

Locating trust relations in the Australian policy process

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Trust and accountability are key qualities that underpin the public policy process. This paper situates these core qualities in line with evolving literature on new public management and governance, with a specific emphasis on the role of 'integrity agencies' in the Australian policy process. The paper demonstrates that trust and accountability are inextricably linked, however, these agencies utilise different forms of expertise and knowledge in conditioning the environment to engender trust between government and citizens. The paper positions these agencies as conduits between citizens, public servants and policy makers. This paper draws on three cases studies from Australian public sector agencies as a form of comparison between the dynamics necessary for enhancing a range of trust relations. The paper examines three case studies to explore some of the conditions that impact trust relationship in the civil service. The case studies highlight different aspects of the dynamics around trust, these include the role of systems, the importance of familiarity and the significance of context. The paper draws on Bouckaert's models of trust (2011) as a way to draw out the different conditions that contribute to trust across multiple levels of society. The paper argues therefore that trust functions on multiple levels and through multiple processes which have significant implications for the development of sound policy processes within and across agencies and the broader society.

Key words; trust relations, public sector reforms, Auditor General, public policy

Introduction

Trust and accountability are crucial elements in democratic practice, a well functioning bureaucracy and of course, society in general. Trust is, according to Brown (2009) inherently irrational, as we decide to trust someone or something without complete knowledge of the outcome (Brown 2009: 391). Trust in public institutions goes to the base of democracy in that it links citizens to a sense of collective identity and belief in the characteristics that underpin democratic society – equality, justice and freedom. Trust is dynamic, it involves a type of energy that can induce change and open up a range of possibilities because at its centre is a ‘leap of faith’ which is irreducible (Giddens 1990). There are many conceptualisations of trust – from an underlying sense of vulnerability (Möllering 2006); as a form of calculative action that relies on notions of rationality (Elster 1989; Coleman 1990), and from a phenomenological perspective, trust is fundamental to human activity – a form of ‘laying oneself open ... a surrender to the other in interaction’ (Løgstrup 2007: 8).

Accountability also underpins democratic practice, especially with the increasing levels of interaction between governments and the private sector. Conceptualising accountability has also found flavour in the transformation of some authoritarian states and the reform agendas of several Southeast Asian nations, for example Malaysia, Cambodia and Vietnam (See Rodan and Hughes 2014). Mulgan argues that the increasing interest in how to conceptualise and then embed accountability regimes in society may reflect a growing democratic assertiveness ... but this could consequently dilute the core meaning of accountability (2003: 8). In Mulgan’s view, accountability necessarily involves some form of ‘rectification’ on the behalf of the account holder, without any such sanctions, the term is diminished (2003). Accountability is no doubt integral to the role of state institutions and the way in which institutions manifest within society.

Trust and accountability are ‘relational’ concepts, which accordingly involves some conditional aspects that engender a form of judgement (Levi and Stoker 2000: 476). As these qualities are based in relationships, they necessarily raise questions about their longevity, their characteristics, whether trust and accountability can be extended, or encouraged. More specifically, as Saevi and

Eikeland point out, trust in particular incorporates a sense of 'fragility', which may trap us and reduce our control of a desired outcome (2012: 91). At both the individual level and as a society, we therefore attempt to 'manage' (ibid: 93) trust through various institutional practices that try to render 'something' that, according to the phenomenologist Emmanuel Levinas, constitutes the 'small goodnesses' of life (Levinas 1985).

This paper is concerned with examining the conditions that impact trust relations in the Australian public sector. Primarily, the purpose of the paper is to explore new possibilities across a range of 'integrity agencies' in Australia as these agencies have a significant role in forms of accountability and trust relations. The paper does not seek to establish causal links between various public administration practice and levels of trust, nor does the paper draw on any quantitative survey data. Rather, the paper aims to explore the relationship between integrity agencies and the conceptualisation of trust relationships developed by Bouckaert (2012). The paper argues that expanding the role of integrity bodies provides the possibility to enhance trust relations between citizens, the state and within organisations. However, we also demonstrate that such reforms need to be handled carefully as each raises tensions that need to be considered; first, that the perception around conflicts of interest must be addressed, levels of operational scrutiny need clear guidelines and annual reporting could include transparent trust indicators. In developing this argument, we aim to advance Bouckaert's work on trust relations.

This paper is structured as follows: the next section provides an outline of trust relations pertinent to public administration and public policy. Second, an overview of the case studies is provided, these include: Australian public sector reforms that broadly relate to trust indicators, hybridising the role of the office of the Auditor General, and the use of Recommendation reports to enhance accountability. Section Three provides a discussion in terms of expanding upon the conditions that may influence trust relations, the paper concludes with some possible areas for future study.

Trust and performance

Before moving on to explain how trust relates to public administration and public policy more broadly, it is important to outline the role of integrity bodies in Australia. Integrity agencies include a broad range of public sector departments that have oversight across the sector, including Ombudsman offices, Auditors General, Public Sector Commissions, Information Commissions and offices that focus on anti-corruption. These agencies specialise in scrutinising the behaviour of public officials, from administrators at all levels on to elected Ministers and Senators. These agencies also have broad range of legislative powers that ensures they are independent from Ministerial intervention. As bodies that have oversight of the actions and decisions of civil servants broadly they provide a normative base for society (Manners 2008), they have a powerful legitimising force that promotes a set of principles that shapes the relationship between government, bureaucracy and society in general (Haigh 2013)

In order to explore the conditions that contribute to trust relations, it is necessary to outline Bouckaert's framework for exploring trust. Accordingly, trust can be broken into three sets of interactions and directions: T1 – trust of citizens and organisation in the public sector. T2 – trust of the public sector in organisations and citizens and T3 – Trust within the public sector (2012: 95-96). Bouckaert explains T1 as a traditional approach that is often covered in surveys on citizens' perceptions of the civil service, broadly speaking. T2 refers to the opposite direction, that of the perceptions civil servants have of citizens; this can be seen in the increasing use of information policy tools whereby the assumption is that if citizens are provided with 'valid information' they will act in line with the policy initiative. T3 – trust within the public sector, this refers to trust between agencies, between public administrators, between politicians and between administrators and politicians. This level of trust is part and parcel of bureaucracy and in many reform agendas it is encapsulated in the metaphor – whole of government approach.

These levels of trust highlight the dynamism involved in any trust relationship, and especially those that underpin the functionality of the civil service and the political class in any political system. Trust is integral to sharing information between agencies in order to develop sound policy initiatives.

Trust is the central component to examining the performance of policies, and trust is fundamental to the functioning of society in that it requires that 'leap of faith'. In other words, trust is the acknowledgement that policy making and administrative practices cannot possibly know for absolute certainty that a policy will generate the prosed outcome prior to its implementation. It is this 'surrender' to the possible but still unknown that underpins the tension between encouraging innovative and creative policy 'ideas' and the continual push for managerial incremental responses to societal conditions.

According to Pollitt and Bouckaert (2011), there is a dominant view that trust between citizens and the civil service broadly speaking needs to be improved. Moreover, that reforming the sector in ways that encourage citizen participation, increase levels of citizen choice, that policies are more obviously responsive to citizens' needs, and that this can be measured and delivered in a transparent fashion, will result in greater trust between levels of society. While some scholars do not accept this proposition (see Van de Walle et al 2008, Pollitt and Bouckaert 2011), the point is that there is inconclusive evidence that 'managing and increasing' trust levels can be done so with such performance and choice reforms (Pollitt and Bouckaert 2011: 148).

Researching the links between trust, accountability and the state has provided a range of approaches that point to the levels of trust in contemporary society (see Levi and Stoker 2012: 484 for a discussion). Moreover, while there is widespread concern about declining public trust in government, public administration and public services (Van de Walle et al 2008), there has also been extensive theorising about factors that contribute to this public trust. Van de Walle et al (2008) warn that the issue of public trust is not straight-forward, and that there is a need to scrutinise carefully the many assumptions involved. For instance, these authors query the extent to which levels of trust arise from performance of public services or pre-established stereotypes. They pose the question "do citizens distrust the public sector because it is seen not to perform, or do they think it does not perform because they don't trust it in the first place?" (2008: 50).

In Australia, these views echo in various contexts. In a speech by Gary Banks, Dean and CEO of the Australia and New Zealand School of Government and ex-Chairman of the Productivity Commission, emphasised the importance of trust between the state and citizens. Accordingly, Banks argued that the lack of professed trust in politicians has implications for the role and behaviour of the public service and our other public institution. Banks also addressed the role of the public service in restoring trust in public policy. He focussed on the public policy component of public administration (over service delivery) and pointed to the central importance of good process, he noted that there are different levels of trust for different professions and institutions (Banks 2013). Recent data for Australia assessed levels of trust across nine organisations or institutions, with the highest level of trust in "... hospitals, police, public schools and employers, followed by trust in the legal system and television news. The lowest level of trust was in trade unions, the federal parliament and political parties" (Markus 2013). A similar observation is made by the OECD, which observes that:

... [D]espite diminishing trust in national government, citizens are generally pleased with the many public services they receive locally in their daily lives. For instance, on average 72% of citizens reported having confidence in their local police force. Almost the same percentage considered themselves satisfied with health care, and 66% were satisfied with the education system (2013a).

The OECD commenced an initiative, 'New Approaches to Economic Challenges' (NAEC) in 2012 with trust being a significant consideration. A discussion paper observes that at a broad level, trust has two main components:

- Political Trust, when citizens appraise government and its institutions. This includes:
 - Macro level or organisational trust, which is diffuse and system based
 - Institution-based trust
- Social Trust. This is the general citizens' confidence in their social community (OECD 2013b).

A key message to emerge from the work on the NAEC initiative is to ‘Rebuild trust in institutions’, which includes issues for public administration, giving advice to policy makers to:

- Invest in building institutional capacities and reinforce governments’ capacity to implement reforms and to measure and monitor progress.
- Reinforce and effectively implement policies aiming at ensuring citizens’ engagement, access to information and open government.
- Reinforce and effectively implement policies aiming at managing conflict of interest, fostering high standards of conduct in the public sector, and adequately regulating lobbying and political finance (OECD 2014).

In the Australian context, the World Values Survey data shows that for 2010-2014 confidence in the civil service has 43 per cent responding that they have a great deal or quite a lot of trust and 54 per cent have not very much or none at all. The latter has fluctuated over four surveys, the earliest for 1981-1984, at 53 per cent, 60 per cent, 60 per cent and most recently back to 54 per cent (World Values Survey 2014).

Whatever definition of trust is adopted, questions arise as to whether trust is a central consideration and an issue of substance, whether in practice it shapes decision-making or whether it is largely a rhetorical device. There is considerable evidence that trust in public services cannot be simply linked with a single causal factor. According to Van de Walle et al, declining levels of trust affect service delivery, for instance, they note that ‘[t]rust is said to be declining, and this decline is generally seen as detrimental to public service delivery (2008: 59). Declining levels of trust have also been linked to ‘the development of scepticism over published performance claims, fears of little genuine holding to account of officials and ministers, some evidence of dishonesty and manipulation of performance data (eg, hospital waiting lists), and a lack of understanding of complex rules and expectations amongst the general public, for example, in respect of tax credits’ (Lapsley and Lonsdale 2010 : 90).

Similarly, the OECD 2014 observes that:

Trust is important for the success of a wide range of public policies that depend on behavioural responses from the public ... Trust in institutions is important for the success of many government policies, programmes and regulations that depend on cooperation and compliance of citizens (OECD 2014: 20).

Choudhury (2008: 58) identifies two functional benefits that are attributed to a trust-based approach to organizing and governance, these being:

the reduced need for control ... and the increased value of participation ... For public agencies, both sets of benefits are construed in terms of greater employee satisfaction and commitment, which lead to competent and reliable performance of agency tasks ... Improved agency performance, in turn, leads to greater citizen satisfaction and confidence in the agency

However, it is not clear that improved performance in itself leads to increased trust. Mulgan argues that:

All governments wish to be trusted and legitimate. In recent decades, many have concentrated on improving efficiency and the delivery of outputs and outcomes as the best way to achieve trust. But the reforms designed in this light have often failed to rebuild trust; some have even corroded it. I argue that, in the next few years, governments should not only address trust indirectly, through outputs and outcomes, but also directly, through their relationships with citizens, as well as citizens' relationships with each other (2012: 20).

Placing an emphasis on process issues rather than performance, the Australian Public Service Commission (APSC) observes that:

The effectiveness of the Australian Public Service (APS) fundamentally depends on public trust in its integrity as an institution and its capacity to look after the public interest rather than its own. A values-based culture is at the heart of a high-performing and trustworthy public service (2013: 49).

Bouckaert and Halligan (2009), identify three models of trust that incorporate elements of performance such as inputs and outcomes, and the influence of several other factors in explaining levels of trust:

1. A push/pull model of trust: trust is at the end of the performance chain with a possible reverse mechanism active where trust influences certain types of outcomes, eg where there is more trust, outcomes will be pulled upward for e.g. education, security or health outcomes;
2. A drivers model of trust: trust at the beginning of a causal chain, for instance if citizens trust their public sector organisations or specific policies, or the public sector as such, then it is quite probable that there is a willingness to pay (fees, contributions, taxes), or to support a policy, or a system;
3. A circular model of trust: trust is a dependent and independent variable at the same time.

In addressing the question, '[d]oes performance matter to build trust?', Oomels and Bouckaert (2012) note that a "...trustor's assessment of an administration might become detached from the administration itself In practice this would mean that the main objective of trust management would be the trustor: by targeting social factors, such as organisational climate, stereotypes and cultural variables, social engineering approaches could be sufficient to support more active trust between organisations" (2012: 18). However, they argue that "...performance is an antecedent to trustworthiness ... an improvement in performance and trustworthiness would set in motion a 'spiral of trust' in which passive trust increases, which will automatically lead to more 'active trust' in the transactions between actors, minimising transaction costs in bureaucratic organisation. This would induce actors to behave more trustworthy, essentially turning trust into a self-fulfilling prophecy" (Oomsels and Bouckaert 2012: 19).

There is evidence to suggest that trust in civil servants depends more on the character of processes such as fairness and equity than on outcomes. In one study, analysis of data at a country-level indicated that:

process has a consistently large effect on trust of civil servants, in some models several times larger than the effect of outcomes on trust ... the direction of causal influence remains uncertain. For example, it could be that distrust of civil servants (from personal experience or ideological orientation) shapes perceptions of government process and outcomes, not the other way around. But it is at least plausible to argue that citizens judge civil servants based on perceiving their administrative behaviour (process) and by attributing credit or blame for the results of government activity (outcomes) (Van Ryzin 2011: 450).

A Canadian initiative 'Citizens First' based on surveys identifies four drivers that have an impact on either citizens' confidence in government or citizens' confidence in the public service or both. It is observed that:

The two indirect drivers largely impact the four direct drivers, rather than confidence itself. Importantly, satisfaction with specific services is believed to influence views on service reputation, the impact services have on citizens and whether the public service is in touch with their community. Thus, higher ratings of citizens' experiences with government services affect these three variables positively, in turn increasing confidence in the public sector (Spears et al 2008).

While there has been criticism of the use made of the data from the Citizens First surveys (Howard 2010a, Bruning 2010 and Howard 2010b) this model is at least useful to illustrate the kind of models that might help us understand the contribution and interaction of the potentially multiple factors involved.

The OECD (2017) has developed an alternative to ensuring trust is an integral element of public policy and public administration. This framework is built around key drivers: competency and values and attempts to link organisational efficiency and effectiveness with a values base that aims to emphasise the importance of integrity, openness and fairness (OECD 2017: 12). While not specifically making a transition away from measuring performance, the proposed framework attempts to

rebalance the scales to link responsiveness and reliability with openness, integrity and fairness. The framework develops a definition for institutional trust therefore as: *A citizen's belief that [the institutions of government] fulfil their mandates with competence and integrity, acting in pursuit of the broader benefit of society* (OECD 2017: 23).

This section has highlighted the difficulties in conceptualizing trust, and how in the current climate within the civil service, broadly speaking, trust is linked to ideals regarding performance. As the above discussion suggests, performance cannot be the primary indicator that trust regimes are changing. As Laspley and Lonsdale (2010) point out, the proliferation of performance indicators has seen the emergence of a '*performance measurement industry*' (p.77 emphasis in original), and that there is limited evidence that the availability of such measures has contributed to democratic debate (Pollitt 2006). The point here emphasises the complexities involved in attempting to institutionally embed regimes of trust. This is not to suggest that strategies will not encourage more open and engaging possibilities; rather it is to more readily consider the over reliance on 'measurement' as the signifier of success.

Case Study One: Trust in the Australian public sector

The Australian government has not produced public reports specifically focused on public trust as an issue, although building in trust to public sector reporting was emphasised in the 2009 Reform of Australian Government Administration. The report developed from the reform process - *The 2010 Ahead of the Game: Blueprint for the Reform of Australian Government Administration* (the APS Reform Blueprint) emphasised the importance of embedding trust through leadership and values in order to build a well-functioning public sector. While not specifically articulating a clear trust framework along the lines of the OECD model, each jurisdiction within Australia reports to Parliament on a yearly basis in terms of governance and ethical indicators. For example, the Australian National Audit Office – Better practice Guide (2014) is used to assist civil service leaders to implement decision making strategies that link the values of openness, transparency and integrity with a performance

orientation that aims to ensure the effective delivery of government programs with clear lines of accountability (ANAO 2014: 7).

The Australian Public Service Commission (APSC) observes that a ‘...values-based culture is at the heart of a high performing and trustworthy public service’ (2013: 49). The APSC has identified greater personalisation of services as an external driver on the APS and noted that it, ‘needs to be approached in ways that preserve trust in the capacity of government to deal with individuals and groups equitably and at low cost’ (APSC 2014: 5). In the 2014/15 State of the Service Report, the APSC but it does not include trust as a component of its overall model of public sector productivity, it does however allude to trust in relation to accountability and ethics in the State of the Service Report.

The State Service Authority of Victoria issued a Working Paper: A Matter of Trust: Trust in Government. The report explains trust as a necessary element of democracy, as it gives governments’ legitimacy in making decisions, particularly where there are short term costs and only longer term benefits (State Service Authority 2007). However, the ideals developed in this report have not been embedded within the reporting system in the state. The NSW Government however, has given prominence to trust. In a state plan, it has a goal ‘Restore trust in State and Local Government as a service provider’ (NSW Government 2011a: 3). The plan states that:

[e]ssential to our strong democracy, personal choice and freedom are public institutions and administration that people trust ... Building trust demands honesty, transparency and clear accountability across the civil domain (2011: 55).

The plan has three targets under the goal ‘Restore trust in State and Local Government as a service provider’: Promote integrity and accountability in the public sector; Increase customer satisfaction with government services; and Improve innovation within the public sector. There are priority actions associated with each (2011: 57).

The NSW Public Sector Commission State of the Sector Report includes results of research into NSW customers' satisfaction with services and perceptions of performance over the previous 12 months, including that average ratings did not meet expectations and that:

Public sector performance on core values was generally good, with both consumers and business customers scoring three out of four values at more than 7.0 [see Figure 2]. The research found these values were important in driving overall satisfaction, and among them, good service and trust were the biggest drivers (2014: 36).

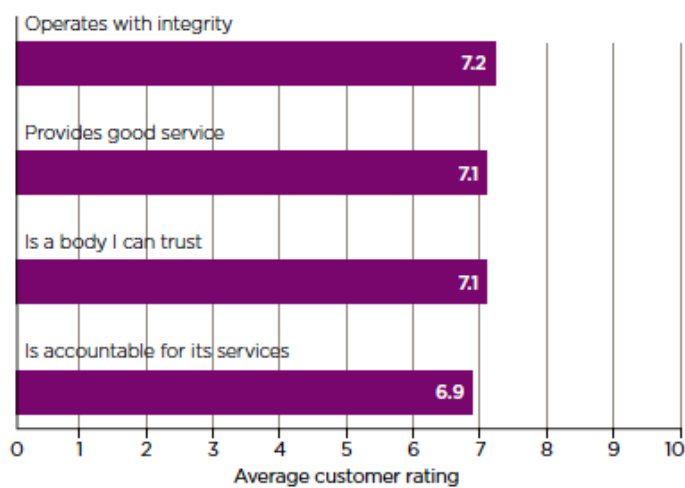


Figure 1: Customer perceptions of public sector values (NSW PSC 2014: 37).

Case Study Two: Hybrid roles for the Office of Auditor General

Public sector audit institutions comprise one arm of the integrity agencies, as outlined above. Auditors General have well established roles providing assurance about public sector financial statements and controls, as well as reporting on a range of programs and agency performance. In some jurisdictions the auditors have taken on additional roles, which have been created by legislation or administrative arrangements. There is extensive literature on the independence of public sector auditors, with consideration given to factors contributing to greater independence (De Martinis and Clark 2003; Robertson 2013), and specific situations that have threatened or weakened independence (English and Guthrie 2000; English 2003; Funnell 2003). A primary consideration in relation to any new role is its effect on the independence of the auditor.

A number of broader considerations have been identified, including how a new role might affect trust and respect for the audit institution and its legitimacy. In considering the extension of auditing practices to new areas, the legitimacy and institutionalisation of audit have been identified as important considerations as:

... auditability must be constructed as a series of acceptable and legitimate techniques. In other words, prior to the application of audit procedure by individual practitioners, the knowledge base of auditing must be institutionalized... The definition of the role and scope of auditing becomes a very important part of this institutionalization process, or lack of it (Power 2003: 387).

Underpinning such considerations, there may be issues of whether a role may be perceived as politicising the institution or creating a conflict of interest. Furthermore, questions may arise as to whether a particular role builds on the existing skills and knowledge base of the organisation, whether there are economies of scale and whether there is a better way to have the role delivered (for instance

by assigning the role to another integrity or creating a new agency). If a new role is seen to overlap or duplicate the existing role of another agency or group (such as another oversight, a central agency or a parliamentary committee or a Minister) this could be a source of concern.

Drawing on previous work by Lonsdale and Wilkins (2007), the new roles can be classified as to whether they primarily provide assurance or have a value for money focus. For the purpose of this paper is it the former that relevant, that is roles that are primarily assurance related. In this context, the new roles relate to the Auditor providing opinions on key performance indicators, the accuracy of information released to the public, commercial sensitivity of information, the reasonableness of a Ministerial decision to withhold information from Parliament, and oversight of election campaign and political party financing (Lonsdale and Wilkins 2007).

Many different institutional interests may be involved in creating and providing ongoing support for these additional roles. First, there are the interests of Parliaments as the bodies that grant powers to the audit institutions, receive their reports and opinions and hold them to account (Wilkins 2002). Second, within the Parliament, there are distinct interests of the governing party or parties, the opposition, minor parties and independent MPs, and third, central agencies, government departments and arms-length agencies have their interests as the subjects of the auditors work.

In many cases, the initiative for new roles for public sector audit institutions can be attributed to the initiative of the audit institution, with other cases attributed to the initiative of other parties including parliaments (Lonsdale and Wilkins 2007). Possible reasons for the emergence of these new roles identified by Lonsdale and Wilkins (2007: 109) include:

- new opportunities for ‘audit style’ work with the growth of new forms of performance assessment and reporting arrangements;
- the desirability of the work being done independent of government;
- fit with the prevailing view that auditors should be seeking to “add value”;

- a reflection of a growing standing of audit institutions so that government and others see advantage in their involvement; and
- the creation on occasions of additional independent accountability officials with mandates that can or potentially could overlap those of audit, probably prompting audit offices to respond positively to requests made to them.

A key driver in many of these contexts may be a lack of trust and 'public doubt' about government (Clarke 2005). For instance, government perceptions of a lack of trust by the public in information released has encouraged requests in specific situations for an audit involvement, and for the introduction of more systemic responses to provide assurance including the introduction of legislative provisions.

Two recent examples from the Australian Auditors General make these points clear. First, opinions on whether a decision by a Minister not to provide information to Parliament concerning any conduct or operation of an agency is responsible and appropriate (Western Australia 2006); and second, the review of information given to the public in the Northern Territory in 2010. In both cases the role of the Auditor General provides the possibility to ensure high levels of scrutiny, with the overall purpose to further entrench accountability processes in the Australian civil service broadly speaking. In the first example, the AG's role however is not specifically clear. According to the State Solicitor's Office, the situation is open to interpretation as to whether it is only when a notification is received, when a third party draws it to the attention to the AG or if the AG should monitor the parliamentary activity to identify relevant issues. The State Solicitor comments: 'I have a lot of sympathy with the position of the Auditor General that he [sic] cannot look unless he knows, and the means of knowing is a section 82 certificate under the Financial Management Act 2005 (SSO 2015: 3). While the alteration to this aspect of the AG's role is based within notions of 'reasonableness' there is some recognition that this action could be used for political purposes (see Australian Government: JCPAA 2011)

In terms of the second example, in February 2016 the Northern Territory Auditor-General reported on four matters under the Act. In the first, the Auditor-General found that the advertising campaign included a message that may reasonably be regarded as promoting, whether expressly or implicitly, a particular political party or any of its members (2016: 218). She recommended that the Minister, as the public authority producing the public information, consider withdrawing all the public information involved and removing or changing the website (2016: 218).

In another recent report, the AG issued an Opinion that an advertisement promoted party political interests and recommended that:

the Office of the Chief Minister implement appropriate quality assurance processes and take any action considered necessary in order to prevent further instances where factually inaccurate and misleading information is given using money or property of the Territory (Northern Territory Auditor-General 2016: 228).

While the examples above highlight the difficulties involved in extending the practices of such integrity institutions, these extensions do provide a way to ground the actions and decisions of elected officials and administrators in the ideals of responsible government. Any attempt to change the role of an established institution that has a long tradition in a non-partisan approach to reporting on various levels of government, and to maintain this independence is not straight forward. Lapsley and Lonsdale (2010: 92) argue that auditors must protect their independence, avoid regulatory capture, and accusations of bias; and to use their privileged position to contribute to building stronger links between the state and society in general.

Case study Three: the role of recommendation reports

Many recommendations are made each year in Australia by independent investigatory bodies such as Auditors General, Ombudsmen, one-off inquires and Royal Commissions. Recommendations are usually made after a detailed investigation has gathered and analysed information, established findings and made observations on what has happened. As well as the recommendations themselves,

the processes used to develop them could be expected to be critical to their relevance and to their acceptance by the public sector agency (or agencies) involved. Other factors supporting or inhibiting their acceptance may include the culture of the agency and its previous experience as the subject of recommendations and any pressures that may be brought to bear on the agency.

From the perspective of investigatory bodies, key considerations include the investigation processes, the availability of evidence and the purpose of the investigation. To varying degrees, legislation specifies the role and processes of investigatory bodies. Beyond this, there is usually considerable discretion and the history and culture of the investigatory body and the approach adopted by the person leading and ultimately responsible for the delivery of the investigation report (Wilkins 2016). For instance, investigations may serve either or both accountability as well as learning and improvement.

The Western Australian Ombudsman states that recommendations are ‘based on evidence gathered during investigations, and are designed to be a proportionate response to the number and type of administrative issues identified during these investigations’ (OWA 2016). Wheeler (2007) summarises a performance audit that sought to identify and understand factors critical to the successful use of recommendations in complex government decision making. Some factors included sustained management attention, coordination, appropriate legislative base for programs, meaningful consultation, developing capacity and establishing relevant institutions.

Examples of large numbers of recommendations being made and posing difficulties include:

- A report on the management of offenders made 148 recommendations and posed similar challenges for the implementation group ((Mahoney 2005).
- A report into family violence and child abuse in Aboriginal communities that made 197 recommendations (OAG 2005)

- A recent inquiry that examined [t]he extent to which the findings and recommendations of [six previous] reviews have been implemented. The inquiry report made 40 recommendations and it was observed that 17 'Recommendations for Strategic Change' that pointed to change in government policy. (Ferguson 2016)
- Report on the implementation of recommendations arising from previous inquiries into institutional responses to child sexual abuse (Parenting Research Centre 2015)

These recommendation reports highlight the range of societal issues that require investigation and decision making in a bid to change the current situation. As can be seen from the above short list, questions remain as to the feasibility of implementing even a small amount of the recommendations developed. Moreover, that there is little evidence of ongoing reviews as to the progress of such implementation raises serious concerns about accountability and therefore reinforces the view regarding declining levels of trust between citizens and the state.

The question this raises, no doubt refers to the manner in which the investigation is undertaken. If it is simply to provide a report with a set of recommendations without any recourse to the context of those recommendations, then the question is: why bother! If the onus is on those involved in subsequent decision-making as to the implementation, to assess the evidence, take decisions and be accountable for them – this creates significant complexities. While this approach may seem reasonable in theory, it may not give due weight to the moral suasion associated with the standing of the investigatory body which creates considerable pressure on decision-makers to accept recommendations made in total.

Discussion

As previously stated, the purpose of this paper is to explore the conditions that impact trust relations and further to advance the trust conceptualisation framework developed by Bouckaert (2012). The case studies outlined in this paper highlight that 'trust' is an important element in the

considerations of government and public administrators. However, in most reforms there is still an emphasis on measuring performance as an indicator of demonstrating trust as opposed to linking performance with a set of values, not to suggest that this is a simple task. In the current Australian public sector climate with an emphasis on efficiency that draws on the ideals of New Public Management, rather than public governance approach, trust will have less dominance in many areas (Pollitt and Bouckaert 2011: 195). There is some recognition that a transition may be emerging with a more overt emphasis on the professional development of public administrators and elected officials. There is increasing evidence on professionalising the administrative practices within agencies, as seen in each jurisdictions' State of the Service Report (APSC 2014).

In relation to T1- trust of citizens and organisation in the public sector, the three case studies provide some insights into the conditions that influence trust relations in this direction. Keeping in mind that trust necessarily includes the leap of faith, rather than identifying specific trust conditions, we prefer to conceptualise these as 'conditions of possibility'. Any strategy exists in the tension between creative imagination that enables possibilities and incremental decision making that in turn constrain new ideas. Each example highlights the necessity of transparent reporting, but that reporting is not clearly linked to the ideals of democratic practice; ideals that reinforce the characteristics of democracy – equality, justice, freedom. In the Australian public sector while trust is embedded in the language of accountability and ethical decision making, the relevance of trust is not overt.

The hybridized roles for the Auditor General suggest that conditions of possibility include the importance of independent review of high-level decision making. Importantly, this example highlights that information does not have to be public. While some may consider that all information that underpins ministerial decision making should be open to public scrutiny, the expansion of the role enables a public decision. That the decision covers the 'reasonableness' of withholding information both allows for the possibility of sanctions if the decision is not upheld. On the downside however, as

noted above, the current process is not clear as to the manner of reporting to the Auditor General. On the one hand, the idea of review certainly constitutes conditions of possibility to build trust relations, however, on the other hand, without clear processes the possible outcomes appear ad hoc which in turn could result in further tensions around trust regimes.

The use of Recommendation reports also suggests conditions of possibility to influence trust relations between society and the state. The conditions include the possibility for changes to be made to processes and policy design, improvements in the level of information and analyses of policy outcomes. That attention is being paid to an often endemic societal issue and evidence is collected to further inform the issue again is certainly a condition that could engender trust across the sector and within society. However, as noted in the discussion, the process of investigation involves external oversight agencies and many recommendation reports appear to assume that contextual, structural and policy problems can be addressed through their report. Further, that there appears to be only scant review of the implementation of the recommendations that could further entrench a lack trust between policy makers and society. Again, this demonstrates that the trust building 'idea' is sound, however, the manner of implementation requires attention.

In relation to T2 – trust between public servants and citizens, the conditions of possibility that impact this trust dynamic are less obvious in the case studies provided. However, each example appears to assume that if citizens have access to information, are made aware of legislation around transparency, are included in consultation in policy problem areas, or asked to participate in perceptions' surveys, then citizens will act in the best interests of the collective. In other words, the direction of trust from the civil service to society in general appears to replicate the performance based logic of T1 – building trust from the civil society. This raises some difficult question for civil servants. For example, how to balance open government with access to complex information without positioning such information in an ideological frame. To put this differently, in what ways might the

civil service ensure citizens are well equipped to interpret complex information, information that is not simply about performance and capacity.

In terms of T3 – building trust within the public sector, which encompasses multiple relationships and at times incorporates power dynamic between elected officials and administrators. The case studies provided however do shed some insight into the conditions of possibility that impact these trust relations. Primarily, expanding the role of integrity agencies, such as the Auditor General while the aim is to provide oversight of ministerial decision making, this could in turn be used as a political ‘weapon’ if, for example, one party wants to embarrass another over sensitive information. This is not to suggest that this could engender ‘distrust’, rather it serves as a reminder that practices are always subject to interpretation and reconfiguring. Further, the usefulness or not of recommendation reports also raises questions about engendering trust across and within the civil service. A report in and of itself does not constitute the conditions of possibility for trust; a report must also include statutory power such that there is some rectification if the recommendations are not implemented.

Conclusion

The purpose of this paper has been to explore the conditions that influence trust relations in the Australian civil service. The paper has specifically drawn on Bouckaert’s (2011) framework in order to consider the dynamics that revolve around trust in policy making and administrative practice. The paper demonstrates that this model is an effective lens to examine various cases within the civil service broadly speaking. While the paper highlights several conditions of possibility in the Australian sector that may build trust, the paper also suggests areas that warrant further attention. Specifically, how to explore trust building from the perspective of civil servants to the collective, and second, how to more effectively explore trust building across the public sector. As this paper has demonstrated, the emphasis on trust relations appears to work in one direction, the concern being that any trust deficit is the result of a shortfall in the performance and capacity of public agencies and elected officials.

Certainly there is a dearth of evidence that points to inefficiencies of public agencies and the 'corruption and misconduct' of elected officials, however maintaining the current approach whereby measurement reporting outweighs an emphasis on relation building and collective values will accordingly keep producing the same result.

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