



AUSTRALIAN CATHOLIC UNIVERSITY

12 November 2013

Mr Dean Nalder
Chairman
Public Accounts Committee
Parliament House
PERTH WA 6000

By email: lapac@parliament.wa.gov.au

Dear Mr Nalder,

Re: Submission – Inquiry into Amendments to the *Public Sector Management Act 1994 (WA)*

Thank you for the invitation to make a submission to the Public Accounts Committee inquiry into amendments to the *Public Sector Management Act 1994 (WA)*.

The Western Australian Public Sector Commission evidently plays an important and necessary role in ensuring that the public sector is high performing, competent in its operations, and accountable through oversight to enhance integrity, effectiveness and efficiency in the sector.

At the outset it is important to recognise that, internationally, the public sector in Australia, is generally recognised to be performing well with respect to both the quality and independence of its public administration, particularly from a comparative international perspective. Indicative of this, the World Bank's 2012 Governance Matters rankings placed Australia in the 95th percentile with respect to its:

- Government effectiveness indicator measuring perceptions of the quality of public services (Australia outperformed the United Kingdom (UK) and the United States of America (US) on this indicator)
- Quality of civil service and its independence from political pressures.

Australia was ranked in the 96th percentile (outperforming the US, UK, Canada and Switzerland) with respect to the control of corruption indicator which addresses the perceived extent to which public power is exercised for private or personal advantage.

Vice-Chancellor: Professor Greg Craven

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Additionally, Australia was ranked equal eighth best in the world (with Switzerland) on a spectrum of 'least to most corrupt' in the Corruption Perceptions Index for 2011, conducted by Transparency International.¹

Within this strong framework, it is important to have appropriate provision for Public Sector Commissions to provide effective leadership to ensure that the Australian public sector remains high quality, independent and accountable. Equally, it is important to ensure that underpinning legislation is sufficiently clear and reflective of the ethics of good governance mechanisms and processes, including transparency and accountability.

In determining whether there is appropriate cause to review and/or attempt to amend the provisions in relevant legislation, it will be essential to recognise that:

1. Accountability to the public and the consideration of the public interest are fundamental tenets underpinning both the existence of and execution of government activity.
2. Transparency and accountability support good governance, informed decision-making, and public faith in government activity which is central to social cohesion.

In the Western Australian context, some valid comments have been raised regarding provisions in the *Public Sector Management Act 1994 (WA)* including:

- Powers granted to the Public Sector Commissioner to conduct a review or special investigation:

Section 24 of the *Public Sector Management Act 1994 (WA)* on the Commissioner's powers of investigation provides that:

(1) The Commissioner may, for the purpose of performing his or her functions, investigate the activities of any public sector body and for that purpose the Commissioner, or a person authorised by the Commissioner in writing, has all the powers conferred on a special inquirer by this Act and the provisions of sections 24I and 24J and Schedule 3 apply to and in relation to —

- (a) the Commissioner or that person as if he or she were a special inquirer; and*
- (b) that investigation as if it were a special inquiry.*

(2) A person authorised under subsection (1) must — (a) within such period as the Commissioner requires, prepare a report on the conduct and findings of, and any recommendations resulting from, an investigation by the person; and (b) immediately after preparing the report, provide the Commissioner with a copy of the report.

¹ Australian Public Service Commission, 'Transparency and Integrity', at <http://www.apsc.gov.au/about-the-apsc/parliamentary/state-of-the-service/new-sosr/03-transparency-and-integrity>

The Chief Justice of Western Australia has raised some pertinent comments in this respect, including that greater clarity in the broader legislation would have assisted to identify the distinction between a review, a special inquiry and an investigation, along with further provisions and guidelines regarding the exercise of these powers.

Once again, thank you for the opportunity to make a submission to the Inquiry. I wish the Committee all the best with its Inquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Greg Craven', with a long, sweeping horizontal line extending to the right.

Professor Greg Craven
Vice-Chancellor

cc.

Professor Scott Prasser, Executive Director, Public Policy Institute
Julian Leeser, Director, Government, Policy and Strategy