



Northern Territory Police, Fire and Emergency Services Submission to Review of the *Public Sector Employment and Management Act 1993*

Executive Summary

The Northern Territory Police Fire and Emergency Services (NTPFES) submission to the Review of *Public Sector Employment and Management (PSEM) Act* Steering Group focuses on the central question “**What is the purpose the Act in the 21st Century?**”. In other words, how should the *PSEM Act* be reshaped to make it contemporary and structured to fit its current and future purposes in the 21st Century. The central issue here is, is it fit for its purposes now? If it is, then minimal change is needed. If not, then a more radical overhaul is needed. The NTPFES view is that aspects of the *PSEM Act* have withstood the test of time, while others require a significant overhaul to make them relevant and workable today and into the future.

The citizens of the Northern Territory (NT) are the principal stakeholders for whom the *PSEM Act* is enacted. Its purpose is to create the enabling legislative framework within which the elected government of the day is able to provide the community with effective public administration.

The NTPFES submission explores the added complexity arising from the NT not having a NT-specific employment power and being tied to the Commonwealth industrial relations arrangements. The Commonwealth’s industrial relations legislative regime is complex and often outdated because of successive changes.

NTPFES believes the legislation must be able to balance competing and/or conflicting interests and to cope with ambiguity and the complexity of the contemporary community expectations of its public sector.

There is a need for a far more flexible interpretation than currently prevails about what really are “whole of government” matters. The heart of these issues really relates to the respective roles of the Commissioner for Public Employment (CPE), set out under Part 3, and the roles of Chief Executive Officers (CEOs), set out under Part 4. Much of the NTPFES submission relates to the operation of the *PSEM Act* and how this is experienced from within the agency. NTPFES notes the potential for the blurring of the role of the Minister for Public Employment with the specific roles of agency Ministers and consequently the roles of CPE and CEOs of agencies.

The NTPFES submission explores the question: “Is the role specified for the CPE still relevant or should it be modified in light of current NT public sector experience?”. This exploration is based on not only the actual provisions *per se* but in their current translation in practice. From the NTPFES perspective this is a key matter to which the Review Steering Group should turn its attention.

What NTPFES argues for is amendment to the *PSEM Act* which allows for progressive, iterative devolution of authority to CEOs for employer and employment related functions which presently rests with the CPE. This would enable a shift in the role of the Commissioner for Public Employment (CPE) / Office of the Commissioner for Public Employment (OCPE) from rule maker and enforcer to facilitator and enabler.

The present arrangements of the *PSEM Act* and its associated subordinate legislation urgently needs to be consolidated, modernised and streamlined. It is the view of NTPFES that the *PSEM Act*, Regulations and Employment Instructions should be integrated in one single piece of legislation. This piece of legislation should simply articulate the principles of good public sector management and contemporary people management.

The legislation should, through positive statements, spell out the core NT Public Sector values and provide clear descriptions of expected behaviours similar to the present Code of Conduct. This would enable greater understanding by government, the community and most importantly public sector employees of what is expected of them. This approach would contribute to creating an engaged public sector workforce capable of delivering improved performance and results. It would provide the impetus to and complement other reform and revitalisation initiatives of the NT Government.

The NTPFES submission argues that the *PSEM Act* and associated subordinate legislation needs to be systematically examined in light of many other laws which add complexity to the governance arrangements for which CEOs are accountable and which interact with their responsibilities under the *PSEM Act*.

Agencies expend a disproportionate amount of energy, effort, time and resources in dealing with the application of principles or rules to the management of individual, often complex cases. The NTPFES view is that it would be far preferable that these scarce, specialised resources and time be used to focus on strategic human resource management designed to improve leadership and management capability across the NT Public Sector. This would lead to increased organisational and employee wellbeing. Such a strategic focus, with the resultant improvements in public administration, would contribute also to the improvement in outcomes for the NT Government and the citizens of the NT.

NTPFES argues for a range of far reaching amendments to the *PSEM Act* to streamline provisions relating to appointments, transfers, promotions and terminations. NTPFES outlines various approaches to dealing with individual cases which could be adopted to assist in streamlining processes and procedures leading to better outcomes for employees, work groups and managers and just as importantly better outcomes for the community of the NT and the government of the day.

The *PSEM Act* is, in the end, really about leadership of people and it is critical in any reframing that the Review Steering Group bears in mind *Peter F. Drucker's* assessment: "***Of all the decisions an executive makes, none is as important as the decisions about people, because they determine the performance capacity of the organization***". NTPFES is hopeful that an outcome of the Review Steering Group's work will be an engaged, empowered, more productive and well led NT Public Sector.