



# Commissioner for Public Administration

ANNUAL REPORT 2009–10







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## 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 annual report of the Commissioner for Public Administration. The report provides an account of the management of the ACT Public Service during the reporting period 1 July 2009 to 30 June 2010. The Commissioner has responsibility for the management of the Service as a whole which derives from the *Public Sector Management Act 1994* (PSM Act) and, for this reason, my annual report focuses on the exercise of my statutory powers and functions under the PSM Act.

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

I hereby certify that the attached annual report is an honest and accurate account of the operations of the office of Commissioner for Public Administration during the reporting period 1 July 2009 to 30 June 2010, that all material information is included, and that it complies with the Directions. I also hereby certify that fraud prevention has been managed in accordance with the Public Sector Management Standards 2006, Chapter 2, Part 2.4.

Section 13 of the Annual Reports Act requires that you present the report to the Legislative Assembly within 3 months of the end of the reporting period.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Catherine Hudson'.

Catherine Hudson  
Commissioner for Public Administration

September 2010



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## A Performance and financial management reporting

### A.1 The organisation

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

Under section 18 of the *Public Sector Management Act 1994* (PSM Act), the Chief Minister may appoint a person as the Commissioner for Public Administration (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;
- implement administrative rearrangements at the direction of the Chief Minister;
- 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;
- conduct inspections of, or make inquiries or investigations into the operations of government agencies; and
- exercise any other functions given to the Commissioner by law.

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 ACT Public Service (ACTPS). The Commissioner is required to be independent from and also responsive to both the ACT 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*

To assist in the management of the ACTPS as a whole, the Commissioner holds other powers and functions under the PSM Act and Public Sector Management Standards 2006 (Standards). Among other things, these include the power to:

- transfer offices, officers and 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 Standards;
- waive the requirement for an independent job evaluation where a person is to perform a short-term executive office; and
- recognise prior service not recognised elsewhere.

In addition to the powers of the Commissioner prescribed in the PSM Act and Standards, the Commissioner has powers and/or obligations under the:

- *Public Interest Disclosure Act 1994*;
- *Safety, Rehabilitation and Compensation Act 1988* (Cwlth);
- *Commissioner for the Environment Act 1993*;
- *Freedom of Information Act 1989*; and
- *Legal Aid Act 1977*.

The Commissioner also has powers under industrial agreements made under the *Workplace Relations Act 1996* (Cwlth) (WR Act) and *Fair Work Act 2008* (Cwlth) (FW Act). The powers of the Commissioner under agreements include the power to issue guidelines on salary packaging, and approve independent reviewers to sit on appeal panels or undertake reviews into management decisions.

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

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

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

The Commissioner does not have staff with discrete responsibility for supporting the office. Instead, the Commissioner relies on the capacity of staff of the Governance Division to support her office, and in particular the Public Sector Management Group (PSMG). The CMD Annual Report includes more detailed material on the work of Governance Division and PSMG.

As a result of the varied responsibilities of 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 with an awareness of the support available to implement decisions.

In recent years, the Commissioner has focused on building public service capacity through developing a sustainable, respectful 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 enhancing the capacity and reputation of the ACTPS as a skilled workforce and desirable employer. The content of this report reflects these areas of focus.

## A.2 Overview and the management of the ACTPS

The office of Commissioner makes an important contribution to the management of the ACTPS. The Commissioner also appreciates the valuable contribution other entities make towards managing the ACTPS including, but not limited to, CMD, the Auditor General's Office (AGO), Department of Treasury (Treasury), individual departments and agencies, and Management Council. The activities of PSMG are of particular assistance to the Commissioner in the management of the ACTPS as a whole and the Commissioner is grateful for the support PSMG staff have provided during the reporting period.

### *Statutory powers*

During 2009–10, in conjunction with ongoing whole-of-government monitoring, the Commissioner exercised certain statutory powers in relation to either the operation of particular parts of the ACTPS or management of the ACTPS as a whole, including:

- offices, employees and unattached officers were transferred from one administrative unit to another;
- statutory powers were delegated under the PSM Act and SRC Act;
- Public Sector Management Standards were made or amended;
- staff with relevant periods of previous employment had that employment recognised as prior service for entitlements affected by the length of service;
- a decision was made in response to the recommendations of an appeal panel; and
- the requirement for an independent job evaluation was waived.

### *Administrative arrangements*

Under the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) the Chief Minister may arrange the ACTPS as he or she sees fit under administrative arrangements.<sup>1</sup> Part of the Commissioner's role is to implement these administrative arrangements at the request of the Chief Minister. The mechanism to do so is found in the PSM Act.

Specifically, under the PSM Act the Commissioner has the authority to:

- transfer offices from the 'losing area' to the 'gaining area' (section 15);
- direct that employees engaged in the 'losing area' immediately before the arrangements took effect are to be employed in the 'gaining area' (section 16);
- make a direction in respect of the administrative unit in which unattached officers are included (section 119); and
- transfer offices, employees and unattached officers to another administrative unit in the interests of the efficient administration of the ACTPS (section 96).

Following amendments to the administrative arrangements, the Commissioner is permitted to make a) machinery of government changes under section 20, and/or, b) management initiated changes under sections 83, 94 or 95 of the PSM Act.

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<sup>1</sup> The administrative arrangements can be found on the ACT Legislation Register at <http://www.legislation.act.gov.au>.

- a) Where responsibility for a matter mentioned in the administrative arrangements is moved from one administrative unit to another, or where an administrative unit is abolished, all positions related or incidental to that matter are transferred through the machinery of government process.
- b) Where responsibility for a function not specifically identified in the administrative arrangements is moved from one administrative unit to another, or where an administrative unit in which the function is performed is abolished, all positions related or incidental to that function are transferred through management initiated changes.

During 2009–10, the Commissioner made three machinery of government changes and one management initiated change, including:

- On 27 November 2009, the tourism policy and services functions of the Department of Territory and Municipal Services (TAMS) transferred to CMD in accordance with sections 15 and 16 of the PSM Act;
- On 8 February 2010, the land release policy, land development and major land and property project facilitation functions of CMD transferred to the Department of Land and Property Services (LAPS) in accordance with sections 15 and 16 of the PSM Act;
- On 8 February 2010, ACT Property Group of TAMS transferred to LAPS in accordance with sections 15 and 16 of the PSM Act; and
- On 10 May 2010, the Land Development Agency (LDA) of CMD transferred to LAPS in accordance with sections 96(4)(a)(i), 96(4)(a)(ii) and 96(4)(b) of the PSM Act.

### *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, permitting the Commissioner to:

- delegate any 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);
- sub-delegate any power delegated to the Commissioner (except for powers provided in the PSM Act);
- delegate a power to an officer, employee, statutory office holder or other person exercising a function on behalf of the Territory;
- delegate or sub-delegate a power to a person exercising a function on behalf of the Territory (other than 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; and
- give directions to the delegate or subdelegate in relation to the exercise of a delegated or sub-delegated power.

During the reporting period, the Commissioner reviewed the methodology employed in delegating her powers under the PSM Act and Standards. It emerged from the review that some of the delegated powers of the Commissioner are not used frequently. The Commissioner is currently considering these findings in the context of the current round of ACTPS agreement negotiations and the likely flow-on amendments to the legislative employment framework.

The Commissioner did not review the ongoing delegations made under subsection 36(2) of the PSM Act during the reporting period. However, to cover periods of leave or other absences during the reporting period, the Commissioner delegated the powers of the office on three separate occasions (Appendix A).

### *Work Safety, Rehabilitation and Workers' Compensation*

By notice under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth) (SRC Act), the Commonwealth Government has identified the Commissioner as the principal officer of the Territory for safety, rehabilitation and workers' compensation purposes.

During the reporting period, the Commissioner delegated rehabilitation powers provided under sections 36 and 37 of the SRC Act to officers in the agencies listed below.

- ACTEW Corporation
- ACT Department of Health (ACT Health);
- ACT Planning and Land Authority (ACTPLA)
- Canberra Institute of Technology (CIT)
- Department of Disability, Housing and Community Services (DHCS)
- Department of Education and Training (DET)
- Department of the Environment, Climate Change, Energy and Water (DECCEW)
- Legal Aid Commission (ACT)
- Legislative Assembly
- TAMS
- University of Canberra
- ACTION
- ACTTAB
- Calvary Health Care ACT (Public)
- CMD
- Department of Justice and Community Safety (JACS)
- Cultural Facilities Corporation (CFC)
- LAPS
- LDA
- Rhodium
- Treasury

Further information about the use of the Commissioner's SRC Act powers concerning work safety, rehabilitation and workers' compensation can be found in each agency's annual report.

### *Public Sector Management Standards*

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

- be consistent with a policy direction previously endorsed by the Government;
- be technical in nature (such as updating a rate or allowance, improving the clarity of an existing Standard, or correcting a typographical or grammatical error); or
- not involve any significant policy change.

The Commissioner made three amendments to the Standards during the reporting period (Appendix B). The most up to date Standards along with a historical record of previous Standards made can be accessed at <http://www.legislation.act.gov.au>.

### *Recognition of previous employment*

Under section 75 of the Standards, the Commissioner has the discretion to recognise previous employment as prior service for the purpose of any entitlement affected by the length of service. The Commissioner was asked to exercise this power on four separate occasions during the reporting period – once in relation to long-service leave, once in relation to maternity leave, once in relation to a redundancy benefit, and once in relation to annual leave. Only the period of service relating to annual leave was approved, it being the only period during which the ACTPS employee had worked in employment that met the criteria of recognised previous employment for annual leave purposes.

### *Determination of recommendations of an appeal panel*

Under the appeal mechanism within agency agreements, the Commissioner is required to consider the report of an appeal panel where the subject of an application is the decision of a chief executive. The Commissioner acted in this capacity once during the reporting period, upholding the recommendations of the appeal panel, which had in turn supported the chief executive's decision to suspend an officer without pay on misconduct grounds.

### *Waiver of an independent job evaluation*

Under section 40 of the Standards, if it is in the interests of the ACTPS to do so, the Commissioner has the power to waive the requirement for an independent job evaluation where a person is to perform the duties of an executive office under section 76 (short-term executive contracts) of the PSM Act. In the reporting period, the Commissioner exercised this power ten times (Appendix C).

### *Workforce profile*

Each financial year, the Commissioner publishes the ACTPS Workforce Profile (the Profile). The Profile provides a comprehensive, quantitative picture of the composition of the ACTPS as at 30 June of the reporting year. As well as compiling workforce statistical data, the Profile identifies broader workforce trends that are likely to impact the ACTPS in the future.

The 2008–09 Profile was expanded to include further metrics in relation to separation rates. Employee separation refers to the rate at which an employer loses staff during a reporting period. High separation rates may have a negative impact on an organisation in terms of cost, efficiency, productivity and service delivery. Conversely, low separation rates may negatively impact an organisation by inhibiting innovation, restricting the introduction of new skills and ideas, and may reflect an inability to manage poor performers. However, it is important to consider other factors that may impact on this metric.

Across the ACTPS, the employee separation rate was 6.2 per cent which is viewed as an acceptable rate. The lowest separation rate in the ACTPS was recorded by DECCEW (1.1 per cent), while the highest separation rate was recorded by the AGO (16.6 per cent). These figures may be a reflection of the small size of these agencies, that DECCEW was only recently established, and the ongoing strong market for qualified and experienced auditing and accounting personnel.

There continues to be a focus on enhancing reporting capacity through improved data collection and analysis, particularly in the areas of gender profiles, work locations, leave usage and recruitment statistics. These improvements will allow for enhanced data comparison in future years.

The 2008–09 Profile can be found on the Commissioner's website at: <http://www.cmd.act.gov.au/governance/commissioner>.

### *Agency survey*

In recent years, to complement the Profile, the Commissioner has sought more detailed information from agencies about people management practices across the ACTPS. 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 2009 survey provided the Commissioner with a range of information in relation to broad management trends emerging across the ACTPS.

Survey responses indicate that ACTPS agencies remain committed to:

- providing training and development both on ACTPS and agency-specific values, and section 9 of the PSM Act;
- 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; and
- using specific strategies to identify high performing individuals.

A detailed report on the 2009 survey can be accessed on the Commissioner's website at <http://www.cmd.act.gov.au/governance/commissioner>.

### *Graduate program*

Following a comprehensive recruitment campaign and intensive selection process, offers were made to twenty-four graduates to participate in the 2010 ACTPS Graduate Program (the Program). The graduates commenced the Program in February 2010 and represent a wide range of degree specialisations, including psychology, politics, accounting, law and communications. During the ten-month program, graduates participate in three work rotations and undertake studies leading to the achievement of a nationally recognised Diploma in Government. On completion of the program graduates are placed with ACTPS agencies depending on their areas of interest and organisational capacity.

Marketing for the 2011 Program commenced in March 2010. 536 applications were received from which twenty-six graduates will be chosen. Successful candidates are expected to commence in February 2011.

### *Development programs*

Building on the work of the previous reporting period, a number of professional development programs designed specifically for executives and future leaders were supported by the Commissioner and implemented by CMD. These development

programs aim to expand and develop leadership skills across the ACTPS by encouraging strong cross-agency links, fostering collaboration, and improving managerial expertise. The five programs conducted during the reporting period were:

- the Executive Leadership Development Program;
- the Future Leaders Development Program;
- sponsored training for front-line and first-line managers;
- the Public Sector Management Program; and
- the Australia and New Zealand School of Government Executive Fellows and Masters Programs.

The programs focus on professional development at executive, future leader and manager levels. The leadership programs are based on the five key elements of the ACTPS Executive Capabilities:

- leads and values people;
- shapes strategic thinking;
- achieves results with integrity;
- fosters collaboration; and
- exemplifies citizen, community and service focus.

#### *Executive Leadership Development Program*

A total of twenty-six zone one executives commenced the Executive Leadership Development Program in September 2009 and February 2010. Following evaluation and feedback from Management Council, a program specifically aimed at zone two executives was developed and commenced in July 2010.

#### *Future Leaders Development Program*

A total of thirty-nine participants commenced the Future Leaders program in September 2009 and February 2010. This program is specifically designed for Senior Officer Grade A and B managers and is designed to build leadership capacity within the ACTPS.

#### *Training for front-line and first-line managers*

Twenty-five front-line and first-line managers received training in a suite of five essential topics for new managers and supervisors:

- recruitment and staff selection;
- managing employee performance;
- workplace behaviour and conflict resolution;
- workplace and work-safety training for supervisors and managers; and
- financial management.

This training is specifically designed to improve managerial skill within the ACTPS and to aid retention of highly skilled employees.

### *Public Sector Management Program*

The Public Sector Management Program is a cross-jurisdictional program targeted at motivated middle to senior managers. While the Commissioner and CMD promote the program across the ACTPS, the Australian Public Service Commission is responsible for its administration in the ACT. Eleven participants from across the ACTPS commenced the program in February 2010. On successful completion of the course, participants receive a Graduate Certificate in Public Sector Management from Flinders University.

### *Australia and New Zealand School of Government (ANSZOG)*

With the support of the Commissioner, CMD and agencies also jointly sponsored two places in the Australian and New Zealand School of Government's Executive Masters of Public Administration program and one place in the Executive Fellows program during the reporting period.

### *Recruitment improvements – [www.jobs.act.gov.au](http://www.jobs.act.gov.au)*

The majority of recruitment improvement initiatives indicated in the Commissioner's previous annual report have been completed. During 2009–10, the Commissioner progressed the following under this initiative. More detailed information on these initiatives can be found in Section A.9 of the CMD Annual Report.

- The ACTPS block advertisement for local press was redesigned to reduce advertising costs and encourage potential candidates to access the [jobs.act.gov.au](http://www.jobs.act.gov.au) website.
- The *Legislation Act 2001* was amended, redefining 'gazette' to enable advertising of vacancies, notifications of appointment, promotions, and dismissals to be published on an approved website. Shared Services and CMD continue to work together to streamline the gazettal process. As a result of these changes there has been increased traffic to [www.jobs.act.gov.au](http://www.jobs.act.gov.au).

## **A.3 Highlights**

### *Strengthening public service capacity*

A continuing focus for the Commissioner is to work with agencies to strengthen and build public service capacity. Three key areas include improving capability, retaining employees, and attracting employees.

The main activities undertaken during the reporting period include:

- providing learning and development opportunities and networking events that form the basis of cross government collaboration;
- researching specific strategies that target diversity groups;
- promoting the benefits of working for the ACT Government; and
- increasing our capacity to collect workforce data and understand our employees.

### *Young Professionals Network*

The Young Professionals' Network (YPN) aims to connect young professionals across the ACTPS through professional development and training events. The connections formed provide the foundation for future collaboration and assist in retaining valuable staff. The number of YPN members increased during the year from 250 to approximately 500. The YPN conducted a range of events during the reporting period, each summarised at Appendix D.

### *Executive networking events*

Two executive networking events were held during the reporting period. The first was held in September 2009. Mr Chris Richardson from Access Economics delivered a thought provoking presentation titled 'Leadership - and the issues facing the ACT in a challenging federal fiscal environment'. The second event was held in May 2010 and included a presentation from Mr Martin Stewart-Weeks, Director of the Internet Business Solutions Group for Cisco Systems and member of the Government 2.0 Taskforce. Mr Stewart-Weeks presented the highlights, challenges and rewards of Government 2.0. Both events were well attended.

### *Commissioner's Awards*

The Commissioner for Public Administration Awards (the Awards) were established in 2002 to formally recognise significant contributions made by employees across the ACTPS. The Awards focus on recognising the achievements of employees who have been nominated through their chief executives. This year, fifty-four nominations were received across the four award categories: service delivery to ACT citizens; government business improvement; valuing emerging leaders and high performers; and safe workplaces.

The nominations included individuals, team level initiatives and larger projects from across the ACTPS. Seventeen award winners were selected from these nominations by a judging panel comprising the Commissioner, CMD Chief Executive, Mr Andrew Cappie-Wood, and the Merit Protection Commissioner of the Australian Public Service, Ms Annwyn Godwin. Appendix E lists award recipients along with a summary of their achievements.

### *Building partnerships with other jurisdictions*

The Commissioner maintains strong links with other public service jurisdictions in order to monitor developments and exchange information and ideas about matters of common concern and relevance to the future of the ACTPS.

During 2009–10, the Commissioner has worked to maintain and develop these links principally through the bi-annual gathering of Public Service Commissioners from the Commonwealth, New Zealand and all other Australian States and Territories.

In the 2009–10 reporting period, the Commissioner attended conferences held in New Zealand in October 2009 and Adelaide in April 2010. Amongst other things, topics discussed at the conferences included:

- public sector reform following the release of the Commonwealth Government’s Moran Review into federal public service administration;
- the development of performance management and evaluation frameworks in the public sector;
- new ideas in attracting and retaining staff to the public service from target groups including people with a disability and Aboriginal and Torres Strait Islanders; and
- the evolution of ethical and integrity systems in a challenging and changing environment.

Additionally, during the reporting period, the Commissioner has facilitated bi-lateral exchanges with:

- the Victorian Commissioner’s Office on the use, opportunities and challenges of new social media in a public service setting; and
- the Northern Territory Commissioner’s Office on workforce planning practices.

### *Review of Independent Reviewer governance arrangements*

During the reporting period, work was completed on the review of the governance arrangements supporting the independent reviewer function. The Commissioner has chosen a number of consultants to form a panel of service providers to fulfil the investigation needs of agencies, including conducting independent reviews and chairing appeal panels in accordance with the requirements of ACTPS industrial agreements. This commercial relationship replaces the employment relationship established under the Independent Reviewer classification in Division 3.10.4 of the Standards.

### *Ethics and Integrity in the ACTPS*

During the reporting period the Commissioner promoted the ACTPS Code of Ethics and whole-of-government approaches to the prevention of bullying and harassment through targeted seminars delivered across all agencies in partnership with the Work Safety Commissioner, Mr Mark McCabe. Twenty-two 2-hour sessions were conducted during the reporting period. The Commissioners addressed executive employees primarily and provided several follow-up sessions targeted at senior officers. Sessions were also provided to school principals and network leaders as part of DET’s *Respectful Workplaces* workshops.

The seminars were well received and successful. The Commissioner will use a similar approach to promote a positive ACTPS culture in future years.

## **A.4 Outlook**

### *Review of the legislative employment framework*

The PSM Act was enacted in 1994 and was derived from the Commonwealth’s *Public Service Act 1922* (now repealed). The Standards are made under section 251 of the PSM Act by the Commissioner. This two-tiered framework was put in place before any ACTPS industrial agreements existed.

The current legislative framework is three tiered, consisting of the PSM Act, the Standards and industrial agreements made under the WR Act or FW Act.

The legislative employment framework is continually evolving to meet the needs of the ACTPS, and to respond to changes in relevant Commonwealth legislation. As part of agreement negotiations, many changes to the framework have been agreed between the Territory and employee representatives, particularly unions

Contingent on the outcome of the current round of agreement negotiations, the Commissioner will progress amendments to the legislative employment framework and these will be reported on in next year's annual report.

### *Respect, Equity and Diversity Framework*

Informed by the series of seminars the Commissioner presented on Ethics and Integrity during 2009–10, work has commenced on the revision of the ACTPS Equity and Diversity Framework (the Framework). During consultation, the Chief Minister agreed that a renewed Framework should incorporate 'respect'. The revised Framework to be released in the next reporting period will highlight that the ACTPS aims to create a positive work environment for all staff through the promotion of a respectful culture.

The revised Framework supports the development of targeted attraction, retention and capacity building initiatives. Based on the equity and diversity profile in the revised Framework, work has been focused around the development of two key employment strategies: the ACTPS Aboriginal and Torres Strait Islander Employment Strategy; and the ACTPS Disability Employment Strategy.

### *ACTPS Aboriginal and Torres Strait Islander Employment Strategy*

The Chief Minister endorsed, as a Commissioner priority for 2010, the development of a whole-of-government Aboriginal and Torres Strait Islander Employment Strategy (the Strategy). Apart from an ethical imperative to create such a strategy, the ACT Government has also committed to the National Partnership Agreement on Indigenous Economic Participation, which contains, among other things, a commitment to "public sector Indigenous employment and career development strategies to reflect national Indigenous working age population share by 2015".

Work on the Strategy commenced during the reporting period and it is anticipated that it will be in place by the end of 2010. The Strategy aims to:

- increase, by 2015, the Aboriginal and Torres Strait Islander workforce to 1.2 per cent of the total ACTPS workforce, consistent with the commitments made under the National Partnership Agreement;
- focus on attracting, retaining and improving the capability of Aboriginal and Torres Strait Islander peoples;
- improve the capability of the ACTPS as a workforce of choice for Aboriginal and Torres Strait Islander peoples; and
- ensure that appropriate cultural competency and induction training programs are available across the ACTPS.

The Strategy is being developed in consultation with the ACT Indigenous Elected Body and the ACTPS Aboriginal and Torres Strait Islander Staff Network.

### *ACTPS Disability Employment Strategy*

Work is currently underway on the review of the ACTPS Employment Framework for People with a Disability, and the development of a whole-of-government Disability Employment Strategy, which will aim to enhance both the availability of employment opportunities and the quality of the employment experience for people with a disability in the ACTPS. The Strategy is being informed by a recent report authored by People With Disabilities ACT (PWD) titled 'Making Diversity Work', and will be developed in consultation with disability sector stakeholders including representatives from PWD.

During 2009–10, the ACTPS took out 'gold' membership of the Australian Network on Disability (AND) and has commenced consultations with key stakeholders including representatives from AND and PWD aimed at developing and enhancing the capacity of the ACTPS to more effectively engage and support employees living with a disability.

### *Pilot traineeship program for people with an intellectual disability*

An administrative traineeship program offering an employment and development opportunity for people with an intellectual disability is currently being implemented across the ACTPS. It is expected that successful participants will commence their traineeships in August 2010. This pilot program will offer trainees an opportunity to gain work experience in administrative roles and formal training to support their work based experience, leading to the award of a nationally recognised Certificate II qualification in Business.

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

As a statutory office holder, the general functions of the Commissioner are provided in section 20 of the PSM Act. The Commissioner has discharged a number of her statutory powers and functions during the reporting period as outlined above under 'A.2 Overview'.

## 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 relate 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 relating to the operations or responsibilities of the Commissioner. The relevant parts of the report and the Government responses are reproduced below.

#### **Standing Committee on Public Accounts – Report on Annual and Financial Reports 2007–2008**

*Recommendation 1: The Committee recommends that, as a minimum, ACT Government agencies' annual reports include thorough reporting on ecologically sustainable development (ESD) that fully adheres to the Chief Minister's Annual Report Directions 2007–10*

##### Government Response

**Agreed.** The Chief Minister's Annual Report Directions have in recent years been updated to provide more specificity around ESD reporting and now require comprehensive ESD reporting by agencies. The introduction of a common reporting tool, namely OSCAR — Online System for Comprehensive Activity Reporting — has assisted agencies greatly in this area. Training has also been provided to ACT Government employees (mainly building managers) in preparation of both the 2007–08 and 2008–09 annual reports.

Template tables have also been introduced into the Annual Report Directions to create more structure to the reporting requirements. Recently, the Department of the Environment, Climate Change, Energy and Water has built this table into a resource management plan and in 2009–10 will look to assist other agencies to develop their own.

Where specific data is not able to be accurately disaggregated due to shared building use, agencies have been encouraged to develop alternative methods to capture data.

*Recommendation 7: The Committee recommends that the ACT Government reconsider its decision to merge the Commissioner for Public Administration's role and function with that of the Deputy Chief Executive of the Governance Division of the Chief Minister's Department.*

##### Government Response

**Not agreed.** The Commissioner is a statutory office established under the PSM Act. The office is currently held by a public servant, the Deputy Chief Executive, Governance Division of CMD.

The current arrangement replicates the model used between 1995 and 1999 where a senior executive with departmental responsibilities also carried out the commissioner role. This arrangement worked effectively.

Importantly the Commissioner's roles and functions are statutorily defined. There is no conflict of interest with the incumbent balancing the respective responsibilities. There are also advantages with the current arrangement in terms of the office holder having a deeper and more immediate understanding of the contemporary management issues that ACTPS agencies are facing.

*Recommendation 8: The Committee recommends that the ACT Government revisit its decision to discontinue the preparation and publication of the ACT State of the Service Report.*

#### Government Response

**Noted.** The Commissioner prepares an annual Workforce Profile that provides statistical data on the size, shape and staffing trends in the ACTPS. The Commissioner also prepares a report about the operations of the public service, based upon a survey of agencies and including her analysis on the management of the service as a whole during the financial year. This is published separately and précised in the Commissioner's Annual Report.

In combination these three separate pieces of reporting effectively cover the principal matters previously reported on in the State of the Service Report but constitute a more efficient use of limited resources and allows for the more timely publication of information.

*Recommendation 9: The Committee recommends that the Commissioner for Public Administration explore the feasibility of the inclusion of more environmentally friendly transport items, such as bicycles and bus tickets, as approved salary packaging menu items for ACT Public Service employees.*

#### Government Response

**Agreed.** The Commissioner will consider the option of including such items under the ACTPS Salary Packaging Policy and Procedures subject to advice on the tax deductibility of these items from the Australian Taxation Office.

*Recommendation 10: The Committee recommends that the Commissioner for Public Administration ensure that future whole-of-government professional development programs include sustainability issues.*

#### Government Response

**Agreed.** The Commissioner will investigate opportunities to better include sustainability issues in appropriate whole of government training programs. The Commissioner will also consult with Shared Services to explore options for reflecting sustainability issues through the ACTPS training calendar providers.

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

### **C.2 Fraud Prevention**

Under the ACTPS Integrity Policy, Senior Executives Responsible for Business Integrity and Risk (SERBIRs) are required to prepare an 'Over the Horizon' report on agency risk assessments and emerging whole-of-government trends in fraud and corruption for submission to Management Council. This report is incorporated into the Commissioner's Annual Report. The SERBIR Report is at Appendix F.

### **C.3 Public Interest Disclosure**

As a statutory office holder with responsibilities across the ACTPS, the Commissioner is a proper authority for the purposes of the *Public Interest Disclosure Act 1994* (PID Act). Under the PID 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 CMD, the Commissioner employs the same public interest disclosure procedures as CMD.

While the Commissioner is a proper authority for the purpose of the PID Act, she can only deal with disclosures that relate to her functions and powers under the PSM Act. Disclosures received about specific events in agencies are normally referred by the Commissioner to the relevant chief executive for action, in accordance with section 18 of the PID Act. If there are aspects of a disclosure making it inappropriate to refer it to the relevant agency, the Commissioner may instead decide to investigate the matter herself or refer it to the ACT Ombudsman.

The Commissioner received two new disclosures under the PID Act during the reporting period. One disclosure was referred by the ACT Ombudsman and concerned recruitment practices and higher duties arrangements and the other related to the unauthorised accessing of health records. Both matters are ongoing.

A joint investigation with TAMS into a disclosure reported in 2008–09 relating to contract management and reprisal action is also ongoing.

### **C.4 Freedom of Information**

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

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

The Commissioner had regard to the *Human Rights Act 2004* (HR Act) in the exercise of her statutory functions and in considering the interaction of the HR Act to the PSM Act. Given the Commissioner does not employ staff directly, she is not in a position to provide education and training to staff on human rights principles, however the promotion of human rights is implicit in the work of the Commissioner as a fundamental guiding principle. The Commissioner did not prepare any Cabinet Submissions during the reporting period and therefore was not required to ensure human rights compliance in this regard.

### **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**

The ACT Multicultural Strategy 2006–09 will undergo redevelopment over the coming year. However, the Commissioner had regard to the themes of the lapsed strategy when considering the management of the ACTPS as a whole, and the promotion of the strategy was implicit in the manner in which the Commissioner undertook her role.

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

In relation to supporting a whole-of-government approach to Aboriginal and Torres Strait Islander policy, in June 2010 the Commissioner used the authority under section 438 of the Standards to enable chief executives to grant one full day of leave to Aboriginal and Torres Strait Islander staff to attend National Aboriginal and Islander Day Observance Committee (NAIDOC) Week celebrations. The Commissioner directed that this leave could 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 DHCS for the ACTPS-wide Indigenous Traineeship Program.

As mentioned above, an ACTPS Aboriginal and Torres Strait Islander Employment Strategy is a Commissioner priority for 2010–11 and work on preparing the Strategy was undertaken during the reporting period.

### **C.22 ACT Women's Plan 2010–15**

The Commissioner did not undertake any specific activities directly contributing to the achievement of the key priorities of the ACT Women's Plan. However, implicit in the work of the Commissioner is an aspiration to improve the status of women.

A separate gender analysis of workforce data based on the 2008-09 financial year is being prepared with further gender-related analysis to be included in future workforce profiles.

### **C.23 Model litigant guidelines**

In line with CMD practices, the Commissioner relies on the ACT Government Solicitor's office to ensure compliance with the model litigant guidelines and identify where non-compliance may arise.

The Commissioner has not been involved in any litigation during the reporting period and no breaches of the model litigant guidelines occurred.

## Appendix A Delegation of powers

During the reporting period, no change was made to the Commissioner's list of 14 April 2009 outlining the delegated powers and the offices to which those powers have been delegated (the list can be found on the Commissioner's website at <http://www.cmd.act.gov.au/governance/commissioner>).

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

- on 24 September 2009, the Commissioner delegated her powers to the Director, Public Sector Management for the period 28 to 30 September 2009 inclusive;
- on 19 January 2010, the Commissioner delegated her powers to the Director, Public Sector Management for the period 23 to 31 January 2010 inclusive; and
- on 9 April 2010, the Commissioner delegated her powers to the Director, Public Sector Management for the period 12 to 14 April 2010 inclusive.

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

In 2009–10 the Commissioner made three amendments to the Standards with the following instruments:

### **DI2009-185 (effective 10 August 2009)**

This amendment updated the base monthly lease rate for executive vehicles. The Chief Minister approved 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 2009, Remuneration Tribunal Determination 4 of 2009 'Chief Executives and Executives' increased the remuneration for executives by approximately 1.5 per cent. The amendment increased the base monthly lease rate for executive vehicles prescribed in section 552(6) of the Standards by 1.5 per cent. The revised base monthly lease rate was rounded up to the nearest whole dollar.

The amendment also provided a \$500 per annum increase in the entitlement for payment in lieu of an executive vehicle across each of the three executive remuneration zones, increasing the entitlement to \$15,500 for Zone 1, \$16,000 for Zone 2 and \$17,500 for Zone 3. These rates had not previously been increased since 2000.

### **DI2009-222 (effective 30 October 2009)**

This amendment introduced a power for the Commissioner to waive the requirement for an independent job evaluation of a chief executive office in certain circumstances.

The Commissioner may only exercise the new power under section 40 in relation to a chief executive office when it is first created in a newly established administrative unit.

The Commissioner may only exercise the new power under section 40 if the office is to be filled on a short term basis. The amendment retains the requirement for an independent job evaluation before a person can be engaged in a chief executive position on a long term basis.

### **DI2010-67 (effective 11 May 2010)**

The amendment updated the rate for overtime duty meal allowance. Overtime duty meal allowance rate is based on changes to Consumer Price Index for food in Canberra, in this case, the 2009 December quarter.

## Appendix C Waiver of an independent job evaluation

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

- on 15 August 2009, for Treasury, a waiver was provided for the office of Director, Revenue Management (executive level 1.3). A waiver was approved in order to create a mirror position to accommodate a graduated return to work;
- on 18 August 2009, for TAMS, a waiver was provided for the office of Deputy Chief Executive (executive level 2.6). A waiver was approved in order to create a temporary position pending a formal job evaluation of the responsibilities;
- on 23 December 2009, for DET, a waiver was provided for the office of Executive Director, Training and Tertiary Education (executive level 2.4). A waiver was approved in order to create a temporary position pending a formal job evaluation of the responsibilities;
- on 4 January 2010, for the JACS, a waiver was provided for the office of Director, Governance Structures and Systems (executive level 1.3). A waiver was approved in order to create a temporary position for a short-term project;
- on 4 February 2010, for JACS, a waiver was provided for the office of Director, Capital Works and Infrastructure (executive level 1.3). A waiver was approved in order to create a temporary position pending a formal job evaluation of the responsibilities;
- on 11 February 2010, for DHCS, a waiver was provided for the office of Senior Director, Office of the Chief Executive (executive level 2.4). A waiver was approved in order to create a temporary position for a short-term project;
- on 15 February 2010, for CMD, a waiver was provided for the office of Executive Director, Whole of Government Events Planning (executive level 2.4). A waiver was approved in order to create a temporary position for a short-term project;
- on 26 March 2010, for DET, a waiver was provided for the office of Director, Information Services (executive level 1.3). A waiver was approved in order to create a temporary position pending a formal job evaluation of the responsibilities;
- on 22 April 2010, for JACS, a waiver was provided for the office of Director, People and Workplace Safety (executive level 1.3). A waiver was approved in order to create a temporary position pending a formal job evaluation of the responsibilities; and
- on 15 May 2010, for JACS, a waiver was provided for the office of Senior Director/Work Safety Commissioner (executive level 1.3). A waiver was approved in order to create a temporary position pending a formal job evaluation of the responsibilities.

## Appendix D Young Professionals Network events 2009–10

Event	Event Description	Number attending
<p><b>July 2009</b> An audience with...</p>	<p>The YPN invited three senior political advisors to talk about their careers, what is involved in the political advisory role and their views on the relationship between public servants, advisors and politicians.</p>	<p>27</p>
<p><b>September 2009</b> Communicating with Influence</p>	<p>Alison Halpin from CIT's Centre for Creative Industry facilitated a two hour workshop on 'Communicating with Influence'.</p>	<p>33</p>
<p><b>October 2009</b> Health and Fitness Appraisal</p>	<p>With the assistance of JACS, the YPN developed a Health and Fitness Appraisal to give members an insight into their current level of fitness and provide advice on living a healthy, well-balanced lifestyle.</p>	<p>12</p>
<p><b>January 2010</b> 'Who is YPN?' Event – getting to know you.</p>	<p>The aim of this event was to learn more about YPN members.</p>	<p>29</p>
<p><b>February 2010</b> Breakfast with the SES Event 'Accessible Government: The Role of Young Professionals in realising the potential of Web 2.0'</p>	<p>The guest speaker for this event was Martin Stewart-Weeks, Director of the Internet Business Solutions Group for Cisco Systems and member of the Government 2.0 Taskforce. Each Agency sponsored 1-2 tables for this event.</p>	<p>147</p>
<p><b>March 2010</b> Hermann Brain Dominance Instrument (HBDI) Workshop</p>	<p>The YPN in conjunction with the DHCS held three HBDI Workshops to help members discover the way they think, learn, communicate and make decisions.</p>	<p>64</p>

<p><b>April 2010</b> Human Rights &amp; Advocacy - 'Realising Social Change'</p>	<p>The two key speakers for this event were Professor Patricia Eastal AM, PhD - a socio-legal academic, author and advocate, and Dr Helen Watchirs OAM - ACT Human Rights and Discrimination Commissioner.</p>	<p>31</p>
<p><b>May 2010</b> YPN's 'Biggest Morning Tea' with Andrew Simon</p>	<p>In an effort to contribute to the fight against cancer, the Young Professionals' Network held a 'Biggest Morning Tea' event with guest speaker Andrew Simon from Yellow Edge who spoke on 'managing up' strategies for today's young professionals.</p>	<p>39</p>
<p><b>June 2010</b> ACT Budget 2010–11 Briefing Event</p>	<p>The YPN in conjunction with Treasury held a briefing session on the 2010–11 ACT Budget.</p>	<p>27</p>

## Appendix E Commissioner's Award Recipients 2009

### *Recipients in the 'Service delivery to ACT citizens' category:*

- *ACT Aged Care Assessment Team (ACT Health)* - for innovative change management to reduce waiting times for ACT older people. Those referred for assessment now wait on average just three weeks, a significant reduction from previous waiting periods of up to six months.
- *Jim Corrigan (ACTPLA)* – for his significant improvements to the development application assessment process and reduction of the backlog of development applications from 525 to 180 in 12 months. During that time, 1807 development applications were assessed. Jim's leadership, and commitment to customer service has contributed to the ACT having a faster and more responsive development assessment system.
- *Canberra Theatre Centre - Front of House Department (CFC)* – for their outstanding customer service to theatre patrons for 45 years. The team have developed a number of new successful initiatives including programmes to assist hearing and vision impaired patrons to enjoy the theatre.
- *Student Services HUB (CIT)* – for the new Skills Recognition process at CIT. In particular, the work of Samantha Bond and Jennifer Carmichael has enabled the ACT community to have skills gained through life experiences recognised more easily.
- *Cindi Hage (DET)* - as the event coordinator of the ACT Training Excellence Awards, Cindi has encouraged many ACT citizens to be recognised for their outstanding achievements in vocational education and training.
- *Community Sector Portable Long Service Leave Scheme (DHCS / ACT LSLA/ CMD/ JACS)* - this multi-agency team worked collaboratively to develop the first portable long service leave scheme for the community sector in Australia which will allow ACT workers who have worked for more than one community organisation to take long service leave entitlements.
- *Therapy ACT (DHCS)* – Daniela Barsanti, Thomas Bevitt and Ryan Bellairs developed "Write On", an innovative program designed for teachers, that enables all children to acquire fine motor and handwriting skills.
- *Ratinder Dev (TAMS)* – for her outstanding leadership and commitment to ethical behaviour in the public service and the delivery of quality library services to the Canberra community.

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

- *Schools Capital Works Branch (DET)* - DET's School Capital Works team is responsible for a \$650 million capital works program, including the construction of new schools, delivery of the Commonwealth's 'Building the Education Revolution' initiative, new performing arts centres, early childhood schools and older school refurbishments. In four years, its annual budget has risen from \$20 million to over \$200 million (a quarter of the ACT Government's capital works budget).
- *Protection Unit and IT Team (JACS)* - through teamwork and innovation, the Protection Unit and Courts IT Unit have improved the timeliness and responsiveness of the court in protection matters.

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

- *Melanie Saballa (CMD)* - Melanie is committed to delivering high quality outcomes in whole-of-government policy through developing and sustaining collaborative professional relationships. In particular, she is recognised for her generosity in terms of supporting others, and sharing her knowledge and expertise.
- *Robin Hutchison (DET)* - Robin is an innovative and dynamic team leader who has provided outstanding leadership to executive assistants and other staff to improve the quality of service and advice provided to senior officers and the Minister.
- *Lisa Salerno (DHCS)* – Lisa's strong leadership and organisational skills have successfully delivered the public housing capital works program.
- *Jock Campbell (JACS)* - Jock is an exceptional government lawyer who has been delivering legal services to the Territory and mentoring lawyers for over 20 years.
- *Land Management and Planning/Parks Conservation and Lands (TAMS)* - the commitment and leadership of Dylan Kendall and Margaret Kitchin in delivering Regional Fire Management Plans and working with a range of stakeholders has been truly inspiring.

*Recipients in the 'Safe Workplaces' category:*

- *Centre for Organisational Capability (CIT)* – Gerard Johnston, Nikki Tonkin and Michael Hagstrom demonstrated outstanding work in ensuring CIT is a leading best practice organisation within the ACT Government public sector when it comes to work safety.
- *OH&S Team, ACT Property Group (LAPS)* - Adrien Janssen and Ray Sivonen have systematically delivered a quality assurance framework for the Workplace Health & Safety Management System. This has resulted in lower workers compensation premiums. These premiums have reduced from 2.13 per cent in 08–09 to 1.58 per cent in 09–10.

## Appendix F 2009–10 ‘Over the Horizon’ Report

### 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 (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” (Standards, Part 2.4.21(7)).

Senior Executives Responsible for Business Integrity Risk (SERBIR) are required under the ACT Public Service Integrity Policy 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; and
- summarise whole of government efforts to combat fraud and corruption.

## 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)	Deputy Chief Executive, Corporate Division
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, Corporate Division
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 (DHCS)	Executive Director, Policy and Organisational Services
Department of Land and Property Services	Chief Finance Officer

To assist in the preparation of the 2009-2010 *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 (Plans).

The Department of Land and Property Services was established on 1 December 2009. Its Fraud and Corruption Plan was developed in February 2010.

During the financial year the following agencies have undertaken reviews of their Plans:

- Auditor-General's Office,
- Department of Education and Training;
- Department of Disability Housing and Community Services; and
- Department of Justice and Community Safety.

The other SERBIR members' agencies have indicated that the review of their plans will occur during the 2010-11 financial year.

## Investigations undertaken during 2009–10

Agency	Number of Incidents	Estimated Cost of Investigation	Type of incidents & action taken	Changes to process
TAMS	7	\$28,186	<p><b>Incidents:</b> Fraud, theft, Public Interest Disclosure.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• Officer stood down pending outcome of investigation.</li> <li>• Investigation.</li> <li>• Staff reminded about appropriate use of vehicle.</li> </ul>	<p>Pending the outcomes of investigations.</p> <p>Procedures reviewed and updated.</p>
JACS	2	\$5,833	<p><b>Incidents:</b> Alleged inappropriate use of entitlements to engage in approved secondary employment. Unauthorised disclosure of sensitive information.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• Currently the subject of investigation being undertaken within Department</li> <li>• Investigation of email logs by Intact on behalf of Department.</li> </ul>	<p>Pending the outcomes of investigations.</p> <p>Employees reminded of obligations for record management and information disclosure under s 9 of the Public Sector Management Act.</p>
DET	2	\$7,362	<p><b>Incidents:</b> Possible misuse of government phone and government resources.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• Referred to finance to ensure accounts are monthly and comprehensive</li> <li>• Management of facilities defined and referred to School Principal.</li> </ul>	<p>Invoices of telephone accounts now distributed monthly to telephone holders for signature.</p> <p>Lease arrangements provide clear understanding of responsibilities.</p>

Agency	Number of Incidents	Estimated Cost of Investigation	Type of incidents & action taken	Changes to process
DHCS	3	\$16,029	<p><b>Incidents:</b> Alleged mismanagement of concessions and contracts.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• Referred to ACT Policing.</li> </ul>	Pending the outcomes of investigation.
CIT	2	\$2,819	<p><b>Incidents:</b> Two staff members criminally charged.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• One staff member suspended without pay. Other staff member reprimanded for not reporting charges to Chief Executive.</li> <li>• Reported to Police and currently under investigation.</li> </ul>	Pending the outcomes of investigation.
Treasury	No breaches	No costs incurred	Nil	Nil
CMD	No breaches	No costs incurred	Nil	Nil
DECCEW	No breaches	No costs incurred	Nil	Nil
ACTPLA	No breaches	No costs incurred	Nil	Nil
LAPS	No breaches	No costs incurred	Nil	Nil

Agency	Number of Incidents	Estimated Cost of Investigation	Type of incidents & action taken	Changes to process
LDA	2	\$43,888	<p><b>Incidents:</b> Accessing inappropriate internet content. Suspected occurrences of fraud in relation to using government mail for private purposes and mobile phone reimbursement.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• Investigation and Final Warning issued.</li> <li>• Investigation, Final Warning and financial penalty</li> </ul>	Policies and Procedures reviewed and modified as appropriate
AGO	No breaches	No costs incurred	Nil	Nil
ACT Health	3	\$76402	<p><b>Incident:</b> Possible fraud and misuse of information for personal benefit.</p> <p><b>Action taken:</b></p> <ul style="list-style-type: none"> <li>• Employee resigned</li> <li>• Possible misappropriation of ACT Health assets</li> <li>• Possible misconduct</li> </ul>	<p>Policy and procedure review, review of role and duty statement, education and staff training on accountabilities</p> <p>Policy and procedure review, training delivered on workplace harassment</p> <p>Policy and procedures reviewed</p>
<b>TOTAL</b>	<b>20</b>	<b>\$180,519</b>		

Note: Estimated costs of investigations undertaken are calculated with reference to a Salary and Administrative on costs model developed by ACT Treasury to achieve a consistent estimate of costs (including staffing costs) incurred in conducting investigations

## Top Risks for the ACTPS

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 the ACTPS

<b>RANK</b>	<b>RISK</b>	<b>SCORE</b>	<b>AGENCIES</b>
1	Fraud & integrity (Staff) (including fraudulent pay claims; timesheets & leave forms incorrect; decision making; theft of funds; incorrect use of office resources & fuel cards)	87.5	TAMS, DHCS, CMD, Treasury, JACS, CIT, DET, ACTPLA, AGO, DECCEW, LAPS. ACT Health
2	Asset management (including misuse of government vehicles)	24	TAMS, DET, CMD, Treasury, CIT, LDA, ACTPLA, AGO, DECCEW, LAPS.
3	Procurement & Contract Management	24	TAMS, DHCS, CMD, JACS, CIT, Treasury, DECCEW, LAPS. ACT Health
4	Information/ Record Management	24	TAMS, DHCS, ACTPLA, CMD, JACS, Treasury, CIT, AGO, LAPS  ACT Health
5	Finance (including unauthorised & inappropriate financial transactions)	16	AGO, CMD, JACS, ACTPLA, LDA, DECCEW, ACT Health.
6	Fraud (Clients) (including false declarations to obtain benefits)	11	TAMS, DHCS, CIT.
7	IT Systems	4	CIT, ACTPLA.

## **Trends**

Agencies did not identify any particular trends, although TAMS indicated an increased incidence of fraud allegations towards the end of financial year. Overall, a moderate increase over the previous year has been noted in both the occurrence and cost of fraud and business integrity related incidents.

Agencies have continued to focus on the regular monitoring of fraud and business related risks and on the implementation of awareness raising initiatives to address these risks.

Identification of breaches of integrity and incidents of fraud committed by staff are continuing to be the most significant risks. Agencies are maintaining improved identification of risks and implementation of better auditing and risk mitigation processes.

## **Raising of Awareness in Agencies during 2009-2010**

A range of training and awareness raising activities have been undertaken across the ACTPS during 2009-2010 including:

- Training on fraud, ethics awareness and integrity related issues is undertaken through a variety of forums at all levels of the organisation, including programs targeted at managers and directors, in addition to more broadly targeted staff awareness sessions (TAMS, JACS, DHCS, CIT, CMD, ACTPLA, ACT Health);
- Materials including policies, plans and factsheets covering fraud and integrity issues are provided on Departmental intranets for all staff (JACS, DET, CIT, CMD, ACT Health);
- Regular Intranet reminders on the seriousness of fraud and corruption, reporting points of contact and links to further information (DHCS, CIT);
- Internal Audit risk facilitation sessions with business units, and a Spot Check regime (DHCS); and
- Reviews of current Anti fraud and Corruption Plans (AGO, DET, DHCS JACS).

## **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 2009 report, with staff fraud remaining the highest rated area of risk exposure. Asset management, procurement and contract management and information management are the next most significant risk areas.

## **Attachment A - Top Integrity Risks Areas for ACTPS Agencies**

### **Territory and Municipal Services**

<b>Risk</b>	<b>Risk Rating</b>
Contracts - Payment made to supplier when work not performed to acceptable level, according to contract or not performed	Moderate
Unauthorised disclosure of information - Unauthorised access and/or deliberate manipulation of business critical and/or personal information	Moderate
Assets - Inappropriate use and/or theft of ACT Government assets and public belongings	Moderate
Motor Vehicles - Unauthorised use of motor vehicles for private purposes	Moderate
Theft of monies - Theft or misappropriation of Government money	Moderate
Salaries - Staff fraudulently gain entitlements to salary and allowances	Moderate
Tender Process - External parties are inappropriately awarded ACT Government tenders	Moderate
Staff and Allowances - Receipt of inappropriate monies or benefits	Moderate
Grants - Theft or misappropriation of grant funds	Low
Accounts Receivable - Non payment for Government services provided	Low

### **Department of Justice & Community Safety**

<b>Risk</b>	<b>Risk Rating</b>
Unauthorised financial transactions, purchases, use of credit cards and/or public monies	Low
Improper use of allowances and entitlements and abuse of conditions of service	Moderate
Unauthorised use of official resources/assets/systems	Low
Unauthorised disclosure/release/misuse of personal or highly sensitive information by staff or contractors	Moderate
Perceived or actual misuse of position – potential for conflict of interest and/or undue influence in decisions and actions,	Low

procurement processes, appointment of consultants and ongoing contract management	
Undisclosed and/or unauthorised 'outside employment' - potential for conflict of interest and/or unauthorised use of official resources	Low
Theft of government assets or money	Low

### Department of Education & Training

Risk	Risk Rating
Inappropriate use of credit cards	Moderate
Excessive use of mobile phones for non-work related purposes	Moderate
Improper use of Government assets, information and services	Moderate
Personnel management including false representation of leave application and management	Moderate
Unapproved purchases	Moderate

### Department of Disability, Housing & Community Services

Risk	Risk Rating
Contractors either independently or in conjunction with staff over-charge, over-service or charge for services not provided	High
Records Management - Failure to classify sensitive information, unauthorised disclosure and/or release of information, failure to secure classified information	High
Fraudulent rental rebate - Public Housing tenants making false declarations regarding income or residents at the property to gain financial advantage	High
Fraudulent use of client's money for personal gain	High
Tendering and procurement - Collusion between purchaser and supplier	Moderate
Leave and flex management - Inappropriate building of flex leave or other leave for extended period.	Moderate
Fraudulent use of taxi vouchers	Moderate

## Canberra Institute of Technology

Risk	Risk Rating
Potential for collusion for personal gain in relation to large facility contracts.	Moderate
Unauthorised access to CIT Banner Student database.	Moderate
Producing and using false or unauthorised CIT documentation (e.g. academic transcripts and awards) to secure employment or to sell for personal gain	Moderate
Theft of cash from Student Services Hub.	Low
Theft of assets both large and small.	Low
Staff members sharing passwords (eg Banner) and access cards to access IT systems, administration assets and buildings	Low
Unauthorised access to, manipulation of, or misuse of Banner data for personal gain or to benefit a third party	Low
Lack of adequate policy and procedures increase the risk of misuse of mobile technology equipment for personal use	Low
Incorrect or falsified documentation provided to support enrolment or to obtain a benefit (e.g. improved concessions or avoiding payment of student fees)	Low
Poor management of attendance, for example leading to falsifying of flex leave.	Low

## Auditor-General's Office

Risk	Risk Rating
Unauthorised disclosure/release/ misuse of confidential or sensitive information.	Low
Fraudulent claims for payments/entitlements, including leave and flextime.	Low
Theft of assets from Office, while staff are working on site, or by staff.	Low
Corrupt contracting; payment of contractor not based on services.	Low
Paying fraudulent invoices.	Low
Unauthorised or improper use of Corporate Credit Cards, CabCharge Cards, Fuel Cards and petty cash.	Low
Excessive personal use of office resources.	Low
Lack of impartiality in audit activities and/or reports, which may compromise the independence of the Office.	Low

## Chief Minister's Department

Risk	Risk Rating
Unauthorised disclosure/release/ misuse of confidential or highly sensitive information.	Moderate
Acceptance of gifts or hospitality is not in accordance with CMD policy.	Moderate
Inappropriate management and treatment of staff.	Moderate
Theft of assets.	Moderate
Decisions made regarding policy direction are inappropriately influenced or coerced.	Moderate
Grant/contract funds may be misappropriated.	Moderate
Misuse of position for personal gain.	Moderate
Employees make fraudulent claim for payments/entitlements.	Low
Unauthorised financial transactions and/or purchases.	Low
Excessive personal use of office resources.	Low

## Treasury

Risk	Risk Rating
Unauthorised disclosure (release) and theft of information (including sensitive, commercial and cabinet in confidence)	Moderate
Unauthorised access and/or manipulation of business critical systems or information	Moderate
Inappropriate use of Government resources such as theft of assets (including cash holdings & cab charge e-tickets/vouchers), use of credit cards	Low
Inappropriate purchase of goods or services (no value for money)	Moderate
Payment made to supplier when work not performed to an acceptable level or not performed	Low
Misuse of, or inappropriate management of staff leave/entitlements	Moderate
Unauthorised destruction of records	Moderate
Inadequate storage of confidential records	Low
Excessive personal use of office resources	Moderate

Corruption and/or collusion by staff	Low
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### **ACT Planning and Land Authority**

<b>Risk</b>	<b>Risk Rating</b>
Lack of awareness of Fraud and Integrity Policies	High
Non adherence to Records Management Policies and Procedures	High
Unauthorised financial transactions and or purchases	High
Unauthorised access to or manipulation of business critical systems, including systems operating outside of the corporate IT structure	Moderate
Inappropriate decisions or advice	Moderate
Failure or inappropriate collection/waiver of fees and fines	Moderate
Misuse of, or failure to submit timesheets, leave applications and timely approvals	Moderate
Breach of Privacy, protection of information	Low
Inappropriate claims for staff allowances	Low
Theft of assets	Low

### **Department of Environment Climate Change, Energy and Water**

<b>Risk</b>	<b>Risk Rating</b>
Procurement and Contract Management	High
Improper claims of allowances and entitlements	High
Unapproved purchases	High
Establishment of new governance structures	Moderate
Timesheets and leave forms incorrect /unsubmitted	Moderate
Lack of awareness of current delegations	Moderate

Inappropriate use of government vehicles	Moderate
Unauthorised disclosure of information (commercial in confidence or politically sensitive)	Moderate

### Land Development Agency

Risk	Risk Rating
Breach of corporate governance – failure of: risk management/legal or policy compliance/ adherence to good governance principles	High trending to Moderate
Information management and security	High
Electronic transactions/communications	High
Outsourcing including Shared Services	Moderate
Direct land grants	Moderate
Collection of sales revenue	Moderate
Use of credit cards	Low
Allowances and reimbursements	Moderate
Payroll errors	Moderate
Asset security	Low

### Land and Property Services

Risk	Risk Rating
Unauthorised disclosure/release of confidential or highly sensitive information	Moderate
Acceptance of gifts or hospitality	Moderate
Unauthorised use of motor vehicles for private use	Moderate
Inappropriate use and/or theft of Government assets or public belongings	Moderate

External parties are in appropriately awarded government tenders	Moderate
Theft or misappropriation of Government monies	Moderate
Payment made to supplier when work not performed to an acceptable standard	Moderate
Policy decisions are inappropriately influenced or coerced	Moderate
Receipt of Inappropriate monies or benefits	Moderate
Misuse of position for personal gain	Low

### ACT Health

<b>Risk</b>	<b>Risk Rating</b>
Unauthorised disclosure/accessing or misuse of client information	Moderate
Leave Management not in accordance with Public Sector Management Act and Public Sector Management Standards	Moderate
Lack of consistent application of sound financial management practices within some clinical operations	Moderate
Improper use or theft of assets	Moderate
Inadequate governance/management of tendering and government assets	Moderate
Identity fraud or the submission of fraudulent credentials/qualifications	Moderate
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
Lack of consistent application of risk management protocols	Low
Failure to comply with legislation	Low

## Attachment B – Business Integrity Risks – All Agencies

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

Procurement & Contract Management		Fraud, Theft & Integrity (staff)		Fraud (clients)		Information Management		Asset Management		Finance		IT Systems	
TAMS (M)	2	TAMS (M)	2	TAMS (L)	1	TAMS (M)	2	TAMS (M)	2	AGO (L)	1	CIT (M)	2
TAMS (M)	2	TAMS (M)	2	TAMS (L)	1	DHCS (H)	3	TAMS (M)	2	CMD (L)	1	ACTPLA(M)	2
DHCS (M)	2	DET (M)	2	DHCS(H)	3	AGO (L)	1	TAMS (M)	2	ACTPLA (H)	3		
DHCS (M)	2	DET (M)	2	DHCS (M)	2	AGO (L)	1	DET (M)	2	DECCEW (M)	2		
CMD (M)	2	DET (M)	2	DHCS (H)	3	AGO (L)	1	AGO (L)	1	DECCEW (M)	2		
Treasury (M)	2	DET (M)	2	CIT (L)	1	CMD (M)	2	AGO (L)	1	LDA (M)	2		
Treasury (L)	1	DHCS (H)	3			ACTPLA (H)	3	AGO (L)	1	LDA (L)	1		
DECCEW (H)	3	CMD (M)	2			Treasury (M)	2	CMD (M)	2	JACS (L)	1		
CIT (M)	2	CMD (M)	2			Treasury (M)	2	Treasury (L)	1	Health(M)	2		
JACS (L)	1	CMD (L)	1			Treasury (L)	1	ACTPLA (M)	2	Health (L)	1		
LAPS (M)	2	CMD (L)	1			JACS (L)	1	ACTPLA (L)	1				
LAPS (M)	2	ACTPLA (H)	3			CIT (L)	1	DECCEW (M)	2				
Health (M)	2	ACTPLA (M)	2			LAPS (M)	2	LDA (L)	1				
		ACTPLA (M)	2			Health (M)	2	CIT (L)	1				
		ACTPLA (L)	1					CIT (L)	1				
		ACTPLA (L)	1					LAPS (M)	2				
		DECCEW (H)	3										
		DECCEW (H)	3										
		DECCEW (M)	2										
		LDA (H/M)	2.5										
		LDA (M)	2										
		LDA (M)	2										
		LDA (M)	2										
		Treasury (L)	1										
		Treasury (M)	2										
		Treasury (M)	2										
		Treasury (L)	1										
		Treasury (M)	2										
		CIT (M)	2										
		CIT (L)	1										
		CIT (M)	2										
		CIT (M)	2										
		JACS (L)	1										
		JACS (L)	1										
		JACS (L)	1										
		JACS (M)	2										
		JACS (L)	1										
		LAPS (M)	2										
		LAPS (M)	2										
		LAPS (M)	2										
		LAPS (M)	2										
		LAPS (M)	2										
		LAPS (L)	1										
		Health (M)	2										
		Health (M)	2										
		Health (M)	2										
		Health (M)	2										
		Health (L)	1										
<b>SCORES</b>	<b>24</b>		<b>87.5</b>		<b>11</b>		<b>24</b>		<b>24</b>		<b>16</b>		<b>4</b>

## Appendix G 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> (FM Act), the Commissioner is not required to prepare an annual financial report.
A.7 Statement of performance	Under the FM Act, the Commissioner is not required to prepare an annual statement of performance.
A.8 Strategic Indicators	Under the FM Act, the Commissioner is not required to prepare strategic indicators.
A.10 Triple Bottom Line Reporting	Under the FM Act, the Commissioner is not required to report on financial performance. Additionally, the Commissioner has no discrete staff. Staff from Governance Division support the work of the Commissioner and information on these staff is included in the CMD Annual Report.
B.1 Community engagement	Given the Commissioner's focus on public sector management, 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 and does not administer or have responsibility for any legislation.

Omission	Reason
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 has no discrete staff, the Commissioner did not undertake human resources management and workforce planning during the reporting period.
C.7 Staffing profile	The Commissioner has no discrete staff. Staff of Governance Division support the Commissioner and the staffing profile of Governance Division is included in the CMD 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 Division 6.8 of the <i>Work Safety Act 2008</i> .
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.

Omission	Reason
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 CMD and the Commissioner has employed the Records Management Program used by CMD.
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.

## Abbreviations

ACT Health	ACT Department of Health
ACTPLA	ACT Planning and Land Authority
ACTPS	ACT Public Service
AGO	Auditor General's Office
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
DHCS	Department of Disability, Housing and Community Services
JACS	Department of Justice and Community Safety
LAPS	Department of Land and Property Services
LDA	Land Development Agency
PSMG	Public Sector Management Group
SERBIR	Senior Executive Responsible for Business Integrity and Risk
TAMS	Department of Territory and Municipal Services
Treasury	Department of Treasury

### *Legislation*

FOI Act	<i>Freedom of Information Act 1989</i>
FM Act	<i>Financial Management Act 1996</i>
FW Act	<i>Fair Work Act 2009 (Cwlth)</i>
HR Act	<i>Human Rights Act 2004</i>
PID Act	<i>Public Interest Disclosure Act 1994</i>
PSM Act	<i>Public Sector Management Act 1994</i>
SRC Act	<i>Safety, Rehabilitation and Compensation Act 1988 (Cwlth)</i>
Standards	Public Sector Management Standards 2006
WR Act	<i>Workplace Relations Act 1996 (Cwlth)</i>

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C.11 Strategic Bushfire Management Plan	n/a
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