

TRANSCRIPT OF EVENT

WHAT DOES IT MEAN TO BE A FRANK AND FEARLESS PUBLIC SERVANT

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WENDY COHEN:

Good morning everyone. I'm so thrilled to be here today and I think this has been a be amazing discussion. Yuma, good morning and welcome to today's event. My name is Wendy Cohen and I'm the acting CEO of IPAA, ACT, the Institute of Public Administration Australia. I'll open today's event and then pass it on to our host Cath Ingram. Firstly, I would like to acknowledge the Ngunnawal and the Ngambri people, the traditional custodians of the land on which we're meeting today, but we acknowledge and respect their continuing culture and the contribution they make to the life of this city and to this region. And I extend that respect to First Nations people here today. So I'd now like to introduce a personal favourite of mine, Cath Ingram, who is an essential and wonderful member of the IPAA family. Cath is a chartered accountant and was a registered company auditor for over 20 years with a career spanning 37 years where she was an office chairman and senior partner in a professional services firm specialising in governance risk and assurance services to the Australian government.

In particular, Cath has led a number of independent assurance reviews over large complex programme reform and emerging technology. Cathy is now principal at Cath Ingram Advisory where she provides governance services to the public sector and is chair and independent member of several audit and risk committees. Cathy's also an executive coach and a fabulous mentor for me in that space and she's developing leaders and businesses. She's a board and council member of IPAA ACT, where she's the chair of our finance risk and audits subcommittee. She's a member of the ANU Foundation, ACT chapter Chair of Chief Executive Women and Co-founder of Stories of Female Leadership, a network for indigenous and corporate leaders to connect and develop. Suffice it to say a very, very busy lady. Please welcome Cathy.

CATH INGRAM:

Good morning, all. And firstly, can I also acknowledge the lands on which we're meeting today? And I echo Wendy's opening comments. Wendy's called them the stars. I'm sure Andrew's never been starring in an event before, but let's start there. ANDREW METCALFE and firstly, Andrew is an AO and I love saying this, a FIPAA, which is not a cricket move, it is a fellow of the Institute of Public Administration and if I may be perhaps the first to publicly congratulate you on your appointment as the national President of IPAA. So Andrew, if you could join me in a round of applause, come up on stage while I read the rest. As you know, Andrew's recently retired, if I can use that word as a secretary of not from life though, just from the Secretary of Agriculture, Fisheries and Forestry. He has a career in public administration that spans more than four decades and he was appointed departmental secretary under five different prime ministers.

He worked directly with 15 portfolio ministers in three departments over 12 years. So this is a man who's been at the coalface of Frank and Fearless. He also spent several years as a senior partner in a global professional services firm. So, Andrew has seen life from both sides. Thank you. Andrew. Could I also welcome to the stage Kylie if you want to make your way up while I read your background. KYLIE CRANE is the Deputy Secretary of Education, a proud career public servant with over 30 years' experience in service delivery, policy development programme and project management and implementation. Kylie started her career as an entry-level role with the Department of Defence before taking on a range of service delivery and operational roles in the Department of Social Security as it was known then and Centrelink. So I think again, Kylie will be able to speak from different perspectives of being not only a senior leader but also when she was starting out in the APS. Since 2014, she's held roles in the Department of Human Services education and training now Department of Education and Kylie is passionate about the public service and was elected to the IPAA council in 2021.

In January 2022, she was awarded a public service medal for her contributions to the disability task force and to early childhood education and the Care Relief package during Covid 19. Welcome, Kylie, and thank you.

If I could ask our next panel member to join the stage, Penny Mackay. Penny is the Deputy Commonwealth Ombudsman having been appointed for a five-year term in 2020. Penny is a 25 year, gosh, we're all showing some length of service here amongst us all 25-year public experience, which spans territory, commonwealth jurisdictions, and as roles as a commonwealth state and territory prosecutor in the

ACT Northern Territory and Queensland, the position she's also held a senior assistant director of legal people smuggling and human trafficking at the Commonwealth Director Public Prosecution's office. She's been the general counsel that the Australian Commission of Law Enforcement integrity and had a secondment to the Royal Commission into the prosecution and detention of children in the Northern Territory. So I think Kylie's going to bring enormous insight there into evidence difficult decisions. Penny has extensive experience in the areas of criminal law policy, investigations, prosecutions integrity and oversight.

And prior to her appointment, she was the first assistant secretary, integrity, security at Assurance, the division of the Department of Home Affairs. Thank you Penny. And lastly, yes, random Penny. So Deanna Allen or Dee as I think we will fondly get to know you, she's a director of the open government partnership team at the Attorney General's Department. This team is working with stakeholders across government and civil society to negotiate commitments to draught Australia's next open government partnership, national action Plan. She has led evidence and policy teams in the Commonwealth Fraud Prevention Centre delivered performance audits at the eight. So we're seen perhaps firsthand what might happen when we are unable to be fearless and frank as well. I'll just make my way if I may, without tripping over said step to start.

All right, welcome all. Let's get into it. I'm going to start, which is lovely that you are sitting here to my left with Kylie in doing a little bit of research how to set the scene, we could talk at a very A through level and boy water tears, but I think today I really want to set the scene there, but we want to understand what some of the personal stories are about what it looks and feels like to be frank and fearless. But I was taken by some research, I'm not from the APS, but in 1854 there was a UK report done by two gentlemen of course Northcott and Trivi, and they were looking at the establishment of the permanent civil service in the UK of which of course the Australian model has evolved from. And I just want to read this quote and then perhaps get Carly to respond.

Government of the country could not be carried out without the aid of an efficient body of permanent officers occupying a position dually subordinate to that of ministers who were directly responsible for the crown in the UK case and to parliament yet possessing sufficient independence. And these are the words that struck me, character, ability and experience to be able to advise, assist and to some extent influence those who are, I love this bit as well from time to time set over them, it was all focused on the quality of advice to

government for the government to be able to make the best possible decision for citizens, hence the parlance of policy advice. Frank and Fearless, give us a contemporary view, Kylie, on your view of where Frank and Fearless sits from your experience as a leader in the APS.

KYLIE CRANE:

Thanks Cath. And can I say I think that is just as pertinent today as it was then and really sets, I think the privilege and responsibility that public servants have both in the governments that they work with but also the people that they serve. The other observation I'd make is that did not say that that was just about senior executives or a particular job title. And so I think in thinking about Frank and Fearless and thinking about the environment that we're in today, it is every level that needs to bring that. And it's not just in our advice, it's the interactions we have with stakeholders. It's the conversations we have with one another. It's the insights that the APS four has about a particular matter that might actually make a difference to how something is delivered on the ground. I think the other piece I'd say, and as you noted yes, my experience is if I a range of departments and a range of levels, I think the shift that I have seen is a greater prominence in saying people need to lean in and speak up at all levels and in fact their advice will only ever be as good as the information that we glean from that.

So certainly the focus that I've had in the departments that I've worked with has been around how do you create that culture, what does that look apply with? I think of the advice being that's accurate, it's contemporary, it's felt fearless in the sense that it covers the things that might be uncomfortable that we could talk about, but it goes to maintain a better decision at the end.

CATH INGRAM:

I'd like to build on, I think as we go through our panel today, that cultural piece because sometimes one would argue if you were more senior, as in our panellists here today, it is easier to speak your mind, but what does it mean to those who work in your teams? They're incredibly professional and passionate, so let's explore that. But I want to go back to Andrea. He's freshly out of the APS sporting. I was saying some good sun from being outside more than in an office, which is I'm sure delightful, but your career, I'd like you to share perhaps some personal experience from when you were young Andrew in the APS and what was that perhaps early memory of taking that step to be frank and fearless and how did it feel? And perhaps then also rolling forward, of which I'm sure you have several anecdotes whereas a secretary of agency, what were the skills you had to draw on the people to be you.

ANDREW METCALFE:

Yeah, well thanks Cath and morning everyone, and look really building on what's been said already, culture and the environment where high quality and to shorten that to the word frank advice is the way that people do work is an incredibly important thing. One of the very first jobs I had was as what was known as a parliamentary liaison officer in the Department of Immigration in Brisbane in 1981, I was, I'd just been through a graduate year and the regional director of the department up in Brisbane wanted someone to effectively deal with the numerous requests for information that came in from members of parliament about applications of visas and entry permits and whatever. And so I sort of got this job and suddenly found myself dealing daily hourly with elector officials from state and mainly federal members of parliament across West Queensland. It was rare for me to actually interact with the member of parliament themselves.

One of the very early memories I have is one day when I answered my phone and Bill Hayden's electorate office said, Mr. Hayden wants to talk to you Andrew. And I thought, good Lord, here am IAPS two and the leader of the opposition wants to talk to me. So Mr. Hayden came on, this was not a pleasant conversation and I know that Mr. Hayden recently died and I'm sure he did many wonderful things with my memory of him. It was of someone yelling at me about a case of a visa applicant in the UK and I'd been sort of relaying advice as to they needed to fill in this form and they needed to get this x-ray and that sort of thing. And I was completely mystified as to why Mr. Hayden got so excited and then decided to take it all out on me.

And so I was pretty smashed around by this conversation. I didn't say a lot in this conversation. It was a sort of one-way conversation, but he had the good grace about 10 minutes later to ring back and to say, look, I'm really sorry. I've now learnt more about what's going on. I know it's not your fault. And I had giving him this frank advice and I said, well, with the greatest of respect, and when you say that you know that you're not going to show much respect with the greatest of respect Mr. Hayden, it would really help people like me if you checked out the situation before you unloaded because that's probably the most difficult thing I've ever had to deal with through my short working life. And he said, I understand that. And so, I gave him a little bit of advice as a 21-year-old and he's little bit.

CATH INGRAM:

Did that feel when you, because obviously nobody's coaching you?

ANDREW METCALFE:

It was hard to say, but I thought bugger it. He was very unfair in what he did. He was good enough to realise that. I think his electorate officer went in there and said, Bill, you can't say that. And he had the good grace to ring back, but I really said, listen, that really hurt me and I'm very glad you have rung back and I'm feeling better now that please, you are an incredibly important influential person and if you unload on someone or other than it's a pretty big deal.

CATH INGRAM:

So, roll the clock forward to which one of the many would be pertinent to share today and again perhaps what steps you took, what skills you drew.

ANDREW METCALFE:

And look, I think one of the key points we're going to talk about today is culture and its relationships and there's no point giving what is described as frank and fearless advice if it's not going to be received if it's not going to be understood. And so the environment that's created, whether it's by the section that you're in, the branch that you're in, the department that you're in, or between a minister's office and the department or the minister and the secretary or whatever, that environment's really important and that culture is important. The best ministers I've worked with are the ones who say we are going to go through some tough things together and I absolutely want you to feel free to be able to tell me what you think and whatever. There's a separate issue and we might cover that later about candour in writing, which I think is a more difficult issue, but candour in discussion.

One of the best examples I have was when I first became a secretary back in 2005 at Amanda Vanstone Stone's immigration minister, and there was a whole series of issues running including from the Ombudsman's office about people who'd been unlawfully detained and whatever. I brought in a whole lot of new people and there are a lot of new senior staff who were going around lifting up rocks and looking for funnel. And we found a lot of things. Amanda Vanstone, to her credit had made it very clear that she knew that there would be difficult issues that arose, but she wanted to hear about them, but she just didn't want to hear the problems. She wanted to hear what we were going to do about them. One of the most difficult issues we came across was the fact that the compliance part of the immigration department had a responsibility not only for locating and resolving the status quite often in deporting people who'd overstate visas or were working illegally, but also in working with the state correctional authorities about identifying people who were not Australian citizens who were permanent residents and who may be falling into the powers relating to criminal dation.

The tell. Long story short, over some years the resourcing in that area had been completely denuded and it had shifted over because there was an agreement with the Department of Finance that the department got paid for how many people it located, but there was no agreement with the Department of Finances to how many people identified about criminal deportation. And so the financial metrics took everyone over here. As a result, many hundreds of people who should have been deported from Australia were released from prison and still and out in the community. A new branch had gone in and discovered this, felt absolutely free to raise it with me and we had to go and forth about it. She was clearly not happy it had happened on her watch. It was something that had led not long before to the UK minister. A similar thing at the UK hiring minister had resigned over a similar thing, we have a solution and we got on. That was a hard discussion, but it would've been much harder if she'd seen, I don't want to know or whatever. So culture relationships are critical in that.

CATH INGRAM:

In that and preparation for that, having all the information?

ANDREW METCALFE:

Look, bad news doesn't get better with age, but you need to choose your moment. As I've said, it's far easier to have that discussion and I've had thousand discussions like that where you've got the ability to sit down and say, I've got some bad news, we need to work through it, and we've got a plan. There's no point in saying, I've got a problem, it's yours now it's a question of, so Franklin fielders' advice is not just telling bad news, it's about working through the issue and how do you think about the way you get deal with it.

CATH INGRAM:

Can I pause you there and I'm going to go over to Dee because I think let's explore the word fearless. You've had some experience and I think for Andrews, it's a nice segue. So what are your thoughts on what it takes to be fearless and what is fearless?

DEANNE ALLEN:

Yeah, it's an interesting one, isn't it? I think in terms of frank and fearless, we are probably all quite capable of doing it. I think anyone who's gone shopping with a friend, or a sibling is quite capable of giving them frank and fearless advice on the top that they're choosing. But there is a difference between that and say tact and bravery. And I think that's kind of the underlying elements of frank and fearless, which could be done by anyone at any level in any context. And learning how to do those skills in a more junior context will give you those skills when you build into a more senior role. And so I think it's important when we talk about culture that

we're talking about the whole public service, not just say how senior representatives and talk to ministers. It's so much bigger than that and anyone can do it.

But what I'd love to reflect on in terms of fearless and frank is that depending on the individual, it could mean a really different thing and it could almost be insurmountable. So say you've got a neurodivergent person who's been told all their life, they're entirely too frank, and so they think, oh, well Frank can fearless, maybe not possible. I don't understand the line between Frank and whatever's insulting people. Or if you've got a person with anxiety who might be looking at fearless and like, well, I'm never without fear, I can't get into the SES. And so I think it's really important to reflect on all of those things and see what it means to you as an individual and say, well, this is one thing that's scary to me, let's give it a go. And then each time you do something scary, it doesn't feel as scary the second time. And it could even just be speaking up in a meeting to begin with, like challenge yourself with really small goals and then you build on it. And I think that can be anyone at any level. So my thoughts will feel left.

CATH INGRAM:

Thank you. And I'll come back in a minute to Carly, perhaps Andrew, to talk about as leaders and penny and de, but about what we need to do to encourage that because I think again, it's easy to say do it, but how do you practically, and Andrew has given us a couple of killer lines. One could use Penny in your experience. I'd be interested just to shift a little bit now, ethical and moral dilemmas. Sometimes in the APS we're dealing with policy programme matters, problems that might challenge individuals and it could be uncomfortable because of our personal values, our culture. So what is your experience in actually to those in the room and those who watch online about how to deal with that ethical moral dilemma?

PENNY MCKAY:

Yeah, the ethical moral dilemma is a real question. And I guess starting out in the public service years ago, I wouldn't have thought that being a public servant would require me to be courageous. And you hear it all the time. Now, what I can say about ethical and moral dilemmas is that they rarely come tied up in a neat little bow in a black and white package that you might see in a case study in a course you've done. There's shades of grey, so much grey, and it's important to work through those things. My advice to people generally is to take a breath, slow down if you can, because none of us make our best decisions in a really heightened state. It's good to take that time and work through it and work, find out what the real issue is. Often, you'll feel it first in your gut and you think something doesn't sit

quite right with me about that but take the time to work through it.

What is it about it that's not right for you? And it'll come back to understanding yourself, understanding your set of values and working through that. Some of the issues, and they're probably the pointy of the scale, might have some issues you need to work through, like illegality, corruption, breaches of code of conduct. They're rare, but we should keep an eye out for. But otherwise I would analyse the problem, get to the crux of it. And then of course, and I think this is important for every public servant, you have some trusted colleagues around you and you go to them and you talk to them and you get them to give you frank and fearless advice about what you think, what they think you should do, and you take that on board and you work through it. They're not simple things, but they're always, I think, going to come back to understanding yourself, understanding your lines, your vowel and that exercising good judgement with courage.

CATH INGRAM:

Have you ever had any particular moments in your career that have really been, have challenged you to be fearless and frank? And how did that feel and how did you approach it? You've had many experiences with the law.

PENNY MCKAY:

It feels scary. I think that that's important to acknowledge. As Dee said, it can be quite frightening, but I think it's important also as frank and fearless advice that we don't focus on just policy advice. I think our minds automatically go to thinking about giving good policy advice to our supervisors and our leaders. Actually. I think there's also a place about giving good advice around personal integrity issues and they can be just as tricky if not trickier. When I talk about personal integrity issues, in my experience looking at integrity investigations over my career, it's often the simple things, simple things that people are a bit too close to and can't see. Things like using travel allowances wisely, declaring conflicts of interest, personal relationships in the workplace, interference and recruitment processes, those sorts of things. And those things need to be called out too. And it can take a really challenging conversation sometimes to go to somebody and say, actually, I don't think that's appropriate. And those things can be hard.

CATH INGRAM:

Have you practised that before you go, what's your techniques?

PENNY MCKAY:

Yeah, like Andrew said, it's about choosing the right time. It's about having a relationship of trust with that person so that they will take your advice on board. Of course, you might have a reaction that your person did as well. They might lose it at first. And I've had that experience, but good leaders and this one did too, reflects on that and thinks about it afterwards and then comes back around and says, a lot of robots, I have feelings that hurt me. But I get it and I'm going to take a closer look at it.

CATH INGRAM:

So, Carly, back to your experience of role, particularly when we talk about creating culture for and how leaders perhaps should be leading in this contemporary environment to invite the frank and fearless within. What are your thoughts and experiences on how leaders have got to sort of take a role in building that culture?

KYLIE CRANE:

So, I think there's several practical things that we can do starting with not just talking the talk but actually walking it. So if someone is frank, if you see that actually encouraging it and acknowledging it and celebrating that, and it might not be that something went right, in fact the things that go wrong are great examples to say, here's how these played out, then what happened? But I think the opposite of that is don't shoot the messenger so you can just as quickly kill cultural, create one that you don't want by all of those that happened. So yeah, subtle ways around the ringing that up, listening to the voices in the room and making sure it's not just the loudest voices that are heard deliberately encouraging people. These are habits and experience that are built up over time. You don't get to just be very comfortable with doing it if you haven't seen it role model then if you haven't had an experienced, and actually it's not so scary, right? We are frank and fearless probably with our families and other people. So how do you put that into the workplace in a respectful and professional way?

CATH INGRAM:

And I think Dee, your point about speak up in the meeting, many people would say that is easier said than done. Let's a great place. But you need good leaders who look around the room, encourage and draw the person who's perhaps not speaking and in just in sharing meetings is a sinful sort of fact of how you can encourage them. Andrew, you talked about culture and you were starting to touch on the courage to be verbal about delivering where's the role of the written evidence advice and I guess that touches when it is going up to ministers and the thoughts there.

ANDREW METCALFE:

And that I think can be a more difficult issue because conversations maybe recorded in some way a file note or something like that. But written advice which has, its obviously the degree of formality about it is something that's become I think somewhat more controversial in recent times because it is far more readily publicly available. The combined effect of the FOI act and the removal of the conclusive certificate procedure at the beginning of the Rudd government means that largely written advice to ministers is discoverable under FOI. Now there are of course a range of exemptions, but it does manifest itself in behaviour. I actually gave a speech to the upper conference back in about 2015 called Policy by Post-it note, and I'd interviewed, I was outside the public service at the time at the professional services firm and I went around and interviewed virtually every departmental secretary and they very freely admitted that quite often they would put their particular thoughts, their frank and fearless advice on a post-it note or they would provide them orally and that the written document would be somewhat anodyne.

Now when you combine the effective FOI and now the increasing use of public interest disclosure by the Senate, it means that ministers and their officers are operating on the basis that what the department sends them will become public and they don't want things coming to them that they may not necessarily disagree with or seek to implement. So I think that there is a wider discussion at some point as to the right balance between appropriate transparency and the need for the ability to withhold certainly for the period of the current political debate. I'm not talking about cabinet documents that sort of locked up the 20 years, but maybe outside the current political cycle because I think there is an impact on candour. I've seen it personally and talking with many colleagues I've seen it and therefore the oral conversation replaces the written conversation that is appropriate and required in terms of written keeping.

And then of course come the Royal Commission when everyone is trying to say, I actually didn't say this, I didn't say that the written documents are going to be the ones that matter. And if that advice isn't there, I have one. Just to give one example, I had one memorable occasion when the then prime minister undertook or had the immigration department undertake a particularly unusual way of resolving a particular boat people situation and invited me, his office invited me to write a letter to the prime minister, which he clearly planned a table in parliament in question time saying that what we were doing was absolutely routine and nothing unusual to see here type of thing, which of course was completely wrong. Now I refused to sign that letter or I drafted something that

was so anodyne, it was useless. But written material is really important. And again, in that case, my track and feelers advisors, I'm not going to tell you that what you're doing is okay or it's okay, but it's certainly unusual. And to pretend it's simply routine is not something I'm prepared to say.

CATH INGRAM:

Carly, sorry Dee and any, my apologies. In your experience, if we don't get this right, what are the consequences of when perhaps we were cheerful optimists about a particular policy piece of advice and we didn't execute that Franklin fearless? So be perhaps you first. Okay?

PENNY MCKAY:

Well, I think the consequences are clear. Things can go wrong for the agency that you're working in. They can go wrong for the government, they can go wrong for you personally, but they can also go wrong for the community. And that's what part of being a public servant is. So it's about the impact on the community. And we've seen the pointy end of that with Royal Commissions coming from the Ombudsman's office. It would be remiss of me not to say that complaints are what also arise out of things going wrong. And it's important for agencies to look at those complaints, not ignore them. And what's also I think really important because they have nuggets of gold in them, they can tell you what might not be working for the public that we're serving. And so it's also important in agencies that the complaints aren't received over here. The business areas are going about their business over here and the executive doing their thing up here and never the twain shall meet the information that you can get through complaints should be filtering through to your business areas to inform how you can do things better. It should be filtering through to your executive so they can give frank and fearless the advice to the government to say, maybe we haven't got it right and we can change course rather than dig in and say, no, no, we've got it right and we're going to plough through.

DEANNE ALLEN:

Yeah, keep going. What Penny touched on is that the consequences can be dire, but they can also have a positive reflective learning opportunity to make improvements to hope it doesn't happen again. And those exercises can be difficult because people don't love hearing they've done something wrong. But if you are approaching that type of thing with humility and a learning experience, that's the approach which will have a better impact into the future. So, I think it's got lots of culture as well.

And from a culture perspective, culture isn't just a nebulous thing. You can create. Culture is people and you have people, a massive people or say a majority of people thinking or acting in a certain way. That is the culture that you all get. So you're trying to influence at a personal level and showing this is how you can be humble, this is how you can take feedback, this is how you can learn. And then that slowly becomes a culture of learning from failure.

CATH INGRAM:

And Kylie talking about the personal impact though, just your thoughts and when Frank and feelers advice hasn't been accepted or wasn't provided or wasn't alert, I think there's a human element.

KYLIE CRANE:

There is absolutely a human element, and I think a few of the stories have touched on individuals and their role in giving and perhaps advice not being or in wanting to give and not feeling free. I think there's lots of good reason in what we've just discussed around actually that all outweighs the fear that you might have of doing it. But I think in the context that we're doing it, we acknowledge it is a hard world to operate at the moment. The challenges are getting more challenging and complex, the pace of change, all of that's happening in the backdrop. So, I think added to the what's the impact of not doing I think is culture, skills, and capability and how to prepare for doing that well. And some of that is about how to prepare for your advice not actually being taken on to your intro speech at the potential to influence or didn't necessarily get you the outcome, but you've done your best in trying to influence it.

CATH INGRAM:

I think I was sharing just as we were preparing in the panel a moment that spoke to me as a professional as working on the Faulkner review, which was into the green loans programme. And when interviewing various public servants, they turned up with folders of well-prepared documents that they wanted to share as evidence, but they'd never found they had the ability. And to see that deeper, it still stays with me, that deep professionalism, that profound sense that they wanted to do but didn't have the avenue. And I often reflected on what prevented them from doing that. So finding voice and being frank and fearless is a real craft, I think a real competency that as public servants that would strike me need to practise all the time. Yeah, we're just about getting to the stage for questions, so I've just got one last one and anyone can answer this really about risk. And there are times when perhaps in giving your best advice, there's a risk posture within an agency and yet a stakeholder, I guess more likely a minister, perhaps someone senior in your agency has a bolder

vision. How do you reconcile the two and potentially, and particularly when you have to accept at an operational or implementation level as Kylie's probably often had to do a higher level of risk.

ANDREW METCALFE:

Look, I'll jump in. I think most of us spend our whole lives working with risk and yet increasingly it's a world that's intolerant of things going wrong. And so how you make an informed judgement about risk, knowing that there is a chance that what you've done, the measures you've put in place, the arrangement you've got may in fact fail and the consequences. And so it really gets you into that profound failure of risk and consequence. But from my point of view, the latest, one of the toughest issues I've had to work through was the risk presented to the Australian cattle and sheep industry of the emergence of foot and mouth disease, Indonesia, and particularly in Bali in the middle of last year, to take a completely risk adverse approach, we would've shopped the borders with Indonesia and many other countries. In certain many countries around the world, you're not going to shut the borders and yet you had some politicians calling to shut the borders.

So ultimately a series of measures were devised with the best scientific and epidemiological and other assistance. And gee, it worked so far and it's not my problem anymore, but it really brought home in dealing with very substantial issues. And if you get the calculation wrong, then ministers lose jobs, disasters occur, and an 80 million hit to the economy there, all that sort of thing. So I just think that one of the hardest things that we do is trying to strike that right balance between appropriate implementation and use of resources with managing risks, some of which are almost unmanageable.

CATH INGRAM:

And I guess sometimes that's the role of government, isn't it? That You are the last resort in the sense of failure.

ANDREW METCALFE:

And so again, candour explaining that you're doing all of these reasonable, but you can't do things completely unreasonable, but you can't entirely eliminate risk. The biosecurity Act sums it up wonderfully in that it talks about the appropriate level of protection from a biosecurity point of view as low as possible. Zero.

CATH INGRAM:

And Kylie, your experience with some implementations, I'm sure that's been challenging.

KYLIE CRANE: Look, it has, and I'd sort of add to Andrew's point in that when we talk risk often, we put just one risk rating or consideration over it. Actually the risks differ from policy through to design, through to implementation. And so I think thinking about it at each of those steps is really critical because the appetite, ambition, if they want to call it that, the policy thinking you do want broader thinking and engagement and people coming up with ideas as that goes down into the rubber hitting the road when it's about to impact real person or real community, that's where you need to really influence. And so I think just knowing when to inject, push the boundary and not stifle that versus when to really put those things in place is important.

ANDREW METCALFE: That very first conversation I had with Amanda Van when had a second. Yes, I'm trying to visualise that. I've said, minister, just can you sum up exactly what you want from me and the department. She's very simple, Andrew, no surprises and no stuff ups.

KYLIE CRANE: Right?

CATH INGRAM: That's tough gig. Tough gig. Alright, alright. I think at that point, if we have our IPAA folk on ready to go, we will open it to the floor for some questions and see if I was in my workplace, if people don't ask questions, I normally just call people out and say, so I'm not sure if I'm brave enough to get people to do that, but I think you've got a wonderful panel here and really can be any question of practicality. Thank you so much.

AUDIENCE: My question is, we've talked a lot about the internal cultures and how that operates, but we operate within the context and that context is in a political environment in Australia, we hear that parliamentarians and the public want advisers to be frank and fearless in their advice. What can the parliament and the Australian public do to support public servants to be more frank and fearless in the advice that they give? So I'm just trying to turn this conversation around and say what can people in the context do to support us to actually fulfil this requirement?

PENNY MCKAY: Kylie, may I throw to you?

KYLIE CRANE: No, it's a very interesting question. I think that when things fail or don't go to plan, the media is very quick to get on that and it's hard to know whether that's reflective of public perception or just a media headline. So I think that there is probably a role, I'll answer it a slightly different way. I think there is a role for us as public servants to communicate more effectively about what we're doing, how we're doing it.

Another thing, so I hate to use the word educate, but actually an informed public helps do exactly what you are talking to support us with that otherwise they're left with what a media story is or someone's perception of what happened. So to the best of our ability, not just releasing your documents through FO, I think there is something we can do to be more transparent within the rules that we already have that would support the public to do that.

CATH INGRAM:

Penny, from the ombudsman point of view, what are your thoughts?

PENNY MCKAY:

Well, we would always support more transparency. I think the law that the public know about why we're doing something, it's going to inform their view and give them a better view rather than just what they did from media. But I think in terms of that relationship with politicians, it's about having politicians who value that frank and fearless of advice. If they value it and they are corporate, then it's going to be forthcoming.

ANDREW METCALFE:

I think the recent Royal Commission went to a lot of these issues. Effectively it ended up with finger pointing ministers saying we were told and obvious servant saying, we tried to tell you or maybe we didn't. And so, I won't go into that, but I think there has been an unfortunate tendency for ministers who of course are looking at their own jobs and accountable and face election every three or six years, depending on where they are, the personal consequences for them of failure are significant. And the tendency to try and blame others is a natural human tendency. But you then do see some fairly re examples. If you look back at the so-called lemon hunts that have occurred or clear blame from a previous prime minister for the public service or whatever.

The Westminster concept of individual and collective responsibility for ministers is dead, maybe collective responsibility, but individual responsibility, ministers rarely take responsibility for issues. They'll find a way to blame the system, blame someone else or whatever. That brings you back to candour in advice and what is actually said and what advice is provided. Because when you read North Troian, when you read the Public Service Act, it's about the quality that we provided. Yes. Talks about. So a minister can easily blame a public servant if they weren't told or if they were told the wrong thing or if the facts were wrong or if the advice one's wrong. But if all of those things were right and the minister then took a different decision or a different way, then they've got some accountability. And then the final point in this puzzle is minister's, advisors, and I'll declare an interest. My daughter is a chief of staff to a

minister, and I give her lots of advice and she gives me even more advice.

CATH INGRAM: Frank and fearless household, Andrew.

ANDREW METCALFE: Absolutely, and I love her very dearly. But that is another part of the dynamic here. We don't have time to discuss that today, but that's another critical part of the interface as to how all these things work and where relationships and other things are critical.

CATH INGRAM: So that candour also in, I guess it's the craft and the discipline of documentation must surely be a big part of capturing how you've represented something so that you can demonstrate is that a craft?

ANDREW METCALFE: Yes, which goes to that issue I mentioned before around about the immediate transparency or whether there should be delayed transparency or certain advice. But I must say that in the last part of my career, I kept more file dates of conversations than I had in the early parts of my career. Interesting. Because I wanted to ensure that should there be some inquiry or whatever, I was able to actually have a contemporaneous record of what I've said. Not as powerful as something that's a written minute, but at least it allows me to say on this date, at this time I said this.

KYLIE CRANE: I think, Andrew, I know we don't have time to do the entire minister's office, but I do think that's a critical point because often the engagement that you're having is with the minister's office far more than the minister. So when you think about relationships of trust and having somebody actually convey that ministers won't just be taking advice from their department, they will be listening to stakeholders, they'll be listening to their advisors. And so it's not just about having a good relationship with the minister sometimes actually influencing through the minister's office.

ANDREW METCALFE: Yeah. Well most practise now is that the department will go up and then the advisor will stick their own pink or whatever on top of that, and that's what the minister sees. And so who knows what goes into that, and that is far harder to get into. So again, trust relationships, ensuring that the interaction between the senior public servants and the advisors so that they are actually support in what they're doing.

CATH INGRAM: Thank you. Have you got any comments on that?

DEANNE ALLEN:

Yeah, so I think they have a powerful ability to hold us accountable and ask for what's needed in terms of transparency especially. And for an example, each time I go to visit my dad, he often opens with, did my taxpayer money go to good use today? Which is sometimes annoying, let's be honest. But I don't know how often other people actually ask that question. Our salaries are their taxes, so we should be able to be transparent and accountable and explain no matter where you work in public service or whatever your level is, how your job, what you are going in and doing each day has an impact on them or their community or Australia more broadly. And if you can't do that, I don't think you'll understand your job properly. So it's a good opportunity to kind of think a little bit deeper and try and explain it in a matter of a few sentences.

CATH INGRAM:

Little more agency, which goes to your port, Kylie, about being more open about the role. It's not only IPAA's role and I hope we contribute to that, but each public sees as well. Yeah. Thank you. Thanks so much all we have to Christmas. Thank you.

AUDIENCE:

... it goes a little bit to culture, but a little bit to protections as well. So I've worked in find different departments and I've what I've called things had the reaction of don't be worried. Your silly little head about that to now being able to go to Penny and Ian and go, I don't like this. What do you think I should count to do? So culture I think is a huge part of it. But I also feel like at the Ombudsman's office, we also have legislation that protects us from prizes. And the NACAC now has that, and I understand that a couple of the other integrity agencies have that. How important do you think that protection is for public servants who in some cases are the guiding ones calling out the issue? And I referred to robo debt where it was those junior public servants. It kind of came rise when they started calling out that robo debt was an issue. How important is that protection element, both from a cultural and from legislative perspective?

KYLIE CRANE:

Look, I think it's critical. I mean, I'd like to think we don't get to the point that you need it. This culture broke down long before, but it's critical. I think that there are many integrity mechanisms available to us now, whether we've got all of it in place or not and how comfortable and safe people feel in using them. I think time will tell. But I think it's important that there is a valid mechanism for people to be able to use, particularly when and if there are no other mechanisms or that exhausted the ones that are there and when they're not going to get any traction.

ANDREW METCALFE:

I think that goes to culture as well. And the management of ethical dilemmas. You may recall many years ago now; we devised something called the Malaysia strategy to try and deal with both people arrivals in Australia and a group of people arrived and they're in the process of being sent back to Malaysia under the Migration Act. If a person in detention asked to access legal advice, then the department is legally obliged to put them in contact with a lawyer. And one of those people did, and our centre manager on Christmas Island did the right thing and put them in contact with a lawyer. As a result, the case ultimately went to court and the Malaysia strategy was found not to be supported by the law, and a lot of other things happened as a result. The pressure on that officer to ignore the war was substantial.

The government's hopes of the Malaysia strategy, stopping the boats was enormous, but she felt absolutely supported in doing her job in the days afterwards. There was some muttering from various people about why the hell didn't she just not hear that conversation? And I as secretary made it absolutely clear that she had absolutely done the right thing. That's absolutely what we expect. And that she in fact, should be highly praised to having done her duty. It would've been possible to have taken a different approach to that ethical dilemma because the consequences were so high. So, I think it brings you back again to, you can have rules, you can have protections and all that sort of thing, but ultimately, it's the metal of leaders and people who set culture, whether it's secretaries, whether it's branch heads, whether it's section heads, whatever. And that goes to the craft that goes to who we are as public servants and the values that we have and the code of conduct.

But I think that that's something that we've absolutely got to continually reinforce. And events like this are an important part of that, but there's much more we need to do. In my Hickory speech, which people have said was an absolutely wonderful Hickory speech, I actually talked about the fact for, I actually think we need compulsory training or education of public servants and for it to be something that's absolutely accepted and doesn't simply depend on whether your agency's got money to do it or not. The ABS AC Academy is a beginning in that sense. But I think there's a lot more we need to do to ensure that all of you and the people behind you and the people ahead of you understand all of those things because there's a lot that could be written down in law, but a lot of it's about who we are and how we do things. And that comes from that sort of opportunity to consider.

CATH INGRAM:

What a wonderful panel. Thank you so much. Before I close today, can you just join with me in thanking our panel.