Induction to the Western Australian public sector

A handbook for new employees
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Foreword

Congratulations on your new role in the Western Australian public sector.

The Western Australian public sector is the largest employer in the State, offering a variety of work. It provides opportunities for employees to develop skills that will assist them to move into leadership and management roles.

As a public sector employee, you are joining a group of people working to serve the community through the Government of the day. Although we may work for different agencies, we achieve outcomes through innovation, working across boundaries, promoting good practice and embracing excellence and collegiality.

We work within a framework of accountability. This handbook introduces you to the public sector’s accountability requirements. It is designed to complement your employer’s induction program, code of conduct and relevant policies and procedures.

I trust this handbook will help you to understand what it means to be a public sector employee and where you fit in the broader public sector structure.

I wish you a satisfying and successful career in the Western Australian public sector.

M C Wauchope
PUBLIC SECTOR COMMISSIONER
Structure of the Western Australian government

The system of government in Western Australia is a parliamentary democracy. WA inherited this system from Britain and officially adopted it in 1890 through the Constitution Act 1889. It is commonly referred to as the Westminster system, after the Palace of Westminster, home of the British Parliament.

The Westminster system is based on the principle of the separation of powers—three separate branches that exercise different powers and functions. This ensures that one branch cannot exercise absolute power over the people of the State. The three branches are the:

- Legislature
- Executive
- Judiciary.
Legislature

The Legislature has the power to make laws and consists of the:
- Legislative Council
- Legislative Assembly.

The Legislature has the power to make laws. The Legislature is the Parliament, which consists of two Houses: the Legislative Assembly (Lower House) and the Legislative Council (Upper House). Members of Parliament (MPs) are elected to both houses to represent the people.

Parliament implements the legislative function through debate between MPs on public policy and new laws. A majority of Members from each House of Parliament must approve proposed legislation (called a Bill) before it is passed into law (becoming an Act). Most Bills can be introduced in either House, but appropriation (budget) Bills must be introduced in the Legislative Assembly.

The Legislative Assembly (Lower House) is often called the House of Government because the political party (or coalition of parties) with the majority of Members in that House decides the Executive (Government) (explained on the next page).

The Legislative Council (Upper House) is sometimes called the House of Review because part of its role is to:
- review legislation
- scrutinise the Budget
- scrutinise how the Executive administers public sector bodies.

There are various Parliamentary committees from both Houses. They comprise a number of MPs and examine selected activities of the Executive. These committees can call for written submissions, hear advice and seek evidence from experts. For example, each year public sector bodies are required to make budget submissions to the Estimates and Financial Operations Committee in the Legislative Assembly.
Executive

The Executive branch has the power to put laws into effect and consists of:

- the Governor
- the Executive Council
- the Premier and Cabinet (Ministry)
- departments and statutory authorities.

The Executive branch has the power to put laws into effect, through policies and administration of the public sector. Broadly, the Executive branch of government comprises:

- **The Governor**, who represents the Queen, swears in Ministers and acts on the advice of the Cabinet to give legal effect to Cabinet decisions.
- **The Executive Council** consists of the Governor (as Chair) and all Cabinet Ministers.
- **The Executive Government** or **Cabinet** (including the Premier and Ministers), which is formed from the political party (or coalition of parties) with majority representation in the Legislative Assembly. The leader of the party becomes the Premier. The Premier appoints Ministers from the MPs, usually from within their own party. The Premier and Ministers form the Executive Government, or Cabinet, which makes decisions about legislative and administrative policies. The Premier and Ministers are responsible for the legislation and public sector bodies within their portfolio. They are answerable to Parliament: they respond to questions and inform Parliament on management and administration in their portfolio. Ministers rely on the expertise and advice of public sector employees from the agencies in their portfolio.
- **Public sector bodies and other government entities**, including departments and statutory authorities, administer and enforce the laws of the State and implement the policies of the Government of the day.

Parliamentary questions are an important tool to ensure the public sector is administered transparently.
Judiciary

**The Judiciary are the courts, which interpret and apply the law, and consists of:**

- the High Court
- the Supreme Court
- the District Court
- the Magistrate’s Court
- the Family Court
- the Children’s Court
- the Drug Court
- the Coroner’s Court
- the Liquor Commission
- the State Administrative Tribunal
- other courts and tribunals.

The Judiciary are the courts, which interpret and apply the law. The Supreme Court of Western Australia heads the hierarchy of courts, although some cases can be appealed to the High Court of Australia.

The Judiciary cannot change the laws passed by Parliament. It interprets the law according to set principles and precedent. As well as making decisions on criminal law and civil disputes, the Judiciary provides a check against the Executive. Courts can decide if the Executive has administered a particular Act consistent with how it was passed by Parliament.

Tribunals make decisions on quasi-legal matters and generally do not have to follow the strict principles and precedents that apply to courts. For example, the State Administrative Tribunal can review decisions made by government entities and public officials.

**Overlap between the Legislature, Executive and Judiciary**

The three branches of government overlap in practice. For example:

- the Executive Council is responsible for proclaiming Acts passed by Parliament
- the Executive Council appoints members of the Judiciary
- the Executive Government (Cabinet) are also members of Parliament
- the Executive Government has some delegated Parliamentary power and is able to make Regulations and other subsidiary legislation under Acts of Parliament.
What is the public sector?

The term ‘public sector’ refers broadly to the entities that exist and the people employed for public purpose. The public sector supports all three arms of government – the ‘legislature’ (Parliament), the ‘executive’ arm (the Government of the day) and the ‘judiciary’ (judges of the various courts). The public sector can be considered as comprising of a number of categories – public service departments, SES and non-SES organisations, other organisations and independent offices.

Collectively, the public sector is the largest employer in the State and provides a range of services to Western Australians. These services include:

- education
- health
- policing
- housing
- fire and emergency services
- child protection
- transport and licensing
- major infrastructure
- environmental protection.

Framework: Public Sector Management Act 1994

The Public Sector Management Act 1994 (PSM Act) provides the legislative framework for the structure, administration and management of the public sector. The PSM Act covers areas such as:

- public sector conduct obligations
- the role and functions of the Public Sector Commissioner
- functions and responsibilities of Chief Executive Officers (CEOs)
- dealing with substandard performance and disciplinary matters for some employees
- appointments in the Senior Executive Service.

Not all government entities are within the public sector. Schedule 1 of the PSM Act specifically excludes some entities from the public sector, so the PSM Act does not apply to them.
The government entities that are public sector bodies under the PSM Act include agencies, organisations and ministerial offices. Most of these are departments, statutory authorities and boards.

- Departments are responsible for many key government services. Examples include the Department of Health and the Department of Treasury.
- Statutory authorities are established by legislation. They include a wide range of organisations, from the Public Transport Authority and state training providers, to ChemCentre and the Lotteries Commission.
- Many boards are also organisations under the PSM Act, established for a particular function. Examples include the Library Board of Western Australia and the Metropolitan Cemeteries Board.

Some public sector bodies are established to oversee and monitor the public sector and report directly to Parliament. These independent offices include the Public Sector Commission and the Office of the Auditor General (see page 19 for further information).

### Western Australian government entities

<table>
<thead>
<tr>
<th>Public sector bodies</th>
<th>Public service agencies</th>
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<tr>
<td><strong>Departments</strong></td>
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<tr>
<td>Departments are responsible for administering particular legislation, and implementing government policy. Section 35 of the PSM Act allows the Governor to establish, amalgamate, divide or abolish departments.</td>
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<th>Public sector bodies</th>
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<tr>
<td><strong>SES organisations</strong></td>
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<td>Schedule 2 of the PSM Act lists those organisations designated as SES organisations.</td>
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<th>Public sector bodies</th>
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<tr>
<td><strong>Non-SES organisations</strong></td>
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<tr>
<td>A non-SES organisation is any entity created for a public purpose that is not an SES organisation or a Schedule 1 entity.</td>
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<th>Public sector bodies</th>
<th>Public service agencies</th>
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<tr>
<td><strong>Ministerial offices</strong></td>
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<tr>
<td>The staff employed in a ministerial office support a particular political office holder.</td>
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<tr>
<th>Other government entities</th>
<th>Public service agencies</th>
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<tr>
<td><strong>Schedule 1 entities</strong></td>
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<tr>
<td>Schedule 1 entities are listed in the PSM Act as being excluded from the operation of that Act. They are covered by other legislation. Schedule 1 entities fall outside the public sector and include:</td>
<td></td>
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<tr>
<td>- courts and tribunals</td>
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<td>- sworn officers of the Police Force</td>
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<tr>
<td>- universities</td>
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<td>- local governments</td>
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<td>- port authorities</td>
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<td>- various utility corporations.</td>
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Being part of a respected and trusted public sector

A respected and trusted public sector is a vital component of any democracy. In order to contribute positively to the community’s confidence in the public sector, it is important that you observe some established principles in your work.

Section 9 of the PSM Act sets out key principles which will help you maintain your personal integrity and the integrity of the public sector, and ensure the best outcomes for the community.

**Section 9 of the Public Sector Management Act 1994**

As public sector employees we:

- comply with the PSM Act
  - the Commissioner’s Instructions
  - the Public Sector Standards in Human Resource Management
  - the Code of Ethics
  - any code of conduct that applies to the public sector body in which we are employed.

- act with integrity in the performance of official duties and are to be scrupulous in the use of official information, equipment and facilities

- exercise proper courtesy, consideration and sensitivity in our dealings with members of the public and other employees.
**Code of Ethics**

The Public Sector Commissioner establishes the Code of Ethics for the public sector (section 21 of the PSM Act). It consists of three principles and sets the minimum standards of conduct and integrity. All public sector bodies and employees must follow the Code of Ethics.

**Western Australian Public Sector Code of Ethics**

**Personal integrity**

We act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.

**Relationships with others**

We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

**Accountability**

We use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

**Codes of conduct**

Your employer should have a code of conduct that expands on the principles set out in the Code of Ethics. Codes of conduct assist public sector bodies to communicate expected standards of conduct to their employees. The work of each public sector body is different; each code of conduct will reflect the Code of Ethics in a different way.

**Commissioner’s Instructions**

The Public Sector Commissioner may issue Commissioner’s Instructions, which are directions about how to administer and manage the public sector (or a part of the public sector). Existing instructions include directions that cover public sector employment, integrity and discipline.

Unlike those instructions establishing Public Sector Standards and the Code of Ethics, other instructions are not subsidiary legislation; Parliament cannot disallow a Commissioner’s Instruction. However, if there is any conflict between a Commissioner’s Instruction and the PSM Act, Regulations, Public Sector Standards or Code of Ethics, then the latter instruments prevail.
Serving the Government of the day

The ‘Government of the day’ refers to the political party (or coalition of parties) with majority representation in the Legislative Assembly.

As a public sector employee, you are expected to serve the Government of the day. This means carrying out your work professionally and impartially, regardless of who is in Government or your political views.

Acting in the public interest

Working in the public sector involves making decisions that affect the community in some way and it is important that you make decisions in the public interest. To ensure you put the public interest first, you need to make impartial and transparent decisions, based on all available information and relevant legislative or policy requirements. You also need to apply the principles of procedural fairness (natural justice) to your decision making process. Except in rare circumstances, you need to allow people affected by your decisions to be heard.

An example of where we need to act in the public interest arises where our private interests, including relationships with our family and friends, and affiliations with social, sporting, community and/or religious groups conflict with our public duty. These conflicts can be actual, perceived or potential. A conflict of interest is not wrong in itself. What is essential is that you act in the public interest by identifying, declaring and managing any conflicts appropriately. Undeclared and poorly managed conflicts can erode the community’s trust in the public sector.
Working in a diverse community

All public sector bodies and employees are required to comply with the *Equal Opportunity Act 1984* (EO Act).

### The EO Act promotes equal opportunity in WA and addresses discrimination in the areas of employment, accommodation, education and the provision of goods, facilities, services and the activities of clubs on the grounds of:

- sex
- marital status
- pregnancy
- breast feeding
- gender history
- family responsibility
- family status
- sexual orientation
- race
- religious conviction
- political conviction
- impairment
- age
- spent conviction (under the *Spent Convictions Act 1988*).

Sexual and racial harassment is also unlawful under EO Act.

For more information on equal opportunity, see the Equal Opportunity Commission website at [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)

### Creating a diverse workforce

Part IX of the EO Act requires public sector bodies to develop and implement an Equal Employment Opportunity Management Plan (sometimes called an Equity and Diversity Plan). These plans must work toward achieving the objects of Part IX, which are to eliminate and ensure the absence of discrimination in employment on the grounds listed above, while promoting equal employment opportunity for all persons. Plans may also include strategies to improve employment outcomes for some groups of people who are under-represented in the workforce (the diversity groups):

- people with a disability
- Indigenous Australians
- women in management
- people from culturally diverse backgrounds
- youth.

All employees should be aware of their employer’s plan.

Transparent recordkeeping

The State Records Act 2000 requires every public sector body to have a recordkeeping plan which details how it will create, manage and retain records. A record is any record of information (in any form) created, received or maintained about the business activities of the public sector body.

As a public sector employee, you must comply with your employer’s recordkeeping plan. Making and maintaining proper records assists with accountability and transparency by demonstrating the basis for your decisions. This ensures that decisions can be reviewed, including by an independent person or authority. Members of the public can also seek access to the documents of public sector bodies under the Freedom of Information Act 1992.

The State Records Commission monitors how public sector bodies and employees manage records through their recordkeeping plans and releases principles, standards and guidelines on recordkeeping.

For more information see the officer responsible for recordkeeping in your public sector body or see the State Records Office website at www.sro.wa.gov.au
Other obligations

Premier’s Circulars and Treasurer’s Instructions

Premier’s Circulars and Treasurer’s Instructions apply to all public sector bodies and employees.

Premier’s Circulars are used to communicate the government’s legislative and policy requirements.

Premier’s Circulars can be found at www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/

Treasurer’s Instructions detail financial administration requirements for accounting for revenue, expenditure and property, and the standards for reporting.


Purchasing

Purchasing (or ‘procurement’) in the public sector is different to the private sector, as the money spent is public money. The State Supply Commission establishes purchasing policy for the public sector.

Common Use Arrangements (CUAs) exist for when public sector bodies purchase a range of goods and services. For most other procurement, a competitive quote or tender process is applied to ensure value for money.


Legislation

For links to legislation that relates to your work as a public sector employee, see page 26.

For copies of all WA legislation, see the State Law Publisher website at www.slp.wa.gov.au/legislation/statutes.nsf/default.html
Reporting wrongdoing

The community expects the public sector and its employees to be honest and accountable. If you identify an integrity issue in your workplace, you should tell someone. Your employer’s code of conduct and associated policies may outline a particular process for reporting. Reporting processes may be through your line manager, human resources branch or your employer’s standards integrity branch (if one exists).

Sometimes it may not be appropriate to use your employer’s usual reporting processes. It is important that you can feel confident that you can report the incident to the appropriate people without fear of reprisal.

The Public Interest Disclosure Act 2003 (PID Act) enables people to make disclosures about wrongdoing within the State public sector, local government and public universities without fear of reprisal. The PID Act aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

A public interest disclosure must be about a public authority1, public officer or public sector contractor. The conduct must involve one of the following:

- an offence under State law
- substantial unauthorised or irregular use of public resources
- substantial mismanagement of public resources
- matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman
- substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment
- improper conduct.

To access the protections of the PID Act, the public interest disclosure must be made to a proper authority. A proper authority includes the PID Officer of the public sector body that you have concerns about. There are also a number of proper authorities named in the PID Act and these include the Public Sector Commission, Office of the Auditor General, the Corruption and Crime Commission and the Western Australian Ombudsman.

Your employer will usually have information about Public Interest Disclosures on its intranet.

For more information about public interest disclosures, see the Public Sector Commission website at www.publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures

If you are unsure about who is a proper authority for your disclosure, call the Public Sector Commission’s Advisory Line on (08) 6552 8888.

1 A public authority under the PID Act is wider than the public sector. It includes:

- the public sector
- some Schedule 1 entities such as local governments and universities
- any other body declared by Regulations as a public authority.
Oversight in the public sector

Certain statutory bodies are established to oversee the public sector. They are independent of the Government of the day and report directly to Parliament.

The key oversight bodies in WA are the:

- Public Sector Commission
- Office of the Auditor General
- Corruption and Crime Commission
- Office of the Parliamentary Commissioner for Administrative Investigations (Ombudsman Western Australia)
- Office of the Information Commissioner
- State Records Commission.

The heads of the key oversight bodies in WA have formed a network called the Integrity Coordinating Group (ICG). Members of the ICG work together to promote and strengthen integrity in the WA public sector.

You can find out more at the ICG website at [www.icg.wa.gov.au](http://www.icg.wa.gov.au)

Public Sector Commission

The Public Sector Commission is responsible for the management, administration and performance of the public sector.

The Public Sector Commission:

- ensures an ethical and accountable public sector through the establishment and monitoring of the Public Sector Standards in Human Resource Management and the Western Australian Public Sector Code of Ethics
- drives public sector reform
- builds leadership and the capacity of the public sector
- evaluates public sector performance.

For more information, visit [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)
Office of the Auditor General

The Office of the Auditor General conducts audits and reports to Parliament on the accounts and performance of WA public sector bodies. To enhance accountability and performance in the public sector, the Office of the Auditor General:

- conducts audits of financial statements, controls and key performance indicators
- conducts performance audits to assess whether legislation is complied with and, most importantly, the efficiency, effectiveness and economy of operations and programs
- reports audit results to Parliament in an objective, competent, insightful and timely manner.

For more information, visit [www.audit.wa.gov.au](http://www.audit.wa.gov.au)

Corruption and Crime Commission

The Corruption and Crime Commission aims to improve the integrity of the public sector. It works collaboratively with public sector bodies to make them more able to deal effectively with misconduct.

The Corruption and Crime Commission:

- provides advice on how to minimise misconduct, identify misconduct-related weaknesses in business processes, and deal with misconduct when it occurs
- investigates cases of misconduct
- grants special powers to the WA Police to act against organised crime.

For more information, visit [www.ccc.wa.gov.au](http://www.ccc.wa.gov.au)

Ombudsman Western Australia

The functions of the Ombudsman are to:

- investigate and resolve complaints about public sector bodies
- undertake own motion investigations about the practices of public sector bodies
- review and investigate deaths of certain children
- make suggestions and recommendations to improve services as a result of any investigation
- provide advice and guidance to public sector bodies.

The Ombudsman makes recommendations that are practical and about significant issues. The Ombudsman ensures that the benefits of implementing the recommendations outweigh the costs.

For more information, visit [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)
**Office of the Information Commissioner**

The key responsibilities of the Office of the Information Commissioner are to:

- resolve complaints about applications to access information and requests to amend personal information, through conciliation or by making legally binding decisions
- raise awareness and provide assistance to public sector bodies and members of the public about their rights and responsibilities under the *Freedom of Information Act 1992* (FOI Act)
- recommend legislative or administrative changes to help the objects of the FOI Act to be achieved.

For more information, visit www.foi.wa.gov.au

**State Records Commission**

The functions of the State Records Commission, as set out in the *State Records Act 2000*, are to:

- monitor the operation of, and compliance with, the Act
- monitor compliance by government organisations with their recordkeeping plans
- inquire into breaches, or possible breaches, of the Act.

The State Records Commission does this by:

- establishing principles and standards to govern recordkeeping by government organisations
- producing guidelines outlining the requirements for government organisations’ recordkeeping plans.

For more information, visit www.sro.wa.gov.au
Labour relations

Employees within the public sector are a diverse group; there are many different industrial awards and agreements that apply.

For information about the award or agreement you are employed under, and your entitlements and conditions, talk to your human resources branch. Alternatively, visit the Department of Commerce Labour Relations website at www.commerce.wa.gov.au/LabourRelations or the Western Australian Industrial Relations Commission website at www.wairc.wa.gov.au

Occupational safety and health (OSH)

The Occupational Safety and Health Act 1984 (and section 8 of the PSM Act) requires public sector bodies to provide a safe and healthy working environment.

A safe working environment is everyone’s responsibility. You must take reasonable care to ensure your own safety and health at work and to avoid harming the safety or health of any other person. If you see a hazard in your workplace, you need to report it. If you have an issue about the safety of your working environment, speak to your OSH representative, human resources branch, or line manager.

WorkSafe is a division of the Department of Commerce which promotes and secures safety in the workplace. If you need advice, call the WorkSafe Customer Help Centre (1300 307 877) or visit the WorkSafe website at www.commerce.wa.gov.au/WorkSafe
Public Sector Standards in Human Resource Management

The Public Sector Commissioner establishes minimum standards (the Standards) of merit, equity and probity that the public sector must comply with (section 21 of the PSM Act). The Standards relate to a number of human resource activities and are collectively referred to as the Public Sector Standards in Human Resource Management.

In establishing these Standards, the Commissioner has regard for the principles set out in sections 7, 8 and 9 of the PSM Act.

The Standards are principles rather than rules. The current standards are the:

- Employment Standard
- Performance Management Standard
- Redeployment Standard
- Termination Standard
- Discipline Standard
- Grievance Resolution Standard.

If you feel there has been a breach of a particular Standard, you may be able to lodge a breach claim.


For information about lodging a breach claim, speak to the public sector body involved or seek advice from the Public Sector Commission’s Advisory Line on (08) 6552 8888.
Further information

Quick links

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<tr>
<td>Conflicts of Interest</td>
<td>Integrity Coordinating Group</td>
<td><a href="http://www.icg.wa.gov.au">www.icg.wa.gov.au</a></td>
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<td></td>
<td>State Supply Commission</td>
<td><a href="http://www.ssc.wa.gov.au">www.ssc.wa.gov.au</a></td>
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<tr>
<td>Labour Relations</td>
<td>Department of Commerce</td>
<td><a href="http://www.commerce.wa.gov.au/LabourRelations/">www.commerce.wa.gov.au/LabourRelations/</a></td>
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<td>WA Industrial Relations Commission</td>
<td><a href="http://www.wairc.wa.gov.au/">www.wairc.wa.gov.au/</a></td>
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**Other websites**

- Ombudsman Western Australia: [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)
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<thead>
<tr>
<th>Legislation</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Public Sector Management Act 1994</strong></td>
<td>Provides for the administration of the Public Sector of WA and the management of the Public Service and of other public sector employment.</td>
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<tr>
<td><strong>Financial Management Act 2006</strong></td>
<td>Covers the management, administration and reporting of public finances.</td>
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<tr>
<td><strong>Equal Opportunity Act 1984</strong></td>
<td>Promotes equal opportunity, aims to eliminate discrimination and provides remedies for harassment.</td>
</tr>
<tr>
<td><strong>State Records Act 2000</strong></td>
<td>Provides the framework for the keeping of State records.</td>
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<tr>
<td><strong>Industrial Relations Act 1979</strong></td>
<td>Covers the rights and duties of employers and employees, and resolving industrial disputes.</td>
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<tr>
<td><strong>Freedom of Information Act 1992</strong></td>
<td>Provides for public access to documents and access to personal information.</td>
</tr>
<tr>
<td><strong>Public Interest Disclosure Act 2003</strong></td>
<td>Facilitates the disclosure of public interest information and protects those who make disclosures.</td>
</tr>
<tr>
<td><strong>State Supply Commission Act 1991</strong></td>
<td>Coordinates and regulates the supply and disposal of goods and services by, and to, public bodies.</td>
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<tr>
<td><strong>Occupational Safety and Health Act 1984</strong></td>
<td>Promotes occupational safety and health as everyone’s responsibility.</td>
</tr>
<tr>
<td><strong>Working with Children (Criminal Record Checking) Act 2004</strong></td>
<td>Provides for checking the criminal records of people who carry out child-related work.</td>
</tr>
<tr>
<td>Legislation</td>
<td>Description</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Auditor General Act 2006</td>
<td>Provides for the appointment of an Auditor General, sets out the Auditor General’s functions and related purposes.</td>
</tr>
<tr>
<td>Parliamentary Commissioner Act 1971</td>
<td>Provides for the appointment of the Parliamentary Commissioner for Administrative Investigations (Ombudsman). The Ombudsman has functions relating to the investigation of administrative action taken by or on behalf of certain departments and authorities, to the deaths of certain children and for incidental purposes.</td>
</tr>
<tr>
<td>Criminal Code Chapter XII &amp; XIII - Corruption and Abuse of Office</td>
<td>Makes it illegal for public officers to disclose official information without authority, receive a bribe, or act corruptly.</td>
</tr>
<tr>
<td>Disability Services Act 1993</td>
<td>To further the rights of people with a disability, promote respect and dignity, and resolve complaints.</td>
</tr>
<tr>
<td>Australian Constitution section 44</td>
<td>Public officers disqualified if standing for Federal elections.</td>
</tr>
<tr>
<td>Electoral Act 1907</td>
<td>Regulates State elections, including public sector employees participating in elections.</td>
</tr>
<tr>
<td>Electoral Regulations 1996</td>
<td></td>
</tr>
<tr>
<td>Constitution Act 1889</td>
<td>Confers a constitution on Western Australia and grants a civil list to Her Majesty.</td>
</tr>
<tr>
<td>Constitution Acts Amendment Act 1899</td>
<td>An act to amend the Constitution Act 1889.</td>
</tr>
<tr>
<td>Enabling legislation</td>
<td>Each public sector body administers particular legislation, or is created under particular legislation, or both. This legislation may set out roles and responsibilities of employees of the public sector body.</td>
</tr>
</tbody>
</table>
## Questions and answers

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the difference between Public Sector and Public Service?</td>
<td>Under the PSM Act, the Public Service is made up of Departments and Senior Executive Service (SES) Organisations. The Public Sector is broader and includes all entities created for a public purpose under a written law. The exception is those excluded from the Public Sector by Schedule 1 of the PSM Act.</td>
</tr>
<tr>
<td>What is the difference between the Code of Ethics and a code of conduct?</td>
<td>The Public Sector Commissioner establishes the Code of Ethics, which applies to the whole public sector. Individual public sector bodies establish codes of conduct that apply to employees within that body. You need to comply with both the Code of Ethics and your employer’s code of conduct.</td>
</tr>
<tr>
<td>What happens if I do not comply with the Code of Ethics or my employer’s code of conduct?</td>
<td>The Code of Ethics establishes a minimum standard of conduct for public sector employees and has the force of law. If you do not comply with the Code of Ethics or the code of conduct, your employer may take disciplinary action.</td>
</tr>
<tr>
<td>Does my professional code of conduct (e.g. any code of conduct applying to a specific professional occupation such as accounting or law) take priority over the Code of Ethics and my employer’s code of conduct?</td>
<td>The Code of Ethics establishes broad principles that are applicable to any workplace; your professional code should not compete with the Code of Ethics. Codes of conduct are more specific. Conflicts between public sector codes of conduct and professional codes are unlikely, but possible. You are required by law to comply with the Code of Ethics and your employer’s code of conduct. Seek advice from your employer and professional body if you believe that your professional code of conduct conflicts with the Code of Ethics or your employer’s code of conduct.</td>
</tr>
</tbody>
</table>
The following sources were used to develop this handbook:

<table>
<thead>
<tr>
<th>Department</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Finance</td>
<td>Government Procurement</td>
</tr>
<tr>
<td>Department of the Premier and Cabinet</td>
<td>Role of the Executive Government</td>
</tr>
<tr>
<td></td>
<td>Guidelines and Policies: Premier’s Circulars</td>
</tr>
<tr>
<td>Department of Treasury</td>
<td>Financial Administration Bookcase</td>
</tr>
<tr>
<td>Equal Opportunity Commission</td>
<td>Your Rights: EO For You</td>
</tr>
<tr>
<td>Parliament of Western Australia</td>
<td>About Parliament Fact Sheets</td>
</tr>
<tr>
<td>State Records Office</td>
<td>State Recordkeeping</td>
</tr>
<tr>
<td>State Services Authority Victoria</td>
<td>Welcome to Government: An Introduction to Working in the Victorian Public Sector</td>
</tr>
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</table>

The Commission thanks the following public sector bodies for their input and feedback on this handbook:

- Office of the Auditor General
- Corruption and Crime Commission
- Ombudsman Western Australia
- Office of the Information Commissioner.