

## **Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012**

### **Answers to Questions on Notice**

Topic: **Code of conduct inquiry**

Question: **2**

Hansard reference **p.23**

**Date set by the committee for the return of answer: 15 May 2012**

**Mr Kenny:** Senator, it may also be helpful if we provide you with the procedures that govern the way in which codes of conduct investigations are established and managed.

**Senator FAULKNER:** Sure. I would appreciate that, Mr Kenny. That would in fact be helpful and I thank you for it.

### **Answer**

DPS *People Management Paper No. 1.1—Procedures—Procedures for investigating and determining breaches of the Code of Conduct* was provided to the Committee after the lunch interval.

# Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012

## Answers to Questions on Notice

Topic: Potential heritage value of billiards tables  
Question: 4  
Hansard reference pp.28 and 29

**Date set by the committee for the return of answer: 15 May 2012**

**Senator FAULKNER:** ... For example, when did you become aware of the possible heritage value of the tables?

...

**Senator FAULKNER:** One issue I would like you to take on notice is something that I am not clear on. I do not want to delay the committee today, but one thing remains a little unclear to me after sifting through the information. When was the potential heritage value of these billiard tables first drawn to Mr Thompson's attention? Could someone check that. I ask you to take that on notice, if you would not mind. Also, I have the same question in relation to you, Mr Kenny, because I am not entirely clear. I accept that for some of that period you were fulfilling that role. I would be keen to understand, as far as the senior executive of DPS is concerned, when the potential heritage value of the two billiard tables was first drawn to the attention of you and of Mr Thompson. You might be able, but I do not necessarily expect you to be able, to answer that now. If not, can you take that on notice.

**Mr Kenny:** Senator, I think it is better that we do.

## Answer

1 At the time that the closure of the Staff Recreation Room was being considered, advice in relation to the billiard tables from the Director Facilities was to the effect that DPS was "keeping the best ones".

2 In July 2010, the Staff Recreation Room billiard and pool tables were removed from the building. Projects staff noted at the time that the tables were cedar, "nothing special" and had a date of either 1987 or 1989. Projects staff had separately examined the tables in the House of Representative Alcove and had noted they were older and made from silky wood.

3 On 26 August 2010, the evening that the final AllBids auction had closed, a DPS staff member had a telephone conversation with Mr Kenny about the auction, and wondered if the auction could be extended to allow for a potential bid. Mr Kenny advised this would not be possible.

4 On 10 September 2010, an email from a DPS staff member included a comment that the Staff Recreation Room billiard tables "did not have any heritage value to Parliament House but did have historic value to OPH". This was the first time that the potential heritage value, or otherwise, was drawn to Mr Kenny's attention.

5 In September 2010, two DPS staff members raised concerns about the potential heritage value of the Staff Recreation Room billiard tables with Projects and CFO Branch staff. Projects staff confirmed there were no issues. That is, the "special tables" remained in the House of Representatives Alcove.

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6 In October 2010, the CFO Branch Estimates brief documented that the billiard tables were general assets and did not have heritage value attributed to them.

7 At the 21 February 2011 Senate Additional Estimates hearing, Mr Thompson and Mr Kenny were present when Senator Faulkner requested the DPS Chief Finance Officer provide a copy of the heritage assessment.

8 Mr Thompson and Mr Kenny were first made aware that a heritage assessment had not taken place on 23 May 2011, the day of the Senate Budget Estimates hearing. Over the lunch break of that Estimates hearing, the DPS staff member who was the disposals officer told Mr Kenny he had not done a heritage assessment, and that he had annotated the undated document after the 21 February 2011 Senate Additional Estimates hearing.

# Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012

## Answers to Questions on Notice

Topic: Potential heritage value of billiards tables  
Question: 5  
Hansard reference pp.29–30

**Date set by the committee for the return of answer: 15 May 2012**

**CHAIR:** Just following on from that last response that in other forums there were discussions about the tables and whether they should or should not be kept, is it your evidence then that in those discussions no weight was given to the heritage of those tables? Is that common? According to other evidence at committee hearings and in estimates, these two billiard tables are not the only heritage items that have clearly been disposed of without due weight to their heritage being given. Is that fair?

**Mr Kenny:** I would rather not answer a general question without specifics. Over the life of the building there may well have been disposals made where there was insufficient attention given to heritage values and there may well have been attention given that was considered adequate by some but was not considered adequate by others. With the billiard tables and the discussion at joint House committee, I could not say accurately whether there was no discussion about heritage issues. The discussion was more about: 'if we shut down this facility will that be seen as a bad thing?', in terms of the billiard playing fraternity within Parliament House rather than another aspect. That was the thrust of it. There may have been some heritage consideration as well. I will take that on notice.

**CHAIR:** Thank you.

## Answer

1 The Joint House Committee considered the proposed relocation of the Staff Recreation Room and its equipment on 14 September 2009 and 21 June 2010. Matters discussed included where the billiard tables might be transferred to, and consultation with staff prior to any final decision being made about the future of the billiard tables.

2 At its September 2009 meeting, the committee requested that staff be consulted, prior to any final decision being made about the future of the billiard tables.

3 At its June 2010 meeting, the committee noted that DPS had decided to dispose of the Staff Recreation Room's two billiard tables and pool table, having established that no bookings for the pool or billiard tables were made over the November 2009–May 2010 period. DPS noted the two billiard tables in the House of Representatives Alcove would continue to be maintained.

4 There was no discussion at either meeting of the Joint House Committee of any potential heritage value of the Staff Recreation Room billiard tables and pool table.

## **Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012**

### **Answers to Questions on Notice**

Topic: **Comcare survey**

Question: **6**

Hansard reference **p.36**

**Date set by the committee for the return of answer: 15 May 2012**

**Mr Kenny:** I have a note here following a progress review meeting that took place between our people and Comcare, I think yesterday. Certainly the email that I have is dated yesterday. It advises: 'Comcare inspectors conducted a revisit this afternoon to assess the department's progress against the action plan submitted to Comcare on 22 February.' It then goes on to give more detail, and I can provide this email if that would be useful.

**Senator FAULKNER:** That would be helpful.

**Mr Kenny:** But in summary the two inspectors advised that they were pleased with our progress and the clear commitment from senior management to deal with workplace bullying and harassment. That is a quote from our HR person who had the meeting with the Comcare people.

**CHAIR:** So you are seeking to table that document?

**Mr Kenny:** I am quite happy to table it.

**CHAIR:** It would be helpful if you could, thank you.

### **Answer**

The email document was tabled at the hearing.

# Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012

## Answers to Questions on Notice

Topic: **Personal leave**

Question: **7**

Hansard reference **pp.38–39**

**Date set by the committee for the return of answer: 15 May 2012**

**CHAIR:** ... Can you outline to me the average personal leave rate that is taken by CPS staff and the amount of sick leave that has taken?

**Mr Kenny:** We do not break the two down. Personal leave and sick leave get recorded as the same. We have provided information in response to one of the questions that I think was answered late last year, maybe it was early this year. It was quite recent.

**CHAIR:** Yes, it was the average personal leave rate by the branch number of days. ...

**Mr Kenny:** ... we tend to have quite large divergence across DPS in different branches. So the work area with the highest rate of personal or sick leave will be quite a lot more than the one with the lowest. The 13 is probably a combination of some eights and some 20s.

**CHAIR:** Can you inform the committee of the breakdown of those areas and tell us what area within the department is more prone?

**Mr Kenny:** We can provide you with statistics by work area. I think by branch would be how we provide it.

## Answer

1 The table below provides details on the 2011–12 Monthly average usage rates of Personal Leave per Branch.

2 Personal Leave encompasses leave that was previously termed Sick Leave and Carer's Leave (it does not include Bereavement Leave).

Branch	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Annual*
Executive (i)	0.66	1.13	1.20	0.32	1.59	0.53	1.68	1.84	0.80	0.09	11.81
Research	0.69	1.12	1.98	0.84	0.38	0.85	0.96	0.79	1.31	0.46	11.26
Information Access	2.46	1.56	1.29	1.51	2.30	1.02	1.41	2.29	2.45	2.54	22.60
Building Services	1.9	1.66	2.34	1.24	1.44	1.98	1.34	1.37	1.76	0.84	19.04
Infrastructure Services	1.17	1.09	1.85	0.93	0.36	0.80	0.56	1.86	1.33	0.62	12.68
Content Management	0.91	1.32	1.54	0.41	0.66	1.29	0.84	1.56	1.27	0.72	12.62
Projects	0.92	1.11	1.17	0.48	0.48	1.01	0.24	1.65	1.59	0.58	11.08
Corporate Services	1.04	1.04	2.65	0.28	0.37	0.37	0.41	1.97	1.36	0.36	11.82
<b>Total DPS</b>	<b>1.31</b>	<b>1.30</b>	<b>1.88</b>	<b>0.86</b>	<b>0.85</b>	<b>1.15</b>	<b>0.87</b>	<b>2.29</b>	<b>1.49</b>	<b>0.78</b>	<b>15.34</b>

(i) Includes executive, strategy, Parliamentary Librarian, Strategy and Communication

\* Annualised Rate

# Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012

## Answers to Questions on Notice

Topic: **Reports of bullying**  
Question: **8**  
Hansard reference **p.41**

**Date set by the committee for the return of answer: 15 May 2012**

**Senator FAULKNER:** Sometimes, you have just got to know when to give up. On this, I intend to give up today. I just ask, please, that someone take on notice the question of what the status is of the five matters. I do not want to know any names. I just want to know whether these matters had been investigated, either after the exit interview or before; and, if they had not been investigated beforehand, if there was any follow up. If you can just give us a brief status report on the five instances without mentioning names—let us just describe the instances as (a), (b), (c), (d) or (e), or, (1), (2), (3), (4), (5)—that would be helpful. I appreciate your evidence, Ms Sheppard, and it is helpful. But I think, Mr Grove and Mr Kenny, that that might be a sensible way of dealing with this so we do not get bogged down.

**Mr Grove:** We can provide you with background as to what the status of each of those—

**Senator FAULKNER:** Just a brief status report. I think you are clear on what is being requested here in relation to those five cases. Let us put them aside until we have received the answer to the question on notice. Can we then go to the other three cases that you mentioned, Mr Grove: can you shed any light on those?

**Ms Sheppard:** Perhaps I can make a comment there and clarify the numbers that you are referring to. The press article on the weekend referred to five employees, and we were talking earlier about eight, so that is a further three. So the five, I am assuming, were reported only through exit interview and then there were a further three that were reported at exit interview. It also said that they had been previously reported. So that is where the eight comes from.

**Mr Kenny:** Yes, that is correct.

**Senator FAULKNER:** The most sensible way of us dealing with this is to add the three to the five and, for the committee's benefit, if I could ask for a brief status report specifying either action taken, or inaction; in any case just ensuring the status of these becomes clear, without any identification obviously.

**Mr Kenny:** Yes, and as you suggested, we will just identify them as case (a) through to case (h).

**Senator FAULKNER:** Thank you. I think that might be a sensible way of dealing with those; otherwise we might get bogged down.

## Answer

1 **Attachment A** provides brief status reports on eight matters raised at exit interviews that related bullying and/or harassment. These relate to 2010–11 figures given in July 2011 in answer to Senate QoN 682(1)(c)(iii)—reproduced below.

when reported / recorded?	2010-11
at Exit Interview only	5
at Exit Interview and said then that it had been previously reported <sup>1</sup>	3

2 The purpose of the Exit Interview Questionnaire is to help DPS understand the staff experience and allow staff the opportunity to make suggestions which may assist in improving conditions/job satisfaction for the future.

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<sup>1</sup> Although some reports at Exit Interviews of workplace harassment said that the incidents had been previously reported to someone, not all such reports could be confirmed as having been made.

3 Staff are not required to undertake an Exit Interview or participate by filling in the questionnaire; however, they are encouraged to provide DPS with feedback on their DPS experience, including any suggestions they may have. Information obtained from Exit Interview Questionnaires is kept confidential and used for reporting purposes. It is stated in the Questionnaire that the interview is voluntary and confidential and only a serious issue raised where confidentiality may not be guaranteed.

4 The annualised participation rate for exit interviews / completion of questionnaires was 31% for June 2011 and, for the last quarter (Jan–Mar 2012), it was 17%.

5 **Attachment B** is the seven-page Exit Interview Questionnaire.

6 The following information is provided to illustrate the sort of measures that DPS managers and senior staff take to identify and deal with possible bullying and/or harassment situations.

7 Despite not receiving any specific referrals or formal complaints of bullying and harassment, managers in a particular branch have, over time, become increasingly aware of informal suggestions from a small group of employees that there was a bullying and harassment problem within their work unit.

8 These suggestions (which have never included specific allegations), culminated in a letter sent by one employee in that work unit to the then Secretary, which spoke of the impact on the families of that group of employees as a result of the perceived bullying/harassment.

9 In response to these non-specific concerns, the Director of that work unit's section met with the CPSU Organiser, to gauge if he was aware of any of these matters within the work unit. The CPSU Organiser was not aware of any specific bullying and harassment concerns at that time. DPS then facilitated two separate workplace discussions between the CPSU Organiser and those employees to explore this issue further, and requested the CPSU Organiser to report back to the management of that DPS Branch if he believed there was a problem of bullying and harassment in that work unit.

10 The CPSU Organiser subsequently reported back that there were no particular incidents of bullying and harassment that were identified during the meeting; but that staff felt they were working in a "hostile environment". A number of other issues were raised by staff and reported to the CPSU Organiser about rosters, consultation, etc. All of these were issues (known to that DPS Branch management) arising from changes to work practices. Importantly, the CPSU agreed with that Branch's assessment that these were not bullying and harassment issues.

**(Attachment A over the page)**



## At Exit Interview Only (5)

### Employee A

Employee A ceased employment through a Voluntary Redundancy after three years' service with DPS. Employee A indicated his main reason for leaving was lack of meaningful work. The HR Services Section received an Exit Interview questionnaire from the staff member. A HR services representative followed up with a personal interview with Employee A to discuss comments from their questionnaire. A note taken on the questionnaire by the HR Services staff member indicates that Employee A had concerns with their line manager regarding feedback, communication and recognition. The staff member indicated they had experienced or observed bullying and harassment by ticking a box stating *"Have you ever experienced or observed workplace, harassment, bullying or discrimination while working at DPS in the last 12 months"*. Employee A identified their supervisor as the perpetrator in the survey but did not want to initiate a formal investigation, rather than have the matter noted on file for future. Employee A was happy leaving because there were other job ventures in tow. The line manager left shortly after—on transfer to another agency.

### Employee B

Employee B left DPS after six months' employment. Employee B's main reason for leaving was to pursue full-time study, Employee B indicated they had experienced or observed bullying and harassment in the Exit interview questionnaire during their employment. Employee B indicated they accessed the DPS Employee Assistance Program and that the issues were resolved satisfactorily.

### Employee C

Employee C left DPS after three years' service. Employee C indicated the main reason for leaving in Exit Interview questionnaire was because they believed they were being discriminated against (rather than bullied or harassed). The nature of the discrimination was due to family caring responsibilities. Employee C noted in the questionnaire they had consulted with the Australian Human Rights Commission (AHRC). The line manager of Employee C was contacted by the AHRC for comment; however the department did not receive a complaint from the AHRC. Employee C was granted 12 months leave without pay prior to leaving the department to support their caring responsibilities; however, did not return to the department after this period. Employee C worked in a shiftwork/rostered area and their roster did not accommodate their childcare responsibilities during sitting weeks.

### Employee D

Employee D left DPS after 14 years' services. Employee accepted a promotion with the ACT government. Employee D's main reason for leaving was lack of career opportunities. Employee D reported in the Exit Interview Questionnaire that they believed the Harassment Contact Officer was using their position inappropriately. The Harassment Contact Officer was not identified.

### Employee E

Employee E left DPS to take another Commonwealth position. Employee E has since returned to DPS as an ongoing officer. Employee E indicated in the Exit Interview Questionnaire that they had witnessed workplace harassment, bullying or discrimination and expressed concerns to their supervisor. Employee E did not indicate in their Questionnaire if they were satisfied or dissatisfied with the outcome as a result of reporting the incident. The questionnaire outcomes were forwarded to Employee E's Branch Head, the Branch Head responded that Employee E had raised concerns regarding trust rather than bullying and harassing behaviour.

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## **At Exit Interview and said then that it had previously reported (3)**

### **Employee F**

Employee F left DPS after 17 years' service, accessing Long Service Leave prior to their departure. Employee F completed an Exit Interview Questionnaire however did not meet with HR Services. Employee F indicated the main reason for leaving DPS was that their supervisor was ineffective. Employee F indicated that they had experienced bullying and harassment and that it had been reported to both their supervisor and next level manager; however, it was not dealt with. Employee F did not provide information regarding who the bullying behaviour came from or the nature of the behaviour. HR Services alerted the Branch Head of the Exit Interview Questionnaire and the concerns raised. The Branch Head recalls discussing the concerns with the Deputy Secretary regarding the clash of personalities between the staff member and the supervisor.

### **Employee G**

Employee G left DPS after two years' services for a promotion with one of the chamber departments in Parliament House. Employee G did not accept a face-to-face interview with HR Services; however, completed an Exit Interview Questionnaire. In the questionnaire, Employee G had concerns regarding Employee G's former supervisor and stated they had reported bullying and harassment to this supervisor. HR Services reported the outcome of the questionnaire to the Branch Head who alerted the work area of the concerns by Employee G and requested for action to be taken should it be required.

### **Employee H**

Employee H left DPS after seven years' service to move interstate. Employee H completed an Exit Interview Questionnaire; however, did not participate in a face-to-face interview with HR Services. Employee H indicated the main reason for leaving was lack of career opportunities. Employee H stated that they had *experienced or observed workplace, harassment, bullying or discrimination while working at DPS in the last 12 months* and ticked the box that *if you have observed workplace harassment, bullying or discrimination, did you report it*. Unfortunately, Employee H did not provide any further comment in their questionnaire regarding these questions. It is written on the Exit Interview questionnaire that HR Services advised the Branch Head of the result from the questionnaire. HR Services informed the Branch Head of the concerns raised in the questionnaire. The supervisor informed the Branch Head that the employee was aggrieved at not being permanently appointed to a higher position following a period of 12 months acting (while his supervisor was off line). The supervisor also advised that Employee H had issues with other staff in the workplace over the time. Prior to leaving DPS, Employee H complained about an employee to the supervisor expecting a recourse/punishment. The supervisor dealt with the matter and advised the employee that the matter was resolved. The employee was still not satisfied; but did not complain again.



## Exit Interview Record

Thank you for taking the time to participate in an Exit Interview. Your views are very important to us because they assist DPS to understand why staff are leaving so that improvements can be put in place for existing and future DPS staff.

This interview is voluntary and confidential and individual comments will not be attributed to you. **If however, you raise a serious issue which may require follow-up and further investigation, confidentiality cannot be guaranteed.** The completed Exit Interview is located in a secure location and not on your personal history file.

Personal Details				
Name (optional):				
Classification:				
Section/branch:				
Employment status:	<input type="checkbox"/> Ongoing <input type="checkbox"/> Non-ongoing			
Date of cessation:				
Length of service:				
Age:	< 25 yrs <input type="checkbox"/>	25-29 yrs <input type="checkbox"/>	30-34 yrs <input type="checkbox"/>	35-39 yrs <input type="checkbox"/>
	40-44 yrs <input type="checkbox"/>	45-49 yrs <input type="checkbox"/>	50-54 yrs <input type="checkbox"/>	55-59 yrs <input type="checkbox"/>
	60-64 yrs <input type="checkbox"/>	65 yrs + <input type="checkbox"/>		
Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female			
Method of Separation				
<input type="checkbox"/> Resignation	<input type="checkbox"/> Retirement	<input type="checkbox"/> Voluntary Redundancy	<input type="checkbox"/> End of non-ongoing employment	
<i>Movement to another Parliamentary department (if applicable)</i>				
<input type="checkbox"/> Promotion	<input type="checkbox"/> Transfer	<input type="checkbox"/> New appointment	<input type="checkbox"/> New classification	
<i>Movement to the Australian Public Service (if applicable)</i>				
<input type="checkbox"/> Promotion	<input type="checkbox"/> Transfer	<input type="checkbox"/> New appointment	<input type="checkbox"/> New classification	
<i>Other employment (if applicable)</i>				
<input type="checkbox"/> Private sector		<input type="checkbox"/> Volunteer work		

### Before you decided to leave - did you firstly explore alternative options?

- |   |  |
|---|--|
| <input type="checkbox"/> Discussed options with Director/Supervisor | <input type="checkbox"/> Job rotation/mobility       |
| <input type="checkbox"/> Part-time employment/ job sharing          | <input type="checkbox"/> Career counselling          |
| <input type="checkbox"/> Advice/assistance from your union          | <input type="checkbox"/> Employee Assistance Program |
| <input type="checkbox"/> Advice/assistance from HR Services         | <input type="checkbox"/> Other                       |
| <input type="checkbox"/> If No, why not? _____                      |  |

*I agree that this document is an accurate record of my views/opinions as expressed during the interview. I am also aware that I can request a copy of the record for my own information.*

Signature (staff member)	Date ...../...../.....	Signature (HR Officer)	Date ...../...../.....
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## You and Your Working Environment

What top five reasons influenced your decision to leave DPS? Please number the appropriate boxes 1 to 5 (in order of importance) below:

Age	<input type="checkbox"/>
Career change	<input type="checkbox"/>
Decision to change lifestyle	<input type="checkbox"/>
End of temporary employment	<input type="checkbox"/>
Family/carer responsibilities	<input type="checkbox"/>
Health	<input type="checkbox"/>
Higher salary	<input type="checkbox"/>
Immediate supervisor is ineffective	<input type="checkbox"/>
Incompatibility with supervisor/co-worker	<input type="checkbox"/>
Interest not matching job	<input type="checkbox"/>
Job role did not meet personal expectations	<input type="checkbox"/>
Lack of autonomy	<input type="checkbox"/>
Lack of career opportunities	<input type="checkbox"/>
Lack of involvement in decision making	<input type="checkbox"/>
Lack of meaningful work	<input type="checkbox"/>
Lack of opportunity to be creative or innovative in job role	<input type="checkbox"/>
Lack of recognition	<input type="checkbox"/>
Lack of development opportunities	<input type="checkbox"/>
Moving overseas/interstate	<input type="checkbox"/>
Promotion is not based on achievement	<input type="checkbox"/>
Senior leadership quality poor	<input type="checkbox"/>
Study	<input type="checkbox"/>
Superannuation incentive	<input type="checkbox"/>
To gain experience elsewhere	<input type="checkbox"/>
Travel to work	<input type="checkbox"/>
Unable to adequately balance work/life balance	<input type="checkbox"/>
Voluntary redundancy benefits	<input type="checkbox"/>
Work environment is not team orientated nor collaborative	<input type="checkbox"/>
Work pressure/stress	<input type="checkbox"/>
Other	
Comments:	

## Job Satisfaction

On a scale of 1-10 where would you rate your job satisfaction?  
(Please circle appropriate number).

Not Satisfied

Satisfied

Very Satisfied

1	2	3	4	5	6	7	8	9	10
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Comments to support your rating: (eg. working relationships, meaningful work, salary, recognition).

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## Personal and Professional Development

Are you satisfied with the opportunities you were given for personal/professional development at DPS (eg. training, opportunity to learn on job)? Yes ☐ No ☐

Do you think your diversity of skills, experiences, background and ways of working were recognised and appreciated in your section/branch? Yes ☐ No ☐

Were your promotional opportunities in line with your expectations? Yes ☐ No ☐

Comments:

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## Performance Management and Feedback

Do you have a current performance agreement in place? Yes ☐ No ☐

Were you satisfied with the level of performance feedback and recognition you received at your last review? Yes ☐ No ☐

Comments:

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Were you satisfied with the performance rating you were given at your last review? Yes ☐ No ☐

If yes, what was your rating? (optional) \_\_\_\_\_

If no, why not?

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### Immediate Supervisor

Please rate your level of agreement with the following statements regarding your immediate supervisor.

	Agree	Neither agree nor disagree	Disagree
My supervisor provides me with the support I need to do my job			
My supervisor ensures fair access to developmental opportunities for employees in my team			
My supervisor treats all staff with respect and courtesy			
My supervisor regularly gives me feedback and recognition			
My supervisor delegates effectively			

Comments:

### Parliamentary Service Values and Code of Conduct

Please rate your level of agreement with the following statements regarding the Parliamentary Service Values and Code of Conduct.

	Agree	Neither agree nor disagree	Disagree
I have a good understanding of the Parliamentary Service Values and the way in which they apply to my work			
I believe that the people with whom I worked uphold the Parliamentary Service Values			
I have a good understanding of the Parliamentary Service Code of Conduct and the way in which it applies to my work			
I believe that the behaviour of the people with whom I worked is consistent with the Parliamentary Service Code of Conduct			

Comments:

## Knowledge Management

How confident are you that your skills and knowledge have been retained within your section/branch?

Very  
Confident

☐

More than  
Confident

☐

Confident

☐

Not very  
confident

☐

Not at all  
confident

☐

How have you passed on/transferred your skills and knowledge to your team before leaving DPS?

## Your Health and Wellbeing

Do you believe that Occupational Health & Safety principles and safety requirements are well understood and adhered to in your section.

Yes ☐

No ☐

Are you aware of the DPS Workplace Harassment Contact Officer (HCO) network?

Yes ☐

No ☐

Have you ever been subjected to workplace harassment, bullying or discrimination while working at DPS **in the last 12 months**?

Yes ☐

No ☐

Have you ever observed workplace harassment, bullying or discrimination while working at DPS **in the last 12 months**?

Yes ☐

No ☐

If you experienced workplace harassment, bullying or discrimination, did you consult?

a) A HCO?

Yes ☐

No ☐

b) Your supervisor?

Yes ☐

No ☐

c) Other: \_\_\_\_\_

Yes ☐

No ☐

c) Were your issues resolved satisfactorily?

Yes ☐

No ☐

If you observed workplace harassment, bullying or discrimination, did you report it?

Yes ☐

No ☐

Comments:

Are you aware that DPS offers an Employee Assistance Program (EAP)?

Yes ☐

No ☐

Are you aware that the EAP offers managerAssist service? (*supervisors only*)

Yes ☐

No ☐

Did you access the Employee Assistance Program (EAP) during your time with DPS?

Yes ☐ No ☐

If yes, were the issues resolved satisfactorily?

Yes ☐ No ☐

### Whole of Life Balance

On a scale of 1-10 rate how satisfied you were with your immediate manager to appropriately accommodate your personal responsibilities and your work commitments?

Not Satisfied

Satisfied

Very Satisfied



If more than satisfied how were your needs accommodated? (eg. flex time, job share, part time work, flexible working hours, working from home).

Comments: \_\_\_\_\_

If less than satisfied, why not?

Comments: \_\_\_\_\_

### Working in DPS

How do you rate the performance of DPS in relation to the following?

	High	Average	Low
Open and effective communication across the organisation			
Encouraging me to communicate my concerns and suggestions			
Quality of DPS communication systems (DPS Staff Portal, DPS Dispatch newsletter, etc)			
Accessibility of DPS communication systems			
Quality of DPS/HoR Payroll Services (timeliness, accurate advice, processing)			
Quality of DPS HR Services (OHS, Recruitment, Learning and Development, Workplace Relations)			
Quality of DPS IT systems (reliability, performance, functionality)			

Comments



What did you enjoy about working in DPS?

Are there things you dislike about working in DPS or Parliament House? If so, what improvements could be made?

Would you like to return to DPS in the future?

Yes ☐ No ☐

What would encourage your return?

Any other comments?

**Thank you for taking the time to complete this survey.  
Best wishes for your future.**

## Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012

### Answers to Questions on Notice

Topic: **Status of bullying/harassment code of conduct investigations**

Question: **9**

Hansard reference **pp.41–42**

**Date set by the committee for the return of answer: 15 May 2012**

**Senator FAULKNER:** Is that the only code of conduct investigation that you are aware of in relation to bullying or harassment matters within DPS in recent years?

**Mr Kenny:** I am aware of two that are currently happening. I am aware of others that were investigated as code of conduct matters, but I would not pretend to sit here and say that I know exactly how many or that I am aware of all of them.

**Senator FAULKNER:** Could I just ask then on notice—again I do not think it is fair to the witnesses or the committee to get too bogged down in this—for a brief status report on any code of conduct investigations, be they concluded in the past or ongoing.

**Mr Kenny:** Time frame, please, Senator?

**Senator FAULKNER:** I will try and be reasonable about it—the last three or four years, just so we have got a bit of a picture.

### Answer

**Attachment C** provides brief status reports on the two code of conduct investigations related to bullying or harassment that have taken place in DPS in the last four years; as well as two matters currently in train.

**Code of Conduct Processes undertaken regarding staff who have / are alleged to have bullied and/or harassed staff**

**Employee 1**

In 2009, Employee J received the sanction of termination after Employee J was found to have breached the Parliamentary Service Code of Conduct for physically assaulting a DPS employee. Employee J was terminated under Section 29 of the *Parliamentary Service Act 1999*. Employee J was subsequently convicted of two counts of criminal assault in relation his conduct regarding violence. Employee J brought an application of unfair dismissal remedy under the *Workplace Relations Act 1996* in, as it then was, the Australian Industrial Relations Commission (now Fair Work Australia). The application for unfair dismissal remedy was dismissed in mid-2011 by Fair Work Australia.

**Employee 2**

In 2011, Employee K was suspended from duty pending an allegation of sexual harassment by a colleague. DPS commenced a Code of Conduct investigation as a result of the complaint. Employee K resigned from DPS through correspondence by his legal representative before the completion of the investigation. As the staff member was no longer an employee, the provisions of Section 15 of the *Parliamentary Service Act 1999* could not be applied—the provisions cannot apply to a person who was no longer a Parliamentary Service employee.

**Additional Code of Conduct matters not yet completed**

There are currently two matters afoot regarding alleged breaches of the Code of Conduct, as a result of allegations of bullying and/or harassing behaviours. It is anticipated these matters will be finalised in June 2012.

# Senate Finance and Public Administration Legislation Committee —Inquiry into the performance of DPS—Hearing 2 May 2012

## Answers to Questions on Notice

Topic: Legal action in relation to bullying

Question: 10

Hansard reference pp.42

Date set by the committee for the return of answer: 15 May 2012

**Senator FAULKNER:** ... Has any legal action been taken against DPS in relation to bullying?

**Mr Grove:** There has been a particular case which has involved the department, with a particular employee, over a long period of time through various tribunals, where the department has had to respond to allegations.

**Senator FAULKNER:** Is that legal case concluded?

**Mr Grove:** That case has concluded and the particular employee has left the service of the department and signed a deed of release. All matters that were on foot are concluded.

...

**Senator FAULKNER:** Are you able to say whether the DPS was successful in its legal endeavours here or not? Did the person win the case or did DPS?

**Mr Grove:** The person in question did not win at any of the matters brought before tribunals.

**Senator FAULKNER:** So there has only been legal action in relation to bullying relating to one individual with DPS?

**Mr Kenny:** That is the one that I think some of us are very much aware of. Can we take it on notice just to enable us to make sure that we get an absolutely accurate answer.

**Senator FAULKNER:** Sure.

**Mr Kenny:** For example, there was an officer whose employment was terminated a few years ago as a result of a code of conduct regarding bullying, and that then led to an extended hearing at the Fair Work organisation.

**Senator FAULKNER:** I am not clear; is that a different case we are now talking about?

**Mr Kenny:** It is a different case, so I suppose that we should include that in response to your question about whether DPS has ever been taken to court.

**Senator FAULKNER:** Fair enough. Did DPS win that case?

**Mr Kenny:** The decision to terminate the employment was upheld.

## Answer

1 Details of one matter referred to in evidence quoted above are provided in response to QoN 9 (**Attachment C**—Employee 1).

2 Details of the second matter are provided in **Attachment D**.

## **Court Actions—outline of principal matters**

In late 2006, in relation to a reference provided by the employee's supervisor, in a selection process, the employee made allegations about several people involved in the process, culminating in allegations by him of corruption, dishonesty and abuse of office by the then Secretary, Hilary Penfold QC. The employee referred these allegations to the Presiding Officers requesting under clause 2.3.3 of Parliamentary Service Determination 2003/2 that they refer the matter to the Parliamentary Service Commissioner. The Presiding Officers did this in May 2007, mentioning the relevant determination provision and quoting part of it.

In September 2007, the employee wrote to the Presiding Officers alleging that their referral was deliberately deficient in not quoting all of the relevant provision and claiming that this did not invoke the relevant powers of the Commissioner. He sought the Presiding Officers' reasons for their decision to make a deficient referral. On advice from the Australian Government Solicitor (AGS), the Presiding Officers replied that there was no relevant decision for which reasons could be provided.

In January 2008, the employee applied to the Federal Court under the Administrative Decisions (Judicial Review) Act seeking an order for the Presiding Officers to provide reasons for the purported decision. At the same time he applied for an order for the Parliamentary Service Merit Protection Commissioner to provide reasons for a different purported decision in his case. The Court considered the two matters jointly.

At the first hearing, AGS sought dismissal of the matters under a Federal Court provision that enables a matter to be dismissed summarily on the basis that it has no reasonable prospect of success. The employee objected to orders made by Justice Stone and also challenged the summary dismissal provision on the ground that it was unconstitutional.

The employee wrote to Justice Stone requesting that she recuse herself on grounds including bias. She refused to recuse herself. The case was later taken over by Justice Bennett and the employee made application to the High Court seeking prohibition of both judges from hearing the matters before the Court on grounds including bias. The High Court rejected his claims, with costs awarded against him. He eventually negotiated and paid an amount of a little less than \$20,000 in relation to costs in that matter and a bankruptcy matter related to recovery of the High Court costs.

The employee's constitutional challenge was also rejected.

In May 2009, Justice Bennett dismissed the employee's applications to the Federal Court for reasons in support, finding that there were no decisions of the Presiding Officers or the Merit Protection Commissioner for which reasons in support could be provided. She awarded costs against him.

The court processes since May 2009 then have been in relation to cost recovery, including the High Court costs mentioned above. The matter was settled between all parties in April 2012 within legal practice and principle.