



# ***PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE***

## **Members present:**

Mr SW Davies MP (Chair)  
Mrs JR Miller MP (Deputy Chair)  
Miss VM Barton MP  
Mr MJ Pucci MP  
Mr IP Rickuss MP  
Ms J Trad MP  
Mr PW Wellington MP

## **Staff present:**

Ms A Honeyman (Research Director)  
Ms K Christensen (Principal Research Officer)

## **PUBLIC MEETING—PUBLIC SERVICE COMMISSION**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 8 SEPTEMBER 2014**

**Brisbane**

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Committee met at 11.17 am

**COOK, Mr Mark, Executive Director, Workforce Policy and Legal, Public Service Commission**

**HOLM, Ms Katie, Assistant Deputy Commissioner, Workforce Policy and Legal, Public Service Commission**

**CHAIR:** I would like to invite Ms Holm and Mr Cook to make opening statements if they wish.

**Ms Holm:** We are really here today to be guided by you in terms of any questions you have for us since the amendments to the Public Service Act that relate to some of the reforms that the CCC has undergone. One of those in particular is the establishment of the Conduct and Performance Excellence Service within the Public Service Commission. We are really in your hands in terms of any questions that you might have as to how that operates. I can give you a brief general overview.

**CHAIR:** Thank you.

**Ms Holm:** The legislation, as you would all be aware, commenced on 1 July, as did our CaPE service. The service is comprised of five specialist staff at various levels, and they provide advice and assistance and guide departments in the management of conduct and performance matters for their staff. It is really a function that the Public Service Commission has always had within its legislation in terms of making sure that the highest ethical standards are observed, ethical decision-making is observed by departments and agencies and taking on board the government's direction that departments should be dealing with those low-level matters themselves. The CaPE service was established to support departments to do that in a timely and proportionate way.

**Mr PUCCI:** You mentioned that you are there to help deal with low-level matters and to ensure that corruption complaints are forwarded on. Can you tell us what has been done in that area? What kind of training has been given to the line managers to ensure they are working and monitoring that low-level complaints are being investigated and corruption complaints are being forwarded to the committee?

**Ms Holm:** There has been quite a lot that has been done in that area. The first thing that was done pre 1 July, in anticipation of some of these changes, was to establish new case categorisations so that, whether you are a manager or an HR professional within the department, you would be able to identify what was something within your ambit to deal with and those things that must be referred to the CCC using their new definition and much higher threshold than was previously the case. It was very important to get that information out to key people in departments, and we did a lot of work pre 1 July to anticipate some of that so that people were properly supported.

There is a lot of information and resources that are available to leaders, managers and HR professionals. We have what we call an extranet site, which is a resource centre that managers, regardless of where they are in the state, can access electronically. But most importantly, post 1 July we have begun the huge undertaking of going across the state and talking to leaders and managers about the key topics that these sorts of low-level complaints fall into. It really goes right back to the beginning of recruitment and selection and making sure that you get the right person in the chair and how you observe the very important principles of the Public Service Act in doing that.

There is a session on how to deal with employee complaints and how to resolve those in a timely and proportionate way. There is also a session on setting goals for teams and individuals so that people know that they are meeting the standards of the department in terms of performance. The final session is really about what to do and how to respond when public servants do the wrong thing and action needs to be taken. I think there are 24 sessions across about 12 locations, and all up we are hoping to reach about 1,200. They have all been booked out with the exception of Bundaberg, where there are still a couple of spare spots. By 19 September we hope to have reached about 1,200 leaders and managers.

**Mr PUCCI:** The training that is being conducted and the low-level complaints that are being investigated: are they being monitored to make sure that the right type of complaints are being investigated and the right type of complaints are being forwarded on?

**Ms Holm:** Yes. It had been done previously, but the system that we have for that is an expanded reporting framework, so that we are getting a lot more data and departments in the first instance are getting a lot more data on what is happening where in their department. That will allow them to tailor a particular response so that, should they have a performance and conduct problem in one section of the department, they can focus on that section rather than having to address the whole department, and each other area of the department might be doing that particular thing really well. It will give them a lot more information on where to focus and target their responses, and it will give the Public Service Commission that information as well so that if we see really good practice we can then share that with other agencies and hopefully get departments to model that and replicate it. That reporting is collected on a quarterly basis and will be presented to directors-general in their senior leadership meeting on a quarterly basis.

**Mrs MILLER:** I refer, and I would like to table, the joint CMC-ICAC guidelines. Are you aware of these?

**Ms Holm:** I have not read that document myself.

**Mrs MILLER:** I think you should have read it, and I would like to table that for the benefit of the committee. I would also like to table section 102 of the Public Service Act. I am just wondering whether you could advise us what mechanisms are in place to ensure public sector agencies are effectively managing conflicts of interest. I am specifically asking about what checks and balances you have in place to ensure section 102 of the act is adhered to by all public sector chief executives—in other words, directors-general or equivalent.

**Ms Holm:** What systems the Public Service Commission has in place?

**Mrs MILLER:** Yes, and also internally within the department.

**Ms Holm:** I would have to take that question on notice, if I can.

**Mrs MILLER:** Yes, that is fine.

**Ms Holm:** It is actually handled by a different area. My commentary would purely be interpreting the section, so it would be better to take that on notice.

**Mrs MILLER:** You can take this on notice, too. I would also like to know if there have been any investigations into any chief executive officers, directors-general or equivalent.

**CHAIR:** No, we do not need to know about that, Jo.

**Mrs MILLER:** Or the department?

**CHAIR:** No, that is not what this hearing is about.

**Mrs MILLER:** If you would like to provide that, that would be nice.

**Mr RICKUSS:** Have all the departments taken this on with the same amount of enthusiasm, or do you have a way of measuring that? For example, there are blokes in the EPA who work out in the field.

**Ms Holm:** As at Friday we were halfway through delivering the sessions, but I can say that the uptake was very enthusiastic. We are booked out apart from Bundaberg, where I think there are a couple of spaces left. In fact, we have waiting lists for some areas, and we are looking at a model of how to keep that information flow going and how to promote our resource centre. There is a lot of information on the web that is specifically designed for Public Service employees so that they can access it. That is how we are measuring the enthusiasm. Certainly by the end of the process—

**Mr RICKUSS:** But are you looking at it on a departmental basis as well? It could be booked out everywhere, but the whole department of transport—

**Ms Holm:** Our system for all of that is recording which departments are attending, the profile of the employee attending, whether they are a leader or manager or HR professional. All of that information has been captured, and a report will be provided to the commission's chief executive.

**Mr RICKUSS:** I think it is important to make sure that we have the whole—

**Ms Holm:** That the right people are attending.

**Mr RICKUSS:** Yes, and from every department.

**Ms Holm:** Yes, we have pushed it quite strenuously to encourage people. We have not done the analysis yet because we will need to wait until the end, but I would be surprised if any department was not represented.

**Mrs MILLER:** I am just wondering about the release of personnel information, because a document from my Public Service personnel file from 1996 was tabled in the Queensland parliament by the Premier. I asked the director-general of the department of justice to investigate how that document came into the possession of the Premier, and the director-general's investigation was not able to find that information, nor was the Information Commissioner able to assist. I also wrote to the Public Service Commission about it. Now that other investigations have come to nothing, are you going to investigate how my personnel information, or purported personnel information, came into the hands of the Premier?

**CHAIR:** Are you the right person to be asking?

**Ms Holm:** No, I would not be.

**Mrs MILLER:** Can you take that on notice?

**Ms Holm:** I can take that on notice and the Public Service Commission can respond if necessary.

**Mrs MILLER:** Yes, it would be very good if you could do that. Can I just follow up—

**CHAIR:** I will just remind you, Mrs Miller, that the purpose of this meeting is to see how the Public Service is doing in the space that was formerly the responsibility of the CMC—that is, educating and building capacity in the departments to deal with complaints from their staff. That is the purpose of this meeting.

**Mrs MILLER:** Exactly, and this goes to the core of the issue.

**Ms TRAD:** I think I should declare that Ms Holm and I worked together back in 2003, I think it was, before the birth of my first son. Ms Holm, just in relation to what I perceive to be an increase in the volume of work that the commission will have to do since the legislative changes, has there been any modelling done around the anticipated number of complaints or issues that departments themselves will have to be managing and what guidance they will need from the CaPE service?

**Ms Holm:** To my knowledge, departments might have done their own individual modelling, but I am not aware of that. Certainly, though, from a practical level, these low-level matters under the previous system should have been referred back to departments to deal with themselves under what was known as section 40 directions. What is different, though, is there is now a system that is measuring and monitoring, if you like, what the quality of the response is by the department and how long it will take. Timeline benchmarks have been established for agencies to follow, so that things cannot drift on for an eternity without some sort of justification. In terms of resourcing, departments are not really—operationally, there is a very different framework in place. They must adhere to those benchmarks.

**Ms TRAD:** What are those benchmarks, Ms Holm?

**Ms Holm:** I will just make sure that I am referring to the right thing. There are different categories. Maybe I could table this document, if I do not have it here, with the timelines. It is quite a detailed document. Are you happy for me to table it rather than read through it?

**CHAIR:** Yes. That is the one with category 1, category 2, category 3?

**Ms Holm:** Yes. Agencies will now report quarterly on an expanded data set. They were reporting already to PSC on the number of discipline matters, the number of investigations and the number of employees on performance improvement. To start with, we would certainly intend to look at these benchmarks again, review them in 12 months and see how agencies are going with them. We consulted on this in terms of its viability with departments before we commenced. Interestingly, some agencies said they thought they were too generous and others said, 'It will take us a little bit more to get up to speed.' We are very much conscious that departments are looking at how to best support these processes within their own departments. That might be for some agencies in some roles modifying or changing responsibilities to make sure these things are done in a timely and proportionate way, the overall objective being to improve decision making and outcomes.

**Ms TRAD:** I am interested and I appreciate the new framework, the guidelines and time frames. With the Tahitian prince, the Barlow matter, was an instance where there had been internal complaints within the department of health that did not go anywhere. I am wondering whether or not this new framework would actually capture that and whether those case studies, I guess, have been brought to bear on the development of the new framework and guidelines?

**Ms Holm:** Certainly we are aware of that and aware of the reporting that was done around it and taken all of that on board in developing this new system. My recollection is that that matter also involved a reference to the then CMC, as well. The real principle behind this new system is capability building. It is capability building for managers and HR professionals within departments. Clearly, there is scope for improvement in those two areas. I think, on both fronts, the report that was done by the then CMC did indicate in that instance that there were failings or shortcomings that could be attributed to both of those things in terms of management and—

**Ms TRAD:** Decision making.

**Ms Holm:** Yes. We have certainly considered that in developing this.

**Ms TRAD:** Thank you.

**CHAIR:** For my understanding, Ms Holm, on category 1, category 2 and category 3, could you give some examples of what would actually constitute a category 1 and what would be a category 2, roughly?

**Ms Holm:** With category 1, I should also point out, the reporting framework does not apply to that. It is very low-level things that managers should be responding to straightaway. This is not about creating an over-engineered process to tie people up. We are very clear that category 1 is not relevant. It might be, for example, inappropriate interpersonal conduct with colleagues, inappropriate comments perhaps in the workplace or an inappropriate response to a client. It is low level, I must stress. For example, if someone has spoken to a client in an abrupt way that is well short of what our service standards or the agency's service standards would be, that is something that a manager should, right there and then, deal with and address that behaviour so that it does not happen again.

**CHAIR:** So someone working in Housing, for example, has a rude client and they respond—

**Ms Holm:** In a rude way, yes, and that should not be the case. As soon as the manager is alert to that, they should be addressing it. Timely and proportionate are two very important principles around this system. Category 2 is where perhaps it might be repeated conduct using that example. It might be that actually I have spoken to you about that kind of interaction once already. Category 2 ramps up the response, if you like. It might also be minor misconduct or behaviour that is inconsistent with the conduct standards expected of a public sector employee, for instance under the code of conduct, but it is not wilful or malicious. It might also be careless or perhaps negligent performance of duties, rather than unsatisfactory performance due to a lack of skill. Again, it is not an intentional kind of act; it is a careless act. For instance, I am thinking of a customer service officer in the Department of Transport and Main Roads filling in a form or completing a form the wrong way on multiple occasions.

**CHAIR:** What about the example of the Tahitian prince, where people around him were receiving gifts unknowingly; they thought he was a Tahitian prince; they did not know. Obviously, certain things were happening that should not have happened. Would that be a category 2?

**Ms Holm:** That scenario could deliver an enormous web of possibilities and responses, both in relation to the employee at the centre of the matter and other employees, whether they were managers, HR practitioners in the department who may have been aware of certain things or, indeed, peers—colleagues at a peer level. You would need to look at everybody's sets of behaviour. Certainly with the employee at the centre, Mr Barlow, that is clearly a matter for the CCC. It was very serious. In some instances, management would either be a category 3 or a corrupt conduct matter for the CCC to look after. Others may have been less involved and less connected further down the web and they may be category 2 matters, for instance, or category 3.

**Mr RICKUSS:** I noticed in parliament that at one stage Diabetes Queensland was receiving less money than the Tahitian prince's fake company. Should there have been a red flag that would have picked that up? This was a company that no-one had ever heard of.

**Ms Holm:** You would really need to check with the internal controls in Queensland Health's funding programs. I would not be able to comment on that in particular.

**Mr RICKUSS:** That is all right.

**Mrs MILLER:** I have a follow-up question in relation to the categories, and particularly in relation to Dr Anthony Lynham's personnel record being released.

**CHAIR:** That is an individual case, Jo.

**Mrs MILLER:** Yes, but I want to know whether or not the release of that information would be considered a category 1, 2 or 3?

**CHAIR:** We do not know how that has come out. That is a hypothetical. We do not know how that came out.

**Mrs MILLER:** No, it is anyone's personnel record. The minister has admitted dining with the HR manager of Queensland Health. Is it level 1, 2 or 3?

**CHAIR:** We are going to move on, Jo-Ann. The question is out of order.

**Mrs MILLER:** I have another question: what education and training are you providing around the release of people's personnel records within the Queensland Public Service?

**Ms Holm:** There is no specific training on that topic at this point in time. Those—

**Mrs MILLER:** Why not?

**CHAIR:** Hang on.

**Ms Holm:** Those sorts of things would be handled by departments, depending on your role. It might be highly relevant to your role or it might not actually be relevant whatsoever, so the training, therefore, would need to be tailored to the particular role. That would be for the agency to decide.

**Mrs MILLER:** So this is all devolved? The release of people's personnel records is devolved to each individual department and agency?

**Ms Holm:** And that has always been the case.

**Mrs MILLER:** And—

**CHAIR:** Thank you, Jo. You have asked your question. We are going to move on.

**Mrs MILLER:** That is not good enough, quite frankly.

**CHAIR:** Do you have any questions, Mr Pucci?

**Mr PUCCI:** No.

**CHAIR:** Do you have a question, Jackie?

**Ms TRAD:** Yes, I do.

**CHAIR:** Thank you, Jackie.

**Ms TRAD:** Ms Holm, I understand that the commission has seconded people to the QIRC for the award modernisation process; is that right?

**Ms Holm:** That is not an area within my team. Certainly, if I knew the specifics I would be happy to tell you, but I am not sure what the arrangement is.

**Ms TRAD:** Okay.

**CHAIR:** Mr Wellington, do you have a question?

**Mr WELLINGTON:** No.

**Mrs MILLER:** I have one.

**CHAIR:** I am happy for you to ask a question, as long as it is on the topic that we are here for today, Mrs Miller.

**Mrs MILLER:** Exactly. In relation to education and training and the devolvement to public sector agencies, do you go over or approve any of their education and training in relation to levels 1, 2 and 3?

**Ms Holm:** No, that is not part of our role. Certainly with the positive relationships that we have with agencies it is more likely to be the case that they would invite us in to participate in their program, if they were running a program. Certainly there have been examples of that. I think I am attending one this week where the agency has organised it and asked us to participate. In that kind of example or scenario, we would be aware of what the material is and often provide feedback on that and give support and assistance in that way.

**Mrs MILLER:** Correct me if I am wrong, but isn't the Public Service Commission supposed to be one of the key agencies that coordinates this? What has happened?

**Ms Holm:** I am not sure that we have ever had a coordination role in terms of training. Certainly we have responsibilities around the code of conduct and looking after the Public Sector Ethics Act. I am not aware of any history where we have had a role as described by you. I have been at the commission for four years.

**Mrs MILLER:** Can I ask a follow-up question in relation to this as well? You are saying that you get invited in. Are there any particular departments or agencies that you have concern with in relation to education and training, and could you name them, please?

**Ms Holm:** I think the data that we are collecting, and the first data set will be as at 30 September—that sort of information will put the PSC in a good position to be able to advise agencies. The sort of reports that we are going to be getting would be indicating how many particular category 2 or category 3 matters they might have. That information will also be interesting and useful should agencies be reporting consistently nil, for instance, because that might tell you something else that needs to be followed up. It might indicate a whole range of things. It might indicate that the employees of that department are fantastic and we could really be looking at that agency to replicate positive behaviours elsewhere. It might also indicate that there is a lack of knowledge or adherence to the framework. We will be looking at that data very carefully in the coming months, but I would not feel and I should think nobody else at the Public Service Commission would feel informed enough at this stage to make a comment on that.

**Mrs MILLER:** Will you provide us with that data?

**Ms Holm:** I believe the information in terms of what we have done to date is on the open data system. So there should be no problem with that.

**CHAIR:** Thank you. Earlier you mentioned interdepartmental—that there would be some sort of cross-pollination of good ideas and ways of doing things better. What about other best practice areas such as in New Zealand or other places that are possibly doing this? Have you guys been out there looking at other models in other areas?

**Ms Holm:** We certainly looked at other jurisdictions in the development of this model. The commission's chief executive meets with his counterparts three times a year I think it is and we share information at that level. That includes New Zealand; the commissioner from New Zealand attends as well. It would appear that we are doing this a bit differently to other jurisdictions. We have responded and identified a problem and concern. We are excited about how this might work. We are yet to see whether it will work, but that is part of trying these things to help improve. That is improving things from an employee's perspective as well as for the employer's perspective—the state of Queensland—and understanding the very important principles behind employment with the government.

**CHAIR:** There is one final question from Mr Rickuss.

**Mr RICKUSS:** Looking at your charts for categories 1, 2 and 3, on what basis did you work out the 7, 28, 51 and 139 time lines and the 75 per cent completion matters? Did you get some previous data that you have been working with or something like that?

**Ms Holm:** It was really drawn from the experience of the people working on the model and looking at how other jurisdictions deal with things and then testing it with agencies. It was our yardstick in terms of what we thought was reasonable and achievable. As you can see, it breaks down the various components of one of those processes. I indicated earlier that we will be looking at reviewing those to see if they have been realistic. It will be interesting to see how many agencies on how many occasions can adhere to those benchmarks.

**CHAIR:** Thank you, Ms Holm and Mr Cook, for your time here today. We do appreciate it. We know that you are busy people. Thank you for giving us your time. Thank you, Hansard.

**Committee adjourned at 11.47 am**