

Australian Public Service Commissioner



Australian Government
Australian Public Service Commission

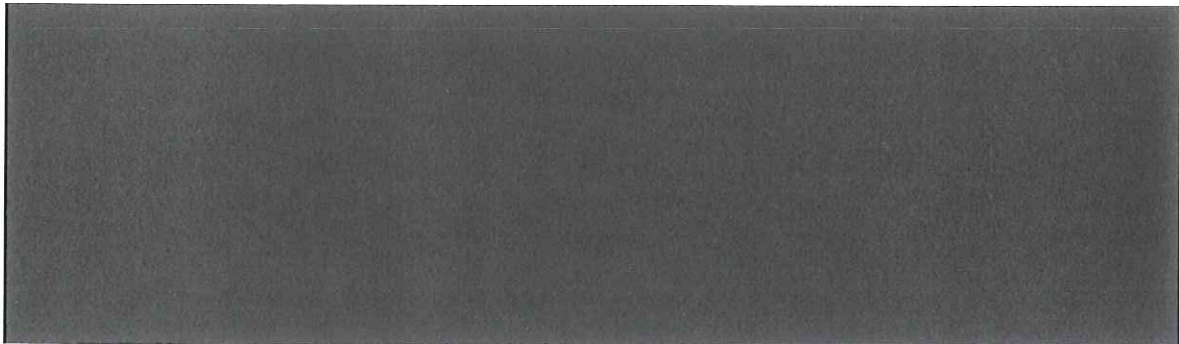
The Hon Tony Abbott MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister

Congratulations on your election. I welcome the opportunity to work with you and your government in my capacity as Australian Public Service Commissioner.

I have attached, for your consideration, a strategic overview prepared as part of our briefing for the incoming Minister assisting you on the Public Service. This material addresses, from the perspective of the responsibilities of the APS Commission, three issues critical to the ongoing reform of the Australian Public Service (APS). These are:

- APS productivity and how we can move towards delivering more cost effective services;
- workplace relations arrangements and the current industrial bargaining landscape; and
- our thoughts on enhancing the capability of the Australian Public Service.



I look forward to discussing these issues with you, and to working closely with the Secretary of the Department of the Prime Minister and Cabinet in implementing the government's agenda.

Yours sincerely

Stephen Sedgwick AO

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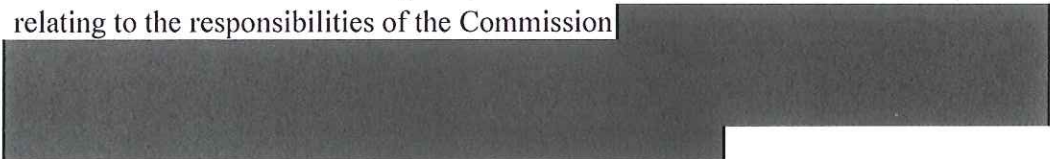


Senator the Hon Eric Abetz
 Minister Assisting the Prime Minister on the Public Service
 Parliament House
 CANBERRA ACT 2600

Dear Senator Abetz

Congratulations on your appointment as Minister Assisting the Prime Minister on the Public Service. The Australian Public Service Commission (APSC) forms part of your portfolio.

This brief is structured in three parts:

- Part A provides a number of specific briefs on key issues. More substantive briefing will be provided in coming weeks.
 - The most time critical issue, most likely requiring immediate attention after swearing in, is action required to give effect to machinery of government changes. Brief A15 provides general information about this matter. **Separate advice reflecting the government's proposals will be provided almost immediately and will need urgent attention.**
 - 
- Part B is a more reflective piece intended to give you a strategic overview which provides context for the issues addressed in Part A. It identifies three critical matters for future discussions about longer term issues and potential directions for reform relating to the responsibilities of the Commission 
- Part C provides you with a summary of the roles and functions of the Commission.

We are a little different to a standard department of State. The Commission supports the activities of two statutory officers (the APS Commissioner and the Merit Protection Commissioner). I also hold the office of Parliamentary Service Commissioner, a statutory officer appointed under the Parliamentary Service Act by the Presiding Officers of the Parliament. The Merit Protection Commissioner also serves as Parliamentary Service Merit Protection Commissioner (Attachment CI refers).



The Commission also supports the activities of two Tribunals. The Remuneration Tribunal is headed by Mr John Conde and the Defence Forces Remuneration Tribunal is headed by a Senior Deputy President of the Fair Work Commission, The Hon. Ann Harrison. Details of the statutory roles and responsibilities of these officers and bodies (and contact details for Mr Conde and Ms Harrison) are set out in Attachment C6.

The Commission's budget structure is somewhat unusual also, in that only 44 % of its budget is supported by a direct budget appropriation. The remainder is supplied by APS agencies either to pay for fee-based activities (eg some learning and development activities) or via subscriptions (eg to support whole of government recruitment of Indigenous employees). Much of the non-appropriation funding is discretionary for paying agencies and is at risk when budgets tighten (Attachment C5 refers). This is a major risk to the effectiveness of the Commission, including in some areas critical to the progress the APS is making on some of the issues canvassed in Part B.

I look forward to meeting and discussing these issues with you at your earliest convenience. In the meantime, please let me know how the Commission can assist and support you and your staff in establishing your office and assuming your new responsibilities.

Yours sincerely

Stephen Sedgwick AO



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Australian Public Service Commission

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Incoming Government Brief

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ROLE OF THE PUBLIC SERVICE MINISTER

Required/Recommended Action

That you note the information in this brief.

The *Public Service Act (PS Act) 1999* contains powers for the Public Service Minister.

The *Public Service Act 1999* (PS Act) contains ministerial powers to be exercised by the Prime Minister, the Public Service Minister as well as an Agency Minister (in relation to agencies within a Minister's portfolio). As the Public Service Minister within the Prime Minister and Cabinet (PM&C) portfolio, you are able to exercise the Public Service Minister powers as well as the Agency Minister powers in relation to the offices of the Australian Public Service Commissioner and Merit Protection Commissioner¹.

As Public Service Minister you are also responsible for administering the following public sector legislation which comes under the PM&C portfolio:

Responsibilities under other public sector legislation also.

- administration of the *Maternity Leave (Commonwealth Employees) Act 1973*, the *Long Service Leave (Commonwealth Employees) Act 1976* and the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*; and
- specific powers as set out in relevant sections of the *Defence Act 1903*. A separate briefing has been prepared on Defence Force Remuneration Tribunal appointments.

Background

Details attached.

Attachment A provides an overview of ministerial powers under the PS Act, including the Public Service Minister's powers and functions.

Attachment B provides an overview of other legislation for which the Public Service Minister has administrative responsibilities or under which you exercise specific powers.

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Excluded from scope of request

¹ Note that the Australian Public Service Commissioner and the Merit Protection Commissioner currently hold the offices of Parliamentary Service Commissioner and Parliamentary Service Merit Protection Commissioner respectively under the *Parliamentary Service Act 1999* (this Act sets out employment and related arrangements for the Parliamentary Departments). While both Commissioners have certain powers and functions under that Act, interaction is with the Presiding Officers rather than at ministerial level.

MINISTERIAL POWERS UNDER THE *PUBLIC SERVICE ACT 1999*

Background

Devolution of responsibility has resulted in most powers under the *Public Service Act 1999* (PS Act) being held by agency heads. However, the PS Act confers certain powers and functions on:

- the Prime Minister;
- the Public Service Minister responsible for administering the PS Act; and
- an Agency Minister.

The powers of the Prime Minister under the PS Act include:

- directing the Australian Public Service Commissioner to conduct a systems review of any matter relating to an agency, including the management and organisational systems, structures or processes in an agency or the functional relationship between two or more agencies;
- directing the Commissioner to undertake a special review of any matter relating to an agency (coercive information gathering powers are available to the Commissioner in these circumstances);
- recommending to the Governor-General for the appointment of one or more Special Commissioners to assist the Commissioner in conducting a systems or special review (or a part of such a review);
- as a result of such reviews, requesting the Commissioner to inquire into and determine whether an APS employee (or a former APS employee) has breached the APS Code of Conduct; and
- issuing general directions in writing to Agency Heads relating to the management and leadership of APS employees (no such directions are currently in place).

The powers of the Public Service Minister include:

- determining the terms and conditions of employment applying to APS employees (if the Minister considers it desirable to do so because of exceptional circumstances);
- referring any matter relating to the APS for review by the Australian Public Service Commissioner and receiving a copy of the report of the review; and
- requesting that the Merit Protection Commissioner inquire into any action relating to the employment of APS employees, and receiving a report on that inquiry.

A full list of the Public Service Minister's powers and functions is set out at **Appendix 1**. An Agency Minister generally has certain powers in relation to the agencies for which the Minister is responsible and a full list of the Public Service Minister's Agency Minister powers in relation to the two Commissioners is at **Appendix 2**.

Delegation of Powers

The only Public Service Minister power that is currently delegated is the power under section 73 of the PS Act to make payments of up to \$250,000 to a person because of special circumstances relating to, or arising from that person's, or another person's, employment by the Commonwealth. This power has been delegated to all APS agency heads since 1999 and must be exercised personally by the agency head.

PUBLIC SERVICE MINISTER'S POWERS AND FUNCTIONS UNDER THE *PUBLIC SERVICE ACT 1999*

s.24(3)	<p>Public Service Minister (PSM) may by notice in the Gazette determine the terms and conditions of employment applying to APS employees (if the PSM considers it desirable to do so because of exceptional circumstances).</p> <p><i>Note: this power cannot be delegated.</i></p>
s.33(6)	<p>PSM to be consulted by the Merit Protection Commissioner (MPC) if the MPC is not satisfied with an Agency Head's response to recommendations contained in a report on a review of employment action before a report is sent to the Agency Minister and/or the PM or Presiding Officers.</p>
s.41(2)(k)	<p>PSM to refer any matter relating to the APS for review by the Australian Public Service Commissioner (APS Commissioner) and to receive a report from the APS Commissioner on the review.</p>
s.50(1)(c)	<p>PSM may request the MPC to inquire into an APS action, and may receive a report from the MPC on that inquiry.</p>
s.51(1)	<p>PSM receives the annual report of the MPC for presentation to Parliament (s.51(3) provides that the report must be included in the APS Commissioner's annual report).</p>
s.53(5)*	<p>PSM may grant the MPC leave, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the PSM determines.</p>
s.53(6)*	<p>PSM may determine the terms and conditions (if any) for the MPC in relation to matters not covered by this Act.</p>
s.55	<p>PSM may appoint an Acting MPC</p> <p>(a) to fill a vacancy</p> <p>(b) if the MPC is absent.</p>
s.73(1)	<p>PSM may authorise the making of payments, up to a maximum total amount of \$250,000 (Public Service Regulation 9.4) to people, under s.73(2), if the PSM considers it appropriate to do so because of special circumstances as follows:</p> <p>(2)(a) one or more payments of an amount or amounts specified in the authorisation</p> <p>(2)(b) periodic payments of an amount specified in the authorisation during the period specified in the</p>

Appendix 1

PUBLIC SERVICE MINISTER'S POWERS AND FUNCTIONS UNDER THE *PUBLIC SERVICE ACT 1999*

	<p>authorisation.</p> <p>Payments may be authorised even though they would not otherwise be authorised by law or required to meet a legal liability and conditions may also be attached to such payments.</p> <p><i>Note: this power has been delegated to APS Agency Heads.</i></p>
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*Note that the remuneration and recreation leave entitlements of the Merit Protection Commissioner are determined by the Remuneration Tribunal.

s.78(2)	PSM may, in writing delegate to another Minister any of the PSM's powers or functions, other than this section (s.78) or s.24 (determining terms and conditions).
s.78(3)	PSM may, in writing, delegate to a senior official the PSM's powers or functions under s.73 (payments in special circumstances). A 'senior official' is defined in s.78(12) as a person holding office or appointment under an Act, or an SES (or acting SES) employee.

AGENCY MINISTER'S POWERS UNDER PARTS 5 AND 6 OF THE *PUBLIC SERVICE ACT 1999*

s.41C(2)	Request the Prime Minister to direct the APS Commissioner to conduct a systems review in relation to any matter relating to the APSC. Such a review would probably be conducted under delegation by a senior official to avoid any conflict of interest.
s.41C(4)(b)	Receive a report of that systems review.
s.41D(2)(b)	Receive a report of any special review conducted concerning any matter relating to the APSC, or involving its relationship with other agencies.
s.44(1)	Receive an Annual Report from the APS Commissioner and present it to Parliament.
s.46(5)*	Grant the Commissioner leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Agency Minister determines.
s.46(6)*	Determine the terms and conditions (if any) for the Commissioner in relation to matters not covered by this Act.
s.48	Appoint an acting APS Commissioner (a) to fill a vacancy (b) if the APS Commissioner is absent.

*Note that the remuneration and recreation leave entitlements of the Australian Public Service Commissioner are determined by the Remuneration Tribunal.

PUBLIC SERVICE MINISTER - OTHER LEGISLATIVE RESPONSIBILITIES

The Administrative Arrangements Order was amended with effect from 1 July 2010, to move Australian Government employment workplace relations policy (including equal employment opportunity and administration of the framework for agreement making and remuneration and conditions), and certain legislation, from the Education, Employment and Workplace Relations portfolio to the Prime Minister and Cabinet portfolio. These matters became the responsibility of the Public Service Minister responsibilities.

Long Service Leave (Commonwealth Employees) Act 1976, Maternity Leave (Commonwealth Employees) Act 1973, Equal Employment Opportunity (Commonwealth Authorities) Act 1987

The *Long Service Leave (Commonwealth Employees) Act 1976* makes provision for long service leave in respect of employees of the Commonwealth and certain other persons, and for other purposes.

The *Maternity Leave (Commonwealth Employees) Act 1973* makes provision for maternity leave in respect of employees of the Commonwealth and certain other persons, and for other purposes.

The *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* requires certain Commonwealth authorities to promote equal opportunity in employment for women and persons in designated groups.

The Public Service Minister is responsible for the administration of these three Acts, but the Acts do not confer on the Minister any specific ministerial powers.

Defence Act 1903

The Public Service Minister has certain powers and responsibilities under the *Defence Act 1903*, including with regard to the Defence Force Remuneration Tribunal (DFRT). These are detailed below. Reference to the President of the DFRT is reference to the President of the DFRT.

Sections 58F to 58Q

Division 2 of Part IIIA of the *Defence Act 1903* deals with the establishment and functions of the DFRT.

1. Section 58G establishes the DFRT and defines the membership of the Tribunal. Subsection 58G(3) stipulates that the members of the Tribunal shall be appointed by the Governor-General on a part-time basis.

2. Section 58H describes the functions and powers of the Tribunal and specifically:

- (a) Subsection 58H(2) requires the DFRT to
 - (i) inquire into and determine the salaries and relevant allowances to be paid to members; and
 - (ii) inquire into and make determinations in respect of prescribed matters that have been referred to the Tribunal.
- (b) Subsection 58H(3) enables the Minister or, subject to subsection (4), the Secretary or the Chief of the Defence Force to refer a prescribed matter to the

Attachment B

Tribunal. Subsection 58H(15) defines a 'prescribed matter' as meaning 'a matter in relation to which the Minister may make determinations under section 58B, not being a matter referred to in paragraph (2) (a).' Section 58B(1) enables the Minister for Defence (who administers section 58B) to make determinations, not inconsistent with this Act, the *Naval Defence Act 1910* or the *Air Force Act 1923*, providing for and in relation to:

- (i) the remuneration of members or cadets; and
 - (ii) the payment of allowances or other pecuniary benefits (except allowances or benefits by way of remuneration) to or for members or cadets, including the payment of additional compensation to members of the Reserves to whom compensation is payable under the *Safety, Rehabilitation and Compensation Act 1988*; and
 - (iii) the payment of allowances or other pecuniary benefits to or in respect of members of the families of members or cadets; and
 - (iv) leave of absence and long service leave of members; and
 - (v) provision of other benefits to or in respect of members or cadets, or to or in respect of members of the families of members or cadets; and
 - (vi) the payment of allowances and expenses to or in respect of, and the provision of travelling facilities for, applicants for appointment or engagement as members in respect of attendance at an enlistment centre of the Defence Force or attendance for interview or examination; and
 - (vii) deductions from the remuneration of a member or cadet or from allowances or other pecuniary benefits referred to in paragraphs (b) and (c); and
 - (viii) payments; by way of compensation, incentives or other benefits, to members of the Reserves, their dependants, or their employers, business or professional partners or other associates or persons in relation to the availability of the members for defence service, or for losses incurred or inconvenience suffered because of the members' absence on defence service (including losses incurred or inconvenience suffered because of the operation of the *Defence Reserve Service (Protection) Act 2001*.
- (c) The Tribunal is required by sub section 58H(6) to inquire into and make a further determination in respect of those salaries and allowances:
- (i) within 2 years of the first-mentioned determination taking effect; or
 - (ii) if the **Minister**, by notice in writing given to the President, requests the Tribunal to make a further determination in respect of those salaries and allowances within a shorter period of the first-mentioned determination taking effect—within that shorter period.
- (d) Subsection 58H(9) requires the President to give a copy of each determination made by the Tribunal to the Minister, to the Secretary and to the Chief of the Defence Force. Subsection 58H(13) requires the **Minister** to cause a copy of each determination of the Tribunal to be laid before each House of the Parliament within 15 sitting days of that House after the determination is received by the Minister.
- (e) Subsection 58H(10) provides that where the Tribunal has made a determination the Minister, the Secretary or the Chief of the Defence Force may, by notice in

writing given to the President within 28 days of the determination being made, request the Tribunal to reconsider the determination.

- (f) Subsection 58J enables the **Minister**, by notice in writing given to the President, to request the Tribunal to inquire into and report to the Minister on a matter specified in the notice, being a matter in relation to which the Tribunal may make a determination pursuant to section 58H.
- (g) Subsection 58KC provides that where:
 - (i) a single member is conducting the Tribunal's business in relation to a matter; and
 - (ii) in dealing with the matter, the single member exercises a power or performs a function of the Tribunal;
 the **Minister**, the Secretary or the Chief of the Defence Force may, by notice in writing given to the President within 28 days after the single member has completed his or her conduct of that business, request the Tribunal to reconsider the exercise of the power or performance of the function.
- (h) Section 58KD enables the Tribunal in making a determination, to give effect to any agreement reached between the **Minister**, acting on behalf of the Commonwealth, and the Chief of the Defence Force, acting on behalf of the members of the Australian Defence Force, in relation to a matter to which the determination relates.
- (i) Section 58K(9) provides that the Defence Force Advocate and a person representing the Commonwealth are entitled to be present, and to make submissions to the Tribunal, during any proceedings before the Tribunal. Subsection 58KB(5) also provides that the Defence Force Advocate and a person representing the Commonwealth are entitled to be present, and to make submissions to the single member, during any proceedings conducted by the single member.
- (j) Subsection 58Q prescribes the terms and conditions of members of the DFRT by reference to the jurisdiction of the Remuneration Tribunal.

Section 61

3. Section 61 stipulates that the regulations may make provision for and in relation to:

- (a) the registration of persons who are or may become liable to serve in the Defence Force in time of war;
- (b) the deferment of the service of persons, or persons included in classes of persons, who have been called upon under section 60 to serve in the Defence Force;
- (c) medical and other examinations of persons who have been so called upon;
- (f) the choice, by ballot or otherwise, from persons who have been called upon to serve in the Defence Force of those persons who are required so to serve; and
- (g) the allotment of persons required so to serve for service in a part of the Navy, the Army or the Air Force.

Sections 61A and 61C - Detail the persons exempt from service in the Defence Force.

Attachment B

Section 61B - Deems a person who is allotted for service to have been enlisted and to have been engaged to serve for the duration of the service in the Defence Force.

Section 118A - Prescribes penalties for employers (and parents) who prevent an employee (or their child) from rendering military service under Part IV (which deals with liability to serve in the Defence Force in time of war). The penalty prescribed is \$200.00. The role of the **Minister** would relate to the prosecution of these penalties and presumably the broader policy related to the obligations of employers in time of war.

Section 118B - Deals with the enlistment of apprentices in time of war and provides as follows:

'In time of war, a person who is employed under articles of apprenticeship may volunteer to serve as a sailor, soldier or airman, and may enlist in the Australian Navy, the Australian Army or the Australian Air Force, notwithstanding anything contained in, or any obligation arising out of, those articles of apprenticeship.'

'RIGHTSIZING' THE AUSTRALIAN PUBLIC SERVICE

Issue

The Government has committed to reducing the public service by another 12,000.

The Government has announced that it will reduce 'public service'¹ numbers by at least 12,000 over the first two years through natural attrition. The Government has also committed to moving public service staff to regional centres, for example, locating a Commonwealth agency in the Gosford CBD and moving one function to Tasmania. Key issues include:

The 'public service' is a generic term. Staff funded from the budget may be employed under the Public Service Act or a range of other legislation. Agencies that will be expected to contribute to the 12,000 need to be identified.

[Redacted]

[Redacted]

Action to effect these cuts needs to be initiated early.

Context

[Redacted]

¹ The Australian Bureau of Statistics defines the General Government Sector (GGS) as the government component which provides public services that: are mainly non-market in nature, are mainly for the collective consumption of the community, involve the transfer or redistribution of income and are financed mainly through taxes and other compulsory levies. Within the GGS, Australian Public Service (APS) agencies employ their staff under the Public Service Act 1999 and non-APS agencies employ their staff under their own Acts. Examples of non-APS agencies within the GGS are the Australian Defence Force, the Civil Aviation Safety Authority and the Australian Broadcasting Corporation.

² ASL figures reflect the average number of employees receiving salary or wages over the financial year, to show the full time equivalent. ASL figures are adjusted for casual and part-time staff to show the average full-time equivalent (FTE) and calculate the funding required for staff in agencies. Headcount will be the largest number because two part-time staff working 0.5 represent are two head count, but only one FTE. Headcount is a point in time measure.

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In 1996, the then Government implemented a strategy to reduce the size of the APS.

In 1996, the then Government implemented an approach to reduce the size of the workforce which included:

- a reduction in the recruitment of staff from outside the APS, with any recruitment being confined to essential jobs;
- strict controls on the engagement of non-ongoing (temporary) employees;

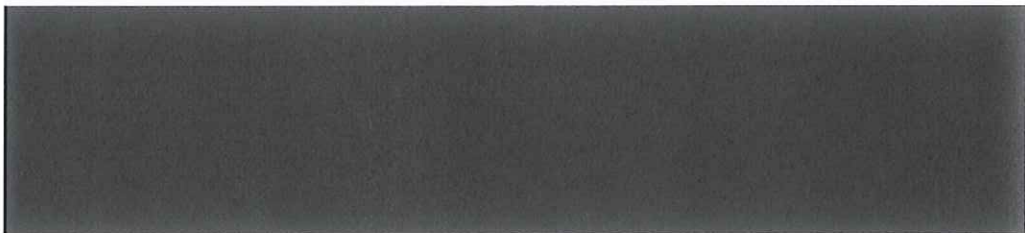
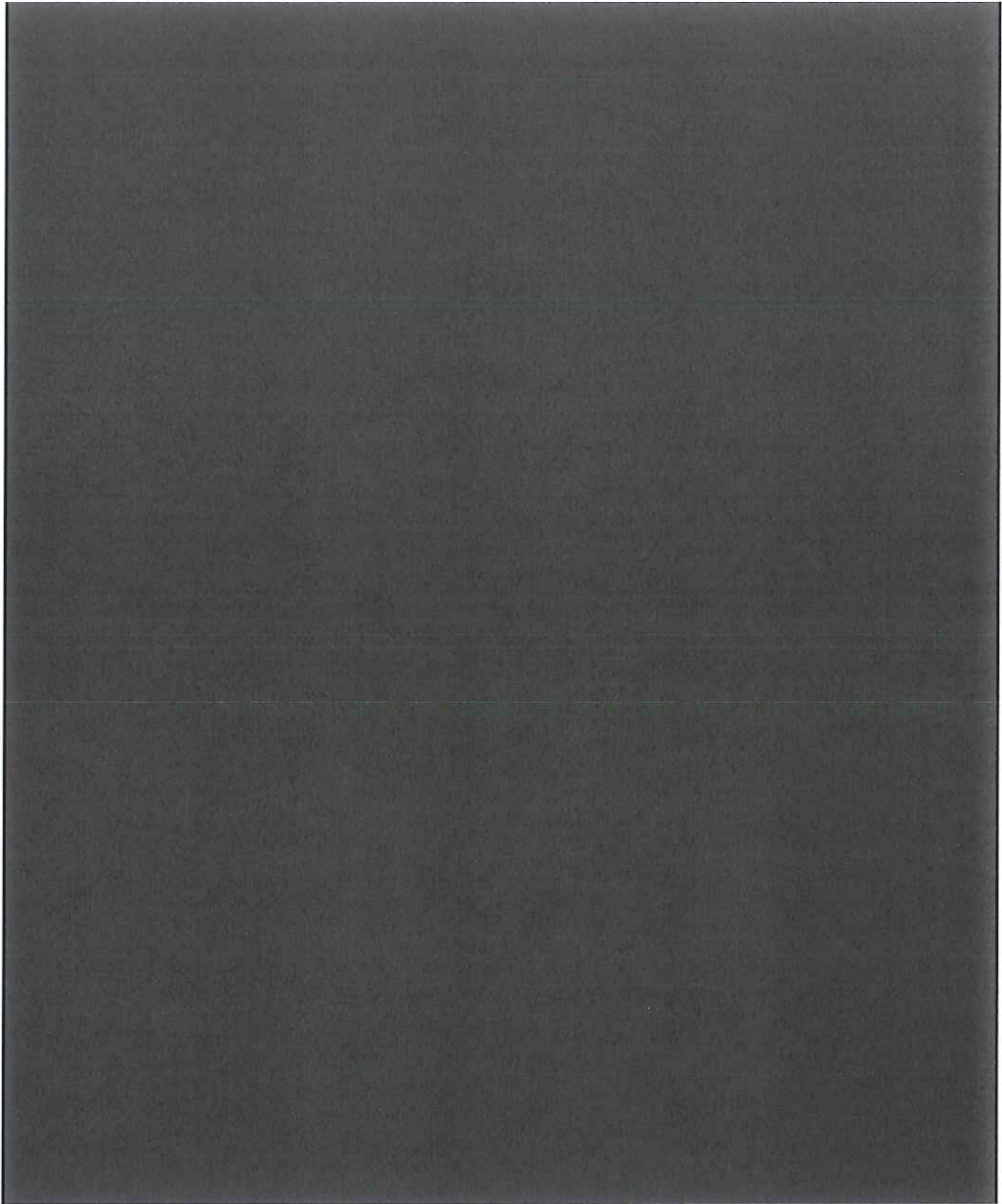
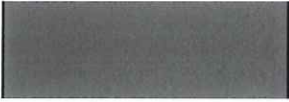
³ Natural (or voluntary) attrition covers age retirements and resignations. Natural attrition is a subset of separations.

⁴ A separation occurs when an employee ceases to be employed under the PS Act. It does not refer to employees moving from one APS agency to another. 'Other' separations include: voluntary and in-voluntary redundancy, invalidity retirement, deaths, termination of appointment.

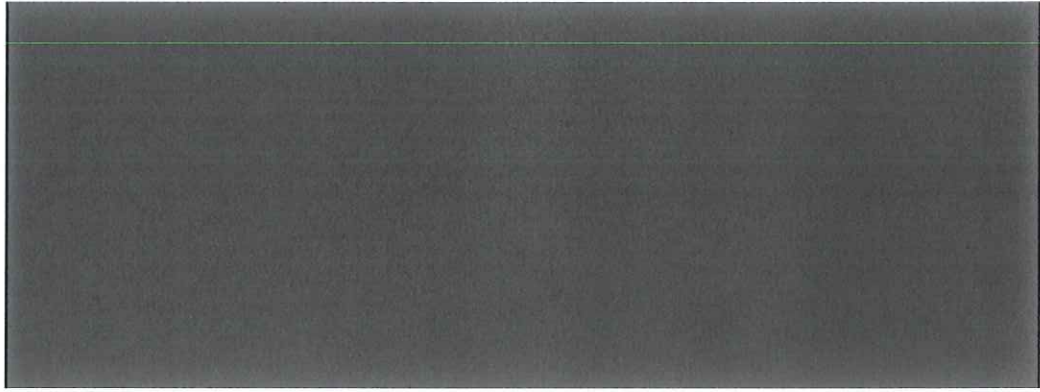
⁵ Only twice in the last 20 years has the absolute number of engagements been less.

- the avoidance of higher duties as far possible; and
- a requirement to use excess staff to fill vacancies including a central process to place excess staff seeking redeployment across the service.

The Government did not implement a recruitment freeze but established a Committee chaired by the Public Service Commissioner to oversee the downsizing process. Each portfolio was required to submit a detailed strategy, through their Minister, to manage the reduction in staff.



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Next steps

CONTACT

Workforce planning:
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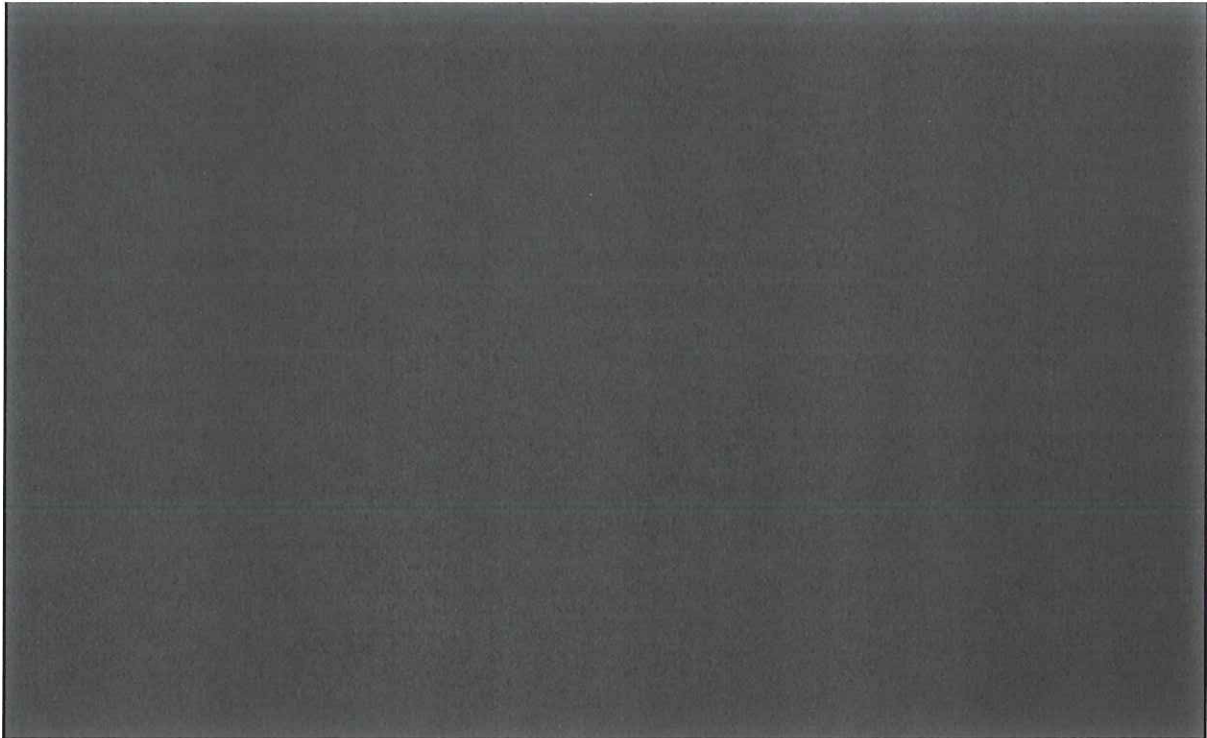


Recruitment Policy:
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Attachment 1

Chart 1: Forecast Australian Public Service Average Staffing Level

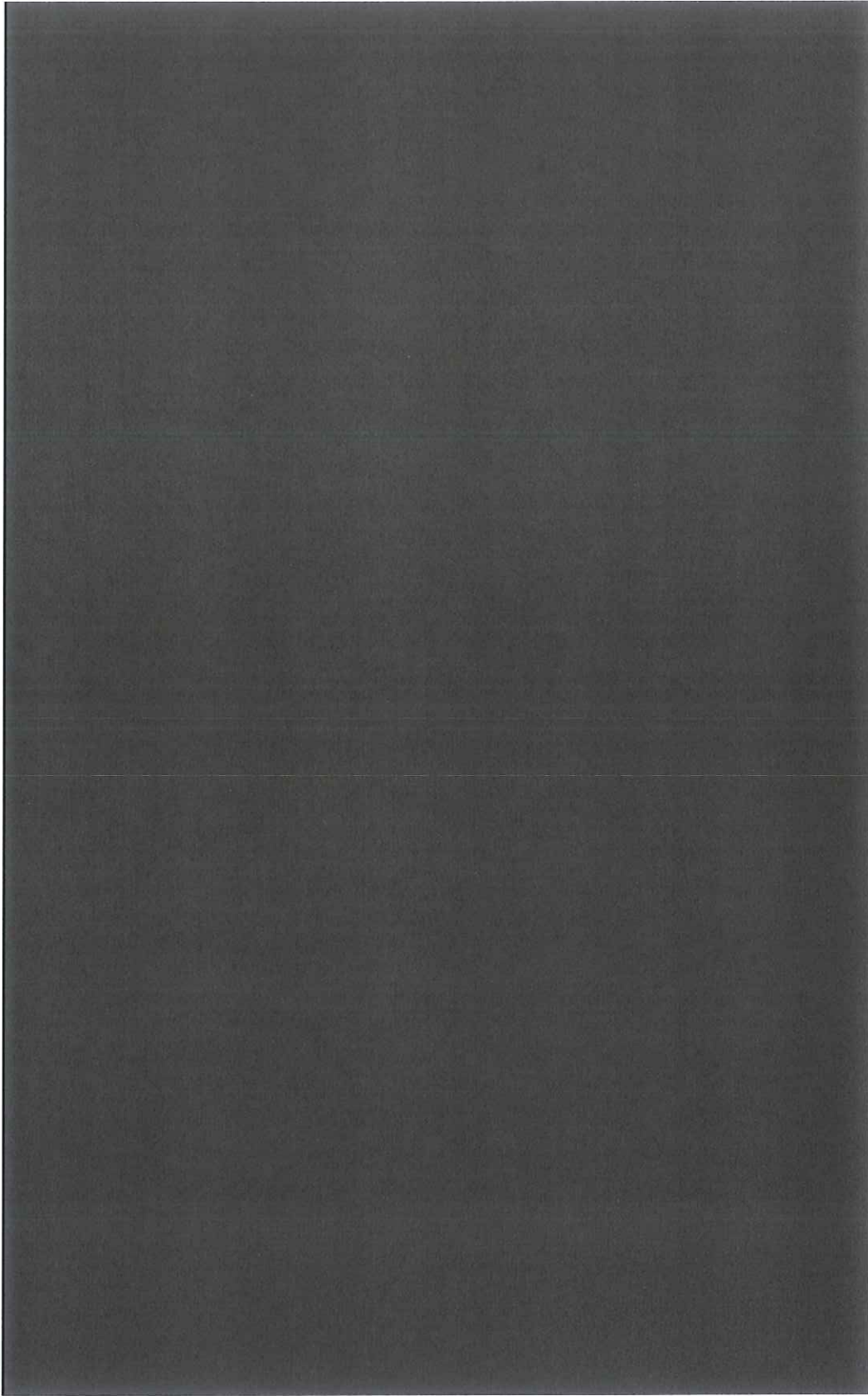


ASL = Average Staffing Level; ED = Efficiency Dividend; GGS = General Government Sector

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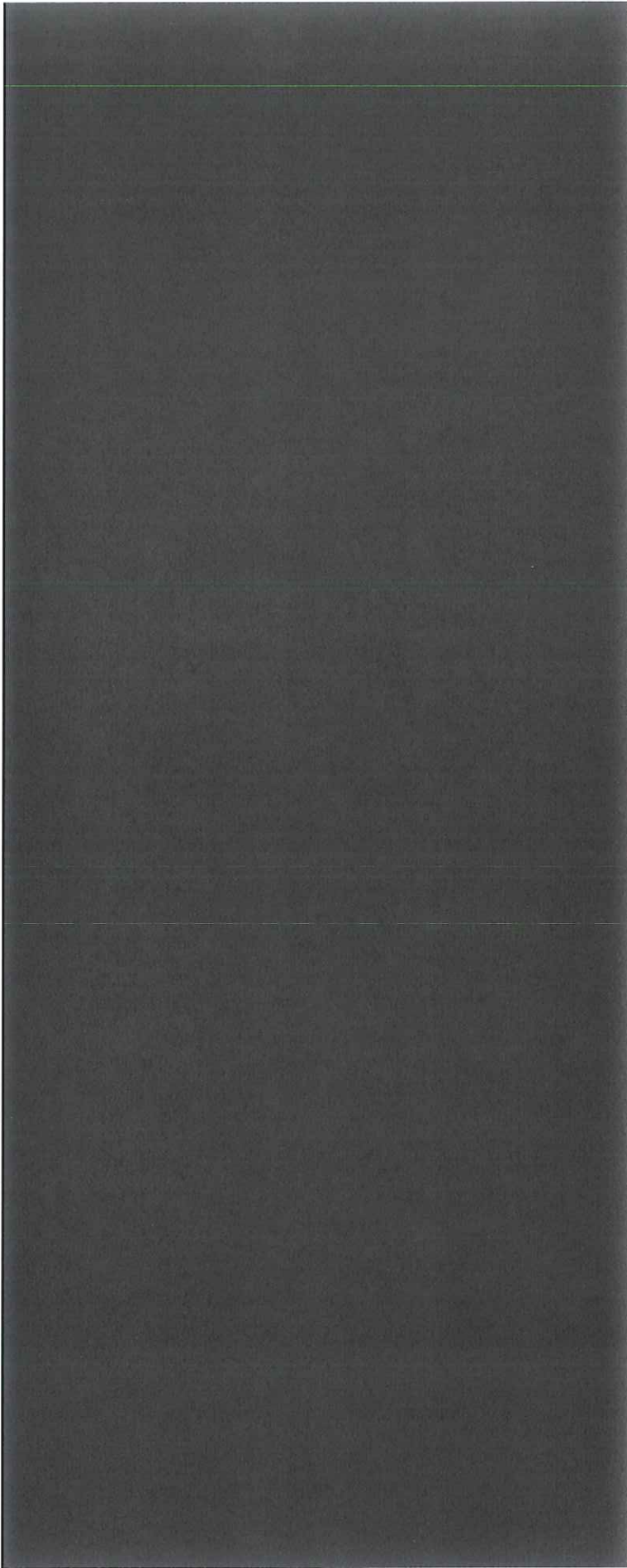
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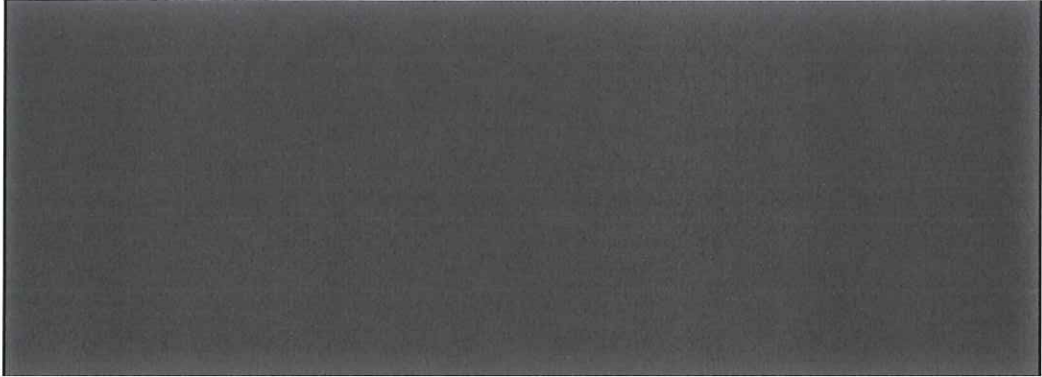
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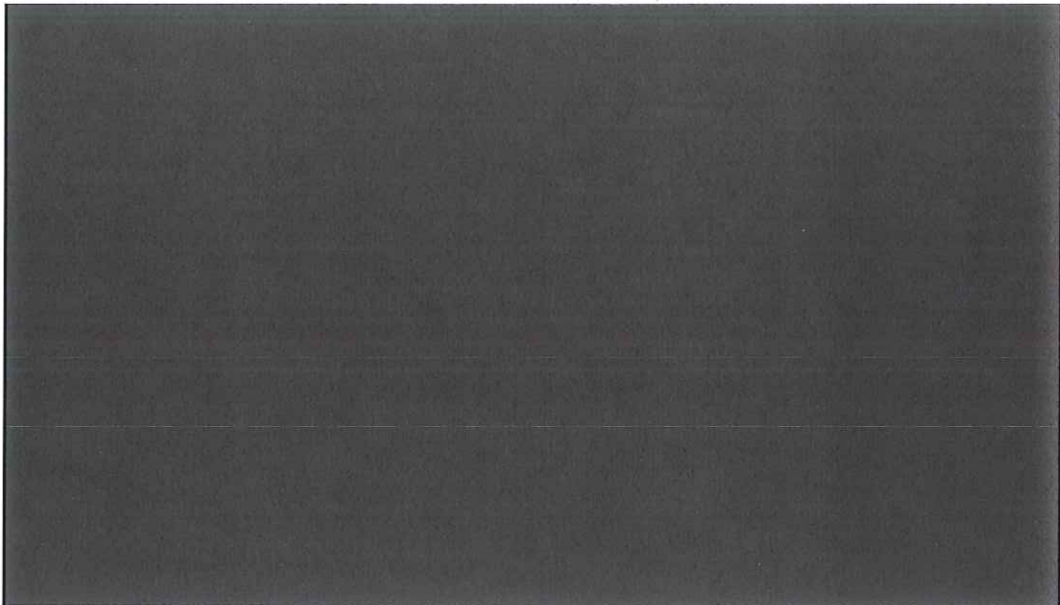


**WORKPLACE RELATIONS ARRANGEMENTS IN AUSTRALIAN
GOVERNMENT EMPLOYMENT: APS BARGAINING**

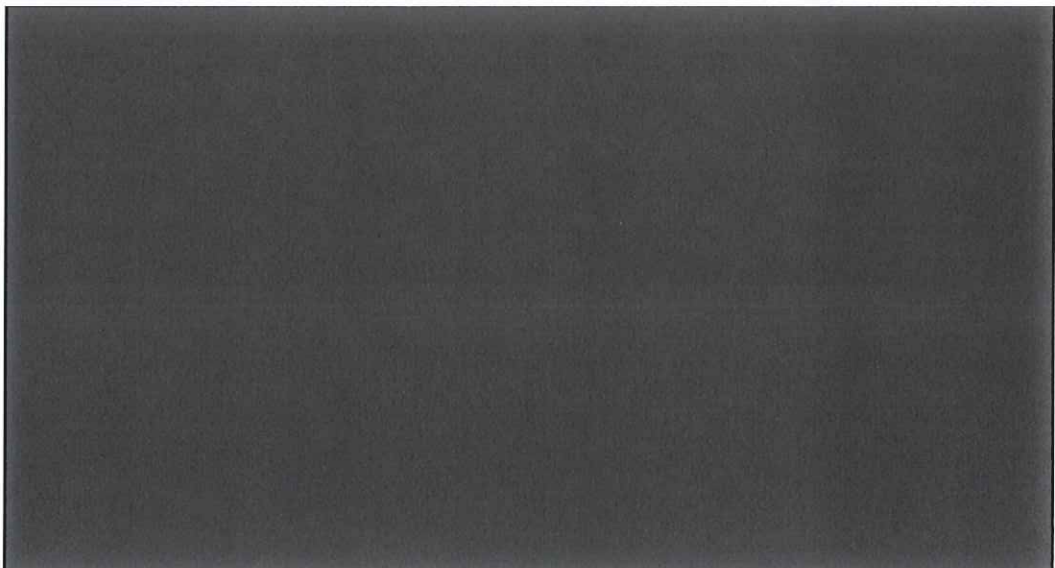
Issue



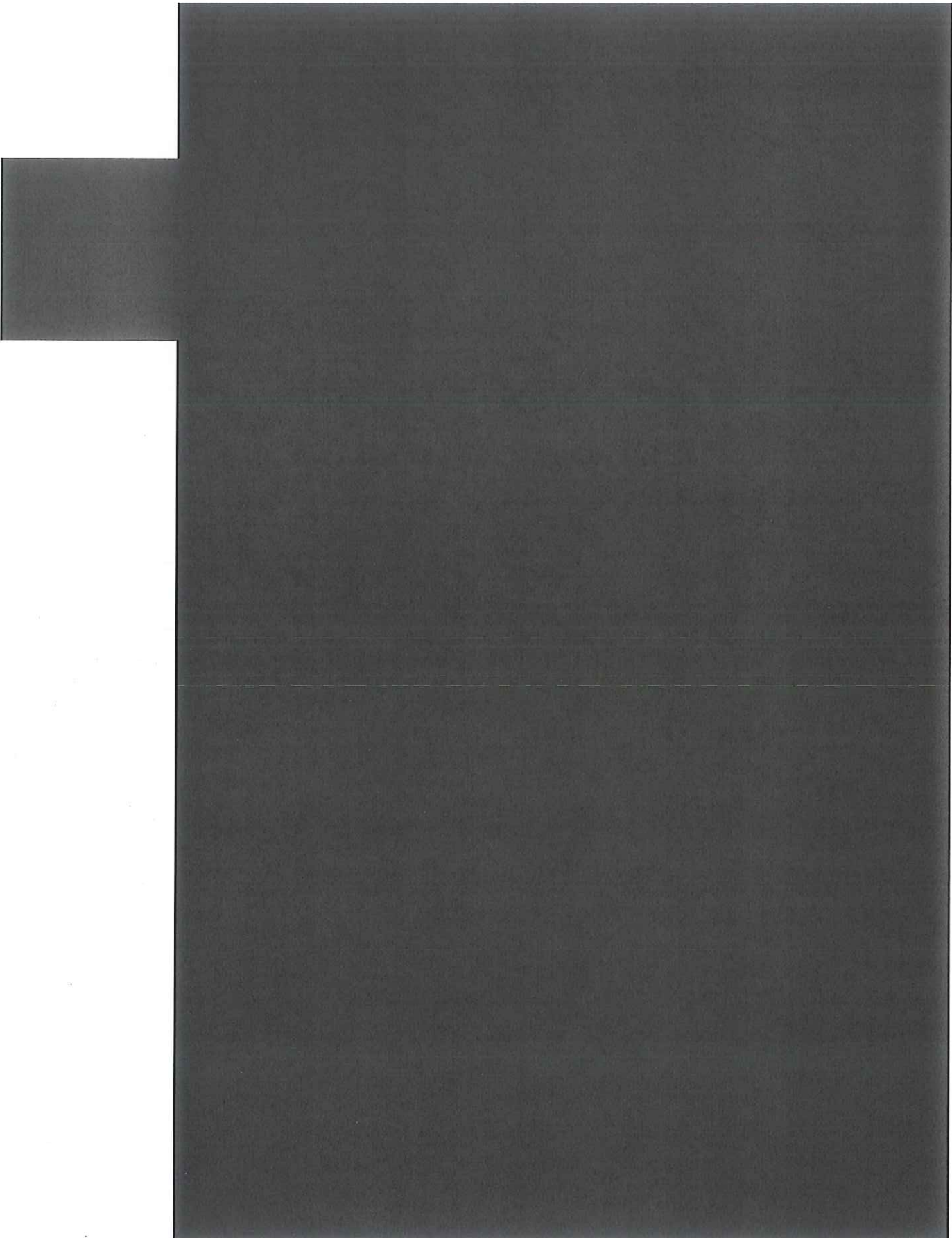
Context



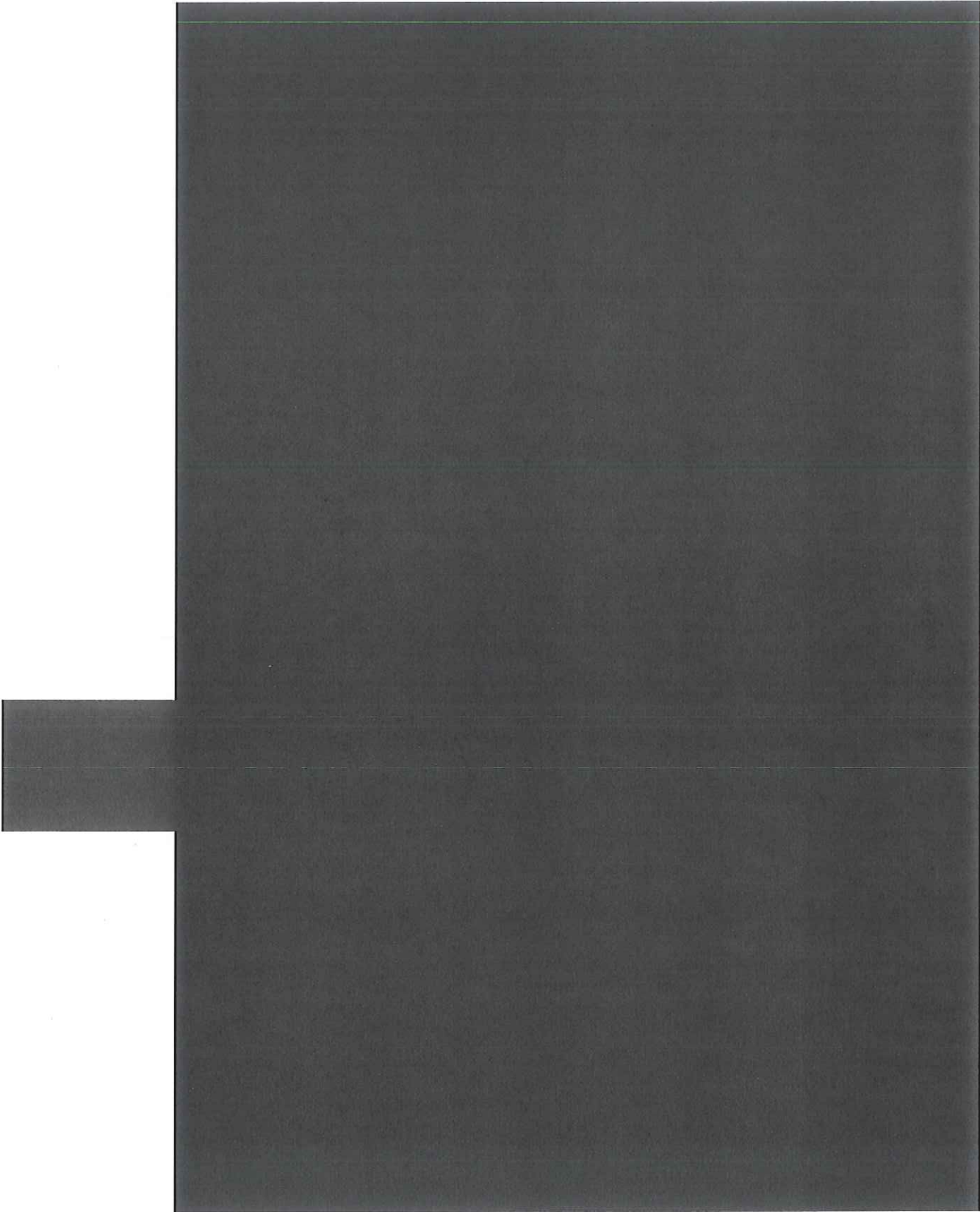
Considerations



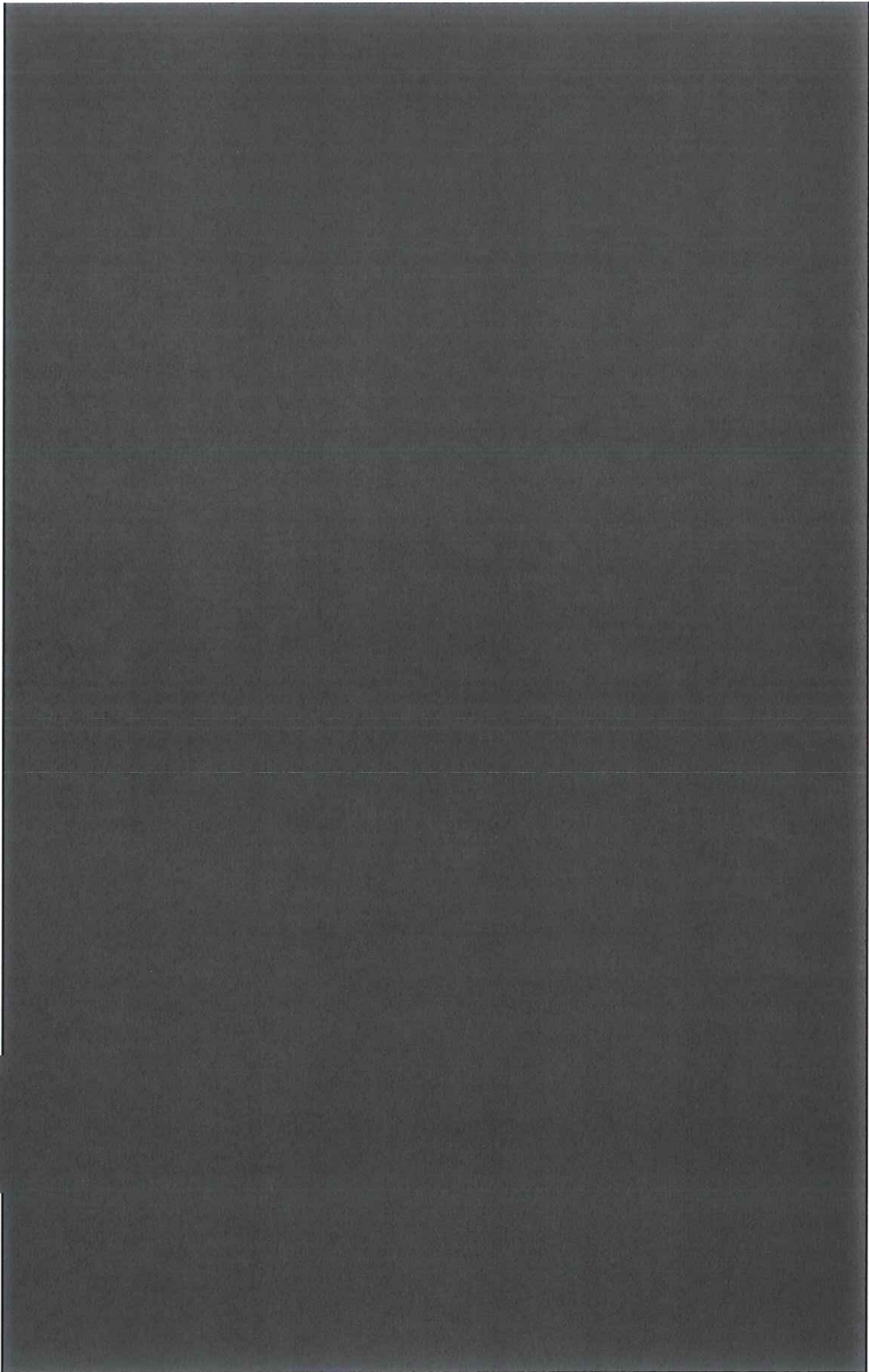
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WORKPLACE RELATIONS ARRANGEMENTS IN AUSTRALIAN GOVERNMENT EMPLOYMENT: MODERNISATION OF AUSTRALIAN GOVERNMENT EMPLOYMENT AWARDS

Background

In accordance with the *Fair Work Act 2009* the Fair Work Commission (FWC) has been tasked with modernising the federal system of awards. This is to ensure, amongst other things, that there is a simple, easy to understand, stable and sustainable modern award system that together with the National Employment Standards provides a fair and relevant minimum safety net of terms and conditions.

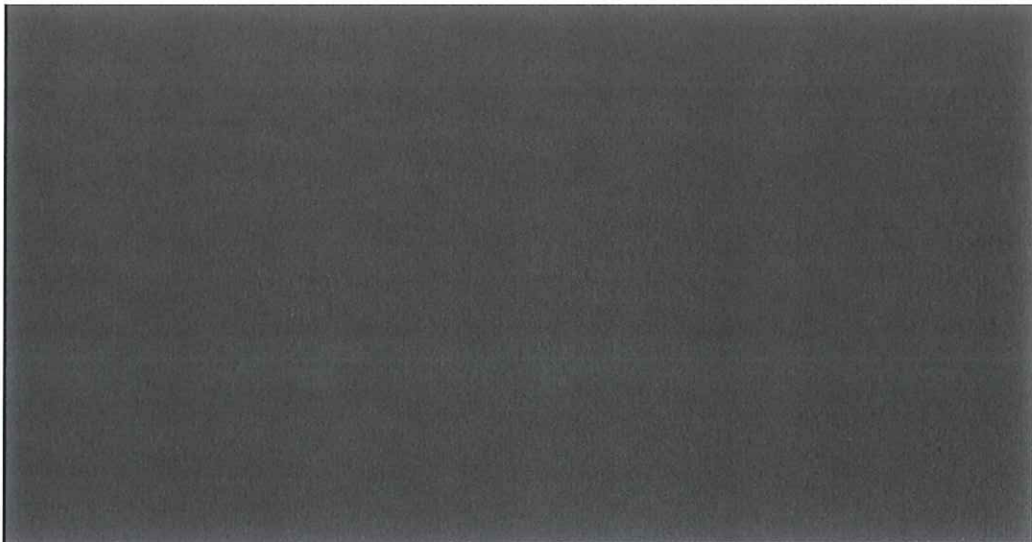
To date the FWC has developed industry and occupational awards but has not yet considered those awards in the federal system which govern specific enterprises. Award coverage in the Australian Government Employment (AGE) sector is provided by a series of enterprise awards.

Applications to modernise an enterprise award must be lodged with the FWC by 31 December 2013. Otherwise the relevant enterprise award will cease to operate and it would be unclear as to which industrial awards would apply to Australian government employees.

Fifty-one awards apply to AGE, including the *Australian Public Service Award 1998* (APS Award). In the broader AGE there are awards made specifically for certain Commonwealth authorities and also entities that are award free (e.g. the Australian Security Intelligence Organisation and the Australian Secret Intelligence Service). The APS Award covers the majority of APS employees.

In practice, however, for the past 20 years terms and conditions in AGE have been determined through bargaining and reflected in comprehensive enterprise agreements. Therefore, the main use of awards in this sector is as the benchmark applied by the FWC in assessing whether enterprise agreements pass the Better Off Overall Test (BOOT).

Issues



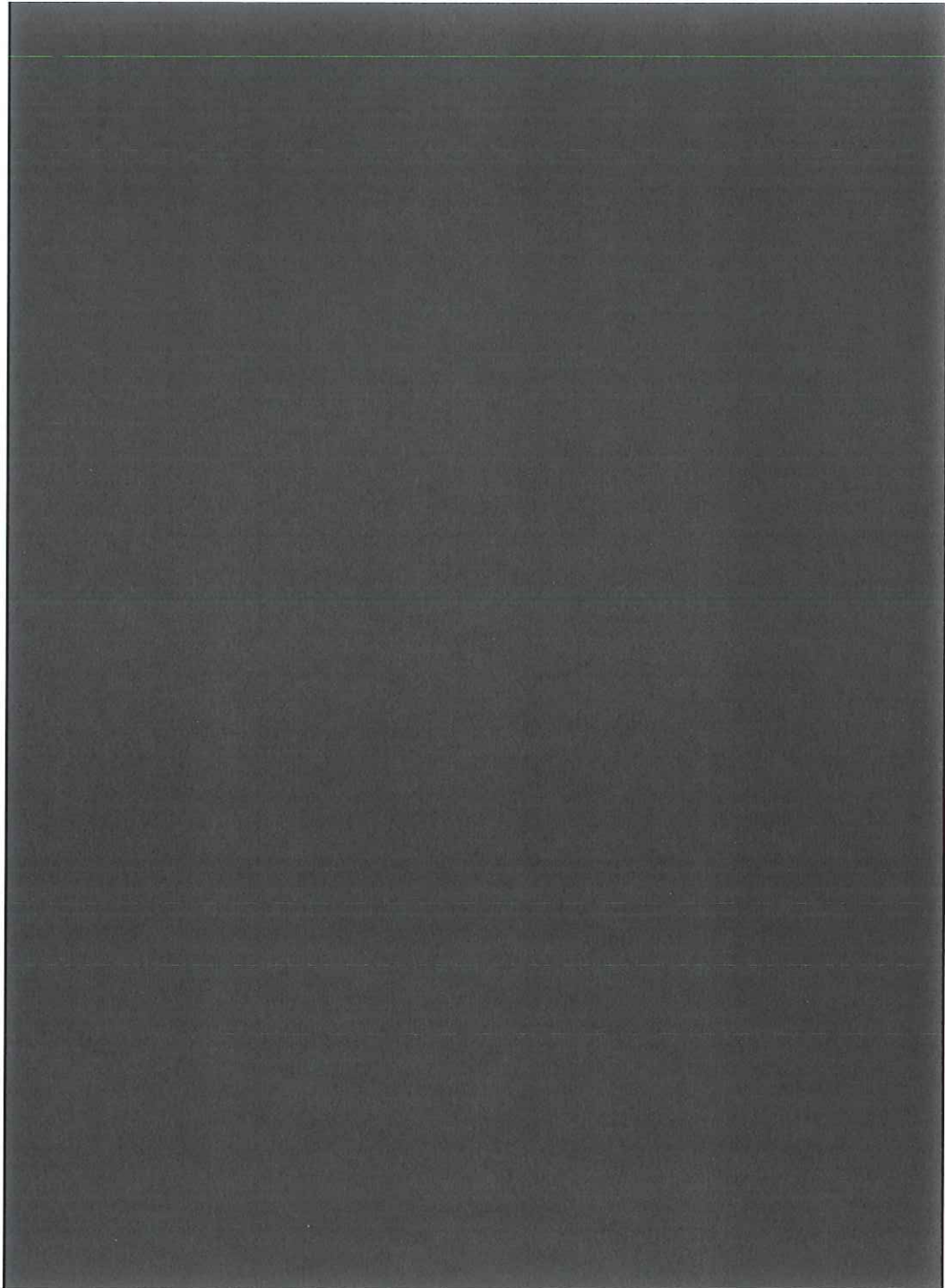
A series of enterprise awards operate to provide safety nets for terms and conditions across Australian government employment.

These awards have not been modernised by the Fair Work Commission (FWC) as yet. Applications are due by 31 December 2013.

Given the Commonwealth's history of award coverage, it is likely the FWC will require modernisation of these awards.

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The Australian
Public Service Award
1998 is the main
award in this sector.



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CONTACT
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6202 3744

CAPABILITY REVIEW PROGRAM

Issue



Program of high-level capability reviews of all Departments and three major agencies.

Context

The previous government mandated a program of 23 high-level, independent, forward-looking reviews of the capability of all departments and three major agencies. Seventeen reviews have been completed, two are starting and a further four are scheduled in 2014 (the departments formerly known as Defence, Health and Ageing, Attorney General's and Broadband, Communications and the Digital Economy).

Agency heads are accountable for their response to the Review.

The program also includes a series of lighter touch "health checks" undertaken 12-18 months after the completion of the review to assess whether capability, including efficiency and effectiveness, has improved through the implementation of action plans. The first health check has commenced.

Agency heads are to be held accountable for the effectiveness of the actions they take in response to a capability review by the Commissioner and the Secretary of PMC as part of their annual discussion with each Secretary about their performance.

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In practice publication has occurred

Reviews are published.

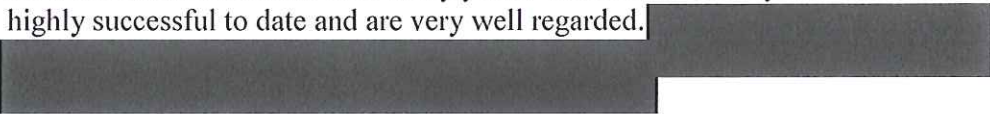
at the same time as the Commissioner's State of the Service Report is tabled in Parliament, in late November.

Last year four reviews were published. A further eight reports are expected to be published this November. The then Prime Minister agreed that the report into the Australian Customs and Border Protection Service should be made public out of cycle to inform the public's understanding of that agency's broader reform agenda.

Agencies pay for reviews on a cost recovery basis. Attachment A shows the status of each review.

Decision point

The reviews are based on an approach developed in the UK which involved several rounds of reviews over many years. In our context they have also been highly successful to date and are very well regarded.



[Redacted]

[Redacted]

[Redacted]

Next Steps

[Redacted]

CONTACT
Ian Fitzgerald
6202 3705

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Capability Review Program – Status of Reviews (as at 7 September 2013)

PMC	Report released November 2012	Quarterly reporting on action plan ongoing
DIAC	Report released November 2012	Quarterly reporting on action plan ongoing
DHS	Report released November 2012	Quarterly reporting on action plan ongoing
DOIT	Report released November 2012	Quarterly reporting on action plan ongoing
CUSTOMS	Report released July 2013	Quarterly reporting on action plan commencing
DOFD	Report to be released November 2013	Quarterly reporting on action plan ongoing
DRALGAS	Report to be released November 2013	Action plan drafted - to be agreed.
DAFF	Report to be released November 2013	Quarterly reporting on action plan commencing
ATO	Report to be released November 2013	Quarterly reporting on action plan commencing
DFAT	Report to be released November 2013	Review completed - action plan being drafted
DIICCSRTE	Report to be released November 2013	Review completed - action plan to be drafted
TREASURY	Report to be released November 2013	Review completed - action plan to be drafted
FaHCSIA	Report to be released November 2013	Review completed - action plan to be drafted
DRET	Report may be released November 2013	Review being finalised
DVA	Report to be released November 2014	Review commencing on 09/09/2013
ABS	Report to be released November 2014	Review commencing on 16/09/2013
DEFENCE	Report to be released November 2014	Indicative review dates agreed for 2014
AG's	Report to be released November 2014	Indicative review dates agreed for 2014
DoHA	Report to be released November 2014	Indicative review dates agreed for 2014
DBCDE	Report may be released November 2014	Review to be scheduled in 2014

Key



Reviews reports have been made public

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Capability Review Program – Status of Voluntary Reviews

Agency	Status
IP Australia	Dates for review agreed for 2014
AusAID	Agreement to schedule review in 2014
BOM	Agreement to schedule review in 2014

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DIVERSITY IN THE APS WORKFORCE

Issue:

There is declining representation of Indigenous Australians and people with disability.

The APS Diversity Council was established to reinvigorate APS leadership on diversity issues.

Centralised Indigenous recruitment programs have proven successful.

The funding of these programs is not secure.

The Disability Strategy launched May 2012.

Context:

The APS has long sought to have a workforce that mirrors the diversity of the Australian population. Partly this is a matter of equity, mainly however, it is recognition that a diverse workplace is more likely to bring a range of perspectives, disciplines and life experience to bear on the identification of issues and the development of appropriate responses. Two areas requiring particular attention are the representation of Indigenous people and people with disability, the proportions of which have both been declining for some years. In respect of Indigenous employment the Commonwealth has committed to a Council of Australian Governments (COAG) target of 2.7% of the APS workforce identifying as Indigenous by 2018 (currently 2.3%).

In February 2012, the Secretaries Board established an APS-wide Diversity Council, comprising 10 members at Secretary and agency head level. The chair is the Secretary of the Department of the Prime Minister and Cabinet, with the Australian Public Service Commissioner serving as deputy chair.

The Commission leads activities on behalf of the APS that directly address the declining number of Indigenous employees and employees with a disability, including the provision of specialised recruitment programs. In an environment of constrained recruitment and in which both the Indigenous and disability cohorts have higher separation rates than the APS average, these centrally coordinated programs take on great importance.

The Commission's centralised recruitment programs for Indigenous graduates, cadets and trainees combined, have recruited over 700 Indigenous employees into the APS since 2006. In 2010-11 and 2011-12 these programs accounted for approximately 45% of all ongoing Indigenous engagements by APS agencies.

The 'As One—APS Disability Employment Strategy' was released in May

2012 and contains a range of initiatives to improve the attraction, recruitment and retention of people with disability in the APS, including RecruitAbility, a pilot scheme to better support people with disability who apply for APS jobs.

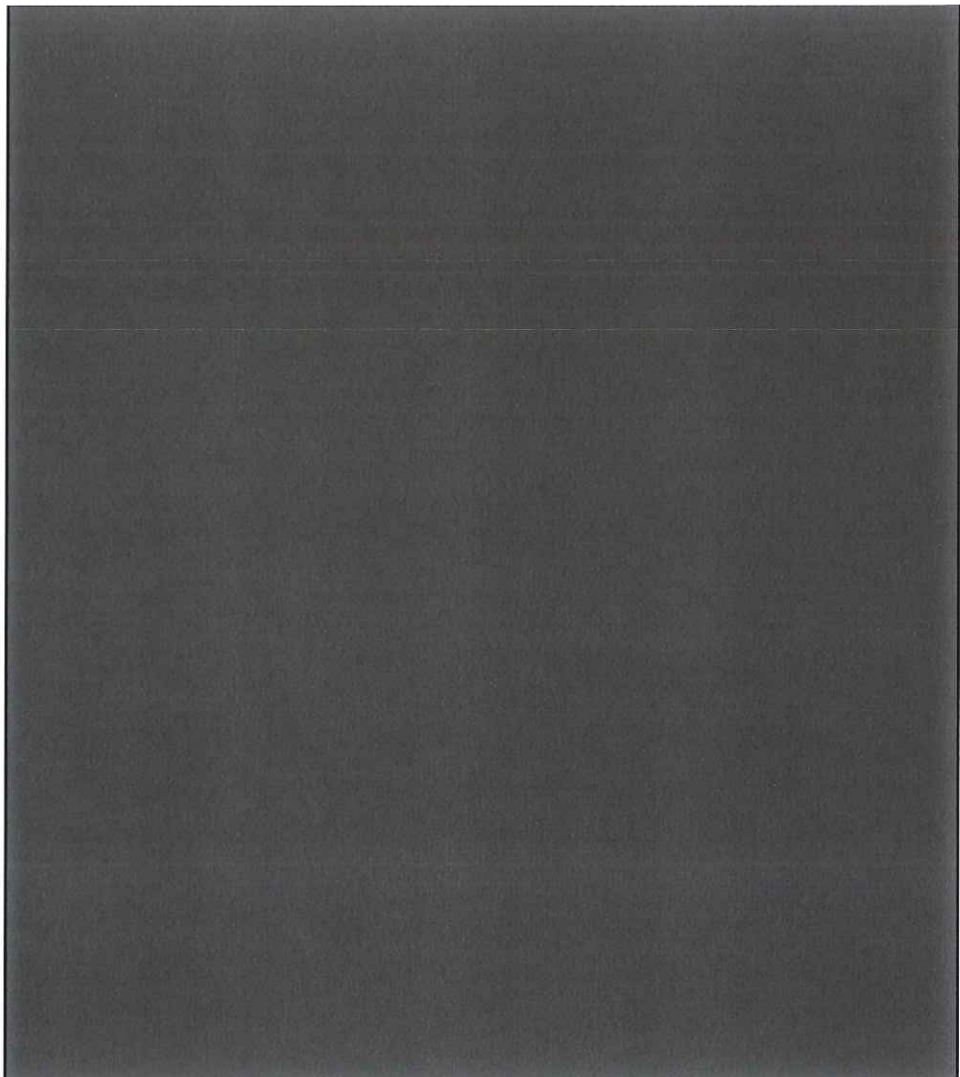
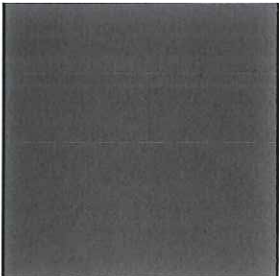
Data is being collected to better understand attraction and retention.

The Diversity Council is also seeking better data to inform strategies to improve the retention and attraction of Indigenous Australians and people with disability. For example, in an effort to better understand why these Australians join and leave the Service an APS-wide Entry and Exit Survey has been developed and is currently in pilot phase. However, the take up, to date, of the Survey has been patchy.

The percentage of women in senior roles continues to grow.

In relation to gender, there are more women (57%) in the APS than men. The percentage of women in the Senior Executive Service continues to grow and is currently 39% (at June 2012). A recent survey of APS agencies has shown that 27% of agency heads are female, as are 39% of their direct reports and 50% of the next layer down.

Options:



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62023808

Excluded from scope of request



Next steps:

More information on these initiatives and the challenges facing the APS in improving the diversity of its workforce will be provided in the coming weeks.

**PATHWAYS TO SUCCESS 2013 – APS INDIGENOUS GRADUATES,
CADETS AND TRAINEES – END OF YEAR GRADUATION EVENT, 12
DECEMBER 2013**

Invitation to
address Indigenous
APS graduation
ceremony and
present
certificates.

Purpose

To provide you with information about the above event and to seek your availability to provide a keynote address and present graduation certificates.

Background

Pathways to Success is an annual event to acknowledge and celebrate the achievements of Aboriginal and/or Torres Strait Islander Australians who have completed the APS Indigenous Pathways Programs. This year's event will be held on 12 December at the Australian Taxation Office at 26 Narellan St, Canberra City, commencing at 2.00pm. A networking reception will follow from 4.00-5.30pm.

This year over 100 Indigenous graduates, cadets and trainees from over 25 agencies will have completed their respective program. Other attendees will include Agency Heads and Human Resource Managers responsible for Indigenous employment.

Each year we invite two Pathways Alumni to be masters of ceremony (MC) for the event as a development opportunity. This year's MCs will be [REDACTED] from the Australian National Audit Office (a former APS Indigenous Graduate and Cadet), and [REDACTED] from the APSC (a former APS Indigenous Graduate).

The agenda will also include candid reflections from representative/s from each program and an address by the Australian Public Service Commissioner.

Issues

1. The Commission would like to invite you to provide a 10 minute keynote address and to present certificates to the graduating participants.
2. A full briefing pack and speech will be provided should you agree to attend.

Recommendation

That you advise of your availability to attend the event to address the audience and present graduation certificates.

12 December
2013 at 2.00pm.

Further information
to be provided if
attendance is possible.

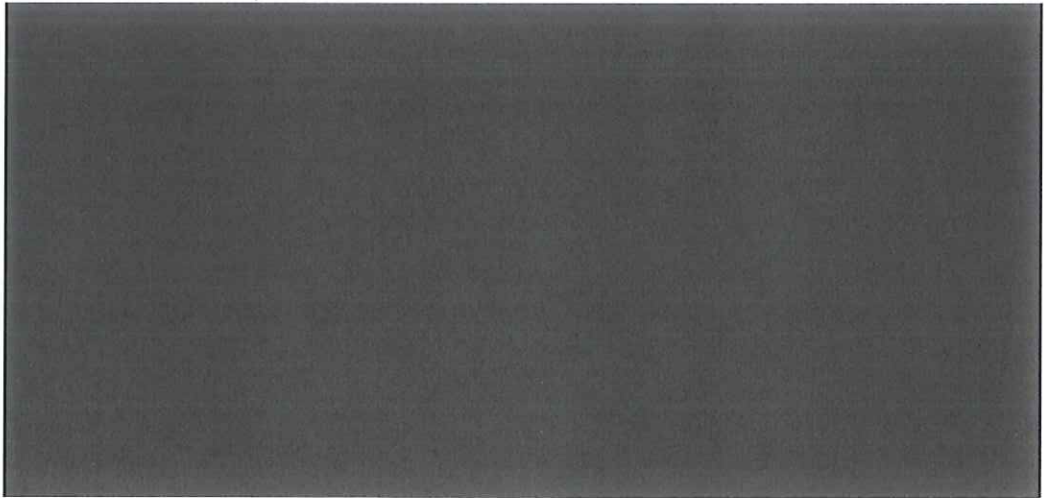
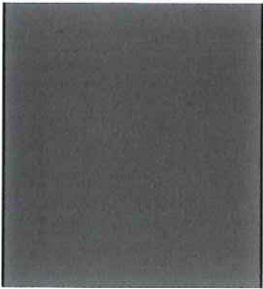
CONTACT
Pete Mitchell
6202 3887

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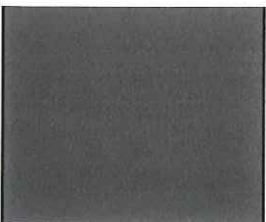
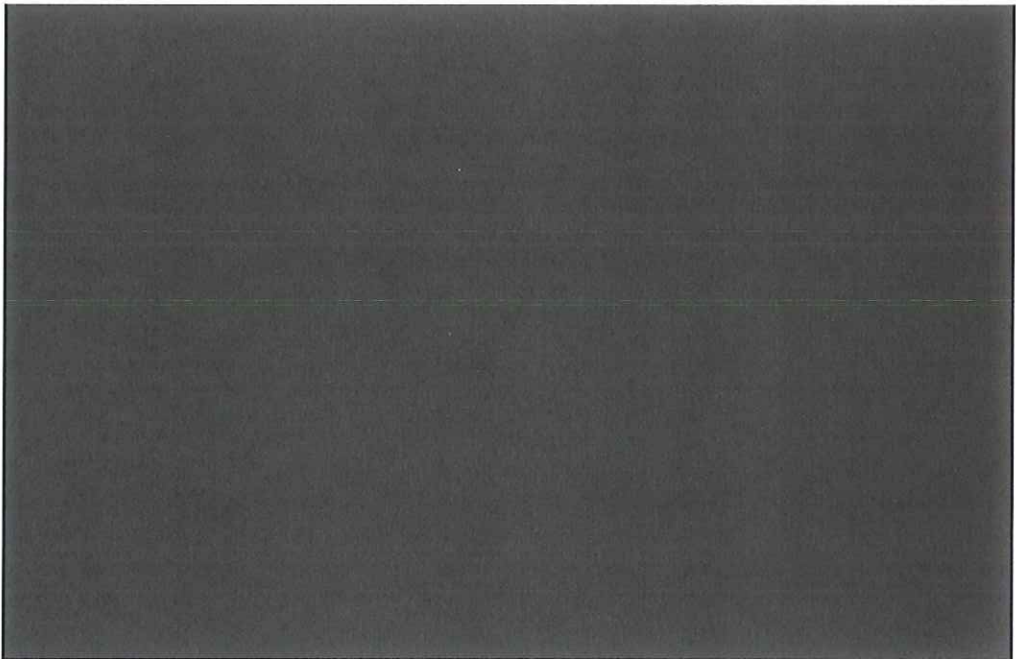
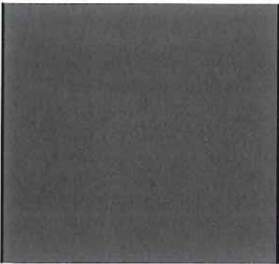
ANTI-CORRUPTION FRAMEWORK

Issue



Context

The AGD commenced a review of the anti-corruption framework in part in response to calls from advocates for an ICAC type body to cover the Commonwealth.



Next steps



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0407 701 310

CODE OF CONDUCT FOR MINISTERIAL STAFF

Issue

The Labor Government introduced a Code of Conduct for ministerial staff in July 2008.

A Code of Conduct for staff in Ministers' offices employed under the *Members of Parliament (Staff) Act 1984* was introduced by the previous government in July 2008 as part of a series of reforms to support Parliamentary integrity.

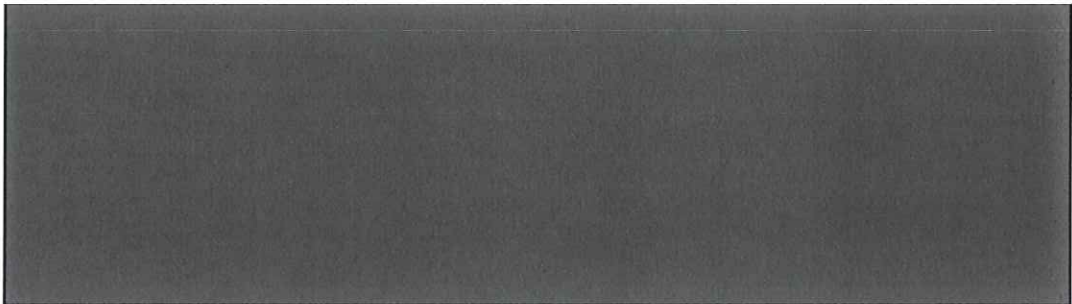
It is a non-legislative code. The Special Minister for State has to date monitored compliance with the Code and overseen the handling of any complaints.



The current Code includes the following key elements:

- the general duties that an employee owes their employer – for example honesty and integrity, and care and diligence;
- specific obligations in the context of Commonwealth employment including with respect to the proper use of resources and abuse of power;
- declaring and managing potential and actual conflicts of interest, including private financial interests, gifts, sponsored travel and secondary employment;
- the obligation of confidentiality in dealings with Ministers; and
- the relationship of ministerial staff with public servants including that ministerial staff do not have the power to direct public servants in their own right and that executive decisions are the preserve of the Minister and public servants.

Options



Next steps



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6202 3840



Excluded from
scope of request



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ATTACHMENT – CODE OF CONDUCT FOR MINISTERIAL STAFF

Code of Conduct for Ministerial Staff

The importance of the role of Ministerial staff in providing advice and assistance to Ministers in the performance of their functions is well recognised and accepted. Their closeness to the most significant decisions of government is a privilege that carries with it an obligation to act at all times with integrity and awareness of the expectation of the Australian community that the highest standards of conduct will be observed.

The Code of Conduct for Ministerial Staff sets out the standards that Ministerial staff are expected to meet in the performance of their duties.

Ministerial staff and consultants and Ministers' electorate officers employed under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act) must:

1. Behave honestly and with integrity in the course of their employment.
2. Act with care and diligence in the performance of their duties.
3. Disclose, and take reasonable steps to avoid, any conflict of interests (real or apparent) in connection with their employment, noting that staff are required to provide their employer with a statement of private interests.
4. Divest themselves, or relinquish control, of interests in any private company or business and/or direct interest in any public company involved in the area of their Ministers' portfolio responsibilities.
5. Declare to their employing Minister in writing, within a reasonable time, all hospitality, gifts and sponsored travel received in association with their employment.
6. Have no involvement in outside employment or in the daily work of any business, or retain a directorship of a company, without the written agreement of their Minister.
7. Treat with respect and courtesy all those with whom they have contact in the course of their employment.
8. Make themselves aware of the Values and Code of Conduct which bind Australian Public Service (APS) and Parliamentary Service employees.
9. When travelling overseas on official business, behave in a manner consistent with the APS Values and Code of Conduct, to the extent they apply to officials on duty overseas.
10. Not knowingly or intentionally encourage or induce a public official by their decisions, directions or conduct to breach the law or parliamentary obligations or fail to comply with an applicable code of ethical conduct.
11. Acknowledge that ministerial staff do not have the power to direct APS employees in their own right and that APS employees are not subject to their direction.
12. Recognise that executive decisions are the preserve of Ministers and public servants and not ministerial staff acting in their own right.
13. Facilitate direct and effective communication between their Minister's department and their Minister.
14. Use Commonwealth resources for the effective conduct of public business in a proper manner.
Commonwealth resources are not to be subject to wasteful or extravagant use, and due economy is to be observed at all times. Ministerial staff must be scrupulous in ensuring the legitimacy and accuracy of any claim for entitlements.
15. Maintain appropriate confidentiality about their dealings with their Minister, other Ministers, other Ministerial staff, and APS and Parliamentary Service employees.
16. Not knowingly or intentionally provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
17. Not make improper use of their position or access to information to gain or seek to gain a benefit or advantage for themselves or any other person.
18. Comply with any authorised and reasonable direction received in the course of their employment.
19. Comply with all applicable Australian laws.
20. Comply with all applicable codes of conduct, including the Lobbying Code of Conduct.
21. Familiarise themselves with this code of conduct upon the commencement of their employment.

Notes:

1. References to Ministers and Ministerial staff include Parliamentary Secretaries and their staff.
2. Electorate officers for Ministers are covered by the Ministerial Staff Code of Conduct in recognition of the role they play assisting Ministers to perform their duties.
3. For the purposes of this Code, "Australian laws" means any Act, including the MOP(S) Act, or any instrument made under an Act, or any law of a State or Territory, including any instrument made under such a law.
4. Implementation of this Code is the responsibility of the Prime Minister's Office and the Government Staffing Committee.
5. Any sanctions imposed under this Code will be determined after consultation with the relevant Minister by the Chief of Staff of the Prime Minister, acting on advice from the Government Staffing Committee. Part B is a more reflective piece intended to give you a strategic overview which provides context for the issues addressed in Part A. It identifies three critical matters for future discussions about longer term issues and potential directions for reform relating to the responsibilities of the Commission namely APS productivity and how we can move towards delivering more cost effective services; workplace relations arrangements and the current industrial bargaining landscape; and our thoughts on enhancing the capability of the Australian Public Service.

CHANGES TO THE DISCIPLINARY REGIME FOR THE AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Issue

The Coalition's *Policy to Tackle Crime* included the following commitment:

A police-style disciplinary regime is to be implemented in Customs.

All frontline and operational Customs officers will operate under rules appropriate to a law-enforcement agency, which includes a police-style disciplinary regime and routine integrity testing.

The Coalition will task the Australian Commission for Law Enforcement Integrity with enforcing these rules, and conducting investigations into Federal agencies that are susceptible to infiltration by organised criminal syndicates and corrupt individuals who seek to smuggle illegal drugs and firearms through our borders.



Context

Existing disciplinary arrangements in the *Public Service Act 1999* and the jurisdiction of the Australian Commission for Law Enforcement Integrity operate in a complementary way.

Customs employees are subject to the disciplinary arrangements in the PSA. These include the APS Code of Conduct; the misconduct investigation procedures; and the sanctions that may be imposed for a breach of the Code, which range from a reprimand to termination of employment. The Code of Conduct covers a broad range of behaviours including honesty and integrity, conflict of interest and compliance with the law. In some circumstances, an employee's behaviour in their private life may come within the Code, for example if the behaviour fails to uphold the integrity and good reputation of their agency. Failure to obey a lawful direction from a supervisor, for example, would also constitute a breach of the code – the capacity to "direct" an employee is often cited as a reason for moving more towards police-style management arrangements.

The Customs Service comes within the jurisdiction of the Australian Commission for Law Enforcement Integrity. Legislative amendments in November 2012 introduced a number of elements of a police style disciplinary regime for Customs namely the:

- power to conduct targeted integrity tests on officers suspected of corruption;
- CEO of Customs has the power to authorise drug and alcohol testing on all Customs employees;
- power for the CEO to make a declaration that an employee has been terminated for serious misconduct; and
- power for the CEO to make specific orders for control of Customs including mandatory reporting of serious misconduct, corrupt conduct and criminal activity.

Next steps



CONTACT
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6202 3840

Excluded from scope of request

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RISING UNSCHEDULED ABSENCE RATES IN THE AUSTRALIAN PUBLIC SERVICE

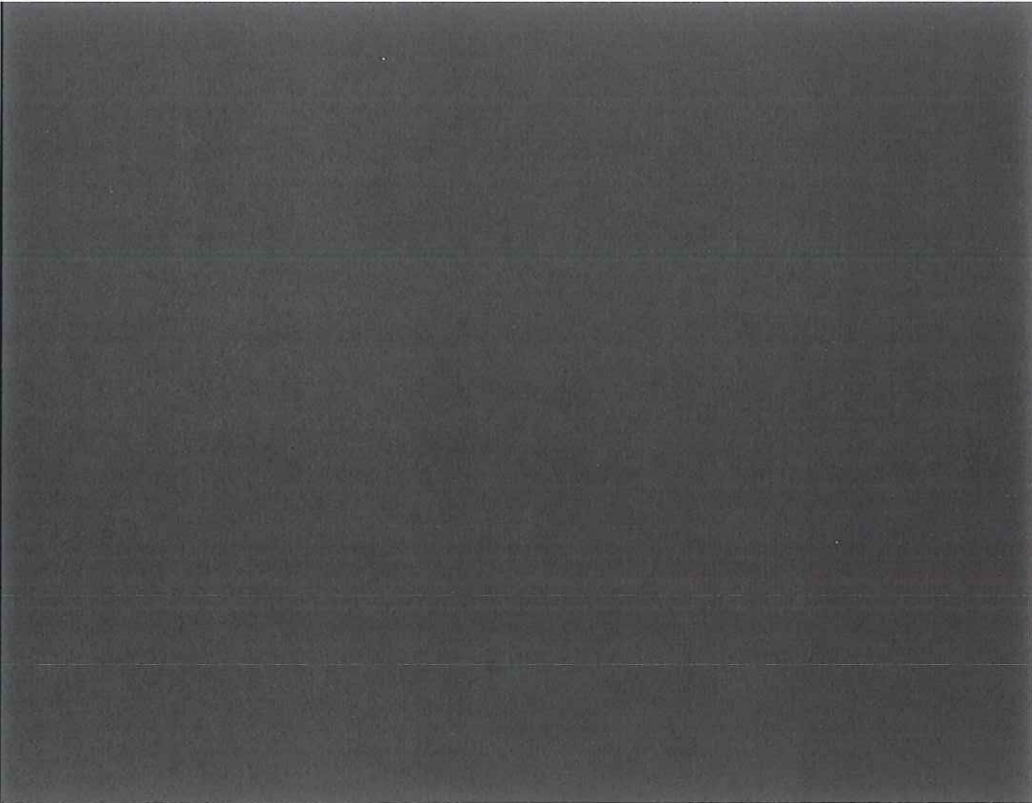
Issue



The growth in unscheduled absence has also attracted some attention in Estimates (Senator Mason) and the media.

Context

Broad measures of unscheduled absence in the APS have risen.



There is considerable variability in unscheduled absence rates across the APS.

There is significant variation in the evidence requirement agencies have of employees in support of applications for personal/carer's leave.

There is also significant variation in the evidence agencies require from employees in supporting applications for personal/carers' leave:

- 14 agencies have no evidence requirements, though three days per occasion before evidence is required is the most common (66 agencies); and
- 54 agencies specify a maximum number of days per year before evidence is required to support each subsequent absence. Of these, the most common thresholds are five days (19 agencies), eight days (12 agencies) and ten days (14 agencies).

¹ Unscheduled absence includes five categories of leave: sick leave, carer's leave, compensation leave, types of miscellaneous or other leave, and unauthorised absence.

² Consistent with the definition provided by the National Employment Standards, APS enterprise agreements generally define personal/carers' leave to be leave that can be taken due to personal illness or injury, to provide care or support for a member of an employer's immediate family or household that is affected by personal illness or injury, or in the case of unexpected emergency.

For all absences, the National Employment Standards require evidence that would 'satisfy a reasonable person'.

The management of unscheduled absence is an agency responsibility.

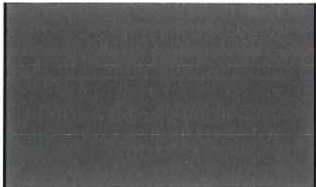
The management of unscheduled absence is an agency responsibility. In addition to providing advice to agencies on best practice, the APSC publishes data on APS unscheduled absence in the annual State of the Service Report, including data at the agency level.



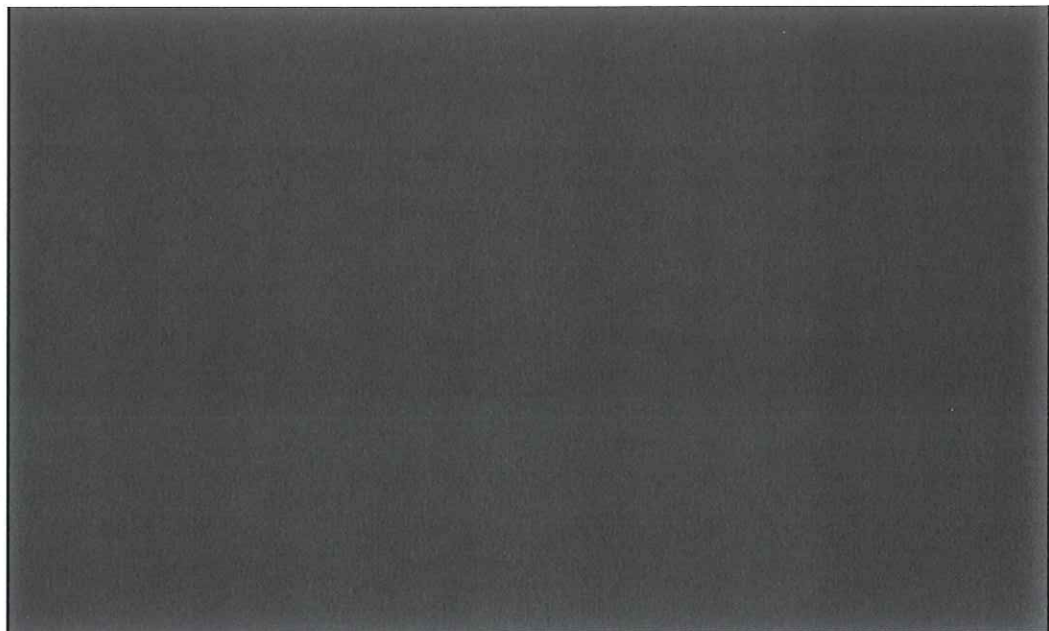
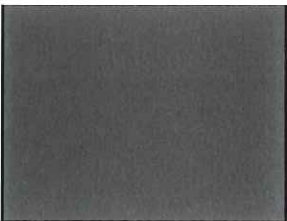
The APSC will release updated guidance to agencies on managing absence.

Next steps

The APSC will release updated guidance to agencies on managing absence in September 2013.



Although agencies well attuned to absence management would monitor their data regularly, agency-level data on absence is only collected annually as part of the agency survey to inform the Commission's annual State of the Service Report to Parliament.



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Excluded from scope of request

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IMPACT OF THE GOVERNMENT'S PAID PARENTAL LEAVE SCHEME ON EXISTING PARENTAL LEAVE ARRANGEMENTS FOR COMMONWEALTH EMPLOYEES

Issue

The implementation of the Government's new paid parental leave scheme will need to prevent double-dipping by Commonwealth public servants.

The Government has announced that the costs of funding the new paid parental leave scheme will, in part, come from 'preventing double dipping by public servants' through allowing Commonwealth and State public servants to choose between using their existing schemes or the new paid parental leave scheme.

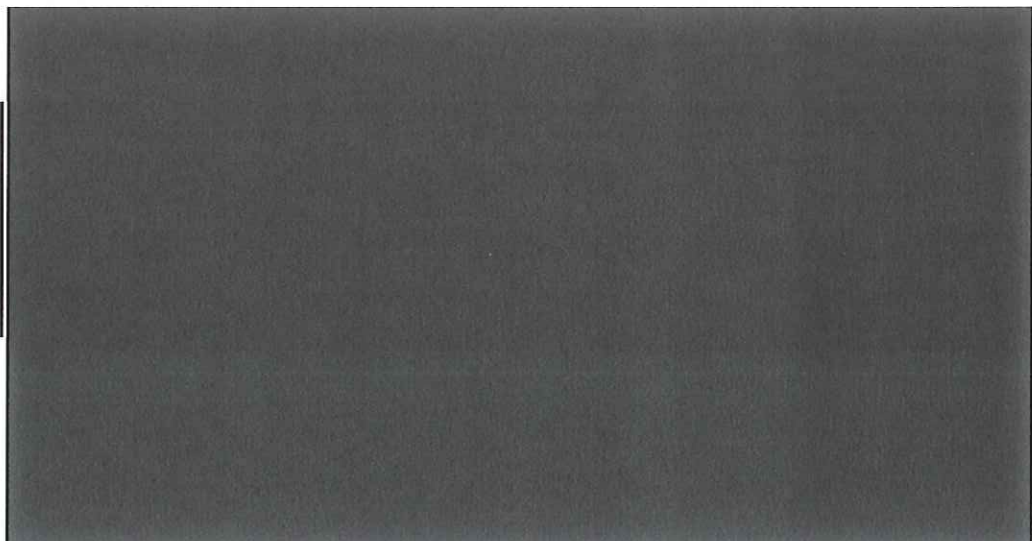
Context

Commonwealth employees (including APS employees) currently have access to:

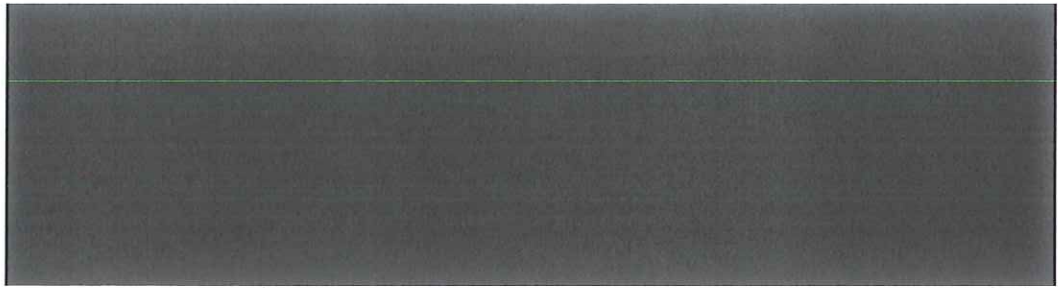
- Statutory maternity leave available only to the mother. Under the *Maternity Leave (Commonwealth Employees) Act 1973 (ML Act)* employees have access to up to 52 weeks of leave. Where an employee has been employed by the Commonwealth for a continuous period of at least 12 months, the first 12 weeks of the 52 weeks leave is paid.
- A range of other entitlements which have been negotiated through enterprise bargaining which in the case of the APS include:
 - a minimum additional two weeks of paid maternity leave
 - and with one exception a minimum of two week's leave for supporting partners
 - leave for adoption and foster purposes.
- The existing paid parental leave scheme of 18 weeks leave at the minimum wage
 - since its commencement in 2011 approximately 7000 Commonwealth employees have received benefits under this scheme.

Commonwealth public servants have a range of parental leave arrangements provided under legislation and enterprise agreements.

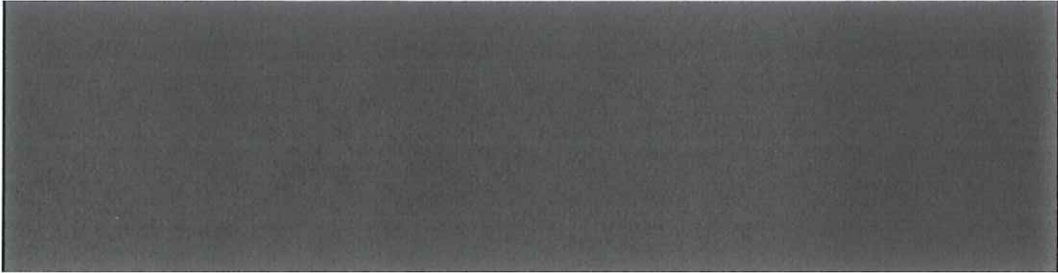
Potential considerations



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Next steps



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6202 3744

INTRODUCTION OF A NATIONAL LONG SERVICE LEAVE STANDARD

Issue

As part of its policy to improve fair work laws, the Government has stated that it will seek to implement the Fair Work Review Panel recommendation *'that the Commonwealth, state and territory governments should expedite the development of a national long service leave standard with a view to introducing it by 1 January 2015'*.

There are long standing statutory arrangements for long service leave in Commonwealth employment.

Context

Long service leave arrangements for Australian Government Employees (including Australian Public Service (APS) employees and Members of Parliament Staff) are covered by the *Long Service Leave (Commonwealth Employees) Act 1976* (LSL Act).

Key aspects of these arrangements include:

- Three months of long service leave after 10 years continuous service in Commonwealth employment;
- Accrual of 9 days long service leave every year; and
- Recognition of prior service with the Australian Defence Force service and State and Territory Governments for the purposes of calculating long service leave entitlements.

Potential considerations

[Redacted]

[Redacted]

It is proposed that the Australian Public Service Commission would actively participate in the review of long service leave arrangements and seek your views as issues arise.

[Redacted]

Further advice will be provided.

Next steps

Further briefing will be provided when the process for developing and implementing a new national standard is known.

CONTACT
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6202 3744

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REDUCING UNNECESSARY REGULATION

Issue

Incentives to achieve Regulatory reform are a government priority.

The Government wishes to reform the process for establishing new regulations and to provide both incentives and targets for Secretaries and SES employees to reduce 'red and green tape'. [REDACTED]

The diverse functional roles and devolved employment arrangements within the APS provide practical challenges in implementing these incentives and targets in the APS.

[REDACTED]

[REDACTED]

Options

Incentives to reduce 'red and green tape'

The Government proposes to provide both incentives and targets for the APS to reduce 'red and green tape' by \$1 billion per year. This is to be achieved within existing resources and by:

- cutting excessive regulation by reforming the process by which new regulations are created, implemented and reviewed;
- providing incentives to drive the APS to cut red and green tape;
- introducing specific regulatory performance targets for each Secretary.

The last two initiatives, in particular, bear on your responsibilities or those of the APS Commissioner since they relate to the frameworks for APS employment and Secretaries performance.

Implications for the SES

The devolved nature of the APS employment framework has implications for the way in which incentive structures operate in the APS [REDACTED] SES terms and conditions of employment are set out in determinations made under the Public Service Act (72% of SES), individual common law arrangements (20% of SES), Australian Workplace Agreements (AWAs) (7% of SES), or in an SES enterprise agreement (1% of SES)¹. Some of these employment instruments can be amended unilaterally; others require agreement with the employee. [REDACTED]

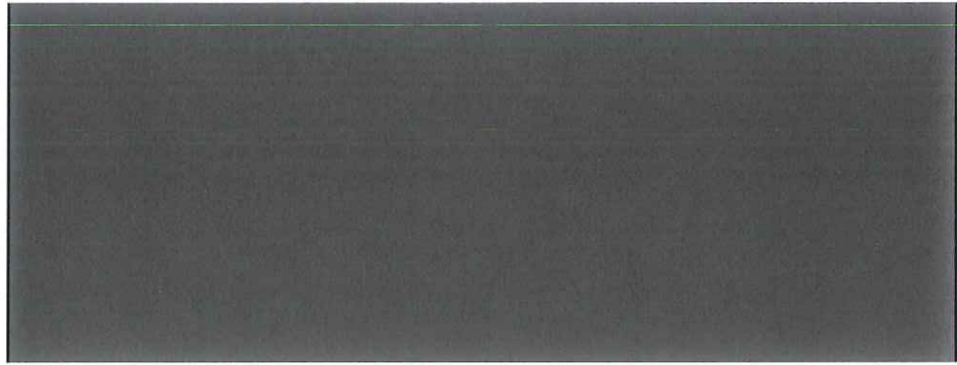
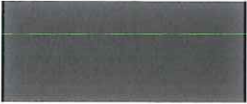
Existing incentive structures in the APS will require consideration.

[REDACTED]

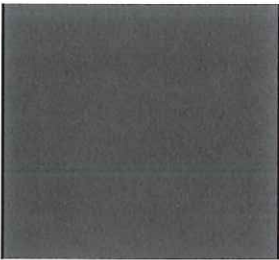
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¹ 2012 APS Remuneration Report



Implications for Secretaries



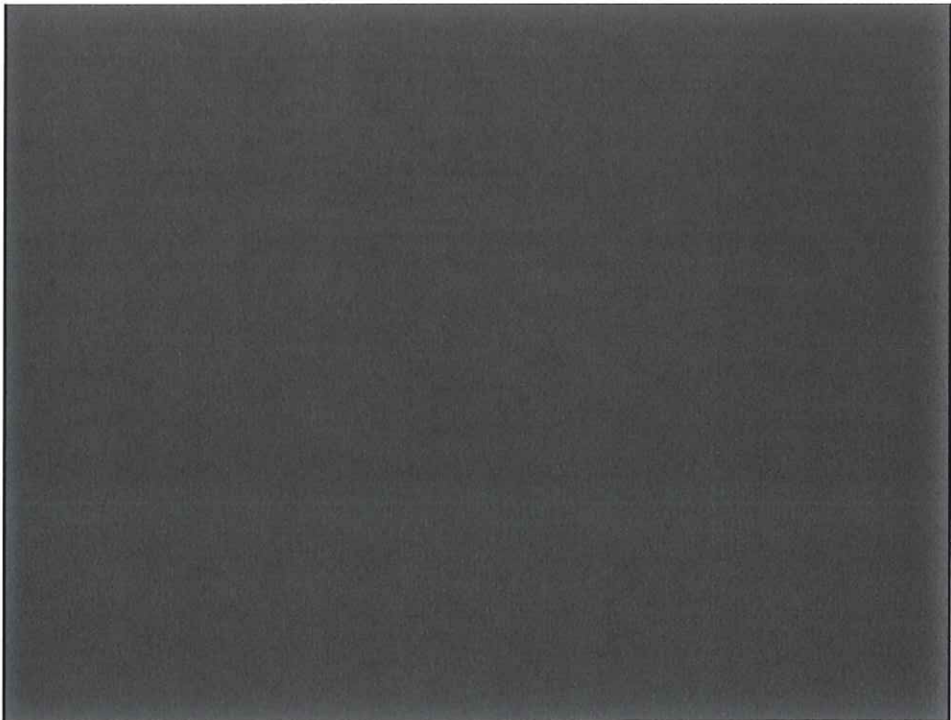
Remuneration arrangements for Secretaries are different to those for the general SES. They are set by the Remuneration Tribunal.



An annual review of the performance of Secretaries is carried out in accordance with this framework by the Secretary of PM&C and the APS Commissioner.

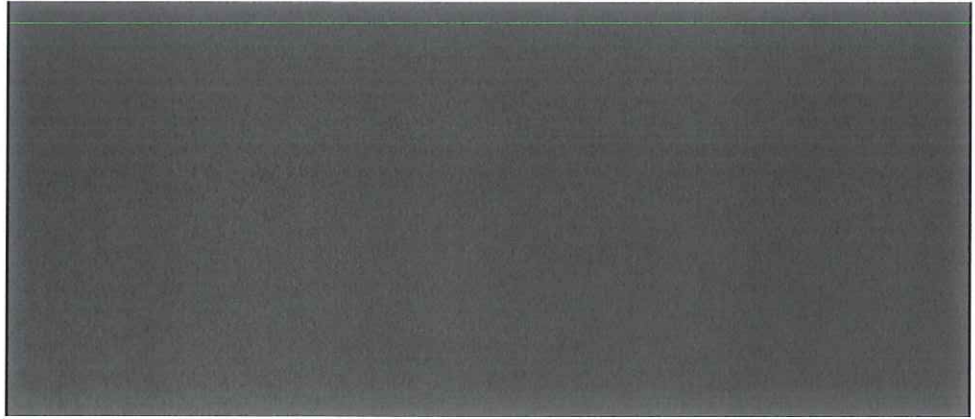
Options to reduce costs for small business

Relatedly, the government has indicated that it wishes to consider approaches to reduce costs (including for prospective tenderers) through more coordinated procurement arrangements, including potentially on a whole of government basis. The documentation suggests that these activities are the province of the Department of Finance.





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PUBLIC SERVICE MINISTER'S DETERMINATION IN RESPECT OF MACHINERY OF GOVERNMENT CHANGES

You are likely to be required to exercise powers under the Public Service Act almost immediately.

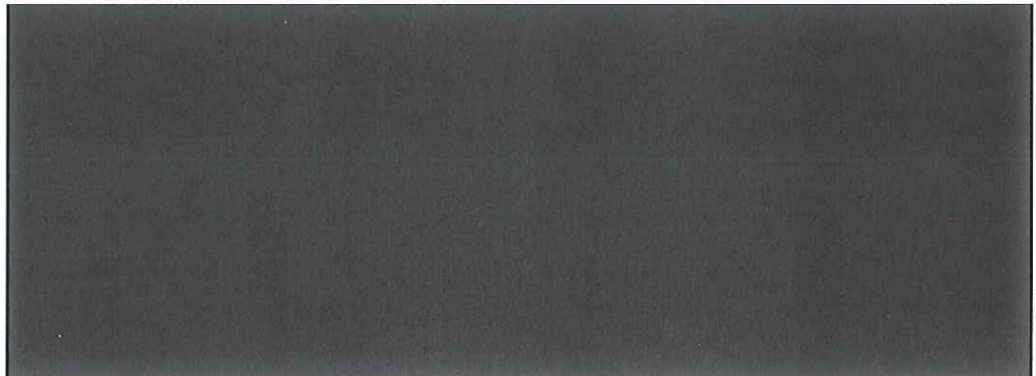
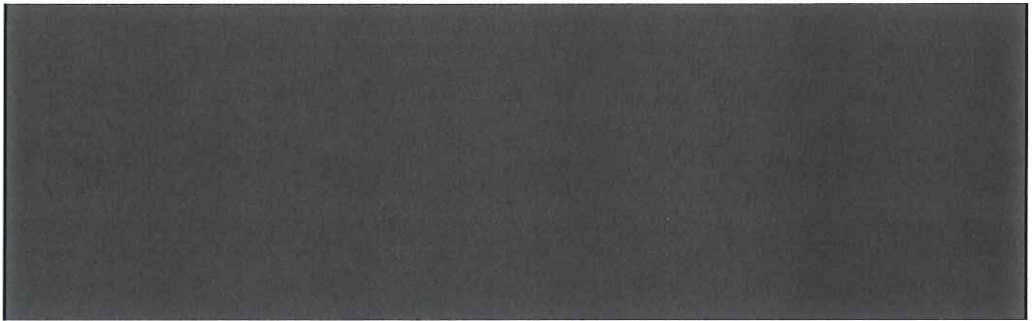
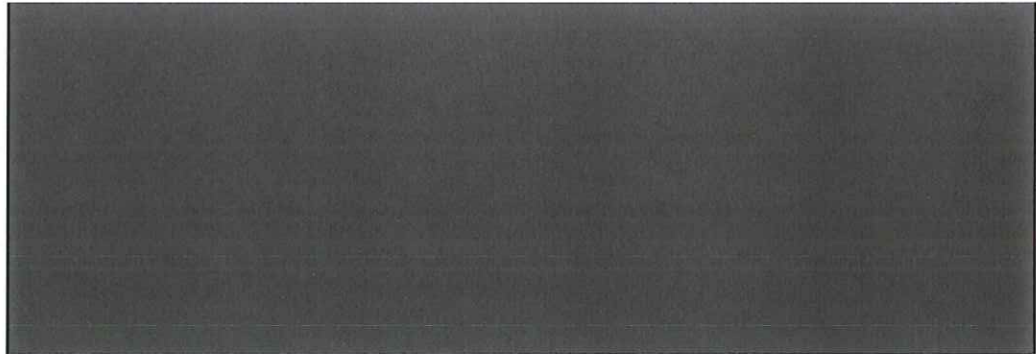
Issue

You will almost certainly be asked to exercise a ministerial power (further information about this power is provided below) under the *Public Service Act 1999* (PS Act) to determine remuneration and other terms and conditions for APS employees that are moved into new agencies. This would follow changes to the Administrative Arrangements Order which will give effect to the government's proposed changes to the structure of government departments. Most likely, this power will need to be exercised very soon.

Background

The PS Act and the Public Service Regulations (PS Regulations) provide a framework for transferring staff from one department to another and settling arrangements for the terms and conditions that are to apply to staff following transfer.

This will be necessary to effect some changes to the Machinery of Government.



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Attachment A provides general information and discusses potential implications for your responsibilities as Public Service Minister.

Next steps

Further detailed briefing on when and whether to use the determination will be provided soon after the Government has announced its proposed changes.



CONTACT:
Marco Spaccavento
6202 3744

The APSC will provide support and advice to agencies to assist them to manage the structural changes required by the Government.

Attachment A

Context

The government's policy commitments indicate there may be a range of structural changes across the APS including:

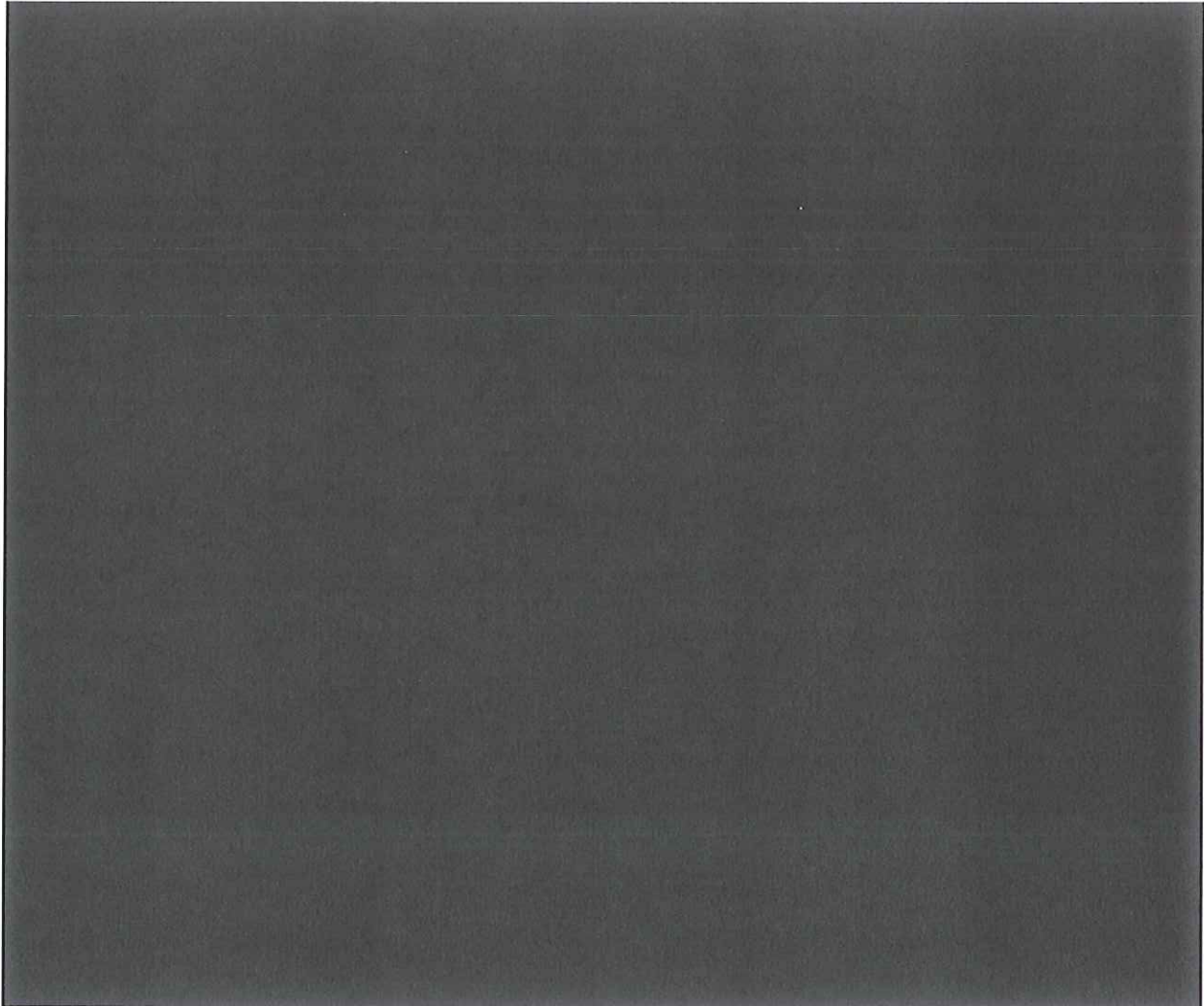
- movement of functions from one agency to another;
- the creation of new bodies or agencies;
- the abolition of current bodies and agencies; and
- movement of functions from one geographic location to another.

The current frameworks which govern the employment terms and conditions of APS employees including the PS Act, PS Regulations and agency enterprise agreements will impact on these changes.



Movement of existing APS employees

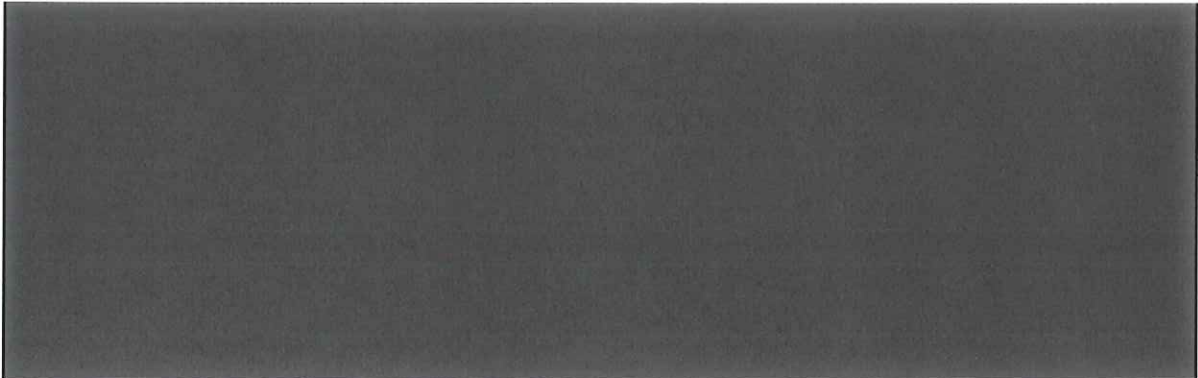
Between APS agencies



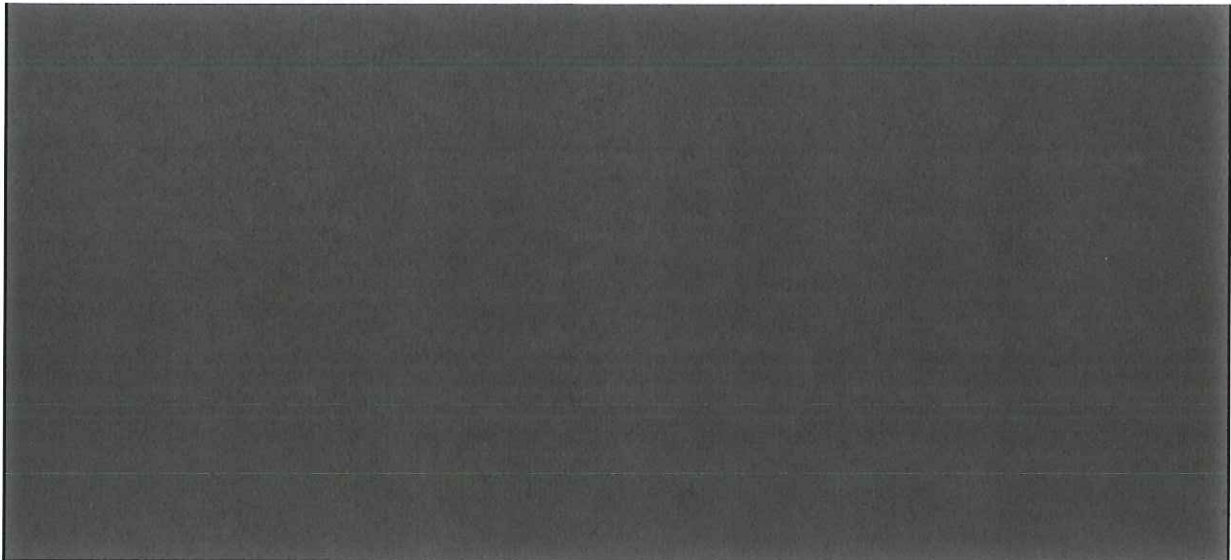
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Ministerial determination power

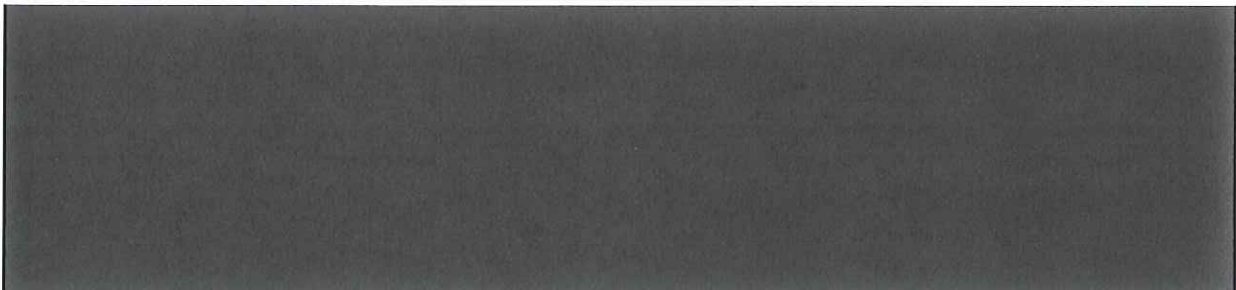
As indicated above there may be requests for you to use a ministerial determination-making power under section 24(3) of the PS Act



Relocation of APS staff within an APS agency



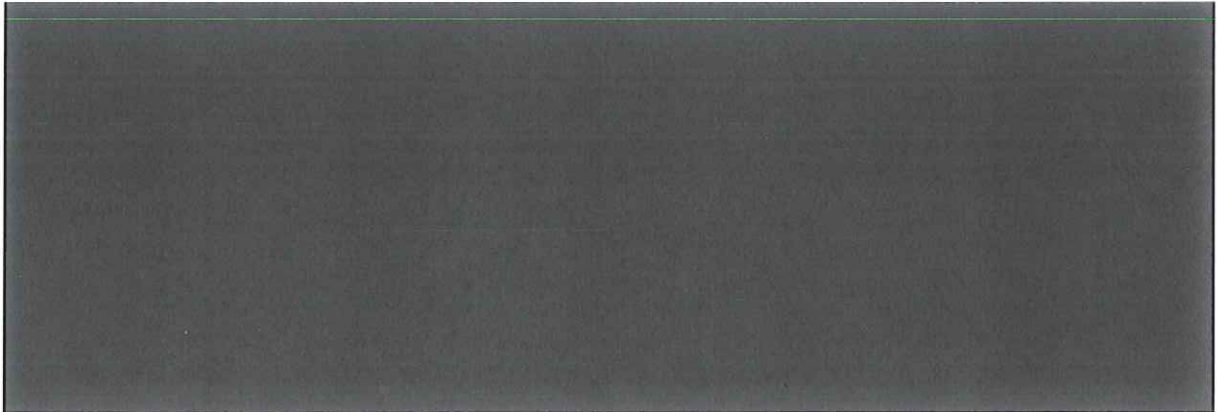
Movement of staff out of the APS



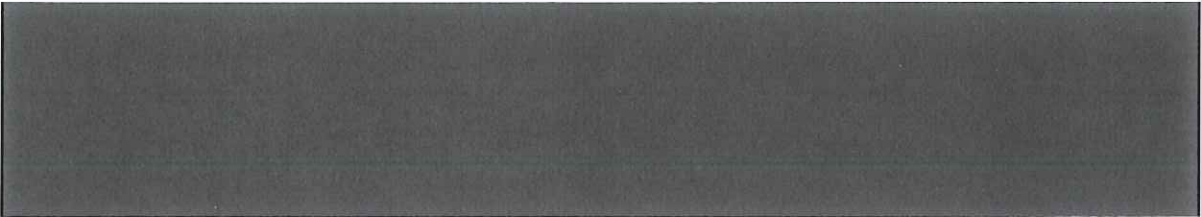
Creation of a new APS agency



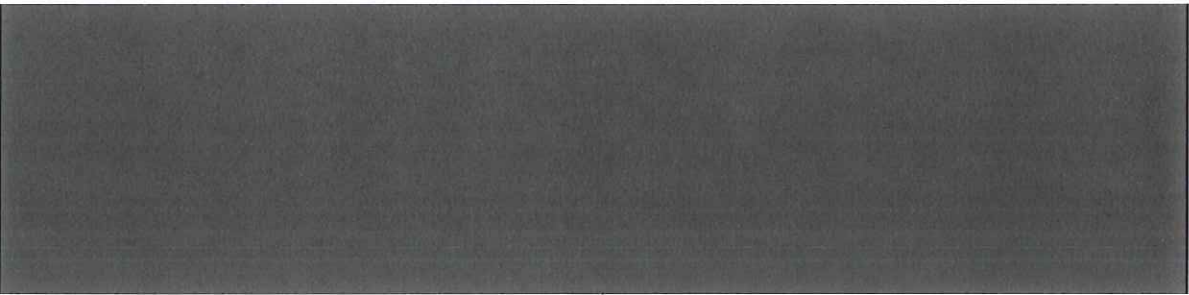
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Abolition of an agency where functions are no longer performed in the APS



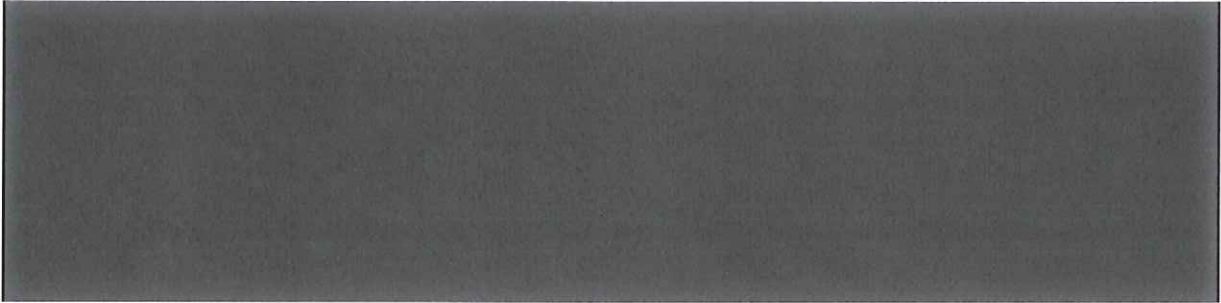
Consultation and dispute resolution procedures



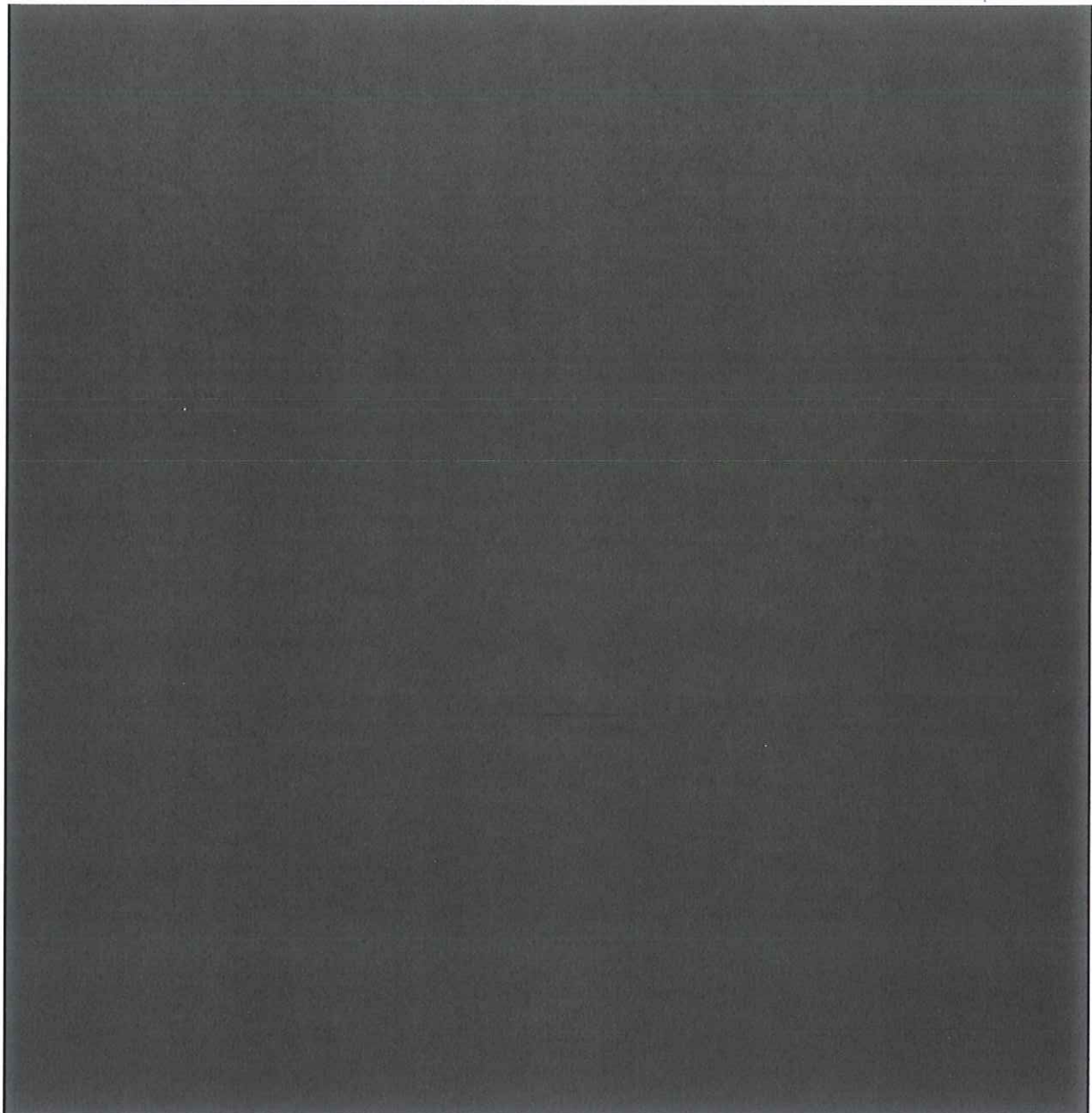
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53
STRATEGIC ISSUES – COMMISSION OVERVIEW

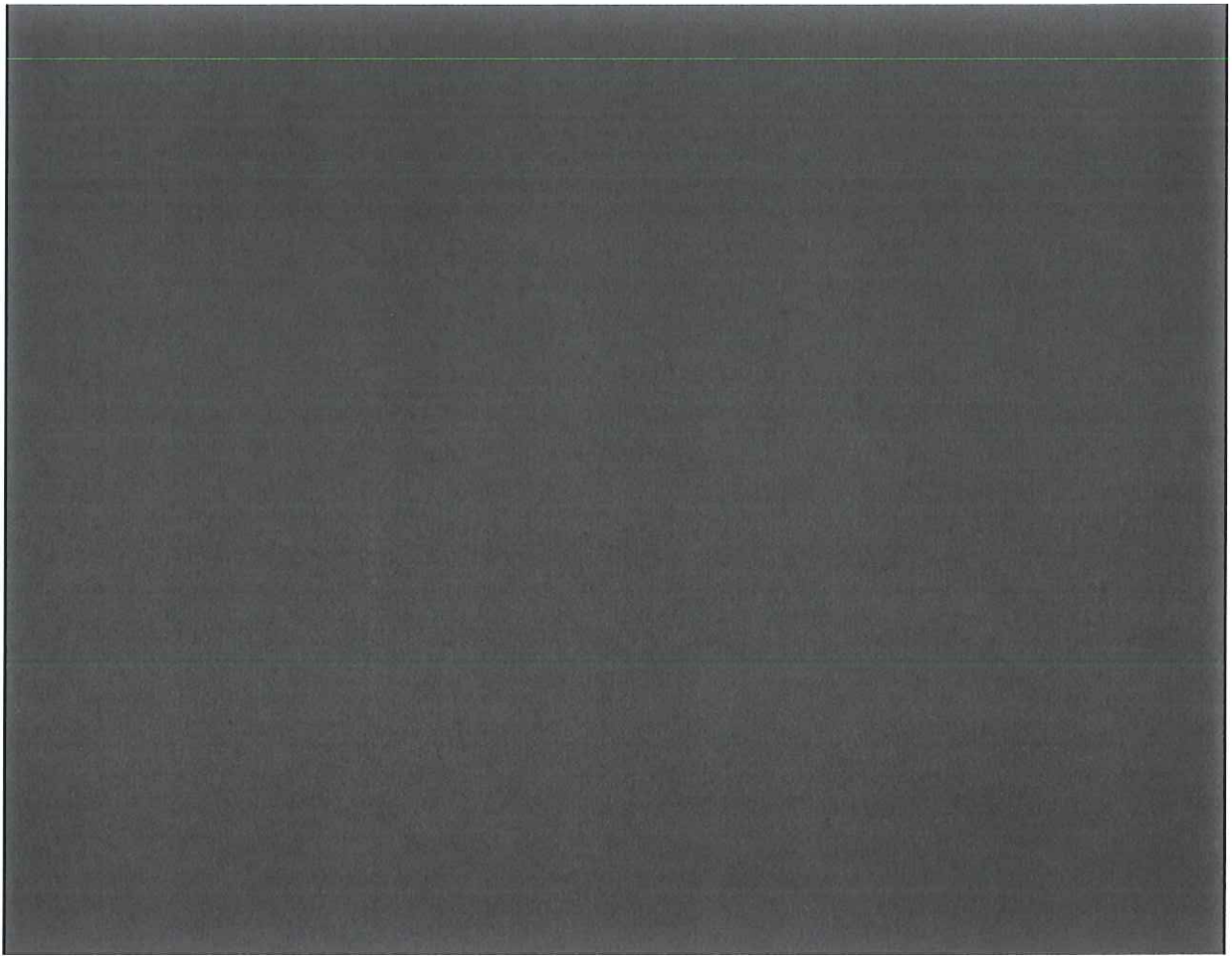
This is a reflective piece framed around three themes:



The key points that emerge from this discussion may be summarised as follows:



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Section A – [REDACTED]

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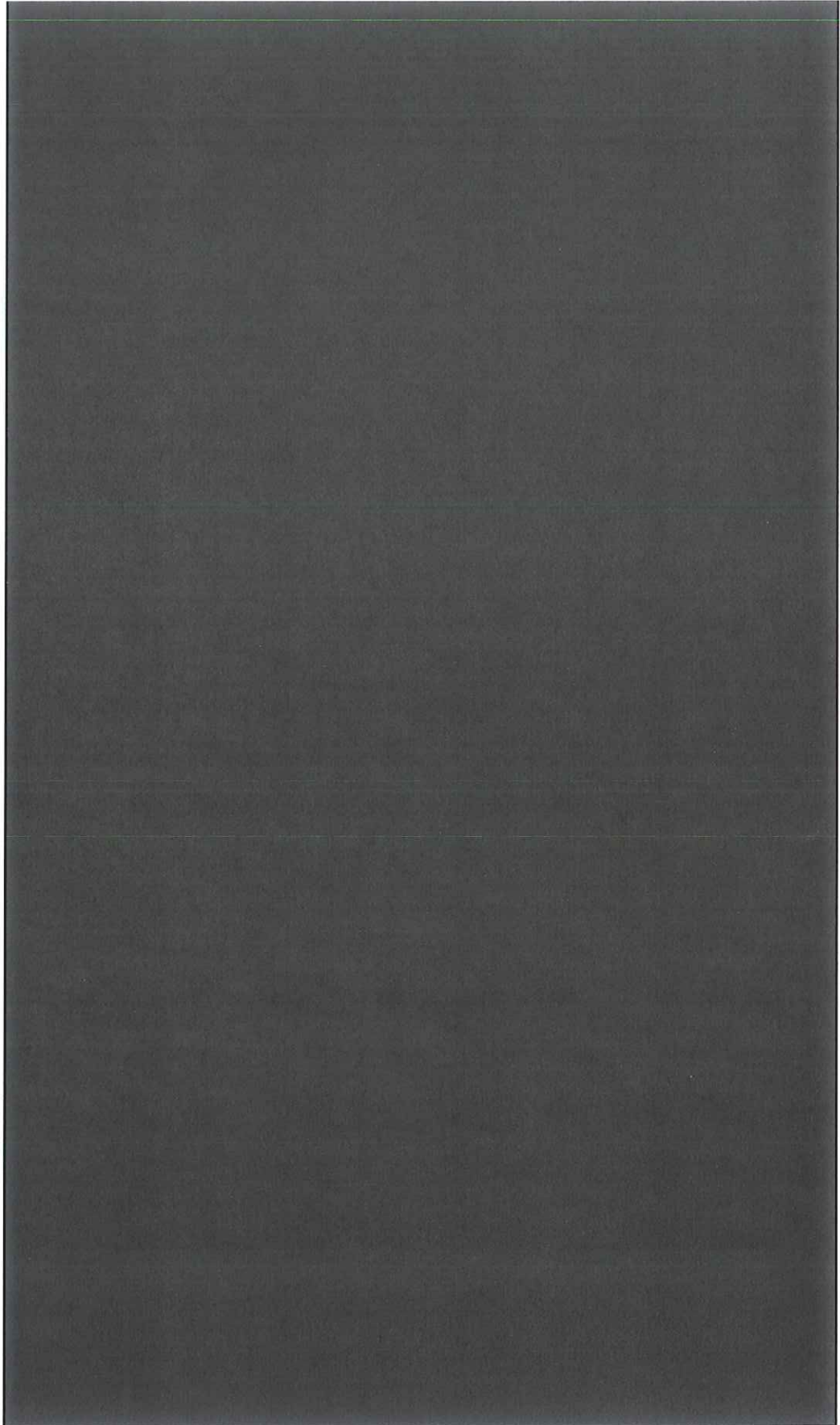
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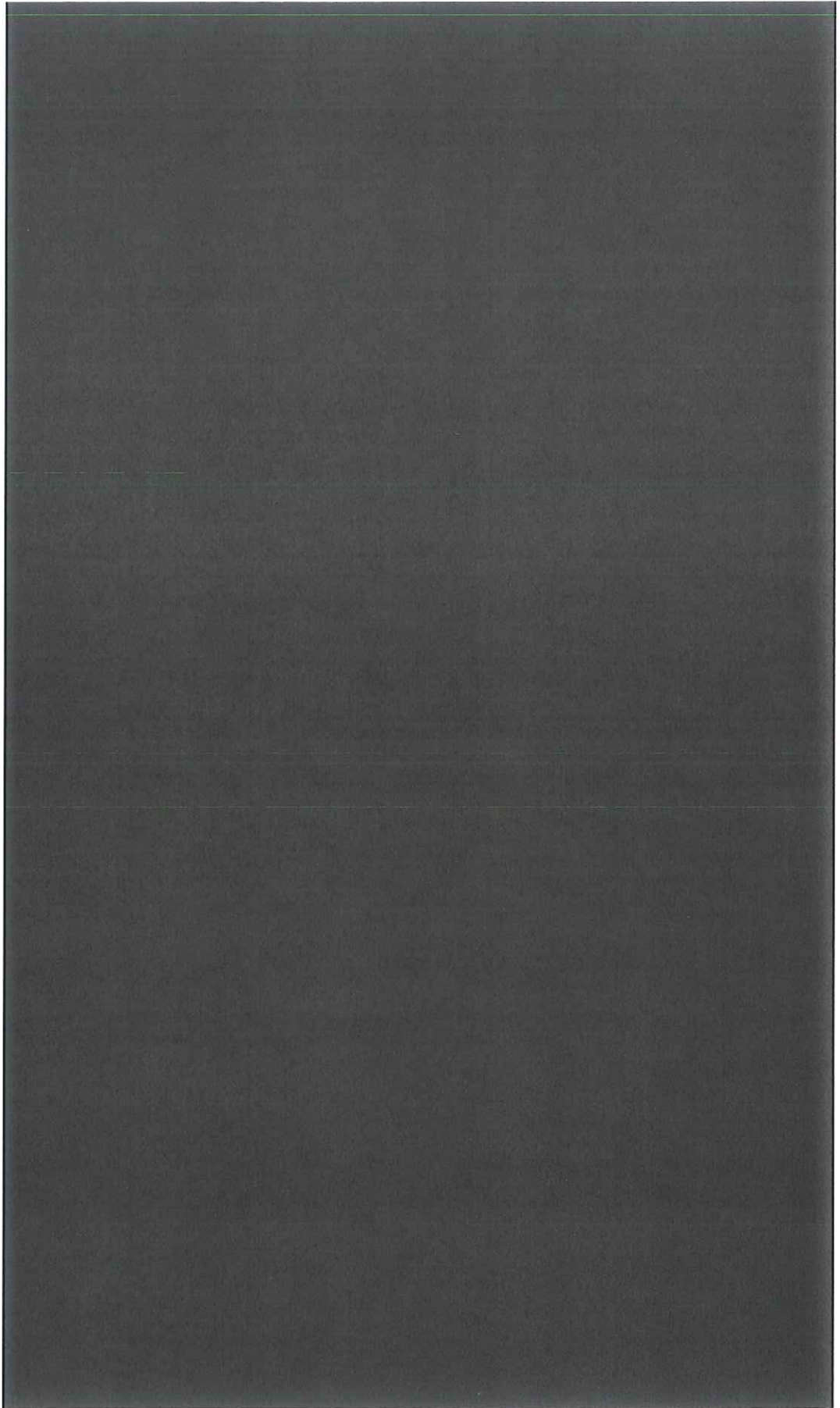
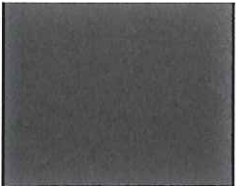
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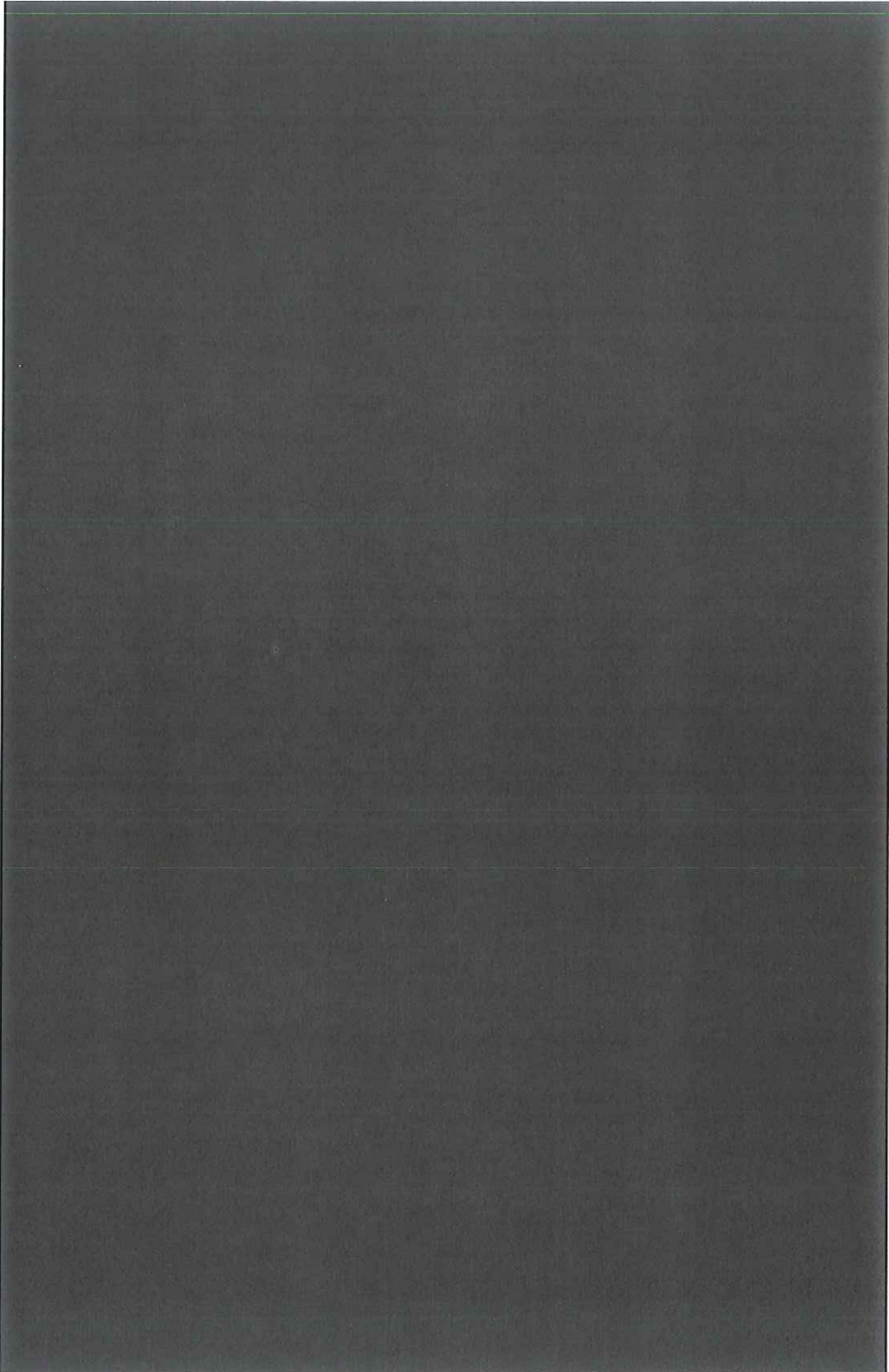
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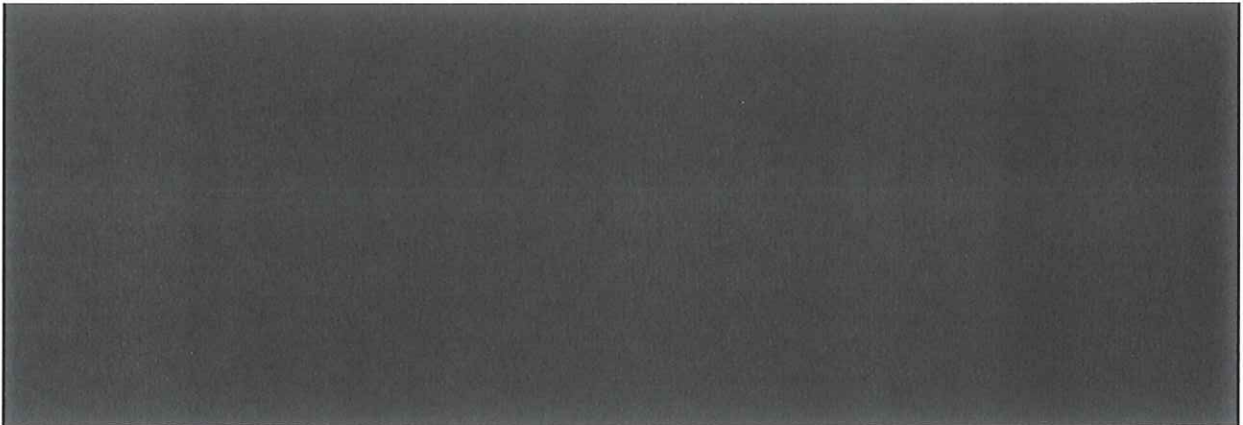
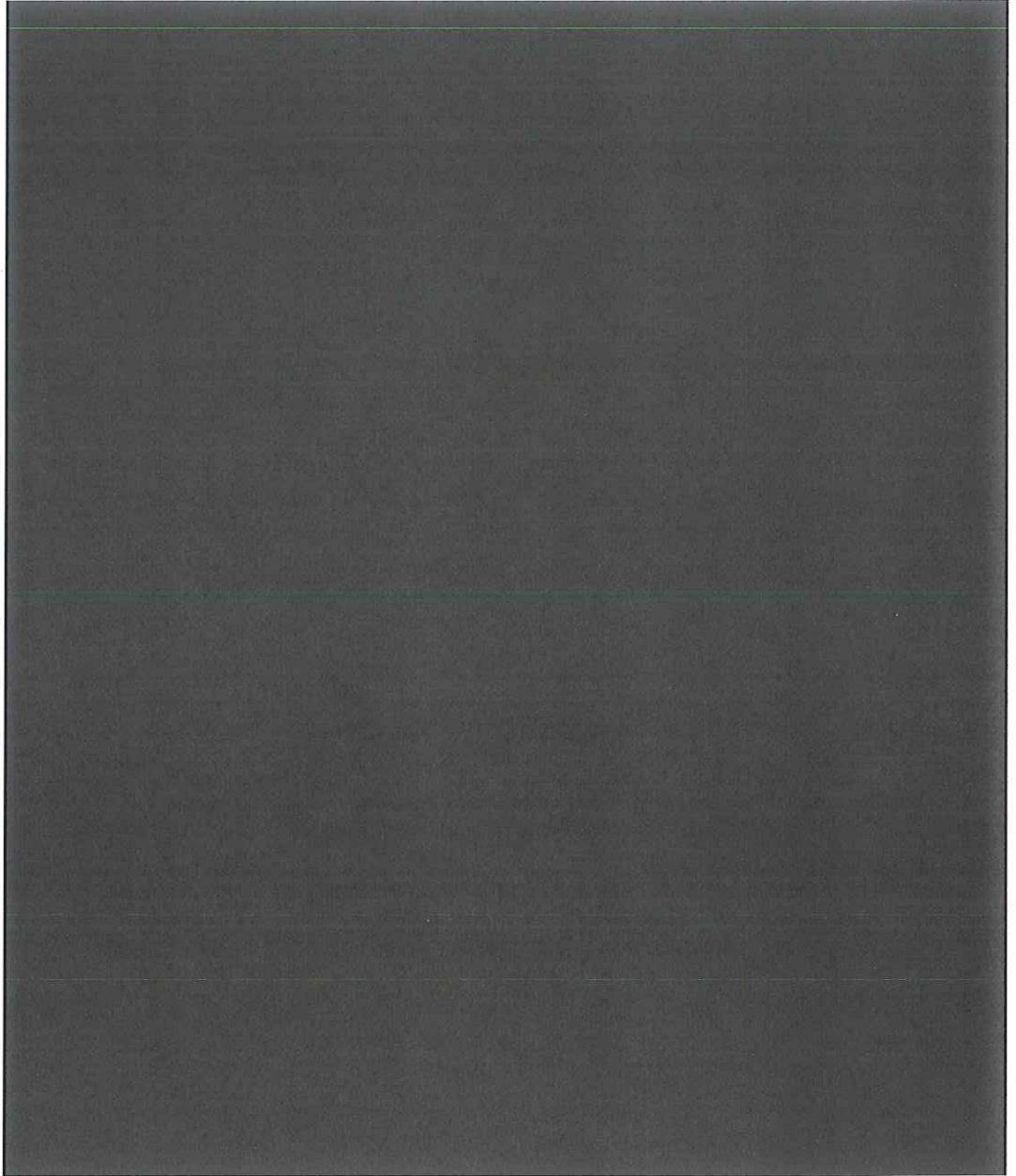
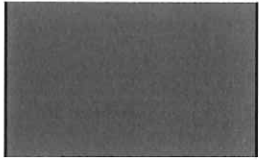
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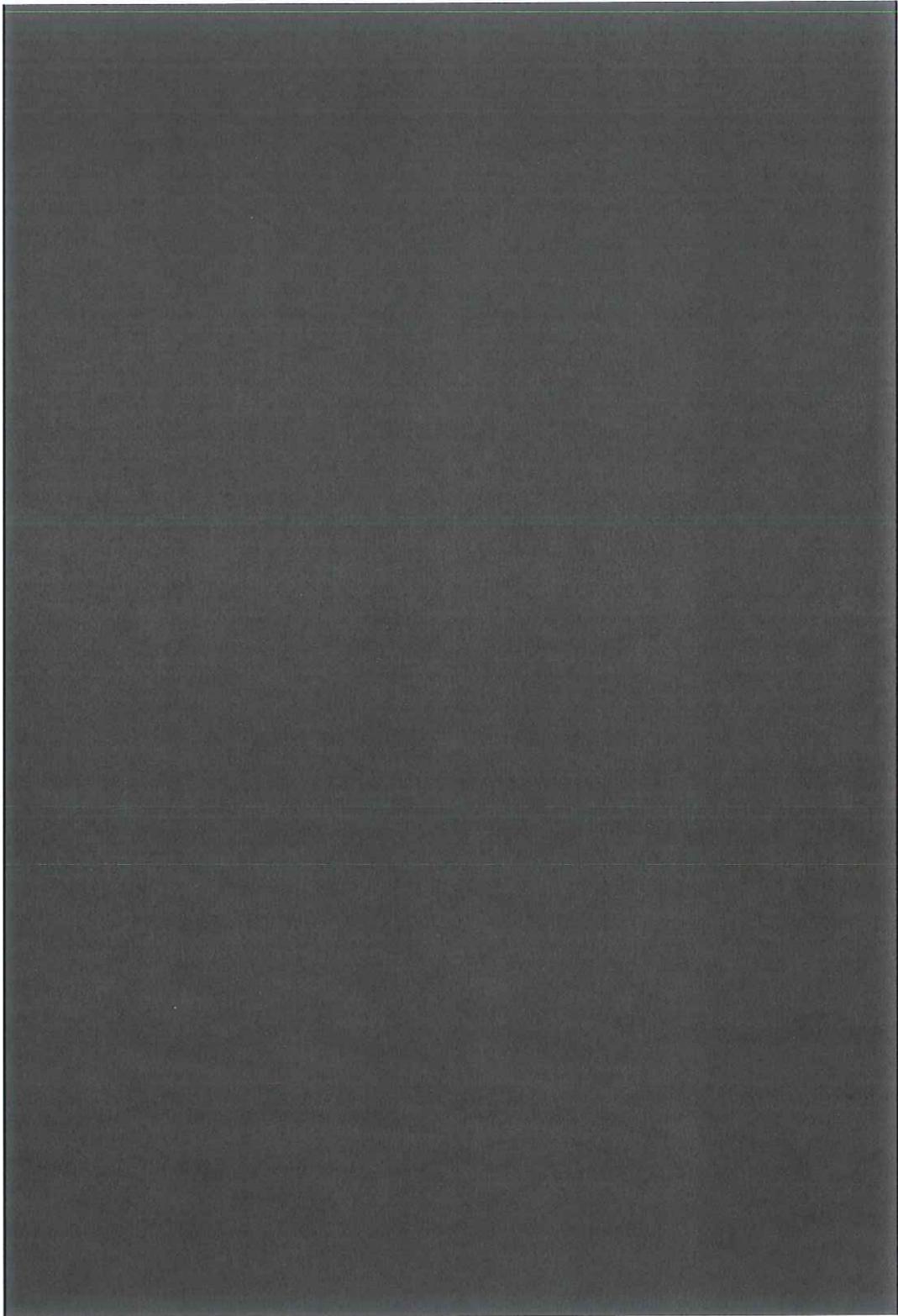
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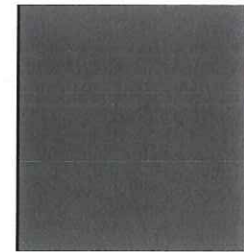
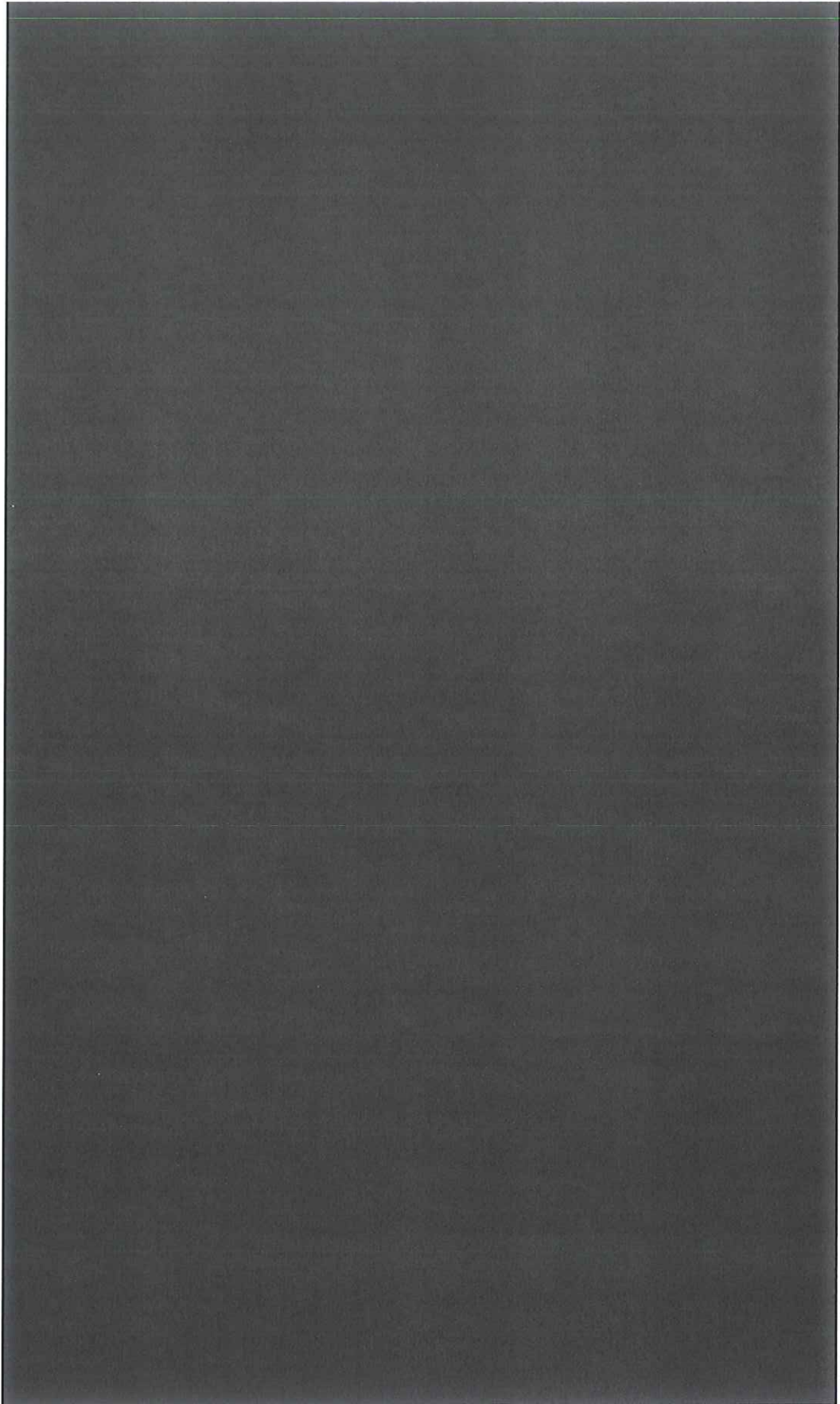
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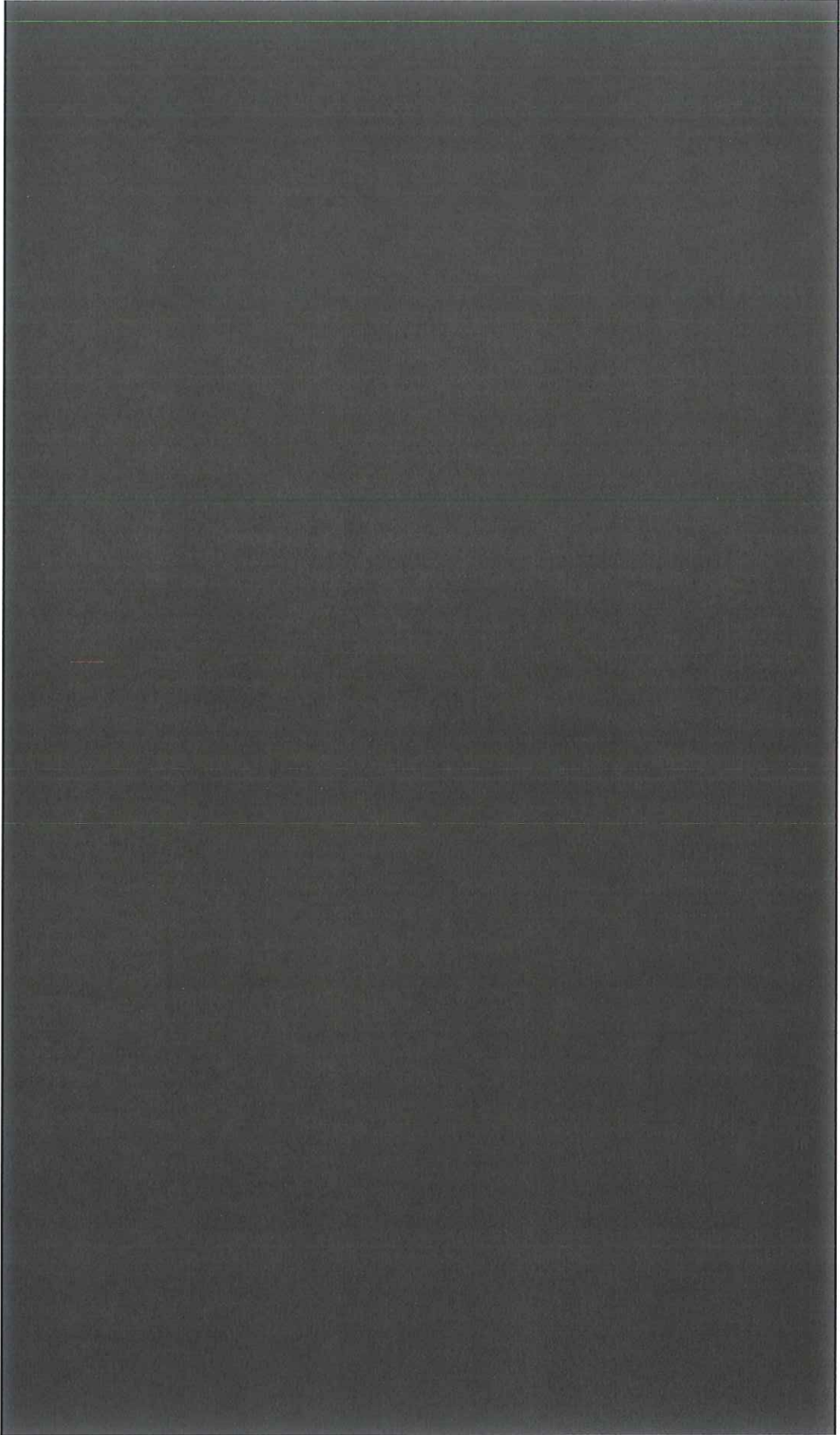
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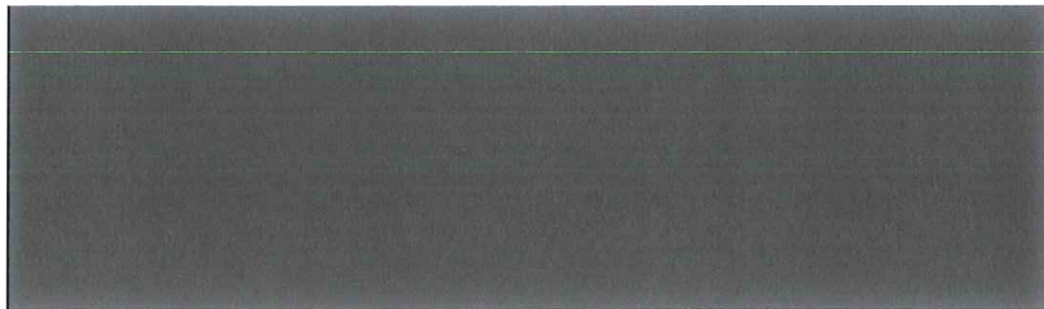
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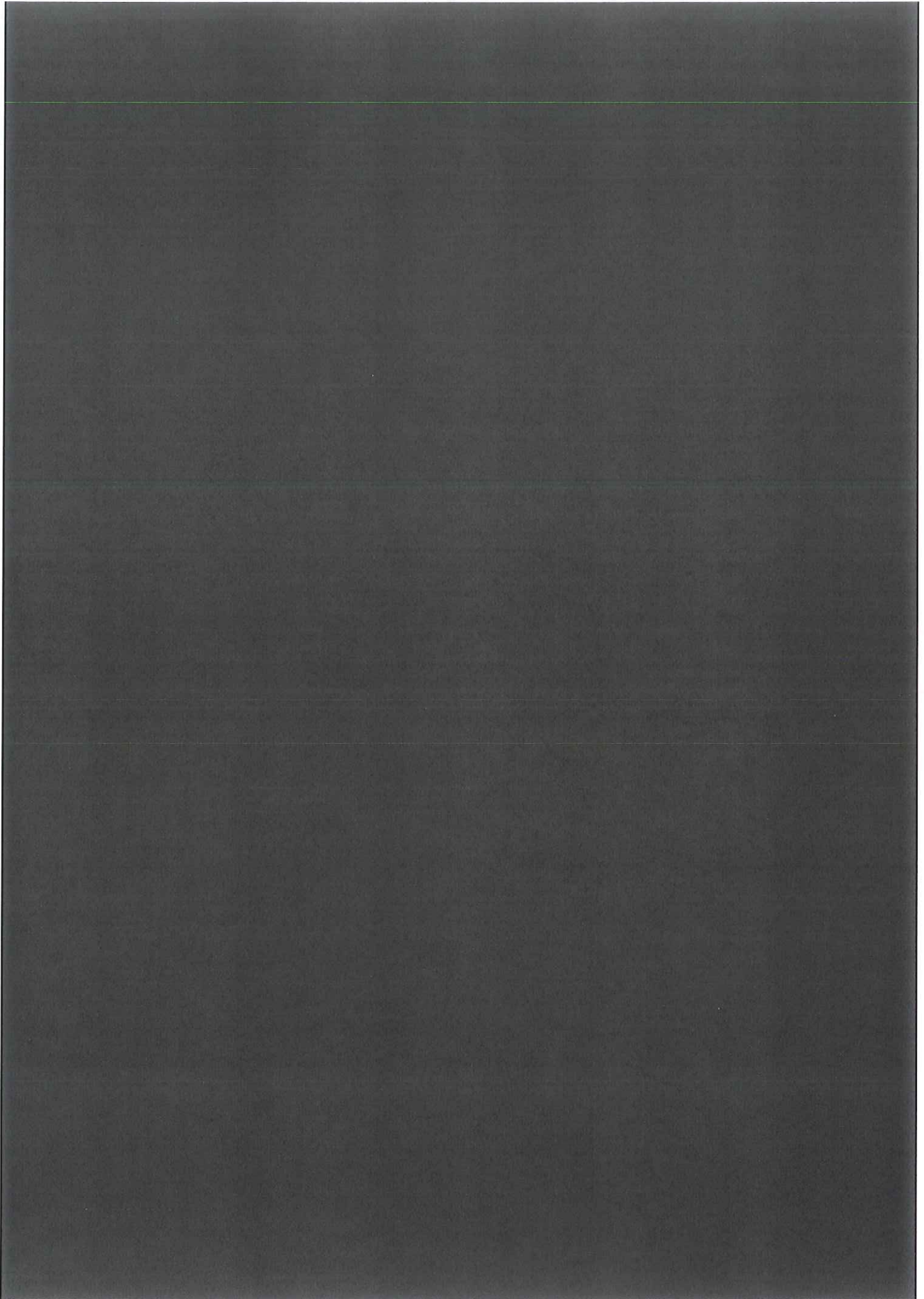
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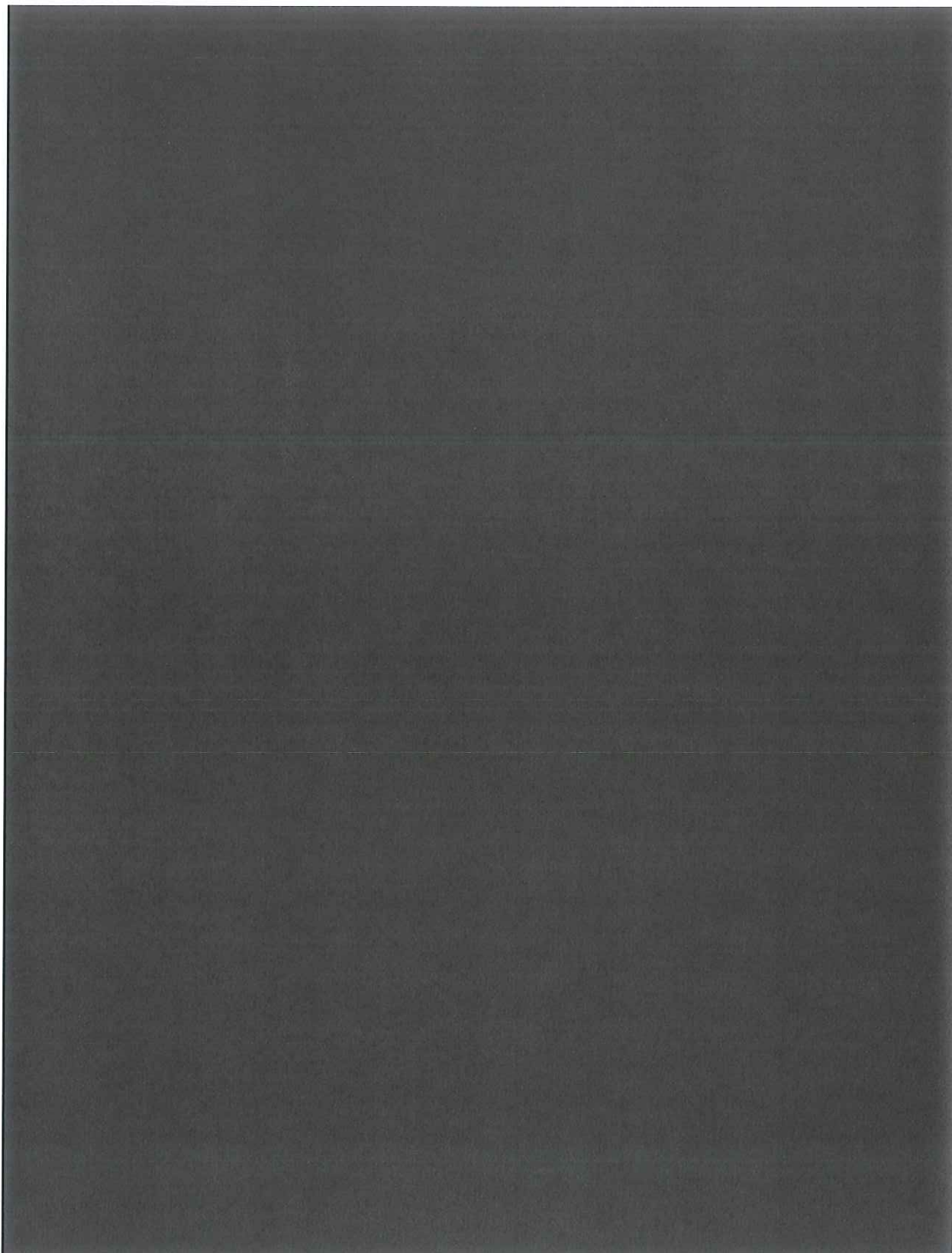
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ATTACHMENT B



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STRATEGIC ISSUES – COMMISSION OVERVIEW

Section B -

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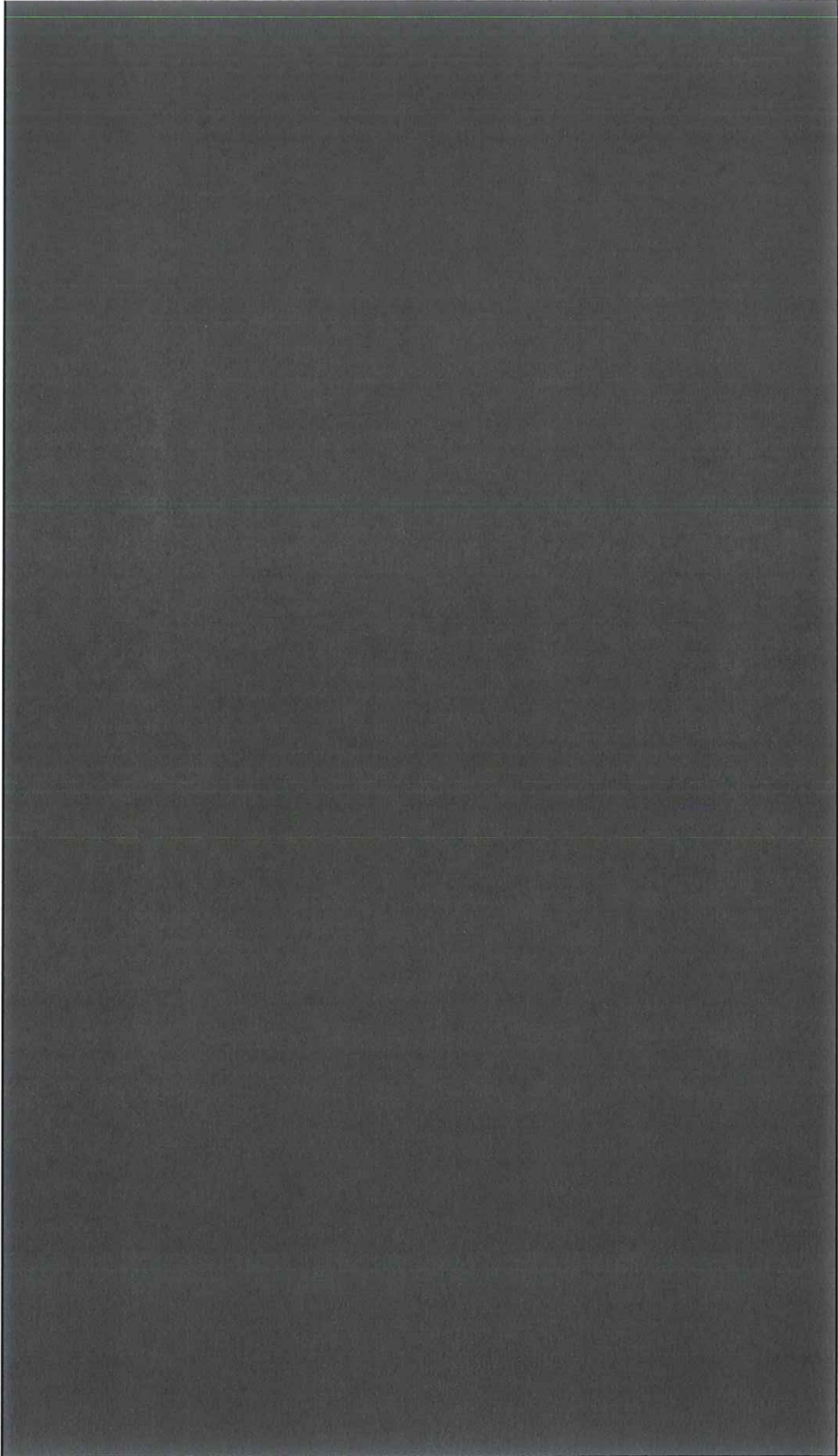
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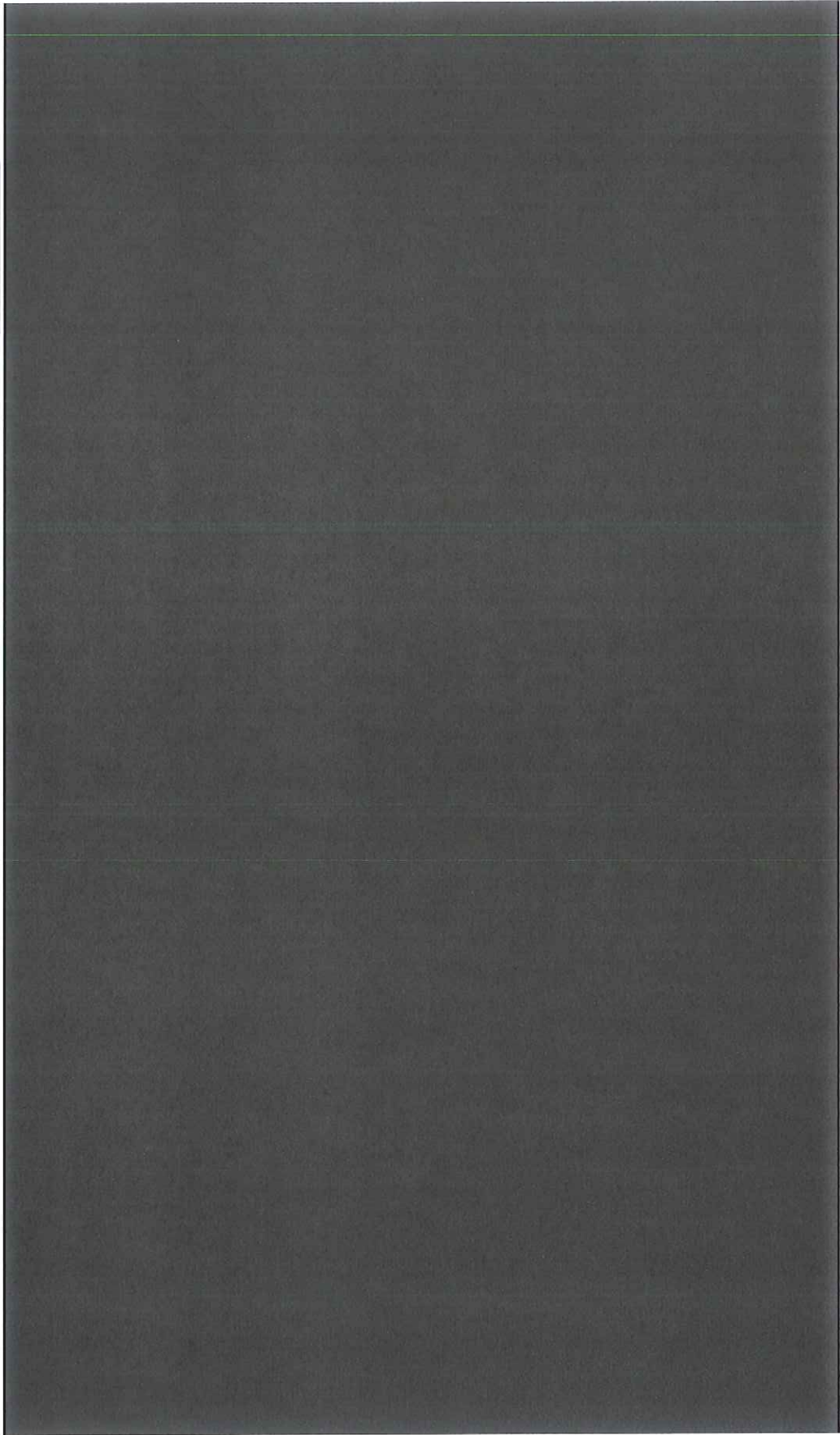
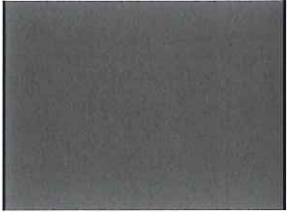
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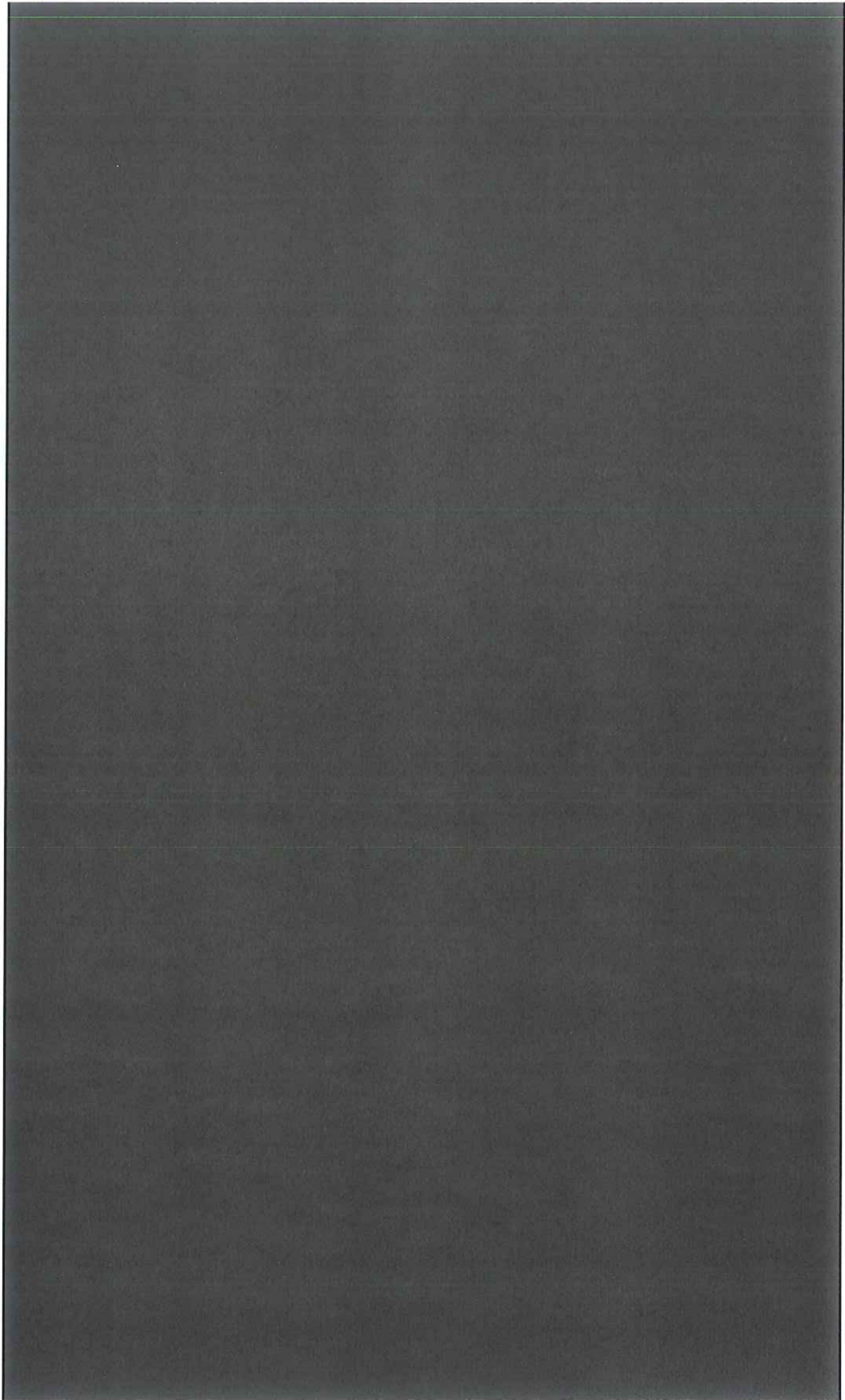
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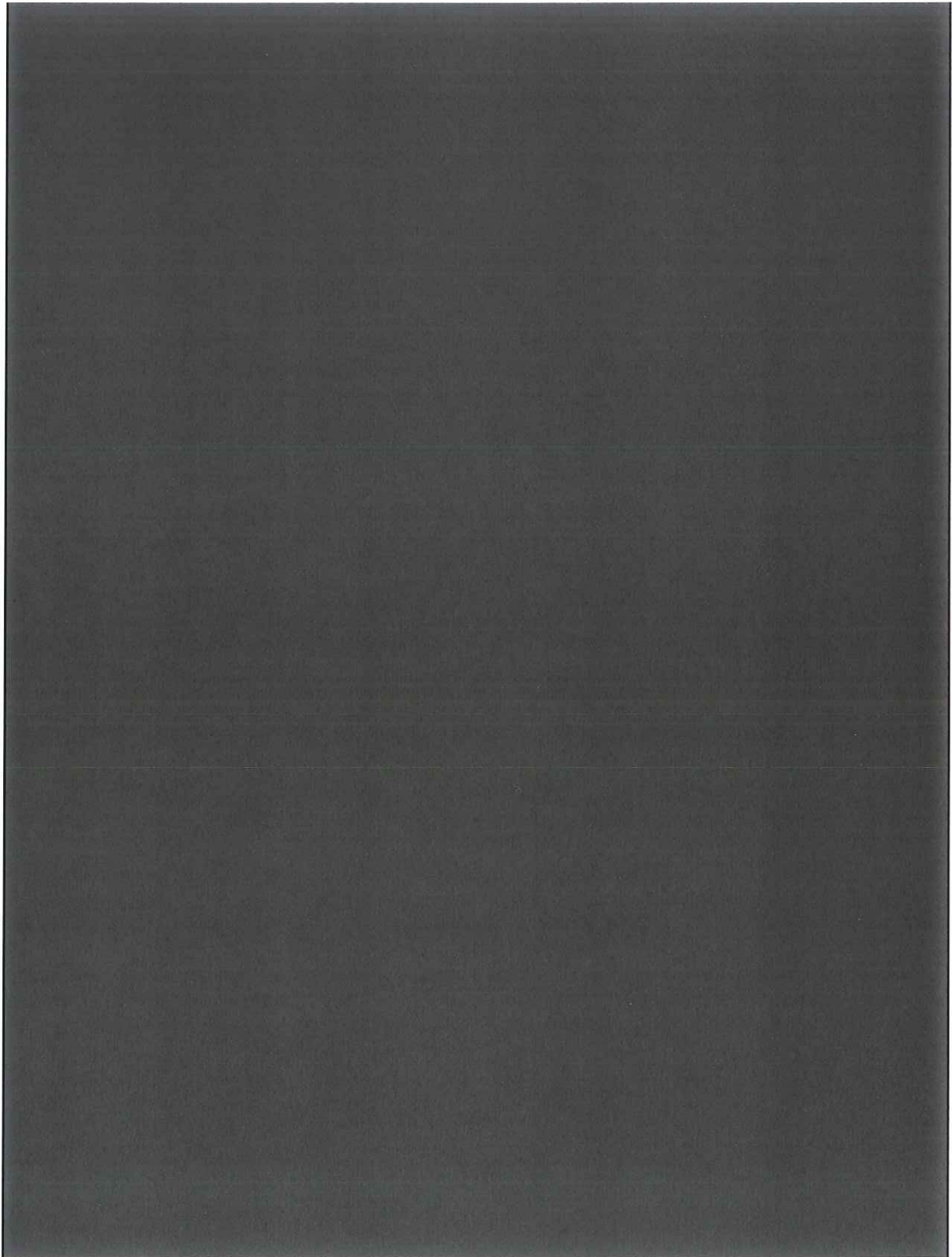


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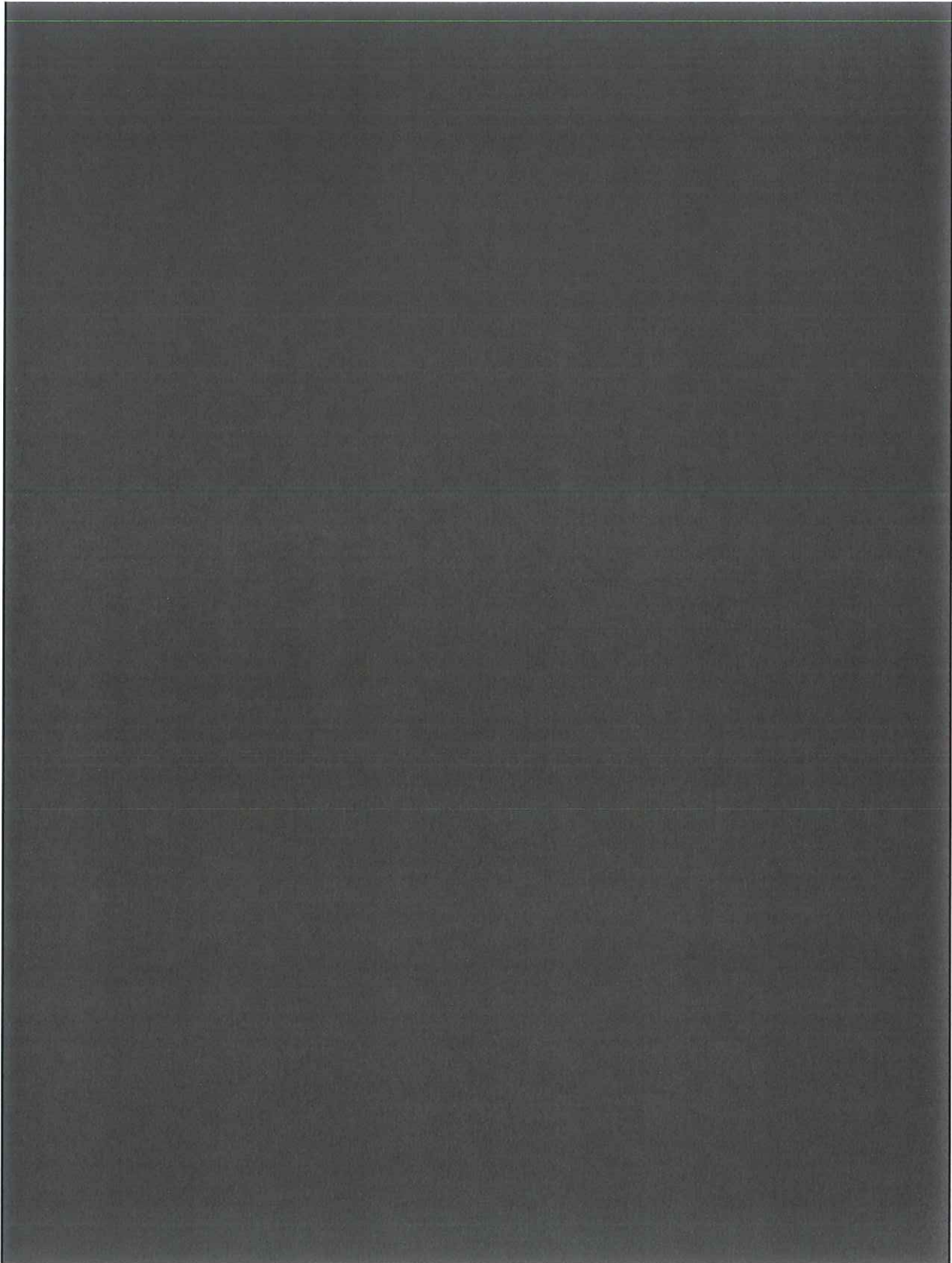


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ATTACHMENT C



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STRATEGIC ISSUES – COMMISSION OVERVIEW

Section C -

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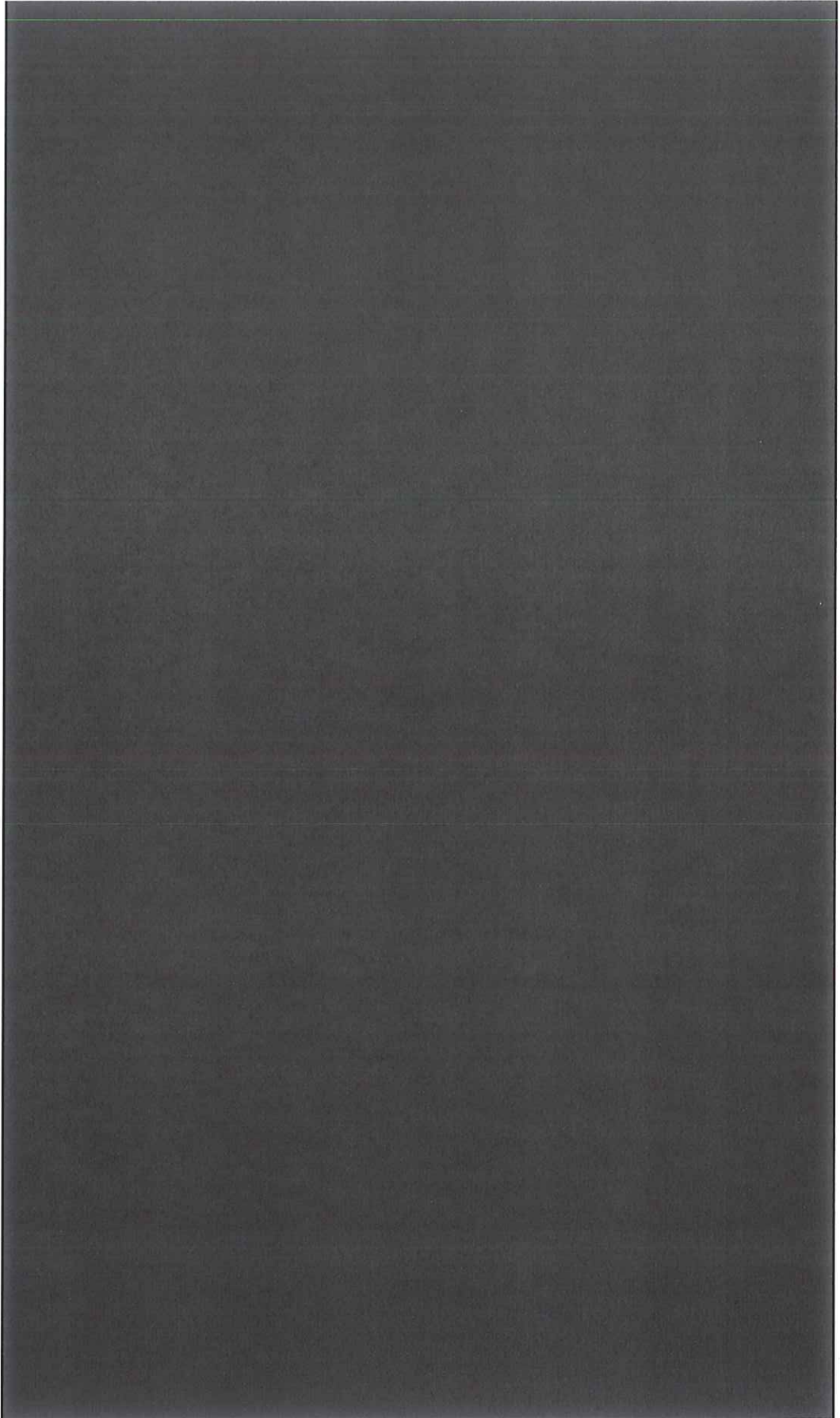
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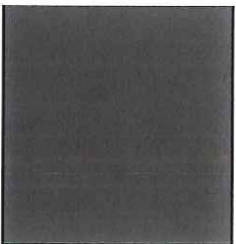
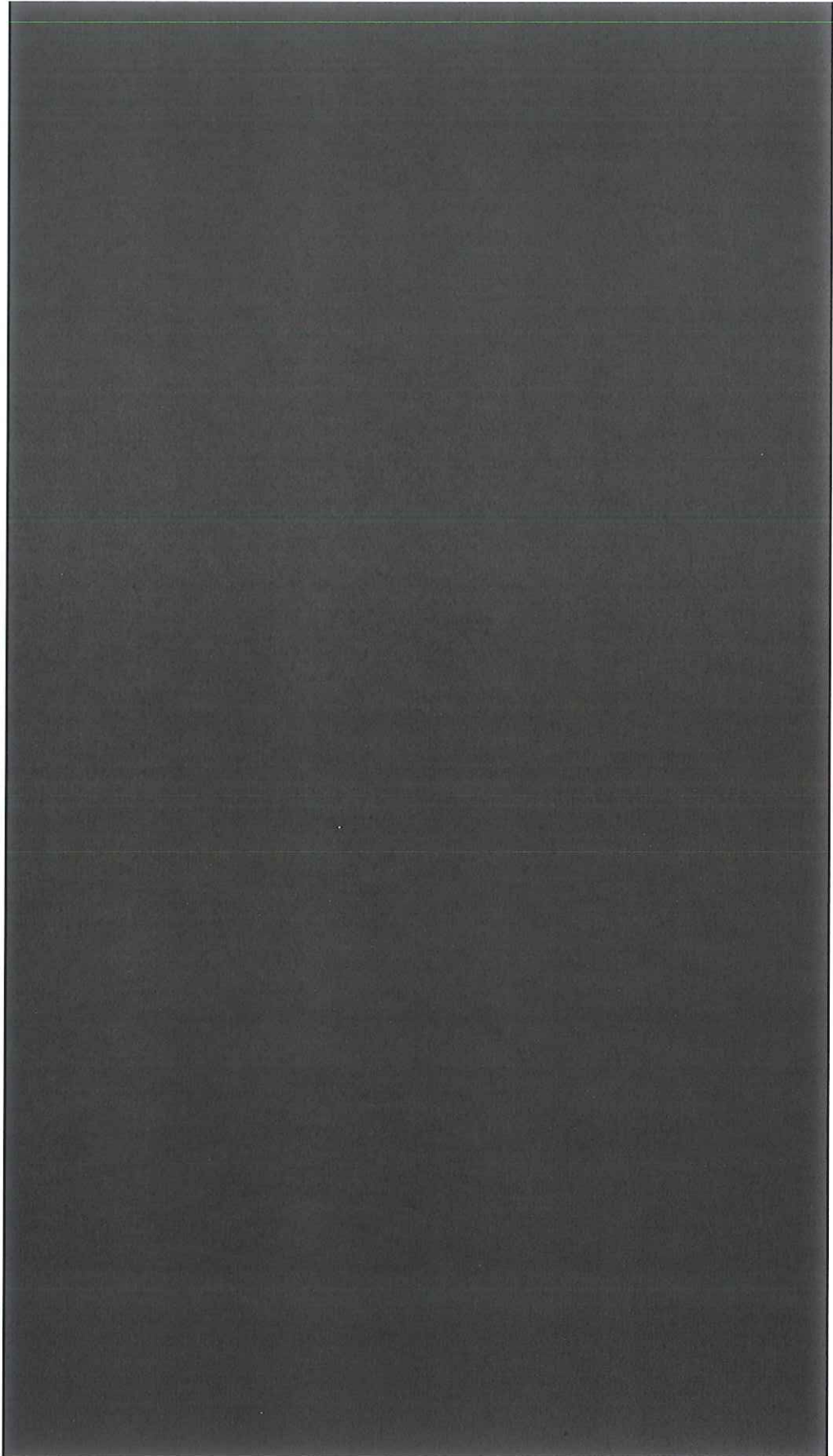
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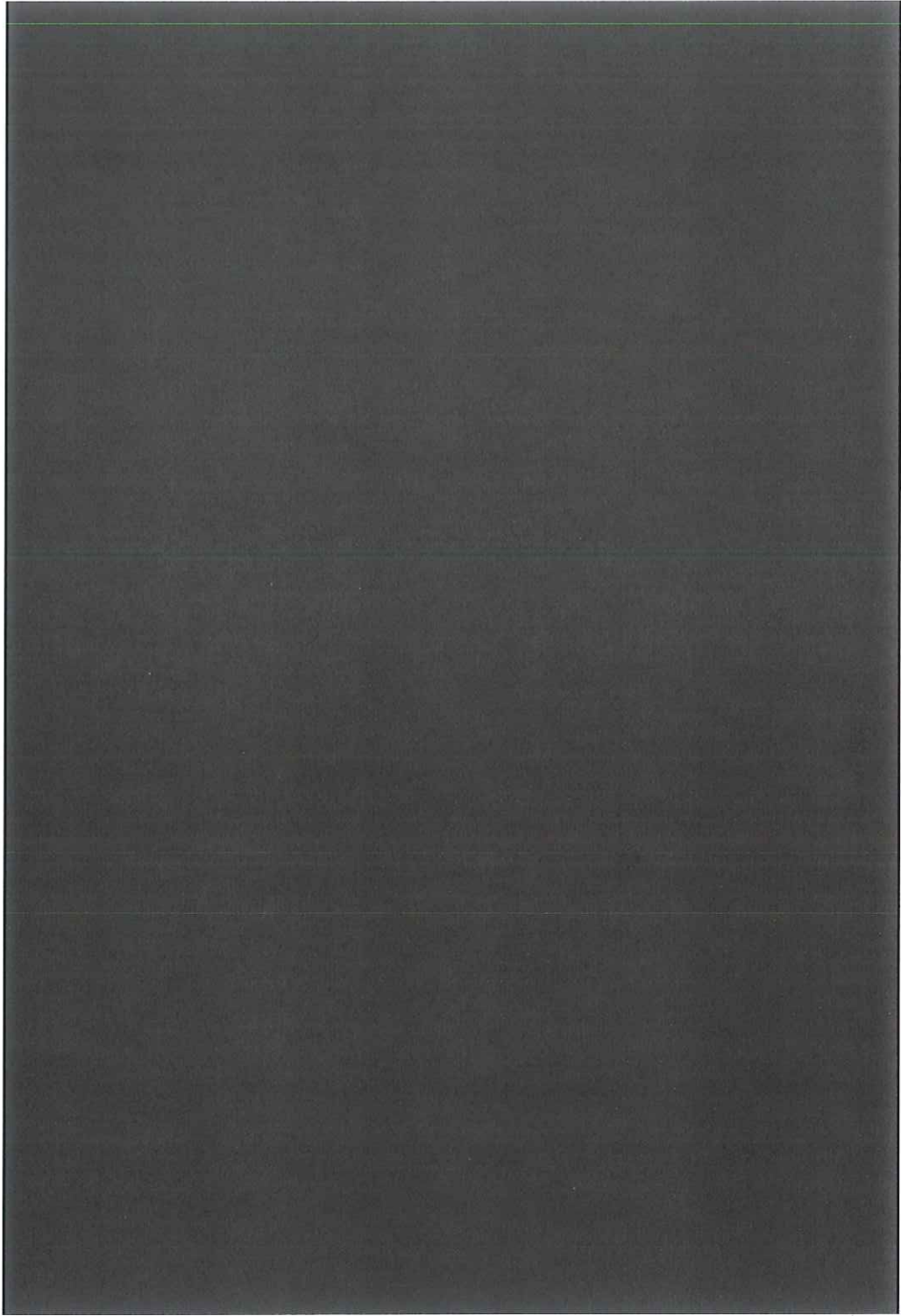
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Executive Profiles

C1

Title: Public Service Commissioner
Name: Mr Stephen Sedgwick AO
Contact Details: 02 6202 3501
[REDACTED]
steve.sedgwick@apsc.gov.au



Biography:

Mr Stephen Sedgwick AO was appointed as Public Service Commissioner under section 45 of the Public Service Act 1999. His five-year term began on 14 December 2009.

Mr Sedgwick has had a long and distinguished career in the public sector, having served in a number of departments beginning in 1972. He was Secretary to the Commonwealth departments of Finance, Employment and Education between 1992 and 2002, and was a member of the Board of the Asian Development Bank for five years until 2007. He became Australian Public Service Commissioner in December 2009 after a period as Professor and Director of the Melbourne Institute of Applied Economic and Social Research at the University of Melbourne. He was awarded the Centenary Medal in January 2001 and was made an Officer in the Order of Australia in June 2012.

Mr Sedgwick graduated with honours in economics from the University of Sydney and holds a master's degree from the University of London (London School of Economics and Political Science).

He is a Fellow of the Institute of Public Policy at the Australian National University (ANU), and is a member of a number of boards and advisory groups. These include the Sir Roland Wilson Foundation, the Advisory Council of the ANU Crawford School of Economics and Government, the Advisory Board for the Australian National Institute for Public Policy, the Board of Directors of the Commonwealth Association for Public Administration and Management, the Advisory Group for the Australian Human Rights Commission Male Champions of Change Research Project, the Jawun Board, the Parliamentary ICT Advisory Board, and the Board for the Centre for Excellence in Public Sector Design.

Role Description:

A list of the Public Service Commissioner's power's and functions are attached.

*PUBLIC SERVICE ACT 1999***Powers and functions of Australian Public Service Commissioner**

Section	Description
<i>Part 3 – The Australian Public Service</i>	
11	Australian Public Service Commissioner (Commissioner) may issue directions in writing in relation to any of the APS Values for the purpose of ensuring that the APS incorporates and upholds the Values; and determining where necessary the scope or application of the Values.
11A(1)	Commissioner may issue directions in writing about employment matters relating to APS employees, including in relation to engagement, promotion, redeployment, mobility, training schemes and termination.
11A(2)	Commissioner may issue directions in writing in relation to any of the APS Employment Principles for the purpose of ensuring that the APS incorporates and upholds the Principles; and determining where necessary the scope or application of the Principles.
15	Commissioner must issue Directions on the procedures established by an agency head for the purposes of the Code of Conduct.
16	Commissioner able to receive, or authorise a person to receive, a whistleblower report concerning a breach (or an alleged breach) of the Code of Conduct. (Commissioner may investigate the report or may decline to do so, or may discontinue an inquiry as per other provisions of the framework).
<i>Part 4 – APS employees</i>	
23	Commissioner may make rules about classifications of APS employees.
27	Commissioner may move an excess employee to another agency without anyone's consent.
38	Commissioner may issue a certificate stating that all relevant requirements have been met in respect of a proposed termination of employment of a Senior Executive employee and that the termination is in the public interest.
<i>Part 5 – The Public Service Commissioner</i>	
40(4)	Commissioner may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Commissioner's functions
41(1)	Commissioner has the following functions: <ul style="list-style-type: none"> (a) to strengthen the professionalism of the APS and facilitate continuous improvement in workforce management in the APS; (b) to uphold high standards of integrity and conduct in the APS; (c) to monitor, review and report on APS capabilities within and between Agencies to promote high standards of accountability, effectiveness and performance.
41(2)	Commissioner's functions include the following: <ul style="list-style-type: none"> (a) to foster, and contribute to, leadership, high quality learning and development and career management in the APS; (b) to lead the thinking about, provide advice on and drive reforms to workforce management policies so that the APS is ready for future demands; (c) to develop, review and evaluate APS workforce management policies and practices and maintain appropriate databases; (d) to foster an APS workforce that reflects the diversity of the Australian population; (e) to promote the APS Values, the APS Employment Principles and the Code of Conduct;

*PUBLIC SERVICE ACT 1999***Powers and functions of Australian Public Service Commissioner**

Section	Description
	<ul style="list-style-type: none"> (f) to evaluate the extent to which Agencies incorporate and uphold the APS Values and the APS Employment Principles; (g) to partner with Secretaries in the stewardship of the APS; (h) to provide advice and assistance to Agencies on public service matters; (i) to work with other governments (including foreign governments) on matters relating to public sector workforce management, leadership and career management; (j) to review any matter relating to the APS; (k) to review any matter relating to the APS referred to the Commissioner by the Public Service Minister, and report on that matter to the Public Service Minister; (l) to evaluate the adequacy of systems and procedures in Agencies for ensuring compliance with the Code of Conduct; (m) to inquire, in accordance with section 41A, into alleged breaches of the Code of Conduct by agency heads; (n) to inquire into and determine, in accordance with section 41B, whether an APS employee, or a former APS employee, has breached the Code of Conduct; (o) to inquire, subject to regulations made for the purposes of section 16, into whistleblower reports made to the Commissioner (or a person authorised by the Commissioner) as referred to in that section; (p) such other functions as are conferred on the Commissioner by this Act, the regulations (see regulations 6.1 and 6.1A) or any other law; (q) such other functions as the Prime Minister by legislative instrument, directs the Commissioner to perform; (r) to do anything incidental to or conducive to the performance of any of the Commissioner's functions.
41A	Commissioner may, for the purposes of paragraph 41(2)(m), inquire into an alleged breach of the Code of Conduct by an agency head and report on results of the inquiry to the PM or Agency Minister or Presiding Officers (depending on the particular agency head)
41B	Commissioner may, for the purposes of paragraph 41(2)(n), inquire into and determine whether an APS employee, or a former APS employee, in an agency has breached the Code of Conduct if: <ul style="list-style-type: none"> (a) the agency head or the PM requests the Commissioner to do so; and (b) the Commissioner considers it would be appropriate to do so. <p>Note: Commissioner must establish written procedures for inquiring into and determining whether an APS employee, or a former APS employee, in an agency has breached the Code of Conduct.</p> <p>In exercising this power, the Commissioner may exercise the same powers as the agency head may exercise in determining whether an APS employee, or a former APS employee, in the agency has breached the Code of Conduct.</p> <p>Commissioner must report on results of inquiry to the agency head and PM (where relevant) and if a finding is that the employee has breached the Code, the Commissioner may, if requested, recommend sanctions to be imposed.</p>
41C	PM may direct the Commissioner to undertake a systems review of any matter relating to an agency and Commissioner must give a report of the review to the PM and, where relevant, an Agency Minister or Secretary.

*PUBLIC SERVICE ACT 1999***Powers and functions of Australian Public Service Commissioner**

Section	Description
41D	PM may direct the Commissioner to undertake a special review of any matter relating to an agency or the functional relationship between 2 or more agencies. Commissioner must give a report of the review to the PM and the agency minister of each agency to which the review relates.
44	Commissioner must give an annual report to the Agency Minister and can require Agency Heads to give whatever information is required for the purposes of the report.
48A	PM to consult the Commissioner before appointing a person as a Special Commissioner.

Part 7 – Secretaries of Departments

58(6)	Commissioner must make a report to the PM about a vacancy in the office of Secretary, PM&C.
58(8)	Secretary, PM&C to prepare a report to the PM about a vacancy in an office of a Secretary in consultation with the Commissioner.
59(2)	Commissioner must make a report to the PM about the proposed termination of the appointment of the Secretary of PM&C.
59(3)	Secretary, PM&C to prepare a report to the PM about a proposed termination of the appointment of a Secretary in consultation with the Commissioner.
61A	Secretary, PM&C and Commissioner to establish framework for annual performance reviews of Secretaries.

Part 8 – Secretaries Board

64	Commissioner is a member of the Secretaries Board
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Part 10 – Administrative arrangements and re-organisations

72	PS Commissioner is able to take action to give effect to an administrative re-arrangement in accordance with the section (e.g. move APS employees between agencies or into or out of the APS, determine how certain staffing matters are to be resolved).
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Part 10A – Protection of information

72A	Commissioner may disclose protected information in certain circumstances
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Part 11 – Miscellaneous

78	Commissioner able to delegate powers and functions.
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*PUBLIC SERVICE REGULATIONS 1999***Powers and functions of Australian Public Service Commissioner**

Regulation	Description
<i>Part 2 – The Code of Conduct</i>	
2.5 & 2.7	Sets out circumstances in which the Commissioner will accept whistleblower reports, procedures for conducting such inquiries and circumstances where the Commissioner may decline to conduct, or may discontinue, an inquiry into a whistleblower report.
<i>Part 3 – APS employees</i>	
3.5(3)	Commissioner may approve a scheme which allows persons to be engaged as non-ongoing employee for a specified term to gain skills and experience for the purpose of assisting them to participate in the workforce.
3.5(5)	Commissioner may authorise the extension of a non-SES specified term employment beyond 3 years in special circumstances (to a maximum of 4 years).
<i>Part 6 – The Public Service Commissioner</i>	
6.1	Commissioner may inquire into any breaches of the Code of Conduct by the Merit Protection Commissioner and report to the Presiding Officers on the results of such inquiries (including, if relevant, recommendations for sanctions).
6.1A	Commissioner may inquire into an alleged breach of the Code of Conduct by a statutory office holder and may: <ul style="list-style-type: none"> (a) determine whether a breach of the Code of Conduct has occurred; and (b) make recommendations. <p>Commissioner must tell the Secretary the relevant portfolio department, or other relevant Agency Head, of the results of an inquiry unless the APS Commissioner is satisfied that it would be inappropriate to do so.</p> <p>If the Commissioner is satisfied that the results of the inquiry are sufficiently serious, the Commissioner must tell the Agency Minister or, if applicable, the Presiding Officers the results of the inquiry.</p>
6.3	Commissioner may decide to decline to conduct, or to discontinue, an inquiry into an alleged breach of the Code of Conduct by an Agency Head where the APS Commissioner concludes that conducting or continuing the inquiry is not in the public interest.
6.5	Commissioner may discontinue an inquiry into an alleged breach of the Code of Conduct by an APS employee or a former APS employee if the Australian Public Service Commissioner reasonably believes that to continue the inquiry would not be appropriate in all the circumstances.
<i>Part 9 – Miscellaneous</i>	
9.2	Commissioner may use information in the possession, or under the control, of the Commissioner if: <ul style="list-style-type: none"> (a) the information was obtained as part of the APS Commissioner's review or inquiry functions; and (b) the use is necessary for, or relevant to, an inquiry relating to the Code of Conduct conducted by the APS Commissioner. <p>Commissioner may disclose personal information in the possession, or under the control, of the Commissioner if:</p>

*PUBLIC SERVICE REGULATIONS 1999***Powers and functions of Australian Public Service Commissioner**

Regulation	Description
	<p>(a) the information was obtained as part of the APS Commissioner's review or inquiry functions; and</p> <p>(b) the disclosure is necessary for, or relevant to, an Agency Head's consideration of alleged misconduct by an APS employee.</p> <p>Commissioner may issue guidelines on operation of this regulation after consulting with the Australian Information Commissioner.</p>
9.3	Commissioner may delegate powers or functions under the Regulations

*AUSTRALIAN PUBLIC SERVICE COMMISSIONER'S DIRECTIONS 2013***Powers and functions of Australian Public Service Commissioner**

Clause	Description
Chapter 2 <i>Recruitment and selection</i>	
2.9(1)(c)	Agree that a vacancy can be notified with closing date of less than 7 calendar days.
2.9(3)	Agree that a vacancy can be notified in the Public Service <i>Gazette</i> as open only to APS employees.
2.10	Commissioner is represented in any SES selection process and endorses representative's certification of the process.
2.13	Authorise an agency head to engage non-ongoing employee as an ongoing APS employee without complying with normal merit selection requirements in exceptional circumstances.
2.20	Authorise promotion of an ongoing APS employee without complying with normal merit selection requirements in certain circumstances where the person has been appointed to a statutory office.
2.26	Agree to assignment of duties on an ongoing basis at an SES classification to an employee who is not an SES employee, provided that the employee's classification is in the same classification group as the SES classification.
2.29(2)	Agree that an employment decision need not be notified in the <i>Gazette</i> within 3 months.
2.29(5)	Approve non-inclusion of a person's name in a <i>Gazette</i> notification (after consultation with Merit Protection Commissioner in certain circumstances).
Chapter 3 <i>Workplace Diversity</i>	
3.5(2)	Evaluate and make an assessment of the effectiveness of agencies' workplace diversity programs (including for the purpose of the State of the Service Report).
Chapter 4 – <i>Performance management</i>	
4.2	Issue any relevant standards and guidance to agencies in circumstances where an agency is considering initiating code of conduct proceedings where the conduct of an employee raises performance issues and code of conduct issues.
Chapter 7 – <i>Other employment matters</i>	
7.1(7)(a)	Approve engagement of a redundancy benefit recipient as an ongoing employee or a non-ongoing SES employee.
7.1(7)(b)&(c)	Consult with an agency head before the engagement of a redundancy benefit recipient as: <ul style="list-style-type: none"> • a non-ongoing APS employee (below SES) where period term/task employment is longer than 6 months (or is extended so that it continues beyond 6 months); or • where the person is to be engaged as a locally engaged employee.
7.3	Agree to the amount to be paid to an SES employee as an incentive to retire if the employee retires within the period specified in the notice and be satisfied that certain other requirements have been met.
7.6	Receive information from agencies on employment-related data for the purposes of monitoring, evaluating and reviewing APS issues.
Part 8 – <i>Delegation</i>	
8.1	Commissioner may delegate powers or functions.

*AUSTRALIAN PUBLIC SERVICE COMMISSIONER'S DIRECTIONS 2013***Powers and functions of Australian Public Service Commissioner****Clause****Description***Schedule 1 Re-engagement of election candidates*

- | | |
|---|--|
| 4 | Declare that the person is taken to be a former employee of a specified Agency for the purposes of re-engagement of a former APS employee who resigned to contest an election. |
|---|--|

PUBLIC SERVICE CLASSIFICATION RULES 2000

Powers and functions of Australian Public Service Commissioner

Rule	Description
9(2A)	Commissioner to issue approved work level standards for SES classifications

Executive Profiles

C1

Title: *Acting* Deputy Public Service
Commissioner
Name: Ms Annwyn Godwin
Contact Details: 02 6202 3504

annwyn.godwin@apsc.gov.au



Biography:

Ms Annwyn Godwin was appointed as Merit Protection Commissioner in January 2008 and reappointed for a second five-year term in 2013. Ms Godwin joined the public service in 1990 and has extensive experience in the corporate and staffing-related fields, including with the Department of Immigration and Citizenship, the Department of Agriculture, Fisheries and Forestry and the Australian Customs and Border Protection Service. During her early career, she worked in a wide variety of private sector agencies including the Australian Stock Exchange and PA Consulting.

Ms Godwin has a Bachelor of Arts (Hons) from the University of Melbourne with majors in Australian politics and history and a Master of Business Administration from the Australian Graduate School of Management at the University of New South Wales. She is also a graduate of the Australian Institute of Company Directors.

Role Description:

The Deputy Public Service Commissioner provides support and assistance to the Public Service Commissioner.

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Executive Profiles

C1

Title: Chief Human Capital Officer

Name: Mr Ian Fitzgerald

Contact Details: 02 6202 3705


ian.fitzgerald@apsc.gov.au

Excluded from
scope of request



Biography:

Mr Ian Fitzgerald joined the Commission in January 2011 as the Chief Human Capital Officer.

Mr Fitzgerald's first career was in the justice sector, including delivery and policy lead roles in Australia and at the Home Office in London. More recently, he worked for Westpac for six years in various roles, including head of the overall People Strategy and Metrics function, head of Diversity, and other human resource director roles with the bank in Australia and New Zealand. He has a Bachelor of Science from the Australian National University and a Master of Business Administration from Macquarie Graduate School of Management.

Role Description:

Ian is the Chief Human Capital Officer with the Australian Public Service Commission. He works with APS colleagues and others to understand longer term drivers of change and the potential implications for public sector capability.

Among other areas, Ian is responsible for:

- Senior executive talent, leadership and orientation programs for the Australian Public Service (APS)
- A program of forward looking reviews of APS agencies' capability (strategic, delivery and leadership)
- Research and evaluation including the State of the Service Report
- Development work with selected public sector agencies overseas (AusAID funded)

Executive Profiles

C1

Title: Special Advisor Indigenous Engagement

Name: Ms Kerrie Tim

Contact

Details: 02 6202 3942

[REDACTED]

kerrie.tim@apsc.gov.au



Biography:

Ms Kerrie Tim is on secondment to the Australian Public Service Commission as Special Advisor Indigenous Engagement from the Department of Families, Housing, Community Services and Indigenous Affairs. The 18 month secondment is to October 2013.

A graduate of the University of Queensland, Ms Tim has extensive experience in the public sector including the former Aboriginal and Torres Strait Islander Services and its predecessor, ATSIC, the Australian Public Service Commission, the Department of the Prime Minister and Cabinet, and the Departments of Education and Aboriginal Affairs. Ms Tim is a former Executive Director to the Queensland Government, having worked within the Department of the Premier and Cabinet and before that the Department of Aboriginal and Torres Strait Islander Policy.

Ms Tim's international experience includes representing Australian governments in discussions in the Philippines, United States, Canada and New Zealand and taking part in an Australian Government executive leadership program to China and Indonesia.

Ms Tim is a member of the National Anti-Racism Partnership, the Australian Public Service Indigenous Governance Network and Centenary of Canberra Indigenous Reference Group.

Role Description:

The role of the special Advisor Indigenous Engagement is to provide strategic leadership and subject-matter expertise to motivate improvements in whole of government Indigenous policy approaches and collaboration, including improving employment outcomes for Indigenous Australians in the APS.

Executive Profiles

C1

Title: Acting Merit Protection Commissioner

Name: Ms Karin Fisher

Contact Details: 02 6202 3506
 [REDACTED]
karin.fisher@apsc.gov.au



Excluded from
scope of request

Biography:

Ms Karin Fisher has acted as Merit Protection Commissioner since 8 August 2013 and on various occasions since 2008. Ms Fisher's substantive position is Group Manager, Ethics. Ms Fisher joined the public service in 1996 and she has extensive experience in public administration, administrative review and law, public service reform and ethics. Before moving to Australia Ms Fisher was a civil servant in the UK Home Office where she worked on public service reform, financial management and corporate staffing issues, and in her early career as an adviser to Home Secretaries, William Whitelaw and Leon Brittan.

Ms Fisher has a Master of Business Administration from the University of Canberra.

Ms Annwyn Godwin is the substantive holder of the office. She was re-appointed to this role by the Governor-General in January 2013 and her term expires in January 2018. Ms Godwin is currently acting Deputy Commissioner.

Role Description:

The Merit Protection Commissioner functions are set out in section 50 of the Public Service Act and Parts 4, 5 and 7 of the Public Service Regulations. Key functions are:

- to conduct independent reviews of employment actions, including promotion decisions, under section 33 of the Act
- to inquire into whistleblower reports made under section 16 of the Act
- to establish Independent Selection Advisory Committees at the request of an agency head on a fee-for-service basis.

The Merit Protection Commissioner may also undertake fee-for-service activities relating to her functions at the request of other government and non-government bodies.

Staff supporting the Merit Protection Commissioner are made available by the Public Service Commissioner.

APSC Organisational Chart

September 2013

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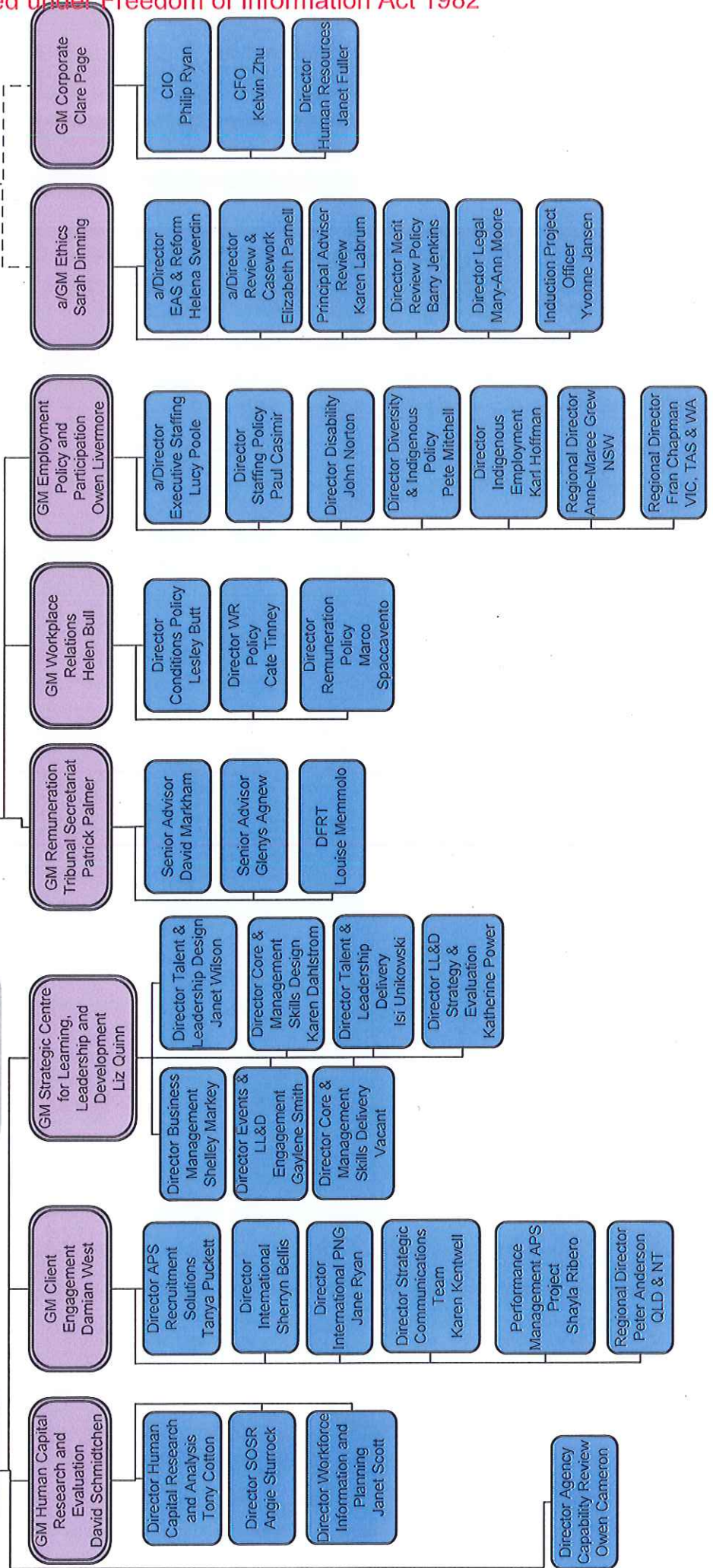
90
APS Commissioner
Steve Sedgwick

a/Deputy APSC
Commissioner
Annwyn Godwin

a/Merit Protection
Commissioner
Karin Fisher

Special Advisor
Indigenous
Engagement
Kerrie Tim

Chief Human Capital
Officer
Ian Fitzgerald



91 APSC Group Profiles

C3

GROUP: Client Engagement
GROUP MANAGER: Dr Damian West
CONTACT DETAILS: 02 6202 3833
damian.west@apsc.gov.au

GROUP DESCRIPTION:

The Group has a lead role in implementing a number of key APS reform projects including strengthening performance management and mobility, panel service management, and streamlining recruitment and improving induction. The Group also leads the Commission's client engagement and communication strategies, manages the Queensland and Northern Territory regional presence and the international development program.

Performance Management

- Support high performance for the APS through the development of a diagnostic instrument and a high performance framework that allows agencies to test approaches and develop strategies to achieve high performance. This involves deep analysis of agencies practices using qualitative and quantitative data.

Panel Service Management

- Through business process redesign and service improvements to the APSC learning panel services business (a \$200 million procurement facility), maximise value for money outcomes for APS agencies and reduce the compliance burden for industry.

APSjobs (online jobs notice board)

- Oversight operational management of the online jobs notice board and gazette functions (APSjobs). Recent efforts have grown usage from 4 million to 5.5 million visitors per year creating efficiencies for agencies, and enhanced performance metrics.

Communications and Production

- Oversight production of over 200 publications per year, including the State of the Service Report, Capability Reviews and other key Commission documents. Manage the website and client engagement activities to maximise knowledge sharing.

International Development

- Manage, on behalf of the Australian Government (AusAID), key strategic public sector development activities in Indonesia, PNG, Kiribati, Samoa, the Marshall Islands, the Solomon Islands and Ghana. Projects are focussed on improving governance and structure, agency capability and human resource development activities.

KEY RESPONSIBILITIES 2013-14

- Pilot a performance management diagnostic tool in APS Agencies
- Finalise the Panel Service Refresh; manage new tender process, the design of a new operating model, business process and new service standards
- Deliver major international projects, which strengthen relationships between the Australian Government and the host country, and improve the public sector in partner countries. At the request of the Government of Indonesia support critical reform projects.

APSC Group Profiles ⁹²

C3

GROUP: Corporate
GROUP MANAGER: Ms Clare Page
CONTACT DETAILS: 02 6202 3524



clare.page@apsc.gov.au

Excluded from
scope of request

GROUP DESCRIPTION:

The group underpins the operations of the Commission by providing assurance and governance on human resource management and workforce development; budget and financial management; property services; records management; ministerial and parliamentary services; and information and communications technology.

KEY RESPONSIBILITIES 2013-14

- Progress transition to SAP Corporate Enabling Services provided through MOU with DEEWR (SAP Financial and HR)
- Manage implementation of 2013-14 Capital Projects
- Prepare for implementation of *Public Governance, Performance and Accountability Act* on 1 July 2014
- Progress Commission's Enterprise Agreement Bargaining Arrangements
- Implement Privacy Act Reforms

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APSC Group Profiles ⁹³

C3

GROUP: Ethics
**ACTING GROUP
MANAGER:** Ms Sarah Dinning
CONTACT DETAILS: 02 6202 3846
sarah.dinning@apsc.gov.au

GROUP DESCRIPTION:

Supports the Australian Public Service Commissioner (the Commissioner) with his function of upholding high standards of integrity and conduct in the APS by:

- Providing advice to Government and APS leadership on the APS Values, ethical and conduct issues
- Strengthening management practices through reviews and inquiries conducted by the Commissioner that have an ethical dimension
- Advising APS employees on ethical decision-making.

Supports the review and inquiry functions of the Merit Protection Commissioner, including through feedback to APS leadership on the quality and fairness of their employment decision making.

KEY RESPONSIBILITIES 2013-14

- Guidance to assist agency heads to embed recently revised APS Values, Employment Principles and Code of Conduct to support a high performing APS.
- Gather and analyse data on integrity issues in the APS.
- With the Privacy Commissioner and agencies, promulgate policy guidance on the management of personal information, especially in relation to misconduct.
- Work with the Attorney-General's Department on approaches to combatting corruption.
- Advise Government and agency heads on emerging integrity issues, including through an Ethics Advice Service which delivers a telephone and email helpline to APS employees and managers.
- Support the work of the Ombudsman in developing guidance material for APS agencies on the operation of the Public Interest Disclosure Act 2013, including referrals to the Commissioners.
- Support the Commissioner with inquiries into suspected agency head misconduct, and undertake other reviews and inquiries on behalf of the Commissioner as appropriate.
- Conduct reviews of employment actions on behalf of the Merit Protection Commissioner.
- Conduct APS whistleblowing inquiries on behalf of both Commissioners until the repeal of that scheme in Jan 2014.

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94 APSC Group Profiles

C3

GROUP: Human Capital, Research & Evaluation

GROUP MANAGER: Dr David Schmidtchen

CONTACT DETAILS: 02 6202 3707



david.schmidtchen@apsc.gov.au

Excluded from
scope of request

GROUP DESCRIPTION:

The purpose of the Human Capital Research and Evaluation Group is to provide a focus for evidence-based thought leadership on human capital in order to position the APSC to lead and shape APS reform. The objectives of the Group are to:

- Strengthen human resources workforce capability and capacity in human capital practice, measurement and reporting
- Improve the quality of central human capital reporting provided to APS agencies
- Develop an evidence-based understanding of workforce and workplace issues that support effective decision making and productivity
- Develop benchmarks that support continuous improvement in APS and agency human capital planning.

The Group manages the delivery and analysis of the APS Employee Census and oversees the production and publication of the annual State of the Service Report. It is also responsible for producing the APS Statistical Bulletin and SnAPShot, which is available online to agencies and publicly through an internet interface (APSEDii). The Group maintains capabilities in survey design and delivery, data collection and management, evaluation design and delivery, and quantitative and qualitative research methods. These capabilities are made available as services that can be accessed by all APS agencies.

KEY RESPONSIBILITIES 2013-14

- Deliver the 2012–13 State of the Service Report and APS Statistical Bulletin (28 November 2013).
- Improve the accessibility and useability of APSED data through APSEDii.
- Investigate, and where appropriate test, the collection of unscheduled absence leave data from agencies through APSED.
- Develop measures that identify an evidence-based link between strategic human resource management and the APS productivity/efficiency agenda

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95 APSC Group Profiles

C3

GROUP: The Remuneration Tribunal and
Defence Force Remuneration Tribunal Secretariats

GROUP MANAGER: Mr Patrick Palmer

CONTACT DETAILS: 02 6202 3824

[REDACTED]

Excluded from
scope of request

patrick.palmer@apsc.gov.au

GROUP DESCRIPTION:

The group provides secretariat services to the President and members of both Tribunals.

The Remuneration Tribunal is an independent statutory authority established under the *Remuneration Tribunal Act 1973* to inquire into, determine and report on, or provide advice about the remuneration of public office holders within its jurisdiction.¹

The Defence Force Remuneration Tribunal (DFRT) is an independent statutory authority established under the *Defence Act 1903* to inquire into, and determine the salaries and relevant allowances to be paid to members of the Australian Defence Force (ADF).

KEY RESPONSIBILITIES 2013-14

- The Remuneration Tribunal holds formal meetings to consider matters at regular intervals throughout the year.
- Consistent with the requirements of the Act the Tribunal conducts annual reviews of remuneration and travel allowances.
- The group provides secretariat support to the Tribunal; develops detailed briefs, conducts research and develops and supports its work program.
- The group briefs the Minister on relevant issues including declaration of Principle Executive Offices; and supports the Minister tabling Tribunal determinations in Parliament.
- The group compiles the Tribunal's annual report.
- The work of the DFRT is in general terms activated by matters brought before it by the parties, in particular the ADF. The DFRT conducts formal hearings and sits as and when required to deal with matters.
- The DFRT visits ADF establishments as part of its work.
- The Secretariat briefs the DFRT; manages arrangements for hearings and visits; and manages the various stakeholder relationships.
- The DFRT is not required to compile an annual report but reports to the minister and on its website on its activities throughout the year.

¹ The President of the Tribunal will separately brief the Minister on its functions, priorities and work program.

APSC Group Profiles ⁹⁶

C3

GROUP: Strategic Centre for Leadership, Learning & Development
GROUP MANAGER: Ms Liz Quinn
CONTACT DETAILS: 02 6202 3760
liz.quinn@apsc.gov.au

GROUP DESCRIPTION:

The Strategic Centre for Leadership, Learning and Development was established within the APSC in July 2010 to ensure the Australian Public Service has a contemporary, systematic approach to learning & development, leadership development and talent management. To assist with shaping and enhancing the capability of the APS workforce, the Strategic Centre:

- Defines current and future capability requirements through an Annual APS Leadership and Core Skills Strategy
- Improves leadership through talent management, leadership programs, advice and support
- Offers APS learning and development advice, services and programs

KEY RESPONSIBILITIES 2013-14

- Develop, in partnership with PM&C, an Asian Capability Strategy
- Refresh the APS Leadership Development and Core Skills Strategy to reflect emerging insights and priorities for the APS
- Contribute to thought leadership and best practice for APS leadership, learning and development
- Strengthen talent and leadership development through the design and implementation of contemporary APS learning programs and other development activities
- Develop and implement learning standards and products to support core skills development across the APS
- Provide a range of learning and development services and advice for the APS including a calendar of programs and accredited training
- Design and deliver a range of whole-of-APS events that support the development of one APS

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APSC Group Profiles ⁹⁷

C3

GROUP: Workplace Relations
GROUP MANAGER: Ms Helen Bull
CONTACT DETAILS: 02 6202 3703
helen.bull@apsc.gov.au

GROUP DESCRIPTION:

The Group is responsible for workplace relations policy for the APS and non-APS Commonwealth Authorities. This responsibility is discharged through a number of means including development, implementation and advice on the APS and Australian Government Employment Bargaining Frameworks; conducting the annual APS Remuneration Survey; representing the Commonwealth in the Defence Force Remuneration Tribunal; holding responsibility for the *Long Service Leave (Commonwealth Employees) Act 1973* and the *Maternity Leave (Commonwealth Employees) Act 1976*; advising agencies on workplace relations developments such as the interpretation and implementation *Fair Work Act 2009* and industrial disputes; and maintaining relationships with State, Territory and international counterparts.

KEY RESPONSIBILITIES 2013-14

- Develop and implement a Commonwealth Government employment bargaining framework to support the next round of APS (and non-APS) bargaining.
- Develop remuneration policy which reduces dispersion of salaries and focuses on affordability.
- Conduct APS remuneration survey and publish annual APS Remuneration Report.
- Modernise APS Award in accordance with Fair Work Act.
- Consult with and provide information to non-APS Commonwealth agencies and support them to modernise awards applicable to their employees (as far as practicable within the APSC's remit).
- Represent the Minister for the Public Service in relation to Australian Defence Force (ADF) remuneration matters, both in dialogue with the ADF and where matters are under consideration by the Defence Force Remuneration Tribunal, as appropriate.
- Provide advice and support to agencies on workplace relations matters including:
- Machinery of Government changes and determinations under s24.1 of Public Service Act 1999;

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- Responsibilities under the Maternity Leave (Commonwealth Employees) Act 1973 and the Long Service Leave (Commonwealth Employees) Act 1976
- Provide the Human Resources Operations Training Program to agencies on a cost neutral basis.
- Provide the Allowance Subscription Service to agencies on a cost neutral basis.

COMMISSION'S STRATEGIC DIRECTIONS AND PRIORITIES

Key Issues

A copy of the Commission's Strategic Directions Statement 2011-14 is attached. This is complemented by a set of APSC leadership behaviours which all senior leaders (SES and Executive Level 2 staff) have committed to. The strategic priorities are supplemented each year with a set of annual objectives, which reflect key deliverables and activities.

Vision Statement

To lead and shape a unified, high-performing APS.

Strategic Priorities

- One APS – build a unified, citizen-centric APS by leading APS organisational and human capital strategies.
- APS Agencies – drive APS agencies' adoption of best human capital practices and assure agencies' organisational capability.
- APS leaders – Develop outstanding leaders and shape a cohesive leadership network.
- APS Values – instil and enliven PS ethics and values to inspire excellence.
- APSC Capability – invest in and grow the APSC's capability to deliver its expanded role.

Strategic Objectives 2013-14

- Develop and demonstrate the link between strategic HR and the productivity/efficiency agenda.
- Achieve a more strategic management of performance framework.
- Develop objective evidence of the integrity levels of the APS.
- Enhance the link between the APSC's work and financial outcomes.
- Cement a cultural shift in the approach to talent management.
- Develop a sound understanding of the dynamics of the Indigenous and disability segments of APS employment.
- Support the development of APS agreements that genuinely support measurable productivity improvement.
- Articulate the business case for values based workplaces.
- Maintain a motivated, purposeful and engaged workforce by promoting an agenda that advances the productivity and relevance of the APS.
- On behalf of the Australian government strengthen the capability of partner Countries to improve public sector effectiveness, efficiency and the quality of services to citizens.

BUDGET – FUNDING FOR 2013–14 AND OUT YEARS

Background

The Commission receives funding from two primary sources:

- Budget appropriation (44 per cent in 2013–14); and
- Fee for service income (56 per cent in 2013–14).

The Commission's operating budget funding comprises the following elements:

Item	2013–14 \$'000	2014–15 \$'000	2015–16 \$'000	2016–17 \$'000
Appropriation from government:				
Ongoing funding – operating	21,411	21,383	21,475	21,672
APS Indigenous employment strategy	595	595	0	0
Total appropriation funding*	22,006	21,978	21,475	21,672
Fee for service income:				
<i>Agency contributions:</i>				
Strategic Centre for Leadership, Learning and Development	3,802	3,802	3,802	292
Indigenous Employment	956	956	956	0
<i>Fee for service activities:</i>				
Learning and Development	10,984	11,263	11,550	11,844
Capability Reviews	3,646	0	0	0
All other activities	8,097	7,899	8,058	8,220
Total fee for service income	27,485	23,920	24,366	20,356
Total operating funding	49,491	45,898	45,841	42,028

*Appropriation funding numbers include a minor parameter adjustment in July 2013 and therefore are different to numbers in the 2013–14 Portfolio Budget Statements.

Appropriation funding

The total operating budget appropriation for the Commission in 2013–14 is \$22.0 million. This is expected to reduce in the out years as the targeted savings for public service efficiencies increase.

Funding for the Indigenous Employment Strategy budget measure is \$0.6 million per year. It commences from 2012–13 and terminates in 2014–15.

Fee for service income

Income from fee for service activities is estimated to decrease from \$27.5 million in 2013–14 to \$23.9 million in 2014–15. This decrease of \$3.6 million arises because the first round of Capability Reviews will be completed in 2013–14. A decision has yet to be taken about any subsequent program.

The majority of fee for service income is earned in an open market where agencies have choices about where, and the level of services they source.

The Commission has entered agreements with agencies that have staffing levels of over 200 employees to support the Strategic Centre for Leadership, Learning and Development over

five years commencing in 2011–12 (\$3.8 million in 2013–14) and for Indigenous Employment for three years commencing in 2013–14 (\$1.0 million in 2013–14). Both agreements cease in 2015–16.

Operating loss

The Commission is budgeting for a loss, as approved by the former Minister for Finance and Deregulation, in each financial year from 2013–14 to 2016–17. This budgeted loss is due to the net cash funding arrangements, whereby depreciation expense is no longer funded.

Government Economic Statement (August 2013)

Further reductions in appropriations are expected for initiatives that were announced in August 2013 Economic Statement, but are not yet reflected in the budget. The increase of efficiency dividend to 2.25 per cent is expected to reduce appropriation funding by \$0.2 million in 2014–15, \$0.5 million in 2015–16 and \$0.8 million in 2016–17.

The Commission will review its budget in light of the reduced funding for out years. As part of the review the Commission will discuss with Government its priorities and determine how to best direct resources to these initiatives and continue to perform its statutory functions.

Group: Corporate
Contact Officer: Kelvin Zhu
E-mail: kelvin.zhu@apsc.gov.au
Telephone: 02 6202 3569

Group Manager: Clare Page
Contact Number: 02 6202 3524

REMUNERATION TRIBUNAL

The Remuneration Tribunal is an independent statutory authority established under the *Remuneration Tribunal Act 1973*. The Tribunal consists of three part-time members appointed by the Governor-General. Current members are as follows:

President - Mr John Conde AO recently reappointed 25 June 2013 for 5 years
(contact: John.Conde@bupa.com.au ph: 02 [REDACTED])

← Excluded from
scope of request

Member – Mr John Prescott AC appointed 25 February 2010 for 5 years

Member - Ms Jillian Segal AM appointed 12 April 2010 for 5 years

The Tribunal's role is to inquire into, determine and report on, or provide advice about remuneration, including allowances and entitlements that are within its jurisdiction for the following:

- federal Parliamentarians, including Ministers and Parliamentary office holders;
- judicial and non-judicial offices of federal courts and tribunals;
- Secretaries of Departments;
- full-time and part-time holders of various public offices;
- Principal Executive Offices.

DEFENCE FORCE REMUNERATION TRIBUNAL

The Defence Force Remuneration Tribunal was established in 1984 under the *Defence Act 1903* to enable the pay and allowances of members of the Australian Defence Force to be determined having regard to the special nature of Defence Force service. The Tribunal consists of three part-time members appointed by the Governor-General. Current members are as follows:

President - The Hon. Anne Harrison (Senior Deputy President of Fair Work Australia) appointed on 9 February 2012 for 5 years (contact: Harrison.sdp@fwa.gov.au ph: 0283746582)

Member – The Hon. Arch Bevis appointed 12 May 2011 for 5 years

Member – Brigadier William Rolfe AO (ret'd) appointed 29 September 2011 for 3 years

The Tribunal's role is to:

- inquire into and determine the salaries and relevant allowances to be paid to members of the Australian Defence Force; and
- inquire into and make determinations on prescribed matters that have been referred to the Tribunal.

The Commission has a small group of people that provide secretariat services to both Tribunals.