



## Attorney General; Minister for Corrective Services

Our ref: 35-03754

Mr Paul Grant  
Clerk Assistant (Committees)  
Standing Committee on Estimates and Financial Operations  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Mr Grant

### COMITTEE REPORTS: GOVERNMENT RESPONSE LEGISLATIVE COUNCIL STANDING ORDER 337

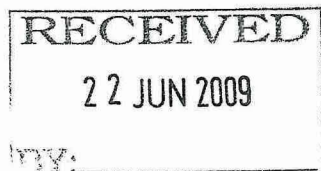
Thank you for your letter dated 7 May 2009 and attachment relating to the Standing Committee on Estimates and Financial Operations' *Report 19: Follow-up to Report 12 on Balga Works Program* and seeking a response from Government on Recommendation 1 made by the Report.

Recommendation 1, found on page 11 of the Report, states that "The Committee recommends that the Attorney General investigate the apparent anomaly of public servants resigning and, thereby, avoiding any further penalty for alleged misconduct."

Having read the report, and after discussions with the Department of the Attorney General, I advise that as the recommendation relates to the interplay between resignations of public servants and the application of any relevant public sector misconduct procedures, this is a not an issue of criminal law.

As the relevant legislation is the *Public Sector Management Act 1994 (WA)*, the recommendation is most appropriately responded to by the Public Sector Commission as it is the responsible agency. As such, I would suggest that the Committee forward a copy of the Report to the Premier for response.

Yours sincerely



C. Christian Porter MLA  
ATTORNEY GENERAL; MINISTER FOR CORRECTIVE SERVICES

12 JUN 2009