

Appendixes

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Appendix A – Monitoring and evaluation framework

This appendix outlines the approaches and activities undertaken by the Public Sector Commission to monitor and evaluate compliance with relevant sections of the *Public Sector Management Act 1994* (PSM Act) and the *Public Interest Disclosure Act 2003* (PID Act).

Under ss. 21 and 22D of the PSM Act, the Public Sector Commissioner is required to monitor and report on the state of administration and management of the public sector, as well as on compliance with public sector standards and ethical codes contained in Commissioner's instructions. 'Appendix B – Public Sector Management Act 1994' contains further information about the PSM Act and the standards and ethical codes.

The Commission's monitoring and reporting jurisdiction under the PSM Act applies to all WA public sector bodies, which includes:

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

This jurisdiction does not include employees in government bodies that do not fall into the above categories such as:

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

Under s. 22 of the PID Act, the Commissioner is required to report on compliance with the PID Act and the *Public interest disclosure code of conduct and integrity*. This builds confidence in processes under the PID Act, and promotes integrity, openness and accountability in public authorities.

The Commissioner's jurisdiction under the PID Act is broader than for the PSM Act and includes public universities, local government authorities and other PSM Act Schedule 1 entities. 'Appendix C – Public Interest Disclosure Act 2003' contains further information about the PID Act.

Monitoring and evaluation framework

The Commission uses a multi-methodological approach to monitor the state of administration and management of the public sector, including surveys (of entities and employees), other workforce data collections, reviews and compliance assessments. The Commissioner may also report from time to time on specific compliance issues and may use other information sources for this purpose.

The primary components of the monitoring and evaluation framework are listed in Table A.1 and further details about the components are provided following this table.

Table A.1 Monitoring and evaluation framework components

Framework component	Period in use
Compliance assessments and general enquiries	18 years
Human resource minimum obligatory information requirement workforce data	20 years
Annual agency survey	6 years (reviewed annually)
Annual public interest disclosure survey	8 years (reviewed annually)
Employee perception survey	18 years (reviewed four times)

Monitoring and evaluation framework components

The Commission uses the following methods to monitor and evaluate compliance with the relevant sections of the PSM Act and the PID Act.

Compliance assessments and general enquiries

Breach of standard claims

The *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005* provide for persons to lodge claims where they believe that a public sector standard has been breached by an entity and they have been adversely affected by that breach.

Breach claims can be made about the following standards: employment (recruitment, secondment, transfer and acting), performance management, grievance resolution, redeployment and termination (see ‘Appendix B – Public Sector Management Act 1994’ for further details).

Where breach claims are referred to the Commission and are substantiated, the Commissioner recommends appropriate relief be provided by the respective entity. In 2012/13, 116 claims were finalised by the Commission.

Matters of referral

In 2012/13, 102 new matters of referral were received or identified by the Commission. These matters included requests for advice; action and complaints about management, governance or compliance with public sector standards; and specific allegations of unethical behaviour.

These matters are subject to a preliminary assessment to determine what other action may need to be taken by the Commission. This action may include monitoring compliance with public sector standards, human resource and conduct principles and ethical codes; the use of specific oversight powers contained in the PSM Act; or referring the matter to employing authorities or other appropriate bodies to take action.

Advisory service

The Commission provides a daily advisory service to public bodies covered by the PSM Act and the PID Act, their employees and members of the community. This service provides advice on a range of matters including the public sector standards, public interest disclosure, ethical codes, and integrity. If a matter is not within the Commissioner's jurisdiction, the advisory service will appropriately direct the enquiry to another public sector body. In 2012/13, more than 2100 matters were responded to by this service.

Analysis of compliance assessments and general enquiries

Issues raised within breach claims, matters of referral or through the advisory service are analysed to determine key trends and identify areas where assistance may be required. For example, the Commissioner may direct that practices be improved where issues are identified that place an entity at risk of non-compliance with standards.

While this analysis provides information about compliance and performance risks, the number and nature of matters do not, in isolation, constitute a valid measure of an entity's performance or extent of compliance. For example, public sector bodies that promote the compliance reporting process through staff education and awareness programs may have a higher number of matters reported, and entities with effective internal grievance, breach and complaints resolution processes may have fewer matters escalated to the Commission.

Human resource minimum obligatory information requirement (HRMOIR) workforce data

The HRMOIR process was developed to ensure access to information for the strategic management of the public sector workforce. On a quarterly basis, the Commission collects and reports HRMOIR workforce data from public sector entities through the Workforce Analysis and Collection Application (WACA). The data includes demographic information such as age, gender, diversity status and occupation.

The HRMOIR process aims to provide high quality data for entity and sector-wide workforce analysis, planning and reporting and helps to ensure that a consistent methodology is applied across entities.

The *State of the sector statistical bulletin 2013* lists key statistics collected through the HRMOIR process.

Annual agency survey (AAS)

Pursuant to s. 31 of the PSM Act, public sector entities are required to report to the Commissioner on the extent of compliance with public sector standards, codes of ethics and codes of conduct. The AAS is designed to assist entities to meet this requirement by requesting information about these matters for 2012/13, as well as other areas of administration and management such as workforce planning, occupational health and safety and innovation.

Additionally, pursuant to s. 23 of the PID Act, entities are required to provide information annually to the Commissioner on the extent of compliance with the PID Act. The AAS requests information about the entity's designated PID officers, internal procedures to ensure compliance, and any disclosures received in 2012/13.

This year's AAS has been streamlined to assist entities to provide high quality information in a timely manner. For example, when asked to describe the maturity of governance systems, entities selected from multiple choice options rather than using a separate response matrix as in previous years.

The AAS provides entities with an internal planning and diagnostic tool. Sector-wide results from the survey are presented throughout this report and entity-level responses are published in the *State of the sector statistical bulletin 2013*. This enables entities to compare their responses to those of similar entities and the sector as a whole.

As the AAS has evolved considerably over the past six years, trends across time may not be available for some items or may be limited to a smaller number of years.

Surveyed entities

In 2012/13, 110 public sector bodies within the jurisdiction of the PSM Act and PID Act were requested to complete the AAS. All entities complied with this request.

'Appendix D – Structure of the government sector' provides a list of public sector bodies within the jurisdiction of the PSM Act and PID Act. This year, only public sector entities were asked to complete the AAS; previously, some other government entities listed in Schedule 1 of the PSM Act have been invited to complete relevant parts of the survey.

Some small entities have a shared administrative arrangement with another public sector body. These entities have reported in the AAS that they do not have some systems in place although they access such systems through their shared arrangement. Therefore, the survey results presented in this report may slightly underestimate the implementation of some systems across the public sector.

Categorisation of survey results

Within this report, AAS results are typically presented for all public sector entities. However, for selected items, results are presented by entity size based on the following categories:

- very small: entities with fewer than 20 full-time equivalents (FTE)¹
- small: entities with between 21 and 200 FTE
- medium: entities with between 201 and 1000 FTE
- large: entities with between 1001 and 10 000 FTE
- very large: entities with greater than 10 000 FTE.

AAS results have also been presented by entity function for some items. These functional categories have been developed by the Commission for illustrative purposes only and are not tied to legislation or other specific definitions. Entities have been classified according to the following functional categories:

- service: entities involved in direct provision of products/services to the community
- policy, development and coordination: entities that provide policy direction and/or industry coordination/development
- oversight, regulatory and sector administration: entities involved in management and/or coordination of regulatory regimes for industry, or for the broader sector through an oversight role.

Entities are listed by size and function in 'Appendix D – Structure of the government sector'.

¹ Includes all current employees, except for casuals not paid in the final pay period fortnight of the financial year. One FTE equals one person paid for a full-time position at the end of the financial year.

Response options for selected survey questions

In Chapter 3 of this report, data is presented from AAS questions relating to strategic planning, operational planning, internal audit and evaluation, and risk management. The full questions and response options are shown in Table A.2.

Table A.2 Complete response options for selected AAS questions

AAS questions	Response options
<p>Which of the following options best reflects the nature of strategic planning in your agency?</p>	<ul style="list-style-type: none"> • The agency does not have a strategic plan but processes are underway to develop one. • The agency has a strategic plan that includes clear, achievable and measurable objectives and strategies. However, its objectives and strategies need to be refined to address either changes in policy direction or changes in the operating environment. • The agency has a strategic plan and is confident that its objectives and strategies are relevant to the agency’s policy direction and operating environment, and that they are clear, achievable and measurable. As yet, there has been limited formal evaluation of progress against the plan. • The agency has a strategic plan and is confident that its objectives and strategies are relevant to the agency’s policy direction and operating environment, and that they are clear, achievable and measurable. Established systems are in place to periodically evaluate progress against the plan. • The agency has a strategic plan and is confident that its objectives and strategies are relevant to the agency’s policy direction and operating environment and that they are clear, achievable and measurable. Established systems are in place to regularly evaluate progress against the plan. These evaluation systems include reference to a variety of stakeholder perspectives. • None of the above reasonably reflect the nature of strategic planning in the agency.

AAS questions	Response options
<p>Which of the following options best reflects the connection between strategic and operational planning in your agency?</p>	<ul style="list-style-type: none"> • The agency does not have an operational plan and/or strategic plan. • The agency does not have a common operational plan and/or strategic plan. However, business units have developed operational and/or strategic plans to align their particular area of activity to strategic goals and these are shared at the executive level. • The agency has a common operational plan to optimise the alignment of business activity to the common strategic plan. There is some common internal reporting against strategic objectives but this could not be considered to be uniform, comprehensive or highly integrated. • The agency has a common operational plan to ensure the alignment of business activity to the common strategic plan. All business units apply the operational plan in a consistent way and common internal reporting against strategic objectives provides for uniform, comprehensive and centralised monitoring of progress. • The agency has a common operational plan to ensure the alignment of business activity to the common strategic plan. All business units apply the operational plan in a consistent way with uniform, comprehensive and centralised monitoring of progress. Relevant performance metrics have been established for all business functions and these are connected to whole-of-agency key performance indicators. • The agency has a common operational plan to ensure the alignment of business activity to the common strategic plan. All business units apply the operational plan in a consistent way with uniform, comprehensive and centralised monitoring of progress. Relevant performance metrics established for all business functions and connected to whole-of-agency key performance indicators are routinely used as an integral part of continuous improvement activities in the agency. • None of the above reasonably reflect the connection between strategic and operational planning in the agency.

AAS questions	Response options
<p>Which of the following options best reflects the scope of your agency's internal audit and evaluation program?</p>	<ul style="list-style-type: none"> • The agency's internal audit and/or evaluation program is non-existent or ad hoc. • The agency has an internal audit and/or evaluation function and a plan that is based on identified risks. Activity is limited to testing essential compliance controls. • The agency has a well-established internal audit and/or evaluation function with a program of activity addressing internal controls and systems auditing. This does not routinely extend to more comprehensive evaluation activity to assess the effectiveness and efficiency of programs or activities. • The agency has a well-established internal audit and/or evaluation function with a program of activity addressing internal controls and systems auditing. More comprehensive evaluation activity does occur from time to time via separate processes not connected to the internal audit and/or evaluation function. • The agency has a well-established internal audit and/or evaluation function with a program of activity addressing internal controls and systems auditing, using a range of internal and external expertise. Separate processes are in place to regularly assess the effectiveness and efficiency of key programs or activities. • The agency has a well-established internal audit and/or evaluation function with a program of activity addressing internal controls and systems auditing, using a range of internal and external expertise. This includes more comprehensive program evaluation that assesses the effectiveness and efficiency of key programs or activities. The internal audit and/or evaluation function is integrated and connected to both risk management and continuous improvement processes. • None of the above reasonably reflect the nature and scope of the internal audit and evaluation program in this agency.

AAS questions	Response options
<p>Which of the following options best reflects the nature of risk management in your agency?</p>	<ul style="list-style-type: none"> • While the agency recognises the importance of risk management, the systems in place for assessing and managing risk are limited. The agency relies on experience and managerial expertise to identify and manage risks. • Some policies and procedures are in place to ensure a common approach to assessing and managing risk. There are pockets of good practice across the agency however other areas rely on experience and managerial expertise to identify and manage risks. • The agency has a common risk management framework and promotes a consistent approach to the identification and assessment of risks. All business units are expected to apply the framework in a consistent way. An overall risk profile exists for the agency that documents material risks, controls and planned mitigation strategies. • The agency has a common risk management framework which is consistently applied. Some employees have been trained in the identification and assessment of risks and/or in the development of appropriate mitigation strategies. There is periodic monitoring and reporting on the overall risk profile. • The agency has a common risk management framework which is consistently applied. All relevant employees have been trained in the identification and assessment of risks and in the development of appropriate mitigation strategies. There is integrated monitoring and reporting on the overall risk profile. • None of the above reasonably reflect the nature of risk management in the agency.

Annual public interest disclosure survey (PID survey)

Under s. 23 of the PID Act, public authorities are required to provide information annually to the Commissioner on the extent of compliance with the PID Act and the *Public interest disclosure code of conduct and integrity*. The PID survey is designed to assist authorities that are not public sector entities (and therefore not required to complete the AAS) to meet this requirement by asking whether they have designated a PID officer to receive disclosures, whether they have prepared and published internal procedures and whether they have received and investigated any disclosures in 2012/13.

Surveyed authorities

Some entities listed in Schedule 1 of the PSM Act (e.g. local government authorities, public universities and government trading enterprises) and government boards and committees registered with the Department of the Premier and Cabinet were asked to complete the PID survey. The following response rates were achieved:

- 100% of local government authorities (140 surveys sent)
- 100% of public universities (4 surveys sent)
- 100% of government trading enterprises and other Schedule 1 entities (19 surveys sent)
- 36% of government boards and committees (145 surveys sent).

The Commission has taken a phased approach to monitoring compliance with the PID Act for boards and committees. Many boards and committees were not sent the PID survey as their obligations under the PID Act are administered by another entity. There was also no requirement for boards and committees to complete an annual boards and committees survey this year.

All public authorities that were invited to complete the survey are listed in 'Appendix D – Structure of the government sector'.

Employee perception survey (EPS)

The EPS evaluates employee views about entity management and administration, ethical behaviour, equity and diversity, and employment conditions. This information helps the Commission to understand workplace culture and is critical in identifying areas of concern and acknowledging good practice. The EPS is also a valuable tool for entities to assess employee awareness of codes of ethics and conduct, the PID Act and the public sector standards.

Surveyed employees

In 2013, 17 entities completed the EPS. These entities comprised a range of sizes and portfolios; typically, the EPS is conducted in each entity with more than 20 employees approximately once every five years.

All employees within an entity are invited to respond and the average response rate was 38% for 2013.

This report assumes there is no significant bias between those who responded to the EPS and those who did not respond. However, some care should be taken in considering the EPS results as they may not be entirely representative of the views of the broader public sector.

'Appendix E – Employee perception survey' provides further information about the survey methodology and the EPS respondents.

Benchmarking of survey results

EPS data in the report includes comparison data for other Australian state and territory governments and the Australian Government where available and comparable. Several EPS items are included within employee surveys in these other jurisdictions and these items enable comparison of performance. The survey items were developed by an interjurisdictional working group on survey design and analysis.

Care should be taken in making comparisons between jurisdictions because there may be differences in wording of items or different response scales. These are noted where applicable throughout the report.

The sources of this comparison data are:

- Australian Public Service Commission: *State of the service report 2011–12*
- State Service Management Office, Tasmania: '2013 Tasmanian state service workforce survey'
- State Services Authority, Victoria: *The state of the public sector in Victoria 2011–12*
- Officer of the Commissioner for Public Employment, Northern Territory: *Northern Territory public sector employee survey report 2011*
- Public Service Commission, New South Wales: *People matter employee survey 2012 – Main findings report.*

Appendix B – *Public Sector Management Act 1994*

The office of Public Sector Commissioner is established under s. 16 of the *Public Sector Management Act 1994* (PSM Act) with the main functions and powers outlined in ss. 21A-24, 45, 46, 49-51, and 97. The Commissioner principally assists the responsible minister (currently the Premier) in the administration of the PSM Act, and is directed by s. 22(1) to act independently in relation to the performance of his functions. The Commissioner is supported in his functions by a department established on and from 28 November 2008, designated as the Public Sector Commission.

Monitoring, evaluation and reporting under the PSM Act

This report fulfills the requirements under s. 22D(1) of the PSM Act for the Commissioner to report annually to each House of Parliament on:

- the state of administration and management of the public sector
- the compliance or non-compliance of public sector bodies and employees, either generally or in particular with:
 - the human resource management principles set out in s. 8(1)(a)(b) and (c) of the PSM Act
 - the principles of conduct set out in s. 9 of the PSM Act
 - public sector standards
 - codes of ethics
 - codes of conduct
- any other matters arising out of the performance of the Commissioner's functions that the Commissioner considers are of such significance as to require reporting.

Human resource management principles

Section 8 of the PSM Act sets out the human resource management principles.

The principles relevant to this report are:

- 8(1)(a) all selection processes are to be directed towards, and based on, a proper assessment of merit and equity
- 8(1)(b) no power with regard to human resource management is to be exercised on the basis of nepotism or patronage
- 8(1)(c) employees are to be treated fairly and consistently and are not to be subjected to arbitrary or capricious administrative acts.

Principles of conduct

Section 9 of the PSM Act sets out the principles of conduct that public sector bodies and employees must observe. They are:

- 9(a) to comply with the provisions of:
 - the PSM Act and any other Act governing their conduct
 - Commissioner's instructions, public sector standards and codes of ethics
 - any code of conduct applicable to the public sector body or employee concerned
- 9(b) to act with integrity in the performance of official duties and to be scrupulous in the use of official information, equipment and facilities
- 9(c) to exercise proper courtesy, consideration and sensitivity in their dealings with members of the public and employees.

Public sector standards in human resource management

The six standards issued by the Commissioner set out the minimum standards of merit, equity and probity to be complied with in the public sector. The standards have been developed and communicated to public sector bodies to achieve the outcomes described below.

- **Performance management standard**
The performance of all employees is fairly assessed to achieve the work-related requirements of public sector bodies while paying proper regard to employee interests.
- **Redeployment standard**
Redeployment decisions are equitable and take into account public sector bodies' work-related requirements and employee interests.
- **Termination standard**
Termination decisions are fair and all entitlements are provided.
- **Discipline standard**
The discipline process observes procedural fairness.
- **Grievance resolution standard**
The process used by employing authorities to resolve or redress employee grievances is fair.
- **Employment standard (Commissioner's Instruction No. 1)**
The four principles of merit, equity, interest and transparency are complied with when filling a vacancy (by way of recruitment, selection, appointment, secondment, transfer and temporary deployment [acting]) in the WA public sector.

Breach of standard claims

Where a person believes that a decision made by a public sector body has breached a standard (other than the *Discipline standard*) and they have been adversely affected by the breach, they may seek relief by lodging a breach of standard claim once the body has made a reviewable decision covered by a standard. The Commissioner administers a conciliation and review process to resolve breach of standard claims which is governed by the *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005*.

Details of the breach of standard claims process and the public sector standards are available on the Public Sector Commission's website.

Code of Ethics

On 3 July 2012, *Commissioner's Instruction No. 7 – Code of Ethics* became effective and replaced the *Western Australian Public Sector Code of Ethics* issued on 1 February 2008 by the former Commissioner for Public Sector Standards.

The *Code of Ethics* (issued by the Commissioner under s. 21(1)(b) of the PSM Act) sets out the minimum standards of conduct and integrity to be complied with by all public sector bodies and employees. It applies to all public sector employees, including chief executive officers, chief employees and ministerial staff, and public sector bodies covered by the PSM Act, which includes members of government boards established under their own legislation.

The three key principles of the *Code of Ethics* are:

- **Personal integrity** – we act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.
- **Relationships with others** – we treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
- **Accountability** – we use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

Codes of conduct

Codes of conduct set out the expected standard of conduct within a public sector body and are consistent with the principles of the *Code of Ethics*. *Commissioner's Instruction No. 8 – Codes of conduct and integrity training* requires all public sector bodies to develop, implement and promote a code of conduct and to ensure compliance with that code.

Appendix C – *Public Interest Disclosure Act 2003*

The *Public Interest Disclosure Act 2003* (PID Act) applies to all WA public authorities, as defined in Part 1 of the PID Act. That definition, and the related definition of public officer, is expansive and includes, and extends beyond, the public sector as defined in the *Public Sector Management Act 1994*, so as to also encompass the following:

- staff of the Governor's Establishment
- political officeholders and electorate staff
- staff of the Parliament
- judicial officers and staff of courts and tribunals
- public universities
- local government authorities
- police officers
- government trading enterprises
- contractors and subcontractors to public authorities who supply goods or services to or on behalf of the authority or the state, or who perform public functions.

The objective of the PID Act is to:

- facilitate the disclosure of public interest information
- provide protection for people who make disclosures
- ensure appropriate disclosures are investigated and, where required, action taken.

The initial purpose of the PID Act was to ensure the openness and accountability of government. This purpose was achieved by enabling persons who witnessed illegal conduct, or the mismanagement of public resources, to disclose such wrongdoing without fear of reprisal. The PID Act was recently amended by expanding the capacity of employees to make public interest disclosures, and by increasing the protection available to whistleblowers.

Public interest information is information that shows, or tends to show, that a public authority, a public officer or a public sector contractor is, has been, or proposes to be, involved in:

- improper conduct
- an act or omission that constitutes an offence under a written law
- a substantial, unauthorised or irregular use of, or substantial mismanagement of, public resources
- conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment
- a matter of administration affecting someone in a personal capacity that falls within the jurisdiction of the Parliamentary Commissioner for Administrative Investigations (Ombudsman).

Anyone, including members of the public, can make a disclosure of public interest information. A person making a disclosure must believe on reasonable grounds that the information they have is, or may be, true.

Disclosures must be made to a proper authority—either to a designated public interest disclosure officer within the public authority concerned, or to one of the proper authorities named in the PID Act, such as the Corruption and Crime Commission, the Office of the Auditor General, the Ombudsman or the Public Sector Commissioner. In certain circumstances, disclosures may be made to journalists. The PID Act does not protect disclosures made to persons other than proper authorities, or made to journalists in accordance with s. 7A(2) of the PID Act.

Proper authorities are required to manage appropriate disclosures in accordance with the PID Act. This includes investigating appropriate disclosures, providing reports to the discloser, and not identifying the discloser, or the subject of the disclosure, other than as provided for by the PID Act.

A person who makes an appropriate disclosure under the PID Act is afforded protections, including immunity from legal action, disciplinary action and termination for making the disclosure. These protections may be forfeited if:

- the person discloses information contained in the disclosure other than in accordance with the PID Act
- the person fails to assist in the investigation of the disclosure without a reasonable excuse.

As part of protecting disclosers, the PID Act also makes it an offence to take, or threaten to take, detrimental action against another because they have made, or intend to make, a disclosure under the PID Act. Penalties also apply where a person incites another person to commit that offence.

A person who believes that they have been, or will be, subjected to detrimental action in reprisal for disclosing public interest information may either apply to the Supreme Court for an order remedying the detrimental action, take civil action in tort, or make a complaint under the *Equal Opportunity Act 1984*. In the event that a discloser who is an employee still fears reprisal, the individual can apply to the employing authority for workplace relocation.

Role of the Commissioner

The role of the Commissioner is established in Part 4 of the PID Act. The Commissioner is to:

- establish a code setting out the minimum standards of conduct and integrity to be complied with by proper authorities (*Public interest disclosure code of conduct and integrity* (PID code))
- prepare guidelines on internal procedures relating to the functions of a proper authority under the PID Act and ensure all public authorities have copies of these guidelines (*Public interest disclosure – guidelines*)
- assist public officers and public authorities to comply with the PID Act and PID code
- monitor compliance with the PID Act and PID code
- report annually to parliament on:
 - the performance of the Commissioner’s obligations under the PID Act
 - public authorities’ compliance with the PID Act
 - public authorities’ compliance with the PID code.

The Commissioner is also the proper authority for receiving disclosures of public interest information that relate to a public officer (other than a member of parliament, a minister of the Crown, a judicial officer, or an officer referred to in Schedule 1 of the *Parliamentary Commissioner Act 1971*).

Role of principal executive officers

Under s. 23 of the PID Act, the principal executive officer (PEO) of a public authority is required to:

- designate a specified position within the authority to receive disclosures of public interest information
- provide any employee who has made an appropriate disclosure with protection from detrimental action or the threat of detrimental action
- ensure the public authority complies with the PID Act and the PID code
- prepare and publish internal procedures relating to the authority's obligations under the PID Act
- provide information annually to the Commissioner on the:
 - number of public interest disclosures received
 - results of any investigations conducted and the action taken, if any
 - such other matters as are prescribed.

Changes to the PID Act

The PID Act changed on 21 November 2012 when amendments contained in the *Evidence and Public Interest Disclosure Legislation Amendment Act 2012* came into operation. These changes are set out below.

Enhanced protections available for disclosers of public interest information

The enhanced protections take two forms:

1. injunction – if persons believe they have been, or will be, subject to detrimental action in reprisal for making a protected disclosure, they may apply to the Supreme Court for either an order remedying the detrimental action, or injunctive relief.
2. relocation – employees who believe they have been, or will be, subject to detrimental action in reprisal for making a public interest disclosure may apply to their employing authority to be relocated. The employer will be required to relocate the employee away from the employee's existing work location when relocation is the only practical means of substantially reducing the danger of reprisal (provided the employee consents to the proposed relocation).

The ability to make an anonymous disclosure

A person is now explicitly able to make an anonymous public interest disclosure. If a person makes an anonymous disclosure, the relevant public authorities are relieved of their obligation to notify the discloser of the status or outcome of any investigation initiated, or any action taken, as a result of the disclosure.

The ability to make a disclosure to a journalist under certain conditions

Similar to laws in other jurisdictions, a disclosure can now be made to a journalist under certain conditions, and only when the disclosure has first been made to a proper authority.

Persons may make a disclosure to a journalist, provided they disclose information which is substantially the same as that which they disclosed in the original disclosure, and the proper authority receiving the original disclosure, or the person to whom a matter was referred to under s. 9(1)(b) of the PID Act, did one of the following:

- refused to investigate, or discontinued the investigation of, a matter raised by the disclosure
- did not complete an investigation within six months of the matter being raised
- completed an investigation but did not recommend that action be taken
- did not notify the discloser within three months of the disclosure being made about the proposed actions or the actions taken
- did not provide a report (if applicable) stating the outcome of the investigation and any action proposed or taken and the reasons for that action.

For the purposes of the PID Act, a journalist means a person engaged in the profession or occupation of journalism in connection with the publication of information in a medium for dissemination to the public of news and observation of news.

A person who makes a disclosure to a journalist, under the circumstances outlined above, is taken to be a person who makes a public interest disclosure and this person will be eligible to receive all the relevant protections under the PID Act.

The ability to reveal the identity of the discloser and the subject of a disclosure

Persons may need to identify the discloser or the subject of a public interest disclosure if they have been ordered by a court, or another person or body with the authority to make such an order.

Appendix D – Structure of the government sector

The WA government sector structure is outlined in Table D.1. Collectively, departments, SES organisations, non-SES organisations and ministerial offices are referred to as the public sector.

Table D.1 WA government sector structure

Entity type	Examples
<p>Departments</p> <p>Primarily responsible for delivery of public services and providing policy advice and administrative support to ministers. Departments are established under s. 35 of the <i>Public Sector Management Act 1994</i> (PSM Act).</p>	<ul style="list-style-type: none"> • Department of the Attorney General • Department of the Premier and Cabinet • Department of Commerce
<p>SES organisations</p> <p>Established for public purposes under a written law to perform defined statutory functions, and generally responsible through a board to a minister. SES organisations are specified in Schedule 2 of the PSM Act.</p>	<ul style="list-style-type: none"> • Rottnest Island Authority • Botanic Gardens and Parks Authority • Western Australian Tourism Commission
<p>Non-SES organisations</p> <p>Established for public purposes under a written law to perform defined statutory functions; generally responsible through a board to a minister, although usually with a degree of operational independence.</p>	<ul style="list-style-type: none"> • Forest Products Commission • Corruption and Crime Commission • Legal Aid Commission of Western Australia
<p>Ministerial offices</p> <p>Persons appointed to assist certain political officeholders.</p>	<ul style="list-style-type: none"> • Staff of the office of the Minister for Health

Entity type	Examples
<p>Government boards and committees</p> <p>Established under law to perform statutory functions such as guidance and direction for an organisation; regulation, registration and appeal; coordination of policies and projects; and advisory functions.</p>	<ul style="list-style-type: none"> • Road Safety Council • Mental Health Review Board • Gender Reassignment Board
<p>PSM Act Schedule 1 entities^(a)</p> <p>Entities as defined in Schedule 1 of the PSM Act. These entities are constituted by or under a written law, or by the Governor or a minister, to undertake specific public functions, but operate at arm's length to the executive arm of the Government, often in a commercial/semi-commercial environment or as part of the Westminster system of government. Schedule 1 entities include the judiciary (courts and tribunals), legislature (Parliament), public universities and local government authorities.</p>	<ul style="list-style-type: none"> • Public universities (e.g. Murdoch University) • Local government authorities (e.g. City of Perth) • Government trading enterprises (e.g. Water Corporation) • Port authorities (e.g. Fremantle Port Authority) • Police Force (i.e. sworn officers) • Courts and tribunals (e.g. State Administrative Tribunal) • Departments of the Parliament (e.g. Department of the Legislative Assembly) • Electorate offices

(a) Schedule 1 entities are not required to report to the Public Sector Commission under the PSM Act.

Public sector entities

Tables D.2 to D.5 provide a list of entities making up the public sector in 2012/13. Entities are classified according to functional category and size. 'Appendix A – Monitoring and evaluation framework' provides more information about these categories.

Table D.2 Departments

Department name	Functional category	Size
Department for Child Protection and Family Support	Service	Large
Department for Communities ^(a)	Service	Medium

(a) From 1 July 2013, the Department of Local Government and the Department for Communities were amalgamated by means of abolishing the Department of Local Government and renaming the Department for Communities as the Department of Local Government and Communities.

Department name	Functional category	Size
Department of Aboriginal Affairs	Policy, development and coordination	Small
Department of Agriculture and Food	Policy, development and coordination	Large
Department of Commerce	Oversight, regulatory and sector administration	Medium
Department of Corrective Services	Service	Large
Department of Culture and the Arts	Service	Small
Department of Education	Service	Very large
Department of Education Services	Service	Small
Department of Environment and Conservation ^(b)	Oversight, regulatory and sector administration	Large
Department of Finance	Oversight, regulatory and sector administration	Large
Department of Fire and Emergency Services	Service	Large
Department of Fisheries	Oversight, regulatory and sector administration	Medium
Department of Health	Service	Very large
Department of Housing ^(c)	Service	Large
Department of Local Government ^(d)	Oversight, regulatory and sector administration	Small
Department of Mines and Petroleum	Policy, development and coordination	Medium
Department of Planning	Oversight, regulatory and sector administration	Medium
Department of Racing, Gaming and Liquor	Oversight, regulatory and sector administration	Small
Department of Regional Development and Lands ^(e)	Policy, development and coordination	Medium

(b) From 1 July 2013, the Department of Environment and Conservation was renamed the Department of Parks and Wildlife and the Department of Environmental Regulation was established.

(c) The Housing Authority completed the annual agency survey on behalf of the Department of Housing.

(d) From 1 July 2013, the Department of Local Government and the Department for Communities were amalgamated by means of abolishing the Department of Local Government and renaming the Department for Communities as the Department of Local Government and Communities.

(e) From 1 July 2013, the Department of Regional Development and Lands was renamed as the Department of Regional Development, and the Department of Lands was established as a stand-alone department.

Department name	Functional category	Size
Department of Sport and Recreation	Policy, development and coordination	Small
Department of State Development	Policy, development and coordination	Small
Department of the Attorney General	Service	Large
Department of the Premier and Cabinet ^(f)	Policy, development and coordination	Medium
Department of the Registrar Western Australian Industrial Relations Commission	Oversight, regulatory and sector administration	Small
Department of Training and Workforce Development	Service	Medium
Department of Transport	Oversight, regulatory and sector administration	Large
Department of Treasury	Oversight, regulatory and sector administration	Medium
Department of Water	Policy, development and coordination	Medium
Disability Services Commission ^(g)	Policy, development and coordination	Large
Mental Health Commission	Policy, development and coordination	Small
Office of the Auditor General	Oversight, regulatory and sector administration	Small
Office of the Director of Public Prosecutions	Service	Medium
Office of the Environmental Protection Authority	Oversight, regulatory and sector administration	Small
Office of the Inspector of Custodial Services	Oversight, regulatory and sector administration	Very small
Public Sector Commission	Oversight, regulatory and sector administration	Small
Western Australia Police ^(h)	Service	Large
Western Australian Electoral Commission	Service	Small

(f) For the purposes of this report, the Department of the Premier and Cabinet includes ministerial offices.

(g) The Disability Services Commission is both a department (established under s. 35) and a SES organisation (as described in Schedule 2) within the PSM Act.

(h) The Police Service is a department (established under s. 35) and the Police Force is a Schedule 1 entity under the PSM Act.

Table D.3 SES organisations (listed in PSM Act Schedule 2)

SES organisation name	Functional category	Size
Art Gallery of Western Australia	Service	Small
Botanic Gardens and Parks Authority	Service	Small
C. Y. O'Connor Institute	Service	Small
Central Institute of Technology	Service	Large
Challenger Institute of Technology	Service	Medium
Chemistry Centre (WA)	Service	Small
Commissioner of Main Roads	Service	Large
Country High School Hostels Authority	Service	Small
Country Housing Authority ^(a)	-	-
Disability Services Commission ^(b)	Policy, development and coordination	Large
Durack Institute of Technology	Service	Medium
Economic Regulation Authority	Oversight, regulatory and sector administration	Small
Gascoyne Development Commission	Policy, development and coordination	Very small
Goldfields-Esperance Development Commission	Policy, development and coordination	Very small
Goldfields Institute of Technology	Service	Small
Government Employees Superannuation Board	Service	Medium
Great Southern Development Commission	Policy, development and coordination	Very small
Great Southern Institute of Technology	Service	Small
Housing Authority	Service	Large
Insurance Commission of Western Australia	Service	Medium
Kimberley Development Commission	Policy, development and coordination	Very small
Kimberley Training Institute	Service	Small
Lotteries Commission (Lotterywest)	Service	Small
Metropolitan Cemeteries Board	Service	Small
Metropolitan Redevelopment Authority	Policy, development and coordination	Small
Mid West Development Commission	Policy, development and coordination	Very small

(a) This entity has not been captured in the 2012/13 reporting sample.

(b) The Disability Services Commission is both a department (established under s. 35) and a SES organisation (as described in Schedule 2) within the PSM Act.

SES organisation name	Functional category	Size
Minerals and Energy Research Institute of Western Australia ^(c)	-	-
Peel Development Commission	Policy, development and coordination	Very small
Perth Theatre Trust	Service	Very small
Pilbara Development Commission	Policy, development and coordination	Small
Pilbara Institute	Service	Small
Polytechnic West	Service	Large
Professional Standards Council ^(c)	-	-
Public Transport Authority of Western Australia	Service	Large
Rottneest Island Authority	Service	Small
School Curriculum and Standards Authority	Oversight, regulatory and sector administration	Small
Small Business Development Corporation	Policy, development and coordination	Small
South West Development Commission	Policy, development and coordination	Small
South West Institute of Technology	Service	Medium
The Library Board of Western Australia (State Library of Western Australia)	Service	Small
The Western Australian Museum	Service	Small
West Coast Institute of Training	Service	Medium
Western Australian Alcohol and Drug Authority (Drug and Alcohol Office)	Policy, development and coordination	Small
Western Australian Land Information Authority (Landgate)	Service	Medium
Western Australian Tourism Commission	Service	Small
Wheatbelt Development Commission	Policy, development and coordination	Very small
WorkCover Western Australia Authority	Service	Small
Zoological Parks Authority	Service	Small

(c) This entity has not been captured in the 2012/13 reporting sample.

Table D.4 Non-SES organisations

Note: This list is based on information available to the Commission at the time of printing the report.

Non-SES organisation name	Functional category	Size
Agricultural Produce Commission	Oversight, regulatory and sector administration	Very small
Animal Resources Authority	Service	Small
Architects Board of Western Australia	Oversight, regulatory and sector administration	Very small
Bunbury Water Board (Aqwest)	Oversight, regulatory and sector administration	Small
Busselton Water Board	Oversight, regulatory and sector administration	Small
Commissioner for Children and Young People	Policy, development and coordination	Very small
Commissioner for Equal Opportunity	Policy, development and coordination	Small
Conservation Commission of Western Australia	Policy, development and coordination	Very small
Construction Industry Long Service Leave Payments Board	Oversight, regulatory and sector administration	Very small
Construction Training Fund	Service	Very small
Corruption and Crime Commission	Oversight, regulatory and sector administration	Small
Forest Products Commission	Policy, development and coordination	Small
Health and Disability Services Complaints Office	Service	Very small
Heritage Council of Western Australia	Policy, development and coordination	Small
Keep Australia Beautiful Council (WA)	Policy, development and coordination	Very small
Law Reform Commission of Western Australia	Policy, development and coordination	Very small
Legal Aid Commission of Western Australia	Service	Medium
Legal Practice Board	Oversight, regulatory and sector administration	Small
Office of the Information Commissioner	Oversight, regulatory and sector administration	Very small
Parliamentary Commissioner for Administrative Investigations (Ombudsman)	Oversight, regulatory and sector administration	Small

Non-SES organisation name	Functional category	Size
Parliamentary Inspector of the Corruption and Crime Commission of Western Australia ^(a)	-	-
Perth Market Authority	Service	Small
Potato Marketing Corporation of Western Australia	Oversight, regulatory and sector administration	Very small
Solicitor General ^(a)	-	-
Teacher Registration Board of Western Australia ^(a)	-	-
The Burswood Park Board	Service	Very small
The National Trust of Australia (WA)	Service	Small
The Queen Elizabeth II Medical Centre Trust	Service	Very small
Veterinary Surgeons' Board	Oversight, regulatory and sector administration	Very small
Western Australian Coastal Shipping Commission ^(a)	-	-
Western Australian Health Promotion Foundation (Healthway)	Policy, development and coordination	Small
Western Australian Meat Industry Authority	Oversight, regulatory and sector administration	Very small
Western Australian Sports Centre Trust (VenuesWest)	Service	Medium

(a) This entity has not been captured in the 2012/13 reporting sample.

Table D.5 Entities that report under another entity

Reporting entity name	Included entity name	Included entity type
Department of Agriculture and Food	Rural Business Development Corporation	SES organisation
Department of Commerce	Building Commission	Non-SES organisation
	Commission for Occupational Safety and Health	Non-SES organisation
	Plumbers Licensing Board	Non-SES organisation
Department of Culture and the Arts	ScreenWest	Non-SES organisation
	State Records Commission	Government board
Department of Education Services	Trustees of Public Education Endowment	Non-SES organisation
Department of Environment and Conservation	Swan River Trust	Non-SES organisation
Department of Finance	State Supply Commission	SES organisation
Department of Planning	Western Australian Planning Commission	Non-SES organisation
Department of Sport and Recreation	Combat Sports Commission	Non-SES organisation
Department of the Attorney General	Office of the Public Advocate	Non-SES organisation
	Public Trustee's Office	Non-SES organisation
Government Employees Superannuation Board	Parliamentary Superannuation Board	Non-SES organisation
Heritage Council of Western Australia	State Heritage Office	Non-SES organisation
Office of the Environmental Protection Authority	Environmental Protection Authority	Non-SES organisation
Public Sector Commission	Office of the Director of Equal Opportunity in Public Employment	Non-SES organisation
	Salaries and Allowances Tribunal	Non-SES organisation

Government boards and committees

Table D.6 provides a list of government boards and committees.

Table D.6 Government boards and committees

Government boards and committees
For a list of boards and committees, see the Department of the Premier and Cabinet's Government Boards and Committees Register at www.dpc.wa.gov.au/Consultation/Pages/GovernmentBoardsandCommittees.aspx

PSM Act Schedule 1 entities

Tables D.7 to D.9 provide a list of PSM Act Schedule 1 entities.

Table D.7 Local government authorities

Local government authorities
For a list of authorities, see the Local Government Directory on the Department of Local Government and Communities website at www.dlg.wa.gov.au/Content/Directory/Default.aspx

Table D.8 Public universities

Universities	
Curtin University of Technology	Murdoch University
Edith Cowan University	University of Western Australia

Table D.9 Other Schedule 1 entities

Other Schedule 1 entities	
Albany Port Authority	Prisoners Review Board of Western Australia
Broome Port Authority	Racing and Wagering Western Australia
Bunbury Port Authority	Racing Penalties Appeal Tribunal
Dampier Port Authority	State Administrative Tribunal
Department of the Legislative Assembly	The Electricity Generation Corporation (Verve Energy)
Department of the Legislative Council	The Electricity Networks Corporation (Western Power)
Electorate offices	The Electricity Retail Corporation (Synergy)
Esperance Port Authority	The Independent Market Operator
Fremantle Port Authority	The Regional Power Corporation (Horizon Power)
Geraldton Port Authority	Water Corporation
Gold Corporation	Western Australian Energy Disputes Arbitrator
Governor's Establishment	Western Australian Greyhound Racing Association
Liquor Commission	Western Australian Land Authority (LandCorp)
Police Force	Western Australian Treasury Corporation
Port Hedland Port Authority	

Appendix E – Employee perception survey

The employee perception survey (EPS) evaluates and reports on public sector employee views about management and administration, ethical behaviour, equity and diversity, and public interest disclosure.

Typically, the EPS is conducted in each public sector entity with more than 20 employees once every five years. Different regional areas of the largest agencies, Department of Health and Department of Education, are surveyed every year.

Between March and August 2013, 17 entities, out of a possible 85 (with more than 20 employees), completed the survey (including two regional areas from the Department of Health and one from the Department of Education). The average response rate to the survey was 38%.

To improve the representativeness of the sample, entities were selected across a range of sizes and portfolios. However, care should be taken in interpreting the EPS results because the sample may not be entirely representative of the broader public sector.

Table E.1 provides a comparison of the demographics of the 2013 EPS respondents with those of the wider public sector.¹ Compared with the sector, the EPS respondents were more likely to be male and working in a regional location.

Table E.1 Comparison of EPS respondents and WA public sector employees, 2013

		EPS respondents (%)	WA public sector (%)
Gender	Men	38	28
	Women	62	72
Region	Metropolitan	63	76
	Regional	37	24
Age (years)	Under 30	11	14
	30 – 49	46	47
	50 – 64	40	35
	65 and over	3	4

¹ Source: Human resource minimum obligatory information requirement (HRMOIR) workforce data as at 30 June 2013.

Table E.2 provides a list of the entities that completed the EPS in 2013 and their individual response rates.

Table E.2 EPS response rates for entities, 2013

Participating entity	Surveys distributed	Surveys returned	Response rate (%)
Department of Aboriginal Affairs	318	82	26
Department of Agriculture and Food	1235	653	53
Department of Education – Midwest Region	1659	355	21
Department of Fisheries	560	212	38
Department of Health – Western Australia Country Health Service – Great Southern	1870	356	19
Department of Health – Western Australia Country Health Service – Midwest	1727	370	21
Department of Sport and Recreation	202	132	65
Department of the Attorney General	1645	806	49
Durack Institute of Technology	229	135	59
Forest Products Commission	165	107	65
Great Southern Institute of Technology	211	119	56
Insurance Commission of Western Australia	350	173	49
Legal Aid Commission of Western Australia	324	134	41
Metropolitan Redevelopment Authority	106	68	64
Polytechnic West	1139	473	42
Western Australia Police Service (unsworn)	1900	979	52
Western Australian Tourism Commission	94	53	56
Total	13734	5207	38

Appendix F – Directed inquiries

Pursuant to s. 24H(1) of the *Public Sector Management Act 1994* (PSM Act), the Public Sector Commissioner may on his own initiative, or under s. 24H(2) at the direction of the Premier as the minister responsible for the PSM Act, arrange for the holding of a special inquiry into a matter related to the public sector.

In 2012/13, the Commissioner was directed to arrange for a special inquiry into the Peel Health Campus.

In accordance with s. 24H(4) of the PSM Act, the Commissioner has included the text of that direction given by the Premier in the Public Sector Commission's *Annual report 2012/13*.

The inquiry report and further details are available on the Commission's website.

Appendix G – Machinery of government changes

Machinery of government (MOG) changes refer to changes made to public sector structures or administrative arrangements, arising from decisions of executive government or legislative changes. MOG changes include the establishment, designation, amalgamation, division or abolition of entities, or the movement of functions between entities.

To achieve and maintain operational responsiveness and flexibility, the Public Sector Commission provides advice to ministers on MOG changes to improve the efficiency and effectiveness of the public sector. MOG changes frequently occur following an election or when ministerial portfolio responsibilities change, and sometimes as a result of legislative changes passed by parliament.

Pursuant to s. 35(4) of the *Public Sector Management Act 1994* (PSM Act), the Public Sector Commissioner, when directed by the Premier as the minister responsible for the PSM Act, must make recommendations to the Governor to:

- establish and designate departments
- amalgamate or divide existing departments and designate the resulting departments
- abolish departments
- alter the designations of existing departments.

In accordance with s. 35(5) of the PSM Act, the Commissioner is obliged to include the text of a direction given by the Premier in an annual report to parliament.

There have been no directions given by the Premier in regard to MOG changes this year. All changes have arisen from decisions made by ministers or the Cabinet, or as a result of legislative changes.

In 2012/13, the following MOG changes occurred:

- On 1 July 2012, the Goldfields Institute of Technology was established.
- On 1 November 2012, the Fire and Emergency Services Authority of Western Australia was abolished, and the Department of Fire and Emergency Services was established in its place.
- On 7 December 2012, the Western Australian College of Teaching was abolished, and the Teacher Registration Board of Western Australia was established in its place.
- The Governor in Executive Council altered the designation of the Department of Indigenous Affairs to the Department of Aboriginal Affairs with effect on and from 17 May 2013.

The Governor in Executive Council also altered the designation of the Department for Child Protection to the Department for Child Protection and Family Support with effect on and from 23 August 2013.¹

On 8 April 2013, Cabinet endorsed 12 MOG changes, of which 10 were overseen by the Commission. With effect on and from 1 July 2013, the following MOG changes have occurred:

- The Department of Local Government and the Department for Communities were amalgamated by means of abolishing the Department of Local Government, and renaming the Department for Communities as the Department of Local Government and Communities.
- The Department of Environment and Conservation was renamed the Department of Parks and Wildlife, and the Department of Environment Regulation was established.
- The Department of Lands was established as a stand-alone department, and the Department of Regional Development and Lands was renamed as the Department of Regional Development.
- The Office of Science was relocated from the Department of Commerce to the Department of the Premier and Cabinet.
- Employing powers under the PSM Act and budget appropriation for the Art Gallery of Western Australia, The Western Australian Museum, Perth Theatre Trust and The Library Board of Western Australia (State Library of Western Australia) were decentralised.
- The Regulatory Gatekeeping Unit and Regulatory Reform Branch functions of the Department of Treasury were transferred to the Department of Finance.

1 Due to an error on the Cabinet decision sheet, the Department for Child Protection was incorrectly redesignated to the Department of Child Protection and Family Support, which took effect from 17 May to 22 August 2013. To more accurately reflect the name of the department and its role within the community, the Cabinet approved an amendment to the name of the department to the Department for Child Protection and Family Support in a Cabinet decision dated 27 June 2013.

Appendix H – Compliance statements

In accordance with s. 31(2) of the *Public Sector Management Act 1994* (PSM Act), organisations which are not listed in Schedule 1 of the *Financial Management Act 2006* (FM Act) are required to provide each year to the Public Sector Commissioner a statement on the extent to which they have complied with the public sector standards in human resource management, codes of ethics and any relevant code of conduct.

These compliance statements are reported below, in accordance with s. 31(4) of the PSM Act. Some non-SES organisations report with an affiliated entity instead under s. 31(1), and this is indicated where relevant.

Compliance statements provided under the PSM Act, 2012/13

Architects Board of Western Australia

No compliance issues concerning the public sector standards, the *Code of Ethics* or the board's code of conduct arose during the period from 1 July 2012 to 30 June 2013.

Commissioner for Children and Young People (CCYP)

The CCYP has a strong commitment to promoting integrity in official conduct.

The CCYP is an independent statutory officer, reporting directly to the Parliament. The Commissioner is committed to achieving high standards of monitoring and ensuring compliance with the public sector standards, the *Code of Ethics* and the office's code of conduct. The corporate executive, which includes the Commissioner, leads and promotes these standards within the office.

The office has policies, procedures and processes that support the application of:

- the *Code of Ethics*
- the public sector standards in human resource management
- the Commissioner's code of conduct and management of conflict of interest policy
- a family friendly workplace.

In the reporting period, the office has:

- incorporated all key public sector and CCYP documents in staff induction kits and programs, with all new staff required to attend ethics and accountability training
- continued to promote the code of conduct to all staff, including through the CCYP induction package for new staff
- held regular staff meetings where any matters relevant to public sector standards could be raised and discussed
- reviewed and endorsed the CCYP disciplinary policy to more clearly identify responsibilities and actions to be taken in the event of a disciplinary matter
- implemented a substandard performance management policy which was made available to all staff
- reviewed and endorsed several policies to ensure they remain current and promote the principles contained within the public sector standards and *Code of Ethics*, including gifts, benefits and rewards, management of conflicts of interest, grievances, staff attendance, and delegations.

The Commissioner has established procedures to ensure compliance with s. 31(2) of the PSM Act and has conducted appropriate internal assessments of recruitment practices and processes.

In 2012/13, there were no applications made for breaches of standards.

There has been no evidence of non-compliance with the *Code of Ethics*.

Commissioner for Equal Opportunity

In accordance with s. 31(2) of the PSM Act, the Commissioner for Equal Opportunity has fully complied with regard to the public sector standards, Commissioner's instructions, the *Code of Ethics* and the entity's code of conduct.

Commission for Occupational Safety and Health

Reported under the Department of Commerce in accordance with s. 31(1) of the PSM Act.

Conservation Commission of Western Australia

The Department of Environment and Conservation undertook human resource management for the Conservation Commission in 2012/13 under an operational relationship agreement.

In the administration of the Conservation Commission, the Director has complied with the public sector standards in human resource management, the *Code of Ethics* and the Conservation Commission's code of conduct.

Information on both the *Code of Ethics* and the code of conduct is provided to employees on commencement with the Conservation Commission.

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

Environmental Protection Authority

Reported under the Office of the Environmental Protection Authority in accordance with s. 31(1) of the PSM Act.

Legal Practice Board

The Legal Practice Board has fully complied with s. 31(2) of the PSM Act as it relates to the operations of the Board. The Board continues to be fully compliant with regard to the public sector standards and the *Code of Ethics*.

The Board is committed to maintaining a high standard of accountability, integrity and transparency in all its functions and activities, in line with the public sector standards. As part of this, the Board continues to undertake a program to review and update all the Board's policies relating to its internal and external functions, including human resource and workforce management. The Board is committed to continuing to develop its own code of conduct, both for Board members and Board staff, in line with *Commissioner's Instruction No. 8 – Codes of conduct and integrity training*.

In accordance with s.31 (2) of the PSM Act, the Board provides the following information regarding compliance during the period under review:

- nil breach claims
- information on the standards is provided at recruitment and the *Code of Ethics* is included in the Offer of Employment contract
- all employees receive an induction manual on employment with the Board, and the *Code of Ethics* is included in the Board's employee induction manual (the employee induction manual sets out all the Board's policies and conditions of employment, and all employees are required to sign a document stating they have read the manual)
- training is provided to persons on recruitment panels to ensure compliance with relevant standards
- the Board's policies are consistent with ethical principles and are subject to regular review and updating.

The Board is committed to continually seeking to review and update its current practices through avenues such as the auditing and review of its functions, performance management, ongoing training, and seeking feedback from all stakeholders.

Office of the Director of Equal Opportunity in Public Employment

Reported under the Public Sector Commission in accordance with s. 31(1) of the PSM Act.

Office of the Information Commissioner (OIC)

The OIC operates under an established code of conduct that references the *Code of Ethics*. OIC also has an employee grievance resolution policy in place. All new staff are provided with a copy of the code and grievance policy as part of an induction pack, and these documents are also available to staff on the OIC intranet.

The OIC has a low rate of staff turnover and has only recently been solely responsible for its own staff recruitment and human resource processes. Three new employees were appointed during 2012/13 and the *Employment standard* was adhered to at all levels.

The OIC is committed to complying with the standards and codes set out by the Public Sector Commission. Improvement to OIC policies and procedures is always encouraged through open discussion and regular audits.

Office of the Public Advocate

Reported under the Department of the Attorney General in accordance with s. 31(1) of the PSM Act.

Parliamentary Commissioner for Administrative Investigations (Ombudsman)

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.

I have put in place procedures designed to ensure such compliance, and conducted appropriate internal assessments to satisfy myself that the above statement is correct.

Parliamentary Superannuation Board

Reported under the Government Employees Superannuation Board in accordance with s. 31(1) of the PSM Act.

Plumbers Licensing Board

Reported under the Department of Commerce in accordance with s. 31(1) of the PSM Act.

Salaries and Allowances Tribunal

Reported under the Public Sector Commission in accordance with s. 31(1) of the PSM Act.

Solicitor General

Reported under the Department of the Attorney General in accordance with s. 31(1) of the PSM Act.

State Heritage Office

Reported under the Heritage Council of Western Australia in accordance with s. 31(1) of the PSM Act.

Veterinary Surgeons' Board

There were no issues during the 2012/13 financial year regarding compliance with the public sector standards and ethical codes. Staff have been made aware of the standards and codes, and have access to hard copies.

Appendix I – Abbreviations

AAS	Annual agency survey
AEDM	Accountable and ethical decision making
CEO	Chief executive officer
DPC	Department of the Premier and Cabinet
EEO	Equal employment opportunity
EPS	Employee perception survey
FM Act	<i>Financial Management Act 2006</i>
FTE	Full-time equivalent
FoGHR	Foundations of government human resources
HRMOIR	Human resource minimum obligatory information requirement
ICG	Integrity Coordinating Group
KPI	Key performance indicator
MOG	Machinery of government
OAG	Office of the Auditor General
OSH Act	<i>Occupational Safety and Health Act 1984</i>
PEO	Principal executive officer
PID	Public interest disclosure
PID Act	<i>Public Interest Disclosure Act 2003</i>
PSM Act	<i>Public Sector Management Act 1994</i>
SES	Senior Executive Service
WA	Western Australia

Appendix J – Glossary of terms

Aboriginal Australian

See entry under 'Indigenous Australian'.

Advisory service

The Public Sector Commission provides a daily advisory service via phone and email to public bodies covered by the *Public Sector Management Act 1994* (PSM Act) and the *Public Interest Disclosure Act 2003* (PID Act), their employees, and members of the community. This service provides advice on a range of matters including the public sector standards in human resource management, public interest disclosure, ethical codes and integrity.

Annual agency survey (AAS)

The AAS is conducted by the Commission to collect information from departments, Senior Executive Service (SES) organisations and non-SES organisations with regard to their compliance with the general principles of human resource management, the *Commissioner's Instruction No. 7 – Code of Ethics*, codes of conduct, and the PID Act; and their general state of administration and management. Further information is provided in 'Appendix A – Monitoring and evaluation framework'.

Australian and New Zealand Standard Classification of Occupations (ANZSCO)

A skill-based classification of occupations, developed as the national standard for organising occupation-related information for purposes such as policy development and evaluation, human resource management, and labour market and social research. The classification includes all jobs in the Australian workforce.

Australian Standard Classification of Occupations (ASCO)

A skill-based classification of occupations, encompassing all jobs in the Australian workforce. It has been superseded by ANZSCO.

Breach of standard claim

The *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005* provide for persons to make a claim that an entity has not complied with the requirements of a public sector standard where they believe they have been adversely affected by the breach. When referred to the Commission, a determination is made by the Public Sector Commissioner as to whether a breach has occurred. Information about the standards is provided in 'Appendix B – Public Sector Management Act 1994'.

Chief employee

A chief employee is the principal officer of a non-SES organisation, or of an agency where the principal officer is not a member of the SES, as specified in s. 3 of the PSM Act.

Chief executive officer (CEO)

For the purposes of this report, CEOs are the principal officers of departments or SES organisations, as specified in s. 3 of the PSM Act. They are accountable for the efficient and effective management of their agency. A CEO is directly responsible to either a minister or a board for implementing agency services and providing policy advice. The Commissioner employs all CEOs appointed under the PSM Act.

Code of conduct

A code of conduct is a formal written policy applicable within each public sector body that expands on the principles set out in the *Code of Ethics*. Further information is provided in the *Conduct guide* and 'Appendix B – Public Sector Management Act 1994'.

Code of Ethics

The *Code of Ethics* outlines the minimum standards of conduct and integrity for public sector bodies and employees. Further information is provided in 'Appendix B – Public Sector Management Act 1994'.

Commission

For the purposes of this report, the term 'Commission' refers to the Public Sector Commission, unless otherwise specified. The Commission is principally established to assist the Commissioner in the management, administration and performance of the public sector.

Commissioner

For the purposes of this report, the term 'Commissioner' refers to the Public Sector Commissioner, unless otherwise specified. The Commissioner is appointed under s. 17 of the PSM Act.

Commissioner's instruction

Commissioner's instructions are issued by the Commissioner under ss. 21 or 22A of the PSM Act and provide direction to public sector bodies and employees on matters relating to the Commissioner's functions, administration and management of the public sector, and the application of the PSM Act. Existing instructions include:

- *Commissioner's Instruction No. 1 – Employment standard*
- *Commissioner's Instruction No. 2 – Filling a public sector vacancy*
- *Commissioner's Instruction No. 3 – Discipline – general*
- *Commissioner's Instruction No. 4 – Discipline – former employees*
- *Commissioner's Instruction No. 5 – Publishing a public sector notice*
- *Commissioner's Instruction No. 6 – Workforce data reporting obligations*
- *Commissioner's Instruction No. 7 – Code of Ethics*
- *Commissioner's Instruction No. 8 – Codes of conduct and integrity training*
- *Commissioner's Instruction No. 10 – Review of classification level of employees seconded to special offices to assist a political office holder.*

Council of Australian Governments (COAG)

The primary intergovernmental forum in Australia is known as COAG. The members of COAG are the Prime Minister, state and territory premiers and chief ministers, and the President of the Australian Local Government Association.

The council is currently pursuing a reform agenda aimed at improving economic and social participation, strengthening the national economy, creating a more sustainable and liveable Australia, delivering better health services and closing the gap in Indigenous disadvantage.

Distribution (equity index)

The distribution of a diversity group relates to how evenly a group is dispersed through the salary profile. Distribution is determined using the equity index. An index of 100 is considered optimal; an index less than 100 suggests the group is disproportionately represented in lower salary levels. If there are less than 10 persons in a diversity group, the index may not be a good indicator of the true distribution of salary levels within the group.

For information about how to calculate the equity index, see the *State of the sector statistical bulletin 2013*.

Employee perception survey (EPS)

The Commission conducts the EPS across the public sector to establish employee views of the extent to which behaviour in their entity is consistent with human resource standards, the *Code of Ethics*, and equity and diversity principles. The survey also aims to establish employee knowledge of, and confidence in, the PID Act. For further information, see 'Appendix A – Monitoring and evaluation framework' and 'Appendix E – Employee perception survey'.

Employment type

Employment type relates to whether employees are employed on a permanent, fixed term, casual or sessional basis and whether they work full or part-time.

- **Permanent**
An employee who is employed for an indefinite period of time, usually under the terms and conditions of a relevant award or agreement.
- **Fixed term**
An employee who is employed for a fixed period of time.
- **Full-time**
An employee who usually works at least the agreed or award hours for a full-time employee in his or her occupation. If the agreed or award hours do not apply, an employee is regarded as full-time if ordinarily working 35 hours or more per week.
- **Part-time**
An employee who works less than full-time hours as defined above.
- **Casual**
An employee who is paid an hourly rate and receives a loading, usually in lieu of leave entitlements. The employee may work any number of hours, and the job may be temporary or have irregular hours.
- **Sessional**
An employee who is employed to work for sessional periods (e.g. a school term or semester).

Engagement

Engagement (when used in reference to employment) refers to employees who have commenced employment in the WA public sector in the last financial year. This includes both employees who have joined from outside the sector and employees from different employing authorities within the sector, and occurs through promotions, transfers, redeployments and secondments.

Equal Opportunity Act 1984 (EO Act)

The EO Act provides for the principles of equal opportunity in WA. It addresses discrimination in the areas of employment, accommodation, education, and the provision of goods, facilities, services and activities on the following grounds:

- sex
- sexual orientation
- gender history
- family responsibility or family status
- marital status
- race
- religious or political conviction
- age
- impairment
- pregnancy.

Part IX of the EO Act provides specifically for equal opportunity in public employment, and establishes the statutory position and functions of the Director of Equal Opportunity in Public Employment.

Ethical codes

Ethical codes comprise the *Code of Ethics*, together with the individual codes of conduct of public sector bodies. 'Appendix B – Public Sector Management Act 1994' provides further information on the *Code of Ethics* and codes of conduct.

Financial Management Act 2006 (FM Act)

The FM Act provides for the management, administration and reporting of the public finances of WA.

Full-time equivalent (FTE)

One FTE is one person paid for a full-time position. The FTE for a position is calculated by dividing the number of hours the employee is paid by the standard award hours for that position.

FTE totals include all current employees apart from board members, unless they are on an entity's payroll; trainees engaged through any traineeship program, award or agreement; casuals that were not paid in the final pay period for the financial year; and any time that is not ordinary time paid such as overtime and flex time.

Human resource management principles

Section 8 of the PSM Act sets out the human resource management principles. 'Appendix B – Public Sector Management Act 1994' provides further information.

Human resource minimum obligatory information requirement (HRMOIR) data

On a quarterly basis, the Commission collects and reports HRMOIR workforce data through the Workforce Analysis and Collection Application (WACA). The data includes demographic information such as age, gender, diversity status and occupation. For further information, see 'Appendix A – Monitoring and evaluation framework'.

Indigenous Australian

The terms 'Indigenous Australian' and 'Aboriginal Australian' are both used in this report.

The term 'Indigenous Australian' is respectfully used to refer to persons of Aboriginal and/or Torres Strait Islander descent who identify as such, and are accepted as such, by the community in which they live. This term is used in recognition of the terminology used in the *National partnership agreement on Indigenous economic participation*, and other relevant benchmarks.

The term 'Aboriginal Australian' is used in reference to the Aboriginal community and WA Government local policy programs such as the *Aboriginal employment strategy 2011–2015*. This is also in line with the renaming of the Department of Indigenous Affairs to the Department of Aboriginal Affairs.

Integrity Coordinating Group (ICG)

The ICG seeks to achieve cooperation and consistency through public awareness, workplace education, prevention, advice and investigation activities across a range of integrity themes. The group comprises the Parliamentary Commissioner for Administrative Investigations (Ombudsman), Auditor General, Information Commissioner, Corruption and Crime Commissioner and Public Sector Commissioner.

Machinery of government (MOG)

MOG changes are those made to public sector structures or administrative arrangements, arising from a recommendation by the Commissioner to the Governor. This may occur at the direction of the Premier or as a result of a decision made by the Cabinet. MOG changes include the creation, amalgamation, abolition or division of departments or organisations, or the movement of functions between departments or organisations. 'Appendix G – Machinery of government changes' provides further information about the MOG changes that occurred in 2012/13.

Management tiers

Tier one managers direct and are responsible for the entity, as well as its development as a whole. They have ultimate control of, and responsibility for, employees in the other management tiers. Typical titles include director general, CEO, general manager, executive director and commissioner. There is usually only one tier one manager in an entity.

Tier two managers report directly to tier one management and assist tier one management by implementing organisational plans. They are directly responsible for leading and directing the work of other managers of functional departments. They may be responsible for managing professional and specialist employees. They do not include professional and graduate staff (e.g. engineers, medical practitioners and accountants) unless they have a primary management function.

Tier three managers report to tier two management. They formulate policies and plans for their area of control, and manage a budget and employees. They are the interface between tier two management and lower level managers. They also do not include professional and graduate staff unless they have a primary management function.

The management profile of a smaller entity may comprise only one or two tiers of management.

Matters of referral

Matters may be referred to the Commission for investigation or monitoring as part of its compliance monitoring role under s. 21 of the PSM Act. This may include requests for assistance; complaints about poor management, governance or compliance with public sector standards (outside of a breach claim process); and specific allegations of unethical behaviour. A matter may result in an examination, review or special inquiry. However, investigations may also be instigated by the Commissioner without a matter being raised with the Commission by an external party.

Mature workers

Mature workers are those aged 45 years and over.

Non-SES organisations

These comprise bodies, offices, posts or positions that are established or continued for a public purpose under a written law, and are not specified in either Schedule 1 or Schedule 2 of the PSM Act. For a list of entities, see 'Appendix D – Structure of the government sector'.

Occupational Safety and Health Act 1984 (OSH Act)

The OSH Act promotes and improves standards for occupational safety and health; establishes the Commission for Occupational Safety and Health; provides for a tribunal for the determination of certain matters and claims; and facilitates coordination of the administration of laws relating to occupational safety and health.

People from culturally diverse backgrounds

These are people born in countries other than the following, which have been categorised by the Australian Bureau of Statistics as mainly English speaking countries:

- Australia
- Canada
- Ireland
- New Zealand
- South Africa
- United Kingdom (England, Northern Ireland, Scotland, Wales)
- United States of America.

People with disability

People with disability have an ongoing employment restriction due to their disability that requires any of the following:

- restriction in the type of work they can do
- modified hours of work or schedules
- adaptations 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.

Principal executive officer (PEO)

A PEO (referred to in s. 23 of the PID Act) is the person who has general direction and control of, and overall responsibility for, the operations of an entity and the management of its staff. For example, chief executives of public sector bodies and PSM Act Schedule 1 entities, and chairpersons of boards (if there is no chief executive or staff), are PEOs of their entities.

Principles of conduct by public sector bodies

Section 9 of the PSM Act sets out the principles of conduct to be observed by public sector bodies. 'Appendix B – Public Sector Management Act 1994' provides further information.

Proper authority for receiving a public interest disclosure (PID)

A PID must be made to a proper authority, which includes registered PID officers and named authorities listed in s. 5(3) of the PID Act. 'Appendix C – Public Interest Disclosure Act 2003' provides further information.

Public administration and management principles

Section 7 of the PSM Act sets out the principles of public administration and management to be observed in relation to the public sector.

Public authority

Public authority is defined in s. 3 of the PID Act to mean:

- a department of the public service established under s. 35 of the PSM Act
- an organisation specified in column 2 of Schedule 2 of the PSM Act
- a non-SES organisation within the meaning of that term in s. 3(1) of the PSM Act
- a local government or a regional local government
- a body that is established or continued for a public purpose under a written law
- a body that is established by the Governor or a minister
- any other body or the holder of an office referred to in subsection (2) of the PID Act that is declared by the regulations to be a public authority.

Public interest disclosure (PID)

A PID is a disclosure of public interest information made under the PID Act. 'Appendix C – Public Interest Disclosure Act 2003' provides further information.

Public Interest Disclosure Act 2003 (PID Act)

The PID Act facilitates the disclosure of public interest information, and provides protection for those making disclosures and those who are the subject of disclosures. 'Appendix C – Public Interest Disclosure Act 2003' provides further information.

Public interest disclosure (PID) officer

A person who is a PID officer occupies a position within a public authority designated to receive disclosures of public interest information. 'Appendix C – Public Interest Disclosure Act 2003' provides further information.

Public interest disclosure survey (PID survey)

The PID survey is an annual survey conducted by the Commission to collect information about compliance with the PID Act and the *Public interest disclosure code of conduct and integrity*. The PID survey asks public authorities about their PID officers, internal procedures and whether they have received any disclosures in 2012/13. 'Appendix A – Monitoring and evaluation framework' provides further information.

Public interest information

Public interest information is defined in s. 3 of the PID Act, and refers to information such as improper conduct, offences under state law, mismanagement of resources, and acts that may cause concerns for individual or public safety. 'Appendix C – Public Interest Disclosure Act 2003' provides further information.

Public sector

Collectively, departments, SES organisations, non-SES organisations and ministerial offices are referred to as the public sector. For a list of entities, see 'Appendix D – Structure of the government sector'.

Public Sector Management Act 1994 (PSM Act)

The PSM Act provides the legislative framework for the structure, administration and management of the WA public sector. The PSM Act covers areas such as:

- public sector conduct obligations
- the role and functions of the Commissioner
- functions and responsibilities of CEOs
- managing substandard performance and disciplinary matters
- appointments to the SES.

Public sector standards

The public sector standards are issued by the Commissioner in accordance with s. 21 of the PSM Act and set out minimum levels of merit, equity and probity in relation to recruitment, selection, secondment, transfer, temporary deployment, performance management, grievance resolution, redeployment, discipline and termination. 'Appendix B – Public Sector Management Act 1994' provides further information.

Reporting period

This report is based on information about activities that occurred during the 2012/13 financial year unless otherwise specified.

Representation

Representation (when used in reference to diversity) is the number of employees who self-identify as belonging to a diversity group, expressed as a proportion of the number of valid responses to a voluntary diversity survey managed by public authorities.

Response rate

The response rate is the number of valid survey responses as a proportion of the valid number of persons or entities who were invited to complete a survey.

Salary ranges

Unless otherwise specified, salary ranges are based on the *Public Service and Government Officers General Agreement 2011* (PSGOGA) general division salary levels, where salary range 10 combines Class 1 and above.

Salary range data includes all employees of an entity, including permanent employees, fixed term employees, casuals, trainees and others according to their current equivalent annual base wage or salary. The equivalent salary is the wage that would be paid to a full-time employee at that level including:

- base wage or salary for employees on unpaid leave
- equivalent annual rate of pay as specified in the award, enterprise or workplace agreement
- salary incremental step
- ordinary time earnings
- higher duties allowance for ordinary time hours.

Penalty payments, overtime pay, shift and other remunerative allowances are excluded.

Schedule 1 entity

Schedule 1 entities are statutory authorities specified in Schedule 1 of the PSM Act, which do not form part of the public sector as defined in s. 3 of the PSM Act. For a list of entities, see 'Appendix D – Structure of the government sector'.

Senior Executive Service (SES)

The SES comprises senior executive roles (including senior executive officers and CEOs) as constituted under s. 43 of the PSM Act. The purpose of the SES is to arrange for a group of executive officers capable of:

- providing high level policy advice and undertaking managerial responsibilities
- being deployed within, and between, agencies
- promoting the efficiency of individual agencies.

CEOs are appointed by the Governor under s. 45 of the PSM Act. An officer may be appointed as a member of the SES in accordance with s. 53 of the PSM Act. The SES position will be higher than PSGOGA Level 8, however not all employees above Level 8 are SES members.

Separation

A separation occurs when an employee ceases to be employed by an entity. Employee movements are at an entity level i.e. if an employee resigns from one entity to join another entity, this is recorded as a separation.

Separation rate

This represents the number of permanent and fixed-term employees who ceased to be employed by an entity, divided by the total number of permanent and fixed-term employees. Employee movements are at an entity level i.e. if an employee resigns from one entity to join another entity, this is recorded as a separation.

SES organisation

SES organisations are statutory authorities specified in Schedule 2 of the PSM Act, which form part of the public sector as defined in s. 3 of the PSM Act, and which are subject to that Act. For a list of entities, see 'Appendix D – Structure of the government sector'.

Treasurer's instruction

Treasurer's instructions are issued by the Treasurer under s. 78 of the FM Act about matters of financial administration. They prescribe minimum requirements on such matters as accounting for revenue, expenditure and property, the standards of reporting and others necessary to achieve the objects and purposes of the Act. They must be observed by all entities to which they apply.

Women in management

Women in management refers to the representation of women in the top three management tiers, including the SES. The management tiers link to decision-making responsibility, rather than salary.

Youth

Youth refers to employees under 25 years of age.

Appendix K – 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 N – Acknowledgements

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- Kimberley Training Institute
- Lotteries Commission
- Murdoch University
- Pilbara Institute
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- The Electricity Retail Corporation (Synergy)
- Water Corporation
- Western Australian Alcohol and Drug Authority
- Western Australian Electoral Commission
- Wheatbelt Development Commission