

29 July 2021

Somali Cerise

Director – Independent Review of Commonwealth Parliamentary Workplaces
Australian Human Rights Commission
Level 3, 175 Pitt Street
SYDNEY NSW 2000
By email: CPWReview@humanrights.gov.au

W governanceinstitute.com.au

Dear Ms Cerise,

Independent Review into Commonwealth Parliamentary Workplaces (Review)

Who we are

Governance Institute of Australia is a national membership association, advocating for our network of 40,000 governance and risk management professionals from the listed, unlisted, public and not-for-profit sectors.

As the only Australian provider of chartered governance accreditation, we offer a range of short courses, certificates and postgraduate study. Our mission is to drive better governance in all organisations, which will in turn create a stronger, better society.

Our members have primary responsibility for developing and implementing governance frameworks in public listed, unlisted and private companies, as well as not-for-profit organisations and the public sector. They have a thorough working knowledge of the operations of the markets and the needs of investors. We regularly contribute to the formation of public policy through our interactions with Treasury, ASIC, APRA, ACCC, ASX, ACNC and the ATO.

Our activities in this area

Governance Institute takes issues of gender equality and the prevention of sexual harassment in workplaces in all sectors very seriously. We regularly engage and advocate on these issues on behalf of our members. The Commission's landmark Respect@Work final report recommended that Governance Institute develop education and training for boards and company officers on good governance practice in relation to gender equality and sexual harassment.¹ We are developing a series of initiatives to respond to this recommendation, including a recent sector briefing session on 'Respect, behaviour and governance'. Governance Institute has held its first women-exclusive Effective Director Course to promote the availability of qualified female directors, which was strongly attended. We also commission research on gender diversity on the boards of Australian listed companies.² We are a founding member of the ASX Corporate Governance Council which produces the leading Australian statement on corporate governance, the *Corporate Governance Principles and Recommendations*.³ We

¹ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, Recommendation 41, p. 48.

² Watermark Search International and the Governance Institute of Australia 2020, *Board Diversity Index*, <https://www.watermarksearch.com.au/2020-board-diversity-index>.

³ ASX Corporate Governance Council, *Corporate Governance Principles and Recommendations*, 4th edition, February 2019.

strongly supported the inclusion in that document of recommendations on improving the level of diversity on Australian listed company boards. While directed at listed companies, the Corporate Governance Principles and Recommendations strongly influence governance practices in other sectors. Each year, Governance Institute also commissions the Ethics Index, a nationally representative independent survey of 1000 Australians. The 2020 edition found that Australian federal politicians were among the occupations perceived to be least ethical. Federal, state and local politicians were ranked in the lower occupations for ethical behaviour. The survey also found a wide perception gap between the high importance Australians place on ethics in the public sector, and how ethically they believe those in public service conduct themselves.⁴ These findings illustrate the importance of restoring trust in public institutions by addressing behaviour that erodes trust, including workplace issues.

The Commission's independent review touches on core governance topics including acting ethically and responsibly, accountability, and transparency where our members have subject matter expertise. Many of our members also have valuable public sector experience. In preparing this submission, Governance Institute consulted our standing Public Sector Governance Committee comprised of members currently and previously employed in governance roles at all levels of government. We also drew on the experience of our members in the private sector, where there has been an increased focus in recent years on the prevention of workplace harassment.

Executive Summary

- Governance Institute commends the Commonwealth Government and the Commission for beginning a process to address systemic workplace issues in the Commonwealth Parliament and for consulting experts, former staffers and the broader community on appropriate strategies. This is an important reform opportunity. Sexual harassment in workplaces in all sectors must be addressed as a priority.
- In developing this submission, our members have reflected on the Terms of Reference, in particular Objective 2 on the consideration of best practice in the enabling of safe and respectful parliamentary workplaces, and Objective 4 around key risk drivers, especially workplace culture. They also considered the findings of the Department of Prime Minister and Cabinet's recent 'Review of the Parliamentary Workplace: Responding to Serious Incidents' consultation report, as well as the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021* recently introduced to Parliament.
- Our recommendations are directed primarily at ministerial offices, where recent incidents appear to be focused. We make a number of practical recommendations that address modernising legislation, policies, procedures, working conditions and accountability mechanisms and improving workforce diversity (see Recommendations 4-10). However, we acknowledge that culture is key, and that it is up to members of Parliament themselves to drive cultural change by demonstrating appropriate values and setting the right example for their staff. Frameworks, structures and oversight mechanisms will support this, but the tone and therefore culture is ultimately set at the top (see Recommendations 1-3).
- We support the key provisions of the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021*, especially the clarification that the scope of the *Sex Discrimination Act* extends to members of Parliament and their staff (see Recommendation 5).

⁴ Governance Institute Ethics Index 2020. Respondents gave a net positive score of +79 to the importance of ethical behaviour in Government, and +81 in the Public Service. Respondents rated, on average, a 63-point gap in net scores between what they saw as the importance of ethical behaviour in Government (+79) and actual perceived ethics in Government (+16).

- We also support the Department's recommendations for a new framework for reporting and responding to serious incidents, a new confidential complaints mechanism, and 24/7 trauma-informed support services.⁵

Recommendations

Recommendation 1: Lead by example to improve workplace culture.

Governance Institute considers culture is the sum of an organisation's shared values, principles and behaviours.⁶ Our members consider there is a strong perception that the culture of Commonwealth Parliament does not reflect contemporary community expectations about workplace behaviour. This is evidenced by the Department of Prime Minister and Cabinet's report, which frequently mentions culture. The report refers to factors 'driven by culture', a 'high intensity culture', 'A culture of minimising, normalising and keeping quiet instances of unacceptable behaviour', and 'Cultures which tolerate or minimise the impact of sexual harassment'.⁷ We would add that a culture that normalises overwork, the adversarial rather than collegiate atmosphere of Parliament, the high-pressure media cycle, and a culture of attacking political opponents all take their toll.

In our members' experience, cultural problems are often the systemic cause of workplace issues. They consider there is a direct relationship between workplace culture and bullying, sexual harassment, and sexual assault. This is supported by recent evidence. Submissions to the Commission's landmark Respect@Work report mention 'the culture or 'climate' of a workplace, including the critical role of leadership in setting workplace culture',⁸ and the Commission's recommendations included workplace culture as a key action area, including 'the role of policies and human resources practices in setting organisational culture'.⁹ The handbook released by the Champions of Change Coalition notes that 'Workplace cultures that normalise, tolerate and excuse disrespectful behaviour at one end of the continuum may lead to more serious issues at the other'.¹⁰ A joint report by the Australian Council of Superannuation Investors (ACSI) and the Australian Institute of Company Directors (AICD), based on interviews with company directors, also discusses the nexus between workplace culture and harassment and calls for 'a shift from a reactive, complaints based approach to addressing sexual harassment, to one that requires victim-focused action from employers with a focus on prevention and early intervention'.¹¹

Cultural change is driven by leaders at the top of an organisation. Governance Institute's joint guidance on culture makes it clear that boards are responsible for 'setting the tone from the top', including by 'modelling the firm's desired behaviours and values when interacting with management and staff'.¹² The guide also notes that, 'Until recently, organisational artefacts – including policies, architecture and processes – have been the predominant mechanism by which an organisation's identity has been defined and its people's behaviour influenced and controlled within an organisation. While these artefacts have a significant influence over

⁵ Department of Prime Minister and Cabinet 2021, *Review of the Parliamentary Workplace: Responding to Serious Incidents*, consultation copy, p. 5.

⁶ Chartered Accountants Australia New Zealand, The Ethics Centre, Governance Institute of Australia and Institute of Internal Auditors – Australia, *Managing Culture: A good practice guide*, p. 9.

⁷ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, p. 6 and pp. 21-22.

⁸ Op cit, p. 19

⁹ Ibid, p. 35.

¹⁰ Champions of Change Coalition 2020, *Disrupting the System: Preventing and responding to sexual harassment in the workplace*, p. 18.

¹¹ ACSI and AICD 2020, *Governing company culture: Insights from Australian directors*, p. 15.

¹² Chartered Accountants Australia New Zealand, The Ethics Centre, Governance Institute of Australia and Institute of Internal Auditors – Australia, *Managing Culture: A good practice guide*, p. 15.

decision-making, there is evidence emerging that character and culture have a stronger influence than artefacts in affecting the decisions, behaviours and actions of an organisation's people, and in avoiding ethical failure.' Even with the best policies, procedures and oversight mechanisms in place, workplace issues will persist in the absence of demonstrated, visible leadership. Applying this to the political context, we consider it is crucial for Ministers and other Members of Parliament to model the culture they wish to see. Values need to be lived and codes of conduct must be supported by actions. Ministers and other members of Parliament must lead on this issue, not only by supporting practical and systemic reforms, but personally as well, by setting the right example for their staff.

In addition, our members consider that several of the Commission's recommendations to prevent workplace sexual harassment and improve culture in the private sector can be adapted and applied to Commonwealth Parliament, namely:

1. Develop and display strong leadership that contributes to cultures that prevent workplace sexual harassment.
2. Strengthen focus on risk assessment and transparency to mitigate risks.
3. Build culture based on trust and respect in order to minimise the risk of sexual harassment and ensure it is managed adequately.¹³

Monitoring culture is also important. As noted by Governance Institute, 'In order for changes to occur, an organisation's culture must be monitored, measured and reported on.'¹⁴ The Commission may draw on evolving best practice in the private sector, such as regular 'dashboard' measurement and reporting on key workplace cultural indicators and metrics to an oversight structure (such as a Parliamentary committee). In the private sector, cultural metrics include the results of periodic, anonymous employee engagement surveys; workplace health and safety statistics; key human resources statistics, such as staff turnover rates and exit interview trends; de-identified trends in whistleblower data; completion rates of education and compliance training; and public reputation measures. Some of these monitoring functions may already be in place. The challenge for Government is to move from an annual compliance exercise, to proactively responding to and managing issues that arise from these monitoring functions and implementing change.

Recommendation 2: Take a comprehensive view of workplace issues.

Governance Institute members consider that it is important for the issues considered under this review to be defined broadly and comprehensively. The Terms of Reference indicate that the review is targeted to 'bullying, sexual harassment and sexual assault', while the Department of Prime Minister and Cabinet's report addresses 'Serious Incidents' only. The recent media focus has been on alleged incidents of harassment and assault that were disturbingly severe. Our members wish to emphasise the importance of considering all issues that fall within scope, regardless of severity. Uncomfortable or offensive incidents, such as suggestive comments, sexually explicit jokes and intrusive personal questions, can also have detrimental impacts on individuals and workplace culture and while more likely to go unreported, nonetheless contribute to the culture of a particular workplace in that they signal behaviour which the workplace implicitly condones. It should also be recognised that workplace harassment may be a subset of deeper cultural issues, such as unconscious bias.

Recommendation 3: Promote greater transparency and visibility of workplace issues.

Recent incidents illustrate the need for greater transparency. Questions have been raised in Parliament and the media about what certain Parliamentarians, departments and agencies knew of these allegations, when they were notified, and the actions taken in response. Our members appreciate that, due to the high degree of public scrutiny, the first instinct of those

¹³ Australian Human Rights Commission 2021, *Equality across the board: Investing in workplaces that work for everyone*, p. 17.

¹⁴ Chartered Accountants Australia New Zealand, The Ethics Centre, Governance Institute of Australia and Institute of Internal Auditors – Australia, *Managing Culture: A good practice guide*, p. 17.

who work in Parliament is often to minimise reputational damage or to withhold information. However, a culture of secrecy, ‘cover up’ and obfuscation only worsens these issues. The Department of Prime Minister and Cabinet’s report describes it as a ‘culture of minimising, normalising and keeping quiet instances of unacceptable behaviour’.¹⁵ Settling workplace sexual harassment issues ‘behind closed doors’ and quietly moving victims and perpetrators between political offices should not be acceptable. While confidentiality must be respected, greater transparency is needed to ensure that perpetrators are punished, mistakes are not repeated, processes are improved and public trust is restored. Parliament must be willing to disclose incidents and have difficult conversations to achieve progress.

It is also important to increase the visibility of workplace issues. Cultural problems can often be so deeply embedded in a workplace, it is difficult for those inside a workplace to identify them. The ‘obvious’ only becomes obvious when it is pointed out by an external party. We hope current and former ministerial advisers engaging confidentially with the Commission’s review are able to assist in this process.

Recommendation 4: A comprehensive review of the *Members of Parliament (Staff) Act 1984 (Cth) (the MoP(S) Act)* to ensure it is fit for purpose and in step with modern workplace frameworks.

The MoPS Act is the legislative basis for the employment of staff by Commonwealth Senators and MPs. There have been a number of calls for reform of the Act over time, but limited change. Records show that, in 2003, the Senate Finance and Public Administration References Committee (SFPARC) conducted an inquiry into staff employed under the MoPS Act and that the Australian National Audit Office (ANAO) conducted a performance audit of the administration of MoPS staff by what was then the Department of Finance and Administration (DoFA). It does not appear the Act has been significantly amended since it was enacted despite those calls for reform and significant contextual changes, including the expansion of ministerial offices, the 24-hour media cycle, an apparent rise in partisanship, and changing community expectations of government. Governance Institute members consider now is an appropriate time for a Commonwealth parliamentary committee, department or agency to undertake a comprehensive review into the operation and effectiveness of the Act to ensure it is fit for purpose. The review should consider other recommendations contained in this submission that may require amendments to the Act. While legislation will not solve all problems, it is important that there is a fit-for-purpose regulatory framework. Governments need to proactively lead and maintain the regulatory framework which incorporates modern practice and is supported by effective stakeholder engagement and public consultation.

Recommendation 5: The *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021* is passed following appropriate consultation.

As noted above, there is a strong perception that Commonwealth Parliamentary workplaces are out of step with community standards. A most alarming incongruity is that the *Sex Discrimination Act* applies to the private sector but possibly not to members of Commonwealth Parliament and their staff. On 24 June 2021, the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill* was introduced to Parliament, to give effect to several recommendations of the Commission’s *Respect@Work* Report. Items 32-35 of the Bill would clarify that the Act is intended to cover members of Parliament and their staff. The Bill also appears to strengthen Australia’s anti-discrimination laws by simplifying, clarifying, and enhancing protections against sexual harassment and other forms of sex discrimination in workplaces in all sectors, which we commend. In particular, Governance Institute members believe it is important for ministerial advisers to be able to make complaints externally to the Australian Human Rights Commission, in addition to any independent complaints process established within Parliament. For these reasons, our members fully support the Bill and consider it is important that it passes in this term of Parliament, provided the Senate committee currently reviewing the Bill finds no fatal flaws.

¹⁵ Department of Prime Minister and Cabinet 2021, *Review of the Parliamentary Workplace: Responding to Serious Incidents*, consultation copy, p. 21.

Recommendation 6: Clearer lines of accountability and reporting for ministerial advisers.

As noted by prominent Monash University academic Dr Yee-Fui Ng, ‘the locus of power has shifted from public servants to ministerial advisers’ and yet ‘ministers and public servants are subject to elaborate administrative law accountability frameworks, while ministerial advisers operate in a fluid, largely unregulated universe’. Dr Ng terms this the ‘triumph of efficiency over accountability’.¹⁶

Ministerial advisers are not, in practice, accountable to Parliament. It is argued that there is a convention that prevents them from appearing before parliamentary committees, although this is contested.¹⁷ The lines of accountability for ministerial advisers in the workplace are also unclear. It is an unusual arrangement for ministerial advisers to be legally contracted to a department while being answerable to their responsible Minister. This separation of responsibility is a key risk factor. The Department of Finance provides routine human resources administrative functions for political staff. It does not, however, directly manage these staff in any meaningful sense because they are accountable on a day-to-day basis to the relevant minister. This does not enable proper scrutiny of their activities or provide them with the human resources support and resources available to the broader public service. Ministers and Chiefs of Staff, as workplace managers, also do not have a supporting human resources function consistent with the wider public service.

This review, and any further reviews by Parliament or Government, should consider how lines of accountability and reporting for ministerial advisers could be clarified and strengthened. We note that Recommendation 11 of the most recent Independent Review of the Australian Public Service included a proposal to amend the MoPS Act to establish a legislated code of conduct for ministerial advisers with appropriate enforcement mechanisms.¹⁸

Recommendation 7: Promote greater diversity, including of gender, age, experience and cultural background, of ministerial advisers.

Governance Institute members consider that gender diversity and inclusion promote positive workplace cultures and reduces risk factors of harmful workplace behaviours. Research shows that private sector organisations that are more gender diverse have stronger performance and fewer governance-related issues such as fraud and corruption.¹⁹ We believe the same applies equally to the public sector. The Respect@Work report found that workplaces that are male-dominated and that have an over-representation of men in senior leadership roles are at higher risk of sexual harassment.²⁰ Removing barriers to entry for women, promoting women into senior roles, and ensuring workplaces are conducive to and safe for women, is part of the solution. We also acknowledge that men and members of the LGBTI+ community are victims of sexual harassment and assault, and that sexual harassment and assault have significant physical, mental and career consequences regardless of the victim’s gender or sexual orientation. We trust the review will address all of these issues.

Electorate offices appear to be more diverse workplaces than ministerial offices. According to the Department’s report, the entire overall workforce employed under the MoP(S) Act, the

¹⁶ Ng, Y-F 2017, *Between Law and Convention: Ministerial Advisers in the Australian System of Responsible Government*, pp. 117-118.

¹⁷ Ng, Y-F 2017, *Between Law and Convention: Ministerial Advisers in the Australian System of Responsible Government*, pp. 118-122.

¹⁸ Department of Prime Minister and Cabinet 2019, *Our Public Service, Our Future. Independent Review of the Australian Public Service*, p. 137.

¹⁹ McKinsey Global Institute 2016, *The Power of Gender Parity*, <https://www.mckinsey.com/featured-insights/employment-and-growth/the-power-of-parity-advancing-womens-equality-in-the-united-states>

²⁰ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, p. 20.

majority (68%) of which is located in electorate offices, is diverse in terms of age, experience and cultural background, with a ratio of 57% female. However, the majority of ministerial advisers are 'relatively young with almost half (47%) below the age of 35'.²¹ The Department does not provide a gender breakdown for ministerial advisers, but we expect a lack of gender diversity.

A lack of age and experience diversity among ministerial advisers may also be a factor. The age disparity between advisers and their 'employers' may make it less likely for them to report incidents. It may also mean that less experienced professionals oversee complaints handling and serious incident responses. Younger, less experienced staff may be less likely to 'push back' on demanding workloads or complain about a lack of work-life balance. This high-pressure atmosphere becomes a key risk factor for poor behaviour.

Extending the diversity seen in electorate offices across the country to ministerial offices is likely to contribute to the prevention of bullying and workplace sexual harassment and assault. From a practical perspective, we expect that regularising the employment of ministerial advisers (see Recommendation 8) will help to attract more gender, experience and age-diverse candidates.

Recommendation 8: Regularise employment conditions of ministerial staff.

The Department of Prime Minister and Cabinet has identified a comprehensive list of the risk factors that exist in Commonwealth Parliament, including 'high levels of intensity, constant and intense media and public scrutiny, power dynamics, historical conventions that persist despite advances in modern workplace policy, lack of accountability mechanisms for parliamentarians engaging in unacceptable behaviour, concerns about employment security creating unwillingness to complain, and reluctance to challenge unacceptable behaviour of 'high value' staff and parliamentarians'.²² Many of these relate to conditions that are out of step with the private sector. In particular, parliamentary staff have little to no security of tenure. Under MoPs Act sections 16 and 23, they may have their employment terminated at any time, and their employment automatically ceases if the Parliamentarian loses office or dies.

Our members appreciate the unique circumstances of public office. It may not be possible for ministerial advisers to enjoy fully regular employment conditions. However, they now play a substantial role in government, and the heavy pressures placed on them appear to increase the risks of behaviours that erode public trust in government. For these reasons, this review should present an opportunity to consider how their employment conditions may be regularised to address these risks.

Improved compensation, reduced workload demands, and the regularisation of other aspects of employment may help to achieve greater workplace diversity, by helping to attract more qualified, mature and more experienced employees. It may also increase retention rates for experienced staff, increase institutional memory, and promote increased workplace professionalism.

Professor Anne Tiernan, a recognised expert in this area, and her colleagues have put forward a 'ministerial cabinet' model. Such a model would 'include an expanded ministerial office, with greater policy capacity, but also greater transparency and accountability, whose pivotal role within the advisory system would be explicitly recognised. An expanded office would comprise a mix of current (and perhaps former) seconded public servants, ministerial consultants (as currently provided for in the MoPS Act) and other specialists. It is feasible that larger, more expansive ministerial offices (along the lines of 'ministerial cabinets' that operate in Napoleonic systems) could become the primary source of policy advice to Ministers, filtering and negotiating policy proposals and commissioning advice from trusted, expert sources for decision and

²¹ Department of Prime Minister and Cabinet 2021, *Review of the Parliamentary Workplace: Responding to Serious Incidents*, consultation copy, p. 20.

²² *Ibid*, p. 6.

implementation by APS departments and agencies.²³ A potential argument in favour of this or a similar model is that it would enable ministerial offices to draw on the expertise and professionalism of the public service, while easing the workload on party political staff.

Recommendation 9: Consider the role of political parties.

Our members consider sexual harassment has no connection to political party affiliation. This is an issue impacting political staff across the political spectrum – no party is immune. They also consider that, because ministerial staff are partisan and reliant on political processes for promotion and career advancement, then it follows that party officials and structures have considerable influence and therefore some responsibility for preventing workplace issues. The nexus between the parties, the ministers who are members of parties, and their partisan ministerial staff also presents the risk that issues of sexism, bullying, gender inequality, harassment, assault and general lack of respect are mirrored from party to parliament and vice versa. The political parties must acknowledge their potential roles, responsibilities and duties of care. We agree with the Department of Prime Minister and Cabinet’s draft recommendation that a new Serious Incident Team should be completely independent, confidential and insulated from political parties.²⁴ However, we believe parties and their leaders do in fact have some degree of positive obligation to prevent workplace issues. Political parties may also, in some way, bear responsibility when their MPs or political staffers act improperly, due to the role the parties play in forming the culture of their partisan MPs and staff. We hope that the Department’s final report, and AHRC’s independent review, will recognise the critical role political parties can play in addressing these issues.

Recommendation 10: Consider the Commonwealth Integrity Commission as an appropriate accountability mechanism for parliamentarians.

The Department’s report acknowledges the difficulty of providing accountability mechanisms for parliamentarians. Members of Parliament are ultimately answerable to voters through the ballot box, but the distance between them does not promote accountability. MPs are notionally accountable to party leaders, but this relationship is complicated by factional allegiances and political considerations. These are complex considerations with no simple solutions.

The Department’s preferred accountability mechanism appears to be ‘a clearly articulated leadership commitment’²⁵ through an update to the Statement of Ministerial Standards and the Statement of Standards for Ministerial Staff. Our members consider this may not be sufficient. In the private sector, positive legal duties with consequences for failure are a key part of accountability. An example is that board directors have positive legal duties under the Corporations Act that promote accountability and good practice. As noted in the extrinsic material to the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021*, ‘... work health and safety laws already impose a duty on employers and [persons conducting a business or undertaking] PCBUs to ensure workers are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable, including the risk of sexual harassment’.²⁶ Imposing positive duties on Ministers and Department heads, as the employers of parliamentary staff, with consequences for failure, may be part of the solution but we acknowledge this may be difficult to achieve in practice.

²³ Tiernan, A, Holland, I and Deem, J 2019, *Being a trusted and respected partner: the APS’ relationship with Ministers and their offices*, An ANZSOG research paper for the Australian Public Service Review Panel, the Australia and New Zealand School of Government (ANZSOG), p. 18.

²⁴ Tiernan, A, Holland, I and Deem, J 2019, *Being a trusted and respected partner: the APS’ relationship with Ministers and their offices*, An ANZSOG research paper for the Australian Public Service Review Panel, the Australia and New Zealand School of Government (ANZSOG), p. 18.

²⁵ Ibid, p. 12.

²⁶ Explanatory Memorandum, p. 4.

As an alternative, the Australian Human Rights Commission may consider how the proposed Commonwealth Integrity Commission might promote accountability of MPs on matters of workplace sexual harassment, assault and bullying. Governance Institute members fully support the creation of a fully independent and properly empowered and resourced federal integrity body. This body must not be reliant on the government of the day for its powers, funding or resourcing as this results in a regulator that is ineffective and powerless. There may already be overlap between workplace sexual harassment and matters of integrity, such as where a member of Parliament is accused of engaging in corrupt conduct to cover up alleged workplace sexual harassment. However, it could be argued that serious alleged harassment or assault is itself an integrity matter that goes to whether an MP is fit to hold public office.

A barrier to the Commonwealth Integrity Commission providing this accountability mechanism is that the current draft legislation prevents political staffers (as well as MP and members of the public) from referring matters directly to the integrity agency. Amendments to the Bill may be required to give practical effect to this type of recommendation.

Conclusion

This is an important review and our members hope it will provide the impetus for a genuine shift in workplace and societal culture across all sectors.

If you wish to discuss any of the issues raised in this letter, please contact me or Catherine Maxwell.

Yours faithfully,



Megan Motto
CEO