REVIEW OF GOVERNMENT

STAFFING

Prepared by

Alan Henderson

24 February 2009

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1. Introduction

In 2007 the Australian Labor Party Opposition committed to cut "ministerial staff... by 30 percent, to return to 1996 levels".[1] The implementation of this commitment reduced the number of personal staff in the offices of Ministers and Parliamentary Secretaries engaged under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act), from 468 (as at 17 October 2007) to 334 positions – a reduction of 134 positions.[2] The Rudd Ministry has operated within this limit since being sworn-in on 3 December 2007. The purpose of this review, after about one year at this level of staffing, is to provide advice and recommendations to the Government on the appropriate number, classification and role of staff in the offices of Ministers and Parliamentary Secretaries.

In formulating the recommendations, the review is required to have regard to:
  (a) past and current levels (numbers and classification) of personal staff in ministerial offices;
  (b) the role of staff employed in ministerial offices;
  (c) current and anticipated workloads of Ministers and Parliamentary Secretaries;
  (d) the views of Ministers and Parliamentary Secretaries as to the adequacy of current levels (numbers and classification) of staff;
  (e) the impact of any recommended change in the number and classification of personal staff allocated to Ministers and Parliamentary Secretaries on the number and classification of staff allocated to the Opposition and minor parties; and
  (f) other matters considered relevant.

The Terms of Reference for the review is at <u>Attachment A</u>.

In undertaking this review, the offices of all Ministers and Parliamentary Secretaries were invited to participate and contribute information. Information provided is reflected in Section 4(a)(iii) in terms of the hours of work of MOP(S) Act staff and in Section 5, which summarises the requests of Ministers and Parliamentary Secretaries for additional staff. As well, the review asked departmental Secretaries to provide readily available data for 2008 on paper flows between departments and the offices of Ministers and Parliamentary Secretaries. The review also convened meetings to discuss office workloads and practices with four Ministers, five Parliamentary Secretaries and senior advisers (generally Chiefs of Staff) in 12 other ministerial offices (in total, discussions were held with 22 offices). In addition, the reviewer spoke to a number of senior APS officers, including eight departmental Secretaries and a couple of former Chiefs of Staff.

The recommendations of the review are summarised in Section 8 at page 29.

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[1] Lindsay Tanner MP, Shadow Minister for Finance, 'Quality government', Canberra, National Press Club Address, 8 August 2007.

[2] The MOP(S) Act provides for the employment of Electorate and Personal staff (under Parts III and IV), as well as consultants (under Part II).

2. Past and Current Levels of Ministerial Staff

The Whitlam Labor Government elected in 1972 was the first to institutionalise the appointment of ministerial advisers and subsequent Coalition and Labor governments have continued to appoint significant numbers of ministerial staff [3] – see Figure 1 showing the total numbers over the period from 1983. The numbers increased significantly over the course of the Hawke Government, associated with the tempo of policy change and facilitated by the move to the new larger Parliament House in 1988. The numbers exceeded 350 during the Keating Government and increased to more than 460 toward the end of the Howard Government.

Figure 1: Ministerial Staff: Totals 1983 to 2008
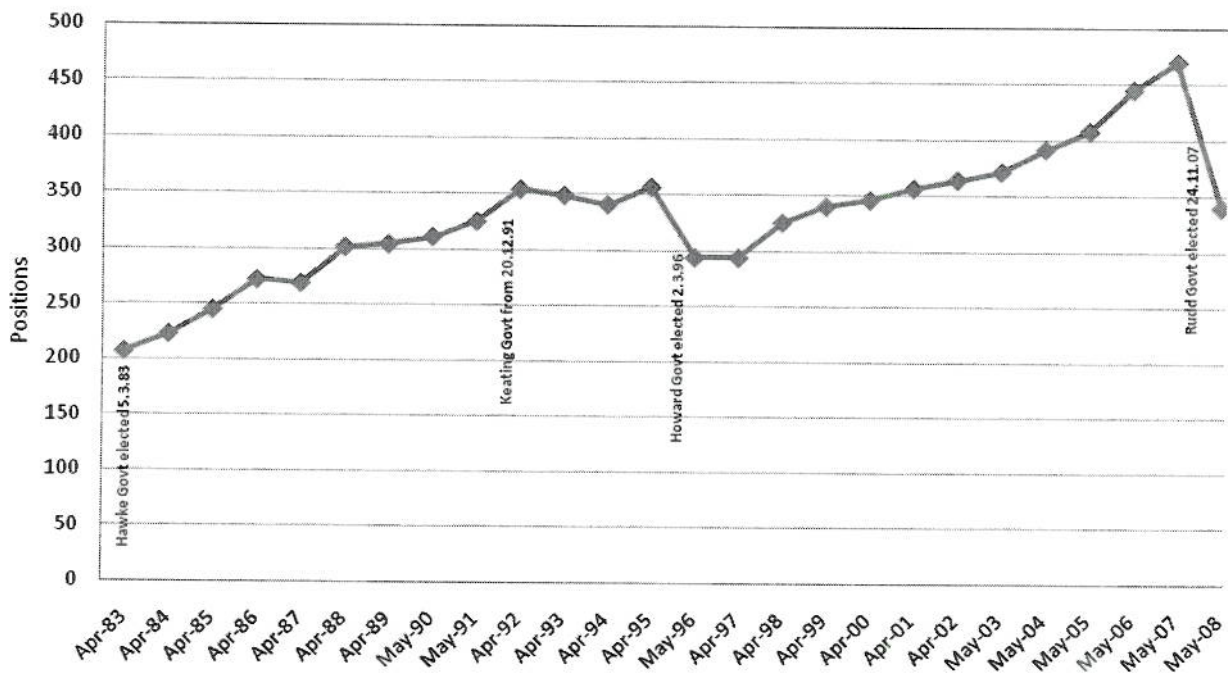
Note: Includes the personal staff of Government Whips but excludes the personal staff of the Speaker of the House of Representatives, the President of the Senate and their Deputies. As at May 2008, there were 334 Government personal staff positions (6 of which were not allocated), plus 6 personal staff of Government Whips, a total of 340.

Source: Department of Finance and Deregulation.

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[3] Anne-Maree Tiernan, *Ministerial Staff under the Howard Government: Problem Solution or Black Hole?* PhD Thesis, Department of Politics and Public Policy, Griffith University, November 2004, p. 42.

The analysis in this review focuses on a comparison between ministerial staffing levels from the end of the Keating Government in 1996 through the period of the Howard Government to the current levels because:

(a) the election commitment was to reduce numbers by 30% "to return to 1996 levels";

(b) closer proximity in time means that demands on Ministers, for example in respect of the media and the impact of information technology, are reasonably similar; and

(c) detailed comparisons over significantly longer periods of time, in addition to the point at (b) above, are complicated by data classification issues, as well as significant changes in the numbers of Ministers and Parliamentary Secretaries.

In respect of the longer-term perspective, however, it is worth noting that it has been common for incoming governments to commit to, and initially implement, significant reductions in the number of ministerial staff – the governments of both Prime Ministers Fraser and Howard commenced with less ministerial advisers than their predecessors. All Governments, at least since the Whitlam Government, have increased the number of staff over their period in office.

In assessing past levels as a guide to determining the appropriate number and classification of ministerial staff, it is useful to distinguish between the offices of Cabinet Ministers, non-Cabinet Ministers and Parliamentary Secretaries and compare the number of staff per office. In deriving calculations on this basis, however, it is necessary to account for certain staff that are engaged under the MOP(S) Act and appointed to 'whole of government' roles rather than to the office of a specific Minister or Parliamentary Secretary. At the end of the Keating Government there were a substantial number of staff (almost 50) in 'whole of government' positions, mainly in the Ministerial Media Group and the National Media Liaison Service. Appointments in 'whole of government' positions at the beginning of the Howard Government and currently are much lower, about 10. The numbers of positions (and averages) identified in the various elements of Table 1 each include a notional amount representing the staffing resources allocated to 'whole of government' positions.[4]

Table 1 compares staffing for the Keating (February 1996), Howard (July 1996, November 2007) and Rudd (January 2009) governments. Separate elements of the table cover total staff, Prime Ministers, Cabinet Ministers, non-Cabinet Ministers, and Parliamentary Secretaries. Average staff per office are calculated for each category of Minister and for Parliamentary Secretaries. In addition, Table 1 separately identifies 'Senior staff positions' i.e. any appointments, including chiefs of staff, above Adviser level and other positions i.e. 'non-Senior staff positions'.

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[4] For the Rudd Government line in Table 1 this notional reallocation increases the total average number of staff shown for Ministers and Parliamentary Secretaries by about 0.3. It is acknowledged that from the perspective of individual Ministers and Parliamentary Secretaries this is a contrived calculation because they do not personally control these staff. However, it does not distort comparisons across current Ministers, and to ignore these 'whole of government' resources would distort comparisons between the Rudd Government, and earlier governments. The data relating to 'whole of government' resources are presented in element (e) of Attachment B.

Table 1: Ministerial Staff: Keating, Howard and Rudd Governments

(a) Total staff [1]	Senior staff positions [2]	Non-Senior staff positions	Total Positions
Keating - Feb 1996 [3]	97.00	257.72	354.72
Howard - Jul 1996 [4]	58.00	228.00	286.00
Howard - Nov 2007 [5]	110.60	357.30	467.90
Rudd - Jan 2009 [6]	70.00	264.00	334.00
Reduction Nov 2007 to Jan 2009 (%)	*-36.7%*	*-26.1%*	*-28.6%*

(b) Prime Minister	Senior staff positions	Non-Senior staff positions	Total Positions
Keating - Feb 1996	14.28	18.97	33.25
Howard - Jul 1996 [7]	14.00	23.28	37.28
Howard - Nov 2007 [8]	21.07	29.85	50.92
Rudd - Jan 2009	15.02	27.29	42.31
Reduction Nov 2007 to Jan 2009 (%)	*-28.7%*	*-8.6%*	*-16.9%*

(c) Cabinet Ministers *(excluding Prime Minister)*	No.	Senior staff positions		Non-Senior staff positions		Total Positions	
		Number	Average	Number	Average	Number	Average
Keating - Feb 1996	16	62.40	3.90	136.49	8.53	198.89	12.43
Howard - Jul 1996	14	31.00	2.21	112.85	8.06	143.85	10.27
Howard - Nov 2007	17	69.81	4.11	178.31	10.49	248.12	14.60
Rudd - Jan 2009	19	43.45	2.29	155.83	8.20	199.28	10.49
Reduction Nov 2007 to Jan 2009 (%)		*-44.3%*		*-21.8%*		*-28.2%*	

(d) Non Cabinet Ministers	No.	Senior staff positions		Non-Senior staff positions		Total Positions	
		Number	Average	Number	Average	Number	Average
Keating - Feb 1996	13	17.58	1.35	72.58	5.58	90.16	6.93
Howard - Jul 1996	13	13.00	1.00	66.58	5.12	79.58	6.12
Howard - Nov 2007	12	16.86	1.41	99.57	8.30	116.43	9.71
Rudd - Jan 2009	10	11.24	1.12	52.86	5.29	64.1	6.41
Reduction Nov 2007 to Jan 2009 (%)		*-20.6%*		*-36.3%*		*-34.0%*	

(e) Parliamentary Secretaries *(including "Assistant Ministers")*	No.	Senior staff positions		Non-Senior staff positions		Total Positions	
		Number	Average	Number	Average	Number	Average
Keating - Feb 1996	10	2.75	0.28	29.68	2.97	32.43	3.25
Howard - Jul 1996	12	0.00	0.00	25.30	2.11	25.30	2.11
Howard - Nov 2007	12	2.86	0.24	49.57	4.13	52.43	4.37
Rudd - Jan 2009	12	0.29	0.02	28.03	2.34	28.32	2.36
Reduction Nov 2007 to Jan 2009 (%)		*-91.7%*		*-43.3%*		*-46.0%*	

Notes:
1. Excludes the personal staff of former Office Holders and Government Whips.
2. Senior staff positions are those with classifications above Adviser level. Ministerial consultants employed under Part II of the MOP(S) Act have been included in the Senior staff positions in the above table. As at Feb 1996, there were 34 ministerial consultants; as at July 1996, there was one; as at Nov 2007 as well as currently, there were/are nil.
3. Includes Caucus Secretary, Convener Government Caucus Committees Secretariat, Ministerial Media Group, National Media Liaison Service, Hunter Valley Taskforce, Rural & Regional Task Force.

4. Includes Government Backbench Secretariat, Leader of The Nationals in the Senate.
5. Includes Government Members Secretariat, Taskforce on Workplace Relations Reform, PM's Taskforce on Northern Australia, Leader of The Nationals in the Senate.
6. Includes Caucus Committee Support and Training Unit, Unallocated positions (1 Senior and 2 non-Senior assumed).
7. Includes Cabinet Office which reported to Prime Minister (3 Senior, 1 non-Senior).
8. Includes Cabinet Policy Unit (formerly Cabinet Office) which reported to Prime Minister (3 Senior, 2 Senior Media, 2 non-Senior).

Source: "Summary of Staff Employed under the *Members of Parliament (Staff) Act 1984*", for the specified month/year. Department of Finance and Deregulation.

The key points revealed in Table 1 are as follows:

- Consistent with the election commitment, total current positions (element (a)) are about 30% lower than the Howard Government level in November 2007 and around the levels in 1996.[5]

- The reduction in the number of Senior staff positions against the Howard Government (November 2007) benchmark was greater than the average of about 30% at over 36% in total (element (a)) and greater in the offices of Cabinet Ministers (44%) (element (c)). Over the course of the Howard Government the number of appointments to Senior staff positions almost doubled (element (a)).

- In proportional terms there also has been a substantial reduction in the total number of staff in the offices of Parliamentary Secretaries from around four in November 2007 to current staffing of two (element (e)). As well, under the Howard Government from 2006 most Parliamentary Secretaries were allocated an Adviser position, whereas currently the highest classification is Assistant Adviser.

In terms of the relative reduction in the number of Senior staff, it is worth noting that there were a number of "personal classifications" under the Howard Government (where a staff member is paid at a classification different to that of the position they occupy, the majority at a higher classification). At the end of the Howard Government, there were 13 staff in non-Senior positions paid at Senior classifications, whereas as at January 2009 there were three.

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[5] The Rudd Government limit of 334 ministerial staff was calculated by reducing ministerial staff **including** the personal staff of Government Whips by 30%. A subsequent decision excluded these staff from the 'ministerial staff' category. As a result, as shown in Table 1, the reduction in ministerial staff (excluding Whips' staff) from the end of the Howard Government is 28.6%.

3.   Role of Staff Employed in Ministerial Offices

In considering the role of staff employed in ministerial offices it is useful to distinguish the following broad categories of work:

- Policy and political advice;
- Media advice;
- Administrative support; and
- Departmental liaison.

Departmental Liaison Officers (DLOs) that perform the latter function are departmental employees engaged under the *Public Service Act 1999* rather than the MOP(S) Act and, therefore, are not explicitly covered by the terms of reference for this review. As the name implies, the primary role of DLOs is to act as a liaison point between ministerial offices and departments. DLOs perform an important role in managing the paper flow between departments and Ministers' offices and also, especially more senior DLOs, can contribute toward a more cooperative and effective working relationship between the department and the office. The current total number of DLOs is about 70. The number of DLOs has been close to 70 since at least 1999.

Administrative support functions include receptionist roles, scheduling diaries, managing travel and office budgets and supplies. In large offices the responsibilities of policy advisers, media advisers and staff providing administrative support will be quite distinct, whereas in smaller offices, notably the two staff in the offices of Parliamentary Secretaries, such staff need to be multi-skilled.

There are reasonable quantitative indicators of the workload to be undertaken by administrative support staff and DLOs. They include the number of staff in the office; the volumes and urgency of briefing material, ministerial correspondence and Cabinet and Committees of Cabinet documents; the number of visitors to an office; the number of telephone calls; and the frequency and duration of domestic and international travel. In general, higher volumes of briefing, visitors and travel means a greater need for administrative support staff and DLOs. This does not mean, of course, that variations in the sophistication and effectiveness of paper flow management and tracking systems cannot have a significant impact on the resources required to administer a given volume of paper (they clearly do); or that the resources required to administer a given amount of travel can be heavily influenced by the number of times itineraries are subject to change. As well, the actual workload associated with a given volume of ministerial correspondence, in contrast to the potential workload, can be heavily influenced by decisions about the categories of correspondence signed by departmental officers rather than by Ministers, Parliamentary Secretaries or ministerial staff.

In contrast to the administrative support workload, it is more difficult to assess the resources required to provide media and in particular policy advice for Ministers. In assessing whether additional resources are required, the key questions are: What, if any, aggregate increase is required and how should any additional staff be distributed across offices? A range of specific factors bearing on these questions is considered in the next section. Before addressing them, however, it is worth briefly considering the broader debate about the role and number of ministerial advisers.

The growth in the number of ministerial advisers (see Figure 1) combined with their lack of accountability relative to the framework of accountability applying to Ministers and Australian Public Service (APS) officers has occasioned frequent criticism. As Delaney and Gourley have commented:

> "In parliamentary proceedings, in the press and other media and in academic writings – there is no shortage of observers ready to give them a going over."[6]

In addition to the relative lack of accountability measures applying to ministerial advisers, their relationship with the APS and, in particular, whether at one end of the spectrum, it is cooperative, complementary and constructive or, at the other end, competitive and combative has also fuelled debate about the role and appropriate number of ministerial advisers.

Ministerial advisers are "there to serve the Minister's priorities, and needs", the APS is there "to deliver the Government's programs and provide policy advice in accordance with the values and obligations set out in the Public Service and Financial Management Acts, and any other relevant legislation."[7] The critical difference is that APS officers are accountable for their decisions and actions and the APS Values require officials to perform their duties in an 'apolitical' manner, whereas ministerial advisers provide political support and advice.

In general:

- The more responsive and timely the support provided to Ministers by departments and the more effective and cooperative the working relationship between ministerial advisers and departmental staff, the less the need for ministerial staff. Such outcomes are more likely where there are a few senior departmental officials with some experience of the modus operandi of Ministerial offices and on the other side of the relationship, some senior staff in Ministerial offices with experience in, or a good understanding of, the capabilities and modus operandi of the public service; and

- Ministers' requirements for personal policy and political advice to supplement departmental support is likely to be greater where:
  - the tempo, complexity, scope and sensitivity of the policy change program is significant rather than modest; and
  - the general economic, social and strategic environment for governing is challenging rather than benign.

The State of the Service Report for 2007-08 published by the Australian Public Service Commission notes that: "It is generally considered in the APS that large numbers of ministerial staff have created confusion about roles and responsibilities and some duplication

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[6] P Gourley and M Delaney, Review of Dr A-M Tiernan, *Power Without Responsibility. Ministerial Staffers in Australian Governments from Whitlam to Howard,* The Public Sector Informant, Canberra Times, July 2008.

[7] R Beale, 'Ministerial Responsibility for Administrative Actions: Some Observations of a Public Service Practitioner', *Agenda*, Vol. 9, No. 4, 2002, p. 302.

of public service roles, rather than providing a complement to them".[8] From this perspective, the significant 30 percent reduction in numbers implemented by the Rudd Government is a positive initiative.

There have been other significant developments bearing on the broader debate about the number and role of ministerial advisers, including:

- Presentations for Ministers in December 2007, including by the Secretary of the Department of the Prime Minister and Cabinet (PM&C) and the Australian Public Service Commissioner that covered the role and expected behaviour of ministerial staff.

- Mandatory training for ministerial staff, including presentations by senior staff from the Department of PM&C, Finance and Deregulation and the APS Commission, covering among other things the roles and responsibilities of the Australian Public Service.

- The introduction on 1 July 2008 of a Code of Conduct for ministerial staff. The Code is reproduced at Attachment C. The State of the Service Report identifies the most significant requirements in the Code as the following:
  - "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
  - facilitate direct and effective communication between their Minister's department and their Minister
  - make themselves aware of the APS Values (the Values) and the Code which bind APS and Parliamentary Service employees."[9]

- The release in December 2008 by Senator the Hon John Faulkner, Cabinet Secretary and Special Minister of State of the first annual report relating to all staff employed under the MOP(S) Act. The Minister's expressed hope is "that this annual report will become increasingly useful over time, providing an ongoing record of staffing data and changes in the patterns of staffing."[10]

Independent of the debate about accountability and the transparency of arrangements for the employment of ministerial staff, the need for their services has remained high. The former Secretary of the Department of Defence, Ric Smith, in his valedictory lecture identified the information revolution and 'democratization' as reasons for the growth in the numbers of ministerial staff, including media advisers:

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[8] Australian Public Service Commission, *State of the Service Report 2007-08*, Chapter 8, Interactions with Ministers and the Parliament, p.186.

[9] Australian Public Service Commission, *State of the Service Report 2007-08*, Chapter 8, Interactions with Ministers and the Parliament, p. 186-187.

[10] Department of Finance and Deregulation, 2008, *Members of Parliament (Staff) Act 1984*, Annual Report 2007-08, Minister's Introduction, p. 1.

"The information revolution has not only generated greater volumes of data which needs to be known to and processed by Ministers, but has also dramatically changed the velocity and timeliness of business. Government has become a '24 by seven' business, and information has become instant and global in its origins. Government departments and agencies, proceeding at their more stately paces and necessarily placing a high premium on thoroughness and clearly traceable lines of accountability, have been unable to meet all of their Ministers' needs.

Departments have also struggled in their responses to what I have called the democratization process. By this I mean three things. The first is the increased need of Ministers to be able to respond to and participate in what we sometimes call the 'public debate'. This means principally the media and Parliament itself, but also other forums in which the business of government is scrutinized, the number and reach and expectations of which have grown with the information revolution. Second, Ministers in this communications-rich environment are anxious to shape the presentation of their business to suit their electoral needs, and this is an area into which public servants cannot and should not cross.

And third, the information revolution, and globalization more generally, together with greatly increased demands for accountability, have required Ministers to know about, be involved in and make decisions on a wider and deeper range of issues than ever. Ministerial staff are critical to the identification of issues for Ministers and to managing the enormous volume of material which consequently comes to them."[11]

In combination with these broader societal and technological changes:

- The tempo and significance of Commonwealth government policy change, while fluctuating, has generally been high since the 1980s; and

- More recently the environment for policy makers, most notably the global economic situation has changed from a prolonged period of buoyancy to perilous.

Against this broader background, it is considered that there is no "right number" of ministerial staff. It is a matter of judgement. On the one hand, the significant reduction in numbers in 2008 delivered budgetary savings and should have simplified relations with the public service; and the presentations for Ministers and induction training program for staff should have facilitated a more effective, productive working relationship with departments, desirably moderating the need for ministerial staff. On the other hand, the introduction of the Code of Conduct and the annual report on MOP(S) Act Staff should ameliorate longstanding concerns about accountability and the transparency of ministerial staff employment arrangements; and the demand for ministerial staff support and advice remains high. Some factors relevant to balancing these competing considerations and reaching a judgement on the appropriate number and allocation of ministerial staff are considered in the following section.

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[11] RC Smith, AO, PSM, A Valedictory Lecture: "Thirty-eight years in the vineyard", Australian Public Service Commission, 2006, pp. 10-11.

4. Current and anticipated workloads of Ministers and Parliamentary Secretaries

In assessing the workload of ministerial staff, this section considers general indicators including the governing environment; frequency of Cabinet and Committees of Cabinet meetings; and work hours. Second, a range of comparative workload indicators is summarised, including data on Cabinet meetings and submissions taking account of Committee membership and responsibility for individual submissions; volumes of paper flow between individual offices and departments; media activity; and importantly, the distribution of responsibility for major elements of the policy reform agenda. The general indicators as well as the ministerial specific workload data are relevant to a judgement on an appropriate overall increase in ministerial staff numbers. The ministerial specific indicators, in combination with ministerial views, provide a guide for distributing resources across offices.

It must be emphasised that not only is there no single indicator of ministerial and ministerial office workload, many of the partial indicators are subject to significant shortcomings. However, considered together they can usefully inform judgements about relative workload.

4(a)   General indicators

4(a)(i)   The governing environment

The need for personal staff is likely to be greater when governing conditions are more difficult. Ministers will be keen to canvass a wider range of views to provide reassurance in uncertain and difficult circumstances. Ministers are under greater pressure when economic conditions deteriorate or strategic challenges emerge possibly requiring decisions to deploy military personnel into harm's way: stakeholders and the media become more demanding and potentially critical.

National economic management will deliver stronger growth in incomes in a buoyant global economy, and in these circumstances, spending initiatives or tax relief will become more affordable. It is instructive to compare the trends in real global GDP during the years of the Hawke and Keating governments, the Howard Government years and more recently. They are set out in Table 2.

Table 2: Real global GDP: annual average

Increase in constant (inflation adjusted) prices

		%
Hawke and Keating	1983-95	3.2
Howard	1996-2007	3.9
Rudd	2008	3.4
	2009 (forecast)	0.5

Source: International Monetary Fund website http//www.imf.org/external/index.htm *World Economic Outlook – Update Jan 2009*, and Data and Statistics.

The annual averages over the extended Hawke/Keating and Howard years mask fluctuations that can involve a significant slow-down over shorter periods: for example, annual global growth slowed to 1.5-2% in the period 1991-93, and to around 2.5% in both 2001 and 2002. However, the global growth in real GDP of 0.5% in 2009 currently forecast by the IMF is exceptionally weak, reflecting the impact of the Global Financial Crisis (GFC). The development and announcement of the Rudd Government's initiatives to reduce the negative impact of the GFC on Australia, including the Economic Security Strategy announced on 14 October 2008 and the Nation Building and Jobs Plan announced on 3 February 2009 have imposed a significant additional workload, especially for members of the Strategic Priorities and Budget Committee (see Table 4, page 15).

It should be noted that the global economic outlook was significantly different at the time the commitment to reduce ministerial staff by 30 percent was made. In August 2007 when the Shadow Finance Minister, Mr Tanner announced the proposal, the IMF had not released forecasts for 2009. In April 2007, however, they had released forecasts for growth in world output of 4.9% in both 2007 and 2008. The initial forecast of 3.8% in respect of 2009 was released in April 2008, clearly a much stronger outlook than currently in prospect.

International strategic developments and extreme weather events also can impact significantly on the workload of Ministers, particularly members of the National Security Committee of Cabinet (NSC). Decisions that place Australian Defence Force (ADF) personnel in high risk locations generate stresses and intensify the need for responsive and timely advice and support. In peacekeeping operations, as well as decisions about the role of the ADF, there may need to be decisions regarding the deployment of Australian Federal Police (AFP) personnel. (For example, the number of AFP staff deployed overseas in 2006-07 and 2007-08 exceeded 300, mainly in the Solomon Islands.)

The association between the operational tempo of the ADF and the workload of the NSC is illustrated in Attachment D. It shows that the operational tempo of the ADF (number of personnel deployed overseas) has been very high since the initial major deployment to stabilise East Timor in 1999, subsequently fluctuating in the range of 7,000 to 14,000 personnel each year. A sustained operational tempo at this level has not been experienced since the Vietnam War during the 1960s and 1970s.[12] Attachment D also shows the annual number of NSC meetings for the period beginning 2000-01. The frequency of NSC meetings increased significantly in both 2002-03 and 2005-06: in the lead-up to major military operations in Iraq, Afghanistan and deployments to the Middle East in 2003; and the second major deployment to East Timor and increased combat operations in Afghanistan in 2006.

The recent flooding in Queensland and tragic fires in Victoria illustrate the workload generated by severe weather and climate events for Ministers. As indicated in The Garnaut Climate Change Review, "Changes in the intensity and frequency of certain severe weather events have been observed throughout the world."[13] Specific findings by the CSIRO and Bureau of Meteorology for Australia include that "high-fire-danger weather is likely to

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[12] The ADF deployment to the first Gulf War in 1991 was a significant brief exception, comprising a RAN Task Group of two frigates and one support vessel (augmented by Army air-defence personnel), a medical team of 20 personnel and a clearance diving team of 23 personnel.

[13] R Garnaut, *The Garnaut Climate Change Review, Final Report*, Cambridge University Press 2008, p. 82.

increase in the south-east" and "tropical cyclones are likely to become more intense".[14] Extreme weather events, such as Cyclone Tracy on Christmas Eve 1974, which resulted in the evacuation of more than 30,000 people from Darwin were once perceived as exceedingly rare. It is evident that extreme events are becoming more common and that this will have implications for the workload of Ministers and their staff as well as emergency and other service personnel.

4(a)(ii) Cabinet and Committees of Cabinet meetings

The number of Cabinet and in particular, Committees of Cabinet meetings, convened in 2008 was significantly higher than in 2006, the last full calendar year of the Howard Government. This increase also included a very significant increase in the number of Cabinet and Committees of Cabinet meetings held outside Canberra. See Table 3.

Table 3: Number of meetings: Cabinet and Committees of Cabinet

	2006	2008
Cabinet	34	45
Committees of Cabinet including National Security Committee	62	137
Cabinet and Committees of Cabinet outside Canberra (part of totals above)	5	23

Notwithstanding the substantial increase in the frequency of Cabinet and especially Committees of Cabinet meetings, it is worth noting that the number in 2008 remains well below the extraordinary number of meetings convened during the period of the Fraser Government. For example, Cabinet held in excess of 100 meetings in 1977, 1981 and 1982, compared with 45 in 2008; and there were in excess of 300 Committees of Cabinet meetings held in 1979 and 1981 compared with 137 in 2008.[15]

4(a)(iii) Hours of work

As Tiffen and Gittins observe in *How Australia Compares*, in respect to "... the land of the long weekend... the perception that Aussies are too laid back to take work seriously is no longer true – if it ever was."[16] OECD comparative statistics for industrialised economies show that Australian full-time employees work among the longest hours.
Australia's comparative position reflects a small but increasing proportion of employees that work very long hours. ABS survey data suggest that about 7% of persons employed full-time work 60 hours or more per week.[17] A significant proportion of ministerial staff appear to be

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[14] CSIRO, Australian Bureau of Meteorology, *Climate Change in Australia*: technical report, CSIRO, 2007. (Key findings at http://www.csiro.au/resources/Climate-Change-Technical- Report-2007.html)

[15] Data in relation to the Fraser Government is drawn from P Weller, *Cabinet Government in Australia, 1901-2006*, 2007, Appendix 1, p. 286.

[16] R Tiffen and R Gittens, *How Australia Compares*, Cambridge University Press, 2004 p. 83.

[17] Australian Bureau of Statistics: Labour Force, Australia, Detailed (6291.0.55.001). Table 10 – Employed persons and usual hours worked by sex, December 2008.

in this category. Their families may not appreciate the fact but ministerial staff are evidently doing their best to keep Australia close to the top of the OECD working hours league tables!

As noted in the introduction, Ministers and Parliamentary Secretaries were invited to participate and provide information for consideration in this review. A summary of the indicative information on work hours provided by Ministers and Parliamentary Secretaries is at Attachment E.

It is evident that Chiefs of Staff and media staff typically work 60-70 hours Monday to Friday in parliamentary weeks and in addition, most work over the weekend. In the absence of formal diary-based survey data it is not possible to be precise but it is apparent many Chiefs of Staff and media staff regularly work in excess of 80 hours in sitting weeks, typically commencing around 7am or earlier for media advisers. Some other senior and policy staff, most commonly in Cabinet Ministers' offices, work similar hours but generally the hours for other policy staff are less during the week and also, weekend work is less frequent. The hours for administrative support staff are somewhat lower, in the range 45-60 hours Monday to Friday in sitting weeks.

The hours for most staff in non-sitting weeks appear to be about 10 hours less per week than in sitting weeks.

As well as these very long hours on duty, all senior and media staff, as well as many other staff, are "on call and/or contactable" all hours of every day. The modern phenomenon of hand-held communication devices has impacted particularly on the work life of ministerial staff. In discussing these developments with a Chief of Staff who had been an adviser in a Cabinet Minister's office in the early to mid 1990s, his recollection was that work days had a discernable beginning and end in those 'good old days'. In an age of hand-held messaging devices, the 'working' day has the potential to never end if an issue is on the boil.

4(b) Comparative workload indicators

4(b)(i) Cabinet and Committees of Cabinet: Membership; meetings and submissions

The preparation for and attendance at Cabinet and Committees of Cabinet meetings is time consuming and demanding, particularly for chairpersons and Ministers responsible for individual submissions on the agenda. The memberships of the various Committees of Cabinet are shown at Attachment F.

The aggregate number of meetings of Cabinet and Committees of Cabinet for individual Ministers is shown in Table 4. The table separately identifies the frequency of chairing responsibilities. The data has not been adjusted to take account of the reality that not every member is available to attend every meeting of Cabinet or a particular Committee of Cabinet.[18]

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[18] Attendance at individual meetings is recorded but the information is not readily available.

Table 4 shows that the Prime Minister has to chair by far the most meetings and that the Treasurer and Deputy Prime Minister carry very high meeting workloads.

Table 4: Cabinet and Committees of Cabinet meetings

Name	Cabinet Meetings	Cabinet Committee Meetings					Total Meetings	Meetings Chaired
		Strategic Priorities & Budget	Expenditure Review	Climate Change, Water & Environment	National Security Committee	Other [1] Committees		
Rudd, Kevin	45	23		16	25	15	124	124
Swan, Wayne	45	23	32	16	25	16	157	35
Gillard, Julia	45	23	32		25	20	145	3
Tanner, Lindsay	45	23	32			20	120	1
Macklin, Jenny	45		32	16		18	111	
Crean, Simon	45		32	16		14	107	
McClelland, Robert	45				25	30	100	
Smith, Stephen	45				25	29	99	
Albanese, Anthony	45			16		34	95	19
Faulkner, John	45				25	10	80	
Fitzgibbon, Joel	45				25	10	80	
Ludwig, Joe	45					35	80	
Wong, Penny	45			16		16	77	
Evans, Chris	45					31	76	
Burke, Tony	45			16		13	74	
Carr, Kim	45			16		13	74	
Ferguson, Martin	45			16		13	74	
Garrett, Peter	45			16		10	71	
Roxon, Nicola	45					18	63	
Conroy, Stephen	45					13	58	
Bowen, Chris			32			12	44	
Byrne, Anthony						19	19	
Plibersek, Tanya						18	18	
Emerson, Craig						17	17	
O'Connor, Brendan						14	14	
Debus, Bob						12	12	

Note 1. The committees included in this column are identified in Attachment F, with the addition of a further 10 ad hoc ministerial meetings.

In terms of the number of Cabinet submissions brought forward by individual Ministers. Defence Minister Fitzgibbon brought forward the most submissions (29), with Ministers Smith, Tanner and Macklin bringing forward at least 19 submissions. Every Cabinet Minister was responsible for at least one submission and the majority of non-Cabinet Ministers also brought forward submissions.

4(b)(ii) Paper flow

There are numerous categories of information flowing into Ministers' and Parliamentary Secretaries' offices, including:

- Ministerial correspondence covering a huge range in terms of importance but all requiring a response, with the usual exception of 'campaign' correspondence.
- Briefing on:
    - Cabinet business;
    - portfolio business, some requiring action, some for information;
    - meetings, including preparatory briefs and records of meeting outcomes;
- Draft speeches or speech material;
- Parliamentary question time briefs; and
- Answers to Parliamentary Questions on Notice.

The work for Ministers and their staff associated with different elements of the paper flow can vary enormously. If a Minister is responsible for a Cabinet submission dealing with a novel and complex proposal, he or she may spend hours considering the briefing on the matter, possibly including extended discussions with office advisers and senior departmental officials. In the case of some briefs provided only 'for information', Ministers may simply glance at them, or if higher priorities crowd in, reasonably leave them to be noted by office advisers.

As part of this review, departmental Secretaries were asked to quickly provide paper flow statistics for 2008. Substantial information was provided but the descriptors/classifications varied across departments and in the time available the review has not been able to classify the data on a consistent basis. As well, as noted, the workload can vary significantly between briefs requiring action and those only for information. Departments were not always able to readily disaggregate briefs on this basis. Some departments provided data covering both categories; others provided information only in respect of briefs 'for action/decision'.[19] Accordingly, the comparison in Figure 2, showing the total number of briefs forwarded to Ministers and Parliamentary Secretaries in 2008 should be seen as indicative at best. The figure shows that the Deputy Prime Minister received in excess of 5,000 briefs in 2008 and Ministers Fitzgibbon and Macklin received more than 4,000.

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[19] The Auditor-General's report 'Agency Management of Parliamentary Workflow' (Audit Report No. 32 of 1998-99) noted that ministerial service units "... display disparate practices and processes, differing standards, different approaches to data management and internal reporting..." pp. 25-26.

Figure 2: Ministerial Briefs in 2008
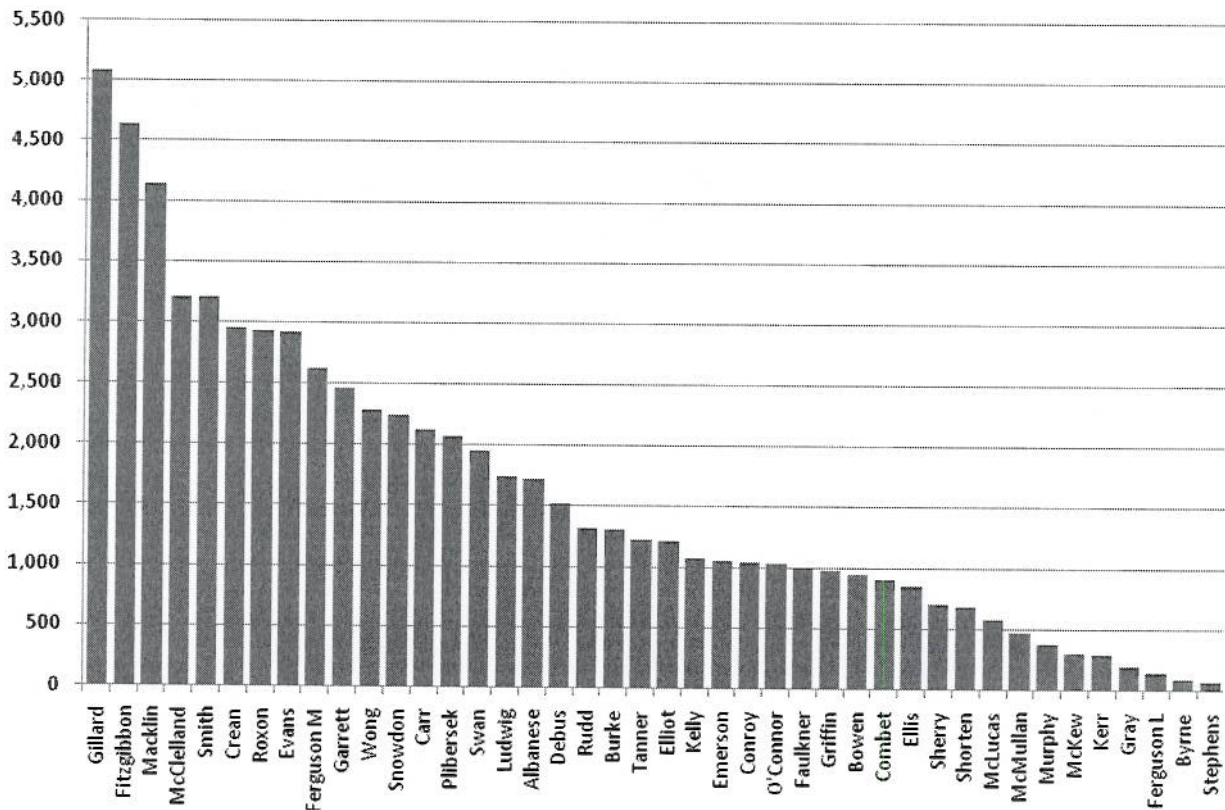
The volume of correspondence forwarded to Ministers' offices is huge. The data forwarded to the Review shows that the Treasurer and Ministers Macklin, Roxon and Garrett received in excess of 15,000 items of correspondence in 2008, with the Treasurer receiving about 23,700. (This latter figure included letters and email correspondence but excludes 'campaign' correspondence.) By necessity, only a proportion of the replies are signed personally by Ministers or Parliamentary Secretaries. In some cases the replies are signed by ministerial staff or departmental officials. Discussions with Ministers, Parliamentary Secretaries and their staff reveal that a significant amount of time in some offices is spent revising initial drafts prepared by departmental staff.

On an important related matter of writing style, the review sought particular advice from departments on arrangements for drafting or contributing to the preparation of ministerial speeches because it is reported as a significant burden in some offices. The fact that the support provided by some departments is not considered particularly helpful by some Ministers and Parliamentary Secretaries can reflect a number of factors, including:

- Speechwriting is a specialised skill – experience drafting government program manuals, budget documents or ministerial briefs does not necessarily mean APS officers can draft interesting speeches;

- Constraint of apolitical APS Values – departmental officers can supply input but they cannot prepare a complete draft for occasions where a Minister wishes to adopt a partisan political approach; and

- Organisational effectiveness – it is evident that arrangements within departments vary and some are not meeting the requirements of Ministers.

Invariably specialist areas within departments provide and/or check the specialised or technical content of speeches. Beyond that, arrangements vary, depending on the frequency that Ministers seek support, among other considerations. Most departments have a central 'clearing point' (communications branch) that coordinates the preparation of speeches. More than 10 departments have dedicated speechwriters. These are longstanding arrangements in some departments, for example, in the Department of Foreign Affairs and Trade. More recently, at least a couple of departments have engaged professional writers that can more readily capture the style and preferences of Ministers and the policy priorities of the Government. These speechwriters are employed on term contracts and subject to the APS Code of Conduct and Values, including in particular the requirement to prepare apolitical rather than partisan drafts. The purpose of these arrangements is to deliver much more 'useable' drafts for Ministers' offices, although they will require further work where a Minister wishes to add a partisan or personal edge to the final product.

4(b)(iii) Media

The contemporary demands of the media on Ministers and their media advisers is very high in terms of both the multiplicity of media types and the duration of activity (around the clock), not least in the midst of a Global Financial Crisis. The working hours of media advisers as a group is probably the longest of any category of MOP(S) Act staff. In some offices, other advisers are often rostered to provide relief for media advisers.

Beyond the evidence of long working hours, it is difficult to obtain robust comparative evidence of the workload generated by media demands. The review has examined evidence of Media Monitor "hits" in press and broadcast categories. However, it is effectively a measure of exposure rather than workload – a brief media release on a simple "good news" announcement can generate an enormous number of "hits", whereas a contributed article on a very complex policy issue may generate a much lower number of "hits". Considered in the broad, however, the Media Monitors evidence for 2008 accords with other indicators of workload, most notably, the Prime Minister is at the top in both categories, and in the press category, the Treasurer ranked second followed by the Deputy Prime Minister, and in the broadcast category, the positions of the Deputy Prime Minister and Treasurer are reversed.

4(b)(iv) Government reform agenda

The indicators considered earlier in this section provide historical evidence of workloads. Ideally it is indicators of workload through 2009 and 2010 that are required to guide the allocation of any additional staff. To this end, the review has taken account of the Government's reform agenda.

Ministerial responsibility for most portfolios on a 'business as usual' basis is an onerous task. However, responsibility for a significant reform agenda, taking it through the development and design, consultation, negotiation and implementation stages adds hugely to the workload of a Minister and his/her office staff, not least where it involves the Australian States and territories, or in other cases, international negotiations.

The indicators of Cabinet and Committees of Cabinet responsibilities and media demands have illustrated the distinctive workloads borne by the Prime Minister, Deputy Prime Minister and Treasurer. While difficult to predict, the prospect is that through their membership of the Strategic Priorities and Budget Committee (SPBC), which also includes the Minister for Finance and Deregulation, the ramifications of the Global Financial Crisis will continue to generate additional work for these senior members of the Cabinet. In 2008 the SPBC held 23 meetings.

The main purpose for considering the Government's reform agenda was to establish a further group of Ministers that may have particularly heavy responsibilities under the reform agenda.

In addition to the Deputy Prime Minister, who will have responsibility for progressing the Education Revolution agenda and introducing the Fair and Balanced Workplace Relations System, among other reforms, the examination revealed three other Ministers with particularly significant workloads, specifically:

- Minister for Health and Ageing
  - The extensive health reform agenda and Closing the Gap: Indigenous health, among other responsibilities.

- Minister for Families, Housing, Community Services and Indigenous Affairs
  - Tax and welfare reform and overall strategic responsibility for Closing the Gap, among other responsibilities.

- Minister for Climate Change and Water
  - Climate change agenda including introduction of the Carbon Pollution Reduction Scheme in 2010, as well as the $1b National Urban Water and Desalination Plan and the Murray-Darling Basin reform package.

As well, the Minister for Defence, in conjunction with his National Security Committee colleagues, is assessed as having a heavy workload. He brought forward more Cabinet submissions than any other Minister in 2008 (29), and in common with the Deputy Prime Minister and the Minister for Families, Housing, Community Services and Indigenous Affairs received more than 4,000 departmental briefs in 2008. Notwithstanding the substantial number of submissions brought forward last year in support of the ongoing Defence Capability Plan, there is likely to be a further increase in the number of major submissions seeking decisions on the acquisition of a range of defence equipment following the release of the Defence White Paper.

5. Views of Ministers and Parliamentary Secretaries

It was noted in the introduction that the offices of all Ministers and Parliamentary Secretaries were invited to participate and provide information for consideration in the review. As well as provide advice on workload and work hours, offices indicated whether the current allocation of staff, in terms of number and classification profile is adequate.

Twenty-seven Ministers and eight Parliamentary Secretaries provided information. Eight Ministers and Parliamentary Secretaries did not seek additional MOP(S) Act staff. Some of those seeking additional staff acknowledged that an upgrading of their staff profile would ease workload pressures by improving the prospects of recruiting and/or retaining more skilled and experienced staff. The aggregate number of additional staff sought is summarised in Table 5.

Table 5: Requests for additional staff

Senior Adviser	19
Adviser	23
Media Adviser	7.5
Assistant Adviser	13
Executive Assistant / Office Manager	4
Secretary / Administrative Assistant	5
Total	**71.5**

6. Assessment and Recommendations

The purpose of this review is to provide advice and recommendations on the appropriate number, classification and role of staff in the offices of Ministers and Parliamentary Secretaries. The earlier sections of this report have addressed the range of considerations identified in the terms of reference that were to be taken into account in formulating the advice and recommendations. This section assesses the key considerations and sets out the recommendations.

6(a) Aggregate number and distribution of staff

The commitment to reduce MOP(S) Act staff by 30 percent to around the levels prevailing in 1996 was announced in mid 2007. At that time, the workload of a major change program would have been taken into account but possibly the complexity of policies to address climate change were not fully appreciated and certainly, the need to address the impact of the Global Financial Crisis would not have been foreseen. The frequent meetings in 2008 of the Climate Change, Water and Environment (16) and Strategic Priorities and Budget (23) Committees of Cabinet have contributed to the significant overall increase in Committees of Cabinet meetings in 2008. As well, the demands of modern communications have increased work pressures for Ministers and their staff relative to 1996, particularly for media advisers. While modern means of communication allow quicker exchanges of information, expectations rise as to the timeliness of responses and decisions, with the result that work hours tend to expand rather than contract.

Against this background and taking account of the measures to improve the accountability of ministerial staff, it is judged that a sustainable aggregate number of MOP(S) Act staff would be about 20 percent less, rather than 30 percent less than the level in 2007. That implies an increase of 42, raising the present total of 334 to 376. However, it is not considered necessary to allocate and fill all those positions immediately. Further, the allocation needs to take better account of differing workloads. An increase of at least two additional positions is considered appropriate in some offices. One extra position should suffice in most offices and some offices do not need any additional staff at this time.

The variation in the number of staff across offices under the Howard Government in 2007 was greater than currently under the Rudd Government. The contrast is illustrated in Figure 3. Almost all Ministers and Parliamentary Secretaries currently have standard allocations of staff: Cabinet Ministers nine; non-Cabinet Ministers six; and Parliamentary Secretaries two. The Prime Minister, Deputy Prime Minister and Treasurer all have significantly greater numbers of staff. The exceptional workloads on these latter offices are revealed by the data summarised in Section 4(b), including the number of Cabinet and Committees of Cabinet meetings; paper flow volumes and media activity.

Figure 3: Distribution of personal staff positions across the offices of Ministers and Parliamentary Secretaries

Howard Government (23 November 2007)

"Tailor made"

Rudd Government (1 January 2009)

"One size fits most"

Prime Minister	Cabinet Ministers
Deputy Prime Minister	Non-Cabinet Ministers
Treasurer	Parliamentary Secretaries

It is considered appropriate to extend the differentiation in office size beyond the Prime Minister, Deputy Prime Minister and Treasurer to better match variations in assessed workload. Taking account of the data in Section 4(b) and in particular the workload arising from the forward work program discussed in Section 4(b)(iv), it is considered appropriate that the number of staff in the following offices be increased by at least two:

> Prime Minister
> Deputy Prime Minister
> Minister for Health and Ageing
> Minister for Families, Housing, Community Services and Indigenous Affairs
> Minister for Climate Change and Water
> Minister for Defence

An increase of one staff member should be sufficient to address the requirements of most other Cabinet Ministers that have requested additional staff. The precise allocation of additional staff across all offices, including those that receive at least two, one and no additional staff will need to be finalised by the Prime Minister, with advice from the Government Staffing Committee.[20]

It is possible that around eight positions within an increased cap of 376 would not need to be allocated in the near future. This 'pool' of positions should be retained to address either emerging ongoing staffing requirements, or allocated on a time limited basis to address the workload associated with particular projects. In developing advice for the Prime Minister, the Government Staffing Committee should give particular consideration to the more frequent use of temporary, project-related allocations to better manage fluctuations in workload across offices. Otherwise positions allocated to meet temporary needs become permanent and, over time, the aggregate number of staff creeps up as illustrated in Figure 1.

Recommendations

It is recommended that:

1. **The aggregate number of ministerial staff should be increased by 42 to 376, representing a number about 20% less than the total at the end of the Howard Government in 2007;**

2. **Current needs do not appear to warrant the immediate allocation of all 42 additional positions – the remaining pool of around eight positions should be retained to meet emerging needs, preferably on a time limited basis for particular projects;**

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[20] The Government Staffing Committee comprises the Deputy Prime Minister, the Special Minister of State and the Prime Minister's Chief of Staff. It has been established by the Prime Minister to assist him in considering ministerial staffing arrangements, including appointments at Senior Adviser level and above.

3. The allocation of additional positions should be tailored to better meet the varying workloads of Ministers:

    (a) the offices of the following Ministers require at least two additional staff: Prime Minister; Deputy Prime Minister; and the Ministers for Health and Ageing; Families, Housing, Community Services and Indigenous Affairs; Climate Change and Water; and Defence and;

    (b) some offices do not appear to require any additional staff at this time.

6(b) Classification

The analysis in Section 2 shows that staff in senior classifications were reduced by more than the average of around 30%. The most significant impacts have resulted from the reduction in the number of Senior Adviser level positions in Cabinet Ministers' offices and the elimination of Adviser level positions in the offices of Parliamentary Secretaries. The disproportionate cut in the number of senior positions, generally occupied by more experienced staff, has compounded the work pressures arising from the overall reduction in numbers, as well as increasing the difficulty of recruiting and retaining highly skilled staff.

Recommendations

It is recommended that:

4. Subject to the specific requests of Ministers and Parliamentary Secretaries

    (a) at least one of any additional staff allocated to Cabinet Ministers should be at the Senior Adviser level;

    (b) additional staff allocated to Parliamentary Secretaries should be at the Adviser level; and

    (c) more generally, the classification of certain positions should be evaluated with a view to upgrading them where appropriate.

6(c) Role

Some of the issues that have arisen in respect to the role of ministerial staff were canvassed in Section 3. The main consideration in the context of MOP(S) Act staff workload is to foster an effective, collaborative partnership with departmental staff, aiming to avoid duplication and overlap of work effort by maximising the delegation of necessary work to departmental officers, consistent with the requirement that it be apolitical rather than partisan.

Critical to the broader relationship between offices and departments is the relationship between, on one side, the Minister and the Chief of Staff, and on the other side of the relationship, the departmental Secretary; or for a Parliamentary Secretary the key relationship may be with a Deputy Secretary.

Recommendations

It is recommended that:

5. **Recognising the importance of an effective relationship between the office and the department to the workload of the office, the Government Staffing Committee consult both the Chief of Staff and the departmental Secretary before advising the Prime Minister on how to respond to any further requests by Ministers or Parliamentary Secretaries for additional staff.**

6(d) Support for Government Staffing Committee and Ministerial Staff

Training and counselling support is available to MOP(S) Act staff from a number of sources. Training services are provided via the Department of Finance and Deregulation, covering topics such as office management, research techniques, writing skills including speechwriting and leadership in the workplace. MOP(S) Act staff have access to studies assistance. There is also training arranged by political parties' secretariats, and Independent Senators and Members (funded by the Commonwealth), for training in such areas as constituent management, electorate business and media management.

In early 2008 the Rudd Government organised a mandatory program of induction training for ministerial staff with speakers from within government and from senior public servants, with a particular focus on the role of staff and the development of effective working relationships with ministers and the public service. In addition, the Caucus Committees Support and Training Unit (staff of which are employed under the MOP(S) Act by the Special Minister of State) provides some training to Government Senators, Members and their staff.

Beyond this, under the Commonwealth Members of Parliament Staff Collective Agreement 2006-09, staff can access the Employee Assistance Program in respect of personal or work-related problems.[21]

In general, the take-up rate for many of these training opportunities is not high, frequently reflecting the demands of more immediate work priorities. Moreover, there appears to be a gap in terms of the coordination of Ministerial staff, to leverage the more widespread application of best practice systems. As noted, the review held meetings with a significant number of Chiefs of Staff. A thirty to sixty minute discussion does not provide the basis for a confident assessment of management systems within an office or the effectiveness of the relationship with departments. It was apparent, however, that some offices had very close

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[21] The range of work-related and/or personal problems covered by the Employee Assistance Program include: conflict at work; work performance issues; personal and career direction; stress and pressure; anxiety and depression; personal trauma and grief; financial and legal problems; alcohol, drug or gambling problems; child and family concerns; and marital and relationship problems.

working relationships with the department and sophisticated office systems, including for tracking paper flow; comprehensive office manuals to assist staff; guidelines for reviewing briefs; and professional speechwriting arrangements. Another area of significant variation was notetaking: only some offices appeared to routinely ask departmental officers to attend meetings with stakeholders and record outcomes and any actions required.

A number of factors can contribute to variations in management systems across offices, including most importantly the experience and requirements of the Minister and Chief of Staff, or in the case of paper flow management systems, possibly the sophistication of the support provided by departments. There appears to be significant scope to improve systems in general by facilitating the more widespread adoption of best practice systems applying in some offices and some departments.

One way of facilitating the spread of best practices would be for the Prime Minister to appoint a person under the MOP(S) Act, preferably on a full-time basis, to examine systems and arrange training sessions at which 'best practice' techniques and systems are explained. This person could also undertake additional tasks, including:

- Liaise with Secretaries or other senior departmental officers where there appears to be scope to significantly improve working relations between an office and a department, to actively explore opportunities to transfer certain tasks from an office to the department and, as appropriate, review speechwriting arrangements;

- Assist Ministers and Parliamentary Secretaries handle cases of poor performance;

- Support the Government Staffing Committee in the implementation of Recommendation 5, including exploring possibilities to transfer staff from offices where the workload may have declined;

- Arrange induction training for new appointees at reasonable intervals, at least six-monthly; and

- Encourage greater use of available training opportunities.

In undertaking this role, the person should, among other things have regard to the Australian Public Service Commission's publication "Supporting Ministers, Upholding the Values – a good practice guide" (2006) as well as the Auditor-General's Audit Report No. 32. 1998-99, "Agency Management of Parliamentary Workflow".

Recommendations

It is recommended that:

6. **The Government Staffing Committee consider whether a person should be appointed under the MOP(S) Act, preferably on a full-time basis, to assist the Government Staffing Committee and Ministers and Parliamentary Secretaries with staff training and support, and to facilitate the adoption of best office management practices.**

7. Implications for Opposition and minor parties staffing

There has been a practice of setting the **Opposition** staffing allocation at 21 percent of the government staffing number. This "21%" ratio, or very close to it, has applied at least since 1995, that is, under the Keating Government and through the period of the Howard Government. Prime Minister Rudd informed the Leader of the Opposition in December 2007 that the arrangement would continue to apply. Based on the current Government allocation of 334 positions, the total Opposition staffing allocation is set at 70 positions. The existing arrangement also provides for the Special Minister of State, Senator the Hon John Faulkner, to review the allocation annually in March and, if necessary, adjust the Opposition number to keep it at 21% of the Government total.

It is appropriate that the "21% ratio" continue to apply and that the Opposition's allocation be adjusted in line with any increase in positions allocated to allow appointments by Ministers and Parliamentary Secretaries. An increase in ministerial staff of 42 to 376 in line with Recommendation 1 would imply an Opposition allocation of 79 positions. However, as noted in Recommendation 2, a staff level of 376 does not appear necessary at this stage so the Opposition allocation should be set at 21% of the actual number allocated to Ministers and Parliamentary Secretaries following consideration of this report by the Government Staffing Committee and decisions by the Prime Minister.

If Recommendation 2 is accepted, it is likely that the Opposition allocation will increase from 70 to 77. This consequential adjustment should be made as soon as the recommendations in this report are considered and as appropriate, implemented; that is, if they are not implemented by March 2009 but soon afterwards, the adjustment should not be deferred until the next annual review of the Opposition allocation in March 2010.

The "21% ratio" should apply across broad classifications, not simply to the total, that is, the Opposition should be allocated a number of Senior Adviser positions equivalent to about 21% of the total number of ministerial Senior Advisers and so on through the various classifications. Recommendation 4 implies that the increase in ministerial staff should be weighted somewhat towards senior classifications and this should be reflected in the revised Opposition allocation. Indicative guidelines for the allocation of Opposition staff by classification groups are set out in Table 6.

Table 6: Proposed Opposition staffing by broad classification

Government classifications	"Equivalent" non-Government Classifications [1]	
Principal Adviser	Chief of Staff (Leader of the Opposition) [2]	
Senior Adviser (Chief of Staff) (Cabinet) Senior Adviser 2 (PM/DPM/Treasurer) Senior Adviser 1 (Cabinet) Senior Adviser (Chief of Staff) (non-Cabinet) Senior Adviser 1 (non-Cabinet)	Senior Adviser (Leader of the Opposition) [2] Senior Adviser	*The number of positions allocated to the Opposition at various classifications should be as close as possible to 21% of the equivalent Government classifications, grouped as shown (preferably within range of 17-25 %) – taking into account the total allocation.*
Media Adviser (DPM/Treasurer) Senior Media Adviser	Media Adviser (Leader of the Opposition) (Senior) [2] Senior Media Adviser	
Media Adviser	Media Adviser	
Adviser	Adviser Level 2 Adviser Level 1	
Assistant Adviser	Assistant Adviser	
Executive Assistant/ Office Manager	Executive Assistant Level 3 Executive Assistant Level 2 Executive Assistant Level 1	
Secretary/ Administrative Assistant	Secretary-Administrative Assistant Level 2 Secretary-Administrative Assistant Level 1	

Notes: 1. Classifications and related salary ranges are defined for MOP(S) Act staff for both Government and non-Government positions, in accordance with *Determination 2007/PM/1* and the *Commonwealth Members of Parliament Staff Collective Agreement 2006-2009.*
           2. Maximum allocation of one at this classification.

The **Australian Greens** have a staffing entitlement of 10 since acquiring minor party status with effect from 1 July 2008. This entitlement is consistent with a reduction of 30% from the staff allocation for the Australian Democrats when they held minor party status. The current allocation for the Australian Greens is equivalent to almost 3% of the Government allocation of 334 and it would be appropriate to maintain this ratio. On the basis of the "3% ratio", Recommendation 1 (in combination with Recommendation 2) would mean an increase from 10 to 11 in the staffing entitlement for the Australian Greens and having regard to their present staffing profile and Recommendation 4, it would be reasonable to increase the entitlement for Advisers by one.

Recommendations

It is recommended that:

7. Subject to the timely implementation of Recommendations 1, 2 and 4:

    (a) the staff allocation for the Opposition should be increased by 7 to 77, equivalent to 21% of both the expected total Government staff numbers and around 21% of the numbers in each of the groups of Government classifications shown in Table 6; and

    (b) the staff allocation for the Australian Greens be increased by 1 Adviser level position to a total of 11 (equivalent to 3% of the Government allocation).

8. Summary of Recommendations

Recommendations

1. The aggregate number of ministerial staff should be increased by 42 to 376, representing a number about 20% less than the total at the end of the Howard Government in 2007.

2. Current needs do not appear to warrant the immediate allocation of all 42 additional positions – the remaining pool of around eight positions should be retained to meet emerging needs, preferably on a time limited basis for particular projects.

3. The allocation of additional positions should be tailored to better meet the varying workloads of Ministers:

   (a) the offices of the following Ministers require at least two additional staff: Prime Minister; Deputy Prime Minister; and the Ministers for Health and Ageing; Families, Housing, Community Services and Indigenous Affairs; Climate Change and Water; and Defence; and

   (b) some offices do not appear to require any additional staff at this time.

4. Subject to the specific requests of Ministers and Parliamentary Secretaries

   (a) at least one of any additional staff allocated to Cabinet Ministers should be at the Senior Adviser level;

   (b) additional staff allocated to Parliamentary Secretaries should be at the Adviser level; and

   (c) more generally, the classification of certain positions should be evaluated with a view to upgrading them where appropriate.

5. Recognising the importance of an effective relationship between the office and the department to the workload of the office, the Government Staffing Committee should consult both the Chief of Staff and the departmental Secretary before advising the Prime Minister on how to respond to any further requests by Ministers or Parliamentary Secretaries for additional staff.

6. The Government Staffing Committee should consider whether a person should be appointed under the MOP(S) Act, preferably on a full-time basis, to assist the Government Staffing Committee and Ministers and Parliamentary Secretaries with staff training and support, and to facilitate the adoption of best office management practices.

7. Subject to the timely implementation of Recommendations 1, 2 and 4:

   (a) the staff allocation for the Opposition should be increased by 7 to 77, equivalent to 21% of both the expected total Government staff numbers and around 21% of the numbers in each of the groups of Government classifications shown in Table 6; and

   (b) the staff allocation for the Australian Greens be increased by 1 Adviser level position to a total of 11 (equivalent to 3% of the Government allocation).

Acknowledgements

This report was prepared under a contract with the Department of the Prime Minister and Cabinet. The contract was managed by Mr David Macgill of the Government Division and he prepared the terms of reference in consultation with the Office of the Prime Minister. Other officials of the Department of the Prime Minister and Cabinet have supplied and checked factual material, in particular, Cabinet Division supplied Cabinet and Committees of Cabinet meeting and documentation data. The Department of Finance and Deregulation provided access to their MOP(S) Act employment database.

The judgements and recommendations set out in the report, however, have been developed independently and are entirely my responsibility.

The introduction to the report summarises the processes involved in preparing the report, in terms of information received from Ministers and Parliamentary Secretaries; information sought from departments; meetings with 22 offices; and conversations with a number of senior public servants. I am grateful for the full and timely cooperation of all those involved in these processes.

I wish to acknowledge my appreciation for the support of two people in particular.

Ms Tamara Bicego was seconded from the Ministerial and Parliamentary Services Division of the Department of Finance and Deregulation to provide research assistance and expertise on employment conditions under the MOP(S) Act. Her expertise, quantitative skills and enthusiasm proved invaluable.

Finally, I wish to thank Ms Sue Klammer of Government Division, Department of the Prime Minister and Cabinet for her cheerful and efficient secretarial support.

Alan Henderson

Terms of reference

The purpose of the review is to provide advice and recommendations to the Government on the number, classification and role of personal staff in the offices of Ministers and Parliamentary Secretaries that it would be appropriate for the Government to engage under the *Members of Parliament (Staff) Act 1984.*

In formulating your advice and recommendations, you should have regard to:

(a) past and current levels (numbers and classification) of personal staff in ministerial offices;

(b) the role of staff employed in ministerial offices;

(c) current and anticipated workloads of Ministers and Parliamentary Secretaries;

(d) the views of Ministers and Parliamentary Secretaries as to the adequacy of current levels (numbers and classification) of staff;

(e) the impact of any recommended change in the number and classification of personal staff allocated to Ministers and Parliamentary Secretaries on the number and classification of staff allocated to the Opposition and minor parties; and

(f) other matters that you consider relevant to the inquiry.

Your report is to be provided to the Government as soon as possible but in any event no later than 20 February 2009.

Ministerial Staff: By Category 1996 - 2009 - Actual position allocation

Elements (a) to (d) of the following table detail the total actual position numbers allocated to Ministers and Parliamentary Secretaries, as well as the average allocation per category for elements (b), (c) and (d).

(a) Prime Minister	Senior staff positions [1]	Non Senior staff positions	Total Positions
Keating - Feb 1996	14	18	32
Howard - Jul 1996 [2]	14	23	37
Howard - Nov 2007 [3]	21	29.3	50.3
Rudd - Jan 2009	15	27	42

(b) Cabinet Ministers		Senior staff positions		Non Senior staff positions		Total Positions	
(excluding Prime Minister)	No.	Number	Average	Number	Average	Number	Average
Keating - Feb 1996	16	58	3.63	121	7.56	179	11.19
Howard - Jul 1996	14	31	2.21	109	7.79	140	10.00
Howard - Nov 2007	17	68.6	4.04	169	9.94	237.6	13.98
Rudd - Jan 2009	19	43	2.26	150.4	7.92	193.4	10.18

(c) Non Cabinet Ministers		Senior staff positions		Non Senior staff positions		Total Positions	
	No.	Number	Average	Number	Average	Number	Average
Keating - Feb 1996	13	14	1.08	60	4.62	74	5.69
Howard - Jul 1996	13	13	1.00	63	4.85	76	5.85
Howard - Nov 2007	12	16	1.33	93	7.75	109	9.08
Rudd - Jan 2009	10	11	1.10	50	5.00	61	6.10

(d) Parliamentary Secretaries		Senior staff positions		Non Senior staff positions		Total Positions	
(including "Assistant Ministers")	No.	Number	Average	Number	Average	Number	Average
Keating - Feb 1996	10	0	0.00	20	2.00	20	2.00
Howard - Jul 1996	12	0	0.00	22	1.83	22	1.83
Howard - Nov 2007	12	2	0.17	43	3.58	45	3.75
Rudd - Jan 2009	12	0	0.00	24.6	2.05	24.6	2.05

The following element details the positions allocated to other "bodies" rather than specific Ministers or Parliamentary Secretaries (excludes the personal staff of former Office Holders and Government Whips). The total for each has then been divided by the total number in the relevant Ministry to arrive at an average position-type allocation. This average amount has been used in Table 1 of the Report - in order to evenly spread these resources across all Ministers and Parliamentary Secretaries, and thereby minimse the distortion in staffing analysis when comparing one Government to another.

(e) "Whole of Government" positions		Senior staff positions		Non Senior staff positions		Total Positions	
	No.	Number	Average	Number	Average	Number	Average
Keating - Feb 1996 [4]	40	11	0.275000	38.72	0.968000	49.72	1.243000
Howard - Jul 1996 [5]	40	0	0.000000	11	0.275000	11	0.275000
Howard - Nov 2007 [6]	42	3	0.071429	23	0.547619	26	0.619048
Rudd - Jan 2009 [7]	42	1	0.023810	12	0.285714	13	0.309524

Notes:
1. Senior staff positions are those with classifications above Adviser level. Ministerial consultants employed under Part II of the MOP(S) Act have been included in the Senior staff positions in the above table. As at Feb 1996, there were 34 Ministerial consultants; as at July 1996, there was 1; as at Nov 2007 as well as currently, there were/are nil.
2. Includes Cabinet Office which reported to Prime Minister (3 Senior, 1 non-Senior).
3. Includes Cabinet Policy Unit (formerly Cabinet Office) which reported to Prime Minister (3 Senior, 2 Senior Media, 2 non-Senior).
4. Includes Caucus Secretary, Convener Government Caucus Committees Secretariat, Ministerial Media Group, National Media Liaison Service, Hunter Valley Taskforce, Rural & Regional Task Force.
5. Includes Government Backbench Secretariat, Leader of The Nationals in the Senate.
6. Includes Government Members Secretariat, Taskforce on Workplace Relations Reform, PM's Taskforce on Northern Australia, Leader of The Nationals in the Senate.
7. Includes Caucus Committee Support and Training Unit, Unallocated positions (1 Senior and 2 non-Senior staff positions assumed).

Source: "Summary of Staff Employed under the *Members of Parliament (Staff) Act 1984*", for the specified month/year. Department of Finance and Deregulation.

Code of Conduct for Ministerial Staff

The importance of the role of Ministerial staff in providing advice and assistance to Ministers in the performance of their functions is well recognised and accepted. Their closeness to the most significant decisions of government is a privilege that carries with it an obligation to act at all times with integrity and awareness of the expectation of the Australian community that the highest standards of conduct will be observed.

The Code of Conduct for Ministerial Staff sets out the standards that Ministerial staff are expected to meet in the performance of their duties.

Ministerial staff and consultants and Ministers' electorate officers employed under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act) must:

1. Behave honestly and with integrity in the course of their employment.
2. Act with care and diligence in the performance of their duties.
3. Disclose, and take reasonable steps to avoid, any conflict of interests (real or apparent) in connection with their employment, noting that staff are required to provide their employer with a statement of private interests.
4. Divest themselves, or relinquish control, of interests in any private company or business and/or direct interest in any public company involved in the area of their Ministers' portfolio responsibilities.
5. Declare to their employing Minister in writing, within a reasonable time, all hospitality, gifts and sponsored travel received in association with their employment.
6. Have no involvement in outside employment or in the daily work of any business, or retain a directorship of a company, without the written agreement of their Minister.
7. Treat with respect and courtesy all those with whom they have contact in the course of their employment.
8. Make themselves aware of the Values and Code of Conduct which bind Australian Public Service (APS) and Parliamentary Service employees.
9. When travelling overseas on official business, behave in a manner consistent with the APS Values and Code of Conduct, to the extent they apply to officials on duty overseas.
10. Not knowingly or intentionally encourage or induce a public official by their decisions, directions or conduct to breach the law or parliamentary obligations or fail to comply with an applicable code of ethical conduct.
11. 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.
12. Recognise that executive decisions are the preserve of Ministers and public servants and not ministerial staff acting in their own right.
13. Facilitate direct and effective communication between their Minister's department and their Minister.
14. Use Commonwealth resources for the effective conduct of public business in a proper manner. Commonwealth resources are not to be subject to wasteful or extravagant use, and due economy is to be observed at all times. Ministerial staff must be scrupulous in ensuring the legitimacy and accuracy of any claim for entitlements.
15. Maintain appropriate confidentiality about their dealings with their Minister, other Ministers, other Ministerial staff, and APS and Parliamentary Service employees.
16. Not knowingly or intentionally provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
17. Not make improper use of their position or access to information to gain or seek to gain a benefit or advantage for themselves or any other person.
18. Comply with any authorised and reasonable direction received in the course of their employment.
19. Comply with all applicable Australian laws.
20. Comply with all applicable codes of conduct, including the Lobbying Code of Conduct.
21. Familiarise themselves with this code of conduct upon the commencement of their employment.
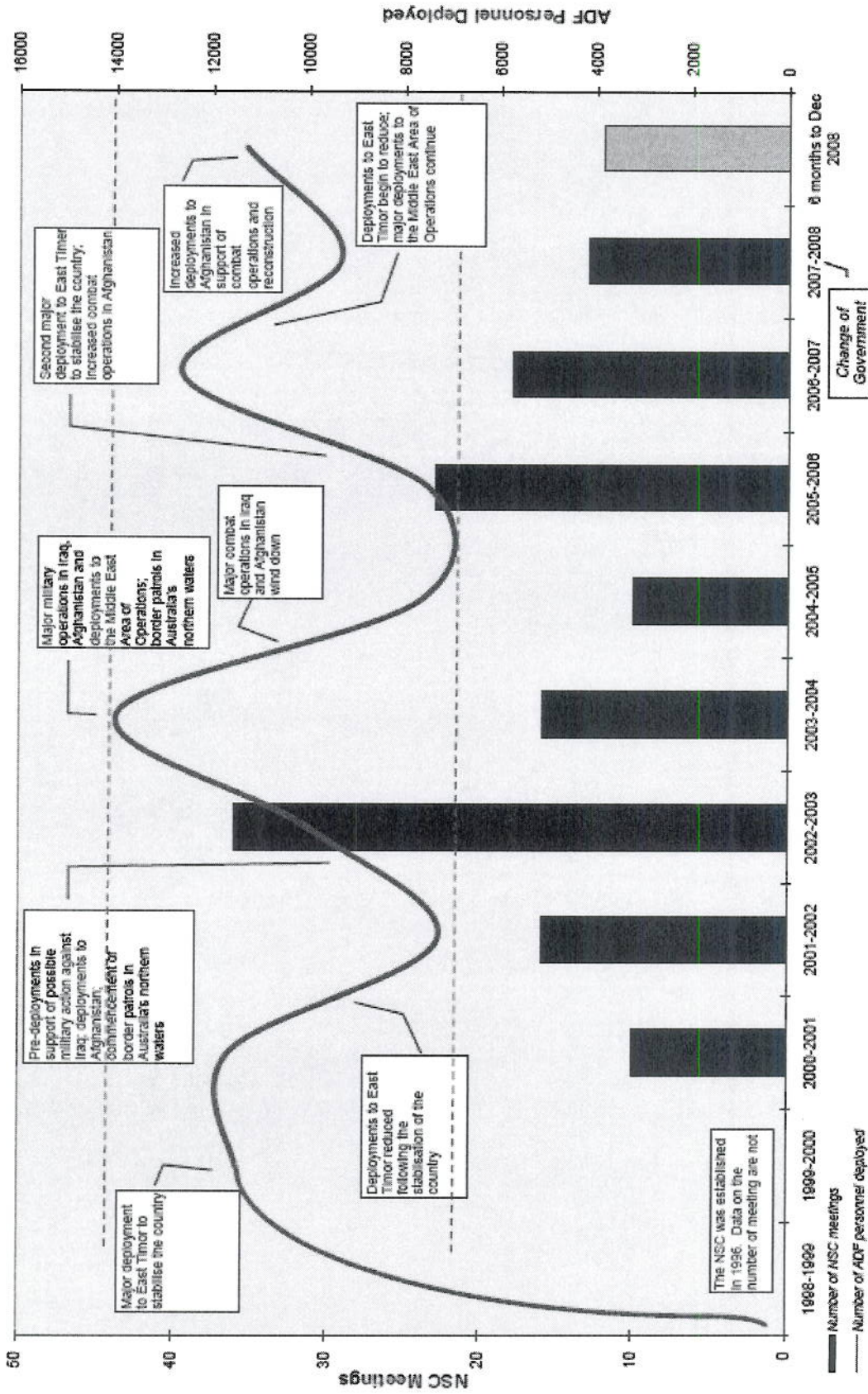
NOTES:

i. *References to Ministers and Ministerial staff include Parliamentary Secretaries and their staff*

ii. *Electorate officers for Ministers are covered by the Ministerial Staff Code of Conduct in recognition of the role they play assisting Ministers to perform their duties*

iii. *For the purposes of this Code, "Australian laws" means any Act, including the MOP(S) Act, or any instrument made under an Act, or any law of a State or Territory, including any instrument made under such a law*

iv. *Implementation of this Code is the responsibility of the Prime Minister's Office and the Government Staffing Committee*

v. *Any sanctions imposed under this Code will be determined after consultation with the relevant Minister by the Chief of Staff of the Prime Minister, acting on advice from the Government Staffing Committee*

The ADF's Operational Tempo and the number of National Security Committee Meetings

The NSC was established in 1996. Data on the number of meetings are not

Major deployment to East Timor to stabilise the country

Deployments to East Timor reduced following the stabilisation of the country

Pre-deployments in support of possible military action against Iraq; deployments to Afghanistan; commencement of border patrols in Australia's northern waters

Major military operations in Iraq, Afghanistan and the Middle East Area of Operations; border patrols in Australia's northern waters

Major combat operations in Iraq and Afghanistan wind down

Second major deployment to East Timor to stabilise the country; increased combat operations in Afghanistan

Increased deployments to Afghanistan in support of combat operations and reconstruction

Deployments to East Timor begin to reduce; major deployments to the Middle East Area of Operations continue

Change of Government

ADF Personnel Deployed

NSC Meetings

Number of NSC meetings
Number of ADF personnel deployed

1998-1999   1999-2000   2000-2001   2001-2002   2002-2003   2003-2004   2004-2005   2005-2006   2006-2007   2007-2008   6 months to Dec 2008

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Ministerial Staff: Indicative Work Hours as reported to the Review

Staff Category	Parliamentary Sitting periods	Parliamentary Non Sitting periods
Chiefs of Staff	• Majority work from approx 7am to 8-10pm • Majority work 12 to 14 hrs per day, plus most weekends • On call and/or contactable 24/7	• Majority work from approx 8am to 6-9pm • Majority work 10 to 12 hrs per day, plus most weekends (but for less time than sitting periods) • On call and/or contactable 24/7
Other senior and policy staff	• Majority work from approx 7.30am to 7-9pm • Majority work 10 to 14 hrs per day, plus many weekends • Many are on call and/or contactable 24/7 • Many work for weeks on end without a break	• Majority work from approx 8am to 6-7pm • Majority work 9 to 11 hrs per day, plus some weekends • Many are on call and/or contactable 24/7
Media staff	• Similar to Chiefs of Staff, but usually start earlier • On call and/or contactable 24/7 – frequently contacted and working after leaving office	• Similar to Chiefs of Staff, but usually start earlier • On call and/or contactable 24/7 – frequently contacted and working after leaving office (eg dealing with queries from media)
Admin	• Majority work from approx 8am to 7-9pm • Majority work 9 to 12 hrs per day, plus some weekends • Some are on call and/or contactable 24/7	• Majority work from approx 8am to 6-7pm • Majority work 8 to 10 hrs per day, plus some weekends • Some are on call and/or contactable 24/7

Notes:

1. When a Minister or Parliamentary Secretary travels interstate or overseas, at least one other staff member accompanies him/her. This impacts on other staff in the office, generally leading to longer hours needing to be worked. The staff member(s) that travels also works longer hours.
2. A six day working week is reported as common and a seven day week is not unusual.
3. The ability for staff to take leave was identified as an issue, due to lack of staff to cover for absences. Other than a couple of weeks at Christmas/New Year, no "quiet" periods during the year.
4. The above is derived from information provided by the offices of individual Ministers and Parliamentary Secretaries. It will be apparent that the summary is *not* based on a formal data collection process involving work diaries, timesheets etc. It should not be assumed from the summary that all ministerial staff work excessive hours.

Committees of Cabinet: Membership (as at 18 December 2008)

Committee Name	Membership		Number of meetings in 2008
Strategic Priorities and Budget Committee (SPBC)	Prime Minister (Chair) Ms Gillard (Deputy Chair)	Mr Swan Mr Tanner	23
Expenditure Review Committee (ERC)	Mr Swan (Chair) Ms Gillard (Deputy Chair) Mr Crean	Ms Macklin Mr Tanner Mr Bowen	32
Climate Change, Water and Environment Committee (CCWEC)	Prime Minister (Chair) Mr Swan Mr Crean Ms Macklin Mr Albanese Senator Carr	Senator Wong (Deputy Chair) Mr Garrett Mr Burke Mr Ferguson	16
National Security Committee (NSC)	Prime Minister (Chair) Ms Gillard (Deputy Chair) Mr Swan Senator Faulkner	Mr Smith Mr Fitzgibbon Mr McClelland	25
Social Policy Committee (SPC)	Ms Gillard (Chair) Ms Macklin (Deputy Chair) Senator Evans Ms Roxon Mr Tanner	Senator Ludwig Mr Debus Ms Plibersek Mr O'Connor	2
Indigenous Affairs Committee (IAC) *	Prime Minister (Chair) Ms Gillard Ms Roxon	Ms Macklin (Deputy Chair) Mr Tanner Senator Ludwig	1
Social Inclusion Committee (SIC) *	Prime Minister (Chair) Ms Gillard (Deputy Chair) Ms Macklin Ms Roxon	Senator Ludwig Ms Plibersek Mr O'Connor	2
Parliamentary Business Committee (PBC)	Mr Albanese (Chair) Senator Evans (Deputy Chair) Mr Smith	Senator Ludwig Mr McClelland Mr Byrne	19
Economic Policy Committee (EPC)	Mr Swan (Chair) Ms Gillard (Deputy Chair) Mr Crean Mr Tanner Mr Albanese Senator Conroy	Senator Carr Senator Wong Mr Burke Mr Ferguson Dr Emerson	3
Council of Australian Governments (COAG)	Prime Minister Ms Gillard Mr Swan Mr Crean Ms Roxon Ms Macklin Mr Tanner	Mr Albanese Senator Wong Mr McClelland Senator Ludwig Mr Bowen Ms Plibersek Dr Emerson	4

* The Indigenous Affairs Committee and the Social Inclusion Committee were merged to form the current Social Policy Committee.