



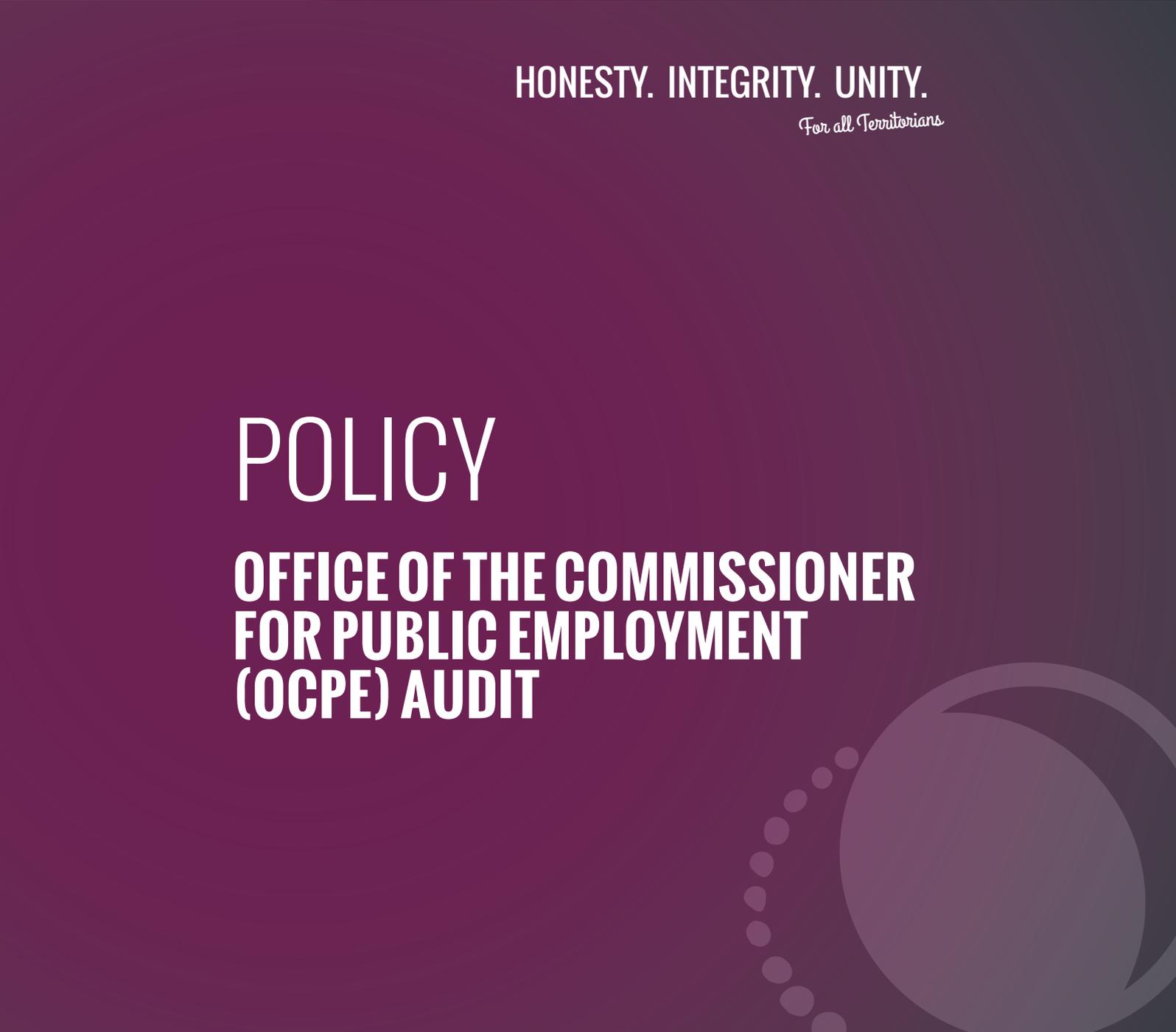
1 TERRITORY

HONESTY. INTEGRITY. UNITY.

For all Territorians

POLICY

**OFFICE OF THE COMMISSIONER
FOR PUBLIC EMPLOYMENT
(OCPE) AUDIT**



OCPE AUDIT

NO MORE JOBS FOR THE BOYS

Under our leadership we will ensure Northern Territory Public Sector (NTPS) appointments are fair and equitable, based on suitable skills and capabilities. We will endeavour to remove all nepotism and ensure all government agencies are apolitical.

BACKGROUND

The NTPS, is governed by the Public Sector Employment and Management Act (PSEM Act).

The objective of the PSEM Act is to provide:

- (a) an apolitical Public Sector
- (b) to provide for administration of the Public Sector and employment and management of employees;
- (c) to provide for the obligations and rights of employees;
- (d) to promote fairness and equality of employment opportunity in the Public Sector.

To help achieve the objectives this Act provides:

- (a) principles for the:
 - (i) administration management of the Public Sector;
 - (ii) human resource management of the Public Sector, including appointment of positions on merit and equal opportunity; and
 - (iii) review of performance and conduct of Public Sector employees
- (b) for there to be a Commissioner of Public Employment (Commissioner) to oversee the management of the Public Sector; and

(c) for there to be a Chief Executive Officer for each agency to manage, and provide strategic leadership, of the agency.

ISSUES

The Commissioner

Under the PSEM Act the Commissioner has the power to investigate government agencies for non-compliance and any Public Sector employee in breach of the Act maybe criminally liable. However, the Commissioner's power to investigate is discretionary.

There are no formal triggers requiring the Commissioner to investigate potential breaches of the Act, such as reports on nepotism appointments, which is separate from grievances where grieved employees must demonstrate a breach. Further, the Commissioner has the authority under the Act to designate some of its functions to agencies, which has the potential to create conflicts, should an issue arise.

Appointment of CEOs

Under section 19A of the PSEM Act, Chief Executive Officers (CEOs) of an agency, is appointed by the Chief Minister. The Act does not set any clear requirements for merit-based appointment of CEOs. The CEOs oversee the strategic direction of an agency, but are responsible to a designated Minister, who has the power to influence the direction of an agency. This makes it difficult to ensure CEOs are apolitical.

POLICY

1 Territory acknowledges ongoing concerns in relation to meritocracy, human resource

processes and some managerial styles that have been raised within parts of the NTPS. 1Territory greatly values the efforts of Territorians working in public service and seeks to ensure that workplace environments are safe, involve minimal stress and are focused on the needs of the community. In seeking to ensure this goal is achieved 1Territory's first step will be to implement the following:

- establish a trigger criteria for the Commissioner's investigatory powers and formalise it in legislation
- amend the PSEM Act to include provisions for a requirement for an annual third party audit of the Commissioner and agencies regarding adherence to the Act. This will ensure appointments have made based on capabilities rather than nepotism.
- Audit reports will be tabled in parliament and made publicly available
- Disciplinary action and criminal penalties will be issued for non-compliance
- CEOs must declare if they are a member of a political party
- CEOs will be appointment on a capabilities based assessment and reasons for decisions of appointment will be made publicly available