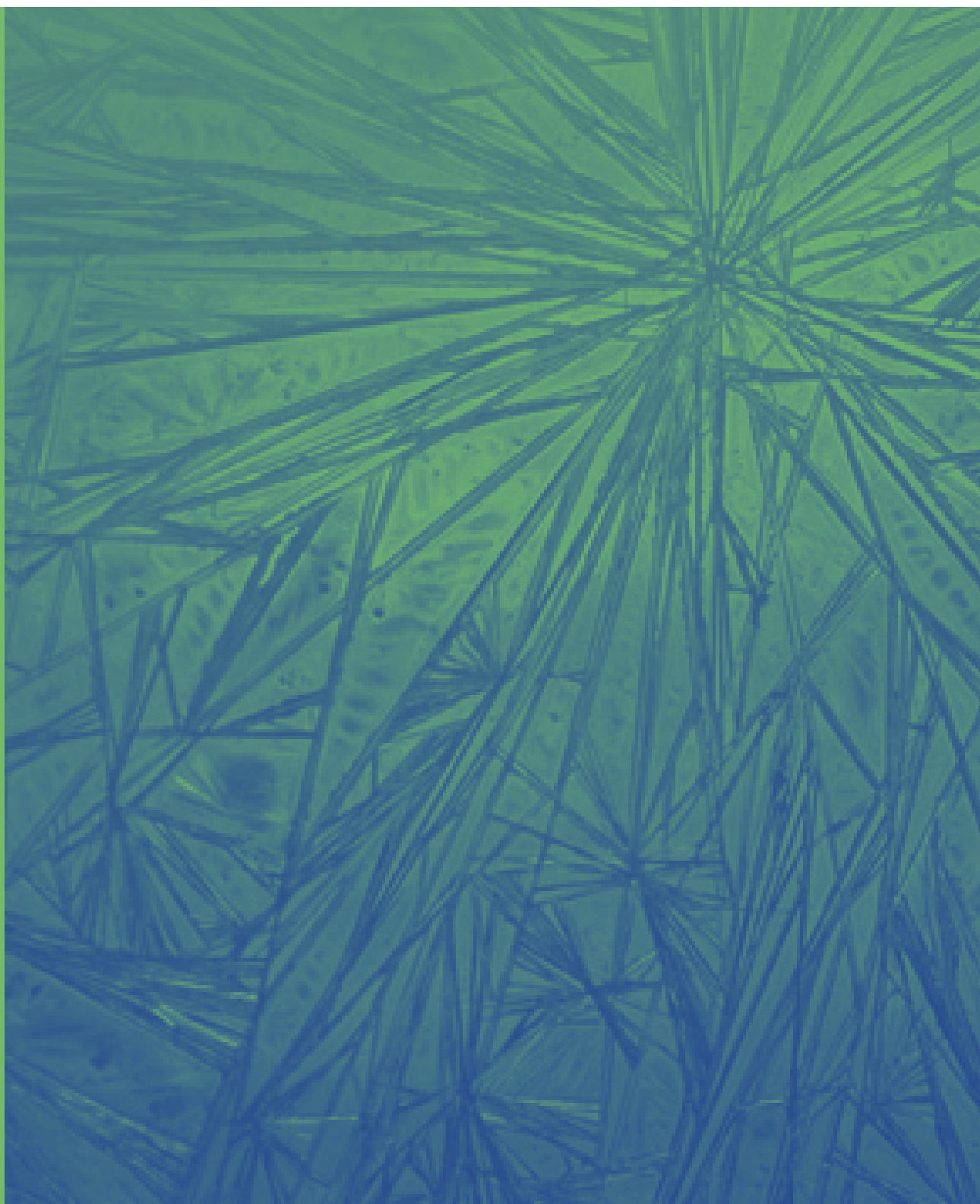




# **Commissioner for Public Administration**

## **Annual Report 2008–2009**



**Annual Report 2008-09**

**Commissioner for Public Administration**

ISBN 10 Digit: 0 642 60512 2

ISBN 13 Digit: 978-0-642-60512-2

© ACT Government 2009

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Territory Records Office, Community and Infrastructure Services, Territory and Municipal Services, ACT Government. GPO Box 158, Canberra City ACT 2601.

Produced by Publishing Services for the Commissioner for Public Administration

Enquiries about this publication should be directed to:  
Greg Haustead, Senior Manager, Employment Policy, telephone 6207 5995

This report is available online at: [www.cmd.act.gov/governance/commissioner](http://www.cmd.act.gov/governance/commissioner)

Printed on recycled paper

Publication No. 09/1144

<http://www.act.gov.au>

Telephone: Canberra Connect 132 281



## AUSTRALIAN CAPITAL TERRITORY

---

### Commissioner for Public Administration

Transmittal Certificate

Mr Jon Stanhope MLA  
Chief Minister  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Chief Minister

I am pleased to submit the Commissioner for Public Administration's annual report for 2008-09 that provides an account of the management of the Public Service as a whole during the reporting period 1 July 2008 to 30 June 2009. As you would be aware my interest in the management of the Service derives from the *Public Sector Management Act 1994* and, for this reason, my annual report focuses on the execution of my statutory powers and functions under the Act.

This report has been prepared under section 7 of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the *Chief Minister's 2007-2010 Annual Report Directions*. It has been prepared in conformity with other legislation applicable to the preparation of the annual report by the Commissioner for Public Administration.

I hereby certify that the attached annual report is an honest and accurate account and that all material information on the operations of the Commissioner for Public Administration during the period 1 July 2008 to 30 June 2009 has been included and that it complies with the *Chief Minister's 2007-2010 Annual Report Directions*. I also hereby certify that fraud prevention has been managed in accordance with the Public Sector Management Standards, Chapter 2, Part 2.4.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present the report to the Legislative Assembly within three months of the end of the financial year.

Yours sincerely

Catherine Hudson  
Commissioner for Public Administration  
September 2009

9

---

Chief Minister's Department  
GPO Box 158  
Canberra ACT 2601

Level 5, Canberra Nara Centre  
1 Constitution Avenue  
Canberra ACT 2601

**Telephone:** (02) 6205 0213  
**Facsimile:** (02) 6207 5376



## Contents

<b>A</b>	<b>Performance and financial management reporting.....</b>	<b>1</b>
A.1	The organisation.....	1
A.2	Overview and the management of the Service.....	3
A.3	Highlights and the management of the Service.....	10
A.4	Outlook.....	16
A.9	Analysis of agency performance .....	18
<b>B</b>	<b>Consultation and scrutiny reporting.....</b>	<b>19</b>
B.2	Internal and external scrutiny .....	19
B.3	Legislative Assembly Committee inquiries and reports .....	19
<b>C</b>	<b>Legislative and Policy Based Reporting.....</b>	<b>20</b>
C.2	Fraud prevention .....	20
C.3	Public interest disclosure.....	20
C.4	Freedom of information.....	21
C.17	Human Rights Act 2004 .....	21
C.18	Commissioner for the Environment.....	21
C.19	ACT Multicultural Strategy 2006-09.....	21
C.20	Aboriginal and Torres Strait Islander reporting.....	21
<b>Appendix A</b>	<b>Delegation of powers .....</b>	<b>22</b>
<b>Appendix B</b>	<b>Public Sector Management Standards.....</b>	<b>23</b>
<b>Appendix C</b>	<b>Waiver of an independent job evaluation.....</b>	<b>26</b>
<b>Appendix D</b>	<b>2008-09 'Over the Horizon' Report on Agency risk assessments and emerging trends in fraud and corruption.....</b>	<b>27</b>
<b>Appendix E</b>	<b>Reporting omissions.....</b>	<b>37</b>
	<b>Compliance index .....</b>	<b>40</b>

## Abbreviations

ACT Health	ACT Department of Health
ACTPLA	ACT Planning and Land Authority
ACTPS	ACT Public Service
AGO	Auditor General's Office
APS	Australian Public Service
CIT	Canberra Institute of Technology
CMD	Chief Minister's Department
Commissioner	Commissioner for Public Administration
DECCEW	Department of the Environment, Climate Change, Energy and Water
DET	Department of Education and Training
DDHCS	Department of Disability, Housing and Community Services
EEO	Equal Employment Opportunity
JACS	Department of Justice and Community Safety
LDA	Land Development Agency
PID Act	<i>Public Interest Disclosure Act 1994</i>
PSM Act	<i>Public Sector Management Act 1994</i>
PSM Standards	Public Sector Management Standards
PSMG	Public Sector Management Group
SERBIR	Senior Executives Responsible for Business Integrity and Risk
TAMS	Department of Territory and Municipal Services
Treasury	Department of Treasury

# **A Performance and financial management reporting**

## **A.1 The organisation**

### **The statutory office of Commissioner for Public Administration**

The office of the Commissioner is established under section 18 of the PSM Act and the Chief Minister may appoint a person as Commissioner. Division 3.2 of the PSM Act outlines the central functions of the Commissioner, which are to:

- advise the Chief Minister on the management of the Service as a whole (section 20)
- implement administrative rearrangements at the direction of the Chief Minister (section 20)
- with the approval of the Chief Minister, authorise management reviews in relation to the Service or functions of the Service, in whole or in part (section 21)
- conduct inspections of, or make inquiries or investigations into the operations of, government agencies (section 22)
- exercise any other functions given to the Commissioner by law (section 20).

The functions outlined in Division 3.2 establish the role of the Commissioner, in some respects, as a link between the Executive and the staff of the ACTPS. The Commissioner is required to be independent from and also responsive to both the Government and the ACTPS. The Commissioner achieves this by giving the highest priority to exercising the statutory functions of the office and, when doing so, being mindful of the importance of public sector structures and culture.

### **The statutory powers of the Commissioner for Public Administration**

To assist in the management of the Service as a whole, the Commissioner holds other powers and functions under the PSM Act and PSM Standards. These powers and functions relate to the operation of the ACTPS. Among other things, these include the power to:

- transfer offices, officers, employees and unattached employees between administrative units
- reclassify an office
- notify appointments, transfers, promotions, retirements or dismissals in the Gazette
- approve the reengagement of officers and employees who have received a voluntary redundancy within two years of the redundancy
- enter into arrangements with other jurisdictions to second staff to and from the ACTPS
- make PSM Standards

- waive the requirement for an independent job evaluation where a person is to perform a short-term executive office
- recognise prior service not recognised elsewhere.

To foster efficient and effective operation and management of the ACTPS, the Commissioner has delegated to agencies a number of her powers under the PSM Act and PSM Standards.

In addition to the powers of the Commissioner under the PSM Act and PSM Standards, the Commissioner has powers and/or obligations under the *Public Interest Disclosure Act 1994*, the *Safety, Rehabilitation and Compensation Act 1988*, the *Commissioner for the Environment Act 1993*, the *Freedom of Information Act 1989*, and the *Legal Aid Act 1977*. The Commissioner also has powers under agency collective agreements made under the *Commonwealth Workplace Relations Act 1996*. The powers of the Commissioner under the agency collective agreements include the power to:

- issue guidelines on salary packaging
- approve independent reviewers to sit on appeal panels or undertake reviews into agency decisions.

As agency collective agreements are made under Commonwealth legislation, their terms and conditions prevail over ACT legislation to the extent of any inconsistency. In some circumstances provisions of agency collective agreements may impact on the power of the Commissioner under the PSM Act and PSM Standards.

### **The working arrangements of the Commissioner for Public Administration**

Ms Catherine Hudson has held the office of Commissioner since 3 July 2006. Ms Hudson concurrently holds the office of Commissioner and the position of the Deputy Chief Executive, Governance Division of the Chief Minister's Department. The office of Commissioner is considered to be part-time.

During the reporting period the Commissioner was engaged on a temporary basis in the role of Acting Chief Executive of the Department of Environment, Climate Change, Energy and Water, following creation of the Department as a result of changes to the ACT Government Administrative Arrangements Orders (AAOs) which came into effect in November 2008. In Ms Hudson's absence Ms Liesl Centenera undertook the role of Acting Commissioner for the period 24 November 2008 to 29 May 2009.

The Commissioner does not have staff with discrete responsibility for supporting the office. Instead, the Commissioner relies on the capacity of the staff of the Governance Division, and in particular the Public Sector Management Group (PSMG), to support her office. During the reporting period staff of the PSMG were largely focused on:

- implementation of the ACTPS Attraction and Retention Framework which was launched in September 2008
- preparing advice for the ACTPS on the obligations of public employees during the pre-election period for the 2008 ACT General Election

- assisting the Chief Minister with administrative arrangements for the establishment of the Department of Environment, Climate Change, Energy and Water in accordance with the Commissioner's general functions under section 20 of the PSM Act
- amending the employment framework to support the establishment of the Indigenous Traineeship Program as an EEO Program as provided under section 40 of the PSM Act
- conducting executive networking events.

As a result of the varied responsibilities of the PSMG, the small size of the jurisdiction and the part-time nature of the role, the Commissioner has focused primarily on discharging the statutory responsibilities of the office. Whenever possible the Commissioner sought to maximise the efficient operation of her office with a view to improving the timeliness of decision making and support available to implement decisions. Additionally, during the reporting period, the Commissioner used available resources for strategic projects that support the management and operation of the Service as a whole. The Commissioner undertook these projects in a manner consistent with the statutory functions of the office and with ACTPS values.

In particular, during the reporting period the Commissioner promoted whole-of-government approaches to support the building of the public service strengthening capacity initiative, including:

- developing a suite of training for executives and future leaders within the Service, including front-line/first-time managers and supervisors across the ACTPS
- undertaking a series of Employee Engagement Focus Groups to inform the implementation of strategies arising from the Attraction and Retention Framework
- supporting whole-of-government approaches to the management of the Service through participation in the Management Council and the Human Resources Council.

These activities reflect the Commissioner's attention in recent years on the building of public service capacity in the interests of a sustainable and skilled workforce. The Commissioner remains committed to advocating for strategies that focus on investing in staff, providing training and leadership development opportunities, improving workplace culture and recruitment, attraction and retention strategies.

## **A.2 Overview and the management of the Service**

The office of Commissioner makes an important contribution to the management of the Service. The Commissioner also appreciates the valuable contribution other entities make to managing the Service including, but not limited to, the Chief Minister's Department, the Auditor-General's Office, the Department of Treasury, individual departments and agencies and the Management Council. The activities of the PSMG are of particular assistance to the Commissioner in the management of the ACTPS as a whole. The Chief Minister's Department Annual Report includes more detailed material on the work of the PSMG.

## **Statutory powers**

During the reporting period the Commissioner exercised the following statutory powers:

- the power to transfer offices, employees and unattached officers from one administrative unit to another
- the power to delegate powers under the *Public Sector Management Act 1994* and the *Safety, Rehabilitation and Compensation Act 1988*
- the power to waive the requirement for officers holding positions within a specified class of office to become unattached as a result of the reclassification of the specified offices
- the power to waive the requirement that, where a former officer was an excess officer and retired voluntarily receiving a redundancy payment, that person cannot be reengaged in the ACTPS for two years
- the power to make PSM Standards
- the power to appoint certain Rhodium employees, previously employed by Totalcare, to the ACTPS
- the power to waive the requirement for an independent job evaluation where a person is to perform a short-term executive office.

The exercise of these powers, in conjunction with monitoring and analysis, were used by the Commissioner in relation to either the operation of particular parts of the ACTPS or management of the Service as a whole.

## **Delegation of powers**

The authority for the Commissioner to delegate powers is found in section 36 of the PSM Act. The power is broad and non-prescriptive, empowering the Commissioner to:

- delegate any of his or her powers under an ACT law (except section 20(2) of the PSM Act—the power to exercise any of the powers of a chief executive)
- subdelegate any power, except a power under the PSM Act, delegated to him or her
- delegate to officers, employees, statutory office holders or other people exercising a function on behalf of the Territory
- delegate or subdelegate a power to a person exercising a function on behalf of the Territory (as opposed to an officer, employee or statutory office holder) if the Commissioner considers that the tasks to be undertaken by the person require the exercise of that power
- give directions to the delegate or subdelegate in relation to the exercise of a delegated or subdelegated power.

During the reporting period the Commissioner reviewed delegations made under the PSM Act and PSM Standards and both the Commissioner and Acting Commissioner delegated the powers of the office to cover leave taken or other periods of absence on a total of four occasions (Appendix A).

In 2008 the Commissioner made a commitment to review the methodology for the delegation of powers under the PSM Act and PSM Standards and the options for undertaking such a review were considered. As a first step in the broader review process the Commissioner has sought advice from agencies in response to the current delegations methodology. The comprehensive review will continue throughout 2009.

### **Administrative arrangements**

Under the PSM Act the Commissioner has the authority to make machinery of government (MOG) changes following amendments to the ACT Government AAOs. Where responsibility for a matter mentioned in the AAOs is moved from one administrative unit to another administrative unit, or where an administrative unit is abolished, all positions related or incidental to that matter are transferred to another administrative unit through the MOG process.

Specifically, the Commissioner has the authority:

- under section 15 of the PSM Act to transfer offices from the 'losing area' to the 'gaining area'
- under section 16 of the PSM Act to direct that employees engaged in the 'losing area' immediately before the arrangements took effect are to be employed in the 'gaining area'.

Additionally, under section 119(2) of the PSM Act the Commissioner has the authority to make a direction in respect of the administrative unit in which unattached officers are included.

In the reporting period four MOG changes and associated transfers were made by the Commissioner as follows:

- on 12 January 2009, the transfer of Shared Services from the Department of Treasury to the Department of Territory and Municipal Services made under sections 15, 16 and 119 of the PSM Act
- on 16 February 2009, the transfer of Climate Change Policy, Energy Efficiency Policy, Energy Policy, Environment Protection, Environmental Sustainability Policy, Water Efficiency and Water Policy programs from the Department of Territory and Municipal Services to the Department of Environment, Climate Change, Energy and Water made under sections 15, 16 and 119 of the PSM Act
- on 24 February 2009, the transfer of Community Engagement from the Department of Disability, Housing and Community Services to the Chief Minister's Department made under sections 15 and 16 of the PSM Act
- on 5 May 2009, the transfer of Exhibition Park in Canberra from the Department of Treasury to the Department of Territory and Municipal Services under sections 15 and 16 of the PSM Act.

## **Reclassifications**

Under section 58(4) of the PSM Act the Commissioner has the power to waive the requirement for an officer, at the time the classification of their office is altered, to vacate their position and to become an unattached officer. The Commissioner exercised her power under section 58(4) once in the reporting period, directing the reclassification of a group of offices within the Department of Justice and Community Safety. The offices were reclassified from Custodial Offices to Corrections Officers to align with the opening of the Alexander Maconochie Centre.

## **Waiver to allow reengagement**

Under section 114 of the PSM Act the Commissioner has the power to waive the requirement that, where a former officer was an excess officer and retired voluntarily receiving a redundancy payment, they cannot be reengaged in the ACTPS for two years. The Commissioner is only able to exercise this power following a request from a chief executive.

During the reporting period, when asked to exercise her discretion under this power, the Commissioner had regard to the circumstances surrounding the request, focusing on three key areas of consideration. Firstly, she considered the office the person had retired from, and the position it was proposed to recruit to, noting the rationale for any significant differences. Secondly, the Commissioner considered how many weeks salary were paid in the voluntary redundancy and the time that had passed since the redundancy was paid. Thirdly, the Commissioner had regard to the recruitment climate for the vacant position, what attempts had been made to fill it, and the reasons for recruiting the proposed person to the vacant office.

The Commissioner exercised this power once during the reporting period. In this case the Commissioner agreed, in the circumstances, to waive the restriction on re-engagement for the former officer. In a second case, the request made by an individual former officer was not supported by the officer's former agency and therefore the Commissioner was not able to exercise her powers under section 114 in relation to this case.

## **Public Sector Management Standards**

The PSM Standards are subordinate law which support the PSM Act. Section 251 of the PSM Act empowers the Commissioner, with the written approval of the Chief Minister, to make PSM Standards for the purposes of the PSM Act. Additionally, under subsections 251(6) and (7) of the PSM Act, the Commissioner may make PSM Standards without the specific agreement of the Chief Minister, subject to parameters agreed to by the Chief Minister. The Chief Minister has agreed to the following parameters:

- the amendment is consistent with a policy direction previously endorsed by the Government
- the amendment is of a technical nature, such as changes to rates of allowances, changes to clarify existing PSM Standards, and correcting typographical and grammatical errors
- the amendment does not involve any significant policy change.

Section 251(2) lists the subject matters on which the Commissioner may make a PSM Standard.

In the reporting period the Commissioner made 11 amendments to the PSM Standards (Appendix B). The PSM Standards can be accessed at <http://www.legislation.act.gov.au/di/2006-187/default.asp>.

### **Appointment of certain Rhodium employees**

In 2005 when the fleet component of Totalcare became the Territory-owned Corporation Rhodium, the Territory gave the staff transferred to Rhodium an undertaking that they would be offered employment in the ACTPS should Rhodium cease to operate during the *Rhodium Asset Solution Enterprise Bargaining Agreement 2004-2007*. From 22 June 2007 part 5.6A of the PSM Standards, now omitted, facilitated the right of return, including:

- providing that the right of return staff will be appointed as unattached officers to the Department of Treasury through a notifiable instrument made by the Commissioner
- requiring that the notifiable instrument include the date of appointment and classification on appointment of the Rhodium employee.

The Commissioner exercised this power four times during the 2008-09 reporting period. To facilitate these appointments before the cessation of Rhodium, the Commissioner exercised powers under sections 478E and 478K of the PSM Standards. The appointments were made by notifiable instrument as follows:

- NI2008-491, PSM Standards Appointment Declaration 2008 (No 1)
- NI2008-598, PSM Standards Appointment Declaration 2008 (No 2)
- NI2008-599, PSM Standards Appointment Declaration 2008 (No 3)
- NI2009-30, PSM Standards Appointment Amendment Declaration 2009.

### **Waiver of an independent job evaluation**

Under section 40 of the PSM Standards, the Commissioner has the power to waive the requirement for an independent job evaluation where a person is to perform an executive office under section 76 (short-term executive contracts) of the PSM Act.

The Commissioner may only exercise this power where it is in the interest of the Service. In the reporting period, the Commissioner exercised this power six times (Appendix C).

### **Safety, Rehabilitation and Compensation Act 1988**

As the principal officer of the Territory under the *Safety, Rehabilitation and Compensation Act 1988*, the Commissioner delegated rehabilitation powers in relation to sections 36 and 37 of the *Safety, Rehabilitation and Compensation Act 1988* to specific officers in the following agencies:

- ACTEW Corporation
- ACT Health
- ACTION

- ACT Planning and Land Authority
- ACTTAB
- Calvary Hospital
- Canberra Institute of Technology
- Chief Minister's Department
- Cultural Facilities Corporation
- Department of Disability, Housing and Community Services
- Department of Education and Training
- Department of the Environment, Climate Change, Energy and Water
- Department of Justice and Community Safety
- Department of Territory and Municipal Services
- Department of Treasury
- Exhibition Park in Canberra
- Land Development Agency
- Legal Aid Commission (ACT)
- Legislative Assembly
- Rhodium
- University of Canberra.

### **Workforce profile**

During the reporting period, the Commissioner published the third annual ACTPS Workforce Profile (the Profile). The Profile provided a comprehensive, quantitative picture of the state of the service as at 30 June 2008. As well as 2007-08 workforce statistical data, this document identifies broader workforce trends that are likely to impact upon the ACTPS in the coming years.

The Workforce Profile provides both a snapshot of the Service as at the last pay date in the 2008 financial year (23 June 2008) and the financial year (July 2007 to June 2008). This report builds on the first two Profiles. Every Profile published serves to enhance data comparability and identify trends in relation to the shape and size of the ACTPS.

As well as basic workforce statistical data, the Profile provided broader workforce trends that are impacting on the public service. Findings of the Profile include:

- the total number of employees (headcount) in the ACTPS at 30 June 2008 was 18,895 an increase of 3% on the equivalent figure at 30 June 2007

- by gender, women continue to account for approximately 66 percent of the service and men 34 percent of ACTPS employees
- women as a percentage of the total executive cohort has increased to 40 percent in 2007-08 from 35 percent in 2006-07
- the average length of service of employees is 7.4 years
- the average annual salary among staff employed in agencies was \$59,902 which is an increase of \$2,360 from the previous year. The average male salary was \$65,909 compared with females who earned an average of \$56,807
- participation rates for equity and diversity groups including women, culturally and linguistically diverse employees, and employees with a disability are generally consistent with the 2005-06 and 2006-07 results. However, Aboriginal and Torres Strait Islander employment has increased by 31 percent on the 2006-07 employment figures. The introduction of the whole-of-government Indigenous Traineeship Program would have contributed to this increase.

### **Agency survey**

In recent years the Commissioner has sought information from agencies about people management practices across the Service. This has taken the form of a short agency survey covering areas such as values, ethics and culture, workplace equity and diversity, workforce planning – attraction and retention and human resource management.

The Agency Survey for the 2008 Calendar Year (the survey) provided a broad range of information in respect of the management of the ACTPS, in particular human resources management.

Survey responses indicated that, on the whole, ACTPS agencies remain, as in previous years, committed to:

- providing training and development both on ACTPS values and section 9 of the PSM Act and on agency-specific values
- ensuring that processes for investigating and applying sanctions for breaches of section 9 of the PSM Act are applied in a consistent manner
- raising awareness with staff about bullying and harassment procedures and policies
- aligning recruitment strategies with workforce requirements and with implementing measures to attract and retain people with critical skills
- using specific strategies to identify high performing individuals.

Responses to the 2007 survey indicated that only half of the agencies surveyed had a formal reporting mechanism to capture the incidence of bullying and harassment. This matter was subsequently referred to the Human Resources Council for further discussion and results from the 2008 survey indicate a significant increase in the number of agencies with record keeping systems in place to enable monitoring and reporting on incidence of bullying and harassment.

For the first time agencies were asked to respond to a number of questions examining organisational culture initiatives and were invited to comment on services which would support agencies in promoting positive organisational culture. A majority of agencies reported that they had undertaken a formal examination of their organisational culture with a similar number of agencies having taken action to align the organisational culture with the goals of the organisation. Exploration of support services to enhance the promotion of positive organisational culture across the ACTPS will be discussed with agencies at the Human Resources Council.

All agencies reported having a formal performance management/development program in place with almost all agencies linking performance management/development plans to organisational business plans and including a level of formal feedback through the performance management/development plan cycle. Compared with 2007 substantially more agencies had performance management/development strategies and learning and development aligned to their workforce requirements.

Similar to the results from the 2007 survey, in 2008 a relatively small proportion of agencies reported that they had a formal Indigenous Employment Strategy; used agency-based Indigenous traineeships or cadetships; or provided opportunities for Indigenous people under an agency-based Indigenous employment scheme. However, it is anticipated that following the establishment of a framework within the PSM Standards for the Indigenous Traineeship Program managed by the Department of Disability, Housing and Community Services, the prospect of continuing traineeships will contribute to increased levels of Indigenous recruitment in the ACTPS.

During 2008 attraction and retention of appropriately skilled staff was again identified as the key workforce issue faced by ACTPS chief executives. Half of the surveyed agencies also identified problems in the areas of the loss of mature age employees and recruiting people with sufficiently strong leadership skills to the executive feeder group. To this end, a feature of the ACTPS Attraction and Retention Framework are several strategies which directly address these matters including professional development programs for executives and future leaders, both of which have been implemented during the reporting period, with the first cohorts due to complete the programs in July 2009.

A more comprehensive report on the 2008 Agency Survey can be accessed from the Commissioner's website at [www.psm.act.gov.au/commissioner](http://www.psm.act.gov.au/commissioner).

### **A.3 Highlights and the management of the Service**

#### **Strengthening public service capacity**

During the reporting period the Commissioner worked with agencies to strengthen and build public service capacity, focusing on challenges the ACTPS faces in attracting and retaining staff.

The Commissioner, in conjunction with the Chief Executive, Chief Minister's Department and Management Council oversaw several projects during the reporting period which were targeted at improving the capacity of the ACTPS. On an organisational level, the Commissioner reviewed the terms of reference of the Human Resources Council.

A number of important and significant achievements were delivered during the reporting period including:

## Attraction and Retention Framework launch

In September 2008 Mr Andrew Cappie-Wood, Chief Executive, Chief Minister's Department launched the ACTPS Attraction and Retention Framework. The main objectives of the Framework are to improve the capability of all ACTPS employees, to retain employees through professional development and targeted retention strategies and to attract new employees. The stated priorities in the Framework are to:

- Improve the capability of all ACTPS employees by:
  - improved leadership culture and performance feedback
  - networks – executive, young professionals
  - support for employees to gain new skills
  - improved recruitment
  - workforce planning – to manage demand and supply
- Retain employees by:
  - professional development opportunities – executive, future leaders, front-line/first-line managers
  - targeted retention strategies
  - better understanding our employees
- Attract new employees – to ensure a sustainable service
  - 'Great Careers come with the Territory' campaign
  - [www.jobs.act.gov.au](http://www.jobs.act.gov.au) website – easier access to our jobs.

## Young Professionals' Network

The Young Professional's Network helps members of the ACTPS aged 35 and under to foster their own networks across government. The Young Professional's Network conducts a range of lunch and breakfast seminars hosted by ACTPS chief executives, deputy chief executives, and directors along with special guests. It also facilitates a range of training and development opportunities for members to assist their professional development, along with regular social events to promote networking among members.

This network is aimed at retaining an important age cohort within the service and helps to improve the ACTPS by encouraging its members to build relationships and knowledge sharing capacity across the government.

## [www.jobs.act.gov.au](http://www.jobs.act.gov.au)

Throughout the reporting period a number of significant changes have been made to the ACT Government's Jobs website. These changes have made the [www.jobs.act.gov.au](http://www.jobs.act.gov.au) website easier for jobseekers to navigate and apply for positions; it has also provided an improved application package for job seekers.

Website traffic increased significantly in the reporting period which is a strong indication of both the success of the 'Great Careers come with the Territory' campaign and the changes to the website. Shared Services has advised that the number of times the [www.jobs.act.gov.au](http://www.jobs.act.gov.au) website was visited increased from an average of 10,000 per month in 2007 to almost 18,000 per month, following the launch of the new website in May 2008.

## **Employee engagement**

The ACTPS regularly assesses the level of staff engagement, either at a whole-of-government or at individual agency level. Such climate surveys provide insights into employees' reasons to stay with the ACTPS, what they think about the professional development opportunities and the employment benefits offered by agency collective agreements. Information is being used to inform attraction and retention efforts and planning for the next round of enterprise agreement making.

A series of Employee Engagement Focus Groups were conducted in 2008. Employees were asked what they liked about working in the ACTPS. Respondents indicated that the top four reasons for working in the ACTPS are:

- job security
- Canberra lifestyle
- ability to see the results of their work in the local community
- employment conditions and leave provisions.

Some of the most positive responses from employees were:

- over 80% of employees agreed that they feel the work they do is meaningful
- nearly 90% of employees feel confident in their ability to carry out their work
- around 75% of employees feel supported by their supervisor
- just over 78% of employees feel loyal to groups or teams in their agency and about 70% feel that relationships in the workplace are generally positive
- 64% of employees agreed that experiences of work in their agency are positive and just over 60% are satisfied working for their agency at the present time.

Some less positive responses included:

- just over 50% of respondents believe that they could easily find a comparable or better job outside their agency
- around 30% of respondents were not satisfied with the career development opportunities in their agency.

Employees also made suggestions about learning and development priorities and talked about what makes a difference for them in their day-to-day work. Management and leadership training for managers were identified as priority areas for training, as well as improved performance feedback for staff.

## **Executive networking events**

Three executive networking events were held during the reporting period, the first event was held in September 2008 combined with the launch of the ACTPS Attraction and Retention Framework. The second event in May 2009 was coordinated by the Department of Treasury and provided a presentation on the 2009-10 Budget. The third executive networking event was held in June 2009 and featured Julie Sloan as the guest

speaker, delivering a presentation on Workforce Planning. Ms Sloan is regarded as one of Australia's leading Workforce Planning practitioners.

### **Recruitment improvements**

Revised guidelines for ACTPS recruitment advertising in press mediums were issued in the form of a Shared Services' Fact Sheet. The revised guidelines incorporate the 'Great Careers come with the Territory' tagline and branding establishing consistency in the look and feel of vacancy advertising and ensuring that the brand identity for the ACTPS is built and maintained.

Other innovative elements of the recruitment improvements program include:

- a 40 day target from the time a position is advertised to when an offer of employment is made to the successful applicant
- a revised application package for jobseekers featuring a tailored 'smart form' which automatically populates vacancy details for the applicant
- daily publication of vacant positions on **www.jobs.act.gov.au** once processed by Shared Services
- streamlining of Gazettal processes
- training for front-line and first-line managers in recruitment processes.

### **Great Careers come with the Territory campaign – Stage 2**

This is the second stage of the media campaign to encourage new employees to the ACTPS. The campaign focuses on the depth and breadth of work that is a feature of a career in ACTPS building on earlier efforts to raise awareness. The campaign also featured in the 2010 Graduate Program.

### **Executive leadership development and future leaders development**

Two new specifically designed leadership programs for executives and future leaders were created to expand and develop leadership skills across the ACTPS. The programs, which commenced in April 2009, have been designed to create strong cross-agency links, foster collaboration and build skills in leading and developing people. Ongoing evaluation and longitudinal study of the participants will measure the effectiveness of this program. The evaluation focuses on the immediate impact of the program, participant's leadership skills, changes in workplace behaviour, improvements in staff retention and productivity.

### **Sponsored training for front-line and first-line managers**

Twenty three front-line and first-line managers received training in a suite of five essential topics for new managers and supervisors. This training is specifically designed to improve managerial skill within the ACTPS and to aid retention of highly skilled employees.

- Work Place and Health and Safety Training for Supervisors and Managers
- Recruitment and Staff Selection
- Workplace Behaviour and Conflict Resolution

- Financial Management
- Managing Employee Performance.

### **Australia and New Zealand School of Government**

During the reporting period the Chief Minister's Department jointly sponsored with agencies two places in the Australia and New Zealand School of Government's, Executive Masters of Public Administration Program and one place in the Executive Fellows program.

### **Commissioner's Awards**

The Commissioner for Public Administration Awards were established in 2002 to formally recognise significant contributions by employees across the ACTPS. The awards focus on recognising the achievements of employees who have been nominated through their chief executives. This year 40 nominations were received for the three categories:

- Service Delivery to Citizens
- Government Business Improvement
- Valuing Emerging Leaders and High Performers.

The nominations included individual, team level initiatives and larger projects from across the ACTPS. Nine award winners were selected from these nominations by a judging panel comprising the Chief Executive of Chief Minister's Department, Mr Andrew Cappie-Wood; the Acting Commissioner for Public Administration, Ms Liesl Centenera; and the Merit Protection Commissioner of the APS, Ms Annwyn Godwin.

Award recipients are listed below along with a brief summary of their achievement.

#### ***Recipients in the 'Service delivery to Citizens' category:***

- *Mr Ron Jarman* (ACT Planning and Land Authority) – Bronze Award – For tireless provision of professional leadership and innovative service delivery to the ACT surveying industry
- *Housing ACT – Gateway Services* (Department of Disability, Housing and Community Services) – Silver Award – For a nationally acknowledged service delivery partnership between Housing ACT and Centrelink
- *Therapy ACT – Speech Pathology* (Department of Disability, Housing and Community Services) – Gold Award – For development and implementation of an innovative program for children with delayed language.

#### ***Recipients in the 'Government Business Improvement' category:***

- *Mr Greg Schuhardt* (InTACT, Department of Territory and Municipal Services) – Bronze Award – For highly effective implementation of strategic initiatives for both his agency and its clients
- *Ms Jane Strang* (ACT Health) – Silver Award – For demonstrating vision and courage in reforming the regulation of medicines and poisons in the ACT

- *Mr Ivan Radic* (Canberra Institute of Technology) – Gold Award – For significant contributions to CIT building facilities development and the implementation of water and energy saving initiatives at CIT.

*Recipients in the 'Valuing Emerging Leaders and High Performers' category:*

- *Ms Annette Folkard* (Department of Territory and Municipal Services) – Bronze Award – With a comprehensive knowledge and understanding of ACT Road Transport policy, legislation and procedures, Annette has become an excellent mentor and teacher to the contact team
- *Ms Kate Scandrett* (Department of Disability, Housing and Community Services) – Silver Award – For being outcome focussed, a dedicated mentor and pillar of strength to her staff
- *Ms Anne Huard* (Department of Education and Training) – Gold Award – Through outstanding strategic and distributive leadership, Anne has established a celebratory, inclusive culture of success at Amaroo School.

### **Building partnerships with other jurisdictions**

The Commissioner maintains links with other public service jurisdictions in order to monitor developments and exchange information and ideas about matters of common concern. During 2008-09 the Commissioner has worked to maintain and develop these links.

The peak forum for inter-jurisdictional cooperation is the Conference of Public Service Commissioners, which is held on a biannual basis. Commissioners and representatives of the Commonwealth, Australian States and Territories, New Zealand and some South Pacific jurisdictions attend this Conference.

In the 2008–09 reporting period, the Commissioner and Acting Commissioner each attended one of these conferences. The first conference, held in Perth in October 2008 was attended by the Commissioner. Topics discussed at the conference included public sector reform, whistleblowing and the role of central agencies.

The second conference, held in Hobart in March 2009 was attended by the Acting Commissioner. Topics discussed at the conference included best practice regulatory activity, e-recruitment and strategies for improving Indigenous employment.

Additionally, during the reporting period the Commissioner has facilitated the provision of ACTPS presenters on various human resource related topics to support a joint Australian Public Service Commission/ AusAid program aimed at supporting South Pacific nations. Their interest in the ACTPS covered a range of topics, including performance and change management and the establishment of a shared services centre.

### **Government Skills Australia**

Government Skills Australia (GSA) is one of eleven national Industry Skills Councils contracted by the Australian Government through the Department of Education, Employment and Workplace Relations to manage the national training packages for the Government sector. GSA works closely with Registered Training Organisations, State and Territory industry training stakeholders, unions and other bodies to create innovative responses to emerging Government related skill needs. The Commissioner

has supported the ongoing involvement and representation of the Territory at a national level through her support for participation on the GSA Public Sector Industry Advisory Committee.

## **A.4 Outlook**

### **Strengthening public service capacity**

In the interests of building and maintaining the leadership and management capacity within the ACTPS, new training programs initiated during the reporting period for executive leadership development, future leaders development and front-line and first-line managers will continue in 2010. Ongoing evaluation and refinement of these programs will strengthen the leadership capacity of key employees across the service.

### **Working Life Intention survey**

A working life intention survey will be used to gather information about employees who are mature aged and may be considering retirement or making changes to their working arrangements. This is especially important as the demographic changes in the ACT population effectively mean that the average age is increasing at a greater rate than in other jurisdictions across the nation.

### **Review of the legislative employment framework**

In the previous reporting period the Commissioner undertook to commence a comprehensive review of the PSM Standards in light of significant changes in human resource management arrangements within the ACTPS and the industrial relations landscape at a national level.

Currently, the main elements of the legislative employment framework that apply to the ACTPS are the PSM Act, the PSM Standards and agency collective agreements. Because of the Constitutional relationship between the Commonwealth and Territories, Commonwealth laws prevail over Territory laws. Accordingly, the PSM Act and PSM Standards are subordinate to the agency collective agreements which are made under provisions of the Commonwealth *Workplace Relations Act 1996*<sup>1</sup>.

Agency collective agreements in the ACTPS establish and set out provisions relating to various elements of employment including hours of work, salaries, classifications, leave entitlements, work-life balance, discipline, internal reviews, appeal mechanisms, redeployment and redundancy. The PSM Act and PSM Standards establish and set out provisions relating to various elements of employment including public sector values and ethics, the creation and abolition of offices and executive offices, machinery of government, recruitment processes, promotions, transfers, appeal and review mechanisms, discipline and leave entitlements.

The PSM Act is supported by the PSM Standards and if any inconsistency arises between the two, the Act prevails. The structure and many principles of the PSM Act are derived from the *Public Service Act 1922* (Commonwealth). Although issue based amendments are made to the PSM Standards by the Commissioner from time to time, few substantial amendments have been made to the PSM Act since self Government. The last significant

---

<sup>1</sup> From 1 July 2009 all new agreements will be made under the *Fair Work Act 2009*.

review of the PSM Standards took place in 1998, and in 2006 the PSM Standards were reformatted to be made available on the ACT Legislation Register.

Over time the interaction and overlap between agency collective agreements and the PSM Act and PSM Standards has increased. In recent years this has been accelerated by amendments that were made to the *Workplace Relations Act 1996* (Commonwealth) associated with Work Choices and more recently the introduction of the *Fair Work Act 2009*.

In considering the scope of a review of the PSM Standards, and having regard to the initial planning for the next round of ACTPS agreement making, the Commissioner has realigned the focus of the review towards rationalising, as far as is possible, all elements of the ACTPS employment framework through the removal of inconsistencies and duplication across the PSM Act, PSM Standards and agency collective agreements.

The proposed reconciliation of the employment framework also includes significant consideration and implementation of a more coherent and streamlined human resource management policy framework for the ACTPS. It is expected that the reconciliation of the employment framework and the revised policy framework will occur parallel to the negotiation, approval and implementation of the new ACTPS agreements.

### **Review of Independent Reviewer governance arrangements**

It is implicit in the current ACTPS agency collective agreements that there will be a list of approved Independent Reviewers to undertake reviews of actions or decisions and appeals.

In early 2004 it was decided that Independent Reviewers should be engaged as casual employees and in March 2004 Independent Reviewers were classified as equivalent to a Senior Officer Grade A. To reflect this, on 18 September 2004 an amendment to the PSM Standards, made by the Commissioner, came into effect (now section 246).

Following the appointment of the Independent Reviewers, the PSMG, on behalf of the Commissioner, became a conduit between agencies and Independent Reviewers. In response to comments from some agencies, in April 2007, following consultation with agencies and UnionsACT, the Commissioner amended the PSM Standards to streamline the method of Independent Reviewers' payment to an hourly rate. Independent Reviewers are now paid pro rata regardless of the period of work they undertake.

In the previous reporting period the Commissioner identified her intentions to review the administrative and governance arrangements for Independent Reviewers into the future. To this end, in May 2009, Management Council considered options for the supply of Independent Reviewers and the potential for expansion of their functions to undertake a broader range of enquiries and investigations on behalf of ACTPS agencies.

New administrative and governance arrangements for Independent Reviewers are expected to be implemented, within the next reporting period, in consultation with agencies and will encompass any changes to internal review and appeal processes arising from negotiations for the next round of ACTPS agreement making.

## **Disability Employment Framework**

The ACTPS Employment Framework for People with a Disability (the Framework) has been supported since its launch in September 2004 through the office of the Commissioner. In her role as Chair of the Human Resources Council, the Commissioner has supported the development and implementation of disability employment strategies including through the Framework. In the next reporting period, the Commissioner will address:

- the development of a response to impending federal legislative and policy changes in the disability employment sector
- implementation of a pilot program providing public sector traineeships for Canberrans with an intellectual disability
- any adjustments which may arise from the Commonwealth's commitment to establish a National Mental Health and Disability Strategy.

## **A.9 Analysis of agency performance**

As a statutory office holder, the general functions of the office as provided in section 20 of the PSM Act form the Commissioner's objectives. Section 20 specifies:

- (1) The commissioner shall –
  - (a) advise the Chief Minister on the management of the service as a whole; and
  - (b) implement administrative rearrangements at the direction of the Chief Minister; and
  - (c) exercise any other functions given to the commissioner by this Act or any other law.
- (2) The commissioner may exercise the powers of any person to whom chief executive powers have been given other than the chief executive officer of an autonomous instrumentality.

As outlined under the heading 'A.2 Overview' the Commissioner has discharged a number of her statutory powers and functions during the reporting period.

## **B Consultation and scrutiny reporting**

### **B.2 Internal and external scrutiny**

During the reporting period there were no internal and external scrutiny reports that directly related to the operations of the Commissioner.

### **B.3 Legislative assembly committee inquiries and reports**

During the reporting period there was one Legislative Assembly Committee report circulated that related to the operations and/or responsibilities of the Commissioner. The relevant parts of that report and the Government responses are reproduced below.

#### **Standing Committee on Public Accounts – Report on Annual and Financial Reports 2006-07**

##### **Recommendation 6**

**The Committee recommends that triple-bottom-line reporting be included in Annual Reports beginning in 2009-10.**

##### Government Response

**Agreed.** In the Parliamentary Agreement for the 7<sup>th</sup> Assembly, dated 31 October 2008, the Government committed to the introduction of triple-bottom-line annual reporting. The Government is committed to triple-bottom-line as a philosophy, and has clearly indicated its intention to adopt a wider approach to triple-bottom-line rather than simply focusing on accounting.

##### **Recommendation 10**

**The Committee recommends that the ACT Government conduct exit surveys of all staff leaving the ACT public service.**

##### Government Response

**Agreed-in-principle.** The Government committed in the 2008-09 Budget monies to build further on the public sector capacity. Strategies will focus on investing in staff, providing training and leadership development opportunities in line with best practice, and recruitment and attraction strategies.

Strategic approaches to workforce planning will give the ACTPS agility to address its current staffing needs, as well as to anticipate future workforce requirements.

A survey of agencies was undertaken in July 2008 to ascertain agency use of exit surveys as a tool to assist in identifying “reasons why people exit the ACT Public Service”.

The survey results indicated that the majority of agencies do undertake exit interviews and find the information that they elicit, very useful. Action is being taken to develop systemised and standardised exit surveying across agencies to ensure the gathering of information which is beneficial in addressing retention issues across the Service.

## **C Legislative and Policy Based Reporting**

### **Culture and values**

As public officials holding positions of trust, ACT public servants are subject to special obligations and duties. Fulfilling the requirements of office and sustaining the confidence of the public requires agencies and their employees to make decisions and exercise power in an accountable manner. To do this, the conduct of public employees must conform to appropriate laws, values, principles and procedures.

The majority of Territory employees are employed under the PSM Act. The PSM Act, together with the PSM Standards, set out Service-wide values and standards, although most agencies supplement the Service-wide Code of Ethics with agency-specific values.

An effective way to embed values and ethics across the ACTPS is to link them to performance frameworks, and responses to previous agency surveys have indicated that progress has been made across the Service in doing so. Agency Survey responses for 2008 indicated that all agencies are providing learning and development opportunities for their staff on ACTPS Values and/or section 9 of the PSM Act and/or on any agency-specific values. Agencies reported that they incorporated values and ethics awareness raising into their learning and development programs through the use of induction or orientation programs and intranet web-site material that are available to all staff.

### **C.2 Fraud prevention**

Senior Executives Responsible for Business Integrity and Risk (SERBIR) are required under the ACT Public Service Integrity Policy to meet at least twice yearly and to prepare a whole-of-government 'Over the Horizon' report on agency risk assessments and emerging trends in fraud and corruption for submission to Management Council. This report is then incorporated into the Commissioner for Public Administration's Annual Report. The SERBIR report is at Appendix D.

### **C.3 Public interest disclosure**

As a statutory office with responsibilities across the ACTPS, the Commissioner is a proper authority for the purposes of the *Public Interest Disclosure Act 1994* (the PID Act). Under this Act all government agencies must maintain a document setting out procedures for facilitating the making of public interest disclosures and for handling such disclosures. As the office of the Commissioner falls within the Chief Minister's Department, the Commissioner employs the same procedures as that department.

While the Commissioner is a proper authority for the purpose of the PID Act, she can only deal with disclosures that relate to the actions of the Chief Minister's Department or that relate to her functions and powers under the PSM Act. Disclosures received about actions in other agencies are normally referred by the Commissioner, under section 18 of the PID Act, to the relevant agency for action. If there are aspects about the disclosure that would make it inappropriate to refer it directly to the agency, the Commissioner may instead refer it to the ACT Ombudsman.

The Commissioner received one new disclosure under the PID Act during the reporting period. The report relates to contract management and reprisal action within the Department of Territory and Municipal Services.

During the reporting period, an investigation into a disclosure reported in the 2006-07 reporting period relating to alleged public wastage and reprisal action within the Department of Disability, Housing and Community Services was completed.

#### **C.4 Freedom of information**

During the reporting period the Commissioner did not received any requests under Sections 7, 8 and 79 of the *Freedom of Information Act 1989*.

#### **C.17 Human Rights Act 2004**

The Commissioner had regard to the *Human Rights Act 2004* in the exercise of her statutory functions and to the interaction of the *Human Rights Act 2004* to the PSM Act. Given the Commissioner does not have staff with discrete responsibility for supporting the office, she was not in a position to provide education and training of agency staff on human rights principles. The Commissioner did not prepare any Cabinet Submissions during the reporting period.

#### **C.18 Commissioner for the Environment**

No requests were made to the Commissioner to assist in the preparation of the State of the Environment Report.

#### **C.19 ACT Multicultural Strategy 2006–09**

During the reporting the Commissioner did not undertake any projects specifically designed to meet the ten key themes of the ACT Multicultural Strategy 2006–09. However, the Commissioner had regard to the themes when considering the management of the Service as a whole, and the promotion of the strategy was implicit in the manner in which the Commissioner undertook the role of the office.

#### **C.20 Aboriginal and Torres Strait Islander reporting**

In relation to supporting whole-of-government approach to Indigenous policy, in June 2009 the Commissioner used the authority under section 438 of the PSM Standards to direct that chief executives may grant one full day of leave to Aboriginal and Torres Strait Islander staff to attend NAIDOC Week celebrations. The Commissioner directed this leave may be granted for one complete day or for varying periods over the week's activities, totalling the equivalent of one full day, and that this leave be with pay and count as service.

The Commissioner also provided ongoing support to the Department of Disability, Housing and Community Services through an amendment to the PSM Standards to provide a framework for the Indigenous Traineeship Program as an EEO Program.

## **Appendix A Delegation of powers**

After initiating a review, on 14 April 2009 the Commissioner issued a revised list of delegated powers and the offices to which those powers have been delegated, revoking any previous delegations in the process.

All ACTPS agencies requested changes to their delegates with the exception of:

- Calvary Health Care
- Cultural Facilities Corporation
- Department of Education and Training
- Legal Aid Commission
- Legislative Assembly Secretariat.

Additionally, the Commissioner delegated her powers (those which are not ordinarily delegated to another office) on four separate occasions during the reporting period:

- on 24 September 2008, the Commissioner delegated her powers to the Acting Director, Public Sector Management for the period 28 September to 9 October 2008 inclusive
- on 16 December 2008, the Acting Commissioner delegated her powers to the Senior Manager, Employment Policy for two days: 24 December 2008 and 2 January 2009
- on 17 April 2009, the Acting Commissioner delegated her powers to the Director, Public Sector Management for the period 20 to 27 April 2009 inclusive
- on 15 May 2009, the Acting Commissioner delegated her powers to the Director, Public Sector Management for the period 23 to 31 May 2009 inclusive.

## **Appendix B Public Sector Management Standards**

In 2008-09 the Commissioner made 11 amendments to the PSM Standards with the following instruments:

### **DI2008-171 (effective 10 August 2008)**

The base monthly lease rate for executive vehicles is set out in section 552(6) of the PSM Standards. The Chief Minister has given approval for the Commissioner to make an annual amendment and has approved an amendment methodology whereby a change to the base monthly lease rate reflects the percentage change in remuneration granted to executives by the ACT Remuneration Tribunal in that year.

On 1 July 2008 Remuneration Tribunal Determination 2 of 2008 'Chief Executives and Executives' increased the remuneration for executives by 4%. The amendment increased the base monthly lease rate for executive vehicles prescribed in section 552(6) of the PSM Standards by 4%. The revised base monthly lease rate was rounded up to the nearest whole dollar.

### **DI2008-215 (effective 22 August 2008)**

This amendment inserted a new definition of 'temporary employee register', replacing the varying terminology used throughout part 3.9 to provide greater consistency.

The amendment also introduced the discretionary power for the Administering Chief Executive to establish a whole-of-government temporary employee register and restructured part 3.9 so that provision relating to the establishment of a temporary employee register appeared before provisions outlining the operation of such registers.

Under section 79(2) chief executives' retain the right to establish agency specific temporary employee registers in accordance with the needs of the individual administrative unit.

### **DI2008-278 (effective 14 November 2008)**

Section 553(5) provides for the rate of payment that an executive may elect to receive in lieu of the entitlement to a parking space. The value of this payment was last determined in 2005 by the ACT Remuneration Tribunal Statement 172. In March 2006 part 7.3 of the PSM Standards was amended to consolidate the parameters around the selection and use of executive vehicle entitlements. Included in this amendment was the provision for the rate of the payment in lieu of a parking space.

The amendment to section 553(5) increased the amount payable to an executive in lieu of the entitlement to a parking space based on the value of parking spaces for executive vehicles across the ACTPS.

### **DI2008-280 (effective 21 November 2008)**

This amendment was introduced to support the implementation of the ACTPS Administrative Arrangements of 11 November 2008 which created the Department of the Environment, Climate Change, Energy and Water.

The amendment provided a discretionary power for the Chief Minister to waive the requirement for an independent job evaluation to allow a person to be engaged, on a short term basis, in the position of Chief Executive of Department of the Environment, Climate Change, Energy and Water, during the establishment of the Department.

#### **DI2008-289 (effective 16 December 2008)**

This amendment simplified arrangements associated with the functions of Joint Council (the Council) through:

- reducing the legislative prescription around the operation of the Council and introducing Terms of Reference to be developed by the Council and approved by the Minister for Industrial Relations
- removing the requirement for a specific number of Council members, allowing greater flexibility while maintaining the requirement for an equal number of UnionsACT and Commissioner nominated members.

#### **DI2009-46 (effective 10 April 2009)**

This amendment provided a framework for the Indigenous Traineeship Program as an EEO program. Under section 40 of the PSM Act, the Commissioner may develop EEO programs for the service. Once developed a PSM Standard is required to give effect to such a program.

#### **DI2009-54 (effective 19 April 2009)**

The amendment updated the rates for motor vehicle allowance and overtime duty meal allowance.

The rates for motor vehicle allowance are issued by authority of the Commonwealth Minister for Revenue and Assistant Treasurer. Overtime duty meal allowance rate is based upon changes in the Consumer Price Index for food in Canberra, in this case the 2008 December quarter.

#### **DI2009-88 (effective 5 June 2009)**

The amendment updated the rate of and methodology for determining the remuneration rate for Small Group Moderators, performing work on behalf of the ACT Board of Senior Secondary Studies. The change in payment methodology provides a more equitable outcome for individual moderators, providing for payment, within a sliding scale, on a per student moderated rather than a per school basis.

### **DI2009-90 (effective 10 June 2009)**

Provided for a number of technical changes including:

- removal of section 43A (refer to DI2008-280) which became obsolete once a long term contract for the position of Chief Executive, Department of the Environment, Climate Change, Energy and Water had been made
- removal of part 5.6A (refer to DI2007-125) following the appointment of all former Totalcare Industries staff who maintained a right of return to the ACTPS
- substituting all references to '*Rhodium Asset Solutions*' with '*the Territory Fleet Provider*' within parts 7.2 and 7.3 in anticipation of new whole-of-government fleet management arrangements following the cessation of Rhodium Asset Solutions
- replacing references throughout parts 7.2 and 7.3 to the '*ACTPS Non-Executive Passenger and Light Commercial Vehicle Management Policy*' and '*Guidelines for the Management and Use of Executive Vehicles*' with less specific references to whole-of-government policy for non-executive/executive vehicle management to ensure that parts 7.2 and 7.3 remain contemporary regardless of any administrative changes to the ownership and responsibility for ACTPS vehicle leasing and management arrangements.

### **DI2009-89 (effective 10 June 2009)**

This amendment removed section 495 from the PSM Standards, terminating arrangements for ACTPS agencies to contribute to an APS redundancy severance payment where the APS employee had prior service with the ACTPS.

### **DI2009-134 (effective 30 June 2009)**

Sections 35, 36 and 592 of the PSM Standards outline provisions for a special benefits payment for chief executives, executives and full time statutory office holders where their employment is terminated prior to the end of their contract term due to operational requirements. Payment of the special benefits payment is calculated at a rate of two weeks remuneration for every completed year of continuous recognised service, up to the relevant cap.

This amendment introduced provision for excluding, in relation to the calculation of continuous recognised service, any period of service for which the chief executive, executive or full time statutory office holder had previously received a special benefit or redundancy type payment in the ACTPS or other jurisdiction.

## **Appendix C Waiver of an independent job evaluation**

In the reporting period, the Commissioner exercised the power to waive the requirement for an independent job evaluation where a person is to occupy an officer under section 76 of the PSM Act (short-term executive contracts) six times for the following reasons:

- on 29 August 2008, for the Department of Territory and Municipal Services, the office of Director, Energy Efficiency Project (executive level 1.3). A waiver was approved in order to undertake temporary special duties
- on 1 December 2008, for the Department of the Environment, Climate Change, Energy and Water, the office of Chief Finance Officer (executive level 1.2). A waiver was approved pending formal job evaluations for the proposed offices of the new department
- on 5 December 2008, for the Department of the Environment, Climate Change, Energy and Water, the office of Director, Ministerial and Corporate (executive level 1.3). A waiver was approved pending formal job evaluations for the proposed offices of the new department
- on 14 January 2009, for the Department of the Environment, Climate Change, Energy and Water, the office of Executive Director, Implementation Coordination (executive level 2.4). A waiver was approved in order to undertake temporary special duties
- on 23 February 2009, for the Department of Disability, Housing and Community Services, the office of Director, Governance, Strategy and Community Policy (executive level 1.3). A waiver was approved in order to undertake temporary special duties
- on 17 April 2009, for the Department of Education and Training, the office of Director, Indigenous Education and Early Learning (executive level 1.3). A waiver was approved in order to undertake temporary special duties.

## **Appendix D 2008-09 ‘Over the Horizon’ Report on Agency risk assessments and emerging trends in fraud and corruption**

### **Introduction**

In August 2004 the Standing Committee on Public Accounts handed down a review of Auditor-General’s Report No. 4 of 2003: Management of Fraud and Corruption in the ACT Public Sector.

Recommendation 2 of the report dealt with the reporting of the extent and cost of fraud and corruption in the Public Service. The Government response was to agree to report on the extent of fraud and corruption and the cost of fraud, where this information is easily identifiable.

Under the Public Sector Management Standards 2006 (PSM Standards), “a Chief Executive must select an Executive to be responsible for the implementation of the integrity strategies and the processes for the detection and investigation of fraud and corruption” (PSM Standards, Part 2.4.21(7)).

Senior Executives Responsible for Business Integrity Risk (SERBIR) are required under the ACT Public Service Integrity Policy to meet at least twice yearly and to prepare a whole-of-government ‘Over the Horizon’ report on fraud and corruption for submission to Management Council. This report is then incorporated into the Commissioner for Public Administration’s Annual Report.

The purpose of the report is to:

- articulate any changes in the overall levels of fraud, corruption and integrity across the ACTPS
- alert Management Council to emerging risks
- summarise whole-of-government efforts to combat fraud and corruption.

### **SERBIR Membership & Meetings**

Following machinery of government changes in 2006, chief executives were asked to review the executive positions and respective names of their agency SERBIR members.

Table D1 provides details of the SERBIR membership:

**Table D1 SERBIR membership**

<b>Agency</b>	<b>Position</b>
Chair – Chief Minister’s Department	Director, Public Sector Management
Chief Minister’s Department (CMD)	Director, Corporate Management
Department of Treasury (DT)	Director, Investment Branch
Department of the Environment, Climate Change, Energy and Water	Director, Ministerial and Corporate
Territory & Municipal Services (TAMS)	Executive Director, Enterprise Services Network
ACT Health	Executive Director, Human Resource Management Branch
Department of Education & Training (DET)	Director, Governance, Regulation & Risk Directorate
Department of Justice & Community Safety (JACS)	Executive Director, Strategic Planning & Support
ACT Planning & Land Authority (ACTPLA)	Chief Operating Officer
Canberra Institute of Technology (CIT)	Deputy Chief Executive, Operations
Auditor-General’s Office (AGO)	Director, Performance Audits & Corporate Services
Department of Disability, Housing & Community Services (DDHCS)	Executive Director, Policy and Organisational Services

The revised SERBIR group has met twice during the 2008-09 financial year on 4 August 2008 and 11 March 2009. To assist in the preparation of the 2008-09 Over the Horizon Report, a survey and costing model was developed and provided to SERBIR members.

### **Agency Fraud and Corruption Prevention Plans**

All SERBIR members’ agencies have current Fraud and Corruption Prevention Plans, with the exception of the newly established Department Of Environment, Climate Change, Energy and Water. The development of a Fraud and Corruption Prevention plan is a current priority for this Department.

During the financial year, the Department of Territory and Municipal Services, ACT Planning & Land Authority, Treasury, Chief Minister’s Department, Auditor-General’s Office, Department of Disability Housing and Community Services, Department of Education, Land Development Agency, Department of Justice and Community Safety, Canberra Institute of Technology, and ACT Health have undertaken reviews of their current plans.

The Department of the Environment, Climate Change, Energy and Water was established in November 2008. An Audit Committee was established in April 2009, and a Corporate Resources Committee was established in July 2009. This Committee will consider a risk management framework as a matter of urgency.

### Investigations Undertaken during 2008-09

Agency	Number of Incidents	Cost of Investigation	Type of incidents & action taken	Changes to process
TAMS	4	\$2165	Fraud. <b>Action taken:</b> Internal investigation, ACT Police Investigation.	Security procedures/access arrangements reviewed and modified as appropriate.
JACS*	2	Nil	Theft – these were reported in last year’s report but were finalised this year. <b>Action taken:</b> Investigation internal and external, referral to AFP, termination of employment.	
DET	1	\$3681	Possible attendance and flex leave fraud. <b>Action taken:</b> Investigation still underway. Awaiting findings of investigation.	Unknown at this stage.
DDHCS	1	\$570	Alleged mismanagement of grants and contracts. <b>Action taken:</b> Preliminary investigations underway.	Unknown at this stage.
ACT Health	2	\$37,216	Suspected occurrences of fraud in relation to corporate credit card use, and grants funding. <b>Action taken:</b> Removal of access to credit card and monies recovered. Suspected misuse of dental supplies. <b>Action taken:</b> Audit currently underway.	Policy, procedures and delegations reviewed. Education of managers and executives on delegations and accountabilities.
Treasury	No breaches	No costs incurred	Nil	Nil
CIT	2	\$16,321	Possession of inappropriate material. <b>Action taken:</b> Investigation, Termination of employment Social security fraud. <b>Action taken:</b> Disciplinary Review underway.	Staff member replaced.  Not yet finalised.
CMD	No breaches	No costs incurred	Nil	Nil
ACTPLA	No breaches	No costs incurred	Nil	Nil
LDA	No breaches	No costs incurred	Nil	Nil
AGO	No breaches	No costs incurred	Nil	Nil
<b>TOTAL</b>	<b>12</b>	<b>\$59,953</b>		

## Top Risks for ACT Public Sector

Risks for each agency can be found at Attachment A.

Using a weighting for the risk level, the seven high risks identified from the agency risks are identified in the table below. Refer to Attachment B for a more detailed analysis of these risks.

### High Risk Areas for ACTPS

Rank	Risk	Score	Agencies
1	Fraud & integrity (Staff) (including fraudulent pay claims; timesheets & leave forms incorrect; decision making; theft of funds; incorrect use of office resources & fuel cards)	76	TAMS, DDHCS, CMD, Treasury, JACS, CIT, DET, ACTPLA, AGO, DECCEW, Health.
2	Asset management (including misuse of government vehicles)	26	TAMS, DDHCS, CMD, Treasury, CIT, LDA, ACTPLA, AGO, DECCEW, Health.
3	Procurement & Contract Management	20	TAMS, DDHCS, CMD, JACS, CIT, Treasury, DECCEW, Health.
=4	Finance (including unauthorised & inappropriate financial transactions)	18	AGO, CMD, JACS, ACTPLA, LDA, DECCEW, Health.
=4	Information/Record Management	18	TAMS, DDHCS, CMD, JACS, Treasury, CIT, AGO, ACT Health
5	Fraud (Clients) (including false declarations to obtain benefits)	13	TAMS, DDHCS, CIT, ACT Health
6	IT Systems	2	CIT

### Trends

Agencies did not identify any particular trends, and the likelihood of risk identified for fraudulent activities is "possible with minor consequences".

Overall, a slight reduction has been noted in both the occurrence and cost of fraud and business integrity related incidents.

Some useful observations made by Agencies include an awareness of the importance and effectiveness of continuous monitoring and awareness raising amongst staff of fraud and business risk related issues as a way of managing risk.

Breaches of integrity and incidents of fraud committed by staff continue to be identified by agencies overall as the most significant risk they face. Those Agencies reporting a decrease in occurrences of fraud and integrity breaches have generally attributed this to improved identification of risks and implementation of better auditing and risk mitigation processes.

## **Raising of Awareness in Agencies during 2008-09**

A range of training and awareness raising activities have been undertaken across the ACTPS during 2008-09. These have included:

- training on fraud, ethics awareness and integrity related issues is undertaken through a variety of forums at all levels of the organisation, including a program targeted at managers and directors, in addition to more broadly targeted staff awareness sessions (TAMS, AGO, ACTPLA, CMD)
- materials including policies, plans and factsheets covering fraud and integrity issues are provided on the Departmental intranet for all staff (CMD, DHCS)
- regular Intranet reminders on the seriousness of fraud and corruption, reporting points of contact and links to further information (DHCS)
- internal audit risk facilitation sessions with business units, and a spot check regime (DHCS);
- establishment of a Central Grants Unit to provide additional accountability in relation to management of grants and contractual arrangements (DHCS)
- questions have been included in the Staff Survey to address bullying and harassment issues (JACS)
- reviews of current Anti fraud and Corruption Plans (AGO, TAMS, ACTPLA, Treasury, CMD, DHCS, DET, JACS, CIT and ACT Health)
- inclusion of content on fraud and ethics issues in Staff Induction programmes (JACS and DHCS)
- ongoing implementation of risk mitigation strategies (ACT Health, DHCS).

## **Conclusion**

Data provided by Agencies indicates that the most significant fraud and integrity risk facing the ACTPS, (averaging to a moderate risk across Agencies), is staff fraud. This category includes fraudulent pay claims, poor decision making, submission of incorrect timesheets and leave forms, and use of position to obtain unauthorized benefits. The overall risk profile across the ACTPS is similar to that identified in the 2007-08 report, with staff fraud remaining the highest rated area of risk exposure. Asset management, procurement and contract management have emerged as the next most significant risk areas.

## Attachment A – Top Integrity Risks Areas for ACTPS Agencies

Risk	Risk Rating
<b>Territory and Municipal Services</b>	
1 CONTRACTS – Payment made to supplier when work not performed to an acceptable level, according to contract, or not performed	Moderate
2 INFORMATION – Unauthorised access and/or deliberate manipulation of business critical and/or personal information	Moderate
3 ASSETS – Inappropriate use and/or theft of ACT Government assets and public belongings	Moderate
4 MOTOR VEHICLES – Unauthorised use of motor vehicles for private purposes	Moderate
5 MONIES – Theft or misappropriation of Government money	Moderate
6 SALARIES – Staff fraudulently gain entitlements to salary and allowances	Moderate
7 TENDER PROCESS – External parties are inappropriately awarded ACT Government tenders.	Moderate
8 BENEFITS – Receipt of inappropriate monies or benefits	Moderate
9 GRANTS – Theft or misappropriation of grant funds	Low
10 ACCOUNTS RECEIVABLE – Non-payment for Government services provided	Low
<b>Department of Justice &amp; Community Safety</b>	
1 Inappropriate leave management and/or recording of absences in operational areas	Moderate
2 Undisclosed and/or unauthorised ‘outside employment’-potential for conflict of interest and/or unauthorised use of official resources	Low / Moderate
3 Failures in JACS Fraud Control and assessment management policies	Low
4 Unauthorised financial transactions, purchases, use of credit cards and/or public monies	Low
5 Improper use of allowances and entitlements and abuse of conditions of service	Low
6 Unauthorised use of official resources/assets/systems	Low
7 Unauthorised disclosure/release/misuse of personal or highly sensitive information by staff or contractors	Low
8 Perceived or actual misuse of position – conflict of interest and undue influence in decisions and actions procurement processes, appointment of consultants, and ongoing contract management	Low
<b>Department of Education &amp; Training</b>	
1 Inappropriate use of credit cards	High
2 Excessive use of mobile phones for non-work related purposes	High
3 Improper use of Government assets, information and services	High
4 Personnel management including false representation of leave application and management	High
5 Unapproved purchases	Moderate
<b>Department of Disability, Housing &amp; Community Services</b>	
1 Fraudulent use of clients’ money for personal gain	High
2 Misuse of taxi vouchers through Taxi Subsidy Scheme by drivers and clients	High
3 Fraudulent use of Public Housing Rental Rebate Scheme	High
4 Failure to classify and appropriately handle sensitive information	High
5 Misuse or manipulation of all forms of DHCS leave entitlements	High
6 Collusion between purchaser and supplier in relation to procurement activities	Moderate
7 Over-charging, or charging for services not provided by contractors	Moderate
8 Fraudulent use of DHCS petty cash/credit cards	Moderate
9 Fraudulent use of DHCS fleet vehicles	Moderate
10 Fraudulent or corrupt approach to the management of DHCS grants	Moderate

\*Note that these risks relate only to integrity risks identified through the Department of Education’s risk assessment process.

<b>Risk</b>	<b>Risk Rating</b>
<b>Canberra Institute of Technology</b>	
1 Unauthorised access to CIT Banner Student database	Moderate
2 Staff member sharing passwords and access cards to access IT systems, assets and building	Moderate
3 Bias in recruitment for personal gain	Moderate
4 Leave taken without approval and/or leave taken without leave being recorded	Moderate
5 Potential for collusion in relation to large facility contracts for personal gain	Moderate
6 Producing and using false or unauthorised CIT documentation to secure employment or to sell for personal gain	Low
7 Incorrect or falsified documentation provided to support enrolment or obtain a benefit	Low
8 Theft of assets both large and small	Low
9 Unauthorised access to, manipulation of, or misuse of Banner data for personal gain or to benefit a third party	Low
10 Lack of adequate policy and procedures increase the risk of misuse of mobile technology equipment for personal use	Low
<b>ACT Health</b>	
1 Inadequate records management systems and control of in confidence information and records	High
2 Accountability and control of funds provided under contract	High
3 Poor leave management practices, including staff failure to submit leave forms, inadequate management/scrutiny of timesheets and other practices leading to inappropriate salary and allowance claims	Moderate
4 Occupational violence from patient, client, customer and staff aggression and/or violence resulting in assault by a person, exposure to violence or workplace harassment or bullying	Moderate
5 Identity fraud or the submission of fraudulent credentials/qualifications	Moderate
6 Improper use or theft of assets	Moderate
7 Unauthorised accessing/disclosure or misuse of client information	Moderate
8 Lack of consistent application of sound financial management practices within some clinical operational areas	Moderate
9 Inadequate governance/management of tendering and contract activities	Low
10 Failure to comply with legislation	Low
<b>Auditor-General's Office</b>	
1 Unauthorised disclosure/release/misuse of confidential or sensitive information	Low
2 Fraudulent claims for payments/entitlements, including leave and flextime	Low
3 Theft of assets from office, while staff are working on-site, or by staff	Low
4 Corrupt contracting: payment of contractor not based on services	Low
5 Paying fraudulent invoices	Low
6 Unauthorised or improper usage of corporate credit cards, Cabcharge cards, fuel cards and petty cash	Low
7 Excessive personal use of office resources	Low
<b>Chief Minister's Department</b>	
1 Unauthorised disclosure/release/ misuse of confidential or highly sensitive information	Moderate
2 Acceptance of gifts or hospitality is not in accordance with CMD policy	Moderate
3 Theft of assets	Moderate
4 Decisions made regarding policy direction are inappropriately influenced or coerced	Moderate
5 Grant/contract funds may be misappropriated	Moderate
6 Misuse of position for personal gain	Moderate
7 Employees make fraudulent claim for payments/entitlements	Low
8 Unauthorised financial transactions and/or purchases	Low
9 Excessive personal use of office resources	Low

<b>Risk</b>	<b>Risk Rating</b>
<b>Treasury</b>	
1 Unauthorised disclosure (release) and theft of information (including sensitive information, Commercial-In-Confidence and Cabinet-In-Confidence)	Moderate
2 Unauthorised access and/or manipulation of business critical systems or information	Moderate
3 Inappropriate purchase of goods or services (poor value for money)	Moderate
4 Payment made to supplier when work not performed to an acceptable level or not performed	Low
5 Inappropriate use of Government resources such as theft of assets (including cash holdings & Cabcharge e-tickets/vouchers), use of credit cards	Low
6 Unauthorised destruction of records	Low
7 Inadequate storage of confidential records	Low
8 Misuse of, or inappropriate management of, staff leave/entitlements	Low
9 Excessive personal use of office resources	Low
10 Corruption and/or collusion by staff	Low
<b>ACT Planning and Land Authority</b>	
1 Lack of awareness of the Fraud and Integrity Policies	High
2 Records Management- potential loss	High
3 Unauthorised financial transactions and or purchases	High
4 Theft of assets	Moderate
5 Inappropriate decisions	Moderate
6 Inappropriate collection/waiver of fees and fines	Moderate
7 Protection of information	Moderate
8 Misuse of, or failure to submit, leave forms	Low
9 Inappropriate claims for Higher Duties allowances	Low
10 Misuse of credit cards	Low
<b>Department of Environment Climate Change, Energy and Water</b>	
1 Procurement and Contract Management	High
2 Improper claims of allowances and entitlements	High
3 Establishment of new governance structures	Moderate
4 Timesheets and leave forms incorrect /unsubmitted	Moderate
5 Lack of awareness of current delegations	Moderate
6 Inappropriate use of government vehicles	Moderate
7 Unauthorised disclosure of information ( commercial in confidence or politically sensitive)	Moderate
8 Unapproved purchases	Moderate
<b>Land Development Agency</b>	
1 Breach of Corporate Governance – failure of: risk management/legal or policy compliance/adherence to good governance principles	High
2 Information management and security	High
3 Electronic transactions/communications	High
4 Outsourcing including Shared Services	Moderate
5 Direct land grants	Moderate
6 Collection of sales revenue	Moderate
7 Allowances and reimbursements	Moderate
8 Payroll errors	Moderate
9 Asset security	Low
10 Use of credit cards	Low

**Attachment B – Business Integrity Risks – All Agencies**

Procurement & Contract Management		Fraud, Theft & Integrity (staff)		Fraud (clients)		Information Management		Asset Management		Finance		IT Systems	
TAMS (M)	2	TAMS (M)	2	TAMS (L)	2	TAMS (M)	2	TAMS (M)	2	AGO (L)	1	CIT (M)	2
TAMS (M)	2	TAMS (M)	2	TAMS (L)	2	DDHCS (H)	3	TAMS (M)	2	CMD (L)	1		
DDHCS (M)	2	DET (H)	3	DDHCS (H)	3	AGO (L)	1	TAMS (M)	2	ACTPLA (H)	3		
DDHCS (M)	2	DET (H)	3	DDHCS (H)	3	AGO (L)	1	DET (H)	3	DECCEW (M)	2		
CMD (M)	2	DET (H)	3	CIT (L)	1	CMD (M)	2	DDHCS (M)	2	DECCEW (M)	2		
Treasury (M)	2	DET (M)	2	ACT Health (M)	2	Treasury (M)	2	AGO (L)	1	LDA (M)	2		
Treasury (L)	1	DDHCS (H)	3			CIT (L)	1	AGO (L)	1	LDA (L)	1		
DECCEW (H)	3	DDHCS (H)	3			JACS (L)	1	AGO (L)	1	JACS (L)	1		
CIT (M)	2	DDHCS (M)	2			ACT Health (H)	3	CMD (M)	2	ACT Health(H)	3		
JACS (L)	1	DDHCS (M)	2			ACT Health (M)	2	Treasury (L)	1	ACT Health(M)	2		
ACT Health (L)	1	CMD (M)	2					ACTPLA (M)	2				
		CMD (M)	2					DECCEW (M)	2				
		CMD (L)	1					LDA (L)	1				
		CMD (L)	1					CIT (L)	1				
		Treasury (L)	1					CIT (L)	1				
		Treasury (L)	1					ACT Health(M)	2				
		ACTPLA (H)	3										
		ACTPLA (M)	2										
		ACTPLA (M)	2										
		ACTPLA (L)	1										
		ACTPLA (L)	1										
		DECCEW (H)	3										
		DECCEW (M)	2										
		DECCEW (M)	2										
		LDA (H/M)	2.5										
		LDA (M)	2										
		LDA (M)	2										

	LDA (M)	2					
	Treasury (L)	1					
	CIT (M)	2					
	CIT (L)	1					
	CIT (M)	2					
	CIT (M)	2					
	JACS (L)	1					
	JACS (L)	1					
	JACS (L)	1					
	JACS (L/M)	1.5					
	JACS (L)	1					
	ACT Health (M)	2					
	ACT Health (M)	2					
	ACT Health (L)	1					
<b>SCORES</b>	<b>20</b>	<b>76</b>	<b>13</b>	<b>18</b>	<b>26</b>	<b>18</b>	<b>2</b>

Weighting: Extreme (E) =4, High (H) =3, Medium (M) =2, Low (L) =1

## Appendix E Reporting omissions

Below is a list of the sections from the *Chief Minister's Annual Report Directions 2007–2010* that have been omitted from this report, along with the reason for the omission.

Omission	Reason
A.5 Management discussion and analysis	The Commissioner does not have an independent budget and as such cannot provide a high-level narrative of the financial results and health of the office.
A.6 Financial report	Under the <i>Financial Management Act 1996</i> , the Commissioner is not required to prepare an annual financial report.
A.7 Statement of performance	Under the <i>Financial Management Act 1996</i> , the Commissioner is not required to prepare an annual statement of performance.
A.8 Strategic Indicators	Under the <i>Financial Management Act 1996</i> , the Commissioner is not required to prepare strategic indicators.
B.1 Community engagement	Given the public sector jurisdiction of the Commissioner, she did not develop any community engagement initiatives during the reporting period.
B.4 Legislative report	The office of the Commissioner is not an administrative unit under the Administrative Arrangements Orders and does not administer or have responsibility for any legislation.
C.1 Risk management and internal audit	The Commissioner is a part-time statutory office holder and does not have staff with discrete responsibility for supporting the office; as such the Commissioner does not have risk management and internal audit policies and practices.
C.5 Internal accountability	The Commissioner is a part-time statutory office holder and does not have staff with discrete responsibility for supporting the office; as such the Commissioner does not have a governing or advisory board.
C.6 Human resources performance	As the Commissioner's office has no staff the Commissioner did not undertake human resources management and workforce planning during the reporting period.

<b>Omission</b>	<b>Reason</b>
C.7 Staffing profile	The Commissioner's office has no discrete staff. Staff of the Governance Division support the Commissioner. The staffing profile of the Governance Division is included in the Chief Minister's Department's annual report.
C.8 Learning and development	As the Commissioner does not have staff with a discrete responsibility for supporting her office the Commissioner did not undertake any learning and development programs or activities during the reporting period.
C.9 Workplace health and safety	As the Commissioner does not have any staff the office is not in a position to make a report under section 209A of the <i>Occupational Health and Safety Act 1989</i> , nor to make a report against the four improvement targets.
C.10 Workplace relations	The Chief Minister appoints the Commissioner by notifiable instrument. As the Commissioner does not have any staff there is no industrial instrument relevant to the Commissioner's office and the Commissioner is not able to report on Special Employment Agreements.
C.11 Strategic Bushfire Management Plan	The Commissioner is neither a manager of unleased Territory Land nor the owner of Territory Land.
C.12 Strategic asset management	The Commissioner does not manage assets and as such does not have an Asset Management Strategy.
C.13 Capital works	The Commissioner does not have a capital works program.
C.14 Government contracting	The Commissioner does not have an independent budget and as such is not in a position to undertake procurement and contracting activities.
C.15 Community grants/assistance/ sponsorship	The Commissioner does not have an independent budget and as such is not in a position to provide community grants, assistance, or sponsorship.
C.16 Territory records	The office of the Commissioner sits within the Chief Minister's Department and the Commissioner has employed the Records Management Program used by that department.

Omission	Reason
C.21 Ecologically sustainable development	The Commissioner does not undertake any activity to which section 158A of the <i>Environment Protection Act 1997</i> is applicable and as such is not required to report on ecologically sustainable development.
C.22 ACT Women's Plan	While the Commissioner supports the ACT Women's Plan, as the Commissioner's office is enacted to assist in the management of the public sector, the Commissioner is not in a position to work with the community to improve the status of all women and girls.

# Compliance index

	Page
<b>Transmittal Certificate</b>	iii
<b>Section A - Performance and Financial Management Reporting:</b>	
A.1 The organisation	1
A.2 Overview	3
A.3 Highlights	10
A.4 Outlook	16
A.5 Management Discussion and Analysis	na
A.6 Financial Report	na
A.7 Statement of Performance	na
A.8 Strategic Indicators	na
A.9 Analysis of Agency Performance	18
<b>Section B - Consultation and Scrutiny Reporting:</b>	
B.1 Community Engagement	na
B.2 Internal and External Scrutiny	19
B.3 Legislative Assembly Committee Inquiries and Reports	19
B.4 Legislation Report	na
<b>Section C - Legislative and Policy Based Reporting:</b>	
C.1 Risk and Management and Internal Audit	na
C.2 Fraud Prevention	20
C.3 Public Interest Disclosure	20
C.4 Freedom of Information	21
C.5 Internal Accountability	na
C.6 HR Performance	na
C.7 Staffing Profile	na
C.8 Learning and Development	na
C.9 Workplace Health and Safety	na
C.10 Workplace Relations	na
C.11 Strategic Bushfire Management Plan	na
C.12 Strategic Asset Management	na
C.13 Capital Works	na
C.14 Government Contracting	na
C.15 Community Grants/ Assistance/Sponsorship	na
C.16 Territory Records Act 2002 reporting	na
C.17 Human Rights Act 2004	21
C.18 Commissioner for the Environment	21
C.19 ACT Multicultural Strategy	21
C.20 Aboriginal and Torres Strait Islander Reporting	21
C.21 Ecologically Sustainable Development	na
C.22 ACT Women's Plan	na