

University of Technology Sydney

Doctor of Philosophy

Thesis

**A study into the dissonance in the
Governance Principle of Accountability in
the Australian Public Service Department
of Defence**

Principal Supervisor:

Associate Professor Shankar Sankaran

Co-Supervisor:

Dr Julien Pollack

Prepared by:

Anthony Patrick Ablong

Submission:

16th December 2013

CERTIFICATE OF ORIGINAL AUTHORSHIP

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me, and that any help that I received in my research work and the preparation of the thesis has been acknowledged. I also certify that all information sources and literature used are indicated in the thesis.

Signed: _____

Dated: 16th December 2013

Candidate: Anthony Patrick Ablong

Endorsed:

Signed: _____

Dated: _____

Principal Supervisor: Associate Professor Shankar Sankaran

Endorsed:

Signed: _____

Dated: _____

Co-Supervisor: Dr Julien Pollack

PUBLICATIONS

The following joint papers were developed during 2012-13 for publication:

- *The Importance of the Role of the Australian Defence Industry* by Gary Waters and Tony Ablong, in Defence Industry News and Senate Estimate Hearing
- *When Australian Defence Procurement Goes Wrong: Improving Outcomes in a Troubled Contractual Environment*, Jenny Stewart and Tony Ablong, in UKSAGE, The Economic and Labour Relations Review Volume 24 No 2, June 2013
- *A Question of Trust*, Tony Ablong in CEO Online

ACKNOWLEDGEMENTS

In my engaging journey to seek and acquire knowledge, I acknowledge the following:

- My principal supervisor Associate Professor Shankar Sankaran for his inspiration, guidance, patience and encouragement.
- My co-supervisor Dr Julien Pollack for his astuteness on matters of academic relevance.
- My ADF colleagues who served with me during times of hostility and in peace keeping missions. Without the shared experiences and their strong views on the shortcomings of the Australian Defence Force acquisition and procurement practices, this study would not have started.
- My wife, for her encouragement to complete this independent study and make an original and distinct contribution to knowledge and professional practice on corporate governance in the Australian public sector.

CONTENTS

CONTENTS.....	4
Abstract.....	10
Chapter 1.....	12
Introduction.....	12
Introduction.....	12
The Research Questions.....	18
Structure of the Thesis	19
Chapter 2.....	20
Literature Review.....	20
Background.....	20
Introduction.....	20
Rationale for the Study	22
The Theoretical Influence	25
Figure 1: Comparison of the NPM against the Traditional Model	41
Relationships and Influence on the APS.....	45
The Machinery of Government.....	51
Reforms of the 1980s and 1990s.....	51
The Budgetary Process	53
The Outcomes and Outputs Framework	53
Oversight and Enforcing Measures.....	55
The Independent Auditor:.....	56
Financial Statement Audits:	56
Performance Audits:	57
Risk Management:	58
Parliamentary Scrutiny:.....	59
The Joint Committee of Public Accounts and Audit (JCPAA):	60
The Senate Committees:	62
The Senate Finance and Public Administration Committee (F&PA):	63
The Regulatory Controls:.....	64
The Financial Management and Accountability Act (FMA) 1997:	66
The Commonwealth Authorities and Companies Act (CAC) 1997:.....	68
The Charter of Budget Honesty Act (CBH) 1998:.....	69
The Auditor-General Act 1997: This	70
Effects of the New Public Sector Management Approach.....	71
Effects of the OECD Principles of Corporate Governance and the Sarbanes-Oxley Act.....	72

Effects on the Foundations of Governance in the Australian Public Service	74
Effects on the APS Governance Principles.....	76
Effects of the Public Sector Governance Volume 1 Better Practice Guide: Framework, Processes and Practices 8 August 2003	77
1.The Auditor-General Report No. 9 2008–09 Assurance Report Defence Materiel Organisation Major Projects Report 2007–08, 27 November 2008	78
2. The Auditor-General Report No. 13 2009–10 Assurance Report Defence Materiel Organisation Major Projects Report 2008–09, 24 November 2009.	79
3. The Auditor-General Report No.17 2009–10 Assurance Report Defence Materiel Organisation Major Projects Report 2009–20, 30 November 2009.	80
Mapping the Relevance and Impact.....	81
Framework to detect breaches in APS Governance Principles.....	81
Figure 2: The Key Elements of the Governance Framework to detect dissonance	82
Conclusion	83
Chapter 3.....	85
Methodology	85
Introduction.....	85
The Methodology and its Justification.....	85
Figure 3: The Common Categories of Case Research by Yin	90
Review of the Methodological Framework	90
Single case study versus multi-case	91
The Multi-case Method.....	92
The Contextual Protocol	94
Data Collection	97
The Sample	97
The Instrumentation.....	101
The Determining Factors	104
• Sample:	104
• Dates:	105
• Words, terms, phrases and sentences	105
The Case (Coding) Dictionary	106
• Accountability.....	106
• Contract Management.....	107
• Compliance:	108
Construction of the Cases	108
The Data Analysis.....	110

Figure 4: Model of the Effects-based impact basic Framework for Case Analysis	117
Conclusion	119
Chapter 4.....	120
The Case Studies.....	120
Introduction.....	120
Background to the Case studies	121
Organisation of Defence purchasing.....	124
The DMO Organisation	125
The Acquisition and Procurement Framework, Tendering and contracts.....	126
The Cases	127
Figure 5: Case Documentation.....	127
Case 1: The FFG (Guided Missile Destroyer) upgrades SEA1390 (ANAO Report No.11 2007-08 Performance Audit).....	128
Case 2: The Light Weight Torpedo Replacement Project JP2070 (ANAO Audit Report No.37 2009–10 Performance Audit).....	129
Case 3: The Management of the M113 Armoured Personnel Carrier Upgrade Project LAND106 (ANAO Audit Report No.3 2005-2006 and ANAO Report No. 27 2008-2009 Performance Audit	130
Analysis and Evaluation of the Cases	132
Conclusion	133
Chapter 5.....	134
Data Analysis	134
Introduction.....	134
Analysis and Evaluation of the Cases	135
Case 1 Chronology: The Management of the Guided Missile Frigate (FFG) Upgrade Project.....	135
Evaluation	140
Figure 6: Case 1 Effects-base impact on the Determining Factors	140
Risk	140
Figure 7: Case1 Risk impact on the Determining Factors	142
Schedule.....	143
Figure 8: Case1 Schedule impact on the Determining Factors	144
Capability	145
Figure 9: Case 1 Capability impact on the Determining Factors	145
Case 2: Replacement The MU90 Light Weight Torpedo Project	148
Evaluation	155
Figure 10: Case 2 Effects-based impact on the Determining Factors	155
Risk	155

Figure 11: Case 2 Risk impact on the Determining Factors	156
Schedule.....	158
Figure 12: Case 2 Schedule impact on the Determining Factors	159
Capability.....	160
Figure 13: Case 2 Capability impact on the Determining Factors	160
Case 3: Management of the M113 Armoured Personnel Carrier Upgrade.....	161
Evaluation	169
Figure 14: Case 3 Effects-based impact on the Determining Factors	169
Risk	169
Figure 15: Case 3 Risk impact on the Determining Factors	170
Schedule.....	171
Figure 16: Case 3 Schedule impact on the Determining Factors	172
Capability.....	172
Figure 17: Case 3 Capability impact on the Determining Factors	172
The Comparative Analysis Process.....	174
Evaluation	175
Figure 18: Comparative analysis of the three Cases	175
Discussion.....	176
Response to the Research Questions.....	190
Conclusion	194
Chapter 6.....	197
General Discussion	197
Introduction.....	197
Figure 19: Comparative analysis of the three Cases	197
Governance Accountability in the APS	199
Performance Accountability in the APS	204
Governance in the Department of Defence.....	208
Defining Individual Roles and Responsibilities:.....	208
The Rationale for Good Corporate Governance Practices and Principles:	212
The Absence of and Significance Of Corporate Social Responsibility:	214
Figure 21: NACP Highest Standards of Ethical Behaviour	222
Figure 22: NACP Categorisation of maladministration, improper behaviour and corruption	223
The Importance of Effective Leadership:	224
Accountability in US and UK Defence.....	231
Governmentality	237
A Way Forward.....	240

Figure 23: Generic approach to identifying stakeholder impact on agency value	243
Figure 24: Process to engage stakeholders.....	243
Figure 25: Stakeholder engagement matrix	244
Some Personal Reflections	248
Conclusion	253
Chapter 7.....	255
Conclusion and Recommendations.....	255
Introduction.....	255
Background.....	255
Main Research Concern.....	256
The Research Questions.....	257
The Findings	258
Figure 26: Map linking Research Question, Key Points and Reference.....	258
Key contributions from the research.....	260
Key contributions to knowledge	261
Key contributions to theory	262
Key contributions to practice	263
Key contributions to policy.....	264
The limitations of the research in terms of methodology	265
Further research to follow	266
Final Conclusion	267
Appendices.....	269
Appendix A.....	270
Relationship of selected documents to Key Governance Elements	270
Appendix B (1)	273
Department of Defence	273
Departmental Procurement Policy Instruction No: 14/2011	273
Appendix B (2)	279
Joint Committee of Public Accounts and Audit.....	279
Report 422: Review of the 2009-10 Defence Materiel Organisation Major Projects Report	279
Recommendations for Defence	279
Appendix C	284
The Defence Values.....	284
Appendix D	286
Australian Public Service Commission.....	286
APS Code of Conduct.....	286

Appendix E	288
The Assessment Criteria	288
Appendix F (1).....	296
Case 1: Management of the Guided Missile Destroyer (FFG) Capability Upgrade Project	296
Event Calendar.....	296
Appendix F (2).....	304
Case 2: Replacement of the MU90 Light Weight Torpedo Project	304
Event Calendar.....	304
Appendix F (3).....	313
Case 3: Management of the M113 Armoured Personnel Carrier Upgrade Project.....	313
Event Calendar.....	313
Appendix F (4).....	323
Personal Reflections.....	323
Contentious Matters	323
Glossary	329
Bibliography	332

Abstract

Over the past four decades, public commentary, independent reports and Australian Government enquiries have claimed and shown that the Department of Defence (Defence), the largest and most complex Commonwealth agency, has not managed the use of public monies in its acquisition and procurement activities at an acceptable level, and as a consequence there has been a corresponding loss of public confidence in its conduct. In the period 2000 to 2010, the Defence spent about \$26.8 billion (i.e., 2 percent of Australia's national income) a year of public money. During this period, progress albeit questionable had been achieved in some areas: in military operations, in defence policy, and in initiatives that were reflected in a range of public sector reforms that include the Kinnaird Review, the Mortimer Review, the Strategic Reform Program 2009 Delivering Force 2030, and other more recent Commonwealth Government commissioned Reviews such as the Black Review.

Despite these initiatives, the public evidence of the agency's performance continued to indicate its inability to deliver much needed lifesaving outcomes and outputs to the Australian Defence Force (ADF) and that there was a need to restore public confidence in the acquisition and procurement procedures and processes: raising questions about governmentality that focused on accountability, transparency, integrity and stewardship, four of the Principles of the Australian Public Service Governance Principles.

The research investigated three major capital acquisition and procurement cases identified in government documents using content analysis to determine whether the theme of accountability had been compromised. The evidence reflected instances of the agency's failure to adhere to and comply with the Australian Government legislation and APS regulations and rules to implement the programs: the outcomes of which were significant waste of public money and unacceptable reputational costs to the agency, the Commonwealth and the Australian community.

This study expected to find that as a traditional organisation, the Department of Defence's application of the large-scale authoritarian form of the Taylorism governance model to control, police, litigate and arbitrate would ensure adherence and compliance to the APS corporate governance principle of accountability in its acquisition and procurement activities.

However, in applying the key research question:

- How was accountability balanced against decision control in acquisition and procurement programs?

And the corresponding questions include:

- Were other APS Governance Principles affected?
- What were the impacts on the agency, its stakeholders and the APS by the dissonance?

the study uncovered evidence of dissonance in accountability and failure in the rational approach to public sector management activity whereby governmentality practices were taken out of the program and project management activities.

The significance of this qualitative study is that the theoretical elaboration of governmentality emerged to build on the sparse library of studies that links to the emerging Foucauldian Governmentalities themes and practices that show the nature of the shift in governance for collaboration, control and surveillance. The findings also contribute to knowledge in the practice fields of public sector administration and management, ethics, corporate social responsibility, public value, supply management and military studies.

Keywords: Governmentality, Public Sector Administration and Management, Ethics, Accountability, Public Sector Governance Best Practice, Corporate Social Responsibility, Auditor-General Assurance Reports, Australian Defence Acquisition and Procurement.