

Appendices

APPENDIX 1

Consistency of budget and financial reporting

The Government's budgeting framework reports each department's financial estimates in the annual State Budget Papers on a basis that consolidates all budget sector agencies within the Department.

Budget sector agencies are those agencies owned by the State Government that receive the majority of their income from State Government sources.

The financial statements provided in this appendix are consistent with those published in the 2006–07 Budget Paper Number 4 – Budget Estimates. Provision of the statements in this appendix allows comparison of the actual financial results of the Department consolidated budget sector agencies with the estimates published in the Budget Papers. This is consistent with the Government's commitment to more transparent financial reporting.

The total resources made available to a department are applied to three uses:

- provision of outputs
- asset investment
- payments on behalf of the State.

The financial statements on the following pages support the Department's provision of outputs. The information provided includes the operating statement, balance sheet and the cash flow statement for the Department, and are presented in the format consistent with the AAS29 Accounting Standard. However, for the purposes of this report they have been divided into controlled and administered items.

Controlled items reflect those resources applied by the Department to carry out its functions and provide outputs. Administered items refer to those resources over which the Department cannot exercise direct control. Authority is provided through an appropriation for payments made on behalf of the state. Under the AAS29 Accounting Standard, these items would normally appear as notes to the financial statements.

The financial information consolidates information for the following portfolio entities for 12 months:

- Department of Education (including government schools)
- Merit Protection Boards
- Registered Schools Board
- VCAA.

The financial information consolidates information for the following portfolio entities for six months to 31 December:

- ACFE Board
- AMES
- CAE
- VLESC
- 15 TAFE institutes and four universities with TAFE divisions
- Driver Education centre of Australia Limited
- International Fibre Centre Limited.

Operating statement for the year ended 30 June 2007

Controlled items	Notes	2006–07 Actual (\$ million)	2006–07 Budget (\$ million)	Variation (a) (%)
Revenue from ordinary activities				
Output appropriations	3	6,391.4	6,969.2	(8.3)
Special appropriations		0.3	0.3	–
Resources received free of charge or for nominal consideration		2.2	0.7	n/a
Sale of goods and services	2	450.5	615.7	(26.8)
Commonwealth grants		158.3	278.8	(43.2)
Other revenue and revenue from other parties (b)	2	428.0	332.9	28.6
Total		7,430.7	8,197.6	(9.4)
Expenses from ordinary activities				
Employee benefits (c)	3	4,271.9	4,691.9	(9.0)
Depreciation and amortisation	4	248.4	317.3	(21.7)
Resources provided free of charge or for nominal consideration		–	–	–
Grants and other payments		643.8	708.9	(9.2)
Capital asset charge		762.0	843.4	(9.7)
Supplies and services (d)	5	1,442.0	1,500.4	(3.9)
Other expenses from ordinary activities		0.2	–	n/a
Borrowing costs		1.2	1.0	20.0
Total		7,369.5	8,062.9	(8.6)
Result from ordinary activities		61.2	134.7	(54.5)
Net result for the reporting period		61.2	134.7	(54.5)
Net increase in asset revaluation reserve		(1,035.6)	–	n/a
Total revenues, expenses and revaluation adjustments recognised directly in equity		(1,035.6)	–	n/a
Total changes in equity other than those resulting from transactions with Victorian State Government in its capacity as owner on behalf of the Crown		(974.4)	134.7	n/a

Administered items	Notes	2006–07 Actual (\$ million)	2006–07 Budget (\$ million)	Variation (a) (%)
Administered Income				
Sale of goods and services		1.5	1.5	–
Commonwealth grants	6	2,263.4	2,133.1	6.1
Other	7	(10.3)	9.9	n/a
Total		2,254.6	2,144.5	5.1
Administered Expenses				
Grants and other payments	6	1,551.7	1,482.5	4.7
Supplies and services		0.7	–	n/a
Payments into the Consolidated Fund		725.7	661.8	9.7
Total		2,278.1	2,144.3	6.2
Revenue less expenses		(23.5)	0.2	n/a

(a) Variation between 2006–07 Actual and 2006–07 Budget.

(b) Includes investment revenue, gains on disposal of physical assets, revenue for services delivered to parties outside of government.

(c) Includes salaries and allowances, superannuation contributions and payroll tax.

(d) Includes payments to non-government organisations for delivery of services.

The variances for controlled items can be explained as follows:

Most reductions in the level of income and expenditure relate to the impact of the machinery-of-government transfer effective from 31 December 2006 through which responsibility for the Victorian Learning and Employment Skills Commission and TAFE institutes transferred to the Department of Innovation, Industry and Regional Development and Adult, Community and Further Education transferred to the Department for Victorian Communities. Comments below relate to the movements other than machinery-of-government transfer.

Note 1

The variance mainly reflects an increase in additional appropriation funding for programs like Schools Start Bonus, Programs for Students with Disabilities, Schools for Innovation and Excellence and Mathematics and Science equipment grants.

Note 2

The variance is mainly due to increase in actual revenues raised by schools from non-government sources being greater than anticipated.

Note 3

The majority of the variance also represents a change in calculation methodology to comply with accounting standard AASB 119 as well as unfilled vacancies in the Department.

Note 4

The variance is mainly due to an adjustment for the impairment of buildings and a change in Department's policy for schools' asset recognition thresholds to include those valued at greater than \$5000 rather than \$1000.

Note 5

The variance mainly reflects expenditure by schools on supplies and services being higher than budgeted due to increased third party revenue collected by schools.

The variances for administered items can be explained as follows:

Note 6

The variance reflects additional capital grants from the Commonwealth for government and non-government schools associated with the

extension of Investing in our Schools program, enrolment growth and indexation.

Note 7

The variance is due to recognition of a loss on the sales of land and buildings in schools.

Balance sheet as at 30 June 2007

Controlled items	Notes	2006-07 Actual (\$ million)	2006-07 Budget (\$ million)	Variation ^(a) (%)
Assets				
Current assets				
Cash assets	1	727.9	664.2	9.6
Other financial assets	2	57.3	84.8	(32.5)
Receivables	3	723.0	792.6	(8.8)
Inventories		–	10.4	(100.0)
Prepayments		4.4	15.4	(71.4)
Other assets		–	0.2	(100.0)
		1,512.6	1,567.6	(3.5)
Non-current assets classified as held for sale		23.9	29.1	(17.9)
Total current assets		1,536.5	1,596.7	(3.8)
Non-current assets				
Receivables (b)		0.3	0.3	–
Other financial assets	2	14.3	61.2	(76.6)
Property, plant and equipment	4	9,249.2	11,578.8	(20.1)
Intangible assets		2.9	6.1	(52.5)
Total non-current assets		9,266.7	11,646.4	(20.4)
Total assets		10,803.2	13,243.1	(18.4)
Liabilities				
Current liabilities				
Payables	5	321.5	276.3	16.4
Interest-bearing liabilities		3.1	3.5	(11.4)
Employee provisions	6	941.4	983.3	(4.3)
Other	7	85.7	69.4	23.5
Total current liabilities		1,351.7	1,332.5	1.4
Non-current liabilities				
Interest-bearing liabilities		3.2	10.0	(68.0)
Employee provisions	6	67.3	199.9	(66.3)
Amounts owing to other departments		–	0.6	(100.0)
Total non-current liabilities		70.5	210.5	(66.5)
Total liabilities		1,422.2	1,543.0	(7.8)
Net assets		9,381.0	11,700.1	(19.8)

Administered items	Notes	2006–07 Actual (\$ million)	2006–07 Budget (\$ million)	Variation ^(a) (%)
Assets				
Current assets				
Cash assets		–	1.1	(100.0)
Receivables		5.1	17.4	(70.7)
Other financial assets		1.5	1.5	–
Prepayments		3.3	3.3	–
Total current assets		9.9	23.3	(57.5)
Non-current assets				
Property, plant and equipment		–	11.3	(100.0)
Total non-current assets		–	11.3	(100.0)
Total administered assets		9.9	34.6	(71.4)
Current liabilities				
Other		3.3	4.4	(25.0)
Total current liabilities		3.3	4.4	(25.0)
Total administered liabilities		3.3	4.4	(25.0)
Net assets		6.6	30.2	(78.1)

^(a) Variation between 2006–07 Actual and 2006–07 Budget.

^(b) Includes cash balance held in trust in the Public Account.

^(c) Includes employee benefits and superannuation.

The variances for controlled and administered items can be explained as follows:

Most reductions in the level of assets and liabilities relate to the impact of the machinery-of-government transfer effective from 31 December 2006 through which responsibility for the Victorian Learning and Employment Skills Commission and TAFE institutes transferred to the Department of Innovation, Industry and Regional Development and Adult, Community and Further Education transferred to the Department for Victorian Communities. Comments below relate to the movements other than machinery-of-government transfer.

Note 1

The variance is due to the Department changing the date at which schools' cash and investment balances were recorded. Previously schools' cash and investment balances were reported as at the preceding December 31. For the six months between 31 December 2005

and 30 June 2006 the value of the adjustment was a decrease in revenue of \$91 million.

Note 2

The variance mainly reflects lower investments held by Victorian Learning and Employment Skills Commission than budgeted for.

Note 3

The variance reflects increased receipts of funds by schools. This additional collection is reflected in higher than expected cash balances.

Note 4

The variance mainly reflects the impact of the Department's policy change in the threshold for capitalisation of certain items of plant and equipment used in schools. To be consistent with the treatment of other plant and equipment assets held by the Department, the threshold for capitalisation was raised from \$1000 to \$5000.

Note 5

The variance represents money held for transfer to the Victorian Learning and Employment Skills Commission entity.

Note 6

The variance represents a change in calculation methodology to comply with accounting standards AASB 119 and the machinery-of-government transfer.

Note 7

The variance reflects current estimates of commitments in relation to oncost balances.

Cash flow statement for the year ended 30 June 2007

Controlled items	Notes	2006–07 Actual (\$ million)	2006–07 Budget (\$ million)	Variation ^(a) (%)
Cash flows from operating activities				
Receipts from Government	1	6,144.3	7,166.1	(14.3)
Receipts from other entities	2	476.3	612.8	(22.3)
Payments for supplies, grants and employees	3	(6,433.1)	(6,845.4)	(6.0)
		187.5	933.5	(79.9)
Interest received	4	47.2	38.5	22.6
Other receipts	5	409.0	315.9	29.5
Capital asset charge		(762.0)	(843.4)	(9.7)
Borrowing costs expense		(1.2)	(1.0)	21.3
Net cash inflow (outflow) from operating activities		(119.5)	443.5	(127.0)
Cash flows from investing activities				
Payments for property, plant and equipment	6	658.3	(716.5)	(191.9)
Proceeds from sale of property, plant and equipment	7	1.7	2.4	(29.2)
Payments for investments		371.0	–	n/a
Repayment of loans by other entities	8	69.2	(4.8)	n/a
Net cash inflow/(outflow) from investing activities		1,100.2	(718.9)	(253.0)
Cash flows from financing activities				
Net proceeds from capital contribution by State Government		(930.7)	250.6	(471.4)
Net proceeds of borrowings		(11.1)	–	n/a
Net cash inflow/(outflow) from financing activities		(941.8)	250.6	n/a
Net increase (decrease) in cash held		38.9	(24.8)	(256.6)
Cash at beginning of the financial year		689.0	689.0	–
Cash at the end of the financial year		727.9	664.2	9.6

^(a) Variation between 2006–07 Actual and 2006–07 Budget.

The variances for controlled items can be explained as follows:

Most reductions in the level of cash flows relate to the impact of the machinery-of-government transfer effective from 31 December 2006 through which responsibility for the Victorian Learning and Employment Skills Commission and TAFE institutes transferred to the Department of Innovation, Industry and Regional Development and Adult, Community and Further Education transferred to the Department for Victorian Communities. Comments below relate to the movements other than machinery-of-government transfer.

Note 1

Refer to note 1 of the Operating Statement.

Note 2

Refer to note 2 and note 3 of the Balance Sheet.

Note 3

Refer to note 3 and note 5 of the Operating Statement.

Note 4

The variance reflects a higher return on schools' investments than originally budgeted.

Note 5

Refer to note 2 of the Operating Statement.

Note 6

Refer to note 4 of the Operating Statement and note 4 of the Balance Sheet.

Note 7

Refer to note 7 of the Operating Statement.

Note 8

Refer to note 2 of the Balance Sheet.

APPENDIX 2

Portfolio statistics

School education

*FTE government school students by year level,
February 2007*

Year level	2007
Preparatory	43,490.1
Year 1	43,378.0
Year 2	43,780.8
Year 3	43,713.6
Year 4	43,813.3
Year 5	43,906.9
Year 6	44,134.3
Ungraded	6.0
Primary total	306,223.0
Year 7	38,737.7
Year 8	39,417.7
Year 9	39,931.8
Year 10	37,991.8
Year 11	37,523.9
Year 12	29,663.5
Ungraded	24.2
Secondary total	223,290.6
Special	8,005.3
Language	1,339.0
Total	538,857.9

FTE students by student type and sector, February 2004–07

Student type	Government				Catholic			Independent			All schools					
	2004	2005	2006	2007	2004	2005	2006	2007	2004	2005	2006	2007	2004	2005	2006	2007
Primary	311,964.0	309,972.6	307,576.5	306,223.0	98,863.6	98,406.6	98,373.0	98,307.1	40,170.2	41,459.5	42,310.3	43,282.0	450,997.8	449,838.7	448,259.8	447,812.1
Secondary	220,271.7	221,618.3	222,826.7	223,290.6	81,514.5	82,921.3	84,375.2	85,604.2	65,659.0	66,780.0	68,764.4	70,293.1	367,445.2	371,319.6	375,966.0	379,187.9
Special	6,826.2	7,219.4	7,756.1	8,005.3	165.8	160.4	170.0	153.6	331.0	308.4	338.6	445.6	7,323.0	7,687.0	8,265.0	8,604.5
Language	1,010.0	1,142.0	1,184.0	1,339.0	–	–	–	–	–	–	–	–	1,010.0	1,142.0	1,184.0	1,339.0
Total	540,071.9	539,952.3	539,343.3	538,857.9	180,543.9	181,488.3	182,918.2	184,064.9	106,160.2	108,547.9	111,413.3	114,020.7	826,776.0	829,988.5	833,674.8	836,943.5
% of all students	65.3	65.1	64.7	64.4	21.8	21.9	21.9	22.0	12.8	13.1	13.4	13.6	100	100	100	100.0

Note: 2005 and 2006 figures have been revised for the independent sector

Number of schools by school type and sector, February 2004–07

School type	Government				Catholic			Independent			All schools					
	2004	2005	2006	2007	2004	2005	2006	2007	2004	2005	2006	2007	2004	2005	2006	2007
Primary	1,223	1,222	1,213	1,206	381	380	378	378	57	54	52	51	1,661	1,656	1,643	1,635
Primary–secondary	49	50	48	50	10	12	13	13	131	132	134	133	190	194	195	196
Secondary	262	261	263	258	85	84	84	86	18	20	21	21	365	365	368	365
Special	80	80	78	76	7	7	7	7	10	11	11	12	97	98	96	95
Language	4	4	4	4	–	–	–	–	–	–	–	–	4	4	4	4
Total	1,618	1,617	1,606	1,594	483	483	482	484	216	217	218	217	2,317	2,317	2,306	2,295
% of all schools	69.8	69.8	69.6	69.5	20.8	20.8	20.9	21.1	9.3	9.4	9.5	9.5	100	100	100	100

APPENDIX 3

Human resources policies

Human resources

Effective human resources, recruitment, development, retention and management policies and the delivery of associated services are essential if a high-quality and diverse workforce is to contribute to the delivery of the Department's outputs in an efficient and responsive manner.

Key policies

The Department is committed to developing and supporting its workforce by:

- building leadership capacity
- building the future workforce through enhancing workforce capacity
- actively shaping supply and managing employee relations
- creating and supporting a culture of health, safety and wellbeing
- creating and supporting a performance and development culture
- implementing robust human resource management systems.

Staff development

Development of VPS staff focused on the human resources strategic priorities of building leadership capacity (particularly on improving the development of senior leaders within the VPS) and building the future workforce by enhancing workforce capacity through the building of corporate workforce capabilities.

Projects were established to review and update the current Department VPS Accountability and Capability Framework. These projects will result in revised leadership and VPS frameworks designed to underpin the key human resource functions of attraction, selection, development and retention.

A range of learning and development opportunities were provided, with a greater emphasis being placed on development through on-the-job, experience-based activities and the building of beneficial working relationships.

The award of internal scholarships for the Executive Fellows program and the Executive Masters of Public Administration offered through the Australia and New Zealand School of Government, the Davos Future Summit and the Williamson Community Leadership program provided opportunities for policy and leadership skills development.

Development for public service staff continued through a range of programs from project management and presentation skills to Certificate IV in Assessment and Training. The induction and orientation program, strongly supported by senior executives, was well received by new staff.

Professional development for school staff is discussed in page 29 of this report.

Focus on women

Women represented 73.6 per cent of the Department's workforce in June 2007.

The Department's Focus on Women strategy aligns with the human resources strategic priorities to build leadership capacity by improving leadership opportunities and career pathways for women, together with the targeting of initiatives to accelerate leadership development and cultural change. It also supports the building of the Department's future workforce through the expansion of skill development programs which build the capability of all employees.

Women represented 70 per cent of teaching staff and 89.2 per cent of non-teaching staff in government schools in June 2007. The percentage of women in the principal class in government schools continued to rise, with an increase from 49.3 per cent in June 2006 to 51.1 per cent in June 2007.

Women represented 61.1 per cent of VPS staff in central and regional offices. The percentage of women at executive officer level decreased from 39.1 per cent in June 2006 to 36.2 per cent in June 2007.

The Eleanor Davis School Leadership program is a Women in Leadership initiative and, together with programs such as the Julia Flynn program, is a key component of the Department's Focus on Women strategy.

The Eleanor Davis School Leadership program is available to women seeking to move into school leadership positions and has continued to attract a high number of applicants. The program has been very successful in supporting aspiring school leaders and providing experienced principals with opportunities to assist in the development of future leaders. In 2007, management of the program was taken over by the Office for Government School Education and integrated into a suite of school leadership programs.

The Julia Flynn program was reviewed and 15 scholarships for the enhanced program were provided to develop the leadership and management skills of participants.

Diversity and equal opportunity

The Department's focus has been on improving organisational capacity to address diversity and equal opportunity issues at the workplace level.

A major initiative involved the development of templates, tools and guidelines as part of the School Compliance Checklist (which assists government schools to comply with legislative and Departmental policy on equal opportunity,

anti-harassment and anti-bullying). The material was developed in collaboration with the Victorian Equal Opportunity and Human Rights Commission and included input from a wide range of education stakeholders.

The Department's Disability Action Plan 2005–08 was assessed against key outcomes with satisfactory progress noted. Work was undertaken to ensure Departmental employment practices are made more accessible for people with a disability, for example, the inclusion of staff with a disability in the Department's 2007 VPS Mentor program.

The Department continued to maintain its commitment to promoting inclusive and safe work environments through the extension of the highly successful online Workplace Discrimination and Sexual Harassment training course to include a new component on workplace behaviour and bullying.

The Department continued to advocate for family-friendly flexible work and leave arrangements to be actively supported in the workplace. A recent survey of Department VPS staff indicated that the use of recreation leave on half pay and purchased leave arrangements to cover child-care during school holidays are popular options. Staff are also accessing flexible start and finish times, working from home on telecommuting agreements, job share and part-time work.

Staff participated in diversity awareness celebration events across the Department. These events recognise the contributions that people of diverse cultural and linguistic backgrounds, Indigenous people, women of all backgrounds and people with a disability make to the creation of a vibrant and inclusive Victorian education system.

Employee relations

Negotiations in respect to the Victorian Government Schools Agreement commenced in April 2007.

Remaining grievances were heard and resolved where Student Support Services Officers (VPS employees) sought a review of their classification level in the new Allied Health adaptive structure introduced in 2005.

The Department continued to administer specialised VPS programs through its participation in the Graduate Recruitment and Development Scheme and the VPS Mentor program for past graduate recruits and VPS staff from Grades 1 to 4.

Human resources systems and services

The Department provides high-quality personnel services, including staffing, employment and payroll administration, together with advice on performance, conduct and ethics.

Workforce planning

The Department continued work to enhance the capacity and capability of the Department's current and future workforce.

The Department is participating in a Ministerial Council on Education, Employment, Training and Youth Affairs working party on the development of a strategic framework for a national approach to workforce planning in education.

The Department is also participating in the national Staff in Australia's Schools survey commissioned by the Commonwealth Department of Education, Science and Training in 2006. The survey is collecting data and examining collaborative longer-term approaches to the collection and use of key data on the Australian school teacher and leader workforces.

The Department commenced research to inform workforce planning including a pilot exit survey of VPS employees and an evaluation of teacher supply initiatives.

A range of teacher supply initiatives announced by the government in January 2004 in the report *Teacher Supply and Demand for Government Schools* continued to be implemented during 2006–07.

Highlights

- The Career Change program continued in 2007 with a third intake of 32 non-teaching professionals from a variety of backgrounds employed as teacher trainees in hard-to-staff teaching vacancies in mainly rural secondary schools. The program combines supervised classroom teaching experience with part-time study towards a teaching qualification.
- Victoria University continued to provide a specially tailored and flexibly delivered teacher education course to participants.
- Twenty-five of the 29 trainees from the 2005 Career Change intake successfully completed the two-year school-based training program, while 29 of the 32 trainees from the 2006 intake continued into the second year of their two-year, school-based training program.
- The Rural Retraining program has enabled 229 teachers, mainly in rural schools, to undertake retraining in curriculum areas experiencing teacher shortages. Forty-four teachers have completed their courses, 28 of which completed during 2006–07.
- A total of 278 student teachers and 140 schools benefited from the Rural Student Teacher Practicum Scheme which provides student teachers with financial incentives to undertake their practicum in targeted schools, predominantly in rural areas.
- The promotion of teaching as a career option in non-traditional areas of recruitment (for example, professionals considering a career change) was pursued via career fairs, university career expos and visits and the publicity generated by the Career Change program.

- Links continued to be strengthened between the Department and universities, particularly education faculties delivering pre-service teacher education courses, both through formal forums such as the Teacher Supply and Demand Reference Group and the Victorian Council of Deans of Education meetings, and through informal dialogue on a range of teacher supply issues.

Other initiatives designed to assist schools in filling vacancies in specialist subject areas and in particular geographic locations resulted in:

- the appointment of more than 1100 recent teacher graduates through the Teacher Graduate Recruitment program
- 150 scholarships being awarded to student teachers and new graduates under the Teaching Scholarship Scheme.

The Department commenced work on the implementation of two new teacher supply initiatives announced by the Government to increase the supply of Mathematics and Science teachers – the Mathematics and Science Graduate Scholarship and a modified Career Change program.

The Department continued to work with the Victorian Institute of Teaching to implement recommendations arising from the 2005 report of the State Parliamentary Inquiry into Pre-service Teacher Training in Victoria.

In 2006–07, there were eight exemptions from advertisements for VPS recruitment approved by the Secretary or his delegate consistent with the requirements of the Public Sector Standards Commissioner. These exemptions related to the appointment of staff at the conclusion of the Graduate Recruitment Scheme.

Employee health, safety and wellbeing

The Health, Safety and Wellbeing strategy (2007–09) continues to support the integration of employee health, safety and wellbeing in schools and other Department workplaces. The strategy focuses on Occupational

Health and Safety (OHS) accountability through the development and implementation of OHS systems, training and targeted hazard and risk reduction programs. This strategy assists in ensuring that the Department meets legislative compliance requirements and strengthens OHS and injury management systems.

Highlights

- Delivery of the Department's Dignity and Respect statement and parent complaints brochure.
- Development of the Healthy Schools are Effective Schools resource package for staff and principals to address morale and stress.
- Completion of the Crime Prevention through Environmental Design short course for architects which will inject security-conscious design principles into the design of schools.
- Approval for the implementation of the Safety in Technology panel report.
- Clarification of incident notification procedures for all workplaces.
- Completion of a review of a stress pilot supporting the WorkSafe Stresswise project.
- Development of the OHS statewide consultation policy which sets out how consultation on OHS matters should occur in schools and other Department workplaces.

Key performance indicators

The Department is committed to reporting on the Victorian WorkCover Authority's lag and lead indicators. The following table provides measurements against 14 of the agreed OHS key performance indicators.

Occupational health and safety measures

Measure	OHS lag key performance indicators	2006–07 Target	2006–07 Actual	
			Number	Rate
Claims	Number and rate of standardised WorkCover claims ¹ including: sprains and strains, stress, other	777	841	1.590
	Number and rate of lost-time WorkCover claims ²	305	302	0.571
	Number and rate of claims exceeding 13 weeks ³	164	149	0.282
Fatalities	Fatality claims ¹	No fatalities	0	
Claims costs	Average cost per WorkCover claim ⁴	\$45,082	\$44,497	

Measure	OHS lead key performance indicators	2006–07 Target	2006–07 Actual
Management commitment	Evidence of OHS policy statement; OHS objectives	Reported quarterly and/or annually Empirical evidence of OHS plans, policies and reporting processes	Department's OHS policy including objectives at < www.eduweb.vic.gov.au/hrweb/ohs/accp/riskm.htm > Quarterly health, safety and wellbeing reports to Departmental Management Committee regarding OHS trends, issues and project plans, achievements and milestones
	Regular reporting to senior management of OHS; and OHS plans (signed by CEO or equivalent)		
Consultation and participation	Evidence of OHS criteria(s) in purchasing guidelines (including goods, services and personnel)	Reported quarterly and/or annually Empirical evidence of OHS criteria in purchasing guidelines	Schedule 21 Part D of the Department tender documents addresses health and safety management Part E – Ethical purchasing requires tenderers to declare any OHS legislative breaches
	Evidence of agreed structure of Designated Work Groups, Health and Safety Representatives, and issue resolution procedures	Reported quarterly and/or annually	The Department's OHS consultation policy outlines the structure for Designated Work Groups, Health and Safety Representatives and issue resolution procedures < http://www.education.vic.gov.au/hrweb/ohs/accp/riskm.htm >
Risk management	Per cent of internal audits/inspections conducted as planned	80 per cent of planned internal audits conducted	100 per cent
Training	Per cent of OHS representatives trained	75 per cent of representatives trained	78 per cent

¹ Standardised claims are those that have exceeded the employer excess (days or dollars) or are registered as a standard claim and are open with no payments at the time of extraction. Fatality claims are also based on the same definition of standardised claims. Date for standardised claims and death claims is at 30 June each financial year.

² A lost-time claim is a claim with one or more days compensated by the Victorian WorkCover Authority (that is, once the employer has paid the ten-day excess) at the time of extraction. Lost-time claims are a sub-set of standardised claims. Date for lost-time claims is at 30 June each financial year.

³ 13-week claims is a measure of a number of claims exceeding 13 weeks, compensation based on derived day count. The 13-week measure begins at day one (that is, employer excess and Victorian WorkCover Authority payments). Data for 13-week claims is based on the calendar year (that is, January to December) extracted as at 30 June each year.

⁴ Data for average cost per claim based on claims reported from April to March each year extracted as at 30 June each year.

People Matters survey of OHS	Questions	Average per cent who 'Agree' and 'Strongly agree' (%)
Management commitment	My manager is committed to health and safety improvements	82.0
Organisational commitment	My organisation is committed to health and safety improvements	82.1
Health and safety representatives	Elected health and safety representatives regularly take up health and safety issues with management in my organisation	75.2
Consultation	There is meaningful employee consultation in my organisation on health and safety matters	71.5
Policy awareness	Matters that can affect health and safety in my organisation are addressed by work instructions, policies and procedures	76.1
Proactive OHS action	My organisation regularly undertakes proactive action to improve health and safety	73.2
OHS reporting	Employees in my organisation are encouraged to report health and safety incidents and injuries	80.4
Corrective action	Corrective action is taken by my organisation when unsafe conditions are identified through incident and/or injury reports	80.8

Conduct and ethics

Criminal record checks

In 2006–07, the Department conducted in excess of 17,800 criminal record checks in collaboration with the Commonwealth CrimTrac Agency via the Department's online criminal record check system. Of these checks, approximately 50 per cent were for people wishing to perform volunteer work in schools including student teachers undertaking a teaching practicum.

APPENDIX 4

Workforce statistics and senior officers

Workforce data

The following workforce data is based on Business Unit (cost centre) and charge location. It includes:

- staff on pay (including paid leave) who were employed in the Department in the last fortnight of June 2007
- ongoing and fixed term staff.

It excludes:

- VPS staff who ceased from the Department in the last fortnight of June 2007
- school-based staff who ceased prior to the last fortnight of June 2007
- staff on leave without pay (including family leave) or absent on secondment
- external contractors/consultants and temporary staff employment by employment agencies
- staff employed directly by individual school councils
- staff formerly employed in the Office of Training and Tertiary Education
- staff formerly employed in the Adult, Community and Further Education area.

FTE of teaching service staff in schools by classification and sex on pay as at June 2007

	Classification	Males	Females	Total
Primary	Principal Class	872.1	1,006.2	1,878.3
	Teaching staff	3,258.9	15,435.5	18,694.4
	Instructors	12.3	8.6	20.9
	Total	4,143.3	16,450.3	20,593.6
Secondary	Principal Class	506.7	433.7	940.4
	Teaching staff	7,340.4	11,322.4	18,662.8
	Instructors	150.1	63.9	213.9
	Total	7,997.1	11,820.0	19,817.1
Total		12,140.4	28,270.3	40,410.7

FTE of non-teaching staff in schools by classification and sex on pay as at June 2007

Classification	Level	Males	Females	Total
School Services Officer	SSO3-8	15.6	46.5	62.1
	SSO3-7	24.1	77.4	101.5
	SSO3-6	37.1	247.2	284.3
	SSO2-5	56.4	437.4	493.8
	SSO2-4	94.5	535.4	630.0
	SSO2-3	129.4	893.1	1,022.5
	SSO1-2	200.3	1,590.0	1,790.2
	SSO1-1	555.2	5,593.1	6,148.3
Subtotal		1,112.6	9,420.1	10,532.7
VPS staff	AH4	34.0	85.8	119.8
	AH3	25.1	160.1	185.2
	AH2	3.8	83.4	87.2
	VPSG6	–	3.0	3.0
	VPSG5	5.4	27.5	32.9
	VPSG4	2.8	4.9	7.7
	VPSG3	–	5.3	5.3
	VPSG2	–	5.6	5.6
	VPSG1	1.0	1.0	2.0
Subtotal		72.1	376.6	448.6
Other		–	0.1	0.1
Total		1,184.6	9,796.8	10,981.4

FTE of staff in non-school locations, extension services and statutory bodies by classification and sex on pay as at June 2007

Classification	Males	Females	Total	
Teaching staff	55.1	64.4	119.5	
Executive officer	Secretary	–	1.0	
	EO1	2.0	1.0	3.0
	EO2	19.0	9.0	28.0
	EO3	15.0	11.0	26.0
	Subtotal	37.0	21.0	58.0
VPS staff	Senior technical specialist	0.5	2.5	3.0
	VPSG6	102.6	90.5	193.1
	VPSG5	170.2	256.0	426.1
	VPSG4	95.9	120.9	216.8
	VPSG3	95.3	195.1	290.4
	VPSG2	39.1	119.1	158.2
	VPSG1	3.4	9.8	13.2
	AH4	–	1.0	1.0
	AH3	0.4	0.6	1.0
	Graduate recruits	2.0	6.0	8.0
Subtotal	509.3	801.4	1,310.8	
Other	3.0	6.1	9.1	
Ministerial staff	2.0	–	2.0	
Total	606.4	892.9	1,499.4	

Note

A total of 11.8 FTE casual staff who were employed for the last pay period in June in central and regional locations and classified in the range VPSG1–VPSG6 have not been included in the above table.

'Other' includes appointees to a statutory office, as defined in the *Public Administration Act 2004* (for example, persons appointed to a non-executive board member role, to an office of Commissioner, or to a judicial office) and other miscellaneous classifications.

VPS staff on pay as at June 2007

	Ongoing employees				Fixed-term and casual employees
	Employees (headcount)	Full-time (headcount)	Part-time (headcount)	FTE	FTE
June 2007	1,699	1,367	332	1,578	255
June 2006	1,847	1,507	340	1,727	254

	June 2007			June 2006		
	Ongoing		Fixed-term and casual employee	Ongoing		Fixed-term and casual employee
	Employee (headcount)	FTE	FTE	Employee (headcount)	FTE	FTE
Gender						
Male	579	569	56	631	622	71
Female	1,120	1,009	199	1,216	1,105	183
Age						
Under 25	32	31	43	44	44	30
25–34	263	243	88	293	274	90
35–44	370	335	43	426	384	51
45–54	680	640	37	749	711	49
55–64	327	306	43	312	294	32
Over 64	27	23	1	23	20	2
Classification						
VPSG1	12	12	4	13	13	5
VPSG2	143	133	32	157	146	31
VPSG3	269	255	46	321	306	44
VPSG4	214	207	19	245	238	43
VPSG5	432	416	44	437	422	37
VPSG6	190	187	12	207	205	15
Senior technical specialist	3	2	1	1	1	1
Executives	58	58	–	69	69	–
AH2	57	46	41	83	67	22
AH3	183	141	45	169	132	41
AH4	136	119	2	142	125	1
Graduate recruits	–	–	8	1	1	13
Other	2	2	1	2	2	1

Note

'Headcount' means the number of people employed where each person counts as an employee regardless of the number of hours engaged to work.

Casual means a person who is subject to clause 25, Casual Employees – Loading of the VPS Agreement 2006, or similar clauses in other relevant agreements. It includes a person employed on a sessional basis where such provision is made under an applicable industrial agreement. Information on casual employment for staff in central and regional locations has been included only for 2007.

'Other' includes Ministerial drivers and staff classified as LOTE advisers.

Age of staff for 2007 is calculated as at pay date 21 June 2007 and for 2006 as at 22 June 2006.

The decline in employment levels from 2006 to 2007 is a result of machinery-of-government changes: the Office of Training and Tertiary Education transferred to the Department of Innovation, Industry and Regional Development and the Adult, Community and Further Education area transferred to the Department for Victorian Communities.

Number of executive officers classified by 'Ongoing' and 'Special projects'

Class	All		Ongoing		Special projects	
	Number	Variation	Number	Variation	Number	Variation
EO-1	3	+1	3	+1	-	-
EO-2	25	-2	24	-2	1	-
EO-3	22	-2	22	-2	-	-
Total	50	-3	49	-3	1	-

Number of executive officers by gender for 'Ongoing' and 'Special projects'

Class	Ongoing					Special projects				
	Male		Female		Vacancies	Male		Female		Vacancies
	Number	Variation	Number	Variation		Number	Variation	Number	Variation	
EO-1	2	+1	1	-	-	-	-	-	-	-
EO-2	17	-1	7	-1	7	1	-	-	-	-
EO-3	11	-2	11	-	-	-	-	-	-	-
Total	30	-2	19	-1	7	1	-	-	-	-

Number of executives

	2007	2006
Executives with remuneration over \$100,000 (refer to note)	50	53
Add Vacancies (see table above)	7	4
Executives employed with total remuneration below \$100,000	-	-
Accountable Officer (Secretary)	1	1
Less separations	7	6
Total executive numbers at June 2007	51	52

Note

Figures above do not include Victorian Curriculum and Assessment Authority and Victorian Qualifications Authority executives.

Office of Training and Tertiary Education and Adult and Community and Further Education executives have also been excluded due to machinery-of-government changes.

Number of executive officers for the Department's portfolio entities

Portfolio agencies	Total		Vacancies		Male		Female	
	Number	Variation	Number	Variation	Number	Variation	Number	Variation
Victorian Curriculum and Assessment Authority	5	+1	-	-	4	+2	1	-1
Victorian Qualifications Authority	1	-1	-	-	1	-1	-	-
Victorian Institute of Teaching	1	-	-	-	1	-	-	-
Total	7	+0	-	-	6	+1	1	-1

Senior officers as at 30 June 2007

Addresses of the key business areas are provided. The telephone number for all sections of the Department is (03) 9637 2000, except where otherwise specified.

Department of Education

2 Treasury Place
East Melbourne Victoria 3002
Professor Peter Dawkins
Secretary

Office for Government School Education

1st floor, 33 St Andrews Place
East Melbourne Victoria 3002
Mr Darrell Fraser
Deputy Secretary

Group Coordinator

Vacancy
General Manager

Student Wellbeing and Support

Mr John Allman
General Manager
Mr Ian Claridge
Assistant General Manager, Student Wellbeing
Ms Dawn Davis
Assistant General Manager, Student Services Project

Teacher and School Capacity Building

Ms Dina Guest
(**Acting) General Manager
Ms Louise McDonald
(*Acting) Assistant General Manager, School System Outcomes
Ms Judy Petch
(*Acting) Assistant General Manager, Leadership and Teacher Development

Student Learning Programs

Ms Dianne Peck
(*Acting) General Manager
Ms Carol Kelly
Assistant General Manager, Student Learning Programs

Regions

Regional office contact details appear on pages 39–40 (information provided by the Office for Government School Education).

Barwon South Western

Ms Glenda Strong
Regional Director

Eastern Metropolitan

Dr Jim Watterston
Regional Director

Gippsland

Ms Michonne van Rees
Regional Director

Grampians

Mr Malcolm Millar
Regional Director

Hume

Mr Stephen Brown
Regional Director

Loddon Mallee

Mr Ron Lake
Regional Director

Northern Metropolitan

Mr Wayne Craig
Regional Director
David Brooks
Project Manager, Broadmeadows Regeneration

Southern Metropolitan

Mr Peter Greenwell
Regional Director

Western Metropolitan

Mr Brett New
(*Acting) Regional Director

Office for Education Policy and Innovation

Level 3, 33 St Andrews Place
East Melbourne Victoria 3002
Dr Dahle Suggett
Deputy Secretary

Education Policy and Research

Mr Tony Cook
General Manager
Mr John McCarthy
Assistant General Manager, Education Policy
and Research

Youth Transitions

Mr George McLean
General Manager
Mr Edmund Misson
Assistant General Manager, Youth Transitions

System Policy and Research

Mr John Sullivan
General Manager
Ms Janet Thompson
Assistant General Manager, Koorie Strategy

Innovation and Next Practice

Ms Diane Joseph
(*Acting) General Manager
Ms Katrina Reynen
Assistant General Manager, Innovation and
Next Practice

International Education

Ms Sue Christophers
General Manager

***Office for Policy, Planning and
Evaluation***

1st floor, 2 Treasury Place
East Melbourne Victoria 3002
Ms Katherine Henderson
Deputy Secretary

**Commonwealth–State and External
Relations**

Mr Colin Twisse
General Manager
Mr Andrew Abbott
Assistant General Manager,
Commonwealth–State and External Relations

Corporate Planning, Audit and Legal

Mr Ian Burrage
(*Acting) General Manager
Ms Lesley Foster
Assistant General Manager, Corporate
Planning, Audit and Legal

Communications

Ms Julie Alliston
(*Acting) General Manager

Strategic Policy and Research

Mr James Kelly
(*Acting) General Manager
Ms Kerry Rozenbergs
(*Acting) Assistant General Manager, Strategic
Policy and Research

Data and Evaluation

Dr Sara Glover
(*Acting) General Manager
Ms Michelle Hill
(*Acting) Assistant General Manager, Data
and Evaluation

Schools and Communities

Vacancy
General Manager

***Office for Resources and
Infrastructure***

1st floor, 2 Treasury Place
East Melbourne Victoria 3002
Mr Jeff Rosewarne
Deputy Secretary
Chief Operating Officer

Corporate Services

Ms Gail Hart
General Manager

Resources Strategy

Mr Jim Miles
General Manager

Human Resources

Mr Tony Bugden
General Manager
Mr Rex Hardman
Assistant General Manager, Policy and
Employee Relations
Ms Michelle Holian
Assistant General Manager, Strategy Planning
and Development

Education Chief Information Officer

Mr Adam Todhunter

Financial Services

Ms Claire Britchford
Chief Finance Officer
Mr Nino Napoli
Assistant General Manager, Schools Resource Allocation
Mr Ron Cooper-Thomas
Assistant General Manager, Accounting Policy and Taxation
Mr Wayne Benbow
Assistant General Manager, Budget and Reporting

Infrastructure

Dr Peter Stewart
General Manager
Ms Andrée Butler
Assistant General Manager, Planning and Provision
Mr Franco Greco
Assistant General Manager, Facilities and Infrastructure

Information Technology

Mr Erle Bourke
General Manager
Mr Steve Loquet
Assistant General Manager, Information Technology

Merit Protection Boards

Level 9, 35 Spring Street
East Melbourne Victoria 3002
(03) 9651 0290
Mr Ian Adams***
Senior Chair

Victorian Curriculum and Assessment Authority

41 St Andrews Place
East Melbourne Victoria 3002
(03) 9651 4300
Mr John Firth
Chief Executive Officer

Corporate Services

Mr Byron Crawford
General Manager

Curriculum

Ms Helen Wildash
General Manager

Assessment and Reporting

Dr David Phillips
General Manager

Assessment Operations

Mr Ian Leggett
Assistant General Manager

Victorian Qualifications Authority

Level 2, 33 St Andrews Place
East Melbourne Victoria 3002
(03) 9637 3479
Mr Robert Fearnside
(**Acting) Director
Vacancy
Project Executive

* Acting assignment by a non-substantive executive officer

** Acting assignment by a substantive executive officer

*** Governor-in-Council appointee

APPENDIX 5

Statutory authorities and other bodies

Twelve statutory authorities and other bodies work with the education and training communities to provide direct education provision and/or advice to the Minister for Education and the Minister for Skills, Education Services and Employment.

The Minister for Education and the Minister for Skills, Education Services and Employment are accountable to the Victorian Parliament for the performance of the Department. In the discharge of their responsibilities, the Ministers received advice from education and training statutory authorities in 2006–07 as indicated in the table below. The Department works in conjunction with statutory authorities to achieve the Government's goals and targets for education and the delivery of Government-funded education outputs.

Selected statutory authorities and their reporting requirements

Agency	Minister	Annual report
Disciplinary Appeals Boards	Education	See page 135
Merit Protection Boards	Education	See page 130
Registered Schools Board	Education	See page 41
Victorian Curriculum and Assessment Authority	Education	Separate report
Victorian Qualifications Authority	Education	Separate report
Victorian Institute of Teaching	Education	Separate report

Staff of some of these authorities are on the Department's payroll, as reflected in the workforce data on pages 123–129. Some of the authorities produce annual reports in their own right: the Victorian Curriculum and Assessment Authority, the Victorian Qualifications Authority and the Victorian Institute of Teaching. These reports can be accessed from the Department's website at <www.education.vic.gov.au>.

Summaries of the Registered Schools Board, Merit Protection Boards and the Disciplinary Appeals Boards reports are included in this report on pages 41, 130 and 135.

Merit Protection Boards

The Merit Protection Boards were established in 1993 under the *Teaching Service Act 1981* to:

- advise the Minister about principles of merit and equity to be applied in the teaching service
- hear reviews and appeals in relation to decisions made under the Teaching Service Act (except Part V) or any other Act
- advise the Minister or the Secretary about any matter referred to them by the Minister or the Secretary relating to merit and equity in the teaching service
- hear reviews and appeals in relation to any decision prescribed by the regulations to be a decision in respect of which there is a right of review by or appeal to a Merit Protection Board.

The Senior Chairperson, Mr Ian Adams, and the Secretary's nominee, Mr Gavan Schwartz, are full-time members of the Merit Protection Boards. Ms Beverly Trease is the Registrar.

There are seven teaching service boards, each of which comprises a Chairperson, nominated by the Minister, a nominee of the Secretary and a teacher nominated by the Minister, most of whom are part-time members.

The Senior Chairperson establishes public sector boards to hear and determine grievances from School Services Officers (SSO) and members of the VPS. These boards comprise three members: a Chairperson, nominated by the Senior Chairperson, a nominee of the Secretary and a staff member also nominated by the Senior Chairperson.

The public sector boards make a recommendation to the Senior Chairperson who has the delegation from the Secretary of the Department of Education to hear and determine public sector grievances.

Members of the Merit Protection Boards

The following members were appointed for a three-year term in September 2004. With the exception of the Senior Chairperson and full-time Secretary's nominee, all members are called upon on a sessional basis.

Senior Chairperson (full-time)

Mr Ian Adams

Chairpersons

Ms Leonie Fitzgerald
Principal, Dandenong South Primary School

Mr Ian Hall
Senior Education Officer, Gippsland Region

Ms Kate Christensen
Principal, Rosamond Special School

Mr Gary Salisbury
Echuca Secondary College

Mr Wayne Hill
Assistant Principal, Distance Education Centre

Secretary's nominee (full-time)

Mr Gavan Schwartz

Mr Raymond Wilkinson
(Resigned December 2006)

Secretary's nominees

Ms Lorraine Dell
Assistant Principal, Ormond Primary School

Ms Vincenzina Calabro
Principal, Noble Park English Language Centre

Ms Karen O'Dowd
Altona Green Primary School

Mr Wayne Smith
Eumemmerring Secondary College

Ms Deborah Meirisch
Principal, Wheelers Hill Primary School

Ms Sheryl Skewes
Assistant Principal, Sandringham Primary School

Minister's nominees

Ms Jane Lockie
Mornington Special Developmental School

Ms Angeliki Kavourni
MacRobertson Girls High School
(Resigned January 2007)

Ms Jennifer Pringle
Mount Waverley Secondary College

Ms Mary-Anne Pontikis
Meadow Heights Primary School

Ms Sharon Walker
Williamstown North Primary School
(Resigned December 2006)

Mr Robert Bertagnolio
Altona Secondary College

Ms Eileen O'Brien
Croydon Secondary College

Emergency Minister's nominees

Ms Penny Geoghegan
Sunbury Secondary College

Ms Gail Shaw
Sunshine North Primary School

Ms Valda Grimston
Footscray North Primary School

Ms Claire Hanmer
Karringal Park Secondary College
(Resigned December 2006)

Mr John Baston
Ashwood Secondary College
(Resigned January 2007)

The Merit Protection Boards provide an independent mechanism to hear appeals and grievances for employees of the Department and associated statutory authorities in education.

Appeals and grievances include transfer and promotion, incapacity, grievances of a general personal nature including sexual harassment and discrimination, and appeals in relation to police records checks. Appeals and grievances are heard in the metropolitan area and regional centres, as appropriate.

Members of the Merit Protection Boards have a duty to act as individuals in an independent and objective manner in fairly hearing and determining appeals and grievances. The hearing procedures of Merit Protection Boards are consistent with the principles of procedural fairness.

Access to the Merit Protection Boards is available to employees in the Department of Education including principal class officers, teachers, school-based non-teaching staff and public servants, excluding executive officers.

Other activities

The Merit Protection Boards provided advice to the Department of Education on merit and equity issues in relation to major policy initiatives in response to requests from the Department as well as advice when existing policies and procedures were being reviewed.

The Senior Chairperson and the Secretary's nominee have accepted invitations to address groups of principal class officers, field officers of the principals' associations, SSO networks and regional personnel. In May 2007, the Boards conducted a seminar in Melbourne for regional and school-based personnel who assist the Boards in conducting their training program. There were 25 participants who undertook a review of the training program and the roles and responsibilities of those involved.

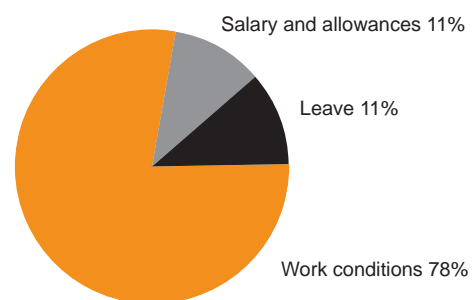
Information is available on the Merit Protection Boards' website in relation to the appeal and grievance process as well as their merit protection accreditation programs. The website address is <www.mpb.vic.gov.au>.

The Senior Chairperson and the Secretary's nominee attended the National Public Sector Appeals Conference held in Adelaide in September 2006.

Appeals and grievances

Teaching service

Breakdown of personal grievances received from teaching service, July 2006 – June 2007



Teaching service – appeals and grievances, 2006–07

Category	Received		Upheld		Disallowed		Withdrawn		Pending		No jurisdiction, out of time or lapsed		Conciliated	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Promotion	12	17	2	3	5	3	2	3		1	3	7		
Incapacitated officer		1		1										
Personal	53	57	11	13	18	13	14	13	4	4	4	10	2	4
Total	65	75	13	17	23	16	16	16	4	5	7	17	2	4

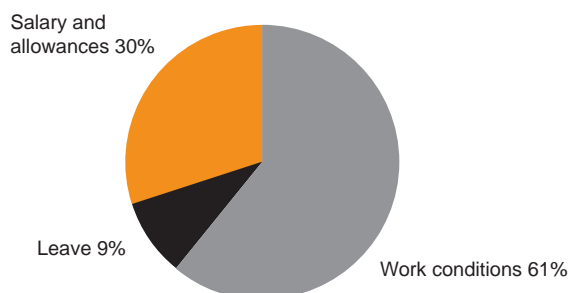
During the year to 30 June 2007 the Merit Protection Boards for the teaching service received a total of 140 appeals and grievances including 29 promotion grievances, one incapacity appeal and 110 personal grievances. Of the 69 grievances heard, 30 (43 per cent) were upheld.

Promotion grievances received for this year declined from 41 to 29 and, of the 13 heard, 38 per cent were upheld. There were 110 personal grievances received, compared with 121 for the previous year and, of the 55 heard, 44 per cent were upheld, which is a decrease in the number upheld compared with the previous year. While there was a wide range of issues raised in personal grievances, the majority were concerned with the rejection of applications from teachers with compassionate transfer status and from excess teachers referred to vacancies. Other matters related to leave, especially the refusal to grant long-service leave and leave without pay.

Public sector

There were 37 grievances received from public servants and SSOs compared with 84 for the previous year. These comprise 25 from SSOs and 12 from public servants. SSOs lodged one selection grievance and 24 personal grievances compared to 62 personal grievances last year when SSOs had the opportunity to seek reclassification without advertisement arising from the Victorian Government Schools – School Services Officers Agreement 2004. Public servants lodged three promotion and nine personal grievances, which is almost the same number and type of grievances as received in the previous year. Of the 37 grievances received from both the VPS and SSOs, 12 were heard, six (50 per cent) of which were upheld.

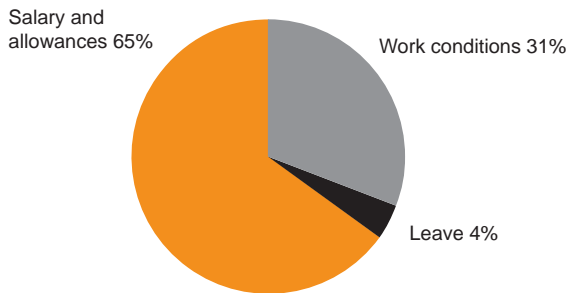
Breakdown of personal grievances received from the VPS and SSOs, July 2006 – June 2007



Public sector – appeals and grievances, 2006–07

Category	Received		Upheld		Disallowed		Withdrawn		Pending		Lapsed		Conciliated	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
SSO staff														
Selection	–	1	–	–	–	–	–	1	–	–	–	–	–	–
Discipline	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Personal	3	21	–	5	1	3	2	6	–	2	–	1	–	4
Total SSO	3	22	–	5	1	3	2	7	–	2	–	1	–	4
VPS staff														
Promotion	1	2	–	1	–	1	–	–	–	–	1	–	–	–
Discipline	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Personal	1	8	–	–	–	1	1	–	–	1	–	6	–	–
Total VPS	2	10	–	1	–	2	1	–	–	1	1	6	–	–
Total VPS and SSO	5	32	–	6	1	5	3	7	–	3	1	7	–	4

Breakdown of personal grievances received from the VPS and SSOs, July 2005 – June 2006



Merit Protection accreditation

It is a requirement for all selection panels in the Department of Education to include a merit-accredited employee as a member of any selection panel. To facilitate this requirement, the Merit Protection Boards provide training in the principles of merit and equity for principal class officers, teachers, SSOs and members of the public service. This year the Boards have run 26 seminars and provided training for 963 employees, including 78 employees who needed to be upgraded or wanted to build on their existing knowledge and understanding of the principles of merit and equity.

Since the inception of these training programs, a total of 29,978 employees have been trained. This figure includes 1758 employees who have retrained.

Principal class officers

Ninety-five members of the principal class have been accredited in training programs conducted by the Boards in metropolitan and country centres this year. These accredited principal class officers are available to serve on principal class officer selection panels. Since the inception of training programs, 3350 members of the principal class have been trained.

Teachers

Six hundred and forty-two members of the teacher class were accredited in training programs conducted by the Boards in metropolitan and country centres this year. Of these, 30 teachers were reaccruited. The total number of members of the teacher class accredited since the inception of these programs is 20,585. Teachers who have been accredited are available to assist principals with personnel management decision making in schools where panels must include a merit protection accredited teacher.

Number of employees trained July 2006 – June 2007 by region (includes reaccruitation)

Region	Teachers	Principal class	SSO	VPS	Total
Barwon South Western	37	4	6	–	47
Central – Corporate	n/a	n/a	n/a	74	74
Eastern	99	20	23	2	144
Gippsland	33	9	15	2	59
Grampians	53	4	9	6	72
Hume	64	15	20	–	99
Loddon Mallee	105	24	18	2	149
Northern	107	9	8	6	130
Southern	56	4	4	7	71
Western	88	6	22	2	118
Total	642	95	125	101	963

School services officers and members of the Victorian Public Service

Over the last 12 months, 125 SSOs and 101 VPS employees were accredited. The total number of SSOs and VPS employees trained to date is 4285. Accredited SSOs and VPS employees are available to assist on panels in decision making concerning selection.

Disciplinary Appeals Boards

The Disciplinary Appeals Boards were established in 2005 following an amendment to the *Teaching Service Act 1981* to hear and determine appeals in relation to decisions of the Secretary made under section 67.

The Senior Chairperson of the Disciplinary Appeals Boards is Mr Ian Adams. Ms Beverly Trease is the Registrar.

In May 2005, the following Board members were appointed for an initial five-year period after advertisement through expressions of interest. All members are called upon on a sessional basis.

Chairpersons, nominated by the Secretary, were appointed under Sections 75D(2)(a) and 75E of the *Teaching Service Act 1981*. It is a requirement that they have been admitted to legal practice in Victoria for not less than five years.

Judith Benson
Ian Freckleton
Geoffrey Gibson
Peter Harris
Clare Lethlean
Rohan Millar
Damian Murphy (resigned December 2006)
Peter Rose
Elspeth Strong
Peter Willis

Minister's nominees, who are officers in the teaching service, were appointed under Sections 75D(2)(b) and 75E of the *Teaching Service Act 1981*.

Ross Adamson
Moirra Findlay
David Finnerty
Wayne Hill
Angeliki Kavourni
Denise Leggett
Anne Longmire (resigned October 2005)
Brian O'Dea
Mary-Anne Pontikis
Paul Rose
Steven Silestean

Secretary's nominees, who have knowledge of or experience in education, education administration or public sector administration, were appointed under Sections 75D(2)(c) and 75E of the *Teaching Service Act 1981*.

Brian Burgess
James Davidson
Leonie Fitzgerald
Gregory Gibbs
Avis Grahame
Dale Hendrick
Russell Isaac
Eric Keenan
David List
Ian Martin
Bronwyn Valente

The Disciplinary Appeals Boards have dealt with four appeals in 2006–07, two of which have been finalised. Both were disallowed. There are still two cases pending.

APPENDIX 6

Whole-of-government reporting on target groups

On coming to office, the Government pledged a whole-of-government reporting approach in relation to cultural diversity, women, youth and Indigenous affairs.

This appendix provides highlights of the Department's commitments and priorities in these four areas for the reporting period and a summary of major achievements and the Department's performance against relevant performance outputs and measures.

Cultural diversity

The Department recognises that some individuals and groups face particular challenges to achieving in education and training because of their cultural or linguistic background. These individuals and groups often need to be actively supported to participate and achieve learning success.

Schools, including specialist language schools and centres, help build proficiency in English and other languages, and shape student attitudes to cultural diversity through multicultural education.

The Department's workforce management and development practices help to ensure that its workforce is well equipped to work with the diverse Victorian community and enhance learning outcomes for all Victorians.

Highlights

- In 2006, 210 full-time equivalent multicultural education aide positions were funded across 460 schools, and 26 positions were funded in English language centres.
- Transition coordinators were provided to all English language schools and centres to assist students with their transition from intensive ESL programs to mainstream schools.

- \$800,000 was provided for interpreting and translation services to enable non-English speakers to access information in government schools.
- Key programs were launched to provide system-wide support for respectful and inclusive workplaces including the Workplace Behaviour and Bullying Program and the Equal Opportunity and Anti-harassment compliance tools.

Performance measures

The Department's key performance measures on cultural diversity relate to the provision of both intensive ESL support for new-arrival students, and ongoing ESL support for eligible students.

- In 2006, 91 per cent of eligible primary students in regular schools received ESL support, and 89 per cent of eligible secondary students in regular schools received ESL support.

These performance measures are reported annually in the State Budget Papers.

Further information on programs and achievements relating to cultural diversity is contained in the sections on English as a Second Language (page 33) and Multicultural education (page 36), and in the Diversity and equal opportunity section in Appendix 3 (page 118).

Women

The Department made major contributions to the achievement of the priorities for women. These included those outlined in the Forward Plan: Leading with Victoria's Women 2004–2007 and in the Women's Safety strategy, in particular the priorities related to education, work and economic independence.

The Department's services for women aim to equip women with the education and training they need to have high-quality jobs, a full and creative life, opportunities to contribute to their communities and a working environment that is responsive to the needs of women.

The Department maintained a firm commitment to flexible work and leave arrangements to support employees' work-life and family balance. Women across the Department, including teachers, SSOs and public servants, accessed a wide range of flexible work and leave options, including part-time work and job share, working from home, flexible start and finish times, purchase leave and the utilisation of recreation leave on half pay.

Highlights

- The Eleanor Davis School Leadership program is a Women in Leadership initiative and, together with programs such as the Julia Flynn program, is a key component of the Department's Focus on Women strategy. Further information on these programs is contained on page 118.

Performance measures

Key features of the Department's progress in girls' education include the following:

- The Years 7–12 apparent retention rate for girls in Victoria was 87.2 per cent in August 2006 compared with 80.6 per cent for girls nationally. The Years 7–12 apparent retention rate refers to the number of full-time students in Year 12 expressed as a proportion of the number of full-time students in Year 7 five years earlier.
- The Years 10–12 apparent retention rate for girls in Victoria was 88 per cent in August 2006 compared with 81.4 per cent for girls nationally.

Youth

The Department provides education and training services through schools, which make a major contribution to the achievement of the priorities for young people:

- inclusion – improving outcomes for all young people while narrowing the gap between those who do well and those who do not
- diversity – recognising and responding to the full diversity of young people and making services more responsive to who young people are and what they want
- collaboration – involving a wide range of organisations from the public, voluntary, community and private sectors in order to increase choice and secure the best outcomes for and with young people.

Performance measures

The Department's key performance measures for youth are the Government's targets for education. Details of progress towards the targets are on page 15. Further information on achievements relating to youth is contained on pages 43–46.

Indigenous affairs

The Department recognises the importance of working with the Indigenous community to improve Indigenous students' participation and achievement levels in education.

Koorie education initiatives are designed to support improved educational outcomes for Koorie students and increase all students' knowledge and understanding of Indigenous cultures and issues.

Highlights

- To recognise the contributions of Indigenous Victorians to education, the Department celebrated Reconciliation Week and National Aboriginal and Torres Strait Islander Day of Celebration (NAIDOC) Week with celebrations across schools, and central and regional workplaces.

-
- As part of the Victorian Government's Wur-cum-burra strategy a place was made available for an Indigenous teacher to undertake a Master in School Leadership at the University of Melbourne.
 - As set out in the Ministerial Statement *Teacher Supply and Demand for Government Schools*, the Department implemented teacher supply initiatives to attract and retain teachers in hard to staff schools and subject areas. These initiatives include teaching scholarships, the Career Change program, the Rural Retraining program and the Rural Teacher Practicum Scheme. A major focus of these initiatives was rural and remote areas of Victoria, including those with high Indigenous student enrolments.

Performance measures

The Department collects data on the enrolments of Indigenous students in schools, by year level and school type, in August each year. In 2006, there were 7210.5 FTE Indigenous students enrolled in government schools in Victoria, representing 1.3 per cent of the student cohort.

Further information on Indigenous programs and achievements is contained in pages 32–33.

APPENDIX 7

Office-based environmental impacts

This appendix discloses the Department's office-based environmental impacts on energy use, waste production, paper use, water consumption, transportation and green purchasing for its central office as required by Financial Reporting Direction 24 – Reporting of Office-based Environmental Impacts by Government Departments. In 2006–07, the Department has continued to improve its data collection and reporting procedures.

Rates per employee are based on 830.1 FTE at end June 2007 in the central office, excluding the Office of Training and Tertiary Education and Adult Community and Further Education.

Rates per employee are based on 358.4 FTE at end June 2007 across the nine regional offices.

Central office

Aspect	Annual quantitative measures
Energy use	<p>3,898 gigajoules total energy usage^(a) 4,696 megajoules used per employee 237 megajoules used per square metre of office space 1,229 tonnes CO₂ equivalent (total greenhouse gas emissions) 14 per cent electricity was purchased as Green Power costing \$7,125</p>
Waste production	<p>123.78 kilograms waste produced per employee 94,457 kilograms of waste recycled</p>
Paper use	<p>24 reams of paper used per employee 19,669 reams of paper used</p>
Water consumption	<p>The Department's water consumption will be reported as part of the total water consumption for the Treasury Precinct by the Department of Treasury and Finance as owner of the buildings.</p> <p>Data management (Data sourced from Property Managers) 1 July 2006 – 10 November 2006: data was estimated by City West Water 10 November 2006 – 17 May 2007: accurate data readings were provided for the first time by City West Water 17 May 2007 – 30 June 2007: data was extrapolated from 14 February 2007 – 17 May 2007 figures as a reading was not finalised prior to reporting</p> <p>Actions undertaken Installation of: <ul style="list-style-type: none"> • water-flow restrictors • water-efficient showerheads and dishwashers • semi-waterless urinal pilot. </p> <p>Future targets Implement actions identified in whole-of-government water targets.</p>
Transportation	<p>The Department's transportation data will not be reported due to unreliable data. The data indicated inconsistent results. Improvement to data management is in progress.</p> <p>78 per cent of employees regularly use public transport, cycle, or walk to and from work.</p> <p>Contracting the supply of vehicle off-sets for the Department's vehicle fleet is the responsibility of the Department of Sustainability and Environment. Offsetting is calculated in arrears, based on actual fuel usage data.</p>
Purchasing	<p>The Department incorporated environmental performance requirements in its procurement arrangements in a variety of projects and initiatives.</p>

^(a) Total energy usage is electricity only. The Department of Treasury and Finance reports gas usage for the Department's Treasury Precinct buildings.

Outcomes for 2006–07

2006–07 data included regional office data for the first time. 2006–07 central office performance outcomes can be compared equitably to 2005–06 central office only. 2007–08 data will provide the first baseline year for combined central and regional data.

Energy use

The target for 2006–07 was a continuation of the whole-of-government 15 per cent energy reduction of 1999–2000 consumption. 2006–07 will become the new baseline data. The Green Power purchase target was 10 per cent of total electricity. The Department achieved 14 per cent.

Waste production

The target to reduce total waste generated per FTE was 10 per cent. The Department achieved 29 per cent. The target to divert waste from landfill was 60 per cent. The Department achieved 92 per cent.

Paper use

The target to reduce paper consumption per FTE was 5 per cent. The Department achieved 31 per cent. The target to encourage the consumption of environmentally preferred paper resulted in 23 per cent of white A4 office paper having a minimum recycled content of 50 per cent.

Water consumption

The Treasury Precinct water consumption data could not be accurately attributed to individual buildings or departments. Smart meters will be installed for all buildings and major end users on the Treasury Precinct to enable accurate annual reporting and on-going management of water consumption in the future.

Transportation

The target to reduce greenhouse gas emissions associated with the operation of the Government's passenger vehicle fleet by a minimum of 10 per cent of 1999–2000 consumption was not able to be defined due to unreliable data.

The Department purchased three environmentally friendly hybrid vehicles and provided video-conferencing facilities. The target for staff to regularly use public transport, cycle, or walk to and from work was 75 per cent. The Department achieved 78 per cent.

Purchasing

The Department met the target to incorporate environmental purchasing in procurement planning and tender procedures. For example, the Ultrahet project specified environmental requirements as part of tender procedures.

The Department met the target to consider environmental impacts in the selection of goods and services. For example, best practice star ratings were applied as part of office re-fits and water efficiency initiatives. In addition, the Department's RePC program (which provides surplus computers to schools) distributed over 700 computers to schools.

Regional offices

Aspect	Annual quantitative measures																		
Energy use	5,216 gigajoules total energy usage ^(a) 14,554 megajoules used per employee 352 megajoules used per square metres of office space 1,570 tonnes CO ₂ equivalent (total greenhouse gas emissions) 15 per cent electricity was purchased as green power costing \$28,156																		
Waste production	90.20 kilograms waste produced per employee 27,463 kilograms of waste recycled																		
Paper use	18 reams of paper used per employee 6,489 reams of paper used																		
Water consumption	<p>Potable water – Office</p> <table border="1"> <thead> <tr> <th>Scope</th> <th>Litres/FTE</th> <th>Litres/Year</th> <th>Locations^{(b)(c)} (% of sites)</th> <th>Staff (% of FTE)</th> <th>Data management</th> </tr> </thead> <tbody> <tr> <td>Government-owned buildings</td> <td>25,885</td> <td>4,730,507</td> <td>55</td> <td>51</td> <td>Results are inflated due to a 2,500,000 litres water leak at Loddon-Mallee regional office that has since been rectified.</td> </tr> <tr> <td>Leased buildings</td> <td>13,480</td> <td>2,367,800</td> <td>45</td> <td>49</td> <td>Estimates for some regional offices were calculated by using data from the previous year, or if this was not available, by using data from the previous quarter. No regional office has the complete 2006–07 data available, as some readings were not finalised prior to reporting.</td> </tr> </tbody> </table> <p>Actions undertaken Installation of:</p> <ul style="list-style-type: none"> • water-flow restrictors • water-efficient showerheads and dishwashers • rainwater tanks at two regional offices • grey water system at one regional office • native garden planted at one regional office • Green Star accreditation for two regional offices. <p>Future targets Implement actions identified in whole-of-government water targets.</p>	Scope	Litres/FTE	Litres/Year	Locations ^{(b)(c)} (% of sites)	Staff (% of FTE)	Data management	Government-owned buildings	25,885	4,730,507	55	51	Results are inflated due to a 2,500,000 litres water leak at Loddon-Mallee regional office that has since been rectified.	Leased buildings	13,480	2,367,800	45	49	Estimates for some regional offices were calculated by using data from the previous year, or if this was not available, by using data from the previous quarter. No regional office has the complete 2006–07 data available, as some readings were not finalised prior to reporting.
Scope	Litres/FTE	Litres/Year	Locations ^{(b)(c)} (% of sites)	Staff (% of FTE)	Data management														
Government-owned buildings	25,885	4,730,507	55	51	Results are inflated due to a 2,500,000 litres water leak at Loddon-Mallee regional office that has since been rectified.														
Leased buildings	13,480	2,367,800	45	49	Estimates for some regional offices were calculated by using data from the previous year, or if this was not available, by using data from the previous quarter. No regional office has the complete 2006–07 data available, as some readings were not finalised prior to reporting.														
Transportation	The Department's transportation data will not be reported due to unreliable data. The data indicated inconsistent results. Improvement to data management is in progress. 12 per cent of employees regularly use public transport, cycle or walk to and from work. Contracting the supply of vehicle offsets for the Department's vehicle fleet is the responsibility of the Department of Sustainability and Environment. Offsetting is calculated in arrears, based on actual fuel usage data.																		
Purchasing	The Department incorporated environmental performance requirements in its procurement arrangements in a variety of projects and initiatives.																		

^(a) Total energy usage – gas for three regional offices and electricity for nine regional offices.

^(b) There are nine regional offices. Data for 11 regional office sites was calculated due to two regional office relocations in October and April.

^(c) Six regional district offices have less than 10 FTE and are not included in data.

Outcomes for 2006–07

2006–07 data included regional office data for the first time. Comparison to central office baseline data is therefore not applicable. 2007–08 data will provide the first baseline year for combined central and regional data.

Energy use

The target to purchase Green Power was 10 per cent of total electricity. The Department achieved 15 per cent.

Waste production

The target to divert waste from landfill was 60 per cent. The Department achieved 85 per cent.

Paper use

The target to encourage the consumption of environmentally preferred paper resulted in 18.5 per cent of white A4 office paper having a minimum recycled content of 50 per cent.

Water consumption

The target to encourage the reduction of water consumption was achieved through water audits and water efficiency actions. These actions are detailed in the previous table.

Transportation

The Target to reduce greenhouse gas emissions associated with the operation of the Government's passenger vehicle fleet by a minimum of 10 per cent of 1999–2000 consumption was not able to be defined due to unreliable data.

The target for staff to regularly use public transport, cycle, or walk to and from work was 75 per cent. The Department provided video-conferencing facilities. The Department achieved 12 per cent in regional offices.

Purchasing

The Department met the target to incorporate environmental purchasing in procurement planning and tender procedures.

The Department met the target to consider the environmental impact in the selection of goods and services. For example, best practice star ratings were applied as part of office re-fits and water-efficiency initiatives. Regional office relocations also included re-used or recycled furniture and fittings.

APPENDIX 8

Freedom of Information

During 2006–07, 179 requests were received for documents under the *Freedom of Information Act 1982* (the Act). Full access was granted for 64 requests and partial access for a further 45. Access was denied for 15 requests and documents could not be located or did not exist for 25 requests. Six requests were withdrawn.

At the end of the reporting period, there were 16 requests for which no decision had been made.

Where access was not granted to a document, the major exemption categories in the Act used in decision making were:

- section 30 (opinions, advice and recommendations that are against the public interest to release)
- section 32 (legal professional privilege)
- section 33 (to protect the privacy of the personal affairs of others)
- section 34 (documents relating to business or trade secrets)
- section 35 (communications in confidence).

Six applicants sought an internal review. The original decisions of four were fully upheld while two original decisions were varied. There were three appeals to the Victorian Civil and Administrative Tribunal for review of decisions made under the Act. One was withdrawn before a hearing was scheduled. The Tribunal upheld the original decision in the second. The third matter is yet to be determined by the Tribunal as at 30 June 2007.

Publication requirements

The information required to be published pursuant to section 7 of the Act is either contained below or is found in other parts of this report. This information relates to the following agencies:

- Department of Education
- Merit Protection Boards
- Registered Schools Board.

Queries about the availability of and charges for other material prepared under Part II of the Act should be directed to the relevant authorised officer (see table on page 144).

Categories of documents

The Department and its agencies produce a large number of documents in a decentralised record-keeping environment. Accordingly, the Department does not maintain a single, consolidated list of detailed categories of documents. All agencies maintain collections of policy files, transaction files and records and, where necessary, personnel records. A variety of indexes and other search aids are used by agencies. In general, files and records are retrieved through subject descriptors or personal name. Following are the general categories of documents maintained by agencies.

Correspondence, administrative and policy documents

Each agency responsible for its own records. Regional offices and schools maintain their own record-keeping systems. These are largely independent of the systems used by the central administration.

Personnel documents

Agencies maintain record-keeping systems for their employees including, where appropriate, records for members of the teaching service and the VPS.

Accounting records

Accounting records are maintained on a computerised accounting system. The records deal with general ledger entries, accounts payable, payroll and other accounting functions. Some paper records are also kept.

Freedom of Information arrangements

Access to records

All requests for access to records held by agencies are dealt with by the authorised officer of the appropriate agency (see table below). Applicants seeking access to documents held by agencies should attempt to specify the topic of interest rather than the file series in which the applicant considers the document might exist. Assistance in specifying the topic is available from the authorised officer.

Forms of request for access

Applicants are required by the Act to submit applications requesting access to documents in writing. No form of application is specified. A letter clearly describing the document(s) sought is sufficient. The letter should specify that the application is a request made under the *Freedom of Information Act 1982* and should not form part of a letter on another subject. The applicant should provide the following information:

- name
- address
- telephone number (business hours)
- details of document(s) requested
- form of access required – copies of documents, inspection of file or other (specify).

Further information about Freedom of Information can be found on the Department's website <www.education.vic.gov.au>.

Freedom of Information: authorised officers

Agency	Authorised officer	Postal address	Telephone
Department of Education	Neil Morrow	GPO Box 4367, Melbourne 3001	(03) 9637 2670
Merit Protection Boards	Beverly Trease	Level 9, 35 Spring Street, Melbourne 3000	(03) 9651 0290
Registered Schools Board	Neil Morrow	GPO Box 4367, Melbourne 3001	(03) 9637 2670

Further information about Freedom of Information can be found on the Department's website <www.education.vic.gov.au>.

Correction of personal information

A request for correction or amendment of personal information contained in a document held by the agency must be made in writing. It should specify particulars of how and why the person making the request believes the information to be incorrect, incomplete, misleading or out of date, and specify the amendments they wish to make.

Charges

An application fee is required unless evidence of hardship is provided. Applicants are advised that other charges may be made in accordance with the Freedom of Information (Access Charges) Regulations 2004. Details of the fee and access charges can be found at <www.foi.vic.gov.au>.

Appeals

Applicants may appeal against a decision made in response to requests for access to documents and amendment of records, or against the cost levied for allowing access to documents. Information about the appropriate avenue of appeal will be conveyed to the applicant in the letter advising of the initial decision. Applicants are advised to consult Part VI of the Act for further information about appeal rights.

APPENDIX 9

Whistleblowers Protection Act 2001

Disclosure

The Department managed one matter lodged under Whistleblowers' legislation. This was referred to the Ombudsman's Office for determination regarding whether it should be accepted as a protected disclosure. This matter was accepted as a protected disclosure and managed under Whistleblowers' legislation.

Department of Education Guidelines

1 *Statement of support to whistleblowers*

The *Whistleblowers Protection Act 2001* (the Act) commenced operation on 1 January 2002. The Department is committed to the aims and objectives of the Act. It does not tolerate improper conduct by its employees nor the taking of reprisals against those who come forward to disclose such conduct.

The Department recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or to the environment.

The Department will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also ensure natural justice to the person who is the subject of the disclosure.

2 *Purpose of the procedures*

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by Departmental employees. The system enables such

disclosures to be made to one of the protected disclosure officers or the protected disclosure coordinator. Disclosures may be made by employees or by members of the public.

These procedures complement the Department's established procedures for addressing complaints and are for use only where appropriate. Employees and members of the general public should continue to raise issues in accordance with the consultative and complaint resolution procedures already in place unless the complaint meets the criteria specified in the Act to be considered a protected disclosure.

3 *Objects of the Act*

The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies and establish a system for matters to be investigated. The Act provides protection to whistleblowers who make disclosures in accordance with the Act and remedies for the person where detrimental action has been taken against them.

4 *Definitions of key terms*

4.1 *A protected disclosure*

For the purpose of the Act, a protected disclosure is a complaint, report or allegation of improper conduct or detrimental action, concerning matters which come under the Act.

A protected disclosure may also be referred to as a public interest disclosure where the disclosure shows or tends to show that the public officer to whom the disclosure relates:

- has engaged, is engaging or intends to engage in improper conduct in his or her capacity as a public officer
- has taken, is taking or proposes to take, detrimental action as a public officer or a public body.

4.2 Improper conduct

A disclosure may be made about improper conduct by a public body or public official. Improper conduct means conduct that is corrupt, a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment. The conduct must be serious enough to constitute, if proven, a criminal offence or reasonable grounds for dismissal.

Examples

- To avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste.
- An agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock.
- A building inspector tolerates poor practices and structural defects in the work of a leading local builder.

4.3 Corrupt conduct

Corrupt conduct means:

- conduct of any person (whether or not a public official) that adversely affects the honest performance of a public officer's or public body's functions
- a public officer performing his or her functions dishonestly or with inappropriate partiality
- conduct of a public officer, former public officer or a public body that amounts to a breach of public trust
- conduct by a public officer, former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their official functions
- a conspiracy or attempt to engage in the above conduct.

Examples

- A public officer takes a bribe or receives a payment other than his or her wages or salary in exchange for the discharge of a public duty.

- A public officer favours unmeritorious applications for jobs or permits by friends and relatives.
- A public officer sells confidential information.

4.4 Detrimental action

The Act makes it an offence for a person to take detrimental action against a person in reprisal for the making of a protected disclosure. Detrimental action includes:

- action causing injury, loss or damage
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

Examples

- A public body refuses a deserved promotion of a person who makes a disclosure.
- A public body demotes, transfers, isolates in the workplace or changes the duties of a whistleblower due to the making of a disclosure.
- A person threatens, abuses or carries out other forms of harassment directly or indirectly against the whistleblower, his or her family or friends.
- A public body discriminates against the whistleblower or his or her family and associates in subsequent applications for jobs, permits or tenders.

5 The reporting system

5.1 Contact persons within the Department of Education

Disclosures of improper conduct or detrimental action by Departmental employees may be made in the first instance to a protected disclosure officer. All correspondence, telephone calls and emails from internal or external whistleblowers will be referred to the protected disclosure coordinator.

5.2 Alternative contact persons

Disclosures about improper conduct or detrimental action by Departmental employees may also be made directly to the Ombudsman.

Disclosures about improper conduct or detrimental action by persons who are not Departmental employees should be made as follows:

Person who is the subject of the disclosure	Person/body to whom the disclosure must be made
Employee of a public body other than the Department of Education	That public body or the Ombudsman
Member of Parliament (Legislative Assembly)	Speaker of the Legislative Assembly
Member of Parliament (Legislative Council)	President of the Legislative Council
Local Government Councillor	The Ombudsman
Chief Commissioner of Police	The Ombudsman or the Director, Police Integrity
Member of the police force	The Ombudsman, the Director, Police Integrity or Chief Commissioner of Police

6 Roles and responsibilities

6.1 Employees

Employees are encouraged to report known or suspected incidences of improper conduct, or detrimental action in accordance with these procedures.

All employees of the Department have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

6.2 Protected disclosure officers

Protected disclosure officers will:

- be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action
- make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace
- receive any disclosure made orally or in writing (from internal and external whistleblowers)
- commit to writing any disclosure made orally

- impartially assess the allegation and determine whether it is a disclosure made in accordance with Part 2 of the Act (that is, a protected disclosure)
- take all necessary steps to ensure that the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential
- forward all disclosures and supporting evidence to the protected disclosure coordinator.

6.3 Protected disclosure coordinator

The protected disclosure coordinator has a central role in the internal reporting system. He or she will:

- receive all protected disclosures forwarded from the protected disclosure officers
- impartially assess each disclosure to determine whether it is a protected disclosure made in the public interest
- coordinate the reporting system used by the Department
- be a contact point for general advice about the operation of the Act
- be responsible for ensuring that the Department carries out its responsibilities under the Act and the Ombudsman's guidelines
- liaise with the Ombudsman in regard to the Act
- refer all public interest disclosures to the Ombudsman
- be responsible for carrying out, or appointing an investigator to carry out, an investigation referred to the Department by the Ombudsman
- be responsible for overseeing and coordinating an investigation where an investigator has been appointed
- where necessary, appoint a welfare manager to support the whistleblower and to protect him or her from any reprisals
- advise the whistleblower of the progress of an investigation into the disclosed matter
- establish and manage a confidential filing system

- collate and publish statistics on disclosures made
- take all necessary steps to ensure that the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential
- liaise with the Secretary of the Department.

6.4 Investigator

The investigator will be responsible for carrying out an internal investigation into a disclosure where the Ombudsman has referred a matter to the Department. An investigator may be a person from within the Department or a consultant engaged for that purpose.

6.5 Welfare manager

The welfare manager is responsible for looking after the general welfare of the whistleblower. A welfare manager may be a person from within the Department or a consultant engaged for that purpose. The welfare manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and seek to foster a supportive work environment
- advise the whistleblower of the legislative and administrative protections available to him or her
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure
- ensure that the expectations of the whistleblower are realistic.

7 Confidentiality

Section 22 of the Act requires any person who receives information due to the handling or investigation of a protected disclosure, not to disclose that information except in certain limited circumstances. A breach of section 22 constitutes a criminal offence.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising the functions of the Department under the Act

- when making a report or recommendation under the Act
- when publishing statistics in the Department's annual report
- in criminal proceedings for certain offences in the Act.

However, the Act prohibits:

- the inclusion of particulars in any report or recommendation that are likely to lead to the identification of the whistleblower
- the disclosure of particulars in the annual report that might lead to the identification of a person against whom a protected disclosure is made.

7.1 Establishing a confidential electronic and paper filing system

The Department will take all reasonable steps to prevent breaches of confidentiality and to minimise the possibility of detrimental action being taken against a whistleblower by ensuring a secure electronic and paper filing system is in place.

The Department will ensure that:

- all paper and electronic files are secure and can only be accessed by authorised officers
- all printed material is kept in files that are clearly marked as a Whistleblower Protection Act matter and include a prominent warning on the front of the file that criminal penalties apply to any unauthorised divulging of information concerning a protected disclosure
- any files saved onto floppy disk, CD-ROM or other disc are password protected
- any other material such as tapes from interviews are stored securely with access only to authorised officers
- the security of communications between nominated officers and/or contracted officers that is sensitive information or documents are not emailed or faxed to a machine to which staff have general access (personal delivery is the best way to ensure confidentiality).

8 *Collating and publishing statistics*

The protected disclosure coordinator will establish a secure register to record the information required to be published in the Department's annual report, and to generally keep account of the status of whistleblower disclosures. The register will be confidential and will not record any information that may identify the whistleblower.

9 *Receiving and assessing disclosures*

The Department may receive a range of complaints and grievances from staff and members of the public. Only some of these matters will be considered to be protected disclosures and therefore qualify for protection and investigation under the Act.

The Department will ensure that staff who deal with the receipt of complaints are aware of the Act and what matters may fall under the Act. Similarly staff in areas where complaints are likely to be identified, such as mail and call centres, will be aware of the general nature of protected disclosures and the procedures for dealing with such disclosures appropriately.

Where a staff member receives a complaint, report or allegation of improper conduct or detrimental action, he or she will refer the matter to one of the Department's protected disclosure officers for advice.

In some circumstances the person may not refer to the Act when making the allegation of improper conduct or detrimental action. If an allegation raises issues that may fall within the provisions of the Act, the Department will assess the allegations in terms of the Act.

The protections of the Act may apply to a disclosure regardless of whether or not the individual making the disclosure specifically requests the protections. The assessment will be made on the nature of the disclosure and not the intention of the individual making it.

9.1 **Has the disclosure been made in accordance with Part 2 of the Act?**

Where a disclosure has been received by the protected disclosure officer he or she will assess whether the disclosure has been made in accordance with Part 2 of the Act and is, therefore, a protected disclosure.

9.1.1 *How can a protected disclosure be made?*

Part 2 of the Act provides that a person may make a disclosure anonymously or not:

- orally
- in writing
- electronically.

9.1.2 *Has the disclosure been made to the appropriate person?*

For the disclosure to be responded to by the Department it must concern an employee of the Department. If the disclosure concerns an employee, officer or member of another public body, the person who has made the disclosure must be advised of the correct person or body to whom the disclosure should be directed. (See the table on page 146.) If the disclosure has been made anonymously, it should be referred to the Ombudsman.

9.1.3 *Does the disclosure contain the essential elements of a protected disclosure?*

To be a protected disclosure, a disclosure must satisfy the following criteria:

- the disclosure was made by a natural person (that is, an individual person rather than a corporation)
- the disclosure relates to conduct of a public body or public officer acting in his or her official capacity
- the alleged conduct is improper conduct or detrimental action taken against a person in reprisal for making a protected disclosure
- the person making a disclosure has reasonable grounds for believing the alleged conduct has occurred.

Problem	Initial contact	Other options	Workplace policy
Parent's concern or complaint of a general nature (may concern students, teachers, educational matters or an action taken by the school or school council)	Principal	Regional Director	Guidelines for Managing Complaints Unsatisfactory Performance and Serious Misconduct in relation to Principals, SSOs and Teachers Refer to Guidelines in the A – Z index of the Department's Human Resources website
Workplace conflict or grievance	Principal or Manager	The Department's Conduct and Ethics Branch Merit Protection Boards	Guidelines for Managing Complaints Unsatisfactory Performance and Serious Misconduct in relation to Principals, SSOs, Teachers and in the VPS Refer to Guidelines in the A – Z index of the Department's Human Resources website
Equal opportunity concern	Principal or Manager	The Department's Conduct and Ethics Branch and Diversity and Equity Unit Merit Protection Boards Equal Opportunity Commission	Merit and Equity policy
OHS issue	Principal or Manager	Workplace OHS representative	OHS Guidelines
Ethical or other misconduct concern	Principal or Manager	The Department's Conduct and Ethics Branch State Services Authority	VPS Code of Conduct
Complaints regarding administrative action by government bodies	The public body concerned	The Ombudsman	<i>Ombudsman Act 1973</i>
Improper conduct or detrimental conduct	The Department's protected disclosure officer	The Department's protected disclosure coordinator The Ombudsman	Whistleblowers Protection Act Guidelines

Where a disclosure is assessed to be a protected disclosure, it is referred to the protected disclosure coordinator.

Where a disclosure is assessed not to be a protected disclosure, the matter does not need to be dealt with under the Act. The protected disclosure officer will decide how the matter should be resolved, in consultation with the protected disclosure coordinator. The following table indicates the alternative processes available within the Department for dealing with complaints.

9.2 Is the protected disclosure a public interest disclosure?

Where a disclosure has been assessed as a protected disclosure by the protected disclosure officer and consequently referred to the protected disclosure coordinator, the coordinator will determine whether the disclosure amounts to a public interest disclosure. This assessment will be made within 45 days of the initial receipt of the disclosure by the protected disclosure officer.

In determining whether the protected disclosure is a public interest disclosure, the Department must consider whether the disclosure shows or tends to show that a public officer to whom the disclosure relates:

- has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a public officer, or
- has taken, is taking or proposes to take detrimental action as a public officer or a public body.

Where the protected disclosure coordinator concludes that the disclosure amounts to a public interest disclosure, he or she will:

- notify the person who made the disclosure of that conclusion
- refer the disclosure to the Ombudsman for formal determination as to whether it is indeed a public interest disclosure.

Where the protected disclosure coordinator concludes that the disclosure is not a public interest disclosure, he or she will:

- notify the person who made the disclosure of that conclusion
- advise that person that he or she may request the Department to refer the disclosure to the Ombudsman for a formal determination as to whether the disclosure is a public interest disclosure, and that this request must be made within 28 days of the notification.

In either case, the protected disclosure coordinator will ensure that the notification and the referral are made within 14 days of the conclusion being reached.

10 Investigations

10.1 Introduction

Where the Ombudsman refers a protected disclosure to the Department for investigation, the protected disclosure coordinator will appoint an investigator to carry out the investigation.

The objectives of an investigation will be:

- to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment
- to consider the information collected and to draw conclusions objectively and impartially
- to maintain procedural fairness in the treatment of witnesses and the person who is the subject of the disclosure
- to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

10.2 Terms of reference

Before commencing an investigation, the protected disclosure coordinator will draw up terms of reference and obtain authorisation for those terms from the Secretary of the Department. The terms of reference will set a date by which the investigation report is to be concluded, and will describe the resources available to the investigator to complete the investigation within the time set. The protected disclosure coordinator may approve, if reasonable, an extension of time requested by the investigator. The terms of reference will

require the investigator to make regular reports to the protected disclosure coordinator who, in turn, is to keep the Ombudsman informed of general progress.

10.3 Investigation plan

The investigator will prepare an investigation plan for approval by the protected disclosure coordinator. The plan will list the issues to be substantiated and describe the avenue of inquiry. It will address the following issues:

- What is being alleged?
- What are the possible findings or offences?
- What are the facts in issue?
- How is the inquiry to be conducted?
- What resources are required?

At the commencement of the investigation, the whistleblower should be:

- notified by the investigator that he or she has been appointed to conduct the investigation
- asked to clarify any matters and provide any additional material he or she might have.

The investigator will be sensitive to the whistleblower's possible fear of reprisals and will be aware of the statutory protections provided to the whistleblower.

10.4 Natural justice

The principles of natural justice will be followed in any investigation of a protected disclosure. The principles of natural justice concern procedural fairness and ensure that a fair decision is reached by an objective decision maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

The Department will have regard to the following issues in ensuring procedural fairness:

- the person who is the subject of the disclosure is entitled to know the allegations made against him or her and must be given the right to respond (this does not mean the person must be advised of the allegation as soon as the disclosure is received or the investigation has commenced)

- if the investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's defence should be fairly set out in the report
- all relevant parties to a matter should be heard and all submissions should be considered
- a decision should not be made until all reasonable inquiries have been made
- the investigator or any decision maker should not have a personal or direct interest in the matter being investigated
- all proceedings must be carried out fairly and without bias and care should be taken to exclude perceived bias from the process
- the investigator must be impartial in assessing the credibility of the whistleblower and any witnesses. Where appropriate, conclusions as to credibility should be included in the investigation report.

10.5 Conduct of the investigation

The investigator will make contemporaneous notes of all discussions and telephone calls, and all interviews with witnesses will be taped. All information gathered in an investigation will be stored securely. Interviews will be conducted in private and the investigator will take all reasonable steps to protect the identity of the whistleblower.

Where disclosure of the identity of the whistleblower cannot be avoided, due to the nature of the allegations, the investigator will warn the whistleblower and his or her welfare manager of this probability.

It is in the discretion of the investigator to allow any witness to have legal or other representation or support during an interview. If a witness has a special need for legal representation or support, permission should be granted.

10.6 Referral of an investigation to the Ombudsman

The protected disclosure coordinator will make a decision regarding the referral of an investigation to the Ombudsman where, on the advice of the investigator:

- the investigation is being obstructed by, for example, the non-cooperation of key witnesses
- the investigation has revealed conduct that may constitute a criminal offence.

10.7 Reporting requirements

The protected disclosure coordinator will ensure that the whistleblower is kept regularly informed concerning the handling of a protected disclosure and an investigation.

The protected disclosure coordinator will report to the Ombudsman about the progress of an investigation.

Where the Ombudsman or the whistleblower requests information about the progress of an investigation, that information will be provided within 28 days of the date of the request.

11 Action taken after an investigation

11.1 Investigator's final report

At the conclusion of the investigation, the investigator will submit a written report of his or her findings to the protected disclosure coordinator. The report will contain:

- the allegation/s
- an account of all relevant information received and, if the investigator has rejected evidence as being unreliable, the reasons for this opinion being formed
- the conclusions reached and the basis for them
- any recommendations arising from the conclusions.

Where the investigator has found that the conduct disclosed by the whistleblower has occurred, recommendations made by the investigator will include:

- the steps that need to be taken by the Department to prevent the conduct from continuing or occurring in the future
- any action that should be taken by the Department to remedy any harm or loss arising from the conduct. This action may include bringing disciplinary proceedings against the person responsible for the conduct, and referring the matter to an appropriate authority for further consideration.

The report will be accompanied by:

- the transcript or other record of any oral evidence taken, including tape recordings
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

11.2 Action to be taken

If the protected disclosure coordinator is satisfied that the investigation has found that the disclosed conduct has occurred, he or she will recommend to the Secretary the action that must be taken to prevent the conduct from continuing or occurring in the future. The protected disclosure coordinator may also recommend that action be taken to remedy any harm or loss arising from the conduct.

The protected disclosure coordinator will provide a written report to the relevant Minister, the Ombudsman and the whistleblower setting out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the protected disclosure coordinator will report these findings to the Ombudsman and to the whistleblower.

12. *Managing the welfare of the whistleblower*

12.1 Commitment to protecting whistleblowers

The Department is committed to the protection of genuine whistleblowers against detrimental action taken in reprisal for the making of protected disclosures.

The protected disclosure coordinator is responsible for ensuring whistleblowers are protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

A person making a disclosure may be employed by the Department or may be a member of the public. The Department is obliged to protect both internal and external whistleblowers from detrimental action taken in reprisal for the making of the disclosure.

The protected disclosure coordinator will appoint a welfare manager to all whistleblowers who have made a protected disclosure. The welfare manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and, where the whistleblower is an employee, seek to foster a supportive work environment
- advise the whistleblower of the legislative and administrative protections available to him or her
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure
- keep a contemporaneous record of all aspects of the case management of the whistleblower including all contact and follow-up action
- endeavour to ensure that the expectations of the whistleblower are realistic.

All employees are advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure. The maximum penalty is a fine of 240 penalty units (\$25,155) or two years imprisonment or both. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

12.2 Keeping the whistleblower informed

The protected disclosure coordinator will ensure that the whistleblower is kept informed of action taken in relation to his or her disclosure and the timeframes that apply.

The whistleblower will be advised that it is in his or her own interests to keep disclosures confidential by only discussing related matters with authorised persons within the Department or officers of the Ombudsman's office or other persons as authorised by law.

The whistleblower will be informed of the objectives of an investigation, the findings of an investigation and the steps taken by the Department to address any improper conduct that has been found to have occurred. The whistleblower will be given reasons for decisions made by the Department in relation to a protected disclosure.

12.3 Occurrence of detrimental action

If a whistleblower reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of the disclosure, the welfare manager will:

- record details of the incident
- advise the whistleblower of his or her rights under the Act
- advise the protected disclosure coordinator or Secretary of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the protected disclosure coordinator will assess the report as a new disclosure under the Act. Where the protected disclosure coordinator is satisfied that the disclosure is a public interest disclosure, he or she will refer it to the Ombudsman. If the Ombudsman subsequently determines the matter to be a public interest disclosure, the Ombudsman may investigate the matter or refer it to another body for investigation as outlined in the Act.

12.4 Whistleblowers implicated in improper conduct

Where a person who makes a disclosure is implicated in misconduct, the Department will handle the disclosure and protect the whistleblower from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures.

The Department acknowledges that the act of whistleblowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. Section 17 of the Act specifically provides that a person's liability for his or her own conduct is not affected by the person's disclosure of that conduct under the Act. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

The Secretary will make the final decision on the advice of the protected disclosure coordinator as to whether disciplinary or other action will be taken against a whistleblower. Where disciplinary or other action relates to conduct that is the subject of the whistleblower's disclosure, the action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Secretary must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information)
- there are good and sufficient grounds that would fully justify action against any non-whistleblower in the same circumstances
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The protected disclosure coordinator will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken and the reasons why the action is not in retribution for the making of the disclosure. The protected disclosure coordinator will clearly advise the whistleblower of the proposed action to be taken and of any mitigating factors that have been taken into account.

13 Management of the person against whom a disclosure has been made

The Department recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures.

The Department will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the disclosure will remain confidential.

The protected disclosure coordinator will ensure that the person who is the subject of any disclosure investigated by or on behalf of the Department is:

- informed as to the substance of the allegations
- given the opportunity to answer the allegations before a final decision is made
- informed as to the substance of any adverse comment that may be included in any report arising from the investigation
- has his or her defence set out fairly in any report.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or the fact of the investigation, the protected disclosure coordinator will formally

advise the person who is the subject of the disclosure of the outcome of the investigation.

The Department will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Secretary of the Department will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

14 Criminal offences

The Department will ensure that officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- 1 It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made or when a person believes a protected disclosure has been made or when that other person intends to make a protected disclosure. The Act provides a maximum penalty of a fine of 240 penalty units (\$25,155) or two years imprisonment or both.
- 2 It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units (\$6,289) or six months imprisonment or both.
- 3 It is an offence for a person to obstruct the Ombudsman in performing his responsibilities under the Act. The Act provides a maximum penalty of 240 penalty units (\$25,155) or two years imprisonment or both.
- 4 It is an offence for a person to knowingly provide false information under the Act with the intention that it be acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units (\$25,155) or two years imprisonment or both.

15 Review

These procedures will be reviewed annually to ensure that they meet the objectives of the Act and accord with the Ombudsman's guidelines.

Contact details

Written disclosures should be marked confidential and addressed to the protected disclosure coordinator at the appropriate central or regional Department office.

If making disclosures personally or by telephone individuals need to contact the appropriate central or regional Department office and request to speak to the protected disclosure coordinator.

Protected Disclosure Coordinator
Assistant General Manager, Policy and
Employee Relations
Human Resources Division
Ground floor, 2 Treasury Place
East Melbourne Victoria 3002
Telephone (03) 9637 2456
Facsimile (03) 9637 2340

The Ombudsman Victoria
Level 22, 459 Collins Street
Melbourne Victoria 3000
Website www.ombudsman.vic.gov.au
Email ombudvic@ombudsman.vic.gov.au
Telephone (03) 9613 6222
Freecall 1800 806 314

APPENDIX 10

Portfolio responsibilities

During 2006–07, the Minister for Education, John Lenders MP, had responsibility for:

- school policy and funding
- student learning and curriculum
- teaching
- school discipline policies
- school performance and quality assurance
- school sponsorship and promotional events
- school planning and capital works
- school cleaning and maintenance
- student transport
- relocatable classrooms
- out-of-hours school care
- environment sustainability
- workforce supply and demand
- school staff grievances
- Occupational Health and Safety
- school administrative systems
- school governance
- statutory and other bodies.

During 2006–07, within her Education Services portfolio, the Minister for Skills, Education Services and Employment, Jacinta Allan MP, had responsibility for:

- international education
- student wellbeing and safety (including truancy and absenteeism; welfare officers and school nurses; immunisation; student critical incidents; school bullying; and other duty-of-care issues)
- Program for Students with Disabilities
- Education Maintenance Allowance
- School Start Bonus
- information technology infrastructure (delegated from the Minister for Education)
- youth transition (including Local Learning and Employment Networks)
- delivery of senior secondary certificates outside of school
- Victorian Qualifications Authority (except in relation to courses delivered in schools or qualifications issued to students in schools).

The Acts administered by each Minister are as follows.

Minister for Education

Education (Special Developmental Schools) Act 1976

Education Act 1958:

- except section 25A; Part V; section 82 (i) and (ia); sections 82 (p), (q) and (r) and 83 (insofar as they relate to the making of regulations relating to Part V or the matters referred to in section 82 (i) and (ia)); and section 84 insofar as it relates to section 25A (these provisions are administered by the Minister for Skills, Education Services and Employment)
- section 8(1) is jointly and severally administered with the Minister for Skills, Education Services and Employment.

Education Grants Act 1973

Mildura College Lands Act 1916

Royal Melbourne Hospital (Redevelopment) Act 1992:

- section 7 (the Act is otherwise administered by the Minister for Health).

Serpell Joint Schools Act 1981

Teaching Service Act 1981

Victorian Curriculum and Assessment Authority Act 2000

Victorian Institute of Teaching Act 2001

Victorian Qualifications Authority Act 2000:

- sections 8, 14, 19, 21, 24, 24A and 34 insofar as they relate to courses delivered in schools or qualifications issued to students in schools (the Act is otherwise administered by the Minister for Skills, Education Services and Employment).

Minister for Skills, Education Services and Employment

Community Services Act 1970:

- division 8A of Part III and section 203 where it relates to the administration of these provisions (the Act is otherwise administered by the Minister for Community Services and the Minister for Industrial Relations).

Education Act 1958:

- section 8(1) (which is jointly and severally administered with the Minister for Education)
- section 25A
- Part V
- section 82 (i) and (ia)
- sections 82 (p), (q) and (r) and 83 (insofar as they relate to the making of regulations relating to Part V or the matters referred to in section 82 (i) and (ia))
- section 84 (insofar as it relates to section 25A).

The Act is otherwise administered by the Minister for Education.

Victorian Qualifications Authority Act 2000:

- except sections 8, 14, 19, 21, 24, 24A and 34 insofar as they relate to courses delivered in schools or qualifications issued to students in schools (these provisions are administered by the Minister for Education).

APPENDIX 11

Contracts and consultancies

Under the *Financial Management Act 1994* the following distinction is made between contractors and consultants.

Contractors:

- provide goods, works or services that implement a decision
- perform all or part of a new or existing ongoing function to assist an agency carry out its defined activities and operational functions
- perform a function involving skills or perspectives that would normally be expected to reside within the agency but at the time are unavailable.

Consultants:

- provide expert analysis and advice that facilitates decision making
- perform a specific, one-off task or set of tasks
- perform a task involving skills or perspectives that would not normally be expected to reside within the agency.

Disclosure of major contracts

The Department has disclosed all contracts greater than \$10 million in value that it entered into in 2006–07. The disclosed contracts can be viewed on <www.tenders.vic.gov.au>.

Compliance with the Victorian Industry Participation policy

During 2006–07, the Department commenced 30 contracts to which the Victorian Industry Participation policy applied, totalling \$133,264,537 in value. The contracts included 12 metropolitan contracts totalling \$79,160,228, and 18 regional contracts totalling \$54,104,269.

The commitments under the policy included:

- an average level of local content of 98 per cent of the total value of the contracts
- 665 FTE jobs
- benefits to the Victorian economy through development and implementation of technology in schools, professional development for staff, and skills development through work on infrastructure projects and participation in related training in various trade areas and OHS.

The Department completed 15 contracts to which the Victorian Industry Participation policy applied, totalling \$50,726,969 in value. The contracts included six metropolitan contracts totalling \$22,043,266 and nine regional contracts totalling \$28,683,703.

Consultancies in excess of \$100,000

Consultant	Particulars	Amount paid in 2006–07	Future commitments as at 30 June 2007
Boston Consulting Group	To provide advice on organisational capacity to deliver on the Government's education agenda.	\$338,000	\$0
Total		\$338,000	\$0

Consultancies less than \$100,000

Number engaged	6
Total cost	\$345,673

APPENDIX 12

Other statutory requirements and Department policies

Building Act 1993

The Department conforms with the requirements of the *Building Act 1993* (the Act) and other statutory obligations with respect to the construction of new educational facilities and modernisation. The school modernisation program and building compliance program progressively ensure that existing buildings comply with relevant legislative requirements.

Purchasing and contracting

The Department promotes consistent rules on probity and ethics in all of its purchasing and contracting arrangements, in line with the Victorian Government Purchasing Board's policy on probity. These rules ensure an equitable and sound purchasing process and the provision of equal opportunity for all parties. Compliance with these rules is guaranteed through routine internal audits and an accredited purchasing process.

The Department promotes attendance at training courses in purchasing, tendering and contracting and ensures that probity and ethics are discussed at each session.

National Competition policy

In 1995, the Commonwealth, State and Territory governments agreed to implement the National Competition policy to promote greater competition and encourage economic growth. Three requirements of the policy are:

- legislative reviews to eliminate restrictions on competition
- assessment of new legislation and regulation to ensure continued compliance with the policy
- competitive neutrality to ensure consistency in pricing of services and/or facilities.

The Department has complied with the requirements of the National Competition policy and is continuing to report to the Department of Treasury and Finance as required regarding implementation.

Legislative reviews

The Department did not undertake any reviews of legislation under the National Competition policy in 2006–07.

Assessment of new legislation and regulations

All new legislation and regulations enacted within the portfolio during 2006–07 were subject to assessment against National Competition policy requirements to ensure continued compliance with the policy.

Competitive neutrality

The Department was not involved in any complaints for the year 2006–07.

Acceptable use of the Internet

The Department promotes responsible use of email, the Internet and other electronic communications. Its acceptable-use policy was rewritten and disseminated in July 2006.

Information privacy

The Department is committed to protecting the privacy of personal and health information. Personal and health information is collected and used by the Department to provide services or carry out statutory functions. All of the Department's central and regional offices, schools and funded services have been briefed on privacy laws, provided with tools to assist with compliance and assisted with tailored privacy advice as required.

All of the Department's funded service providers are obliged contractually and by Victoria's privacy laws to ensure that they comply with the requirements of the legislation.

The Department's Information Privacy policy is reviewed periodically, and is made widely available. The Department works closely with the Office of the Victorian Privacy Commissioner and the Health Services Commissioner in providing privacy advice and assistance, resources and reference materials to ensure ongoing compliance across the Department.

The Freedom of Information and Privacy Unit investigates and responds to privacy complaints on a regular basis. Complaints are generally resolved at a local level; however, privacy complaints have been conciliated at the Office of the Victorian Privacy Commissioner and the Victorian Civil and Administrative Tribunal.

APPENDIX 13

Disclosure index and additional information

The Annual Report of the Department of Education is prepared in accordance with all relevant Victorian legislations. This index was

prepared to facilitate identification of the Department's compliance with statutory disclosure requirements.

<i>Legislation requirement</i>		<i>Page</i>
Report of operations		
Charter and purpose		
FRD 22B	Manner of establishment and the relevant Ministers	8
FRD 22B	Objectives, functions, powers and duties	8
FRD 22B	Nature and range of services provided	8
Management and structure		
FRD 22 B	Organisational structure	12
Financial and other information		
FRD 22B	Operational and budgetary objectives and performance against objectives	16–55
FRD 22B	Employment and conduct principles	117–119, 130–135
FRD 22B	Occupational health and safety	120–122
FRD 29	Workforce data disclosures	123–125
FRD 15B	Executive officer disclosures	126
FRD 22B	Summary of the financial results for the year	13–14
FRD 22B	Significant changes in financial position during the year	13–14
FRD 22B	Major changes or factors affecting performance	16–55
FRD 22B	Subsequent events	102
FRD 22B	Application and operation of the <i>Freedom of Information Act 1982</i>	143–144
FRD 22B	Compliance with building and maintenance provisions of the <i>Building Act 1993</i>	160
FRD 22B	Statement on National Competition policy	160
FRD 22B	Application and operation of the <i>Whistleblowers Protection Act 2001</i>	145–156
FRD 25	Victorian Industry Participation policy disclosures	159
FRD 22B	Details of consultancies over \$100,000	159
FRD 22B	Details of consultancies under \$100,000	159
FRD 12A	Disclosure of major contracts	159
FRD 24B	Reporting of office-based environmental impacts	139–142
FRD 22A	Statement of availability of other information	164
FRD 10	Disclosure index	162–163
FRD 8A	Budget portfolio outcomes	108–114

<i>Legislation requirement</i>	<i>Page</i>
Financial statements	
Financial statements required under Part 7 of the <i>Financial Management Act 1994</i>	
SD 4.2(f) Model Financial Report	56–107
SD 4.2(b) Operational statement	57
SD 4.2(b) Balance sheet	58
SD 4.2(a) Statement of recognised income and expenses	59
SD 4.2(b) Cash flow statement	60
SD 4.2(c) Compliance with Australian accounting standards and other authoritative pronouncements	61
SD 4.2(c) Compliance with Ministerial Directions	61
SD 4.2(d) Rounding of amounts	71
SD 4.2(c) Accountable Officer's declaration	105
Other disclosures in notes to the financial statements	
FRD 13 Disclosure of parliamentary appropriations	80
FRD 9A Departmental disclosure of administered assets and liabilities	100
FRD 11 Disclosure of ex-gratia payments	101
FRD 21A Responsible person and executive officer disclosures	93–95

Legislation

<i>Freedom of Information Act 1982</i>	143–144
<i>Building Act 1993</i>	160
<i>Whistleblowers Protection Act 2001</i>	145–156
<i>Victorian Industry Participation Policy Act 2003</i>	159
<i>Financial Management Act s1994</i>	159
<i>Audit Act 1994</i>	106

Additional information

Consistent with the requirements of the *Financial Management Act 1994*, the Department has prepared materials on the following topics, available on request:

- declarations of pecuniary interests by all relevant officers
- shares held by senior officers as nominees or held beneficially in a statutory authority or subsidiary
- publications produced by the Department about the Department and the places where the publications can be obtained
- changes in prices, fees, charges, rates and levies charged by the Department
- major external reviews carried out on the Department
- major research and development activities undertaken by the Department
- overseas visits undertaken, including a summary of the objectives and outcomes of each visit

- major promotional, public relations and marketing activities undertaken by the Department to develop community awareness of the Department and the services it provides
- assessments and measures undertaken to improve the occupational health and safety of employees
- general statement on industrial relations within the Department and details of time lost through industrial accidents and disputes
- major committees sponsored by the Department, the purposes of each committee and the extent to which the purposes have been achieved.

Enquiries regarding this information should be directed to:

Secretary
Department of Education
GPO Box 4367
Melbourne Victoria 3001

Acronyms and abbreviations

COAG	Council of Australian Governments
DIIRD	Department of Innovation, Industry and Regional Development
DVC	Department for Victorian Communities
ESL	English as a second language
FTE	Full-time equivalent
ICT	Information and communications technology
IRIS	Incident Reporting Information System
LLEN	Local Learning and Employment Network
MIPs	Managed Individual Pathways
OHS	Occupational health and safety
SIT	School Innovation in Teaching
SSO	School Services Officer
VCAL	Victorian Certificate of Applied Learning
VCE	Victorian Certificate of Education (Years 11 and 12)
VET	Vocational education and training
VPS	Victorian Public Service

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