

# **Ministerial Advisers, Politicization and the Retreat from Westminster: the Case of New Zealand**

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## **Abstract**

Political advisers are now an established third element in New Zealand's institution of executive government, as they are in a number of other Westminster-styled jurisdictions. In this paper we report the initial findings of a research project focusing on the role and accountabilities of ministerial advisers in New Zealand, locate these findings in the context of a growing body of international and comparative research on the role and accountabilities of non civil- or public-service advisers within political executives, and thirdly, comment on the extent to which the findings affirm or refute the view that the 'third element' constitutes a threat to the continued application of Westminster principles and practices in New Zealand's system of government – once described as more Westminster than Westminster. In so doing we highlight deficiencies in standard conceptions of politicization and argue that there is a need to more clearly differentiate between its procedural and substantive dimensions.

## **INTRODUCTION**

Ministerial advisers have been characterized as a ‘third element’ in the executive branch of government (Wicks, 2003). Some argue that this third element constitutes a threat both to the independence and impartiality of the public service, and more generally to the Westminster tradition and its family of ideas about executive government. The attention focused on ministerial advisers has been one aspect of a wider interest in the dimensions and consequences of politicization. Indeed the public or civil service ‘neutrality’ that is at the core of the Westminster tradition is often (favourably) compared with the politicization that characterises the institutional obverse of that tradition. We emphasise at the outset the risk of setting up a false dichotomy between Westminster as the embodiment of administrative virtue, and politicization as the repudiation of Westminster and the embodiment of administrative vice. As Peters and Pierre have noted:

it is ... important to consider the potentially positive features of politicization of the public service. The connotations of the term are almost always negative, bordering on corruption, but ... there may also be some functional aspects of shifts toward a more committed bureaucracy – it may be more than a necessary evil. In particular, greater political commitment may energise the public service in a way that may not be possible with a more neutral public service (2004, p. 11).

Whereas in both the United Kingdom (UK) and Australia the activities of ministerial or special advisers have been subject to comment and scrutiny within government and without, New Zealand has not had an equivalent of Australia’s ‘children overboard’ affair, or the ‘unfortunate events’ within the former UK Department of Transport, Local Government and the Regions. However, in 2002 the then State Services Commissioner, Michael Wintringham, used his Annual Report to the New Zealand Parliament to note that the advent of and increases in the number of ministerial (or political) advisers in the New Zealand executive had ‘raised fears in some quarters about the potential for the politicization of the public service’ (Wintringham, 2002, p. 10). He went on to note that ‘recent’ events in Australia and the UK had triggered debates regarding the role of such advisers and the bearing that their activities may have on relations within the executive branch of government.

This paper has three objectives. Firstly, to report the initial findings of a research project focusing on the role and accountabilities of ministerial advisers in New Zealand (the research is part of a wider project funded by the Royal Society of New Zealand which will, in time, also include (a) surveys of all ministers who have held Cabinet rank since 1990, and of current and past ministerial advisers, and (b) in-depth interviews of a smaller sample of ministers, senior officials, and ministerial advisers); secondly, to locate these findings in the context of a growing body of international and comparative research on the role and accountabilities of non civil or public service advisers within political executives; and thirdly – albeit somewhat speculatively – to comment on the extent to which the findings affirm or refute the view that the ‘third element’ constitutes a threat to the continued application of Westminster principles and practices in Wellington.

## **THE NEW ZEALAND CONTEXT**

Unlike the arrangements at Westminster and Whitehall, but not dissimilar to those that obtain in Canberra, New Zealand ministers of the Crown are located in a purpose built Executive Wing positioned adjacent to the New Zealand Parliament. This wing, completed in 1981, is commonly known as the ‘Beehive’ due to its shape, with the design attributed to the British architect, Sir Basil Spence. The building has ten floors, with the Cabinet Office on the top floor, the Prime Minister and her private and departmental staff on floors eight and nine, and ministers’ offices on lower floors.

Typically a minister’s office will include officials seconded from departments or agencies for which he or she is responsible (referred to as Private Secretaries in Wellington and Whitehall, and Departmental Liaison Officers in Canberra), a Senior Private Secretary responsible for overall office

administration, other administrative staff, at least one designated Press Secretary, and one or more ‘political’ ministerial advisers.

Ministerial advisers of the political kind are a relatively recent development in New Zealand, dating from the mid-1980s (see Table 1). Unlike in Australia, where the move to introduce ministerial advisers by the Whitlam Government reflected an explicit policy preference (see Maley, 2000a; Tiernan, 2004), in New Zealand the process was more *ad hoc* and incremental. In 2006 every minister’s office features a ministerial adviser – reflecting in large part the exigencies of operating under a mixed-member proportional electoral system (MMP) – but over the period of the late 1980s and early to mid-1990s, ministers *chose* whether or not to have a ministerial adviser (or, in the administrative nomenclature of that period, an ‘executive assistant’) on their staff. Many did, but some did not.

**Table 1: Numbers of ministerial advisers in the New Zealand public service (1998-2005)**

Designation	1998	1999	2000	2001	2002	2003	2004	2005
Ministerial Adviser/ Senior Adviser	0	3	11	14	19	23	26	23
Executive Assistant	15	23	16	13	10	10	10	6
Press Secretary/ Media Assistant	24	24	21	24	22	23	23	22
Total	39	50	48	51	51	51	59	51

Note: data were obtained under the Official Information Act 1982, and apply as at 18 October 2005. Information from prior to 1998 is unavailable in the form requested. While the line of demarcation between the administrative and the political is indistinct at best, Ministerial Advisers/Senior Advisers, Executive Assistants, and Press/media staff tend to engage in political functions.

A more detailed consideration of the drivers behind the emergence and increase in the number of ministerial advisers is offered further on in the article. Briefly, the processes of multi-party government formation and management under MMP effectively require the provision of the kind of advice and support that, under Westminster conventions, non-partisan public servants do not provide.

However, there are at least two further explanations, one common to other jurisdictions and the other more specific to the New Zealand context. The former is that the increased complexity of the institution of cabinet government, and demands on ministers, has resulted in additional – and partisan – resourcing in ministerial offices (see Weller, 2000). The latter is that the New Zealand model of state sector reform (see Boston *et al.*, 1996) was, organisationally and institutionally, about positioning ministers as (political) principals responsible for purchasing outputs from (administrative) agents. An institutional prescription anchored in the assumptions of public choice and agency theory was strongly suggestive of the need for formal institutional supports for ministers (and not sourced from their administrative agents) to enable efficient and effective purchasing decisions to be made (Boston *et al.*, 1996).

The provision of support of various kinds to New Zealand ministers is through a business unit – Executive Government Support – of the Department of Internal Affairs. There is a specific budgetary allocation – Vote: Ministerial Services – with the appropriation for the 2005/06 year totalling NZ\$31.891 million (74% of which is directed to ministerial support, including office administration, accounting, personnel, information technology, facilities management, media and advisory services, and the management of residential accommodation provided for ministers).

In New Zealand, unlike Australia, there is no separate statute under which ministerial staff are employed. Similarly, unlike the UK, there is no dedicated code of conduct for ministerial (special)

advisers. In a formal sense the regulation of ministerial advisers in New Zealand is established largely through contracts of employment, whether individual or collective (James 2002). In New Zealand public servants are technically employed by the Chief Executive (CE) of their department or agency; in the case of ministerial advisers, the CE of the Department of Internal Affairs is ‘the employer’. Typically, the contract of employment includes a job profile which specifies the mix of tasks and duties for which an adviser is accountable.

The statute establishing the framework for human resource management in the state sector is the State Sector Act 1988. This Act provides that the State Services Commissioner may establish minimum standards of integrity and conduct to which all employees of government departments are expected to adhere. The current code establishes three principles of conduct. As state sector employees, ministerial advisers must (a) fulfil their lawful obligation to government with professionalism and integrity, (b) perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and colleagues, and (c) not bring the public service into disrepute through their private activities. In addition, ministerial advisers are subject to the Department of Internal Affairs’ own Code of Conduct. In respect of ministerial advisers, elements of that Code are clearly anomalous, with sections variously requiring employees to ‘[e]nsure that their personal interests or convictions do not interfere with the duty to serve the Minister through the Secretary of Internal Affairs’, and to ‘provide honest and *impartial* advice to Ministers’ (emphasis added).

## **THE WESTMINSTER ‘FAMILY OF IDEAS’ – A RETREAT?**

Rhodes and Weller suggest that the notion of a Westminster institution, and more specifically those elements relating to executive government, are captured in five components:

- the concentration of political power in a collective and responsible cabinet;
- the accountability of ministers to parliament;
- a constitutional bureaucracy with a non-partisan and expert civil service;
- an opposition acting as a recognized executive-in-waiting as part of the régime;
- parliamentary sovereignty with its unity of the executive and the legislature (2005, p. 7).

It is the third of the defining elements in the family of ideas about Westminster government – a constitutional bureaucracy with a non-partisan and expert civil service – that we concentrate on in this paper. As Wanna (2005) notes, some scholars (see Lijphart, 1999) do not include the civil service as a defining feature of Westminster systems. But like Wanna, we believe that ‘there are grounds to accept an independent, neutral, career civil service as an important attribute of Westminster and an institutional counterbalance to the majoritarian concentration of power in the executive – especially on independent, professional policy development and frank-and-fearless advice’ (Wanna, 2005, p. 175). In particular, we wish to explore the consequences – both apparent and potential – of the rise and rise of the ministerial (or political) adviser in New Zealand for the role of the permanent public service as it is generally understood in the Westminster model.

But Rhodes and Weller’s typology also facilitates an assessment of the extent to which, in the advent of electoral reform, New Zealand remains a member of the Westminster family. In the past its system of executive government has been viewed as ‘more Westminster than Westminster’ (Lijphart, 1987, p. 97). While the move from the majoritarian first-past-the-post electoral system has altered the constitutional parameters somewhat, leading one recent reviewer to suggest that the New Zealand system now constitutes an outlier, our contention is that most of the fundamentals – i.e. those doctrines informing institutional arrangements – remain largely intact. Indeed, while the scope of this paper is on one element of the Westminster mix of doctrines and institutions – the impact that the advent of ministerial advisers has had on the bilateral monopoly between ministers and their public service advisers – our preliminary view is that the other elements of that Westminster mix provide only limited support for those looking for the demise or decline of Westminster in Wellington.

For one thing, power continues to be concentrated in a collective and responsible cabinet (see Palmer and Palmer, 2004). While care needs to be taken in illuminating the differences between

‘prime ministerial’ and ‘cabinet government’ (see Weller, 2003), and notwithstanding that New Zealand has not been immune from the siren attractions of quasi-presidential politics and electioneering (see Miller, 2005) the Westminster fundamentals remain.

Cabinet and its committees remain central to the political and policy processes, and the Cabinet Manual continues to provide an anchor that is as much constitutional as institutional (Cabinet Office 2001; Morcom, 2005; Palmer and Palmer 2004; Shroff, 2001). Conventions relating to collective and individual ministerial responsibility have always been interpreted and applied in a political context (see McLeay, 1995), and that continues to be the case, but there is no evidence of a secular decline in the force of those conventions. Over time there has been an increase in the administrative and political resources available to the Prime Minister, but that increase has not to date resulted in the creation of an ‘executive office’ (Burch and Holliday, 1999; and see Weller (2003) for a discussion of this tendency in the Australian, British, and Canadian contexts).

Conversely, there is little evidence to suggest a ‘hollowing out’ at the centre of executive government (Rhodes, 1994). Indeed, if anything one of the common themes emanating from a number of reviews of the New Zealand public management system in the period since the ‘revolutionary’ reforms of the 1980s and early 1990s (see the report of the Advisory Group on the Review of the Centre, 2002) has been the need to increase capability at the centre. Increasingly the discourse of governance supplants that of government, but the evolving structures and dynamic of governance in New Zealand have not been of the zero-sum kind suggested in some accounts. Ministers are still accountable to Parliament, and arguably more so given the change to MMP and, for that matter, the changes to Parliament’s Standing Orders that pre-dated the passage of the Electoral Act 1993.

Multi-party government, and the improbability of a single-party majority government, mean that the simple reality of one party in government, and another constituting a government-in-waiting no longer applies. Rather, one is more likely to discern a coalition government, and a somewhat looser, and at times more fluid, coalition government-in-waiting.

That said, the political and electoral reality is still of two dominant parties, and of a contest between an incumbent prime minister and a leader of the major opposition party. Bagehot’s ‘efficient secret’ is still at the core of the relationship between the executive and legislative branches of government, and while some have suggested that consideration should be given to opening up membership of the political executive to non-members of Parliament, there appears to be little enthusiasm for a change of this kind (see Boston, 1998). Parliament remains sovereign, notwithstanding an on-going debate between the executive and judicial branches over the possible bounds of that sovereignty (Cullen, 2005; Elias, 2003).

On balance, therefore, we would contend that New Zealand remains – substantially – part of the Westminster family. The issue, however, is not fundamentally one of whether to praise (and defend) Westminster in Wellington, or to contribute to its last rites. In accepting the proposition that New Zealand’s constitutional and governance arrangements still sit comfortably within the family of ideas about Westminster we are also, by implication, accepting the premise that the family of ideas may be as catholic as it is coherent. In New Zealand’s case we would assert that ‘Westminster’ as a mode of governance has been able to accommodate the transition from the simple plurality electoral system to proportional representation.

In terms of the third element within the executive branch of the New Zealand system of government, then, the central question is whether the advent of political actors constitutes a threat to the *continued* application of what are evolving Westminster principles and practices in Wellington. Two questions follow – firstly, is it possible for Wellington to accommodate the third element within the context of its traditional Westminster principles and practices? And secondly, if the advent of the ministerial adviser does constitute a threat to Westminster’s constitutional, non-partisan and expert civil service, then what may be the precise nature of that threat?

In one sense, the Westminster ‘ideal’ assumes a bilateral monopoly as between the political and administrative arms of the executive, and in that sense any change to said monopoly could be interpreted as constituting a diminution of the ideal. It is noteworthy, perhaps, that the New Zealand variant of public sector reform took the existence of a bilateral monopoly as one of its problematic

points of departure. Viewed through the lens of public choice (e.g. Niskanen, 1971) it is the very fact of a bilateral monopoly that underpins budget-maximising and/or bureau-shaping (see Dunleavy, 1991) behaviour amongst senior officials. In part, at least, adding an additional source of purchase and monitoring advice so as to ensure a better informed principal – for example, through ministerial advisers – constitutes an institutional remedy (see Boston *et al.*, 1996). In reality, however, the relationship between the political and the administrative has been more open than the sanctified characterisation of the relationship as an exclusive bilateral monopoly would suggest (Campbell and Wilson, 1995). As the Secretary of the Australian Department of Prime Minister and Cabinet, Peter Shergold, has recently observed:

There is nothing in the Westminster tradition that suggests that public servants should have a monopoly in the advice going to government: indeed, from a democratic perspective there is everything to be gained by a contestable environment, in which the well-honed policy skills and experience of public servants are challenged by alternative perspectives from within and outside government (2005, p. 6).

If Westminster in *principle* can accommodate a localization of advice, as Shergold and others (see Briggs, 2005) have suggested, the issue is whether the *practice* of policy advice and increased contestation is consistent with the relevant Westminster conventions. If the principle of contestation is accepted, is the contest, in practice, a fair one? Is advice, in substance and in the nature of its tender, any less free, frank and fearless in the face of the third element than it once was?

## **WESTMINSTER, WELLINGTON AND CANBERRA**

New Zealand is not the only country in the Westminster family in which the advent of political staff within ministers' offices, and their rising numbers, are challenging the understandings and conventions which have long wrapped around the relationship between ministers and their public service advisers. In both Australia and the UK the role – and more to the point the accountability – of political staff has been brought into sharp relief in circumstances in which those staff have challenged core elements of Westminster principle and practice, and indeed good governance more generally (for Australia see Holland, 2002; Maley 2000a, 2000b, 2002a, 2002b; Tiernan, 2004; Weller, 2002. For the UK see Blick, 2004; King, 2003; UK Parliament, 2001, 2002).

In Australia, where Tiernan (2004, p. 4) suggests a 'persistent disquiet' about ministerial advisers' role and behaviour, discomfort was heightened by the 'children overboard affair', or 'certain maritime incident'. In the UK, the increased influence of special advisers, particularly within the core executive, the 'unfortunate events' in the former Department of Transport, Local Government and the Regions, and the political contamination of civil service advice in the lead up to the Iraq War have also served to foster a similar level of disquiet. In both Australia and the UK political and bureaucratic élites are looking for ways in which they might meet the emerging challenges posed by the increasing policy and political salience of the third element in executive government.

There are common elements in both these jurisdictions. In both (and unlike New Zealand), the legislative branch has been to the fore in seeking to illuminate the causes of institutional and procedural failings attendant upon the advent of the third element, and to advance appropriate institutional remedies.

In both, too, the focus has turned to the accountability of political staff, and the contribution that codes of conduct might make to clarifying roles, responsibilities and accountabilities. The British House of Commons Public Administration Committee, together with the Committee on Standards in Public Life, has successfully prosecuted the case for a code of conduct covering special advisers (see, Wicks, 2002, 2003; United Kingdom Parliament, 2001, 2002). In Australia, the Senate took the lead in establishing a Special Committee to inquire into a 'certain maritime incident'. Through a reference to its Finance and Public Administration Committee, it also inquired into and reported on the role and function of political staff employed under the Members of Parliament (Staff) Act 1984 in (a) assisting

and advising their political principals, and (b) interacting with the Australian Public Service and other stakeholders (Senate of Australia, 2002, 2003).

And in both countries the political executive has resisted attempts by committees of the legislative branch to have political staff appear before those committees pursuant to their inquiries. Equally, in both, the proximate causes of interest in roles and accountabilities have been, in large part, conflict associated with government communication imperatives (and in the case of children overboard, the conduct of government communication in the context of a Federal election).

Relatedly, with some exceptions (e.g. Maley, 2000a; Tiernan, 2004) the focus of inquiry – both academic and administrative – into the role of political staff has tended to make the contribution of such staff as policy actors in the formulation and decision-making stages of the policy process secondary to their involvement as actors in the more obscure (and somewhat less linear) processes of government communications. In Australia, as in New Zealand, the role of the ministerial adviser tends to be that of the policy adviser or specialist. In the latter there is a functional distinction between the role of press secretary and that of ministerial adviser. And as Maley (2000a: 106) has noted, in respect of the former, a significant number of ministerial advisers view themselves as policy specialists. This said, as others have noted (Anderson, 2005; Phillipps, 2002), there is some measure of fluidity as between the communication and policy roles within ministerial offices.

As compared to Australia and the UK, the New Zealand case is different, and noteworthy in a number of respects. Firstly, while the role and accountability of the third element in New Zealand is on the policy agenda, the proximate cause has not been a case of the kind seen in Australia and the UK. Ministerial advisers have, in the main, been flying under the radar of media or parliamentary interest. The interest of the former State Services Commissioner, evidenced in his 2002 report, was timely, and the subsequent advice from the State Services Commission regarding the role and accountabilities of political staff has been measured and sound, but the thrust has been more preventative than remedial. Secondly, and to anticipate the discussion that follows, New Zealand is the only one of the three nations in which – at least at the level of central government – the issue has been, and is, contextualized and framed by the imperatives of electoral reform. Perhaps because the matter of the role and accountability of ministerial advisers has not been placed on the agenda as the result of a political and media cause célèbre, there is the space to more fully illuminate the nature of the role of the third element in the policy process *per se*, the particular contribution of these advisers as policy actors, and, in so doing, to provide a robust evidence base to inform consideration of how best to accommodate this element in the context of Westminster conventions, practices, and accountabilities.

## **THE PUBLIC SERVICE ASSESSMENT**

### **THE SURVEY INSTRUMENT**

This section reports data from a large-scale survey of senior officials in the New Zealand Public Service. It is part of a multi-year research project, the fieldwork for which also entails surveys of, and interviews with ministers, officials and ministerial advisers. The survey, which comprised 68 items and a mix of forced-choice and open-ended questions, was administered in early 2005. Officials from 20 government departments and the New Zealand Police agreed to participate, and the questionnaire was distributed to 546 senior public servants. Completed questionnaires were received from 188 respondents – a response rate of 34.4%. However, the objective was to elicit the views of those officials who had had substantive contact with ministerial advisers in the period since 1990 (i.e. where contact had been in relation to substantive policy matters, rather than procedural/administrative concerns). Although it is impossible to specify the number in *that* population with any degree of precision (and the absence of a sampling frame means that there are certain constraints on inferential statistical analysis), we are confident that the size of our sample and the response rate are such as to permit a robust analysis of the data and to draw conclusions on the basis of that analysis.

We chose to begin our data collection with the officials' survey for particular reasons. While the scholarship on ministerial advisers is growing, the views of officials are largely absent from it (which is perhaps to be expected, given the nature of Westminster conventions). This research, therefore, is an explicit attempt to bring to the fore a bureaucratic 'voice' which has previously been heard only fleetingly. To the best of our knowledge, there has been no comparable survey research regarding the views of public servants on the issues canvassed here. But if the premise that ministerial advisers pose a risk to the impartiality of public servants is to be tested, then the views of those ostensibly under threat must be obtained. In short, to determine whether the advent of the third force has resulted in the kind of politicisation which is inconsistent with Westminster principles and mores, we are obliged to approach those public servants who are positioned at the fulcrum of the interplay between political and administrative imperatives.

## **OFFICIALS' DISPOSITION TOWARDS MINISTERIAL ADVISERS**

Our respondents included more men (53.7%) than women (46.3%). The vast majority were drawn from the top three tiers of the public service. Just over 30% were either CEs or tier 2 officials, who report directly to the CE. The largest cohort by some distance was tier 3 staff (57.5%), who report to their employer through a tier 2 manager. Some 12.4% of our responses were from tier 4 or other staff, who were predominantly managers of district or local offices.

Given the increased contact between officials and ministerial advisers (see Eichbaum and Shaw, 2005, p. 21), the questionnaire sought to illuminate how the former regard the latter. This was tested in the first instance through a composite measure comprising 21 statements relating to various aspects of the ministerial adviser's role, and the relationship between advisers and officials (Table 2). Items were coded – and as necessary reverse-coded – such that a high overall score (out of 105) on the scale indicated a positive inclination towards ministerial advisers; a low score that a respondent was negatively disposed towards advisers.

As it happens, the mean score of 61.5 (along with a skewness statistic of  $-1.722$  and a Kurtosis value of 4.680) suggests our respondents were rather favourably disposed towards their partisan counterparts. In fact, only 13.9% of cases registered an aggregate score of 52/105 or less. This overall orientation was most clearly revealed in officials' views on the state of the relationship between officials and ministerial advisers (Table 2, #1). Two thirds of respondents were of the opinion that, in general terms, the relationship is in pretty good health: not one person strongly disagreed with this.

**Table 2: Relations between officials and ministerial advisers**

(For economy of space, we have used ‘advisers’ rather than ‘ministerial advisers’. In the table, 1=strongly agree; 2=agree; 3=neither agree/disagree; 4=disagree; 5=strongly disagree).

#	Statement	1	2	3	4	5
1	relationships between advisers and public servants are generally positive	3.4%	63.1%	24.6%	8.9%	0%
2	advisers are a legitimate feature of executive government	7.1	70.1	17.9	3.8	1.1
3	advisers are more influential now than they used to be	19	40.8	33	6.7	0.6
4	advisers make a positive contribution to the policy process	4.9	47.3	37.5	9.2	1.1
5	advisers have too much influence in shaping the government’s policy agenda	4.4	21.9	47	24	2.7
6	advisers try to keep certain items off the policy agenda	8.3	39.2	31.5	18.8	2.2
7	advisers, through their actions, constitute a risk to the political neutrality of the public service	6.1	24	33.5	32.4	3.9
8	advisers do not encourage free and frank advice on the full range of policy options available to government	7.8	27.9	25.1	33.5	5.6
9	advisers have little or no bearing on officials’ access to ministers	2.2	18.7	20.9	44	14.3
10	advisers sometimes exceed their delegated authority	6.8	43.8	43.8	5.7	0
11	advisers hinder officials’ access to ministers	1.7	20.7	39.1	35.8	2.8
12	advisers prevent departmental advice from reaching ministers	2.3	13.1	35.8	43.2	5.7
13	it is appropriate for advisers to be drawn from the public service, and to return there on leaving a minister’s office	9.3	38.5	23.6	21.4	7.1
14	advisers facilitate interest group engagement with the policy process	3.9	38.3	43.9	12.2	1.7
15	advisers add value to the policy process under coalition and/or minority government conditions	7.3	45.3	40.2	5.6	1.7
16	advisers play a positive role in facilitating relations between coalition partners	8.9	38.5	49.7	1.7	1.1
17	advisers play a positive role in facilitating relations between governments and their parliamentary support parties	5.6	37.3	53.7	2.8	0.6
18	there should be a limit placed on the overall number of advisers	7.8	27.9	45.3	17.9	1.1
19	Parliament should control the number of advisers	5.7	17.6	44.9	26.7	5.1
20	there should be a special Code of Conduct for advisers	27.6	53.6	14.4	4.4	0
21	a Code of Conduct for advisers should be provided for in statute	6.7	12.8	38.3	33.3	8.9

When asked to describe their *own* relations with ministerial advisers, rather than to assess the health of a notional, generic relationship, respondents were, if anything, more positive (Table 3).

**Table 3: Officials' relationships with ministerial advisers**

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	<b>Valid %</b>	<b>Cumulative %</b>
generally positive	72.7	72.7
generally negative	4.8	77.6
contingent/variable	22.4	100

n=165

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Note: missing=23

Clearly however, there are instances in which relationships are strained. Reflecting on this, one tier 2 official had this to say:

I have experienced, over the last 4 years, increasing pressure on departmental staff to capitulate to particular political positions and write advice supportive of such positions. In some instances we have had political advisers working directly on interdepartmental issues to bias advice given to ministers. Staff in departments are either becoming political or risk-adverse in response to this pressure (006).

But those sorts of experiences tended to be the exception, and most respondents indicated that relations between officials and ministerial advisers are generally cordial. Unsurprisingly, then, while a third withheld judgement when asked to take a normative position on the arrival of ministerial advisers on the scene, most respondents indicated they felt this was a positive development (see Table 4). (The associations between views on the advent of ministerial advisers and several independent variables vary from weak to virtually non-existent. For instance, the Goodman and Kruskal's tau coefficient when testing for gender is 0.004. For seniority/rank, length of service, and organisational function respectively, the Goodman and Kruskal's tau coefficients are 0.023, 0.026 and 0.019. Cramer's V produced slightly higher coefficients.)

**Table 4: The advent of ministerial advisers**

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	<b>Valid %</b>	<b>Cumulative %</b>
positive	57.9	57.9
negative	8.7	66.7
undecided	33.3	100

n=183

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Note: missing=5

The following response from a departmental CE neatly summarizes the reasons given by many of the nearly 60% of respondents who regard ministerial advisers as a welcome addition to the policy landscape:

I was initially sceptical about the position of ministerial adviser for all the usual reasons; e.g. they would not be impartial, they would exercise or attempt to exercise too much influence, that there would be confusion between their role and that of officials in departments, and that it would be difficult to speak frankly to them.

On balance, however, over time I think they have a role and can be useful in providing a political perspective about policy issues which one often needs to know. They can often provide a perspective on how a minister views the conventional policy advice he or she is getting from departmental officials (160).

## **MINISTERIAL ADVISERS' CONTRIBUTION TO THE POLICY PROCESS**

That response goes to a core issue on which most people had very definite views. Approaching the question of what officials think of ministerial advisers from a different direction, respondents were invited to complete a 'public value' test by expanding on the nature and extent of the value – if any – they thought ministerial advisers added to the policy process.

The literature on bureaucrats' views on this matter is rather thin, but the concerns expressed in some quarters (James, 2002; Wintringham, 2002) suggest that at least some senior officials harbour suspicions about the policy role and influence of ministerial advisers. Without wishing to attribute intent where none may exist, the inference seems sometimes to be that the adviser acts as a gatekeeper intent on shielding the minister from officials, and on politicizing the policy process – and the public service – by privileging political imperatives over the provision of free, frank and fearless advice.

While that notion enjoyed some support amongst our respondents, it was not widely endorsed. Instead, most have a fairly charitable assessment of ministerial advisers' contribution to policy-making. For a start, they overwhelmingly agreed or strongly agreed that ministerial advisers are a legitimate feature of executive government (Table 2, #2). And while they were generally of the view that advisers are more influential than they once were (Table 2, #3) – 59.8% either agreeing or strongly agreeing that this is so – some 52.2% thought that the contribution advisers make to the policy process is a positive one, while only 10.3% felt otherwise (Table 2, #4).

The balance of opinion was more evenly balanced on one or two other dimensions of the adviser's place in the policy scheme of things. Respondents were fairly well split on the question of whether or not ministerial advisers have too much influence over the government's policy agenda (Table 2, #5): just under half had no firm view on the issue, while 26.3% either agreed or strongly agreed that they have, as against 26.7% who either disagreed or strongly disagreed that this is the case. And of those respondents who expressed an opinion on whether advisers actively seek to prevent certain issues from making it onto the policy agenda (Table 2, #6), more (47.5%) think that they do than do not (21%).

## **DIMENSIONS OF POLITICIZATION**

The spectre of politicization is frequently present in debates about the influence and effects of political advisers. Perhaps more than any other, it is this concern that most exercises those who are wary of ministerial advisers (see Mountfield, 2002; Neill, 2000, p. 73; Wintringham, 2002). However as Peters and Pierre note, while in a number of jurisdictions there is a sense that politicization (variously defined) has been occurring, 'the evidence supporting that belief is often subjective, anecdotal, and rather diffuse' (2004, p.1).

On the over-arching proposition that ministerial advisers constitute a risk to the neutrality of the public service (Table 2, #7), our respondents set up three camps: just under a third (30.1%) agreed or strongly agreed with the statement, a further third (33.5%) were more equivocal, and a final third (36.3%) disagreed to a greater or lesser extent with the statement.

Other items probing the issue of politicization also generated a fairly even spread of responses. Thus, almost as many respondents agreed or strongly agreed with the proposition that advisers do not encourage consideration of the full range of policy options available to ministers as did not (Table 2, #8).

Things were a little more clear-cut on whether or not ministerial advisers have any bearing on officials' access to ministers (Table 2, #9). A majority of respondents (58.3%) are firmly of the view that advisers do indeed exercise such influence, and 50.6% agreed or strongly agreed that advisers are also inclined to throw their weight around from time to time (Table 2, #10). But many fewer were

prepared to take the extra step to say that advisers *actually* obstruct officials' access to their ministers. Less than a quarter of respondents (22.4%) agreed or strongly agreed that advisers act in this way (Table 2, #11), and only 15.4% concurred with the proposition that ministerial advisers prevent officials' advice from being put in front of ministers (Table 2, #12). It is interesting to note the curiosity in what might be termed the Australian model, under which it is not unusual for ministers' political staff to come directly from, and to return to, the Australian Public Service. Nearly half (47.8%) of our respondents felt more or less strongly that New Zealand should follow suit (Table 4, #13). When asked why, the consensus seemed to be that this would 'create greater understanding in the departments and ... also provide a broader focus in ministers' offices [by] bringing policy and practice together' (001), and 'reduce the "talking past each other" that can occur' (007).

That level of support may reflect that our respondents are generally positive about the role and contribution of ministerial advisers, and are not greatly convinced that they pose a threat to the fundamental character of the public service. On the other hand, practice on the other side of the Tasman would appear likely to lead to the very 'colouration' so feared by defenders of public service neutrality in New Zealand. Thus, those who opposed such a development did so largely because of the 'risks of significantly harming a department's ability to provide independent advice both in fact and perception' (023). One made the prosaic – but telling – point that 'New Zealand is a small country and people's reputations precede them. It could be difficult putting these advisers up against new ministers from other parties. They would be unacceptable' (055).

While responses to the various items in the composite measure suggest that officials are not uniformly convinced that ministerial advisers are a danger to core Westminster conventions of impartiality, there is much they don't tell us. In particular, they speak not at all to the material experiences upon which respondents' perceptions are based, and reveal nothing of their deeper reflections on the matter.

**Table 5: Risk posed by ministerial advisers**

	Valid %	Cumulative %
yes	36.3	36.3
no	39	75.3
undecided	24.7	100
n=182		

Note: missing=6

Table 5 sets out officials' responses when asked directly whether or not they think ministerial advisers pose a risk to the impartiality of the public service. A sceptical reading of the results would see cause for concern in the percentage of respondents answering in the affirmative; a more generous interpretation might be mildly surprised (given the bad press ministerial advisers tend to attract) that nearly two thirds of respondents are not unequivocally of the view that advisers constitute a threat.

Moreover, on closer inspection it becomes clear that where some see politicization, others see contestability. Consistent with Briggs' observations in the Australian context (Briggs, 2005), the latter tend to the view that ministerial advisers provide a useful check on the quality of public servants' advice to ministers. Put differently, ministerial advisers provide officials with incentives – if such were needed – to lift their performance and the quality of their advice. This is consistent with the view expressed by Peter Shergold, to which reference was made earlier. As one official expressed it, when ministerial advisers are around, public servants' 'ideas and arguments need to be strongly robust and comprehensive, thus adding a level of cost [to officials]. Every angle and argument needs to be covered and countered' (092).

Another approached the subject of politicization from a different perspective:

There are risks – if public servants feel unduly pressured, or don't understand how to work professionally with advisers. But this is not the fault of advisers individually or as a class, it is about public service professionalism. In other words, *the risk of impartiality depends on what officials do, not what advisers do* (011; emphasis added).

The proposition – which was echoed by others – is that politicization is a function not so much of the actions of ministerial advisers, but of what *officials* themselves do (or, more to the point, what they don't do). Apart from anything else, the logic informing this view is that officials are in control of their own destinies: it is for them to determine the extent to which the threat of politicization – should such exist – becomes a material reality.

In a related sense, some respondents also indicated that they valued advisers because they helped protect officials from pressures which *could* otherwise result in politicization. In this, our data are consistent with other findings from Australia, where officials recognize that political staff can reduce the chances of ministers asking them 'to do things that are verging on the political' (Briggs, 2005, p.7; see also Keating, 2004). Ministerial advisers are less an institutional roadblock and more a legitimate filter, absorbing ministers' political demands and enabling officials to get on with the business of providing free and frank advice. Many of our respondents were of the opinion that, far from muddying the waters, ministerial advisers can 'help ensure this [political] dimension is part of the decision-making process and, in doing so, help keep departments apolitical' (087).

Is it conceivable, then, that core Westminster conventions have been strengthened, rather than compromised by the increased use of ministerial advisers? Those inclined to this position did not uncritically wave advisers through, but they were generally optimistic about the ability of the public service to continue to carry out its functions as envisaged under Westminster-style arrangements. As one put it:

Ministerial advisers can also provide political and practical, technical advice around implementation issues that cannot be, or which it is inappropriate to provide as part of departments' advice to ministers. This means ministers consider departmental advice *alongside* the advice of advisers (041; original emphasis).

Others, it must be said, *were* concerned about the ramifications of ministerial advisers' conduct for public servants; some of them deeply so. These participants are reasonably comfortable as long as advisers stick to their political knitting (managing political relationships, brokering policy coalitions, attending to coalition management issues and so forth), but take umbrage when they begin to, or are perceived to be intruding in the relationship between ministers and officials.

For instance, when presented with a forced-choice question asking if ministerial advisers have any bearing on the receptiveness of ministers to officials' advice, 55.8% of respondents were firmly of the view that they do (17.7% felt they do not, while 26.5% were undecided). Asked to elaborate on the nature of that impact, respondents adopted one or other (and occasionally both) of two approaches (Table 6).

Some elected to characterize the impact as being either positive or negative. The reasons given by the former generally referred to the benefits of contestability and role clarity. Those proffered by the latter invariably invoked either the threat of politicization, generally via an adviser's efforts to dilute officials' advice before it reached ministers, and/or by impeding access to ministers. One reported having 'experienced a ministerial adviser ... whose view appeared to be accorded more weight [by the minister] than the evidence might have reasonably suggested was appropriate' (092); another that advisers 'tend to provide a framework that politicizes what are operational/policy responses' (007); and a third that ministerial advisers 'sometimes forget they are not the minister. It is often hard to know if the adviser is speaking for the minister or him/herself until too late' (079).

**Table 6: Ministerial advisers' influence on ministers' receptiveness to officials' advice**

	Count	Responses (%)	Cases (%)
depends on the minister	22	18.3	21.6
depends on the adviser	14	11.7	13.7
depends on the relationship between adviser and officials	8	6.7	7.8
impact is positive	22	18.3	21.6
impact is negative	35	29.2	34.3
other	19	15.8	18.6
Total	120	100	117.6

Note: n=102; missing=86

The alternative tack was to offer a more contingent kind of response. And, gauging from the tenor of these, a good deal seems to depend upon the minister rather than the adviser. There is a perception that experienced, senior ministers are 'as aware of their advisers' foibles as of officials', and can discount both' (011), ensuring that the streams of advice coming from both sources are complementary rather than contradictory. Junior or less able ministers, however, are felt to be rather more prone to poor judgement and capture by their ministerial advisers:

[The] biggest risk is ministers with less experience or [who are] very political in nature, and whose advisers are junior, inexperienced or unfamiliar with policy processes. This can pose a real risk to the departmental/minister relationship (018).

A smaller number of respondents indicated that advisers have a tendency to interfere in the minister/public servant relationship when they do not agree with officials' advice to ministers. They suggested, too, that an adviser's personal assessment of the calibre of officials can, if communicated to the minister *sotto voce*, significantly influence the latter's perception of the quality of advice.

A third cluster of responses identified the relationship between advisers and officials as central. Where both parties are broadly in agreement over policy substance, advisers will generally expedite officials' access to ministers. On the other hand, when fundamental differences arise – over the substantive, presentational or timing dimensions of policy advice – then some officials believe advisers will endeavour to drive wedges between themselves and ministers.

That issue was addressed directly through a question which asked officials whether a ministerial adviser had ever impeded their work or that of their department. Nearly half of those who responded (49.4%) reported having had this experience. But when encouraged to specify the precise nature of the intrusion these officials came up with a surprisingly wide range of experiences (Table 7).

**Table 7: Ministerial advisers' impact on officials**

	Count	Responses (%)	Cases (%)
politicization	24	29.6	32
professionalization	4	4.9	5.3
other	53	65.4	70.7
Total	81	100	108

Note: n=75; missing=113

Some of these were palpably attempts to interfere with either the content of officials’ advice, or their relationships with their ministers. One tier 2 official reported having:

experienced instances where ministerial advisers have actively criticised [departmental] staff to undermine their ability to give advice. I have had instances where advisers have asked to review policy papers and seek changes before being submitted to ministers. I have had examples where advisers have over-ridden ministerial decisions (006).

But the majority of accounts were, in our assessment, criticisms of advisers themselves, rather than of the politicizing effect those advisers’ actions might have had. So, a small number of respondents indicated that their professionalism had been called into question by an adviser. These tended to be instances in which an adviser had queried – rather than sought to directly influence – a department’s decision, or the process through which that decision had been reached. A far larger group reported miscellaneous episodes in which ministerial advisers had attached their own comments to a department’s briefing, had offered what officials thought was incorrect or ignorant advice, or had simply disagreed with officials’ views. While doubtless irksome, it is not clear to us that conduct of this nature represents a material assault on the neutrality of the public service. Neither, we suspect, would it be clear to this CE, in whose experience ministerial advisers had impeded the department’s work, ‘but only in the sense that their advice was contrary to ours, resulting in the minister choosing an alternative approach – which seems entirely legitimate!’ (096).

## DRIVERS BEHIND THE INCREASE IN THE NUMBER OF MINISTERIAL ADVISERS

When asked to comment on the reasons for the surge in recent years in the number of ministerial advisers, more respondents pointed to the advent of New Zealand’s MMP electoral system than to any other single factor (Table 8).

Specifically, officials saw ministerial advisers as a response to the clutch of new political relationships – principally within administrations, and between governments and parliamentary support parties – attendant upon the advent of multi-party and minority governments. One put it simply: ‘MMP has resulted in more complexity in government processes, and the need for relationship management’ (039).

Much of what this entails in practice – forming governments, brokering agreements on the policy agenda, planning tactics in the House with support parties, negotiating trade-offs around legislation – is well and truly off limits to public servants, but grist to the ministerial adviser’s mill. Bluntly, there has been an ‘increased “busyness” ... of ministers following MMP. Ministerial advisers can negotiate policy positions with other parliamentary parties on behalf of the minister, when public servants cannot’ (091).

**Table 8: Factors behind the increase in ministerial advisers**

	Count	Responses (%)	Cases (%)
MMP	75	28.1	46.3
policy complexity	54	20.2	33.3
pressure on ministers	21	7.9	13.0
ministers mistrust officials	34	12.7	21.0
other	83	31.1	51.2
Total	267	100	164.8

Note: n=162; missing=26

It follows, perhaps, that officials were reasonably positive in their assessment of the ministerial adviser's role in the sorts of policy-making contexts fast becoming the norm under MMP. Thus, those who agreed or strongly agreed that ministerial advisers add value to the policy process under conditions of coalition and/or minority government (Table 2, #15) outnumbered those who had no view on that statement and who disagreed with it to a greater or lesser extent (52.6% as against 47.5%). More respondents agreed that ministerial advisers foster relations between coalition partners, and between governments and other political parties, than did not (Table 2, #16-17). And where 42.2% thought that advisers enhance policy input from interest groups, only 13.9% disagreed or strongly disagreed with this (Table 2, # 14). (Clearly, whether or not this is perceived as a good thing cannot be inferred from these responses, but the data do tend to support the view that MMP has increased the scope for external interests to gain access to policy élites.)

But respondents also detected additional factors – not necessarily a function of electoral reform – behind the increase in the number of ministerial advisers. Consistent with Weller's analysis of the systemic/environmental challenges facing the institution of cabinet government (Weller, 2003), there was a sense that – beyond the imperatives of MMP – policy-making is simply more difficult these days than it once was. Intractable policy problems, hostile media, exponential increases in the amount of information policy-makers must absorb and master, and a more demanding and discerning public were amongst the characteristics of a contemporary policy environment which – our respondents felt – places ministers under increasing pressure, in response to which they turn to political advisers for support and advice. As one put it, the increase in advisers is:

[i]n large part due to public pressure. Expectations now from all sectors of society have risen. The requirement on ministers to be well briefed, to a very detailed level, on a wide range of issues, to allow them to respond quickly, is widely acknowledged. They can't do this alone. Hence ministerial advisers [which] ministers can trust in greater numbers (014).

A significant minority of respondents – spread more or less equally across all ranks – thought that the growing number of political advisers is a consequence of a certain loss of faith amongst ministers in officials. There seemed to be two schools of thought on this. The more positive view is that ministers are increasingly inclined to probe officials' advice; part of the job of the ministerial adviser, therefore, is to 'provide more contestable advice and to check departmental advice against ministerial and party policy' (034). The second, somewhat more pointed position on the matter is that governments have become altogether more sceptical of officials' motives. Labour-led administrations, in particular, were believed to:

distrust senior public servants: [they] perceive them as withholding information, or perhaps not providing quality, contestable advice. Also, ministers want this advice to be tested against their political strategy/agendas. After all, they want to remain in power (099).

Other respondents, too, indicated that since 1999, when a centre-left administration took office following nearly a decade of centre-right government, there has been some 'distrust of permanent officials and their ability to be politically neutral – or more correctly, [to] provide advice reflecting different political objectives' (108).

A good many also believe – and this is a slightly different emphasis – that centre-left administrations are inclined to want to exercise tighter management of the policy process. In other words, not only is there currently a strong desire on the part of ministers for contestable advice, there is a 'wish to ensure stronger political management of policy issues, [and] a possible feeling among politicians that the public service isn't sufficiently responsive to changes in policy direction' (023).

In addition, officials offered a scattering of other reasons for the rise of the ministerial adviser, including that advisers are a response to 'less homogeneity in New Zealand society' (097), to the

incidence of ‘deeper analysis – a good thing’ (093), and because ‘issues are more complex, cross-cutting [and] need greater coordination in ministers’ offices’ (025).

One of the more interesting of these (which is also apposite to the earlier discussion regarding role clarity) is that the arrival of the ministerial adviser has come about because public servants are simply doing what they’re expected to – and doing it well. As one respondent said, ‘[t]he public service has always been mindful of the need for neutrality. Ministers want their advisers to be partisan. In many ways it’s a [positive] reflection of the integrity of the public sector’ (055). Ministerial advisers, it would seem, are in essence a testament to the professionalism of officials ...

## **REGULATING MINISTERIAL ADVISERS**

A final issue concerned the appropriate form and extent of checks and balances to ministerial advisers’ conduct. The accountability arrangements which currently – or might at some future point – regulate the number and activities of ministerial advisers attracted particular attention.

The New Zealand case is a little unclear in this regard (see Eichbaum and Shaw, 2003). As already indicated, a notable anomaly arises out of the fact that advisers are currently subject to codes of conduct which enjoin them to act impartially and objectively. It seems odd, to say the least, that ministerial advisers are held to a standard (or at least for that possibility to technically exist) which proscribes the very activities they are employed to undertake.

On the matter of placing a formal limit on the number of ministerial advisers, as occurs in the UK, the distribution of responses was fairly homogenous: more respondents agreed or strongly agreed that this should be the case than did not, but a significant percentage were undecided on the matter (Table 2, #18). And of those who expressed a definitive position on whether Parliament should control the number of advisers (Table 2, #19), noticeably more (31.8%) were of the view that it should not than felt that it should (23.3%).

There was very strong support for a code of conduct specifically for ministerial advisers (perhaps along the lines of the dedicated Code of Conduct for Special Advisers implemented in the UK in 2001) (Table 2, #20). Many respondents indicated that not only might such a code help regulate the activity of ministerial advisers, it could also clarify the respective roles and responsibilities of ministerial advisers and officials. Such clarity – which others believed could be made through amendments to the Cabinet Manual – was felt to be central to placing the relationship between advisers and officials on a more transparent footing, and to minimising the potential for officials’ relationships with ministers to be compromised.

Talk of a code necessarily raises the thorny question of responsibility for enforcement, on which subject respondents were markedly unenthusiastic about grounding a code in legislation (Table 2, #21). Light-handed regulation, it seems, is the preferred option amongst officials. A number of specific options were put forward, including that the State Services Commission should appoint and appraise the performance of ministerial advisers; that the discretion of the Audit Office to undertake effectiveness reviews of public agencies should be extended to advisers; that their names and salary ranges should be made publicly available; and that an interest register should be established for ministerial advisers.

## **DISCUSSION**

As is the case in other jurisdictions, the ministerial adviser has become an important player on the stage of executive government in New Zealand. The senior public servants who participated in our research point to several drivers behind the increase in the number of such advisers. One is the adoption of MMP or, more accurately, the second-order consequences of these electoral arrangements. Much as was anticipated (see State Services Commission, 1995), the demise of single-party majority governments, and in particular the imperatives associated with the formation and management of multi-party and minority administrations, have generated a series of expressly

political relationships which are ‘places officials cannot go’ (011), but to which ministerial advisers can happily travel.

But there is more to it than that. Our respondents detected several exogenous developments which, even had New Zealanders not opted to change their voting system, would likely have contributed to the ministerial adviser becoming part of the core executive. Their analysis is consistent with observations made by Weller and others who have noted that the institution of cabinet government is under pressure from several quarters. It would seem that in New Zealand, as elsewhere, ministerial advisers have become a crucial resource for ministers looking to exercise some measure of control and co-ordination over policy in the face of increasingly ‘wicked’ policy problems, a probing media, and a public which has high expectations of what governments should (or should not) achieve.

From a research point of view, what most interests us in this paper is the impact ministerial advisers have on the conventions and relationships which have long obtained between ministers and officials under the Westminster model. Amongst the most pressing of these concerns is the risk – real or imagined – that advisers pose to the impartiality of the permanent public service. Reflecting on what our respondents had to say on the subject, it is apparent to us that determining the nature and extent of this threat depends on being clear about what is meant by the term ‘politicization’.

Achieving the requisite clarity proved to be a challenge for, as has been pointed out (see Clifford and Wright, 1997; Mulgan, 1998, 1999; Peters and Pierre, 2004; Weller, 1989) politicization is an elusive term. One approach would simply have been to accept that politicization is what our respondents say it is. The risks associated with doing that, however, are clear enough. In the absence of a reasonably specific, constant benchmark against which actions can be assessed, it would be altogether too easy for officials to cry: ‘Politicization!’ in the face of any initiative from a ministerial adviser with which they happened not to agree. But as already noted, politicization for one respondent was frequently contestability for several others.

Standard conceptions of politicization tend not to fully accommodate or illuminate the nature of the relationships, and the policy dynamic, suggested by the preceding discussion. Peters and Pierre suggest that at the most basic level, by politicization of the public or civil service is meant ‘the substitution of political criteria for merit-based criteria in the selection, retention, promotion, rewards and disciplining of members of the public service’ (2004, p. 2). For his part, Mulgan draws a distinction between three types of politicization:

- 1 partisan politicization (the appointment to the public service of people with well-known partisan tendencies who are likely to be unacceptable to an alternative government);
- 2 policy-related politicization (where senior officials’ policy preferences are congruent with those of ministers);
- 3 managerial politicization (where an incoming government imposes control over the public service by replacing incumbent heads of departments with its own appointees) (see Mulgan, 1998, pp. 4-5).

However, while this typology, and others like it, directs attention to relations between ministers and officials (and to those between public service employers and their employees), it is silent on the matter of partisan advisers, and therefore of limited value in assessing the consequences of those advisers’ activities for public servants. As Peters and Pierre observe, such an approach means that politicization is ‘usually discussed in terms of the *employees of the public sector*’ (2004, p. 4, emphasis in original). Our purposes required a differently weighted tool. Self evidently, to the extent that the advent of the third element poses the ‘threat’ of politicization, that threat has its origins in a structural and institutional innovation (see Peters and Pierre, 2004, p. 5). Ministerial or special advisers are in this sense a structural antidote designed to narrow the distance between political or electoral commitments, and administrative actions.

But to simply characterise the advent of the third element as a structural manifestation of ‘politicization’ is, we contend, too limiting. To the existing conceptions of politicization, therefore, we propose adding another. For us, it is helpful to conceive of ‘administrative politicization’ as an action or intervention which is contrary to the principle of an impartial and professional civil service.

Further, this conceptualisation has both procedural and substantive dimensions. An action or intervention offends in a *procedural* sense if it is intended to, or has the effect of constraining the capacity of public servants to furnish ministers with advice in a free, frank and fearless manner. (This view of politicization approximates but is not equivalent to Mulgan's policy-related politicization. Moreover, the indications from some of our respondents suggest that by quarantining responsibility for the partisan dimensions of advice away from officials, the advent of ministerial advisers could actually reduce the incidence of policy-related politicization.) In the context of ministerial adviser/public service relations, examples include cases in which advisers interpolate themselves between officials and the minister, such as when an adviser obstructs officials' access to the minister, consciously prevents departmental advice from reaching the minister, and/or calls officials' competence into question in front of the minister.

Procedural interference may constrain or even diminish officials' contribution to policy formation, and/or detract from the overall quality of policy advice, but it seems unlikely that it could lead to the wholesale politicization of the public service itself, or indeed of officials' advice. But there are other interventions which may have those effects, and so we draw attention to the *substantive* dimension of administrative politicization, which describes conduct intended to, or having the effect of colouring the content of officials' advice with partisan considerations. Interventions consistent with the substantive dimension of our conception include: changing the content and/or presentation of officials' advice; demanding substantive changes to papers before they are submitted to ministers; directly intervening in a department's operations or work-programme; bypassing senior management and approaching policy staff directly with requests; and/or misrepresenting officials' advice or views to the minister.

We suggest, in short, that the politicization of policy *substance* needs to be distinguished from the politicization of the policy *process*. While ministerial advisers are not the only parties whose actions can contribute to administrative politicization, the construct does enable the effect of their actions on the public service to be thrown into sharp relief.

Viewed through this prism, our respondents seem more bothered that ministerial advisers have compromised process than that policy substance has been contaminated. To a degree this may be a function of questionnaire design; the Likert-scale items, for instance, tended to focus on procedural matters. But a concern with matters of process also came through strongly in responses to open-ended questions which did not privilege one dimension over the other. Certainly some respondents are decidedly cautious about the effects of ministerial advisers. For the most sceptical of these, ministerial advisers are doing damage in both substantive and procedural respects; they are felt to function as a sort of nefarious, pre-ministerial filter, colouring all advice with a partisan dimension before permitting it to proceed into the inner ministerial sanctum. Worse, some reported instances in which a ministerial adviser has 'confused self and own opinions with [those of] the minister' (060).

It would be easy to dismiss such concerns as the disaffected complaints of those reluctant to concede that the arrival of the ministerial adviser (along with that of miscellaneous lobbyists, interests and think tanks) is further confirmation of the end of the near-monopoly officials have had over the provision of policy advice to ministers. It would also be glib, and precipitate. For there are other respondents who are less caustic about advisers' motives, but still wary that political staff are inclined to try (often unsuccessfully) to exclude officials from the design phases of the policy process. Many of these respondents do not detect much evidence of substantive administrative politicization, but they do worry that ministerial advisers may be undermining robust procedural arrangements and producing a procedural malaise. In particular, when ministerial advisers 'seek to inject political trade-offs too early in the policy development process they can significantly undermine and compromise the robustness of the process, and the integrity of the outcome' (086).

When placed in a particular theoretical context, the issue can be framed as a concern that advisers are contributing to a diminution in the 'institutional scepticism' (Plowden, 1994, p. 104), or 'neutral competence' (see Peters and Pierre, 2004, p. 4) which the public service has long brought to executive government. By this is meant that in the traditional Westminster model – at its virtuous best – a core role of the public service has been to serve as a counter-weight to political short-termism, expediency

and policy naivety. In the context of this paper, the problem is that if, over time, officials are routinely excluded from the deliberations which precede policy decisions, then the institutional scepticism they provide (and which partisan advisers are unlikely to promote) will gradually cease to inform the policy process in particular, and the body politic more generally.

It is not difficult to envisage some of the consequences this might have. At worst, the institutional balance that characterises Westminster would be fundamentally altered, rendering redundant the long-standing compact between the political and administrative wings of the executive. Were that to transpire much of what the latter brings to the table could be lost. The public service provides a bridge between changing governments; it can (or should) speak truth to power; it links implementation in the provinces with policy-making at the centre: it is difficult to envisage an impermanent *cadre* of ministerial advisers being able to compensate for casualties of this order.

But that is at the extreme end. A more likely consequence would be a tangible shift in policy-making dynamics, albeit within the continuing context of existing arrangements. Depending on one's assessment of the value an impartial bureaucracy adds to the policy process (and more than one respondent questioned the material reality of impartiality), this could compromise the integrity of the policy process itself. Conversely, it could also mean a more 'responsive competence' on the part of the bureaucracy.

A third and consequential outcome, if the assumption is that poor policy is what eventuates when partisan considerations win out over free and frank advice, would be that the quality of policy decisions – and subsequently of implementation – would be diminished. Whatever one's views on whether public servants' conduct ever approximates, much less attains high constitutional goals of neutrality, a permanent bureaucracy is a substantial repository of policy knowledge, and nothing would be gained – while much would be lost – by systematically excluding it from the policy-making process.

In sum, then, while the marginalisation of the core public service may not amount to politicization as such – at least as the term is understood by Mulgan (1998), and as conceived in its substantive form in this article – the end result of any such exclusion may be no less undesirable for that. That said, most of our respondents appear not to believe that this has yet happened, or indeed is likely to come to pass. For every official concerned that ministerial advisers are chipping away at his or her capacity to provide the institutional correction Plowden alludes to, there are several others who think that this is not what is going on in Wellington. It is fair to say that the conditional tense appears a good deal – advisers *could* pose a threat; they *could* squeeze officials out of the policy process – but a minority of respondents report material experience of these theoretical possibilities.

What is more, few express any desire for a return to monopoly provider status. Instead, the point was repeatedly made that advisers add value to the policy process and, in the best traditions of competition, can actually help improve the quality of policy. Some respondents gripe about the additional hoops they have to jump through in these days of enhanced contestability, but the overriding sense is that it is leading to better policy being put in front of ministers.

That most of our participants are rather more sanguine about the roles and influence of political advisers than appears to be case amongst their peers in, for instance, Australia, where ministerial staff advisers have been described as 'the "junk-yard attack dogs" of the political system' (Weller, 2002: 72) may be attributable to contextual factors. The most obvious of these is MMP or, more specifically, the relative attenuation of executive power which has been a consequence of New Zealand's new electoral arrangements. The advent of non-majority and multi-party governments has placed something of a natural constraint on the extent to which ministerial advisers can enforce the power of the parliamentary executive. MMP was consciously designed to limit the tendency in the New Zealand system to executive excess. It is understandable, then, that under conditions of minority and/or coalition government, a somewhat less cavalier approach to matters of public administration might be adopted within the political executive.

Relatedly, our data suggest that many of the distinguishing roles and functions of ministerial advisers are not perceived as threatening by public servants. Advisers' core activities – those associated with oiling the wheels of the political relationships which are integral to MMP

governments – are not ones with which impartial public servants could safely engage. Our respondents acknowledged that by attending to these particulars ministerial advisers protect public servants – to some extent at least – from political pressures which might otherwise be brought to bear on them.

More broadly, from a most similar systems comparative framework (Castles, 1991), if relations between officials and political staff in the UK and Australia are in part a function of a contest over rights of access and place, then it may well be that what has not occurred in either country are the kinds of contextual transitions which have given a much clearer institutional mandate and legitimacy to the new role of the ministerial adviser in New Zealand. The adoption of proportional representation at the level of central government is one part of this story. But so, too, has been the implementation of major institutional change within the public sector, widely acknowledged as perhaps the most wide-ranging and radical of the OECD countries (Boston *et al.*, 1996; Self, 1993), and characterised by the formal de-coupling of the responsibilities of ministers and officials. It is arguable that, jointly, those two reform processes have given rise to a systemic climate in which New Zealand public servants are, if not wholly comfortable with ministerial advisers, then at least open to the case for the provision of partisan advice at the heart of the political executive.

In short, it is our sense that the advent of ministerial advisers has not engendered a sense of crisis in the upper echelons of the New Zealand public service. Instead, many senior officials express a quiet confidence in their own abilities to ensure they are not marginalised from the policy process. Their disposition brings to mind Wilson's (2002) observation that the 3,700 or so members of the senior civil service in the UK are in no immediate danger of being overrun by a small *cadre* of special advisers. Many of our respondents made much the same point.

And they offered one other telling observation, which in our view is overlooked in much of the literature discussing the impact of the third element on relations and outcomes within the executive. Many pointed out that, whatever the proclivities of ministerial advisers, it is ministers' dispositions which are of paramount importance in determining overall effects. In effect, these respondents caution against the error of assuming that ministerial advisers' motives are the sole (or even the over-riding) determinant of politicization: to do so would be to accept the nonsense that ministers and senior officials lack the wit to deflect, contest or rebuff the adviser bent on undermining the public service. The expectations ministers have of the respective contributions to be made by their advisers and officials, and of the formal or informal protocols that govern relationships within the ministerial office, are of considerable importance in this respect. And in the experience of many of our respondents (although not all), most ministers (but not all) value the contribution officials make to policy-making, and are not greatly interested in dispensing with it.

## **CONCLUSION: LOOKING AHEAD**

Are ministerial advisers here to stay? There is no suggestion that the growth in the number and institutional significance of ministerial or special advisers can be accounted for by some variant of a partisan-effects thesis. *A priori* there may be grounds to suggest that both the influence, and the potential for points of conflict and tension, will be greater following a change of government, where the outgoing government has enjoyed an extended period of incumbency. Evidence from New Zealand, the UK, and Australia would appear to support this view. Equally, recommendations advanced in the Australian context regarding the need to instill a professional ethic amongst ministerial advisers as much as amongst their public service counterparts (Senate of Australia, 2002), could equally apply in the New Zealand case.

But the more compelling assessment, in our view, is that the increase in the influence of advisers in New Zealand reflects a response to wider institutional and policy imperatives. For instance, MMP-related imperatives aside, the trend may be a linear extension of the revisions made to the basis of the relationship between ministers and departmental CEs during the public sector reforms of the 1980s and early 1990s. The changes formally distinguished a minister's role as purchaser from the provider role carried out by departments and other agencies. In doing so they left open the distinct possibility

of an independent – if not partisan – purchase and monitoring role within the ministerial office (see Boston *et al.*, 1996: 92; 140). Indeed, in the case of New Zealand the ministerial adviser can be thought of as part of a wider suite of institutional reforms (including the vertical division of departmental functions and the introduction of output-based budgeting) intended to align the activities of public servants more closely with the preferences of their political mistresses and masters.

The drive for greater contestability of advice to ministers – from both within and beyond the bureaucracy – is also part of the context in which the greater concentration of ministerial advisers in Wellington should be understood. If there is a critical juncture at which it was realised that a political function within the executive branch was required, then the Hunn/Lang report of 1989 might be that point. The report, which was commissioned by the incoming Labour Prime Minister, Geoffrey Palmer, was the first to explicitly recognise the need for a functional separation of the political and administrative roles in the executive branch. (In this, developments in executive advisory arrangements in New Zealand have parallels elsewhere. See Peters, Rhodes and Wright, 2000; OECD, 2004.) While staff had been employed in political capacities within ministerial offices up until that point, the role of the ministerial adviser as it is currently understood became a formal reality post-Hunn/Lange.

What, then, are the pressing issues? Our New Zealand respondents drew attention to at least two. The first is ensuring that there are clear understandings of the respective roles of ministerial advisers and permanent officials, including making transparent the nature and extent of ministers' delegations of authority to ministerial advisers. Appropriate measures would reduce the potential for or incidence of conflict over the parties' respective contributions to policy-making, and minimise the chances of officials being locked out of the policy process.

A second, related matter concerns accountability arrangements. There is a strong case for tidying up New Zealand's current arrangements. But amongst our respondents, at any rate, there is little support for doing so by extending parliamentary oversight of the overall number and conduct of ministerial advisers. In part this may reflect a general reluctance to cede control over such matters to the legislature; or it might simply be that respondents see no particular need for that level of regulation given their own largely positive assessment of advisers and their policy contributions.

There is, on the other hand, considerable support for a code of conduct tailored to the particulars of the roles and functions of the ministerial adviser. Lessons could perhaps be learned from the UK on this, where a dedicated code explicitly exempts advisers from the requirement to act impartially and objectively; specifies the tasks advisers may be required to undertake; imposes a duty on all advisers to respect the impartiality of civil servants (and contains procedures for officials who wish to raise matters regarding the conduct of advisers); and clarifies the respective roles of advisers and departmental information staff *vis a vis* contact with the media.

We wish to finish by returning to a question posed at the outset: do ministerial advisers pose a fundamental threat to Westminster in Wellington?

One of the hallmarks of Westminster constitutions is their capacity to evolve with the times. As Wright (2003) has pointed out, political constitutions (such as New Zealand's) have the wherewithal to stretch, bend and adapt to new circumstances without undergoing fundamental revision. Such an accommodation has been quietly occurring in the executive branch of New Zealand government. Policy-making has grown more complex; the electoral system has changed; policy stakeholders have multiplied and become more demanding; ministerial advisers are now part of the policy-making community. Does the last of these herald the death of Westminster, or at least that element of it which rests upon a non-partisan and expert civil service? Does it even amount to a substantial departure from the classical model? On the basis of our data our response to both would be in the negative. Instead, what we may be witnessing is an evolution from one steady state to another; a process of transition in which old understandings and compacts are replaced by a new accommodation, albeit it in the context of some enduring verities.

And so we are encouraged to conclude that, while ministerial advisers *do* pose challenges, these are not in the first instance to the tradition of an impartial and professional public service (and, it

should be added, one that is sensitive to the duty of service attendant upon an electoral mandate). Officials are cognisant of the new imperatives, but we uncovered little evidence that they are being quietly displaced in the grand scheme of things. Public servants are adaptable creatures and, if anything, we found a good measure of optimism that – if appropriately structured and conducted – the value of the relationship between ministerial advisers and public servants can exceed the sum of its constituent parts. The challenges to be met, then, are not those associated with smoothing the pillow of a dying race. Instead, they concern clarifying roles and responsibilities, and ensuring that the conventions governing relations within and between the political and administrative executives appropriately reflect the new reality that what was once a bilateral relationship has become a trilateral one.

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# Ministerial advisers, politicization and the retreat from westminster: The case of New Zealand

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