

Senate Committee: Education and Employment

**QUESTION ON NOTICE
Budget Estimates 2015 - 2016**

Outcome: Agency: ASQA

Department of Education and Training Question No. SQ15-000606

Senator Ludwig, Joe provided in writing.

ASQA: Departmental Dispute Resolution

Question

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:
 - a) The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b) Amount paid to each firm since the last budget.
 - c) When the contract with the firm commenced.
 - d) When the contract with the firm will expire.
 - e) Why the firm was selected to provide the service.
 - f) 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:
 - a) The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b) Amount paid to each firm since the last budget.
 - c) When the contract with the firm commenced.
 - d) When the contract with the firm will expire.
 - e) Why the firm was selected to provide the service.
 - f) Please provide a list of disputes referred to the firm, including a brief description of the dispute.

Answer

The Australian Skills Quality Authority (ASQA) has provided the following response.

1. Whenever possible disputes between ASQA and/or ASQA employees are mediated locally in the first instance with discussion between employee(s) concerned and the relevant manager(s). If resolution is not achieved at this level the dispute is escalated to senior levels of management for mediation.
2. Since the last budget ASQA has not contracted any outside firms to assist with mediating disputes between ASQA and/or ASQA employees.
3. Once a suspected breach of the code of conduct has been identified the Chief Executive Officer decides whether to commence formal misconduct action and if so appoints a decision maker. The decision maker may seek the assistance of an investigator to assist with investigating the alleged breach, gathering evidence, interviewing witnesses and making a report of recommended findings.

4. ASQA has used an outside firm on one occasion (in the 14/15 financial year) to assist with investigating a suspected breach of the code of conduct.
 - a) ASQA paid a fee for consultation to Sagacity Consulting to assist with one investigation.
 - b) The amount paid to Sagacity Consulting was \$7920.
 - c) The contract with Sagacity Consulting was for the period of the investigation only which was conducted in July 2014.
 - d) The contract with Sagacity Consulting ceased as soon as the investigation was completed.
 - e) Sagacity Consulting was selected to investigate the suspected breach of the code of conduct because of their Australian Public Service experience, their immediate availability and their location.
 - f) The code of conduct investigation referred to Sagacity Consulting was in relation to an external complaint received by ASQA which alleged improper conduct by an ASQA staff member. The complaint alleged potential fraud and conflict of interest.