



**Victorian
Public Sector
Commission**

3 Treasury Place
East Melbourne
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The Committee Manager
Select Committee on the 2026 Commonwealth Games Bid
commonwealthgames@parliament.vic.gov.au

Dear Committee Manager

Re: Inquiry into the 2026 Commonwealth Games Bid

Thank you for your correspondence of 13 September 2023, inviting me to make a submission to the Inquiry.

After considering the terms of reference, my role as the Victorian Public Sector Commissioner and the respective objectives and functions of the Commission under the *Public Administration Act 2004* I have elected not to make a submission.

However, I make the following comment for the Committee's consideration about the framing of term of reference d):

(d) the potential of undue influence by the executive on the independence of the public service

I understand the sentiment behind the framing of this term of reference but draw to the Committee's attention the fact that the public service is in fact part of the executive branch of government in a Westminster system, not separate from it. As such the public service and the rest of executive government are intrinsically linked by virtue of the establishment of departments in line with the appointment of Ministers and allocation of their portfolios.

Within this system, the public service is bound by the *Code of Conduct for Victorian Public Sector Employees* (the code). This code describes the behaviours that exemplify the public sector values contained in the *Public Administration Act 2004*.

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Under this code, alongside a range of other conventions and requirements, the public service is required to act at the lawful direction of the relevant Minister to implement the policies of the Government of the day. Concurrently, the public service is also required to provide frank, impartial and timely advice to the Government of the day (often referred to as 'frank and fearless' advice). Ministers are not obligated to accept and act on this advice.

Thank you again for writing to me. I will follow the deliberations of the Committee with interest.

Yours sincerely



Brigid Monagle

Commissioner

17/10/2023

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