

CMC Review of Ministerial Office/Public Servant Interaction
GPO Box 3123
BRISBANE QLD 4001

Dear Sir/Madam

I wish to submit the attached submission for consideration.

Thank you for the opportunity to express my opinion.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Cullum', written in a cursive style.

Ken Cullum ESM

Two thick black horizontal bars redacting contact information, likely a phone number and an email address.

From: Ken Cullum ESM

Introduction:

I was employed in the Queensland Public Service from 1978 until my retirement in 1998. My classification at retirement was AO 8.

Background:

During my twenty year tenure in the Public Service I witnessed a gradual change in the manner in which a Minister (and Ministerial staff) interacted with public servants, to an extent that it became common practice for a Minister or the Minister's staff to contact individuals as and when it suited their particular exigencies. It is my belief this change became more pronounced around the time of the introduction of the Estimate Committee Hearings and escalated thereafter.

In my opinion, this created a number of adverse issues.

Firstly, it by-passed the normal chain of management, often at the expense of the departmental or divisional head having any knowledge of the contact and any subsequent exchange of information, data or opinion.

Secondly, it placed an unfair impost on the public servant who might be in a subordinate position and not familiar with any protocols involved in responding to ministerial staff demands, or even aware if such protocols existed.

Thirdly, the public servant was expected to react to ministerial staff who may have been appointed because of their particular political associations and who may or may not have the desirable level of understanding of departmental activities. This created an atmosphere of "don't pass on bad news to the Minister" and "do this because the Minister wants it done".

I do not believe anyone could legitimately question the need or right of elected members of Parliament (not only ministers and their staff) to seek information from government departments; however, what should be questioned is how such information is obtained. From a parliamentary perspective, the responsible Minister should remain the source and the provider, from a departmental perspective, the departmental head or the nominated officer.

Question 1.

What protocols, procedures or constraints should be in place to guide ethical and mutually respectful interactions between a minister's office and public servants?

The relevant departmental point of contact for a Minister's office is the Director-General (DG). Recognising the impossibility of a DG being able to respond to all internal and external demands, there is a requirement for a "Ministerial Liaison Officer (MLO)", with appropriate staff, to be appointed within the DG's management structure. It then becomes this person's responsibility to be the conduit for requests, information, opinion, recommendations and data that may be required or desired by the Minister or Government.

The office of the MLO would require –

Ready access to the departmental head;
Agreed departmental procedures outlining the degree of autonomy afforded the MLO and the MLO's reporting requirements and mechanisms.
An in-depth knowledge of the departmental structure, function and legislative responsibilities;
An unambiguous understanding of the ethics inherent in the provision of a response to public servants within the Ministerial Office, political appointees within the Ministerial Office and their opposite numbers in the Opposition parties.

Ministerial staff would require –

A clear definition of the linkages with departments and the public servants within those departments:

Clear and concise guidelines outlining the ethical and moral parameters inherent in accessing information from public service sources;

Question 2.

How can public servants be empowered to challenge or question a request or direction from the minister's office that they consider inappropriate?

As alluded to above, a single point of access removes the burden of decision from the shoulders of the public servant, providing clear guidelines have been determined and agreed.

The office of the MLO, in consultation with the DG, would conduct any negotiations with ministerial staff on the appropriateness of requests or demands. Legal officers within the department would interpret any legal complications. By the time the request reaches the actioning officer, there should be no doubt of the bone fides of the request.

It is inefficient, ineffective and immoral for individual public servants to have to determine the efficacy, legality or ethical dimensions of requests or demands from the office of a minister and can only contribute to the philosophy of "telling the Minister what they want to hear".

Question 3.

What needs to be done to ensure that public servants at all levels understand their obligations to provide independent, apolitical and impartial advice, and maintain the freedom to do so?

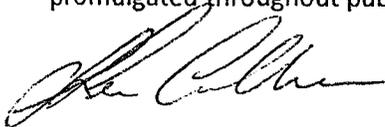
Firstly, the appointments of Directors-General should revert to appointment on merit and not be subjected to political affiliations. A change of government should not automatically subscribe to a change of departmental heads simply because they may not be aligned with the Party assuming power.

Apart from providing a continuity of management during a time of political change, senior appointments not dependent upon political affiliation engender a sense of security in public servants who might be more inclined to provide impartial and apolitical advice as a result. A public servant who knows his departmental head has been appointed because of their political alignment must be very hesitant in offering advice that is contrary or adverse to the Minister's wishes.

The responsibilities and obligations of a public servant to a Minister should be clearly documented, not only for the protection of the public servant, but also for the guidance of newly appointed ministers and their staff.

Public servants who feel they have been victimised because of advice provided should have ready access to a process that allows the circumstances to be investigated by an independent arbitrator.

Similarly, any penalties that may be imposed on a public servant who provides a minister with incorrect or misleading information, whether deliberately or through lack of commitment, should be promulgated throughout public servant ranks.



Ken Cullum