

OFFICIAL – Sensitive
February 2023 Supplementary Budget Estimates Topics

Please read the letter from the Clerk of the Senate, Mr. Richard Pye, about the arrangements concerning the Budget Estimates Hearings to be held on 13 to 17 February 2023 [HERE](#).

FOR REFERENCE – MINISTER’S BRIEFS

Ref.	Group	Topic	Status
SB23-000043	WRBT	Workplace Relations Policy	With MO Update 1.4
██████████	§22 ██████████	██████████	With MO Version 1.0
SB23-000023	W&IS	Audit of employment / contractors	With MO Version 1.0
SB23-000005	WI	APS Reform (encompassing capability reviews)	With MO Version 1.0
SB23-000006	P&P	1,000 new digital traineeships	With MO Version 1.0
SB23-000007	L&TD	SES Stewardship program	With MO Version 1.0
SB23-000042	W&IS	Diversity	With MO Update 1.4
SB23-000046	IPEP	APVMA Harassment Investigation	With MO Update 1.3

APSC ESTIMATES BRIEFS

Ref.	Topic	Status
1. ENABLING SERVICES		
SB23-000008	APSC performance	DC cleared Version 1.0
SB23-000009	Commission departmental resourcing and contracts	DC cleared Version 1.0
SB23-000010	APS Surge	AC cleared Version 1.0
2. WORKPLACE RELATIONS		
SB23-000001	Wages Policy	DC cleared Version 1.0
SB23-000019	Maternity leave act review	DC cleared Version 1.0
SB23-000020	Family and Domestic Violence leave	DC cleared Version 1.0

Ministers brief	APSC brief	Backpocket brief (BPB)
-----------------	------------	------------------------

OFFICIAL – Sensitive
February 2023 Supplementary Budget Estimates Topics

Ref.	Topic	Status
SB23-000044	Public Holiday Substitution	DC cleared Version 1.0
SB23-000022	Performance Bonuses	AC cleared Version 1.0
SB23-000024	Dept. of Defence and Interim Arrangements	AC cleared Update 1.2
SB23-000027	Union Consultation Circulars	AC cleared Version 1.0
3. WORKPLACE RELATIONS BARGAINING TASKFORCE		
SB23-000043	Workplace Relations Policy	With MO Update 1.4
SB23-000028	WR policy	DC cleared Update 1.4
4. INTEGRITY, PERFORMANCE & EMPLOYMENT POLICY		
SB23-000046	APVMA Harassment Investigation	With MO Update 1.3
SB23-000029	SES contractors	DC cleared Version 1.0
SB23-000030	Integrity	CMR cleared Update 1.4
SB23-000031	Preventing sexual harassment	DC cleared Version 1.0
SB23-000045	Voice to Parliament Referendum	DC cleared Update 1.3
SB23-000032	FOI	DC cleared Version 1.0
5. WORKFORCE INSIGHTS		
SB23-000005	APS Reform (encompassing capability reviews)	With MO Version 1.0
SB23-000033	APS Reform (encompassing capability reviews)	DC cleared Version 1.0
SB23-000034	APS employee numbers	DC cleared Version 1.0
SB23-000035	APS Employee census	AC cleared Update 1.1
6. PROFESSIONS & PATHWAYS		
SB23-000006	1,000 new digital traineeships	With MO Version 1.0
SB23-000036	Style Manual	CMR cleared Version 1.0

OFFICIAL – Sensitive
February 2023 Supplementary Budget Estimates Topics

Ref.	Topic	Status
SB23-000037	Data and digital (encompassing professions, campuses, new traineeships) (see SB23-000013 for further detail on APS Campus)	DC cleared Version 1.0
SB23-000038	1,000 new digital traineeships	AC cleared Version 1.0
SB23-000039	Women in digital	AC cleared Version 1.0
7. CAREER PATHWAYS		
SB23-000011	Quick Guide to entry level programs (including new programs)	AC cleared Version 1.0
SB23-000012	Entry level programs	AC cleared Version 1.0
SB23-000013	APS Academy Campuses (See SB22-000136 for relation with the data and digital initiative)	AC cleared Update 1.3
8. HIERARCHY & CLASSIFICATION REVIEW		
SB23-000014	H&C Review	DC cleared Version 1.0
SB23-000040	SES cohort	DC cleared Version 1.0
9. ACADEMY		
SB23-000016	APS capability (encompassing workforce strategy, L&D strategy, Academy)	DC cleared Update 1.1
SB23-000018	Academy and APS Reform	AC cleared Update 1.1
10. WORKFORCE & INCLUSION STRATEGIES		
SB23-000042	Diversity	With MO Update 1.4
SB23-000023	Audit of employment / contractors	DC cleared Version 1.0
SB23-000021	Flexible work in APS (incl. working from home)	DC cleared Version 1.0
SB23-000025	Contractors and Consultants	DC cleared Update 1.2
SB23-000026	Diversity and inclusion (emphasis on First Nations, gender pay gap, CALD)	AC cleared Update 1.2
11. LEADERSHIP & TALENT DEVELOPMENT		
SB23-000007	SES Stewardship program	With MO Version 1.0

OFFICIAL – Sensitive
February 2023 Supplementary Budget Estimates Topics

SUPPORTING DOCUMENTATION

APSC overview of QoNs	Final
Hansard 2022-23 Budget Estimates	Final
APSC witness list	Final
Budget Supplementary Estimates 2022–23 hearing Program	Final
Floor Map of APH hearing room	Final

Ministers brief	APSC brief	Backpocket brief (BPB)
-----------------	------------	------------------------



APSC BRIEF - APSC PERFORMANCE

KEY NARRATIVE

- The Australian Public Service Commission (the Commission) published its Corporate Plan on 30 August 2022 and tabled its Annual Report on 28 October 2022.
- A correction to the Annual Report concerning the Commissioner's biography page was presented to Parliament on 25 January 2023.
- The Commission achieved (fully, substantially or partially) all of its performance measures in 2021-22.
- The Commission continues to refine its performance framework, reducing 14 performance measures to 11 for 2022-23, to better align with our strategic priorities and purpose.

What are the Commission's strategic priorities for 2022-23?

- Our 4 strategic priorities are outlined on [page 8](#) of the Corporate Plan:
 - Support quality public service workforce management
 - Build leadership for the future
 - Lift public service capability
 - Foster trust in public service integrity

What are the key differences to performance measures in the 2022-23 Corporate Plan?

- Our performance measures are outlined from [page 10](#) of the Corporate Plan.
- We discontinued 3 performance measures related to:
 - workforce planning capability development (no. 8 of 2021-22): measure was forecast to cease in 2021-22 and overlapped with measure 11.
 - workforce relations capability and practitioners (no. 10 of 2021-22): simplifies our framework as activities continue as part of 'business as usual'.
 - digital capability and the Digital Profession (no. 14 of 2021-22): simplifies our framework as activities continue as part of 'business as usual'.
- We have updated some targets to be more demonstrative of our impact in line with our evolving operating environment e.g., changing the target of:
 - *'increase in nominees for the APS Surge Reserve'* to *'reduction in the proportion of APS employees reporting barriers to mobility'*¹

¹ Performance measure 4 of 2022-23



- *'APS Employee Census response rates are maintained above 70%' to 'the response rate to the APS Employee Census has no more than a 5 percentage point reduction on the previous year'.²*

Why is there a difference between the performance information in the Portfolio Budget Statements and the performance measures in the Corporate Plan?

- The key difference is that the digital capability reference in the Portfolio Budget Statement is not part of our 2022-23 performance framework.
- The cycle of corporate reporting means that the updates to our performance framework appear in our corporate plan before being reflected in the next Portfolio Budget Statement.
- Refined performance information will appear in our 2023-24 Portfolio Budget Statements.

How did the Commission perform against the previous measures?

- Our performance for 2021-22 will be published in our annual report.
- The Commission achieved (fully, substantially or partially) all 14 performance measures. Examples:
 - **Ensure proposed collective workplace arrangements are compliant:** Following on from the same result in 2020–21, 100% of new Australian Government workplace arrangements made during this reporting year complied with the Government's prevailing workplace relations policy.
 - **Increase participation in graduate program streams and initiatives:** For the 2022 graduate cohort, 45 agencies (an increase of 10 on 2021-22) and over 8,100 applicants (an increase of 2,000 on 2021-22) participated in generalist and specialist recruitment.
 - **Agencies use our workforce data to develop and evaluate workforce policies and practices:** APS Agency Survey results for 2022 indicate that 99% of responding agencies had used one or more of our workforce data collections or products to develop and assess workforce policies and practices, compared to 98% in 2021.
 - **Increase annual learner engagements to 20,000:** At 30 June 2022, there had been 53,804 learner engagements with the APS Academy and related materials, compared to 21,527 in 2020-21.

² Performance measure 7 of 2022-23



FACTS AND FIGURES

Breakdown of performance ratings 2021-22

Rating	No of measures
Achieved	10
Substantially achieved	3
Partially achieved	1
Not achieved	0
Total	14

BACKGROUND

PGPA Rule 2014 states that performance measures should:

- relate directly to our purpose or key activities;
- use sources of information and methodologies that are reliable and verifiable;
- provide an unbiased basis for the measurement and assessment of the entity's performance;
- where reasonably practicable, comprise a mix of qualitative and quantitative measures;
- include measures of the entity's outputs, efficiency and effectiveness if those things are appropriate measures of the entity's performance; and
- provide a basis for an assessment of the entity's performance over time.

Vidya Vasudevan	Enabling Services	s47F	s47F
s47F	Governance & Parliamentary	s47F	s47F
Consultation	Nil	Cleared for internal use	Yes



APSC BRIEF - COMMISSION DEPARTMENTAL RESOURCING AND CONTRACTS

KEY NARRATIVE

- The October 2022-23 Budget included \$14.8 million in additional resourcing for the Commission to support an *Ambitious and Enduring APS Reform Plan* and to deliver *Digital Traineeships* as an outcome of the Jobs Summit.
 - APS Reform (\$3.4 million total) included (in 2022-23):
 - \$2.56 million (13.8 ASL) for workplace relations;
 - \$0.67 million (3 ASL) for capability reviews; and
 - \$0.15 million (2 ASL) for boosting First Nations employment.
 - Digital Traineeships include \$11.4 million over four years which will be recovered from participating agencies (ongoing program).
- The Commission's responsibilities had already expanded last year with the transfer of the Digital Profession from the Digital Transformation Agency.
- Given this activity, the Commission has a temporary increase in resources to support delivery until June 2023 with resourcing then tapering as Budget measures finish.
- If asked: While the Government has reprioritised funding across the Budget, the Commission's ongoing funding has not reduced (APS Hubs and India Comprehensive Strategic Partnership were not retained in the October 2022-23 Budget).
- If asked: In addition to Budget measures, the Commission has received additional ASL following a reallocation within the Prime Minister and Cabinet portfolio (to be funded through cost recovered programs such as the APS Academy).

FACT AND FIGURES

Budget Summary

- The Commission's **total available funding** in 2022-23 following the October 2022-23 Budget was **\$83.7 million** including administered resourcing to deliver the Commission's responsibilities under the *Remuneration Tribunal Act 1973*.
- The Commission's available **departmental** resourcing for 2022-23 following the October 2022-23 Budget was **\$78.5 million** (Program 1.1), comprised of:
 - \$59 million departmental appropriations;
 - \$17.2 million s74 External Revenue (primarily courses provided to the APS); and
 - \$2.3 million departmental capital budget.
- The Commission's **average staffing level** (ASL) estimate for 2022-23 is **359** (above 283 in 2021-22), with current ASL at **320**.
- The Commission reported a **small departmental operating surplus in 2021-22** (after adjusting for unfunded depreciation and amortisation).



- **Administered payments** for Judicial Office Holders' remuneration and entitlements (paid by Attorney-General's) is budgeted at **\$4.4 million in 2022-23** (Program 1.2).

Departmental Contracts

- Increases to the Commission's departmental resourcing following the October 2022-23 Budget is primarily for increases to ASL.
- External suppliers are engaged on a temporary basis where an independent view and/or complementary specialist capability is required. The average paid per reportable contract in 2021-22 was under \$70,000.
- As at 31 December 2022, the Commission had spent **\$13.5 million** on external suppliers in the 2022-23 period. The average paid per reportable contract in 2022-23 to date is **\$74,786**.
- As at 31 December 2022, the Commission had **148** active reportable contracts. The Commission's three biggest contracts include:
 - **Egon Zehnder International Pty Ltd (\$4.992m)** has been engaged to deliver talent development services for the Commission.
 - **PricewaterhouseCoopers Consulting (\$3.687m)** has been engaged to redevelop APSED for the Commission.
 - **Old Parliament House (\$1.884m)** for the provision of office space to the Commission.
- Other APS employees (e.g. secondees) are engaged before labour-hire where possible. As at 31 December 2022, the Commission had 10 APS secondees and 16 labour-hire staff.

BACKGROUND

- Factsheet A: October 2022-23 Budget measures and Portfolio Budget Statement extract (new measures)

Vidya Vasudevan Group Manager	Enabling Services	s47F	s47F
s47F	Finance Team	s47F	
Consultation	Nil	Cleared for internal use	



Factsheet A

Program 1.1: APSC (\$ million) DEPARTMENTAL	2022-23	2023-24	2024-25	2025-26	Total
Budget Estimates Mar 2022	85.2	68.4	62.8	59.6	
+ Ambitious and Enduring APS Reform Plan (1 year)*	3.4	-	-	-	3.4
+ Jobs Summit – Digital Traineeships (ongoing)**	0.8	3.6	3.5	3.5	11.4
+ Indexation	-	1.1	1.2	1.2	3.5
+ MoG Transfer (2 ASL from Finance to APSC/PWSS)	0.3	0.3	0.3	0.3	1.0
- Australian Public Service Hubs Pilot (SAVE) ***	(8.3)	(3.0)	(3.2)	(3.0)	(17.5)
- India Comprehensive Strategic Partnership (SAVE)****	(1.6)	(2.0)	(1.2)	(1.3)	(6.1)
- Savings from external labour, advertising, travel and legal expenses (SAVE)	(1.2)	-	-	-	(1.2)
- Ambitious and Enduring APS Reform Plan (SAVE) *	(0.02)	(0.05)	(0.06)	-	(0.1)
Budget Estimates October 2022	78.5	68.4	63.4	60.3	
Change	(6.7)	(0.0)	0.5	0.7	(5.4)
Budget Includes:					
Departmental appropriation	59.0	51.1	48.0	44.9	
External revenue	17.2	15.0	15.0	15.0	
Departmental capital budget	2.3	2.3	0.4	0.4	

* The Ambitious and Enduring APS Reform Plan net cost is shown the Budget papers. The Commission has \$3.4 million in additional funding and a \$0.1 million saving as part of this measure.

** Digital Traineeships funding is part of the *Outcomes of the Jobs and Skills Summit* measure in the Budget papers. (Cost recovered with funding appropriated and then receipts returned to the Consolidated Revenue Fund).

*** APS Hubs save is part of the *PM&C – additional resourcing* measure in the Budget papers. This program was partially cost recovered with total funding of \$26.1 million over seven years and a net cost of \$15.2 million.

**** India Comprehensive Strategic Partnership save is part of the *Government Spending Audit – Foreign Affairs and Trade – efficiencies* measure in the Budget papers.



PM&C PORTFOLIO BUDGET STATEMENTS – APSC MEASURES (p. 124)

Table 1.2: APSC October 2022-23 Budget measures
Measures announced since the 2022-23 March Budget

		2022-23	2023-24	2024-25	2025-26
	Program	\$'000	\$'000	\$'000	\$'000
Receipt measures					
Outcomes of the Jobs and Skills Summit (a)	1.1				
Departmental		785	3,636	3,530	3,495
Total		785	3,636	3,530	3,495
Prime Minister and Cabinet - additional resourcing	1.1				
Departmental		(800)	(1,626)	(1,655)	(1,683)
Total		(800)	(1,626)	(1,655)	(1,683)
Total receipt measures					
Departmental		(15)	2,010	1,875	1,812
Total receipt measures		(15)	2,010	1,875	1,812
Payment measures					
An Ambitious and Enduring APS Reform Plan	1.1				
Departmental payment		3,358	(52)	(58)	-
Total		3,358	(52)	(58)	-
Government Spending Audit - Foreign Affairs and Trade - efficiencies (b)	1.1				
Departmental payment		(1,615)	(1,956)	(1,222)	(1,271)
Total		(1,615)	(1,956)	(1,222)	(1,271)
Outcomes of the Jobs and Skills Summit (a)	1.1				
Departmental payment		785	3,636	3,530	3,495
Total		785	3,636	3,530	3,495
Prime Minister and Cabinet - additional resourcing	1.1				
Departmental payment		(8,320)	(2,980)	(3,152)	(3,000)
Total		(8,320)	(2,980)	(3,152)	(3,000)
Savings from External Labour, and Savings from Advertising, Travel and Legal Expenses (c)	1.1				
Departmental payment		(1,151)	-	-	-
Total		(1,151)	-	-	-
Total payment measures					
Departmental		(6,943)	(1,352)	(902)	(776)
Total payment measures		(6,943)	(1,352)	(902)	(776)

Prepared on a Government Finance Statistics (Underlying Cash) basis. Figures displayed as a negative (-) represent a decrease in funds and a positive (+) represent an increase in funds.

- (a) The *Outcome of the Jobs and Skills Summit* measure is a cross portfolio measure. The full measure description and package details appear in the October Budget Paper No. 2 under Cross Portfolio.
- (b) The lead entity for the measure titled *Government Spending Audit - Foreign Affairs and Trade - efficiencies* is the Department of Foreign Affairs and Trade. The full measure description and package details appear in Budget Paper No. 2 under the Foreign Affairs and Trade portfolio.
- (c) The measure titled *Savings from External Labour, and Savings from Advertising, Travel and Legal Expenses* is a cross portfolio measure. The full measure description and package details appear in Budget Paper No. 2 under Cross Portfolio.

DESCRIPTION OF APS SURGE CAPABILITY TYPES

Surge type	Roles
<p>APS Surge Reserve</p> <p>Activated by the Secretaries Board for a generalist large scale workforce to support unexpected demand for government services. Since 2021, the APS Surge Reserve has activated 5 times to support Services Australia, following the activation of the Commonwealth's Disaster Recovery Plan.</p> <p><i>See Summary of Surge Activations</i></p>	<ol style="list-style-type: none"> 1. COVID Disaster payments 2. Flood Relief Assistance 3. COVID (Delta variant) Pandemic Leave payments 4. COVID (Omicron variant) Disaster Payment 5. Flood Disaster Recovery. <p>Surge staff provided assistance in roles such as:</p> <ul style="list-style-type: none"> - Customer service - Call centre operators - Claims processing.
<p>Critical Workforce Requests (APS to APS)</p> <p>In response to COVID-19 pandemic, the APSC facilitated the rapid deployment of APS staff to support critical Commonwealth functions.</p> <p><i>See Surge Assistance requests for details of Commonwealth requests.</i></p>	<p>Surge staff fulfilled a variety of key specialist roles such as:</p> <ul style="list-style-type: none"> - National Incident room administration support - Compliance case management - Business Analysts - Digital and data - Policy and program management - Communications and media advisers - Workforce planning and modelling support - Repatriation call centre and logistics support -
<p>Jurisdictional Workforce Requests (APS to jurisdictions)</p> <p>State and Territory Governments making a request for Non-Financial Assistance under the Commonwealth's Disaster Management Plan, for additional workforce support.</p> <p><i>See Surge Assistance requests for details of Jurisdictional requests for assistance.</i></p>	<p>Surge staff supported the State and Territory Governments response to the COVID pandemic, performing roles such as:</p> <ul style="list-style-type: none"> - COVID contact tracing - Taskforce administration - Risk and Reporting - Call centre operators

BPB - APS Surge - providing Australia with the capacity to rapidly mobilise the APS in response to a crisis or deliver critical government priorities.

Summary of Surge Activations

Since 2020, the APS has supported Services Australia with **5 requests to activate the APS Surge Reserve**.

(Activations are endorsed by Secretaries Board for the deployment of 100+ APS generalist staff to deliver critical government services)

EVENT	Activated	Closed	Staff requested	Nominations received	APS staff deployed	Contributing agencies
COVID Disaster Payments (Job keeper)(a)	26 Mar 20	15 Apr 21	2000+	4150	3759	15
Flood Relief Assistance(a)	24 Mar 21	15 Apr 21	500	319	295	40
Pandemic Leave Disaster Payments (Delta)	16 Jul 21	30 Nov 21	1500	921	730	34
Pandemic Leave Disaster Payments (Omicron)	13 Jan 22	16 Feb 22	500	640	475	30
Qld-NSW Floods 2022 - Disaster Payments / Disaster Recovery Allowances	1 Mar 22	29 Apr 22	500	700	510	22

(a) Deployed under arrangements preceding the endorsement of the APS Surge Reserve

Outcomes supported by the APS Surge Reserve

APS Surge Reserve activations have supported the delivery of the following outcomes in Services Australia:

- **Delta Surge** – Processing 5.2 million claims with nearly **\$12.4 billion** paid (between 16 July and 21 Oct).
- **Omicron Surge** – Processing 760,000 claims and a further **\$493 million** in financial assistance (between 13 Jan and 16 Feb).
- **East Coast Floods** - Delivery of more than **\$857 million** in support payments to Australians impacted by severe weather events (between 1 to 16 March).

Key Statistics

Since the first mobilisation of APS surge capability in **March 2020**, APS staff have assisted the delivery of critical government services to support Australians impacted by the COVID19 pandemic and severe high risk weather events:

- **117** requests for APS surge assistance have been processed.
- Around **7721** APS staff have redeployed temporarily across government agencies.

In **2021-22**, around **3,929** APS staff nominated to mobilise across agencies to help deliver government priorities.

APSC Staffing to support APS Surge capability:

EL2(1)	EL1(2)	APS6 (2)	APS5(1)
vacant	2	vacant	vacant

Surge Assistance Requests (March 2020 – current)

Critical workforce requests for less than 100 APS staff with specialist skillsets.

COMMONWEALTH AGENCY REQUESTS FOR ASSISTANCE	
Attorney General's Department	3
Austrade	6
Australian Electoral Commission	3
Australian Office of Financial Management	1
Australian Public Service Commission	3
Australian Taxation Office	4
Department of Agriculture, Fisheries and Forestry	1
Department of Agriculture, Water and the Environment	1
Department of Education, Skills and Employment	1
Department of Finance	1
Department of Foreign Affairs and Trade	3
Department of Health	23
Department of Industry, Science, Energy and Resources	1
Department of Infrastructure, Transport, Regional Development and Communications	10
Department of Prime Minister and Cabinet	2
Department of Veterans' Affairs	1
Emergency Management Australia	1
Fair Work Commission	2
Fair Work Ombudsman	4
National Health and Medical Research Council	1
National Indigenous Australians Agency	1
National Recovery and Resilience Agency	1
Office of the Australian Information Commissioner	1
Royal Commission into Defence and Veteran Suicide	1
Services Australia	7
Treasury	3
TOTAL	86

APS support provided for requests made for Commonwealth non-financial assistance.

JURISDICTIONAL REQUESTS FOR ASSISTANCE	
Australian Capital Territory	4
New South Wales	5
Northern Territory	1
South Australia	4
Victoria	6
Western Australia	6
TOTAL	26

There are currently **0** active requests.



APSC BRIEF – INTERIM WAGES POLICY

KEY NARRATIVE

- The *Public Sector Interim Workplace Arrangements 2022* (Interim Arrangements) were released to ensure Commonwealth employees have certainty of a fair wage increase while the Government develops a longer term Workplace Relations policy to reduce fragmentation in pay and conditions.
- The Interim Arrangements provide a one-off 3 per cent annual increase for Commonwealth employees, payable as scheduled wage increases fall due.
- The Interim Arrangements apply from 1 September 2022 and operate until 31 August 2023.

What are the key elements of the Government's Interim Wages Policy?

- The Interim Arrangements are the first step for the Government in delivering on its commitment to address fragmentation in pay and conditions and re-establish the Commonwealth as a model employer.
- Under the Interim Arrangements, a 3 per cent increase is payable in each agency when an increase falls due under its current industrial instrument, or 12 months after the last increase.
- This provides certainty to employees and agencies while proper consultation occurs on a comprehensive workplace relations policy to move towards centralised negotiation of core common conditions.
- The 3 per cent increase is broadly consistent with wage increases across state and territory government employment.

What agencies are covered by the Interim Arrangements?

- The Interim Arrangements apply to Australian Public Service (APS) and non-APS Commonwealth agencies. Government Business Enterprises, the Australian Broadcasting Corporation, the Special Broadcasting Service, the Australian National University and the Reserve Bank of Australia are encouraged to apply the Interim Arrangements taking into account their commercial operations.
- The Interim Arrangements do not apply to the Australian Defence Force or High Court.

Has the Minister granted any exemptions from the Interim Arrangements?

- The Minister for the Public Service has the authority to grant exemptions under the Interim Arrangements. Exemptions are only considered in exceptional circumstances.
- The Minister has granted a partial exemption in support of the Airservices Australia offer of a 4.9 per cent increase over 12 months to its Aviation Rescue Fire Fighting workforce.



- That decision applied the 3 per cent increase provided under the Interim Arrangements but pragmatically also recognised circumstances specific to that workforce including that it had not had a wage increase for two years.

FACTS AND FIGURES

- As at 20 January 2023, 84 agencies have been approved for a 12 month determination with a 3 per cent increase.
- All agencies, including the Department of Defence and the Australian Taxation Office, will be eligible for the 3 per cent increase once before 1 September 2023.

BACKGROUND

MEDIA

- 7 October 2022 – [The Mandarin](#) had an article on ‘Putting government back on the map as a ‘model employer’.’ This article discussed the fragmentation of the public service, the intentions of the Interim Arrangements and the positive feedback from unions in developing a unified approach to service-wide bargaining.
- 6 October 2022 – [The ABC News](#) announced the 3 per cent pay rise for Australian Public Service Staff and what the Interim Arrangements entail. Senator Gallagher announced that the Government would work with unions and staff on a longer-term strategy to improve how APS pay agreements are made. The article also talks about the current fragmentation across the public service.

OTHER RELEVANT MATERIAL

TIMELINE

Date	Action
6 October 2022	Minister Gallagher released the <i>Public Sector Interim Workplace Arrangements 2022</i> (Interim Arrangements).

James O'Reilly Group Manager	Workplace Relations	s47F	s47F
s47F	Remuneration Policy	s47F	
Consultation	Nil	Cleared for internal use	Yes



APSC BRIEF – MATERNITY LEAVE ACT REVIEW

KEY NARRATIVE

- The *Realising the Benefits for all: APS Gender Equality Strategy 2021-26* (the Strategy) includes an action to review APS-wide parental leave provisions.
- The APS Commissioner announced a review of the *Maternity Leave (Commonwealth Employees) Act 1973* (Maternity Leave Act) on 10 December 2021, with a report and recommendations due to Government shortly.
- The Review remains a priority for the Commission and the Government.

When do you expect to finalise the Review?

- A report and recommendations will be published following the report's finalisation.

The Review was scheduled for completion in early 2022. Why has it not been published?

- This is the first comprehensive review of the legislation in over 40 years.
- Time is being taken to ensure appropriate consideration is given to such an important piece of work.

Why hasn't the APSC consulted more broadly with the private sector to inform the Review?

- Submissions to the Review were open to everyone, including the private sector, interest groups and individuals.
- The Commission has consulted with agencies covered by the Maternity Leave Act, and invited unions representing employees in the Commonwealth to make submissions.
- Approximately 180 submissions were received.

What comparators has the Review considered?

- The Review is examining entitlements provided by the private sector as well as State and Territory public sectors.
- While the Terms of Reference for the Review do not specifically expect comparisons with parental leave provisions in other countries, international standards inform progressive private sector businesses, which are under examination.



The *Public Sector Interim Workplace Arrangements 2022* discourages changes to existing terms and conditions in agency enterprise bargaining. How will this impact the review of maternity leave entitlements?

- A report with recommendations will be provided to Government based on the research undertaken, stakeholder consultation and findings.
- Any reform recommended in the report will be considered by Government mindful of any future comprehensive workplace relations policy settings as they are progressively developed.

Is the Review aiming for the Commonwealth to be an exemplar employer for parental leave entitlements?

- The Government has signalled its intent for the APS to compare favourably with the private sector and state and territory public sectors in relation to parental leave entitlements as a model employer.
- The Review has conducted analysis of current maternity leave arrangements compared with private sector, and state and territory public sector parental leave entitlements.
- The comparison will inform the Review's recommendations for an appropriate level of support to new parents who work in Commonwealth employment.

FACTS AND FIGURES

- The Maternity Leave Act has not been reviewed in over 40 years.
- The Review was announced on 10 December 2021 by the Commissioner.
- Submissions to the Review opened on 10 December 2021 and closed on 4 February 2022. Submissions were open to anyone.
- A summary of current parental leave entitlements for APS employees is at Attachment A.

BACKGROUND

The review of the Maternity Leave Act was scheduled to occur during the operation of *Balancing the Future: The Australian Public Service Gender Equality Strategy 2016-19*.

The Commission previously briefed then Ministers O'Dwyer and Cormann in 2018 about the workplace relations issues with the Maternity Leave Act. A review was supported. Minister Cormann wrote to the Prime Minister in 2018 indicating a review would commence in 2019. A review was commenced but not finalised during the life of this strategy.

The *Australian Public Service Gender Equality Strategy 2021–26*, included a review of APS-wide parental leave provisions as an action item. The Review is in its final stages and the report and will be published once considered by the Government.



MEDIA

- On 30 September 2022 - [The Mandarin](#) reported on a submission to the Review by the Department of Foreign Affairs (DFAT) obtained under Freedom of Information. The article highlighted DFAT's concerns in managing extended parental leave at overseas posts that have limited staff.

TIMELINE

Date	Action
22 April 2016	Former Minister, Senator the Hon Michaela Cash, launched the 'Balancing the Future: The Australian Public Service Gender Equality Strategy 2016-19'. A review was listed as an action item.
July 2018	Former Minister O'Dwyer wrote to the Prime Minister seeking agreement for a review.
22 October 2018	Former Minister Cormann agreed to a review (MS19-000597 refers), to be delivered in late 2019. He also wrote to the Prime Minister seeking agreement for a review.
2019 - 2020	Planned review overtaken by federal election and onset of COVID-19.
May 2021	Then Assistant Minister to the Minister for the Public Service, The Hon Ben Morton MP, briefed on scope of a review and Terms of Reference.
November 2021	Commencement of the Review and Terms of Reference approved by then Minister for the Public Service, The Hon Ben Morton MP.
10 December 2021	Review announced by the Commissioner and submissions opened.
4 February 2022	Submissions closed.

James O'Reilly Assistant Commissioner	Workplace Relations	s47F	s47F
s47F	Conditions Policy	s47F	
Consultation	Nil	Cleared for internal use	Yes

Table: Summary of current maternity and parental leave entitlements for APS employees

	Before birth	After date of birth			
Birth mother	<i>Mat Leave Act</i> 12 weeks paid leave starts 6 weeks before due date, unless medically fit to continue working closer to due date.	<i>Mat Leave Act</i> Continue with remainder of 12 weeks paid leave, then access to 40 weeks LWOP up to 52 weeks from commencement of maternity leave.	<i>Agency enterprise agreements</i> Most agencies offer at least 2 additional weeks paid leave to birth mothers.	<i>Paid Parental Leave Scheme (Paid Parental Leave Act 2010)</i> 18 weeks paid leave* at minimum wage , (payment is in addition to the ML Act and EA entitlements; leave is concurrent with the ML Act and EA).	<i>National Employment Standards (Fair Work Act)</i> Parental LWOP up to the 2nd birthday of child, shared with partner. (This extends the option for LWOP beyond the ML Act entitlement).
Supporting partner/primary care giver		<i>Agency enterprise agreement</i> Most agencies offer 2 to 4 weeks paid parental leave , available from date of birth.	<i>Paid Parental Leave Scheme (Paid Parental Leave Act 2010)</i> 2 weeks paid leave at minimum wage**	<i>National Employment Standards (Fair Work Act)</i> Parental LWOP up to 2nd birthday of child, shared with birth mother	
Adoptive parents		<i>Agency enterprise agreement</i> Most agencies offer 14 weeks paid leave to the primary care giver, available from date of placement of the child.	<i>Paid Parental Leave Scheme (Paid Parental Leave Act 2010)</i> 18 weeks paid leave at minimum wage for primary carer** 2 weeks paid leave at minimum wage for secondary carer**	<i>National Employment Standards (Fair Work Act)</i> Parental LWOP up to 2 years after placement of the child, shared between both adoptive parents	
Foster parents		<i>Agency enterprise agreement</i> Most agencies offer 14 weeks paid leave to the primary care giver, available from date of long term fostering.			

*The *Women's Budget Statement October 2022-23* provides for a combined total of 20 weeks paid leave per family from 1 July 2023, and a phased increase of 2 weeks per annum from 1 July 2024 to 1 July 2026 to 26 weeks paid leave.

** The *Women's Budget Statement October 2022-23* provides for removal of the primary and secondary carer distinction, with a combined total of 20 weeks paid leave per family available from 1 July 2023, increasing by 2 weeks per annum from 1 July 2024 to 1 July 2026 to 26 weeks paid leave.



APSC BRIEF - AMENDMENTS TO THE FAIR WORK ACT – PAID FAMILY AND DOMESTIC VIOLENCE LEAVE

KEY NARRATIVE

- The amendments to the *Fair Work Act 2009* providing ten days paid family and domestic violence leave is an important change to support those escaping violence.
- The Government expects that the Australian Public Service (APS), and non-APS Commonwealth agencies, will act as a model employer in implementing the reforms.
- The Commission issued advice to Commonwealth employers with release of a circular on 22 December 2022 detailing key changes effective 1 February 2023 to ensure maximum support continues to be provided to employees impacted by family and domestic violence.

What support is available to Commonwealth employees who experience family and domestic violence?

- The Australian Government is committed to supporting employees who are affected by family and domestic violence.
- In addition to providing paid leave entitlements, the *Public Sector Interim Workplace Arrangements 2022* encourages all agencies to put in place policies and practices that provide maximum support to employees affected by family and domestic violence.
- This approach goes beyond the 10 days' paid leave required under the recent change to the Fair Work Act's National Employment Standards (NES) effective from 1 February 2023.
- There are several ways agencies provide appropriate assistance to their employees including:
 - access to paid miscellaneous leave in excess of statutory paid leave requirements;
 - personal/carer's leave, as required and at the employee's request;
 - flexible working arrangements;
 - access to counselling and support services;
 - personal safety assistance at workplaces;
 - one-on-one advice through designated contact officers; and
 - where appropriate, facilitating access to Employee Assistance Programs.



How is the APSC ensuring Commonwealth agencies comply with the new legislative entitlement to paid family and domestic violence leave?

- On 22 December 2022 the Commission issued a circular informing Commonwealth agencies of the legislative amendments taking effect on 1 February 2023.
- As a model employer, agencies were advised to provide maximum support to employees experiencing family and domestic violence, including by providing uncapped paid miscellaneous leave to full time, part time and casual employees.
- The Commission has also published a template policy that agencies can use to develop their own policies to support employees experiencing family and domestic violence.

How will family and domestic violence support be considered in terms of service-wide bargaining?

- Access to uncapped paid miscellaneous leave remains a cornerstone position. The Commission will work with agencies and employee representatives during service-wide bargaining to establish a suitable common approach.

Does the APSC capture data on use of paid family and domestic violence leave?

- No. APS agencies provide aggregated figures on unscheduled absences to the Commission for annual collation and reporting. Unscheduled absences include personal, carer's and miscellaneous leave (bereavement, compassionate and emergency leave). The figures include instances of these leave types with or without a supporting medical certificate, whether paid or unpaid.
- The Commission will not require agencies to report on the use of paid miscellaneous leave for family and domestic violence leave purposes in keeping with preserving employee privacy and protection.

How does the Commonwealth compare with the entitlements provided by state/territory public services?

- New South Wales and Victorian state governments provide employees with 20 days paid family and domestic violence leave annually. Queensland provides 10 days.
- Most state government public servants are not 'national system' employees, so are not bound by the requirements of the *Fair Work Act 2009* and are free to implement measures for public servants under their own enabling legislation.
- In the ACT public servants are able to access a maximum of 20 days paid family and domestic violence leave annually. In the Northern Territory and Commonwealth public sectors, the NES provision of 10 days operates as a protected minimum, however generally (subject to the operation of individual agreements) access to paid leave is uncapped, at the employer's discretion.



BACKGROUND

The *Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill* gained Royal Assent on 9 November 2022.

The amendments in the Fair Work Act enshrine a long overdue entitlement to paid family and domestic violence leave as a NES provision, applying to Commonwealth employees from 1 February 2023. Other measures protecting employee privacy also commence.

The Commission will shortly update its Family and Domestic Violence leave policy template subject to consultation with key stakeholders, including the Community and Public Sector Union (CPSU).

There may be further opportunities for the adoption of specific family and domestic violence leave and advice in Commonwealth employment, as comprehensive arrangements for future Commonwealth bargaining progress.

James O'Reilly Assistant Commissioner	Workplace Relations	s47F [REDACTED]	s47F [REDACTED]
s47F [REDACTED]	Conditions Policy	s47F [REDACTED]	
Consultation	Nil	Cleared for internal use	Yes



APSC BRIEF - PUBLIC HOLIDAY SUBSTITUTION

KEY NARRATIVE

- Commonwealth public servants may request substitution of public holidays where this is allowed through the relevant enterprise agreement, and agreed to by the agency.
- As a model employer, agencies should provide such flexibility where it is available and appropriate in the context of the work being undertaken by the agency.

QUESTIONS AND ANSWERS

Why are Commonwealth employees allowed to not observe such an important day of National significance?

- The *Fair Work Act 2009* allows for an enterprise agreement or award to include provisions enabling employees to seek to substitute a gazetted public holiday, in order to work on that day and take another day off in lieu. Such substitution requires the agreement of the employer (agency).
- Many Commonwealth enterprise agreements allow employees to substitute a gazetted public holiday for cultural or religious reasons.
- This common arrangement has been in place for some time, and is appropriately a matter between the agency, and its employees.

Won't some employees request substitution to work on the public holiday in order to access a higher rate of pay, or have an 'easy' day?

- Where an agency agrees that an employee may substitute a public holiday and allows the employee to work on the gazetted day, that employee is only entitled to their normal rate of pay. The substituted day is now their public holiday. The employee should not receive financial benefit by substituting the gazetted day.
- Each agency is best placed to determine if there is sufficient work that can be undertaken by an employee on a gazetted public holiday, given the nature of the work performed by the agency, and the impact on business operations for employees taking a future day in lieu.

How many enterprise agreements were changed to restrict employees substituting public holidays due to the decision of the previous Government?

- None.



How will this matter be treated in service wide bargaining? Does the Government expect all agencies to implement this approach?

- A common approach to public holidays may be discussed during APS bargaining for common conditions. Noting the different operating environments and function of APS agencies, a 'one size fits all' approach may not be practical.
- This will be a matter for the bargaining parties.

Does the APSC support Australia Day being observed on January 26?

- The January 26 public holiday, and any future change to that arrangement, is a matter for Government to determine. The APSC will provide advice to agencies in the event of any change to Government policy.

BACKGROUND

- Public holidays form part of the National Employment Standard (NES). The NES apply to employees covered by the national workplace relations system – this includes Commonwealth employees.
- An award or agreement may include provisions for an employee and an employer to agree to substitute a gazetted public holiday or part-day for another day or part-day.
- The *Fair Work Act 2009* provides this entitlement for award/agreement-free employees.
- This is a common clause in many enterprise agreements in the Commonwealth public service, and is also reflected in the awards underpinning Commonwealth employment terms and conditions.
- In April 2022 the previous government revised the policy governing Commonwealth public service workplace relations matters restricting substitution of certain public holidays from being available in new enterprise agreements.
- On 15 September 2022, Minister Gallagher overturned that decision restoring the long standing flexibility. No enterprise agreements had been impacted during the intervening period.

MEDIA

- [25 January 2023](#): All staff of MPs and Senators were informed they can substitute a 'gazetted public holiday for an alternative day off'. This brings Members of Parliament Staff Act employees in line with many Commonwealth employers.
- [24 January 2023](#) – The Riotact website published a story seeking to demonstrate inconsistent application of public holiday substitution within APS agencies: <https://the-riotact.com/internal-aps-outrage-over-inconsistencies-with-australia-day-leave/629909>



- 18 -24 January 2023: Multiple articles referencing the Minister articulating that Commonwealth employees had the flexibility to negotiate with managers to substitute public holidays, if allowed for under the relevant enterprise agreement:
 - <https://www.afr.com/politics/federal/federal-public-servants-allowed-to-work-on-australia-day-20230118-p5cdct>
 - <https://www.theguardian.com/australia-news/2023/jan/18/labor-overturns-morrison-era-ban-on-public-servants-working-australia-day>
 - <https://www.canberratimes.com.au/story/8047644/aps-staff-allowed-to-work-on-australia-day-after-morrison-rule-revoked/?cs=14263>

TIMELINE

Date	Action
18 January 2023	Prime Minister and Minister for the Public Service announce that public holiday substitution is a matter between employees and their employer.
6 October 2022	Public Sector Interim Workplace Arrangements 2022 released, revoking the 2020 policy and the Morrison Government decision requiring future restriction of public holiday substitution.
15 September 2022	Minister for the Public Service approved removal of the APSC circular detailing changes to the Public Sector Workplace Relations Policy 2020 regarding restriction of public holiday substitution in new enterprise agreements.
19 April 2022	APSC issued a circular announcing the Morrison Government decision to amend the Public Sector Workplace Relations Policy 2020 to require new enterprise agreements to not allow for substitution of the Australia Day , Anzac Day and Queen's Birthday public holidays.

James O'Reilly Assistant Commissioner	Workplace Relations Group	s47F	s47F
s47F	Conditions Policy	s47F	
Consultation	Nil	Cleared for internal use	Yes



BPB - PERFORMANCE BONUSES AND WORKPLACE RELATIONS POLICY

KEY NARRATIVE

- The Performance Bonus Guidance provides a consistent approach for the restrained use of performance bonuses within the public sector.
- The former Government released the Performance Bonus Guidance on 13 August 2021.

In what circumstances can bonuses be paid?

- The Guidance acknowledges that Commonwealth entities and companies operate in some sectors where short-term incentives and variable pay is an expected component of a remuneration package.
- In those limited circumstances, the Guidance requires that the use of performance pay is highly targeted and linked to high performance. All bonuses must be underpinned by strong governance and subject to consistent reporting requirements.
- It is a matter for individual agencies to ensure their arrangements are consistent with the principles contained in the Guidance.

Will the bonus guidance stop agencies like Australia Post and NBN Co paying bonuses?

- All employers have to meet their legal obligations under existing employment contracts.
- The Guidance provides a clear and consistent approach for the restrained use of performance bonuses in the public sector.
- The Guidance expresses expectations that all Commonwealth bodies should exercise restraint in awarding bonuses, consistent with community expectations.
- It is ultimately the responsibility of those accountable authorities to justify their decisions in light of these clearly articulated expectations.

Have agencies taken action to remove their performance bonuses?

- Commonwealth employers have been expected to adopt the principles from the 2021-22 financial year.
- All employers have to meet their legal obligations under existing employment instruments.
- A number of agencies amended their remuneration practices consistent with the Guidance after their previous employment arrangement expired.

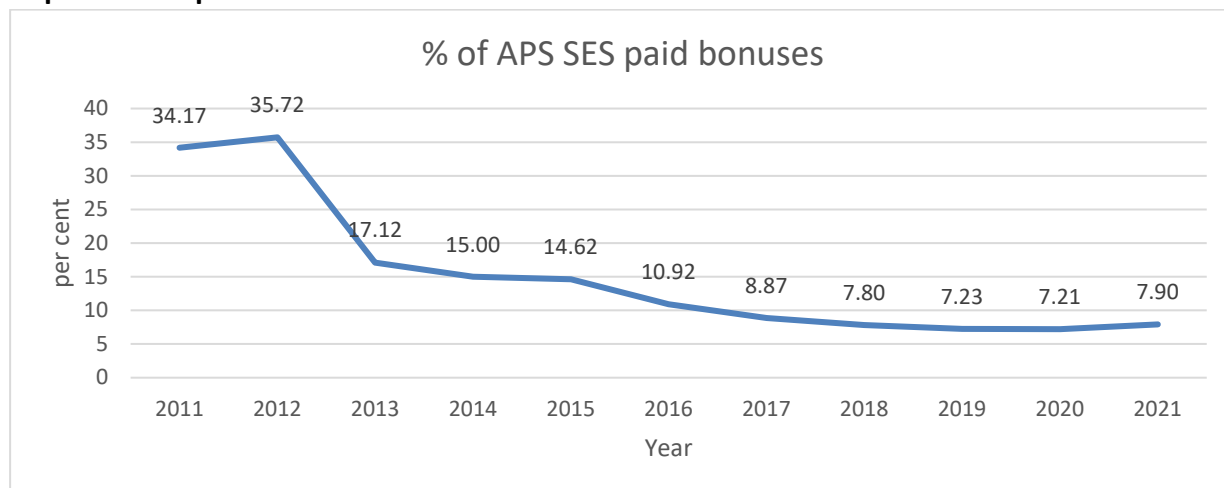


- Among the agencies that have reformed their remuneration arrangements are the Australian Prudential Regulation Authority, the Reserve Bank of Australia, and Australia Post.
- These agencies have utilised a variety of transitional arrangements in order to discontinue their performance bonuses including one-off transitional payments or one-off salary uplifts.
- It is a matter for individual Agency Heads to consider how an agency will reform their remuneration arrangements to ensure consistency with Government expectations.

FACTS AND FIGURES

- The Guidance was an outcome of a bonus review jointly conducted by the Commission, the Department of the Prime Minister and Cabinet, and the Department of Finance.
- The Guidance sets out the clear expectations that bonus arrangements are to be used in limited circumstances for public benefit.
- The Guidance is intended to have the broadest application possible and applies to all staff, in all job roles, in all Commonwealth entities and companies. The Guidance does not apply to the Australian Defence Force.

Reported SES performance and retention bonuses



Note: Prior to 2021, fixed top-of-range payments in lieu of increment progression were reported as performance bonuses.

- The slight increase in bonuses paid to SES employees in 2021 was primarily due to one agency reporting fixed-top-of range payments to 19 SES employees. These payments may have been incorrectly reported as the recipients had been with the agency for less than 6 months. This is not statistically significant.
- The Australian Public Service Remuneration Report has tracked the steady decline in the use of bonuses over the past 10 years.



MEDIA

- *3 November 2022* – The Australian Financial Review published an article stating that Ministers Gallagher and Rowland wrote to Australia Post and NBN Co on 27 October 2022 asking them to explain why variable remuneration frameworks were kept in place despite the performance bonus guidance. The article notes the Ministers stated the need for greater transparency and rigour to ensure bonuses were ‘in keeping with community expectations’.
- *1 November 2022* - The Australian Financial Review published an article listing 24 public sector executives who earned more than \$1 million in the 2022 financial year with NBN Co, Snowy Hydro and Australia Post CEOs being the highest earners. The article makes reference to the performance bonus guidance and notes some actions taken by NBN Co to reform bonus practices.

TIMELINE

Date	Action
19 August 2020	Australian Public Service Commission (APSC) released guidance for agencies on paying SES bonuses during COVID-19.
13 November 2020	The former Government announced a review of SES bonuses to inform the development of a consistent principles based approach to the payment of bonuses across all Commonwealth agencies.
25 March 2021	Interim bonus review report released and published on APSC website.
13 August 2021	<i>Performance Bonus Guidance</i> was published on the APSC website.

James O'Reilly Assistant Commissioner	Workplace Relations	s47F	s47F
s47F	Remuneration Policy	s47F	
Consultation	Nil	Cleared for internal use	Yes



BPB - DEPARTMENT OF DEFENCE AND AUSTRALIAN TAXATION OFFICE - INTERIM ARRANGEMENTS

KEY NARRATIVE

- The *Public Sector Interim Workplace Arrangements 2022* (Interim Arrangements) operate between 1 September 2022 and 31 August 2023 to provide employees a 3 per cent increase, payable when their scheduled increase falls due within the operational period of the Interim Arrangements.
- The Interim Arrangements are intended to create minimal change to existing arrangements to assist with the preparations for service wide bargaining commencing in early 2023.

Have any government departments sought an exemption under the Interim Arrangements?

- Yes, both the Department of Defence (Defence) and the Australian Taxation Office (ATO).
- Consistent with recent Government policies, the exemptions may be approved by the Minister for the Public Service under exceptional circumstances.
- Minister Gallagher acknowledged the workforce challenges faced by Defence and the ATO, as well as other APS agencies, but ultimately supported the APSC's advice that the circumstances were not exceptional and would be best considered in the upcoming centralised bargaining round.

What claims in support of an exemption were raised by Defence and the ATO?

- Defence and the ATO highlighted two main workforce issues: retention pressures and lack of remuneration competitiveness.

Defence:

- Based on information in the APS Employment Database, Defence's ongoing employee exit rate as at June 2022 was 14.1 per cent, an increase from 11.3 per cent at June 2021. All departments and large APS agencies experienced an increase in separation rate in 2021-22. Defence's separation rate and increase are comparable or less than other APS departments.
- The 2021 APS Remuneration Report data showed that Defence's median salaries at APS5, APS6 and EL1, which are the most populated Defence classifications and have experienced the highest separation rates, are comparable to median APS salaries for those classifications.



ATO:

- Based on the APS Employment Database, the ATO separation rate for ongoing employees as at June 2022 was 7.7 per cent, an increase from 4.7 per cent in 2021. This compares favourably to the APS' overall exit rate of 13.4 per cent as at June 2022. All departments and large APS agencies experienced increased separation in 2021-22, however the ATO separation rate remains the lowest.
- The 2021 APS Remuneration Report showed that the ATO's median salaries from APS2 to EL2 levels were at or above median APS salaries.
- The ATO also highlighted a third issue in that the ATO employee census results showed fewer staff felt they were fairly remunerated.
 - The ATO's 2022 employee census showed that 64 per cent of employees felt they were fairly remunerated, a reduction from 74 per cent the year before. In contrast, across the APS, 61 per cent of staff felt they were fairly remunerated in 2022, and within the Department of Defence, 47 per cent of employees felt they were fairly remunerated.

What pay increases has Defence received?

- The current determination approved by the Commissioner on 6 December 2019, provided pay increases of 2 per cent over three years, the last being payable on 18 August 2022.
- Under the Interim Arrangements, Defence's non-SES staff will be eligible for a 3 per cent increase in August 2023.
- Defence also has other conditions that contribute to distinguishing its employee value proposition from other agencies. Defence's enterprise agreement includes a 1 per cent lump sum payment for employees at the top of their salary range, an extra day of paid leave associated with Christmas closedown and a further undisclosed day of leave accessible by an employee throughout the year. These conditions are not common in other APS agencies.

What pay increases has the ATO received?

- The current determination approved by the Commissioner on 14 November 2019 provided pay increases of 2 per cent over three years, the last being payable on 4 August 2022.
- Under the Interim Arrangements, the ATO's non-SES staff will be eligible for a 3 per cent increase in August 2023.



FACTS AND FIGURES

- All agencies are expected to provide a 3 per cent wage increase under the Interim Arrangements when their scheduled annual increase falls due between 1 September 2022 and 31 August 2023.
- ATO and Defence claims are not exceptional, there are 9 agencies that will be due for the 3 per cent increase in August 2023 (including NIAA, PM&C, ATSB, ATO, MOPS, CDPP, ACLEI, Defence, Infrastructure, Indian Ocean Territories Administration).

MEDIA

- *20 January 2023* - Canberra Times published an article about the Minister denying an interim 1 percent pay rise for the ATO. Minister Gallagher acknowledged the current workforce pressures, however these issues apply to all agencies and the ATO's circumstances are not exceptional.

TIMELINE

Date	Action
6 October 2022	Minister Gallagher released the <i>Public Sector Interim Workplace Arrangements 2022</i> (Interim Arrangements).
16 October 2022	Letter from Minister Keogh seeking support for the CDF to seek Defence Force Remuneration Tribunal (DFRT) agreement to amend final ADF pay rise to 3 per cent consistent with Interim Arrangements and flagging a separate approach in relation to Defence APS employee wage increases.
22 October 2022	Letter from Minister Gallagher to Minister Keogh supporting proposal to amend ADF remuneration to 3 per cent in line with Interim Arrangements and noting intention not to support exemption for Defence APS to adjust August 2022 wage increase.
31 October 2022	Letter from Minister Keogh to Minister Gallagher seeking support for Defence to implement a remuneration increase for APS staff outside scope of Interim Arrangements.
8 November 2022	Letter from Minister Gallagher to Minister Keogh reiterating the view Defence circumstances are not exceptional. Declined proposal to implement a remuneration increase outside scope of Interim Arrangements.
14 December 2022	Letter from Daniel Griffin, A/g Director ACT Branch and Australian Government Group, Professionals Australia, to



	Minister Gallagher seeking the Government's reconsideration of the early awarding of a 1 per cent pay adjustment for Defence employees.
15 December 2022	Letter from Minister Keogh to Minister Gallagher seeking support again for Defence to implement a remuneration increase outside scope of the Interim Arrangements. The letter draws comparisons with ASD.
4 January 2023	Letter from Minister Jones to Minister Gallagher seeking exemption to the Interim Arrangements and to support a 1 per cent pay rise for ATO employees. The letter explains the ATO received a 2 per cent pay rise just prior to the implementation of the Interim Arrangements.
5 January 2023	Letter from Jeff Lapidos, Branch Secretary for the ASU representing Tax Officers, seeking support for an exemption to the Interim Arrangements.
18 January 2023	Letters from Minister Gallagher to Minister Jones and Mr Lapidos noting ATO circumstances are not considered exceptional and reiterating issues should be addressed through centralised bargaining.
18 January 2023	Letter from Minister Gallagher to Minister Keogh reiterating the view Defence circumstances are not exceptional and best dealt with through centralised bargaining.
19 January 2023	Letter from Minister Gallagher to Daniel Griffin advising the Government has an ambitious reform agenda to support service-wide bargaining and that's Defence's matters will be best dealt with through this process.

James O'Reilly Assistant Commissioner	Workplace Relations	s47F [REDACTED]	s47F [REDACTED]
s47F [REDACTED]	Remuneration Policy	s47F [REDACTED]	
Consultation	Nil	Cleared for internal use	No



BPB - UNION AND CONSULTATION CIRCULARS

KEY NARRATIVE

- The Government, as a model employer, expects agencies to engage in respectful and productive relationships with employees and unions on matters that affect them in the workplace.

Why has the Australian Government issued new circulars about workplace relations arrangements in Commonwealth agencies?

- The circulars were issued to support the important role that union delegates play in representing APS employees.

Do agencies need to comply with the circulars?

- The circulars outline the Government's expectations.

What is required by the *Union representation in Commonwealth agencies* circular?

- The circular states that agencies are to recognise delegates' rights, including reasonable access to paid work time and resources for the performance of their role.
- The circular sets the expectation that agencies will support the role of delegates.
- This is balanced with maintaining operational requirements and employee rights to freedom of association and privacy.

What is required by the *Genuine and effective employee and union consultation in Commonwealth agencies* circular?

- The circular provides that consultation should foster a productive workplace culture, where the views of employees are considered before significant decisions are made.
- The circular recognises the benefits of genuine and effective consultation.

Why are agencies required to consult before significant decisions are made?

- Workplace consultation should be undertaken in a manner that fosters a productive workplace culture, where the views of employees are considered before significant decisions are made.
- The benefits of genuine consultation include enhanced employee engagement and morale, increased productivity, innovation, better outcomes in change implementation, stronger employee commitment to agency objectives and improved staff retention.



Does the circular require agencies to breach employee privacy by giving their details to a union?

- The *Union representation in Commonwealth agencies circular* makes it clear that agencies are not required to do anything that would be inconsistent with the law, including privacy laws.
- It is up to agencies to decide how to apply the circular in a way that is consistent with privacy laws and other legal obligations.

FACTS AND FIGURES

The circulars and the interim arrangements are reflective of the Government's commitment to engage in respectful and productive relationships with employees and unions. These are the first steps in part of broader public sector workplace relations reform. The circulars give immediate effect to the Government's commitment while the Government works towards a comprehensive approach.

BACKGROUND

MEDIA

- *10 January 2022* - The Australian reported that the contact details of almost all Queensland public servants over the past eight years have been shared with unions, under a Labor bid to boost union membership.

TIMELINE

Date	Action
6 October 2022	Circular 2022/09: Union representation in Commonwealth agencies published
6 October 2022	Circular 2022/08: Genuine and effective employee and union consultation in Commonwealth agencies published

James O'Reilly Assistant Commissioner	Workplace Relations	s47F	s47F
s47F	Workplace Relations Policy	s47F	s47F
Consultation	Nil	Cleared for internal use	Yes

Workers' details given to unions

By SARAH ELKS, SENIOR REPORTER et al

PDR: SB23-000019

The Australian

Tuesday 10th January 2023

756 words

Page 1,4 | Section: THE NATION

276cm on the page



Workers' details given to unions

SARAH ELKS

SENIOR REPORTER

EXCLUSIVE

The contact details of almost all public servants who have worked for the Queensland government over the past eight years have been shared with unions, under a Labor bid to boost their membership.

The Australian has been told the work details of about 242,000 full-time equivalent workers – the size of the public service now – have been given to their relevant unions since the Palaszczuk government came to power in 2015.

Continued on Page 4

Only those who actively opted out of the process did not have their details sent.

New data from Education Minister Grace Grace – also the Industrial Relations Minister and the first woman elected as general secretary of the Queensland Council of Unions – shows Education Queensland has supplied three unions with information for about 15,400 employees in the past 12 months alone, and a total of 83,200 since December 2015.

The United Workers Union, the Queensland Teachers Union and the Together Union were given employees' names, work email addresses, office phone numbers, job titles, and salary bands, as part of the Labor government's "union encouragement policy".

At the end of June 2014, at the tailend of the Newman government, the Queensland Teachers Union had 42,441 members. In mid-2022, the QTU recorded 47,194 members.

The Queensland Nurses and Midwives Union has also in-

creased in membership during the same period, from 51,686 in mid-2014 to 67,352 in mid-2022.

Health Minister Yvette D'Ath has formally refused to reveal how many Queensland Health workers have had their contact details supplied to the relevant unions, and the government says it is too arduous to compile the figures for the entire public sector.

The policy of sharing public servants' work details applies to Queensland government departments and government-owned corporations, and requires managers and supervisors to offer their "active co-operation" to encourage union membership. It was reintroduced by Premier Annastacia Palaszczuk in May 2015, after her defeat of Campbell Newman's one-term LNP government.

Mr Newman had scrapped the policy early in his tenure.

Elsewhere in the country, The Australian has been able to identify only the ACT Labor government as sharing staff details with unions.

[PCU use only – Version 1.0]



**ADDITIONAL REPORTING:
GEORGIA CLELLAND, ROSIE
LEWIS, PAUL GARVEY,
RACHEL BAXENDALE**

Continued from Page 1

The ACT and NT Labor governments have union encouragement policies, which instruct public service managers to actively support bureaucrats' right to join a union.

In Victoria, when a new public servant is hired or when they are inducted, unions have the opportunity to "provide a document to encourage new employees to join a union or employee association that has the right to represent them and their industrial interests", but contact details are not given out.

The West Australian Labor government does not have a policy similar to Queensland's.

In 2019, NSW Public Service Association secretary Stewart Little wrote to then-industrial relations minister Dominic Per-

rottet asking what was the NSW government's policy on a union encouragement policy.

"The NSW Liberals and Nationals government maintains a policy of freedom of association and as such all NSW public sector workers are free to choose whether they wish to become members of unions or not," Mr Perrottet responded.

Ms Grace said the education department's agreements "reflect the requirement to provide new starter data to registered industrial organisations consistent with the Queensland government commitment to union encouragement policy".

When a public servant is hired, they are given an application form for union membership, information on the union, and are told the government agency they now work for "encourages employees to join and maintain financial membership of an organisation of employees that has the right to represent their industrial interests".

"Passive acceptance by agencies of membership recruitment activity by unions does not satisfy the government's commitment," the policy states.

Public servants have the ability to opt out of having their details sent to a union, and all data is encrypted before being sent.

Ms Grace released the data for Education Queensland in response to a parliamentary question on notice from the opposition, but Ms D'Ath said she could not release the same data.

"I have been advised this data is not a publicly reported measure and therefore is not a readily available report," Ms D'Ath said.

Deputy opposition leader Jarrod Bleijie said public servants should be able to be represented by an industrial advocate of their choosing.

A spokeswoman for the Palaszczuk government said it "respects the important contributions made by registered unions, and actively encourages union membership".

Workers' details given to unions

Workplace Relations Policy

Subject/Issue

- The Australian Government is committed to ensuring the Australian Public Service (APS) continues to be a **model employer**.
- The Government will shortly issue a comprehensive workplace relations (WR) policy with a view to undertaking service-wide bargaining this year.
- Service-wide bargaining will seek to address the existing fragmentation of pay and conditions across the APS.

Key facts and figures

- The initial round of service-wide bargaining will be contained to those agencies which employ staff under the *Public Service Act 1999*.
- The Australian Public Service Commission (APSC) has undertaken extensive consultation with all **105 APS agencies**. Consultations focused on identifying conditions appropriate for standardisation across the APS.
- Separate policy arrangements will apply to non-APS Commonwealth agencies and will be released as part of the comprehensive WR policy.

Key points

- The Government's election platform included a commitment to ensuring the APS is a **model employer** by providing working conditions that keep pace with the broader economy, are fair and equitable and provide job security.
- In its plan for Secure Australian Jobs, the Government also committed to restoring the ability of workers to genuinely bargain for better pay and conditions.
- The Government will deliver on these commitments through the effective implementation of its comprehensive WR policy which will include a preferred model for service-wide bargaining.
- The Government is considering a range of options to take initial steps towards addressing pay dispersion across the APS in the lowest paid agencies for each classification.
- The APSC is expected to lead service-wide negotiations from late March 2023, with individual agency agreements made over 2023.

Australian Taxation Office (ATO) – initiation of bargaining.

- On 8 February 2023, the ATO received a request from an employee to commence bargaining for a proposed enterprise agreement.
- This request was made in accordance with new provisions in the *Fair Work Act 2009* [s. 173(2)(aa)] which commenced on 7 Dec 2023. These provision were implemented by the Government as part of its approach to re-invigorate enterprise bargaining in Australia.
- The ATO is now required to issue a Notice of Employee Representational Rights (NERR) and commence bargaining with employees and unions.
- The ATO will continue to be involved in the APS bargaining process when the Government issues its comprehensive workplace relations policy.

Background

Since 1997, Commonwealth agencies have bargained enterprise agreements as individual enterprises, subject to provisions of the Government's policy of the day. Over time, this has resulted in increasing gaps in remuneration and differences in conditions between agencies.

The Government has identified addressing current discrepancies in remuneration and conditions of employment between Commonwealth agencies as a key element for re-establishing the Commonwealth public sector as an employer of choice.

The development of a new comprehensive workplace relations policy will provide the policy settings to begin addressing disparity across the APS.

The Australian Public Service Commission (APSC) is currently developing an approach to service-wide bargaining, which will continue to enable agencies to bargain for matters necessary to support their specific operating model.

The APSC's consultation process has been ongoing since October 2022 and has focused on developing an overall approach to service-wide bargaining.

Consultation has included focus groups with APS agencies and discussions with relevant public sector unions. Direct consultation with APS employees occurred through a survey distributed to all employees in the week commencing 23 January 2023.

The Government has committed \$2.6 million under its An Ambitious and Enduring APS Reform Plan in the October 2022-23 Budget to support the move towards service-wide bargaining to address fragmentation in pay and conditions. This funding supports the Workplace Relations Bargaining Taskforce which is responsible for development and effective implementation of service-wide bargaining.

Date:	10/2/23
Cleared by (SES):	Peter Riordan
Cleared for internal use:	Yes
Telephone No:	S47F
Group/Branch:	APS Workplace Relations Bargaining Taskforce
Contact Officer:	Damien Booth
Telephone No:	S47F
Consultation:	Nil
PDR Number:	SB23-000043
Last Printed:	13/02/2023 4:17 PM



APSC BRIEF – PUBLIC SECTOR WORKPLACE RELATIONS POLICY

KEY NARRATIVE

- The Australian Government’s election platform included a desire to ensure the Australian Public Service (APS) continues to be a **model employer** by providing working conditions that keep pace with the broader economy, are fair and equitable and provide job security.
- The Government also stated in its plan for Secure Australian Jobs that a key objective in considering its approach to workplace relations, was to restore the ability of workers to genuinely bargain for better pay and conditions.
- The Australian Public Service Commission (the Commission) has established a Taskforce to develop a comprehensive workplace relations policy, with a view to undertaking genuine service-wide bargaining in the APS.
- Service-wide bargaining will aim to establish to set of common conditions that will apply across the APS and take initial steps to reduce pay fragmentation.

Why is it necessary to develop a comprehensive policy?

- A comprehensive workplace relations policy is required to set the parameters for the negotiation of pay and conditions for both APS and non-APS public sector employees.
- The Government’s comprehensive workplace relations policy will outline a process to undertake service-wide bargaining in the APS, with an aim of reducing fragmentation in pay and conditions across the service. Separate arrangements for non-APS agencies are also under development.
- A comprehensive policy can also be leveraged to support or achieve various other reform objectives for the APS, particularly where these can benefit from enshrining rights and obligations in public sector enterprise agreements to drive cultural change.

What are the timeframes for developing the comprehensive policy?

- The Commission is currently finalising the development of the comprehensive workplace relations policy with a proposal expected for Government consideration in March 2023.
- The Minister has set a clear expectation that service-wide bargaining will commence shortly after Government consideration.



How long is service-wide bargaining expected to take?

- The implementation of a comprehensive workplace relations policy to facilitate service-wide bargaining in the APS is a complex undertaking. It requires taking steps to address the impact of 25 years of agency-level bargaining and realignment of pay and conditions across 100+ APS agencies employing over 159,000 employees.
- The Minister has set an ambitious timeline including that in-principle agreement to a set of common conditions through service-wide bargaining should be finalised by the end of July 2023. Agencies will separately negotiate any agency-specific requirements and will be expected to finalise their agreements over the remainder of 2023.
- These timeframes are indicative only and subject to the efficient conduct and progress of negotiations at both service-wide and agency-level. It may ultimately take more or less time on an agency-by-agency basis, depending on the complexity of bargaining, including the nature of employee and union claims.

What consultation has the Commission undertaken in the development of the comprehensive workplace relations policy?

- The Commission is engaging with stakeholders including agencies, employees and unions through a range of means including a series of focus group discussions with agencies and publication of material on the Commission's website.
- In January 2023, the Commission sent a survey to APS staff seeking their views on potential common terms and conditions. The survey results are being used to inform the development of the comprehensive workplace relations policy.
- The APS Commissioner wrote to agency heads and unions with public sector coverage in October 2022, to seek their views on principles to guide the development of the comprehensive policy. A final version of the principles and objectives were published on the Commission's website in November 2022.

Which unions have been part of the consultation process?

- The Commission has consulted with major public sector unions including the CPSU, ASU, AMWU and Professionals Australia.

Why are non-APS public sector staff excluded from the service-wide bargaining process?

- The Government has decided to initially limit service-wide bargaining to APS-agencies and their employees for the first round of service-wide bargaining, due to the higher degree of commonality of conditions across the APS compared to non-APS agencies.
- The Commission, in consultation with stakeholders, is developing policy arrangements for non-APS agencies.



How will the new policy address pay dispersion in the APS?

- Addressing wage dispersion in the APS is complex and the Commission expects it will take time to better align APS pay scales across agencies.
- The Commission is developing a range of options for Government consideration that will be aimed at taking initial steps in addressing pay dispersion in the lowest paid agencies for each classifications.

What terms and conditions are being considered as part of the comprehensive policy?

- The Commission has undertaken consultation with agencies on the development of a comprehensive workplace relations policy and has also engaged with employees and unions.
- The Commission is currently identifying terms and conditions the Commonwealth may seek to standardise during service-wide bargaining. This may include matters such as leave, flexibility and mobility provisions.

How is the new policy going to impact the recruitment of new staff and graduates?

- The recruitment of new staff and graduates is a matter for agencies to determine in line with their funding envelope and operating model.

Does the recent request from an ATO employee undermine the service-wide bargaining approach?

- No. The Australian Taxation Office (ATO) received a request from an employee to commence bargaining for a proposed enterprise agreement, which they are entitled to do under 173(2)(aa) of the *Fair Work Act 2009*.
- The ATO is expected to issue the Notice of Employee Representational Rights (NERR) in compliance with the recent legislative changes made by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*.
- The ATO is committed to participate in service-wide bargaining in conjunction with the APSC following the release of the Government's workplace relations policy.



BACKGROUND

TIMELINE

Date	Action
6 October 2022	<i>Public Sector Interim Workplace Arrangements 2022</i> released.
21 October 2022	Comments closed on draft objectives and principles.
25 November 2022	Principles and objectives published
3 February 2023	Consultation concluded
8 February 2023	ATO received an email request to commence bargaining for a proposed enterprise agreement.
10 February 2023	The ATO Commissioner wrote to all non-SES ATO employees advising them of the bargaining process commencing.

Damien Booth Assistant Commissioner	Workplace Relations Bargaining Taskforce	s47F	s47F
s47F	Workplace Relations Bargaining Taskforce	s47F	s47F
Consultation	ATO	Cleared for internal use	



OBJECTIVES AND DRAFT PRINCIPLES FOR SERVICE WIDE PUBLIC SECTOR BARGAINING IN THE COMMONWEALTH

A PLAN FOR THE COMMONWEALTH PUBLIC SERVICE

1. The Australian Government has an ambitious plan to rebuild and strengthen the Commonwealth public sector so that it: embodies integrity in everything it does; puts people and business at the centre of policy and services; is a model employer; and, has the capability to do its job well.
2. Consistent with this plan, the Government has committed to fair and equitable conditions of employment, job security, and restoring the ability of employees to genuinely bargain for pay and other conditions of employment.
3. To deliver on these commitments, the Government sees opportunity to realise the benefits that would result from genuine service wide negotiations on pay and common conditions, with agency specific conditions negotiated at the agency level.
4. The *Public Sector Interim Workplace Arrangements 2022* has been released to allow the necessary time for the Australian Public Service Commission (the Commission) to consult on, and develop a new approach to public sector bargaining, with a view towards sector wide negotiations on common conditions. This is a complex undertaking that presents many opportunities to strengthen the public sector.
5. The Commission is committed to facilitating high levels of engagement with stakeholders, in preparing advice to Government on how best to achieve these goals.

OBJECTIVES OF SERVICE WIDE BARGAINING

6. The Commission proposes to consult with key stakeholders, including agencies and employee representatives, on the design of a new approach to bargaining for pay and conditions in the Commonwealth public sector.
7. The Commission envisages consultation will be undertaken with an overarching objective of determining the best path forward to address disparity in conditions across agencies with a view towards identifying core conditions that could be appropriately bargained centrally. The consultation will also consider what steps could be taken now to address existing pay disparity across agencies over time.

8. It is important to recognise from the outset, that a single round of bargaining would be unlikely to resolve all concerns and structural issues in Commonwealth public sector employment.
9. Service wide bargaining in the Commonwealth employment context is a highly complex objective and would likely need to be conducted over multiple rounds to achieve optimal results. Time would also be required to achieve a true set of common core conditions.
10. To develop a draft approach to the conduct of service wide bargaining, the Commission will lead consultation with agencies, employees and their representatives in order to provide advice to the Government on how to take bargaining forward. Bargaining as a positive enabler of reform will be complemented by a range of other public sector reform initiatives.

NEXT STEPS

11. As a first step in engagement, the Commission is calling for comments on key principles, designed to guide the consultation process in pursuit of service wide public sector bargaining.
12. Following consideration of stakeholder views, including those of relevant unions on the following principles, the Commission will commence a robust consultative process, with an objective that negotiations on common core terms and conditions would commence in 2023, followed by agency level bargaining thereafter.
13. An indicative timeline, subject to the design of a final bargaining approach, is below:

PROPOSED PHASES FOR SERVICE WIDE BARGAINING IN THE COMMONWEALTH

Phase	Dates	Activity
1	2022	Consultation with key stakeholders about proposed outcomes and process for a service wide approach to workplace relations, followed by Government consideration and preparation (early-mid 2023).
2	2023	Formal commencement of service wide bargaining negotiations for core common terms and conditions, followed by agency level bargaining thereafter.
3	From late 2023	Finalisation of agency level bargaining, followed by Fair Work Commission approval processes and commencement of individual agency agreements.

14. Comments on the attached principles and indicative timeline can be submitted to the Commission at: WRreform@apsc.gov.au by 21 October 2022.

DRAFT PRINCIPLES FOR SERVICE WIDE BARGAINING

INTRODUCTION

1. As part of its Plan to improve the public service, the Australian Government committed to taking steps to reducing the fragmentation of pay and conditions and address, over time, inequalities that resulted from the former government's approach to industrial relations in the Public Service.
2. The 2019 Independent Review into the Australian Public Service (APS), the *Thodey* Review, highlighted the need to align the APS around shared purpose, vision and values, as one-APS, working together to serve Government and all Australians through shared principles, values, purpose and vision, underpinned by an unwavering commitment to integrity.
3. The broader Commonwealth public sector is a mix of corporate Commonwealth entities, non-corporate Commonwealth entities and Commonwealth companies with employment governed by the *Public Service Act 1999* (APS agencies), and agencies' own enabling legislation (i.e. non-APS agencies).
4. In total, there are 189 separate Commonwealth agencies, each with their unique objectives and responsibilities. The APS alone accounts for over 100 individual agencies employing over 159,000 employees, covered by agency level workplace arrangements - predominantly negotiated enterprise agreements. These agreements contain significant disparity in pay and other conditions of employment, covering a myriad of roles and professions.
5. While acknowledging this complexity, there are potential benefits in pursuing a service wide approach to public sector bargaining. This includes the opportunity to better align the non-APS with the APS by breaking down barriers to mobility and bringing people, skills and functions together, ensuring services and policy objectives are delivered in the most productive and efficient manner possible.
6. The Commission proposes a set of principles to guide the process and outcomes for service wide bargaining:
 - a. Model employer
 - b. Unified Commonwealth public service
 - c. Mobility, attraction and retention
 - d. Administrative efficiency
 - e. Fairness and equity
 - f. Sustainability.

MODEL EMPLOYER

7. Bargaining for pay and other conditions for employees should recognise the public sector's core responsibility of developing policy and delivering services on behalf of the Government to the Australian people.
8. Bargaining conduct and outcomes should reflect best practice and recognise the role of the Government in setting the high standard of employer behaviours it champions. This includes exemplifying model behaviour in bargaining through demonstrated respect for the good faith bargaining requirement in the *Fair Work Act 2009*.

UNIFIED COMMONWEALTH PUBLIC SERVICE

9. The Commonwealth is made up of a diverse range of agency employers which may benefit from better alignment of APS conditions of service.
10. The exact form of alignment may depend on the type of body, noting previous government approaches to public sector bargaining have generally sought to apply policy principles to the complete sector and not just to APS agencies.
11. Progress towards commonality is unlikely to be a one-size fits all approach. What this will ultimately look like may well differ between employees employed under the *Public Service Act 1999* and those employed under different legislation.
12. A central tenant to any approach to sector wide bargaining in the Commonwealth, must be the pursuit of sensible progression towards commonality of pay and other conditions, particularly those that presently act as barriers to Commonwealth employees working flexibly and seamlessly together on delivering the services and policy solutions they provide to the Australian community.
13. Noting the size of the task, it is unlikely that a move towards more commonality will result in a single sector wide or APS wide agreement. Sensible alignment of core conditions is expected to produce significant productivity, while allowing agencies and their employees to also benefit from targeted enterprise level negotiations.

MOBILITY, ATTRACTION AND RETENTION

14. Outcomes in any service wide approach to bargaining should consider the need to support the attraction, development and retention of an appropriately skilled and experienced workforce. In an evolving and competitive marketplace, the public sector must have a competitive employee value proposition.
15. The Commonwealth's bargaining approach must ensure negotiated outcomes reduce barriers to movement between agencies, primarily within the APS, but also across the broader Commonwealth public sector where this is appropriate and desirable.

16. To retain skills and attract talent, the public sector must remain competitive as an employer. A core challenge is that while the public sector has historically been a leader in offering flexible working conditions, in a post-COVID environment, it's positioning in this area is under increased competition from large private sector employers. Such pressure is anticipated to increase over time.
17. Entry into Commonwealth employment is entry into a network of potential career pathways, rather than into a single organisation or job role. Outcomes of any service wide approach to bargaining should focus on reducing barriers to movement both within the APS and throughout the Commonwealth system.
18. Bargaining should also drive the Government's desire for the development of a set of common terms and conditions, while still facilitating agency specific requirements, where the unique nature of agency operations or occupations require.
19. Over time, bargained outcomes should allow employee candidates to assess different agencies on the suitability of available roles or the type of work performed, rather than different pay and conditions acting as a disincentive to mobility.
20. Bargained outcomes should remove barriers to entry by being future ready and fit for purpose, to enable the attraction of remote and flexible talent.

ADMINISTRATIVE EFFICIENCY

21. Bargained outcomes should seek to enable increased administrative efficiency in the Commonwealth.
22. Bargained outcomes should support the development of the Government Enterprise Resource Planning (GovERP) platform, including by looking to increase commonality in conditions to more effectively enable agencies to adopt common ICT and payroll systems. This will assist in obtaining economies of scale.
23. Bargained outcomes should facilitate commonalities which reduce the administrative burden of recruitment activities and Machinery of Government changes.

FAIRNESS AND EQUITY

24. Bargained outcomes should seek to reduce fragmentation in pay throughout the Commonwealth public sector. Ensuring simple, standardised pay ranges and conditions — linked to equal pay for equal work — is good corporate practice.
25. Noting that the current state of pay dispersion has occurred over decades, and mindful of current budget pressures, reducing wage dispersion will likely be a gradual process over multiple bargaining rounds.
26. From time to time, in-demand occupations will experience heightened remunerative competition. Recognising the labour market constantly evolves, and mindful of the

need for longer-term equity, any mechanisms to address short-term fluctuations should be facilitated through temporary individual flexibilities, rather than embedded in workplace arrangements.

27. Consideration should be given to how bargaining might contribute to a more inclusive and future-focused Commonwealth workforce.

SUSTAINABILITY

28. Enterprise agreements need to support the ability of Commonwealth agencies to function efficiently, including by sustaining capacity and capability requirements.
29. Bargained outcomes for agencies and employees should represent fair and fiscally responsible use of taxpayers' money, in line with community expectations.
30. Bargained outcomes should be forward leaning, but in-step with the expectations of the Australian community.

APVMA Harassment Investigation**Subject/Issue**

The Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt has referred allegations of misconduct by senior employees at the Australian Pesticides and Veterinary Medicines Authority (APVMA) to the Australian Public Service Commissioner for further investigation under his statutory integrity powers.

Key facts and figures

- In November 2022, Minister Watt commissioned independent reviewer Mary Brennan to investigate APVMA's workplace culture following public allegations of serious misconduct by senior executive service (SES) employees at the agency.
- Minister Watt has received interim findings from Ms Brennan (dated 8 February 2023), which contain further serious complaints, including suspected breaches of the APS Code of Conduct.
- On 9 February 2023, Minister Watt referred the allegations of misconduct to the Australian Public Service Commissioner for further investigation under his statutory integrity powers.
- As the alleged misconduct includes potential criminal offences, Minister Watt has also made a referral to New South Wales Police.

Key points

- On the basis of Ms Brennan's interim report, Minister Watt considered more than one senior APVMA employee may have breached the Code of Conduct. He has asked the APS Commissioner to investigate under his relevant statutory integrity powers in the *Public Service Act 1999*.
- On receipt of this request, the APS Commissioner will have proper regard to the public interest in exercising his discretion to inquire. His statutory inquiry powers are equivalent to the Auditor-General's.
- The APS Commissioner was not made aware of the specific details of these allegations until Minister Watt's referral.

Background

Alleged incidents of sexual harassment involving senior APVMA employees occurred in November 2021. In particular, a senior manager was allegedly involved in a 'urination incident' involving a co-worker. The employee resigned from the agency shortly afterwards.

On 8 November 2022, Senator Peter Whish-Wilson (Australian Greens) raised concerns in Budget Estimates about these allegations and APVMA's general handling of staff misconduct.

There are also claims that multiple senior staff were 'fired' after making complaints to the agency about harassment and bullying.

Independent reviewer Mary Brennan was commissioned by Minister Watt in November 2022 to investigate APVMA's workplace culture. Ms Brennan delivered interim findings to Minister Watt on 8 February 2023. These findings contain additional serious complaints.

On the basis of those interim findings, Minister Watt has made a referral to the Australian Public Service Commissioner.

Public concerns about APVMA workplace culture follow low APS Employee Census results regarding perceptions of corruption and staff well-being. APVMA has cited its relocation from Canberra to Armidale and COVID-19 for the apparent drop in employee morale.

The *Australian Public Service Commissioner's Directions 2022* require agency heads to consult with the APS Commissioner about suspected breaches of the APS Code of Conduct by SES employees when initiating Code processes and again when imposing sanctions.

Since the relevant consultation Direction commenced in February 2022, the APVMA has not consulted with the APS Commissioner, as it has not initiated any Code processes or imposed any sanctions in relation to current or former SES employees.

In relation to workplace culture, the Albanese Government has mandated the public release of the APS Employee Census results as part of the APS Reform agenda. Transparency and accountability will drive improved workplace culture and address issues such as bullying or harassment.

Decisions relating to the location of agencies are matters for portfolio Ministers. In the case of the APVMA's relocation to Armidale, this was a decision of the former Government.

Date:	13 February 2023
Cleared by (SES):	Subho Banerjee
Cleared for internal use:	
Telephone No:	s47F
Group/Branch:	Integrity, Performance and Employment Policy
Contact Officer:	Clare McLean
Telephone No:	s47F
Consultation:	Department of Agriculture, Fisheries and Forestry; Australian Pesticides and Veterinary Medicines Authority
PDR Number:	SB23-000046
Last Printed:	13/02/2023 4:18 PM



APSC BRIEF - SES CONTRACTORS

KEY NARRATIVE

- The Australian Public Service is a career-based public service but there are times when agency heads may need to engage SES equivalent contractors.
- Guiding principles have been developed to assist agency heads to ensure that appropriate governance arrangements are in place when there is a need.
- The Audit of Employment will provide a picture of contractors across the whole APS.

Does the APS engage SES contractors?

- The Commission has commenced collecting SES contractor data through the annual APS Agency Survey. The 2021-22 Survey showed:
 - **36 SES contractors** were engaged by **17 agencies**. The majority of agencies (80) did not engage SES contractors.
 - Of the 17 agencies who engaged SES contractors, most engaged only one. One agency, the National Disability Insurance Agency (NDIA), engaged 11 SES contractors.

Why does the National Disability Insurance Agency (NDIA) have more SES contractors than other agencies?

- Questions about the NDIA's workforce composition are best directed to that agency.

Are contractors exercising delegations?

- The APS Commissioner's consent is required before an Agency Head may delegate their employment powers to a non-APS employee, under section 78(8) of the *Public Service Act 1999* (the Act). Each agency is responsible for seeking consent where they identify a need. As at 1 January 2023, consent is active for 12 SES contractors in senior roles. The remainder do not require delegations.

Does the engagement of SES contractors meet the objects of the Public Service Act?

- Yes. The APS is a career-based public service, however there are times when Agency Heads consider there is a genuine operational requirement for an SES contractor as an efficient and effective method of serving the Government.
- The use of contractors is governed by the *Public Governance, Performance and Accountability Act 2013* and the Commonwealth Procurement Rules.

Do the Code of Conduct and APS values apply to an SES contractor?

- SES contractors should be held to similar standards of behaviour as set out by the APS Values and Code of Conduct. Like SES employees, SES contractors should be



expected to model and promote the highest standards of ethics and integrity. Agency heads are responsible for ensuring this is the case through the terms and conditions of individual contracts.

FACTS AND FIGURES

Summary of SES contractors engaged by agencies during 2021-22, grouped:

Agency	Number of SES Contractors
Australian Institute of Health and Welfare, Sport Integrity Australia, Department of Health, Administrative Appeals Tribunal, Services Australia, Australian Digital Health Agency, Department of the Prime Minister and Cabinet, National Recovery and Resilience Agency, NDIS Quality and Safeguards Commission (9 agencies)	1
Departments of the Treasury, Agriculture, Water and the Environment and Industry, Science, Energy and Resources, Bureau of Meteorology, Office of Parliamentary Counsel (5 agencies)	2
Department of Defence, Department of Foreign Affairs and Trade (2 agencies)	3
National Disability Insurance Agency (1 agency)	11

Source: 2022 APS Agency Survey

Summary of agencies with delegation requests for SES equivalent contractors in accordance section 78(8) of the Act:

Agency	Number (active at 1-Jan-23)	Description
NDIA	10	Participants in NDIA's EPP
NDIS Quality and Safeguards Commission	1	Branch Manager of Governance, Planning and Capability engaged on contract
Department of Industry, Science and Resources	1	Head of Australian Radioactive Waste Agency, engaged on contract pending passage of legislation

BACKGROUND

The definition of an SES equivalent contractor for the purposes of reporting is a person undertaking SES equivalent work (e.g. equivalent work value, duties, responsibility, and accountability) contracted by an APS agency, or via a recruitment agency or third party as an integrated part of the agency's senior leadership workforce. This includes:



- a. those that are in roles that could otherwise be filled by an SES employee;
- b. those that make financial and employment decisions – even where others may be exercising the delegation on the contractor’s behalf; and
- c. any other SES equivalent contractor that is not otherwise excluded below.

The following are excluded:

- a. contractors who are contracted to perform a function that has been wholly outsourced/a role that could not otherwise be filled by an APS employee;
- b. consultants who are providing expert advice or services but who are not part of agency decision-making and where the output represents the independent view of the provider; and
- c. employees engaged under an agency’s enabling legislation.

MEDIA

- [19 September 22](#) – Senator Gallagher is quoted as seeking to “...understand the full extent of the external labour problem.”

TIMELINE

Date	Action
30 June 2022	SES contractor data collection embedded into APS Agency Survey
19 November 2021	First APS-wide data collection of SES contractors
10 September 2021	Pilot collection of SES contractors from DFAT, Defence, Home Affairs and DVA.
24 May 2021	Senate Estimates – APSC. Commissioner advised of the release of SES Contractor Principles.
14 May 2021	SES Contractor Principles published after being provided to the COO.
December 2020	Answered question on notice regarding labour hire at the SES level.
19 October 2020	Senate Estimates – APSC. Questions from Senator Gallagher on the lack of data on contractors at the SES level in the APS.

Clare McLean a/g Assistant Commissioner	Integrity Performance and Employment Policy	s47F	s47F
s47F	Employment Policy	s47F	
Consultation	Nil	Cleared for internal use	



APSC BRIEF—INTEGRITY IN THE APS

KEY NARRATIVE

- The Australian Public Service (APS) has a high standard of integrity and professionalism which can be safeguarded by further strengthening integrity culture.
- The Australian Public Service Commission continues to deliver practical initiatives to build and support integrity culture across the APS as part of the Government's broad agenda of public sector integrity reform.
- Management of specific integrity issues, and allegations of breaches of the APS Code of Conduct by APS employees, are matters for the relevant agency head.

What is the Australian Public Service Commission doing to support integrity in the APS?

Statutory Role

- The APS Commissioner's statutory functions under the *Public Service Act 1999* Framework include the promotion of high standards of accountability, effectiveness, performance, integrity and conduct in the APS.
- The Commission plays a critical role in fostering a strong culture of integrity across the APS through a range of leadership initiatives and guidance materials, the exercise of investigatory powers where necessary or requested, and providing advice to APS agencies and people on applying the APS Values, Employment Principles and Code of Conduct.

Integrity Reform

- The Commission is working closely with the APS Reform Office in the Department of the Prime Minister and Cabinet (PM&C), the Attorney-General's Department (AGD), the Department of Finance and integrity agencies to support effective delivery of an ambitious and enduring reform agenda to ensure the APS embodies integrity in all that it does.
- The commencement of the National Anti-Corruption Commission (NACC), the report of the Royal Commission into Robodebt (Royal Commission) and commencement of initial reforms to public sector whistleblowing laws will all take place this year and are likely to have broad ranging implications for the APS.
- As part of the APS Reform agenda, the Commission with PM&C and AGD is establishing an APS Integrity Taskforce to develop an APS wide map of current integrity functions and initiatives, to comprehensively plan for any identified gaps, and assist in the delivery of system-wide integrity improvements.



- The Taskforce will commence immediately and its Terms of Reference were published on the PM&C website on 13 February 2023.

Building on recent work

- The Commission's continuing priorities are to develop and deliver practical initiatives to strengthen and support a pro-integrity culture across the APS, and this builds on important recent work.
- The *Sedgwick Report into consultations regarding APS approaches to ensure institutional integrity* included 10 recommendations for strengthening integrity culture across the APS, all of which have been implemented.
- In response to the Sedgwick Report, the Commission developed training materials to build the integrity capability of APS employees, including:
 - a **foundational e-learning module on 'Integrity in the APS'** which is mandatory for all employees new to the APS, regardless of role or location, launched March 2021; and
 - a three-part **SES integrity masterclass series**, developed in partnership with the Australia and New Zealand School of Government (ANZSOG), designed to support SES staff to strengthen integrity culture within their organisation.
- Through the APS Academy, the Commission promotes integrity as a core APS craft, and provides APS employees with access to training and educational materials to improve integrity awareness and capability.
- The Commission has published an **Integrity Metrics Resource** designed to support agencies to understand their current integrity measurement capability and make informed decisions on where to focus future effort to lift integrity measurement, monitoring and reporting.
- Consistent with the *Australian Public Service Commissioner's Directions 2022*, agencies are now required to consult with the Commission regarding SES Code of Conduct matters, providing visibility of processes, establishing benchmarks and a centralised source of advice for agencies.
- The Commission also reviews its integrity-related guidance on a continuous basis to ensure it remains relevant and fit for purpose.

Robodebt Royal Commission

- The matters under consideration by the Royal Commission into the Robodebt Scheme are serious and significant.
- The hearings of the Royal Commission are raising significant issues, including governance; escalation processes within the agencies and with Ministers;



engagement with risk and responding to issues; record keeping and the treatment of legal advice.

- Given the Royal Commission's inquiries are ongoing, it is not appropriate for me to comment on its progress to date or speculate on its possible findings.
- However, while in no way pre-empting its findings or possible recommendations, or assuming specific outcomes which might flow from the Royal Commission, the APS understands it must engage with and actively prepare to respond to these themes.

Is there an integrity problem in the APS?

- The APS has a high standard of integrity and professionalism which is being safeguarded by further strengthening a pro-integrity culture.
- Neither the Thodey *Independent Review into the Australian Public Service* nor the Sedgwick Report found that APS integrity is declining. They observed that strengthening integrity supports greater public trust in the APS and, in the longer term, enhances the professionalism of our workforce.
- APS Employee Census data consistently indicates low levels of corruption in the APS.
 - In the 2022 APS Employee Census, 3 per cent of respondents reported observing corruption, compared to 3.8 per cent in 2021 and 3.5 per cent in 2020.
 - The types of potential corruption reported in the Census are broad, and range from allegations of preferential treatment of friends and family, through to theft or misappropriation of official assets.

If asked about the Bell inquiry into former PM Morrison's Multiple Ministries

- Specific questions on the Bell inquiry and its recommendations should be referred to the Department of the Prime Minister and Cabinet.

If pressed on other specific matters (except for APVMA - see SB23-000046)

Questions on specific integrity matters or employee matters should be referred to the relevant agency head.

NACC

Will your role change with the introduction of the National Anti-Corruption Commission?

- The establishment of the National Anti-Corruption Commission (NACC) will not change my role or functions under the *Public Service Act 1999* (Public Service Act).



- The *National Anti-Corruption Commission Act 2022* complements my powers and functions in respect of agency head conduct, and requires the NACC to provide me with copies of any corruption investigation reports relating to the conduct of APS agency heads.
- Specific questions on the NACC should be referred to the Attorney-General's Department.

If asked about the scope of your powers under the current APS legislation

- I have broad discretionary powers to investigate public service integrity matters under the Public Service Act, which remain fit for purpose.

How will the NACC and APS Code of Conduct processes integrate?

- The NACC Act ensures that where an allegation of corrupt conduct is made to the NACC which also relates to the APS Commissioner's statutory powers of investigation, review or consultation—e.g. in respect of employee misconduct investigations under s.41B of the Public Service Act, Agency Heads or systemic APS matters—the NACC must provide visibility to the Commissioner of:
 - the referral
 - the outcome of the NACC investigation, and
 - at the NACC's discretion, any other information it considers the APS Commissioner needs to know to perform his statutory functions.
- Agency Heads will have mandatory obligations to refer serious or systemic corruption allegations to the NACC.
- Code of Conduct processes in agencies which relate to APS employees also subject to a NACC investigation may be conducted concurrently. If considered necessary, the NACC will have power to direct agencies to pause their internal Code investigation processes pending the outcome of a corruption investigation, after which the Code process may proceed.



What are the NACC's powers in relation to the termination of APS employees?

- Only Agency Heads have the power to terminate the employment of APS employees within their agency.
- As a result of a corruption investigation, the NACC may recommend to an Agency Head that it should terminate the employment of an APS employee 'in accordance with relevant procedures'.
- The relevant procedures for APS agencies are exclusively prescribed by the Public Service Act framework. The Commission intends to make a consequential amendment to the Public Service Regulations to enable Agency Heads to terminate an employee on the recommendation of the NACC.
- This provision could be used in cases where an Agency Head believes in the circumstances it is not necessary or reasonable to conduct a further process to determine a breach of the Code of Conduct has occurred.

Does the APS Commissioner play a role in overseeing agency Code of Conduct processes or termination of APS employees?

- The APS Commissioner's functions under the Public Service Act include 'to evaluate the adequacy of systems and procedures in Agencies for ensuring compliance with the Code of Conduct' (section 41(2)(l)).
- In practice, the Commission's role—consistent with agency head employer powers under the devolved management framework of the APS—is to provide guidance and advice to agencies to assist them in complying with the Public Service Act, the APS Values, Employment Principles, and Code of Conduct, and dealing appropriately and proportionately with employee conduct that does not meet expected standards.
- Our guidance and pro-integrity assistance role will expand to include close collaboration with the NACC in facilitating its corruption prevention remit.

BACKGROUND

National Anti-Corruption Commission

- The Commission gave evidence at the Joint Select Committee hearing on the *National Anti-Corruption Commission Bill 2022* on 21 October 2022, outlining:
 - the constructive engagement the Commission has undertaken with the Attorney-General's Department to date on the legislative model, and



- how the APS Commissioner's and Agency Heads' existing leadership and oversight functions regarding APS integrity will integrate with the corruption prevention remit of the NACC once it is established.
- The *National Anti-Corruption Commission Act 2022* was passed by Parliament on 30 November 2022 and commences 1 July 2023.
- The Act provides for the APS Commissioner to be given reports of investigations that relate to the conduct of APS agency heads.
- The Act also prescribes the Commission as a 'Commonwealth Integrity Agency'.

Sedgwick Response

- The *Sedgwick Report into consultations regarding APS approaches to ensure institutional integrity* included 10 recommendations for strengthening integrity culture across the APS. All recommendations have been implemented through a range of initiatives, and now include the recommencement of Capability Reviews, through the APS reform agenda.
- The initiatives include:
 - A **suite of Integrity factsheets and website material** has been released that articulate the expectations for all APS employees, set common language and help build awareness of various elements of integrity.
 - An **updated *Handling Misconduct: A human resource manager's guide*** published on 1 February 2022.
 - Updated **Gifts and Benefits guidance** published on 30 November 2021.
 - *Australian Public Service Commissioner's Directions 2022* came into effect on 1 February 2022, replacing the 2016 Directions.
 - A provision in the APS Commissioner's Directions for Agency Heads to provide **mandatory Induction-level integrity training**. This e-learning module, designed and released in March 2021 is focussed on providing employees who are new to the APS with an understanding of the importance of acting with integrity as they undertake their duties. The Commission has recognised that some APS agencies already provide equivalent integrity training and now offers an endorsement process that recognises equivalent integrity training.
 - **An integrity masterclass series, specifically designed for SES employees**. The Commission piloted a three-part SES Integrity Masterclass Series in May 2022. Ongoing delivery of the Masterclass series by the APS Academy commenced in October 2022. The program is designed to support senior executive level staff to champion and strengthen integrity culture within their organisations. While not mandatory, all SES are encouraged to participate in the program.



- Achieving high professional standards of conduct and delivery through working with PM&C to strengthen integrity and professionalism in annual **Secretaries' performance review framework**.
- Updated the **APS Leadership Capability Framework** (VICEED model) to reflect 'models, champions and advances institutional integrity' as a quality underpinning APS leadership.
- Updated **Agency Head Induction Packs** to ensure incoming Agency Heads are briefed on their role and responsibilities relating to achieving high standards of professional conduct in the agency they lead.
- An **Integrity Metrics Resource** published on 28 April 2022. The resource is designed to support APS agencies to understand their current integrity measurement capability, and make informed decisions on where to focus future effort to improve integrity measurement, monitoring, and reporting. While it is not mandatory to measure integrity performance, it is good practice for agencies to undertake this activity at regular intervals.
- A provision in the **Commissioner's Directions requiring agencies to consult with the Commission on Code of Conduct allegations made against SES employees** and, if applicable, what sanctions to apply. See further below.

Consultation on SES misconduct and sanctions

- Under section 64 of the *Australian Public Service Commissioner's Directions 2022*, agency heads are required to consult with the Commissioner if an SES employee is suspected of breaching the Code of Conduct. Agency heads must consult with the Commissioner:
 - on the process for determining whether the SES employee has breached the Code; and
 - before imposing a sanction.
- This requirement was put in place to address the perception, identified in the Sedgwick Report, that there is an inconsistent approach to allegations of breaches of the Code made against SES employees, compared with other APS employees. Such a perception has the potential to damage trust in senior management and undermine their role as integrity stewards.
- Providing the Commissioner with increased visibility of the management of SES Code of Conduct matters is intended to address this perception, and ultimately strengthen institutional integrity across the APS and strengthen the SES cohort's ability to shape a positive workplace culture centred on integrity.



- The Commissioner does not have a formal decision-making role in respect of the Code of Conduct matter, but may provide support in an advisory capacity.
- Since the commencement of the Directions in February 2022, the Commission has been consulted on 20 matters across all 3 SES levels.

MEDIA

- [NACC is anti-corruption, APSC is pro-integrity hearing told \(themandarin.com.au\), 21 October 2022](https://www.themandarin.com.au/nacc-is-anti-corruption-apsc-is-pro-integrity-hearing-told/)

Clare McLean Acting Assistant Commissioner	Integrity, Performance and Employment Policy	s47F	s47F
s47F	Integrity and Ethics Team	s47F	s47F
Consultation	Nil	Cleared for internal use	Yes



APSC BRIEF – PREVENTING SEXUAL HARASSMENT IN THE APS

KEY NARRATIVE

- The APS has zero tolerance for sexual harassment in our workplaces.
- The Commission is working with agencies to ensure policies are in place to prevent and address sexual harassment, strengthen reporting and investigate complaints.

QUESTIONS AND ANSWERS

What is the prevalence of sexual harassment and sexual assault in the APS?

- In 2021-22 financial year, APS agencies have reported **59 formal complaints** of sexual harassment. These complaints were recorded across 25 agencies. This is a decrease of almost 25% on last year's figures.
- Of these, **21 were partially or fully upheld** and 9 were resolved outside formal processes. Larger agencies tend to report more complaints due to the greater overall number of employees – however there are a small number of complaints recorded across a large number of agencies.
- **Only 2 employment agreements**, which include a non-disclosure/confidentiality provision, were entered into relating to allegations of sexual harassment.
- The percentage of APS employees, in the APS Employee Census, who indicated **experiencing sexual harassment** has remained consistent over the last three years. This equates to **0.4% of the total APS workforce**.
- It is important to address and call out negative behaviour and everyday sexism in the workplace.
- The Government has committed to strengthening reporting on sexual harassment.
- The APS does not centrally collect data on sexual assault allegations. Such allegations are matters for the police.

How does the APS manage sexual harassment and sexual assault allegations?

- Agencies and employees have duties and obligations relating to sexual harassment under key pieces of legislation: *WHS Act 2011*, *Sex Discrimination Act 1984* and the new *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022*.
- The *Respect at Work Act 2022* passed through Parliament on 28 November 2022 and commenced on 13 December 2022. This Act will have an impact on Agencies, including introducing a positive duty on employers.



- Agencies must also:
 - provide employees with policies and procedures, training and supervision to ensure instances of sexual harassment are reported without fear, shame or 'victim blaming'.
 - take appropriate action to respond to and manage incidents.
- Agencies must already report all sexual harassment complaints and high level outcomes to the Commission through the APS Agency Survey.
- In February 2022, the APS Commissioner's Directions were updated to include a provision requiring agencies to consult with the Commissioner before disputes relating to sexual harassment are settled using agreements that include non-disclosure or confidentiality terms.

[Refer any further questions on the Respect at Work Act to AGD].

What is the Commission doing to ensure that APS workplaces are safe and free from harassment and assault?

- All APS employees and agencies have a shared obligation to create respectful workplaces.
- The *APS Gender Equality Strategy 2021-26* requires agencies to strengthen their approaches to preventing and responding to sexual harassment in the APS. This includes:
 - leaders reinforcing respectful standards of behaviour
 - agencies developing improved policy, guidance, transparency, reporting and support mechanisms.
- Although there will be a 12-month transition period before the positive duty becomes enforceable under the Respect at Work Act, the Commission is providing support for agencies to implement change now.
- The Commission will shortly be providing support through its website. This will include setting expectations and promoting tools and resources such as the Respect@Work website recently launched by Australian Human Rights Commission (AHRC) and the Respect@Work Council.
- The *Public Service Act 1999* (the Act) sets out the Values and Code of Conduct that apply to all APS employees. The Act highlights the responsibility of agency heads to promote and uphold the Values, and requires employees to treat others with respect and courtesy.
- To provide additional insights:
 - the APS Employee Census includes questions on sexual harassment and violence in the workplace.



- the annual APS Agency Survey collects data on investigations into, and outcomes of, sexual harassment complaints.

What is your role in implementing *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*?

- As Parliamentary Service Commissioner, I oversee the Parliamentary Workplace Support Service (PWSS) which was established in September 2021. The PWSS provides an independent complaints mechanism for serious incidents.
- I am working with the Department of the Prime Minister and Cabinet (PM&C) to support implementation of the Report.

[Refer any further questions relevant to your role as the PSC to your appearance in this capacity.]

[Refer any further questions on implementation to PM&C].

How is the Commission responding to the *Respect@Work* report?

- The Commission is ensuring that its policies and procedures are informed by the findings of the Respect@Work Report.
- The Commission is working with the Workplace Gender Equality Agency to support mandatory public sector reporting from 2022-23.
- The Report calls for Australian governments to have gender equality strategies that *address sexual harassment and recognise sexual harassment is driven by gender inequality and is a form of gender-based violence*. The APS Gender Equality Strategy meets these requirements.

FACTS AND FIGURES

2022 survey item	No.	Comments
APS employees who indicated experiencing sexual harassment (Census)	465 employees (0.4%)	Consistent with 2020 and 2021 results
APS agencies that reported complaints of sexual harassment (Agency Survey)*	59 complaints	78 in 2020-21

* The Agency Survey does not collect data on sexual assault – APS employees should refer to the police.



BACKGROUND

The Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 ('Respect at Work Act') passed through Parliament on 28 November 2022 and commenced on 13 December 2022 – a milestone in addressing workplace sexual harassment in Australia.

The Respect at Work Act implements 6 outstanding recommendations of the Respect@Work Report that require legislative action, including introducing a positive duty in the *Sex Discrimination Act 1984* requiring employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual and sex-based harassment, hostile work environments and victimisation as far as possible (Recommendation 17). It also confers new compliance and enforcement functions on the Australian Human Rights Commission (AHRC) to complement the positive duty (Recommendation 18).

The AHRC, together with the Respect@Work Council, launched the new Respect@Work website (respectatwork.gov.au) providing comprehensive information and resources to help workers and employers prevent and respond to sexual harassment in the workplace, including training and guidance materials, videos and workplace assessment tools to ensure respectful workplaces that are free from harassment.

There is a 12-month transition period before the positive duty becomes enforceable, to enable the AHRC time to establish its new functions and produce guidance on compliance with the duty, as well as employers to achieve voluntary compliance.

The positive duty will operate concurrently with existing duties in the model work, health and safety (WHS) laws which require employers and persons conducting a business or undertaking (PCBU) to provide a safe working environment, including ensuring the physical and psychological health and safety of all workers.

In addition, the Attorney-General's Department Respect@Work Taskforce is leading on a number of projects, including:

- Guidelines on the Use of Confidentiality Clauses in the Resolution of Workplace Sexual Harassment Complaints
- Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment



MEDIA

6 December 2022 – *The Mandarin* – [Why employers shouldn't be scared of Respect@Work](#)

1 December 2022 – *Crikey* – [These are the industries with the highest reported levels of sexual harassment](#)

29 November 2022 – *The West Australian* – [Champions of Change Coalition reports improved member performance as Respect at Work Bill passes in Parliament](#)

26 November 2022 – *The Canberra Times* – [Respect at Work bill passes the Senate](#)

2 November 2022 – *The Mandarin* – [Respect@Work website goes live as part of recommendations](#)

14 March 2022 – *Government News* - [Public sector women harassed, overworked and underpaid: survey](#) – Results from annual CPSU survey 'What Women Want'

26 February 2022 – *Newcastle Herald* – [March 4 Justice calls for much-needed change](#) (push for Government to accept all recommendations from Respect@Work)

30 November 2021 – *The Canberra Times* – [APS sexual harassment complaints more than double in State of the Service Report 2021](#)

1 June 2021 – *The Mandarin* – [Review puts parliamentary bullying, sexual harassment and sexual assault on the table](#): Launch of Kate Jenkins, Sex Discrimination Commissioner's review into workplace culture.

4 March 2021 - *The Canberra Times* – [‘A real gap’: Sexual assault, harassment figures within public service not reported](#): Comments on need for centralised data collection of sexual assault allegations across the APS.

15 February 2021 - *news.com.au* – [Young staffer Brittany Higgins says she was raped at Parliament House](#): Initial media article of the reported assault. This has been followed by articles from numerous media outlets concerning the allegations, and consequent allegations from other women.

OTHER RELEVANT MATERIAL

SB23-000042: Diversity

TIMELINE

Date	Action
5 March 2020	Kate Jenkins (Sex Discrimination Commissioner, AHRC) report released - Respect@Work



5 March 2021	<i>The Independent Review into Commonwealth Parliamentary Workplaces (Review) was established by the Australian Government, with support from the Opposition and crossbench. The review was conducted by the Australian Human Rights Commission and led by the Sex Discrimination Commission.</i>
8 April 2021	Government response to Respect@Work report – <i><u>A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces</u></i>
28 April 2021	Pru Goward report released by NSW Premier - ‘ <i>Review of policies and procedures for Ministerial offices – bullying, harassment, and sexual harassment</i> ’ - <i><u>New bullying and harassment protections NSW Government</u></i>
June 2021	Stephanie Foster report released - ‘ <i><u>Parliamentary Workplace: Responding to Serious Incidents Report</u></i> ’
30 November 2021	Kate Jenkins (Sex Discrimination Commissioner, AHRC) report released - ‘ <i><u>Set the Standard: Report on Review into Commonwealth Parliamentary Workplaces</u></i> ’ released: <ul style="list-style-type: none"> • This report reflects the review, findings and recommendations designed to ensure that Commonwealth parliamentary workplaces are safe and respectful and that the nation’s Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault. • Report contains 28 recommendations across five areas of focus.
28 November 2022	<i>Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022</i> (‘Respect at Work Act’) passed through Parliament
13 December 2022	‘Respect at Work Act’ formally commenced with 12 month transition period.

Clare McLean Group Manager	Integrity, Performance and Employment Policy	s47F	s47F
s47F	Inclusion Policy	s47F	
Consultation	Attorney-General’s Department (Respect@Work Taskforce)	Cleared for internal use	Yes



APSC BRIEF – VOICE TO PARLIAMENT REFERENDUM

KEY NARRATIVE

- The Government's commitment to hold a referendum this year to update the Constitution to include an Aboriginal and Torres Strait Islander Voice to Parliament (the Voice Referendum) is being implemented by agencies across the Australian Public Service.
- The National Indigenous Australians Agency (NIAA) is preparing for the Voice referendum through First Nations engagement, coordination across agencies, and supporting government processes.
- The Australian Public Service Commission is working closely with NIAA and the Department of the Prime Minister and Cabinet (PM&C) to outline the guidance available to APS employees in upholding the APS Values in the lead up to and during the Voice Referendum process, and to support employees' wellbeing, psychological and cultural safety, particularly of First Nations colleagues.

Is the APS required to be apolitical prior to and during the Voice referendum?

- All APS employees have an obligation to understand and uphold the APS Values – to be Impartial, Committed to Service, Accountable, Respectful and Ethical – in connection with their employment as public servants.
- In addition, the APS Code of Conduct requires APS staff to '*at all times behave in a way that upholds the APS Values*' and '*the integrity and good reputation of the employee's agency and the APS*'.
- The Commission is working closely with the NIAA and the Department of the Prime Minister and Cabinet to outline the practical guidance available to APS employees in upholding the APS Values in the lead up to and during the Voice Referendum process.
- In relation to impartiality, APS employees understand that the work currently underway across agencies to prepare for the Voice Referendum is no different to the implementation of other Government policies and initiatives. They are required, as always, to provide a high standard of quality advice and implementation to serve the government of the day, and should ensure that their actions do not publicly call into question their ability to do so impartially.
- As Australian citizens APS employees will have their own views about the Voice Referendum as an important topic of public debate, particularly as it concerns the proposed recognition of First Nations Australians in the Constitutional framework of government.



- However, public servants have additional responsibilities to maintain the trust and confidence of the community in the integrity of the APS, and the capacity of each member of the Service to undertake their duties professionally and in an apolitical manner. Those additional responsibilities apply prior to and during the Voice Referendum process, as they do at all times.

Is the APS providing particular support to First Nations employees during the Voice Referendum process?

- Agency heads and senior executive service staff have ethical and legal obligations as leaders and managers to ensure the safety and wellbeing of APS employees in their employment.
- I am conscious that these obligations include a duty to ensure all APS workplaces are psychologically and culturally safe for First Nations employees, and for employees who may be particularly affected by the public debate on the Voice Referendum.
- The APS Value that employees must be Respectful is key to this duty – the recognition that the APS respects all people, including their rights, beliefs and heritage. Integral to this respect workplace courtesy, and zero tolerance for unacceptable workplace behaviour, such as bullying and harassment.
- APS First Nations employees who may be particularly impacted over the coming months, are strongly encouraged to engage in First Nations employee networks – to reach out to Indigenous Champions, SES and Indigenous Liaison Officers – or to seek support through employee assistance programs if necessary.

What are you doing as Australian Public Service Commissioner to guide agency heads and APS employees about appropriate conduct before and during the Voice Referendum?

- The Commission provides a comprehensive suite of integrity guidance materials on its website, including the *APS Values and Code in Practice Guide* and the *Social Media Guide*, which contain practical advice for APS employees and their managers on how to balance their obligations in a reasonable and proportionate way, in contextual scenarios such as public debates and electoral activities.
- As APS Commissioner I intend to write jointly with the Secretary of the Department of the Prime Minister and Cabinet to agency heads about the critical role and responsibilities of the APS during the Voice Referendum process, to provide them with information on available networks of employee support, and draw their attention to the Commission's guidance resources on integrity matters.
- I understand the NIAA is also preparing some additional guidance to its own staff, available shortly, indicating how the Commission's integrity resources may be applied during that agency's Voice Referendum preparation work.



BACKGROUND

The Commission and the NIAA have been in discussion over several months regarding guidance to APS agency heads and employees on integrity matters, and provision of wellbeing supports to First Nations employees.

The joint letter to agency heads is currently in development between the Commission and PM&C, in consultation with NIAA and First Nations APS employees, particularly the Indigenous SES Network membership.

Senator the Hon Bridget McKenzie wrote to Commissioner Woolcott on 6 February 2023, to:

- seek confirmation that *'the APS Values of Impartiality and thus the requirement to be apolitical, apply to APS employees prior to and during the conduct of the proposed referendum campaign'* and
- ask if he intended to *'issue guidance to agency heads and APS employees regarding their appropriate conduct under the APS Values and Code of Conduct'*

The Commission is preparing a response to Senator McKenzie.

Clare McLean Group Manager	Integrity, Performance and Employment Policy Group	s47F	s47F
s47F	Integrity and Ethics Inclusion Policy	s47F	
Consultation	NIAA, PM&C	Cleared for internal use?	Yes



BPB - FREEDOM OF INFORMATION

KEY NARRATIVE

- The Australian Public Service Commission (Commission) is subject to the *Freedom of Information Act 1982* (FOI Act).
- The Commission processes FOI applications in accordance with the FOI Act.

How many FOI requests has the Commission received since 1 July 2022?

- The Commission has received thirty-three (33) FOI requests since 1 July 2022.
 - Twenty (20) requests proceeded to decision.
 - Two (2) requests proceeded to administrative release.
 - Eight (8) requests were withdrawn.
- The Commission has also received ten (10) internal review requests.

How many FOI matters does the Commission have on hand as of 15 January 2023?

- Three (3) requests are being processed.

How is the Commission managing [*a particular FOI request pending decision notification*]?

- The Commission is processing the request and cannot comment on particulars of that process.
- The applicant will be notified of a decision on the request within the statutory timeframe.

Does the Commission publish all documents disclosed under FOI on their website?

- The Commission maintains an FOI disclosure log on its website in accordance with the FOI Act.
- For each request listed in the disclosure log, the Commission makes relevant information available either by direct download, linking to other websites or providing information about how the documents may be obtained.

Does the Commission routinely seek external legal advice on FOI matters?

- No. The Commission may seek external legal advice on individual complex FOI requests.

Why has [*a particular Office of the Australian Information Commissioner (OAIC) matter*] not been finalised?

- This matter is now with OAIC.
- The Commission has complied with all requests for information and submissions.
- The Commission awaits OAIC's decision and cannot comment on particulars or speculate on the outcome.



How many Commission FOI matters are with the OAIC?

- There are eleven (11) matters we are aware of that are currently with the OAIC for decision.

How long has the OAIC taken to finalise [*a particular OAIC matter*]?

- The OAIC is best placed to comment on its timeframes for review of their matters.
- The Commission cannot comment on OAIC's internal processes.

FACTS AND FIGURES

Primary Decision Stage		Internal Review Stage		OAIC Review Stage	
<i>Received</i>	<i>Finalised</i>	<i>Received</i>	<i>Finalised</i>	<i>Notified of Review</i>	<i>Finalised</i>
33	30	10	10	11	0

OTHER RELEVANT MATERIAL

A copy of the relevant provisions of the FOI Act are at Attachment A.

Clare McLean A/g Assistant Commissioner	Integrity, Performance and Employment Policy Group	s47F [REDACTED]	s47F [REDACTED]
s47F [REDACTED] [REDACTED]	Legal Services	s47F [REDACTED]	s47F [REDACTED]
Consultation	N/A	Cleared for internal use	Yes



Attachment A

24A Requests may be refused if documents cannot be found, do not exist or have not been received

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

42 Documents subject to legal professional privilege

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.
- (2) A document is not an exempt document because of subsection (1) if the person entitled to claim legal professional privilege in relation to the production of the document in legal proceedings waives that claim.
- (3) A document is not an exempt document under subsection (1) by reason only that:
 - (a) the document contains information that would (apart from this subsection) cause the document to be exempt under subsection (1); and
 - (b) the information is operational information of an agency.

47 Documents disclosing trade secrets or commercially valuable information

- (1) A document is an exempt document if its disclosure under this Act would disclose:
 - (a) trade secrets; or
 - (b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.
- (2) Subsection (1) does not have effect in relation to a request by a person for access to a document:
 - (a) by reason only of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
 - (b) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or
 - (c) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (3) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by:
 - (a) the Commonwealth or a State; or



- (b) an authority of the Commonwealth or of a State; or
- (c) a Norfolk Island authority; or
- (d) a local government authority.

47C Public interest conditional exemptions—deliberative processes

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would disclose matter (***deliberative matter***) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:
 - (a) an agency; or
 - (b) a Minister; or
 - (c) the Government of the Commonwealth.

Exceptions

- (2) Deliberative matter does not include either of the following:
 - (a) operational information (see section 8A);
 - (b) purely factual material.

Note: An agency must publish its operational information (see section 8).

- (3) This section does not apply to any of the following:
 - (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters;
 - (b) reports of a body or organisation, prescribed by the regulations, that is established within an agency;
 - (c) the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47E Public interest conditional exemptions—certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency;
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).



47F Public interest conditional exemptions—personal privacy

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

APS Reform (encompassing capability reviews)**Subject/Issue**

The Government is delivering an ambitious and enduring reform agenda for the APS that lifts capability and delivers better outcomes for Australians.

Key facts and figures

- The Government is investing \$72.9 million to start delivering on the new APS reform agenda. This includes:
 - \$3.4 million to the Australian Public Service Commission to lead key elements of the reform
 - \$6.6 million to the Department of Prime Minister and Cabinet
 - \$30.8 million to be allocated to Reform priorities
 - \$25 million over two years (from 2023-24) for an APS Capability Reinvestment Fund and
 - \$7.1m for APS Net Zero Emissions by 2030.

Key points

- At its heart, our reform agenda is about restoring the public's trust and faith in government and its institutions – in the APS.
- It builds on the Thodey Review and has four priority areas. An APS that:
 - embodies integrity in everything it does
 - puts people and business at the centre of policy and services
 - is a model employer
 - has the capability to do its job well.
- Implementation will be staged to build momentum and deliver impactful results for the Australian public, the APS and the Government.
- Early priorities for the APS Commission include:
 - establishing the APS as a model employer through a new comprehensive workplace relations policy

- building APS capability through an initial tranche of independent agency capability reviews
- developing strategies to increase the participation of First Nations people in the APS to 5 per cent.
- The Commissioner can speak more about these elements.
- The APS Reform Office in PM&C, working with the Commission and other agencies, will oversee all other elements of the reform.
- Other key elements include:
 - an in-house consulting model to reduce reliance on contractors and consultants (building on our audit of employment)
 - a Charter of Partnerships and Engagement that makes a promise about how we work to put people and businesses at the centre of policy, implementation and delivery
 - long-term insights briefings to improve policy development and future planning
 - amendments to legislation to lock-in transformational change and set the APS up for the future.
- The Department of the Prime Minister and Cabinet can speak to these in more detail.

Background

The reform plan was based on a stocktake of the extensive reforms outlined in the 2019 Independent Review into the APS (the Thodey Review) to consider what is yet to be done and what should be prioritised to achieve the desired future state of the APS.

The Reform Plan is informed by research into best practice internationally and in other jurisdictions, including recent reform in New Zealand and the UK.

Date:	25/01/2023
Cleared by (SES):	Helen Wilson, Deputy Commissioner
Cleared for internal use:	Yes
Telephone No:	s47F
Group/Branch:	Workforce Insights
Contact Officer:	Nicole Steele
Telephone No:	s47F
Consultation:	APS Reform Office, PM&C
PDR Number:	SB23-000005
Last Printed:	13/02/2023 4:20 PM



APSC BRIEF – APS REFORM (ENCOMPASSING CAPABILITY REVIEWS)

KEY NARRATIVE

- The Commission will play a key role in delivering the Government’s *Ambitious and Enduring Reform Plan for the APS*, in partnership with the APS Reform Office and partner agencies.
- **\$3.380 million** in funding and **18.8 Average Staffing Level (ASL)** was provided to the Commission through the 2022-23 Budget to support reform efforts.
- The Commission will lead three early priority initiatives:
 - Capability reviews;
 - Boosting First Nations Employment; and
 - Workplace Relations policy.

What is the Commission responsible for under the APS Reform Plan?

- Early priorities for the Commission include:
 - building APS capability through an initial tranche of independent **agency capability reviews**;
 - strategies to increase the participation of **First Nations people** in the APS to 5 per cent; and
 - establishing the APS as a model employer through a new comprehensive **workplace relations policy** (SB23-000028).
- There are other initiatives of the Government’s reform plan for which the Commission has primary or joint responsibility.
- Some of these initiatives have now commenced, for example:
 - through the work of the APS Academy (*Embedding the L&D Strategy and Delivering Great Policy*)
 - through the Secretaries Board Sub-committee on the Future of Work of which I am co-Chair (*Strategic Commissioning Framework*)
- Other initiatives will require a more considered approach to enable engagement across the APS and legislative change (*APS Purpose statement*).

Refer to **Attachment A** for a list of the elements of the package for which the Commission has primary or joint responsibility.



Close to \$41 million has been allocated to the Commission and the Department of the Prime Minister and Cabinet for reform. What are you going to achieve with this funding?

- The initial allocation includes:
 - \$3.4 million to the Commission
 - \$6.6 million to the Department of the Prime Minister and Cabinet
 - \$30.8 million to be allocated to Reform priorities in 2023-24 and 2024-25
- This initial funding for 2022-23 allows the Commission to progress quickly on early priorities, such as an initial tranche of independent agency capability reviews and development of a new comprehensive workplace relations policy.
- This measure is in addition to the previous *Public Sector Capability* measure that provided the Commission with \$15.6 million over two years to June 2023 and it includes new funding out to June 2025.
- The Department of the Prime Minister and Cabinet can speak in more detail about broader APS Reform priorities and funding arrangements.

Why did you volunteer to undertake a capability review?

- As Commissioner, I see great value in undertaking capability reviews and requested one for the Commission back in 2019.
- I was keen for the Commission to be part of the pilot and to closely engage with the new process that we are also responsible for administering within other agencies.
- A capability review is a great opportunity to work through what we need to address internally in the Commission to enable us to meet future challenges.

Who is conducting the Commission's capability review?

- The Senior Review team comprises an independent reviewer, Ms Carmel McGregor, and a senior APS officer, Ms Justine Greig from the Department of Defence.
- The Department of the Prime Minister and Cabinet is supporting the Senior Review team to undertake our review and is best placed to answer questions about the review's progress.

Capability reviews did not work the last time the Commission administered them. What is different this time?

- The Thodey Review offered key insights into the previous program of capability reviews – what worked and what did not work.
 - Past capability reviews lacked focus on the future challenges facing an agency. They also lacked transparency and action planning.



- Based on the findings of the Thodey Review and informed by lessons learned from national and international jurisdictions, the Commission has developed a new Capability Review program which addresses these limitations:
 - capability reviews will be short, sharp and future-focused; and
 - reports and actions plans will be made public to ensure transparency and accountability.

Why are you not committing to capability reviews for all agencies? Who will miss out?

- The Capability Review model allows for individual agency reviews, as well as cross-thematic reviews based on Government priorities.
- In 2022-23, a pilot of three agency-specific capability reviews will be undertaken. These are:
 - APSC
 - Department of Health and Aged Care
 - Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- A cross-agency review of the APS' capability to respond to national emergencies will also commence by mid 2023.
- Options for further reviews in 2023-24 will be considered by Government through the upcoming Budget. This pilot will allow the Commission to review the new methodology and model to ensure they meet the intended aims.
- Agencies can also initiate their own capability reviews. The approach is flexible to accommodate specific operational and policy contexts, and scalable, to reflect the size and complexity.

FACTS AND FIGURES

2022-23 Budget funding allocation	2022-23	
	Funding	ASL
Agency Capability Reviews	\$0.667 million	3
First Nations Unit	\$0.161 million	2
Workplace Relations Policy	\$2.555 million	13.8
Total	\$3.380 million	18.8

Refer to Deputy Commissioner Wilson for further detail on APS Reform budget (SB23-000009).



BACKGROUND

The reform plan was based on a stocktake of the extensive reforms outlined in the *2019 Independent Review into the APS* (the Thodey Review) to consider what is yet to be done and what should be prioritised to achieve the desired future state of the APS.

In addition, the Government researched best practice internationally and in other jurisdictions, including recent reform in New Zealand and the UK to develop the Reform agenda.

The Minister for the Public Service announced the initial set of initiatives within the Government's APS Reform agenda at an IPAA ACT event on 13 October 2022.

MEDIA

- 21 November 2022 – Emergency management, Health and Infrastructure agencies first up for rebooted APS capability reviews. [Canberra Times](#)

OTHER RELEVANT MATERIAL

Nil.

Nicole Steele Group Manager	Workforce Insights Group	s47F	s47F
s47F	Capability Review Team	s47F	
Consultation	APSC Groups for Attachment A	Cleared for internal use	Yes

Attachment A

Initiatives under the APS Reform Plan led or co-led by the Australian Public Service Commission

Pillar 1: APS embodied integrity in all that it does		
Item 1	APS purpose statement Amend the PS Act to require that the APS put in place a purpose statement aligned to the values and employment principles.	Lead: PM&C Support: APSC, FoW Sub-Committee relationship with APS EVP work
Item 2	Stewardship as an APS Value Amend the PS Act to add a new APS Value on 'Stewardship'.	Co-Leads: PM&C & APSC
	Progress: Legislative drafting on this measure is progressing as part of the broader suite of amendments to the Public Service Act framework, approved for introduction in Budget sitting of Parliament (early June 2023). Consultation with agencies and key stakeholders will precede an intended public exposure draft.	
Item 3	Extend APS Values to all PGPA Act agencies Extend the core values of the APS and provide the new value of 'Stewardship' to all agencies covered by the PGPA Act.	Lead: DoF & PM&C Support: APSC
Item 4	Limitation on Ministerial direction to Agency Heads Clarify the provisions in s19 of the PS Act to ensure that Agency Heads are not subject to ministerial direction on employment matters.	Lead: PM&C Support: APSC
Item 6	Ministerial statement on progress of public sector reform Minister for the Public Service to issue a public annual statement on public sector reform.	Lead: PM&C Support: APSC, DoF
Item 8	Strengthen pro-integrity systems and culture Undertake discovery activities on the Cwlth's integrity systems, culture and governance, and opportunities to enhance pro-integrity systems and culture.	Lead: PM&C, AGD Support: APSC, DoF, Integrity
Item 33	Guidance on post-employment conflicts of interest for decision-makers Develop guidance on post-employment conflicts of interest targeted at Agency Heads and SES.	Lead: AGD Support: APSC, PM&C
Item 34	Guidance on public sector integrity for third parties Develop guidance material for contractors and third parties setting out public sector integrity requirements.	Lead: DoF Support: APSC, AGD, PM&C

Pillar 2: APS puts people and business at the centre of policy and services		
Item 10	<p><i>Establish a new Charter of Partnerships and Engagement</i></p> <p>Secretaries Board to develop a Charter of Partnerships to promote an open APS and guide external engagement and collaboration.</p>	<p>Lead: Secretaries Board Support: NIAA</p>
Item 11	<p><i>Secretaries Board sub-committee on Partnership Priorities</i></p> <p>Establish a Secretaries Board sub-committee on Partnership Priorities to achieve better policy and delivery outcomes.</p>	<p>Lead: Secretaries Board</p>
Pillar 3: The APS is a model employer		
Item 20	<p><i>Reducing fragmentation in pay and conditions</i></p> <p>Establish a plan to reduce the fragmentation of APS pay and conditions through service-wide bargaining.</p>	<p>Lead: APSC Support: COO Committee</p>
	<p><i>Progress:</i> The WR Bargaining Taskforce was stood-up on 24 October 2022 with the commencement of chief negotiator, Mr Peter Riordan, and acting Assistant Commissioner, Damien Booth.</p>	
	<p>In November and December 2022 the Taskforce undertook consultations with APSC agencies and unions concerning the development of a comprehensive workplace relations policy, with a view to undertaking service-wide bargaining in 2023 (proposed from April to July 2023 – subject to prior cabinet agreement to process and bargaining parameters).</p>	
	<p>The Commission has also established a dedicated webpage on our website that includes a range of information about service-wide bargaining, including a set of Principles and Objectives to guide the process.</p> <p>Consultation with APS employees is also expected to occur in January 2023 through the distribution of a survey seeking employee views about their priorities for service-wide bargaining.</p>	
Item 21	<p><i>Publishing of APS Census data and action plans</i></p> <p>Require that Agency Heads publish APS Census results in aggregate annually, along with an action plan.</p>	<p>Lead: APSC</p>

	<p><i>Progress:</i> Secretaries Board have agreed to mandatory publication of Census results from 2023. APS Commissioners Directions will be updated, with exemptions for national security agencies.</p>	
Item 22	<p><i>Ambitious diversity commitments</i> Secretaries Board to establish and embed ambitious diversity commitments.</p>	Lead: Secretaries Board Support: APSC, NIAA
Item 23	<p><i>Boost First Nations employment</i> Establish a plan to increase First Nations employment in APS to 5% and eliminate first Nations APS employees experiences of racism.</p> <p><i>Progress:</i> Mid-point review of the <i>Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy</i> has been undertaken to inform refresh of strategy to account for Government representation commitment.</p>	Lead: APSC Support: NIAA, PM&C
Item 24	<p><i>Behaviour and outcomes-based performance management arrangements</i> Establish measures to ensure performance management in the APS is focused on outcomes and behaviours aligned to the APS Values.</p>	Lead: PM&C Support: APSC, FoW Sub-committee, COO committee, All agencies
Item 38	<p><i>Increasing flexible and remote work</i> Develop a strategy to increase access to flexible and remote work across the APS.</p> <p><i>Progress:</i> This is a current priority for the Future of Work Sub-committee and work is underway to develop a whole-of-APS approach to flexible work, including consideration of intersections with workplace bargaining (SB23-0000021 refers). Work is set to be finalised in the first half of 2023.</p>	Lead: APSC Support: Secretaries Board FoW Sub-committee
Item 39	<p><i>Induction for new Secretaries and Agency Heads</i> Deliver an induction offering for new Secretaries and Agency Heads on roles, responsibilities and accountabilities under law, and integrity and stewardship functions.</p>	Lead: DoF Support: APSC, PM&C
Item 40	<p><i>Optimal management structures (OMS)</i> Support agencies to move towards optimal management structures, improve decision making and spans of control.</p> <p><i>Progress:</i> Following the Hierarchy and Classification review, work is underway to update the OMS framework, planned for completion by 30 June 2023. Work has also commenced on culture and capability reforms, with oversight from the</p>	Lead: APSC Support: Secretaries Board FoW Sub-committee

	Future of Work Secretaries Sub-committee. Consultation with agencies on this work commenced in late 2022.	
Item 50	<i>Secretaries Board Sub-committee on the Future of Work</i> Embed the Secretaries Board FoW Sub-committee as a catalyst in driving organisational and workforce reform priorities to position the APS as a model employer and ensure it has the capability to do its job well.	Lead: APSC Support: Secretaries Board FoW Sub-committee
	<i>Progress:</i> The Secretaries Board Sub-committee was established in February 2022. The Sub-committee is driving a number of reform priorities to strengthen the APS employee value proposition and build APS capability. A multi-agency taskforce to support the Sub-committee and drive progress has been established within the APSC. (SB23 - 000016 refers incl Membership and Terms of Reference)	
Item 51	<i>Maternity Leave Act review implementation</i> Consider and implement the recommendations of the Maternity Leave Act review.	Lead: APSC Support: PM&C
	<i>Progress:</i> The Review of the Maternity Leave Act is in its final stages. The Department of Finance has provided indicative costings of draft recommendations. The APSC is preparing to publish the final report and recommendations. The Review remains a priority for the Commission and Government. Time is being taken to ensure appropriate consideration is given to this important piece of work.	
Item 52	<i>Reduce gender pay gap and report to public on progress</i> Deliver on the election commitment for the APS to take action to address the gender pay gap in the APS.	Lead: WGEA Support: APSC, PM&C, All agencies
Pillar 4: The APS has the capability to do its job well		
Item 26	<i>In house consulting model</i> Develop and pilot an in-house consulting model including consulting hub function to strengthen core capabilities and functions.	Lead: PM&C Support: APSC, DoF FoW Sub-committee
Item 27	<i>Capability reviews</i> Reinstate a program of capability reviews.	Lead: APSC Support: PM&C, Secretaries Board FoW Sub-committee, COO Committee
	<i>Progress:</i>	

	<p>Secretaries Board and Future of Work Secretaries Sub-committee have agreed to the capability review approach.</p> <p>In 2022-23 three agency-level capability reviews will be completed, and 1 cross-thematic capability review on national emergencies will commence as part of the pilot.</p> <p>The pilot commenced with APSC in late 2022.</p>	
Item 28	<p>APS Capability Reinvestment Fund</p> <p>Establish a modest Fund to support reinvestment in the capability of the APS to support longer-term reforms and cross-cutting capability needs.</p>	<p>Lead: PM&C</p> <p>Support: APSC, DoF</p>
Item 29	<p>Asia and the Pacific Capability</p> <p>Develop and pilot a program to build Asia-Pacific capability</p>	<p>Lead: PM&C, DFAT, Defence</p> <p>Support: APS Learning Board, FoW Sub-Committee</p>
Item 32	<p>Delivering Great Policy</p> <p>Continue WoG policy capability uplift offerings including through the Delivering Great Policy program delivered by the APS Academy.</p> <hr/> <p><i>Progress:</i> The APS Academy is partnering with PM&C to pilot an abridged version of Delivering Great Policy learning offering to support the strengthening of policy capability within the Department of Social Services and the Department of Health, as well as continuing to include Delivering Great Policy – Foundational Modules as part of the annual course calendar. The APS Academy is reviewing the overall DGP offering to ensure it aligns with the Learning Quality Framework to allow scalability across the APS.</p>	<p>Lead: APSC</p> <p>Support: PM&C</p>
Item 41	<p>New APS Professions and embed the APS Learning and Development Strategy</p> <p>Explore options to establish Evaluation and Project Management professions, and support the ongoing delivery of existing professions and the professions model.</p> <hr/> <p><i>Progress:</i> The APSC has been leading a co-design project on how to better align the Professions and APS Academy to streamline and gain efficiencies. The project is complete. Findings and recommendations for better alignment of the Professions and APS Academy and the future structure and sustainability of the professions model were presented to the Heads of Professions and Secretary for Public Sector Reform in Dec</p>	<p>Lead: APSC</p> <p>Support: FoW Sub-Committee</p>

	<p>2022, with all recommendations supported in principle.</p> <p>Outcomes and recommendations will be presented to Secretaries Board in early 2023.</p>	
Item 42	<p><i>Expanding the APS Academy</i></p> <p>Amplify the APS Academy's efforts to reduce duplication, support agencies to make efficient and effective learning investment, leverage best practice and share learning resources across the APS.</p> <p><i>Progress:</i> Progressing the implementation of the APS Learning and Development Strategy and Action Plan, implementing the Learning Quality Framework and the Identification of Quality Learning initiatives to identify quality learning offerings that can be delivered at scale to the APS. Piloting the Learning Bank to promote the sharing and reuse of existing learning offerings as phase one of the Learning Marketplace.</p>	Lead: APSC
Item 43	<p><i>Managerial Capability Uplift Project</i></p> <p>Invest in the capability uplift of APS managers to ensure current and future leaders have the skills to perform their roles.</p> <p><i>Progress:</i> Following FoW endorsement of the APS Academy's EL2 Continuous Professional Development approach and Secretary Board funding secured through the Academy Levy, a service provider has been contracted to assist with the social learning design and learning platform for delivery of the first iteration. The initial focus will be on 500 participants from two segments of the EL2 cohort: 'Starting-Out' (new to EL2) and 'Stepping-Up' (preparing for promotion). The Learning Board project sponsor for the project is Ms Curtis.</p>	Lead: APSC Support: Secretaries Board FoW Sub-committee
Item 35	<p><i>Audit of employment</i></p> <p>Undertake an audit of employment by the APS to understand the nature and scale of the APS external workforce and identify where temporary forms of work are used inappropriately and where improvement could be made.</p> <p><i>Progress:</i></p> <p>Two data collections have now been undertaken to: 1. determine barriers and opportunities regarding the use of external labour to inform the Government's approach to the conversion of</p>	Co-Leads: APSC, DoF Support: FoW Sub-Committee

	external labour roles and 2. understand the expenditure, number and the work undertaken by contractors, consultants and labour hire workers engaged in 2021-22. Audit results will build a comprehensive understanding of the whole APS workforce and inform efforts by the Secretaries Board FoW Sub-committee to reduce reliance on contractors and consultants and rebalance the APS workforce (SB23-000023 refers)	
Item 54	<p>Strategic commissioning framework Develop principles-based support for decisions around identifying the most appropriate resourcing option - whether to engage an internal APS employee or procure external expertise. This will provide options to leverage internal capability and ensure knowledge transfers when external expertise is engaged.</p>	Lead: APSC Support: Secretaries Board FoW Sub-committee, DoF, PM&C
	<p><i>Progress:</i> The Secretaries FoW Sub-committee agreed the scope of the Framework in October 22 and that a prototype will be developed through collaboration with agencies in early 2023</p>	
Item 35	<p>Strengthening APS partnerships with ministers Embed a shared understanding of roles, needs and responsibilities for the APS and Ministerial offices through guidance and training.</p>	Lead: APSC Support:
	<p><i>Progress:</i> First meeting of reconstituted panel scheduled took place 2 Nov where discussion focussed on training and development priorities for staff.</p>	



APSC BRIEF – AUSTRALIAN PUBLIC SERVICE EMPLOYEE NUMBERS

KEY NARRATIVE

- At 30 June 2022, there were **159,469 employees** in the Australian Public Service (APS) (headcount).
- This was an **increase of 5,783** from June 2021.
- This increase was driven by an **increase in ongoing (6,820) employees**.
- Non-ongoing employees **decreased by 1,037**.

What is the size of the Australian Public Service and has it increased?

- As at 30 June 2022, there were **159,469 APS employees**, which was a **3.8 per cent increase** (5,783) since 30 June 2021.
 - The headcount has **reduced by 4.7 per cent** (7,871) since its **peak** in June 2012 (167,340).

Type of employment	30 Jun 2021	30 Jun 2022	% change	Current % of the APS
Ongoing	133,939	140,759	+5.1	88.3
Non-ongoing	19,747	18,710	-5.3	11.7
Whole-of-APS	153,686	159,469	+3.8	100

Largest increases by agency:

Agency	Increase (headcount)	Increase (%)
Australian Electoral Commission (1,702 non-ongoing employees to assist with Federal Election).	1,767	123.3
Health	931	19.6
Agriculture, Water and the Environment (pre-Machinery of Government change)	768	10.9



Where are the majority of APS employees located?

- Nearly half (47.6 per cent) of APS employees are in capital cities other than Canberra, while 38.3 per cent are based in the ACT.
- The geographic footprint of the APS has remained relatively stable in the past financial year.

Location	As at 30 June					
	2003		2021		2022	
	N	%	N	%	N	%
ACT	43,329	32.9	58,756	38.2	60,997	38.3
Capital Cities	72,386	55	72,478	47.2	75,882	47.6
Regional	14,987	11.4	21,239	13.8	21,212	13.3
Overseas	930	0.7	1,213	0.8	1,378	0.9
All	131,632	100	153,686	100	159,469	100

How diverse is the Australian Public Service?

Cohort	30 Jun 21	30 Jun 22	% change	% of APS	Comments*
Women	92,458	96,341	+0.3	60.4	Women have reached, and in most cases exceeded parity with men at every level up to and including the combined Senior Executive Service (SES) cohort. During 2021-22, 58.7% of employees entering the SES cohort were women.
Disability	7,123	7,500	+0.1	4.7	There has been a 0.1% increase in the proportion of employees with disability over this financial year. There has been a steady increase from 3.4% in 2013.
First Nations	5,655	5,643	- 0.2	3.5	A drop in both the number and proportion of First Nation employees. The longer-term trend has seen an increase (from 2.6% in 2012).
NESB	23,225	23,834	- 0.2	14.9	The number has increased over the year while the proportion of NESB employees dropped from 15.1% to 14.9%. The large proportion of employees who have not disclosed their NESB status is a factor in the evident plateauing of NESB representation.

* Further diversity data reported in SB23-000026 APSC – Diversity and inclusion



Is the APS workforce ageing?

- The **average age of APS employees is increasing**. This is in line with the trends in ageing across the general Australian workforce.

Average age by year

June	Average age
2003	40.2
2007	41
2012	42.1
2017	43.3
2021	43.5
2022	43.4

Age group comparison between 2003 and 2022

Age	June	
	2003	2022
	%	%
Under 25	6.4	5.1
25-34	26.2	20.3
35-44	30.7	27.6
45-54	28.3	27.6
55 & over	8.4	19.5



BACKGROUND

- The Australian Public Service Commission (the Commission) maintains data on staff employed under the *Public Service Act 1999*. The Commission routinely releases workforce information publicly.
- The most recent employment data was released on 2 September 2022 and covers data as at 30 June 2022.
- The next employment data release will be 24 March 2023 to cover data as at 31 December 2022.
- The Commission measures the headcount as a point-in-time count of overall employee numbers. It does not collect data on ASL.

MEDIA

- **24 November 2022:** The Mandarin article [‘Last 12 months sees APS get bigger, and focus on placing ‘creativity’ at centre of work’](#) cites key workforce trends from the 2021-22 State of the Service Report revealing that the APS has grown in size during 2021-22.

Nicole Steele Group Manager	Workforce Insights	s47F [REDACTED]	s47F [REDACTED]
s47F [REDACTED]	Workforce Metrics	s47F [REDACTED]	
Consultation	Nil	Cleared for internal use	Yes



BPB – 2022 APS EMPLOYEE CENSUS

KEY NARRATIVE

- The 2022 Census was administered between 9 May and 10 June 2022.
- There were 120,662 responses across 99 agencies – with a response rate of **83 per cent** (an increase on the 77 per cent response rate achieved in 2021).

What were the key findings?

- Results were **largely positive**, with employees continuing to report that they are engaged, high performing and believe in the purpose of the APS.

Employee engagement and performance

- The Employee Engagement Index score measures the extent to which employees are motivated and enabled to improve organisational outcomes.
- There has been limited change in the index, suggesting employees remain motivated and committed to their agency's goals:

2022	2021	2020	2019
73%	73%	73%	72%

- A high proportion of the APS are rating individual, team, and agency performance as very high:

	2022	2021
Workgroup's overall performance during the month preceding the Employee Census as excellent or very good	83%	82%
Agency was excellent or very good at meeting its goals and objectives during the month preceding the Employee Census	71%	71%

Employees believe strongly in the work of the APS

- The vast majority believed strongly in the purpose of the APS and understood how their work supported Australians:

	2022	2021
I understand how my role contributes to achieving an outcome for the Australian public	92%	90%
I believe strongly in the purpose and objectives of the APS	85%	82%



Harassment or bullying has continued to decreased

- Perceptions of harassment or bullying continue to decline.

2022	2021	2020	2019
9.7%	11.7%	11.8%	13.0%

- One-third** of respondents reported the harassment or bullying.
 - An additional 7 per cent said the harassment or bullying was reported by someone else.
- The most **common reasons** given by those who did not report were:
 - they did not think action would be taken (48 per cent);
 - they feared possible retaliation or reprisals (47 per cent); and
 - they did not want to upset relationships in the workplace (40 per cent).

Perceptions of experience of sexual harassment remain consistent with previous years

- People who have reported experiencing sexual harassment has remained at less than half a per cent since 2019.

2022	2021	2020	2019
0.4% (465 respondents)	0.4% (466 respondents)	0.4% (425 respondents)	0.4% (465 respondents)

Satisfaction with remuneration has decreased

- There was a decrease in the proportion of respondents who felt fairly remunerated for the work they do:

	2022	2021	2020
I am fairly remunerated (e.g. salary, superannuation) for the work that I do	61%	65%	67%

- A smaller proportion of respondents identified remuneration as a reason to **stay** in the APS:

	2022	2021
What are your reasons for staying in the APS?	47%	58%
<ul style="list-style-type: none"> Remuneration (e.g. salary, superannuation) 		



Use of flexible work increased, especially instances of working from home

- There was an increase in access to flexible working arrangements and working from home:

	2022	2021	2020
Currently accessed any flexible working arrangements	73%	66%	71%
Working away from the office/working from home at least part of the time	55%	46%	53%

- The majority believed their request for flexible working arrangements would be given consideration:

	2022	2021	2020
I am confident that if I requested a flexible work arrangement, my request would be given reasonable consideration	78%	75%	N/A

Wellbeing has stayed stable and burnout, stress and workload have decreased

- The **Wellbeing Policies and Support Index** measures the extent to which employees feel their wellbeing is supported.
- The Index stayed in line with the 2021 result.

2022	2021	2020	2019
68%	68%	70%	67%

- One in three respondents (32 per cent) reported feeling burned out by their work.** This is an ongoing decrease from 2021 (34 per cent) and 2020 (36 per cent).
- Less than one-third (30 per cent) said their work was often or always stressful.** This is a decrease from 2021 (34 per cent).
- Sixty-four per cent said their workload was above their capacity.** This is a slight decrease from 2021 (65 per cent).



When did the Commission publicly release 2022 APS Employee Census results?

- The 2022 Census results were publicly released on 24 November 2022, following the tabling of the State of the Service Report in Parliament.
- Agencies who choose to publicly release, publish their agency-level reports on their websites. A link to these results is made available on the Commission's website.
- Overall, 94 agencies (96 per cent) publicly released their 2022 Census results.

Why aren't all APS agencies publicly releasing their APS Employee Census results?

- As at February 2023, four eligible agencies have chosen not to participate in the voluntary public release. Each of these agencies was asked to provide a reason for not releasing their results.
 - *Asbestos Safety and Eradication Agency (ASEA)*: ASEA has concerns over potentially identifying the responses of individual employees. As a micro agency, with only 13 respondents in 2022, there are concerns that employees will try and identify individuals. The agency does not share results with employees due to these concerns.
 - *Australian National Maritime Museum (ANMM)*: The ANMM explained that with the appointment of a new CEO in July 2022, they have not had a chance to sufficiently review and consider the results, as well as share them with staff prior to this year's voluntary release.
 - *National Mental Health Commission (NMHC)*: The NMHC explained that they chose not to participate in the public release as they have been doing a lot of work to improve their results and wish to give some time for this work to take effect.
 - *Office of National Intelligence (ONI)*: ONI explained that they actively engage in the APS Employee Census. Each year their senior leaders utilise the results to better understand the workplace climate. They are transparent with their results, sending them to all staff to discuss within their teams. While ONI has not participated in the voluntary release, they will be consulting with staff and gaining a thorough understanding of the security implications for them ahead of participating in the 2023 Employee Census.
- Agencies who have chosen to not publicly release have been asked to ensure their Minister/s were briefed on the Employee Census results.
- Following the decision from the October Secretaries Board meeting it will be mandatory for agencies to publicly release their 2023 APS Employee Census results or otherwise request an exemption.



Why don't you capture the opinions of contractors in the APS Employee Census when they form a large part of the workforce?

- Each year, agencies set their own eligibility and exclusion criteria for participation in the Census and agencies are invited to consider the inclusion of contractors and other non-APS employees.
- **52 agencies** (about 1 in 2) invited contractors to complete the 2022 Census.
- **9,229 respondents** to the 2022 Census identified as being a contractor, an increase of 6,755 who responded in 2021.

Why is the APS Employee Census outsourced to an external service provider?

- The complexity and scale of these survey and reporting activities necessitate outsourcing this project to an external service provider with specialised expertise and capability. These specialist capabilities are only required for specific periods of the Census administration, analysis and reporting cycle.
- While the Commission has internal survey research capability, the APS Employee Census is a complex activity.
 - It is a survey of around 170,000 employees.
 - Employees are mapped to more than 10,000 individual work units from across 100 agencies.
 - In total for the APS, over ten thousand reports of survey results are produced annually.
 - Agencies gain further access to their survey results via an online interactive portal.
- Internal Commission resources support the APS Employee Census through:
 - development of the questionnaire in consultation with agencies;
 - management and coordination of participating agencies;
 - specification of report content and style; and
 - analysis of results at a service-wide level to inform the State of the Service Report and other work.
- Big Village Australia (formerly known as Engine Group) was awarded the initial contract to support the APS Employee Census in 2012, then again in 2017 and 2022 (for a period of 3 years with two 1-year extensions).
- On Thursday 26 January 2023, Big Village Australia entered into administration and appointed McGrathNicol Restructuring as administrators.
- The Commission was notified of the arrangements late on Monday 30 January.
- The Commission is currently working with our internal legal and procurement teams and Big Village to understand any impact to the delivery of the 2023 Census.



- Total contract costs for the last three years (incl. GST):

2022	2021	2020
\$608,002.88	\$548,417.40	\$540,312.30
*includes Census and Agency Survey		

FACTS AND FIGURES

- The response rate to the 2022 APS Employee Census increased and is considered a very high response rate in comparison to other jurisdictions and international counterparts.

2022	2021	2020	2019	2018	2017	2016
83%	77%	78%	77%	74%	71%	69%

BACKGROUND

- Each year, the Commission administers the APS Employee Census in May/June.
- Due to the introduction of new items on individual wellbeing, including burnout, the APS Employee Census was submitted to the Departments of Defence and Veterans' Affairs Human Research Ethics Committee for approval in 2020. It was cleared as a Quality Assurance and Evaluation activity.
- The public release of the agency-level Census results commenced in 2019. This initiative aligns with other activities across the APS to enhance data transparency, and brings the APS in line with other domestic and international jurisdictions, which make their employee perception survey results publicly available on a routine basis.

MEDIA

3 January 2023: The Australian article [Public servants call out corrupt behaviour](#) references Census results regarding witnessed corruption in the past 12 months.

15 December 2022: Canberra Times article [Is your APS boss a dud? Best, worst managers ranked](#) reference the Census results for agencies with 1000+ employees for the leadership questions, ranking agencies on these results.

28 November 2022: PS News article [APS Census finds workforce working hard](#) references several Census results for the APS, particularly burnout.

25 November 2022: Campus Morning Mail article [A regulator's lot: not terrific at TEQSA, pretty ordinary at ASQA](#) reports results from the Census for Tertiary Education Quality and Standards Agency (TEQSA) and Australian Skills Quality Authority (ASQA).



24 November 2022: Canberra Times article [State of the Service report: Decreased bullying in the public service](#) reports the rates of bullying and harassment as reported in the State of the Service report and from Census results by various demographics.

23 November 2022: Midwest Times article [Public servants stay quiet on bullying](#) references the State of the Service report and that over half of Australia's public servants who experienced workplace bullying or harassment did not report it over fears they would face reprisals or adversely impact their careers. The article also notes the number of complaints of sexual harassment fell in the past financial year.

23 November 2022: Canberra Times article [State of the Service report: Canberra's public service dry talent pool a 'serious risk'](#) notes a nearly a quarter of staff responses to the Census that their workload is well above capacity and a third say they feel burned out and they have been consistent through the pandemic.

23 November 2022: ABC News article [Australian Public Service recruitment 'too Canberra-centric' as leaders consider allowing staff to live elsewhere](#) reports basing more senior jobs in Canberra discourages a wider search for the best candidates. It references the State of the Service report and the shift in perceptions of where work can be done.

14 November 2022: Canberra Times article [Time to face home truths about flexible work](#) reports proposed reforms to the flexible working provisions. The article references data from last year's State of the Service report that agencies had reviewed their flexible working policy since the pandemic and Census respondents indicated they feel confident flexible working requests would be given reasonable consideration.

Dr Nicole Steele Group Manager	Workforce Insights	s47F	s47F
s47F	Workforce Research and Analysis	s47F	s47F
Consultation	Nil	Cleared for internal use?	Yes

1,000 New Digital Traineeships**Subject/Issue**

As an outcome of the Jobs and Skills Summit, the Government is investing in 1,000 new APS digital traineeships over the next 4 years.

Key facts and figures

- We are investing \$11.5 million to create 1,000 new APS digital traineeships over the next 4 years.
- The Australian Public Service Commission is recovering costs from APS agencies participating in the program and returning them to the Consolidated Revenue Fund to minimise the impact on the budget.
- Increased digitalisation is changing the nature of work and increasing demand for workers with high levels of digital and data literacy – this is true for the Australian Public Service.
- At the same time, groups within the Australian community are digitally excluded and less than half of professional workers feel competent handling digital information and problem-solving with data.
- Our new Digital Traineeship program will help build a pipeline of APS digital talent and enable under-represented groups to re-skill and take advantage of the jobs of the future.
- The program is targeting First Nations peoples, women re-entering the workforce, women changing careers, older people, veterans transitioning to civilian roles and their spouses.
- Trainees will complete a program to receive a certificate or diploma qualification in a digital or technology field, while participating in paid employment.
- Employment opportunities will be offered in regional and metropolitan areas with participants able to apply and commence at any time during the year.
- The program allows participants to balance work and study, supported by a dedicated mentor.
- Applications opened on APSjobs on 15 December 2022 with almost 400 applications received to date.
- The first program participants are expected to commence by April 2023.

- This program will play a key role in ensuring that the Australian Public Service is able to diversify its workforce and grow its in-house digital capability across Australia.

Background

There is fierce competition globally for digital talent. The APS is experiencing the impact with 65 per cent of agencies identifying skills shortages in ICT and digital.

Further, there is substantial under-representation of people from diversity groups in APS digital and IT roles, for example:

- 32.4 per cent women
- 1.7 per cent Aboriginal or Torres Strait Islander peoples.

Under the new Digital Traineeship Program, trainees will complete a 4 week intensive induction program through the APS Academy to help them be 'APS job ready' to commence their digital career.

The APS Commission will provide participants with mentoring and supervisory support throughout the duration of the program.

The program builds on the Commission's existing whole-of-government digital pathway programs.

People can apply for the Digital Traineeship Program through APSJobs (www.apsjobs.gov.au)

Date:	12/01/2023
Cleared by (SES):	Helen Wilson, Deputy Commissioner
Cleared for internal use:	Yes
Telephone No:	s47F
Group/Branch:	Professions and Pathways
Contact Officer:	Jo Cantle
Telephone No:	s47F
Consultation:	Nil
PDR Number:	SB23-000006
Last Printed:	



APSC BRIEF – STYLE MANUAL

KEY NARRATIVE

- The Australian Government Style Manual (Style Manual) provides guidance about producing Australian Government content. Topics covered include language use, accessibility, grammar and punctuation.
- The Style Manual is accessed by around 15,000 users a week.
- It is available online only at www.stylemanual.gov.au.
- All guidance is based on evidence and best practice.
- The APS Academy provides writing and editing training based on the Style Manual and helps the APS apply Style Manual guidance in their work.

What is the Style Manual?

- The Style Manual is the standard for Australian Government writing and editing. It helps the public service write clear and consistent content that meets the needs of users.
- The Style Manual **includes guidance** on how to:
 - choose and create the appropriate format for government content;
 - write and design content that is clear and findable;
 - design and structure content that is easy to navigate and understand;
 - apply rules and guidance about grammar, punctuation and language conventions;
 - create accessible and inclusive content, including language use that is culturally appropriate and respectful of diversity.

How is content approved?

- There are **four types of updates** that can be made to Style Manual:
 - new or updated guidance;
 - corrections;
 - enhancements to existing content; and
 - usability enhancements.
- **New or updated guidance** must be:
 - based on evidence and include a review of previous evidence;
 - developed in consultation with subject matter experts (for example, the Institute of Professional Editors and the Australian National Dictionary Centre)



- reviewed by a cross-agency working group, representing 30 Australian Government agencies; and
 - approved by an executive cross-agency governance board consisting of representatives from PM&C, APSC, DPS, ATO, Services Australia, Department of Industry, Science and Resources and an observer from the Secretariat for the Joint Committee on Publications.
- **Corrections and enhancements** to existing content and **usability enhancements** are not approved by the governance board. These include:
 - **Corrections** (typos or updating content to make it correct). A recent example is updates made to [Royalty, vice-royalty and nobility](#) and [Cases and legal authorities](#) following the death of Her Majesty The Queen and the accession of His Majesty The King.
 - **Enhancements** to existing content. A recent example is updates made to [Acronyms and initialisms](#) to expand definitions and include more examples to help users understand the guidance.
 - **Usability enhancements** to the Style Manual website (usually triggered by user feedback and research).
- Ministerial approval is not required as part of the Style Manual governance process.

Senate Motion about gender language

- Senate motion 1055 about gender language, put forward by Senator Malcolm Roberts (Senator for Queensland), was passed on 16 March 2021. The motion:
 - ‘... calls on the Federal Government to:
 - (i) reject the use of distorted language such as gestational/non-gestational parent, chest-feeding, human milk, lactating parent, menstruators, birthing/non-birthing parent, and
 - (ii) ensure all federal government and federal government funded agencies do not include these terms in their material, including legislation, websites, employee documentation and training materials.’
 - [Australian Senate (2021) Journals, (94):328485.]
- At the Finance and Public Administration Committee estimates hearing on 24 May 2021, Senator Roberts asked the Digital Transformation Agency (DTA) – then responsible for the Style Manual – what changes had been made to the Style Manual as a result of his motion. DTA took the question on notice and replied on 16 July 2021:
 - ‘The Australian Government Style Manual did not require any updates as it does not conflict with the Senate motion.’
- The reason Style Manual does not conflict with the motion was because the manual has never contained any of the terms listed.



- The Style Manual provides guidance on inclusive language that relates to gender and sexual diversity. The guidance encourages the use of language that is gender neutral and conveys gender equality. It encourages the respectful use of language about gender and sexual identity, pronoun choice, job titles and personal titles. It was produced in consultation with experts from:
 - Attorney-General's Department
 - Office for Women (Department of the Prime Minister and Cabinet)
 - Australian Bureau of Statistics
 - ACT Government Office for LGBTQI+ Affairs
 - Intersex Human Rights Australia (an independent not-for-profit charity)
 - A Gender Agenda (an incorporated health-promotion charity).

FACTS AND FIGURES

Users of the Style Manual	15,000 per week
Subscriptions to monthly newsletter	4,400 (57 per cent from government, 27 per cent from the APS)
Referrals from Agency style guides and intranets	23 per cent of users

MEDIA

- The Style Manual was referenced in a *Canberra Times* article of 10 October 2022, titled 'Home Affairs' WofG snafu'. The article discussed use of the acronym 'WOG' (whole of government) in content sent to stakeholders by the Department of Home Affairs (Home Affairs). A recipient complained to Home Affairs that they regarded the acronym as a slur. The article stated:

'The government's style guide [Style Manual] informs staff this bureaucratic sin should always be avoided as it can cause unintended offence to some. WofG (pronounced double-u-of-gee) is the preferred option.'

TIMELINE

Date	Action
1966	Style Manual first published after the Government accepted the recommendations of the 1964 report of the Joint Committee on Publications (the Erwin Report). The Joint Committee on Publications oversees the printing standards of Commonwealth publications and makes recommendations to the parliament about



Date	Action
	which tabled documents are included in the parliamentary paper series.
1972, 1978, 1988, 1994 and 2002	Successive editions published as hard copy books.
24 September 2020	DTA published the most recent (seventh) edition.
1 July 2021	Responsibility transferred from the DTA to the APSC as part of the 1 July 2021 Machinery of Government changes.

Jo Cantle Group Manager	Professions and Pathways	s47F	s47F
s47F	Member Services and Style Manual	s47F	
Consultation	Nil	Cleared for internal use	Yes



APSC BRIEF - DATA AND DIGITAL (PROFESSIONS, CAMPUSES AND TRAINEESHIPS)

KEY NARRATIVE

- Investment in data and digital capability will strengthen in-house expertise and enable the APS to deliver better services to Australian people and businesses, deliver improved advice to Government, and increase efficiency.
- The Commission leads several initiatives to boost APS data and digital capability:
 - Digital and Data Professions;**
 - Digital and Data entry-level programs**, including 1,000 new digital traineeships for under-represented groups, new data and digital internships, and new data cadetships.
 - APS Data and Digital Academy Campuses;** and
 - Data and Digital literacy training** (under development).

Digital and Data Professions

- The Thodey Review recommended APS Professional Streams to develop and deliver targeted capability-building initiatives in the priority focus areas of data and digital.

	Data Profession	Digital Profession
Date established	16 September 2020	30 April 2020
Head of Profession	Dr David Gruen	Randall Brugeaud
Host agency	ABS	APSC
Membership	2,722 members at 1 Dec 2022	8,049 members at 1 Dec 2022
Features / benefits	Member community platform Training and events Data roles and capabilities framework (26 data-specific capabilities)	Member community platform Training and events APS Career Pathfinder Digital Leaders Network (250 members) Women's leadership programs

*Figures include 2,189 people who are members of both the Data and Digital Professions

Digital and Data entry level programs

- We continue to focus on growing the data and digital talent pipeline through our entry-level programs, with demand for entry-level participants increasing.
- In 2023, 287 participants are expected to commence Digital Emerging Talent Programs. An increase of 65% on 2022 participant numbers.



- 299 data graduates have been recruited to commence in 2023, across 37 agencies.
- In 2023, we will pilot a new data and digital intern program and a new data cadet program. These programs will be offered at the APS Academy Campuses in 2023.

[Refer detailed questions to Deputy Commissioner, Helen Wilson]

1,000 new digital traineeships

- As a result of the Jobs and Skills Summit, the Government announced 1,000 new digital traineeships over the next 4 years targeting under-represented groups within the APS:
 - First Nations peoples;
 - women returning to the workforce or seeking a career change;
 - older Australians; and
 - veterans transitioning to civilian life and their spouses.
- The traineeships will be flexible to meet the needs of these target groups and will be available outside of Canberra.
- Traineeships will be offered in regional and metropolitan areas to help build a pipeline of APS digital talent while also enabling under-represented groups to re-skill and take advantage of the jobs of the future.
- Trainees will complete a training program to receive a certificate or diploma qualification in a digital or technology field, while participating in paid employment.
- Employment opportunities will be flexible to allow participants to balance work and study with participants able to apply and commence at any time during the year. Participants will also be offered mentoring support.
- Applications opened 15 December 2022 with almost 400 applications received to date. The program will be open for applications on a rolling basis.
- The first program participants are expected to commence by April 2023.

[Refer detailed questions to Deputy Commissioner, Helen Wilson]

APS Academy Campuses

- APS Academy Campuses will offer regional Australians the opportunity to access our entry level programs without needing to leave their community.
- The campuses will offer data and digital entry-level programs including a new data cadet program and data and digital intern program.
- Campuses are being established at:
 - University of Newcastle (opening - 2023);



- James Cook University (Townsville - opening 2023);
- University of Tasmania (Launceston - opening 2023); and
- Darwin (TBD).
- To date, 16 agencies have agreed to participate in the first year of the initiative.
- We anticipate 58 data and digital cadets and 3 digital apprentices across the three campuses in 2023.

[Refer detailed questions to Deputy Commissioner, Helen Wilson]

Digital and data literacy training

- Data and digital skills are becoming core critical skills for staff in all settings.
- All APS staff will complete basic literacy training, most staff will undertake fluency training, and select staff will engage in professional training.
- The training program will be delivered by the APS Academy, making data and digital capability part of the core APS craft.
- APS staff will undertake a self assessment to determine their current level of literacy and enable curation of targeted learning.
- The training program will be rolled out in mid 2023.

[Refer detailed questions to Deputy Commissioner, Helen Wilson]

FACTS AND FIGURES

- The APS is facing critical skill shortages in data and digital:
 - 70% of agencies who identified skills shortages highlighted digital and data as their top skill shortages.
 - 85% of agencies with digital or data skills shortages experience these shortages when attempting to recruit in Canberra.
 - Digital, ICT and data skills are the top three skillsets agencies are out- sourcing (consultants and contractors).

Jo Cantle Group Manager	Professions and Pathways	s47F	s47F
Jo Cantle	Professions and Pathways	s47F	s47F
Consultation	Career Pathways	Cleared for internal use	



BPB - 1,000 NEW DIGITAL TRAINEESHIPS

KEY NARRATIVE

- As an outcome of the Jobs and Skills Summit, the Government is hiring 1,000 new digital trainees over the next 4 years.
- The Digital Traineeship program will provide ongoing employment and training opportunities for approximately 250 people each year to start a digital career in the APS, primarily targeting under-represented groups.

How is the Digital Traineeship different to existing digital entry level programs?

- The Program is primarily targeting under-represented groups and those seeking mid-career transition, including First Nations peoples, women re-entering the workforce, women changing careers, older people, veterans transitioning to civilian roles and their partners.
- Provides entry and mid-career opportunities by offering paid employment at the APS1 to APS6 classification while undertaking a course of study to achieve a Certification IV or diploma in a digital discipline. Applicants do not require any previous experience or study in digital.
- Opportunities will be available in regional and metropolitan areas, allowing participants to stay in and connected to their community.
- Recruitment is open on a rolling basis meaning people can submit an application at any time and applications will be assessed as they are submitted, allowing suitable candidates to be progressively added to the merit pool.
- Applicants will be assessed against the APS Work Level Standards to determine a suitable APS classification, based on their work-related qualities.
- Agencies will consider applicants in the merit pool for placement into roles as they arise. Agencies will make employment offers to people in the merit pool based on the needs of the agency, fit for the role and candidates desired course of study.
- Participants are provided with a dedicated mentor and an indepth induction program to make sure they have the information and support they need on the journey to a successful digital career in the APS.
- Applications opened on 15 December 2022 and will remain oopen on a rolling basis.
- To date, almost 400 people have applied for the program and the first participants are expected to commence in April 2023.



FACTS AND FIGURES TO SUPPORT TRAINEESHIP

- There is substantial under-representation of people from diversity groups in APS digital and ICT roles, i.e 32.4% women, 1.7% First Nations peoples.
- Further, around 6,000 people leave the ADF each year which presents an opportunity to engage this group and reskill them in a digital or technology related field.
- A recent Tech Council report identified that Australia will need 1.2 million tech workers by 2030.
- Around 65 per cent of APS agencies have identified skills shortages in digital and ICT.

FUNDING

How is the program funded?

- Funded through the October 2022-23 Budget - \$11.4 million over four years.
- Funding is appropriated to the APSC and then returned to the Official Public Account as costs are recovered from agencies. There is no net impact on underlying cash.

If asked: Why Budget Paper 2 states the APSC has received \$11.5 million instead of \$11.4

- We believe the \$11.5 million quoted in Budget Paper 2 was a rounding error.
- Any questions on measure text published in the Budget papers should be referred to the Department of Finance.

Measure as described in October 2022-23 Budget – Budget paper 2 [page 82]

\$11.5 million over 4 years from 2022–23 to the Australian Public Service Commission to establish an APS Digital Traineeship Program to support early to mid-career transitions into digital roles.

Budget figures:

\$ millions	2022–23	2023–24	2024–25	2025–26	Total
Australian Public Service Commission – Expense:	0.785	3.636	3.530	3.495	11.446
Australian Public Service Commission – Revenue:	0.785	3.636	3.530	3.495	11.446
Total Impact on Fiscal Balance:	0.00	0.00	0.00	0.00	0.00
Total Impact on Underlying Cash:	0.00	0.00	0.00	0.00	0.00



ASL implications

	2022–23	2023–24	2024–25	2025–26
Prime Minister and Cabinet portfolio impact for this proposal	4.0	18.0	18.0	18.0
Total ASL involved in this proposal	4.0	18.0	18.0	18.0
ASL offsets	0.0	0.0	0.0	0.0
Net ASL	4.0	18.0	18.0	18.0

BACKGROUND

MEDIA - 2 September 2022 – *InnovationAus.com* – [Govt backs proposed ‘Digital Apprentices’ scheme](#)

OTHER RELEVANT MATERIAL

TIMELINE

Date	Action
02 September 2022	Digital traineeships announced as an outcome of the Jobs and Skills Summit
15 December 2022	Applications open
April 2023	First trainees commence
July 2023	Training begins

Jo Cantle - Group Manager	Professions and Pathways	s47F [REDACTED]	s47F [REDACTED]
s47F [REDACTED]	Professions and Pathways	s47F [REDACTED]	
Consultation		Cleared for Internal use?	



BPB - WOMEN IN DIGITAL

The Digital Profession runs three initiatives to help build digital capability and bridge the gender divide in digital roles across the APS:

- The **Women in IT Executive Mentoring (WITEM™)** and **Coaching for Women in Digital (C4WiD)** programs focus on improving gender balance in digital leadership and leadership pipelines.
- Digital apprentice, cadet and graduate programs (**Digital Emerging Talent programs**) focus on recruiting and developing entry level digital talent.
- The **Digital Traineeship program** focuses on providing employment and training opportunities to women and other under-represented groups.

WITEM™ and C4WiD programs

- The Digital Profession and Dell partner to deliver the 12-month WITEM™ program for EL2 women in digital roles. WITEM™ brings together mentors and mentees and supports women to progress as leaders in the digital profession.
- The Digital Profession and Accenture partner to deliver the 12-month Coaching for Women in Digital (C4WiD) program for EL1 women in digital roles. C4WiD focuses on group coaching to help participants develop leadership skills in digital related roles within the public sector. The 2022/23 program attracted one of the highest participation rates since program inception in 2012.

Participation	WITEM™	Coaching
Participants in 2022-23	Program under review	97 participants
Participants in 2021-22	27 mentees	72 participants
Participants in 2020-21	28 mentees	73 participants
Total participants to date	~400+ people (since 2007)	~600+ (since 2012)

- The Women in Digital Programs are cost-recovered through fees paid by participating agencies. Costs for the 2021-22 programs:

WITEM™	\$2,750 (Inc. GST) per participant (paid to Dell)
C4WiD	\$7,700 (Inc. GST) per participant (paid to Accenture)

Digital Emerging Talent programs

- Agency participation in the 'Digital Emerging Talent programs' continue to grow, with the anticipated 2023 intake of **288 participants the largest to date** with a continuing cohort of 139 participants.



- An aim is to attract more female applicants. However, there is a challenging systemic gender imbalance across digital tertiary studies, and the sector more broadly.

Female participation in Digital Emerging Talent Programs by calendar year								
	Percentage of applications received				Percentage of positions secured			
	Overall	Graduate	Cadet	Apprentice	Overall	Graduate	Cadet	Apprentice
2023	26%	26%	28%	24%	TBC*	TBC*	TBC*	TBC*
2022	26%	28%	23%	27%	26%	32%	31%	16%
2021	27%	27%	24%	29%	37%	38%	27%	50%

*Cohort still being finalised for 2023

NEW Digital Traineeship program

- This program is designed to help Australians facing barriers limiting their participation in the workforce, including women returning to the workforce or seeking a career change.
- Applications opened December 2022 with over 260 completed applications to date. The program will be open on a rolling basis so people can apply at any time.
- The first trainees will commence by April 2023.



BACKGROUND

WITEM™ and C4WiD programs

The contract for WITEM™ expired in 2022. A contract extension or approach to market was not pursued at that time due to the intention to undertake a full review of our womens programs.

The program review was delayed due to competing priorities and resourcing constraints and will now be undertaken in 2023, in collaboration with the APS Academy. The review will focus on identifying the continuing need for women's programs and potential expansion to other under-represented diversity groups.

To bridge the gap until the outcomes of the review are considered we are in discussions with DELL to seek their agreement to deliver a 2023 WITEM™ program.

DOCUMENT DRAFTING DETAILS

Jo Cantle Group Manager	Professions and Pathways	s47F	s47F
s47F	Digital Workforce Strategy and Frameworks	s47F	s47F
s47F	Digital Emerging Talent Team	Cleared for internal use?	

BPB - QUICK GUIDE TO EXISTING DIGITAL EMERGING TALENT PROGRAMS

	DIGITAL GRADUATE PROGRAM	DIGITAL CADETSHIP PROGRAM	DIGITAL APPRENTICESHIP PROGRAM	DIGITAL TRAINEESHIP PROGRAM	DIGITAL AND DATA INTERNSHIP PROGRAM
Entry requirements	A degree in a digital or technology field and citizenship	At least one year of a degree in a digital or technology field and citizenship	Year 12 Certificate or equivalent and citizenship	Meets standard of suitability set out in the Work Level Standards	University students who have completed first year of undergraduate degree
Study while in the program	Attendance at 5 ACS Masterclasses, up to two digital Learning and Development sessions.	Completion of a degree in a digital or technology field	Certificate IV (2 Years) or Diploma (3 years) in a digital or technology-related field (paid for by agency)	TBC. Looking at all training options up to Certificate IV or Diploma in a digital or technology-related field (paid for by agency)	University students continue with their existing studies while undertaking short-term paid internships.
Program completion rates	94 % over the last two cohorts	95 % over last two completed cohorts (including those who left the program early to secure a promotion in the agency)	93 % over last two completed cohorts (including those who left the program early to secure a promotion in the agency)	TBC. Not yet commenced	TBC. Not yet commenced
Program duration	1 year	1 – 2 years	2 – 3 years	1 year	TBC. Expect 2-3 month placements
Engagement in the APS	Full-time, permanent APS 3 or 4 depending on home agency	Part-time APS 2 while finishing degree, and then full-time APS 2 upon completion.	Full-time, permanent APS 1	Full-time, permanent APS1-APS6	TBC. Program still being designed.
Cost per participant	Approx. \$10,000	Approx. \$8,500	Approx. \$12,000	Approx. \$16,000 (estimate only, maximum contribution)	TBC. Program still being designed.



Please see the required A3 Placemat for the BPB –
Entry Level program in the attachment.

BPB - Career Pathway initiative - Entry Level Programs

HEADLINE: more than 1600 entry level staff are expected to be employed across all whole of government Career Pathways programs in 2023

Note: headline number is likely to significantly increase as it does not include Indigenous Apprentices, Digital Trainees and APSC Academy Campus Digital/Data Cadets/Interns, Digital Apprentices, as not yet available.

Program name	Lead agency	Date established	Advertising period	Commencement date	Target audience	Engagement status	Qualification obtained in development year	No. of applicants	No. of agencies	No. of positions requested by agencies
HR School Leaver Program	ATO	2021	Aug - Sept	February 2023	Graduated high school in last two years	APS 1, full time	Certificate IV in Human Resource Management	350 (2022)	18	30- 35 (2023 intake)
Career Starter Program	Finance	2002	July-Aug	February 2023	Graduated high school in last two years	APS 1, full-time	Certificate IV in Government	386 (2022)	13	150 (2023 intake)
Australian Government Apprenticeship Program	DEWR	2022 *NEW	April-May	November 2022	High school certificate	APS 3, full-time	Diploma of Government	2231 (2022)	7	60 (late 2022 intake)
Digital Apprentice Program ⁺	APSC	2007	June –July	January 2023	High school certificate, digital career interest	APS 1, full time	Certificate IV or Diploma	514 (2022)	10	197 (2023 intake)
Digital Cadet Program ⁺	APSC	2007	June –July	Variable but generally February 2023	Digital specific university degrees and must have completed 1 year.	APS 2, part-time	University degree	374 (2022)	9	193 (2023 intake)
Digital Traineeship Program ⁺	APSC	2023 *NEW	December	Rolling recruitment 2023	High school certificate, digital career interest	APS 1 – APS 6, full time	Certificate IV or Diploma	*	*	*
Data Cadet Program	TBC	2023 *NEW	August - Sept	Variable but generally February 2023	Data specific university degrees	APS 2, part-time	University degree	*	*	*
Indigenous Apprenticeships Program	Services Australia	2023 *NEW	Oct - Nov	Under review	Indigenous, high school certificate	APS2- 3, full time	Certificate IV or Diploma in Government	*	*	*
Veteran Employment Pathway	DVA	2021	June-July	February 2022	Veterans	APS 5-6, Full time	n/a	TBA (2021)	2	13 (early 2022 intake)
Australian Government Digital and Data Intern	APSC	2023 *NEW	April-May	From mid-2023	University students in second, third or fourth year	TBA	n/a	*	*	*
Australian Science Policy Fellowship	Office of the Chief Scientist	2018	March	July 2022	PHD qualification in related field. Non-ongoing for 12 months.	APS 6, non-ongoing 12 months	n/a	24 (2022)	8	13 (early 2022 intake)
Totals								3,879		661

Australian Government Graduate Programs Streams													
Stream	Lead agency	Date established	Advertising period	Commencement date	Target audience	Engagement status	Qualification obtained in development year	No. of applicants 2022	No. of agencies 2022	No. of positions requested 2022	No. of applicants 2021	No. of agencies 2021	No. of positions requested 2021
Generalist	Finance	2020	March - April	February 2023	completed a university degree in the last 5 years or will complete in current year	APS 3 or 4	n/a	2058 (29%<)	19 (27%>)	191 (69%>)	2927	15	113
Digital ⁺	APSC	2013	March - April	February 2023	completed a university degree in a digital or technical field in the last 5 years or will complete in current year	APS 3 or 4	Graduate Certificate (Postgraduate qualification)	348 (45%<)	26 (63%>)	125 (238%>)	630	16	37
Data	ABS	2020	March - April	February 2023	completed a university degree in the last 5 years or will complete in current year	APS 3 or 4	n/a	1691 (31%<)	40 (60%>)	300 (56%>)	2468	25	192
STEM	DISER	2020	March - April	February 2023	completed a university degree in the last 5 years or will complete in current year	APS 3 or 4	n/a	848 (12%>)	18 (50%>)	78 (290%>)	757	12	20
HR	ATO	2020	March - April	February 2023	completed a university degree with a major in HR in the last 5 years or will complete in current year	APS 3 or 4	n/a	433 (52%<)	26 (18%>)	76 (77%>)	894	22	43
Economist	Treasury	2020	February- April	February 2023	completed a university degree in the last 5 years or will complete in current year	APS 3 or 4	n/a	517 (20%<)	13 (13%<)	83 (88%>)	643	15	44
Indigenous	Defence	2005	Jan - April	February 2023	completed a university degree in the last 5 years or will complete in current year	APS 3 or 4	n/a	69 (33%<)	44 (2%>)	154 (47%>)	103	43	82
Totals								5964		1007 (2023 intake)	8422		531 (2022 intake)



BPB - APS ACADEMY CAMPUSES

KEY NARRATIVE

- With the current global crisis in data and digital skills, there is a need to increase the pipeline of data and digital talent into the APS to deliver the policies, programs and services that citizens expect.
- APS Academy Campuses are a way for the APS to widen the net of data and digital talent by taking our entry level programs out to the regions.
- Campuses will offer regional Australians the opportunity to access APS data and digital employment programs without needing to leave their community.

What progress has been made on this initiative since it was last discussed in this committee (7 November 2022)?

- Leasing arrangements in Newcastle and Townsville are being finalised.
- Looking for viable location in Darwin.
- As of 10 February 2023, 224 applications received across Newcastle, Townsville and Darwin.
- Marketing commenced in October 2022 for programs for the campuses. This ceased over the holiday period and has now recommenced. Applications are on track for Newcastle and Townsville. Darwin numbers are lower than expected but online marketing will be complemented with face to face events as students return for Semester 1.
- Whole-of-government data cadet program pilot being run at the APS Academy Campuses in 2023 before being rolled out nationally in 2024
- Whole-of-government data and digital intern program pilot being finalised for commencement in April 2023. Intern program pilot will be focussed on Canberra and Newcastle APS Academy Campus.
- Framework being finalised for whole-of-APS data and digital literacy training. Available content will then be mapped and delivery organised with aim to open pilot in July 2023.

When are the physical campuses due to open?

University of Newcastle	April/May 2023
James Cook University (Townsville)	Mid-2023



Charles Darwin University (CDU)	Mid-2023
University of Tasmania	Early 2024

When will students commence?

Timeframe	Campus	Program
April/May 2023	University of Newcastle	<ul style="list-style-type: none">• Data Cadet• Data Intern• Digital Cadet• Digital Apprentice• Digital Intern
Mid-2023	James Cook University, Townsville Charles Darwin University, Darwin	<ul style="list-style-type: none">• Data Cadet• Data Intern• Digital Cadet• Digital Apprentice• Digital Intern
Early 2024	University of Tasmania	<ul style="list-style-type: none">• Data Cadet• Data Intern• Digital Cadet• Digital Apprentice• Digital Intern
Early 2024	All Campuses	<ul style="list-style-type: none">• Data Graduate• Digital Graduate

What will the campuses look like?

- The campuses will offer a physical office location, professional support (provided efficiently as it is shared across agencies) and a direct link with expertise and the pipeline of graduates provided by the university.
- The campuses will be designed as modern, activity-based working environments that encourage collaboration and flexible working practices.
- The APS will be able to leverage the APS Academy Campuses to innovate and solve problems, accessing entry level, senior and academic expertise for taskforces and special projects.



How many people will be able to access opportunities through the campuses?

- Each of the campuses will include approximately 30 workstations (90 across all campuses).
- However, many more students will be able to participate in the program given that multiple rotations of internships may occur across a year.

What has the level of interest been from APS agencies to participate in the Campuses?

- A strong level of support has been received across a range of APS agencies. Agencies see this initiative as a valuable program to expand the pipeline of data and digital talent into the APS.

2023 commitments (as at 10 February 2023)

Agencies	15
Requested participants	61 (58 Cadets, 3 Apprentices)

What will happen to Campus employees at the completion of their entry level program?

- Upon the successful completion of entry level programs at the Campuses, the Commission will work with agencies and participants to support the next step in their APS career. This may be moving to another APS pathway program (e.g. cadets moving to a graduate program) or progressing to a more senior role at their agency.
- The APS Academy Campuses are way to encourage APS employment opportunities in regional Australia. The Commission will also be working with agencies to support regional employees to stay in their region if that is what they wish to do.

FACTS AND FIGURES

Why is this proposal needed?

- 81% of agencies have identified ICT or digital skill shortages, while 70% identified data shortages. *Source: 2021 APS Agency Survey.*
- Data and digital skills are highly sought after. For every 1 data analyst position advertised on APSJobs, approximately 40 more were advertised by other employers on SEEK over the course of 30 days. *Source: SEEK.com, APSJobs. Averages developed from postings on APSJobs between Jan 2020-Sep 2021.*
- 90% of national talent for data and digital is outside Canberra, but we advertise between 76%-86% of data/digital jobs in Canberra. *Source: APSJobs, Australian Job Outlook June 2021.*



- We have anecdotal evidence that students in regional Australia are not applying for APS entry level programs because they do not wish to move to Canberra.
- Over 50% of staff recruited through entry level programs are still working in the APS 7 years later. *Source: APSED.*

BACKGROUND

MEDIA

- 5 April 2022 – [Announcement of Budget initiative](#). One example of a media outlet that picked up the piece from the budget.
- 11 May 2022 – [University of Newcastle APS Academy Campus announced](#). Minister Morton announced, picked up by University of Newcastle and then Newcastle media.
- 4 August 2022 – [Mention of campuses in Mandarin article](#). Career Pathways staff were speaking at a GradAustralia event and mentioned the campuses.
- Date unknown – [The plan to transform public service skills and knowledge](#). A/g Deputy Commissioner Rina Bruinsma spoke about the campuses in an interview with the Mandarin.
- 18 October 2022 – [New public service jobs for regional communities](#). Minister Gallagher's announcement
- 19 October 2022 – [MP applauds move to boost data and digital jobs in Hunter](#). Newcastle MP Sharon Claydon responded to the Minister's announcement.
- 1 November 2022 – [APSC provides more detail on regional academy campuses](#). Article from The Mandarin.



TIMELINE

Date	Action
29 March 2022	Campus proposal agreed to as part of Morrison Government budget
7 April 2022	Minister Morton agreed to announce the partnership with University of Newcastle and approved APSC continue developing partnerships with University of Tasmania, James Cook University and Charles Darwin University.
May 2022	Began working with universities on partnership arrangements and identifying sites for offices.
June 2022	Requested Minister Gallagher approve proposed locations and agree to moving forward with MOUs with universities. Minister requested further information.
June 2022	Further information sent – Minister Gallagher agreed that we could go ahead with partnerships with chosen universities.
July 2022	APS Commissioner sent invitation to APS Secretaries, calling for them to participate in the Campuses.
August 2022	Minister Gallagher notified ERC that she wished the APS Academy Campus proposal to be retained under the new budget.
August 2022	Begun consultation with agencies on design of campuses
14 September 2022	Minister Gallagher agreed to postpone opening of campuses while the ERC process plays out
29 September 2022	Media releases sent to Minister Gallagher in preparation for announcement
17 October 2022	Opened for applications for places at Newcastle, Townsville and Darwin
18 October 2022	Minister announces APS Academy Campuses

Attachment: 20220930 – APS Academy Campuses



PDR: SB23-000013

s47F [REDACTED]	Career Pathways Group		s47F [REDACTED]
s47F [REDACTED]	APS Academy Campuses	s47F [REDACTED]	
Consultation		Cleared for internal use?	Yes

The campuses will build a oneAPS culture amongst data and digital entry-level program participants

The campuses will provide multi-use co-working spaces for participants to focus on agency work, with the capacity to collaborate on projects with other campus colleagues. The campuses will focus on building a oneAPS culture and utilise innovative ways of working.



Anticipated campus open: April 2023
Possible theme: Cyber security & innovative technology

- 10 APS agencies participating
- Total positions: 28
 - 16 data cadets
 - 11 digital cadets
 - 1 digital apprentice



Anticipated campus open: mid-year 2023
Possible theme: Health, environment & regional development

- 5 APS agencies participating
- Total positions: 22
 - 12 data cadets
 - 8 digital cadets
 - 2 digital apprentices



Anticipated campus open: mid-year 2023
Possible theme: Social policy and inclusion

- 4 APS agencies participating
- Total positions: 11
 - 7 data cadets
 - 4 digital cadets



Anticipated campus open: early 2024
Possible theme: Partnering with business and community
Agency expressions of interest have not yet been canvassed for the Launceston campus.

Participating agencies

1. ASIC
 2. ABS
 3. APSC
 4. ARC
 5. ATO
 6. CGC
 7. DAFF
 8. DCCEEW
 9. Defence
 10. DEWR
 11. DHAC
 12. DTA
 13. IP Australia
 14. NIAA
 15. Services Australia
- Total: 14 agencies

Budget breakdown

	2022-23 (\$m)	2023-24 (\$m)	2024-25 (\$m)	TOTAL (\$m)
Office managers	0.2	0.6	0.4	1.2
Campus supervisor	0.5	0.6	0.6	1.7
Lease	0.2	0.6	0.4	1.2
Tech fit-out	0.2	0.2		0.4
General fit-out	1.7	1.7		3.4
APS staffing and supplies	1.0	2.1	0.7	3.8
Awareness campaign	0.2			0.2
TOTAL	4.1	5.8	2.1	12.0



APSC BRIEF - HIERARCHY AND CLASSIFICATION REVIEW

KEY NARRATIVE

- The Hierarchy and Classification (H&C) Review arose from Recommendation 32 of the Independent Review of the APS (Thodey Review).
- The H&C Review was released in August 2022. I announced action on a number of its findings, which I am taking forward with my Secretaries Board colleagues.
- The APS is acting on many of the Review's findings in consultation with APS staff. We will not make changes to classifications at this stage.

What is the purpose of the H&C Review?

- The H&C Review built on the issues raised by the Thodey Review.
- It looked at structures, culture and decision-making processes to ensure the APS can deliver successfully in a world where more is being asked of us and Government.

What initiatives are being implemented from the H&C Review?

- We are accelerating work on **culture and capability**, and **updating guidance on Optimal Management Structures**.
- While we are not making changes to classifications at this stage, the initiatives we are taking forward will go a long way to achieving the H&C Review's intent.

Have you walked away from the H&C Review?

- Absolutely not. The Review is important to our APS reform journey. We are taking forward a number of reforms — guided by the Review's findings.

What are the changes on culture? When will they happen?

- The H&C Review found some of the ways we work in the APS have become excessively hierarchical, with decisions pushed up to the highest levels.
- We want to help our APS culture evolve over time. This means valuing employee's contribution, empowering them to make decisions and to manage risks, at the lowest capable level.
- We have taken some initial steps, including agreeing the **Secretaries' Charter of Leadership Behaviours**.
- The Commission is in the process of considering how to embed the Charter in leadership and performance management frameworks.



How will you improve leadership and management capability across the APS?

- Our Executive Level employees are critical in setting team culture and leading the day-to-day operations of APS teams, so we'll be starting with them.
- Led by the APS Academy, work is progressing to deliver a new and innovative approach to leadership and management capability development.
- This builds on the work already underway to embed the new Charter of Leadership Behaviours across the Service, setting clear expectations for leaders at all levels.

What are the changes to specialist arrangements?

- Specialist skills and expertise are critical to APS capability.
- The APSC, in collaboration with Secretaries and other key stakeholders, is exploring how the APS can better attract, retain and use specialist expertise across the APS.

What are the changes to the updated Optimal Management Structures guidance?

- The Secretaries Board Future of Work Sub-Committee agreed to update guidance on OMS as a priority.
- In my view, the current guidance is good— it provides a strong foundation for achieving best practice organisational design.
- Spans of supervision of 8-10 direct reports will not be mandated as recommended in the H&C Review — flexibility is key.
- Work on updating the OMS guidance continues, and we will consult with agencies as that work develops. Updated OMS guidance is expected to go to Secretaries Board and the Minister by mid-2023.

Are you moving fast enough to implement the Review findings?

- Yes. The Panel was ambitious in its proposed timing. We are progressing a range of work in 2023, and continue to engage with agencies, staff and their representatives and stakeholders as we work through implementation.

What is the timeline for implementation?

- In mid-2023, Secretaries will consider updated guidance on OMS, ways of working and specialist arrangements, and discuss implementation.

Will you consult staff as you make decisions on implementation?

- The APSC is engaging broadly across the APS as we take forward work on OMS, ways of working and specialist arrangements.



- APS staff shared their views via a feedback form available from 26 August to 31 October 2022. We received 273 responses.
- Workshops were held with APS staff in November 2022, on culture, ways of working and the future APS.
- A **Listening Report** was released at the end of 2022, which summarises key themes from staff engagement since the Review was released. It is available on the website.
 - Respondents supported modernising the APS and were interested in specialist arrangements.
 - Views echoed the Review's findings on culture and risk aversion, with many noting decisions are made higher up the chain than is necessary.
- Engagement on specialist arrangements, OMS and ways of working will continue in the first half of this year.

What are the Review implementation costs?

- The APSC in partnership with the Institute of Public Administration Australia (IPAA) ACT co-hosted an event in September 2022 on the Charter of Leadership Behaviours.
 - The total cost of this event was \$14,026 (exc GST).

How will you measure the impact of the reforms?

- That's something we will look at, as we take forward work on the issues raised.

Why didn't the H&C Review deal with pay and conditions?

- Pay and conditions were out of scope for the Review.
- The Government via the Workplace Relations Bargaining Taskforce is currently consulting on the development of a comprehensive workplace relations policy, with view to undertaking service-wide bargaining this year.

An objective of service-wide bargaining will be to take initial steps to address fragmentation of pay and conditions across the APS. *[See Wages Policy SB23-000001 and WR Policy SB23-000028.]*



MEDIA

- 16 January 2023 – Paddy Gourley in Canberra Times [‘Reform will have a good pay off’](#)
- 3 January 2023 – Canberra Times published [‘How the APS got its groove back’](#).
- 3 October 2022 – Paddy Gourley published in the Canberra Times, [‘Secretaries leadership charter has some glaring omissions’](#).
- 11 September 2022 – Paddy Gourley published in John Menadue’s Public Policy Journal, [‘The public service classification review is a dud’](#).
- 2 September 2022 – AFR published [‘Public sector leaders balk at their own reforms’](#).
- 29 August 2022 – Canberra Times published [‘Junk this report and start again’](#).
- 26 August 2022 – The CPSU published a [media release](#) supporting the report’s prioritisation of leadership behaviours and capability.

OTHER RELEVANT MATERIAL

Questions on Notice 192, 193 (combined) – Sen Jane Hume – Budget Estimates 2021-22 (October 2022) – APS Hierarchy and Classification Review.

Ashley Sedgwick	Assistant Commissioner, APS H&C Review Implementation Taskforce	s47F	s47F
s47F	s 47F APS H&C Review Implementation Taskforce	s47F	s47F
Consultation	APS Craft and Learning	Cleared for internal use	Yes



APSC BRIEF - SES COHORT GOVERNMENT POLICY

KEY NARRATIVE

- The Government's SES cohort policy was established in July 2022, and replaces the former SES cap policy.
- Agencies can request increases to the size of their SES cohorts either via a Cabinet submission/ new policy proposal (NPP), or by making a submission to the Minister for the Public Service.
- Agencies are required to report SES cohort numbers bi-annually. Reporting for the first time under the new policy is open now (6 to 17 February 2023).

What is the Government's policy for SES cohort management?

- The policy allows agencies to increase the size of their SES cohort in two ways, either:
 1. through approved funding for additional SES positions via an NPP or Cabinet submission process.
 - The Policy has removed the requirement for agencies to also seek Ministerial approval where the Government has provided funding approval via these processes.
 2. through approval from the Minister, where an increase to an agency's SES cohort is required outside of the NPP or Cabinet submission processes.
 - The process requires Secretaries/Agency Heads to write to the APS Commissioner outlining:
 - the position title, classification level and duration, if temporary
 - why the position is required and how it will support the Government's priorities
 - funding arrangements for the position
 - confirmation of support from the relevant Minister and portfolio Secretary (where the request is from a portfolio agency), and
 - confirmation that the position is appropriately classified, taking into consideration the SES work level standards including span of control.
- The transfer of SES positions between portfolio agencies can occur by agreement between the relevant Agency Heads – including through Machinery of Government changes – and does not require Ministerial approval.



How is the Policy different from the former Government's policy?

- There is no longer a hard cap on SES numbers, instead agency requests will be considered based on their merits either via a Cabinet submission or NPP or by making a submission to the Minister.
- Reporting obligations have reduced from quarterly to bi-annually.

How is the Government monitoring the size of the APS SES cohort?

- Agencies will report SES numbers at 30 June and 31 December each year [*the starting point for an agency's SES cohort is their approved SES cap as at 31 March 2022*].
- The first round of agency reporting is underway now. Agencies are asked to report the size of their SES cohort, as at 31 December 2022.
 - Reporting is open for 2 weeks (6 – 17 February 2023).
 - Agencies are asked to provide an explanation for any increase or decrease to their approved SES cohort number.
 - Agencies are also asked to report any SES positions converted from contractors/labour hire arrangements, in line with the Government's reform plan for the APS.

Has the number of SES increased since the introduction of the new Policy?

- A reporting process is currently underway to collect data from agencies on the current size of their SES cohort.
 - This will pick up any increases to the number of SES via the Budget process and those agreed by the Minister.
- A report will be provided to the Minister for the Public Service [*expected timing March 2023*].

Has the Minister approved any new SES positions?

- Since July 2022, the Minister for the Public Service has approved an increase of **33** new SES positions [*take on notice details of specific agencies/positions*].

How many APS SES are there?

- According to latest APSED data there are around 3,044 SES [*as at 30 June 2022, publicly available on the APSC's website*].
- This week we will go out to agencies seeking updates on their current SES numbers.



What role does the Commission have in monitoring and managing SES numbers?

- The Commission provides early advice and guidance to agencies regarding the process for seeking agreement to new SES positions.
- Requests are considered by the Commissioner ahead of providing advice to the Minister.
- The Commission manages biannual reporting of SES numbers to the Minister of the Public Service *[first reporting process currently underway]*.

How many SES does the APSC have?

- Currently we have a total of **16 SES**. That includes:
 - 14 SES in the Commission (three of which are acting)
 - 2 SES in the Parliamentary Workplace Support Service.

Ashley Sedgwick	Assistant Commissioner, APS H&C Review Implementation Taskforce	s47F	s47F
s47F	APS H&C Review Implementation Taskforce	s47F	s47F
Consultation	Enabling Services	Cleared for internal use	Yes



APSC BRIEF - APS CAPABILITY

KEY NARRATIVE

- The Australian Public Service Commission (APSC) plays a key role in supporting the development of APS workforce capability.
- The APSC coordinates the implementation of *Delivering For Tomorrow: APS Workforce Strategy 2025* and the *Highly Capability, Future Ready: APS Learning and Development Strategy and related action plans*.
- The establishment of the APS Academy is a key deliverable under both strategies.
- The Secretaries Sub-committee on the Future of Work is accelerating action under the APS Workforce Strategy to attract, build and retain expertise and to strengthen organisational and workforce capability.

QUESTIONS AND ANSWERS

APS Workforce Strategy – Implementation

How has implementation of the APS Workforce Strategy been progressing?

- The APS Workforce Strategy continues to set the overarching direction to meet current and emerging workforce management challenges – building the way the APS attracts, developed and utilises its people to ensure it can perform its functions.
- Activities outlined in the APS Workforce Strategy Action Plan are being implemented through a phased approach to 2025.
- Significant progress has been since the release of the Strategy in March 21 with key achievements including:
 - Launching the APS Academy
 - Launching the APS L&D strategy
 - Upskilling data and digital capabilities and developing strong talent pipelines through the APS Data and Digital Professions.
 - Strengthening management and leadership capability and talent management through targeted development and succession planning
- The APS Centre of Excellence for Workforce Planning within the Commission supports implementation of the APS Workforce Strategy by building strategic workforce planning capability in the APS, and through an advisory service to agencies.



- The implementation of the vision outlined in the APS Workforce Strategy has been accelerated by work undertaken by the Future of Work Sub-committee of the Secretaries Board.
- The Sub-committee, supported by a Taskforce in the APSC, is focused on key initiatives under two work streams:
 - Attraction, Employment and Retention
 - Capability
- The Terms of Reference for the Future of Work Sub-committee, including current membership and work program are at [Attachment A](#).
- The work is underpinned by environmental scanning, future scenario planning and labour market analysis.
- Production of the annual *APS Strategic Labour Force Insights* published in the State of the Service supports ongoing identification of workforce risks and facilitates long term planning.

APS Learning and Development Strategy (APS L&D Strategy)

How is the implementation of the APS L&D Strategy progressing?

- The APS L&D Strategy and Action Plan outlines 54 actions across three horizons (Activate, Elevate and Adapt).
- The Activate horizon ran from July 2021 to the end of December 2022.
- As at 31 December 2022:
 - 24 actions were complete
 - 8 were on track for imminent completion.
- The Elevate horizon runs from January 2023 to the end of June 2024.
- The remaining 16 of 54 actions are scheduled to occur in the Elevate horizon.
- The Adapt horizon occurs between July 2024 and June 2026.
- The Strategy and Action Plan outline will be evaluated during and following the Adapt horizon, with a view to identifying new and emerging priorities and actions.

What governance arrangements are in place for the APS L&D Strategy?

- The APS Learning Board actively oversees and participates in the implementation of the Strategy. The Learning Board's role is to lead the transformation of APS-wide capability development aligned with APS priorities.



- The APS Learning Board Terms of Reference are at [Attachment B](#).
- A list of current members of the APS Learning Board is at [Attachment C](#).

APS Academy

What is the APS Academy?

- The APS Academy was established in July 2021 following a review of the Centre for Leadership and Learning and in response to the APS Reform Agenda 'Delivering for Australians' and is a key initiative of the APS Workforce Strategy 2025, to develop or provide leadership in the development of key APS capability, with a focus on identified capability gaps.
- The APS Academy's strategic intent is *'to ignite a culture of learning and enable APS people, teams and organisations to excel as a high-performing, skilled and connected one-APS workforce'*.
- The APS Academy focuses on the development of APS Craft: Integrity, Working in Government, Engagement & Partnership, Implementation & Services, Strategy, Policy and Evaluation and Leadership and Management.
- The APS Academy has also delivered new and significant programs targeting an uplift in: policy, APS and Minister partnerships, regulation and leadership capabilities – all critically essential to an effective and high performing public service.
- The APS Academy also supports the delivery of learning developed by others in the APS L&D ecosystem, including the Data and Digital Professions.
- In the 2022-23 Financial Year thus far, the APS Academy facilitated 42132 learner engagements made up of:
 - 22181 course engagements including:
 - 5328 facilitated course engagements
 - 16853 eLearning engagements
 - 18549 resource views and plays
 - 1402 event registrations.

What has the APS Academy achieved since its launch?

- Since the APS Academy was launched in July 2021, it has established:
 - Foundations for the APS learning ecosystem (including the Learning Board, Faculty and APS Craft).



- Partnerships with other APS agencies, industry and academia (to drive practitioner-led learning, APS craft programs and continuous learning practices).
- Promoted new contemporary OneAPS capabilities and learning methods through resources, toolkits and events to shape a culture of continuous improvement, including the development and delivery of Compassionate Foundations program, the Mastercraft series, the inaugural Secretaries Challenge and the Workforce Planning Startup.
- Delivered major new APS Craft initiatives using 'practitioner led learning' including the Delivering Great Policy program, Strengthening Partnerships, Excellence in Professional Regulation training pilot and leadership programs for SES Bands 1 to 3.
- Built transformational foundations to steer robust evaluation of learning and development evaluation across the APS, including:
 - a comprehensive evaluation strategy, framework and learning evaluation handbook for use across the system
 - developed and piloted the APS Learning Quality Framework an design standards to establish the standards of quality and effectiveness of APS-wide L&D and
 - completed the discovery phase and commenced the scoping phase of the new Learning Marketplace project, to identify and address duplication of investment in L&D procurement across the APS.

Sita Jackson Group Manager	APS Craft and Learning	s47F	s47F
s47F	Craft Capability and Frameworks	s47F	
Consultation	Workforce Planning and Strategy Leadership & Talent Development Learner Experience and Engagement Learning Platforms and Market APSC	Cleared for internal use	



Attachment A – Future of Work Sub-committee of Secretaries Board Terms of Reference including membership and work program as at 18 October 2022

Purpose

The COVID-19 pandemic has accelerated existing workforce trends in the Australian Public Service (APS) and caused agencies across the service to re-evaluate many aspects of work. Against this background, the risks to the APS workforce are elevated with agencies reporting rising vacancies, critical skill gaps, changing workforce expectations, rising salary pressures (APS and contractors) and a fiercely competitive labour market.

The role of the Future of Work Sub-committee is to be a catalyst in driving organisational and workforce reform priorities for the APS, so it can address these pressures and emerging workforce demands. The Government's focus on driving a stronger and more capable APS now broadens the scope and raises the profile of the Sub-committee to directly support key Government priorities, including positioning the APS as a model employer and rebuilding the capability of the APS, including through a reduced reliance on contractors and consultants.

The Sub-committee's work builds on existing efforts to develop APS capability including the APS Workforce Strategy, and the work program delivered by the Chief Operating Officers (COO) Committee, the APS professional streams, APS Learning Board and other bodies.

Work streams

The Sub-committee will provide advice to Secretaries Board on opportunities to strengthen APS workforce and organisational capability, including developing the best value proposition for the APS in the employment market, through two key work streams:

1. Attraction, Employment and Retention
2. Capability

Priorities for action under each work stream will include identifying: potential early wins and actions, medium to longer-term work plans, and pilots and trials that will be agreed by the Sub-committee. The Sub-committee will continually review its approach to priority action and project delivery to ensure it aligns with strategic direction from the Secretaries Board and Government.

The Sub-committee's work should take into account findings and recommendations from other APS reviews and initiatives, including the Independent Review of the APS, the Hierarchy and Classification Review, work being delivered through the APS Professions and the COO Committee.

Roles

The Sub-committee acts on behalf of the Secretaries Board, in collaboration with APS reform partners, to drive priority actions that will ensure the APS is a model employer and has the capability it needs to do its job well. It sets the strategic direction, progresses priority actions, including



strategic oversight of pilots, makes decisions on programs that are ready for rollout across the APS and ensures the work program is aligned with the Secretaries Board (including other sub-committees) and the APS Reform Plan.

The Sub-committee will work with other bodies, as required, and draw on the expertise of the Future of Work and Hierarchy and Classification Implementation Planning Taskforces, APS Reform Office, APS Academy and other key agencies to:

- explore data-driven approaches to understanding workforce pressures across the enterprise
- address and drive change on priority actions to create the best value proposition for the APS in the employment market
- address and drive change on priority actions that reinforce the APS reform agenda of creating a single APS enterprise
- develop organisational and workforce capability of the APS in key areas, including policy capability, building international and Asia-Pacific strategic knowledge and supporting First Nations and Closing the Gap priorities
- progress implementation of agreed recommendations made by the Hierarchy and Classification Review
- provide advice to the Secretaries Board for new or expanded initiatives that will ensure that the APS is a model employer and able to meet existing and emerging workforce demands, and
- provide strategic oversight of pilots or trials as agreed by the Sub-committee and/or Secretaries Board.

Sponsors

Members of the Sub-committee will become **Lead Sponsors of priority actions** where there is alignment with agency policy responsibilities. Where priority actions do not neatly align with policy responsibilities, the Co-Chairs may ask other members to assume sponsorship responsibility. Lead sponsors will:

- work with the Taskforce, and other bodies as required, to drive work on opportunities, risks and recommendations for consideration by the Sub-committee
- determine when to refer issues to other bodies for action and advice, including Secretaries Board and other Secretaries Board Sub-committees (e.g. Partnerships; Data and Digital)
- maintain oversight of the priority action and provide appropriate updates to the Sub-committee as required
- provide recommendations to the Sub-committee on when the priority action is complete and should be removed from the Sub-committee's work plan.

At the discretion of the Co-Chairs and lead sponsors, other members of the Sub-committee may act as Co-sponsor, to provide advice based on their expertise or portfolio linkages to projects.

It is expected that all members of the Sub-committee will have sponsorship or co-sponsorship responsibilities.



Taskforces and partner agencies

The Sub-committee and sponsors of priority actions will be supported by a **Future of Work Taskforce** established within the Australian Public Service Commission (APSC), which includes permanent APSC staff and secondees from member agencies and across the APS. Sponsors are expected to contribute resources to be embedded in the Taskforce to support delivery of priorities and ensure alignment and engagement with the work within their agency.

The Taskforce will undertake work as directed by the Sub-committee, including policy development, data and economic analysis, research and secretariat support. It will collaborate with staff from across the APSC, the APS Reform Office in the Department of the Prime Minister and Cabinet, and partner agencies.

In parallel, the Hierarchy and Classification Implementation Planning Taskforce will also report to the Sub-committee, to support implementation of recommendations made by the Hierarchy and Classification Review, as agreed by the Secretaries Board.

A Future of Work Governance diagram is provided at [Attachment A](#) and a priority action decision framework is at [Attachment B](#).

Other APS governance boards and committees

In addition to consulting with other Secretaries Board Sub-committees, the Sub-committee and/or sponsors may engage other bodies to contribute to future of work priorities, including:

- COO Committee: to provide advice on operationalisation and implementation of priorities and to drive pilots;
- APS Learning Board: to design and implement APS wide learning and development opportunities; and
- Heads of Professions: to design and implement APS wide learning and development priorities to lift APS capability in critical areas.

Sub-committee membership

Co-Chairs:

- Peter Woolcott AO, Australian Public Service Commissioner
- Katherine Jones PSM, Secretary, Attorney-General's Department

Members:

- Jim Betts, Secretary, Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Jody Broun, Chief Executive Officer, National Indigenous Australians Agency
- Michele Bruniges AM, Secretary, Department of Education



- Dr Gordon de Brouwer, Secretary, Public Sector Reform, Department of the Prime Minister and Cabinet
- Chris Fechner, Chief Executive Officer, Digital Transformation Agency
- David Fredericks PSM, Secretary, Department of Climate Change, Energy, the Environment and Water
- Ray Griggs AO CSC, Secretary, Department of Social Services
- Dr David Gruen AO, Australian Statistician, Australian Bureau of Statistics
- Natalie James, Secretary, Department of Employment and Workplace Relations
- Michael Pezzullo AO, Secretary, Department of Home Affairs
- Meghan Quinn PSM, Secretary, Department of Industry, Science and Resources
- Rebecca Skinner PSM, Chief Executive Officer, Services Australia
- Jenny Wilkinson, PSM, Secretary, Department of Finance

Changes to membership are agreed by the Co-Chairs in consultation with members.

A quorum will be at least one of the Chairs and five members.

Observers:

Co-Chairs may invite observers to attend and participate in Sub-committee meetings, such as Chairs of the COO Committee and other sub-committees, APS Learning Board or APS Executive directly responsible for policy or project delivery.

Responsibilities of Sub-committee members

Sub-committee members are representatives and stewards of the APS as a whole, as well as their individual agencies. Membership is position-based. In order to support the effectiveness of the Sub-committee and align with revised Secretaries Board arrangements, proxies are discouraged to attend on behalf of Secretaries or Agency Heads, but may attend at the discretion of the Co-Chairs.

Decision making authority

The Sub-committee is authorised by the Secretaries Board to progress and make decisions regarding the responsibilities outlined in these Terms of Reference. Substantive recommendations will be presented to Secretaries Board for decision, as required.

Meetings

Meetings will be held every two months and scheduled around Secretaries Board meetings.

Reporting

To ensure alignment with the wider APS Reform Plan and provide sufficient visibility of progress, the Sub-committee will report to the Secretaries Board and Government at regular intervals, as required.

Meeting outcomes may also be reported verbally to the Secretaries Board, APS Learning Board and Heads of Professions, through the Co-Chairs, and to the COO Committee.

Relevant papers, including a communique outlining the key discussion points and decisions of the Sub-committee will be published to the website of the Department of the Prime Minister and Cabinet, following each meeting, consistent with Secretaries Board governance and reporting arrangements.

Secretariat

The Future of Work Taskforce within the APSC will provide secretariat support to the Sub-committee.

Agenda and papers will be provided approximately five business days ahead of each meeting, or as agreed by the Co-Chairs. Minutes and actions will be circulated approximately one week after each meeting, or as agreed by the Co-Chairs.

Review

Terms of reference agreed by Sub-committee	12 April 2022
Revised Terms of reference agreed by Sub-committee	18 October 2022

The Terms of Reference may be reviewed at the discretion of the Co-Chairs in consultation with members.

Document Control

Version	Date of Endorsement	Endorsed by	Key changes
0.2	12 April 2022	Sub-committee	Nil
0.3	18 October 2022	Sub-committee	Update to Sub-committee role, membership and governance Revised scope to include new work stream (Capability)



SECRETARIES BOARD All Secretaries	APS REFORM PARTNERS Secretaries of PM&C and Public Sector Reform and APS Commissioner		FUTURE OF WORK SUB-COMMITTEE Co-Chairs: Secretary Katherine Jones and Commissioner Peter Woolcott	
	APS REFORM PLAN: Priority 3: APS is a model employer Priority 4: APS has the capability to do its job well			
ROLES AND RESPONSIBILITIES	SUB-COMMITTEE WORK STREAMS		SUPPORT & RESOURCING	
	ATTRACTION, RETENTION, EMPLOYMENT	CAPABILITY		
FUTURE OF WORK SUB-COMMITTEE	<ul style="list-style-type: none">APS Employee Value PropositionWhole of government position on flexible workReduce reliance on contractors and consultantsPay and conditionsLocation Strategy and action plan	<ul style="list-style-type: none">Capability Reviews	SPONSORS	STEWARDS
<ul style="list-style-type: none">Set strategic direction and oversight future of work priorities including pilots to ensure the APS is a model employer and has capability it needs to do its job well.Progress priorities, refer to other bodies for advice, and make decisions on behalf of Secretaries Board on FoW priorities that are ready for rollout across the service.Make recommendations to the Secretaries Board as appropriate and ensure alignment with the Board, its sub-committees and the APS Reform Agenda.			<ul style="list-style-type: none">Work with the Taskforce, and other bodies as required, to drive work on priority action opportunities and risks.Determine when to refer issues to other bodies for action and advice, including Secretaries Board and other Secretaries Board Sub-committees.Maintain oversight of priority actions including when work being progressed by other bodies.Provide recommendations to the Sub-committee, including to close and remove priority actions from the work plan.	
COO COMMITTEE	Pilots: <ul style="list-style-type: none">Hiring PracticesProductivity and Performance	<ul style="list-style-type: none">H&C cultural reformsPerformance management	FUTURE OF WORK TASKFORCE	ENABLERS
<ul style="list-style-type: none">Operationalise, provide implementation advice and drive pilots on reform priorities of Secretaries Board and its Sub-committees, including Future of Work.			<ul style="list-style-type: none">Provide data and economic analysis, research, policy development and secretariat support to the Sub-committee.	
APS LEARNING BOARD	<ul style="list-style-type: none">ReskillingCareer pathways	<ul style="list-style-type: none">International (Asia Pacific) strategic knowledgePilot: H&C managerial capability uplift	H&C IMPLEMENTATION PLANNING TASKFORCE	ADVISERS
<ul style="list-style-type: none">Design and implement APS wide learning and development priorities.			<ul style="list-style-type: none">Drive implementation of H&C Review.	
HEADS OF PROFESSIONS		<ul style="list-style-type: none">Uplift specialist capability, expand and mature professionsPilot: Data and digital campuses	KEY AGENCIES (APSC, PM&C, DoF)	
<ul style="list-style-type: none">Design and implement APS wide learning and development priorities to lift APS capability in critical areas.			<ul style="list-style-type: none">Provide advice, as appropriate, aligned to portfolio responsibilities.Ensure alignment with APS reform agenda and other Government priorities.	



Attachment B – APS Learning Board Terms of Reference as at 3 December 2022 – Endorsed 30 Sep 2021

APS Learning Board Terms of Reference

Purpose

The APS Learning Board oversees the transformation of APS-wide capability development, aligned with APS priorities, such as are expressed in the APS Learning and Development (L&D) Strategy and Action Plan. It will guide the APS Academy's strategic direction and inform, and seek input from, Secretaries Board or its representative sub-committees on priorities for APS capability, including system investments, APS-wide learning culture and sector capability risks.

The Learning Board will work with the Future of Work Secretaries Sub-committee, whose role is to drive organisational and workforce reform priorities for the APS, including in developing APS capability, to provide whole-of-service solutions to workforce capability.

The Learning Board will engage the APS Learning Eco-system in actions addressing APS-wide L&D culture, governance, capabilities and technology.

Responsibilities

The Board will:

- Provide advice and guidance to the APS Commissioner in his role 'to foster, and contribute to leadership, high quality learning and development and career management in the APS'
- Guide the implementation of the APS Learning and Development Strategy and Action Plan
- Translate priorities for APS capability development set by Secretaries Board, the Future of Work Secretaries Sub-committee and other relevant actors
- Be accountable to Secretaries Board for identifying strategic insights and addressing trends relevant to APS performance and capability, shared through an annual work-plan
- Shape the system to provide clarity on roles and responsibilities of all contributors to APS capability development, in order to reduce duplication and increase efficiencies
- Provide direction to the APS Academy and APS Academy Faculty in order to deliver a one-APS approach to building APS Craft capability
- Ensure decisions regarding APS learning align to the APS Continuous Learning Model as outlined in the APS Learning and Development Strategy.



Membership, Composition and Appointment Arrangements

The APS Commissioner will Chair the Learning Board. The Head of the APS Academy and the Secretary of Public Sector Reform will be ex-officio members.

The Learning Board may have up to six members of the APS Executive, and will represent the interests of one-APS. Membership is by invitation from the APS Commissioner.

Up to four independent non-executive members from outside the APS may also be invited to join the Board.

Membership will be for a period of two years. The Head of the APS Academy may recommend the extension of a Board member's appointment for up to an additional two years.

Other APS, industry, and development experts may be invited to attend Learning Board meetings as guests, based on the subject matter under consideration and at the request of the Chair.

Meetings

The Learning Board will meet four times per year, and may hold additional meetings if required.

A quorum for the Learning Board meetings will be: the Chair and at least four of the appointed members. The function of the Learning Board is not affected if the number of members falls below six for a period of less than six months or if there is a vacancy in the position of Chair.

The Learning Board may establish sub groups or appoint individual sponsors to make progress on identified priorities, as agreed.

The agenda for Learning Board meetings will be determined by the Chair, taking into account the priorities established by Secretaries Board, the Future of Work Secretaries Sub-committee and Board members. The Chair will lead all meetings, and ensure that meetings are focussed on the content of the agenda.

The APS Academy will provide secretariat support for the Learning Board meetings, and will capture records, actions and recommendations of the meetings.

The Learning Board will report bi-annually to Secretaries Board on APS Academy performance and L&D Action Plan implementation.

The Learning Board will seek input from Secretaries Board on priorities in August each year, and update the Board on Academy performance, and strategic insights and trends relevant to APS performance and capability bi-annually. The Learning Board will ensure its activities align with those of the Future of Work Secretaries Sub-committee and the APS Public Sector Reform agenda.



Conflict of Interest

Non-APS Learning Board members might find themselves subject to a conflict of interest in respect to an item on the agenda. A conflict exists whether it is real, potential or perceived.

Such conflicts will be declared and recorded at the beginning of each meeting.

If the conflict is material, the Chair may invite the member, or the member may elect, to leave the meeting at the beginning of the relevant agenda item and return when it is complete.

Travel and Remuneration

Meetings will be held face-to-face and may be held virtually, as required. Where meetings are held face-to-face, remuneration for travel costs for non-APS members will be in line with the *Remuneration Tribunal (Official Travel) Determination 2019* Tier 2 travel allowance. No other remuneration will be paid to any member.

Amendment, modification or variation

The Learning Board Terms of Reference may be amended, modified or varied after consultation with Learning Board members, and with approval of the Chair.



Attachment C – APS Learning Board membership list as of December 2022

Name	Title	Organisation
Peter Woolcott AO (Chair)	Australian Public Service Commissioner	Australian Public Service Commission
APS Executive Members		
Jacqui Curtis	Chief Operating Officer	Australian Taxation Office
David Williamson	Chief Operating Officer	Department of the Prime Minister and Cabinet
Justine Greig	Deputy Secretary, Defence People	Department of Defence
Justine Saunders	Deputy Secretary, Chief Operating Officer	Department of Home Affairs
Annette Musolino (Russell Egan, acting for Annette)	Chief Operating Officer	Services Australia
Nadine Williams	Deputy Secretary, Skills and Training	Department of Education, Skills and Employment
External Members		
Professor Genevieve Bell AO	Director, 3A Institute, School of Cybernetics	Australian National University (ANU)
Jenny Bryant	Chief Human Resources Officer	Wesfarmers
Maree Howard	Director of Organisational Learning	Life Without Barriers
Ex Officio		
Gordon de Brouwer (Ex officio)	Secretary, Public Sector Reform	Department of the Prime Minister and Cabinet
Dr Subho Banerjee (Ex officio)	Deputy Commissioner, Head of APS Academy and Capabilities	Australian Public Service Commission
Official Observers		
Greer Alblas	A/Chief Executive	Department of Foreign Affairs and Trade, Diplomatic Academy
Tracey Sheather	National Manager, People Capability and Services Australia Learning Academy	Services Australia



BPB - APS ACADEMY

KEY NARRATIVE

The *Highly Capable, Future-Ready: APS Learning and Development Strategy and Action Plan* were released in July 2021.

- The **APS Academy** is a key initiative of the strategy and establishes a one APS approach to lifting the skills and capability of the APS workforce.
- Between 1 July 2021 and 31 December 2022, the Academy facilitated **42,132** learning experiences for public servants across the sector.
- The Action Plan is moving into its “Elevate” horizon with a focus on the adoption of the Continuous Learning Model to build APS Capability.
- The APS Academy continues to make a significant contribution to the delivery of learning and development offerings for the Australian Public Service.

FACTS AND FIGURES

- The Academy had 53,804 learner engagements during the 2021 - 2022 Financial Year. This includes:

Course enrolments	22,181
Resource views and plays	18,549
Event registrations	1402
Total	42,132

- Evaluation data for the period 1 Jan 2022 – 31 Dec 2022
 - We have had a 49.7% survey response rate, from this the data shows that:
 - 94.8% of respondents intent to implement their learnings in their workplace
 - 90.7% found the course relevant
 - 86.7% said they would recommend the course to others
 - 89.2% said it provided value for them
 - The Academy records pre and post course capability to identify any shifts in capability – overall, for the period, there was a 37.9% percentage point increase in capability.



- The APS Academy learning management system (LMS) APSLearn has seen **56,437 active users** since the launch of the new LMS in December 2021.
- The Academy offers **70** courses, virtually and face to face, and **40** eLearning courses, **110** in total. A further three courses are being released from pilot phase into ongoing offerings this year.
- The Academy has an active online L&D community of practice with more than **900** members and growing.
- Since the launch of the Academy website, there has been **114,909 new users**, and over **660,000 unique page views**. Around 27 per cent of website visitors are based in the ACT, with a further 25 per cent being based in NSW and 17 per cent based in Victoria.
- In 2022 we supported 291 new, emerging and experienced leaders from more than 50 agencies to build their leadership capability.
- There were 80 secondees to the JAWUN program in the 2021-22 FY and 111 for the calendar year in 2022. We are estimating 130 in calendar year 2023.
- The APS Graduate Development Program participation has increased from 143 graduates in 2021 to 200 graduates in 2022- With increasing participation of larger agencies and more geographically dispersed graduates, the program is expecting approximately 350 graduates in 2023 for the full 10-month program

Partnerships

- In November 2022, the Academy implemented an Agency Engagement model to strengthen engagement with agencies across the APS. Through this model, each portfolio agency and the Professions, have been assigned an Academy relationship manager to support them to deliver Learning and Development within their agencies. To date, the Academy has engaged with **16 portfolio agencies** including the Digital, Data and HR Professions.
- Since commencement, the Academy has established partnerships to deliver courses and projects of strategic importance. Academy partnerships include; DAFF, DFAT, PM&C, Department of Finance, DTA, DVA, , Home Affairs, Services Australia, DSS, ANZSOG, IPAA and the Queensland University of Technology.

Questions and Answers

How does the Academy operate?

- The Academy supports the transformation of APS-wide Learning and Development contributing toward the Government's reform agenda and the implementation of the *Delivering for Tomorrow: APS Workforce Strategy 2025*.



- The Academy is focused on developing APS Craft capabilities including: Leadership and Management; Integrity; Strategy, Policy and Evaluation; Working in Government; Services and Implementation; and Engagement and Partnerships.
- The design and development of Academy learning solutions is guided by the *Highly Capable, Future-Ready APS Learning and Development Strategy and Action Plan*. This ensures the APS has access to a diverse range of learning methods – formal courses, resource toolkits, learning resources and job aids – that tie learning to real-world experiences, supported by practitioners and peers from within the APS.

How is the Academy financed?

- The Academy is funded through a combination of a temporary budget measure (Digital Traineeships) and external revenue charged to government agencies receiving the Academy's various offerings.
- The Public Sector Capability 2021-22 Budget measure provided \$5.3m over two years to support establishment of the APS Academy (\$2.8m in 2021-22 and \$2.5m in 2022-23).
- In December 2022, Secretaries agreed to a contribution of \$22 per ASL from each Portfolio, equating to \$3.3m, for the Academy to deliver on four transformation activities for the APS. These four activities include:
 - Embedding the LQF and Evaluation Handbook into agencies;
 - piloting the EL2 CPD program;
 - Development of a Learning Bank;
 - Sustainment of the Mental Health and Suicide Prevention Unit.

How much money did the Academy spend in 2021-22?

- During the 2021-22 Financial Year the Academy spent a total of \$19m. The Academy's revenue for 21-22 was \$13.9m

What are the transformational initiatives the Academy is leading that was referenced in recent (Jan 2023) media (RiotAct, Mandarin)?

1. Enabling agencies to embed and leverage the Learning Quality and Evaluation Frameworks to improve access to and impact from our collective learning investment.
 - a. In 2023, the Academy will support the APS L&D ecosystem to adopt the standards, by building awareness and capability and in so doing, identify resources which could be shared.
2. Launching the APS-wide Continuous Professional Development Program for EL2s to build leadership and management capability at scale, regardless of agency or location
 - a. pilot launching in early 2023 for new to EL2s and ready for SES EL2s.



3. Creating an APS Learning Bank to facilitate efficiency through improved visibility and sharing of existing learning solutions.
 - a. Reducing duplication and red tape by offering a central location for learning resources.
4. Sustaining the Mental Health and Suicide Prevention Unit within the Academy to promote APS workforce literacy, capability and expertise in support of APS wide wellbeing.

How are you evaluating the Academy's activities?

- Supporting the larger Academy is a comprehensive evaluation strategy that supports monitoring and evaluation activities. The Academy has an ongoing monitoring and maintenance program in place against all of its activities.
- The Commission monitors and evaluates the operation of the APS Academy and provides regular performance reporting through to the Commission's governance section. Course offering data is collated on an ongoing basis, with results being collated in monthly and quarterly reporting.
- An interim APS L&D Strategy evaluation will commence in April 2023 and results will be available in the second half of 2023, focusing on processes and systems.

What Governance is in place to ensure the Academy achieves its objectives?

- The design and development of Academy learning solutions is guided by the *Highly Capable, Future-Ready: APS Learning and Development Strategy and Action Plan*.
- The APS Academy is guided by a Faculty, made up of APS leaders past and present with a deep knowledge and expertise in each of the APS Craft areas, along with the Heads of Profession. Faculty membership is at [Attachment A](#).
- The APS Learning Board has been established to oversee the transformation of APS-wide capability development, aligned with APS priorities. The Board guides the strategic direction of the APS L&C ecosystem, including the APS Academy and planned outcomes with annual reporting to the Secretaries Board. Learning Board membership is at [Attachment B](#).

What is the relationship between the APS Academy and the APS Reform Office?

- The APS Academy and APS Reform Office work closely together. There are significant intersections between the broad APS reform agenda being overseen by the APS Reform Office and the specific initiatives being implemented by the APS Academy in the capability stream.



- In order to ensure alignment between the Academy and the ARO the Secretary for Public Sector Reform attends the APS Learning Board in an ex officio capacity.

Is there sufficient expertise within the APS Academy to build the capability required for the future?

- The Academy continues to access APS capability through secondments and temporary transfers. This supports workforce mobility and a one-APS culture.
- The Academy has established formal and informal partnerships with academia and industry to capitalise on their insights.
- The Academy is supported by Faculty, made up of APS leaders past and present with a deep knowledge and expertise in each of the APS Craft areas, along with the Heads of Profession. The Faculty supports the APS to identify APS Craft practitioners that contribute to practitioner-led learning and support the uplift in skills across the APS.



MEDIA

APS reform leads discussions at Secretaries Board meeting (updates to the board on the APS Academy)	
6 January 2023	APS reform discussed at Secretaries Board meeting (themandarin.com.au)
APS urged to widen net (four “APS Academy” campuses)	
5 December 2022	APS urged to widen net - ExecutiveCareer
Thodey speaks on PS review (Thodey praises work of Academy)	
21 November 2022	Thodey speaks on PS review - ExecutiveCareer
David Thodey: Working for the public service should be the best job in the country	
20 November 2022	David Thodey: "Public service should be the best job in the country" (themandarin.com.au)
Trying to distill power, influence and agency in the APS (Academy backed survey on policymaking influence)	
8 November 2022	Trying to distil power, influence and agency in the APS (themandarin.com.au)
APS digital boot camps expand to the regions	
19 October 2022	APS digital boot camps expand to the regions (streem.com.au)
New Public Service jobs for Regional Communities (Katy Gallagher announces regional Academy campuses)	
17 October 2022	Katy Gallagher - You shouldn't have to live in a capital... Facebook
Labor to bring consulting work in-house at APS (Academy role alongside in-house consulting)	
13 October 2022	Labor to bring consulting work in-house at APS as Katy Gallagher announces reforms The Canberra Times Canberra, ACT
APS Academy calls for collaborators on microcredentials (for Evaluating Regulatory Systems)	
31 August 2022	APS Academy calls for collaborators on microcredentials (themandarin.com.au)
Coverage of release of the APS Learning Evaluation Framework	



11 July 2022	https://www.themandarin.com.au/194314-hr-capability-learning-development-in-public-service-spotlight/
Coverage of release of the APS Learning Quality Framework	
20 April 2022	https://www.apsc.gov.au/initiatives-and-programs/learning-and-development/learning-quality-framework
	https://www.apsc.gov.au/initiatives-and-programs/learning-and-development/learning-quality-framework
16 May 2022	https://psnews.com.au/2022/05/16/aps-learning-in-a-new-framework/
Coverage of the Senate inquiry into APS Capability (that references the Academy)	
28 November 2021	https://the-riotact.com/senator-blasts-aps-outsourcing-as-an-industry-of-sleazy-canberra-deals/515438
Coverage of the Launch of the Academy	
22 July 2021	https://www.themandarin.com.au/163901-aps-academy-up-and-running/
22 July 2021	https://www.canberratimes.com.au/story/7351312/what-makes-a-good-public-servant-the-new-aps-academy-boldly-offers-an-answer/
24 July 2021	https://the-riotact.com/public-service-launches-new-academy-in-training-overhaul/479308
Contractor expenses	
3 May 2021	https://www.canberratimes.com.au/story/7226440/embarrassing-new-public-service-academy-racks-up-500k-contractor-bill-in-two-months/
Coverage of Minister's State of the Service roadshow speech	
19 February 2021	https://www.themandarin.com.au/149738-agencies-to-share-their-expertise-through-aps-academy/
Coverage of initial media release	
4 February 2021	https://www.canberratimes.com.au/story/7112232/schools-in-new-aps-academy-set-to-open-at-old-parliament-house/
4 February 2021	https://www.themandarin.com.au/148791-new-public-service-academy-will-foster-core-aps-craft-capabilities/



Attachment A

APS Learning Board Membership

Name	Title	Organisation
Peter Woolcott AO (Chair)	Australian Public Service Commissioner	Australian Public Service Commission
APS Executive Members		
Jacqui Curtis	Chief Operating Officer	Australian Taxation Office
David Williamson	Chief Operating Officer	Department of the Prime Minister and Cabinet
Justine Greig	Deputy Secretary, Defence People	Department of Defence
Justine Saunders	Deputy Secretary, Chief Operating Officer	Department of Home Affairs
Annette Musolino (Russell Egan, acting for Annette)	Chief Operating Officer	Services Australia
Nadine Williams	Deputy Secretary, Skills and Training	Department of Education, Skills and Employment
External Members		
Professor Genevieve Bell AO	Director, 3A Institute, School of Cybernetics	Australian National University (ANU)
Jenny Bryant	Chief Human Resources Officer	Wesfarmers
Maree Howard	Director of Organisational Learning	Life Without Barriers
Ex Officio		
Gordon de Brouwer (Ex officio)	Secretary, Public Sector Reform	Department of the Prime Minister and Cabinet
Dr Subho Banerjee (Ex officio)	Deputy Commissioner, Head of APS Academy and Capabilities	Australian Public Service Commission
Official Observers		
Greer Alblas	A/Chief Executive	Department of Foreign Affairs and Trade, Diplomatic Academy
Tracey Sheather	National Manager, People Capability and Services Australia Learning Academy	Services Australia



Attachment B

APS Academy Faculty Membership

Strategy, Policy & Evaluation	Simon Duggan Deputy Secretary, Domestic Policy Group, Economy, Industry & G20 Sherpa, Department of the Prime Minister and Cabinet
	Dr Heather Smith PSM Former APS Secretary
Implementation and Services	Melinda Smith Chief Service Delivery Officer, Australian Taxation Office
	Matt Cahill former Deputy Secretary of Services Australia, the former DAWE and former DoEE
Integrity	Jaala Hinchcliffe Integrity Commissioner, Australian Commission for Law Enforcement Integrity
	Andrew Colvin APM OAM Partner, Financial Advisory Deloitte Former APS leader, including AFP Commissioner and National Co-ordinator Bushfire Recovery Agency
Leadership & Management	Chris Moraitis PSM Director General, Office of the Special Investigator
	Stephanie Foster PSM Governance and APS Reform, Department of the Prime Minister and Cabinet
Working in Government	Cath Patterson Deputy Secretary, Budget and Financial Reporting, Department of Finance
	Clare Walsh Deputy Secretary, Business Enabling Services, Department of Finance
Engagement & Partnerships	Mary Wiley-Smith Technology and National Security, AusIndustry, Questacon and the National Measurement Institute, Department of Industry, Science, Energy & Resources



	Letitia Hope Deputy Chief Executive Officer, Operations & Delivery, National Indigenous Australians Agency	
Heads of Profession	Jacqui Curtis	Chief Operating Officer, Australian Taxation Office
	Randall Brugeaud	STS Taskforce Head, Simplified Trade System Taskforce
	Dr David Gruen	Australian Statistician, Australian Bureau of Statistics
Regulator Taskforce	David Parker AM	Chair, Clean Energy Regulator



Sita Jackson Group Manager	Craft and Learning	s47F	s47F
s47F	Learner Experience and Engagement	s47F	
Consultation	Craft Capability and Frameworks Academy Performance and Projects Learning Platforms and Market APSC Leadership & Talent Development Communications Directorate Enabling Services - Finance	Cleared for internal use	

DIVERSITY**Subject/Issue**

- The Government is committed to ensuring the APS sets the standard as a model employer. This includes an APS workforce that is diverse and workplaces that are inclusive for all employees.

Key facts and figures

- The Government is committed to boosting First Nations employment in the APS to 5% by 2030. Current participation is 3.5%.
- The current APS gender pay gap is 6.0% compared to the national gender pay gap of 14.1%. The APS gender pay gap has reduced yearly since 2015, when it was 9.1%.
- There has been a marginal increase in the number of employees with disability in the APS in 2022 to 4.7%, up from 4.1% in June 2021.
- Consistent with the wider Australian working age population, around a quarter of APS employees (22.7 per cent) are born overseas and around 20 per cent speak a language other than English at home.
 - CALD employees, including those from non-English speaking backgrounds, are not well represented at senior levels in the APS (7.3 per cent) and perceive higher levels of discrimination.

Key points

- The APS needs to ensure its workplaces are inclusive and respectful and better reflects the diversity of the Australian community.
- Progress has been made in some areas but sustained effort and strong leadership continues to be required.
- Priorities for the Commission include
 - Working with the National Indigenous Affairs Agency to develop a plan to increase the representation of First Nations people in the APS to 5% by 2030.
 - Reducing the gender pay gap in the APS.
 - Continued delivery of the APS Disability Employment Strategy 2020-2025.

- I have asked the Commissioner to:
 - Look at opportunities to increase the cultural and linguistic diversity of the APS and address barriers to progression and participation faced by CALD employees.
 - APSC to coordinate a service wide CALD strategy to stand alongside Disability, First Nations and Women.
- The Commissioner can speak more about the work underway.
- Increasing the cultural and linguistic capability of the APS is also a priority area for the recently announced APS Capability Reinvestment Fund, with successful proposals to be announced through the 2023-24 Budget.
 - The Department of Prime Minister and Cabinet can speak to this process.

First Nations employment

- It is crucial the APS has strong First Nations representation at every level to benefit from the cultural perspectives of First Nations Australians, particularly given the important role the APS plays in Closing the Gap and working in genuine partnership with First Nations Australians.
- Work is underway to identify new actions under the Commonwealth Aboriginal and Torres Strait Islander Strategy 2020-24 to meet the Government's representation targets.
- The Government will consider further initiatives in the 2023-24 Budget context.

Gender pay gap and gender equality

- On many metrics the APS leads the way on gender equality with very small gender pay gaps within each classification level. However, gender equality remains a focus and there is still much to do
- The Commission is finalising the review of the Maternity Leave (Commonwealth Employees) Act 1973, has launched the APS Gender Equality Strategy and is working with the Workplace Gender Equality Agency to introduce public sector reporting in 2022-23.

Background

- On 9 November 22, Senator Faruqi wrote to Minister Gallagher seeking commitment to a strategy, action plan and targets to improve the representation of CALD people in the APS, especially those of non-European backgrounds. This reflected concerns raised by Senator Faruqi at Senate Estimates.
 - Minister Gallagher and Senator Faruqi met on 9 February 2023.
- The APS does not have a cross-service dedicated diversity strategy for CALD employees.
 - Most APS agencies have overarching diversity and inclusion policies, strategies or action plans which can encompass cultural and linguistic diversity.
 - Notably, just over 40 APS agencies reported having a dedicated CALD workforce policy, strategy, and/or action plan in 2021-2022.

Media

Gender Equality

12 December 2022: The Mandarin article 'WGEA reveals gender pay gap of 22.8% across 4,000 organisations' reports the findings of the Workplace Gender Equality Agency in their annual release on the gender pay gap. It reports the gap of 22.8%, alongside comparisons to the APS gender pay gap at 6% and other public service pay gaps.

24 November 2022: The Mandarin article 'Percentage of women in APS continues to grow but gender equity issues persist', reports findings from the publically released State of the Service Report, and notes an increase in the total proportion of women in the APS. It also reports that some gender equity issues are still present, including the gender pay gap.

Cultural and Linguistic Diversity (CALD)

January 9: The Canberra Times article ''Abysmal': Greens Deputy leader Mehreen Faruqi wants APS cultural and linguistic diversity strategy to fill 'huge gap'', reports on the push from Greens' Senator Mehreen Faruqi to improve APS CALD strategies. The article cites the Senator's calls for proper strategies, similar in quality to those for First Nations peoples, in order to fill the "huge gap" in the public service's ethnic diversity.

23 November 22: The Mandarin article 'State of the Service: Workforce challenges didn't deter APS in 2022' reports on the various achievements mentioned in the State of the Service Report. This includes improvements to cultural diversity and representation, with 22.7% of employees reporting they were born in a country outside of Australia, 16.8% of those being non-English speaking countries, and 23.2% whose first language was not English.

9 November 22: The Mandarin article 'Faruqi to talk with Gallagher about 'unacceptable' APS CALD diversity', reports concerns raised by Senator Faruqi at Senate Estimates on CALD diversity in the APS and her intention to pursue a formal strategy for CALD representation, particularly for people from non-European backgrounds.

Date: 13 February 2023
Cleared by (SES): Deputy Commissioner APSC, Subho Banerjee
Cleared for internal use:
Telephone No: S47F
Group/Branch: Workforce and Inclusion Strategies
Contact Officer: Katrina Purcell
Telephone No: S47F
Consultation: Workforce Insights, WR
PDR Number: SB23-000042
Last Printed: 13/02/2023 4:27 PM

Audit of Employment / Contractors**Subject/Issue**

The Government will build public sector capability, improve job security and reduce waste by reducing reliance on external labour and converting labour hire roles into ongoing APS jobs.

Key facts and figures

- The Commission and the Department of Finance initiated the Audit of Employment on 30 September, seeking information on the use of external labour hire within the APS.

Key points

- So much of the interesting and challenging work of the APS has been outsourced.
- This work should be a chance to grow skills, enhance job satisfaction and tap into the knowledge that already exists in the APS.
- The Government's Audit of Employment – now underway – will allow us to understand the capabilities and functions that have increasingly been contracted out to the market.
- It will show us the composition of the entire workforce, including where roles can be converted from external hires to permanent ongoing APS employees.
- We are not removing access to all contractors and consultants, but rather, rebalancing the workforce to reduce waste and build APS capability.
- Informed by the results of the Audit, the Commission will prepare guidance for agencies to help them identify the most appropriate resourcing option for operational and longer-term capability needs.
- The APS Reform Office in the Department of Prime Minister and Cabinet will lead the development of an in-house consulting model for the APS. This will strengthen core capabilities and functions that have increasingly been contracted out to consultants at significantly higher cost.

If needed – Key information – yet to be released

- Recommendations from the Audit will be considered in the 2023-24 Budget Context.

APS CONTRACTORS

Background

The Government has committed to reduce reliance on contractors, consultants and labour hire companies for work that can be done more effectively by public servants.

The Audit of Employment will provide baseline data to inform steps to create more secure employment where temporary forms of work are being used inappropriately. This will include converting labour hire, casual or contractor roles into ongoing APS jobs.

While the Commission collects and reports workforce data from APS agencies on staff employed under the *Public Service Act 1999*, there is no comparable central data collection for external labour hire (e.g. contractors, consultants). Procurement of such services is governed by the *Public Governance, Performance and Accountability Act 2013*, which falls within the responsibilities of the Department of Finance.

The Government has committed to reducing reliance on contractors and consultants in the APS, reducing spending by \$3 billion over four years.

Questions regarding spending on labour hire, contractors and consultants, along with anticipated savings, should be referred to the Department of Finance.

Media

25 October 2022: Canberra Times article '[APS staffing boom as budget reveals Labor move on contractor spending](#)' reports that the first Budget of the Albanese government showed staffing levels growing by 8000 and a reduction in public service spending on external labor.

26 September 2022: Canberra Times article '[APS jobs surge as Labor mulls staffing levels ahead of budget](#)' reports that the APS workforce has increased to pre-Abbott Government numbers over the 2021-22 financial year. The article cites Senator Gallagher's view that this increase reflects prior under-resourcing and notes the Government's plans for an Audit of Employment.

Date:	10/01/2023
Cleared by (SES):	Deputy Commissioner APSC, Helen Wilson
Cleared for internal use:	Yes
Telephone No:	s47F
Group/Branch:	Workforce Insights
Contact Officer:	Dr Nicole Steele
Telephone No:	s47F
Consultation:	Workforce and Inclusion Strategies
PDR Number:	SB23-000023
Last Printed:	13/02/2023 4:26 PM



APSC BRIEF - FLEXIBLE WORK IN THE APS

KEY NARRATIVE

- The Minister for the Public Service, Senator the Hon Katy Gallagher, has asked the Australian Public Service Commission to develop an **APS wide approach to flexibility** and consider what flexible work arrangements can be offered to staff as standard.
- This work is being progressed as part of the Secretaries Board Sub-Committee on the Future of Work, and will deliver the whole-of-government position **in the first half of 2023**.
- Flexible work is a key part of the APS Employee Value Proposition. It is important to get this right, to ensure the APS is a model employer and can attract and retain the diversity of skills and talent needed to deliver the Government's agenda, in a very competitive jobs market.

QUESTIONS AND ANSWERS

How will an APS-wide approach to flexible work be developed?

- The Commission is developing an APS wide approach to flexibility through the Secretaries Board Future of Work Sub-Committee.
- Secretary Natalie James, Department of Employment and Workplace Relations and Secretary David Fredericks, Department of Climate Change, Energy, Environment and Water are sponsoring this work through the Sub-committee providing policy direction and oversight.
- While the APS has long-offered flexible work arrangements for staff, COVID transformed working from home arrangements and the public service performed strongly as flexibility was adopted at scale.
- Employee expectations have changed and flexible work arrangements have become an increasingly important retention factor for staff. Greater access to flexible work also has potential to increase gender equality and workforce participation of women.
- While agency heads will continue to be best placed to make decisions about the operational requirements of their agency in a competitive labour market, there is a compelling case to support greater flexibility across the service and embed flexible work in the APS employee value proposition.
- As well as meeting operational needs a whole-of-APS approach to flexibility will also need to balance the importance of building culture, enabling staff to develop networks, and learn through sharing and collaborating. Getting this balance right is key.



How will working from home and flexible working conditions be addressed through APS bargaining?

- The *Public Sector Interim Workplace Arrangements 2022* promote flexibility as a normal feature of Commonwealth employment. Decisions on its application are the responsibility of Agency Heads, based on their operational environment, employee needs and legislative requirements.
- The APSC is currently undertaking consultation on an approach to a future comprehensive policy for Commonwealth bargaining, including with agencies and unions. Consultation will consider which conditions may be appropriately negotiated centrally for a consistent service-wide approach, and which might be best negotiated at an agency level.

What is the impact on productivity of rising rates of working from home?

- The Chief Operating Officer Committee has explored the impact of working from home on APS productivity and found no significant impact (more information can be provided).

Has the Commonwealth's WHS risk liability increased with more people working from home?

- Comcare has advised that while the number of working from home claims has increased, this aligns with an increase in the number of employees working from home. The types of injuries sustained are consistent with workplace injuries observed pre-pandemic, and the claim experience has not fundamentally changed.
- Detailed questions on workers compensation liability should be directed to Comcare.

FACTS AND FIGURES

- Working from home rates in the APS increased from 22% in 2019 (pre-COVID) to 55% in 2022 (APS Employee Census data).
- Flexible work arrangements are an increasingly important retention factor for staff, with 51% citing 'non-monetary benefits' (including leave, flexible work arrangements, other benefits) as a reason for staying in the APS (2022 APS Employee Census).
- Since COVID the private sector and other government jurisdictions have increasingly offered flexible work to attract and retain staff with 46% of the population regularly working from home in mid-2022, compared with 32% in mid-2019 (Australian Bureau of Statistics Household Impacts of COVID-19 survey).
- International survey data suggests that about 40% of workers who worked from home would seek another job if their current employer required a full return to the office (Productivity Commission research paper, 2021).



BACKGROUND

- The APSC has provided centralised guidance on flexible work arrangements in the form of Circulars. They have emphasised the responsibility of agency heads to make decisions around working from home in the context of operational requirements.
- During COVID these have reflected the need to consider state and territory government health orders and advice from Safe Work Australia.
- Flexible working arrangements in the Commonwealth public sector provide employees with flexibility to manage their personal commitments while ensuring agency operational requirements are met. Flexible working arrangements may include:
 - Part-time work
 - Four day work week or compressed work week
 - Working remotely (including working from home and/or from an office in another location, such as when an agency has a dispersed property footprint, or in an office space shared with another Government agency)
 - Job share arrangements
 - Flexible starting and finishing times
 - Purchased leave, and
 - Leave without pay.

TIMELINE

Date	Action
January - June 2023	Finalise whole-of-government position on flexible work, including products to support implementation of flexible work.

MEDIA

28 September 2022: Mandarin article [‘Work from home rights now a major bargaining issue: CPSU report’](#) reports that work from home and other flexible working conditions top priority identified by three-quarters of CPSU members and the issue will be central to forthcoming APS bargaining.

13 October 2022: In her [Institute of Public Administration Australia Speech](#) Minister Gallagher said:

“The APS has to look closely at the flexible work arrangements it offers staff as standard.

That’s why I’ve asked the APSC to develop an APS wide approach to flexibility in consultation with Secretaries.

One that captures the best of flexible work arrangements while still ensuring all employees can continue to learn by doing and seeing, building networks and being part of their workplace.”

Katrina Purcell Group Manager	Workforce and Inclusion Strategies	s47F	s47F
----------------------------------	---------------------------------------	------	------



s47F	Future of Work Taskforce	s47F	
Consultation	Workplace Relations	Cleared for internal use	Yes



APSC BRIEF – CONTRACTORS AND CONSULTANTS

KEY NARRATIVE

- The Government has committed to the APS **reducing reliance on the external workforce**, including contractors, consultants and labour hire, in order to strengthen internal **capability**, drive **efficiencies** and make the APS a **model employer**.
- An **Audit of Employment** will establish a **baseline measure** of the current use of the external workforce across the APS.
- The Audit will inform development of a **Strategic Commissioning Framework** to support decisions on when to source expertise internally and externally to build workforce capability.
- The Framework will connect decision-makers to mechanisms, including the new **in-house consulting model**, to make the best use of resourcing to deliver on the Government's priorities.

How will the Commission direct agencies to reduce their use of external labour hire use in the APS?

- The Department of Finance is finalising an Audit of APS Employment to better understand the extent and nature of the work being procured from external providers.
- The Audit of Employment, jointly led by the Department of Finance and the Commission, will establish a baseline of the workforce, including contractors, labour hire and consultants.
- The baseline will capture:
 - quantitative information on the size of the external workforce
 - the nature of the roles (job families)
 - agency views on why they have used the external workforce and insights into the value of the arrangement
 - potential for conversion of roles to APS positions.
- Further questions relating to the Audit of Employment should be directed to the Department of Finance.
- Building on the Audit, a Strategic Commissioning Framework will be developed by the Commission to guide workforce decision making across the APS for building internal capability and accessing external expertise.



- The Framework will provide flexible, principles-based guidance for decision-makers to reduce reliance on external labour when making staffing decisions, and rebalance the APS workforce towards direct employment.
- The Commission will undertake a process to design a prototype Framework with partner agencies in early 2023.
- Considerations for the Framework may indicate when a role should be filled by an APS employee to foster ongoing capability in core functions.
 - For example, provide options additional to recruiting a new permanent employee, such as using non-ongoing arrangements, and leveraging internal capability differently, including through an in-house consulting model being developed by the Department of the Prime Minister and Cabinet.
 - Questions relating to the in-house consulting model should be directed to the Department of the Prime Minister and Cabinet.
- Where the Framework indicates external capability might be engaged, it will provide guidance on how best to do that, for maximum knowledge transfer into the service.

What external labour hire is currently engaged by the APSC?

- As at 31 December 2022, the Commission had **~16 labour-hire staff** who are filling short-term vacancies or providing temporary specialist or project specific expertise.
- APS employees are engaged before labour-hire where possible.
- While the number of labour hire staff has reduced since April 2022, the Commission's average staffing level has increased from 279 to 320 in that time.
- The Commission is taking steps to reduce reliance on labour hire, including, for example, undertaking a bulk recruitment round for executive assistant positions currently occupied with external labour hire.
- More broadly, the Commission's use of external labour is low (refer Departmental Resourcing and Contracts Brief (SB23-000009)).



BACKGROUND

Audit of Employment

- The Audit has two elements:
 - The Consultation Survey that was due from portfolios CFOs on 31 October 2022 that sought responses on when external labour worked well, lessons learned when it has not, and barriers / opportunities in the conversion of external labour filled positions.
 - Baseline Workbooks that were due on 2 December 2022, that comprised details of expenditure on contractors, labour hire and consultants engaged in the 2021-22 financial year. This also included the number of portfolio staff engaged via external labour hire, broken down by job families and type of engagement. At 12 Jan 2023, Department of Finance is compiling agency responses.
- The Department of Finance will seek an indication from agencies about how they will convert roles performed by contractors to APS positions over time for consideration in the 2023-24 Budget context.
- The APSC will review implications of the Audit for the Strategic Commissioning Framework, APS Workforce Strategy, APS Learning and Development Action Plan and APS Academy offerings.

MEDIA

- **29 January 2023:** The Daily Telegraph article '[Budget blown by billions: Claims consultancy cuts haven't happened](#)' references comments by opposition Finance Minister, Jane Hume, that Labor will not meet its pre-election commitment to reduce spending on consultants and contractors, noting "contract data shows they have simply kept on spending". The article references AusTender data that the Commonwealth has entered into \$644.4 million in consulting contracts for 2022-23.
- **23 January 2023:** The Canberra Times article '[Contracting crackdown](#)' references the work underway to create a single point for agencies to access labour hire services. Public Service Minister Katy Gallagher said the new register, dubbed "The People Panel" and first initiated by the previous Coalition government, would cut red tape for industry and reduce wasteful spending on private contractors. The article notes that experts have welcomed the change and described it as a positive move to tackle excessive outsourcing, but warn the government faces a complicated path to reducing the public service's reliance on contracting after years of growing use of labour hire firms, consultants and contractors.
- **20 January 2023:** The Mandarin article '[Albanese wants to tap into expertise of federal bureaucrats](#)' summarises a radio interview between the Prime Minister and Kyle Sandilands. The article focuses primarily on the Prime Minister's view that the



Australian Public Service is made up of skilled and talented people and his desire to “tap into” this talent. According to the article, during the interview the Prime Minister also referred to an end of year gathering of secretaries at which he asked what was and was not working in the first six months of his government. The article notes the Government’s commitment to reducing reliance on consultants and contractors and the in-house consulting model for the APS.

- **30 November 2022:** The Mandarin article [‘Services Australia contractor cull cuts 1,000 positions’](#) reports that Services Australia culled at least 1,000 IT project related contractor roles in the lead up to Christmas. The article asserts that the APS is facing a major issue in terms of recruiting ICT talent because the level of pay is now at least 30%-40% below that of many commercial organisations that offer greater career path options into leadership and management roles.
- **16 November 2022:** The Mandarin article [‘Special sub-committee working on nutting out the APS-consultant question’](#) reports that a Future of Work Sub-committee of the Secretaries Board has been established to “rebalance APS dependence on contractors”. The article references the Commissioner’s review in the 2021-22 annual report which notes the essential work of the Sub-committee in ensuring the APS remains an employer of choice, in recognition that the APS is now in a ‘war for talent’, driven by historic low unemployment and changing employee expectations arising from increased flexibility through the pandemic.

Katrina Purcell Assistant Commissioner	Workforce and Inclusion Strategies Group	s47F	s47F
s47F	Future of Work Taskforce	s47F	
Consultation	Workforce Insights Group Enabling Services Group	Cleared for internal use	Yes



APSC BRIEF – DIVERSITY AND INCLUSION IN THE APS

KEY NARRATIVE

- The Government is committed to positioning the APS as a model employer. This includes ensuring that our workforce is diverse and our workplaces are inclusive for all employees.
- In a tight labour market the APS needs to be an employer of choice for all segments of Australian workforce to ensure we attract the capabilities we need to deliver high quality policy and services.
- Our workforce needs to better reflect the diversity of the Australian community.
- Workforce data indicates some progress has been made to improve the diversity of the APS but sustained effort and strong leadership continues to be required.

FIRST NATIONS EMPLOYMENT

How has implementation of the *Commonwealth Aboriginal and Torres Strait Islander Strategy 2020-24* progressed?

- Increasing the representation of First Nations people in the APS remains challenging and will require concerted effort to meet targets under the current strategy.
- Agencies report challenges in meeting targets including
 - attraction and retention of talent
 - availability of specialist skills
 - size and location of the agency
 - competition from the wider labour market (2021 Agency Survey)
- Actions progressed under the strategy both centrally and within individual agencies have not had the anticipated impact on targets.

Classification	Targets (due date)	Progress as at June 2022
APS 4 - 6	5 % (2022)	4.0 %
EL 1-2	5 % (2024)	1.5 %
SES	3 % (2024)	1.4 %

- A recent initiative to strengthen attraction is the **Affirmative Measure Aboriginal and Torres Strait Islander Recruitment Hub**, launched in July 2022 as a centralised resource. The Hub:
 - Has over 400 members from 76 Commonwealth agencies and 11 state/territory jurisdictions



- Provides a suite of end-to-end guidance, practical tools and resources to support agencies to recruit First Nations people into the APS, including an Indigenous Employee Value Proposition Tool.

How will the APS meet the Government's 5% employment by 2030 commitment?

- First Nations APS employment has not changed significantly over the past two decades (**3% in 2002 to 3.5% in 2022**).
- **A mid-point review of the current workforce strategy was conducted** in 2022 in consultation with key stakeholders, including the Coalition of Peaks and drawing on work across other jurisdictions and sectors. This review points to the need for a new approach and renewed effort to meet the 5% commitment
- Our current performance shows a concentration of First Nations employees in lower classification levels, high separation rates and shorter APS careers.
- A focus on creating culturally safe workplaces and embedding an understanding of First Nations culture will be key to attracting and retaining First Nations talent and achieving Closing the Gap Priority Reform 3.
 - The APS Academy provides dedicated learning to improve cultural capability among APS employees and we are looking closely at ways to ensure greater uptake across the service.
- Furthermore the APS is exploring opportunities for a targeted SES recruitment and retention program with ongoing career development for First Nations SES.

GENDER

How is the APS progressing the Government commitment to reduce the gender pay gap?

- The current **APS gender pay gap is 6.0%** compared to the National Gender Pay Gap of 14.1%. The APS gender pay gap has reduced yearly since 2015, when it was 9.1%.
- The main driver of the 2021 APS gender pay gap is unequal representation of women and men across classifications.
- The APS is majority female, particularly at the APS 3-5 levels and this is driving the gender pay gap.
 - If each classification level had the same number of men and women, the APS gender pay gap would fall to 0.4%.
- The difference in salary earned by men and women at each classification level is not driving the gender pay gap.
 - If women and men were paid the same average salary at every classification, the APS gender pay gap would only reduce from 6% to 5.7%.



What is the APSC doing to reduce the gender pay gap?

- Solving the gender pay gap is complex and requires broader societal change.
- The Commission is finalising the review the *Maternity Leave (Commonwealth Employees) Act 1973* to promote further equality and flexibility, and seek to reduce barriers to career progression for women.
- The APS Gender Equality Strategy 2021-26 outcomes include shifting gender stereotypes, strengthening flexible working and improving gender specific data.
- The Commission is working with the Workplace Gender Equality Agency (WGEA) to introduce public sector reporting in 2022-23.
- The APS is continuing to implement leadership development programs for women in functions where women are disproportionately represented at lower classification levels, such as the *Coaching for Women in Digital* and *Women in IT Executive Mentoring* programs.

DISABILITY

How is the APS improving the employment outcomes for people with disability?

- There has been a marginal increase in the number of **employees with disability in the APS in 2022 to 4.7%**, up from 4.1% in June 2021.
- The **APS target of 7%** is achievable but will require a continued focus on recruitment and retention while also encouraging current APS staff with a disability to identify.
- Anonymised employee **census** shows a greater proportion of employees with disability than is reflected in our HR systems - **9.9% in 2022** up from 9.3% in 2021.
- Top factors influencing staff's identification through HR systems include:
 - not requiring any adjustments to perform their role
 - concerns about being discriminated against
 - seeing no reason or benefit in sharing this information with their agency
- The *APS Disability Employment Strategy 2020-25* supports agencies to attract, recruit and retain people with disability, and create more accessible and inclusive workplaces.
- To support the strategy, an **Affirmative Measure Disability Employment Project** commenced in 2022 with an Affirmative Measure Disability Employment Recruitment Hub launched in November 2022. It's a source of guidance, better practice examples and practical tools and resources for agencies to support recruitment activities.
 - To date, the hub has 327 members from 65 Commonwealth agencies.



- A mid-strategy evaluation for the Disability Employment Strategy has commenced. The evaluation will capture key work being done across the APS to strengthen employment outcomes for employees with disability, and identify opportunities to strengthen APS collaboration or scale effective initiatives.
- Areas of focus for the APS going forward include:
 - increasing representation in the SES
 - supporting career development
 - supporting self-identification of disability
 - reasonable adjustments, including greater job mobility
 - increasing access to flexible and remote work
- The Commission uses the ABS definition of disability: ‘a person has a disability if they report they have a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities’.

MATURE AGE WORKERS

- **47% of the APS workforce is aged 45 years or older** (ABS definition of mature age).
- Overarching guidance has been published on the Commission’s website.
- Further work is also being informed by the Collaborative Partnership on Mature Age Employment chaired by the Age Discrimination Commissioner.
- It is important to retain and continue to recruit older workers to ensure that the APS has the capabilities it needs, in particular in a labour market context. This may require investment in reskilling the current workforce, too.
- To be an attractive employer, the APS will need to consider the needs of older workers, including access to flexible work and to development opportunities.



CULTURAL AND LINGUISTIC DIVERSITY (CALD)

What is the CALD representation in the APS?

- Cultural and linguistic diversity comprises multiple dimensions:
 - Identification as a First Nations employee
 - Country of birth other than Australia
 - First language spoken or language spoken at home other than English

%	APSED	APS Employee Census	ABS 18-65*	ABS Community**
First Nations employees	3.5	3.6	3.4	3.8
Employees born overseas	22.7	23.4	23.1	27.6
Employees born in a non-English speaking country	16.8	-	16.7	19.6
First language spoken other than English	23.2	-	-	-
Language other than English spoken at home	-	19.9	18.8	22.3
Non English Speaking Background 1 (arrive Aust after 5; first language not English)	5.3	-	-	-
Non English Speaking Background 2 (children of migrants)	9.7	-	-	-

*ABS 2021 Census of Population and Housing data for Australian Citizens age 18-65

** ABS 2021 Census of Population and Housing data - all persons.

- While the CALD workforce is represented across all employment levels and reflects the diversity of the wider Australian working age population, data points to under-representation at senior levels.

%	APS	EL	SES	ABS 18 - 65*	ABS Community**
Born in a non-English speaking country	17.4	15.2	7.3	16.7	19.6

*ABS 2021 Census of Population and Housing data for Australian Citizens age 18-65

** ABS 2021 Census of Population and Housing data - all persons.

What is the Commission doing to improve CALD data collection and reporting?

- The APSC continues to improve data collection to better understand the diversity of the workforce.
- Further information will be captured in the 2023 APS Employee Census on cultural background. This is in addition to the existing measures of CALD captured in this survey (First nations, country of birth, language other than English spoken at home).



- In February 2023, the Commission published an updated report on CALD employees based on 2022 APS Employee Census and agency HR data.
- The biannual HR data release – due 24 March 2023 – will include a new table reporting the first language spoken by APS employees. This is in addition to the existing reporting of country of birth of APS employees.
- We will continue to report on diversity groups, including CALD employees, within the annual State of the Service Report.
- The Commission captures CALD categories that align with guidance provided by the Australian Bureau of Statistics on how to collect CALD information in the *Standards for Statistics on Cultural and Language Diversity*.

What is the Commission doing to increase CALD representation in the APS?

- There are opportunities for targeted action to better understand the CALD workforce and increase representation, particularly at senior levels, and to ensure APS workplaces are inclusive.
- The APSC manages a range of leadership and talent development programs through the APS Academy and APS Talent Councils to support emerging and current leaders. The APSC is reviewing and refining its talent program to ensure it meets the needs and aspirations of CALD employees.
- To support accelerated development and progression of CALD leaders into the Senior Executive Service, 80 designated positions have been identified for EL2 staff from a CALD background to participate in the new EL2 Continuous Professional Development program due for launch by mid-2023.
 - Once fully operational, positions will be offered to CALD staff in the ‘Starting Out’ program for those newly promoted to EL2, and the ‘Stepping Up’ program designed for those preparing for a Senior Executive Service role.
 - The approach is modelled on professional bodies such as Chartered Accountants and includes cohorts of leaders, learning and collaborating virtually to ensure people can access development regardless of agency or location.
- Networks of CALD employees are also working together, including through the first APS CALD forum hosted in December 2022, to identify opportunities for action. Information and data shared through these exercises are informing CALD action plans at the agency level.
- Further work to increase APS workforce diversity and support inclusive workplaces will have flow-on benefits for all diversity cohorts.



FACTS AND FIGURES

Diversity Group by percentage

Diversity Group	June - all employees (APSED)						
	2002	2010	2018	2019	2020	2021	2022
% Women	52.8	57.8	59	59.6	60	60.2	60.4
% First Nations	3	2.7	3.6	3.7	3.7	3.7	3.5
% People with disability	4.1	3.5	4.1	4	4.4	4.6	4.7
% NESB 1	4.2	4.9	5.4	5.4	5.3	5.4	5.3
% NESB 2	7.2	8.9	9.7	9.7	9.6	9.7	9.7

- NESB 1 refers to people born overseas who arrived in Australia after the age of five and whose first language was not English.
- NESB 2 refers to children of migrants including:
 - those who were born overseas and arrived in Australia when they were aged five or younger but did not speak English as a first language;
 - those who were Australian born but did not speak English as a first language and had at least one parent who did not speak English as a first language;
 - those who spoke English as a first language and had neither parent speaking English as a first language.

BACKGROUND

MEDIA

Gender Equality

12 December 2022: The Mandarin article '[WGEA reveals gender pay gap of 22.8% across 4,000 organisations](#)' reports the findings of the Workplace Gender Equality Agency in their annual release on the gender pay gap. It reports the gap of 22.8%, alongside comparisons to the APS gender pay gap at 6% and other public service pay gaps.

24 November 2022: The Mandarin article '[Percentage of women in APS continues to grow but gender equity issues persist](#)', reports findings from the publically released State of the Service Report, and notes an increase in the total proportion of women in the APS. It also reports that some gender equity issues are still present, including the gender pay gap.

CALD

11 January 23 : The Canberra Times article '[Australia Public Service diversity is a necessity in 2023](#)', reports on issues faced by communities from ethnically diverse backgrounds during the COVID-19 pandemic. The article supports great cultural diversity within all levels of the APS, with particular focus on leadership to create better outcomes for diverse communities.



January 9: The Canberra Times article [‘Cultural diversity within APS needs to be ‘front and centre’, experts say’](#), reports on the “uphill battle” faced by those of non-English speaking background. Experts cite the importance for improving CALD data collection and creating strong strategies.

January 9: The Canberra Times article [‘Abysmal’: Greens Deputy leader Mehreen Faruqi wants APS cultural and linguistic diversity strategy to fill ‘huge gap’](#), reports on the push from Greens’ Senator Mehreen Faruqi to improve APS CALD strategies. The article cites the Senators calls for proper strategies, similar in quality to those for First Nations peoples, in order to fill the “huge gap” in the public service’s ethnic diversity.

23 November 22: The Mandarin article [‘State of the Service: Workforce challenges didn’t deter APS in 2022’](#) reports on the various achievements mentioned in the State of the Service Report. This includes improvements to cultural diversity and representation, with 22.7% of employees reporting they were born in a country outside of Australia, 16.8% of those being non-English speaking countries, and 23.2% whose first language was not English.

9 November 22: The Mandarin article [‘Faruqi to talk with Gallagher about ‘unacceptable’ APS CALD diversity’](#), reports concerns raised by Senator Faruqi at Senate Estimates on CALD diversity in the APS and her intention to pursue a formal strategy for CALD representation, particularly for people from a non-European background. The article quoted APS Commissioner Woolcott at Senate Estimates that cultural and linguistic diversity is an issue but that a formal CALD strategy was not in place.

28 October 22: The Mandarin article [‘Elevating ethnic and cultural diversity across the APS and beyond’](#), reports on the importance of cultural diversity targets amidst the increased focus on diversity with the new government, highlighting the lack of increase in employees with culturally diverse backgrounds.

OTHER RELEVANT MATERIAL

SB22-000137 – CMR Brief – Preventing Sexual Harassment in the APS

TIMELINE

Date	Action
July 2020	Commonwealth and Torres Strait Islander Workforce Strategy 2020-24 released
December 2020	APS Disability Employment Strategy 2021-25 released
December 2021	APS Gender Equality Strategy 2021-26 released



PDR: SB23-000026

Katrina Purcell Group Manager	Workforce & Inclusion Strategies	s47F	s47F
s47F	Workforce Strategy & Planning	s47F	
Consultation	Workforce Insights Integrity, Performance & Employment Policy	Cleared for internal use	Yes

Senior Executive Stewardship Program**Subject/Issue**

The APS Academy has developed a Senior Executive Stewardship Program for SES Band 3 leaders focusing on collective leadership to drive one-APS culture.

Key facts and figures

- There are 140 SES Band 3 officers. (APS Employment Data, 30 June 2022)
- (CN3917605) 30 September 2022: Centre for Public Impact. Contract value \$380, 864. Contract period 8 September 2022 to 18 July 2023.

Key information – yet to be released

- The Independent Review of the APS (2019, Thodey Review) called for a deepening of public sector capability including leadership.
- The Secretaries Talent Council recommended increased investment in leadership development following a review of Band 3 capability (2021).
- In response, the APS Academy developed the Senior Executive Stewardship Program (program), to build the capability of our most senior leaders with a specific focus on collective, one-APS leadership.
- Following an open approach to market, the Centre for Public Impact was engaged to co-design, develop and deliver an initial program.
- The program is offered to Band 3 deputy secretaries and agency heads, nominated by portfolio secretaries.
- The program fee of \$47E is recovered from participating agencies to ensure the ongoing sustainability of the offering including supplier costs, APS Academy staff contributions, venue, materials and administration costs. This price point is comparable with other executive development programs targeting the most senior private and public sector leaders.
- The initial program is underway with 16 participants. Mid-program feedback indicates 100% of respondents intend to apply what they have learned, and would recommend this program to others.
- Minister Gallagher discussed perspectives on stewardship within the APS with the initial program cohort on 12 December 2022.
- As this is the initial program, a number of assumptions have been made about the design and program costs which will be evaluated following the delivery (Further evaluation planned for April 2023).

Background

The Secretaries Talent Council's 2021 review of SES Band 3 capability identified an increase in the scope and complexity of Band 3 roles, and a need for these leaders to have a wider range of skills, experience and personal qualities.

The report found that the APS approach to development had significant room for improvement and recommended increased investment in Band 3 leadership, consistent with private sector levels.

In response the Academy has developed the Senior Executive Stewardship Program, a combination of immersive, face-to-face and virtual learning across a five month period, including:

- s47E [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The Senior Executive Stewardship Program has a high level of responsiveness to leader's development needs, meaning the cohort of leaders themselves will shape the program.

Program learning outcomes include:

- Supporting the cultural shift required to foster a more agile, responsive, collaborative and entrepreneurial APS
- Enhancing the collective leadership and stewardship of the system
- Enabling knowledge sharing and connectivity and cross-agency mobility and collaboration
- Establishing enduring peer coaching and support networks

The program is intended to create self-sustaining networks of our most senior leaders and enhance the learning culture across the service

Ultimately the networks created through the program could decrease the reliance on facilitated and organised learning events and embed peer coaching and learning in the work, this is a key deliverable for the APS Academy in the APS Learning and Development Strategy.

Date:	13/01/2023
Cleared by (SES):	Kristin Boag A/g AC
Cleared for internal use:	Yes
Telephone No:	s47F [REDACTED]
Group/Branch:	Leadership and Talent
Contact Officer:	s47F [REDACTED]
Telephone No:	s47F [REDACTED]
Consultation:	Nil
PDR Number:	SB23-000007
Last Printed:	13/02/2023 4:28 PM

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000013	28/11/2022	Minister's diary	James McGrath	Not followed up with lead	Advisor/DLO
Summary of QUESTION in QoN		Names, start and expiry date of resignations of any board or advisory committee under the authority, or that reports to the Minister, or a delegate or agent of the Minister, since 1 June 2022			
Summary of RESPONSE to QoN		Refer to Senate Question on Notice 1017 (by Finance). Response: The Finance Minister's diary for the period 21 May to 13 October 2022 was released in response to a recent Freedom of Information Request. It would not be practical to provide a further copy of the Minister's diary through a response to a Question on Notice. The Minister's public engagements, including the Minister's travel, are regularly reported via the Minister's website, including attending the Parliament on sitting days.			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000011	27/09/2022	Appointee Resignation to any Board, Authority or Advisory Committee under the Authority	Simon Birmingham	Not followed up with lead	Vidya Vasudevan
Summary of QUESTION in QoN		Names, start and expiry date of resignations of any board or advisory committee under the authority, or that reports to the Minister, or a delegate or agent of the Minister, since 1 June 2022			
Summary of RESPONSE to QoN		Nil			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000010	27/09/2022	Appointments to any board, authority or advisory committee under the authority	Simon Birmingham	Not followed up with lead	Vidya Vasudevan
Summary of QUESTION in QoN		Names, start and expiry date of appointees of any board or advisory committee under the authority, or that reports to the Minister, or a delegate or agent of the Minister, since 1 June 2022			
Summary of RESPONSE to QoN		12 September 2022 – approval for revised membership of Strengthening Partnerships Ministerial Liaison Reference Panel. Proposed members:			

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

	<ul style="list-style-type: none"> Wayne Eagleson, former Chief of Staff to NZ Prime Ministers John Keys and Bill English. Stephanie Foster PSM, Deputy Secretary, Department of the Prime Minister and Cabinet Ben Hubbard, former Chief of Staff to Prime Minister Julia Gillard Mat Jose, Chief of Staff to the Hon Mark Dreyfus QC MP, Attorney-General Julie Ligeti, Chief of Staff to the Hon Brendan O'Connor MP, Minister for Skills and Training Jenny Mason, Deputy Chief of Staff to the Hon Anthony Albanese, Prime Minister Tony Nutt AO, former Principal Adviser to Prime Minister John Howard <p>The APS Commissioner invited new and continuing members to join the Panel on 15 September 2022, and the work of the Panel is anticipated to conclude before end June 2023.</p> <p>Members were selected by the Australian Public Service Commissioner based on their specific expertise and roles.</p> <p>Contracts have not yet been executed for Mr Eagleson, Mr Hubbard and Mr Nutt. APS and MoPs employees are not remunerated in relation to their roles.</p>
--	--

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000009	27/09/2022	Complaints against any member of any Minister's office	Simon Birmingham	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		Complaints against any member of any Minister's office since 2022 Federal election			
Summary of RESPONSE to QoN		Nil			

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000008	25/08/2022	Minister briefings/workshops since 22 May 2022	Michaela Cash	Not followed up with lead	Advisor/DLO
Summary of QUESTION in QoN		Has the Minister or their office organised or had any involvement in any Labor caucus and/or Government staff briefings/workshops since 22 May 2022?			

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

Summary of RESPONSE to QoN	<p>Senator Katy Gallagher participates in all Caucus activities in her capacity as a Member of the Federal Parliamentary Labor Party.</p> <p>The Albanese Labor Government is committed to ensuring ministerial and electorate staff operate in a professional environment, with support for their development and ongoing training opportunities.</p> <p>Importantly, briefings have covered matters raised in the Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces People.</p> <p>The Albanese Labor Government is committed to ensuring parliamentary workplaces are safe and respectful workplaces and make the nation's Parliament reflect best practice.</p> <p>Senator Katy Gallagher will continue to participate in all Caucus activities in her capacity as a Member of the Federal Parliamentary Labor Party.</p>
----------------------------	---

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000007	22/09/2022	CN3889855 AusTender Contract	Michaela Cash	Not followed up with lead	Kate Boxsell

Summary of QUESTION in QoN	<p>To what event did the venue hire CN3889855 AusTender Contract relate?</p> <p>Was there food, beverages, catering, photographs, decorations and entertainment provided? By whom?</p>				
Summary of RESPONSE to QoN	<p>Graduate Development Event "SES Q&A Panel" was held at The Realm Ballroom on May 31 2022.</p> <p>A total of 405 APS graduates participated in the in person event and three APS Senior Executives contributed to a panel discussion including the opportunity for question and answers.</p> <p>APS Academy staff facilitated networking activities at no additional cost.</p> <p>Morning tea and catering services was provided and no alcohol was served.</p> <p>Audio visual equipment was provided and invoiced separately.</p> <p>An Auslan interpreter was engaged for the event.</p> <p>No decorations, presentations or entertainment were purchased or provided.</p> <p>A photographer was engaged and was invoiced separately.</p>				

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
---------	---------------	---------	------------------	--	----------------------

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PQ22-000006	05/09/2022	Average Staffing Level	Michaela Cash	Not followed up with lead	s47F [REDACTED]
Summary of QUESTION in QoN		Provide the funding and employment level for the average staffing level for the department as at 30 May 2022?			
Summary of RESPONSE to QoN		The APSC's budget is 269 (2021-2022) and actual ASL is 279 (July 2021 to 30 May 2022)			
PDR No.	Date received	Subject	Senator	Comments pertaining to current environment	Section/Lead author
PQ22-000005	25/08/22	Events hosted by Ministers, Assistant Ministers or their Departments since 1 June 2022	Simon Birmingham	Not followed up with lead	s47F [REDACTED]
Summary of QUESTION in QoN		With relation to Functions, official or unofficial receptions or other events hosted by Ministers, Assistant Ministers or their Departments in their portfolio since 1 June 2022, provide name, list of attendees, venue, costs and details of any food, alcohol and entertainment provided			
Summary of RESPONSE to QoN		Nil			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/Lead author
PQ22-000004	09/08/2022	Sick Leave and Workers Compensation payments paid out during FY 21/22	Malcolm Roberts	Not followed up with lead	Nicole Steele
Summary of QUESTION in QoN		Info for sick leave and Workers compensation payments for public servants?			
Summary of RESPONSE to QoN		APSC does not collect sick leave payments for the APS			

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000003	05/09/2022	Incoming Government Brief	Michaela Cash	Not followed up with lead	Vidya Vasudevan
Summary of QUESTION in QoN		The date PM&C provided a copy of an IGB to the minister for the Public Service and provide a copy of the brief?			
Summary of RESPONSE to QoN		<p>The APSC provided an incoming government brief to the Minister for the Public Service on Thursday, 2 June 2022.</p> <p>Advice prepared by a department or portfolio agency for an incoming Minister is not disclosed publicly according to the Freedom of Information Act, unless an exception is granted</p>			

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
PQ22-000002	26/08/2022	Concern about a shortage of IT Skills Capacity in the APS	Peter Whish-Wilson	Not followed up with lead	Vidya Vasudevan
Summary of QUESTION in QoN		<p>Provide summary of agency's current and projected requirements for IT skilled employees, including over the next 5 years.</p> <p>Is the agency currently experiencing any difficulty in recruiting these skills?</p> <p>Short summary of how the agency currently assesses, measures or tests for these skills among existing and prospective employees and contractors. Discuss effectiveness and recruiting, training and utilisation of external contractors.</p> <p>What frameworks are in place to implement the strategy?</p>			
Summary of RESPONSE to QoN		IT skills capacity are shared with PM&C and ensures capability requirements by conducting regular recruitment activities. The APSC draws on the internal skills and expertise of the Digital Profession Group who provides agencies with expert advice, insights on market trends and demands and strategic guidance to help them attract, develop, retain and deploy digital talent. The Commission provides access to training to our staff as required, both online and face-to-face, funded by the Commission, and draws on the Digital Profession as outlined above, but we generally do not deliver in-house IT training.			

PDR No.	Date received	Subject	Senator	Comments pertaining to current environment	Section/ Lead author
SQ22-000027	7/11/2022	Wages in the Australian Public Sector	Barbara Pocock	Not followed up with lead	James O'Reilly

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

Summary of QUESTION in QoN	What is the data telling us about the last 10 years in terms of real wage maintenance in the public sector? Was that a period of maintenance, of real wage falls or of real wage increases between executive versus non-executive? Was a period of narrowing or widening of gender equality?
Summary of RESPONSE to QoN	<p>A number of agencies experienced protracted enterprise bargaining in 2014-2015, which contributed to stagnant nominal wage growth during that period.</p> <p>The variation between rates of change in Male and Female base salaries is commensurate with the narrowing of the gender pay gap, reflecting an increased representation of women at senior classifications.</p> <p>Over the last decade, there has been a continuing trend of components of SES remuneration being repackaged into base salary. This has contributed to the variation in base salary movements between SES and non-SES employees. Comparisons of Total Remuneration Package (TRP), which is inclusive of an employee's base salary, employer superannuation contributions, motor vehicle allowances, and other benefits, shows remuneration growth for SES and non-SES is comparable. Over the 10 year period, TRP index change was 20.8 for SES and 20.4 for non-SES.</p>

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000026	7/11/2022	Wage Policy - snapshot	Jane Hume	Not followed up with lead	James O'Reilly
Summary of QUESTION in QoN	Provide a snapshot of the state of bargaining, including the state of agencies and the discrepancies between APS entities.				
Summary of RESPONSE to QoN	Eight agencies were bargaining for new enterprise agreements as at May 2022. The remainder of agencies had workplace arrangements progressively expiring between late 2022 and early 2025				

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000025	7/11/2022	Wage Policy - interim arrangements	Jane Hume	Not followed up with lead	James O'Reilly
Summary of QUESTION in QoN	When was the 3 per cent decision made? When were you notified that the 3 per cent had been agreed upon, Mr Woolcott?				
Summary of RESPONSE to QoN	The APSC was notified of the decision on 23 August 2022.				

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000024	7/11/2022	APS Code of Conduct - disciplinary action	Linda Reynolds	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		If somebody is subject to disciplinary action under the APS Code of Conduct, what procedural fairness is there and what is the procedure for the individual who might be caught up in that situation?			
Summary of RESPONSE to QoN		<p>Subsection 15(3) of the <i>Public Service Act 1999</i> (PS Act) requires agency heads to develop written procedures for determining breaches of the APS Code of Conduct, and the sanction, if any, that is to be imposed.</p> <p>The section 15(3) procedures must comply with the basic procedural requirements set out in the Australian Public Service Commissioner's Directions 2022 and have due regard to procedural fairness. The agency needs to establish on the balance of probabilities whether the alleged conduct did in fact occur, and if it did occur, whether the conduct was inconsistent with at least one element of the Code of Conduct.</p> <p>Where a breach has been determined, it is the role of an independent sanction delegate to decide what sanction, if any, should be imposed. A sanction should be proportionate to the nature of the breach and provide a clear message to the employee that their behaviour was not acceptable. APS employees are entitled to seek review by the Merit Protection Commissioner of breach determinations and sanction decisions.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000023	7/11/2022	APS Code of Conduct – transfer to MOP(S) contract	Linda Reynolds	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		When an APS employee transfers to a MAPS contract, are they subject to the APS Code of Conduct or the Ministerial Code of Conduct? Is the term of the employee's contract until they transfer back, and is the APS Code of Conduct still applicable to them during their term?			
Summary of RESPONSE to QoN		<p>APS employees must take leave without pay to work as Ministerial advisers, and are then employed under the <i>Members of Parliament (Staff) Act 1984</i> (MOP(S) Act). All employees under the MOP(S) Act must comply with the Ministerial Staff Code of Conduct for the duration of their MOP(S) Act employment.</p> <p>APS Code of Conduct obligations continue for APS employees under the MOP(S) Act, but to the extent to which it is reasonable in the circumstance.</p>			

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000022	7/11/2022	Appointment of Dr de Brouwer – phone call or meeting	Jane Hume	Not followed up with lead	Ashley Sedgwick
Summary of QUESTION in QoN		Was the Commissioner made aware of Dr de Brouwer’s appointment by phone call or meeting?			
Summary of RESPONSE to QoN		Refer to Question on Notice 59 – The Commissioner was made aware by a meeting on 8 June 2022.			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000021	7/11/2022	Appointment of Dr de Brouwer - date	Jane Hume	Not followed up with lead	Ashley Sedgwick
Summary of QUESTION in QoN		When did the APSC or the Commissioner first become aware of the proposed appointment of a Secretary of Public Sector Reform?			
Summary of RESPONSE to QoN		The Commissioner was advised of Dr Gordon de Brouwer’s appointment as Secretary of Public Sector Reform on 8 June 2022.			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000020	21/11/2022	Interim workplace relations policy – 3 per cent wage increase	Jane Hume	Not followed up with lead	James O'Reilly Damien Booth
Summary of QUESTION in QoN		When and who notified the APSC of the new wages policy, and was the APSC consulted on the change? Did this policy go to Secretaries Board prior to implementation and were Secretaries given a consultation opportunity? Has the APSC provided any costing with this policy? How will the interim policy interact with existing enterprise agreements? When is the work on new arrangement expected to come into effect? Does the APSC have a cost on how the policy will impact budgets for recruitment. What other policies are being reflected in the new policy?			

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

Summary of RESPONSE to QoN	The APSC was notified of the new wages policy on 23 August 2022 by Minister Gallagher's Office, and was consulted of the change. The policy did not go to Secretaries Board, and consultation was conducted in accordance with regular Cabinet submission processes. The APSC worked with the Department of Finance to identify the indicative impact of the Interim Arrangements. If an existing enterprise agreement lower than the 3 per cent increase is in place during the Interim Arrangements, a supplementary increase will be made to provide a total wage increase of 3 per cent. The new arrangements are intended to commence in 2023. The policy will not impact budgets and agencies are expected to meet any increase within their existing departmental funding. Other policies included in the Interim Arrangements include policy positions on family and domestic violence support, workplace consultation and union delegate's rights.				
----------------------------	---	--	--	--	--

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000019	21/11/2022	APS Hierarchy and Classification Review	Jane Hume	Not followed up with lead	Ashley Sedgwick
Summary of QUESTION in QoN	Does the APSC have a timeline for implementation and tasking responsibility of the Review's recommendations? Why is the APSC not acting on the classifications structure and are there any other recommendations that the Government is not intending to implement in full?				
Summary of RESPONSE to QoN	The APSC will not be making changes to classification at this stage and will take measured steps towards modern structures and ways of working, raised in the Review. Proposals for classification reform deserves to be looked at in the future, however classification reform is complex and the APSC has decided it is not the time. Work is underway on culture, capability and optimal management structures and Secretaries will consider updated guidance in mid-2023.				

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000018	21/11/2022	First Nations employees – HR contact points	Lidia Thorpe	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN	Are there any First Nations staff as contact points in HR for First Nations staff? If not, why not?				
Summary of RESPONSE to QoN	Support for APS First Nation staff includes: Indigenous Liaison Officers, Affirmative Measures – Indigenous Recruitment Hub and Employee Value Proposition tool, cultural capability training and frameworks and Jawun program.				

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000017	21/11/2022	First Nations employees - cultural safety protocols	Lidia Thorpe	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		What, if any, cultural safety protocols are in place in the Australian Public Service to ensure the cultural safety of First Nations staff? Are there any First Nations staff as contact points in HR for First Nations staff? If not, why not?			
Summary of RESPONSE to QoN		<p>The Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020-24 for the APS includes actions to improve and embed understanding of Aboriginal and Torres Strait Islander cultures in the workplace to support the development of culturally safe work spaces and services. The Australian Public Service Commission has created products and initiatives to promote cultural competency upgrading for all APS agencies in order to help First Nations staff.</p> <p>The Aboriginal and Torres Strait Islander Cultural Competency: A Framework for Commonwealth Agencies (the Framework) serves as a foundation for developing the Commonwealth public sector's cultural capability. The Framework explains the skills, knowledge, and practices that employees need to perform their duties in a culturally informed way.</p> <p>A cultural capability hub is also being developed to centralise tools and guidance for agencies.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000016	21/11/2022	Cultural Awareness training	Lidia Thorpe	Not followed up with lead	Katrina Purcell
Summary of QUESTION in QoN		Is Australian Public Service staff undergoing cultural awareness training, in particular towards First Nations people and culture? If so, who is this conducted by?			
Summary of RESPONSE to QoN		<p>Cultural awareness training is conducted by each agency individually. The APSC makes available to its staff the Core Cultural Learning: Aboriginal and Torres Strait Islander Australia course developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies.</p> <p>In 2022 the APSC (through the APS Academy) offered <i>Acknowledge This!</i> to all APS staff to teach how to deliver an authentic Acknowledgement of Country.</p> <p>The APSC is developing a cultural capability hub to centralise tools and guidance for agencies.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

SQ22-000015	21/11/2022	First Nations employees - bullying and harassment protocol	Lidia Thorpe	Not followed up with lead	Katrina Purcell
Summary of QUESTION in QoN		Are there any measures undertaken to address the systemic racist nature of it as compared to other forms of bullying and harassment? Are there any First Nations staff as contact points in HR for First Nations staff? If not, why not?			
Summary of RESPONSE to QoN		<p>The target under Priority Reform 3 is 'Decrease in the proportion of Aboriginal and Torres Strait Islander people who have experiences of racism'.</p> <p>The National Indigenous Australians Agency is responsible for overseeing the implementation of the Closing the Gap Agreement and will be able to provide additional information about the implementation of Priority Reform 3.</p> <p>The Australian Public Service Commission is responsible for the development of, and oversight of the implementation of, the Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020-24 (CATSIWS). All Commonwealth agencies are responsible for implementing the CATSIWS within their own agency.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000014	21/11/2022	First Nations employees - addressing bullying and harassment	Lidia Thorpe	Not followed up with lead	Katrina Purcell
Summary of QUESTION in QoN		How is bullying and harassment of First Nations employees being addressed in the public service?			
Summary of RESPONSE to QoN		<p>Bullying and harassment in the APS is addressed with the <i>Public Service Act 1999</i>, which requires all APS employees and agency heads to behave at all times to uphold APS Values and Code of Conduct. Addressing behaviour that may be inconsistent with the APS Values and Code of Conduct, including investigating suspected breaches of the Code of Conduct and, where breaches are found, applying sanctions, is the responsibility of the relevant agency head as employers. Further, the Australian Public Service Commissioner's Directions 2022 also provide the scope and application of the Values, which agency heads and employees are required to comply with for their responsibility of addressing the issue in their own agency.</p> <p>The Australian Public Service Commission has published guidance for staff and agencies about the APS Values and Code of Conduct titled 'APS Values and Code of Conduct in Practice', which provides general information about what may constitute unacceptable behaviour including behaviour that may constitute a failure to treat everyone with respect.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

SQ22-000013	21/11/2022	First Nations employees - bullying or harassment reports	Lidia Thorpe	Not followed up with lead	Nicole Steele
Summary of QUESTION in QoN		How often is harassment and bullying of First Nations employees perpetrated by non-First Nations employees?			
Summary of RESPONSE to QoN		<p>The annual APS Employee Census captures information on the source of perceived harassment or bullying (e.g., co-worker, supervisor). It does not capture demographic data on perpetrators. In 2022, those most commonly responsible for the harassment or bullying of First Nations employees were co-workers: Co-workers 45.2% Compared to 36.2% for Non-First Nations employees</p> <p>The APS Employee Census is a survey that captures employee opinion data. It differs from data formally recorded and reported within each agency's human resources information systems.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/Lead author
SQ22-000012	21/11/2022	First Nations employees - bullying or harassment statistics	Lidia Thorpe	Not followed up with lead	Nicole Steele
Summary of QUESTION in QoN		Please provide statistics on bullying or harassment of First Nations public service staff in since the financial year 2019/2020 and how this compares to bullying and harassment faced by non-First Nations staff (proportionally adjusted).			
Summary of RESPONSE to QoN		<p>The table below provides the proportion of First Nations and non-First Nations respondents to the APS Employee Census who said they had been subjected to harassment or bullying in their current workplace over the previous 12 months. The Census is a survey that captures employee opinion data.</p> <p>Since 2019, larger proportions of First Nations respondents have perceived experiences of harassment or bullying than non-First Nations respondents (2019 - 19.2% First Nations 12.7% Non-First Nations, 2022 - 16.1% 9.4%). The proportion of both First Nations and non-First Nations respondents who perceived harassment or bullying has declined since 2019.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/Lead author
SQ22-000011	21/11/2022	Investigative powers - training of delegated staff	Larissa Waters	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		What training do APSC staff delegated to exercise the Australian Public Service Commissioner's investigative powers under the <i>Public Interest Disclosure Act 2013</i> (Cth) receive?			

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

Summary of RESPONSE to QoN		<p>The Office of the Commonwealth Ombudsman has developed a training course on Public Interest Disclosure which is available to APS employees on the APSLearn (previously known as LearnHub) platform. All APSC staff are able to complete this course at their discretion.</p> <p>The APSC has also engaged the Ombudsman to provide additional PID training to Principal and Authorised Officers and other relevant staff on an 'as needs' basis.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/Lead author
SQ22-000010	21/11/2022	Investigative powers - criteria of delegated staff	Larissa Waters	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		Are there any qualifications or eligibility criteria for APSC staff delegated to exercise the Australian Public Service Commissioner's investigative powers under the <i>Public Interest Disclosure Act 2013</i> (Cth)?			
Summary of RESPONSE to QoN		<p>There are no specific qualifications or eligibility criteria for Australian Public Service Commission staff delegated to exercise the Australian Public Service Commissioner's investigative powers under the <i>Public Interest Disclosure Act 2013</i> (PID Act).</p> <p>When delegating his powers under the PID Act, the Commissioner appropriately considers the classification, role and functional duties of positions to which his powers are delegated.</p> <p>The APSC ensures relevant training is available to officials occupying positions which have been delegated powers under the PID Act.</p>			
PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/Lead author
SQ22-000009	21/11/2022	Registrar recruitment - Ombudsman review of public interest disclosure investigation	Larissa Waters	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		In March 2022, the Commonwealth Ombudsman had accepted a request to conduct an investigation into the handling of the public interest disclosure investigation regarding those allegations and escalated the inquiry to a Category 4 investigation. Has the APSC undertaken any review of its action since March 2022? Have you been advised of the timeframe for completion of the Ombudsman's review?			
Summary of RESPONSE to QoN		The Australian Public Service Commission (APSC) provided all information requested by the Commonwealth Ombudsman as part of its investigation by 4 May 2022. The Ombudsman advised the APSC that the review is nearing completion and will likely be provided by the end of December 2022. The Ombudsman's recommendations would inform any APSC review of its public interest disclosure handling processes.			

OFFICIAL

Summary of QoN responses – 30 November 2022 onwards; and Senate QoN responses from October/November 2022-23 Budget Estimates

PDR No.	Date received	Subject	Senator Response	Comments pertaining to current environment	Section/ Lead author
SQ22-000008	21/11/2022	Registrar recruitment - allegations of misconduct	Larissa Waters	Not followed up with lead	Clare McLean
Summary of QUESTION in QoN		What action was taken in response to allegations of misconduct in relation to Registrar recruitment exercises in the Federal Court of Australia?			
Summary of RESPONSE to QoN		<p>On 11 May 2020, the Office of the Commonwealth Ombudsman transferred a Public Interest Disclosure to the Australian Public Service Commission (APSC) regarding the recruitment of Registrars at the Federal Court of Australia. The APSC finalised its investigation on 9 December 2020.</p> <p>The APSC is bound by the secrecy provisions at section 65 of the <i>Public Interest Disclosure Act 2013</i>, and is unable to disclose the details of its investigation.</p>			



PARLIAMENT
OF AUSTRALIA

HEARING PROGRAM

Budget Supplementary Estimates 2022–23

Finance and Public Administration Legislation Committee

Monday, 13 February – Friday, 17 February 2023

Committee Room 2S1, Parliament House, Canberra

Times listed are indicative only



Hearing location

Committee Room 2S1,
Parliament House, Canberra
Waiting room: Committee Room 2S2
Waiting overflow room: Committee Room 1S3



Committee members

Senator Louise Pratt, Chair
Senator the Hon Richard Colbeck, Deputy Chair
Senator Tony Sheldon
Senator Jana Stewart
Senator Barbara Pocock
Senator the Hon James McGrath



Broadcasts of proceedings

Television channel 112
Radio 90.3
https://www.aph.gov.au/News_and_Events/Watch_Parliament



Contact

fpa.sen@aph.gov.au
+61 2 6277 3846

Committee rooms

Committee Room 2S1: (02) 6277 5843
Committee Room 2S2: (02) 6277 5851
Committee Room 1S3: (02) 6277 5845

Ministers attending

Senator the Hon Sue Lines
Senator the Hon Penny Wong
Senator the Hon Don Farrell
Senator the Hon Katy Gallagher
Senator the Hon Malarndirri McCarthy

Secretariat

Patrick Hodder, Committee Secretary
Charlotte Lim, Estimates Officer

Monday, 13 February

Parliamentary Departments

9.00am	Parliamentary Budget Office Outcome: Inform the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals Program 1 - Parliamentary Budget Office
9.15am	Department of Parliamentary Services Outcome 1: Support the functions of Parliament and parliamentarians through the provision of professional services, advice and facilities and maintain Australian Parliament House Program 1.1 - Parliamentary Services Program 1.2 - Parliament House works Program
10.00am	Department of the Senate Outcome 1: Advisory and administrative support services to enable the Senate and senators to fulfil their representative and legislative duties Program 1.1 - Advice and Support
10.30am	Morning Tea

Prime Minister & Cabinet

10.45am	Office of the Official Secretary to the Governor-General Outcome 1: The performance of the Governor-General's role is facilitated through organisation and management of official duties, management and maintenance of the official household and property and administration of the Australian Honours and Awards system.
11.15am	Department of the Prime Minister and Cabinet Outcome 1: Provide high quality policy advice and support to the Prime Minister, the Cabinet, Portfolio Ministers and Parliamentary Secretaries including through the coordination of government activities, policy development and program delivery Program 1.1 - Prime Minister and Cabinet
11.45am	Lunch
12.45pm	Department of the Prime Minister and Cabinet - Outcome 1 continued
3.30pm	Afternoon Tea
3.45pm	Department of the Prime Minister and Cabinet - Outcome 1 continued

6.30pm	Dinner
7.30pm	Department of the Prime Minister and Cabinet - Outcome 1 continued
8.00pm	<p>Australian National Audit Office</p> <p>Outcome 1: To improve public sector performance and accountability through independent reporting on Australian Government administration to Parliament, the Executive and the public</p> <p>Program 1.1 - Financial Statements Audit Services Program 1.2 - Performance Audit Services Program 1.3 - Performance Statements Audit</p>
9.15pm	Tea Break
9.30pm	<p>Office of National Intelligence</p> <p>Outcome 1: Advancement of Australia's national interests through increased government awareness of international developments affecting Australia, and integration, coordination and evaluation of Australia's national intelligence capabilities</p> <p>Program 1.1 - Assessments and Reports Program 1.2 - Coordination and Evaluation</p>
9.45pm	National Australia Day Council

Finance Portfolio

10.00pm	<p>Australian Electoral Commission</p> <p>Outcome 1: Maintain an impartial and independent electoral system for eligible voters through active electoral role management, efficient delivery of polling services and targeted education and public awareness program</p> <p>Program 1.1 - Deliver Electoral Events</p>
11.00pm	Adjournment

Tuesday, 14 February

Prime Minister & Cabinet

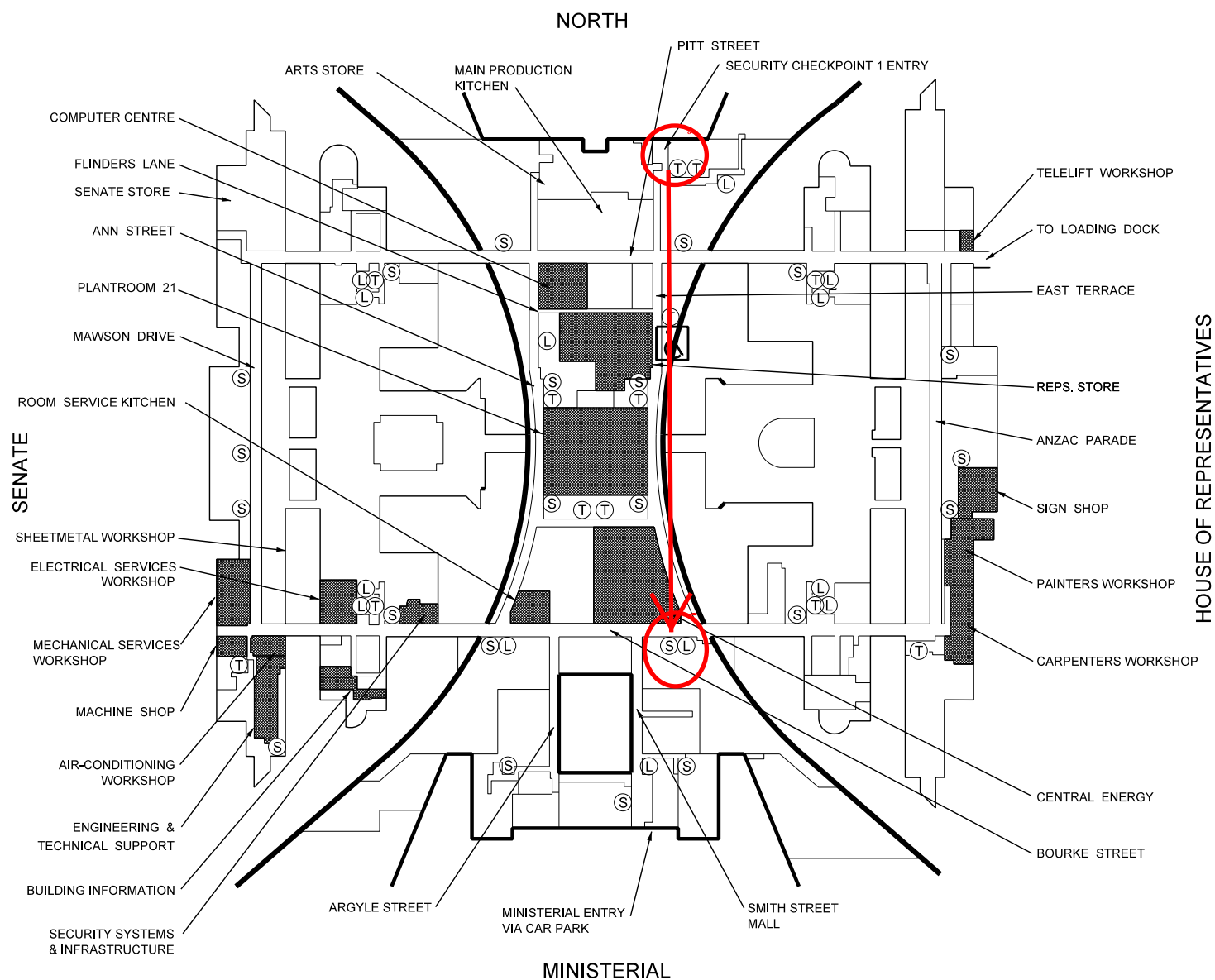
9.00am	Australian Public Service Commission Outcome 1 - Increased awareness and adoption of best practice public administration by the public service through leadership, promotion, advice and professional development, drawing on research and evaluation Program 1.1 - Australian Public Service Commission Program 1.2 - Judicial Office Holders' Remuneration and Entitlements
9.30am	Department of the Prime Minister and Cabinet Office for Women, APS Reform and Jenkins Report Implementation
10.00am	Workplace Gender Equality Agency Outcome 1: Promote and improve gender equality in Australian workplaces including through the provision of advice and assistance to employers and the assessment and measurement of workplace gender data Program 1.1 - Workplace Gender Equality
10.30am	Morning Tea

Finance Portfolio

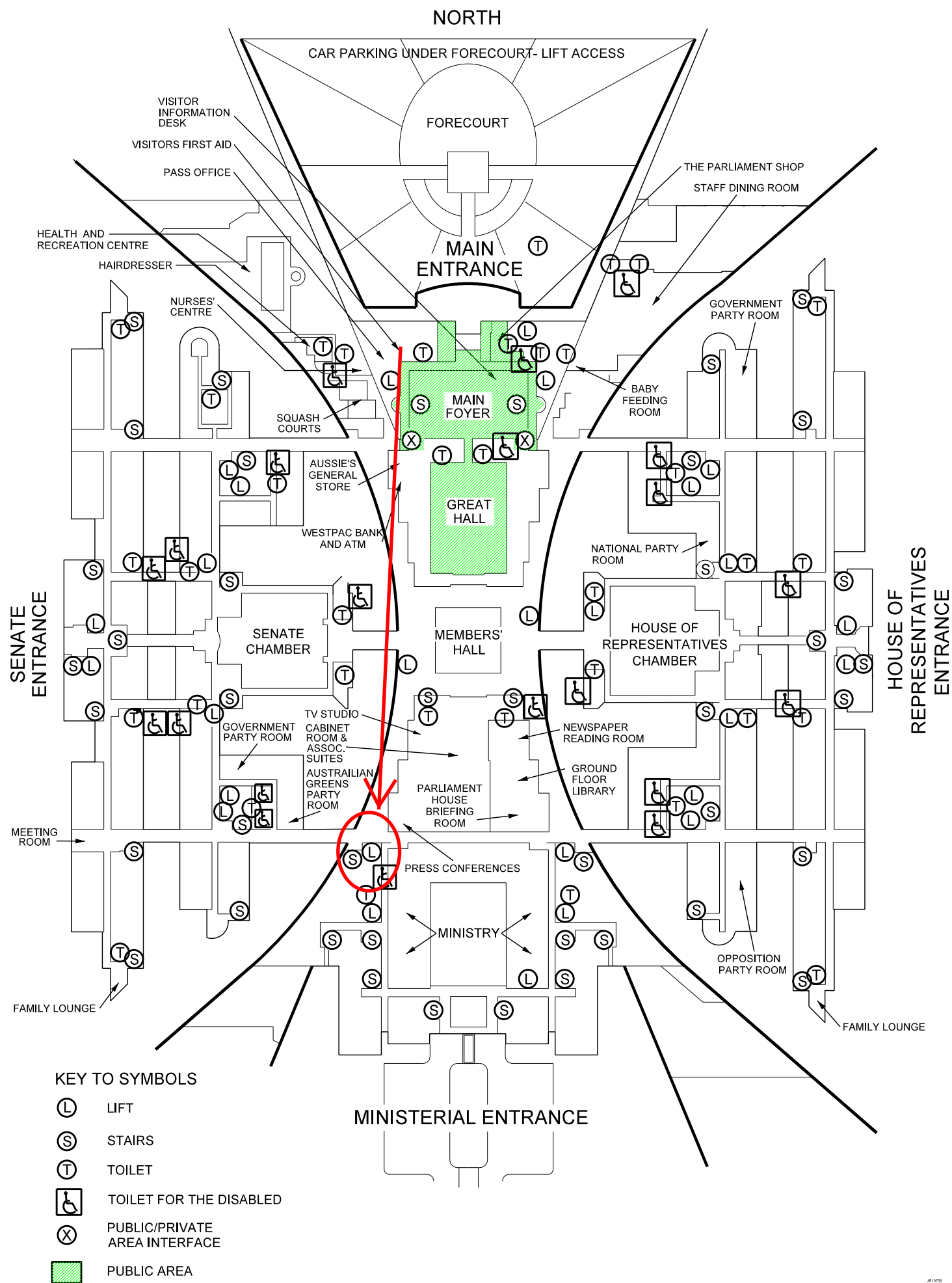
10.45am	Department of Finance Outcome 1: Support sustainable Australian Government finances through providing high quality policy advice and operational support to the government and Commonwealth entities to maintain effective and efficient use of public resources Program 1.1 - Budget and Financial Management
12.15pm	Lunch
1.15pm	Outcome 3: Support for Parliamentarians and others as required by the Australian Government through the delivery of and advice on, work expenses and allowances, entitlements and targeted programs Program 3.1 - Ministerial and Parliamentary Services
2.15pm	Independent Parliamentary Expenses Authority Outcome 1: Support for current and former parliamentarians and others as required by the Australian Government through the delivery of, independent oversight and advice on, work resources and travel resources Program 1.1 - Independent Parliamentary Expenses Authority - Travel Oversight and Reporting
3.00pm	Afternoon Tea

3.15pm	Independent Parliamentary Expenses Authority - Outcome 1 continued
3.45pm	<p>Future Fund Management Agency</p> <p>Outcome 1: Make provision for the Commonwealth's unfunded superannuation liabilities, payments for the creation and development of infrastructure and payments from the DisabilityCare Australia Fund and Medical Research Future Fund by managing the investment activities of the Future Fund, Nation-building funds, DisabilityCare Australia Fund and Medical Research Future Fund, inline with the Government's investment mandates</p> <p>Program 1.1 - Management of the Investment of the Future Fund Program 1.2 - Management of the Investment of the Australian Government Investment Funds</p> <p>To be examined concurrently with: Department of Finance Program 2.8 - Australian Government Investment Funds</p>
4.45pm	<p>Department of Finance</p> <p>Outcome 2: Support an efficient and high performing public sector through providing leadership to Commonwealth entities in ongoing improvements to public sector governance, including through systems, frameworks, policy, advice and service delivery</p> <p>Program 2.1 - Public Sector Governance Program 2.2 - Transforming Government Program 2.3 - Property and Construction Program 2.4 - Insurance and Risk Management Program 2.5 - Technology and Procurement Services Program 2.6 - Service Delivery Office Program 2.7 - Public Sector Superannuation</p>
6.30pm	Dinner
8.00pm	Department of Finance - Outcome 2 continued
9.15pm	Tea Break
9.30pm	<p>Digital Transformation Agency</p> <p>Outcome 1: Improve the delivery of government services by leading and coordinating whole-of-government digital and ICT strategies, policies, advice, standards and procurement, as well as supporting the delivery of shared capabilities and services that enable digital transformation</p> <p>Program 1.1 - Digital Transformation Agency</p>
10.00pm	ASC Pty Ltd
10.30pm	Australian Naval Infrastructure Pty Ltd
11.00pm	Adjournment

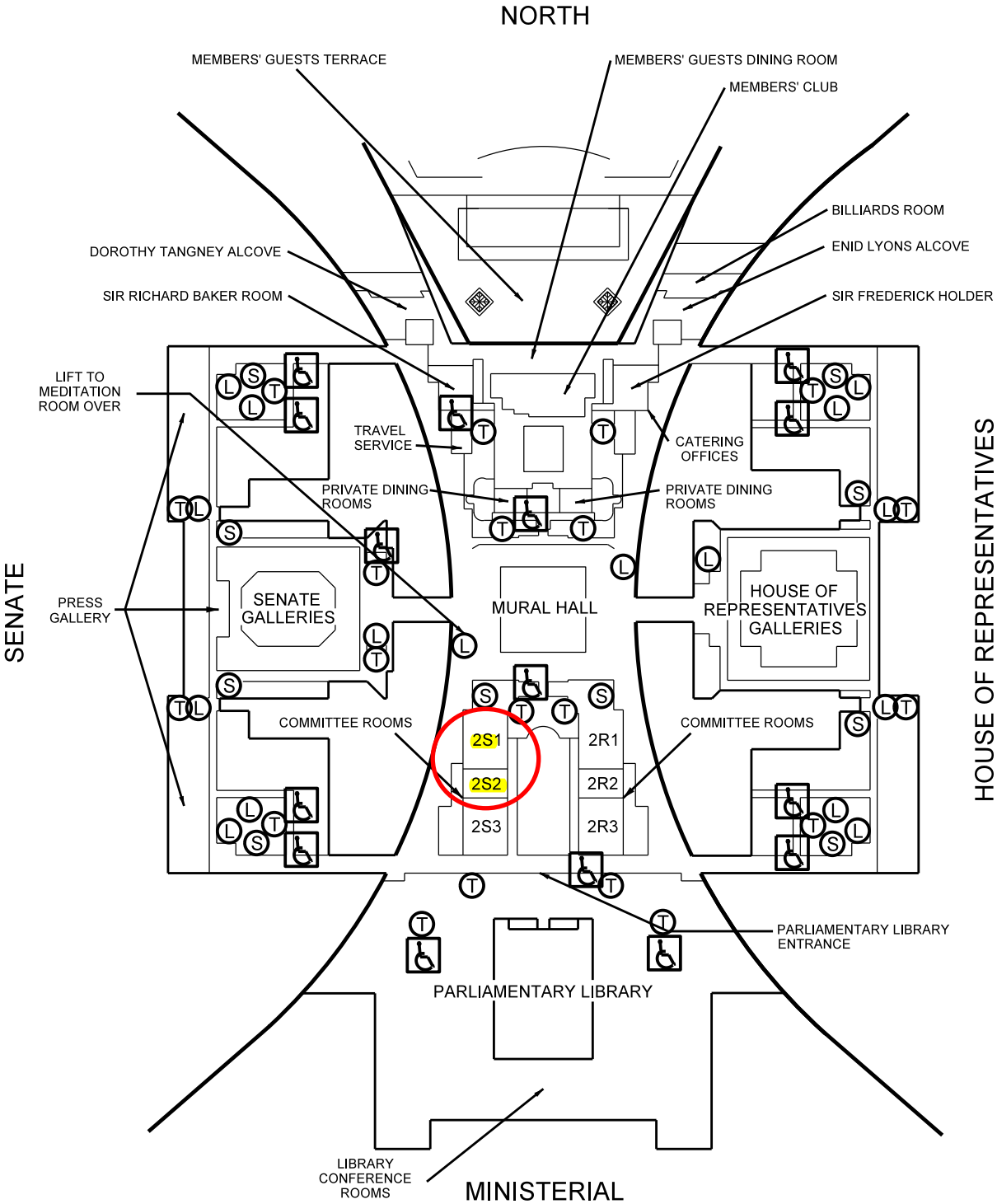
BASEMENT



GROUND FLOOR



SECOND FLOOR



KEY TO SYMBOLS

- LIFT
- STAIRS
- TOILET
- TOILET FOR THE DISABLED
- PUBLIC AREA



BPB - APS COMMISSIONER'S INVOLVEMENT IN SENIOR APPOINTMENTS

KEY NARRATIVE

- Under the *Public Service Act 1999*, the APS Commissioner must be consulted by the Secretary of the Department of the Prime Minister and Cabinet before a report is provided to the Prime Minister on the appointment of Secretaries. This is also the case where it is proposed the appointment of a Secretary is terminated.
- Under the Merit and Transparency policy, the APS Commissioner must be consulted by the portfolio Secretary before a report is provided to the relevant Minister on the appointment of most APS Agency Heads.

Principles for Secretary appointments

- Secretaries are appointed by the Governor-General, by written instrument, on the recommendation of the Prime Minister.
- Before recommending to the Governor-General that a person be appointed as the Secretary of the Prime Minister's Department, the Prime Minister must have received a report about the appointment prepared by the Commissioner.
- Before recommending to the Governor-General that a person be appointed as the Secretary of a Department other than the Prime Minister's Department, the Prime Minister must have received a report about the appointment from the Secretary of the Prime Minister's Department.
- The report from the Secretary of the Prime Minister's Department about the appointment of the Secretary of another Department must:
 - be prepared after consultation with the Commissioner; and
 - the person who is expected to be the Agency Minister of the other Department at the time the appointment is made.
- Secretaries hold office for the period specified in their appointment instrument which must be 5 years unless a shorter period is requested by the person. [*This does not apply for reappointments where the period must not exceed 5 years*].

Principles for Agency head appointment

- Agency heads are appointed by the agency Minister for a period of up to 5 years.
- Before making this appointment, the relevant Secretary must provide a report to the Minister about the vacancy.
- In 2008 the Government introduced the Merit and Transparency Policy (Policy) to implement a transparent and merit-based assessment process in the selection of most APS agency heads and other statutory office holders working in, or in conjunction with, APS agencies.



- The Policy applies to most APS agency head roles and full time APS statutory offices.
- A range of appointments are excluded from the requirements of the Policy, in particular, Secretaries and Secretary-equivalent appointments, certain agency heads, and most part-time statutory offices.

Commissioner's role in Agency Head appointments

- The primary role of the Commissioner is to ensure and certify that assessment of candidates is based on merit.
- The Commissioner may participate in the assessment panel or nominate a representative to participate in his place.
- The Commissioner (or his representative) plays an active role in the process and is in all respects a full member of the assessment panel.
- If the Commissioner did not participate as an assessment panel member, the Commissioner's endorsement of the report must be obtained prior to the Secretary reporting to their Minister.

If raised: Commissioner's role in Secretary Terminations

- The Governor-General may, on the recommendation of the Prime Minister and by notice in writing, terminate the appointment of a Secretary.
- Before recommending to the Governor-General that the appointment of the Secretary of the Prime Minister's Department be terminated, the Prime Minister must have received a report about the proposed termination from the Commissioner.
- Before recommending to the Governor-General that the appointment of the Secretary of a Department **other than** the Prime Minister's Department be terminated, the Prime Minister must have received a report about the proposed termination from the Secretary of the Prime Minister's Department.
- The report from the Secretary of the Prime Minister's Department about the proposed termination of the appointment of the Secretary of another Department must be prepared after consultation with the Commissioner.

Commissioner's role in Agency Head terminations

- An Agency Minister may terminate the appointment of an Agency Head at any time, in writing. Before this can occur, the Minister must receive a report on the proposed termination from the relevant Secretary.
- The Secretary may consult with the Commissioner in the creation of this report but it is not a requirement.



If raised: can you table the report with on [individual selection process/termination]?

- Clearly these reports contain sensitive personal information so I would need to seek advice on what is appropriate to release. I would also need to consult the Department of the Prime Minister.
- I will take the question on notice and come back to the Committee with what I am able to provide.

If raised: recent Secretary appointments

- Ms Alison Frame's appointment to the role of Secretary, Department of Veterans' Affairs, was announced by the Prime Minister on 15 December 2022.
- Mr Tony Cook's appointment to the role of Secretary, Department of Education, was announced on 3 February 2023.

If raised: Appointment of two new Deputy Commissioners at APSC

- Following a merit selection process, two new Deputy Commissioners were appointed to the Commission. Dr Subho Banerjee as Deputy Commissioner, Head of Academy, and Capability and Ms Helen Wilson as Deputy Commissioner, Workforce Policy, Integrity and Operations.
 - Dr Banerjee is an experienced SES Band 3 officer, with previous Deputy Secretary roles in the Education and Training, Industry and Climate Change portfolios. He is currently serving as Deputy CEO of the Australia and New Zealand School of Government. He brings with him significant expertise in the work of the APS Academy in building APS capability and deep knowledge of the learning and development needs and offerings for APS staff.
 - Ms Wilson is also an experienced SES Band 3 officer, currently serving as a Deputy Secretary at the Australian Bureau of Statistics, where she has led the organisation's substantial cultural reform. She has significant experience in driving whole of government initiatives and advice, and managing cross-agency relationships, having previously held senior roles in the Prime Minister and Cabinet, Treasury and Environment portfolios.
 - Ms Wilson commenced at the Commission on 14 December 2022 and Dr Banerjee commenced on 16 January 2023.

s22





s22





Back Pocket Brief – Security Cameras at APSC tenancies

KEY NARRATIVE

- Defence Minister Richard Marles has ordered removal of Chinese surveillance cameras from sensitive Australian Government buildings.
- A review by APSC Security has revealed that the security cameras at OPH and The Treasury Building are manufactured by non-Chinese suppliers.
- However the security cameras at the APSC Sydney office, Level 22 580 George Street, are manufactured by *Hikvision*, one of the Chinese companies mentioned in the list of cameras of concern.
- APSC Security has disconnected all *Hikvision* surveillance equipment at the APSC Sydney office and is preparing to install a new non-Chinese manufactured system.

QUESTIONS AND ANSWERS

1. Has an assessment of the security cameras located within APSC tenancies been undertaken?
 - a. Yes. A review was commenced on Friday 10th of Feb 2023 after the Department of Defence announcement relating to a six-month audit which revealed more than 900 Chinese made security devices were discovered within Government buildings. APSCs own assessment revealed that 3 CCTVs located within its Sydney office were *Hikvision*.
2. When was the Sydney security system installed and who installed it?
 - a. The system was installed in 2017 by an Australian security company *Southern Cross Protection*.
3. What are the Commission's plan for the removal of the current system?
 - a. The current CCTVs have been disconnected. The APSC security team is working closely with Southern Cross Protection to install an updated non-Chinese manufactured system.
4. Is there any concern that APSC security has been compromised by the use of the *Hikvision* cameras at the Sydney office?
 - a. The APSC has been advised by a Security Consultant that the *Hikvision* system is not connected to our corporate network and is totally standalone. The camera feed is sent to a desktop computer located within the tenancy, which is not connected to any external network. The Security Consultant has advised that the system does not pose an immediate threat. This information has been relayed to PM&Cs IT Security Advisor who has advised that the overall security threat to the APSC is LOW.



FACTS AND FIGURES

1. The APSC occupy four tenancies. The Treasury Building, Old Parliament House, Australian Parliament House and HSBC Centre 580 George Street in Sydney.
2. There are 3 CCTVs located within the Sydney tenancy. Two are outside the tenancy within the hallway which overlook the two entrance doors. One is located within the reception area at the front of tenancy. There are no cameras located within the work area.
3. APSC have received confirmation that the CCTV used in the Treasury Building and Old Parliament House tenancy are not Chinese owned brands.

BACKGROUND

MEDIA

- 09 Feb 2023 – [News article](#) on news.com.au regarding Chinese-owned surveillance technology found in Australian government buildings – see Attachment A.

Assistant Commissioner Vidya Vasudevan	Enabling Services	s47F [REDACTED]	s47F [REDACTED]
s47F [REDACTED]	Technology and Procurement	s47F [REDACTED]	
Consultation	Prime Minister and Cabinet IT Security Advisor Security Consulting Group The Merit Protection Commission	Cleared for internal use?	Yes





ATTACHMENT A – MEDIA ARTICLE

<https://www.news.com.au/technology/innovation/military/chineseowned-surveillance-technology-found-in-australian-government-buildings/news-story/9da6468766986ab9064d9e503be7bd25>

Chinese-owned surveillance technology found in Australian government buildings.

Chinese-owned surveillance technology has been operational in key government buildings, which has been called a “huge national security concern”.

Chinese-owned surveillance systems, including cameras, will be removed from Australia’s defence and military sites “as soon as possible”.

Almost 1000 cameras and other recording devices – some of which have been banned by the United States and the United Kingdom – were found to have been installed across 250 different Australian government building sites.

A number of those are in defence and military associated spaces – which are now being urgently audited.

The opposition’s spokesman for cyber security James Paterson said the Hikvision and Dahua cameras should be urgently removed, noting both companies are part-owned by the Chinese Communist Party.

He added the companies were complicit in the ongoing persecution of Uyghurs, being the provider of facial recognition technology.

Further, the companies are subject to the Chinese National Intelligence Law which requires them to hand over data if requested by Chinese intelligence agencies.

He said it posed a “huge national security concern”.

“There has been a number of vulnerabilities identified in these products in the past where remote users could gain full control of them, switch on the cameras or switch on the audio, for example,” he told Sky News.

“What’s most important is like Huawei, who were banned from our 5G network, they are beholden to the Chinese Communist Party ... Every Chinese citizen and every Chinese company must co-operate with China’s intelligence agencies and must keep that co-operation secret so they could be prevailed upon by the Chinese government.”

Deputy Prime Minister and Defence Minister Richard Marles said it was important the issue had been brought to their attention, but claimed it was important not to overreact.

“We’re doing an assessment within defence into where those cameras exist, and when we’ve gone through that process we’ll obviously remove (them),” he said.



“We are acting. We do need to be thinking about our defence estate, so we’re going through the process in a sober, calm way, and we’re going to remove them ... as soon as possible.

“We’ve got to do the assessment (first). I don’t think we should overreact, but we should deal with it.”

Senator Paterson said was first made aware of the presence of such cameras in September last year, and a six-month audit had found nearly every federal government department had at least one device.

He said it was “pleasing” the National Disability Insurance Agency and the Australian War Memorial had made their own moves in recent weeks to remove the cameras.

As for whether there were any cameras in Parliament House, he said he’s “not yet had an answer”.

He added that not only did the cameras pose a national security risk, but a moral risk.

“I don’t want Australian taxpayers’ money going into companies that are implicated in what the UN has called ‘crimes against humanity’ and what others have called ‘genocide’,” he said.

“We should not allow that to be anywhere near us.

“We (need) to get them out as soon as possible.”