

Following my appearance on the 1<sup>st</sup> September there are some additional clarifications I would like to make to the Committee.

First, the context of the operating environment around the end of 2019 and beginning of 2020 for the Office remains important.

The Office of the Cross-Border Commissioner now has a team of people to support its work following established budget processes. However, it may benefit the Committee to clarify that when I was recruited there was the Commissioner and **one** part time grade 9/10 staff member in the Office seeking to address both the Offices requirements and that of the NSW Regional Town Water Supply Coordinator. I should also reconfirm that my employment at the time was a 6-month contract, with no expectation of renewal.

Extension of the contract was only considered when the impact of COVID-19 measures on cross-border communities became apparent, this was repeated on two occasions through established processes before I went through an externally advertised comparative process.

Second, regarding declarations of political activity, I am not the first nor am I the only public servant to hold membership in a political party, hold a voluntary role, or to have some previous connections to a government and to be employed by the New South Wales public service. While I clarify that I have not, some public servants from all political movements have sought preselection or election in Local, State and Federal government elections.

There may be recommendations the Committee could make about what should be declared prior to, during and after (successful) recruitment. However, these recommendations also need to consider that the *Australian Human Rights Commission Act* prohibits discrimination in public and private sector employment on the basis of political opinion. It is the responsibility of an employer to ensure that employees are not harassed or bullied in the workplace because of protected areas under the Act.

Declarations need to be managed in a way that does not undermine these protected features or that potentially creates an environment that does not support the recruitment, or continued employment, of people with diverse views.

Finally, given the Committee's interest in process and consideration of other matters, I would value the Committee also considering recommendations it might make to the address a gap in the protection of public servants from harassment and bullying. Public servants have limited protections from senior office holders who hold authority over them, and who can request access to information that may be used in a way that may constitute harassment or bullying within the workplace.

It is not exceptional that senior officers will seek information about how a program is operating and its leadership. Any questions senior officers have can be asked through established processes that allow for questions to be asked with appropriate discretion and record keeping.

It is also not exceptional that there should be transparency and oversight of government processes, and that may require Parliamentary oversight.

What does concern me is the use of information to selectively and publicly target individuals who have no recourse and have a reasonable expectation of a safe workplace.

In other workplaces if someone is under duress from those who had direct authority over their employment there are more often pathways to seek remedy that afford all parties with procedural fairness. However, it appears that neither the Public Service Commission, nor the Department, are able to address the targeting of an individual from Senior Officers that may

constitute harassment or bullying in the workplace. The NSW Parliament's Independent Complaints Officer (ICO) can only receive complaints from current members of the NSW Parliament, members staff and staff of the NSW Parliament. If there are processes that are available, then more clarity and understanding of those is required.

There are established procedures under the Government Sector Employment Act 2013 that apply to executives in the NSW public service. That includes that the employer of a Public Service senior executive may terminate the employment of the executive at any time, for any or no stated reason and without notice. That is well accepted as a feature of an executive's employment and remuneration and other compensation takes this into account.

While I am capable, I am a low-profile executive in a niche area, with modest influence. I am in the midpoint of my executive career and there are three levels of executive leadership above me. If there is no confidence in me there are steps that can be taken, that do not represent the escalation that has been observed over the past three months.

Any reasonable person can conclude that information about me was provided to the media in a way that was designed to cause injury. As a public servant I can not respond.

It has been personally unhelpful to speculate on the motivations of those who have pursued this in such a fashion, but it is not without a cost to me or others.

### **Submissions to the Inquiry**

Since my appearance in front of the Committee, an unattributed but public submission has been published that makes some inferences.

It is impossible for me to address the unattributed, vague, and unsubstantiated inferences in that submission, particularly as they do not relate to my recruitment. However, I confirm that, to my knowledge, I have not been the subject of any complaints within the Department regarding my conduct. To the contrary, I have been afforded individual and collective recognition for my high performance and conduct as a public servant who advocates for vulnerable communities within government.

I do not expect to be universally liked or respected but believe I share the confidence of most of our team.

I can only assert that I remain committed to my values as a public servant and have remained faithful to the Code of Conduct and Ethics. I have made every effort to support a smooth transition following the change of government, to develop high quality advice for senior executive leaders and have taken guidance and direction from those leaders as to what is a priority for a new Minister.

I have encouraged patience and diligence in our team as the Government communicates its priorities to us and a quite normal transition process unfolds. I continue to encourage these committed public servants to focus on improved outcomes for cross-border residents aligned with the priorities of the government of the day.