

DIRECTIONS OF THE PREMIER

UNDER SECTION 10 OF THE *PUBLIC SECTOR ACT 2009*

I, Steven Spence Marshall, Premier of South Australia, hereby issue the following directions under section 10 of the *Public Sector Act 2009* which are binding on all public sector agencies¹.

RECRUITMENT

I hereby direct that all chief executives or agency heads of public sector agencies will have in place an effective Recruitment System that incorporates, as a minimum, the following measures, prior to the making of an offer of employment to any prospective employee:

- Use of a Pre-Employment Declaration, either in the form issued by the Commissioner for Public Sector Employment (“the Commissioner”) or an agency-specific Declaration that contains not less than the content of the Declaration issued by the Commissioner.

It will be a matter for chief executives, agency heads or delegates as to when they require prospective employees (including existing public sector employees) to complete a Pre-Employment Declaration, based on agency operational requirements, providing, however, no person is to be offered employment without them having fully completed a Declaration and that Declaration having been considered by a chief executive, agency head or delegate.

- Ensures the conduct of adequate referee checks (including, as appropriate, outside of persons named by a prospective employee as a referee):
 - for applicants who a selection panel is considering nominating as a recommended candidate to receive an offer of employment; or
 - for prospective employees that a chief executive/agency head or delegate is considering employing; and
 - a chief executive, agency head or delegate considers the information derived from such checks including whether the checks are sufficient in the circumstances (and if not, they should cause further checks to be conducted).
- Consideration of whether a National Police Certificate or other appropriate background screening is required for the relevant role; and

¹ With the exception of the Courts Administration Authority, the Legal Services Commission, the Independent Commissioner Against Corruption and Office for Public Integrity.

- if appropriate, facilitate the conduct of such check or screening related to the integrity and suitability of the applicant or prospective employee; and
- a chief executive, agency head or delegate considers the information derived from the check or screening (including whether they should cause further screening to occur).
- Maintenance of records in respect of Pre-employment Declarations and background checks or screening, consistent with the requirements of the *State Records Act 1997* and Department of Premier and Cabinet Instruction PC012, the Information Privacy Principles.

Additionally I hereby direct that by 1 October 2018 all public sector agencies will load retrospective data dating from 1 July 2017 onto the Eligibility for Re-employment Register, and continue loading data in real-time thereafter in respect to;

- termination of an employee's employment on the basis of misconduct;
- resignations by an employee from their employment when suspected or alleged to have committed misconduct;
- resignation by an employee from their employment upon acceptance of a Targeted Voluntary Separation Package (or other separation scheme);
- resignation of an employee from their employment as part of the redemption of a claim for workers compensation; and
- termination of an executive level employee's employment resulting in the payment to the person of a termination payment.

Further I hereby direct that from 1 October 2018 all public sector agencies will complete a search on the Eligibility for Re-employment Register for candidates applying for any role advertised, with the exception of Expressions of Interest internal to the agency, and give appropriate consideration of any information derived from the search relating to a candidate's previous employment within the South Australian public sector, prior to any offer of employment being made.

All public sector agencies subject to this direction must have regard to and apply any relevant Guideline of the Commissioner for Public Sector Employment.

This Direction replaces any previous Directions of the Premier issued under section 10 of the *Public Sector Act 2009* relating to recruitment in the South Australian public sector.



Hon Steven Marshall MP
PREMIER

24/9/2018