



Public Service Amendment Bill 2023

14 JULY 2023

Senate Finance and Public Administration Committees
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Parliament House
Canberra ACT 2600

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Dear Committee Secretary,

Public Service Amendment Bill 2023

The Community and Public Sector Union (CPSU) represents the people working for the Australian Public Service (APS) and is committed to providing a strong voice for our members in key public policy debates. We welcome the opportunity to make a submission to this inquiry into the Public Service Amendment Bill 2023.

For many years CPSU members have been disappointed by the lack of substantive progress on implementing the Thodey Review's recommendations. The CPSU sees the proposed amendments in this Bill as one aspect of implementing the Government's APS reform agenda, alongside more substantive changes to APS bargaining and investment in APS workforce and capacity.

The CPSU supports the passage of the Public Service Amendment Bill 2023. The CPSU engaged in the consultation process for the draft Bill undertaken by the APS Reform Office and provided comments about the Bill's contents on stewardship, capability reviews and long-term insights, and the Employee Census. We raised several issues that resulted in changes following consultation.

We strongly support the Bill's focus on the concept of stewardship and the involvement of APS employees in the development of the purpose statement of the APS is essential. The recently released Royal Commission into Robodebt demonstrate the importance of proper stewardship and the involvement of employees in developing policy.

As a knowledge-based institution, the most valuable asset of the APS is its people. The CPSU has consistently and persistently advocated the need to build the capability and capacity of the APS in order to support the communities our members serve now and plan for the success of our future communities. It is right that stewardship is a consideration for any government and Agency Heads in making decisions.

[Public Service Amendment Bill 2023]: CPSU submission

The CPSU specifically supports the proposed amendment for long term insights reports (s64A) and capability reviews of Agencies (s44A), including a minimum review of each Department, Services Australia, and the Australian Taxation Office every five years as well as the proposed amendment (s78B) that would ensure the publication of agency census results and the subsequent actions plans.

While the CPSU supports employees making decisions appropriate to their classification, most notably ensuring those at senior levels are empowered to make decisions; we have observed a tendency to inappropriately misdirect work to lower-level APS employees. Guidance to have decision making at the lowest classification, as proposed in s19A(1), has been used to force complex work on lower-level staff, without appropriate remuneration, and entrench the historical under classification of service delivery and feminised work.

We do note however that the Explanatory Memorandum (Item 7) has clarified an APS-wide intention that; “Consideration of the work level standards for classifications also allows consideration of the remuneration typically associated with the complexity and authority of decisions at each classification.” The CPSU is also seeking through the current APS enterprise bargaining process, in particular through a work level standards review, that there are appropriate protections in place to ensure work is not inappropriately pushed down classifications.

The CPSU also sought clarification to ensure the independence of all independent reviewers for capability reviews prior to them being appointed, specifically in light of recent consultant scandals. The Explanatory Memorandum now includes that independent reviewers must declare any conflicts of interest.

Finally, the CPSU also notes the Bill does not specifically deal with integrity and one of the missing pieces of APS reform is protections for public sector whistleblowers. The CPSU submits that public sector whistleblower protections remain inadequate, and that this requires urgent and thorough amendments to the Public Interest Disclosure Act. Those amendments should include a protected right to seek advice and representation from a union. Access to union advice and support is central to the ability of whistleblowers to navigate the process of speaking out confidently and safely on matters of public integrity.

If you require any further information, please do not hesitate to contact Osmond Chiu, Senior Policy and Research Officer,

Yours sincerely

Melissa Donnelly

National Secretary