

Statement to the Senate Finance and Public Administration Committee

Thank you for the opportunity to make an opening statement to the Committee.

As Public Service Commissioner, I would like to talk with the Committee about the state of the public service. The Assistant Minister for the Public Service, the Hon Patrick Gorman MP, presented my latest annual report on the State of the Service to Parliament last November.

On the various measures of public service performance – employee engagement, wellbeing, integrity, innovation, representativeness, and bullying and harassment – the public service is at its recorded strongest and best.

The ambitious reforms outlined in the Thodey Review, along with the Government's other public sector initiatives, have been substantially implemented and borne fruit. Public sector reform is working. The service is dynamic, trusted and pro-active. Public servants are not always perfect but they do strive for excellence in delivery and in behaviour.

Public servants take seriously that transparency and accountability to the Parliament are essential for well-functioning public administration and government. We are very aware of our purpose, set out in the Public Service Act, to be an apolitical public service that efficiently and effectively serves the Government, Parliament and the Australian public. We are mindful that the Parliament is one of the three bodies we serve. In the context of Estimates, we take seriously our duty to give evidence to Senate Committees honestly and professionally.

With this in mind, I would like to refer briefly to two matters that arose in the last session of the Committee on 2 December 2025.

The first matter relates to the integrity of evidence provided by the Commission to the Senate.

Senator David Pocock raised allegations that the APSC had potentially misled the Senate in relation to an extract of an email from Comcare.

My colleague, Dr Rachel Bacon, Deputy Commissioner, wrote to the Committee on 17 December 2025 to categorically refute any allegation that the Commission had misled the Senate. I refer Senators to that letter. The material that was discussed at the 2 December hearing does explicitly refer to FOI, it involved the team in Comcare that has responsibility for FOI, and it was addressed to an FOI officer.

The Commission rejects any suggestion that it may have misled the Senate in using this example. The Commission remains seriously concerned about the risks to FOI officers and others from abusive and threatening behaviour by some FOI applicants.

The second matter relates to what information can be provided about investigations into possible breaches of the APS Code of Conduct. The public is naturally curious about breaches of the Code. The Public Service Act, however, classifies information obtained through the Commissioner's review and inquiry functions as protected information and has strict prohibitions on public release. This is to ensure the effective and fair operation of inquiries, both in particular cases and over time.

While parliamentary privilege would protect the Commissioner from the criminal penalties that would otherwise apply for unlawful disclosure of this information, I have taken the view that disclosure of anything other than the most basic information is not in the public interest and that there are well established grounds of public interest immunity that are applicable in such

cases. There are three established grounds of public interest immunity that, in my view, are particularly relevant in this context. For convenience, I refer to section 4.6.1 of the Guidelines for Official Witnesses before Parliamentary committees: avoiding prejudicing the investigation of a possible breach of law [ground (d)]; preventing disclosure of confidential sources or information [ground (e)]; and protecting the Commission's methods of investigating these matters from disclosure [ground (h)].

For this purpose, the Commission does not talk or speculate about particular instances of its inquiries, including its process for determining whether an inquiry commences, and does not confirm the existence or non-existence of an inquiry.

As this is my last appearance at this Committee, I sincerely thank you for your patience, perspectives and engagement during my tenure as Secretary for Public Sector Reform and Australian Public Service Commissioner. It has been an honour to serve the Government, Parliament and Australian people and work alongside so many committed and inspiring public servants.

Dr Gordon de Brouwer
Australian Public Service Commission
10 February 2026