

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO**

BUDGET ESTIMATES 2017

Australian Federal Police

Question No. BE17-053

Senator Xenophon asked the following question at the hearing on 25 May 2017:

1. For the bullying claims, if compensation was awarded in those instances, what happened to the person who carried out the bullying in terms of any disciplinary or other action? There are concerns that, when reporting bullying allegations, these reports are being sanitised.
2. What are the mechanisms and safeguards in place to avoid this from happening?
3. How many of the total number of bullying complaints have been directed at senior management? If you could take that on notice.

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

1. The *Safety Rehabilitation and Compensation Act 1988* is no fault legislation, and as such a complaint does not need to be substantiated. There is no requirement for investigation, disciplinary action or any other action as part of determining liability under the *Safety Rehabilitation and Compensation Act 1988*.

Bullying incidents do not meet the mandatory notification requirements under section 35 of the *Work Health and Safety Act 2011*. However, the AFP as the Person Conducting a Business or Undertaking (PCBU) may make a determination to undertake an internal work health and safety workplace investigation.

Notification of bullying incidents may be submitted to Professional Standards (PRS) through the AFP's Complaint Recording and Management System (CRAMS.) This process is entirely separate from the AFP's obligations under the *Safety Rehabilitation and Compensation Act 1988* and the *Work Health and Safety Act 2011*.

Workplace incident reports are provided to Comcare as part of the submission of a claim for workers' compensation. The AFP is not aware of workplace incident reports being sanitised. Bullying allegations are primarily made by the affected member and reported electronically. Workflows within the workplace incident reports will track any changes made after submission. Where the member does not have access to the AFP intranet, a hard copy workplace incident reports will be provided to the Work Health and Safety Team. Therefore if workplace incident reports were being sanitised it would be reflected in the system.

2. AFP appointees who submit a claim for workers' compensation may provide an employee statement as part of the claim submission. This statement may include allegations of bullying or other such behaviour. Under the *Safety Rehabilitation and Compensation Act 1988* there is no investigation process required due to it being no fault legislation.

The employer has an option to submit an employer statement. To facilitate completion of the employer statement, the independent case manager provides the employer with relevant sections of the employee statement for a response.

The employer statement is completed on behalf of AFP by the direct supervisor of the individual submitting the claim, where appropriate. In the event the employee is alleging bullying or other such behaviour by their direct supervisor, the employer statement is completed by the supervisor one-up.

Both the employee and employer statements are provided to the independent case manager for submission as part of the claim for workers' compensation.

- 3.** In the period 1 July 2016 to 13 June 2017, there were 15 bullying and/or harassment claims relating to senior management (Superintendent level and above) for workers' compensation submitted to Comcare, with seven accepted, seven rejected and one withdrawn.