



From: Erin Aston on behalf of Robert Setter
Sent: Thursday, 10 August 2017 9:50 AM
To: 'clerksoffice@parliament.qld.gov.au'
Cc: David Reed
Subject: HPRM: Letter from Robert Setter, Commission Chief Executive, Public Service Commission
Attachments: Signed letter to Clerk re Black lung rec 67.pdf



Queensland
Government

Good Morning,

Please find attached a letter from Robert Setter, Commission Chief Executive, Public Service Commission for Mr Neil Lawrie in relation to the Coal Workers' Pneumoconiosis Select Committee report *Black Lung White Lies*.

Thanks

Erin Aston

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Office of the Commission Chief Executive
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Please quote: TF/17/10823

9 AUG 2017

Mr Neil Lawrie
Clerk of the Parliament
Parliament House
BRISBANE QLD 4000

Dear Mr Lawrie

As you aware, government is in the process of formally responding to the Coal Workers' Pneumoconiosis Select Committee report *Black Lung White Lies*. The report included recommendation 67 that states-

"The committee recommends that the Public Service Commissioner review the transcripts of public and private hearings of the committee involving Queensland public servants and consider the extent to which those officers cooperated with and assisted the committee, including whether or not any public servant misled the committee or otherwise breached the Code of Practice for Public Service Employees Assisting or Appearing Before Parliamentary Committees".

The Public Service Commission (PSC) does assist agencies with advice about whether particular conduct may be subject to a discipline process because of a possible breach of the Code of Conduct for the Queensland public service.

Our understanding of parliamentary privilege is that government can only take action where it considered that a criminal offence had been committed and it is not possible to take other action against a public servant for his or her evidence given to a parliamentary committee even if it were to amount to a breach of the Code of Conduct for the Queensland public service. Parliamentary privilege would prevent government as the employer disciplining a public servant in the event that it was established that the public servant misled the committee or breached the Code of Practice for Public Service Employees Assisting or Appearing Before Parliamentary Committees.

The PSC does not have any experience assessing conduct and applying the Code of Practice for Public Service Employees Assisting or Appearing Before Parliamentary Committees. I would suggest the skills required for this type of enquiry and advice are legal, rather than those relating to disciplinary processes, and there are legal advisors such as counsel who would be better placed to assist the committee.

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As a consequence I propose to recommend a response to recommendation 67 that advises that due to the application of parliamentary privilege the Committee is best placed to assess the conduct of public servants who appeared before it. It would be open to the Committee to seek advice from appropriately qualified advisors to assist it in its assessment.

Your input and guidance on the appropriateness of our response would be appreciated.

The PSC officers assisting with this matter are Mr David Reed, Director and Corporate Counsel, 07 3003 2703, david.reed@psc.qld.gov.au and Mr Joe Meagher, Principal Policy Officer, Workforce Policy and Legal, 07 3003 2707, joe.meagher@psc.qld.gov.au. I would be grateful if you could liaise with them directly should you require clarification or further information.

Yours sincerely



Robert Setter
Commission Chief Executive

cc: Mr Dave Stewart, Director-General, Department of the Premier and Cabinet

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