

**PARLIAMENTARY INQUIRY INTO EMERGENCY SERVICE AGENCIES**  
**NSW STATE EMERGENCY SERVICE RESPONSES TO QUESTIONS ON NOTICE**

**Question 1**

***What percentage of women take up team leader roles – also senior operator?***

33% of women haven taken up operational leadership roles at the NSW SES, which includes the roles of Unit Controller, Deputy Unit Controller, Local Controller, Local Deputy Controller, Region Controller, Team Leader and Deputy Team Leader.

## Question 2

***You have said in your submission that from 1 July 2016 to 16 June 2017 there were seven identified psychological workers compensation claims. Can you recall exactly how many were found to be validated or sustained?***

As outlined in the submission, four of the seven psychological workers compensations claims related to alleged bullying and harassment. None of the allegations were sustained.

### Question 3

***I am basically of the tentative view of the idea of some form of independent oversight or review mechanism. I invite you to go away and perhaps on notice give the committee an answer as to whether you could see such a mechanism working in your organisation?***

The current review system that the NSW SES has in place is effective and is managed well. The complaints and grievance policies and procedures implemented within NSW SES contain provisions to ensure that all investigations and related decision making and implementation are performed objectively, are evidence based and, in the case of volunteers, provide an avenue for appeal to me as the Commissioner in accordance with the requirements of the *State Emergency Service Act 1989* (NSW). Since 2015, a total of nine matters have been through the review process.

The NSW SES has embarked on education campaign so members are aware of the policies and procedures in place.

There are already a number of other avenues available that externally review decisions in relation to grievances and misconduct. These external avenues include, for example, Supreme Court of NSW, Anti-Discrimination Board, ICAC, NSW Ombudsman, NSW Auditor-General and Safework NSW.

It should be noted that the introduction of an additional external process could be seen to confuse members. Further, the introduction of an independent external review mechanism would create inconsistency between the emergency services agencies and other public sector agencies that do not have that additional review mechanism in place.

Without the benefit of further detail, the NSW SES cannot provide any additional feedback on whether such a mechanism would work.

## Question 4

**Question 5**

***How many external investigations have there been of sexual harassment matters in the last few years?***

Since 2014 there have been three external investigations of sexual harassment matters.

## Question 6

## Question 7

***When the submission was put in in the middle of last year you said the SES bullying and harassment policy was under review. Has it been finalised and do we have a final copy? Can you tell me what changes were made?***

The review of the NSW SES *Bullying and Harassment Policy* has been finalised.

The changes included:

- updated definition of 'Sexual Harassment'; and
- inclusion of a policy principle explaining that investigations and the implementation of any remedial or disciplinary action in relation to alleged breaches of the policy by staff will be in accordance with the provision of the *Government Sector Employment Act 2013* (NSW) and the *Government Sector Employment Rules 2014* (NSW). If the alleged breach related to a volunteer then it would be dealt with in accordance with the NSW SES *Allegations of Misconduct Procedures – Volunteer Members* and the NSW SES *Volunteer Membership Policy*. The inclusion of this policy principle provides a linkage between interrelated policies and procedures.

## Question 8

***Could you identify on notice what provision in the internal grievance policy says that if a complaint is about harassment or sexual misconduct in some way that the complaint continues after the complainant leaves?***

In accordance with the NSW SES *Internal Grievance Flowchart* and clause 3.9 of the NSW SES *Allegations of Misconduct Procedures – Volunteer Members*, all allegations about sexual harassment, sexual misconduct or any other type of serious misconduct are required to be referred to NSW SES Professional Standards Unit and are triaged and assessed on a case by case basis. That triage and assessment process is undertaken regardless of whether the complainant is a current or former NSW SES member or even a member of the public.

If further information is required from the complainant to finalise the triage and assessment process or there is sufficient evidence presented in the complaint to warrant further investigation, those enquiries or investigations are undertaken regardless of the complainant's membership status.

There is no specific provision in the NSW SES *Internal Grievance Policy* or related procedures which states that a complaint about sexual harassment or sexual misconduct continues after the complainant leaves.

Every effort is made to follow up complaints, regardless whether the complainant has left NSW SES.



## PARLIAMENTARY INQUIRY INTO EMERGENCY SERVICE AGENCIES

### NSW STATE EMERGENCY SERVICE RESPONSES TO SUPPLEMENTARY QUESTIONS

#### Question 1

*You previously served in the Australian Defence Force under a 'command and control' structure that civilian services have attempted to replicate.*

- a) What structures were in place in the Australian Defence Force to prevent abuses of power, bullying, and harassment under this structure?*
- b) Do incidents of abuses of power, bullying, and harassment still occur under the Australian Defence Force's 'command and control' structure*

The NSW SES Commissioner is no longer a serving member in the Australian Defence Force. Specific questions should be directed to the Australian Defence Force. Readily accessible public information, which may be of use, indicates that the Australian Government Department of Defence have a number of options available to report abuse and misconduct. Information can be located on a number of Australian Government websites:

- <https://www.defglis.com.au/resources/UnacceptableBehaviour.pdf>
- <http://www.defence.gov.au/ReportAbuse/>
- <http://www.defence.gov.au/Health/HealthPortal/UnacceptableBehaviour.asp>
- [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Completed\\_inquiries/2004-07/miljustice/report/c07](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/2004-07/miljustice/report/c07)

The Annual Reports for the Department of Defence provide statistics on unacceptable behaviour. The most recent Annual Report can be found at [http://www.defence.gov.au/AnnualReports/16-17/Downloads/DAR\\_2016-17\\_Complete.pdf](http://www.defence.gov.au/AnnualReports/16-17/Downloads/DAR_2016-17_Complete.pdf)

## Question 2

### ***What are the benefits of the 'command and control' structure for the NSW State Emergency Service operationally?***

The NSW State Emergency Service utilises the Australasian Inter-Service Incident Management System (AIIMS) as the foundation of command and control during an emergency response. This framework flows from State Headquarters, through Regions, to all NSW SES Units, and provides a common operating platform with other emergency service organisations providing an all hazard, all agency approach to emergency response. The utilisation of AIIMS ensures interoperability between agencies within and external to the jurisdiction of the NSW SES.

The Command and Control framework established in AIIMS provides clarity of roles and responsibilities across the organisation and a benchmark for accountability and decision making. The framework provides NSW SES with an organisational hierarchy and the delegated authorities in which the Service operates and consists of a standardised approach that incorporates scalability and flexibility to ensure the NSW SES meets the community requirements.

### Question 3

***Have you noticed any issues with the 'command and control' culture and structure in the NSW State Emergency Service?***

In the last 12-18 months, the NSW SES has developed and implemented an incident management framework based on AIIMs principles. The Service is progressively rolling out training and exercising available to reinforce and embed roles and responsibilities and the associated hierarchical requirement within emergency response. This addresses inconsistent application of command and control, specifically in response to high threat emergency events.

#### **Question 4**

***If there have been issues identified, what steps are you taking to improve them?***

Please refer to the answer provided to Question 3 of the Supplementary Questions on Notice.

## **Question 5**

***In the Australian Defence Force, if a serving member or officer is charged with misconduct, generally how long would they have to prepare their own defence?***

Please refer to the answer provided to Question 1 of the Supplementary Questions on Notice.

**Question 6**

***Would such a person have access to legal counsel provided by the Australian Defence Force?***

Please refer to the answer provided to Question 1 of the Supplementary Questions on Notice.

**Question 7**

***In what forum would these matters be adjudicated? A military court perhaps?***

Please refer to the answer provided to Question 1 of the Supplementary Questions on Notice.

### Question 8

***Would such a person have access to their service documents to documents held by the Defence Force, such as their service record and evidence against them, in order to mount a defence?***

Please refer to the answer provided to Question 1 of the Supplementary Questions on Notice and the information at <http://www.defence.gov.au/Records/Employee.asp>



## Question 9



## Question 10

***The same submission from the NSW SES Volunteers Association (on page 35) relating to volunteer "V08" could not meet the costs of a GIPA request for their service records in a disciplinary hearing, so had no access to them for their defence.***

- a) Is this fair, in your opinion?***
- b) Do you agree that to an outsider it appears that this volunteer was effectively punished with a suspension while the accused was still able to train?***

In relation to question 10(a), the NSW SES is aware of its obligations under the *Government Information (Public Access) Act 2009* (NSW) and the *Privacy and Personal Information Protection Act 1998 Act* (NSW). The NSW SES is also committed to assisting members accessing their personal information in accordance with those Acts.

In relation to question 10(b) and "V08", the NSW SES is not certain which matter this relates to, and therefore, will not speculate.

## Question 11

***Will you review your grievance procedures and support processes for volunteers and paid staff to ensure that these incidents do not reoccur***

Yes. The NSW SES *Bullying and Harassment Policy* has recently been reviewed and finalised. Please refer to the answer provided in response to Question 7 of the Questions on Notice.

The NSW SES *Chaplaincy Policy* and the NSW SES *Critical Incident Support Program Policy* have also been recently reviewed and finalised.

The NSW SES *Internal Grievances Policy* and the NSW SES *Internal Grievances Procedure* are due for review in December 2018 and will be reviewed at that stage.

The NSW SES is committed to maintaining a workplace free of bullying and harassment.