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Government response to the Crime and Misconduct Commission
*Report on an investigation into the alleged misuse of public monies, and a
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August 2011

Government Response to the Crime and Misconduct Commission *Report on an investigation into the alleged misuse of public monies, and a former ministerial adviser*

<p>Recommendation 1</p> <p>That Ministerial Services, Department of the Premier and Cabinet, conduct consultations to devise, introduce and monitor a set of protocols in accordance with the principles outlined in this report, governing communication between ministerial offices and public officials across the public sector. The protocols should address the matters outlined herein, and include provision for monitoring and reviewing their operation, and allocation or responsibility for those tasks.</p>	<p>Supported.</p> <p>The Government has developed new protocols in accordance with the principles set out in the CMC's report. The protocols build on the principles articulated in the Premier's Communiqué: <i>Interaction between ministerial staff and public servants</i> (issued in August 2010), which provide direction about the standards of conduct expected in interactions between Ministerial staff and public service employees. The Government will consult with relevant stakeholders, including the CMC and the Integrity Commissioner on the draft protocols.</p> <p>The protocols will apply to Ministerial staff in accordance with the framework of the <i>Ministerial and Other Office Holder Staff Act 2010</i> and to public servants in accordance with the framework of the <i>Public Service Act 2008</i> and <i>Public Sector Ethics Act 1994</i>. The Department of the Premier and Cabinet will retain overall responsibility for the protocols, including monitoring and reviewing the protocols relating to public servants in consultation with the Public Service Commission to ensure the content of future iterations of the protocols remain consistent and complementary.</p>
<p>Recommendation 2</p> <p>That government departments and agencies be encouraged to introduce transparency measures, such as a statement of rationale, in respect of documenting their decision-making processes where a final decision made by government overrides agency advice.</p>	<p>Supported.</p> <p>Public servants and Ministerial staff have an existing obligation to keep full and accurate records of decisions in accordance with the <i>Public Records Act 2002</i>. The proposed protocols on communications between Ministerial staff and public servants reference record-keeping obligations under the <i>Public Records Act 2002</i>, which require that Ministerial decisions and communications with Ministerial staff are properly documented and recorded.</p> <p>The Department of the Premier and Cabinet has also worked with Queensland State Archives and other relevant agencies to develop public records briefs on matters such as record-keeping practices for grant administration. This brief consolidates existing guidance on record-keeping obligations to assist Ministerial staff and public servants to understand their obligations to document decision-making processes.</p>

	<p>In addition, the Director-General of the Department of the Premier and Cabinet will write to other Directors-General requesting that they ensure that departmental briefing templates contain a section in which the Minister can provide comment regarding his/her decision in relation to departmental recommendations ,and to reinforce the importance of recording significant annotations made by the relevant Minister's office on departmental files.</p>
<p>Recommendation 3</p> <p>That appropriate training in ethical and transparent communication between the minister's office and the agency be provided to:</p> <ul style="list-style-type: none"> - Ministers - Ministerial staff - Chief executive offices and senior managers - Department/agency staff <p>That appropriate training and support in staff recruitment and management be provided to:</p> <ul style="list-style-type: none"> - Ministers. - Chiefs of staff. 	<p>Supported.</p> <p>Training for Ministerial staff and public servants (including Directors-General, Senior Executive Service (SES) officers and other staff) in ethical decision making is underway.</p> <p>On 6 June 2011, the Integrity Commissioner and the Chief Executive of the Public Service Commission attended Cabinet to brief Ministers on ethical and transparent communication between Ministerial offices and public servants. Training for Ministerial staff in ethical and transparent communication between Ministerial offices and the public service was delivered in February 2011.</p> <p>The Public Service Commission is leading implementation of a public service-wide program of training in ethical decision-making. Training for Directors-General was delivered in October 2010, which focused on championing of ethical practice and culture within their agencies and across Government, including interaction with Ministerial staff.</p> <p>The Public Service Commission has provided resources to agencies to assist in delivery ethics workshops to SES officers and to support the roll-out of training on ethical decision making and resources to support the implementation of the <i>Code of Conduct for the Queensland Public Service</i>. These resources include reference to the <i>Ministerial and other Office Holder Staff Act 2010</i> and the Premier's Communiqué: <i>Interaction between ministerial staff and public servants</i>, in relation to maintaining appropriate relationships with Ministerial staff. Following finalisation of the protocols, the Public Service Commission Chief Executive will write to all Directors-General to provide advice about the existing resources designed to support the protocols.</p> <p>In relation to the recruitment of Ministerial staff, the CMC notes in its report that political affiliation is often a valid consideration in employment selection of Ministerial staff. However, it is acknowledged that further guidance can be provided regarding Ministerial and Ministerial office responsibilities in ensuring that proposed appointees to Ministerial offices are suitable for appointment.</p>

	<p>The Ministerial Handbook currently includes sections on suitability requirements and the process for filling vacant positions in Ministerial offices, including where vacancies are filled by advertisement, and the responsibilities of Ministers in relation to staff management principles. The relevant sections of the Ministerial Handbook will be reviewed and amended if appropriate as part of a wider review of the Handbook, so that Ministers and Ministerial staff are provided with clear guidance in relation to staff recruitment and management and ethical and transparent communication.</p> <p>Further training will be provided to relevant Ministerial staff on the amended Ministerial Handbook provisions in conjunction with future training. Related training will also be provided on Ministerial obligations regarding these matters.</p>
<p>Recommendation 4</p> <p>That the Department of Communities review its policies and guidelines relating to grants and other discretionary decisions, to ensure that there are adequate safeguards to prevent unauthorised or undocumented departures from due process.</p>	<p>Supported.</p> <p>The Department of Communities has reviewed its grants policies and issued a new policy and operational procedure to govern the administration, assessment and acquittal of sport and recreation funding. Applications are considered on their ability to meet the program assessment criteria of demonstrated need, alignment to program priorities and the applicant's ability to deliver, with assessments of funding applications undertaken by the department independently.</p> <p>Further guidance for departments in administration of grant programs is provided through the Financial Accountability Handbook administered by Queensland Treasury, which contains a volume dedicated to the management of grants. This volume sets out a whole of government approach to grant program development and administration.</p> <p>In addition, the Government has undertaken targeted consultation on new draft legislation governing the administration and acquittal of financial assistance by the Government to all external entities. This will further strengthen accountability in the provision and acquittal of Government funding by the non-government sector on a whole of government basis.</p> <p>Finally, the Government supported the recommendation of the Public Accounts and Public Works Committee Report No. 7: <i>Strategic Review of the Queensland Audit Office</i> that the Auditor-General be able to investigate any matter relating to public money. Amendments to the <i>Auditor-General Act 2009</i> to provide this new legislative power to the Auditor-General were passed by the Parliament on 2 August 2011.</p>