



ACT
Government

Commissioner for Public Administration
ANNUAL REPORT 2010-11



Commissioner for Public Administration

ANNUAL REPORT 2010-11

ISBN-13: 978-0-642-60568-9

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Produced by Publishing Services for the Commissioner for public Administration

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Publication No 11/0936

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AUSTRALIAN CAPITAL TERRITORY

Commissioner for Public Administration

Transmittal Certificate

Ms Katy Gallagher MLA
Chief Minister
Legislative Assembly for the ACT
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 2010 to 30 June 2011, and focuses on the exercise of the Commissioner's statutory powers and functions under the *Public Sector Management Act 1994*.

This report has been prepared in accordance with section 7 of the *Annual Reports (Government Agencies) Act 2004* and the requirements prescribed in the Chief Minister's 2010-2011 Annual Report Directions. It has also been prepared in conformity with other relevant legislation.

I certify that the report is an honest and accurate account of the operations of the office of Commissioner for Public Administration during the reporting period 1 July 2010 to 30 June 2011, that all relevant material information is included, and that it complies with the Directions. I also certify that fraud prevention has been managed in accordance with the Public Sector Management Standards 2006, Chapter 2, Division 2.1.3.

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


Andrew Kefford
Acting Commissioner for Public Administration

14 September 2011

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Preface

On 24 March 2011, the former Chief Minister, Mr Jon Stanhope announced the Government's intention to adopt recommendations made by Dr Allan Hawke AC in the *Governing the City State: One ACT Government – One ACT Public Service* report to establish a single agency structure for the ACT Public Service (ACTPS). The ACTPS consists of nine directorates, each headed by a director-general, reporting to the Head of Service.

On 16 May 2011, following the resignation of Mr Stanhope, the Chief Minister Ms Katy Gallagher MLA made new Administrative Arrangements which commenced the following day.

The Commissioner for Public Administration's Annual Report for the 2010-11 reporting period has been prepared in accordance with these changes, replacing references to Chief Executives and Departments with Directors-General and Directorates, and introducing the Head of Service as relevant. However, exceptions may apply where the discussion of a particular matter specifically relates to an ACTPS department as it was established prior to 17 May 2011.

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 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

During the majority of the reporting period, to assist in the management of the ACTPS as a whole, the Commissioner exercised a number of powers and functions under the PSM Act and Public Sector Management Standards 2006 (Standards). These included 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.

From 1 July 2011, some of these powers transferred to the Head of Service reflecting the responsibilities of that office set out in section 23B of the PSM Act, including, for example, in relation to job evaluations. The Commissioner's powers and role in relation to investigations, as well as the responsibilities and functions relating to standards of conduct in the ACTPS, remain unchanged by these amendments.

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

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

The Commissioner also has powers under enterprise agreements made under the *Workplace Relations Act 1996* (Cwlth) (WR Act) and *Fair Work Act 2008* (Cwlth) (FW Act). 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 Director-General, Workforce Capability and Governance (WC&G) Division, Chief Minister's and Cabinet Directorate (CMCD).

During the reporting period the Commissioner was engaged on a temporary basis as Deputy Director-General of Economic Development Directorate (EDD) following the creation of that Directorate. In her absence Mr Andrew Kefford undertook the role of Acting Commissioner from 6 June 2011 and has been appointed to that position until 13 November 2011.

During the reporting period the Commissioner did not have staff with discrete responsibility for supporting the office. Instead, the Commissioner relied on the capacity of staff of the WC&G Division to support the office. The CMCD Annual Report includes more detailed material on the work of WC&G Division.

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. This work continued in 2010-11 and 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 governance entities make towards managing the ACTPS including CMCD, the Auditor-General's, Treasury Directorate (Treasury), and the Strategic Board. The activities of WC&G Division are of particular assistance and the Commissioner is grateful for the support WC&G Division has provided during the reporting period.

Statutory powers

During 2010-11, 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;
- Public Sector Management Standards were made or amended; and
- the requirement for independent job evaluations for various short term positions to be waived.

Administrative arrangements

Under section 43 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) the Chief Minister may arrange the ACTPS as he or she sees fit under the Administrative Arrangements.¹ Prior to the 1 July 2011 amendments made to the PSM Act, one of the Commissioner's roles was to implement AAs at the request of the Chief Minister.

Specifically, under the previous version of the PSM Act the Commissioner had the authority to:

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

Following amendments to the AAs, the Commissioner was permitted to make machinery of government changes under section 20, and/or management initiated changes under section 96 of the PSM Act, where:

- where responsibility for a matter mentioned in the administrative arrangements is moved from one administrative unit to another, or where an administrative unit is

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

abolished, all positions related or incidental to that matter are transferred through the machinery of government process; and/or

- 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 2010-11, the Commissioner made a significant number of machinery of government changes as a direct result of new AAs which came into effect in May 2011 to facilitate the establishment of the single ACTPS entity.

Delegation of powers

During the reporting period, the authority for the Commissioner to delegate powers was provided under section 36 of the PSM Act. The authority given to the Commissioner to delegate powers 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);
- subdelegate 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 subdelegate 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 required the exercise of that power; and
- give directions to the delegate or subdelegate in relation to the exercise of a delegated or subdelegated power.

In the 2007-2008 reporting period the Commissioner initiated a review of the methodology for the delegation of the Commissioner's powers and functions. The review continued through the 2008-2009 and 2009-2010 reporting periods with the findings of the review, in mid 2010, indicating that only six of the 21 delegated Commissioner powers had been used by directorates in the preceding 12 months and only four with any frequency.

In the Commissioner's 2009-2010 Annual Report, it was noted that the Commissioner was considering the outcomes of the review in the context of the legislative employment framework Harmonisation Project (refer to section A.3 Highlights for further detail), as the Harmonisation Project was likely to impact on the PSM Act and Standards including in relation to the powers and functions of the Commissioner.

However, on 24 March 2011, and prior to the commencement of amendments to the PSM Act and Standards arising from the Harmonisation Project on 18 April 2011, the former Chief Minister, Mr Jon Stanhope announced that the Government would adopt the recommendation of the '*Governing the City State: One ACT Government, One ACT Public Service*' report by Dr Allan Hawke AC to establish a single entity structure for the ACT Public Service, under a single Head of Service.

Amendments contained in the *Public Sector Management (One ACT Public Service) Amendment Act 2011*, saw the Head of Service take on the employment functions previously undertaken by Directors-General and the Commissioner from 1 July 2011. In light of these events, the Acting Commissioner approved an instrument revoking all previous Commissioner delegations with effect from 30 June 2011.

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 four 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 Health
- ACT Planning and Land Authority
- ACTION
- 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
- Shared Services
- InTACT
- Department of Treasury
- Exhibition Park in Canberra
- Land Development Agency
- Legal Aid Commission (ACT)
- Legislative Assembly
- Rhodium
- University of Canberra
- Department of Land and Property Services

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 six 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>.

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 had 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 twenty three times for thirty four positions.

Workforce Profile

The Commissioner publishes the ACTPS Workforce Profile (the Profile) each financial year. The Profile provides a comprehensive, quantitative picture of the composition of the ACTPS as at 30 June. The Profile captures aggregate workforce statistics and identifies trends that impact the ACTPS.

In line with the ACTPS commitments to equity and diversity, the 2009-2010 Profile was extended to include metrics regarding remuneration differences by gender. Gender pay equity involves reviewing the difference in average earnings of male and female employees to determine whether a difference exists (referred to as a 'gender pay gap' in the Profile).

As at June 2010, the gender pay gap for the ACTPS workforce was 3.3 per cent (down from 5.5 per cent in 2008-2009) which means that on average for every dollar earned by male employees in the ACTPS, females earned 96.7 cents (up from 94.5 cents in 2008-2009).

The calculation of the gender pay gap in the ACTPS uses the anticipated annual salary (excluding allowances and other pay components), which is the best data available. In the majority of cases, it represents the salary increment point within the classification that the employee is employed against. The overall calculation is affected by the number of male and female employees and their average earnings. Caution should be exercised when comparing ACTPS results to other jurisdictions which may use different methodologies.

Workforce statistics in the 2009-2010 Profile related to the following:

- retention;
- work location;
- average leave usage;
- time-to-hire; and
- industrial instrument coverage by gender.

A focus on improved reporting data collection and analysis continues through the consideration of options with regards to methodology, system capability and evolving workforce planning needs. The aim of these improvements includes currency of data and enhanced trend analysis.

The 2009-2010 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 Workforce 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 2010 survey provided the Commissioner with a range of information in relation to broad management trends emerging across the ACTPS. The findings of this survey are at Appendix C.

Graduate program

Following a comprehensive recruitment campaign and intensive selection process, offers of appointment were made to twenty-six graduates to participate in the 2011 ACTPS Graduate Program (the Program). The graduates commenced the Program in February 2011 and represent a wide range of degree specialisations, including psychology, politics, accounting, law and communications.

During the Program, which runs for ten months, 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 Directorates depending on their areas of interest and organisational capacity. Marketing for the 2012 Program commenced in March 2011.

ACTPS Development Programs

During the previous reporting period a number of professional development programs were designed specifically for executives and future leaders. 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 three programs supported by the Commissioner and administered by CMCD during the reporting period were:

- the Executive Leadership Development Program;
- the Future Leaders Development Program;
- sponsored training for front-line and first-time managers;

The programs focus on professional development at Executive, Senior Officer Grade A/B 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-five Zone 1 Executives participated in the Executive Leadership Development Program in August 2010 and February 2011.

As a result of feedback from Directors-General, the Zone 2 program was developed. Thirteen executives participated in the Zone 2 Executive Leadership Development Program in July 2010.

Future Leaders Development Program

A total of thirty-eight employees participated in the Future Leaders program in September 2010 and March 2011. 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-time managers

Twenty-five front-line and first-time 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.

Other Development Programs

During the reporting period the Commissioner endorsed the participation of the ACTPS in two cross jurisdictional programs, the Public Sector Management Program and the Australian and New Zealand School of Government Executive Fellows and Masters programs.

Public Sector Management Program

The Public Sector Management Program is a cross-jurisdictional program targeted at middle to senior managers. While the Commissioner and CMCD promote the program across the ACTPS, the Australian Public Service Commission is responsible for its administration in the ACT.

A total of seventeen participants from across the ACTPS commenced the program through the September 2010, February 2011 and April 2011 intakes. 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

During the reporting year the Commissioner and Directorates jointly sponsored two places in the Australian and New Zealand School of Government Executive Masters of Public Administration program and one place in the Executive Fellows program.

Recruitment improvements – www.jobs.act.gov.au

During 2010-2011, CMCD and Shared Services continued working together to streamline the ACT Public Service Gazette (the ACTPS Gazette) processes for the service.

Following amendment to the *Legislation Act 2001* in the previous reporting period to redefine 'gazette' for the purposes of online publishing, from 2 September 2010, the Jobs Website formally published the vacancy notices and employment notices i.e. promotions, transfers, retirements etc for the ACTPS that had been previously published in the ACTPS Gazette.

As part of this change vacancy notices may now be published within five days of receipt by Shared Services providing further potential to reduce recruitment timeframes which will assist agencies in working towards the ACTPS time-to-hire target of 40 days. More detailed information about the time-to-hire by agency can be found the 2010-2011 Workforce Profile.

Users of the Jobs Website may also subscribe to the site, receiving notifications of vacancy and or employment notices as they are published.

In addition to these changes is the inclusion of the membership logo of the Australian Network on Disability (ANoD). The logo provides a link to the ANoD website containing information on their services and advice, support and training and development for managers of persons with a disability in the workforce.

A.3 Highlights

Strengthening public service capacity

A continuing focus for the Commissioner is to work with Directorates to strengthen and build public service capacity. Three of the key areas towards achieving these aims include improving capability, retaining employees, and attracting employees are outlined below.

Development and launch of the Respect, Equity and Diversity Framework;

The ACT Public Service *Respect, Equity and Diversity Framework* (the RED Framework) was developed in consultation with ACT Public Service Directorates and underpinned by best practice research. The RED Framework was launched by the Chief Minister and the Commissioner on 2 December 2010.

The revised Framework outlines and defines the principles of respect, equity and diversity. It highlights the benefits of valuing diversity and creating respectful and equitable workplaces. The benefits include, increased employee engagement and improved levels of workplace participation and innovation through more diverse thinking.

The Framework provides a focus on 'Respect' and aims to ensure that all ACT public servants '*value and consider others at work*'.

Specifically the Framework:

- a) outlines why a workplace culture that is respectful, courteous, equitable and that values individual differences is a core aspect of building a positive workplace culture;
- b) states the legislative obligations in relation to respect, equity and diversity and outlines the roles and responsibilities under the Framework for employees across the ACTPS (Directors-General, executives, managers/supervisors and all staff);
- c) defines respect, equity and diversity;
- d) analyses the current workforce data relating to respect, equity and diversity and identifies workforce challenges for the ACTPS;
- e) provides an Action Plan to address the workforce challenges;
- f) provides a mechanism for evaluating progress against the Action Plan; and
- g) provides a maturity model to assist agencies implement the Framework.

The following initiatives have been delivered as part of Stage one implementation of the Framework:

- \$50,000 for 20 learning and development places for Aboriginal and Torres Strait Islander employees and employees with disability;
- amendments to the PSM Act to enable the creation of identified positions for Aboriginal and Torres Strait Islander people and people with disability;
- provision of RED Framework folders to 3000 executives, managers and supervisors across the Service, to ensure that they are fully aware of their roles and responsibilities under the RED Framework;

- implementation of the 'Open Door' protocol and the Respect at Work Policy;
- development of whole-of-government Preventing Work Bullying Guidelines;
- appointment of Respect, Equity and Diversity Executive Sponsors in each Directorate;
- launch of employment strategies for both Aboriginal and Torres Strait Islander people and People with a Disability;
- an Executive Sponsor information session; and
- RED Training has been established for Directorates that can be accessed through the ACTPS Training Calendar including: RED Contact Officer Training; General RED Training and Manager/Supervisor specific training.

Development and launch of the ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People

Developed in consultation with the ACT Indigenous Elected Body and the ACTPS Aboriginal and Torres Strait Islander Staff Network, the ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People was launched by the Chief Minister and the Commissioner on 12 April 2011.

The ACT Government has committed to the National Partnership Agreement on Indigenous Economic Participation, which contains, among other things, a commitment to "public sector Aboriginal and Torres Strait Islander employment and career development strategies to reflect national Indigenous working age population share by 2015."

The Employment Strategy's vision is 'for the ACTPS to be seen as an attractive workplace for Aboriginal and Torres Strait Islander people to seek employment, and to more than double, by 2015, the employment of Aboriginal and Torres Strait Islander people, across the Service.'

The Employment Strategy objectives are:

- to make the ACTPS an attractive workplace for Aboriginal and Torres Strait Islander People;
- to attract Aboriginal and Torres Strait Islander people to seek employment in the ACTPS;
- to retain Aboriginal and Torres Strait Islander people within the ACTPS;
- to improve the capacity of Aboriginal and Torres Strait Islander people in the ACTPS; and
- to ensure that the ACTPS assesses and reports on the progress of implementing the Strategy.

The Employment Strategy contains an Action Plan that aligns with the objectives of the Employment Strategy and provides Key Performance Measures (high level indicators) to determine our success in implementing the Employment Strategy.

Development and launch of the ACTPS Employment Strategy for People with Disability

Developed in consultation with external stakeholders and ACTPS Directorates, the ACTPS Employment Strategy for People with a Disability was launched by the Chief Minister and the Commissioner on 20 April 2011.

The Employment Strategy's vision is 'a disability confident service, in which people with disability are able to access secure and sustainable employment opportunities and are respected for their skills and capabilities'.

A key component of the Employment Strategy is a target of more than doubling the headcount of 30 June 2010 of employees with disability. That is increasing from 1.6 per cent (327 employees) to 3.4 per cent (655 employees) by 2015.

The Employment Strategy has three key objectives to assist the ACTPS to become a disability confident service including:

- Improving our capability.
- Retaining employees with disability in the ACTPS.
- Attracting people with disability to the ACTPS.

The Employment Strategy contains an Action Plan that aligns with the objectives of the Employment Strategy and provides Key Performance Measures (high level indicators) to determine our success in implementing the Employment Strategy.

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 has been implemented across the ACTPS.

Nine trainees participated in the program at: Environment and Sustainable Development Directorate - 1, Education and Training Directorate - 1, Economic Development Directorate - 2, Treasury Directorate - 2, Community Services Directorate - 2 and Territory and Municipal Services Directorate - 1. Participants commenced their traineeships in August 2010.

This pilot program offered 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 qualification, Certificate II in Business.

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 at these events, provide the foundation for future collaboration across Directorates and assist in engaging and retaining valuable staff. The YPN conducted a range of events during the reporting period, each summarised at Appendix D.

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 Directors-Generals. This year, twenty-nine 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. Fourteen award winners were selected from these nominations by a judging panel comprising the Commissioner, the ACTPS Head of Service, 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.

Implementation of new Administration Review and Investigation Panel for the ACTPS

During the reporting period, the Commissioner held an induction session for consultants on the newly created Administrative Review and Investigations Panel (the Panel) and an information session for Directorate contact officers. The Panel was established following the review of the Independent Reviewer function to meet a wider range of investigation needs of ACT Government agencies.

The Panel commenced in December 2010 replacing former Independent Reviewers and will primarily conduct independent reviews and chair appeal panels in accordance with the requirements of ACTPS industrial agreements. The Panel also fulfils CMCD's responsibility to establish a panel of investigations under the ACTPS Integrity Policy.

Review of the legislative employment framework

The PSM Act, the Standards and Enterprise Agreements (Agreements), along with whole of government policies, comprise the legislative employment framework in the ACTPS.

Successive rounds of agreement-making in the ACTPS have seen matters originally covered exclusively in the PSM Act and Standards modified by Agreements. In several instances Agreements have expressly overridden the PSM Act or Standards in relation to a particular matter.

Over time, the interaction between the PSM Act and Standards and Agreements in relation to some matters has become unnecessarily complicated, making the legislative employment framework difficult to interpret for practitioners and individual staff. Having matters duplicated in multiple documents created ambiguity about the role and function of the different components of the legislative employment framework.

In the previous reporting period the Commissioner identified that a number of changes to the legislative employment framework had been identified as a result of negotiating the 2010 Agreement. After the successful negotiation of the 2010 Agreement, the 'Harmonisation Project' was progressed to make amendments to the legislative employment framework.

On 18 April 2011 the *Public Sector Management Amendment Act 2011* (the *Amendment Act*) and concurrent amendments to the Standards came into force. These amendments give effect to the outcomes of the 'Harmonisation Project'². A summary of the Standard amendment is also provided at Appendix B at DI2011-49 of this report.

In summary, the more significant amendments to the PSM Act included:

- a) amendments to probation requirements:
 - i. so that if a person on probation does not undertake a medical assessment their employment can be terminated;
 - ii. so that a period of probation can be extended; and
 - iii. to reduce the period from 24 to 12 months that an appointment can be taken to be confirmed if it has not yet been confirmed or terminated, and reflect this reduction in probationary periods for teaching staff;
- b) relocating prescription regarding the composition of a joint selection committee to the Standards;
- c) streamlining and clarifying the capacity to make management initiated staff transfers;
- d) allowing the extension of a fixed term engagement, up to a maximum period of five years, without a second merit based competitive selection process;
- e) extending section 65 (the Merit Principle) to:
 - ii. cover fixed term engagements of more than 12 months, to reinforce the application of the merit principle in relation to this type of engagement;
 - iii. allow for identified positions for Aboriginal and Torres Strait Islander people and people with a disability;
- f) omitting 'mobility provisions' under sections 115 and 116 so that people who join the ACTPS from the Australian Public Service (APS) with no break in service do so under normal appointment arrangements;
- g) omitting Part 7 (long service leave) and Part 8 (maternity leave) on the basis that these entitlements will be provided to non-executive staff through Agreements and to chief executives, executives and full time statutory office holders through the Standards;

² The Amendment Act, Disallowable Instrument 2011-49, for the making of the Standards, and the Explanatory Statement for both the Amendment Act and the Standard amendment may be viewed online via the ACTPS Legislation Register at <http://www.legislation.act.gov.au>.

- h) omitting Part 9 (discipline and misconduct) and Schedule 1 (Modifications and adaptations of part 9 in its application to employees) as this process is set out in Agreements, and insert a reference to the discipline and misconduct provisions in Agreements or prescribed in the Standards;
- i) omitting Schedule 2 (Modifications of Merit Protection Act in its application under section 235) and references to the dissolved Commonwealth Merit Protection and Review Agency and repealed Commonwealth Merit Protection (Australian Government Employees) Act 1984, and replace with references to the ACTPS Internal Review Procedures or Appeal Mechanism in Agreements;
- j) omitting Part 11 (Review of Certain decisions and investigation of grievances), and insert a reference to the appeal and review provisions in Agreements or prescribed in the Standards;
- k) replacing references to appeal processes currently in Part 11 with references to appeal processes in Agreements or prescribed in the Standards;

A summary of the Standard amendment is also provided at Appendix C at DI this report.

A.4 Outlook

The establishment of the single ACTPS organisation from 1 July 2011 saw many of what might be described as mechanical powers in relation to employment previously vested in the Commissioner transferred to the Head of Service. This transfer properly reflects the responsibilities of the Head of Service set out in section 23B of the PSM Act in relation to the service as a whole, and the management of the employment of its staff.

The Commissioner's powers and role in relation to investigations were unchanged by these amendments, as were the responsibilities and functions in relation to standards of conduct in the ACTPS and it is expected that the Commissioner's role will increasingly focus on standards of conduct and behaviour in the ACTPS.

Through 2011-12 the Commissioner will continue to foster the development of a positive workplace culture across the ACTPS, working in close collaboration and cooperation with the Head of Service, the Strategic Board, and the People and Performance Council (PPC). PPC is a standing sub-committee of the ACTPS Strategic Board formed to provide consolidated advice and collective support to the Head of Service, and directors-general in relation to people and performance matters, including driving culture change and reform of workplace methods.

The Strategic Board has agreed PPC pursue a program of work, founded on the *Respect, Equity and Diversity Framework*, addressing:

- articulation of core ACTPS values and expected behaviours (including at level) across the ACTPS;

- an improved common approach to performance management including an emphasis on supporting managers and providing better guidance and assistance in discharging their responsibilities to their staff;
- development of an approach to Executive employment that better reflects the role and responsibilities of ACTPS Executives in the single agency structure;
- improving the ACTPS's procedures and guidance material for complaints handling, and for dealing with internal complaints and grievances raised by employees; and
- concluding proposed reforms to the *Public Interest Disclosure Act 1994*.

WC&G Division will play a significant role in this program of work, and the Commissioner will liaise closely with the ACT Ombudsman and the Work Safety Commissioner in both its framing and delivery.

During the next reporting period there will be a reconsideration of Commissioner Powers as part of a general review of the PSM Act. Once a sufficient period has elapsed to ascertain how the Head of Service position is operating in practice, it is possible a further refinement of those roles in relation to ACTPS employment and related matters may be required.

A.9 Analysis of agency performance

The general functions of the Commissioner are provided in section 20 of the PSM Act. The Commissioner has discharged a number of 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

The following are items raised by the Legislative Assembly committee inquiries, including responses prepared.

Report 29, 15 October 2010 – Definition of “Remuneration”

Drafting issue

Disallowable Instrument DI2010-206 being the Public Sector Management Amendment Standards 2010 (No. 5) made under section 251 of the PSM Act amends the Standards with regard to chief executive employment benefits.

This instrument amends the *Public Sector Management Standards 2006*. The Committee notes that one of the things that this instrument does is to replace the definition of “remuneration” in section 29 of the Standards.

Section 4 of the instrument is as follows:

4 Section 29 Interpretation—Pt 3.1 remuneration

after 1st mention of

remuneration

substitute

means the cash salary remuneration payable to chief executives and executives as set out in Column 2 ‘Remuneration (per annum)’ of Schedule A of Remuneration Tribunal Determination 2 of 2010 ‘Chief Executives and Executives’, effective 1 July 2010, as varied or any determination of the Remuneration Tribunal, which supersedes Determination 2 of 2010, and applies to chief executives and executives.

Note Column 2 ‘Remuneration (per annum)’ of Schedule A of Remuneration Tribunal Determination 2 of 2010 ‘Chief Executives and Executives’, effective 1 July 2010, sets out the cash salary component of chief executive and executive remuneration.

The Committee notes that the use of “substitute” above is unclear. What is presumably intended is that the words after “remuneration”, in the definition of “remuneration”, in the Standards are to be replaced by the words set out in section 4 above. The effect of the amendment, however, is to replace all of the words after the first mention of “remuneration” in section 29 of the Standards.

This would effectively include an over-writing of the definition of “transitional executive”, which appears in section 29, after the definition of “remuneration”. While this may, in fact, have been the intention of the amendment, there is nothing in the Explanatory Statement for the instrument to suggest that the amendment intends to omit the definition of “transitional executive”.

The Committee would appreciate the Minister’s advice as to what was intended to be the effect of section 4 of this instrument.

In seeking this advice, the Committee notes that the latest version of the Public Sector Management Standards that appears on the ACT Legislation Register, which takes account of the amendments made by this instrument, merely amends the definition of “remuneration”, which indicates that the amendments made by this instrument have been taken not to have affected the definition of “transitional executive”.

Response (published in Scrutiny Report 30, 15 November 2010)

“Thank you for the Standing Committee on Justice and Community Safety—Scrutiny of Bill’s comments in the Committee’s Scrutiny Report of 25 October 2010 about the definition of ‘remuneration’ in the Public Sector Management Amendment Standards 2010 (No.5) (the 2010 Standards).

The Committee has requested advice on the intended effect of clause 4 of the 2010 Standards which amends the definition of ‘remuneration’. Please be advised that it was not intended for clause 4 to omit everything after the definition of ‘remuneration’. The reference to ‘remuneration’ in the heading of clause 4—‘Section 29 Interpretation—Pt 3.1 *remuneration*’ intended to confine the amendment to the definition of the specified word ‘remuneration’ and not any other definition under the same section.

The Committee has also noted an outstanding response to the Committee’s comment about a superfluous ‘the’ in the commencement clause of the Public Sector Management Amendment Standards 2009 (No.7). The Committee’s comment is noted. Please be advised that the superfluous ‘the’ was a technical oversight.”

Report 37, 10 February 2011 - Drafting Issues and Consumption of Alcohol

Minor drafting issues

Disallowable Instrument DI2011-49 being the Public Sector Management Amendment Standards 2011 (No. 3) made under section 251 of the *Public Sector Management Act 1994* amends the Standards to bring greater alignment between the Standards and other parts of the ACT Public Service legislative employment framework.

This instrument makes various amendments to the *Public Sector Management Standards 2006*, at least in part as a response to the report by Dr Allan Hawke, titled *Governing the City State: One ACT Government – One ACT Public Service Report*, released on 15 February 2011, which provided 76 recommendations around reforming the ACT Public Service.

Section 5 of the instrument inserts a new Part 2.1 into the Standards, including the following provision:

7 Consumption of alcohol

An officer must not drink alcohol while on duty or on government premises during core hours without prior approval of a senior manager on special occasions, like Christmas parties, the Melbourne Cup and farewells.

This amendment seems to prohibit the consumption of alcohol by officers on special occasions (without the prior approval of a senior manager) but does this mean that the consumption of alcohol outside of special occasions is permitted? While the Committee accepts that this might be a far-fetched interpretation of the provision, the Committee notes that the Explanatory Statement for the instrument does not shed any light on this issue, as it does not deal with the new section 7.

Also included in the new Part 2.1 is section 8, which provides:

8 Alcohol in government vehicles

- (1) Alcohol must not be carried in or on government vehicles except where prior approval has been given for a special occasion by a senior manager.
- (2) Alcohol must not be consumed in or on a Government vehicle.

The Committee notes that the inconsistent capitalization of the “G” in “Government” is in the original instrument.

The Committee notes that a later provision in the Standards also deals with the carrying and consumption of alcohol in Government vehicles. Subsection 541(3) of the Standards provides:

- (3) A driver of an ACTPS vehicle must not:
 - a) smoke in an ACTPS vehicle;
 - b) consume alcohol in an ACTPS vehicle; or
 - c) carry alcohol in or on an ACTPS vehicle unless special approval has been given by the relevant Chief Executive.

The Committee seeks the Minister’s advice as to how the two provisions mentioned above are intended to interact. The Committee notes that neither “Government vehicle” (or “government vehicle”) or “ACTPS vehicle” appear to be defined. The Committee also notes that the Explanatory Statement for this instrument is of no assistance in relation to this issue.

Section 14 of the instrument inserts (among other things) a new Part 5.3 into the Standards. The heading to the new Part 5.3 is as follows:

Part 5.3 Underperformance

Note Terms used in this Part have the same meaning as in the Act, section 139, see Legislation Act, s 148.

Note 2 The procedures that apply to underperformance by an officer are—

- (a) if an industrial instrument applies to the officer and includes procedures for underperformance—the underperformance procedures in the industrial instrument; or
- (b) in any other case the procedures approved by the Commissioner.

The Committee notes that, for consistency, the first note should be numbered as “Note 1” and should be italicised.

Response (published in Scrutiny Report 40, 11 August 2011)

“Thank you for the Standing Committee on Justice and Community Safety—Scrutiny of Bill’s comments in the Committee’s Scrutiny Report of 16 June 2011 concerning the Public Sector Management Amendment Standards 2011 (No.3) (the Standards).

The Committee has requested clarification on whether the consumption of alcohol by officers is permitted (without the prior approval of a senior manager) outside of special occasions under section 7 - consumption of alcohol. It should be noted that this section was reproduced without alteration given that there was no agreement to make substantive changes to the provision.

Whilst I note that the Committee does acknowledge that this situation is a far-fetched interpretation, I am advised that officers and employees who wish to consume alcohol whilst on duty or on government premises during core hours would be required to seek approval from a senior manager regardless of occasion. Officers and employees are required to act with probity under section 9 of the *Public Sector Management Act 1994*, and as such consumption of alcohol on government premises without prior approval on any occasion would be regarded as breaching this section.

The Committee also raised a question regarding how sections 8 and subsection 541(3) are intended to interact with one another. Subsection 541(3) relates to drivers not consuming alcohol or carrying alcohol in a government vehicle (unless they have special approval). Section 8 has broader operation applying not only to drivers, but also passengers.

The other matters raised regarding the capitalisation of the ‘G’ in government in section 8, and the italicising and numbering of the note in Part 5.3 have been noted and will be amended at the next scheduled amendment.”

C Legislative and Policy Based Reporting

C.2 Fraud Prevention - SERBIR Report

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 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 (PID) and for handling such disclosures. As the office of the Commissioner falls within CMCD, the Commissioner employs the same PID procedures as CMCD.

While the Commissioner is a proper authority for the purpose of the PID Act, this office can only deal with disclosures that relate to the functions and powers of the Commissioner under the PSM Act. Disclosures received about specific events in agencies are normally referred by the Commissioner to the relevant Director-General 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 directorate, the Commissioner may instead decide to investigate the matter personally or refer it to the ACT Ombudsman.

The Commissioner did not receive any new disclosures during 2010-11.

Three investigations from previous reporting periods were finalised.

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 statutory functions and in considering the interaction of the HR Act to the PSM Act. Given the Commissioner does not employ staff directly, the office 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.

However, as a result of the review of the legislative employment framework (refer A.3 Highlights), WC&G Division undertook consultation with and received a Human Rights Compatibility Statement for the *Public Sector Management Amendment Bill 2010*.

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 2010-13

The ACT Multicultural Strategy 2010–13 sets objectives to strengthen multicultural affairs and interactions. The Commissioner had regard to the themes of this 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 the role.

In particular the Commissioner's priorities for 2010-2011 saw the introduction of the RED Framework, highlighting the importance of diversity and that valuing and capitalising on employee diversity leads to greater productivity, enhanced morale and increased job satisfaction.

C.20 Aboriginal and Torres Strait Islander Reporting

In relation to supporting a whole-of-government approach to Aboriginal and Torres Strait Islander policy, the Commissioner, through the legislative employment framework Harmonisation Project (refer to section A.3 Highlights), has ensured ongoing support for Aboriginal and Torres Strait Islander employees to attend NAIDOC week activities by including this as a prescribed leave type in ACTPS industrial agreements.

The Commissioner continues to provide support to the ACTPS Aboriginal and Torres Strait Islander Traineeship Program coordinated by the Community Services Directorate. During the reporting year, the Commissioner, in consultation with the office of Multicultural, Aboriginal and Torres Strait Islander Affairs, made an amendment to the Standards, specifically Division 3.11.1, Aboriginal and Torres Strait Islander Traineeship Program, to address a number of issues relating to the operation of the program. Further detail on this amendment is provided at Appendix C at DI2011-4.

A continuing focus for the Commissioner is to work with Directorates to strengthen and build the capacity of the public service. During the reporting year the Commissioner developed and launched the ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People. The Employment Strategy's vision is 'for the ACTPS to be seen as an attractive workplace for Aboriginal and Torres Strait Islander people to seek employment, and to more than double, by 2015, the employment of Aboriginal and Torres Strait Islander people, across the Service.'

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.

The Workforce Profile published by the Commissioner for the 2009-10 year included for the first time analysis of the gender pay gap by agency and classification. This analysis supports pay equity for men and women in the ACTPS by providing data and information to inform workforce planning.

C.23 Model litigant guidelines

In line with CMCD 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.

C.24 ACT Strategic Plan for Positive Aging 2010-2014

During the reporting period the Commissioner did not specifically undertake any activities aimed at retaining employees over the age of 55. However the RED Framework, introduced during the reporting period, outlines and defines the principles of respect, equity and diversity. It highlights the benefits of valuing diversity and creating respectful and equitable workplaces to ensure that all ACT public servants '*value and consider others at work*'.

Additionally the Workforce Profile published by the Commissioner reports on the retention rates, salary and employment categories of staff in generational groups.

Appendix A Delegation of powers

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

- on 5 July 2010, the Commissioner delegated powers to the Director, Public Sector Management for the period 10 July 2010 to 18 July 2010 inclusive; and
- on 9 December 2010, the Commissioner delegated powers to the Director, Public Sector Management for the period 15 January 2011 to 30 January 2011 inclusive;
- on 9 December 2010, the Commissioner delegated powers to the Director, Public Sector Management for the period 18 December 2010 to 3 January 2011 inclusive; and
- on 23 May 2011, the Commissioner delegated powers to the Director, Public Sector Management for the period 28 May 2011 to 5 June 2011 inclusive.

Appendix B Public Sector Management Standards

DI2010-164 (effective 6 July 2010) – Graduate Program

In 2009, as part of the Attraction and Retention initiatives being undertaken in the ACTPS, the Graduate Program was reviewed, resulting in the Graduate Program Policy Statement being issued in September 2009.

The 2009 Graduate Program Policy Statement addressed several topics contained in the Standards. However, in some cases the Graduate Program Policy Statement was not consistent with the Standard provisions. Given the Policy Statement reflects the contemporary intention of the Graduate Program, the Standards were amended to remove any inconsistencies with the Policy Statement.

The amendments provide that:

- the Standards continue to provide a head of power for a Graduate Program to operate in the ACTPS;
- the Standards be amended to provide a legal authority for the eligibility, selection, appointment, probation and streamlined promotion processes set out in the Graduate Program Policy Statement;
- the Indigenous Graduate Program be incorporated into the Graduate Program with special provisions to allocate places in the Graduate Program to members of designated Groups (Aboriginal and Torres Strait Islanders, people with disability and people from a non-English speaking background);
- Graduate Administration Assistant salaries continue to be provided through Agreements and outdated cross references to 2003-2004 Enterprise Agreements be removed from the PSM Standards; and
- current provisions about salary advancement which partially replicate other provisions in the PSM Standards and in Agreements, such as those relating to incremental advancement, be removed.

DI2010-193 (effective 24 August 2010) – Executive Vehicles

This amendment relates to executive vehicles. Amendments were necessary to address unintended consequences of the base monthly lease rate model where some vehicles fitted with optional items of equipment had a lower base monthly lease rate calculated because of the likelihood of a higher resale value. The amendments do the following:

- prescribe a maximum vehicle value based on the manufacturer's recommended retail price as a means of setting a maximum value on the vehicle entitlement;
- broaden the choice of motor vehicle types that executives can access, which would include hatchback vehicles, provided the relevant chief executive approved; and
- clarify which full-time statutory office holders are covered by the executive vehicle entitlements.

DI2010-206 (effective 10 Sept 2011) - Attraction and Retention of Director-Generals

Attracting and retaining appropriately qualified and skilled chief executive officers has been a challenge for the ACTPS. Of the various reasons contributing to the challenges are those regarding disparity of executive remuneration between the private and public sectors, as well as between jurisdictions, nationally and internationally. Amendments were made to address this issue.

The amendments do the following:

- separates the approval process for the payment of an employment benefit to a Director-General into two categories: (a) employment benefits that are 20%, or less than 20% of the Director-General's remuneration; and (b) employment benefits that are greater than 20% of the Director-General's remuneration;
- for employment benefits that are 20%, or less than 20% of the Director-General's remuneration, the approval process remains the same as in the past; and
- for employment benefits that are greater than 20% of the Director-General's remuneration, as the Chief Minister, you will (a) be required to commission an independent evaluation report; and (b) be permitted to consider market rate pressures, the specialist skill or technical knowledge of the Director-General, and any other relevant matter, such as relative staff salaries.

DI2011-4 (effective 21 Jan 2011) – Aboriginal and Torres Strait Islander Traineeship

Since commencement of the Aboriginal and Torres Strait Islander Traineeship Program provisions in the Standards, ambiguities and restrictions had been raised over their construction and operation.

The amendments proposed were intended to clarify and remove unnecessary restrictions in the way the provisions appeared. They were drafted to remain consistent with the overall ACT Public Service employment framework.

The amendments do the following:

- three updates to the name of the program to the Aboriginal and Torres Strait Islander Traineeship Program from the Indigenous Program;
- clarifies that an Aboriginal and Torres Strait Islander Trainee can be promoted to the ASO2 level upon confirmation of their appointment which is contingent on their completion of relevant Certificate level training; and
- enables an Aboriginal and Torres Strait Islander Trainee to undertake an appropriate Certificate II or higher qualification relevant to their work rather than be restricted to a finite list of Certificate II and III qualifications.

DI2011-10 (effective 4 February 2011) – Statutory Officer Holders

The combined purpose of these amendments ensure that where a statutory officer holder is terminated on any grounds which attract a redundancy or special benefit payment, they are not able to 'double dip' by immediately being reappointed/reengaged to the ACTPS enabling them to concurrently receive a redundancy/special benefit payment and salary.

It prescribes that persons must wait until the period covered by the special benefit payment (the relevant period) has elapsed before taking up a further offer of employment by the Territory or its instrumentalities.

Alternatively, where a person makes application to the Commissioner to take up employment with the Territory or a territory instrumentality within the relevant period, the Commissioner may impose conditions in approving further employment.

DI2011-49 (effective 18 April 2011) – Harmonisation Project

The amendments are made in the context of the ACTPS legislative employment framework Harmonisation Project.

The PSM Act being derived from the Commonwealth *Public Service Act 1922* (which has since been repealed) was enacted before the existence of Agreements. Given that Agreements are made under Commonwealth legislation, terms and conditions of Agreements prevail over ACT legislation to the extent of any inconsistency. As a result, successive Agreements have seen matters originally covered exclusively in the PSM Act and Standards modified or overridden by Agreements.

The amendments seek to bring greater alignment between the Standards and other parts of the Framework. The proposed amendments fall into four categories: (a) technical amendments, (b) consequential amendments, (c) structural amendments, and (d) substantive amendments. The first three of the four types of amendments collectively constitute the greatest number of amendments.

Structural amendments to the Standards include:

- (1) removal of duplication in joint selection committee provisions between the PSM Act and the Standards;
- (2) relocation to the Standards of provisions concerning the composition and reconstitution of joint selection committees, including union agreed, and management-initiated joint selection committees;
- (3) relocation within the Standards of provisions concerning underperforming officers;
- (4) relocation within the Standards of provisions concerning officers who are unable to perform their duties because of physical or mental incapacity;
- (5) removal to industrial instruments operating within the ACTPS at this time of leave entitlements for non-executive staff—other than long service leave;
- (6) relocation to the Standards of long service leave provisions;
- (7) relocation and consolidation within the Standards of provisions for executives, chief executives and statutory office holders to new chapter 9 of the Standards;
- (8) relocation and consolidation within the Standards of provisions for teachers to part 8.2 of the Standards;
- (9) relocation of provisions concerning temporary employment for less than 12 months to part 3.4 of the Standards; and

- (10) relocation to the Standards of provisions concerning notification of appointments and engagements.

Substantive amendments to the Standards include:

- (1) removal of special mobility arrangements for Australian Public Service (the APS) employees and employees from other approved organisations transferring to the ACTPS under former part 5.5 and part 5.6;
- (2) changing the period of effectiveness of a selection committee's recommendation for the filling of a position to 12 months from the previous 6 months;
- (3) changing the qualifying period for access to long service leave to seven years from the previous 10 years; and
- (4) replacing the redundant *Merit Protection (Australian Government Employees) Act 1984* and Merit Protection and Review Agency scheme with the ACTPS Internal Review Procedures and Appeal Mechanism.

Appendix C Agency Survey for the 2010 Calendar Year

Introduction

In recent years the Commissioner has sought 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 and ethics, workplace equity and diversity, workforce planning and human resource management. Note, that the information collected does not capture whole-of-government reviews and initiatives.

Methodology for 2010

The 2010 calendar year survey was based on previous year's surveys, retaining core questions similar to those of previous years. In response to feedback from the 2009 survey, minor editorial amendments were made to the survey to improve clarity.

After successfully using an online survey tool last year, the survey was again distributed, answered and analysed electronically through this tool. The use of this tool enables the preparation of the survey and analysis of responses to be achieved entirely in-house.

Participation

Thirteen ACTPS agencies were asked to complete the survey. As the survey was based on the 2010 calendar year participants are identified as they existed under the ACT AAs in place during 2010:

- ACT Health (Health);
- ACT Planning and Land Authority (ACTPLA);
- Calvary Health Care ACT - Public Division (Calvary);
- Canberra Institute of Technology (CIT);
- Chief Minister's Department (CMD);
- Department of Disability, Housing and Community Services (DHCS);
- Department of Education and Training (DET);
- Department of Justice and Community Safety (JACS);
- Department of Territory and Municipal Services (TAMS);
- Department of the Environment, Climate Change, Energy and Water (DECCEW);
- Department of Treasury (Treasury);
- Department of Land and Property Services (DLAPS); and
- the Land Development Agency (LDA).

Values, Ethics and Culture

The PSM Act and the Standards sets service-wide values, principles and obligations for public employees. As a condition of employment those employed under the PSM Act are subject to these values, principles and responsibilities. Therefore they must act, make decisions and exercise powers in an open and accountable manner.

Values and Ethics Learning and Development

Agencies were asked a series of questions on the extent to which they embed the ACTPS values and ethics at section 9 of the PSM Act into their culture and practice. Consistent with findings from 2009 agencies continued to use inductions/orientations as the main forum to educate their employees on ACTPS Values and/or section 9 in 2010. Responses

identified that there have been increases in the use of formal sessions conducted by agencies on how values and section 9 operate in practice and the use of promotional materials such as posters and brochures to display this.

Notably, ethics sessions conducted jointly by the Commissioner and the Work Safety Commissioner throughout 2010 which specifically targeted senior executives and managers featured strongly in agency responses in this area.

Breaches to the Code of Ethics

The survey revealed that in 2010 there were 105 formal investigations into alleged breaches of section 9 of the PSM Act, and 111 formal investigations were finalised³.

Figure 1: Formal investigations into Breaches of Section 9 of the PSM Act 2003-05 – 2010.

	Number of Breaches Investigated						
	2003-04	2004-05	2005-06	2007	2008	2009	2010
<i>Commenced</i>	42	57	120	107	100	104	105
<i>Finalised</i>	43	47	103	87	88	83	111

Responses indicate that investigations were most common for alleged breaches in relation to the following section 9 obligations:

- 9(a) exercise reasonable care and skill (36 breaches);
- 9(c) act with probity (20 breaches);
- 9(d) treat members of the public and other public employees with courtesy and sensitivity to their rights, duties and aspirations (43 breaches);
- 9(h) comply with the Act and all other Territory laws (23 breaches); and
- 9(i) comply with lawful and reasonable directions given by a superior with appropriate authority (20 breaches).

Agencies were also asked to report on the outcomes of investigations into alleged breaches of section 9 of the PSM Act. Consistent with previous years, the most frequent outcomes for substantiated breaches in 2010 were: written warnings (46); counselling (32 recorded); and termination of the employee from the service (17 recorded).

To ensure consistency in investigation processes and sanctions imposed, agencies were asked about the measures they had in place to ensure procedural consistency. In line with last year's findings agencies report that they rely on Shared Services, the SERBIR group (see Appendix H) and their own HR/Employee Relations central units. Additionally the survey highlighted an increase in the number of agencies that now have detailed procedures available to those conducting investigations. In regard to ensuring sanctions are imposed appropriately and consistently, agencies again favoured the use of consulting with in house human resource and legal areas and the use of Shared Services.

³ Agencies were asked to report all investigations finalised during 2010, including those which may have commenced during 2009 but were not finalised until 2010.

Bullying and Harassment

In 2010, all agencies reported having a system in place for employees to report bullying and harassment. These systems for all agencies include; identified contact person(s), procedures and policies in place to ensure confidentiality, optional support from an external provider (e.g. EAP) and use of external investigators. A majority of agencies (twelve out of thirteen) reported that they used promotional material, specialised training for contact staff and conducted awareness-raising with staff about bullying and harassment procedures and policy within the agency. Agencies were also asked whether they had a record keeping system in place to monitor bullying and harassment. Twelve of 13 agencies now have a system in place to record this data.

Figure 2 shows that the total number of bullying and harassment reports⁴ received by agencies in 2010 was 62, compared with 39 reports received in 2009. There was an increase of 10 formal investigations⁵ in 2010, and a total increase in four cases where bullying and harassment was substantiated as a result of an investigation.

Figure 2: Reports of bullying and harassment in 2010.

	Reports of Bullying and Harassment	
	2009	2010
Reported	39	62
Investigated	20	31
Substantiated	4	8

The survey invited agencies to report on the strategies that they had in place to prevent bullying and harassment. Twelve out of the 13 agencies reported using training and awareness sessions for all staff and induction processes.

Equity and Diversity

A workplace culture that is respectful, courteous, and fair and that values individual differences is a core aspect of building a positive workplace culture. In December 2010 the Respect, Equity and Diversity (RED) Framework was launched to achieve positive workplace culture in the ACTPS. Whilst agencies were not able to report their activities under the RED Framework during this reporting period, many agencies reported increases in equity and diversity strategies during 2010 to increase employee engagement and inclusion in preparation for the RED Framework.

⁴ Formal report includes:

- Formal mechanisms of reporting bullying and harassment under agency enterprise agreements;
- Use of formal complaints forms (see Preventing Work Bullying Guidelines – Appendix J); or
- Where a Misconduct and Discipline process has been initiated.

⁵ Formal investigation means an investigation conducted under Misconduct and Discipline procedures within Agency Enterprise Agreements.

Equity and Diversity Plans

Of the 13 agencies surveyed, only two reported not having an Equity and Diversity Plan in place. These two agencies reported that their plans were in development, however were postponed pending the launch of the RED Framework.

All agencies with an equity and diversity plan reported that the following groups were included in the plan:

- Aboriginal people and Torres Strait Islander people, being people who are descended from, identify as, or are accepted by an Aboriginal or Torres Strait Islander community as, an Aboriginal or Torres Strait Islander;
- people who identify as having a disability; and
- women.

Ten agencies reported including people who have migrated to Australia and whose first language is a language other than English, and the children of such people. One agency also included staff over the age of fifty.

Employment of Aboriginal and Torres Strait Islander Persons

During 2010 recruitment initiatives targeting the employment of Aboriginal and Torres Strait Islanders reflected 2009 figures. The most common strategies agencies reported using to recruit Aboriginal and Torres Strait Islander persons were:

- use of a whole of government based Aboriginal and Torres Strait Islander Traineeship Program;
- identification of some positions as requiring knowledge and understanding of Aboriginal and Torres Strait Islander culture and issues;
- employment measures which limit employment opportunities only to Aboriginal and Torres Strait Islander applicants; and
- advertisement of employment opportunities in Aboriginal and Torres Strait Islander media

Twelve out of 13 agencies reported as a strategy to retain Aboriginal and Torres Strait Islander persons special leave conditions such as ceremonial leave and NAIDOC week leave. Four agencies reported adopting other initiatives such as commitments for 2011 to employ trainees under the Aboriginal and Torres Strait Islander Traineeship Program and development of Reconciliation Action Plans.

Employment of Staff with a Disability

Three agencies reported working with a Disability Employment Network⁶ during 2010 with 24 employees successfully engaged through using these networks.

Agencies were also asked to respond to a series of questions about their implementation of specific strategies to support people with a Disability. Over half of the participating agencies reported that they reviewed operational policies and procedures and made reasonable adjustments to assist and support people with a disability. Ten out of 13 agencies reported that they had workplace orientation and induction strategies that supported people with a disability.

⁶ Disability Employment Networks are organisations that specialise in placing people with a disability in employment. Disability Employment Networks reported to have been used include Koomarri, Australian Network on Disability and Advance Personnel.

Workforce Planning – Attraction and Retention

In order to strengthen the capacity of the service and to meet the demands of the community, it is critical that the ACTPS as an employer is considered a desirable employer and that the existing employees feel engaged and encouraged to stay within the service.

Performance Management

In order to ensure that employees are performing to their greatest capacity the survey asks agencies to report on their performance management systems. Only one agency reported not having a formal performance management/development framework during 2010 as their framework was in development. Figure 3 outlines agency performance against the key elements of performance management, which have been promoted by the Commissioner through the survey in recent years.

Figure 3: Elements included in agency performance management frameworks

Element within Performance Management Frameworks	Number of Agencies including this element
Section 9 PSMA linked to your agency's performance management system	9
Individual performance management/development plans linked to the agency business plan	12
Staff participation in feedback sessions	13
Agency monitoring of staff participation in formal performance management/development systems	7

Workforce Planning Activities

In 2010 agencies were once again asked to identify workforce challenges (Figure 4), with a predominant issue from 2009, recruiting leadership and/or potential at senior management levels remaining a major challenge. An additional four agencies since 2009 also reported that there are difficulties in reporting/analysing workforce data due to either data quality or difficulty obtaining data.

Figure 4: Elements included in agency performance management frameworks

Workforce Challenge	Minor challenge	Major challenge
Loss of mature-aged employees	6	2
Loss of Aboriginal and Torres Strait Islander employees	3	0
Loss of employees with a disability	1	0
Loss of employees recruited as part of a formal graduate program	4	1
Difficulty recruiting graduates with required skills as part of a formal graduate program	2	0
Difficulty recruiting people with required skills	9	3
Higher than acceptable employee turnover	4	0
Lower than acceptable employee turnover	1	0
Difficulty in recruiting leadership skills at the Executive levels	3	1

Difficulty in recruiting leadership skills and/or potential at the senior manager level	7	4
Difficulty in attracting and retaining entry level positions	4	1
Ensuring that employees' skills and/or knowledge meet the Agency's requirements	7	3
Difficulty in reporting and analysing workforce data	4	6

To combat these challenges, agencies have reported increased efforts since 2009 in targeted workforce planning activities including:

- coordinating recruitment/learning and development strategies that aligned with workforce requirements;
- measures to attract and retain people with critical skills, such as ICT staff; and
- increases in the number of agencies enhancing/targeting development opportunities.

When agencies were asked to indicate the specific workforce planning activities they undertook in 2010, consistent with 2009's findings, most agencies reported that surveying workforce demographics and evaluating learning and development remain the most common strategies used by agencies. There were also positive increases in the following areas:

- eleven agencies reviewing required capabilities for future service delivery;
- six agencies measuring their existing workforce skill sets during 2010;
- nine agencies reporting that they planned for changes likely to impact on the agency's core business (e.g. technological changes); and
- eight agencies reporting that succession planning was used for critical positions.

Attraction and Retention

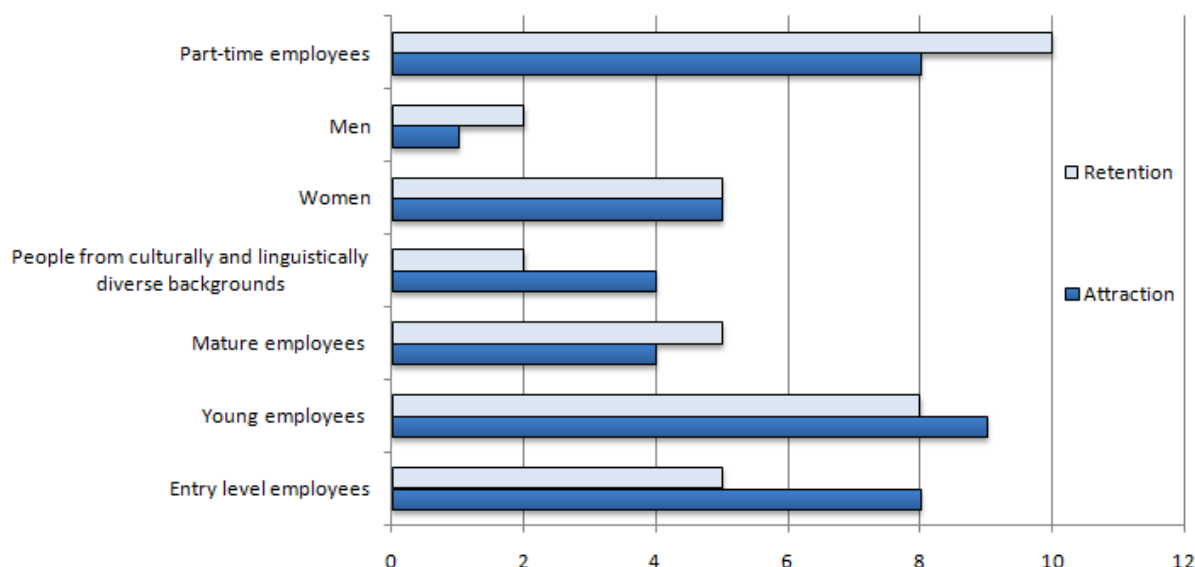
This part of the survey focuses on specific measures utilised by agencies to attract and retain people with skills critical to the execution of the business of the agency now and into the future. Consistent with 2009, the majority of agencies surveyed reported using specific strategies to attract and retain people with critical skills, in addition to benefits, arrangements and conditions which are generally available to all employees.

Figure 5: Agencies using other attraction and retention initiatives specifically for critical skilled individuals.

Specific Strategies used to Attract and Retain People with Critical Skills	Number of Agencies
Commencement above base salary	12
Special Employment Arrangements (SEAs)	13
Development opportunities (e.g. study awards, fellowships, secondments)	12
Work placements/rotation	10

Agencies were asked if there were any particular groups that they targeted attraction and retention activities towards during 2010. Responses indicate increases in attraction activities in relation to part-time employees, women, young employees and entry level employees. In terms of retention activities, generally the 2010 results are on par with the 2009 survey findings, with the exception of activities in two areas, being part-time employees and young employees, which have seen an increase of four and two agencies respectively, specifically targeting these groups.

Figure 6: Groups targeted by specific attraction and retention activities in 2010.



Finally, agencies were asked to identify their use of a range of attraction and retention practices. Figure 7 provides agencies responses. The results represent small increases in the use of studies assistance and health and wellbeing programs as a means of attracting and retaining staff.

Figure 7: Attraction and Retention practices used during 2010.

Attraction and Retention Practices	Number of Agencies
HR support case managers for trainees and apprentices	5
University scholarships	5
Accepting joint applications for job sharing	6
Advertising fractional load/part time positions	11
Home based work	8
Graduate programs	11
Active social club with regular social events	11
Support and promotion of Young Professionals Network	12
Flexible working arrangements	13
Nursing mother's/Carers Room	11
Grandparental leave	10
Support for Transition to Retirement	10
Provision of studies assistance	13
Health and wellbeing programs	11

Additionally agencies were asked to report on specific strategies aimed at retaining and reducing the turnover of key staff holding critical skills/experience. Responses to the six answer options identified that:

- eleven agencies reported tailoring employment conditions and benefits of key staff;
- seven agencies reported promoted networks for specific groups;
- eleven agencies prioritised learning and development towards key staff;
- eleven agencies provided support for further study to key staff;
- ten agencies enhanced career development opportunities; and
- eight agencies conducted exit interviews with separating staff.

High Performance and Further Development

During 2010 all agencies had specific strategies in place for the purposes of identifying high performing individuals. Most commonly these strategies included the identification of high performing individuals by the agency head, managers or supervisors and through leadership development programs, staff recognition awards or participation in other development opportunities.

Human Resource Management

Underperformance

During 2010 a total of fourteen underperformance actions were received across five agencies. Of those commenced during the reporting year, 11 actions were finalised⁷. Figure 9 shows that these figures represent an approximate 60% reduction from the 2009 survey results.

Figure 8: Number of Underperformance actions received by agencies 2003-04 - 2010.

	Number of Underperformance Actions						
	2003-04	2004-05	2005-06	2007	2008	2009	2010
Commenced	7	15	27	7	18	34	14
Finalised	3	9	19	11	11	28	11

Of the underperformance actions finalised during 2010 the reporting period the following outcomes⁸ occurred:

- development programs were instituted in six cases;
- satisfactory performance standard was attained by the individual in seven cases;
- termination of employment in one case; and
- in two cases the underperforming employee resigned before action was finalised.

Complaint/Grievance Investigations

In this segment agencies were asked a series of questions related to complaints and grievances⁹, for the purposes of this segment a complaint or grievance was identified as a matter which:

- may commonly be referred to as a 'complaint' or a 'grievance' by an applicant, but could include notification of legal proceedings, an adverse action or a matter referred to an Agency by an external office;

⁷ This figure also includes finalised actions that may have commenced in 2009 however were not finalised until the 2010 reporting period.

⁸ Note that more than one outcome can occur against each underperformance action.

⁹ This does not include 'complaints' / 'grievances' the subject of which directly relates to an Agency's core business/program/service delivery.

- may arise as a continuation of a matter, previously the subject of an Internal Review, Appeal, Discipline action or other informal process where the applicant remains aggrieved; or
- may be subject of the 'complaint' / 'grievance' relates to matters within the scope of public sector management/employment.

During 2010 there was a significant increase in the number of reported complaint/grievance investigations for agencies as depicted in Figure 10. However, it should be noted that agencies have had some difficulty interpreting this question in past years. The further clarification of the question provided in the 2010 survey and an increase in the number of agencies with systems in place to capture this data are considered to be contributing factors to the sharp increase in numbers reported in 2010.

Figure 9: Number of complaint/grievance investigations

	Reports of Complaint/Grievance Investigations	
	2009	2010
Received	26	54
Investigated	15	29
Finalised	18	41

In addition to improved record keeping systems, nearly all agencies report that they have procedures in place for handling complaint/grievance investigations.

Of the complaints/grievances received during the reporting period:

- forty investigations were managed internally by the agency;
- five cases were referred to agencies by the Human Rights Commission; and
- ten cases were referred to agencies from Fair Work Australia.

Concluding Remarks

As noted in the body of the Commissioner's Annual Report (ref A.1 The Organisation) in recent years the Commissioner's priorities, amongst other things, have included building public service capacity through developing a sustainable, respectful and skilled workforce.

In support of these priorities, the Commissioner has used the Agency Survey to determine agency capacity in these areas and to steer agency human resource management practice towards these aims.

In particular, the Commissioner has sought to ensure that agencies:

- have embedded section 6, values and principles and section 9 general obligations of the PSM Act into their practices;
- have a system in place for employees to report bullying and harassment and that this system is made know to employees;
- are capturing data on formal reports of bullying and harassment and are taking action to address bullying and harassment including through training and awareness raising;
- are monitoring their use and development of strategies for the recruitment and employment of Aboriginal and Torres Strait Islander persons and persons with a disability;
- have performance management/development frameworks in place; and

- are recording and tracking complaints/grievances and developing procedures for the management of these matters in order to achieve timely resolution of matters of this nature for all parties.

In response to these priorities, the results of the 2010 Agency Survey indicate:

- an increase in learning and development activities aimed at the promotion of the ACTPS values and general obligations of public employees;
- all agencies now have systems in place for employees to report bullying and harassment, including identified contact persons, policies and procedures in place to ensure appropriate confidentiality, optional support from an external provider such as the agency's Employee Assistance Provider and capacity for investigations to be undertaken by an external person/s;
- all but one agency is now capturing data on the number of formal reports of bullying and harassment. Of course the increase in the number of agencies recording this information has contributed to an increase in the number of reports of bullying and harassment and this is an area that the Commissioner will continue to monitor closely, particularly in light of the introduction of the ACTPS RED Framework in late 2010;
- consistent with responses from 2007, 2008 and 2009 surveys, all agencies have a performance management/development framework in place or, as in the case of newly established agencies, are in the final stages of developing and implementing a framework. Notably, 50% of the surveyed agencies also reported having a system in place to monitor staff participation under the framework;
- eleven agencies now have a system in place for recording the number of complaints/grievances received by the agency, with a further agency noting that a system for this purpose is to be established. Similarly, all but two agencies have procedures in place for managing these types of issues, with an additional one agency reporting that written procedures are being developed to assist the agency to better manage these types of issues.

In light of the structural changes to the ACTPS arising from the implementation of recommendations from the Hawke report, the subsequent shift in a number of employment related powers and functions from the Commissioner to the Head of Service, and the commencement of reporting requirements under the RED Framework in mid 2011, the Commissioner's Agency Survey will be reviewed in the latter half of 2011.

Appendix D Young Professionals Network events 2010-11

Event	Description	Attendance
July 2010 Zumba Workshops	The YPN in conjunction with Salsabor Dance Studio, held two introductory Zumba (latin fitness) workshops. The event provided the opportunity for members to try the dance/fitness style and consider it as an on-going health and wellbeing activity.	14
July 2010 The Budget Process	The Department of Treasury delivered an information session explaining how the budget is formulated, how to develop budget bids/initiatives and provided an opportunity to ask questions to staff who specialise in this area.	8
August 2010 Ethics and Integrity in the ACTPS	A joint presentation on Ethics and Integrity in the ACT Public Service was delivered by the Commissioner for Public Administration, Cathy Hudson and the Work Safety Commissioner, Mark McCabe. The presentation covered the responsibility of working ethically and with integrity in terms of creating positive, productive and safe workplaces across the ACT Public Service.	20
August 2010 Canberra Museum and Gallery Exhibition: 'Something in the air'	CMAG Curator, Deborah Clark took YPN members on a complimentary guided tour of a popular exhibition of art created in the Canberra region.	11
September 2010 Youth Directorate (DHCS)	A presentation of the work conducted within the Youth Directorate, Office for Children, Youth and Family Support at the Department of Disability, Housing and Community Services was conducted at the Bimberi Youth Justice Centre.	10
September 2010 Leadership and the importance of effective feedback	CIT's Executive Director of Students, Tracey Cappie-Wood delivered an information session outlining what personal attributes make an effective leader, the importance of goal setting and how giving the right type of feedback allows us to effectively deal with difficult people.	35
October 2010 BelBin Psychometric Testing Tool	An information session about the psychometric testing instrument known as the 'BelBin tool' was delivered by ACTPLA. This tool gives personal feedback and using an analysis of combined personality types, can assist to maximise a group's effectiveness, form and structure project teams, assist in recruitment and support job design.	22

<p>November 2010</p> <p>Emotional Competence and Difficult Conversations</p>	<p>ACT Health presented an information session on 'Emotional Competence and Difficult Conversations'. The outcomes for the session included:</p> <ul style="list-style-type: none"> • understanding the importance of being self-aware and the impact your actions may have on those around you; • types of communication and barriers to being assertive; and • personal strategies to improve your ability to handle difficult and situations and to feel more in control and confident. 	<p>33</p>
<p>November 2010</p> <p>DECCEW Tree Planting Afternoon</p>	<p>The YPN and DECCEW held a tree planting afternoon at the Banksia Street Wetlands, O'Connor. The event provided the opportunity for members to learn about the wetlands and how they were designed to improve water quality and increase urban biodiversity</p>	<p>4</p>

Appendix E Commissioner's Award Recipients 2010

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

- *Outreach Team (DECCEW) - Ann Lyons-Wright, Warren Geeves and Robyn Porter.* The outreach Team developed a new approach to assisting people from low income households to improve their household's energy efficiency. This not only reduces their carbon footprint but financially assists them both immediately and into the future.
- *Ann Moxon (JACS) – for Ann's exceptional dedication in relation to strengthening capacity of the Parliamentary Counsel's Office to provide excellent drafting and publishing services for the Territory. Ann took responsibility for the migration of PCO's drafting and publishing templates from Word 2003 to Word 2007. Ann's work in this area enhanced PCO's capacity to provide critical services to government, the courts and the community and enabled the smooth provision of these services throughout the migration.*
- *Publications Team (TAMS) - Graham Aitchison, Leo Clarke, Colin Chandler, Lyn Deklerk, Brien Dunbar, Matt Gladwish, Adrian Yee, PJ Foster and Julie Hourigan.* The Publications team have been at the forefront of producing a multitude of Government publications in hard copy and multimedia over a long period, and in many cases under tight deadlines. Their innovative, high quality and creative approach has earned them the respect of their customers and the printing, publishing and multimedia industry. Their solutions have revolutionised the ACT Government's ability to communicate and advertise its services and achievements to constituents and other interested parties. As testament, their products have been used by commercial organisations (for example newspapers and television broadcasters), other Government entities and private organisations.
- *Mulligans Flat Woodland Sanctuary Team (TAMS) - Peter Mills, John Lawler and Grant Woodbridge.* The Mulligans Flat Woodland Sanctuary Team has delivered high level conservation outcomes for the critically endangered Red Gum, Yellow Box Grassy Woodland vegetation type in Northern ACT. The team were instrumental in the successful construction of the Sanctuary's 12km Predator Proof Fence and have delivered a program that has completely eradicated all introduced predators from within the Sanctuary that will allow for the reintroduction of locally extinct fauna. The team also arranged for the re-location and reconstruction of a heritage woolshed to serve as visitor/interpretation centre within the reserve and will soon construct a wetland within the reserve to attract native wetland bird species. The team continues to assist its partners at the ANU and CSIRO in conducting research into the functioning of woodland ecosystems. The team frequently hosts well attended ranger guided tours of the Sanctuary for school groups and the general public. Their motto is "restoring the past to enhance the future."
- *Michael Gorgolewski (Treasury) – for Michael's dedication to his work and achievements as a compliance inspector over many years has proven him to be an outstanding performer. Michael's efforts and expertise have contributed significantly to the equity of our tax and benefit systems enabling the Government to fulfil its objectives of providing important services to our community such as housing, infrastructure, health, education and training, the arts, welfare and community justice.*

Recipients in the 'Government Business Improvement' category:

- *Megan Young (DET)* - for successfully changing attitudes towards audits across schools and central office. While audits were previously viewed at best as compliance activity, and at worst as an intrusion into an area's work, Megan has led her team to work in genuine partnership with other areas which has led to improved business practices across the Department.
- *Older Person Re-housing Initiative Team (DHCS)* The Older Person's Re-housing Initiative resulted in accommodating some of the oldest public housing tenants in newly constructed purpose-built units that better suit their needs whilst enabling them to stay connected to their community. The older public housing tenants were able to select the property that they would be relocated into as well as the colour scheme for carpeting, tiles and internal painting palette. The relocation of these older tenants into the new units, released the larger houses that they were living in for accommodating homeless families, who would otherwise not have been housed so quickly.
- *Whole of Government Contracts Team (TAMS) - Michelle Frost, Surangani Luck, Geoff Taylor, Ken Smith, Cheryl Francis, Shona Tarling.* The contracts team has established and manages contracts that provide substantial and ongoing savings to the Territory both in price and internal resource costs. The team have also established a high level of data collection and reporting that allows agencies to analyse their expenditure and implement changes that support sustainable, environmentally friendly purchasing.
- *Christine Morris (TAMS)* – for transforming the way ACT Government operates its payment services. Christine has built an internal capability around payment options and online forms which has established a strategic, fit-for-purpose whole-of-government approach. Agencies are now accessing re-usable resources, which affords government significant administrative efficiencies at low-cost.

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

- *Billieann Bambrick (DET)* - Billieann Bambrick is a very successful Senior Counsellor with exceptional personal attributes and leadership qualities. Billieann's achievements include the successful establishment of the ACT Department of Education and Training's Child Protection Training Package for school counsellors and teachers in the system and developing a novel way to streamline the professional learning of school counsellors so that the department's and Psychology Board's requirements are met. Billieann has a passion and commitment for supporting children whose parents have a mental illness.
- *Janice Biggin (TAMS)* - Janice has identified, mentored and supported a range of staff with high potential within the ACT Library and Information Service. Janice devotes time and guidance to colleagues across the business unit and has developed performance development processes that stretch and enthuse staff as well as assist those who need to improve their performance. Janice provides staff with a range of learning and development opportunities within the context of a very tight budget and is the leader of

the ACTLIS Australian Business Excellence Framework (BEF) team, mentoring the team through the course work and the application of it in the workplace.

- *Geoff Virtue (TAMS)* - As the Senior Manager Communications at TAMS, Geoff Virtue displays on a daily basis a drive, enthusiasm and passion for Communication that not only inspires others, but also raises the benchmark for communication and engagement within the ACT community. Geoff is highly respected for his advice, both within the department and by external media agencies.
- *Ellen Lukins (Treasury)* - Ellen showed remarkable leadership potential by stepping up to take responsibility for finalising the public consultation process and managing the changes to the reform of the Compulsory Third Party program to ensure that the quality and timeliness of the reforms were not compromised. Unplanned absences by a key senior executive and senior officer left a leadership vacuum on this project, which Ellen willingly and capably filled which demonstrated her commitment and initiative.

Recipients in the 'Safe Workplaces' category:

- *Strategic Human Resources/Attraction and Retention (CMD)* - *Louise Gilding, Leanne Martens and Erin Dean.* "Through the second half of 2010 Louise Gilding and Leanne Martens led the work on the development of a new whole-of-government approach for promoting and embedding the principles of respect, equity and diversity into the ACT Public Service – the RED framework. The Framework highlights the benefits of valuing diversity and creating respectful and equitable workplaces. These include: increased employee engagement, improved levels of workplace participation and innovation through more diverse thinking. The RED Framework also responds to particular and topical issues in the ACT Public Service through the inclusion of materials on preventing bullying in the workplace and the introduction of an 'open door' protocol whereby employees with issues can find assistance when they feel they cannot raise matters within their own department. Erin Dean designed the look and feel of all materials linked to the RED Framework and her creative work has been commended by many. "
- *Women's Safety Audit Team (DHCS)* - *Anna Fieldhouse, Tsering Deki and Michelle Anderson.* The Women's Safety Audit Team led the first women's safety and accessibility audit of a major ACT event, the 2011 National Multicultural Festival. Using a safety audit checklist, the all-female team walked through the footprint of the Festival to identify potential safety issues. The team developed and implemented strategies to address any identified issues. Women visiting the Festival were also surveyed to ascertain their feelings of safety. As well as improving safety outcomes for women attending the Multicultural Festival, the team has also developed a replicable model that can be implemented at other major events in the ACT throughout the year.

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 ACT 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 Standards, “a Director-General 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, section 16 (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 the Strategic Board. 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 the Strategic Board to emerging risks; and
- summarise whole-of-government efforts to combat fraud and corruption.

Please Note

To assist in the preparation of the 2010-2011 *Over the Horizon Report*, an online survey and costing model was developed and provided to SERBIR members.

Differing from the previous reporting mechanism, this year’s online survey gave Directorates an opportunity to nominate their top five integrity risks and rate them on a scale of 1 to 4 (from low to extreme respectively). This has streamlined the reporting process and eliminated complex variables attributed to risks of a relatively less significant nature.

Table 1. SERBIR Membership

Membership is comprised of:

DIRECTORATE	POSITION
Chair – Chief Minister and Cabinet Directorate (CMCD)	Director, Public Sector Management
Chief Minister and Cabinet Directorate (CMCD)	Director, Corporate Management
Treasury Directorate (TD)	Director, Investment Branch
Environment and Sustainable Development Directorate (ESDD)	Director of Corporate and Culture
Territory and Municipal Services Directorate (TMSD)	Deputy Director-General, Corporate Division
Health Directorate (HD)	Executive Director, Human Resource Management Branch
Education and Training Directorate (ETD)	Director, Communications and Governance
Justice and Community Safety Directorate (JCSD)	Executive Director, Governance
Canberra Institute of Technology (CIT)	Deputy Director-General, Operations
Auditor-General’s Office (AGO)	Director, Performance Audits & Corporate Services
Community Services Directorate (CSD)	Senior Director, Governance, Advocacy and Community Policy
Economic Development Directorate (EDD)	Chief Operating Officer, Strategy and Corporate Division

Agency Fraud and Corruption Prevention Plans

All SERBIR members' Directorates have current Fraud and Corruption Prevention (FCP) Plans and all plan to review their current plans in the upcoming year.

All surveyed Directorates have undertaken a formal Risk Assessment (RA) during the year, with all but two directorates having plans to review their RA process in the upcoming year.

Reviews of the FCP Plans and RA processes will be triggered by:

- regular reviews as required by the Directorate; or
- Machinery of Government changes affecting Directorate structures.

The Auditor-General's Office and Education and Training Directorate have indicated that they undertake quarterly reviews of their RA Process, with the Auditor-General's Office also conducting quarterly reviews of their FCP Plans.

Table 2. Investigations Undertaken during 2010-11

Agency	Number of Incidents	Estimated Cost of Investigation *	Type of incidents & action taken	Changes to process
Auditor-General's Office	Nil	Nil	Nil	Nil
Canberra Institute of Technology	2	\$404	Incidents: Asset Management Action taken: <ul style="list-style-type: none"> • Investigation by AFP; and • Staff reminded of security of assets. 	Improved security in these areas. Staff reminded of security on assets.
Chief Minister and Cabinet Directorate	Nil	Nil	Nil	Nil
Community Services Directorate	5	\$2,000	Incidents: Procurement and Contract Management, Fraud (Clients), Fraud (Staff) Action taken: <ul style="list-style-type: none"> • Referred to AFP; • Fact Finding; and • Investigation by Shared Services. 	System changes for all incidents.
Economic Development Directorate (inc Land Development Agency)	1	Nil	Incidents: Information/Record management. Action taken: <ul style="list-style-type: none"> • AFP Contacted; and • AFP investigation concluded nil action possible. 	Staff reminded of obligations under the Privacy Act and training provided to all staff.

Agency	Number of Incidents	Estimated Cost of Investigation *	Type of incidents & action taken	Changes to process
Environment and Sustainable Development Directorate	4	\$35,000	<p>Incidents: Fraud and Integrity, Procurement and Contract Management, Finance</p> <p>Action taken:</p> <ul style="list-style-type: none"> • Counselling of employees; • Financial penalty; and • Further training. 	<p>Tightened financial delegations.</p> <p>Review of Accountable forms.</p>
Education and Training Directorate	4	\$14,123	<p>Incidents: Fraud and Integrity, Finance</p> <p>Action taken:</p> <ul style="list-style-type: none"> • Comprehensive review of a partnership arrangement with a community organisation; and • Audit of credit card expenditure. 	<p>A new partnership arrangement was established.</p> <p>Instruction to not use personal credit cards for expenditure in schools.</p>
Health Directorate	1	Nil	<p>Incident: Fraud and Integrity</p> <p>Action taken:</p> <ul style="list-style-type: none"> • External investigator appointed. • Investigation pending. 	Nil to date.
Justice and Community Safety Directorate	3	Nil	<p>Incidents: Information/Record Management</p> <p>Action taken:</p> <ul style="list-style-type: none"> • Investigations unable to identify perpetrators, further investigation underway. 	Targeted fraud and ethics awareness training is planned during 2011-2012.

Agency	Number of Incidents	Estimated Cost of Investigation *	Type of incidents & action taken	Changes to process
Territory and Municipal Services Directorate	8	\$84,619	<p>Incidents: Fraud and Integrity, Inappropriate use of Government assets.</p> <p>Action taken:</p> <ul style="list-style-type: none"> • Investigation undertaken; and • Officers dismissed/terminated. 	<p>Enhancements to systems and processes.</p> <p>Fraud and Ethics awareness raising sessions.</p>
Treasury Directorate	Nil	Nil	Nil	Nil
TOTAL		\$136,146		

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

Top Risks for ACT Public Sector

Top 5 risks for each agency and Whole-of-Government averages can be found at **Table 4**.

Table 3 - High Risk Areas for ACTPS

RANK	RISK	SCORE	DIRECTORATES
1	Fraud & integrity (Staff) (including fraudulent pay claims; timesheets & leave forms incorrect; decision making; theft of funds; incorrect use of office resources & fuel cards)	18	AGO, CIT, CSD, EDD, ESDD, ETD, HD, JCSD, TMSD, TD.
2	Procurement & Contract Management	17	AGO, CIT, CMCD, CSD, EDD, ESDD, ETD, HD, TMSD, TD.
3	Finance (including unauthorised & inappropriate financial transactions)	14	AGO, CIT, CMCD, CSD, EDD, ESDD, ETD, HD, JCSD, TD.
4	IT Systems	13.5	CIT, CMCD, EDD, ETD, HD, JCSD, TMSD, TD.
5	Asset management (including misuse of government vehicles)	12	AGO, CIT, CMCD, CSD, EDD, ESDD, HD, JCSD, TD.
6	Other (see Table 3A)	7	AGO, CMCD, TMSD, TD.
7	Fraud (Clients) (including false declarations to obtain benefits)	6	CSD, ESDD, ETD, JCSD.

Table 3A

Auditor-General's Office	Unauthorised disclosure/release/misuse of confidential or sensitive information (assessed as low risk). Excessive personal use of office resources (assessed as low risk).
Chief Minister and Cabinet Directorate	Unauthorised disclosure/release/misuse of confidential information. Inappropriate management/treatment of staff. Acceptance of gifts/hospitality.
Territory and Municipal Services Directorate	Deliberate release of sensitive information (medium). Inappropriate use of government assets (Medium).
Treasury Directorate	Unauthorised disclosure of information.

Table 4 - Top 5 Business Integrity Risks – All Directorates

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

Directorate	Fraud and Integrity	Procurement and Contract Management	Finance	IT Systems	Asset Management	Other (See Table 3A).	Fraud (Clients)
Auditor-General's Office	1	1	1		1	1	
Canberra Institute of Technology	2	2	2	2	2		
Chief Minister and Cabinet Directorate		1	1	1	1	2	
Community Services Directorate	1	2	1		1		2
Economic Development Directorate (inc LDA)	2	1	1	1.5	2		
Environment and Sustainable Development Directorate	3	3	3		1		1
Education and Training Directorate	2	2	2	2			2
Health Directorate	2	2	1	1	1		
Justice and Community Safety Directorate	2		1	2	1		1
Territory and Municipal Services Directorate	2	2		2	2	2	
Treasury Directorate	1	1	1	2		2	
Totals	18	17	14	13.5	12	7	6
Average (WHoG)	1.64	1.55	1.27	1.23	1.09	0.64	0.55

Please note: the numbers for Economic Development Directorate (inc LDA) are average values of the submitted responses from LDA and EDD because they were separate reporting entities before the changes to the Administrative Arrangements which occurred on 16 May 2011.

Trends

- Environment and Sustainable Development Directorate reported that a lack of management consistency is leading to opportunities for fraud and corruption and also a loss of integrity.
- Justice and Community Safety Directorate reported a minor increase in the incidents of 'disclosure of information' from one incident in 2009-2010 to three incidents in 2010-2011.

Identification of breaches of integrity and incidents of fraud committed by staff are continuing to be the most significant risks.

Directorates continue to improve identification of risks and implement better auditing and risk mitigation processes.

Directorates have continued to focus on regular monitoring of fraud and business related risks and on the implementation of awareness raising initiatives to address these risks. More details in the 'Raising of Awareness in Directorates during 2010-2011' section.

Trends over the past 5 years

Staff Fraud has consistently been the top integrity risk across the ACTPS Directorates.

Information/Record Management, Procurement and Contract Management, Finance, and Asset Management predominantly occupy the middle ranked risks across the ACT Government.

Since 2007, IT Systems incidents have dropped considerably with only a minor increase during the latest reporting period.

Fraud (clients) has consistently been the lowest or second lowest risk across ACTPS Directorates.

The Auditor-General's Office and Chief Minister and Cabinet Directorate are the only entities to have incurred no costs attributed to investigations.

After a steady decline in incurred costs to the ACT Government from 2006-2007 to 2008-2009, 2009-2010 showed a significant rise (approximately 300 percent) in the total cost of investigations across the ACTPS. The 2010-2011 reporting period shows a reduction in the total cost and as a result of the 'Raising of Awareness' activities outlined below and the implementation of the *Respect, Equity and Diversity Framework*, it is anticipated that this figure will continue to decrease for the 2011-2012 reporting period.

Raising of Awareness in Directorates during 2010-2011

A range of training and awareness raising activities have been undertaken across the ACTPS during 2010-2011 including:

- Ethics/fraud seminars and workshops for staff. (CMCD, TMSD, CIT);
- Investigation Management training for Managers (EDD);
- Ethics, Fraud and Conduct included in staff orientation/induction programs (CMCD, TD, AGO, ESDD, TMSD, EDD, JCSD, CSD, including Probity Training for ETD);
- Ethics, Fraud, Risk and Conduct documentation available on Directorate's intranet (CMCD, TMSD, EDD);
- Respect, Equity and Diversity Training (CMCD, TD, EDD);
- Issues raised at staff meetings (AGO, CIT);

- Probity training for Executives and managers involved in the Capital Asset Development program. Probity is a standing agenda item on all formal capital asset development meeting agendas (HD);
- Travel Policy and Procedures amended to require all proposed sponsored travel to be referred to the SERBIR for clearance (HD);
- Review of Fraud Control Plan with involvement of staff and managers (CIT); and
- Privacy Act training provided to all Land Development Agency staff in February 2011 (EDD).

Conclusion

Data provided by Directorates indicates that the most significant fraud and integrity risk facing the ACTPS, averaging to a low to moderate risk across Directorates, 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 unauthorised benefits. 'Procurement and Contract Management' and 'Finance' are the next most significant risk areas.

Over the Horizon

The Office of the Commissioner for Public Administration is scoping the possibility of a Whole of Government 'Probity and Integrity Framework'. This Framework will assist in regulating a consistent approach to Fraud and Corruption prevention, and maintaining integrity across the ACTPS.

In spite of the rise in the total cost to Government in recent years, with this year's reduction in incurred costs, along with a growing commitment to awareness raising activities, it is anticipated that a significant reduction in incurred costs will be experienced over the next reporting period.

Appendix G Reporting omissions

Below is a list of the sections from the Chief Minister’s Annual Report Directions 2010–2011 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 WC&G Division support the work of the Commissioner and information on these staff is included in the CMCD Annual Report.
B.1 Community engagement	Given the Commissioner’s focus on public sector management, no community engagement initiatives were conducted 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.
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.

Omission	Reason
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 WC&G Division support the Commissioner and the staffing profile of Governance Division is included in the CMCD Annual Report.
C.8 Learning and development	As the Commissioner does not have staff with a discrete responsibility for supporting the 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.
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.

Omission	Reason
C.16 Territory records	The office of the Commissioner sits within CMCD and the Commissioner has employed the Records Management Program used by CMCD.
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

Administration Arrangements prior to 16 May 2011:

ACT Health	ACT Department of Health
ACTPLA	ACT Planning and Land Authority
CIT	Canberra Institute of Technology
CMD	Chief Minister's Department
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
TAMS	Department of Territory and Municipal Services
Treasury/TREAS	Department of Treasury

Existing Administration Arrangements:

HD	Health Directorate
CMCD	Chief Minister and Cabinet Directorate
ETD	Education and Training Directorate
CSD	Community Services Directorate
EDD	Economic Development Directorate
ESDD	Environment and Sustainable Development Directorate
JCSD	Justice and Community Safety Directorate
TMSD	Territory and Municipal Services Directorate
Treasury/TREAS	Treasury Directorate

Other:

AA	Administration Arrangement
ACTPS	ACT Public Service
AGO	Auditor General's Office
CIT	Canberra Institute of Technology
Commissioner	Commissioner for Public Administration
SERBIR	Senior Executive Responsible for Business Integrity and Risk
WC&G	Workforce Capability and Governance Division

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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