

**Consumer and  
Business Services  
Review Report  
2025**

The background features a series of overlapping, semi-transparent geometric shapes. A large, light blue shape is positioned in the upper left, while a darker blue shape is in the lower right. These shapes overlap to create a sense of depth and movement. The overall aesthetic is clean and modern, typical of a corporate or institutional report cover.

Consumer and Business Services is a division of the South Australian Government's Attorney-General's Department. The Consumer and Business Services Review was commissioned by the Minister for Consumer and Business Affairs and conducted by consultant Rosslyn Cox, Managing Director, Managing for Performance. The Review commenced in September 2024. This report was published in April 2025.

## Acknowledgements

Reviews such as these rely on the goodwill and support of so many, which you all provided so generously, for which I am grateful.

I would like to begin by thanking and acknowledging those current and former employees of Consumer and Business Services (CBS) who contributed to this report. The feelings of anxiety, apprehension, annoyance, aspiration and anticipation were palpable at the launch meeting in early September 2024. Your pride in your work and the role that you play in the lives of so many South Australians is obvious. It is clear that you all want CBS to succeed.

It would be difficult for any of us to be questioned about our experiences at work, and to be asked to provide evidence and examples to support your perceptions of the workplace. Thank you for your openness, your candour and your preparedness to be an active participant in the future of CBS.

The intention of this report is to provide you with a roadmap that builds on everything good about CBS and puts you in the best possible situation to leverage opportunities for doing even better, with practical solutions to guide you into the coming years. The observations and recommendations contained in the report are not intended to point fingers or assign blame or single out individuals, or in any way to suggest that you have all been doing anything other than working incredibly hard, doing the best you can with what you have.

I would like to acknowledge the leadership and oversight of the Minister for Consumer and Business Affairs, the Commissioner for Public Sector Employment, and the Chief Executive of the Attorney General's Department. They ensured that the process had direction, integrity and rigour.

I would also like to acknowledge the staff in the Minister's office, Consumer and Business Services and the Attorney General's Department who provided invaluable assistance throughout the process.

Rosslyn Cox

Managing Director | Managing for Performance

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# 1. Introduction

In September 2024, the Minister for Consumer and Business Affairs (the Minister) announced a review of the culture of Consumer and Business Services (CBS), a Division of the Attorney General's Department (AGD). The Minister asked the Commissioner for Public Sector Employment to oversee the review and provide a public sector lens over the process. Rosslyn Cox was engaged as the consultant to undertake the review.

Reviews such as these can be effective in assessing the health and performance of an organisation. They give voices to public servants in a psychologically safe way, to understand what is working well, what is not working as well as it could be, and how the feedback can be translated into practical action-based opportunities. They also reinforce and encourage the principle that constructive feedback provides the opportunity for ongoing improvement<sup>1</sup>, where leaders are supported to work together to address the feedback and find ways to do things better or differently.

The review was described to CBS employees in mid-September 2024, as an exploration of workplace experiences drawing on the results of the 2024 People Matter Employee Survey<sup>2</sup>. The presentation reinforced that there were no pre-determined outcomes or expectations, and that all current CBS employees were encouraged to contribute their experiences.

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<sup>1</sup> Office of the Commissioner for Public Sector Employment, Managers Toolkit, *Giving and receiving feedback*

<sup>2</sup> References to the 2024 People Matter Employee Survey refers specifically to the data for CBS.

## 2. Methodology

### 2.1. Principles of culture

There are a number of factors that contribute to the cultural characteristics of an organisation. Research suggests<sup>3</sup> that culture change can take at least five years to be fully embedded in an organisation. The report therefore acknowledges that the current characteristics of culture in CBS are likely to have been influenced by at least the past five years of leadership and practices within the organisation. The report also acknowledges that there may have been actions taken by the current executive team over the past twelve months that have not yet been fully implemented or whose benefits have not yet been realised.

This review was interested in understanding how CBS can practically address any factors that may be impacting psychological safety and performance, to move into 2025 with the best chance to achieve its operational and strategic priorities. The review therefore needed to distinguish between those factors that influence culture that are beyond the control of CBS (e.g. the number of consumers in South Australia, the number of births, deaths and marriages, how those who manage and own businesses choose to behave), those factors that cannot be controlled but may be able to be influenced (e.g. ways of working with key stakeholders) and those factors that CBS can control (e.g. the way they work internally).

During each stage of the review, consideration was given to exploring the root cause of the factors identified to ensure that the recommendations did not simply address the symptoms.

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<sup>3</sup> Kotter, J. (1995). *Leading Change: Why Transformation Efforts Fail*. *Harvard Business Review*. (May-June). <https://hbr.org/1995/05/leading-change-why-transformation-efforts-fail-2>

## 2.2. Participation

The review was designed to provide current and former<sup>4</sup> employees of CBS, with an opportunity to participate through a non-mandatory survey with the option of individual meetings in person, via Teams or over the phone. In total, 140 out of a possible 227 current employees (61%) and 46 out of a possible 164 former employees<sup>5</sup> (28%) participated in the process. This is in contrast to the participation rate of CBS staff in the 2024 People Matter Employee Survey: 87 out of a possible 198, which represents a participation rate of 44%

## 2.3. Surveys

Two separate surveys were designed, in consultation with the Commissioner for Public Sector Employment – one for current staff and a similar survey for former staff. The surveys included both quantitative and qualitative questions and were designed to explore various elements of workplace experiences including culture, communication, workload management, and how individuals and teams work together.

The survey was created, distributed and managed external to CBS by the consultant. This was intentionally designed to ensure staff privacy and confidentiality.

To ensure that only those who had been invited to participate could access the survey, and to ensure that respondents felt comfortable contributing anonymously, all current and former employees invited to participate were assigned a randomly generated unique number with which to access the survey. This number was generated by and is only known to and held by the consultant and is used only for verification purposes (e.g. the numbers do not appear anywhere in the report).

The first survey was emailed by the consultant to 227 current employees.

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<sup>4</sup> Individuals who had left CBS within the past two years

<sup>5</sup> Individuals who had left CBS within the past two years were contacted by email or letter and invited to participate in the process.

The second survey was sent to 157 former employees who had left CBS over the past two years, either by email (20) or by letter (137). The decision to limit the involvement of former CBS employees who had left CBS to the last two years relates to the principles outlined earlier: there needs to be a broader understanding of the culture than from those who currently work there, but it cannot be too long ago as to be less relevant to the current state of the culture. The list was compiled by the Department's HR Team, and only email addresses were made available to the consultant for privacy reasons. The HR Team sent out the letters. An additional seven people reached out to the consultant to participate.

The survey was launched on 14 October 2024 and was open until Friday 8 November 2024. To ensure that as many current and former employees could participate, the survey was re-opened temporarily by request on a number of occasions to allow individuals to participate who were not able to complete the survey by the deadline for a range of valid reasons. The last survey submission was received on 14 November 2024.

On average, respondents who are currently employed at the CBS spent nearly 49 minutes completing the survey, with former employees spending 38 minutes on average. This is meaningful data that points to the level of engagement and investment of those people who participated in the process. People want to see CBS succeed, and were thoughtful, insightful, honest and solutions focussed in completing the survey.

## 2.4. Individual meetings

Any current or former employee could request to meet with either the Commissioner for Public Sector Employment or the consultant to elaborate further on their survey responses or in lieu of completing the survey. These meetings took place in person, over Teams or over the phone, in most cases for approx. 60 minutes. Respondents were invited to elaborate on any aspects of their survey, and to provide any additional information they may feel relevant to the process. In some cases, individuals requested to have an individual meeting without having completed the survey, for various reasons, including having been encouraged to by a colleague. All such requests were

granted. In total, there were approximately 85 individual meetings held in person, online and over the phone.

Notes of meetings were recorded using only the respondent's unique number, with no other identifiable information saved into the notes. In keeping with the privacy and confidentiality commitment made during the process the notes are stored only by the consultant or the Commissioner for Public Sector Employment as appropriate.

## 2.5. Individual feedback

Given the number of people who participated in the review, and the diverse range of feedback that was received, some people may not see their views reflected in the feedback.

To ensure that the observations and the recommendations in this report can be applied to the organisation's culture in a systemic and sustainable way, a single report or incident, or a couple of reports or incidents of exceptionally positive or negative experiences, should not unduly influence the thematic observations. Thematic observations and the associated recommendations are based on the overall feedback, to ensure it is meaningful and impactful. Exceptionally negative experiences should not be given greater weight than the overall experiences of all individuals, any more than an exceptionally positive experience should be used as a reason not to act on thematic negative feedback.

This does not in any way diminish or dismiss or invalidate those experiences. Instead, those exceptional instances of feedback, whether provided through the survey or through conversations, have been discussed and will be addressed in a more appropriate way, other than through the report.

Where positive or negative feedback about an individual is received, it will be passed on directly to the person or their line manager as appropriate. This approach ensures that any issues are raised and followed up with an individual through the standard framework for managing performance.

Unless permission has been granted otherwise, the feedback will be deidentified and presented as feedback for consideration, as would be done in a 360-feedback process.

## 2.6. Thematic observations

The themes that came through the survey and the individual conversations are not intended to be debated, to be challenged or disputed. They represent experiences and perspectives shared by the people who participated in the process and are reflected thematically in the review report.

Receiving feedback about things you may not be doing well or things you could be doing better does not negate intention, motivation, effort, and actual hours spent doing the best you can with what you have. This is reflected in the report. At the same time intention, motivation, effort, and actual hours spent do not negate the need to address those things.

### 3. Feedback and observations

Most of us are likely to associate Consumer and Business Services (CBS) with the shopfront on Grenfell Street (now Chesser Street) in Adelaide (approx. 22,000 of us visit in person each year), or the call centre or the online portal where you might register a birth, a death, a marriage, or a change of name (approx. 90,000 certificates issued each year). Maybe you have sat in the busy customer service center waiting for your number to be called to lodge a bond for a rental property or a bond refund request (approx. 55,000 a year), alongside someone applying for a limited liquor license for an upcoming event (approx. 7,000 a year). Or you may have contacted CBS to make a complaint about a secondhand vehicle or a faulty product or a questionable trader (approx. 27,000 a year).<sup>6</sup>

With approximately 1.2 million potential consumers in South Australia (population over 18 years of age) and approximately 158,000 businesses, more than 16,000 births a year, and a similar number of deaths, the scope and significance of the work undertaken by CBS for the South Australian community is significant. In addition to the aforementioned services, the 220 or so people working at CBS are also responsible for:

- Administering over 40 pieces of legislation that define CBS' regulatory scope, functions and obligations.
- Participation at the national level in policy, licensing and enforcement matters to ensure that CBS is responding to important and emerging issues in a nationally consistent and, where possible, proactive way.
- Regulating and controlling activities including tobacco, vaping, liquor, gambling, building, real estate, secondhand vehicles, incorporated associations, occupational licenses (approx. 9,600 issued a year) and business activities and practices that may adversely affect consumers (fair trading).
- Undertaking research and providing education programs and advice in relation to the activities listed above.

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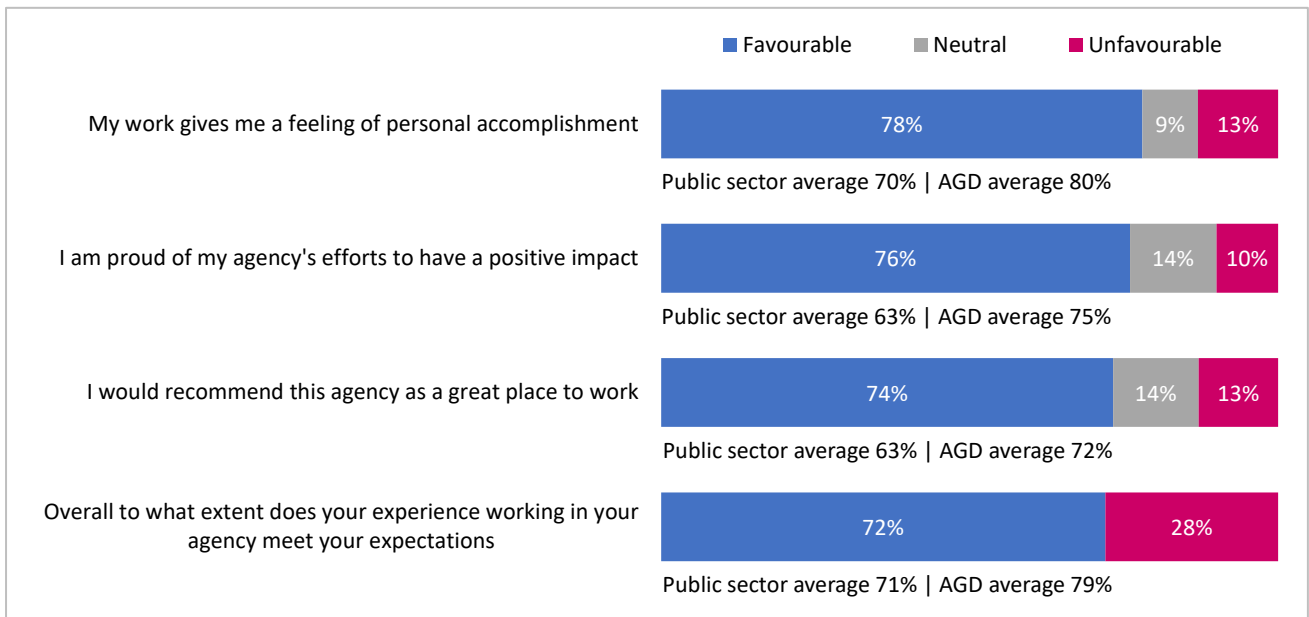
<sup>6</sup> Based on 2022/2023 data

- Gathering intelligence, assessing, providing advice (approx. 51,000 requests for advice), and providing conciliation and dispute resolution services (approx. 1,000 conciliations a year).
- Inspecting (approx. 4,500 a year), investigating, issuing warnings, assurances, taking disciplinary action, commencing criminal and civil proceedings in multiple court jurisdictions.
- Providing customer service, advice, and processing applications in relation to births, deaths, marriages, changes of name and changes of sex and gender (approx. 44,000 registrations, 90,000 certificates issued, and 2,000 changes of name registered)
- Providing customer service, advice, and processing applications in relation to residential tenancies including bonds.

Those who participated in the review talked with pride about CBS and the opportunity they have through their roles to have a profound and positive impact across the South Australian community. An extract of the results for CBS from the 2024 People Matter Employee Survey<sup>7</sup> (44% response rate, equating to 87 out of 198 individuals invited) demonstrates the same sentiments of pride and accomplishment. The results highlight the goodwill, motivation, and intention of current and former CBS employees and are presented below alongside the data for the public sector for comparison (35% response rate, equating to 40,398 out of 116,373 individuals invited) and AGD (65% response rate, equating to 1,108 out of 1,711 individuals invited).

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<sup>7</sup> The 2024 People Matter Employee Survey, which was open 28 February - 27 March, provided an opportunity for all South Australian public sector employees to have a say about their workplace and to gain a better understanding of employee perceptions of workplace culture and practices.



*Extract from the 2024 People Matter Employee Survey*

There is no doubt as to the importance of the role CBS plays, and no doubt that employees at all levels of CBS have been working hard to achieve successful and significant outcomes. While acknowledging the considerable efforts of current and former employees, this report is primarily concerned with the current state of workplace culture and identifying practical and sustainable opportunities for addressing concerns about and barriers to psychosocial safety, wellbeing and performance, highlighted by the people who work or have worked there in recent times.

There were a number of themes that emerged during the review. These are presented as observations in this section, supported by recommendations in the following section. The themes can be summarised as follows:

- Workload
- Leadership behaviours
- Management practices
- Operational efficiency

### 3.1. Workload

Feedback received during the review suggests that the current workload in CBS is excessive, unreasonable, and unsustainable within current resources, and has contributed to feelings of emotional and cognitive burden and stress and sometimes distress for the majority of current and former employees who responded to the survey.

A review of the 2024 People Matter Employee Survey data suggests that workload is as much a concern across the public sector as it is at CBS. Using the job demands/job resources model to group psychosocial hazards the results for the three highest scoring hazards for CBS were the same as they were for the public sector on average and slightly higher than the scores for AGD:

- emotional demands (65% public sector, 57% AGD, 65% CBS)
- traumatic events (45% public sector, 38% AGD, 45% CBS) and
- role overload (28% public sector, 27% AGD, 38% CBS).

CBS results further suggest that only 36% of respondents believe their workload is manageable.

Individuals who experience these examples of psychosocial hazards and perceive their workloads to be excessive, unreasonable or unsustainable may show signs of lower levels of motivation and engagement, decreased productivity, increased feelings of stress, anxiousness and/or anger, burnout, an intention to leave and concerning workplace behaviours.

When asked in the 2024 CBS Review Survey, designed specifically to support this process, to elaborate on what factors contributed negatively to the workload on an individual level, the top five factors were:

1. Volume (70%)
2. Complexity (47%)
3. Pace (35%)
4. Colleague's workload (34%) and
5. Support from CBS executive (33%)

Analysis of the 2024 CBS Review Survey data suggests that when respondents chose words like broken, reactive and dysfunctional to describe the culture at CBS from a preset list of words, many were referring specifically to the way that workload is planned, prioritised and managed, and generally to the manner in which some individuals are managed. When asked about intention to leave CBS, 80% of respondents (106 individuals) responded in the affirmative, citing three primary factors influencing their thinking: workload, leadership, and workplace behaviours.

### *Influences and impacts on workload*

Government priorities change and evolve, and for CBS workload has been impacted by changing priorities in a number of ways:

- The 2021 Internal Review of the Compliance and Enforcement Branch of Consumer and Business strengthened CBS's approach to its regulatory function. Since then, there has been a 201% increase in the number of files closed by the Compliance and Enforcement branch, while the volume of work for the Regulatory Services branch has steadily increased over the last five years from just under 400 files in 2020 to just under files 1,200 in 2024, with no additional resources.
- Major reforms progressed by CBS in the last two years include:
  - The residential tenancy reforms, which were the biggest reforms to the *Residential Tenancies Act 1995* in approximately 30 years, supported by . These reforms were delivered through two Amendment Acts and changes to the Regulations. They have now been fully implemented with additional funding of \$2 million per annum provided to support this work.
  - The Building and Construction Industry Review, which involves 22 separate reform items across the building, plumbing and electrical industries. A comprehensive discussion paper is currently the subject of consultation.
  - The *Casino (Penalties) Amendment Act 2024*, which has passed the Parliament and recently commenced.
  - The *Second-Hand Vehicle Dealers (Miscellaneous) Amendment Act 2024*, which included significant reforms to benefit the used car industry and consumers.
  - Implementation of the National Fundraising Principles, through changes to the Charities Code of Practice.

- In July 2024 CBS was handed responsibility for the regulation of tobacco and vaping, supported by \$16 million (over four years) worth of additional resources. Since that time, they have conducted more than 354 inspections and seized product worth more than \$6.1 million (CBS alone) and \$15.9 million (CBS working together with SAPOL)<sup>8</sup>.
- In the 2024-25 State Budget, CBS received an additional \$1.1 million over two years to expand its activities across the building industry, specifically to better support consumers and industry with building complaints.
- The number and type of certificates processed by the Births, Deaths and Marriages branch increased in total volume by 13% between 2018 and 2024, with no additional resources.

While there has been growth across many areas of CBS, this has mostly been absorbed within current resources, noting attempts to increase budgets and manage the impact of budget savings.

In response, a number of initiatives have been introduced across CBS, recognising the need to enhance operational efficiency and effectiveness:

- The 2021 Internal Review of the Compliance and Enforcement Branch of Consumer and Business Services contained 77 recommendations most of which have been implemented. These included a restructure, the creation of an enforcement toolkit, and process and procedure changes designed to enhance the efficiency and effectiveness of the unit.
- The creation of a Prevention and Intelligence team to support a proactive, intelligence led, risk based approach, utilising statistical data to inform the Compliance and Enforcement Policy.
- The OneCBS project, to review and replace legacy systems to deliver an improved experience for customers and staff, through simplified processes and workflows, and the use of automation where possible.
- A review of the Bond systems and approaches undertaken by KPMG, resulting in recommendations now being implemented.
- A review of the Trust Account processes undertaken by Galpins, resulting in recommendations now being administered through a project.

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<sup>8</sup> Statistics quoted were accurate at the time of the writing.

- A review of the efficiency and effectiveness of processes within and by the Advice and Conciliation team to enhance and improve the consumer experience.
- A project based on work by Stativity to review and recommend opportunities to enhance the CBS customer experience across the business.
- An emphasis on multidisciplinary operations to create operational efficiency.
- A focus on recruiting individuals with specialist skills to support specialist work in areas of prevention, intelligence, gambling harm, building

The report acknowledges that there may have been other actions taken by the current executive and senior management team over the past twelve months that have not yet been fully implemented or whose benefits have not yet been realised.

Many feel that the flow of work into CBS from all sources is relentless and reactive and often feels overwhelming leading to feelings of emotional and cognitive overload, and a sense of hopelessness that there could be any meaningful change made through a process such as this.

For some, there is a feeling that CBS has absorbed the growing workload of urgent and complex work, driven by an ever growing and seemingly more proactive consumer population and business sector. This is made more challenging by what many report as inadequate standard operating procedures, and systems that are not at all fit for purpose, in spite of significant efforts to improve these over the last few years. These factors further contribute to volume and complexity of work, and the pace at which the work can be completed, with current resources and tools available to plan, prioritise and manage workload at the individual level.

During 2024, in response to specific feedback in relation to concerns about workload and the impact on wellbeing, the Minister and the Chief Executive of AGD had ongoing conversations with the CBS leadership team about options to address those concerns. This report has acknowledged those conversations in the development of recommendations.

### *Strategic and operational planning to support workload*

A regulator may have limited if any control over the amount of legislation they are required to administer, but they have the ability to set regulatory priorities, thresholds and timeframes. These priorities not only identify with specificity, areas of focus for a regulator, they can also identify regulatory thresholds.

To better support how these priorities, thresholds and timeframes are managed, a comprehensive whole of organisation strategic plan and associated operational plans would be helpful. The review found that while CBS does have a single page strategic plan, and a number of individual plans including a Compliance and Enforcement Policy and the Gambling Regulation Strategic Plan, there does not seem to be the kind of systemic strategic cascading of documentation through CBS that would allow for the level of proactive planning, prioritisation and management of an increasingly voluminous and complex workload as outlined above. There does not appear to be a consolidated document that captures the total activity alongside available resources, providing evidence to demonstrate the balance of workload and resources.

CBS's Compliance and Enforcement Policy has a stated purpose of setting out the framework to achieve compliance with the law, and to set the strategic compliance and enforcement priorities for the year ahead. Such a document, which should cascade down from your strategic plan, can be a valuable tool to plan, prioritise and manage workload, to the extent to which it can be managed, through setting clearly defined strategic priorities and thresholds. It can also be a valuable tool in engaging with and managing the expectations of stakeholders.

A regulatory threshold is a specific level or limit set by a regulatory body as a defined point at which something is considered significant enough to warrant regulatory intervention. Thresholds are used to streamline regulation by focusing on activities that pose a higher risk or potential for harm, while exempting those below the threshold from unnecessary administrative burdens. They can also be effective in managing resources and workload. It is not clear how the current regulatory thresholds are set and a perception that all matters are taken on, even those that have little chance of a

successful outcome. There would be benefit in a more strategic, transparent approach to setting thresholds.

Thresholds can be informed by a number of factors including government priorities, assessing need and impact-based trend analysis, assessing the likelihood of the action resulting in a meaningful benefit, or assessing the likelihood of inaction resulting in significant harm. Thresholds can assist a regulator in directing its resources towards areas of greatest community need and maximizing the effectiveness and efficiency of current resources.

There should be transparency and defensibility in setting thresholds, as inevitably, there will be consumers, business and other stakeholders who may feel aggrieved by a particular threshold being too high or not high enough. Individual thresholds should not be set in isolation but should instead be set in the context that every threshold impacts on the overall resources available for regulatory functions. Thresholds should also be set within the broader strategy for a particular activity or industry (e.g. thresholds as one regulatory activity within the building industry or for tobacco and vaping). In that way consumers, businesses and other stakeholders are able to understand the broader strategic context of the threshold, rather than seeing it in isolation.

It is worth noting that AGD offers a comprehensive suite of resources and support to facilitate this kind of planning.

There should also be a transparent communication and education strategy to support regulatory priorities and thresholds (e.g. that they are accessible online and through other channels), so that the community can better understand what to expect from the regulator.

While there is an understanding that because of the nature of the work of CBS that there will always be a proportion of work that is reactive, unplanned and urgent, there is an opportunity to better plan for as much work as possible, allowing contingency capacity in key roles to be able to respond more effectively to the reactive component of work. At the moment, it is not clear that this is happening, and without a clear plan, the workload feels unrelenting, excessive, unreasonable,

unsustainable and emotionally and cognitively demanding. The prevailing view of respondents is that this is not a sustainable way of working.

The absence of these planning documents also appears to have had an impact on workload and ways of working between CBS and the Minister's office. There is an opportunity for CBS to be more strategic in how they work to achieve the government's priorities, underpinned by a clearly defined strategic plan which includes a regulatory posture statement, regulatory priorities, and an understanding of the resource implications of policy priorities.

### *The authority to negotiate workloads*

The final element of this theme, relates to the ability for CBS to negotiate workload expectations and timeframes within an agreed program of work, including the ability to say no, or perhaps not within the expectations being proposed.

Public sector organisations require authority to deliver on their functions, to establish, renew or refocus their mandate to enable them to achieve their objectives. This authority comes from various sources such as those granted through legislation, regulation, approvals, and delegations. The authority also comes in the form of business-critical roles that co-create and authorise the scope and expectations of work and manner in which work is undertaken. In the case of CBS, this includes the Minister, the Chief Executive of AGD and the Commissioner. The authority means that all parties understand how to hold each other accountable to the agreed scope of work and the manner in which work is undertaken. The authority to identify and call out when the scope and expectations diverge from that which was agreed to.

It has been suggested that historically, CBS has tended to take on new work with little or no negotiation, with the expectation that the additional workload would be absorbed within existing resources. So not only was there an expectation that CBS would do more with less, but they then demonstrated that they could and were willing to do more with less by achieving the additional outcomes, but seemingly at a significant cost to wellbeing and work life balance.

While the Minister and the Chief Executive of AGD will always have the authority to direct CBS to undertake work as required, the Commissioner should be authorised to articulate, advocate, and negotiate workload with candor, on behalf of CBS. It has certainly been suggested by the Minister's office and the Chief Executive that they are open to negotiating elements of the program of works, to ensure that CBS is able to continue to achieve outcomes in a sustainable and psychologically safe environment.

### *Structures to support workload*

There was limited feedback provided about structure (although the senior management team have been reviewing all aspects of the structure for some time to identify opportunities for streamlining and enhancing functions).

One exception was the Births, Deaths and Marriages (BDM) branch. Having experienced an increase in demands for its services, due in some part to an increase in the population and having had to pivot in response to changing societal expectations, the BDM team is interested in exploring different ways of working and opportunities for greater collaboration across teams and across CBS. Should a review of BDM be undertaken, one of the areas of interest should be ways of better integrating BDM with the rest of CBS to reduce the current risk of individuals carrying the burden of single point subject matter expertise and increase opportunities for movement across BDM and into other teams at CBS which in turn supports broader career and succession planning priorities.

The other specific matter raised was in relation to Assessment Officer roles, which were redesigned and classified as legal officers requiring a law degree and practicing certificate, following the 2021 Internal Review of the Compliance and Enforcement Branch of Consumer and Business Services. The report refers to *the role involving the application of the facts of the particular matter to the relevant legal principles*. While there is no disputing the importance of this function, feedback received during this review has called for a review of *the value of legal qualifications to the assessment of a breach of legislation*. There are examples across CBS where individuals are expected to assess facts against legislation who do so competently, without legal qualifications.

The concerns raised relate to challenges in the recruitment and retention of assessment officers, and the fact that the classification of the roles mean that there is no possibility of staff within CBS moving into those roles, isolating those roles from career development pathways within CBS. It is also the case that LE classified roles have a separate set of conditions from ASO classified roles, including entitlements to TOIL and overtime. While there is no argument that the skills and competencies related to a law degree are valuable and have a place at CBS, the feedback is that having it as an essential criterion and having the roles classified as LEs is limiting.

### *Opportunities to address workload*

The obvious solution to address the gap between workload and resources would be through a request for additional resources from government. This may be necessary, particularly to deliver the significant and urgent priorities that the government has set for CBS. There are also real and practical opportunities for CBS, in conjunction with the Minister and the Chief Executive to manage expectations about priorities, thresholds and timeframes as part of the solution.

Workload has been a priority for the AGD for some time, and in 2024 the Department released comprehensive evidence based toolkit for managing workload. The toolkit defines a reasonable and sustainable workload in relation to an individual's ability to manage the volume, pace, and effort of duties expected of the role and the classification, such that they are able to recover from all aspects of the role, within reasonable timeframes. Reasonable should be defined during the job design phase of a role and should be in line with the *Commissioner's Determination 5 - Classification and Remuneration*, the *SAES Competency Framework* and the *SA Public Sector Enterprise Agreement: Salaried 2021*, and should be revisited regularly through the standard performance development and management cycle.

SafeWork SA provides a guide for understanding reasonable and sustainable work in the context of understanding potential psychosocial hazards which may cause psychological and/or physical harm in relation to:

- the design or management of work
- the working environment
- systems in a workplace

- workplace interactions or behaviours

CBS must also continue to explore opportunities for more effective and efficient ways of working. Indeed this aligns with the approach outlined in the report of the 2021 Internal Review of the Compliance and Enforcement Branch of Consumer and Business Services which identified opportunities for the branch to operate more efficiently to assist in relieving the perceived workload pressure. This approach will take time, and progress should be assessed against the impact on workload, and should be reviewed against operational and strategic priorities, and if necessary, could be complemented with a request for additional resources. AGD has developed a suite of resources to better understand and manager workload and these should be incorporated into any actions to manage workload in CBS.

### 3.3. Leadership behaviours

Culture can be defined as patterns of observable behaviours and ways of working, based on what team members see, hear and experience. Leadership plays a critical role in the way that culture is curated. Culture typically takes years to cultivate, and it is reasonable to assume that even with new additions to the leadership team and ways of working in 2024, that efforts and actions taken would likely have had a minimal impact on the culture.

Many respondents described a culture curated and based on personality, relationships, influence and informality, rather than one based on robust management practices and decision-making. Not to say that CBS is devoid of sound management practices and decision-making processes, but that ways of working have been influenced more by the preferences and approaches of individuals, than a defined set of agreed and adhered to management expectations, frameworks, processes, and procedures. Many felt that, while those characteristics have served CBS well when it came to how some leaders engaged and influenced externally, internally many felt that access to information and opportunities was in some cases based on who you knew in those roles, and the status of your relationship with those people.

This seems to have resulted in informality, inconsistency, and unpredictability as some decisions appear to have been made based on the ability of some leaders to influence decisions and outcomes through relationships. This can then result in perceptions of favouritism and cliques, where those who have strong positive relationships with the leader can be seen to benefit in some way. Examples of this perception include perceived proximity to, and time spent with certain individuals based on workplace relationships, perceived bias in recruitment processes, and the sharing of information. Information in some cases appears to have been used to influence relationships and outcomes. For some, this style of leadership works well, and can be a positive experience. For others, who may not feel they are in favour of the leader, it can be a negative experience. Some described feeling targeted, isolated, and ignored. Others still may not be close enough to the leader to be impacted one way or the other.

Some have suggested that an individual's personal characteristics and qualifications can play a role in how valuable they are deemed to be. There are people at CBS who are well known for providing outstanding critical thinking around matters involving the interpretation of legislation, and the suggestion that these skills are held predominantly by those with particular qualifications feels unfair and unjust for many. This has served to reinforce the perception of favourites in some parts of the organisation, a source of annoyance and frustration for many.

This then impacts how psychologically safe some people feel to raise concerns and call out behaviours that fall short of expectations. The feedback seemed to suggest that most employees trust their direct line manager to raise concerns, but for some, there may be less trust and safety with leaders further up in the organisation. Over the past few years, there were statements made within CBS about the futility of reporting anything to anyone outside of CBS, that CBS were best placed to deal with issues relating to CBS. There is no evidence that there was any factual basis to the statements. But the repetition of these statements appears to have had a lasting impression on many, who feel it is futile even now to report anything. There is an opportunity moving forward to focus on the relationship between an individual and their direct line manager and use that to build psychological safety across CBS and between CBS and AGD's corporate services functions.

To curate a specific culture, you must be deliberate and consistent about encouraging and discouraging specific attitudes and behaviours. As part of the strategic planning process, CBS should identify a values and behavioural framework, based on the code of ethics and the public sector values, that will guide the development of a transparent, inclusive and accountable culture, to put CBS in the best possible position to achieve its operational and strategic priorities. AGD has a suite of resources for leaders and employees to guide the process of co-creating and implementing behavioural expectations across all levels of the organisation, including establishing accountability frameworks, performance management and consequence management, all of which support the building of a high performing culture. To be clear the public sector code of ethics and the public sector values, as well as AGD leadership behaviours should guide and inform behaviour, irrespective of whether or not they have been specifically referenced as part of a planning process.

### 3.4. Management practices

Management capabilities include an understanding of the role of a manager, not as a subject matter expert but as a facilitator of accountability, performance and wellbeing of others. This includes managing psychosocial risks, building psychological safety, strategic cascading of role and behavioural expectations, facilitating effective performance and workload management, providing timely fact-based feedback, managing mental health and wellbeing of team members, managing clear lines of reporting, rewarding and recognising performance that meets or exceeds expectations and having curious, coaching conversations to support team members to thrive.

While there are no doubt pockets of management excellence at CBS, with some managers singled out for praise during the review, there was also consistent feedback that CBS doesn't have a track record of valuing management capabilities or of building accountability, including the willingness and ability to set clear expectations and to provide fact based feedback against those expectations. The impact of this is that there is little certainty and predictability in how performance is managed, whether it is the performance of a team against agreed expectations contained in a business plan, or performance at an individual level against agreed expectations. CBS does not have a strong culture of accountability-based performance management, including the capability and confidence to provide timely fact-based feedback, particularly when performance does not meet expectations.

Many felt that there has been a tendency to promote or recruit some managers on technical expertise rather than sound management skills, experience and expertise. In some areas of CBS this has resulted in inconsistent approaches to managing people and performance, and an inconsistent approach to accountability and consequence management. There is an opportunity to develop a workforce and leadership capability framework to support all current and future managers, to ensure that management capabilities are seen as much of a priority as technical capabilities are.

The current executive and senior management team have reported experiencing consistently high levels of workload stress over a number of years, and that this could explain a tendency to prioritise technical work over other management functions. They provided examples of the cognitive and emotional demands of their roles, including feeling unable to influence or control the flow of work

into CBS, which they have described as excessive and unsustainable. That is not to say that they haven't been undertaking any management functions, or that the management functions they have been performing have been entirely ineffective. It instead suggests that the inconsistency in accountability and consequence management may have less to do with the intention and efforts of managers, and more to do with having a structured approach across CBS for building and implementing accountability and consequence management frameworks.

There was also a theme throughout the review of unreasonable expectations held and demands made by some in the executive and senior management team. Whether real or perceived the impact is the same. There appears to be a tension for some between being adamant that the current workload was unsustainable, and the internal measure of professional integrity and pride that was a driver for so many to meet the current workload expectations, in spite of the personal and professional impact. This tension is made more difficult to manage when much of the language of reward and recognition specifically acknowledged individuals for working after hours, or on weekends. The impact of legacy statements such as *we need to do more with less*, and *we just get it done*, even if those statements were made in the past, needs to be understood and acknowledged. The executive and senior management team should work proactively to reframe and reset the current confirmation bias, which will require them to moderate their own action.

Some on the executive and senior management teams talk about protecting their teams from workload stress by taking on the excessive workload themselves. While this is clearly intended to support and benefit their teams, this can have unintended negative consequences. Many people in their teams take on their stress and anxiety vicariously. They are seen as approachable but not always available, which can result in feelings of guilt, stress, anxiety, and reluctance to engage with their manager for fear of further adding to their workload stress. Not delegating work can often lead team members to believe that they are not trusted or valued enough to do the work, and can lead to feelings of doubt and uncertainty, further exacerbating the feelings of emotional demand. Ultimately, it could suggest that the workload is in fact reasonable, when the work continues to be completed (notwithstanding the unseen costs of excessive hours worked and the unseen cognitive and emotional burden).

For any manager, managing wellbeing, workload and performance of their direct report(s) should be their priority. One-on-ones should be their priority. Providing fact-based feedback when performance meets, exceeds, or falls short of expectations should be their priority. A number of times during this review, it was suggested that some managers are overwhelmed by workload and do not have time for one-on-ones, or to observe behaviours in relation to expectations, or to provide effective feedback. If managers do not have time to manage, they are not meeting the expectations of their role and that needs to be addressed by their manager or escalated to their manager to be addressed.

The Commissioner for Public Sector Employment as well as AGD have a comprehensive suite of resources, training, and induction programs to highlight the importance of and support management and leadership capability building across the public sector. CBS has access to these and has an opportunity to embed them through the organisation.

### 3.6. Operational efficiency and effectiveness

The next theme relates to the quality of the systems, standard operating procedures and ways of working that support the operational and strategic work of CBS. According to the majority of respondents, there is an urgent need to review the systems, standard operating procedures and ways of working to free up capacity and create ongoing efficiencies. According to the senior management team, significant work has been undertaken over the past few years to improve and develop the systems, standard operating procedures and ways of working. These two positions are not mutually exclusive or incompatible. It may be that much has been done, but that there is still much to do and that many of the systems, standard operating procedures and ways of working are still ineffective, inefficient and lack rigour, and in some cases, continue to have a profoundly negative impact on the ability of the team to undertake their roles.

LOGIC for example, the main system used in CBS, with the exception of BDM and Bonds, in its current configuration, is not fit for purpose. It is not functional, and staff spend countless minutes and hours manually searching for information or creating workarounds that may work well for them, but which may inadvertently impact on the ability of the next person to find what they're looking for. A significant amount of work went into the OneCBS project, created to review and replace legacy systems to deliver an improved experience for customers and staff, through simplified processes and workflows, and the use of automation where possible. That work should be continued, starting with an audit to understand progress already made, and to reprioritise opportunities for improvements.

There are opportunities to look at how the corporate functions within CBS operate internally, and in collaboration and conjunction with AGD's corporate services. From some of those who work in these areas in CBS, including HR, IT and finance, there is a view that they are not always valued or that the value and services they offer are not well understood and utilised within CBS. There is also a perception within CBS that these functions are largely transactional and reactive and have not always been strategic in the way they have planned, prioritised, and managed. They often feel that they are brought in to trouble shoot rather than to proactively support the business. There is also a feeling that their capabilities, skills and experiences are not well understood or leveraged by their

colleagues who work in the same function in AGD's corporate services. This review presents an ideal opportunity to reframe the relationship between the corporate services with CBS and the rest of CBS, as well as between CBS and AGD. This is also likely to create opportunities for professional and career development, succession planning and effective knowledge management.

Over the years, the Office of the Commissioner for Public Sector Employment as well as AGD have developed a suite of resources and training opportunities accessible to all parts of the agency. These resources include the code of ethics, the public sector values and behavioural framework, workload management tools, leadership expectations, business process improvement resources, capability and behavioural frameworks, supported by a comprehensive suite of leadership and capability building training opportunities. There is an opportunity for CBS to work more closely with all areas of AGD corporate services to understand and utilise the available resources and if necessary, adapt them to their specific business needs.

While there has always been a good relationship between CBS and AGD's corporate services CBS has, for a number of years, invested in and mainly relied on its own HR, IT and finance functions, services, and processes. This approach has meant that there has been inconsistency and in some cases a lack of engagement between CBS and AGD in relation to certain aspects of HR, finance, and IT. This has resulted in some cases of confusion about where and when individuals can seek advice and support (e.g. only CBS HR or only AGD HR or not CBS HR or not AGD HR). It has also resulted in some cases of inconsistent (not necessarily wrong) advice.

This presents an ideal opportunity for CBS to work more closely and more strategically with AGD's corporate services, to leverage the benefits of adopting and if necessary, adapting existing resources. This will likely free up capacity and allow these functions to operate at a more strategic level.

### 3.8. Summary observations

In summary, while there are many things working well in CBS, and a number of areas within CBS that present opportunities for improvement:

- more time spent on strategically planning how to better manage resources now and in the future
- clearer expectations about scope and deliverables
- more effective accountability, performance and consequence management
- more effective and efficient processes and systems
- opportunities for upskilling the workforce
- more transparent decision making and communication

They are consistent with the areas that are often identified for improvement in the public sector and are all able to be addressed with practical actions.

Sitting over all of the themes identified in the report is the role of the Attorney General's Department in the administration of CBS. The structure of AGD is unique. Some business units are statutory authorities, and some appointments are statutory appointments, and some business units operate with some of the same approaches as a statutory authority would, seeking to create independence from the Department. This has resulted in slightly different arrangements between the central services and the comparable services in AGD's business units.

While there are strong relationships between CBS and the Department's central functions, those relationships have been contained to certain senior managers in CBS, limiting the points of engagement with the Department, and limiting the amount of and extent of information shared. While in principle there is nothing noteworthy about this, in the case of the relationship with CBS, it seems to have caused a level of uncertainty across the organisation: what are the service level expectations in the areas of HR, IT and finance, and the points of intersection and interdependence in functions that span across CBS and AGD corporate, including roles and responsibilities of officers in CBS. This uncertainty might have been heightened by a tendency by some in CBS to carefully manage those relationships as well as the messaging back into CBS about ways of working with

AGD. It has been suggested through this review, that CBS sought to create independence from the Department, investing in its own corporate identity and corporate functions.

Based on the themes that have come out of this review, the level of transparency and candour from some executives within CBS may have defined the culture in CBS and the relationship between CBS and AGD. It has been suggested through the review that what information was shared and with whom may have been carefully managed.

Workload has been an ongoing priority for AGD and is considered to be one of the highest risks to the agency. Significant work has been done at the executive level in AGD in relation to psychosocial hazards. While there has been an assumption within CBS that concerns about workload, resources and budget were shared with the Minister and the Chief Executive, it seems that the information shared may not have allowed for the Minister and the Chief Executive to fully understand the extent of the workload stress and other aspects of the CBS culture. At the same time, CBS continued to deliver significant outcomes on an ever expanding program of work, mostly within current resources. An achievement for any business unit, and one that needs to be acknowledged given the personal and psychosocial cost to many in so doing, but an approach to culture and ways of working that should be more closely observed.

It is important to note that the Minister, the Minister's office and the Chief Executive had ongoing conversations with the Acting Commissioner or the Commissioner during 2024. These conversations were in response to and concerned with the increasing workload stress felt across the executive team, with a particular focus on structure to better support them in managing that workload.

A key observation of this review is the need for transparent, candid and timely conversations between CBS and AGD, and the importance of shared accountability for escalating concerns where necessary. This highlights the importance of looking at different ways of working going forward between AGD corporate and CBS.

To ensure there is clarity around expectations in the ways that CBS works with the corporate functions in the future, parties should consider clarifying expectations of the relationship between

CBS and the Chief Executive and establish service level agreements (or similar) between CBS and AGD's corporate functions. This will ensure that there is transparency in the relationship, and will provide lines of engagement and escalation, ensuring that CBS and the people who work there feel that there are always avenues to raise concerns, ideas and opportunities for doing this differently.

Reviews such as these can be helpful in identifying recommendations for improvement or different ways of working. It is important to consider how additional workload associated with the recommendations will be managed. The implementation phase of the review is its own change management process, and requires a level of investment, time and resources, that is often not readily available in the organisation. In the case of CBS, it would be worth establishing a change management panel to work with CBS during the implementation of the review.

## 4. Recommendations

*Recommendation 1: That CBS, in conjunction with AGD, consider developing a budget bid for additional resources. This work could reference AGD's workforce management model where relevant.*

*Recommendation 2: That the Chief Executive of AGD and the Commissioner of CBS clarify expectations of the relationship between CBS and AGD, and what employees in CBS can expect from the relationship.*

*Recommendation 3: Develop a whole of CBS strategic plan that includes regulatory priorities, and strategic priorities across all areas of CBS, supported by a comprehensive operational plan.*

*Recommendation 4: That in the context of the strategic and regulatory priorities, that all thresholds are reviewed and reset annually in such a way that CBS can manage its regulatory obligations to the highest standards, within the resources it has and the principles of reasonable and sustainable workload.*

*Recommendation 5: As part of the strategic planning process, CBS should identify the values and non-negotiable behaviours that will guide how they work together to deliberately curate a high performance culture, drawing on the Code of Ethics, the Public Sector Values and associated Behavioural Framework and AGD's Leadership and Behavioural Expectations.*

*Recommendation 6: That CBS develops an annual workforce development plan and a training needs analysis and development plan within, in conjunction with the executive and senior management team. The plans should draw on the OCPSE Leadership Excellence Framework and the AGD Leadership Capability framework and should include:*

- *a skills audit*
- *a training needs analysis and training plan, drawing on training provided by AGD, the OCPSE and IPAA, with consideration that all people managers complete either the Manager Essentials or the Next Execs programs offered by the OCPSE*

- *360 Feedback Reports cascaded through the first three levels of management in the first instance*

*Recommendation 7: That CBS HR works with AGD HR to develop a comprehensive workflow for recruitment and onboarding, creating efficiencies and reducing the time taken at every stage along the process. The workflow should clearly identify the role of AGD HR, CBS HR, the hiring manager, the panel and the delegate, and provide appropriate training to support these roles and responsibilities.*

*Recommendation 8: That an internal review of the structure, classifications and ways of working in the Births, Deaths and Marriages team be undertaken, potentially by the Registrar in partnership with the Manager, Corporate Services to identify opportunities to bring the applications and registration teams together and to identify practical opportunities to manage workload and address the recruitment and retention challenges in BDM.*

*Recommendation 9: Starting with the executive and senior management team, review the job and person specification and expectations of the role based on the reasonable and sustainable workload principles of workload management model to create and best practice principles for job design. This should reference the Commissioners Determinations on Classification and the SAES Capability Framework as appropriate. This process should then be applied through the next levels of organisations as appropriate.*

*Recommendation 10: That the executive team map out a process for identifying roles that should be reviewed to ensure they are appropriately designed and classified, specifically against the Commissioner's Determinations on Classifications. This should be a consultative process led by HR and should not be done on an ad hoc basis if it can be avoided.*

*Recommendation 11: That the classification of the Assessment Officers is reviewed, taking into consideration evidence around recruitment and retention of those roles over the past three years.*

*Recommendation 12: Implement AGD's workload management tool across CBS, supported by training and coaching for managers and team members, to create a shared language around workload including ways of planning for and measuring pace, volume, cognitive demands (complexity), emotional demands and physical effort.*

*Recommendation 13: That CBS review their customer service standards and expectations according to available resources, including service centre and phone line hours of operations, waiting and response times etc, and that those expectations are shared with the public and other stakeholders through as many channels as possible.*

*Recommendation 14: Explore and invest in more self-help opportunities for consumers and business owners, including tracking progress of interactions, finding information online, how to guides for completing applications etc.*

*Recommendation 15: Create a schedule of review for all standard operating procedures across CBS, prioritizing those that are relevant in terms of engagement with the Minister's office and the office of the Chief Executive.*

*Recommendation 16: Building on the expectations established between the Chief Executive of AGD and CBS, service level agreements (or similar) between CBS and corporate areas in AGD, including HR, IT and Finance should be established, to ensure that there is clarity and transparency in the expectations and the relationships.*

*Recommendation 17: That CBS HR works with AGD HR to understand and implement the suite of tools already available through AGD and the Office of the Commissioner for Public Sector Employment (OCPSE) to develop a robust and consistent approach to managing performance and workload that empowers managers and employees to navigate with confidence and psychological safety through a robust process. The implementation of the tools should be supported by training and coaching, including that currently offered by AGD and the OCPSE to support the implementation of the practices throughout CBS.*

*Recommendation 18: That for a period of time to be determined by the CE AGD and the Commissioner, AGD HR to have oversight of HR matters that fall outside of business as usual functions, including performance or behavioural matters that require escalation beyond standard one-on-one conversations, and all recruitment decisions in a quality assurance capacity.*

*Recommendation 19: That CBS work with AGD IT, HR and finance to establish documented ways of working, without adding an administrative burden, to strengthen and clarify expectations and ways of working across a number of functional areas (e.g. finance, recruitment, technology planning etc)*

*Recommendation 20: That CBS review the OneCBS project documents to extract all relevant information about the state of systems in CBS and use this as the basis of an audit and prioritization of system improvement. This process should be driven by CBS with support from AGD IT.*

*Recommendation 21: That CBS implement Objective, AGD's enterprise records management system across the organisation, supported by real time training, training resources and standard operating procedures that support best practice use of Objective.*

*Recommendation 22: That the CE AGD and the new Commissioner CBS undertake a series of meetings across CBS outlining the processes available to all staff should they ever feel aggrieved by an individual, irrespective of role or classification, emphasising the joint commitment to transparency and accountability at every level of the agency.*

*Recommendation 23: That the Chief Executive AGD attends periodic meetings of the CBS executive and senior management team, and with the Commissioner CBS co-host regular town hall meetings, followed by a morning tea, at which they reinforce their expectations of culture and leadership and highlight other key priorities.*

*Recommendation 24: That CBS considers implementing a pulse survey at least twice a year to set and assess key indicators of a high performance culture, as determined through their strategic planning process.*

*Recommendation 25: That the Chief Executive of AGD considers the establishment of a change management panel, or similar, to work with CBS during the implementation of the review recommendations. The role of the panel would be to oversee progress of each recommendation, providing expert advice and guidance. Membership could include the Commissioner for Public Sector Employment, and other subject matter experts including at least one representative from another regulator, possibly the Executive Director of SafeWork SA.*

*Recommendation 26: That the Chief Executive of AGD consider the creation of an executive role that may sit in the Office of the Chief Executive and work directly with the Commissioner to manage the implementation of the review recommendations.*

