



COMMONWEALTH OF AUSTRALIA

JOINT COMMITTEE

of

PUBLIC ACCOUNTS

Reference: Review of Public Service Bill 1997

CANBERRA

Monday, 25 August 1997

OFFICIAL HANSARD REPORT

CANBERRA

JOINT COMMITTEE OF PUBLIC ACCOUNTS

Members

Mr Somlyay (Chairman)

Mr Griffin (Deputy Chairman)

Senator Coonan
Senator Faulkner
Senator Gibson
Senator Hogg

Mr Beddall
Mr Broadbent
Mr Fitzgibbon
Mr Georgiou

The terms of reference for this inquiry are:

- (a) the Public Service Bill 1997 and the Public Employment (Consequential and Transitional) Amendment Bill 1997 be referred to the Joint Committee of Public Accounts for consideration and an advisory report by 4 September 1997;
- (b) the terms of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders; and
- (c) that a message be sent to the Senate acquainting it of this reference to the Committee.

WITNESSES

**DOWNIE, Mr Dominic, Team Leader, Strategic People Management Team,
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**KENNEDY, Mr Peter, Deputy Public Service Commissioner, Public Service
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**LAMOND Jeffrey George, Team Leader, Public Service Employment
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**SHERGOLD, Dr Peter Roger, Commissioner, Public Service and Merit
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JOINT COMMITTEE OF PUBLIC ACCOUNTS

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Present

Mr Somlyay (Chair)

Senator Faulkner	Mr Beddall
Senator Gibson	Mr Georgiou
Senator Hogg	Mr Griffin

Observers

Department of Finance	:	Ms Messner
Australian National Audit Office	:	Ms Taylor

The committee met at 4.53 p.m.

Mr Somlyay took the chair.

DOWNIE, Mr Dominic, Team Leader, Strategic People Management Team, Public Service and Merit Protection Commission, Edmund Barton Building, Barton, Australian Capital Territory

LAMOND Jeffrey George, Team Leader, Public Service Employment Framework Team, Public Service and Merit Protection Commission, Edmund Barton Building, Barton, Australian Capital Territory

KENNEDY, Mr Peter, Deputy Public Service Commissioner, Public Service and Merit Protection Commission, Edmund Barton Building, Australian Capital Territory

SHERGOLD, Dr Peter Roger, Commissioner, Public Service and Merit Protection Commission, Edmund Barton Building, Barton, Australian Capital Territory

CHAIR—I now open today's public hearing of the Joint Committee of Public Accounts review of the Public Service Bill 1997 and the Public Employment (Consequential and Transitional) Amendment Bill 1997 and I welcome those in attendance today.

The bills were referred to the Joint Committee of Public Accounts on 26 June for consideration. The committee held two public hearings earlier this month when evidence was taken on the primary bill. As the subordinate legislation was unavailable at that time, the committee is holding today's hearing expressly to address the subordinate legislation—in particular, the commissioner's directions and regulations.

This afternoon, therefore, we will again be taking evidence from the Public Service and Merit Protection Commission. I remind you that the hearings today are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of parliament.

The evidence given today will be recorded by *Hansard* and will attract parliamentary privilege. I refer any members of the press who are present to a committee statement about the broadcasting of proceedings. In particular, I draw the media's attention to the need to report fairly and accurately the proceedings of the committee. Copies of the committee statement are available from secretariat staff present at this hearing.

Observers today are Maria Messner from the Department of Finance and Nicole Taylor from the Australian National Audit Office.

I welcome the witnesses. I invite the Public Service Commissioner to make a presentation on the subordinate legislation on the bill.

Dr Shergold—Thank you very much, Mr Chairman. Before you today you have five documents which have been produced for you following the initial hearings of the

committee and they cover the range of subordinate legislation. In bringing them before you, I would like to emphasise two things.

Firstly, in some ways the legislation in front of you needs tightening, some smartening up in terms of legislative drafting and felicity of expression. But I thought it was far better for me to provide it to you as early in the process as was possible. Secondly, Minister David Kemp has wished me to make it clear that he will want to consider the views of this committee before he finalises the subordinate legislation that you are considering.

The first document under tab A is the current draft of the proposed commissioner's directions which are under clauses 11 and 36 of the Public Service Act 1997. You will see in those Public Service Commissioner's directions that there are four key chapters, four elements that are covered by the directions. The first is workplace diversity. You will notice as you look at chapter 2, diversity in employment, that it does, indeed, embrace EEO, and that was one of the questions that this committee had.

If you look at 2.3(1) dot point 2, it makes it quite clear that the workplace diversity programs which are mandatory in all agencies must include measures directed at ensuring that equal employment opportunity is available to all employees. Section 2.3(2) indicates a couple of measures in which there may be what might be thought of as affirmative actions. That is to say, it makes it clear that a workplace diversity program may also include programs to encourage the engagement in employment at an entry level of indigenous Australians and people with an intellectual disability. And that reference in the commissioner's directions ensures that the programs which presently exist under Public Service regulation 71B, continue. That is to say, it will allow the Aboriginal cadetship program, the Aboriginal technical traineeship program, the graduate administrative assistant Aboriginal services program, and the administrative services officers Aboriginal services class 1 program to continue, as well as the intellectual disability access program. It makes it clear that in the future other programs might be approved by the commissioner, but it covers the programs that already exist.

Point 2.4 addresses the issues that were raised a number of times in the earlier public hearings: how will we ensure that the workplace diversity programs are effective? What reporting arrangements will be set in place? And 2.4(1) makes it clear that all agency heads are obliged to evaluate the effectiveness of their program each year in their annual report. And, perhaps, more importantly, in 2.4(2) it makes it clear that it is the duty of an agency head to give the Public Service Commissioner the information that the commissioner requires for a report on the state of the APS which is, of course, tabled in parliament each year.

We have already started to run a number of workshops on these workplace diversity programs in all capital cities. One of the key reasons for that is to identify from each agency what it believes are the key ingredients of a reporting regime. Two things

have already emerged, I think. Firstly, people want to have the confidence that the commissioner will request information on how the existing four EEO groups are progressing over the course of a year and, secondly, there is strong support for the development of an appropriate equity index which will allow us in a single document to compare the performance of all APS agencies so that it will be clear from a single table how well different agencies are performing in terms of employment equity and workplace diversity.

Chapter 3 in the directions relates to merit and employment. As I had already foreshadowed, the definition of employment to be used is the one that was proposed by the Women's Electoral Lobby in their submission to the minister. It is set out in 3.1(3) and it makes it clear that merit is based upon competition, namely, the relative suitability of a person. It says:

assessment is based on the relationship between the person's work-related qualities and the work-related qualities identified by the Agency as genuinely required for the duties concerned.

That is the definition that has been proposed and captured within the commissioner's direction. Below that you will see examples of work-related qualities set out. That is an important step forward in terms of merit in employment in the APS.

But perhaps the most significant measure in the commissioner's direction is the opening up of the merit process as never before. Until now merit has usually been relatively narrowly interpreted. It has been interpreted in terms of the most suitable public servant. You will see from 3.2 and 3.4 that now, for the first time, there is to be a compulsory opening up of APS jobs, engagements and promotions to the Australian community at large. There will be competition based on merit.

Let me explain the significance of that. Even at the moment there are between 8,000 and 9,000 jobs in the Australian Public Service being advertised each year in the *Gazette*. Only about 20 to 25 per cent of those positions are advertised as open to members of the Australian community. This direction will say that all those jobs have to be open to the Australian community generally.

The next direction, chapter 4, relates to the senior executive service. There was a deal of discussion at your previous hearing about what protections and what redress an SES officer would have under the new legislation. That is addressed at least in part in the commissioner's direction which you have in front of you. You will note, for example, under 4.6, the minimum requirements for termination of employment of an SES officer. In effect, the commissioner's direction puts in place the substantive restrictions which are presently set out in legislation in section 76L of the Public Service Act. Those protections are incorporated in the direction.

It is strengthened, however, by the penultimate dot point of 4.6 which says that

there is now a requirement that the Public Service Commissioner must certify that that termination is in the best interests of the service. The purpose of 4.6 is to ensure that there is protection for an SES officer providing frank and fearless advice to a secretary, because the commissioner has to certify that the termination taking place is in the best interests of the APS.

Chapter 5 is the Public Service Commissioner's direction on public interest whistleblowing and sets out the procedures. The protections for whistleblowers are of course contained in the Public Service Bill proper. That is the commissioner's directions. Mr Chairman, would you like me to continue to describe all the documents?

CHAIR—Do the members of the committee wish to ask questions on this now?

Mr GEORGIU—I would rather stop and pursue some of the points in this.

CHAIR—Okay.

Mr GEORGIU—I have a couple of questions. The issue of strong and effective advice was raised last time with respect to the values. They pop up again on page 11, point 4.1(2):

In selecting and training SES employees, an Agency Head must seek to ensure that the SES is able to lead and manage the delivery of timely advice to the Government.

My understanding is that there was some thought that maybe the covering word 'professional' in the values would reach across the values themselves and into the act, but here we have a direction. Is there any problem in specifying the quality of advice beyond timely? As important as timely is, strong and effective or frank and effective or whatever are quite important in giving a direction to an agency head as to what sort of senior executive service he is supposed to have.

Dr Shergold—There is absolutely no problem. The commissioner's direction had been couched in terms of the values that are presently set out within the bill, but consideration is being given to changing those. Certainly, within this direction we could capture the words 'strong', 'effective', 'robust' and so forth.

Mr GEORGIU—Going to page 13: I am concerned that 'termination in the best interests' and its relation to the assessments of the senior executive service's activities or conduct should be fairly specific.

Dr Shergold—Yes, I accept that comment.

Mr GEORGIU—In your presentation you said that the issue of diversity had been captured, and you said that this replicated, in essence, the existing Public Service Act

with respect to diversity. Is that correct?

Dr Shergold—That is correct, yes.

Mr GEORGIU—The existing Public Service Act is also qualified by the May—

Dr Shergold—Yes. The existing regulations do not require any agency to set up these programs, but they are enabled under the Public Service regulation and they will continue to be enabled under this commissioner's direction.

Mr GEORGIU—With regard to merit—page 8—I am just not clear on what a couple of things mean. At point 2:

An agency must put in place measures directed at ensuring that employment decisions while contributing to the effective and efficient operation of the agency are based on merit.

Is 'while contributing to the effective and efficient operation of the agency' a qualifier on merit, or is this a leftover from an earlier draft prior to when you included a definition of merit?

Dr Shergold—No. There is an element of qualification there because, for example, there are employment decisions about access to training and career development. It is important that one is able to select the person who will most benefit from that career development and training. It may not necessarily be the best person. Indeed, the training you might want to provide may be to a poor performer, and that is why you are suggesting that the training should be provided.

Mr GEORGIU—You are not just talking about training. Let me come back to that. Can I take you to the next point. There you define merit:

The assessment is based on the relationship between the person's work related qualities and the work related qualities identified by the agency as genuinely required for the duties concerned.

I have got no problem with that. I am a bit unclear about how the merit principle resolves itself into 'the assessment is taken into account in the making of decisions'. What does that mean?

Dr Shergold—It is quite likely that in the future when we select people for jobs it may be that once selected, once we have gone through a merit process and they are identified as the most suitable person, there may then be negotiations about the conditions under which that person is willing to come into the agency, what Australian workplace agreement they may require, what salary they would require. And therefore it is not always the case that the person selected as the most suitable person will be the person who is selected for the job, because the committee will take into account issues of salary for example.

Mr GEORGIU—Essentially, what you are saying is that merit will determine the first offer?

Dr Shergold—Yes.

Mr GEORGIU—If you are the most meritorious person to be offered a job, you will get that offer automatically; then you will negotiate about whether or not the service really thinks you are worth the money you are asking for? That is all that it means?

Dr Shergold—That is all that it means, and that would generally be the case. It is possible, of course, in a selection process, that a candidate may, say, identify in the selection process that they will only come on certain terms, and therefore they will be eliminated at that point.

Mr GEORGIU—Can I come back to my concerns about 3.1(2). It seems to me that if you have got a definition of merit which includes:

. . . the work related qualities identified by the agency as genuinely required for the duties concerned.

Why have you got the qualifier ‘while contributing to the effective and efficient operation of the agency’? Let me give you a case in point. It would be possible to discount merit on the basis of some notion of contribution qualifying the merit quite substantially, whereas your 3.1(3) actually embodies everything in the concept by defining what merit actually is.

Dr Shergold—It may be possible that there is some duplication in the language that is used there. Certainly, the point it is intended to capture is that an agency in making appointments will have to have regard to effective and efficient operation. That is to say, it may decide that it is willing to pay removal and accommodation expenses for a particular position or in some instances, because of operational constraints, decide that is not appropriate to that position. That is the issue that we are trying to capture.

At the moment we often have a situation where someone who is pretty good applies for a job in Canberra from, say, Kununurra or Tennant Creek. The fact is that to appoint them imposes significant costs on the agency. The danger then is what the selection committee does. Even if the committee thinks that person is slightly better, it goes through a charade where the person is not identified as the most suitable person on merit because they do not wish to pay the additional costs for removing an officer from Kununurra to Canberra. We are just trying to make the merit process far more transparent.

Mr BEDDALL—Dr Shergold, on that particular point, that person may be the best person for the job, but will you give them the option of paying their own removal expenses?

Dr Shergold—That is precisely what will be allowed by this. You will be able to advertise a job, for example, and say whether you will or will not repay removal expenses, or up to how much, so anybody applying will know that is the basis on which you are making the selection based on merit. It will now be a transparent process.

Mr BEDDALL—Can I ask you a broader question in relation to what you indicated. There are now 8,000 or 9,000 jobs advertised each year in the *Gazette*. Twenty-five per cent of those are currently available to people outside the Public Service, but this will mean that all 8,000 or 9,000 jobs will be. What is the process in which those will be advertised? Will it still be the *Gazette*, or will there be a much broader thing which will involve higher costs to the Commonwealth if you went through search agencies, et cetera?

Dr Shergold—At the very least, all available jobs must be advertised in the *Gazette* and those advertised in the *Gazette* must be open to members of the public. Certainly, agencies will be encouraged to go beyond that to make use of the print media. We are also examining the possibility from next year of ensuring that the *Gazette* is available electronically and is available through all employment placement agencies.

Senator FAULKNER—That is, effectively, what you mean in 3.4(1). The words used there are, ‘was open to all Australians’?

Dr Shergold—Yes, that is what is intended by 3.4(1) and 3.2(1).

Senator FAULKNER—I appreciate that, but certainly 3.4(1) indicates it will be advertised to all Australians at least in the manner that you have described to the committee.

Dr Shergold—Yes.

Senator FAULKNER—Who is responsible for the PSMPC draft certified agreement? Who in your operation is responsible for having prepared that? I assume it is you at the end of the day. Would that be right?

Dr Shergold—Yes, it is me at the end of the day who puts forward a certified agreement to staff to see how they vote on it. However, the workplace agreement put forward will be based upon a number of meetings of a workplace relations committee which includes elected staff representatives and union delegates.

Senator FAULKNER—I had a very quick look at the draft certified agreement, and you would appreciate we have not had much of an opportunity to look at the directions or regs yet; it is a question of time. I must also say that I appreciate your making these available to the committee as quickly as you can. It is just that we have been on a very limited time frame ourselves.

Could I take you to paragraph 20.4 of your own certified agreement? It says that team leaders will determine how people will be recruited—by transfer, advancement or promotion—and that the labour market will be canvassed. Then it says that where team leaders choose to advertise externally, they may decide the extent of any financial assistance for relocation from another locality to be provided to successful applicants. On the face of it, paragraph 20.4 of your own certified agreement seems to be a breach of the Commissioner's directions. I thought you might just explain that to me.

Dr Shergold—I will explain a number of things. First of all, the agreement you have is a draft. It is not the agreement being put forward to my staff and it is not in breach of anything until the Public Service Commissioner's directions are enacted. Certainly, the case is complex. We will be moving to broad band a number of administrative service officer classifications and, therefore, there will be an opportunity for people to move upwards within our structure in a way which is no longer defined as engagement or promotion.

There would be no intention whatever of breaching the direction that is put before you here. Once the new legislation was enacted, including the subordinate legislation, there would be no doubt whatever that the way we would manage within the commission would be in terms of that legislation.

Senator FAULKNER—Would it be fair to say, Dr Shergold, that there is a logical inconsistency between paragraph 20.4 of the certified agreement draft and directions 3.4(1)? That is not an unreasonable conclusion to come to, is it?

Dr Shergold—It is not an unreasonable conclusion to come to, but it is unfair. There is no logical inconsistency between what is presented in the draft certified agreement and the propositions put forward in the direction. It is related to the issue of a broad banding of our classification structures, which is entirely appropriate under the document that you have been provided with under tab E, the draft classification rules. I am happy to talk through this at length. My concern is that it is likely to take us off on a tangent.

Senator FAULKNER—No, there is no need to talk it through at length. Can I just ask you a couple of questions about part 2 in the regulations—review of actions—on page 6?

Dr Shergold—I have not come to that yet.

CHAIR—We have not got to there.

Senator FAULKNER—I thought what we had done is to ask—

CHAIR—No, we covered the first paper.

Senator FAULKNER—Have we just stopped you?

CHAIR—Yes.

Senator FAULKNER—I thought you had concluded your contribution.

CHAIR—No.

Senator FAULKNER—What about general questions? When are you planning to take those from—

CHAIR—At the conclusion. We will do each paper as we complete them.

Senator FAULKNER—There are a number of general questions I would also like to ask.

Senator HOGG—Could I just get it straight, Dr Shergold? Does the advertising apply to positions that are vacant for periods greater than 12 months?

Dr Shergold—Yes.

Senator HOGG—Would it be within the province of an agency head to select a number of positions and declare them as being under the 12 months and thereby avoid the need to advertise?

Mr Kennedy—We use language to try and capture the idea that if a person takes someone on short term in a way that is under 12 months, if they extend past 12 months, the test will apply back. So they cannot keep doing it. They will have to comply once that person has been employed for more than 12 months.

Senator HOGG—All right. What if then they do not necessarily extend the particular person's term, but go through a number of people occupying the same position? Is it the position or is it the person?

Mr Kennedy—It is the person.

Senator HOGG—It is the person. Then one could concede that they could have a 12-month limitation for a particular person and then put another person into the same position on a 12-month term. I had experience with this elsewhere.

Mr Kennedy—Yes. That could happen, but there would be severe operational inefficiencies to doing that. If it is a job that they require to be filled in the long term, churning people over like that would have its own disadvantages.

Mr GEORGIU—I have one other question on diversity. What happens if the diversity, equity or whatever is found to be wanting? Who says something to the secretary? What happens if you come to the conclusion that something is going astray or inappropriate action is being taken? What mechanisms can you call up to make recommendations to the secretary? What power do you as commissioner actually have?

Dr Shergold—One of the key powers I have as commissioner is to identify to a secretary or agency head that I believe something is awry with their workplace diversity program or, indeed, that they do not have one, and that I will be reporting on that in the annual report to parliament.

Mr GEORGIU—You have the power to report but you do not have the power to make recommendations a la the Auditor-General to the specific department involved about deficiencies in their programs?

Dr Shergold—No. As commissioner I would have the power, at the minister's request or on my behalf, to undertake a review of any APS employment matter.

Mr GEORGIU—But if you came to a conclusion—on the basis of all this data that they have a duty to provide to you—that something was going astray, could you make recommendations to the secretary and, if you could, in what form?

Dr Shergold—Yes, I would be able to make recommendations, and the form in which I made those recommendations would be for myself to decide if I was the Public Service Commissioner.

CHAIR—What options are available to you?

Dr Shergold—I could make recommendations directly to the secretary and, if not taken up, I could make those recommendations then to the minister, and indeed have the powers under the legislation to make a report to parliament if I think that the response of a secretary or minister has not been appropriate.

Mr GEORGIU—You would try to do it internally and then, after some failure to respond, you would tell the parliament.

Dr Shergold—Correct. My preference would be that the role of the Public Service Commissioner would be facilitative and supportive in the first instance.

Mr GEORGIU—Does that mean that you think the Auditor-General's role is not facilitative and supportive because he makes public recommendations?

Dr Shergold—No. What I am saying is that I think that is a key role for the Public Service Commissioner, and that it is clear, from the Public Service Bill that you

considered at your last meeting, under sections 41 and 43 covering the functions and inquiry powers, that there are extensive powers available to make recommendations and, indeed, powers to report not only to the minister but to the Prime Minister.

Mr GEORGIU—What about the parliament?

Dr Shergold—There would automatically be a report to parliament through the annual state of the service report, but there is also the opportunity, if the commissioner believes it necessary, to report directly to parliament on other issues.

Mr GEORGIU—But you do not intend, in the first instance, to report on your assessment of the adequacy or inadequacy of the implementation of these programs. You would wait and go through what seems to me to be a quite protracted period, given that you only report to the parliament once a year, before coming back to the parliament, which does puzzle me a bit, and I do appreciate your point about facilitative support.

Dr Shergold—There is an opportunity to report to parliament at any time and not to wait for the annual state of the service report. I find it difficult to answer a hypothetical question about what I would do in a particular instance. If, for example, it was clear to me that a secretary or agency head had no intention of taking advice or was, indeed, not setting up a workplace diversity program, the view of the Public Service Commissioner may be to act very speedily indeed.

Mr GEORGIU—So there would be a lot of discretion in your decisions about whether or not you would act in some cases publicly and in other cases privately?

Dr Shergold—That is true. I think the discretion set out here is the sort of discretion that is available both to the Ombudsman and the Auditor-General.

Mr BEDDALL—Taking into account that you already have to take cognisance of the Racial Discrimination Act, et cetera, this particular provision on diversity, how would you see that being implemented? Do you have a quota in your head or whatever of how you would meet such a target? Is it a target? If so, what is the target, because all of this has to comply with current legislation, so this must be an override on top of that. What does the override mean?

Dr Shergold—The override means that for the first time it is mandatory for each agency to have in place a workplace diversity program and to report on that in their own annual report, as well as reporting to the commissioner who can then compare the effectiveness of agencies' workplace diversity programs in the annual state of the service report.

Mr BEDDALL—But, as the commissioner, when you are receiving the report, what notionally would you think is a target that people should meet? Is there a target?

Dr Shergold—No, there would not be, in my view, a target. I think targets are dangerously restrictive, and we have already discovered that. For example, if you look at a target of having women as 20 per cent of the senior executive service, a target we are approaching and will probably make in the next year or so, the difficulty with a service-wide target like that is it hides as much as it shows. For example, the performance of the APS looks pretty good as a service, but that is largely because women are well represented in the senior executives of departments like DEETYA, Social Security and the Commonwealth Service Delivery Agency. They are far less well represented in a number of other departments.

So I think it would be much more effective to report on the comparative success of agencies without saying to all of them, ‘You have to set a target of 20 or 25 per cent.’ Indeed, the targets that were set originally I think have, in a sense, been far too modest. Targets which were set for the year 2000 in many instances we are already hitting.

I think it is much more appropriate in the terms of this legislation to say to agencies, ‘You are responsible, you are accountable; you must have in place a workplace diversity program. The parameters of that program have clearly been set out under the commissioner’s directions. You will also be aware of your responsibilities under the Commonwealth discrimination legislation, and you must be accountable through government to parliament for the performance of your agency on workplace diversity.’

Mr BEDDALL—But they can say to you, ‘But there is no target.’

Dr Shergold—They could say to me, or to government, or to parliament, ‘We do not have a target.’

Mr BEDDALL—You see, the thing you have identified is that an overall target hides as much as it shows. Individual targets do the opposite. You would clearly identify which agencies are not meeting a target.

Dr Shergold—I would anticipate that a number of agencies may themselves set themselves stretch targets. But I do not anticipate that the commissioner would go back to the prescriptive approach which dominates the public service at the moment of saying, ‘For each individual agency—all 130 or 140 agencies—these are the specific targets that are being set for you and how I expect you to meet them.’ I think we have got to let managers manage. We have to say, ‘It is your responsibility to have this program in place and answer for it.’

Mr BEDDALL—Final question. When you talk of Australians, is it still to be a requirement that everyone must be an Australian citizen to join the Public Service?

Dr Shergold—The intention at the moment is that the present citizenship requirements would remain.

Senator HOGG—I may well have missed this when I went to the division, but back on page 7 of the document that I am reading, at 2.3 (3), it says that:

with the Commissioner's agreement, the workplace diversity program may include measures to help to remedy employment-related disadvantages.

Could you elaborate for me what would be employment related disadvantages? And who will determine those?

Dr Shergold—It will be if an agency believes that for a particular group of their work force that it would be of value to set in place a specific program to help members of a particular group apply for jobs on merit. It might be to provide them with some specific career development or training opportunities.

Senator HOGG—Could that equally apply to things such as child care and family considerations?

Dr Shergold—They would not be required under the commissioner's direction to approach me to set up child-care arrangements. Indeed, that would be pretty well covered I think under 2.31 where agencies through their program are able, indeed encouraged, to set up programs to assist employees to balance their work and family responsibilities effectively.

Senator HOGG—What specifically then is this seeking to address?

Dr Shergold—It is seeking to address the fact that agencies need not be limited. There may be for particular agencies particular reasons why they would like to set up programs for particular groups that they may be employing.

Senator HOGG—Is that subject to approval by the commissioner? Or is the agreement only for the agency to go ahead and pursue the issue?

Dr Shergold—The commissioner's agreement would be necessary if they were to undertake measures to remedy employment related disadvantages of other agency employees not covered above. For example, it is possible that in the future an agency may want to set up a program particularly directed at young people of non-English speaking background. Age or youth are not among the measures covered above, but may be appropriate for that particular agency.

Senator HOGG—Apart from this hearing now, where will we find some definition of this in the future? Will it just be something that evolves?

Dr Shergold—In broad terms it is covered in the directions. It will be covered in my annual report. It will also—perhaps most importantly—be covered in the report of

each individual agency on an annual basis.

Mr GEORGIU—I have one final question on reporting. I want to clarify that the situation is that, while you may write reports and make recommendations, the only obligation that you feel yourself under in terms of publications to the parliament is the publication of an annual report, which may not refer to any of your conclusions about the current state of play: evaluating how the agencies incorporate APS values, promote APS values and the code of conduct; and develop, promote and review APS employing policies and practices. What will go in your annual report?

Dr Shergold—Through you, Mr Chair, I do not wish to take that view. I can make a report on any issue other than in my annual state of the service report. It is quite open to me to present a separate report to parliament on workplace diversity programs.

Mr GEORGIU—Okay, then I understand that it is not your intention to do that when it is a case of recommendation unless your recommendations to the agency heads are not implemented and then perhaps you will think about telling parliament about it?

Dr Shergold—No, I am not saying that either. If there were concerns about individual agencies, my first approach would be to take the matter up with the secretary in question. If there were an overall concern about the effectiveness of workplace diversity programs, I think it would be entirely open to make a report to parliament in the first instance.

Mr GEORGIU—Thank you.

CHAIR—Dr Shergold, could you please now proceed with the regulations.

Dr Shergold—At tab B is the draft of the proposed regulation relating to the review of actions under clause 33 of the Public Service Bill 1997. I think this was the regulation that aroused the most interest at your earlier hearing. This is the regulation which allows the Public Service Commissioner to undertake external review of employment actions—that is to say, review outside the agency. The commissioner is able to do that through this regulation directly or through independent reviewers. You will see from regulation 5 on page 3 that the grounds for review are wide, and that under regulation 6 a reviewable action includes a failure to act. That is set out in the note at the top of page 4.

As indicated at the earlier hearings, SES officers are exempt from access to the review of employment actions. They are, like senior officers, already exempt from appeals with regard to promotions, but this now means that senior executives can no longer seek a review of employment actions affecting themselves. What has been in effect removed are their grievance rights. I should say that they have, over the last few years, arisen only in very rare circumstances.

The basis is that senior executives in the APS will in general have consistency with community standards—remembering, however, that the commissioner’s direction on the SES has protections in terms of their termination which are not available to them under the Workplace Relations Act, but are available to them in terms of the commissioner’s direction. I think that is all I need to say with regard to the regulation before you.

Senator FAULKNER—In relation to 6.1(b), it says:

application for review of the action is made more than 1 year after the action happened, or did not happen, and there are not exceptional circumstances why the application was not made within the year.

What I was interested in, given the time period there of one year, is how that fits with your PSMPC certified agreement draft’s 27(1), ‘Review of employment actions’, which says:

An employee is entitled to apply for a review of any action or failure to act that relates to his or her employment lodged within three months of the action occurring unless exceptional circumstances apply.

Dr Shergold—That is an out-of-date draft, Senator.

Senator FAULKNER—I see. So there is a new draft that takes account of the commissioner’s direction, is there?

Dr Shergold—There is a new draft available which will not be limited to three months; but that is a certified agreement that will still be—

Senator FAULKNER—You said it is an out-of-date draft. Is there currently a new draft available that is different?

Dr Shergold—There is currently a new draft being prepared. I have not been at the commission today, but I would anticipate that it will be available by tomorrow evening.

Senator FAULKNER—But it would not be in the hands of any interested parties. I appreciate that it is out of date. It is the same situation, is it not, Dr Shergold? You cannot have it both ways. Either the certified agreement is right or, as in this case, the regs are right. That is helpful. Thank you for that.

In relation to the grounds for review, I do not want to put words into your mouth but in your opening contribution you said they were wide. I think that was the terminology you used.

Dr Shergold—Yes, there are wide grounds for review.

Senator FAULKNER—Let me take you to paragraph 5, and the two grounds there:

- (a) a breach of the Code of Conduct; or
- (b) a serious defect in the procedures followed by the responsible person.

The issue I am interested in understanding is whether the grounds are, in fact, very significantly more limited with this than they currently are. Could you explain to the committee whether it would be possible to seek a review of a promotion decision in similar terms to what is currently available?

Mr Kennedy—At the moment, in the case of administrative services officers class 1 to 6 or their technical equivalents, there is a capacity to undertake an application which is known as a promotion appeal, which would enable a person who was dissatisfied with the outcome of a selection process to seek to have that process reviewed and an alternative decision made in favour of the appellant.

There is no completely identical provision in this, but there is a provision that would enable the person to go to the agency head and seek a review. The agency head has the power, under subregulation 2 of regulation 13, to confirm the action, to vary the action or to set the action aside and substitute the new action. If the person were dissatisfied with that, they could then go and seek an external review by the Public Service Commissioner, who could refer it to an independent reviewer if necessary. On that second stage, the person who conducted that review would only make a recommendation; but in the first instance, when they go to the agency head, the agency head can vary the decision.

Senator FAULKNER—In relation to the issue of merit of applicants, would an unsuccessful applicant be able to seek review of an assessment of his or her relative suitability compared to that of a successful applicant?

Mr Kennedy—They would if there had been a breach of the code or a serious defect in the procedures followed by the people.

Senator FAULKNER—Yes, I appreciate that. But if there was no breach of the code of conduct or a serious defect in procedures, the issue of relative suitabilities or merits would not be a basis for review, would it?

Dr Shergold—I think it would; because the code of conduct makes it clear that an APS employee must at all times behave in a way that upholds the APS values, and that includes employment decisions based on merit.

Senator FAULKNER—Would you argue that the grounds for review are not very significantly more limited with these regulations than is the current situation?

Dr Shergold—It is certainly the intention that the volume of appeals that are presently being addressed should be reduced and that, as much as possible, employment decisions should be reviewed at the agency level. The appeal process we have presently set in place imposes a tremendous cost on the service and on management.

Let me give you just one example from this month's *Commission Impossible*, which is the newsletter of the Public Service and Merit Protection Commission. It relates to a promotion appeal in New South Wales, and it is on the issue where people are putting forward protective appeals. We have one promotion appeal currently being heard which has 19 active appellants, and has 18 provisional promotees.

The result of that is that there are a huge number of protective appeals, so the commission is now working through a matrix of 626 individual appeals for those positions. That is not just a matrix. Each of those appeals has to be considered against every other in a substantive manner. They cannot simply be dismissed and set aside. That is not the worst case. Last month in Sydney we had a case where there were twice that number of protective appeals. It is tying us up in red tape and imposing a substantial cost on the Public Service.

It is one of the key reasons, in my view, that the cost of our personnel management is something like 2½ times best practice. That is not my statement: it comes out of a report by the Management Advisory Board back in 1994-95. In real terms that it is costing the Australian taxpayer something like—conservatively—\$250 million per year in personnel processing. The promotion appeals culture is not the only reason, but it is certainly making a substantial contribution to it.

Senator FAULKNER—Is that a way of answering my question with a yes and providing a justification for it?

Dr Shergold—It is a way of saying that yes, I would hope that the new framework set out here will reduce the number of promotional appeals and will focus on review of employment decisions, particularly ones that might undermine the values or conduct in the service as a whole.

Senator FAULKNER—On what do you base that figure of \$250 million?

Dr Shergold—It is based upon the report of the Management Advisory Board on achieving cost-effective personnel services, and I am happy to table that document with the committee at the end of this hearing.

Senator FAULKNER—Thank you for that. That document includes that particular figure, does it?

Dr Shergold—I can provide the calculation of the \$250 million per year. It is

based upon the assessment within that document that the cost of our personnel services is 2½ times best practice.

Senator FAULKNER—Who undertook that particular assessment based on the Management Advisory Board documentation?

Mr Downie—The Management Advisory Board sponsored the project. It established a project team to conduct it. Part of that project was an extensive benchmarking of personnel services across 23 APS agencies, a couple of government instrumentalities and some private sector organisations. On the basis of that benchmarking survey, we were able to identify the costs and the effectiveness of our personnel services compared with across the APS and then compared with a good practice example.

Senator FAULKNER—You are saying that the project team were responsible for producing the figure of \$250 million?

Mr Downie—No.

Senator FAULKNER—That is all I am asking. I am trying to find out whose figure it is.

Mr Downie—It is the project team's: we used the services of Delloite Touche Consulting to provide the benchmarking methodology and the discipline that was required to obtain and understand reliable data.

Senator FAULKNER—They provided the methodology: who came up with the figure?

Mr Downie—The figure of \$250 million was done by the project team.

Senator FAULKNER—That is internal to the PSMPC?

Mr Downie—We are happy to provide the basis of those calculations. They are based only on the figures contained in the report.

Senator FAULKNER—Thank you. I would appreciate that; it would be helpful. Has that figure previously been made public?

Mr Downie—Yes, it has. It was made public over the period of the past several months.

Mr GEORGIU—Just for those of us who are not as skilled in Public Service lingo—and probably to make your point better—can you tell us what a protective appeal is?

Mr Kennedy—A protective appeal is a jargon term used for the case where I may have been provisionally promoted and someone appeals against me and then someone else has been provisionally promoted, so I also then appeal against that person—because, if I get knocked off, I want to make sure I can try and knock someone else off. And so you get this sport of tying up a whole lot of activities because of people who put in all those protective appeals.

Mr GEORGIU—In the case where you said there were 19 people, these were all people who had actually been provisionally promoted and were appealing against—

Dr Shergold—There were 18 provisional promotees and, as a result, we are looking at 626 individual appeals.

Mr BEDDALL—Surely that is a cultural thing, rather than just a legislative thing.

Dr Shergold—Yes.

Mr BEDDALL—That is the problem: you cannot just change the culture through legislation.

Dr Shergold—That is true. This legislative change is simply enabling—and it will certainly, I believe, drive—the cultural change that you have identified that will be required.

CHAIR—Could you move to the next one, please?

Dr Shergold—Under tab C are the drafting instructions for all the other regulations. Essentially, these drafting instructions are intended to pick up the current rules under the Public Service Act and to recast them in simple and easy-to-understand language. If you look through most of these drafting instructions for the new regulations, you will find that they cover the territory covered by the existing regulations or legislation.

CHAIR—We have D and E to go.

Dr Shergold—At tab D are the drafting instructions for the consequential and transitional regulations under the Public Employment (Consequential and Transitional) Amendment Bill 1997. Essentially, they are designed to look after the existing rights of all APS employees so that processes that are presently in train can continue to finality, once new legislation is enacted. I believe that the only major exception is that identified on page 17, and these are the provisions relating to mobility under Part IV of the existing Public Service Act. These are the restrictions which say that the existing mobility arrangements will continue for a period of 12 months and which set a time limit on that.

There are three things that I should note about that time constraint. The first is with respect to the parliamentary departments. The parliamentary departments, as I think you are now aware, Mr Chairman, have proposed in their own legislation a specific provision which will have the effect of ensuring smooth reciprocal mobility between the parliamentary service departments and the public service departments. I can only say that, from my point of view, that seems a workable solution which should be supported.

The second is the issue of MOP staff, and I would direct attention to the explanatory memorandum on the Public Employment (Consequential and Transitional) Amendment Bill at 3.3.17, which says that, in terms of transitional arrangements, 'as a matter of practice it will be expected that agency heads will grant leave without pay to APS employees who wish to take up statutory appointments.' It was certainly intended in those words to cover MOP staff, and MOP staff will now be made explicit in the next explanatory memorandum.

The third and final point I will make about the mobility arrangements is this. The great majority of mobility rights are what are termed 'second tier rights'. This means people presently outside the service who are given preference in being able to apply for jobs advertised in the *Gazette*. The fact that those jobs advertised in the *Gazette* will now be open to all Australians means that there is no problem with those second-tier rights continuing; it is that the second-tier rights, however, no longer give them an advantage over those who have not been in the APS.

CHAIR—Thank you. What about the final one?

Dr Shergold—Tab E sets out the classification rules for the Public Service. The key purpose of these rules is to uphold the value of merit in relation to the movement of staff within agencies and between agencies. If there are specific questions on the classification rules, there are officers from the Department of Workplace Relations and Small Business here who can take those questions.

CHAIR—I would like to raise one matter. Dr Shergold, you issued a press release where you contested some evidence given to us by Sir Lenox Hewitt. Is that right?

Dr Shergold—I gave a speech on Tuesday in which I addressed some of those remarks.

CHAIR—Sir Lenox has written to us and expressed his concern that there is an inference that he was untruthful in his evidence. Your comments were not meant to convey that impression?

Dr Shergold—There was certainly no intention to convey that impression whatever. I had hoped that the terms in which my speech was given would have made that clear.

CHAIR—Right.

Senator FAULKNER—On that same issue, Dr Shergold, I refer you to an article in the *Canberra Times* of 20 August. I assume that you have seen it. It is entitled ‘PM’s sackings set stage for change: Hewitt’. It is by Mike Taylor of the *Canberra Times*. It basically is saying that you said that Sir Lenox Hewitt was suggesting that in the past:

. . . poor performance was managed by sending people to Coventry or giving them make-work tasks.

Are you accurately quoted in the *Canberra Times*?

Dr Shergold—Mr Chair, I am happy to table the speaking notes for the speech that I gave last Tuesday.

Senator FAULKNER—Thank you for that. Is that accurate? It says:

I can understand nostalgia for days in which—by Sir Lenox’s own account—poor performance was managed by sending people to Coventry or giving them make-work tasks.

It goes on quoting you at some length. It would be helpful to table the speech notes, but it is not necessary. All I am asking you is whether or not you said it.

Dr Shergold—I certainly conveyed something similar to what you are reading. I do not have the press article or a copy of my speaking notes in front of me, but the thrust of what you have read to me is correct.

Senator FAULKNER—I think we all recall that Sir Lenox Hewitt has said that some officials have been sent to Coventry and given other jobs. You might be hard pressed to direct us to any place in the *Hansard* or anywhere else where Sir Lenox has said that this was related to the management of poor performance. There is obviously a very significant difference. That is why, I assume, the committee has received the correspondence from Sir Lenox Hewitt.

Dr Shergold—I believe that nothing in the speech that I gave could have conveyed the impression that I was directly quoting from what Sir Lenox said before this committee. The context in which those remarks were made is not conveyed in the press article, although, on the basis of memory, some of my more supportive remarks about Sir Lenox were included or at least were included within a sentence of the *Canberra Times* report.

CHAIR—You have told the committee that you had no intention of implying that Sir Lenox had been untruthful in any form in his evidence and we have accepted that. Have you got some general questions, Senator Faulkner?

Senator FAULKNER—Now the committee secretariat has kindly handed me a

copy of the speaking notes I appreciate that, Dr Shergold. It says—let me quote you directly:

I can understand nostalgia for days in which—by Sir Lenox's own account—poor performance was managed by sending people to Coventry or giving them make-work tasks. But I cannot approve such practices—

And it goes on. So it would appear that you did say it and it would appear that the *Canberra Times* has quoted you word for word, wouldn't it?

Dr Shergold—Without seeing the two accounts, I am happy to take you, with the two accounts in front of you, as correct.

Senator FAULKNER—The problem is, Dr Shergold, that the words that you put into Sir Lenox's mouth I do not think fairly represent at all the views that he expressed to us, or that I have seen in any other forum. As I said to you, he did say that some officials had been sent to Coventry, as I understood it, and others had been given other jobs. But he did not say that this was related to the management of poor performance. He can speak for himself very capably, as we all know, and I do not need to speak for him. But I have no doubt, as I read the communications we have before the committee, that this is the reason for his concern. In fact, Sir Lenox Hewitt has requested that he have an opportunity to deal with this matter. Would you care to take this opportunity to correct the record before the committee, given this circumstance? Perhaps we could deal with it by you issuing some sort of statement that apologises for what appears to me as misrepresenting his position.

Dr Shergold—I think I have already indicated my position. Certainly it was not intended in my speaking notes to suggest that I was quoting from Sir Lenox directly the exact words that were presented before this committee, and if that is the interpretation of that, I apologise. But that was certainly not intended and I do not believe that those to whom I spoke would have had that impression.

Senator FAULKNER—I can only say to you that one gets impressions from newspaper articles about when people are quoted, but it seems to be one that is reinforced by the actual speaking notes themselves. It is not my—

CHAIR—Dr Shergold has made his position quite clear now.

Senator FAULKNER—Well, Mr Chairman, it is not my—

CHAIR—Have you any further questions?

Senator FAULKNER—I had a number of general questions that I was keen to ask Dr Shergold. I am sensitive about the time. Have we got a little more time available, Mr

Chairman?

CHAIR—If you have.

Senator FAULKNER—If you could extend us that generosity, I would appreciate it. No doubt others may follow through that other issue; I only wanted to deal with it from my own perspective and if others wish to take it further, they can. Dr Shergold, do you agree that in the end in Australia we retain our positions by performance and there is no reason why that principle should not be applied to the senior levels of the Public Service?

Dr Shergold—I certainly agree with that proposition.

Senator FAULKNER—I thought you probably would. As I think you are well aware, it was in fact Minister Kemp who made that comment earlier this month. I am interested also in understanding whether you think that Dr Keating, as the former Secretary of PM&C, would have a strong basis of experience in the nature of decisions about the dismissals of secretaries and, as such, that his opinions ought to be given some significant weight on this issue?

Dr Shergold—I would certainly agree that Dr Keating's views, as of many others, should be given weight by this committee.

Senator FAULKNER—Thanks for that; that is helpful. I was interested in what you made of the view that he expressed to the then responsible minister, Minister Reith, in the submission that he made on behalf of the Institute of Public Administration on the discussion paper. He said, 'It should be remembered that experience suggests that the real reasons for terminating their'—that is, secretaries—'employment usually reflects the quality, actual or expected, of their working relations with ministers and they have little to do with matters that might be susceptible to being transcribed into formal performance agreements.' There are some very clear expressions of opinion there from Dr Keating and I wonder whether you share any of those views.

Dr Shergold—I think it is a well argued and arguable proposition.

Senator FAULKNER—Yes, but I was interested in understanding whether you share any of those views. I agree with you about it being well argued and arguable. I am sure all—

Dr Shergold—If I could see a copy of the quote, I would find it easier to say whether I supported it, and what elements.

Senator FAULKNER—I have an extract, but I do not have the whole document. What I could do is give you the whole document and ask you that question on notice, because I would be interested in hearing a considered response from you. I appreciate that

it is proper for you to have in front of you the words of Dr Keating. It is easier to respond to these things when you have an opportunity to give a considered expression of views.

CHAIR—Bearing in mind that we are here to look at the subordinate legislation.

Senator FAULKNER—That is also true, Mr Chairman. That is another good point. Dr Shergold, if performance, as suggested by the minister, is the key to tenure, could it be argued that this was the basis on which six secretaries were dismissed by the current government immediately after the election last year and before there could have been any reasonable opportunity for them to have had any opportunity, any chance at all, to demonstrate their performance?

Dr Shergold—I would not like to present views on that matter.

Senator FAULKNER—Why not?

Dr Shergold—The quotation you were giving me was that the essential ingredient of performance of secretaries—and I am trying to remember from the quote you read—was on the basis of good working relations. I think it is fair that that is the key matter that would concern the government of the day in the relationship between its ministers and its secretaries. I think it is appropriate that any government make decisions about whether there are, and can be, effective and good working relationships between ministers and secretaries.

Senator FAULKNER—But can you make these sorts of judgments immediately after a change of government, immediately after an election? I ask it in the context of Minister Kemp's comment that in the end in Australia we retain our positions by performance and there is no reason why that principle should not be applied to the senior levels of the Public Service. You agree with it—fair enough. Minister Kemp embraces it; that is his view. I accept that is his view and your view. Given your position, it is not an unreasonable question for me to ask you: if performance is the key to tenure, how can you have this situation?

Dr Shergold—I simply do not wish to address specific instances. I believe it would be quite wrong, given that I do not have knowledge of the specific instances that you have put before me, to comment on those specific instances. What I am very happy to say is that good performance should, of course, be the key. Beyond that, it is vital to preserve, to hand on to future governments, an apolitical, impartial, non-partisan public service. That is the very reason that I am so supportive of the legislation in front of you. For the very first time in legislation, it sets out those values. I believe that is essential for taking the APS into the next century.

Senator FAULKNER—I accept your strong commitment to this legislation. I certainly accept that you are the leading advocate for it. But it is also reasonable for me to

ask you how acceptable it is for both you and the responsible minister to imply that these secretaries were dismissed for reasons of performance in these kinds of circumstances. You embraced the minister's view.

CHAIR—I think those questions might be saved up, perhaps for next Thursday—

Senator FAULKNER—I do not think Dr Shergold is here next Thursday, is he?

CHAIR—No; he is not. He has told you that he is not in a position to answer those questions.

Senator FAULKNER—With respect, Mr Chairman, he has not actually had a crack at this one. He might have a dip at this one outside the off stump.

Dr Shergold—Mr Chairman, I think it is quite appropriate because, of course, it is the head of Prime Minister and Cabinet not the Public Service Commissioner who makes the reports on secretaries. Therefore, I had no involvement in the issue of the six secretaries. My involvement, as Public Service Commissioner, comes from making a report to the Prime Minister with regard to the head of the Department of Prime Minister and Cabinet, and that position alone.

Senator FAULKNER—With respect, Dr Shergold, you are the key public advocate in supporting this bill. I acknowledge that. I am not disrespectful in that sense; I am not critical of that. You have been so before this committee, and I think you are publicly. I would have thought it not unreasonable for me, as a member of this committee, to be asking you questions relating to your support for the provisions in the bill that allow for secretaries, who lose their positions, to be dismissed from the Public Service for reasons that are essentially unrelated to their performance. You support the bill; you support those provisions. I think it is proper that it is canvassed here.

If you say to me that it is too hard, I do not believe in being unreasonable at committee hearings such as this. I would have thought it was a reasonable dialogue for us to engage in. If it is getting a bit difficult, perhaps we should not continue. I think, in the circumstances, it is not an unreasonable line of questioning. Perhaps we could hear from you on that?

Dr Shergold—Mr Chair, I think it is entirely inappropriate for me to comment on specific cases in which I have not had the slightest involvement and nor should have under the existing legislation.

Senator FAULKNER—I am talking about the general principle in the bill, Dr Shergold, not the specific cases.

CHAIR—Let me ask a supplementary question to Senator Faulkner's question.

When does the timing for the performance of a secretary start when there is a change of government? Performance can be judged well before the moment there is a change of government, I would imagine.

Mr Kennedy—The substantive provisions of this bill are the same as in the current act. The change is that the appointment and termination are proposed under the bill to rest with the Prime Minister. Under the current act they rest with the Governor-General, who must act in accordance with advice that is consistent with the recommendation from the Prime Minister. The Prime Minister can only act, except in the case of his own department, after receiving a report from the Secretary of the Department of Prime Minister and Cabinet. Dr Keating would have been the secretary at the time of those six.

CHAIR—I thought we might defer that question until next Thursday for the head of PM&C. Do you have any other issues you want to raise?

Senator FAULKNER—The answer to this question may, I suppose, depend on how you view the legislative responsibilities of the Public Service Commissioner, which are quite substantial, particularly in the area of promoting APS values and the like. It is a key value that employment decisions are based on merit. How do we deal with a situation in which secretaries are dismissed for reasons that have nothing to do with their performance?

Dr Shergold—The position is that the role given to the Public Service Commissioner with respect to secretaries is the same under the proposed new legislation as it is under the existing legislation, which is that the only direct role is with regard to the Secretary of the Department of Prime Minister and Cabinet. It is the Secretary of the Department of Prime Minister and Cabinet who provides a report to the Prime Minister on other secretaries.

Mr Chairman, would you like me to ensure that we have tabled the documents I have already provided to you, together with some other documents that you would find useful?

CHAIR—Thank you. We will accept the documents as evidence.

Resolved (on motion by Mr Griffin):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

CHAIR—Thank you. On behalf of the committee I would like to thank everybody who has given evidence at this hearing today.

Committee adjourned at 6.23 p.m.