



# State of the Sector | 2018

Based on 2017/18 financial year data



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## Letter of transmittal

**Speaker  
LEGISLATIVE ASSEMBLY**

**President  
LEGISLATIVE COUNCIL**

I hereby submit to the Parliament of Western Australia the State of the Sector 2018 report in accordance with Section 22D of the *Public Sector Management Act 1994*, Section 22 of the *Public Interest Disclosure Act 2003* and Section 45ZD of the *Corruption, Crime and Misconduct Act 2003*.

This report describes the state of public sector administration and management in accordance with the *Public Sector Management Act 1994* and reports on the extent of compliance by public sector agencies with public sector standards and ethical codes.

State of the Sector 2018 also meets obligations to report on the extent of public authorities' compliance with the *Public Interest Disclosure Act 2003*, and meets obligations to monitor trends and activities in relation to the *Corruption, Crime and Misconduct Act 2003* to ensure public authorities are responding effectively to misconduct.



SHARYN O'NEILL  
PUBLIC SECTOR COMMISSIONER

29 November 2018

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# Commissioner's foreword

As the new Public Sector Commissioner, my ambition is to work collaboratively to inspire a sense of purpose, direction and vibrancy in the public sector; and put it at the leading edge in both its approach to service delivery and the way it conducts itself.

Since my appointment as Commissioner on 30 July 2018, I have seen a professional, responsive and agile public sector working to deliver positive outcomes for the community across Western Australia.

My early observations are that the sector is adapting to a 'new normal' following significant structural reform and fiscal constraint. The Service Priority Review, Special Inquiry into Government Projects and Programs, and Directors General Working Groups identified many areas for change and improvement – and these are being progressed.

Along with this are changes in the environment with which we are so familiar – the growing population in our State and globally; the ageing workforce; technology advances and the speed of these advances; the increasing expectations of citizens about services from government; and the nature of work and the jobs of the future.

The challenges ahead for us as one sector are clear and exciting. There is an opportunity to use our collective experiences, expertise, wisdom, knowledge and inventiveness to find solutions. There is an opportunity to reduce red tape, streamline often onerous regulatory and compliance processes, and make better use of sector-wide data for good policy development.

This report gives a view of a number of data sets across two areas – workforce, and integrity and conduct.

The workforce data in this report shows that the size of the sector remained steady in 2017/18 with a workforce of around 140 000 people. It was highly diverse but not as diverse as the general Western Australian community.

My view is that diversity is not only the right thing to do but we need to take full strategic advantage of the benefits it can offer in terms of productivity, innovation and engagement.

In the areas of integrity and conduct, overall the data shows the sector appeared to be working on improving the integrity and ethical decision making of its employees.

There were also areas of concern, mainly around training of employees and awareness initiatives. It is a timely reminder that every public authority must continue to work to strengthen their integrity base.

This report sets out not only the state of things as they are today but explores responses to either address or prevent issues in the future.

I encourage all public officers to continue to provide exceptional service to the Western Australian community.



SHARYN O'NEILL  
PUBLIC SECTOR COMMISSIONER

29 November 2018



# About this report

## Legislative requirements

Under various pieces of legislation, the Public Sector Commissioner is required to report on the state of the sectors – both the public sector and the broader sector.

### **Public Sector Management Act 1994 (PSM Act)**

Under Sections 21 and 22D of the PSM Act, the Commissioner is required to monitor and report on the state of public sector administration and management each year, and compliance with standards and ethical codes.

The Commissioner's jurisdiction under the PSM Act applies to all Western Australia public sector bodies which include:

- departments
- SES organisations
- non-SES organisations
- ministerial offices.

The Commissioner's jurisdiction does not include other government bodies including:

- public universities
- local governments

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

### **Public Interest Disclosure Act 2003 (PID Act)**

Under Section 22 of the PID Act, the Commissioner is required to report on compliance with the PID Act and the public interest disclosure officers' Code of Conduct and Integrity.

The Commissioner's jurisdiction under the PID Act is broader and includes public universities, local governments and other entities listed in Schedule 1 of the PSM Act.

### **Corruption, Crime and Misconduct Act 2003 (CCM Act)**

Under Section 45ZD of the CCM Act, the Commissioner monitors and reports on behavioural trends seen in minor misconduct notifications from public authorities and reports from individuals. The Commissioner provides analysis of information gathered through these functions to help public authorities prevent, identify and deal effectively with misconduct.

While the Commissioner's jurisdiction under the minor misconduct provisions is very broad, it specifically excludes the WA Police Force, elected members in State and local governments, and clerks of the houses of Parliament.

## Data sources

The Commissioner monitors the state of the sector through a variety of data collection methods including surveys conducted by the Commission across the sector, obligatory information requirements related to workforce characteristics, and data on minor misconduct that is sourced from the Commission's system.

Details of the scope of data collection and sources are in Appendix A. Tables that support the data provided in the report are in Appendix B.

# Public sector workforce

## June 2018 snapshot

The Public Sector Commissioner’s jurisdiction under the PSM Act applies to all Western Australia public sector bodies which include departments, SES organisations, non-SES organisations and ministerial offices. Employees working in these agencies are defined as the public sector workforce.

**1.6%**  
identify as people  
with disability

**139 812**  
employees

**110 373**  
full-time equivalent (FTE)  
across 83 agencies

**26.3%**  
aged  
55 and over

**45**  
median age

**13.2%**  
identify as being  
from a culturally  
and linguistically  
diverse background

**2.7%**  
identify as  
Aboriginal  
Australian

**23.9%**  
aged  
34 and under

### Other sectors (March 2018)

**Under the *Public Sector Management Act 1994*, local governments, public universities and other authorities like state-owned utilities are not part of the public sector. However, the Commissioner’s jurisdiction extends to these agencies in relation to integrity and conduct.**



**24 545**  
employees  
across 146 local  
governments

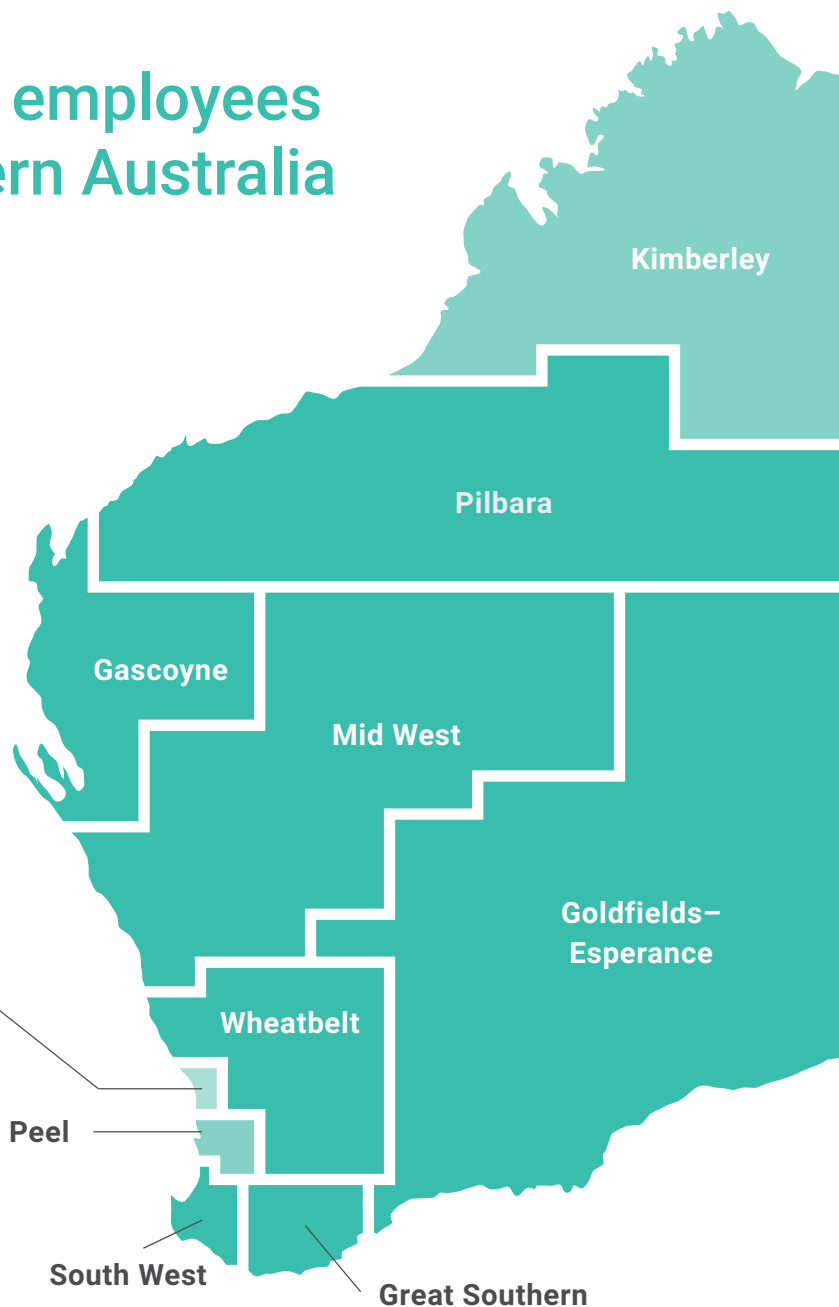


**21 967**  
employees  
across 4 public  
universities



**16 048**  
employees across 18  
other public authorities  
including government trading  
enterprises, WA Police Force  
and electorate offices

# Public sector employees across Western Australia



**Metropolitan (Perth)**  
**83 835 FTE**  
 ▼ 0.3% since 2014  
 Headcount: 105 529  
 Median age: 45  
 Median salary: \$86 027  
 71% permanent

**Gascoyne**  
**553 FTE**  
 ▼ 8.0% since 2014  
 Headcount: 689  
 Median age: 46  
 Median salary: \$73 900  
 64% permanent

**Peel**  
**2595 FTE**  
 ▲ 15.8% since 2014  
 Headcount: 3268  
 Median age: 47  
 Median salary: \$79 164  
 77% permanent

**Goldfields-Esperance**  
**2510 FTE**  
 ▲ 2.9% since 2014  
 Headcount: 3113  
 Median age: 45  
 Median salary: \$75 717  
 71% permanent

**Pilbara**  
**2537 FTE**  
 ▲ 10.1% since 2014  
 Headcount: 3057  
 Median age: 40  
 Median salary: \$78 027  
 69% permanent

**Great Southern**  
**2598 FTE**  
 ▼ 10.9% since 2014  
 Headcount: 3511  
 Median age: 49  
 Median salary: \$78 420  
 73% permanent

**South West**  
**6763 FTE**  
 ▲ 13.6% since 2014  
 Headcount: 9168  
 Median age: 48  
 Median salary: \$78 452  
 73% permanent

**Kimberley**  
**3008 FTE**  
 ▲ 4.9% since 2014  
 Headcount: 3680  
 Median age: 43  
 Median salary: \$82 797  
 67% permanent

**Wheatbelt**  
**3060 FTE**  
 ▲ 4.4% since 2014  
 Headcount: 4205  
 Median age: 48  
 Median salary: \$69 290  
 71% permanent

**Mid West**  
**2738 FTE**  
 ▲ 1.3% since 2014  
 Headcount: 3509  
 Median age: 47  
 Median salary: \$75 760  
 71% permanent

**Outside WA**  
**68 FTE**  
 ▲ 3.7% change since 2014  
 Headcount: 83  
 Median age: 45  
 Median salary: \$104 049  
 45% permanent



# Snapshot of employees by occupational group

## Teachers



21 776 FTE  
 ▲ 3.3% since 2014  
 44 Median age  
 \$104 049 Median salary  
 78% Female

## Medical practitioners



4077 FTE  
 ▲ 15.3% since 2014  
 37 Median age  
 \$167 344 Median salary  
 44% Female

## Nurses and midwives



12 084 FTE  
 ▲ 1.5% since 2014  
 43 Median age  
 \$86 452 Median salary  
 90% Female

## Prison, transit and security officers



2549 FTE  
 ▲ 17.7% since 2014  
 48 Median age  
 \$85 186 Median salary  
 21% Female

## Fire and emergency workers



1216 FTE  
 ▲ 3.3% since 2014  
 44 Median age  
 \$98 555 Median salary  
 5% Female

## Police Force



6589 FTE  
 ▲ 10.9% since 2014  
 41 Median age  
 \$94 856 Median salary  
 24% Female

## Education aides



8309 FTE  
 ▲ 11.4% since 2014  
 46 Median age  
 \$50 405 Median salary  
 95% Female

## Clerical and administrative workers



18 112 FTE  
 ▼ 6.9% since 2014  
 47 Median age  
 \$66 256 Median salary  
 81% Female

## Others



42 249 FTE  
 ▲ 0.6% since 2014  
 47 Median age  
 \$86 097 Median salary  
 63% Female

# Changes across the sectors

## Public sector workforce

As part of the State Government's reform agenda, Machinery of Government changes took effect on 1 July 2017, reducing the number of public sector departments from 41 to 25.

Data shows that, during the year, many affected departments adapted to these changes. The sector is expected to continue consolidating systems and procedures over the next year.

Besides the reduction in departments, other workforce renewal measures were implemented during the year including the Government's Voluntary Targeted Separation Scheme. This resulted in a reduction of more than 2300 employees, primarily in corporate and support roles across public sector agencies. The scheme is now closed except for some approved extensions noted by the Department of Treasury in its recent Annual Report on State Finance, including:

- 150 non-operational police officers (expected to be finalised during 2018/19)
- 390 separations associated with the transition to the Commonwealth-run National Disability Insurance Scheme (to be finalised from 2018/19 to 2021/22)
- 60 education sector separations (to be finalised by 31 December 2018).

With these additional separations, the Government's 3000 employee reduction target is expected to be met. (Government of Western Australia, 2018b)

The separation scheme, along with natural attrition, allowed the public sector to commence reforming its workforce to give greater focus to service delivery and provide better outcomes to the community. It also contributed to making corporate 'back-of-house' service delivery more efficient.

There was a slight reduction in the overall public sector workforce, down 289 FTE since June 2017. The number of employees leaving the sector as a result of the separation scheme was largely offset by increases in service delivery areas such as nursing, medical, public transport, prisons and teaching.

It is likely that the health, education and public safety sectors will continue to grow as Western Australia's population increases, albeit at a slower rate than in previous years. The Government's commitment to its METRONET initiative and improving the public transport experience is also likely to mean additional staff in the public transport sector over time.

There was also a decrease in the number of Senior Executive Service (SES) officers during the year as part of Government commitments. When this renewal initiative was announced, there were 521

SES officers. At the end of June 2018, 383 SES officers remained, a reduction of more than 26 per cent. The proportion of women in the SES remained largely unchanged at 33 per cent.

The reduction in SES officers was achieved by CEOs meeting individual agency reduction targets which included honouring the natural expiration of SES contracts, advertising and filling SES vacancies from within the existing SES cohort, and budget management approaches to achieve savings. Some members of the SES also exercised their right of return entitlements to their substantive positions in the sector or accepted compensation payments under Section 59 of the PSM Act.

At the end of 2017/18, the median salary for public sector employees was \$85 175 (males: \$93 341; females: \$82 797). While a gender pay gap still exists, over the last five years the gap has steadily decreased from 14.7% to 11.3%.

## The broader sector

The Service Priority Review, Special Inquiry into Government Programs and Projects, Sustainable Health Review and Directors General Working Groups provided reform direction for the broader sector, either directly or indirectly.

Other reform initiatives directed towards achieving Government commitments used the momentum generated by the initial public sector reforms to further improve and integrate service delivery and effort. Reform in the government trading enterprise and local government sectors also commenced.

A consistent theme of the Service Priority Review submitted to the Government in October 2017 was recognition that all sectors (that is, public sector agencies, local governments, public universities, government trading enterprises, and boards and committees) must be seen to be working as one for the benefit of the community. Meeting this expectation means that consistencies in governance standards, ethical conduct and accountability should be sought.

Initiatives that commenced in 2017/18 included the mergers and movements of several smaller public sector agencies, the Government Trading Enterprise (GTE) Reform Program, and reforms to the local government sector through changes to the *Local Government Act 1995*.

**There are 12 000 nurses and midwives employed in our sector, with 90% being female. It is likely we will need more of these important frontline service providers in the future as our population increases and ages.**



## LandCorp and Metropolitan Redevelopment Authority

In November 2017, the Government commenced implementing major reforms to the State's land agencies, beginning with LandCorp and the Metropolitan Redevelopment Authority.

The Government announced that the two land development agencies will be merged progressively over the next two years as part of its ongoing efforts to drive efficiencies and improve outcomes for land development and housing affordability.

An administrative merger was progressed with legislative reform anticipated in the near future. (Government of Western Australia, 2018c)

## Lotterywest and Healthway

Lotterywest and Healthway were brought together during the year to build on synergies between the organisations, deliver greater benefits for the community, and support projects which help build a better Western Australia. (Lotterywest Western Australia, 2018a)

Lotterywest and Healthway continued to operate under their own legislation but, as part of the reform, now have the same chief executive officer, board chair and some common board members. This aimed to ensure a consistency in decision making and governance approaches. (Lotterywest Western Australia, 2018b)

## Office of Digital Government

On 19 June 2018, the Government announced plans to transfer the Office of the Government Chief Information Officer from the Department of Finance to the Department of the Premier and Cabinet. As of 1 July 2018 the office was known as the Office of Digital Government. This transfer aims to ensure that digital capabilities are embedded in the Government's public sector renewal program, and are better coordinated and implemented. (Government of Western Australia, 2018a)

## Review of governance arrangements of government trading enterprises

The Government Trading Enterprise Reform Program started reviewing governance arrangements of government trading enterprises to create and implement a framework to strengthen their connection with other areas of government.

The program was set up to address recommendations of the Special Inquiry into Government Projects and Programs, and the Service Priority Review. These highlighted the importance of a clear relationship between government trading enterprises and government to ensure well-informed decision making and cohesive long-term planning. (Department of Treasury Western Australia, 2018)

## Reform of local government sector

Following a four-month consultation period from November 2017 to March 2018, the Government announced the first in a series of reforms for local governments. The first phase reforms were developed in consultation with the local government sector and broader community.

The reforms focus on building the capability of elected members and equipping them with the tools to be able to carry out their complex role in a way that meets community expectations. (Department of Local Government and Cultural Industries Western Australia, 2018)

The first phase aims to address:

- meeting community expectations of standards, ethics and performance
- meeting public expectations for accountability, including gifts disclosures
- making information available electronically
- building capacity through administrative efficiencies.

The Commission and other integrity and accountability agencies watched – and will continue to watch – the progress of reforms on how matters of conduct and integrity may interact with relevant jurisdictions.

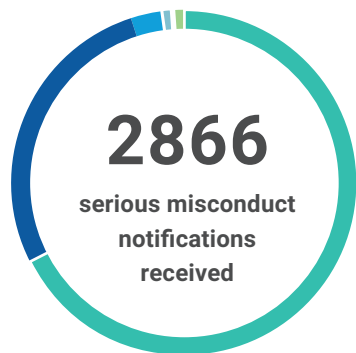
Fire and emergency service workers are a small group of professionals in our workforce – with just over 1200 employed across the State. They play a vital role in helping communities, especially during and after fires, cyclones and floods.



# Integrity and conduct at a glance | 2017/18

## Serious misconduct

The Corruption and Crime Commission (CCC) deals with serious misconduct – police misconduct and matters where a public officer acts corruptly or corruptly fails to act in the course of their duties; or corruptly takes advantage of their position for the benefit or detriment of any person; or commits an offence which carries a penalty of two or more years imprisonment.



- 1986 notified by notifying authorities (69%)
- 793 reported by individuals (28%)
- 81 referred from the Public Sector Commission (3%)
- 3 propositions of alleged serious misconduct made by the CCC (less than 1%)
- 3 notifications from other sources (less than 1%)



- 3376 no further action taken (67%)
- 1593 referred to an appropriate authority or independent agency for action (32%)
- 47 investigated by the CCC (less than 1%)
- 35 preliminary investigations conducted by CCC (less than 1%)
- 0 assessments ongoing (0%)

## Minor misconduct

The Public Sector Commission deals with minor misconduct – misconduct that is not considered serious misconduct but significant enough that it could reasonably lead to termination of a public officer's employment if proved.



### Source

- 421 matters notified by principal officers (70%)
- 166 matters reported by individuals (28%)
- 12 matters pending assessment (2%)



### Actions

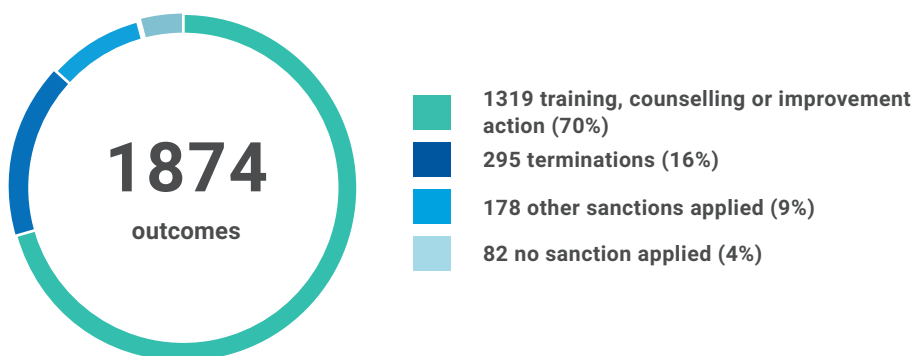
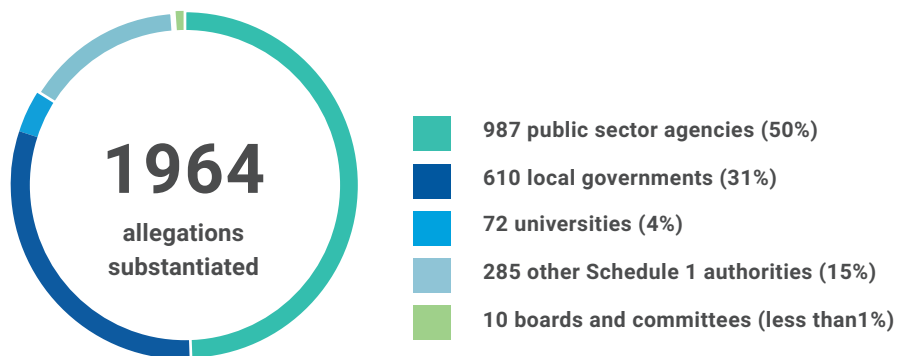
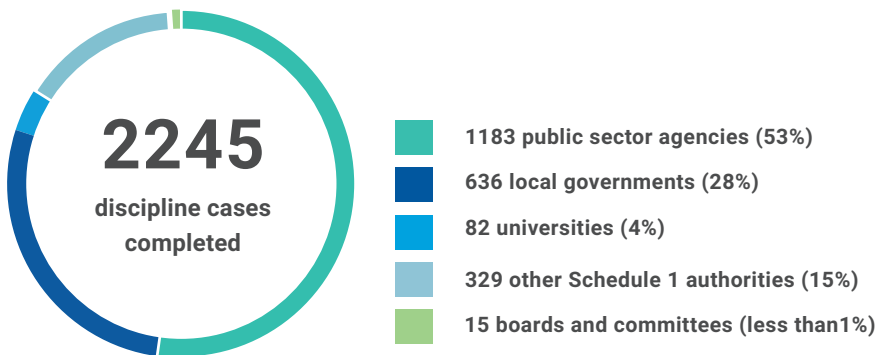
- 502 referred back to authority (49%)
- 168 referred elsewhere (16%)
- 1 other action taken (less than 1%)
- 24 assessment ongoing (2%)
- 327 no action required (32%)



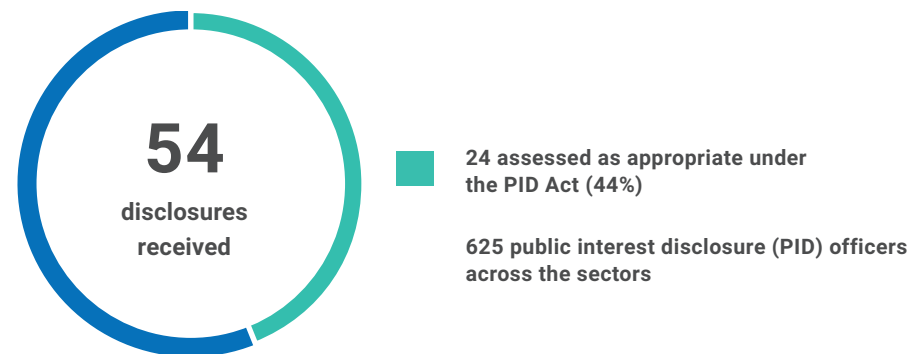
### Outcomes

- 59 employment terminated (29%)
- 79 training, counselling or other improvement action mandated (38%)
- 67 not terminated but other sanction applied (32%)
- 2 no sanction applied (1%)

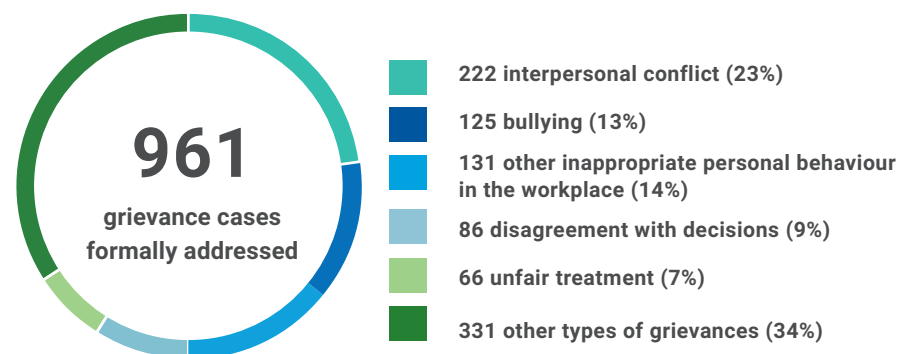
## Discipline/breaches of ethical codes



## Public interest disclosure



## Grievances



## Breaches of standard claims (public sector only)



# Integrity and conduct

In 2016/17, the Public Sector Entity Survey was conducted earlier than usual to ensure public sector agencies were able to complete and provide quality data before Machinery of Government changes took effect. As a result, public sector misconduct data was collected for nine months rather than the full financial year. In 2017/18, the survey results covered the whole financial year. As such, comparisons between the two years should be treated with caution.

## Ethics and decision making

Overall, the sector appeared to be working on improving integrity and ethical decision making of their employees. As at 30 June 2018, all but one 'new' agency had reviewed and endorsed an updated, agency-wide code of conduct. Improvements were observed across most sectors with respect to how often employees were required to read and sign their authority's code.

While these were positive observations there were some notable areas of concern that arose or persisted during the past year.

All employees in the public sector must complete Accountable and ethical decision making (AEDM) training in accordance with *Commissioner's Instruction No. 8 – Codes of conduct and integrity training*. Emphasising a connection between the Code of Conduct and ethical training is paramount to embedding integrity into day-to-day decision making. While the overall rate of employees completing AEDM training over the last five years remains over 60%, a small number of large public sector agencies reported lower completion rates than in previous surveys.

Other authorities where ethics training is not mandatory, 23 per cent said between 80 and 100 per cent of their employees had participated in ethics training over the last five years.

Almost half of the public authorities required to comply with the *Integrity (Lobbyists) Act 2016* did not have awareness initiatives or guidelines for employees on interactions with lobbyists. This gap in governance may leave some public authorities open to non-compliance with the Act and potential issues into the future.

In light of changes experienced across the sector, it is essential that public authorities do not allow gaps to widen in their governance protocols. Every public authority must continue to work to strengthen their integrity base.

## Values and culture

Across the majority of indicators, it was clear that most public authorities reinforced their commitment to improving workplace culture and strengthening employee alignment to their core values.

Over half of all public sector agencies had completed an employee survey (not conducted by the Commission) over the year. Generally, these surveys focused on workplace culture and resulted in changes to human resources policies and procedures. This indicated public authorities were interested in engaging with their workforce and were listening to feedback. Additionally, employees appeared to be highly engaged with the questions they were being asked, with the reported response rates for voluntary surveys reaching at least 60 per cent and a large proportion reaching between 80 and 100 per cent.



Among public sector agencies, there appeared to be a strong correlation between the conduct policies and practices that agencies promoted and the rates of reporting unethical behaviour, reporting of public interest disclosures, and participation in professional development discussions.

For example, organisations with no procedures in place to support staff after making reports of suspected unethical behaviour received fewer reports of unethical behaviour overall.

Further, the frequency with which employees were reminded of public interest disclosure procedures appeared to be directly related to the volume of public interest disclosures received.

In addition, the proportion of tier two and three employees who had completed at least one performance discussion with their supervisors was indicative of the coverage of performance discussions across the rest of the organisation.

Each of these findings leads to clear conclusions for where public authorities can begin when looking to improve organisational culture.

## Breaches of public sector standards and grievances

More than four out of five breach claims resolved by public sector agencies in 2017/18 related to the Employment Standard. This is still a relatively low number of claims given the large volume of employment, transfer and secondment transactions occurring across the sector each year.

The volume of breach claims appeared to be lower in annualised terms over the year. Only three breaches were substantiated by the Commission in 2017/18.

The annualised number of grievance cases formally addressed by public sector agencies also decreased in 2017/18 by approximately three per cent compared to the previous year.

## Discipline and integrity

There was very little change in the discipline and integrity space over the 12 months. Taking into account annualised figures and factoring in the timing of the 2017 survey, there did not appear to be any growth in the number of completed discipline processes.

In annualised terms, there was a two per cent decrease in the number of completed processes across all sectors. This did not reflect any real change in volume as two fewer public authorities completed discipline processes.

A small number of public sector agencies reported completing a significantly higher number of discipline cases in 2017/18. However, given the previous reporting patterns of these public sector agencies, it is likely that the increase was due to the timing of the survey response window in 2017 resulting in under-reporting in 2016/17. As such, this 'increase' reflected a normalisation rather than any actual change.

While the number of completed processes appeared to have increased, overall results indicated there was little to no difference in the number of reports of unethical behaviour over the 12 months.

## Public interest disclosures

There were signs of increased activity in public interest disclosure over the year. There were both more disclosures received and also more considered appropriate than in 2016/17. Where employees were more frequently reminded about the disclosure process, they tended to lodge more appropriate disclosures. This leads to the conclusion that more authorities could benefit from better education strategies on disclosure.

Compliance with the PID Act around designation of PID officers and publishing guidelines fell away slightly. A drop of three percentage points was seen in public authorities having at least one PID officer assigned to receive disclosures, and a fall of 12 percentage points for public authorities having published procedures to manage disclosures.

It is likely these trends were due to agencies subject to Machinery of Government changes, and the review and updating of governance processes on disclosures.

**We have more than 21 000 teachers in 800 public schools across our State. They are committed to providing students with a high quality education – whatever their ability, wherever they live, whatever their backgrounds.**



# Appendices

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### Appendix A: Scope of data collection and sources

The Commission monitors the state of the sector through a variety of data collection methods outlined below. While the Commission makes every effort to encourage data quality through regular assurance checks, it relies on public authorities to ensure data is provided in a timely and accurate way. Table 1 summarises the data collected for different types of authorities.

#### Public Sector Entity Survey

The Public Sector Entity Survey was administered in July 2018 to collect information on conduct, integrity, workforce and diversity matters across public sector agencies for the 2017/18 financial year. It included data on breaches of ethical codes and public interest disclosures, as well as entities' prevention and education activities. A 100 per cent response rate was achieved for the survey. Entity level responses are in the State of the Sector Statistical Bulletin 2018.

Information in the State of the Sectors 2017 derived from the survey was based on the nine-month period from 1 July 2016 to 31 March 2017. This was to preserve high response rates and data quality while the public sector was undergoing amalgamations through Machinery of Government changes.

Due to the reduced reporting period for the 2017 survey, 2018 data is not directly comparable to 2017 data. This should be taken into account when reading this report.

#### Integrity and Conduct Survey

The Integrity and Conduct Survey was administered in July 2018 and asked local governments, public universities, government trading enterprises and government boards and committees for information about their policies and processes on public interest disclosure, conduct, and prevention and education related activities.

A 74 per cent response rate was achieved for the survey. Entity level responses are in the State of the Sector Statistical Bulletin 2018.

#### Employee Perception Survey

The Commission administers an annual Employee Perception Survey to a sample of public sector agencies on a rotational basis. By asking views about integrity, diversity, job satisfaction and agency culture, an indication of employee engagement and productivity in the public sector can be determined.

In 2017/18, the survey was conducted at nine departments affected by Machinery of Government changes, covering 21 198 employees, with a response rate of 43 per cent. Aggregated results are in the State of the Sector Statistical Bulletin 2018.

**Human Resource Minimum Obligatory Information Requirement (HRMOIR)**

This quarterly collection reports data on workforce characteristics across public sector agencies. The State of the Sector Statistical Bulletin 2018 lists key statistics, both sector-wide and at agency level.

**Equal Employment Opportunity Survey**

This annual survey assists the Director of Equal Opportunity in Public Employment (DEOPE) to monitor workforce data on public authorities including government agencies, local governments, public universities and government trading enterprises. The survey was administered by the Commission on behalf of the DEOPE in March and April 2018.

These data sets describe authorities’ workforces and highlight changes over time. Workforce data about the public sector is current as at the end of June 2018 and workforce data about other authorities is current as at the end of March 2018 unless otherwise stated.

**Other data sources**

Data on minor misconduct and other Commission operations is sourced from the Commission’s Enterprise Information System. Comparative data and other quotes are referenced as citations as they occur through the report.

**Table 1: Summary of data collected by authority type**

Collection tool	Department	SES organisation	Non-SES organisation	Local government	Public university	Government trading enterprise	Non-government organisation
Human Resource Minimum Obligatory Information Requirement	✓	✓	✓				
Equal Employment Opportunity Survey				✓	✓	✓	
Employee Perception Survey	✓	✓					
Public Sector Entity Survey	✓	✓	✓				
Integrity and Conduct Survey			✓	✓	✓	✓	✓

## Appendix B: Supplementary data tables

### Minor misconduct

**Table 2: Number of minor misconduct matters received by the Commission by sector in 2017/18**

Sector	Notifications (Section 45H)	Reports (Section 45E)	Pending	Total
Public sector	282	79	6	367
Local governments	90	71	4	165
GTEs	33	2	0	35
Public universities	15	12	2	29
Out of jurisdiction	1	2	0	3
<b>Total</b>	<b>421</b>	<b>166</b>	<b>12</b>	<b>599</b>

**Table 3: Number of allegations by categories of misconduct received in 2017/18**

Types of misconduct	Total
Personal behaviour	656
Fraudulent or corrupt behaviour	104
Misuse of public resources	39
Conflicts of interest	78
Misuse of information and recordkeeping	46
Inappropriate provision of gifts or hospitality	5
Pending assessment	20
Does not relate to the conduct of a public officer within the Commission's jurisdiction	74
<b>Total</b>	<b>1022</b>

**Table 4: Number of actions taken by the Commission in relation to minor misconduct allegations received in 2017/18**

<b>Actions taken</b>	<b>Allegations</b>
Referred back to authority – outcome requested	274
Referred back to authority – report requested for review	118
Referred back to authority – no response required	110
Referred to other independent agency or other appropriate authority	168
Other action taken by Public Sector Commission	1
Assessment ongoing	24
No action required - did not meet the definition of minor misconduct or had otherwise been dealt with appropriately at time of receipt	327
<b>Total</b>	<b>1022</b>

Of the 168 allegations referred to other independent agencies or other appropriate authority, 166 allegations were referred to the Corruption and Crime Commission and two allegations were referred to the Local Government Standards Panel.

The allegations referred to the Corruption and Crime Commission were assessed as tending to show that public officers may have engaged in serious misconduct as defined by the CCM Act. It is therefore more appropriate that the Corruption and Crime Commission consider these matters in the first instance. These matters are broadly categorised in Table 5.

**Table 5: Types of misconduct referred to the Corruption and Crime Commission in 2017/18**

<b>Types of misconduct</b>	<b>Total</b>
Personal behaviour	51
Fraudulent or corrupt behaviour	83
Misuse of public resources	6
Conflicts of interest	12
Misuse of information and record keeping	13
Does not relate to the conduct of a public officer within the Commission's jurisdiction	1
<b>Total</b>	<b>166</b>

**Investigations undertaken by the Commission under the CCM Act**

In 2017/18, the Commission concluded two investigations under the CCM Act that were received in 2016/17. The first investigation was into allegations of bullying and intimidation by several senior managers at a public authority. Insufficient evidence was found during the investigation to indicate that minor misconduct had occurred. The second investigation was into the alleged failure by several employees and managers at a public authority to meet their obligations in relation to timesheets and leave approvals. While the investigation found evidence to indicate that some employees and managers had engaged in conduct that is considered to be a breach of trust, it did not meet the threshold to be considered minor misconduct.

**Table 6: Number of actions taken against individuals for matters resolved in 2017/18**

Outcomes	Public sector	Local government	GTE	Public universities	Total
Employment terminated	27	20	11	1	59
Training, counselling or other improvement action	66	4	8	1	79
Employment not terminated but other sanction applied	47	17	3	0	67
No sanction applied	2	0	0	0	2
<b>Total</b>	<b>142</b>	<b>41</b>	<b>22</b>	<b>2</b>	<b>207</b>

**Unethical conduct**

**Table 7: Number of completed discipline/breaches of ethical code**

Types of unethical conduct	No. of allegations	No. of substantiated allegations
Offensive or inappropriate personal behaviour (e.g. threatening or abusive language/conduct)	929	471
Repeated unreasonable or inappropriate behaviour directed towards a worker, or group of workers, that creates a risk to health and safety (e.g. bullying)	209	93
Failure to manage conflict of interest (public role vs personal interests)	114	47
Inappropriate acceptance/provision of gifts/benefits	8	6
Corrupt behaviour (e.g. misusing position for benefit for self/detriment of others)	83	41
Misuse of computer/internet/email (e.g. illegal content)	58	24
Discrimination, harassment, sexual assault or other discriminatory/indecent behaviour	80	36
Illicit drug use/alcohol intoxication	150	131
Inappropriate physical behaviour (e.g. assault)	230	78
Inappropriate access/use/disclosure of information	289	185
Workplace bribes/theft (e.g. cash/workplace equipment)	89	26
Misuse of public resources (e.g. vehicles, credit card)	166	76

Types of unethical conduct	No. of allegations	No. of substantiated allegations
Fraudulent behaviour/falsification of information/ records	135	73
Neglect of duty (e.g. careless or negligent behaviour in performance of duties)	373	222
Criminal behaviour outside work	51	11
Unauthorised secondary employment outside work	28	16
Disobeying or disregarding a direction or lawful order	297	234
Failing to act with integrity (e.g. intentionally failing to perform or acting in a dishonest way)	502	101
Others	152	93
<b>Total</b>	<b>3943</b>	<b>1964</b>

**Table 8: Number of completed discipline processes by type of outcome**

Outcomes	Total
Employment terminated	295
Training, counselling or other improvement action	1319
Employment not terminated, but other sanction applied	178
No sanction applied	82
<b>Total</b>	<b>1874</b>

**Public interest disclosures**

**Table 9: Types of public interest information contained in appropriate public interest disclosures**

Types of public interest information	Total
Improper conduct	13
Offence under State law	11
Substantial irregular or unauthorised use of public resources	2
Substantial mismanagement of public resources	4
Act or omission that involves a substantial and specific risk of injury to public health; prejudice to public safety; harm to environment; or harm to environment	4
Matters covered by the Ombudsman	1
<b>Total</b>	<b>35</b>

Three organisations reported four allegations of non-compliance with the PID Act. There were two allegations of non-compliance with the PID Officer’s Code of Conduct and integrity.



**Grievances**

**Table 10: Number of formal grievance cases by sector**

Sectors	Total
Public sector	408
Local governments	261
GTEs	230
Public universities	46
Boards and committees	16
<b>Total</b>	<b>961</b>

**Breach of standard claims**

**Table 11: Number of breach of standard claims dealt with by public sector agencies and the Public Sector Commission**

Type of breach standard claims	Public sector agencies	Public Sector Commission
Employment standard	84	87 (Recruitment) 2 (Transfer)
Grievance resolution standard	17	20
Performance management standard	1	0
Redeployment standard	0	0
Termination standard	1	1
<b>Total</b>	<b>103</b>	<b>110</b>

## Appendix C: Compliance statements

In accordance with Section 31(2) of the PSM Act, organisations which are not listed in Schedule 1 of the *Financial Management Act 2006* are required to provide a statement to the Commissioner each year on the extent to which they have complied with the Public Sector Standards in Human Resource Management, Code of Ethics and any relevant code of conduct. These compliance statements are reported below, in accordance with Section 31(4) of the PSM Act.

### Architects Board of Western Australia

No compliance issues concerning the public sector standards, the Public Sector Commission's Code of Ethics or the Board's Code of Conduct arose during the reporting period 1 July 2017 to 30 June 2018

### Commissioner for Children and Young People

The Commissioner for Children and Young People (CCYP) his staff comply with the public sector standards, codes of ethics and other relative codes of conduct compiled for CCYP.

### Conservation and Parks Commission

The Conservation and Parks Commission has complied with all relevant public sector standards, codes of ethics and any other relevant code of conduct for the 2017/18 financial year.

### Equal Opportunity Commission

In accordance with Section 31(1) of the PSM Act, the Equal Opportunity Commission has fully complied with regard to the public sector standards, Commissioner's instructions, the WA Code of Ethics and the Commission's Code of Conduct.

### Legal Practice Board

The Board complies with Public Sector Standards on Human Resource Management.

The standards reflect the PSM Act key human resource management principles that processes, decisions and actions are:

1. based on a proper assessment of merit, equity and diversity;
2. free from bias, nepotism and patronage;
3. fair and consistent, and employees are not subject to arbitrary or capricious administrative acts;
4. open, competitive and impartial; and
5. transparent and capable of review.

Board members and employees are to be aware that they are bound by Section 9 of the PSM Act 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”.

### Office of the Information Commissioner

The Office of the Information Commissioner (OIC) has a Code of Conduct – updated in April 2017 – which has been distributed to all staff and is permanently available on the intranet. New staff members are provided a copy as part of their induction. Among other things, the Code outlines the requirement to: refer to the WA Public Sector Code of Ethics to guide decision-making; not divulge any information received under the *Freedom of Information Act 1992* (FOI Act) for any purpose except in accordance with the FOI Act; adhere to the principles of natural justice when dealing with matters before the Information Commissioner; report conflicts of interest; treat stakeholders without discrimination; and report any gift or hospitality offers.

The OIC's gift decision register and all purchasing card transactions are published on our website.

The OIC is guided by the Public Sector Standards in our employment processes. During 2017/18, no staff were redeployed or disciplined, and no grievances lodged. We managed one redundancy; two terminations; two recruitment processes; and a secondment.

### **Parliamentary Commissioner for Administrative Investigations**

In the administration of the office of the Parliamentary Commissioner for Administrative Investigations, I have complied with the public sector standards in human resource management, the Code of Ethics and the office's code of conduct. I have put in place procedures designed to ensure such compliance, and conducted appropriate internal assessments to satisfy myself that the above statement is correct.

### **Veterinary Surgeons' Board**

The public sector standards and ethical codes have been complied with.

## Glossary

Term	Definition
<b>Aboriginal Australians</b>	People of Aboriginal and/or Torres Strait Islander descent who identify as such, and are accepted as such by the community in which they live.
<b>Act</b>	A law made by Parliament, and known as an Act of Parliament.
<b>Allegation</b>	A claim that an individual has engaged in a specific instance of conduct which is suspected to amount to minor misconduct. A matter may contain more than one allegation. Where the term allegation is used outside its minor misconduct definition, it takes the meaning, a claim, or assertion that someone has done something illegal or wrong.
<b>Authority</b>	See <i>public authorities</i> .
<b>Breach of standard</b>	A determination by the Commissioner that one or more of the requirements of a public sector standard have, or have not, been complied with.
<b>Code of conduct</b>	A formal written policy documenting the behaviour expected of all employees of a public authority. Under the PSM Act each public sector body is expected to develop a Code of Conduct consistent with the Western Australian Public Sector Code of Ethics.
<b>Code of Ethics</b>	A formal written policy documenting the behaviour expected of all employees of a public authority. Under the PSM Act each public sector body is expected to develop a code of conduct consistent with the Western Australian Public Sector Code of Ethics.
<b>Department</b>	An organisation established under Section 35 of the PSM Act.

Term	Definition
<b>Director of Equal Opportunity in Public Employment</b>	A statutory role pursuant to Part IX of the EO Act. The DEOPE currently resides in the Public Sector Commission and currently holds an Executive Director position.
<b>Ethical codes</b>	Ethical codes are made up of the Code of Ethics together with authority-specific codes of conduct.
<b>Full-time equivalent (FTE)</b>	One FTE is one person paid for a full-time position. FTE totals include all current employees except board members (unless they are on a public sector authority payroll); trainees engaged through traineeship programs, awards and agreements; and casuals who were not paid in the final pay period for the financial year. FTE calculations do not include any time that is not ordinary time paid such as overtime and flex-time.
<b>Headcount</b>	Number of employees directly employed by a public sector agency at a point in time, regardless of employment type.
<b>Improvement action</b>	Any action taken to improve an employee's conduct (e.g. warning, training, counselling) other than a formal sanction (e.g. demotion, fine).
<b>Machinery of Government</b>	Broadly used to refer to the structure of government agencies and the configuration of the public sector.
<b>Matter</b>	An issue being dealt with by the Commission (created by a report or notification) which relates to, or is suspected to relate, to minor misconduct. This includes a matters which may have been referred from the CCC. A matter may contain more than one allegation.
<b>Non-SES organisation</b>	Defined by Section 3 of the PSM Act.

Term	Definition
<b>Other authorities</b>	For the purposes of this report, refers to those organisations and bodies that responded to the Integrity and Conduct Survey, excluding public sector agencies.
<b>People from culturally and linguistically diverse backgrounds</b>	Applied to people born in countries other than those below, which have been categorised by the Australian Bureau of Statistics (ABS) as mainly English speaking countries: Australia, Canada, England, Ireland, New Zealand, Northern Ireland, Scotland, South Africa, United States of America, Wales.
<b>People with disability</b>	Applied to people with ongoing disability who have an employment restriction that requires any of the following: modified hours of work or time schedules; adaptations to the workplace or work area; specialised equipment; extra time for mobility or for some tasks; ongoing assistance or supervision to carry out their duties.
<b>Public authorities</b>	For the purposes of this report, the term refers to those organisations and bodies that provided responses to the Public Sector Entity Survey and the Integrity and Conduct Survey. That generally includes all government agencies, local governments, public universities, GTEs and many government boards and committees.  The term public authority has specific legislative meaning in the PID Act, CCM Act and EO Act.
<b>Public interest disclosure</b>	A disclosure made by any person on a matter of public interest and as characterised under the PID Act.
<b>Public officer</b>	For the purposes of this report, the term refers to all people in public employment.
<b>Public sector</b>	Refers collectively to departments, SES organisations, non-SES organisations and ministerial officers and is defined by Section 3 of the PSM Act.

Term	Definition
<b>Public sector agencies</b>	For the purposes of this report, refers to those organisations and bodies that provided responses to the Public Sector Entity Survey.
<b>Public sector employees</b>	For the purposes of this report, refers to those employees that provided responses to the Employee Perception Survey.
<b>Public sector workforce</b>	Used when describing characteristics of employees working in the public sector. Data on the public sector workforce is collected through HRMOIR.
<b>Public service</b>	For the purposes of this report, does not take a legislative meaning, but refers to the principles of working in the public interest, while undertaking a public function.
<b>Schedule 1 entity</b>	Entities which are not organisations under the PSM Act, including local governments, public universities and GTEs.
<b>Senior executives, SES</b>	Generally comprises positions classified at Public Service and Government Officers CSA General Agreement 2017 equivalent salary bands 9 and above, with specific management or policy responsibilities.
<b>Service Priority Review</b>	Refers to the State Government initiative announced on 4 May 2017, to conduct an independent review to effect sustainable and effective reform.
<b>SES organisation</b>	An organisation listed in Schedule 2 of the PSM Act.

## Shortened forms

Term	Definition
<b>AEDM</b>	Accountable and Ethical Decision Making
<b>CCC</b>	Corruption and Crime Commission
<b>CCM Act</b>	<i>Corruption, Crime and Misconduct Act 2003</i>
<b>CEO</b>	Chief Executive Officer
<b>Commission</b>	Public Sector Commission
<b>Commissioner</b>	Public Sector Commissioner
<b>DEOPE</b>	Director of Equal Opportunity in Public Employment
<b>EO Act</b>	<i>Equal Opportunity Act 1984</i>
<b>FOI Act</b>	<i>Freedom of Information Act 1992</i>
<b>FTE</b>	Full-time equivalent
<b>GTEs</b>	Government trading enterprises
<b>HRMOIR</b>	Human Resource Minimum Obligatory Information Requirement
<b>ICS</b>	Integrity and Conduct Survey
<b>PID Act</b>	<i>Public Interest Disclosure Act 2003</i>
<b>PSES</b>	Public Sector Entity Survey
<b>PSM Act</b>	<i>Public Sector Management Act 1994</i>
<b>SES</b>	Senior Executive Service
<b>WA</b>	Western Australia or Western Australian

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