Appendices

Appendices

Appendix A: Evaluation framework

The approach used by the Public Sector Commission (the Commission) to evaluate the state of the sectors is informed by legislative requirements including the following:

Public Sector Management Act 1994 (PSM Act)

Under ss. 21 and 22D of the PSM Act, the Public Sector Commissioner (the Commissioner) is required to monitor and report on the state of public sector administration and management each year, and compliance with standards and ethical codes. The Commissioner's jurisdiction under the PSM Act applies to all Western Australia public sector bodies, which includes:

- departments (established under s. 35 of the PSM Act)
- SES organisations
- non-SES organisations
- ministerial offices.

This does not include other government bodies such as:

- public universities
- local governments
- other entities listed in Schedule 1 of the PSM Act (e.g. government trading enterprises [GTEs], courts and tribunals, departments of the Parliament, electorate offices and the Police Force).

Public Interest Disclosure Act 2003 (PID Act)

Under s. 22 of the PID Act, the Commissioner is also required to report on compliance with the PID Act and the *Public interest disclosure officer's code of conduct and integrity*. The Commissioner's jurisdiction under the PID Act is broader and includes public universities, local governments and other PSM Act Schedule 1 entities.

Corruption, Crime and Misconduct Act 2003 (CCM Act)

As of 1 July 2015, the *Corruption and Crime Commission Act 2003* was amended and is now known as the CCM Act. This has resulted in the transfer of the oversight of minor misconduct by public officers and the misconduct prevention and education functions to the Commissioner.

Under s.45ZD of the CCM Act, the Commissioner monitors and reports to Parliament on behavioural trends seen in minor misconduct notifications and reports from public authorities, and provides analysis of information gathered through these functions to help public authorities prevent, identify and deal effectively with misconduct.

The Commissioner's jurisdiction under the minor misconduct provisions is very broad but specifically excludes WA Police, elected members in State or local government or a clerk of a house of Parliament.

Appendix B: Scope of data collection

The Commission monitors the state of the sectors through a variety of data collection methods as outlined below. While the Commission makes every effort to encourage data quality through regular assurance checks, it relies on public authorities to ensure data is provided in a timely and accurate way. Table 1 summarises the data collected for different types of authorities.

Public sector entity survey (PSES)

The annual PSES requests information from public sector entities about their administration and management practices. The survey also requests information about designated public interest disclosure officers, internal procedures and any disclosures received. Agency-level responses are published in the *State of the sectors statistical bulletin 2016*.

Integrity and conduct survey (ICS)

The annual ICS requests information from all other public authorities about designated public interest disclosure officers, internal procedures and any disclosures received, as well as activities undertaken by authorities to respond effectively to and prevent unethical behaviour. The ICS is sent annually to the principal officers of public authorities.

Employee perception survey (EPS)

The annual EPS evaluates public sector employee views about their workplace, including ethical behaviour, equity and diversity, and job satisfaction. The *State of the sectors statistical bulletin 2016* lists sector-wide EPS data. De-identified data is made available at www.data.gov.au.

Human resource minimum obligatory information requirement (HRMOIR)

The quarterly HRMOIR collection reports data on workforce characteristics across public sector entities. The *State of the sectors statistical bulletin 2016* lists key statistics, both sector-wide and at the entity level.

Equal employment opportunity survey (EEO survey)

The annual EEO survey assists the Director of Equal Opportunity in Public Employment to monitor workforce data on public authorities, including local governments, public universities and GTEs.

Formal oversight activities

Formal oversight activities described in legislation include minor misconduct allegation assessments (CCM Act s.45C), reviews of operations of public sector bodies (PSM Act s.24B), powers of investigations (PSM Act s.24) and special inquiries (PSM Act s.24H and CCM Act s.45Q). Other oversight activities not described in legislation rely on the Commissioner's general powers (PSM Act s.22G). They include examinations, evaluations and assurance exercises. Information and data for these activities are collected through a variety of methods.

Table 1:   Summary of data collected by authority type

Collection tool	Collected from						
	Department	SES org	Non-SES org	Schedule 1 entities			Non-govt orgs
				Local govt	Public uni	GTE	
HRMOIR	✓	✓	✓				
EEO survey				✓	✓	✓	
EPS	✓	✓					
PSES	✓	✓	✓				
ICS			✓	✓	✓	✓	✓
Formal oversight activities	Varies according to terms of reference						

Appendix C: Supplementary data tables

Minor misconduct

Table 2:   **Number of actions taken by the Commission in relation to minor misconduct matters**

Type of action	
Referred to authority – outcome requested	183
Referred to authority – report requested for review	76
Referred to Corruption and Crime Commission (CCC) or other agency	67*
Referred to authority – no response required	11
No action taken	140
Total	**477**

* 66 matters referred to the CCC and one matter referred to the Department of Local Government and Communities. Generally, matters are referred to the CCC under s.45M(d), where:

- the matter, or at least one allegation within the matter, appears to be serious misconduct
- it appears to otherwise fall within the CCC's jurisdiction
- it involves issues known to be of interest to the CCC.

Table 3: **Number of minor misconduct matters notified to the Commission by sector**

Sector	Notifications (s.45H)	Reports (s.45E)	Total
Western Australian public sector	272	53	325
Local governments	36	24	60
GTEs	59	4	63
Public universities	16	5	21
Out of jurisdiction	1	7	8
Total	**384**	**93**	**477**

Table 4: **Number of substantiated minor misconduct allegations by type of outcome**

Outcome	Public sector	Local governments	GTEs	Public universities	Total
Training, counselling or other improvement action mandated	39	10	18	1	68
Employment terminated	26	5	30	3	64
Not terminated, but other sanction applied	51	5	4	0	60
No sanction applied	2	0	1	0	3
Total	**118**	**20**	**53**	**4**	**195**

Note: The Commission made recommendations in relation to one minor misconduct matter during the year. The response of the relevant public authority met the Commissioner's requirements.

Discipline

Table 5:　**Number of completed discipline processes by type of outcome**

Outcomes	PSES	ICS	Total
Not applicable – no breach	0	22	22
Information not available	0	19	19
Formal written warning issued	114	248	362
Improvement notice issued	52	26	78
Termination of employment	54	103	157
Further employment contract not offered	0	5	5
Employee transferred	14	4	18
Reduction in classification	6	3	9
Reassignment of duties	4	3	7
Reduction in salary	11	3	14
Fined	41	0	41
Reprimanded	206	50	256
Counselled	38	71	109
Training and development	35	53	88
Performance management	9	83	92
No sanction imposed due to resignation or abandonment of employment of investigated employee	52	49	101
No sanction imposed for other reasons	35	10	45
Others	7	61	68
Totals	**678**	**813**	**1491**

Appendix D: Description of service clusters

In the Services chapter reference is made to 'service clusters'. These are a concept used to group similar public sector agencies together, based on the descriptions below.

Culture and Community

Agencies in the Culture and Community cluster contribute to the social fabric of Western Australians through the promotion of arts, culture and sports as an integral part of community focused life. The agencies foster community engagement and cultural development for the social well-being of Western Australians.

Education and Training

The Education and Training cluster of agencies ensures the provision of quality education for students of all ages through the effective delivery of education at Government and non-government schools, and higher education institutions. These agencies also provide support services and work with industry and the broader community to continually improve the skills and employment opportunities of all Western Australians.

Finance

Agencies within the Finance cluster manage the State Government's budget, the economy and matters relating to state finances.

Health and Human Services

Agencies within the Health and Human Services cluster are responsible for the development and delivery of health and community care services. This includes providing access to social, health and other support services for the benefit of Western Australians. Many of these agencies emphasise preventative and education programs that help facilitate improvements in health behaviours and environments.

Industry and Environment

The Industry and Environment cluster of agencies works directly with industry players to focus on the economic, scientific and ecologically sustainable development of Western Australia's economy. Their tasks range from protecting the natural and built environments to ensuring safe workplaces and developing innovative industries.

Infrastructure and Development

The purpose of agencies in the Infrastructure and Development cluster is to manage State capital works across Western Australia through the provision of infrastructure to facilitate economic development and ensure equitable access of services.

Justice and Public Safety

Agencies within the Justice and Public Safety cluster work to create a safer and more secure Western Australia. These agencies provide effective police and emergency services, and manage the administration of justice and legal affairs in the State.

Oversight and Administration

Oversight and Administration agencies are responsible for providing leadership, maintaining good governance and upholding regulatory standards.

Appendix E: Definition of terms

Term	Definition
Aboriginal Australians	People of Aboriginal and/or Torres Strait Islander descent who identify as such, and are accepted as such, by the community in which they live.
Act	A law made by Parliament, and known as an Act of Parliament.
Allegation	A claim that an individual has engaged in a specific instance of conduct which is suspected to amount to minor misconduct. A matter may contain more than one allegation.
Aspiring leaders	Public sector employees employed in positions under the *Public Service and Government Officers General Agreement 2014* at Levels 5 to 8.
Breach of standard	A determination by the Commissioner that one or more of the requirements of a public sector standard have or have not been complied with.
Codes of conduct	A formal written policy documenting the behaviour expected of all employees of a public authority. Under the PSM Act each public sector body is expected to develop a code of conduct consistent with the public sector Code of Ethics.
Code of Ethics	The Western Australian public sector Code of Ethics outlines the minimum standards of conduct and integrity for public sector bodies and employees outlined in the PSM Act.
Department	An organisation established under s.35 of the PSM Act.
Ethical codes	Ethical codes are made up of the Code of Ethics together with authority-specific codes of conduct.
Full-time equivalent (FTE)	One FTE is one person paid for a full-time position. FTE totals include all current employees except board members (unless they are on a public sector authority payroll), trainees engaged through any traineeship program, award or agreement, and casuals who were not paid in the final pay period for the financial year. FTE calculations do not include any time that is not ordinary time paid, such as overtime and flex-time.

Term	Definition
Headcount	Number of employees directly employed by a public sector agency at a point in time, regardless of employment type.
Improvement action	Any action taken to improve an employee's conduct (e.g. warning, training, counselling) other than a formal sanction (e.g. demotion, fine).
Leaders	A term used to refer to leadership roles in general and not only limited to Management Tiers 1, 2 and 3.
Managers	A general term used to refer to mid-level supervisors.
Matter	An issue being dealt with by the Commission (created by a report or notification) which relates to, or is suspected to relate to minor misconduct. This incudes matters which may have been referred from the CCC.
Non-SES organisation	A term defined by section 3 of the PSM Act.
Other public authorities	For the purposes of this report, the term refers to those organisations and bodies that responded to the Integrity and conduct survey, excluding public sector agencies.
People 24 and under	A term applied to the diversity group commonly referred to as 'youth'.
People 45 and over	A term applied to the diversity group commonly referred to as 'mature-aged'.
People from culturally and linguistically diverse backgrounds	A term applied to people born in countries other than those below, which have been categorised by the Australian Bureau of Statistics (ABS) as mainly English speaking countries as follows: Australia, Canada, England, Ireland, New Zealand, Northern Ireland, Scotland, South Africa, United States of America, Wales.
People with disability	A term applied to people with ongoing disability who have an employment restriction that requires any of the following: modified hours of work or time schedules; adaptions to the workplace or work area; specialised equipment; extra time for mobility or for some tasks; ongoing assistance or supervision to carry out their duties.

Term	Definition
Principal officer	Takes the meaning outlined in s.3 of the CCM Act and includes the chief executive officer or chief employee or person specified in the regulations as the principal officer of that notifying authority.
Public authorities	For the purposes of this report, the term refers to those organisations and bodies that provided responses to the Public sector entity survey and the Integrity and conduct survey. That generally includes all State government agencies, local governments, public universities, GTE's and many government boards and committees. The term public authority has specific legislative meaning in the PID Act, EO Act and CCM Act.
Public officer	For the purposes of this report, the term refers to all people in public employment.
Public sector	Refers collectively to departments, SES organisations, non-SES organisations and ministerial officers.
Public sector agencies	For the purposes of this report, the term refers to those organisations and bodies that provided responses to the Public sector entity survey.
Public sector employees	For the purposes of this report, the term refers to those employees that provided responses to the Employee perception survey.
Public sector workforce	The collective term used when describing characteristics of employees of public sector entities. Data on the public sector workforce is collected through HRMOIR.
Schedule 1 entity	Entities which are not organisations under the PSM Act, including local governments, public universities and GTEs.
Senior executives, SES	Generally comprises positions classified at *Public Service and Government Officers General Agreement 2014* equivalent Level 9 and above, with specific management or policy responsibilities.
SES organisation	An organisation listed in Schedule 2 of the PSM Act.

Term	Definition
Tier 1	Directs and is responsible for the public authority, as well as its overall development. Typical titles include Director General, Chief Executive Officer, General Manager, Executive Director and Commissioner.
Tier 2	Tier 2 reports to Tier 1 and assists Tier 1 by implementing organisational plans. Is directly responsible for leading and directing the work of other managers of functional departments. May be responsible for managing professional and specialist employees.
Tier 3	Tier 3 reports to Tier 2 and formulates policies and plans for areas of control. Manages a budget and employees.
Women in management	For the public sector, women in management refers to the representation of women in the top three management tiers, and includes the SES. For all other public authorities, women in management refers to Tier 1.

Appendix F: Abbreviations

Abbreviations	
AER	Agency expenditure review
ANZSOG	Australian and New Zealand School of Government
CCC	Corruption and Crime Commission
CCM Act	*Corruption, Crime and Misconduct Act 2003*
CEO	Chief executive officer
CFO	Chief finance officer
CHRO	Chief human resource officer
Commission	Public Sector Commission
Commissioner	Public Sector Commissioner
DEOPE	Director of Equal Opportunity in Public Employment
EO Act	*Equal Opportunity Act 1984*
EPS	Employee perception survey
FTE	Full-time equivalent
GCIO	Government Chief Information Officer
GTEs	Government trading enterprises
HRMOIR	Human resource minimum obligatory information requirement
ICS	Integrity and conduct survey
ICT	Information and communications technology
PID Act	*Public Interest Disclosure Act 2003*
PSES	Public sector entity survey
PSM Act	*Public Sector Management Act 1994*
SES	Senior Executive Service
s./ss.	Section(s) of an Act
WA	Western Australia or Western Australian

Appendix G: Compliance statements

In accordance with s.31(2) of the PSM Act, organisations which are not listed in Schedule 1 of the *Financial Management Act 2006* are required to provide a statement to the Commissioner each year on the extent to which they have complied with the public sector standards in human resource management, Code of Ethics and any relevant code of conduct. These compliance statements are reported below, in accordance with s.31(4) of the PSM Act.

Compliance statements provided under s.31(2) of the PSM Act, 2015/16

Architects Board of Western Australia

No compliance issues concerning public sector standards, the Code of Ethics or the board's Code of Conduct arose during the period from 1 July 2015 to 30 June 2016.

Commissioner for Children and Young People

The Commissioner for Children and Young People includes in an annual report submitted to the Attorney General the extent to which public sector standards, the Code of Ethics and any relevant code of conduct have been complied with.

Commissioner for Equal Opportunity

In accordance with section 31(2) of the *Public Sector Management Act 1994*, the Commission has fully complied with regard to the public sector standards, Commissioner's instructions, the WA Code of Ethics and the Commission's Code of Conduct.

Conservation and Parks Commission

In accordance with section 31(2) of the *Public Sector Management Act 1994*, the Conservation and Parks Commission (Commission) is not a statutory authority within the meaning of the *Financial Management Act 2006* but is a body established by section 18 of the *Conservation and Land Management Act 1984*.

The chief employee is thus required to submit to the Public Sector Commissioner, on an annual basis, a report on the extent to which compliance with public sector standards, codes of ethics and any other relevant code of conduct, has been achieved.

The following statement of compliance relates to the period July 2015 to June 2016.

The Department of Parks and Wildlife, through an operational agreement signed in 2006, provides the framework for human resource management for the Commission. In the administration of the Commission, the Director has complied with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and the Commission's Code of Conduct.

Information on both the Code of Ethics and the Code of Conduct is provided to employees and commissioners on commencement with the Commission.

No complaints have been lodged under the Code of Ethics during the reporting period and there have been no instances of misconduct.

Office of the Information Commissioner

The OIC has a Code of Conduct that was last updated in December 2014. The code has been distributed to all staff and is available on the intranet. New staff members are provided a copy as part of their induction. Among other things, the code outlines the requirement to: refer to the WA Public Sector Code of Ethics to guide their decision making; not divulge any information received under the FOI Act for any purpose except in accordance with the FOI Act; adhere to the principles of natural justice when dealing with matters before the Information Commissioner; report conflicts of interest; treat stakeholders without discrimination; and report any gift or hospitality offers.

The Public Sector Standards are followed by the OIC. During 2015/16, no staff were redeployed, terminated or disciplined, and no grievances lodged. One permanent appointment was made (following a 12 month contract).

Legal Practice Board

All relevant standards of the Act are present with explanations in the current employee manual and acted on with the Management and recruitment processes at the board.

Parliamentary Commissioner for Administrative Investigations

In the administration of the office of the Parliamentary Commissioner for Administrative Investigations, I have complied with the public sector standards in human resource management, the Code of Ethics and the office's code of conduct.

Veterinary Surgeons' Board

The board has complied with the public sector standards and ethical codes.

Appendix H: References

For all Public Sector Commission publications, please refer to the Commission's website at www.publicsector.wa.gov.au.

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Appendix I: List of figures

Appendix J: List of graphics

Appendix K: Acknowledgements

The Commission acknowledges the following public authorities for contributing case studies and stories to this year's report:

- Corruption and Crime Commission
- Department of Child Protection and Family Support
- Department of Education
- Department of Finance
- Department of Health
- Department of Training and Workforce Development
- Winners of the 2016 Premier's Awards for Excellence in Public Sector Management
- Office of the Government Chief Information Officer