



РУХАНИ
ЖАҢҒЫРУ



Студенттер мен жас ғалымдардың
«ҒЫЛЫМ ЖӘНЕ БІЛІМ - 2018»
XIII Халықаралық ғылыми конференциясы

СБОРНИК МАТЕРИАЛОВ

XIII Международная научная конференция
студентов и молодых ученых
«НАУКА И ОБРАЗОВАНИЕ - 2018»

The XIII International Scientific Conference
for Students and Young Scientists
«SCIENCE AND EDUCATION - 2018»



12th April 2018, Astana

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Л.Н. ГУМИЛЕВ АТЫНДАҒЫ ЕУРАЗИЯ ҰЛТТЫҚ УНИВЕРСИТЕТІ**

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БАЯНДАМАЛАР ЖИНАҒЫ**

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The proceedings are the papers of students, undergraduates, doctoral students and young researchers on topical issues of natural and technical sciences and humanities.

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**СЕКЦИЯ 10
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**Подсекция 10.1 Актуальные проблемы государства и права в свете модернизации
общественного сознания**

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**THE LEGAL ASPECTS OF AUSTRALIAN PUBLIC SERVICE
SYSTEM**

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Public services are an integral part of our lives. From cradle to grave, Australians receive the benefit of services that are directed, managed and delivered by government employees. The most visible of these public servants are those engaged in direct or 'frontline' service delivery: the health professionals and teachers in the public health and education systems, police, armed forces and defence personnel, public transport workers and immigration and customs officers. Less visible, perhaps, are the many public servants who develop and implement the wide range of government policies and programs that address climate change and protect our environment and natural resources, manage Australia's finances, uphold human rights and enforce our laws.

Centrelink has attracted more sustained public attention and scrutiny (including international attention, for example, Husock and Scott 1999a; Smullen 2007)¹ than most other public organisations in recent Australian history. For the customer, it dispenses a wide range of welfare services and payments. For the government and taxpayer, it reflects a new style of organisation that emerged in the 1990s in Australia and overseas. At the same time, it differs from traditional bureaucracy and 'new-style agencies' that have become fashionable overseas because of its multifunctionality and the breadth of its role within the public sector.

The relevance of this experiment, nationally and internationally, arises from many of the core questions of contemporary public management. These include integrated service delivery, special agency and governance arrangements, measuring performance and the capacity for businesslike operations despite being close to the heart of government [1].

This study examines Centrelink as it emerged and underwent extensive change, seeking to build a management capacity by positioning itself and interacting with organisations in its complex environment, and aligning management systems in support of its objectives. This introduction locates Centrelink within the context of major questions² in comparative public management, the challenges of an organisation driven by several imperatives and the type of analysis proposed for studying a service delivery agency.

Four themes stand out in this study of public management change. The first is the departure from the conventional bureaucracy as expressed through the agency approach and more generally the organisational distinctiveness of Centrelink. The second is the relationship between the external demands and constraints on Centrelink and its claims as an entrepreneurial organisation. The public

governance and policy environment shapes agency operations but questions arise as to what scope there is for the organisation to address positioning and advocacy within this external environment. The third theme concerns the development of a service delivery model and the implementation and alignment of the management systems within the agency to support this model. Fourth is the nature of transformation in a large and complex organisation that has sought extensive change under its first CEO as the means to improve service delivery in response to the imperatives outlined in the models that underlie the Centrelink concept.

The reform context in which Centrelink emerged and evolved allowed an innovative new agency to emerge, but the changing agenda of government ultimately dictated that a more conventional type of agency was wanted.

Three questions arise out of the first theme departures from conventional bureaucracy and organisational distinctiveness. The first question involves the implications of this fundamental shift from the traditional Australian model in particular, the agency concept, separation of policy and delivery and the particular use of the agency form. The second question asks how distinctive Centrelink is and whether a new model is emerging here. The third question relates to the implications for how the organisation operates.

The traditional public service was characterised by a public administration paradigm, based on bureaucracy, hierarchy and process and centred on the multipurpose ministerial department. The focus was on vertical arrangements within monolithic departments operating their own delivery networks and subject directly to ministers [2].

Institutional economics and public choice gave rise to alternative conceptions, which addressed, *inter alia*, the questions of agency and transaction costs. From principal/agency theory comes a focus on the relationship between the purchaser and the provider. The separation of responsibilities should occur when there are conflicts (for example, commercial and non-commercial) and when different functions are involved (for example, purchaser and provider).

The separation of policy and operations raises an old question that has taken a variety of forms. One argument is about the need for separating roles organisationally in order to provide a functional focus. The concept of identifying a single function with one organisation became the orthodoxy in some countries. According to this view, policy development, implementation and regulation should be the responsibilities of different organisations. There is also a long tradition of using special organisational forms for achieving different operating environments for specific activities (for example, statutory corporations and public enterprises). This principle has been revived and extended as a means of exacting demands on public organisations—to focus them on results and performance and to cultivate a business style.

In contrast with the past approach that often combined several functions, modern public organisations have tended to be established to achieve one distinctive purpose such as policy, delivery or regulation. Centrelink's principal task is service delivery, but in its conception and execution as a public organisation, several different organisational imperatives have been apparent. Four models underpin Centrelink and each provides a different lens for viewing the organisation's functioning and thus a basis for considering the potential conflicts identified between them [3].

The first model, the political, derives from being directly or indirectly subject to ministerial direction, despite operating under special governance arrangements. Centrelink must adhere to the top-down authority relationship with ministers and government agendas and function as a public service organisation subject to public service legislation as a statutory agency. This model is ultimately grounded in traditional, but still central, ideas about responsible government [1].

The second model is of Centrelink as an agent and service provider in a purchaser–provider relationship in which it is expected to behave in specified quasi-contractual ways. Its operations are grounded in relationships with client departments: the purchasers of its services. The link to new public management

Successful change requires leadership and its significance in organisational change and public agency performance is reaffirmed by a number of studies. In reports on large-scale public sector

change the cases of the US Air Force, Internal Revenue Service and the Social Security Administration—leaders played crucial roles in the change processes [4].

A number of propositions about leadership are well understood. During the life cycle of an organisation, or at different stages of development or for specific processes, different types of leadership can be appropriate. There is evidence to indicate the need to think beyond individual leadership to concepts such as the ‘mutualist’, who draws on broader patterns of support, or the model of integrative leadership as a more comprehensive means of viewing these processes. Transformational change also requires the attributes of transformational leadership involving interaction with the external environment and building management capacity through internal management systems [2].

In the case of Centrelink, the CEO was the pivot, with the governance oversight mechanisms of the board (including the chair) and the minister playing roles; but how was a large and complex organisation to approach a model of integrative leadership? Distinctive roles also needed to be adopted by the CEO and complemented by the different roles of members of the most senior management group (covering responsibilities for the key management functions) [5].

Decisions about the size, role and structure of the Australian Public Service are decisions about the kind of society we live in. They warrant active and inclusive deliberation and a strong evidence base on the performance, efficiency and capability of the APS. These deliberations should be informed by a robust assessment of citizens’ attitudes toward and experience of the Australian Public Service. The proposed citizen survey would measure this in a more reliable, systematic and objective way than the existing agency-specific feedback mechanisms. But data alone will not engender the kind of debate that this important matter of public policy warrants: the beneficiaries of public services and public sector advocates need to be much more actively involved if citizens are to influence the outcome.

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ҮШІНШІ ЖАҢҒЫРУ АЯСЫНДАҒЫ АҚПАРАТТЫҚ ҚАУІПСІЗДІКТІ ҚАМТАМАСЫЗ ЕТУДІҢ ҚҰҚЫҚТЫҚ МӘСЕЛЕЛЕРІ

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Қазіргі жаһандану процесі аясында Қазақстан Республикасының көркеюі және тұрақты дамуы үшін міндетті шаралардың бірі ретінде саяси тұрақтылықты және ұлттық қауіпсіздікті қамтамасыз ету өте өзекті. Қазақстан Республикасы Елбасы Нұрсұлтан Назарбаевтың 1997 жылға халыққа арналған "Қазақстан - 2030 Барлық Қазақстандықтардың өсіп-өркендеуі, қауіпсіздігі және әл-ауқатының артуы" стратегиясында ұлттық қауіпсіздік алғашқы және