



31 March 2009

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**Submission to the Review of the *Public Sector Employment & Management Act (PSEMA)***

Dear Mr Simpson

The Environment Protection Authority (EPA) welcomes the opportunity to provide input into the Review of the *Public Sector Employment & Management Act*.

The EPA has been established under the *Environment Protection Authority Act* to give advice and make recommendations to the Territory, business and the community about ecologically sustainable development (ESD).

In addition to conducting our own legislative reviews, the EPA recognises that the reviews being undertaken by the various arms of Government are an equally important means of encouraging a more active engagement with the principles of sustainability to guide the Territory's future.

It is our expectation that these values will be increasingly incorporated into legislation, policy and planning to more strongly inform how the Northern Territory goes about its business.

The EPA has written to you recently (4 March) to introduce six principles of ecologically sustainable development which reflect the Northern Territory context.

These principles, which also inform our comment on the PSEMA review, are as follows:

1. Ecologically sustainable development is necessary to support a strong, diversified and healthy Northern Territory society.
2. The nature dependent Northern Territory identity is to be protected and promoted.
3. Equity and social cohesion are intrinsic to how the Northern Territory operates.
- 4. The public sector must lead in the advocacy and enactment of ecologically sustainable development in the Northern Territory.**
5. The Northern Territory community and business are key partners in ecologically sustainable development.
6. Acknowledging and addressing regional circumstances is required to achieve ecologically sustainable development in the Northern Territory.

Our submission to the Review is made primarily in the context of the fourth principle - that the public sector must lead in the advocacy and enactment of ecologically

sustainable development in the Northern Territory, but also supports the other principles.

As significant employers, public agencies are increasingly expected to manage public goods, resources and facilities in ways that support sustainable development objectives.

Additionally public agencies are expected to lead by example in their sustainability reporting, not only in the transparent disclosure of their internal operations and performance, but also with the reporting of the impact of the implementation of public policies and programs ([Sustainability Reporting by the Public Sector](#)).

It is our understanding that the PSEMA determines: how the NT Public Sector (NTPS) operates, its principles and its employees responsibilities. Accordingly this is an important vehicle for improving the extent to which agencies include environmental considerations into their employment instructions, internal policies and reporting requirements.

The EPA supports any measures which address the integration of ecologically sustainable development with decision making and governance. We consider it equally important to set high standards for the behaviour and practices of individual employees.

Our submission comprises:

- This letter outlining our position;
- Further recommendation on the specific areas of the legislation and regulations where it would be appropriate to address sustainable development;
- Links to documents which we have referred to in our preliminary investigation of the progress being made to encourage more sustainable practices within public agencies.

The Environment Protection Authority would like to thank the Review of the opportunity to provide this input.

Sincerely



**Juanita Croft**  
Executive Director  
Environment Protection Authority

Relevant links:

- ANAO Audit Report No.25 2008-09 *Green Office Procurement and Sustainable Office Management*, pp 46-50.  
[http://www.anao.gov.au/uploads/documents/2008-09\\_Audit\\_Report\\_25.pdf](http://www.anao.gov.au/uploads/documents/2008-09_Audit_Report_25.pdf)
- Global Reporting Initiative (GRI), *Sustainability reporting by the public sector: Practice, Uptake and Form*.  
<http://www.globalreporting.org/NR/rdonlyres/FAFD9A06-702A-4AA8-988C-979DBCCBC948/0/LeesonEtAlSustReortingByPublicSector.pdf>
- Global Reporting Initiative. 2005. Sector Supplement for Public Agencies  
<http://www.globalreporting.org/ReportingFramework/SectorSupplements/PublicAgency>
  - Energy Efficiency in Government Operations (EEGO) Policy  
<http://www.environment.gov.au/settlements/government/eego/publications/pubs/eego-policy.pdf>

EPA Submission to the PSEMA Review - Specific recommendations

**1) The EPA recommends measures which integrate the objectives of ecologically sustainable development into decision making and governance.**

***Public Sector Employment Management Act***  
**Section 24 – Functions of Chief Executive Officers**

Under the current Act responsibilities include functions such as:

- (h) planning, implementing and monitoring the financial and administrative performance of the agency;
- (k) ensuring equal employment opportunities and health and safety standards are implemented and maintained.

The EPA would recommend that public sector leaders integrate ecologically sustainable development into agency decision making and governance to achieve the following:

- Integrate ecologically sustainable development principles into agency policies, strategies and practices with the aim of continually improving social and environmental performance.
- Operate in a manner that demonstrates leadership and strives for best practice sustainable development.
- Work with clients, partners and other stakeholders to achieve public policy, laws, regulations and procedures that align with Northern Territory principles of ecologically sustainable development.
- Require suppliers of goods and services and contractors to adopt practices that foster ecologically sustainable development.
- Promote the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials.

(See Energy Efficiency in Government Operations (EEGO) Policy

<http://www.environment.gov.au/settlements/government/eego/publications/pubs/eego-policy.pdf>)

- Provide training and guidance to ensure competency in sustainable practices among employees at all levels.
- Demonstrate leadership and transparency in sustainability reporting of social and environmental performance both within the organisation and also linked to public-policy and programs.

***Public Sector Employment Management Act***  
**Section 28 – Reports by Chief Executive Officers**

In accordance with contemporary best practice aimed at long term sustainability, adequate triple bottom line accounting frameworks would incorporate the consideration of social and environmental factors as well as financial efficiency.

We would recommend Sections 28.2 (d) and (e) could incorporate:

- Sustainability reporting of social and environmental performance both within the organisation and also linked to public-policy and programs.

Please also see the attached documents as a starting point for understanding the direction being taken by Australian federal agencies and international public sector agencies with regard to sustainability reporting:

- ANAO Audit Report No.25 2008-09 *Green Office Procurement and Sustainable Office Management*, pp 46-50.  
[http://www.anao.gov.au/uploads/documents/2008-09\\_Audit\\_Report\\_25.pdf](http://www.anao.gov.au/uploads/documents/2008-09_Audit_Report_25.pdf)
- Global Reporting Initiative (GRI), *Sustainability reporting by the public sector: Practice, Uptake and Form*.  
<http://www.globalreporting.org/NR/rdonlyres/FAFD9A06-702A-4AA8-988C-979DBCCBC948/0/LeesonEtAlSustReortingByPublicSector.pdf>
- Global Reporting Initiative. 2005. Sector Supplement for Public Agencies  
<http://www.globalreporting.org/ReportingFramework/SectorSupplements/PublicAgency>

**2) The EPA expects that the principles of ecologically sustainable development will be incorporated into legislation, policy and planning to more strongly inform how the Northern Territory goes about its business in a sustainable manner.**

**Regulations under the *Public Sector Employment Management Act*  
Part 2 – General**

The current regulations include principles such as:

- 2(a) the Public Sector shall be administered in a manner which emphasises the importance of optimum service to the community.
- 2(e) proper standards of financial management and accounting shall be exercised at all times
- 4(c) employees who are responsible for incurring or authorising expenditure shall exercise due economy and ensure the efficient, economical use of government resources and facilities.

These or additional principles could address the following or similar objectives:

- The Public Sector shall operate in a manner that demonstrates leadership and strives for best practice sustainable development.
- The Public Sector shall be administered in a manner that demonstrates leadership and transparency in sustainability reporting of social and environmental performance both within the organisation and also linked to public-policy and programs.
- Employees who are responsible for incurring or authorising expenditure shall require suppliers of goods and services and contractors to adopt practices that foster ecologically sustainable development.
- Employees shall promote the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials.

**3) The EPA encourages the review to set high standards for the behaviour and practices of individual employees.**

**Employment Instruction Number 13**

Sections **5.4 Standards** and **6 Personal and Professional Behaviour** are areas where public sector employees could be encouraged to:

- Operate in a manner that supports best practice sustainable development objectives.