

The Rudd Transition.

Continuity and Change in the Structures of Advice and Support to Australian Prime Ministers*

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Introduction

When Kevin Rudd won the November 2007 federal election, he became Australia's 26th Prime Minister. Less than a year after wresting the leadership from Kim Beazley, Rudd led Labor to victory over a Coalition government that had reigned for eleven years and which just months previously, had looked virtually unassailable.

Labor detected a mood for change in the electorate and pursued it relentlessly. Throughout the campaign, Rudd offered the Australian people 'fresh thinking', a 'new style of leadership' and 'a positive plan for our country's future'. Though criticised for 'me-tooism' and for casting himself as 'Howard-like', he projected moderation and caution, reassuring the electorate that changing their vote would be a safe option. Voters rewarded him on polling day with a net gain of 23 seats in the House of Representatives.¹

The November 2007 election victory was historic in several senses. For the first time since Federation, Labor governments held office in every Australian jurisdiction. Rudd, a Queenslander as he reminded voters throughout the campaign, became only the fourth Prime Minister to be elected from his home state. His deputy, Julia Gillard, became the first woman to hold the office of Deputy Prime Minister. John Howard became only the second Prime Minister to lose his seat, when Bennelong fell to Labor's Maxine McKew.

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¹ John Wanna, 'Political Chronicles: Commonwealth of Australia. July to December 2007.' *Australian Journal of Politics and History*, vol. 54, no. 2, 2008, pp. 289–296.

Transitions occur only occasionally in Australian politics. Federal governments have changed only six times since World War Two. For political scientists these rare events are a great opportunity. They offer a window into how the system of government is operating; how key institutions have been shaped or changed by the former government and how this compares with their historical trajectory. The arrival of a new administration offers opportunities to distinguish the idiosyncratic from the systemic; to identify the larger forces at work within the political system. It is generally recognised that the few first weeks of a new government's life are crucial. Its early days in power set the tone for how it will govern. Thus we can learn a great deal from the early decisions of a new government—what it changes and what it keeps; what lessons it has drawn from prior experience and from predecessors on its own side as well as from its opponents.

In my lecture today, I outline the Rudd Government's transition to office, drawing on insights from the literature on government transitions in Australia and internationally. I present some early findings from an analysis of the system of advice that is emerging under the Rudd Labor Government, with a particular focus on support for the Prime Minister.

In Australia, a transition to government begins when the election result is known and lasts until the new Prime Minister and ministry are officially sworn in. In reality, of course, the period is much longer. It lasts for as long as it takes to get the necessary arrangements in place in terms of people, process, politics and policy. I will argue that the Rudd transition has been successful because of its attention to these four 'p's' and because it was underpinned by detailed planning, both in terms of Labor's policy priorities and also about how it intended to take the reins of government.

A crucial test of transition is the ability to move from campaigning to governing, which as I will argue, has different imperatives and requires different skills. Transitions offer important lessons for governing. In my concluding remarks I will outline what I think are some of these for the Rudd Government into the future.

My analysis of the Rudd transition spans the period from Labor's pre-planning through to its first budget in May 2008. My argument for adopting a broadly six-month timeframe in this case is that the election occurred in late November 2007. The new ministry was sworn in on 3 December and Cabinet held its first meeting in Brisbane on 6 December. There was frenetic activity in the lead-up to Christmas—Rudd convened a COAG meeting on 20 December, for example. But the summer holidays inevitably had an effect on the process of change. During his election night victory speech Rudd told Australians that his team might have 'a strong cup of tea, and even an Iced Vo-vo on the way through',² but that the hard work would begin immediately. They could, he mused, have Christmas and Boxing Day off, but then would begin the task of implementing Labor's ambitious reform agenda. As it happened, the Prime Minister took a short break—probably well advised after a year of continuous campaigning. Ministerial staff were recruited, ministers took up their portfolios, but Rudd's own department was without a Secretary until Terry Moran arrived in March 2008. Major changes to the structure of the Department of the Prime Minister and Cabinet (PM&C) were announced in early May. So I feel justified in taking a longer view than might be considered usual.

² Kevin Rudd, Election Victory Speech. Brisbane, 24 November 2007.

Six months is as long as a new government's 'honeymoon' lasts. Thereafter, as we have seen in the past week, both the public and the media begin to more closely scrutinise how matters are unfolding. Given that 24 May marked six months since Kevin Rudd was elected Prime Minister, the timing of this lecture almost couldn't be better.

Transitions

Much of what we know about transitions of government is drawn from the United States, where a change of President brings a seismic shift in government structures and personnel. There, not surprisingly, transition planning is regarded as 'essential to ensure continuity in the working affairs of government' and for governmental effectiveness.³ For incoming governments in the US, the formal transition period runs from the day after the November general election until 30 days after the inauguration—a period of around three months. Transitions have been extensively studied by scholars of the American presidency, informed by academic and practitioner perspectives. There is a broad consensus that effective transitions require extensive planning, ideally informed by lessons drawn from the experience of previous administrations, be they positive or negative.

Things are much less dramatic in Westminster-style political systems. In theory, a professional and impartial career bureaucracy ensures continuity of administration and personnel. There is a seamless transfer of bureaucratic loyalty from one administration to the next. The democratic transfer of power from an outgoing to an incoming Prime Minister occurs peacefully, and as Rudd has observed, with great elegance. Like other Westminster traditions, much of this is assumed.

Comparatively little has been written about transitions in Australia, but we know from experience that changes of government can go well or go badly. It is generally agreed, for example, that the Whitlam Government's transition was rushed and chaotic, due mainly to the inexperience of the incoming ministry and its difficulties managing the pent-up ambitions of ALP supporters after 23 years in opposition. In 1983, by contrast, the incoming Hawke Labor Government pursued a deliberate but cautious approach, consciously intended to avoid the mistakes of its predecessor. That transition is regarded as having been successful because it was achieved without major disruptions to the public service or the business of government, but also because it launched a program of reforms that would become the hallmark of the government.

In 1996 the incoming Howard Government eschewed formal transition planning, believing it had cruelled its prospects in the 1993 election campaign. It drew criticism for sacking six departmental secretaries when it took office. While the move asserted the new government's authority over the public service, it had a detrimental impact on relationships and performance. Its negative consequences hampered the Howard Government throughout its first term,⁴ and became a potent symbol in Labor's critique of its lack of respect for public institutions.

³ Stephanie Smith, *Presidential Transitions. CRS Report for Congress*. Washington DC, Congressional Research Service, 2007.

⁴ Anne Tiernan, *Power Without Responsibility: Ministerial Staffers in Australian Governments from Whitlam to Howard*. Sydney, UNSW Press, 2007.

Transitions of government offer unrivalled opportunities both for change and to achieve policy goals. Newly elected leaders have great reserves of authority and goodwill and face fewer constraints than at subsequent phases of their tenure. Paradoxically, however, their ability to fully exploit these opportunities is constrained by a lack of experience and the need to focus on getting basic arrangements in place. While obviously a greater imperative in the US, where a new President must assemble a Cabinet, and arrange more than 7300 competitive appointments to the White House staff and the federal bureaucracy, developing basic arrangements is becoming increasingly relevant in the Australian context.

The transition to government no longer involves only ministers and senior officials, but also large numbers of ministerial staff. Higher rates of turnover in the public service workforce challenge conventional assumptions about the policy content and institutional memory available to incoming ministers. In early 2008, Kevin Rudd observed that two-thirds of the current APS workforce was not employed in the service when the government changed in 1996.⁵ Thus 60 per cent of Commonwealth Public Servants had only ever served Howard Government ministers. Given changes in structures and relationships within the Australian core executive over the past 30 years, it is pertinent to question whether our assumptions about transitions of government remain valid or whether they should be adapted to reflect new political realities.

Taking over: Kevin Rudd's transition

Kevin Rudd is unique among incoming Australian prime ministers in that he is the first with previous experience as a senior bureaucrat, a department head and a ministerial Chief of Staff. Consequently, as he told a group of senior public servants, he knows all the Yes Minister tricks. According to the Prime Minister:

... I did remind them that I'm probably the first bloke for quite a while who has been at one stage of his life both Humphrey, Bernard and now the Minister, and in this case now the Prime Minister, so there is very little I haven't seen before.⁶

In a speech to the APS, Rudd drew attention to his own experience of transition, in Queensland in 1989, where as Chief of Staff to Premier Wayne Goss, he encountered a bureaucracy that had not experienced administrative change in 32 years.⁷

Rudd's experience in November 2007 was radically different to that of the Goss Government as described by Weller.⁸ PM&C had, as is conventional, prepared two sets of briefings for whichever of the parties contesting the November 24 election became the incoming government. At 9am on Sunday 25 November, Dr Peter Shergold, Secretary of PM&C, flew to Brisbane to brief the Prime Minister-elect. So too did Dr

⁵ Kevin Rudd, 'The Economy, Inflation and the Challenge of Housing Affordability.' Address to Business Leaders Forum, Queensland University of Technology, Brisbane, 3 March 2008.

⁶ Quoted in D. McLennan, 'Respect at top of PM's agenda.' *Canberra Times*, 11 February 2008.

⁷ Kevin Rudd, 'Address to Heads of Agencies and Members of the Senior Executive Service.' Great Hall, Parliament House, Canberra, 30 April 2008.

⁸ Patrick Weller, 'Transition to Government. 5' in *Political Crossroads: the 1989 Queensland Election*. R. Whip and C. A. Hughes (eds). Brisbane, University of Queensland Press, 1991, pp. 191–206.

Ken Henry, Secretary to the Treasury, to brief Wayne Swan, who Rudd had confirmed would retain the portfolio he held in Opposition. Rudd has described his government's transition as 'seamless', noting this was 'a credit to the APS'.⁹ This echoed the outgoing PM&C Secretary's observation that 'in some ways the value of professional public service is fully appreciated only at the moments of transition when prime ministers or governments change.'¹⁰

Labor's plan

If, as both the literature and conventional wisdom suggest, planning underpins a successful transition, Labor was well served by plans that had been in development since the 1998 election. Though beaten comprehensively at the 1996 poll, Labor was confident it could defeat John Howard on a backlash to the introduction of a goods and services tax (GST) and given the stumbles that characterised its first term. Shadow Minister for Public Administration, Senator John Faulkner, began planning the machinery of government should Labor win office. A renowned historian of the party, he drew on Gareth Evans' 1983 transition report, and convened a reference group of long-standing parliamentarians and senior staffers to advise on its development.

Over successive elections, Labor would refine its plans for taking office. In 2004 its intentions were published as a comprehensive policy commitment. *Machinery of Government: the Labor Approach*, was one of the first policy announcements of the 2004 election campaign.¹¹ The 2004 document provided a solid basis for planning in 2007. Policy commitments for the 2007 campaign reflected the critique Labor had been developing (and which intensified in the wake of the 'children overboard' affair), questioning the integrity of the Howard Government and the lack of accountability of ministers and their staff.

In a joint media statement issued in August 2007, Shadow Minister for Finance, Lindsay Tanner and Shadow Minister for Public Administration and Accountability, Penny Wong, outlined the measures a Labor Government would take to increase accountability and address 'the waste and mismanagement of the Howard Government'.¹² These included: a commitment to cut ministerial staff numbers by 30 per cent, to reduce spending on media monitoring, and to reduce 'abuse of government advertising' by requiring that all advertising campaigns over \$250 000 be vetted by the Auditor-General or their delegate.

Subsequently, Wong reiterated Labor's commitment to Westminster traditions of public service independence and neutrality. She announced that, if elected, there would be no purge of senior public servants as had occurred when the government changed in 1996. Ministers would be expected to allow time to develop good working relationships with department or agency heads. Moreover, Labor would remove performance pay and

⁹ Kevin Rudd, op. cit., 2008.

¹⁰ Peter Shergold, Valedictory Lecture. Address to the Australian Public Service Commission (APSC). Canberra, 8 February 2008.

¹¹ *Machinery of Government: the Labor Approach*. Australian Labor Party Policy Document, 2004.

¹² Lindsay Tanner and Penny Wong, 'Cleaning Up Government.' Media Statement by Shadow Minister for Finance and Shadow Minister for Public Administration and Accountability, 8 August 2007.

introduce a more rigorous and transparent appointments process, with five year contracts for agency heads, ‘unless the appointee has a preference for a shorter period’. Further, Labor would adopt a Ministerial Code of Conduct to reinforce the principle of ministerial responsibility, which, she argued, had been compromised under the Coalition.¹³

These proposals established the contours of Labor’s plan for taking government. Adopting a cautious and positive approach to the public service appealed to grievances that many officials had felt under the Coalition and allayed fears that a ‘night of the long knives’ would destabilise the APS. Once the campaign was formally underway, a small group comprising Penny Wong, Victorian Senator Robert Ray, John Faulkner and Rudd’s Chief of Staff, David Epstein, met regularly at campaign headquarters to discuss transition issues. But the approach was modest and deliberately low-key, reflecting political reticence at being seen to be formally engaged in preparations for government, given the potential to be portrayed as arrogant and hubristic.

Assuming the reins of government

If Kevin Rudd was overawed by his responsibilities as Prime Minister, his countenance never betrayed it. As if to underscore the shift of political gravity from the nation’s southern capitals, and in a nod to the home state that delivered Labor a net gain of nine seats, Rudd conducted the business of government from the back deck of his Brisbane home. He looked remarkably at ease as he received a steady stream of official and international visitors. The new Prime Minister’s informality and self-deprecating style was both a symbolic distancing from the Howard years and the beginning of the narrative that ‘Kevin from Queensland’ was beginning to weave about what Australians could expect from his leadership.

Appointing the ministry

Rudd moved quickly to appoint the new ministry, asserting his authority as election winner to cement his commitment that, if elected, it would be he as Leader and not caucus that would select and appoint the ministry, ‘based on a combination of talent, experience, ability and the needs of an incoming government.’¹⁴ The commitment challenged 100 years of ALP tradition, that the ministry be selected on a vote of the full caucus. Ramsey notes that in making the announcement on the campaign trail, Rudd ‘ambushed his own party to get his own way.’ Only after the ministry was chosen was the leader formally granted the power he had demanded, through an amendment of caucus rules. The decision was an early indicator of Rudd’s determination to ‘modernise’ the Labor Party and to achieve the discipline he considered necessary to win and retain government.

Though several seats remained in doubt, the makeup of the ministry, comprising twenty Cabinet ministers, ten outer ministers and twelve parliamentary secretaries, was announced on 29 November, and officially sworn-in on 3 December. Significant decisions included the appointment of Deputy Prime Minister Julia Gillard to the mega-

¹³ Penny Wong, ‘Labor’s Approach to the Australian Public Service.’ Speech to the Institute of Public Administration Australia (ACT Division), Ainslie Football Club, 20 September 2007.

¹⁴ Alan Ramsey, A. ‘What Kevin Wants, Kevin Gets—For Now.’ *Sydney Morning Herald*, 22 March 2008.

portfolio of Education, Employment and Workplace Relations, and the splitting of the Environment portfolio with Penny Wong as Minister for Climate Change and Water (in the Prime Minister's portfolio) and Peter Garrett as Minister for Environment, Heritage and the Arts. These changes had implications for the machinery of government.

John Faulkner became Cabinet Secretary and Special Minister of State with responsibility for Labor's integrity in government agenda, which includes many of the reforms foreshadowed in its 2004 policy, the Public Service, Cabinet and an evolving collection of other commitments. One third of incoming ministers were appointed to different portfolios than they had held in Opposition. Notable among these was Stephen Smith, who reportedly learned of his appointment to the Foreign Affairs portfolio just hours before it was announced in the media. Ten others gained new or additional responsibilities. A further six were demoted or dropped.¹⁵

Rudd's choice of ministers was favourably received. Freed of the constraints of caucus control, some noted a 'creative tension' in his decision to include some of Labor's newest and most promising talent as parliamentary secretaries in key portfolios. Only four: John Faulkner, Simon Crean, Bob McMullan and Bob Debus (a former Attorney-General in NSW) had prior ministerial experience, though many of the new cohort had significant political experience, mainly in senior ministerial staff roles. Indeed the Rudd ministry is notable for the state government experience of many of its members (and of their ministerial staffers)—a theme that has caused some consternation in Canberra. Some commentators have questioned whether the government may be especially vulnerable to special interests, inclined to respond to negative polls and publicity with populist 'quick fixes', and to favour style over substance. Several 'backflips' in the early months of the government's tenure, notably over carers' payments, whether a rise in the rate of GST should be considered as part of a wide-ranging tax review, helped to fuel these concerns. George Megalogenis has questioned whether because of his populist instincts, Rudd will become Australia's first 'federal Premier—a master of the media cycle who ultimately runs a do-nothing government.'¹⁶

Recruiting ministerial staff

Rudd also moved quickly to appoint ministerial staff. On taking office it made good its 2004 commitment to establish a Government Staffing Committee. Like its predecessor's Government Staff Committee, it deals with all appointments at Adviser level and above.

Within days of taking over, Rudd wrote to ministers outlining their staffing entitlements—the broad formula for allocation being: eleven for Cabinet ministers, eight for non-Cabinet ministers, with larger allocations for the Deputy PM, the Treasurer, Leader of the Government in the Senate and the Manager of Government Business. These allocations had been foreshadowed in the 2004 policy document, but needed to be managed within the promised 30 per cent reduction in staff numbers.

As is standard procedure after an election or a change of leader, all staff positions were automatically spilled. Rudd insisted on a full merit process. Even loyalists who had done

¹⁵ John Wanna, op. cit., 2008.

¹⁶ George Megalogenis, 'A Show About Nothing'. *The Australian*. 19 April 2008.

the hard yards in Opposition were required to apply for jobs in the new administration. This attracted some adverse comment,¹⁷ especially because it included key positions in the Prime Minister's Office, although not Chief of Staff, David Epstein, who Rudd had confirmed in his role during the campaign.

Even before advertisements were placed, Labor had received 1800 applications. Government sources estimate that in total, around 5000 applications were received for approximately 334 positions.

By 30 April 2008, 328 ministerial staff had been formally appointed. Eighty-three of 104 Opposition staff made the transition to government. For most ministers, Chiefs of Staff were the main concern. Those who wanted to retain their Chief from Opposition, or had someone in mind for the job, were required to submit a proforma attaching the individual's curriculum vitae. After preliminary assessment for suitability and experience, appointments were referred to the Government Staffing Committee. For those like Wayne Swan, who retained their shadow portfolio in government, appointments were fairly straight-forward. Others, whose allocation of portfolio was not anticipated, or who have been appointed to portfolios undergoing machinery of government change, it has been a greater challenge.

I have been interested to watch how Labor has recruited its ministerial staff. It has a pool of talent not naturally available to the Coalition, as the Howard Government found in 1996. Some highly experienced individuals with long links to the ALP have returned, including from lucrative private sector or senior government positions. Others came out of retirement to assist the transition process. Many among the senior staffing cohort in the offices of the Prime Minister and central ministers have worked together previously in former Leaders' offices. Sources report that strong personal relationships, developed in Opposition, have helped to foster a collaborative culture. There has been some movement of staff between ministerial offices as the Committee has worked to ensure an appropriate 'fit' of styles and experience. It seems the Rudd Government has adopted an organisational approach to ministerial staffing—at this stage it appears skills, experience and merit have been more important considerations than have personal relationships with the Prime Minister, though the influence of Faulkner and Epstein should not be underestimated.

Labor's approach to ministerial staffing has been informed by its experience of government both federally and at state level. But it is also shaped by its perception of developments under the Howard Government, and it is here that John Faulkner's influence can be clearly discerned. He did significant work in Senate committees during Labor's years in Opposition, particularly around staffing issues in the wake of the 'children overboard' inquiry. Many of the recommendations of the Senate Finance and Public Administration (F&PA) Committee's 2003 inquiry into staff employed under the Members of Parliament (Staff) Act found their way into the 2004 transition document, and have been adopted in government. Labor has committed to introduce a Code of Conduct for ministerial staff. It has also made mandatory the attendance of all ministerial staff at induction sessions specifically designed to orient them to their new roles within government. Faulkner has promised greater accountability for ministerial

¹⁷ Glenn Milne, 'Muttering As Rudd Cracks the Whip.' *Sunday Telegraph* (Sydney), 23 December 2007.

staff and a 'more traditional role' than was the case under the Howard Government.¹⁸ It is too early to tell whether these messages will be reflected in ministerial staff behaviour, particularly when there is turnover among the foundation cohort of Rudd Government staffers.

Relations with the public service

Another priority was the government's relationship with the public service. At the Prime Minister's request, departments provided senior officers to assist in establishing ministerial offices, for a period of around twelve weeks until the full complement of personal staff could be recruited. Secretaries responded enthusiastically, sending experienced and talented officers with strong organisational and policy skills. This is seen as having been vital in enabling ministerial offices to get up and running quickly—establishing procedures and protocols for working effectively with the bureaucracy. It also cemented good relationships and ministerial office appreciation of the professional skills available within departments. This contrasts with the early experience of Howard Government ministerial offices, many of which, for want of basic administrative arrangements, were, as one senior minister described them, 'dysfunctional' for months.

Notwithstanding a generally positive attitude towards the bureaucracy, the incoming government seemed underwhelmed by its performance, especially in providing innovative and creative policy ideas. The public service has struggled to adjust to the priorities and style of the new Prime Minister, whose energy and work ethic—legendary in Queensland—has, it seems, become even more ferocious in Canberra. From the early weeks of the new government's tenure, there have been complaints about workload, the demands being made on both ministerial staff and public servants, and whether the relentless pace demanded by the Prime Minister dubbed 'Kevin 24/7,' is sustainable. These are more than the idle whinges of bureaucratic time-servers. They are seen as workplace health and safety issues but also as management problems that could potentially undermine the government's ability to achieve its policy goals. Ministers are conscious of these anxieties. Even Rudd has acknowledged how hard officials have worked during the transition period.

But the leak of two Cabinet documents this week has undermined trust between Rudd and the APS. Veteran journalist Laurie Oakes told reporters he did not receive the leaked Cabinet submission from a minister, but that the leak 'reflected bureaucratic anger at the non-stop nature of Rudd and his failure to follow their advice.'¹⁹ Rudd's response was quick, determined and ominous. Asked whether he now regretted not purging the public service when he came to office, he told reporters:

Well, the Government took a view before the election that there would be no 'night of the long knives'. We accept the consequences of that decision. And, we think that it was the right thing to do in order to restore something which resembles the Westminster system in Australia ...

¹⁸ John Faulkner, 'New Arrangements for Merit and Transparency in Senior Public Service Appointments.' Media release, Special Minister of State, 5 February, 2008.

¹⁹ 'Government Defends Fuel Watch Scheme'. Australian Broadcasting Corporation, PM, 29 May 2008.

He also said:

... I understand that there has been some criticism around the edges that some public servants are finding the hours a bit much. Well, I suppose I've simply got news for the public service—there'll be more. This Government was elected with a clear cut mandate. We intend to proceed with that. The work ethic of this Government will not decrease, it will increase.²⁰

Shaping the machinery of government

Labor's plan included changes to the machinery of government, particularly to arrangements that support the Cabinet. Consistent with its 2004 election commitment, the Cabinet Policy Unit (CPU) was abolished—its administrative functions were returned to the Cabinet Secretariat within PM&C. Rudd appointed Faulkner as Cabinet Secretary, the first time since 1940 that a minister has held the post. It had been intended the position would be returned to the Secretary of PM&C, but Rudd had other plans. His Queensland experience persuaded him there were benefits to having a politician in the role. Moreover, it created an opportunity for Faulkner in Cabinet, effectively as 'Minister for Politics'—with a wide-ranging brief as Cabinet gatekeeper, trouble-shooter and guardian of government strategy, mainly ensuring Labor's election commitments are delivered. Faulkner is a crucial player in Rudd's system of advice; a moderating force against the instincts of more political operators. He has a unique, important and highly personalised role in supporting the Prime Minister, though this is something he has been keen to downplay when questioned on the topic.²¹

Cabinet committees have been restructured. Labor has established several new committees, including the Strategic Budget Committee, a Climate Change Committee and it has re-energised the Expenditure Review Committee (ERC) and the role of the Minister for Finance within it. The ERC has met consistently from the earliest days of the Rudd Government, to deal with the need for economic restraint given uncertainty in global financial markets, the credit crunch and the challenge of rising inflation in the domestic economy.

A major change to Cabinet arrangements has been the introduction of Community Cabinets, modelled on the Queensland experience. This fulfilled an election promise that Commonwealth ministers and senior officials would travel to meet with delegations and individuals in their local communities. To date, there have been three Community Cabinets. These have been reasonably well received, though are a significant logistical challenge for a bureaucracy unaccustomed to such intense community engagement as well as for security personnel. Cabinet has met frequently outside of Canberra. Like his predecessor, Rudd favours traditional Cabinet processes. Until recent leaks, the Labor Cabinet has projected as united and disciplined, under Rudd's leadership and that of other senior ministers—Gillard, Swan, Tanner and Faulkner.

²⁰ Kevin Rudd, Press Conference, 29 May 2008.

²¹ Senate Finance & Public Administration Legislation Committee *Hansard*, 26 May 2008, pp. 68–74.

The system of advice

John Howard's advisory system comprised: a large and personalised Prime Minister's Office (PMO), the CPU, headed by a politically-appointed Cabinet Secretary (a MOP(S) Act staffer) with responsibility for strategy and the smooth running of Cabinet and the Department of PM&C—the permanent bureaucracy which grew substantially in size and influence in the latter years of the Howard Government. Under Rudd, arrangements are slightly different, though there are discernible continuities.

Rudd's advisory system is a work-in-progress, but currently includes: a large and powerful PMO and a strong and active Department of PM&C that will be radically reorganised under plans announced recently by the new Secretary.

All prime ministers have a range of formal and informal advisers with whom they consult from time to time. Since coming to office Kevin Rudd has demonstrated a more obvious willingness to engage a broader range of players in the provision of advice to government, consistent with his oft-repeated theme that government does not have a monopoly on good ideas. He has a coterie of close personal advisers including: Professor Glyn Davis, who co-convened the Australia 2020 Summit; his former boss, Wayne Goss; state Labor premiers who provided support in Opposition, especially John Brumby and Anna Bligh, and a network of personal and professional colleagues and friends.

Aside from the Australia 2020 Summit—a bold experiment that yielded a mixed response, Rudd has commissioned a raft of reviews, inquiries and commissions across a diversity of policy areas. His COAG reform agenda has created a plethora of working groups and parties, all focused towards delivering on his promise to reform the federation and 'end the blame game'. For this he has been criticised for being 'a bureaucrat', obsessed with process and policy detail. A more substantive question is the government's and particularly Cabinet's capacity to process and digest the advice it receives.

Like Howard before him, Rudd's system of advice reflects his authority as Prime Minister. It is highly centralised and responsive to the unrelenting demands of the leader. It is reported that Rudd refers to his office jokingly as 'Stalag Kevin'. The long hours worked by staff and the high performance expectations of the Prime Minister have been widely reported, as has Rudd's insistence on personal control across the full spectrum of the government's policy and media management. Senior sources report that it is 'impossible to exaggerate the degree of personal intervention by the Prime Minister. It's his personality.'

Bruce Hawker argues that micromanagement is necessary in the early stages of a new government. 'After about six months, when other ministers have their systems in place, then you can back off a bit.'²² But by temperament and experience Rudd inclines towards 'control freakery'. It may be difficult to adapt his style, given the focus on leaders in the era of the permanent campaign. But it is widely recognised, including within the government, that the current approach poses significant risks—mistakes and

²² Katharine Murphy, 'Rudd's Will To Power.' *The Age* (Melbourne), 29 March 2008.

burnout, and potentially a loss of support among Cabinet colleagues and staff, and as we have seen this week, parts of the public service.

Assessing the transition

In light of this how might we assess the Rudd transition?

The Rudd Government came to office with a well developed plan for taking over the machinery of government and reshaping the system of advice. For the most part it got people (ministers and ministerial staff) quickly and efficiently in place and established positive relationships with the public service. It affirmed the government's commitment to contestable policy advice drawn from a wide range of sources, and asserted the primacy of Cabinet and its committees in policy and decision-making. Labor also had a comprehensive program of election promises, which the Prime Minister declared he was determined would be delivered. Progress towards that achievement was reported in a 100 Days report, a model imported from state governments.

By establishing what presidential studies scholars would describe as 'discipline and effectiveness', the new government was able to 'hit the ground running'. It exploited the opportunities of the transition period to achieve some important and symbolic policy goals, and harnessed popularity and goodwill to frame a new and distinctive narrative of governance. It is hardly surprising then that commentators, including some of Rudd's political opponents, agree that Labor has made a comparatively smooth transition to government.

But six months is as much of a honeymoon as any modern leader can expect. Since the Budget things have been getting very much harder for the Prime Minister and his ministers and some of the strains are beginning to show. Labor has made a successful transition from Opposition to government, but questions remain about whether it has made the more difficult and profound shift from campaigning to governing.

Matthew Dickinson identifies a 'growing disjunction' between what is required to win elections and what is required to govern in an increasingly complex and contested policy and political environment.²³ Campaigns place a premium on rhetoric, political symbolism, and skillful and responsible media management aimed at 'winning' the daily news cycle. Governing, as the Prime Minister and members of his team are learning, is much harder. Certainly far harder than opposition where everything seems possible and there is no responsibility for actually achieving it, let alone any expectation that it will be reconciled within existing priorities and structures. Governing federally is more complex than it was when Labor last held office, and vastly different to state government, where many members of Team Rudd cut their teeth.

Governing requires patience, the ability to compromise, and in an environment characterised by uncertainty and power dependence, sensitivity to the needs and interests of other stakeholders. The media and public expect governments to have total command of the details of existing and new policies, as well as of the full gamut of ministers'

²³ M. Dickinson, 'No Place For Amateurs: Some Thoughts on the Clinton Administration and the Presidential Staff.' *Presidential Studies Quarterly* vol. 28, no. 4, 1998, p. 768

portfolio responsibilities. We expect leaders to respond immediately to new and emerging issues and crises nationally and internationally.

Hence the need for advisory systems that are efficient and responsive, which ensure balanced advice, which help to avoid surprises, which capitalise on a leader's strengths and compensate for any weaknesses. Rudd's advisory system will continue to evolve over the course of his prime ministership. Experience suggests it will be shaped by environmental demands and organisational dynamics as much as by his own personality and working style.

Labor has established policy and decision-making arrangements, but it will take time to develop structures and routines that fully mesh with the new government's agenda and style. There has been significant instability and turnover within PM&C. Since the election, the department has been recalibrating to meet the needs of the new Prime Minister in establishing Community Cabinet, managing the Australia 2020 Summit, servicing a complex and wide-ranging COAG reform agenda—all without a permanent Secretary until March. At times the advisory system has struggled to keep up with Rudd's ambitions.

A key challenge will be to adapt to and assert some control over the 'rhythms' of governing. Echoing presidential scholars, Arthur Sinodinos has argued that 'most importantly, you need to guard against the urgent crowding out the important.'²⁴ Achieving long-term policy objectives requires an ability to focus beyond the daily media cycle, and to 'hold firm' if required, on changes that may be unpopular.

It is also important to develop a sustainable operational tempo. To date Rudd has ignored warnings that his government and advisory system, and importantly, the people who comprise it, can't be expected to run at more than full capacity all of the time. More and better outcomes may be achieved by tempering the pace and by moderating public, and some in the government's own expectations.

Yet the Prime Minister seems unwilling to slow down. Last night and again this morning he said that his team was working hard for all Australians, and that the government's work-rate was more likely to increase than to abate. Campaigns are a sprint, governing is, most political parties hope, a marathon. The imperatives of governing require a different mix of skills, and also, a different mindset.

Kevin Rudd has described the transition to government as a 'learning experience for everyone'. This is true for himself as much as for his ministers, their staff and the public service. I have described the transition process, its key elements and some of the lessons it might hold as the Rudd Government confronts the future. But as I noted at the outset, these are preliminary findings. The real test will be how the government learns and adapts through the experience of its first term, particularly its current troubles. We will know far more about the true measure of Rudd as Prime Minister and about the tenor of his government as Labor approaches its mid-term.

²⁴ Katharine Murphy, *op. cit.*, 2008.



Question — I am interested in your views on Departmental Liaison Officers. I have read your book and I am interested in the DLOs and their role in ministerial offices, and the same DLOs operating in different governments, whether it is appropriate for public servants to do that.

Anne Tiernan — DLOs are public servants sent over to ministerial offices from departments. They remain departmental employees when they go to work in the office of the minister. Their main role as far as I understand it is to manage the paper flow between the department and the ministerial office. I don't know enough yet about the structure that has been adopted by the new government, to tell how the DLOs are working. I know that the numbers of DLOs are about the same as they were. There was criticism by Labor that those numbers had grown very large under the Howard Government. It's very hard to evidence what is going on with the DLO cohort. It was always regarded as a great experience for public servants to be seconded to ministerial offices, to really get their heads around what it's like for people on the other side of the telephone or the email. I understand that the rates of secondment have dropped, but I just don't know enough yet about how the DLO system is working under the new government to be able to give you an informed response.

Question — I wonder if you could give us your opinion on what roles advisors can and should be taking; in particular, what sort of guidance or direction they should be giving to departments and whether they should be signing ministerial correspondence, that sort of minutiae.

Anne Tiernan — I argue in my book that ministerial advisors have outstripped in lots of ways the frameworks that the system was premised on. Staff have over time taken much more active roles; they do a bunch of important and necessary things supporting over-burdened ministers to manage the demands of office.

Maria Maley's study of ministerial staff under the Keating Government identified roles that advisors play: important roles in coordinating, in communicating, in policy, in media management. But the dilemma about ministerial advisors is still that in theory they are an extension of the minister. What does that mean? Well, there is a lot of contestation about what it means. Is it realistic that 41 people are channelling the Prime Minister? I am not sure. Labor has foreshadowed a more traditional approach to ministerial staff, and at the 20/20 Summit John Faulkner was talking about the need for accountability where ministerial advisors are exercising executive authority. Executive authority? What does that mean? How do public servants know whether someone has the authorisation of the minister to be asking them to do something? These are vexed questions in all staffing systems and they become an issue once they reach a certain size. The government promises a more traditional approach, and I am aware that staff have been told to operate within the parameters of their roles. But inevitably, there are shades of grey, and often how the office is going to run is something negotiated with the agency head, the minister.

I don't think I am going out on a limb if I predict that somewhere along the line there is going to be an issue where there is a dispute over what executive authority looks like, and where someone has the authority of the minister. And that is why I argued in the book, that we need proper management frameworks to take account of that. But also, we need a much better understanding than what we have got, and this is true for the staff themselves, of really how these roles work. It has evolved so quickly, and with so little planning and organisation, that it is actually quite hard for someone to end up in an office and know what they should be doing. It's very much the mark of the minister. So I think it will be something to watch.

Question — I'm wondering whether we can learn from the past. From what you have said there are certain parallels between the current government and the Whitlam Government. After long periods in Opposition, there are some similarities, and some differences. First of all, both governments have a minority in the Senate and can expect opposition. Secondly, there are some differences. Whitlam did not have all-Labor governments and he had to accept a caucus-elected ministry. However, there are enough similarities and slight differences to wonder whether or not you can predict what the likely future is going to be for the current government in their transition, knowing that both governments did not win, but the governments they defeated lost.

Anne Tiernan — I don't agree that there are enormous parallels between the Whitlam and the Rudd Governments. The Rudd Government looks a bit to me more like the Hawke and Keating Governments in its transition. If anybody thinks Rudd is going to let anyone run about without discipline they don't know him very well, haven't understood his style very well.

Incoming governments increasingly have long periods in opposition, and this is a huge issue. It is a huge issue when you lose, and it is a big issue for the Coalition, because they have lost, and there is nowhere for their people to go in terms of professional skills. I wanted to make the point that Labor has this pool that it can draw on that's not always contingent on there being state Labor governments, but there is nothing in terms of a place for the 470 outgoing Howard Government advisors to go. That is a management issue down the track; and a recruitment issue down the track. I would never be so bold to predict (political scientists almost never do that, because they know that, like prime ministers, they'll be paying for it in years to come), but I do think that there is an issue about the government's capacity to digest everything it is bringing in, and people have said to me that that reminds them more of the Fraser Government than of the Whitlam Government.

I think there is a huge amount to be learned from the past, and I don't think we do anywhere near enough to understand the lessons from one transition to the next. But John Faulkner does. Do the Coalition have a John Faulkner? Will Labor have one in the next cycle, is an issue for pollies to think about.

Question — My question relates to your emphasis on the pace of work, which clearly has been covered by a lot of commentators and has had a lot of coverage in the popular media. With respect to the events of the last week, I wonder to what extent some commentators also reflected on the challenge of reform in the APS and the challenge within the APS in terms of moving to a new government after twelve years of the past

one; of loyalty; and of the realities of the current situation as compared to the theories of the Westminster system.

Anne Tiernan — That was why I emphasised that we assume that a lot of these things are going to happen, and will happen easily. I am not sure that is any longer true, because it assumes people have been in the Public Service for a long time, that they would have huge amounts of experience. Two-thirds of the current APS cohort have not worked for a different government, and if it is anything like the Queensland Public Service, of which I am an independent commissioner, the churn is unbelievable. The turnover is just extraordinary. That is not something that our model really accounts for, so that is another way in which the traditions, the narratives, might need to be adapted.

It is my own view, a gut feeling, that the lack of a permanent secretary of PM&C at that crucial time made it easier for the government to do a number of things it wanted to do but it left the APS wondering about what was going to happen, even though they had been told there would be no night of the long knives and that kind of stuff.

There are big issues there to be confronted. If you think about how things went under the Howard Government, it really took the public service two years or so to understand where the government was coming from. Now I would say that Labor has come in with a clearer set of plans, but it is still very much about style and personality and the dynamics. The trust will have been really, really damaged by the events of this week and it will be very interesting to see where things go. Again I avoid prediction. Terry Moran has a very big job to do in showing that the bureaucracy can be gotten on top of in terms of loyalty. I think the other thing too that media commentators won't pick up is that I am not sure there are armies of public servants rushing to the Press Gallery with documents. It only takes one or two. But the consequences for trust are immense.

Question — This question is really more about policy transition than structural transition. It is legendary that when a government comes in with promises to do things like reform freedom of information laws or introduce whistleblower protection, all of those integrity in government measures, the clock ticks hard and fast on how long it is before the forces kick in that make them either drop or curtail those measures and step back into incumbency mode. Given the events of the last week, given that we are talking about a government that has got a commitment to introduce, say, whistleblower protection legislation, (and of course whistle-blowing and leaking are not the same thing though they can overlap) my great fear at this point would be that suddenly the true political leaker has queered the pitch for the true public interest whistle-blowing public servant who potentially needs protection. My question is: how hard and how fast do you think the clock is ticking?

Anne Tiernan — That's a hard question. I think that Faulkner is crucial in all this. A bunch of commitments have been made and the fact that they are in the platform or are election commitments means that there is some willingness to do them. But will it happen straight away? Will it happen at the pace the people outside the government might think is appropriate? I don't think it will. Do I think we will see a repeat of what some people have construed as the behaviour of the former government? I am not sure. I don't necessarily think so.

We've got a freedom of information inquiry happening in Queensland as well, and this is sometimes an issue of intent and implementation. A lot of what David Solomon is finding up there is that some of the issues about protecting information are actually in the bureaucracy itself. So that goes to the earlier question about how you make those change processes happen. At the political level I think Labor has taken a lot of lessons from what has gone before and Faulkner is pretty firmly committed to the integrity in government agenda. If it's not there by the end of three years then I think your clock will have reached midnight.

Question — You mentioned the Rudd Government's commitment to a stable public service and keeping permanent heads in place, yet I would expect with any sort of employee/employer relationship, after six months in office perhaps some of those ministers and departmental heads are just not clicking for whatever reason. What is your opinion on how the government might be expected to handle that over the next few months?

Anne Tiernan — The government has said that time will be allowed for the government to establish relationships with permanent heads. If that can't be done, I would expect that a good practice would be for the head of the Prime Minister's Department to step in and to broker some change. I don't think, given the government's and the 20/20 Summit's focus on the skills and capacity of the Public Service, that we can really afford to lose people of professional skills and abilities. The role of the head of PM&C and the Public Service Commissioner are going to be really crucial in that endeavour and it is my sense that for now that will be allowed to work. Some people will say: 'I'm not working like this, I have a stomach ulcer, I don't want to do it anymore'; some people will go themselves I think. And people will always make that choice. I think the government was right to not cut off heads, because it understood that that really did inhibit the Howard Government for a long time. You can't afford to lose that kind of memory and expertise. You might keep it on a short rein but you don't necessarily cut it off on the first day.

Question — I hear in politics a lot of white-anting and aggressiveness and in the media we have seen what has happened this week and my question is: how can we as Australians move towards being more care-fronting of one another rather than confronting of one another? I speak as a woman who has had a husband who has been an assistant secretary of a department and is now well and truly retired, but how can we care-front in politics rather than confront?

Anne Tiernan — I think it is a reasonable question. I think it is very hard. Professional politics is extraordinarily unforgiving. You really do wonder why people do it, just getting flayed all the time, and quite personally too. A small insight into that is that it is not only politicians, although it is primarily them, and their families sometimes. Everytime I have heard the debate this week about 'the butler' on the Prime Minister's staff, I have thought, you know, that is someone working in a role, and is that an appropriate way to be talking about somebody? That person has to go home and see their children.

Professional politics is a hard game and all the players to it understand that. And you must have to have a particularly thick skin to be able to cope with it. One of the lessons of Community Cabinets in Queensland has been that it is a good thing for people to see

you out talking to them and they want to be heard. And they actually prefer that much more direct engagement with leaders and senior officials than having it filtered through the media. Of course there are limits to how much of that sort of thing you can do. But there was concern, particularly as contentious issues come up, about the civility that is shown to senior bureaucrats or to ministers when they go out. It is a pretty unedifying spectacle to have some citizen poking the premier in the chest over some issue. So it is a very confrontational culture a lot of the time.

Question — My question relates to two issues that have been discussed and I would like to try to bring them together: the frenetic pace or pressure on public servants, and the role of ministerial advisors. I suspect that the pace is no greater than it was in the first months of the Whitlam Government, and you may wish to react to that, but I think there is a key difference and that is that in the days of the Whitlam Government instructions came directly from ministers and senior officials who worked directly back to ministers and they debated out the issues. The impression I have now is that many of the instructions come from advisors, and the work goes back to advisors and very often doesn't see the light of day in terms of government. That causes I gather a great deal of frustration and resentment on the part of the officials who have worked so hard. That seems to raise an organisational and management issue which seems to need more work. I wonder if you agree with that observation.

Anne Tiernan — Not the first bit. I fundamentally disagree that the pace is the same as when the Whitlam Government came to office and I will give you three reasons why I think that is so. First, the scope of government is just larger, much larger: many more agencies, many more people employed in the Public Service. We could pull the data out and have a look but I would be surprised if that wasn't exponentially different. The second thing is the rise of the 24-hour news media. When I was doing research for my book I talked to Keating Government advisors. In the latter years of that government, which only left office in 1996, there wasn't email, there wasn't the Internet, the 24-news media was just starting up, so there have been extraordinary technological changes, and extraordinary changes in citizenship expectations which I think make it impossible for ministers to interface personally. That more distant relationship has created some issues, and I have argued elsewhere that the move to this building really changed that dynamic in some quite important ways. It is very different, as I am often reminded, how public servants and state governments experience ministers. They are up in your face all the time because you are co-located in the same building; those dynamics are very different. So I disagree with you there.

It seems to me there are some unanswered questions or anxieties about: why isn't he listening to us, why isn't he doing what we said, because we know best. Well, I don't know whether that's true, and I can tell you that ministers don't think it is true that the Public Service knows best. For a variety of reasons they have sought to reform the Public Service to make it more responsive. One dimension of that is that I don't know that it would have ever been appropriate for a public servant to keep jacking up if a minister didn't accept their advice. Public servants advise, ministers decide. And it says to me that there is something about professional norms, and it speaks to me about a real uncertainty about how things are working. I think that is a huge, important issue. I have been very interested in how both Swan and Rudd have handled matters this week, how they have said: yep, we've got advice from the department, we did this, we did that, and

now we have chosen this. Public servants advise, ministers decide. And that was always true.

Question — The two-thirds figure that you mentioned regarding the turnover, or the churning in the Howard Government, could you disaggregate that?

Anne Tiernan — It was a number that was cited from the Australian Public Service Commission in a speech that Rudd gave, I think in Brisbane in March. The reference for it is in the written part of my paper but you will be able to see it in the State of the Service Report. I couldn't possibly disaggregate that figure if my life depended on it, not only because I am innumerate at times, but because the APSC would have done it. You would imagine that it is probably an overstatement to some extent of people engaged in direct policy roles, because it would include some of the service delivery agencies, which we know, turn over quickly. But that number would be in APS data, for sure.