable to codify conventions and other non-legal rules.

3 A NEW SETTLEMENT: RECONCEPTUALISING THE APS

As we have highlighted above, the APS's relationship with Ministers, and the kind of advice it provides, has changed significantly over the last few decades. Ministers now have access to far more diverse and pluralised sources of advice, including from think tanks, consultants, academics/researchers, professional lobbyists, interest groups and other advocates, political parties, ministerial staff, expert advisory committees/panels, taskforces, inquiries, media, social media, and their own personal and professional networks.

In many instances, Ministers themselves have driven the externalisation of advisory systems (Craft & Howlett 2013), either to cope with the wide-ranging and complex demands of their jobs, or because they have sought to circumvent the public service's perceived lack of responsiveness and lack of openness to new ideas. Ministers are not alone in expressing concern about the public service's policy-making capacity, although their opinion clearly holds the most weight. Scholars and practitioners alike have raised serious questions (and doubts) about the APS's capacity to support policy decision-making (for a summary, see Edwards, Head, Tiernan and Walter 2017; Tiernan 2011). Criticisms extend beyond the ability to provide high-quality, timely, accurate, strategic and imaginative policy analysis and advice; they also encompass policy design, implementation and service delivery. A recurrent theme has been whether public servants have been sufficiently candid, forthright or robust in their advice to Ministers on important elements of policy design and risk (Combet 2014, 214-15), and the extent to which this is because officials believe that Ministers (and their private office staff) are not receptive to information and advice that challenges, or is contrary to, their preconceived views or preferred political direction.

As policy advice has become contestable, some Ministers no longer regard the APS as their primary, nor even their preferred, source of advice. The advisory networks available to Ministers now extend well beyond relationships and hierarchies contemplated in a traditional Westminster model. Accordingly, it is timely to confront the limitations of existing conventions, legislation and political practice, and to pursue a new settlement that captures the wide range of sources available to help Ministers discharge their constitutional obligations.

4 WHAT SHOULD WE BE AIMING FOR?

In reframing the role and purpose of the APS, we envisage that by 2030 its relationship to Ministers will have fundamentally changed. These changes will reflect a clear, bipartisan understanding of the relationship between the bureaucracy, and the executive that is appropriate to contemporary governance and accurately reflects roles and responsibilities within the core executive.

In 2030, Ministers will be accessing quality advice from a diverse range of sources that support them to govern in the long-term interests of Australia and its citizens. As far as is practicable, inputs to policy advice and options will be open and transparent, but all stakeholders, including media, Oppositions and other political parties, will understand the legitimate distinction between advice and ministerial decision-making.

Our vision is that in 2030, the APS Review Panel's work will have led to the adoption of a functional approach to roles and responsibilities within the core executive (including the Prime Minister, Cabinet, Ministers, ministerial staff, secretaries and departments) and recognition of the need to clarify the APS's relationships to the government of the day, to Parliament and to citizens. This will in turn have precipitated reviews of, and amendments to, the *Public Service Act* and the *Members of Parliament Staff Acts*; stronger integrity and oversight arrangements that ensure appropriate lines of accountability; and the establishment of new institutions that align with the Panel's recommendations for a new settlement to govern the political-administrative interface. The new settlement – distinctive and tailored to the Australian context – will reflect the best traditions of Australian governance.

The APS will have become more open and responsive, including to government. It will be a trusted and respected partner within the networks of advice that surround Ministers. Reflecting the mutuality implicit to conventions developed as part of the APS Review Panel's new settlement, in return governments will take a less partisan political approach to their administrative responsibilities. There will continue to be a fierce contest over policy ideas and policy directions – about what governments should do – but Parliament will have embraced a shared commitment to the principle that what governments decide to do should be done well (Kettl 2016). Parliament's shared commitment to ensuring the capacity for competent, professional policy-making and administration in Australia's long-term interests will be formalised and responsibility for stewarding this capacity will be embedded in an appropriate, bipartisan parliamentary committee.

By 2030, mature political leadership and fixed parliamentary terms will have reduced the extent to which partisan politics plays out in the administrative arena. Reforms to the federation and having Ministers who are better prepared to discharge their constitutional responsibilities will enable more disciplined, rigorous policy development and give the APS more confidence in its role. Political representatives will have recognised that the root cause of policy failures that have undermined public trust is haste and an unwillingness to invest in disciplined deliberative processes. Accordingly, governments have committed to making fully-informed decisions based on robust assessment of the risks, impacts and consequences. Because they recognise that frequent machinery of government change erodes policy capacity and institutional memory, incoming governments will have carefully considered administrative arrangements and the portfolio structures needed to achieve their policy agenda.

In 2030, the role of being a government Minister will no longer be the 'last bastion of the amateur' (Tiernan 2015). Every Minister will be supported to prepare for their responsibilities before they assume office; they will no longer be required to learn on the job. Their parliamentary apprenticeship will include mentoring, professional development and other support to help build the political and policy skills, the experience, networks and relationships needed to be successful as a Minister. On appointment, they will receive briefing that extends beyond portfolio content, to advice and options from experts on ways they might approach their ministerial duties. The APS

will help to establish the ministerial office: Ministers will choose from a suite of potential models aligned to their preferences and working style. The APS will provide experienced people as well as administrative, information technology and other support systems that ensure all Ministers have the capacity to make decisions and to effectively manage relationships, workflows, advice and accountabilities.

In 2030, relationships between elected representatives, staff and the APS will be stronger. This will be achieved in several ways. First, improved preparation, induction and continuing professional development will result in greater professionalism. Second, there will be greater role clarity and transparency around the roles of partisan staff, including their selection, authority and accountabilities, their career and professional pathways. With this clarity will come a mutual recognition of the complementary value the APS and staffers each bring to their shared task to support ministers, and a more cooperative working arrangement between the two groups. Third, the creation of independent accountability and oversight mechanisms will align with the new settlement and provide resilience to the system.

In 2030, there will be a close, cooperative relationship between every ministerial office and public service agency, and across the advisory system more broadly. This will help to ensure Ministers receive high-quality information and analysis from the widest possible range of sources. There will be open, uncontroversial career paths in both directions, with many public servants working in ministerial offices, including in the most senior roles. Ministers will work side by side with Secretaries as a matter of routine; both they and their staff will understand the role and value of a career public service and the APS's commitment to serve the government of the day professionally and impartially.

In 2030, Oppositions will be provided with significant support for their transition to government, and other non-governing parties will also receive support from the APS, especially in the lead-up to elections. This support will be publicly funded and uncontroversial because the community understands the value of having mature and well-informed alternative governments who understand not only their opportunities in government but also their constraints, and who have existing relationships with the public service.

In 2030, a network of institutions will provide stewardship intended to preserve the capacity of Australian public administration to be effective, efficient, expert, responsive and accountable. Our concept of stewardship, discussed in Section 5, encompasses two key dimensions, which in 2030 will respectively be provided by Parliament and Secretaries. The first is what we might call 'constitutional stewardship': the responsibility to ensure the long-term health of the career public service as a key institution of Australian democracy. The second dimension, 'capacity stewardship', concerns Secretaries' responsibility to ensure that public service departments have the capacity and capability to serve current and future governments.

To achieve the Panel's ambition that the APS becomes a trusted and respected partner to Ministers and their offices, we first need to consider whether there is shared understanding and agreement about the problems that advice and support from a career public service help ministers and governments to solve. It will be difficult to implement a vision for the APS in 2030 without confronting some key choices about the APS's relationship to Ministers and their offices into the future.

Both the literature and practitioner perspectives reflect a lack of consensus about what constitutes appropriate political-administrative relationships in contemporary Australian government. Directly confronting this lack of agreement is a necessary precondition to canvassing reform options for the APS-executive relationship.

We have identified two fundamental questions about the APS's place in and relationship to the advisory system. First, *what kinds of advice do ministers and governments need to fulfil their responsibilities to 'administer departments of State'? How can advisory arrangements be reconfigured to ensure Ministers receive expert, high-quality analysis and advice across the spectrum of their responsibilities – both political and administrative?* Second, *how should the APS's duty to serve the government of the day be interpreted? Should the role of the APS be*

clarified as exclusively responsible to ministers, or should it retain a responsibility (similar to that set out in the Public Service Act at present) to also act in the interests of Parliament and the community? If the responsibility for multiple interests is retained, how should it be given effect?

These two questions cut to the heart of the APS's role within the Australian core executive. If bipartisan consensus about the answer to these questions is lacking, it will be difficult to provide clarity and resilience to any future reform. Where bipartisan understandings already exist – for example, that Ministers are individually and collectively responsible, that governments are more effective when they observe disciplined Cabinet routines and processes, that caretaker conventions are a necessary restraint on executive power – they should be retained. However, where there is currently disagreement or divergent approaches, serious discussion is required and explicit decisions need to be taken.

What advice is required, and who should provide it?

What kinds of advice do Ministers and governments need to fulfil their responsibilities to 'administer departments of State'? How can advisory arrangements be reconfigured to ensure Ministers have access to expert, high-quality analysis and advice across the spectrum of their responsibilities – both political and administrative?

The APS is not unique in its policy capacity

It is often claimed that the APS occupies a unique and essential position as a policy advisor to government; for example, former Secretary of PM&C Dr Ian Watt stated in 2012 that the APS has a unique capacity to 'stand aside from vested interests and to properly support governments focusing on governing in the national interest; experience in what works...and what doesn't' (Watt 2012). However, this view is not universally shared, and indeed is increasingly questioned. As highlighted in Sections 1 and 3, the APS's role in providing Ministers with policy advice is not settled. Among Ministers and their staff, there is not a consensus on whether the APS should be a source of policy advice and analysis, particularly in relation to longer term, strategic advice and options. In addition, there is broad agreement that the policy advisory role of the APS has diminished. There are several reasons for this, including lack of effective demand, disinvestment in analytical capacity and the rise of alternative sources of advice.

Not all ministers expect strong policy capacity in the public service. When interviewed, Ministers and their senior staff express a range of views about the extent to which they expect to rely on the APS for policy advice (see, for example, Tiernan and Weller 2010; Rhodes and Tiernan 2014). Many value advice from APS departments, but some consider the public service's primary role is to implement government decisions rather than as a key source of policy ideas.

Ministers rely less on departments for policy ideas and advice than in the postwar era, or was the case more recently under the Hawke, Keating and Howard governments. This is because politics has changed; there is less 'space' for planned consideration of policy issues. It is also due to continuing uncertainty about the APS's ability to provide robust, good-quality, relevant advice. As former Treasury secretary Bernie Fraser commented:

For various reasons, different ministers and governments have lacked confidence in the capacity of their bureaucrats to provide appropriate advice, at least of the kinds some would prefer to receive... the erosion of this trust has built up over many years. (Fraser 2015, p. 71)

It is often claimed that one of the unique features of the APS is its capacity to be neutral and impartial in providing advice to governments in the national interest. However, this neutrality is a complex and elusive ideal. 'Non-partisanship' is often conflated with 'impartiality'. While the APS generally remains detached from party politics (i.e.

it is non-partisan), it not correct to assume that it always has a neutral stance and not have its own preferences or interests (i.e. it is not impartial). Public choice theorists argue that the public sector is like any self-interested actor that would seek to maximise its power and resources. Public administration institutions all have interests of their own, though they can be more sophisticated than the ideas advanced by public choice theory.

Organisations other than the APS are capable of providing policy advice that shows at least the degree of impartiality claimed by the public service. The best evidence that the APS is not unique in its impartiality is the extent to which governments already routinely commission substantive external policy advice. Major sources include Royal Commissions, expert panels, taskforces and so on. Indeed, this very report was commissioned as an independent and expert piece of advice. The capacity of these external institutions to deliver neutrality is not generally questioned. The two keys to non-governmental institutions delivering advice in the national interest at the request of government are: the way advice is commissioned, and the transparency and independence of the process. In addition, there is no evidence that we are aware of to suggest that policy development and analysis by research institutions is less impartial or less expert than that offered by public service departments.

The APS may once have provided administrative continuity and institutional memory to Australian governments. This was not always a positive feature: institutional memory sometimes created path-dependency – a propensity for inertia and a lack of responsiveness. In any case, the APS's institutional memory and policy expertise has declined, while the ability of other actors to contribute to this understanding has increased. Public sector reforms pursued by successive Australian governments have created a more generalist and managerial APS, in which specialist expertise is less valued and where staff turnover and movement between departments are higher. Careers have become accelerated and corporate memory may be less valued than responsiveness and the ability to deliver. The senior executive service has been promoted as a whole-of-APS leadership group, as have Secretaries. This was intended to support collaboration on whole-of-government priorities and to diminish competitiveness between Ministers and their departments. However, combined with frequent machinery of government change associated with political volatility, it has also had the effect of eroding institutional memory. Disinvestment in research and analytical units and a loss of craft skills, have meant that the APS's ability to develop high-quality and timely policy advice has been reduced.

The APS may once have held unique analytical skills and capacities, but these skills are now weaker and difficult to retain. At the same time, policy analytical skills have grown strong in other organisations, including: universities, many of which have developed policy-oriented specialist institutes; consulting firms; and increasingly sophisticated think tanks. The strength of external policy analytical skills is increasingly recognised by government, which has greatly expanded the use of external advice. The ANAO's report on Government Procurement Contract Reporting highlighted almost \$700 million in consultancy contracts in the 2016–17 financial year. It also revealed a significant increase over time in the amounts spent because of the need for 'specialised or professional skills' as opposed to the need for independence or the 'skills being unavailable in the agency' (ANAO 2017, 5.2-5.3). The use of consultants is contentious. Critics argue that Ministers, rather than officials, have driven the resort to external advice, because they prefer to draw on trusted sources, or want more ideologically compatible advice and recommendations. The shift to alternative sources is often seen as a critique of the APS, but more generally it can also be seen as a strength, fostering a wider range of analytical choices and greater diversity of thinking.

Former prime ministerial Chief of Staff and Secretary of the Department of Innovation, Science and Research Don Russell has challenged officials to show imagination in the advice they offer Ministers. He describes imagination as the 'missing ingredient' in their policy advice, and argues that this lack explains Ministers' tendency to rely on their ministerial offices, instead of engaging actively with their bureaucratic advisers (Russell 2014, p. 18). Varghese has also observed a deficiency in the capacity for 'deep policy analysis' (Varghese 2016).

What kind of policy work should the APS do?

As highlighted above in Section 3, Ministers legitimately seek policy advice from a range of sources. Some of this advice is drawn from outside the APS, such as through think tanks, consultants, research institutions and royal commissions and other inquiries. Other advice is developed using APS employees, but external to ministerial departments through statutory bodies like the Productivity Commission.

Policy advice involves a wide range of tasks and skills (see, for example, Hamburger and Weller 2012). These include specific activities such as supporting the operation of the machinery of government, giving advice on matters coming before Cabinet, informing Ministers in relation to existing activities, and analysing and reporting on the administration and performance of existing programs. At the other end of the spectrum lies ‘blue sky’ thinking about policy issues, which involves identifying future needs and policy problems. In between the specific tasks and blue-sky thinking are a range of other skills and processes that are central to policy advice, such as issue analysis, policy evaluation, stakeholder engagement, demographic and economic modelling, and so on.

For the Review Panel’s purposes, it is important to clarify the work of policy analysis and policy advising. Conceptual precision, which does not currently exist, will help to build a clear and shared view about who does what, who is best placed to do it, and how the work of policy is distributed across advisory systems. While public servants are involved in the work of policy analysis and policy advising, their involvement may be incidental to, or sit alongside, their administrative, service delivery and other responsibilities.

There is no doubt that policy advisory capacity – including how advice is commissioned, evaluated and communicated to Ministers – needs to improve. Concerns regarding Ministers’ drive to assert political control over policy, Ministers’ access to policy advice from a more diverse range of sources, and continuing ambiguity over the policy roles and responsibilities of ministerial staff (including their impact on APS capacity) all highlight the urgent need to clarify who is expected to do what within the advisory systems that support Ministers, so that government, Parliament and citizens can be assured that advice supports the most effective policy outcomes.

The direction of future reform must recognise Ministers’ need for responsive advice and policy competence – their own, that of their staff, and also of the APS. It must work forward from the current circumstances of the APS’s relationship with Ministers and their staff, not from a purported ‘golden age’ or an imagined ideal. Reform must reflect the greater openness expected by the community and the increased range of sources of expert, relevant policy advice.

There are a number of possible pathways that could result in more effective relationships between ministers and the APS, including better policy advisory capacity. However, the status quo is not going to be effective.

Pathways to these requirements could include an expanded ministerial office, with greater policy capacity, but also greater transparency and accountability, whose pivotal role within the advisory system would be explicitly recognised. We envisage an expanded office would comprise a mix of current (and perhaps former) seconded public servants, ministerial consultants (as currently provided for in the MoPS Act) and other specialists. It is feasible that larger, more expansive ministerial offices (along the lines of ‘ministerial cabinets’ that operate in Napoleonic systems) could become the primary source of policy advice to Ministers, filtering and brokering policy proposals and commissioning advice from trusted, expert sources for decision and implementation by APS departments and agencies. Such models operate internationally, notably in Belgium and the United States. Such units have large staffs; they are ‘understood as an extension of the core executive, located at the structural interface between politics and administration and composed of political and partisan advisers that assist ministers in achieving their policy goals’ (Aubin and Brans 2018, p. 5). The ministerial cabinet model was considered previously in Australia, but dismissed out of concern that it is both unrealistic and undesirable to separate policy development from implementation and delivery. But even in these models, civil servants maintain important policy roles: governments rely on their in-house knowledge and expertise.

Another option could be to establish standing expert bodies in key policy domains. Such units would be statutory entities; their structure, responsibilities and accountabilities would be established in legislation. In support of greater openness, they would follow transparent processes that would allow for public input, and would draft reports and recommendations for government and public consideration. Their role would be advisory: Ministers and Cabinet would have access to their analysis and advice. Oppositions, Parliament and intergovernmental bodies (such as the Council of Australian Governments and its committees), could draw on their expertise to support their policy work. The advantage of this kind of institution would be its expertise. It would have the ability to provide 'neutral competence' – overcoming concerns about the APS's policy capacities and alignment to government priorities while avoiding the risk of 'responsive incompetence' inherent to highly partisan advisory systems (see, for example, Lewis 2018). Such a model could address complaints about the loss of institutional memory and governments' inability to learn from experience. Statutory independence would support advisers to provide robust advice and options, in the knowledge that differences between advice and decision-making are well understood.

Such arrangements would structurally separate the units responsible for strategic/longer-term policy from those engaged in providing day-to-day support for Ministers. John Howard adopted this model successfully throughout his long prime ministership by tasking his Cabinet Policy Unit with responsibility for the government's strategic priorities and the Prime Minister's Office with the daily business of government (see Rhodes and Tiernan 2014). There have been numerous experiments with such arrangements in Australia and internationally. Relieving agencies of the persistent dilemma of the urgent crowding out the important could improve Ministers access to high-quality analysis, information and advice. Assured that deep, long-term policy work to address emergent issues and challenges is being provided elsewhere within the system of advice, and that expert policy units are offering a professional pathway for APS, policy-oriented ministerial staff, State and territory officials, academic and other professionals), ministers' offices and departments would have greater bandwidth to advise on and support government priorities.

The article of faith in many quarters that the APS has a distinctive role in the provision of policy advice is an inheritance from Westminster, and is reflected in the *Public Service Act's* reference to the Secretary as the 'principal official policy adviser'. However, if this is to be the case in 2030, the well-documented current deficiencies in policy capacity and a lack of demand from Ministers would have to be addressed, and the pathways for doing so are not clear. While the decline in expertise and policy 'craft' in the APS has been noted in the literature and by several previous public service reviews, there have not been clearly defined or successful options for improving that capacity within current departmental structures. Nor, as we have argued, has there been sufficient attention to the roles that Ministers and their staff play in policy development, policy advising and decision-making.

To realise the 2030 vision that we have proposed, advisory and support arrangements must adapt to the realities of contemporary governance. including the presence of a wide range of sources, and Ministers' legitimate desire for support to achieve their political and policy goals. There must be explicit recognition that no organisation has currently, or is it ever likely to have, the repertoire of capacity, skills, knowledge and expertise necessary to be the exclusive channel of advice to Ministers.

Ministers will be better served by advisory systems that are more diverse, less hierarchical, more expert and specialist, and that balance current governance imperatives with the traditional craft skills. There is substantial (and under-recognised and often under-valued) capacity and expertise at State and local government levels, in not-for-profit organisations, universities and research institutes, local communities and in the lived experience of citizens. The APS may have a distinctive role in helping to design arrangements that harness this capacity for public purpose. It may become an 'honest broker', helping to commission, coordinate and provide assurance to Ministers about the inputs provided by the networks of advice and provision that are features of the modern state. The APS's ability to successfully perform such a function will require cultural change and investments in new and different capabilities. It would require Ministers and their staff to be more willing than they currently are to encourage robust debate before taking decisions, and being prepared to be accountable for decisions that, legitimately, are theirs.

It is critical that bipartisan agreement is reached about the reform pathway, and that the advisory system is reconfigured to support Ministers in their roles as constitutional heads of departments and across the balance of their other responsibilities. Partisan political advice must continue to be distinct from expert, professional advice. The Review Panel might consider more clearly demarcating these streams of support for Ministers, including whether the MoPS Act provides an appropriate framework, or whether alternatives – such as making the Parliament responsible for politically appointed staff (as is the case in NZ) – could help to embed a clearer distinction between Ministers' political and constitutional support needs.

Who should the APS serve?

How should the APS's duty to serve the government of the day be interpreted? Should the role of the APS be clarified as exclusively responsible to ministers, or should it retain a responsibility (similar to that set out in the Public Service Act at present) to also act in the interests of Parliament and the community? If the responsibility for multiple interests is retained, how should it be given effect?

Currently, the *Public Service Act* sets up an ambiguous relationship that entrenches the idea in the APS that it serves a public interest, while Ministers try to extract advice and administration from it that is in the interest of their government. The Act perpetuates a public mythology that because the APS is non-partisan, it somehow is meant to resist the partisanship of government; yet if it does, trust is destroyed with the executive.

The complicated relationship is exacerbated by divergent views within and outside the APS about the impact that Freedom of Information ('FOI') legislation has had on the APS's ability to advise Ministers (see, for example, the *Learning from Failure Report*, Shergold 2015, p. 21). Some Ministers and senior public service leaders have expressed concern that FOI laws make Ministers and their staff cautious and at times unwilling to accept 'unwelcome' advice, resulting in a preference for oral rather than written briefing, and that departments may be unwilling to offer robust advice for fear it may antagonise Ministers and/or their staff. Clarifying the APS's responsibility to the Parliament and the community would empower the APS to provide frank and fearless advice, even if it is unwelcome to Ministers, because doing so would serve a broader public interest. Conversely, specifying a sole or primary duty to the current government would help the APS be frank in its advice because it would be trusted that the APS was only providing that advice in the interests of current the government. FOI would not be an issue because Ministers would be free – and expected – to take decisions based on all the advice they receive (from the APS and/or elsewhere, per the previous fundamental question).

FOI laws provide an important pathway for transparency that helps support public confidence in government processes. Limiting the reach of FOI is likely to cause harm to already declining levels of trust in government. The way forward is for the APS, Ministers and indeed all stakeholders to become more engaged in, and accustomed to, robust public discussion of policy choices.

Regardless of which direction is chosen, it is critical to clarify the APS's relationship with the government of the day and to decide exactly what (if any) responsibilities it owes to Parliament, the community, and future governments. It is clear that the lack of shared agreement means that the APS at times struggles to serve Ministers or the wider community because it is caught between the two.

There are two broad options, which again have significant consequences for any reform to the APS:

- a) If the APS is to be responsible solely for serving ministers and the government, then the *Public Service Act* needs to change to reflect this. It also requires that Parliament and the public develop stronger capacity to scrutinise the outcomes of that service. For example, Parliament would need greater capacity to interrogate the actions and decisions of government. This might include abandoning outdated ideas behind comity of the

Houses (see, for example, Holland 2004) in respect of Ministers, and requiring Ministers, rather than officials, to answer questions in parliamentary committees. There would also need to be greater public line-of-sight to ministerial action and decision-making, including the roles played by ministerial staff. Formal support for Oppositions in transition to government (funding and access to public service advice beyond the Guidelines for Consultation with the Opposition during the caretaker period) would also need to be established in the parliamentary institutional structure.

- b) If Ministers accept that the APS does serve Parliament and the community as well as the government, then formal institutional arrangements need to reflect that. This includes a formal recognition and system of support from the APS for Oppositions and independents or minor parties in minority parliaments to have the capacity to transition to government, as well as a greater recognition on the part of Ministers (and their staff) that there is a distinction between advice and a decision, and that the APS is required to take into account future governments and the Australian people in its advice to Ministers.

5 REFORM OPTIONS ON THE PATHWAY TO ROBUST APS–MINISTERIAL RELATIONSHIPS

The answers to the two broad questions we have posed will necessarily shape the kinds of reform pursued. However, regardless of which path is taken, most agree that reform is needed. We argue that it must address both sides of the political–administrative relationship. Moreover, it should acknowledge the unintended consequences of piecemeal reform efforts and the urgent need to adapt political understandings and conventions to the demands of a changing context. In this section we outline a series of pragmatic steps that could support the 2030 vision that we have outlined.

In the absence of a strong scholarly literature on reform options, we draw on international examples and our own research, including interviews with hundreds of Ministers, staffers and public servants. We also drew on the insights of the Reference Panel that has guided this project. Some of these reform options are quite conventional and are frequently raised in the context of APS reform, while others take the road less travelled, but nevertheless potentially offer significant improvements to the APS's function.

a. Explicit (possibly legislative) clarification of the APS's role

There is an urgent need to develop and embed new understandings and conventions to govern the relationship between the APS and Ministers and their offices. As addressed above, this first requires clarity about the APS's role, and its duties to the government of the day and other groups. However, until bipartisan agreement on that issue can be reached, we suggest that Ministers at least make explicit their expectations of the APS. In the short term, this will highlight areas of agreement and disagreement, and will give the APS clear guidance on what Ministers' expectations are in terms of the kinds of policy advice they would like to receive.

Once an agreement on the APS's role is reached, it may be preferable to enshrine this understanding in legislation through reform of the *Public Service Act*, rather than relying on convention. While conventions are an integral part of the Australian political system, current practice has demonstrated that hyper-partisanship threatens the resilience of some conventions concerning the APS. Legislative reform is therefore more likely to provide a durable understanding of the APS's relationship with Ministers.

b. Supporting the transition to government

Conventions and understandings about the APS's purpose are most at risk during the transition to new governments. New Ministers (and their staff) bring with them bold ambitions for their time in office, and sometimes have preconceived (misinformed and often dated) ideas about how well the APS aligns with their plans (Tiernan and Weller 2010). Expanding the APS's role in supporting the transition to government would help manage Ministers' expectations of the APS, and in turn would foster a stronger relationship between the bureaucracy and the executive. There are several (complementary) ways in which this could be achieved.

Training ministers to be ministers

Entering government and taking up ministerial office presents an extremely steep learning curve, even for experienced politicians (Tiernan and Weller 2010). We may have seen the rise of the career politician, but ministerial office frequently remains the last bastion of the amateur. This situation is exacerbated by more frequent ministerial reshuffles associated with greater political volatility.

Politics may be becoming more professional, but this has not translated to formal preparation for becoming a Minister (Hartley 2014; Tiernan and Weller 2010). Few countries provide professional development for politicians (Reading et al 2011), and Australia has no such tradition of formal preparation. Lacking developmental pathways, diverse occupational backgrounds, career and life experiences and institutional memory, and serving shorter parliamentary apprenticeships, Ministers are perhaps the only leaders of large organisations in modern society who can have little training or relevant experience when they take up their role (Hartley 2011; Tiernan 2016). Although Ministers would welcome more opportunities to think and reflect (Tiernan and Weller 2010, p. 306), to date they have been resistant to suggestions they might undertake some form of professional development.

If elected officials remain reluctant to engage in formal professional development, an alternate strategy may be to pursue reforms suggested by former Associate Secretary of the Department of Defence Brendan Sargeant (in his submission to the Review):

There should be programs that expose politicians to the Public Service outside the exposure that they might get through the work of Parliamentary Committees or other ad hoc interactions, many of which use the Public Service opportunistically to further political conflict. The aim of such programs would be to facilitate greater understanding by politicians, some who are likely to become Ministers, of what the Public Service is and is not. This exposure might be managed through a body independent of government, perhaps like the Parliamentary Budget Office.

APS's relationship with Oppositions and other Parliamentary parties

Depending on how Ministers interpret the APS's duty to the Australian people and future governments (i.e., whether there is scope for the APS to serve more than just the government of the day), it may be useful to revisit the APS's relationship with political parties not serving in government, especially formal Oppositions. Currently, there are few opportunities for the APS to interact with Oppositions, while contact with minor parties (outside a Coalition or minority government) is even more limited. This is because it is often presumed that exposure to non-governing parties would interfere with the APS's impartiality. However, the conventions and legislation dictate that the APS should be impartial exist because (in theory) a government could lose the confidence of the House at any time, so the APS must always be ready and able to serve a new government. Therefore, there is a strong argument that increasing contact between Oppositions and other parties, and some parts of the APS (such as divisions and bodies focused on long-term, 'blue sky' policy as outlined in Section 4 above) would enhance rather than compromise APS impartiality. Facilitating a better relationship between Oppositions and the APS also takes seriously the traditional role of the 'loyal Opposition', and honours the convention that Oppositions as 'executives in waiting' rather than as outsiders to be held at arm's length.

The weaknesses of the current system are most apparent in the lead-up to elections, where non-governing parties must make campaign promises (which they are increasingly expected to keep if they attain office), but have comparatively few resources on which to draw in preparing those policies. In other systems, notably the US, eligible candidates are entitled to public funding to support transition planning (see Hogue 2016), as it is recognised that better-informed campaign promises and attention to administrative arrangements lead to better policies when in government. A similar model could be considered in Australia, alongside other reforms proposed in this paper. The commonly raised reform option of having fixed parliamentary terms at the federal level would further enhance such a model, as it would help the APS to use a predictable caretaker period to prepare for periods of transition.

c. Technology-enabled support for Cabinet and Ministers

A core element to the APS better supporting Ministers in their ongoing role as constitutional heads of departments is to facilitate accurate and timely communication between Ministers and the APS. This is especially critical if the APS is to continue (and improve) its capacity for policy advice. A plethora of options for strengthening communication exist, but recent technological developments show particular promise.

The dynamic briefing system that the Department of the Prime Minister and Cabinet (PM&C) developed for former Prime Minister Malcolm Turnbull is an example of technology-enabled solutions that have the potential to create space and capacity for value-added analysis and advice. The 'Digital First' system was designed and developed by PM&C. An in-house team created a centralised, collaborative electronic briefing environment to support the Prime Minister and the Prime Minister's Office (PMO). The system, which sought to engage the PM and policy advisers in the PMO directly in advice and briefing, has proved highly successful because it allows the PM to annotate briefs, ask questions, receive answers and make decisions on briefing materials in real time. This ensures that advice is timely and accurate, and can be updated quickly if a 'hot issue' emerges or new information becomes available. The system supports the workflow, monitoring and prioritisation of briefs, including by enabling the PM and staff to access the system from their mobile devices.

While such a system has clear potential, both for the Prime Minister and for other Ministers and their offices, we do not necessarily call for a universal adoption of the Digital First System. Rather, we argue that the system highlights both a clear need for technology-enabled support for Ministers, and the capacity to develop fit-for-purpose systems to support a better, more effective relationship between the APS and Ministers.

d. Revisiting the APS's stewardship responsibilities

Sections 41 and 57 of the *Public Service Act* make reference to the need for stewardship within Departments and of the APS; however, 'stewardship' is not defined in the Act. It remains a contested and complex idea. In a public service context, stewardship was originally designed to ensure that civil servants acted purely in the interests of the community (and not their own interests) (see, for example, Armstrong 1997; Barrett 2003; Committee on Standards in Public Life 1995). However, the 2010 Moran Review saw a different rationale for stewardship within the public service. In the context of hyper-partisan politics and growing public distrust of politicians, the report recognised that Secretaries held an important stewardship function that 'must exist regardless of any one Minister or government', and included ensuring financial sustainability and efficient resource management, as well as 'less tangible factors such as maintaining the trust placed in the APS and building a culture of innovation' (Advisory Group on Reform of Australian Government Administration 2010, p. 5).

The complexity of the APS's stewardship therefore reflects the deeper tension about who the APS is meant to serve: whether the APS must serve the government of the day, or whether it can put aside its responsibility to the government of the day in order to execute its stewardship function for future governments or the Australian people. Thus, the most important step in supporting the APS's stewardship function is to first develop a clearer understanding of how the APS's duty to the 'government of the day' is to be interpreted (per Section 4 above). Our parliamentary system recognises the potential for government to change if the majority party loses the confidence of the House. It follows that the APS must maintain a capacity to serve an alternative government, including one that occurs outside the normal electoral cycle.

Depending on which version of the APS's duty is agreed upon, it may be fruitful to split the APS's stewardship functions into two dimensions, and assign responsibility for each function to a different institution. The first function is 'constitutional stewardship', and encompasses the responsibility to ensure the long-term health of the public service as a key institution of Australian democracy. Parliament is the institution best placed to handle this responsibility, as it is in the best interests of both the government of the day, and Opposition parties as executives in waiting, to protect a high-functioning career bureaucracy. Such a move would also recognise the sovereignty of Parliament, and help to address concerns that the APS needs protection *from* rather than *of* Ministers (e.g. Secretary appointments and terminations) and their partisan interests. Accordingly, any parliamentary body responsible for stewardship of the APS would have to be bipartisan.

There is another model: Britain's Civil Service Commission, a statutory entity independent of government and the civil service, was established in 2010 and has responsibility for ensuring the civil service 'remains true to its core values of Impartiality, Objectivity, Integrity and Honesty in the Civil Service Code'. It offers a potential model both for codifying and assuring the role of a career public service (Hogue 2016). However, we consider that constitutional stewardship is more appropriately the responsibility of Parliament on behalf of the Australian people. If embedded in an appropriately parliamentary committee, exercising this responsibility could become an important part of the parliamentary apprenticeship and useful preparation for ministerial office.

The second dimension, 'capacity stewardship', best describes Secretaries' existing responsibility to ensure that their Department has the capacity and capability to serve current and future governments. Secretaries should therefore retain this responsibility; however, reform to Sections 3 and 10 of the *Public Service Act* is required, in order to make clear what Secretaries have stewardship over, and how they are to discharge this responsibility.

e. Relationship between APS, Ministers, and ministerial staff

The relationship between the APS and ministerial staff is also in need of urgent reform. However, the nature and direction of this reform hinges on the answers to the two fundamental questions we posed in Section 4: what kinds of advice should the APS provide, and should the APS have an exclusive duty to the government of the day? Specifically, the relationship between the APS and staff is dependent on: (a) whether the APS is responsible for providing policy advice (and if not, are Ministerial offices expected to cover this space?); and (b) whether the APS owes loyalty to the Parliament and the Australian people (in which case, what is the proper balance between partisan and non-partisan staff?).

In addition to resolving these fundamental questions, there are other aspects of the relationship that also require attention. One area of concern is the decline in the number of public servants moving to and from ministerial offices; Maley (2017) observes that fewer ministerial staff come directly from the public service into ministerial offices. This means that Ministers are deprived of the expertise and perspective public servants can bring into their offices. Often this is a self-imposed deprivation, as Ministers are less-frequently turning to the public service for staff. Additionally, Maley (2017) notes that impartial public servants who work as ministerial staff risk becoming 'tagged' by perceptions of partisan loyalties (which may not in fact exist). It is therefore important to provide public servants with a viable and uncontroversial pathway into and out of the Minister's office, but also to encourage Ministers to look for advisors in the public service.

The tendency of elected representatives and their staff to perceive ministerial office work as evidence of problematic partisanship needs to end. Increasing contact between the APS and Oppositions, as suggested above, may help here, as it would provide public servants with exposure and access to both sides of politics. Another solution could be to establish guidelines or even to specify the number of advisors who must come from the public service. An example would be to adopt a model that requires a minimum level – say 50 per cent – of staff in a Ministers' office to be seconded from the Department; from this foundation, the exact proportion and flexibility of the requirement would be negotiable.

Another key area for reform is to address the accountability for ministerial staffers. Current arrangements, which are premised on the convention that staff are an extension of their Minister and have no independent constitutional identity, have been criticised for providing Ministers with 'plausible deniability', allowing them to evade responsibility for the actions of their staff. The need to clarify ministerial staff roles and responsibilities, and to acknowledge and regularise their status as a necessary and legitimate 'third force' within core executive relationships, has been debated since the 1990s. It flares periodically when controversies expose the inadequacies of the existing governance framework for staffers. The Senate Committee into Staff Employed under the MoPS Act (2003) recommended a suite of reforms that are worth revisiting. Some of these, specifically that Chiefs of Staff could be called before parliamentary committees if Ministers refused to accept responsibility for the actions of their staff, were adopted as policy by the Australian Labor Party in 2004. But this has never been tested. The political parties continue to observe the convention that staff should not be called to appear (see Tiernan 2007).

6 CONCLUSION

A new agreement, with the adoption of new conventions, is needed to establish an effective foundation for the relationship between the executive and the public service that supports it. Old traditions grounded in the idea of Westminster are not fit for purpose, while the present arrangements are poorly articulated, ambiguous and have left the APS constantly exposed to the forces of volatile hyper-partisan politics. One convention that needs more emphasis, not only within government but among other stakeholders, including media, is that policy advice is just that: advice. Governments are appointed by Parliament to make decisions and steer public administration. They should be communicating to Parliament and the public the basis of their decisions. When making decisions, Ministers take account of advice from all sources, including the APS; if this is better understood and respected by all stakeholders, then there will be less pressure for keeping advice hidden from public view and a more mature public debate that accepts that democratic decisions are based on balancing a wide range of considerations.

A stable new understanding between the political and administrative arms of government requires changes from the status quo. We have set out two key questions that we believe need bipartisan answers. Whatever view is taken of each of these questions, change will be necessary. Whether advisory capacity is increasingly networked and moved outside the APS, or is brought back into the APS and bolstered, there needs to be improvement to how Ministers commission advice and make use of it. Whether the APS's lines of accountability are oriented more closely to the executive alone, or to parliament and the broader community, the *Public Service Act* and conventions around accountability cannot stay as they currently are configured.

It is also the case that, whatever answers emerge to these questions, there are areas where reform can and should be pursued. In the last section we have outlined some areas in which we believe action should be taken.

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