



Annual Report 2006-07

**Commissioner for
Public
Administration**

Annual Report 2006-07

Commissioner for Public Administration

ISBN-978-0-646-48067-1

© Australian Capital Territory, Canberra 2007

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

Published for the:

ACT Chief Minister's Department
Governance Division

Enquiries about this publication should be directed to:

Public Sector Management
Governance Division
GPO Box 158, Canberra City ACT 2601

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

Telephone: 02 6205 0358

For further information contact:

Robert Gotts, Senior Manager Workplace Relations, Chief Minister's Department,
ph 02 6207 6207, robert.gotts@act.gov.au

Jan Weir, Senior Manager Strategic HR, Chief Minister's Department, ph 02 6207 6502,
jan.weir@act.gov.au

Greg Haustead, Senior Manager Employment Policy, Chief Minister's Department,
ph 02 6207 5995, greg.haustead@act.gov.au



AUSTRALIAN CAPITAL TERRITORY

Commissioner for Public Administration

Transmittal Certificate

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

Dear Chief Minister

I am pleased to submit the Commissioner for Public Administration's annual report for 2006-07, which provides an account of the management of the Public Service as a whole during the reporting period 1 July 2006 to 30 June 2007. As you would be aware my interest in the management of the Service derives from the *Public Sector Management Act 1994* and, for this reason, my annual report focuses on the execution of my statutory powers and functions under that Act.

This report has been prepared under section 7 of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the *Chief Minister's Annual Report Directions 2006-2007*. It has been prepared in conformity with other legislation applicable to the preparation of the annual report by the Commissioner for Public Administration.

I hereby certify that the attached annual report is an honest and accurate account and that all material information on the operations of the Commissioner for Public Administration during the period 1 July 2006 to 30 June 2007 has been included and that it complies with the *Chief Minister's Annual Report Directions 2006-2007*. I also hereby certify that fraud prevention has been managed in accordance with Public Sector Management Standard 2, Part 2.4.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you cause a copy of the report to be laid before the Legislative Assembly within 3 months of the end of the financial year.

Yours sincerely

Catherine Hudson
Commissioner for Public Administration
21 September 2007

Chief Minister's Department
GPO Box 158
Canberra ACT 2601

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

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

Contents

Abbreviations	vi
A Performance and financial management reporting	1
A.1 The organisation	1
A.2 Overview and the management of the Service	3
A.3 Highlights and the management of the Service	9
A.4 Outlook	14
A.6 Fraud prevention.....	16
A.7 Risk management and internal audit	16
A.11 Analysis of agency performance	17
B Consultation and scrutiny reporting	18
B.2 Internal and external scrutiny.....	18
B.3 Legislative Assembly Committee inquiries and reports.....	18
C Other reporting	19
C.2 Public interest disclosure.....	19
C.3 Freedom of information.....	20
C.4 <i>Human Rights Act 2004</i>	20
C.5 Commissioner for the Environment	20
C.6 ACT Multicultural Strategy 2006–2009	20
C.7 Aboriginal and Torres Strait Islander reporting	20
Appendix A Administrative arrangements	21
Appendix B Public Sector Management Standards	23
Appendix C Waiver of an independent job evaluation	27
Appendix D Delegation of powers	29
Appendix E 2006–2007 ‘Over the Horizon’ report on agency risk assessments and emerging trends in fraud and corruption	30
Appendix F Reporting omissions	41
Compliance index	44

Abbreviations

AAOs	Administrative Arrangement Orders
ACTPLA	ACT Planning and Land Authority
ACTPS	ACT Public Service
AGO	Auditor-General's Office
ARWP	Attraction and Retention Working Party
BPNs	Best Practice Notes
CIT	Canberra Institute of Technology
CMD	Chief Minister's Department
COAG	Council of Australian Governments
Commissioner	Commissioner for Public Administration
DDHCS	Department of Disability, Housing and Community Services
DET	Department of Education and Training
DT	Department of Treasury
ICT	information, communications and technology
IT	information technology
JACS	Department of Justice and Community Safety
LDA	Land Development Agency
MOG	machinery of government
PID Act	<i>Public Interest Disclosure Act 1994</i>
PSM Act	<i>Public Sector Management Act 1994</i>
PSM Standards	Public Sector Management Standards
PSSAP	Public Sector Superannuation Scheme Accumulation Plan
SERBIR	Senior Executives Responsible for Business Integrity and Risk
TAMS	Territory and Municipal Services

A Performance and financial management reporting

A.1 The organisation

The statutory office of Commissioner for Public Administration

The office of the Commissioner for Public Administration (Commissioner) is established under section 18 of the Public Sector Management Act 1994 (the PSM Act) and appointed by the Chief Minister. Division 3.2 of the PSM Act outlines the central functions of the Commissioner, which are to:

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

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

The statutory powers of the Commissioner for Public Administration

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

- transfer offices, officers, employees and unattached employees between administrative units
- reclassify an office
- notify appointments, transfers, promotions, retirements or dismissals in the Gazette
- approve the reengagement of officers and employees who have received a voluntary redundancy within two years of the redundancy

- enter into arrangements with other jurisdictions to second staff to and from the ACTPS
- make PSM Standards
- waive the requirement for an independent job evaluation where a person is to perform a short-term executive office
- recognise prior service not recognised elsewhere.

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

In addition to the powers of the Commissioner under the PSM Act and PSM Standards, the Commissioner has functions under the *Public Interest Disclosure Act 1994*, the *Safety, Rehabilitation and Compensation Act 1988*, the *Commissioner for the Environment Act 1993*, the *Freedom of Information Act 1989*, and the *Legal Aid Act 1977*. The Commissioner also has powers under agency collective agreements made under the Commonwealth *Workplace Relations Act 1996* such as the Template Collective Agreement of Common Core Conditions. The powers of the Commissioner under the Template Collective Agreement include the power to:

- issue guidelines on salary packaging
- approve independent reviewers to sit on appeal panels or undertake reviews into agency decisions
- grant campaign leave to enable a officer or employee to run for office.

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

The working arrangements of the Commissioner for Public Administration

The office of Commissioner has historically been characterised as a part-time office. Ms Catherine Hudson was appointed as Commissioner on 3 July 2006 and concurrently holds that office and the position of the Deputy Chief Executive, Governance Division of the Chief Minister's Department. This concurrent arrangement has been in place since February 2006 and replicates the model used between 1995 and 1999 where a senior executive with departmental responsibilities also held the office of Commissioner.

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

- implementing structural reform arising from the 2006–07 Budget initiatives

- negotiating a Template Collective Agreement and assisting agencies with other agreements
- undertaking preparatory work on attraction and retention strategies as part of the Government's initiative to strengthen public service capacity.

As a result of the varied responsibilities of the Public Sector Management Group—and recognising the small size of the jurisdiction and the part-time nature of the role—the Commissioner has focused primarily on discharging the statutory responsibilities of the office. Whenever possible, the Commissioner sought to maximise the efficacy of her office and to strengthen the policy and processes surrounding the statutory functions and powers of the office. To this end, during the reporting period, the Commissioner has adopted an approach of focusing on key projects that support the management and operation of the Service as a whole. The Commissioner has undertaken these projects in a manner consistent with the statutory functions of the office and the ACTPS values.

In particular, during the reporting period the Commissioner promoted whole-of-government approaches on a broad range of challenges facing the ACTPS, including key themes such as:

- strengthening public service capacity through activities such as executive networking events
- achieving excellence in governance through the reinvigoration of SERBIR
- supporting whole-of-government approaches to the management of the Service through participation in Management Council.

These priorities reflect the major challenge forecast in last year's report; the streamlining of the Service and the establishment of the Shared Services Centre. They also feed into the major challenges that the Commissioner has identified as requiring particular focus in the year ahead.

Importantly, the Government provided funding in the 2007–08 Budget over four years to strengthen the capacity of the ACT Public Service. The Commissioner will continue to advocate for developing strategies that focus on investing in staff, providing training and leadership development opportunities, improving workplace culture and recruitment, attraction and retention strategies.

A.2 Overview and the management of the Service

The office of Commissioner for Public Administration makes an important contribution to the management of the Service. It is also important to recognise that other entities make a valuable contribution to managing the Service including, but not limited to, the Chief Minister's Department, the ACT Auditor-General's Office, the Department of Treasury, individual departments and agencies and the Management Council. In particular, the Chief Minister's Department produces an annual report that includes material on the work of the Public Sector Management Group covering, amongst other things:

- providing a central agency policy and advisory role for ACT public sector employment. Areas of responsibility cover Service-wide employment, industrial relations, human resources, accountability and learning and development issues
- developing and implementing Service-wide human resources policies and strategies, including strategic learning and development initiatives, professional development of senior executives and equity and diversity.

Statutory powers

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

- statutory powers in response to changes to the Administrative Arrangement Orders (AAOs)
- the statutory power to make PSM Standards
- the statutory power to waive the requirement for an independent job evaluation where a person is to perform a short-term executive office
- the statutory power to waive the requirement that, where a former officer was an excess officer and retired voluntarily receiving a redundancy payment, that person cannot be reengaged in the ACTPS for two years
- statutory powers under the Safety, Rehabilitation and Compensation Act 1988
- the power to delegate powers.

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

Administrative arrangements

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

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

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

The MOG provisions of the PSM Act do not extend to the transfer of statutory authority staff between administrative units. In the reporting period the Commissioner used section 96 (transfers of officers and employees between administrative units), subsection (4), of the PSM Act to transfer statutory authority staff between administrative units. Section 96(4) empowers the Commissioner, after consulting with the chief executive of each of the administrative units concerned, to transfer officers and employees between administrative units.

In the reporting period 24 MOG changes and associated transfers were made by the Commissioner (Appendix A).

Public Sector Management Standards

The PSM Standards are subordinate law, which support the PSM Act. Section 251 of the PSM Act empowers the Commissioner, with the approval of the Chief Minister, to make PSM Standards for the purposes of the PSM Act.

Section 251(2) lists the subject matters on which the Commissioner may make a Standard. Additionally, under subsections 251(6) and (7) of the PSM Act, the Commissioner may make PSM Standards without the specific agreement of the Chief Minister, subject to parameters agreed to by the Chief Minister. The Chief Minister has agreed to the following parameters:

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

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

Waiver of an independent job evaluation

Under section 40 of the PSM Standards, the Commissioner has the power to waive the requirement for an independent job evaluation where a person is to perform an executive office under section 76 (short-term executive contracts) of the PSM Act. The Commissioner may only exercise this power where it is in the interest of the Service. In the reporting period, the Commissioner exercised this power 17 times (Appendix C).

Waiver to allow reengagement

Under section 114 of the PSM Act the Commissioner has the power to waive the requirement that, where a former officer was an excess officer and retired voluntarily receiving a redundancy payment, they cannot be reengaged in the ACTPS for two years.

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

The Commissioner exercised this power twice during the reporting period.

Safety, Rehabilitation and Compensation Act 1988

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

- ACT Health
- ACTEW Corporation
- ACTION
- ACTTAB
- Calvary Hospital
- Exhibition Park in Canberra
- Rhodium
- the ACT Planning and Land Authority
- the Canberra Institute of Technology
- the Chief Minister's Department
- the Cultural Facilities Corporation
- the Department of Disability, Housing and Community Services
- the Department of Education and Training

- the Department of Justice and Community Safety
- the Department of Territory and Municipal Services
- the Department of Treasury
- the Legal Aid Commission
- the Legislative Assembly
- the University of Canberra.

Delegation of powers

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

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

During the reporting period the Commissioner revised either the powers that she delegates, or the people to whom delegations are made on seven occasions (Appendix D).

Workforce profile

In December 2006 the Commissioner published the inaugural *ACT Government Workforce Profile*. The Workforce Profile provided an overview of the ACTPS workforce as at 30 June 2006. Some of the key facts about the ACT Government workforce that emerged from the report were:

- the total number of staff in ACT Government agencies as at 30 June 2006 was 18,799. This was a slight decrease on the comparable figure for 2005, which was 18,944
- the overall size of the ACT Public Service was about average in comparison to other States and Territories using size as a proportion of the population and using size as a proportion of total workforce

- just over two-thirds of agency staff were employed on a full-time basis, with approximately 80% of men employed full-time, compared with about 60% of women. Consequently, proportionally more men than women were employed on a permanent full-time basis, while proportionally more women than men are employed on a permanent part-time basis
- permanent full-time and temporary part-time employment were both down by 1%
- casual employment was up by 1%
- the average age of employees in ACT Government agencies was 43.2 years, with a standard deviation of 11.5 years, indicating that about two-thirds of the workforce were aged between 31.7 years and 54.7 years. For women, the average age was 43.1 years, while for men the average age was 43.4 years
- the average length of tenure for agency staff was 5.88 years, with the average tenure for women being 5.74 years and the average tenure for men being 6.14 years
- compared with June 2001 the age profile was broader, with a higher proportion of staff aged 50 or more as well as a higher proportion of staff under 30 years
- there was an increase of 15 staff (from 93 to 108) identifying as Indigenous compared to 30 June 2005
- there was a decrease of 130 staff (from 1997 to 1867) identifying as having a first language other than English
- there was an increase of 23 staff (from 285 to 308) identifying as having a disability.

Agency survey

In recent years the Commissioner has sought information from agencies about people management practices across the Service. This has taken the form of a short agency survey covering areas such as values and the code of ethics, workplace equity and diversity and performance culture and change.

The agency survey had essentially remained unchanged since 2004. Pleasing results continued to be reported in recent years. These include that most agencies were incorporating values and ethics awareness into their learning and development; a general agency focus on implementation of the Framework for the Employment of People with a Disability in the ACTPS; and almost all agencies reporting that systems are in place for employees to report bullying and harassment.

Notwithstanding these results, the survey outcomes did not provide significant scope for future action and recent structural changes to the ACTPS made agency comparisons more difficult. For these reasons the survey needed to be reviewed and redesigned so that more relevant data on, for example, attraction and retention issues could be gathered.

Timing of the agency survey was also a consideration. With the establishment of the Shared Services Centre in February 2007 corporate staff across the ACTPS were focused on

bedding down the new systems and procedures. It would not have been an appropriate time to seek data from agencies or the Shared Services Centre, which would be an important element in providing some of the agency input for the survey.

The Commissioner has decided to redesign the agency survey and to request agencies to complete the survey in the second half of 2007.

A.3 Highlights and the management of the Service

Commissioner's Awards

The Commissioner for Public Administration Awards were established in 2002 to formally recognise significant contributions by employees across the ACTPS. These awards are the premier whole-of-service awards for the ACTPS, and focus on recognising the achievements of employees. Employees are nominated through their chief executives.

In order to ensure that all aspects of the work of ACTPS staff are recognised, the award categories differ from year to year. This year 35 nominations were received against the three categories:

- 'For the Future' Implementation
- People Management
- Service Delivery.

The nominations included individual, team level initiatives and larger projects from across the ACTPS. Twenty-one award winners were selected from these nominations by a judging panel comprising the Chief Executive of Chief Minister's Department (Mr Mike Harris), the Commonwealth Merit Protection Commissioner (Mr Jeff Lamond), and the Commissioner.

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

Recipients in the 'For the Future' Implementation category

- *Jennifer Lindsay* (Department of Education and Training)—for outstanding achievement, working in collaboration with parents and schools to maximise continuity of learning for students with a disability.
- *Luke McAlary* (Chief Minister's Department)—for a series of across-government strategic policy projects: an Indigenous policy framework, the COAG Reform agenda, and supporting the Review of Government Services project.
- *Planning System Reform Team* (ACT Planning and Land Authority)—for working as a self-managed and highly motivated team, and delivering the Planning and Development Bill 2006 through research, consultation and legislative drafting.

- *Whole of Government Accommodation Strategy Team, Property Group* (Department of Territory and Municipal Services)—for developing and successfully implementing an accommodation strategy that is impacting on 1500 staff.

Recipients in the People Management category

- *Anne Ellis* (Department of Education and Training)—for outstanding achievement in change management, through leadership and personal commitment to meeting the needs of staff.
- *Compliance Policy and Guidelines* (Department of Disability Housing and Community Service)—for developing a Departmental Compliance Framework, Policy and Guidelines in partnership with business units.
- *Payroll Team* (Department of Territory and Municipal Services)—for providing a centre for excellence in professionalism, teamwork, and attention to detail during the implementation of the Chris21 Payroll System.
- *Staff of Capital Linen Service* (Department of Territory and Municipal Services)—for developing and demonstrating a culture of ‘learning is the way we go about our business’ in order to deliver a consistently high quality linen rental service.

Recipients in the Service Delivery category

- *Danny O’Dea* (Department of Treasury)—for outstanding service to the ACT Government in providing briefing on economic statistics.
- *Housing ACT Applicant Support Initiative Incorporating the Pre-Allocation Case Conference Initiative* (Department of Disability, Housing and Community Services)—for the development and implementation of an integrated service to ensure applicants for housing are supported from crisis and homelessness to safe, secure and affordable housing.
- *Jocelyn Plovits* (Chief Minister’s Department)—for demonstrated leadership, and significant achievement for the Government in the Summernats Review, sustainable rural village planning and development of the Bushfire and ACT Memorials.
- *Kevin Wenman* (Department of Territory and Municipal Services)—for service delivery to community organisations and small business at a consistently high level over a sustained period.
- *Lynette Hilhorst* (Department of Disability Housing and Community Service)—for demonstrating exceptional personal commitment to improving the safety and wellbeing of children and young people in the ACT.
- *Mike Brown* (Department of Territory and Municipal Services)—for demonstrating leadership within the new Department of TAMS by ensuring business continuity across business units and demonstrating initiative and a ‘can-do’ attitude.

- *Nancy Macdonald* (Department of Education and Training)—for providing an exceptional learning environment for students through outstanding leadership and demonstrated personal commitment.
- *Ross Burden* (Department of Territory and Municipal Services)—for excellent service provided in developing, implementing and monitoring the Department of Urban Services Bushfire Operations Plan.
- *Ross Burton* (Department of Treasury)—for delivering exceptional financial management services benefiting ACT Government agencies during profound organisational change.
- *Ross McKay* (Chief Minister’s Department)—for outstanding achievement in facilitating the speedy approval of major aged accommodation building projects.
- *Staff of the Human Rights Commission, previously Community and Health Services Complaints Commissioner* (Department of Justice and Community Safety)—for dedication and excellence in delivering a quality and timely complaint resolution service.
- *Strategic Finance Team* (Department of Territory and Municipal Services)—for making a significant contribution to the achievement of strategic change in delivering financial management services in a fiscally challenging environment.
- *Vic Smorhun* (ACT Planning and Land Authority)—for outstanding service and support to the Minister and staff of the ACT Planning and Land Authority.

Building partnerships with other jurisdictions

The Commissioner maintains links with other public service jurisdictions in order to monitor developments and exchange information and ideas about matters of common concern. During 2006-07 the Commissioner has worked to maintain and develop these links.

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

In the 2006–07 reporting period, the Commissioner attended two conferences. The first conference was hosted by the Northern Territory, and was held in Alice Springs in September 2006. The major themes of the conference included the future of public sector reform; identifying under-performing agencies; and a review into whether there are common trends in bullying and harassment, and what can be done to reduce the incidence of workplace bullying and harassment.

The second conference was hosted by Victoria, and was held in Melbourne in February 2007. The major themes of the conference included governance issues in the public sector and the lessons to be learnt from other jurisdictions; and the provision of government

services through devolved government arrangements and the implications this has on the Public Service.

Additionally, during the reporting period the Commissioner hosted a nine-member delegation from the Indian Administrative Reform Commission, led by HE Veerappa Moilly. Their focus was on the reform of public service and financial management systems, and, more specifically, they were interested in mechanisms for achieving interdepartmental cooperation, the effects of engaging executives on contract rather than on a tenured basis, performance management and workforce planning. The Commissioner presented a session outlining the processes and systems in place in the ACTPS, which was reported as being of great interest by the leader of the delegation.

Attraction and Retention Working Party

The ACT Government, like many other public and private employers, is contending with a tight labour market. This creates challenges in attracting new staff to the ACTPS, and in retaining staff currently employed in the Service. In response to this the Commissioner established an Attraction and Retention Working Party (ARWP). The focus of the ARWP is a robust policy exchange regarding current and future attraction and retention issues, concentrating on strategies and policies that can be implemented in the short to medium term. During the reporting period, the ARWP met twice, on 15 May 2007 and 29 May 2007.

The outcomes of the ARWP will influence the Government's Strengthening Public Service Capacity initiative.

Revocation of Best Practice Notes

The Best Practice Notes (BPNs) had initially been developed to provide guidance material to all managers, and were based on provisions of the PSM Act and PSM Standards. In 2005, the review of the BPNs was initiated as many BPNs were out of date or no longer reflected the broader legislative employment framework of the ACTPS, including collective agreements. On 6 September 2006 the Commissioner finalised the review of the BPNs. In finalising the review the Commissioner revoked all BPNs, having established that where necessary there were materials available to supersede the information previously contained in the BPNs. The review has assisted the efficient operation of the Service.

Workers' compensation premium reduction

In July 2006, Comcare set the ACTPS workers' compensation premium pool for 2006–07 at \$36,975,429 at a premium rate of 3.08% of payroll. The premium rate for 2005–06 was also 3.08%. Following receipt of Comcare's premium notice for the reporting period, on 14 July 2006 the Commissioner lodged an objection to the premium under section 97J of the Safety, Rehabilitation and Compensation Act 1988.

The basis of the objection was concern about some of the underlying assumptions behind Comcare's calculation of the 2006–07 premium. Although the premium rate remained

unchanged from the previous reporting period, the premium pool for 2006–07 increased because of an increase in estimated wages and salaries for the ACTPS.

Comcare considered the appeal made by the Commissioner and subsequently upheld the objection, reducing the ACT Government’s workers’ compensation premium for 2006–07 and returning an amount of \$539,000 to the ACT Government.

Structural reform

In the 2006–07 Budget, the Government initiated a major structural reform of the ACTPS. The reforms included:

- simplifying administrative structures to reduce overheads and improve policy development and service delivery
- strengthening management processes within government
- combining activities of similar type that are transactional in nature, to reduce the internal costs to government
- combining functions to provide a single interface to a group of service users or a sector of the community.

Shared Services Centre

In April 2006 the Chief Minister announced the Government’s decision to establish a Shared Services Centre in the ACTPS. The new Shared Services Centre is part of the Department of Treasury and became operational on 1 February 2007. It is designed to deliver savings by allowing corporate services staff to work in a more efficient environment.

The Shared Services Centre includes the existing ACT Government information, communications and technology (ICT) provider InTACT and Procurement Solutions, as well as finance and human resources and records and publishing services.

The Shared Services Centre drew on the expertise of existing corporate services staff across the ACTPS, who were involved in process functions that could be delivered more efficiently in a shared services environment. More strategic corporate services that cannot be standardised across agencies have not been included in the Shared Services Centre.

The establishment of the Shared Services Centre builds on the recent reforms in the delivery of corporate services. Payroll centres had already been consolidated across agencies, with some departments taking on the function on behalf of others. More recently, Procurement Solutions and InTACT have been expanded to undertake the delivery of procurement and ICT services on behalf of all ACT Government agencies. The Shared Services Centre takes these reforms to the next logical step—bringing together like functions across the ACTPS and building upon the economies of scale.

During the reporting period the Commissioner worked closely with the Department of Treasury, senior staff of the Shared Services Centre and agencies in the implementation of

the new arrangements. The Shared Services Centre is now an important element in the structure of the ACTPS reflected in membership on the HR Council.

It will be important for both agencies and the Shared Services Centre to continue to interact effectively on a range of issues, particularly those issues directly affecting staff, in order to ensure quality service delivery.

A.4 Outlook

A new Template Collective Agreement

The Template Collective Agreement includes a set of core conditions for many staff across the ACTPS. Occupational specific agreements, which for example cover nurses and teachers, are separate to the Template Collective Agreement and may contain different terms and conditions. The *ACT Public Service Certified Agreement Template 2004–2007* expired on 31 March 2007.

Negotiations for a new Template Collective Agreement resulted in an in-principle agreement being signed between the Government and unions on 5 April 2007. This agreement contains a pay offer of 12% over 3 years—the Government agreed to fully fund 3% of the wage increase with the extra 1% per annum being identified through genuine and sustainable productivity offsets. To assist in meeting the challenge to attract and retain skilled staff, existing conditions of service have not been reduced in the new agreement. In addition, conditions of service have been enhanced in a number of areas including:

- extending purchased leave from six to 12 weeks
- extending mechanisms to allow staff on temporary contracts to transition to permanent positions
- extending the provision of leave for fathers on the birth of a child
- simplifying the provisions around discipline
- extending the special employment arrangement framework to include conditions of service matters
- measures to support a further reduction in harassment and bullying.

The Commissioner will, together with other members of the Management Council involved in the management of the Service as a whole, encourage and facilitate the smooth transition from the old to the new Template Collective Agreement.

Strengthening Public Service capacity

The ACTPS delivers a broad range of services to the ACT community efficiently and effectively. On an operational level, the ACTPS continues to display a high degree of innovation in the development of programs and the delivery of services. It has led other

jurisdictions in several key initiatives for example electronic voting was an Australian first when used in the 2001 Assembly election.

The successful and innovative delivery of services to the community relies on the capacity of the ACTPS.

In the 2007–08 Budget, the Government announced that it will be investing \$1.6 million over the next four years to strengthen the capacity of the ACTPS workforce. The Strengthening Public Service Capacity initiative aims to address critical issues such as skill shortages and staff loss as a result of retirement. This initiative will develop strategies that focus on workplace culture; investing in staff; significant training and leadership development opportunities; recruitment; attraction and retention. These strategies should allow the ACTPS to be well positioned to respond to the challenges posed by the labour market and to maintain and recruit a workforce that continues to deliver effective services for the Government and community.

This initiative will be led by the Chief Executive, Chief Minister's Department and the Commissioner, in conjunction with the Management Council and all chief executives across the Service.

Comprehensive review of Commissioner's power to conduct investigations

To ensure appropriate investigations are undertaken in an effective manner, the Commissioner has decided to review the Commissioner's power to conduct investigations. The Commissioner anticipates this analysis will include a review of the historic use of the power; best-practice investigation processes; investigation processes in other jurisdictions; and the internal and external resources available to the Commissioner.

The Commissioner will implement processes that are considered likely to improve the efficacy of her office and assist in the discharge of her statutory responsibilities. The Commissioner expects that strengthening the policy and processes relating to this statutory function will clarify understanding of her investigatory role across the Service.

Comprehensive review of Commissioner delegations

The office of the Commissioner came into effect with the enactment of the PSM Act on 30 June 1994. The earliest Commissioner delegations—which were limited to the then Department of Public Administration—took effect retrospectively from 1 July 1994. Decision making over the methodology for these delegations took place between July 1994 and May 1995. Between May 1995 and July 1998, the methodology was incrementally introduced.

In July 1998 the PSM Standards were simplified from 25 to eight Standards (largely the same as the current eight Chapters). At this time advice was sought from chief executives in respect of their 'advice as to the ... requirements regarding the offices within [their] agency which require the various Commissioner's delegations'. In October 1998 delegations were made, based on the recommendations from agencies, which reflect the current delegation model.

Between October 1998 and the present amendments to the list of delegates were either:

- initiated by the Chief Minister's Department and determined by across the board consultation with agencies (from the early 2000s a regular review was initiated approximately every six months)
- in response to a request from an agency (usually because of an internal restructure)
- in response to changes to the AAOs.

Between October 1998 and the present, changes to the delegated powers, which sometimes necessitated corollary changes to the schedule of delegates, occurred as a result of amendments to the PSM Act or PSM Standards.

The Commissioner has decided, given that:

- little review has occurred by the Commissioner's office of the list of delegates since 1998
- the list of delegated powers has been generally static since 1996
- the delegation methodology appears not to have been reviewed since 1998
- there has been Service-wide change to the processing arrangements of several public sector management matters with the establishment of the Shared Services Centre
- that it would be prudent to undertake a review of the Commissioner delegations and the delegation methodology in the next reporting period. The Commissioner will contact agencies before commencing this review and will actively include agencies in the review process.

A.6 Fraud prevention

The SERBIR report is at Appendix E.

A.7 Risk management and internal audit

The Commissioner currently is a member of two Internal Audit Committees—Chief Minister's Department and Department of Disability, Housing and Community Services.

The Commissioner is also a member of Management Council. Management Council is the key senior management forum for the ACT Public Service. The Council provides a forum in which to identify and discuss key policy and service issues affecting, or potentially affecting, the ACT Government and ACT Public Service, particularly issues with implications across government.

The Council provides strategic leadership through the direction of cross-portfolio planning and policy development, including the consideration of particular issues for subsequent Ministerial consideration.

A.11 Analysis of agency performance

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

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

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

B Consultation and scrutiny reporting

B.2 Internal and external scrutiny

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

B.3 Legislative Assembly Committee inquiries and reports

Report: Standing Committee on Public Accounts
Report on Annual and Financial Reports 2005-06
Report No 10, April 2007
Recommendation 9

The Government's response is being prepared by the Chief Minister's Department in consultation with the Commissioner, and will be tabled later in 2007.

C Other reporting

Culture and values

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

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

An effective way to embed values and ethics across the ACTPS is to link them to performance frameworks, and responses to previous agency surveys have indicated that progress has been made across the Service in doing so. In the agency survey to be distributed towards the end of 2007, the Commissioner will be asking agencies whether they have identified other successful ways to embed values. Other culture and values issues to be pursued in the survey will be in relation to the extent of breaches of the code of ethics and on the incidence of bullying and harassment identified within agencies.

C.2 Public interest disclosure

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

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

The Commissioner received one disclosure under the PID Act during the reporting period.

The disclosure related to alleged public wastage and associated alleged reprisal action within the Department of Disability, Housing and Community Services. The disclosure is in two parts, one of which was referred by the ACT Ombudsman to the Commissioner, who together with the Department of Disability, Housing and Community Services is jointly investigating the employment related matter under section 24 of the Act.

C.3 Freedom of information

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

C.4 Human Rights Act 2004

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

C.5 Commissioner for the Environment

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

C.6 ACT Multicultural Strategy 2006–2009

During the reporting period the Commissioner's priority was the promotion of a whole-of-government approach to encourage a smooth transition to the revised ACTPS structure announced as part of the 2006–07 Budget. Consequently the Commissioner did not undertake any additional projects specifically designed to meet the ten key themes of the ACT Multicultural Strategy 2006–2009. However, the Commissioner had regard to the themes when considering the management of the Service as a whole, and the promotion of the strategy was implicit in the manner in which the Commissioner undertook the role of the office.

C.7 Aboriginal and Torres Strait Islander reporting

In April 2007 the Australian Public Service Commission sponsored an interjurisdictional forum on Indigenous employment, the purpose of which was to share information on key initiatives that had been developed to improve employment outcomes for Indigenous Australians. A focus of discussion was on Indigenous recruitment and retention strategies in place, or seen as desirable. As an outcome all Commissioners are expected to support the continuance of cross-border Indigenous employment collaboration and to make Indigenous employment a standing agenda item at their next conference.

In relation to the management of the Service as a whole, in May 2007 the Commissioner used the authority under section 438 of the PSM Standards to direct that chief executives may grant one full day of leave to Aboriginal and Torres Strait Islander staff to attend NAIDOC Week celebrations. The Commissioner directed this leave may be granted for one complete day or for varying periods over the week's activities, totalling the equivalent of one full day, and that this leave be with pay and count as service.

Appendix A Administrative arrangements

In the recording period 24 machinery of government (MOG) changes and associated transfers were made by the Commissioner:

- on 18 July 2006, the transfer of Healthpact staff (dissolved statutory authority) to the Department of Health made under section 96 of the PSM Act
- on 18 July 2006, the transfer of the Emergency Service Authority staff to the Department of Justice and Community Safety made under sections 15, 16 and 119 of the PSM Act
- on 2 August 2006, the transfer of Business ACT staff from the Department of Economic Development to the Chief Minister's Department made under sections 15 and 119 of the PSM Act
- on 2 August 2006, the transfer of staff from the Office of the Small Business Commissioner (dissolved statutory authority) of the Department of Economic Development to the Chief Minister's Department made under section 96 of the PSM Act
- on 2 August 2006, the transfer of staff from the ACT Gaming and Racing Commission of the Department of Economic Development to the Department of Treasury made under section 96 of the PSM Act
- on 2 August 2006, the transfer of staff from the Independent Competition and Regulatory Commission of Treasury to the Department of Justice and Community Safety made under section 96 of the PSM Act
- on 8 August 2006, the transfer of Workcover staff from the Chief Minister's Department to the Department of Justice and Community Safety made under section 96 of the PSM Act
- on 10 August 2006, the transfer of ACT Forests staff from the Chief Minister's Department to the Department of Territory and Municipal Services made under section 15 of the PSM Act
- on 10 August 2006, the transfer of Sport and Recreation staff from the Department of Economic Development, to the Department of Territory and Municipal Services made under sections 15 and 16 of the PSM Act
- on 10 August 2006, the transfer of Stadiums Authority staff (dissolved statutory authority) from the Department of Economic Development to the Department of Territory and Municipal Services made under section 96 of the PSM Act
- on 11 August 2006, the transfer of Heritage staff from the Chief Minister's Department to the Department of Territory and Municipal Services made under section 15 of the PSM Act

- on 11 August 2006, the transfer of Australian Capital Tourism staff from the Department of Economic Development to the Department of Territory and Municipal Services made under section 96 of the PSM Act
- on 14 August 2006, the transfer of Office of Sustainability staff from the Chief Minister's Department to the Department of Territory and Municipal Services made under sections 15 and 16 of the PSM Act
- on 14 August 2006, the transfer of Environment ACT staff from the Chief Minister's Department to the Department of Territory and Municipal Services made under section 15 of the PSM Act
- on 14 August 2006, the transfer of Community Affairs staff from the Chief Minister's Department to the Department of Disability, Housing and Community Services made under sections 15 and 16 of the PSM Act
- on 17 August 2006, the transfer of parking operations staff from the Department of Territory and Municipal Services to the Department of Justice and Community Safety made under sections 15, 16 and 119 of the PSM Act
- on 21 August 2006, the transfer of ACTION Authority staff to the Department of Territory and Municipal Services made under sections 96 and 119 of the PSM Act
- on 20 December 2006, the revised transfer of parking operations staff from the Department of Territory and Municipal Services to the Department of Justice and Community Safety made under sections 15, 16 and 119 of the PSM Act. This instrument revoked the earlier transfer of 17 August 2006, which contained errors in the staffing schedules
- on 31 January 2007, the transfer of Victims Support Scheme staff from ACT Health to the Department of Justice and Community Safety made under section 96 of the PSM Act
- on 8 January 2007, the transfer of Community and Health Services Complaints Commission staff to the Human Rights Commission made under section 96 of the PSM Act
- on 21 May 2007, the transfer of Energy and Water Policy staff from the Chief Minister's Department to the Department of Territory and Municipal Services made under sections 15 and 16 of the PSM Act
- on 13 June 2007, the transfer of ACT Records Services staff from the Department of Territory and Municipal Services to the Department of Treasury made under sections 15 and 16 of the PSM Act
- on 13 June 2007, the transfer of Publishing Services staff from the Department of Territory and Municipal Services to the Department of Treasury made under sections 15 and 16 of the PSM Act
- on 29 June 2007, the transfer of Land Development Agency staff from the Department of Treasury to the Chief Minister's Department made under section 96 of the PSM Act.

Appendix B Public Sector Management Standards

In 2006–07 the Commissioner made seven amendments to the PSM Standards with the following instruments:

DI2006-142 (effective 1 July 2006)

This amendment:

- introduced mandatory notice requirements where the appointment of a statutory office holder is to end, before the appointment was due to end and permits the notice period to be met by a payment in lieu of notice. Additionally, where a statutory officer holder is entitled to notice under the new provision, the amendment introduced an entitlement to a special benefit based on two weeks of remuneration for every year of continuous recognised service, up to a maximum of 44 weeks of remuneration
- introduced the option in relation to notice of termination of employment for executive and chief executive staff that notice can be constituted by a payment in lieu, at the election of the employer or employee
- set in place standard employer contributions for statutory office holders, executives and chief executives appointed or engaged after 1 July 2006 of 9% of their remuneration, or 10% where the statutory office holder contributes 3% or more of their remuneration to the superannuation fund. The amendment does not affect continuity of membership for existing members of the Commonwealth Superannuation Scheme (CSS) and Public Sector Superannuation Scheme (PSS)
- introduced a requirement that the vehicle entitlement for executives, chief executives and statutory office holders engaged or appointed from 1 July be limited to four-cylinder vehicles
- updated the arrangements for the approval and administration of non-executive vehicles to place responsibility with agency chief executives for the administration of non-executive motor vehicles (who should have regard to whole-of-government policy, including the four-cylinder vehicle policy) including changing the home garaging arrangements.

DI2006-187 (effective 3 August 2006)

This amendment responded to 'Report No 4 of the Scrutiny of Bills and Subordinate Legislation Committee' of 7 March 2005, which noted the difficulty in accessing historical versions of the PSM Standards. The amendment changed the format of the PSM Standards to be consistent with the requirements for the Legislation Register and the PSM Standards were then made available on the Register. Subsequently, point in time historical versions and each amending Standard are accessible on the Legislation Register.

The amendment re-made the eight former PSM Standards into a single reformatted standard with eight chapters. The changes, which were technical in nature and did not

alter obligations or terms and conditions of employment under the PSM Standards, included:

- making numbering continuous so that it no longer commenced with each part
- dividing some provisions into smaller provisions
- re-ordering some provisions
- minor and technical additions to ensure the provisions continue to operate in the same manner
- changes in reference terminology, for example, 'Rules' became known as 'sections'
- relocating the definition section to the dictionary section at the end of the PSM Standards.

DI2006-218 (effective 13 October 2006)

This amendment:

- supported the 2006–07 Budget decisions that all new entrants to the ACTPS would receive 9% employer superannuation contributions; that access to the Public Sector Superannuation Scheme Accumulation Plan (PSSAP) be removed for new staff; and that existing ACTPS staff who hold PSSAP membership are able to continue PSSAP membership, while they continue to be employed by the ACTPS
- clarified that existing PSSAP members, engaged on a temporary employment basis, can continue PSSAP membership where the temporary staff are:
 - engaged under a new employment relationship with the ACTPS, without a break in employment with the ACTPSor
 - engaged on a regular and systematic basis, under a regular work pattern, where the employee has a reasonable expectation of continuing employment in ACTPS. This does not apply where the regular and systematic employment is broken by other employment outside the ACTPS, that is not approved by the relevant chief executive.
- provided the Commissioner with the power, on a case-by-case basis, to determine that the Standard applies to a person, such that the person can continue PSSAP membership.

DI2007-64 (effective 10 March 2007)

Among other things, this amendment:

- consolidated the parameters previously contained in both the PSM Standards and Remuneration Tribunal Determinations to make a comprehensive Standard that provides executives, chief executives, and most full-time statutory office holders with

an entitlement to use a vehicle, and places parameters on the selection and use of such vehicles

- restricted the choice of vehicle available to executives and full-time statutory office holders to sedans, wagons and people movers
- removed the distinction between executives and full-time statutory office holders engaged before or after 1 July 2006
- requires all executives and full-time statutory office holders who enter into a new leasing arrangement for an executive vehicle to select a four-cylinder vehicle
- clarifies that part-time executives are entitled to full-time use of an executive vehicle
- removed the requirement previously imposed through Remuneration Tribunal Determinations, that vehicles with over 1.8-litre engines be Australian made
- included an option for executives to choose payment in lieu of an executive vehicle entitlement
- changed the method of identifying the entitlement, as the previous benchmark vehicles were six-cylinder vehicles so that the vehicle entitlement is now determined by reference to the monthly lease rate
- introduced a power for the administering chief executive to consider requests to extend the monthly lease rate by up to 5%.

DI2007-91 (effective 21 April 2007)

This amendment:

- removes the criteria 'personal qualities' from the list of criteria that must be given regard when selecting temporary employees
- streamlines the remuneration of independent reviewers by limiting the method of payment to an hourly rate so that independent reviewers are now paid pro rata for any length of work they undertake. The hourly rate of pay has not been changed by this amendment.

DI2007-92 (effective 21 April 2007)

This amendment was made subject to the Chief Minister's general approval to the Commissioner to make PSM Standards for specified purposes, subject to conditions where necessary. The amendment:

- updated rates for motor vehicle allowances to reflect those issued by authority of the Commonwealth Minister for Revenue and Assistant Treasurer under the Income Tax Assessment Regulations 1997

- updated the overtime duty meal allowance rate based upon changes in the Consumer Price Index for food in Canberra in the 2006 December quarter.

DI2007-125 (effective 23 June 2007)

This amendment supports the sale of the Territory-owned corporation, Rhodium Asset Solutions Limited (Rhodium). In 2005 when the fleet component of Totalcare Industries Limited (Totalcare) became Rhodium the Territory gave the Totalcare staff transferred to Rhodium an undertaking that they would be offered employment in the ACTPS should Rhodium cease to operate during the life of the *Rhodium Asset Solution Enterprise Bargaining Agreement 2004-2007*. The decision to sell Rhodium triggered the residual right of former Totalcare staff to be offered employment in the ACTPS. The amendment facilitates the right of return by:

- identifying the provisions of the PSM Act and PSM Standards that prescribe the usual process for appointing people to the Territory that do not apply in relation to the appointment of the right of return employees
- providing the mechanism to appoint the right of return staff to the Territory, specifically to the Department of Treasury, as unattached officers
- pre-determining the salary of the staff on appointment to the Territory
- providing that prior service with Totalcare and Rhodium will be treated as if it had been service with the Territory
- giving the Department of Treasury the option of offering the staff a voluntary redundancy
- allowing the Commissioner to be able to take reasonable action to facilitate the appointment or transfer.

Appendix C Waiver of an independent job evaluation

In the reporting period, the Commissioner exercised the power to waive the requirement for an independent job evaluation where a person is to perform an executive office under section 76 (short-term executive contracts) of the PSM Act 17 times for the following reasons:

- on 6 July 2006, for the Department of Treasury office of Director, Finance, Transition Team, Shared Services Centre (1.3). A waiver was approved because the office was part of the temporary structure related to the implementation of the Shared Services Centre
- on 6 July 2006, for the Department of Treasury office of Manager, Finance, Transition Team, Shared Services Centre (1.3). A waiver was approved because the office was part of the temporary structure related to the implementation of the Shared Services Centre
- on 6 July 2006, for the Department of Treasury office of Manager, Organisational Design, Shared Services Centre (1.2). A waiver was approved because the office was part of the temporary structure related to the implementation of the Shared Services Centre
- on 7 July 2006, for the Chief Minister's Department office of Director, Arts, Communications, Events and Protocol (1.3). A waiver was approved because the office was part of a revised structure and pending formal evaluation
- on 7 July 2006, for the Chief Minister's Department office of Director, Public Sector Management (1.3). A waiver was approved because the office was part of a revised structure and pending formal evaluation
- on 25 August 2006, for the Department of Justice and Community Safety office of Chief Finance Officer (1.2). A waiver was approved because the office was part of a revised structure and pending formal evaluation
- on 8 September 2006, for the Department of Territory and Municipal Services office of General Manager, Stadiums (1.3). A waiver was approved because this office was a transfer of functions as part of administrative arrangements
- on 18 September 2006, for the Chief Minister's Department office of Executive Director, Business and Economic Policy (2.4). A waiver was approved because this office was a temporary function
- on 17 November 2006, for the Department of Education and Training office of Director, Towards 2020. A waiver was approved because this office was a temporary function
- on 30 November 2006, for the Department of Territory and Municipal Services office of Executive Director, Government Policy and Legislative Coordination (2.4). A waiver was approved because the office was part of a revised structure and pending formal evaluation

- on 30 November 2006, for the Department of Territory and Municipal Services office of Executive Director, Strategic Coordination and Continuous Improvement (2.4). A waiver was approved because the office was part of a revised structure and pending formal evaluation
- on 15 December 2006, for the Chief Minister's Department office of Director, Industrial Relations (1.3). A waiver was approved to reflect additional short-term responsibilities
- on 26 February 2007, for the Department of Health office of Special Adviser, Office of the Chief Executive (3.9). A waiver was approved because the office was a temporary function
- on 26 April 2007, for the Department of Health office of Executive Director, Human Resources (1.3). A waiver was approved because the office was a temporary position pending formal resizing
- on 26 April 2007, for the Department of Health office of Chief Finance Officer (1.3). A waiver was approved because the office was a temporary position pending formal resizing
- on 2 May 2007, for the Chief Minister's Department position of Executive Director, Water Security Taskforce (2.5). A waiver was approved because the office was a temporary function
- on 13 June 2007, for the Department of Health office of Executive Director, Population Health. A waiver was approved because the office was a temporary position pending formal resizing.

Appendix D Delegation of powers

During the reporting period the Commissioner revised either the powers that she delegates, or the people to whom delegations are made, on seven occasions:

- on 1 July 2006, in response to the amendment to the PSM Standards DI2006-142 (effective 1 July 2006), the Commissioner revoked the list of delegated powers and reissued a revised list of powers to reflect the removal of the Commissioner's power to approve the home garaging of vehicles
- on 7 July 2006 the Commissioner delegated all powers she was able to delegate to the Director of the Public Sector Management Group for the period 10 July 2006 to 14 July 2006 inclusive
- on 21 July 2006 the Commissioner revoked the list of people receiving delegations and reissued a revised list of delegates in response to requests for an urgent amendment from the Department of Education and Training and the Department of Justice and Community Safety
- on 8 September 2006, in response to the amendment to the PSM Standards DI2006-187 (effective 3 August 2006), the Commissioner revoked the list of delegated powers and reissued a revised list of powers to reflect the new numbering of the PSM Standards
- on 3 November 2006, following a Commissioner-initiated review, the Commissioner revoked the list of people receiving delegations and reissued a revised list of delegates. Changes were made to the delegates of the ACT Planning and Land Authority, the Chief Minister's Department, the Department of Disability, Housing and Community Services, the Department of Education and Training, the Department of Justice and Community Safety, InTACT, the Land Development Agency, and the Department of Territory and Municipal Services
- on 24 November 2006 the Commissioner revoked the list of people receiving delegations and reissued a revised list of delegates in response to a requests for an urgent amendment from the Department of Health
- on 8 December 2006 the Commissioner delegated all powers she was able to delegate to the Director of the Office of Industrial Relations for the period 2 January 2007 to 5 January 2007 inclusive.

Appendix E 2006–2007 ‘Over the Horizon’ report on agency risk assessments and emerging trends in fraud and corruption

Introduction

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

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

Under the Public Sector Management Standards 2006 (PSM Standards), ‘a Chief Executive must select an Executive to be responsible for the implementation of the integrity strategies and the processes for the detection and investigation of fraud and corruption’ (PSM Standards, Part 2.4(7)).

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

The purpose of the report is to:

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

SERBIR membership and meetings

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

Table E1 gives details of the SERBIR membership.

Table E1 SERBIR membership

Agency	Position
Chair—Chief Minister’s Department	Director, Public Sector Management
Chief Minister’s Department (CMD)	Director, Corporate Management
Department of Treasury (DT)	Director, Strategic Coordination
Territory and Municipal Services (TAMS)	Executive Director, Strategic Coordination and Continuous Improvement
ACT Health	Executive Director, Human Resource Management Branch
Department of Education and Training (DET)	Director, Governance, Regulation and Risk Directorate
Department of Justice and Community Safety (JACS)	Executive Director, Strategic Planning and Support
ACT Planning and Land Authority (ACTPLA)	Director, Client Services
Canberra Institute of Technology (CIT)	General Manager, Corporate Services
ACTTAB	Executive Manager, Corporate Services
Auditor-General’s Office (AGO)	Director, Performance Audits and Corporate Services
Land Development Agency (LDA)	General Manager, Corporate finance
Department of Disability, Housing and Community Services (DDHCS)	Director, Advocacy, Review and Quality

The revised SERBIR group has met twice during 2006–07. On 15 June 2007, SERBIR agreed on the process to prepare the ‘Over the Horizon’ report. To assist in finalising a draft report and to provide some structure to agency responses, a survey and costing model were developed and provided to SERBIR members.

Agency Fraud and (Anti-)Corruption Plans

All SERBIR members’ agencies have current Fraud and (Anti-)Corruption Plans.

During the financial year, ACT Planning and Land Authority, Chief Minister’s Department, Department of Justice and Community Safety, Department of Treasury, Department of Disability, Housing and Community Services and Land Development Agency have undertaken reviews of their current plans.

Department of Education and Training and ACT Health will be undertaking a review of their respective Plans during 2007–08.

Department of Treasury will be undertaking a fraud risk assessment in the first quarter of 2007–08.

The Auditor General’s Office’s Fraud and (Anti-)Corruption Plan is reviewed regularly in the context of the Office’s wider Risk Management Plan. The companion Integrity Policy will be reviewed in detail this year to reflect the revised ACTPS Integrity Policy and ensure it continues to reflect better practices.

In late 2006 Territory and Municipal Services conducted a fraud and corruption risk assessment process. From this assessment, the Fraud and Corruption Prevention Plan was reviewed and updated, with the new plan issued for the period 2006 to 2008.

Table E2 Investigations undertaken during 2006–07

Agency	Number of incidents	Cost of investigation (\$)
Territory and Municipal Services	6	12,612.09
Department of Justice and Community Safety	1	3,396.00
Department of Education and Training	2	11,134.00
Department of Disability, Housing and Community Services	3	14,654.32
ACT Health	5	27,590.00
Land Development Agency	1	3,791.00
Department of Treasury	2	4,559.00
ACTTAB	N/A	1,127.00
Canberra Institute of Technology	5	14,696.00
Chief Minister's Department	No breaches	No costs incurred
ACT Planning and Land Authority	No breaches	No costs incurred
Auditor-General's Office	No breaches	No costs incurred
Total	25	93,559.41

Top risks for ACT Public Service

Risks for each agency can be found at Attachment A.

Using a weighting for the risk level, the nine highest risks identified from the agency risks are shown in Table E3 (refer to Attachment B).

Table E3 Highest risks for ACTPS

Rank	Risk	Score	Agencies
1	Fraud and integrity (staff) (including fraudulent pay claims; timesheets and leave forms incorrect; theft of funds, incorrect use of motor vehicles and fuel cards)	58	TAMS, JACS, DDHCS, CMD, Health, AGO, ACTPLA
2	Information/record management	22	TAMS, JACS, DDHCS, CMD, Health, AGO, ACTPLA
3	Reporting compliance (including legislative reporting requirements)	14.5	DET, CIT, Health, ACTPLA
=4	Procurement and contract management	10	TAMS, DDHCS
=4	IT systems (system failures)	10	DET, CIT, Health
6	Business integrity and continuity	9.5	CIT, Health
7	Asset management (including misuse)	8	TAMS, JACS, CMD
8	Fraud (clients) (including ID fraud and selling of results)	7.5	JACS, DDHCS, CIT
9	Finance (including mismanagement)	7	DET, CMD, Health

Trends

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

However a number of comments are useful and include:

- JACS—due to the diversity of the department, JACS as part of the Department's Three-Year Strategic and Annual Audit program are conducting reviews of assets, fees, fines and charges, governance frameworks, cash management, credit and associated cards, taxation, salaries and leave reviews and JACS procurement activities.
- DET—while there are no specific trends, the issue of inaccurate recording of flex-time or failure to submit leave forms has been identified as a risk and has been included in the 2007–08 audit program. Poor financial management in schools has also been identified as a risk and has been included in the schools audit program for 2007–08.
- DDHCS—there are no particular trends perceived. The Taxi Subsidy Scheme paper-based system will have recurring incidents of possible fraud until this system is upgraded to electronic.
- Health—ACT Health's Fraud Control Plan and Policy serves as a guide to general managers to assess and mitigate fraud risks.
- TAMS—whilst no specific trends have been perceived, TAMS has a robust internal audit program, which reviews areas of identified high fraud risk, including both one-off routine audits e.g. cyclical reviews are included on credit card usage and leave management.

Raising of awareness in agencies during 2006–07

A range of training and awareness activities have been undertaken across the ACTPS. This has included:

- development of a communication schedule to capture and monitor training and awareness programs for staff (ACTPLA)
- ethics training (including fraud awareness) via a range of forums, including induction training (DET) and staff seminars (CMD)
- development by DET, in conjunction with the Australian Education Union, of the 'Teachers' Code of Professional Practice', which includes guidelines and case examples of a wide range of issues related to teacher conduct and principles of ethical public service—copy provided to all teachers, including casuals, upon commencement and additional copies provided to schools on request
- corporate member of the St James Ethics Centre (DET)
- basic fraud awareness education was routinely provided to new staff in InTACT as part of their online induction program, and to all new cashiers in the ACT Revenue Office (DT)

- fraud and corruption awareness as part of orientation three times a year and includes reminders on the Department's intranet (DDHCS)
- staff can access information on the fraud/corruption policy framework and a range of checklists have been prepared to assist managers in identifying fraud/corruption (DDHCS)
- integrity issues are discussed with new staff as part of their induction process, and are regularly raised at monthly all-staff meetings (AGO)
- fraud awareness training has been provided to all new staff, and a number of sessions provided to areas deemed high risk (TAMS).

ACTPS Integrity Policy

The current ACTPS Integrity Policy was developed in 2003 and is required to be evaluated every three years by the Chief Minister's Department.

SERBIR members have provided comments on a revised Integrity Policy that will be presented to Management Council before the end of 2007.

Auditor-General reports

The Auditor-General's Office undertook two significant performance audits in 2006–07 that related to fraud and integrity issues in the ACTPS. Two reports were tabled in the Legislative Assembly:

- *Credit Card Use, Hospitality and Sponsorship* (February 2007)
- *Follow-Up Audit Report—agency implementation of audit recommendations* (includes review of implementation of recommendations of the Auditor-General's Report No 5 of 2004: Leave Management) (June 2007).

The above reports note the Auditor-General's identification of possible fraud associated risk, in relation to the use and administration of corporate credit cards and the administration of employee leave management practices. However such risk is moderate with agencies' processes and practices under regular review.

The Auditor-General's Office also noted that the AGO undertook a Performance Audit Report of Rhodium Asset Solutions Limited (September 2006). The Rhodium report did not directly reference fraud or corruption, however it did highlight to ACTPS agencies the importance of prudent management of matters that involve discretionary and 'sensitive expenditure' (such as credit cards, sponsorship, marketing and entertainment) as well as personnel practices, including recruitment, performance management, executive remuneration (especially through employment contracts and agreements). One of the most important messages in the Rhodium report is that the management of any organisation must set and model the tone and behaviours of the organisation.

Conclusion

From the data collected from agencies the most significant fraud and integrity risk across the ACTPS, albeit moderate, is staff fraud and integrity and includes theft of funds, fraudulent pay claims; incorrect timesheets and leave forms; incorrect use of motor vehicles and fuel cards.

Attachment A Top integrity risks areas for ACTPS agencies

Risk	Risk rating
Territory and Municipal Services	
1 External parties are inappropriately awarded ACT Government tenders	High
2 Staff fraudulently gain entitlements to salary and allowances	High
3 Unauthorised access and/or manipulation of business critical information	Moderate
4 Inappropriate use/theft of ACT Government assets	Moderate
5 Payment made to supplier when work not performed to acceptable level or not performed	Moderate
6 Unauthorised use of motor vehicles for private use	Moderate
7 Theft or misappropriation of grant funds	Moderate
8 Non-payment for government services provided	Moderate
9 Theft or misappropriation of government money	Moderate
10 Inappropriate use of credit cards, including fuel cards	Moderate
Department of Justice and Community Safety	
1 Unauthorised disclosure or misuse of JACS information	Low-Moderate
2 Unauthorised modification or destruction of information by staff or contractors	Low-Moderate
3 Unauthorised access to and misuse of JACS and personal information, including the theft or damage to computer hardware/software	Low-Moderate
4 Providing false and/or misleading personal and/or documentary information to government—identity fraud	Low-Moderate
5 Unauthorised financial transactions, including purchases, such as corporate credit cards, taxi cards, fuel cards and public monies and counter cash floats and procedures	Low-Moderate
6 Improper use of allowances and entitlements, including Overtime and abuse of conditions of service	Low-Moderate
7 Unauthorised use of official JACS resources, assets and systems	Low-Moderate
8 Perceived or actual misuse of position—conflict of interest and undue influence in decisions and actions regarding procurement processes, appointment of consultants and contract management	Low-Moderate
9 Undisclosed and unauthorised 'outside' employment (second job), including potential conflict of interest and unauthorised use of official resources	Low-Moderate
Department of Education and Training	
1 The TaTE information communication technology systems may fail at one or more points	High
2 Staff or students harmed by other persons	High
3 Failure of emergency response procedures through lack of emergency management plans in schools	High
4 Construction of new schools not completed in time for opening	High
5 Negative departmental outcome resulting from central office relocation	High
6 Financial mismanagement in schools	High
7 Low staff morale impacts on achievement of organisational objectives	High
8 Loss of key personnel and recruitment affecting the delivery of services due to restructure and relocation	Extreme
9 Unable to manage and meet statutory timelines for FOIs and subpoenas	High

Risk		Risk rating
10	Non-compliance with legislation, policy, etc through lack of knowledge and understanding of legislative obligations	High
Department of Disability, Housing and Community Services		
1	Procurement collusion between purchaser and supplier through not following procurement guidelines	Moderate
2	Contracting—contractors either independently or in conjunction with staff overcharge, over-service or charge for services not provided	Moderate
3	Failure to classify sensitive information	High
4	Unauthorised disclosure and/or release of information	High
5	Failure to secure classified information	High
6	Misuse of and/or failure to submit leave forms	High
7	Misuse of and/or failure to submit flex forms and inappropriate building of flex leave for extended leave	High
8	Public housing tenants making false declarations regarding income or residents at the property to gain financial advantage	High
9	Use of clients' money for personal gain	High
10	Use of petrol cards for personal gain	Moderate
Canberra Institute of Technology		
1	Students deemed competent and awarded a positive result, without appropriate or valid assessment	High
2	Change in government policy impacts on funding provided to CIT	High
3	Banner and other IT systems are either not available, reliable or fully functional at critical times impacting on CIT's reputation and the efficiency of the way the CIT does business	High
4	Producing and using false CIT documentation (e.g. academic transcripts and awards) to secure employment or to sell for personal gain	High
5	Non-compliance with governing legislation results in penalties being imposed on CIT or its staff	High
6	Lack of an up-to-date and adequate Business Continuity Plan and Disaster Recovery Plan impacts on the ability of CIT to do business	High
7	Vulnerability of CIT's Bruce Campus server room resulting in systems failures and danger to staff	High
8	Staff not being able to be recruited into key positions as a result of skill and people shortages in relation to the qualities required	High
9	Increased competition from registered training organisations, Australian Technical Colleges, universities (lowering of entrance scores) and Enterprise training impacts negatively on student numbers	High
10	WEBCT is either not available, reliable or fully functional at critical times impacting on CIT's reputation	High

Risk	Risk rating
ACT Health	
1 Failure to comply with legislation	Low–Moderate
2 Failure to report critical incidents/sentinel events	Low
3 Failure to effectively manage credentialing/scope of practice	Low
4 Misuse/inappropriate release of client information	Low
5 Failure to maintain data/systems integrity	Low
6 Failure to maintain business continuity plans	Moderate–High
7 Occupational violence—staff on staff or patients (including bullying and harassment)	Moderate–High
8 Fraudulent claims by staff re leave, salary and allowances	Moderate–High
9 Misuse/mismanagement of public monies, including budgets	Moderate
10 Misuse of theft or resources/assets	Moderate
Auditor-General’s Office	
1 Information security—unauthorised disclosure and/or release of information/information stolen and misused	Low
2 Inappropriate use or theft of public assets	Low
3 Misuse of and/or failure to submit flex forms and inappropriate building of flex leave for extended leave	Low
4 Misuse of and/or failure to submit leave forms	Low
Chief Minister’s Department	
1 Unauthorised disclosure/release/misuse of confidential or highly sensitive information	Moderate
2 Acceptance of gifts or hospitality is not in accordance with CMD policy	Moderate
3 Theft of assets	Moderate
4 Decisions made regarding policy direction are inappropriately influenced or coerced	Moderate
5 Grant/contract funds may be misappropriated	Moderate
6 Misuse of position for personal gain	Moderate
7 Employees make fraudulent claim for payments/entitlements	Low
8 Unauthorised financial transactions and/or purchases	Low
9 Excessive personal use of office resources	Low
Land Development Agency	
1 Inability to maintain effective relationships and/or partnerships with the Minister and Treasurer, key government agencies, including Treasury, CMD and ACTPLA, and relevant industry and community bodies	Low
2 The LDA fails to read and satisfy market demand for land, including identifying and responding to longer-term market trends and needs	Medium
3 Inability to attract and retain the right people	High
4 Inability to successfully implement new and innovative approaches to delivering LDA business objectives	Medium

Risk	Risk rating
ACT Planning and Land Authority	
1 Lack of awareness of the fraud and integrity policies	High
2 Record management potential loss	High
3 Unauthorised financial transactions and/or purchases	High
4 Theft of assets	Moderate
5 Misuse of credit cards	Moderate
6 Inappropriate decisions	Moderate
7 Inappropriate collection/waiver of fees and fines	Moderate
8 Protection of information	Low
9 Misuse or failure to submit leave forms	Low
10 Inappropriate claims for higher duty allowances	Low

Attachment B Business integrity risks—all agencies

Procurement and contract management		Fraud, theft and integrity (staff)		Fraud (clients)		Information management		Asset management		Finance		IT systems		Reporting compliance		Business integrity and continuity	
TAMS (H)	3	TAMS (H)	3	JACS (L-M)	1.5	TAMS (M)	2	TAMS (M)	2	DET (H)	3	DET (H)	3	DET (H)	3	CIT (H)	3
TAMS (H)	3	TAMS (M)	2	DDHCS (H)	3	JACS (L-M)	1.5	JACS (L-M)	1.5	CMD (M)	2	CIT (H)	3	DET (H)	3	CIT (H)	3
DDHCS (M)	2	TAMS (M)	2	CIT (H)	3	JACS (L-M)	1.5	JACS (L-M)	1.5	Health (M)	2	CIT (H)	3	CIT (H)	3	Health (L)	1
DDHCS (M)	2	TAMS (M)	2			DDHCS (H)	3	CMD (M)	2			Health (L)	1	Health (L-M)	1.5	Health (M-H)	2.5
		TAMS (M)	2			DDHCS (H)	3	CMD (L)	1					Health (L)	1		
		JACS (L-M)	1.5			DDHCS (H)	3							ACTPLA (H)	3		
		JACS (L-M)	1.5			CMD (M)	2										
		JACS (L-M)	1.5			AGO (L)	1										
		JACS (L-M)	1.5			ACTPLA (H)	3										
		JACS (L-M)	1.5			ACTPLA (L)	1										
		DDHCS (H)	3			Health (L)	1										
		DDHCS (H)	3														
		DDHCS (H)	3														
		DDHCS (M)	2														
		CMD (M)	2														
		CMD (M)	2														
		CMD (M)	2														
		CMD (L)	1														
		CMD (L)	1														
		Health (M-H)	2.5														
		Health (M)	2														
		AGO (L)	1														
		AGO (L)	1														
		AGO (L)	1														
		ACTPLA (H)	3														
		ACTPLA (M)	2														
		ACTPLA (M)	2														
		ACTPLA (M)	2														
		ACTPLA (M)	2														
		ACTPLA (L)	1														
		ACTPLA (L)	1														
SCORE	10		58		7.5		22		8		7		10		14.5		9.5

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

Appendix F Reporting omissions

Below is a list of the sections from the *Chief Minister's Annual Report Directions 2006–2007* 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.8 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 is not in a position to report on the areas listed in the <i>Chief Minister's Annual Report Directions 2006–2007</i> .
A.9 Financial report	Under the <i>Financial Management Act 1996</i> , the Commissioner is not required to prepare an annual financial report.
A.10 Statement of performance	The Commissioner is not required under the <i>Financial Management Act 1996</i> to prepare an annual statement of performance.
A.12 Human resources performance	As the Commissioner's office has no staff the Commissioner did not undertake human resources management and workforce planning during the reporting period.
A.13 Staffing profile	As at 27 June 2007 the Commissioner had no discrete staff. Staff of the Governance Division support the Commissioner. The staffing profile of the Governance Division is included in the Chief Minister's Department's annual report.
A.14 Workplace health and safety	As the Commissioner does not have any staff the office is not in a position to make a report under section 209A of the <i>Occupational Health and Safety Act 1989</i> , nor to make a report against the four improvement targets.

Omission	Reason
A.15 Learning and development	As the Commissioner does not have staff with a discrete responsibility for supporting her office the Commissioner did not undertake any learning and development programs or activities during the reporting period.
A.16 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 as such the Commissioner is not required to report on Special Employment Agreements.
A.17 Strategic asset management	The Commissioner does not manage assets and as such does not have an Asset Management Strategy.
A.18 Capital works	The Commissioner does not have a capital works program.
A.19 Government contracting	The Commissioner does not have an independent budget and as such is not in a position to undertake procurement and contracting activities.
A.20 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.
A.21 Territory records	The office of the Commissioner sits within the Chief Minister's Department and the Commissioner has employed the Records Management Program used by that department.
B.1 Community engagement	Given the public sector jurisdiction of the Commissioner, she did not develop any community engagement initiatives during the reporting period.
B.4 Legislative report	The office of the Commissioner is not an administrative unit under the Administrative Arrangements Orders and does not administer or have responsibility for any legislation.
C.1 Strategic Bushfire Management Plan	The Commissioner is neither a manager of unleased Territory Land nor the owner of Territory Land.

Omission	Reason
C.8 Ecologically sustainable development	The Commissioner does not undertake any activity to which section 158A of the <i>Environment Protection Act 1997</i> is applicable and as such is not required to report on ecologically sustainable development.
C.9 ACT Women's Plan	While the Commissioner supports the ACT Women's Plan, as the Commissioner's office is enacted to assist in the management of the public sector, the Commissioner is not in a position to work with the community to improve the status of all women and girls.

Compliance index

[Note: The notation 'na' means not applicable—see Appendix F for details.]

	Page
Transmittal certificate	iii
Section A Performance and financial management reporting	
A.1 The organisations	1
A.2 Overview	3
A.3 Highlights	9
A.4 Outlook	14
A.5 Management discussion and analysis	na
A.6 Fraud prevention	16
A.8 Internal accountability	na
A.7 Risk management and internal audit	16
A.9 Financial report	na
A.10 Statement of performance	na
A.11 Analysis of agency performance	17
A.12 Human resource performance	na
A.13 Staffing profile	na
A.14 Workplace health and safety	na
A.15 Learning and development	na
A.16 Workplace relations	na
A.17 Strategic asset management	na
A.18 Capital works	na
A.19 Government contracting	na
A.20 Community grants/assistance/sponsorship	na
A.21 Territory records	na
Section B Consultation and scrutiny reporting	
B.1 Community engagement	na
B.2 Internal and external scrutiny	18
B.3 Legislative Assembly Committee inquiries and reports	18
B.4 Legislative report	na
Section C Other reporting	
C.1 Strategic Bushfire Management Plan	na
C.2 Public interest disclosure	19
C.3 Freedom of information	20
C.4 <i>Human Rights Act 2004</i>	20
C.5 Commissioner for the Environment	20
C.6 ACT Multicultural Strategy 2006–2009	20
C.7 Aboriginal and Torres Strait Islander reporting	20
C.8 Ecologically sustainable development	na
C.9 ACT Women's Plan	na