

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
CRIMTRAC

**Question No. 103**

**Senator Humphries asked the following question after the hearing of 24 May 2012:**

- a) How does the Agency handle internal and external complaints?
- b) Has the current CEO, Mr Doug Smith, received any informal or formal complaints against him personally? If so, how many?
- c) What are the current statuses of these complaints?
- d) What measures are in place to limit bullying or harassment within the Agency?
- e) What is the total cost since 2011 for complaint processing etc? (Include legal costs)
- f) Please detail the lengths of time for each formal and informal investigation?
- g) How many Comcare claims have been made since 2011 to current date? What are the current statuses of these claims?

**The answer to the honourable senator's questions is as follows:**

- a) CrimTrac manages internal staffing complaints through a variety of mechanisms depending upon the nature of the complaint. These mechanisms are:
  - Dispute resolution processes within the CrimTrac Enterprise Agreement 2011-2014
  - Review of employment action processes under Section 33 of the *Public Service Act 1999*
  - CrimTrac's policy on the management of instances of workplace harassment
  - CrimTrac's procedures for determining breaches of the APS Code of Conduct established under subsection 15(3) of the *Public Service Act 1999*
  - CrimTrac's Whistleblowing procedures
  - CrimTrac's procedures for investigating possible criminal conduct

External complaints may also be managed through these processes. Alternatively, they may be forwarded for external consideration. This includes investigation by an externally appointed delegate, review by the Attorney General's Department or the Merit Protection Commission.

- b) The CEO has been informed that the Secretary of the Attorney General's Department has received correspondence from named and unnamed sources covering a range of issues, including some commentary relating to senior management at CrimTrac. None of these were received directly by Mr Smith.
- c) The CEO understands that there will be no further action or formal investigation into the matters raised in the correspondence.
- d) CrimTrac has the following measures in place:
  - CrimTrac Workplace Harassment Policy
  - Workplace Harassment Contact Officers
  - Behaviour at CrimTrac Guide
  - Behavioural expectations discussed during CrimTrac Induction Program
  - Workplace Health and Safety Representatives
  - Mandatory Team Guiding Principles Discussions - 2010

- Staff exit and employee surveys
- Workplace behavioural expectations outlined within all staff performance agreements
- CrimTrac Performance Management Guidelines
- APSC Respect Booklets provided to all EL2 Managers
- All-staff mandatory Workplace Respect Training to be delivered, by the APSC, from August 2012
- Comcare Mental Health in the Workplace Presentation delivered to all EL2 Managers
- Support materials remain easily accessible via the CrimTrac staff intranet

CrimTrac worked closely with Comcare to ensure there are sufficient support mechanisms in place to manage incidents of workplace bullying and harassment. This included the development of an early intervention strategy to mitigate workplace health and safety risks.

- e) Total quantifiable cost of formal complaint processing between 1 January 2011 and 24 May 2012, exclusive of GST, was \$136,251.20 in legal costs and \$72,684.08 for the engagement of external investigation services.

Statistical and financial information relating to matters dealt with informally is not recorded in a manner that provides reportable data.

- f) The duration of these formal investigations (commenced on or after 1 July 2010 and concluded on or before 24 May 2012) were as follows:
- 1 day
  - 6 days
  - 38 days
  - 61 days
  - 72 days
  - 89 days
  - 97 days

Two formal investigations are currently on going.

- g) A total of nine (9) Comcare claims from seven (7) employees have been received.

The status of these claims, as at 18 June 2012, is:

- five (5) - accepted
- four (4) - refused

These claims have been categorised by Comcare as follows:

- anxiety / depression – two (2)
- reaction to stressors – one (1)
- depression – one (1)
- dislocation – one (1)
- anxiety / stress disorder – two (2)
- post traumatic stress disorder – one (1)
- soft tissue injury – one (1)