



**Community and Public Sector Union**  
Melissa Donnelly – National Secretary

1 June 2023

Dr Rachel Bacon  
Deputy Secretary  
APS Reform Office  
Prime Minister and Cabinet  
PO Box 6500  
Canberra ACT 2600

Dear Dr Bacon

### **Public Service Amendment Bill**

CPSU welcomes the opportunity to provide feedback on the *Public Service Amendment Bill 2023*. CPSU recognises these amendments are part of the government's broader APS reform agenda to restore the APS as an employer of choice and return trust and integrity to the APS.

For many years CPSU members have been disappointed by the lack of any substantive progress on the recommendations on the Thodey Review. The CPSU sees the proposed amendments in this Bill as one aspect of implementing the Government's APS reform agenda, alongside more substantive changes to APS bargaining and investment in APS workforce and capacity.

The revelations of the Robodebt Royal Commission to date demonstrate the glaring need for APS reform and restoration of integrity at the highest levels of the APS.

### **Stewardship**

*The APS builds its capability and institutional knowledge, and supports the public interest now and into the future, by understanding the long-term impacts of what it does.*

(Stewardship as an APS value, proposed amendment at s10(6))

The CPSU supports this concept of stewardship being enshrined in the *Public Service Act* as a core value. As a knowledge-based institution, the Australia Public Service's most valuable asset is its people.

The CPSU has consistently and persistently advocated the need to build the capability and capacity of the APS in order to support the communities our members serve now and plan for the success of our future communities. It is right that stewardship is a consideration for any government and Agency Heads in making decisions.

### **Capability reviews and long term insights**

CPSU supports the proposed amendment for capability reviews of Agencies (s44A), including a minimum review of each Department, Services Australia and the Australian Taxation Office every five years. CPSU considers this amendment a practical application of the proposed Stewardship value. CPSU supports the proposed amendments that would result in capability reviews and the subsequent action plans being published on agency websites.

CPSU supports the proposal, consistent with recommendation 2a of the Thodey Review, that "capability reviews will be independent, forward-looking and assess an agency's ability to meet future objectives and challenges, establishing a requirement for Agencies to prepare and publish action plans responding to findings." (Explanatory materials, para.38)

Paragraph 43 of the explanatory materials includes, "Proposed subsection 44A(7) which ensures that at least one reviewer is not currently an APS employee, or Agency Head. Additional reviewer(s) are not precluded from being engaged if they are APS employees, or an Agency Head. This ensures transparency, independence and accountability."

CPSU considers that further clarification be provided on the independence of "one reviewer is not currently an APS employee, or Agency Head"; to ensure conflicts of interest and financial associations are considered in the appointment of a reviewer. That is, to strengthen the guidance to ensure an individual or business does not gain from the information garnered through a review in forming recommendations, providing advice to other clients, or otherwise shaping their business.

Long term insights reports (proposed subsection 64A) are an important way in which agencies can examine significant multi-factorial policy issues facing the community. The role of public consultation is also critical. This has the potential to support a significant lift in public sector capacity and evidence-based policy making.

### **Purpose statement**

CPSU supports the involvement of APS employees in the development of a Purpose Statement. APS employees are the face of the public sector and have broad experience and expertise in providing services to the community and developing public sector policy. It is beneficial that their voice and contribution is recognised and heard through the Purpose Statement.

## Employee census

CPSU members have long been frustrated by lack of transparency on findings from the APS employee census. CPSU supports the proposed amendment (s78B) that would cause publication of agency census results and the subsequent actions plans.

CPSU supports the premise, consistent with recommendation 32 of the Thodey Review, of “ensuring Agency Heads empower APS employees to make decisions appropriate to their classification”, and notes the observation of a “tendency for decisions involving risk to be escalated to the top of the hierarchy.” (Explanatory materials, para.33).

In recent years, APSC guidance has aimed to reduce organisational layers and ensure decision-making is made at the lowest possible level<sup>1</sup>. This concept was also incorporated into the 2021 APS Hierarchy and Classification Review’s Terms of Reference<sup>2</sup>. The CPSU notes that bottlenecks and risk aversion in decision making are issues that arise at more senior levels.

Unfortunately, these efforts can have a negative impact for other APS employee cohorts, including inappropriately misdirecting work to lower-level APS employees. So that, guidance to have decision making at the lowest classification has been used to force complex work on lower-level staff, without appropriate remuneration, and entrench the historical under classification of service delivery and feminised work.

Proposed subsection 19A(1) provides an Agency Head with profound discretion in determining the “lowest appropriate classification” for decision making and reinforces current poor practice. CPSU considers there is inadequate protection in prohibiting decision-making being forced to lower APS classifications without providing the appropriate remuneration in recognition of the complexity and authority in that decision making process.

Subsection 19A(2)(a) provides consideration for “work level standards (if any)” in reference to the *Public Service Classification Rules 2020*. CPSU considers the lack of clarity in those classification rules and the absence of negotiation on work level standards puts workers at lower APS classifications at risk of exploitation.

CPSU recommends strengthening protections for APS workers so that:

1. Subsection 19A(2) be amended to read:  
19A... (2) For the purposes of subsection (1), an Agency Head must have regard to:  
(a) the work level standards for classifications (if any) that are referred to in the Classification Rules; and  
(b) *maintaining the appropriate classification and remuneration consistent with the complexity and authority of the decision and the decision-making process; and*  
(c) any other matter the Agency Head considers relevant.
2. Explanatory materials at Item 7, paragraph 34 be amended to read:  
34. Proposed subsection 19A(1) outlines that an Agency Head must implement measures that enable decisions to be made by APS employees with classifications that the Agency Head considers are the lowest appropriate for those decisions. An Agency Head would have the discretion to consider what constitutes the lowest appropriate classification, taking into consideration the work level standards for classifications (proposed subsection 19A(2)(a)) *and maintaining the appropriate*

*classification and remuneration consistent with the complexity* and authority of the decision and decision making process (proposed subsection 19A(2)(b)), any other matter the Agency Head considers relevant (proposed subsection 19A(2)(c)), such as the Agency's unique operating context, or the capability of the APS employee. Consideration of the work level standards (as established by the Public Service Classification Rules 2020) in determining what is appropriate, ensures decision-making is not inappropriately conferred in a way that is inconsistent with the duties and capabilities expected of that classification. Consideration for maintaining appropriate remuneration, ensures consistency across agencies in assigning value to decisions and decision-making processes.

Yours sincerely



Melissa Donnelly  
**National Secretary**

[Redacted]