



Our Ref:

30 April 2014

Mr Tim Hughes
Principal Research Officer
Parliament House
PERTH WA 6000

Dear Mr Hughes

**TRANSCRIPTS OF EVIDENCE AND SUPPLEMENTARY INFORMATION FOR
THE PUBLIC ACCOUNTS COMMITTEE**

Please find enclosed the amended transcripts of evidence for myself, Ms Fiona Roche, Mr John Lightowlers and Mr Lindsay Warner from the Public Accounts Committee's hearing on Wednesday 9 April 2014 (Att 1). Additionally, I would like to provide the following clarification with respect to some of the evidence provided.

- Page 5 - Mr W Johnston MLA asked whether the Public Sector Management Act, 1994 (PSM Act) did not include a requirement for the Commissioner to report to the Parliament on compliance with commissioner's instructions.

In response I noted that there is a requirement on agencies to report in their annual report the extent to which they have complied with the code of ethics and their agency code of conduct.

For clarification, s31(1) of the PSM Act requires each CEO and chief employee to report in their annual reports to Parliament on the extent to which public sector standards, codes of ethics and any relevant code of conduct have been complied with in relation to the relevant department or organisation. Bodies not covered by s31 (1) (that is government bodies not deemed to be statutory authorities by the Financial Management Act and which do not prepare annual reports under that Act) must report annually to the public sector commissioner under s31 (2) on the extent of compliance in their organisation with public sector standards codes of ethics and any relevant code of conduct. S31 (4) requires the commissioner to include reports submitted to the commissioner under s31 (2) to Parliament in the commissioner's annual report. The effect is that Parliament is required to be informed annually, either through individual agency annual reports or through the commissioner's annual report, on the extent to which public sector standards, codes of ethics and any relevant code of conduct have been complied with in relation to each individual public sector organisation.

- Page 14 – I would like to clarify that the discretion of the Public Sector Commissioner to report under section 22D of the PSM Act is specifically in respect to section 22D (1) (c) of the Act.
- Page 17 – With respect to the evidence provided to the Committee that one formal complaint against a CEO had been received, I would like to clarify that the response of one (1) was in relation to the question of how many complaints had proceeded as a disciplinary matter under section 82A of the Act and were dismissed. More information regarding the number of complaints made against a CEO but which did not trigger the section 80 disciplinary process will be provided in response to the Committee's additional questions to be provided by 5 May 2014.
- Page 21 – I would like to clarify that in response to the question from the Committee regarding the Public Sector Commission's involvement in the announcement involving the Director General, Department of Regional Development, Ms Fiona Roche was the Acting Public Sector Commissioner and that time. I commenced as the Acting Public Sector Commissioner on 9 April 2014. It was in Ms Roche's capacity as Acting Commissioner and in my substantive role of Deputy Commissioner that we met with the Minister.
- Page 21 – In response to the query raised by the Committee to the previous comments provided by the Public Sector Commissioner in relation to Mr Ian Johnson, I can clarify that the Commissioner referred to some issues that had been brought to his attention by at least one Minister.

Should the Committee have any supplementary questions or require any additional information, please contact Ms Rebecca Harris

Yours sincerely



Dan Volaric

DEPUTY COMMISSIONER AGENCY SUPPORT