Dear Review Panel

Thank you for the opportunity to contribute to the Independent Review of the Australian Public Service. I know many fellow current and former public servants will have made submissions about how the service could be improved, and I join them in many of their concerns. However, I would like to use my submission to propose one idea: a ‘Citizen’s Charter’.

More so than ever, people see the public service as not merely serving the Government of the day but as serving the community. Medicare, student support, pensions and passports are just some of the common interactions Australians have with the public service. And, while section 13 of the *Australian Public Service Act* incorporates a ‘Code of Conduct’, I feel that a Citizen’s Charter would be a more positive, citizen-centric document that could serve as the ‘mirror’ to the APS Values. The Code imposes duties on public servants, but it is not an empowering document for Australians.

For example, the Code says that public servants must ‘behave honestly and with integrity in connection with APS employment’, a Citizen’s Charter could say ‘You have the right to be told the truth when interacting with the public service’. Where the Code requires public servants ‘when acting in connection with APS employment’ to ‘treat everyone with respect and courtesy, and without harassment’ this could be reflected in a power right: ‘You have the right to be treated equally and to not be discriminated against in your dealings with the public service’.

The Charter should not be limited to issues dealt with in the Code, though. It could also include a right to be treated with dignity and respect when seeking or receiving a service from government (e.g. welfare or health service); a right to transparency in decision-making and timely provision of information; a right to seek employment in the public service without fear of discrimination. It could also include rights to just treatment for individuals the subject to investigation and a right to compensation for defective administration or improper or unethical treatment.

This idea is not new. The Australian Tax Office already has a “Tax-payers’ Charter” and there is a “Charter of Care Recipients' Rights and Responsibilities for Home Care.”[[1]](#endnote-1) However, there is not a whole of government statement. More importantly, many of these charters are not in legislation and, therefore, likely to be unenforceable.

While the idea of a legislated Citizen’s Charter might concern some officials or Ministers, many of the ‘rights’ listed above are already provided for in existing legislation or policy. For example, the Scheme for Compensation for Detriment caused by Defective Administration (CDDA Scheme) provides a mechanism for non-corporate Commonwealth entities (NCEs) to compensate persons who have experienced detriment as a result of a NCE’s defective actions or inaction.[[2]](#endnote-2) Rights to transparency in decision making and information can be found in several Commonwealth laws,[[3]](#endnote-3) while Government agencies are already meant to be bound by the ‘Model Litigant Obligations’.[[4]](#endnote-4) General non-discrimination law provides the basis for a right to equal treatment and access to services.

However, a Charter shouldn’t just be a symbolic document or a mere collation of existing, general provisions. It could provide an opportunity to enshrine a right of community involvement in decision-making –[[5]](#endnote-5) especially where policies will affect particular groups or communities (e.g. Aboriginal or Torres Strait Islander communities, individuals with specific disabilities,[[6]](#endnote-6) people receiving a type of welfare payment). It should provide a clear mechanism for lodging complaints (e.g. to the agency or via the Ombudsman) and compensation for egregious breaches of the Charter could be more substantial (and less discretionary) than those provided by the CDDA Scheme. Breaches of the Charter could be a reportable matter for Agency Heads, much like financial breaches are under the *Public Governance, Performance and Accountability Act*.

There is an odd antipathy in Australian politics and policy-circles for the language of ‘rights’, which may make the enactment of a ‘Charter of Citizen’s Rights’ difficult. However, this should not stop the idea from being debated and tested. Ultimately, the name of the document is not important; but it’s adoption within the *Australian Public Service Act* would be, in my view, a positive step towards making the community feel that the public service is *their* public service: open to them (and open *with* them) and joined together with them in the common mission of advancing Australia.

Thank you for your consideration of my submission.

Kind regards

Tim Vines

1. <https://www.ato.gov.au/About-ATO/About-us/In-detail/Taxpayers-charter/Taxpayers--charter---what-you-need-to-know/> [↑](#endnote-ref-1)
2. <https://www.finance.gov.au/resource-management/discretionary-financial-assistance/cdda-scheme/information-for-applicants-cdda/> [↑](#endnote-ref-2)
3. For example: the *Administrative Appeals Act 1975;* the *Administrative Decisions (Judicial Review) Act 1977*; *Freedom of Information Act 1982* [↑](#endnote-ref-3)
4. Appendix B, *Legal Services Directions* <https://www.legislation.gov.au/Details/F2018C00409>. [↑](#endnote-ref-4)
5. E.g. “I have the right to contribute to the design of policies or programs that will affect me, my family or community”, “I have the right to genuine consultation and a fair hearing in matters that affect me.” [↑](#endnote-ref-5)
6. For these communities in particular, the slogan: ‘nothing about us, without us’, could inform any right. [↑](#endnote-ref-6)