



Australian Government
Australian Public Service Commission

Ato Nduvho

By email only: foi+request-2681-6f7160b5@righttoknow.org.au

Dear Ato Nduvho

Your Freedom of Information Request No. C16/2427

I refer to your letter received 7 November 2016 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

I refer to the APSC Commissioner's submission to the recent Senate Inquiry into the impact of the Government's Workplace Bargaining Policy and approach to Commonwealth public sector bargaining.

At point 20 of that submission the Commissioner states the following:

"I consider that the impact of bargaining on employee morale has been isolated and not of great consequence. Most employees in agencies that have not achieved an agreement, want to reach agreement soon. They have a preference to get on with their work free from the distraction of an industrial campaign."

This is a request for documentary evidence which supports the claims made in the above statement. Not all such documents need to be provided. I will be satisfied if the APSC provides the documents which is believes best supports the above claims.

This letter sets out my decision on your request for access. I am an authorised decision-maker under section 23 of the FOI Act.

Summary of Decision

The Australian Public Service Commissioner regularly meets with managers and staff from numerous public sector agencies. Australian Public Service Commission staff also regularly engage with senior staff across all agencies. The view from such people, with an excellent appreciation of the status of their workplaces, is that staff morale is not materially affected by the current round of enterprise bargaining.

This information is supported by the annual APS employee census. The census data does not reflect any material deterioration in staff morale. Key data indicate that morale is good and employees highly engaged with their work. Some of the key data is set out below:

- 77% of APS employees enjoy the work they are doing
- 82% believe that managers in their agency value employees
- 83% of employees agree that people in their workgroup cooperate to get the job done

- 84% of employees have a clear understanding of how their work contributes to the strategic direction of their agency.
- 67% are proud to work for their agency

I have identified one document within the scope of your request. The annual State of the Service Report 2015/16 contains the APS Census Data results. I have attached a link to the State of the Service Report:

http://www.apsc.gov.au/data/assets/pdf_file/0008/89225/SoSR-2015-16.pdf

There are no further documents relevant to your request.

Relevant material

In reaching my decision I referred to the following:

- the terms of your request;
- the documents¹ relevant to the request;
- the FOI Act;
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act;
- advice from Commission officers with responsibility for matters relating to the documents to which you sought access; and
- advice from the Commission's FOI area.

Review Rights

You are entitled to seek review of this decision. **Attachment A** sets out your rights to apply for review if you are dissatisfied with my decision.

Since my decision is to release all relevant documents to you in full, an application for review would be limited to a situation where you consider that I have not identified all the documents in the Commission's possession that are relevant to your request.

Contacts

If you have any queries about this notice, please do not hesitate to contact the Commission's FOI team on telephone 02 6202 3569 or email foi@apsc.gov.au.

Yours sincerely



Jo Motbey
Legal Services
Australian Public Service Commission

6 December 2016

¹ The term 'document' in this notice refers to both full documents and relevant parts of documents

ATTACHMENT A – REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you.

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

By post: FOI Contact Officer
 Australian Public Service Commission
 16 Furzer Street
 WODEN ACT 2606

By email: foi@apsc.gov.au

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

Review by the Australian Information Commissioner

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Australian Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website www.oaic.gov.au.

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commission at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Australian Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by the Australian Public Service Commission in relation to your request. The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Australian Information Commissioner can be directed to:

- Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Australian Public Service Commission as the relevant agency.

*** Please note:** On 13 May 2014, the Australian Government announced a decision to disband the Office of the Australian Information Commissioner (OAIC). However, the OAIC remains operational until further notice. Information on the OAIC public website advises that Information Commissioner reviews will continue to be handled by the OAIC and FOI complaints will be referred to the Commonwealth Ombudsman. Please contact the OAIC on the details above if you require further information.