CPSU (PSU Group) Submission:
2020-21 ACT Budget

Chief Minister and Treasury Directorate

October 2019
Summary of Recommendations

1. Increase the transitioning of labour hire, non-ongoing and casual staff into permanent ACTPS employment.
2. Reduce the amount spent on third-party consultants in the ACTPS.
3. Where the Insecure Work Taskforce identifies a critical need, provide additional funding to ensure a transition from insecure work arrangements to permanency.
4. Fund an additional 30 FTE for the independent WorkSafeACT with appropriate staffing and regulatory capacity.
5. Provide additional funds to the Canberra Health Services and other directorates where appropriate to implement the recommendations of the Health Professionals Review.
6. Provide specific funding for intelligence unit and additional youth workers at the Bimberi Youth Justice Centre.
7. Provide additional funding for 30 correctional officers at the Alexander Maconochie Centre to better manage pressures from overcrowding.
8. Review structural and governance arrangements at the EPA and provide funding for additional staff.
9. Provide additional funds to the Construction Regulator for an additional 10 building inspectors to enforce strengthened building regulations.
10. Rule out funding additional work by cutting back office functions that are already under-resourced.
11. Involve and consult with staff in decision-making processes to address existing and growing pressures on public services.
12. ACT Government guarantees their employer superannuation contributions will continue to rise by 0.5 per annum for employees to eventually reach 15.5 per cent.

Overview

The Community and Public Sector Union (CPSU) PSU Group is an active and progressive union committed to providing a strong voice for our members in key public policy and political debates. As the largest union in the ACT Public Service (ACTPS), the CPSU welcomes the opportunity to participate in the 2020-21 ACT Budget Consultation.

Our submission outlines the need for ACT Government should prioritise investing in the capacity of ACTPS to meet the needs and expectations of Canberrans. Specific areas requiring attention in the 2020-21 Budget include:

1. Reducing insecure work arrangements in the ACTPS;
2. Providing additional funds to address resource pressures in ACTPS agencies;
3. Recognising the importance of “back office” support functions; and
4. Providing adequate superannuation contributions to ensure the ACTPS remains an employer of choice.
Ensuring secure employment in the ACTPS

Insecure workers have less job security, fewer entitlements and as a result are less satisfied with their position. This has flow on consequences for many areas of their lives such as the ability to plan, eligibility for loans, and retirement incomes. Insecure work arrangements create undue pressure and stress on workers.

There is a common perception that insecure work is not an issue in the public sector. This is not an accurate view. Insecure work continues to be a significant issue in the ACTPS with the 2018-19 ACT State of the Service report showing that 24.0 per cent of all ACTPS employees were engaged on a “non-ongoing” basis, classified as either temporary or casual.1

Figure 1 Employment Modes (Proportion of total workforce based on headcount)

<table>
<thead>
<tr>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent</td>
<td>77.9%</td>
<td>77.6%</td>
<td>77.4%</td>
<td>77.6%</td>
<td>76.7%</td>
<td>75.9%</td>
<td>76.1%</td>
<td>76%</td>
</tr>
<tr>
<td>Temporary</td>
<td>15.3%</td>
<td>15.3%</td>
<td>15.6%</td>
<td>15.9%</td>
<td>16.8%</td>
<td>17.4%</td>
<td>17.3%</td>
<td>17.2%</td>
</tr>
<tr>
<td>Casual</td>
<td>6.8%</td>
<td>7.1%</td>
<td>7.1%</td>
<td>6.5%</td>
<td>6.5%</td>
<td>6.8%</td>
<td>6.6%</td>
<td>6.8%</td>
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Source: Previous ACT State of the Service Reports

The extent of “non-ongoing” employment varies significantly across the ACTPS. Figure 2 shows the proportion of non-ongoing staff in each Directorate.

Figure 2 Number of non-ongoing (temporary and casual) FTE staff by Directorate2

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Non-ongoing</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canberra Health Service</td>
<td>1,626.30</td>
<td>25.3%</td>
</tr>
<tr>
<td>Chief Minister, Treasury and Economic Development</td>
<td>344.60</td>
<td>14.4%</td>
</tr>
<tr>
<td>ACT Insurance Authority</td>
<td>1.50</td>
<td>9.0%</td>
</tr>
<tr>
<td>Community Services</td>
<td>158.30</td>
<td>17.6%</td>
</tr>
<tr>
<td>Education</td>
<td>1,456.10</td>
<td>24.4%</td>
</tr>
<tr>
<td>Environment, Planning and Sustainable Development</td>
<td>164.30</td>
<td>25.4%</td>
</tr>
<tr>
<td>Health</td>
<td>75.70</td>
<td>14.0%</td>
</tr>
<tr>
<td>Justice and Community Safety</td>
<td>227.60</td>
<td>12.5%</td>
</tr>
<tr>
<td>Transport Canberra and City Services</td>
<td>261.40</td>
<td>14.2%</td>
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</tbody>
</table>

The use of insecure work arrangements in the ACT Government is regulated through legislation and commitments in enterprise agreements. The Public Sector Management Act 1994 (the PSM Act), which regulates employment arrangements in the ACTPS, specifies that

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the ACTPS “may employ the person for a fixed term of— (a) less than 12 months; or (b) if the head of service consults the principal union about the need for the temporary employment— less than 5 years.”³ Section A2.2 of the ACT Government Administrative and Related Classifications Enterprise Agreement 2018-2021 also outlines the only circumstances whereby temporary employment may be utilised by the ACT Government as follows:

In order to promote permanent employment and job security for employees, the ACTPS will endeavour to minimise the use of temporary and casual employment. The ACTPS agrees to the use of temporary employees only where there is no officer available with the expertise, skills or qualifications required for the duties to be performed or the assistance of a temporary nature is required for the performance of urgent or specialised work within a particular business unit of the ACTPS and it is not practical in the circumstances to use the services of an existing officer.⁴

But while there are some circumstances in which there is a legitimate need for the engagement of employees on a temporary basis, the current use of these arrangements in ACT Government goes far beyond what is acceptable under the PSM Act and enterprise agreement.

The CPSU’s most recent 2017-18 What Women Want survey found that of 15.1% of ACTPS women who are currently acting in a higher position, 28.5% had acted in the position for more than a year. This, along with the significant proportion of non-ongoing staff in the ACTPS, raises questions as to whether they were actually temporary roles and also, in many circumstances, how they met the criteria outlined under section A2.2 of the employment agreement.

The claimed benefits of using insecure work are not without their costs. Even though “flexibility” and “efficiency” are cited as reasons for using insecure arrangements, there are transaction costs such as additional recruitment and training costs, the premium paid to labour hire companies and the increased expense of using contractors. This does not include the longer term costs to the capacity and capability of the public sector include the loss of corporate knowledge and business continuity, reduced security of information and accountability, a reduction in the quality of services, and lower staff morale.

The CPSU is also concerned about the use of third-party consultants in the ACTPS. According to Tenders ACT, the ACT Government executed $34 million in consultancy contracts in the 2018-19 financial year. While consultants may be necessary where there is a clear lack of internal technical expertise, it is unclear why consultants are necessary for tasks such as

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³ The Public Sector Management Act 1994 Division 5.8 Temporary Work
⁴ Section A2.2, ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2013-2017
Administrative Reviews, Investigations and Related Services when the ACTPS has the capacity to do this.\(^5\)

To address the extent of insecure work in the ACTPS and strengthen its capacity and capability, action needs to be taken to ensure that insecure workers have access to fair and reasonable entitlements and that the services that the ACTPS provides to the community are not affected by a reliance on insecure workers. The establishment of the Insecure Work Taskforce by the ACT Government was an important first step in addressing insecure work in the ACTPS to enable agreed outcomes, however, much more needs to be done. The ACT Government must provide funding to ensure a transition to permanency for insecure workers identified as doing critical work.

**Recommendation:**

Increase the transitioning of labour hire, non-ongoing and casual staff into permanent ACTPS employment.

Reduce the amount spent on third-party consultants in the ACTPS.

Where the Insecure Work Taskforce identifies a critical need, provide additional funding to ensure a transition from insecure work arrangements to permanency.

**A well-resourced public service that delivers for our community**

The ACTPS works hard every day to deliver the services and support that Canberrans rely on the ACTPS. There are increasing pressures and expectations on the ACTPS employees whose job it is to deliver public services to the community and implement public policy. Increased workloads without additional resourcing have diminished the capacity of the ACTPS to serve the community. A properly resourced public service is needed to meet the Canberra community’s needs and expectations.

This submission specifically highlights the need for additional resourcing in WorkSafe, the Canberra Health Service, Bimberi Youth Justice Centre, the Alexander Maconochie Centre, the Environmental Protection Agency and the Construction Occupations Registrar.

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WorkSafe

The CPSU acknowledges that the ACT Government made WorkSafe a genuinely independent authority earlier this year to allow it the autonomy to focus on enforcing occupational health and safety regulations including of the ACT Government as an employer. 

It is essential that WorkSafe is properly resourced to enable it to have proper regulatory oversight of occupational health and safety. Without adequate staffing levels, it will be difficult for WorkSafe to be the strong deterrent needed to ensure employers provide safe working environments into line with legal requirements and the expectations of Canberrans.

Health Professionals Review

During the negotiations of the Health Professionals Enterprise Agreement 2018-2021, the parties to the agreement agreed to undertake a comprehensive review of the Health Professional (HP) classification. HP’s include health practitioners such as pharmacists, psychology, Occupational Therapists, perfusionists, medical imagists and many other allied health professionals.

The Review will consider whether one classification is still relevant or whether the classification systems used for HP’s needs to be expanded to account for new profession based classifications. One of the factors in deciding this will be the pay rates and conditions put in place to attract and retain certain health professions, which will likely have a cost imposition. As to not affect the delivery of services delivered to the ACT community, these costs will need to be met by additional funding in the ACT budget.

Bimberi Youth Justice Centre

The CPSU has long been concerned about inadequate resourcing and understaffing at the Bimberi Youth Justice Centre. The CPSU notes that understaffing at Bimberi was flagged as an issue by the ACT Human Rights Commission’s Investigation Report into Bimberi Youth Justice Centre 2019. The Review stated that:

> At a broader level, maintaining appropriate staffing levels over time, and with fluctuating numbers of young people at Bimberi, remains a significant challenge, but it is key to a functional and human rights compliant youth justice centre. Insufficient staffing contributed to serious systemic issues in Bimberi in the review period, including a dramatic increase in lock downs. This in turn resulted in reduced access to education and programs, leading to frustration for young people, and increased risk of staff injury and burnout. It is not acceptable for young people to be continually

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locked down, or for staff to be placed at risk of occupational violence due to inadequate staff numbers. While these issues have been resolved in the short term through additional recruitment rounds, there is a need for a comprehensive and transparent plan and adequate resourcing to maintain staffing levels. Shift duration and flexibility for staff with family and other responsibilities must also be considered in this planning process.\(^7\)

The Review recommended that the Community Services Directorate review staffing arrangements at Bimberi and develop and fully resource a long-term staffing strategy to ensure adequate staffing to meet the needs of fluctuating numbers of young people at Bimberi. This review should consider how staff can be better supported and should include consultation with staff regarding changes to shift length.

The Government response to that recommendation was to agree, stating that a Recruitment Strategy is being developed to ensure a regular and ongoing recruitment process and to reduce the impact of staffing fluctuations on the management of the Centre and that a review of shift lengths, including consultation with staff, will be undertaken.\(^8\)

The CPSU has previously advocated for minimum permanent staffing levels but our calls had been ignored.\(^9\) We continue to advocate for the ACT Government to commit to providing additional staff, not merely a strategy and review. The CPSU recommends that ACT Government commit to providing specific funding for intelligence unit and additional youth workers at the Bimberi Youth Justice Centre.

Finally, given a number of serious events that have occurred in both AMC and the Bimberi Youth Justice Centre; as well as both policy and legislative restrictions respectively that prevent the use of strip searches unless there are serious mitigating circumstances; the CPSU is calling on the Government to urgently invest and install additional body scanners. These Body scanners should be located at the AMC, the CTU court cells, and at the Bimberi Youth Justice Centre.

Use of body scanners will provide both Bimberi officers and Correctional officers with the tools necessary to know that detainees or young people are not secreting either contrabands, weapons or illicit substances on their body. Not only will this provide a safer

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environment for staff, detainees and young people; but it will allows these searches to occur in a manner that meets the community expectations and is non-invasive.

**Alexander Maconochie Centre**

The Alexander Maconochie Centre has reached and exceeds its design capacity, the overcrowding placing an enormous strain on services, staff and detainees and also placing staff at risk.\(^{10}\) The ACT Inspector of Correctional Services found that that there are staffing issues resulting in unacceptable lock-ins of detainees during normal unlock hours. The Inspector has stated that “there is a limit as to how many bodies can be crammed into the AMC before conditions became intolerable and/or dangerous to detainees and staff, and the basic human rights of both are put at risk.”\(^{11}\)

The overcrowding has reached a point where the ACT Government announced it was building a separate 80-bed minimum security prison – or ‘reintegration centre’ in the 2019-20 Budget, however, the increased capacity is not expected until 2021 and the ACT has the fastest growing prison population in the country.\(^{12}\)

The ACT Government previously stated in the 2019-20 Budget that it would be delivering more custodial staff and additional services to ensure a safe and secure environment for the increased number of detainees at the Alexander Maconochie Centre.\(^{13}\) The CPSU recommends the ACT Government commit to the provision of an additional 30 correctional officers to help better manage the pressures from the overcrowded facility.

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**Environmental Protection Agency**

Regulatory functions relating to the protection of our environment is a critical function of government. Reports of increasing numbers of complaints but far fewer fines and one prosecution than in previous years when it was under the Environment Directorate. Unless our regulators are properly resourced, Canberra’s status as a clean, safe and liveable city is at risk.

As with WorkSafe, the Environment Protection Agency (EPA) need more resources and greater independence from Access Canberra. Access Canberra’s approach to regulation may be appropriate for the regulation of lower risk issues, is not appropriate for the protection of our environment. A review that examines whether the EPA should return to the Environment Directorate should occur.

**Construction Occupation Registrar**

Building quality issues continues to be a major issue in the ACT. The CPSU notes that ACT legislative inquiry into building quality heard a lack of experience in building multi-units has contributed to defects in Canberra over the past 15 years.

While the CPSU notes that 2019-20 Budget included eight new building inspectors and some additional compliance officers, to conduct up to an extra 1,000 site inspections, work started on 1,137 new dwellings in the three months to June 2019.

The strengthening of regulations, as announced in September, require additional resources available to the Construction Occupations Registrar to investigate and enforce these strengthened building regulations.

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Frontline services and “back office” functions – it all contributes

The additional funding must for these agencies must not be provided through cutting other parts of the ACTPS. There is a false distinction between “frontline” and “back office” staff. Constantly cutting “back office” jobs only results in fewer staff doing the same amount of work. Without an effective and efficient back office/administrative function, the ACTPS cannot provide the quality frontline services the community expects even if frontline services are protected from cuts. The ACT Government must ensure that additional funding for agencies is not funded through targeted cuts to administrative staff.

The resource pressures in the ACTPS highlighted in this submission also demonstrates the need for a workplace culture which genuinely seeks out and respects the input of ACTPS staff.

The ACT Government should strengthen its commitment to working with ACTPS employees to ensure best practice. Examples such as the Insecure Work Taskforce show what can be achieved. Properly using the knowledge and experience of the ACTPS workforce will not only improve workplace morale but also result in better, more innovative public services. ACTPS employees are uniquely placed to help improve public services and address the complex challenges Canberra faces. It will, however, require the culture of ACTPS management changing to genuinely and regularly consult staff about existing and growing pressures.

The CPSU recommends that 2020-21 Budget provides additional investment in public services to meet increasing workloads and expectations from the Canberra community. Without additional funding and staffing, further pressure will be placed on services that the community relies on.

**Recommendations:**

- Fund an additional 30 FTE for the Work Safety Authority to ensure it has appropriate staffing and regulatory capacity.

- Provide additional funds to the Canberra Health Services to implement the recommendations of the Health Professionals Review.

- Provide specific funding for intelligence unit and additional youth workers at the Bimberi Youth Justice Centre.

- Review structural and governance arrangements at the EPA and provide funding for additional staff.

- Provide additional funds to the Construction Regulator for an additional 10 building inspectors to enforce strengthened building regulations.
Rule out funding additional work by cutting back office functions that are already under-resourced.

Involve and consult with staff in decision-making processes to address existing and growing pressures on public services.

### Increasing the ACT Government’s superannuation contributions

Superannuation continues to be a very important issue for ACTPS employees. With an ageing population, an increased superannuation contribution guarantee is required to ensure sufficient retirement income for ACTPS employees.

The CPSU has consistently advocated for the ACT Government to increase the rate of their employer superannuation contributions. ACTPS employees will not have a sufficient retirement income if they are reliant on a stagnant 10.5 per cent ACT Government superannuation contribution.

The lower super guarantee for ACT Government employees also makes it a less attractive employer than the Commonwealth Government. With both seeking to attract and retain employees in the same geographic labour market, it is to the detriment of the ACTPS.

The Commonwealth Government’s decision to delay the increased superannuation contribution has only made it more difficult for people to have an adequate retirement income. The ACT Government should take a leadership role and continue matching the previous Federal Labor Government’s commitment to increasing employer superannuation contributions to ensure it remains an employer of choice.

The CPSU notes that the ACT Government previously entered a Deed of Agreement with unions committing to the previous federal ALP Government’s timetable of raising superannuation. This Deed ensured that that superannuation rose to 10.5 per cent during the life of the current enterprise agreement.

The ACT Government should commit to continue increasing the superannuation contributions provided to ACTPS workers beyond 11.5% in 1 July 2020 until it reaches 15.5 per cent and guarantee this by including it as a common term in enterprise agreements in the next round of bargaining.

The inclusion of this guaranteed amount in the enterprise agreement is important. Given the 2006-07 ACT Budget unilaterally reduced the employer contribution rate for new starters from a minimum 15.4 per cent to 9 per cent, a Deed of Agreement does not sufficiently
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protect superannuation entitlements. Federal enterprise bargaining agreements include the specific 15.5 per cent and the ACTPS should follow suit and include it in future ACTPS agreements.

**Recommendation:**

ACT Government guarantees their employer superannuation contributions will continue to rise by 0.5 per annum for employees to eventually reach 15.5 per cent.