

Keeping the Customer Satisfied – Robert Cornall, Attorney-General’s Department

In February 2000, shortly after his appointment as head of the Attorney-General’s Department, Robert Cornall delivered a speech to his senior executive service telling them of his initial thoughts about the department. In his address Cornall, who was an outside appointment, said that when he was interviewed for the position and asked his views about the Attorney-General’s, he replied that it was a prestigious department, held in high regard and it would be an honour to be appointed Secretary. After a month in the job he said his initial expectation had been confirmed. He was impressed by the overall calibre and experience of the staff. But he added there were “some important issues to be resolved”.

In particular he noted two findings highlighted by research into the department’s performance. He noted that senior management placed a significantly higher priority on quality of service than on client satisfaction. While the emphasis on quality of service was commendable, client service could be improved. The other finding that caught his eye was that the department’s employees placed “inwardly focusing factors” in the top ten most important rankings. “[T]here is a very clear message that the department needs to develop its outward or client focus to improve its performance,” he said.

To drive home the point, Cornall quoted one department secretary saying that the Attorney-General’s Department was “not a player” and another senior bureaucrat saying that the Government was “looking for someone to ground” the department. These perceptions indicated dissatisfaction with the department’s level of performance. But Cornall said he understood them to be more “disappointed than critical”.

Today after six years in the job Cornall speaks proudly of his department’s achievements, its increased areas of responsibility, the diversity of its activities, the 145 Acts of Parliament it administers, the contribution its Emergency Management Australia Division made in Australia’s response to the Boxing Day tsunami, its increasing participation with other departments, its adaptability and its international role. He says he put his speech outlining his initial impressions on the web and invited all staff to comment. “A lot of people did. And that was the basis of moving forward from there.”

His view that client satisfaction should be given greater emphasis was influenced by his years as a private sector solicitor. “If you’re a private sector solicitor you’re always working in a team of at least two people. There’s at least yourself and your client. People don’t pay you to just go away and do whatever you feel

like doing. You've always got to be working in conjunction with someone, to some common objective. So I've always thought that's what we're doing here. The point I was trying to emphasise is that quality of work by itself is very valuable but it's got to be in the context of achieving someone's objective. It's not just for the purity of the advice. It's got to be very sound advice but it's got to have some purpose to it apart from being intellectually stimulating."

Cornall says the department has changed over his six years and the evidence is in what has happened to it. "First, I hope we are perceived to be a cooperative department working with other agencies across departmental and portfolio boundaries. And I think we are and I think that's the perception people have. Secondly, how has government reacted? And the answer is it has given us more things to do. We've grown from something like 550 full time equivalent staff in the year 2001 – if you put aside a couple of major divisional agencies which were not core department – to about 950 at the end of last year. The reason for that is we've been given more functions. We've increased dramatically our responsibility in the areas of national security and that includes developing the National Security Hotline and building up the Watch Office to a 24 hours a day, seven days a week operation. We've had Emergency Management Australia transferred from the Department of Defence to this department on the basis that it will fit more neatly with our national security responsibilities. We received the indigenous law and justice program when ATSIC was abolished."

"The Attorney announced at the end of last year that we're going to be responsible for the creation of this new central vetting agency for aviation security identification cards and maritime security identification cards, which is a major undertaking. We're leading the development of a national identity security plan for the whole of government. We've got a whole range of other responsibilities in terms of critical infrastructure protection that we have taken on in recent years. And we're developing significant improvements to family law including the establishment of the 65 family relationship centres that have been announced in the course of the last 12 months, the first of which come on stream in the middle of this year. The point I make about that is, we would not have acquired all those additional responsibilities if the Government wasn't confident that we were going to meet those requirements."

Cornall says people do not have a full grasp of the breadth of his department's responsibility. "[I]f you look at the range of topics that we cover from copyright to criminal law, from legislative drafting to national security, from emergency management to issues to do with courts and judicial processes, I don't think many people have an overall grasp of how broad our activities are." Nothing illustrates this diversity better than the inclusion of Emergency Management Australia as a division in what most would regard as the law and justice department. EMA played a major role in Australia's efforts to assist those affected

by the Boxing Day tsunami and is a key agency in responding to disasters in Australia. To accommodate this diversity the department’s mission statement says the department provides essential expert support to the Government for “Australia’s law and justice, and national security, and emergency management systems”.

Cornall says the three things that are looming very large for the coming year are the establishment of the security vetting service, the development of the identity security plan and the changes to family law including the family relationship centres. The security vetting service will clear people to hold an aviation or maritime security identification card which will last for two years. Staff will be employed in an operating division of the department to run the service which will require liaison with private sector organisations and state government agencies. These will include port and airport authorities where those requiring the identification card will work. “It’s going to require us to develop a data base which includes information relating to criminal convictions that might affect people’s entitlement to have a security clearance,” Cornall says. The details have yet to be finalised but he says they will have to work out what information is readily available, how they can get it into the database and so on. “At any one time when the whole program is operational there could be as many as 120,000 of these identification cards on issue,” he says. “So it’s going to be a very significant undertaking. It’s going to be very important that we get it right.”

The family relationship centres are designed to try to strengthen marriage. Cornall says if a marriage breaks up and there are children involved, separated parents will undertake three-hour consultations to try to find ways in which they might resolve their differences about the children without the necessity to go to court and the time, inconvenience, emotion and cost that that brings. The first 15 of those centres will be operational by the middle of this year. The third major challenge is the development of an overall identity security policy for the Commonwealth, bringing with it the controversy over a national identity card. Cornall says this is “a very big question and it affects a lot of agencies.” He says it also includes the development of a document verification service to enable the validation of the documents people use to support their claim that they are who they say they are. In the case of a driver’s licence, for example, the verification service would be able to go back to the state or territory authority and get them to confirm that it did issue the licence to the specified person. This will give increased credibility to the integrity of the document and make identity fraud more difficult.

He says he spends a lot of time trying to anticipate what might go wrong and working hard to make sure that problems are headed off. Cornall says if something goes wrong his focus is always on how to fix it and stop it from occurring again. “I don’t waste a lot of time on looking for, or attributing blame,

or being highly critical of what's occurred. The focus is much more on, okay this is the situation, how can we fix it? The second thing is how can we make sure it doesn't happen again? But if it does occur again, then we've got a more serious problem on our hands."

The heads of Australian Government departments are generally regarded as a serious bunch of individuals. And they have no more serious a gathering than the meeting of the Secretaries Committee on National Security (SCONS). But even SCONS meetings have their lighter moments. Cornall recalls one meeting where they were discussing the Defence Force's Nulka missiles. The Nulka missile is a defensive weapon hovering above warships and giving the impression that it is bigger than the ship, thus providing a decoy against incoming missiles. The former head of the Department of the Prime Minister and Cabinet, Max Moore-Wilton was chairing the meeting but was called out of the room to take a phone call from the Prime Minister. "We were just sitting there waiting for him to come back," Cornall says, "and I said these Nulkas would be pretty handy. I wish we could have one for the department. When Max fired off an Exocet from PM&C it would miss Robert Garran Offices [the home of the Attorney-General's Department], hit the Nulka missile and explode harmlessly over Kings Avenue and no one would get hurt. And another secretary said, 'Oh we used to have them – they were called ministers'."

In reality Cornall is not the sort of person who would seek to deflect in-coming missiles to his minister. He sees himself very much as a team player. "When I came to Canberra one of the things I had to decide was whether I'd go to Estimates because at that time, I was told, not all Secretaries went. That took me by surprise because I thought, well, it's a matter of accountability to the Parliament. It's a matter of courtesy to the Parliament and it's a matter of being prepared to sit shoulder to shoulder with your senior officers and ensure that as a team you are responding to whatever is being put to you by the Senators. So it never occurred to me not to go."

Cornall began his career in private legal practice as a solicitor in a medium sized firm in Melbourne. He says his 19 years in private practice fixed him in a private sector mindset. "If you didn't have a client who valued your services and was prepared to pay for them, you had nothing to do and you couldn't pay the bills," he says. "We had no expectation that we had a right to exist. We had no expectation that we had a right to clientele. We had to persuade people by various means that they should use services and then we had to convince them that those services were valuable. And I think that's a very useful starting point."

From private practice he moved to become Director of the not-for-profit, member-based, Law Institute of Victoria. The Institute had statutory responsibilities for regulation of the legal profession, taking disciplinary procedures against solicitors for professional misconduct including matters

involving misappropriation of trust funds. At the Institute, and with about 135 staff, Cornall was introduced to a whole new range of experiences and procedures. “It underlined to me the merit of proper process because it was quite common for me to be brought before a tribunal, or brought before a court to explain what I had done, or what the organisation had done and for those decisions to be challenged on administrative law or statutory grounds,” he says.

At times there were questions about whether the Institute’s authority went as far as they thought it did or whether there was some other regulatory structure that should have dealt with the matter. One matter was taken as far as the High Court but the solicitor lost his appeal. Cornall says this sort of experience “does put you on your mettle when your decisions are being reviewed at that level.” He says proper process does not have to be “slow or protracted or long winded or cumbersome. You can actually have proper process in a very quick timeframe. But the protection of proper process is very valuable.”

After his time at the Institute he became managing director of Victoria Legal Aid, which delivered legal aid services for both the state of Victoria and the Commonwealth within Victoria. In that role he had contact with the Attorney-General’s Department and with the then Attorney General, Daryl Williams. “[I]’m not quite sure how it happened but one day Tony Blunn [former head of the Attorney General’s Department] rang me up and said that he was proposing to retire and before he retired he wanted to make sure that his successor was in place and would I be interested in talking to him and the Attorney about taking on this job.”

“I said that I was and one thing led to another and shortly after that I was appointed by the Prime Minister.” Cornall says that on coming to the public sector one of his first impressions was about how hard the senior public service worked. “Common perceptions about public servants are very, very badly misplaced,” he says. “You wouldn’t find too many people in the private sector working at 1am on a Sunday morning, if there’s some urgent issue requiring attention, or working all weekend to get something up on Monday morning to the Attorney General’s office or the Prime Minister. I think the first thing is that people work extremely hard. The second thing is the speed at which decisions are taken. One of the things that struck me is how quickly some significant decisions have been taken.”

He says he has witnessed this when he’s had the opportunity to sit in on a Cabinet meeting, or the National Security Committee, or the Expenditure Review Committee. “The speed with which decisions are taken, and the volume of decisions in a short period of time, I think is quite impressive,” he says. “Decisions on significant matters might be taken in a matter of minutes.” This leads him to another observation. “As you get closer to the final decision maker, which might be the Cabinet, or it might be the minister, everything has to be

simplified rather than complicated. No matter how complicated the subject matter, the proposal has to be reduced to a very simple proposition."

This has led Cornall to form a view about what he calls the policy pyramid, the idea that at the lowest level, the base of the pyramid there are many research and policy officers developing a proposal, working through the pros and cons and considering all the options. It goes up through the branch head, the division head, deputy secretary and the secretary to the minister. When it actually gets to Cabinet, the minister will have about 20 seconds or 30 seconds to grab people's attention. If in that short period of time he cannot very quickly say what it is about and why it is important, he may lose the moment of getting approval.

Cornall says this emphasises how important the lead-up work is because once the Cabinet or the minister makes the key decision the department has got to be able to completely reconstruct the project to make sure that all the operational parts are properly covered. "You couldn't expect a Cabinet to give that much consideration in detail," he says. "From time to time I've said to the people here, 'tell me in 15 words' because that's how much the minister will have to grab attention in the Cabinet room."

Cornall comes across as a reserved lawyer and says that every time he has lost his temper things have gone badly from that point onwards. "I end up saying things I regret, or making the situation worse, rather than improving it." He says he cannot instantly bring an example to mind but over a period of time he knows that, "if I ever do things rashly, in a fit of temper, it inevitably doesn't get to the best outcome".

He says one of the things he's been very conscious of is the need to be clear in communications and not to use bureaucratic language. "You don't use words that are obtuse, or could have several meanings." Some years back he says the Expenditure Review Committee, chaired by the Treasurer, Peter Costello, was considering a proposal for increasing the number of sniffer dogs. "But that sounded a bit too lightweight. So the submission was for funding for increases for Explosive Detection Canine Capacity. When we were in the Cabinet room the Treasurer said, 'Are these dogs, are they?' And I said, 'Yes Treasurer. They're dogs'. And he said, 'Well what sort of dogs are they?' I looked in my brief and it didn't have any detail. He wanted to know 'how many dogs did we have? Where were the dogs? Who trained them?' So I came back to the department and said in future we've got to have all the obvious basic facts in the briefing paper because they're the sort of things the Treasurer wants to know."

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