

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2015-16

Finance Portfolio
27-28 May 2015

Department/Agency: All
Outcome/Program: General
Topic: Departmental Dispute Resolution

Senator: Ludwig
Question reference number: F80
Type of question: Written
Date set by the committee for the return of answer: Friday, 10 July 2015

Number of pages: 3

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:

Department/ Agency	Response																															
Finance	<ol style="list-style-type: none"> 1. The process for managing disputes between departmental employees is detailed in the Finance Enterprise Agreement 2011-14. As far as practicable, disputes are resolved at the workplace level. Where a dispute remains unresolved the matter may be referred to an external mediator for resolution, provided all parties agree to participate in the mediation. 2. In the 2014-15 financial year, no outside firms were contracted to assist with managing disputes between employees. 3. Suspected breaches of the APS Code of Conduct are managed in accordance with the Department of Finance <i>Procedures for Determining Breaches of the APS Code of Conduct</i> established under subsection 15(3) of the <i>Public Service Act 1999</i>. Mediation is not considered an appropriate administrative action in response to such breaches, under the procedures. 4. In the 2014-15 financial year, as mediation was not considered an appropriate administrative action under the procedures, no outside firms were contracted for this purpose. 																															
Australian Electoral Commission	<ol style="list-style-type: none"> 1. Australian Public Service (APS) employees are entitled to apply for a review of actions or decisions that relate to their APS employment. This review process is known as a 'Review of Employment Related Actions'. 2. <table border="1" data-bbox="416 1010 1404 1966"> <thead> <tr> <th data-bbox="416 1010 475 1077"></th> <th data-bbox="475 1010 778 1077">HWL Ebsworth Lawyers</th> <th data-bbox="778 1010 1082 1077">HWL Ebsworth Lawyers</th> <th data-bbox="1082 1010 1404 1077">Dispute Resolvers</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 1077 475 1144">a)</td> <td data-bbox="475 1077 778 1144">Fee for consultation, per hour</td> <td data-bbox="778 1077 1082 1144">Fee for consultation, per hour</td> <td data-bbox="1082 1077 1404 1144">Fee for consultation, per hour</td> </tr> <tr> <td data-bbox="416 1144 475 1178">b)</td> <td data-bbox="475 1144 778 1178">\$14,976.30</td> <td data-bbox="778 1144 1082 1178">\$9,500.00</td> <td data-bbox="1082 1144 1404 1178">\$5,280.00</td> </tr> <tr> <td data-bbox="416 1178 475 1211">c)</td> <td data-bbox="475 1178 778 1211">23.07.14</td> <td data-bbox="778 1178 1082 1211">28.05.14</td> <td data-bbox="1082 1178 1404 1211">21.11.14</td> </tr> <tr> <td data-bbox="416 1211 475 1245">d)</td> <td data-bbox="475 1211 778 1245">31.10.14</td> <td data-bbox="778 1211 1082 1245">15.08.14</td> <td data-bbox="1082 1211 1404 1245">15.12.14</td> </tr> <tr> <td data-bbox="416 1245 475 1760">e)</td> <td data-bbox="475 1245 778 1760"> <ul style="list-style-type: none"> • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Demonstrated experience in the provision of these services. • Experience in and understanding of APS environment, context and legislation. </td> <td data-bbox="778 1245 1082 1760"> <ul style="list-style-type: none"> • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Demonstrated experience in the provision of these services. • Experience in and understanding of APS environment, context and legislation. </td> <td data-bbox="1082 1245 1404 1760"> <ul style="list-style-type: none"> • Demonstrated experience in the provision of these services. • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Experience in and understanding of APS environment, context and legislation. </td> </tr> <tr> <td data-bbox="416 1760 475 1966">f)</td> <td data-bbox="475 1760 778 1966">Review of Employment Related Action – decision reviewed related to underperformance process</td> <td data-bbox="778 1760 1082 1966">Review of Employment Related Action – decision reviewed related to underperformance process</td> <td data-bbox="1082 1760 1404 1966">Mediation sessions between manager and employee to resolve workplace matter</td> </tr> </tbody> </table> 3. Suspected breaches of the APS Code of Conduct are managed according to section 15.3 of the Act and the Australian Electoral Commission's <i>Procedures</i> 					HWL Ebsworth Lawyers	HWL Ebsworth Lawyers	Dispute Resolvers	a)	Fee for consultation, per hour	Fee for consultation, per hour	Fee for consultation, per hour	b)	\$14,976.30	\$9,500.00	\$5,280.00	c)	23.07.14	28.05.14	21.11.14	d)	31.10.14	15.08.14	15.12.14	e)	<ul style="list-style-type: none"> • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Demonstrated experience in the provision of these services. • Experience in and understanding of APS environment, context and legislation. 	<ul style="list-style-type: none"> • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Demonstrated experience in the provision of these services. • Experience in and understanding of APS environment, context and legislation. 	<ul style="list-style-type: none"> • Demonstrated experience in the provision of these services. • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Experience in and understanding of APS environment, context and legislation. 	f)	Review of Employment Related Action – decision reviewed related to underperformance process	Review of Employment Related Action – decision reviewed related to underperformance process	Mediation sessions between manager and employee to resolve workplace matter
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	<p><i>for Determining Breaches of the APS Code of Conduct and Sanctions.</i> Mediation may be one of the outcomes available to a delegate.</p> <p>4.</p> <table border="1" data-bbox="416 383 1353 1014"> <thead> <tr> <th data-bbox="416 383 475 421"></th> <th data-bbox="475 383 914 421">Verifact Pty Ltd</th> <th data-bbox="914 383 1353 421">Verifact Pty Ltd</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 421 475 459">a)</td> <td data-bbox="475 421 914 459">Fee for consultation, per hour</td> <td data-bbox="914 421 1353 459">Fee for consultation, per hour</td> </tr> <tr> <td data-bbox="416 459 475 497">b)</td> <td data-bbox="475 459 914 497">\$14,948.57</td> <td data-bbox="914 459 1353 497">\$7,771.50</td> </tr> <tr> <td data-bbox="416 497 475 535">c)</td> <td data-bbox="475 497 914 535">01.11.14</td> <td data-bbox="914 497 1353 535">06.11.14</td> </tr> <tr> <td data-bbox="416 535 475 573">d)</td> <td data-bbox="475 535 914 573">27.02.15</td> <td data-bbox="914 535 1353 573">16.03.15</td> </tr> <tr> <td data-bbox="416 573 475 947">e)</td> <td data-bbox="475 573 914 947"> <ul style="list-style-type: none"> • Demonstrated experience in the provision of these services. • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Experience in and understanding of APS environment, context and legislation. </td> <td data-bbox="914 573 1353 947"> <ul style="list-style-type: none"> • Demonstrated experience in the provision of these services. • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Experience in and understanding of APS environment, context and legislation. </td> </tr> <tr> <td data-bbox="416 947 475 1014">f)</td> <td data-bbox="475 947 914 1014">Suspected breaches of the APS Code of Conduct.</td> <td data-bbox="914 947 1353 1014">Suspected breaches of the APS Code of Conduct.</td> </tr> </tbody> </table>		Verifact Pty Ltd	Verifact Pty Ltd	a)	Fee for consultation, per hour	Fee for consultation, per hour	b)	\$14,948.57	\$7,771.50	c)	01.11.14	06.11.14	d)	27.02.15	16.03.15	e)	<ul style="list-style-type: none"> • Demonstrated experience in the provision of these services. • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Experience in and understanding of APS environment, context and legislation. 	<ul style="list-style-type: none"> • Demonstrated experience in the provision of these services. • Demonstrated ability to deliver high quality services within set timeframes and within set budget. • Experience in and understanding of APS environment, context and legislation. 	f)	Suspected breaches of the APS Code of Conduct.	Suspected breaches of the APS Code of Conduct.
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ComSuper	<ol style="list-style-type: none"> 1. There were no disputes between departmental and/or agency staff mediated. 2. No. 3. There were no Code of conducts mediated by <i>s13 Public Service Act 1999</i> and ComSuper Policy. 4. No. 																					
Commonwealth Superannuation Corporation	<ol style="list-style-type: none"> 1. Disputes between staff are resolved in accordance with CSC's policies. 2. Outside firms are contracted on an as needs basis only. No outside firms are on a retainer. 3. Breaches of CSC's code of conduct are handled in accordance with CSC's policies. 4. Outside firms are contracted on an as needs basis only. No outside firms are on a retainer. 																					
Future Fund Management Agency	<ol style="list-style-type: none"> 1. Disputes are dealt with by applying our HR Procedure – Investigation, Issue Resolution and Discipline and if appropriate our Discipline Policy. 2. No. 3. Any breaches of the code of conduct are dealt with by applying our HR Procedure – Investigation, Issue Resolution and Discipline and if appropriate our Discipline Policy. 4. No. 																					