

**Border Crossings:
the employment of public servants in ministers' offices in Australia**

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The practice of public servants working as political advisers in ministers' offices is not uncommon around the world, but it is relatively rare within Westminster countries. Amongst the nations with Westminster style political institutions, only Australia and Canada have rules permitting their public servants to take leave and work as political staff to ministers, and then return to the impartial public service. This practice is seen as a vital, but also risky, part of the political-administrative relationship in these countries (Maley 2017). In countries where the public service is fundamentally defined by its impartiality, the practice raises questions about how public servants might hold and relinquish political identities and about whether it creates patterns of politicisation and patronage in the public service. While these movements occur in hidden and informal ways in Australia, they have recently come under scrutiny as emblematic of problems of disconnect and politicisation within the political-administrative relationship in Australia. Developing the practice in new ways has been suggested as a possible solution to the current bureaucratic malaise.

This paper reports on the first empirical exploration of the employment of public servants in Australian ministers' offices. Using a mix of employment data, biographical data and interviews, it reveals the extent of the practice and changing patterns over time, testing the argument of several commentators that the number of public servants in ministers' offices has declined in recent years, leading to poor quality policy making (eg Banks 2014, 2017). It considers both supply and demand side factors in the recruitment of public servants as political staff.

The paper refers to the practice of public servants taking leave to work as political staff and returning as 'border crossing'. This is because they move over the hard borders between the political and administrative institutions which underpin Australian governing arrangements at the federal level. The paper asks three questions about the practice of border crossing. First, what are the implications for our understanding of the Australian model of the ministerial office which has been described as *separate* and *partisan*, compared to other models which are *unified* and *hybrid* (Maley 2018)? Secondly, does the practice lead to politicisation of the public service? Thirdly, what does an examination of border crossing reveal about the fundamental dynamics and strains between political and administrative institutions in Australia?

Background

Large, politicised and powerful ministerial offices are an entrenched part of the machinery of government in Australia. Partisan ministerial advisers first appeared in the Australian political system in 1972, and legislative reforms in 1984 established their employment as political and separate from the federal civil service (under the *Member of Parliament Staff Act 1984* or MOPS Act). There are currently over 400 staff in 42 federal ministers' offices: on average, Prime Ministers have 50 staff, cabinet ministers have 13 staff, junior ministers have

eight staff and assistant ministers have two staff (Senate 2018a). These include administrative staff, media advisers and policy advisers, who all are politically appointed. Each office is headed by a chief of staff, who is usually a senior and experienced adviser. There may also be one or two public servants seconded to ministers' offices as Departmental Liaison Officers; they remain impartial public servants (usually junior), responsible for tracking documents and liaising between the minister's office and the department. They are not labelled as ministerial advisers.

The practice of public servants taking leave to work as political staff in ministers' offices in Australia arises from structural and historical circumstances. When the ministerial staff system was established in 1984 both major parties were expressing a desire for greater political control over the apparatus of government. The newly elected Labor government initially planned to create a special political division within the public service (Maley 2018) but faced pressure from two sources. On one hand the strong public sector unions feared that those who worked in the political division might be advantaged in their careers afterwards, disadvantaging other members; they also wanted their members to have access to these opportunities. So, from the start, the free movement of public servants in and out of political positions was part of the design of the new system (Maley 2017).

The other pressure came from the public service itself, which resisted strongly and absolutely the incursion of political positions into the public service. To appease these concerns, and to ensure the proposal succeeded, Labor eventually agreed to establish the political positions outside the public service, in a separate institution created specially to provide political support to ministers, under the MOPS Act. However the public service was not happy with this arrangement either. The top public servant of the day Sir Geoffrey Yeend, predicted that creating a separate 'political service' would lead to distance growing between ministers and their departments, threatening the close relationship between ministers and the public service which was fundamental to governance in a Westminster system (Maley 2018).

The result of these historical struggles was to create an essentially divided system where the partisan and non partisan elements of support to ministers are located in different institutions, which are also physically separated. Thus federal Ministers today are supported by large political staffs located together in one wing of Parliament House. They do not sit in their impartial public service departments, which are located some distance away. Public servants are entitled to take leave and cross the 'borders' to work as political staff close to ministers, and they are entitled to return to the public service directly after they finish work as political staff. These public servants accept a personal appointment and are not 'seconded' to the minister's office as occurs, for example in Belgium, where their salaries continue to be paid by the home department (Brans et al 2017). In Australia all such ties with their department are suspended for the duration of their work as an adviser. In

contrast to the practice in Belgium, Australian departments do not lose a position or a salary as part of the practice. They are paid by the Department of Finance.

In Australia the Opposition parties are also entitled to political staff paid for by taxpayers. This provides opportunities for staff to continue working as political advisers when the party is out of government (for Shadow Ministers). Public servants are also entitled to take leave to work in these positions under the MOPS Act.

Method

It is difficult to track the exchange between the public service and ministerial offices empirically as it occurs through personal recruitment decisions made by individual ministers at different times. There is no centralised control or monitoring of the practice by the Australian Public Service Commission, despite the risks it poses for the merit principle and impartiality. In fact, none of the names of those employed within ministers' offices are known publicly in Australia. Telephone books are held by each political party, with the warning 'not to be circulated outside the party' written in capitals on the cover. The secrecy surrounding the identities of ministers' political staff makes it difficult to discover their professional backgrounds.

The study is based on two types of data: a series of qualitative interviews conducted in 2016-2019 and quantitative biographical data (2001-2018). The interview subjects were ten ministers who worked in the period 2010-2017; 11 current and former departmental secretaries and senior public servants; and eight current and former ministerial staff. The quantitative data is a time series (tracking ministerial staff from 2001-2018 using employment data from Department of Finance) and four 'snapshots' of detailed biographical data for staff employed at four points in time, using staff contact lists. It is possible to investigate party differences using these snapshots as they represent two Labor governments: May 2010 (under PM Rudd) and March 2013 (under PM Gillard); and two Coalition governments: March 2014 (under PM Abbott) and February 2017 (under PM Turnbull).

Ministerial staff fall into four employment categories: Chiefs of staff, advisers, media advisers (media and PR specialists) and administrative staff. In the first step, all media and administrative staff were excluded from the samples. This produced the following sample sizes of staff who provide political and policy advice to ministers:

Table 1: Size of datasets

	2010 Labor	2013 Labor	2014 Coalition	2017 Coalition	Total Labor	Total Coalition
Total number in dataset	193	182	195	218	318	349
<i>advisers</i>	164	154	164	183	274	295
<i>Chiefs of Staff</i>	29	28	31	35	44	54

In 2017-2018 biographical information was obtained for the subjects using LinkedIn and online searches; data included (a) their age, (b) their education; (c) jobs held prior to becoming ministerial adviser for this government; (d) jobs held after leaving this period of work as an adviser. Using Google and LinkedIn proved to be a very effective way of finding information about the subjects in the four snapshot samples. Below are the response rates obtained for the names on the staff contact lists:

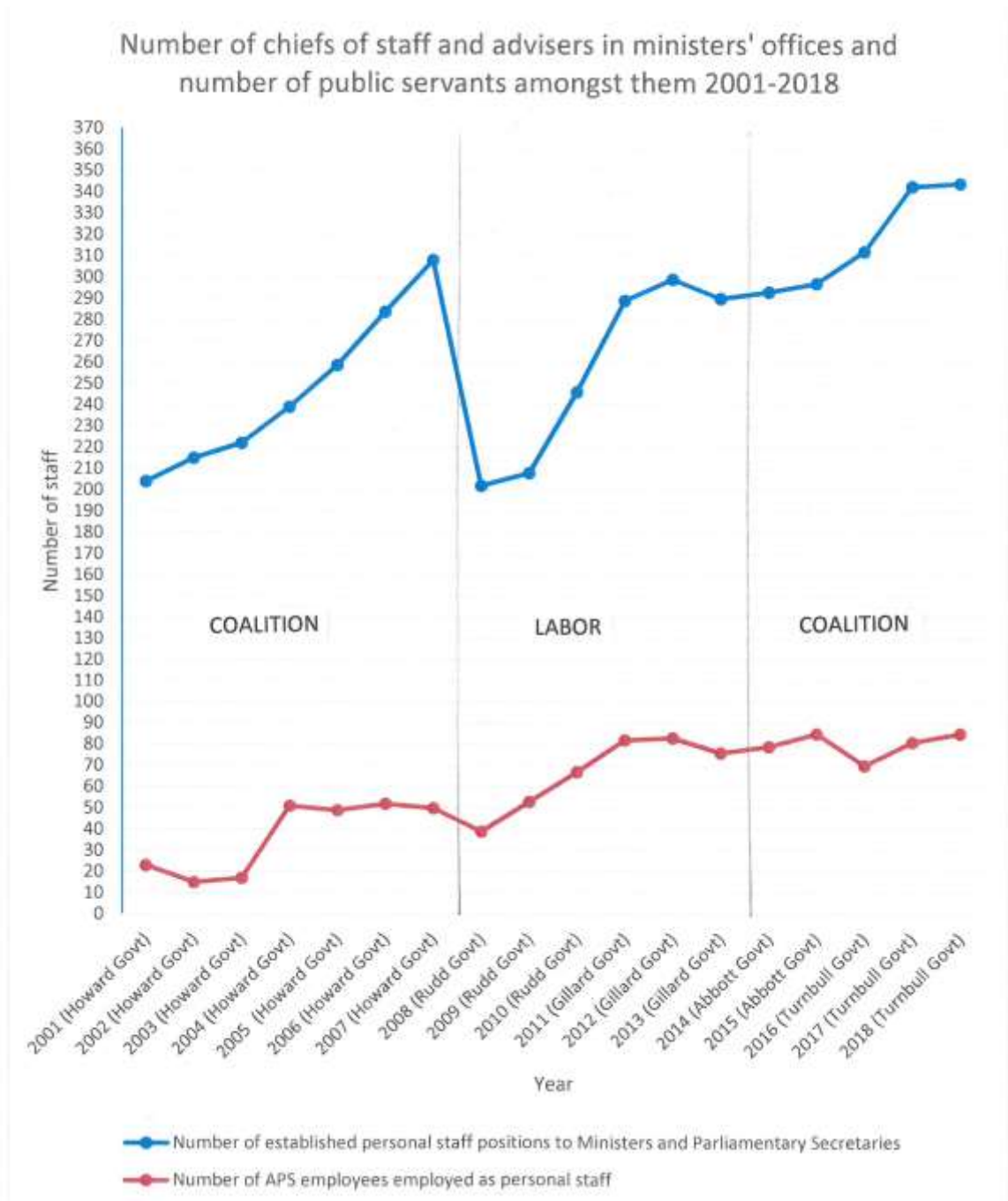
Table 2: Percentage of staff for whom biographical information was found

	2010	2013	2014	2017
Response rate	92.8%	93.1%	94.1%	94.3%

How many public servants work as political advisers

Data was obtained from Department of Finance of the number of chiefs of staff and advisers employed in May each year under the MOPS Act (2001-2018) and of them, how many were on leave from the public service. This reveals that despite fluctuating overall numbers of political advisers at times, the number of public servants working as ministerial advisers has risen over the period, contradicting the view that this has declined in recent years (Banks 2014). Since 2010 a cadre of between 70-85 public servants have been present in ministers' offices at any one time, and this applies to governments of both major party groupings.

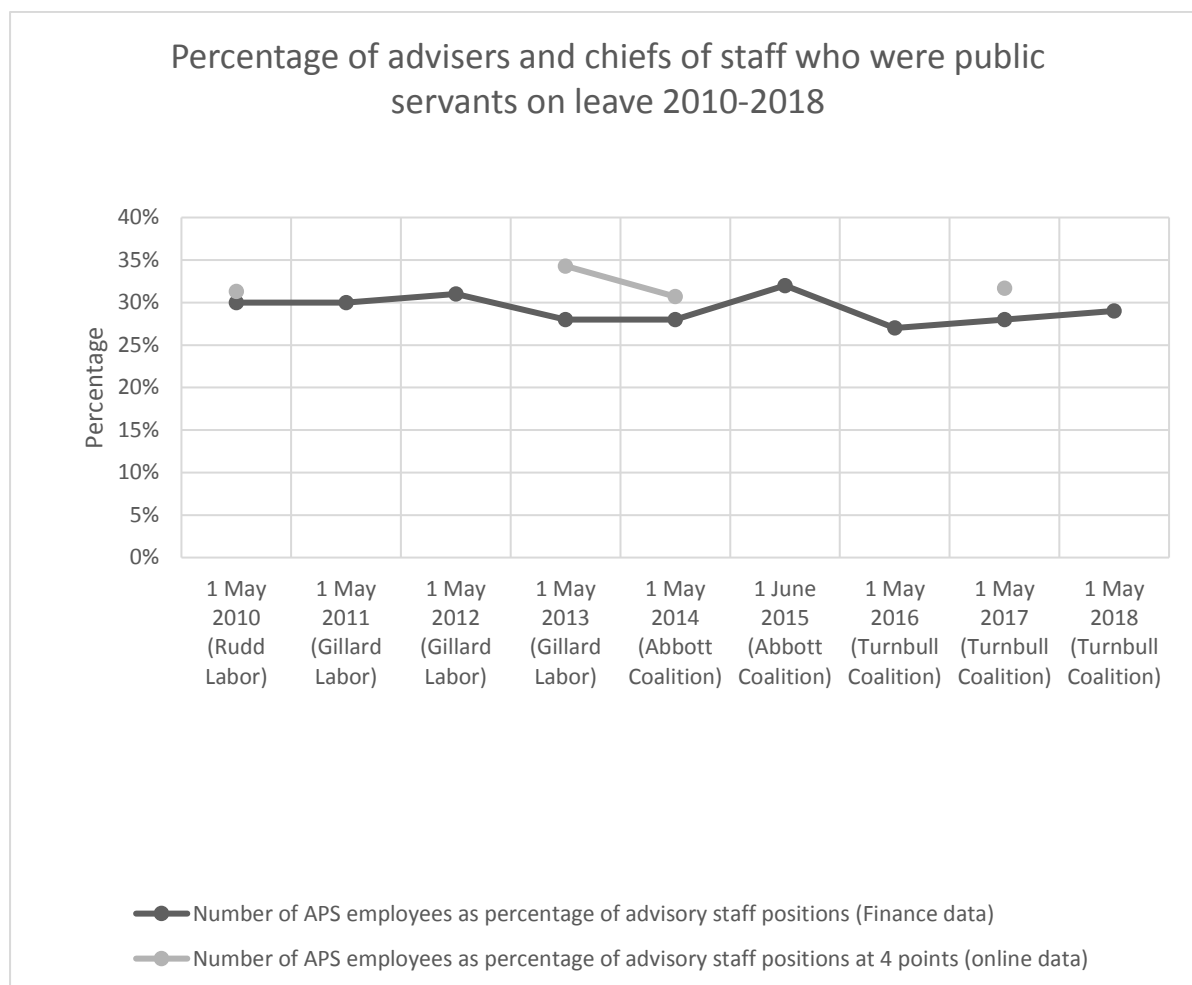
Figure 1: Number of chiefs of staff and advisers in ministers' offices and number of public servants amongst them 2001-2018



Source: Department of Finance (2019); the data includes the Cabinet Office, Cabinet Policy Unit and Tax White Paper Unit and excludes Senior Media Adviser, Media Adviser, Executive Assistant/Office Manager and Secretary/Administrative Assistant classifications.

In terms of what percentage of a minister’s advisers they represent, data has been combined from both sources (the four snapshots and the Finance employment data) to create the following chart for 2010-2018:

Figure 2: Percentage of advisers and chiefs of staff who were public servants on leave 2010-2018



Source: Department of Finance MOPS Act employment data; datasets based on staff contact lists for 2010, 2013, 2014, 2017.

This data suggests a consistent finding that at any time approximately 30% of advisers and chiefs of staff working for Australian ministers are public servants on leave.¹ This means for a senior minister with 10 advisory staff, three could be public servants on leave and for a junior minister with six advisory staff, two might be public servants on leave. However, these public servants are not distributed uniformly and it is likely they are found in variegated patterns across offices.

1. Understanding the Australian model of the ministerial office

The fact that around 30% of Australian political staff at any time are drawn from the public service is an indicator of the level of interpenetration of the political and administrative spheres in the Australian model. It suggests there is a moderate level of hybridity in the

¹ The four data points drawn from staff contact lists are slightly higher possibly because they may capture public servants who are temporarily filling vacant positions (not uncommon due to the high turnover of political staff); these public servants are seconded (for under three months) rather than being employed under the MOPS Act so do not appear in the Finance data.

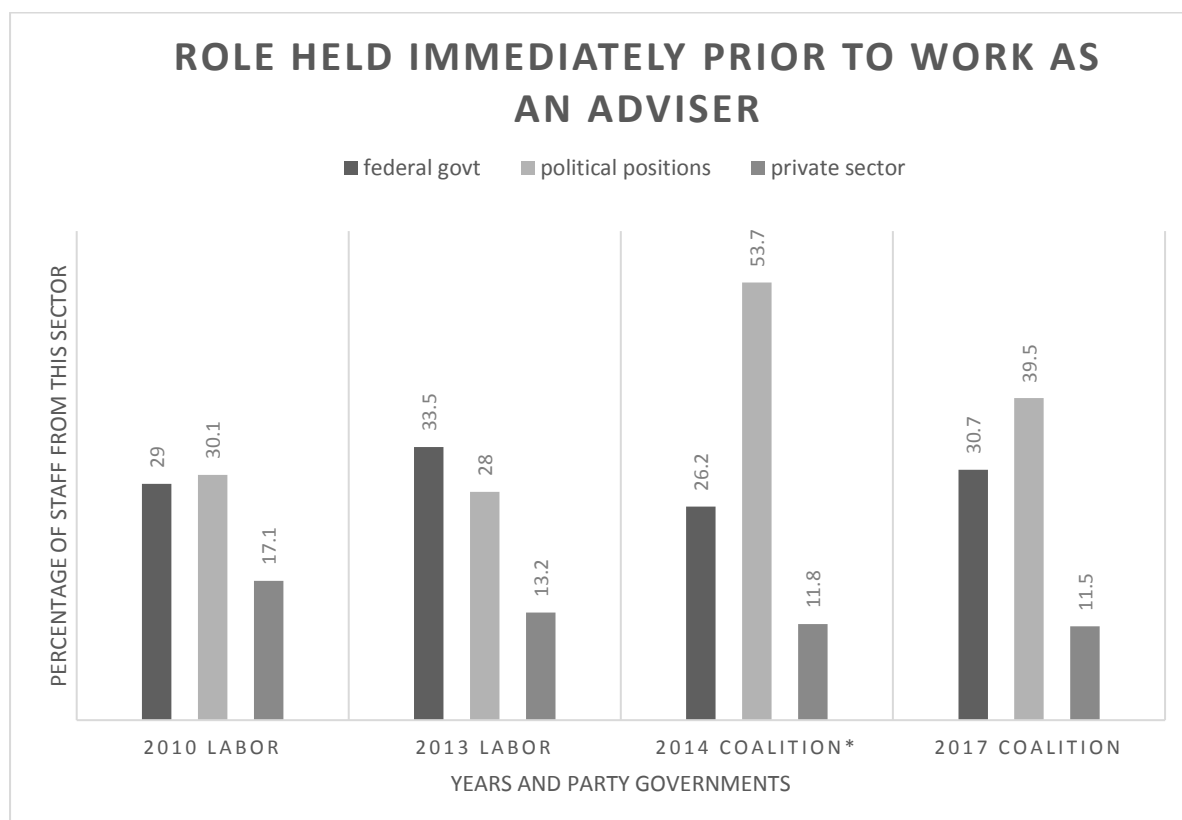
Australian minister’s office, despite its definitionally partisan nature. While the Australian ministerial office is separate and partisan, edged by hard boundaries between the worlds of the public service and ministers, there is an element of hybridity and blurring that needs to be acknowledged in the Australian model.

The data also enables us to place Australia in the mid range on a spectrum of models of ministerial office based on the presence of political civil servants, ranging from the UK (where civil servants are not permitted to take leave to work as political staff) and Canada (where this is permitted but appears to be rare [Wilson 2015, Maley 2017]), to, at the other extreme, models in the cabinet tradition in which the number of political civil servants can be high. For example, Portugal has 71% of political staff drawn from the civil service (Silva 2017).

Supply factors

The federal public service is an important source of supply of political staff in Australia; it is one of the two main sources for recruitment of political staff. Most staff are recruited directly either from federal departments or from other political positions (advisers to state ministers, advisers to MPs or Senators, advisers to Shadow Ministers or from jobs in the party organisation). Across the four datasets 59-71% of staff were drawn directly from these two sectors combined (federal departments and political positions), with the next largest group being from the private sector (see below).

Figure 3: Role held immediately prior to work as an adviser



*It is important to note that as this was a change of government in 2014, many advisers were drawn from the ranks of staff who had been working for Shadow Ministers. The percentage of public servants therefore appears to be lower than it is, as 5.5% of those who were drawn from the staff of Shadow Ministers were on leave from the public service, and then moved straight into ministers' offices.

While the Coalition governments drew more of their advisers from amongst political cadres, they drew roughly similar percentages to Labor directly from the public service. However disaggregating the data into advisers and chiefs of staff and senior and junior ministers, reveals some different patterns between the parties (Table 3). The Coalition had a higher proportion of its chiefs of staff drawn directly from the public service (almost 40%) compared to Labor (24.4%). This was particularly marked in its early stage of government (2014) and especially the case for junior ministers. Overall, junior ministers in the Coalition samples drew 60% of their chiefs of staff directly from government departments, compared to 16% for Labor junior ministers. Amongst Prime Ministers, Kevin Rudd and Malcolm Turnbull had more public servants in their offices than did Julia Gillard or Tony Abbott, which is consistent with their perceived attitudes towards the public service.

Table 3: Percentage of staff recruited directly from federal government departments

	Labor (Rudd) 2010	Labor (Gillard) 2013	Coalition (Abbott) 2014	Coalition (Turnbull) 2017	Total Labor	Total Coalition
Adviser + Chief of Staff	31.1	34.1	30.8	31.7	33.9	31.0
Adviser	32.9	36.4	28.0	31.7	35.4	29.5
Chief of Staff	20.7	21.4	45.2	31.4	24.4	39.6
Senior ministers (not including PM)	31.2	36.6	29.6	30.6	34.7	30.5
Adviser	32.7	40.4	28.9	31.9	36.1	30.6
Chief of Staff	22.2	20.0	33.3	24.0	26.7	30.3
Junior ministers	22.5	37.5	45.2	35.5	27.3	40.9
Adviser	25.8	38.5	36.7	30.8	30.2	35.3
Chief of Staff	11.1	33.3	66.7	60.0	16.7	60.0
Prime Minister's Office	38.1	21.4	25.0	31.3	35.9	27.9

Note: there were 19-23 senior ministers in the period and 7-11 junior ministers. Parliamentary secretaries/assistant ministers were not included as the number of staff in the samples was too small.

It is interesting that the Coalition drew more of its chiefs of staff from the public service in its first government (2014). A Liberal adviser recalled a meeting of all senior staff in late 2013 convened by the PM's dominant Chief of Staff Peta Credlin, at which she urged them not to employ public servants in ministers' offices, and not to trust the public service, as 'Labor has eyes everywhere'. Despite this comment, junior Coalition ministers in 2014 drew heavily from the public service in recruiting chiefs of staff and one-third of senior ministers also recruited public servants to head their offices.

A public servant who had been an adviser to a Coalition cabinet minister in 2014 and a chief of staff to a junior minister in 2017 felt that junior ministers wisely sought stabilising and knowledgeable support from public servants as chiefs of staff due to their relative inexperience as ministers. She described a training aspect to her role as chief of staff to a junior minister in 2017; she needed to explain what the department could do for the minister and what its capabilities were, as he did not understand this at all. By contrast a senior adviser to three Liberal cabinet ministers decried the high percentage of chiefs of staff drawn from the public service and argued it indicated the serious problems the Liberal party faced in attracting experienced staff from sympathetic sectors of civil society compared to the Labor party. He felt the Liberal party faced greater issues of supply in staffing their offices compared to Labor.

Demand factors

Qualitative data was analysed to explore why ministers employ public servants as political staff and their different recruitment practices. Five Labor ministers and five Liberal ministers were interviewed and they were a very experienced group, with an average of seven years' experience as a minister. Seven were senior ministers and three were junior ministers. They are each referred to by a colour.²

There were no major differences between the parties in terms of attitudes, though the strongest supporters of public servants as political advisers were both senior Labor ministers. However the minister most negative about employing public servants in ministers' offices was also from the Labor party.

Ministers see the practice as positive, but this does not drive their recruitment

Ministers saw the practice of public servants taking leave to work as ministerial staff and then returning to the public service as positive and beneficial. For the individual officer they saw it as a 'useful rotation' (Minister Orange) which 'improves their capacity' (Minister Yellow), making them more effective senior public servants, often leading to career advancement. Overall, Ministers saw the benefits of the practice accruing to the Department, and only indirectly to them as ministers. As public servants gained a better understanding of the political environment ministers worked in and the pressures ministers faced, this would make the department more effective in engaging with the minister and meeting the minister's needs.

Some ministers felt it was a problem that 'many public servants have got no interaction with the political process, they don't really understand it' (Minister Green) and 'if they don't have that understanding they can't effectively do their jobs as public servants.' (Minister Grey)

² A few had ministerial experience that stretched over many years: two had also worked as ministers in the Howard government and one had also worked as a minister in the Keating government.

Ministers felt public servants who worked as political staff would ‘better understand the priorities of the government, the drivers of day-to-day work and also understand the constraints on political action’ (Minister White). Another stated that ‘because they’ve been part of it’ they understand ‘the realities of parliamentary life ... they understand the pressures much more acutely, they’re more responsive to the demands of the parliament ...especially the pressures of time’ (Minister Yellow). However while all ministers saw the exchange as positive, some stressed that it was important not to employ too many public servants. Some offices, it was felt, did have too many (Coalition Minister Orange). One Coalition minister was critical of the Turnbull government for having too many public servants in its ministers’ offices, which he felt was ‘problematic’; he said ‘the bottom line is that this is a political operation’ (Minister Black).

While ministers saw benefits broadly in having public servants working as ministerial advisers, this was not a factor in their recruitment decisions. Their staffing decisions were critical to their performance as ministers (‘the stakes are high’ (Minister Grey)) and therefore always sought ‘good people’ who met specific needs in the office at the time. They reported that when a vacancy arose the Department head would always send over the name of someone who could fill the position; they felt departments were keen to place public servants into the office. While two ministers deliberately sought out public servants as advisers and employed them in large numbers, most ministers saw the public service as only one possible source of staff and usually could identify only one or two advisers they had employed who were public servants. One minister took a different approach and deliberately did not employ public servants in her office.

Ministers who sought public servants for advisers

Two ministers, both Labor cabinet Ministers, deliberately sought public servants for their ministerial staff because of either the *technical expertise* or *generalist skills* they brought with them from the public service. Both drew more than 60% of their advisers directly from the public service.

Minister Grey had large numbers of public servants in his office over many years and employed them for their specialist policy knowledge. He had been Treasurer for a long period and valued highly the technical expertise of Treasury officers. However his two most senior staff (Chief of staff and deputy chief of staff), were not public servants but experienced political operatives.

At the time of data collection Minister Red drew five of his eight staff from the public service, including his chief of staff. However only one of these staffers was from the portfolio department, the other four had different home departments and had moved with him over time to various portfolios, some working for him for up to four years. His chief of staff was a public servant and also a long term Labor staffer who had moved in and out of the public service and advisory positions over the years. In contrast to Minister Grey,

Minister Red valued the generalist and administrative skills of public servants, saying they ‘ensured good processes’. He felt there needed to be more public servants in ministers’ offices and that some of the policy fiascos in recent times could be traced to ministers’ offices being overly ‘politicised’.

The qualities these ministers valued in the public servants they employed as political staff were technical expertise, knowledge of the department and administrative skills (creating ‘good processes’ within an office). They valued public service training and knowledge as an asset in itself.

Ministers who saw public servants as one possible option

Most ministers employed public servants for specific roles at times, but did not particularly seek to employ them, as they felt the skills and knowledge they brought could equally be found in the private sector, think-tanks, NGOs and lobby groups. Minister Orange was looking for people from *any* sector who had ‘detailed policy knowledge and the ability to understand the strategic importance of that policy to the government’s main agenda’.

These ministers generally had no particular preference towards employing public servants as advisers and they employed very few. If they did, it was often because of their technical policy knowledge. One senior Liberal minister commented ‘Having some public servants hopefully provides you with the technical detail. Having the political operatives, hopefully, you get the advocacy and the political sharpness.’ (Minister Brown) Generally they did not seek to replicate the department’s knowledge and perspective in the office, as the role of the office was to provide an *alternative* to the views and advice they would receive from the department.

One of the longest serving senior ministers had only ever recruited one public servant to his office and explained his approach in this way: ‘For me, it wasn’t specifically going out and seeking a public servant. It was more, this is a role that needs to be fulfilled in the office, who’s available to do it?’ (Minister Black) In recruiting staff he worked hard to get a range of skills in the office:

You needed a number of people in your office who were technical or policy experts in the particular portfolio area. You needed some generalists who could work in whatever portfolio because they were the interface between technical people and the political side. And then you needed some political people. So I was always trying to get the right balance.

Two junior ministers - Green (Labor), White (Liberal) - were different in making a point of drawing only one staff member from the public service: their chief of staff. This was to help them with political control. Minister Green was in the Defence portfolio, and felt it was important to help him manage the department:

I wanted someone out of the Department of Defence to be chief of staff because the most important thing that I want in my office is someone who can work with the Department of Defence, who understands the Department of Defence. ... If you employ the right person, they'll understand the politics of the organisation you're working with. They'd know the individuals and be able to advise well, that person's an arsehole ... they'll be like this to deal with, and whatever.

Junior Minister White felt a chief of staff from the public service would help protect him against bureaucratic politics:

There are very few things in politics that are new, whether they be problems or solutions. It is not unknown for solutions ... to be put up to multiple governments. So corporate knowledge is very, very important. And ability to work within existing public service processes ... is very, very helpful.

However none of the senior ministers thought employing a chief of staff from the public service was a good idea. While some past experience in the public service was an advantage, for them the chief of staff above all needed to be a seasoned political operative, with 'extensive' political experience.

A Minister who would not employ public servants

One junior Labor minister (Minister Blue) took a more negative position; she felt public servants lacked the skillset and mindset to be good political advisers. She said 'it's such a different culture and it's such a different skill set, it just doesn't work.' She felt public servants were risk averse and not used to working in small teams where agility and 'backing yourself' was critical. Most of her staff were experienced ministerial advisers who 'cut their teeth' at the state government level; she felt the best adviser was an experienced political operative who had advised a state minister.

Political allegiances and sympathies

Ministers generally expressed the view that public servants did not need to be party members but needed an 'affinity' with the minister and a commitment to the policy agenda he or she was pursuing. One felt 'clearly, they've got to be politically sympathetic to what you're trying to achieve' (Minister Yellow). In recruiting his chief of staff from the department junior minister Green said 'I needed someone who was sympathetic to Labor politics, obviously', so he sought advice from senior people in the Department 'who would understand the politics' and they recommended someone who was 'a Labor supporter'. Some were already known to have party attachments, such as volunteering for the party while at university before they joined the public service. But most ministers were not looking for party members in recruiting from the public service. One adviser said that it was only after he had been recruited that the minister was 'happily surprised' to discover he was

active in the Labor party; this had not come up in his interview nor was it on his CV. But once in the office, ministers treated public servants no differently to other political staff and expected them to actively pursue the minister's and government's agenda with politically oriented advice.

2. Does border crossing result in politicisation?

There are three types of politicisation which might be produced by the 'border crossing' practice. The first is the appointment, promotion and tenure of public servants through party political influence (Peters and Pierre 2004). The second is functional politicisation, in which the public service is overly politically responsive in its outlook and behaviour (Hustedt and Salomonsen 2014). The third is the undermining of the key principle that public servants are assumed to be professionally capable of serving the government of the day whatever its complexion (Mulgan 2008). It is the second and third forms of politicisation which are the most relevant in Australia.

Political influence over appointments

In regard to public service appointments, in some countries the placement of civil servants returning from work as political staff is an established way of sharpening control over the civil service. In countries where it is common for civil servants to work in ministers' offices, such as Portugal or Belgium, their recruitment and later move back into departments forms part of a pattern of politicisation of the civil service. Ministers use their appointments back into departments as a form of political control, reward and patronage: they can be used as reward for loyal service, but also a way of placing loyalists in key positions within the administration (Goransson and Eraly 2015, Silva 2017). Though they may be bound to behave impartially on their return, they retain their political identities, which function as a form of political control over the bureaucracy. In Belgium former cabinet members are often rewarded with top civil service positions 'to thank them for past services' and to advance their careers, in order to facilitate the promotion of 'befriended' civil servants (Brans et al 2017: 62). In Portugal partisan appointments reach deep into the administrative hierarchy, and Silva (2017) found that almost 40% of political staff were 'returnees', many of whom worked inside the civil service until the party returned to government, forming a public service cadre who moved in and out of political positions.

There is little evidence of this in Australia, where ministers have for some time exercised strong control over the appointment and tenure of Department heads, but below this level they do not have the power to influence appointments and promotions. Indeed, Department heads reported resisting any pressure from ministers to place former advisers into positions, insisting they undergo merit based competition for promotion. Former advisers often complained they were left to find their own positions back in the department

in informal processes ('calling up old friends and contacts'). Rather than being advantaged, some felt they languished afterwards, suffering the pains of internal bureaucratic politics. While a period working in a minister's office was at times a career accelerator, this was said to be because of the skills and experience gained rather than the political attachments formed. There is vigilance about possible patronage in Australia, and questions were asked in 2018 about the appointment of Simon Atkinson as Deputy Secretary in Treasury from a position in the PM's office and having previously been chief of staff to the Finance Minister. However he had a long career at senior levels of the public service prior to this and this type of case is quite rare.

There is evidence of a cadre of public servants who move in and out of political adviser positions over time as governments change, but their numbers are very small. In the Labor samples, only five of the 104 federal public servants in ministers' offices had previously worked as advisers (4.8%): three had worked for the previous Labor government (1991-1996) and two had worked for Labor shadow ministers. Only two could be seen as 'in and outers', having done both – worked for Labor ministers in the Keating government, for Labor shadow ministers and now working for the Rudd Labor government, interspersed with periods back in the public service. For the Coalition sample, eight of the 99 public servants (8.1%) had multiple periods as political staffers; all of them had worked for the previous Coalition government under Howard. But only three had interspersed this with periods in shadow ministers' offices and work in departments.

While this very small group of 'in and outers' (five people) clearly have long term political attachments, there is no evidence these affected their advancement within the bureaucracy, or lack of advancement. Most Australian public servants who work as political staff do so for only one period - which might be lengthy - before returning to pursue, without political assistance, their public service careers.

Functional politicisation

Hustedt and Salomonsen describe functional politicisation as when the public service anticipates and integrates political considerations in their everyday work, provides 'political-tactical advice', and helps ministers to navigate politically risky situations (2014:750). The concern here would be whether, having worked in political offices, returning public servants might be overly attuned to political needs and extend the boundaries of their role as public servants to include tactical advice, serving ministers with too much enthusiasm irrespective of their political colour. This is difficult to detect; there is a fine line between understanding a minister's needs well and being overly responsive. One public servant who had worked for a number of Labor ministers felt he contributed to his departmental team by being able to explain the motivation behind requests from the Liberal minister's office: 'I can understand where the advisers are coming from, what they are trying to do and why they are asking for things'. However he also felt he had a heightened understanding of the boundaries between partisan and non partisan work, recalling that at times he would tell his co-workers 'the

advisers can't ask us to do that, it's their job not ours'. He felt he was more vigilant about not being involved in political matters, because of his former position.

There has been concern for some time about over-responsiveness in the Australian public service (Podger 2007, Keating 2003). Senior public servants have been accused of denying and delaying FOI requests to avoid government embarrassment, providing ammunition for government attacks on the opposition, acting to protect the political interests of ministers, and staying silent on issues where there is a public interest in them not doing so. A recent survey of federal public servants found that 48% felt the public service was becoming more political and only 30% felt that the public service remains frank and fearless (ie impartial) (Shergold 2018). It is difficult to know whether this is linked to the practice of border crossing. Of the current departmental heads, ten out of 18 have served at some point in their careers as political staff. It is hard to tell if this experience has left a lasting impact on their orientation to the political dimensions of policy advising, corroding their understanding of the appropriate boundaries of public service behaviour. Senior public servants in the study certainly deny this is the case. It is likely there are more fundamental drivers of over-responsiveness in the public service, such as the contracts, and sackings, of department heads, and the 'hyper partisan' world in which the public service now operates. Former Head of PM&C Peter Shergold argues that

public servants ... [have] growing concerns about the political environment in which a non-partisan public service has to operate ... a world in which non-partisanship is afforded less respect, and their expertise is afforded less respect. (in Dennett 2018)

Confidence in willingness to serve

Mulgan (2008) defines politicisation as the undermining of the key principle that public servants are assumed to be professionally capable of serving the government of the day whatever its complexion. The movement of public servants into and out of ministers' offices can create considerable strain and discomfort in this regard. While all the ministers interviewed said they had no difficulty working with public servants who had returned from ministerial offices, department heads described things differently. They said if the officer returns to the public service after a change of government, ministers can perceive them as 'tagged' and not trustworthy. A department head described his role as to 'protect' the 'tagged' officer; he did this by placing them in a position as far away from the minister as possible, in the type of position in which they could 'recreate their reputation'. This was a position in which there was no scope for perceived partiality. Over time, they could regain their reputation for impartial professionalism. He said 'the very fact that key people perceive partiality as existing constrains what jobs they can do'.

There is therefore risk involved for public servants who are border crossers; and the more senior the officer, the greater the risk. One Deputy Secretary said she would never go to work in a minister's office (despite several offers) because of the risk it would pose to her own career and also to her department if, on her return, she could not create a trusting working relationship with future ministers and their offices. That these perceptions of partiality are real can be seen in public statements decrying the backlash faced by border crossers. In a report about problems in the public service, the former Head of Department of Prime Minister and Cabinet Peter Shergold wrote

The challenge is to ensure that an offer to work in a minister's office is viewed as a valuable opportunity with personal and broader public benefits, rather than being regarded as a poisoned chalice. People coming back ... must not be regarded as politically tainted. ... Their learning can be harnessed on both sides of the role divide. It should be made as easy as possible for public servants to be reintegrated into their departments once they have done a stint as a ministerial adviser. Their return should be welcomed. (2015:35).

The greatest risk in terms of politicisation is therefore the undermining of confidence that border crossers will be seen as capable of serving the government of the day. These strains are managed informally, through judicious placement of returning officers in less visible positions, the passage of time and careful conduct.

While these former political identities may fade with time, traces always remain. In July 2018 the Coalition government appointed one of its chiefs of staff, Phil Gaetjens, to the position of Head of Treasury. There was an outcry from Labor and accusations of politicisation, as Gaetjens had worked for ten years as chief of staff to the Treasurer in the Howard Coalition Government (1996-2007) and for 2.5 years as chief of staff to the Treasurer in the Abbott government (2013-2016). He had worked for many years as a senior public servant in the period before and between these jobs. Despite being a public servant of long standing, Labor argued Gaetjens had spent *more time* in political than departmental positions and the nature of his true identity – as either a public servant or a political adviser – was in debate. Gaetjens pleaded 'don't define people by who they worked for' (Greber 2018). In a worrying development, Finance Minister Matthias Cormann counterattacked by naming publicly the eight department heads who had previously worked in Labor ministers' offices; for many of them this occurred more than 20 years earlier (Senate 2018b). While this was supposedly to show the Government was prepared to work with people with differing political histories, it was an unseemly exposure of their past, long hidden links. The 'outing' of these former political identities for partisan pointscoring sent a chill within the ranks of senior public servants.

There is a considerable risk if the presence of remnant political identities within the public service causes ministers to lose confidence in the ability of the public service to loyally serve the government of the day. They are then likely to marginalise departments and boost further the political resources in their offices, to overcome perceived politicisation (Silva 2017).

3. The state of political-administrative relationships in Australia

There is currently a sense of malaise in political-administrative relations in Australia. There is a level of distance, disconnection and discontent between ministers and departments. It is a by-product of the structural and physical separation of ministers and departments in the system and the hard borders that exist between political and administrative institutions.

Former Head of Prime Minister & Cabinet Peter Shergold has argued that the public service feels marginalised, stating: ‘there are deep underlying concerns’ as ‘public servants feel their status is under threat. They sense a loss of situational authority’ (2018:20). Ministers too feel there are problems. Unprompted, several ministers expressed concern about distance in the relationships between ministers and departments, arising from the physical distance between them. Two were long standing ministers who had also served in the Howard government. One commented ‘there is a bit of a disconnect, sadly, in Australia’ which he described as a ‘geographic dislocation’ between ministers and their departments (Minister Brown). Another described it as the minister being ‘physically isolated’ from the department (Minister Black). For one of his departments, ‘it doesn’t seem far away but it’s twenty minutes to get over there’ and for another department ‘it was a half hour drive’. He said ministers simply don’t go ‘down’ to departments ‘where you have to go and visit ... I’d sooner have the departments closer to the ministers than we have in Canberra.’ A third minister saw trends on two sides creating the distance. It was partly caused by the increasing pressure on ministers and the overwhelming demands they faced: he felt departments sensed ministers draw back from the relationship to focus on political management, but at the same time he saw departments as being unresponsive and distant to ministers’ concerns (Minister White).

From the public service point of view, effective engagement is hampered by a problematic lack of understanding in ministers’ offices. Martin Parkinson, current Head of Prime Minister & Cabinet recently argued:

Our politicians and their staffers, whose actions and decisions have such important consequences for Australia, receive no prior training before taking up positions that are central to democracy ... - no training on the operation of government, their personal roles and responsibilities, or the separation between the apolitical public

service and their own, correctly, political roles. ... it can be hard for staffers ... to know how to work properly and most effectively with the public service to implement their agenda. (Parkinson 2018)

Many of these problems could be helped by bringing the public service more into the close orbit of ministers. Yet at the moment departments are hampered in their desire to have more public servants in ministers' offices by the fact this movement is not under their control, occurs informally, and brings with it lasting political colouring.

There is a major review underway into the federal public service at the moment and in its interim report it proposes a new form of border crossing (Commonwealth of Australia 2019). The idea is to create new public service positions within ministers' offices which would be more senior and definitionally impartial. Senior officers would be placed into the positions as part of their training. These officers would be on secondment rather than employed under the MOPS Act. By remaining within the department, public servants would enter the political space on the department's own terms and return without a political attachment. They would serve 'meaningfully and apolitically in ministerial offices' which would 'provide greater access for ministers to subject matter and public administration expertise, and deepen APS understanding of ministers' needs and expectations.' (2019: 48). If this proposal is accepted it would change fundamentally the terms on which public servants have worked in ministers' offices and bring the Australian model closer to that of other Westminster nations like the UK, where many senior civil servants serve in ministers' offices while remaining impartially constrained. It would alter the character of the Australian ministerial office by creating a stronger departmental foothold within it, without the loss of impartiality this normally entails.

Conclusion

The Australian model of the ministerial office may be evolving. While a definitionally partisan space, separate from the institution of the public service, it exhibits some hybridity in the fact that 30% of its political staff are usually drawn from the public service. This needs to be acknowledged when locating Australia within the array of institutional formations found in different countries and traditions. However the political identities that are created through this border crossing unsettle Westminster values and cause strains and risks of politicisation that must be carefully managed. Border crossing practices are emblematic of the problems of disconnect and distance within the political-administrative relationship in Australia. Developing the practice in new ways has been suggested as a possible solution to some of these problems.

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