

Minister for Industrial Relations and Workplace Safety
Question Time Briefs
2-3 June 2021

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Portfolio/s: Employment and Workplace Safety**ISSUE:** **ACT Public Sector Workers' Compensation Self-Insurance Performance and Psychological Injury Experience****Key Information:**

- The ACT Public Sector work health, safety and wellbeing strategy features approaches to reduce the incidence and impact of occupational violence in workplaces and promote mentally healthy workplaces, including:
 - demonstrating leadership commitment;
 - building the capability of the ACT workforce;
 - designing work to prevent harm and promote health; and
 - embedding systems to ensure a structured and consistent approach.
- Whole of government programs to support early intervention and suitable employment include:
 - early intervention physiotherapy, including a virtual physiotherapy service developed to provide support to employees while working from home as part of the COVID-19 response
 - a facilitated discussion program to promote positive workplace relationships and provide assistance early when workplace issues occur
 - reasonable adjustment to assist employees and managers to identify and implement complex workplace modifications
 - manager training on psychological injury management

Cleared as complete and accurate:	1/6/2021	
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Lead Directorate:	Chief Minister, Treasury and Economic Development	
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TRIM Ref:	CM21/32578	

- employee supports to reduce stigma and promote early help seeking behaviour such as the Mental Health Guru program.
- Whole of Government policies have been developed for work rehabilitation and mental wellbeing. These focus on an integrated approach through prevention, promotion of health and support when illness or injury occur.

ACT Public Sector Workers' Compensation Self-Insurance Performance:

- The ACT Government became a licensed self-insurer as of 1 March 2019.
- Being a self-insurer means the Government is responsible for the entire workers' compensation claim management process. This enables greater investment in and better integration of workers' compensation, rehabilitation, and health and safety services.
- The following table illustrates the ACTPS Workers' Compensation profile over the last 5 financial years:

ACTPS Workers' Compensation Profile		Financial Year				
		2016-17	2017-18	2018-19	2019-20	2020-21
Workforce	FTE	22,432	22,432	23,279	24,775	25,172
	Wages (\$ billion)	2.1	2.2	2.4	2.6	2.5
Number of claims (Accepted to date)*	% of workforce (annualised)**	2.0%	2.1%	1.8%	1.8%	1.7%
	Physical injury	398	394	354	371	314
	Psychological Injury	60	77	60	66	34
Average cost* (paid to date)	All claim (\$)	47,764	44,502	30,640	26,705	14,574
	Physical injury (\$)	36,291	29,703	25,600	20,622	13,534
	Psychological Injury (\$)	123,870	120,229	60,377	60,900	24,178
Premium	Total cost (\$ million)	88.0	69.6	70.5	56.0	56.1
	Per insured worker (\$)	3,921	3,101	3,028	2,261	2,230

* The 'Number of Claims' and 'Average cost' figures are based on information as at 30 April 2021. The figures may change in the future with the emergence of experience.

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** FTE assumed to be uniform throughout the year. The incidence of accepted claims rate to date is annualised based on the assumed FTE to date i.e. for the latest incomplete financial year.

Psychological Injury Experience:

- The following psychological injury details are based on:
 - claims data as at 30 April 2021 and
 - work health and safety incidents reported by 30 April 2021 as at 25 May 2021.
- Occupational violence in the ACT public sector:
 - Fifty-nine percent of work safety incidents reported to date in 2020-21 were caused by occupational violence. This reflects 7,047 of the 11,996 reported incidents, which is an increase of three percent from the 2019-20 year.
 - Eighty percent of all occupational violence incidents reported to date in 2020-21 occurred in the Education Directorate, an increase from seventy-five percent in 2019-20.
 - Occupational violence was the cause of twelve percent of all accepted workers' compensation claims reported to date in 2020-21, a decrease from fourteen percent in 2019-20.
- Bullying and harassment in the ACT public sector:
 - Bullying and harassment was the cause of two percent of all accepted workers compensation claims reported to date in 2020-21. This is a decrease from four percent in 2019-20 and seven percent in 2018-19.

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- Mental stress (excluding occupational violence and bullying) in the ACT public sector:
 - Four percent of incidents reported to date in 2020-21 were caused by mental stress (excluding occupational violence and bullying). This was an increase from 2 percent in 2019-20 in 2018-19.
 - Mental stress (excluding occupational violence and bullying) was the cause of eleven percent of all accepted workers' compensation claims reported to date in 2020-21. This was a decrease from fifteen percent in 2019-20 in 2018-19.

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CM21/32588

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Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: PORTABLE LONG SERVICE LEAVE SCHEME – LEGISLATIVE REVIEW****Talking points:**

- Portable long service leave entitlements are set out in the *Long Service Leave (Portable Schemes) Act 2009* (Portable Schemes Act).
- Entitlements to portable long service leave apply to registered workers of employers in four covered industries, namely the building and construction industry, the community sector, security and contract cleaning industries.
- On 30 July 2020 a motion was passed in the ACT Legislative Assembly committing the then Government to:
 - work with Hair Stylists Australia, the ACT hairdressing industry, employers, employees, employee bodies and registered training organisations to determine how to include hairdressing in the *Long Service Leave (Portable Schemes) Act 2009*; and
 - investigate extending the *Long Service Leave (Portable Schemes) Act 2009* to other non-public sector industries.
- In response to the motion, the then Minister for Employment and Workplace Safety announced that consultation would commence on the expansion of the portable long service leave scheme to hairdressers.

Cleared as complete and accurate:	01/06/2021	
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- Since then, the new Government has committed under the *Parliamentary Agreement & Governing Agreement for the 10th Legislative Assembly of the ACT* to “amend the portable long service scheme to ensure more workers receive fair entitlements as they move jobs in their profession”.

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CM21/32822

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Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: ACT PRIVATE SECTOR WORKERS' COMPENSATION SCHEME
PERFORMANCE****Talking points:**

- The ACT private sector workers' compensation scheme is privately underwritten.
- As a result it is up to individual insurers to determine the premiums they charge to employers.
- Where an employer is unhappy with the premium offered by an insurer the competitive nature of the industry in the ACT means they have the option of pursuing coverage with another insurer.
- To assist employers in deciding whether the cost of their premium is reasonable, the Government publishes an annual schedule of reasonable workers' compensation premium rates for each industry class.
- The reasonable rates for the 2021-22 financial year are now available on the CMTEDD website.

ACT private sector workplace injury data:

- The actuarial review of the Territory's workers' compensation scheme, published in May 2021, found that in 2019-20:
 - around 18,000 policies were written, at an average premium rate of 1.99 per cent of wages;
 - new work injury and workers' compensation claims remained at historic low levels, with 0.28 lost time claims expected for each \$million in wages paid;
 - around \$152 million in compensation was paid, covering medical, allied health and rehabilitation services and financial compensation payments for injured workers.

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Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/32822	

ACT return to work rates

- The ACT participated for the first time in the 2018 Safe Work Australia return to work survey.¹
- The ACT recorded the highest current return to work rate of all jurisdictions at 86.3%.

¹ <https://www.safeworkaustralia.gov.au/collection/national-return-work-survey-2018>

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TRIM Ref:	CM21/32822	

TRSY21/37523

4

Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: LABOUR HIRE LICENSING SCHEME****Talking points:**

- The *Labour Hire Licensing Act 2020* commenced on 27 May 2021, with a six-month transition period to allow labour hire providers operating in the ACT to obtain a licence.
- This means the scheme will fully commence on 27 November 2021.
- The purpose of the labour hire licensing scheme is to:
 - protect labour hire workers from exploitation;
 - ensure labour hire service providers meet their workplace obligations and responsibilities to the workers they supply;
 - promote the integrity of the labour hire services industry; and
 - promote responsible practices in the labour hire services industry.
- The licensing scheme requires all ACT labour hire providers to hold a licence and demonstrate ongoing compliance with industry standards and workplace laws.
- Labour hire providers that have a labour hire licence from another state or territory will need to apply for a licence in the ACT.
- Having a licence in another state or territory will in most cases streamline their application.

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TRIM Ref:	TRSY21/37523	

- Anyone who employs staff through a labour hire operator, will need to make sure the labour hire provider is licensed.
- WorkSafe ACT will administer the scheme and has implemented an online application process accessible via the WorkSafe ACT Website.
- To assist businesses operating as labour hire providers in the ACT, Q&A sessions have been scheduled for stakeholders throughout June.
- A public register of all licensed labour hire providers will be published on the WorkSafe ACT Website.
- Licence holders must apply annually. The current application fee is \$2,900.

Background Information

- Labour hire providers who are found to be operating a labour hire business, and do not have a licence on or after 27 November 2021, face fines of up to \$128,000 for individuals, and \$2,430,000 for a corporation

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Contact Officer name:	Leanne MacLaughlan	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	
TRIM Ref:	TRSY21/37523	

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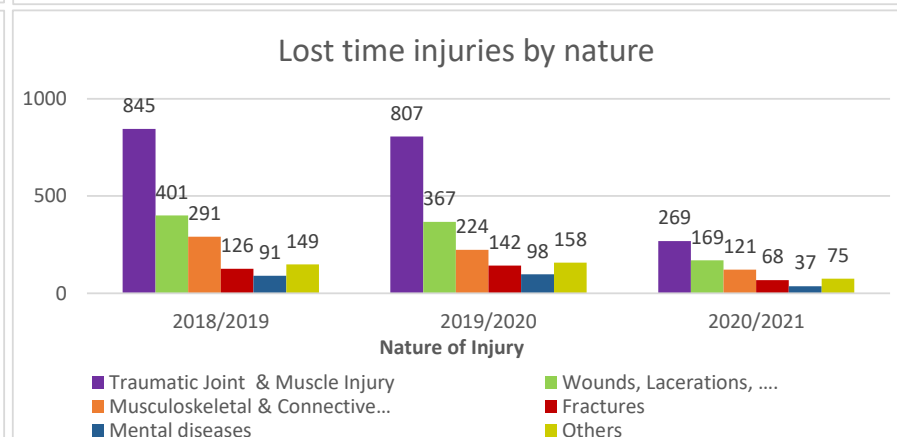
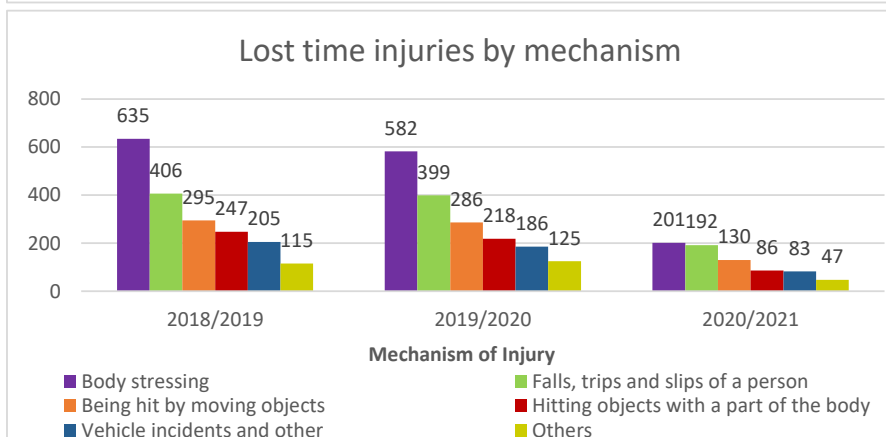
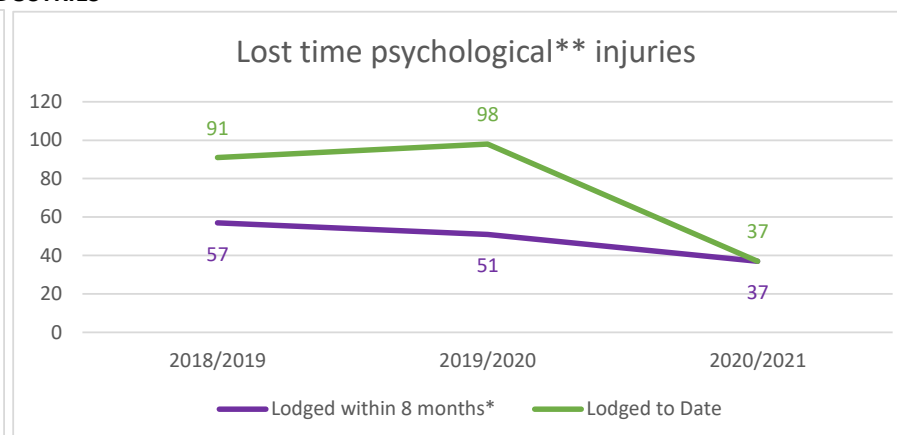
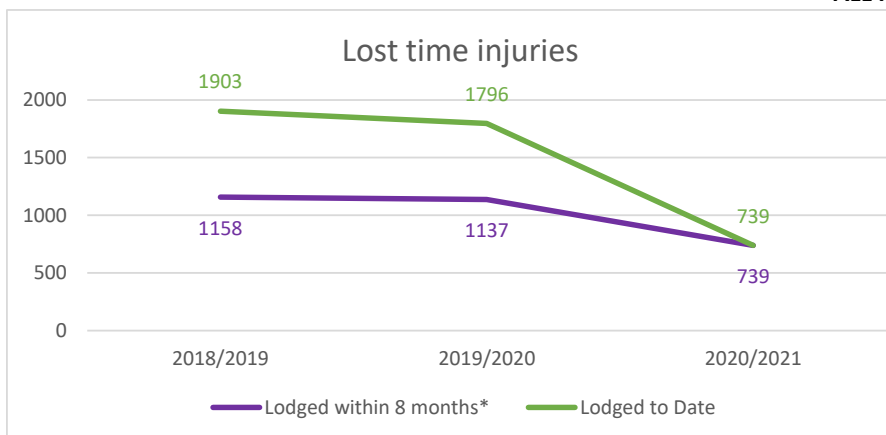
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Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: SNAPSHOT OF WORKERS COMPENSATION AND WORK HEALTH
AND SAFETY DATA****Talking points:**

- WorkSafe ACT was established as an independent regulator from 30 April 2020. Key governing documents for the regulator are available on the ACT Legislation Register, including:
 - the Ministerial Statement of Expectations for WorkSafe ACT;
 - WorkSafe ACT's four-year Strategic Plan;
 - WorkSafe ACT's Statement of Operational Intent; and
 - WorkSafe ACT's Compliance and Enforcement Policy.
- Attachment A: provides quarterly private sector workers' compensation statistics as provided to the WHS Council.

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Information Officer name:	Michael Young	
TRIM Ref:	CM21/32824	

ALL INDUSTRIES



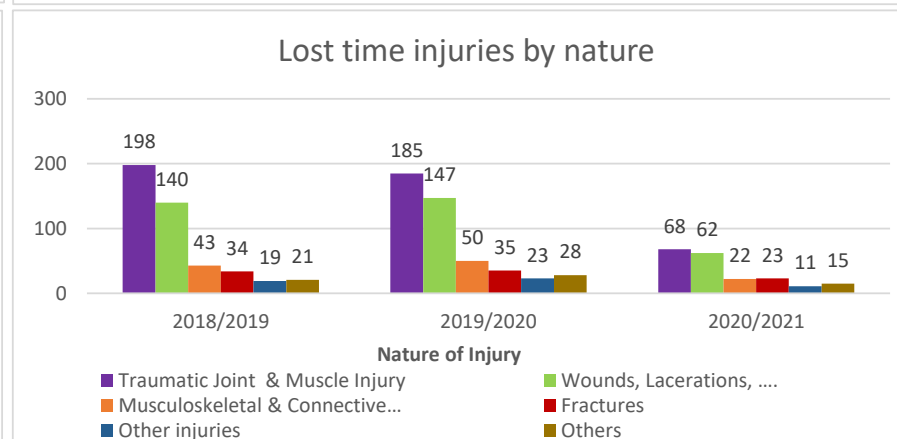
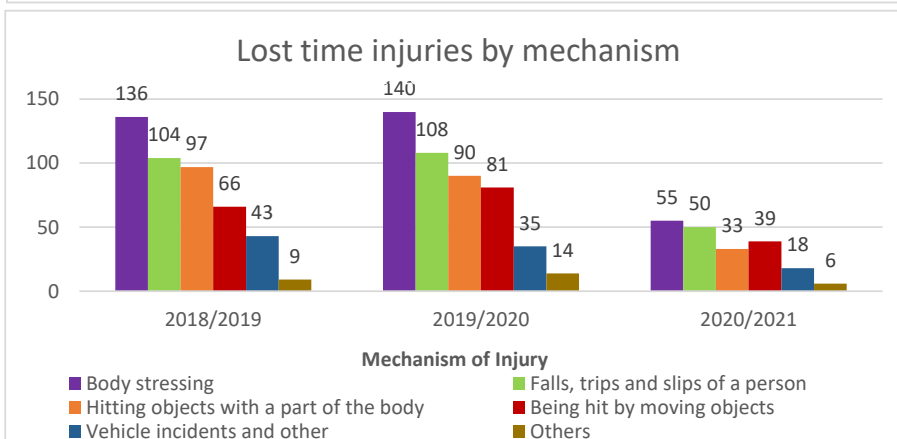
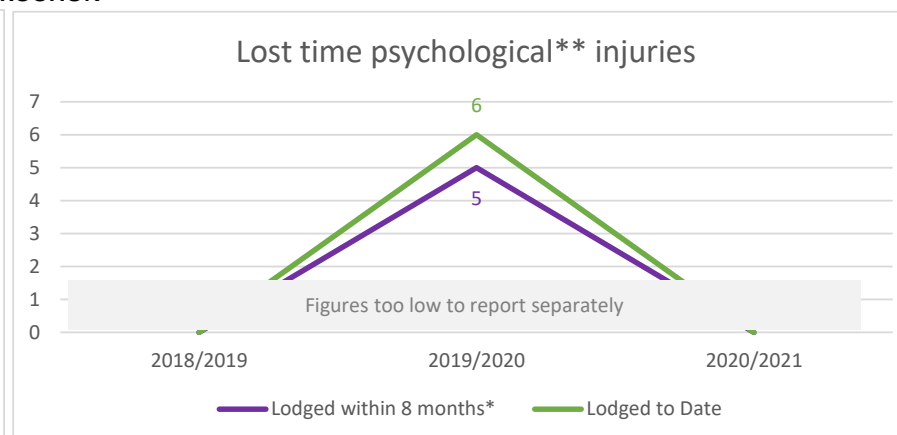
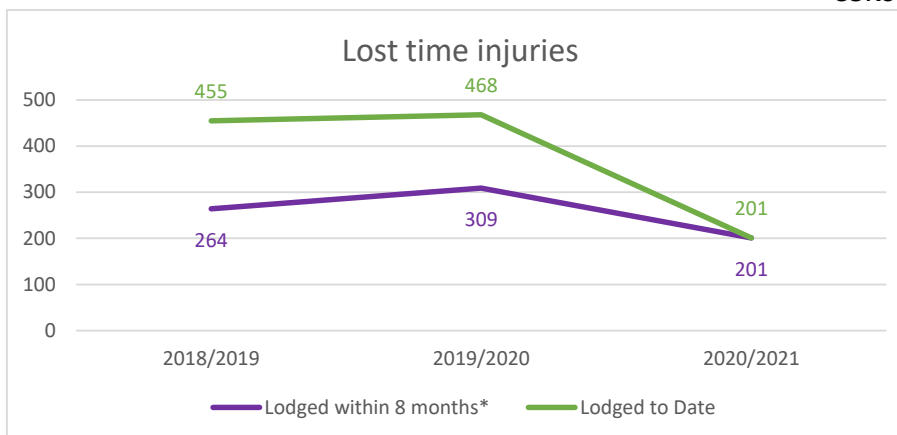
* Lodged within 8 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

CONSTRUCTION



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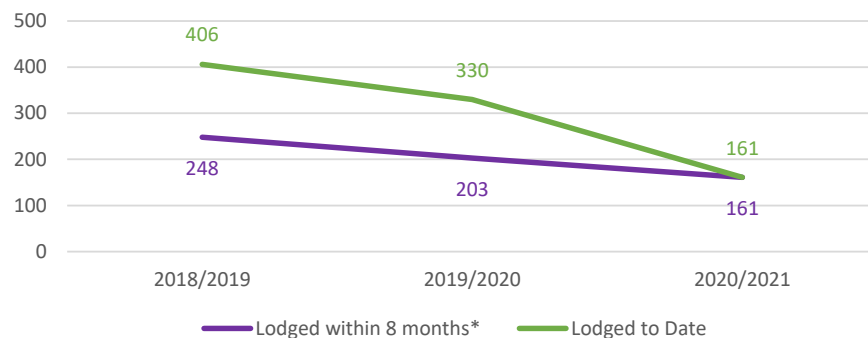
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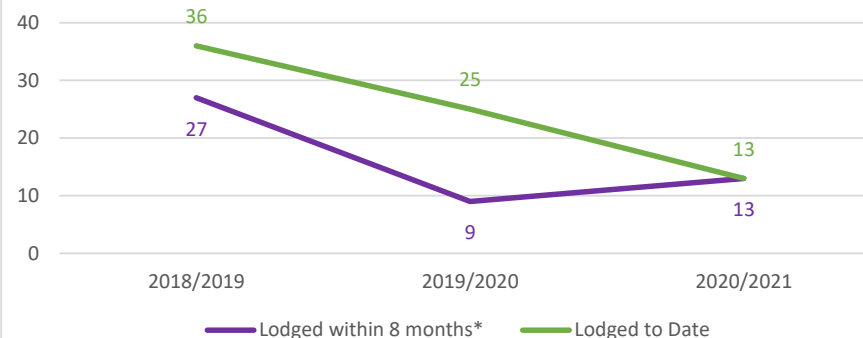
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HEALTH CARE AND SOCIAL ASSISTANCE

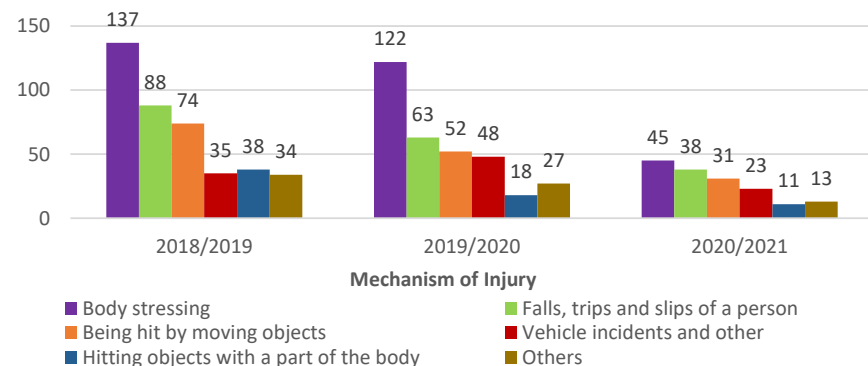
Lost time injuries



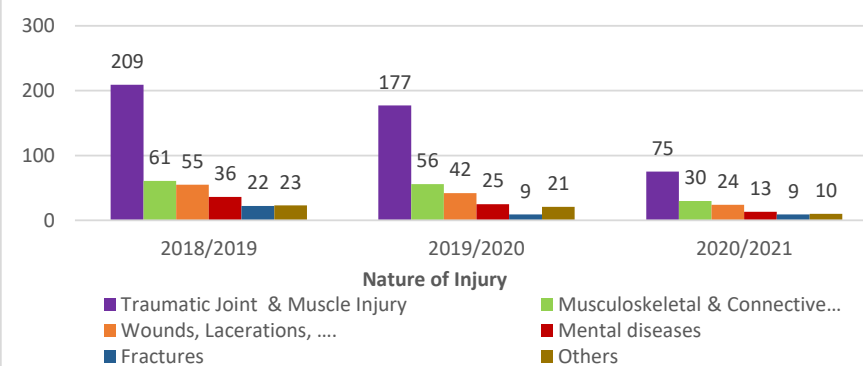
Lost time psychological** injuries



Lost time injuries by mechanism



Lost time injuries by nature



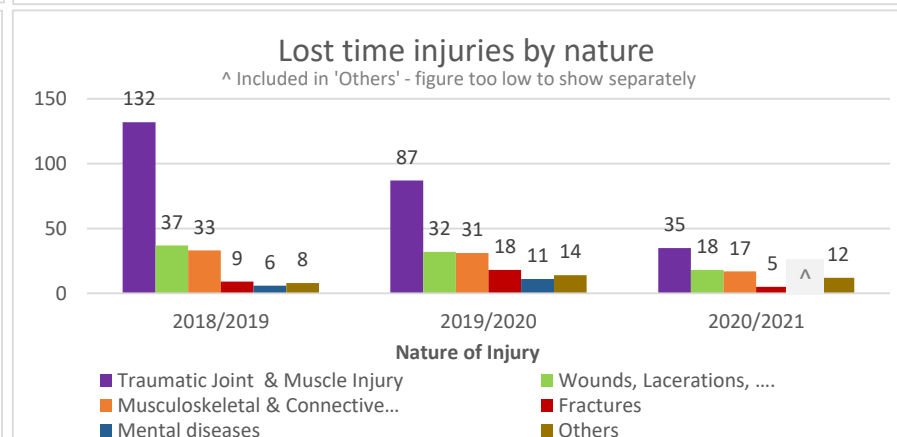
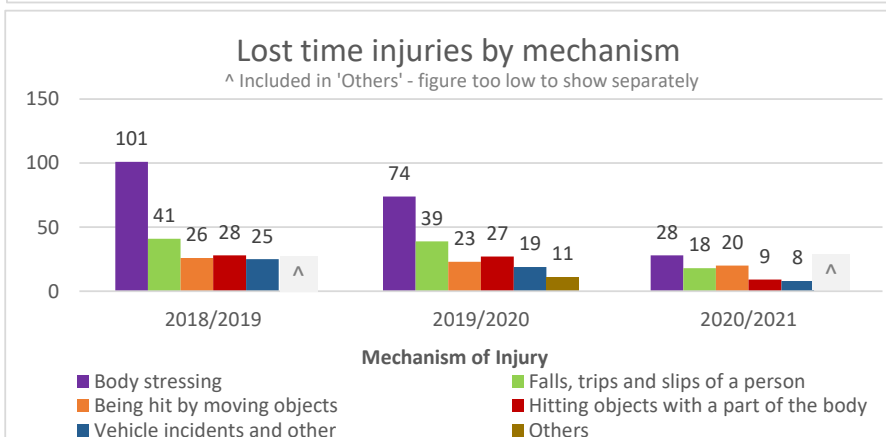
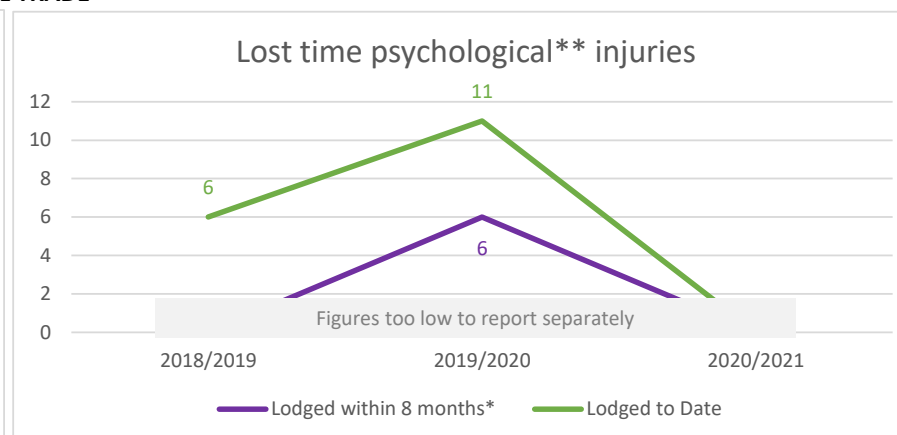
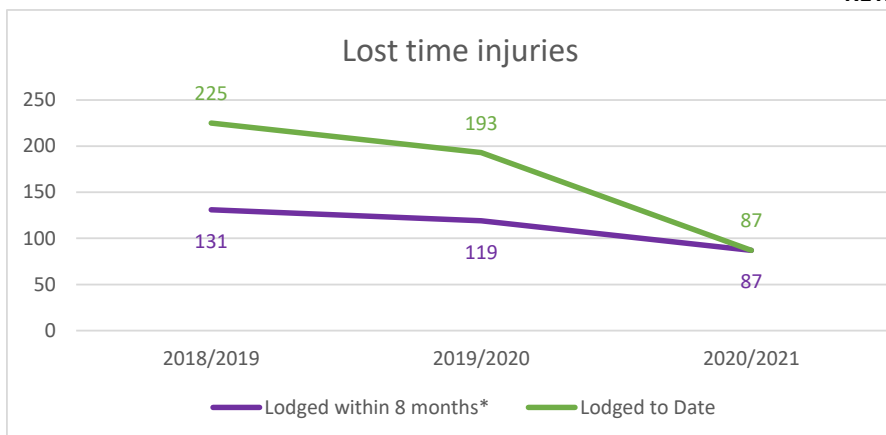
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** Injuries with nature coded as 'Mental disease'

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RETAIL TRADE



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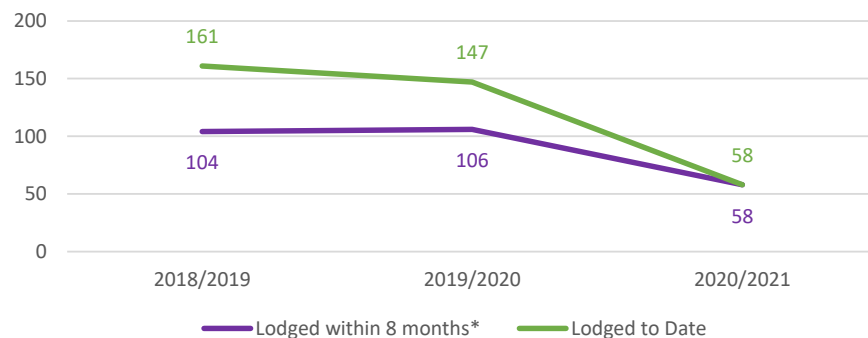
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ACCOMMODATION AND FOOD SERVICES

Lost time injuries

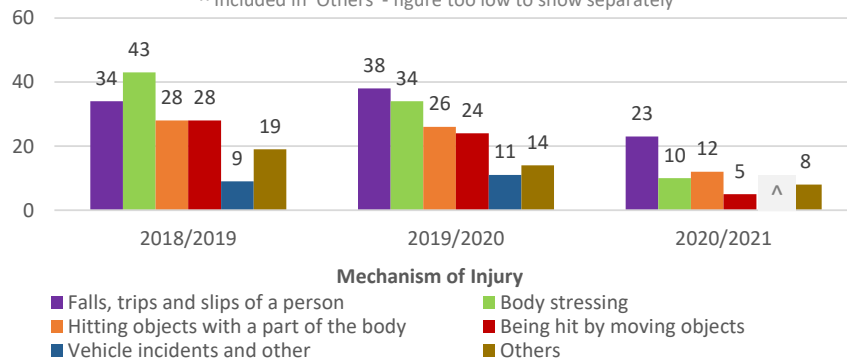


Lost time psychological** injuries



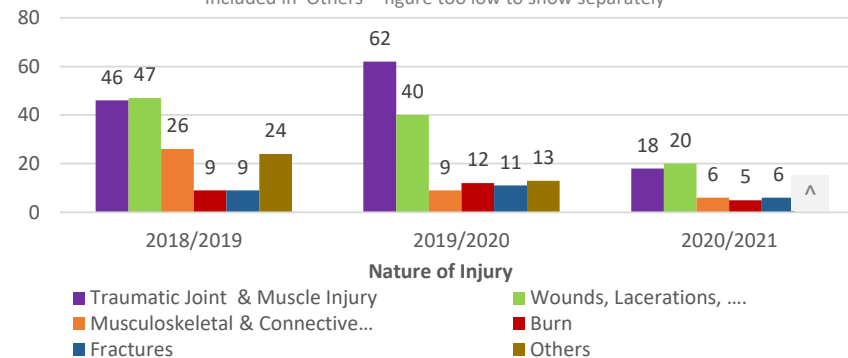
Lost time injuries by mechanism

^ Included in 'Others' - figure too low to show separately



Lost time injuries by nature

^ Included in 'Others' - figure too low to show separately



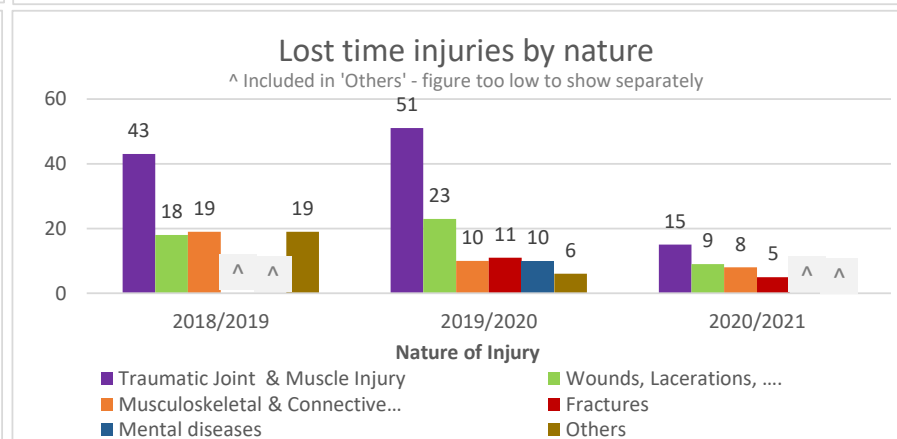
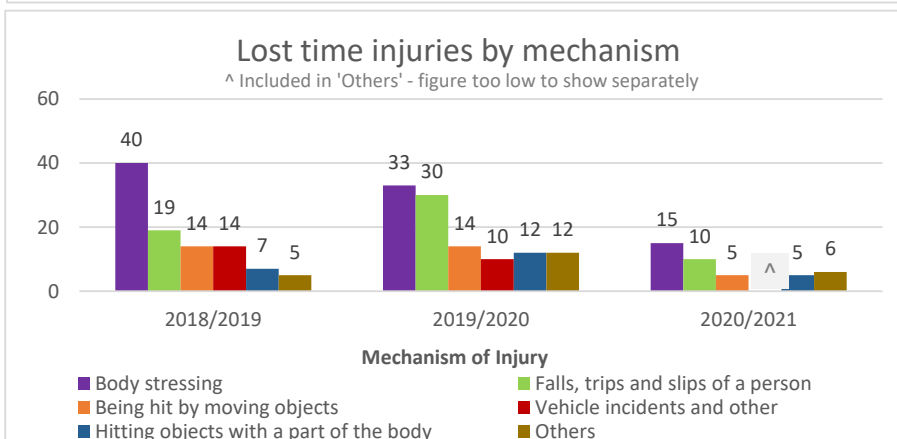
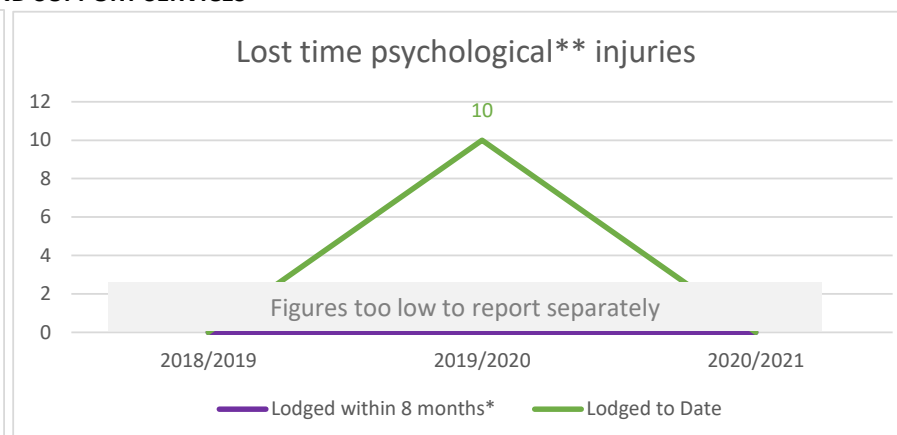
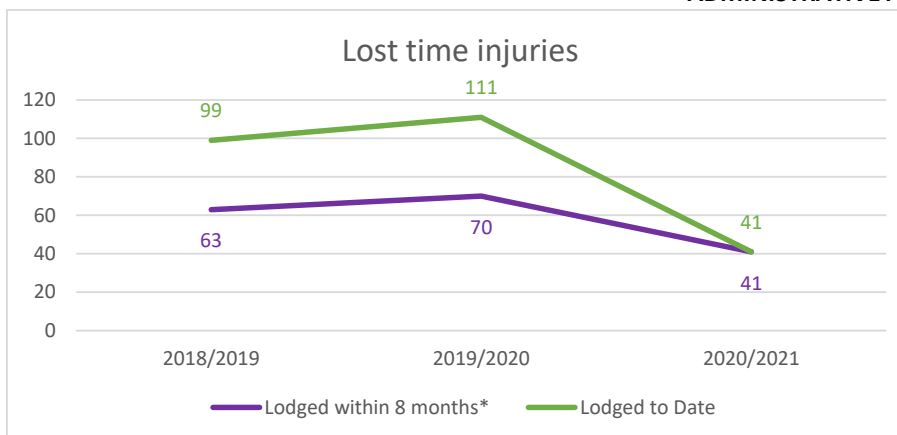
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ADMINISTRATIVE AND SUPPORT SERVICES



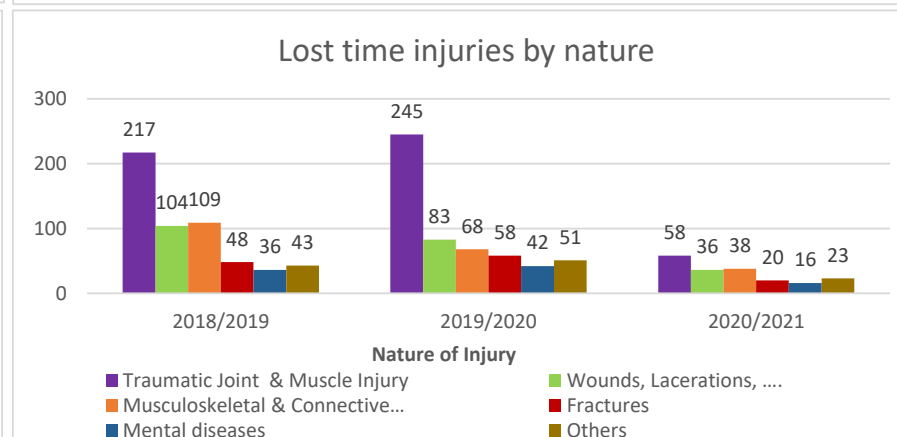
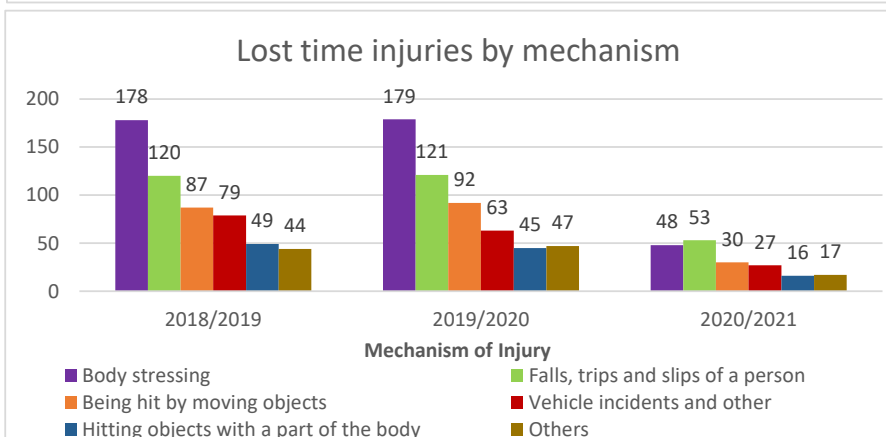
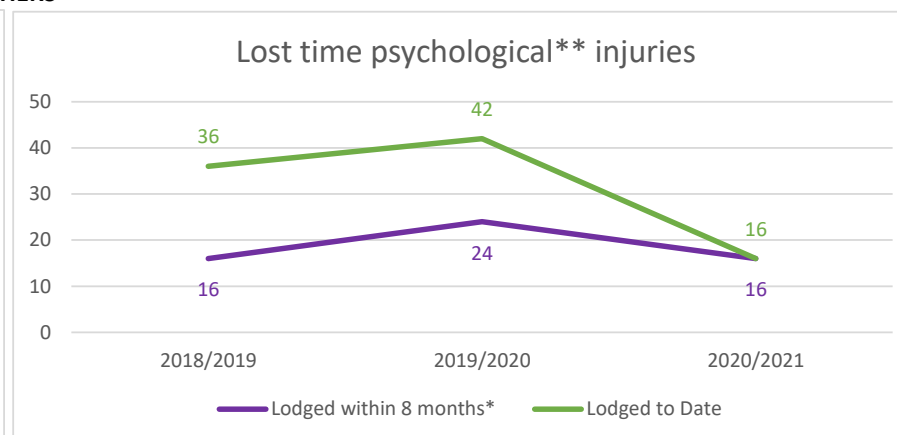
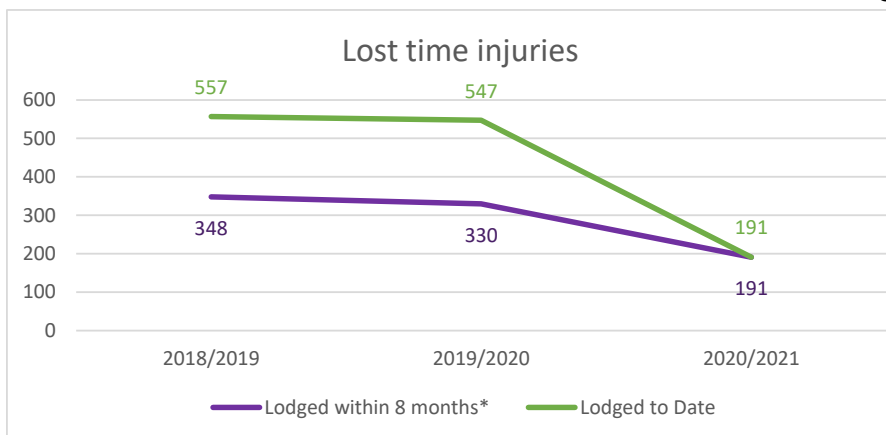
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OTHERS



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CM21/32827

6

Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: WORKSAFE ENFORCEMENT ACTIVITY****Key points**

- The safety of workers, the community and staff is the highest priority for the new and independent WorkSafe ACT.
- As the regulator, the Work Health and Safety Commissioner has an integral role in driving an outstanding work safety culture in the ACT through regulatory compliance and enforcement activities.
- On 1 July 2020, the then Minister for Employment and Workplace Safety delivered the Statement of Expectations (SOE) to the Work Health and Safety Commissioner.

Operation Safe Prospect

- The SOE refers to the two deaths on construction sites in early 2020, and the need to improve the safety culture in the construction sector in the ACT with an ongoing compliance program.
- In response to the SOE, WorkSafe ACT issued a Statement of Operational Intent, with a commitment to developing targeted strategies aimed at improving the safety culture in the ACT, particularly in the residential construction sector.

Cleared as complete and accurate:	01/06/2021	
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Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Jacqueline Agius	Ext: 62070360
TRIM Ref:	CM21/32827	

- As a result, Operation Safe Prospect was launched in August 2020 and is WorkSafe ACT's ongoing campaign to improve safety standards in the residential construction industry.
- Under Operation Safe Prospect, WorkSafe ACT inspectors visit greenfield sites across the Territory to make sure work health and safety obligations are being met.
- On site, inspectors check to make sure sites are compliant, with six key risk categories being identified as priorities:
 - Fall from heights – including unsafe scaffolding
 - Site security
 - Site signage
 - Housekeeping
 - Electrical hazards
 - Amenities
- From 19 August 2020 to 21 April 2021, WorkSafe ACT has conducted 12 proactive Operation Safe Prospect campaigns in 5 greenfields suburbs.
- As a result, WorkSafe ACT has issued 333 improvement notices, 100 prohibition notices and 28 infringement notices.
- Operation Safe Prospect will continue over the next three years, with the aim of improving the industry's safety culture and returning workers home safely.

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- Additionally, WorkSafe ACT is engaging regularly with stakeholders and the media about Operation Safe Prospect as a way to further improve compliance and raise awareness of obligations.

Early Education and Child Care

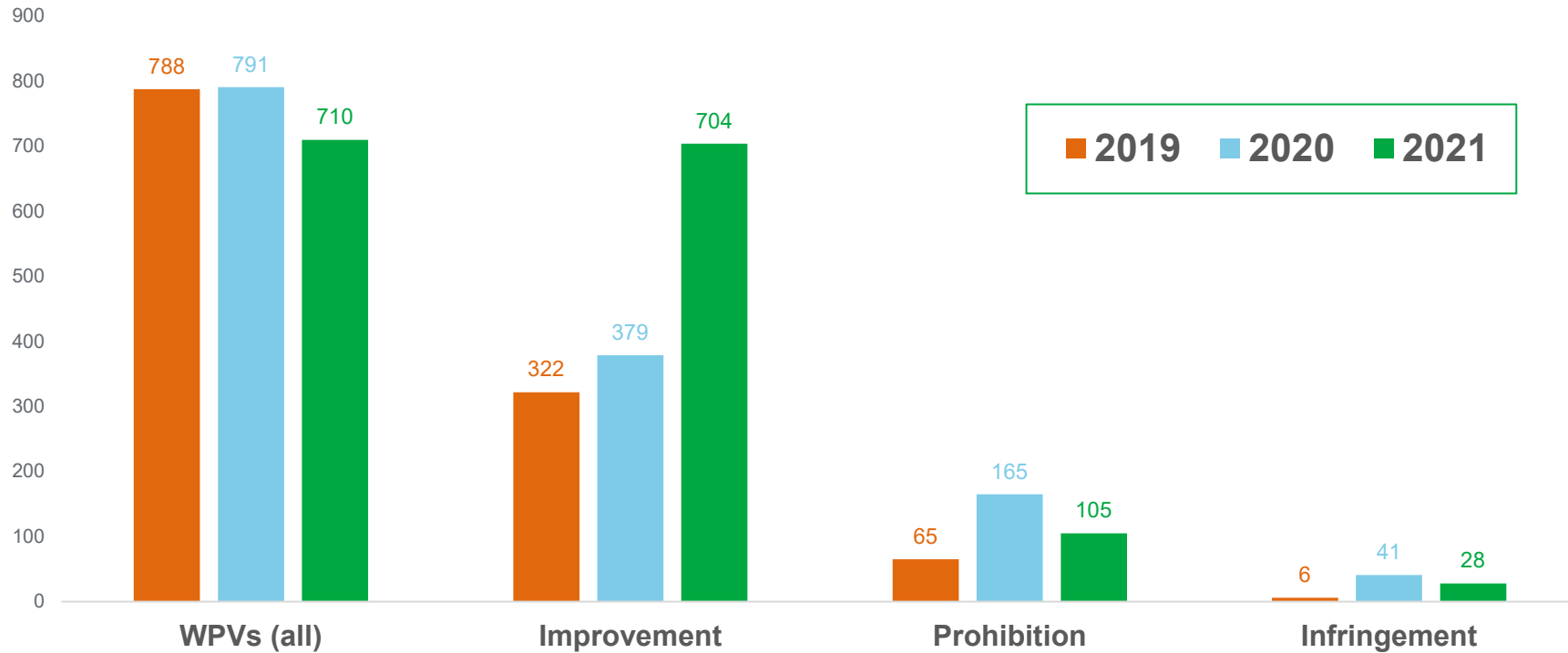
- Between 2 November 2020 and 31 March 2021, WorkSafe ACT visited 45 childcare centres, issuing 179 improvement notices and 2 prohibition notices for work health and safety breaches.
- The prohibition notices were issued due to safety risks from exposed wires on an electrical power board and a damaged lead on a vacuum.

Vocational Education and Training

- WorkSafe ACT has commenced its operational program across the vocational education training (VET) industry with 6 sites visited.
- This program will see over 30 sites inspected to ensure PCBU's have appropriate systems in place to protect workers in this industry. This include compliance with the WHS (Preventing & Responding to Bullying) Code of Practice 2012.

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Yearly comparison for: January, February, March, April



Year	WPVs (all)	Improvement	Prohibition	Infringement
2021	710	704	105	28
2020	791	379	213	41
2019	788	322	65	6

Note: Data accurate as of 1:55pm 25/05/2021

CM21/32830

7

Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: WHS LICENCE REGISTER – INFRINGEMENT NOTICE INFORMATION****Talking points:**

- The *Work Health and Safety Regulation 2011* requires WorkSafe ACT to publish a public licence register for WHS licences issued under our work health and safety laws.
- The following WHS licenses are included on the public register:
 - asbestos assessor and removal licences;
 - high-risk work licences; and
 - major hazard facility licences.
- The purpose of the register is to encourage compliance with our WHS laws by licence holders, to better protect the health and safety of our workers and the community.
- Consistent with the purpose of the register, should licensees be issued with an infringement notice, information about the notice may be published in accordance with guidelines made for the register.
- The licence register is available on WorkSafe ACT's website.

Background Information

- The licence register is published on WorkSafe ACT's website and will be incrementally populated in phases.
- Guidelines have been made that set out the information that will be published on the licence register, including:
 - Licence number and type;
 - licensee business details; and
 - information about safety related infringement notices issued on the licensee.
- Details of infringement notices will remain on the register for two years from the date of the offence, or for five years, if the licence holder receives more than two infringement notices within 24 months.

Cleared as complete and accurate:	01/06/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/32830	

- Once fully populated the register will list the relevant details of all WHS licensees for asbestos assessor and removal licenses; high-risk work licenses; and major hazard facility licences. There are currently no licences issued for a Major Hazard Facility in the ACT.
- Details of the licensee available on the register will not include personal information or employer information.

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CM21/~~27329~~30525**Portfolio/s:** Workplace Safety & Industrial Relations**ISSUE:** **Secure Local Jobs Code****Key Information**

- Commencing on 15 January 2019, the Secure Local Jobs Code is designed to ensure government contracts are only awarded to businesses with the highest ethical and labour standards.
- The Code ensures that the government's purchasing power is used to reward businesses who do the right thing by their workers can compete for government work on a level playing field.
- Businesses tendering for construction, cleaning, security or traffic management work are required to hold a Secure Local Jobs Code Certificate and meet specific workplace standards on:
 - pay and employment conditions;
 - insurance, tax and superannuation;
 - health and safety, including training and inductions; and
 - collective bargaining, freedom of association and representation rights.
- Businesses that want to provide services worth more than \$200,000 to the ACT Government also need a Code Certificate.
- To receive a Secure Local Jobs Code Certificate, businesses need to apply through the Secure Local Jobs Code Registrar.
- Businesses must engage an independent Secure Local Jobs Code Approved Auditor to conduct an audit and assess whether they meet Secure Local Jobs requirements and can apply for a Secure Local Jobs Code Certificate. Approved Auditors facilitate lodgement of the application with the Registrar once their audit of the applicants business operations is complete.
- Approved Auditor costs are met by businesses applying for a Secure Local Jobs Code Certificate. Pricing for audits vary for each Auditor and by business size.
- The Government does not charge to issue a Secure Local Jobs Code Certificate to businesses.
- The Secure Local Jobs Code Advisory Council is a ministerially appointed council with members drawn from both employee and employer representative groups.
- Advisory Council's role is to advise the Minister about the operation of the Code and matters in relation to local jobs and procurement.

Cleared as complete and accurate:	07/05/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: CM21/~~27329~~30525

- In late 2020, the Advisory Council undertook a review of the operation of the Code in accordance with their obligations under s22ZD the the *Government Procurement Act 2001*.
- The Advisory Council delivered their endorsed review report to the Minister for Industrial Relations and Workplace Safety on 24 December 2020.
- The review report delivered 10 recommendations to government, centred around three main themes, to support and enhance the successful operation of the Code:
 - *Legislative amendments* to enhance the efficacy of the Code (including enhancing the Registrar's powers to promote compliance with Code obligations).
 - *Governance arrangements* (including the introduction of a two-stage procurement evaluation process and support for information management enhancements to improve Code operations).
 - *Resourcing requirements* (including additional resources to support the operation of the Code and enhance compliance though increased investigation, educational and engagement activities).
- The Advisory Council's review report and recommendations have been considered by Government and have been accepted.
- At of Friday, ~~28~~ May 2021:
 - There are ~~1906~~~~1872~~ Code Certified entities.
 - There are 29 Approved Auditors.
 - There are ~~5~~6 active investigations based on complaints received.
 - There is currently 14~~0~~1 investigations ~~underway pending~~ which have been initiated by the Registrar. Of the 140 pending investigations, nine have commenced with a Notice of Investigation being sent. There ~~is~~are two1 audits underway which ~~has~~have been initiated at the request of the Registrar.
 - 12 Code Certified Entities have received sanctions for non-compliance with Code obligations.
 - There has been 1 sanction issued in 2021 from ~~61~~59 completed investigations. 7 sanctions were issued in 2020 and 4 sanctions were issued in 2019.

Background Information

- Information about the Secure Local Jobs Code and how to apply for a Secure Local Jobs Code Certificate can be found at www.procurement.act.gov.au/securelocaljobs.

Cleared as complete and accurate:	07/05/2021	
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Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: CM21/~~27329~~30525

CM21/30524

Portfolio/s: Workplace Safety & Industrial Relations**ISSUE:** **ACTPS Secure Work****Talking points:**

- The ACT Government is committed to providing secure and where possible, ongoing employment and recognises the adverse social and financial effects insecure work has on workers
- As part of this commitment, the ACT Government established the ACTPS Insecure Work and Outsourcing Taskforce ('the Taskforce') - a joint Union and Government Taskforce to examine the use of insecure work and outsourcing in the ACTPS.
- The Taskforce was established as part of the 2017-2021 Enterprise Agreement round. Provisions were included in the new enterprise agreements to facilitate the conversion of jobs to more secure forms of employment. These provisions complemented pre-existing provisions dealing with the minimisation of casual and temporary employment, privatisation and outsourcing.
- The Taskforce Conversion Policy was finalised in 2019 and sets out the process and criteria for assessing positions for conversion.
- In accordance with the Conversion Policy, the Taskforce is systematically reviewing temporary and casual employment to assess if there are jobs that should be made permanent. Where jobs are identified for conversion, the enterprise agreement provisions allow for the Head of Service to appoint existing employees without further merit processes, providing certain criteria are met.
- To date, three rounds of conversions have taken place, with a fourth round currently underway.
- The Government has agreed to introduce further initiatives to ensure that work is not contracted out when public servants could do the work. The Government is working through the policy and stakeholder engagement aspects of the ACTPS Secure Employment Framework.

Background Information

Cleared as complete and accurate:	01/06/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Russell Noud	Ext: 76019
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: CM21/30524

- A total of 988 casual and temporary employees have been assessed against the Conversion Policy and 183 employees have been converted to permanent employment. For those that did not meet the criteria, the reasons included:
 - the roles were for a specific project that would not continue past the project end date;
 - the employee was backfilling another role;
 - the employee was already appointed or going through an alternate appointment process e.g. streamlining or via merit selection;
 - the employee did not meet the duration requirement of 2 or more years within the position; or
 - the employee declined the offer of conversion.
- Overall, in the time period the Taskforce has been running the current workforce statistics show that there has been a decrease in temporary and casual employment and an increase in permanent employment from the 2018/2019 financial year to the 2019/2020 financial year as follows:

2018/2019

Employment Type	Percentage
Permanent	76.0%
Temporary	17.2%
Casual	6.8%

2019/2020

Employment Type	Percentage
Permanent	78.1%
Temporary	16.5%
Casual	5.4%

- In the same period there has been an increase in workforce by 1216.8 FTE between the 2018/2019 and 2019/2020 financial year periods, which means the above figures understate the effect.