



Australian Government
Australian Public Service Commission

Working with Ministers

Strengthening Partnerships

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Introduction

The opportunity to work closely with Ministers is a privilege and an exciting part of an Australian Public Service (APS) career. The partnership between a Minister, and their staff, and the APS is a critical part of Australia's democracy.

Ministers and their staff and the APS work in different, but complementary, operating environments. The intent of this paper is to provide guidance to all APS employees on engagement with Ministers and their staff. Each Minister and their staff works differently, but awareness of underlying principles will contribute towards a productive and trusting relationship between them and the APS.

This paper should be read in conjunction with the guidance paper *The Operating Environment of a Ministerial Office*.

The Importance of a Strong Partnership

It is important for the APS and their respective Ministers to have a close working relationship. There can be a risk the Minister and their office can work in separate "silos" to the APS. This can lead to adverse public administration outcomes for the Australian community.

A strong partnership is characterised by a responsive and proactive APS who engage in regular, informed discussions and interactions with the Minister.

When working with a Minister and their offices, the relevant APS staff should make every effort to get to know their Ministers, including identifying the Minister's priorities and working preferences and focus on implementation and delivery of the Minister's agenda.

What is the role of a Minister?

Ministers, in partnership with their departments, are responsible for administering, implementing, amending and creating policy and legislation. The *Administrative Arrangements Order* formally allocates executive responsibility among Ministers. The Order sets out which matters and legislation are administered by which department. The current *Administrative Arrangements Order* is available [online](#) at the Department of the Prime Minister and Cabinet website.

Each Minister is supported by an office which is made up of ministerial staff, such as advisors and administrative staff, and Departmental Liaison Officers (DLO). Ministerial staff are not public servants and are employed under the [Members of Parliament \(Staff\) Act 1984](#). DLOs are public servants and are employed under the [Public Service Act 1999](#).

Providing Advice and Supporting Delivery for Ministers

The elected government delivers policies and programmes based on their election commitments, or based on their view of the public interest. The APS assists the elected government to deliver those policies and programmes.

To assist a Minister deliver the elected government's agenda, the APS provides advice which is impartial, takes into account legal compliance, considers the integrity of government processes, outlines implementation and delivery risks and considers the impact of a policy on the broader Australian community.

APS employees should consider Section 17 of the [Australian Public Service Commissioner's Directions 2016](#) when providing advice, particularly:

17 (d) understanding the needs of the Government and providing it with the best objective, non-partisan advice based on the best evidence available.

17 (e) providing advice that is relevant and comprehensive, is not affected by fear of consequences, and does not withhold important facts or bad news.

17 (f) providing advice that takes account of the context in which policy needs to be implemented, the broader policy directions set by Government and, where appropriate, implications for the longer term.

Developing and implementing policy can be challenging but if the Government has a policy agenda, it is incumbent on the APS to provide the best advice as it relates to that policy. Advice to Ministers should highlight risks and challenges but also provide advice on mitigation and options for implementation.

The provision of advice to Ministers takes place in a competitive and contestable environment, and is not the sole domain of the APS. Ministers receive advice from a variety of other sources, such as think tanks, non-governmental organisations, business and community groups and other stakeholders. APS advice must therefore be well informed, high quality, and well presented in order to adequately serve the Minister. It also needs to understand the current political context.

The most common method of providing advice is through the Ministerial briefing process. APS employees prepare written Ministerial briefs to provide Ministers with information, advice and decision points. Briefs should generally be no more than two pages and presented using clear and concise language.

It is usually helpful for the APS to discuss a proposed brief with the Minister's advisers. These conversations alert the Minister's advisers that a brief is underway.

Some key points to consider when drafting briefs include:

- Manage your timelines and due dates.
- Adopt a no surprises approach through regular engagement with the Ministerial staff.
- Present a range of well researched options.
- Provide the evidence and background for the advice.
- Detail any consultation undertaken and what that consultation revealed.

Departments have their own processes for clearance of Ministerial briefs, but generally briefs are cleared by Senior Executive Service (SES) officers.

Briefs are normally processed through a department's Parliamentary area before they are processed in the Minister's office by the Departmental Liaison Officer (DLO). Typically, the DLO then provides the brief to the Minister's relevant adviser, who then provides the brief to the Minister with their advice as well.

There will be times when a Minister or their senior staff will want to discuss policy options with the APS, particularly when the issue is complex. For some Ministers, talking through a

brief with the APS may be their preferred approach. These discussions present an excellent opportunity to gain an insight into a Minister's views, in addition to clarifying complex matters and seeking further instructions.

Once the Minister considers the brief, makes a decision and signs the brief, the brief is returned to the department through the DLO and Parliamentary team for action (if required).

Whilst briefing and providing advice are an important part of the APS relationship with Ministers, delivery and implementation of policy is arguably the most important aspect. Ministers often hold their office for a relatively short time and during that time, Ministers expect to implement policy and deliver outcomes for the Australian community.

The APS has a critical role in implementation of Government policy. Policy delivery requires thorough implementation planning, governance, stakeholder engagement, resource management and monitoring and evaluation.

The [Cabinet Handbook](#) also provides guidance to Ministers on the importance of implementation.

“Portfolio ministers are ultimately responsible for ensuring their proposals can be implemented and that the Cabinet is sufficiently informed of any implementation challenges or risks...”

The planning, processes and advice leading up to Cabinet decisions are critical in setting the pathway for effective program implementation. To ensure that their Cabinet colleagues are fully informed when making decisions, sponsoring ministers must ensure their proposals provide enough detail on risk and implementation challenges to ensure that the Cabinet can make an informed decision on the efficacy of the proposal.

Ministers are accountable for the successful delivery of their proposals and for ensuring action is taken on Cabinet's decisions that affect their portfolios; their responsibility extends to all bodies within their portfolio (statutory and other authorities as well as departments).

Ministerial oversight and regular tracking of progress for complex programs is essential to ensure policies are implemented properly and any problems can be addressed as soon as possible. Ministers and secretaries will agree and implement appropriate reporting regimes for delivery of programs, services and new policy work designed around the Government's priorities for the portfolio.”¹

When implementing policy, the APS should keep their Ministers regularly informed of progress. This can often be achieved through regular reports to the Minister's staff. The APS should adopt a “no surprises” approach and inform the Minister early if there are any implementation challenges that may impact the final delivery of a policy.

¹ Commonwealth of Australia, Department of the Prime Minister and Cabinet. *Cabinet Handbook 14th Edition*. Pages 11 – 12

Other APS Support for Ministers

Whilst briefing and the delivery of policy are a vital function the APS provides to Ministers, there are a range of other functions which the APS carries out for Ministers.

Ministerial correspondence is a significant area of work for many departments, depending on the portfolio area and the Minister's profile. Members of the Australian community send hundreds of thousands of pieces of correspondence to Ministers every year. The Minister's Department is generally responsible for drafting replies to the correspondence on behalf of the Minister. The importance of correspondence cannot be underestimated. Replying to correspondence gives a Minister the opportunity to communicate directly with their constituents, and Ministers take replying to correspondence very seriously. Depending on the Minister's preference, departments will have protocols in place for responding to correspondence. This could include guidance for replies from the Minister, replies from a Minister's staff member or replies from the department.

The APS also supports Ministers with media, communications and event management. Typically, a department will have a team to provide support in these areas. Such support could include media monitoring, speech writing, drafting ministerial media releases and managing events that form part of the Minister's role overseeing the department.

Through Ministerial support teams, the APS also provides support for the administration of the Minister's office, such as the provision of IT and communication assets, administrative support and the provision of other fixed assets, such as workstations, televisions and refrigerators.

Parliamentary Party and Political Party Processes

A Minister holds their position as a result of being a Member of Parliament who is part of the Parliamentary Party able to form a government. On occasion governments may also include an independent Member of Parliament.

A Minister's activity with their parliamentary colleagues may include briefing and responding to requests from backbenchers and engaging in Party Room activities. Ministers also carry out Party Room briefings on specific legislation or topics of interest to their political party.

The APS remains impartial and does not participate directly in the Minister's Parliamentary Party activities but may provide factual briefings for these activities. For example, if a Minister meets with a backbencher in their capacity as Minister, on a portfolio related matter, participation from the APS in a factual briefing is appropriate.

This activity is critical in supporting the Minister in their parliamentary responsibilities.

However, it is important to be aware that a Minister has a political role and has commitments to their political party and members of its organisational wing.

Where Ministers require briefings or information for a party conference, a grassroots political branch meeting or a discussion with a policy committee of the organisational wing, the ministerial staff should provide the information for the Minister.

Given the APS values and the requirement to be impartial, it is important the APS maintains separation from the activities of the organisational wings of Political parties

Working with Advisers

Ministers employ advisers, who typically provide advice on defined areas of the Minister's policy responsibilities. A good working relationship between the APS and Ministerial advisers is based on trust, responsiveness, mutual respect and, similar to the relationship between Ministers and the APS, regular discussion and interaction. A good working relationship will lead to more effective policy development and improved public administration outcomes.

The important role of Ministerial staff in providing advice and assistance to Ministers in the performance of their functions is well recognised and accepted. The influence of Ministerial staff derives from their position of trust with their Ministers, and their proximity to decision making.

Engagement between the APS and Ministerial staff is not limited to SES officers. Executive level staff will likely need to engage with advisers, and APS staff of all levels may need to engage with DLOs.

Statement of Standards for Ministerial Staff

The Special Minister of State issues the [*Statement of Standards for Ministerial Staff*](#), which sets out the standards Ministerial staff are expected to meet in the performance of their duties. Ministerial staff employed under the *Members of Parliament (Staff) Act 1984* must comply with the Statement.

Key points in the *Statement of Standards for Ministerial Staff* relevant to the APS requires Ministerial staff to:

- Treat with respect and courtesy all those with whom they have contact in the course of their employment.
- Make themselves aware of the Values and Code of Conduct which bind APS and Parliamentary Service employees.
- Acknowledge that ministerial staff do not have the power to direct APS employees in their own right and that APS employees are not subject to their direction.
- Recognise that executive decisions are the preserve of Ministers and public servants and not Ministerial staff acting in their own right.

From time to time, Ministerial staff may have a different view of the advice provided by the APS on a particular issue. In these cases, the Minister receives both advice from the APS and advice from their staff. Ultimately, it will be the Minister who makes the final decision. This underlines the importance of APS advice to be informed, persuasive and of high quality.

The relationship between Ministerial staff and the APS is based on trust and an understanding of their distinct roles. Ministerial staff handle the political aspects of an issue and it is this role that keeps the APS apolitical.

If an issue arises between an APS employee and a Ministerial staff member, both parties should attempt to resolve the issue as soon as possible. If support is required, it should be escalated to supervisors to ensure it is managed before it becomes detrimental to the overall relationship between the Department and the Minister's office.

Some key points to consider when engaging with Ministerial staff:

- Regular communication is critical. Advisers generally focus on specific topic areas for Ministers and advisers and their departmental counterpart should communicate regularly.
- Engage as early as possible on urgent matters – this doesn't need to be a formal brief, a call or email to the relevant adviser can suffice, particularly if a situation is moving quickly.
- Be clear and concise in your communication. Ministerial advisers have many competing priorities and appreciate the most direct form of your message.
- Understand that your priorities may not be same as the Ministerial adviser's priorities. Your urgent brief could easily be one of many urgent issues the Ministerial adviser considers that day. Be clear in explaining why a matter is urgent, the date by which action is required and the implications of the matter. The DLO and Ministerial advisers will triage the matter based on the Minister's priorities on that day.

The APS Values and Code of Conduct

In all engagement with Ministers and their staff, APS employees must operate in accordance with the [APS Values](#) and [Code of Conduct](#). The APS Values and Code of Conduct are set out in Sections 10 and 13 of the [Public Service Act 1999](#).

The APS Values are:

- *Impartial*: The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.
- *Committed to service*: The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.
- *Accountable*: The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.
- *Respectful*: The APS respects all people, including their rights and their heritage.
- *Ethical*: The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

Key points from the APS Code of Conduct to consider when dealing with Ministers and their staff include:

- An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- An APS employee must behave honestly and with integrity in connection with APS employment.
- An APS employee must take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest of the employee in connection with the employee's APS employment.

Conclusion

A strong relationship between Ministers, their staff and the APS is vital for effective public administration and achieving policy outcomes for on behalf of the Australian community.

When working with Ministers and their staff, the APS should offer clear, concise, well researched advice. The APS should be responsive and engage often and early with Ministers and their staff. Any issues should be addressed early and not left unresolved. At all times public servants should adhere to the APS Code of Conduct and the APS Values.

Similarly, Ministerial staff should be aware of the *Statement of Standards for Ministerial Staff*, engage respectfully with the APS and be aware of the APS operational environment.