



Ms Kate Jenkins  
Sex Discrimination Commissioner  
Australian Human Rights Commission  
GPO Box 5218  
SYDNEY NSW 2001

Dear Ms Jenkins

**Independent Review into Commonwealth Parliamentary Workplaces**

We welcome the opportunity to provide the attached joint submission to the *Independent Review into Commonwealth Parliamentary Workplaces*. We make this submission on behalf of the four departments of the Australian Parliamentary Service.

This joint submission focuses on the legislative and strategic framework in which the Australian Parliamentary Service operates and outlines our collective responsibilities to deliver services and maintain safe and respectful workplaces.

Each of the four parliamentary departments may also separately provide submissions to the review.

We hope this information is of assistance to the Commission and the review.

Yours sincerely

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Rob Stefanic  
Secretary, Department of Parliamentary  
Services

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Richard Pye  
Clerk of the Senate

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Claessa Surtees  
Clerk of the House of Representatives

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Stein Helgeby  
Parliamentary Budget Officer

21 July 2021

## Joint submission by the Australian Parliamentary Service to the Independent Review into Commonwealth Parliamentary Workplaces

As the heads of our respective agencies, we make this submission to the review to provide clarity about the functions and workplace arrangements of the parliamentary service which are distinct and separate from the Australian Public Service, the Executive Government and the employment arrangements between members of parliament and their staff.

The parliamentary service is also distinct from the culture that has been generically attributed to 'Parliament House' in much of the public commentary about workplace culture in recent months.

Australian Parliament House is one identifiable national building which serves several functions. Most significantly, it is the place that accommodates both the Parliament and Executive Government functions. The building's largest permanent occupant population by number, are the four parliamentary departments that enable the work of the Commonwealth Parliament.

The four parliamentary departments are:

- Department of Parliamentary Services (approximately 1,100 staff)
- Department of the House of Representatives (approximately 180 staff)
- Department of the Senate (approximately 190 staff) and
- Parliamentary Budget Office (approximately 45 staff).

The four parliamentary departments are distinct from the Australian Public Service that serves the Executive Government. The parliamentary departments operate under the *Parliamentary Service Act 1999* and staff are subject to the Parliamentary Service Code of Conduct. This framework ensures each department has clear policies and procedures to manage staff and employee issues. In general, these are consistent with policies in place in the Australian Public Service.

The parliamentary departments have demonstrated a commitment to ensuring their employees work in a safe and respectful environment, through the provision of appropriate procedures and policies for the prevention and handling of bullying, sexual harassment and sexual assault.

A comparison of the key difference of workplace employment arrangements for employees of the parliamentary departments and MoPs Act employees is at Attachment A.

### **The Parliamentary Service – Strategic Framework**

The parliamentary service provides professional support, advice and facilities to each House of the Parliament, to parliamentary committees and to senators and members of the House of Representatives. The parliamentary service is independent and non-partisan. The four parliamentary departments have distinct roles but collaborate closely in relation to areas of shared responsibility.

While each department performs a unique role, we share a common goal in serving, supporting and upholding the institutions of the Parliament, and together provide services to ensure:

- Parliament and its committees are supported effectively
- that senators and members are supported to undertake their work
- the community can easily access and engage in the work of the Parliament and parliamentary committees

- that national, international and regional relationships are maintained with other parliaments, parliamentary bodies and organisations and
- Parliament House is sustained as a workplace and national institution.

Under the [Parliamentary Service Act 1999](#) (the Act), the heads of the four parliamentary departments, report to one or both of the Presiding Officers (the Speaker of the House of Representatives and the President of the Senate), provide leadership and strategic direction, and manage the affairs of those departments in a way that is consistent with the interests of the parliamentary service as a whole. We assist the Presiding Officers to fulfil their accountability obligations to the Parliament. The heads are independent statutory office holders subject to a constrained legislative power for the Presiding Officers to give general written directions (section 20 of the Act). We are directly accountable to the Parliament including through appearances before various parliamentary committees.

We are supported in these endeavours by Senior Executive Service level officers, required under the Act to provide strategic leadership that contributes to an effective and cohesive parliamentary service; to promote cooperation within and between departments, including to deliver outcomes across departmental boundaries; and to promote the Parliamentary Service Values, the Parliamentary Service Employment Principles and compliance with the Parliamentary Service Code of Conduct.

### **Department of Parliamentary Services**

The purpose of the Department of Parliamentary Services (DPS) is to support the work of the Australian Parliament by providing effective, high quality and sustainable services to parliamentarians and building occupants. The Secretary is responsible for managing the department and reports to the Speaker of the House of Representatives and the President of the Senate.

As custodians of Parliament House, DPS is responsible for delivering services and experiences that enable engagement with the parliamentary process. DPS provides a broad range of services and products to support the functions of the Parliament and the work of parliamentarians. DPS consists of approximately 1,100 staff in four divisions, 12 branches, 48 sections and countless disciplines that support the work of the Parliament.

Services DPS provides or facilitates include:

- library and research services
- information and communications technology products and services at Parliament House, electorate offices and Commonwealth Parliamentary Offices
- protective and cyber security
- building and grounds management
- audio-visual services and Hansard
- art collection and exhibition services
- furniture and asset management services
- visitor services and the Parliament Shop
- catering and event management
- licenced retail, health, banking and childcare services, and
- corporate, administrative and strategic services for DPS.

[REDACTED]

DPS has a clear set of values and guides for living those values (acting with integrity, upholding the parliamentary service values, being ethical and professional in all that we do to service the Parliament of Australia).

DPS policies, procedures and training are underpinned by the Act and the Parliamentary Service Code of Conduct.

DPS staff have tenure of employment and all the rights and entitlements analogous with the Australian Public Service. While DPS does employ a small contract workforce with labour hire for cleaning and as a surge capacity for hospitality, most of its staff are covered by normal on-going employment conditions.

DPS has active engagement with staff through regular workforce surveys, internal engagement activities and structured staff communication and consultation processes.

Induction training includes discussing values, culture, behaviour and conduct expectations. There are training programs that include behaviour required for all staff to work consistently with values, the code of conduct, creating a positive workplace culture and leadership training as well as clear policies on workplace health and safety covering issues such as preventing and responding to bullying and harassment.

There is a clear process for complaints which are investigated fairly, independently and without bias.

For more detail see the DPS submission to the Independent Review into Commonwealth Parliamentary Workplaces.

The department will continue to respond to requests from the review for related information.

### **Department of the House of Representatives**

The Department of the House of Representatives provides services to support the House of Representatives in the role of a representative and legislative body. The department supports House and certain joint committees and provides a range of services and facilities for the Speaker, members, and their staff in Parliament House.

The department undertakes engagement to promote the work of the House and committees in the community and is responsible for the conduct of the Parliament's international and regional relations.

The Speaker is the parliamentary leader for the department, and the Clerk of the House of Representatives is the departmental leader and manager of the department.

The department operates within the same legislative framework as the other parliamentary departments, and has a suite of policies which address the various aspects of workplace behaviour, based on a commitment to providing a safe, harmonious and productive workplace free from discrimination, bullying and harassment from any source. Related explanations and training are provided to staff, and all workplace policies and guidelines are available on the intranet.

In 2020, the department reviewed and refreshed its *Discrimination, Bullying and Harassment Prevention Policy and Guidelines*, based on an extensive staff consultation process and formal legal advice. The department's Workplace Equity and Harassment Contact Officers are an additional avenue of information and support for employees.

[REDACTED]

[REDACTED]

In addition, the department's Work Health and Safety Management System commits the department to providing a safe and healthy work environment and outlines the processes and procedures for reporting work health and safety issues and incidents.

The department will continue to respond to requests from the review for related information.

### **Department of the Senate**

The Department of the Senate provides the Senate, its committees, the President of the Senate and senators with a broad range of advisory and support services related to the exercise of the legislative power of the Commonwealth. The department provides the secretariat to the Senate and to dozens of parliamentary committees, whose work encompasses the Senate's scrutiny functions and its exercise of Parliament's broad investigative powers. The department also produces an array of public information and parliamentary education resources so that people may understand and engage with the work of the Senate and parliamentary committees.

The parliamentary head of the department is the President of the Senate and the departmental head is the Clerk of the Senate.

The work of the Department of the Senate is determined almost entirely by the Senate and its committees. The department is responsible, not to the government of the day, but to the Senate and all senators, and maintains complete impartiality in serving equally senators from all political parties and independent senators.

The department has similar policies, procedures and training to those outlined by DPS and underpinned by the same legislative framework. In 2018 the department commenced a process of refocussing our health and well-being policies, particularly to destigmatise mental health concerns. Consultation with staff led us to focus on updating our workplace bullying and harassment policies, better tailoring them to our environment and ensuring that they reflected our commitment to address bullying and harassment no matter the source.

The department will provide further detail on relevant policies and procedures in response to the request for information from the review.

### **The Parliamentary Budget Office**

The Parliamentary Budget Office (PBO), improves transparency around fiscal and budget policy issues, provides confidential costing services to all parliamentarians, and publishes a report after every election that shows the fiscal implications of major parties' election commitments.

The PBO was established in 2012 to *'inform the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals'* (Section 64B of the *Parliamentary Service Act 1999*).

The PBO does this in three main ways:

- by responding to requests made by senators and members for costings of policy proposals or for analysis of matters relating to the budget
  - by publishing a report after every election that provides transparency around the fiscal impact of the election commitments of major parties, and
  - by conducting and publishing research that enhances the public understanding of the budget and fiscal policy settings.
- [REDACTED]

The PBO has similar policies, procedures and training to those outlined by DPS and underpinned by the same legislative framework. The PBO is currently reviewing our health and well-being policies, with staff consultation underway.

### *Initiatives to support staff*

Following recent allegations relating to an historic sexual assault at Australian Parliament House, the PBO has delivered a number of initiatives to support staff including an all-staff seminar on employee wellbeing and how to make a complaint, and arrangements for a counsellor from our Employee Assistance Provider to provide regular confidential, on-site counselling.

The PBO will provide further detail on relevant policies and procedures in response to the request for information from the review.

### **The Parliamentary Service Commissioner and Merit Protection Commissioner**

The Act provides for the Public Service Commissioner to also function as the Parliamentary Service Commissioner and for the Merit Protection Commissioner to also function as the Parliamentary Service Merit Protection Commissioner.

The Parliamentary Service Commissioner's role is to advise the Presiding Officers on the management of policies and practices of the parliamentary service and, at their request, conduct inquiries into parliamentary service matters. The Parliamentary Service Merit Protection Commissioner focuses on ensuring accountability and integrity in employment decision-making in the parliamentary service by providing independent reviews of employment actions, recruitment and Code of Conduct inquiry services to parliamentary departments.

An annual report of the commissioners' activities during the year is provided to the Presiding Officers and presented to Parliament.


### **One building – different staff management arrangements**

Both the workplace culture and the employment arrangements applicable to parliamentary service staff differ from those of staff working for parliamentarians.

The Executive and parliamentarians are supported by the Department of Finance in terms of their staff employment. These staff are employed by the individual senator or member under the *Members of Parliament (Staff) Act 1984* (MoPS Act) and can have their employment terminated by that parliamentarian. These employees are not subject to the same rules for appointment or termination as the public service or parliamentary service. By contrast, parliamentary service staff are engaged through open, merit selection processes, predominantly as ongoing employees. There is a legislative articulation of our values and we are bound by a code of conduct. There are also legislative constraints on the power to terminate an employee (section 29 of the Act), any termination would be subject to the rules applicable under the *Fair Work Act 2009* and employees have independent appeal rights in relation to other adverse employment actions (section 33).

### **Summary**

Recent issues raised involving serious workplace incidents at Parliament House, and commentary about the culture there, do not reflect the day-to-day working environment of parliamentary service employees. We readily acknowledge that the power imbalance inherent in a working environment centred on elected officials also affects the working life of parliamentary service staff. However, the




employment structure, policies and initiatives described in this submission strive to off-set this imbalance, protect our staff and provide avenues of support and complaint making in relation to any matters that do arise.

The employment conditions for staff working in parliamentarians' offices at Parliament House, under the MoPS Act, and employees of the parliamentary departments at Parliament House are quite different. Employees of the parliamentary departments have the equivalent workplace procedures, supports and protections to staff working in the Australian Public Service.

Operating under the Act and the Parliamentary Service Code of Conduct, each department is committed to ensuring their employees work in a safe and respectful environment, where appropriate procedures and policies are in place for the prevention and handling of bullying, sexual harassment and sexual assault.

While the employment arrangements for parliamentary service staff are very different to those that apply to the staff of members of parliament, no doubt the review's findings will indicate ways in which we can further strengthen our policies and procedures for preventing and addressing workplace bullying and harassment.



**Attachment A - Comparison of workplace employment arrangements for employees of the Parliamentary Departments and MoPs Act employees**

<b>Arrangement</b>	<b>Parliamentary Department Employees</b>	<b>MoPs Employees</b>
Relevant legislation	<a href="#">Parliamentary Service Act</a>	<a href="#">Members of Parliament (Staff) Act</a>
Employment	Contract between employee and relevant departmental head, as the employer (under the Act, all heads are defined as Secretary of a Department)	The contract of employment is signed with the Department of Finance and through that the Commonwealth of Australia, noting the person with authority to hire and fire is the individual MP
Relevant obligations	<ul style="list-style-type: none"> <li>• Parliamentary Service Values</li> <li>• Parliamentary Service Employment Principles</li> <li>• Parliamentary Service Code of Conduct</li> </ul>	<ul style="list-style-type: none"> <li>• Statement of Standards for Ministerial Staff</li> </ul>
Merit based recruitment	Yes	No
Protected by general anti-discrimination and protection provisions of the Fair Work Act	Yes	Yes
Protected by unfair dismissal provisions of the Fair Work Act	Yes	No
On-site Human Resources function and staff able to provide support and advice, including on-site Health and Safety Committee representatives	Yes	No