

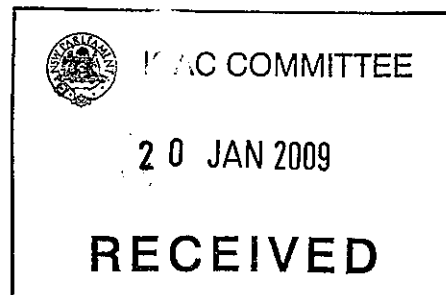
INQUIRY INTO PROTECTION OF PUBLIC SECTOR WHISTLEBLOWER EMPLOYEES

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The Chair
Committee on the Independent Commission Against Corruption
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000.



Dear Chair

Thank you for the opportunity to review the transcript from my appearance before the Committee. I would like to make a supplementary submission to your inquiry to clarify two areas of the evidence I gave on that occasion. Typographical corrections have been made in the body of the draft transcript.

The committee sought information on the practices and policy around newly elected members terminating the employment of existing electorate office staff. I made a number of references to the electorate officers' award and paraphrased the award conditions.

I would like to refer the Committee to the attached extract of clause 17 from the Crown Employees (Electorate officers 2007) Award for the exact wording and conditions applicable when a new member is elected.


Secondly, the Committee sought information on the induction process for Parliamentary Staff and the provision of the policies and information on making a protected disclosure to staff.

Prior to 2006 the induction process for Parliamentary staff administered through the Legislative Assembly was not conducted centrally and staff received an entry on duty and induction through their managers. It is not possible for me to ascertain whether all staff received information on making a protected disclosure.

In 2005 all Parliamentary staff attended a training course on the Staff Code of Conduct and Ethics. The training program included the protected disclosures policy and information on who to make a protected disclosure to.

This training program was subsequently incorporated in to the Parliamentary Staff induction program that was introduced in 2006. In 2008 a new orientation program was implemented at Parliament House and staff are advised on their obligations under the staff code of conduct and where to find the relevant policies on the Parliament's intranet.

Yours sincerely



Russell D Grove
Clerk of the Legislative Assembly

17. Separation from Service Provisions

At general election time, or upon a seat in the Legislative Assembly becoming vacant for any reason, every endeavour will be made to retain the services of currently employed Electorate Officers having regard to the wishes of each incoming Member.

Where an officer's services are terminated (other than at the officer's own request or where the officer is found guilty of a breach of discipline), the following termination arrangements are to apply:

(a) Basis of entitlement

Electorate Officers whose services are terminated in circumstances where the relevant Member of the Legislative Assembly has ceased to hold office for any reason and provided that:

- (i) the Electorate Officer continues to work at the existing location and the incoming Member notifies the Speaker of the Legislative Assembly, within three months of the declaration of the poll, of his/her intention not to continue with the existing staffing arrangements, or
- (ii) the officer continues to work for the incoming Member and,
 - (1) after the expiration of two months and before the expiration of the third month from the date of the declaration of the poll, and
 - (2) to that date the member has not given to the officer/s a clear indication regarding an offer to continue employment, and
 - (3) the officer identifies that they can no longer continue with the existing arrangements, and that they notify the Speaker of the Legislative Assembly of this, they shall be entitled to separation payments as provided hereunder in subclause (b), however,
- (iii) Should an offer of employment be made and the Electorate Officer declines to accept the offer on grounds other than those identified above and this voluntary withdrawal of service is either before the third month or after the third month, it shall be treated as voluntary resignation and so not attract an entitlement to payment of the separation provisions.

(b) Separation payments

- (i) Officers whose employment is terminated under subclause (a) of this clause will be entitled to termination payments and non-monetary support programs as agreed between the parties in the Electorate Officers Entitlements on Termination of Employment Agreement and the guidelines and policies of the Parliament of New South Wales.

(c) Exclusions

Excluded from entitlement to separation payments are:

- (i) Relief Electorate Officers;

- (ii) Electorate Officers on workers' compensation whose claim is based on compensation for termination or officers awaiting determination of claims against the employer for termination of services;
 - (iii) Electorate Officers subject to termination on the grounds of misconduct or unsatisfactory services;
 - (iv) Electorate Officers who resign for any reason other than in circumstances envisaged in (a)(i) or (a)(ii) above;
 - (v) Electorate Officers whose appointments were facilitated by way of leave without pay from the Public Service (on the basis that they will return to employment in the Public Service upon displacement).
- (d) Repayment of separation monies
- (i) Electorate Officers who have received payment of monies in consideration of separation from the service, do so on the understanding that they are liable to reimburse the employer, being the Speaker of the N.S.W. Legislative Assembly, all or part thereof (on a pro-rata basis) any sum paid where they are reappointed to another position as an Electorate Officer or to any other position in Crown employment.

End Extract.