

2

THEORISING PUBLIC BUREAUCRACIES

Comparing organisational purpose, function and form, while counter-posing political control versus bureaucratic autonomy

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Recognisable forms of public bureaucracy and administrative cadre date back millennia and were especially prominent in ancient Egypt, Persia, the Graeco-Roman period and ancient China. These ancient bureaucracies were the earliest forms of state institutions that invented and/or developed some of the basic fundamentals of statecraft such as the creation of writing and record keeping, systems of taxation and tithes, property entitlement, investments in infrastructure, maintenance of public order, security and foreign affairs, as well as monumentalised forms of regime glorification and celebratory displays of power.

Most public bureaucracies from mediaeval to modern times modelled themselves on the two pre-existing forms of hierarchic organisation with which they were familiar and against which they could map themselves – religious and military institutions – with the churches providing more enduring examples of continuity and collective memory. The important lessons drawn from alternative hierarchies came to be regarded as

principles geared to the maintenance of authority and organisational capacity (see Weber 1978) – including hierarchic structures and systems of authoritative control, with clear lines of command; the establishment of an administrative class enjoying fixed salaries, tenure of employment, selection on competence or experience and without having a proprietorial interest in the organisation; specialisation and the division of labour, the disaggregation of work duties and tasks giving organisations distinct areas of competence; organisations governed by internal rules and procedures providing stability, predictability and consistency; the assembly of official records and the significance of record keeping in exercising not only administration but also power; and, in later modern forms, the rational-legal determination of decision-making rather than dilettantism or personal whim.

Many of these inherited attributes of public organisation are evident in today's public organisations. Max Weber also noted sociologically that public bureaucracies developed informalities, collective norms and internalised modus operandi. They acted in covert ways, often developed secret languages or codes of communication and sometimes operated concealed budgetary systems (Weber 1978: 992). Public bureaucracies were simultaneously part of the edifice of the nation state but also a 'shadow state' operating from within.

Of course in practice many of these empirically observable 'principles' (which were transformed into generic normative guidance) were often more honoured in the breach than in the observance (see Gouldner 1954). Hierarchic control could be undermined by distance or powerful rival actors. Clear lines of command could be contravened, violated or convoluted. Offices were sometimes sold to willing aspirants, or given to kith and kin, and bribery and corruption prevailed. Staff often developed a virtual proprietorial interest in the organisations in which they served. Competency was aspirational not guaranteed. Decisions could be based on emotion or ad hoc grounds and justified by administrative fiat. Records were often incomplete or corrupted and available only to the initiated. And internal rules could be arbitrary or fickle and variable in application. The perennial dilemma in bureaucratic modes of organisation is if bureaucrats are conditioned to following orders, rules and procedures throughout their tenured careers, who provides the leadership qualities at the pinnacle of the pyramid that is essential for the bureaucracy to function? This is sometimes called the 'Weberian paradox' (Beetham 1974).

Prior to the early 20th century (and in Weber's seminal writings), these largely inherited principles essentially related to the organisational design of bureaucracies and the administrative tasks at hand – favouring insular structures; the inculcation of inward-looking perspectives; the imperatives of operational transactions (competence and efficiency), with some notions of standardisation, equity of conditions and treatment; and service-wide endeavour. There was little appreciation of the need for such bureaucratic structures to demonstrate democratic accountabilities, or for these organisations to be publicly accountable both upward to their governing superiors (legitimate authorising officers) and outward to the wider community. Providing the ruler or ruling class was more or less satisfied with the administrative capabilities of their administrative echelons then all was well. Bureaucrats were not themselves held accountable for errors or maladministration, with political executives nominally answerable for their supportive administrative organs to the legislature and/or monarch, the media and general public.

Greater interest in the overall accountability of the bureaucracy began to develop in the late 19th century, initially addressing issues of legality, judicial and financial probity, administrative due process, legislative scrutiny of administrative spending and the independent assurance of resource usage (with audit acts and auditors-general who were increasingly made independent from the executive), followed by expanding notions of answerability to the legislature of ministers or other important office holders. In the United States the accountability of Congress to the electorate played an important role in demanding accountability from federal office holders from the president down (both in their appointment and execution of their roles). Various regulatory functions administered oversight through such things as the *Pendleton Civil Service Reform Act 1883*, which insisted on propriety; the Wilsonian emphasis on roles and competencies; and the enforcement of greater transparency through the *Freedom of Information Act 1966*.

In parliamentary jurisdictions, with a reliance on conventions of 'responsible government', regular explanations to parliament over policy decisions, public service performance, maladministration or mishaps became the norm, especially as disciplined party dominance increased the tenure of governments. Waves of interest in expanding and codifying accountabilities increased in the post-World War II years, so that the

imperatives of accountability and transparency now play a more significant part in organisational structures, cultures and dynamics (Shergold 2004; Mulgan 2003).

Contemporary public organisations have to continually balance their organisational form and performance with their need for reputational standing and multidimensional legitimacy (in the eyes of the public, political supervisors, peer groups, stakeholder groups and experts in the field). They have to deal with many eventualities that will affect their organisational form and shape – e.g. planning and research, budgeting and resourcing, administrative or policy design, regulatory mandates and enforcement, coordination and communication as well as a panoply of accountability requirements. It is also imperative that public agencies retain legitimacy in the eyes of their stakeholders, and maintain public trust and confidence (a phenomenon most keenly observed when agencies lose this credibility). These factors influence organisational design and adaptation and shape the possibilities or scope for relative autonomy. In an alternative conceptualisation, Carpenter (2001) enunciated these qualities or necessary conditions as organisational differentiation from political influences, organisational capacities often uniquely framed, and reputational credibility.

Various authors have identified some of the (contestable) principles or rationales for organisational design, usually with some *post hoc*ery and a degree of backward mapping. They prompt the awkward question of how much intentional design was purposefully commissioned from the beginning and how much was subject to incremental adaptation (see Podger 2013). Many of these principles focus on the range and extent of their activities, the types of complexity public bodies have to handle, their client bases and service imperatives, and the degree of political dependency/independence warranted by the function. Historically, the main organising principles for public bodies were tied to purpose, place or location, processes undertaken, or the persons served (Gulick 1937).

More recently, scholars have added the principle of consolidation to the notion of a prime function or purpose by joining like-with-like functions to amalgamate units and create better economies of scale (Pollitt 2013; see also Davis et al. 1999 who review machinery of government changes over 50 years). Others have argued that organisational form tends to be shaped by what successive governments regard as the most important areas of public policy that they want represented at the cabinet table. Since

the 1980s, many governments have hived off specialist delivery agencies from departments (executive agencies) in the belief that as relatively autonomous business units or cost centres they will perform better both for the government and clients (James 2003; Halligan & Wills 2008).

But other *realpolitik* factors also played a part in contouring bureaucratic forms. Sometimes governments wished to make symbolic statements about priorities, or they resorted to making machinery of government changes to paper over administrative shortcomings or policy crises. In addition, weak ministers or perceptions of ministerial overload could lead to agencies being divided or broken up, and restructuring might be triggered by dissatisfaction with the quality of policy advice or service delivery. These surreptitious rationales were rarely admitted openly by governments for fear of inciting scepticism or even ridicule.

To what extent does purpose and function determine organisational form in public bureaucracies?

To ascertain whether an agency's purpose and functions determine its organisational form (as normative theory suggests they ought), we need first to ask generically how far public organisations are able to customise their structure and form. This is not a simple question because many overlapping and contending requirements simultaneously apply to any public organisation, including constitutional and/or statutory obligations, administrative policies and procedures, centrally specified instructions, guidelines and memorandums. Organisations also face pressure to adapt their presence to their responsibilities, which are often closely geared to the nature of their interactions with clients or constituents (e.g. social service departments have community-based branches, educational departments operate community-level schools and training facilities, agricultural departments typically operate regional structures to be close to their clients or to provide research and testing facilities). Hence, governments and their organisation components must balance the requirements imposed from top-down imperatives and bottom-up pressures to service their clientele.

Accordingly, organisational form is shaped primarily by twin forces. On the one hand, there are pressures for *conformity*, imposing commonality, consistency and standardised application aimed at making organisations similar, routinised and comparable. Similar management structures, budgetary and corporate planning requirements, staffing profiles and remunerations, and reporting obligations are generally imposed either by parliaments or by core executive agencies operating in the name of the legislature. Often the specific rationales for these conformist requirements are not spelled out in detail, nor are agencies necessarily aware of them. They are often imposed by decree out of a compulsion for political control and/or to comply with standardised operating procedures and accountability criteria.

Many agencies find conformist pressures to be constraining and frustrating – even claustrophobic – and often counterproductive, adding little to the ability of the agency to address its responsibilities. Some conformist requirements distract, undermine or erode the capacity of the agency to conduct its business or meet its expected performance levels. These impediments include onerous reporting requirements or regimes unrelated to their core business.

Traditionally, conformity was promulgated centrally as a means of exerting control over the fragmented organisational structure of government, particularly in the era when most public services were delivered ‘in-house’ by public servants and government employees. Centrally imposed edicts gave governments and core executives a semblance of control and orderly systems of administration (see, for example, the Australian Public Service and Merit Protection Commission 2001). They enabled central agencies to observe the behaviour and practices of their departments and agencies, and imposed a blend of public accountabilities and executive accountabilities over administrative units (with much of the latter being internally imposed).

More importantly, consistent reporting was expected to provide the centre with comparable data about compliance to procedural requirements and performance. Regular tinkering with central edicts was often a reflection of frustration at not getting sufficient information from decentralised units or a fear that the utility and effectiveness of routine requirements would decline over time as agencies became used to them. Sometimes the demands from the centre increased and expanded, at other times arbitrary changes were made with the intention of keeping line agencies on their toes.

More recently, and especially alongside the adoption of new public management (NPM) and new public governance (NPG), central agencies examined the efficacy of traditional central controls to discern whether they were anachronistic or counterproductive. A raft of ‘dysfunctional’ central impositions and controls were abolished or reduced in significance and annoyance. Centrally imposed control over employee numbers and grades was gradually removed, budgetary flexibilities were introduced, managers were given greater freedoms and managerial discretion to achieve objectives, and onerous procurement mandates were relaxed; in most cases, these ‘impeding’ central controls were replaced by a raft of results-oriented central requirements. So, although agencies were given greater operational freedoms (Pollitt & Bouckaert 2004), they were nevertheless subjected to a more centralised set of guidelines on processes and reporting (e.g. budgets, staff management, community engagement, annual reporting, performance reporting).

In theory, this meant that agencies had greater latitude to reshape their organisational structures and delivery arms (Osborne 2010). In practice, many agencies used their new freedoms to divest themselves of lower grade staff (clerical workers and assistants) and inflate the size of their middle-level executive and, particularly, the numbers appointed to the most senior levels (e.g. senior executive service). Arguably, many agencies across the Western world became inordinately top-heavy compared to 20 or 30 years ago, with a panoply (or public exhibition) of executives designated to monitor every conceivable functionality. As self-administering organisations, universities were particularly susceptible to this inflation of executive positions (Coaldrake & Stedman 2013; Marginson & Considine 2000). Going forward, we may see the reimposition of staffing controls or quotas for senior executives.

A further interesting aspect of modern public administration in the NPG era (or ‘new political governance’ era, see Aucoin 2012) is that agency executives can ask whether their current bureaucratic form is suited to purpose and aligned to their core businesses. Agency heads could not realistically ask (or do anything about) this question in bygone eras, but there are now possibilities for customisation if agency heads are prepared to explore them. The experimentation with ‘executive agency’ models provides some heuristic examples for emulation, but also offers some cautions and warnings about the dangers of ‘roguish’ behaviour.

Empirically, there is now scope for scholars to gauge how far have agency heads have gone in exercising their ability to shape their agencies. It is worthy of more detailed research to explore the extent that agency executives (and to some extent their presiding ministers) have proactively exploited their new latitude.

Dimensions of independence – balancing ‘control’ and ‘relative autonomy’

It is common to conceptualise the balance between ‘political control’ and ‘organisational autonomy’ as a spectrum ranging from no independence/autonomy through to full independence/autonomy (see O’Faircheallaigh et al. 1999; Wanna 2008). Similar exercises in classifying a desired degree of political control versus autonomy have been undertaken for statutory bodies (see Uhrig 2003; Wettenhall 2005; Edwards et al. 2012¹). See table below.

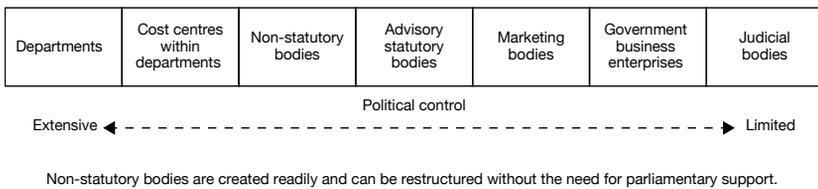


Figure 2.1. Spectrum of political control over public sector organisations

Source. O’Faircheallaigh et al. (1999)

Public agencies range from ministries and departments that are close to executive government and under direct political control, to judicial bodies and integrity commissions that enjoy a relative degree of independence for their operations and decision-making (but not necessarily over the appointment and/or dismissal of senior staff, which may still be politically determined). Different traditions of governance are also important here (see *Public Administration*, special issue, vol 81, no 1, 2003) as, under Westminster parliaments, ministers and departments tend to possess little intrinsic autonomy, whereas, in many European parliamentary democracies with *Rechtsstaat* traditions, ministries retain considerable autonomy within their portfolio responsibilities. North American

¹ See especially Chapter 2, ‘The rise of corporate and public governance’.

jurisdictions tend to be more programmatically driven (and include the imposition of sunset clauses) where agencies effectively ‘house’ programs and may gain a degree of autonomy through the particular provisions of specific programs.

Being convenient and close to government, the departmental form has not waned in popularity, although their number, size and range of responsibilities has been altered regularly (through machinery of government changes, which perform essentially the same function in the public sector as mergers and demergers do in business). Departments possess the important advantages of being politically flexible, sensitive to ministerial preferences/priorities and able to work confidentially on sensitive topics out of the public gaze. The extent of political control can range from dirigisme and overt directives over bureaucratic directions, priorities and agendas, to a latent semblance of figureheading positional power or an amorphous ‘authorising environment’ where things may be done ‘in the minister’s name’ (see Moore 1995). Some (but by no means all) departments are beholden to (or captured by) professional standards and cultures that can serve to enhance their independence (e.g. departments of health or social services, or environment or transport).

New Zealand and the United Kingdom typically have a large number of ministerial departments (30+) often with multiple ministers within a portfolio or multiple ministries reporting to a minister. Some jurisdictions, like New Zealand, distinguish ‘departments’ from ‘ministries’, with departments largely having combined policy and administrative roles and ministries being largely administrative or service delivery units (but now the terms seem interchangeable and ministries include the portfolios of environment, defence and civil defence, economic development, education, foreign affairs and trade, and social development). This segregation (which seems to outsiders somewhat artificial or idiosyncratic) may hark back to the wartime separation of the New Zealand War Cabinet from the War Administration during World War II, with the former charged with decision-making and the latter ‘with responsibility for all matters connected with the war’.

Generally, departmental organisations (and ministries) are subject to ministerial direction and control, but some have won or been allowed a degree of discretion in selected areas of their activities (e.g. operational matters, choosing their style of management, initiating research, funding specific activities). Government-wide statutes may also provide

departments with the capacity to make quasi-autonomous decisions (i.e. not involving ministerial direction), as with compliance to public service acts, freedom of information (FOI) acts, and the requirements of accountability acts governing financial administration, audit, secrecy and integrity. Together these acts provide statutory protections (and requirements) for departmental executives that underscore the public accountability of them as public organisations. Ministers generally have no involvement in the appointment of departmental staff, and this is primarily a form of protection for ministers against accusations of favouritism or nepotism.

Statutory bodies (such as advisory boards, regulatory bodies, health boards, research institutes, sporting administrators) generally have a higher degree of autonomy but are still subject to overall direction from the government – the so-called ‘strategic control’ variously exercised over such authorities. Often with the establishment of statutory authorities, the main objective is to depoliticise a particular function and to prevent ministers from either meddling or being blamed for unpopular decisions (i.e. to avoid political control or political accountability).

The range of specialist functions that governments may wish to keep at arms’ length from political interference not only include regulatory, judicial and integrity bodies, but also railways, utilities, cultural entities, universities and some independent bodies serving as funding providers (e.g. grant administering bodies in research or artistic excellence). But, as Warhurst (1980) argued some decades ago, governments have a myriad of ways of influencing nominally independent statutory bodies by making ministerial changes to board representation, adjusting budgets, altering the empowering act of the body, making them subject to other legislation, using departmental oversight, and even having a ‘quiet word’ with a minister or ministerial staffer. Judicial and integrity commissions have been given the most autonomy, but are still subject to budgetary review and financial controls, politicised appointment processes and the odd rebuke or criticism from ministers.

Specialist agencies, in particular, tend to develop and protect their level of autonomy through professional norms, codes of practice and inculcated trainings. Professional norms and practices are important to bureaucratic independence not only because disciplinary training and culture creates particular values and mindsets, but because external professional requirements can dictate behaviour, predetermine decisions and stipulate

what can and can't be done. Examples include accounting standards, health requirements, educational pedagogies, engineering compliances, legal precepts and codes, and cultural conventions.

The professions have also created powerful associational interest groups that speak for them and can shape accepted practices and regulatory policies. Comprised of quasi-independent specialists and technicians, these professional associations can dictate how their members behave and decree what decisions are deemed appropriate. They have external credibility and authority. Tensions between governments and their architects, accountants, medical practitioners, engineers and educators are legendary in many jurisdictions. Often the heads of public organisations with large professional workforces are themselves members of the same profession and share the same world views as their staff, perhaps making them compliant with professional demands.

Bureaucratic independence or autonomy is never absolute in the public sector; rather, 'relative autonomy' is a more likely condition to which agencies can aspire or can acquire. So, what forms of departmental 'relative autonomy' might be identified? The following is a list of possibilities where degrees of autonomy might be practised:

- structural separation from the political sphere and executive control
- the ability to make policy decisions and determine the agency's priorities and agendas
- the ability to initiate research independently and, perhaps, publish the product of this research
- budgetary freedom to deploy resources within a departmental expenses account and, where appropriate, retain a portion of external revenue generated as a result of its activities
- the ability to determine the location and physical presence of the agency, including selecting properties, buying or leasing facilities, co-locating or decentralising
- the ability to establish a staffing profile; make appointments; recruit, promote and train staff; and the ability to investigate internal practices and cultures
- the ability to hire and fire external consultants and other advisory actors

- the ability of senior management to communicate directly with the public, parliament and the media; for instance, by speaking publicly on policy and administrative topics within their portfolio, making submissions to or public appearances at inquiries, and clarifying misunderstandings in the public realm
- the ability to report their activities, performances and finances as they see fit, subject to some legislative or executive guidance for wholly public bodies.

Agencies are unlikely to enjoy all these possible dimensions of ‘relative autonomy’ simultaneously. Some ‘freedoms’ come with additional constraints imposed. For instance, greater latitude in operational policy matters or administrative discretion may come at the cost of greater reporting requirements or performance expectations. Other ‘freedoms’ may be held but exercised with caution or a degree of self-censorship. Examples might include agencies with the capacity to initiate research and publish findings that selectively publish only those reports that do not embarrass the government or sit within the government’s comfort zone.

To illustrate this point, the Australian Treasury retains the ability to initiate its own research on economic matters and routinely does so, and has on occasions attempted to keep such research confidential. For example, it chose to release a stringent critique of government overspending at the time of the change of government in 2007 (from Liberal under Prime Minister John Howard to Labor under Kevin Rudd), rather than at the time when the excessive spending was occurring under Howard (Laurie & McDonald 2008). It also collated research on housing affordability (which was becoming prohibitively expensive for sections of the community) and chose not to release such information so as not to embarrass the government of the day, even resisting FOI requests seeking the information’s release. The chart below depicts various dimensions of bureaucratic autonomy, mapped against different types of structural organisation.

Table 2.1. Dimensions and degrees of organisational autonomy versus political control in public administration

Dimension	Agencies (central and line)	Special authorities (statutory bodies)	Integrity bodies, AG, judiciary, independent commissions	Public enterprises and commercial units	NGO networked bodies linked with government
<p>Separation from political control, gov't directives</p> <ul style="list-style-type: none"> own wishes 	<ul style="list-style-type: none"> low/moderate close ministerial control relationship subject to ministerial powers qualified by degree of ministerial autonomy vis-à-vis government 	<ul style="list-style-type: none"> moderate operate under government/statutory requirement, often enjoy functional autonomy; subject to ministerial directives 	<ul style="list-style-type: none"> high; variously independent of government for decision-making 	<ul style="list-style-type: none"> semi-independent from government, but often required to contribute can be subject to 'guidance' 	<ul style="list-style-type: none"> independent of government, but have complex dependencies balance own autonomy with access and relationship building
<p>Ability to make own policy decisions</p> <ul style="list-style-type: none"> determining own priorities 	<ul style="list-style-type: none"> low-moderate range and requires government approval ministers can direct enjoy discretion and implementation freedoms 	<ul style="list-style-type: none"> moderate, not much outside remit operationally independent more subtle ministerial influence 	<ul style="list-style-type: none"> high but only within remit no ministerial involvement 	<ul style="list-style-type: none"> moderate more subtle ministerial influences 	<ul style="list-style-type: none"> governments likely to set agendas and funding NGOs subject to contracts, but more operational autonomy
<p>Research and analytical abilities, own planning capacities</p> <ul style="list-style-type: none"> set own research priorities, forecasting abilities 	<ul style="list-style-type: none"> some potential, but have often been cut back have considerable policy and operational expertise 	<ul style="list-style-type: none"> some have virtually none; others high and significant usually latitude is specified in statutory provisions 	<ul style="list-style-type: none"> largely autonomous research base around cases, complaints, reviews within their remit 	<ul style="list-style-type: none"> not significant outside technical and commercial considerations 	<ul style="list-style-type: none"> variable, but increasingly are developing analytical capacities to bargain with government

Dimension	Agencies (central and line)	Special authorities (statutory bodies)	Integrity bodies, AG, judiciary, independent commissions	Public enterprises and commercial units	NGO networked bodies linked with government
Budgetary and financial autonomy <ul style="list-style-type: none"> • set own budget • allocate own budget • determine own locations/sites 	<ul style="list-style-type: none"> • limited capacity to set own budget • constraints on use of resources • discretion-limiting 	<ul style="list-style-type: none"> • Limited capacity to set budget but likely to be able to shape internal allocations 	<ul style="list-style-type: none"> • receive fixed budgets • additional funding associated with additional functions, offices or scale 	<ul style="list-style-type: none"> • usually self-determined, but often levy paid back to govt (dividend) • governed by financing logics not budget dependencies 	<ul style="list-style-type: none"> • not dependent for own organisational resourcing, but increasingly dependent for government contractual work
Ability to make own staffing appointments	<ul style="list-style-type: none"> • limited to internal staff appointments • set own employment numbers/profile • subject to central directives (APSC) • agency heads appointed separately by government 	<ul style="list-style-type: none"> • political appointments to boards, then latitude to appoint below • may exert influence in senior appointments • still subject to central directives 	<ul style="list-style-type: none"> • various degrees of political involvement on senior appointments, then latitude below 	<ul style="list-style-type: none"> • more commercially driven • enjoy latitude to appoint staff and consultants 	<ul style="list-style-type: none"> • autonomy to make own appointments and partnerships
Personnel and human resource management <ul style="list-style-type: none"> • including industrial bargaining, setting wages and conditions 	<ul style="list-style-type: none"> • ability to recruit, promote and dismiss staff • rules govern senior staff appointments • constrained ability to set remunerations 	<ul style="list-style-type: none"> • ability to recruit, promote and dismiss staff • rules govern senior staff appointments • constrained ability to set remunerations 	<ul style="list-style-type: none"> • ability to recruit, promote and dismiss staff to set remunerations • constrained ability to set remunerations 	<ul style="list-style-type: none"> • able to set remuneration and conditions for staff and consultants 	<ul style="list-style-type: none"> • ability to set remunerations but often largely voluntary/honorary

Dimension	Agencies (central and line)	Special authorities (statutory bodies)	Integrity bodies, AG, judiciary, independent commissions	Public enterprises and commercial units	NGO networked bodies linked with government
<p>Communication abilities</p> <ul style="list-style-type: none"> able to issue own press releases, statements 	<ul style="list-style-type: none"> limited outside officially required documentation dissemination of public interest information 	<ul style="list-style-type: none"> have ability to issue communications often informative or promotional not political 	<ul style="list-style-type: none"> autonomous; able to engage in public debate can prosecute issues of public importance 	<ul style="list-style-type: none"> autonomous usually restricted to commercial matters affecting them or their environment 	<ul style="list-style-type: none"> autonomous but tends not to critique government (bans sometimes); usually conduct special pleading for own sector
<p>Reporting and accountabilities</p> <ul style="list-style-type: none"> formal requirements versus own capacities monitoring and oversight functions 	<ul style="list-style-type: none"> routine, standardised; don't widely report unless seeking wider input accountable through minister reports must comply with parliamentary guidelines 	<ul style="list-style-type: none"> official requirements, but free to make other report and publications accountable through board and director reports must comply with parliamentary guidelines 	<ul style="list-style-type: none"> self-accountable and peer credibility often do not explain/justify decisions/actions made or taken some subject to parliamentary oversight 	<ul style="list-style-type: none"> routine corporate law requirements, may be material included in some government reports accountable through shareholding entities (which can include govt ministers) 	<ul style="list-style-type: none"> own requirements, minimal incorporated entity reporting accountable to own board

Source. The author

Exercising autonomy through operational and informal structures

In practice there are myriad supporting operational factors underlying and sustaining these freedoms, including program design and implementation, budget submissions and the ability to redeploy financial resources, collaborative engagement with other public bodies, stakeholder and network relationships (including the capacity to negotiate through veto points), public relations and media management, and audit and performance review. In terms of implementation and operational capacities, agencies possess a bounded but proximate autonomy to make decisions because they are closest to the action and have discretionary latitudes. Moreover, not everything within an agency's mandate is open to transparent oversight, so it often has wiggle room for increased discretion.

In addition to public organisations being allowed (or managing to achieve) certain degrees of formal independence and relative autonomy, they can also exercise autonomy through informal cultures and structures. These informal structures typically increase where authorising environments are distant or latent, mandates are contested or unclear, boundary issues are malleable or in dispute, and external changes punctuate routines. Informality may also increase to the extent that the agency has a determined leadership and management skills championing certain policy or administrative options (and conversely may be found in agencies characterised by corruption or maladministration). And, as already mentioned, professional cultures can enhance the scope for agency discretion and local autonomy.

Looking outwards, agencies can engage in building professional networks and stakeholder alliances as latent supportive constituencies and active players protecting the agency's mission. Turning to supportive networks can be important in politically charged circumstances, where agencies enjoying credibility with stakeholder/interest groups are able to withstand pressures from the political executive and perhaps gain backing for alternative proposals.

Earned autonomy

'Earned autonomy' is not a measure of autonomy from ministers, but rather a performance and budgetary concept that is invoked to grant a certain degree of latitude to agencies considered by government executives and

central agencies to be performing well. This is a concessionary measure granted by central agencies to high performing or competently managed agencies (even according to reputational recognition) to enable them to direct their administrative efforts to their core business (and divest themselves of onerous but often less meaningful accountability reporting). Success provides them with circumscribed freedoms. Even so, no agency is totally free to determine its own budget.

Agencies with earned autonomy may enjoy more freedom to deploy their resource envelopes and may also be granted privileges including enjoying less onerous forms of formal accountability, such as reduced budgetary scrutiny. Service-wide requirements (e.g. right to information, equity, financial compliance and so on) continue to apply to these agencies, however, and they must still achieve meaningful results and convince the traditional layers of oversight of their above-average performance.

Earned autonomy is often closely associated with the influence of public choice methodologies in NPM/NPG jurisdictions that favour specialisation. Agencies using principal–agent theory to organise their activities tend to rely on contractual management rather than autarkic provision. Providing contracts deliver value for money and desired outcomes, these agencies may be less onerously reviewed by central agencies or the relevant legislatures. Simply relying on principal–agent models, however, is no ‘cure-all’ and no guarantee of heightened performance, and often has severe limitations not to mention associated perversities.

Notions of constitutional bureaucracy

Ideas about the constitutional role of the bureaucracy became popular after the Gomery Inquiry into accountability in the Canadian federal government under Prime Minister Jean Chrétien in 2004–06, and they have found some support in other Westminster jurisdictions including in the United Kingdom, Australia, New Zealand and Singapore. The key argument maintains that the bureaucracy is the bedrock of the modern state, with wide and important constitutional responsibilities concerning stewardship of the state and, possibly, the longer term public interest. Such notions of the public service enjoying a privileged constitutional status within the state apparatus (which formally it doesn’t, but the idea can be traced back to the United Kingdom’s Northcote–Trevelyan Report of 1854) are based on traditional (nostalgic) custodian ideas of the public service constituting an ongoing permanent institution of

state that is distinct from the comings and goings of daily politics but governed by an array of externalised legislation and guidelines subject to ministerial control.

This contested and controversial set of ideas is not least disputed by the political executive (in the United Kingdom, Canada and Australia). Those promoting this view argue that the bureaucracy ought to play a stewardship role – serving the interests of the government of the day, while also monitoring and protecting the integrity of public administration, including guarding against improper requests or misconduct from ministers or their staff. Gomery even recommended that departmental heads write formally and inform parliament if they suspect their minister of improper behaviour – a recommendation rejected by subsequent Canadian governments (see Wanna 2006).

Following criticisms of the utilitarian nature of NPM in Australia, the notion that public agencies and departmental heads should have the responsibility to exercise stewardship has been written into the revised amendments to the *Public Service Act 1999*. However, ‘stewardship’ is not defined or given specific parameters – it is not clear whether it means responsibility for good administration, stewardship over the maintenance and augmentation of organisational capacities, or a broader custodian role acting in the public interest. The latter interpretation was particularly argued by Louis Sossin (2006) in his submission to the Gomery Commission in which he laid out the ‘constitutional argument for bureaucratic independence and its implication for the accountability of the public service’. Expressions of constitutional bureaucracy can include cases where senior public officials claim to be serving the Crown foremost, rather than the minister or the government of the day. Some police commissioners (and perhaps some senior military officers) in Westminster systems have typically been the type of functionaries who have claimed independence from government and higher loyalty to the monarch (e.g. the Salisbury affair in South Australia, see Cockburn 1979).

Independence has limits

No form of bureaucratic independence, whether awarded or acquired, is limitless. Independence comes with the responsibility to exercise it appropriately, astutely and justifiably – and, as Moore (1995) reminds us, has to be protected, prosecuted and renegotiated vis-à-vis the changing political environment and circumstances. Even the judiciary, which enjoys

high degrees of independence, faces political and public criticism of its sentencing and bail decisions. In Australia, mainstream media criticism has been directed at the Australian Human Rights Commission for overstepping its mandate and especially its former head, Professor Gillian Triggs, for politicising the commission (see Wanna 2015). Similarly, the Productivity Commission, a fiercely independent adviser on economic and social policy has intentionally self-censored its independence by preferring only to take formal references from government (the Treasurer), rather than independently initiate research and investigations (which it theoretically can do). It has (perhaps sensibly) chosen to provide independent hard-headed advice *to* government and be respected for the quality of that advice, rather than be independent *of* government. Other integrity-type bodies and independent commissions often face similar dilemmas (such as auditors-general, parliamentary budget offices and information commissioners).

Conclusions

On balance, a degree of ‘relative autonomy’ is probably a ‘good thing’ to aim for and offers encouragement to lift performance and aspirations to improve capabilities for the public good. It has the potential to expand the horizons of public executives and their management teams, underscoring the value of public service and good public administration. But it is not without risks and potentially negative aspects (open to bureaucratic capture, goal displacement, covert operations). The Latin phrase *quis custodiet ipsos custodes* readily comes to mind (who guards the guards themselves). Done well, relative autonomy requires strong oversight from governing boards or corporate management teams within the agencies concerned (including from community representatives, experienced former ministers and stakeholder representatives).

When they choose to act, ministers retain the authority to curtail autonomy, amend an agency’s mandate or priorities, restructure agencies, increase oversight, change management personnel, and merge functions or disassemble them. Ministers or cabinets are not likely to do this on a whim, but changing political preferences and priorities, or performance concerns may push them in that direction.

Importantly, as a final point, it is worth remembering that bureaucratic independence versus political control is not just an ‘either/or’ condition, or a zero-sum game. Other dimensions of organisational capacities remain significant and readily observable. For example, agencies may aspire to be high performers in terms of integrity, performance and the quality of client service without necessarily changing the degree of overall political control or level of independence. ‘Relative autonomy’ is an important concept to explore as we go forward in public administration but it is no silver bullet to defeat malfeasance or maladroit administration.

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