

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 17
Hearing: Budget Estimates
Outcome: Corporate
Programme: Corporate Strategies Division (CSD)
Topic: Portfolio-wide question - Departmental Dispute Resolution
Hansard Page:
Question Date:
Question Type: Written

Senator Ludwig asked:

1. How are disputes between departmental and/or agency staff mediated?
2. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 2. Amount paid to each firm since the last budget.
 3. When the contract with the firm commenced.
 4. When the contract with the firm will expire.
 5. Why the firm was selected to provide the service.
 6. Please provide a list of disputes referred to the firm, including a brief description of the dispute.
3. How are code of conduct violations by departmental and/or agency staff mediated?
4. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 2. Amount paid to each firm since the last budget.
 3. When the contract with the firm commenced.
 4. When the contract with the firm will expire.
 5. Why the firm was selected to provide the service.
 6. Please provide a list of disputes referred to the firm, including a brief description of the dispute.

Answer:

For the period 1 July 2014 – 30 April 2015:

The Department

1. Disputes are either mediated by experienced internal staff or by the Department's Employee Assistance Programme providers, Davidson Trahaire Corpsych.
2. Yes.
 1. Payment is paid for each consultation relating to the mediation process.
 2. Mediation is \$220 per hour (GST excl). \$5626.50 has been spent on mediation this financial year.
 3. 1 July 2013
 4. 30 June 2016

5. Selected through a tender process, and assessed as the best value for money and for the ability to service our remote localities.
6. To date six mediation processes have been conducted. As the content of disputes can involve personal information the Department is constrained from providing any further details relating to the disputes.
3. Code of Conduct investigations are conducted in accordance with the Department's Conduct and Ethical Behaviour Framework as published on the internet:
<http://www.environment.gov.au/about-us/accountability-reporting/conduct-ethical-behaviour-framework> .

If an employee is found to have breached the Code of Conduct, then a sanction may be applied, depending on the nature of the incident and with reference to the *Public Service Act 1999*, the *Public Service Regulations*, and the *Public Service Commissioner's Directions 2013*, and with due regard to procedural fairness. Code of Conduct violations are not mediated.

4. No.

Bureau of Meteorology

1. In the small number of cases where dispute resolution is required, experienced internal people services staff resolve matters. Only in exceptional cases is an external mediator/facilitator engaged.
2. *Intuitive HR* was contracted to undertake a dispute resolution.
 1. A fee is paid in accordance with negotiated rates for the time spent in preparation and conduct of the particular dispute resolution.
 2. *Intuitive HR* \$3105.
 3. 24 October 2014
 4. 30 October 2014.
 5. The relevant company was contracted to provide this specific service based on demonstrated performance and their reputation in the field.
 6. *Intuitive HR* mediated a dispute between an employee and their manager in October 2014 in terms of their different expectations of communication and working styles.
3. Code of Conduct violations are handled under the Bureau's Procedures for dealing with suspected breaches of the APS Code of Conduct, with the outcomes of proven breaches ranging from formal counselling to termination of employment. The investigations in relation to these matters are largely conducted by Bureau staff trained in conducting such investigations, unless it is considered, in the particular circumstances of a matter, that an external investigator should be engaged for that purpose.
4. See answer to question three preceding.
 1. A fee is paid in accordance with negotiated rates for the time spent in the conduct and preparation of a report in relation to the particular Code of Conduct proceeding.
 2. Nil
 3. Not applicable.
 4. Not applicable

5. Not applicable

6. Nil

Clean Energy Regulator

1. Disputes between agency staff are mediated between managers and staff with the assistance of Human Resources and/or external providers if required.
2. The agency does not have any standing procurements in place for the provision of external mediation service providers.
3. Code of conduct violations by agency staff are mediated in accordance with the Clean Energy Regulator Handling Misconduct Policy and Guidelines.
4. The agency does not currently have any firms contracted to provide services to assist with the mediation of code of conduct violations

Climate Change Authority

1. On a case by case basis and in accordance with the Climate Change Authority's Human Resources policies and enterprise agreement.
2. No
3. On a case by case basis and in accordance with the Climate Change Authority's 'Procedures for determining breaches of the APS Code of Conduct' and the relevant provisions of the *Public Service Act 1999*.
4. No

Great Barrier Reef Marine Park Authority

1. If lower level mediation is required for disputes this can be managed by internal managers or the Human Resources area. In addition the Agency can and has used the services of the Employee Assistance Program (EAP) provider to provide mediation services for internal disputes.
2. Yes. See table below.

Name of provider	Amount paid	Contract commencement	Contract expiry	Why the firm was selected	List of disputes
OPTUM	Nil specifically for mediation services. \$1500 retainer for EAP services.	1 January 2015	31 December 2015	Contract already in place as the Employee Assistance Program provider for a range of services	Nil between 1 July 2014 and 30 April 2015

3. If lower level mediation is required for code of conduct matters this can be managed by internal managers or the Human Resources area. In addition the Agency can use the services of EAP provider to provide mediation services for code of conduct matters.

4. The EAP provider has a contract to provide a range of services to the Agency. This would include mediation if required for code of conduct matters. In relation to mediation for code of conduct matters this has not been required.

Name of provider	Amount paid	Contract commencement	Contract expiry	Why the firm was selected	List of disputes
OPTUM	Nil specifically for mediation services. \$1500 retainer for EAP services.	1 January 2015	31 December 2015	Contract already in place as the Employee Assistance Program provider for a range of services	Nil between 1 July 2014 and 30 April 2015

Murray-Darling Basin Authority

5. Disputes between agency staff are mediated through internal Human Resources processes and procedures.
6. No.
7. Code of conduct violations are mediated through internal Human Resources processes and procedures.
8. No.

Sydney Harbour Federation Trust

1. In house
2. No
3. In house
4. No