**SUBMISSION TO THE INDEPENDENT REVIEW OF THE APS**

Thank you for the invitation and opportunity to make a submission to assist the work of the review.

I make this submission based on my experience and observations as a retired (2017) former Australian government employee with the Australian Government Solicitor (18 years) and the (now) Department of the Environment and Energy (12 years).

The scope of the review is expressed in very broad terms. Given this and the time frame for the review it will not be possible for the panel to fully investigate and consider all the issues encompassed by the review and that are likely to be raised in submissions, and to deliver conclusive recommendations to the government on all aspects of the review. The panel should where necessary recommend to the government that further work be done in order to make fully informed decisions for the future of the APS.

The two biggest issues that have affected, and continue to affect, the capability, culture and operating of the APS in my experience are:

* the cumulative impacts of efficiency dividends; and,
* the changed relationship between the APS and the government of the day.

The term efficiency dividend is a positive euphemism for what is, in the context of the APS, in reality cost cutting (doing the same, or in fact more, with less resources); and the major opportunity for cost cutting in the APS is in staffing. There has for many years been a steady reduction in staffing levels, whilst the amount of work required to be done to administer and implement legislation, develop policy, develop and manage programs, support Ministers, and meet legislative and policy accountabilities continues to grow.

The resulting increased demands on staff has led to chronic excess (and unpaid) hours being worked by many staff. Whilst there was some generalised recognition this was occurring (and the importance of work/life balance) in the years prior to my retirement there was never any attempt made to capture and quantify the extent to which this was happening (eg. the annual APS Survey by the Australian Public Service Commission never included questions directed to hours worked). Using my own experience as an example, and which I stress is not unique or uncommon, for at least the 10 years before my retirement I worked on average at least 50 hours a week, including at home, on weekends, and when on leave.

Understaffing affects the capacity of agencies to effectively perform their functions and administer legislation, policies and programs for which they are responsible. It leads to a reactive, crisis management operating mode, and diminishes (if not eliminates) the capacity to be strategic, innovative, and be able to tackle complex issues, and meet community expectations.

Government decisions about best positioning the APS for the future should be informed by evidence regarding the impacts of efficiency dividends on the current efficiency and effectiveness of agencies, future resourcing needs, and in particular the extent of excess hours being worked by APS staff (and the impacts it has on staff and their families).

The review should also consider and make recommendations to reflect and address for the future that from the 1990s until the present the relationship between the government and its agencies has changed in a number of ways that have affected the APS, with the relationship being less at arm’s length than previously; due to a number of factors:

* the balance between the need to be responsive to the government of the day as against the ongoing role of the APS to act apolitically and impartially in the public interest has moved significantly in favour of the former;
* this shift has coincided with the move to contract employment of agency heads and other SES employees, whose futures are therefore more beholden to the government of the day;
* the increased use of Ministerial advisers who communicate, with the authority (express, or apparent or ostensible) of their Minister, directly with agency staff at various levels, frequently informally, without those advisers or their Minister being accountable for their actions;
* the growth in informal, undocumented meetings and communications between agencies and their Ministers or Ministerial advisers, in place of formal Ministerial briefings, that then influence the content of subsequent agency actions and decisions, and briefings to Ministers (which may be tailored to meet the expectations of the Minister, or simply to keep the Minister happy, at the expense of providing complete, objective and impartial advice).

Again, I thank the panel for the opportunity to make this submission.

Paul Minogue

31 July 2018