

**GOVERNMENT RESPONSE TO THE
LEGISLATIVE COUNCIL STANDING COMMITTEE ON PUBLIC
ADMINISTRATION - REPORT INTO THE INQUIRY INTO STATUTORY OFFICE
HOLDERS' GRIEVANCE PROCEDURES**

SEPTEMBER 2009

Recommendation 2: The Committee recommends that the Commissioner for Public Sector Standards and the Public Sector Commissioner consider:

- incorporating the secondment principles stated in the *Parliamentary Series Report One* into the OPSSC's revised standards;
- implementing standards, policies and procedures requiring a review of secondments of more than six months *at least* once a year. The review should involve the secondee, the home agency and the host agency; and
- implementing standards, policies and procedures that ensure that the home agency formally advises secondees at the time of entering into a secondment of the legislation, policies and practices (including the right of return provisions) applicable to being seconded. It would be preferable if this advice was confirmed in writing. Secondees should be reminded of this information during any review.

The Government is supportive of both Commissioners considering the matters outlined by the Committee. It is understood that some work has already been undertaken in this regard.

Parliamentary Series: Report One

The Public Sector Standards Commissioner has advised that the recommendations from *Parliamentary Series: Report One* have been taken into account as part of the Commissioner's review of the current Public Sector Standards. The new draft Standards Framework supports agencies to develop and apply policies and procedures that reflect their business requirements, are based on a proper assessment, are fair, and capable of review.

The Public Sector Commissioner supports the notion that lengthy secondments should be the exception rather than the rule and that an assessment of merit should be undertaken in such cases. The secondment mechanism is a useful and important management tool that benefits both agencies and individuals.

Secondment decisions should be consistent with the general principles of human resource management set out in the *Public Sector Management Act 1994* and the Public Sector Standards in Human Resource Management. The Public Sector Commission will be considering issues relating to secondments as part of upcoming public sector reforms.

Secondments of more than 6 months

The Public Sector Standards Commissioner has advised that she is developing a number of written/online products to support the introduction of and encourage compliance with the new Standards. Although these products will not require a formal review of secondments at least once a year, they will discuss the need for secondment arrangements to be clearly communicated to all parties and documented at the outset of the secondment and when secondments are extended.

○ The Public Sector Commissioner supports the regular review of secondment arrangements which involve the secondee and home and host agencies.

Formal advice regarding secondments

New products being developed by the Office of the Public Sector Standards Commissioner (OPSSC) will cover candidate care, including the provision of relevant information to candidates and communication between home and host agencies at the outset of the secondment. As part of implementing the Standards Framework, OPSSC has advised that it will also be conducting workshops for the purpose of informing public sector agencies of OPSSC's expectations in relation to compliance with the new Standards.

○ The Public Sector Commissioner supports moves to ensure that secondees are aware of policies and practices applicable to their secondment, both at the outset of the secondment and whenever secondment arrangements are reviewed.

<p>Recommendation 3: The Committee recommends that a higher priority should be given by chief executive officers and their agencies in promoting awareness of the PID Act.</p>

The Government is supportive of this recommendation.

The Public Sector Standards Commissioner is currently responsible for promoting compliance with the *Public Interest Disclosure Act 2003* (PID Act) throughout the sector. However, individual chief executive officers have a responsibility to promote awareness of the PID Act within their agencies.

The Review of the Public Interest Disclosure Act conducted by Mr John Lyons recommended that the PID Act be amended to include a requirement for principal executive officers (chief executive officers) to promote awareness of the PID Act within his or her organisation. The Government is currently considering the recommendations made by Mr Lyon.

Recommendation 4: The Committee recommends that chief executive officers seek the assistance of the Public Sector Commissioner where or when a grievance dispute is protracted, intractable and characterised by an irretrievable breakdown in the relationship between the parties.

The Government supports this recommendation.

It is agreed that chief executive officers can seek advice and guidance from the Public Sector Commissioner where grievance disputes are protracted, intractable or involve an irretrievable breakdown in the relationship between the parties.

However, it should be noted that the Public Sector Commissioner has no legal power to intervene in such cases, nor is it considered appropriate for such powers to be introduced.

Recommendation 5: The Committee recommends that chief executive officers seek the assistance of the Public Sector Commissioner where a grievance dispute involves a complaint against the chief executive officer and the grievance has not been resolved within a reasonable time frame.

The Government supports this recommendation.

As a result of a delegation of power from the Minister for Public Sector Management, the Public Sector Commissioner is currently the employer of chief executive officers. Legislative amendments are being progressed to formally vest that power in the Commissioner. On this basis, it is considered appropriate for the Commissioner to be involved where grievances against chief executive officers are protracted.