



Office of the **Public Sector Standards** Commissioner

State of the Service Report 2009

Including Public Sector Workforce Profile
provided by the Public Sector Commission

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November 2009

THE SPEAKER
LEGISLATIVE ASSEMBLY

THE PRESIDENT
LEGISLATIVE COUNCIL

I submit to Parliament my annual State of the Service Report in accordance with s.21(1)(i) of the *Public Sector Management Act 1994* (PSM Act) and s.22 of the *Public Interest Disclosure Act 2003* (PID Act).

The State of the Service Report aims to report on the compliance or non-compliance by public sector bodies and their employees with:

- the principles of human resource management set out in s.8(1)(a)-(c) of the PSM Act;
- the general principles of official conduct as set out in s.9 of the PSM Act;
- public sector standards, the Western Australian Public Sector Code of Ethics and codes of conduct established or developed, as the case requires, under s.21 of the PSM Act; and
- the code establishing minimum standards of conduct and integrity for public interest disclosure officers pursuant to s.20 of the PID Act.

This report primarily covers the period 1 July 2008 to 30 June 2009.

Where appropriate, information from earlier years has been included for the purposes of reporting information not included in previous reports, providing updates on actions taken in response to previous recommendations and providing comparisons over time and across the sector.

I seek permission to publish the report following tabling in Parliament.



Dr Ruth Shean
COMMISSIONER
PUBLIC SECTOR STANDARDS

26 November 2009

Guide to this Report

The Office of the Public Sector Standards Commissioner (OPSSC) State of the Service Report 2009 reports on the practice and promotion of, and compliance with, both the *Public Sector Management Act 1994* and s.22 of the *Public Interest Disclosure Act 2003* within public sector agencies and authorities for the year ending 30 June 2009.

Sections

The [Commissioner's Overview](#) introduces the key themes of this year's report.

The [Key Findings](#) section provides an overview of the key findings, which include a historical perspective of compliance trends through the comparison of data over a ten year period.

The [Public Sector Workforce Profile](#) was provided by the Public Sector Commission and presents the 2008-09 workforce profile of the Western Australian public sector.

The [Evaluation Framework](#) section details the methods used by OPSSC to monitor and evaluate compliance.

[Compliance Section 1: Public Sector Management Act 1994](#) provides detailed data and commentary on compliance and non-compliance of public sector bodies with the *Public Sector Management Act 1994*.

[Compliance Section 2: Public Interest Disclosure Act 2003](#) provides detailed data and commentary on compliance and non-compliance of public sector bodies with s.22 of the *Public Interest Disclosure Act 2003*.

The [Appendices](#) provide complete data sets and additional supporting information.

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Commissioner's Overview

As Commissioner for Public Sector Standards, I am pleased to present the second State of the Service Report.

The report covers the practice and promotion of and compliance with both the *Public Sector Management Act 1994* (PSM Act) and s.22 of the *Public Interest Disclosure Act 2003* (PID Act) within public sector agencies and authorities. This report is pursuant to s.21(1)(i) of the PSM Act and s.22(1) of the PID Act.

This year's report is presented in collaboration with the Public Sector Commission to give a more complete picture of the public sector. We appreciate their contribution on the profile of the public sector which gives a context in which compliance issues can be better understood.

Moving forward

The Premier has announced that the roles of Commissioner for Public Sector Standards and Public Sector Commissioner will be merged. This will require amendment to the PSM Act. It is anticipated that the revised legislation will be introduced shortly and, if passed, will come into effect in 2010.

Structural changes within government are inevitable and indeed desirable. What must remain paramount, however, is accountability. If the proposed changes are passed in Parliament, it is anticipated that such reporting will continue in future years, along with the capacity for a more comprehensive look at the performance of the sector. The State of the Service Report is the legislated mechanism by which compliance on PSM Act matters are brought to the attention of Parliament. In future such reports, given the expanded scope of the proposed new agency, it will be possible to present a broader perspective on how well the public sector is performing.

An historical perspective

This State of the Service Report contains comparative data on the PSM Act over a ten year period. This provides an indication of progress in the leadership and practice of ethics and integrity in the public sector over this period.

In this report you will find data from the Western Australian Public Sector Annual Agency Survey, the Employee Perception Survey and complaint data gathered from compliance inquiries. The State of the Service Report links views and practice as reported by chief executive officers through the Annual Agency Survey with employee perceptions and links these to compliance inquiries lodged with the Office of the Public Sector Standards Commissioner (OPSSC). Findings are reported for the 2008-09 year and compared to the findings from 2007-08 where there have been significant changes.

Commissioner's Overview

OPSSC also compared data to provide an historical perspective to present compliance trends over a ten year period. Findings indicate significant improvement over the ten year period. They include:

- 14% greater awareness of the Western Australian Public Sector Code of Ethics and 12% increased awareness by employees of their agency's code of conduct ;
- 12.9% increase in the number of employees who consider senior managers in their agency lead by example in ethical behaviour;
- 5.1% increase in employees' perception that their agency and the senior staff within it actively encourage ethical behaviour by employees;
- 11.2% increase in employee awareness of the public sector standards;
- 6.7% increase in confidence from employees that appointments were based on merit;
- 14.1% increase in the perception that secondment and transfer decisions were made fairly; and
- an improvement in the perception that bias (6.7%) or favouritism (3.8%) plays no part in recruitment processes.

Areas where the trend has not been positive and further work is required include:

- 6.6% drop in employees' knowledge of courses of action available to them should a breach of standard occur; and
- 8.9% decline in employees' perception that performance is fairly assessed in their workplace.

The State of the Service Report enables chief executive officers to see when their positive efforts have been translated into action, as reflected through employee perceptions and compliance inquiries. Conversely, it was also possible to see where the efforts of chief executive officers and their senior colleagues are not hitting the mark. Our stakeholders tell us that this is a useful way to assess agency progress.

Moving beyond compliance to good governance

Over the past two years OPSSC has placed a focus on streamlining the compliance requirements placed on agencies. For example, we have combined what were previously three separate reports required of agencies against different pieces of legislation into one report. Currently we are working on introducing an online management tool for public interest disclosure officers. This will streamline operational case management for public interest disclosures, and will capture all of their reporting requirements automatically, thus eliminating the need for separate reporting.

More importantly OPSSC has been working to ensure that compliance monitoring and reporting add value to the business of agencies. Strong leadership and demonstration of ethics and integrity which flow through all business operations, including human resource management, is essential to effective operations. OPSSC has worked to put ethics and integrity at the heart of governance in the public sector.

OPSSC staff represent a wide range of disciplines and roles in line agencies. With this comprehensive background in service delivery, we embarked on the development of a practical approach to embedding ethics and integrity in good governance because "good governance is good for business". For this purpose, OPSSC developed the *Good Governance Guide – Helping you comply with the standards*, which streamlines the across-government accountability requirements into a single framework. The Good Governance Guide and its associated products is a comparatively simple and easy-to-use set of tools for managing governance and accountability in a public sector organisation.

The Good Governance Guide is based on the principles of the Australian Stock Exchange. OPSSC translated these into principles and functions relevant to public sector agencies. We worked through them with chief executive officers of public sector agencies to express them in a way which is unique to public sector practice. This approach starts with the relationship between chief executive officers and their Ministers, and includes reference to legislation, reporting relationships, people and financial management and specific ethics and integrity matters.

The Good Governance Guide Maturity Model is an online tool that enables agencies to analyse systematically their governance requirements. It enables agencies to rate their governance risks and identify where these are being appropriately managed. It also prompts agencies to identify where more effort would benefit business outcomes. Agencies can also identify where the agency response is greater than is justified by the risk level. The tool facilitates the development of an action plan to respond to the risk analysis. The result can deliver direct benefits to operations. In this way accountability, is not an 'add on', but the backbone of business. Further information about the Good Governance Guide and its supporting tools can be obtained at www.opssc.wa.gov.au/GGG/

Conclusion

I would like to thank everyone who helped us to report compliance by providing information: chief executive officers and their senior colleagues, employees surveyed as part of the employee perception survey and those who made compliance inquiries to OPSSC. We received a 100% response to the annual agency survey from public sector agencies (including Schedule 1 entities) and universities, 94.3% from local government and 86.8% from boards and committees. This excellent result has allowed us to capture a very broad view of the state of the service. All of your comments, views and information have contributed to providing this comprehensive report.

Commissioner's Overview

Finally, the response from eight agencies was extremely comprehensive and indicated best practice in reporting and analysis of risk management in official conduct, human resource management and public interest disclosures. These agencies were:

- Independent Market Authority;
- Insurance Commission of Western Australia;
- Rottnest Island Authority;
- Country High Schools Hostels Authority;
- Department of Health;
- Western Australia Police;
- Building and Construction Industry Training Fund; and
- Department of Agriculture and Food.

To these agencies in particular, thank you for your extra effort in reporting.

Thank you also to the Public Sector Commission for their contribution to this year's report. The Public Sector Workforce Profile section provided by the Public Sector Commission provides a valuable context for the compliance information detailed in the report.

Dr Ruth Shean
COMMISSIONER FOR
PUBLIC SECTOR STANDARDS

Public Sector Management Act 1994

Improvement in employee perceptions of integrity and leadership

Public sector leaders and senior managers are demonstrating stronger leadership in ethical behaviour in 2008-09 than they were ten years ago.

- There was an increase of 5.1% in the number of employees who agreed that their agency or management actively encouraged ethical behaviour by its employees compared with ten years ago (77.0% surveyed in 1998-99 agreed compared with 82.1% in 2008-09).
- There was an increase of 12.9% in the number of employees who agreed that senior managers in their agency led by example in ethical behaviour compared with ten years ago (55.1% surveyed in 1998-99 agreed compared with 68.0% in 2008-09).

Improvement in addressing bullying and harassment

In 2007-08 the issue of bullying and harassment was highlighted as requiring closer attention, with more than 1 in 5 employees indicating they had been the victims of this type of behaviour.

Commissioner's advice in 2007-08: All agencies should focus on ways to reduce bullying and harassment.

Agencies appear to have taken a dedicated approach to dealing with this issue. The proportion of agencies having developed and implemented policies on dealing with allegations of bullying and harassment has increased by 14.3%, from 68.5% in 2007-08 to 82.8% in 2008-09.

- For agencies with fewer than 20 staff, 58.3% took a dedicated approach to reducing bullying and harassment, up from 32.3% the previous year.
- For all agencies with more than 20 staff, more than 80% took a dedicated approach against bullying and harassment.
- Overall, agencies with fewer than 20 staff scored lower than larger agencies. As reported in the State of Service Report 2008, smaller agencies have a reduced capacity to manage systemic policy issues such as bullying and harassment.

Key Findings

OPSSC appreciates that smaller agencies may well need more assistance than larger agencies in this respect and will continue to provide targeted assistance to such agencies under s.21(1)(c)-(d) of the *Public Sector Management Act 1994* (PSM Act).

The number of workplace training activities undertaken by agencies for managers/supervisors in dealing with bullying and harassment also increased from 37.8% in 2007-08 to 40.6% in 2008-09.

This clear focus on the development of policies and procedures is also evidenced by significant increases in staff engaged in anti-bullying and/or harassment initiatives or training programs in 2008-09 compared with 2007-08.

- Efforts on training to reduce bullying and harassment almost doubled. There was a 186% increase in the number of employees (4,529) engaged in training initiatives that included bullying and harassment (up from 2,434 in 2007-08 to 6,963 in 2008-09).
 - These initiatives were more likely to be offered by large agencies.
- A greater focus was also given on leadership in this area. There was an 11% increase in the number of managers or supervisors engaged in training programs (up from 38% to 49%).
- More than double the effort was put into specific training for staff. There was a 230% increase in the number of employees (10,191) participating in specific anti-bullying and/or harassment training (up from 7,838 in 2007-08 to 18,029 in 2008-09).
 - These specific training programs were more likely to be offered by large agencies.

This proactive approach to dealing with such a crucial indicator of employee welfare and respect is to be applauded. These efforts have resulted in a significant reduction in the number of employees reporting that they have been subjected to bullying or harassment in their workplace in the last 12 months. The number dropped from 21.2% in 2007-08 to 16.2% in 2008-09.

Improvement in employee awareness of integrity issues

All agencies are required to comply with the Western Australian Public Sector Code of Ethics and to have a code of conduct. The code of conduct is the primary vehicle for translating the higher order principles within the Code of Ethics into acceptable conduct within an agency, and is essential to promoting ethical behaviour and integrity in the public sector.

Commissioner's advice in 2007-08: All agencies should ensure that their code of conduct is current and relevant to their business. They must also ensure that it covers the areas outlined in the OPSSC Conduct Guide.

Over the last year employee awareness of the Code of Ethics has remained consistently high.

- In 2008-09 familiarity was assessed with a “Yes” or “No” response with 66.6% stating they were familiar with the Code of Ethics and 78.9% indicating they were familiar with their agency’s code of conduct. Both of these figures are marginally higher than for the previous year.

How far have we come? – A ten year comparison

The last ten years has seen a considerable increase in the proportion of public sector employees who are knowledgeable about the Code of Ethics and their agency code of conduct.

- There was an increase of 14% in the number of employees who were aware of the Code of Ethics in 2008-09 compared to ten years ago (55.0% surveyed in 1998-99 had read the Code of Ethics compared to 69.0% indicating they were familiar with the Code of Ethics in 2008-09).
- There was an increase of 12% in the number of employees who were aware of their agency’s code of conduct or ethical conduct guidelines in 2008-09 compared to ten years ago (70.0% surveyed in 1998-99 were aware compared with 82.0% in 2008-09).

Improvement in agency strategies to assess and communicate codes

Annual Agency Survey data shows that significantly more agencies are actively seeking to assess compliance of their agency with the Code of Ethics and agency code of conduct in 2009 compared with 2008.

- 15.2% more agencies conducted internal reviews (67.2% in 2008-09 compared with 52% in 2007-08).
- 19.1% more agencies had external reviews or audits undertaken (64.8% compared with 45.7% respectively).
 - Smaller agencies were much less likely to have a comprehensive range of compliance assessments methods in place.

Significantly more agencies in 2008-09 also increased key communication or awareness raising strategies and training initiatives for employees compared with 2007-08.

- 10.8% more agencies provided regular information sessions for all employees (28.1% compared with 17.3% respectively).
- 13.6% more agencies provided new employees with interactive or face to face information (64.8% compared with 51.2% respectively).

Key Findings

- 15.9% more agencies provided managers, supervisors and employees with information and/or training about potential ethical problems which may arise in the workplace (75% compared with 59.1% respectively).
 - Smaller agencies were less likely to use electronic awareness raising mechanisms, newsletters and bulletins.

How far have we come? – A ten year comparison

Over the last ten years public sector employees have become more positive about how recruitment processes are managed by their agencies.

- There was an increase of 7.4% in the number of employees agreeing that the recruitment and selection processes in their workplace were unbiased and that candidates were selected on the basis of merit in 2008-09 compared to ten years ago (52.8% surveyed in 1998-99 agreed with the statement compared to 60.2% in 2008-09).
- There was an increase of 14.1% in the number of employees that felt decisions to second or transfer employees to equivalent or higher positions were made fairly in 2008-09 compared to ten years ago (35.4% surveyed in 1998-99 agreed with the statement compared to 49.5% in 2008-09).
- There was an increase of 3.8% in the number of employees who believed that favouritism did not play a part in the selection of people for relieving or acting opportunities in 2008-09 compared with ten years ago (36.3% surveyed in 1998-99 disagreed with the statement compared to 40.1% in 2008-09).

Public sector employees' level of awareness of public sector standards in human resource management has also improved considerably over the last ten years, with nine out of ten employees being aware of public sector standards.

- There was an increase of 11.2% in the number of employees who were aware of the public sector standards in 2008-09 compared to ten years ago (76.5% surveyed in 1998-99 were aware compared to 87.7% in 2008-09).
- While the overall level of awareness of the standards has improved significantly over the last ten years, knowledge of courses of action available should a breach of standard occur has not followed suit, falling 6.6% from 49.6% in 1998-99 down to 43% in 2008-09.

This drop may be due to recruitment practices being managed better overall (refer above). This is supported by data on the reduction in the number of breach claims over the last ten years (see page 28).

An improvement in perceptions of recruitment management within agencies

Selection panels for recruitment and selection processes need to be very aware of public sector standards in human resource management to ensure processes are carried out fairly and without bias.

Commissioner's advice in 2007-08: All agencies are advised to review their recruitment practices, and must ensure that those involved in recruitment are trained to do so.

Over the last year employee perceptions regarding the management of recruitment processes in their agency have improved.

- In 2008-09 six out of ten (60.2%) employees surveyed reported that the recruitment and selection processes in their workplace were unbiased and that candidates were selected on the basis of merit.
- In 2007-08, 45.8% of employees surveyed agreed that recruitment and promotion decisions in their agency were fair and 51.8% of employees indicated that the recruitment and selection processes in their workplace were unbiased.

Improvement in performance management, but still further to go

Performance management involves the regular assessment and documentation of employee progress against organisational goals. Individual employee performance is essential to good agency performance and equally important to the development of the employee. The public sector standard in performance management recommends a minimum of one performance management session being held each year for every employee.

Commissioner's advice in 2007-08: Agencies are urged to ensure that employees have two performance management sessions annually. Innovative approaches to achieving this are encouraged.

- Last year OPSSC reported that while 80.3% of agencies had a performance management system in place, only 29.1% of agencies had conducted at least one performance management process with more than 80% of their staff.
- Only 4.7% of agencies had conducted two performance management processes with more than 80% of their staff.

Key Findings

Agency practice has improved significantly in this respect for 2008-09.

- 34.4% of agencies had conducted at least one performance management process with more than 80% of their staff (up 5.3%).
- 12.5% had conducted two performance management processes with more than 80% of their staff (up 7.8%).

Employees rate the fairness of performance management processes low

Employee perceptions of the fairness of performance assessments in their agencies have become less positive over the last ten years.

- Between 1998-99 and 2008-09 there was an 8.9% drop in employees' perceptions regarding the fairness of performance assessments (down from 68.9% to 60.0% over the ten year period).
- 3.8% of this drop occurred between 2007-08 and 2008-09.

Future planning to improve performance management systems

More than 60% of agencies overall are planning to improve their performance management systems in the future (significantly higher for large agencies 81%). Hopefully, this will translate into higher participation rates with respect to individuals attending one or more performance management processes as well as more positive employee perceptions regarding the fairness of their assessments.

Performance management is a good opportunity for supervisors to strengthen their working relationship with their colleagues. OPSSC believes that further investment in this process to turn it into a positive experience would be highly beneficial to the public sector.

Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* (PID Act) was proclaimed in 2003. The PID Act enables people to make disclosures about improper conduct within the state public sector, local government and public universities with protections from reprisal. The PID Act aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

Commissioner's advice in 2007-08: All chief executive officers must recognise that under the PID Act they hold primary responsibility for ensuring their public authority complies with the PID Act and the code of conduct and integrity.

During 2008-09 there has been an increase in the level of assistance provided by OPSSC to public authorities to help raise awareness of the PID Act, including such activities as training courses for public interest disclosure officers (PID officers) (14 conducted), presentations (23 conducted), peer reviews (16 conducted), consultations (with 425 people) and newly established regular support network for PID officers.

More agencies are meeting 'whistleblower' legislation

There has been an increase in ensuring compliance requirements with the PID Act are met.

- More than nine out of 10 (95.0%) public sector authorities completing the Annual Agency Survey in 2008-09 had internal public interest disclosure procedures in place, up significantly compared to the previous year for all sectors.
 - 97.6% of public sector agencies completing the survey had internal public interest disclosure procedures in place, up from 87.5% in 2007-08.
 - 85.8% of local government authorities completing the survey had internal public interest disclosure procedures in place, up from 70% in 2007-08.
 - 86.8% of boards or committees completing the survey had internal public interest disclosure procedures in place, up from 55% in 2007-08.

While there has been an increase in the number of agencies having internal public interest disclosure procedures in place, given that these are mandatory, further work is still required in this area.

Increases in agency ‘whistleblower’ awareness raising strategies

There has also been increased activity in the delivery of awareness raising strategies.

- 19.3% more agencies provide information through staff induction (up from 50.5% in 2007-08 to 69.8% in 2008-09).
- 15.0% more agencies publish internal public interest disclosure procedures on their intranet (up from 29.7% in 2007-08 to 44.7% in 2008-09).

The capacity for local government authorities to assess the level of staff awareness as well as disseminate awareness raising materials on the PID Act is significantly less compared to the public sector. OPSSC will continue to address this issue.

‘Whistleblower’ awareness increasing – A five year comparison

Increased activity by OPSSC and chief executive officers has clearly translated into increased levels of employee awareness about the PID Act between 2004-05 and 2007-08.

- There was an increase of 13.4% in the number of employees who were aware of the PID Act (up from 14% in 2004-05 to 27.4% in 2007-08).
- There was an increase of 7.5% in the number of employees who know how to make a public interest disclosure (up from 5% in 2004-05 to 12.5% in 2007-08).
- An additional impact of these increases in employee awareness of the PID Act and how to make a disclosure is an increase in the number of public interest disclosures lodged in 2008-09 (13 public interest disclosures) as compared to 2007-08 (4 public interest disclosures).

‘Whistleblower’ legislation awareness and trust still low

Awareness of the PID Act and trust in its protections remains low despite significant improvements in reporting on and promotion of public interest disclosure legislation.

- In 2008-09 only 23% of employees felt confident that if they made a public interest disclosure their rights would be protected.

These results are of concern. Agencies must put in place strategies for increasing awareness and confidence in PID Act. For example, agencies can reinforce the right of staff to report public interest disclosures to proper authorities other than the home agency. OPSSC’s independent oversight of public interest disclosure is essential in ensuring this message gets through to employees. This independent oversight will increase trust in the process.

Agency governance

In 2008-09 OPSSC sponsored the first Institute of Public Administration Australia (WA Division) W. S. Lonnie Award for Good Governance Reporting. A sample of 29 agency annual reports was assessed using the Good Governance Guide Checklist to determine the quality and completeness of reporting against each of the nine governance principles.

- 13.8% of the agencies shortlisted for the awards were found not to meet the governance standard for people management.
- 17.2% of agencies did not meet the standard for ethics and integrity.

These results show that there is clearly room for improvement in these areas.

Public Sector Workforce Profile

This chapter provides a snapshot of the profile of the Western Australian public sector workforce, as well as an overview of some of the key workforce planning strategies that are being progressed by the Public Sector Commission.

Representing 12.7% of the Western Australian workforce, the public sector has a key role in ensuring that the right people, with the right skills, are able to provide the Western Australian community with high quality public services. The public sector is facing many workforce challenges for which practical solutions have been, and are continuing to be, developed. The public sector needs to be able to adapt quickly to multi-dimensional social and economic factors that are having an impact on the future capacity of its workforce. These factors include an increasing and more diverse population, a decreasing supply of future employees due to an ageing workforce and a decrease in the birth rate, upturns and downturns in the economy, low levels of entry level employees and regional barriers.

On a quarterly basis, public sector agencies provide the Public Sector Commission with workforce data via the Human Resource Minimum Obligatory Information Requirements (HR MOIR) data collection process. This process has been in place since the early 1990s, and is underpinned by Commissioner's Circular 2009/09. Workforce data is used for a range of planning and decision-making purposes at a government, sector and agency level.

Snapshot of the public sector

Due to its size and diversity, the composition of the public sector workforce is complex. As at June 2009, workforce data was provided to the Public Sector Commission from 126 agencies. It is important for the public sector to have contemporary workforce policies and plans in place to ensure high quality service delivery. Recently, chief executive officers have been required to consider workforce issues affecting their agency, and to develop workforce plans to address them. While there has been some progress in this area, further work is needed to ensure that the public sector is well-positioned for the future.

Public Sector Workforce Profile

The composition of the public sector is characterised as follows.

Table 1: A 'snapshot' of the public sector workforce (as at June 2009)

Head count	147,124
Full-time equivalents	114,850
Age profile	
24 years and under	6.1%
25-34 years	18.6%
35-44 years	25.2%
45-54 years	29.8%
55-64 years	18.2%
65 years and above	2.1%
Regional employees	24.6%
Gender	
Women	68%
Men	32%
Employment arrangements	
Permanent	71.1%
Fixed term/contract	17.5%
Casual	9.7%
Others	1.7%
Occupational categories	
Professionals	44.8%
Community and personal service workers	20.8%
Clerical and administrative workers	18.7%
Managers	5.9%
Technicians and trades workers	4.4%
Labourers	4.2%
Machinery operators and drivers	0.7%
Sales workers	0.5%

Public Sector Workforce Profile

Base salary	
Less than \$40,000	17.7%
\$40,000-\$59,999	29.6%
\$60,000-\$79,999	36.5%
\$80,000-\$99,999	10.8%
\$100,000 and above	5.4%

Tenure (within current agency)	
< 1YEAR	16.0%
1-2 YEARS	12.1%
2-3 YEARS	7.9%
3-4 YEARS	7.1%
4-5 YEARS	4.9%
> 5 YEARS	51.9%

Given the complexity of the public sector workforce, it is important for agencies to:

- develop and implement effective succession management programs to ensure that there is a smooth transition process in place for when existing employees leave the public sector;
- develop and implement strategies to retain corporate knowledge, particularly in the context of an ageing workforce;
- enhance induction processes, particularly as over a quarter of the public sector workforce has been employed by their current agency for less than 2 years;
- encourage the employment of more youth, and other under-utilised segments of the workforce, including people with disabilities, Indigenous Australians and people from culturally diverse backgrounds; and
- identify future occupational shortfalls/surpluses that may arise in the future as a result of changing economic environments.

In May 2009, the Public Sector Commission released *Strategic Directions for the Public Sector Workforce 2009 - 2014* (Strategic Directions). This strategy contains 38 initiatives for central and line agencies to address the main workforce challenges faced by the public sector. *Strategic Directions* was developed in consultation with public sector agencies, to identify practical workforce solutions that will be implemented to support successful delivery of public services to the community. The implementation of these initiatives will ensure that short term challenges are met, and that the public sector is well positioned into the future. *Strategic Directions* is based on 3 key areas – people, leadership and structure – with a particular focus on the following themes.

Public Sector Workforce Profile

1. Attracting a skilled workforce.
2. Retaining valued employees.
3. Building the capacity of the public sector.
4. Providing strategic leadership.
5. Meeting regional needs.
6. Ensuring an efficient and flexible public sector.

Under *Strategic Directions*, the Public Sector Commission is progressing various initiatives, including:

- undertaking comprehensive labour market research to identify future workforce gaps;
- the development of flexible work initiatives;
- an expansion of graduate and traineeship programs;
- improved partnerships with tertiary institutions, and
- the development and expansion of public sector leadership programs.

Whilst *Strategic Directions* is the over-arching workforce framework for the public sector, there are many workforce planning initiatives that the Public Sector Commission is also progressing. Following the creation of the Public Sector Commission in November 2008, a program of reform was initiated to lead and promote excellence and integrity in the public sector. This program, as well as initiatives via other processes, are considering public sector workforce issues relating to recruitment, inter-agency mobility, regional benefits, disciplinary procedures, public sector structure, workforce data quality and executive remuneration.

All public sector agencies – central and line – are strongly encouraged to implement workforce strategies which address the issues identified in *Strategic Directions*. It is only with a skilled public sector workforce that we can guarantee service delivery excellence and a prosperous Western Australian economy for generations to come.

M C Wauchope
PUBLIC SECTOR COMMISSIONER

Evaluation Framework

The Office of the Public Sector Standards Commissioner (OPSSC) has used various methods to monitor and evaluate compliance since its inception. This has included collecting data on:

- public sector employee perceptions of ethics and integrity;
- human resource management standards and breach rights; and
- how associated legislation and policies are implemented and communicated within agencies.

Over the last two years OPSSC has refined its evaluation framework for the public sector so that data from several different sources can be more readily linked to obtain a clearer overview of how the sector is performing. This work has included:

- reviewing the two main survey programs (Western Australian Public Sector Annual Agency Survey and Employee Perception Survey) so they are more representative and closely aligned;
- further developing thematic audits and reviews as supplementary methods for monitoring and evaluating compliance; and
- evaluating public sector agency performance using a governance framework.

The evaluation framework allows for the assessment of progress over time. It also allows for the assessment of the relationship between the actions taken by agencies to address particular issues and how these actions impact on employee knowledge and perceptions.

Table 2 shows the evaluation framework components and the period of time they have been used.

Table 2: Evaluation framework components used by OPSSC

Evaluation framework components	Period in use
Compliance inquiries (breach of standards claims and general inquiries)	14 years
Western Australian Public Sector Annual Agency Survey	2 years (prior to 2007-08 information was collected using three different surveys)
Employee Perception Survey	14 years (reviewed three times)
Thematic Audits and Reviews	14 years
Quality framework (Good Governance Guide)	2 years (commenced in 2007-08)

Public Sector Management Act 1994

Monitoring activities

Section 21 of the *Public Sector Management Act 1994* (PSM Act) requires the Commissioner for Public Sector Standards to report annually to each House of Parliament on compliance or non-compliance of public sector bodies (refer to Appendix 1). The Commissioner may also report from time to time on specific compliance issues to the Parliament and the relevant Minister of the Crown.

Information gathered through monitoring is used to assist agencies to improve their practices and to identify key issues and problem areas in the sector for reporting purposes.

Individuals seeking personal redress to an issue from the Commissioner can only do so in relation to alleged breaches of the *Public Sector Standards in Human Resource Management 2001*. This redress is provided through the *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005*.

What we monitor

The Commissioner is required to monitor and report on the extent of compliance or non-compliance by the Western Australian public sector with the:

- general principles of human resource management (s.8(1)(a)-(c) of the PSM Act);
- general principles of official conduct (s.9 of the PSM Act);
- public sector standards in human resource management; and
- Western Australian Public Sector Code of Ethics and codes of conduct developed by public sector bodies.

Who we monitor

The jurisdiction of the Commissioner's monitoring and reporting role applies to all public sector bodies. These include:

- public sector agencies;
- agencies established for a public purpose by law (including public boards and committees); and
- Western Australian ministerial offices.

Compliance Section I:

The Commissioner's jurisdiction under the PSM Act does not include organisations and employees outside the public sector, such as:

- organisations specifically excluded by Schedule 1 of the PSM Act, such as universities and port authorities;
- the Commonwealth Government;
- local government authorities;
- sworn officers of Western Australia Police;
- Ministers of the Crown and/or Parliamentary or electorate staff; and
- corporatised organisations such as the Water Corporation and Alinta Gas.

Some of the above authorities have accountability requirements within their own legislation which involve oversight by the Commissioner for Public Sector Standards. The Commissioner's jurisdiction under the *Public Interest Disclosure Act 2003* (PID Act) differs, and is explained more fully later in this report.

Monitoring methods

The Office of the Public Sector Standards Commissioner (OPSSC) uses a range of strategies to monitor compliance. These strategies are used both individually and in combination to enable an assessment as to the extent of compliance or non-compliance. As well as monitoring being used to inform Parliament of compliance and non-compliance, it is also used to target the OPSSC's assistance role as specified by PSM Act s.21(1)(c)(d).

The monitoring methods of OPSSC include:

- compliance inquiries (breach of standards claims and general inquiries);
- the Western Australian Public Sector Annual Agency Survey;
- the Employee Perception Survey;
- thematic audits; and
- reviewing agency governance arrangements.

This section provides a brief description of these methods and their limitations.

Compliance inquiries

Breach of standards claims

The *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005* provide for persons to lodge claims where they believe that a public sector standard has been breached, and they have been adversely affected. In 2008-09, 162 compliance inquiries (breach of standards claims) were received by OPSSC. Where breaches are determined, the Commissioner for Public Sector Standards recommends the appropriate relief to be provided to the person by the respective agency. In a more general sense, analysis of claim activity provides insight into key compliance trends and areas where more detailed assistance may be required. Where appropriate, the Commissioner may raise with an agency an area identified as placing it at potential risk of non-compliance with the public sector standards.

Compliance inquiries (general)

In 2008-09, 84 compliance inquiries (general) were submitted to OPSSC. These matters were examined and action taken as appropriate. Further, the issues raised were analysed to determine recurring themes or areas of particular importance or risk. Where matters are not covered by the scope of OPSSC they were referred to the appropriate authority.

Under s.24 of the PSM Act

Over and above the capacity to receive compliance inquiries, the Commissioner may also initiate investigations under s.24 of the PSM Act.

Data limitations

While all three types of compliance inquiries listed above provide a method for assisting the Commissioner to determine non-compliance, it is recognised that agencies which actively promote the compliance reporting process through internal policies and procedures and staff education and awareness programs, are most likely to report more issues of potential non-compliance. It is possible that there will be an under-representation of compliance inquiries from agencies where employees lack awareness because of inadequate processes.

During 2008-09 OPSSC expanded the methods used to collect information on compliance and non-compliance, including its audit based approach, to address these limitations.

Western Australian Public Sector Annual Agency Survey

Pursuant to s.31 of the PSM Act, agencies are required to report on the extent to which public sector standards, codes of ethics, and any relevant code of conduct have been complied with.

During 2007-08 this method of monitoring and reporting was significantly expanded through the development and implementation of the new Western Australian Public Sector Annual Agency Survey directed at chief executive officers. The Annual Agency

Compliance Section I:

Survey combined three previously separate reporting requirements into the one survey in order to streamline reporting and provide a planning and diagnostic tool for agencies.

The results of the Annual Agency Survey are used to generate sector-wide and agency based measures of compliance with public sector standards, codes of ethics/ conduct, equal employment opportunity legislation and the PID Act. These results are also considered in conjunction with information obtained through the employee perception survey.

Data limitations

This streamlined and comprehensive approach to reporting on the extent of compliance by public sector agencies is still in its infancy. This year will be the first year that yearly comparisons can be made.

Employee Perception Survey

Surveys of public sector agencies are conducted annually in relation to employee perception of agency human resource management, ethics and equity.

In 2008-09 the survey was redesigned to link more closely to the relevant legislation (for example, the PSM Act), the OPSSC Good Governance Guide and the Annual Agency Survey.

This survey is used as an evaluation tool within the OPSSC's Strategic Evaluation Framework to assess whether strategies implemented by agencies are effective in informing their staff about the principles and standards. This information is also critical in identifying areas of concern and acknowledging areas for improvement.

Data limitations

This survey process has its limitations, as those agencies selected for survey in any given year (15 to 20 agencies) are not necessarily representative of the whole public sector. Further, only a third of employees surveyed respond. This compares to a 100% response from the Annual Agency Survey, suggesting that any comparison of views between the two surveys is indicative and not conclusive. OPSSC plans to overcome this shortcoming through selecting more representative samples of agencies and authorities in the future.

During 2008-09 the survey questions were reviewed to ensure they linked closely to:

- relevant legislation;
- public sector standards;
- the OPSSC Good Governance Guide; and
- the Annual Agency Survey.

Thematic audits

Section 21 of the PSM Act requires the Commissioner for Public Sector Standards to report annually to each House of Parliament on compliance or non-compliance by public sector bodies with the public sector standards in human resource management, ethical codes and the general principles under ss 8 and 9 of the PSM Act. The Commissioner may also report from time to time on specific compliance issues to the Parliament and the relevant Minister.

Information gathered through monitoring is used to assist agencies improve their practices and to identify key issues and problem areas in the sector for reporting purposes. OPSSC undertakes audits to gather information on compliance and to monitor the extent of compliance across the sector as a whole, and assess changes over time. In addition, information from thematic audits can be used to assist agencies to achieve better practice in ethics, human resource management and equity matters.

During 2008-09 OPSSC undertook two thematic audits. The first audit focussed on senior recruitment processes and the second on how interests are managed within public sector agencies. The results of these audits were presented to Parliament in 2009.

Reviewing agency governance arrangements

The State of the Service Report 2009 reports on progress made in the Western Australian public sector with respect to meeting the standards set by OPSSC for ethics, integrity and human resource management. Excellence in these areas is at the heart of an organisation's governance framework.

The *Good Governance Guide – Helping you comply with the standards* is a voluntary tool developed by OPSSC in 2009 to assist public sector organisations continuously improve their performance in relation to these and other critical aspects of governance. The Good Governance Guide builds on the widely known corporate governance principles developed by the Australian Stock Exchange and defines governance as being comprised of the following nine core principles.

Principle 1: Government and public sector relationship

The organisation's¹ relationship with the government is clear.

Principle 2: Management and oversight

The organisation's management and oversight is accountable and has clearly defined responsibilities.

Principle 3: Organisational structure

The organisation's structure serves its operations.

Principle 4: Operations

The organisation plans its operations to achieve goals.

Principle 5: Ethics and integrity

Ethics and integrity are embedded in the organisation's values and operations.

¹ In the Good Governance Guide, "organisation" is being used in its generic sense and is intended to include all public sector entities.

Compliance Section I:

Principle 6: People

The organisation's leadership in people management contributes to individual and organisational achievements.

Principle 7: Finance

The organisation safeguards financial integrity and accountability.

Principle 8: Communication

The organisation's communication with all parties is accessible, open and responsive.

Principle 9: Risk management

The organisation identifies and manages its risks.

Good governance underpins trust in the public sector and ensures accountability, transparency and responsible management of public resources. An adequate and comprehensive governance framework is essential to increase the effectiveness and efficiency of public service. The Good Governance Guide provides a number of tools to assist public sector organisations in continuously enhancing their governance management.

- The Accountability Map, which comprises a list of all mandatory and non-mandatory governance requirements across the Western Australian public sector, enables organisations to gain a clear understanding of their accountability and compliance obligations.
- The Maturity Model on the other hand offers organisations an online tool to evaluate the robustness of their existing governance framework, to assess their risk exposure and to plan, where needed, the strengthening of their systems. In 2009 OPSSC sponsored an annual Institute of Public Administration Australia (WA Division) W. S. Lonnie Award for Good Governance Reporting. The award focuses on all aspects of reporting related to public sector integrity and accountability as outlined by the Good Governance Guide Checklist. The 29 best annual reports that were shortlisted for the Lonnie Awards by IPAA were assessed using the Good Governance Guide Checklist² and the best agencies were awarded for their efforts.

Further information about the Good Governance Guide is available at www.opssc.wa.gov.au/GGG/

Data limitations

The sample of agencies assessed for the award for good governance reporting in 2009 consisted of the top 29 agency annual reports as judged by IPAA. It is hoped that all public sector agencies will voluntarily register to use the recently released Good Governance Guide Maturity Model. This will enable agencies to compare themselves with their peers on a de-identified basis. It will also provide a more representative sample for reporting sector performance.

² The Good Governance Guide Checklist is available at www.opssc.wa.gov.au/Documents/Good_Governance/GGG_Compliance_Checklist.pdf

What did we find?

Findings: Compliance inquiries (breach of standards claims)

During 2008-09, 184 breach of standards claims were managed by OPSSC. Of these claims, 22 were carried over from the previous financial year but were finalised in 2008-09. Thirty-two of the claims lodged in 2008-09 were not finalised during the year and outcomes will be reported in the 2009-10 reporting year.

Table 3 (see page 26) provides a summary of the breach claim process and outcome by each respective standard for all claims managed during 2008-09.

During 2008-09 the Commissioner for Public Sector Standards reported on breaches of the standards which were of public interest in Parliamentary Series Reports to Parliament.³

³ OPSSC Parliamentary Series Reports are available at www.opssc.wa.gov.au/Publications_and_Resources/Reporting/Parliamentary_Series.php

Compliance Section I:

Table 3: Breach claim outcomes – 1 July 2008 to 30 June 2009

Standard	Breach	Dismissed	Conciliated	Withdrawn	Lapsed	Out of jurisdiction	Ongoing	Total
Recruitment, Selection and Appointment (RSA)	15 Landgate x1 Department of Education and Training x 4 Department of Health x 5 * Corrective Services x 2 Department for Communities* x1 Department of Housing and Works x1 WA Meat Industry Authority x1	89	11	14			17	144
Grievance Resolution	4 Department of Education and Training x 1 Fisheries x 2 Department of Planning and Infrastructure x 1	9	2				4	19
Redeployment						1	2	3
Acting		5		1			3	9
Transfer							3	4
Performance Management		1						1
Secondment								0
Termination							1	2
Total	17 + 2 carried over from 2007-08	84	13	15		1	32	184

* 2 claims carried over from 2007-08 were found to be breaches.

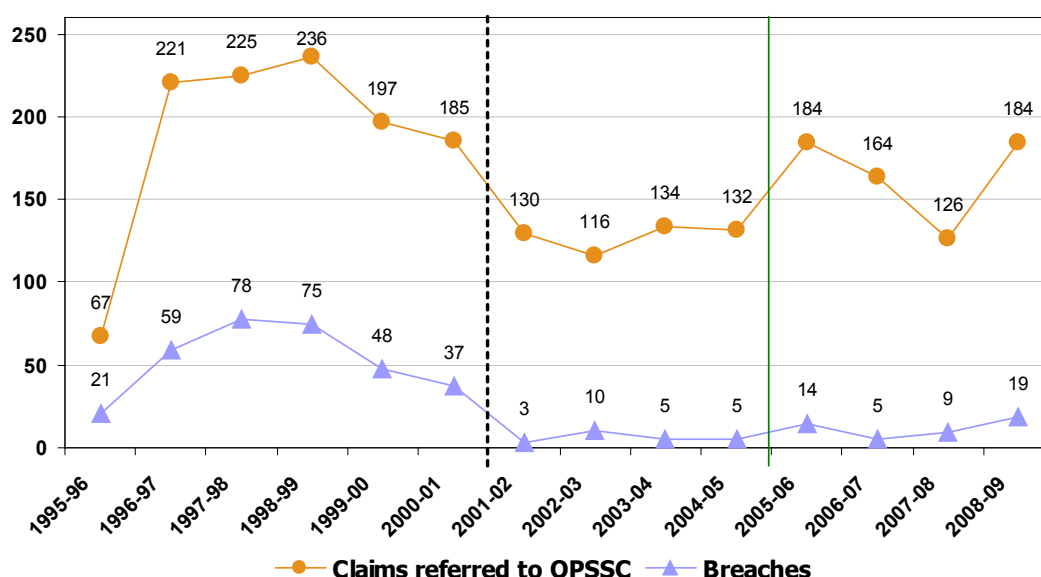
Breach claim trend

This year has seen an increase in the number of breach claims and substantiated breach claims. Of the 152 claims finalised during 2008-09, 19 were assessed to be a breach of one of the standards.

As is the case for most years, the majority of finalised claims (80%) were lodged against the Recruitment, Selection and Appointment Standard. The remaining 20% were spread across the other standards with the majority of these lodged against the Grievance Resolution Standard. There were 15 claims against Grievance Resolution Standard representing 10% of total claims.

During 2008-09 the number of claims against the Acting Standard also increased.

Breach of Standard Claims 1995-2009



Note: The 2001 regulations (---) were implemented during the 2000-01 financial year. Prior to this date all claims came to OPSSC. After this date claims could be handled in the agency and were only referred to OPSSC if they were also implemented. During 2004-05 (—) new regulations were implemented. One of the key changes requires provision of notification to employees about breach rights at the conclusion of a grievance process.

Concerns raised by claimants and the themes identified by OPSSC as risk areas for non-compliance with the standards for agencies are not dissimilar to those identified in previous years, and include those outlined in Table 4 (see page 28).

Compliance Section I:

Table 4: Risk areas for non-compliance with the standards

Standard	Main issues raised
Recruitment Selection and Appointment	<ul style="list-style-type: none">• Proper assessment of applicants• Introducing information external to the process• Use of referee information• Verifying qualifications
Grievance Resolution	<ul style="list-style-type: none">• Ensuring natural justice principles apply to all parties to the process• Suitability of the process and/or outcome
Acting	<ul style="list-style-type: none">• Process documentation and capacity to review
Transfers	<ul style="list-style-type: none">• Taking into account employee interests

Findings: Compliance inquiries (general)

Pursuant to s.21 of the PSM Act, compliance inquiries (general) can address areas beyond the scope of the breach of standard claim process and provide information to assist the Commissioner to monitor compliance. These compliance inquiries relate to the general principles of human resource management and official conduct. As part of the legislated monitoring role the Commissioner can choose to undertake an inquiry or review of issues raised through compliance inquiries.

Where conduct or practice is non-compliant, the Commissioner reports this to Ministers and Parliament, and the agency concerned. Where appropriate the agency is offered targeted assistance to help address the matter and OPSSC will also follow up on the implementation of any measures that have been recommended.

Compliance inquiries (general) for 1 July 2008 to 30 June 2009

Of the 106 compliance inquiries (general) matters dealt with by OPSSC during 2008-09, 84 were lodged during 2008-09, 22 were carried over from the previous year and 11 are currently ongoing. In 2008-09 there were 9 instances of non-compliance as shown in Table 5 (see page 29).

Table 5: Non-compliant conduct or practice in 2008-09

Department	Theme
Heritage Council Reported in Parliamentary Series Report Three	s.9 of the PSM Act – general principles of official conduct x 1
Fire and Emergency Services Authority of WA Reported in Parliamentary Series Report Four	s.8 of the PSM Act – principles of human resource management x 1
Department of Education and Training	Grievance x 1 Recruitment x 1
Department of Health	Grievance x 1
Metropolitan Cemeteries Board	Recruitment x 2
Department of Racing Gaming and Liquor	Recruitment x 1
Department of Corrective Services	Recruitment x 1
Department of Water	ss 8 and 9 of the PSM Act – the general principles of human resource management and official conduct x 1

During 2008-09 the Commissioner for Public Sector Standards reported on matters of non-compliance which were of public interest in three Parliamentary Series Reports to Parliament.⁴

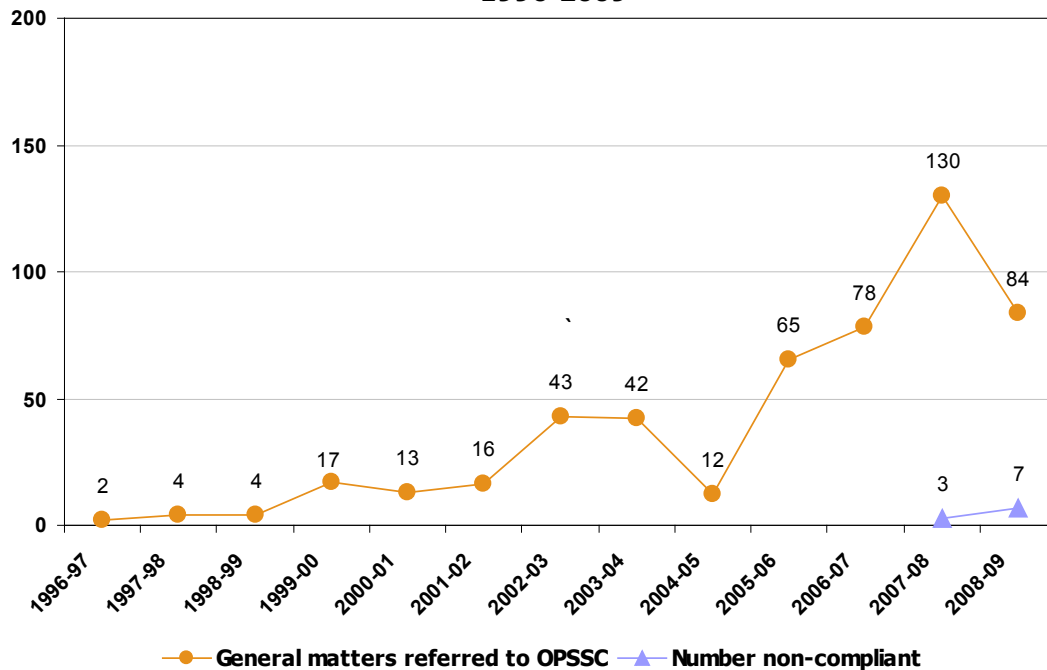
Compliance inquires (general) trend

The following chart shows the activity for OPSSC with respect to assessing compliance under s.21 of the PSM Act. From 2007-08 the Commissioner commenced recording compliance and non-compliance and naming non-compliant agencies.

⁴ OPSSC Parliamentary Series Reports are available at www.opssc.wa.gov.au/Publications_and_Resources/Reporting/Parliamentary_Series.php

Compliance Section I:

**Compliance Inquiries - General matters referred to OPSSC
1996-2009**



Note: Data include all general matters referred to OPSSC for assessment. Some of these matters do not fall within the jurisdiction of OPSSC and are subsequently referred to the appropriate authority.

Findings: Western Australian Public Sector Annual Agency Survey

Under s.31 of the PSM Act, chief executive officers are required to provide information on the extent of compliance with the public sector standards in human resource management, the Western Australian Public Sector Code of Ethics and agency codes of conduct. This is in accordance with guidelines issued by the Commissioner.

During 2007-08, OPSSC developed and implemented a new Annual Agency Survey in order to assess the extent of compliance with the public sector standards in human resource management, the Western Australian Public Sector Code of Ethics and agency codes of conduct. The survey was also combined with reporting requirements covered by the PID Act (see Compliance Section 2: Public Interest Disclosure Act 2003) and the *Equal Opportunity Act 1984* to streamline the reporting requirements under the three Acts administered by OPSSC and the Director of Equal Opportunity in Public Employment (DEOPE). The survey was developed with a working group of approximately 20 chief executive officers and was available for completion in either hard copy, electronically or as an on-line survey.

The survey was revised in 2008-09 based on the first year results and also included an additional section on the management of interests. Information gathered from this new section of the survey will be reported separately as part of the OPSSC Parliamentary Series.

Public Sector Management Act 1994

The State of the Service Report 2009 focuses on the following four key areas of the Annual Agency Survey.

- General principles of official conduct:
 - Western Australian Public Sector Code of Ethics and agency codes of conduct; and
 - public interests disclosures.
- Public sector standards in human resource management (see Appendix 3):
 - the standards in general;
 - the Discipline Standard;
 - the Grievance Resolution Standard and grievance resolution processes; and
 - the Performance Management Standard
- Equal employment opportunity:
 - general principles of equal employment opportunity; and
 - promoting a flexible workplace.
- Public Interest Disclosure Act (see Compliance Section 2: Public Interest Disclosure Act 2003).

Survey response rate

All public sector agencies, statutory authorities and Schedule 1 authorities completed and returned their Annual Agency Survey for 2008-09 (N = 124)⁵. This sample included 103 public sector agencies covered by the PSM Act. In addition, 21 Schedule 1 authorities were required to provide OPSSC with information relating to some sections of the survey. Refer to Appendix 2 for a list of those public sector agencies, statutory authorities and Schedule 1 authorities completing the 2008-09 Annual Agency Survey with respect to the sections of the three Acts overseen by OPSSC and the DEOPE.

Survey results – Sections specific to the PSM Act

The following analysis provides a general overview of the results for sections of the survey specific to the PSM Act. The results for each question are presented in a chart and supplemented with a descriptive summary. Data for 2007-08 and 2008-09 is referred to in the charts as 2008 and 2009 respectively. Where there are significant differences in the results between very small, small, medium or large agencies/authorities, these are presented in a separate chart as well as in the descriptive summary. Agency size is based on the following categories.

1. Agencies with fewer than 20 staff (very small).
2. Agencies with between 21 and 200 staff (small).
3. Agencies with between 201 and 1,000 staff (medium).
4. Agencies with greater than 1,000 staff (large).

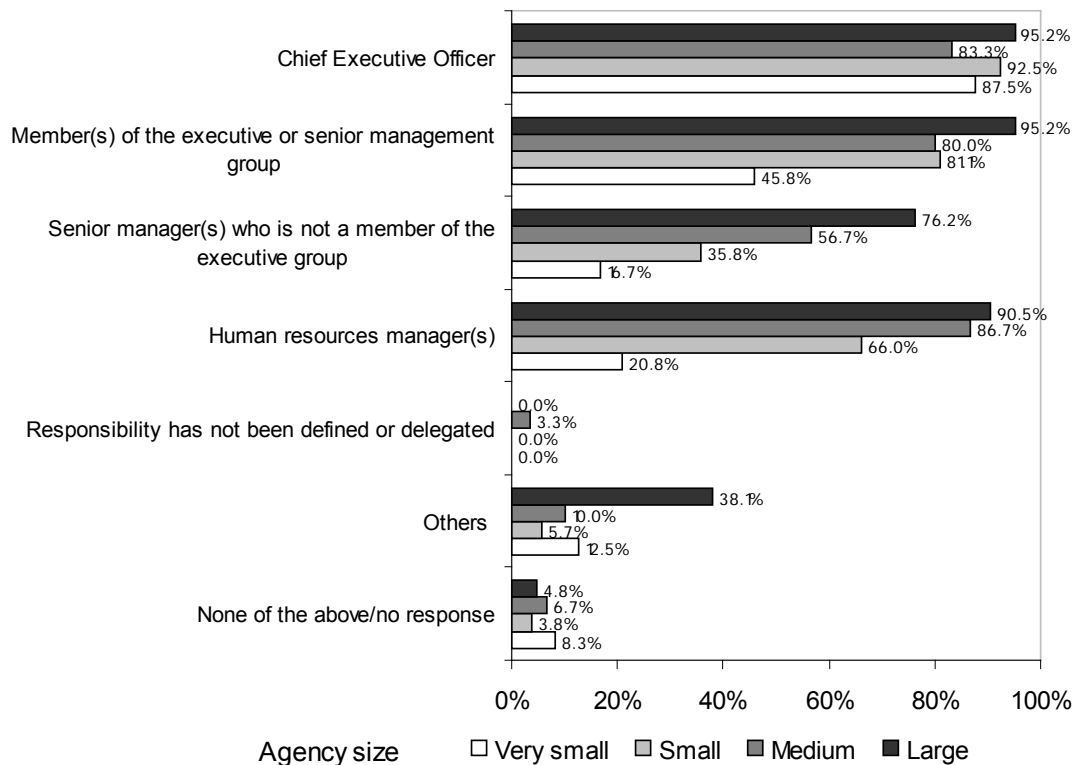
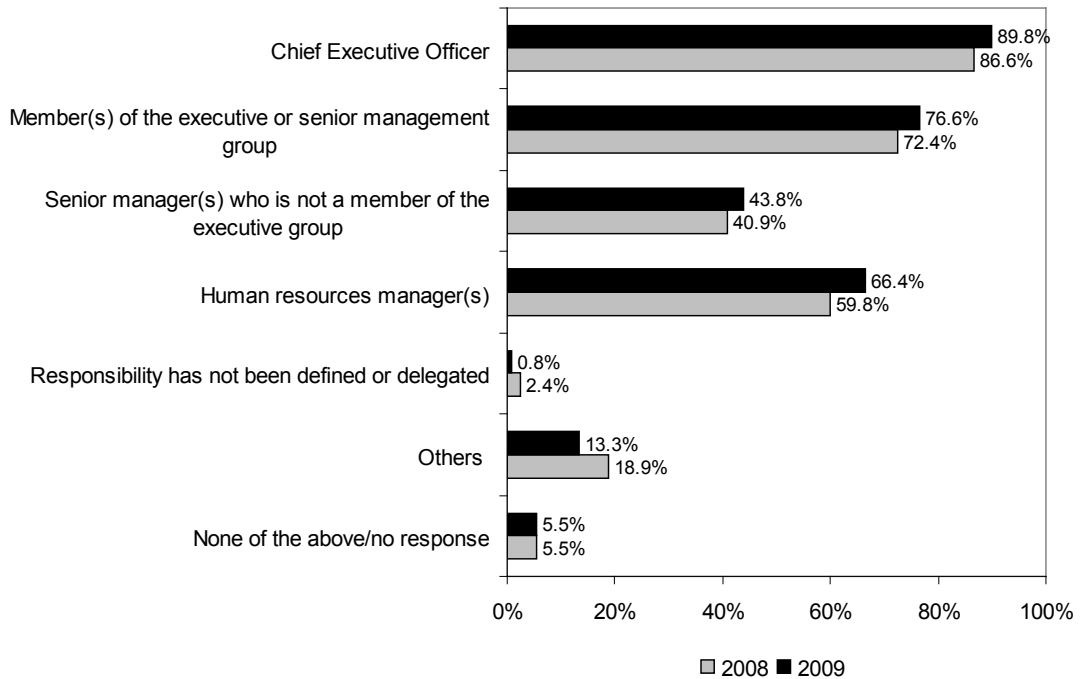
⁵ The Public Sector Workforce 2008-09 section provided by the Public Sector Commission reports 126 agencies. OPSSC did not survey the Electoral Offices or the Salaries and Allowances Tribunal in 2009. These two agencies account for the difference in the number of agencies reported.

Compliance Section I:

Section A – General principles of official conduct

Section AI – Western Australian Public Sector Code of Ethics and agency code of conduct

Within your agency, who leads and champions efforts to apply the Western Australian Public Sector Code of Ethics and your agency's code of conduct?



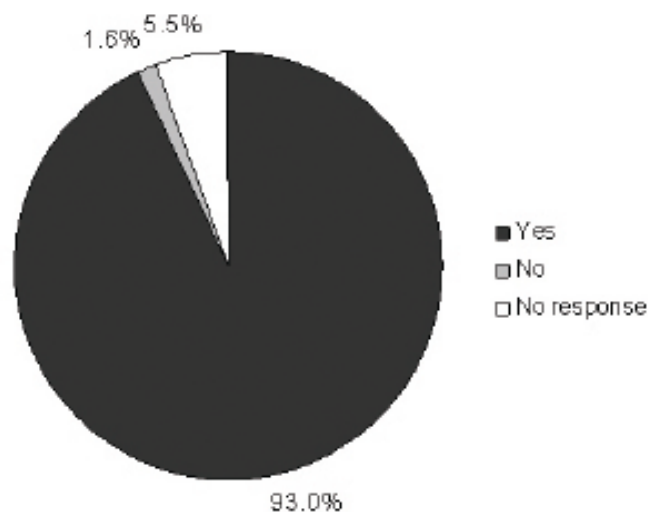
Note: Surveyed public authorities were able to choose multiple options for this question.

Public Sector Management Act 1994

In response to the question “*Within your organisation, who leads and champions efforts to apply the Public Sector Code of Ethics and your agency’s code of conduct?*” agencies responded as follows.

- 89.8% of respondents (the chief executive officer) nominated themselves.
- 76.6% nominated members of the executive or senior management group (45.8% for agencies with fewer than 20 staff).
- 43.8% nominated senior managers not within the executive group (only 16.7% for agencies with fewer than 20 staff, compared to 76.2% of the agencies with more than 1,000 staff).
- 66.4% nominated the human resources managers (20.8% for agencies with fewer than 20 staff, compared to 86.7% for agencies with between 200 and 1,000 staff and 90.5% agencies with over 1,000 staff).

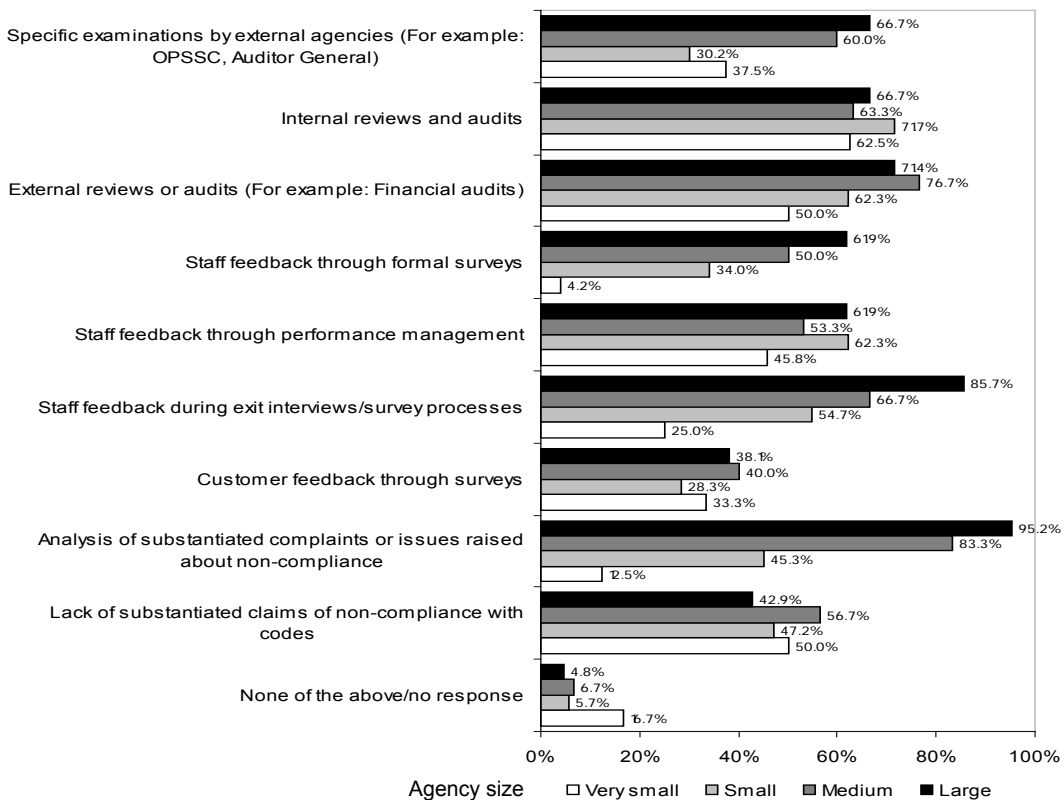
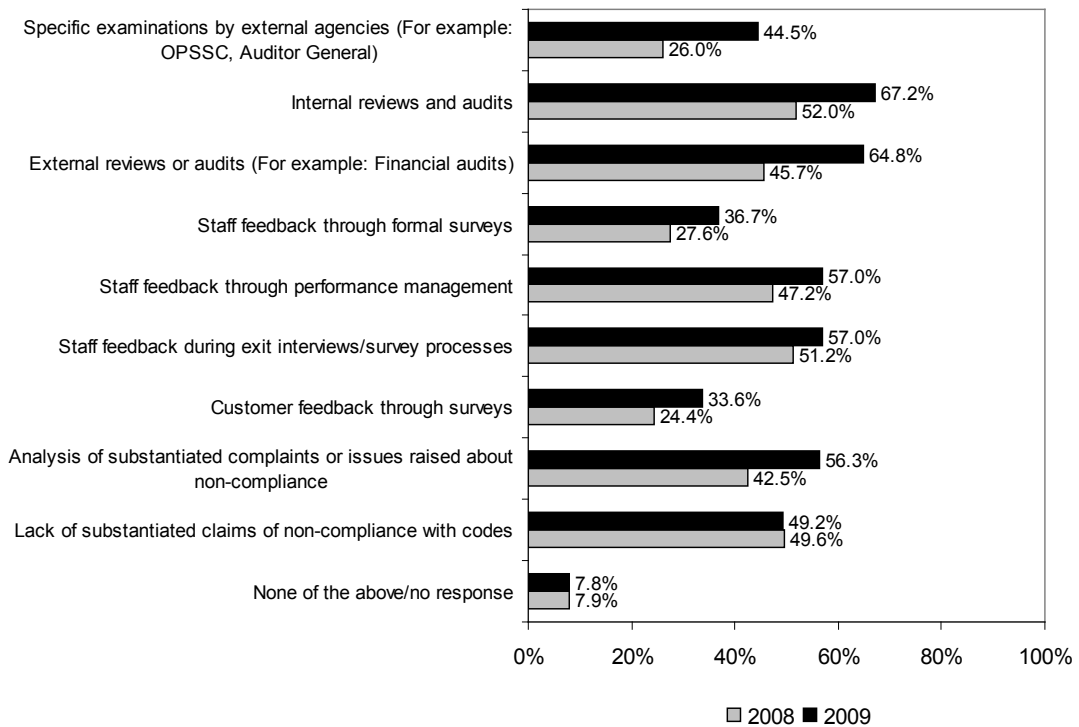
Does your agency/department/region have a code(s) of conduct?



Almost all agencies responded yes (93%) to the question “*Does your agency/department/region have a code of conduct?*” Nine agencies responded no or did not respond at all. Of these, six were Schedule 1 agencies not covered by the PSM Act, and two were boards with few employees.

Compliance Section I:

How do you assess your compliance with the Western Australian Public Sector Code of Ethics and agency code of conduct?



Note: Surveyed public authorities were able to choose multiple options for this question.

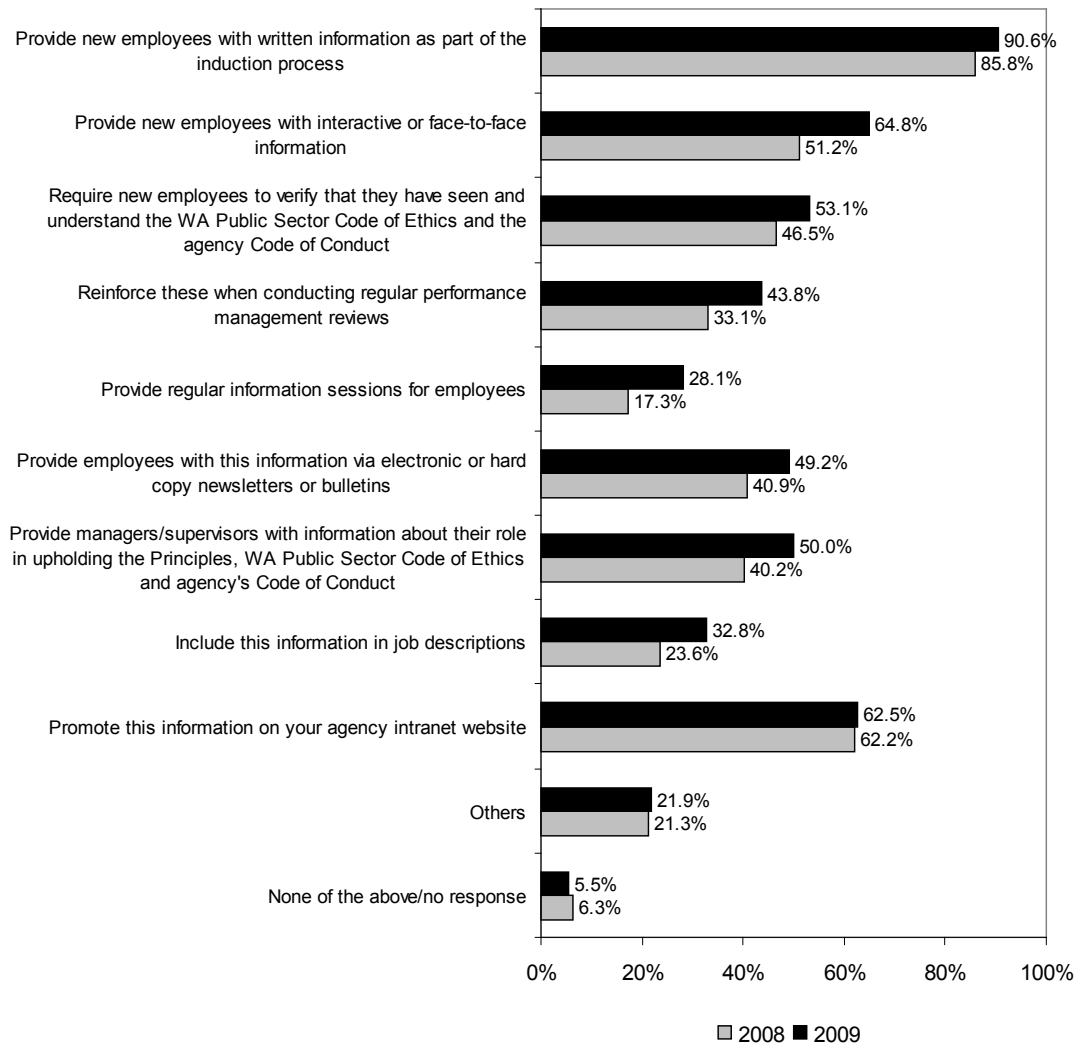
Public Sector Management Act 1994

In response to the question “*How do you assess your compliance with the Public Sector Code of Ethics and agency code of conduct, and what does your agency undertake?*” agencies responded as follows.

- 44.5% have specific examinations by external agencies in 2009, which is significantly more than for 2008 (26%) (30.2% for those with between 20 and 200 staff, compared to 66.7% for agencies with over 1,000 staff).
- 67.2% have internal reviews and audits in 2009, which is significantly more than for 2008 (52%).
- 64.8% of agencies have external reviews or audits in 2009 (for example, financial audits), which is significantly more than for 2008 (45.7%).
- 36.7% of agencies collect staff feedback through formal surveys (4.2% of agencies with fewer than 20 staff did so, compared to 50% for agencies with between 200 and 1,000 staff, rising to 61.9% of the agencies with over 1,000 staff).
- 57% of agencies collect staff feedback through performance management.
- 57% collect staff feedback during exit interviews/survey processes (25% for agencies with fewer than 20 staff).
- 33.6% of agencies collect customer feedback through surveys.
- 56.3% analyse substantiated complaints or issues raised about non-compliance (12.5% for agencies with under 20 staff, compared to 83.3% for agencies with between 200 and 1,000 staff, and 95.2% of agencies with over 1,000 staff).
- 49.2% of agencies have a lack of substantiated claims of non-compliance with codes.

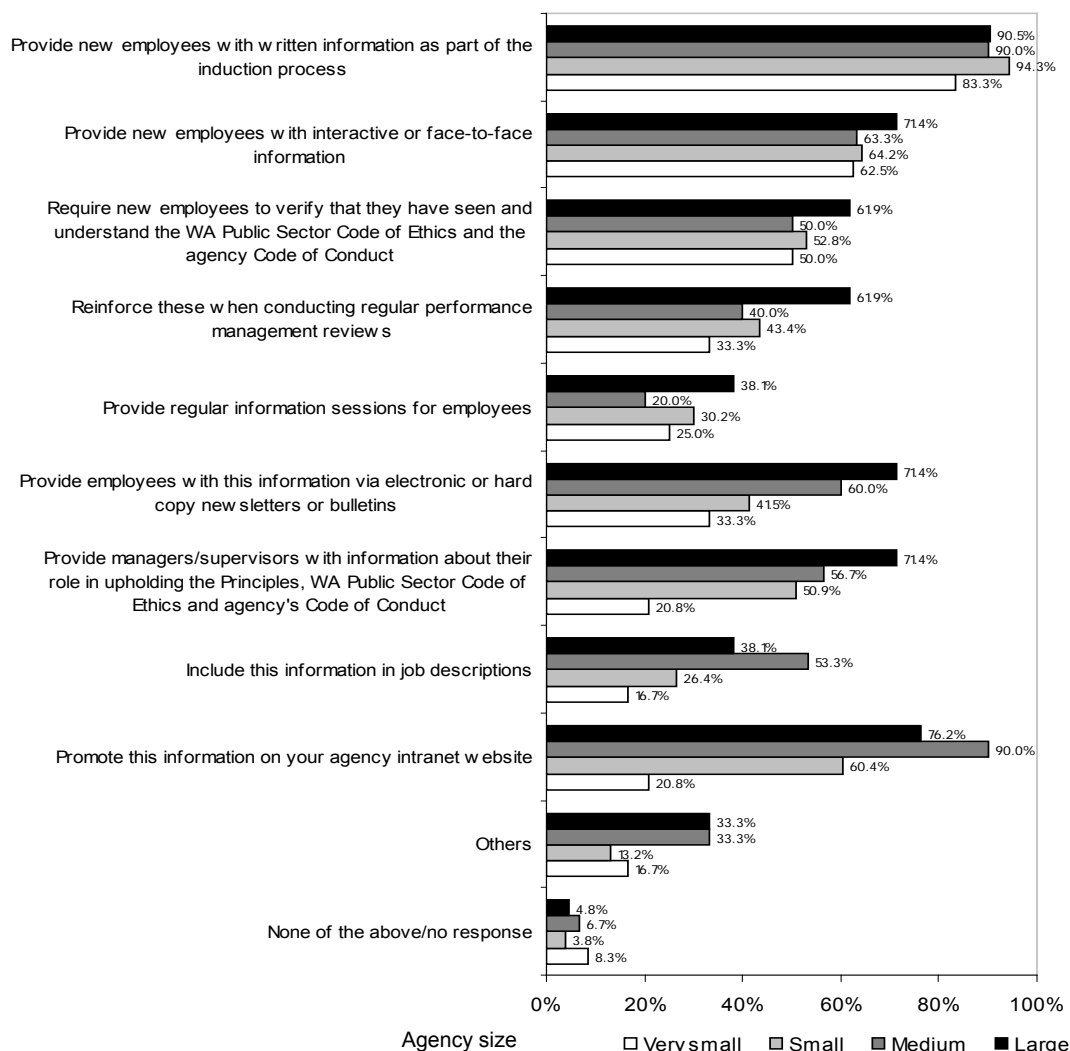
Compliance Section I:

What measures do you have in place to ensure that all employees are familiar with the Western Australian Public Sector Code of Ethics and your agency's code of conduct?



Public Sector Management Act 1994

What measures do you have in place to ensure that all employees are familiar with the Western Australian Public Sector Code of Ethics and your agency's code of conduct? (continued)



Note: Surveyed public authorities were able to choose multiple options for this question.

In response to the question “*What measures do you have in place to ensure that all employees are familiar with the Public Sector Code of Ethics and your agency's code of conduct?*” agencies responded as follows.

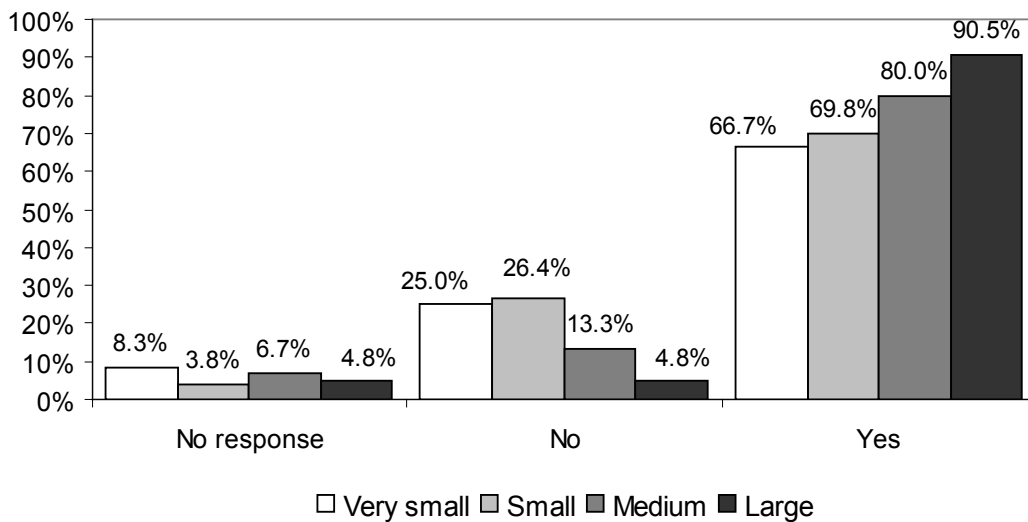
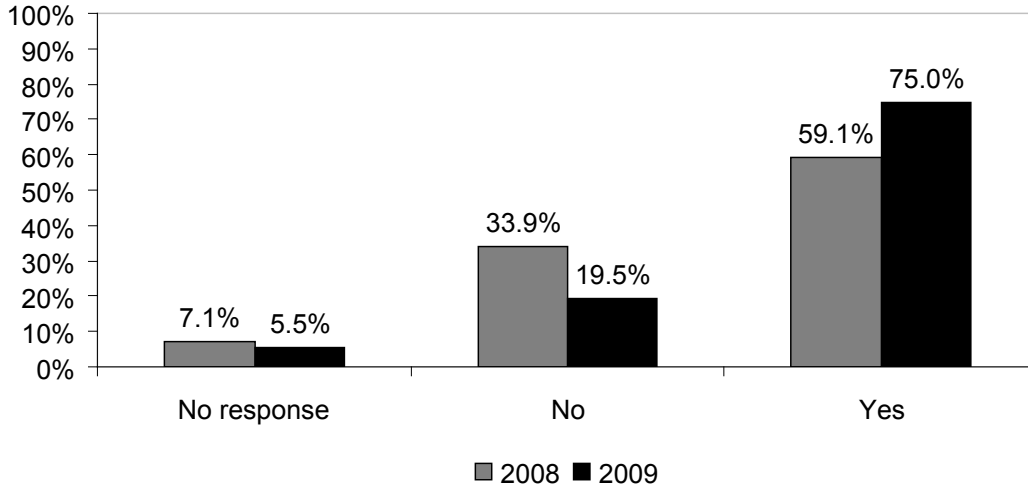
- 90.6% of agencies provide new employees with written information as part of the induction process.
- 64.8% provided new employees with interactive or face-to-face information in 2009, which was a significant improvement compared to 2008 (51.2%). (Most of these gains were for agencies with fewer than 20 staff, which increased from 35.5% in 2008 to 62.5% in 2009.)

Compliance Section I:

- 53.1% require new employees to verify that they have seen and have understood the code of ethics and their agency code of conduct.
- 43.8% reinforce these when conducting regular performance management reviews.
- 28.1% provided regular information sessions for employees in 2009, which is a significant increase compared to 2008 (17.3%). (The increases mostly occurred in larger agencies – up from 9.4% to 20% for agencies with between 200 and 1,000 staff, and up from 26.9% 38.1% for those with over 1,000 staff.)
- 49.2% provide employees with this information via electronic or hard copy newsletters or bulletins (33.3% for agencies with less than 20 staff, compared to 71.4% for agencies with over 1,000 staff).
- 50% provide managers/supervisors with information about their role in upholding the principles, code of ethics and agency code of conduct (20.8% for agencies with fewer than 20 staff, compared to 71.4% of agencies with over 1,000 staff).
- 32.8% include this information in job descriptions (16.7% for agencies with fewer than 20 staff, compared to 53.3% of agencies with between 200 and 1,000 staff).
- 62.5% promote this information on their intranet site (20.8% for agencies with fewer than 20 staff and 90% for agencies with between 200 and 1,000 staff).

Public Sector Management Act 1994

Does your agency provide managers/supervisors and employees with information and/or training sessions about potential ethical conduct problems which may arise in the workplace?



In response to the question “Does your agency provide managers/supervisors and employees with information and/or training sessions about potential ethical conduct problems which may arise in the workplace?”, 75% responded yes in 2009 and 19.5% responded no. These responses show a significant improvement compared to 2008, where they were 59% and 34% respectively.

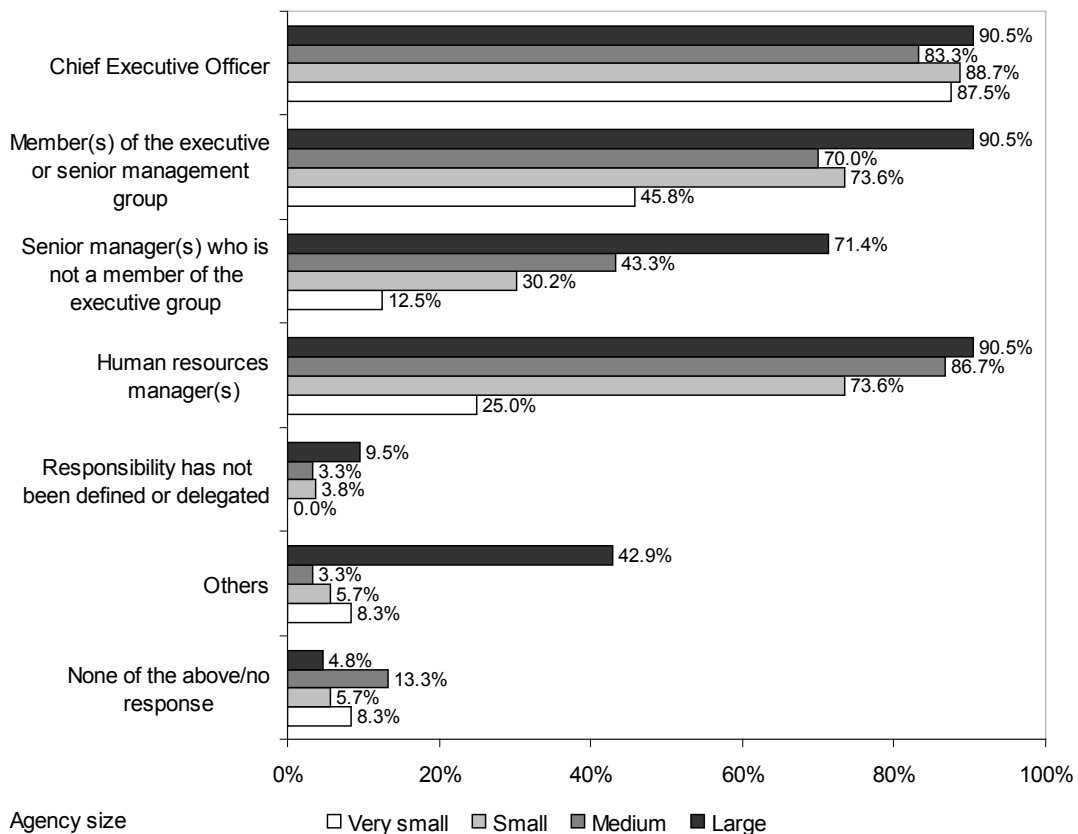
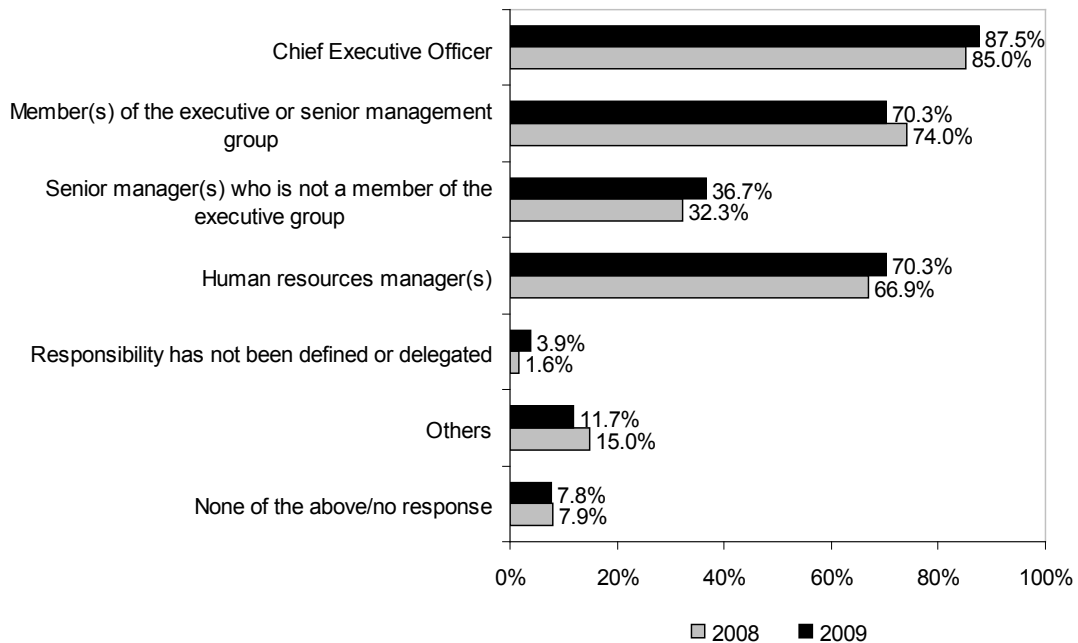
The figure showing the responses by agency size categories highlights that larger agencies responded more positively to this question.

Compliance Section I:

Section B - Public sector standards in human resource management

BI: Public sector standards – General

Within your agency, who leads and champions efforts to apply the public sector standards in human resources management?



Note: Surveyed public authorities were able to choose multiple options for this question.

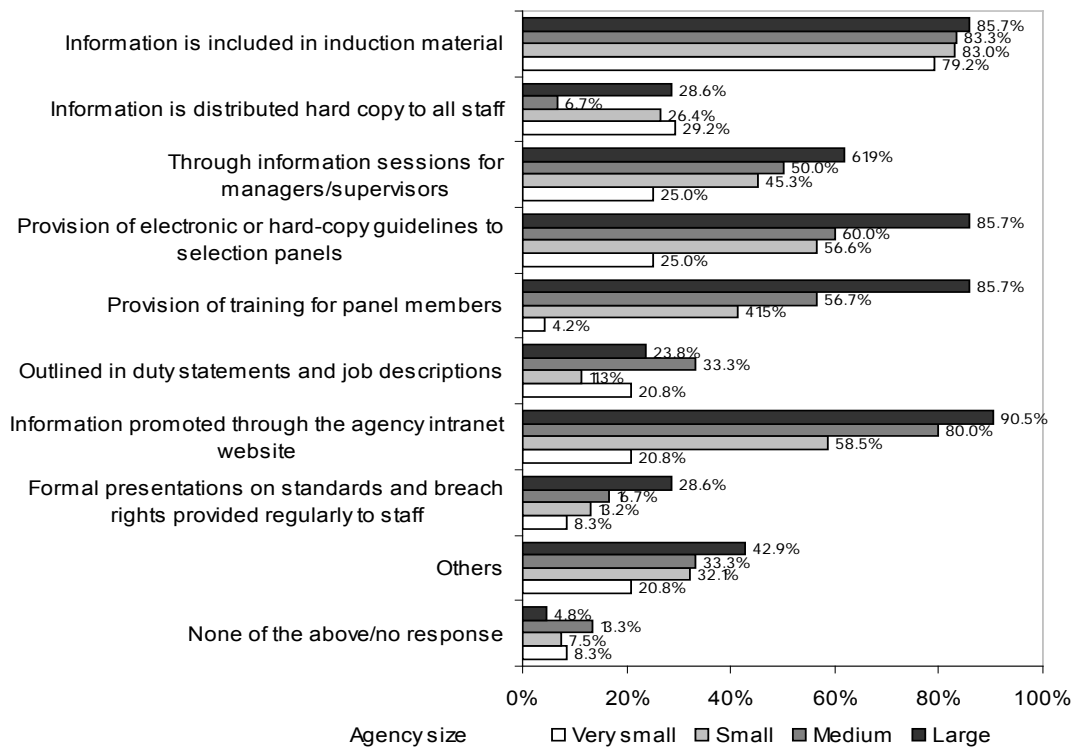
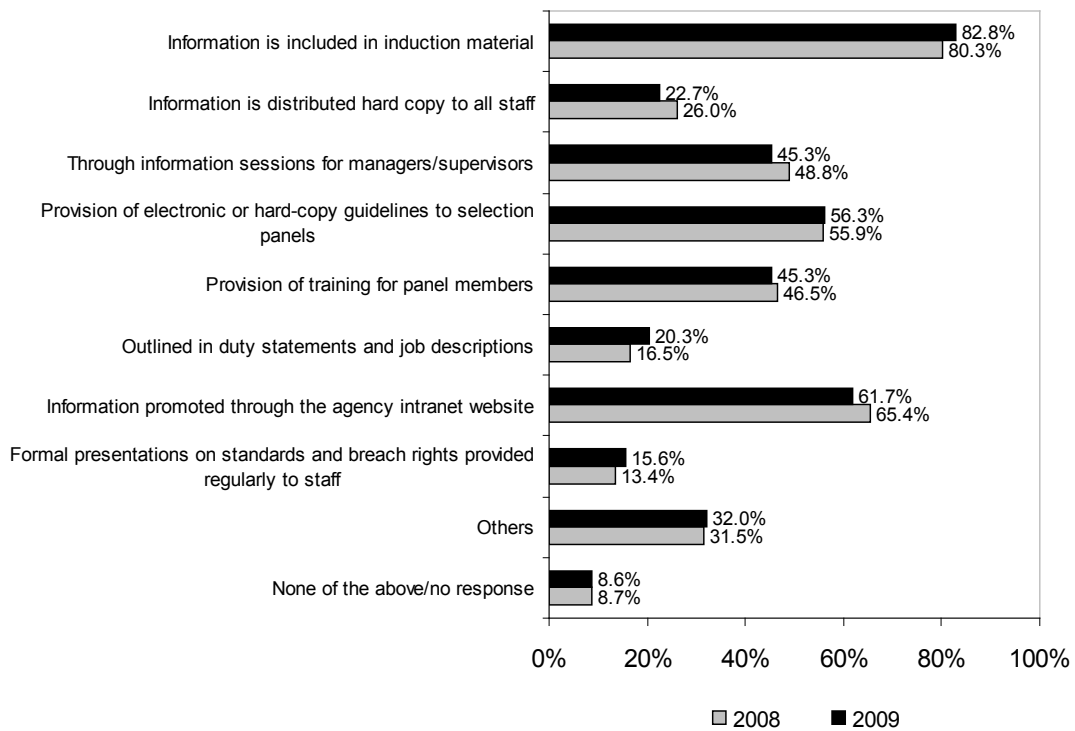
Public Sector Management Act 1994

In response to the question “*Within your organisation, who leads and champions efforts to apply the public sector standards in human resource management and official conduct?*” agencies responded as follows.

- 87.5% of agencies said the chief executive officer was responsible.
- 70.3% said it was the responsibility of member(s) of the executive or senior management group (45.8% for agencies with fewer than 20 staff believed this to be the case).
- 36.7% of agencies reported that the duty lies with senior manager(s) not in the executive group (71.4% for agencies with more than 1,000 staff).
- 70.3% of agencies said it was the responsibility of the human resources manager (while this was the view of 90.5% of the agencies with over 1,000 staff).

Compliance Section I:

How do you ensure your employees are aware of the public sector standards in human resource management?



Note. Surveyed public authorities were able to choose multiple options for this question.

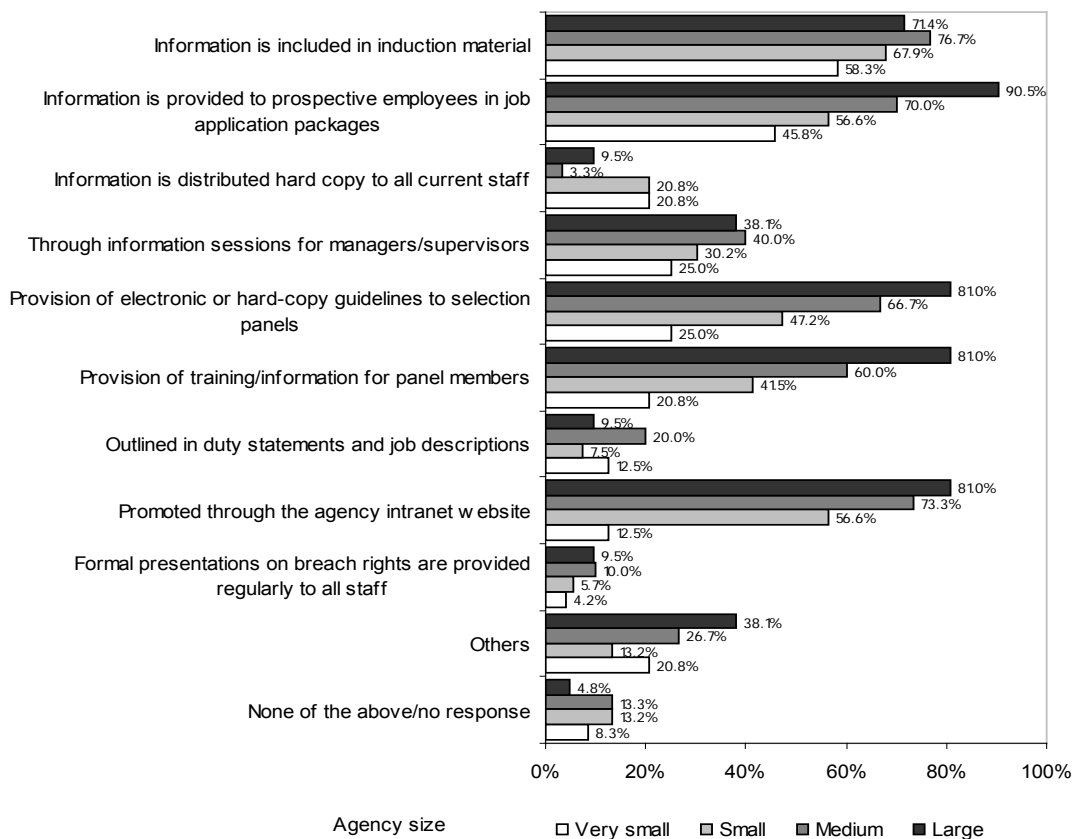
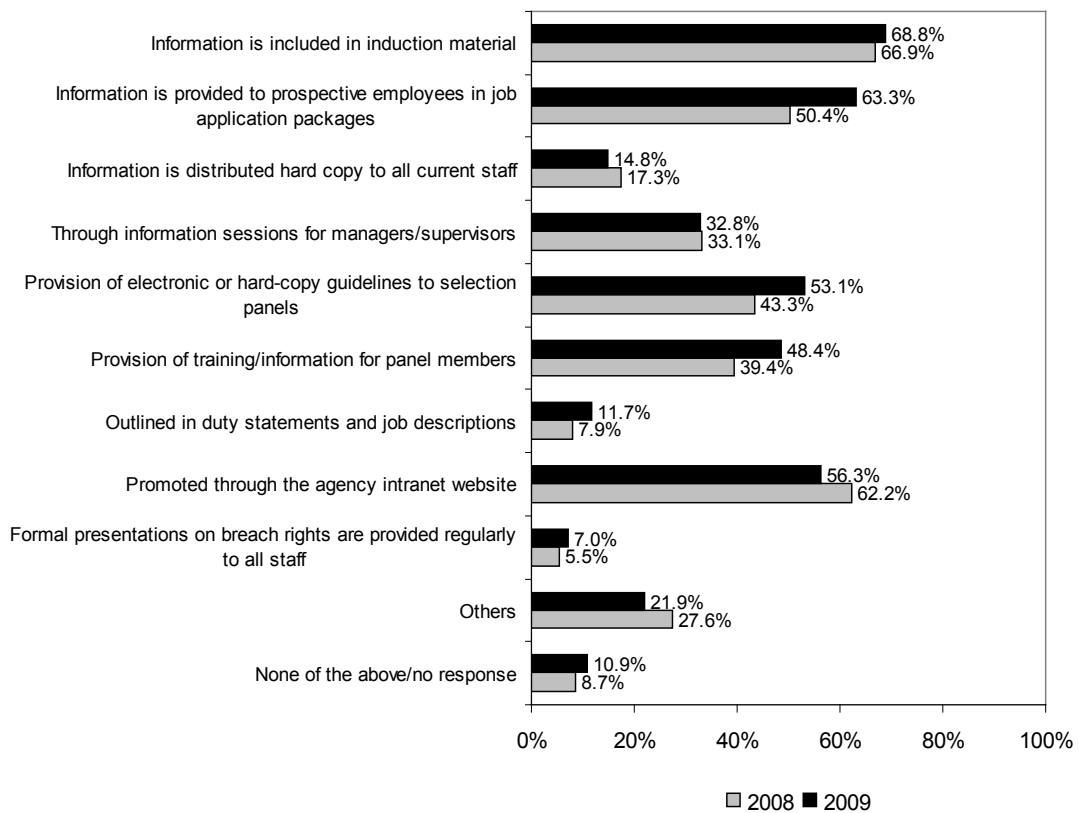
Public Sector Management Act 1994

In response to the question “*How do you ensure your employees are aware of the human resource management standards (for example, Recruitment, Selection and Appointment; Acting, Grievance Resolution and Performance Management Standards)?*” agencies responded as follows.

- 82.8% included the information on their induction material.
- 22.7% distributed a hard copy of the information to all staff.
- Overall 45.3% held information sessions for managers/supervisors (61.9% for agencies with over 1,000 staff).
- 56.3% provided electronic or hard copy guidelines to selection panels (25% for agencies with under 20 staff, compared to 85.7% for agencies with over 1,000 staff).
- 45.3% provided training for panel members (4.2% for agencies with under 20 staff, compared to 85.7% for agencies with over 1,000 staff).
- 20.3% of the overall sample outlined the standards in their duty statements and job descriptions.
- 61.7% of agencies promoted the information through their intranet site (90.5% for agencies with over 1,000 staff).
- 15.6% held regular formal presentations for all staff on standards and breach rights.

Compliance Section I:

How do you ensure your employees are aware of courses of action available if they believe a breach of standard may have occurred?



Note: Surveyed public authorities were able to choose multiple options for this question.

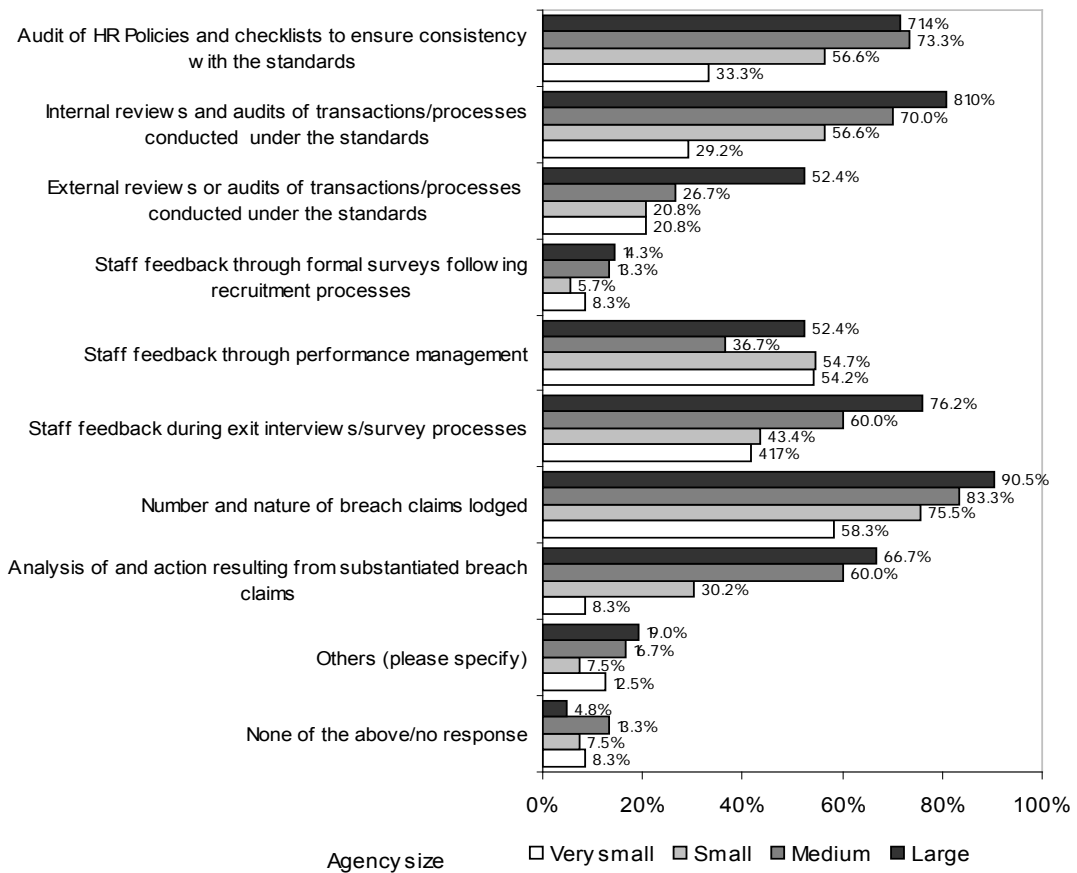
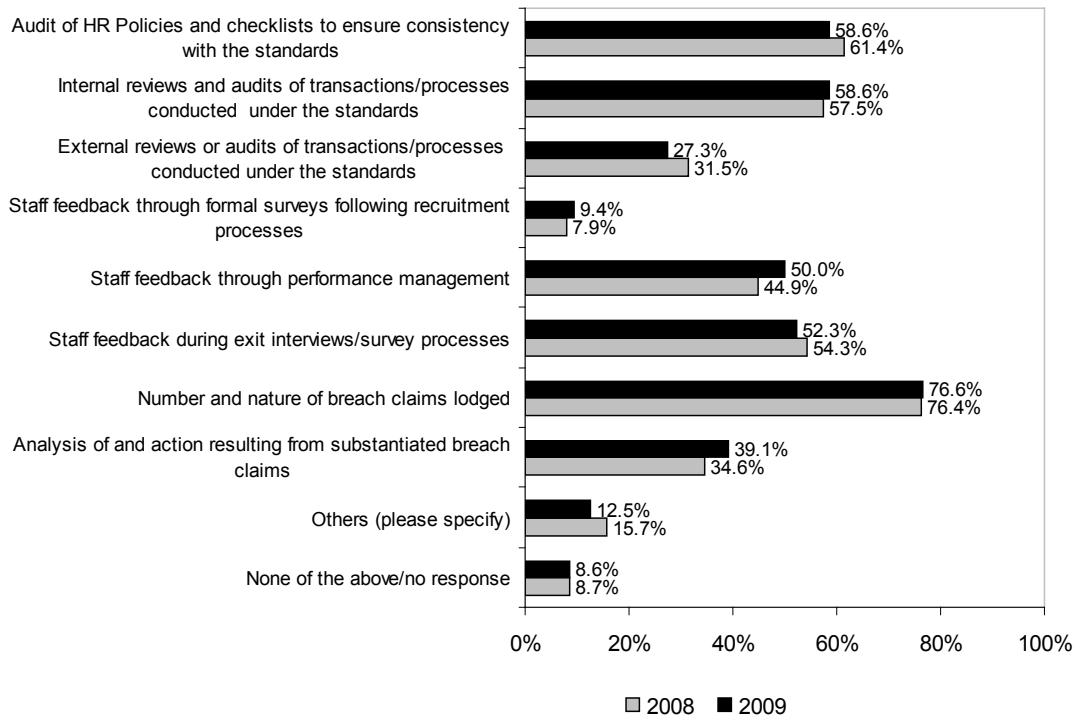
Public Sector Management Act 1994

In response to the question “*How do you ensure your employees (current or prospective) are aware of courses of action available if they believe a breach of standard may have occurred?*” agencies responded as follows.

- 68.8% included the information on their induction material (76.7% for agencies with between 200 and 1,000 staff).
- 63.3% provided information to prospective employees in job application packages in 2009, which is significantly more compared to 2008 (50.4%) (45.8% for agencies with fewer than 20 staff, compared to 90.5% for agencies with over 1,000 staff).
- 14.8% distributed a hard copy to all current staff (3.3% for agencies with between 200 and 1,000 staff, compared to 20.8% with less than 20 staff).
- 32.8% held information sessions for managers/supervisors.
- 53.1% provided electronic or hard copy guidelines to selection panels (81% for agencies with more than 1,000 staff, compared to 25% for agencies with fewer than 20 staff).
- 48.4% provided training/information for panel members (20.8% for agencies with fewer than 20 staff, compared to 81% for agencies with over 1,000 staff).
- 11.7% outlined these courses of action in duty statements and job descriptions.
- 56.3% promoted these courses of action through the agency’s intranet (12.5% for agencies with less than 20 staff, compared to 81% for agencies with more than 1,000 staff).
- 7% held formal presentations on breach rights regularly to all staff.

Compliance Section I:

How do you monitor your compliance with the public sector standards in human resource management?



Note: Surveyed public authorities were able to choose multiple options for this question.

Public Sector Management Act 1994

In response to the question “*How do you monitor your compliance with the human resource management standards (for example, Recruitment, Selection and Appointment; Acting, Grievance Resolution and Performance Management Standards)?*” agencies responded as follows.

- 58.6% audited their human resource management policies and checklists to ensure consistency with the standards (33.3% for agencies with fewer than 20 staff, compared to 73.3% for agencies with between 200 and 1,000 staff).
- 58.6% conducted internal reviews and audits of transactions/processes conducted under the standards (29.2% for agencies with fewer than 20 staff, compared to 81% for agencies with more than 1,000 staff).
- 27.3% conducted external reviews and audits of transactions/processes conducted under the standards (20.8% for agencies with fewer than 200 staff, compared to 52.4% for those with more than 1,000 staff).
- 9.4% took staff feedback through formal surveys following recruitment processes.
- 50% took staff feedback through performance management.
- 52.3% took staff feedback during exit interviews/survey processes (less than 44% for all agencies with less than 200 staff, compared to 76.2% for agencies with over 1,000 staff).
- 76.6% of agencies overall recorded the number and nature of breach claims lodged (58.3% for agencies with fewer than 20 staff, compared to 90.5% for agencies with more than 1,000 staff).
- 39.1% analysed substantiated breach claims and the agency’s action resulting from them (8.3% for agencies with fewer than 20 staff, compared to 66.7% for agencies with over 1,000 staff).

Compliance Section I:

Section B2 - Public sector standards: Discipline

Reporting of misconduct is a government requirement outlined in the Annual Report Framework issued by the Public Sector Commission. Agencies are also required to report on the measures they are taking to reduce the risk of misconduct. Section B2 of the Annual Agency Survey was developed to assist agencies with the reporting of misconduct and breaches of discipline.

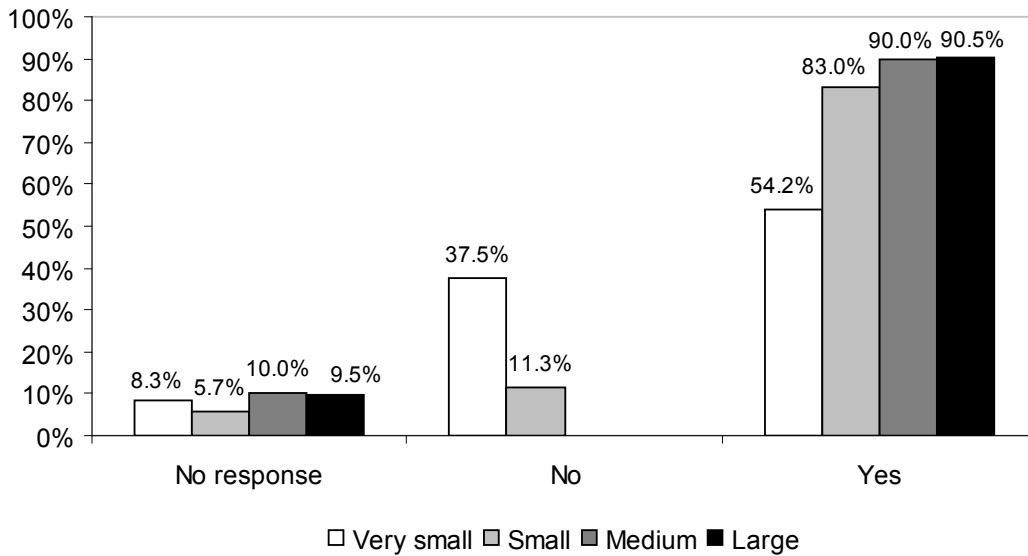
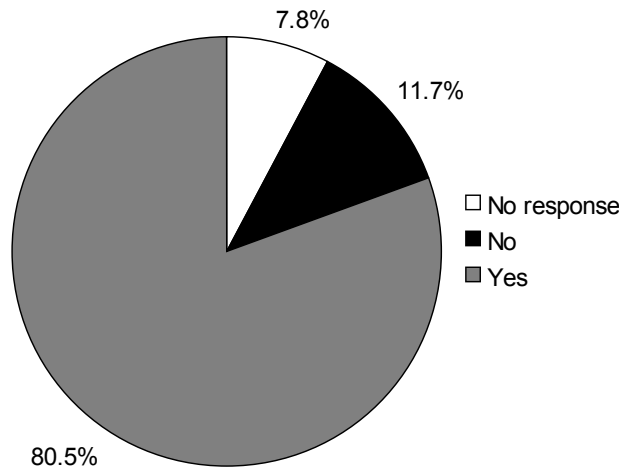
In accordance with s.80 of the PSM Act, where an employee:

- disregards a lawful order;
- contravenes the PSM Act, the code of ethics or a public sector standard;
- commits misconduct;
- is negligent or careless in performance of functions; or
- commits an act of victimisation in connection with the PID Act,

then they are deemed to have committed a breach of discipline. Chief executive officers should address this through Division 3 of the PSM Act.

Public Sector Management Act 1994

Does your agency have documented processes for managing misconduct in the workplace?



When agencies were asked the question “*Does your agency have documented processes for managing misconduct in the workplace?*”, 80.5% of agencies have documented processes for managing misconduct in the workplace (only 54.2% of agencies with less than 20 staff did so).

Compliance Section I:

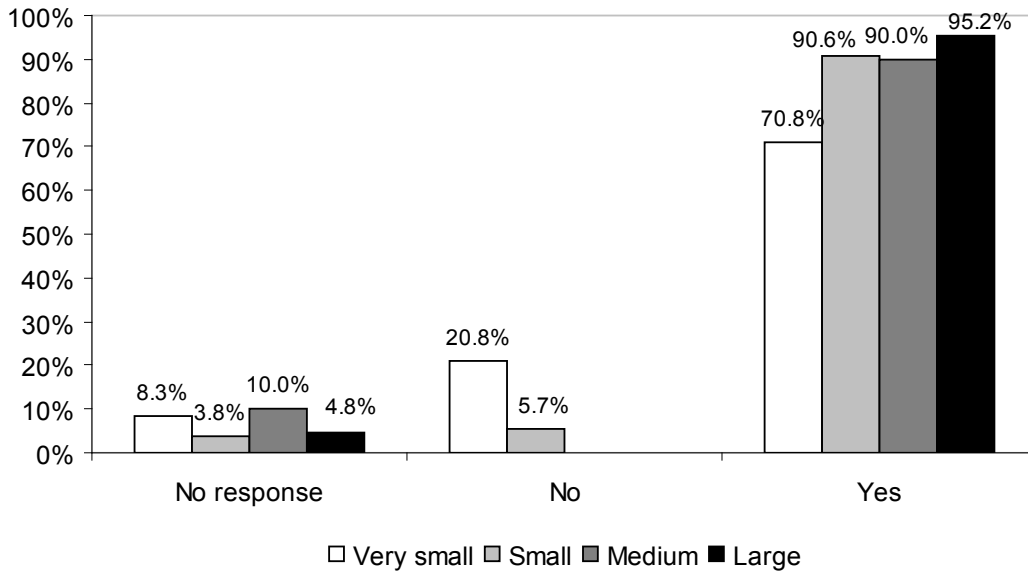
Number of cases of misconduct followed up as a potential breach of discipline under the Public Sector Management Act 1994 and the Corruption and Crime Commission Act 2003.

Last year OPSSC suspected that data on disciplinary processes reported through the Annual Agency Survey was an under representation (n = 687). In 2008-09 changes were made to the way the survey requested the information and agencies were asked to differentiate between minor breaches of discipline under s.80 of the PSM Act and serious breaches of discipline reported to the Corruption and Crime Commission (CCC). Data for the latter was provided independently by the CCC to OPSSC. As a result public sector agencies and authorities reported a total of 1,381 potential breaches of discipline.

- 0.44% of public sector employees (706), or one in every 225, was subject to disciplinary processes during the year for minor misconduct. Two hundred and nine (209) disciplinary processes were completed during the year.
- CCC data shows that in addition to the discipline cases detailed above, 0.72% of public sector employees (1,132), or 1 in every 140, was subject to disciplinary processes during the year for serious misconduct.

Section B3 - Public sector standards: Grievance resolution processes

Does your agency have processes or guidelines to assist employees to resolve grievances informally as well as a formal internal grievance resolution system?

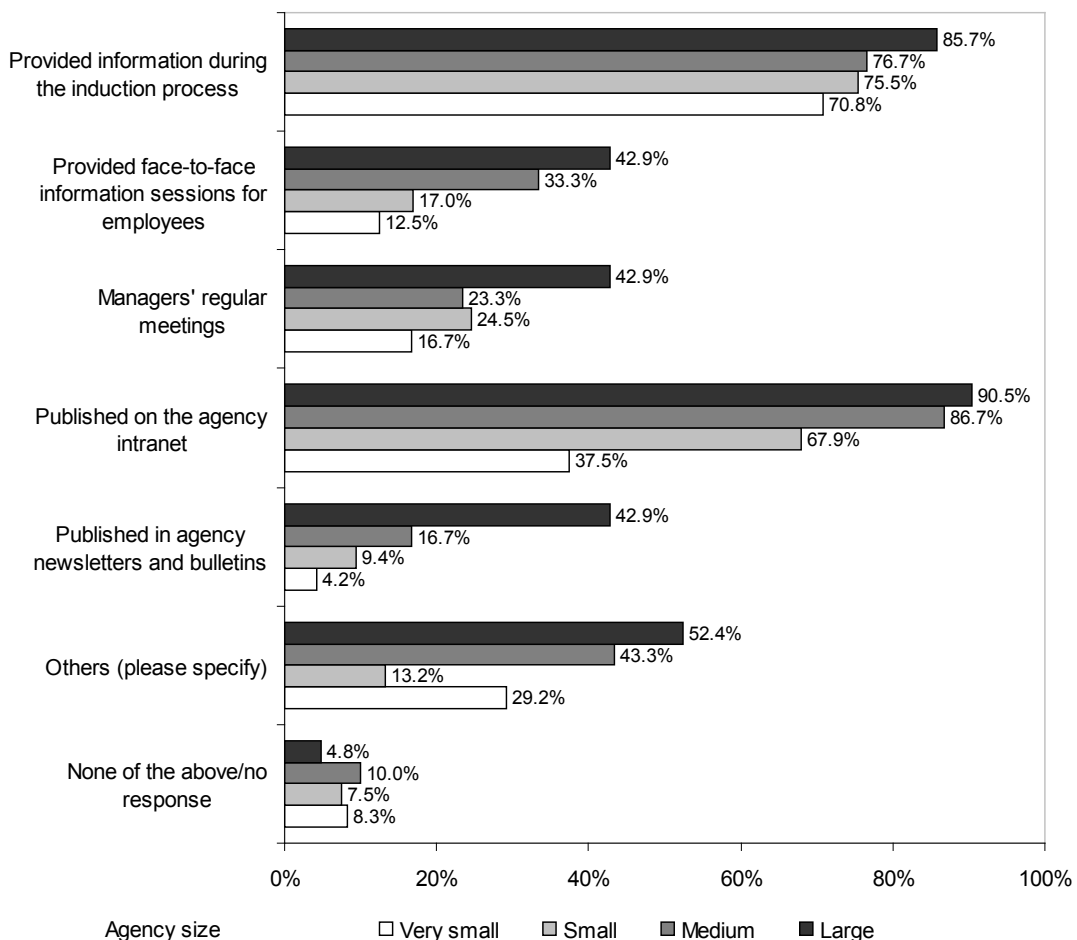
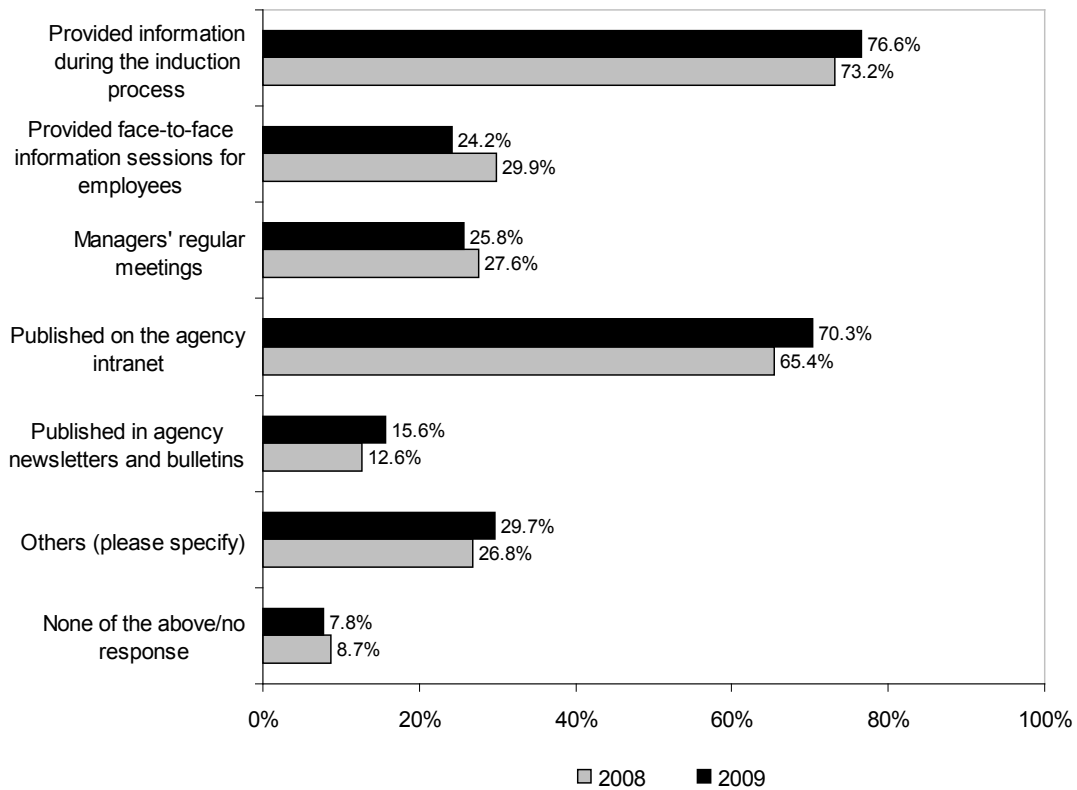


Almost all public sector agencies and authorities have processes or guidelines to assist employees to resolve grievances informally (91.4%) as well as clearly documented formal internal grievance resolution systems (87.5%).

- Agencies with less than 20 staff were less likely to have formal internal grievance resolution systems in place.

Compliance Section I:

What activities has your agency undertaken during the reporting period to inform employees of the Grievance Resolution Standard and formal internal grievance resolution procedures?



Public Sector Management Act 1994

In response to the question “*What activities has your agency undertaken during the reporting period to inform employees of the Grievance Resolution Standard and formal internal grievance resolution procedures?*” agencies responded as follows.

- 76.6% included the information in their induction material.
- 24.2% provided face to face information sessions for employees (42.9% for agencies with over 1,000 staff).
- 25.8% provided information at managers’ regular meetings.
- 70.3% published information on the agency’s intranet (37.5% for agencies with less than 20 staff, compared to 90.5% for agencies with more than 1,000 staff).
- 15.6% published information in agency newsletters and bulletins (42.9% for agencies with more than 1,000 staff).

Formal internal grievances underway and completed by agencies in 2008-09

The number of formal internal grievances underway and completed by agencies in 2008-09 included:

- 42 cases carried over from 2007-08;
- 250 new cases underway in 2008-09; and
- 216 cases completed in 2008-09.

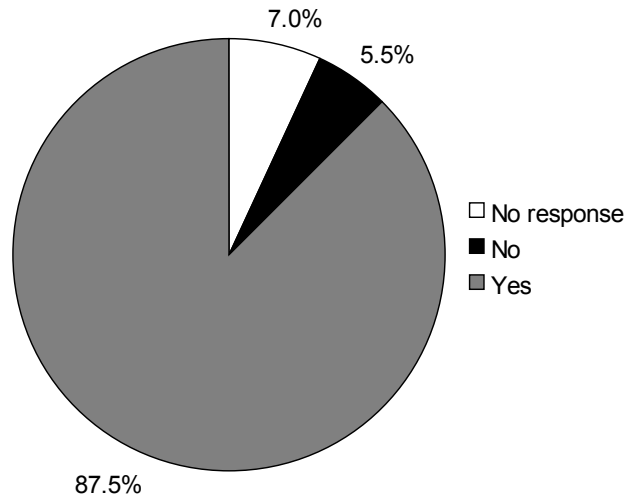
Of the formal internal grievance investigations completed in 2008-09:

- 142 were resolved to the satisfaction of the complainant; and
- in all there were 140 completed cases (65%) where all parties were satisfied with the processes used to examine the grievance.

Compliance Section I:

Section B4 - Public sector standards - Performance management

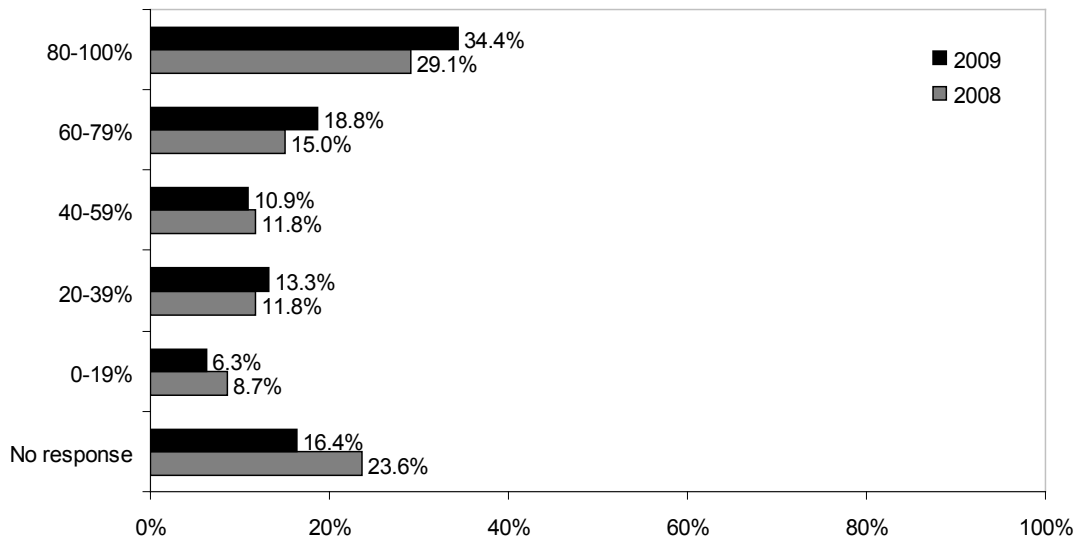
Does your agency currently have an operational performance management system or systems covering permanent employees and contracted employees with contracts greater than 12 months?



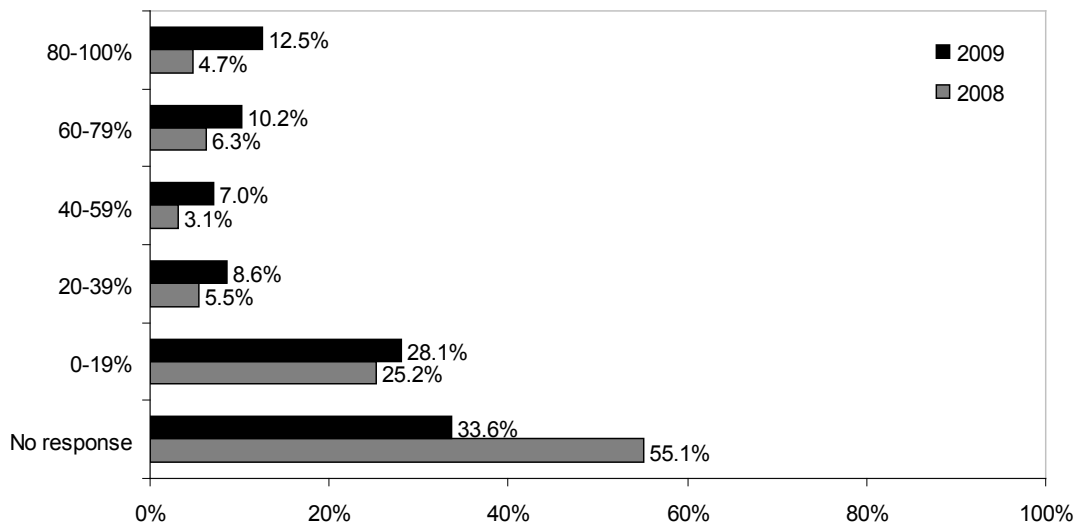
In response to the question "Does your agency have an operational performance management system or systems covering permanent employees and contracted employees with contracts greater than 12 months?", 87.5% of agencies had a system in place in 2009.

Public Sector Management Act 1994

Percentage of staff participating in at least one performance management process



Percentage of staff participating in at least two performance management processes



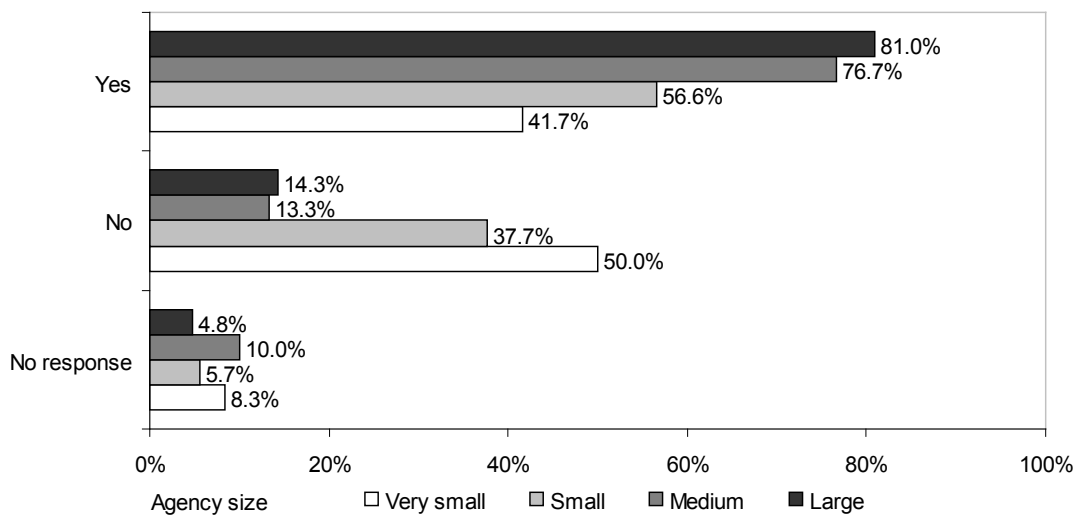
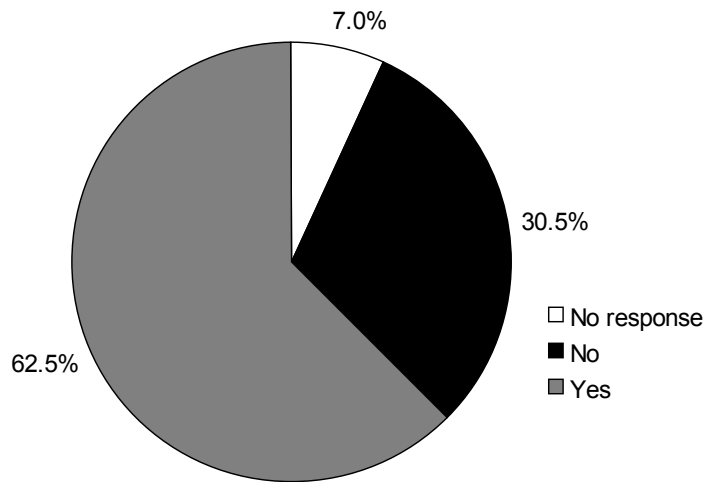
Despite a high proportion of agencies having performance management systems in place, there seems to be a general lack of commitment within agencies with respect to fully implementing and following through with the performance management process.

Fewer than 35% of agencies indicated that they had conducted at least one performance management process with 80-100% of staff, although this was slightly higher than reported last year (29.1%). Responses to this question were also analysed based on agency size. Significantly more small agencies (45.3%), compared to medium sized agencies, had conducted at least one performance management process with 80-100% of staff.

As few as 12.5% of all agencies had completed two performance management processes with 80-100% of staff, however, this was a significant improvement compared to the previous year (4.7%).

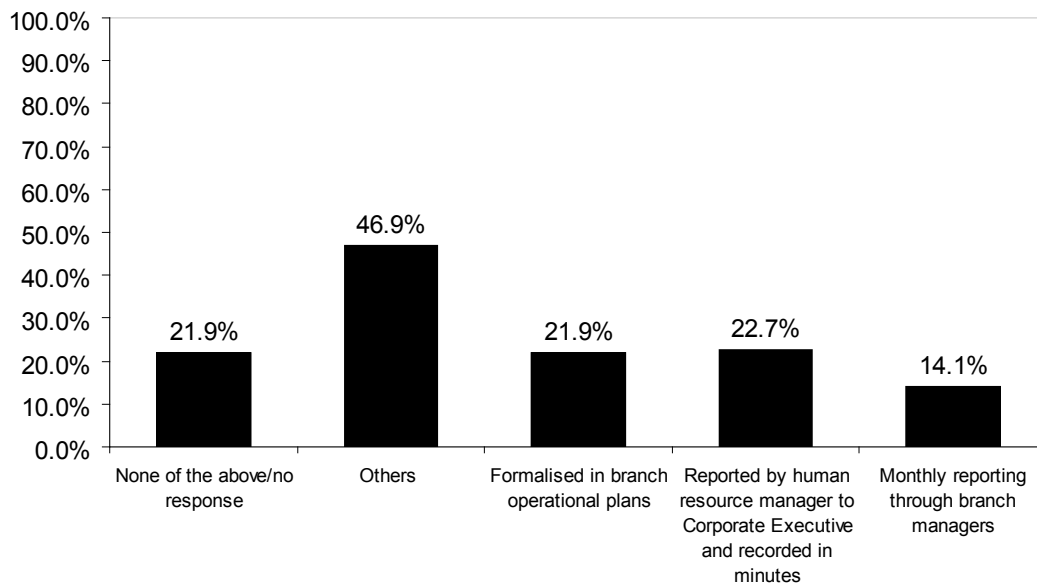
Compliance Section I:

Is your agency considering improving its performance management system?



Public Sector Management Act 1994

How do you monitor whether formal performance management meetings between supervisors and their staff are being undertaken?

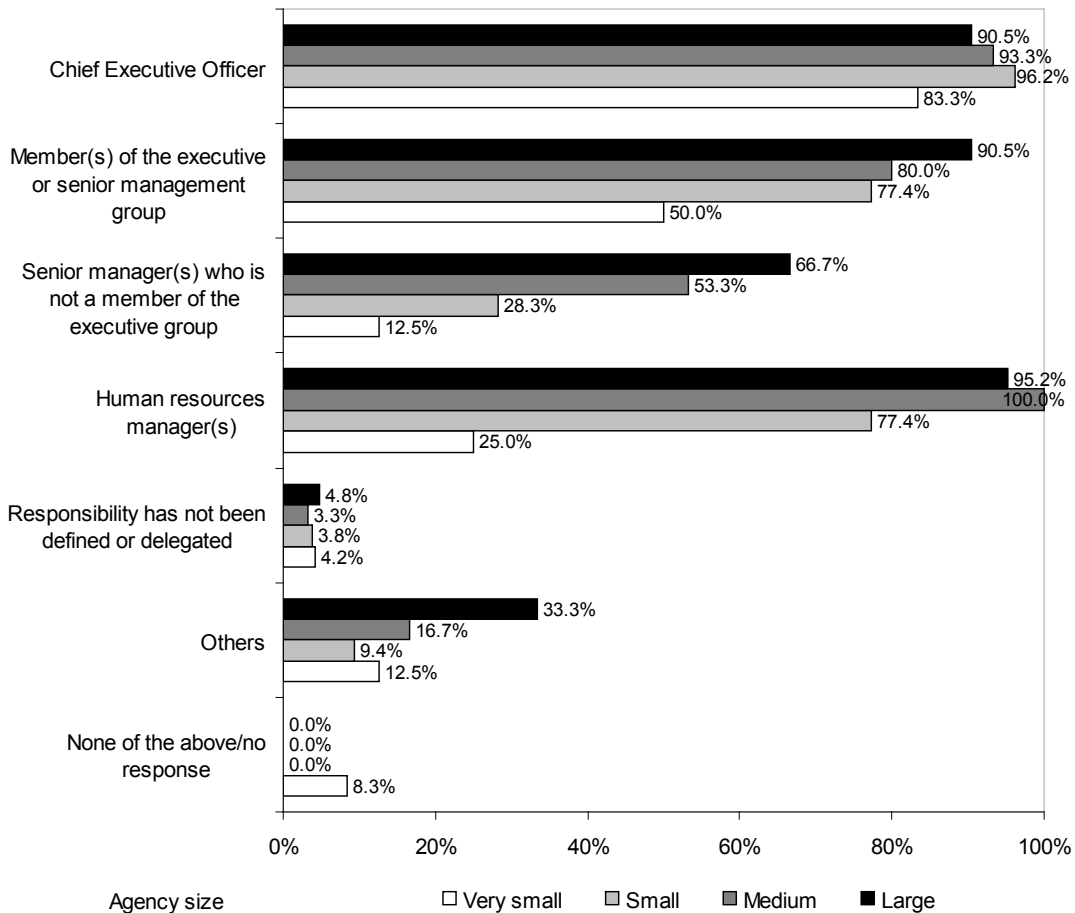
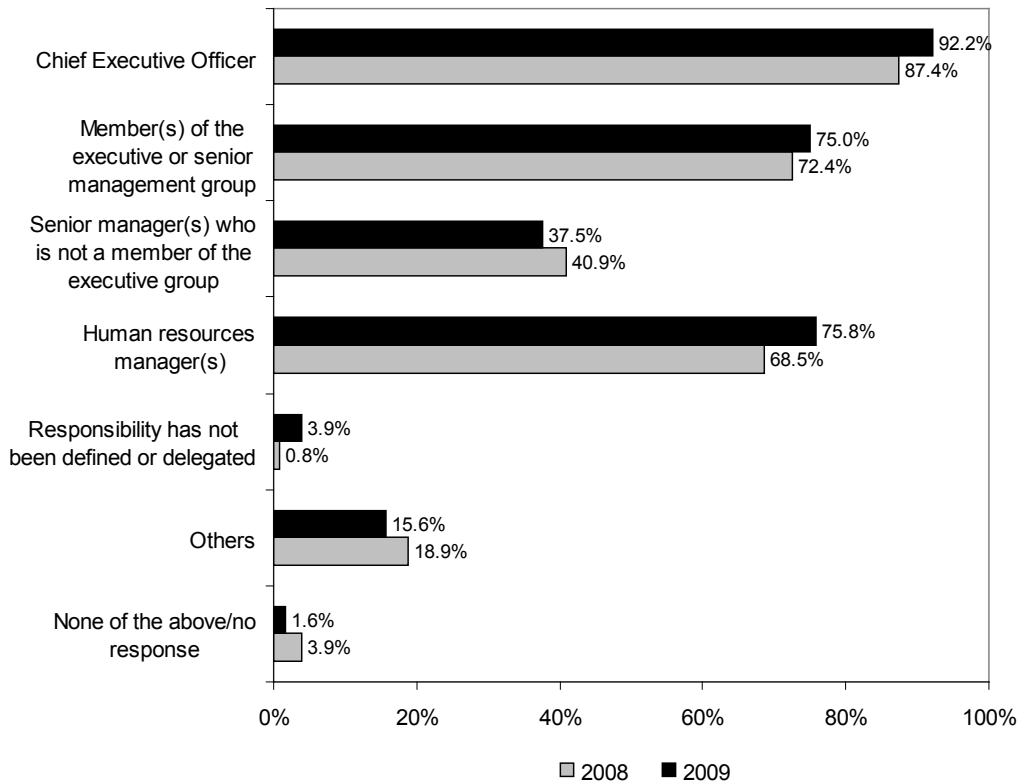


The figures on page 56 show that more than 60% of agencies are planning to improve their performance management systems in the future (81% of large agencies). This will hopefully translate into higher participation rates with respect to individuals attending one or more performance management processes in the near future. Improvements to systems should include appropriate monitoring methods.

Compliance Section I:

Section C – Equal employment opportunity and workplace flexibility

Within your agency, who leads and champions efforts to apply Part IX of the Equal Opportunity Act 1984?



Note: Surveyed public authorities were able to choose multiple options for this question.

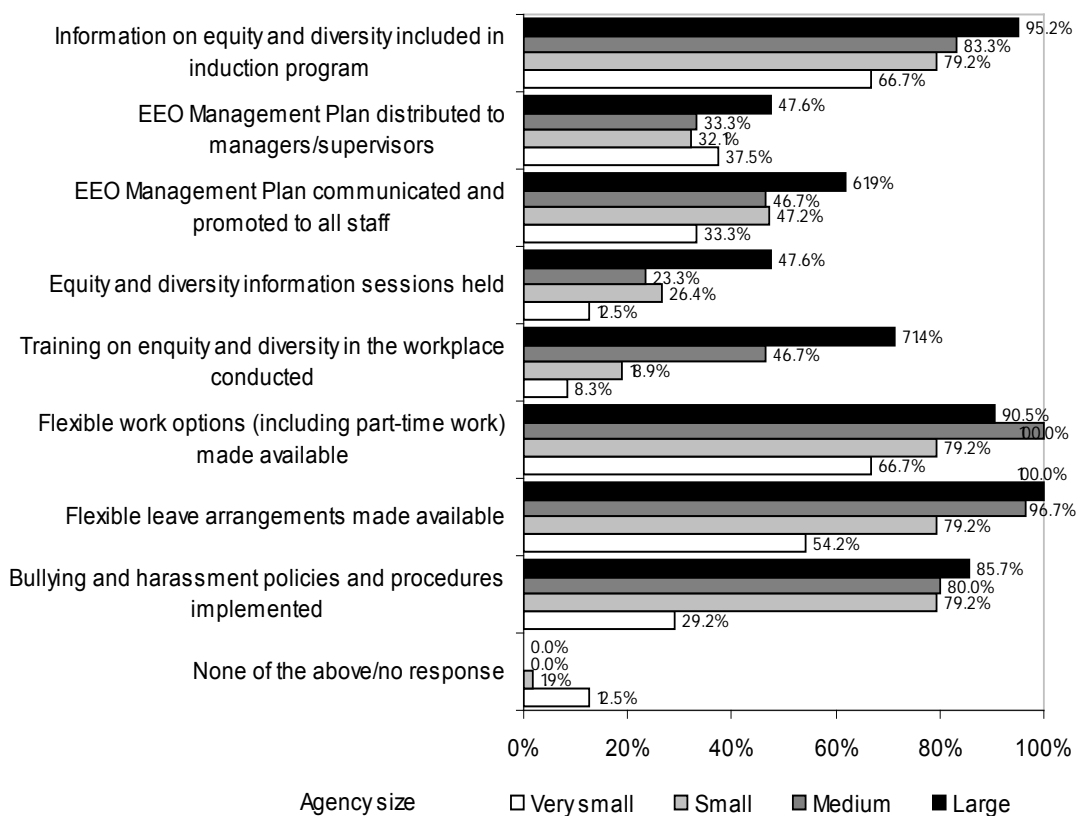
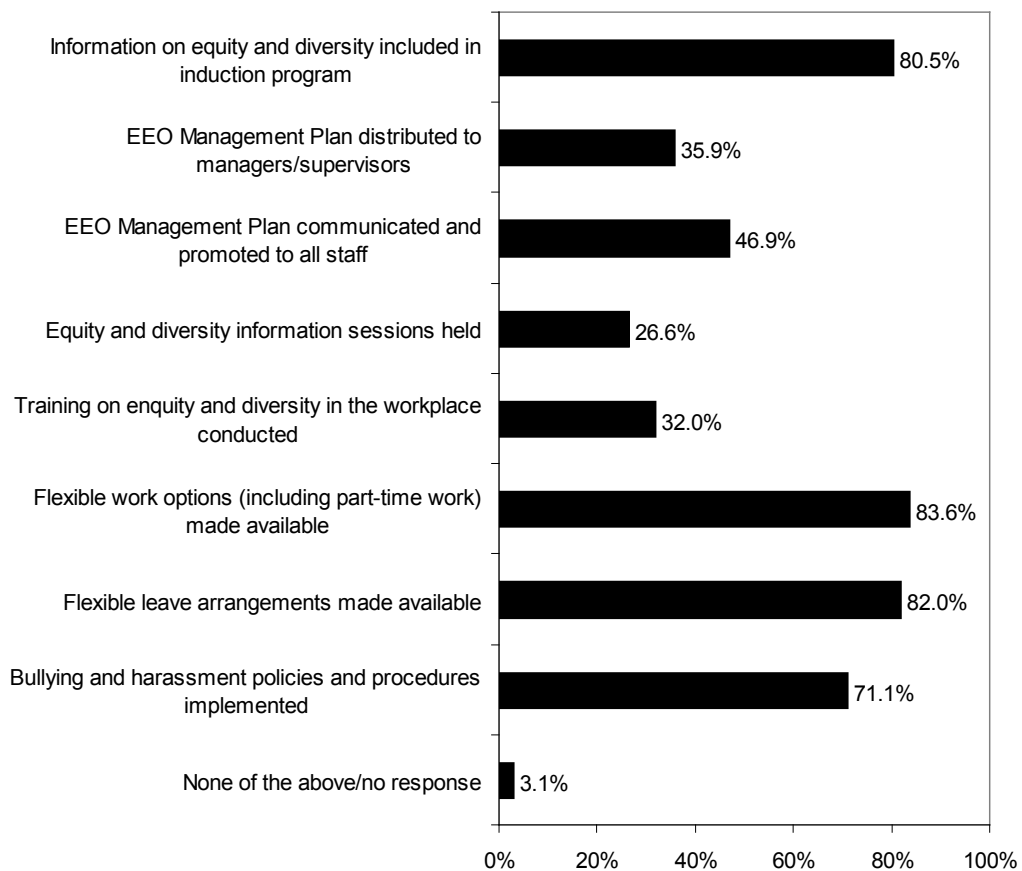
Public Sector Management Act 1994

In response to the question “*Within your organisation, who leads and champions efforts to apply Part IX of the Equal Opportunity Act 1984?*” agencies responded as follows.

- 92.2% of agencies believed it was the responsibility of the chief executive officer (83.3% for agencies with fewer than 20 staff, compared to 93.3% for agencies between 200 and 1,000 staff).
- 75% of agencies believed it was also the responsibility of members of the executive or senior manager group (50% for agencies with fewer than 20 staff, compared to 90.5% for agencies with greater than 1,000 staff).
- 75.8% of agencies also believed it was also the responsibility of human resource managers (25% for agencies with fewer than 20 staff, compared to 95.2% for agencies with greater than 1,000 staff).
- 37.5% indicated that it was also the responsibility of other senior managers who are not members of the executive or senior manager group (12.5% for agencies with fewer than 20 staff, compared to 66.7% for agencies with greater than 1,000 staff).

Compliance Section I:

Please specify the workplace equity and diversity initiatives conducted by your agency in the reporting period?



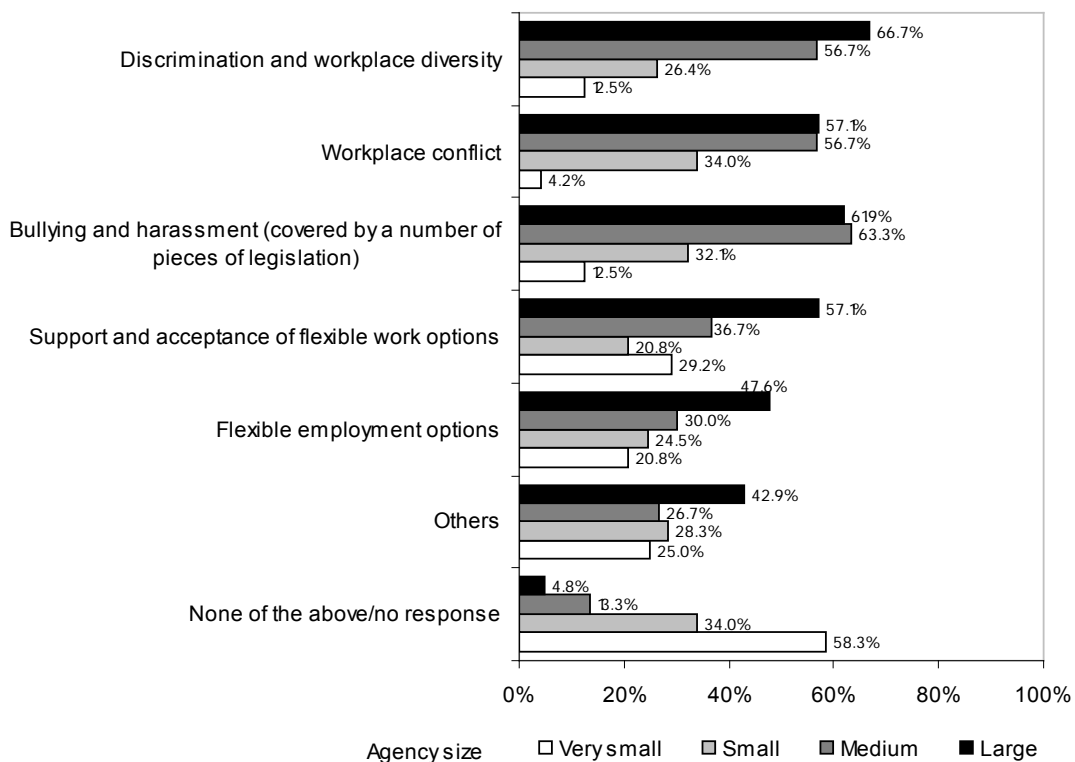
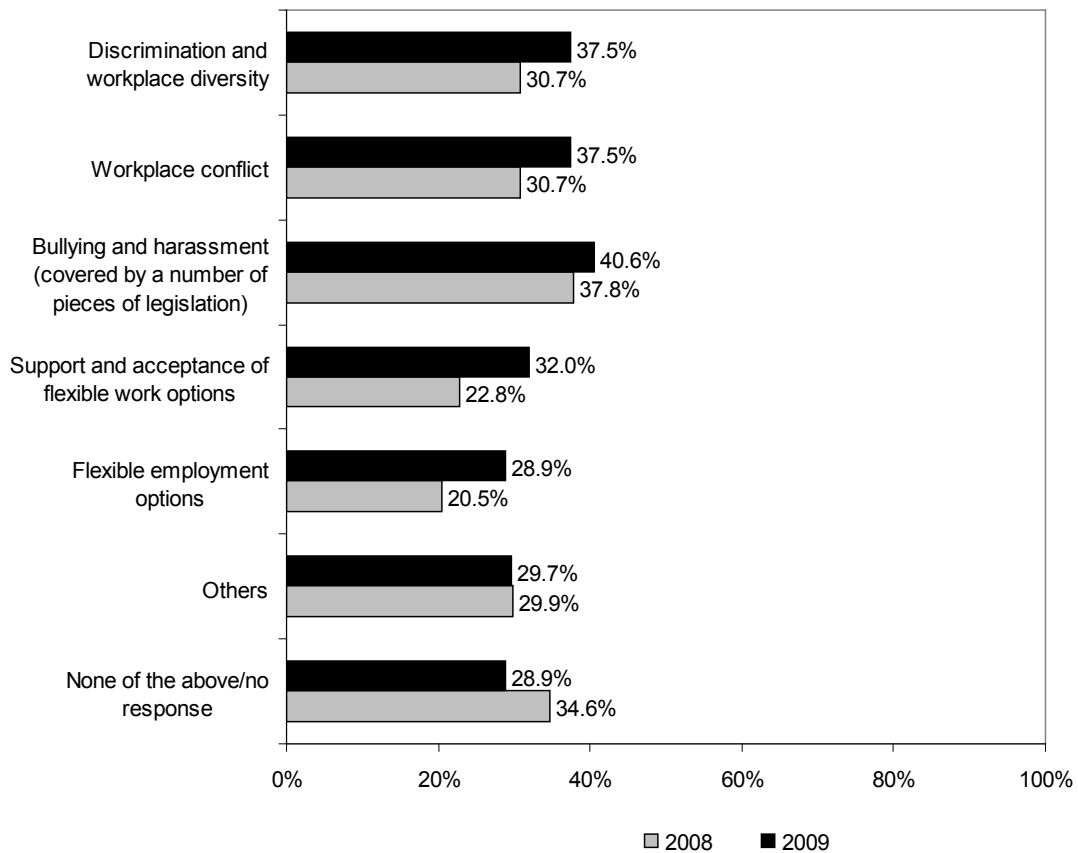
Public Sector Management Act 1994

Most public sector agencies have a very good range of workplace equity and diversity initiatives in place.

- 80.5% include information within induction packages.
- 83.6% make available flexible work options.
- 82% make available flexible leave arrangements.
- 71.1% have bullying and/or harassment policies and procedures in place.
- Agencies with less than 200 staff are much less likely to have any of the diversity initiatives in place.
- Less than half of all agencies (46.9%) have strategies in place to communicate equal employment opportunity initiatives to all staff.

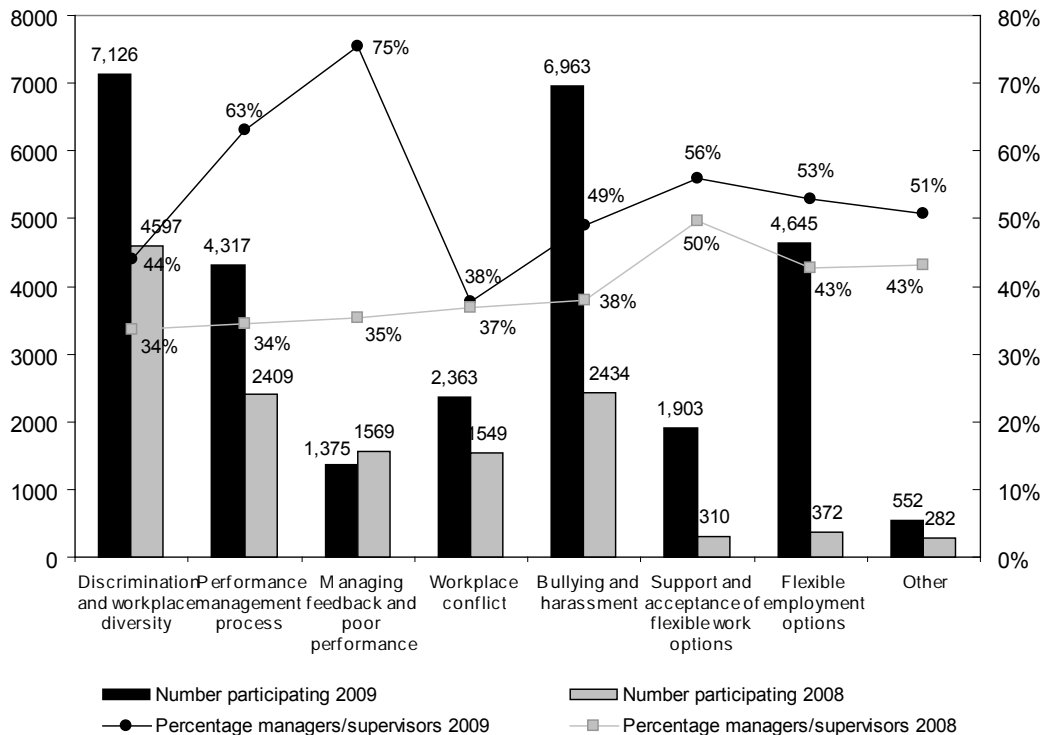
Compliance Section I:

In the reporting period, have workplace training activities been undertaken by your agency for managers/supervisors in dealing with the following?



Public Sector Management Act 1994

Where workplace training was undertaken, how many staff participated in the reporting period and what was the percentage of managers/supervisors who attended?



The figure above and the figures on page 63 depict:

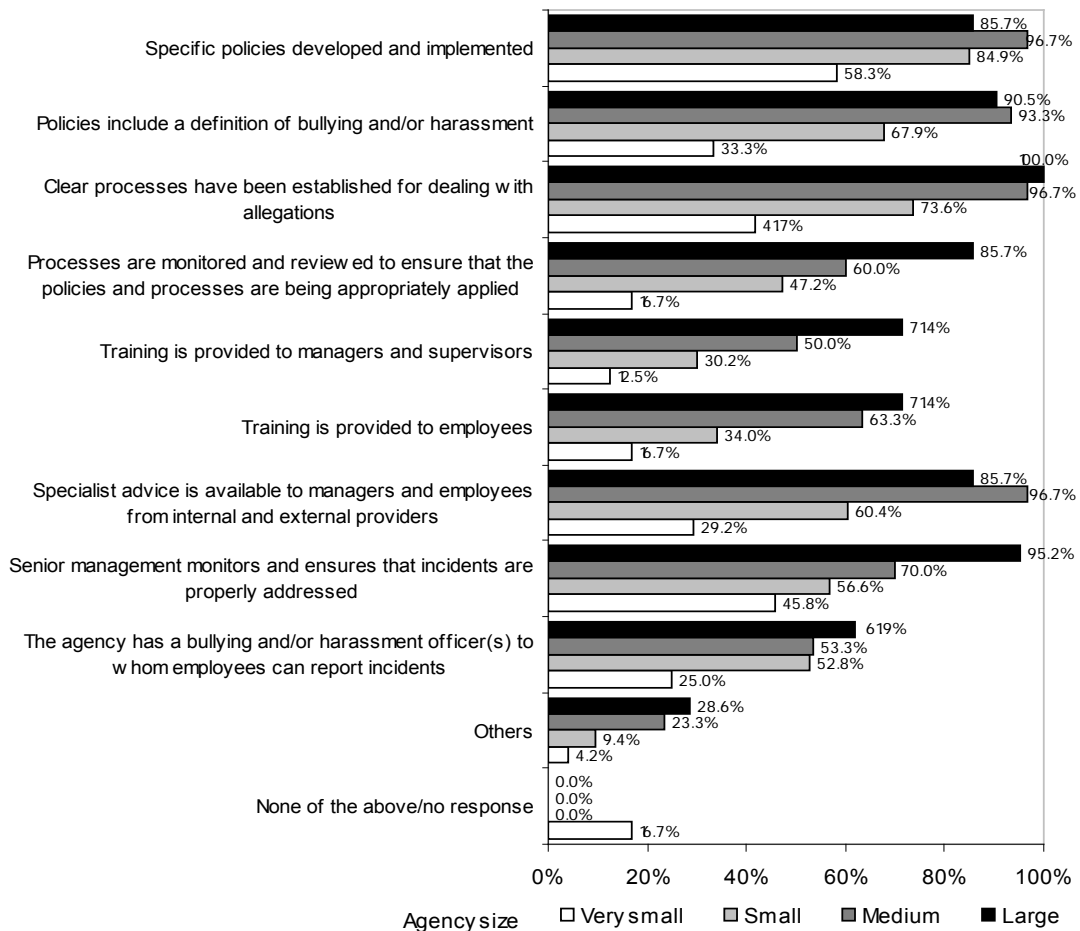
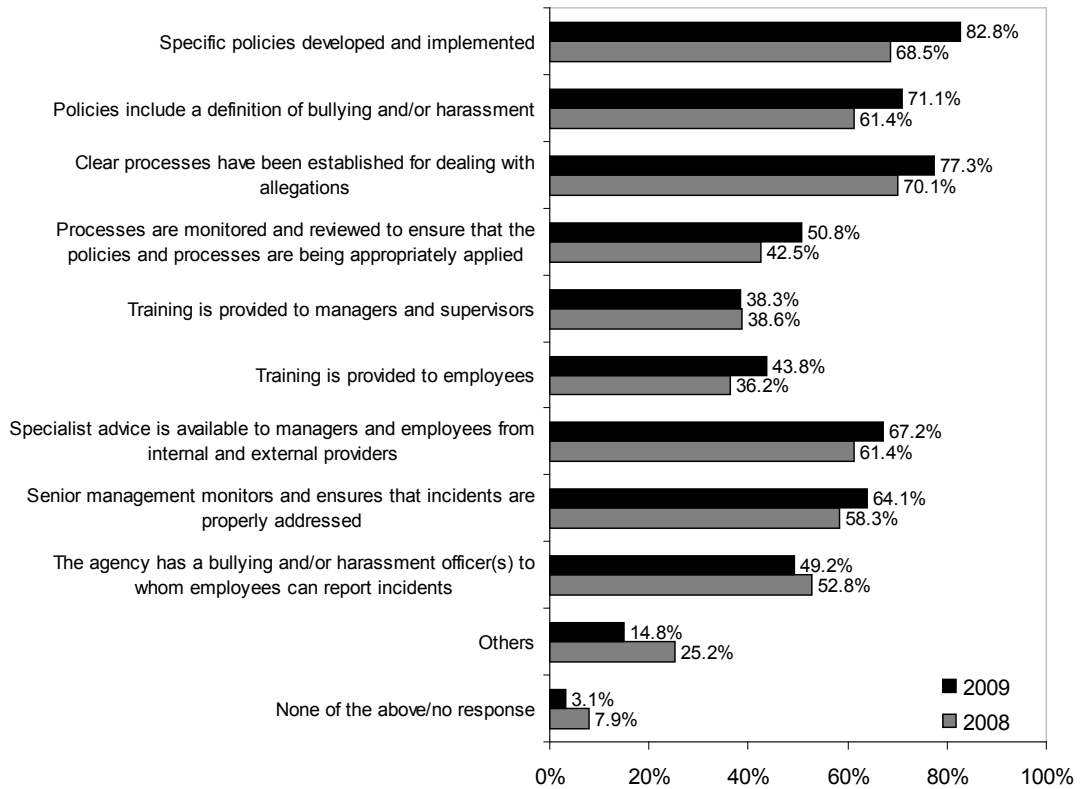
- the areas in which workplace training was undertaken;
- a comparison between 2007-08 and 2008-09 of the proportion of agencies running the initiatives;
- total numbers of employees that participated; and
- the overall percentage of managers/supervisors who attended.

There were increases across the board between 2007-08 and 2008-09 with respect to the proportion of agencies running training initiatives ranging from discrimination and workplace diversity to flexible employment options.

- 15,722 more public sector employees participated in workplace training in 2008-09 (29,244), compared with 2007-08 (13,522).
- On average 54% of these employees were managers or supervisors in 2008-09.

Compliance Section I:

How does your agency work towards minimising the risk of bullying and/or harassment in the workplace?



Public Sector Management Act 1994

Employees participating in specific anti-bullying and/or harassment training?

	2007-08	2008-09
Training for senior managers	299	625
Training for managers/supervisors	2,961	1,717
Training for employees	7,838	18,029
Total	13,106	22,380

Note: Surveyed public authorities were able to choose multiple options for this question.

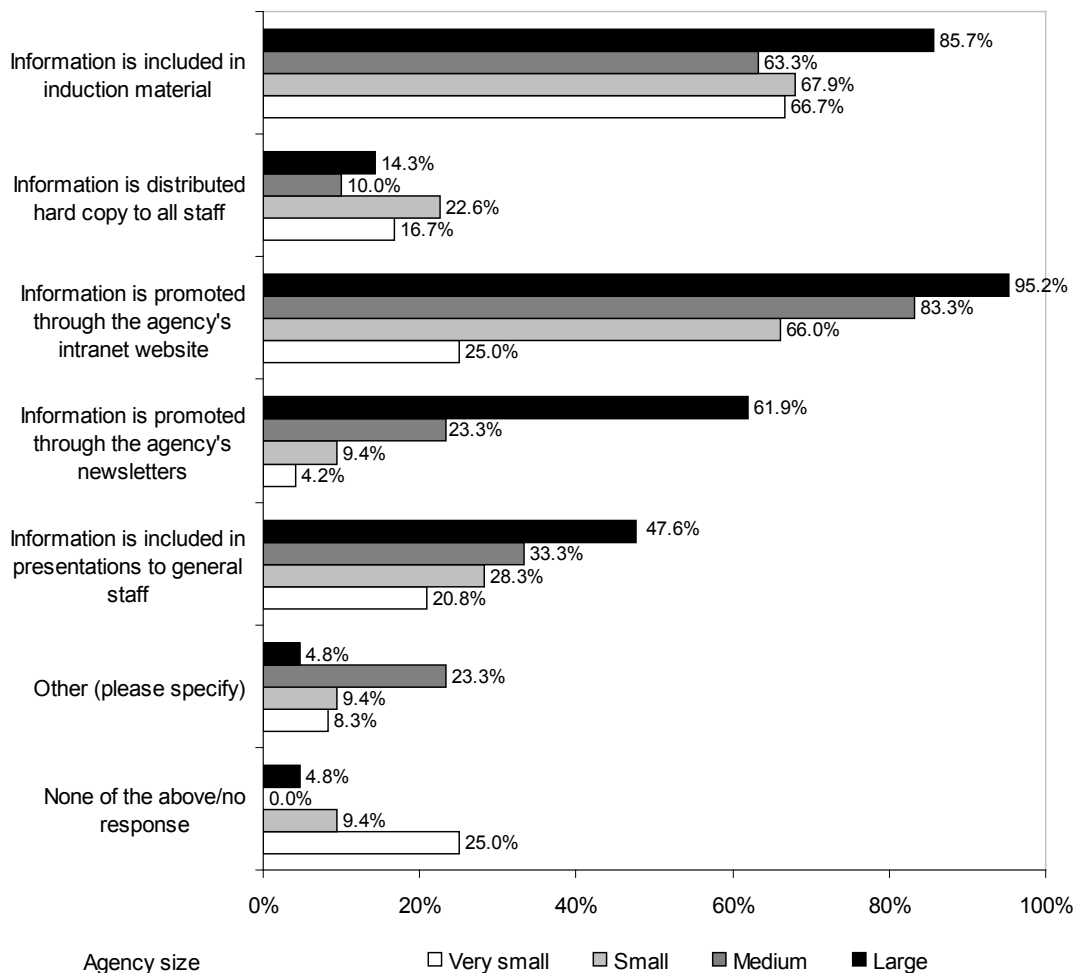
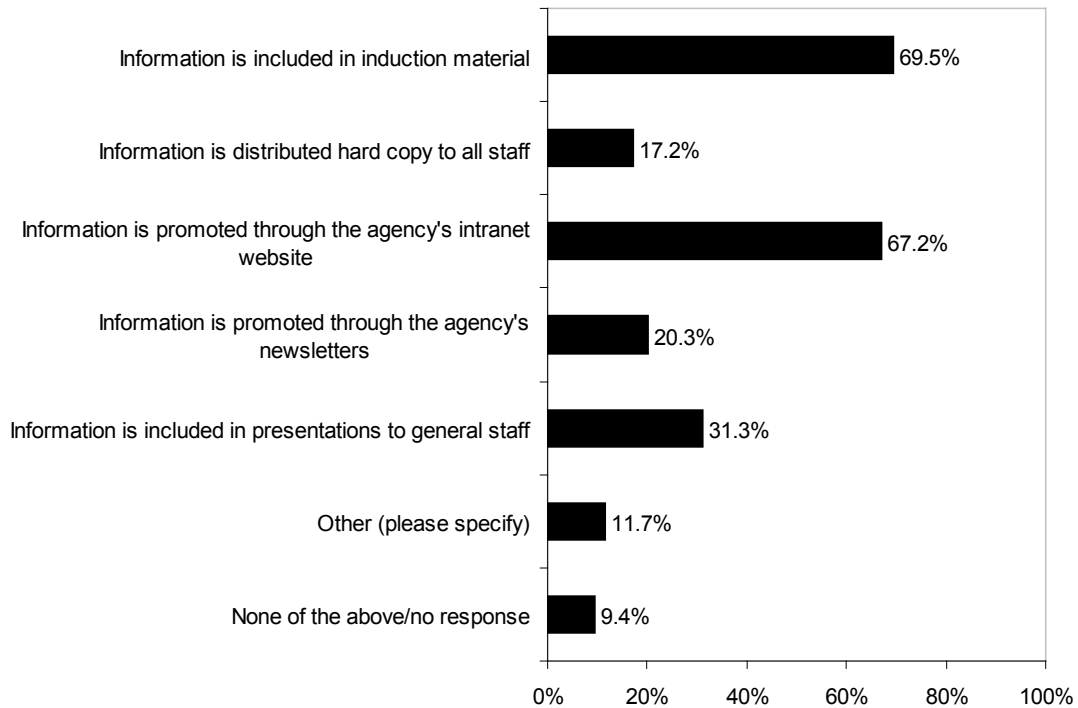
In response to the question “*How does your agency work towards minimising the risk of bullying and/or harassment in the workplace?*” agencies responded as follows.

- 82.8% of agencies had specific policies developed and implemented for dealing with allegations of bullying and harassment in 2008-09. This was a significant improvement compared to 2007-08 (68.5%).
 - The figure fell to 58.3% for agencies with fewer than 20 staff and was above 80% for all agencies with greater than 20 staff.
- Overall, as agency size decreased so did the range of tools and strategies available to minimise the risk of bullying and/or harassment.
- 9,274 more public sector employees participated in specific anti-bullying and harassment training in 2008-09 (22,380) compared with 2007-08 (13,106).
- 326 more public sector senior managers participated in specific anti-bullying and harassment training in 2008-09 (625) compared with 2007-08 (299).

Compliance Section I:

Section C2 – Promoting a flexible workplace

How does your agency communicate to staff its policies and guidelines for part-time and flexible work arrangements?



Public Sector Management Act 1994

When asked the question “*How does your agency communicate to staff its policies and guidelines for part-time and flexible work arrangements?*” agencies responded as follows.

- 69.5 % of agencies included the information in induction material.
- 67.2% provided information through the agency’s intranet website.
 - Larger agencies had a greater capacity to develop online systems and publish newsletters to promote these policies.

Compliance Section I:

During the reporting period, how many new appointments were finalised in your agency: Permanent and Fixed Term.

In 2008-09 there was a clear trend towards new and existing public sector employees moving into part time employment.

Permanent	2008	2009
Total positions	10,247	8,751

Number taking up flexible work options		
Working from home	58	148
Working part-time	1,729	1,611
Flexible start and finish times	2,517	2,722
Purchased leave arrangements	744	1,099
Overall percentage with flexible work options	49.3%	63.8%

Fixed Term	2008	2009
Total positions	9,817	13,142

Number taking up flexible work options		
Working from home	27	149
Working part-time	1,618	3,820
Flexible start and finish times	3,181	2,505
Purchased leave arrangements	370	508
Overall percentage with flexible work options	52.9%	53.1%

- During the reporting period there were 8,751 new permanent and 13,142 new fixed-term appointments finalised in the public sector. Of these, 63.8% and 53.1% respectively were provided with flexible work options.
- The proportion of new positions taking up flexible work options has increased compared to the previous year.
- 31% of new permanent positions in 2008-09 were provided with flexible start and finish times, compared with 24% in 2007-08.
- 29% of new fixed-term positions in 2008-09 were part time, compared with 16% in 2007-08.

Public Sector Management Act 1994

During the reporting period, how many existing appointments were adjusted to allow for more flexible working arrangements: Permanent and Fixed Term

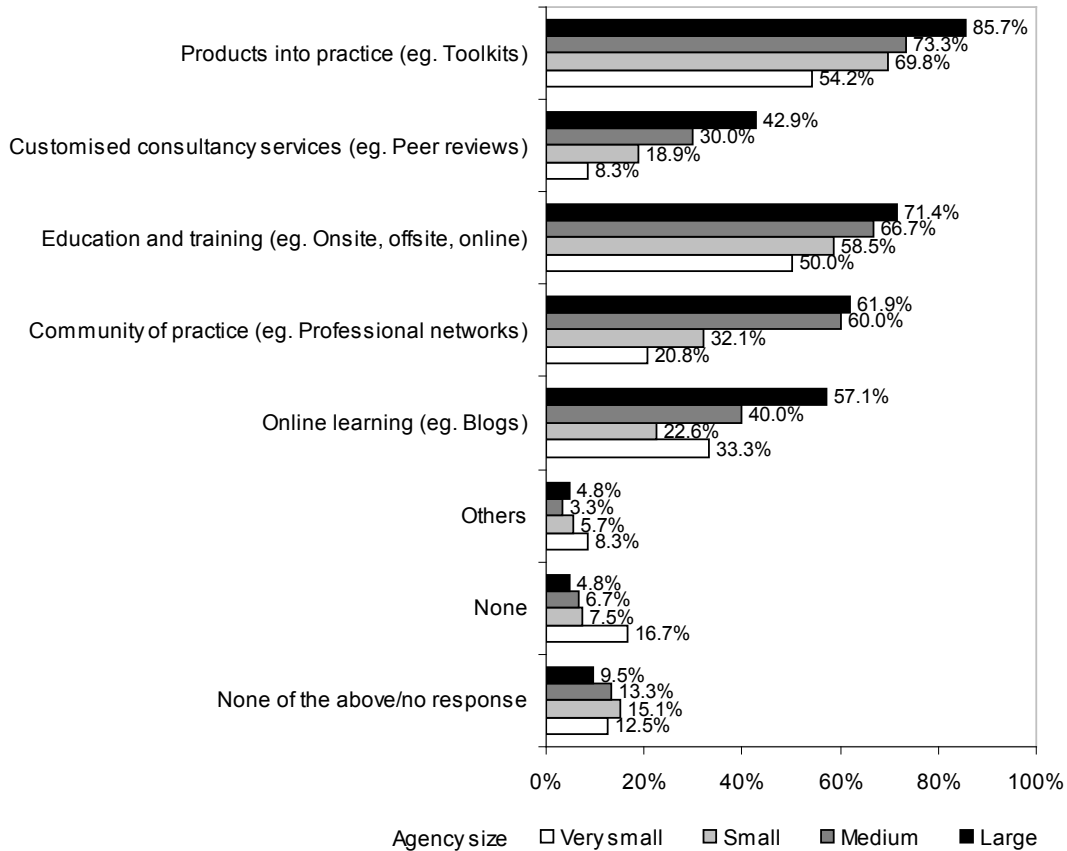
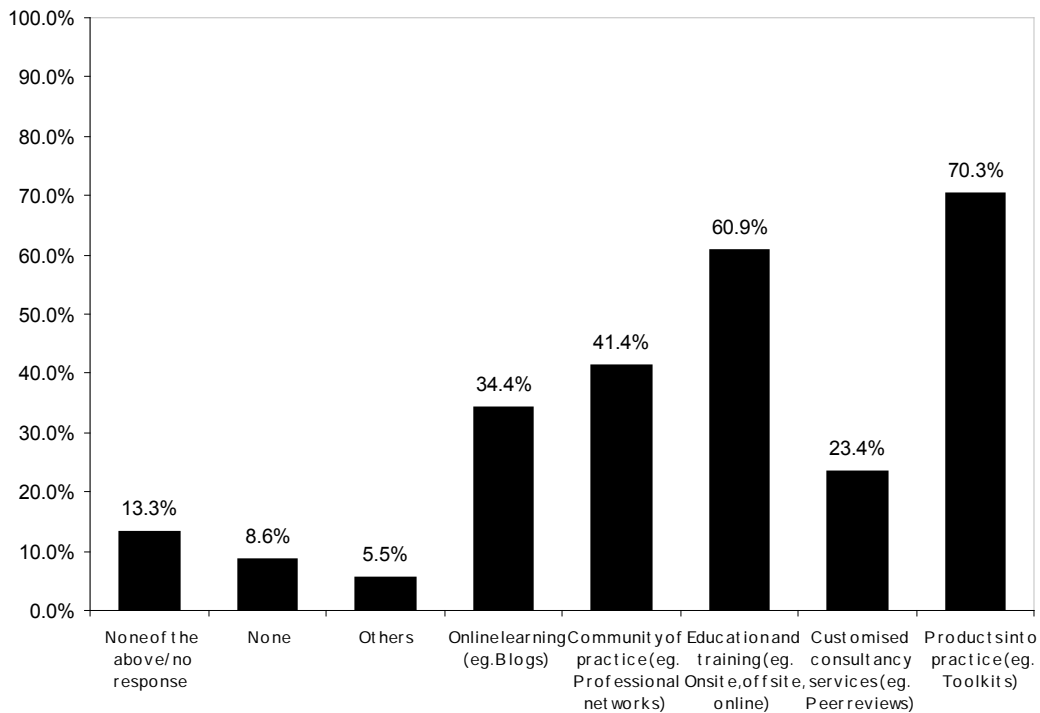
Existing Permanent appointments adjusted to allow for more flexible working arrangements		
	2008	2009
Working from home	159	352
Working part-time	1,231	1,732
Flexible start and finish times	4,220	1,076
Purchased leave arrangements: Permanent	1,527	1,993
Total	7,137	5,153

Existing Fixed Term appointments adjusted to allow for more flexible working arrangements		
	2008	2009
Working from home	19	51
Working part-time	290	429
Flexible start and finish times	1,919	266
Purchased leave arrangements: Permanent	224	133
Total	2,452	879

- During the reporting period 5,153 existing permanent and 879 existing fixed-term appointments were provided with flexible work options.
- Most of the flexible working arrangement changes to existing permanent positions in 2008-09 were the provision of working from home arrangements (1,993) or part-time arrangements (1,732). In 2007-08 most of the flexible working arrangement changes were the provision of flexible start and finish times.
- Most of the flexible working arrangement changes to existing fixed-term positions in 2008-09 were the provision of part-time arrangements.

Compliance Section I:

Which of the following types of support activities, if any, would your agency be interested in if offered by OPSSC?



Findings: Employee Perception Survey

Each year, OPSSC endeavours to survey between 15 and 20 public authorities through the Employee Perception Survey. The Employee Perception Survey assesses employee perception of human resource management, ethics, diversity and public interest disclosure issues.

In 2008-09 the survey was redesigned to link more closely to the relevant legislation (for example the PSM Act), the OPSSC Good Governance Guide and the Annual Agency Survey.

During 2008-09, 17,731 employee perception surveys were distributed to 16 public authorities (as online surveys) and 5,746 surveys were returned. This is a response rate of 32.4%. Appendix 7 provides a detailed breakdown of public sector agencies surveyed by survey type and their respective response rates.

Employee Perception Survey – Key findings

Responses are reported in the following two parts.

- General questions: refer to those issues highlighted in the section entitled 'Main issues arising' from breach claims.
- Questions that are part of the inter-jurisdictional benchmarking project coordinated by the Australian Public Service (APS) Commission.

Full results of the OPSSC Employee Perception Survey program are available in Appendix 6.

Employee perception: General

Awareness of public sector standards and breach rights

Employee perception survey results indicate that a very high proportion of employees are aware of the public sector standards (average awareness for all standards = 86%).

Only one-quarter (25%) of respondents were aware that for some agencies/positions the period for lodging a breach of standard claim has been reduced from ten to four working days.

The low awareness levels about courses of action available if a breach of standard occurred (42%) are consistent with information on lack of communication about breach rights in some agencies. This result is supported by information from employee contacts with OPSSC and from employees making breach of standard claims and compliance inquiries. The need for agencies to provide better information to employees about breaches of public sector standards continues to exist, particularly with respect to recruitment, selection and appointment issues.

Compliance Section I:

Fairness in job selection

Over half of all respondents to the Employee Perception Survey felt that recruitment and selection processes in their workplace were unbiased and candidates were selected on the basis of merit.

Approximately 59% of respondents agreed that positions are generally advertised within a reasonable time of becoming vacant.

The percentage of respondents who felt that favouritism played a part in the selection of people for relieving or acting opportunities was 46%.

Almost half (49%) of all respondents agreed that decisions to second or transfer employees to equivalent or higher positions were made fairly. Approximately 18% of respondents either did not know or chose not to answer. This may be due to a number of respondents not being subject to secondments or transfers and therefore being unable to comment.

Action by employees aggrieved by human resource management decision

The percentage of respondents who felt that a human resource management decision made in their agency in 2008-09 was not compliant with the standards but did not take action was 18%. The percentage who felt a human resource management decision was not compliant with the standards and took action was 4%. Agencies need to ensure that their internal systems provide effective responses to grievances and breach claims and provide protection from adverse effects.

Codes of ethics and conduct – Occurrence and reporting of unethical behaviour

The Employee Perception Survey asks questions about the occurrence of unethical behaviour and employees' willingness to take action to report wrongdoing. In 2008-09, 30% of respondents reported that they had observed unethical behaviour in their workplace. While 11% of respondents indicated that they had reported the occurrence of unethical behaviour in their workplace, a greater proportion (18%) of respondents had not reported it. Agencies may wish to investigate the underlying reasons for not reporting such behaviour.

The percentage of respondents who indicated that they would feel protected from victimisation and harassment should they report unethical behaviour was 38% in 2008-09. There remains a significant number of employees who report that they would be victimised or harassed if they reported unethical behaviour. It may be that a lack of awareness of reporting processes and ways in which compliance can be achieved is a major contributor to this lack of confidence. As has been the case in previous years, this issue may be related to awareness of, and confidence in, the PID Act and associated processes.

OPSSC will continue to raise these issues with agencies, and encourage a greater focus on providing employees with information about their rights and protections.

Employee perception: Inter-jurisdictional comparisons

Where possible, this section includes comparisons with other jurisdictions, as published in the Australian Public Service Commission (the APS) State of the Service Reports⁶.

Communication

Approximately 71% of Western Australian public sector employees agreed that their input is adequately sought and considered about decisions that directly affect them. Other jurisdictions were the APS 58%, Tasmania 57%, Victoria 55% and South Australia 55%.

Recruitment and selection processes

Employees were asked about their perception of the fairness of recruitment and promotion decisions. For the Western Australian public sector 48% of employees agreed that recruitment and promotion decisions were fair, and 33% felt that recruitment and promotion decision were not fair. Agreement with this statement for other jurisdictions were the APS 43%, Tasmania 46%, Victoria 45% and South Australia 34%.

Embedding values, codes of conduct and leadership

In 2008-09, 83% of Western Australian public sector employees agreed that their agency actively encouraged ethical behaviour by all of its employees. Results for other jurisdictions were the APS 85%, Tasmania 83%, Victoria 70% and South Australia 81%.

When asked whether senior managers in their agency led by example in ethical behaviour, 70% of Western Australian public sector employees agreed with the statement. Results for other jurisdictions were the APS 62%, Tasmania 58%, Victoria 47% and South Australia 61%.

Finally, for Western Australia 72% of employees agreed that their immediate supervisor is effective in managing people. Results for other jurisdictions were the APS 69%, Tasmania 56%, Victoria 60% and South Australia 58%.

⁶ Care needs to be taken in making comparisons between jurisdictions due to the different methodologies used by the various jurisdictions. The jurisdictional comparison data for the APS is from the State of the Service Employee Survey 2008-09, as quoted in the *2008-09 State of the Service Report*, Australian Public Service Commission. The Tasmanian data is from the State Service Employee Survey 2007. The Victorian data is from the People Matter Survey 2008. The South Australian data is from the Workplace Perspectives Survey 2006. Note, for Western Australia, Tasmania and the APS, percentages were calculated excluding the 'not stated', 'don't know or doesn't apply' and 'not applicable' response categories. Therefore for Western Australia, there will be differences between percentage responses quoted in this section of the report compared to percentages in the tables in Appendix 6.

Compliance Section I:

Confidence in grievance processes

The Employee Perception Survey includes questions that relate to employee confidence in grievance resolution processes and their willingness to take action if they are aggrieved about a job selection decision. Survey results in 2008-09 indicate that 49% of Western Australian respondents have confidence in the processes that their agency uses to resolve employee grievances. Results for other jurisdictions were the APS 44%, Tasmania 46%, Victoria 41%, and South Australia 36%.

Equity and diversity

The proportion of Western Australian public sector employees agreeing that their agency is committed to creating a diverse workforce (85%) is compared with the APS (66%), Tasmania (62%), Victoria (61%) and South Australia (59%).

Western Australian public sector employees compared favourably on the question asking whether their workplace culture supports people to achieve a good work-life balance with 77% agreeing with the statement. Only 14% felt that their workplace culture did not support people to achieve a good work-life balance. Agreement results for other jurisdictions were the APS 71%, Tasmania 59%, Victoria 50% and South Australia 55%.

Bullying and harassment

Less than one in five Western Australian public sector employees (17%) indicated that they had been subjected to bullying or harassment in their workplace in 2008-09. Results for other jurisdictions were the APS 17%, Tasmania 28%, Victoria 21% and South Australia 22%.

Findings: Governance performance evaluation

Performance in the Western Australian public sector over the past ten years has improved considerably in relation to OPSSC Good Governance Guide Principle 5 (Ethics and Integrity) and Principle 6 (People). This is consistent with the results found in the analysis of annual reports conducted in the context of the OPSSC sponsored Lonnie award for good governance reporting. From the 29 best annual reports that were pre-selected for the Lonnie Awards:

- 24 agencies had met or exceeded the relevant standard for ethics and integrity; and
- 25 agencies had met or exceeded the standard for people management.

This means, however, that 5 and 4 agencies respectively (out of these 29 best reports), fell below the minimum standard with respect to these two areas of the Good Governance Guide. This indicates that there is still room for improvement.

Similarly, variations were found in relation to Good Governance Guide Principle 8 (Communication) and Principle 9 (Risk management).

- 3 agencies pre-selected for the Lonnie Awards did not meet the minimum standard for communication.
- 4 agencies pre-selected for the Lonnie Awards did not meet the minimum standard for risk management.
- Among those who met or exceeded the standards, more effort seems to have been put into managing risks than into quality communication.

Most agencies consistently met or exceeded the first three Good Governance Guide principles on government and public sector relationship, management and oversight, and organisational structure. Performance was also found to be consistently high with respect to standards set under Principle 4 (Operations) and Principle 7 (Finance). These areas are included in the Annual Reporting Framework issued by the Public Sector Commission and are assessed independently by the Office of the Auditor General and the Department of Treasury and Finance respectively.

Public Interest Disclosure Act 2003

The role of the Commissioner

Under s.22(1) of the Public Interest Disclosure Act 2003 (PID Act) (refer to Appendix 4), the Commissioner for Public Sector Standards is to report annually to Parliament on:

- the performance of the Commissioner's obligations under the PID Act;
- compliance or non-compliance with the PID Act; and
- compliance or non-compliance with the Public Interest Disclosure Code (PID Code).

The role of the Commissioner under the PID Act is to:

- establish a code setting out the minimum standards of conduct and integrity to be complied with by proper authorities;
- prepare guidelines on internal procedures relating to the functions of a proper authority under the PID Act;
- ensure that all public authorities have copies of the Public Interest Disclosure Guidelines (PID Guidelines);
- monitor compliance with the PID Act and PID Code; and
- assist public authorities and public officers to comply with the PID Act and the PID Code.

The Commissioner is also the proper authority for receiving disclosures of public interest information that relate to a public officer (other than a member of Parliament, a Minister of the Crown, a judicial officer, or an officer referred to in Schedule 1 of the *Parliamentary Commissioner Act 1971*) (see page 82).

Compliance Section 2:

PID Code and PID Guidelines

The PID Code commenced on 1 July 2003 and is to be complied with by any person to whom a public interest disclosure is made. No changes were made to the code during the 2008-09 reporting period.

The PID Guidelines on internal procedures relating to the functions of a proper authority under the PID Act commenced on 1 July 2003. Hard copies of the guidelines have previously been provided to public authorities and an electronic version is available on the Office of the Public Sector Standards Commissioner (OPSSC) website. No changes were made to the PID Guidelines during the 2008-09 reporting period.

The PID Act is currently being reviewed and the code and guidelines may need to be reviewed in due course.

Monitoring activities

Why we monitor

The Commissioner's role to monitor compliance with the PID Act and PID Code is required to achieve the key public policy objectives of building confidence in the processes under the PID Act, and in promoting integrity, openness and accountability in public authorities. Independent monitoring and reporting by the Commissioner helps to build and maintain trust by enabling Parliament and the public to examine compliance by public authorities with the PID Act and PID Code.

Who we monitor

The Commissioner's role to monitor and report on compliance under the PID Act applies to public authorities as defined in the PID Act. The Commissioner sought formal responses from 344 public sector agencies, state government boards and committees who had previously advised of coverage by the PID Act, as well as all local government authorities and public universities (see Appendix 2). OPSSC has taken a phased approach to monitoring boards and committees. This year, they were asked to self-report on the extent of compliance with the PID Act and PID Code.

What is monitored

Under the PID Act, there are a number of obligations that apply to the principal executive officer of a public authority, and to proper authorities in dealing with disclosures.

The principal executive officer of a public authority is required to:

- designate a specified position within the authority to receive disclosures of public interest information;
- provide any employee who has made an appropriate disclosure with protection from detrimental action or the threat of detrimental action;
- ensure the public authority complies with the PID Act and PID Code;

Public Interest Disclosure Act 2003

- prepare and publish internal procedures relating to the authority's obligations under the PID Act; and
- provide information annually to the Commissioner on:
 - the number of public interest disclosures received; and
 - the results of any investigations conducted, and any action taken.

Disclosures must be made to a proper authority (referred to as a public interest disclosure officer or PID officer). Proper authorities are required to:

- receive disclosures of public interest information;
- comply with the PID Code;
- investigate appropriate disclosures of public interest information, or cause such matters to be investigated, except in certain circumstances;
- not reveal identifying information about the discloser or the subject of the disclosure, unless in accordance with s.16 of the PID Act;
- notify a discloser within three months of the disclosure being made of what action has been or is proposed to be taken in relation to the disclosure;
- take action where the opinion is formed that a person may be, may have been, or may in the future be involved in improper conduct, to either prevent the matter from occurring in the future, refer the matter to a body having power to investigate a matter, or take disciplinary action or enable such disciplinary proceedings against the person responsible for the matter; and
- provide a final report to a discloser stating the outcome of the investigation and any action taken or proposed to be taken, and the reasons for doing so.

Certain exceptions apply to the Corruption and Crime Commission (CCC) and the State Ombudsman with respect to some of these obligations.

Compliance Section 2:

How we monitor

The Commissioner uses a range of strategies to monitor compliance. These strategies are used both individually and in combination to enable an assessment as to the extent of compliance or non-compliance.

The following information was sought by the Commissioner to monitor compliance with the PID Act for each authority in 2008-09:

- the designation of a PID officer;
- the preparation and publication of internal public interest disclosure procedures (PID procedures) by each agency;
- the number of public interest disclosures received over the reporting period;
- the results of any investigations conducted as a result of the disclosures;
- the action, if any, taken as a result of each investigation;
- allegations of non-compliance with the PID Act and PID Code;
- monitoring of inquiries to the Commissioner;
- monitoring reports to the Commissioner on public interest disclosures received and action taken;
- information obtained through the Western Australian Public Sector Annual Agency Survey (refer to *Compliance Section 1: Public Sector Management Act*); and
- information obtained through the Employee Perception Survey.

What did we find?

Findings: Assistance

PID officer training course

Fourteen courses, attended by a total of 367 PID officers, were delivered during 2008-09. Feedback from participants showed that the content of the course was relevant to their needs and consolidated their understanding of theory. Most participants stated that the course provided them with enough knowledge to perform their role. It is also interesting to note that most participants found the presentations to be of high quality and supplemented by very useful workbooks, and most said they would recommend the course to other PID officers. The demand for the PID officer training course continues to be strong.

Presentations

OPSSC conducted 23 presentations on the PID Act to public authorities during the 2008-09 reporting period; these included a number of regional presentations.

Peer reviews

Sixteen peer reviews were conducted upon request from public authorities during the 2008-09 reporting period. OPSSC reviewed the public interest disclosure policies of 11 local government authorities and five public sector agencies.

Professional network

A professional network for PID officers was initiated by OPSSC during the 2008-09 reporting period. The network was designed to:

- provide support to PID officers;
- provide a platform to identify common issues and solutions;
- and share good practice and ideas.

The network met on four occasions during 2008-09 (two face to face meetings and two virtual meetings) and an average of 25 PID officers attended each session.

Consultations

OPSSC consulted with 425 people concerning the PID Act during the 2008-09 reporting period. The number of consultations is 90 more than last year.

Compliance Section 2:

Findings: Compliance

Public interest disclosures received

A public interest disclosure must be made to a proper authority. This section of the report makes a distinction between proper authorities which receive disclosures by a PID officer in a public authority under s.5 (3)(h) of the PID Act and authorities named in s.5 (3)(a)-(g) of the PID Act to receive particular types of disclosures. The Chief Justice and the Presiding Officers are not required to report to the Commissioner for Public Sector Standards. Therefore, the authorities specified in 5.(3)(a)-(g) of the PID Act comprise the CCC, the State Ombudsman, WA Police, the Auditor General and the Commissioner for Public Sector Standards. The following table lists these proper authorities and the corresponding types of disclosures received.

Information relates to:	Proper authority
An act or omission that constitutes an offence under a written law	A police officer, or the Corruption and Crime Commission
A substantial unauthorised or irregular use of, or substantial mismanagement of public resources	Auditor General
A matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971	The State Ombudsman
A police officer	Commissioner of Police or the Corruption and Crime Commission
A judicial officer	The Chief Justice
A member of either House of Parliament	The Presiding Officer of the House of Parliament to which the member belongs
A public officer (other than a member of Parliament, a minister of the Crown, a judicial officer or an officer referred to in Schedule 1 to the Parliamentary Commissioner Act 1971)	The Commissioner for Public Sector Standards or the State Ombudsman

Public Interest Disclosure Act 2003

Number of public interest disclosures received

In 2008-09, 12 people (disclosers) made 13 disclosures to a proper authority.

The following table lists the number of public interest disclosures received by proper authorities since the PID Act commenced in 2003.

Proper authority disclosures were made to	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Public authorities specified in s.5(3)(h)	16	15	3	13	2	6
Authorities specified in s.5(3)(a)-(g)	10	8	7	1	2	7
Total	26	23	10	14	4	13

Note: A discloser can lodge a disclosure with more than one proper authority. In this reporting period 12 people lodged 13 disclosures.

Relationship with public authority

The majority of public interest disclosures for the 2008-09 reporting period were made by current employees of the public authority to which the disclosure related. The remaining disclosures were evenly distributed amongst past employees, members of the public and others. Public authorities include public sector agencies, local government authorities, public universities and some government boards and committees.

The following table indicates the source of public interest disclosures since the 2006-07 reporting period.

Source of disclosures	2006-07		2007-08		2008-09	
	Public authorities s.5(3) (h)	Authorities specified in s.5(3)(a)-(g)	Public authorities s.5(3) (h)	Authorities specified in s.5(3)(a)-(g)	Public authorities s.5(3) (h)	Authorities specified in s.5(3)(a)-(g)
Member of public	2	0	1	1	0	2
Past employee of authority subject to the disclosure	0	0	0	1	0	1
Current employee of authority subject to the disclosure	8	1	1	0	4	3
Other	2	0	0	0	2	1
Total	12	1	2	2	6	7

Note: 'Other' could include anonymous informants, prisoners, elected representatives or contractors.

Compliance Section 2:

Type of disclosure

A disclosure must concern a matter of “public interest information” to be covered by the PID Act. Public interest information is defined in the PID Act as information that tends to show that, in relation to its performance of a public function (either before or after the commencement of the PID Act), a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in:

- improper conduct;
- an act or omission that constitutes an offence under written law;
- a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources (misuse);
- an act or omission that involves a substantial and specific risk of:
 - injury to public health;
 - prejudice to public safety; or
 - harm to the environment; and
- a matter of administration that can be investigated under s.14 of the *Parliamentary Commissioner Act 1971*.

A person may make a disclosure about one or more categories of public interest information. In the 2008-09 reporting period, the majority of public interest information related to the categories of improper conduct and misuse of public resources.

A person may make a disclosure about one or more categories of public interest information. Each category of disclosure may also contain allegations regarding a number of different matters of wrongdoing. In the 2008-09 reporting period, the majority of public interest information related to the categories of improper conduct and misuse of public resources.

The following table indicates the number of matters of public interest information made within each category of wrongdoing since the PID Act commenced in 2003.

Public Interest Disclosure Act 2003

Number of matters in each category						
Categories of public interest information	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Improper conduct	15	14	7	8	18	6
Offence under State law	1	1	1	2	1	0
Substantial misuse/mismanagement of public resources	12	2	2	2	0	4
Risk of injury to public health; public safety; harm to environment	1	1	0	2	0	1
Administrative matter which can be investigated by Ombudsman	3	5	2	0	1	2
Total	32	23	12	14	20	13

Note: One disclosure was lodged about the same matter with two proper authorities. This has been counted as one category.

Compliance Section 2:

Results of investigations

If a matter is assessed as an appropriate disclosure of public interest information, then under s.8 of the PID Act a proper authority must investigate a disclosure, or cause the disclosure to be investigated. However, a proper authority may refuse to investigate or may discontinue an investigation in certain circumstances provided in s.8(2) of the PID Act.

The following table indicates the number of disclosures that were assessed as requiring investigation in the 2008-09 reporting period.

Assessed as requiring investigation	Public authorities specified in s.5(3)(h)	Authorities specified in s.5(3)(a)-(g)
Yes	5	6
Not assessed as requiring investigation	1	0
Assessment in progress	0	1
Investigation not undertaken in accordance with s.8 (2)	0	0
Investigation discontinued in accordance with s.8(2)	0	0
Total	6	7

Note: The total for authorities specified in s5 (3) (a)-(g) does not include the one disclosure currently being assessed. The disclosure not assessed as requiring investigation was not assessed as a PID.

The following table shows the status and outcome of these investigations.

Investigation status	Public authorities specified in s.5(3)(h)	Authorities specified in s.5(3)(a)-(g)
Ongoing	2	5
Completed and has substance	2	1
Completed and lacks substance	1	0
Discontinued	0	0
Total	5	6

Note: This table includes matters which were referred to another person, body or organisation for investigation.

Action taken as a result of investigation

Of the disclosures lodged and investigated in the 2008-09 reporting period, four were completed and three were found to have substance. Of the three substantiated disclosures, action has been taken to address identified issues in relation to two of the disclosures. The relevant public authority has undertaken to address issues identified in the third substantiated disclosure.

Disclosures carried over from previous reporting periods

Two disclosures were carried over from previous reporting periods 2006-07 and 2007-08 respectively. Of these, one is ongoing, and one was completed and unsubstantiated. The completed unsubstantiated disclosure identified the opportunity to improve processes.

Notification to discloser

Where an appropriate disclosure is made, a proper authority is to notify the discloser within three months after the disclosure is made of the action taken, or proposed to be taken, in relation to the disclosure (s.10 of the PID Act). By virtue of s.12 of the PID Act, not all proper authorities are required to comply with s.10 of the PID Act. Proper authorities that were required to notify the discloser within three months reported that all disclosers had been advised within this timeframe.

Final report

Proper authorities that completed an investigation in 2008-09 reported that all disclosers had been provided with a final report.

Confidentiality

Under the PID Act a person must not disclose the identity of the discloser and the person who is the subject of the disclosure, that is make an “identifying disclosure”, unless it is done so in accordance with s.16 of the PID Act.

In the 2008-09 reporting period there were seven identifying disclosures made about the discloser. Proper authorities reported that in all cases the discloser had consented to the “identifying disclosure”.

In the 2008-09 reporting period there were eight identifying disclosures made about the subject of the disclosure. The most common reason reported for revealing the identity of the subject of the disclosure was to enable the matter to be investigated in accordance with s.16 (3)(b) of the PID Act.

Claims of detrimental action and victimisation

Public authorities reported that no claims of victimisation were made under s.15 of the PID Act.

Compliance Section 2:

Compliance with the PID Officers Code of Conduct and Integrity

Under Part 4 of the PID Act, the Commissioner for Public Sector Standards is required to establish a code setting out the minimum standards of conduct and integrity to be complied with by a person to whom a disclosure of public interest may be made under s.5(3) of the PID Act. The Commissioner is also required to monitor compliance with this code.

The Commissioner received no allegations of non-compliance with the PID Officer's Code of Conduct and Integrity during the 2008-09 reporting period.

Findings: Western Australian Public Sector Annual Agency Survey

The annual public interest disclosure compliance survey questions are contained within the Western Australian Public Sector Annual Agency Survey. The public interest disclosure questions ask public authorities to report to the Commissioner on the following.

- Who leads and champions efforts to apply and communicate the PID Act.
- Which of the agency's policies, formal guidelines, strategies, procedures or processes support the application of the PID Act.
- The number of matters received under the PID Act (examined in previous section).
- The extent of compliance with the PID Code and PID Act (examined in previous section).
- The year in which internal procedures were first implemented.
- The year in which internal procedures were last reviewed.
- Strategies used to raise awareness about the PID Act and how to make a disclosure.
- How the level of staff awareness around public interest disclosure is assessed
- How they ensure staff would have confidence in lodging a disclosure using the PID Act.

Survey response rate

For 2008-09, 337 public sector authorities were required to complete and return the Annual Agency Survey section related to PID Act. (Refer to Appendix 2 for a list of those agencies who are required to report under the PID Act.) The response rates by public authority type are listed below.

Public Interest Disclosure Act 2003

Of the 337 public sector agencies, authorities and boards or committees requested to complete the Annual Agency Survey Section I - PID Act, the following complied with the requirement:

- 100.0% of public sector agencies and authorities (124 sent and 124 received);
- 94.3% of local government authorities (141 sent and 133 received);
- 100.0% of public universities (4 sent and 4 received); and
- 88.2% of boards and committees (68 sent and 60 received).

Key results of the survey

Section A3 - Public interest disclosures

Public interest disclosure internal procedures in place within public authorities

Nine of out ten (95.0%) public sector agencies and statutory authorities completing the compliance survey had internal PID procedures in place. Results for each of the sectors were as follows.

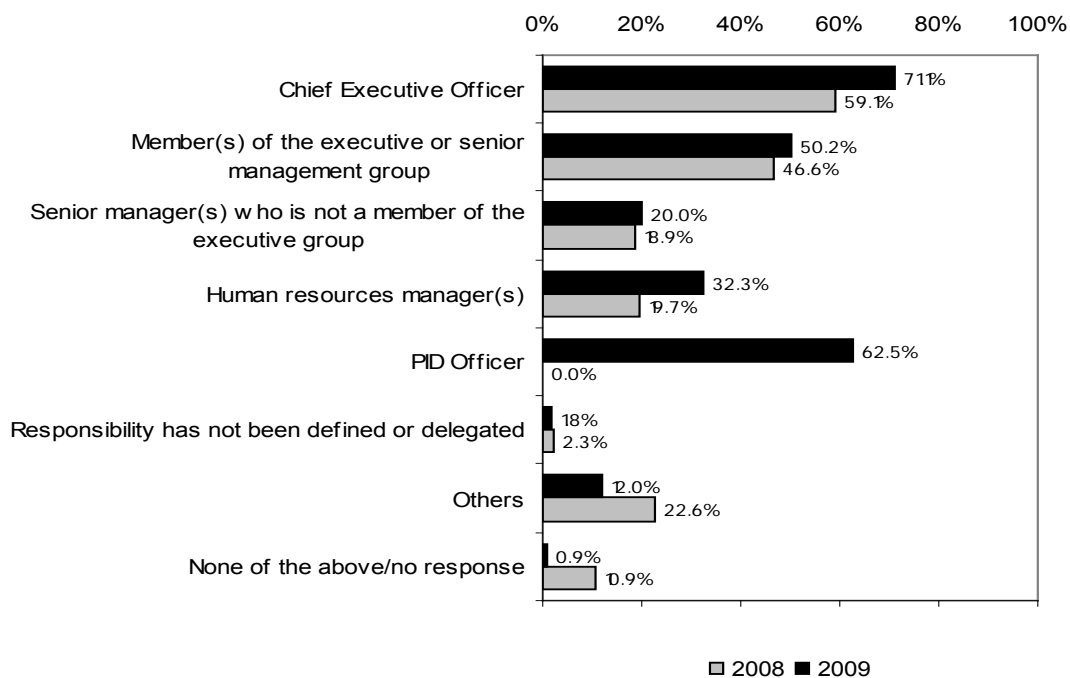
- 97.6% of public sector agencies and statutory authorities completing the survey had internal PID procedures in place, up from 87.5% in 2007-08.
- 85.8% of local government authorities completing the survey had internal PID procedures in place, up from 70.0% in 2007-08.
- 86.8% of boards or committees completing the survey had internal PID procedures in place, up from 55.0% in 2007-08.

Results show that while there has been an increase in the number of reporting agencies having internal PID procedures in place; as these are mandatory, further work is required in this area, given that these are mandatory. See table below for comparison across the reporting years.

Public authorities with internal PID procedures in place	2007-08 Actual	2008-09 Target	2008-09 Actual
Public sector agencies and authorities	100.0%	100.0%	100.0%
Local government authorities	100.0%	100.0%	94.3%
Public universities	100.0%	100.0%	100.0%
Boards and committees	70.5%	100.0%	88.2%

Compliance Section 2:

Within your agency, who leads and champions efforts to apply and communicate the Public Interest Disclosure Act 2003?



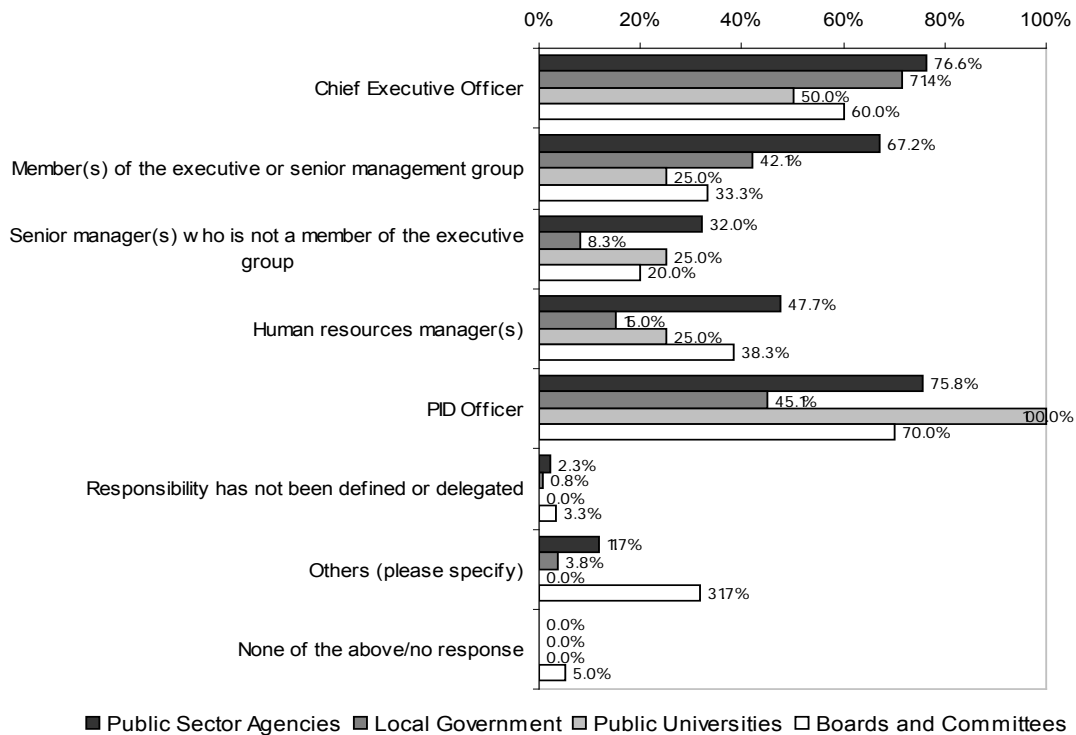
Note: Surveyed public authorities were able to choose multiple options for this question. In the 2007-08 reporting period PID officer was not offered as an option.

In response to the question “*Within your agency, who leads and champions efforts to apply and communicate the Public Interest Disclosure Act 2003?*” agencies responded as follows.

- Across reporting public authorities overall, the chief executive officer was the most nominated person to lead and champion efforts to apply and communicate the PID Act (71.1% of all 321 reporting authorities nominated the chief executive officer). The percentage of public authorities nominating the chief executive officer in 2008-09 has increased significantly as compared with 2007-08 (59.1%).
- Similarly, there was a significant increase in the percentage of reporting public authorities nominating the human resource manager to lead and champion efforts to apply and communicate the PID Act (32.3% in 2008-09, up from 19.7% in 2007-08).
- The percentage of reporting public authorities not responding to the question or nominating a person has significantly decreased in 2008-09 (0.9%), compared with 2007-08 (10.9%).
- Similarly, there was a significant decrease in the percentage of reporting public authorities providing an alternative response to persons listed for leading and championing efforts to apply and communicate the PID Act in 2008-09 (12.0%), compared with 2007-08 (22.6%).

Public Interest Disclosure Act 2003

Within your agency, who leads and champions efforts to apply and communicate the Public Interest Disclosure Act 2003?



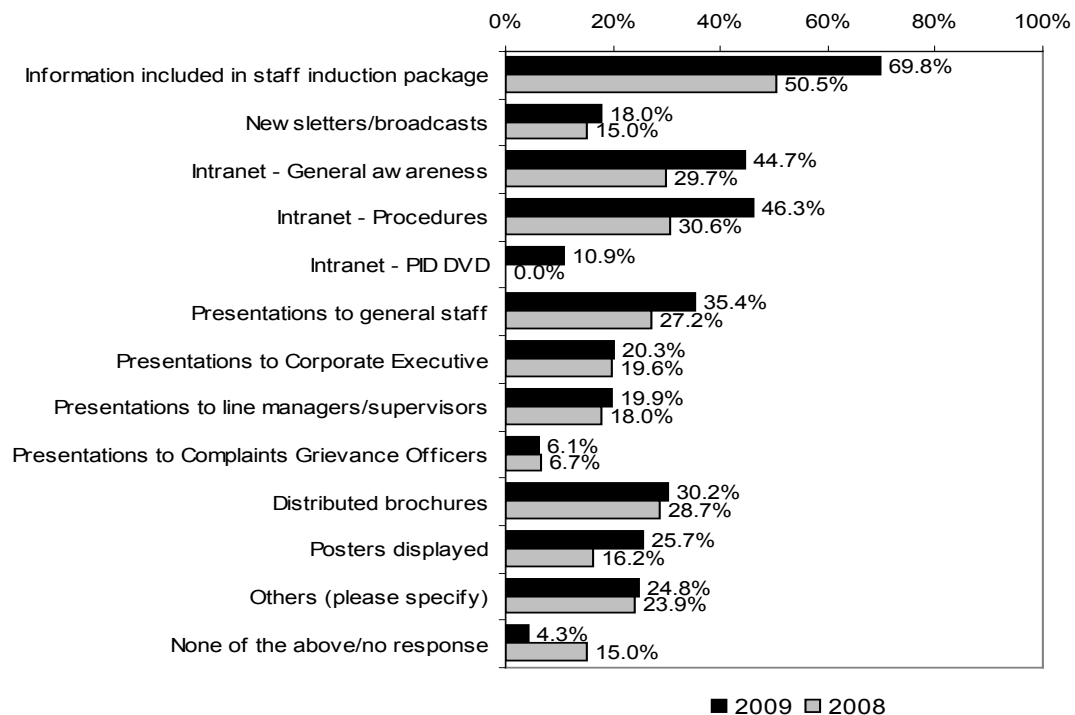
Note: Surveyed public authorities were able to choose multiple options for this question.

Across the public sector, public authority type (for example, public sector agency or statutory authority, local government authority, board or committee or public university) plays a significant role when it comes to championing efforts to apply and communicate the PID Act and raising awareness amongst staff.

- The chief executive officer was the most nominated person for public sector agencies (76.6%) and local government agencies (71.4%).
- For public universities and boards or committees the PID officer was the most nominated person (100.0% and 70.0% respectively).

Compliance Section 2:

How have you raised awareness about the Public Interest Disclosure Act 2003 and how to make a disclosure?



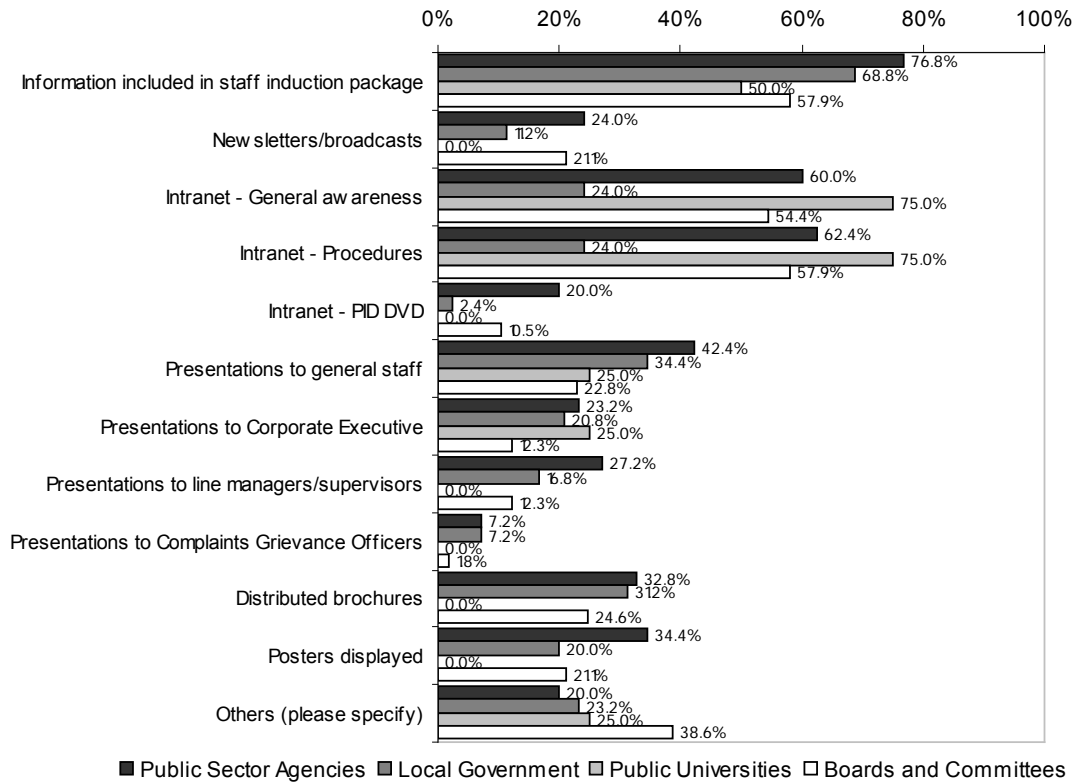
Note: Surveyed public authorities were able to choose multiple options for this question. In the 2007-08 reporting period Intranet – PID DVD was not offered as an option.

It is pleasing to note that more than nine out of ten public authorities (95.7%) who completed the survey indicated they had some awareness raising mechanisms in place for 2008-09.

- The most popular strategy was the inclusion of public interest disclosure information in induction packages.
- 69.8% of authorities had this strategy in place in 2008-09, up from 50.5% in 2007-08.

Public Interest Disclosure Act 2003

How have you raised awareness about the Public Interest Disclosure Act 2003 and how to make a disclosure?



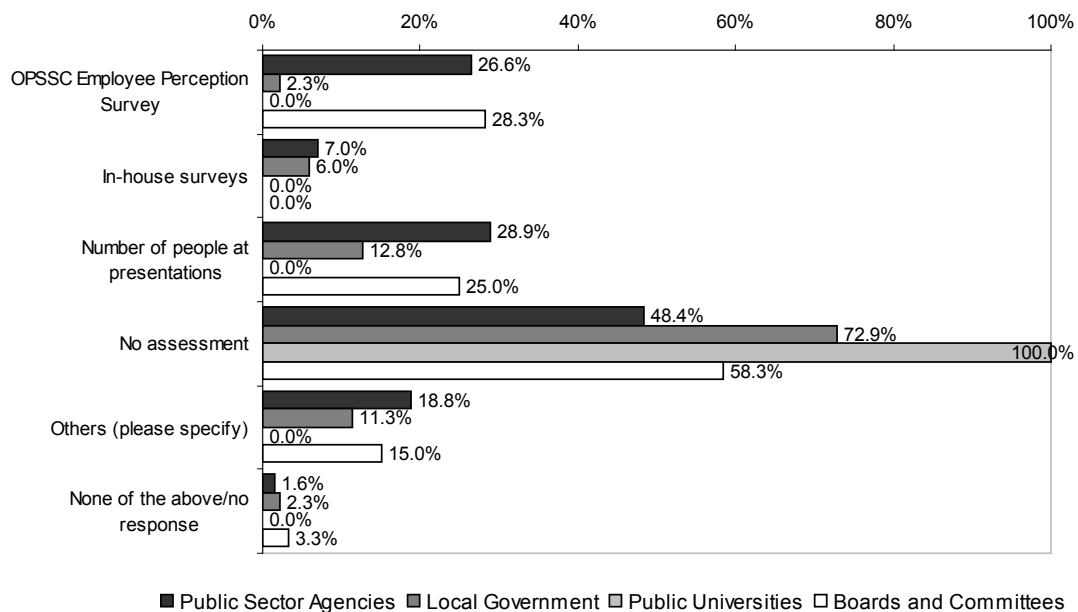
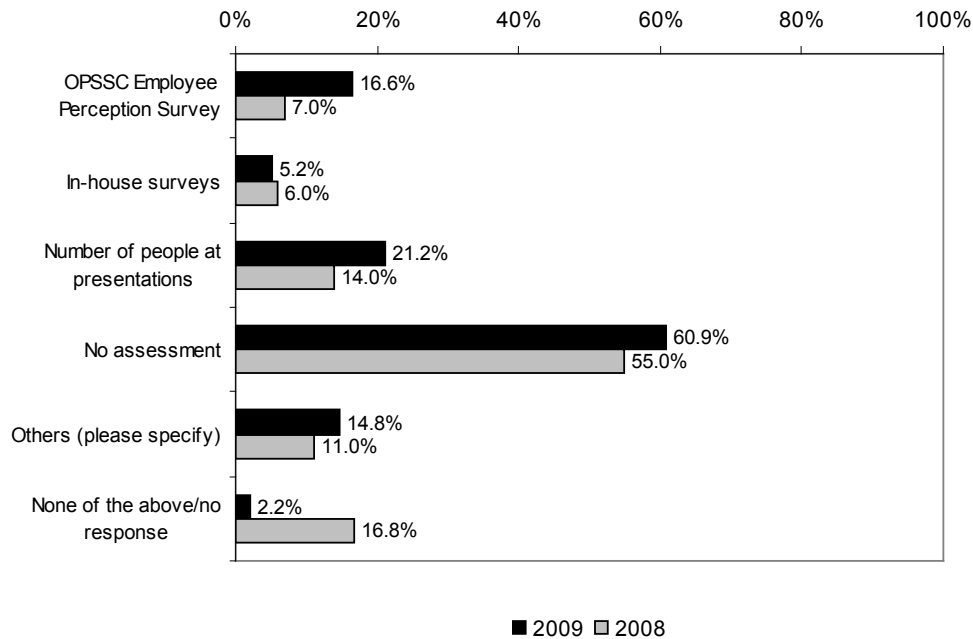
Note: Surveyed public authorities were able to choose multiple options for this question.

Awareness raising activities varied somewhat between public sector agencies or authorities, local government authorities and boards or committees.

- The provision of information in staff induction packages (76.8%), and procedures on the intranet (62.4%) were the most common mechanisms for raising awareness in public sector agencies.
- Similarly, local government authorities and boards and committees tended to rely largely on the provision of information in staff induction packages (68.8% and 57.9%, respectively). Boards and committees equally relied on procedures on the intranet (57.9%), while local government authorities also relied relatively more frequently on presentations to general staff (34.4%).
- The capacity for local government authorities to disseminate awareness raising materials about the PID Act, is significantly less compared with the public sector. OPSSC will continue to address this issue.

Compliance Section 2:

How do you assess the level of staff awareness?



Note: Surveyed public authorities were able to choose multiple options for this question.

Public Interest Disclosure Act 2003

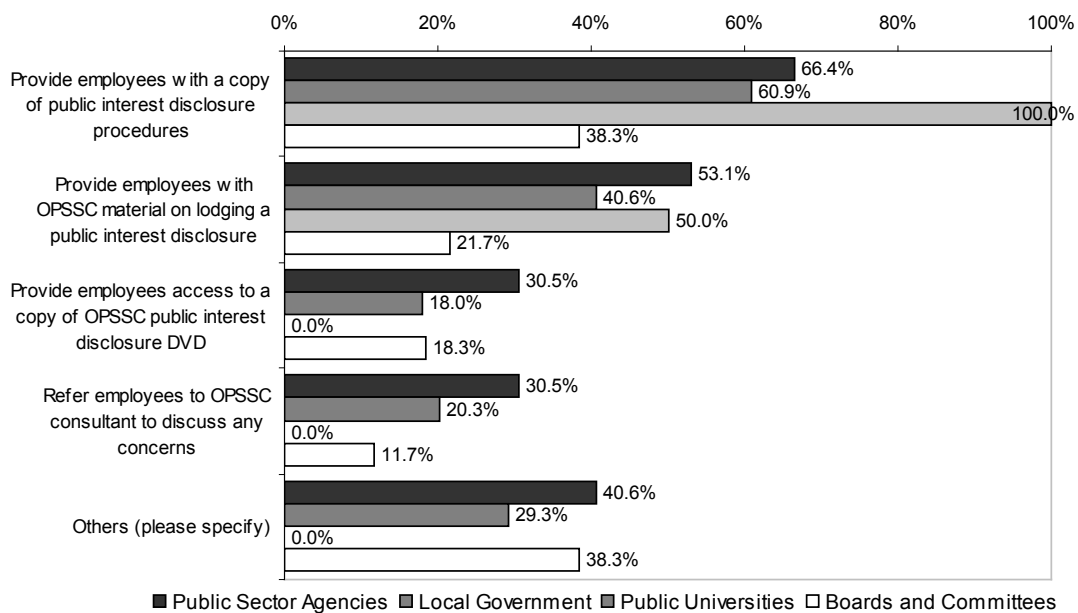
The proportion of public authorities that have no assessment methods in place to monitor staff awareness of the PID Act has increased in 2008-09 (60.9%), compared with the previous year (55.0%).

All public universities and the majority of local government authorities do not assess the level of staff awareness about the PID Act.

- 48.4% of public sector agencies or authorities had no assessment methods.
- 72.9% of local government authorities had no assessment methods.
- 100.0% of public universities had no assessment methods.
- 58.3% of boards or committees had no assessment methods.

All public authorities need to implement evaluation methods when it comes to the assessment of staff awareness of the PID Act. OPSSC will follow up on this issue.

How do you ensure individual staff have confidence in lodging a disclosure using the PID Act?



Note: Surveyed public authorities were able to choose multiple options for this question.

Providing employees with a copy of public interest disclosure procedures (59.4%) and OPSSC material on lodging a public interest disclosure (42.2%) were the most common mechanisms for increasing confidence in lodging a public interest disclosure across all public sector authorities.

Compliance Section 2:

Findings: Employee Perception Survey

In 2008-09, OPSSC surveyed 16 public sector authorities covered by the PID Act and 5,746 surveys were returned. Public sector agencies and authorities completing the Employee Perception Survey in 2008-09 are listed in Appendix 9.

Appendix 6 shows aggregate results for all respondents for the public interest disclosure related questions.

Awareness of the PID Act and how to make a disclosure

Employee Perception Survey results indicate that only 17% of staff are aware of the PID Act and how to make a disclosure. A further 29% said that while they were not aware of the Act and how to make a disclosure, they know where to find out more information. The results also show that managers (57%) are more aware of the PID Act, how to make a disclosure or know where to find out more information, compared with non-managers (46%). (Note: Only respondents who indicated whether they had senior managerial responsibility or not have been included in this further breakdown of the survey results.)

Willingness to make a disclosure

Just under half of survey respondents (46%) agreed that they would make a public interest disclosure if they were aware of improper conduct. Only 8% of respondents indicated that they would not – with a high percentage selecting the “don’t know” option. Managers (55%) were more willing to make a public interest disclosure than non-managers (46%).

Confidence: Rights would be protected

Only 23% of survey respondents felt confident that if they made a public interest disclosure their rights would be protected, with managers (28%) having more confidence than non-managers (23%).

Confidence: Agency PID officer would adequately investigate the matter

Only just over a quarter of respondents (27%) felt confident that if they made a public interest disclosure, the agency PID officer would adequately investigate the matter, with managers (33%) having more confidence than non-managers (27%). Clearly this is an area requiring further attention.

Confidence: A proper authority would adequately investigate the matter

Just under a third of respondents (31%) felt confident that if they made a public interest disclosure, a proper authority (for example, their own agency, OPSSC, the State Ombudsman, the CCC or the Auditor General) would adequately investigate the matter, with managers (37%) having more confidence than non-managers (31%).

Conclusion

Based on the results of the different data sources (that is, the public interest disclosure register, Annual Agency Survey, and Employee Perception Survey) the following findings are key points to note.

- There has been an increase in the level of assistance provided by OPSSC to public authorities to raise awareness of the PID Act. This has included PID Officer training courses (14 conducted), presentations (23 conducted), peer reviews (16 conducted), consultations (with 425 people) and a newly established support network for PID officers.
- There has been a threefold increase in the number of public interest disclosures lodged in 2008-09 (13 disclosures), compared with 2007-08 (4 disclosures).
- The Annual Agency Survey results show that while there has been an increase in the number of reporting agencies having internal PID procedures in place, as these are mandatory, further work is required in this area.
- The Annual Agency Survey results also show increased activity across almost all awareness raising strategies within public authorities, in particular the provision of information in staff induction packages (69.8% in 2008-09 and 50.5% in 2007-08), and procedures on the intranet (46.3% in 2008-09 and 30.6% in 2007-08).
- The increase in the number of public interest disclosures lodged in 2008-09 is likely to be a result of the increasing level of knowledge of the PID Act in recent years.
- While knowledge of the PID Act has increased in recent years, it continues to be relatively low across the sector.
- Knowledge of the PID Act remains greater among staff in senior managerial roles. Further work needs to be done by public authorities to raise the awareness of non-senior managerial staff.
- Staff continue to report a willingness to use the PID Act to report wrongdoing (46%). The ongoing challenge for public authorities is to engender the confidence of staff in their agency's ability to protect their rights, and adequately investigate the disclosure.

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Appendix I – Public Sector Management Act 1994

Enabling legislation

The enabling legislation for Compliance Section 1 of this report is the *Public Sector Management Act 1994* (PSM Act). The Office of the Public Sector Standards Commissioner (OPSSC) was established under the PSM Act. The functions and powers of the Commissioner for Public Sector Standards are outlined in ss 21–25, 45, 48 and 97.

General principles of human resource management

Section 8 of the PSM Act covers the powers of the Commissioner relating to the general principles of human resource management that are relevant to this report. The relevant parts are:

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

General principles of official conduct

Section 9 of the PSM Act covers the powers of the Commissioner relating to the general principles of official conduct that are relevant to this report. The relevant parts are as follows.

The principles of conduct that are to be observed by all public sector bodies and employees are that they:

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

Appendix 2 – List of agencies required to report under the Public Sector Management Act 1994, Public Interest Disclosure Act 2003 and Equal Opportunity Act 1984

Public sector agencies and Schedule I authorities

Agency/Authority	PSM Act	PID ACT	EO Act
Albany Port Authority		✓	✓
Animal Resources Authority	✓	✓	✓
Architects Board of WA	✓	✓	✓
Botanic Gardens and Parks Authority	✓	✓	✓
Broome Port Authority		✓	✓
Builders and Painters' Registration Board of WA	✓	✓	✓
Building and Construction Industry Training Fund	✓	✓	✓
Bunbury Port Authority		✓	✓
Bunbury Water Board	✓	✓	✓
Burswood Park Board	✓	✓	✓
Busselton Water Board	✓	✓	✓
C Y O'Connor College of TAFE	✓	✓	✓
Central TAFE	✓	✓	✓
Central West TAFE	✓	✓	✓
Challenger TAFE	✓	✓	✓
Chemistry Centre WA	✓	✓	✓
Commissioner for Children and Young People	✓	✓	✓
Corruption and Crime Commission	✓	✓	✓
Curriculum Council	✓	✓	✓
Dampier Port Authority		✓	✓
Department for Child Protection	✓	✓	✓
Department for Communities	✓	✓	✓
Department for Planning and Infrastructure	✓	✓	✓
Department of Agriculture and Food	✓	✓	✓
Department of Commerce	✓	✓	✓
Department of Corrective Services	✓	✓	✓
Department of Culture and the Arts	✓	✓	✓
Department of Education and Training	✓	✓	✓
Department of Education Services	✓	✓	✓
Department of Environment and Conservation	✓	✓	✓
Department of Fisheries	✓	✓	✓
Department of Health	✓	✓	✓

Appendices

Agency/Authority	PSM Act	PID ACT	EO Act
Department of Housing and Works	✓	✓	✓
Department of Indigenous Affairs	✓	✓	✓
Department of Local Government and Regional Development	✓	✓	✓
Department of Mines and Petroleum	✓	✓	✓
Department of Racing, Gaming and Liquor	✓	✓	✓
Department of Sport and Recreation	✓	✓	✓
Department of State Development	✓	✓	✓
Department of the Attorney General	✓	✓	✓
Department of the Premier and Cabinet	✓	✓	✓
Department of Treasury and Finance	✓	✓	✓
Department of Water	✓	✓	✓
Disability Services Commission	✓	✓	✓
Drug and Alcohol Office	✓	✓	✓
East Perth and Subiaco Redevelopment Authorities	✓	✓	✓
Economic Regulation Authority	✓	✓	✓
Equal Opportunity Commission	✓	✓	✓
Esperance Port Authority		✓	✓
Fire and Emergency Services Authority of WA	✓	✓	✓
Forest Products Commission	✓	✓	✓
Fremantle Port Authority		✓	✓
Gascoyne Development Commission	✓	✓	✓
Geraldton Port Authority		✓	✓
Gold Corporation (The Perth Mint)		✓	✓
Goldfields Esperance Development Commission	✓	✓	✓
Government Employees Superannuation Board	✓	✓	✓
Great Southern Development Commission	✓	✓	✓
Great Southern TAFE	✓	✓	✓
Hairdressers' Registration Board	✓	✓	✓
Health Promotion Foundation of WA ("Healthway")	✓	✓	✓
Heritage Council of WA	✓	✓	✓
Horizon Power	✓	✓	✓
Independent Market Operator		✓	✓
Insurance Commission of Western Australia	✓	✓	✓
Kimberley College of TAFE	✓	✓	✓
Kimberley Development Commission	✓	✓	✓
Landgate	✓	✓	✓

Agency/Authority	PSM Act	PID ACT	EO Act
Law Reform Commission of WA	✓	✓	✓
Legal Aid Western Australia	✓	✓	✓
Lotterywest	✓	✓	✓
Main Roads Western Australia	✓	✓	✓
Metropolitan Cemeteries Board	✓	✓	✓
Midland Redevelopment Authority	✓	✓	✓
Midwest Development Commission	✓	✓	✓
Minerals and Energy Research Institute of WA	✓	✓	✓
National Trust of Australia (WA)	✓	✓	✓
Nurses and Midwives Board of WA	✓	✓	✓
Office of Energy	✓	✓	✓
Office of Health Review	✓	✓	✓
Office of the Auditor General	✓	✓	✓
Office of the Country High School Hostels Authority	✓	✓	✓
Office of the Director of Public Prosecutions	✓	✓	✓
Office of the Information Commissioner	✓	✓	✓
Office of the Inspector of Custodial Services	✓	✓	✓
Office of the Public Sector Standards Commissioner	✓	✓	✓
Office of the State Ombudsman	✓	✓	✓
Peel Development Commission	✓	✓	✓
Perth Market Authority	✓	✓	✓
Pharmaceutical Council of WA	✓	✓	✓
Pilbara College of TAFE	✓	✓	✓
Pilbara Development Commission	✓	✓	✓
Port Hedland Port Authority		✓	✓
Potato Marketing Corporation of WA		✓	✓
Public Sector Commission	✓	✓	✓
Public Transport Authority	✓	✓	✓
Racing and Wagering WA		✓	✓
Rottneest Island Authority	✓	✓	✓
Small Business Development Corporation	✓	✓	✓
South West Development Commission	✓	✓	✓
South West Regional College of TAFE	✓	✓	✓
State Supply Commission of WA	✓	✓	✓
Swan TAFE	✓	✓	✓
Synergy Energy		✓	✓
The Governor's Establishment		✓	✓

Appendices

Agency/Authority	PSM Act	PID ACT	EO Act
Verve Energy		✓	✓
Veterinary Surgeons Board	✓	✓	✓
WA College of Teaching	✓	✓	✓
WA Greyhound Racing Authority		✓	✓
WA Industrial Relations Commission	✓	✓	✓
WA Legal Practice Board	✓	✓	✓
WA Meat Authority	✓	✓	✓
WA Treasury Corporation		✓	✓
Water Corporation		✓	✓
West Australian Tourism Commission	✓	✓	✓
West Coast College of TAFE	✓	✓	✓
Western Australia Police Service	✓	✓	✓
Western Australian Electoral Commission	✓	✓	✓
Western Australian Land Authority 'LandCorp'		✓	✓
Western Australian Sports Centre Trust	✓	✓	✓
Western Power		✓	✓
Wheatbelt Development Commission	✓	✓	✓
WorkCover	✓	✓	✓
Zoological Parks Authority (Perth Zoo)	✓	✓	✓

Independent agencies reported by larger agency

For the purposes of reporting compliance by OPSSC, several smaller agencies have submitted their yearly reporting data as part of their larger agency portfolio's yearly data. Therefore, their individual agency data has been amalgamated with that of the larger agency portfolio.

- Art Gallery of Western Australia reported with Department of Culture and the Arts.
- Conservation Commission Western Australia reported with Department of Environment and Conservation.
- Electoral Officers reported as a part of the Department of the Premier and Cabinet.
- Keep Australia Beautiful Council reported with Department of Environment and Conservation.
- Office of the Public Advocate reported with Department of the Attorney General.
- Perth Theatre Trust reported with Department of Culture and the Arts.

- Public Trustee's Office reported as a part of the Department of the Attorney General.
- Salaries and Allowances Tribunal reported as a part of the Department of the Premier and Cabinet.
- State Supply Commission reported with Department of Treasury and Finance.
- Swan River Trust reported with Department of Environment and Conservation.
- Western Australian Museum reported with Department of Culture and the Arts.

Agencies removed in 2008-09

- Department of Consumer and Employment Protection (refer below for new agencies)
- Department of Housing and Works (refer below for new agencies)
- Department of Industry and Resources (refer below for new agencies)
- Western Australian Sports Centre Trust (now called Venues West)

New agencies in 2008-09

- Department of Commerce (formerly Department of Industry and Resources and Department of Consumer and Employment Protection)
- Department of Housing (Works now with the Department of Treasury and Finance)
- Department of Mines and Petroleum (split from Department of Industry and Resources)
- Department of State Development (split from Department of Industry and Resources)
- Public Sector Commission (formerly part of Department of the Premier and Cabinet)
- Venues West (formerly the Western Australian Sports Centre Trust)

Appendices

Local government authorities

Local government authority	PSM Act	PID ACT	EEO Act
Albany, City of		✓	✓
Armadale, City of		✓	✓
Ashburton, Shire of		✓	✓
Augusta-Margaret River, Shire of		✓	✓
Bassendean, Town of		✓	✓
Bayswater, City of		✓	✓
Belmont, City of		✓	✓
Beverley, Shire of		✓	✓
Boddington, Shire of *		✓	✓
Boyup Brook, Shire of		✓	✓
Bridgetown-Greenbushes, Shire of		✓	✓
Brookton, Shire of		✓	✓
Broome, Shire of		✓	✓
Broomehill-Tambellup, Shire of		✓	✓
Bruce Rock, Shire of		✓	✓
Bunbury, City of		✓	✓
Busselton, Shire of		✓	✓
Cambridge, Town of		✓	✓
Canning, City of		✓	✓
Capel, Shire of		✓	✓
Carnamah, Shire of		✓	✓
Carnarvon, Shire of		✓	✓
Chapman, Valley Shire of		✓	✓
Chittering, Shire of		✓	✓
Christmas Island, Shire of *		✓	✓
Claremont, Town of *		✓	✓
Cockburn, City of		✓	✓
Cocos (Keeling) Islands, Shire of		✓	✓
Collie, Shire of		✓	✓
Coolgardie, Shire of		✓	✓
Coorow, Shire of		✓	✓
Corrigin, Shire of		✓	✓
Cottesloe, Town of		✓	✓
Cranbrook, Shire of		✓	✓
Cuballing, Shire of		✓	✓
Cue, Shire of		✓	✓

Local government authority	PSM Act	PID ACT	EEO Act
Cunderdin, Shire of		✓	✓
Dalwallinu, Shire of		✓	✓
Dandaragan, Shire of		✓	✓
Dardanup, Shire of		✓	✓
Denmark, Shire of		✓	✓
Derby/West Kimberley, Shire of		✓	✓
Donnybrook-Balingup, Shire of		✓	✓
Dowerin, Shire of		✓	✓
Dumbleyung, Shire of		✓	✓
Dundas, Shire of		✓	✓
East Fremantle, Town of		✓	✓
East Pilbara, Shire of		✓	✓
Esperance, Shire of		✓	✓
Exmouth, Shire of		✓	✓
Fremantle, City of		✓	✓
Geraldton-Greenough, City of		✓	✓
Gingin, Shire of		✓	✓
Gnowangerup, Shire of		✓	✓
Goomalling, Shire of		✓	✓
Gosnells, City of		✓	✓
Halls Creek, Shire of		✓	✓
Harvey, Shire of		✓	✓
Irwin, Shire of		✓	✓
Jerramungup, Shire of		✓	✓
Joondalup, City of		✓	✓
Kalamunda, Shire of		✓	✓
Kalgoorlie-Boulder, City of		✓	✓
Katanning, Shire of		✓	✓
Kellerberrin, Shire of		✓	✓
Kent, Shire of		✓	✓
Kojonup, Shire of		✓	✓
Kondinin, Shire of		✓	✓
Koorda, Shire of		✓	✓
Kulin, Shire of		✓	✓
Kwinana, Town of		✓	✓
Lake Grace, Shire of		✓	✓
Laverton, Shire of		✓	✓
Leonora, Shire of		✓	✓

Appendices

Local government authority	PSM Act	PID ACT	EEO Act
Mandurah, City of		✓	✓
Manjimup, Shire of		✓	✓
Meekatharra, Shire of		✓	✓
Melville, City of		✓	✓
Menzies, Shire of		✓	✓
Merredin, Shire of		✓	✓
Mingenew, Shire of		✓	✓
Moora, Shire of		✓	✓
Morawa, Shire of		✓	✓
Mosman, Park Town of		✓	✓
Mount Magnet, Shire of		✓	✓
Mt Marshall, Shire of		✓	✓
Mukinbudin, Shire of *		✓	✓
Mullewa, Shire of		✓	✓
Mundaring, Shire of		✓	✓
Murchison, Shire of *		✓	✓
Murray, Shire of		✓	✓
Nannup, Shire of		✓	✓
Narembeen, Shire of *		✓	✓
Narrogin, Shire of		✓	✓
Narrogin, Town of		✓	✓
Nedlands, City of		✓	✓
Ngaanyatjarraku, Shire of		✓	✓
Northam, Shire of		✓	✓
Northampton, Shire of		✓	✓
Nungarin, Shire of		✓	✓
Peppermint Grove, Shire of		✓	✓
Perenjori, Shire of		✓	✓
Perth, City of		✓	✓
Pingelly, Shire of *		✓	✓
Plantagenet, Shire of		✓	✓
Port Hedland, Town of		✓	✓
Quairading, Shire of		✓	✓
Ravensthorpe, Shire of		✓	✓
Rockingham, City of		✓	✓
Roebourne, Shire of		✓	✓
Sandstone, Shire of		✓	✓
Serpentine, Jarrahdale Shire of		✓	✓

Local government authority	PSM Act	PID ACT	EEO Act
Shark Bay, Shire of		✓	✓
South Perth, City of		✓	✓
Stirling, City of		✓	✓
Subiaco, City of		✓	✓
Swan, City of		✓	✓
Tammin, Shire of		✓	✓
Three Springs, Shire of		✓	✓
Toodyay, Shire of		✓	✓
Trayning, Shire of		✓	✓
Upper Gascoyne, Shire of		✓	✓
Victoria Park, Town of		✓	✓
Victoria Plains, Shire of		✓	✓
Vincent, Town of		✓	✓
Wagin, Shire of		✓	✓
Wandering, Shire of		✓	✓
Wanneroo, City of		✓	✓
Waroonna, Shire of		✓	✓
West Arthur, Shire of		✓	✓
Westonia, Shire of *		✓	✓
Wickepin, Shire of		✓	✓
Williams, Shire of		✓	✓
Wiluna, Shire of		✓	✓
Wongan-Ballidu, Shire of		✓	✓
Woodanilling, Shire of		✓	✓
Wyalkatchem, Shire of		✓	✓
Wyndham-East Kimberley, Shire of		✓	✓
Yalgoo, Shire of		✓	✓
Yilgarn, Shire of		✓	✓
York, Shire of		✓	✓

* = No data was submitted by the local government authority

New local government authorities or changed during 2008-09

- Shire of Broomehill now Shire of Broomehill-Tambellup
- Shire of Tambellup now Shire of Broomehill-Tambellup

Appendices

Public university

Public university	PSM Act	PID ACT	EEO Act
Curtin University of Technology		✓	✓
Edith Cowan University		✓	✓
Murdoch University		✓	✓
The University of Western Australia		✓	✓

Boards and committees

Board or committee	PSM Act	PID ACT	EEO Act
Adoption Applications Committee ¹		✓	
Aged Care Advisory Council ²		✓	
Albany Cemetery Board		✓	
Anzac Day Trust *		✓	
Art Gallery Board of Western Australia ³		✓	
ArtsWA Peer Assessment Panel - Designer Fashion ³		✓	
ArtsWA Peer Assessment Panels - Arts Development ³		✓	
ArtsWA Peer Assessment Panels - Contemporary Music ³		✓	
ArtsWA Peer Assessment Panels - Indigenous Arts ³		✓	
ArtsWA Peer Assessment Panels - Young People and the Arts ³		✓	
Board of Examiners		✓	
Builders Registration Board *		✓	
Bunbury Cemetery Board		✓	
Bush Fire Service Consultative Committee ⁴		✓	
Charitable Collections Advisory Committee ⁵		✓	
Chicken Meat Industry Committee		✓	
Chiropractors Registration Board		✓	
Chowerup Cemetery Board		✓	
Commission for Occupational Safety and Health		✓	
Construction Industry Long Service Leave Payments Board		✓	
Consumer Product Safety Committee		✓	
Dental Board of Western Australia		✓	
Dental Charges Committee *		✓	

Board or committee	PSM Act	PID ACT	EEO Act
Dwellingup Cemetery Board		✓	
Eastern Goldfields Transport Board ⁶		✓	
Fire and Rescue Service Consultative Committee ⁴		✓	
Fluoridation of Public Water Supplies Advisory Committee		✓	
Gaming and Wagering Commission of Western Australia		✓	
Gaming Community Trust		✓	
Grain Licensing Authority		✓	
Kalgoorlie/Boulder Cemetery Board		✓	
Land Surveyors Licensing Board		✓	
Land Valuers Licensing Board		✓	
Legal Costs Committee		✓	
Legal Practitioners Complaints Committee *		✓	
Local Government Advisory Board		✓	
Marine Parks and Reserves Authority		✓	
Medical Board of WA		✓	
Mines Survey Board		✓	
Mining Industry Advisory Committee		✓	
Motor Vehicle Industry Board		✓	
Occupational Therapists Registration Board		✓	
Optometrists Registration Board		✓	
Osteopaths Registration Board		✓	
Physiotherapists' Registration Board		✓	
Professional Combat Sports Commission ⁷		✓	
Professional Standards Council		✓	
Psychologists Board of Western Australia		✓	
Public Education Endowment Trust *		✓	
Quadriplegic Centre Board		✓	
Racing Penalties Appeal Tribunal		✓	
Real Estate and Business Agents Supervisory Board		✓	
Retail Shops Advisory Committee		✓	
Rural Business Development Corporation		✓	
Rural Business Development Corporation		✓	
ScreenWest Board ³		✓	
Settlement Agents Supervisory Board		✓	

Appendices

Board or committee	PSM Act	PID ACT	EEO Act
Shark Bay World Heritage Property Community Consultative Committee		✓	
State Emergency Service Consultative Committee ⁴		✓	
State Training Board *		✓	
Swan River Trust		✓	
Volunteer Marine Rescue Services Consultative Committee ⁴		✓	
WA HazMat Emergency Management Scheme Coordination Committee ⁴		✓	
Western Australian Museum Board ³		✓	
Western Australian Planning Commission *		✓	
Western Australian Reproductive Technology Council *		✓	
Western Australian Technology and Industry Advisory Council *		✓	
Yanchep National Park Advisory Committee ⁸		✓	

¹ Data reported by the Department for Child Protection

² Data reported by the Department of Health

³ Data reported by the Department of Culture and the Arts

⁴ Data reported by the Fire and Emergency Services Authority of WA

⁵ Data reported by the Department of Commerce

⁶ Data reported by the Public Transport Authority

⁷ Data reported by the Department of Sport and Recreation

⁸ Data reported by the Department of Environment and Conservation

* = No data was submitted by the Board or Committee

Appendix 3 – Human resource management standards and ethical codes

Public Sector Standards in Human Resource Management 2001

Nine public sector standards have been developed and communicated to agencies by the OPSSC to achieve the following outcomes. Details of the minimum standards required to achieve these outcomes are available at [www.opssc.wa.gov.au/Public_Sector_Standards_\(HRM\)/](http://www.opssc.wa.gov.au/Public_Sector_Standards_(HRM)/)

Recruitment Selection and Appointment Standard

The most suitable and available people are selected and appointed.

Transfer Standard

Transfer decisions are equitable and take into account the participating organisation's work related requirements and employee interests.

Secondment Standard

Secondment decisions are equitable and take into account the participating organisation's work related requirements and employee interests.

Performance Management Standard

The performance of employees is fairly assessed to achieve the work related requirements of the public sector body while paying proper regard to employee interests.

Redeployment Standard

Redeployment decisions are equitable and take into account the participating organisation's work related requirements and employee interests.

Termination Standard

Termination decisions are fair and entitlements are provided.

Discipline Standard

The discipline process observes procedural fairness.

Temporary Deployment (Acting) Standard

Temporary deployment (Acting) decisions are equitable and take into account the participating organisation's work related requirements and employee interests.

Grievance Resolution Standard

The process used by an employing authority to resolve or redress grievances is fair.

Ethical codes

The Western Australian Public Sector Code of Ethics was first established in 1996. A revised version came into effect from February 2002. Public sector bodies can develop their own agency-based code(s) of conduct to give further practical information to their staff about how to give effect to the principles outlined in the Code of Ethics. Public sector bodies must comply with codes.

The three key principles of the Code of Ethics are:

Justice – being impartial and using power fairly for the common good. It means not abusing, discriminating against or exploiting people.

Respect for persons – being honest and treating people courteously, so that they maintain their dignity and their rights are upheld. It means not harassing, intimidating or abusing people.

Responsible care – protecting and managing with care the human, natural and financial resources of the State. It means decisions and actions do not harm the short and long term well being of people and resources.

Appendix 4 – Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* (PID Act) commenced on 1 July 2003, and applies to the Western Australian public authorities, as defined in the Act.

The PID Act covers disclosures of public interest information, which is information relating to the performance of a public function by a public authority, public officer or public sector contractor, and which tends to show that the public body is, has been, or proposes to be involved in:

- improper conduct;
- an offence against State law;
- a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources;
- conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment; or
- conduct relating to a matter of administration affecting someone in their personal capacity that falls within the jurisdiction of the Ombudsman.

Anyone can make a disclosure of public interest information, including members of the public. The person making the disclosure must believe on reasonable grounds that the information is or may be true. A person commits an offence under the PID Act if they know, or are reckless about whether, the information is false or misleading in a material sense.

Disclosures can only be made to a proper authority, either to a designated PID Officer within the public authority concerned, or to one of the named proper authorities, such as the Corruption and Crime Commission, the Auditor General and the State Ombudsman, depending on the nature of the information being disclosed. The PID Act does not protect disclosures made to persons other than a proper authority.

A person who makes an appropriate disclosure under the PID Act is provided with certain immunities for doing so, including immunity from legal action, disciplinary action and termination. A person forfeits this protection if he or she discloses information contained in a disclosure otherwise than in accordance with the PID Act, or fails to assist a person investigating the disclosure without reasonable excuse.

The PID Act prohibits the disclosure of information that might identify or tend to identify anyone as a person who has made an appropriate disclosure of public interest information or the person named in the disclosure, unless in certain circumstances.

Disclosures of public interest information must be investigated if the disclosure relates to the public authority, its officers, or contractors, or a matter or person that the authority has a function or power to investigate. A proper authority may refuse to

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investigate, or discontinue an investigation in certain circumstances, and the proper authority must provide the discloser reasons for doing so.

The PID Act requires a proper authority to take action if it forms the view that a person may be, may have been or may in the future be involved in improper conduct to which the Act applies. The action, which a proper authority must take, is to:

- prevent the matter to which the disclosure relates from continuing or occurring in future;
- refer the matter to the Commissioner of Police or another person, body or organisation having power to investigate the matter; or
- take disciplinary action or commence or enable disciplinary proceedings to be commenced against a person responsible for the matter.

In taking such action, the proper authority is limited in its functions and powers, and must also be guided by what is necessary and reasonable in the circumstances.

Within three months after the disclosure is made, the proper authority must notify the discloser of the action taken or proposed to be taken in relation to the disclosure. Once an investigation is complete, the proper authority must provide a final report to the discloser stating the outcome of the investigation and the reason for taking action following the investigation.

The investigation, obligations with respect to taking action, and reporting obligations do not apply the Ombudsman or the Corruption and Crime Commission where they have functions in relation to the disclosure under their own legislation.

The PID Act makes an offence of reprisal, which occurs if a person takes or threatens to take detrimental action against another because anyone has made, or intends to make, a disclosure under the PID Act. Penalties also apply where a person who attempts to commit this offence, or incites another to do so.

The PID Act also provides remedies to disclosers for acts of victimisation. A person who is subjected to detrimental action may either take civil proceedings for damages or make a complaint under the Equal Opportunity Act 1984.

The PID Act requires the principal executive officer of a public authority to ensure that his or her public authority complies with the PID Act, and the PID Code of Conduct and Integrity. There are a number of other obligations on principal executive officers under the PID Act, including protecting an employee who has made a disclosure from detrimental action or the threat of such action, preparing internal procedures, and reporting annually to the Commissioner for Public Sector Standards.

Appendix 5 – Glossary of terms

Appropriate disclosure of public interest information

To be an appropriate disclosure of public interest information under the *Public Interest Disclosure Act 2003* (PID Act), the following criteria must be met.

- The information disclosed relates to a public authority, a public officer or a public sector contractor.
- The information disclosed relates to the performance of a public function.
- The information disclosed tends to show improper conduct, or one of the other categories of public interest information, as defined in s.3 of the PID Act (see definition below).
- The public interest disclosure officer (PID officer) is the appropriate proper authority for receiving such information.
- The discloser believes on reasonable grounds that the information disclosed is or may be true.
- The information is not protected by legal professional privilege.
- It is clear that the discloser has chosen to make a disclosure under the PID Act to enable the disclosure to be identified as one to which the PID Act applies.

Breach of standard

A determination by the Commissioner for Public Sector Standards that one or more of the requirements of a public sector standard has/have not been complied with.

Employee Perception Survey

A questionnaire measuring employee perceptions of human resource management, ethical conduct, equity and diversity within an agency.

Compliance framework

The key elements of the compliance framework are to educate and persuade public sector bodies to comply; to develop their capacity to comply; and to deter non-compliance.

Compliance inquiries (general)

Pursuant to s. 21 of the *Public Sector Management Act 1994* (PSM Act), compliance inquiries (general) can address areas beyond the scope of the breach of standard claim process and provide information to assist the Commissioner for the Public Sector Standards Commissioner to monitor compliance. These compliance inquiries relate to the general principles of official conduct. The Commissioner can choose to undertake an inquiry or review as a result of compliance inquiries.

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Compliance monitoring

Monitoring the extent of compliance with the public sector standards and ethical codes at either an agency or sector level pursuant to ss 8 and 9 of the PSM Act.

Code of conduct

A formal written policy documenting the behaviour expected of all employees of a public sector body. Each public sector body is expected, under the PSM Act, to develop a code of conduct consistent with the public sector Code of Ethics.

Code of Ethics

The Western Australian Public Sector Code of Ethics which outlines the minimum standards of conduct and integrity for public sector bodies and employees.

Ethical codes

The Western Australian Public Sector Code of Ethics together with the individual codes of conduct of public sector bodies.

Human resource management principles

The human resource management principles are that selection is based on a proper assessment of merit and equity; human resource management powers are not based on nepotism or patronage and employees are to be treated fairly and consistently.

Authorities specified in s.5(3)(a-g) of the PID Act

The Corruption and Crime Commissioner, the Auditor General, the State Ombudsman, WA Police, and the Commissioner for Public Sector Standards, who can receive particular types of information under s.5(3) of the PID Act.

Public interest disclosure

A disclosure made under the PID Act.

Public interest disclosure officer (PID officer)

A person who occupies a position within a public authority that has been designated by the principal executive officer to receive disclosures of public interest information about matters falling within the sphere of responsibility of the public authority under s.5(3)(h) of the PID Act.

Proper authority

A public interest disclosure has to be made to a proper authority. A proper authority may be the PID officer within a public authority. A proper authority may also be a particular authority specifically named in s.5(3) the PID Act to receive disclosures about particular types of information.

Public authority

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

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

Public interest information

Public interest information is defined in s.3 of the PID Act to mean “information that tends to show that, in relation to its performance of a public function (either before or after the commencement of this Act), a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in:

- improper conduct;
- an act or omission that constitutes an offence under written law ;
- a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources;
- an act or omission that involves a substantial and specific risk of:
 - injury to public health;
 - prejudice to public safety; or
 - harm to the environment; or
- A matter of administration that can be investigated under s.14 of the *Parliamentary Commissioner Act 1971*.

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Public sector standards

The *Public Sector Standards in Human Resource Management 2001*. There are nine standards:

- Recruitment, Selection and Appointment;
- Transfer;
- Secondment;
- Performance Management;
- Redeployment;
- Termination;
- Discipline;
- Temporary Deployment (Acting); and
- Grievance Resolution.

Reporting period

1 July 2008 to 30 June 2009.

Thematic review

A review relating to specific human resource management principles and standards and ethical principles and codes that provides an in-depth examination of an issue across a range of public sector agencies.

Appendix 6 – Employee Perception Survey results 2008-09

Human resource management

	No Response	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Your immediate supervisor makes use of appropriate communication and interpersonal skills in dealing with you	0.9%	47.7%	32.0%	6.0%	8.3%	4.5%	0.6%
Your immediate supervisor is effective in managing people	1.0%	37.5%	33.4%	9.6%	10.9%	6.8%	0.7%
Your input is adequately sought and considered about decisions that directly affect you	1.2%	35.5%	34.4%	10.3%	11.0%	6.9%	0.7%
You have confidence in the processes your agency uses to resolve employee grievances	1.2%	15.9%	29.5%	20.3%	14.8%	11.8%	6.6%
Recruitment and promotion decisions in this agency are fair	1.4%	16.3%	28.9%	18.4%	18.0%	13.3%	3.7%

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	No Response	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Generally speaking, the recruitment and selection processes in your workplace are unbiased and candidates are selected on the basis of merit	1.1%	21.8%	37.7%	21.4%	11.5%	6.4%
Positions are generally advertised within a reasonable time of becoming vacant	1.2%	20.3%	38.9%	18.8%	11.9%	8.9%
Decisions to second or transfer employees to equivalent or higher positions are made fairly	1.4%	13.5%	35.3%	21.4%	11.3%	17.0%
Favouritism plays a part in the selection process for relieving or acting opportunities	1.4%	14.7%	31.6%	22.1%	17.4%	12.7%
Performance development is fairly and consistently applied in your workplace	1.8%	16.8%	42.2%	21.4%	10.7%	7.2%
Training opportunities in your work area are available to all employees	1.7%	34.2%	38.4%	14.7%	8.3%	2.7%

	No Response	Yes	No
Are you aware that Human Resource Standards exist in the public sector for recruitment, selection and appointment?	1.7%	91.5%	6.8%
Are you aware that Human Resource Standards exist in the public sector for temporary deployment (acting)?	1.9%	81.5%	16.7%
Are you aware that Human Resource Standards exist in the public sector for grievance resolution?	1.8%	88.2%	10.0%
Are you aware that Human Resource Standards exist in the public sector for performance management?	1.9%	84.6%	13.5%
Are you also aware that Human Resource Standards exist in the public sector for redeployment, termination, discipline, transfer and secondment?	1.5%	85.1%	13.4%
Are you aware that for some agencies/positions the period for lodging a breach of standard claim has been reduced from 10 to 4 working days?	1.4%	24.6%	74.0%
Do you understand what courses of action are available to you should a breach of standard occur?	1.5%	42.4%	56.1%
Have you undertaken training or been provided with information on your agency's internal grievance resolution procedures?	1.8%	37.0%	61.2%

	No Response	Yes	No	Don't Know
Does your agency have clearly documented appointment processes (including processes for secondment, transfer and acting)?	4.6%	43.6%	7.3%	44.4%
Does your agency have clearly documented policies and procedures for induction, training and professional development?	1.7%	63.7%	12.1%	22.4%
Does your agency have clearly documented policies and procedures for supervision and performance management?	1.8%	62.9%	9.6%	25.7%
Does your agency have clearly documented policies and procedures for conduct and discipline processes?	1.9%	59.0%	8.1%	31.0%
Does your agency have clearly documented policies and procedures for classification and review processes?	1.9%	49.0%	8.6%	40.5%
Does your agency have clearly documented policies and procedures for grievance resolution processes?	1.7%	59.0%	6.8%	32.4%
Does your agency have clearly documented policies and procedures for redeployment processes?	2.1%	40.3%	7.7%	49.9%

	No Response	Yes, and it was relevant to the Standards and I took action	Yes, and it was relevant to the Standards but I took no action	No
Have you felt any human resource management decision made in your agency in the last 12 months was not compliant with the standards?	3.5%	3.9%	17.5%	75.1%
	No Response	Yes	No	Doesn't Apply
If you commenced employment within your agency in the last 12 months, did you participate in an induction program?	2.4%	14.2%	6.3%	77.1%
If you have been employed in your agency for more than 12 months, have you participated in one or more performance development meetings with your supervisor in the last 12 months?	1.8%	55.5%	27.1%	15.6%

	No Response	Fortnightly or more frequently	Monthly	Six Monthly	Annually	Never
How often do you meet with your immediate supervisor, either formally or informally? (CEOs do not need to respond to this question)	1.6%	67.8%	15.2%	6.8%	3.3%	5.2%

Code of Ethics and code of conduct

	No Response	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Your agency actively encourages ethical behaviour by all of its employees	3.3%	46.2%	33.2%	9.1%	4.5%	2.3%	1.4%
Senior managers in your agency lead by example in ethical behaviour	3.9%	32.5%	32.9%	12.1%	10.3%	6.3%	2.1%

	No Response	Yes	No
Are you familiar with the WA Public Sector Code of Ethics?	3.7%	66.6%	29.7%
Are you familiar with your agency's Code of Conduct?	3.8%	78.9%	17.4%

	No Response	Always	Often	Sometimes	Never	Don't Know or Doesn't Apply
Confidential information in your workplace is only disclosed to appropriate people	3.3%	47.1%	26.1%	14.1%	1.2%	8.1%
Decisions about purchasing are influenced by favouritism, gifts or incentives	3.5%	1.5%	2.2%	6.6%	52.0%	34.2%
You are treated with respect by your immediate supervisor	3.4%	61.8%	20.8%	12.0%	1.4%	0.5%
You are treated with respect by other employees in your agency	3.4%	42.2%	41.3%	12.4%	0.3%	0.4%
	No Response	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
People who report unethical behaviour in your workplace are protected from victimisation and harassment	3.4%	16.9%	21.3%	10.5%	6.2%	41.8%
Your agency promotes management practices and processes that create and sustain a culture of integrity	3.6%	28.4%	41.7%	11.1%	4.9%	10.3%
Your agency is committed to managing conflicts of interest and communicates relevant information to staff	3.7%	25.8%	39.1%	12.7%	5.4%	13.3%

	No Response	Yes	No	Don't Know
Your agency has policies and procedures in place that assist employees in managing conflicts of interest	3.4%	59.3%	4.8%	32.6%
Does your agency have a policy or procedure regarding receiving and giving of gifts?	3.3%	53.9%	4.6%	38.2%
Your agency has policies and procedures for reporting unethical behaviour, workplace bullying and misconduct	3.5%	71.2%	2.9%	22.4%
Practices and processes are in place for reporting unethical behaviour, workplace bullying and misconduct	3.6%	64.9%	5.4%	26.2%
	No Response	Yes	No	Doesn't Apply
Have you been aware of an occurrence of unethical behaviour in your workplace in the last 12 months?	3.4%	29.6%	67.0%	
If you have been aware of an occurrence of unethical behaviour in your workplace, did you report it?	3.8%	10.7%	18.1%	67.4%

	No Response	Yes	No	Not Sure
During the last 12 months have you been subjected to bullying or harassment in your workplace?	3.3%	16.2%	72.4%	8.1%

Equal employment opportunity and diversity

	No Response	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Your agency is committed to creating a diverse workforce (for example gender, age, cultural background, disability status and Indigenous status)	4.5%	43.0%	34.7%	8.9%	3.1%	1.6%	4.2%
Your workplace culture supports people to achieve a suitable work/life balance	4.8%	37.3%	34.7%	8.4%	8.6%	4.9%	1.4%

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Taking up flexible work options and leave arrangements (for example flexible start and finish times, part-time work, purchased leave arrangements) would limit your career in your agency	4.5%	12.6%	24.0%	24.4%	22.0%
Your agency's policies support the use of flexible work options and leave arrangements (for example flexible start and finish times, part-time work, purchased leave arrangements) and provide relevant information to staff	4.5%	36.3%	37.0%	8.4%	6.2%
Your immediate supervisor supports the use of flexible work options and leave arrangements (for example flexible start and finish times, part-time work, purchased leave arrangements) and accommodates the needs of employees	4.6%	44.5%	30.6%	7.1%	4.9%

	No Response	Yes	No	Don't know / No opinion
Has your agency supported you in feeling confident in working with people from different diversity groups? (for example people from culturally diverse backgrounds, people with disabilities, Indigenous Australians and other diversity groups)	4.9%	61.9%	9.4%	23.8%
Your workplace culture is equally welcoming of people from all diversity groups (for example people from culturally diverse backgrounds, people with disabilities, Indigenous Australians and other diversity groups) ^a	4.9%	81.7%	4.3%	9.0%
Your immediate supervisor treats employees from all diversity groups in the workplace with equal respect	5.7%	82.3%	3.5%	8.5%
Your co-workers treat employees from all diversity groups in the workplace with equal respect	5.5%	79.7%	6.7%	8.1%
Staff making unwelcome comments, jokes or remarks based on a person's gender or diversity group status is acceptable behaviour in your workplace	4.8%	9.3%	77.1%	8.7%
Staff making unwelcome sexual advances or other unwelcome conduct of a sexual nature is acceptable behaviour in your workplace	6.2%	5.9%	81.7%	6.3%

	No Response	Yes	No	Don't know / No opinion
Staff making unwelcome comments, jokes or remarks based on a person's gender or diversity group status occurs in your workplace	4.9%	11.4%	71.5%	12.1%
Unwelcome sexual advances or other unwelcome conduct of a sexual nature from staff occurs in your workplace	9.5%	4.5%	71.5%	14.5%

For questions marked a, b, c, and d, where response was "No" the following diversity groups were selected:

	People from Culturally Diverse Backgrounds	People with Disabilities	Indigenous Australians	Other
a. If not, people from which diversity group were not welcomed	33.8%	24.4%	25.2%	16.5%
b. If not, people from which diversity group were not treated with equal respect	34.2%	18.3%	21.7%	25.8%
c. If not, people from which diversity group were not treated with equal respect	43.2%	17.1%	26.3%	13.4%
d. If yes, about which diversity group were unwelcome comments, jokes or remarks made about	38.5%	14.6%	24.5%	22.4%

Public interest disclosure

	No Response	Yes	No, but know where to find out	No
Are you aware of the <i>Public Interest Disclosure Act 2003</i> (the PID Act) and how to make a disclosure?	11.1%	17.4%	29.1%	42.5%
	No Response	Yes	No	Don't Know
Would you use the PID Act to make a disclosure to the proper authority if you were aware of improper conduct in your workplace?	5.4%	46.2%	8.4%	40.0%
If you made a public interest disclosure under the PID Act, are you confident that your rights would be protected?	5.3%	23.2%	24.3%	47.1%
If you made a public interest disclosure under the PID Act, are you confident that your agency PID Officer would adequately investigate the matter?	5.4%	26.7%	13.3%	54.6%
If you made a public interest disclosure under the PID Act, are you confident that a Proper Authority (for example your own agency, OPSSC, Ombudsman, Corruption and Crime Commission, Auditor General) would adequately investigate the matter?	5.6%	31.2%	12.3%	50.9%

Comparison tables of inter-jurisdiction common question results

Human Resource Management	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly
Your input is adequately sought and considered about decisions that directly affect you	36.2%	35.1%	10.5%	11.2%	7.0%
Recruitment and promotion decisions in this agency are fair	17.2%	30.4%	19.4%	18.9%	14.1%
Your immediate supervisor is effective in managing people	38.2%	34.0%	9.8%	11.1%	6.9%
You have confidence in the processes that your agency uses to resolve employee grievances	17.2%	32.0%	22.0%	16.0%	12.8%

Ethics	Yes	No	Not Sure
During the last twelve months have you been subjected to bullying or harassment in your workplace?	16.8%	74.9%	8.4%

Ethics	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly
Your agency actively encourages ethical behaviour by all of its employees	48.4%	34.9%	9.6%	4.7%	2.4%
Senior managers in your agency lead by example in ethical behaviour	34.6%	34.9%	12.9%	10.9%	6.7%

Equal Employment Opportunity and Diversity	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly
Your agency is committed to creating a diverse workforce (eg gender, age, cultural background, disability and Indigenous status)	47.1%	38.0%	9.8%	3.4%	1.7%
Your workplace culture supports people to achieve a suitable work/life balance	39.8%	37.0%	8.9%	9.1%	5.2%

Employee Perception Survey results 2008-09 (PID Act) – Responses by Managerial vs Non-managerial responsibility

Public Interest Disclosure Act	Senior managerial responsibility			No senior managerial responsibility		
	No Response	Yes	No, but know where to find out	No Response	Yes	No, but know where to find out
Are you aware of the <i>Public Interest Disclosure Act 2003</i> (the PID Act) and how to make a disclosure?	8.3%	24.8%	31.9%	6.2%	15.6%	48.1%

Public Interest Disclosure Act	Senior managerial responsibility				No senior managerial responsibility			
	No Response	Yes	No	Don't Know	No Response	Yes	No	Don't Know
Would you use the PID Act to make a disclosure to the proper authority if you were aware of improper conduct in your workplace?	0.9%	55.3%	8.6%	35.2%	0.9%	46.2%	8.8%	44.1%
If you made a public interest disclosure under the PID Act, are you confident that your rights would be protected?	0.8%	28.3%	26.3%	44.6%	0.8%	23.1%	25.1%	51.0%
If you made a public interest disclosure under the PID Act, are you confident that your agency PID Officer would adequately investigate the matter?	1.1%	32.5%	13.2%	53.2%	0.9%	26.5%	13.9%	58.8%
If you made a public interest disclosure under the PID Act, are you confident that a Proper Authority (for example your own agency, OPSSC, Ombudsman, Corruption and Crime Commission, Auditor General) would adequately investigate the matter?	1.4%	37.3%	13.0%	48.3%	1.0%	31.2%	12.6%	55.2%

Appendix 7 – Employee Perception Survey results: Ten year comparison

Human resource management

	Year	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Generally speaking, the recruitment and selection processes in your workplace are unbiased and candidates are selected on the basis of merit	2008-09	22.1%	38.1%	21.7%	11.7%	6.5%
Generally speaking, the recruitment and selection processes in your workplace are unbiased and candidates are selected on the basis of merit ^a	1998-99	16.8%	36.0%	19.7%	16.1%	11.4%
Decisions to second or transfer employees to equivalent or higher positions are made fairly	2008-09	13.7%	35.8%	21.7%	11.5%	17.3%
Decisions to second or transfer employees to equivalent or higher positions are made fairly ^b	1998-99	10.0%	25.4%	16.4%	9.8%	38.3%
Favouritism plays a part in the selection process for relieving or acting opportunities	2008-09	14.9%	32.1%	22.4%	17.7%	12.9%
Favouritism plays a part in selection for higher duties	1998-99	13.9%	29.2%	17.9%	18.4%	20.6%
Performance development is fairly and consistently applied in your workplace	2008-09	17.1%	42.9%	21.8%	10.9%	7.3%
Your performance is fairly assessed in your workplace	1998-99	23.0%	45.9%	13.2%	8.6%	9.3%

	Year	Yes	No
Are you aware that Human Resource Standards for the public sector exist?	2008-09	87.7%	12.3%
Are you aware that Human Resource Standards for the public sector exist? ^c	1998-99	76.5%	23.5%
Do you understand what courses of action are available to you should a breach of standard occur?	2008-09	43.0%	57.0%
Do you understand what course of action are available should you disagree with a job selection decision?	1998-99	49.6%	50.4%

Code of Ethics and code of conduct

	Year	Agree Strongly	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Disagree Strongly	Don't Know or Doesn't Apply
Your agency actively encourages ethical behaviour by all of its employees	2008-09	47.8%	34.4%	9.4%	4.6%	2.4%	1.4%
Management supports and encourages ethical conduct	1998-99	39.5%	37.5%	11.6%	5.3%	2.1%	4.0%
Senior managers in your agency lead by example in ethical behaviour	2008-09	33.9%	34.2%	12.6%	10.7%	6.5%	2.2%
Your management leads by example in ethical behaviour	1998-99	24.7%	30.4%	18.3%	11.7%	7.2%	7.6%

	Year	Yes	No
Are you familiar with the WA Public Sector Code of Ethics?	2008-09	69.0%	31.0%
Have you read the WA Public Sector Code of Ethics	1998-99	55.0%	45.0%
Are you familiar with your agency's Code of Conduct?	2008-09	82.0%	18.0%
Are you aware of your agency's ethical policy guidelines?	1998-99	70.0%	30.0%

Statistical testing carried out during 2008-09 for a. and b. below showed that employee responses to these questions were not significantly different.

- a. 1998-99 responses to this question include combined results from questions "Generally speaking, the recruitment and selection processes of this workplace are fair and unbiased" and "Selection panels in this workplace select the best available candidate for the position"
- b. 1998-99 responses to this question include combined results from questions "Decisions to second employees to equivalent or higher positions are decided upon fairly" and "Decisions to transfer staff are decided upon fairly".
- c. 2008-09 responses to this question combines responses to questions relating to awareness of Human Resource Standards in the public sector for recruitment, selection and appointment; temporary deployment (acting); grievance resolution; performance management; and redeployment, termination, discipline, transfer and secondment into one single response.

Appendix 8 – Employee Perception Survey results: Five year comparison

Public interest disclosure

	Year	No Response	Yes	No, but I know where to find out	No
Are you aware of the <i>Public Interest Disclosure Act 2003</i> (PID Act)?	2007-08	5.0%	27.4%	24.4%	43.1%
I am aware of the the PID Act?	2004-05	5.0%	14.0%	23.0%	58.0%
Do you understand how to make a public interest disclosure?	2007-08	5.4%	12.5%	32.5%	49.6%
I understand how to make a public interest disclosure?	2004-05	8.0%	5.0%	26.0%	61.0%

Appendix 9 – Public sector agencies undertaking Employee Perception Survey in 2008-09 by survey type and their respective response rates

Agency	Total Surveys Distributed	Total Surveys Returned	Response Rate
Dept of Education and Training (Fremantle/Peel District)	4,945	931	18.8%
Dept of Education and Training (Central Office)	2,352	965	41.0%
Disability Services Commission	1,810	660	36.5%
Department of Treasury and Finance	1,717	703	40.9%
Department of Commerce	1,274	385	30.2%
Main Roads WA	1,125	463	41.2%
Landgate	1,082	377	34.8%
Department of Housing	1,019	495	48.6%
Department of Water	847	390	46.0%
Dept of Education and Training (Narrogin District)	690	109	15.8%
Dept of Education and Training (Pilbara District)	649	147	22.7%

Appendices

Agency	Total Surveys Distributed	Total Surveys Returned	Response Rate
Department of Racing, Gaming, and Liquor	133	57	42.9%
Office of the Public Sector Standards Commissioner	44	33	75.0%
Perth Market Authority	19	11	57.9%
Office of Health Review	16	14	87.5%
Freedom of Information	9	6	66.7%
Total	17,731	5,746	32.4%

Note: Overall response rate is a weighted average.

