# STRENGTHENING PARTNERSHIPS: MINISTERIAL LIAISON REFERENCE PANEL FINAL REPORT

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#### Background

#### The Project

In September 2020, the Australian Public Service Commission (APSC) appointed a Ministerial Liaison Reference Panel (the Panel) to support the implementation of the Government's response to Recommendation 11 of the 2019 *Independent Review of the Australian Public Service*.

Recommendation 11 is to "strengthen Australian Public Service (APS) partnerships with Ministers by improving support and ensuring clear understanding of roles, needs and responsibilities". As part of its response, the Government agreed:

The [Secretaries] Board will support the APSC and the Department of Finance to improve and roll out better training and guidance for APS employees and parliamentary staff on how to support Ministers and their offices. The APSC will update its guidance on the roles and responsibilities defining interactions between Ministers, their advisers and public servants.<sup>2</sup>

The partnership between the APS and Ministers is important. A strong partnership is critical to effective government and to the delivery of policies and services to the Australian community. This partnership is characterised by mutual respect and an understanding of the different, but complementary, roles of the APS and Ministers. Without a strong partnership, delivery of the elected Government's agenda is more challenging.

The focus of the Panel's work has been on the relationship between the APS, Ministers and their staff.

The Panel's views, recommendations and products deliver practical outcomes that are intended to strengthen public administration.

#### The Panel

The Panel members are:

- Ms Stephanie Foster PSM, Deputy Secretary, Governance and APS Reform, Department of the Prime Minister and Cabinet
- Ms Rachael Thompson, Chief of Staff to Senator the Hon Simon Birmingham, Minister for Finance and Leader of the Government in the Senate
- Mr Ben Hubbard, former Chief of Staff to Prime Minister Julia Gillard AC
- Mr Tony Nutt AO, former Principal Adviser to Prime Minister John Howard OM AC
- Mr Wayne Eagleson, former Chief of Staff to New Zealand Prime Ministers Sir John Key GNZM AC and Sir Bill English KNZM

<sup>&</sup>lt;sup>1</sup> Commonwealth of Australia. 2019, *Our Public Service Our Future: Independent Review of the Australian Public Service*, p137.

<sup>&</sup>lt;sup>2</sup> Commonwealth of Australia. 2019, <u>Delivering for Australians: A world-class Australian Public Service</u>, p18.

#### The Process

The Panel worked closely with the APSC throughout the project.

The Panel held consultations with former Prime Ministers, and with current and former Ministers, Ministerial staff, Secretaries and senior public servants. The Panel also spoke with a number of commentators and academics.

Feedback from the consultations revealed overwhelming support for the Panel's work. This highlights the importance of the partnership between Ministers and the APS and the importance of providing guidance to strengthen and improve the partnership.

The Panel also supported the APS Academy to design and deliver a *Strengthening Partnerships Leaning Program* for senior APS employees. Informed by consultations and the Panel's knowledge and experience, the Program provides greater understanding of the operating environment and various roles and responsibilities in a Minister's office; ways of working effectively with a Minister's office; and ways of effectively supporting the Minister. The Program also offers practical ways to build and maintain the partnership.

Supported by the APSC, the Panel has produced guidance papers designed for the APS on critical knowledge areas. This guidance will be published as part of an online Strengthening Partnerships Toolkit and will be available for interested parties, including APS and Ministerial staff.

Finally, the Panel has asked the APSC to consider developing a new website to house the Strengthening Partnerships guidance materials and other resources relevant to the APS and Ministerial partnership. The APSC will maintain the website, ensuring current and reliable guidance is easily accessible to all APS and Ministerial staff.

#### **Chapter One: Understanding the System**

#### **History**

Since Federation, Ministerial staff have supported Ministers in their roles. Until the 1970s, staff working for Ministers were traditionally seconded from the APS.

A period of time working in a Minister's office was considered an important part of a public service career. Public servants witnessed the intersection of policy and Parliament, and Ministers and governments benefitted from the policy expertise of the public servants working directly for them.

From the early 1970s, staff working in Ministers' offices began to be drawn from a wider range of backgrounds and were not exclusively public servants. The changing nature of government and politics in the 1970s meant that Ministers and the Government expected more contestable advice and a political overview of policy and its implementation.

#### Members of Parliament (Staff) Act 1984

To address the "blurring of the lines" between an apolitical public service and political advice, in 1984, the Parliament passed the *Members of Parliament (Staff) Act 1984* (MOP(S) Act). The Act created a legislated employment framework for Ministerial staff. The Act formalised an arrangement for Members of Parliament, and particularly Ministers, to employ personal staff to provide political advice. The Act created a new type of taxpayer-funded employee – different, but complementary, to public servants – the Ministerial adviser.

MOP(S) employees have a variety of roles. The APS most often engages with Ministerial policy advisers and Chiefs of Staff. Other MOP(S) roles include media advisers, diary managers, office support staff and electorate office staff. The Prime Minister determines the number of staff allocated to each Minister.

#### Public Service Act 1999

Public Servants are employed under a different legislated framework. The *Public Service Act 1999* establishes "an apolitical public service that is efficient and effective in serving the Government, the Parliament and the Australian public"<sup>3</sup>. The Act prescribes a <u>Code of Conduct</u> and defines APS Values, which includes impartiality, and delivering for the Government of the day, chosen by the people.

There are a variety of roles within the APS. These include policy, corporate and service delivery roles, each requiring diverse skills and experience.

#### **Ministerial Advisers**

Ministerial advisers come from a variety of backgrounds and experiences and a typical Minister's office will include staff with a mix of skillsets and professional experience. Some Ministerial advisers will be "generalists" as opposed to policy experts in any one particular area. Some advisers may come from the APS. Others may have worked for the Minister in

<sup>&</sup>lt;sup>3</sup> Public Service Act 1999 (Commonwealth) s3(a).

Opposition or when the Minister was a backbencher. Some advisers may have backgrounds in the Minister's political party. Some may have backgrounds in the private sector, may have worked in policy roles or may have worked for non-government organisations, such as research institutes, community groups, trade unions or employer organisations. The Minister determines their suitability for the Ministerial office and the role they will occupy, in consultation with the relevant staff committee.

Ministerial advisers have a close proximity to the decision maker. This characteristic sets them apart from other roles in government.

The Special Minister of State issues the <u>Statement of Standards for Ministerial Staff</u>, which outlines the standards that Ministerial staff are expected to meet in the performance of their duties. Implementation of this Statement of Standards is the responsibility of the Prime Minister's Office and the Government Staffing Committee.<sup>4</sup> The Standards direct Ministerial staff to treat the APS with respect and courtesy and confirms that Ministerial staff do not have the power to direct APS employees in their own right.

#### The Role of a Ministerial Adviser

Today Ministers have the benefit of two primary sources of advice – political advice from advisers employed under the MOP(S) Act and apolitical advice from APS staff employed under the *Public Service Act 1999*.

Ministers also receive advice from a wide range of other sources outside government.

Ministerial advisers are integral to the process of government. They work in conjunction with the APS to deliver the Government's priorities. They ensure the Minister is aware of stakeholders' views and support the Minister in almost all aspects of their role, not least by the provision of political advice. They also support the Minister in undertaking communications, including traditional and social media activities.

To provide their advice, Ministerial advisers draw on APS knowledge and experience, amongst other sources. The partnership and a close working relationship between Ministerial staff and the APS is therefore critical.

It is important to note that having political staff employed under a different legislative framework to public servants enables the APS to remain apolitical. This is a critical and central feature of the Australian system. Political staff provide political advice, and APS staff do not engage in party politics.

More information about the role of a Ministerial adviser is available in the Panel's guidance paper, *The Operating Environment of a Ministerial Office* (Appendix A).

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<sup>&</sup>lt;sup>4</sup> Special Minister of State 2021, Australian Government, accessed 26 October 2021. https://www.smos.gov.au/statement-standards-ministerial-staff

#### **Changes since 1984**

A change in the operating environment of the Ministerial office since the introduction of the MOP(S) Act is the professionalisation of the role of Ministerial adviser. There has been a significant growth in the numbers of Ministerial advisers. The number of Ministerial advisers has risen 32% from 339 in July 2000 to 449 in June 2019.<sup>5</sup> In the past, working in a Ministerial office was often undertaken as a secondment or a temporary placement. People now make careers out of being a Ministerial adviser, and will work for a Member of Parliament in both Opposition and Government.

The speed at which issues move is another key feature of the contemporary operating environment of a Ministerial office. The APS should appreciate the speed of the development of issues and be agile in its response.

The stakeholder environment, including the role of peak organisations and registered lobbyists, is also far more dynamic and demanding today.

Australia now has a concentrated media model, with 24 hour news channels, electronic media and social media all providing news and content in a crowded and competitive media marketplace. This is in addition to traditional media outlets. There has been a marked focus on the work of the Government, Ministers and their staff. This has increased the scrutiny of Ministers and their staff. To support the Government of the day, the APS must be conscious of the media landscape and the media's interest in government.

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<sup>&</sup>lt;sup>5</sup> Thodey, D. 2019, *Our Public Service Our Future: Independent Review of the Australian Public Service*, p137.

#### **Chapter Two: Building and Maintaining the Partnership**

The elected Government operates most effectively with the strong and consistent support of the APS and Ministerial advisers. The Panel has consulted widely to develop practical ways to support this partnership in the contemporary context. The Panel's consultations included former Prime Ministers, current and former Ministers, Ministerial staff, Secretaries and senior public servants.

Key themes from the Panel's consultations are:

#### Trust and confidence are the essential elements of a productive partnership

A strong partnership is characterised by mutual trust and confidence.

Trust and confidence is built by proactive and responsive engagement between the APS and Ministerial offices, which is best achieved through regular informed discussions and interactions. Strong relationships require effort and communication. The APS should seek to establish good communication channels from the commencement of a Minister's term and it is important that this effort is reciprocated, particularly by Ministerial advisers.

The Panel's consultations consistently highlighted that early investment in the partnership established a solid footing and usually a better ongoing relationship. This also enables robust discussions when necessary.

Getting the details right, including in presentation and timing, demonstrates credibility and competence and is critical to building trust. Consultations identified issues such as delays in providing advice and not addressing policy matters in full or in a fit-for-purpose format as particularly corroding factors. These issues that diminish confidence in the overall capability of the APS.

"A Minister's office works differently to the APS. It is important the APS carefully considers the substance of the advice it provides, of course, but consideration of how the advice will be used and the time in which it is needed must also be front of mind. Getting that right gives the advice real impact."

Secretary, Panel Consultations, October 2020

The Panel's consultations indicated the best partnerships also recognise the relationship between the APS and Ministers is not static. While investment in building trust and confidence in the early stages is critical, it is equally important to develop flexible approaches to maintain that trust and confidence in a changing environment.

#### **Understanding the role of the other**

An effective working relationship between Ministers and the APS is crucial to delivering outcomes for Australians. A mutual understanding and respect for each other's different but complementary roles in the system creates an environment more conducive to effective policy development and implementation.

"A strong working relationship between the Department and the Minister's office is critical to deliver effective policy. Policy development and implementation is much more challenging if that working relationship is weak."

Deputy Secretary, Panel consultations, October 2020

Consultations confirmed that Ministerial roles and APS roles are, and should continue to be, distinct and different. A Minister is best supported when the APS and the Minister's staff work well together, understand their different, but equally important functions, and undertake their complementary roles effectively.

The obvious interface points in the partnership are between the Minister and Ministerial advisers and APS Secretaries and Senior Executive Service (SES) officers in departments. Consultations indicated, however, it is beneficial when APS employees across all positions and agencies and all Ministerial staff understand both sides of the partnership and how their role fits in the framework. Tasks are completed more efficiently when there is a connection to the 'why'.

"I really appreciate when the Department realises how busy the Minister and the office is and reacts accordingly. This shows they 'get us' and that gives me confidence."

Ministerial adviser, Panel consultations, March 2021

An underutilised channel for promoting and sharing knowledge and understanding across the system is the Department Liaison Officer (DLO) role. DLOs are a critical conduit between Ministers' offices and their agencies. The Panel's consultations highlighted that a stronger emphasis on the value of these mutually beneficial positions is needed to encourage high-performing APS staff to take up these roles. Time as a DLO should be promoted as a development opportunity and desirable experience for future APS leaders.

The DLO role gives an APS employee direct insight into the workings of government and provides the Ministerial staff with an on-hand APS resource and direct line into the department. This unique cross-over point promotes a deeper understanding of both sides of the system. The APS must ensure DLOs are supported during and after the role and should also have a plan in place to utilise DLO learnings when individuals return to their agencies. The Panel's paper, *Principles for DLOs*, at Appendix A, provides more detail on the role of DLOs and guidance for making practical and effective use of the unique position.

Consultations confirmed it would be beneficial to encourage more APS employees to work in Ministerial offices. This could be reciprocated with opportunities for Ministerial staff to work directly with APS employees on particular policy matters or special projects.

"APS staff working in a Minister's office in almost any capacity should be viewed as a very valuable thing for everyone. On one hand it provides the individual with specialised experience and knowledge, which will support their own APS career and others by osmosis; and on the other hand, it supports the office to understand and more effectively leverage the expertise and support available from the APS." Secretary, Panel consultations, October 2020

Consultations also confirmed that all APS employees should be equipped with the skills, knowledge and tools to understand the breadth and pace of the work of a Minister's office. Providing advice at the right time, in the right way, requires a good understanding of the Minister's priorities, their responsibilities beyond the specifics of their portfolio and awareness of the rhythm of a Minister's day, particularly when Parliament sits.

#### **Contestability of advice**

A core role of the APS is to provide advice to the Government of the day 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 Australian community.

Ministers receive advice from a variety of other sources, including Ministerial advisers. This is a strength of the Australian system of government, providing Ministers the benefit of a wide variety of views and advice to inform their decision-making.

"When I was a Minister I was constantly being offered advice from all over the place. This was important because it allowed me to consider a range of matters, including unintended consequences or the nuances of how I was actually going to get a Bill through the Parliament. Advice from the APS was always very helpful, particularly around facts and figures, but I wouldn't have been doing my job properly if I didn't consult widely."

Former Minister, Panel Consultations, November 2020

APS advice must be well informed, high quality and well presented to adequately serve the Minister. APS advice also needs to understand the political context while remaining independent. Engaging early and often with the Minister's office supports the delivery of high quality APS advice, however, consultations indicated that doing so effectively and appropriately is sometimes difficult and the system would benefit from further guidance.

The Panel's papers, *The Operating Environment of a Ministerial Office* and *Working with Ministers*, at Appendix A provide support in this regard.

#### Investment in specialised training for Ministerial advisers and the APS

Consultations focussed on the APS having a more comprehensive understanding of the Parliamentary operating environment. There is an opportunity to provide cohesive guidance for working with Ministers to the APS at all levels.

Many Ministerial advisers come from outside government and may not have had exposure to public administration processes. Consultations revealed this variety of backgrounds and experience was useful for Minister. However, for Ministerial advisers to do their jobs well, they also need to understand the Parliamentary operating environment, as well as the role of APS.

Training on Parliamentary and public administration functions and processes would establish a consistent understanding of the system and the implications for decision-making.

#### Elevate and support Ministerial staff roles as a Profession

Consultations identified a lack of formalised support and professional development networks within the Parliamentary environment.

While Ministerial advisers receive support from their colleagues, and informal mentoring arrangements exist, consultations indicated a more formalised support framework could be beneficial. The Panel's view is that further professionalisation of the role of Ministerial advisers will result in better support for Ministers and the Government of the day.

"Ministerial advisers' careers have changed. In many ways it is a profession and should be treated as such. Ministerial staff should be afforded the same support as any other profession – proper inductions, more specialised training programs, development plans, ongoing support and career progression."

Chief of Staff, Panel Consultations, July 2021

Consultations indicated the quality of the formalised training framework for Ministerial staff needs attention. The Department of Finance offers training, however, it is self-selected rather than specified for particular roles. During the course of the Panel's work, the Department of Finance provided several briefings on their offerings, including on proposed new arrangements for training. Ministerial staff would benefit from an appropriate induction, professional development and management guidance, and increased human resources support.

In addition, consultations indicated Ministerial staff would welcome and benefit from having a clear mechanism or resource to answer general questions about the APS and Australian Government processes. To support this, the Panel has asked the APSC to consider developing a dedicated website to house relevant resources.

#### Managing transitions in the partnership

While the key roles in the partnership are unlikely to change, the people occupying those roles of course do. A change of Government, Minister, their staff (particularly Chief of Staff or Ministerial adviser) or Secretary each trigger a 'transition' in the partnership.

Consultations confirmed these transitions present a valuable opportunity to strengthen the APS and Ministerial partnership and could be better utilised. A well-managed transition will instil trust and confidence, which sets the tone for the remainder of the relationship, makes challenges easier to manage and ensures business continuity for critical institutions and services of government. An ill-managed transition can have lasting negative effects on the partnership, reducing its effectiveness and potentially having an impact on delivery and general public confidence.

While there are many instances of effectively managed transitions occurring with minimal disruption, the Panel heard that transition arrangements varied significantly across government and were not informed by any centralised guide or framework.

"The success or otherwise of a transition often relies on the individuals involved rather than an established and reliable systematic approach informed by best practice guidelines. This can leave the APS and the new Minister exposed."

Deputy Secretary, Panel consultations, October 2020

The Panel's consultations suggest an appetite exists for an overarching framework of transition arrangements across government. This establishes consistency for a Minister who may change portfolios, or move in and out of government during their career. A framework allows the APS to move quickly during times of transition, reduces the risk of misunderstandings and provides continuity for effective government.

Effective transitions and continued strong partnerships lead to effective delivery of priorities, and better results for the Government and the Australian community. The Panel's paper, *Ministerial Transitions*, at Appendix A, provides guidance for the APS to successfully manage transitions.

#### **Chapter Three: The Panel's Response**

In response to Recommendation 11 of the *Independent Review of the Australian Public Service* and its consultations across the APS and Government, the Panel has developed specific products to support and strengthen the APS and Ministerial partnership. These practical products bolster the proper administration of current and future governments.

The three products are:

- 1. A Strengthening Partnerships SES Learning Program
- 2. Guidance papers on four commonly identified key topics
- 3. An online Strengthening Partnerships toolkit

#### **Strengthening Partnerships SES Learning Program**

The Panel has worked with the APS Academy to develop the *Strengthening Partnerships SES Learning Program*.

The Program aims to increase understanding about the respective roles of Ministerial offices and the APS.

The Program targets SES Officers. The Panel has informed the Program's content, which reflects consistent themes heard during consultations.

The Program comprises four facilitated sessions:

- 1. The Operating Environment
- 2. Working Effectively with the Minister's Office
- 3. Effectively Supporting the Minister
- 4. Building and Maintaining the Partnership

The sessions build the capability of the participants and ask them to consider how they will educate and build the capability of their teams. This enhances the impact of the Program across the APS, appropriate to the senior leadership role of participants.

The Program is delivered by a facilitator and experienced practitioners. The Program is designed in line with APS Academy learning principles and, importantly, is practitioner led. Panel Members have contributed their expertise to the development of case studies and content. Other practitioners include current or former Secretaries, current SES officers with relevant experience and current and former Ministerial staff. Former Ministers may also be approached.

After completing the Program, participants can be expected to clearly understand the operating environment and roles and responsibilities, including intersections and interdependencies; how to engage early, regularly and respectfully with the Minister's office without compromising integrity; understand the lived experience of Ministers and their offices and adjust their engagement accordingly; and ultimately, view and approach these relationships as a partnership.

The first round of the Program took place on 19 and 26 November 2021. Feedback received to date has been overwhelmingly positive. The APS Academy will monitor the roll out and look for opportunities to deliver the Program more broadly in 2022.

#### **Guidance papers**

The Panel, in consultation with the APSC, has refreshed and consolidated detailed guidance promoting sound management of the Ministerial and APS partnership. The Panel's guidance papers provide principles on key aspects of Ministerial and APS engagement.

The Panel recognises that many departments have established processes for managing relationships with Ministerial offices and does not purport to tell departments or Ministerial offices how to conduct their business. Rather, the intention is to provide accessible guiding principles for reference and to promote a more consistent approach across government.

The guidance builds on, modernises and amalgamates existing resources in four papers:

- 1. Ministerial Transitions
- 2. The Operating Environment of a Ministerial Office
- 3. Working with Ministers
- 4. Principles for Departmental Liaison Officers

The Panel selected these topics following consultations, which revealed them as the most critical, and often the most misunderstood, aspects of the system.

The papers are designed for both APS employees and Ministerial staff to promote shared understanding and consistency across the system.

The four papers are at Appendix A.

#### **Strengthening Partnerships Toolkit**

Recognising that guidance is only as useful as it is easy to access, the Panel has asked the APSC to establish a Strengthening Partnerships website. The website will act as a 'toolkit', and provide a central repository of relevant published resources to educate and support both the APS and Ministerial offices in their respective roles.

The online toolkit will include links to relevant sites and resources, which will ensure it remains current. This includes the Caretaker Conventions, The Cabinet Handbook and Guidance on the Budget and New Policy Proposals. The Panel's guidance papers, and any future resources, will also be published on the website.

#### **Chapter Four: Further Opportunities to Strengthen Partnerships**

Whilst the three core products launched to date are important, the Panel believes there are further opportunities to strengthen the partnership between the APS and Ministers.

Two views featured strongly in consultation:

- 1. the need for dedicated human resources support for MOP(S) employees, and
- 2. the need for an improved training framework for MOP(S) employees. The Panel notes the Department of Finance offers training, however, staff self-select their training, it is general in nature, there is limited take-up and there is no specific training for specific roles.

#### **Human Resources Support for MOP(S) Employees**

The Panel notes significant resources have been invested to promote and equip the APS as a professional service. An investment should be considered for staff employed under the MOP(S) Act. This includes professional support for MOP(S) employees in recruitment, placement, induction, professional development and career planning.

The Panel acknowledges other processes are on foot to consider support and human resources mechanisms for MOP(S) staff. This includes *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, by Sex Discrimination Commissioner, Kate Jenkins, which was released on 30 November 2021. The Report recommends establishing an Office of Parliamentarian Staffing and Culture:

#### Recommendation 11: Office of Parliamentarian Staffing and Culture

The Australian Government should establish an Office of Parliamentarian Staffing and Culture, within 12 months, to provide human resources support to parliamentarians and *Members of Parliament (Staff) Act* employees that is:

- (a) centralised and accountable to Parliament, with the enforcement of standards
- (b) designed to provide human resources support and administrative functions in the areas of policy development, training, advice and support, and education.<sup>6</sup>

It is understood that the proposed Office of Parliamentarian Staffing and Culture would provide independent services across the Parliament in the same way. The Panel has identified a range of additional supports for staff that could also be offered, but would be better managed by internal Parliamentary groups which recognise the unique and sensitive nature of Parliamentary work. Support could include assisting with recruitment and staffing committee arrangements, staff declarations of interest and similar matters, assisting staff with career planning and supporting mentoring and coaching relationships. Separate "Staffing Support Offices" with Government and non-government arrangements could offer a comprehensive program, including assisting with induction, and could work in tandem with, or in addition to, the proposed Office of Parliamentarian Staffing and Culture.

<sup>&</sup>lt;sup>6</sup> Australian Human Rights Commission. 2021 <u>Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces</u>, p22.

The Panel's view is that that the establishment of SSOs could be considered in the deliberations of existing reviews.

#### **Professionalisation of MOP(S) Employees**

The Panel considers MOP(S) employees would benefit from appropriate induction, development, management and support. Additionally, MOP(S) employees should have access to clear work health and safety support, including support for mental health and wellbeing. The Panel notes that this is a shared responsibility of the employing parliamentarian and the Department of Finance.

Training for MOP(S) employees must be relevant and have clear support from employers to demonstrate that it is valued. Delivery must be appropriate, the content tailored for different roles, and consider the varied backgrounds and knowledge of MOP(S) employees.

Consultations suggest that uptake of the current training provided by the Department of Finance is limited and inconsistent. To improve uptake of training, and ensure that staff receive the training that is fundamental to their role, a review of the current offerings and delivery of training is advisable.

The Panel met on several occasions with the Department of Finance and is pleased the Department is working on improved training for MOP(S) employees. The Department of Finance is aiming to provide targeted offerings for different levels and roles of MOP(S) employees. The Panel welcomes this development. It is important that any new training should be developed in conjunction with Government and Opposition representatives, with the joint aim of professionalising the various roles of MOP(S) employees.

#### Specific Training for Senior Government and Non-Government MOP(S) Employees

The *Strengthening Partnerships SES Learning Program* is an exciting development in lifting APS capability to deal with Ministers and their offices. The Panel believes the Program's focus on involving practitioners with lived experience of the Ministerial and APS operating environments offers both practical and meaningful insights for participants.

There is an excellent opportunity to adapt the *Strengthening Partnerships SES Learning Program* to make it relevant for Government and non-Government MOP(S) employees. A repurposed program would maintain the focus on delivery by experienced practitioners, but could explore the role of the APS and how MOP(S) employees can work with the APS to achieve improved results. Such a program could be delivered at an appropriate time after an election, with specific training programs for both Government and non-Government cohorts.

The Panel encourages the APSC to engage with the Government to examine opportunities to deliver a *Strengthening Partnerships Learning Program* to MOP(S) employees in 2022. The Panel also notes feedback from the Secretaries Board that consideration should be given to joint training sessions for MOP(S) employees and APS employees, particularly those in senior roles, such as Chief of Staff or Deputy Secretary.

#### **Opportunities for APS Employees to Work in Ministerial Offices**

The relationship between the APS and Ministerial advisers is most effective when the roles are well understood by one another. A key focus of the Panel's training and guidance material is clarifying these different, but complementary, roles.

There are further opportunities to encourage mutual understanding of roles between the APS and MOP(S) employees. An effective way to strengthen this mutual understanding is fostering and enabling employment or secondment opportunities across the two cohorts.

The Panel's consultations highlighted the need to better utilise the DLO role as one avenue for enhancing shared understanding. The Panel's paper, *Principles for DLOs*, provides guidance to the APS on recruitment and support for these positions. Guidance includes attracting the right candidates, making the role as effective and meaningful as possible and how to support staff into, during and upon exit from these roles.

Another obvious avenue for APS employees to gain greater understanding of the role of a Ministerial adviser is for APS employees to be supported and encouraged to take up positions in Ministerial offices. The SES Talent Councils should continue to emphasise the value of these roles. Agency heads and senior leaders should actively champion these opportunities by encouraging and making it possible for senior staff to take up these roles.

The APS should make it clear that it is beneficial for APS employees to take opportunities in Ministerial offices. APS employees should also be assured that they will be supported to return to meaningful work in the APS after undertaking a role in a Ministerial office. The APS must make efforts to ensure that APS employees who undertake work in Ministers' offices are appropriately recognised for the additional skills they have developed and that they are not disadvantaged as a result of their time in a political office. This must also be respected by Members of Parliament.

The Panel suggests APS staff should also be encouraged to take up other roles that work closely with Ministers. These roles include working in Ministerial and Parliamentary liaison functions or leading a taskforce or function that works closely with Ministerial offices. This could also create opportunities for Ministerial advisers to engage closely with the APS operating environment.

#### **Engagement with Other Reviews**

During the course of its work, the Panel engaged with two significant reviews that were established to examine the parliamentary workplace.

On 16 February 2021, the Prime Minister, the Hon Scott Morrison MP, tasked a review of the procedures and processes involved in identifying, reporting and responding to serious incidents that occur during parliamentary employment. The Prime Minister asked that the review be conducted by Panel Member, Ms Stephanie Foster PSM, Deputy Secretary of the Department of the Prime Minister and Cabinet, and that it provide recommendations on how to ensure independence from the employer in such processes, empowerment to victims, and timely, effective and ongoing services and support.

The <u>Review of the Parliamentary Workplace: Responding to Serious Incidents</u> was released on 24 May 2021 and made some significant findings and recommendations to improve how serious incidents are prevented and dealt with in the parliamentary workplace. These include implementation of a face-to-face education program helping managers and staff understand their obligations in relation to a safe and respectful workplace, and to recognise and respond appropriately to serious incidents or patterns of behaviour in the workplace. The Report also recommended the development of an independent, confidential, complaints mechanism for serious incidents.

The Government accepted all ten recommendation of the Report. The Panel's consultations revealed a consistency of issues identified in the Report. The Panel welcomes the establishment of the Australian Parliament House Counselling Service (1800 APH SPT), the roll out of safe and respectful workplaces training and the start of the Parliamentary Workplace Support Service.

On 5 March 2021, the Government announced an independent review into Commonwealth Parliamentary workplaces, led by the Sex Discrimination Commissioner, Ms Kate Jenkins. The aim of *The Independent Review into Commonwealth Parliamentary Workplaces* is to ensure all Commonwealth Parliamentary workplaces are safe and respectful and that our national Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The Panel met collectively and individually with Ms Jenkins to share their views. The Australian Human Rights Commission released its report on 30 November 2021.

The Panel's work is broader than standards of behaviour. The Panel wishes to note, however, that its support for a dedicated human resource function and improved and more targeted training for MOP(S) employees would improve workplace culture and complement both these reviews.

#### Conclusion

The Panel found overwhelming support for strengthening partnerships between Ministers and the APS. The Panel views these partnerships as essential to deliver for the Australian community. The Panel recognises developing and maintaining a strong partnership can be challenging. Nonetheless, the Panel encourages continued progress on the issues identified in the *Independent Review of the Australian Public Service* and the Panel's consultations.

Leadership is critical to support strong partnerships. Ministers, Parliamentarians and the APS must engender an environment to support these partnerships. By responding to the recommendations of the *Independent Review of the Australian Public Service* and commissioning the Panel, the Government has already demonstrated its commitment to strengthening partnerships.

However, improvement in the long term will only continue if there is ongoing consideration of partnerships at regular intervals. There must also be a commitment from the leadership of the APS, Governments and Oppositions to make it a priority. Examples of regular consideration include annual discussions at Secretaries Board, or a regular update from the Minister for the Public Service to the Prime Minister and the Cabinet.

The leadership of all Parliamentary Parties (the Leaders' offices) also have responsibilities. The leadership needs to set an example about how they interact with the APS, how they expect their Parliamentarians to interact with the APS and make it a requirement for their MOP(S) staff to undertake necessary training and engagement.

With leadership, investment and improved support, the Panel believes the partnership between Ministers and the APS will be strengthened.

The Panel thanks the Government for the opportunity to consider these important issues. The Panel also thanks the participants in its consultations for generously contributing their time and insights. Finally, the Panel acknowledges the support from the Strengthening Partnerships Secretariat at the APSC.

Strengthening Partnerships Ministerial Liaison Reference Panel Canberra, 10 December 2021

#### **Appendices**

**Appendix A:** Guidance papers: Working with Ministers, Principles for Departmental Liaison Officers, The Operating Environment of a Ministerial Office, Ministerial Transitions

**Appendix B:** Strengthening Partnerships toolkit – web resources



# **Working with Ministers**

Strengthening Partnerships



#### **Working with Ministers**

#### 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 <u>Members of Parliament (Staff) Act</u> 1984. DLOs are public servants and are employed under the <u>Public Service Act 1999</u>.

#### **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 <u>Australian Public Service Commissioner's</u> <u>Directions 2016</u> 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 <u>Cabinet Handbook</u> 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."<sup>7</sup>

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.

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<sup>&</sup>lt;sup>7</sup> 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 thier 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 <u>Statement of Standards for Ministerial Staff</u>, which sets out the standards Ministerial staff are expected to meet in the performance of their duties. Ministerial staff employed under the <u>Members of Parliament (Staff) Act 1984</u> 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 <u>APS Values</u> and <u>Code of Conduct</u>. 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.



# **Departmental Liaison Officers**

**Strengthening Partnerships** 



### DEPARTMENTAL LIAISON OFFICERS Guidance for Candidates

This paper provides guidance for high performing candidates interested in the role of a Departmental Liaison Officer (DLO). This paper should be read in conjunction with paper Departmental Liaison Officer – Guidance for Managers.

A DLO placement is an extremely valuable career opportunity. Public servants who take up a DLO placement will significantly enhance their skills and experience and, during their placement, will operate in an exciting, fast paced and challenging environment.

#### **DLO** role

The DLO is an important member of a minister's office, and supports ministers on portfolio matters in an apolitical nature. The DLO works closely and cooperatively with the Minister's staff and the department, and ensures effective relationships and appropriate communication between these parties. The DLO engages proactively and exercises sound judgment. While DLOs are employed by the agency, they are critical to the success of the ministerial office and the Minister's ability to get the best service from the agency.

The DLO works cooperatively and respectfully with other DLOs, both within their own portfolio and across government. Ministers are often responsible for multiple portfolios and therefore may have multiple DLOs in their office from different departments. This can impact each DLO's role within the office (for example, one DLO may lead the Minister's Cabinet responsibilities; one may manage the Minister's Question Time responsibilities).

Working as a DLO provides a great opportunity to form new and influential working relationships across government. DLOs quickly develop a deeper understanding of how Parliament and Government operates and the role of their department in the broader whole-of-government context.

#### **DLO** responsibilities

The DLO's main responsibility is to facilitate communication between the Minister's office and their portfolio. The DLO manages the flow of material within the Minister's office and between the Minister's office and the department. The key responsibilities of a DLO include:

- managing (including shepherding through the office within timeframes) ministerial submissions, ministerial correspondence, ministerial briefings, Senate Estimates, Parliamentary Questions and Motions, Cabinet and associated committees, legislation and other portfolio documents (and returning actioned material to the department);
- facilitating and encouraging departmental responsiveness to the operational requirements of the Minister and anticipating and advising the department on potential policy views or actions taken by ministers that could impact on departmental advice<sup>8</sup>;
- assisting the Minister's staff on engagement with the department and vice versa;
- managing departmental resources within the Minister's office;
- responding to queries from all stakeholders, including members of the public, respectfully and providing helpful and timely information; and

<sup>&</sup>lt;sup>8</sup> DLOs assist the Department in meeting and managing ministers' expectations and needs and delivering the required outcomes. This kind of 'proactive intervention' can assist departmental staff to tailor their advice to the Minister, and, in particular, highlight and explain any ambiguities or risks that may be relevant.

• responding to the Minister's and Minister's staff's enquiries on portfolio related business.

While DLO responsibilities are similar across ministerial offices, each office and department will operate according to the preferences of their Minister, Chief of Staff and departmental executive.

## DEPARTMENTAL LIAISON OFFICER Guidance for Managers

This paper provides guidance for managing the role of a Departmental Liaison Officer (DLO). It is intended for senior departmental mangers, those involved in recruiting and supporting DLOs and ministerial staff who engage with DLOs. This paper should be read in conjunction with the paper Departmental Liaison Officer – Guidance for Candidates.

A DLO is a public servant who is temporarily placed in a minister's office to act as a conduit between their department and the Minister's office. A DLO placement is a rewarding opportunity for public servants to gain experience in a minister's office. A DLO placement offers individual development and insights into operating effectively as a public servant, supporting the government of the day.

A public servant placed as a DLO should be strongly supported by their department. This includes from the initial recruitment, throughout the placement and upon return to the department.

#### **Accountability and expectations**

The DLO remains a public servant and a departmental officer and must uphold the <u>values of the Australian Public Service</u>. This includes remaining apolitical and impartial while working in the Minister's office. This does not mean the DLO must remove themselves when political matters are discussed. The DLO can certainly offer facts and advice from the department. However, the DLO must not offer personal opinions or engage in activity that could be perceived as political. This could include acting as a de-facto adviser or as a de-facto electorate officer.

The DLO is accountable to the Secretary of the Department, despite taking day-to-day directions from the Minister, their Chief of Staff or staff. The DLO reports to a relevant and appropriate manager within the department, in accordance with the department's structure for supervision and administrative requirements, such as employment conditions, performance assessment and leave<sup>9</sup>.

The DLO works longer than usual hours and must be available during non-standard work times (e.g. nights and weekends) to support the Minister and their office. In most circumstances, departmental enterprise agreements offer a DLO allowance in recognition of the extra hours of duty, and in lieu of any other payments or time-off-in-lieu arrangements.

Successful DLOs are individuals who, with support from the department, can foster their mental and physical health, which is crucial for the individual, the Minister's office, and the department.

#### **DLO** selection

Advice to ministers regarding their DLO allocation guides the selection of a DLO. DLO opportunities should be visible and made available to all departmental staff and senior leadership should support the identification and release of potential candidates. The placement is not typically filled on a permanent basis or by contractors.

Candidates should be high performing and have the appropriate skills, knowledge, experience and attributes, such as an ability for independent work that produces effective outcomes in fast paced environments. This allows DLOs to operate successfully in the challenging environment of a

<sup>&</sup>lt;sup>9</sup> Requests for significant annual leave periods would not be expected during a DLO's placement.

minister's office. It is these key skills and attributes that make for an effective DLO, especially in terms of managing relationships.

Candidates must also have the ability to obtain a security clearance commensurate with the department's operating environment.

Final selection of the DLO may involve the participation of the Minister or their Chief of Staff.

#### **Phasing the position**

The ideal length of a DLO placement is between 12 and 18 months. This allows for two DLO rotations in a typical parliamentary term. This is sufficient time for a DLO to become familiar with the role and operate with a high level of competence.

The transition between the departing DLO and the incoming DLO must ensure a smooth handover and continuity of service to the Minister and their staff. The departing DLO must be flexible regarding the end date of their placement, and department managers should be supportive.

In the event of an election being called, DLO placements must operate in line with the Department of the Prime Minister and Cabinet's Guidance on Caretaker Conventions.

#### **Support during the DLO placement**

The DLO should have regular contact with the department's Parliamentary coordination branch. The SES Band 1 of the Parliamentary coordination branch should ensure regular check-ins occur and that the DLO spends an occasional part day working from or visiting the department to maintain a sense of belonging. The SES Band 1 should be available at all times to support and offer advice to the DLO, particularly as a pathway to overcome abnormal situations with ministerial staff.

Departments should support the DLO with appropriate mobile devices due the unpredictable nature of a DLO's role.

#### **Returning to the department**

The DLO's work should be recognised and valued by the department on their return to the department (to highlight the importance of the role and its value).

The DLO remains at their substantive level at the conclusion of their placement, notwithstanding any higher duties or allowances they may receive while performing the DLO role.

The DLO should be assisted in their return to the department, particularly with the identification of a position, noting that they remain attached to the division (or possibly branch) where their substantive position was held. The department should consider if the DLO has any preferences about where they would like to work upon their return to the department, and if there are opportunities in these areas.

#### Effective promotion and support of the DLO position

Effective promotion and support for DLO roles include:

Transparency about the role, expectations and the working environment, including what the role
is and what it isn't, and the fact that DLOs remain public servants and must adhere to the APS
Code of Conduct and Values. This should also highlight what the role can provide for now and
into the future, by way of career insights and opportunities, including an enhanced ability to
navigate "the grey".

- Commitment from the department and the Minister's office to recognise the role and its value, making it work to maximise benefits and making it a rewarding experience for both the DLO and the Minister's office.
- *Investment* in the process, person and overall outcomes during the full life cycle of a DLO, which is not a set and forget process for the individual or department, and includes regular oversight of work health and safety for the DLO.

It is important to inform potential and successful DLOs, Chiefs of Staff, Ministers and departmental leadership of these three matters.



# The Operating Environment of a Ministerial Office



#### The Operating Environment of a Ministerial Office

The purpose of this guidance is to provide an overview of the operating environment of a Ministerial office. It is intended for members of the Australian Public Service (APS).

This guidance is general in nature.

#### Introduction

The operating environment of a Ministerial office is unique. It is fast paced, constantly changing, always busy and presents a daily set of competing and often complex priorities. Working in a Ministerial office can be challenging and stressful and, at the same time, it can be exhilarating and extremely rewarding. It is a privilege to work for a Minister in the Australian Government in the service of the Australian community.

Ministerial staff support their Ministers in their Ministerial role, but also support their non-portfolio functions, such as party political, House or Senate business and constituency work. Ministers and Ministerial staff have multiple competing demands on their time and strict deadlines to resolve issues.

#### The Composition of a Ministerial Office

Ministerial staff are employed under the <u>Members of Parliament (Staff) Act 1984</u>. The Act regulates the employment of staff by all Senators and Members of the House of Representatives.

The Prime Minister decides the number of staff allocated to Ministers and Assistant Ministers, including Departmental Liaison Officers (DLOs), and approves the employment of Ministerial staff. The Prime Minister, in consultation with their staff and the Special Minister of State, also sets standards for Ministerial staff, selection processes and employment levels for Ministerial staff. The Special Minister of State administers the <a href="Statement of Standards">Statement of Standards</a> for Ministerial Staff which provides standards of behaviour to Ministerial staff.

A Cabinet Minister's office will include a Chief of Staff, Senior Advisers, Media Advisers, Advisers, Assistant Advisers and administrative staff. Staff will also include DLOs and electorate staff. A Minister's Chief of Staff will have around 12-18 direct reports, depending on how the office is structured. Ministerial staff can be based in Canberra, in Commonwealth Parliament Offices in capital cities across Australia or in the Minister's electorate office.

#### Who are Ministerial Staff?

Each Minister has their own style and approach and every Ministerial office has a different staff profile. This is based on the Minister's needs and preferences, portfolio responsibilities, and seniority.

Ministerial advisers have a close proximity to the decision maker. This characteristic sets them apart from other roles in government.

Ministerial staff come from a variety of backgrounds and experiences and a typical office will include a mix of skillsets and personalities. Ministerial staff range from "generalists" to political or policy experts. Some staff may come from the APS. Others may have worked for the Minister in opposition or when the Minister was a backbencher. Some staff may have backgrounds in the Minister's political party. Some may have backgrounds in the private sector, may have worked in policy roles or may have worked for non-government organisations, such as university or research institutes, community groups, trade unions or employer organisations. The Minister determines their suitability for the Ministerial office and the role they will occupy.

Some offices may not have any Ministerial staff with APS experience. In these cases, the APS should be aware that some support relating to government procedures may be required. The APS can provide this assistance directly or through the DLO.

#### A Day in the Life of a Ministerial Adviser

The work of a Ministerial adviser is fast paced and each day is different. While driven in part, by the annual calendar of Government and Parliamentary business, their activity is directed by the priorities of the cycle, the day or even the moment. A Parliamentary sitting day is a cacophony of ringing bells, back-to-back meetings, media interviews or requests for information, multiple phone calls and emails, ensuring the Minister is where they need to be when required and managing time pressures. A Ministerial adviser will have competing and changing priorities and will also have many individuals seeking their attention, including the Minister, APS officials, other advisers, party officials and other stakeholders. This is all in addition to the adviser's normal work of engaging with the APS and providing written and verbal advice to the Minister.

It is important to remember that compared to work in APS departments, a Ministerial office has a much smaller staff and is generally under much greater pressure to perform and deliver in a timely fashion, especially when Parliament sits.

## How does a Minister's staff work with the APS?

The principal role of a Ministerial adviser is to advise the Minister. Advisers work in a political environment, providing political context and advice to aid a Minister's decision making on policy matters. The fundamentally political nature of advisers' roles sets advisers apart from the APS but also enables and protects the political impartiality of the APS.

Ministerial staff form an integral part of Government. They work in conjunction with the APS to deliver the Government's priorities. They assist Ministers on matters where politics is an issue, which is outside the scope of the apolitical APS. They advise and assist on policy matters, including policy development and implementation. They ensure the Minister is aware of stakeholders' views and support the Minister in almost all aspects of their role.

To provide advice, Ministerial advisers draw on APS knowledge and experience, amongst other sources. The partnership between Ministerial staff and the APS is therefore critical for effective public administration.

When engaging with Ministerial staff, the APS should be conscious of the <u>APS Values</u> and the <u>APS Code of Conduct</u>. While all APS Values are equal, it is particularly important to remember the value: *The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.* 

The provision of advice to a Minister takes place in a competitive and contestable environment, and is not the sole preserve of the APS. Ministers receive advice from a variety of sources, such as research institutions, non-government organisations, business organisations, community groups and other stakeholders. Ministers and their staff have contacts that are close to the issues. APS advice must therefore be well informed and of high quality – relevant, accurate and current – and it must address the issues.

The contestability of advice has grown over time and the APS needs to be attuned to this. It is critically important that APS advice is both high quality and contestable. The APS enjoys a privileged position in that the APS has a direct, formal channel of communication to the Minister to propose or inform the Minister's decision making.

From time to time, Ministerial staff may have alternative views to APS advice on a particular issue. Ministers generally receive advice from both the APS and from their staff, as well as from colleagues and other stakeholders. A difference in opinions will be apparent to the Minister and ultimately, it will be the Minister who makes the final decision. This demonstrates the need for APS advice to be persuasive, current, evidence based and of excellent quality.

When working with Ministerial offices, it is important to always understand the underlying political context. APS impartiality is fundamental and the APS should not become part of the politics. However, APS staff need to understand Ministers and governments operate in a political environment and need to be aware of the political context to their work. Ministerial advisers provide political and policy advice, enabling the APS to remain apolitical.

It is important to consider the balance between process and outcomes. A Minister will often be focussed on solutions to problems and so the APS needs to craft advice to provide the Minister with the best process in order to achieve a desired outcome. Processes should be well considered and implementable, however not so burdensome as to cloud the outcome. There sometimes can be a sense in Ministerial offices that in some APS advice, process is prioritised over fixing the problem. APS advice should recognise, address and seek to overcome and change this. It is important to find a balance between process and outcomes and note that process sometimes has other drivers.

The influence of Ministerial staff derives from their position of trust with their Ministers and proximity to their Ministers. Ministerial staff cannot direct APS employees in their own right and APS employees are not subject to their direction. If an APS employee ever has a concern about with their engagement with Ministerial staff, they should raise it immediately with their manager, who in turn should discuss the matter with the Minister's Chief of Staff.

#### Governance

Ministerial staff are employed under the framework established by the <u>Members of Parliament (Staff) Act 1984</u>. They are also required to operate under the <u>Statement of Standards for Ministerial Staff</u>. Section 8 of the Statement of Standards for Ministerial Staff requires Ministerial staff to "make themselves aware of the APS Values and Code of Conduct"<sup>10</sup>. This will assist in building realistic expectations of the nature and extent of advice they will receive from the APS. Ministerial staff should also be aware of <u>The Cabinet Handbook</u> and <u>The Legislation Handbook</u>.

#### How does a Minister's office work with other offices?

A Minister is a member of the Executive Government, led by the Prime Minister. Ministers can be Cabinet Ministers, can be in the Outer Ministry or can be Assistant Ministers (formerly known as Parliamentary Secretaries).

The Government operates within a Cabinet framework. As part of this framework, Ministers consult with their colleagues, take decisions collectively and may be called to participate in Cabinet committees, such as the Expenditure Review Committee, the Service Delivery and Coordination Committee or the Cabinet Office Policy Committee.

Ministers work closely with other Ministers to progress Government priorities. For example, to progress a Budget submission, a Minister's Office would usually work closely with the offices of the Prime Minister, Finance Minister, Treasurer and other ministers, including Assistant Ministers in the same portfolio, whose interests intersect with the issues in the submission.

Interactions and negotiations between Ministers, where not led directly by Ministers, are normally led and carried out by Ministerial staff. For example, Ministerial staff engage with colleagues in other Ministerial offices to consult on policy matters, establish a common position and address any challenges or differences. This engagement informs Ministers, who then agree on a final position on a matter.

For Parliamentary matters, the Minister works with the offices of the Leader of the House in the House of Representatives and the Leader of the Government in the Senate.

Ministers work with the office of the Cabinet Secretary for Cabinet matters. The Cabinet Office is supported by the Cabinet Division of the Department of the Prime Minister and Cabinet.

The APS is often called upon to provide briefing to support these interactions. The APS assists in this process by working with other departments to inform views, provide background information, support objectives and identify and resolve any issues. To do this, the APS must have a clear understanding of the Minister's position and this can be achieved through a strong relationship and regular engagement with the Minister and their staff. Factual and relevant briefings are appropriate in these situations. Ministerial staff will draw

<sup>&</sup>lt;sup>10</sup> Special Minister of State 2021, Australian Government, accessed 12 November 2021. https://www.smos.gov.au/statement-standards-ministerial-staff

on the experience and advice of the APS to understand and meet the requirements of Cabinet and other government processes.

## **Interaction with Parliament and Parliamentary Processes**

Ministers have a range of Parliamentary responsibilities. This includes answering questions in Parliament (for their own portfolio and also representing Ministers in the other Chamber), providing briefings to and appearing before Parliamentary Committees and ensuring the passage of legislation through the Parliament. Ministers who are Senators appear before Senate Estimates hearings, both for their own portfolio and also representing portfolios of other Ministers in the House of Representatives (including the Prime Minister). Ministers are also responsible for briefing their own Party Room on upcoming legislation.

The APS provides briefing and logistical assistance to support the Minister's parliamentary responsibilities. However, the APS does not provide explicit briefing for Party Room or Party Policy Committee briefings. These briefings are prepared by Ministerial staff and normally delivered by the Minister.

## **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. This necessitates membership of a political party, but on occasion Governments may 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. Similarly, the Minister may ask the APS to brief the Opposition or crossbench to support Parliament's consideration of legislation.

These activities are critical in supporting the Minister in their parliamentary responsibilities.

However, it is important to remain 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 political branch meeting or a discussion with a policy committee of the organisational wing, the Minister's 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

#### Role of the Media

The media is an important part of Australia's parliamentary democracy. Ministerial engagement with the media and media practices are both important for the APS to understand.

Over 250 journalists, photographers, editors, camera operators and other support staff work in the media at Parliament House<sup>11</sup>. Collectively, they are known as the Federal Parliamentary Press Gallery. Their role is to report on a wide range of Government and non-Government activities in Parliament House and on Members of Parliament more generally.

Members of the Press Gallery often have interactions with Ministers and their offices. Normally, the Minister's media adviser facilitates these interactions.

The 24-hour media cycle, the rapid uptake of social media and a constant need for content means journalists are always on the lookout for a story, or in colloquial terms, a "yarn". The APS should be proactive and adopt a "no surprises" approach with Ministers and their staff, bringing potential issues to their attention early.

While the Minister's office is typically responsible for the direct relationship between the Minister and the media, the APS also supports this relationship. APS departments have media teams to support their Ministers, including drafting speeches, talking points media alerts and media releases.

#### Changes in the Operating Environment since 1984

In 1984, Parliament passed the *Members of Parliament (Staff) Act 1984*, to set the parameters for Members of Parliament to employ personal staff. Since that time, the operating environment of a Ministerial office has changed significantly.

For example, in the 1980s there was a diversified media in Australia, with a variety of distinct and separate media outlets. Australia now has a concentrated media model, with 24 hour news channels, electronic media and social media all providing news and content in a crowded and competitive media marketplace. This is in addition to traditional media outlets, which still exist. There has been an increased focus on the work of the Government, Ministers and their staff. This has increased the pressure on Ministers and their staff. To support the government of the day, the APS must be conscious of the media landscape and the media's interest in government.

Since the 1980s, lobbyists have also grown in number and activity. A lobbyist is any person, company or organisation who conducts lobbying activities on behalf of a third-party client. Lobbyists help individuals and organisations communicate their views to the Government. In 2008, the Government introduced the Lobbying Code of Conduct and established the Register of Lobbyists. Both Ministerial staff and the APS need to be aware of lobbyists and the role they play. Ministerial staff also have obligations under the Code.

<sup>&</sup>lt;sup>11</sup> Federal Parliamentary Press Gallery, accessed 12 November 2021. https://pressgallery.net.au/about-us/

Another change in the operating environment of a Ministerial office is the professionalisation of the role of Ministerial staff. Over the last twenty years, there has been a significant growth in the numbers of Ministerial staff. In the past, working in a Minister's office was often seen as a secondment or a temporary placement. People now make careers as a Ministerial staff member, and will often work for a Member of Parliament in both Opposition and Government. While this will not impact the relationship between Ministerial staff and the APS, it is nonetheless a factor to consider.

The speed at which issues move is another change since the introduction of the *Members of Parliament (Staff) Act 1984*. This is a key feature of the current operating environment of a ministerial office. The APS should appreciate the speed of the development of issues and be agile in its response, particularly when providing information to a Minister on fast moving matters.

Social media is now a significant feature of the Australian political landscape. Some Ministers engage frequently with social media, whilst others do not have any social media presence. The APS needs to be aware of social media and the impact is has on politics and the agenda of the day.

#### Conclusion

Ministers normally hold their office for a relatively short time, and during that time Ministers want to achieve outcomes for the Australian community. To achieve outcomes and enable a strong partnership between the APS and Ministers and their offices, the APS needs to be aware of the operating environment of a Minister's office, be alert to their unique pressures and nuances and be proactive in their engagement.

Understanding the operating environment of a Minister's office is a good foundation on which the APS can build a partnership to deliver good policy outcomes for the Australian community.



# **Ministerial Transitions**



#### Ministerial Transitions

In Australia's democracy, managing transitions is an important part of our political system and the Australian Public Service (APS).

This paper outlines broad principles for transitions that take place during the course of the relationship between the APS and the government of the day. It is intended for senior departmental officials, departmental staff responsible for portfolio support, Ministerial staff and Ministers.

Every department has their own approach to managing transitions. Arrangements need not be standardised across the APS, but should be underpinned by a set of guiding principles. This paper outlines basic principles and suggestions, which are based on best practice, to ensure smooth and consistent transitions across government.

This paper provides the opportunity to share good practice across the APS. This paper has been developed following extensive consultation across many levels of government, including at Secretary and Ministerial level. The consultation has drawn on examples of good practice, which subsequently underpin the principles.

## What is a "transition" and why do we need principles?

Transitions take a number of forms. While often thought of as meaning a change of government, transitions also include a change of Minister, a change of Secretary or a change of senior Ministerial staff.

It is common for governments to go through transitions in Ministerial appointments after an election, and from time to time during a parliamentary term. Ministerial staff can change at any time.

The principles in this paper are designed to encourage consistency across government, and provide a clear framework and guidance to support transitions. The principles offer high level guidance to inform decision making.

This paper focusses on the process, logistical and operational matters of transitions. Successful implementation of logistics and engagement contribute to building a relationship and strengthening the partnership between the APS and ministerial offices.

## Why is managing transitions important?

Managing transitions effectively is the start of an enduring relationship between the APS and a Minister. Effective transitions develop confidence and trust between the APS, Ministers and Ministerial staff. A smooth transition has a lasting positive impact on the partnership between the APS and the government of the day. It also ensures continuity of systems and services in as seamless a manner as possible, which contributes to continuity of business for critical institutions of government. Ultimately, a well-managed transition will result in better public administration outcomes for the Australian community.

Conversely, a poorly managed transition creates a poor first impression and negatively impacts the relationship between the APS and the government of the day. This reduces the efficiency and effectiveness of this critical partnership and can impact public confidence.

#### The value of a dedicated focus on transition arrangements

Arrangements for transitions will vary across departments and Ministerial offices, depending on the size of the Department, Ministerial preferences and established practice. However, arrangements should be similar across government. A key reason for promoting consistency is that, during the course of a Minister's career, a Minister can move across a number of portfolios. Consistent approaches to transitions makes it easier for Ministers and their staff to transition effectively.

Adhering to a clear set of principles allows departments to move to action quickly during times of transition, reduces the risk of misunderstandings or unclear expectations, and provides consistency and continuity for effective government.

Different transitions present different levels of risks and issues to consider. For example, matters to consider are different for a new minister in a new government, compared to a new minister in the existing government.

#### **Principles for Transitions**

Every Minister has different experience and different needs, and there is no "one size fits all" approach to transitions. However, an approach based on principles is important and contributes to an effective and smooth transition.

An overarching principle for any transition is for the individuals involved to place themselves in the shoes of the other and to appreciate and recognise the needs of all parties. A simple question to ask is "what do you need and how can we support you"?

It is also important to consider what is needed, what is important and what is urgent. Departments should be flexible, responsive and proactive at all times in a transition.

## 1. A clear system for managing the immediate response to a transition

Getting the basic foundations right is critical for building strong partnerships between the APS and the government of the day. These can be as simple as getting the "office basics" right.

Departments should have a system in place for the early set-up arrangements during a transition period. This system should identify tasks and roles and have relevant officers and teams assigned to each task. There should always be a Transition Plan.

In the case of a new Minister in a new portfolio, a suggested approach is for the Department to stand up a Transitions Team to execute the Transition Plan and work directly with the Minister's staff to set up administrative and technical processes, according to the Minister's preferences and the particular functions of the department and portfolio. A Transitions

Team would most likely be formed from an existing team in the ministerial support area of a department, and should be led by a senior departmental official.

A Transitions Team could also act as a "lead" for other agencies in the portfolio.

An obvious example of an important task for the Transitions Team is to ensure connectivity as soon as possible. This involves arranging early and prompt IT access for the new Minister and their staff, including phones and laptops. Whilst this task should be relatively straightforward, if done well, it demonstrates the professionalism of the APS and sets a positive tone from the start.

In any transition, Departmental Liaison Officers (DLOs) must quickly adapt to new working arrangements and relationships. Departments should provide clear advice to DLOs on what is expected of their role and DLOs should be ready to adapt.

Departments should consider the need for other support and administration staff and should be ready to provide temporary staff to a new Minister's office if required. Support and administration staff are critical to a smooth transition and if they are not in place, the Department should assist where possible. APS staff should be reminded of their responsibilities under the APS Values and APS Code of Conduct and supported where necessary.

Departments may need to provide assets and equipment to locations other than Parliament House. Ministerial staff may not always be based in Parliament House. They could be based in a Commonwealth Parliament Office or in the Minister's Electorate Office.

When a Minister moves from one portfolio to another, or if a Minister is sworn to more than one portfolio, coordination between departments is essential to ensure a smooth transition. Different departments provide many support functions in a transition. There must be close and efficient liaison between the Minister's former and new departments to transfer business processes, practices, preferences and services. Close cooperation should be at all levels, from the Secretary down.

Departments should also work together closely when Ministers are sworn to more than one portfolio and have multiple ministerial responsibilities. For example, departments could consider the concept of a "home" or "lead" department when providing assets and equipment, and the role of DLOs will need to be discussed.

These are just some examples of the many tasks various departments undertake during a transition. It is not an exhaustive list.

#### 2. Early, clear and straightforward communication

Transitions take place in dynamic and fast moving environments. To ensure a smooth transition, a "no surprises" approach is essential.

Departments take a variety of approaches to managing transitions, particularly in the case of a new Minister.

It is important to note that a Minister does not become a Minister until the Governor-General officially swears that person to a portfolio. However, where the Prime Minister has indicated that a person will have responsibilities for a particular portfolio, the Department is not precluded from engaging with that person prior to their appointment.

In the case of a new Minister, the Department should determine who makes contact with the Minister's office and when. It is important to develop a relationship early with the new Minister and their Chief of Staff to ensure the provision of an adequate level of care and support. This is particularly important when a Minister has not held ministerial office before.

In the early stages of a transition, departments should establish a "one stop shop" approach to facilitate all contact between the Minister's office and the department.

This "one stop shop" approach allows new Ministerial offices one place to go for support, rather than across different enabling services and different areas of the Department. This is particularly important in Ministerial matters, but also assists with other key personnel changes.

During a transition, the Minister's Chief of Staff (often with the support of relevant Ministerial staff) and APS officials should work together to establish:

- A framework for the manner and frequency of contact during the transition.
- A list of the key issues to be managed during the transition, including the Minister's priorities.
- The risks and opportunities arising from the transition.

The Minister's Chief of Staff plays an important oversight role, even if they choose to delegate some of the detailed work.

#### 3. Clear frameworks to ensure continuity of effective government

Key parties to a transition should consider the implications of a transition and provide effective advice. When providing advice, and particularly if seeking action, departments should consider what matters are *urgent*, in comparison to matters that are *important* for the Minister.

#### Early advice includes:

- Considering advice to a new Minister or new Ministerial staff member who may not have had exposure to critical issues in the portfolio.
- Providing advice on Ministerial responsibilities about which a new Minister may not be aware.
- Identifying key issues a Minister needs to know.
- What issues or appointments are scheduled and are crucial now and in the forthcoming weeks.
- Providing an analysis of key internal and external stakeholders.
- Prioritising information to ensure time-critical matters are raised and dealt with effectively.

Departments should determine the Minister's key priorities as soon as practicable and be mindful of these priorities when providing advice. Departments should also advise Ministers of any existing commitments, previous commitments and any portfolio policies already decided by Cabinet.

In the case of a new Minister, an example of ensuring the continuity of effective government is when the Department provides a senior official to undertake a short-term placement in the Minister's office. This official could be a high performing EL2 or SES Band 1 and can deliver policy advice and guidance during the early stages of the transition, while the Minister establishes their office and recruits their Ministerial staff. The APS should inform Ministers that seconding departmental staff to a ministerial office is possible, particularly in the short term. <sup>12</sup> Such a role would be in addition to a DLO.

In anticipation of any transition, the Department should identify high performing individuals who would be suitable for a placement in a Minister's office. This placement not only supports the Minister, but also provides both an excellent experience and career development opportunity for departmental staff.

In the case of a new Minister, Departments should extend an invitation to the new Minister and Ministerial staff to visit the Department and meet officials of all levels at the earliest opportunity. This visit could be in the form of an afternoon tea or a floor walk. This invitation should also extend to portfolio agencies, where relevant.

<sup>&</sup>lt;sup>12</sup> A Minister can also backfill vacant adviser positions with APS staff for up to 12 weeks. However, it is not possible to supplement a Minister's office with APS staff for lengthy periods outside of their MOP(S) staff allocation as approved by the Prime Minister.

Ministers and their departments should work closely to ensure that the Department (and agencies, where relevant) have a clear understanding of the Minister's expectations.

Departments produce Incoming Ministerial Briefs and Government Briefs during the Caretaker period. Systems should exist to produce high quality Incoming Briefs quickly inthe event that a transition takes place outside of a Caretaker period. The Department of the Prime Minister and Cabinet provides more information about the Caretaker Conventions online.

Departments should provide clear advice about equipment available for the Minister and Ministerial staff and what is appropriate in the context of a particular portfolio. Departments should always be flexible and responsive and try to accommodate Ministers' preferences. However, Departments should also draw on their experience of transitions and provide advice accordingly.

Ministers should be aware of the role of the Cabinet Secretary and Cabinet processes. The Prime Minister appoints the Cabinet Secretary, and they can be either a Parliamentarian or a senior Ministerial staffer. The Department of the Prime Minister and Cabinet publishes *The Cabinet Handbook*, which outlines Cabinet policies and procedures which Ministers should follow. *The Cabinet Handbook* is available online.

#### 4. Be mindful of information overload

In the case of a new Minister, initial discussions on procedures, briefings, security and IT can be overwhelming. Departments should be conscious of information overload and the relevance, urgency and importance of information provided in briefings to a new Minister.

This may particularly be the case after an election campaign, where transitions are fast paced and occur after intensive work periods.

A suggested approach is for the Department to follow up initial briefings with an offer of a "deep dive" on particular topics or supplementary briefings beginning three to four weeks after the transition has taken place.

## 5. Off-boarding is an important transition

An important transition to manage is the off-boarding of a Minister and Ministerial staff. Closing down a Ministerial office means a change of personnel, retrieval of assets and identifying legacy documents. Departments should have a system in place to manage off boarding, which can occur at any time.

For example, on departing office, a Minister and his or her staff will need to make arrangements with the National Archives of Australia to <u>transfer relevant records</u>.

While there are no fixed rules, once a Minister no longer holds their position, their Ministerial offices in Parliament House and other locations generally need to be decommissioned within a few days. This involves significant departmental support, as well as cleaning and preparation work by the Department of Parliamentary Services and the Department of Finance. Sensitive material, including Cabinet document retrieval, must also

be considered. Departmental assets must be ready for return, with the Department handling and auditing all assets. The Department of Finance also has a significant role to play in terms of when equipment can be removed from Parliament House, and when new offices are ready for occupation.

Departments should also be flexible and proactive in their dealings with exiting ministerial staff, who will need time to close down systems such as email and mobile telephones.

Following are transition matters for departments to consider. Please note – this is guidance only and is not exhaustive. Timelines are suggestions and departments should consider what is urgent and prioritise accordingly. This is an indicative set of matters upon which to base transition plans. Each Department will form transition plans according to its needs and those of incoming Ministers and staff.

#### Matters to Consider - New Minister

## Within the first week of new Minister's appointment

Identify contact person and team within department to run the transition process.

Identify contact person within Minister's office.

DLO appointment to be complete and in place, noting this is likely to be done in advance, unless the Minister would like a change.

Arrange initial meeting with Minister, their Chief of Staff and contact person within Minister's office.

Provide a copy of the Incoming Minister's Brief to the Minister and their office.

#### At the initial meeting:

- Discuss the department's senior staff responsibilities and structure.
- Discuss available departmental resources including ICT and other equipment, corporate services, website, social media and communications functions, telecommunications, stationery, motor vehicle, and whether resources are required in the Electorate Office, a Commonwealth Parliament Office or the Minister's home. The Department of Finance also provides <u>guidance</u> on services available to Ministers.
- Discuss security (input from ASIO/ASD).
- Discuss media monitoring, and media handling processes.
- Discuss staffing, including DLO and also other departmental staff who may be available for temporary placement.
- Discuss preferences for briefings.
- Offer to brief Minister on areas of interest and confirm those dates.
- Define a process for ongoing engagement with the Minister and their office, for example, a weekly meeting, a fortnightly meeting, engagement with Chief of Staff or another adviser.

The Minister and Minister's staff to discuss workplace health and safety obligations and procedures.

## Within two weeks of new Minister's appointment (or as directed by Minister's office)

Confirm all departmental resources for Minister's office are in place.

SES to brief Minister and relevant adviser on portfolio responsibilities.

Department to provide brief on Minister's responsibilities, including what falls within their power, what requires Cabinet approval, the role of the Cabinet Secretary and what legislation the Minister is responsible for.

Department to provide Minister and staff with security briefings and security training.

Department should extend an invitation to the Minister and their office to visit the department, for example for an afternoon tea or "floor walk". An invitation should also be considered in due course for portfolio agencies.

## Within three weeks of new Minister's appointment (or as directed by Minister's office)

Where appropriate, Minister and department to work on statement of expectations for relevant departments, agencies and regulators in the portfolio. Where these statements exist, they should be provided to the Minister. The Minister should write a new statement where appropriate and relevant.

## Within four weeks of new Minister's appointment (or as directed by Minister's office)

SES to offer Minister and ministerial staff deep dive briefings on topics selected by the Minister.

Department to review with Chief of Staff support and engagement provided to date, and seek feedback to improve or refine processes.

#### Matters to Consider – New Ministerial Staff Member

#### Before the new staff member commences

Following consultation with the Chief of Staff, the DLO to contact new staff member to begin on boarding process, including setting up IT and introduction to AGSVA to obtain necessary security clearances (through the department).

IT (email, laptop and mobile telephone) should be in place before the new staff member commences.

DLO or Office Manager to arrange an appointment with the Parliament House Pass Office for the new staff member on their first day.

#### Within the first week of new staff member's commencement

DLO acts as main departmental support for new staff member for IT and facilitating briefings, introductions to and contact with department.

The Minister and Minister's staff to discuss workplace health and safety obligations and procedures.

DLO to arrange security briefing with new staff member

Department invites new staff member to the department to meet relevant SES, executive officers and executive assistants and provide briefings.

DLO to provide a departmental organisational chart.

Relevant SES to confirm with new staff member the preferred way of communication and engagement, including the new staff member's approach to briefing.

#### Within two weeks of new staff member's commencement

DLO to confirm new staff member has all departmental resources in place.

DLO to check if new staff member requires further briefing or clarification of any departmental matters.

#### Within three weeks of a new staff member's commencement

Relevant SES Officer from Department to review engagement with the adviser to date and seek feedback in order to refine or improve processes.

## **Transition of a New Secretary**

Departments are responsible for the transition of a new Secretary. Departments will have their own internal processes for managing such a transition, and the preferences of the incoming Secretary will be important.

It is beyond the scope of this paper to provide guidance to departments on transitioning incoming secretaries. However, departments should consider the following points in relation to the interaction of a new Secretary and a Minister and his or her office.

- The new Secretary and the Minister and the Minister's Chief of Staff should establish contact as soon as the appointment is announced.
- The Minister should discuss with the Secretary his or her expectations of the Secretary and the Department.
- The Secretary should meet with Minister's staff.
- The Minister's staff should meet with Secretary's Executive Officer and Executive Assistant.
- The Minister and Secretary should discuss preferences for ongoing engagement, including regular meetings and the role of the Chief of Staff.

# **APPENDIX B: Web Resources**

Document Name	Relevant Content	Document Owner
Cabinet Handbook, 14th Edition	Cabinet Handbook	Department of the Prime Minister and Cabinet
Government Guidelines for Official Witnesses Before Parliamentary Committees and Related Matters	General information on Parliamentary Committees, making submissions (including clearance of submissions by a minister), consultations with Ministers ahead of hearings, parliamentary privilege requests for information during caretaker periods and public interest immunity claims.	Department of the Prime Minister and Cabinet
Guidance on Caretaker Conventions	General guidance on caretaker conventions, specific to PM&C's processes. Includes information on policy decisions, international negotiations and visits, avoiding APS involvement in election activities (specifically, DLOs) and internal agency matters.	Department of the Prime Minister and Cabinet
Learning from Failure: Why large government policy initiatives have gone so badly wrong in the past and how the chances of success in the future can be improved	Independent Review of Government processes which provided 28 proposals. Of relevance, the proposals relate to providing advice and supporting decision making.	Australian Public Service Commission
Statement of Standards for Ministerial Staff	Standards that Ministerial staff are expected to meet in the performance of their duties.	Special Minister of State
Commonwealth Grants Rules and Guidelines 2017	Information on Ministers' roles and responsibilities under the Commonwealth Grants Rules and Guidelines 2017.	Department of Finance
Australian Constitution	The Constitution of Australia	Parliament of Australia
Public Service Act 1999	Public Service Act 1999	Federal Register of Legislation
Social Media Guidance	Social media: Guidance for Australian Public Service Employees and Agencies	Australian Public Service Commission
Ahead of the Game	Blueprint For The Reform Of Australian Government Administration	Terry Moran and Advisory Group on Reform of Australian Government Administration

Our Public Service, Our Future: Independent Review of the Australian Public Service	Independent Review of the Australian Public Service	David Thodey AO and independent review panel
Delivering for Australians	A world-class Australian Public Service: The Government's APS reform agenda, and the Australian Government's response to Our Public Service, Our Future	Department of the Prime Minister and Cabinet
Legislation Handbook	Describes the procedures involved in making Commonwealth Acts, especially the procedures coordinated by PM&C.	Department of the Prime Minister and Cabinet
Overview of the Federal Budget	Overview of the Budget Process	Department of Finance
Ministry List	Current Ministry List	Department of the Prime Minister and Cabinet
Shadow Ministry List	Current Shadow Ministry List	Parliament of Australia
Parliamentary Handbook	Detailed information about Parliament including the parliamentary service and political careers of Senators and Members, details of elections, and historical information on the Parliament.	Parliament of Australia
Ministerial and Parliamentary Services - Department of Finance	Ministerial and Parliamentary Services (MaPS) administers the provision of non-travel related work expenses and services to parliamentarians and their respective employees. MaPS administers the employment framework for staff of parliamentarians and provides a number of HR and support services.	Department of Finance
Administrative Arrangements Order	Ministerial responsibilities	Department of the Prime Minister and Cabinet
Members of Parliament (Staff) Act 1984	Members of Parliament (Staff) Act 1984	Federal Register of Legislation



