



**CPSU (PSU Group) Submission:  
2019-20 ACT Budget**

**Chief Minister and Treasury Directorate**

**October 2018**

## Summary of Recommendations

1. Increase the number of secure ACTPS jobs by transitioning labour hire, non-ongoing and casual staff into permanent employment.
2. Ensure agreed outcomes from the Insecure Work Taskforce are implemented in a timely manner with a view to early transition from insecure work arrangements to permanency.
3. Invest funds into establishing an independent Work Safety authority with appropriate staffing and regulatory capacity.
4. Provide additional funds to the ACTPS to meet increasing workloads and demands, with a particular focus on ACT Health (including pathology, pharmacy and dental health lab).
5. Review structural and governance arrangements for the Construction Regulator to ensure their focus is moved from soft touch regulation toward enforcement and provide funding for an additional 10 building inspectors.
6. Review structural and governance arrangements at the EPA and provide funding for a dedicated Director and 3 additional officers.
7. Rule out funding additional work by cutting back office functions that are already under-resourced.
8. Involve and consult with staff in decision-making processes to address existing and growing pressures on public services.

## Overview

The Community and Public Sector Union (CPSU) PSU Group is an active and progressive union committed to promoting a modern, efficient and responsive public sector delivering quality services and quality jobs. As the largest union in the ACT Public Service (ACTPS), the CPSU welcomes the opportunity to participate in the 2019-20 ACT Budget Consultation.

This submission outlines why the ACT Government should prioritise investing in the ACTPS to build and maintain the necessary capacity to meet the growing needs of the Canberra community. Specific areas requiring attention in the 2019-20 Budget include:

1. Reducing insecure employment in the ACTPS;
2. The need for an independent Work Safety authority;
3. Recognising the importance of “back office” support functions; and
4. Reducing ongoing workload and resourcing pressures in the ACTPS.

## Ensuring secure employment in the ACTPS

Insecure work continues to be a significant issue in the ACTPS. The 2017-18 ACT State of the Service report showed that 23.9 per cent of all ACTPS employees were engaged on a “non-

ongoing” basis, classified as either temporary or casual.<sup>1</sup> While it is a slight decrease on the previous year, insecure staffing levels are still higher than in the financial years before 2015-16.

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

Type	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Permanent	77.9%	77.6%	77.4%	77.6%	76.7%	75.9%	76.1%
Temporary	15.3%	15.3%	15.6%	15.9%	16.8%	17.4%	17.3
Casual	6.8%	7.1%	7.1%	6.5%	6.5%	6.8%	6.6%

Source: Previous ACT State of the Service Reports

### ACTPS Use of Non-Ongoing Employees

The use of non-ongoing employment in the ACTPS varies greatly by Directorate. Figure 2 shows the number of non-ongoing staff in each Directorate and entity and what proportion they make up.

**Figure 2 Number of non-ongoing (temporary and casual) FTE staff by Directorate<sup>2</sup>**

	Non-ongoing	Proportion
<b>Chief Minister, Treasury and Economic Development</b>	378.8	16.3%
<b>ACT Insurance Authority</b>	2	10.9%
<b>Community Services</b>	154.3	17.8%
<b>Education</b>	1345.6	23.8%
<b>Environment, Planning and Sustainable Development</b>	159.3	25.1%
<b>Health</b>	1615.9	24.3%
<b>Justice and Community Safety</b>	257.3	14.4%
<b>Transport Canberra and City Services</b>	209.2	11.9%

*The Public Sector Management Act 1994* (the PSM Act) regulates employment arrangements in the ACTPS. The Act specifies that there are needs for “temporary employees” but the specified term is that they “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.”<sup>3</sup>

Section A2.2 of the Enterprise Agreement also outlines the only circumstances whereby temporary employment may be utilised by the ACT Government as follows:

<sup>1</sup> ACT Public Service Head of Service (2018, October). ACT State of the Service Report 2017-18. ACT Government.

<sup>2</sup> ACT Public Service Head of Service (2018, October). ACT State of the Service Report 2017-18. ACT Government.

<sup>3</sup> *The Public Sector Management Act 1994* Division 5.8 Temporary Work

*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.<sup>4</sup>*

Given this, it is concerning that the 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, raising questions as to whether they were temporary roles and also, in many circumstances, how they met the criteria outlined under section A2.2 of the employment agreement. Unsurprisingly one in five (19.1%) women in the ACTPS felt insecure or very insecure in their current job.<sup>5</sup>

Though “flexibility” and “efficiency” are often given as reasons for engaging insecure workers, the use of insecure arrangements can lead to extra financial costs such as additional recruitment and training costs, the premium paid to labour hire companies and the increased expense of using contractors. Longer term costs to government include a loss of corporate knowledge and business continuity, reduced security of information and accountability, reduction in the quality of services, and lower staff morale.

It is necessary to pursue more far-reaching and comprehensive solutions to ensure that employees stuck in insecure work have access to fair and reasonable entitlements, and that the services our members are employed to provide are not compromised by an unnecessary reliance on non-permanent employees.

This will require the ACT Government ensuring agreed outcomes from the Insecure Work Taskforce are implemented in a timely manner with a view to early transition from insecure work arrangements to permanency.

**Recommendation:**

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

Ensure agreed outcomes from the Insecure Work Taskforce are implemented in a timely manner with a view to early transition from insecure work arrangements to permanency.

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<sup>4</sup> Section A2.2, ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2013-2017

<sup>5</sup> Data from 2017-18 CPSU What Women Want survey

## **Ensuring the work health and safety of all Canberrans**

### **WorkSafe**

The CPSU again calls for WorkSafe to be an appropriately resourced and genuinely independent authority to allow it the autonomy to focus on enforcing occupational health and safety regulations including of the ACT Government as an employer.

Access Canberra's soft touch approach to regulation common to the other regulatory arms of the broader agency, which may be appropriate for the regulation of lower risk issues, is not appropriate for or compatible with occupational health and safety regulation. A strong message to industry of unrelenting and significant financial penalties and the risk of imprisonment will be the strong deterrent needed to bring non-compliant employers into line with legal and community expectations.

#### **Recommendation:**

Invest funds into establishing an independent Work Safety authority with appropriate staffing and regulatory capacity.

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

### **Frontline services and "back office" functions – it all contributes**

The ACTPS works hard in a professional and non-partisan manner to provide the services that Canberrans rely on the ACTPS on a daily basis. However, having a public service that delivers to meet the Canberra community's needs requires properly resourcing the ACTPS.

Like its counterparts elsewhere, there are increasing pressures on the ACTPS employees whose job it is to deliver public services to the community and implement public policy. All Directorates (bar front line services) have experienced cuts or increased workloads without additional resourcing, with some now at breaking point. As a result, most Directorates now have a diminished capacity to service the community.

This submission highlights some examples of staffing cuts and underfunding in the Health directorate, Bimberi Youth Justice Centre, Access Canberra, Environmental Protection

Agency, Alexander Maconochie Centre, State Emergency Service, Courts and probation parole.

### **Health**

In the Health directorate, areas such as pathology, pharmacy and dental health lab have been identified by staff are needing far more funding to manage workloads.

Staff report there is inadequate resourcing and a high number of employees are on contracts. Some areas are not being appropriately backfilled. The staffing pressures have resulted in high workloads for the remaining staff and high amounts of stress. The stress is exacerbated by a lack of consultation which is an ongoing issue in light of the significant organisational change at ACT Health.

### **Access Canberra**

Significant cuts and structural changes at Access Canberra over the past few years have contributed to poor job security, classification creep and increasing workloads on already overburdened and under resourced agencies such as the construction regulator and the EPA. A voluntary redundancy process at Access Canberra three years ago resulted in 77 staff taking a VR. Since then high rates of short term contract and other insecure working arrangements as well as resourcing issues has been identified across the agency.

Regulatory functions relating to construction quality and pollution are critical functions of government and need more resources. Recent media attention on building quality issues<sup>6</sup> is a reflection of the lack of resources available to the Construction Occupations Registrar to investigate and enforce building regulations. The EPA has recently published information indicating air quality is reducing in the territory at a time when several other pollution issues that can impact human health are arising such as PFAS/PFOA chemicals that were historically used as fire-fighting foams contaminating land and waterways. These issues put at risk Canberra's status as a clean, safe and liveable city.

### **Alexander Maconochie Centre (AMC) & Court Transport Unit (CTU) – JACS Corrections**

The facility at Alexander Maconochie is now at capacity with 500 detainees and there is continual under-staffing. Staffing levels have not been increased to reflect the new facilities within AMC. The short staffing is impacting on Correctional Officers' ability to access annual leave.

Staffing levels at Court Transport Unit also have not been reviewed since it was created. This is despite growing concerns about the safety of officers as weekend hearings have increased. There are more violent detainees but are still being staffed by the same Correctional Officers skeleton crew.

<sup>6</sup> Dan Jervis-Bardy (2018, 18 October). \$1 billion: The high price of dodgy building work in the ACT. Canberra Times. Retrieved from <https://www.canberratimes.com.au/national/act/1-billion-the-high-price-of-dodgy-building-work-in-the-act-20181012-p509ae.html>

### **Bimberi Youth Justice Centre**

Bimberi Youth Justice Centre has range of issues that are well-known and have been documented in the media. The CPSU has previously highlighted that inadequate staffing levels and the lack of training are key concerns raised by Bimberi staff.<sup>7</sup>

### **State Emergency Service (SES)**

Staff have told the CPSU that SES needs an additional staff to reflect current workloads. Members inform us that positions are not being backfilled, causing unreasonable workloads of staff. Volunteer training is requiring to be backfilled outside normal business hours.

### **ACT Law Courts**

Staff report that domestic violence and drug related matters have increased dramatically per annum over the past four years. Despite these growing volume workloads, there has not been a commensurate increase to FTE. The workload pressures have created a diminished capacity for Courts staff to provide the level of service the community expects.

### **Community Corrections – Probation parole**

Increased detention numbers and pressure to process cases quicker have resulted in a higher demand on the probation unit and increased workloads. A review into staffing numbers, allocations & workload formula is needed immediately.

While the CPSU supports more funding, it must be delivered in a sustainable manner and not by cutting other parts of the ACTPS. In previous Budgets, additional funding was provided for health and education staff through cuts to other “back office” parts of the ACTPS.

This is a false distinction between “frontline” and “back office” staff. “Back office” staff provide administrative support and ensure frontline public services run effectively. Ensuring an effective and efficient back office/administrative function can in reality make frontline services more efficient as administrative burdens are removed.

It is a false economy to constantly under resource “back office” staff. Cutting “back office” jobs only result in fewer staff doing the same amount of work and provides poorer quality support. Quarantining frontline services from cuts will not shield the public from the impact. Cutting support staff will mean frontline workers spend more and more of their time on

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<sup>7</sup> Steven Trask (2017, 4 July). Bimberi workers speak out about toxic culture in ACT youth detention. Canberra Times. Retrieved from <http://www.canberratimes.com.au/act-news/bimberi-workers-speak-out-about-toxic-culture-in-act-youth-detention-20170628-gx0vx5.html>

administrative work when they are meant to be serving the public on other duties. The ACT Government must ensure that additional investments in public services are not funded through targeted cuts to administrative staff.

The ongoing increase in workloads in the ACTPS highlighted in this submission demonstrates the need for a positive and productive workplace culture which values and respects the input of staff.

The ACT Government has an opportunity to demonstrate its genuine commitment to public services and institutions that are the foundation of our community. It should commit to working with public service employees and the community to ensure best practice in service delivery. A change in management culture is required so staff are genuinely and regularly consulted about existing and growing pressures. Properly involving and utilising the capacity and experience of the ACTPS workforce will not only help create such a workplace culture but also result in better public services. ACTPS employees are uniquely placed to provide input into how public services can be improved and ameliorate problems when addressing the complex issues Canberra faces. This will require adequate levels of staffing and resources.

The CPSU recommends that 2019-20 Budget provides additional investment in public services to meet increasing workloads and demands. Without additional funding and staffing, further pressure will be placed on services and the standard of living the community expects.

**Recommendations:**

Provide additional funds to the ACTPS to meet increasing workloads and demands with a particular focus on ACT Health (including pathology, pharmacy and dental health lab).

Review structural and governance arrangements for the Construction Regulator to ensure their focus is moved from soft touch regulation toward enforcement and provide funding for an additional 10 building inspectors.

Review structural and governance arrangements at the EPA and provide funding for a dedicated Director and 3 additional officers.

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.