

D24/019152

Alex Greenwich, MP
Chair,
Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics

Dear Mr Greenwich,

Thank you for your letter dated 5 April 2024 regarding matters relevant to the Committee's 12-month review of the Independent Complaints Officer system and its inquiry into the four recommendations of the Broderick Report that refer directly to the Committee.

I appreciate the opportunity to provide further information on the matters discussed during the meeting on 25 March 2024.

Please find enclosed my responses to the questions provided. I note that your enquiry relates to matters across the three Departments, this response specifically addresses information relevant to the Department of Parliamentary services. I welcome any further discussions or clarifications as required.

I note the request of confidentiality in this process and assure you that I will not publish the Committee's questions or my responses without the express approval of the Committee.

Should you have any additional inquiries or require further assistance, please do not hesitate to contact me.

Yours sincerely,

Mark Webb
Chief Executive, Department of Parliamentary Services.



Budget and expenditure

1. As discussed, can you please provide the following documents to the Committee. A breakdown of all the funding and expenditure, actual and budgeted for over the forward estimates, arising from the recommendations of the Broderick Review?

Please provide breakdowns for:

- 1.1 The Departments of the Legislative Council, the Legislative Assembly, and Parliamentary Services.
- 1.2 The staff employed by the three Departments – number of staff and cost.
- 1.3 Third parties like contractors.
- 1.4 Training or similar resources.
- 1.5 The recommendations of the Broderick Review
- 1.6 Any other relevant categories.

Response:

1. Cost of the Review implementation

1.1 The Departments of the Legislative Council, the Legislative Assembly, and Parliamentary Services.

- Outlined below are the actual costs arising from the recommendations of the Broderick review relating to the Department of Parliamentary Services. Noting that the Department of Parliamentary Services provides services relating to the review for the three Departments.
- Matters relating to the costs arising from the recommendations of the Broderick Review relating to the Legislative Council should be referred to the Legislative Council.
- The query for matters relating to the costs arising from the recommendations of the Broderick Review relating to the Legislative Assembly have been referred to the Deputy Clerk of the LA – noting that the Clerk of the LA will provide a response to the Committee separately.

Department of Parliamentary Services 2023/2024 Financial Year – YTD Actual costs from 1 July 2023 to the end of March 2024.

- In the **2023/24 financial year**, the YTD actual cost for DPS to the end of March 2024 associated with the Broderick Review implementation is \$1,705,071.
- The total allocated budget across the three Departments for the Review implementation for the 2023-24 FY is \$5,000,000.
- However, a proposed \$1.37 million of the budget to be carried forward from FY2024 to FY2025 is due to:
 - a. Deferred training arrangements for Diversity & Inclusion, Alcohol policy, Workplace Behaviour & Trauma Informed training for leaders, Additional Training for catering, and other legal advice;
 - b. Corresponding short-term relief for members staff to attend the training; and
 - c. The re-establishment of the Parliamentary Advisory Group (PAG) on 18 March 2024 which pushes the 2023-24 actions items to early 2024-25.

1.2 The staff employed - Department of Parliamentary Services

The breakdown of the allocation of the full year budgeted costs for the staff employed by the Department of Parliamentary Services for the 2023/2024.

- In the **2023/24 financial year**, the YTD actual cost at the end of March 2024 for staff arising from the recommendations of the Broderick Review is \$1,446,000.
- The total number of DPS staff (FTE) is 15.7.

- The budgeted total employee cost for DPS Staff for the 2023-24 FY is \$2,796,000
- The budgeted total employee cost for DPS Staff 2024-25 FY is \$2,500,000.
- The budgeted total employee cost for DPS Staff 2025-26 FY is \$1,879,000.
- The budgeted total employee cost for DPS Staff 2026-27 FY is \$1,879,000.
- The budget total employee cost for DPS Staff ongoing from 2027-28 FY is \$1,490,000.

1.3 Third parties like contractors.

- In the **2023/24 financial year**, the YTD actual cost at the end of March 2024 for professional fees/contractors for DPS arising from the recommendations of the Broderick Review is \$134,000.
- The total budgeted cost of professional fees/contractors for DPS for 2023-24 FY is \$460,000.
- The total budgeted cost of professional fees/contractors for DPS for 2024-25 FY is \$276,750.
- The total budgeted cost of professional fees/contractors for DPS for 2025-26 FY is \$104,872.
- The total budgeted cost of professional fees/contractors for DPS for 2026-27 FY is \$104,872.
- No further funding after 2026-27

1.4 Training or similar resources.

- In the **2023/24 financial year**, the YTD actual cost at the end of March 2024 for training arising from the recommendations of the Broderick Review has been \$125,380.
- The total budgeted cost of training for the FY 2023-24 is \$580,000.
- The total budgeted cost of training for the FY 2024-25 is \$389,500.
- The total budgeted cost of training for the FY 2025-26 is \$223,416.
- The total budgeted cost of training for the FY 2026-27 is \$223,416.
- No further funding after 2026-27

Note: Recurrent budget

1.5 The recommendations of the Broderick Review

Please refer to the above responses.

1.6 Any other relevant categories.

All significant categories have been addressed in the above responses.

General

2. In your view, has the relationship between DPS and the Independent Complaints Officer (ICO) developed smoothly?

Response:

Following the establishment of the position of the Independent Complaints Officer, the relationship between the Department of Parliamentary Services and the Independent Complaints Officer has been consistently professional and courteous and mutually supportive of each other in exercising their respective functions.

3. Can you provide an overview of the implementation plan for the recommendations of the Broderick Review, including the actions that are in progress or which will commence this year?

Response: Overview of the Review – Safe, inclusive, and respectful workplaces

- In July 2021 the NSW Parliamentary Executive Group (PEG) engaged the former Sex Discrimination Commissioner Elizabeth Broderick to explore the extent to which parliamentary workplaces are safe and inclusive and identify where additional focus is required.

- PEG sought to proactively improve the behaviour and processes at NSW Parliament without waiting for a major incident to prompt action.
- In August 2022, the [Independent Review on Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces 2022](#) (the Review) was publicly released.
- The Review determined that bullying is a significant issue across NSW parliamentary workplaces, and sexual harassment and everyday sexism occur at unacceptable rates.
- The Review contained 31 recommendations in a Framework for Action covering:
 1. Leadership
 2. Culture
 3. Policy
 4. Training
 5. Safe Reporting
 6. Transparent Monitoring

Implementation Update

- PEG's Implementation Plan identified 115 actions required to meet the 31 Review recommendations.
- The figures listed below are accurate as of **22 April 2024**:
Of the 115 actions, the current status is:
 - 37% have been implemented
 - 17% are underway
 - The remaining actions (46%) have been referred to other stakeholders (Political Parties, Privileges Committees etc).
- The Independent Complaints Officer role has been established to receive and investigate complaints relating to members.

Work underway or being planned for this year

- Implementing the principal policy on harmful workplace behaviours (see below).
- Reviewing other related policies (eg Security, CCTV etc).
- An independent review of the Parliament's Alcohol Policy including extensive consultation and subsequently the development and delivery of additional training requirements.
- A review of the Parliament's Employee Assistance Program (EAP) support service currently provided by TELUS and inviting proposals from 5 organisations as a market testing and review before the current TELUS contract period expires in early 2024. Proposals will be submitted by TELUS Health, Sonder, Converge International, People Sense and Assure Programs.
- Training commenced in November 2023 on trauma-informed complaints-handling and appropriate workplace behaviour for Parliamentary leaders, members, and senior members' staff.
- The existing Diversity and Inclusion Strategies and Plans have been reviewed. The People, Experience & Capability team are developing a new action project proposal to deliver a new Inclusion and Diversity Strategy.
- Training in 2024 for all Parliamentary and members' staff on appropriate workplace behaviour and the principal policy, procedures and reporting of harmful workplace behaviours.
- Consultation on the formation of an LGBTQI+ taskforce to reduce risk and improve access to reporting for sexuality and gender diverse people in the NSW Parliament.

Political parties' input

- The Review identifies *"the need for all leaders, and Parliamentarians especially, to make a strong, visible commitment to creating safe and inclusive workplaces"* and *"to model change by leading by example"*.
- In December 2022 and again in February 2023, PEG shared the Review recommendations and related Implementation Plan actions with NSW political leaders for their consideration and potential action.
- The PEG correspondence was sent to leaders of NSW political parties, all members of a party with no leader (AJP) and all independents.
- There has been little correspondence from members or political parties, other than some queries from Greens and Independent members.
- In December 2022 relevant recommendations and related actions were also shared with the chairs of the Privileges Committees in both Houses, and delegates for unions and the NSW Police Force.

Draft policy on appropriate workplace behaviour

- DPS has finalised a policy on the Prevention of Bullying, Harassment and Sexual Harassment which is currently in the final stages of review. This has had an extensive consultation process involving the broader parliamentary community.
- The policy outlines how NSW Parliament aims to minimise the risk of harmful behaviour, and additional strategies to protect individuals or groups of parliamentary workers who might be more at risk of harm.
- More than 380 people engaged with that consultation process. This is an unprecedented level of engagement for any new parliamentary policy.

- Under current WHS and Sex Discrimination legislation, everyone in Parliament has an individual responsibility to reduce the risk of harm in the workplace. Senior positions have a greater responsibility to lead the change required.
- The Policy is currently with the Senior Management Group (SMG) for endorsement ahead of approval being sought from the Presiding Officers, as part of that consideration the Crown Solicitor has been instructed to provide comment on a number of issues the Clerks have sought clarification on in the draft.

Statement of Acknowledgement

- On 15 November 2022 the Presiding Officers delivered a Statement of Acknowledgement in both Houses of Parliament.
- The Statement of Acknowledgement was prepared in conjunction with, and jointly endorsed by, the PEG and PAG. It committed to more effective prevention, more effective responses, and more respectful culture in every aspect of parliamentary life.
- It included an apology to those who have experienced bullying, sexual harassment, or sexual misconduct in any NSW Parliament workplaces.
- A statement by the PAG was also presented in both Houses at that time.
- Support measures were provided for victim-survivors who chose to be in Parliament House on that day.

Response from stakeholders to Review recommendations.

- PEG corresponded with a range of stakeholders to make them aware of the Review's recommendations most relevant to them.
- This included Political Leaders, an Advisory Group, NSW Police and Unions.

4. Does DPS plan to provide the wider Parliamentary community with regular updates on its progress in relation to the implementation plan?

Response:

Reporting has occurred for all three Departments through their annual reporting processes. Further reporting will be determined and is expected to include future annual reports.

DPS Human Services

5. Can you give an overview of the roles being performed by those new permanent staff?

Department	Role	Grade	Purpose
Human Services, DPS	Senior Manager, Workplace Supports	Clerk 11/12	Manages the Workplace Supports function which provides both proactive relationship management, support, and complaints handling (outside of the ICO)
Human Services, DPS	Manager, Wellbeing & Safety	Clerk 9/10	Develops and implements wellbeing and safety strategies and initiatives across the Parliament, including partnering with external providers and EAP to deliver general workplace supports and tailored solutions for vulnerable cohorts.
Human Services, DPS	Manager People Experience & Capability (9/10)	Clerk 9/10	Increased capacity to strategically plan people capability and experience initiatives
Human Services, DPS	Senior Advisor, Employment Relationships	Clerk 7/8	Support the Manager Employment Relationships, undertake research, assist with workplace investigations

			and proactive employment relationship advice and support
Human Services, DPS	Senior Advisor, Safety & Wellbeing (7/8)	Clerk 7/8	Support the Manager Safety and Wellbeing identify and implement opportunities for increasing wellbeing initiatives across the Parliament, assist the WH & S Coordinator with complex matters.
Human Services, DPS	Senior Advisor, Workforce Planning	Clerk 7/8	Operational and strategic workforce planning, focus on talent pipeline. Incorporates Graduate & Intern program.
Human Services, DPS	Senior Advisor, Employee Experience (7/8)	Clerk 7/8	Enhance employee experience throughout lifecycle, directly and through monitoring & reporting to inform planning & initiatives, including onboarding & induction, offboarding & exit interviews, Diversity & Inclusion initiatives, PMEs admin & action planning.
Human Services, DPS	Employee Experience and Training Coordinator (5/6)	Clerk 5/6	Support the delivery of an increased breadth of training and development activities with a focus on enhancing the employee experience
Human Services, DPS	Safety & Wellbeing Coordinator	Clerk 5/6	Parliament's nominated Recover at Work Coordinator. Supporting the Manager W&S in responding to incidents and assisting the team with wellbeing initiatives.
Human Services, DPS	HR Officer	Clerk 3/4	To support the administrative aspects of the employee experience role to allow capacity for strategic activities
Human Services, DPS	HR Officer	Clerk 3/4	To support the administrative aspects of the training activities to allow capacity for planning, content development, networking and relationship building, and continuous improvement by the coordinator roles.
Human Services, DPS	HR Officer	Clerk 3/4	Floating generalist HR role to provide support in peak demand times across teams and undertake general administrative tasks in support of the broader P&C team.

6. How might the work being performed by those staff support the role of the ICO, including measures to achieve a safe, inclusive, and respectful workplace?

The work being performed by the staff outlined above support the role through receiving complaints on the ICO's behalf. If a complaint is made directly to DPS, immediate support is provided to hear their story/complaint. DPS will advise them that the ICO is the appropriate channel to consider complaints about members. With consent of the complainant, DPS will offer to (warm refer) any complaints to the ICO so the complainant doesn't have to retell their story. The ICO will then receive and act on the complaint in accordance with the resolution of the House.

The ICO might also request that DPS assist in providing support to a member of the parliamentary community going through the process of lodging a complaint with the ICO.

7. Does the DPS Human Services Team, or the DPS generally, have any guidelines or policies in place regarding the role of the ICO?

The DPS Human Services Team will refer to the ICO's protocols, Nov 2022 as well as the information provided on the Parliament's intranet.

The draft Prevention of Bullying, Harassment and Sexual Harassment refers to the ICO directly as an avenue to address complaints about members and provides a link to the relevant information. The Bullying, Harassment and Sexual Harassment Incident Management Procedure refers to the role of the ICO.

8. In your view, is there any overlap between the functions of the expanded DPS Human Services team and the ICO? In what ways, if any, could they work together?

The authority for formally investigating complaints is well defined and does not overlap. The ICO is the only entity that can proceed to investigate complaints about the behaviour of members, while the workplace relations and support team investigates any complaints relating to staff. Noting that the Parliaments 'No wrong door' approach allows either entity to receive a complaint and refer it to the other for formal investigation.

Training for Staff and Members

9. How many people have attended the RISE training program? What are the numbers of Members and staff who attended?

As of 12 April 2024, **215** people have attended the RISE training program in total. The training continues to be delivered.

There are two parts to the RISE Training:

Part 1 is titled Respect at Work (Acceptable Workplace Behaviour). The pilot for this program was offered to a variety of staff throughout Parliament (see table below) including Leaders and Members. Sessions have now been rolled out to all staff, with further additional sessions being offered for Leaders (incl. Members) who did not attend the initial training sessions.

Part 2 is titled Trauma-Informed Complaint Handling. This training is being exclusively offered to Leaders throughout Parliament (incl. Members, grade 11/12 and above), and commenced at the end of March 2024.

The table below shows a breakdown of the attendees for both parts of the RISE training to date.

Session Type	Department Leaders	Department Staff	MoPS	Members & Ministers	Other (e.g. ICO)	Total
Pilot	9	3	1	2	1	16
Part 1 Leaders' Sessions AND Staff Sessions respectively covering: Respect at Work Inclusion & Diversity	67	83	9	8	0	167
Part 2 Leaders' Only Sessions covering: Trauma-Informed Complaint Handling	29	N/A	N/A	3	0	32

10. What has the RISE training program cost so far? How much is it estimated to cost?

The RISE training has an actual cost \$175,400 for November 2023 to April 2024 and will cost an additional \$154,854 from April to June 2024.

11. When will the RISE training program be available to all staff and Members?

The RISE Pilot program sessions (for Part 1) was offered to Members in November 2023, and RISE Part 1 sessions continue to be offered to Members who did not attend the pilot. RISE Part 2 sessions are also currently being offered to Members, as of March 2024. RISE Part 1 sessions were offered to all staff from April 2024. RISE training sessions for Leaders (incl. Members) and all staff are scheduled to run until 30 June 2024.

Future sessions will be reconsidered in line with budget considerations.

Parliamentary Advisory Group (PAG) on Bullying, Harassment and Serious Misconduct

12. How do you see the role of the PAG? Where does it fit within the implementation plan developed by the DPS and the Presiding Officers?

The PAG is an Advisory Group created under the auspices of PEG. The implementation for the Broderick Review sits with the PEG and is therefore the responsibility of the three Departments.

13. Are there any plans to increase the portion of funding allocated to the PAG, for example by appointing more independent members?

The PEG has indicated that it will consider any requests for additional resources made by the PAG.

Policy creation and review

14. Could you provide an update on the cross-Departmental Policy Review Steering Committee's review of the Policy?

Regarding the Prevention of Bullying, Harassment and Sexual Harassment Policy the Committee has reviewed the policy and is currently being progressed for final approval.

BHSH Policy

15. What is the position regarding the status of the policy currently under review and what are the main areas for change to the policy?

The Prevention of Bullying, Sexual Harassment and Harassment policy is at SMG approval level, awaiting legal advice on three specific issues.

1. Do the definitions used meet legal requirements.
2. Does the Draft Policy adequately address the positive duties under WHS Legislation.
3. How does the Policy address issues of maintaining confidentiality versus duties under WHS Legislation where a complainant wants to keep their matter confidential.

16. Are any issues concerning the Members' Code of Conduct being addressed?

The Members' Code of Conduct is a matter for the Privileges Committees, as such DPS is not progressing any issues in this space.