



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2023-2024

Mr Mark Parton MLA (Chair), Ms Jo Clay MLA (Deputy Chair),
Mr Michael Pettersson MLA

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Mr Peter Cain MLA on 27 July 2023: Ms Kathy Leigh took on notice the following question(s):

[Ref: Uncorrected Hansard Transcript 27 July 2023 [PAGE 22-23]]

In relation to:

Ms Leigh: Yes, thank you, Mr Cain. Kathy Leigh, Head of Service. The Public Sectors Standards Commissioner is a separate statutory office. That person appointed is not a public servant. They are an independent statutory office holder. They operate, therefore, independently. They determine their own priorities in the application of their resources.

Of course, we are a small public service, Mr Cain, and across the service we operate in a way that gets the best value for our resources. And so of course across the service, organisations provide whatever support the Public Sectors Standards Commissioner needs to be as efficient and effective as possible.

MR CAIN: So, what is the budget allocation for his functions?

Ms Leigh: If I may, I will just come back a little later in this hearing with that exact amount for you.

MR CAIN: Okay, thank you. Look, I do notice that the current centred organisational chart, dated 10 July, shows that the commissioner reporting line is to the head of service. Could you explain why that is given what you have just said?

Ms Leigh: I think that is simply an administrative matter rather than a matter of substance. As I have said across our public service, because we are such a small service, we operate in the most efficient way possible. But in terms of the content of the work of the public sector standards commissioner, he is absolutely independent.

MR CAIN: And who controls the resources that are available to the commissioner?

Ms Leigh: They are allocated to the commissioner to operate. But again, I will just take that on notice and come back with those details for you.

Mr Andrew Barr MLA: The answer to the Member's question is as follows: –

The Public Sector Standards Commissioner (PSSC) is a part time role appointed under section 142 of the *Public Sector Management Act 1994* (the PSM Act). Section 144 of the PSM Act outlines the functions of the PSSC.

The PSSC does not directly engage staff in the execution of its functions, rather, in accordance with s148 of the PSM Act, the PSSC utilises staff of the Professional Standards Unit (PSU).

The PSU is a team of specialist investigators and professionals charged with promoting integrity and undertaking misconduct investigations across the ACTPS and is administratively situated within the Office of Industrial Relations and Workforce Strategy.

Section 144(3) of the PSM Act provides for the PSSC to delegate an investigation function to a public servant or another person. The PSSC has delegated the investigation function to the PSU.

When undertaking investigations or providing services to the PSSC, the PSU operates solely under the direction of the PSSC regarding management of complaints and investigations, ensuring independence throughout misconduct investigations.

During 2022-23, PSU staffing included 12 investigators who primarily conducted investigative work at the direction of the PSSC.

The PSSC also has access to additional resources through delegating his investigation function to an external provider. The PSSC may decide to use an external investigative provider if the PSSC considers it appropriate, or if the PSU is at capacity.

Approved for circulation to the Select Committee on Estimates 2023-2024

Signature: 

Date: 11.8.23

By Chief Minister, Andrew Barr MLA