



Parliamentary Standing Committee on Public Works

DEPARTMENT OF HOME AFFAIRS

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Canberra ACT 2600

Via email: pwc@aph.gov.au

Community and Public Sector Union (PSU Group)
June 2021

Introduction

Dear Committee,

As the union representing workers in the Department of Home Affairs ('the Department'), the Community and Public Sector Union ('CPSU') is committed to representing its members' interests through all available channels. Accordingly, we welcome the opportunity to make this submission to the Committee in response to the Department's submission on the proposed works to be completed at the Department's new accommodation at 101 George St, Parramatta.

We respectfully ask the Committee to consider in their assessment of the proposed works; both the fit-out of the new accommodation, as well as the Department's decision to relocate workers from one site in Parramatta (9 Wentworth St), and two sites in the CBD (26 Lee St, Haymarket and 300 Elizabeth St, Surry Hills), to one new site in Parramatta. While the Department's submission refers only to the fit-out itself, the CPSU contends that the Department's decision to carry out the proposed works *at* the proposed new site, is relevant to the Committee's consideration. We argue this is relevant to whether the proposed works are fit-for-purpose, necessary and advisable, as it is empowered to do under s17(3) of the *Public Works Committee Act 1969* ('the Act').

The CPSU has several concerns regarding the proposed works, which we outline below. These include the:

- Inaccessibility of accommodation for workers,
- Inaccessibility of accommodation for stakeholders,
- Lack of consultation over location,
- Lack of consultation over accommodation layout and design,
- COVID-safety of accommodation, and
- Lack of assistance to workers unable to relocate.

For the reasons outlined below, the CPSU asks that the Committee recommend that the proposed works not go ahead unless there is genuine consultation with workers that addresses the concerns enclosed in this submission. This is to ensure that Commonwealth resources are expended in a way that promotes the efficient and effective use of public funds, and to preserve the Department's ability to deliver its important services to the community in Greater Sydney.

Inaccessibility of accommodation for workers

CPSU members, especially those that will be required to relocate from the Lee St and Elizabeth St buildings in the CBD, are gravely concerned about the accessibility of the proposed accommodation. This is most apparent in the significant impact that the relocation will have on the length and difficulty of commutes to work.

The location of the new office is difficult to access for many, especially workers who can only access Parramatta via public transport if they first travel into the CBD. This is especially true of workers who live in the South and Central Coast, Northern Beaches, North Shore, as well as Sydney's southern and eastern suburbs. Many of these workers will face commutes of at least two hours' duration each way, which will in turn impact significantly on their ability to meet personal responsibilities outside of work, and to maintain a healthy work/life balance.

Excerpts from responses to the CPSU's survey of affected workers are included below:

'I have carer responsibilities for a person with significant health issues that require inpatient and outpatient services, supervision of medication, diet and meals. The extra commute time will significantly impact on my ability to provide this care, mainly in terms of loss of available time to perform required carer tasks effectively.'

'I will not be able to spend quality time with my children, as I will be on the road commuting spending around 4 hours in a single day on four buses and two trains from my place of residence to the Parramatta office. Less time with my family means less time to dedicate to them, assist them with schooling and take them to sporting and other activities.'

'My child will have to be dropped off much earlier to be able for me to get to work on time. I will also have to leave work earlier to pick them up before closing time. It will also reduce the amount of time I will be able to attend to duties at home as my time will be chewed up by the commute.'

'I will need to reduce my working hours to get to childcare in time to pick up my child before it closes. This will affect my pay and my long-term financial stability (superannuation/mortgage).'

It should also be noted that the inaccessibility of the new accommodation will have significant impacts for workers with a disability, especially those with limited mobility. The limited public transport options available, along with the fact that the new accommodation is almost one kilometre away from Parramatta train station and bus interchange will drastically affect these workers. Portable ramps to access trains or wheelchair-accessible buses are not always available on these routes, which may mean that workers with a disability will need to rely on multiple bus trips or expensive wheelchair-accessible taxis to commute to work. This will lead to a substantial blow-out in commute times and expenses for these workers, and an attendant impact on their ability to maintain personal care arrangements after-hours.

The Department appears to have not considered nor consulted with workers with a disability on whether the new accommodation is accessible. The Department has instead referred workers who have enquired about this matter to the fact that the building ostensibly 'meets current disability standards.'

Workers with disabilities have advised that there has been no consultation on their needs, with workers who require use of mobility aids (e.g., motorised wheelchairs) specifically impacted by the relocation and the increase in the difficulty and duration of their commute. Of these staff, at least one CPSU member has advised that there has been no consultation on their needs. This staff member uses a motorised wheelchair, and their current location in Lee St was modified (with automatic doors) to accommodate them. The Property team have advised that features such as automatic doors would probably not be included in the fit-out due to cost issues (when raised as a COVID-safety measure). It is unclear whether this worker and others in similar situations will be accommodated.

The most obvious way in which the Department can mitigate the negative impacts of this relocation on workers would be to retain a footprint in Sydney's Central Business District, which remains the most accessible location for the majority of workers. The costs of the Department's property footprint would still be lessened by the reduction of the number of sites from 3 to 2, and the Department would still be able to conduct its business in a centrally accessible location for all workers and stakeholders (as will be discussed in more detail below).

Significantly, the Department has advised that, despite compelling evidence that CBD rents have fallen significantly as large corporations downsize office spaces¹, no return to market has been undertaken or indeed considered. This is a remarkably inflexible approach and is not a responsible use of taxpayer money. While any move would incur costs including fit-out of newly leased premises, the Department would most certainly be in an excellent position to secure significant incentives to defray these costs in CBD locations. The Australian Financial Review, for example, has reported that 'incentives being offered by landlords – in fit-out contributions, rent-free periods and rent abatements, have jumped.'²

Most importantly, the Department would not incur additional costs for recruitment and training of new staff following the inevitable loss of skilled, loyal workers who will be forced to seek alternative employment because of the relocation. To date, the Department has not indicated whether they have completed any modelling as to the possible costs to the Department in terms of the lost knowledge and experience of these workers, as well as the time and resources that will be spent training new workers to complete the complex, specialised work performed in the Department. The Department also appears to have not considered costs arising from lowered productivity for staff who know they will be forced to seek new employment due to the relocation. These considerations are directly relevant to whether the proposed works are fit-for-purpose, necessary or advisable, or represent an effective and efficient use of public funds.

1 CPA Australia 2021, 'The future of cities in a post-COVID world', In the Black, <https://www.intheblack.com/articles/2021/04/01/future-cities-post-covid-world>, accessed 22 June 2021.

2 Harley, R. 2021, 'Post-pandemic conundrum looms for Australia's office towers', Australian Financial Review, <https://www.afr.com/property/commercial/post-pandemic-conundrum-looms-for-australia-s-office-towers-20210210-p57162>, accessed 22 June 2021.

Inaccessibility of accommodation for stakeholders

As outlined above, many workers will find the proposed accommodation difficult to access. This is also the case for the Department's stakeholders, including clients and community groups from different areas of the Sydney region, with whom Departmental staff interact as part of the course of their daily duties.

Whilst the Department has pivoted to a predominantly self-service mode of service delivery (through the Department's website, telephone contact centre, e-lodgements, etc.), there is still a need to provide in-person services to a variety of stakeholders. The accessibility of the new location to those stakeholders does not appear to have been considered in the move to a single site at Parramatta. Some examples of stakeholders who will continue to require in-person services and are likely to be adversely affected by the move are as follows:

- **Clients requiring in-person interviews (particularly in the Refugee & Humanitarian and Citizenship streams)** – the lack of direct accessibility via public transport is likely to adversely affect this cohort.
- **Clients requiring multiple agency contacts** – since 2002, the Department has been co-located with the Department of Foreign Affairs & Trade (DFAT) Passports Office at 26 Lee St and is situated less than five minutes' walk from the NSW Births, Deaths and Marriage (BDM) Registry. Many clients often need to attend a Departmental/DFAT/BDM office to obtain confirmation of their migration/citizenship/biographical details to enable their applications (of various types) to be processed. The location of the new DFAT Passport Office is currently unknown, but likely to remain in the Sydney CBD, meaning clients will need to travel between locations to resolve their issues. BDM maintains an office in Parramatta, which is a 10–15-minute walk from the proposed HA office.
- **Migrant and community groups** – whilst several community groups that the Department deals with are located closer to the Parramatta office, the lack of directly accessible public transport routes would be a significant limiting factor in these groups accessing the office easily, given that the majority of groups are supporting socio-economically disadvantaged communities.

Lack of consultation over location

Despite the clearly significant and negative impacts on many workers of the proposed relocation as outlined above, the decision to relocate all Departmental staff to the new Parramatta accommodation was not subject to meaningful consultation with affected workers. As Commissioner Smith held in a decision of the Australian Industrial Relations Commission in 2001:

Consultation is not perfunctory advice on what is about to happen... consultation is providing the individual, or other relevant persons, with a bona fide opportunity to influence the decision maker.³

Unfortunately, the Department first announced their intention to relocate to one site in early 2019 and to this date have not, in any form, responded meaningfully to any feedback provided by staff.

In a survey conducted by the Department, 82% of staff in the CBD indicated that they wished to remain in the CBD and 91% of staff located in Parramatta indicated that they wished to remain in Parramatta. Given that there are far more staff in the CBD than in Parramatta and that 82% of those staff would be far more than the 91% of Parramatta staff, it is apparent that this feedback, sought and initiated by the Department itself, has been wilfully ignored. The most logical outcome in response to staff feedback would be to maintain a presence in both the Sydney CBD and Parramatta – but the Department appears unfortunately unwilling to entertain this option.

The Department's submission provided the following reasons for deciding on the 101 George St accommodation:

- a. total leasing costs per square metre and building owner incentives,
- b. timing of building availability,
- c. location of the building and proximity to public transport and the Parramatta central retail hub, and
- d. the opportunity for the entire office accommodation component of the building to be taken up by Commonwealth agencies, with the majority to be leased by Home Affairs.

It is therefore apparent in the Department's own submission to the Committee that the Department did not consider the impact of the move on staff, did not seek feedback from staff regarding the move, and having received feedback from staff, did not meaningfully consider this feedback.

During the first meeting of the Sydney Accommodation Working Group (SAWG) on 12 February 2020, the Department advised that they had conducted an analysis of the postcodes of where all staff lived. Following this analysis, they concluded that the move to Parramatta was suitable for most staff. Following questioning, the Department

³ Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Vodafone Network Pty Ltd, PR911257 (AIRC, Smith C, 14 November 2001) at para. 25.

admitted that this study analysed the proximity of postcodes to the proposed location by a straight line. This method of commuting does not reflect the public transport options of workers (or lack thereof), the implications of which have been outlined above.

In addition to the lack of consideration given to changed public transport routes, management also acknowledged that their analysis did not take into consideration such important considerations as parking availability, caring responsibilities, school pick-ups/drop offs, or any other personal or social element of a worker's life that may be affected by this move.

The Department have consistently advised that their decision to co-locate all staff in one site was final and will not be revisited. This is not genuine consultation within the meaning of the Smith decision. The decision to choose the 101 George St site was made without meaningful consideration of feedback provided to the Department by workers; workers were not given a 'bona-fide opportunity to influence the decision-maker'.

While there are industrial implications for this lack of consultation that may fall outside the Committee's remit, this lack of consultation goes directly to the question of whether the proposed works are suitable, fit-for-purpose, and likely to result in value-for-money in terms of expenditure of public funds. If workers are not consulted on the location and fit-out of their accommodation, the costs to the Department and to the public purse will be significant in terms of loss of skilled, experienced workers and attendant costs of training new workers to fill their roles, along with the negative impacts on staff morale and productivity.

Moreover, the CPSU notes that the proposed relocation presents a range of physical and/or psychosocial hazards and risks to health and safety that the Department must act to eliminate and/or control given their duties under the *Work Health and Safety Act 2011*. There is currently no evidence that the Department has conducted a rigorous, thorough assessment of these psychosocial hazards and risks, nor has it acted to involve Health and Safety Representatives (HSRs) meaningfully in their identification, assessment, and management.

Lack of consultation over accommodation layout and design

On 1 June 2021, the Department advised CPSU representatives that they were at a 'very early conceptual phase of the design' and that they were not able to 'share draft floorplans or photos.' Other attempts by CPSU representatives to seek further specificity on the anticipated layout and design have been met with references to the materials available from the Department's recent refurbishments and relocations in Canberra.

The Department's submission to the Committee makes no reference to worker input into materials and furnishings. For the reasons outlined above, we submit that it is critical that the Department consults meaningfully with workers and their representatives regarding all aspects of the fit-out, especially including lay-out, facilities, and design.

This is to ensure maximal staff ownership of and comfort in the new accommodation, as well as the elimination or minimisation of any work health and safety risks that may arise as part of the fit-out of the new Accommodation (noting that the Department has not outlined in its submission how it will satisfy its duties under the *Work Health and Safety Act 2011*).

We are also seeking confirmation from the Department that they are not considering the use of hot-desking or Activity Based Working (ABW). The CPSU notes that previous similar relocations in other Commonwealth agencies have incorporated the use of ABW.

There is currently an increasing amount of evidence both in Australia and internationally that ABW is no longer a desirable or safe workplace practice.⁴ This evidence

predates and is confirmed by the onset of the COVID-19 pandemic. Although current arrangements at each office location in Parramatta, Lee St and Elizabeth St all allow for social distancing while workers are seated, there is no indication from the Department currently as to whether they intend to consult with workers regarding this important COVID-safety measure, let alone other aspects of the lay-out and design of the new accommodation.

COVID-safety of accommodation

The first meeting of the SAWG was held in February 2020, at the commencement of the COVID-19 pandemic in Australia. Since then, members of the SAWG have continued to raise issues of COVID-safety in relation to the proposal, with unsatisfactory responses from the Department. For example, when the possibility of automatic opening doors and/or foot operated doors was raised (in order to reduce touch points for surface transmission), the Department responded by stating that all details related to fit-out will have to be accommodated within the existing lease incentive price and that such measures will be unlikely to occur due to the additional costs associated with these items.

Currently, additional cleaning services are being provided across Departmental facilities for high touch-point areas during the day. This is likely to become a business-as-usual activity, and the cost of such activities will need to be absorbed by the Department. For minimal additional outlay, the risk of COVID-19 transmission via surfaces could be significantly remediated during fit-out by utilising low-touch hardware solutions. This would also have benefits for general hygiene and staff health and wellbeing during the regular cold and flu season annually, once the COVID-19 pandemic is brought under control. Documented cases of influenza since the advent of COVID-19 have already reduced significantly due to increased public health measures⁵, and the benefit from a functional design to further reduce any potential sources of infection would result in

4 Safe Work Australia 2021, 'Hot desking and activity based work arrangements', https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/office/physical-distancing#heading--10--tab-toc-hot_desking_and_activity-based_work_arrangements, accessed 22 June 2021.

5 Peek, Katie 2021, 'Flu Has Disappeared Worldwide during the COVID Pandemic', Scientific American, <https://www.scientificamerican.com/article/flu-has-disappeared-worldwide-during-the-covid-pandemic1/>, accessed 22 June 2021.

long-term benefits to the Department such as reduced sick leave days and improved productivity.

COVID-safety has also been raised in relation to the design of the workstations proposed for the proposed accommodation. The Department has stated that it is not in a position to consult with staff about the fit-out of the workspaces, but that the fit-out would have the ‘look and feel’ of recent refurbishments undertaken in the Canberra region. This includes individual work points consisting of a sit/stand desk, which would incorporate a dual monitor holder. However, these desks do not include partitions and are not arranged in cubicles that would afford workers privacy and noise reduction. Studies have shown that COVID-19 is primarily spread through aerosol transmission, and that the height of workstation partitions can have a significant impact on the spread of aerosol particles in the workplace.⁶ When this concern has been raised with the Department, the response has been that the dual screens act as a partition. However, this is ineffectual in preventing aerosol transmission given the varying heights that are afforded by the nature of sit/stand desks.

Additionally, given the reduction in the overall leasing footprint, it is anticipated that the size of the individual work points allocated to staff will be smaller than existing fit-outs. As mentioned above, the size and spacing of desks in the current fit-outs has afforded staff a measure of COVID-safety, as staff are able to effectively social distance in the office given seating maintains a minimum 1.5m distancing. A reduction in the spacing of work points has potential for significant risks to workers in any future outbreaks.

Lack of assistance to workers unable to relocate

The Department has confirmed to CPSU representatives that no dedicated assistance of any sort is to be provided to staff who are unable to relocate. It has been clear since the beginning of this process that a significant number of staff would be unable to relocate due to the impacts on their commute and attendant inability to maintain work/life balance, caring responsibilities, and so on.

While it is difficult to properly express the disappointment and frustration felt by so many staff at the Department’s complete abdication of their obligations to meaningfully involve workers in the relocation process, the CPSU condemns in the strongest language possible the lack of pastoral care the Department has shown in its approach to workers who will not be able to relocate.

At various stages of the process to date, the CPSU and its representatives have warned the Department about the significant risk that many workers will be unable to relocate and will thus be forced to find alternative employment. The Department has had ample

⁶ Sturmer, Jake and Asada, Yumi 2020, ‘Watch how the coronavirus can spread in an office’, <https://www.abc.net.au/news/2020-12-09/watch-how-the-coronavirus-can-spread-in-an-office/12646348?nw=0>, accessed 22 June 2021.

opportunity to put in place mechanisms to assist long-serving, passionate and skilled public servants in the Department to put their skills and experience to use elsewhere in the APS. The Department has signally failed to do so and has provided no indication that it intends to assist workers affected by the relocation to remain in the APS.

While Departmental representatives have repeatedly provided assurances that a ‘change manager’ will be appointed to assist workers who are negatively impacted by the relocation process; there is no information about the role and responsibilities this role will entail. More than 12 months since the intention to create this role was announced, no one has been appointed to this role. It has not been advertised and there is no indication as to when it will be filled.

We call for the Department to take meaningful steps to facilitate the redeployment and retraining of workers unable to relocate, lest their valuable skills and experience (and the significant investment made in them using public resources) be lost to the Australian Public Service.

The Department has also indicated previously that they would provide specialised counselling services to assist workers negatively impacted by the relocation. The Department has not provided these services to date.

Conclusion

Based on the minimal information available to us at present and for the reasons described above; the CPSU believes that the works proposed are not fit-for-purpose.

Further, we argue, this is not the most effective approach to the problems posed by the end of the Elizabeth St and Lee St leases. The CPSU strongly believes that a Departmental presence should be retained in both the CBD and Parramatta, to ensure maximal accessibility for workers and all relevant community stakeholders.


We strongly believe that workers should have been meaningfully consulted on the choice of location for the Department’s new accommodation, and they should be meaningfully consulted in the fit-out and design of any new accommodation.

We again reiterate our request that the Committee recommend that the proposed works not go ahead unless there is genuine consultation with workers that addresses the concerns enclosed in this submission.

We additionally ask that the Committee make recommendations to the Department that affected workers be consulted to ensure that the public funds expended on any works yield an accommodation that is fit for purpose, safe and accessible, and suitable for the delivery of the important services that the Department provides to the Greater Sydney community.

Thank you for considering this submission.

Yours sincerely,



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Community and Public Sector Union (PSU Group)