



**Government
of South Australia**

TRS20D2619

Hon Stephen Mullighan MP
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Dear Mr Mullighan

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 5 August 2020.

Your application seeks access to:

“All minutes, briefings and correspondence titled ‘Public Sector Response to COVID-19 Pandemic’ as described on the Objective document management system, between 9 April and 5 August 2020.”

The prescribed legislative timeframe to determine this application has expired and is now deemed as refused access to documents relevant to your application. I refer to my letter dated 18 August 2020 where I sought additional time to make my determination.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 1 document was identified as answering the terms of your application.

I grant you access in part to one document; a copy of which is enclosed. The mobile number for the Commissioner for Public Sector Employment has been redacted, pursuant to clause 6 to the Act.

The document also contains information concerning a Cabinet decision. I therefore determine this exempt pursuant to clause 1(1)(e).

Exemptions

Clause 1 – Cabinet Documents

- (1) A document is an exempt document—
- (a) if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted); or
 - (b) if it is a preliminary draft of a document referred to in paragraph (a); or
 - (c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b).
 - (e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; or
 - (f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet.

Clause 6 – Documents affecting personal affairs

A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the Act.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Vicky Cathro on 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

10 November 2020

RELEASE IN PART

MINUTE

MINUTES forming ENCLOSURE to

TO: TREASURER



Government of South Australia
Office of the Commissioner
for Public Sector Employment

File:
Reg:

OCPSE19/0051
OCPSE00185

SUBJECT: Public Sector Response to COVID-19 Pandemic

The South Australian Public Sector is effectively supporting the Government's response to the Coronavirus Disease 2019 (COVID-19) pandemic.

My office, the Office of the Commissioner for Public Sector Employment (OCPSE), is working closely with agencies to:

- enable business continuity across the South Australian Public Sector
- protect the health and wellbeing of all employees, whether they remain in the workplace or are working from home
- mobilise the workforce to sustain critical services that support the community
- provide guidance and support to agencies in terms of how they should re-enter the workplace and also plan for ongoing recovery activities.

Business Continuity

To ensure business continuity, and protect the health and wellbeing of employees and clients, my office issued a Workforce Considerations paper on 13 March that sets out advice to agencies to offset the impacts of COVID-19.

The paper:

- advised agencies to update and activate their business continuity plans
- set out fundamental principles on workforce issues (including leave, travel and working from home)
- reinforced good practice in adapting their workforce (including employee transfers, training, health and wellbeing, and union consultation).

At the time, South Australia was one of the first jurisdictions to publish advice of this nature. An updated Workforce Considerations paper was issued on 28 April and a further update has since been issued on 14 May entitled Workforce Considerations for the South Australian Public Sector – Transitioning back to the workplace, along with the South Australian Public Sector COVID-19 Safe Workforce Return Toolkit to provide additional guidance to agencies on how they should plan for employees to re-enter the physical workplace and what agencies should be considering in relation to their workforce for recovery.

Supplementary Provisions to Commissioner's Determination 3.1 Employment Conditions – Hours of Work, Overtime and Leave have been published, most recently on 6 April.

The supplementary provisions set out new or updated leave provisions as a result of COVID-19 and will remain in force until revoked by the Commissioner. The changes are outlined below.

New/updated provision	Details	Decision effective date
Special Leave With Pay for COVID-19	New provision added for COVID-19 of 15 days per service year. This is in addition to current provisions within the existing CD3.1.	18/03/2020
Medical Certificates for sick/caring absences	Not required while major emergency declaration remains in place. Medical clearance may be required prior to return to work.	06/04/2020
Carer's Leave	No cap on accessing carer's leave from accrued sick leave entitlements per service year.	18/03/2020
Direction to take annual leave	At least three (3) days' notice to staff with more than 24 months of accrual	18/03/2020
	At least three (3) days' notice to staff with more than 12 months of accrual	06/04/2020
Access to annual/recreation leave at half pay	New provision to access annual/recreation leave entitlements at half pay.	06/04/2020
COVID-19 Pandemic: Payment in Lieu of Accrued Leave	A public sector employee experiencing financial hardship may apply for payment in lieu of their accrued leave (recreation and long service leave) down to a limit of two retained weeks of annual/recreation leave.	31/03/2020
Vulnerable employee definition	Three categories: - over 70 - over 65 with a pre-existing condition - over 50 Aboriginal and Torres Strait Islander	06/04/2020

OCPSE has also issued new guides and information sheets to assist managers and employees on the following topics:

- working from home
- performance management and development
- options for managing employment arrangements
- health and wellbeing
- family and domestic violence.

The South Australian Leadership Academy has suspended face-to-face learning and pivoted to on-line learning as a result of COVID-19, including:

- a webinar series on issues relevant to executives and managers during this emergency (including igniting optimism, leading virtual teams and preparing for the recovery stages of business continuity)

- a Virtual *On the Couch* Series, in conjunction with the Institute of Public Administration Australia (SA), with chief executives and other senior leaders providing their thoughts on the COVID-19 situation
- core flagship programs (Executive Induction, Next Executives, Executive Excellence and Manager Essentials) have been redesigned for online delivery and will resume or commence in May and June
- a new *Executive Refresh* series has been introduced for experienced executives to revisit leadership, governance and policy topics specific to the public sector (including COVID-19 considerations) and to enable virtual connection with colleagues from across the public sector.

Health and Wellbeing

OCPSE has supported employee health and wellbeing across the SA Public Sector by:

- providing input into an upcoming Cabinet submission from [REDACTED]
- developing an online personal hygiene training for all public sector employees including tracking and reporting of progress
- publishing regular whole-of-government emails to all employees
- coordinating governance group meetings for work health and safety and injury management managers to provide support, identify issues, opportunities and share good practices
- holding discussions with SAFEWORK SA and Return To Work SA (RTWSA) on regulatory impacts of COVID-19
- issuing multiple guidance documents relating to health and wellbeing topics.

Union Consultation

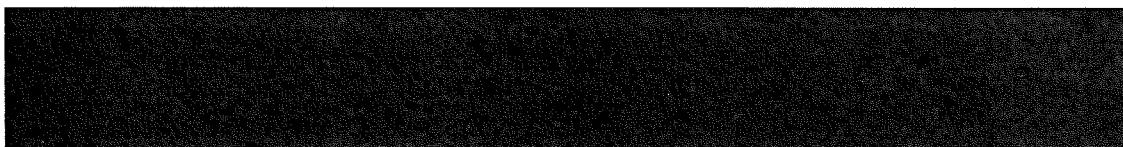
My office continues to keep public sector employee associations/unions informed of policy changes as they occur.


Issues raised by public sector unions are being addressed, including involvement with Industrial Relations and Policy Branch in the Department of Treasury and Finance.

The issues that have been raised by these organisations include casual employees, COVID-19 leave, direction to take leave, the cashing out of recreation/annual leave, continuity of service, personal protective equipment availability, work health and safety, vulnerable employees and union consultation.

Workforce Mobilisation

On 26 March 2020, the Premier issued a direction to activate the South Australian Public Sector Mobilisation Policy, following the declaration of a major emergency by the State Coordinator under the *Emergency Management Act 2004*.





I was appointed Mobilisation Coordinator by the Chief Executive of the Department of the Premier and Cabinet to advise and assist the Premier on mobilising public sector employees under the policy.

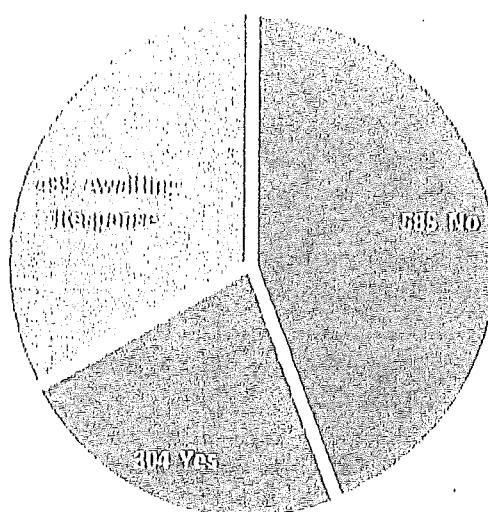
Following the Premier's direction, OCPSE responded quickly to urgent requests from SA Health for public sector employees to fill roles as project officers and contact tracers. 135 employees have been appointed to these positions. Although OCPSE identified a considerable number of suitable public sector employees for contact tracing, SA Health filled the majority of roles through their own channels, including reassignment of existing health employees and external appointments. Their need for employees specifically with a health background was a factor in their recruitment outside of the policy. This will be an important issue when considering the lessons learned from this implementation.

The State Emergency Information Call Centre (SEICC) has increased its number of call takers from its normal operational employee base of 15 call takers. Over 200 employees have been referred to the SEICC for training (and are available for rostering) to deal with increased demand for calls in the SEICC.

OCPSE has also satisfied requests for Project Managers to Health, Investigators for Contact Tracing, DHS Concessions and DTF Grant Assessment Officers.

A register of employees who are available for mobilisation was established on the 27 March with 1,328 employees having self-nominated since this time. OCPSE uses this register to match employees to agency requests. From this register, a total of 304 employees have been assessed by their agencies as being able to be made available as at 7 May. 585 employees are not available due to other critical business needs or personal exemptions under the provisions of the policy.

7.5.20 Employee Nominations Agency Response



■ No ■ Yes ■ Awaiting Response

Agencies are also referring other employees (who have not self-nominated) and are responding to specific requests for employees from OCPSE.

Teams within OCPSE have been re-tasked to support me as the Mobilisation Coordinator. As public sector mobilisation has never been attempted before, OCPSE has had to establish new systems and procedures to support mobilisation, as well as respond to queries from agencies, employees and unions.

OCPSE has also focused effort during this time to develop a sector-wide workforce and resource planning approach.

Work is proceeding with agencies to build a high-level overview of the resource changes required to maintain critical services as a part of their business continuity planning. This will enable development of a consolidated picture of the likely resource challenges at a whole of sector level, to prepare for anticipated demand requirements ahead of time and enable resources to be transitioned quickly, for future emergencies. In addition to the current resource request identified above, another seven agencies have indicated the potential need for additional resources. All requests are predicated on an increase in the number of COVID-19 cases. Analysis of sector workforce data is being undertaken to identify the agencies which have suitable public sector employees that can potentially be mobilised to meet resource request.

I provide an update to the Premier for his information.


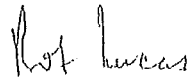
Should you have any queries, please contact me on [REDACTED] or erma.ranieri@sa.gov.au.

RECOMMENDATIONS

That you:

1. note this briefing

NOTED

 Erma Ranieri COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT 22 / 5 / 2020	 Hon. Rob Lucas MLC TREASURER 28 / 5 / 2020
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Prepared by: Sonny Lee, Principal Adviser
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