

Capabilities for servicing minority government

By Terry Fewtrell

The emergence of a hung parliament and minority government affects us all. Perhaps more than most, however, it affects the Australian Public Service.

The public service, in this case the APS, exists to serve the government of the day and the interests of the nation. For most of its history the APS has worked to governments with majorities in the Parliament, certainly in the House of Representatives. Although governments have often not controlled the Senate, their majorities in the lower house have been mostly clear cut and without risk of failing.

But it is not only that the numbers in the 43rd parliament are so evenly poised, it is the undertakings and commitments contained in the agreements underpinning the numbers, that add complexity and challenge to the role of officials.

Both the agreement between the main parties and the independents on parliamentary reform and the modus operandi document signed between the Greens and the Labor Party, contain a range of provisions that will add to the tasks required of public servants and point to refined capabilities needed to succeed in the new environment. In most cases the emphasis will be on further refinement of existing skill areas.

As a package they point to a significant overall enhancement of the capabilities required of officials, with a focus on four key areas:

1. *Understanding the parliamentary and political processes;*
2. *Relationship building;*
3. *Policy awareness and sophistication; and*
4. *Working effectively with the political context.*

Each of these areas has long been part of the suite of skills expected of senior APS managers. In the new environment several will now be of premium value, especially when performed at high levels of sophistication and woven together as a package.

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Level 2, 9 Sydney Avenue Barton ACT 2600
PO Box 4190 Kingston ACT 2601

Phone 02 6273 0168
Fax 02 62730246
Web yellowedge.com.au

A range of new tasks and functions for officials has emerged from the various agreements underpinning the government's parliamentary numbers. It will be critical that officials become fully familiar with the detail and spirit of the various agreements. The type of tasks stemming from the agreements relate to:

- *A requirement for 6 working days notice prior to the introduction of legislation;*
- *Advising ministers and other independents and minor parties on portfolio matters covered in private members' bills;*
- *Liaison with planned new units such as the Parliamentary Budget Office and the Parliamentary Integrity Commissioner;*
- *Actions necessary to service new committee structures involving support for and engagement with independent and minor party members; and*
- *Researching and understanding the real needs and interests of regional communities and economies in broader aspects of policy initiatives.*

In the old paradigm these could be considered time consuming and unwanted distractions. However they will be critical to operating effectively in the new environment and being seen as genuinely committed to it.

Far more significant however will be a range of subtle and challenging tasks involved in providing briefings on proposed government legislation to independent and minor party representatives, who come with an array of diverse interests. The ability to build trust as an impartial adviser will go hand in hand with pressure to seek common interests and craft compromises that may mean the difference between legislative success or failure.

From the nature of the tasks and the sensitivity of the environment will come a focus on refined capabilities of senior APS managers,

specialist subject matter advisers and framers of legislation. Typical among these will be the great value to be placed on the ability of officials to develop and deliver written and oral briefing material that is finely pitched to the interests of key stakeholders, particularly the independents.

Premium value will also be placed on those officials able to effectively and ethically straddle the policy and parliamentary spheres. Typically agencies have had one or two exceptional operators in these areas - people with an instinctive political antennae who are able to bring that to the policy and legislative development tasks, without compromising the integrity of the outcome or their impartiality as



public officials. Such skills and capabilities will be much sought after both within agencies and ministers' offices.

Underpinning all of these strands will be the importance of relationship building skills. Against the background of the various agreements, authenticity of approach will be critical in this domain, along with an ability to work constructively with complexity and ambiguity. While these may appear to be standard fare for senior officials, they will need to be informed by a sophistication and nuance in policy expertise and sharply tuned antennae for parliamentary and political interests. A measure of their effectiveness will be the capacity to 'join the dots' to achieve optimal policy commitments and shared agreements. This will in part depend on the quality of the

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understanding of the 'meta' policy factors, the key concerns that lie beyond stated policy preferences.

There is much in the new environment that will involve far closer and more sensitive consultations and working arrangements with ministers and their staffers. Ministerial offices will be under greatly increased pressure in the new environment. More than ever there will be a need for agencies to establish clear working arrangements between the minister's office and the department. Officials will need this sort of protection when the pressure is really on. Conversely ministers, more than ever, will appreciate the value of that small group of officials who are able to walk the fine line of the impartial adviser, while still displaying the ability to understand implicitly the parliamentary pressures and the political imperatives that are in play.

This is a playing field fraught with dangers and traps. It will be critical that the agreements that agencies have negotiated with ministers are clear and rigorous so that officials are not expected to go beyond their professional role nor find themselves dragged there by events and circumstances. It is in the briefing of third parties and the related negotiations around legislative and policy detail that there is greatest risk of the role of departmental officials becoming too entwined with that of ministerial staff. The intersection between senior APS officials and ministerial staff will again be in the spotlight. It will also be watched closely by many, including members of a vigilant alternative government.

Minority government is now a reality in the Australian Parliament. Whether it lasts for 3 years or 3 months is in one sense irrelevant. The bottom line is that many of the skills and capabilities that it will require of senior APS members will enhance their overall skill sets and effectiveness. It is therefore an opportunity for individual and organisational growth.

Terry Fewtrell is Principal Consultant with Yellow Edge Pty Ltd



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PO Box 4190 Kingston ACT 2601

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