

SENIOR EXECUTIVE SERVICE — GOVERNANCE

**1387. Hon TJORN SIBMA to the Leader of the House representing the Minister for Public Sector Management:**

This question was submitted on 19 November. I refer to governance practices as they are applied to senior executive service officials across the Western Australian public sector.

- (1) What legal obligation is placed on members of the SES to declare their personal financial interests in a manner that is at least consistent with the obligations for disclosure placed on members of Parliament?
- (2) What is the source of this legal obligation?
- (3) Who bears responsibility for ensuring compliance with the aforementioned obligation at the departmental level?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question.

- (1)–(3) Although there is no direct requirement placed on members of the senior executive service that is consistent with the obligations placed on members of Parliament, all public sector officers are required to comply with the standards of conduct and integrity set out in section 9 of the Public Sector Management Act 1994 and the code of ethics issued by the Public Sector Commissioner. These establish, among other things, a requirement to act impartially and with integrity. Under Commissioner’s Instruction 8, agencies are required to have a code of conduct in place and to ensure compliance with it. Conflict of interest is specified as an area that all codes of conduct must address. The conduct guide published by the Public Sector Commission requires that agency codes of conduct address declarations of conflicts of interest. Further, clause 11 of the standard contract for SES officers states —

The Officer must comply with public sector standards and codes of ethics and observe the principles of official conduct in section 9 of the Act.

Schedule A states —

The Officer agrees to report accurately, fully and without omission periodically as required by the provisions of the Act, the *Financial Management Act 2006*, and such other acts, regulations, rules and instructions as may from time to time be applicable. The Officer agrees to comply, to the maximum extent required by all relevant acts regulations, rules and instructions and relevant public sector standards, codes of ethics and codes of conduct as may from time to time effect the operations of the agency.

There are a range of financial controls that agencies and key public sector officers are responsible for under the Financial Management Act 2006 and Treasurer’s Instructions, including Treasurer’s Instruction 924, which mandates compliance with Australian accounting standard AASB 124, “Related Party Disclosures”. It is noted that TI924 also applies to cabinet ministers in their role as key management personnel of government agencies, though not to other members of Parliament. Noncompliance by a public servant with any of the preceding requirements constitutes a breach of discipline for the employer to enforce under the Public Sector Management Act.