

**INQUIRY INTO PROPOSAL FOR A COMPLIANCE  
OFFICER FOR THE NSW PARLIAMENT**

**Name:** Public Service Association of NSW

**Date Received:** 26 March 2021

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The Hon. Peter Primrose MLC  
Chair, Privileges Committee  
Legislative Council  
Parliament House,  
Macquarie Street  
SYDNEY NSW 2000

26<sup>th</sup> March 2021

Dear Chair,

In recent weeks, the members of the Public Service Association of NSW (PSA) who are Members of Parliament Staff (MoPS) in the Parliament of NSW elected seven delegates to represent them. I write in my capacity as one of the delegates that were elected, on behalf of PSA members who are MoPS and their representatives, to provide comment regarding the proposal for a Compliance Officer for the NSW Parliament. This submission is in addition to the submission previously provided to the Privileges Committee by the PSA on 3 February 2021.

The newly elected PSA MoPS delegates recently commenced a process to develop an industrial instrument that will best serve to protect the health and safety of Members' staff when it comes to sexual misconduct, bullying, and assault, as well requiring the Parliament, including parliamentarians, to actively prevent risks and hazards that emerge from this kind of harmful interpersonal conduct.

At a recent all staff meeting, MoPS unanimously endorsed a set of guiding principles that will form the underlying framework for an eventual industrial instrument that workers will design with the assistance of PSA union officials and delegates, and seek to negotiate to be enacted. I have attached a record of these guiding principles for your consideration.

As known by Members' staff working in parliaments around Australia, and perhaps around the world, the asymmetrical power structures that are present in our workplaces can dramatically increase the risk of harmful interpersonal conduct, while at the same time heightening the barriers for reporting, investigation and due process regarding that conduct.

A parliament is, in many ways, an abnormal workplace, and any processes that seek to resolve the myriad workplace issues that are present require a carefully considered, widely consulted, and nuanced approach to be successful.

An accessible process for complaints and reporting of harmful interpersonal conduct which acts independently of the political context of Parliament, while also carrying the necessary powers to investigate and take appropriate action for such conduct, is a key element of the guiding principles of our process.

The Compliance Officer role that has been proposed and is the subject of this inquiry could appropriately carry out this function, providing the following considerations are implemented to prevent the re-traumatisation of complainants and enhance the accessibility of the complaints and reporting process:

- the Compliance Officer, in regards to the manner in which complaints and/or reports of harmful interpersonal conduct are received, investigated and acted upon, must be constrained by appropriately applied evidence-based procedures that are transparent and available to all parties that are subject to the Compliance Officer's jurisdiction,
- the Compliance Officer must receive regular training and/or hold relevant qualifications and experience to enable complaints and reports to be received, investigated, and handled in a way that does not create any further risks to the psychosocial health and safety of complainants or those subject to a complaint,
- the Compliance Officer's process must preserve the right of a complainant, or a person considering making a complaint, to retain control of how far their complaint is taken, and how information about the matters of complainants and people subject to complaints is used and shared,
- the Compliance Officer must have access to discretionary funding to facilitate specialist support for a complainant or someone considering making a complaint that is provided by a counsellor, psychologist, psychiatrist, or other kind of professional as is appropriate in the circumstances,
- complainants and those who are subject to a complaint must retain a right to have a support person, union representative or official, or another person of their choice to accompany them to any meetings, interviews or other discussions with the Compliance Officer,
- the Compliance Officer must be empowered to undertake broad systemic reviews and investigations into matters relevant to harmful interpersonal conduct in the Parliament of NSW, to transparently report on those systemic reviews, and make public recommendations to the Presiding Officers and/or other relevant work, health and safety duty holders,
- the role, processes and procedures of the Compliance Officer must be regularly reviewed with that review process including robust consultation with affected workers and their representatives, and,
- there must be an effective independent procedure in place to make, receive, investigate and act upon complaints or reports about the conduct of the Compliance Officer.

The procedures, processes and training described above should be developed with the assistance of experts who specialise in the management of gendered violence (including sexism, homophobia and transphobia), sexual misconduct, bullying, racism, disability discrimination, and the management of work, health and safety risks and hazards, particularly psychosocial risks and hazards.

Thank you for the opportunity to provide comment for this important inquiry. Please do not hesitate to contact myself via \_\_\_\_\_ or Claire Pullen, Womens Officer, PSA via \_\_\_\_\_ for any further comment or clarification.

Kind regards,

Peta Waller-Bryant  
PSA Delegate, MoPS, Parliament of NSW

**Attachment:**

**Guiding principles: A reporting process for NSW Parliament MoPS staff**

1. Sexual harassment, assault, gendered violence, third party violence, and bullying in a workplace are serious work, health and safety hazards.
2. The Parliament, including parliamentarians, must seek to protect the health and safety of Members of Parliament Staff (MoPS).
3. The Parliament must acknowledge the unique asymmetrical power structures that exist in this place and must actively take measures to ensure that these do not provide opportunity or cover for sexual misconduct, bullying and assault.
4. The Parliament must effectively and appropriately respond to all reports of sexual misconduct, bullying and assault.
5. Avenues for reporting must be clear and easily accessible.
6. Sexual misconduct, bullying and assault can be reported at any time. This includes the reporting of historical incidents.
7. Persons disclosing sexual misconduct, bullying and assault must be able to decide what they report and who has access to information identifying them as a person who has experienced sexual misconduct, bullying and assault.
8. There must be an independent process to respond to reports, it must be separate from the Presiding Officers and from party leaderships.
9. Prevention and response policies must only be developed and implemented following in-depth consultation with staff, their representatives, and experts in this space.