



Introduction

This submission is made in response to the Advisory Group on Reform of Government Administration's October 2008 Discussion Paper '*Reform of Australian Government Administration – building the world's best public service*'.

The ACT Government welcomes the opportunity to contribute to a conversation which affects all public sector jurisdictions and many of the issues identified in the Discussion Paper are challenges that also face the ACT Public Service (ACTPS).

As a jurisdiction which provides state and municipal functions the importance of developing a public service which is citizen focused is particularly important. In response to this challenge the ACT Government has been looking to progressively strengthen the capacity of its public service through increased investments in training and leadership development, improved recruitment processes and a range of other attraction and retention initiatives. These strategies have assisted the ACTPS to better position itself in response to the current workforce challenges and to maintain a workforce that can deliver effective services for the ACT community into the future.

The ACT Government remains interested in developing closer ties and cooperating with those Commonwealth agencies responsible for the administration of the public service where such relations can be of mutual benefit. In this regard the ACT Government has entered into a Memorandum of Understanding with the Australian Public Service Commission concerning access to learning and development services and has renewed its commitment to the PSM Program which is jointly managed by Commonwealth, State and Territory governments.

This submission will focus on two of the issues which are relevant to most themes of public administration identified in the Discussion Paper; namely operating as a single service and inter-jurisdictional mobility.

Operating as a single service

The ACTPS is located in a single city and has uniform terms and conditions of employment across the service. This combination removes most geographic and structural barriers to inter-agency transfers.

Subject to occupational specific payments such as shift work allowances, an individual who transfers at level within the ACTPS does so with the surety their remuneration, leave entitlements and other terms and conditions will not change. Although employment arrangements differ for non-executive and executive staff, legislative mechanisms are in place for both streams that provide this continuity.

For non-executive staff, the most significant factor in the inter-agency portability of entitlements is the 'template' enterprise agreement. While particular occupational groups

in the ACTPS, such as teachers, nurses and bus drivers have occupational agreements, all other staff are covered by common conditions. Negotiating the common conditions is centrally coordinated, however, because the nature of work can differ agency by agency, agencies may also incorporate additional specific entitlements in schedules to agreements which meet their particular needs without compromising the single service model.

Consequently, individuals can consider moving between departments – thereby moving ideas, skills and experience between agencies and strengthening the capacity of the service – without being concerned their remuneration or entitlements will regress if they do so.

The exception to standardised remuneration for non-executives in the ACTPS is the Special Employment Arrangements (SEA) framework. SEAs are industrial instruments entered into between an individual and their Agency to provide the individual additional entitlements in accordance with a predetermined set of parameters. Through SEAs Agencies are able to respond to market pressures and the competitive job market in the attraction and retention of high calibre individuals, or individuals with scarce or especially valuable skills or qualifications. However, while the SEA framework allows deviation in particular individual's remuneration, it operates within the single service model.

Remuneration and some entitlements for executives and chief executives in the ACTPS are provided by the ACT Remuneration Tribunal. Other entitlements are provided directly through the *Public Sector Management Act 1994* and subordinate legislation and apply consistently across all executives. Processes for assessing the level of executive positions; executive and chief executive contract management; and the executive establishment are coordinated centrally. These legislative and administrative processes result in consistent remuneration and terms and conditions of employment for executives and chief executives across the ACTPS, further supporting the single service model.

Overcoming impediments to interjurisdictional mobility

As with intra-service mobility, inter-service mobility is a means of fostering a workplace culture where 'the way it's always been done' can be questioned and improved upon.

Having and recognising a breadth of ideas and experiences in the workplace implicitly challenges resistance to change and encourages innovation and flexibility. However, for mobility to be efficacious in encouraging innovation it must be supported culturally and through legislative mechanisms. If the gaining service is not receptive to change or variation, the potential benefits of mobility for the workplace and the individual will be stifled.

Mobility between jurisdictions can occur on a permanent or temporary basis, either through formal arrangements or informally at the instigation of individuals. If the movement of staff is generally reciprocated, all jurisdictions benefit from the transfer of ideas and experience.

In the interest of improved temporary mobility the ACT Government would be interested in entering into transfer or secondment programs with other jurisdictions. To encourage genuine reciprocity without detriment to smaller agencies, the ACT Government would

envisage any formal program for the transfer of staff between jurisdictions would be premised on the transferring individual's home agency continuing to pay the transferring individual during the transfer.

For geographic reasons the ACT Government is especially interested in entering into programs with the Australian Public Service (APS) and is mindful in the development of citizen centred government that there are many direct service delivery opportunities in ACTPS that derive from being both the state and local tier of government. Accordingly, the ACT Government is interested in pursuing a Service Delivery Partnership Program which would focus on providing APS staff with temporary placements in service delivery areas of the ACTPS.

In relation to the permanent transfer of people between jurisdictions the ACTPS currently has specific mobility arrangements in place for staff who move from the APS, and a recently revised recognition of prior service framework for people who enter the ACTPS from another public sector. The ACTPS arrangements for mobility and prior service recognition are currently being reviewed with a view to maintaining contemporary arrangements; however, a summary of the existing arrangements is set out at *Attachment A* of this submission.

In the interest of improving interjurisdictional mobility, the ACT Government would be supportive of working with other jurisdictions towards standardised prior service recognition and mobility provisions across Australian public sector jurisdictions.

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SUMMARY OF MOBILITY AND PRIOR SERVICE RECOGNITION ARRANGEMENTS IN THE ACTPS

Mobility and prior service recognition arrangements for staff who move to the ACTPS are provided in the *Public Sector Management Act 1994* and the subordinate Public Sector Management Standards (which can be accessed on the ACT Legislation Register at <http://www.legislation.act.gov.au/a/1994-37/default.asp>).

Mobility arrangements – permanent transfer from the APS to the ACTPS

If a person is to be taken to have a deemed transfer from the APS to the ACTPS, triggering the mobility provisions, they need to resign from the APS on the day they commence with the ACTPS.

The ACTPS recognises APS service for:

- long service leave;
- personal leave;
- annual leave and annual leave loading;
- paid maternity leave; and
- redundancy purposes.

Prior service recognition – permanent transfer to the ACTPS from another Australian public service jurisdiction

Prior service with Australian public service jurisdictions is recognised on an entitlement by entitlement basis. As of 23 January 2006 prior service has been recognised on the basis of the nature of the previous employment and is intended to cover all public sector entities. Additionally, in recognition of the need for flexibility due to the changing nature of combined public/private entities, chief executives are able to recognise bodies, organisations and corporations, within certain parameters, for the purposes of long service leave, personal leave and maternity leave.

The Commissioner for Public Administration has discretion to approve the recognition of previous employment in circumstances where the service could not otherwise be recognised, provided the employment was for the public purpose.

Prior service ceases to be recognised if the intervening period between the completion of the prior service and the commencement of employment with the ACTPS exceeds the prescribed time limit set out in the PSM Act and Standards.

Long service leave

An intervening period of less than 12 months will not render service non-continuous nor will an intervening period greater than 12 months on prescribed grounds for example, as a direct result of time spent on a full time training course.

For the purpose of calculating service that counts towards an entitlement to long service leave, prior service is recognised as if it had been service with the Territory if the employment was continuous and:

- within a government department or agency;
- within a public authority;

- within a wholly government owned organisation, body or corporation;
- within company specified in the *Territory-owned Corporations Act 1990*; or
- predominantly for the purpose of delivering acute public health care services.

Personal leave

If a person's prior service is recognised for long service leave eligibility, then it will also be recognisable for personal leave accrual.

However, unlike for long service leave, the intervening period allowed between the completion of prior service and the commencement of service with the ACTPS, without breaking the continuity is two months. If a break of longer than two months occurs, it is at the discretion of the Commissioner for Public Administration to determine whether special circumstances exist that would make the break allowable.