

Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces

November 2021



© Australian Human Rights Commission 2021.

The Australian Human Rights Commission encourages the dissemination and exchange of information presented in this publication.



All material presented in this publication is licensed under the Creative Commons Attribution 4.0 International Licence, with the exception of:

- photographs and images
- the Commission's logo, any branding or trademarks
- where otherwise indicated.

To view a copy of this licence, visit <https://creativecommons.org/licenses/by/4.0/legalcode>.

In essence, you are free to copy, communicate and adapt the publication, as long as you attribute the Australian Human Rights Commission and abide by the other licence terms.

Please give attribution to: © Australian Human Rights Commission 2021.

Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces
ISBN: 978-1-925917-57-4

Acknowledgements

Senior Policy Executive: Natasha de Silva

Review Director: Somali Cerise

Directors: Amanda Alford (Research), Kate Lee (Engagement), Prabha Nandagopal (Legal).

Review team: Alexia Derbas, Christopher Hills, Craig Purcell, Gabriela Sanchez, Georgia Waters, Grace Gardiner, Helen Karatasas, Jack Jacobs, Jessica Phillips, Jessica Xu, Katie Harris, Kerin Leonard, Liz Lindberg, Louise Close, Matthew Clayfield, Nevo Rom, Rosie Ashley, Ruby Lew, Sally Cobb, Sarah Haid, Tess Connolly, Trish Low.

Other Commission staff: Amy Lamont, Claire Hart, Connie Chung, Gabrielle Flax, Graeme Edgerton, Lauren Jones, Leah Pitt, Leon Wild, Lisa Stewart, Robin Perry, Sara-Evison Rose, Sonia Litz, Tara Crisp, Tara Sarathy.

The Commission thanks Alice Rose, Gabrielle Appleby, Maria Maley, Michelle Tuckey and Sonia Palmieri for their expert advice and contributions to the Review, Elena Campbell for editorial assistance, and Roy Morgan Research for assistance with the Review Survey.

The Commission also thanks Comcare, the Department of Foreign Affairs and Trade and the Workplace Gender Equality Agency for supporting the Review through the secondment of staff to the Review.

The Commission is especially grateful to all individuals that participated in the Review.

The Commission acknowledges the contribution of the Australian Government in funding the Review.

This publication can be found in electronic format on the Australian Human Rights Commission's website at <https://humanrights.gov.au/about/publications>.

For further information about the Australian Human Rights Commission or copyright in this publication, please contact:

Australian Human Rights Commission

GPO Box 5218, SYDNEY NSW 2001

Telephone: (02) 9284 9600

Email: communications@humanrights.gov.au

Design and layout: Satsuma Creative

Cover image: Satsuma Creative

Printing: Finline Print & Copy NSW



30 November 2021

The Hon. Senator Michaelia Cash
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney,

Independent Review into Commonwealth Parliamentary Workplaces

I am pleased to present to you *Set the Standard*, the Commission's report on the Independent Review into Commonwealth Parliamentary Workplaces.

This Review makes findings and recommendations to ensure that Commonwealth parliamentary workplaces are safe and respectful and that the nation's Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The report is furnished to you under the functions and powers conferred by section 11 of the *Australian Human Rights Commission Act 1986* (Cth).

Yours sincerely,

A handwritten signature in black ink that reads "Kate Jenkins".

Kate Jenkins
Sex Discrimination Commissioner

Contents

1. Executive Summary	10
1.1 Introduction and context	11
1.2 Methodology	11
1.3 Understanding Commonwealth parliamentary workplaces.....	12
1.4 The case for change	12
1.5 What we heard	14
(a) Drivers and risk factors associated with bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces.....	14
(b) Understanding bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces	16
1.6 Framework for Action	18
(a) Leadership	18
(b) Diversity, equality and inclusion	20
(c) Systems to support performance	21
(d) Standards, reporting and accountability	24
(e) Safety and wellbeing	26
1.7 Conclusion	28
2. Introduction and the Case for Change	29
2.1 Introduction.....	31
(a) Overview.....	32
(b) Terms of Reference	32
(c) Establishment of the Review	32
(d) Report structure.....	37
2.2 Case for change.....	38
(a) Overview.....	39
(b) The context of change.....	39
(c) The high costs of misconduct	40
(d) Parliament as a model safe and respectful workplace	42
(e) The opportunity for change	43

3. Context	44
3.1 Understanding Commonwealth parliamentary workplaces.....	46
(a) Overview.....	47
(b) Commonwealth parliamentary workplaces as an ecosystem	47
(c) Employment conditions in Commonwealth parliamentary workplaces	55
(d) <i>Members of Parliament (Staff) Act 1984</i> (Cth).....	57
3.2 Legal frameworks that support safe and respectful workplaces	61
(a) Overview.....	62
(b) Federal anti-discrimination laws	62
(c) Additional human rights jurisdiction in relation to workplace discrimination ...	63
(d) Fair Work system	63
(e) Work health and safety laws	64
(f) Criminal laws.....	67
3.3 Internal systems and processes in Commonwealth parliamentary workplaces.....	68
(a) Overview.....	68
(b) Relevant policies	68
(c) Advice, support and other services	69
(d) Reporting and complaints processes	69
(e) Training and education	72
4. What We Heard.....	74
(a) Overview.....	76
4.1 Understanding workplace cultures, drivers and risk factors in Commonwealth parliamentary workplaces.....	77
(a) Overview.....	78
(b) Drivers and risk factors associated with bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces	79
(c) Drivers of bullying, sexual harassment and sexual assault	83
(d) Risk factors associated with bullying, sexual harassment and sexual assault	91

4.2 Understanding bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces	106
(a) Overview.....	107
(b) Prevalence of bullying, sexual harassment and sexual assault.....	110
(c) People who experience bullying, sexual harassment and/or sexual assault...	111
(d) People responsible for bullying and sexual harassment	114
(e) Nature of bullying, sexual harassment and sexual assault.....	116
(f) Repeated bullying and sexual harassment	122
(g) Location and frequency of bullying and sexual harassment	122
(h) Impacts of bullying, sexual harassment and sexual assault.....	123
(i) Reporting and complaints	125
(j) Accessing support.....	129
(k) Existing policies and people management practices	131
(l) Awareness, education and training	133
5. Framework for Action.....	137
(a) Overview.....	139
(b) Principles for safe and respectful Commonwealth parliamentary workplaces	139
(c) Bringing it all together: A Framework for Action	140
(d) Phases of implementation.....	142
5.1 Leadership	148
(a) Overview.....	150
(b) Leadership within Commonwealth parliamentary workplaces.....	150
(c) Institutional leadership	151
(d) Individual leadership	155
(e) Recommendations.....	158
5.2 Diversity, equality and inclusion	160
(a) Overview.....	162
(b) Benchmarks and best practice: gender and diversity sensitive parliaments	162
(c) Increasing diversity, equality and inclusion in Commonwealth parliamentary workplaces.....	164
(d) Diversifying workforce participation and leadership	164
(e) Ensuring everyday respect at work.....	173
(f) Recommendations.....	174

5.3	Systems to support performance.....	176
	(a) Overview.....	178
	(b) Existing human resources arrangements for Commonwealth parliamentarians and their staff	178
	(c) A new people and culture model—Office of Parliamentarian Staffing and Culture.....	183
	(d) Professionalising management practices for MOP(S) Act employees	191
	(e) Professional development for MOP(S) Act employees	198
	(f) Best practice training	200
	(g) Termination of employment of MOP(S) Act employees	205
	(h) Reforms to the MOP(S) Act.....	209
	(i) Continuous improvement	211
	(j) Recommendations	214
5.4	Standards, reporting and accountability	216
	(a) Overview.....	218
	(b) The role of standards, reporting and accountability.....	218
	(c) Current standards and accountability mechanisms.....	219
	(d) Recent developments in reporting and complaint-handling processes.....	220
	(e) Limitations of the current system.....	221
	(f) Setting clear standards of conduct.....	222
	(g) Reporting, complaints and accountability.....	225
	(h) A new Independent Parliamentary Standards Commission	228
	(i) Three pathways under the IPSC	238
	(j) External avenues for complaints	249
	(k) Recommendations	252
5.5	Safety and wellbeing.....	254
	(a) Overview.....	256
	(b) Work health and safety.....	256
	(c) Wellbeing	261
	(d) Work environments that foster safety and wellbeing	267
	(e) Alcohol	270
	(f) Recommendations.....	276
6.	Conclusion	278
7.	Appendices	280
8.	Endnotes.....	417

Commissioner's Foreword

The Commonwealth Parliament sits at the heart of Australia's representative democracy. As one of the country's most prominent workplaces, it should serve as a model for others and be something Australians look to with pride. It is in every Australian's interest for our Parliament to attract the best talent and for all participants to be able to perform at their absolute best. For many reasons, these are unique and powerful workplaces.

However, Australians have heard resoundingly that change is needed in these workplaces. The global #MeToo movement and associated momentum for reform has seen numerous brave women publicly sharing their experiences of workplace violence and harassment. In February 2021, Brittany Higgins courageously shared her experience. In this context, our Parliament as a workplace came under intense scrutiny, resulting in the Australian Government, with the support of the opposition and crossbench, establishing this Independent Review of Commonwealth Parliamentary Workplaces. I commend our Parliament for commissioning this Review, and urge it to promptly consider and implement the sensible, interconnected, evidence-based recommendations contained within this Report.

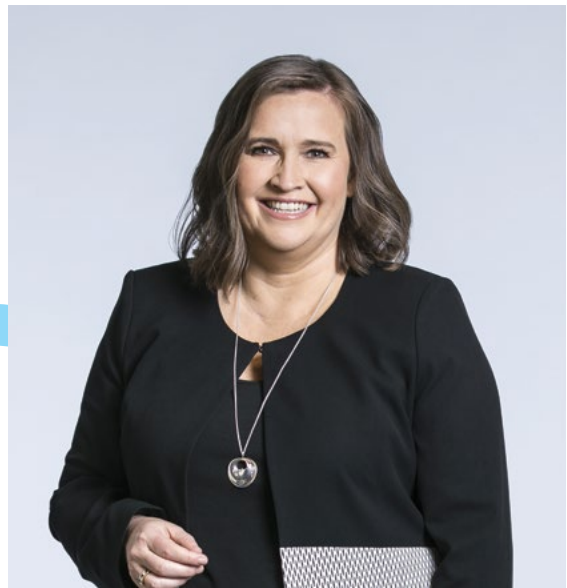
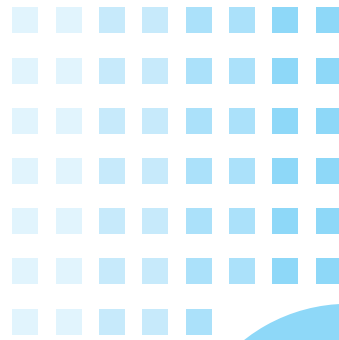
This Report is the result of seven months of deep engagement with individuals who work or have previously worked in such workplaces. More than four thousand people work in Australian Parliament House on any given sitting day. Thousands more work in other locations around the country supporting the work of parliamentarians. People work in a wide

variety of roles, come from many walks of life, and bring passion, drive, loyalty and dedication to the important work they do. It was a great privilege to hear from so many of them.

This Report outlines what we heard. While we heard of positive experiences of work within the Parliament, there were others who shared experiences of bullying, sexual harassment and sexual assault. Too often, we heard that these workplaces are not safe environments for many people within them, largely driven by power imbalances, gender inequality and exclusion and a lack of accountability. Such experiences leave a trail of devastation for individuals and their teams and undermine the performance of our Parliament to the nation's detriment.

People who work in the Parliament—current and former—are the experts in this Report. I thank all those who participated, I know it was an act of bravery, generosity and trust for you to make time to share your experiences with us which reflected your desire for real cultural and systemic change. I hope you will see the impact and influence of your experiences in the recommendations we have made.

We concluded that while Commonwealth parliamentary workplaces are unique, they are not exceptional. It is time for our best workplace practices to live in these workplaces. Power and influence run in many directions in these workplaces, so we have proposed five shifts designed to ensure that power and influence always lean towards safety and respect, enabling high performance.



This is an opportunity for the leaders of our country to transform Commonwealth parliamentary workplaces to become what they already should be: workplaces where expected standards of behaviour are modelled, championed and enforced, where respectful behaviour is rewarded and in which any Australian, no matter their gender, race, sexual orientation, disability status or age, feels safe and welcome to contribute. By acting on this Report this Parliament has the unique chance to leave an historic legacy for future generations of people working in the Parliament and, through them, for all Australians.

This aim is an important one, because it is only by reflecting the whole of Australian society, and living up to community expectations, that Parliament can perform its function in a representative democracy: making good decisions that will positively impact Australian society. The recommendations in this Report are designed to make the Australian Parliament the sort of workplace and institution in which Australians can be rightly proud.

Kate Jenkins

Kate Jenkins
Sex Discrimination Commissioner

30 November 2021

1.

Executive Summary

This is Parliament. It should set the standard for workplace culture, not the floor of what culture should be.

(Interview 69, CPW Review)

1.1 Introduction and context

On 5 March 2021, the Independent Review into Commonwealth Parliamentary Workplaces (Review) was established by the Australian Government, with support from the Opposition and crossbench. Conducted by the Australian Human Rights Commission (Commission) and led by the Sex Discrimination Commissioner, the Review's Terms of Reference (ToR) asked it to make recommendations to ensure that Commonwealth parliamentary workplaces (CPWs) are safe and respectful and that the nation's Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

This Report presents the Commission's findings and recommendations in six chapters:

- Executive summary
- Introduction and case for change
- Context of Commonwealth parliamentary workplaces
- What we heard
- Framework for Action
- Conclusion

1.2 Methodology

The Commission's approach to this Review was based on underlying principles, including that it be **independent, consultative, evidence-based, voluntary, confidential, and trauma-informed**. Guided by these principles and following ethics approval from the Human Research Ethics Committee of the University of New South Wales (HC210264), the Commission adopted a mixed methods approach to develop a robust evidence base which could inform its findings and recommendations.

This included face-to-face, online and telephone interviews, written submissions, an online survey, targeted focus groups, review of relevant data, legislation, policies, and processes, as well as review and analysis of domestic and international research.

The Commission's methodology is outlined in detail at **Appendix 2** and the substantial contributions of the 1,723 individuals and 33 organisations and collectives who contributed to the Review are outlined in Figure 1.1.

Figure 1.1: Contributions to the Review



*Note, this figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).

1.3 Understanding Commonwealth parliamentary workplaces

Commonwealth parliamentary workplaces are an ecosystem made up of multiple workplaces, each with its own culture. These workplaces are geographically dispersed and populated by people who work under multiple different employment arrangements and who do not report to one central agency or leadership structure.

People who work across these complex and varied environments include:

- 227 parliamentarians
- 2,256* staff employed either as electorate or personal staff to support parliamentarians under the *Members of Parliament (Staff) Act 1984* (Cth) (MOP(S) Act)
- people employed under the *Parliamentary Service Act 1999* (Cth) (Parliamentary Service Act) and the *Public Service Act 1999* (Cth) (Public Service Act)
- contracted service providers
- other workers, including the media, interns and volunteers
- Australian Federal Police.

1.4 The case for change

This Review occurs at a critical moment in time. It has been conducted in the context of shifts in community expectations around equality, safety and respect. Global momentum for change, including the #MeToo movement, has seen calls for an end to violence and harassment. The experiences of Grace Tame, Brittany Higgins, Chanel Contos and others, as well as a national conversation about consent, have also prompted renewed calls in the Australian context for an end to gendered violence.

Significant change is taking place across Australian workplaces to prevent and respond to bullying, sexual harassment and sexual assault, as demonstrated in the engagement in and response to the Commission's Respect@Work report of the National Inquiry into Sexual Harassment in Australian Workplaces.¹

Many Australian workplaces have recognised that a safe and respectful workplace culture influences their ability to attract and retain the best people, drive organisational performance as well as to manage what are now significant reputational and legal risks.

Parliamentary workplaces are not immune from these issues, nor from the scrutiny that is being brought to bear in relation to them.

Individuals experience significant harm where there is bullying, sexual harassment and sexual assault in the workplace, with negative effects, including on physical and mental health. A 'conservative estimate' from Deloitte Access Economics found that workplace sexual harassment also costs the Australian economy an estimated \$3.8 billion in 2018.² Bullying is estimated by the Productivity Commission to cost Australian employers and the economy between \$6 and \$36 billion annually.³ These figures alone demonstrate that the substantial and very real costs of misconduct are borne not only by the individuals concerned, but by a workplace and community as a whole.

Minimum standards of workplace conduct have been set by the Australian Parliament through laws. Trust is lost in the institution of Parliament when CPWs do not meet these standards that are expected of the rest of the Australian population—whether that be in their workplaces, community groups, sporting clubs or other contexts. As the Commission heard from participants, '[t]his is Parliament. It should set the standard for workplace culture, not the floor of what culture should be'.⁴

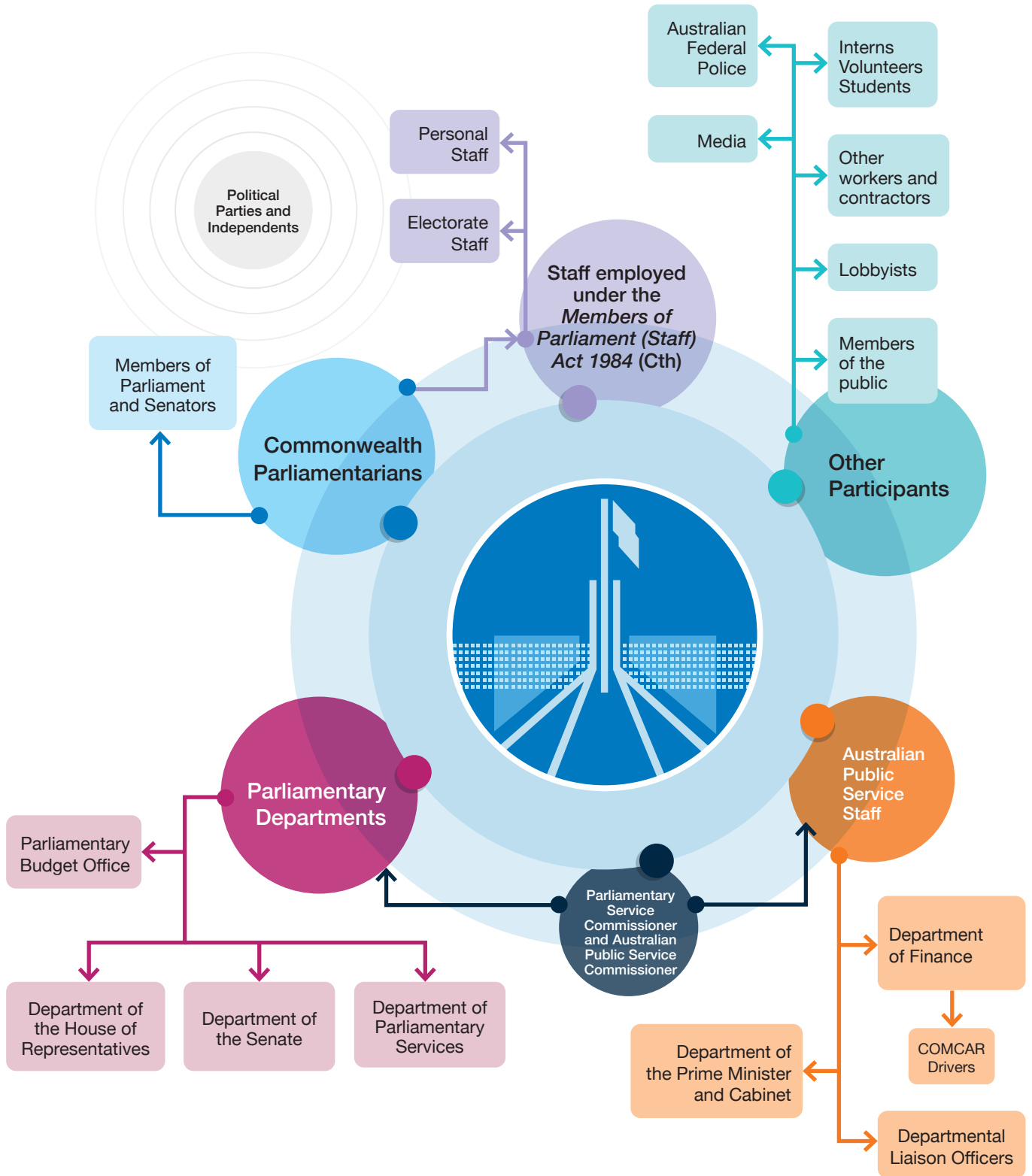
As well as legislating the standards which the wider community should adopt, CPWs must model these standards themselves. As well as ensuring a safe and respectful work environment, the opportunities that are then created include the chance to attract and retain the best parliamentarians and staff; to drive institutional performance; and, by supporting diversity, equality and inclusion, to improve representation and decision-making overall.

Several parliaments in comparable jurisdictions, both at the state and international level, have identified a need for cultural reform, as outlined in this Report. In doing so, they have recognised that ensuring a safe and respectful parliamentary workplace is essential to public confidence and to modelling best practice for the community that they serve.

There is an opportunity now for meaningful and lasting reform that ensures CPWs are safe and respectful—workplaces that uphold the standing of the Parliament and are a worthy reflection of people working within them.

***Note** Based on information provided by the Department of Finance, there were 2,222 MOP(S) Act employees working in CPWs, either as electorate staff or as personal staff to Ministers and office-holders, as at 1 June 2021. Additionally, the Department of the Prime Minister and Cabinet informed the Review of 34 personal staff employed in Official Establishments (at The Lodge or Kirribilli House), as at 31 July 2021. For this reason, this Report uses a total figure of 2,256 MOP(S) Act employees.

Figure 1.2:
The ecosystem of Commonwealth parliamentary workplaces



... this is for the most part, a bunch of people who work extraordinarily hard ... and the reason that they do it, is because they want to make the country a better place and because they truly believe that they can make a difference.⁵

1.5 What we heard

The Commission heard that there is no single workplace culture across CPWs. Workplace cultures are influenced by several factors. Some are consistent, many are interrelated, and some are unique. The experiences of people within these workplaces differ vastly based on a range of factors, particularly gender and role.

An overwhelming sentiment shared by participants across all CPWs was a view that working in these workplaces is a 'privilege and an honour'.⁶ Many people expressed their commitment to making a positive difference to the lives of people and communities across Australia through their work in CPWs, including one participant who told the Commission, 'I feel like I'm contributing to the country; this is my way of giving back'.⁷

Many participants explained that they decided to engage with the Review because they care deeply about the institution and want to be part of the process for change.

(i) Drivers and risk factors associated with bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces

The Review's Terms of Reference require the consideration of the drivers and factors that may increase risk in the context of workplace bullying, sexual harassment and sexual assault. Drivers are systemic and structural and refer to 'root causes', while risk factors are the more immediate set of contextual and institutional risks specific to a

workplace. Both drivers and risk factors can interact in workplace cultures in which people experience misconduct.

(i) Drivers of bullying, sexual harassment and sexual assault

The role of power

Consistent with wider evidence, the Commission heard that power, including power imbalances and the misuse of power, is one of the primary drivers of misconduct in CPWs.⁸ While participants reflected on the inherent role of power in parliamentary workplaces, they observed that it is the misuse of power, fear of those who hold power, and a sense of entitlement that are particularly problematic. As one participant reflected, just because 'it's a culture which is all about power though, doesn't mean it has to be a culture which is about abuse of power'.⁹

Power operates in multiple directions in CPWs which can result not only in 'top down' bullying but lateral and upwards bullying as well. Participants described the significant power that parliamentarians wield within their offices, as well as the power dynamics between front and back bench parliamentarians, and the staff of Ministerial offices and other MOP(S) Act employees.

Participants from the parliamentary departments highlighted unreasonable demands and harassment by parliamentarians and MOP(S) Act employees, built on a culture of service and subservience with an expectation that 'we are meant to be providing a service at any cost ... irrespective of how the Members behave'.¹⁰

Some parliamentarians also told the Commission about instances of bullying of parliamentarians by their staff or people from their political party structure, including through the use of the media.¹¹ For example, one parliamentarian reflected, 'the higher the public profile, the bigger target you become. Staff work in the environment and they know that. All they have to do is threaten to take it to the media'.¹²

Gender inequality

Gender inequality is also a key driver of bullying, sexual harassment and sexual assault within CPWs. The Commission heard that institutional structures, processes and practices across CPWs devalue women and consequently foster gendered misconduct.

It is a man's world and you are reminded of it every day thanks to the looks up and down you get, to the representation in the parliamentary chambers, to the preferential treatment politicians give senior male journalists.¹³

Multiple participants spoke about the lack of women in senior roles, explaining that '[B]y crowding out women at the most senior levels ... a male-dominated and testosterone-fuelled culture dominates'.¹⁴ Participants also drew attention to gender segregation in the workplace, including 'being given tasks on a gendered basis'.¹⁵

Lack of accountability

Rather than being held accountable, participants told the Commission that people who engaged in misconduct were often rewarded for, or in spite of, their behaviour. The Commission heard about the particular difficulty of sanctioning parliamentarians who engaged in misconduct, because they do not have an 'employer'. As one participant put it '[t]here are no ramifications for bad behaviour because there is no risk of MPs getting fired, or otherwise being held accountable for their actions'.¹⁶ Participants also raised concerns about the limited recourse available for people who experience bullying, sexual harassment and/or sexual assault.

Entitlement and exclusion

Throughout the Review, the Commission heard about a lack of diversity across CPWs, the privilege of some groups of people, and the marginalisation and exclusion of others. Certain marginalised groups of people within CPWs experienced greater vulnerability to misconduct, as well as specific and unique experiences of discrimination, bullying, sexual harassment and sexual assault.

Many participants emphasised the importance of taking an intersectional approach to understanding workplace bullying, sexual harassment and sexual assault, as well as how to prevent and respond to these types of behaviour.

Some participants told the Commission that their identity as a First Nations person, culturally and linguistically diverse (CALD) person, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) person or person with a disability, meant that they were excluded or seen only through the lens of their identity. Participants shared that identifying as different from the norm in these workplaces is inherently unsafe and identified a need to increase diversity to reduce the potential for people to be 'targets'.¹⁷

(ii) Risk factors

Unclear and inconsistent standards of behaviour

In addition to these systemic drivers, the Commission heard that expected standards of behaviour either do not exist in CPWs or can be unclear and inconsistently enforced. This leads to confusion about the standards that apply and to misconduct being tolerated. This is compounded by a lack of clear policies and uniform training. Participants also described the intensity or informality of the work environment and the blurring of lines in the context of different interactions.

When the work is that fast paced, and the needs of the Minister are so unrelenting, you lose perspective on what is appropriate, what your rights are and the way in which you deserve to be treated.¹⁸

The lack of clear standards leads to confusion about expected behaviour and also contributes to the normalisation of misconduct. The Commission heard about a culture of misconduct being normalised and of people being unwilling to intervene or speak out. Some participants described a culture in which individuals responsible for misconduct are an 'open secret' that 'everyone knows' about,¹⁹ but nobody does anything to address.

Leadership deficit

One of the most common themes raised was the critical role of leaders in creating and maintaining a safe, respectful and inclusive workplace. As one participant observed, 'it comes from the top'.²⁰ While examples of good leadership which set the tone for safety and respect were described by some participants, many discussed the way in which leaders themselves were responsible for bullying, sexual harassment and sexual assault, and also their inadequate responses to the misconduct of others.

Further, many people who come to leadership roles within CPWs do so without the people-leadership skills that would be expected in other sectors. This can combine with the systemic drivers described above to create a leadership 'deficit', which not only fails to prevent or discourage misconduct in others, but results in some leaders being directly responsible for misconduct themselves.

Workplace dynamics

The Commission heard that workplace dynamics across all CPWs are characterised by intense loyalty, the prioritisation of 'optics' and, in political offices, intense media scrutiny and public interest. Participants readily acknowledged that 'blind loyalty to the [P]arty above all else'²¹ was a barrier to reporting and addressing misconduct. These workplaces were also characterised by the presence of fear, especially around job security and of the 'weaponisation' of information. The effect of this culture of fear was raised repeatedly, with one participant noting that, 'living in fear... that's not conducive to honesty, frankness, or transparent decision-making'.²²

Social conditions of work

The Commission heard that the social conditions of work in CPWs were also a direct and contributing risk factor for bullying, sexual harassment and sexual assault. Participants described a 'work hard, play hard' culture combined with travel away from home and family supports, particularly during sitting weeks,²³ which fostered environments in which bullying is accepted.²⁴ '[B]ecause it's so high pressure [...] if something goes wrong, people's reactions are quite unreasonable. Lots of shouting and yelling for just unnecessary reasons'.²⁵

'Playing hard' was seen to be a response to the all-consuming nature of the work, allowing people to 'let off steam'.²⁶ For many, this involved using alcohol as a coping mechanism, or as a conduit for socialising with colleagues.²⁷ In some situations, unsafe drinking

and blurred professional boundaries fostered environments where sexual harassment or sexual assault could occur. Participants also highlighted their limited work/life balance, the challenges and risks associated with fly-in-fly-out work and isolation.

Employment structures, conditions and systems

Throughout the Review, the Commission heard that the ways in which employment is structured and working conditions contribute to the workplace culture and constitute a risk factor for bullying, sexual harassment and sexual assault.

Participants noted that the temporary nature of employment is inherent to the work to some degree, given the impact of electoral cycles, political transitions and leadership spills.²⁸ However, MOP(S) Act employees also shared that they felt additional levels of insecurity due to the perception that the MOP(S) Act provides parliamentarians with broad powers to dismiss their staff and limited protections for MOP(S) Act employees. The insecurity of employment has a chilling effect on people speaking up about bullying, sexual harassment and sexual assault.

The long and irregular hours of work was also identified as a factor that can 'exacerbate the aggressiveness'²⁹ in the workplace. Many participants also highlighted a number of physical and psychosocial safety risks that arise in these workplaces.

(b) Understanding bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces

Capturing the prevalence, nature and impacts of bullying, sexual harassment and sexual assault is important to shaping necessary reform. One of the main ways in which the Commission collected primary data about prevalence was through an anonymous online survey (Review Survey), with responses received from almost a quarter (23%) of all people currently working in CPWs. Some key data points are featured below.

Experiences of bullying, sexual harassment and sexual assault

Of people currently working in CPWs, 37% have experienced some form of bullying while working there.

Frequently, like at least every week, the advice was go and cry in the toilet so that nobody can see you, because that's what it's like up here.³⁰

One in three (33%) people currently working in CPWs have experienced some form of sexual harassment while working there.

Aspiring male politicians who thought nothing of, in one case, picking you up, kissing you on the lips, lifting you up, touching you, pats on the bottom, comments about appearance, you know, the usual ... the culture allowed it.³¹

Survey results indicate around 1% of people have experienced some form of actual or attempted sexual assault in CPWs, noting that this is an indicative estimate based on a small number of respondents. Survey respondents were not asked to describe the nature of their experience, but people shared their experiences in submissions and interviews, indicating they had experienced rape and attempted rape and indecent assault.

[T]he MP sitting beside me leaned over. Also thinking he wanted to tell me something, I leaned in. He grabbed me and stuck his tongue down my throat. The others all laughed. It was revolting and humiliating.³²

Over half (51%) of all people currently in CPWs have experienced at least one incident of bullying, sexual harassment or actual or attempted sexual assault in a CPW. Overall, over three-quarters of people (77%) currently working in these workplaces have experienced, witnessed or heard about bullying, sexual harassment and/or actual or attempted sexual assault in CPWs.

The level of sexual harassment in CPWs is consistent with the national average of 33% from the 2018 *National Survey on Sexual Harassment in Australian Workplaces* (2018 National Survey).³³ However, there are some key differences between the two surveys, including that only current workers completed the Review Survey. This means the statistics in this Report reflect the experience of people who were bullied, sexually harassed and/or sexually assaulted in a CPW and still work in these workplaces, whereas the National Survey captured all experiences over the five years prior to the survey.

People who experience bullying, sexual harassment and sexual assault

The demographic breakdown of people who experienced misconduct shows that some groups are more vulnerable to bullying, sexual harassment and sexual assault in CPWs.

- Women in CPWs experienced sexual harassment at a higher rate (40%) compared with men (26%).
- Women in CPWs have experienced bullying at a higher rate (42%), compared with men (32%).
- Women experienced both bullying and sexual harassment at a higher rate (24%) compared with men (14%), with actual or attempted sexual assault also typically experienced by women.
- More female parliamentarians (63%) have experienced sexual harassment, compared with male parliamentarians (24%) and the national average for women (39%).³⁴
- MOP(S) Act employees experienced the highest levels of bullying and actual or attempted sexual assault in CPWs, and relatively high levels of sexual harassment.
- People who identify as LGBTIQ+ experienced sexual harassment at a higher rate (53%) than people who identify as heterosexual (31%) or who preferred not to say (29%).

People responsible for bullying and sexual harassment

The Review Survey results indicate that people who bullied or sexually harassed people in CPWs were predominantly in a more powerful position than the person experiencing the behaviour. Over half (53%) of people in CPWs who have experienced sexual harassment and over three-quarters (78%) of people who have experienced bullying disclosed that their most recent experience of harassment or bullying by a single perpetrator was by someone more senior.

Sexual harassment was more frequently perpetrated by one harasser, whereas bullying can be perpetrated by multiple bullies. Men were more likely to perpetrate sexual harassment, while women were more likely to bully.

People who bully or sexually harass people in CPWs were likely to perpetrate these behaviours with multiple victims. For example, 66% of people who have experienced bullying and 28% of people who have experienced sexual harassment said that the individual who bullied or harassed them had done the same thing to someone else.

Impacts and reporting

Regardless of their role, participants noted that their experiences of bullying, sexual harassment and/or sexual assault had an impact on their mental and physical health; their confidence and ability to do their job; and their future career prospects, including their ability to get a reference. These experiences also caused significant distress and shame.³⁵ One participant told the Commission about the impact on people they knew:

One tried to commit suicide, another admitted themselves into a mental facility. I know three women [who worked in CPWs] that are still seeing psychologists. One had a marriage breakdown, and one has completely dislocated with her children as a result of the direct influence of that Member of Parliament ... I will never work in a political office again, it's not worth it.³⁶

Some people described feeling that the only options were to tolerate the misconduct or leave, rather than expecting that the misconduct could be addressed. Many also described the negative personal and career consequences that they experienced as a result of making a complaint.

Overall, only half (50%) of people in CPWs knew how to make a report or complaint about bullying, sexual harassment or sexual assault.

The Commission consistently heard from participants throughout the Review that there is considerable hesitancy and fear about making a complaint or report. The Review Survey results indicate that only 11% of people who experienced sexual harassment and 32% of people who experienced bullying in a CPW reported their experience. Most people who experienced bullying did not report it because they thought that things would not change or that nothing would be done (55%), or because they thought it would damage their reputation or career (47%). Most people who experienced sexual harassment did not report it because they did not think that it was serious enough (55%) or that people would think they were over-reacting (43%).

The Commission heard overwhelmingly that there are rarely any consequences as a result of making a complaint about bullying, sexual harassment or sexual assault for the person who bullied, harassed or assaulted them, or more broadly.

From the get-go there's no incentive to actually report because it's not going to change it and it's probably actually going to make it worse.³⁷

1.6 Framework for Action

The challenge of effectively preventing and responding to bullying, sexual harassment and sexual assault in these workplaces is significant. The problem is not, however, inevitable, or intractable. There is momentum for change and the proposed Framework for Action in this Report sets out a clear path to ensure that CPWs are safe and respectful, uphold the standing of the Parliament and are a worthy reflection of the community that they serve.

Based on the specific risk factors and underlying drivers, the Commission proposes five key shifts that can transition CPWs to a safer and more respectful work environments.

The recommendations in the Framework for Action are mutually reinforcing and complementary and therefore should not be cherry picked. The Commission recommends implementing all five shifts in a phased way over a two-year period, giving priority to progressing actions to develop new standards, policies and processes while new structures are being established.

(a) Leadership

Principle 1: Leadership

Outcome: Leaders prioritise a safe and respectful culture, set clear expectations and model safe and respectful behaviour.

The Review highlighted the crucial role of leadership in building and maintaining safe, diverse and inclusive workplaces. While some participants described their employing parliamentarian as modelling a positive workplace culture, others identified leaders as lacking essential people-leadership skills at best; and ignoring, encouraging, or personally engaging in misconduct at worst.

Through the implementation of the recommendations below, CPWs will shift to a future state where there is strong institutional and individual leadership across all CPWs to foster safe, diverse and inclusive workplaces and shared accountability for change.

Statement of Acknowledgement

The Commission recommends that leaders within the Parliament deliver a Statement of Acknowledgement to the Parliament that publicly acknowledges experiences of bullying, sexual harassment and sexual assault in CPWs; the impact of the misconduct on individuals; and the lack of action taken in the past. The statement should outline the institutional leadership commitment to change, with shared accountability for progress.

An acknowledgement of the impact of misconduct is important for validating the experience of individuals who have been subject to harm under the watch of leaders in CPWs. Further, an acknowledgement can start to restore the trust between individuals who have experienced misconduct and CPWs. It would be an important demonstration by leaders in these workplaces that they acknowledge the experiences, recent and past, and are committed to working together to ensure CPWs are safe and respectful.

Recommendation 1: Statement of Acknowledgement

The Presiding Officers should convene party leaders and the heads of the parliamentary departments to come together, agree and deliver a joint Statement of Acknowledgement to the Parliament. This Statement should acknowledge the harm caused by bullying, sexual harassment, and sexual assault in Commonwealth parliamentary workplaces and a commitment to action and shared accountability.

Recommendation 2: Institutional leadership

To demonstrate institutional leadership to ensure safe and respectful Commonwealth parliamentary workplaces, the Houses of Parliament should:

- (a) establish a leadership taskforce, with oversight by the Presiding Officers, chaired by an independent expert and supported by an Implementation Group, to oversee the implementation of the recommendations made in this Report. It should have the following responsibilities:
 - i. developing and communicating an implementation plan with specific timeframes
 - ii. defining and communicating common values which can drive cultural change across parliamentary workplaces
 - iii. preparing an annual public report of progress made in the implementation of recommendations
 - iv. tracking, on a quarterly basis, key measures of a safe and respectful work environment to monitor progress in implementation.
- (b) convene an annual parliamentary discussion in both Houses of Parliament for office-holders, parliamentary party leaders and parliamentarians to share progress on the implementation of recommendations.

Recommendation 3: External independent review of progress

The Australian Government should establish a follow up external independent review to examine the implementation of recommendations made in this Report within 18 months of its tabling in the Parliament.

Recommendation 4: Individual leadership

To strengthen individual leadership to ensure a safe and respectful work environment:

- (a) parliamentarians and senior Members of Parliament (Staff) Act employees, including chiefs of staff, should:
 - i. engage in regular discussions to set expectations of conduct and champion the Codes of Conduct
 - ii. create a safe reporting culture, including supporting people who experience misconduct
 - iii. take responsibility for discharging work health and safety obligations
 - iv. attend training on respectful workplace behaviour, people management and inclusive leadership
 - v. support employees to attend relevant training
- (b) office-holders, parliamentary party leaders and leaders of parliamentary departments should:
 - i. engage in regular discussions to set expectations of conduct, champion the Codes of Conduct and create a safe reporting culture
 - ii. demonstrate and reinforce the message that those individuals who engage in misconduct will not be protected, rewarded or promoted
- (c) parliamentarians, party leaders and office-holders should report annually to the Parliament on the actions that they have taken to ensure a safe and respectful work environment.

(b) Diversity, equality and inclusion

Principle 2: Diversity, equality and inclusion

Outcome: Commonwealth parliamentary workplaces are diverse and inclusive and everyone experiences respectful behaviour as the baseline standard.

The Commission heard that women are under-represented in decision-making roles and that there is a lack of broader diversity across CPWs. This lack of diversity contributes to a 'boys club' culture and bullying, sexual harassment and sexual assault. It also means that CPWs are not representative of the community that they aim to serve.

Through the implementation of the recommended interventions below, CPWs will shift to a future state where the Parliament attracts and retains people who reflect the full diversity of the community and everyone contributes to robust and inclusive decision-making and a vibrant democracy.

Targets to achieve gender balance among parliamentarians

As part of a 10-year strategy designed to advance gender equality, diversity and inclusion, the Commission recommends targets to achieve gender balance among parliamentarians. The Commission also recommends specific measures to support the achievement of the targets. Targets would be accompanied by an annual public report of diversity characteristics among parliamentarians, by party.

Target-setting is increasingly common across public and private sector organisations to accelerate progress towards gender balance. Targets that set aspirations, together with regular measurement and public reporting, drive change by focusing attention, informing strategies and the allocation of resources.

Recommendation 5: Diversity among parliamentarians

To advance gender equality, diversity and inclusion among parliamentarians, parliamentary party leaders should lead and champion a 10-year strategy which includes the following elements:

- (a) targets to achieve gender balance and specific actions to support the achievement of the targets
 - (b) specific actions to achieve gender balance and diverse representation across all parliamentary roles and portfolios
 - (c) specific actions to increase the representation of First Nations people, people from CALD backgrounds, people with disability, and LGBTIQ+ people.
-

**Recommendation 6:
Diversity among Members of Parliament (Staff) Act employees**

To advance gender equality, diversity and inclusion among Members of Parliament (Staff) Act employees, parliamentary party leaders should lead and champion a 10-year strategy that includes the following elements:

- (a) specific actions to increase gender balance and diverse representation among Members of Parliament (Staff) Act employees, with a focus on senior roles
- (b) specific actions to increase the representation of First Nations people, people from CALD backgrounds, people with disability, and LGBTIQ+ people.

**Recommendation 7:
Measurement and public reporting**

The Office of Parliamentarian Staffing and Culture (see Recommendation 11), together with the Department of the Senate and Department of the House of Representatives, should table an annual report to the Parliament with the following information:

- (a) diversity characteristics of parliamentarians, including by party affiliation (where applicable), and gender representation across specific roles such as office-holders, ministerial portfolios and committee roles (Department of the Senate and Department of the House of Representatives)
- (b) diversity characteristics of Members of Parliament (Staff) Act employees, including analysis by party affiliation (where applicable), role, classification and pay scale (Office of Parliamentarian Staffing and Culture).

**Recommendation 8:
Diversity and inclusion in the parliamentary departments**

Leaders of the parliamentary departments should advance gender equality, diversity and inclusion within parliamentary departments by:

- (a) adopting specific actions to increase gender balance and diversity in leadership roles
- (b) collecting and publicly reporting on workforce composition and leadership by diversity characteristics.

**Recommendation 9:
Access and inclusion**

The Presiding Officers, together with party leaders and parliamentary departments, should review the physical infrastructure, policies and practices within Commonwealth parliamentary workplaces to increase accessibility and inclusion.

**Recommendation 10:
Everyday respect in the parliamentary chambers**

The Presiding Officers should review the Standing Orders and unwritten parliamentary conventions, including their application in practice, with a view to:

- (a) eliminating language, behaviour and practices that are sexist or otherwise exclusionary and discriminatory
- (b) improving safety and respect in the parliamentary chambers.

(c) Systems to support performance

Principle 3: Performance

Outcome: People working in CPWs are clear about their roles and responsibilities and consistent and standardised systems, processes and advice exist to support performance.

Employment arrangements for the staff of parliamentarians are dispersed and create 227 separate employment relationships. As a result, the Commission found that human resources systems to support parliamentarians and MOP(S) Act employees are currently fragmented, unclear and inadequate, with few standardised policies and processes, including to prevent and manage misconduct. There is also an absence of clear expectations or guidance for parliamentarians and their staff, including around recruitment, induction, performance management and termination.

Through the implementation of the recommendations below, CPWs will shift to a future state where parliamentarians are supported by a professionalised and high-performing workforce and where there is clarity around employment arrangements, expectations and good employment practices.

Office of Parliamentarian Staffing and Culture

The Commission recommends the establishment of a new Office of Parliamentarian Staffing and Culture (OPSC) which would support parliamentarians and their staff by providing centralised human resources support with a focus on policy development, training, advice and support and education.

The Commission proposes that the OPSC be an independent and non-partisan institution similarly structured to the Parliamentary Budget Office. The OPSC would be accountable to the Parliament, and will have an authorising environment that enables enforcement of standards through the proposed Independent Parliamentary Standards Commission, referred to below. The OPSC would be physically located in Parliament House; be headed by a statutory officer, with legislative provision made for the employment of staff; and it would report de-identified data annually to the Presiding Officers. Issues of misconduct and non-compliance would be referred to the Independent Parliamentary Standards Commission.

The OPSC would drive cultural transformation by providing support to parliamentarians and professionalising the workforce through standardised policies, processes and programs in relation to recruitment, induction, performance management, professional development and career pathways. The OPSC would also deliver best practice, mandatory respectful workplace behaviour training and people management training.

Recommendation 11: Office of Parliamentarian Staffing and Culture

The Australian Government should establish an Office of Parliamentarian Staffing and Culture, within 12 months, to provide human resources support to parliamentarians and Members of Parliament (Staff) Act employees that is:

- (a) centralised and accountable to Parliament, with the enforcement of standards
- (b) designed to provide human resources support and administrative functions in the areas of policy development, training, advice and support, and education.

Recommendation 12: Professionalising management practices for Members of Parliament (Staff) Act employees

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should establish standards and processes to professionalise management practices for Members of Parliament (Staff) Act employees with the following priorities to foster a safe and respectful work environment:

- (a) guidance on office composition and staffing
- (b) merit-based recruitment with a focus on improving diversity
- (c) standardised induction for parliamentarians and Members of Parliament (Staff) Act employees to establish role clarity and expectations
- (d) performance management systems
- (e) management of misconduct
- (f) best practice respectful workplace behaviour policies that include referral pathways to the Independent Parliamentary Standards Commission.

Recommendation 13: Professional development for Members of Parliament (Staff) Act employees

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should develop a professional development program for Members of Parliament (Staff) Act employees including a:

- (a) framework of skills, competencies and capabilities linked to career pathways
- (b) structured learning and development program and informal and formal skills development opportunities.

Recommendation 14: Best practice training

To ensure that people working in Commonwealth parliamentary workplaces have the requisite knowledge and skills to prevent and respond to misconduct:

- (a) the Office of Parliamentarian Staffing and Culture (see Recommendation 11) should develop and deliver mandatory best practice training for parliamentarians and Members of Parliament (Staff) Act employees, to be conducted during induction and annually on:
 - i. respectful workplace behaviour
 - ii. relevant Codes of Conduct

- (b) the Office of Parliamentarian Staffing and Culture (see Recommendation 11) should develop and deliver best practice people management and inclusive leadership training for parliamentarians and senior Members of Parliament (Staff) Act employees
- (c) the parliamentary departments should review and implement mandatory best practice respectful workplace behaviour training.
- (c) parliamentarians confirm in writing whether they will accept and implement any Rectification Advice
- (d) if a parliamentarian confirms that they will not accept and implement the Rectification Advice, or does not respond to the Rectification Advice, the Office of Parliamentarian Staffing and Culture should notify the relevant Presiding Officer and make a record of this.

**Recommendation 15:
Guidance material in relation to termination of employment for Members of Parliament (Staff) Act employees**

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should create and communicate new guidance materials and processes in relation to termination of employment for Members of Parliament (Staff) Act employees. These should reflect the requirements of applicable legislation, including the *Fair Work Act 2009* (Cth), and address the:

- (a) laws that apply to the termination of employment of Members of Parliament (Staff) Act employees
- (b) key categories of circumstances in, or reasons for, which Members of Parliament (Staff) Act employees may be dismissed, with specific guidance on when it may be lawful and appropriate to dismiss an employee based on 'loss of trust or confidence'
- (c) practical steps and processes that should be followed when effecting different categories of dismissals, in order to meet applicable legal requirements.

**Recommendation 16:
Fair termination of employment process for Members of Parliament (Staff) Act employees**

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should support parliamentarians to meet their legal obligations in relation to the termination of Members of Parliament (Staff) Act employees, by introducing the following process:

- (a) parliamentarians inform the Office of Parliamentarian Staffing and Culture promptly in writing or orally of any proposed dismissal before it is effected
- (b) the Office of Parliamentarian Staffing and Culture advises parliamentarians whether the proposed dismissal satisfies legal requirements, or identifies any deficiencies, and how to rectify these (Rectification Advice)

**Recommendation 17:
Legislative amendments to
Members of Parliament (Staff) Act 1984 (Cth)**

The Australian Government should ensure that the *Members of Parliament (Staff) Act 1984* (Cth) is amended as follows:

- (a) sections 16(3) and 23(2) be amended to include that the written notice of termination must specify the reasons relied upon for making the termination decision.
- (b) for the avoidance of doubt and without limiting the application of other applicable laws, contracts or instruments, clarifying at the least, that a termination of employment under section 16(3) or section 23(2) is subject to and must comply with the requirements and provisions of:
 - i. the *Fair Work Act 2009* (Cth) including, but not limited to, the general protections provisions set out in Part 3-1 and the unfair dismissal provisions set out in Part 3-2
 - ii. relevant anti-discrimination legislation
 - iii. the employee's contract of employment
- (c) clarify that, for the avoidance of doubt, the *Work Health and Safety Act 2011* (Cth) applies to a Member, Senator or officer in their capacity as employers of staff under the *Members of Parliament (Staff) Act 1984* (Cth).

**Recommendation 18:
Comprehensive review of the *Members of Parliament (Staff) Act 1984* (Cth)**

The Australian Government should undertake a comprehensive review of the operation and effectiveness of the *Members of Parliament (Staff) Act 1984* (Cth) to ensure consistency with modern employment frameworks.

**Recommendation 19:
Monitoring, evaluation and continuous improvement**

The Office of Parliamentarian Staffing and Culture, together with the Implementation Group (see Recommendation 2), should develop a shared monitoring and evaluation framework across Commonwealth parliamentary workplaces. This framework should ensure regular measurement and public reporting on key indicators to monitor progress in the prevention of and responses to bullying, sexual harassment and sexual assault.

(d) Standards, reporting and accountability

Principle 4: Accountability

Outcome: Clear and consistent standards of behaviour are in place; it is safe to make a report; complaints are addressed; and people are held accountable, including through visible consequences for misconduct.

The absence of clear and consistent standards of conduct, particularly for parliamentarians, was highlighted as a major concern by Review participants. The Commission heard that reporting processes were opaque and ineffective, with employees perceiving the risks of reporting as outweighing the benefits.

Best practice demonstrates that clear and consistent standards of conduct, and consequences for misconduct, are key elements in driving a safe and respectful workplace. The absence of these mechanisms makes the Australian Parliament out of step with developments in other parliamentary contexts and with the most basic standards in other Australian workplaces.

Through the implementation of these recommendations, CPWs will shift to a future state where common standards of conduct are clear, where people are empowered to come forward and make reports, and there are visible consequences for misconduct.

Codes of Conduct

To address gaps in the current framework, the Commission recommends the Houses of Parliament establish a Code of Conduct for Parliamentarians and a Code of Conduct for Parliamentarians' Staff. As a minimum, the Codes should address current legal requirements that prohibit bullying, sexual harassment, sexual assault and workplace discrimination. Consideration should also be given to addressing other factors that influence a safe and respectful workplace. A breach of a Code of Conduct should be capable of being treated by the relevant House as a contempt.

In addition, the Commission recommends that the Houses of Parliament establish common Standards of Conduct for the Parliamentary Precincts. The Standards should outline the responsibilities that all parliamentarians, staff, contractors, interns and volunteers, members of the Press Gallery and visitors have in making the Parliamentary precincts safe and respectful. The Standards should align with relevant standards within the Codes of Conduct.

The Independent Parliamentary Standards Commission (IPSC)

The Commission recommends the establishment of the IPSC to ensure that there are independent and consistent responses to reports and complaints of bullying, sexual harassment and sexual assault in CPWs. The model has been designed to address the specific needs of CPWs and would operate within the powers and privileges of the Houses of Parliament.

With delegated power, the IPSC would, among other things, operate a fair, independent, confidential and transparent system to receive disclosures, handle informal and formal complaints.

By incorporating an expanded Parliamentary Workplace Support Service, the IPSC will provide all CPW participants with a central touchpoint for information, advice, wrap-around support, and referrals, provided through case management. The IPSC will provide reporting pathways (including anonymous reporting) and will accept historic complaints of misconduct and those relating to people who have left the workplace.

The IPSC will enforce the Codes of Conduct, including making findings about misconduct and recommendations about sanctions. The role of the IPSC would include making decisions about sanctions when there has been misconduct by parliamentarians, where the sanctions would not interfere with the conduct of the Parliament. For more serious sanctions, the IPSC could make a recommendation directly to the relevant House of Parliament. The IPSC would also provide a pathway for a decision to be appealed to a panel of Commissioners.

The OPSC and IPSC would work in complementary ways but are separated to ensure that there is no connection between human resources advice and decision-making and the complaints, investigations and sanctions process. At its simplest, the OPSC would provide the 'people and culture' function, including policies, advice and guidance, while the IPSC would provide the accountability and enforcement function for non-compliance and misconduct (equivalent to an internal workplace disciplinary process).

Recommendation 20: Expansion of the Parliamentary Workplace Support Service

The Australian Government should expand, within three months, the scope of the new Parliamentary Workplace Support Service to:

- (a) make it available to all Commonwealth parliamentary workplace participants
- (b) include all allegations of bullying, sexual harassment and sexual assault
- (c) establish a clear pathway for anonymous reporting, including through a digital platform
- (d) publish additional information on what happens with anonymous and bystander disclosures
- (e) include historic complaints of bullying, sexual harassment and sexual assault and those relating to people who have left the workplace.

Recommendation 21: Codes of Conduct

To establish clear and consistent standards of conduct:

- (a) the Houses of Parliament should:
 - i. establish a Joint Standing Committee on Parliamentary Standards, within six months, to oversee standards and accountability, including developing:
 - i. a draft Code of Conduct for Parliamentarians
 - ii. a draft Code of Conduct for Parliamentarians' Staff
 - iii. draft Standards of Conduct for the Parliamentary Precincts
 - ii. adopt a Code of Conduct for Parliamentarians, within 12 months, in the Standing Orders of both Houses of Parliament
 - iii. adopt Standards of Conduct for the Parliamentary Precincts, within 12 months, in the Standing Orders of both Houses of Parliament
 - (b) The Australian Government should ensure that, within 12 months, the Code of Conduct for Parliamentarians' Staff is included in the *Members of Parliament (Staff) Act 1984* (Cth).
-

**Recommendation 22:
Independent Parliamentary Standards Commission**

The Houses of Parliament should establish, within 12 months, an Independent Parliamentary Standards Commission with delegated power that would:

- (a) incorporate the new Parliamentary Workplace Support Service, including its advisory and support functions (and applying more broadly to misconduct covered by the Codes of Conduct)
- (b) operate a fair, independent, confidential and transparent system to receive disclosures, as well as handle informal and formal complaints and appeals about misconduct
- (c) make findings about misconduct
- (d) make recommendations on sanctions (in relation to parliamentarians, staff and others as relevant under the Standards of Conduct in the Parliamentary Precincts)
- (e) apply sanctions for a breach of the Code of Conduct for Parliamentarians where such sanctions do not interfere with the functions of the Parliament.

**Recommendation 23:
Extend public interest disclosure protections to Members of Parliament (Staff) Act employees**

The Australian Government should, within 12 months, ensure that the *Public Interest Disclosure Act 2013* (Cth) is amended to extend protections to people employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth).

**Recommendation 24:
Ensure protections against age and disability discrimination**

The Australian Government, in line with recent amendments to the *Sex Discrimination Act 1984* (Cth), should ensure that the *Age Discrimination Act 2004* (Cth) and *Disability Discrimination Act 1992* (Cth) are amended to clarify that the laws apply to staff and consultants employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth).

(e) Safety and wellbeing

Principle 5: Safety and wellbeing

Outcome: People are physically and psychologically well and feel safe and supported in Commonwealth parliamentary workplaces.

Throughout the Review, the Commission heard about the high pressure and 'win at all costs' work environment in CPWs and its significant impact on people's safety and wellbeing. Participants also identified a range of factors that create both physical and psychosocial risks, such as a 'work hard, play hard' culture, with high levels of stress, long and irregular hours, extensive travel and regular alcohol use.

Through the implementation of these recommendations, CPWs will shift to a future state where a proactive and preventative approach is taken to wellbeing and safety that puts people at the centre.

New Parliamentary Health and Wellbeing Service

The Commission recommends the establishment of a new Parliamentary Health and Wellbeing Service. This type of service would align with emerging and best practice initiatives in large public sector and corporate organisations. The new Service should be established following a feasibility study and build upon but expand the existing health services in CPWs. In addition to providing medical and psychological care, the Service would play a proactive and preventative role in promoting wellbeing.

**Recommendation 25:
Work health and safety obligations**

The Implementation Group (see Recommendation 2) should work collaboratively to:

- (a) develop, agree, and document an intra-parliamentary understanding of the application of, and responsibility for management of, work health and safety duties in Commonwealth parliamentary workplaces.
- (b) review existing arrangements and consider ways to:
 - i. ensure consistent approaches to identify, eliminate, minimise and communicate about work health and safety risks across these workplaces
 - ii. take a broader and proactive approach to work health and safety responsibilities, including an increased focus on psychosocial risks
 - iii. directly and effectively address bullying, sexual harassment and sexual assault as work health and safety issues
- (c) provide guidance, education and training on work health and safety obligations and duties in the context of bullying, sexual harassment and sexual assault.

**Recommendation 26:
Parliamentary Health and Wellbeing Service**

The Department of Parliamentary Services should lead the establishment of a Parliamentary Health and Wellbeing Service. At a minimum, the Service should be adequately resourced to:

- (a) provide basic physical and mental health services
- (b) be available to all people in Commonwealth parliamentary workplaces
- (c) offer services onsite at Parliament House, as well as remotely, with appropriate privacy and confidentiality measures in place
- (d) be operated by trusted and independent practitioners with knowledge and understanding of these specific workplaces
- (e) proactively promote wellbeing and early intervention support.

**Recommendation 27:
Review of Parliamentary sitting calendar and Order/Routine of Business**

The Procedure Committees of the House of Representatives and the Senate should review the Parliamentary sitting calendar and the Order/Routine of Business with a view to enhancing wellbeing, balance and flexibility for parliamentarians and workers in Commonwealth parliamentary workplaces.

**Recommendation 28:
Alcohol policies**

The Implementation Group (see Recommendation 2) should:

- (a) develop and implement consistent and comprehensive alcohol policies across Commonwealth parliamentary workplaces with a view to restricting availability in line with work health and safety obligations, and the principle of harm minimisation
- (b) support implementation of these policies through measures including:
 - i. incorporating clear expectations and standards around the use of alcohol within respective Codes of Conduct for parliamentarians and Members of Parliament (Staff) Act employees
 - ii. provision of support and a proactive focus on wellbeing and safety
 - iii. provision of education, training and awareness raising opportunities
 - iv. provision and encouragement of opportunities for networking and engagement that do not involve alcohol.

1.7 Conclusion

The Commission is privileged to have been trusted with the experiences and insights of the many individuals who chose to participate in the Review. The people who work in CPWs are driven by a strong commitment to public service that serves the national interest. They are also deeply invested in the potential for change in their workplace, with their contributions providing the basis for the Commission's Framework for Action.

Participants in the Review highlighted the urgency for change, as well as the need for long-term cultural transformation. The Framework for Action in this Report provides a substantial program of reform which requires planning, coordination and a sustained focus to achieve full implementation. Strong leadership will be critical to success. Accordingly, the Commission proposes a structure to oversee this implementation and a phased timeframe in which it can be achieved. This is to support steps which will take some development and identify those which can be implemented to drive impact in the short term.

All leaders in the Parliament now have access to the collective voice of the current and past workforces, sharing experiences and insights that the Commission was told would never be shared in any other context. This is a firm basis for an historic legacy this parliament can leave, creating stronger parliamentary workplaces for the future.

2.

Introduction and the Case for Change

When you make the workplace safer ... you open up the possibility for us getting more people into the roles who are representative of Australia more broadly and that then flows through to a better policy making process and a stronger democracy.

(Interview 165, CPW Review)

Summary

This chapter introduces the Review and its Terms of Reference. It also explains the Review's methodology, including the contributions of the 1,723 individuals and 33 organisations through interviews, submissions, an anonymous survey and focus groups.

The chapter then sets out the case for change across Commonwealth parliamentary workplaces. This includes the current shifts in community expectations; recognition of the benefits of safe and respectful workplaces occurring across the private and public sector; and steps towards reform in comparable jurisdictions.

2.1 Introduction

The burden to urge cultural change in this workplace also rests on us. A key determinant of parliamentary workplace culture is leadership. All parliamentarians and leaders in parliamentary workplaces must take positive steps to ensure their workplace is safe and respectful, and set the gold standard of what is and is not acceptable conduct.

(Individual, Submission W233, CPW Review)

(a) Overview

The Independent Review into Commonwealth Parliamentary Workplaces (Review) was announced on 5 March 2021, to be conducted by the Australian Human Rights Commission (Commission) and led by the Sex Discrimination Commissioner. The Review was established by the Australian Government with the support of the Opposition and crossbench. The Review's Terms of Reference require it to report to the Government by November 2021.

(b) Terms of Reference

The Review has been tasked with making recommendations to ensure that Commonwealth parliamentary workplaces (CPWs) are safe and respectful and that the national Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The objectives of the Review are therefore to:

- understand the experiences and expectations of current and former staff of Commonwealth parliamentarians, current and former Commonwealth parliamentarians, and staff working within the Parliament of Australia with respect to ensuring a safe and respectful workplace
- consider best practice in enabling safe and respectful parliamentary workplaces, including national and international approaches
- examine the adequacy, effectiveness, independence, resourcing, and awareness of current supports to enable a safe and respectful workplace, especially as they relate to preventing and responding to workplace bullying, sexual harassment and sexual assault
- consider drivers of workplace bullying, sexual harassment and sexual assault in these workplaces, current response and reporting mechanisms; and legislative, structural, cultural, or other barriers to reporting
- assess the extent to which current legislation, policies, processes and practices promote or impede safe and respectful workplaces, including the operation of the *Members of Parliament (Staff) Act 1984* (Cth) (MOP(S) Act)
- set out findings and recommendations with a focus on constructive measures to achieve best practice in the prevention and handling of workplace bullying, sexual harassment and sexual assault.

The full Terms of Reference are set out at **Appendix 1**.

Importantly, the Commission has been tasked with inquiring into systemic issues that promote or impede safe and respectful workplaces. It has not investigated or made findings about individual allegations of bullying, sexual harassment or sexual assault.

(c) Establishment of the Review

(i) Definitions and terminology

The Commission has adopted a definition of the term 'Commonwealth parliamentary workplace' to reflect a complex ecosystem of connected workplaces and workers who perform a range of functions in different circumstances and locations, as well as under different employment conditions. The definition is intended to capture the geographical dispersion of workplaces, as well as to acknowledge that work in CPWs is performed in both a paid and unpaid capacity. It has drawn on relevant work health and safety, anti-discrimination and employment laws to conceptualise a definition of CPW that is intentionally broad and inclusive (see 3.1, 'Understanding Commonwealth parliamentary workplaces').

The terms bullying, sexual harassment and sexual assault are used throughout the Report. Each has a separate meaning and represents a particular harm, which can occur in isolation or collectively. These behaviours are connected by common drivers and risk factors, which are discussed further in 4, 'What we heard'.

Key terms and definitions used throughout this Report are listed in the table below.

Table 2.1: Key terms and definitions

Bullying	Bullying is repeated and unreasonable behaviour that is directed towards a worker or a group of workers and creates a risk to physical or mental health and safety.
Commonwealth parliamentary workplace	<p>A Commonwealth parliamentary workplace (CPW) includes Parliament House and the Parliamentary precincts, ministerial, parliamentary and electorate offices and any other place where work is carried out for, or in connection with, a Commonwealth parliamentarian, whether paid or unpaid.</p> <p>A Commonwealth parliamentary workplace also includes, but is not limited to, work related travel and events, engagements, functions and any other work carried out by a person, in any capacity, in connection with the work of a Commonwealth parliamentarian.</p>
Misconduct	The term misconduct is used in this Report to refer collectively to workplace bullying, sexual harassment and sexual assault. The Report also uses the term misconduct to refer to any conduct that would be prohibited by the Codes of Conduct recommended by the Commission in 5.4 ('Standards, reporting and accountability') of this Report. Where other forms of parliamentary misconduct are referred to, such as integrity matters, this is explicitly stated.
MOP(S) Act employees	<p>MOP(S) Act employees are staff employed under the <i>Members of Parliament (Staff) Act 1984</i> (Cth). MOP(S) Act employees are employed by parliamentarians on behalf of the Commonwealth. They are classified as personal staff or electorate staff and work directly with employing parliamentarians.</p> <p>MOP(S) Act employees are not required to be apolitical or impartial.</p>
Parliamentarians	This term refers collectively to Members of the House of Representatives and Senators.
Parliamentary service employees	<p>Parliamentary service employees are employed under the <i>Parliamentary Service Act 1999</i> (Cth) (Parliamentary Service Act). They are employed by parliamentary departmental heads on behalf of the Commonwealth to work in the Department of Parliamentary Services, Department of the House of Representatives, Department of the Senate and Parliamentary Budget Office (collectively referred to in this Report as the parliamentary departments).</p> <p>The parliamentary service is required to be impartial and non-partisan, and accountable to the Presiding Officers of the Parliament. The parliamentary service is independent of the executive government.</p>

Table 2.1: Key terms and definitions

Public service employees	<p>Public service employees are employed under the <i>Public Service Act 1999</i> (Cth) (Public Service Act). They are employed by agency heads on behalf of the Commonwealth and work in public service departments and agencies.</p> <p>The public service is required to be apolitical, and is accountable to the Australian community under the law and within the framework of Ministerial responsibility.</p>
Sexual assault	<p>Sexual assault is an act of a sexual nature carried out against a person's will through the use of physical force, intimidation or coercion, including any attempts to do this. This includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, penetration by objects, forced sexual activity that did not end in penetration and attempts to force a person into sexual activity.</p> <p>Note: sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.</p>
Sexual harassment	<p>Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated, or intimidated.</p>

(ii) Methodology

The Commission's methodology for the Review was guided by several underlying principles, including:

- **Independence:** The Commission is Australia's national human rights institution. The Commission is an independent statutory body established under the *Australian Human Rights Commission Act 1986* (Cth). This Review was conducted independently from Government.
- **Consultative:** Hearing the experiences, expectations and suggestions of people in CPWs and other stakeholders was important to ensure a strong primary evidence base and that the recommendations are guided by their voices. As a result, the Commission prioritised offering a wide range of ways for participants to engage with the Review (discussed further below).
- **Evidence-based:** The Commission's findings and recommendations for reform are based on the extensive quantitative data and qualitative information gathered through the Review, as well as on existing best practice evidence and approaches.
- **Confidential:** Information gathered through the Review has been collected, stored and used in a way that prioritises confidentiality and privacy.
- **Voluntary and trauma-informed:** The involvement of participants in the Review was voluntary. The Commission recognises that the process of sharing experiences in relation to bullying, sexual harassment and sexual assault can be distressing. The Commission designed engagement mechanisms that were trauma-informed and ensured that individuals who shared their experiences were informed about available support services.

The Commission adopted a mixed methods approach for the Review, using both qualitative and quantitative research methods to develop a robust evidence base which could inform its findings and recommendations. This approach included:

- face-to-face, online and telephone interviews
- written submissions
- an online survey (current parliamentarians and people currently working in CPWs)
- targeted focus groups (people currently working in CPWs)
- review of relevant data, legislation, policies, and processes
- review and analysis of domestic and international research and best practice approaches to preventing and responding to bullying, sexual harassment and sexual assault.

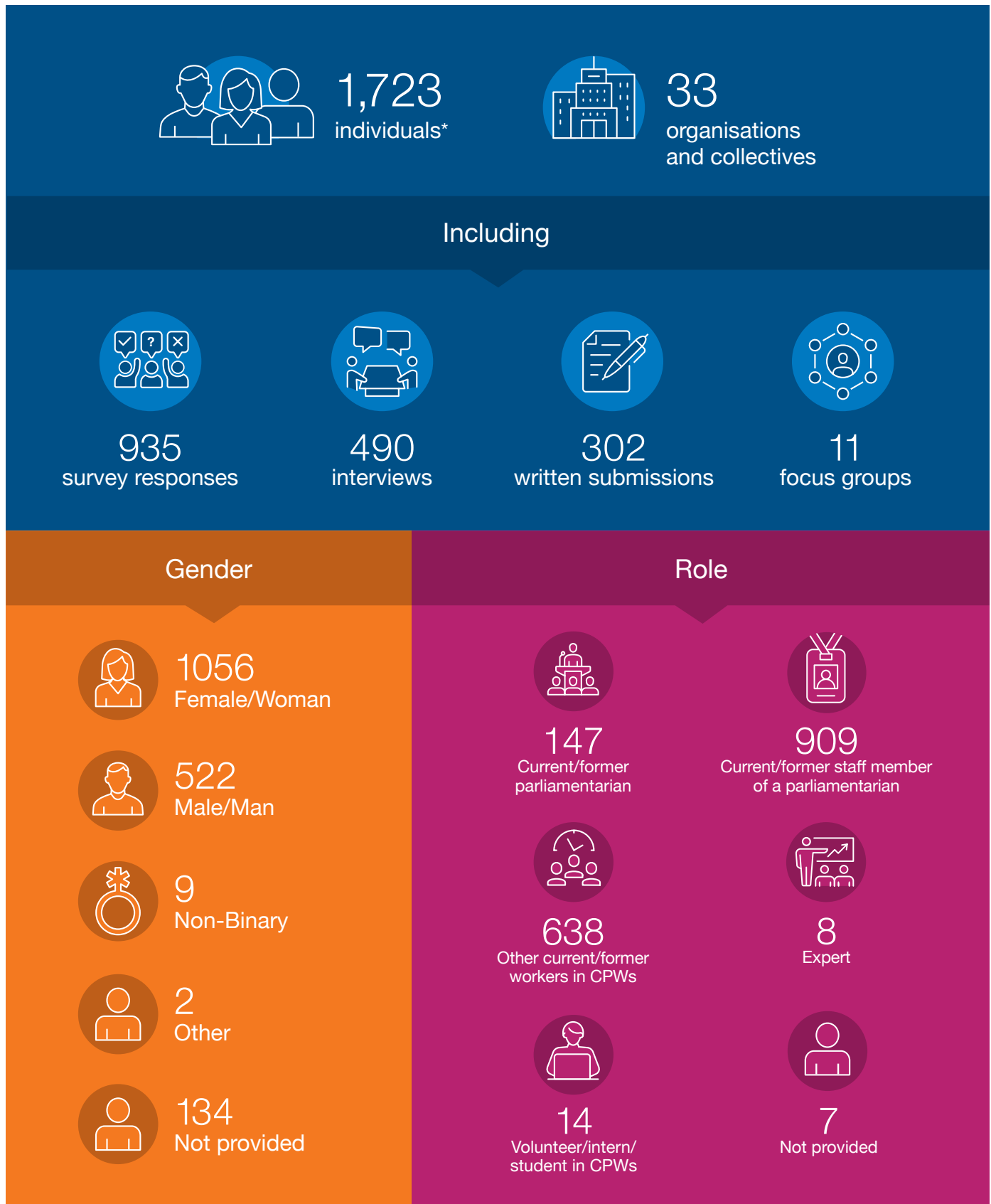
The Commission's methodology is outlined in detail at **Appendix 2**.

The data gathering phase of the Review commenced in mid-May 2021, following ethics approval from the Human Research Ethics Committee of the University of New South Wales (HC210264). The Commission sought ethics approval to ensure that the proposed methodology was trauma-informed and aligned with best practice.

(iii) Participant numbers

There were 1,723 individual and 33 organisational contributions to the Review. The demographics of participants are outlined in Figure 2.1 below, including participant gender and role. In addition to gender and role the Commission also requested demographic information from participants engaging in the Review. Due to the inconsistent provision of demographic information from participants and in some cases the small numbers of people in each category, the Commission does not include this information below. However, some of this demographic data is referred to in 4 ('What We Heard').

Figure 2.1: Overview of Review participants



*Note: This figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).

(d) Report structure

The Report is divided into six chapters.

Chapter 1 is the Executive Summary of the Report.

Chapter 2 introduces the Review Terms of Reference, outlines the key definitions and methodology and briefly establishes a case for change.

Chapter 3 provides an overview of CPWs as an ecosystem of diverse workplaces, and details existing policy and legislative frameworks for addressing workplace bullying, sexual harassment and sexual assault.

Chapter 4 examines and describes the specific drivers and risk factors for workplace bullying, sexual harassment and sexual assault in CPWs, drawing extensively on what the Commission heard during the Review. It then reflects the findings from the Review Survey regarding the prevalence, nature and impact of these behaviours across CPWs.

Chapter 5 establishes a Framework for Action and proposes recommendations to create safe and respectful work environments in CPWs in five areas:

- Leadership
- Diversity, equality, and inclusion
- Systems to support performance
- Standards, reporting and accountability
- Safety and wellbeing

Chapter 6 consolidates the Report's findings and recommendations.

2.2 Case for change

And I do remember the very first time I walked in there ... we got into the Member's Hall and we stood directly sort of under the flagpole and sort of looked up. You can look up through the glass ceiling and the flagpole is there. And it was like ... I work in Parliament House. You know, I actually teared up. I remember tearing up ... It was just a pride to be able to work there because to me, that's the ultimate place of public service. And can I tell you, when I left there ... I would never, ever set foot in the place again.

(Interview 345, CPW Review)

(a) Overview

This Review takes place at a critical juncture in the history of Australia. Broad social movements, such as the global #MeToo movement, signal a shift in prevailing community attitudes and standards of conduct. Many Australian workplaces are responding to these community expectations—working to establish safer and more respectful work environments. Parliaments around the world are taking similar steps.

This section outlines a high level case for change in CPWs. It describes the substantial cost of misconduct in these workplaces, a cost which is borne not only by the individuals concerned, but by the workplace, the Australian community and the Parliament as an institution.

This section also outlines the opportunities created when CPWs are safe and respectful. This includes opportunities to attract and retain the best parliamentarians and staff; to drive institutional performance; and, by supporting diversity, equality and inclusion, to improve democratic representation and decision-making. The discussion in this section is supported by the detailed analysis across the rest of the Report.

(b) The context of change

Significant momentum is underway to address experiences of violence and harassment in the Australian community and its workplaces.

(i) Social context

At a broad societal level, the global #MeToo movement has seen growing numbers of people sharing their experiences of gender-based violence and harassment and call for greater action, accountability and cultural change. The focus on these issues has gained further momentum in the Australian context in 2021 with the appointment of Grace Tame, an advocate for survivors of sexual assault, as Australian of the Year; Brittany Higgins courageously sharing her experience; advocacy by Saxon Mullins for reform to consent laws and Chanel Contos highlighting the need for mandatory consent education in Australian schools. In particular, in 2021 an estimated 100,000 people attended 200 March4Justice events across Australia advocating for equality, justice, respect and an end to gendered violence.³⁸

The descriptions of bullying, sexual harassment, and sexual assault across CPWs that have emerged have

caused substantial concern across the nation. This is because they underscore the pervasiveness of violence against women and girls, as well as the stark gender inequality which persists around the globe. As the centre of national democracy and leadership, CPWs are also expected to set an example of best practice or, at a minimum, be held to the same standards as the rest of the population. As these standards have been set out in law by the Parliament itself, the community also expects that those in power are held to account for any misconduct, while expecting that those who experience harm will have access to justice and support.

(ii) Australian workplace context

Significant change is taking place across Australian workplaces more generally to prevent and respond to misconduct, as demonstrated by the engagement in and response to the Commission's Respect@Work: National Sexual Harassment Inquiry Report (Respect@Work).³⁹

Employers are increasingly taking action to provide safe and respectful environments for their workforces, with greater appetite for transparency in how misconduct is handled.⁴⁰ These efforts have been driven by legal standards set by the Parliament, as well as by changing attitudes and expectations from staff, shareholders, customers, board directors and the broader community. Parliamentary workplaces are not immune from these issues nor from the scrutiny that is being brought to bear in relation to them.

Sectors such as universities, banking and financial services, retail, media and entertainment, as well as institutions such as courts and tribunals, are also taking action to address workplace conduct. Respect@Work recognised that sector-wide initiatives play an important role in addressing the specific drivers and responses to sexual harassment, in addition to individual workplace responses.⁴¹ This sector-wide approach has important implications for CPWs, given that they involve many separate employers.

(iii) Parliamentary context

Australia is not alone in examining misconduct in the Parliament, with bullying and sexual harassment also coming under the spotlight in international parliamentary contexts, including those of Canada, New Zealand, Scotland and the United Kingdom.⁴² Ensuring a safe and respectful parliamentary workplace is essential to strengthening public trust

and confidence in any parliament and to supporting the quality of its performance as an institution.

While preventing and responding to misconduct in the context of CPWs requires some special considerations, there is nothing inherent about a Westminster system that prevents Parliament from taking action to protect individuals within its own workplaces. Indeed, a number of the parliaments in comparable jurisdictions mentioned above have already taken such action (discussed further in 5.4, 'Standards, reporting and accountability').

The high costs of misconduct and the significant opportunities offered by safe and respectful workplaces, including in parliamentary contexts, are outlined further below.

(c) The high costs of misconduct

Misconduct in parliamentary workplaces has a high cost for individuals, for workplaces and for the Parliament itself.

(i) The cost of harm borne by individuals

Individuals clearly experience the most harm, both personally and professionally, when there is misconduct in any workplace. Research indicates that experiences of bullying and sexual harassment can negatively affect both the physical and mental health of individuals.⁴³ Some people experience poorer sleep and cardiovascular health impacts because of stress. Some people experience suicidal ideation.⁴⁴

Experiencing misconduct can also affect careers and financial security, with individuals who have been subject to bullying, sexual harassment or sexual assault facing increased barriers to career advancement. This includes being more likely to leave their roles and the organisation, and experiencing repeated interruptions to their ability to earn an income.⁴⁵

People who have experienced sexual assault, in particular, can be subject to some, or all, of these impacts. Anxiety, fear, low self-esteem and self-blame can endure for years, with some also experiencing post-traumatic stress disorder or depression. Interpersonal relationships with intimate partners, as well as friendships and family relationships, can all be affected following sexual assault.⁴⁶

In the context of this Review, the Commission heard that experiences of bullying, sexual harassment and sexual assault in CPWs can have a significant negative effect on a person's career, as well as a damaging effect on their physical and mental health (see 4,

'What we heard'). Some people described feeling that the only options were to tolerate the misconduct or leave, rather than feeling that the misconduct could be addressed. One interview participant who had experienced bullying observed:

I felt that I had no option but to leave that building, and it wasn't because I didn't like working in politics, it wasn't because I didn't enjoy staffing, but that office made it untenable for me to be in the vicinity of that building. And to even show up I was getting severe chest pain walking into the building.⁴⁷

The Commission also heard about the effect of misconduct on other individuals in the workplace, including bystanders, colleagues and managers. For example, one parliamentarian reflected on the challenge of their chief of staff trying to manage allegations of misconduct, while simultaneously supporting a staff member who had disclosed their experiences of harm:

Trying to deal with even the most basic things of getting [the staff member support] ... this has been incredibly difficult. ... I have yet to find a workplace that is so lacking in clear support and assistance ... [W]e were kind of left to our own devices. ... [W]hen we're trying to either help employees who have got serious issues to deal with or we're trying to deal with an employee who's presenting an issue, we have just found ... very little support or advice.⁴⁸

All people working in CPWs are entitled to a safe workplace, where they are treated with dignity and respect. How much this means to individuals and the sense of disappointment when this does not eventuate is illustrated by a comment from one participant:

And I do remember the very first time I walked in there ... we got into the Member's Hall and we stood directly sort of under the flagpole and sort of looked up. You can look up through the glass ceiling and the flagpole is there. And it was like ...

I work in Parliament House. You know, I actually teared up. I remember tearing up ... It was just a pride to be able to work there because to me, that's the ultimate place of public service. And can I tell you, when I left there ... I would never, ever set foot in the place again.⁴⁹

(ii) Opportunity costs to the workplace

A significant opportunity cost is also associated with misconduct in the workplace, including impacts on the performance and productivity of organisations.

A Deloitte Access Economics report completed for the federal Department of the Treasury in 2019 (as part Respect@Work) provided a 'conservative estimate' that workplace sexual harassment cost the Australian economy \$3.8 billion in 2018.⁵⁰ Lost productivity was by far the biggest cost, estimated at \$2.6 billion, or \$1,053 on average per victim. This figure includes:

- absenteeism—\$741.8 million total or \$297 on average per victim;
- presenteeism—\$426.4 million or \$171 on average per victim;
- staff turnover— \$830.6 million or \$336 on average per victim; and
- manager time—\$623.4 million or \$250 on average per victim.⁵¹

It is notable that the largest share of lost productivity was experienced in the 25-34 years female age group due to the high rates of sexual harassment experienced by this group. Other costs estimated for 2018 (including use of the health system, complaints and court processes, and police investigations) were estimated at \$936.5 million, while lost wellbeing to victims was estimated at \$249.6 million.⁵²

Bullying has similar impacts on the performance of an organisation. Workers who are bullied are less likely to perform in their organisations under conditions of stress and fear and are also more likely to have a reduced commitment to the organisation, or to leave the organisation.⁵³ Bullying was estimated by the Productivity Commission in 2010 to cost Australian employers and the Australian economy between \$6 and \$36 billion annually.⁵⁴

(iii) Damage to the standing of Parliament

Australians have a substantial stake in Parliament's performance. This has been demonstrated through the management of the COVID-19 pandemic, as well as responses to other challenges and issues that affect the whole community.

Minimum workplace standards have been set by the Australian Parliament through laws such as the *Sex Discrimination Act 1984* (Cth), the *Fair Work Act 2009* (Cth), and the *Work Health and Safety Act 2011* (Cth). These laws specify—for the community broadly and other Australian workplaces—the standard of conduct and how organisations and individuals should respond to incidents of misconduct when they happen.

Trust is lost in the institution of Parliament when CPWs do not meet the same minimum standards that are now expected of the rest of the Australian population—whether that be in their workplaces, community groups, sporting clubs or other contexts. This is particularly crucial to note when research by the Australian National University indicates that public trust in government has reached its lowest level in the past fifty years.⁵⁵ Dr Simon Longstaff AO observed in a 2015 paper for the Australian Parliament that:

When you experience hypocrisy, when you experience people who routinely look one way, go another, say one thing or do something else, the product of that hypocrisy is cynicism which acts as a kind of acid that eats away at the bonds of association within a community or weakens an institution.⁵⁶

A disconnect of this kind between CPWs and wider community standards was highlighted by Review participants. For example, one person said that '[w]e should not have to ignore or tiptoe around inappropriate behaviour in APH [Australian Parliament House] and during parliamentary business, which would never be tolerated in the private sector and other workplaces'.⁵⁷

The Commission was also told that '[t]his is Parliament. It should set the standard for workplace culture, not the floor of what culture should be'.⁵⁸ One submission to the Review stated:

The Parliament is a highly symbolic workplace and as such, it is important that it sets the highest standards in relation to safe and respectful workplace behaviour. Misconduct in parliamentary workplaces undermines the trust of the Australian people and the legitimacy of the Parliament.⁵⁹

A shift in which Parliament genuinely sets community standards—not just by passing a law, but by modelling the law’s expectations—would be a significant achievement. It would signal that misconduct is not only a workplace issue, but a matter that affects confidence in the Parliament as an institution. One participant told the Commission:

... what goes on in Parliament should be something that we are proud of as opposed to it looking like it’s a circus and impacts the credibility of politicians. Because at the end of the day that actually weakens the country and that’s not a good thing.⁶⁰

(d) Parliament as a model safe and respectful workplace

Taking steps to prevent and respond to misconduct effectively can reduce the high costs for individuals, workplaces and the Parliament outlined above. In addition, several important benefits derive from establishing Parliament as a model safe and respectful workplace, as they:

- help to attract and retain the best staff in a competitive labour market
- support high performance in complex operating environments like CPWs
- support diversity and better democratic representation and decision-making.

Each of these opportunities is outlined briefly below.

(i) Attracting and retaining the best staff

Safe and inclusive workplace cultures are critical to the ability of CPWs to recruit and retain talent. As one Review participant told the Commission:

I love politics, but I also believe that for politics ... to survive ... we need to bring good people through, and if we’re burning good people by not supporting them, and openly letting them be bullied in those situations, [it] is horrendous.⁶¹

Australia has a highly competitive labour market, as the Government recognised recently when it released the workforce strategy for the Australian Public Service.⁶² Australia also continues to experience relatively low unemployment (4.5% in August 2021).⁶³ The National Skills Commission has noted that 52% of recruiting employers reported recruitment difficulty in July 2021 and that ‘higher skilled occupations remain considerably more difficult to recruit for compared with lower skilled occupations’.⁶⁴

In *Delivering for Tomorrow: APS Workforce Strategy 2025*, the Government recognised that ‘[a] strong, positive narrative about the APS employee value proposition ... will be critical to attracting new talent at all levels’.⁶⁵ This positive narrative is just as critical for CPWs, which consistently demand high performance and a significant personal and professional commitment from the people who work in these settings.

If Parliament becomes a model workplace, it will attract and retain more (and more diverse) people – particularly future generations of workers who now expect a safe and respectful workplace as a baseline standard. Looking ahead to the future of work, women aged under 40 also place most value on having a job where they will be treated with respect (ranked equal with the job being secure).⁶⁶

(ii) Psychological safety leads to better performance

An environment where individuals are respected and feel safe to speak is also a driver of institutional performance. One study conducted by Google showed that psychological safety was the biggest driver of team performance.⁶⁷ In reporting on the Google study, the Harvard Business Review observed that:

Studies show that psychological safety allows for moderate risk-taking, speaking your mind, creativity, and sticking your neck out without fear of having it cut off—just the types of behaviour that lead to market breakthroughs.⁶⁸

Further, in safer and more respectful workplaces, people can be more productive and engage in the complex negotiations and interpersonal relationships that define democratic decision-making. The ability to engage in such complexity is particularly important in parliamentary workplaces.

(iii) Safe workplaces support diversity and better democratic decision-making

Safe and inclusive workplaces also attract a greater diversity of people. As one Review participant observed:

When you make the workplace safer ... you open up the possibility for us getting more people into the roles who are representative of Australia more broadly and that then flows through to a better policy making process and a stronger democracy.⁶⁹

The business case for diversity and inclusion is well established in Australia and globally. McKinsey & Company's *Why Diversity Matters* global study in 2015 found that companies in the top quartile for gender diversity are more likely to have financial returns above national industry medians.⁷⁰ A follow-up report in 2020 stated that:

There is ample evidence that diverse and inclusive companies are likely to make better, bolder decisions—a critical capability in the crisis [of the pandemic]. For example, diverse teams have been shown to be more likely to radically innovate and anticipate shifts in consumer needs and consumption patterns—helping their companies to gain a competitive edge.⁷¹

A Boston Consulting Group report from 2018 also noted that the higher performance of diverse teams was a consequence of having a wider range of views, backgrounds, and perspectives at work in solving problems. The prospect of higher performance was particularly increased by having senior women leaders in positions of influence.⁷²

In the Australian context, research by Curtin University and the Workplace Gender Equality Agency found that an increase in the share of female 'key management personnel' by 10 percentage points or more, led to a 6.6% increase in the market value of Australian ASX-listed companies, worth the equivalent of AUD\$104.7 million.⁷³

Building on this evidence base in relation to workplaces in general, the potential benefits from greater diversity are even more pronounced in the parliamentary context. Crucially, decision-making is improved by diversity, ensuring that the impacts of policies on different groups in the community are more likely to be considered and prioritised.

In addition, however, it is important to recognise that the core function of the Australian Parliament is to represent the people of Australia. The Parliament can perform this role most effectively when its composition reflects the people whom it serves.

In particular, the Global Institute for Women's Leadership has found that women's representation in parliament increases the inclusivity and responsiveness of democracy. Evidence suggests that women's representation leads to improved public trust, accountability, transparency and renewed standards of inclusive and respectful leadership.⁷⁴

(e) The opportunity for change

As the Commission outlines in 4 ('What we heard') of this Report, the current challenge regarding misconduct in CPWs is significant. It is not, however, inevitable or intractable. Momentum for change is accelerating and a clear path forward is set out by the Commission in the Framework for Action (see 5).

The Commission acknowledges that most people who contributed to the Review did so because they deeply cared about the institution and embraced the opportunity to drive positive change. As one Review participant noted:

The burden to urge cultural change in this workplace also rests on us. A key determinant of parliamentary workplace culture is leadership. All parliamentarians and leaders in parliamentary workplaces must take positive steps to ensure their workplace is safe and respectful, and set the gold standard of what is and is not acceptable conduct.⁷⁵

Every opportunity exists for effective and lasting improvements that ensure CPWs are safe and respectful—workplaces that uphold the standing of the Parliament and are a worthy reflection of people working within them:

... this is for the most part, a bunch of people who work extraordinarily hard ... and the reason that they do it, is because they want to make the country a better place and because they truly believe that they can make a difference.⁷⁶

3.

Context

Power is a very important dynamic that plays out and I think in a lot of ways ... the whole system, especially within government, is just actually built on power; that's the whole mentality and that's what everyone is striving for, more power.

(Interview 73, CPW Review)

Summary

This chapter provides context for the findings of the Report, describing the complex ecosystem of workplaces and people who were the focus of the Review. It also describes the varied and sometimes dispersed employment arrangements across these workplaces. The chapter also provides an overview of the legislative frameworks which support a safe and respectful work environment. Finally, it provides a brief overview of relevant internal systems and processes to address bullying, sexual harassment and sexual assault in the workplace, including policies, support and training, with further information available in Appendix 3.

3.1 Understanding Commonwealth parliamentary workplaces

The thing to bear in mind is that we're dealing with dozens and dozens of separate workplaces. Dozens and dozens of separate bosses, and they all are very different and have their own cultures and accepted practices and nuances.

(Interview 431, CPW Review)

(a) Overview

Commonwealth parliamentary workplaces are a complex ecosystem of connected workplaces, with diverse operational working environments. These workplaces:

- are populated by people who work under multiple different employment relationships and frameworks and who do not report to one central agency or leadership structure
- are characterised by geographical dispersion and a diversity of working arrangements, many of which are specific to the parliamentary environment
- do not have a single source of enforceable values that drive workplace culture and behaviours.

Participants experience varied workplace conditions. These range from developed departmental structures with embedded people and culture functions and mandated codes of conduct; corporate structures with in-house or externally provided human resources models; to small regional offices that depend on remote human resources support and that are not subject to core employment values and conduct standards.

(b) Commonwealth parliamentary workplaces as an ecosystem

(i) Workplace participants

The CPW ecosystem comprises multiple participants working under different functional structures to support the work of the Commonwealth Parliament. The Commission has defined CPWs broadly and as inclusive of paid and unpaid work in a diverse range of circumstances. This is consistent with definitions of work under employment, anti-discrimination and work health and safety laws (see 2.1, 'Introduction').

Key workplace participants include:

- parliamentarians
- staff employed to support parliamentarians under the *Members of Parliament (Staff) Act 1984* (Cth) (MOP(S) Act) (MOP(S) Act employees)
- public servants (including Departmental Liaison Officers) and parliamentary service employees
- staff of political parties and contracted service providers
- Australian Federal Police (AFP).

Other CPW participants who are not directly employed to support the work of the Commonwealth Parliament, but who work or interact in its various workplaces, include media workers, lobbyists, volunteers, interns, students and members of the public. Some of these workers, such as those in the Press Gallery, are physically located in Parliament House but receive human resources, administrative, and wellbeing support from remotely located services. These services are provided by their employers, either through in-house or outsourced models.

(ii) Workplace diversity

CPW participants perform a variety of functions and bring a range of skills, diversity and experiences to the workplace.

There are 227 parliamentarians in the Australian Parliament, constituted by 151 Members of Parliament in the House of Representatives and 76 Senators.⁷⁷ The largest age group of this cohort is 45 to 59, with this age range accounting for over 60% of all parliamentarians.⁷⁸

Women account for 38% of all parliamentarians, with this disparity most apparent in the House of Representatives, where men account for 69%, outnumbering women by more than two to one.⁷⁹ By party, 26% of Liberal Party, 25% of National Party and 48% of Australian Labor Party parliamentarians are women.⁸⁰

Figure 3.1: The ecosystem of Commonwealth parliamentary workplaces

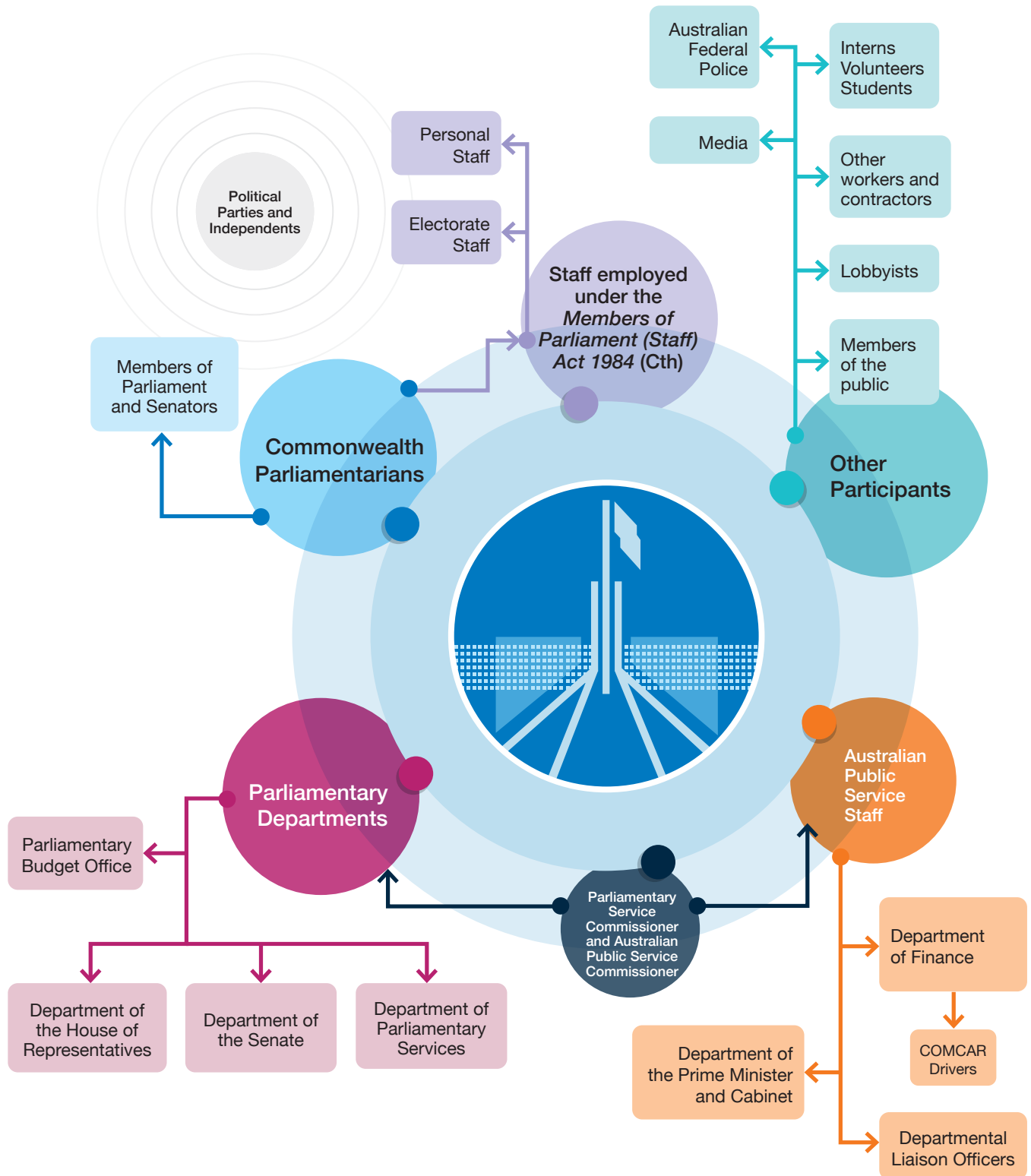
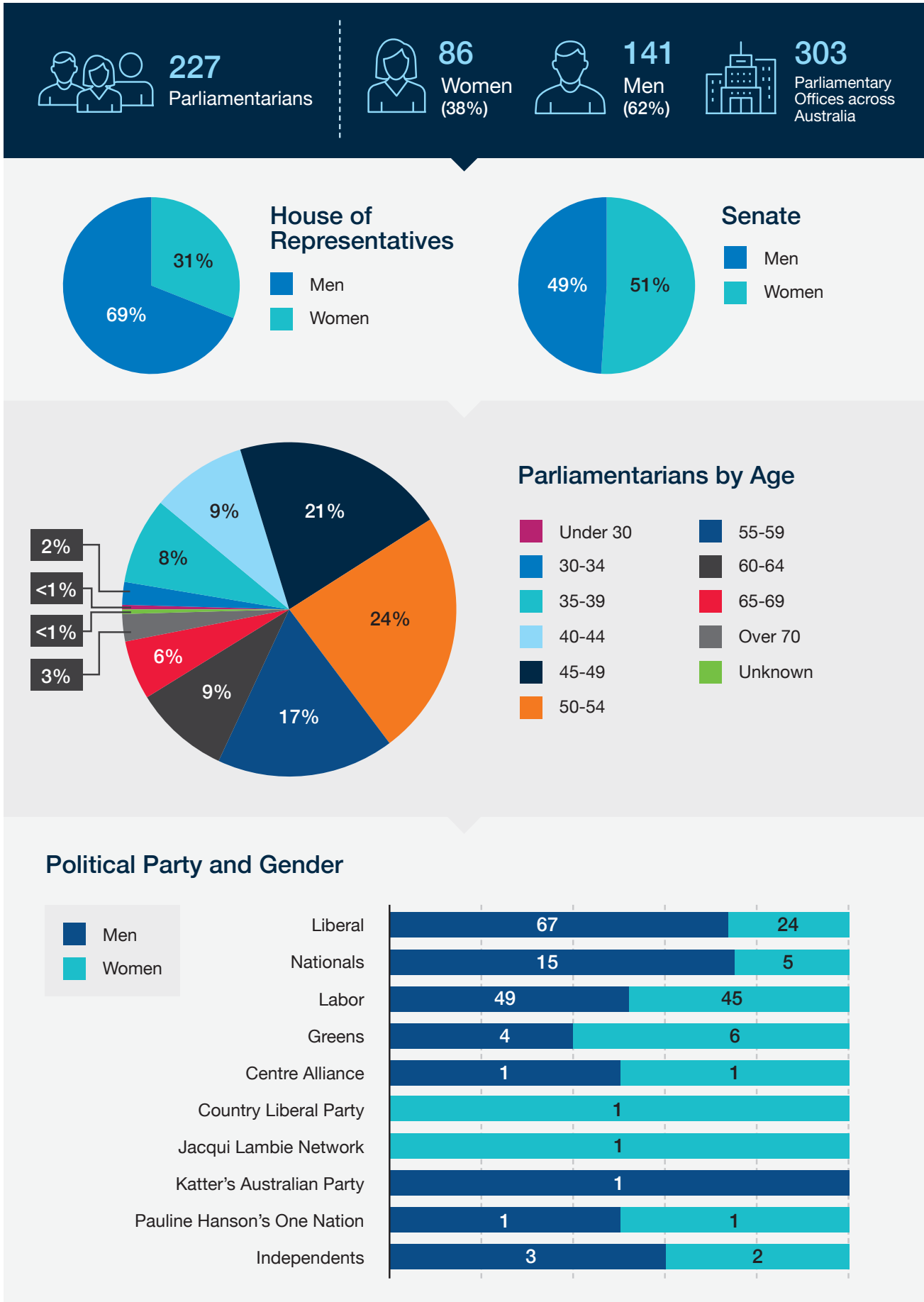


Figure 3.2: Parliamentarians



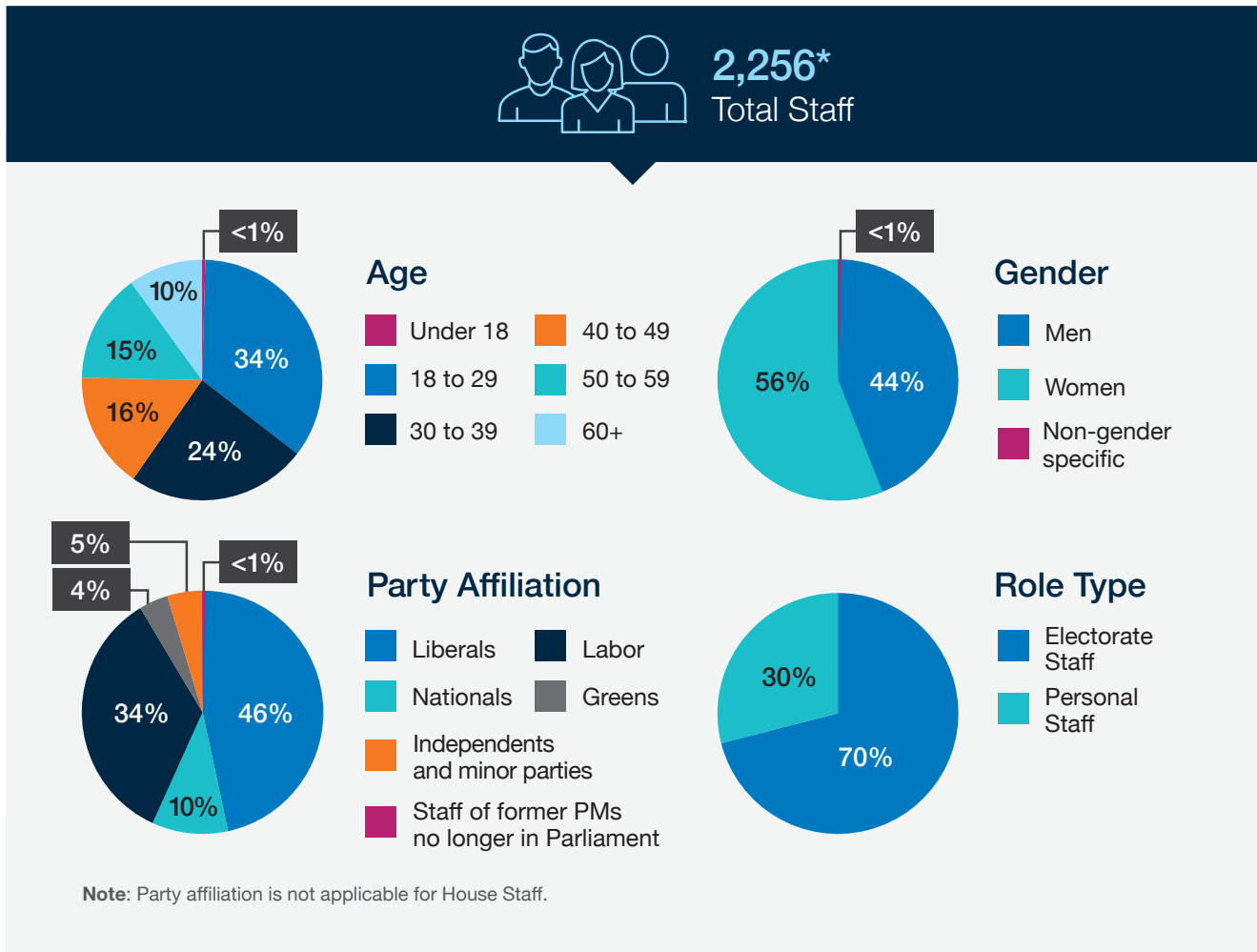
Sources: Department of Finance, Submission E76, 23 August 2021; Anna Hough, 'Composition of Australian Parliaments by Party and Gender: A Quick Guide' (Research Paper Series, Parliamentary Library, Parliament of Australia, 8 June 2021) Tables 1-2; Parliamentary Library, Department of Parliamentary Services, 46th Parliament—Parliamentary Handbook of the Commonwealth of Australia 2020, 258

A much larger group of CPW participants comprises the 2,256 people who are employed under the MOP(S) Act to provide support to parliamentarians. This is either as electorate staff, or personal staff employed by Ministers and other office-holders (including those employed at the Lodge or Kirribilli House).⁸¹

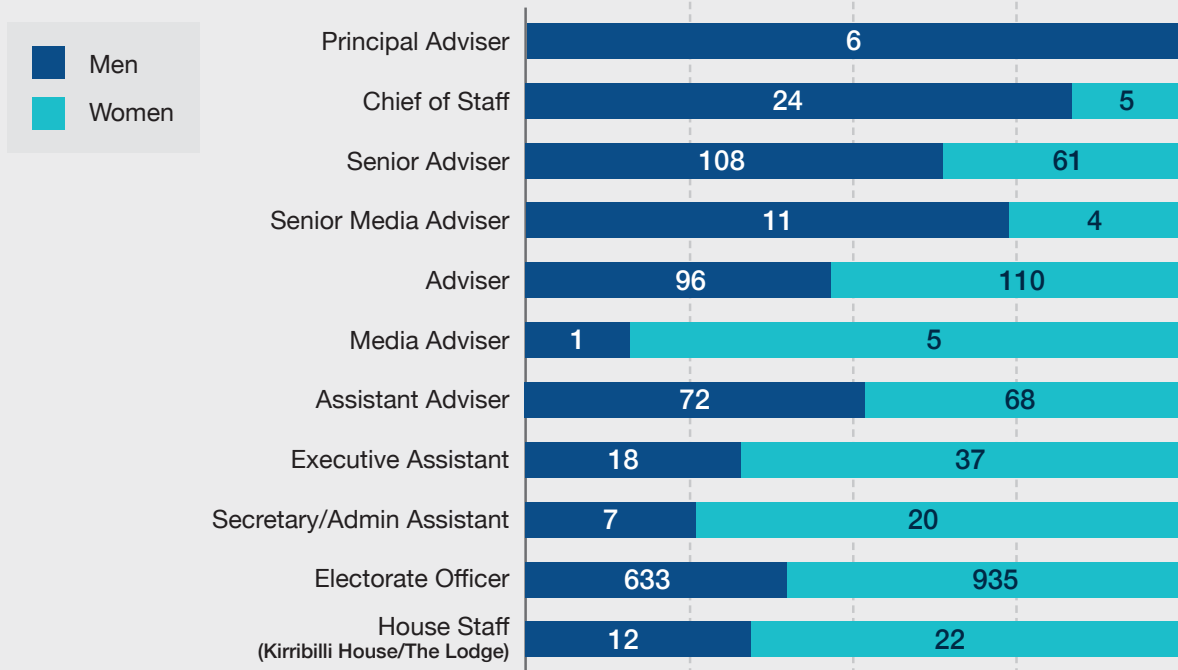
The gender balance of all MOP(S) Act employees is slightly weighted in favour of women, with more senior roles in favour of men. Most MOP(S) Act employees are employed as electorate staff located in the home State or Territory of their employing parliamentarian. The largest group of MOP(S) Act employees is aged between 18 and 39, accounting for nearly 60% of all staff. By comparison, the largest cohort of all Australian Public Service employees is aged between 30 and 49, with this age bracket accounting for over 50% of the total workforce.⁸²

More men than women are employed under the MOP(S) Act as personal staff (52%).⁸³ More women than men are employed as electorate staff (60%).⁸⁴ Based on information provided by the Department of Finance, the average length of service for personal staff and electorate staff is 1 to 2 years.⁸⁵ Data from the Department of the Prime Minister and Cabinet shows that people working at Kirribilli House or the Lodge are often longer serving, with an average length of service of 8 years.⁸⁶

Figure 3.3: MOP(S) Act employees



Role and Gender Breakdown



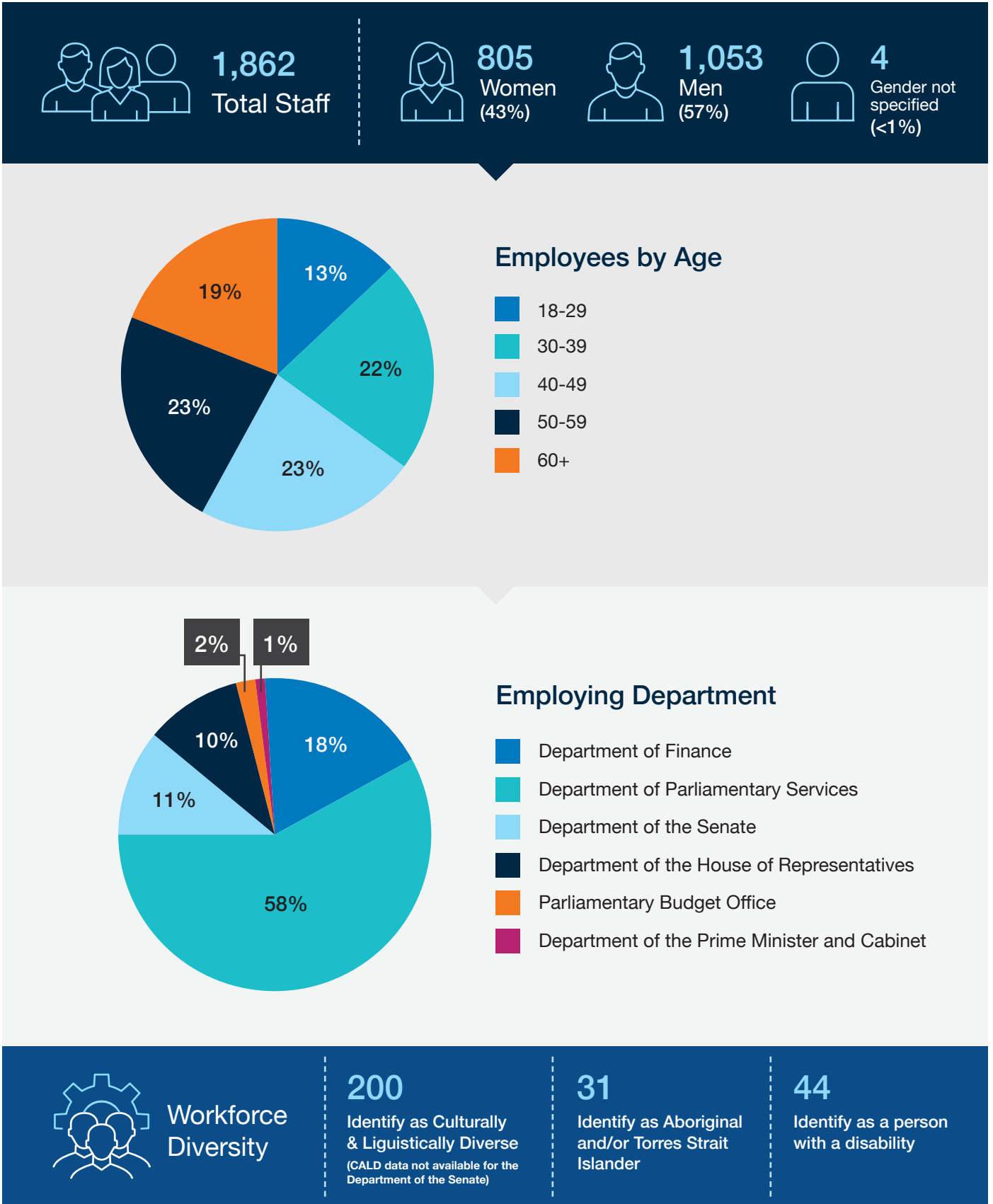
*Based on information provided by the Department of Finance, there were 2,222 MOP(S) Act employees working in CPWs, either as electorate staff or as personal staff to Ministers and office-holders, as at 1 June 2021. Additionally, the Department of the Prime Minister and Cabinet informed the Review of 34 personal staff employed in Official Establishments (at the Lodge or Kirribilli House), as at 31 July 2021. For this reason, this Report uses a total figure of 2,256 MOP(S) Act employees. Note, the role of the people who identify their gender as non-binary has not been included given the small number.

Sources: Department of Finance, Request for Information, 27 July 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.

The gender and age profile of parliamentary service and public service staff in CPWs is relatively balanced. Parliamentary service staff are primarily employed to support the Parliament in direct ways, such as chamber and research support, human resources and administration and maintenance of the parliamentary precinct. Most parliamentary service CPW workers are employed by the Department of Parliamentary Services, which provides key support to Parliament, such as information technology, library and research services, security, broadcasting and Hansard, and a range of visitor services.⁸⁷

Public servants in CPWs include Departmental Liaison Officers (DLOs), who are employed to function as a conduit and central point of contact between ministerial and departmental offices. Other public servants in CPWs include a number of Department of Finance and Department of the Prime Minister and Cabinet employees, who have functions to provide administrative support to Commonwealth offices, as well as other public servants who attend Parliament for public hearings; for functions or events; and to provide policy advice or other support to Ministers. As the latter staff attend CPWs irregularly, the data set out in Figure 3.4 captures only those public servants who have a regular and ongoing presence in CPWs (Department of Finance and Department of the Prime Minister and Cabinet).⁸⁸

Figure 3.4: Parliamentary and Public Service Staff



Sources: Department of Finance, Request for Information, 27 July 2021; Department of Parliamentary Services, Request for Information, 17 August 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Department of the Senate, Request for Information, 30 July 2021; Parliamentary Budget Office, Request for Information, 10 August 2021.

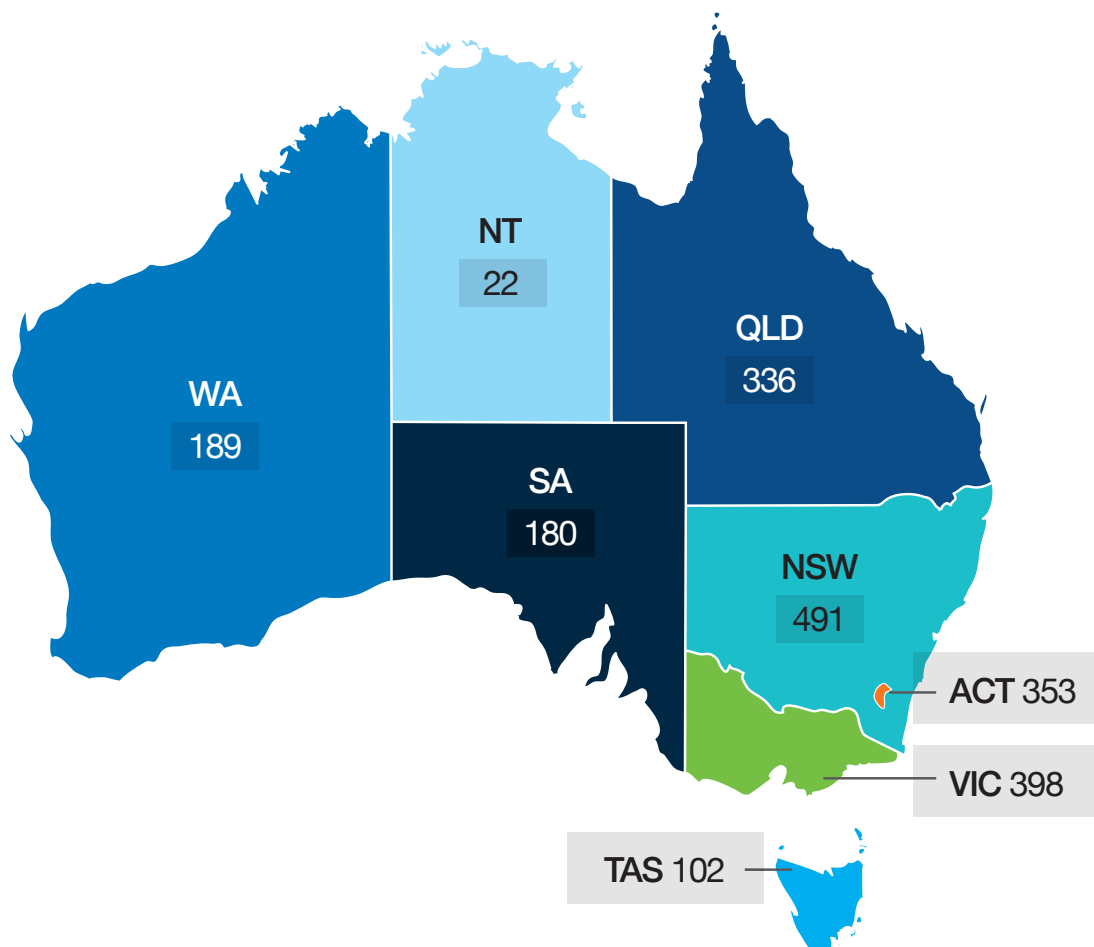
(iii) Workplace locations

CPWs are geographically dispersed, with workers physically located in a range of locations across Australia. Most of these workers are MOP(S) Act employees in electorate offices, as depicted in Figure 3.5, below.

In addition to MOP(S) Act employees, a small number of Department of Finance staff are located in Commonwealth Parliament Offices in states and territories.⁸⁹

Work in the CPW context is otherwise performed in ministerial and parliamentary offices at Parliament House in Canberra, in public and parliamentary service departmental workplaces both within and outside of Parliament House and in Commonwealth buildings in a State or Territory, in home-based environments, in campaign or party-political environments, and at a range of mobile, temporary, and transient worksites, such as vehicles and aircraft, transit lounges, international locations, and other event venues.

Figure 3.5:
Geographical dispersion of MOP(S) Act employees



Sources: Department of Finance, Submission E76, 23 August 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.

Figure 3.6:
Examples of work locations across Commonwealth parliamentary workplaces



(c) Employment conditions in Commonwealth parliamentary workplaces

Employment conditions in CPWs vary depending on the employment arrangement applicable to the worker. Workplace participants in CPWs share many legal entitlements and protections under employment, anti-discrimination and workplace health and safety laws (see 3.2, ‘Legal frameworks that support safe and respectful workplaces’), but experience different cultural and structural environments, as well as behavioural expectations, depending on their specific employer.

(i) Parliamentarians

Members of Parliament and Senators are not ‘employed’. Rather, they are the elected representatives of the Australian people and collectively hold the legislative power of the Commonwealth. As a result, their tenure is based on election cycles. They are usually affiliated with a political party or may also seek election as an independent candidate.

Under the Westminster tradition, a party leader who has the confidence of a majority of members in the House of Representatives forms government, becomes Prime Minister and appoints Ministers to their cabinet. Ministers are accountable to the Parliament for their decisions and actions. Their responsibilities can change in different circumstances, including cabinet reshuffles that may cause change or loss of portfolio.

The privileges, immunities and powers of the Houses of Parliament are established by the Australian Constitution and the *Parliamentary Privileges Act 1987* (Cth).⁹⁰ Inherent in these privileges is the power of the Parliament to govern its own processes and respond to any conduct that brings the House into disrepute. Parliamentarians are remunerated for their roles⁹¹ and receive administrative, policy and advising support from multiple sources, including public and parliamentary service departments, the Independent Parliamentary Expenses Authority, and from staff employed under the MOP(S) Act. As elected representatives, however, they are not subject to direction or sanction in their work or conduct by any person or body other than the Parliament itself.⁹² Workplace laws, including employment, work health and safety, and federal anti-discrimination legislation, are applicable to parliamentarians, as discussed further in 3.2 of this Report.

(ii) Members of Parliament (Staff) Act employees

MOP(S) Act employees are employed by the Commonwealth and are paid from public funds. Importantly, they are not public servants or parliamentary service employees; are not required to be apolitical; and do not operate in departmental structures or under legislated employment values and codes of conduct. Further detail on the employment arrangements of MOP(S) Act employees is discussed below in (d).

MOP(S) Act employees are employed on behalf of the Commonwealth by each of the individual 227 parliamentarians elected to the Parliament. These parliamentarians engage, manage and terminate the employment of MOP(S) Act employees, subject to terms and conditions set by the Prime Minister.⁹³ Human resources support, such as payroll and training, is provided by the Department of Finance and specific conditions of employment are covered by an enterprise agreement and applicable workplace laws.⁹⁴

MOP(S) Act employment is automatically terminated in several event-based circumstances, such as an employing parliamentarian's loss of office or change in ministerial portfolio. Employment can also be terminated at any time by notice in writing, either by the employee or by the employing parliamentarian.⁹⁵ MOP(S) Act employees do not have access to the redeployment opportunities that are available to public service staff.

(iii) Departmental and parliamentary service staff

Departmental and parliamentary staff are employed on behalf of the Commonwealth by their respective agency heads. They are supported by management structures and departmental human resources units with responsibility for administrative and staff support functions. Their employment is governed by the *Public Service Act 1999* (Cth) and the *Parliamentary Service Act 1999* (Cth) and they are subject to codes of conduct that create workplace behavioural and conduct expectations and obligations.⁹⁶ Departmental and parliamentary service staff can be held accountable for failure to meet these standards through mechanisms such as reprimands, salary reductions and employment termination. Agency heads are also obliged to promote and implement these values, standards, and obligations.⁹⁷

The Parliamentary Service Commissioner is an independent statutory appointment with the function to advise the Presiding Officers on the management policies and practices of the parliamentary service, and to inquire into matters relating to the parliamentary service at the request of the Presiding Officers.⁹⁸ The Australian Public Service Commissioner performs a similar role in developing the organisational and workforce capability of the public service.⁹⁹

Both the parliamentary and public service have Merit Protection Commissioners, who are independent statutory appointments with the function to undertake reviews of workplace and promotion decisions, and to inquire into public service or parliamentary service actions.¹⁰⁰

Most departmental staff are also covered by enterprise agreements that determine workplace conditions, arrangements, entitlements and dispute or grievance resolution mechanisms.¹⁰¹ Termination of employment can only occur in defined and legislated circumstances and in accordance with workplace laws;¹⁰² and public service agencies must offer redeployment arrangements for excess staff.¹⁰³ Public servants are required to be apolitical in the exercise of their functions and parliamentary service employees are required to be non-partisan and impartial.¹⁰⁴

(iv) Other participants

Other participants in CPWs include, but are not limited to, journalists and other media workers, contractors, lobbyists, and political staff. Many of

these workers, such as those in the Press Gallery, are physically located in Parliament House or other Commonwealth buildings. Unpaid workers, such as students and interns, are also present in CPWs.

These workplace participants operate under various arrangements and agreements, as determined by their employers. These include in-house or outsourced human resources functions and other supports, terms and conditions as set under private contractual arrangements; entitlements and obligations negotiated under enterprise bargaining agreements; professional ethical obligations and standards; and supports or other arrangements put in place by educational institutions.

Codes of conduct or other behavioural standards may be explicitly set out or implied in employment agreements, or may not be present at all, depending on the functions, preferences and requirements of individual employers.

(d) Members of Parliament (Staff) Act 1984 (Cth)

The largest single group of workers across CPWs comprises MOP(S) Act employees. Based on information provided by the Department of Finance, there were 2,222 MOP(S) Act employees working in CPWs, either as electorate staff or as personal staff to Ministers and office-holders, as at 1 June 2021. Additionally, the Department of the Prime Minister and Cabinet informed the Review of 34 personal staff employed in Official Establishments (at The Lodge or Kirribilli House), as at 31 July 2021. For this reason, this Report uses a total figure of 2,256 MOP(S) Act employees.¹⁰⁵

The Commission was asked to assess the extent to which current legislation, policies, processes, and practices promote or impede safe and respectful workplaces, including the operation of the MOP(S) Act. As context to this assessment, this section outlines the key elements of the MOP(S) Act employment framework.

(i) History of the MOP(S) Act

The MOP(S) Act was enacted in 1984 to create a legislative basis for the employment of staff by parliamentarians. Prior to the introduction of the MOP(S) Act, these staff were generally employed as temporary staff in the public service, or were seconded to Ministers' offices from public service departments.¹⁰⁶

The motivation for passing the MOP(S) Act was cross-party support to enable politically-aligned staff to provide support to Ministers and to be involved in the making of policy.¹⁰⁷ It was considered that these staff should be employed from outside the public service to avoid its possible politicisation¹⁰⁸ and that Ministers should have assistance from 'people who shared the Government's values and objectives or who could bring to government relevant specialised or technically advanced skills'.¹⁰⁹ During the legislative process, the scope of the proposed legislation was widened to include staff of the Opposition and other parties, as well as electorate staff working for parliamentarians.¹¹⁰

The MOP(S) Act employment framework is intended to provide parliamentarians with flexibility to align their staffing cohort to political needs and priorities. Political environments are influenced by internal and external drivers which can result in rapid office transitions, such as around the electoral cycle or cabinet reshuffles.

The effectiveness of this framework is discussed further in 4 ('What we heard') and 5.3 ('Systems to support performance').

(ii) MOP(S) Act employment framework

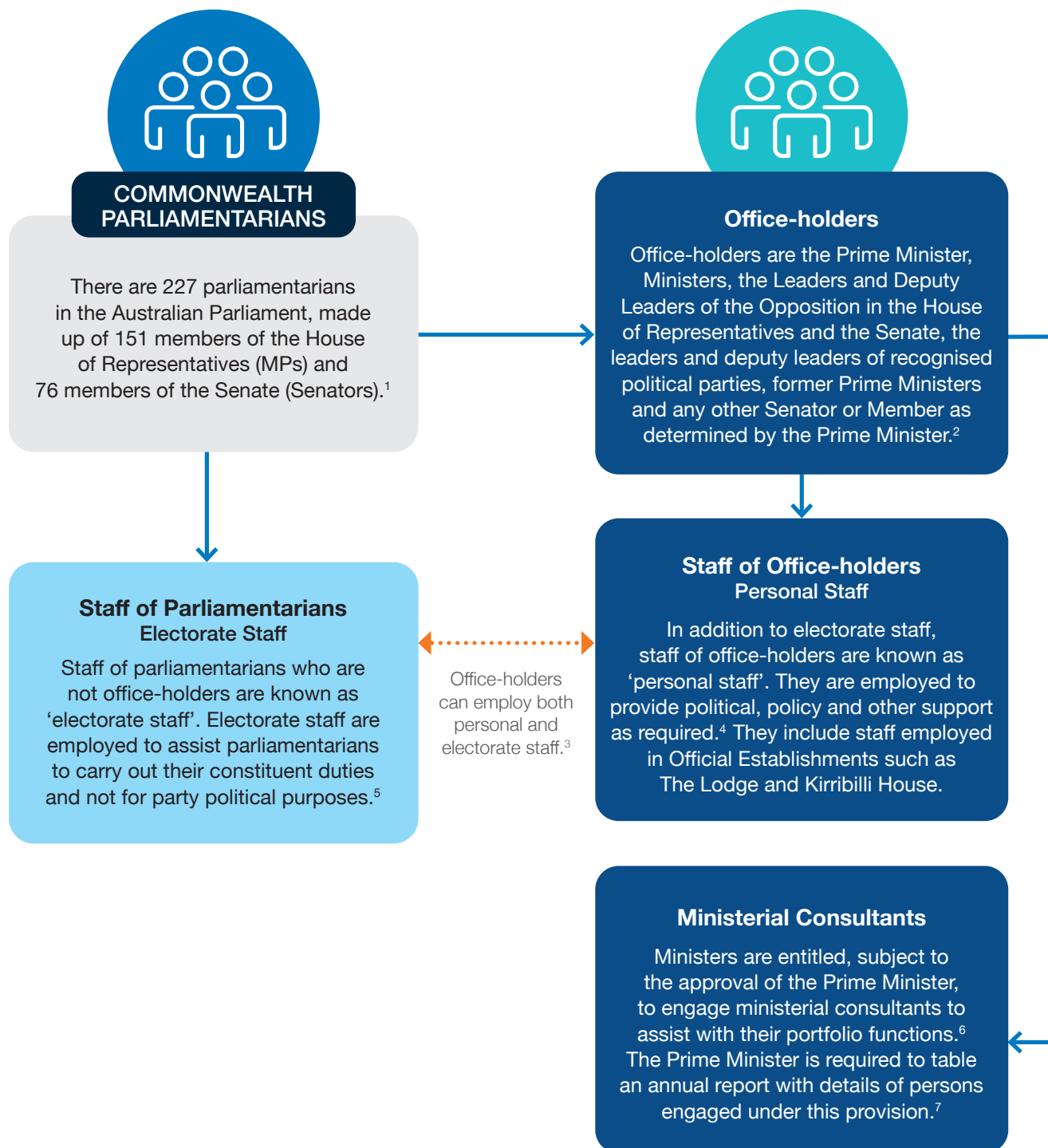
Parliamentarians as employers on behalf of the Commonwealth

MOP(S) Act employees are employed by individual parliamentarians on behalf of the Commonwealth. Their employment is subject to terms and conditions set by the Prime Minister and to any applicable laws, including the MOP(S) Act.¹¹¹ This means that MOP(S) Act employees do not work as part of a broader work group, but in individual relationships with their employing parliamentarian.

The MOP(S) Act divides employment into categories of: staff of parliamentarians who hold an office (whether as Minister, Presiding Officer, Parliamentary Secretary or a specific role in the Parliament, for example),¹¹² with these staff members known as 'personal staff'; staff of Senators and Members, known as 'electorate staff'; and 'ministerial consultants', as shown in Figure 3.7.

Parliamentarians who are office-holders are entitled to employ both personal and electorate staff,¹¹³ while all other parliamentarians are entitled to employ electorate staff. Ministerial consultants have not been engaged under the MOP(S) Act since at least 2011.¹¹⁴

Figure 3.7:
MOP(S) Act employment categories



Sources:

1. Members are elected for a three year term and each represent one geographic area of Australia. Senators are elected to represent a state or territory, with 12 from each state and two each for the Australian Capital Territory and the Northern Territory. See 'Senators and Members', Parliament of Australia (Web Page) <https://www.aph.gov.au/Senators_and_Members>.
2. *Members of Parliament (Staff) Act 1984* (Cth) ss 3, 12.
3. *Members of Parliament (Staff) Act 1984* (Cth) s 19.
4. *Members of Parliament (Staff) Act 1984* (Cth) s 13.
5. *Members of Parliament (Staff) Act 1984* (Cth) s 20.
6. *Members of Parliament (Staff) Act 1984* (Cth) s 4.
7. *Members of Parliament (Staff) Act 1984* (Cth) s 31.

Terms and conditions

The MOP(S) Act confers power on office-holders, and Senators and Members, to employ personal and electorate staff on behalf of the Commonwealth, under written employment contracts,¹¹⁵ subject to arrangements approved, and on conditions determined or varied, by the Prime Minister.¹¹⁶

Terms and conditions of employment for MOP(S) Act employees are set out in employee's written contracts of employment, the MOP(S) Act,¹¹⁷ the *MOPS Enterprise Agreement 2020-2023*,¹¹⁸ and determinations made by the Prime Minister.¹¹⁹ The Prime Minister's power to determine and vary terms and conditions of employment for MOP(S) Act employees is often delegated to the Minister for Finance and/or the Special Minister of State.¹²⁰

The employment of MOP(S) Act employees is subject to general workplace laws, such as the *Fair Work Act 2009* (Cth), the *Work Health and Safety Act 2011* (Cth) and federal anti-discrimination laws (see 3.2, 'Legal frameworks that support safe and respectful workplaces').

Standards of conduct

The MOP(S) Act does not mandate employment and behavioural principles or accountability mechanisms. Further, MOP(S) Act employees are not bound by a commonly applicable set of values, employment principles or a code of conduct. Staff employed by Ministers are subject to a Statement of Standards for Ministerial Staff. The implementation of these standards is the responsibility of the Prime Minister's Office and the Government Staffing Committee, although it is not clear how these standards are regulated.¹²¹

As discussed in detail in 5.4 ('Standards, reporting and accountability'), although Ministers are subject to a Statement of Ministerial Standards that is regulated by the Prime Minister,¹²² parliamentarians are not regulated by a code of conduct in the exercise of their duties and functions. This includes in their role as employers.

Termination of employment

Under the MOP(S) Act employment framework, several known events result in termination of employment. Employment ceases automatically when a parliamentarian ceases to hold office, either in the event of their death or because they lose office, resign, or cease to hold or change portfolio.¹²³ In practice, a direction issued under the MOP(S) Act defers the termination of employment under these

circumstances, for specified periods of time, to enable staff to conclude their MOP(S) Act employment and seek other employment opportunities.¹²⁴

MOP(S) Act employees can resign at any time by notice in writing and parliamentarians may terminate their employment at any time by notice in writing.¹²⁵ The MOP(S) Act does not specify reasons capable of triggering termination of employment by parliamentarians under this provision. Possible grounds offered by Department of Finance guidance, however, include office restructures, unsatisfactory performance or conduct, significant conflict of interest, or that the employing parliamentarian 'has lost trust or confidence' in the MOP(S) Act employee.¹²⁶ Particular issues and concerns regarding the termination of MOP(S) Act employees are addressed in 4 ('What we heard') and 5.3 ('Systems to support performance').

Unfair dismissal laws are applicable to employment terminated in these circumstances.¹²⁷ There are, however, no formal processes of redeployment available to MOP(S) Act employees, regardless of whether their employment is terminated by an 'event' or by notice in writing.

The Commonwealth as an employer—the role of the Department of Finance

The Department of Finance provides a human resources framework and administrative support for parliamentarians and MOP(S) Act employees. Through its Ministerial and Parliamentary Services (MaPs) division, it provides resources intended to support parliamentarians and MOP(S) Act employees in their work. In particular, MaPs provides guidance in matters such as work health and safety and anti-discrimination obligations; employment related policies, training and development opportunities; and administrative support and services, such as payroll.

The Department of Finance represents the Commonwealth in legal claims involving MOP(S) Act employees and, through MaPs, is responsible for some of the Commonwealth's legal employment obligations to MOP(S) Act employees.¹²⁸ In furtherance of this role, MaPs also offers services intended to provide support, as well as to resolve conflicts, disputes and issues arising in MOP(S) Act employment, as detailed in 3.3 ('Internal systems and processes').

Day to day employment-related decisions, however, are made by parliamentarians. While the Department of Finance can advise and recommend action and provide support, parliamentarians cannot be directed

to adopt employment practices, such as merit-based recruitment, or be required to respond to conduct or behavioural complaints made by MOP(S) Act employees. This is because of parliamentarians' status as elected representatives and as employers under the MOP(S) Act. In some cases, this can mean that the Department of Finance may have sought to identify and remedy workplace risks (and may be required to defend the Commonwealth in legal proceedings arising from them), but has limited practical control in managing those risks.

This MOP(S) Act employment framework, in which parliamentarians and the Department of Finance both hold employer responsibilities on behalf of the Commonwealth, can sometimes lead to a lack of clarity. This is particularly the case in relation to the question of where authority is situated in terms of taking action to prevent or address unsafe work practices. This in turn has been perceived by some participants in this Review as a barrier to safe and respectful workplaces. These potential barriers are discussed in detail in 4, 'What we heard', and 5.3, 'Systems to support performance'.

3.2 Legal frameworks that support safe and respectful workplaces

A stronger understanding of the legal obligations politicians (as employers and managers) hold toward their staff should substantially increase the professionalism of political offices.

(Individual, Submission E14, CPW Review)

(a) Overview

Workplace participants in CPWs have a range of legal rights and responsibilities. This section outlines the laws that support safe and respectful workplaces, particularly laws on bullying, sexual harassment and sexual assault as they apply to CPWs. The key areas of legislation include anti-discrimination law, employment law, work health and safety law and criminal law.

(b) Federal anti-discrimination laws

Federal anti-discrimination laws are set out in the:

- *Sex Discrimination Act 1984* (Cth) (Sex Discrimination Act)
- *Age Discrimination Act 2004* (Cth) (Age Discrimination Act)
- *Disability Discrimination Act 1992* (Cth) (Disability Discrimination Act)
- *Racial Discrimination Act 1975* (Cth) (Racial Discrimination Act)
- *Australian Human Rights Commission Act 1986* (Cth) (Australian Human Rights Commission Act).

Combined, these Acts set out a range of obligations and protections that contribute to safe and respectful workplaces.¹²⁹ They do so by making sexual harassment in the workplace unlawful and by prohibiting discrimination in employment on the basis of a range of protected attributes. Discrimination in employment can include single incidents of bullying on the basis of a protected attribute. These provisions are slightly broader in this respect than other federal laws that apply to repeated acts of bullying.

The federal anti-discrimination Acts clearly apply to people in CPWs employed under the Parliamentary Service Act, Public Service Act and the *Australian Federal Police Act 1979* (Cth).¹³⁰ The discussion below therefore specifically considers the application of these laws to MOP(S) Act staff and parliamentarians.

(i) Sex Discrimination Act

The Sex Discrimination Act makes sexual harassment, sex-based harassment and sex discrimination in the workplace unlawful.¹³¹

As part of its response to the Respect@Work report, the Australian Government amended the Sex Discrimination Act in September 2021 to clarify that the Act extends to parliamentarians and people employed or engaged under the MOP(S) Act as a 'Commonwealth employee'.¹³² These amendments make clear that parliamentarians and MOP(S) Act

employees and consultants, can make a complaint of sexual harassment or sex-based harassment as well as be named as an individual respondent to a harassment claim.¹³³ The Commission notes that while consultants have not been engaged under the MOP(S) Act for some time, they have been included here for completeness as the MOP(S) Act continues to provide for these roles.

The 2021 amendments also introduced new definitions of 'worker' and 'person conducting a business or undertaking' in alignment with the Work Health and Safety Act. These changes expand the coverage of the protections against sexual harassment and sex-based harassment to all workers and workplaces, including interns, volunteers, students and the self-employed.¹³⁴ The Commission outlines these amendments further in 5.4 ('Standards, reporting and accountability').

Under the Sex Discrimination Act, MOP(S) Act employees and parliamentarians are also explicitly protected from unlawful sex discrimination in employment.¹³⁵ However, the application of these provisions to parliamentarians is likely to be limited as they are not employees in practice.

(ii) Other federal discrimination laws

Under the Age Discrimination Act, Disability Discrimination Act and Racial Discrimination Act, an employer must not discriminate in employment on the basis of a relevant protected attribute.¹³⁶

It is the Commission's view that on a plain reading of the words in the Age Discrimination Act and the Disability Discrimination Act, MOP(S) Act staff and consultants employed under that Act would:

- be covered by the ordinary meaning of the terms 'employee' and 'contract worker'
- receive protections from age and disability discrimination in their employment and engagement under federal law.¹³⁷

The Commission notes, however, that the 2021 amendments to the Sex Discrimination Act explicitly list a person employed or engaged under the MOP(S) Act as a 'Commonwealth employee' for the purposes of that Act. MOP(S) Act staff and consultants are not included in the definition of 'Commonwealth employee' in the Age Discrimination Act or the Disability Discrimination Act.¹³⁸ Their absence from this definition may cause confusion in what is already complex legal terrain.

The Commission therefore recommends a small amendment to the Age Discrimination Act and

Disability Discrimination Act to include MOP(S) Act staff and consultants in the definition of 'Commonwealth employee' for the avoidance of doubt. This recommendation is set out in 5.4 ('Standards, reporting and accountability').

The Commission notes that the Racial Discrimination Act is framed in different terms and does not require a similar clarification. It includes a broad prohibition of racial discrimination in public life and it does not include a definition of 'Commonwealth employee'.¹³⁹

(iii) External complaints and remedies

Under the Australian Human Rights Commission Act, the Commission is empowered to investigate and attempt to resolve complaints of unlawful discrimination and harassment in the workplace.¹⁴⁰ Complaint outcomes can include an apology, reinstatement to a job, compensation for lost wages, changes to a policy or developing and promoting anti-discrimination policies.

If a complaint remains unresolved, a person may apply for the matter to be determined by the Federal Court of Australia or the Federal Circuit and Family Court of Australia. If proceedings are commenced and the court is satisfied that unlawful discrimination has occurred, it can make such orders as it sees fit. This includes ordering that the applicant be financially compensated or re-employed.¹⁴¹

(iv) Parliamentary privilege

The liability of parliamentarians under federal anti-discrimination laws may be subject to claims of parliamentary privilege in certain circumstances.¹⁴² Parliamentary privilege refers to the powers, privileges and immunities of the Senate and House of Representatives, parliamentarians and parliamentary committees. It includes the freedom of speech and debates or proceedings in Parliament.¹⁴³

(c) Additional human rights jurisdiction in relation to workplace discrimination

Another avenue for external complaints of workplace discrimination is provided under the Australian Human Rights Commission Act. Independent of the 'unlawful discrimination' jurisdiction described above, the Australian Human Rights Commission Act also gives effect to Australia's obligations under the International Labour Organization *Convention (No 111) concerning Discrimination in respect of Employment and Occupation* (ILO Convention).

The Commission can inquire into and endeavour to conciliate a complaint of workplace discrimination.¹⁴⁴

If conciliation is unsuccessful or inappropriate and the Commission finds that there has been workplace discrimination, the Commission can prepare a report of the complaint, including recommendations for action, for the federal Attorney-General. The Commission's practice is to publish those reports on its website. There is no right in the Australian Human Rights Commission Act to take workplace discrimination matters under the ILO Convention to an Australian court and the Commission's recommendations are not enforceable by a court.

(d) Fair Work system

The Fair Work Act and *Fair Work Regulations 2009* (Cth) (Fair Work Regulations) set out the national system in Australia for governing the relationship between employers and employees.¹⁴⁵ This includes providing employees an avenue by which they might:

- seek orders from the Fair Work Commission (FWC) to prevent them being bullied or sexually harassed at work
- challenge the termination of their employment in the FWC or a court.

(i) Anti-bullying and anti-sexual harassment jurisdiction

Part 6-4B of the Fair Work Act establishes the FWC's anti-bullying and anti-sexual harassment jurisdiction and provides an avenue for an eligible employee to apply to the FWC for orders to stop bullying or sexual harassment.¹⁴⁶

MOP(S) Act, Public Service Act and Parliamentary Service Act employees, and contractors, trainees, interns and volunteers working for the Commonwealth government or a Commonwealth department in a CPW are eligible to access this jurisdiction.¹⁴⁷

Where the FWC is satisfied that a worker has been bullied or sexually harassed at work, and there is a risk of ongoing bullying or sexual harassment it has power to make 'any order it considers appropriate' to stop bullying or sexual harassment (Stop Orders).¹⁴⁸ However:

- Stop Orders are only available to workers while they remain in an ongoing working relationship and face a risk of ongoing harm¹⁴⁹
- the FWC cannot make orders for financial compensation when issuing Stop Orders.¹⁵⁰

An individual or body corporate that breaches a Stop Order may face civil penalties (currently) of up to \$13,320 for an individual or \$66,000 for a body corporate.¹⁵¹

(ii) General protections

Part 3-1 of the Fair Work Act provides employees and employers with a range of general workplace protections including, relevantly, protection of workplace rights¹⁵² and protection against unlawful discrimination.¹⁵³

These protections apply to action taken by the Commonwealth in relation to its employees,¹⁵⁴ and therefore operate to protect MOP(S) Act, Public Service Act and Parliamentary Service Act employees.¹⁵⁵ Certain workplace rights provisions extend to contractors.¹⁵⁶

Relevantly, an employer is prohibited from taking adverse action against an employee because:¹⁵⁷

- the employee has or has not exercised (or proposes to exercise or not exercise), a workplace right—including a right to make a complaint or inquiry about their employment,¹⁵⁸—which may include the making of a workplace bullying or sexual harassment complaint
- of the employee's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.¹⁵⁹

These protections overlap with many of those provided for under the anti-discrimination laws described in 3.2(a), 3.2(b) and 3.2(c).

In contrast to discrimination claims under anti-discrimination laws, a 'reverse onus of proof' applies in relation to these adverse action provisions.¹⁶⁰ This means that if an employee alleges that they have been subjected to unlawful adverse action, the court will presume that this is the case unless their employer can prove otherwise.

Any employer who contravenes Part 3-1 of the Fair Work Act may be ordered by a court to pay a civil penalty for such breach.

(iii) Unfair dismissal

Part 3-2 of the Fair Work Act establishes the FWC's unfair dismissal jurisdiction - providing certain employees with protection against dismissals that are 'harsh, unjust or unreasonable'.¹⁶¹

The unfair dismissal provisions in Part 3-2 apply to 'national system employers' - including the Commonwealth - and 'national system employees' - including MOP(S) Act, Public Service Act and Parliamentary Service Act employees.¹⁶² The unfair

dismissal protections do not apply to unpaid workplace participants such as volunteers, interns and students, who are not employees or to contractors.¹⁶³

Accordingly, where the Commonwealth terminates the employment of a Public Service Act, Parliamentary Service Act or, on behalf of a parliamentarian, a MOP(S) Act employee it must comply with the Fair Work Act, including by ensuring that the dismissal is not unfair.¹⁶⁴

An employee who has been dismissed is eligible to make an unfair dismissal claim if they have completed the minimum employment period,¹⁶⁵ and are covered by a modern award or enterprise agreement, or earned less than the high-income threshold.¹⁶⁶ A dismissal cannot be unfair if it was a genuine redundancy as defined in s 389 of the Fair Work Act.¹⁶⁷

The FWC determines unfair dismissal applications.¹⁶⁸ It is required to determine whether the dismissal was harsh, unjust or unreasonable and, in doing so, it must consider a number of different factors, including whether there was a valid reason for the dismissal, whether the person was notified of that reason, and whether they were given an opportunity to respond to that reason.¹⁶⁹ If the dismissal related to unsatisfactory performance, the FWC must consider whether the person had been warned about that unsatisfactory performance.¹⁷⁰

The FWC has accepted that conduct by an employee amounting to bullying or sexual harassment may constitute a valid reason for dismissal.¹⁷¹ Recent amendments to the Fair Work Act, enacted in response to the Commission's Respect@Work recommendations, expressly note that sexually harassing another person in connection with employment can be a valid reason for dismissal, and that sexual harassment can amount to serious misconduct (which may give rise to dismissal without notice).¹⁷²

(e) Work health and safety laws

Work health and safety laws in Australia are based on model laws which have been adopted by the Commonwealth and by most State and Territory governments.¹⁷³ A primary purpose of work health and safety laws is to protect workers and other persons in the workplace against harm to their health, safety and welfare, doing so through the elimination or minimisation of risks arising from work.¹⁷⁴

'Health' in the work health and safety context includes physical and psychological health and captures risks that are likely to arise from behaviours

that may constitute workplace bullying, sexual harassment and sexual assault.¹⁷⁵ This means that workplace participants must comply with a range of legal obligations arising under anti-discrimination, employment and work health and safety laws, when managing workplace risks arising from this conduct.

Work health and safety laws impose a primary duty on a 'person conducting a business or undertaking' (PCBU) to ensure the health and safety of workers at work in their business or undertaking, so far as is reasonably practicable.¹⁷⁶ The term 'PCBU' is an intentionally broad concept. It includes a business or undertaking conducted by the Commonwealth or a non-Commonwealth licensee and includes most types of working arrangements and structures, such as companies, sole traders and unincorporated associations.¹⁷⁷

The identity of work health and safety duty holders in the workplace can change, depending on work being undertaken, and who is performing it, at any given time. It can be complex to identify work health and safety duty holders and the scope of their duties in CPWs because of the range of workplace participants, workplace locations, and employment arrangements. This is especially so in the case of work health and safety duties held by and to MOP(S) Act employees, because the Department of Finance and parliamentarians share responsibility for discharging the Commonwealth's employer obligations to these staff, as noted above in 3.1(d).

While this means that it is possible that the Department of Finance and parliamentarians each hold PCBU duties under the Work Health and Safety Act, the Commission notes that the status of individual parliamentarians as PCBUs has not been legally tested and that their constitutional status may also add complexity to this question. The Commission has therefore recommended legislative amendment to clarify the application of duties under the Work Health and Safety Act to parliamentarians (see 5.3, 'Systems to Support Performance').

In addition to the primary PCBU duty, work health and safety laws also:

- impose health and safety duties on other workplace participants such as workers, officers, suppliers, manufacturers, designers, and 'other persons' in the workplace (see Table 3.1)¹⁷⁸
- provide that a person may owe duties in multiple capacities such as a PCBU, officer, or worker, and that these duties cannot be transferred¹⁷⁹

- provide that more than one person in a workplace can concurrently hold the same health and safety duty subject to their capacity to influence and control that matter.¹⁸⁰

This means that duties can be shared and responsibility for discharging the duty can overlap. Where this is the case, duty holders are obliged to consult, co-operate and co-ordinate with all other persons who have a duty in relation to the same matter.¹⁸¹

Criminal penalties apply for non-compliance with duties under the Work Health and Safety Act.¹⁸²

Table 3.1 provides a broad outline of the potential application of work health and safety duties in CPWs. It is not intended to be a definitive or authoritative statement of work health and safety duties in CPWs but, to provide an overview of the potential for multiple, shared and overlapping obligations under work health safety laws, and to note that each category of duty holder may include multiple persons. The Commission's recommendations about the clarification of work health and safety duties in the specific context of CPWs are discussed in 5.5, 'Safety and wellbeing'.

Table 3.1: Work health and safety duties in CPWs

Who	Work Health and Safety Act duty	Application
PCBUs (s 19)	<p>Duty to ensure the health and safety of workers at work in the business or undertaking</p> <p>Key duties include the obligation to:</p> <ul style="list-style-type: none"> provide and maintain a safe work environment, safe plant and structures and safe systems of work provide instruction, training, information and supervision necessary to protect persons from risks to health and safety arising from work carried out as part of the conduct of the business or undertaking.¹⁸³ 	<p>Persons conducting businesses or undertaking (workplaced can incorporate multiple PCBUs).</p> <p>Potential PCBUs in CPWs:</p> <p>Parliamentary departments Department of Finance Parliamentarians</p> <p>Contractors/other entities who provide services or conduct undertakings in CPWs, provided that there is a sufficient connection to the undertaking of the Commonwealth or of a non-Commonwealth licensee.</p>
Officers (s 27)	<p>Officers of PCBUs have a duty to exercise due diligence to ensure that the PCBU complies with its duties or obligations</p>	<p>The term 'officer' is defined to mean:¹⁸⁴</p> <p>An officer within the meaning of s 9 of the <i>Corporations Act 2001</i> (Cth)</p> <p>A person who makes or participates in making decisions that affect the whole or a substantial part of a business or undertaking of the Commonwealth or a public authority</p> <p>Exclusions include partners in a partnership, elected members of local authorities and Ministers.</p>
Workers (s 28)	<p>Duty to take reasonable care:</p> <ul style="list-style-type: none"> for own health and safety that actions or omissions do not adversely affect the health and safety of others comply with reasonable instruction given by the PCBU to enable the PCBU to comply with the Work Health and Safety Act co-operate with PCBU policies and procedures 	<p>The term 'worker' is defined broadly and includes employees, contractors and subcontractors (and their employees), labour hire employees, outworkers, apprentices, students and volunteers.¹⁸⁵</p> <p>The definition of worker also includes certain classes of persons, including AFP employees, members of the Defence Force, and holders of offices established under a law of the Commonwealth.¹⁸⁶</p>

Table 3.1: Work health and safety duties in CPWs

Who	Work Health and Safety Act duty	Application
Other persons (s 29)	<p>Other persons in the workplace must:</p> <ul style="list-style-type: none"> take reasonable care for their own health and safety take reasonable care that their actions or omissions do not adversely affect the health and safety of others comply with reasonable instructions given by the PCBU to enable the PCBU to comply with the Work Health and Safety Act 	Other persons in the workplace may include clients, customers, visitors and any other person who is not a 'worker'.
Manufacturers, designers, importers and suppliers	Duties are imposed on persons who manage or control workplaces; and who design, manufacture, import, supply and install plants, substances and structures to ensure health and safety in respect of their product or supply. ¹⁸⁷	Persons engaged in the design, manufacture, supply or installation of plant, substances or structures in CPWs.

Comcare is the national health and safety regulator and is responsible for the administration and regulation of the Work Health and Safety Act which applies to workers and other persons in CPWs, including staff employed under the MOP(S) Act, Public Service Act and Parliamentary Service Act as well as contractors, labour-hire workers, volunteers and interns.¹⁸⁸

Comcare is also the workers' compensation claims manager and the workplace insurer for most Commonwealth departments and agencies, including for claims made by MOP(S) Act employees.¹⁸⁹ Parliamentarians who experience a physical or mental injury or illness in relation to their work as a parliamentarian may seek compensation via the Parliamentary Injury Compensation Scheme, which is administered by Comcare.¹⁹⁰

(f) Criminal laws

While there is no single legal definition in Australia for 'sexual assault', the term refers broadly to an act of a sexual nature carried out against a person's will through the use of physical force, intimidation or coercion.¹⁹¹ All Australian states and territories

have enacted legislation which criminalises sexual assault.¹⁹² Where an individual is the victim of a sexual offence in a CPW, they may report the matter to police. This includes to the AFP for matters in Parliament House and elsewhere in the Australian Capital Territory, and to State and Territory police, as relevant to other workplaces such as electorate offices.

The Parliamentary Privileges Act makes clear that a law in force in the Australian Capital Territory applies in the parliamentary precincts. This is subject to s 49 of the Constitution, which reflects the powers, privileges and immunities of the Houses of Parliament.¹⁹³ All participants in CPWs, including parliamentarians, remain bound by the law.¹⁹⁴

Under the *Parliamentary Precincts Act 1988* (Cth), the parliamentary precincts are under the control and management of the Presiding Officers.¹⁹⁵ In Parliament House, the police are subject to the authority of the Speaker and President, and their powers are limited by the powers and privileges of the respective Houses. These limitations are based on the presumption that Parliament should be able to

conduct its business without interference or pressure from any outside source.

The functions of the AFP and the Director of Public Prosecutions in relation to acts within the parliamentary precincts are performed under arrangements agreed with the Presiding Officers.

The Parliament of Australia reports that:

It is established practice that police do not conduct investigations, make arrests, or execute any process in the precincts without consultation with and the consent of the Presiding Officers, which is in practice conveyed through the Serjeant-at-Arms or the Usher of the Black Rod to the Australian Federal Police Security Controller. An exemption to this is the standing approval for the police to perform traffic operations in the precincts which may result in arrest or investigation or, more usually, issuance of infringement notices.

...

In 2005 a Memorandum of Understanding [MOU] between the Presiding Officers and the Attorney-General and Minister for Justice set out guidelines to be followed in the execution of search warrants in relation to premises used or occupied by Members and Senators, including their offices in Parliament House.¹⁹⁶

The MOU states that '[i]f the premises that are to be searched are in Parliament House, the executing officer should contact the relevant Presiding office before executing the search warrant and notify that Officer of the proposed search'.¹⁹⁷

In addition, a new protocol between the Department of Parliamentary Services and the Australian Federal Police for responding to serious incidents was signed on 22 October 2021.¹⁹⁸ The protocol provides greater clarity around roles and required actions when a serious incident occurs.

3.3 Internal systems and processes in Commonwealth parliamentary workplaces

(a) Overview

This section provides an overview of the current internal systems and processes for addressing workplace bullying, sexual harassment and sexual assault in CPWs. It provides a brief snapshot of the policies, reporting and complaints processes, and training available in relation to workplace bullying, sexual harassment and/or sexual assault. Further

details are provided in **Appendix 3**. Subsequent sections of this Report will examine how these systems are operating in practice (see 4, 'What we heard'), as well as how they can be strengthened, particularly considering best and emerging practice (see 5, 'Framework for Action').

(b) Relevant policies

(i) Workplace bullying and harassment policies

Multiple policies apply across CPWs in relation to bullying and harassment (including sexual harassment). The policies and procedures which apply to a particular individual working in these workplaces depends on their employer or responsible entity.

The Department of Finance and each of the parliamentary departments, being the Department of the Senate, the Department of the House of Representatives, the Department of Parliamentary Services and the Parliamentary Budget Office (collectively referred to as 'the parliamentary departments') have workplace bullying and harassment (or similarly named) policies. The Department of Finance informed the Commission that it is currently reviewing the workplace bullying and harassment policy which applies to MOP(S) Act employees and parliamentarians and that it intends to develop a standalone sexual harassment policy.¹⁹⁹

The Department of Parliamentary Services and Parliamentary Budget Office also indicated that they are currently reviewing their relevant bullying and harassment (or similarly named) policies.²⁰⁰ The Department of the Senate informed the Commission that it intends to refine its relevant workplace policies further, following the release of this Report.²⁰¹

A brief overview of the key policies of the Department of Finance and the parliamentary departments (in relation to workplace bullying and sexual harassment) is provided in **Appendix 3**.

The Commission notes that the policies and structures of the political parties, the media outlets and other participants in CPWs were determined not to be in-scope for the Review. Accordingly, these have not been reviewed.

(ii) Workplace health and safety policies

The Department of Finance, the parliamentary departments and the Department of the Prime Minister and Cabinet also have specific policies and supports that are directed to providing support to staff and to meeting their respective Work Health and

Safety Act obligations. Work health and safety in CPWs is discussed in further detail in 3.2 ('Legal Frameworks that support safe and respectful workplaces'), 5.5 ('Safety and wellbeing') and 5.3 ('Systems to support performance').

(c) Advice, support and other services

The Department of Finance and the parliamentary departments indicated to the Commission that they offer a range of supports (including advice) to employees working in CPWs. A brief overview is provided below, with further detail in **Appendix 3**.

(i) Department of Finance – parliamentarians and MOP(S) Act employees

The Department of Finance informed the Commission that its MaPS division consists of four branches, which have different roles and responsibilities.²⁰² These are the 'Parliamentary Business Resources (PBR) Framework Branch', the 'Human Resources Frameworks Branch', 'COMCAR and Programs Branch' and the 'Workplace Culture and Reform Branch'.²⁰³ The 'HR Frameworks Branch' makes available, human resources advice and support to parliamentarians, their staff and, in some cases, former staff. This includes human resources and workplace health and safety case management, payroll functions for MOP(S) Act employees, human resources policy and assurance, the MaPS Help Desk and case managers, the Employee Assistance Program (EAP) and Parliamentary Support Line (1800 APH SPT).²⁰⁴

Further details are outlined in **Appendix 3**. According to the Department of Finance, some of these services can also be accessed by parliamentarians.

(ii) The parliamentary departments

The parliamentary departments offer their staff similar support services in relation to bullying, sexual harassment and/or sexual assault. They all provide their employees (and, in most cases, employees' family members) with access to confidential EAP services. Staff of the Parliamentary Budget Office also have the option of accessing onsite counselling through their EAP. One-on-one sessions with an onsite clinician are generally available to employees every three months.²⁰⁵ Further information on relevant support services is set out in **Appendix 3**.

(iii) Health services at Parliament House

The Department of Parliamentary Services operates a Nurses Centre at Parliament House from Mondays to Thursdays all year round, with longer hours (8.00am to 6.00pm) during sitting weeks.²⁰⁶ One Registered Nurse staffs the Centre and provides services including:

1. first aid
2. health advice and support services
3. removal of sutures, blood pressure monitoring and monitoring of illness or injury (with instruction from a person's treating GP or specialist)
4. influenza vaccines.²⁰⁷

The Centre is open to parliamentarians and building occupants.²⁰⁸ There are some restrictions on the health services that the Centre can provide, especially for Canberra-based staff.²⁰⁹ The Department of Parliamentary Services informed the Commission that between 1 July 2020 to 30 June 2021, 177 people presented to the Nurses Centre.²¹⁰ There are also other health services available at Parliament House for eligible people, as discussed in 5.5 ('Safety and wellbeing').

(d) Reporting and complaints processes

(i) Parliamentary Workplace Support Service and the Department of Finance

The current reporting and complaints procedures applying to parliamentarians and MOP(S) Act employees consist of two mechanisms. These are the Parliamentary Workplace Support Service (PWSS) for 'serious incidents' established in September 2021, as well as the process managed by the Department of Finance pursuant to the Workplace Bullying and Harassment policy (discussed below). The PWSS provides the following definition:

Serious incidents are defined to encompass conduct that has caused serious harm to a person and will include reports of assault, sexual assault, sexual harassment, and serious and systemic bullying or harassment.²¹¹

Independent complaints mechanism for serious incidents (parliamentarians and MOP(S) Act employees) – the Parliamentary Workplace Support Service

On 16 February 2021, the Prime Minister, the Hon Scott Morrison MP, requested a review of procedures and processes involved in identifying, reporting and responding to serious incidents that occur during parliamentary employment.²¹²

This review was conducted by Stephanie Foster PSM, Deputy Secretary of the Department of the Prime Minister and Cabinet and reported on 4 June 2021 (the Foster Report). Discussed in more detail in 5.4 ('Standards, reporting and accountability'), the Foster Report recommended the establishment of a new reporting and response framework for serious incidents. This included a 'timely, independent, confidential and trauma-informed' support system, as well as an independent, confidential complaints mechanism.²¹³

On 23 September 2021, the Government announced the launch of the PWSS. In announcing the new service, Senator the Hon. Simon Birmingham, Minister for Finance, stated that:

These measures were immediate priorities the Foster [Report] recommended be implemented ahead of the completion of the Independent Review of Commonwealth Parliamentary Workplaces being undertaken by Sex Discrimination Commissioner Kate Jenkins.²¹⁴

The new service will:

- provide immediate advice and ongoing trauma-informed support to all parliamentary staff and parliamentarians
- receive reports of serious incidents
- appoint independent experts to conduct workplace reviews into complaints of serious incidents and make recommendations
- facilitate referrals to appropriate authorities, such as the police or other specialised support services.

The PWSS will be staffed by trained counsellors and case coordinators, who will be available, 24 hours a day, seven days a week. The PWSS is established as a function of the Parliamentary Service Commissioner under the Parliamentary Service Act.²¹⁵ Parliamentarians and MOP(S) Act employees may make a formal complaint to the PWSS in relation to incidents which occurred within the current term of Parliament (i.e. since the 2019 election).²¹⁶ Former staff are able to make a complaint, provided that 'the subject of the complaint remains in Parliament or in MOP(S) Act employment'.²¹⁷

Reporting and complaints procedures set out in the Workplace bullying and harassment policy

The Workplace bullying and harassment policy (WBH policy), administered by the Department of Finance, is provided for parliamentarians and

MOP(S) Act employees.²¹⁸ Among other things, it sets out the responsibilities of parliamentarians (including in relation to their work health and safety obligations regarding workplace bullying and harassment, and managing reports of alleged bullying and harassment)²¹⁹ and reporting and response procedures.

Relevantly, under the WBH policy, MOP(S) Act employees can report alleged incidents of 'workplace bullying and/or harassment' to the Department of Finance, in the manner specified.²²⁰ In relation to alleged incidents of workplace sexual harassment, the WBH policy states that these should be reported to either 'the employing parliamentarian or Finance, and where appropriate, the relevant authorities'.²²¹ The MaPS website indicates that MOP(S) Act employees also have the option to make a report of bullying and harassment to their employing parliamentarian (if appropriate).²²² Because of work health and safety obligations, 'volunteers, contractors and others in the workplace' may also be able to use some of the methods set out in the WBH policy.²²³

The Department of Finance informed the Commission that the WBH policy commenced on 27 February 2012.²²⁴ Given the recent establishment of the PWSS, it is unclear how the reporting and complaints procedures specified in the WBH policy will interact with the PWSS. Further detail on the WBH policy, as well as information on the reporting and complaints procedures applying to the Department of Finance's employees working in CPWs (non-MOP(S) Act employees), can be found in **Appendix 3**.

(ii) Complaints data - Department of Finance

In relation to MOP(S) Act employees, data provided by the Department of Finance indicates that, between 2016-17 and 2020-21 financial years, it received 180 reports, complaints, incidents or queries in relation to conduct including bullying, sexual harassment or sexual assault related to CPWs (referred to as 'queries and complaints' in this section).²²⁵

The Commission notes that the Department of Finance included other types of conduct that is potentially related to, but not specifically identified as, bullying, sexual harassment and/or sexual assault as part of these queries and complaints. As described by the Department of Finance, this includes discrimination, inappropriate workplace behaviour, exposure to distressing content, interpersonal workplace conflict creating stress, occupational stress, occupational violence, traumatic incidents and threatening behaviour.²²⁶

Based on the data provided by the Department of Finance, Table 3.2 shows a breakdown, by financial year, of the Department of Finance's records of these queries and complaints.

Table 3.2: Number of queries and complaints (as defined) received by the Department of Finance per financial year in relation to MOP(S) Act employees (based on the Department of Finance's records).

Financial year	Number of queries and complaints (as defined)
2020-21	48
2019-20	33
2018-19	50
2017-18	28
2016-17	21
Total number of queries and complaints	180

Based on the Commission's analysis of these queries and complaints, more than half related only to bullying and harassment, less than 5% related to sexual harassment and a small number related to sexual assault. The Commission has not represented the number related to sexual assault as a percentage due to the risk of identifying individuals. The Commission was unable to isolate the nature of approximately 36% of cases, as they comprised multiple types of conduct across one or more sub-categories of bullying and harassment, or a combination of bullying and harassment-related behaviours and sexual harassment.

The Commission's analysis of data provided by the Department of Finance indicates that, of a total of 181 persons²²⁷ making a complaint or enquiry (relating to 180 queries and complaints in total):

- electorate officers comprised the majority at 75%
- females were significantly overrepresented at 63%.

The limitations of the data provided prevented the Commission from drawing further conclusions about reporting and complaints. In some cases, for example, it is not clear if there were multiple respondents for a particular complaint. The Department of Finance

noted some limitations on the data that it provided. This includes that, in some instances, 'there may be multiple complaints recorded' which relate to the same issue or incident. Further, there was often 'not a linear progression from inquiries to complaints received relating to bullying and harassment'.²²⁸

The Commission notes that the number of 'reports, complaints, incidents or queries' is higher than that reported in the Foster Report (76 complaints), which reported on complaints over a four-year period.²²⁹ The data provided to the Commission by the Department of Finance were broader than formal complaints, also capturing reports, incidents and queries and including other types of conduct that were potentially related to, but not specifically identified as, bullying, sexual harassment and/or sexual assault.

(iii) Parliamentary departments

Reporting and complaints processes

The parliamentary departments provided their workplace bullying and harassment (or similarly named) policies, which set out reporting and complaint handling processes.²³⁰ Typically, these include informal and formal processes, with informal

resolution encouraged in the first instance (where appropriate). Formal processes are typically invoked when informal resolution is not appropriate or has been unsuccessful.

Further details of these reporting and complaints processes can be found in **Appendix 3**.

Complaints data

The parliamentary departments informed the Commission, or provided data indicating, the number of complaints that they received in the last five financial years in relation to workplace bullying, sexual harassment and/or sexual assault that occurred in CPWs. The Department of Parliamentary Services indicated that it received 21 complaints.²³¹ The number of complaints received by the Department of the Senate, Department of the House of Representatives and Parliamentary Budget Office has not been presented due to the risk of identifying individuals (for each department, falling in the category of fewer than ten complaints).²³²

There are some limitations of the data provided. In some cases, there are multiple complainants and/or multiple respondents recorded in relation to a single record of complaint. This limits the analysis to identify final numbers of complaints overall or to draw conclusions about the nature and patterns of alleged conduct.

(iv) Parliamentarians

The Commission sent a request to parliamentarians (Senators and Members of Parliament) requesting information about complaints of workplace bullying, sexual harassment and sexual assault received by their offices in the last five financial years. The responses indicate that there is not a consistent approach to collecting and recording this data in offices of parliamentarians.²³³

(e) Training and education

(i) Induction processes

Parliamentarians

The Department of Finance informed the Commission that all new parliamentarians are briefed by the Department on 'their role as an employer'.²³⁴ Following the briefing, parliamentarians receive a copy of the 'Getting Started Guide for Federal Parliamentarians' (and other key additional links) and are offered online training on workplace bullying and harassment and work health and safety obligations.²³⁵

The 'Senators and Members Quick Start Guide' suggests that parliamentarians should, among other things, 'induct all new workers into your workplace ... attend work health and safety information sessions yourself and require your staff to complete regular work health and safety training'.²³⁶ All training by the Department of Finance is offered to parliamentarians on a voluntary basis, as 'MaPS has no authority to mandate training' for them.²³⁷

MOP(S) Act employees

The Department of Finance informed the Commission that 'parliamentarians are responsible for ensuring the induction' of their MOP(S) Act employees, but that MaPS supports them in fulfilling this duty.²³⁸ On commencement, all ongoing MOP(S) Act employees are invited to attend information sessions held by MaPS.²³⁹ MaPS provides new employees with a 'New Employee Guide' which, among other things, notes that '[e]nsuring a safe and respectful working environment is the shared responsibility of everyone in the workplace' and encourages them to complete work health and safety training.²⁴⁰

The relevant work health and safety site officer provides face-to-face work health and safety induction for new employees, using an employee induction checklist provided by MaPS, which refers to the need for employees to complete 'all available online training modules' within their first month of work, including a module on 'bullying and harassment in the workplace'.²⁴¹

The Department of Finance informed the Commission that it is developing a new induction program for all new MOP(S) Act employees.²⁴² It is proposed that this will include 'online self-paced learning' as part of an employee's on-boarding process; a 'one hour face-to-face/screen workshop' facilitated by the Department of Finance; and quarterly 'virtual drop-in sessions' with Finance employees to ask questions and to 'hear more about professional development opportunities'.²⁴³

Parliamentary departments

The Department of the Senate stated that it has 'a comprehensive induction program' for new employees.²⁴⁴ The Department of Parliamentary Services indicated that it includes information and resources on workplace bullying and harassment as part of induction training provided to all new staff.²⁴⁵

(ii) Training in relation to bullying, sexual harassment and sexual assault

The Department of Finance and the parliamentary departments provided information on training in relation to workplace bullying, sexual harassment and sexual assault in CPWs which is summarised in Table 3.3.²⁴⁶ The Department of Finance advised that all training it offers to MOP(S) Act employees and parliamentarians (other than training for individuals appointed and paid as work health and safety Site Officers) is offered on a voluntary basis, as MaPS has no authority to mandate training for these cohorts.²⁴⁷

The Commission notes that following recommendations made in the Foster Report, at the time of drafting this Report, a new pilot training program on Safe and Respectful Workplaces is being implemented for parliamentarians and MOP(S) Act employees.²⁴⁸

The Department of Parliamentary Services also reported commencing pilot training on bullying, harassment and discrimination for all their staff and senior executive staff from March 2021.²⁴⁹

Table 3.3: Overview of existing training in relation to bullying, sexual harassment and sexual assault provided by the Department of Finance and parliamentary departments

Content and format	<ul style="list-style-type: none"> • Content ranges from targeted training on bullying and harassment and respectful workplaces, to resilience in the workplace, leadership training and mental health first aid and stress awareness²⁵⁰ • Inconsistent approach across departments with respect to standardised training on bullying, sexual harassment, and sexual assault for all employees • Largely delivered as standalone sessions or modules, rather than an ongoing program of training or education
Method of delivery, duration and provider	<ul style="list-style-type: none"> • Formats range from face-to-face, to online eLearning and/or on-screen and blended learning (noting a shift to online training as a result of the COVID-19 pandemic)²⁵¹ • Many involve 'one way' delivery of information to the audience (e.g. displays of video or text on screen), with limited 'interactive' elements for the audience • Length of training ranges from short eLearning modules, through to day-long or multi-day workshops • Training is provided by different in-house and external/contracted providers
Mandatory training and participation rates	<ul style="list-style-type: none"> • Not mandatory across the board • Data provided on participation rates were inconsistent and often unclear.
Evaluation	<ul style="list-style-type: none"> • Inconsistent approach to collecting participant feedback and evaluation of training programs.

Further discussion of training in CPWs is outlined in 4 ('What we heard') and 5.3(f) ('Best practice training') of this Report.

4.

What We Heard

So often I heard people crying in the toilets and felt bad for that person wondering what had happened. Sometimes it might have just been the pressure of the high stress work environment, but I never asked because I was just trying to survive myself and fight my own battles.

(Individual, Submission W214, CPW Review)

Summary

This chapter outlines the findings of the Review, drawing on the voices and experiences of participants. The first part discusses the systemic drivers, as well as specific risk factors associated with bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces. The second part outlines the prevalence, nature and impact of bullying, sexual harassment and sexual assault in these workplaces. It also considers experiences and perceptions of existing frameworks, policies and practices, including in relation to reporting and complaints, accessing support, and education and training.

(a) Overview

There were 1,723 individual and 33 organisational contributions to the Review,²⁵² including 935 survey responses, 490 interviews, 302 submissions and 11 focus groups. The Commission heard from current and former parliamentarians, chiefs of staff, advisers, electorate officers, parliamentary department employees, COMCAR drivers, security officers, public servants, journalists, and others who work in and around these workplaces.

The Commission collected the primary information and data presented in this chapter through written submissions, interviews, focus groups, an online survey, Requests for Information to Commonwealth departments, and research into best practice.

This data provided the Commission with a unique and robust primary evidence base which distinguishes this Review from previous reviews and inquiries into these workplaces. It also provides a comprehensive basis upon which to make findings and recommendations that are tailored to these workplaces and that are also guided by the voices, experiences and expectations of people who work, or who have worked in, CPWs.

This chapter has two parts:

4.1 provides an overview of the workplace cultures, nature, and operation of CPWs. It also outlines the broad cultural and systemic drivers of bullying, sexual harassment and sexual assault, including the role of power, gender inequality, lack of accountability, and entitlement and exclusion. This section also considers the specific risk factors that contribute to bullying, sexual harassment and sexual assault in these workplaces, including unclear and inconsistent standards of behaviour, a leadership deficit, workplace dynamics, the social conditions of work and employment structures, conditions and systems.

4.2 outlines the prevalence, nature and impact of bullying, sexual harassment and sexual assault in these workplaces. It provides insights into people who experience and people who are responsible for these behaviours. This section also considers experiences and perceptions of existing frameworks, policies and practices, including in relation to reporting and complaints, accessing support, and education and training.

Figure 4.1: Total number of contributors to the Review



*Note, this figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).

4.1 Understanding workplace cultures, drivers and risk factors in Commonwealth parliamentary workplaces

That it's a culture which is all about power doesn't mean it has to be a culture which is about abuse of power.

(Interview 223, CPW Review)

(a) Overview

The thing to bear in mind is that we're dealing with dozens and dozens of separate workplaces. Dozens and dozens of separate bosses, and they all are very different and have their own cultures and accepted practices and nuances.²⁵³

There are multiple workplaces, each with their own culture, within the broader parliamentary ecosystem. These cultures are influenced by a number of factors. Some are consistent across all workplaces, many are interrelated, and some are unique.

The experiences of particular groups of people within CPWs differ vastly, based on a range of factors, particularly gender and role. Where it is possible to identify common experiences across these workplaces, the Commission has done so. This Report also seeks to examine the specific experiences of people in CPWs, including parliamentarians, MOP(S) Act employees, and people within the parliamentary departments. The experiences of Press Gallery journalists are also considered.

The dynamic nature of the work, as well as the pressure to get elected and stay elected, significantly shapes the culture across all parties. Elections, reshuffles, and other transitions can be times when culture resets, changes or is reinforced. While parliamentarians largely set the tone and culture of their individual offices, political parties also have their own norms and practices that influence offices and party rooms. Unlike other public and private sector organisations, the media, through the Press Gallery, is housed within the building and also plays a role in shaping the cultures of the institution. The Commission heard that the proximity to power and the specific role of the Press Gallery in Parliament also influences the workplace culture in parliamentary departments.

Importantly, one of the overwhelming sentiments shared by participants in the Review was the common commitment to public service and a view that working in CPWs is a privilege. One participant told

the Commission that 'being able to make a difference in people's lives every day, is a privilege and an honour'.²⁵⁴ Many people expressed their commitment to making a positive difference to the lives of people and communities across Australia through their work in CPWs,²⁵⁵ and to driving national level policy reform in significant areas. Another participant told the Commission, 'I feel like I'm contributing to the country; this is my way of giving back'.²⁵⁶

This sentiment was shared across these workplaces. As a participant from a parliamentary department told the Commission: '[m]any people here seem to be quietly but deeply patriotic and thus passionate about the building and what it represents'.²⁵⁷

Some participants emphasised the sense of community that arises from working closely with a small team,²⁵⁸ and many highlighted the positive impact that their experience working at Parliament has had on their skills and future employability.²⁵⁹ Many participants also described their work in a CPW as a career highlight.²⁶⁰ For example, one participant told the Commission:

[This] has been one of the most challenging, yet rewarding experiences I've had in my working career, and that's just without a doubt ... you have a great ability to shape events and influence things ... [and] the things that you do in parliament from time to time can actually really impact human lives for the better.²⁶¹

Given the commitment and pride that many people feel, the Commission also heard that there is a sense of disappointment about incidents of bullying, sexual harassment and sexual assault occurring in our national Parliament.²⁶²

Participants also shared their concerns that the public awareness of misconduct in CPWs would discourage people from aspiring to be a parliamentarian or work in these workplaces.²⁶³ Many participants told the Commission that they decided to engage with the Review because they care deeply about the institution and want to be part of the process for change.²⁶⁴

In addition to people currently working in CPWs, the Commission also heard from a number of former parliamentarians and many people who no longer work in these settings. Many reflected that hindsight and distance enabled them to see that CPWs did not meet the modern standards of other Australian workplaces.²⁶⁵

I thought it was normal to tell people that they should avoid certain people at events. I thought it was normal to tell people how to take alcohol to remain safe. Now that I look back on it, that is insane. And there is still a whole generation of people that work in politics that think that is normal, because they're the ones who set those expectations. You know, to a good extent, you get taught behaviour. You don't just come in and decide to do something one way. It's because that's how it has been done, or that's how you're taught to do it.²⁶⁶

(b) Drivers and risk factors associated with bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces

The ToR for the Review asked the Commission to consider 'drivers in parliamentary workplaces, including the workplace culture, characteristics and practices that may increase the risk' in the context of workplace bullying, sexual harassment and sexual assault. Identifying the drivers and risk factors associated with these behaviours is an important part of understanding, preventing and responding to them in CPWs.

This section outlines what the Commission heard about the underlying cultural and systemic drivers of bullying, sexual harassment and sexual assault, as well as the specific risk factors for this type of misconduct. It draws on the primary data collected as part of the Review, as well as the broader evidence-base which informs the understanding of drivers of, and risk factors for, these types of behaviour.

Drivers and risk factors are interrelated, but distinct, converging to produce workplace cultures in which people experience bullying, sexual harassment and sexual assault.

- **Underlying drivers** are systemic and structural and refer to societal dynamics or 'root causes', such as gender inequality. Drivers create an enabling context and social conditions for harms to occur, both within and outside workplaces, which cannot be reduced to individual choices and behaviour. Drivers shape, but are independent of, particular workplace settings.
- **Risk factors** are the more immediate set of contextually and institutionally specific risks in a workplace. On their own, and/or combined with underlying drivers, risk factors can influence the prevalence, patterns and persistence of bullying, sexual harassment and sexual assault. Each risk factor is unique in the way that it contributes to workplaces harms, intersecting with underlying drivers to intensify and exacerbate bullying, sexual harassment and sexual assault.

A number of factors emerge from research and best practice that, where present, are drivers or risk factors of bullying, sexual harassment and/or sexual assault.²⁶⁷ Many of the cultural and systemic drivers, as well as risk factors, in CPWs align with those identified in previous reviews and inquiries, particularly Respect@Work.²⁶⁸ In a parliamentary context, there are also similarities between the factors that the Commission has identified in CPWs and those that have been identified in other parliamentary reviews and inquiries, including in New Zealand and the United Kingdom.²⁶⁹ Some unique risk factors exist in CPWs, as well as specific ways in which broader drivers occur or operate, and these are the focus of this section.

Table 4.1 provides an overview of the drivers and risk factors which can manifest in this type of workplace, drawn from the wider evidence-base. It also includes the Commission's analysis of how these arise in CPWs.

Table 4.1: Assessment of drivers and risk factors in Commonwealth parliamentary workplaces

Drivers and risk factors for workplace bullying, sexual harassment and sexual assault identified in research²⁷⁰	What does this look like in CPWs?
Driver: Power imbalances	<ul style="list-style-type: none"> • Inherent focus on the pursuit and exercise of power • Misuse of power and sense of entitlement • Significant power inequalities, including between women and men, as well as power differentials running in multiple directions across multiple employers within CPWs • Exclusion from access to decision-making roles and opportunities for particular groups • Insecure work and high levels of power and discretion in relation to employment, particularly by parliamentarians
Driver: Gender inequality	<ul style="list-style-type: none"> • Women’s under-representation in senior roles, particularly among parliamentarians and MOP(S) Act employees • Men primarily control decision-making, particularly among parliamentarians and MOP(S) Act employees • Role segregation, with women and people from particular groups concentrated in lower status and lower paid positions and portfolios • Pervasive everyday sexism and male entitlement • Limited systems and supports to encourage and support women in senior roles and greater diversity • Sexist media reporting and coverage
Driver: Lack of accountability	<ul style="list-style-type: none"> • Particular lack of accountability for parliamentarians • Limited recourse in instances of misconduct, particularly involving parliamentarians • Lack of visible sanctions • Difficulties in accountability with multiple employers and overlapping responsibilities • Fear and silence around reporting or making a complaint about bullying, sexual harassment, and sexual assault • Systems and culture contribute to limited transparency, including political rewards for silence and fear of media scrutiny • Perceived rewards for bullying and sexism • Public victim blaming • Use of media to report in absence of other accountability mechanisms

Table 4.1: Assessment of drivers and risk factors in Commonwealth parliamentary workplaces

Drivers and risk factors for workplace bullying, sexual harassment and sexual assault identified in research²⁷⁰	What does this look like in CPWs?
Driver: Entitlement and exclusion	<ul style="list-style-type: none"> • Lack of diversity among parliamentarians and workers • A sense of entitlement by some people, reinforced by access to resources, power and networks • Exclusion of particular groups (including women, First Nations people, LGBTIQ+ people, people from CALD backgrounds and people with disability) from senior and decision-making roles • Role segregation • Structural and physical barriers to accessing roles, opportunities and parliamentary infrastructure • Targeting of people from particular groups and more frequent experiences of bullying and sexual harassment • Limited support networks or mechanisms for people from particular groups • Media reporting that perpetuates entitlement and exclusion
Risk factor: Unclear and inconsistent standards of behaviour	<ul style="list-style-type: none"> • Standards of behaviour are unclear, inconsistent, and unenforced • No formally prescribed standard of behaviour for some workplace participants
Risk factor: Leadership deficit	<ul style="list-style-type: none"> • Leadership responses (individual and institutional) which minimise, trivialise, or excuse bullying, sexual harassment, and sexual assault • Inconsistent role modelling of respectful and inclusive behaviour • Priority on winning elections and political success rather than people management • Leaders not equipped with skills for people management or not focused on leading and effectively managing people
Risk factor: Workplace dynamics	<ul style="list-style-type: none"> • 'Win at all costs' culture • High pressure and high stakes environment • Intense loyalty to political parties and employing parliamentarian • Fear, including fear of reporting due to becoming a target, becoming a 'problem' for the party, or career repercussions • Weaponisation of information and gossip • Prioritising optics • Public and media scrutiny • Constituent-facing roles and public engagement

Table 4.1: Assessment of drivers and risk factors in Commonwealth parliamentary workplaces

Drivers and risk factors for workplace bullying, sexual harassment and sexual assault identified in research²⁷⁰	What does this look like in CPWs?
Risk factor: Social conditions of work	<ul style="list-style-type: none"> • ‘Work hard, play hard’ culture • Blurring between personal/professional life, particularly for parliamentarians and MOP(S) Act employees • Regular and often unpredictable travel • Long and irregular hours • Isolation, including through exclusion, geographical remoteness in electorate offices, or being away from family and support networks • Significant alcohol use and a drinking culture, exacerbated by the absence of consistent approaches to regulating supply and use, particularly for parliamentarians and MOP(S) Act employees
Risk factor: Employment structures, conditions, and systems	<ul style="list-style-type: none"> • Lack of transparent and merit-based recruitment • Lack of consistent or tailored induction and training or professional development, particularly for parliamentarians and MOP(S) Act employees • Fragmented and ineffective human resources systems, as well as a lack of standardised policies and processes to prevent and manage bullying, sexual harassment, and sexual assault • Precarious employment, specifically among MOP(S) Act employees, given the nature of electoral cycle and employment arrangements • Perception that employment can be easily terminated and lack of guidance around lawful reasons and processes for dismissal • Physical and psychosocial safety risks

Bullying, sexual harassment and sexual assault are distinct but are also often interrelated on a continuum of misconduct. These types of misconduct share some common drivers and risk factors, although there are also some differences, particularly between bullying and the other types of behaviour.

These drivers and risk factors are examined in more detail below.

(c) Drivers of bullying, sexual harassment and sexual assault

A number of key systemic and structural drivers contribute to the broader context and conditions within which bullying, sexual harassment and sexual assault occur in CPWs. These include the role of power, gender inequality, lack of accountability, and entitlement and exclusion.

(i) The role of power

The Commission heard overwhelmingly that power, including power imbalances and the misuse of power, is one of the primary drivers of bullying, sexual harassment and sexual assault in CPWs.

This is consistent with widespread acknowledgement that gender inequality and power imbalances are key drivers of these types of behaviour.²⁷¹ The Commission heard about the way that the pursuit and exercise of power; the behaviours that are incentivised, rewarded, punished and reported; as well as the accompanying sense of entitlement, shape the culture and experiences of people in these workplaces. One participant reflected:

power is a very important dynamic that plays out and I think in a lot of ways ... the whole system, especially within government, is just actually built on power; that's the whole mentality and that's what everyone is striving for, more power.²⁷²

While participants reflected on the inherent role of power in parliamentary workplaces, they observed that it is the misuse of power, fear of those who hold power, and a sense of entitlement that are particularly problematic. As one participant reflected, just because

it's a culture which is all about power doesn't mean it has to be a culture which is about abuse of power.²⁷³

The Commission heard about a range of ways in which power is misused in these workplaces. For example, participants highlighted the unreasonable demands and harassment by parliamentarians of both MOP(S) Act and parliamentary department employees, built on a culture of service and subservience:

[T]here's still this mindset within the older cohort of our executive within the [d]epartment that we are meant to be providing a service at any cost. So irrespective of how the Members behave, irrespective of what they do, you still need to be professional and provide that service to them.²⁷⁴

One participant clearly explained the 'trickle down' of pressure, unreasonable demands and bullying across and within workplaces:

The Minister is under a lot of pressure from media, from constituents, from all places to always have the answers to things ... That led to kind of a natural defensiveness that then got projected onto the chief of staff, who I think felt constantly under attack to kind of make sure that the Minister was protected ... and then that chief of staff referred the expectations onto the advisers who then themselves felt very crunched under a lot of pressure ... so they would refer all of that stress and all of that expectation onto the department and usually through the liaison officers.²⁷⁵

Participants also told the Commission about the significant power that parliamentarians have over the culture and experience in their offices, as well as employment, and ways in which this power can be feared and misused.²⁷⁶ For example, one participant reflected on the impact of the behaviour of the parliamentarian for whom she works:

You can just tell straightaway, as soon as he walks in. Every drama in his life, whether it's personal or professional, becomes my drama because it's just how it is, and how he takes it out on his staff.²⁷⁷

Some participants noted that, while the power dynamic 'leads to top-down bullying and harassment [it also leads to] lateral bullying and harassment. It can go across; it doesn't need to come down.'²⁷⁸ This was highlighted specifically in interactions between MOP(S) Act employees and people working in the parliamentary departments, front- and back-bench parliamentarians, and the staff of Ministerial offices and other MOP(S) Act employees. For example, one participant from a parliamentary department reflected that MOP(S) Act employees can:

import for themselves a level of power that they don't really have and use that to be particularly rude or abrupt with staff [from parliamentary departments] that are trying to help them out. I guess they learn from their masters and sometimes project that behaviour.²⁷⁹

Participants also highlighted some instances of bullying of senior people by more junior people across CPWs, particularly for MOP(S) Act employees. Speaking about a senior colleague who experienced this behaviour, one participant told the Commission about the experience of a chief of staff:

[The more junior employees in the office] would personally attack her ... undermine her direction, undermine her leadership. They go to other offices behind her back and sort of slander her abilities and intelligence and that kind of thing and make it almost impossible for her to get her job done so that they would then have to be the 'go to' people elevating their own kind of status.²⁸⁰

Some parliamentarians also told the Commission about instances of bullying of parliamentarians by their staff or people from their political party structure, in particular through the use of the media.²⁸¹ For example, one parliamentarian reflected, 'the higher the public profile, the bigger target you become. Staff work in the environment and they know that. All they have to do is threaten to take it to the media'.²⁸²

Participants reflected on the sense of power and entitlement of many people working in these workplaces.²⁸³ One submission described CPWs as environments of 'elitism and arrogance', noting that most people 'feel as though they are more powerful, informed or important than those who work outside of politics'.²⁸⁴

The Commission also heard about the impact of these power dynamics on bullying, sexual harassment and sexual assault, both broadly and in terms of individual experiences.²⁸⁵

The Review Survey results indicate that 42% of people identified power imbalances as a factor applicable that may increase the risk of disrespectful behaviour within their workplaces. The Australian Political Science Association and the Global Institute for Women's Leadership told the Commission:

unequal power relations allow noxious behaviours like bullying, harassment, and assault to flourish, notably in Australian parliaments where power is especially concentrated and there is an amplified sense of entitlement among the powerful.²⁸⁶

At an individual level, 53% of people in CPWs who have experienced sexual harassment by a single harasser disclosed that their most recent experience of harassment was by someone more senior, including 26% by parliamentarians and 14% by a co-worker who was more senior.²⁸⁷ This was similar for people who experienced bullying by a single bully, with 78% of people indicating that the bully was more senior.²⁸⁸ This power dynamic differs from the results of *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018 National Survey), which found that sexual harassment was 'most often perpetrated by a co-worker employed at the same level...'²⁸⁹

Participants discussed the particular challenges and impact of this power imbalance. This is consistent with research that indicates that the impact of sexual harassment and sexual assault can be particularly significant where the harasser or person responsible for the assault is in a more senior position.²⁹⁰

Some participants also told the Commission about the relationship between power and the ability to prevent or respond to bullying. One participant said that in some offices 'you wouldn't wish for an enemy to be there. Just toxic. Pretty much the biggest bully wins every time, because if they can get in the ear of the Minister or the Member, they hold all the power. And you can't do anything'.²⁹¹

A number of participants who have worked in the offices of Independents also told the Commission about the particular power that Independent parliamentarians have in shaping the culture of their office. Participants also described the sense of empowerment felt by not being part of or restricted by a political party processes or decisions on the one hand, but a lack of supports or infrastructure where misconduct occurs on the other.²⁹²

(ii) Gender inequality

Gender inequality is also a key driver of bullying, sexual harassment and sexual assault within CPWs. The Commission heard that the institutional structures, processes and practices elevated men and devalued women, creating a permissive culture for specifically gendered misconduct. This is consistent with broader evidence bases that 'locate the underlying cause of necessary conditions for violence against women in the context of gender inequality'.²⁹³

Participants in the Review described the ways in which gender inequality is reinforced, perpetuated and maintained within these workplaces, including through social norms, practices and structures.

It is a man's world and you are reminded of it every day thanks to the looks up and down you get, to the representation in the parliamentary chambers, to the preferential treatment politicians give senior male journalists over younger females at press conferences.²⁹⁴

In particular, participants repeatedly referred to:

- gender segregation, including lack of women in senior roles and across the workplace
- everyday sexism
- lack of flexibility and support for parents, families and people who are pregnant, which contributes to gender segregation.

It is important to understand that there is no universal experience of women in CPWs. Many participants told the Commission about the experiences of people from diverse groups within these workplaces, as well as the need to ensure that efforts to increase diversity go beyond gender and consider overlapping identities. These issues are discussed in more detail below.

The gendered nature of sexual harassment in these workplaces is clear. For example, the Review Survey results indicated that significantly more women (40%) than men (26%) have experienced sexual harassment in these workplaces. There is also a clear distinction between the experience of sexual harassment by male parliamentarians (26%) and female parliamentarians (63%).²⁹⁵ The majority of people responsible for sexual harassment in these workplaces are men (81%).

The prevalence of sexual assault in CPWs identified in the Review Survey (of those currently working in CPWs) was relatively low. This means that there were insufficient respondents reporting an experience of actual or attempted sexual assault to support the extrapolation of an estimate of the prevalence of sexual assault across CPWs. Review Survey results indicate that around 2% of women have experienced actual or attempted sexual assault in a CPW, with very few men experiencing actual or attempted sexual assault.

Lack of women in senior roles and gender segregation

Throughout the Review, the Commission received data and information highlighting a lack of women in senior roles, as well as gender segregation. The data provided in response to Requests for Information, outlined in 3 ('Context'), clearly demonstrate the lack of women in more senior roles within CPWs. This was supported by participants in many interviews.²⁹⁶

Multiple participants commented on the impact that this lack of women in senior roles has on workplace culture. One participant told the Commission:

By crowding out women at the most senior levels of staffing, a male-dominated and testosterone-fuelled culture dominates. There are many cases where I am the only female presence or voice in the room. This became particularly clear, and uncomfortable, when the Brittany Higgins allegations became news. Often, even as the only woman in the room, my views on the issue were suppressed or overlooked in favour of the men. Even on an issue that could not have been more relevant to my own experiences as a female staffer in Parliament. This shocked me, and really opened my eyes to how blind to issues of gender even the most well-intentioned men in Parliament are.²⁹⁷

Some participants also commented on their 'frustration at being given tasks on a gendered basis (e.g. women journalists being asked to report on gendered violence on every occasion)';²⁹⁸ being expected to clear up the catering dishes after meetings; or stay behind in the office at lunch while the men in the office went out.²⁹⁹ Some participants also spoke about the intersectional experiences of women from CALD backgrounds and role segregation, discussed further below.

Importantly, the Commission heard about some workplaces within CPWs where there is greater gender balance, or more women in senior roles. Participants described this as having a positive impact on workplace culture and contributing to the prevention of misconduct, as well as improved responses. Participants also reflected more broadly on the potential protective effect of having greater diversity among those who hold power.³⁰⁰

Everyday sexism

The Commission heard frequent examples of structural and everyday sexism, which contribute to creating an environment in which misconduct can occur. This was particularly evident in the culture of political offices and interactions involving parliamentarians and MOP(S) Act employees. Participants reflected:

Broader Australian society has been moving on in recent decades from the chauvinistic treatment of women that is still tolerated and sadly sometimes celebrated in Parliament House. I haven't seen men overtly using a woman's sex as a weapon against her in the workplace or using power to keep women in their place until I worked at APH.³⁰¹

Canberra reminds me of going on school camps when I was in about grade 9. I think that's the best way to describe it. When friends and family who don't work in politics ask about it, especially after all the kind of recent publicity and things, that's kind of how I describe it; that there's a bunch of naughty schoolboys on a school trip, and they think everyone's fair game, and whatever happens in Canberra stays in Canberra, and it's a kind of free for all. Canberra is men strutting down corridors looking women up and down.³⁰²

I do often describe Parliament House as the most sexist place I've worked. I guess there is a workplace culture of drinking. There's not a lot of accountability. The boys are lads. And that behaviour is celebrated and ... they do treat women, our female staffers and female admin staff, quite differently. Young women, particularly media advisers coming in, particularly the younger women coming in, were like fresh meat and challenges.³⁰³

Female participants regularly gave examples of the everyday sexism that they experienced in these workplaces. For example, one participant told the Commission:

I am regularly spoken over by my male colleagues in meetings, I am given patronising feedback on not moving up that my male colleagues don't get, and I have to work twice as hard as male colleagues to win over male Committee chairs and have my advice taken. Sometimes I get a man to resend an email so that my advice will be accepted, or take a male colleague into a meeting to say what I have asked him to say so that it will be heard.³⁰⁴

Many participants spoke about the 'boys club' culture in CPWs.³⁰⁵ For example, participants told the Commission, 'they all help each other out within that circle of males. Just the actual language that was used when others weren't around, to this day I'm still so shocked.'³⁰⁶ Another participant reflected on the protective culture of the 'boys club', noting that while '... people keep saying [sexual harassment is] an isolated issue, it isn't. It's extremely common... they can just do what they want and there's no consequences and the boys club will protect them'.³⁰⁷

The Commission also heard about the sense that women, particularly MOP(S) Act employees and parliamentarians, are forced to monitor or self-regulate their own behaviour constantly. Participants also described women having to manage their personal interactions proactively to avoid being a target of harassment, to avoid gender-based rumours or gossip, or media reporting.³⁰⁸ Women shared experiences of frequent 'derogatory comments about younger female Ministers or Members of Parliament'³⁰⁹ as well as:

a real culture of gossiping about young female employees ... who they're sleeping with ... whether they're having an affair, whether a perfectly innocent friendship is actually an affair ... I think it's really upsetting for a lot of those young female employees that they can't just be judged on their work, and that there's always this sort of subtext of who they're sleeping with.³¹⁰

This experience is not isolated to MOP(S) Act employees and parliamentarians. In its submission to the Review, the Media, Entertainment and Arts Alliance highlighted the experiences of female journalists, noting that female journalists had reported behaviours including 'male politicians and staffers interrupting women or talking over the top of them when they are speaking' and 'male politicians and staffers overlooking women journalists to speak only to men (even if it means, for example, speaking to male camera operators rather than a journalist)'.³¹¹

The Commission also heard about the particular experiences of women within CPWs experiencing bullying and sexual harassment online and via social media.

Lack of flexibility and support for parents and families

A number of participants highlighted the existence of structures and practices that contribute to gender segregation. Some participants emphasised the challenges experienced by parents working in CPWs, particularly mothers, and the impact that this has on the talent pool. For example:

I think an environment where working parents, and specifically working mothers, are not welcomed and accepted, is problematic in an environment that is meant to be representative. This is especially the case for pregnant women/mothers who are themselves Members of Parliament – we have to do better for the incredible women of all political backgrounds who enter politics so that they can manage family/caring responsibilities and parliamentary responsibilities ... I think this would go some way to rectifying the gender imbalance and power structures that may have contributed to the development of a culture that normalises the poor treatment of women.³¹²

Some participants highlighted the difficulties that arise for parents from significant travel commitments and the often unpredictable and last-minute nature of travel which means you ‘can’t plan anything’.³¹³ Others emphasised that the sitting and working hours were extremely challenging.³¹⁴

Others noted that:

while it’s really positive to see MPs being able to bring their children into the Parliament, the same courtesy is not often offered to staff. Not being available or able to stay at work beyond the time childcare centres closed would make it almost impossible to undertake advisory roles – especially in sitting weeks.³¹⁵

Participants also acknowledged that some people had supportive parliamentarians who created an inclusive office culture for people with children. One participant told the Commission that the senior parliamentarian for whom she worked:

was very good when I said, ‘I’ve got a baby, I can’t come’, and he said, ‘We’ll make it work.’ He was very good about bringing kids into the office, and families, and always inclusive of your partner, and just made it a functional workplace. But I think not all offices are like that.³¹⁶

Participants with flexible work arrangements often characterised this as ‘unusual’, however, describing themselves as ‘lucky’ to have leaders who afforded them this flexibility.³¹⁷ Speaking about a supportive chief of staff who facilitated work flexibility and ‘encouraged some level of balance in our lives’, one participant noted that ‘[m]any of these approaches [to flexible work] are common elsewhere, we say they can’t be done at APH because of the pressures, but that’s simply not true’.³¹⁸

Female participants also regularly spoke about developing informal structures to support and protect women in place of any formal structures. For example, ‘I mentor a large number of junior women partly because I think they’re good at their jobs, also partly because I like them,’ one participant wrote, ‘but

mostly because I am absolutely terrified about what could happen to them at APH and I want them to have the same support I had’.³¹⁹

(iii) Lack of accountability

Rather than being held accountable for their actions, a key concern raised by participants was that people who engaged in misconduct in these workplaces – particularly, but not exclusively, those in senior or ‘high-value’ roles – were rewarded for, or in spite of, engaging in misconduct. This creates a feedback loop where individuals ‘get away with it’, in turn discouraging the reporting of misconduct. Participants also raised concerns about the limited recourse available for those who experience misconduct.

The Review Survey results indicated that people who engaged in misconduct were often ‘repeat offenders’. Specifically, 66% of people who experienced bullying, and 28% of people who experienced sexual harassment, said that the individual who bullied or harassed them had done the same thing to someone else in the workplace – suggesting that these individuals were not being effectively held to account for their misconduct, and that their behaviour was not being stopped.

Lack of accountability of senior people who engage in misconduct

The perception of a significant number of participants in the Review was that senior staff and leaders who engaged in misconduct were not held accountable for their actions. Many also considered that more serious sanctions should be introduced to discourage and ‘punish’ misconduct.

This was reflected in the Review Survey results, with only 37% of people agreeing or strongly agreeing with the statement that, in their current workplace, ‘fair and reasonable action is taken against anyone who engages in sexual harassment, sexual assault or bullying, regardless of their seniority or status’.³²⁰

While this concern was raised in relation to leaders across these workplaces – including chiefs of staff and office managers, senior staffers, managers, and executives and other leaders in parliamentary departments – the concern was raised most frequently in relation to parliamentarians.

Many participants highlighted the fact that there is currently no effective mechanism for oversight of parliamentarians’ behaviour, with very limited consequences for poor behaviour. As one participant put it:

MPs can run their office exactly as they like and they know that they don't have to answer to anyone. The power imbalance is just so blatant, it's impossible to provide a safe working environment for staff.³²¹

Importantly, these criticisms are not unique to Australia's Commonwealth Parliament and parliamentarians. Recent reviews of other parliaments (foreign and domestic) revealed that concerns about the lack of accountability of parliamentarians as a group, as well as the difficulties involved with sanctioning them and holding them to account, were common.³²²

The Commission also heard about the difficulty of sanctioning parliamentarians who engaged in misconduct, because they do not have an 'employer'. As one participant put it, '[t]here are no ramifications for bad behaviour because there is no risk of MPs getting fired, or otherwise being held accountable for their actions'.³²³ Another said that it was difficult to identify sanctions that 'genuinely might deter [that type of] behaviour by parliamentarians', as 'they can't be fired, given the unique nature of being an elected member'.³²⁴

Many participants observed that constituents are the only people with power to impose a 'sanction' on parliamentarians for misconduct – by not voting for them at the next election. This was largely considered by participants, however, to be an ineffective sanction because it was insufficiently direct:

It relies on the public caring enough, and not forgetting some of these incidents, and I don't know how likely that is any time soon.³²⁵

Election Day cannot be the only day these people are held to account and it's unreasonable to expect the community to be responsible for managing the behaviour of their elected officials.³²⁶

In the absence of formal mechanisms to impose sanctions, one participant suggested that some employees saw their only meaningful option for addressing concerns about misconduct as being 'to voice their concerns in the media'.³²⁷

Others referred to barriers to holding parliamentarians to account, emphasising their 'god-like' 'untouchable status'³²⁸ – as well as the immense power that they wielded in the workplace, particularly to 'hire and fire staff at will'.³²⁹ Many MOP(S) Act employees told the Commission that they were afraid to challenge, call out or report misconduct by parliamentarians for fear of negative personal repercussions (see 4.1(d)(iii), 'Fear' and

4.1(d)(v), 'Insecure employment'). This in turn led to misconduct going unreported, unchecked, becoming normalised and perpetuating a cycle of disrespectful behaviour. As one participant put it, when people saw that parliamentarians or leaders were not held accountable for their misconduct, 'this simply enables and normalises that behaviour'.³³⁰

These sentiments were clearly articulated in the Review Survey results, where 31% of people said that there was 'a culture of protecting "high value" workers' in their workplace, and (as noted above) only 37% of people agreed or strongly agreed that 'fair and reasonable action was taken against anyone in the CPW who engages in sexual harassment, sexual assault or bullying, regardless of seniority or status'.

Participants also described how other 'high-value individuals' in CPWs—those with strong personal or political connections with leaders, or who were considered valuable from a political perspective—were a 'protected species'.³³¹ Participants suggested that the bad behaviour of these particular individuals was 'tolerated, because of political affiliations, because of their likability, and because of their margin'.³³² As one participant described it:

[if] you're in the in-crowd with your boss, your Minister loves you ... you protect them. So even if you're not good at your job, they protect you, which has happened, definitely. We had one particular person [who] our office tried to manage out for bullying, and the ... Minister just wouldn't hear of it. Just said, 'No, she has been so loyal to me, I won't hear of it'.³³³

Limited recourse for staff

MOP(S) Act employees told the Commission that they felt that they had few viable options for raising concerns about misconduct, as a result of the 'insecure' nature of their employment (as described in 3.1, 'Understanding Commonwealth parliamentary workplaces'). This was combined with their relative lack of power in their hierarchical workplaces; the limited range of complaint resolution options available; party loyalty; and fear that a complaint would be misused or weaponised. For example, one participant described raising a concern with their employing parliamentarian about two colleagues who were widely known (both within their office and in the broader workplace) to engage in bullying behaviour, but 'when the MP elected to do nothing of substance, there was no further recourse'.³³⁴

Many participants described feeling 'expendable'.³³⁵ They described being conscious that their roles were highly sought after and that they were easily replaced,

'an asset that could be thrown away when it suited your employer'.³³⁶ Participants also said that their career was dependent upon remaining in the good graces of their superiors and that individuals who raised concerns about bullying, sexual harassment or sexual assault were seen as 'difficult' or 'trouble makers', with their careers suffering as a result.³³⁷

The Commission heard from some junior staff that they were particularly aware of their lack of power and status, and felt especially vulnerable because of this, as well as because of their dependence upon their superiors for career progression.³³⁸

The Commission also heard from a number of Departmental Liaison Officers (DLOs) who reflected on their particular experiences and the difference between the available opportunities for raising concerns in their home department compared with the context of CPWs.³³⁹ One DLO told the Commission:

I think in [my home Department] if I'd felt that there were inappropriate behaviours, I would have thought I could go to a senior person and hoped that it would be dealt with. In the ministerial office, I felt that certainly as a DLO if I'd gone to anyone and said, 'I don't like this', they would have said, 'oh, OK'. They wouldn't have been like rude about it, but they would have said, 'well, that's fine. You're welcome to go back to the Department now and we'll find someone else to replace you.' So I think that was the key difference, that there wasn't a sense that if you didn't think behaviours were appropriate, they could be dealt with. You would be dealt with.³⁴⁰

(iv) Entitlement and exclusion

Throughout the Review, the Commission heard about a lack of diversity across CPWs, the privilege of some groups of people and the marginalisation and exclusion of others. The Commission also heard about privilege as a protective factor, such as men being less likely to experience misconduct, as well as people from dominant groups being protected if they engaged in misconduct. Certain marginalised groups of people experienced greater vulnerability to misconduct, as well as specific and unique experiences of discrimination, bullying, sexual harassment and sexual assault.

Many participants emphasised the importance of taking an intersectional approach to understanding workplace bullying, sexual harassment and sexual assault, as well as regarding how to prevent and respond to these types of behaviour. In addition to considering gender inequality as a key driver, this requires considering the intersection of multiple

forms of discrimination and harassment, for example on the basis of gender, age, race, disability and sexual orientation.³⁴¹

The under-representation in CPWs of First Nations people, people from CALD backgrounds, LGBTIQ+ people and people with disability, as parliamentarians and in other roles across these workplaces, is linked to systemic inequality and lack of power. The lack of diverse representation creates a conducive context for bullying, sexual harassment and sexual assault and contributes to greater risk of workplace harm for under-represented groups.

The rates of bullying, sexual harassment and sexual assault experienced by people from particular groups is discussed further in 4.2 ('Part 2: Understanding bullying, sexual harassment and sexual assault in CPWs').

In addition, the Commission heard from many participants about the specific forms of exclusion that they had experienced because of their identity. For example, some participants shared their experiences of having their identity as a First Nations person, person of colour, or person who identifies as LGBTIQ+ politicised, particularly in the case of parliamentarians.³⁴² Participants shared that identifying in this way, or as otherwise different from the norm in these workplaces, is inherently unsafe. These participants identified a need to increase diversity to neutralise the impact of this and reduce the potential for people to be 'targets'.³⁴³

A small number of participants shared their experiences as First Nations people within parliamentary workplaces, pointing to the cumulative impact of daily exclusion and micro-aggressions. For example, one participant told the Commission, 'when I first came in here, I was once described by a colleague's office [as] our token black'.³⁴⁴

Participants also reflected on the experiences of LGBTIQ+ people in these workplaces. The Commission heard from one gay male participant:

The heightened sensitivity I have as a gay man in this environment, the heightened level of self-awareness that I have acquired as a survival skill, probably has meant that I sense the subtleties in things perhaps better than a straight man might. It does mean that I've been much more conscious about my vulnerabilities, much more conscious of the risks that people might like to put me in.³⁴⁵

Another participant told the Commission about a young intern in their office who identified as trans queer, and whose identity was an 'endless source of mockery and derision'³⁴⁶ among senior leaders. Several participants also told the Commission that they or others were not willing to be publicly out within the workplace and one MOP(S) Act employee told the Commission:

I have a close friend that won't come out about their gender identity in the workplace because of the nastiness of the culture. It is very kick down, kiss up, I think is how I'd describe it. It's definitely not a safe place to be yourself.³⁴⁷

A number of participants shared their experiences of being the only person from a CALD background in a team, meeting or work location.³⁴⁸ The Commission heard that the lack of diversity in these workplaces can result in people from diverse cultural backgrounds feeling like they stand out or are 'othered' in a way that they did not in the broader community or in other more diverse workplaces.³⁴⁹ One participant told the Commission:

It is extremely isolating [and] extremely difficult to kind of form relationships as you would in any other workplace. Yes. I think that that aloneness is like nothing I have ever experienced in my life. I can tell you that and to be part of a workplace where you actually, you feel that you're not considered to be a part of it, I think is you know, it's kind of a challenge every single day.³⁵⁰

Another participant from a parliamentary department reflected on

a clear indication given to me by my colleagues, peers and managers that I don't belong here and that this isn't a (physically or psychologically) safe space for me, being a young woman of colour.³⁵¹

Some participants shared with the Commission the pressure that they felt to fit in with the 'norm' and be an 'acceptable minority' who is

nice and engaging and fun and [isn't] going to call you out for racism or sexism or homophobia, and that you're just one of the boys, and you're just the same as us and you're really lucky to be in this position and you're the only one so keep your head in ... I've had staff who have been louder in their critiques of the culture pointed out to me to say, 'Don't be like them ... They haven't gone far because they've fought the fight too loudly'.³⁵²

The Commission also heard about role segregation, in particular the relegation of people from particular groups to roles involving engaging with their communities, or working in particular portfolios. The Commission heard that being from a CALD background means people are

seen as a community organiser and to go get votes ... [from] your ... community ... and that's your primary role and you're not actually respected as a campaigner or a media advisor or a policy advisor.³⁵³

Another participant told the Commission they had been 'very disciplined' in making decisions about which portfolio areas to work in and had deliberately avoided Indigenous Affairs to 'make a very strong point. Don't box Aboriginal people into thinking that's all we can do'.³⁵⁴ A number of other participants told the Commission about being 'boxed in as the ethnic person working on ethnic things'.³⁵⁵

A number of participants told the Commission that 'even raising issues of racism or the intersectionality of racism and sexism within my workplace kind of initiates a very aggressive response'.³⁵⁶ Participants reflected that this contributed to their sense of a lack of psychological safety and unwillingness to report misconduct, given the risk of further ostracism.

A number of parliamentarians shared their experiences of their offices receiving violent and threatening communications that were both racist and sexist, emphasising the impact that this has on their health and safety.

The Commission also heard from a number of participants with disability who highlighted the particular forms of bullying they had experienced. For example, one participant told the Commission about instances in which people have

grab[bed] me and put their arm around me and sa[fi]d something to me in a way that I couldn't get myself away from and they still don't understand why it's not okay to come up behind somebody and do that.³⁵⁷

Participants noted the general lack of accessibility of Parliament House, particularly for people with disability, which excludes people with disability from physically accessing the building and its spaces, but also sends a message about who belongs and is entitled to work in these workplaces.³⁵⁸

Finally, many participants who shared their experiences as First Nations people, people from CALD backgrounds, people with disability and LGBTIQ+ people, emphasised the need to ensure that efforts to increase the diversity in these workplaces go beyond gender equality. Participants reflected that this is an important part of generating greater diversity in CPWs that reflects the broader Australian community.³⁵⁹

(d) Risk factors associated with bullying, sexual harassment and sexual assault

Noted at the beginning of this section, a number of risk factors can contribute to and influence the prevalence and nature of bullying, sexual assault, and sexual harassment. Some of these risk factors are unique to CPWs, but many are risk factors present in other workplaces that arise in specific ways in this context.

(i) Unclear and inconsistent standards of behaviour

The Commission heard that expected standards of behaviour in CPWs either do not exist or can be unclear and inconsistently enforced. This leads to confusion about the standards that apply and to workplaces in which misconduct is tolerated. It also contributes to inconsistent and unpredictable standards of professional behaviour across CPWs, especially within Parliament House. This situation is compounded by a lack of clear policies and a lack of uniform training and education on policies that do

regulate workplace behaviour—this is considered further in 4.2(l)(i) ('Respectful workplace behaviour training') below.

No formally prescribed standard of behaviour exists for some workplace participants

Some participants pointed out that there were no formally prescribed standards of behaviour that applied to their role, or to the staff and parliamentarians with whom they worked. While the existing Statement of Ministerial Standards prescribes behavioural standards for Ministers and their staff, for other parliamentarians and their staff, as one chief of staff observed, 'we just don't have the behaviour code'.³⁶⁰

There was no clarity or, as far as I could tell, even any policies, if the problem came from the conduct of a MOP(S) Act employee or MP. I'm not saying there were no mechanisms at all: there was a genuine desire on the part of at least some senior executives to protect their staff. It would be exercised in private channels: the kind of thing where a clerk would go and talk to a party whip, telling them that something was 'not on'. But there was no transparency around this, no consistency, and above all absolutely no guarantee that it would have the required outcome.³⁶¹

Such comments reflect gaps in the existing framework for addressing bullying, sexual harassment and sexual assault for particular cohorts. Given the degree of interaction between all employees within the various CPWs, the absence of clearly articulated standards of behaviour for parliamentarians and their staff makes it difficult (if not impossible) to ensure any kind of consistency in behavioural standards. It also makes it difficult (if not impossible) to ensure that parliamentary workplaces are safe and respectful.

This lack of clearly articulated common standards of behaviour for parliamentarians and their staff is identified in 3 ('Context') and 5.4 ('Standards, reporting and accountability').³⁶²

Uncertainty about expected standards of behaviour

Younger participants told the Commission that their limited workplace experience made it particularly difficult to be sure what behaviour was acceptable and what 'crossed the line'. One participant noted that they received no guidance when they commenced their employment on 'what is appropriate behaviour, what the rules are', noting that 'if it's someone's first job (and many staffers are very young) you have NO idea about what's appropriate or not'.³⁶³ Another young participant explained it as follows:

It can be a bit hard to know what is the line in this workplace ... I was a bit confused about whether what had been happening at work was crossing a line or whether it was an expected sort of thing, not really knowing those things.³⁶⁴

Participants described how this uncertainty among younger workers about the standards of behaviour that apply could lead to them tolerating behaviours that amounted to misconduct.

Participants also observed that certain factors sometimes led to further uncertainty about acceptable standards of behaviour and confusion about when workplace standards applied.³⁶⁵ This included the intensity or informality of the work environment, the nature of work, and the blurring of lines between work-related, political party and personal social events.

When the work is that fast paced, and the needs of the Minister are so unrelenting, you lose perspective on what is appropriate, what your rights are and the way in which you deserve to be treated.³⁶⁶

The Review Survey asked people whether their manager/supervisor speaks regularly about bullying, sexual harassment and sexual assault. While just under one third of people (30%) indicated that they agreed or strongly agreed, approximately one third of people (32%) neither agreed nor disagreed, and just over one third of people disagreed or strongly disagreed (36%). This suggests that regular discussions between managers and supervisors and their teams about appropriate workplace behaviour are limited and that there is scope for managers and supervisors to articulate the standards of behaviour that they expect more clearly.

Normalising misconduct

Throughout the Review, the Commission heard that there was a culture of misconduct being normalised in some parliamentary workplaces, as well as people being unwilling to intervene or speak out if they saw or heard about others being subjected to misconduct.

A number of participants suggested this was, in large part, a matter of self-preservation, one noting that 'if you watch someone getting shouted down by their boss, you're not about to go and stand up and do that because you'll be the next in the firing line'.³⁶⁷

Others described a culture in which the individuals responsible for misconduct are often widely known and their behaviour deliberately overlooked, minimised or tolerated. The Commission heard about individuals whose misconduct was an 'open secret' that 'everyone knows'³⁶⁸ about, but nobody does anything to address. Participants described this situation in terms such as:

- my office manager 'sighed and said they'd wondered how long it would take until [perpetrator] started bullying me, and that [they] had done this to other staffers previously'³⁶⁹
- '[h]is reputation for being a sexual predator was well known'³⁷⁰
- 'everyone knew that at the time and everyone thought that it was probably inappropriate, but everyone knew it was happening'³⁷¹
- 'there are particular, to be totally blunt, predators [who] everybody knows about, and it's always [like] when is the story going to break on them?'³⁷²
- 'it wasn't a unique situation'³⁷³
- '[a] number of female shadow cabinet members and staff and Press Gallery journalists knew about some of my circumstances but other than gossip about me and shame me they offered no assistance.'³⁷⁴

As noted above, participants described how younger workers were not always aware of the types of behaviour that were unacceptable. Participants expressed the view that this was a result of these workers often having no prior work experience against which to judge appropriate workplace culture, nor understanding the standards that should apply in their workplace. As one participant observed, 'it's only with the benefit of hindsight that you realise that so much that goes on is not normal', but that due to lack of workplace experience, incidents of misconduct were 'things that I genuinely thought were normal'.³⁷⁵

The sense that 'this is how things have always been', is also significant. Many participants said that there is a sense that the workplace culture is so entrenched that even those who do not approve of it are unsure that it will be possible to change. Many said that they had been told by others to simply 'grin and bear it'.³⁷⁶ One participant described 'the resigned acceptance that that's just the way it's always been, therefore

that's the way it has to be,' and noted that, as a new staffer, a senior staffer had explained to them that 'Parliament House and working for politicians was like being in a time capsule'.³⁷⁷

One participant told the Commission that, after being sexually harassed by a parliamentarian, they were provided with the following response when they tried to report the behaviour:

His reply was that it was part of my job to get along with MPs and staff from all sides of politics, so that we could get things done in the chamber, and that this kind of thing was part and parcel of 'getting along'. The implication was that this was not only to be tolerated by me, but actively sought out and encouraged, and that I should do whatever it takes to grease the wheel for future negotiations and the good of the party.³⁷⁸

Consistent with this, the Commission heard that tolerance of misconduct and not speaking up was viewed positively as proof of party loyalty and trust worthiness which could be rewarded with promotion and opportunity.³⁷⁹ This valuing of silence is contrary to delivering a psychologically safe and respectful workplace.

(ii) Leadership deficit

One of the themes discussed by participants—regardless of their role, seniority, political affiliation or any personal experience of workplace sexual harassment, sexual assault or bullying—was the critical role and influence of leaders in creating and maintaining a safe, respectful and inclusive workplace.

As noted in 5.1 ('Leadership'), in CPWs, 'leaders' include party leaders, office-holders, parliamentarians, senior MOP(S) Act employees (including chiefs of staff and office managers), and managers and executives in parliamentary departments. Leaders in CPWs (particularly parliamentarians) hold two distinct leadership roles. Outside of their workplace they are viewed as leaders and representatives of Australia, the government or institution. Within their immediate workplaces, however, they are also leaders of their team, office, party, chamber or department. This section considers the role of leaders in this second sense. The role of leaders in CPWs in ensuring safe and respectful workplaces is discussed further in 5.1 ('Leadership').

The Commission heard how good leadership could act as a protective factor, reducing the risk of misconduct. Poor people leadership, however, was a key risk factor for bullying, sexual harassment and sexual assault.

Protective factor—Good leaders, fostering safe, respectful and inclusive workplaces

As noted in 4(c)(ii) ('Gender inequality'), some participants shared positive experiences of leaders who established work practices to support staff wellbeing, inclusion and work flexibility, notwithstanding the constraints and demands of CPWs. Many current and former CPW employees also shared positive stories about their leaders—including supervisors, managers, departmental executives, office managers, chiefs of staff and parliamentarians—who fostered safe, respectful and inclusive workplaces.

Participants spoke of their leaders with admiration and respect, and described inclusive leaders who:

- role modelled respectful behaviour³⁸⁰
- advocated for and actively supported employees and communicated openly and effectively with them³⁸¹
- demonstrated sophisticated people management skills and applied best practice approaches to leading and managing high-performing teams³⁸²
- demonstrated a proactive approach to misconduct, intervening early and responding promptly and appropriately to concerns, in a way that minimised harm to those involved.³⁸³

The Review Survey results indicated that a majority of people currently working in CPWs (70%) agreed or strongly agreed that 'people in leadership roles promote and encourage respectful workplace behaviour'.³⁸⁴

The following comments reflect the positive sentiments expressed by many participants about their leaders:

In both offices that I have worked in, I have been lucky enough to have fantastic female supervisors (either Office Managers in an electorate office or chiefs of staff in the Minister's office). As a young female staffer when I first started, these women became great mentors and you could go to them with any issues or concerns you had.³⁸⁵

I had a boss (Minister) who said bullying and harassment was never acceptable and he wanted to know about it whether it was his best friend or the PM. That message made it easier for our team to talk about behaviour they didn't feel comfortable with.³⁸⁶

MOP(S) Act employees frequently highlighted the critical role that chiefs of staff play, working with parliamentarians, in establishing and maintaining

safe, professional, inclusive workplaces.³⁸⁷

Good culture starts from the top in any office. My experience working with every Minister has been a positive one – they’ve been respectful, thoughtful and genuinely looking out for their team members. They also set clear boundaries on what team members are expected to do (or not do), and actively mentor their team in partnership with the chief of staff. With the Minister and their chief of staff setting this tone, then in my experience, you get a safe and respectful workplace.³⁸⁸

It comes from your MP, backed up by the chief of staff, and kind of filters down ... in my office my Minister and chief of staff were very open about that. They kind of said, you know, ‘We are this type of office, and I want you to act this way’, ... I think that the offices that I would consider good, one of the common threads about them was that they all had quite formal structures around that stuff. It wasn’t imposed from outside, but it was imposed from either the Minister, or the chief of staff, or both, that made it formal as opposed to just crossing their fingers, and hoping that it was a nice place to work.³⁸⁹

Poor people leadership and failure to model or enforce respectful behaviour

While the Commission heard many stories about positive leadership in CPWs, participants also shared stories about some leaders who failed to live up to their staff’s expectations, both in relation to their own behaviour and their responses to the misconduct of others.

These concerns were reflected in responses to the Review Survey, which highlight that many people experienced bullying or sexual harassment by people in senior or leadership roles. A quarter of all people working in CPWs (25%) said that, in their current workplace, they experienced ‘leaders and workplace cultures that tolerate, trivialise or excuse’ disrespectful behaviour. This was higher for people who have been bullied (43%) or sexually harassed (45%).

Participants told the Commission about their experiences with some leaders who engaged in a spectrum of misconduct. These ranged from subtle exclusion, casual sexism and offensive or demeaning comments, to threatening language and conduct, sexually charged comments, persistent unwelcome sexual advances, aggressive outbursts, physical and verbal intimidation, and physical and sexual assault.

The Commission heard about bullying in CPWs that ranged from the subtle and verbal to overt and

physical. Participants described leaders who:

- ignored them³⁹⁰
- excluded them from work activities³⁹¹
- taunted them and made demeaning comments about their physical appearance and socioeconomic background³⁹²
- spread false rumours about other staff so as to cause damage to a political opponent³⁹³
- habitually, yelled, screamed and swore at employees³⁹⁴
- threw work with which they were not happy on the floor³⁹⁵ and threw objects at employees³⁹⁶
- berated and physically intimidated employees by standing in doorways to prevent them from exiting rooms³⁹⁷
- stood over them so that they couldn’t get up from their desk.³⁹⁸

Participants also described incidents that ranged from single incidents of verbal sexual harassment to persistent sexualised comments, intimidating behaviour and sexual assault. Participants described individual leaders who continually made jokes about employees’ sex lives;³⁹⁹ repeatedly asked employees out on dates;⁴⁰⁰ propositioned employees while travelling for work;⁴⁰¹ habitually approached young female MOP(S) Act employees;⁴⁰² groped them;⁴⁰³ and were observed, on a number of occasions, slapping other leaders on the buttocks as they walked past.⁴⁰⁴

One participant described an incident they were aware of in which a parliamentarian who, being completely naked when a worker walked into their office, addressed the worker ‘as if nothing was untoward’.⁴⁰⁵ A parliamentarian described an incident where a colleague had forced their hand down a staff member’s pants.⁴⁰⁶

Participants also described some employees and team members taking their cues from their leader. When leaders engaged in misconduct, some took this as an endorsement of that behaviour and began to ‘replicate that behaviour against other people’ in the workplace.⁴⁰⁷ One participant noted how casual sexism was something that they saw other people emulating when modelled by their leaders. ‘When other staff see MPs and Senators talk to female senior staffers that way, they do the same.’ They said ‘it comes from the top’.⁴⁰⁸

Many participants told the Commission that some leaders failed to take responsibility for preventing or responding appropriately to the misconduct of others in their office, party, chamber or department.

Some suggested that these failures were specific to individual leaders and their personal lack of skill or interest in fostering a respectful workplace. Other participants considered this failure to be systemic and the result of a broader culture that has a high tolerance for misconduct as well as a demonstrated lack of will to address such behaviour.

I and many of my colleagues do not consider the [Department] to be a 'psychologically safe' workplace. By this, I mean that in the event that I or my colleagues were to experience some form of bullying, harassment or assault, I fully expect that minimal support would be provided to the victim by the [Department] executive, and their primary goal would be to minimise the incident/s and to protect the reputation of the [Department] and the perpetrator ... In high-level management, there appears to be a culture of cover-up and damage control ... This issue is both systemic and structural, but also one of inadequate leadership and a toxic workplace culture of permissiveness.⁴⁰⁹

Lack of people management skills and experience

Many participants observed that, despite having significant people management responsibilities, there was no requirement or expectation that parliamentarians or senior staff have people management experience or expertise. Further, many noted that there were no structured professional development programs or systems to support parliamentarians and MOP(S) Act employees to develop these people management skills (see 4.2(l) (ii), 'Management skills training' and 5.3(f), 'Best practice training' for a further discussion about people management skills training for leaders in CPWs).

Participants observed that parliamentarians are not elected 'because of having brilliant people management skills' and that chiefs of staff and office managers are also 'not there due to their people management skill but because they're trusted people'.⁴¹⁰ Rather, participants told the Commission:

I personally observed extremely poor management due to unclear responsibilities, leadership, and due to people being put in roles because of their factional value and their political value but not because they were competent or because they were good managers.⁴¹¹

Speaking about chiefs of staff, another said:

They could be ... like a total ... expert in their field, an absolute gun at providing advice, but in terms of dealing with staff, terrible, hopeless. Wonderful guy, like I really like our chief of staff, he's a nice guy, but he doesn't have the tools or the will to deal with [human resources] and people management things. He doesn't have the experience.⁴¹²

A key responsibility of parliamentarians, chiefs of staff and office managers is the management of people and teams. Despite this, participants noted that it is not uncommon for individuals to come into these roles with no prior people management experience. This would not typically occur in the private sector, where demonstrated people management skills are typically a prerequisite for appointment to a senior managerial or leadership role. This issue is not unique to these parliamentary workplaces and was identified as a concern in reviews of the United Kingdom and New Zealand Parliaments.⁴¹³

The Commission also heard that these leaders were not supported with any, or adequate, professional development training upon appointment to their roles to allow them to develop their people management skills (see 4.2(l)(ii), 'Management skills training' and 5.3(f) 'Best practice training' for further discussion of this).

(iii) Workplace dynamics

I honestly feel like there's this inbuilt kind of thing where people think that they have to protect the party and protect the Minister or the Member at all costs. And I think hopefully increasingly people are starting to accept that actually there are some things that aren't worth it and that it's better to stand up for what's right and to make sure that people are safe and protected and that if someone continuously behaves in an inappropriate manner, that needs to be raised and addressed.⁴¹⁴

In many ways, the workplace dynamics of CPWs are unique. While the workplace dynamics for parliamentarians and MOP(S) Act employees are more obviously political, the dynamics in the parliamentary departments are also derived from the inherently political nature of the workplace environment. Throughout the Review, the Commission heard that political and electorate offices are characterised by intense loyalty to employers, parties and causes. Political offices are additionally characterised by intense media scrutiny and public interest.

All CPWs—including political offices, electorate offices and parliamentary departments—are further characterised by the presence of fear, especially around job security and the 'weaponisation' of information. These dynamics serve as barriers and disincentives to reporting bullying, sexual harassment and sexual assault, and to seeking support, and in many cases lead people to tolerate or excuse misconduct.

Importantly, many participants highlighted that these dynamics arise both within and outside Parliament House. One participant described them as

portable and not restricted to the physical surrounds of Parliament. This culture can manifest in the nearby bars and restaurants, in electorate and party offices and at conferences and other political events – everywhere that politicians, staff, lobbyists and journalists meet.⁴¹⁵

Loyalty

A common theme that emerged was the deep sense of loyalty that many political staff felt towards both their individual employers and the political parties to which they belonged. While some regarded this loyalty as a positive aspect of the work culture,⁴¹⁶ creating a sense of camaraderie and driving people to do their best work,⁴¹⁷ it was also readily acknowledged by many that 'blind loyalty to the [p]arty above all else',⁴¹⁸ could be a barrier to reporting and addressing misconduct. Party allegiance can ... be a hindrance, or a handicap,' one participant said, 'because it means that you wouldn't mention something you otherwise would, because it ... would reflect badly on the [p]arty, or it might come back to bite the [p]arty'.⁴¹⁹

One participant told the Commission:

When you're here for the right reasons, you're motivated to do as much as you can and support the guys you believe in to win. So you don't want to do anything to jeopardise that. And you don't ever want to be the problem. Our job is about solutions, our whole job is putting out spot fires and finding solutions to problems. So you never want to be the problem yourself.⁴²⁰

Another participant said that, after being assaulted by a staff member from an opposing political party, 'I went to [a] senior woman in [my] office. Her first comment ... and this is not said in anger at all because she's also a product of the environment, but her first comment was, 'thank fuck it wasn't [one of our] staffer[s]'.⁴²¹

Loyalty to the party and employing parliamentarian – and to a lesser degree to the institution of the Parliament more broadly⁴²² – was repeatedly cited as one of the factors contributing to the decision of workers not to report or otherwise act on misconduct (see 4.2(i)(i), 'Reasons for not reporting' for further details).⁴²³ The Commission also heard accounts of people putting loyalty ahead of their own wellbeing, even at the risk of lasting distress and mental health issues. One participant spoke of their decision not to report an incident of sexual assault in the workplace to their employer: 'I didn't want to do that to the Party', the participant said, 'and I didn't want to do it to the Parliament. I didn't want the headlines. I didn't want all the bad shit that was going to come with it'.⁴²⁴

Another participant shared their experiences of sexual assault. In their case, they said that it was not their own sense of loyalty that prevented them from reporting the incident, but that of others, who pressured them not to report. 'I was encouraged to settle the issue privately, so as to not create a fuss or a political problem'.⁴²⁵

Fear

An overwhelming number of participants in the Review described the culture of CPWs, from political offices to parliamentary departments, as being one of fear. As one participant put it: 'Fear is a big factor, probably the biggest'.⁴²⁶

The root causes of this fear were various, and depended in large part on the particular workplace in which people work. Participants expressed fear of causing reputational damage to themselves, their employers or their political parties; fear of their experiences being weaponised by opponents or becoming the subject of media attention; and fear of being seen as weak in workplaces that placed a premium on being able to 'suck it up'⁴²⁷ and 'get the job done'.⁴²⁸

The effect of this culture of fear on productivity and the quality of decision-making came up repeatedly. 'If you've got people who are cowed,' one participant said, 'who are afraid to speak out, who are bullied, who are living in fear, essentially, that's not conducive to honesty, frankness, or transparent decision-making'.⁴²⁹

Fear of losing one's job

The nature of employment in political and electorate offices is inherently precarious and is characterised by the 'fear of losing your job overnight'.⁴³⁰ This fear relates not only to the overall insecurity of political office employment (where staff may lose their jobs suddenly as a result of electoral cycles, leadership changes and changing political priorities), but also the specific job insecurity experienced by MOP(S) Act employees. This fear serves as a natural barrier to reporting.

Participants in the Review spoke at length about the fear of losing their jobs were they to report incidents, make complaints, seek support, push back against work that they did not feel was in their (often non-existent) job description, or take time off to attend to personal affairs. '[T]he diary secretary [had] been there a while', one participant said. 'She pulled me aside and said, "If you complain about anything [...] while people are all seeing [the behaviour you're

complaining about] and agreeing with you, you'll be on your own."⁴³¹

There was a broad sense among participants that to report incidents and make complaints was potentially to mark oneself out as a 'trouble-maker'.⁴³² 'If they find out that you complained', said another participant, 'you're gone'.⁴³³

This fear was exacerbated by high levels of competition for roles and the value placed by many participants on gaining experience working in CPWs.

Participant fears and concerns about job insecurity, particularly in relation to the termination of employment of MOP(S) Act employees, are further described in 4.1(d)(v) ('Employment structures, conditions and systems'), and reforms designed to address these concerns are considered in 5.3(h) ('Reforms to the MOP(S) Act').

Fear of becoming a target as a result of reporting

In addition to the fear of losing one's job, participants said that they were often afraid that complaining about bullying, sexual harassment or sexual assault might just make the behaviour worse. 'The last thing you want in one of those situations is to be brought into like a mediation room with the person [you've made a complaint about]', one participant said. 'Because then they know you've complained about them and you'd just be more of a target'.⁴³⁴

'I was also very aware about the staff surveys, [about being] careful what to say', said another in the context of a parliamentary department. '[Y]ou could be targeted if you disclosed things that maybe could identify you, and it's only 1,000 people. It's very easy to identify people in that building'.⁴³⁵

The fear of becoming a target and the fear of losing one's job were often related. One participant said that such targeting was expressly designed to force people who had reported incidents out of their jobs. '[Y]ou don't stand up to anyone because, if you do, you're going to lose your job because they're going to make it so horrible for you going forward'.⁴³⁶

'I was sexually harassed multiple times, sexually assaulted, bullied and terrorised. And I was told that if I ever sought help or spoke about what happened to me my professional reputation and personal life would be destroyed,' said another.⁴³⁷

Fear in parliamentary departments

The experience of participants from parliamentary departments was quite different from that of MOP(S) Act employees. Different employment structures

and arrangements mean employment in the parliamentary departments is more secure. Rather than fear of losing their job entirely, departmental employees told the Commission that they feared other forms of retribution, including being sidelined or denied opportunities; being ostracised socially; and being systematically pushed to resign. 'There were a couple of really good people that actually became my friends and ... they were bullied out of their positions, too', one participant said, 'or actually just given payouts, basically just to go away, get lost'.⁴³⁸

The drivers of this fear are also different from the drivers that exist in political offices. Participants spoke of feeling that department managers prioritised the needs of parliamentarians over those of their employees and said that there was a sense among political staff that departmental staff were fair game for abuse. One participant said:

I knew lots of uni students who were then working as part-time staffers ... and there was a fair degree of elitism around my dealings with those people. Like, take us outside Parliament House, I'd be in the same classes as these people. But because they had got a plum job in a Minister's office or something like that, us parliamentary assistants were almost looked down [upon].⁴³⁹

Participants highlighted the Department of Parliamentary Services (DPS) as being particularly driven by fear. They told the Commission that DPS employees feared senior leaders within DPS, who in turn feared parliamentarians. Some participants told the Commission that parliamentarians consider DPS a 'whipping boy',⁴⁴⁰ especially during Senate Estimates.

I don't know if it's the pressure from Senate Estimates that makes the Department highly dysfunctional in their executive team, [but] it's all about not answering the questions, and not providing the actual information. It's about making sure that, essentially, they don't get fired, which isn't the point of Senate Estimates.⁴⁴¹

Participants told the Commission that the result of this fear was a culture of 'cover up' and silence. Participants reflected on the consequences of not going along with this and described ostracism and targeted bullying. 'You were either in the club or you weren't', said one participant. 'You'd do anything to stay in the club, and you keep the secrets, and you all laugh at the in-jokes, [but] when you're broken, you're out, you're damaged'.⁴⁴²

The Commission heard that this culture of silence was often shared across the parliamentary departments. 'That is one of the really big sort of the foundation

stones of culture here', one participant said. 'It's like anything that could possibly, like, embarrass the institution of the Department of the House is just terrible. And it's all about keeping everything very in-house and ... keeping that sort of like code of silence'.⁴⁴³

This has a chilling effect on reporting misconduct, as do 'siloes working practices',⁴⁴⁴ which prevented employees from creating ad hoc networks of care support in the same way staff in political offices did (see 4.2(j), 'Informal support networks').

Fears experienced by Departmental Liaison Officers

The Commission also heard from a number of current and former DLOs about their experiences in CPWs.⁴⁴⁵ Key fears highlighted by DLOs included the ease with which they could be replaced or sent back to their home Departments, as well as the challenges that arise in maintaining boundaries between appropriate work as public servants and work of a political nature.⁴⁴⁶ For example, one DLO told the Commission, 'I got involved in several sort of very confronting situations where I questioned the appropriateness of that request, because we've got to really maintain a neutrality'.⁴⁴⁷

A number of DLOs also reflected on the unique tensions inherent in the role and the increased risk of bullying as a result:

When things go wrong and the DLOs can be caught up in that, that could be because the DLO has done something wrong or because the Department's done something wrong, but the DLO is the man or the woman in the office that bears the brunt from the adviser. That is unfortunate. DLOs can often be considered punching bags.⁴⁴⁸

Competitive environment

Given the adversarial nature of politics, many participants spoke about the inherent nature of competition in these workplaces.⁴⁴⁹ MOP(S) Act employees, in particular, spoke to the Commission

about the way in which this sense of competition—the sense of politics being ‘tribal’⁴⁵⁰ and ‘win at all costs,’⁴⁵¹ an arena in which one must ‘destroy’⁴⁵² one’s opponents and rivals—feeds misconduct, and prevents people who experienced misconduct from reporting or seeking support.

Participants told the Commission, ‘it’s all about putting yourself first, that’s how you get runs on the score[board]. It’s, “let me do whatever it takes to get ahead, even if it means hurting other people”’.⁴⁵³

The Review Survey results were consistent with these reflections, as 41% of people considered that the competitive/high pressure environment was a factor that applied in their current workplace.

Prioritising ‘optics’

The Commission heard from many participants that the ‘political lens comes first on everything’⁴⁵⁴ and about the fear of damage that a bad headline could do to public image, political interests, and, ultimately, electoral success. For example, one participant told the Commission, ‘our concerns were pushed under the rug because the boss was more worried about how staff turnover would look in the press’.⁴⁵⁵

Another participant spoke of writing a formal email of complaint that was never dealt with. ‘If they respond’, the participant said, ‘then they admit that there’s a problem in their party, and the last thing they want is for the public to know that their party is fractured. They would rather people suffer than [let] anything [like that] happen.’⁴⁵⁶ ‘You’re ... a bit like an army’, said another, ‘[with] that idea of, “Oh well if I criticise or I complain, I can threaten the whole war effort, and therefore I just have to put up with it”’.⁴⁵⁷

Press Gallery journalists told the Commission that they were aware of the chilling effect that their reporting can have on people’s willingness to report unprofessional behaviour.⁴⁵⁸ They also pointed, however, to the fact that they are increasingly being used as a complaints mechanism of last resort. ‘I suspect that there won’t be a hesitancy to go to the media again in such cases’, one participant said, ‘if the internal processes that we’ve been promised are going to be established prove to be inadequate’.⁴⁵⁹

Using and ‘weaponising’ information

All of the above workplace dynamics feed into the pervasive fear that information can and will be ‘weaponised’ against participants or their employer, either behind the scenes or in the media.

Participants tended to express this concern in two slightly different forms. The first was the concern

that complaints and attempts to seek support were not confidential and would eventually get back to one’s employer, internal party rivals, or external political opponents. The second was the concern that these latter groups were also able and willing to weaponise invented information, or gossip. Some participants combined the two. ‘There is a risk that any new structure for [reporting purposes] could be weaponised’, one said. The participant then raised the possibility of people making ‘fake complaints’ for political purposes.⁴⁶⁰ Similarly, a separate participant queried, ‘Can someone make a malicious complaint about you that is career ending?’ ‘I think in politics, more than in most workplaces, that would be possible’.⁴⁶¹ Another observed that ‘[t]he mere fact of a referral to [a complaints] body will be politically damaging, and will be used by those with less than pure motives to damage others’.⁴⁶²

The Commission repeatedly heard about the use and weaponisation of information, particularly within political offices. One of the effects of this, participants said, was the way that it caused them to doubt complainants and assume bad faith or base political motives. ‘I’m quite embarrassed about this,’ one participant said:

‘when I read about [one complaint], I went, “Where did that complaint come from, that’s so old, I bet you she’s a right-winger” ... I have no doubt that that woman has a legitimate complaint, and I have no doubt that she’s telling 100% the truth. I also have no doubt that that complaint’s been weaponised by people’.⁴⁶³

As noted above in 4(c)(ii) (‘Gender inequality - Everyday sexism’), participants also told the Review about the particular weaponisation of information and gossip about younger female parliamentarians and staff. One senior participant told the Review, ‘there is still a real culture of gossiping about young female employees’.⁴⁶⁴

The Press Gallery also plays an important role in how information and gossip are weaponised in political offices. One member of the Press Gallery said, ‘everyone’s got an agenda ... it might be against their own party or it’s against the other side or something.’ They added:

‘I’m the arbiter of whether it’s genuine information or not. I’m the one who makes the ethical and the moral decision as to whether to report it ... It’s up to me to check its veracity ... but also it goes back to why is this person telling me that, you know, what’s their agenda [for telling] me that? ... But I have no problem at all being backgrounded about anything by anyone in this building. I’ll weigh it up, make a decision. You get told some crazy stuff

sometimes and you get to do a lot of good stuff.⁴⁶⁵

Participants also admitted, however, that it only took one journalist to publish gossip or weaponised information for every other journalist in the building to follow suit, at least in reporting on the fallout. 'If something happens and I don't think it's a story, but someone else writes it', they said, 'sometimes [it] just becomes a story because then there's a reaction to it ... and then you have to report on that'.⁴⁶⁶

(iv) Social conditions of work

The Commission heard that a number of features of the way in which CPWs operate, collectively referred to as the 'social conditions of work', were a direct and contributing negative factor for bullying, sexual harassment and sexual assault in CPWs.

'Work hard, play hard' culture

Participants noted that there is a 'work hard, play hard' culture which permeates CPWs, particularly during sitting weeks of Parliament.⁴⁶⁷ In particular, this culture was raised in relation to parliamentarians, their staff, and members of the Press Gallery.

This culture was perceived to contribute directly to experiences of bullying, sexual harassment, and sexual assault. 'Working hard' – extreme expectations, long hours, small offices and office politics, and constantly proving one's worth – was seen to foster environments in which people take their stress out on each other and bullying is accepted.⁴⁶⁸ One participant noted:

[T]here's a culture around you must work all day every day ... [W]hich I think ... can be quite damaging because you burn staff out and when people are burnt out, they make mistakes, they do silly things ... Because it's so high pressure ... if something goes wrong, people's reactions are quite unreasonable. Lots of shouting and yelling for just unnecessary reasons.⁴⁶⁹

The Commission heard that this culture is exacerbated by high levels of responsibility for relatively junior staff, lack of role clarity, limited support or training and often ineffective human resources frameworks and processes.

'Playing hard' was seen to be a response to the all-consuming nature of the work, allowing people to 'let off steam'.⁴⁷⁰ For many, this involved using alcohol as a coping or de-stress mechanism, or as a conduit for socialising with colleagues.⁴⁷¹ In some situations, unsafe drinking and blurred professional boundaries fostered environments where sexual harassment or assault could occur.

Some noted that the 'work hard, play hard' culture led to significant presenteeism and that, in some cases, stimulants and illicit drugs may be taken to counter the effects of late nights and drinking.⁴⁷²

Limited work/life balance

Participants noted that the limited work/life balance increased the risk of bullying in CPWs, due to the unrealistic expectation that employees must devote their whole life to their role:

The casual kind of conversations when you're working [are] like, "Who's dating who? Who's broken up with who?" ... It's just a part of their lifestyle, because they don't leave the building ... But it ... means that also you have to be really careful where you step ... because, essentially, there are people whose careers ... go nowhere because they dated one person, and then it ended badly, and someone else knows, and then ... when that person's talked about, they're not talked about from their professional perspective, they're talked about from this mistake that they made in their personal life ... and it is often women who are in those positions.⁴⁷³

Review participants described roles that blur the line between social and work events and limit opportunities for socialising except with colleagues.⁴⁷⁴

[P]articularly the higher up you get, the more time you spend with [... colleagues], the more time they become the people you go out for dinner with, the people you share accommodation with, the people that pick you up in the morning, that drop you home at night ... [I]t does consume you, [it] consumes every part of your life in a way. It's not normal.⁴⁷⁵

Many participants noted that the work is best suited to young people who do not yet have families, given the significant demands that are placed on individuals.⁴⁷⁶

Fly in-fly out (FIFO) work

Participants noted that the FIFO nature of the work contributed to the long hours, created a sense of isolation from friends and family, and further blurred personal and professional boundaries.⁴⁷⁷

In a parliamentary context, this is a factor which is particularly the case in CPWs as distinguished from the experience of working in state and territory parliaments, as well as parliaments in other jurisdictions.

Participants described the toll of travelling, noting that it is physically and mentally exhausting.⁴⁷⁸

Others added that significant travel commitments also meant that workers are missing out on downtime and weekends.⁴⁷⁹ Several participants noted the pressure on personal relationships⁴⁸⁰ and difficulties of being away from children.⁴⁸¹

Participants noted that, as the FIFO workforce cannot go home during sitting weeks, many people preferred to stay late at work or to drink with their colleagues, heightening the risk of misconduct.⁴⁸²

Several participants highlighted the risks posed by FIFO work where workers are forced, often due to lack of budget or hotel room availability, to share accommodation with colleagues.⁴⁸³ Alcohol was seen to compound this risk:

I shared [a room] with this guy ... and he spent the whole night getting me drunk ... and then just laid on this whole thing about how he had an open relationship with his wife, and basically do I want to have sex with him? So this is ... [my] manager. I'm young, in Canberra, drunk now, trying to shut my door ... and I lay there the entire night, completely petrified that I would pass out, and he would be there.⁴⁸⁴

Isolation

Several participants noted that the nature of the work—whether FIFO and working in a large building like Parliament House or being based in a regional or rural electorate office—can lead to a sense of isolation among staff.⁴⁸⁵

Several participants said that there was a sense of being isolated from their managers, with staff left to do their jobs with limited oversight.⁴⁸⁶ The literature indicates that isolation and lack of managerial support are risk factors for bullying and sexual harassment.⁴⁸⁷ This was felt by electorate officers and Canberra-based staffers:

I think that contributes in part to sort of the managerial isolation of these electorate offices.

At times they feel like outposts of the Parliament. [Y]ou can feel quite far from APH because ... you can be quite ... structurally isolated. [Y]our contact is the boss and you don't always just ring them for a chat ... So you can feel like you're on this little island with just five electorate officers ... until once a fortnight the boss drops in.⁴⁸⁸

I did six-hour days in an empty office, with ... no oversight, there was no senior person looking after the staffers in Canberra. We were expected just to do our jobs. Which was fine, to a point. But a lot of inappropriate stuff happened.⁴⁸⁹

Use of alcohol

A dominant theme over the course of the Review raised repeatedly by participants was the pervasiveness of alcohol and a culture of drinking in some CPWs. This was particularly the case, though not exclusively, in political offices.

Participants noted that alcohol was a common feature of socialising, networking and relationship-building among parliamentarians and their staff, as well as other stakeholders, such as Press Gallery journalists and lobbyists.⁴⁹⁰ Some participants saw alcohol as a necessary and positive force for many people in these workplaces, given the high-pressure nature of the work:

I would hate to see a ban on going out with polities and drinking ... You need that, you need that support of the people around you, because it's a tough job. And part of it is good that you can sit there and debrief on a person on your actual level.⁴⁹¹

Many noted, however, that this was often taken to extremes, with every event in Parliament House—and sometimes multiple events on the same evening—offering free, unlimited alcohol.⁴⁹² Others noted that people who did not drink missed out on valuable professional opportunities:⁴⁹³

[I]f you're present, it [is] then sort of relationship-building, networking. Then potentially getting the next handshake, moves you further up ... But if you didn't participate ... that equal opportunity was probably not there ... [Y]ou weren't one of the boys ... you were kind of out of the club.⁴⁹⁴

Participants noted that, given the long and irregular work hours, many workers (including political staff and parliamentarians) would drink in their offices, including when Parliament was sitting:

A lot of the time we'd still be watching the House and [having] a drink ... no problem with people having a drink at the end of a workday, but the work hadn't ended. For us the work ended when the House rose.⁴⁹⁵

Members of Parliament have gone onto the floor of Parliament to vote under the influence of alcohol—something that would be illegal in most workplaces.⁴⁹⁶

Review Survey results indicate that overall 13% of people agreed or strongly agreed that 'drinking alcohol during work hours is generally seen as acceptable'. Responses differed across CPWs, however, with parliamentarians most likely to agree or strongly agree (33%). In contrast, 15% of MOP(S) Act employees and only 8% of PSA employees agreed with this statement.

Participants consistently noted the 'blurring' effect of alcohol on personal and professional boundaries,⁴⁹⁷ and on acceptable and unacceptable behaviour.⁴⁹⁸ Participants recognised that alcohol contributed to potentially risky situations:

[T]hen you end up at a [parliamentarian's] office at 9:30pm at night, and you're drunk on free booze, and they're pulling out more booze ... You've got this room of 20-year-olds with a 60-year-old man ... plying them all with alcohol in an enclosed room, in a professional office building. It's not a recipe for good professional behaviour.⁴⁹⁹

Notably, nearly a third of parliamentarians agreed that the level of alcohol consumption among staff affected the safety of others.⁵⁰⁰ This was more than twice the rate of MOP(S) Act employees and PSA employees.⁵⁰¹

Participants noted that alcohol increased the vulnerability of young people, particularly women. This increased predatory behaviour, especially from people with power.⁵⁰² Some noted that the promise of opportunity was used at social events disingenuously so that 'you found yourself cornered with their hands in places you don't want'.⁵⁰³

Some participants noted that responsibilities around the provision of alcohol may be blurred by power imbalances. For example, people working in events

and catering roles in CPWs noted that they were often in an impossible position to deny guests alcohol due to the power imbalances.⁵⁰⁴ Other participants felt responsible for getting their employers, particularly parliamentarians, home as a part of their work duties.⁵⁰⁵ COMCAR drivers noted that they were expected to deal with disorderly conduct from parliamentarians, including instances in which passengers had to be assisted out of the vehicle due to their intoxicated state.⁵⁰⁶

(v) **Employment structures, conditions and systems**

Throughout the Review, the Commission heard that the ways in which employment and working conditions are structured contribute to the culture described above, and constitute a risk factor for bullying, sexual harassment, and sexual assault. In particular, the Commission heard about the impact of insecure employment of MOP(S) Act employees, long and irregular working hours and a number of safety risks.

Insecure nature of employment

Throughout the Review, the Commission consistently heard about the insecure nature of employment for MOP(S) Act employees and parliamentarians. Participants noted that this insecurity was an inherent aspect of the work to some degree, given the impact of electoral cycles, political transitions and leadership spills resulting in parliamentarians and their staff losing their jobs (sometimes overnight).⁵⁰⁷ One participant highlighted that:

Staff all lose their job if their Minister loses their job and it can happen in 48 hours or less, and I think that sort of plays in the front of a lot of people's minds, that it's an insecure workplace, not for anything to do with people's performance. ... People who I had a lot of respect for, lost their jobs through no fault of their own.⁵⁰⁸

Participants also emphasised, however, that they felt additional levels of insecurity arose for MOP(S) Act employees as a result of the operation of the MOP(S) Act. Participants perceived the MOP(S) Act as providing parliamentarians with broad powers to dismiss their staff and limited protections for MOP(S) Act employees.⁵⁰⁹ Data from the Department of Finance shows that nearly three-quarters (72%) of MOP(S) Act employees have been employed for two years or less and 83% for three years or less. MOP(S) Act participants noted that there is little support for people to transition into new jobs or careers.⁵¹⁰

Insecure employment can undermine a safe and respectful workplace through perpetuating cultures which protect parliamentarians and parties and prevent people speaking up about workplace misconduct. As one participant put it:

my number one thing is that as long as members and senators have the sole hiring and firing power, especially without a reason or a cause, you're always going to have staff beholden to them. And that will always be the primary consideration. It certainly was for [me] and this is—was—a key reason, I guess I didn't feel I could speak out about certain things because your job is always on the line.⁵¹¹

The Community and Public Sector Union (CPSU) made similar observations, noting:

The precarious nature of the employment relationship has a significant 'chilling effect' on staff speaking up and reporting workplace harms against colleagues and those more senior in the hierarchy of the workplace and political party, including their employing parliamentarian.⁵¹²

Long and irregular work hours

Many participants told the Commission about the expectation that people working across CPWs would work long and irregular work hours, including on weekends.⁵¹³ This was particularly the case for MOP(S) Act employees and parliamentarians. Participants noted that these expectations were higher during sitting weeks.

We get to work before 7 o'clock in the morning. We're not allowed to leave the building until—the earliest is 8pm—when the house rises. There's often dinners, drinks, whatever, after that as well. You're not getting home every night until kind of 11 at the earliest, and then you're up again at sparrow's the next day.⁵¹⁴

I can remember days when I would, and I was so exhausted, you would sort of wake up, you'd literally throw up, then you would have a cup of

coffee and a piece of Vegemite toast to try and settle your stomach and then the day would start. And you were waiting for [the parliamentarian I worked for] to walk in the room because then you'd get an adrenalin hit and then you'd feel human again. It was brutal.⁵¹⁵

Participants also noted the impact of the sitting calendar and schedule on work culture. For example, one participant told the Commission:

I think what can exacerbate the aggressiveness and, you know, this sort of culture is the working environment in the sense that the hours of work that we're expected to be there without any breaks. I think that's a huge issue, having no lunch or dinner breaks, not being able to get out...⁵¹⁶

Participants also noted that there was pressure to stay back if others were still working:

If the House is still sitting you're not going to leave your desk—so people feel obliged [to stay], and no one discourages it. The chief of staff would sometimes say, "If you don't need to be here, go home", but you never really felt that you could.⁵¹⁷

In interviews and submissions, participants expressed the view that the long and irregular hours led to exhaustion, short-fuses and disproportionate reactions, reduced ability to cope with stress and strain, and increased probability of people making mistakes.⁵¹⁸ The Review Survey results indicate that many participants (44%) identified long and irregular working hours as a factor that applied to their workplace. This was higher among parliamentarians (69%) and MOP(S) Act employees (54%).

Safety

The Commission heard about a number of physical and psychosocial safety risks that arose in these workplaces, in some cases as a result of the work structure and conditions. Participants noted that there was often a lack of consideration of how the job and specific tasks impacted employees' health and safety:

So there's things that you're asked to do that could be risky, could be dangerous, and, 'yes, let's just get it done'. You've just got to get it done and there's no consideration for any sort of basic safety for the staff, basic training around things like that.⁵¹⁹

In particular, participants raised a number of serious concerns about risks relating to physical safety at Parliament House. In its submission to the Review, Gender Equity Victoria noted that Parliament House

was not designed with the safety of women in mind. Private offices down long, quiet corridors ... provide ample scope for predatory behaviour to take place away from public view. Along with a laissez-faire or cavalier attitude to accessing parliamentary offices after hours, the intensity of Parliamentary sitting weeks and the isolation of Canberra itself, Parliament House is a physical and cultural environment with risks for women. Despite Parliament House being patrolled ... the space is experienced by women as dangerous.⁵²⁰

One parliamentarian recalled that one night 'after Senate estimates, which is like 10 o'clock at night, I had to ring my partner ... to say, "can you walk me to my office, stay on the phone", because it's so scary here at night, there's no one around'.⁵²¹

Other participants reflected on the role-specific risks that they had encountered. COMCAR drivers discussed being called to collect parliamentarians from isolated areas at night following functions.⁵²² Journalists noted that they had to 'deal with regular confrontation—writing a story that people don't like and have staff call you up to abuse you or attempt to bully you into changing it'.⁵²³

MOP(S) Act employees and parliamentarians noted some safety concerns which extended outside of the office. For example, participants noted feeling unsafe during campaigning activities and engaging with constituents (see 4.2(c)(iv), 'Constituent interactions'); some experienced online harassment; and others reported inappropriate conduct at social events, especially where alcohol was misused.⁵²⁴

Some participants noted that work-related travel can increase the risk of misconduct. This is supported by research and guidance, including from Safe Work Australia that notes that travel can prevent people getting support and help as they may be isolated from their usual networks.⁵²⁵ In particular, some participants from parliamentary departments who work with parliamentary committees noted that they felt uncomfortable or unsafe while travelling with parliamentarians:⁵²⁶

There are risk factors in travel. ... There's usually one or two of us with the committees and that leads to concerns about engagement with members outside of the actual formal activities while we're travelling. I know that there are a number of female staff ... especially younger female staff are quite uncomfortable with interacting with members outside the formal activity.⁵²⁷

Unpaid work, including volunteering and internships

Throughout the Review, the Commission also heard from a number of participants who performed unpaid work for parliamentarians and political parties, including as volunteers and interns.

The Commission heard about the complexity that arises where people both volunteer and are engaged in paid employment within political parties or offices, or where misconduct occurs between volunteers. Participants reflected on a lack of awareness about what is appropriate or acceptable behaviour by young interns or volunteers and their relative powerlessness, limited induction and training, as well as a lack of clarity about appropriate avenues for making complaints or seeking support in instances of bullying or sexual harassment.⁵²⁸

A number of participants reflected on their particular experiences as interns. Some former interns told the Commission they had a positive experience overall and felt that 'there's a bit of scaffolding, protective scaffolding in a sense, when you're an intern'.⁵²⁹ However, a number of former interns shared experiences of bullying, sexual harassment and sexual assault.⁵³⁰

4.2 Understanding bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces

People keep saying [sexual harassment is] an isolated issue, it isn't. It's extremely common ... they can just do what they want and there's no consequences and the boys club will protect them.

(Interview 221, CPW Review).

(a) Overview

Capturing the prevalence, nature and impacts of bullying, sexual harassment, and sexual assault is important to provide a clear understanding of what is occurring in CPWs, and to inform and drive necessary reform. The primary data collected by the Commission in the course of the Review provides an important evidence base to inform institutional reflection and reform in line with the recommendations made in the Framework for Action.

One of the key ways in which the Commission collected primary data was through an anonymous online survey. The survey results are the primary focus of this part of the Report, supplemented with qualitative data from written submissions, interviews and focus groups.

A note about the Review Survey data

A total of 4,008 people were invited to participate in the Review Survey. This included current parliamentarians and people aged 18 years and older working in CPWs as at 19 July 2021.

There were 935 responses to the survey, which represents almost a quarter (23%) of all people working in CPWs.

The responses to the Review Survey have been weighted. Weighting was applied to the responses to correct imbalances in the results due to any non-response bias and to enable the results to be extrapolated to the general CPW population.

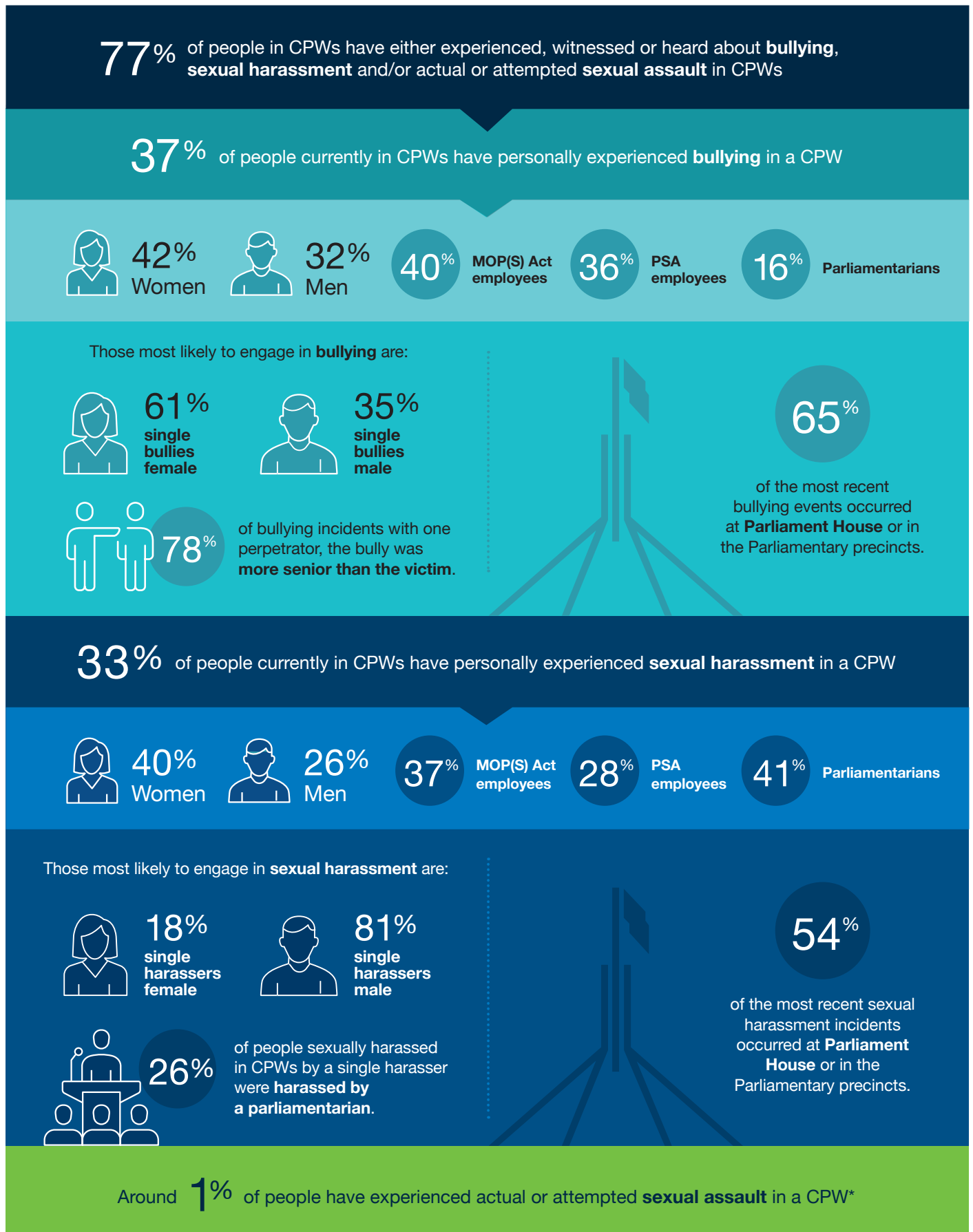
More information about the weighting and interpretation of the data, as well as statistical reliability, is described in the Methodology in **Appendix 2**.

- the Review Survey relates to workplace culture, bullying, sexual harassment and sexual assault; the National Survey related to sexual harassment (and sexual assault is treated as a subset of this)
- the Review Survey only captures bullying and sexual harassment in CPWs experienced by people currently in these workplaces at any time, with a particular focus on the most recent experience. The National Survey related to experiences of these behaviours in any workplace in the previous five years, with a focus on the most recent event.
- the Review Survey was only completed by people currently in parliamentary workplaces, so it does not capture people who may have experienced these behaviours and left the workplace; the National Survey included anyone who experienced sexual harassment in the previous five years (including anyone who may have left their job as a result of the harassment).

Note, in this chapter, references to 'PSA employees' are to employees working in CPWs who are employed under the Public Service Act or Parliamentary Service Act.

For the purposes of comparison and benchmarking of results, where relevant, this part also considers the results of the 2018 National Survey conducted by the Commission. Importantly, however, there are some key differences between the 2018 National Survey and the Review Survey which mean that comparison must be done carefully:

Figure 4.2: Bullying, Sexual Harassment and Sexual Assault in Commonwealth parliamentary workplaces



*Note: This is an indicative estimate based on a small number of respondents.



Repeated misconduct

Bullying



of people who have **experienced bullying** in CPWs said that others had also experienced this same type of behaviour.



of people who have **experienced bullying** in CPWs said that the bully had also bullied other people.

Sexual Harassment



of people who have **experienced sexual harassment** in CPWs said that others had experienced this same type of behaviour.



of people who have **experienced sexual harassment** in CPWs said that the harasser had also harassed other people.



Reporting

Bullying



Less than one third of people reported their experience of **workplace bullying (32%)**.

People who experienced **bullying** did not report their experience because:



Over half (55%) of people who did not make a complaint thought that things would not change or nothing would be done.

Sexual Harassment



One in ten people reported their experience of **sexual harassment (11%)**.

People who experienced **sexual harassment** did not report their experience because:



Two in five people (40%) who did not make a complaint thought that things would not change or nothing would be done.



Support

57%

of people in CPWs who have **experienced bullying** did not seek **support or advice** in relation to their most recent experience of bullying.

84%

of people in CPWs who have **experienced sexual harassment** did not seek **support or advice** in relation to their most recent experience of sexual harassment.



Training

34%

of people in CPWs have **not** received any training or education on bullying, sexual harassment or sexual assault.

49%

of MOP(S) Act employees have **not** had any training on these topics.

64%

of parliamentarians have **not** had any training on these topics.

(b) Prevalence of bullying, sexual harassment and sexual assault

Understanding how many people in CPWs have experienced bullying, sexual harassment and sexual assault is an important part of designing strategies to prevent and better respond to these types of behaviours.

The Review Survey results provide an insight into the prevalence of bullying, sexual harassment and sexual assault experienced by people currently in CPWs. The results demonstrate that these behaviours are a common experience within these workplaces:

- Over half (51%) of all people currently in CPWs have experienced at least one incident of bullying, sexual harassment or actual or attempted sexual assault in a CPW.
- Overall, 77%, or 3 in 4 people within these workplaces have experienced, witnessed or heard about bullying, sexual harassment and/or actual or attempted sexual assault.
- 37% of people currently working in CPWs have experienced some form of bullying while working there.
- One in three (33%) people currently working in CPWs have experienced some form of sexual harassment while working there.
- Around 1% of people in CPWs have experienced some form of actual or attempted sexual assault.
**It should be noted that this is an indicative estimate based on a small number of respondents.*

These results are consistent with the information provided by participants in written submissions, interviews and focus groups. Importantly, however, these are likely to be conservative figures as:

- there is under-reporting of sexual harassment and sexual assault⁵³¹
- literature and the Review Survey indicate that there is a low level of awareness of what constitutes these behaviours in the workplace
- the Review Survey was only completed by people currently in CPWs, which means that anyone who has experienced bullying, sexual harassment or sexual assault in a CPW, but who is no longer a parliamentarian or no longer works in a CPW, is not included in these statistics.

(i) Sexual harassment

The level of sexual harassment in CPWs is consistent with the national average of 33% from the 2018 National Survey.⁵³² As noted above, however, only

current workers completed the Review Survey, meaning that only those who experienced misconduct and remained working in CPWs were captured. This suggests that the results are more concerning than the 2018 National Survey, as that wider survey also captured those who had moved jobs.

The Review Survey results also demonstrate that some people were not aware of what constitutes sexual harassment, in turn potentially affecting identification of their experiences. For example, the Survey was designed to include two questions to capture prevalence of sexual harassment. First, a legal definition of sexual harassment was provided and respondents were asked whether they had personally experienced sexual harassment in a CPW. Secondly, a behavioural approach was taken where respondents were asked if they had experienced specific examples of sexual harassment. This approach followed the approach of the 2018 National Survey.

In line with the findings from the 2018 National Survey, more people identified their experience as sexual harassment when provided with a list of specific behaviours that constitute sexual harassment (19%), than when asked whether they had experienced sexual harassment and presented with a short legal definition (15%).

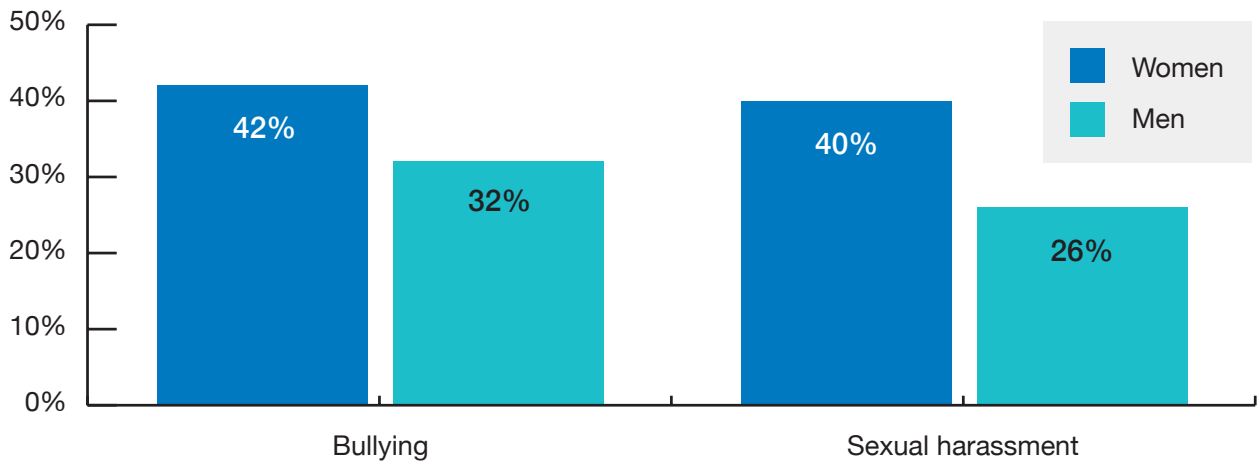
(ii) Sexual assault

Approximately 1% of people in these workplaces reported they had experienced actual or attempted sexual assault in CPWs and provided some details of that experience. There were nine people who reported having experienced actual or attempted sexual assault in their Review Survey response.

A small group did not want to indicate if they had or had not experienced actual or attempted sexual assault in CPWs (approximately 5%) and about 2% were not sure if they had experienced an actual or attempted incident of sexual assault.

Given that the number of people who reported this experience is small, it is not possible to undertake detailed statistical analysis of their circumstances and experiences or to extrapolate the findings to the general parliamentary workforce. Nevertheless, there is sufficient consistency across those who were sexually assaulted and who responded to the survey to provide a broad indicative overview of their experience and how the parliamentary workplace typically responds. In addition, the Commission also heard from a number of people in interviews about their experiences of sexual assault in these workplaces.

Figure 4.3: Overall experience of bullying and sexual harassment by gender



Base: Women n=573, Men n=319.

(c) People who experience bullying, sexual harassment and/or sexual assault

While the experience of bullying, sexual harassment, and sexual assault differed across workplaces, there are several overarching trends with respect to people who experienced these types of behaviours.

Women currently working in CPWs were more likely than men to experience bullying, sexual harassment, and sexual assault.

In particular:

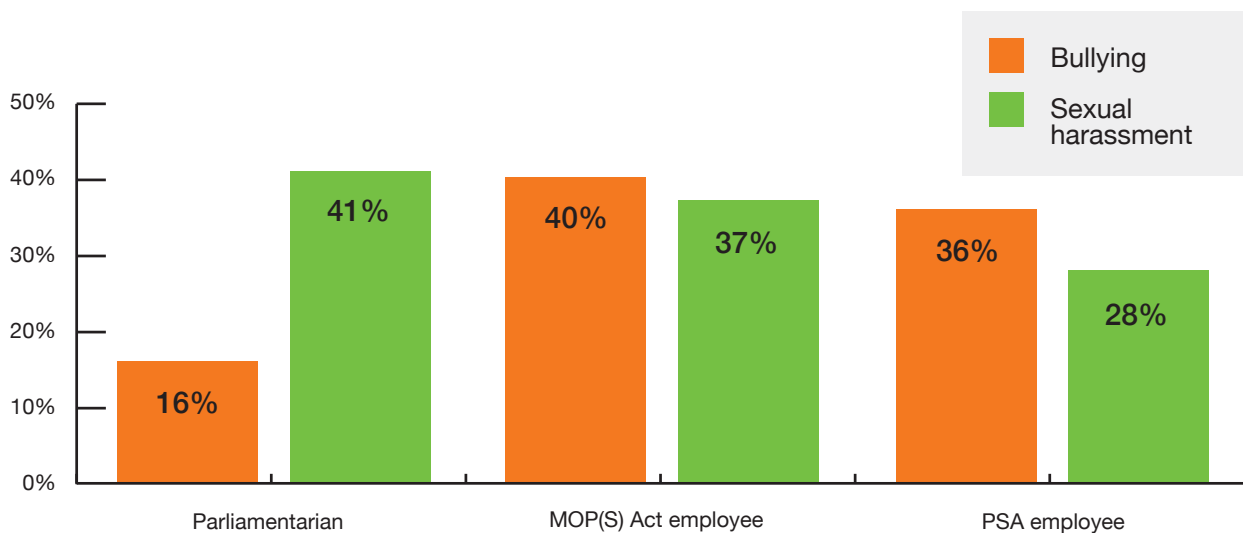
- Two in five women (40%) of women in CPWs have experienced sexual harassment, compared with just over a quarter of men (26%)
- Two in five (42%) of women have experienced bullying, compared with one in three men (32%)
- Nearly a quarter (24%) of women in CPWs have experienced both bullying and sexual harassment, compared with 14% of men
- Sexual assault, actual or attempted, in CPWs is typically experienced by women.

A small number of people who identify as non-binary also responded to the survey. People who identified as non-binary experienced bullying and sexual harassment at a similar rate to men. However, due to the small number of respondents, this data should be seen as indicative of the experience of people who identified as non-binary.

The gendered nature of sexual harassment in CPWs is consistent with other reviews and inquiries conducted by the Commission, including Respect@Work.⁵³³

The rate of sexual harassment experienced by people in CPWs is similar to the rate experienced by the broader population (for women it is 40%, for men it is consistent with the national rate of 26%).⁵³⁴ However, as noted above, the Review Survey was only completed by people currently working in CPWs, which means people who have experienced sexual harassment but no longer work in these workplaces are not captured in these figures. As noted below, there are also some groups of people within these workplaces that experienced higher rates of sexual harassment than the national average.

Figure 4.4: Prevalence of bullying and sexual harassment by role



Base: PSA employee n=448, MOP(S) Act employee n=420, Parliamentarian n=67.

(i) Prevalence by role

One key similarity across all roles is that sexual harassment was experienced at a higher rate by women than men. For MOP(S) Act employees, women made up 57% of the cohort, but 71% of those who experienced sexual harassment. Similarly for PSA employees, women constituted 44% of the population, but accounted for 60% of those who experienced sexual harassment.

Female parliamentarians experienced higher rates of sexual harassment (63%), compared with their male peers (24%).⁵³⁵

Throughout the Review, the Commission heard that the experiences of parliamentarians, MOP(S) Act employees and PSA employees (for example people in the parliamentary departments) differed significantly.

Particular concern was expressed by many people in relation to the experiences of MOP(S) Act employees. The survey results indicate that overall this cohort experienced the highest levels of bullying and relatively high levels of sexual harassment.

Parliamentarians

- 41% of parliamentarians experienced sexual harassment, which is the highest rate across all groups. In particular, 63% of female parliamentarians experienced sexual harassment.⁵³⁶ This is substantially higher than male parliamentarians (24%) and the national average (33%).
- 16% of parliamentarians experienced bullying in CPWs, which is approximately half the rate of other respondents.

The high levels of sexual harassment experienced by female parliamentarians reflected in the survey results are consistent with what participants told the Commission during the Review. One female parliamentarian told the Commission:

Aspiring male politicians who thought nothing of, in one case, picking you up, kissing you on the lips, lifting you up, touching you, pats on the bottom, comments about appearance, you know, the usual. The point I make with that ... [w]as the culture allowed it, encouraged it.⁵³⁷

MOP(S) Act employees

MOP(S) Act employees are most likely to experience bullying in a CPW.

- 40% of MOP(S) Act employees experienced bullying in CPWs (higher than the overall rate of 37%).
- Two in five (37%) of MOP(S) Act employees experienced sexual harassment (higher than the overall rate and national average of 33%).
- 22% of MOP(S) Act employees experienced both bullying and sexual harassment.
- Younger MOP(S) Act employees were more likely to experience sexual harassment. Of MOP(S) Act employees who experienced sexual harassment, 40% were aged 30-39 (while this age group only constituted 28% of MOP(S) Act employees).
- There was no correlation between bullying and age for MOP(S) Act employees. The age distribution of those who experienced bullying reflects the age distribution of all MOP(S) Act employees.

Public Service Act and Parliamentary Services Act employees

- 36% of PSA employees experienced bullying.
- Three in five (28%) of PSA employees experienced sexual harassment, which is the lowest rate across all groups.
- Reflecting their older age profile, 52% of those who had been sexually harassed were 50 years old and over (constituting 43% of PSA employees). PSA employees aged 18-29 (constituting 13% of PSA employees) were least likely to be bullied (7%) or sexually harassed (5%).

People in other roles

In interviews, submissions and focus groups, the Commission also heard about experiences of bullying, sexual harassment and sexual assault from people in other roles, including interns and volunteers. A number of former interns shared experiences of bullying, sexual harassment and sexual assault⁵³⁸ such as:

When I interned in Parliament, I was indecently assaulted by a staffer in the office I was placed. He rubbed my leg underneath a table whilst at office drinks and groped me in the back of a car. I said to him repeatedly that I didn't want that kind of relationship with him and that I thought

it was best we kept things professional. He simply ignored this. The person who assaulted me ... took advantage of me and used his power to try and get what he wanted. I feel guilty for not speaking up about this earlier or at the time, but I hope that in making this submission it leads to some change and accountability.⁵³⁹

(ii) The experiences of certain groups

An intersectional approach is required to consider the ways in which overlapping inequalities and discrimination increase the risk of misconduct for some groups of people, as well as influencing the way they experience these behaviours.

The primary data that the Commission collected during the Review indicate that people from particular groups are at greater risk of bullying, sexual harassment and sexual assault.

Younger women are most likely to be sexually harassed.

The likelihood of experiencing sexual harassment decreases with age for both men and women, but women were more likely to experience sexual harassment. Overall, two in five (40%) women have experienced sexual harassment. This increases to 41% among women aged 18 to 29 to peak at close to one in two (48%) among women aged 30 to 39 years. It then drops back to two in five (42%) among the 40 to 49 age group and then down to one in three (34%) among women aged 50 years or older.

People who identify as LGBTIQ+ experienced sexual harassment at a higher rate (53%) than people who identify as heterosexual (31%) or preferred not to say (29%).

The Review Survey results indicate that the prevalence of sexual harassment among people who identify as LGBTIQ+ was significantly higher than people who identify as heterosexual or preferred not to say. The Commission heard about sexual harassment of LGBTIQ+ people. For example, one parliamentarian told the Commission:

I had a colleague who tried to put his hands down [a LGBTIQ+] staffer's pants, and then sought to laugh it off once he was challenged by both

my staffer and myself ... I think that's a good example of that intersectionality where you have to recognise that people can become targets because of those extra layers.⁵⁴⁰

LGBTIQ+ people also experienced bullying at a higher rate (42%) than people who identify as heterosexual (36%).

There were insufficient survey responses from First Nations people or people with disability to support reliable data on the proportion who experienced bullying, sexual harassment or sexual assault in CPWs. The 2018 National Survey results and broader literature, however, indicate that marginalised groups experience sexual harassment at higher rates overall.⁵⁴¹

In addition, in interviews the Commission heard from some people with disability about their particular experiences of bullying, including for example what one participant referred to as the 'disability dynamic', including 'the way in which [the bully] used their body' against the participant.⁵⁴²

(d) People responsible for bullying and sexual harassment

The Review Survey data provided a number of significant insights into the dynamics of bullying and sexual harassment in CPWs. This analysis could not be conducted for sexual assault, as noted above, as a result of the small number of responses. In particular, the data indicates:

- People who bully or sexually harass people in CPWs were predominantly in a more powerful position than the person experiencing the behaviour. For example, 78% of people who experienced bullying in CPWs have been bullied by someone more senior.
- Sexual harassment was more frequently perpetrated by one harasser, 73% of most recent instances of harassment involved one harasser and 14% more than one. Whereas 57% of the most recent incidents of bullying involved one bully and 38% involved more than one bully.
- Men were more likely to perpetrate sexual harassment, while women were more likely to bully.
- People who bully or sexually harass people in CPWs were likely to perpetrate these behaviours with multiple victims.

These trends are explored in more depth below.

(i) Bullying

Participants throughout the Review told the Commission about the role of power imbalances in driving bullying cultures (see 4(c)(i) 'The role of power'). The Review Survey data clearly show that seniority was a key attribute of bullies within CPWs. For example, in instances involving a single bully 78% of people who have been bullied indicated that the bully was more senior, including 18% of incidents where the bully was a parliamentarian.

Many participants told the Commission about being bullied by their manager or supervisor.⁵⁴³ One participant said:

My supervisor ... bullied me ... out of my role, and used the underperformance process. I was in that role for 10 years. Never had an underperformance issue.⁵⁴⁴

Notably, the Review Survey results also indicate that where more junior employees were involved in bullying, this was often in group situations where a more senior person or supervisor was also engaged in these behaviours. This suggests that bullying cultures are learned from and modelled by senior employees or parliamentarians. One participant added:

having spoken to those two superiors and those managers that I had a really rocky time with, I'm now really close friends with them because it's taken me a step back and realised that it was actually [the behaviour and standards] the Member was feeding to them and they were the strictly ones who had to enforce it.⁵⁴⁵

Women were more likely to be using bullying behaviour within CPWs than men, particularly in instances involving one bully. Of those instances involving one bully, the data indicates that 61% of bullies were women compared with 35% of men, and 76% of multiple bullies were women, compared with 68% of men. One participant told the Commission:

The more senior women in that office systematically bullied me and one of the other women to the point where we were both in tears. Frequently, like at least every week, the advice was go and cry in the toilet so that nobody can see you, because that's what it's like up here.⁵⁴⁶

The Review Survey results indicate that in instances involving a single bully, women were twice as likely to bully another woman than they were to bully a man (66% female compared to 32% male). Male bullies were also more likely to bully a woman (58% female, compared with 38% male).

The greater representation of women among those engaging in bullying behaviour in CPWs remains consistent with the drivers and risk factors identified above. For example, the literature indicates that this pattern may be reflective of the rigidity of hierarchy and power in these workplaces, structural inequalities as well as the broader workplace culture. Research has found similar patterns of women bullying women in sectors or workplaces which are hierarchical or male dominated and identified that women in these workplaces may experience internalised sexism, which then becomes a contributing factor to bullying by women of other women.⁵⁴⁷

In the context of gender inequalities in the workplace, women in senior roles may perceive this type of behaviour as a way to exercise or consolidate limited power and seek acceptance.⁵⁴⁸ Further, research indicates that there is less organisational tolerance for senior women who transgress expected gender norms. Leadership behaviours that are accepted as the norm for male leaders can be perceived and characterised as 'bullying' for women.⁵⁴⁹

Sixty-six percent of people who experienced bullying said that the bully had also bullied other people. A number of people told the Commission about their interaction and experiences with serial offenders and the lack of response from employers to deal with this behaviour:⁵⁵⁰

The [bullying] incident happened with me, and when we called it out it was ignored. And then a month later it happened to my colleague ... Anyhow, it happened a month later to a male colleague.⁵⁵¹

(ii) Sexual harassment

Of people who have experienced sexual harassment, in either a single harasser or multiple harasser situation, 49% were harassed by someone more senior.⁵⁵²

The Review Survey data indicates that 26% of people who have been sexually harassed in a CPW by a single harasser were harassed by parliamentarians. The data shows that PSA employees were more likely than MOP(S) Act employees to have been harassed by a parliamentarian (31% of PSA employees compared with 19% of MOP(S) Act employees).

Many participants reported their experiences of sexual harassment by parliamentarians. One participant said:

[T]he MP sitting beside me leaned over. Also thinking he wanted to tell me something, I leaned in. He grabbed me and stuck his tongue down my throat. The others all laughed. It was revolting and humiliating.⁵⁵³

Notably, the Review Survey data indicates that parliamentarians were the most common single perpetrator of sexual harassment. Parliamentarians were involved in three in ten (29%) of the harassment incidents in Parliament House and the Parliamentary precincts; and a quarter (24%) of instances at work social events. They were responsible for three in ten (30%) of online harassment episodes and, when harassment occurred while the victim was travelling for work, a parliamentarian was involved in three out of five (56%) occasions.

The second most common single harasser identified by participants were more senior co-worker(s) (14%).

Men were more likely to be the perpetrator of sexual harassment than women. Where there was a single harasser, 81% of harassers were men and 18% were women.

Twenty-eight per cent of people who experienced sexual harassment said that the harasser had also sexually harassed other people suggesting that perpetrators of sexual harassment in these workplaces were repeat harassers.

(iii) Sexual assault

The Review Survey results indicate that the perpetrator of sexual assault in these workplaces were more likely to be male, known to the person, operating alone and more likely to be aged over 40. Similar to the experiences of bullying and sexual harassment, the Review Survey results indicate the perpetrator was likely to be someone in a more senior or managerial role, although some people were also assaulted by co-workers.

(iv) Constituent interactions

Many review participants highlighted that interactions with constituents and the general public were frequently a source of bullying and sexual harassment. This was particularly the case for parliamentarians and people in electorate offices.

Participants recounted instances of being stalked while leafleting in a campaign shirt; bomb threats and packages sent to offices; being verbally abused and threatened as they walk to their cars; and episodes of verbal abuse over the phone and in person.⁵⁵⁴ Female parliamentarians, in particular, told the

Commission about the significant and often violent and sexualised nature of bullying and harassment that they experienced in person and online from members of the public.

Participants also told the Commission that they are not appropriately trained or supported to deal with difficult interactions with members of the public.⁵⁵⁵

(e) Nature of bullying, sexual harassment and sexual assault

Throughout the Review, the Commission heard from many participants about the nature of the bullying and sexual harassment that they experienced in CPWs. There were some consistent experiences across CPWs, but there were also very distinct ways in which particular groups of people within CPWs experienced bullying and sexual harassment.

(i) Bullying

As outlined above, 37% of people currently working in CPWs have experienced bullying. The Commission heard a wide range of experiences of bullying from participants. For example, one told the Commission:

The first MP that I worked for, she was renowned for having a temper ... [S]he ran an incredibly unprofessional workplace. She would call and abuse you over the phone. She would throw things. And if you [under] performed—if you did something stupid, like you left massive typos on a document or something, she'd just throw it. She'd pick it up, and she'd throw the folder on the floor and say, 'This is shit. Why? Don't waste my time. Like if you can't do it right, talk to someone and then come to me.'⁵⁵⁶

Other participants told the Commission:

[S]he said ... I don't want women in my office wearing flat shoes. So please refrain from wearing flat shoes. And that's where the personal criticism started. I can't remember if it was daily. It certainly felt like it.⁵⁵⁷

The Review Survey results indicate that the most commonly experienced form of bullying in these workplaces was 'unjustified criticism or complaints' (30%) and 'belittling or humiliating comments or conduct' (29%). (See **Figure 4.5**).

The types of bullying experienced by women and men differ slightly. For example, women were more likely than men to experience 'withholding information that is vital for effective work performance' (27% for women, 18% for men), 'belittling or humiliating comments or conduct' (33% for women and 26% for

men) and 'unjustified criticism or complaints' (33% for women and 26% for men).

Parliamentarians

The data indicates that parliamentarians are less likely to experience bullying than other people in CPWs across all forms, except for the relatively small number of instances involving physical violence, or threats of physical violence. When parliamentarians do experience bullying, it reflects the broader themes shared with the Commission during the Review of the competitive and aggressive culture in CPWs and weaponisation of information. For example, the bullying behaviour most commonly reported by Parliamentarians was 'belittling or humiliating comments or conduct' (16%), 'aggressive or intimidating comments or conduct' (16%) and 'others spread misinformation or malicious rumours' (13%).

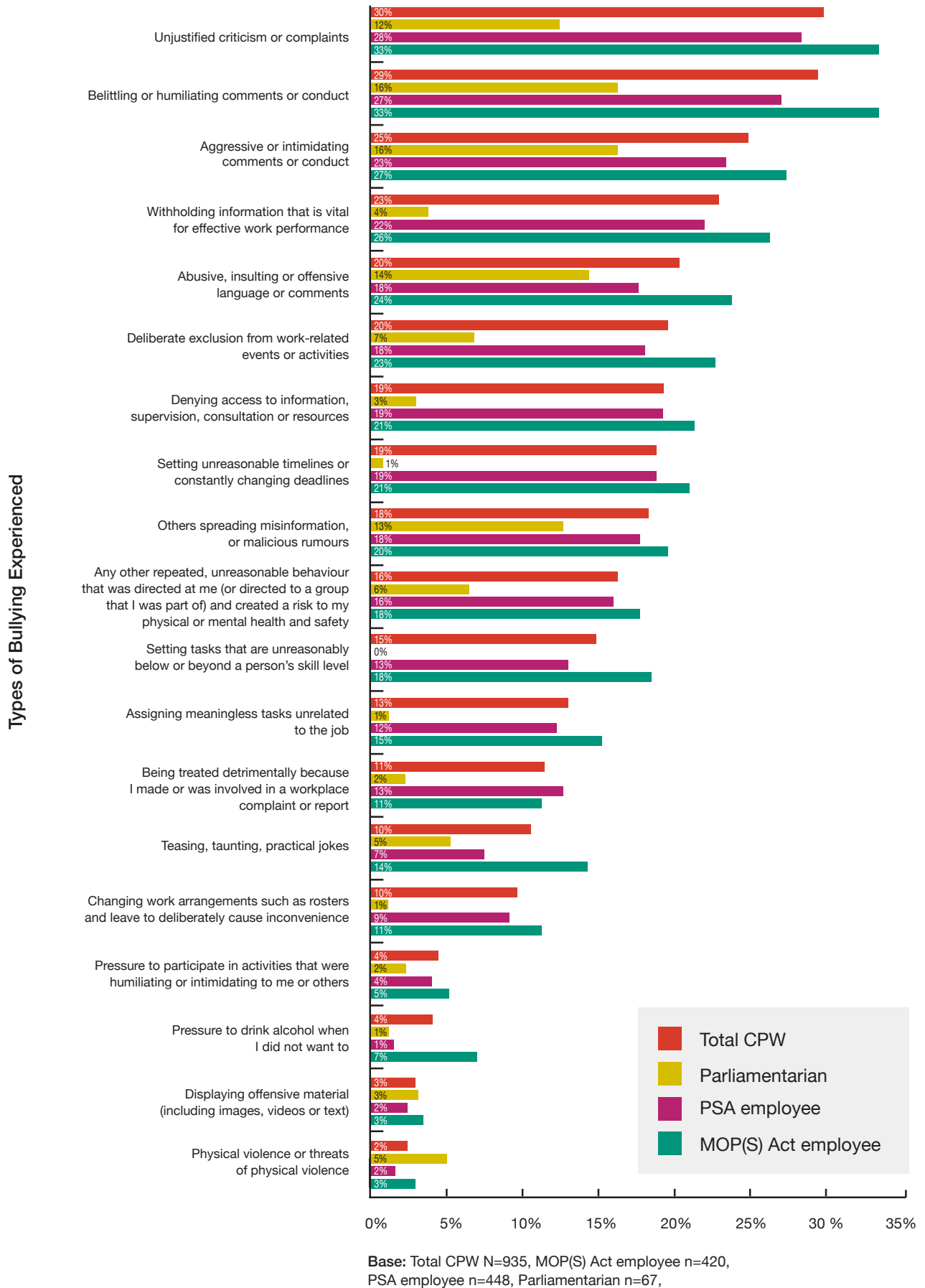
MOP(S) Act employees

The Review Survey data indicates that MOP(S) Act employees experience the highest levels of bullying overall and higher levels of bullying across all forms of bullying than other people in CPWs, except physical violence.

The experiences of MOP(S) Act employees and PSA employees differ slightly. For example, MOP(S) Act employees are more likely to experience:

- 'teasing, taunting and practical jokes' (14% for MOP(S) Act employees, compared to 7% for PSA employees)
- 'abusive, insulting or offensive language or comments' (24% for MOP(S) Act employees, compared to 18% for PSA employees)
- 'belittling or humiliating comments or conduct' (33% for MOP(S) Act employees, compared to 27% for PSA employees).

Figure 4.5: Bullying behaviours by victim role



(ii) Sexual harassment

As outlined above, the Review Survey data indicates that 33% of people in CPWs have experienced sexual harassment. The commonest forms of sexual harassment experienced include 'sexually suggestive comments or jokes' (16%), 'intrusive questions about my private life or physical appearance' (16%), and 'staring and leering' (13%).

Several participants shared their experiences of sexual harassment with the Commission:

He made me feel extremely uncomfortable. During our first meeting together, he asked very intrusive questions about my personal life and sought information about my relationship status.⁵⁵⁸

Another participant told the Commission that a parliamentarian both sexually harassed and sexually assaulted her:

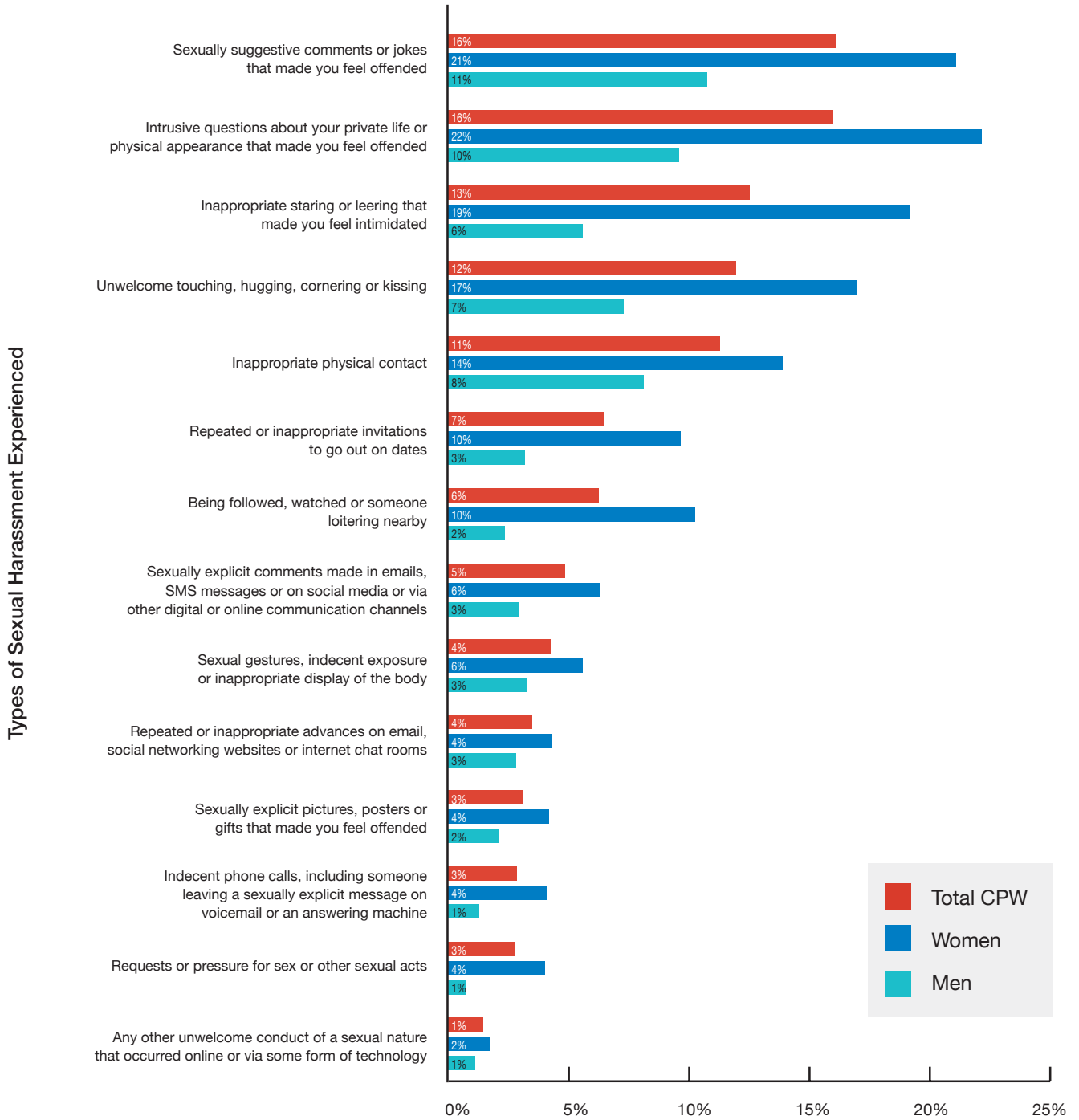
[He] actually put his hand up my skirt and tried to kiss me at that party. And it was quite disgusting. And I was also told by state parliamentarians and members of the party constantly that they need young, sexy, attractive women in the ... party ... it's just off, it really is off.⁵⁵⁹

Sexual harassment in CPWs is largely a gendered experience. Women experienced sexual harassment at a higher rate than men (40% compared to 26%) and for ten of the fifteen behaviours, women experienced these behaviours at double (or higher) the rate of men.

One submission noted the experience of their female colleagues:

I have female colleagues who take fake binders... to committee meetings so a male MP won't try to kiss them... I've had colleagues caressed by Senators in committee meetings in front of lots of people, I've had a junior colleague say she was groped by... MPs from another country and she didn't want to make a fuss so put up with being their liaison for days.⁵⁶⁰

Figure 4.6: Sexual harassment behaviours by victim gender



Base: Total CPW N=935, Women n=573, Men n=319.

Parliamentarians

The Review Survey results indicate that parliamentarians experienced certain forms of sexual harassment at higher rates than other people in these workplaces, in particular technology facilitated abuse. Parliamentarians are:

- 3.7 times more likely to experience 'any other unwelcome conduct of a sexual nature that occurred online or via some form of technology'
- 3.5 times more likely to experience 'sexually explicit comments made in emails, SMS messages or on social media or via other digital or online communication channels'
- 3.4 times likely to experience 'sexually explicit pictures, posters or gifts that made you feel offended'
- 2.4 times more likely to experience 'repeated or inappropriate advances on email, social networking websites or internet chat rooms'
- 2.3 times more likely to experience 'indecent phone calls, including someone leaving a sexually explicit message on voicemail or an answering machine'.

This is consistent with what the Commission heard from many female parliamentarians, in particular:

I reported having experienced this 100's of times ... It's certainly dozens over the ... years I have been [a parliamentarian]. This has consisted of sexually explicit, abusive comments on Facebook and Twitter. In my instance they usually relate to my age, my sex, my physical appearance... Such abusive comments take a toll on my staff even more than me given they are usually the front line of following comments and responding as necessary.⁵⁶¹

(iii) Sexual assault

Due to the sensitive and distressing nature of sexual assault, survey respondents were not asked to describe the nature of their experience. However, people shared their experiences of sexual assault with the Commission in submissions and interviews, indicating they had experienced:

- rape and attempted rape
- indecent assault (including inappropriate touching and kissing without consent).

Some participants shared their experiences:

The other issue that really affected me a lot was [a male colleague] kissed me on the neck in the lift. There were no cameras.⁵⁶²

I was staying with a colleague... who assaulted me in his apartment.⁵⁶³

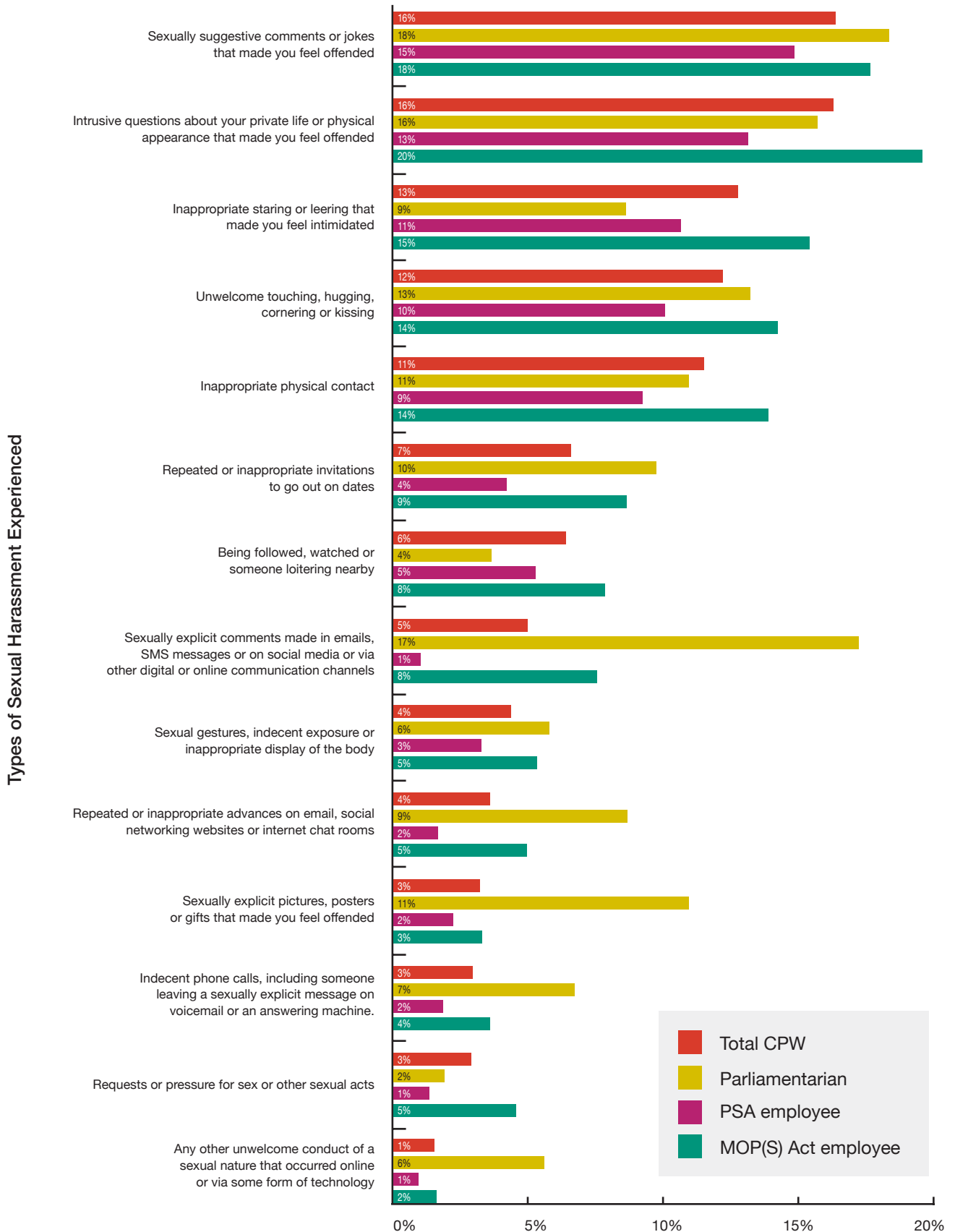
I was indecently assaulted by a staffer in the office I was placed.⁵⁶⁴

I was a victim of sexual assault by a male senior staffer in a senior office.⁵⁶⁵

[At] after work drinks [a senior party member] put his hand up my skirt.⁵⁶⁶

I woke up the next morning naked in my bedroom in the hotel. I don't know what happened.⁵⁶⁷

Figure 4.7 Sexual harassment behaviours by victim role



Base: Total CPW N=935, PSA employee n= 448, MOP(S) Act employee n=420 Parliamentarian n= 67

(f) Repeated bullying and sexual harassment

The Review Survey results indicate that the majority of people who experienced bullying or sexual harassment said it has happened to other people (82% of people who experienced bullying and 60% of people who experienced sexual harassment).

This was also reflected in interviews, submissions and focus groups. For example, participants noted that repeated instances of bullying and sexual harassment permeated CPWs:

[I]t's a quiet sort of bullying, it's not an overt bullying and it's not just against a few people, it's... widespread. The culture is one of you don't know who you trust, you don't know who's on your side, you don't know who's being manipulative to meet some sort of gain. Like the adversarial nature is not just between politicians it's also between staff. It's between different offices, it's within the party, it's outside the party.⁵⁶⁸

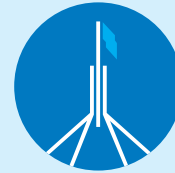
I was exceptionally surprised to learn that this sort of behaviour, certainly at the sexual harassment level or the unwanted attention level, was so pervasive ... I was genuinely shocked at how pervasive it was and yet my female colleagues were not at all.⁵⁶⁹

The bullying and harassment ... is off the charts.⁵⁷⁰

[T]he friend of mine who was sexually assaulted told another, somewhat senior female staff member who had also had a similar experience with this guy... [T]here was multiple people that knew about him and had an experience with him.⁵⁷¹

(g) Location and frequency of bullying and sexual harassment

(i) Location



65% of bullying and 54% of sexual harassment incidents occurred at Parliament House or the Parliamentary precincts

The majority of all sexual harassment and bullying behaviours occurred in Parliament House or the Parliamentary precincts,⁵⁷² however this is where the majority of people in CPWs work. Participants noted that incidents had occurred throughout Parliament House, at the Parliament House gym, in elevators, in offices, and chambers.⁵⁷³



17% of the most recent incidents of sexual harassment occurred at a work social function, such as after-work drinks

The second most common location for incidents of sexual harassment was at work social events, such as after-work drinks or a function.⁵⁷⁴



25% of the most recent incidents of bullying occurred in electorate offices

The second most common location for incidents of bullying were at electorate offices.⁵⁷⁵

Overall, experiences of bullying and sexual harassment were largely consistent, regardless of where people were based.

(ii) Frequency

Bullying, sexual harassment, and sexual assault were often experienced on multiple occasions.

Bullying, by definition, encompasses repeated and unreasonable behaviour, however the Review Survey results indicate that if someone experienced multiple forms of bullying, it was likely to occur on a number of occasions.

Relatively few people who have experienced sexual harassment (15%) reported that they had experienced the harassment on only one occasion. On average, people who have been sexually harassed have been harassed on more than six occasions, though women were much more likely to have experienced more incidents (8 incidents), compared to men (5.1 incidents). The experience of parliamentarians emerged as of particular concern, with the average number of occasions on which they experienced sexual harassment at 12.8, although it should be noted that this estimate is derived from a relatively small base.

Those who experienced actual or attempted sexual assault had a similar likelihood of having this experience once or on multiple occasions.

(h) Impacts of bullying, sexual harassment and sexual assault

I am now in the privileged position to have a good job, a home and family of my own, but the scars from this period of my life run deep. I left the office after basically having a nervous breakdown. When my performance faltered I was just encouraged to work harder and stop embarrassing everyone. Eventually I broke. The boss got some psychiatrist to call me and ask whether I was OK. I didn't need a psychiatrist, I needed a safe working environment and the people senior to me to obey the law.⁵⁷⁶

Participants shared with the Commission a range of both short and longer-term impacts of their experiences of bullying, sexual harassment, and sexual assault. These broadly included impacts on general wellbeing, mental health and career.

(i) General wellbeing

Participants noted that their experiences of bullying, sexual harassment and/or sexual assault had an impact on their general wellbeing. These experiences had an impact on participants' confidence in themselves and their ability to do their job; undermined self-esteem; affected their physical health; made people feel unsafe and uncomfortable; and caused significant distress and shame.⁵⁷⁷

I lost my confidence and I still haven't completely regained it. It had an incredible impact on how I saw myself, my capabilities.⁵⁷⁸

And I was in so much distress, I was withdrawing from my family, I was having panic attacks ... [I]t was a really awful, scary time.⁵⁷⁹

Others noted that they had felt shame and burdened by these experiences:

For decades I have carried the shame of both incidents. I now realise that being paralysed by shock, coercion, fear or a feeling of powerlessness absolutely does not constitute consent. But I didn't realise it then and I punished myself for a long time.⁵⁸⁰

(ii) Mental health

The Commission consistently heard about the impact of these experiences on participant mental health in the short- and long-term. In the short-term, participants shared their experiences of feeling depressed, anxious, and fragile. Many noted that they had to take time off directly after incidents or would attend work in a distressed state.⁵⁸¹

And I did go to work to do my job, but I admit that the bullying got a lot – and too much for me to bear. I took quite a bit of time off. I found it a struggle to get out of bed and go to work.⁵⁸²

I would cry on the way to work, and I'd cry in the bathrooms at work, and I was just in such a bad spot, in terms of my mental health.⁵⁸³

Participants also reflected on the long-term impact of some of the behaviours that they had experienced. Some participants told the Commission their experiences in CPWs had led them to contemplate self-harm or feelings of suicidal ideation. For example,

in one interview a participant told the Commission about the impact on colleagues in these workplaces:

One tried to commit suicide, another admitted themselves into a mental facility. I know three women [who worked in CPWs] that are still seeing psychologists. One had a marriage breakdown, and one has completely dislocated with her children as a result of the direct influence of that Member of Parliament. Others have ... decided to take different journeys ... I will never work in a political office again, it's not worth it.⁵⁸⁴

Some noted the impacts that can occur if misconduct is not adequately addressed and issues are normalised:

I am keenly aware of the cumulative impact that a toxic and bullying workplace culture can have on an individual's mental wellbeing ... I recognise the cognitive dissonance that occurs when junior staff experience abusive treatment that is not acknowledged by anyone else. Coping mechanisms further embed the idea that this treatment is 'normal' and 'everyday'. The response by the [parliamentary department] executive often serves to further entrench this idea, with inadequate responses that seek to minimise the severity of the behaviour. This can re-traumatise the victims, or even create a new and separate trauma by rendering them powerless in a different context.⁵⁸⁵

Others documented that their own experiences and the lack of adequate response is still felt:⁵⁸⁶

If you were to look at me now you'd see someone successful in every way. What you can't see is the therapy that never worked, and the heavy medication I'm on to deal with the anxiety, shame and trauma I experience daily... I have never recovered.⁵⁸⁷

I've been suicidal on and off from that job. I mean, it's really taken its toll, and no job should actually do that to someone, and those people... didn't care about my wellbeing.⁵⁸⁸

(iii) Career

Many participants talked about the career impacts of their experiences.⁵⁸⁹ As noted in 'people who bully' (above), participants noted that they were often bullied by managers or superiors, with some reporting that they were pushed out of their job or felt they could no longer stay in their role. Many noted that, after their experiences, they had resigned:⁵⁹⁰

But for my own mental health, I could not stay there. I had to leave.⁵⁹¹

I felt that I had no option ... [T]hat office made it untenable for me to be in the vicinity of that building. And to even show up I was getting severe chest pain walking into the building. I was placed on medical leave multiple times.⁵⁹²

I left. I ended up leaving after the last election because I just cared for myself more than I cared for the job. I did not want to stay in an environment where I was going to be subject to that level of abuse.⁵⁹³

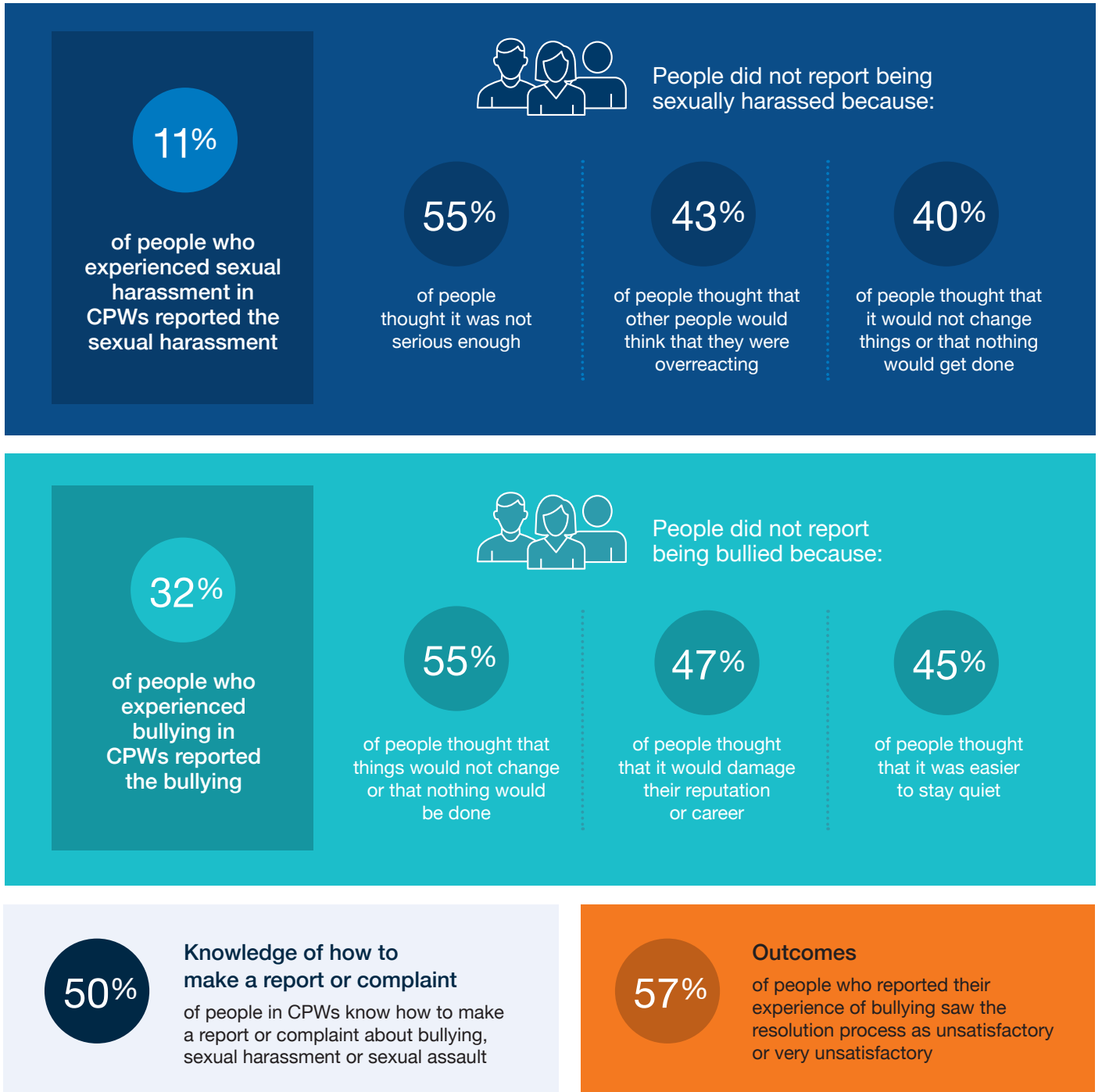
Participants noted that their experiences at CPWs had affected their longer-term careers. For some, this was because they were not given references, making it difficult to get another role in their field or were 'blacklisted' from working in Parliament House or for political parties.⁵⁹⁴ Others noted that their experiences had affected their ability to work:

I'm currently seeking professional counselling because I'm having issues in my subsequent workplaces around trusting the people around me.⁵⁹⁵

I haven't worked since, so it was really hard.⁵⁹⁶

(i) Reporting and complaints

Figure 4.8: Reporting and complaints



The Commission consistently heard from participants throughout the Review that there was considerable hesitancy and fear about making a complaint or report. The Commission also heard that the process for making reports and complaints about bullying, sexual harassment and sexual assault was unclear and ineffective and that, for the few people who did make a report, little appeared to change as a result.

Survey participants were asked about their experiences relating to 'reporting and complaints'. This information is documented below. As participants were asked about their experience of reporting and complaints collectively, there was no way to disaggregate data which relates to each of these concepts individually. In this section, the terms 'reporting' and 'complaints' are used interchangeably. These concepts are defined and considered in further detail in 5.4 ('Standards, reporting and accountability').

(i) Complaints and reporting

People who experienced bullying, sexual harassment and/or sexual assault in parliamentary workplaces are very unlikely to report their experience.

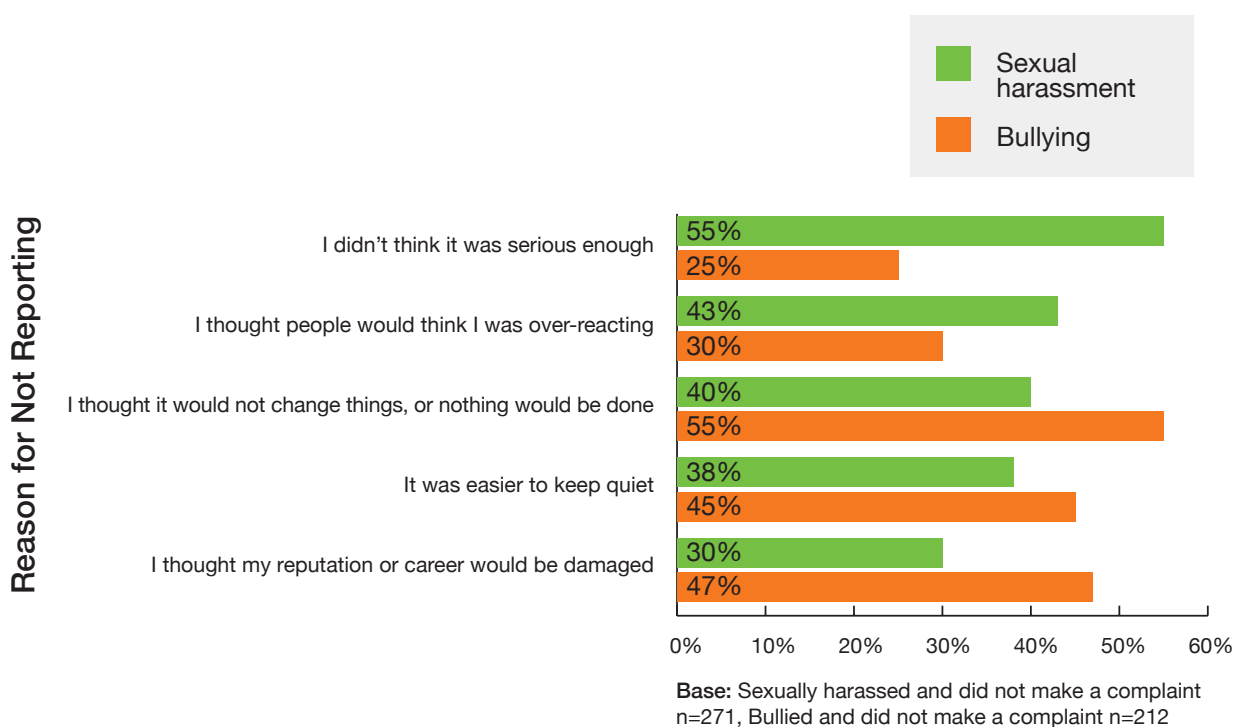
Only one in ten (11%) people who have experienced sexual harassment reported the harassment,⁵⁹⁷ and 32% of people who experienced bullying reported their experience.

Female victims of bullying are more likely to make a complaint or report their experience than men. While 57% of people who experience bullying are women, two thirds (65%) of those making a complaint were female. Similarly older people who experienced bullying were more likely to report bullying, with two in five (40%) of reports made by a person aged 50 years or older whereas a third (34%) of people were in this age group. Conversely, younger bullying victims were more likely not to make a complaint or report bullying. Eighteen percent of people who experienced bullying are 29 years or younger, however only 12% of those reporting bullying were in this age group.

(ii) Reasons for not reporting

A range of factors contributed to low levels of reporting and complaints in these workplaces. The primary reasons that emerge from the survey data include people not thinking the incident was serious enough, or that things would not change, and concern about damage to reputation or career.

Figure 4.9: Most common reasons for not reporting bullying and sexual harassment



The Review Survey results indicate:

- Most people who experienced bullying but didn't report the bullying thought things would not change or nothing would be done (55%), or because they thought it would damage their reputation or career (47%)
- Most people who experienced sexual harassment but didn't report the harassment didn't think it was serious enough (55%) or that people would think they were over-reacting (43%).

These results reflect the observations of participants in interviews, submissions and focus groups. For example, many interview participants told the Commission that the negative perceptions of the process of reporting may increase the threshold of what is reported:

I've been in situations [where] people have done terrible things, but do I want to go through the formal processes of reporting it and then getting like, go through that horrible stuff that we know all the women go through. And ... sometimes it's not worth going through that just because some guy put his hand on your arse or his hand up your skirt.⁵⁹⁸

To report it would have been a difficult thing to do—with further consequences more unpleasant than the incident itself.⁵⁹⁹

Other participants told the Commission that there are limited incentives to report behaviour given the perception that reporting often results in no action or change:

From the get-go there's no incentive to actually report because it's not going to change it and it's probably actually going to make it worse...⁶⁰⁰

It was like, 'Yes, you can go and report it to the Department of Finance, and [they] will do nothing about it', because, you know, at the end of the day, they're a government department, and they are so far removed from the culture of that building that they have no teeth to be able actually do anything about it.⁶⁰¹

Some participants also reflected on the negative personal impact of reporting instances of bullying, sexual harassment or sexual assault. For example:

I think that the truth is that the more senior you are, the more difficult it is for you, because ... you have invested so much... you've got to accept that you're literally going to set fire to... years of work. [T]hat is potentially the consequence for speaking up and speaking out, and that is very real.⁶⁰²

The only person for whom such a report would be detrimental was me.⁶⁰³

[Y]ou're not rewarded for being brave and speaking up. In fact you're persecuted.⁶⁰⁴

People who experienced sexual assault also told the Commission that the lack of accountability and a fear of damaging their career affected their decision not to report their experience:

I made a decision not to tell anybody else because this man had done a similar thing to another woman ... a couple of years beforehand and when that became known there was no sanction against him, but she stopped being able to come to Canberra from the electorate. So, she lost out on pay, she lost out on career opportunities. And it actually really quite seriously impacted her.⁶⁰⁵

People who experienced sexual assault told the Commission that they did not report their experience because of concerns about confidentiality; a belief that it would be embarrassing or difficult; that they would not be taken seriously, and that it is easier to keep quiet as nothing would be done or changed. People also explained that they were too frightened to take any action. One participant told the Commission, 'most girls don't want to go to the police. I don't want to be defined by what happened to me'.⁶⁰⁶

Finally, the Commission heard from a number of people, including people who identify as LGBTIQ+ and people from CALD backgrounds, about the particular barriers to reporting their experiences. This included fear of not being believed. For example, one participant reflected:

As a brown woman, I would never feel comfortable discussing this openly. People were terrible to Brittany Higgins, a beautiful and brave white woman who was a Lib staffer. No one would believe me. I appreciate the chance to tell my story and get this off my chest.⁶⁰⁷

(iii) Knowledge of how to make a complaint or report

Only half of people in CPWs said they knew how to make a complaint or report about bullying, sexual harassment or sexual assault (50%).

Notably, MOP(S) Act employees were least likely to know how to make a complaint (42%, compared with 54% of parliamentarians and 57% of PSA employees). This is consistent with the broader reflections of participants in interviews, submissions, and focus groups.

(iv) Where people make a complaint or report

People working in CPWs were slightly more likely to feel most confident reporting bullying, sexual harassment or sexual assault to somebody outside of, or independent to, the Commonwealth parliamentary workplace (45%), compared to 37% who would feel most confident reporting internally. Sixteen percent do not know where they would feel most confident. MOP(S) Act employees (48%) and PSA employees (43%) were more likely to feel most confident reporting an issue outside or independently of CPWs, while almost one in four (23%) parliamentarians did not know where they would feel most confident reporting incidents.

People who were most confident to report internally were most likely to make a complaint or report to someone in a leadership or management role (43%) and to a lesser extent a human resources office or equivalent (13%) or a co-worker or colleague (13%).

Where people were most confident to report externally, a significant number of people (58%) indicated that their preference would be to report through an independent reporting and complaints mechanism that has been established specifically for people working in CPWs.

(v) Satisfaction with reporting

Overall, the Commission heard that, where people do make a report or complaint, the systems and processes were not effective and can be re-traumatising.⁶⁰⁸

For example, the Review Survey results indicate that, where people did report bullying, most people found the experience unsatisfactory or very unsatisfactory (57%). Only 21% of people who reported bullying were satisfied or very satisfied with the overall process.⁶⁰⁹

Many participants told the Commission that complaints and internal and external reporting avenues were limited. For example, participants said:

You can't actually take action with the Fair Work Commission unless you've been employed for six months ... My employer terminated my employment at 5 months and 29 days deliberately ...⁶¹⁰

The support [person from] the Department of Finance quite bluntly said to me, 'The only way we can resolve this is by reporting it to the Senator' which, when the problem is with the Senator, what do you do?⁶¹¹

(vi) Finalisation of reports

Of people who reported bullying, 45% had their report or complaint finalised, most straight away or within three months. However, 27% of people who have reported bullying were still waiting for their report to be finalised and nearly a quarter did not know the status of their report (23%).

Participants noted that drawn-out resolution of complaints can further compound trauma and undermine the safety of complainants, especially if there was limited communication regarding how reports were progressing. One participant told the Commission that they didn't 'feel protected or supported or safe necessarily, during the process'.⁶¹²

(vii) Consequences for reporting

The Commission overwhelmingly heard that following a complaint or report about bullying, sexual harassment or sexual assault, there were rarely any consequences for the person engaged in the bullying or sexual harassment, or more broadly.

Consequences for people who make complaints or reports

The Commission heard from many participants about the negative personal and career consequences that they experienced as a result of making a complaint or report of bullying, sexual harassment or sexual assault. For example, some people told the Commission that they tried to report but were not taken seriously:

I went to my chief of staff on a bullying ... complaint—and it was sort of kicked under the carpet, and told, ‘Suck it and see. The boss doesn’t want to lose staff. She’s worried about how it’s going to play out in the press on staff turnover’.⁶¹³

...suck it up, snowflake’, was kind of the response.⁶¹⁴

When I went to [HR] with my one and only complaint about bullying ... It was just ignored. Even though I’d written something formal.⁶¹⁵

The CPSU told the Commission that reporting issues can have career impacts for complainants:

It is not uncommon, once a complaint has begun to be aired for the process to become about getting the worker a payout or moving them on in a way that limits damage to their employer. In some cases, employees will be required to sign nondisclosure agreements on termination of their employment.⁶¹⁶

Consequences for people who bully, harass and/or assault

Most commonly there was no consequence for people who bully, harass and/or assault other people in CPWs.

The Commission consistently heard that there were no consequences for people who bully, harass and/or assault people in these workplaces, or where there were consequences they were limited. See 4(c)(iii) (‘Lack of Accountability’).

This was reflected in the Review Survey, where almost a third of people in CPWs (30%) disagreed or strongly disagreed with the statement that, in their current workplace, ‘fair and reasonable action is taken against anyone who engages in sexual harassment, sexual assault or bullying, regardless of their seniority or status’.⁶¹⁷ A further 31% said that there was ‘a culture of protecting “high value” workers’ in their workplace.

Participants often remarked that they experienced ongoing emotional and career harms, while people perpetrating misconduct were not ‘answerable’⁶¹⁸ for their conduct and continued in their roles or were promoted.⁶¹⁹ One participant shared:

I was going to be put back under the person that I’d made a complaint against. And the HR had honestly said that there was no way that they can manage the relationship between me and him, and they can’t stop this from occurring again. So there was no safe way for me to go back to my job. So I specifically asked for a redundancy, because my mental health was already in a bad place. And it was going to be worse if I had to go back and work directly for him.⁶²⁰

Participants commented that the current reporting mechanisms, particularly for parliamentarians, did not have teeth, were not enforceable and did not ‘compel the [perpetrator to] suffer any consequences or amend their behaviour’.⁶²¹

Systemic consequences

More broadly, the Commission also heard that, at a systems-level, there were rarely any changes following a report or complaint of bullying, sexual harassment or sexual assault. For example, a participant from a parliamentary department told the Commission:

So the Minister ... came out and said, ‘We would like your opinion as to what the environment is like ...’ ... So [the truth] came out, we were honest about that and they went, ‘Yep, we can see this is a really bad environment, really poor, you’re going to get some help’ and that was the last thing we heard from anybody.⁶²²

A small minority reported that their employer had implemented training, or changed their practices, policies or procedures.

For example, one participant noted that a political party tried to institute new processes in response to complaints:

The party came in and assisted internally by bringing in elder people within the party to try and get those [performance] processes [in] place... but the situation was just untenable because the particular Member of Parliament didn’t want to accept that these processes were required.⁶²³

(j) Accessing support

(i) Accessing formal support services

A number of common themes emerged during the course of the Review regarding participants’ access to support services. This included awareness of these services, preparedness to access them, and experience of participants when they tried to do so. The internal support services available to those who work in CPWs are described in 3.3(c) (‘Advice, support and other services’).

Some participants described positive experiences of accessing existing support services and positive outcomes from doing so. For example, one participant told the Commission, 'I used the psychologist service ... I really can't express how helpful these were at the time and recommend more sessions be available for staff.'⁶²⁴ Another participant shared their experience:

I am happy to disclose that I did use the EAP counselling services made available through [MaPS] ... Our office manager frequently reminded us of the availability of these services. I used them throughout the year ... and had a positive experience using them.⁶²⁵

However, many participants told the Commission they were hesitant about accessing support. Participants said they either lacked awareness of what supports were available to them, did not trust that their information would remain confidential if they accessed such supports, or that they had negative experiences when they did access them. The main barriers to engagement were similar to those explored above as barriers to reporting or making complaints.

This is reflected in the Review Survey results, which indicate that more than half (57%) of people who experienced bullying did not seek support after their most recent bullying event.

The two most common reasons given for not seeking support after experiencing workplace bullying in the Review Survey results were the belief that seeking support would have an impact on their career (41%) and concerns about confidentiality (36%).

This concern about confidentiality was echoed in submissions and interviews, with one participant telling the Commission:

There's a saying in politics that if you want a friend in politics get a dog, and it's not too far from the truth because you genuinely can't trust people. People will use information to their advantage ... and so you're very careful about who you talk to.⁶²⁶

In terms of awareness of supports, the EAP is the service that most survey participants were aware of, with about nine in ten (89%) employees having heard of this service.

Many people, however, were not aware of any detail about the services the EAP offers. 'It's just a poster on the door', one participant said. 'Is it actively pushed to us? Is it actually, actively followed up? No.'⁶²⁷ Most participants seemed aware of it only as a semi-regular email or reminder and a number of participants described it as 'useless'. One participant told the Commission, 'I was given the EA number ... here's the EA. Just ring the EA. That's the biggest cop out.'⁶²⁸

Many participants expressed concerns about the privacy or confidentiality of the EAP, particularly given the program's connection to the Department of Finance.

We all know about it, we get worksheets about it, but no-one accesses it, and I think it's that I don't really want to call someone in some Finance or whatever because you don't really know where EAP lies. You're not sure what's going to happen on the phone, if you have to talk to someone, you're not really sure where that could go. I think that's probably why staff don't take part in the EAP sessions that are provided to them.⁶²⁹

With few exceptions, such as those mentioned above, the majority of participants who said they had accessed the EAP in the past described negative experiences using it. 'This is a counselling service that basically tells you to make a decision to leave or learn to work with bad behaviour', one participant wrote. 'That is not very helpful.'⁶³⁰

Another described realising—during her third session with an EAP counsellor—that the psychologist was 'a pretty involved volunteer for my boss':

I'd just been talking about the challenges within the office. And I think, you know, basically how much of a bitch my boss was being and how insensitive she was being to my current situation. And yeah, she adored her so much that she'd handed out how to vote cards and manage[d] a booth on Election Day for her. So that was pretty disappointing to be honest.⁶³¹

'I really wanted to find someone local that I could go and talk to and workshop things', another participant said, 'and the person I spoke with was sort of like, "you only see me for three sessions. If you have another problem you can book another three, but you've got to find another problem that's different enough from your current problem", and it all felt very clinical and not really supportive.'⁶³²

A number of participants also shared their hesitancy in accessing supports following experiences of bullying, sexual harassment or sexual assault, because of a lack of culturally appropriate services and supports. For example, one participant told the Commission:

I don't feel that I could even bring that to the [Department of Finance or 1800 phone line] because ... if I tried to explain to them an incident of racism, I just don't feel that they would understand that because they wouldn't have the same lived experience as me.⁶³³

(ii) Informal support networks

The Commission also heard about informal systems of support that existed within some parts of CPWs, with some participants describing individuals and *ad hoc* support networks that 'looked out' for the safety and wellbeing of colleagues.

While many participants indicated that they were unwilling or reluctant to challenge misconduct and were similarly unwilling or reluctant to report it through formal processes, the Commission heard repeated reference to a culture of *ad hoc* care and support networks, which exist in a number of these workplaces.

'[Whenever our boss] left the office, there was this relief party that came to [whoever she had been yelling at]', one participant said. 'You know, all these people who came with the tissues and someone would go and buy a cake or a coffee or something. And there was this sort of little support network that would gather around that person who had just been screamed at'.⁶³⁴

Multiple participants also described the practice of looking out for anyone who was perceived to be

at risk of being targeted for sexual harassment or sexual assault. This included providing colleagues, particularly younger female colleagues, with informal warnings about male staff and parliamentarians who should be avoided because of known past behaviour.⁶³⁵ For example, one participant recalled being warned as a MOP(S) Act employee to be careful never to be alone in a room with a particular parliamentarian, and definitely never with the door shut.⁶³⁶

Young men also spoke of having been warned about people they should avoid:

I got told beforehand, 'Don't get too drunk. You're a young gay man. He's a predatory older gay man. And he'll go for it. If there is the right opportunity, he will pick a target in a room, ply them with booze and then try it on.'⁶³⁷

(k) Existing policies and people management practices

The Commission heard several common concerns about the respectful workplace behaviour (RWB) policies and people management practices that are currently in place across CPWs. In relation to RWB policies, many participants said that they were inconsistent, not well known and, often, not implemented in practice. Many participants, particularly MOP(S) Act employees, had serious concerns about the lack of basic human resources and people management practices in some CPWs. This included flagging a particular lack of rigour and support around recruitment, induction and performance/career development practices.

(i) Respectful workplace behaviour policies

Across CPWs, there are a range of different policies that deal with workplace bullying, sexual harassment, and sexual assault. Codes of conduct dealing with these matters apply to some cohorts within CPWs (eg, Ministers and their staff) but not others (eg, other parliamentarians and their staff). There are also a range of separate RWB policies that apply in different CPWs or to different cohorts, each with content that is similar, but not the same. An overview of relevant CPW policies appears in 3.2(b) ('Policies').

Where policies do exist, there are some significant gaps in people's knowledge about what they say. Almost a third of all people in CPWs (32%) said that they know 'nothing' or 'very little' about CPW policies, practices and procedures on bullying, sexual harassment or sexual assault.⁶³⁸ 'Knowledge gaps' for some cohorts within the CPW are significantly

larger than for others. For example, 41% of MOP(S) Act employees said that they knew ‘nothing’ or ‘very little’ about RWB policies, practices and procedures, compared with only 24% of PSA staff and 22% of parliamentarians.

While about half of all people in CPWs (53%) said that they had ‘some knowledge’ about RWB policies, practices and procedures, and a majority (57%) of people said that they received some form of training on workplace bullying, sexual harassment or sexual assault, less than two thirds (62%) of those who had received some form of training knew how to make a complaint (what the Commission heard about training in the CPW is addressed in 4.2(l), ‘Awareness, education and training’).

Many participants observed that, while RWB policies exist across CPWs, they were merely a ‘tick-box’ compliance exercise for employers that were not adhered to⁶³⁹ or implemented in any consistent way.⁶⁴⁰ As one participant put it, ‘[t]here are lots of policies—few are implemented.’⁶⁴¹ Another said that, while the policies ‘were there in writing. I didn’t see them enforced in practice’.⁶⁴²

(ii) Human resources practices—recruitment, induction and career development

Many participants told the Commission that some basic human resources practices that were considered ‘standard’ in large workplaces outside the CPW were often notably absent in CPWs. Participants raised particular concerns about a lack of rigour and support in relation to recruitment, induction and career development processes. They also described how this can create unnecessary stress and uncertainty for employees and people leaders about tasks and role responsibilities, as well as leading to frustration, skills deficits and inexpert handling of human resources matters—all of which can ultimately contribute to less safe, respectful and inclusive workplaces.

(iii) Recruitment

Participants across CPWs noted the lack of structured, fair, transparent recruitment processes and promotion/career development pathways.⁶⁴³ Less than half of people in CPWs (48%) agreed or strongly agreed that recruitment, reward and recognition is fair and based on merit—and almost a third (31%) disagreed or strongly disagreed with that statement.

Participants told the Commission that recruitment processes for MOP(S) Act employee roles are typically opaque: vacancies are rarely advertised, selection

criteria and processes are not established or made known; the use of selection panels (to promote consistency and fairness and reduce bias) and recruiting with a deliberate focus on diversity of candidates is rare; and parliamentarians often select candidates from a small pool, within their existing networks.

Under the [MOP(S)] Act, parliamentarians have complete flexibility and authority to employ their own staff consistent with staffing allocations. There is no established formal recruitment process, or guidelines established by MaPS for recruitment and there is no requirement for selection or promotion to be merit based. Often, recruitment is not an open process and occurs through existing networks. There are not even expectations of a panel to run an interview, let alone a panel displaying diversity, as is now an minimum expectation in both the public and private sectors.⁶⁴⁴

(iv) Promotions and career development

Participants raised similar concerns that the process for promotion—both within the parliamentary departments and for MOP(S) Act employees—is equally opaque and that people are often promoted for ‘political reasons’ (such as party or leader loyalty, personal or political connections or perceived political value). Many people are ‘tapped on the shoulder’, with little clarity about how they are selected or why they are appointed or promoted.

[I]t’s an exclusive club, or it’s a clique, they all know each other outside there. The process of recruiting ... nothing’s transparent about it at all. ... everybody knows everybody, and everybody just shares everybody. So there isn’t ever a job advert, and if there is, it’s a foregone conclusion because they all know each other.⁶⁴⁵

Participants noted that this lack of transparency and structure around promotions prohibits many staff from being able to plan and progress their careers in the structured way that is common in other workplaces. It also allows ‘favoured’ individuals to progress while newcomers and outliers can easily be kept from progressing.⁶⁴⁶

While more structured and formalised performance management and career development processes exist within the parliamentary departments, MOP(S) Act employees noted in particular that, as such matters were left to the discretion of employing parliamentarians, the approach was inconsistent across offices and, for many, non-existent. Many staffers described a lack of any formal processes

for professional development such as counselling, coaching, or monitoring, or for performance management.⁶⁴⁷

(v) Induction

Approaches to induction vary across CPWs, with more formalised structures in place for some cohorts. The Commission heard that induction was generally more consistent and structured for departmental staff and for parliamentarians, and less structured for MOP(S) Act employees. Participants also noted that there was a lack of appropriate induction and training for those taking on managerial roles within their offices or teams.⁶⁴⁸ These issues are discussed further in 5.3(d) (v), 'Induction'.

(l) Awareness, education and training

Throughout the Review, the Commission heard that training is inconsistent, siloed and not appropriately tailored. In particular, the Commission heard that:

- training is inconsistent across CPWs, with providers, topics and methods of delivery varying among departments. Some programs reflect best practice content and adult learning principles while others do not
- training is siloed and developed and provided without collaboration across departments, even 'core' training relevant to all employees
- training attendance/participation rates vary across the CPW and are often unclear—due to a lack of consistency in the collection and reporting of training data⁶⁴⁹
- many training programs are offered on a voluntary basis, but some programs are mandatory—information on this is also often unclear due to a lack of consistency in the collection and reporting of training data⁶⁵⁰
- for most training, no, or limited, feedback from attendees is requested, and there is almost no independent evaluation of CPW training programs.⁶⁵¹

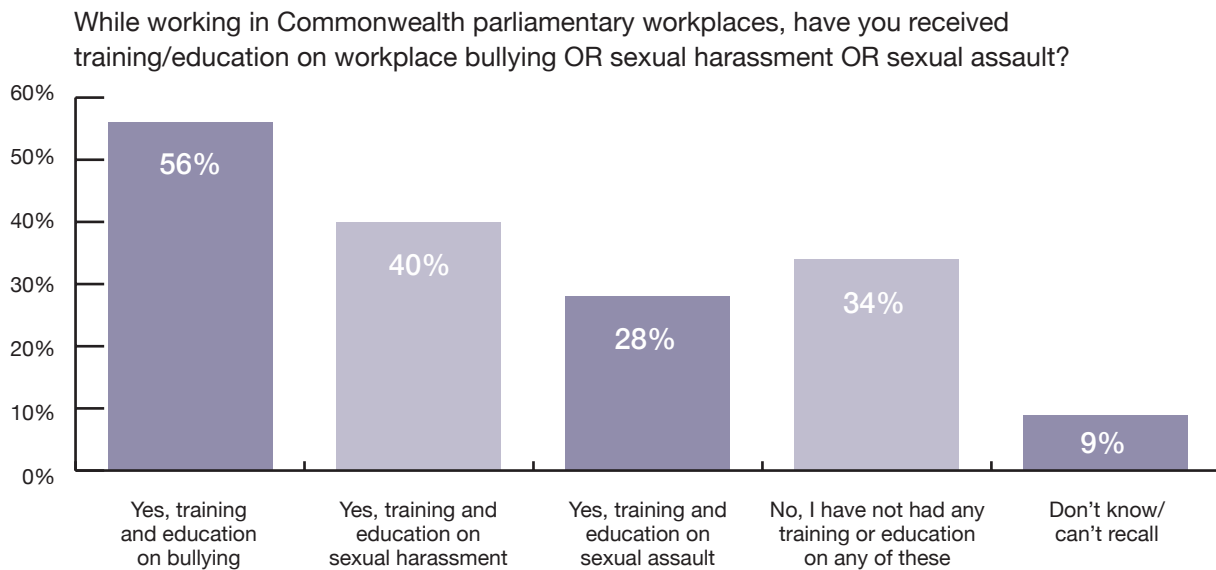
(i) Respectful workplace behaviour (RWB) training

Across CPWs, formal training programs are the main method used to communicate information about RWB policies and processes. Other mechanisms, such as the provision of online resources, email messages and informal discussions with leaders, are also used.

The Review Survey asked people about whether they had received training on workplace bullying, sexual harassment or sexual assault. Results reveal that:

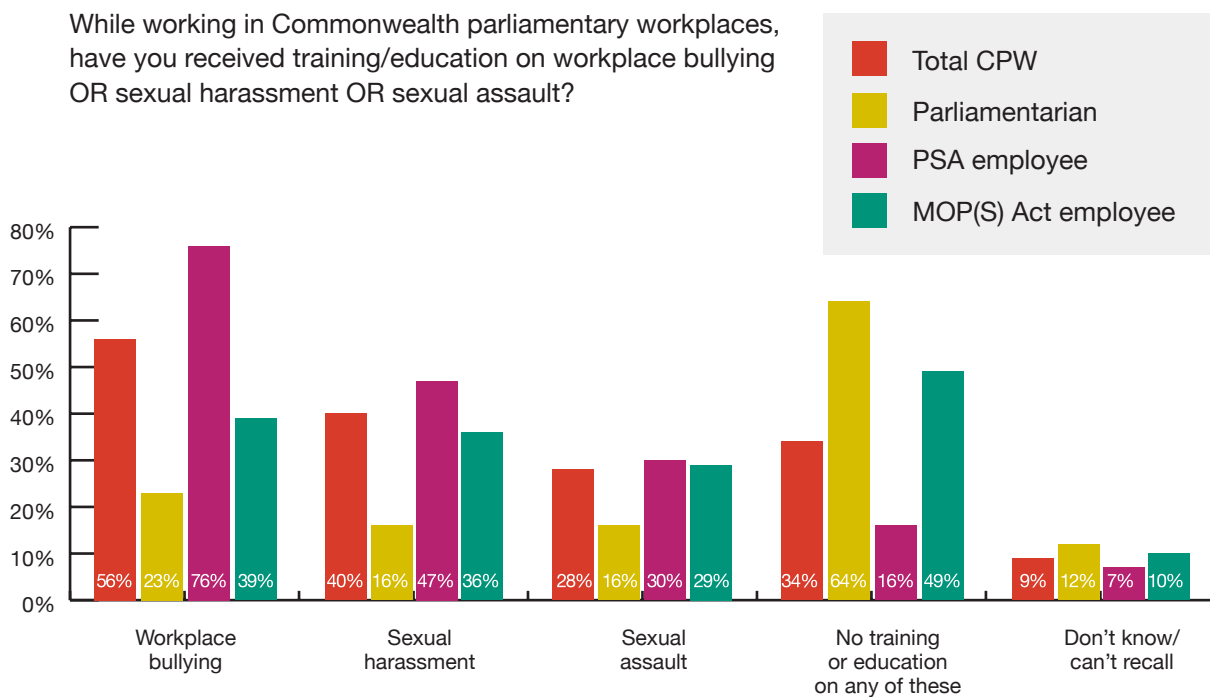
- More than a third of all people in CPWs (34%) said that they had received no training on any of these topics. In particular, 64% of parliamentarians and 49% of MOP(S) Act employees have not had any training on these topics
- Where people had received training, it was most commonly training on workplace bullying (56% of people received training on bullying)—followed by training on sexual harassment (40%), and sexual assault (28%)
- There were notable differences between the amount of training received by different groups of workers. Employees in parliamentary departments were more likely to have received training on bullying and sexual harassment than either MOP(S) Act employees or parliamentarians, who were more likely to report receiving no RWB training
- Where people work also has an impact on the training they receive. Those based in Canberra reported receiving more training than those based in electorate or parliamentary offices outside Canberra.⁶⁵² Almost half of people working in electorate offices outside Canberra when Parliament is not sitting (48%) said that they had received no training at all on bullying, sexual harassment or sexual assault
- These results should be taken into account when planning and resourcing future training efforts in CPWs.

Figure 4.10: Respectful workplace behaviour training received in Commonwealth parliamentary workplaces



Base: Total CPW N=935.

Figure 4.11: Respectful workplace behaviour training by role



Base: Total CPW N=935, MOP(S) Act employee n=420, PSA employee n=448, Parliamentarian n=67.

The Commission heard that a lack of RWB training, and lack of awareness of CPW processes for making reports about misconduct, was not only a concern for employees, but also for unpaid workplace participants. One participant told the Commission that as a university student undertaking internships at Parliament House, they were not provided with adequate RWB training by either their university or upon commencing their internship.

Participants also emphasised that while they knew they could approach their university course supervisor to raise any concerns, they had 'no clue' how to make a report or complaint in the CPW if they experienced bullying, sexual harassment or sexual assault in the course of their internship. One participant suggested that interns and other volunteers in CPWs should receive face to face RWB training to ensure each person 'understands those rights and responsibilities and how to get help if they don't understand or something goes wrong'.⁶⁵³

Where participants had received RWB training, many said that it was a 'tick and flick' module; that it was not engaging; memorable or impactful.⁶⁵⁴ Most RWB training in CPWs is currently delivered via pre-recorded and on-demand online modules that involve displays of text/audio/video, however there is no person-to-person live interaction. As noted above, the Review Survey revealed that 62% of people who had received some form of training know how to make a complaint.

Further information regarding RWB training in CPWs appears in 3.3(e) ('Training and Education') and 5.3(f) ('Systems to support performance').

(ii) Management skills training

The Commission has already noted in 4.1(d)(ii) ('Leadership deficit') the concerns raised by many participants about people leaders in the CPW having inadequate management skills. Also noted is that management skills training offerings for leaders appear to be inconsistent and limited across the CPW. The need for a more consistent and structured approach to people management skills training for CPW leaders is addressed further in 5.3(f), 'Best practice training'.

(iii) Induction in Commonwealth parliamentary workplaces

A review of current processes shows that approaches to induction are inconsistent across CPWs (see 3, 'Context').

An overwhelming number of participants (particularly MOP(S) Act employees) raised concerns about the inadequate or non-existent induction provided to them when they commenced in their role.⁶⁵⁵

MOP(S) Act employees often described a complete or significant lack of role clarity in relation to their job, notwithstanding that their 'Induction Checklist' stipulates that 'role requirements and position description' should be discussed with new staff 'preferably before commencement'.⁶⁵⁶ One participant observed that the common human resources practice of providing position descriptions to employees commencing new roles, was for MOP(S) Act employees, 'very rare—like job descriptions or PDs were non-existent basically'.⁶⁵⁷

Participants said that this led to a lack of clarity about the scope of their role and their responsibilities, as well as unnecessary stress and uncertainty, which could be reduced by the provision of a position description. As one participant put it '[H]ow am I supposed to know ... what my job is here or what I'm supposed to do or what success looks like, like in any other work place, without a position description'.⁶⁵⁸ Participants referred frequently to being 'thrown in the deep end' and being required to 'hit the ground running', without a clear understanding of what their role involved, or what their responsibilities were.⁶⁵⁹

Participants also commonly described a lack of induction about basic operational matters, facilities, services or procedures that applied across CPWs. This included a lack of guidance and induction to the IT systems, operational procedures, workplace structures/teams, resources and supports that applied within the CPW or their part of it. Concerns about a lack of appropriate induction were not only raised by paid employees; one participant noted that university students selected for parliamentary internships received no induction training on commencing their roles.⁶⁶⁰ One MOP(S) Act administrative worker used the following example to illustrate the lack of induction and guidance given to new staff working in Parliament House:

When the bells ring for a division, people that had never worked in politics before would be like, 'Oh my God, fire alarm.' And I'm like it's not a fire alarm. And it's like, you haven't even been taught that a bell is going to go off over your head, every hour for a whole week. There's no formal induction. Some offices might be really good at that sort of thing, but in terms of like Parliament House, no.⁶⁶¹

Comments such as '[I got] absolutely no induction in any sense,⁶⁶² 'I was pretty much given a login to the computer, and that was it',⁶⁶³ and '[you're] thrown in the deep end and if you sink you sink and if you swim you swim and it's almost considered a rite of passage',⁶⁶⁴ were representative of the views expressed by many. Participants repeatedly noted how surprised they were at the lack of formal induction, particularly 'in a workplace that has such a high turnover'.⁶⁶⁵ As one participant observed:

While there is difficulty in creating an induction program that covers the varied nature in which offices operate, this is not a reason for there to be no standardised program.⁶⁶⁶

Concerns about a lack of induction (or subsequent) training to support people entering people management roles are addressed in 4.2(l)(ii) ('Management skills training') and a discussion of the unique induction needs of MOP(S) Act employee and parliamentarians appears in 5.3(d)(v) ('Professionalising the MOP(S) Act workforce – Induction').

5.

Framework for Action

No one warns young women of the true danger of entitled, powerful men, in a workplace that encourages and fosters heavy drinking, and the truly terrifying element of pressure that culminates to create. We need to do better for all women that currently work in Parliament and for all future employees who deserve a safe, respectful workplace where they can contribute to the nation and be respected for their qualifications, experience, value, and contributions

(Individual, Sub W239, CPW Review)

Summary

This chapter outlines the Framework for Action which sets out the Commission's recommendations to ensure safe and respectful work environments in Commonwealth parliamentary workplaces (CPWs). The introductory section outlines the fundamental principles to guide the five shifts required to ensure safe and respectful work environments in CPWs in the areas of:

- leadership
- diversity, equality and inclusion
- performance
- accountability
- safety and wellbeing.

This introductory section also provides a proposed timeframe for the implementation of the Commission's recommendations for reform. The detail of these recommendations features in the section which follow, with a focus on the five key areas listed above.

(a) Overview

As outlined in the 'Case for change' (see 2.2) creating a safer and more respectful culture in CPWs is significant for several reasons. First, the Commonwealth Parliament is an institution which should set standards for the nation and lead by example. Secondly, the nation is dependent on the Parliament performing at its best to deliver robust decision-making. Finally, individuals working in these workplaces, no matter their role, should expect and experience the same standards of dignity, safety and respect at work as they would in any other modern Australian workplace. Like any other employer, therefore, employers within CPWs have an obligation to comply with laws designed to prevent and respond to bullying, sexual assault and sexual harassment in the workplace.

This section introduces the Commission's 'Framework for Action' and sets out five key shifts that can transition CPWs to safer and more respectful work environments. The Framework for Action sets out recommendations that address the systemic drivers and risk factors identified through the evidence collected during the Review. Underpinning these five proposed shifts is the fundamental premise that workplace bullying, sexual harassment and sexual assault are not only unacceptable, but ultimately preventable.

(b) Principles for safe and respectful Commonwealth parliamentary workplaces

As identified in 4 ('What we heard'), the Review heard consistently that there is no single workplace culture across CPWs and that culture is continuously shifting and dependent on context. At the same time, a strong message emerged that common drivers and risk factors are present across CPWs that contribute to bullying, sexual harassment and sexual assault.

Establishing a safe and respectful culture will require a systemic shift to address these underlying drivers and risk factors, with a significant focus on prevention. Prevention targets the 'root causes', or the drivers and risk factors which enable misconduct, as well as targeting behaviours themselves.⁶⁶⁷

Based on the Commission's understanding of these drivers and risk factors, the Commission proposes the following principles for creating safe and respectful CPWs. These are designed to enable high performance in a high stakes work environment.



Principle	Outcome
Leadership	Leaders prioritise a safe and respectful culture, set clear expectations and model safe and respectful behaviour.
Diversity, equality and inclusion	Commonwealth parliamentary workplaces are diverse and inclusive and everyone experiences respectful behaviour as the baseline standard.
Performance	People working in Commonwealth parliamentary workplaces are clear about their roles and responsibilities, and consistent and standardised systems, processes and advice exist to support performance.
Accountability	Clear and consistent standards of behaviour are in place; it is safe to make a report; complaints are addressed; and people are held accountable, including through visible consequences for misconduct.
Safety and wellbeing	People are physically and psychologically well and feel safe and supported in Commonwealth parliamentary workplaces.




(c) Bringing it all together: A Framework for Action

Shaped by the five principles and outcomes, outlined above, the framework proposes five key shifts, or impacts, identified as priorities for reform and implementation. Table 5.1 provides a high-level overview.

The recommendations in the Framework for Action are mutually reinforcing and complementary and therefore should not be cherry picked. The Commission recommends implementing all five shifts in a phased manner as set out in 5.2 ('Phases of Implementation').

Table 5.1: High level overview of the Framework for Action

Principle and Outcome	Current state of CPWs	Recommendations	Future state of CPWs	CPW workers lived experience of the future state
 <p>Leadership</p> <p>Leaders prioritise a safe and respectful culture, set clear expectations and model safe and respectful behaviour.</p>	<p>Absence of strong leadership is reflected in the low prioritisation of people management; leaders permitting or engaging in misconduct; and an institutional failure to prevent and respond to misconduct.</p> <p><i>I think all workplaces have the same challenges in the sense that culture is very much driven from top down. It requires progressive leadership, and it requires a high level of self-awareness from people in senior roles.⁶⁶⁸</i></p>	<p>Statement of Acknowledgement (1) Institutional leadership (2) External independent review of progress (3) Individual leadership (4)</p>	<p>Strong institutional and individual leadership and action across all CPWs to foster safe, diverse and inclusive workplaces.</p> <p>Leadership commitment to transparency and shared accountability for implementing change and genuine buy-in from all parts of CPWs.</p>	<p><i>I see leaders who 'walk the talk' and hold other leaders and staff accountable for their behaviour.</i></p> <p><i>Leaders understand how a safe and respectful culture is important to achieve our broader objectives, and this is reflected in what they value and reward.</i></p>
 <p>Diversity, equality and inclusion</p> <p>Commonwealth parliamentary workplaces are diverse and inclusive and everyone experiences respectful behaviour as the baseline standard.</p>	<p>Women are under-represented in senior decision-making roles and there is a lack of broader diversity across CPWs, with the persistence of a 'boys club' culture and disrespectful behaviour.</p> <p><i>I think there is a lack of understanding of the intersection of sexism and racism in workplaces... I think, in Parliament, it is not representative at all of our community.⁶⁶⁹</i></p>	<p>Diversity among parliamentarians (5) Diversity among MOP(S) Act employees (6) Measurement and public reporting (7) Diversity and inclusion in the parliamentary departments (8) Access and inclusion (9) Everyday respect in the parliamentary chambers (10)</p>	<p>The Parliament attracts and retains people who reflect the full diversity of the community.</p> <p>Everyone contributes to robust and inclusive decision-making and a vibrant democracy.</p>	<p><i>My workplace represents the diversity of the community and all experiences are valued and actively included in decision-making.</i></p> <p><i>I feel safe and confident in my workplace to challenge discriminatory stereotypes, roles, and norms in an active way, and know that I will be supported by my manager, and leaders.</i></p> <p><i>I perform to the best of my ability and don't experience discrimination, bullying or harassment.</i></p>

Principle and Outcome	Current state of CPWs	Recommendations	Future state of CPWs	CPW workers lived experience of the future state
 <p>Performance</p> <p>People working in Commonwealth parliamentary workplaces are clear about their roles and responsibilities. Clear, consistent and standardised systems, processes and advice exist to support performance.</p>	<p>Human resources systems are fragmented and there is a lack of standardised policies and processes exist, including specific actions to prevent and manage bullying, sexual harassment, and sexual assault.</p> <p><i>... they don't have the usual structures and rules that big corporates or public service agencies have around accepted behaviour ... so it's lack of a structure, lack of expectations, lack of protocols and clear rules and expectations as well.⁶⁷⁰</i></p>	<p>Office of Parliamentary Staffing and Culture (11)</p> <p>Professionalising management practices for MOP(S) Act employees (12)</p> <p>Professional development for MOP(S) Act employees (13)</p> <p>Best practice training (14)</p> <p>Guidance material in relation to termination of employment for MOP(S) Act employees (15)</p> <p>Fair termination of employment process for MOP(S) Act employees (16)</p> <p>Legislative amendments to <i>Members of Parliament (Staff) Act 1984</i> (Cth) (17)</p> <p>Comprehensive review of <i>Members of Parliament (Staff) Act 1984</i> (Cth) (18)</p> <p>Monitoring, evaluation and continuous improvement (19)</p>	<p>Parliamentarians and their staff have clarity around their employment arrangements and expectations.</p> <p>Parliamentarians are supported by a professionalised and high-performance workforce.</p> <p>There are robust people and culture processes.</p>	<p><i>I am clear about my role and responsibilities; know where to go if I have a concern about a human resources issue; and I know that my concern will be taken seriously.</i></p> <p><i>I have the knowledge, skills and support that I need to play my part in fostering an inclusive and respectful workplace culture.</i></p> <p><i>As a people leader, I am supported to assemble and manage a high performing team.</i></p>
 <p>Accountability</p> <p>Clear and consistent standards of behaviour are in place; it is safe to make a report; complaints are addressed.</p>	<p>Accountability for misconduct is lacking and a culture of fear and silence exists around reporting or making a complaint about bullying, sexual harassment and sexual assault.</p> <p><i>I know in a professional workplace outside of politics that you can raise these issues, but there is no system, no mechanism. There's no internal HR function. There's no - for all the codes of conduct that the parties have, they're meaningless. It's a piece of paper that they can show the media.⁶⁷¹</i></p>	<p>Expansion of the Parliamentary Workplace Support Service (20)</p> <p>Codes of Conduct (21)</p> <p>Independent Parliamentary Standards Commission (22)</p> <p>Extend public interest disclosure protections to MOP(S) Act employees (23)</p> <p>Ensure protections against age and disability discrimination (24)</p>	<p>There are clear and consistent standards of behaviour.</p> <p>A safe reporting culture exists, where people are empowered to come forward.</p> <p>There are visible consequences for misconduct.</p>	<p><i>I know the standard of behaviour expected and I trust that people will be held accountable for their behaviour.</i></p> <p><i>I know that being in a position of power does not protect people if they engage in misconduct.</i></p> <p><i>I know that, if I raise a concern or a complaint, I will be supported and empowered by a safe, robust, and supportive system.</i></p> <p><i>I will not experience personal or professional repercussions for speaking out.</i></p>
 <p>Safety and wellbeing</p> <p>People are physically and psychologically well and feel safe and supported in Commonwealth parliamentary workplaces.</p>	<p>A high pressure, 'win at all costs', work hard/play hard environment exists that negatively impacts wellbeing.</p> <p><i>I left the office after basically having a nervous breakdown. When my performance faltered I was just encouraged to work harder and stop embarrassing everyone.⁶⁷²</i></p>	<p>Work health and safety obligations (25)</p> <p>Parliamentary Health and Wellbeing Service (26)</p> <p>Review of Parliamentary sitting calendar and Order/Routine of Business (27)</p> <p>Alcohol policies (28)</p>	<p>A proactive and preventative approach is taken to wellbeing, work/life balance and safety that puts people at the centre. This approach is supported and used by leaders.</p>	<p><i>I feel physically and psychologically safe at work at all times.</i></p> <p><i>I feel supported to prioritise my wellbeing and empowered to access support when I need it, without stigma or fear that I will be seen as 'weak'.</i></p> <p><i>My workplace sets appropriate expectations and boundaries around use of alcohol in these workplaces.</i></p>

(d) Phases of implementation

The Commission recommends that this Report’s recommendations are implemented in a phased manner (see Table 5.2: Phases of implementation). This is to ensure that immediate priorities can be progressed, while new structures and mechanisms are established. This is particularly important given that some actions can deliver value relatively quickly, particularly when new cohorts of parliamentarians and MOP(S) Act staff may join CPWs following the next election. Figures 5.1a (Leadership Taskforce) and 5.1b (Recommended Structures) illustrate the structures recommended in this Report.

While the proposed OPSC is being established, the Commission proposes that the Department of Finance progresses the recommendations related to MOP(S) Act employees and then hands over responsibility to the new OPSC. The Commission also recommends that the Department of Finance is an interim member of the Implementation Group until the OPSC is established. The relationship between the structures recommended in this Report is presented in Figure 5.1b.

Figure 5.1a: Leadership Taskforce



Figure 5.1b: Recommended structures

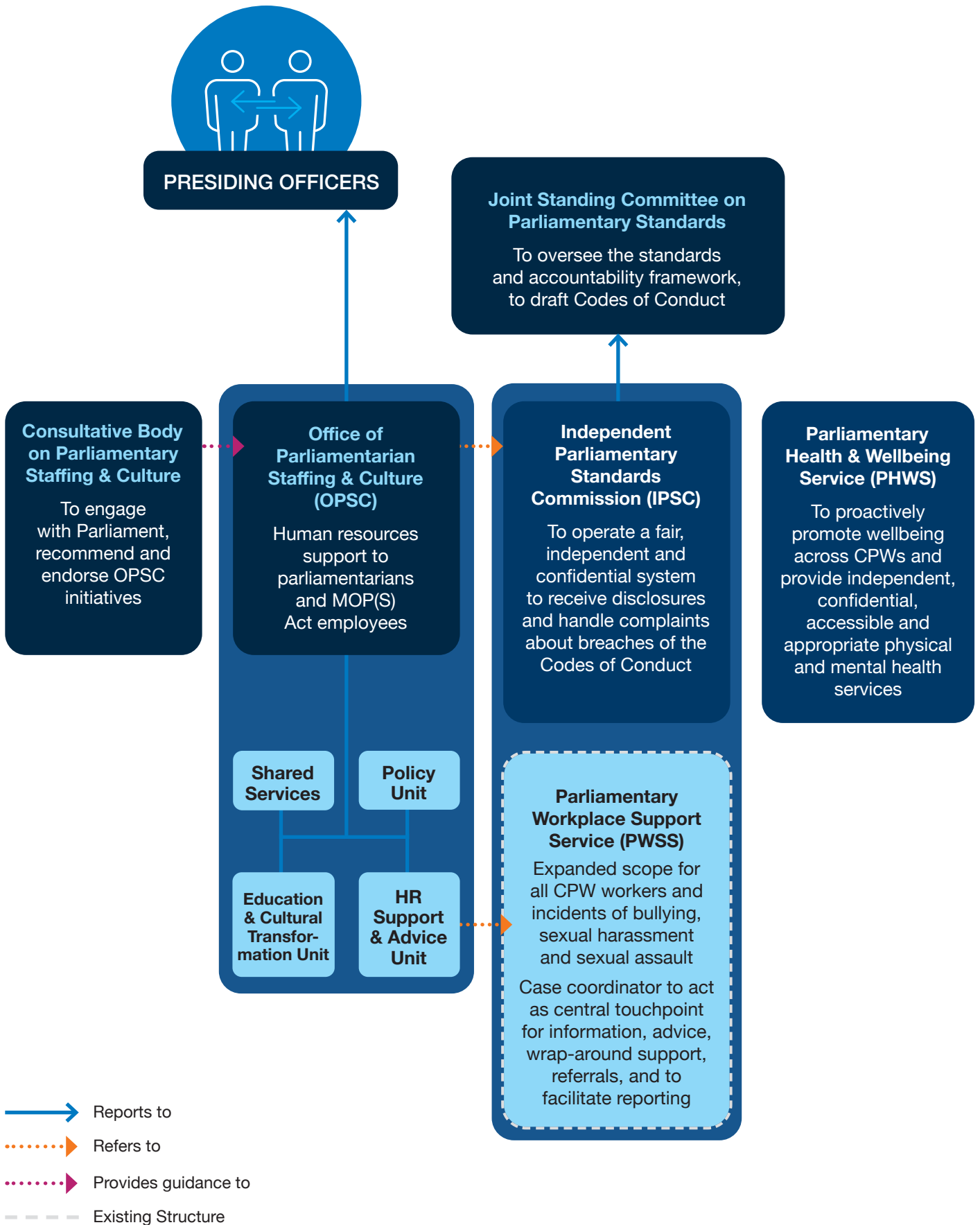


Table 5.2: Phases of implementation

Phase	Recommendations
Immediate and preparatory (within 6 months).	<p data-bbox="336 376 488 412">Leadership</p> <ul data-bbox="363 427 1378 689" style="list-style-type: none"> <li data-bbox="363 427 1177 463">• Release Statement of Acknowledgement (Recommendation 1). <li data-bbox="363 470 1378 539">• Establish leadership taskforce to oversee implementation and Implementation Group (Recommendation 2). <li data-bbox="363 546 1315 616">• Develop and communicate implementation plan with specific timeframes (Recommendation 2). <li data-bbox="363 622 1161 689">• Collect baseline data to measure progress in implementation (Recommendations 2, 19). <p data-bbox="336 705 772 741">Diversity, equality and inclusion</p> <ul data-bbox="363 748 1362 965" style="list-style-type: none"> <li data-bbox="363 748 1273 817">• Develop strategies to increase gender balance and diversity among parliamentarians and MOP(S) Act employees (Recommendations 5, 6). <li data-bbox="363 824 1362 893">• Review physical infrastructure, policies and practices for access and inclusion (Recommendation 9). <li data-bbox="363 900 1225 965">• Review Standing Orders and unwritten parliamentary conventions (Recommendation 10). <p data-bbox="336 981 780 1016">Systems to support performance</p> <ul data-bbox="363 1023 1410 1323" style="list-style-type: none"> <li data-bbox="363 1023 1385 1093">• Establish a consultative body to undertake a review of legislative and structural amendments for establishing the OPSC (Recommendation 11). <li data-bbox="363 1099 1305 1135">• Initiate MOP(S) Act legislative reform process (Recommendations 17, 18). <li data-bbox="363 1142 1410 1211">• Review and strengthen induction processes for parliamentarians and MOP(S) Act employees (Recommendation 12). <li data-bbox="363 1218 1410 1323">• Review and strengthen respectful workplace behaviour, people management and inclusive leadership training for parliamentarians and MOP(S) Act employees (Recommendation 14). <p data-bbox="336 1339 876 1375">Standards, reporting and accountability</p> <ul data-bbox="363 1382 1433 1525" style="list-style-type: none"> <li data-bbox="363 1382 1289 1451">• Expand the scope of the new Parliamentary Workplace Support Service (Recommendation 20). <li data-bbox="363 1458 1433 1525">• Establish a Joint Standing Committee on Parliamentary Standards to oversee standards and accountability and develop codes of conduct (Recommendation 21). <p data-bbox="336 1541 619 1576">Safety and wellbeing</p> <ul data-bbox="363 1583 1442 1850" style="list-style-type: none"> <li data-bbox="363 1583 1289 1653">• Review and clarify work health and safety obligations and duties across CPWs (Recommendation 25). <li data-bbox="363 1659 1347 1729">• Conduct a feasibility study for a Parliamentary Health and Wellbeing Service (Recommendation 26). <li data-bbox="363 1736 1362 1805">• Review the Parliamentary sitting calendar and the Order/Routine of Business (Recommendation 27). <li data-bbox="363 1812 1442 1850">• Conduct a review and risk assessment regarding alcohol use (Recommendation 28).

Table 5.2: Phases of implementation

Phase	Recommendations
Establishment (6-12 months).	<p data-bbox="373 367 528 405">Leadership</p> <ul data-bbox="405 421 1417 495" style="list-style-type: none"> <li data-bbox="405 421 1417 495">• Quarterly tracking of key measures of a safe and respectful work environment to monitor progress in implementation (Recommendations 2, 19). <p data-bbox="373 510 815 548">Diversity, equality and inclusion</p> <ul data-bbox="405 548 1442 689" style="list-style-type: none"> <li data-bbox="405 548 1422 622">• Implement changes to physical infrastructure, policies and practices for access and inclusion (Recommendation 9). <li data-bbox="405 622 1442 689">• Introduce changes to Standing Orders and unwritten parliamentary conventions to enhance everyday respect (Recommendation 10). <p data-bbox="373 705 823 743">Systems to support performance</p> <ul data-bbox="405 743 1377 1003" style="list-style-type: none"> <li data-bbox="405 743 1377 884">• Establish Office for Parliamentarian Staffing and Culture (Recommendation 11), systems and processes to professionalise the MOP(S) Act workforce (Recommendation 12), including new termination of employment guidance and processes (Recommendations 15, 16). <li data-bbox="405 884 1326 958">• Develop professional development program for MOP(S) Act employees (Recommendation 14). <li data-bbox="405 958 1110 1003">• Enact MOP(S) Act reforms (Recommendations 17, 18). <p data-bbox="373 1019 919 1057">Standards, reporting and accountability</p> <ul data-bbox="405 1057 1485 1288" style="list-style-type: none"> <li data-bbox="405 1057 1035 1095">• Adopt Codes of Conduct (Recommendation 21). <li data-bbox="405 1095 1485 1133">• Establish Independent Parliamentary Standards Commission (Recommendation 22). <li data-bbox="405 1133 1318 1207">• Extend public interest disclosure protections to MOP(S) Act employees (Recommendation 23) <li data-bbox="405 1207 1461 1288">• Clarify application of anti-discrimination protections in employment to MOP(S) Act staff (Recommendation 24) <p data-bbox="373 1303 660 1341">Safety and wellbeing</p> <ul data-bbox="405 1341 1394 1489" style="list-style-type: none"> <li data-bbox="405 1341 1394 1415">• Develop and implement comprehensive alcohol policies, including measures to support policies (Recommendation 28). <li data-bbox="405 1415 1378 1489">• Establish arrangements for the Parliamentary Health and Wellbeing Service (Recommendation 26).

Table 5.2: Phases of implementation

Phase	Recommendations
Execution (12-18 months).	<p>Leadership</p> <ul style="list-style-type: none"> • Convene inaugural annual parliamentary discussion (Recommendation 2). • Release first public implementation report, including progress against recommendations and report on key measures of a safe and respectful work environment (Recommendation 2). • Release first annual report of individual leadership actions taken by parliamentarians, party leaders and office-holders to ensure a safe and respectful work environment (Recommendation 4). <p>Diversity, equality and inclusion</p> <ul style="list-style-type: none"> • Release first annual report of diversity characteristics of parliamentarians, MOP(S) Act employees and parliamentary departments (Recommendations 7, 8). <p>Systems to support performance</p> <ul style="list-style-type: none"> • Release first annual report from the Office of Parliamentarian Staffing and Culture including workforce data (Recommendation 19). <p>Safety and wellbeing</p> <ul style="list-style-type: none"> • Establish Parliamentary Health and Wellbeing Service (Recommendation 26).
Consolidation (18-24 months).	<ul style="list-style-type: none"> • Commission and complete external independent review of implementation of recommendations in this Report (Recommendation 3).
Review (24 months).	<ul style="list-style-type: none"> • Consider and implement recommendations from external independent review (Recommendation 3). • Convene second annual parliamentary discussion (Recommendation 2). • Release second public implementation report, report of individual leadership action and report of diversity characteristics of parliamentarians and MOP(S) Act employees (Recommendations 2, 4, 7, 8, 19).

5.1 Leadership

There's got to be some kind of public acknowledgement of when behaviour's really bad, and actions [have] consequences ... from the top sets a tone.

(Interview 543, CPW Review)

Summary

This section explores the issue of leadership as fundamental to any cultural change process, as identified by the participants in the Review. It describes positive examples, in which leadership functions as a protective factor; and also outlines the negative experiences of participants who described their leaders failing to prevent or respond to misconduct, or personally engaging in misconduct themselves.

The section proposes steps to address the current leadership 'deficit', in which the focus in CPWs shifts from being primarily external to recognising obligations to staff as well. It does so by recommending actions which will signal leadership commitment and set in place a structure which creates shared accountability for progress.

Principle: Leadership

Outcome: Leaders prioritise a safe and respectful culture, set clear expectations and model safe and respectful behaviour

(a) Overview

Strong leadership is essential to ensuring a safe and respectful workplace culture in CPWs. In any workplace, leaders set the tone and parameters of conduct that is acceptable or unacceptable, doing so through what they recognise, penalise, value and reward. All individual leaders play a role, but leadership at the top, where most power resides, is particularly important in a high-profile workplace which also sets a visible standard for the Australian community.

The Commission heard that a deficit in this type of strong leadership in CPWs is a risk factor (see 4, 'What we heard'), closely connected to power imbalances and a lack of accountability as drivers of misconduct. This gap in leadership is reflected in:

- a lack of priority placed on people management among parliamentarians and senior MOP(S) Act employees
- responses from leadership that minimise, trivialise or excuse bullying, sexual harassment and sexual assault
- institutional incapacity to effectively prevent and respond to misconduct.

In terms of parliamentarians, existing leadership structures and practices prioritise management of the national interest, rather than management of their own workplaces. Generally, parliamentarians and senior MOP(S) Act employees see themselves as outward-facing leaders with a focus on being and staying elected, rather than as individuals who also have leadership responsibilities in the workplace context. Consequently, people leadership is not always considered a priority and may even be considered an impediment to political priorities or winning elections.⁶⁷³

Leadership can be either a protective or a risk factor for misconduct. For example, participants in the Review told the Commission that some leaders prioritise and model safe and respectful workplace culture. As a result, these leaders have well-functioning teams. By contrast, some participants shared distressing experiences of leaders personally engaging in misconduct.

The Commission also heard of leaders fostering a permissive context for misconduct by not setting clear expectations or calling out misconduct; fostering fear around reporting; and protecting, or even rewarding, those who engaged in misconduct. The failure of leaders to prevent and respond to misconduct across these workplaces reflects an institution-wide deficit in the type of leadership that the Australian community would expect.

This section outlines emerging leadership practice which can ensure safe and respectful work environments. It also discusses opportunities for strengthening institutional and individual leadership in ways which can drive positive change. The Commission makes recommendations to propel a shift towards institution-wide leadership that fosters safe and respectful workplaces, with shared accountability for implementing reform.

(b) Leadership within Commonwealth parliamentary workplaces

Unique dynamics of leadership and power in CPWs have a direct impact on the culture of these workplaces. Constant public scrutiny, a focus on getting and staying elected, and the demanding and adversarial nature of the work, are significant pressure points. Parliamentarians are elected to represent the community and, unlike leaders in public and private sector settings, are not required to meet specific selection criteria, including people management skills. The immediacy of commencement, the temporary nature of tenure, and the lack of effective and standardised human resources support structures, are all further challenges for effective people leadership.

Box 5.1: Leadership roles within Commonwealth parliamentary workplaces

Leadership roles within CPWs are found in parliamentary leadership positions such as Presiding Officers, committee chairs, delegation leaders, whips, and the Leaders of the House/Senate and Managers of Opposition Business.

Leadership roles are also found in party leaders and the structures of political parties, individual MPs and Senators, Cabinet and Shadow Cabinet, and chiefs of staff. The Special Minister of State and Shadow Special Minister of State also have a key leadership role with respect to the workplace culture.

The heads of parliamentary departments also have a leadership role.

Leadership and power are not always aligned in CPWs. The distribution of power in the parliamentary workplace is shaped by unique factors, including the dynamics of political parties, and does not reflect the hierarchies that exist in other workplaces. Political parties play a role in influencing the actions of individuals, whether formal or informal. These systems operate outside of, and separate from, the employment structures of CPWs.

The Review Survey results indicated that there are generally positive attitudes towards leadership among current CPW workers, with seven in ten (70%) people in CPWs agreeing or strongly agreeing that people in leadership roles promote and encourage respectful workplace behaviour.⁶⁷⁴

A stark gap appears, however, when leadership is broken down into specific actions. The data shows that:

- only 37% agreed or strongly agreed that 'fair and reasonable action is taken against anyone who engages in sexual harassment, sexual assault or bullying, regardless of their seniority or status'⁶⁷⁵
- only three in ten (30%) reported that their direct manager/supervisor speaks regularly about sexual harassment, sexual assault and bullying⁶⁷⁶
- in a quarter (26%) of the cases of sexual harassment reported involving a single perpetrator, the harasser was a Commonwealth parliamentarian, rising to nearly three in ten (28%) cases when the victim was a woman⁶⁷⁷

- over half (55%) of those who did not make a bullying complaint after being bullied, refrained from doing so because they believed that a report would not change anything or that nothing would be done to address the issue.⁶⁷⁸

Fostering safe and respectful workplaces requires a focus on both institutional and individual leadership. Just as public and private sector organisations increasingly recognise that a focus on culture and people leadership supports external objectives,⁶⁷⁹ several lessons can be drawn from these sectors that can inform leadership across CPWs. These lessons are discussed below.

(c) Institutional leadership

Public and private sector leaders increasingly recognise the value of articulating a clear connection between internal workplace culture objectives and external organisational performance.⁶⁸⁰ Organisations with leadership that prioritises workplace culture not only have lower levels of misconduct,⁶⁸¹ but also perform more effectively.⁶⁸²

The best results are achieved when leaders establish organisation-wide buy-in. They do so by setting a clear vision of how a safe and respectful workplace culture relates to organisational goals. This vision is then embedded in workplace structures, processes, and success measures.⁶⁸³ One study found:

If leaders do nothing, they are not just acting neutrally. They may be fostering a culture where sexual harassment will become more prevalent. But if a leader instead identifies sexual harassment prevention as an issue that the company prioritizes, our research shows that this stance will push other people in the organization to take it seriously as well.⁶⁸⁴

When institutional leadership does not effectively prevent and respond to misconduct, people who have experienced this misconduct can feel betrayed by the institution. This, in turn, can result in serious and long-term harm.⁶⁸⁵ Without institutional leadership, people in CPWs rely on knowing or finding supportive individuals, as well as on informal support networks.⁶⁸⁶ This means that the individual bears both the harm of the misconduct and the responsibility for managing this harm, rather than the institution fulfilling its obligations to provide a safe and respectful work environment. Ensuring a safe and respectful workplace culture requires institutional leadership.⁶⁸⁷

The Commission has identified three opportunities to strengthen institutional leadership across CPWs:

- Statement of Acknowledgement
- institutional ownership of change and shared accountability
- transparency.

(i) **Statement of Acknowledgement**

Authentic leadership that acknowledges, accepts and owns misconduct as an organisational problem is a precursor to cultural change. It is also an important step in demonstrating institutional courage and commitment to maintaining this change.⁶⁸⁸ In the Respect@Work report, the Commission shared the example of Victoria Police publicly owning an organisational challenge:

In 2015, senior leaders of Victoria Police publicly undertook to address the issues identified in an independent review into sex discrimination and harassment in Victoria Police workplaces. The Chief Commissioner of Police apologised to past and present personnel who had suffered harm and committed to implement the review's recommendations. Senior leaders presented to staff across the state about the review's findings and the case for change within Victoria Police.⁶⁸⁹

Similar actions have been taken in the parliamentary context. Following publication of the report of the inquiry led by Dame Laura Cox in 2018, the United Kingdom House of Commons Commission acknowledged that the House had failed to provide a workplace free from bullying and harassment and expressed its determination to rectify past mistakes. The House of Commons subsequently agreed to amend aspects of the Independent Complaints and Grievances Scheme.⁶⁹⁰

Visible and public commitments such as these can have broader influence beyond the specific workplace concerned. An acknowledgement of the impact of misconduct is important for validating the experience of individuals who have been subject to harm under the watch of leaders in CPWs. Further, an acknowledgement can restore the relationship between the harmed individual and the organisation and can place the organisation in a better position of trust than it was in before the misconduct.⁶⁹¹ As participants shared with the Commission:

I'm really grateful that the government is undertaking this inquiry, but it doesn't feel like an acknowledgement to me. It's, OK well we'll go off here and get a review done, but the acknowledgement of the seriousness of the environment has not happened. The toxicity, there is no acknowledgement. There is no sense that there is a problem ... there needs to be an acknowledgement, a serious acknowledgement of—and an ownership that there will be a genuine effort to change. I mean that's really for me, where I'm focused on, is that cultural piece, I think.⁶⁹²

There's got to be some kind of public acknowledgement of when behaviour's really bad, and actions [have] consequences ... from the top sets a tone.⁶⁹³

I feel strongly that all staff affected, should have an apology (public or personal).⁶⁹⁴

The Commission therefore recommends that the Presiding Officers convene party leaders and parliamentary departmental leaders to agree and deliver a joint Statement of Acknowledgement to the Parliament. This statement should publicly acknowledge the presence of misconduct in CPWs, past and present; the harm that has been caused to individuals; and the lack of action taken in the past. The statement should outline the institutional leadership commitment to change, with shared accountability for implementation and progress.

For the parliamentary departments, the acknowledgement and commitment to change must focus on the culture within the departments and a clear statement from the leaders of parliamentary departments on how their staff should be treated by parliamentarians and MOP(S) Act employees. Heads of parliamentary departments should also encourage their staff to use the reporting and complaints mechanisms outlined in 5.4 ('Standards, reporting and accountability').

(ii) Institutional ownership of change and shared accountability

While a statement of acknowledgment is crucial, statements or individual actions will not be sufficient to address the system-wide drivers and risk factors for misconduct which are present in CPWs.

Lasting change is only possible through a whole-of-institution approach that does not view a workplace culture of respect and accountability as incompatible with the current system of political incentives and rewards. The Commission heard that the nature of the CPW work environment discourages a collective approach to workplace leadership. Shifting this dynamic requires a cross-party commitment to recalibrating the system so that misconduct is collectively owned and treated as an imperative that sits above politics.

Several participants recognised the need for cross-party leadership. One observed that bipartisan leadership 'would be better at setting tone and culture than the executive [alone].'⁶⁹⁵ Another participant noted that there is already momentum for change across the Parliament:

There's actually an active informal, bipartisan conversation about how to not let this moment escape us for mutual benefit. And I would very much hope that we take that opportunity and maintain that.⁶⁹⁶

Australia's CPWs would not be alone in adopting this bipartisan approach. Cross-party approaches to driving cultural change have been adopted in other parliaments, with a useful example highlighted below.

Box 5.2: Cross-party support for cultural change in the United Kingdom

The establishment of the Independent Complaints and Grievances Scheme in the United Kingdom in 2018 was overseen by a cross-party steering group made up of staff representatives and members from both Houses. Accountability for change was adopted by a senior leader within the House of Commons, who said that: 'this is a once in a generation opportunity for Parliament. We want to be a role model for legislatures around the world, in our determination to tackle our challenges head-on.'⁶⁹⁷

The Commission therefore proposes the establishment of a leadership taskforce to oversee the implementation of the recommendations in this Report, with shared accountability for implementation and progress.

The gender-balanced taskforce of 15 members should be led by Presiding Officers and include nominated leaders from political parties. To ensure coordination across all CPWs, the taskforce should also include the leaders of the parliamentary departments. The taskforce should meet quarterly to review progress and drive priorities for implementation based on the phases outlined in 5(a) ('Framework for Action Overview'). The Commission recommends that the taskforce be chaired by an independent expert with appropriate authority, to ensure non-partisan implementation of the recommendations.

The taskforce would be a temporary structure for the two-year period of implementation. After this period, the function of monitoring and review would be led by the proposed Office for Parliamentary Staffing and Culture (see recommendation 11). This function would be in collaboration with parliamentary departments (see 5.3, 'Systems to Support Performance').

The functions of the taskforce should include:

- development and communication of common values that will guide the process of change within CPWs
- joint oversight of the implementation of the Review recommendations, including developing and communicating an implementation plan with specific timeframes

- annual public reporting on progress in implementing recommendations (the first report should be tabled in Parliament within 14 days of the first anniversary of the tabling in Parliament of the Review's Report)
- regular tracking of key measures to monitor progress (see 5.1(c)(iii), 'Transparency' and 5.3(i), 'Continuous Improvement').

The Commission also proposes that the taskforce be supported by an 'Implementation Group' of the heads of human resources from the proposed Office of Parliamentary Staffing and Culture, the four parliamentary departments and nominated representatives from political parties. The Department of Finance should be a member of the Implementation Group until the Office of Parliamentary Staffing and Culture has been established.

The Commission also recommends a follow-on external independent review within 18 months of tabling this Report, to examine the implementation of recommendations. This is consistent with the approach taken in other parliamentary reviews.⁶⁹⁸

To establish a feedback loop across the Parliament, the Commission also recommends convening an annual parliamentary discussion on safe and respectful workplace culture where party leaders, office-holders and individual parliamentarians discuss progress towards ensuring a safe and respectful workplace culture.

(iii) Transparency

As the Commission found in the Respect@Work inquiry, transparency about the existence of misconduct and actions which are taken to prevent and respond to misconduct can be an 'effective, relatively low-cost mechanism for engineering positive change'.⁶⁹⁹ Public and private sector leaders are increasingly moving to setting greater transparency as a new standard:

A commitment to transparency also sends a strong signal to men with power in our organisations that will help prevent future sexual harassment. It tells them that the consequence of proven cases of sexual harassment will not be a quiet departure with a healthy payout, but rather that their behaviour may become public knowledge and disclosed to future employers.⁷⁰⁰

Participants emphasised the need for greater institutional leadership with regards to transparency. One participant told the Commission:

It has to be more transparent, if things are going to change. Otherwise, you'll be having this conversation in 20 years' time ... Have the transparency, let the sunlight in. And that's, I think, the best antidote to some of the cultural issues.⁷⁰¹

A greater focus on transparency will enable leaders to understand the health of CPWs and to target interventions more effectively. As well as enabling continuous improvement and institutional learning, transparency around progress and actions taken to ensure a safe and respectful work environment has an important role to play in deterring misconduct. The Governance Institute of Australia recommended 'greater transparency and visibility of workplace issues':

while confidentiality must be respected, greater transparency is needed to ensure that perpetrators are punished, mistakes are not repeated, processes are improved and public trust is restored. Parliament must be willing to disclose incidents and have difficult conversations to achieve progress.⁷⁰²

Specifically, the Commission heard that greater transparency through measurement and reporting of de-identified data was required around:

- recruitment, selection and employment arrangements, including diversity characteristics (see 5.2, 'Diversity, equality and inclusion')
- prevalence and incidents of bullying, sexual harassment and sexual assault
- reporting of bullying, sexual harassment and sexual assault
- responses to incidents of bullying, sexual harassment and sexual assault
- lessons learned from these incidents, as well as strategies in place and actions taken to ensure a safe and respectful workplace.⁷⁰³

A range of mechanisms and processes can support transparency within these workplaces, both externally, as well as internally, subject to privacy and confidentiality requirements.

These include regular measurement and monitoring of progress, ongoing oversight of trends and patterns, and regular public reporting of key de-identified data.⁷⁰⁴ These are discussed in 5.3 ('Systems to Support Performance'). As outlined above in 5.1(c) (ii) ('Institutional ownership of change and shared accountability'), reporting on these measures should be included in annual reports to track progress.

(d) Individual leadership

In 4 ('What we heard'), the Commission outlined how the expectations and norms set by individual parliamentarians or chiefs of staff shape workplace experiences for MOP(S) Act employees. Where a parliamentarian or chief of staff set clear expectations about behaviour and articulated values for the office, staff reported they experienced a more respectful and inclusive workplace environment. One participant told the Commission:

I've never felt unsafe in the workplace, it's always been respectful. This culture is demonstrated and expected by our parliamentarian and we as staff members are expected to act in the same way.⁷⁰⁵

The Commission also heard, however, about negative experiences of the work environment in some offices of parliamentarians:

There were, from very early on, and throughout the period, some extremely dysfunctional behaviours in the workplace. Often very aggressive behaviours directed at staff members, and including volunteers, but especially junior staff members.⁷⁰⁶

The Commission also heard that the combative nature of politics was often used as an excuse by individual leaders for rewarding aggressive and bullying behaviour, while 'softer' traits or leadership behaviours were not as highly valued or rewarded.⁷⁰⁷

Some staff within parliamentary departments also highlighted the ways in which departmental leaders can reinforce a culture of subservience to parliamentarians and their staff, leaving misconduct unchecked. One participant reflected:

Parliamentary service employees are not servants and should be treated with respect. They should not be repeatedly yelled at when providing services, they should not be expected to work outside normal working hours without compensation, they should not be bullied into providing services to parliamentarians that are outside the agreed range of duties. Line management should address the behaviour of parliamentarians for what it is and not continue to

cover up appalling behaviours in the workplace. There needs to be education for parliamentarians on what respect in the workplace entails.⁷⁰⁸

Individual leadership that fosters safe and respectful workplace culture is essential to driving change. In these workplaces, individual leadership must be demonstrated by office-holders, parliamentarians, party leaders, leaders of parliamentary departments and senior MOP(S) Act employees.

The Commission outlines the following opportunities for strengthening individual leadership to engender safe and respectful work environments:

- setting leaders up for success
- understanding power
- demonstrating personal leadership.

(i) Setting leaders up for success

The Commission heard that parliamentarians and their staff do not necessarily come into their positions with people management skills. A lack of support in assembling and managing teams, and an absence of clear processes and structures for dealing with misconduct, present additional challenges. The Commission also heard that people were sometimes placed in leadership positions in parliamentary departments based on their technical or legal knowledge, rather than their people leadership skills.

Setting leaders up for success requires ensuring that they are aware of how to discharge their responsibilities effectively, as well as how to meet their legal obligations, especially in relation to work health and safety, employment, and discrimination laws. In line with the proposed legislative amendment to clarify the application of duties under the Work Health and Safety Act to parliamentarians the Commission recommends that parliamentarians, supported by information, training and guidance from the OPSC, should ensure they are aware of and meet their work health and safety obligations in the workplace (see 5.3, 'Systems to support performance', and 5.5, 'Safety and wellbeing').

Enabling individuals to become effective people leaders also requires standardised systems of human resources support and advice, as well as people management and leadership skills training. This includes support around recruiting for diversity, defining roles, performance management, and setting values and culture. This is particularly important for new parliamentarians, but should be undertaken by all parliamentarians on a regular basis. Section 5.3

(‘Systems to support performance’) discusses best practice and recommendations regarding these areas.

An opportunity also exists to build people leadership capability in new parliamentarians at the start of their parliamentary careers. This could occur through informal peer-led briefings, particularly where former parliamentarians with people management skills share their experience and insights.⁷⁰⁹

(ii) Understanding power

The Commission heard about the need for individual leaders to recognise and understand the centrality and complexity of power dynamics in CPWs, revolving around competition for power, as these workplaces do.

While the pursuit of power is not necessarily problematic, the Commission heard that the abuse of this power, or the tactic of engaging in misconduct to gain this power, needs to change. One participant emphasised that individual leaders have a vital role to play in shifting norms around the use and abuse of power:

Politics is, of course, all about power. Getting it, using it, maintaining it, not losing it... I think, to some extent [that’s] an inherent part of what this environment is like. To think that this is going to be a purely neat, polite, ordered, planned environment, I think would be wrong. There’s something quite unique about this scenario. That it’s a culture which is all about power though, doesn’t mean it has to be a culture which is about [the] abuse of power ... How do organisations which are very clearly about power also put some ethics around it?⁷¹⁰

Another participant highlighted the importance of individual leaders in taking a stance to redress power imbalances:

I think something that we try and say with female staff ... and I’ve been trying to say at every opportunity ... I’ll be the first to pick up the phone to the police if that’s what’s needed. The protection racket does not exist for everyone within the [party] or for men within the [party], like we will blow the whistle.⁷¹¹

The Commission acknowledges that the pursuit of power remains central to leadership within these workplaces. What is necessary is a shift away from the abuse of this power towards the use of power in ways which ensure a safe and respectful work environment. The Commission recommends that office-holders, parliamentarians, party leaders and senior MOP(S) Act employees should:

- model expected standards of behaviour and safe and respectful workplace culture
- challenge and hold peers accountable for misconduct and the abuse of power in the workplace
- demonstrate and reinforce the message that those individuals who engage in misconduct and abuse their power in the workplace will not be protected, rewarded or promoted
- create safety for those who are in less powerful positions to raise concerns without negative consequences.

(iii) Demonstrating personal leadership

Personal leadership is demonstrated in how and what leaders recognise, penalise, incentivise and reward. In addition to building people leadership skills, as outlined above, effective leadership requires building inclusive leadership capability. This includes the capability to engender psychological safety and manage reports and complaints in effective and appropriate ways.

Rewards and recognition

The Commission heard that the reward structures in CPWs often create an incentive for misconduct, particularly as bullying is seen as the ‘way to get things done’.⁷¹² Participants highlighted the need for leaders to recognise and reward positive behaviour. Individual leaders can reward and recognise positive behaviours, for example, by promoting staff and providing opportunities to those who demonstrate and model safe and respectful workplace behaviour.

In the private sector, rewards and recognition around workplace culture and diversity and inclusion are built in through key performance indicators and other mechanisms.⁷¹³ Such measures play a role in driving accountability and incentivising leaders. For example, some organisations provide leaders a regular report regarding the gender balance at each level of the organisation, or scorecards for leaders on their team culture and engagement. These reports track progress and facilitate peer-to-peer reflection on how to promote inclusivity and respect within the organisation.⁷¹⁴

While the concept of key performance indicators does not easily translate to the parliamentary workplace context, good people leadership has significant benefits, including reputational benefits and stronger team performance. One participant reflected that the retention of staff through good leadership also delivers political advantages:

I know there were occasions where my Minister went and spoke to other Ministers about the way staff were being treated in that Minister's office ... because the party has an interest in keeping good staff, and if they're treated badly, they don't complain, but they don't stay ... You catch a lot more flies with honey. You should treat people the way you want to be treated, because it's the right thing to do but it's also politically expedient to have good, loyal staff.⁷¹⁵

Despite the benefits of good leadership, reward structures among parliamentarians and MOP(S) Act employees are often geared towards recognising loyalty and relationships over conduct and effectiveness. Fostering cultural change will require leaders to visibly recognise and reward safe and respectful behaviour.

Inclusive leadership

Building capability for inclusive leadership will contribute to building a safe and respectful workplace culture. This is particularly the case for individual parliamentarians, chiefs of staff, office-holders and the senior leaders of the parliamentary departments.

Inclusive leadership fosters teams where people of diverse backgrounds feel valued, respected, and supported. Public and private sector organisations are increasingly recognising that diversity on its own is insufficient for shifting workplace culture and that fostering inclusion is important (see 5.2, 'Diversity, equality and inclusion').⁷¹⁶ A study of workplace inclusion from Deloitte found:

But mostly it comes down to leaders. We find that what leaders say and do makes up to a 70% difference as to whether an individual reports feeling included. And this really matters because the more people feel included, the more they speak up, go the extra mile, and collaborate—all of which ultimately lifts organizational performance.⁷¹⁷

Common traits of inclusive leaders are:

- articulating a visible commitment to inclusion as a personal priority
- having personal awareness of their own identity and bias
- demonstrating humility, curiosity and courage in everyday interactions
- being personally accountable and holding others accountable.⁷¹⁸

The Commission also recommends that building inclusive leadership capability is a core component of the people management training that is discussed in 5.3 ('Systems to support performance').

Box 5.3: Inclusive Leadership

Private sector organisations are increasingly focusing on inclusive leadership capability. In 2018, Aurecon developed and delivered the 'Beyond Management—Leading Inclusivity' program to support leaders to reflect on the personal values that they bring to diversity and inclusion; and how they might build their own case for change.⁷¹⁹

Inclusive leadership must also be developed in a way that is practical and consistent with the organisation's functions. Telstra's 'Bias Interrupted' program explores what inclusive leadership looks like in recruiting, leading teams, identifying and developing talent, performance planning and review, and decision-making.⁷²⁰ Further, BHP have identified the need to normalise conversations around inclusive leadership through internal engagement sessions between leaders and their teams.⁷²¹

Ensuring psychological safety is an essential element of inclusive leadership. Psychological safety is defined as an 'absence of interpersonal fear'.⁷²² Psychological safety means that people are comfortable being themselves; able to speak up; comfortable asking for help; and challenging the status quo without fear of negative consequences. The meaningful inclusion of people of diverse

backgrounds through psychological safety results in higher team performance and innovation.⁷²³ The absence of psychological safety in CPWs was noted by several participants. One participant reflected:

Lots of the people in the office ... are good and decent and compassionate and engaged people but a couple of personalities and something about the dynamic meant that sort of human feeling was a bit of a weakness and a flaw. And I felt that that created a culture of psychological unsafety which made all sorts of things that are important really difficult.⁷²⁴

Psychological safety is particularly crucial in contexts where power imbalances and hierarchy prevent people from making a report or seeking support because of a fear of repercussions or being perceived as weak (see 4, 'What we heard'). To foster psychological safety, research by McKinsey & Company has found that leaders need to move away from authoritarian leadership styles and embrace a supportive and consultative approach.⁷²⁵ A positive team is one in which team members value one another's contributions; care about one another's wellbeing; have input into the team; and treat each other with respect.⁷²⁶

To build the foundations of psychological safety, the Commission recommends that leaders in CPWs conduct simple, regular, open discussions at relevant meetings; provide reminders to their teams about safe and respectful workplace behaviour; set expectations of workplace conduct; invite feedback on the workplace environment; and explicitly encourage reporting of misconduct. This would set a clear tone around expected standards of conduct and empower people to raise issues early, preventing escalation.

Key points exist where such leader-led discussions are particularly important:

- party room meetings for parliamentarians and MOP(S) Act employees on a regular basis (at least once a quarter), but particularly at transition points
- establishment of new offices for parliamentarians and then at regular intervals (at least once a quarter)
- establishment of new ministerial or shadow ministerial offices and then at regular intervals (at least once a quarter)
- relevant team meetings of parliamentary departments, with a specific focus around sitting weeks.

The Commission also recommends that leaders play their part in building a safe reporting culture by personally championing the reporting and complaints process and ensuring that people who raise reports and complaints are well supported (see 5.4, 'Standards, reporting, and accountability').

The Commission also recommends that individual parliamentarians report annually to Parliament on personal actions that they are taking to embed a safe and respectful work environment in their office. The reports should be prepared in advance of the annual parliamentary discussion recommended above at (c)(ii) ('Institutional ownership of change and shared accountability').

Party leaders and office-holders should also report on steps that they have specifically taken in their roles to ensure a safe and respectful work environment. The leaders of parliamentary departments should prepare a similar annual report outlining personal actions taken to ensure a safe and respectful work environment.

(e) Recommendations

The Commission makes the following recommendations to establish strong institutional and individual leadership across CPWs to foster safe, respectful, inclusive, and diverse workplaces.

Recommendation 1: Statement of Acknowledgement

The Presiding Officers should convene party leaders and the heads of the parliamentary departments to come together, agree and deliver a joint Statement of Acknowledgement to the Parliament. This Statement should acknowledge the harm caused by bullying, sexual harassment, and sexual assault in Commonwealth parliamentary workplaces and a commitment to action and shared accountability.

**Recommendation 2:
Institutional leadership**

To demonstrate institutional leadership to ensure safe and respectful Commonwealth parliamentary workplaces, the Houses of Parliament should:

- (a) establish a leadership taskforce, with oversight by the Presiding Officers, chaired by an independent expert and supported by an Implementation Group, to oversee the implementation of the recommendations made in this Report. It should have the following responsibilities:
 - i. developing and communicating an implementation plan with specific timeframes
 - ii. defining and communicating common values which can drive cultural change across parliamentary workplaces
 - iii. preparing an annual public report of progress made in the implementation of recommendations
 - iv. tracking, on a quarterly basis, key measures of a safe and respectful work environment to monitor progress in implementation.
- (b) convene an annual parliamentary discussion in both Houses of Parliament for office-holders, parliamentary party leaders and parliamentarians to share progress on the implementation of recommendations.

**Recommendation 3:
External independent review of progress**

The Australian Government should establish a follow up external independent review to examine the implementation of recommendations made in this Report within 18 months of its tabling in the Parliament.

**Recommendation 4:
Individual leadership**

To strengthen individual leadership to ensure a safe and respectful work environment:

- (a) parliamentarians and senior Members of Parliament (Staff) Act employees, including chiefs of staff, should:
 - i. engage in regular discussions to set expectations of conduct and champion the Codes of Conduct
 - ii. create a safe reporting culture, including supporting people who experience misconduct
 - iii. take responsibility for discharging work health and safety obligations
 - iv. attend training on respectful workplace behaviour, people management and inclusive leadership
 - v. support employees to attend relevant training.
 - (b) office-holders, parliamentary party leaders and leaders of parliamentary departments should:
 - i. engage in regular discussions to set expectations of conduct, champion the Codes of Conduct and create a safe reporting culture
 - ii. demonstrate and reinforce the message that those individuals who engage in misconduct will not be protected, rewarded or promoted.
 - (c) parliamentarians, party leaders and office-holders should report annually to the Parliament on the actions that they have taken to ensure a safe and respectful work environment.
-

5.2 Diversity, equality and inclusion

We urgently need more young people, more women, more people of colour in that place. There is ... a male, stale and pale monopoly on power in that building that leads to be so much less than the community need. And we urgently need people in those positions with different backgrounds and different life experiences.

(Interview 513, CPW Review)

Summary

This section explores the lack of gender equality and wider diversity that was identified by the Review as a driver of misconduct. It describes the experiences of women, people of colour, First Nations people, people with disability and LGBTIQ+ people, amid the 'boys club' environment common across CPWs.

The section also outlines the benefits that can flow from greater diversity and inclusion in any workplace, benefits which are realised not only for employees and their employer but, in the case of CPWs, for the community they represent. In particular, it makes recommendations for 10-year strategies which include targets, with regular measurement and public reporting to improve gender balance and diversity within CPWs.

Principle: Diversity, equality and inclusion

Outcome: Commonwealth parliamentary workplaces are diverse and inclusive and everyone experiences respectful behaviour as the baseline standard

(a) Overview

Diversity, equality and inclusion are fundamental to the concept of representative democracy to ensure that decision-making in parliaments reflects the interests and needs of the community. Diverse and inclusive workplaces—including parliamentary workplaces—are also inextricably linked to building safe and respectful workplace environments.

As outlined in ‘What we heard’ (4), the Commission found that power imbalances, gender inequality and exclusion are drivers of misconduct in CPWs. Workplaces that are highly gendered and in which women are devalued and demeaned lay the foundations for bullying, sexual harassment and sexual assault.

The under-representation of First Nations people, LGBTIQ+ people, people from CALD backgrounds and people with a disability is a further risk for misconduct because it reinforces power imbalances and the dominance of some groups. By contrast, a diverse and inclusive workplace minimises harm by establishing and expanding norms of who has a ‘rightful’ place in the workplace and by fostering respect.

This section outlines benchmarks and best practice on diversity and inclusion in other parliamentary contexts. It also discusses the actions needed to foster safe and respectful work environments by diversifying the current workforce and eliminating everyday sexism and other forms of exclusion. The Commission also makes recommendations to achieve a shift so that CPWs can attract and retain people who reflect the full diversity of the community. The Commission’s recommendations are also designed to ensure that everyone contributes to robust, inclusive decision-making and a vibrant democracy.

(b) Benchmarks and best practice: gender and diversity sensitive parliaments

A focus on gender equality and diversity is growing across parliaments internationally. As an active member of the international parliamentary community, the Commonwealth Parliament should strive to meet the standards to which it has agreed and has often played a role in establishing. These standards not only relate to parliamentarians, but to all workers in CPWs.⁷²⁷

Box 5.4: Benchmarks of Parliamentary Representativeness

In its self-assessment toolkit for parliaments, the Inter-Parliamentary Union (IPU) encourages parliaments to reflect on the degree to which they are ‘representative’. Markers of a representative parliament include:

- diversity of public opinion
- gender diversity
- diversity of marginalised groups and regions
- electability of ‘a person of average means’
- adequacy of party mechanisms to improve imbalances in representation
- adequacy of parliamentary infrastructure
- unwritten parliamentary mores for women and men
- security to express opinions and protection from executive interference
- opportunity and effectiveness to debate matters of public concern.⁷²⁸

Parliaments around the world have most commonly achieved workplace diversity, equality and inclusion through five specific measures:⁷²⁹

- **Audits and self-assessments:** Parliamentary reviews using international guidelines and tools⁷³⁰ have enabled a range of parliamentary stakeholders to take stock of existing unsafe institutional cultures, structures and practices, as well as to identify appropriate reform strategies (see Box 5.5).⁷³¹
- **Formal and informal rule changes:** In addition to electoral gender quotas, parliaments have achieved gender balance and diversity through formal and informal rule changes.⁷³² In some

parliaments, mandates for gender parity representation in parliamentary positions, committees and delegations have been passed as resolutions or amendments to the Standing Orders. In others, unwritten and informal conventions have been developed. Some political parties actively consider diversity in pre-selection processes and when appointing members to parliamentary committees and other positions.

- **Institutional monitoring of parliamentary activity:** To redress inequality of participation and the normalisation of men's contributions, some parliaments collect and publish data on parliamentarians' leadership positions and parliamentary activity (for example, interventions in debates, introduction of bills and motions). This is done according to diversity indicators, such as gender and sexual identity, disability, age, race, and ethnicity.⁷³³
- **Carer-friendly infrastructure and practices:** Parliaments have established childcare centres, family rooms and breastfeeding rooms; ensured that all staff have access to adequate parental and carer's leave; increased travel allowances for family members to accompany parliamentarians while on duty; and have instituted particular measures for parliamentarians to balance their chamber duties, including voting, with caring responsibilities. These measures include proxy voting, pairing, and permission for infants/ children to accompany their parents into the chamber.⁷³⁴
- **Zero tolerance of sexism:** Some parliaments have introduced clearly articulated commitments to zero tolerance of sexism, with accountability measures that include suspension or expulsion from the chamber, and/or a loss of allowances.⁷³⁵ Presiding Officers have also been empowered to issue warnings to parliamentarians using sexist language.⁷³⁶ This approach can be extended to other types of exclusion and misconduct.

Box 5.5: United Kingdom Gender Sensitive Parliament Audit, 2018

In 2018, a Gender Sensitive Parliament Audit was conducted in the United Kingdom using the methodology of the IPU.⁷³⁷ Facilitated by an IPU staff member, the audit was carried out by a panel consisting of four members of the House of Commons, four members of the House of Lords, and two parliamentary staff from each house. In 2019, the House of Commons Commission and the House of Lords Commission produced a joint response to the audit. The response prioritised recommendations on:

- developing a parliamentary policy for children and families, informed by good practice in other parliaments
- responding to inquiries in relation to bullying, harassment and sexual misconduct
- awareness of the support available to MPs, peers and all staff to address abuse and threats via social media
- making information more readily available and more clearly signposted on the different groups or organisations in the United Kingdom Parliament with specialist knowledge. This can support parliamentarians to take account of gender impacts in their work.

The response makes a clear commitment 'to monitoring and publishing progress against these priority recommendations on an annual basis' and to repeating the exercise regularly.⁷³⁸

A focus on diversity and inclusion is also now a common standard across most large Australian public and private sector organisations. Among Australian employers who report to the Workplace Gender Equality Agency (WGEA), the proportion implementing gender equality policies and/or strategies (76.5% in 2019-20, up from 18.3% in 2013-14),⁷³⁹ as well as flexible policies and strategies (75.9% in 2019-20, up from 57.5% in 2013-14)⁷⁴⁰.

Best practice approaches ensure that diversity and inclusion are part of core business, with clear goals and objectives to which leaders are accountable, as well as measurement of progress over time.⁷⁴¹ Best practice also addresses the systemic and structural barriers to diversity and inclusion, rather than putting the onus on excluded individuals to change.⁷⁴²

Diversity and inclusion strategies have typically focused on specific actions, such as focusing

on women's representation in leadership roles, or creating accessible workplaces for people with disability. An increasing focus on intersectionality, however, does not limit actions to one dimension and instead recognises that inequality and exclusion can be exacerbated when social identities converge.⁷⁴³

This has direct implications for the design of diversity and inclusion interventions. For example, gender equality targets may lift women's representation overall, but women of culturally diverse backgrounds may continue to be excluded without attention to specific barriers which they may experience on the basis of race.

(c) Increasing diversity, equality and inclusion in Commonwealth parliamentary workplaces

As the most representative institutions of liberal democracies, parliaments have the greatest responsibility to uphold internationally recognised benchmarks of 'representativeness' (see Box 5.4). Parliamentary diversity—across all roles—contributes to quality decision-making that reflects the needs and interests of the community.

Important lessons can be learned from workplaces that prioritise gender equality, diversity and inclusion as core business. By prioritising gender equality and diversity, particularly through gender/diversity leadership targets, research from WGEA⁷⁴⁴ and the Australian Institute of Company Directors⁷⁴⁵ demonstrates that Australian private sector organisations have benefited from:

- increased financial performance, productivity, innovation and profitability
- increased attraction and retention of diverse talent
- improved organisational culture.

Addressing gender inequality is now recognised as fundamental to eliminating workplace sexual harassment. As the Respect@Work report⁷⁴⁶ showed, the presence of more women in the workforce, particularly in senior leadership roles, corrects gendered power imbalances and challenges rigid gender norms. As women's representation and diversity increases, the dominant culture shifts. Harmful social norms, particularly those that are disrespectful towards women, concurrently become less influential.

Despite the demonstrated benefits of workplace gender equality, diversity and inclusion, a recurring workforce norm exists across CPWs. This norm is

that those in positions of power are more likely to be male, white, heterosexual, able-bodied and have limited visible care responsibilities. Those who do not fit the norm tend to experience greater exclusion and vulnerability to workplace harms. Further, the homogeneity of the workforce discourages a more diverse and inclusive workforce – particularly, but not exclusively, among parliamentarians and their staff.

The Commission acknowledges that the Commonwealth Parliament has instituted some changes to increase diversity (see below). The Commission is concerned, however, that measures have not been comprehensively implemented to address the pervasive gender inequality and lack of diversity evident in the chambers, party rooms and the offices of parliamentarians, as well as in the parliamentary departments.

The Commission considers that two key areas of action are required to foster greater diversity, equality and inclusion in CPWs:

- diversifying workforce participation and leadership
- ensuring everyday respect at work.

(d) Diversifying workforce participation and leadership

Gender inequality in CPWs is manifested in different ways. Women are under-represented as parliamentarians and as senior MOP(S) Act employees. Women more frequently occupy support roles, or work—either as parliamentarians, Ministers, MOP(S) Act employees or parliamentary department staff—across portfolios that are perceived to have less power, influence and prestige.

The Commission heard that the lack of diversity in CPWs, particularly among parliamentarians and MOP(S) Act employees, was the result of a number of factors. These include recruitment from a narrow talent pool based on existing relationships, political favours and close networks. Recruitment with diversity in mind was highlighted as the exception, rather than the rule, across all CPWs. Participants reflected:

I would really like to see cultural diversity, First Nations and LGBTIQ+, disability, age diversity celebrated and recognised at an institutional level within the parliament—both politically and within parliament as an organisation. And so that we can get around the idea that the natural version of parliament is actually the white Anglo one.⁷⁴⁷

We urgently need more young people, more women, more people of colour in that place. There is ... a male, stale and pale monopoly on power in that building that leads to be so much less than the community need. And we urgently need people in those positions with different backgrounds and different life experiences.⁷⁴⁸

Diversifying the talent pool, particularly in leadership roles, will contribute to better decision-making and team performance. It will also contribute to broader cultural change by bringing diverse experiences that challenge the status quo.

(i) Diversifying parliamentarians and their staff

Women's representation in the Australian House of Representatives has not kept pace with representation in parliaments internationally and currently sits at 31%.⁷⁴⁹ Australia's lower house ranking (compared with every other lower or single house compiled by the IPU) has dropped from 25th highest in the world in 1998 to 56th place in 2021.⁷⁵⁰ As of October 2021, women make up 52% the Senate.⁷⁵¹

One factor affecting women's representation in parliament is that women have been more likely than men to be pre-selected for unsafe seats that they are unlikely to win in the House of Representatives.⁷⁵²

While not a practice limited to the Australian context, an Australian study found that 'if the parties selected women in the same percentage of safe and unsafe seats as they do men, the number of women today in the House of Representatives would be greater'.⁷⁵³ This pattern has been referred to as the 'glass-cliff', of women being more likely than men to be

offered leadership opportunities that are risky and precarious.⁷⁵⁴

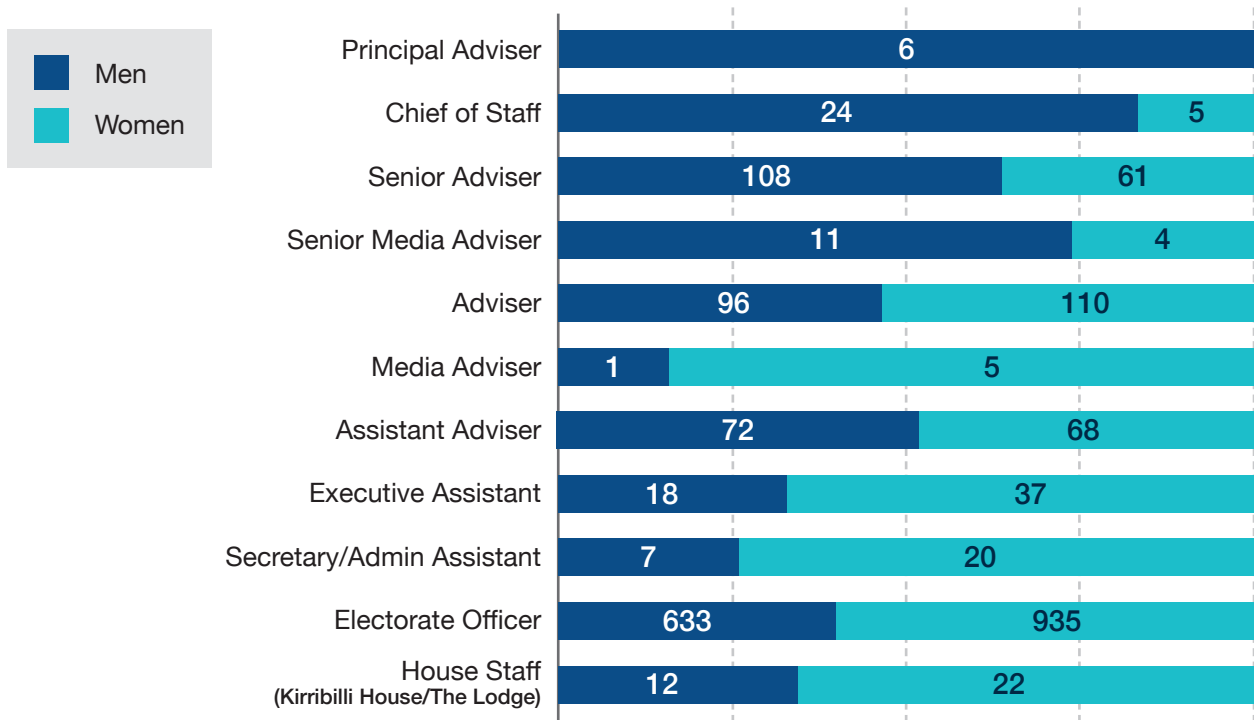
There is also a gendered allocation of roles within parliament, particularly within cabinet and ministry positions. Women have been appointed to the cabinet or ministry less frequently than men and remain under-represented in ministerial portfolios that are traditionally considered to have greater power, influence and visibility, such as defence, finance, and treasury. When women parliamentarians have been appointed to ministerial office, past practice demonstrates that they were more often allocated to portfolios dealing with policy issues perceived as being 'softer', such as education and social policy.⁷⁵⁵

Among the suite of measures used to improve diversity across parliaments, targets have been effective and widely adopted around the world. International normative frameworks have set increasingly more ambitious targets for women's political participation, from 30% in the early 1990s to 50% in 2021.⁷⁵⁶ As a result of these targets and increased advocacy, the global average of women in national parliaments has more than doubled over the past 25 years.⁷⁵⁷

Australian political parties have taken varied approaches to encourage and increase women's presence and leadership in parliaments.⁷⁵⁸ Targets have been adopted by some parties and peer support networks and programs have also been established. Evidence suggests that, in many countries, women's political networks have effectively supported women in getting elected, staying safe and being effective once in power.⁷⁵⁹ Peer support can also help to address bullying, sexual harassment and sexual assault by providing an arena for individuals to discuss their experiences, enhancing knowledge and understanding of misconduct, and increasing the likelihood of reporting poor behaviour.⁷⁶⁰ Women's caucuses are also a growing trend across parliaments globally, where women parliamentarians across parties work together on common priorities.⁷⁶¹

Significant gender imbalances are also present among MOP(S) Act employees. Senior MOP(S) Act staff are more commonly male (see Figure 5.2), reflecting the systemic barriers and discrimination experienced by women in the workplace. The Commission heard that there has been very limited attention across parties to ensuring diversity among MOP(S) Act employees.

Figure 5.2: MOP(S) Act employees by classification and gender



*Based on information provided by the Department of Finance, there were 2,222 MOP(S) Act employees working in CPWs, either as electorate staff or as personal staff to Ministers and office-holders, as at 1 June 2021. Additionally, the Department of the Prime Minister and Cabinet informed the Review of 34 personal staff employed in Official Establishments (at the Lodge or Kirribilli House), as at 31 July 2021. For this reason, this Report uses a total figure of 2,256 MOP(S) Act employees. Note, the role of the people who identify their gender as non-binary has not been included given the small number.

Sources: Department of Finance, Request for Information, 27 July 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.

The varied approaches used by political parties to achieve gender balance in CPWs are in contrast with the more regulated approach across Australian public and private sector organisations. The Commission notes that there are no regular public reports of the workforce characteristics of MOP(S) Act employees, including diversity characteristics.

As noted above, large employers at both state and national level are required to develop, submit and report on gender equality strategies and policies.⁷⁶² The *Workplace Gender Equality Act 2012* (Cth), for example, requires organisations to submit an annual report on their gender equality data and policies.⁷⁶³

Target-setting is increasingly common across public and private sector organisations to accelerate progress towards gender balance. WGEA describes gender targets as 'achievable, time-framed objectives which organisations can set on a regular basis to focus their efforts on achieving improved outcomes'.⁷⁶⁴ Targets are voluntary, in that they are self-enacted by an organisation which also determines their focus and how they will be achieved. By contrast, quotas are mandatory and typically introduced by an external governing institution with the power to enforce them.⁷⁶⁵

Targets that set aspirations, together with regular measurement and public reporting, drive change by focusing attention, informing strategies and the allocation of resources. Well-designed programs to measure and report on an issue can motivate people to change their behaviour to address it.⁷⁶⁶ An instructive example is the ASX Governance Council's Principles and Recommendations which established an 'if not, why not' obligation on companies to publicly report annually on their diversity policy, measurable objectives for achieving gender diversity, and women's representation on the board, senior executive and the organisation. Women now make up 32.9% of ASX 200 board positions (as of 28 February 2021), compared to 8.3% in 2008.⁷⁶⁷

Box 5.6: **Department of Foreign Affairs and Trade Women in Leadership Strategy**

The Department of Foreign Affairs and Trade (DFAT) of Australia has developed a Women in Leadership Strategy⁷⁶⁸ to promote gender equality, diversity, and inclusion within the workplace. Introduced in 2015, the Strategy affirms the Department's commitment to gender equality, diversity and inclusion as core business and ensures that leadership and staff are held accountable for promoting a culture of gender equality and respect. The Strategy includes actions to:

- achieve gender balance through a 40/40/20 target, comprising 40% men, 40% women and 20% all genders for all staff, with specific focus on senior leadership roles
- increase supports for staff experiencing domestic and family violence outside the workplace
- reduce gender pay gaps between staff
- address perceptions of gender-based discrimination, through understanding attitudes and perceptions.

Since its enactment in 2015, the Strategy exceeded its leadership target of 40% of women at the Senior Executive Service (SES) Band 2 level (48.4%) by the end of 2020.⁷⁶⁹ A further 43.6% of senior women were in overseas Head of Mission/Head of Post roles, and 50% in thematic ambassador roles, by 30 July 2020.⁷⁷⁰

Women are not the only under-represented group in CPWs. The Commission heard that First Nations people, LGBTIQ+ people, people from CALD backgrounds, and people with disability are also under-represented and experience exclusion at work and greater vulnerability to workplace harms. Experiencing inequality, discrimination and exclusion on more than one aspect of identity can compound the experience or result in specific forms of harm.⁷⁷¹

One participant explained:

I've definitely been told that ... to succeed in my role I have to be easy and likeable. It's been pointed out to me that those women [these women] are quiet and raise issues in a really affable way. I think there is a layer of racism that runs through that approach because it is gendered but it is [also] motivated by race: you conform, and you engage in the system in a way that is quiet and respectful. And in my experience of ... [being CALD] ... we're loud and we're brash and we're angry and rightfully so, but people are dismissed because of that.⁷⁷²

The diversity data that is available, presented in Table 5.4, shows the under-representation of diversity across nearly all CPWs. The implication of this is that a significant segment of the Australian community is not being included or represented in positions of public service, nor exercising decision-making in the Parliament.

The Commission also found an inconsistent approach across CPWs to reporting and publicly sharing information on diversity and inclusion, in terms of data collected and reported on workforce diversity, as well as strategies to address diversity and inclusion. Under the *Public Governance, Performance and Accountability Act 2013* (Cth) (PGPA) Commonwealth entities are required to report on a limited range of diversity and inclusion metrics by APS/Parliamentary Service Level classification.⁷⁷³ Data provided to the Commission for the purposes of this Review reveal that the PGPA Rules do not currently require reporting on people from CALD backgrounds, or persons with a disability.

Where data is collected, it primarily relates to counting numbers of staff who identify against a range of diversity characteristics and does not include more qualitative and participatory measures to understand experiences of workplace inclusion.

Table 5.4: Parliamentary and MOP(S) Act employees by diversity metrics

Department	Male	Female	Non-Binary	First Nations	CALD	Disability
Members of Parliament (Staff)	44%	56%	0%	NP	NP	NP
Department of Parliamentary Services	59%	41%	NP	2%	16%	2%
Department of the Senate	35%	65%	0%	1%	NP	NP
Department of the House of Representatives	39%	61%	0%	1%	5%	2%
Parliamentary Budget Office	43%	57%	NP	NP	38%	NP

Notes NP – not provided to the Commission

Sources Requests for information: Members of Parliament Staff (MOPS), Department of Parliamentary Services (DPS), Department of the Senate (SEN), Department of the House of Representatives (DHR), Parliamentary Budget Office (PBO) (July 2021)

Box 5.7:

Emerging approaches to accelerating workforce diversity and inclusion

An increasing number of tools are used by private and public sectors in Australia to drive progress towards organisational diversity, inclusion, and everyday respect. Common elements of these best practices and approaches include:

Setting measurable and long-term targets:

In addition to gender balance targets, focus is growing on the imperative to encourage cultural diversity for senior leadership roles. PwC Australia has had a target for at least 30% of partner admissions to be from a culturally diverse background.⁷⁷⁴ KPMG also has a cultural diversity target of 20% at the leadership level.⁷⁷⁵ The New South Wales Public Service Commission has also committed to engaging more people with a disability, and has established a priority target of 5.6% representation in the public service by the end of 2025.⁷⁷⁶

Formal career sponsorship programs:

Sponsorship programs target high potential individuals and match them with a senior leader in an organisation. This leader acts as their career champion by providing visibility and using their networks and influence to create and identify opportunities. The NSW Government has taken this approach through its Aboriginal Career and Leadership Development Program.⁷⁷⁷ The program is underpinned by a six-year Aboriginal Employment Strategy.

Inclusion action plans:

Inclusion strategies are typically characterised by (1) measurable goals and targets; (2) systematically addressing underlying bias and discrimination; and (3) regular and public monitoring and reporting.⁷⁷⁸ For example, the Special Broadcasting Service (SBS) has developed a workplace Inclusion Plan.⁷⁷⁹ This plan comprises commitments to cultural diversity, as well as to gender equality and disability inclusion. This is in recognition of the range of intersectional identities characterising the workforce, while including specific actions for different groups across seven pillars.

Measuring and reporting:

Measurement and reporting is increasingly used to determine new priorities and determine effectiveness of actions. New standards for measurement of diversity and inclusion are emerging. For example, the Diversity Council's cultural diversity workforce reporting tool proposes five priority measures for employers: (1) Aboriginal and/or Torres Strait Islander background; (2) cultural background; (3) language spoken; (4) country of birth; (5) religion, and global experience.⁷⁸⁰

The Australian Workplace Equality Index (AWEI)⁷⁸¹ from Pride in Diversity is an established national benchmark that measures LGBTIQ+ workplace inclusion. The AWEI establishes nine measurement standards as best practice, including: (1) human resources policies and diversity practises; (2) strategy and accountability; (3) LGBTIQ+ employee networks/ resource groups; (4) visibility of inclusion; (5) training, awareness and professional development; (6) executive leadership and support; (7) data collection and reporting; (8) optional participation by national employers in the annual AWEI survey; and (9) additional employee generated LGBTIQ+ initiatives.

The Commission recommends that party leaders and the parliamentary departments prioritise accelerating gender balance and diversity in leadership roles.

Measures should include:

- **Target setting:** Political parties and parliamentary departments should set targets for gender balance and diversity, particularly in relation to leadership positions. Progress against those targets should be reported annually.
- **Monitoring and reporting:** The parliamentary departments and the proposed OPSC should collect and report data on the composition of employees to inform priorities and actions. This should be done by party affiliation (where applicable), classification, gender, age and other diversity characteristics. An annual public report should also include data on promotions and exits (e.g. collecting and reporting on length of service, not only for current staff, but for those who have resigned/retired or been terminated in the previous 5 years).
- **Recruiting for diversity:** Political parties, individual parliamentarians and parliamentary departments should review recruitment processes to build in processes that support diversity. This should include diverse selection panels; requirements for diversity on short-lists; and reviewing role descriptions to recognise a broader set of skills and backgrounds as relevant to CPWs. These might include specific graduate programs and apprenticeships, lateral hires, shadowing opportunities and sponsorship programs to accelerate pathways to leadership for under-represented groups.
- **Establishing and resourcing peer support mechanisms:** Peer support for under-represented groups can be an important source of support and advice. There may be benefit both in formalised networks and those which emerge organically.⁷⁸² Party-specific networks may also be appropriate to provide spaces in which people can share their experiences, while across-the-board networks may foster broader cultural change as well as career development opportunities.

(ii) Addressing gender segregation among MOP(S) Act employees and parliamentary roles

The Commission heard that gender segregation in CPWs, where women are concentrated in lower status roles, contributes to workplace norms that devalue women in the political environment.

Female MOP(S) Act staff commonly expressed frustration with their over-representation in administrative assistant or junior roles (see Figure 5.2), as well as their under-representation in more senior advisory roles. They also expressed frustration about a related sense of their contributions being minimised or dismissed,⁷⁸³ with one commenting that ‘some very senior progressive female MPs, they’ll still only really have a male chief of staff, or they’ll still only believe a man in a very tense situation’.⁷⁸⁴

The Commission heard that this gender segregation is also accompanied by an overall gender pay gap. This is particularly—but not exclusively—among MOP(S) Act employees:

There needs to be an effort to proactively address gender pay gaps across the board. It’s very difficult because we’re all [in] these individual workplaces. So they just assume that [it’s] up to the parliamentarian. But there needs to be a way to ensure people are properly compensated for the work that they do, their skill set, their experience.⁷⁸⁵

EMILY’s List Australia submitted that accurate and regularly collected data on gender segregation and gender pay gaps in CPWs is required to ensure that ‘staff are representative of the broader, diverse Australian community and that glaring disparities in the gender of staff in particular are measured and managed.’⁷⁸⁶

The Commission heard that gender segregation was also evident in the distribution of parliamentarians across ministerial portfolios and committees. In particular, it heard that women were more commonly allocated to work on policy portfolio issues which are considered less powerful, influential and prestigious, such as community affairs, health and education. In relation to MOP(S) Act staff, one participant noted:

... there's an extraordinary amount of policy generation in political offices and women are absent from most of those conversations ... But if the policy is generated by [a] political office, generated by [a] mainly male office of the Minister ... and I'm not just talking about social policy but about finance policy, human rights issues, defence policy, whatever it might be ... there was just an absence of all female voices.⁷⁸⁷

Further, while both the departments of the House of Representatives and Senate collect and publish information on parliamentarians' contribution to debate and parliamentary work (such as number of speeches and questions asked, number of bills and motions introduced, committee membership),⁷⁸⁸ this is not disaggregated by diversity metrics, including gender and age.

Ensuring gender balance across all positions and portfolios is an important foundation for a safe and respectful work environment. These positions include, but are not limited to, the Speaker/President and Deputy Speaker/President, Ministers, Parliamentary Secretaries and Opposition Spokespersons, Leader of the House/Senate and Manager of Opposition Business, whips, chairs and deputy chairs, delegation leaders, and leaders of parliamentary friendship groups. Taking on the lessons of other parliaments, the Commonwealth Parliament could consider mechanisms that guarantee women's more equitable distribution across parliamentary work.

These might include 'zippered' or shared leadership positions⁷⁸⁹ (for example, if the Speaker or Chair is a woman, the Deputy is a man and vice versa; or creating positions that are jointly held by two people), or rule changes that require rotation or alternation by gender at each parliamentary renewal.⁷⁹⁰

Further, the Commission recommends that CPWs adopt specific measures to address gender segregation, including:

- **Ensuring gender balance in the allocation of roles, portfolios and responsibilities:** Political parties should also ensure balance across ministerial and committee portfolios for both parliamentarians and parliamentarians' staff.
- **Annual public reporting:** The proposed OPSC, Department of the House of Representatives and Department of the Senate should report annually on roles and portfolios of parliamentarians and MOP(S) Act employees by gender to inform actions and priorities.
- **Monitoring the gender pay gap:** The proposed OPSC should annually measure and report on the overall gender pay gap and like-for-like gender pay gap among MOP(S) Act employees, by party.
- **Monitoring of parliamentary activity:** Parliamentary departments should introduce reporting of parliamentarians' activity by diversity characteristics (including gender and age) in the House and Senate to monitor patterns in the contribution to parliamentary debates and work.

(iii) Inclusion and accessibility

To ensure that the workplace is both inclusive and accessible, the Commission heard that there are specific actions required to address the barriers faced by working parents and those with a disability.

Addressing barriers faced by working parents

The Commission heard that working parents in CPWs, particularly parliamentarians and MOP(S) Act employees, feel that they 'are not welcomed or accepted.'⁷⁹¹ The Commission heard that balancing work and family is frequently not a feasible option in the work environment, which has an effect of narrowing the talent pool and limiting overall diversity.

The Commission heard throughout the Review that, while some carer friendly infrastructure is available in Parliament House to accommodate the needs of working parents, it is limited and not equally accessible to all building occupants.⁷⁹² For example, the childcare centre established in 2009 has limited places and few MOP(S) Act employees are comfortable leaving their children in the centre for long days at a time during sitting weeks. One participant told the Commission:

I've got to think about when an election is in terms of when I have a child, which is interesting. But I don't know how I will continue doing a job that I love—which is, you know, I love being in Canberra, I love being in the electorate office—and have a young child. They've got the childcare centre in Canberra, but I get into the office at 6.30 ... when I'm down there, and I don't leave till 8.30/9. It's a long time for a child to be at a day care.⁷⁹³

MOP(S) Act employees also expressed the view that, while parliamentarians could bring their children to work, this was considered inappropriate for staff. Further, the Commission heard that there is an insufficient number of breastfeeding rooms available for the use of workers across CPWs.⁷⁹⁴

As a means by which to diversify the parliamentary workforce further, the Commission recommends that the Presiding Officers, party leaders and parliamentary departments consult across CPWs and review the infrastructure and practices within CPWs. The review should encourage and better accommodate the needs of working parents and carers. It can do so by considering the following:

- **Parental leave entitlements:** Good practice parental leave entitlements could be extended to parliamentarians⁷⁹⁵ and to MOP(S) Act staff.
- **Travel entitlements and allowances:** Travel entitlements and allowances could be reviewed and improved with a view to supporting parliamentarians with caring responsibilities. This should also consider the accessibility of travel options and arrangements for carers.
- **Childcare:** Options for more flexible childcare options, including emergency childcare and flexible placements in the childcare centre, with consideration to its operating hours, and the feasibility of a second site.
- **Chamber-specific measures:** In the chamber,

party whips could encourage parliamentarians' greater use of proxy votes, pairing provisions and hybrid parliamentary arrangements (see 5.5, 'Safety and Wellbeing') that provide an alternative to their physical presence.

- **Remote and flexible working arrangements:** Political parties, party leadership and office-holders could encourage greater take-up of flexible working arrangements, including remote working and job sharing (see 5.5, 'Safety and Wellbeing'), and could also provide more practical guidance and support.

Supporting people with a disability

Accessible infrastructure (such as access ramps and bespoke workspaces) for all CPW workers was also found to be limited.⁷⁹⁶ CPW workers with a disability suggested that a more formalised system of support mechanisms should be introduced so that carers—including family members—could attend to their specific needs.

The establishment of peer support mechanisms (such as those suggested earlier in this section), would also allow people with a disability to support each other in the workplace, as well as support more collective bargaining for critical infrastructure and workplace changes. The Commission considers that a disability audit of CPW infrastructure is warranted.

Box 5.8: Discrimination law obligations

The Commission notes that where barriers are experienced because of an attribute protected under anti-discrimination law, the Commonwealth must also consider whether legal obligations prohibiting indirect discrimination are enlivened.

For example, under the Sex Discrimination Act, a person discriminates against a person on the grounds of pregnancy or breastfeeding if the 'discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging people with that attribute.'⁷⁹⁷

If the condition is unreasonable, it could be unlawful discrimination. This may arise, for example, in not letting employees take breaks at certain times of day to breastfeed and not providing employees with an appropriate place to breastfeed.

Similarly, indirect discrimination is prohibited under the Disability Discrimination Act in employment, access to premises, and the provision of goods, services and facilities.⁷⁹⁸

(e) Ensuring everyday respect at work

The Commission heard frequent reference to ‘everyday sexism’ and other forms of exclusion as a strong and pervasive undercurrent that provides a conducive context for misconduct.⁷⁹⁹ Everyday sexism and other forms of exclusion occur both inside and outside the chamber, including in the media and social media. Exclusion is often particularly acute for people who experience multiple layers of disadvantage:

I know of some of the First Nations people that work here ... and ... some of the black women ... the abuse that they have is absolutely unbelievable, eye wateringly awful.⁸⁰⁰

(i) In the Chambers

While the written rules of Parliament – known as the Standing Orders⁸⁰¹ – are considered ‘gender-neutral’ (that is, have themselves no discriminatory effect on women, men or non-binary parliamentarians), the Commission considers that they do not adequately promote a safe and respectful environment. Participants told the Commission that there is scope to reconsider the formal rules from a diversity, equality and inclusion perspective:

... in the chamber, it is disorderly if you use certain names, and you can’t use offensive words, and you can’t impugn a Member or a Senator with improper motions, nor can you be disorderly in your conduct. But ... bullying or harassing is not against the Standing Orders. So we saw that example of [parliamentarian], where she was quietly being harassed and bullied on the sidelines, or even across the chamber, where you can be ... really bullied and harassed in a verbal way, [a Member or Senator] can’t stand up and say to the [presiding officer] ‘Point of order, Senator [name]’, for example, ‘is being bullied. It is against standing order X’.⁸⁰²

While the parliamentary chambers are designed for robust debate, those spaces must also be safe and respectful. Just as the Standing Orders require parliamentarians to refer to each other by their electorates and ministerial titles to de-personalise debate, these orders should also require that the language used in the chamber does not contribute to the exclusion of women, First Nations people, LGBTIQ+ people, CALD people, or people with a disability. The Commission notes that office-holders and chairs of committees play a key role in ensuring and maintaining a safe and respectful environment in the chambers.

The Commission therefore recommends that a review of the Standing Orders be undertaken, with a view

to eliminating sexism and other forms of exclusion in the chamber. The Commission notes that a review of Standing Orders has not been undertaken in the Senate since 1989, and in the House of Representatives since 2004. This review of Standing Orders could broaden the definition of ‘disorderly’ behaviour to include acts of bullying and sexual harassment witnessed in the chamber and could also consider sexist and otherwise discriminatory or exclusionary language as ‘offensive’, ‘objectionable’ and ‘unparliamentary’.

This review of Standing Orders could also consider established practices and unwritten conventions that might give women, First Nations people, people from LGBTIQ+ communities, people of CALD backgrounds and people with a disability greater voice and visibility in the work of Parliament. In the same way that the alternation of the call between the Opposition and the Government was established as an unwritten convention, the Houses of the Commonwealth Parliament could consider alternation of the call by gender and other indicators of diversity. Similarly, quorum requirements in the chamber could also consider diversity.

(ii) Outside the Chambers

A zero tolerance for bullying, sexual harassment and sexual assault outside the chambers is also required. This extends across the parliamentary precincts and parliamentarians’ offices, electorate offices, national and international sites in which parliamentary committees conduct business (including inspections) or where official parliamentary functions and events are held, and international locations visited by parliamentary delegations.

The Commission heard that leaders calling out these behaviours made a significant difference:

One of the Committees I worked with, the Chair made efforts to call out and question poor behaviour including sexist, racist and transphobic comments and behaviour during private and public meetings. This sent a clear message that that behaviour would not be tolerated.⁸⁰³

The role of leaders in fostering inclusive and respectful work environments is discussed in 5.1(d) ('Individual leadership').

In addition to the work environment, women parliamentarians and staff reported sexist and vitriolic abuse directed at them in the media—including on social media.⁸⁰⁴ Abuse took the form of threats, as well as rumour and innuendo:

I've had rumours circulated about me ... Almost always of a sexual nature. Yeah, some of them have been circulated for political purposes. ... You don't realise it, but it's actually really distracting from work, it undermines your confidence. And it can leave you distracted for days, weeks, months later ... Then you really start to lose sleep ... And unlike our bosses, we don't have a voice, we don't have a right of reply in the media or anything ... So I think the rumours and innuendo are a really destructive, toxic part of the culture.⁸⁰⁵

Threats and rumours in the media that reinforce harmful norms and attitudes about gender roles and sexual harassment are a barrier to women's equal participation in the workplace and the reporting of misconduct.

The Commission notes that, the Parliament has not yet made a formal commitment to gender equality, diversity and inclusion with express provisions that set out a zero tolerance position for sexism, racism and other forms of exclusion. Large Australian public and private sector organisations, however, have made such commitments, along with other parliaments. Where explicit commitments have been made to gender equality in other parliaments, workplace behaviour standards have been re-set to be more respectful of diverse voices. These parliaments now have an institutional mandate to continue revising their rules and practices towards workplace gender equality.⁸⁰⁶

The Commission considers that having common standards of conduct (recommended in 5.4, 'Standards, Reporting and Accountability') will also support this change.

To address the experiences of sexism and abuse towards women parliamentarians on social media, as well as the online bullying of all people working in CPWs, the Commission suggests that the Office of the E-Safety Commissioner should examine this issue in further detail. The Commission also suggests that the Press Gallery consider the Respect@Work recommendation to promote and support best practice reporting on sexual harassment in the media (Recommendation 13).⁸⁰⁷

(f) Recommendations

The Commission makes the following recommendations to increase diversity, equality and inclusion across CPWs.

Recommendation 5: Diversity among parliamentarians

To advance gender equality, diversity and inclusion among parliamentarians, parliamentary party leaders should lead and champion a 10-year strategy which includes the following elements:

- (a) targets to achieve gender balance and specific actions to support the achievement of the targets
 - (b) specific actions to achieve gender balance and diverse representation across all parliamentary roles and portfolios
 - (c) specific actions to increase the representation of First Nations people, people from CALD backgrounds, people with disability, and LGBTIQ+ people.
-

**Recommendation 6:
Diversity among Members of Parliament (Staff)
Act employees**

To advance gender equality, diversity and inclusion among Members of Parliament (Staff) Act employees, parliamentary party leaders should lead and champion a 10-year strategy that includes the following elements:

- (a) specific actions to increase gender balance and diverse representation among Members of Parliament (Staff) Act employees, with a focus on senior roles
- (b) specific actions to increase the representation of First Nations people, people from CALD backgrounds, people with disability, and LGBTIQ+ people.

**Recommendation 7:
Measurement and public reporting**

The Office of Parliamentarian Staffing and Culture (see Recommendation 11), together with the Department of the Senate and Department of the House of Representatives, should table an annual report to the Parliament with the following information:

- (a) diversity characteristics of parliamentarians, including by party affiliation (where applicable), and gender representation across specific roles such as office-holders, ministerial portfolios and committee roles (Department of the Senate and Department of the House of Representatives)
- (b) diversity characteristics of Members of Parliament (Staff) Act employees, including analysis by party affiliation (where applicable), role, classification and pay scale (Office of Parliamentarian Staffing and Culture).

**Recommendation 8:
Diversity and inclusion in the parliamentary
departments**

Leaders of the parliamentary departments should advance gender equality, diversity and inclusion within parliamentary departments by:

- (a) adopting specific actions to increase gender balance and diversity in leadership roles
- (b) collecting and publicly reporting on workforce composition and leadership by diversity characteristics.

**Recommendation 9:
Access and inclusion**

The Presiding Officers, together with party leaders and parliamentary departments, should review the physical infrastructure, policies and practices within Commonwealth parliamentary workplaces to increase accessibility and inclusion.

**Recommendation 10:
Everyday respect in the parliamentary chambers**

The Presiding Officers should review the Standing Orders and unwritten parliamentary conventions, including their application in practice, with a view to:

- (a) eliminating language, behaviour and practices that are sexist or otherwise exclusionary and discriminatory
- (b) improving safety and respect in parliamentary chambers.

5.3 Systems to support performance

I'm not entirely sure who employs me. I mean I understand where my payslips come from, and who my immediate report is—which is the Senator that I work for—but the Department of Finance is also kind of technically our employer... at the end of the day, we're hamstrung by what Finance will allow us to do. And Finance tell us our employing member—employing senator—is our employer. But then our Senator will kind of say, "Well, you're actually technically employed by Finance." So you're caught in between these two unmoveable things. You don't really quite know whose job it is to fix like the chaos of it all.

(Interview 174, CPW Review)

Summary

This section explores the absence of an adequate and authoritative people and culture function for parliamentarians and MOP(S) Act employees and the lack of standardised people management processes and systems. It also discusses how the lack of clarity surrounding the termination of employment of MOP(S) Act employees creates imbalances of power and impacts the reporting of misconduct.

The section proposes a centralised people and culture function within Parliament, being an Office of Parliamentarian Staffing and Culture (OPSC), to provide independent advice and support to parliamentarians and their staff. The OPSC would be accountable to Parliament, rather than the Government, and would drive an agenda of professionalisation, professional development, best practice in training and continuous improvement.

Principle: Performance

Outcome: People working in CPWs are clear about their roles and responsibilities and consistent and standardised systems, processes and advice exist to support performance.

(a) Overview

Strong ‘people and culture’ functions play a critical role in creating professional, safe and respectful work environments. People and culture functions go beyond management of human resources for an organisation. With the support of effective systems and processes, people and culture functions can also set managers and employees up to perform their roles successfully and reinforce expected standards of conduct. They have been described as ‘architects of high performance’ when well designed and delivered and as key contributors to the professionalisation of workplaces.⁸⁰⁸

Under the MOP(S) Act, employer responsibility for MOP(S) Act employees is dispersed to individual parliamentarians. This framework creates 227 separate employment relationships without standardised approaches or a consistent level of skill in managing staff. The concept of a centralised or cohesive workforce underpinned by strategic direction and support therefore does not exist in reality for these staff.

A lack of clarity surrounding the termination of MOP(S) Act employees of also creates imbalances of power and can prevent individuals from reporting misconduct. Similarly, the question of where authority lies to act in the employment relationship is not always clear. Each of these factors are risk factors and drivers for bullying, sexual harassment and sexual assault in CPWs, as has been discussed in 4 (‘What we heard’).

This section of the Report outlines the human resources supports and services which are currently available in CPWs for parliamentarians and MOP(S) Act employees and the limitations of these existing mechanisms to function as enablers of safe and respectful workplaces.

Accordingly, it proposes the establishment of a new Office of Parliamentarian Staffing and Culture

(OPSC) within Parliament which can provide an authorising framework that is designed to support Commonwealth parliamentarians and their staff to meet their specific needs, as well as to drive strategic change across the workforce. This part of the Report also outlines recommendations to enhance professionalisation, performance and learning in CPWs and to embed continuous improvement.

The Commission acknowledges that other CPW participants—such as parliamentary and public service departmental employees, contractors, franchisees and media workers—receive human resources support depending on their respective employment agreements and conditions. Many of these CPW workers identified issues with the adequacy or effectiveness of the resources available to them, even where their employment frameworks were not characterised by unclear lines of authority or significant imbalances of power.

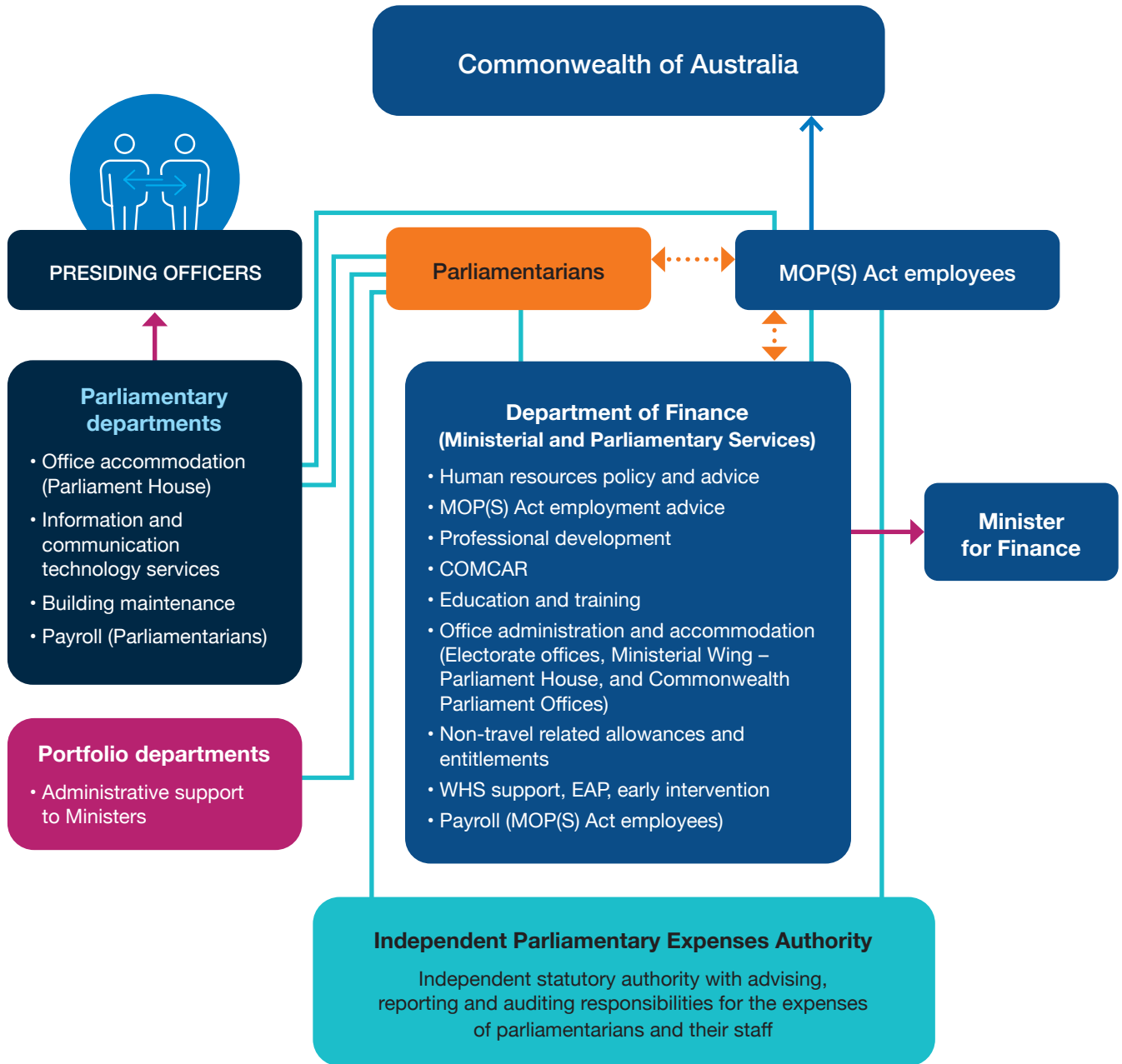
While recognising these limitations, this section focuses on the MOP(S) Act framework and its current human resources structure because of its direct relationship to the risk of bullying, sexual harassment and sexual assault in CPWs. The Commission considers that enhancing and enabling the people and culture systems which support parliamentarians and MOP(S) Act employees is a key mechanism by which the shifts that are required to improve CPWs for all workplace participants can be achieved.

(b) Existing human resources arrangements for Commonwealth parliamentarians and their staff

(i) Current arrangements

Commonwealth parliamentarians and MOP(S) Act employees currently receive human resources and administrative support from multiple sources. There is no single source of contact for all matters relating to their employment or entitlements, with parliamentary departments, the Department of Finance, and the Independent Parliamentary Expenses Authority each playing a role (see Figure 5.3).

Figure 5.3:
Human resources supports available to parliamentarians and MOP(S) Act employees
(current structure)



-  Employer
-  Employment relationship
-  HR support services
-  Reporting relationship

Through the Ministerial and Parliamentary Services (MaPS) division, the Department of Finance is responsible for most administrative and human resources support functions for parliamentarians and their staff. It provides advice, support and services, such as payroll for MOP(S) Act employees; car and driver services (COMCAR); office administration and maintenance services; non-travel related allowances and entitlements; human resources policy; and advice, induction, education and training.⁸⁰⁹ MaPS also facilitates work health and safety and support services, including Employee Assistance Programs and early intervention services, as well as playing a limited role in resolving disputes, complaints and work health and safety risks (see 3.3, 'Internal systems and processes in Commonwealth parliamentary workplaces').

In addition to MaPs, some parliamentary office accommodation services for Members of Parliament and Senators are administered by the Department of the House of Representatives and the Department of the Senate;⁸¹⁰ information and communications technology services and some building maintenance services are provided by the Department of Parliamentary Services;⁸¹¹ and Ministers receive some administrative support from their portfolio departments.⁸¹² Travel related work expenses are supported and administered by the Independent Parliamentary Expenses Authority, which operates as an independent statutory authority with advisory, reporting and auditing responsibilities for the expenses of parliamentarians and their staff.⁸¹³

(ii) Limitations to the MaPS human resources model

Fragmented employment relationship and a lack of authorising environment

As noted above, MaPS provides a range of human resources support services to parliamentarians and their staff. It also represents the Commonwealth as employer in enterprise bargaining and in legal claims involving MOP(S) Act employees.⁸¹⁴ MaPS has little practical control in this employment relationship, however, because the MOP(S) Act disperses operational employer responsibility and authority for recruitment, as well as day to day management, to each parliamentarian.

This employment model is intended to ensure that parliamentarians have the flexibility to structure their staffing support, based on their changing needs and priorities. This approach has created a workforce which operates at the direction of 227 different

individuals. These individuals have varying degrees of people management experience and limited opportunities to acquire or develop the necessary skills under existing frameworks (see 4.2(k), 'Existing policies and people management practices'). As a result, they have a divergence of views and priorities concerning the development and welfare of their individual staff.

This means that, while MaPS plays a role in supporting the good employment practice that can assist the Commonwealth in meeting its employer duties, it is not able to enforce standards, identify or manage workplace risk (including legal risk) effectively, or take action to support and promote workplace gender balance and diversity. MaPS identified limitations that it experiences under the MOP(S) employment framework, observing that, even though the Department of Finance does hold employer responsibilities and obligations to MOP(S) Act employees, 'ultimately only the employing parliamentarian can make decisions about their staff'.⁸¹⁵

Many MOP(S) Act employees perceived the complexity of the employment framework as a limitation in the potential for MaPS to be effective, and also a source of frustration and confusion. One MOP(S) Act employee told the Commission that:

I'm not entirely sure who employs me. I mean I understand where my payslips come from, and who my immediate report is—which is the senator that I work for—but the Department of Finance is also kind of technically our employer... at the end of the day, we're hamstrung by what Finance will allow us to do. And Finance tell us our employing member—employing senator—is our employer. But then our senator will kind of say, "Well, you're actually technically employed by Finance." So you're caught in between these two unmoveable things. You don't really quite know whose job it is to fix like the chaos of it all.⁸¹⁶

Some parliamentarians expressed similar frustrations. These parliamentarians told the Commission that they often did not feel supported when discharging their employer responsibilities to MOP(S) Act employees. The Commission heard that:

Members and Senators receive no management training upon election or anytime thereafter... There are no formal performance review or management mechanisms to deploy... so many [Members and Senators] are ill equipped to deal with complaints.⁸¹⁷

Parliamentarians also told the Commission that they felt that the support provided by MaPs did not

always meet their needs for addressing and managing people issues or concerns arising in their offices. One parliamentarian said:

from time to time I've had issues, or our office has had issues and we were looking for advice, that's been where it's been difficult. Where I don't think we're well enough supported ... it's when you've got a complex issue or a performance issue ... and you think there might be some health issues involved in it as well, and you need to really talk it through, I don't think they [the Department of Finance] are equipped to do that sort of thing.⁸¹⁸

The Commission notes that the division of employer responsibility between the Department of Finance and parliamentarians is not always clear. This can result in confusion about responsibility for services and supports, but also act as a barrier to safe and respectful workplaces due to the structural inability of MaPS to address, or be aware of, some workplace risks. For their part, parliamentarians often lack the management skills required to manage these risks and have limited opportunities to acquire or develop these skills under existing frameworks (see 4(d)(ii), 'Leadership deficit').

A lack of trust and confidence in MaPS

In addition to this dispersed employment relationship and lack of clarity around where authority to act is situated, the potential for conflict of interest also exists in this environment. This is because MaPS holds responsibility for providing advice and support to parliamentarians (as employers) and staff (as employees), and also has a structural reporting relationship to the Government.

Staff told the Commission that they did not perceive MaPS as independent or confidential because of its relationship to the Government (the Department of Finance reporting to a Minister); because it had potentially competing obligations to parliamentarians and staff, particularly in relation to complaints and conduct matters; and because they were concerned about the confidentiality of sensitive information within this setting. Staff perceived that complaints could be used against them or their employing parliamentarian in a workplace context where information is frequently 'leaked as a political weapon by others'.⁸¹⁹

Within this environment, staff were reluctant to raise issues of concern with MaPS because they did not believe that the information would be held confidentially, fearing in turn that its release could jeopardise their employment or damage the political prospects of their party.⁸²⁰ This was particularly

evident in relation to sensitive issues involving other staff. The structural accountability of MaPS to government, combined with the unstable nature of MOP(S) employment and other factors of specific relevance to partisan staff, operated to limit the likelihood that MOP(S) Act employees would raise employment issues with MaPS.

Perceived lack of effective human resources support and lack of enforcement of standards

Some staff told the Commission that MaPS was adequate for basic administrative support and assistance, but others did not consider those needs were met. Staff told the Commission that induction was limited or did not occur; that training was not well promoted or fit for purpose; that professional development opportunities were dependent on the support of their parliamentarian; and that MaPS could not intervene on their behalf when workplace issues arose because of the limitations of the MOP(S) Act employment relationship, noted above.

As a result, these limitations significantly affect the ability of MaPS to influence workplace behaviours and standards including, and especially, those related to misconduct. The Commission also heard that some MOP(S) Act employees perceived a reluctance on behalf of MaPS to make any attempt to act when issues were raised, with one staffer commenting:

As a staffer you're up against it. You've got the Department of Finance that can't really help you and tell you that you should just leave. You've got the performance management structure that's left up to the member of parliament to engage in and make a decision around. And that comes back to them wanting to get rid of you. If they want to get rid of you or not you know the writing is on the wall.⁸²¹

Another observed:

The Department of Finance ... is toothless and has no or little influence in intervening when there was employment dispute between the employees and MP/Senator. Based on my observation, the Department always sided with the MP when there was [a] dispute.⁸²²

Information provided by the Department of Finance indicated that the attendance of MOP(S) Act employees at training courses offered by MaPS is generally low.⁸²³ Consistent with the dispersed authority of the MOP(S) Act employment framework, however, and as noted by the Department of Finance, attendance cannot be mandated.⁸²⁴

(iii) Emerging practice—comparative models

The challenge to effective people management in the offices of parliamentarians is not unique to the Australian context. While existing people and culture models in comparable jurisdictions vary, in most cases human resources support is provided by the departments that are aligned to the status of the parliamentarian (for example, a parliamentary department or a ministerial office), rather than by centralised or independent structures. Different approaches internationally include direct employment;⁸²⁵ employment under public service legislation with exemptions for impartiality and merit-based recruitment;⁸²⁶ and models similar to MaPS which share employer responsibility between parliamentarians and departmental structures.⁸²⁷

Reforms to people and culture functions that are proposed or underway in some jurisdictions, provide instructive examples of effective models for the centralised management of parliamentarians and their staff.

Recent reviews of parliamentary workplaces in New Zealand and the United Kingdom have each identified underdeveloped, dispersed and, in some cases, non-existent, human resources supports as barriers to the creation of a cohesive, professionalised and supported workforce.⁸²⁸ In 2019, the Francis Review of the New Zealand Parliament recommended the establishment of an human resources shared services group which could deliver strategic people management services and develop a single Parliamentary Workforce Strategy.⁸²⁹ Following a recent review of harassment in the South Australian Parliament,⁸³⁰ a centralised people and culture unit is also in the early stages of establishment. This is intended to be independent of the Government and responsible for developing policies, investigating complaints and providing training to parliamentarians and staff.⁸³¹

While the centralisation of all services supporting parliamentarians and their staff will create functional efficiencies, this alone will not drive the change necessary to ensure safe and respectful environments. Accordingly, the Commission considers that a new people and culture function must be empowered and authorised to drive accountability. This function should be supported by compliance mechanisms; independence from government; mechanisms to preserve confidentiality; training and development opportunities that meet the needs of both parliamentarians and staff; and a clear articulation of standards for political leadership.

(iv) The way forward

The Commission acknowledges that MaPS has invested considerable effort in developing a framework of resources for parliamentarians and their staff⁸³² and that, more recently, it has sought to create a focus on the elimination of unacceptable workplace behaviours, such as workplace bullying and sexual harassment.⁸³³ It is not structurally designed, however, to support the partisan nature of the MOP(S) Act employee cohort or the nature and power dynamic of MOP(S) Act employment.

While no reflection on the professionalism of those within this structure, the Commission found that MaPS was generally not considered by parliamentarians and staff as capable of effecting or mandating improved cultural and learning outcomes. As one staffer put it:

There needs to be an independent HR department that is completely out of politics where people feel safe to complain, but also there are real ramifications for bullying, sexual harassment and generally bad behaviour. The current system is broken.⁸³⁴

As demonstrated by the quote above, the Commission heard that human resources support for parliamentarians and their staff should be independent from the Government. In particular, the Commission heard that the human resources function should have the power to enforce policies, practices, standards and values, as well as to hold workplace participants to account for unacceptable behaviours.⁸³⁵ The role of leadership was also identified as significant, as discussed in 5.1 ('Leadership').

Some participants considered that this could be achieved by dedicated human resources roles in the parliamentary wings of political parties, with access to administrative functions from the Department of Parliamentary Services.⁸³⁶ Others proposed departmental employment models to provide enhanced structural support to staff.⁸³⁷

Organisational submissions considered that an independent human resources department should be established. Functions of this independent department could include a remit to oversee all employment related complaints and investigations at first instance (or refer complaints to an independent body established for that purpose); provide separate support to parliamentarians and staff to avoid conflicts of interest; provide support and training to staff; provide advice; provide specific support to parliamentarians in relation to recruitment;

as well as a remit to set gender equity targets.⁸³⁸

At a functional level, the Department of Finance submitted that service delivery could be improved by simplifying the current split of responsibilities across CPW agencies to enable parliamentarians and their staff to identify the most appropriate channel to seek assistance or raise concerns.⁸³⁹ The Department also pointed to overlapping and shared duties between itself and parliamentarians under Work health and safety legislation as a possible barrier to safe and respectful parliamentary workplaces, due to the potential for confusion about who holds authority to take action to address work health and safety risks.⁸⁴⁰

The Commission notes that, with some exceptions, the existing MaPs structure does provide an effective centralised point of contact for most human resources services and support for parliamentarians and their staff. However, the Commission heard from many MOP(S) Act employees that they either did not know about services provided by MaPS, or did not view it as having a significant role to play in the resolution of work-related issues because:

- they were conscious of the overriding authority of their parliamentarian to direct and influence their employment
- they felt constrained by the unstable nature of their employment
- they had overriding concerns around confidentiality, trust, party loyalty, and reputational harm.

The Commission considers that there are opportunities to re-conceptualise human resources mechanisms that apply to CPWs in a way that: increases efficiencies; builds trust; better supports parliamentarians to manage staff; provides staff with greater clarity and support; and plays a key role in reinforcing safe and respectful culture, values and workplace standards.

There is limited scope, however, to develop MaPS as a best practice model for people and culture, given the constraints of the MOP(S) Act employment framework. As a result, other approaches need to be considered to support the professionalisation of management practices for MOP(S) Act employee cohort and ensure safe and respectful CPWs.

(c) A new people and culture model—Office of Parliamentary Staffing and Culture

(i) Guiding principles and functions

This section proposes a new people and culture model in the context of CPWs and, within that, an independent Office of Parliamentary Staffing and Culture to provide a foundation for a professionalised, safe, supportive and respectful workplace. At a minimum, the principles which should form the basis for such a model include:

- **Accountability to Parliament:** An effective people and culture function should recognise the unique nature of parliamentary workplaces and be accountable to Parliament, rather than to the Government.
- **Authority to act:** An effective people and culture function should be supported by an authorising environment which compels compliance with required policies and which enables accountability where compliance with policies and legislative obligations is lacking.
- **Centralised and professionalised:** An effective people and culture function should be centralised; be capable of influencing strategic and cultural change, standardised recruitment practices, learning and development; and drive the professionalisation of the workforce.
- **Flexible but consistent:** An effective people and culture model should retain parliamentary flexibility and control over employment decisions but require consistently applied best practice employment principles.
- **Location of responsibility:** An effective people and culture model should ensure that administrative burden is not added to the workload of parliamentarians.

The Commission considers that the current absence of an authorising environment can be addressed by the Parliament taking a greater role and responsibility in how its workforce is managed. This will address issues of independence by:

- aligning the people and culture function to the Parliament, rather than to the Government
- enabling the Parliament to identify its strategic priorities and people and culture needs
- requiring the Parliament to set and to bind itself to standards to promote safe and respectful workplaces.

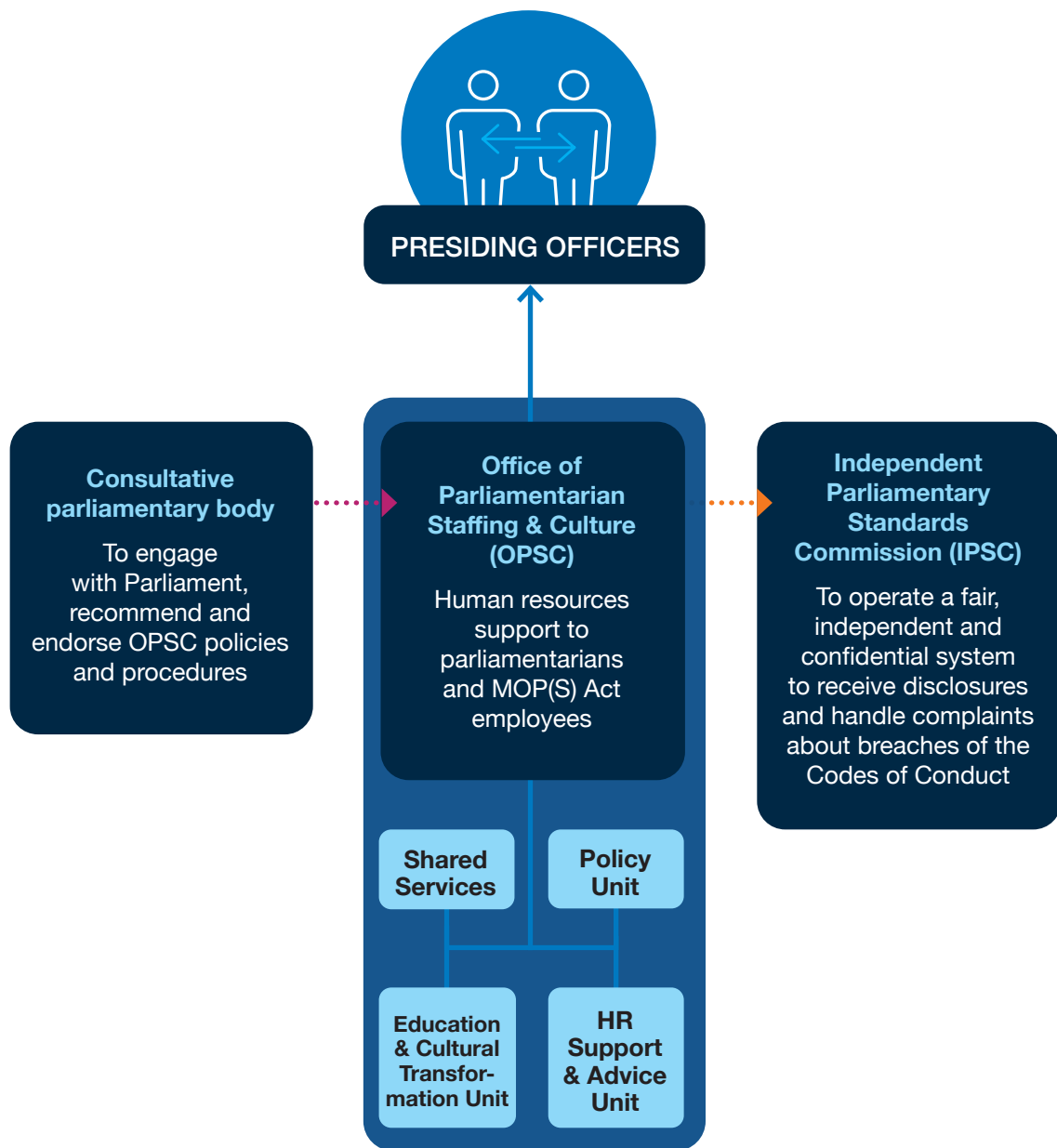
The following section proposes a high-level model for a people and culture function for parliamentarians and their staff. The model is based on the function being accountable, transparent, and authorised by the Parliament, so that it can drive strategic change and support safe working environments in CPWs, while maintaining and recognising the employer status of parliamentarians under the MOP(S) Act employment framework.




(ii) The Office of Parliamentarian Staffing and Culture

The Commission proposes that an Office of Parliamentarian Staffing and Culture (OPSC) be created to provide human resources support to parliamentarians and their individual staff (Figure 5.4).

The OPSC would be created under the MOP(S) Act; be physically located in Parliament House but also provide services to staff in states and territories via regional offices or outreach services; be headed by a statutory officer, with legislative provision made for the employment of staff; and would report annually to the Presiding Officers. The Commission proposes that the OPSC be independent from the Government and a non-partisan institution similarly structured to the Parliamentary Budget Office.

Figure 5.4: Proposed structure of the Office of Parliamentary Staffing and Culture



-  Reports to
-  Refers to
-  Provides guidance to

The most significant advantage of the OPSC model is that there is oversight within the structures of the Parliament. The OPSC would be accountable to the Parliament through the Presiding Officers. The proposed model also requires parliamentarians to work across party lines by being engaged in leading cultural change and managing their own workplace. The proposed model creates the authorising environment lacking in the current structure by establishing 'buy-in' from the Parliament itself and empowering the OPSC to implement and drive improvement.

As outlined above in 5.3(b)(iii) ('Emerging practice – comparative models'), best practice is still emerging in comparable parliamentary environments. The OPSC model is intended to take account of generalised best practice features, such as centralisation of services, while also proposing a structure that specifically considers the CPW environment, as well as matters that were identified by Review participants as significant. These include the importance of independence from the Government, pathways to support confidentiality and the creation of an enabling environment.

Following consultation and legislative development, the Commission considers that the OPSC model could provide substantial support to the development of safe and respectful CPWs, while also driving improved and strategic support to parliamentarians and their staff.

Core functions of the Office of Parliamentarian Staffing and Culture

The OPSC would be legislatively mandated to undertake all functions described in Table 5.5.

The functions of a new people and culture model, informed by the above guiding principles, should include core human resources support functions including policy development, training, advice, and education. Many of these functions exist in the present MaPS framework and could be incorporated into a new model.

Table 5.5 outlines key functions and services that could be provided by a centralised people and culture model for parliamentarians and their staff.

Table 5.5: Proposed key functions and services provided by a centralised people and culture model

Human Resources Support and Advice Unit	Education and Cultural Transformation Unit	Policy Unit	Shared Services
<ul style="list-style-type: none"> • Advise and support Parliamentarians as employers of staff (e.g. recruitment, staffing issues, performance management) • Advise and support MOP(S) Act employees on human resources matters • Human resources (including workers compensation) and work health and safety issues case management • Monitoring and report on standards of employment • Exit interviews • Work collaboratively with the IPSC • Support staff wellbeing 	<ul style="list-style-type: none"> • Induction • Training • Promotion of Codes of Conduct • Staff surveys • Develop a diversity and inclusion action plan • Drive cultural change and promote values and professionalism within parliamentary workplaces, for example cultural transformation, gender equality, diversity and inclusion • Develop and implement a learning and professional development framework and program for MOP(S) Act employees • Develop and implement a people management training and support function for parliamentarians and senior staff 	<ul style="list-style-type: none"> • Set conditions and required processes for office management and staff employment and draft these into an Employment Practices policy • Develop other policies such as an alcohol use policy • Negotiate enterprise agreements • Compile annual reports about the functions, activities and deliverables of OPSC (including statistical data on MOP(S) employment and workforce characteristics) for tabling in the Parliament 	<ul style="list-style-type: none"> • Payroll • Allowances/non-travel related entitlements • ICT • Property management

To manage conflicts of interest, the OPSC would have separate teams for the purposes of providing advice to parliamentarians and to MOP(S) Act employees. It would also provide independent advice to the Presiding Officers, via a consultative parliamentary body, discussed below.

It is important to note at the outset that while the OPSC could receive human resources concerns and queries from MOP(S) Act employees and parliamentarians, it would not deal with reports and complaints of bullying, sexual harassment and sexual assault. Such reports and complaints would be referred to the Independent Parliamentary Standards Commission (IPSC) outlined in 5.4(h) ('A new Independent Parliamentary Standards Commission') for confidential resolution or investigation. Clear criteria should be established to clarify the circumstances under which matters should be referred to the IPSC.

The OPSC would have no role in investigating complaints of misconduct. As discussed in detail in 5.4 ('Standards, reporting and accountability'), the Commission considers that the structural separation of human resources and complaints handling functions is critical to ensuring confidentiality and building trust in CPWs, as well as to creating frameworks to support safe and respectful workplaces.

The OPSC's role would be to seek to resolve non-compliance with work health and safety obligations or with employment matters, such as non-completion of mandatory training. It would also have a role in providing education and guidance about work health and safety obligations to parliamentarians and MOP(S) Act employees. It would be legislatively empowered, however, to refer matters directly to the proposed IPSC for consideration under applicable Codes of Conduct if resolution was unable to be achieved. Clear and documented referral processes to the IPSC for this purpose should be established.

The OPSC would also have a role in working collaboratively with other parliamentary departments to ensure consistent human resources practices where applicable, as well as to harness opportunities to co-ordinate training and development opportunities.

The OPSC would be a central source of services and support for parliamentarians and staff. It would consult, identify and deliver the support, training and advice required by parliamentarians and MOP(S) Act employees to perform their respective roles. It would

also establish readily identifiable contacts and resources for specific purposes, such as employer issues, employee issues, and learning and development.

Just as importantly, the OPSC would have a key function to drive a high-performance learning and development culture, as well as to undertake strategic initiatives to drive values, culture and diversity, in consultation with the consultative parliamentary body and the Presiding Officers, discussed below.

Role of consultative parliamentary body

A consultative parliamentary body would be established to provide guidance to and make requests of the OPSC, as well as to make recommendations to the Presiding Officers on the advice of OPSC. This body should be representative of the Parliament and include membership from each political party, as well as proportionate representation from independent members of the Parliament. It should make provision for the appointment of 'lay members' appointed from outside of Parliament to bring subject matter expertise to the body in areas such as staffing, organisational behaviour and culture and sexual harassment.

The role of the consultative parliamentary body would be to create the authorising environment for the OPSC to develop and professionalise the management practices for MOP(S) employees, as well as to ensure that parliamentarians are provided with a forum to identify their own training and support requirements as employers. It would be required to consult with the Parliament to create 'buy-in' to proposed policies, standards, procedures and initiatives and to identify areas for development or improvement. Its alignment to the Parliament would enhance opportunities to ensure fit for purpose policies and to build trust and confidence in the MOP(S) Act employee cohort.

Examples of the potential functions of the consultative parliamentary body are detailed below.

- **Consultation and advice role:** This body would engage and consult with Parliament about proposed policies and procedures developed by the OPSC and provide the OPSC with guidance and feedback. It would also initiate requests to the OPSC for new policies and procedures required by parliamentarians for themselves or for MOP(S) Act employees, following consultation with the parliament.

- **Strategic development role:** This body would receive strategic information and recommendations from the OPSC relevant to the recruitment, management, development, wellbeing, and diversity of MOP(S) Act employees. This could include, for example, standardised recruitment practices and policies, workforce data, staff surveys, and de-identified reports concerning compliance with policies and training, and management of work health and safety incidents. It would have the ability to make recommendations for the development of strategic initiatives based on information provided to it (or to endorse recommendations made by the OPSC).
- **Recommendation role:** Following consultation with the Parliament, this body would support OPSC recommendations to the Presiding Officers to approve implementation of policies, procedures, and strategic workforce initiatives.

The consultative parliamentary body should not have a role in the resolution of complaints, non-compliance with workplace health and safety or employment matters, or code of conduct matters or receive any confidential employee information. In order to maintain confidentiality, complaints or code breaches (which would include non-compliance with workplace health and safety or employment matters that cannot be resolved between the OPSC and employing parliamentarians and/or staff) received by the OPSC would be escalated directly to the IPSC in accordance with criteria established for that purpose.

The Commission notes that the OPSC model relies on political co-operation and the support of party leadership, together with a commitment to lead change. It is important to acknowledge, therefore, a risk that a parliamentary consultative body could be the source of delay or diversion. The Commission is of the view that this is capable of being addressed by mechanisms such as mandatory decision-making timeframes, following which direct referral by the OPSC to the Presiding Officers would be possible. These mechanisms could also be the subject of legislative amendment and should form part of a legislative amendment review.

The structure of the consultative parliamentary body could take several forms, such as a joint committee of the parliament, or an advisory board with functions established under the MOP(S) Act. The most appropriate mechanism to establish this body in the parliamentary environment should be the subject of detailed consideration by Government.

Role of the Presiding Officers

The OPSC would report to the Presiding Officers, who are elected by and accountable to the Parliament. The Presiding Officers would hold similar responsibilities and functions to those currently held under the *Parliamentary Services Act 1999* (Cth) in relation to the management of parliamentary departments, and they would be jointly responsible for the appointment of the statutory head of the OPSC. It is important that the Presiding Officers are appropriately resourced to undertake this role, for example through a specific secretariat.

In addition, their role would include:

- **Approval and transparency role:** The Presiding Officers could receive independent advice and recommendations from the consultative parliamentary body and approve and authorise the OPSC to implement new policies, procedures, strategies and frameworks. The MOP(S) Act would be amended to mandate compliance with policies, training requirements, and other relevant documents once approved by the Presiding Officers.
- **Tracking transformation role:** The Presiding Officers would also receive and table an annual report from OPSC with data about MOP(S) Act employees, including gender and diversity numbers, staff turnover, compliance data and other indices tracking culture change and safety improvement in CPWs.

Similarly to the consultative parliamentary body, the Presiding Officers would have no role in the resolution of complaints or Code of Conduct breaches nor receive confidential employee information.

Legislative amendment

The model proposed above will require amendments to the MOP(S) Act and consequential amendments to other relevant legislation—such as the *Parliamentary Service Act 1999* (Cth).

At a minimum, amendments required would include creation of the OPSC and staff; authorisation of the Presiding Officers to direct the implementation of policies and procedures on the recommendation of the consultative parliamentary body and to mandate their application; an annual reporting requirement with criteria relating to reporting content; and statutory authorisation for the OPSC to refer specified complaint, compliance and conduct matters directly to the IPSC.

(iii) Limitations of alternative models

Another option for reform would be an independent model to be created under its own enabling legislation to conduct, monitor and report on human resources functions for parliamentarians and MOP(S) Act employees. This model would be structurally separate from the Parliament and could be modelled on existing bodies, such as the Independent Parliamentary Expenses Authority.

It is unusual, however, to place a people and culture model in an external body in the absence of a compelling reason to do so, and a risk of this model is the possibility of a disconnect from parliamentarians and staff. The external body would need to undertake significant and ongoing engagement activities to ensure that it understood and delivered on the needs of parliamentarians and their staff. There is also a risk that parliamentarians and staff would view it as remote from their daily needs and challenges and would not consider it a trusted or accessible source of advice, leading to underutilisation.

Concerns about independence raised during the Review primarily related to the alignment of the human resources function, which currently includes complaints (other than serious incidents), with the Department of Finance. The reporting relationship of the Department of Finance to the Government, which exists regardless of the party holding government, has created trust and confidence issues, particularly in relation to making reports and complaints of misconduct.

To address this concern, the Commission has recommended the creation of the IPSC, which would have a referral pathway from the OPSC. The nature of the complaints to be received by the IPSC warrant and require structural separation from the Government and the Parliament, as discussed in detail in 5.4 ('Standards, reporting and accountability'). The proposed OPSC does not have a role to deal with sensitive complaints, issue resolution, or Code of Conduct matters and would refer any matters received to IPSC.

The case for an external independent people and culture function, however, is less compelling. Review participants considered that independence from government was required to instil trust and confidence and to better enable the needs of parliamentarians and staff to be met, and that an authorising environment where outcomes (such as consistency and transparency of recruitment practices) could be achieved was necessary. Each

of these changes can be achieved under the OPSC model.

The focus of the proposed OPSC is the development of policies, procedures, initiatives and strategies to support parliamentarians and to drive and develop MOP(S) Act employees as a high performing, professional and supported cohort. In the Commission's view, the involvement of the Parliament in achieving this outcome is not only preferable, but necessary. The Commission does not consider that a sufficient case has been made to warrant the separation of the people and culture function from the Parliament.

(d) Professionalising management practices for MOP(S) Act employees

(i) Overview

As discussed above at 5.3(c), the Commission has recommended the establishment of an OPSC for parliamentarians and MOP(S) Act employees that would operate in an environment empowered to drive and deliver good employment practices across CPWs. In this section, the Commission outlines the processes and standards necessary to develop a professionalised, high performing, safe and respectful workplace for parliamentarians and MOP(S) Act employees.

The nature of the parliamentary work environment means that MOP(S) Act employees and parliamentarians experience frequent movement and turnover. This leads to situations where parliamentarians may be required to assemble new teams or restructure existing teams rapidly, while MOP(S) Act employees may face sudden role changes or unemployment.

The Commission heard that existing human resources practices for MOP(S) Act employees varied significantly among offices and were dependent upon the personal style, preferences, experience and approach of individual parliamentarians, chiefs of staff and office managers. While some MOP(S) Act employees reported experiences of good practice that created more professional, efficient and high-performing work environments, many described inconsistent recruitment and management practices, largely unreflective of the practices and standards common in other contemporary Australian workplaces.

By contrast, CPW workers in the public and parliamentary service experienced more structured and regularised environments, regulated by legislated codes of conduct, transparent merit-based employment principles and structured human resources practices, as discussed above in 5.3(b).

This section focuses on improvements and enhancements which can shift people and culture approaches relevant to MOP(S) Act employees and parliamentarians closer towards best practice. The evidence that the Commission heard over the course of the Review indicates that this is the part of the CPW context that is most in need of improvement and support.

In this section, the Commission considers specific human resources practices for MOP(S) Act employees and parliamentarians in relation to establishing an office, recruitment and induction, performance and career development—and ways in which these practices can be adjusted or enhanced to increase support and professionalism of management practices for this part of the CPW community.

While a broad range of human resources practices affect the employment of MOP(S) Act employees and the people/office management obligations of parliamentarians, the practices addressed below were identified as the most significant to the development of safe, respectful and professionalised workforces.

(ii) Office composition and structure

Parliamentarians are allocated a certain number of staff to assist them to fulfil their duties (see 3.1, 'Understanding CPWs'). The Commission heard, however, that there is limited guidance or support for new parliamentarians on how to structure their offices effectively in terms of roles and responsibilities.⁸⁴¹ These decisions about staff composition and office structure will vary, based upon the unique needs and circumstances of each parliamentarian. This includes taking into account factors such as their personal background, skills and experience; the location and demographics of their electorate; any portfolios for which they may be responsible; and the resources that may be provided to them if they are members of a major political party.

The Commission heard that MaPS provides new parliamentarians with a 'Getting Started Guide' as part of their induction. This details the administrative and operational steps required to establish their offices and team of staff (see 3.3(e), 'Training and education').⁸⁴² It was suggested, however, that additional practical resources be developed, such as

'survival checklists' that identify the critical supports and services available, to help parliamentarians to 'get up to speed' rapidly on the diverse range of matters of which they need to be appraised in order to establish their offices and commence work.

The Commission considers these types of practical written guides to be valuable. The new OPSC should review existing resources to determine if there is scope to expand or adjust them, to enhance the support provided to parliamentarians to establish and maintain their offices. These resources should be specifically tailored to the often urgent need to establish new teams and offices quickly upon election.

In addition to resources provided by MaPS, some parliamentarians told the Commission that they received guidance and practical advice from more experienced parliamentarians about how to set up their office and establish a positive office culture. These parliamentarians emphasised the value of this practical in-person 'peer guidance', observing that this kind of 'informal learning' opportunity where they could hear tips from someone who had previously been 'in their shoes', was an efficient, effective and welcome way to support them in their new role.

The Commission also heard that some political parties currently facilitate opportunities for new parliamentarians to receive this kind of informal 'peer guidance' and support. This includes by arranging sessions for seasoned parliamentarians from within the party to meet with new parliamentarians and share their advice on setting up an office and taking up their role.

Beyond these informal arrangements, the Commission considers that there is scope to provide more structured and consistent opportunities for guidance and support for all new parliamentarians in relation to how to compose and structure their offices.⁸⁴³ This should include resources available to all candidates prior to an election. Further, as parliamentarians' office structures and role/staffing requirements may change over the course of their parliamentary careers, guidance and support on these matters should also be available to all parliamentarians on an ongoing basis. The Commission recommends that the OPSC take responsibility for considering, designing (with input from parliamentarians) and implementing a structured program to provide tailored support and guidance/'mentoring' opportunities for all parliamentarians (new and existing) in relation to these matters.

(iii) Position descriptions

Position descriptions are a typical feature of most large Australian workplaces. They provide clarity to employers and staff about the duties and responsibilities of a role and the skills and experience required for it. They also provide clarity to both parties in the employment relationship regarding the objective selection criteria for the role and expectations about job performance.

Many MOP(S) Act employees described being unsure of the scope and nature of their role when they commenced work. They said that there was not a standard practice of providing a clear job description (either verbal or written) and that, as a result, they were unsure what their role involved and whether they were performing to expectations. This caused unnecessary confusion and stress, with many noting that this lack of clarity could be reduced through the relatively simple process of receiving a clear position description (while still retaining the flexibility necessary for these roles).⁸⁴⁴ The uniform provision of position descriptions to all MOP(S) Act employees within an office may also facilitate better coordination of tasks, and assist to address concerns that some participants raised about workloads being spread unevenly or unfairly among colleagues.

The Commission recommends that template position descriptions should be available for all MOP(S) Act roles as a standard requirement as part of the recruitment and induction processes. These position descriptions should identify the key competencies, responsibilities and duties of the roles, with flexibility for individual offices to tailor the templates to suit their needs as required. This will better support staff and parliamentarians, reducing the uncertainty often experienced by new staff and the potential for bullying to arise as a result of this lack of role clarity. It also allows for greater transparency in relation to the necessary skills required for certain types of roles to improve recruitment processes and career development, and can help to facilitate appropriate distribution of work across a team or office.

(iv) Recruitment

Recruitment practices for MOP(S) Act employees are unlike those that commonly apply in the parliamentary departments, APS and other large modern Australian workplaces. The Commission heard that vacancies for MOP(S) Act roles are typically not advertised and that there is little or no transparency around selection and appointment processes. Staff are often recruited from a

parliamentarian's network or from party political environments. In the absence of set position descriptions or selection criteria, this means that staff are often selected from relatively small pools and, in many cases, without being required to demonstrate that they have the technical skills or experience that might be required for a role.

Many parliamentarians and MOP(S) Act employees emphasised that it is essential for parliamentarians to have the flexibility to select and appoint staff based not only on their technical skills and experience, but on the basis of factors, such as political experience and knowledge. This was seen as critical to the effective operation of parliamentary offices and functions, as well as to the provision of meaningful support to parliamentarians.

Notwithstanding their need to recruit based on political attributes, however, some parliamentarians told the Commission that they had deliberately altered their recruitment methods to expand the pool of candidates and secure the best talent for their teams. This was done either by openly advertising their roles within or beyond party networks, or actively targeting wider networks when identifying potential candidates.

These parliamentarians said that they understood and accepted the established performance benefits of having a diverse team and, as such, intentionally sought to hire a diverse mix of staff to ensure that their office was harnessing these benefits and getting the best talent available. This included considering diversity across a range of attributes when hiring, with gender and cultural background identified as a particular focus, given the current demographics of MOP(S) Act employees.

The Commission heard some concerns about the Government Staffing Committee (GSC), which exists to 'handle and approve requests from Ministers related to the appointment of their personal staff'.⁸⁴⁵ The Commission heard that the GSC is not a vetting system and that it has a role to provide guidance to Ministers on their proposals for appointments, check that budgetary and equity criteria are met and, where possible, that the person is of good character and suitably skilled.⁸⁴⁶ Participants also shared concerns about the lack of consistency regarding the GSC's structure; about each new Prime Minister, and usually their chief of staff, determining its form and scope; and about the lack of transparency in relation to its composition, processes and decisions.⁸⁴⁷

The Commission considers that an oversight function of senior role recruitment can be positive to ensure

greater consistency and rigour in appointment decisions and attention to factors such as diversity. The confidence and trust in the GSC and its processes could be significantly enhanced if there were greater transparency around its composition and decision-making process.

The Commission heard that, outside of decisions made by the GSC, ministerial staff were often appointed or promoted to more senior roles based largely on 'political reasons' rather than demonstrated technical skills or proficiency. The Commission also heard that there was often a lack of diversity among staff appointments and promotions.

The Commission acknowledges that parliamentarians should retain flexibility to select staff based on individual preferences that may include political experience. To expand the talent pool of quality candidates and bring their recruitment practices in line with best practice approaches across modern Australian workplaces however, and to access the benefits that workplace diversity can bring, especially to parliamentarians elected to represent their communities, they should be encouraged and supported to apply best practice processes for recruitment.

This could be achieved by parliamentarians deciding to formally advertised roles (either publicly or within party or other networks) or expanding the way in which they identify potential candidates. Such measures will make job opportunities known to a greater number of potential candidates and clearly state the job requirements to provide the dual benefit of accessing a larger pool of appropriate candidates and potentially expanding their diversity. Advertising of clearly articulated roles will also ensure that candidates are better informed about the duties that roles involve and the level of skills and experience they require—better enabling them to self-select for appropriate roles, thereby reducing the risk of skills mismatches and, in turn, assisting to reduce the risk of poor performance arising as a result of employees taking on roles they are not equipped to perform. Measures to ensure diverse short lists, diverse selection panels and the monitoring of recruitment decisions will also diversify the talent pool⁸⁴⁸ (see 5.2, 'Diversity, Equality and Inclusion').

The Commission also proposes that the new OPSC develop merit-based employment principles for adoption by the Presiding Officers, in consultation with political parties and the crossbench, with a view to improving quality, transparency and diversity in recruitment across all political parties.

(v) Induction

Induction refers to the formal and informal processes used to introduce new staff and parliamentarians to their new job (duties and responsibilities) and their new workplace (including workplace structure, key relationships, support mechanisms and culture) and to support and enable them to perform their work.⁸⁴⁹ A summary of existing induction processes for MOP(S) Act employees, parliamentarians and other CPW employees is set out in 3, 'Context'.

The Commission heard that induction processes in some parts across CPWs were limited or non-existent, compounding workers' sense of uncertainty about their functional environment (see 4.2(l), 'Awareness, education and training'). Targeted, timely and effective induction enables parliamentarians and their offices (including paid employees and unpaid workplace participants such as interns and volunteers) to become high performing in as short a time as possible. This is essential given the potential for an entirely new workforce to commence work the day after an election, and for sudden and significant changes to roles and responsibilities of parliamentarians and MOP(S) Act employees to occur at unpredictable intervals, for example as a result of political reshuffles. These unique 'transition points' are a feature of CPWs and are both exciting and high stress events for parliamentarians and their staff. Developing more structured and formalised induction programs can assist to reduce the stress and uncertainty associated with these transitions.

As noted in 4 ('What we heard'), while some parliamentary departments provided information about structured induction programs, many employees (particularly MOP(S) Act employees) and unpaid workplace participants, told the Commission that they did not receive a structured, or any, induction when commencing their roles in CPWs. They described feeling unsupported and lacking the necessary guidance to understand their new workplace and applicable structures within the broader CPW, as well as to perform their tasks to the best of their ability. As one staffer said:

There was no training, no induction of any sort whatsoever, which I found really surprising considering it's government. I would have expected a lot more of a formal induction into the job role.⁸⁵⁰

It is widely accepted that induction is an important aspect of strategic human resources management in modern workplaces; that best practice induction

processes are formalised; and that, when done effectively, induction can significantly improve an organisation's competitive advantage, as well as positively impact on employee performance, job satisfaction and retention.⁸⁵¹

Best practice staff induction programs:

- inform all new starters (whether leaders, paid employees or unpaid workplace participants) about their role and workplace including training on the skills, behaviour and knowledge necessary for the job, opportunities for questions and information on the structures and different 'levels' of the workplace
- welcome and guide new starters by providing structured opportunities for new starters to meet and build relationships with peers, leaders and stakeholders who can then provide ongoing information and support (eg, through a formalised mentor or peer-buddy program)
- deliver information in timely and relevant ways where induction activities are spaced out over weeks or months to avoid 'information overload'
- ensure that new starters understand required standards of behaviour, rights and responsibilities, and avenues for making reports or complaints about misconduct, and hear messages from leaders about workplace safety and respect
- can be used to reinforce organisational culture with coordinated input from a team of people in different roles and with different expertise.⁸⁵²

The following section discusses induction processes for parliamentarians and MOP(S) Act employees.

Induction for parliamentarians

Parliamentarians have specific induction needs and constraints, given the unique nature of their roles. Research suggests that parliamentarians expect an intensive induction program, while research and expert evidence provided to the Commission suggests that full advantage should be taken of this opportunity not only to provide critical direction about leadership and culture but to position ongoing professional learning as a key and valued activity.⁸⁵³

Parliamentarians must be inducted into:

- their role as parliamentarians (including the daily duties and operational matters to which they must attend in their offices and for constituents)
- their role as an employer (including the establishment of an office and hiring, management and termination of staff and

their legal obligations under workplace safety, discrimination and employment laws)

- CPWs more broadly (including the practical and procedural operation of their chamber; the legislative process and functions of the Parliament; and the structures, relationships and operational activities associated with their portfolios and duties.)

Further, as parliamentarians may take on different roles over the course of their parliamentary career (for example, assuming roles as Committee members or Presiding Officers, or taking on different roles within party structures), it is essential that induction not be treated as a 'one off' activity that applies only to those parliamentarians commencing in Parliament for the first time. Induction programs and support should be provided to assist parliamentarians as they transition to different roles and responsibilities.

It is also critical that careful consideration be given to the timing and scheduling of induction activities for parliamentarians. Given the many competing demands and time constraints that typically apply following transitions to new roles, induction programs for parliamentarians should be structured to offer initial, urgent support and guidance on the most critical elements and aspects of their roles, with other less urgent elements scheduled for subsequent times when workloads and time pressures may be less intense.

Issues related to parliamentarians establishing their offices and recruiting staff have been examined in section (ii), 'Office structure and composition', above. The unique training needs of parliamentarians are discussed in further detail in (f), 'Best practice training'.

In line with strengthened induction processes for MOP(S) Act employees, the Commission recommends that the OPSC review and assess existing induction resources and supports for parliamentarians. With input from parliamentarians, the OPSC should also design and introduce enhancements to support them more effectively as they commence in their roles and on an ongoing basis throughout their parliamentary careers (particularly as they transition to new roles or take on additional responsibilities).

This review and any supports or enhancements subsequently introduced should address and support parliamentarians to understand and perform their distinct duties as a parliamentarian and employer, as well as support them to learn about the functions and duties of the parliament more

broadly. This includes, in particular, the critical need for the induction process to identify and provide opportunities for parliamentarians to learn about and discuss respectful workplace behaviour, as well as the responsibilities which they have as leaders and PCBUs to ensure the safety and wellbeing of their staff and establish and maintain safe and respectful CPWs.

Induction for MOP(S) Act employees

Responsibility for induction of MOP(S) Act employees currently lies with their employing parliamentarian, but MaPS produces resources to assist parliamentarians with this task, as outlined in 3 ('Context').

Despite the existence of the MaPS induction resources, the Commission heard overwhelmingly from many MOP(S) Act employees that their induction to their roles was inadequate or did not occur (see 4, 'What we heard'). This suggests that this cohort is a priority for urgent attention.

Work across CPWs with parliamentarians, MaPS and the OPSC will be necessary to review and assess existing induction resources and supports for MOP(S) Act employees and introduce enhancements to respond to the needs identified in this Review.

The Commission was advised that MaPS is currently updating induction resources for MOP(S) Act employees, ahead of the next election (which will be held by May 2022). The Commission is supportive of the review of existing induction materials, particularly as it responds to the concerns raised by participants about the adequacy of existing induction approaches.

The Commission's view is that it is urgent and critical that the parliament improve and enhance induction processes prior to the next election, to ensure that they align with best practice standards.

In particular, the Commission recommends that induction processes not only involve 'one-way' delivery of information to new starters (eg, new starters reading induction materials or listening to videos or 'lectures'), but should provide opportunities for 'two-way' information exchanges, where new starters can ask questions and engage in discussions about their new roles. The Commission recommends that the OPSC, in collaboration with MaPS develop induction processes that include opportunities for new starters to engage in discussions with their employing parliamentarians, office manager, chief of staff or MaPS representatives. The OPSC should establish guidance and checklists for these induction discussions to ensure they address and reinforce the

required standards of safe and respectful workplace conduct.

Further, centralised monitoring and reporting is currently limited in relation to induction processes carried out for new MOP(S) Act employees.⁸⁵⁴ The Commission recommends that the OPSC create tracking and monitoring mechanisms to ensure that all new MOP(S) Act employees receive inductions. Data on the completion of induction by MOP(S) Act employees should be regularly reported as part of continuous improvement (see section below).

(vi) Performance management

Public and private sector organisations have long placed a significant focus on the development of effective workplace performance management. This is on the basis that appropriate performance appraisal and development is critical for establishing and maintaining professional, high performing teams.

MOP(S) Act employees noted that, in contrast with the parliamentary departments and other Australian Public Service (APS) or large corporate workplaces, their opportunities for formal performance appraisal and development systems were limited or non-existent. This included no structured performance management process embedded across CPWs. Many staff described how the absence of job descriptions and performance management processes, together with their inherently insecure employment, created significant stress and inhibited their professional development.

The Commission heard that some parliamentarians, often those with previous management or leadership experience, adopted structured performance management practices for their teams. Reflecting practices commonly adopted in the APS and corporate Australia, these parliamentarians and their staff noted the significant benefits in performance and career development that were facilitated through the use of such systems. Staff similarly noted that such systems provided them with a welcome opportunity to receive feedback; to identify and address skill gaps; and to discuss their performance and career advancement.

The Commission heard and acknowledges the competing interests, time pressures and workload challenges faced by parliamentarians, chiefs of staff and office managers—and also the critical need for them to have reliable, high performing teams to support them to carry out their roles. Investing in structured, professional performance management is an investment in the long-term efficiency and

performance of a team—and the Commission sees considerable scope in CPWs for parliamentarians and leaders in their offices to benefit from the introduction and consistent use of such processes.

The Commission considers that structured performance management systems are a critically important tool in professional workplaces and can improve individual, team and workplace capability, while also supporting staff to develop their skills and careers. The Commission recommends that structured performance management systems for MOP(S) Act employees should be established by the proposed OPSC. This will better support staff performance and development; provide for early opportunities to address any performance issues; and ultimately contribute to a more professional and higher performing workplace.

(vii) Managing misconduct

As outlined above at 5.3(c), the Commission recommends that the OPSC should develop clear criteria to determine when instances of staff misconduct should be referred to the IPSC for consideration as a potential Code of Conduct breach. These criteria should be developed as a priority to support transparency, consistency, and to aid role clarity when managing instances of misconduct in CPWs.

However, there will be instances where workplace behaviours require intervention prior to IPSC referral criteria being met, and it is critical that leaders and managers in CPWs are supported to manage these behaviours at an operational level. The Respect@Work report highlighted the value of early intervention where employers respond with quick and low-key action, where appropriate, to prevent escalation.⁸⁵⁵ Proactive and prompt interventions from managers can be particularly helpful in small office environments to 'nip things in the bud'.⁸⁵⁶ In more serious cases, however, misconduct may also trigger the process of termination (see (g), 'Termination of employment of MOP(S) Act employees').

Any intervention from a manager or leader, however, should be appropriate and responsive to the seriousness of the misconduct. Consideration needs to be given to situations where the manager or leader is personally engaging in the misconduct or where there is risk involved for an individual raising a concern of misconduct with their manager. As such, the independent and confidential reporting and complaints process offered through the proposed IPSC (see 5.4, 'Standards, reporting and

accountability'), remains essential to offer all people working in CPWs an opportunity to seek confidential advice and support if they have experienced misconduct.

Some organisations have developed tools for managers, for example through 'compliance pyramids', to provide clear guidance on the type of intervention that is appropriate based on the nature of misconduct.⁸⁵⁷ As part of its core advisory function, the OPSC has a role to provide guidance, advice and support to parliamentarians and staff in managing misconduct, with a view to addressing issues early prior to harm being perpetuated or becoming systemic within offices.

The Commission recommends that the OPSC:

- provide advice, support, training, coaching, and early intervention services (for example by facilitating mediation or dispute resolution), to parliamentarians when instances of misconduct occur; this should include pro-active training and development opportunities as well as supports provided when instances of misconduct have occurred
- provide advice and support to staff who are subject to management interventions related to workplace behaviour, such as through employee assistance programs
- facilitate referral to the IPSC where resolution is unable to be achieved.

The Commission considers that through the delivery of support, advice and services as outlined above, the OPSC can also play a key role in supporting people managers to manage misconduct when it occurs, and equip them to identify and address emerging issues at an early opportunity. Developing the skills and capability to manage misconduct is an important part of people leadership. The Commission has outlined below in 5.3(f) ('Best practice training') that there should be additional training for supervisors/managers on how to respond to and manage misconduct.

In addition, the IPSC will provide a mechanism to deal with complaints of workplace misconduct independently and fairly in circumstances where resolution has not been able to be achieved locally, or where the conduct is of a nature that requires referral to the IPSC in accordance with criteria established for that purpose. This provides a pathway for the resolution of complaints whereas currently employers are largely left to deal with this on their own in a complex environment.

(viii) Respectful workplace behaviour policies

While respectful workplace behaviour (RWB) policies alone cannot prevent misconduct or positively influence workplace culture, they have an important role to play as part of a holistic strategy.

To be effective, however, policies that address bullying, sexual harassment and sexual assault and required standards of workplace behaviour (including relevant Codes of Conduct as recommended in 5.4(f) ('Setting clear standards of conduct') must be well drafted, well-communicated to the workforce and consistently enforced.⁸⁵⁸ The Commission has also noted the benefits associated with introducing multi-workplace or 'industry-wide' policies, where appropriate.⁸⁵⁹

As detailed in 3.3(b), 'Internal systems and processes', a range of existing policies are in place across CPWs that deal with bullying, sexual harassment and sexual assault. Adopting the recommendations set out in this section (and elsewhere in this Report) will necessitate a review of these policies.

The Commission recommends that, wherever possible, policies should be consolidated and common elements should be made consistent for all parts of CPWs, given the multiple intersecting workforces in CPWs. This should be one of the first tasks carried out by the new OPSC, in collaboration with the IPSC (see 5.4, 'Standards, reporting and accountability') and the four parliamentary departments, using existing best practice guidance on how to draft and implement workplace policies that address bullying, sexual harassment and sexual assault. The Commission considers that a coordinated approach will assist to facilitate consistency across the policies (where possible and appropriate).

There is now established Australian best practice guidance on how to draft and implement workplace policies that address bullying and sexual harassment, such as the Commission's Respect@Work report and Safe Work Australia's guidance materials on preventing workplace sexual harassment and preventing and responding to workplace bullying.⁸⁶⁰ Policies across all CPWs should meet these best practice requirements.

Best practice guidance generally deals with sexual assault as a subset of sexual harassment.⁸⁶¹ However, specific guidance on sexual assault is necessary to provide clarity for those responding to disclosures in CPWs and to ensure that the needs of victim survivors are adequately responded to. The Commission recommends that the proposed OPSC seeks input

from specialist services and experts to develop a model sexual assault policy for CPWs. Universities provide some useful precedents.⁸⁶² The sexual assault policy should address, in particular, the following elements:

- **Victim survivor support, choice and control:** emphasising that any response to sexual assault should be trauma-informed, adhering to the principles of safety, empowerment, trustworthiness, choice, collaboration, and respect for inclusion and diversity.⁸⁶³
- **Responding to an immediate crisis:** including responding to safety issues, contacting emergency services, accessing specialist external support, and referring victim survivors to internal support and reporting pathways through the IPSC.
- **Responding to a disclosure about past sexual assault:** managers and supervisors should have clear guidance for sensitively receiving and appropriately handling disclosures of past sexual assault.⁸⁶⁴
- **Reporting and investigating sexual assault:** the IPSC will provide a pathway for a victim survivor to make a confidential, internal disclosure or complaint following a sexual assault. A victim survivor may also have a range of external avenues to make a complaint or claim to an external body (in addition to the police), and to seek compensation or recognition payments for harm experienced (see 5.4, 'Standards, reporting and accountability'). The policy should clearly set out reporting options and possible outcomes.
- **Engaging with police:** the policy should address:
 - legal requirements, including circumstances where mandatory reporting may be relevant
 - who is responsible for decision-making where a CPW location is thought to contain evidence of a crime
 - avenues to seek advice when making a decision about whether to report workplace misconduct to police.

As set out in 4.4, 'Standards, reporting and accountability', as a general policy, any decision to report a criminal allegation to police should be a decision made with the explicit consent of the victim-survivor to ensure that their human rights, agency and privacy are respected.

- **Specific obligations for employers:** employers have a legal obligation to ensure the health and safety of workers at work in their business or undertaking, so far as is reasonably practicable.⁸⁶⁵ The policy should deal with a range of circumstances to provide guidance and role clarity for employers, taking into account their legal obligations in particular situations.
- **Specific responsibilities for witnesses:** employers and others who work in Parliament House who have witnessed an incident would be required under the relevant Code of Conduct to confidentially report the incident to the IPSC (see 5.4, 'Standards, reporting and accountability'). The policy should provide information about witness responsibilities.

Any RWB policy should be accompanied by appropriate awareness raising efforts, designed to ensure that all people covered by the policy are made aware of its existence and contents and understand what it means for them in terms of their rights and responsibilities. This applies equally to any Codes of Conduct that establish relevant behavioural standards for a workplace, such as the respective Codes of Conduct recommended in 5.4(f) ('Setting clear standards of conduct').

Conducting awareness raising activities and providing workplace training on RWB policies and Codes of Conduct alone will not guarantee respectful workplace behaviour, and must be accompanied by strong, effective leadership (see 5.1, 'Leadership'). It can be effective in addressing attitudes and changing norms, however, when delivered as part of a holistic approach to creating a safe and respectful workplace (rather than as a stand-alone learning activity).⁸⁶⁶ There are now established best practice approaches for the communication and implementation of policies in relation to sexual harassment (including those set out in the Commission's Respect@Work report) and bullying and the Commission recommends that these be adopted in any roll out of policies across CPWs.⁸⁶⁷

Effective communication and implementation of policies requires multiple opportunities for workplace participants to learn about the policies that apply in their workplace and the behavioural standards they impose—through both informal and formal training opportunities.

Further consideration of the need for best practice training across CPWs is addressed in 5.3(f) ('Best practice training').

(e) Professional development for MOP(S) Act employees

(i) Overview

The Commission heard that there were limited long-term career pathways for MOP(S) Act employees, largely as a result of the lack of transparency around job vacancies; the lack of clarity around role requirements; and lack of structure and rigour around how promotions were awarded. The Commission heard that, for parliamentarians and MOP(S) Act employees, in particular, career progression and access to opportunities within CPWs were heavily dependent on both personal reputation and connections. As one participant observed, 'one of the unhealthy peculiarities of our workplace is that progression is based so much on your reputation and your relationships' and recruitment and promotion decisions were often made based '[m]ore on loyalty than ... skills'.⁸⁶⁸

The absence of structured professional development programs and pathways, access to opportunities, rewards and recognition for MOP(S) Act employees, entrenches existing patterns of power and entitlement, rather than nurturing diverse talent and maximising performance. This undermines team performance and role clarity, which is critical for the prevention of misconduct. The lack of attention to professional development is also at odds with the high-pressure and high-stakes nature of the work.

Many MOP(S) Act employees noted the absence of structures that allow for opportunities to develop additional skills and experience within the workplace. Many described an expectation that they strive to excel in their role, but without any sense that their employer or workplace was invested in developing or supporting them to advance their skills as a parliamentary professional. Participants also told the Commission that structured professional development opportunities would assist in fostering a safe and respectful work environment:

You've got to help people understand there are other options in life. More study and more like professional development so that people feel like they have outside skills, so they do have options because a lot of the psychological warfare inflicted on you is making you feel like that you don't have options and that these people who have power over you wherever you go.⁸⁶⁹

With respect to induction and continuing professional development, it is likely the APS Academy ... could develop an expanded remit, using its networked model to create a suite of

offerings for MOP(S) Act staff in key categories, perhaps with support from an Advisory Group of former Ministers and staffers.⁸⁷⁰

MOP(S) Act employees also told the Commission that when their offices did support their professional development, their experience of working in CPWs was a career highlight. In these examples, participants reflected on the skills they gained that led them to expanded career opportunities inside and outside CPWs. Given the limited tenure of many MOP(S) Act employees and the demanding nature of the work, an increased focus on professional development will also increase the attraction and retention of staff who may otherwise doubt the return on investment of employment in CPWs.

(ii) A professional development program for MOP(S) Act employees

The Commission recommends that the proposed OPSC develop a best practice professional development program for MOP(S) Act employees. In addition to the standardised role descriptions and recruitment practices outlined above, this includes adopting a professional development framework and strategy which includes a structured learning and development program and informal and formal skills development opportunities.

As a foundational step this would require establishing a professional development framework for MOP(S) Act employees which sets out the core competencies, capabilities and skills required across different MOP(S) roles and classifications. This could include technical skills (eg, policy, research, media skills) and capabilities around leadership, collaboration, strategic thinking, communication, judgement and integrity. Such a framework should also establish pathways for individuals to progress between roles within the MOP(S) workforce and externally, for example roles within the Parliament, public or private sectors.

Learning and development is a key element of a professional development framework or strategy.⁸⁷¹ Learning and development strategies can include: a focus on continuous learning, targeted formal and informal learning and development activities, blended learning (such as combining digital with practical immersion), and flexible modes of delivery.

Key features also include a focus on individual career planning, and enabling employees to identify career pathways based on capabilities required for progression. In addition, it is commonplace in many workplaces for managers and staff to be involved in the co-creation of employee development plans and

to hold regular development discussions.

Learning and development has traditionally focused on formal learning, such as courses and formal instruction. Many organisations, however, now embrace the 70:20:10 model, in which 70% of learning takes place on the job; 20% is peer-based learning; and 10% occurs through formal learning.

The recently launched Australian Public Service Academy (Academy) embraces this approach. In addition to offering resources and formal courses, the Academy encourages the use of 'stretch' assignments, secondments, group problem solving and reflection to maximise learning opportunities at work, as well as the use of networks, communities of practice and knowledge sharing to encourage learning from others.⁸⁷²

In the parliamentary context, the Commission recommends that the OPSC develop a structured professional development framework and program for MOP(S) Act employees, informed by an advisory group comprised of experts and MOP(S) Act employees to identify specific needs and priorities. In recognition of the time pressures which employees are under, any professional development training should be delivered flexibly, with on-demand access to digital learning provided. On-the-job learning should also be encouraged using mentoring, secondments, rotations, sponsorship programs and job shadowing.

Some of these elements, such as secondments and rotations, will likely need to be party-specific, while ensuring that crossbench staff also benefit. Consideration should also be given to the encouragement of peer-based learning through the interaction, collaboration and information-sharing between MOP(S) Act employees in different offices.

Such programs should be designed with a view to improving overall performance and lifting the participation of under-represented groups. Monitoring and reporting on the diversity characteristics of MOP(S) Act employees by classification, including promotions and exits, should inform career development strategies (see 5.3(i)(iii), 'Key areas or measurement').

The Commission also heard from many MOP(S) Act employees about the vital role that networking plays in career development. The Commission also heard, however, that many networking opportunities are designed around work social events that are conducted in the evenings and involve the service of alcohol. Some participants observed that this

limited opportunities to gain the career benefits of networking for those with family or carer commitments, or women who feared for their safety at such events, and those who do not drink alcohol.

Given the value of such networking to the professional development of MOP(S) Act employees, in particular, the OPSC should explore opportunities to facilitate a structured program of cross-party and cross-chamber networking events or activities, open to all MOP(S) Act employees and parliamentarians. In addition to supporting professional development, cross-party networking opportunities would also build relationships therefore contributing to a more respectful work environment. These should be arranged in such a way as to maximise access and inclusivity. Consideration should be given, for example, to holding a variety of events or activities at different times of the day, including without alcohol.

(f) Best practice training

(i) Overview

As outlined in 3.3 ('Internal systems and processes'), there are varied approaches to training in CPWs. In some parts of CPWs there are examples of well-developed learning and development strategies, as well as of leading approaches to training on certain topics, or for certain cohorts, that reflects best practice for effective adult learning.⁸⁷³ In other areas, training is either non-existent or limited for certain cohorts. For example, many MOP(S) Act employees, particularly staff from electorate offices and Commonwealth parliamentary offices outside Canberra, raised concerns about the lack of training that they had received, whether in relation to sexual harassment, sexual assault and bullying, or more generally in relation to their role and workplace.⁸⁷⁴

Many participants, including both employees and unpaid workplace participants, also reported little awareness or knowledge of existing respectful workplace behaviour (RWB) policies and limited exposure to training to learn about these (see 4.2, 'Part 2: Understanding bullying, sexual harassment and sexual assault in CPWs'). Overall, the fact that most programs are not mandatory; inconsistent and often low attendance rates across CPWs; and the lack of evaluation of programs suggests that these training programs are not perceived as being a high priority or of high value within the CPW.

The Commission also heard the high-pressure work environment meant that it was often difficult to find time to attend voluntary training and that parliamentarians and managers may be reluctant for staff to attend training when it took them away from their work.

The Commission considers that allowing staff to invest time in attending training, and making a modest financial investment in delivery, will deliver significant benefits in increased safety, health and productivity.

The Commission recommends that greater priority be placed on designing and delivering opportunities for best practice training to all members of the CPW community, with a particular focus on increasing knowledge and professional learning and development across the CPW, and attendance rates at training programs, by:

- making core training on respectful workplace behaviour (RWB training) mandatory for people across CPWs (including unpaid workplace participants), on at least an annual basis
- designing training programs that are relevant and engaging and can attract participants (regardless of whether sessions are mandatory or not). This will require careful needs analysis for each workplace/cohort, to ensure that program content, format, accessibility and presenters meet participant needs
- offering structured induction and ongoing training opportunities to all members of the CPW community—particularly to MOP(S) Act employees and parliamentarians who may currently receive more limited opportunities than their departmental colleagues
- considering practical measures that will support attendance—such as assessing staff and manager performance based on participation in training activities; providing training programs in formats and at times that accommodate audience needs and will maximise attendance; or making training mandatory where possible
- conducting regular and ongoing feedback/evaluation of training programs and using that to further tailor content to meet audience needs and drive continuous improvement.

The OPSC should be responsible for the development and implementation of training for parliamentarians and MOP(S) Act employees. The OPSC should work with parliamentarians to ensure that unpaid workplace participants (such as volunteers and interns) receive training. Leaders within the CPW,

whether parliamentarians or departmental leaders, should then be responsible for supporting and ensuring staff attendance.

The Commission acknowledges that mandatory training alone cannot change behaviour and culture. The evidence regarding the prevalence of misconduct in these workplaces, however, indicates that there is an urgent need to establish a common understanding of standards across CPWs. The Commission considers that mandatory attendance at RWB training is an important step.

The Commission supports the approach being adopted in the new training for MOP(S) Act employees and parliamentarians that was introduced following the Foster Report. This includes face to face, interactive/discussion-based sessions conducted by expert, external trainers—for staff in a group setting, and for parliamentarians in 1:1 meetings.

Given the important leadership role that parliamentarians play, the Commission considers that a one-hour meeting, annually, in their office or in another location convenient to them, to discuss issues regarding RWB with an external expert is a minimum requirement. As identified in the Respect@Work report, regular leader-led discussions are important for setting expectations around workplace conduct. This is discussed further in 5.1 ('Leadership'). The OPSC should develop tools and guidance to support parliamentarians and senior MOP(S) Act employees in leading these discussions.

(ii) Respectful workplace behaviour training

Best practice standards

A well-established body of research identifies what constitutes 'best practice' for RWB training.⁸⁷⁵ The table below summarises key elements of a 'best practice' RWB training program.

Table 5.6: Key elements of a 'best practice' RWB training program

Context	Training should be part of a broader workplace commitment to cultural change, gender equality and inclusion and workplace wellbeing and safety.
Design	Training should be designed by experts, tailored for the relevant workforce based on a needs analysis and designed with input from workers.
Content	<p>Training should cover the same content for all workers and include: clear definitions and practical examples of unacceptable behaviour; information on how to judge if behaviour may be unwelcome; guidance on what to do if you experience or witness such behaviour; guidance on what to do if someone discloses to you that they have experienced such behaviour (including in circumstances where they ask you to keep the disclosure confidential); and information on formal and informal options for resolving concerns, as well as how to report concerns. It should frame workplace bullying, sexual harassment and sexual assault as an organisational issue (rather than as an interpersonal issue).</p> <p>Training content must be relevant, up to date, immersive/engaging and tailored to the specific context of a workplace. It must explain the impacts and outcomes that it seeks to achieve and use authentic and tailored case studies.⁸⁷⁶</p> <p>Additional training should be provided for supervisors and managers on how to respond to and manage misconduct and reports.</p>
Participation	High levels of participation are essential, at all levels within the workplace, and appropriate training should be tailored for different cohorts to maximise attendance and participation. Participation should be mandated for all workers, including leaders. There should be regular public reporting of participation and attendance rates, including individual parliamentarians. As recommended in 5.1 ('Leadership'), parliamentarians should also be required to report annually on actions taken to increase knowledge and understanding of safe and respectful workplace behaviour.
Frequency	Training should be provided to all workers on induction and regularly thereafter as part of a holistic and ongoing program of workplace safety and wellbeing (rather than be delivered as single, standalone annual information sessions).
Delivery	Training should be delivered by credible experts, ideally in 'live' face-to-face or virtual sessions—although there can also be value in using on-demand online and other innovative digital methods to facilitate training. Training should require active participation and encourage discussion and questions. ⁸⁷⁷
Accessibility	Training must be accessible to all workers. The language and format of training, cultural appropriateness and time, location and mode of delivery must be considered to ensure accessibility and comprehension for all workers and participants. ⁸⁷⁸
Evaluation & improvement	Training should be regularly evaluated through user feedback and independent evaluation to ensure currency, relevance and effectiveness. Feedback from participants and presenters collected and used to direct ongoing improvement and development of the training. ⁸⁷⁹

The United Kingdom Parliament's 'Valuing Everyone' training

In 2018, the United Kingdom Parliament designed two to three hour training courses called 'Valuing Everyone'. The courses are now mandatory for administration staff of both Houses of Parliament and for Members of the House of Lords, but attendance by MPs and their staff remains voluntary (despite recommendations that the course be mandatory for all members of the parliamentary community).⁸⁸⁰ Core content covered in the course includes:

- definitions and impacts of bullying, harassment and sexual misconduct, as well as factors that contribute to it
- how workers and managers can help to prevent unacceptable behaviour and formal and informal ways to address it if it occurs, including how to raise a complaint
- seeking support; building confidence to speak up and challenge unacceptable behaviour; and the role of the bystander.

It has been recommended that the course be regularly refreshed; that all attendees be required to repeat the course at a minimum every three years; and that audience feedback that is collected be used to inform continuous enhancements to the course.⁸⁸¹

Bystander initiatives are viewed as one promising practical tool to support a culture that condemns misconduct and helps workers to understand what they can do if they see or hear about these behaviours at work.⁸⁸²

It is increasingly common for RWB training (and policies) to include consideration of the role of bystanders. The United Kingdom Parliament's RWB training does so.⁸⁸³ A recent review of the NZ Parliament similarly recommended that training cover options for bystander responses.⁸⁸⁴

The Commission considers that bystander training is a useful component of RWB training where it is offered as one part of a broader suite of initiatives to prevent and respond to misconduct. Such initiatives are more likely to be effective in a workplace where the employer and leaders take responsibility for creating an environment that empowers and encourages bystanders to act and that protects them from harm when they do.

RWB training in CPWs

Participants in the Review, including parliamentarians, employees and unpaid workplace participants, commented extensively on their experiences of training across CPWs. Section 4.2(l) ('Awareness, education and training'), summarises the key themes that emerged from analysis of this evidence.

Section 4.2(l) ('Awareness, education and training') also describes the data collected from the Review Survey in relation to people's experiences of training in CPWs, with a prominent finding being that a third of people working in CPWs (34%) said that they had never received any training or education at all on workplace bullying, sexual harassment or sexual assault.⁸⁸⁵

Where training was received, the Review Survey responses, as well as submissions, interviews and focus groups revealed that:

- More people received training about bullying than about sexual harassment with training about sexual assault being very limited.
- Certain groups across CPWs received more training than others—with PSA employees receiving significantly more training on sexual harassment and bullying than either MOP(S) Act employees or parliamentarians. Only 16% of PSA employees said that they had received no RWB training at all. By contrast, almost half of all MOP(S) Act employees (49%) and almost two thirds of all parliamentarians (64%) said that they had received no RWB training at all.⁸⁸⁶
- Where people work also impacts on the RWB training that they receive. Those working in Canberra received more training than those based in electorate or parliamentary offices outside Canberra.⁸⁸⁷

In addition to hearing from participants directly, each of the departments provided information to the Commission about the RWB training that they currently provide (or are planning to provide) to their workforce.⁸⁸⁸ An overview of the training is provided in 3.3 ('Internal systems and processes in Commonwealth parliamentary workplaces').

Based on analysis of all the extensive information gathered, training provided in CPWs does not always meet best practice standards for a contemporary Australian workplace. Content of training programs varies significantly between some departments and, in some cases, fails to cover aspects of the essential content identified in the best practice table above (see 3.3(e), 'Training and education'). In particular, many CPW RWB training programs fall short of best practice standards in relation to:

- **Design:** It is unclear the extent to which programs have been designed or tailored in response to a needs analysis conducted with the intended audience (noting that many programs are provided by external providers). Similarly, it is unclear whether there has been any input from or co-design with the intended audience, to ensure that the training programs responded appropriately to their needs or create a sense of ownership in the programs. Here it is noted that some departments undertake a pilot process prior to rolling out training⁸⁸⁹ and others provide ad hoc training to groups on request.⁸⁹⁰
- **Method of delivery:** Many of the training programs involve 'one way' delivery of information to the audience (eg, displays of video or text on screen), with limited 'interactive' elements for the audience (eg, multiple choice questions in online modules). They do not provide opportunity for interactive discussion between audience members and facilitators. This reduces the level of engagement and impact.
- **Evaluation:** As noted in 3.3(e)(ii) ('Training in relation to bullying, sexual harassment and sexual assault') there is limited feedback collected for, or independent evaluation of, many training programs across CPWs.⁸⁹¹ This indicates a focus on delivery of these programs (perhaps as a compliance activity), with less regard to how audiences assess the usefulness and/or quality of the training, and associated limitations on the scope for 'user-informed' continuous improvement of programs.

(iii) People management skills training

I think Chiefs of Staff would benefit from formal training on managing staff. Chiefs of Staff are often policy or political experts, but this does not necessarily make them good people managers.⁸⁹²

I've worked with politicians who've had no leadership jobs ever. Jobs that are not of the [same] degree of pressure and scrutiny and they get no – there's no professional development.⁸⁹³

As noted in chapter 4 ('What we heard'), many participants in the Review observed that individuals appointed to people management roles in CPWs often do not have appropriate people management skills or experience. This leads to poor management practices and a lack of support for workers. It also creates a work environment where there is a greater risk of disrespectful behaviour occurring and being tolerated. Research has identified poor management practices (particularly in relation to inadequate performance management) as a risk factor for bullying.⁸⁹⁴ This issue is not unique to the Commonwealth parliamentary context, with similar concerns being raised by workers in the South Australian⁸⁹⁵ and New Zealand⁸⁹⁶ parliaments.

Many participants identified a need for management skills training to support and up-skill managers, supervisors and leaders across CPWs to manage people more effectively. For senior staffers in CPWs, in particular, structured learning and development programs on management skills are notably absent, with many noting that the time pressures under which they work or lack of available 'spare time' was a significant barrier to attending professional development sessions.

The Commission recommends that people management skills training should be offered to all those with people management responsibilities in CPWs.⁸⁹⁷ This should include parliamentarians (noting that the capacity of members to manage staff is an important factor in their effectiveness);⁸⁹⁸ people with managerial responsibilities, including chiefs of staff and office managers; and leaders and managers within the parliamentary departments. As discussed in 5.1 ('Leadership'), people management training should also build inclusive leadership capability.

The training should include (at a minimum) practical skills training on recruitment, human resources policies, managing performance, work health and safety as well as on providing feedback, conflict resolution, communication skills, worker wellbeing and managing reports of misconduct.⁸⁹⁹ Such training must be tailored appropriately to the level, responsibilities and role of participants, but prioritised for parliamentarians and chiefs of staff.

Management skills training in other Parliaments - United Kingdom Good Employer Standard training

The UK Independent Complaints and Grievance Scheme Delivery Report identified four different types of training required to support the Parliament's revised Code of Behaviour and to drive the positive cultural change required to prevent bullying, harassment and sexual misconduct.⁹⁰⁰ This includes voluntary 'good employer standard' training, which focuses on enhancing management skills of members and managers. The training comprises:

For members: two 90-minute workshops, designed to supplement induction training and workshops on tackling bullying, harassment and sexual assault and covering:

- Good employment practices – fair recruitment, unconscious bias in selection processes and human resources policies and procedures
- Effective people management – planning work, setting objectives for teams and individuals, monitoring performance, sharing and requesting feedback and supporting staff development.

For Office Managers: one-day and three-day programs on managing an office, built on existing skills training programs but adapted to include information about the Behaviour Code and related topics.

For managers in the House of Lords: an 'Enhancing Management Skills' program, comprising four modules: managing performance; personal impact; developing the team; and leading change.⁹⁰¹

(g) Termination of employment of MOP(S) Act employees

The workplace culture in the electorate office where I worked was one in which the staff all lived and worked in perpetual fear of being terminated by the MP. We were constantly reminded of the MP's power in this regard, with one or other staff members regularly being threatened with dismissal (in one instance three people were simultaneously threatened with dismissal). Initially we all found this very distressing, because we really wanted to do well in our respective roles, although gradually the effect of the repeated threats lessened.⁹⁰²

It is generally well understood and accepted that tenure of parliamentarians and MOP(S) Act employees is inherently insecure as a result of electoral cycles,

reshuffles, leadership changes and changing political priorities.⁹⁰³

However, distinct from the risk of dismissals arising out of these political circumstances, the Commission heard from participants about the additional insecurity experienced by MOP(S) Act employees due to the perceived ease of termination of their employment.

These concerns, along with recommendations for improving understanding in CPWs about the existing laws that apply to the dismissal of MOP(S) Act employees, and a new process to support parliamentarians to meet their legal obligations under these existing laws, are set out below.

(i) Parliamentarian flexibility over staffing decisions

Many parliamentarians, chiefs of staff and office managers emphasised the importance of parliamentarians having the flexibility and decision-making authority to recruit, manage and, in particular, dismiss their staff in order to meet the unique (and sometimes unpredictable and rapidly changing) needs of their offices. They also noted the critical role that MOP(S) Act employees play in supporting parliamentarians to perform their roles. Many review participants in management roles described the need for parliamentarians to be able to rely on and trust their staff, and be confident that staff will conduct their work with the highest standards of integrity. In addition, people emphasised that parliamentarians need to be able to dismiss staff where this was not the case.

The Commission recognises that it is important for parliamentarians to have flexibility in managing staffing arrangements to meet their particular needs and circumstances. The Commission notes that the *Commonwealth Members of Parliament Staff Enterprise Agreement 2020–23* (Enterprise Agreement) provides for such flexibility in relation to recruitment, by allowing parliamentarians to set probation periods to assess staff suitability for roles at the start of their employment.⁹⁰⁴ The recommendations above establishing the OPSC to provide support on office structure, recruitment, job descriptions and performance management processes are designed to improve recruitment practices, performance of staff and reduce the need to terminate employment of staff.

However, the Commission also heard significant concerns about the perceived ease with which parliamentarians can dismiss MOP(S) Act employees.

(ii) Concern about the 'ease' with which MOP(S) Act employees can be dismissed

As discussed at section 4(d)(v), 'Employment structures and conditions', MOP(S) Act employees spoke of their fear, and the sense of job insecurity, that arose from a perception that their employing parliamentarian had the power to terminate their employment 'on a whim'. MOP(S) Act employees told the Commission this created a barrier to reporting misconduct in the workplace:

It does really depend a lot on the ... the personality and the character of the MP that you work for, because you're very much there at their whim ... they can pretty much fire you at the drop of a hat. So it's not an incredibly secure workplace.⁹⁰⁵

[I]n these sorts of offices where you don't have any rights or protections you could be gone after the first week without a whim.⁹⁰⁶

[O]ur employment contracts [are] very, very dependent on the whim of the Member of Parliament that you work for, which can mean if you have a specific issue with that boss, it can make [it] really difficult to complain. The structure is probably the main issue ... it's kind of difficult for us to seek outside support because our employment is really directly beholden to the whims of our boss. And that makes it really difficult to get outside support.⁹⁰⁷

[Y]ou're just at the whim of that one employing member and completely [at] their discretion.⁹⁰⁸

The ability of an MP to terminate a staff member without due grounds should be significantly reined in, as I believe the fear of being sacked is fundamentally what prevents staff from reporting workplace bullying and harassment. MPs should only be able to sack a staffer after due discussion and agreement with the Department of Finance.⁹⁰⁹

(iii) Concerns about 'office restructures' and 'loss of trust or confidence' as reasons for dismissal

Participants raised particular concerns about the way in which parliamentarians sometimes used 'office restructures' and 'loss of trust or confidence' as reasons to justify dismissal of their staff. As one

participant told the Commission:

As a staffer, you felt like you were completely disposable at any moment in time, and it's literally sort of built into the [MOP(S)] Act that if you lose the faith or the trust, or something very vague and undefinable that you can be fired and that was something that you constantly were cognisant of. Like, if I keep pushing too hard on this issue, if I keep coming at them, you know, it's very easy just to say we've lost faith. We've restructured. We are really looking for something different.⁹¹⁰

The Commission heard that sometimes parliamentarians use office restructures or redesigning job descriptions as a way of ending staff employment when there is a relationship breakdown or issue of underperformance. This denies staff the opportunity to respond or improve.⁹¹¹

The concern raised most frequently with the Commission, however, related to the 'right' of parliamentarians to dismiss their staff where they had 'lost trust or confidence' in them.

Many participants described the ability of parliamentarians to dismiss their staff if they have 'lost trust or confidence' in them as an unfettered legal 'right'. The Commission notes that this is not an express 'legal right' that arises, either under the termination of employment provisions of the MOP(S) Act, the Enterprise Agreement or individual employment contracts. The Commission notes however that the:

- MaPS 'Ceasing employment' webpage⁹¹² (MaPS webpage) lists four examples of possible reasons for dismissal of a MOP(S) Act employee at the initiative of a parliamentarian – including 'parliamentarian has lost trust or confidence in the employee'⁹¹³
- template MOP(S) Act Employees - Termination of Employment - Form 107 (Termination of Employment form) lists seven possible reasons for dismissal, with instructions to '*Tick one*' to identify the reason for the dismissal.⁹¹⁴ Relevantly, the list of seven reasons includes 'the Senator or Member having lost trust and confidence in the Employee'.⁹¹⁵

Based on information provided in the course of the Review, it is unclear when, or on what basis, 'loss of trust or confidence' was singled out as an example of a potential reason for dismissal.⁹¹⁶

The Commission also notes that no guidance is provided on the MaPS webpage as to what circumstances, or conduct of a MOP(S) Act employee, may give rise to a 'loss of trust and/or confidence'

on the part of their employing parliamentarian sufficient to justify termination of their employment. Nor is there any guidance as to what process a parliamentarian should follow to effect such a dismissal. This contributes to staff confusion and fear about if or when they may be dismissed for this reason.

The Commission notes that an employer's loss of trust and confidence in an employee may be a valid reason for the employer terminating the employment of the employee.⁹¹⁷ However a recent decision of the Fair Work Commission indicates that merely advising an employee that they are being dismissed for 'loss of trust or confidence', or asserting such loss is not, of itself, enough to show a valid reason for dismissal.⁹¹⁸ Rather, there must be 'sufficient evidence and reasoning to support this loss of trust and confidence'.⁹¹⁹

(iv) Addressing misconceptions about the right of parliamentarians to dismiss MOP(S) Act employees

The key provisions governing the termination of employment of MOP(S) Act employees are set out in the MOP(S) Act, the Enterprise Agreement and MOP(S) Act employee individual employment contracts. These provisions are brief and provide limited practical guidance on the circumstances in which MOP(S) Act employees may be dismissed or the process by which dismissals must be effected.

As noted in 3.2(f) ('Fair Work System'), it is clear that the requirements of the Fair Work Act—including the protections that it provides against unfair and unlawful dismissals—apply to MOP(S) Act employees. Indeed the MaPS webpage states that any dismissal of a MOP(S) Act employee at the initiative of a parliamentarian must 'meet the requirements of the Fair Work Act, including ensuring that the termination is not unfair or unlawful'.⁹²⁰ (See 3.2(f) 'Fair Work System' for an overview of the Fair Work system, including details of when an employee is eligible to bring an unfair dismissal, unlawful termination or general protections claim).

Despite this, there appears to be limited appreciation across CPWs that the protections of the Fair Work Act (relevantly the unfair dismissal and general protections provisions) apply to MOP(S) Act employees, and have the effect of imposing requirements on parliamentarians in relation to the circumstances in, and process by, which they can lawfully dismiss their staff.

This was made clear to the Commission by many

participants (as noted above and in 4(d)(iii), 'Fear, and 4(d)(v), 'Insecure employment') and also by the Department of Finance, which noted:

there is a perception that parliamentarians can terminate the employment of staff at will and that protections under the FW Act or anti-discrimination legislation do not apply – this is not the case.⁹²¹

The Commission recommends changes to both the MOP(S) Act, and the guidance materials and education provided to parliamentarians and their staff on the dismissal of MOP(S) Act employees, to address this perception/misconception.

(v) Amendments to the MOP(S) Act

In order to clarify the existing legal position and the requirements that currently apply to the termination of MOP(S) Act employees under the Fair Work Act, the Commission recommends that simple amendments be made to the MOP(S) Act to state explicitly that:

- any dismissal of a MOP(S) Act employee is subject to the requirements of the Fair Work Act, other applicable statutes and instruments, and the employee's contract of employment; and
- a written notice of termination given to MOP(S) Act employees must identify the specific reasons relied upon for dismissal.⁹²²

(vi) Updating webpage, guidance materials, education and forms

The Commission also recommends that the OPSC review and update the MaPS webpage and accompanying guidance materials on termination of employment, to ensure that they provide clear and practical guidance to parliamentarians and MOP(S) Act employees about:

- the laws that govern the dismissal of MOP(S) Act employees (including relevant provisions of the Fair Work Act, Commonwealth workplace safety and anti-discrimination legislation) and termination requirements and entitlements contained in the Enterprise Agreement and contracts of employment (including in relation to probation and minimum employment periods, and dismissals effected during those periods);
- key categories of circumstances in, or reasons for, which MOP(S) Act employees may be dismissed (i.e. poor performance, misconduct (including serious misconduct), incapacity and redundancy); and
- the practical steps and processes that must

be followed to ensure that any dismissal is lawfully effected.

Given the level of concern raised by MOP(S) Act employees about the ease with which parliamentarians can dismiss them for ‘loss of trust or confidence’, the OPSC should ensure that guidance materials specifically address this issue. This should include by clarifying the circumstances in which an employee’s conduct may give rise to ‘a loss of trust or confidence’ on the part of their employing parliamentarian that would justify a valid reason for the termination of their employment, and the process steps that apply to any dismissal effected on this basis.

The Commission recommends that the OPSC deliver appropriate awareness raising and education, to ensure that all parliamentarians and MOP(S) Act employees understand the relevant laws, and are familiar with any new guidance materials and processes, that apply to the dismissal of MOP(S) Act employees.

These matters should be addressed explicitly during the induction of parliamentarians and MOP(S) Act employees and reinforced on a regular basis through appropriate communication channels, guidance material and, where necessary, case-specific advice to individuals.

In relation to the practical steps and processes that parliamentarians must follow when dismissing one of their staff, the Commission’s view is that:

- the process for effecting performance-related dismissals (which is currently outlined on the MaPS webpage) is clear and appropriate, but should be better emphasised and communicated to parliamentarians and MOP(S) Act employees, and the OPSC should establish appropriate processes to provide support and advice on the application of this process and ensure compliance with it
- in addition, new guidance and processes should be drafted to support parliamentarians by identifying the steps that they need to follow when effecting dismissal for other lawful and valid reasons (for example, misconduct, medical incapacity or redundancy etc).

In order to comply with applicable laws, these processes should (among other things) require that:

- a parliamentarian must specify a lawful and valid reason for the dismissal
- the staff member be notified of that reason

- the staff member be given an opportunity to respond to any reason related to their capacity or conduct
- the staff member not unreasonably be denied the opportunity to have a support person present at any discussion related to the dismissal.

The Commission suggests that the OPSC revise the Termination of Employment form to reflect these requirements.

(vii) New process for OPSC support and advice in relation to dismissal of MOP(S) Act employees

The MaPS webpage suggests that, prior to terminating the employment of a MOP(S) Act employee, parliamentarians ‘should seek early assistance from MaPS by contacting the MaPS Help Desk’.⁹²³ However, based on information provided to the Commission, it is unclear the extent to which the Department of Finance provides guidance to parliamentarians about each dismissal, or assesses parliamentarians’ decisions to dismiss their staff for compliance with the Fair Work Act.

The Commission heard that even in circumstances where an employee considers their dismissal to be unfair or unlawful, the employee is unlikely to make a legal claim about this, due to fear of the damage this may have on their future career prospects. Few Fair Work Act claims are raised by MOP(S) Act employees in relation to the termination of their employment.⁹²⁴ For this reason, the Commission considers it particularly important to introduce a process to provide parliamentarians with advice and support to ensure that, when they need to terminate the employment of a MOP(S) Act employee, they do this fairly and lawfully.

The Commission recommends the following new process be introduced, to allow for the OPSC to provide specific support and advice to parliamentarians, in relation to each proposed termination of a MOP(S) Act employee:

- **Notice by parliamentarians:** Parliamentarians provide written or oral notice to the OPSC of their intention to dismiss an employee, including details of the specific reason(s) for the dismissal and the process by which they propose to effect the dismissal (this could be done through the use of a standardised electronic or paper form or phone call). The process should ensure that the employee is afforded procedural fairness.
- **Written response by OPSC:** The OPSC responds

in writing, advising the parliamentarian either that their proposed approach satisfies their legal obligations—or identifying any substantive and/or procedural deficiencies in the proposed approach, and providing accompanying advice on how any deficiencies can be rectified, and support to do so (OPSC Advice).

- **Written confirmation by parliamentarians:** Following receipt of the OPSC Advice, parliamentarians provide written confirmation to the OPSC as to whether or not they accept and will implement any advice provided by the OPSC and / or advise the OPSC of any subsequent dismissal that is effected.
- **Notification of Presiding Officers:** If a parliamentarian provides written confirmation to the OPSC advising that they intend to proceed with a dismissal against the advice of the OPSC, or if a parliamentarian provides no written confirmation to the OPSC at all, the OPSC should notify the relevant Presiding Officer and make a record of this.

The OPSC should maintain records and report twice a year to Parliament (using aggregated, de-identified data) on the number of dismissals of MOP(S) Act employees effected by parliamentarians; the reasons for the dismissals; the number of proposed dismissals in relation to which the OPSC identified and advised parliamentarians of substantive or procedural deficiencies; and the number of occasions on which parliamentarians subsequently chose to proceed with a dismissal against the advice of the OPSC. This will introduce a measure of rigour and transparency in relation to the dismissal of MOP(S) Act employees.

(h) Reforms to the MOP(S) Act

(i) Overview

The Terms of Reference for this Review require the Commission to assess the extent to which current legislation promotes or impedes safe and respectful workplaces, including the operation of the MOP(S) Act. As observed throughout this Report, there are aspects of the employment framework established by the MOP(S) Act that limit the ability of the Commonwealth to maintain safe and respectful workplaces.

The overall operation and effectiveness of the MOP(S) Act is beyond the scope of this Review. Some clear legislative reforms in relation to the responsibilities of the employer, however, would assist to ensure a safe and respectful workplace

(ii) Clarity of the employment relationship

Parliamentarians and the Department of Finance are both responsible for discharging the Commonwealth's employer obligations to MOP(S) Act employees (see 3, 'Context'). These obligations include the Commonwealth's duties under work health and safety laws to ensure, so far as is reasonably practicable, the health and safety of workers and other persons at work in its business or undertaking.⁹²⁵ These also include obligations to act in accordance with employment laws, such as the prohibition against discrimination in all stages of employment under federal anti-discrimination laws.⁹²⁶

In practice, work health and safety laws share duties among workplace participants and provide that more than one person can concurrently hold a duty for the same matter, subject to the extent to which the person has influence and control over the relevant matter.⁹²⁷

This means that, for the Commonwealth to discharge its employer duties to MOP(S) Act employees, both parliamentarians and the Department of Finance (and potentially others in the workplace), are obliged to meet work health and safety duties subject to their relative levels of control.⁹²⁸

The question of who has the authority to act in the context of the MOP(S) Act employment framework, however, contributes to the potential for non-compliance with these obligations and the resulting potential for risk to workers. For example, while the Department of Finance provides an infrastructure that may be seen as supportive of discharging the Commonwealth's employer obligations, in practice the only party able to act in the employment relationship is the parliamentarian.

This can mean that the Department of Finance may have identified a workplace risk and may have sought to address it, but perceives a lack of authority under the MOP(S) Act to act in the absence of support from parliamentarians. In identifying this potential barrier, the Department submitted that:

The existing work health and safety framework creates shared and overlapping obligations and duties in parliamentary workplaces. This can result in confusion regarding who can or should take action to address work health and safety risks and/or who has the power to take such action. This lack of clarity, including the potential for different duty holders having conflicting views about how to address a particular work health and safety risk, may work to impede building a safe a respectful workplace.⁹²⁹

Comcare also noted that further clarification of duty holders across CPWs would provide more certainty for workplace participants in understanding and complying with the *Work Health and Safety Act 2011* (Cth) (Work Health and Safety Act).⁹³⁰ It recommended that:

clear articulation be made by the relevant PCBUs of all the duty holders and their respective duties in parliamentary workplaces...this would provide more certainty for PCBUs and other duty holders in understanding and complying with their duties and obligations under the work health and safety Act.⁹³¹

Protective legislation, such as work health and safety and anti-discrimination laws, are intentionally broad in application and often impose duties on multiple workplace participants. Identification of duty holders under these legislative regimes is often complex, but is further complicated in CPWs because of the dispersed nature of the employment relationship and resulting questions of authority to act under the MOP(S) Act.

The Commission acknowledges the specific nature of this complexity under the MOP(S) Act employment framework and has recommended that an entity other than individual parliamentarians should be empowered in the Act to mandate actions and establish consequences if actions intended to meet legislative obligations and ensure safe and respectful workplaces do not occur.

The OPSC discussed above would provide an authorising environment which compels compliance with required policies and which enables accountability, rectification and consequences for misconduct or unsafe work practices via the IPSC. The authority, powers and functions of the people and culture body should be enshrined in the MOP(S) Act and should enable the Commonwealth to meet its legal obligations if it is apparent that risks have not been locally addressed or managed.

The specific capacities in which parliamentarians and the Department of Finance owe duties under the Work Health and Safety Act may involve some legal complexity.⁹³² Here the Commission notes that the Act establishes multiple circumstances under which a person may owe duties, including as a person conducting a business or undertaking, as an officer, or as a worker.⁹³³ This analysis is a question of fact to be identified in particular circumstances, and ultimately a question to be determined judicially.

To the extent that the application of the legislation is unclear, however, workplace participants and regulators could be assisted by amending the MOP(S) Act to clarify that for the avoidance of doubt, the Work Health and Safety Act applies to Member, Senator or officer in their capacity as employers of staff under the MOP(S) Act.

While such a provision restates the current legal responsibility, its visibility may provide an impetus for positive action and provide clarity for regulators, parliamentarians and other duty holders across CPWs.

(iii) Comprehensive review of the MOP(S) Act

There has been no review of the MOP(S) Act since it was enacted in 1984 and the Commission considers it is time for a comprehensive review.

In its submission to the Review, the Department of Finance observed:

The MOP(S) Act has now operated for 37 years with minimal change. During this time there has been new public service legislation, significant reforms to industrial relations and work health and safety law, and anti-discrimination law. There is opportunity for the Review to consider whether the MOP(S) Act remains fit for purpose to underpin the operation of a modern parliamentary workplace.⁹³⁴

In 2003, the Senate Finance and Public Administration References Committee conducted an inquiry into MOP(S) Act employees.⁹³⁵ The Committee examined the adequacy and appropriateness of the framework for employment, management and accountability of parliamentarians' staff, but there does not appear to have been a response to the Committee's recommendations by the government at the time.

The MOP(S) Act workforce is a large one, whose role in government and supporting Parliament has grown and changed significantly since 1984. The MOP(S) Act has been described as a 'governance framework [that] is inadequate to an organisation of its size, cost, complexity and importance'.⁹³⁶ As an employment instrument, it magnifies power imbalances and job insecurity and creates a complex and confusing employment relationship, where multiple parties hold employer and other legal obligations to staff.

The Commission considers that there are fundamental structural and functional limitations in the MOP(S) Act and that it has not kept pace with contemporary employment frameworks. MOP(S) Act employees are public sector workers, but the terms and conditions of their employment are not well developed or

articulated in the MOP(S) Act, as distinct from other public sector workers employed under specific legislation. It is therefore time for a reconsideration of how best to manage a workforce which is growing in importance in our political system to ensure that it is well regulated and supported.

The Commission recommends that the Australian Government undertake a comprehensive review of the MOP(S) Act employment framework, including but not limited to, governance and institutional arrangements, staffing allocations, accountability, recruitment and employment security.

(i) Continuous improvement

Understanding, preventing and responding to bullying, sexual harassment and sexual assault across CPWs must be underpinned by effective monitoring, evaluation and organisational learning processes. This is central to informing the development and improvement of strategies, systems and responses that will contribute to a safe and respectful workplace.⁹³⁷

There is currently an inconsistent approach to data collection, monitoring and evaluation across CPWs. For example:

- the Department of Finance and each parliamentary department collect workforce characteristics and diversity data differently
- the parliamentary departments and the Department of Finance each run or participate in some form of workforce survey,⁹³⁸ though the approach and tools used vary and there is inconsistency in the frequency, timing and questions between the surveys
- there is inconsistent collection of complaints and reporting data across departments.

There is also a particular gap for parliamentarians and MOP(S) Act employees.

Throughout the course of the Review, the Commission also heard that there is a tendency to respond to misconduct in a compliance-drive and reactive, rather than proactive way. As the Governance Institute of Australia highlighted in its submission to the Review, '[t]he challenge ... is to move from an annual compliance exercise, to proactively responding to and managing issues that arise from these monitoring functions and implementing change'.⁹³⁹

To encourage a culture of continuous improvement and organisational learning, and systems that support

this culture across CPWs, this section recommends reform in a number of areas, including:

- establishment of an overarching approach to, and system for, monitoring and evaluation of prevalence, prevention and responses to sexual harassment, sexual assault and bullying in CPWs
- embedding systems of monitoring and evaluation within CPWs to inform and foster a leadership-led and driven culture of reflection, accountability, continuous improvement and institutional learning
- building a strengthened and consistent evidence base to support these systems and approach.

(i) Best and emerging practice

Monitoring, evaluation and continuous improvement is established good practice across both public and private sectors and is essential: to ensuring the effectiveness of interventions; for reporting and accountability; in demonstrating performance; and/or for learning from experience and improving future work.⁹⁴⁰ Monitoring and evaluation processes can assist to build an overall picture and understanding of the workplace; improve employee engagement; and provide the evidence-base to enable the development of targeted strategies and approaches which can respond to challenges and encourage continuous improvement and learning.

A 'one size fits all' approach to monitoring, evaluation and learning is not appropriate. Rather, monitoring and evaluation should be:

- tailored to the specific context and resources and co-developed with and by those who will make use of the information
- flexible to enable adaptation and improvement as new challenges, learnings, insights and opportunities emerge along the way
- properly planned and resourced from the beginning.⁹⁴¹

In the context of bullying, sexual harassment, and sexual assault, research and industry best practice highlight the importance of purposefully collecting data to inform institutional decision-making, improve policy and increase organisational accountability.⁹⁴² In particular, monitoring and evaluation is a key component of effective approaches to primary prevention of violence against women, including sexual harassment and sexual assault.⁹⁴³

For example, in 2017 Our Watch published *Counting on Change: A guide to prevention monitoring*. The guide is focused on measuring population-level (rather than

project-level) progress towards the elimination of violence against women and identifies indicators that should be used to measure change in the drivers of violence against women. While it is not a monitoring and evaluation framework for individual prevention initiatives, in the context of CPWs it may be ‘a useful reference for policymakers or program designers seeking to develop their own, context-specific monitoring and evaluation frameworks’.⁹⁴⁴

There are also examples of some large organisations and institutions, including Victoria Police,⁹⁴⁵ the Australian Defence Force⁹⁴⁶ and universities⁹⁴⁷ developing approaches to monitoring and evaluation of measures introduced to address sexual harassment and assault. Qantas is another example of an organisation that embeds monitoring, evaluation and reporting within its business and risk management processes, with oversight at the leadership level.⁹⁴⁸

In a parliamentary context, there are examples of ways in which monitoring and evaluation can be embedded as part of broader strategies to address misconduct. For example, in the United Kingdom, the House of Commons developed a House Service Strategy 2019-2025 with a clear mission, vision and values.⁹⁴⁹ In 2019, eight success measures for cultural transformation were agreed as part of a Values Implementation Plan. While this Plan has no targets, progress is measured by way of an increase or reduction in each indicator, with a commitment to review relevant data on a quarterly basis. The data that informs reporting is collected in a range of ways, including through culture surveys; COVID-19 impact surveys; internal award nominations; internal human resources data, including on training participation; and complaints data.

Finally, a number of initiatives and developments arise from implementation of the Respect@Work report recommendations relevant to data collection, monitoring and evaluation that could usefully inform work in CPWs. These include the development of a set of good practice indicators and methods for measuring and monitoring sexual harassment prevalence, prevention and response.⁹⁵⁰

(ii) Embedding continuous improvement and learning

The Commission considers that it is necessary to develop a shared continuous improvement and organisational learning framework across CPWs. Development of this type of framework would provide an opportunity to build on the work already being

done by each separate parliamentary department, encourage consistency and embed continuous improvement and learning across CPWs.

The Commission proposes that continuous improvement across CPWs should be driven at the leadership level through the leadership taskforce recommended to oversee the implementation of the recommendations in the Framework for Action in this Report (see 5.1(c), ‘Institutional leadership’). Given the importance of leadership in driving a safe and respectful workplace culture, leadership of this work at a senior level is central to ensuring its success.

The day-to-day implementation of monitoring and evaluation approaches should be a responsibility of the Implementation Group comprised of the OPSC and heads of human resources for the four parliamentary departments see 5.1(c), ‘Institutional leadership’).

The sections below outline a proposed approach to developing a shared monitoring and evaluation framework across CPWs. The Commission considers three key elements of the Framework in more detail below, including key areas for measurement; ways to collect data and information to inform monitoring and analysis; and using data to drive continuous improvement and learning.

(iii) Key areas for measurement

Establishing the data that needs to be collected and why is an important part of the early development of the Commission’s proposed Framework for Action. This should be based on the key indicators developed specific to CPWs with a focus on addressing the drivers and risk factors of misconduct. Best practice literature and approaches indicate key areas for measurement, including data in relation to:

- workplace diversity and inclusion indicators, including by role and classification (see 5.2, ‘Diversity, Equality and Inclusion’)
- people and culture, including core human resources indicators disaggregated by diversity characteristics and political parties, such as recruitment, promotion, exits, terminations, turnover and absenteeism as well as workplace cultural indicators
- education and training, including participation and competency
- reporting and complaints, including rates, nature of alleged conduct including role of those involved, confidence to report, timeliness and perceived effectiveness of responses, and outcomes

- psychological safety and reporting culture
- access to and use of supports.⁹⁵¹

(iv) Collecting data and information to inform monitoring and evaluation

There are a range of ways in which data and information may be collected across CPWs. For example, data may be collected from standard human resources practices (including turnover and use of leave), exit interviews, employee focus groups and regular workplace surveys.⁹⁵²

Importantly, collecting data to inform monitoring, evaluation and organisational learning must be done in a way that is safe and does not put workers at risk of harm. In the context of CPWs, this is particularly important in light of concerns about confidentiality and the misuse of information outlined in chapter 4 ('What we heard').

Anonymous workplace culture and perception surveys may be particularly useful in collecting both prevention and response data and were suggested by participants in the Review.⁹⁵³ These types of surveys could provide an opportunity to gain insights into the nature of the workplace, experiences of sexual harassment, sexual assault and bullying, as well as broader cultural and environmental risk factors.⁹⁵⁴ A number of models have been developed in parliamentary contexts, including in the United Kingdom and New Zealand.⁹⁵⁵ The CPW Survey used for this Review is also a model (see **Appendix 4**).

As noted above, the Department of Finance and parliamentary departments already conduct some form of workplace survey and/or participate in the Australian Public Service Census. These surveys appear to collect limited data on experiences of bullying, sexual harassment and sexual assault. However, and where this data is collected, a lack of consistency over time limits the ability to track change. In addition, in the information provided to the Commission, the Department of Finance indicated that it has not conducted a culture survey of parliamentarians.⁹⁵⁶

As a result, the Commission proposes a more consistent approach to anonymous workplace surveys across CPWs, including for parliamentarians, with specific questions about experiences of bullying, sexual harassment and sexual assault. It is important that any such survey tracks data over time to identify patterns and changes, ideally across and between the different CPW environments and that the results be shared across departments to support cross-agency

learnings and responses.⁹⁵⁷ It is also important that surveys are accessible and capture experiences across the diverse groups represented in CPWs.

In developing questions relating to sexual harassment, the Commission suggests that consideration be given to survey design and questions that may allow comparison with, and benchmarking against, the CPW Review Survey and the National Survey on Sexual Harassment in Australian Workplaces.⁹⁵⁸

(v) Analysing and using data to inform continuous improvement and learning

Finally, it is important that data is collected, monitored, analysed and used to:

- build an overall picture and ongoing understanding of workplace culture(s) and changes over time
- identify emerging risks and key areas of concern (including drivers and risk factors for bullying, sexual harassment and sexual assault)
- enable a system of triggers for immediate action (for example, serious incidents of sexual harassment, or incidents involving a senior worker, increased anonymous reporting, high rates of absenteeism or turnover rates by gender and diversity characteristics)⁹⁵⁹
- support evidence-based decision-making, policies, strategies and interventions to address bullying, sexual harassment and sexual assault in CPWs, including drivers and risk factors
- enable identification of opportunities for targeted and/or systemic responses
- share lessons and provide an evidence base to inform changes to policies, strategies and interventions where required to ensure they are responsive and remain fit-for-purpose
- identify where approaches have worked well so that they can be shared, openly celebrated, replicated and built upon across CPWs
- contribute to greater transparency and accountability across CPWs.

(j) Recommendations

The Commission makes recommendations below to support a professionalised and high-performance workplace with robust people and culture systems and processes.

Recommendation 11: Office of Parliamentary Staffing and Culture

The Australian Government should establish an Office of Parliamentary Staffing and Culture, within 12 months, to provide human resources support to parliamentarians and Members of Parliament (Staff) Act employees that is:

- (a) centralised and accountable to Parliament, with the enforcement of standards
- (b) designed to provide human resources support and administrative functions in the areas of policy development, training, advice and support, and education.

Recommendation 12: Professionalising management practices for Members of Parliament (Staff) Act employees

The Office of Parliamentary Staffing and Culture (see Recommendation 11) should establish standards and processes to professionalise management practices for Members of Parliament (Staff) Act employees with the following priorities to foster a safe and respectful work environment:

- (a) guidance on office composition and staffing
- (b) merit-based recruitment with a focus on improving diversity
- (c) standardised induction for parliamentarians and Members of Parliament (Staff) Act employees to establish role clarity and expectations
- (d) performance management systems
- (e) management of misconduct
- (f) best practice respectful workplace behaviour policies that include referral pathways to the Independent Parliamentary Standards Commission.

Recommendation 13: Professional development for Members of Parliament (Staff) Act employees

The Office of Parliamentary Staffing and Culture (see Recommendation 11) should develop a professional development program for Members of Parliament (Staff) Act employees including a:

- (a) framework of skills, competencies and capabilities linked to career pathways
- (b) structured learning and development program and informal and formal skills development opportunities.

Recommendation 14: Best practice training

To ensure that people working in Commonwealth parliamentary workplaces have the requisite knowledge and skills to prevent and respond to misconduct:

- (a) the Office of Parliamentary Staffing and Culture (see Recommendation 11) should develop and deliver mandatory best practice training for parliamentarians and Members of Parliament (Staff) Act employees, to be conducted during induction and annually on:
 - i. respectful workplace behaviour
 - ii. relevant Codes of Conduct
- (b) the Office of Parliamentary Staffing and Culture (see Recommendation 11) should develop and deliver best practice people management and inclusive leadership training for parliamentarians and senior Members of Parliament (Staff) Act employees
- (c) the parliamentary departments should review and implement mandatory best practice respectful workplace behaviour training.

**Recommendation 15:
Guidance material in relation to termination of employment for Members of Parliament (Staff) Act employees**

The Office of Parliamentary Staffing and Culture (see Recommendation 11) should create and communicate new guidance materials and processes in relation to termination of employment for Members of Parliament (Staff) Act employees. These should reflect the requirements of applicable legislation, including the *Fair Work Act 2009* (Cth), and address the:

- (a) laws that apply to the termination of employment of Members of Parliament (Staff) Act employees
- (b) key categories of circumstances in, or reasons for, which Members of Parliament (Staff) Act employees may be dismissed, with specific guidance on when it may be lawful and appropriate to dismiss an employee based on 'loss of trust or confidence'
- (c) practical steps and processes that should be followed when effecting different categories of dismissals, in order to meet applicable legal requirements.

**Recommendation 16:
Fair termination of employment process for Members of Parliament (Staff) Act employees**

The Office of Parliamentary Staffing and Culture (see Recommendation 11) should support parliamentarians to meet their legal obligations in relation to the termination of Members of Parliament (Staff) Act employees, by introducing the following process:

- (a) parliamentarians inform the Office of Parliamentary Staffing and Culture promptly in writing or orally of any proposed dismissal before it is effected
- (b) the Office of Parliamentary Staffing and Culture advises parliamentarians whether the proposed dismissal satisfies legal requirements, or identifies any deficiencies, and how to rectify these (Rectification Advice)
- (c) parliamentarians confirm in writing whether they will accept and implement any Rectification Advice.
- (d) if a parliamentarian confirms that they will not accept and implement the Rectification Advice, or does not respond to the Rectification Advice, the Office of Parliamentary Staffing and Culture should notify the relevant Presiding Officer and make a record of this.

**Recommendation 17:
Legislative amendments to *Members of Parliament (Staff) Act 1984* (Cth)**

The Australian Government should ensure that the *Members of Parliament (Staff) Act 1984* (Cth) is amended as follows:

- (a) sections 16(3) and 23(2) be amended to include that the written notice of termination must specify the reasons relied upon for making the termination decision.
- (b) for the avoidance of doubt and without limiting the application of other applicable laws, contracts or instruments, clarifying at the least, that a termination of employment under section 16(3) or section 23(2) is subject to and must comply with the requirements and provisions of:
 - i. the *Fair Work Act 2009* (Cth) including, but not limited to, the general protections provisions set out in Part 3-1 and the unfair dismissal provisions set out in Part 3-2
 - ii. relevant anti-discrimination legislation
 - iii. the employee's contract of employment
- (c) clarify that, for the avoidance of doubt, the *Work Health and Safety Act 2011* (Cth) applies to a Member, Senator or officer in their capacity as employers of staff under the *Members of Parliament (Staff) Act 1984* (Cth).

**Recommendation 18:
Comprehensive review of the *Members of Parliament (Staff) Act 1984* (Cth)**

The Australian Government should undertake a comprehensive review of the operation and effectiveness of the *Members of Parliament (Staff) Act 1984* (Cth) to ensure consistency with modern employment frameworks.

**Recommendation 19:
Monitoring, evaluation and continuous improvement**

The Office of Parliamentary Staffing and Culture, together with the Implementation Group (see Recommendation 2), should develop a shared monitoring and evaluation framework across Commonwealth parliamentary workplaces. This framework should ensure regular measurement and public reporting on key indicators to monitor progress in the prevention of and responses to bullying, sexual harassment and sexual assault.

5.4 Standards, reporting and accountability

What is shocking ... is that unlike my [previous] professional life ... where enormous public trust comes with a behavioural code ... no such code exists for parliamentarians in the Australian Federal Parliament ... unlike my previous workplaces bad behaviour seems to have no repercussions for the perpetrators.

(Individual, Submission E61, CPW Review)

Summary

This section identifies a lack of consistency around expected standards of behaviour and conduct in CPWs. It also examines the limitations of the current system in terms of reporting bullying, sexual harassment and sexual assault. The section then proposes the adoption of codes of conduct for parliamentarians, for the staff of parliamentarians and the parliamentary precinct. It also proposes the creation of a new mechanism for fair, independent and confidential complaints handling.

The proposed IPSC would have delegated powers to apply sanctions where they do not interfere with the functions of the Parliament. The IPSC would incorporate the existing Parliamentary Workplace Support Service created following the Foster Report, but with an expanded scope and with enforceable sanctions for misconduct.

Principle: Accountability
Outcome: Clear and consistent standards of behaviour are in place; it is safe to make a report; complaints are addressed; and people are held accountable, including through visible consequences for misconduct.

(a) Overview

Clear and consistent standards of conduct are necessary for a safe and productive workplace. The most effective way to ensure that those standards are lived across a workplace is by articulating, promoting and enforcing them.

Australian law prohibits workplace bullying, sexual harassment and sexual assault. External accountability mechanisms support the enforcement of these laws in the context of most workplaces. The reflection of these standards within CPWs, however, is inconsistent at best. While legislation provides for clear and enforceable workplace standards of conduct for Australian Public Service staff, Parliamentary Service staff and Protective Service Officers (Australian Federal Police), the expectations for parliamentarians and their staff are less clear.

This absence of clear and consistent standards of conduct, particularly for parliamentarians, was highlighted as a major concern by Review participants. It lays the ground for misconduct, but also feeds a sense of fear and silence around reporting misconduct, with the imbalance of power in parliamentary workplaces a key driver of these fears.

The Commission heard that reporting processes were opaque and ineffective, with employees perceiving the risks of reporting as outweighing the benefits. The failure to hold parliamentarians and their staff accountable for misconduct also has the potential to damage the integrity of the Parliament when standards of behaviour depart from community expectations.

This section outlines best practice principles and lessons from other jurisdictions. It explains that, while standards and accountability mechanisms must be tailored for CPWs, the institutional and political context of a Westminster parliamentary system does not preclude the personal accountability of parliamentarians and their staff. Experience in other jurisdictions demonstrates that clear standards are achievable in the parliamentary context.

The Commission makes recommendations to establish clear standards of conduct, a safe reporting culture, appropriate complaints pathways and effective accountability mechanisms across CPWs. Achieving a shift of this kind would set and see individuals in CPWs held to clear and consistent standards of conduct, with enforceable sanctions for misconduct. The Commission briefly outlines external avenues for complaints and current developments in these areas at the end of the section and makes a recommendation to improve clarity about the application of federal anti-discrimination laws.

(b) The role of standards, reporting and accountability

The overarching goal of a system of parliamentary standards, reporting and accountability is to maintain the reputation and authority of the Parliament, and ultimately to support its effectiveness. Standards and accountability mechanisms perform several functions to achieve this goal. The mechanisms:

- provide a clear and consistent standard against which to meet legal obligations, enable performance and assess conduct (standard setting)
- educate the public and those who work in the parliamentary workplace about acceptable standards of conduct (educational)
- establish a culture of appropriate conduct by those in the parliamentary workplace (setting cultural norms)
- reduce the incidence of misconduct by those in the parliamentary workplace (deterrence)
- ensure that those in the parliamentary workplace are accountable for their conduct (accountability)
- promote public confidence in parliamentarians and the Parliament (public confidence).⁹⁶⁰

An effective system of standards, reporting and accountability has the following elements:

- clearly articulated standards
- an effective mechanism for reporting and complaints
- independent investigations and sanctions which provide accountability where misconduct occurs.

Box 5.9: Terminology

As defined in 2.1(c)(i) ('Definitions and methodology'), the term 'misconduct' in this Report generally refers to bullying, sexual harassment and sexual assault. The Report also uses 'misconduct' to refer collectively to any conduct that would be prohibited by the Codes of Conduct proposed below (5.4(f)). Where other forms of parliamentary misconduct are referred to, such as integrity matters, this is explicitly stated.

The terms 'report', 'complaint' and 'disclosure' are often used interchangeably. For clarity in this section, those terms are used in the following way:⁹⁶¹

Report is used as a general term to describe the provision of information about an experience or incident of misconduct to an employer through any process. 'Reporter' is used to describe someone who has made a report of misconduct. This category includes a bystander who makes a report, or someone who has experienced misconduct and does not want to, or has not yet decided whether to, make a complaint).

Complaint is used to describe a formal or informal report of misconduct lodged with an employer or external agency, which requires a response. 'Complainant' is used to describe someone who has made a complaint of misconduct. 'Respondent' is used to describe someone who has had a complaint made about their conduct.

Disclosure is information provided about an experience or incident of misconduct, which requires action but may not lead to a complaint.

(c) Current standards and accountability mechanisms

The current sources of standards and accountability for misconduct in CPWs are complex, with two key factors contributing to this complexity.

The first factor is the role of parliamentary privilege which, in broad terms, refers to those rights, immunities and powers possessed by the Houses of Parliament that enable them to carry out their functions effectively.⁹⁶² As stated in Erskine May Parliamentary Practice: 'Each House's disciplinary powers over its Members are aspects of privilege in the widest sense'.⁹⁶³ These protections exist to ensure that parliamentarians can carry out their functions and duties, and that the Parliament can maintain its authority.⁹⁶⁴

Privilege includes the powers of the Houses to regulate their own affairs. This privilege can be understood as a manifestation of the constitutional independence of the Houses of Parliament from the executive and judiciary. This constitutional context makes Parliament a self-regulator of misconduct within CPWs.

Second, a range of different employment arrangements apply to people working in CPWs. These separate arrangements are required to support appropriate independence in the various parliamentary functions. Importantly, parliamentarians are also not employees and are therefore not subject to the usual range of employment obligations as employees.

These two factors have been influential in shaping the current mechanisms for accountability in CPWs. The range of mechanisms currently in place are summarised below:

- **Shared workplace obligations:** criminal law; federal workplace laws, including the *Work Health and Safety Act 2011* (Cth), *Sex Discrimination Act 1984* (Cth), the *Fair Work Act 2009* (Cth); and the *Workplace Bullying and Harassment Policy*.⁹⁶⁵ The mechanisms available under these laws are either limited by the scope of their jurisdiction, the need to take public enforcement action, or, in the case of work health and safety obligations, involve shared and overlapping duties, which can inhibit clear accountability.
- **Parliamentarians:** electoral accountability to the voters; limited grounds for disqualification under the Australian Constitution and the *Commonwealth Electoral Act 1928* (Cth), neither of which cover misconduct outside of serious

criminal offences; parliamentary privilege and the powers of the Houses of Parliament to discipline members for conduct bringing the House into disrepute (as currently used, these focus on the conduct of parliamentary proceedings and require political power to call into action).

- **Parliamentarians’ staff:** the common workplace obligations (outlined under the first dot point above), and which largely rely on the employing parliamentarian to take action to enforce.
- **Ministers:** doctrine of ministerial accountability to the Parliament (which is usually controlled by the government); Ministerial Statement of Standards issued by the Prime Minister (which currently only addresses standards of conduct by prohibiting ministers from engaging in ‘sexual relations with their staff’).
- **Ministerial staff:** by convention (an unwritten rule that is the accepted way of doing things in a parliamentary context), ministerial staff are accountable to their Minister and, through their Minister, to the Parliament.⁹⁶⁶ The convention underpinning ministerial accountability for staff, however, has ceased to reflect reality, because of the growth in numbers of staff and ministerial workloads.⁹⁶⁷ The current Statement of Standards of Ministerial Staff addresses respectful conduct generally, but provides no independent accountability or clear sanctions.

By contrast, Parliamentary Services staff, Australian Public Service staff and Australian Federal Police Protective Service Officers (Australian Federal Police) have legislated requirements and enforceable standards of conduct.⁹⁶⁸

The current mechanisms and their limitations are set out in **Appendix 5**.

(d) Recent developments in reporting and complaint-handling processes

On 16 February 2021, the Prime Minister, the Hon. Scott Morrison MP, requested a review of procedures and processes involved in identifying, reporting and responding to serious incidents that occur during parliamentary employment.⁹⁶⁹

This review was conducted by Stephanie Foster PSM, Deputy Secretary of the Department of the Prime Minister and Cabinet. Ms Foster reported on 4 June 2021, concluding that:

the current procedures and processes are not designed or able to respond appropriately to serious incidents in the parliamentary workplace, particularly to sexual assault. The most significant gap is the absence of readily accessible, timely, independent, trauma-informed services and response mechanisms ... The review found two other critical areas requiring immediate action: a trusted, independent complaints mechanism able to deliver proportionate consequences for misconduct, and tailored, face to face education and support for parliamentarians and their staff in preventing, identifying and responding to serious incidents in the workplace.⁹⁷⁰

On 23 September 2021, the Government announced the launch of the Parliamentary Workplace Support Service (PWSS) which has a physical presence at Parliament House. In announcing the new service, Senator the Hon. Simon Birmingham, Minister for Finance, stated that:

These measures were immediate priorities the Foster Review recommended be implemented ahead of the completion of the Independent Review of Commonwealth Parliamentary Workplaces being undertaken by Sex Discrimination Commissioner Kate Jenkins.⁹⁷¹

The new service:

- provides immediate advice and trauma-informed support to all parliamentary staff and parliamentarians
- receives reports of serious incidents
- appoints independent experts to conduct workplace reviews into complaints of serious incidents and make recommendations
- facilitates referrals to appropriate authorities, such as the police or other specialised support services.

The PWSS is staffed by trained counsellors and case coordinators who are available, 24 hours a day, seven days a week.

The Commission welcomes the Foster Report and the announcement of the new service to implement one of its key recommendations. It is appropriate that these measures were enacted as soon as practicable, given the urgent need to provide relevant supports and a mechanism for independent investigation.

The Commission’s recommendations in this section incorporate and build on this approach. In particular, the Commission recommends an expanded scope for this mechanism and stronger, independent enforcement powers. These issues are discussed further in the sections below.

(e) Limitations of the current system

The Commission’s review of current standards and accountability mechanisms in CPWs reveals a system for parliamentarians and MOP(S) Act employees that is incomplete and overly complex and that often lacks enforcement in practice. This undermines public confidence in the system.

(i) A lack of clear and consistent standards

As outlined above, current standards for parliamentarians and their staff are piecemeal and often disconnected. To drive a safe and productive workplace, standards of conduct need to be readily identifiable and understood. To achieve this understanding, standards must be articulated clearly, with those who need to uphold them educated about the associated responsibilities and expectations (see 4.3(g), ‘Best practice training’).

The contrast between standards in CPWs and other professional environments was highlighted during this Review. For example, one parliamentarian submitted that:

What is shocking ... is that unlike my [previous] professional life ... where enormous public trust comes with a behavioural code ... no such code exists for parliamentarians in the Australian Federal Parliament ... unlike my previous work-places bad behaviour seems to have no repercussions for the perpetrators.⁹⁷²

Every other parliament across Australia has a code of conduct for parliamentarians, as do parliaments in comparable jurisdictions, including the United Kingdom, Canada, and Scotland. Best practice in other jurisdictions is discussed further below.

(ii) A lack of confidence in reporting and accountability

The fear or lack of confidence to report or make a complaint about misconduct in CPWs emerged as a significant concern in this Review. In response to the Commission’s survey:

- 81% of people who said they had experienced sexual harassment did not report their experience.
- 59% of people who said they had experienced bullying did not report their experience.

The lack of clarity about processes, concerns about confidentiality and a sense that nothing would come of any report or complaint—or worse, that it would be detrimental to the person making the report—were key barriers.

Many people raised concerns about the lack of consequences for misconduct by parliamentarians and their staff during this Review. For example, one participant stated: ‘I think there is no recourse, effectively, if you want to speak up ... there is no way to hold them accountable ... our concerns were pushed under the rug’.⁹⁷³ In response to the Review Survey:

- Two in five people (40%) thought that reporting sexual harassment would not change things or that nothing would be done.
- Over half (55%) of people did not report being bullied because they thought that things would not change or that nothing would be done.

The Review Survey found that 40% of people who made a complaint about bullying reported that there were no consequences for the bully.

A number of participants also raised concerns in interviews and submissions that, in addition to this apparent lack of consequences, sometimes misconduct appeared to be rewarded in the workplace.⁹⁷⁴

(iii) Consequences of limitations in the current system

Clear standards and effective accountability processes would provide better support to people working in CPWs. Mechanisms of this kind would also assist party leaders and parliamentarians, who would no longer need to navigate and manage issues on an *ad hoc* basis, but could adopt a clear and systematic approach in which everyone can have confidence.

Just as important, greater clarity and accountability can improve the standing of the Parliament. As outlined in 2.2 (‘The case for change’) of this Report, research indicates that public trust in government has reached its lowest level in the past 50 years. This includes only one in four Australians believing that people in government can be trusted to do the right thing.⁹⁷⁵

When it comes to parliamentary standards of conduct, community expectations have historically focused on Parliament as an exemplar of good practice. The current community conversation, however, is primarily about the capacity of CPWs to meet the standards that are expected in settings across the rest of the community. The Parliament’s standing will continue to be questioned until it has standards and accountability for misconduct that are visible to the community it represents.

The Commission makes recommendations below to establish a clear system of standards and accountability in CPWs. In doing so, the Commission has carefully considered how best practice principles can be applied in the specific context of Parliament.

(f) Setting clear standards of conduct

Clear and consistent written standards of conduct must be the starting point for accountability. Setting standards helps workplaces to meet existing legal obligations under work health and safety and anti-discrimination laws.

The standards against which conduct are measured need to be clear in order to educate parliamentarians, staff and the public about expected conduct, as well as to provide a clear remit for a complaints and investigatory body. Given the interaction between participants in CPWs, the standards also need to be consistent so that, for example, a parliamentarian, a MOP(S) Act employee, and a staff member of a parliamentary department have a common understanding of the workplace standards.

Below, the Commission considers best practice and makes recommendations in relation to standards of conduct in CPWs.

(i) Best practice – setting standards of conduct in workplaces

Setting clear standards of conduct (in a workplace policy or code of conduct) is best practice in Australian workplaces.⁹⁷⁶ Codes of conduct have been widely adopted across a range of sectors including retail,⁹⁷⁷ banking,⁹⁷⁸ mining,⁹⁷⁹ health services,⁹⁸⁰ education,⁹⁸¹ as well as in relation to many professions.⁹⁸²

Consistent and enforceable industry-wide codes have also been recognised as playing an important role in the private sector.⁹⁸³ When considering industry codes as a driver of performance, the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry commented:

there may be some uncertainty about which provisions of industry codes can be relied on, and enforced, by individuals. Uncertainty of this kind is highly undesirable. All participants in the financial services industry—including consumers—must know what rules govern their dealings.⁹⁸⁴

Box 5.10: Codes of conduct beyond the workplace

Codes of conduct are also commonplace for Australians in other areas of life, such as their participation in sporting and community organisations. Many examples exist across the country. For illustrative purposes, a small sample is included below.

- Sporting organisations: AFL Community Club's *Codes of conduct*; community cricket's *Codes of Behaviour*; Netball Queensland's *2020 Netball Queensland Code of Conduct*.⁹⁸⁵
- A broad range of community organisations such as: the Australian Red Cross's *Code of Conduct*; Lions Australia's *Code of Conduct*; Rotary's *Rotarian Code of Conduct*; and the *Royal Australian Historical Society Code of Conduct*.⁹⁸⁶

Codes of conduct, accompanied by enforcement mechanisms, have also driven public service reform since the 1990s. These have been important in influencing conduct, as well as shaping how the public service is perceived by others.⁹⁸⁷

Parliamentary codes of conduct are also now best practice.⁹⁸⁸ In 2011, the House of Representatives Standing Committee of Privileges and Members' Interests recognised that:

Not to have a code of conduct is counter to the standards of what is considered to be parliamentary best practice both within Commonwealth legislatures and within national parliaments worldwide.⁹⁸⁹

All parliaments across Australia other than the Commonwealth Parliament have standards of conduct for members of parliament.⁹⁹⁰ This means that the Commonwealth Parliament is alone in the absence of a clear framework of expected behaviour for those who work in and around it.

In comparable jurisdictions internationally, the United Kingdom, Scotland and Canada have codes of conduct for parliamentarians that explicitly prohibit bullying, harassment and sexual misconduct.⁹⁹¹ In the New Zealand context, the 2019 Francis Review also recommended a parliamentary code of conduct to address bullying and harassment: 'such a code of conduct is a basic minimum requirement ... [and] is

perhaps the most commonly used and proven tool in complex cultural transformations'.⁹⁹²

The Commission recommends that the Houses of Parliament establish a non-partisan Joint Standing Committee on Parliamentary Standards to consult on and prepare the Codes of Conduct outlined below. The Committee should have members from all parties and representation from independents, and have arrangements in place for the position of Chair to be rotated.

These Codes would be most effective if they were jointly developed with input from parliamentarians, staff, and relevant external experts, and apply a common standard across the Parliament. As one participant told the Commission:

I have wondered whether it could be something about an initiative between the joint Houses ... and say '[t]his is the culture and the standard that we set. Here is the Code of Conduct if you work here' and that is actually an initiative of the Houses, not political.⁹⁹³

For clarity, simplicity and to meet public expectations, the Commission recommends aligning the new Codes of Conduct as far as possible with standards of conduct relevant to other public sector workers in CPWs. While broad standards of conduct (including standards relating to independence and impartiality) will need variation to accommodate different roles in the system, standards in relation to bullying, sexual harassment and sexual assault should be applied as consistently as possible.

(ii) Codes of Conduct for parliamentarians and their staff

The Houses of Parliament should establish clear standards of conduct through:

- a uniform Code of Conduct for Parliamentarians to be set out in the Standing Orders of both the Senate and the House of Representatives
- a Code of Conduct for Parliamentarians' Staff for inclusion in the MOP(S) Act with other employment arrangements.⁹⁹⁴

The Codes should apply to parliamentarians and staff in the course of their official role/employment and to any conduct that may bring the relevant House into disrepute. Further, each of the Codes should apply to conduct engaged in by any means, including in-person, via phone or text message, online or via social media.

Placing the Code of Conduct for Parliamentarians in Standing Orders enables the Parliament to retain jurisdiction over its own affairs, as observed by the House of Representatives Standing Committee of Privileges and Members' Interests in 2011.⁹⁹⁵

The detailed content of the new Codes will be a matter for the Joint Standing Committee on Parliamentary Standards to consult on and develop. In relation to standards of conduct (the focus of this Review), the Committee should consider the following minimum core elements:

- **Legal requirements:** an obligation to comply with all applicable workplace laws—including laws that prohibit bullying, sexual harassment, sexual assault, workplace discrimination, and victimisation
- Other matters that help to establish safe and respectful workplaces, such as:
 - general obligations to treat people with respect and to act professionally
 - the influence of power and authority
 - the valuing of diversity and that harassment of a person in the workplace on the basis of race, religion, age, sex, sexuality, gender identity, or disability will not be tolerated (Box 5.11 below provides further detail about harassment)
- Compliance obligations, including:
 - an obligation to comply with the Standards of Conduct for the Parliamentary Precincts (discussed below)
 - an obligation to comply with workplace policies established by the Office of Parliamentarian Staffing and Culture.

Box 5.11: Harassment

Harassment is unwanted or unwelcome behaviour that, having regard to all the circumstances, a reasonable person would consider offensive, insulting, humiliating or intimidating. There does not have to be an intention to offend or harass for harassment to occur. Harassing behaviour can range from serious to less significant. One-off incidents may still constitute harassment.

For example, harassment of a person in the workplace on the basis of race could include:

- telling insulting jokes about particular racial groups
- displaying racially offensive posters or screen savers in the workplace
- making derogatory comments or taunts about someone's race.⁹⁹⁶

Harassment on the basis of a protected attribute can be unlawful discrimination in circumstances where federal anti-discrimination and workplace laws apply. Harassment that is repeated and unreasonable conduct directed towards a person or group of people may also be unlawful workplace bullying. To establish a safe and respectful environment, however, it is best practice for workplace standards to set expectations about any harassment on the basis of these attributes.

The Codes of Conduct should also detail the support required for implementation. The Codes should provide:

- for participation in relevant education and professional development
- responsibilities for witnesses of misconduct to report it
- a duty to cooperate with investigations and comply with sanctions imposed
- a duty to maintain the confidentiality of the complaint process, unless authorised by the proposed IPSC (or otherwise required by law) to share or release information
- that a vexatious complaint or a complaint made in bad faith may itself be a breach of the Code of Conduct
- that any attempt to intimidate or victimise a reporter/complainant or to lobby, influence or intimidate the IPSC (its office-holders, staff or contractors) will be treated as a serious and aggravated breach of the Code of Conduct

- that a breach of the Code, including a breach of the sanctions, may be treated by the relevant House as a contempt.

In relation to parliamentarians, the Code should also provide that they have an obligation to act on allegations of misconduct made about their staff and to implement recommendations of the IPSC in relation to staff misconduct (discussed further below). Failure to do so may be a breach of the Code of Conduct for Parliamentarians and be a contempt of the relevant House.⁹⁹⁷ Enforcing compliance with the Codes of Conduct is part of discharging work health and safety obligations which require a person conducting a business or undertaking to ensure the health and safety of workers and other persons in the business or undertaking, so far as is reasonably practicable.⁹⁹⁸

(iii) Standards of Conduct for the Parliamentary Precincts

The Commission further recommends that the Houses of Parliament should establish standards of conduct applicable to all activity within the parliamentary precincts. Accounts of misconduct shared with the Commission was not limited to political offices. For example, as one participant told the Commission:

We're all in the same building, they have to engage with these journalists professionally because it's their job, and if they're getting harassed or abused, if they tell them to knock it off, one of them at least has had threats of, 'I'm just going to write bad stuff about your boss from now on,' and they had no one to go to.⁹⁹⁹

Standards of conduct are common in workplaces where people may have different employers, as well as in places where clients and members of the public may visit—such as public institutions, universities, health and aged care services and retail outlets.¹⁰⁰⁰

The United Kingdom Parliamentary Behaviour Code provides a useful example on which to draw in the parliamentary context, given that it has simple, high-level statements that can be publicly displayed (see **Appendix 8**).¹⁰⁰¹

The Standards of Conduct for the Parliamentary Precincts should outline the responsibilities that all parliamentarians, staff, contractors, interns and volunteers, members of the Press Gallery and visitors have in making the parliamentary precinct respectful and safe. The detailed content of the Standards will be a matter for the Joint Standing Committee on Parliamentary Standards to consult on and develop, but the Committee should align relevant standards within the Codes of Conduct considering the following core elements:

- **Legal requirements:** the need to comply with laws that prohibit bullying, sexual harassment, sexual assault and workplace discrimination
- Other matters that help to establish safe and respectful workplaces, including:
 - the contribution that everyone makes to a safe and respectful environment in the parliamentary precinct
 - the influence of power and authority
 - the valuing of diversity and that harassment of a person in the parliamentary precincts on the basis of race, age, sex, sexuality, gender identity, disability, age, or religion will not be tolerated
 - a responsibility for witnesses of misconduct to report it.

The Standards of Conduct should apply to conduct within the parliamentary precincts carried out by any means, including in-person, via phone or text message, online or via social media.

Below, the Commission outlines an effective framework for reporting, complaints, investigations and sanctions based on best practice approaches, founded on the creation of the proposed IPSC. Together with established standards through Codes of Conduct, these mechanisms drive accountability for misconduct.

(g) Reporting, complaints and accountability

In making recommendations to improve reporting and accountability, the Commission has considered best practice in supporting people to make reports, as well as in establishing fair and effective accountability mechanisms.

(i) Best practice in reporting and complaints

When dealing with allegations of misconduct, there are a number of specific approaches required to provide effective support to people who wish to make complaints. Taking a person-led approach when responding to reports and complaints of workplace misconduct can increase the confidence and willingness of people to report/complain. It can also avoid or reduce the possibility of harming or re-traumatising people who have experienced misconduct.

Key elements required to support participants are outlined below.

- **Taking a person-centred approach:** This includes:
 - ensuring that complainants are listened to (and language used is neutral and free from judgement, blame or bias), and the process follows their lead in terms of what they want out of a process
 - ensuring that safety, privacy and wellbeing are prioritised
 - ensuring that all participants in a complaints process have clear information about the process and how procedural fairness will be provided
 - ensuring that all processes are designed to minimise harm
 - ensuring that the confidentiality of the process is understood and maintained
 - anticipating and recognising the distress which people may feel and accommodating this by providing access to support and workplace adjustments
 - keeping the participants clearly informed throughout the process
 - ensuring timely communications and investigations.¹⁰⁰²
- **Trauma-informed, ongoing support:** This means providing ongoing trauma-informed support throughout the process, starting when the initial report is made, continuing during the complaint/investigation process and consideration of longer-term ongoing support. Support that is trauma-informed is usually characterised as being safe, empowering, trustworthy, collaborative, focused on choice and respectful of diversity.¹⁰⁰³
- **Protection against victimisation:** This means putting protections against victimisation in place in relation to people who make a report or complaint, including bystanders who make a report.¹⁰⁰⁴ Victimisation of people who make reports will be a breach of the respective Codes of Conduct for parliamentarians and their staff.
- **Flexible reporting options:** This means giving potential complainants control by offering a range of reporting options and multiple entry points.¹⁰⁰⁵ Potential complainants should be:
 - enabled to make decisions about whether, when, to whom and how to report, free from pressure and time-limits

- o given the ability to change their mind and withdraw a report
- o provided with options for written and verbal reporting options that support and centre the reporter's narrative in their own words¹⁰⁰⁶
- o given options for anonymous reporting,¹⁰⁰⁷ noting that digital reporting tools can help to provide accessible and confidential pathways for reporting.¹⁰⁰⁸

In addition, witnesses should be able to make informal disclosures.¹⁰⁰⁹

Complaints-handling in other sectors can be illustrative. For example, the Office of the Legal Services Commissioner (NSW) provides flexible options for reporting inappropriate personal conduct about legal practitioners. These options are outlined in Box 5.12 below.

Box 5.12: Example – Complaints about legal practitioners in NSW

The Office of the Legal Services Commissioner (NSW) (OLSC) receives all complaints about solicitors and barristers practising in NSW. As part of this process, the Office runs an Inquiry Line that answers questions about making a complaint and can also help to resolve a dispute with a solicitor or barrister. Complaints can be made via an online portal, email or letter and can be made anonymously.

In addition to complaints about unsatisfactory professional conduct or professional misconduct, the OLSC can receive informal reporting and formal complaints about inappropriate personal conduct (including sexual harassment and workplace bullying in a law practice).

The OLSC welcomes informal disclosures so that they can get a better idea of what is happening in the legal profession. People making reports have control over what use the OLSC makes of their information.

In its handling of reports, the OLSC is guided by the principle to 'never cause further trauma' and seeks reports so that they can 'plan the end of the impunity that perpetrators currently think they enjoy'.

If the OLSC considers that there are reasonable grounds to believe that a law practice or barristers' chambers is failing to address a culture of harassment, bullying or other inappropriate personal conduct, it may:

- conduct compliance audits of law practices and issue management system directions to ensure that proper policies and processes are in place to discourage harassment, bullying or other inappropriate personal conduct and to encourage early reporting
- proactively work with clerks and Heads of Chambers to assist in developing and reviewing appropriate policies and procedures.

The OLSC has the power to investigate inappropriate personal conduct by a lawyer where a formal complaint has been made. Formal complaints may result in disciplinary action being taken against the lawyer who engaged in the inappropriate personal conduct.¹⁰¹⁰

- **Safe reporting cultures:** This means establishing reporting cultures where people feel safe to make reports and complaints. The under-reporting of bullying, sexual harassment and sexual assault is driven by the absence of 'psychological safety'—that is, confidence that it is safe to speak up about concerns, share a dissenting view or ask for help without fear of punishment or humiliation.¹⁰¹¹

As discussed in 5.1 ('Leadership') and 5.2 ('Diversity, equality and inclusion'), greater levels of psychological safety does not only encourage workers to report a broad range of workplace harms, thus improving safety, but also contribute more generally to inclusion and collaboration.

Building an organisational climate in which workers feel safe to report workplace harms involves workplace participants being rewarded for reporting and responding appropriately to disrespectful behaviour; leaders actively encouraging the reporting of incidents; and the assurance of meaningful and proportionate accountability for incidents of harm.¹⁰¹² Complaints should be taken seriously and reporters should be well supported.

Positive cultural change can be indicated in increased reporting rates, followed by a decrease in reports of bullying and harassment which matches data in anonymous culture surveys.¹⁰¹³

- **A range of informal and formal pathways:** This means providing a flexible complaint resolution approach that accommodates the different needs of people in the workplace and offers a range of reporting options and multiple entry-points. Such an approach would include providing options for advice, self-management, informal resolution or management, formal internal complaints and formal external complaints.¹⁰¹⁴ The response taken should be guided by the person who has experienced misconduct.

Informal procedures emphasise resolution, rather than factual proof or substantiation of a complaint. The Commission notes that informal processes can be useful for early resolution of workplace matters, but such an approach is not appropriate in all circumstances. For example, encouraging a complainant who has experienced sexual assault to have an informal discussion with the respondent is unlikely to be appropriate. It may put the person's safety and wellbeing at risk and it may not be possible to address significant power imbalances.

- **The availability of remedies for complainants:** This means ensuring that opportunities exist for a complainant to seek some remedy, where relevant. Informal complaints mechanisms should also provide an opportunity for flexibility and negotiation of the types of remedies available. Remedies should be driven by what the complainant is seeking and the circumstances of the misconduct.

(ii) Best practice—Fair and effective accountability mechanisms

The Commission has also considered best practice principles for delivering fair and effective accountability mechanisms. These principles are drawn from the Commission's existing guidance for internal workplace complaints processes.¹⁰¹⁵ In recognition of the particular context of this review, the Commission has additionally considered Professor Dawn Oliver's principles for an effective system of parliamentary self-regulation in the United Kingdom, as well as the principles for disciplinary self-regulation in the judicial branch in Australia developed by Professor Gabrielle Appleby and Professor Suzanne Le Mire.¹⁰¹⁶

Core elements of these principles and their practical implications for CPWs are outlined below.

- **Impartiality:** In the broader context of its work with employers across Australia, the Commission has observed that possible conflicts of interest arise where complaints and investigations are handled by individuals within an organisational structure. The actual or perceived lack of independence that may result can be a barrier to people: (a) reporting misconduct and (b) people accepting that the outcome has been a result of due process.
- **Independence:** Independence is an important feature of the complaints process established in the United Kingdom Parliament.¹⁰¹⁷ Independence is a way to achieve impartiality in the parliamentary context.¹⁰¹⁸

Professor Gabrielle Appleby identifies a range of 'markers' of independence that could be incorporated into the design of 'independent' statutory oversight mechanisms.¹⁰¹⁹ She notes that independent offices with investigatory and sanctions powers should have:

- a guaranteed transparent, arms-length and merits-based appointment process
- guarantees of tenure (during a fixed term)
- some level of transparency over funding and resourcing
- relatively clear and broad mandates (responsibilities) to avoid conflict over investigations
- guarantees against being subject to the direction of the Parliament in relation to individual matters
- an appropriate delegation of powers, including the power to call witnesses and to call for documents
- the ability of the institution to make public their reports and recommendations without the permission of the Parliament.
- **Accessibility:** The complaint process should be easy to access and understand and everyone should be able to participate equally. For example, a person may require a language interpreter to understand and participate, or a person with a disability may need information provided in a specific format.
- **Confidentiality:** Confidentiality and privacy are fundamental requirements of the successful operation of a reporting and complaints mechanism. The United Kingdom adopts a presumption that, when investigating and imposing a sanction in relation to misconduct, the matter remains confidential. The exception

is where there is a compelling reason for publication (including that it would not be possible to impose the sanction while retaining confidentiality, although the detrimental effect of such publicity should be taken into account when determining the relevant sanction).¹⁰²⁰

- **Fairness:** A fair process is necessary to ensure a matter of fairness and respect for the individuals involved, as well as to maintain public confidence. Where a formal complaint is made (that may result in adverse findings against a person), the process should be informed by the requirements of natural justice. This includes that the complainant and respondent each have an opportunity to make their case and respond to points put against them. The investigative and sanctioning body must not be affected by bias in the particular matter. Protections against frivolous and vexatious complaints, as well as appeals against adverse decisions, are an important part of a fair process.
- **Transparency:** The system and process for complaints and investigations must be sufficiently transparent to parliamentarians, staff and the public. Transparency is important for the objectives of accountability, deterrence and public confidence. The need for transparency includes, but is not limited to, visibility of the policies and outcomes of the reporting and complaints framework (where appropriate). It requires the regular collection and analysis of relevant data and information, as referred to in 5.3 ('Systems to support performance'). Making the outcomes of the complaints process visible in a de-identified manner (and in accordance with relevant confidentiality and privacy considerations) will help to instil trust and confidence in the internal complaints framework, ultimately driving cultural change. Best practice in other jurisdictions makes provision for the public reporting of serious or persistent abusive conduct when there is a legitimate public interest in transparency and in public awareness of the consequences for misconduct.¹⁰²¹ Privacy of the complainant is still maintained in the details released.
- **Timeliness:** It is critical for reporting, complaints and investigation mechanisms to operate in a timely way and to ensure that individuals who are parties to a complaint are not subjected to undue delays. An independent review of the United Kingdom Independent Complaints and

Grievance Scheme found that the length of time that investigations had taken was a key factor that undermined confidence in the Scheme.¹⁰²²

In the Commission's experience, some delays are inevitable as a result of the complexity of some cases or where the specific needs of the parties need to be accommodated. What is crucial when delays occur in investigations is for the parties to receive regular updates.

- **Adequate resourcing:** It will be important for a complaints mechanism to be adequately resourced so that it can handle complaints in the most appropriate, timely and efficient way possible. Participants and the public will lose confidence in a system that is not able to resolve matters as expeditiously as the nature of the complaint allows.
- **Authority:** Offices with investigation and sanctions powers also need to have authority. Such authority is created by powers and functions, but also by the appointment of individuals with appropriate expertise and personal resilience.

(h) A new Independent Parliamentary Standards Commission

As outlined in chapter 4 ('What we heard'), the Review Survey found that 45% of people working in CPWs would feel most confident reporting sexual harassment, sexual assault or bullying to somebody outside of, or independent to, the CPW.¹⁰²³ Of these, three in five people (58%) indicated that their preference would be to report through an independent reporting and complaints mechanism that has been established specifically for people working in a CPW.¹⁰²⁴

The Commission's considerations have been informed by workplace preferences and the best practice principles discussed above, including the need to affirm public confidence in the Parliament. Accordingly, the Commission has concluded that an independent mechanism is needed to provide an effective reporting, investigations and sanctions authority in the context of CPWs. In particular, a level of structural independence from parliamentarians and political parties is imperative to ensure that a standards and accountability system is able to fulfil its accountability, deterrence and public confidence objectives.

The Commission recommends that the Houses of Parliament establish an Independent Parliamentary

Standards Commission (IPSC) which can provide three pathways for reporting and complaints about a potential breach of the proposed Codes of Conduct:

- Pathway 1—Support, advice and disclosures
- Pathway 2—Informal complaint and informal resolution
- Pathway 3—Formal complaint and independent investigation

These pathways are set out in Figure 5.5 and are outlined in more detail below.

The IPSC pathways will improve internal workplace support, response and accountability. They do not limit the ability of people to seek external support or make complaints to external bodies.

Figure 5.5: The Independent Parliamentary Standards Commission



¹ Office of Parliamentarian Staffing and Culture

The IPSC would incorporate and expand the new Parliamentary Workplace Support Service (PWSS), which similarly provides the above three pathways. Critically, the IPSC would be able to make independent recommendations and, where appropriate, impose sanctions against parliamentarians.

While the PWSS can conduct independent investigations, it does not have enforcement powers. At the conclusion of an investigation, the PWSS can make recommendations for action. These recommendations can be provided to the employing parliamentarian in relation to parliamentary staff, or the parliamentarian directly if they have engaged in the misconduct themselves. If the employing parliamentarian does not act on the recommendations, the Parliamentary Service Commissioner 'will discuss the report with them and encourage them to act on the recommendations'.¹⁰²⁵ A further failure to act will be dealt with through an agreed parliamentary process (yet to be determined at the time of writing this Report).

As outlined in section (e) ('Limitations of the current system') above, during this Review many people raised a concern about a lack of consequences for misconduct by parliamentarians. The important role of effective enforcement and sanctions is discussed further in section (i) below, including the role of sanctions in driving change in culture and practice; building confidence in making complaints and providing consequence for misconduct; and a response to people who may have been harmed by conduct.

Given the nature of misconduct matters, a Commission model is recommended by this Review in preference to a single Commissioner. As outlined in Box 5.17 below, the United Kingdom has added the role of an Independent Expert Panel to the role of the single Parliamentary Standards Commissioner for Behaviour Code matters. A multi-member Commission has the benefit of being able to:

- include a greater diversity of expertise and experience, which is particularly important when dealing with an assessment against standards of conduct
- deal with possible conflicts of interest that might arise
- provide an avenue of independent appeal that does not bring the question of findings back to the Parliament, or to the political arena.

The independence of the proposed IPSC is an important protection against the potential misuse of the complaints and accountability mechanism. This Review has considered the risk of misuse in the political context of parliamentary workplaces. The independence of the proposed IPSC will be supported by:

- IPSC member appointment decisions being made by a non-partisan Joint Standing Committee on Parliamentary Standards
- appointments being made for a fixed term, with clear and limited grounds for termination
- a clear mandate and appropriate delegation of powers
- being able to exercise powers without interference
- the ability to report without the permission of the Government
- a level of transparency over funding and resourcing
- adequate funding to perform the functions of the Commission.

In addition to its independence, the credibility of the proposed IPSC will also influence the authority and trust that it is able to maintain. The credibility of the proposed IPSC will be supported by:

- a transparent, merits-based appointment process
- the appointment of people with appropriate expertise and seniority
- clear standards against which conduct is measured
- transparent information about IPSC processes
- the confidentiality of the complaints and investigation process
- ensuring procedural fairness
- transparent information about aggravating and mitigating factors that the IPSC takes into account
- the proportionality of recommendations about sanctions
- regular reporting about overall outcomes to provide visibility of the action that has been taken.

(i) Appointments

The Chair and Commissioners of the IPSC should be appointed for a non-renewable term of five years on the recommendation of the Joint Standing Committee on Parliamentary Standards. Provision may be made for half of the initial appointments to be for a different period to ensure that there is not a wholesale turnover of the IPSC when the first term ends.

The recommendation of the Joint Standing Committee on Parliamentary Standards must follow a transparent, advertised and merits-based appointment process that selects for a mix of:

- legally-trained individuals with experience equivalent to a judicial appointment
- expertise in dealing with workplace bullying and sexual harassment
- expertise in dealing with violence against women; and/or experience in investigations and accountability in public administration or publicly regulated professions.

Commissioners should only be able to be removed by resolution of both Houses (on recommendation of the Joint Parliamentary Committee on Parliamentary Standards) on the grounds of misconduct or incapacity.

(ii) Delegation of powers and constitutionality

The powers of the IPSC should be delegated from the Houses of Parliament. The Houses should also delegate parliamentary immunities over evidence gathered during investigations. The IPSC should not be able to be directed by the Houses in relation to any matter before it.

This Review has taken into account the particular context of the Parliament in recommending a system that is kept within final parliamentary authority. Within this context, it will be important to demonstrate that the framework is functionally independent from those whom it is investigating and sanctioning.

The proposed model has been designed for the specific circumstances of the Parliament and would interact with parliamentary privilege in three key respects:

- **Power to protect against disrepute:** The IPSC model would rely on parliamentary privilege, specifically the power of the Houses of Parliament to discipline members for conduct that may bring the Parliament into disrepute. This would be the basis for passing the Standing

Orders, as well as for enforcement of any sanctions imposed.

- **Parliament has ultimate responsibility for discipline:** The IPSC model has been informed by the constitutional principle that the Houses should maintain ultimate responsibility for the discipline of their Members. While an independent investigative and sanctions body is recommended, ultimate oversight is retained by the Parliament as follows:
 - the code and process is ultimately able to be revoked or amended by Parliament through its Standing Orders
 - the oversight of the proposed IPSC, including its reports, review and budget, is conducted by a Joint Standing Committee
 - complaints about conduct in a chamber are referred in the first instance to the relevant Presiding Officer
 - that any sanctions that may impinge on a parliamentarian's capacity to perform their constitutional functions should be ultimately imposed by the relevant House and not the independent body.
- **Delegation of power retains IPSC under parliamentary privilege:** Claims to parliamentary privilege—particularly the possibility of claims by individual parliamentarians of the right to free speech in relation to proceedings of Parliament—can be navigated because the scheme remains within the Parliament. Sourced in parliamentary privilege, the power to investigate and issue sanctions against parliamentarians is a delegated power that could not be avoided by a parliamentarian's claims to parliamentary privilege. This stands in contrast to executive or judicial processes, where claims to parliamentary privilege might override schemes that would otherwise appear to apply to parliamentarians.

(iii) Resourcing

The Chair of the IPSC should submit the IPSC's budget requirements to the Joint Standing Committee on Parliamentary Standards, and these requirements should be provided to the Treasurer. If the Treasurer does not fund the IPSC to these levels, the Treasurer should be required to provide a public report to the Joint Standing Committee explaining why this has not occurred.

Key functions of the IPSC are outlined in more detail below.

(iv) Scope of the Independent Parliamentary Standards Commission

To foster a culture where reporting is encouraged and normalised, it is important that everyone in a workplace has access to a fair, confidential and independent reporting and complaints mechanism. A mechanism of this kind should integrate a flexible range of informal and formal response options and address the specific barriers to reporting identified by this Review. The IPSC should incorporate the following three reporting pathways, building and expanding upon the recently established PWSS:

- Pathway 1—Support, advice and disclosures
- Pathway 2—Informal complaint and informal resolution
- Pathway 3—Formal complaint and independent investigation

The Commission recommends that the PWSS be incorporated into the IPSC and recommends that the scope of the PWSS be expanded to:

- cover all participants in CPWs
- apply to all allegations of a breach of a Code of Conduct or the Standards of Conduct for the Parliamentary Precincts (noting that complaints about conduct in the Chamber of a House of Parliament are referred to the Presiding Officer in the first instance)
- establish a clear pathway for anonymous reporting, including through a digital platform
- include coverage of historical complaints of workplace bullying, sexual harassment and sexual assault.

It is noted that the PWSS currently only applies to serious incidents involving parliamentarians or MOP(S) Act employees within the current term of Parliament.

The PWSS would no longer be a function of the Parliamentary Service Commissioner. This means that the Parliamentary Service Commissioner would not have an oversight role in relation to the PWSS in the future. This oversight role would be replaced by the functions of the IPSC and the Joint Standing Committee on Parliamentary Standards.

The potential relationship between the IPSC and a future Commonwealth Integrity Commission (if established) is outlined in Box 5.13 below.

Box 5.13:

Relationship to a future Commonwealth Integrity Commission

The Commission notes that the Government has proposed the establishment of a Commonwealth Integrity Commission (CIC).¹⁰²⁶

Functions of a CIC as proposed by Government

The Government's proposal (as outlined in late 2020 for consultation) is for a CIC with the primary function of investigating serious criminal conduct that represents corruption in the public sector. The functions of the IPSC proposed in this Report would operate separately to the proposed CIC. The IPSC would provide the equivalent of an internal disciplinary process within a workplace, adapted for the specific parliamentary context. It would not investigate criminal offences for the purposes of preparing evidence for potential prosecution.

Scope of the proposed Codes of Conduct

This Review has focused on building safe and respectful workplaces and addressing bullying, sexual harassment and sexual assault in accordance with the Review's Terms of Reference. The Commission has recommended that Codes of Conduct for parliamentarians and their staff be established which, at a minimum, would address these issues.

The Commission recognises that the Houses of Parliament may choose to combine integrity matters (such as financial matters, use of public resources, and the declaration of personal interests) in a consolidated Code of Conduct. In that case, the IPSC and any CIC established will need a protocol to address procedures between the two Commissions. The need for such an arrangement would be similar to the situation currently proposed in this Report in relation to police. The IPSC will need a protocol with police to address communication and investigation priorities in situations where misconduct, such as sexual assault, may also be a criminal offence.

The IPSC does not replace the role of agencies that operate as part of the criminal justice system. The Commission notes that in cases where a criminal sanction is imposed for serious misconduct, an appropriate workplace response may still be required. For example, if a person is convicted of a serious offence in the workplace and receives a criminal penalty, the workplace may still take action to prevent future access to the workplace premises and to terminate employment.

(v) Coverage of individuals

The Commission has recommended above that the Houses of Parliament establish a Code of Conduct for Parliamentarians, a Code of Conduct for Parliamentarians' Staff and Standards of Conduct for the Parliamentary Precincts.

The Standards of Conduct would require all people in the parliamentary precincts to act respectfully and would set out that bullying, sexual harassment and sexual assault will not be tolerated. The Standards would apply to parliamentarians, MOP(S) Act employees, Parliamentary Services staff, Australian Public Sector staff (including Departmental Liaison Officers), other workers within Parliament House, volunteers, interns, members of the Press Gallery and visitors to the parliamentary precincts.

Accordingly, the Commission considers that all members of the parliamentary community (and visitors and members of the public where relevant) should have access to the proposed IPSC.

In the United Kingdom, all individuals in parliamentary workplaces including volunteers, interns, members of the Press Gallery and visitors to Parliament can access the Independent Complaints and Grievance Scheme.¹⁰²⁷

(vi) Expanded scope to include all misconduct covered by the proposed Codes of Conduct

The Commission considers that all incidents of alleged misconduct under the Codes of Conduct and Standards of Conduct for the Parliamentary Precincts should be accepted by the IPSC. After this point, it would be the role of investigators to assess whether the complaint meets the applicable criteria for investigation and then to respond accordingly.

The PWSS applies to serious incidents which are defined as:

an incident or pattern of behaviour that causes serious harm to someone, including bullying, sexual harassment, harassment, stalking or intimidation, assault and sexual assault.¹⁰²⁸

Under the PWSS, the Department of Finance remains responsible for handling complaints in relation to less serious incidents.¹⁰²⁹

The Commission considers this approach to have limitations for two reasons. First, the challenges faced by the Department of Finance in handling complaints relating to bullying, sexual harassment and sexual assault are not limited to 'serious incidents'. The Commission repeatedly heard throughout the Review

that there was a reluctance to make complaints to the Department of Finance, given that the Department was perceived to lack independence and did not have authority to take action. Secondly, the definition of serious incident imposes an unreasonably high threshold, which may in turn act as a barrier to reporting.

Conduct in the Chamber

In recognition of the role of the Presiding Officers, as well as the protection of political debate in the relevant Chamber, allegations that misconduct has occurred on the floor of a Chamber should be raised with the Presiding Officer in the first instance. The Presiding Officer may choose to refer a matter to the IPSC. This approach is consistent with that of the United Kingdom House of Commons and the Scottish Parliament.¹⁰³⁰

(vii) A clear pathway for anonymous reporting, including a digital platform

The Commission welcomes the PWSS's provision for anonymous reporting. This mechanism should be strengthened through the introduction of a digital platform that would facilitate the making of anonymous reports. Given the significant concerns about privacy and confidentiality in CPWs heard during this Review, the use of a digital platform would help to give reporters confidence in the de-identification process.

The process of disclosing misconduct experienced in the workplace can be empowering and healing for an individual even if they choose to disclose it anonymously. In addition, de-identified disclosures can contribute to institutional learnings about risk patterns and high-risk settings, even if they do not progress to a formal complaint and investigation of individual conduct.

(viii) Coverage of historical complaints and of former members of the parliamentary community

The proposed IPSC should allow for supports, reporting, and investigation of complaints of workplace bullying, sexual harassment and sexual assault beyond those relating to contemporary incidents or current members of the Parliamentary community.

There are strong and compelling arguments for including historical complaints in the complaints mechanism. These include that it can provide the complainant with a mechanism to be heard; address

past trauma,¹⁰³¹ serve ‘the interests of justice’,¹⁰³² and potentially function as a deterrent for ‘those who could be subject to a future complaint’.¹⁰³³

The nature of the experience and the barriers to reporting (noted elsewhere in this Report) often militate against early reporting. As one submission noted:

Because of its psychological impact, there is often significant time between alleged sexual abuse and the reporting of it. In not providing the necessary powers to investigate historical complaints, the potential for perpetuating injustices is heightened.¹⁰³⁴

As submitted by the Department of the Prime Minister and Cabinet, it is important that ‘people are not turned away due to unnecessary limits on what can be considered’.¹⁰³⁵

The Commission also received a number of submissions calling for the inclusion of complaints from former staff.¹⁰³⁶ One submission noted that, because of the barriers to reporting misconduct in political offices, ‘often staff only feel able to complain after they have left their employment’.¹⁰³⁷

Lessons can be learned from other contexts. For example, the United Kingdom’s Independent Complaints and Grievance Scheme initially only applied to incidents occurring since the start of the 2017 Parliament, or previous acts that amounted to a continuing act.¹⁰³⁸ The Scheme was later extended, however, to include non-recent cases.¹⁰³⁹

Relevantly, Dame Laura Cox’s inquiry report into bullying and harassment of House of Commons staff (Cox report) noted that one of the concerns with including historical complaints in the original scheme was the potentially unreliable nature of the evidence (given the passage of time).¹⁰⁴⁰ The Cox report also noted, however, that ‘experience in the criminal courts shows that even where the burden and standard of proof is high, many cases involving historical allegations of sexual offences proceed to a fair trial and a just conclusion’.¹⁰⁴¹

Providing another example, the Defence Reparation Scheme provides a free and confidential way for current and former Australian Defence Force (ADF) members to report serious abuse, including abuse by serving members who have since left the ADF. The Scheme is facilitated by the Defence Force Ombudsman and gives persons who report abuse a number of response options, including the possibility to receive a reparation payment from the Australian Government.¹⁰⁴²

Acknowledging the concern about the potential lack, or unreliability, of evidence in historical complaints, each case would need to be considered on its merits to ensure fairness for both parties. The Commission suggests that investigators be provided with guidance on the factors to be taken into account in the preliminary assessment of historical complaints, including the availability of evidence from all parties.¹⁰⁴³

This is an expansion of the PWSS, which focuses on complaints related to serious incidents that occur ‘within the current term of parliament’ (that is, from the 2019 election).¹⁰⁴⁴ Former staff can make a complaint ‘as long as the subject of the complaint remains in parliament or in MOP(S) Act employment’.¹⁰⁴⁵ Among other CPW employees, former MOP(S) Act employees can access support and counselling.¹⁰⁴⁶

Under the proposed IPSC, individuals who experienced bullying, sexual harassment and sexual assault in the past would have the opportunity to give voice to their experiences and access a range of remedies. These could include receiving financial compensation, an apology, or an acknowledgement of harm from their workplace. Sanctions would be applied where relevant in the circumstances. Where a respondent has left the workplace, options for sanctions under what is the equivalent of a workplace disciplinary process may be limited, but an example could include limitations on future access to the parliamentary precincts.

(ix) Criminal conduct

The IPSC should be able to receive and investigate all reports and complaints about bullying, sexual harassment, and sexual assault that may contravene one of the proposed Codes of Conduct. This includes conduct that is potentially criminal in nature.

In addition to sexual assault, a range of bullying and sexually harassing behaviours are criminalised. These include sexual touching,¹⁰⁴⁷ stalking and intimidation¹⁰⁴⁸ and use of a carriage service to menace, harass or cause offence.¹⁰⁴⁹

The Commission endorses the approach of the PWSS in supporting and facilitating referrals to the police for potentially criminal behaviour, where the reporter/complainant has consented. This does not affect mandatory reporting obligations. The proceedings of the IPSC will be internal disciplinary proceedings. They will not be criminal, civil, or regulatory proceedings.

Where a person reports an alleged criminal offence to the police and makes a complaint to the IPSC concerning the same conduct, the circumstances of the case should be considered to determine whether it is appropriate to investigate the matter concurrently, or whether the IPSC process should be deferred until the criminal investigation is complete. The IPSC should have a protocol with the Australian Federal Police so that lines of communication and procedures are clear.

(x) Case management approach

The IPSC should use a case management approach to ensure that it aligns with best practice in a person-centred approach and in the provision of ongoing and consistent trauma-informed support. The Commission endorses the approach of the PWSS, where a case coordinator provides a central contact point through which individuals impacted by misconduct can access support throughout the process.

In addition to the provision of immediate trauma-informed support and warm referrals, however, the Commission considers that supporting individuals to access the psychosocial support of their choice is important as part of a person-centred approach. Reporters, complainants and respondents may all require such services. For example, a person may have a pre-existing relationship with a practitioner of their own, or require a practitioner experienced in assisting people from a specific cultural or community group. External referrals should be accompanied by reimbursement for services received.

Individuals should also be provided with referrals to legal advice and advocacy. For example:

- CPW workers and parliamentarians may be able to apply for access to legal financial assistance through the Special Circumstances scheme per the Commonwealth Guidelines for Legal Financial Assistance 2012.
- MOP(S) Act staff who are not employed by a Minister may be able to access legal financial assistance via a payment made under section 73 of the *Public Service Act 1999* (Cth).
- Public sector workers who are members of the Community and Public Sector Union (CPSU) may have access to legal assistance, such as a free first interview or special rates on legal advice, through the CPSU's legal partners.
- For other workers, community legal centres may be able to provide free (but means tested) legal advice and assistance, while the Fair Work

Commission provides a Workplace Advice Service where employees may be able to access free legal assistance on matters such as unfair dismissal, if they are not represented by a lawyer or are a member of a union.

Individuals should also be able to access financial and career support, which may be particularly important for people whose time in the workplace is coming to an end following an incident. This may be through private career coaches, unions, working women's centres, Centrelink or other Government services, or victims' support schemes.¹⁰⁵⁰ The Commission also notes the possibility of discretionary payments by the Department of Finance in the case of a serious incident.¹⁰⁵¹

If a person chooses to proceed with a disclosure or complaint, or chooses to make an external complaint or report, they should continue to receive direct case-management through the pathway of their choice.

It is important to provide access to the case management team 24 hours a day, seven days a week. This could occur, for example, through a support line that reaches an on-call member of the case management team. The Commission recommends that the current 1800 Support Line that has been established and outsourced to 1800 Respect should be redirected to the case management team to ensure that people consistently receive tailored support and advice for CPWs. The case management team may partner with a specialist service/s (such as a service with expertise in violence against women) to provide crisis and follow-up responses.

Given the gendered nature of many of the workplace behaviours considered in the course of this Review, support provided through the case management team should also be informed by specialist knowledge of the trauma arising from violence against women.

As well as the direct entry points to the reporting and complaints function (including a digital platform, phone line or in-person meeting), other entry points should include the support and advice service of the Office of Parliamentarian Staffing and Culture (see 5.3(c)(ii), the Employee Assistance Program), managers or others to whom a report is made, designated party-specific contact officers, such as Staff Assistance Officers, and peer support networks.

The case management team should also provide support to people who witness or are otherwise involved in an incident of workplace bullying, sexual harassment or sexual assault. Those responsible for

misconduct may also require services from the case management team, particularly those involved in a process of behavioural change following a workplace incident.¹⁰⁵²

(xi) Confidentiality

The Commission welcomes the confidentiality measures adopted by the PWSS and recommends enhancements.

In relation to good faith confidentiality agreements, concerns have been raised that confidentiality agreements can silence and isolate the people impacted and can also allow bad behaviour to continue. In these cases, the supports that are available should be made clear so that complainants do not feel isolated. The confidentiality agreement should also be narrowly framed to limit it to information discussed or exchanged during the course of the review/investigation while the process is underway. Once an investigation is completed, the complainant's ability to speak should not be restricted. By retaining a person's right to speak, recovery can be supported and complainants can be empowered to tell their own stories.

Because of the concerns outlined above, the Commission also considers that non-disclosure agreements (NDAs) should not be made a condition of settlement of complaints. NDAs have been criticised as 'covering up' or 'shutting down' issues while protecting respondents. Recognising that some complainants may see a NDA as a tool for protecting their privacy and gaining closure, this should be optional for the complainant, rather than a blanket condition of settlement.

Currently the consequences that would potentially be imposed for breaching the good faith confidentiality agreement used in the PWSS are not clear. As mentioned in 5.4(e)(iii) ('Setting clear standards of conduct') above, the proposed Code of Conduct would provide a duty on parliamentarians and MOP(S) Act staff to maintain the confidentiality of the complaint process unless authorised by the IPSC (or otherwise required by law) to share or release information. A breach of the good faith confidentiality agreement could therefore be linked to a breach of the relevant Code of Conduct where the matter involves parliamentarians or MOP(S) Act employees.

In the United Kingdom, the Parliamentary Commissioner for Standards can investigate unauthorised disclosures of information (including interviewing witnesses), or can ask the relevant

manager to investigate, and if necessary, consider disciplinary action. Where the breach of confidentiality is serious, sufficiently damaging and instigated by the complainant, the United Kingdom Parliamentary Commissioner for Standards can suspend or discontinue the investigation.

In relation to the reporting of outcomes of investigations, a tension exists between traditional notions of confidentiality (where all information is kept in-house to protect the privacy of those involved) and expectations of accountability and transparency.

The Commission heard that the ever-present risk of a leak to the media would undermine confidence in any complaints mechanism.¹⁰⁵³ In South Australia, for example, it is an offence to publish information regarding a matter under investigation by the Independent Commissioner Against Corruption without prior authorisation.¹⁰⁵⁴ The focus of the relevant provision in this scheme is on information that suggests that a person is the subject of a complaint or investigation, or that might identify someone who has made a complaint or may be providing evidence to the Commissioner.

The Commission considers that a similar bar should be placed on publishing information about the IPSC's processes without the IPSC's authorisation. Breaching the requirement could be made a contempt of Parliament or set out as an offence in legislation. This bar would prevent use of the IPSC's processes as a public tool for the purposes of advocacy, threat or intimidation.

To foster confidence in the complaints mechanism and to send a strong signal that misconduct is not tolerated (and thereby prevent future misconduct by others), where an allegation is substantiated there should be transparency about the outcomes, while protecting the identity of the complainant if that is their wish. Where there is a legitimate public interest, consideration should also be given to identifying the respondent. An example of how the balance between privacy and public interest has been managed in practice is set out in Box 5.14 below.

Box 5.14:
Example—Statement on misconduct by the Vice-Chancellor of the University of Adelaide

In 2020, the Independent Commissioner Against Corruption (South Australia) investigated allegations of misconduct by the then Vice-Chancellor of the University of Adelaide. The Hon. Bruce Lander QC, Independent Commissioner Against Corruption, had originally intended to publish a report on the outcome of the investigation under legislation which allows for a report on an investigation to be published if it is in the public interest to do so.

The Commissioner noted, however, that the two women who were the victims of the Vice-Chancellor's conduct 'have implored me not to publish the report publicly. Both of them said it would cause them significant embarrassment and distress and would further victimise them for having assisted in the investigation'. The Commissioner noted that the University supported this statement from the victims and had observed that 'wide publication would discourage other persons in the future from reporting claims of sexual harassment or misconduct'.¹⁰⁵⁵

In light of these submissions, the Commissioner decided to publish a shorter statement about his findings, which outlined the nature of the misconduct and his recommendations, but did not identify the victims. The Commissioner said that '[t]his Statement is an attempt to balance the privacy of the victims with the public right to know of egregious conduct by a senior person in public administration'.¹⁰⁵⁶

In line with best practice and expanding upon the scope of the Parliamentary Workplace Support Service, those who witness harassment and assault in CPWs should also be able to make an anonymous or named disclosure.

With the consent of the discloser, the IPSC may provide a de-identified report to the Office of Parliamentarian Staffing and Culture to inform broader human resources functions such as workplace risk assessments, awareness raising, training, and adjustments to policies. Noting the significant concerns that some Review participants have expressed about confidentiality, and that some people work in offices with a small number of staff, the IPSC should establish clear internal protocols on de-identification that consider the specific circumstances of CPWs.

In addition, the Commission heard that there are people in CPWs who have repeatedly bullied or sexually harassed other individuals. Four out of five people who experienced bullying behaviours said that the person responsible for those behaviours had bullied others, while one in four people who experienced sexual harassment said that their harasser had sexually harassed others.¹⁰⁵⁷

Similar reporting and complaints models have prescribed circumstances in which action is triggered if multiple disclosures are made that relate to the same individual.¹⁰⁵⁸ Known as 'cluster reporting',¹⁰⁵⁹ this emerging practice can offer increased reporting confidence in workplaces with power imbalances where the risks associated with being a lone complainant are high.¹⁰⁶⁰ By alerting the institution to the behaviour of 'serial' or 'repeat offenders', cluster reporting distributes the burden of risk from the individual reporter to the institution. Several participants in this Review referred to the need for such an approach in CPWs:

where there's smoke there's fire, if there's enough anonymous complaints about an individual, you know that at the very least, you need to look into what is actually happening within that area.¹⁰⁶¹

There should be a register where people can note complaints about harassment or misconduct, without having to take any further steps or have it actioned—really just having it noted. If multiple complaints are made about a person, then HR could reach out to the list of people who had noted their complaints to get formal statements if they want to support another person who'd made a similar complaint.¹⁰⁶²

(i) Three pathways under the IPSC

The three pathways under the IPSC for reporting and complaints are described in more detail below.

(i) Pathway 1: Support, advice and disclosures

Access: through a digital reporting platform, phone line or in-person meeting with a case coordinator.

People disclosing experiences of misconduct should be given the option of making an anonymous or named disclosure to document their experiences. The Commission recommends that Pathway 1 include a digital platform to facilitate anonymous reports of misconduct. A disclosure under Pathway 1 would not lead to a formal complaint and investigation, unless the person making the report made the decision to change pathways.

The Commission proposes that the IPSC should develop a cluster reporting approach where multiple disclosures are made concerning the same individual. Two potential approaches are:

- Notifying reporters where multiple disclosures have been made about the same alleged bully or harasser. Reporters can use this information to decide how to proceed with their report. As the United Kingdom Bar Council notes, this mechanism could give reporters more confidence in pursuing a formal complaint, 'or at the very least let them know they are not alone'.¹⁰⁶³
- Giving reporters the option of placing their report on file and on hold through a digital system. This means that the IPSC would only receive and progress the report to a formal complaint (Pathway 3) if a standardised condition is met. This could be, for example, where two similar reports are made which concern the same alleged bully or harasser.¹⁰⁶⁴

The Commission considers that a connection between the parliamentary political parties and the reporting and complaints mechanism is important. This is because parliamentarians and their staff will often prefer to deal with issues through their party in order to address concerns about potential weaponisation of information.

The Commission heard that parties often have trusted and senior colleagues who have a 'pastoral care role', receiving reports of inappropriate behaviour and taking informal action to resolve it. This option, however, is not consistently available. As one participant stated:

I have been the victim of sexual harassment and misconduct while working in politics. I never had any realistic avenues to report these experiences. The only support I had – which was so important – was an older woman in the party who had my back. She looked after me at work, she supported me, she dealt with the men who were predators.¹⁰⁶⁵

The Commission recommends that 'peer reference points' in each political party are nominated and formally enabled to make referrals to the PWSS, and to directly facilitate Pathway 1 disclosures on behalf of colleagues in their party. Peer reference points would need to be supported through appropriate skills development and peers should be nominated with a view to ensuring that they are trusted and respected among parliamentarians and their staff. Similar peer-based intervention approaches have been developed in the Australian Federal Police (AFP) and the health

sector. The AFP Confidant Network is described in Box 5.15 below.

Box 5.15: AFP Confidant Network

The AFP's Confidant Network is made up of AFP staff who, in addition to their substantive roles, provide information, options and support to other staff about inappropriate or unethical behaviour at work. Confidants are provided with training and information to undertake the role, as well as being subject to periodic integrity checks.¹⁰⁶⁶

(ii) Pathway 2: Informal complaint and local resolution

Where individuals choose to make an informal complaint at the local level, the case management team should have the capability to provide guidance on and, in some cases, directly resolve some incidents through early intervention and local resolution strategies. The Commission heard that many people who have experienced bullying and harassment in CPWs simply want the conduct to stop:

It's a compensable claim, but I don't want to go down that road. I just - I like my job. I want to be able to go to work and feel like I'm working in an environment where I'm respected and I'm valued, and I'm treated appropriately.¹⁰⁶⁷

The PWSS provides an option for local resolution. Options for resolution can include an apology; an agreement from the person that they will stop the behaviour; action by the relevant manager, such as giving the person a warning; or changing arrangements in the workplace.

The PWSS also provides support to a person, including from a manager or bystander, to resolve the issue on their own if the person feels comfortable to do so. The Service can also facilitate mediation between the involved parties as part of a local resolution. The Service should also consider providing carefully facilitated restorative options for people who have experienced bullying and harassment to share their experience of harm with the respondent, or with a senior representative in their workplace. The latter response, or 'purposeful storytelling' can give victim/survivors the opportunity to receive an acknowledgement for past wrongs, as well as allow workplace leaders to better understand and respond to systemic issues as part of broader cultural change.¹⁰⁶⁸ Examples of negotiated outcomes that may support remedies for a complainant are briefly

outlined in Box 5.16 below. This is not an exhaustive list, with the most useful approach determined by the individual in their own circumstances.

Depending on the nature of the outcomes sought by a complainant, other people such as a manager or the Department of Finance may need to be involved in the discussions. This situation may arise, for example, if what is sought is beyond the power of the respondent to accommodate. Such an approach will influence the scope of confidentiality arrangements and the parties who are brought within them. Options and their implications should be discussed with the complainant, so that they can make an informed choice about how to proceed.

Box 5.16: Potential remedies for complainants

Negotiated outcomes provide one avenue for complainants seeking a remedy. Negotiated outcomes are flexible and vary with the circumstances of the misconduct, but may include consideration of remedial actions such as:

- an apology
- undertakings about future workplace conduct
- an agreement for the respondent or broader workplace to participate in training
- respondent listening to victim impact experiences
- reinstatement of a position, or a change of duties or reporting lines (when requested by the complainant)
- reimbursing costs, such as the costs of counselling, medical or other supports; or the costs of professional services, such as legal or financial advice
- re-crediting leave taken as a result of the experience of misconduct
- career support, such as mentoring, payment for external career planning and coaching; or the provision of a reference (including, where relevant, the nomination of someone other than the respondent who could provide a reference)
- financial compensation for harm caused
- systemic outcomes such as changes to workplace policy or practice.

Where a complainant is seeking a formal and independent determination of whether there has been misconduct, as well as the application of appropriate and proportionate sanctions where misconduct is found, Pathway 3 provides an avenue for this type of remedy (discussed below).

Other pathways, where relevant, include:

- lodging a worker's compensation claim with Comcare for employees who have a work-related physical or psychological injury or illness (under the *Safety, Rehabilitation and Compensation Act 1988* (Cth))
- complaints to bodies such as the Fair Work Commission or the Australian Human Rights Commission and the Federal Courts in specific circumstances that fall within their jurisdiction
- reports that may lead to work health and safety or police investigations, and prosecution.

Under Pathway 2 for informal complaint and local resolution, the role of the case management team member will depend on the circumstances and wishes of the reporter/complainant. It may stop at providing support and guidance, or extend to meeting directly with the office or manager involved to seek a resolution.

In addition to facilitating referrals to the IPSC as outlined above, the formal establishment of nominated peer reference points within political parties (parliamentarians and staff) can also support the informal resolution of low-level incidents of inappropriate behaviour.

(iii) Pathway 3: Formal complaints and independent investigations

As outlined above, to be effective, standards must be accompanied by appropriate investigation and sanctions for misconduct.

The section below outlines the Commission's recommendations in relation to Pathway 3—formal complaint and independent investigation.

The Commission recommends that the IPSC is able to receive formal complaints, conduct investigations and make decisions about formal complaints where there is an alleged breach of the Code of Conduct for Parliamentarians, Code of Conduct for Parliamentarians' staff or Standards of Conduct for the Parliamentary Precincts.

The conduct of investigations

All investigations should be conducted in a confidential, impartial, thorough and fair manner. The process should be transparent and provide procedural fairness to the complainant and respondent, including by providing a fair opportunity to be heard.

Investigations should take a trauma-informed approach that is mindful of the matters alleged in the complaint, as well as the potential effect of an investigation on the reputation and wellbeing of both a complainant and respondent.

Investigations should also be conducted with an awareness of power imbalances and the ways in which the processes of an investigation may mitigate against that imbalance in this context.

The IPSC should have sufficient capacity to maintain clear communication, both with complainants and with respondents. This should include explaining the process, how any investigation is proceeding and how any outcome has been determined.

In designing an investigation and accountability mechanism, the Commission has considered the role of proportionate sanctions, as well as best practice in relation to their use.

Best practice—proportionate sanctions for behavioural misconduct

Establishing clear and proportionate consequences for behavioural misconduct is clearly established best practice. The Department of the Prime Minister and Cabinet submitted that 'instilling confidence in a complaints mechanism relies in part on the availability of appropriate sanctions to ensure that misconduct cannot continue with impunity'.¹⁰⁶⁹

The Commission recognises that sanctions are not enough on their own. Sanctions drive change in culture and practice and also provide a degree of deterrence. In addition to driving practice change, sanctions also build confidence in making complaints and provide a response to people who may have been harmed by conduct. In this way, they can also facilitate the provision of remedies to complainants.

The power of sanction has long been recognised in the criminal context as having deterrence as one of its objectives.¹⁰⁷⁰ Similarly, the consequences set out in discrimination laws have driven practice change in workplaces across the country. Gerard Carney has argued in the specific context of parliamentarians' codes of conduct that: 'an enforcement regime is usually needed to make any significant impact'.¹⁰⁷¹

Accountability through sanctions demonstrates to the public that parliamentarians and their staff are responsible for their conduct. Breaches of a relevant Code of Conduct without the accountability of sanctions may simply serve to highlight misconduct and also highlight the lack of corresponding accountability. Such an outcome is likely to diminish the reputation of the Parliament further in the eyes of the community it is supposed to represent. As one submission to the Commission observed: 'Codes of conduct need to have teeth. There's no point making them if they don't have penalties'.¹⁰⁷²

Recent developments in the United Kingdom show how sanctions can support a robust parliamentary system of standards and accountability. The current framework applied by the United Kingdom House of Commons for dealing with behavioural misconduct by members is summarised in Box 5.17 below.

Box 5.17:

United Kingdom House of Commons—standards and accountability for Members

Standards: The standards of behaviour are set in the Behaviour Code, as well as paragraphs 9 and 18 of the Code of Conduct. These standards are supplemented with definitions and processes set out in the Bullying and Harassment Policy, the Bullying and Harassment Procedure, the Sexual Misconduct Policy, and the Sexual Misconduct Procedure. Together, these make up the Independent Complaints and Grievance Scheme.

Complaints: When a complaint is made about a Member of Parliament in relation to behavioural misconduct, an independent external investigator conducts an initial assessment and reports to the Parliamentary Commissioner for Standards.

Determinations: Based on the independent, external investigator's report, the Commissioner is responsible for determining whether a complaint has been upheld. There are a number of possible options:

- The complaint is not upheld, with no breach of the Bullying and Harassment or Sexual Misconduct policy found.
- A resolution is agreed between the complainant and the respondent, and the investigation can be concluded without a formal finding.
- A breach of the Bullying and Harassment or Sexual Misconduct policy is found. In that case, the Commissioner will apply a sanction, or where her sanctions are not appropriate she will refer the determination of sanction to the Independent Expert Panel. The Independent Expert Panel will sit as a sub-panel of three to determine sanctions. They will take into account aggravating and mitigating factors.

Sanctions: Sanctions that may be imposed are:

- requirement to attend training or enter into a behaviour agreement
- written apology to the complainant
- written apology to the House
- apology to the House in a point of order
- apology to the House in a personal statement
- withdrawal of services/facilities/other personal restrictions, including travel, that affect the core functions of a Member (must be imposed by the House, on recommendation of the Independent Expert Panel)
- dismissal from a select Committee (must be imposed by the House, on recommendation of the Independent Expert Panel)
- withholding salary or allowances without suspension (must be imposed by the House, on recommendation of the Independent Expert Panel)
- suspension (must be imposed by the House, on recommendation of the Independent Expert Panel)
- expulsion (must be imposed by the House, on recommendation of the Independent Expert Panel).

Where sanctions can only be imposed by the House, there is no involvement of the Standards Committee. The House must vote on the recommendation immediately, without debate.

Appeals: Findings of the Commissioner can be appealed to the Independent Expert Panel. Independent Expert Panel sanction decisions can also be appealed within the Independent Expert Panel. The Independent Expert Panel hears appeals as a newly constituted sub-panel of three.

Enforcement: Sanctions that are imposed by a sub-panel of the Independent Expert Panel are enforceable as a breach of the Code of Conduct itself. Sanctions that are imposed directly by the House are enforceable through the House's power of contempt.

Recommendations for the more effective use of sanctions for behavioural misconduct in the parliamentary context are also being made in other jurisdictions. For example, in February 2021, the Equal Opportunity Commission of South Australia recommended 'a Code of Conduct for Members with robust processes and sanctions attached'. The 2019 Francis Review in New Zealand also recommended that a working group be established to 'determine and agree a suite of sanctions for poor conduct by a Member or Minister'.¹⁰⁷³

Formal complaints about parliamentarians

The Commission recommends that the Houses of Parliament delegate functions to the IPSC to investigate alleged breaches of the Codes of Conduct for Parliamentarians and to make decisions and recommendations about sanctions where a breach has been found. The functions of the proposed IPSC in this regard are outlined further below.

Investigations and sanctions

When there has been a formal complaint of a breach of the Code of Conduct for Parliamentarians, a single Commissioner should be nominated by the IPSC to:

- make decisions about whether to initiate an investigation in a particular case
- negotiate an outcome among the parties
- dismiss a complaint because it is frivolous or vexatious or not made in good faith, or relates to trivial conduct
- investigate the matter
- pause consideration of a complaint or adjust the scope of an investigation that may interfere with a police investigation or a court process.

The IPSC should publish guidelines outlining matters it will consider in determining whether an investigation is warranted in the circumstances.

Investigations will generally be conducted with the consent of the complainant, to ensure that complainant choice and control is supported. The IPSC should also have the power, however, to commence an own-motion investigation in circumstances where there is no complainant (or person who may have experienced harm) to consent. Relevant circumstances could include matters that may be a breach of a Code of Conduct, such as:

- theft from the workplace or other circumstances where there may be no individual victim
- a failure of a person to cooperate with the IPSC
- a referral from the proposed Office of

Parliamentarian Staffing and Culture about a failure to comply with a mandated workplace policy.

Guidelines should set out that the Commissioner must only initiate an investigation if she or he is satisfied that the evidence put before the IPSC is sufficient to justify such an investigation.

Following an investigation, a small panel of Commissioners should be given the power to make the following decisions after receipt of an investigation report:

- dismiss the matter as not having been substantiated
- find the complaint substantiated
- issue a sanction that does not interfere with the performance of the parliamentarian's constitutional function
- recommend that the relevant House issue a more serious sanction.

The IPSC should have discretion to ensure that any sanctions are proportionate to the matter before it. The IPSC should set out in guidelines the mitigating and aggravating factors that it will take into account when making decisions and recommendations about sanctions.

Sanctions able to be imposed by the IPSC should include:

- requirement to attend training or enter into a behaviour agreement
- written apology to the complainant
- written apology to the House
- withdrawal of services and facilities/other personal restrictions, including travel, that does not affect the core functions of a parliamentarian.

In addition, the IPSC should be able to recommend that more serious sanctions be imposed by the relevant House, including:

- withdrawal of services/facilities/other personal restrictions, including travel, that affect the core functions of a parliamentarian
- dismissal from a select Committee
- withholding salary or allowances without suspension
- withholding budget for staff positions
- withholding of communications budget to the same value as any grievance payments made to a complainant
- suspension.

Failure to comply with the sanctions of the IPSC may be treated by the relevant House as a contempt.

The new Joint Standing Committee on Parliamentary Standards would have no role in individual complaint-handling and response.

The Speaker of the House and President of the Senate would retain authority to rule on issues of misconduct in the Chamber as part of their role in ensuring the orderly conduct of proceedings in the relevant House. The Presiding Officers should also be empowered to refer matters to the IPSC.

The Commission recommends that the Houses of Parliament clarify the relationship between the new processes and existing privileges committee (the House of Representatives Standing Committee of Privileges and Members' Interests and the Senate Standing Committee of Privileges). The Standing Orders of the United Kingdom House of Commons set out the roles of the Privileges Committee (to consider matters relating to privileges referred to it by the House) and the Committee on Standards (which oversees the work of the Parliamentary Commissioner for Standards and considers matters relating to the conduct of members).¹⁰⁷⁴

Appeals

An appeal pathway should be provided to an alternatively constituted panel of Commissioners (alternative to the initial panel that made a decision to sanction or recommend a sanction). Grounds of appeal should be:

- the investigation was materially flawed in a way that affected the decision of the IPSC
- the process followed by the original panel of Commissioners was procedurally flawed or their decision was unreasonable
- the decision of the original panel of Commissioners on sanction was unreasonable or disproportionate
- credible fresh evidence has become available, which could not reasonably have been presented before the original panel of Commissioners made their decision and which, if accepted, has a real prospect of affecting the outcome
- exceptionally, there is another compelling reason that an appeal should be heard or allowed.

Procedural fairness

The IPSC must comply with the requirements of procedural fairness in the conduct of investigations, as well as in the determination of sanctions and appeals.

Confidentiality

The management of confidentiality may be different for a formal complaint, compared with an informal complaint (where information may be limited to the complainant, the respondent, and the IPSC). For example, while handling a formal complaint, an investigator may request to speak to witnesses. The process should be discussed in advance to inform the complainant's decision about whether to choose to make or to proceed with a formal complaint.

When investigating and imposing a sanction in relation to misconduct, there should be a presumption that the matter otherwise remains confidential. The exception would be where there is a compelling reason for publication. This includes that it would not be possible to impose the sanction while retaining confidentiality, although the detrimental effect of such publicity should be taken into account when determining the relevant sanction.

Reporting

Noting the confidentiality of individual cases, the IPSC should have the function of publishing data, trends and de-identified case studies to assist in prevention and educative activities.

The IPSC should also report twice a year to the Joint Standing Committee on Parliamentary Standards on its operation and the range of matters and sanctions applied. It should also provide advice to the Committee on the operation of the Code of Conduct for Parliamentarians.

Formal complaints about parliamentarians' staff

As set out above, the Code of Conduct for Parliamentarians' Staff should be set out in the MOP(S) Act with other conditions of employment. A code of conduct for MOP(S) Act employees was supported in submissions by leading experts, including Professor Andrew Podger AO, formerly the Australian Public Service Commissioner and Parliamentary Service Commissioner, Adjunct Professor Anne Tiernan and Dr Maria Maley.¹⁰⁷⁵

Investigations and sanctions

The IPSC should be empowered to investigate alleged breaches of the staff Code of Conduct in response to a complaint (including a complaint from a member of the public), or a referral from the person's employer.

A single Commissioner should be empowered to make findings about whether there has been a breach of the Code of Conduct and make recommendations for actions and sanctions to the employer. If the Commissioner finds any possible unlawful conduct, these could be referred directly to the appropriate investigating authority.

Recommendations of the single Commissioner following a finding of misconduct could include a requirement for an apology, entering into a behaviour agreement, changes to duties and work practices, counselling training limitations on use of certain services and facilities and termination of employment in serious cases.

Parliamentarians would have obligations under their own code to act on recommendations of the Commissioner. A failure to do so could be a breach of this code.

Procedural fairness, confidentiality, appeals and reporting

Requirements for procedural fairness, confidentiality, transparency, grounds of appeal and reporting would be equivalent to the provisions set out in relation to parliamentarians, outlined above.

Protecting public interest disclosures by MOP(S) Act employees

Protections that exist elsewhere in the public sector for those who speak up about misconduct should also be extended to parliamentarians' staff.

For example, the *Public Interest Disclosure Act 2013* (Cth) (Public Interest Disclosure Act) promotes the integrity and accountability of the federal public sector by encouraging and facilitating the making of disclosures and the investigation of wrongdoing by public officials. It also ensures that public officials who make protected disclosures are supported and protected from adverse consequences relating to the making of a disclosure.¹⁰⁷⁶ The Public Interest Disclosure Act does not currently apply to MOP(S) Act employees.¹⁰⁷⁷

In 2016, the Public Interest Disclosure Act was reviewed by Philip Moss AM, including an examination of the situation of elected members and their staff. Mr Moss observed that consideration should be given to extending the application of the Act to these groups, if an independent body were created which had the power to scrutinise alleged wrongdoing by members of Parliament or their staff.¹⁰⁷⁸

The Commission therefore recommends that the protection afforded by the Public Interest Disclosure

Act should be expanded to include disclosures by MOP(S) Act employees.¹⁰⁷⁹ Such coverage would support the operation of the recommended standards and accountability mechanisms, and would recognise the serious damage to public confidence in the Parliament that can arise from behavioural misconduct. The IPSC (and, in the future, any Commonwealth Integrity Commission which may be established) should be made authorised recipients of disclosures by parliamentarians' staff. Other agencies may be considered relevant to integrity matters which are beyond the scope of this Review, but should be considered if implementing a consolidated code of conduct.

There is a requirement to investigate a protected disclosure unless there grounds not to (which are set out in the legislation).

Complaints about other workplace participants

As set out above in section (f), 'Setting clear standards of conduct', everyone in contact with the parliamentary precincts will be required to comply with Standards of Conduct.

Where a formal complaint is made alleging a breach of the Standards of Conduct by a parliamentarian or a parliamentarians' staff member, the matter will be considered under the procedures outlined above. A breach of the Standards of Conduct for the Parliamentary Precincts would be a breach of the relevant Code of Conduct.

Where a formal complaint is made alleging misconduct by other workplace participants, a single Commissioner of the IPSC will consider whether to accept the complaint. If satisfied that an investigation is warranted, the Commissioner will appoint an investigator to conduct an investigation.

The investigator would engage with the complainant and would ask the complainant what they would like to achieve at the end of the process. The investigator would be responsible for ensuring that the investigation is consistent with the best practice principles outlined above. This includes that it provides procedural fairness and that it applies trauma-informed approaches to communication and engagement during the conduct of the investigation.

The investigator would report on the outcome of the investigation and make recommendations to the IPSC about appropriate outcomes.

Potential outcomes will be flexible, but could include:

- an outcome is agreed between the parties
- a single Commissioner of the IPSC finding that there has been misconduct
- where the complaint is about a worker in the parliamentary precincts, a single Commissioner of the IPSC may decide to provide the investigation report to the person's employer (to inform any internal management, professional development and/or disciplinary procedures)
- a single Commissioner of the IPSC may make a recommendation to the relevant office to restrict or remove access to services or facilities in the parliamentary precincts.

A review of a decision could be requested by a complainant if the initial assessment finds that there is no case to answer, or the complaint is not upheld after a formal investigation. A review of a decision could be sought by a respondent if there is an adverse finding against them. Reviews would be conducted by a small panel of the IPSC.

Parties to a complaint should have an obligation to maintain the confidentiality of the complaint process unless authorised by the IPSC (or otherwise required by law) to share or release information.

Vexatious complaints

The Commission heard that some people were concerned about the possibility of frivolous, malicious or vexatious complaints being made, which could embarrass or damage the reputation of a person or political party. For example, one Review participant observed that:

if they're making unfounded claims ... [it] could be the case of employees coming up with fixed vexatious claims against the employer to get even ... So you do have to be careful. Well, we all know sometimes you ... can get a difficult employee who can go out of their way ... to damage the rest of the office for whatever reason. So how do you balance up vexatious claims to people who've got the legitimate complaints?¹⁰⁸⁰

Another person told the Commission that '[i]t's a little bit like teaching, you're afraid to discipline students ... there's now so many systems in place, that a complaint compromises you, even if it's vexatious'.¹⁰⁸¹

Research suggests that there are very low rates of false allegations of sexual offences and sexual harassment.¹⁰⁸² Fairness in any system of accountability for misconduct is important, however, and must be built into the system's design. The

potential for misuse of a complaints mechanism requires additional consideration in the political context within which CPWs operate.

The Commission recognises the seriousness of misconduct allegations and the potential effects which they can have on the career and wellbeing of respondents and those close to them. It is best practice in workplaces generally for an internal complaints process to provide protection to employees from vexatious and malicious complaints.¹⁰⁸³

Guidance should detail the possible consequences if a finding is made that a complaint was frivolous, vexatious or malicious (or made in bad faith). This could include, for example, by specifying that the matter may be investigated and that it may itself lead to a finding of behavioural misconduct.¹⁰⁸⁴

It is noted that the Vexatious, Frivolous and Unreasonable Complaints Policy of the PWSS states that, if an employee is found to have made a vexatious complaint, the possible consequences include counselling, issuing a formal warning, or termination of employment in extreme circumstances. Where a parliamentarian is found to have made a vexatious complaint, the policy states that the consequences will be 'managed in accordance with agreed parliamentary procedures'.¹⁰⁸⁵

The person handling the complaint should explain the action that may be taken for vexatious or malicious complaints.¹⁰⁸⁶

As noted in 5.4(f) ('Setting clear standards of conduct'), the proposed Codes of Conduct should reflect that vexatious complaints may themselves be a serious breach of the relevant code. Such provisions would provide both a deterrent to making complaints in bad faith, and an independent mechanism for resolving them.

Protections in the reporting and accountability mechanisms

A summary of the protections embedded in the reporting and accountability mechanisms outlined above is set out in Table 5.7. In framing recommendations in this area, the Commission has drawn on best practice for internal workplace mechanisms for handling complaints about misconduct, with additional protections in recognition of the particular circumstances of CPWs. These include working within the authority of the Parliament and robust processes that protect against political misuse of the system.

Table 5.7: Summary of protections in the reporting and accountability mechanisms

Protections that are common to all parties

(Note: Protections that are additional to best practice workplace arrangements and make provision for specific protections in the context of CPWs are in blue)

- Codes of Conduct that establish common standards are prepared by a Joint Standing Committee and agreed by the Houses of Parliament.
- There are independent and authoritative appointments to the IPSC to establish impartiality.
- There is functional separation of advice and support functions from formal investigations within the structure of the proposed IPSC.
- The process takes a person-centred and trauma-informed approach.
- There are options for informal resolution where appropriate.
- The process is accessible.
- Participants are afforded procedural fairness, including the opportunity to be heard.
- The proposed IPSC has adequate resourcing so that matters can be dealt with in a timely manner.
- There is confidentiality in the handling of complaints and investigations; **restrictions on public reporting about the IPSC's processes without authorisation from the IPSC**, and the IPSC may choose to report in a de-identified manner.
- **Sanctions draw on the existing powers of the Houses of Parliament, and provision for recommendations in relation to sanctions which come from the IPSC establishes more independence in the process than currently exists.**
- **Appeals can be made to a panel of the IPSC so that adverse findings do not sit with a single Commissioner if a party disagrees with the outcome.**

Reporter/Complainant-specific	Respondent-specific
<ul style="list-style-type: none"> • Ability to make enquiries anonymously. 	<ul style="list-style-type: none"> • Protection from vexatious complaints—such complaints would be a breach of the relevant Code of Conduct.
<ul style="list-style-type: none"> • Choice of reporting options and control over whether a formal complaint is lodged. 	<ul style="list-style-type: none"> • Complaints about conduct in a Chamber is referred to the Presiding Officer in the first instance (protecting political debate).
<ul style="list-style-type: none"> • Cluster reporting procedures. 	<ul style="list-style-type: none"> • Transparent guidelines on aggravating and mitigating factors.
<ul style="list-style-type: none"> • Protection from victimisation—such actions would be a breach of the relevant Code of Conduct. 	<ul style="list-style-type: none"> • Sanctions that may interfere with a parliamentarian's engagement in the conduct of the Parliament are reserved for the relevant House of Parliament.

(j) External avenues for complaints

The Commission has reviewed external avenues for complaints and accountability.

As outlined in 3.2 ('Legal frameworks that support safe and respectful workplaces'), the primary areas of law that support safe and respectful workplaces are anti-discrimination law, employment law, work health and safety law, and criminal law. Each of these laws provides a mechanism for a person to seek action in relation to a breach of the law in some circumstances—such mechanisms may involve pathways for reporting or complaints, a process for claims, processes to seek a determination and remedy from a court, and/or prosecution where a person is found to have committed an offence.

Information gathered by the Review indicates that people in CPWs seldom access external complaints mechanisms to resolve disputes or to seek a formal response to workplace bullying, sexual harassment and/or sexual assault.

Below, the Commission briefly considers relevant reforms underway in relation to the external framework. The Commission remains optimistic that these current reforms—coupled with robust internal processes and mechanisms—will improve how CPWs address misconduct issues.

The Commission recommends a small legislative change to federal anti-discrimination laws to ensure clarity in their application to MOP(S) Act employees and consultants. This is important, given that the full suite of federal anti-discrimination laws contribute to safe and respectful workplaces, which is the key aim of this Review for CPWs.

In addition, the Commission has heard during this review that there is a lack of clarity about the role of police in relation to CPW workplace misconduct where such conduct may also be a criminal offence. The Commission outlines the issues arising in relation to police reports at the end of this section.

(i) Current reforms underway

The Commission notes that significant reforms are underway as a result of Respect@Work (which led to the *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Cth)) and the Boland Review in relation to work health and safety. Key developments in these reforms (as relevant to CPWs) are briefly outlined below.

The Australian Government has indicated it will consult on further legislative reforms recommended in the Respect@Work report from December 2021 to March 2022.

***Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Cth)**

The report of the National Inquiry into Sexual Harassment in Australian Workplaces, Respect@Work, was released in March 2020 and detailed the gaps and shortcomings of the external legal and regulatory framework in addressing workplace sexual harassment.¹⁰⁸⁷ Respect@Work made 55 recommendations, including proposing a new legal and regulatory model to improve the coordination, consistency and clarity between anti-discrimination, employment and work health and safety laws.

As part of its response to Respect@Work, the Australian Government introduced legislative reforms to improve the clarity of the applicable legal systems for employers, workers and regulators.¹⁰⁸⁸ The enabling legislation, the *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Cth) (Respect at Work Act), commenced on 11 September 2021. Table 5.8 sets out the key legislative changes made under the Respect at Work Act.

Table 5.8 : Legislative changes under the Respect at Work Act

Legislation	Amendments
<i>Sex Discrimination Act 1984 (Cth)</i>	<ul style="list-style-type: none"> Prohibits workplace harassment that occurs on the basis of sex but that is not sexual in nature.¹⁰⁸⁹ Expands protection against sexual harassment and sex-based harassment to all workplaces and workers including interns, volunteers, students and the self-employed.¹⁰⁹⁰ Removes the exemption of state public servants.¹⁰⁹¹ Clarifies that the Act extends to Members of Parliament, their staff and judges.¹⁰⁹² Extends ancillary liability so that a person who causes, instructs, induces, aids or permits another person to engage in sexual or sex-based harassment may also be liable.¹⁰⁹³ Clarifies that victimisation can form a civil action for unlawful discrimination.¹⁰⁹⁴
<i>Australian Human Rights Commission Act 1986 (Cth)</i>	<ul style="list-style-type: none"> Changes the threshold for the discretion to terminate a complaint under the Sex Discrimination Act on the grounds of time from six to 24 months since the alleged unlawful discrimination occurred.¹⁰⁹⁵
<i>Fair Work Act 2009 (Cth)</i>	<ul style="list-style-type: none"> Allows the Fair Work Commission to issue a 'stop sexual harassment order' in the same way that it can currently issue a 'stop bullying order'.¹⁰⁹⁶ Provides certainty to employers that conduct constituting sexual harassment is a valid reason for the termination of a person's employment.¹⁰⁹⁷

The Commission notes that, in some rare circumstances, parliamentary privilege may bar action under federal workplace laws. For example, the new amendments to the Sex Discrimination Act are untested in relation to actions that occur on the floor of a Chamber, or during the conduct of a parliamentary committee hearing. If action under an external complaints mechanism is barred by parliamentary privilege, the relevant federal authority should inform complainants that they may take the complaint to the IPSC, which is internal to Parliament and operates within the privileges powers of the relevant House.

Work health and safety reforms

In addition to the above legislative changes, reforms to the model work health and safety laws, as well as educational initiatives, are being undertaken to improve the awareness and understanding of psychological risks and hazards, which include workplace bullying and sexual harassment. In response to the Independent Review of the Model work health and safety Laws conducted by Marie

Boland, responsible work health and safety Ministers have agreed to make regulations dealing with psychological health. In particular, they have agreed to review the incident notification provision in the model Work Health and Safety Act to ensure that work health and safety regulators have appropriate visibility of work-related psychological injuries and illnesses.¹⁰⁹⁸

These amendments will be supported by a model Code of Practice on psychological health developed by Safe Work Australia (SWA).¹⁰⁹⁹ SWA has also published two new practical guides on the prevention of workplace sexual harassment, violence, aggression and domestic violence.¹¹⁰⁰ Comcare has also published several resources which provide regulatory and practical guidance to assist employers, managers and supervisors and workers to prevent and respond to workplace sexual harassment and to comply with their work health and safety duties.¹¹⁰¹ Additionally, the Australian Government has tasked Comcare to provide sexual harassment education to Commonwealth work health and safety inspectors and employers.¹¹⁰²

Federal anti-discrimination laws—further clarity recommended

As discussed in 3.2 ('Legal frameworks that support safe and respectful workplaces'), the application of the *Age Discrimination Act 2004* (Cth) and *Disability Discrimination Act 1992* (Cth) to employees and Ministerial consultants engaged under the MOP(S) Act may be unclear. While it is the Commission's view that, on a plain reading of the legislation, MOP(S) Act employees would be covered by the ordinary meaning of 'employee', recent amendments to the Sex Discrimination Act explicitly identify a person employed or engaged under the MOP(S) Act as a 'Commonwealth employee'. Their absence from the equivalent definition of 'Commonwealth employee' in the *Age Discrimination Act* and *Disability Discrimination Act* may cause confusion.

The Commission notes that this ambiguity does not apply in relation to the *Racial Discrimination Act 1975* (Cth) and that there is no equivalent definition of 'Commonwealth employee' in the *Racial Discrimination Act*.

In alignment with the Review's aim to ensure CPWs are safe and respectful and to address legislative barriers, the Commission considers it important that coverage of people employed or engaged under the MOP(S) Act by federal anti-discrimination laws be clarified. The Commission therefore recommends that the *Age Discrimination Act* and *Disability Discrimination Act* be amended to clarify that MOP(S) Act employees (and for completeness, consultants engaged under that Act) are within scope.

As parliamentarians are not employed by the Commonwealth in practice, the Commission does not propose extending the discrimination protections in employment to parliamentarians. The proposed IPSC would provide a mechanism for parliamentarians to make a complaint about bullying or harassment in the workplace on the basis of age or disability (and other protected attributes).

(ii) The role of police

Finally, questions have been raised during this Review about when reporting workplace misconduct to police may be an available external avenue for complaints.

Application of criminal law and power of police to investigate

Parliamentarians and other participants in CPWs are subject to the criminal laws applicable to the jurisdiction they are in. Relevant Federal, State or

Territory police can investigate workplace misconduct that may be a criminal offence.

During this review, there have been questions about the application of criminal law and police powers in the parliamentary precincts. The criminal law in force in the Australian Capital Territory applies in the parliamentary precincts.¹¹⁰³

The parliamentary precincts are under the control and management of the Presiding Officers. The Australian Federal Police can conduct investigations in the parliamentary precincts subject to protocols with the Presiding Officers, including protocols about notification, how to exercise search warrants, and the process for any relevant claims of parliamentary privilege to be resolved. Therefore, it would be the responsibility of the Australian Federal Police to conduct any investigation to inform a potential prosecution, and it would be the responsibility of the Presiding Officers to respond to any requests for access to Parliament House made by the police.

Reports to police

A person who has experienced misconduct that may be a criminal offence may:

- report the conduct to the police
- seek support from the IPSC or another body or person of their choosing to make a report to police (the PWSS within the IPSC will be available to provide support throughout a criminal justice process)
- choose not to make a report to the police.

The Commission is of the view that where a person discloses to a parliamentarian that they have experienced misconduct that may be a criminal offence, there should not be a mandatory direction to report the incident to the AFP. As a general policy, any decision to report a criminal allegation to police should be a decision made with the explicit consent of the victim-survivor to ensure that their human rights, agency and privacy are respected. While many victim-survivors find a police report to be essential to seeking justice, there are also many reasons why others may choose not to pursue a criminal investigation. It is critical that the employer ensure that the victim-survivor feels safe, supported and confident to make decisions in their own time with no negative consequences in the workplace.

The Commission notes that parliamentarians as employers have a legal obligation to ensure the health and safety of workers at work in their business or undertaking, so far as is reasonably practicable.¹¹⁰⁴

What this requires of an employer will be different in different circumstances. When there is immediacy of risk, there will be circumstances when police may need to be called without consent of the victim survivor. For example, any CPW workplace participant should be able to call triple zero (000) in an emergency. An emergency includes if someone is seriously injured or needs urgent medical help, someone's life is being threatened or is in danger, or the person making the call has just witnessed a serious crime.

The proposed Office of Parliamentarian Staffing and Culture (see 5.3, 'Systems to support performance') should seek relevant advice and provide further guidance to CPW participants on considerations for reporting workplace misconduct to police. Such guidance should address:

- safety issues, including in emergency situations
- victim support, choice and control
- legal requirements, including circumstances where mandatory reporting may be relevant
- who is responsible for decision-making where a CPW location is thought to contain evidence of a crime
- avenues to seek advice when making a decision about whether to report workplace misconduct to police.

To be clear an employing parliamentarian or the proposed IPSC should not make an automatic referral to police unless required to by law (such as where mandatory reporting laws apply) or where essential to immediate safety. In all other cases it would be the complainant's choice and they would be supported to consider their options. As noted above, the IPSC should have a protocol with the Australian Federal Police on how they will work together.

(k) Recommendations

The Commission makes recommendations below to establish a clear and effective system of standards, reporting and accountability for behavioural misconduct.

Recommendation 20: Expansion of the Parliamentary Workplace Support Service

The Australian Government should expand, within three months, the scope of the new Parliamentary Workplace Support Service to:

- (a) make it available to all Commonwealth parliamentary workplace participants
- (b) include all allegations of bullying, sexual harassment and sexual assault
- (c) establish a clear pathway for anonymous reporting, including through a digital platform
- (d) publish additional information on what happens with anonymous and bystander disclosures
- (e) include historic complaints of bullying, sexual harassment and sexual assault and those relating to people who have left the workplace.

Recommendation 21: Codes of Conduct

To establish clear and consistent standards of conduct:

- (a) the Houses of Parliament should:
 - i. establish a Joint Standing Committee on Parliamentary Standards, within six months, to oversee standards and accountability, including developing:
 - i. a draft Code of Conduct for Parliamentarians
 - ii. a draft Code of Conduct for Parliamentarians' Staff
 - iii. draft Standards of Conduct for the Parliamentary Precincts
 - ii. adopt a Code of Conduct for Parliamentarians, within 12 months, in the Standing Orders of both Houses of Parliament
 - iii. adopt Standards of Conduct for the Parliamentary Precincts, within 12 months, in the Standing Orders of both Houses of Parliament

- (b) The Australian Government should ensure that, within 12 months, the Code of Conduct for Parliamentarians' Staff is included in the *Members of Parliament (Staff) Act 1984* (Cth).
-

Recommendation 22: Independent Parliamentary Standards Commission

The Houses of Parliament should establish, within 12 months, an Independent Parliamentary Standards Commission with delegated power that would:

- (a) incorporate the new Parliamentary Workplace Support Service, including its advisory and support functions (and applying more broadly to misconduct covered by the Codes of Conduct)
- (b) operate a fair, independent, confidential and transparent system to receive disclosures, as well as handle informal and formal complaints and appeals about misconduct
- (c) make findings about misconduct
- (d) make recommendations on sanctions (in relation to parliamentarians, staff and others as relevant under the Standards of Conduct in the Parliamentary Precincts)
- (e) apply sanctions for a breach of the Code of Conduct for Parliamentarians where such sanctions do not interfere with the functions of the Parliament.

Recommendation 23: Extend public interest disclosure protections to Members of Parliament (Staff) Act employees

The Australian Government should, within 12 months, ensure that the *Public Interest Disclosure Act 2013* (Cth) is amended to extend protections to people employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth).

Recommendation 24: Ensure protections against age and disability discrimination

The Australian Government, in line with recent amendments to the *Sex Discrimination Act 1984* (Cth), should ensure that the *Age Discrimination Act 2004* (Cth) and *Disability Discrimination Act 1992* (Cth) are amended to clarify that the laws apply to staff and consultants employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth).

5.5 Safety and wellbeing

We are locked in that place. Like, literally you get there, most people, I would say, seven o'clock at the latest, and you do not, you cannot leave until eight o'clock at night, when the bells ring. There is no lunch break. You cannot leave. You cannot go and have a discreet GP's appointment. You can't go and have an ultrasound.

(Interview 564, CPW Review)

Summary

This section explores the impact of the work environment on people's safety and wellbeing across Commonwealth Parliamentary Workplaces. In particular, it considers work health and safety, health and wellbeing services, and the operation of the Parliamentary sitting calendar and work hours. This section also considers alcohol in these workplaces.

The section identifies the need for a more holistic and proactive approach to safety and wellbeing and makes recommendations designed to improve safety and wellbeing across CPWs, including in relation to: greater clarity about the application of, and responsibility for, management of WHS duties; a review of the Parliamentary sitting calendar and Order/Routine of Business; the creation of a new Parliamentary Health and Wellbeing Service; and the development of alcohol policies across these workplaces, with a view to restricting availability and supply.

Principle: Safety and wellbeing

Outcome: People are physically and psychologically well and feel safe and supported in Commonwealth parliamentary workplaces.

(a) Overview

Throughout the Review, the Commission heard from participants about the high pressure and ‘win at all costs’ work environment in CPWs and its significant impact on people’s safety and wellbeing.

Participants also identified a range of factors that create both physical and psychosocial risks. For example, parliamentarians and MOP(S) Act employees highlighted a ‘work hard, play hard’ culture, with high levels of stress, long and irregular hours, extensive travel and regular alcohol use. Employees in the parliamentary departments also described the pressure and demands placed on them, including through their interactions with parliamentarians and their offices. People across these workplaces consistently identified barriers to ensuring their own wellbeing and to seeking support.

In this context, a more holistic and proactive approach to safety and wellbeing is required to address these risk factors and foster a safer, healthier, more effective and respectful environment across these workplaces. This approach must be person-centred and supported by strong leadership to ensure that people are mentally and physically well and feel safe and supported.

Throughout the proposed Framework for Action, the Commission recommends a range of changes to address the drivers and risk factors for bullying, sexual harassment and sexual assault identified in chapter 4 (‘What we heard’). This section makes recommendations that collectively aim to shift to a proactive and preventative approach to wellbeing, balance and safety that puts people at the centre.

This includes:

- fostering safe workplaces and practices through review and strengthening of existing work, health and safety (work health and safety) structures, policies and practices
- proactively enhancing individual safety and wellbeing, including through:
 - establishment of a new Parliamentary Health and Wellbeing Service

- work environments that foster safety and wellbeing
- review and regulation of alcohol in these workplaces.

(b) Work health and safety

Bullying, sexual harassment and sexual assault create risks to health and safety, and in some cases these behaviours are facilitated by current working practices and gaps in health and safety systems across CPWs. Considering work health and safety obligations and the way in which work health and safety provides a framework for identifying, eliminating or minimising these behaviours is therefore an important part of the Framework for Action in this Report.

The scope and potential application of work health and safety duties in CPWs are set out in 3 (‘Context’). In summary, persons conducting businesses and undertakings (PCBUs) are obliged to ensure, so far as is reasonably practicable, that their workplaces are safe for workers and other persons present in the workplace.¹¹⁰⁵ As a result, and in addition to legal obligations owed under anti-discrimination laws, all PCBUs in CPWs are obliged to eliminate or minimise those risks so far as is reasonably practicable.¹¹⁰⁶

Other workplace participants such as workers, officers, suppliers, and other persons in the workplace also hold duties under work health and safety laws.¹¹⁰⁷

In meeting their work health and safety obligations, PCBUs are required to identify (psychosocial and physical) hazards that could give rise to risks to health and safety; eliminate or minimise these risks; and maintain and review control measures.¹¹⁰⁸ Consultation with workers must occur where they are likely to be affected by matters relating to work health and safety in the workplace¹¹⁰⁹ and duty holders who share duties must consult, co-operate and co-ordinate with each other to meet their duties.¹¹¹⁰

A range of existing systems, policies and processes are in place across CPWs designed to support duty holders to meet their obligations under work health and safety law, as well as other legislative obligations, including under anti-discrimination law (see 3.2 ‘Legal frameworks that support safe and respectful workplaces’).

(i) Key issues relating to work health and safety in Commonwealth parliamentary workplaces

Throughout the Review participants raised a number of key issues relating to work health and safety with the Commission, including:

- lack of clarity around work health and safety obligations and responsibilities, particularly in the case of parliamentarians and MOP(S) Act employees
- inconsistent approaches to identifying and managing risks and complying with work health and safety obligations across these workplaces
- a narrow approach to work health and safety responsibilities, including: limited recognition of bullying, sexual harassment and sexual assault as work health and safety issues; a lack of focus on psychosocial risks; and a lack of focus on the specific and unique work health and safety risks in these workplaces that contribute to bullying, sexual harassment and sexual assault.

Lack of clarity around obligations and responsibilities

Throughout the Review, the Commission heard that MOP(S) Act employment arrangements mean that there is a lack of clarity about the division and overlap of work health and safety obligations and duties in CPWs, specifically as they relate to duties held by parliamentarians and the Department of Finance.

The Department of Finance itself expressed this view, observing that:

The existing WHS framework creates shared and overlapping obligations and duties in parliamentary workplaces. This can result in confusion regarding who can or should take action to address WHS risks and/or who has the power to take such action. This lack of clarity, including the potential for different duty holders having conflicting views about how to address a particular WHS risk, may work to impede building a safe and respectful workplace.¹¹¹¹

This sentiment was echoed by Comcare in its submission to the Review. This submission observed that, in the case of electorate officers, who are MOP(S) Act employees:

the current Determination issued by the Special Minister of State under the MOP(S) Act states that 'Electorate Officers work under the sole direction of the employing Senator or Member'. This may limit the capacity of the Department of Finance to instruct workers and implement safety arrangements in these workplaces.¹¹¹²

Many participants also described a lack of clarity around work health and safety responsibilities that arises as part of a general lack of awareness of policies, processes and/or practices regarding worker safety and wellbeing, workplace bullying, sexual harassment and sexual assault.¹¹¹³

As a result, there is a need to increase clarity about the application of work health and safety obligations and duties in these workplaces, as well as to increase the general understanding and awareness of people across these workplaces. The Department of Finance suggested:

There is scope to more clearly identify and differentiate the roles of administrators, parliamentarians and senior MOP(S) Act employees who supervise staff to enable a best practice approach to prevent and respond to WHS risks. Legislative frameworks could be examined to ensure that they promote modern workplace practices, and that any individual or entity with legislative obligations has the powers necessary to discharge those obligations.¹¹¹⁴

Other participants suggested that there is a need for more frequent, tailored and practical training on these issues, as well as appropriate incorporation into induction programs.¹¹¹⁵

Inconsistent application

The Commission also heard that work health and safety obligations and duties can be inconsistently interpreted and applied across these workplaces.

For example, the Department of Finance provides an overarching policy and training framework to support work health and safety obligations, but it does not have the power to monitor or enforce compliance. This can lead to inconsistency and a lack of clarity across CPWs (see 5.3 'Systems to support performance').¹¹¹⁶ The Department noted that:

the current frameworks separate human resources policy, advice and support from decisions about employment, or can impose obligations or duties without corollary powers to discharge those duties.¹¹¹⁷

Participants identified other inconsistencies, including in relation to legal obligations around shared work health and safety duties. For example, Comcare submitted:

issues with consultation and coordination between departments and persons who have shared duties under the WHS Act across parliamentary workplaces when managing WHS risks and/or responding to incidents.¹¹¹⁸

Participants emphasised that these inconsistencies can also extend to the provision of work health and safety information to people within CPWs. For example, the CPSU expressed its concerns about:

the inadequate level of communication by the Department of Parliamentary Services (DPS) to visiting MOP(S) Act employees. DPS will send out communications about some risks and incidents, and not others.¹¹¹⁹

This was echoed by other participants, particularly people working outside the parliamentary departments. For example, one journalist told the Commission:

one of the biggest issues with working in the Gallery is that while we must adhere to our own employer's values and reporting lines, we are excluded from any workplace safety information given to staffers who work in Parliament House.¹¹²⁰

Bullying, sexual harassment and sexual assault as work health and safety issues

A consistent theme throughout the Review was the lack of focus on psychosocial safety as part of the work health and safety approach across CPWs, as well as limited recognition of bullying, sexual harassment and sexual assault as work health and safety issues. Many participants also described a 'tick and flick' approach to work health and safety issues within many of these workplaces.¹¹²¹

Shifting the focus

The Commission heard from many participants that there is a particular focus on physical, rather than psychosocial or psychological, safety. This narrower focus on physical safety is not isolated to these workplaces¹¹²² and is increasingly being addressed by regulators and workplaces across Australia. Following the 2019 Boland Review, for example, responsible Australian work health and safety Ministers agreed that the model Work Health and Safety Regulations should be amended consistently with that Review's recommendation 'to deal with how to identify the psychosocial risks associated with psychological injury and the appropriate control measures to manage those risks'.¹¹²³ This issue is discussed earlier in 5.4 (Standards, reporting and accountability).

Recognition of psychosocial safety as part of work health and safety, as well as incorporation of this into risk identification and management strategies, is an important part of ensuring compliance with work health and safety duties and obligations, as well safety and wellbeing overall.

The Black Dog Institute told the Commission:

Recognition of psychological safety and the implementation of strategies to prevent mental illness in the workplace are particularly

important in parliamentary workplaces because parliamentarians are likely to be at greater risk of developing mental illnesses than the general population due to high job demands, low social support, and role stress. Likewise, many staff members also experience similar workplace risks factors ... parliamentarians also spend much of their lives away from their families and social networks, lowering their capacity to receive informal support when they need it.¹¹²⁴

The limited focus on addressing bullying, sexual harassment and sexual assault as a work health and safety issue that was described by participants in the Review may be compounded by this narrow view of work health and safety as physical safety, as well as by a lack of focus on the drivers and risk factors which can lead to these forms of misconduct.

Recognising bullying, sexual harassment and sexual assault are work health and safety risks

The Commission heard about a wide range of physical and psychosocial risk factors or hazards that arise across these workplaces that may contribute to the risk of bullying, sexual harassment and sexual assault. Concerns were raised about the fact that, in many cases, these are not appropriately identified or controlled.

These matters are explored in detail in 4 ('What we heard'). The Commission heard that specific work practices or conditions that arise in these workplaces, including at Parliament House and for particular groups of people, may contribute to workplace risk, including for example:

- physical safety issues, including those arising from the design and operation of Parliament House
- work-related travel and accommodation arrangements in Canberra and while travelling
- isolated working arrangements, particularly in rural and regional electorate offices
- work-related functions and events
- harmful behaviour from constituents and members of the general public
- online bullying and abuse
- election campaigns
- specific workplace risks and behaviours experienced by particular groups of people, including for example COMCAR drivers, security officers, DLOs, members of the Press Gallery, and volunteers/interns
- safety risks arising in relation to misconduct which has been the subject of a report or complaint.

Work health and safety and anti-discrimination law

In ensuring bullying, sexual harassment and sexual assault are appropriately considered through a work health and safety lens, it is also important to ensure that these issues continue to be considered and addressed in the context of other legal obligations. In particular, there may be some overlap between work health and safety and anti-discrimination laws.

For example, the Sex Discrimination Act provides that an employer is vicariously liable for sexual harassment perpetrated by an employee or agent.¹¹²⁵ An employer will only be vicariously liable where a victim makes a complaint of sexual harassment that is found to have occurred 'in connection with' the employee's employment or agent's duties. An employer will not be vicariously liable if they can prove they 'took all reasonable steps to prevent' the alleged sexual harassment.¹¹²⁶

The Commission's guidelines for employers acknowledge that while what constitutes 'reasonable steps' may vary, all employers should adopt a number of essential preventative measures, including creating a healthy and safe work environment based on respect.¹¹²⁷

(ii) Improving work health and safety in Commonwealth parliamentary workplaces

Coordinating work health and safety management across CPWs involves a number of challenges. While acknowledging these challenges, the Commission makes recommendations intended to support the safety and wellbeing of people across these workplaces.

Leadership

One of the key elements required to improve work health and safety in CPWs is strong and consistent leadership (see 5.1, 'Leadership'). Safe Work Australia has emphasised the impact that positive leadership can have on an organisation's work health and safety performance.¹¹²⁸ Good leadership in CPWs should include, for example:

- ensuring that leaders are more aware of their legal obligations and duties and how they arise in a practical sense
- leading effective approaches to identifying, assessing, controlling and reviewing work health and safety risks and establishing a positive work health and safety culture, as well as appropriate frameworks and policies
- clear communication and consultation

- a commitment to reflection, continuous improvement and workplace learning.

Greater clarity and consistency

Within CPWs there are a number of workplace participants, and employment arrangements are complex. Participants hold duties under a range of legal frameworks, and under work health and safety laws, they may share responsibility for those duties (see 3.2, 'Legal frameworks that support safe and respectful workplaces'). The Commission heard that a lack of clarity around the authority to act, particularly in relation to MOP(S) Act employees, has created gaps in work health and safety risk management in these workplaces. This has the potential to increase the risk of workplace bullying, sexual harassment and sexual assault and to detract from the establishment and maintenance of safe and respectful workplaces.

To provide greater clarity around shared and overlapping work health and safety responsibilities in CPWs, the Commission recommends that the Implementation Group (Recommendation 2) work collaboratively to review, clarify, provide guidance, and form agreement about work health and safety obligations and duties across these workplaces. This is consistent with the existing requirement to consult and cooperate under the Work Health and Safety Act, and should include, for example, specific consideration of the work health and safety responsibilities of parliamentarians.

The Commission recommends that the Implementation Group, in consultation with Comcare, develop, agree, and document an intra-parliamentary understanding of the application of work health and safety duties in CPWs, including clear identification of responsibilities for managing identified workplace risks. Where authority for addressing work health and safety risk is unclear (particularly where duties are shared), agreement should be reached as to how the risk will be managed. This agreement should be the subject of regular review.

The Commission notes that duties under the Work Health and Safety Act are not transferrable,¹¹²⁹ and does not intend for the agreement proposed by this recommendation to have that effect. Rather, the recommendation is intended to address the current lack of clarity around work health and safety obligations in CPWs, including the question of authority to act, and to ensure current gaps are identified and action taken to ensure they are addressed on an ongoing basis. The Commission also makes a recommendation in 5.3

(‘Systems to support performance’) about amendment of the MOP(S) Act to remove doubt about its application to parliamentarians.

Identifying and responding to risks relevant to bullying, sexual harassment and sexual assault

There does not appear to be a single good practice approach to assessing and responding to work health and safety risks in a parliamentary context, particularly in relation to bullying, sexual harassment and sexual assault. The Department of Finance stated:

In developing this submission, Finance met with a number of state governments to better understand other employment and WHS frameworks which govern the employment of state-based electorate and parliamentary staff. It is clear that there is no consistent approach across jurisdictions, nor necessarily a perfect system that prevents all WHS incidents.¹¹³⁰

A range of good practice resources and examples do exist, however, to assist to minimise and control physical and psychosocial risk factors or hazards that may contribute to the risk of bullying, sexual harassment and sexual assault. For example:

- Safe Work Australia provides practical guidance about identifying, assessing, controlling and reviewing work-related psychological health and safety.¹¹³¹ In addressing bullying, Safe Work Australia recommends implementing control measures at both an organisational and individual level.¹¹³² Organisational approaches must address factors which increase the risk of misconduct, including power imbalances and gender inequality, and may include policies and strategies to address these issues.¹¹³³ At an individual level, Safe Work Australia suggests that ongoing strategies should be implemented to embed positive workplace cultures, such as training and education.¹¹³⁴
- Comcare has also developed regulatory and practical guidance in relation to workplace sexual harassment.¹¹³⁵
- The Australian Public Service Commission and Comcare have developed a guide for APS employees to support mental health and wellbeing in the workplace. This guide has four ‘principles’ that align with best practice, including people management, prevention, early recognition and support and rehabilitation and return to work.¹¹³⁶
- In its Guideline on *Preventing and Responding to Workplace Sexual Harassment*, the Victorian Equal Opportunity and Human Rights Commission

provides guidance in a ‘Risk Assessment Tool: Risk Matrix’. This guidance supports organisations to scan their workplace for characteristics that may enable or drive sexual harassment and create barriers for identification and reporting. The matrix considers workplace characteristics, work environment, workplace composition, workplace trends, workplace requirements and workplace behaviours.¹¹³⁷ The risks identified above provide a useful basis for completion of this risk matrix in these workplaces.

A number of specific or unique workplace characteristics of CPWs as identified above may facilitate bullying, sexual harassment and sexual assault or, at a minimum, create an enabling environment for this behaviour. While some work is underway to address these risks, the Commission recommends that the Implementation Group actively work to eliminate and minimise these specific risks as part of ensuring greater focus on identifying, eliminating and minimising risks and bullying, sexual harassment and sexual assault in these workplaces.

Physical safety and after-hours access to Parliament House

One risk in particular identified by participants throughout the Review concerned physical safety issues arising from the design and operation of Parliament House, including after-hours access.

The Foster Report made recommendations relating to serious incidents at Parliament House.¹¹³⁸ The Department of Parliamentary Services and the Australian Federal Police have developed a joint serious incident procedure which clarifies responsibilities for responding.¹¹³⁹

The Foster Report also made a recommendation about the introduction of measures to monitor after-hours access to Parliament House, including reporting on after-hours access and additional patrols.¹¹⁴⁰

The Commission understands that a number of State Parliaments in Australia restrict access to the parliamentary building outside defined business hours, or in other ways. For example, in the Parliament of Western Australia, ‘most users are granted access during business hours only which is generally 8am-5pm Monday to Friday, however on sitting nights access is extended’ and ‘afterhours access is infrequent and monitored/reviewed regularly by the Security Manager’.¹¹⁴¹

Many participants told the Commission they supported changes to access to Parliament House after-hours. One participant said:

if someone wants to come in after hours [then having] another member of that office be contacted to check that [is] a good idea ... I have absolutely no issue with security checking the bona fides and the reason for people coming in and out at really weird hours.¹¹⁴²

A number of parliamentarians also told the Commission they supported changes to access to Parliament House. For example, one parliamentarian reflected:

I think it's reasonable to request that access to the building after hours—say after 9 o'clock at night—there must be a reason given to the security guards and evidence as to why you would need access, no matter who you are, for your safety.¹¹⁴³

The Commission considers that it is appropriate to monitor and limit after-hours access to Parliament House, as part of ensuring a safe workplace. Access may appropriately vary depending on a range of factors, including the role of an individual, or what is happening within Parliament House (for example during sitting weeks, or on the night the Federal Budget is delivered). The Commission suggests that, in addition to implementing the relevant recommendation of the Foster Report,¹¹⁴⁴ the Department of Parliamentary Services should lead a review of after-hours access to Parliament House, with a view to restricting access and increasing the safety of people working in CPWs.

Importantly however, the Commission heard about experiences of bullying, sexual harassment and sexual assault at Parliament House during ordinary business hours, as well as at other locations. As a result, monitoring and limiting after-hours access will not prevent misconduct by itself, but is likely to contribute to greater physical safety of people at Parliament House after-hours, as well as set an expectation that after-hours access should be work-related or for a legitimate purpose.

A holistic approach to reform

The Framework for Action in this Report directly aligns with the best practice literature about ways to prevent, control and mitigate the risks identified above.¹¹⁴⁵ As a result, the combined recommendations are a critical part of a holistic approach to ensuring that those with work health and safety obligations and duties in CPWs are able to meet these obligations. These recommendations and reforms include:

- leadership actions, both individual and institutional
- ensuring a diverse workforce

- reforming employment arrangements to increase certainty and security of employment
- providing clarity on work structures, including roles, reporting structures and performance standards
- changing the ways in which work is structured or organised, including through addressing long or irregular hours
- implementing training and education
- having clear behavioural standards or code of conduct which are modelled and enforced
- promoting wellbeing
- reviewing physical and virtual infrastructure and arrangements to support safety and wellbeing
- responding to situations in a trauma-informed way to uphold the health and safety of workers
- addressing the use and misuse of alcohol.

(c) Wellbeing

As outlined above, the Commission has identified a need to review work health and safety obligations across CPWs to ensure greater clarity of responsibilities and clearer recognition of bullying, sexual harassment and sexual assault as a work health and safety issue. Given the role of Parliament and an expectation that it should model best practice, however, it is important that CPWs move beyond meeting minimum legislative obligations and take proactive steps towards supporting the broader wellbeing of people across these workplaces.

This is consistent with the approach recommended by Safe Work Australia. For example, Safe Work Australia provides guidance on steps necessary to meet work health and safety and workers' compensation obligations, but also notes that these can be supported by broader activities to promote good general physical and mental health as part of best practice.¹¹⁴⁶

Most people experience physical health issues during their working life,¹¹⁴⁷ while one in two Australians are expected to experience a mental illness in their lifetime.¹¹⁴⁸ In addition, studies from comparable jurisdictions indicate that people in parliamentary workplaces are even more likely than the general population to experience challenges to their mental health. For example, one study indicated that a higher proportion of MPs in the United Kingdom had poor mental health than across the wider community.¹¹⁴⁹

As a result, a best practice approach to wellbeing in the workplace acknowledges that both physical and psychological health issues are a reality for

many employees. A best practice approach also de-stigmatises mental ill-health and normalises the need for support.

Importantly, workplaces that prioritise health and wellbeing are likely to be more productive, safe and respectful.¹¹⁵⁰ As the APSC and Comcare have acknowledged:

The workplace has a significant influence on people's health and wellbeing. Creating the right work environment and managing potential sources of harm (such as high work demands, low levels of control and poor support) will benefit everyone at work. Improving mental health through work will help us to realise the health benefits of work. It underpins the drive towards greater productivity and social inclusion.¹¹⁵¹

In addition, a growing body of evidence recognises the links between health and wellbeing and behaviour in the workplace. For example, threats to mental health arising from high-stress environments can manifest as harmful behaviours, without appropriate prevention and response efforts.¹¹⁵² This is consistent with what the Commission heard about the connection between stress, anxiety and poor mental health on bullying behaviours in these workplaces. In turn, evidence suggests that experiencing behaviours like bullying at work are related to poor physical health outcomes, such as cardiovascular issues¹¹⁵³ and sleep problems,¹¹⁵⁴ as well as the well-established mental health implications of experiencing workplace bullying, sexual harassment and sexual assault.¹¹⁵⁵

Proactively focusing on and improving the health and wellbeing of people across CPWs will have a preventative role in creating safer and more respectful workplaces. This focus in CPWs is also consistent with increasing national focus on, and commitment to addressing, mental health in

workplaces and the important leadership role played by the Parliament and parliamentarians in this area.

(i) Health and wellbeing services in Commonwealth parliamentary workplaces

As outlined in 4 ('What we heard'), participants consistently raised concerns about safety and wellbeing and noted the toll that certain risk factors can have on people's health, wellbeing and personal circumstances.

Some participants told the Commission that the workplace culture meant that 'political priorities can often come ahead of staff and team personal wellbeing'.¹¹⁵⁶ One parliamentarian told the Commission, 'in terms of mental health, in terms of physical health ... you can let that slide when you're in Canberra as well. And just that sense of what actually is important in life'.¹¹⁵⁷ A participant from one of the parliamentary departments described their situation in this way:

it also has outcomes in terms of say for myself, the doctor saying to me for the last three years, 'You[ve] got to do another job. You've got to get another job', ... The therapist saying, 'You've got to do something else with your life'.¹¹⁵⁸

Participants described a range of physical health conditions which they said arose as a result of the high-intensity work environment in these workplaces. One participant told the Commission about her colleague, who was so busy during her workday that she frequently did not have time for toilet breaks, in turn resulting in urinary tract infections.¹¹⁵⁹ Another spoke of developing fibromyalgia as a result of 'being in high stress'.¹¹⁶⁰

Many participants specifically described the mental health consequences of the work environment and culture in these workplaces.¹¹⁶¹ One MOP(S) Act employee told the Commission that the mental health impacts on friends working in these workplaces were 'horrendous and ongoing ... like post-traumatic stress, I guess'.¹¹⁶²

The Commission heard that mental health issues sometimes escalated to the point of requiring hospitalisation. For example, one participant reflected 'I ended up getting really shocking chest pains and ... I had shocking anxiety. I ended up in the Emergency Department a couple of times in hospital ... I was just a mess at the end of it'.¹¹⁶³

The Commission also heard about the other profound impacts that experiences of bullying, sexual harassment and sexual assault in these workplaces

had on people's health and wellbeing (see 4, 'What we heard'). One MOP(S) Act employee who experienced bullying told the Commission:

It's too difficult to explain what my life has become. I have been suffering from severe anxiety and depression and suicidal ideation (regularly). I have been in and out of hospital on several occasions due to risk of self-harm. I have been on medication for approx. two years, had numerous sessions with counsellors, psychologists, and GP, and still do. I haven't worked or been able to find work since 2018. My life is terrible now, because of someone else.¹¹⁶⁴

Reflecting the broader evidence referred to above, the impact that poor mental health had on the behaviour of some people in these workplaces and the way in which this contributed to, or was used as an excuse for, such behaviour was also raised.¹¹⁶⁵ For example, one MOP(S) Act employee reflected on the impact of anxiety on the behaviour of a particular parliamentarian who would slam his door when they entered the office, dress them down, swear or otherwise 'go ballistic' if things were not done to his liking.¹¹⁶⁶

Another participant told the Commission that there is a need to:

recognise [that] mental health and stress contributes to bullying behaviours and also the extent to which people are willing to put up with them and give more attention to stress and mental health as a factor in our workplace.¹¹⁶⁷

Existing health and wellbeing services

As outlined in 3 ('Context'), some health and wellbeing services are currently available within CPWs. These include for example:

- The DPS operates a Nurses Centre at Parliament House, which provides services including first aid, health advice and influenza vaccines.¹¹⁶⁸ The Centre is open to parliamentarians and Parliament House building occupants,¹¹⁶⁹ though there are some restrictions on the health services that the Centre can provide.¹¹⁷⁰
- A Health and Recreation Centre, including a gymnasium, pool, fitness classes and various courts are available onsite at Parliament House. These services are available to parliamentarians, staff of parliamentary departments and eligible pass holders and building occupants.¹¹⁷¹
- SportsCare provides physiotherapy services at Parliament House under a license agreement with DPS.

- Daily delivery of prescription pharmaceuticals to Parliament House occurs under a license agreement between DPS and two local pharmacies.¹¹⁷²
- Psychological support services are available for people working in these workplaces. See 3.3(c) ('Advice, support and other services') above for an outline of support available through Employee Assistance Programs (EAPs) (including onsite counselling in the case of PBO staff), the new Parliamentary Support Line 1800 APH SPT and NewAccess Workplaces mental health coaching.

The support services that a person can access, however, will depend on their role in CPWs and the circumstances in which they are seeking support. For example, support through the 1800 APH SPT Support Line applies only in the case of narrowly defined 'serious incidents', a factor which may help to account for the low numbers of calls made to the line since its inception (see 3.3(c), 'Advice, support and other services').

In addition, many participants shared a range of concerns about the availability and operation of these services. Some described the physical and mental health services available in these workplaces as difficult to access.¹¹⁷³ The Commission heard that barriers such as time pressures, privacy concerns and a lack of confidence in the services prevented people from contacting health and wellbeing services.¹¹⁷⁴ Stigma surrounding mental health and concern that seeking support would be viewed as a 'weakness', particularly for parliamentarians and their staff, were also raised.¹¹⁷⁵ This is reflected in the usage numbers provided by the DPS, which indicate that 177 people presented to the Nurses Centre between 1 July 2020 to 30 June 2021, though the Commission understands that COVID-19 restrictions were in place for part of this period.¹¹⁷⁶

Other participants shared their experiences of using the health and wellbeing services available. As noted in 4 ('What we heard'), most commonly, participants spoke to the Commission about accessing support through an EAP.¹¹⁷⁷ While some people told the Commission that they had a positive experience of using the EAP,¹¹⁷⁸ others described it as ineffective.¹¹⁷⁹ Participants also described negative experiences of accessing the EAP, including inappropriate responses from counsellors upon disclosing that they worked in a parliamentary context.¹¹⁸⁰

The challenges with maintaining wellbeing were particularly pronounced. Some participants spoke about not having the opportunity to leave

Parliament House for a doctor's appointment during their workday,¹¹⁸¹ or even having time to make an appointment.¹¹⁸² One parliamentarian said:

We are locked in that place. Like, literally you get there, most people, I would say, seven o'clock at the latest, and you do not, you cannot leave until eight o'clock at night, when the bells ring. There is no lunch break. You cannot leave. You cannot go and have a discreet GP's appointment. You can't go and have an ultrasound.¹¹⁸³

Participants spoke about obtaining prescriptions from a parliamentarian whose previous vocation had been as a doctor¹¹⁸⁴ and of seeking pastoral care from the chaplain¹¹⁸⁵ in lieu of other options. Some people discussed the 'expectation that you just come to work, and you work through', despite being very ill.¹¹⁸⁶ One participant told the Commission about working throughout a miscarriage because taking leave would generate gossip and so was not an option.¹¹⁸⁷ Another participant discussed the stress she experienced in arranging leave for a brain scan.¹¹⁸⁸

(ii) Promoting health and wellbeing in similar workplaces

There are a range of approaches and programs that focus on worker health and wellbeing and provide a useful practice base to draw on in informing approaches to health and wellbeing in CPWs.

The National Workplace Initiative aims to create a nationally consistent approach to mentally healthy workplaces.¹¹⁸⁹ As part of this Initiative, in September 2021, the National Mental Health Commission released *The Blueprint for Mentally Healthy Workplaces*. The Blueprint aims to define a vision of mentally healthy workplaces that can be shared by all organisations and businesses across Australia. It includes guidelines for creating environments that protect, respond, and promote good mental health.¹¹⁹⁰ The National Workplace Initiative and Blueprint provide an important framework, including

principles and focus areas, that could guide work in this area across CPWs.

In June 2021, the Australian Public Service Commission also established the Australian Public Service Mental Health and Suicide Prevention Unit. The Unit 'promotes whole-of-service development of APS workforce literacy, capability and expertise in mental health and suicide prevention'.¹¹⁹¹

In addition, a growing number of large public and private sector organisations are establishing tailored health and wellbeing services for their workforce. Such programs and services are premised on the understanding that a physically and mentally healthy workforce equates to greater productivity and higher quality work.¹¹⁹²

In 2019, for example, the Royal Prince Alfred Hospital in Sydney launched its *MDOK Programme* to reduce stress and burnout among junior and senior doctors.¹¹⁹³ Based on a successful Stanford University model,¹¹⁹⁴ the program:

teaches all medical staff the skills to care for their own health, manage traumatic events and mentor younger staff, in addition to attending workshops and sessions on goal-setting, relaxation, stress management, clinical debriefing, nutrition and exercise.¹¹⁹⁵

The Qantas Group has a mental health and wellbeing program to promote good mental health, raise awareness and reduce stigma among its staff. It provides 'education and tools to better understand and support those with mental health challenges and provide dedicated mental health assistance programs and services for those with concerns'.¹¹⁹⁶ The program is designed to reach the large, dispersed and mobile Qantas workforce, which is analogous in some ways to the workforce in parliamentary workplaces.

The Australian Defence Force (ADF) provides focused resources to support the physical and mental health of its personnel through the 'Fighting Fit' portal. Supports, resources and services include:

- 1800 IMSICK, a 24-hour telephone line providing health support
- a 24-hour support line providing counselling to ADF members and families
- health resources relating to specific areas of health, including fitness and nutrition, rehabilitation and compensation, mental health, suicide prevention and family healthcare
- resources on particular Defence health initiatives, including the ADF Alcohol Management Strategy and COVID-19 guidance.¹¹⁹⁷

There are also a number of other examples, including DFAT's Staff and Family Support Office.¹¹⁹⁸ Underpinning each of these examples is a commitment and focus on proactive wellbeing, rather than a reactive approach to health and wellbeing concerns.

While these examples are drawn from outside the parliamentary context, the Health and Wellbeing Service established to help address the health needs of parliamentarians and the parliamentary workforce in the United Kingdom is specific to the parliamentary context.

Box 5.18:
United Kingdom Parliamentary Health and Wellbeing Service

The United Kingdom (UK) Parliamentary Health and Wellbeing Service delivers a wide range of services to support the health and wellbeing of its Parliamentary community.

The Health and Wellbeing Service is embedded within the UK Parliament. It is conveniently located in one of the buildings surrounding the Palace of Westminster which also houses numerous offices. Its location ensures on-site access to support but maintains a confidential space in which individuals can meet with appropriate clinical team members. The key objective of the service is to provide advice and guidance to support good health at work.

The service also delivers a comprehensive and proactive health and wellbeing programme, which aims to offer education and raise awareness of physical, social and mental health issues. The Health & Wellbeing Champion and Parliamentary Mental Health First Aider networks also work proactively towards addressing the stigma so often associated with mental health, by encouraging individuals to access early support via the Employee Assistance Programme or on-site counsellors.

The Health and Wellbeing Service has a strong focus on the confidentiality of its operations and enjoys a good reputation as an independent and trusted service.

(iii) A new Parliamentary Health and Wellbeing Service

Many participants told the Commission that health and wellbeing services should be improved for people in CPWs to create a safer and more respectful work environment. For example, one MOP(S) Act employee said:

An on staff doctor and counsellor in Parliament House during sitting weeks would have been helpful ... There is a nurse in the building, but having someone with prescribing ability would have been better.¹¹⁹⁹

Another participant expressed a similar sentiment:

If you could just get up, go and book in an appointment to see the nurse or the doctor, get a script, and they had a small sort of pharmacy there, I mean, what have you got there, 600 or 700 people during a sitting week ... in terms of pastoral care and what you can provide, that is just the simplest thing that should exist at Parliament House during a sitting week, when you've got that many people flying in from all over the country.¹²⁰⁰

Given the specific stressors and barriers to accessing support in these workplaces, a new approach to health and wellbeing, particularly mental health, is needed. The Commission therefore recommends the establishment of a new centralised Parliamentary Health and Wellbeing Service. This type of service would align with best practice initiatives in large public sector and corporate organisations. It would also set the standard for Australian workplaces, signalling the importance of worker health and wellbeing, even—and especially—in high pressure and demanding environments.

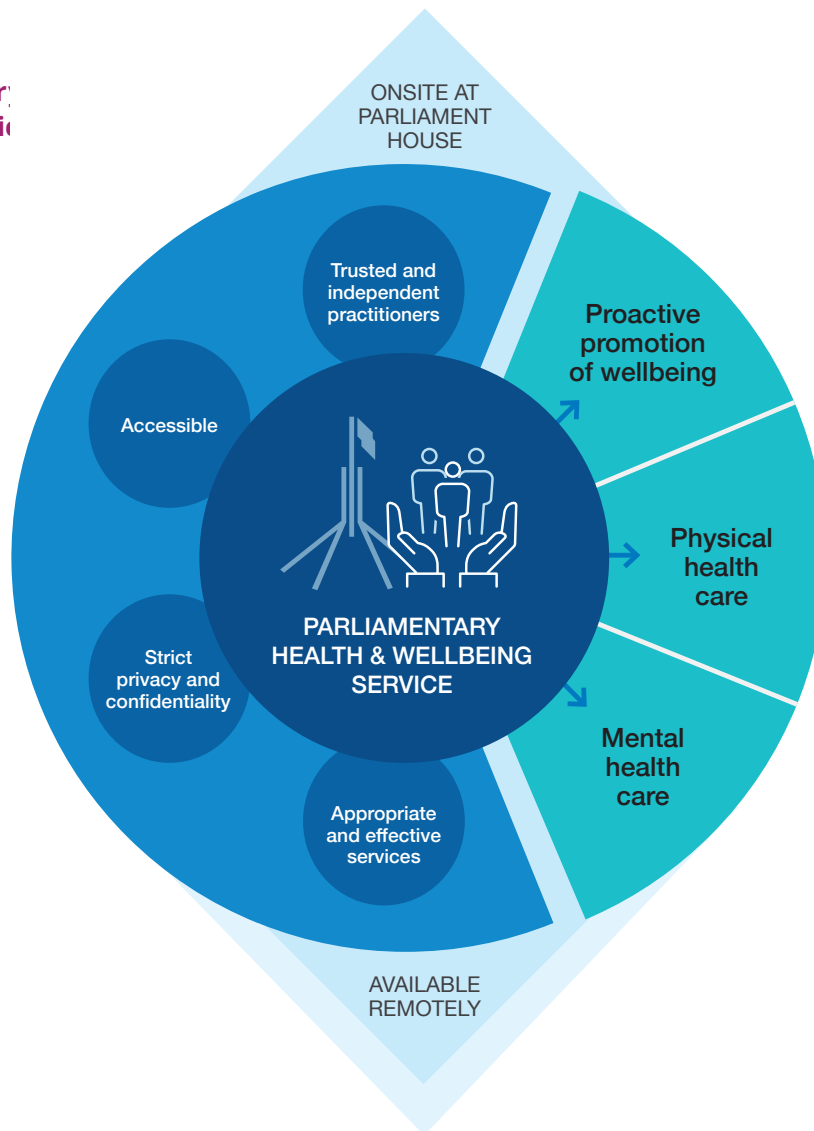
The new Parliamentary Health and Wellbeing Service should encompass and build upon the existing health services available at Parliament House, as well as mental health supports available to people in wider parliamentary workplaces. It is important, however, that the new Service expands the current supports available and plays a broader proactive role in promoting wellbeing.

A Parliamentary Health and Wellbeing Service would help to address the health needs of the full range of people in these workplaces and overcome existing barriers to accessing medical and psychological care. It would also proactively promote wellbeing before health concerns arise, through initiatives such as information campaigns, the distribution of resources, education and training and workplace events. By promoting personal wellbeing, the Service should help to foster an organisational culture where everyone has a role to play in maintaining a healthy and well-functioning workplace.

Independence and confidentiality

It is important that the new Service operates independently. There is a range of potential models for the operation and establishment of the Service, which should be led by DPS. For example, this could

Figure 5.6:
**A new Parliamentary
and Wellbeing Service**



involve a partnership with an external health care provider, or operation of the Service under a license (as is currently the case with SportsCare, the physiotherapy service at Parliament House).

Independent operation of the Service is important to address concerns that participants raised with the Commission about confidentiality and the possible misuse of personal information for those using health services. Partnering with an existing provider would help to ensure that the Service is established, is staffed and operates in a way that is fit-for-purpose.

It would also assist in ensuring adherence to the National Safety and Quality Health Service (NSQHS) Standards, including in relation to clinical governance, to ensure that patients receive safe and high-quality health care.¹²⁰¹ Despite operating independently of Parliament, the Service should have in-built mechanisms to ensure provision of advice about the nature and particular challenges that arise in these workplaces, for example through an Advisory Group.

Accessibility

It is important that the Service be available to all people working in these workplaces, regardless of role. The Service should provide face-to-face consultations at Parliament House, as well as remote services, for example through telehealth, to ensure access in flexible ways and for people outside Canberra, including people working in electorate offices.

The Service should also be accessible, regardless of the pathway through which people working in CPWs wish to access support. Pathways into the Service should include a dedicated phone line, as well as referral from other services, such as the EAP and internal human resources and WHS contact points. Providing mental, as well as physical, health services should help to overcome barriers associated with the stigma surrounding mental health support in these workplaces.

To overcome the barrier posed by privacy concerns of potential users, the Service's operations should be conducted with high levels of security and confidentiality. The Service's accessibility can also be improved by a supportive workplace culture, where leaders promote wellbeing at a policy level as well as through practical measures.

Appropriate and effective

The Service should provide appropriate, effective care to those who use it. As part of this, it is important that the service employs practitioners from diverse backgrounds and experiences, as well as people who have a particular understanding of these workplaces. These practitioners may include a general practitioner to prescribe medication as needed, nurses to triage and deliver a range of services and a team of mental health professionals. It is also important that practitioners are experienced in treating and supporting people who have experienced bullying, sexual harassment and sexual assault.

Referrals to other services

Through 'warm referrals', the Service should provide pathways to other health and wellbeing services that a person may need. These may include the EAP, which can continue to play a valuable role for people experiencing issues that can be addressed through short-term support. They may also include specialist services in the community, such as support and counselling for alcohol use or services specialising in responding to violence against women.

The Service should also establish relationships and referral pathways to ensure that people can access support from practitioners with whom they have a pre-existing relationship, as well as people who can provide appropriate support to people from particular groups. This includes, for example, First Nations people, people with disability, LGBTIQ+ people and people from CALD backgrounds.

Finally, it will be important that appropriate funding is provided to establish and operate the Service, commensurate with need, even if a user-pays principle applies to some of the specific services.

Implementation

The Commission understands that DPS may be considering an expansion of the services currently offered by the Nurses' Centre. Establishment of a new Service in line with the discussion above may take some time. As a result, in line with 5(d) ('Phases of implementation') the Commission proposes that preliminary steps be taken immediately to review and

consider existing health and wellbeing arrangements in these workplaces. These may include, for example, the operation of the EAP, the inclusion of wellbeing in induction processes and provision of guidance, and education and training across CPWs. The Commission also suggests that the establishment of the new Service be informed by a feasibility study to assess the demand for specific services, including from people in CPWs and their families, and test the most appropriate model of service provision.

Other initiatives to encourage health and wellbeing

The establishment of a new Parliamentary Health and Wellbeing Service should be supported by a holistic approach to health and wellbeing across CPWs. To ensure this occurs, while remaining independent, the Service should collaborate with the OPSC and human resources units across the parliamentary departments. It could also seek appropriate guidance and expertise, for example from the National Mental Health Commission and the Australian Public Service Mental Health and Suicide Prevention Unit.

Other steps that are likely to support an effective and holistic approach and a safe and healthy workplace include, many of which are recommended elsewhere in this Report, include:

- ensuring awareness of legal obligations, including in relation to WHS, and anti-discrimination
- consideration of ways to recruit and support a diverse workforce, including people who may experience mental health issues
- development and review of policies, processes and practices to ensure they support health and wellbeing
- psychosocial risk identification and management
- opportunities for personal and professional development
- creating a safe reporting culture
- recognition and celebration of diversity and inclusion.¹²⁰²

(d) Work environments that foster safety and wellbeing

The Commission heard from many participants that the work environments in CPWs do not foster safety or wellbeing. This includes the way in which work is structured; the high-pressure environment; the prevalence and lack of accountability for misconduct; as well as the design and operation of physical and virtual infrastructure in workplaces.

As outlined in 4 ('What we heard'), the Commission heard that the lack of flexibility and long and irregular hours contribute to negative experiences of workplace culture. For parliamentarians and MOP(S) Act employees, the Commission also frequently heard about the impact of employment arrangements, including the insecurity of work under the MOP(S) Act, inconsistent policies and procedures and limited access to flexible working practices. In addition, participants raised concerns about their personal safety as a consequence of bullying, sexual harassment and sexual assault, in person and online.

Several recommendations across the Framework for Action will assist in creating work environments across these workplaces that foster safety and wellbeing. Additional elements, however, should be considered as part of reform in this area, including:

- employment arrangements that offer greater flexibility, including flexible and remote working arrangements
- changes to Parliamentary sitting schedules and chamber cultures
- physical and virtual infrastructure to support wellbeing.

Reforms in these areas are an important part of addressing the cultural and systemic drivers of bullying, sexual harassment and sexual assault identified. Reforms of this kind would also help to address the gender inequality and lack of diversity that continues to limit the safe and effective participation and leadership of women and people from diverse backgrounds in CPWs.

(i) Flexible and remote working arrangements

The Commission heard that 'presenteeism'—being a preference for people who can be present for long hours over people who need more flexible work arrangements—is highly valued in CPWs, particularly for MOP(S) Act employees.¹²⁰³ The Commission also heard that, for MOP(S) Act employees, there are rarely opportunities to undertake their roles on a part-time basis, use job sharing/roster arrangements, work from home, work compressed hours, or take accumulated flex/time off in lieu.¹²⁰⁴

The value placed on presence and endurance limits the opportunity to attract a more diverse workforce (see 3 'Context', and 5.2 'Diversity, equality and inclusion'). It also reduces the safety and wellbeing of all people working in CPWs, because it contributes to fatigue, stress and overwork, as well as a lack of work/life balance. While recognising the unique demands of Parliament, especially during sitting weeks, the

Commission considers that there is a need and scope to review employment arrangements in relation to personal wellbeing.

The COVID-19 pandemic has tested the assumption that the operation of Parliament requires a workforce that is physically present. One parliamentarian told the Commission that '2020 has taught us you do not need to be in Canberra all the time'.¹²⁰⁵ Internationally, parliaments have passed specific resolutions to allow for 'hybrid arrangements'.¹²⁰⁶ In the United Kingdom, a review of the 'hybrid parliament' recommended that 'where there is no meaningful detriment to the overall effectiveness of the House of Commons, Members should be free and entitled to decide how they participate, whether in person or remotely'.¹²⁰⁷ There are also examples of parliaments—including parliamentary committees—operating remotely prior to the pandemic.¹²⁰⁸

The pandemic has already resulted in changes to the way in which these workplaces operate. For example, the two parliamentary chambers have operated with reduced quorums, while workers across CPWs, including the parliamentary departments, have been required to work remotely/from home.

The Commission heard a range of views on remote working. The Commission heard that remote working may not always be an optimal arrangement in a political environment, where in-person meetings are important for better collaboration and decision-making. The Commission also heard, however, that remote working has reduced the need for people in CPWs to 'fly in and fly out' for sitting weeks, providing greater balance for individuals and less fatigue, particularly for those with caring responsibilities.

An opportunity exists to extend and embed remote working options and hybrid arrangements as a way to support personal wellbeing, as well as to normalise and enable recruitment of a wider talent pool and more diverse range of employees. As a result, the Commission suggests that the Implementation Group review employment arrangements, practices and infrastructure to identify and implement reforms which can support greater flexible work and remote working arrangements, as well as the increased use of technology to extend hybrid arrangements implemented during the COVID-19 pandemic.

(ii) Parliamentary sitting calendar and Order/Routine of Business

One of the unique features of CPWs are the long and irregular hours that arise as a result, in part, of the sitting hours of the two chambers of Parliament.

Throughout the Review, the Commission heard from participants about the impact of these hours and the chamber culture on the wellbeing and safety of people across these workplaces.¹²⁰⁹ For example, one participant told the Commission:

The other thing I think needs to change is the working hours. People, I think, don't understand and appreciate that it is a very lonely workplace. You're very isolated and you're very institutionalised. Your life is run by a diary, by bells, and on a certain hour of a certain day you will do the same thing. And it lends itself to loneliness. I don't think it's healthy.¹²¹⁰

Participants also reflected that 'the fundamental problem is most of those hours are not spent productively anyway'.¹²¹¹

In addition to the impact of the long hours and limited breaks during sitting weeks, the Commission also heard that the operation of the chambers can contribute to, and normalise a masculinised and competitive culture, both inside and outside the chamber:

They're having all these screaming fights in the bloody chamber, and it's very adrenaline-rushing, and I think that they come out with a sense of, 'I've just [had] a win. Now I just want to go and screw something.'¹²¹²

You're constantly in that adversarial environment, whether it's needlessly adversarial ... but in Estimates or at Question Time, or whatever, just constantly arguing and yelling and screaming across the Chamber at people, as that's how we get our job done. So if it's acceptable here when the public is watching, it must be acceptable in my office when the door's closed.¹²¹³

Addressing these issues requires a combination of cultural, structural and practical changes, including to the sitting calendar and hours. Internationally, this has been achieved by discontinuing night sittings; aligning the parliamentary sitting calendar with school holidays; and fixing voting times.¹²¹⁴ To maximise predictability in the work schedule, in some parliaments the sitting day is aligned to 'regular working hours' (eg, 9am-6pm), and all votes are taken at fixed times (eg, in Norway, voting occurs on Tuesdays at 3pm and Thursdays at 2pm, and in Denmark, no votes are held after 7pm).¹²¹⁵

The Constitution of Australia allows both Houses of Parliament to make rules about the order and conduct of business and proceedings.¹²¹⁶ The Senate and the House of Representatives currently have different times of meeting during sitting weeks (see Table 5.9 below).

These hours, as well as the 'Order/Routine of Business'—or the order in which specific items are debated and put to a vote—have themselves been the subject of some debate and revision over the past 20 years.

Table 5.9: Times of meeting during sitting weeks

	House of Representatives	Senate
Monday	10am-8pm	10am-10.30pm
Tuesday	12noon-8pm	12noon-adjournment
Wednesday	9.30am-8pm	9.30am-8pm
Thursday	9.30am-5pm	9.30am-6pm

Source: Parliament of Australia, *House of Representatives Standing Orders* (2019) 25; Parliament of Australia, *Standing Orders and Other Orders of the Senate* (2021) 45.

There was some agreement among participants in the Review that the long hours are necessary to provide all parliamentarians with the opportunity to represent their constituents, debate and pass legislation. The Commission also heard, however, that they were unproductive and inefficient—particularly in the Senate¹²¹⁷—and have a detrimental effect on safety and wellbeing.¹²¹⁸

In light of the risks to safety and wellbeing arising from these arrangements, the Commission considers that there is a need to review and determine more appropriate ways to balance wellbeing with the business of the Parliament.

Suggested solutions to improve the work environment—specifically in relation to the number of days the parliament should sit, the duration of each sitting day, and the feasibility of aligning the sitting calendar with school calendars—differed considerably among participants. As a result, the Commission recommends that a review be undertaken of the sitting calendar and the Order/Routine of Business in each House, with a view to supporting the personal wellbeing of people across these workplaces as well as effectively delivering the work of government. This review should also consider the options for, and take-up of, measures that might compensate all workers for the overly long hours during sitting weeks.

(iii) Key principles to guide the reviews

As noted above, the Commission considers that a review into the extension of remote work opportunities, the Parliamentary sitting calendar and Order/Routine of Business are warranted in relation to both Houses of Parliament. While the solutions for change will need to be tailored to certain parts of CPWs where appropriate, each review should be guided by the following principles:

- **Predictability:** While there is a need for political spontaneity in the chamber, parliamentarians, MOP(S) Act employees and employees of the parliamentary departments require more certainty in their work schedules, so that they can meet commitments outside of work, including caring responsibilities.
- **Agency:** People should be entitled and empowered to choose working arrangements that best suit their personal circumstances, where possible.
- **Flexibility:** Where possible, people should have the opportunity to work flexibly, including through the use of remote work.
- **Effectiveness:** Work arrangements, sitting

hours and patterns and chamber processes should support effective work at an individual level, as well as the effective delivery of the business of government.

- **Compassionate leadership:** Leaders within CPWs should model compassionate leadership and be empowered to support their employees or party members in balancing work with other commitments.

(e) Alcohol

Throughout the Review, the Commission consistently heard concerns from participants about the culture of drinking and alcohol use in CPWs.¹²¹⁹ Participants shared concerns about: the availability of alcohol; the blurring effect of alcohol on personal and professional boundaries; its connection to work opportunities (and exclusion of those who avoid alcohol); and the impact of alcohol use on health and wellbeing. Additionally, a small number of participants referred to drug use in these workplaces.

The Commission also heard from participants about the way in which alcohol contributes to bullying, sexual harassment and sexual assault within these workplaces (see 4, 'What we heard').¹²²⁰ This is consistent with the broader literature that identifies alcohol as a factor that contributes to bullying, sexual harassment and sexual assault, and can reinforce gendered drivers of violence against women.¹²²¹ It is also consistent with concerns raised in other reviews in a parliamentary context.¹²²²

The Commission notes that it is important to recognise that consumption of alcohol does not, in and of itself, cause bullying, sexual harassment or sexual assault. Alcohol may still be a contributing or reinforcing factor in these types of misconduct. For example, it may 'weaken pro-social behaviour'¹²²³ as well as increase aggression, confidence and misreading of social cues.¹²²⁴ Where norms around alcohol interact with gendered social norms (such as norms around masculinity and peer-group behaviour) this can also contribute to violence against women.¹²²⁵

The Commission heard that, in many parts of CPWs, there is tolerance and sometimes encouragement or expectations around the use of alcohol.¹²²⁶ There also appears to be a difference between parliamentarians and MOP(S) Act employees when compared to PSA employees in experiences and perceptions around alcohol.

For example, the Review Survey results indicate that 71% of parliamentarians and 43% of MOP(S) Act employees agreed or strongly agreed that 'drinking alcohol in the location I work in is generally

seen as acceptable', compared with 18% of PSA Act employees.¹²²⁷ Similarly 33% of parliamentarians and 15% of MOP(S) Act employees agreed or strongly agree with the statement that 'drinking alcohol during work hours is generally seen as acceptable', compared with 8% of PSA employees.¹²²⁸

Participants highlighted the connection between alcohol and the need to network or engage with key stakeholders. One participant reflected, 'it's not like everyone's sitting there clutching their bottle of gin at their desk. It's that X stakeholder's having a function and you've got to go to that. And Y stakeholder's having a function here.'¹²²⁹ Another participant told the Commission:

After 5:00 pm, all the various lobby groups, the interest groups, they all come to Parliament, and there's about a dozen functions on every sitting night across the building. All of these functions, the catering, and the alcohol, is fully paid for by the interest group. And usually, it's an open invite to all Members and the staff. So you know, you would go, you would turn up to one function ... and they're talking, they're plying all their products. And at the back there's an open bar, and it's free, and it's unlimited. And then you go to the next function, and you go with other staffers, and you meet other staffers, and then you continue drinking.¹²³⁰

Overall, participants highlighted the central role that alcohol plays in socialising in the context of CPWs, within Parliament House, but also outside the building at local bars and restaurants. The same participant told the Commission:

One of the key reasons that I think politics was such a destructive and unproductive, and just inappropriate workplace for an 18-year-old to begin with, was how quickly I was plied with alcohol, and how integral alcohol was to socialising. Every function, every event, alcohol consumption is basically unlimited, unmonitored, and encouraged, often provided for free. All socialising happened over alcohol.¹²³¹

The Commission also heard that alcohol may be used in these workplaces to cope with stress and experiences of bullying, sexual harassment and sexual assault, burnout, limited work/life balance including long hours, and isolation from friends and family.¹²³²

For example, one participant told the Commission they were concerned about their colleagues; 'I was worried about them ... [including] the amount we would drink to self-medicate'.¹²³³

At an institutional level, the Foundation for Alcohol Research and Education (FARE) expressed the view that:

The reports of risky alcohol use within Parliament House and bullying, sexual harassment and assault, are inconsistent with community expectations of workplace behaviour and the very laws introduced by the Parliament aimed at protecting the health and safety of the workplace. It is also out of touch with community expectations. Behaviour such as voting on legislation while intoxicated would not be condoned in Australian workplaces.¹²³⁴

There does not appear to be clear, consistent or best practice policies or strategies in place to regulate alcohol in CPWs. In addition, some participants expressed the view that existing restrictions are ineffective:

the caterers have an obligation to cut you off if you're visibly drunk. But I don't know, there's something about the building where they're very reluctant to cut anyone off, because they're a little bit afraid about what would happen.¹²³⁵

There is also a lack of clear and consistent expectations around alcohol in these workplaces. For example, while guidance supporting the APS Code of Conduct is clear about misuse of alcohol before, during or after working hours potentially constituting a breach of the APS Code of Conduct,¹²³⁶ there is no similar expectation placed on non-APS employees within CPWs.

(i) **Best practice responses to alcohol in the workplace**

Given its role as a factor in contributing to bullying, sexual harassment and sexual assault, addressing availability and use of alcohol in the workplace is an important component of preventing misconduct. In addition, identifying alcohol consumption as a possible WHS hazard should form part of the steps taken to meet WHS obligations and duties within these workplaces.

A lack of consensus exists, however, about any single response that reflects best practice in managing alcohol in the workplace, particularly in a parliamentary context.¹²³⁷ Responses must address the multiple drivers and impacts of alcohol misuse which undermine health and safety in workplaces. VicHealth suggests that:

interventions should be multifaceted, with multiple and mutually reinforcing strategies addressing both the individual staff and the organisation. Organisational strategies should focus on the workplace factors that increase or decrease risky alcohol use. These include physical and social factors affecting access to alcohol, organisational culture, structures and controls, and the workplace environment and working conditions.¹²³⁸

Risk assessments to identify workplace-specific factors and inform organisational responses¹²³⁹ are emerging as a useful step in identifying and designing strategies for managing alcohol use. The National Centre for Education and Training on Addiction (NCETA), for example, has developed a risk assessment framework for alcohol and drugs.¹²⁴⁰

Research emphasises the value of tailoring responses to workplace-specific risks. A range of potential strategies to address alcohol in the workplace exist and could potentially be considered in the context of these workplaces.

Alcohol policies

Alcohol policies in Australian workplaces are increasingly common as a key workplace strategy to address and reduce alcohol-related harm.¹²⁴¹ A wide range of policies exist but, at a minimum, any policy should include: aims and objectives; scope; guidance around workplace-specific content and work-related functions and events; as well as responses to those who are under the influence of alcohol and other drugs.¹²⁴²

Given the multiple employers and overlapping workplaces within CPWs, the new Office of Parliamentarian Staffing and Culture (see 5.3, 'Systems to support performance') and human resources units within the parliamentary departments will need to collaborate to develop and implement alcohol policies. These policies should be broadly consistent across these workplaces, but also tailored where necessary and appropriate to respond to the specific risks and activities that arise for each cohort. It is also important that consideration be given to monitoring compliance with, and enforcement of, these policies across these workplaces.

The DPS Drug and Alcohol Policy provides a useful example of a policy that could be further developed and used as a template across CPWs.

Box 5.19:

Department of Parliamentary Services Drug and Alcohol Policy

The Department of Parliamentary Services (DPS) has a Drug and Alcohol Policy which was developed in 2020. The policy includes: a statement of intent; defines clear responsibilities; considers DPS-specific risks; and outlines procedures for handling workers who are intoxicated. The policy applies to all DPS workers (including interns and contractors on site).

One DPS-specific risk identified in the Policy is the consumption of alcohol during work hours. The Policy addresses this risk and provides that alcohol may only be consumed at approved events. It also requires measures to minimise the impact of alcohol (for example, serving food and non-alcoholic drinks and having set start and finish times).

The Policy could be amended to better reflect good practice through considering and regulating social-work events outside of work hours; adopting greater oversight and control over events run within Parliament House; and addressing presenteeism and the after-effects of alcohol consumption.

Wellbeing supports and health promotion

Alcohol and drugs may be used by some people as a coping strategy to deal with traumatic situations, professional burnout and workplace stress.¹²⁴³ As a result, it is important that responses to alcohol in any workplace address these drivers, including through provision of wellbeing supports and health promotion.

The Victorian Health Promotion Foundation suggests that this include provision of counselling and supports; training and education around safe use of alcohol; and creating alternate methods to 'let off steam'.¹²⁴⁴ Broader strategies to address workplace stress and to promote wellbeing are also important parts of a holistic approach.

**Box 5.20:
Alcohol, tobacco and other drugs program
(Australian Defence Force)**

The Australian Defence Force (ADF) launched the alcohol, tobacco and other drugs program alongside their Mental Health Strategy in 2002.¹²⁴⁵ The program treats alcohol, tobacco and drugs as health issues. The aim of the program is to ‘enhance the mental health and wellbeing of Defence members’.¹²⁴⁶ The program offers alcohol and drug awareness training; workshops on low-risk drinking; education and treatment for those who misuse alcohol; and bespoke support.¹²⁴⁷

Alcohol testing

There is a lack of evidence to support the use of alcohol testing in reducing harm at work or deterring consumption.¹²⁴⁸ Drug and alcohol testing is nevertheless a mechanism used in some workplaces.¹²⁴⁹ Testing may occur randomly, where there is a perception that someone is under the influence, or after an incident.¹²⁵⁰ For testing to be effective it must be justifiable, procedurally fair, appealable and result in supportive, rather than punitive, outcomes.¹²⁵¹ Alcohol testing may be counterproductive if employees choose to mask their drinking to avoid detection, rather than change behaviour.¹²⁵²

Alcohol-free workplaces

Alcohol availability, acceptance, and use by others influence employee alcohol use.¹²⁵³ As a result, some workplaces are implementing alcohol-free workplaces. For example, BHP introduced an alcohol ban in 2021.¹²⁵⁴ BHP has made its workplaces-alcohol free, except for pre-approved events, and has also introduced random testing to ensure compliance.¹²⁵⁵

Research indicates that there has been some success in reducing harm and injuries in universities where alcohol bans have been introduced on campus.¹²⁵⁶ In the context of CPWs, the Commission heard that some parliamentarians have introduced ‘dry office’ requirements, which has had a positive impact on office workplace culture.¹²⁵⁷

Codes of conduct

A range of strategies are available for embedding safe consumption of alcohol in workplaces, including in codes of conduct. In a parliamentary context, codes of conduct exist or are being developed in several jurisdictions that incorporate expectations in relation to alcohol (see case study below).¹²⁵⁸

In the Australian Public Service, the APS Code of Conduct requires APS employees to act with care and diligence in connection with APS employment.¹²⁵⁹ Guidance from the APSC about the application of the Code specifically notes alcohol misuse as a matter that may amount to a breach of the Code:

3.5.10: If an APS employee misuses alcohol or other drugs before, during or after working hours they may be in breach of the Code. This may occur if their performance, the safety of colleagues or the reputation of the APS or their agency is adversely affected. For example, an employee whose performance is affected by alcohol or drugs may fail to act with care and diligence in connection with their employment (section 13(2) of the PS Act), or they may be in breach of other Australian laws such as the WHS Act (section 13(4) of the PS Act).¹²⁶⁰

In 5.4, ‘Standards, reporting and accountability’, the Commission discusses the inclusion of expectations in relation to alcohol in the new Codes of Conduct for parliamentarians and MOP(S) Act employees respectively.

**Box 5.21:
Queensland Parliament Codes of Conduct**

The *Code of Conduct for Ministerial Staff Members* and the *Code of Conduct for Opposition Staff Members* in Queensland have specific guidelines around the use of alcohol which staff are obligated to uphold.¹²⁶¹ These codes state that staff should ‘not allow the consumption of alcohol or other drugs to adversely affect your work performance or official conduct’. These documents also note consequences if the code is breached; how breaches can be reported; and the process for deciding if a breach has occurred.

Other ways to avoid inappropriate alcohol use

A number of other approaches exist to avoid inappropriate or excessive alcohol use. These include, for example:

- leaders setting clear expectations and ensuring compliance with relevant policies and codes of conduct
- consideration of opportunities for networking and engagement that do not involve alcohol, such as networking breakfasts.¹²⁶²

Importantly, the involvement of key stakeholders in the development and implementation of responses is a key contributor to effectiveness. This may include, for example, consultation around identification of risks, as well as articulation of goals and provision of training to raise staff awareness and support implementation of the policy (such as training of security staff).¹²⁶³

(ii) Encouraging a culture of appropriate and responsible use of alcohol

The Commission has identified a clear need to encourage a culture of appropriate and responsible use of alcohol in CPWs. This arises from the need to:

- enhance the safety and wellbeing of people in these workplaces
- address alcohol as a factor in contributing to bullying, sexual harassment and sexual assault
- meet WHS obligations
- meet other legislative obligations
- ensure that CPWs are professional and high performing workplaces, including through provision of non-alcohol related opportunities for networking and engagement
- ensure that there are clear standards and expectations of behaviour around use of alcohol in Parliament that are in line with community expectations, given the role of Parliament as our national democratic institution
- contribute to gender equality, diversity and inclusion.

As FARE highlighted in its submission to the Review, 'alcohol contributes to the problem and therefore must be part of the solution. Efforts to address bullying, sexual harassment and sexual assault without addressing alcohol use will not be effective'.¹²⁶⁴ In addition to facilitating misconduct, alcohol also undermines workplace performance.¹²⁶⁵

As a result, the Commission recommends the development of comprehensive and consistent alcohol policies across these workplaces. These policies may also include drug use. In particular, the Commission suggests that the DPS Drug and Alcohol Policy be reviewed and enhanced to ensure appropriate mitigation of alcohol-related risks within Parliament House, particularly in relation to functions and events involving alcohol service. This should include review and/or development of protocols for dealing with intoxicated parliamentarians, workers and visitors by the Parliamentary Security Service.

In addition, the Implementation Group should review and/or develop alcohol policies which are consistent with DPS's policy, but which are also tailored to the risks specific for their staff and other workplace locations outside of Parliament House and the Parliamentary precincts. The policies should address or include:

- a clear aim, scope, principles, priority action areas and accountability measures
- limits and restrictions on the availability and supply of alcohol in CPWs
- the use of alcohol in CPWs
- alcohol at work events and functions (including responsible service of alcohol, support for hospitality staff, and requirements around provision of non- and low-alcohol options and food, as well as time limits on events)
- expectations around consumption of alcohol (and working under the influence) to complement and expand on the application of standards in the APS Code of Conduct and new Codes of Conduct recommended in 5.4(f) ('Setting clear standards of conduct')
- consequences and supports for people using alcohol inappropriately, including people who are under the influence of alcohol during working hours
- a mechanism and timeline for review of the Policy.

Given the strong and frequent concerns expressed by many participants during the Review, as well as the link between alcohol and bullying, sexual harassment and sexual assault, the Commission considers that these policies should be underpinned by principles of safety and harm minimisation.¹²⁶⁶ In line with the *National Alcohol Strategy*, this focus on safety and harm minimisation should aim to reduce demand, supply and adverse effects for people using alcohol and those around them.¹²⁶⁷

Drawing on best practice, a number of elements should complement and support implementation of these policies.¹²⁶⁸ Many of these elements intersect with other recommendations made in this Report. The elements include:

- incorporating clear expectations and standards around the use of alcohol within the Codes of Conduct recommended in 5.4(f) ('Setting clear standards of conduct'). This would complement the existing standard in the APS Code of Conduct
- an increased proactive focus on wellbeing, safety and support
- embedding the alcohol policy and expectations through training. Training should include education around the impacts of alcohol. This may also include additional training for security staff on how to engage with people under the influence of alcohol or drugs
- proactive leadership, including through modelling and enforcing behavioural standards and expectations; facilitating alternative opportunities for networking and engagement; and encouraging a culture of professionalism and respect
- provision of supports (such as counselling and other services) to assist people using alcohol excessively or as a coping mechanism.
- clarity around the application of reporting and complaints mechanisms to misconduct which occurs at social-work events, or outside of the workplace
- consideration of opportunities for networking and engagement that do not involve alcohol, including encouragement of external organisations to host non-alcohol related events at Parliament House
- provision of information about alcohol use to people across CPWs and attendees at functions, including how to keep risk of harm from alcohol low.¹²⁶⁹

In addition, the development of these policies should be informed by a risk assessment of all alcohol-related harms, as well as all other relevant policies and procedures in CPWs. Parliamentarians should contribute to this process to help to identify any risks present in their offices and workplaces. The risk assessment should identify the factors particular to these workplaces that contribute to harm; the impact that alcohol and drug use has on the work environment; and actions that can be taken to reduce this impact.¹²⁷⁰ This approach was supported by

many participants in the Review.¹²⁷¹

Part of the risk assessment should include consideration of steps already taken within these workplaces to address alcohol use and the potential broader applicability of these steps. For example, as noted above, the Commission heard that some parliamentarians have introduced dry offices, demonstrating the positive impact of leaders setting standards and expectations for their staff. The Commission heard:

I think a lot of workplaces are recognising that alcohol is not an excuse for bad behaviour, but it can ... create an unsafe environment. We've made the leader's office dry other than the leader's suite where he does hospitality. I had a lot of feedback from the women staff in our office that they find that's a much better workplace to be in.¹²⁷²

Finally, both the risk assessment and development of the policies should be informed by the views and experiences of people across CPWs. As FARE highlighted, 'critical to this process is talking to people [that] work at Parliament House about their experiences in the workplace to understand the extent of the impact and identify potential solutions'.¹²⁷³

(f) Recommendations

The Commission makes recommendations below to foster a holistic and proactive approach to safety and wellbeing.

Recommendation 25: Work health and safety obligations

The Implementation Group (see recommendation 2) should work collaboratively to:

- (a) develop, agree, and document an intra-parliamentary understanding of the application of, and responsibility for management of, work health and safety duties in Commonwealth parliamentary workplaces
 - (b) review existing arrangements and consider ways to:
 - i. ensure consistent approaches to identify, eliminate, minimise and communicate about work health and safety risks across these workplaces
 - ii. take a broader and proactive approach to work health and safety responsibilities, including an increased focus on psychosocial risks
 - iii. directly and effectively address bullying, sexual harassment and sexual assault as work health and safety issues
 - (c) provide guidance, education and training on work health and safety obligations and duties in the context of bullying, sexual harassment and sexual assault.
-

Recommendation 26: Parliamentary Health and Wellbeing Service

The Department of Parliamentary Services should lead the establishment of a Parliamentary Health and Wellbeing Service. At a minimum, the Service should be adequately resourced to:

- (a) provide basic physical and mental health services
 - (b) be available to all people in Commonwealth parliamentary workplaces
 - (c) offer services onsite at Parliament House, as well as remotely, with appropriate privacy and confidentiality measures in place
 - (d) be operated by trusted and independent practitioners with knowledge and understanding of these specific workplaces
 - (e) proactively promote wellbeing and early intervention support.
-

**Recommendation 27:
Review of Parliamentary sitting calendar
and Order/Routine of Business**

The Procedure Committees of the House of Representatives and the Senate should review the Parliamentary sitting calendar and the Order/Routine of Business with a view to enhancing wellbeing, balance and flexibility for parliamentarians and workers in Commonwealth parliamentary workplaces.

**Recommendation 28:
Alcohol policies**

The Implementation Group (see Recommendation 2) should:

- (a) develop and implement consistent and comprehensive alcohol policies across Commonwealth parliamentary workplaces, with a view to restricting availability in line with work health and safety obligations, and the principle of harm minimisation.
 - (b) support implementation of these policies through measures including:
 - i. incorporating clear expectations and standards around the use of alcohol within respective Codes of Conduct for parliamentarians and Members of Parliament (Staff) Act employees
 - ii. provision of support and a proactive focus on wellbeing and safety
 - iii. provision of education, training and awareness raising opportunities
 - iv. provision and encouragement of opportunities for networking and engagement that do not involve alcohol.
-

6.

Conclusion

... this is for the most part, a bunch of people who work extraordinarily hard... and the reason that they do it, is because they want to make the country a better place and because they truly believe they can make a difference.

(Interview 404, CPW Review)

The Commission is privileged to have conducted this Review with the aim of ensuring a safe and respectful work environment in CPWs. The people who work in CPWs are driven by a strong commitment to public service that serves the national interest. They are also deeply invested in the potential for change in their workplace, with their contributions providing the basis for the Commission's Framework for Action. The Commission is therefore indebted to the many individuals and organisations whose contributions not only informed the Review's findings, but the solutions proposed in its Framework for Action. Participants in the Review highlighted the urgency of change, as well as the need for long term cultural transformation.

The Framework for Action involves a program of substantial reform which requires planning, coordination and a sustained focus to achieve full implementation. Strong leadership across the Parliament will be critical to success. Accordingly, the Commission proposes a structure to oversee this implementation and a phased timeframe in which it can be achieved. This timeframe is vital to support those steps which will take significant planning and development, such as the establishment of the Office of Parliamentarian Staffing and Culture and the Independent Parliamentary Standards Commission, as well as a number of proposed legislative amendments.

The timeframe is just as important, however, to identify those steps which can be implemented without delay. This includes, for example, the Statement of Acknowledgement; establishment of the leadership taskforce as well as the Joint Standing Committee on Parliamentary Standards; and the development of new standards and policies. Steps such as these can start to deliver value relatively quickly, especially for new cohorts of parliamentarians and MOP(S) Act employees who may be joining CPWs following the next election.

All leaders in the Parliament now have access to the collective voice of the current and past workforce, sharing experiences and insights that the Commission was told would never be shared in any other context. This is a firm basis for an historic legacy this parliament can leave, creating a stronger parliament for the future. An opportunity exists for leaders not only to set the standard, but to set in motion a program of lasting reform.

The shifts that will occur as a result include the chance to attract and retain the best people; to drive institutional performance; and, by supporting diversity, equality and inclusion, to improve decision-making overall. Creating and sustaining these shifts will also recognise that a safe and respectful parliamentary environment is not only essential to the people who work there, but to the national interest and representative democracy that they are there to secure.

7.

Appendices

Appendix 1.

Terms of Reference

The Government, in consultation with the Presiding Officers, the Opposition, minor parties and independent Members of Parliament has established an Independent Review (Review) into the workplaces of Parliamentarians and their staff (parliamentary workplaces).

The aim of the Review is to ensure all Commonwealth Parliamentary workplaces are safe and respectful and that our national Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The Review will consider recommendations to ensure that the people who work in parliamentary workplaces are treated with dignity and respect and have access to clear and effective mechanisms to prevent and address bullying, sexual harassment and sexual assault.

Objectives

The objectives of the Review are to:

- Understand the experiences and the expectations of current and former staff of Commonwealth parliamentarians, current and former Commonwealth parliamentarians, and staff working within the Parliament of Australia with respect to ensuring a safe and respectful workplace;
 - Consider best practice in the enabling of safe and respectful parliamentary workplaces, including national and international approaches;
 - Examine the adequacy, effectiveness, independence, resourcing and awareness of current supports available to enable a safe and respectful workplace, in particular preventing and responding to workplace bullying, sexual harassment and sexual assault;
 - In the context of workplace bullying, sexual harassment and sexual assault, consider:
 - drivers in parliamentary workplaces, including the workplace culture, characteristics and practices that may increase the risk;
 - legislative, cultural, structural or other barriers to reporting incidents in parliamentary workplaces; and
 - current response and reporting mechanisms in parliamentary workplaces;
- Assess the extent to which current legislation, policies, processes and practices promote or impede safe and respectful workplaces, including the operation of the Members of Parliament (Staff) Act 1984 (MOP(S) Act); and
 - Prepare a report setting out findings and recommendations on the matters within the scope of the Review, with a focus on constructive measures that can be implemented to achieve best practice in the prevention and handling of workplace bullying, sexual harassment and sexual assault.

The Review will be led by Australia's Sex Discrimination Commissioner, Kate Jenkins.

The Review will be conducted in accordance with section 11 of the *Australian Human Rights Commission Act 1986* (Cth).

The Review will provide a public report by November 2021. Commissioner Jenkins may make interim recommendations, and will provide a public progress update in July 2021.

Commissioner Jenkins will publicly detail and implement measures to protect individual privacy and confidentiality of participation in the Review.

The Review is expected to consult widely, especially with current and former staff. In addition, a number of current or former MOP(S) Act staff will be nominated to act as reference points for Commissioner Jenkins. Commissioner Jenkins may draw upon further independent expertise or advice to assist in the successful delivery of the Review.

The Review will inquire into systemic issues, and for this reason the Review will not be investigating or making findings about individual allegations as part of the inquiry. The Commissioner will provide clear referral pathways to participants who wish to raise matters with the appropriate agency or authority as well as clear referral pathways to counselling or other supports. Additional resources will be provided to ensure anyone participating in the review has access to appropriate support services as needed, including specialist trauma counselling.

The Australian Human Rights Commission will be provided with additional resources to support Commissioner Jenkins to conduct the review, including the ability for individuals to participate with full confidence that they will be supported and their privacy protected.

All Commonwealth agencies will cooperate fully with the Review.

Appendix 2.

Methodology

In March 2021, the Australian Human Rights Commission, an independent statutory organisation, established to protect and promote human rights in Australia, was engaged by the Australian Government with the support of the Opposition and crossbench to undertake the Independent Review into Commonwealth Parliamentary Workplaces. The Review was undertaken between March 2021 and November 2021.

The Commission adopted a mixed method approach for the Review, using both qualitative and quantitative research methods to develop a robust evidence base to inform its findings and recommendations. This approach included:

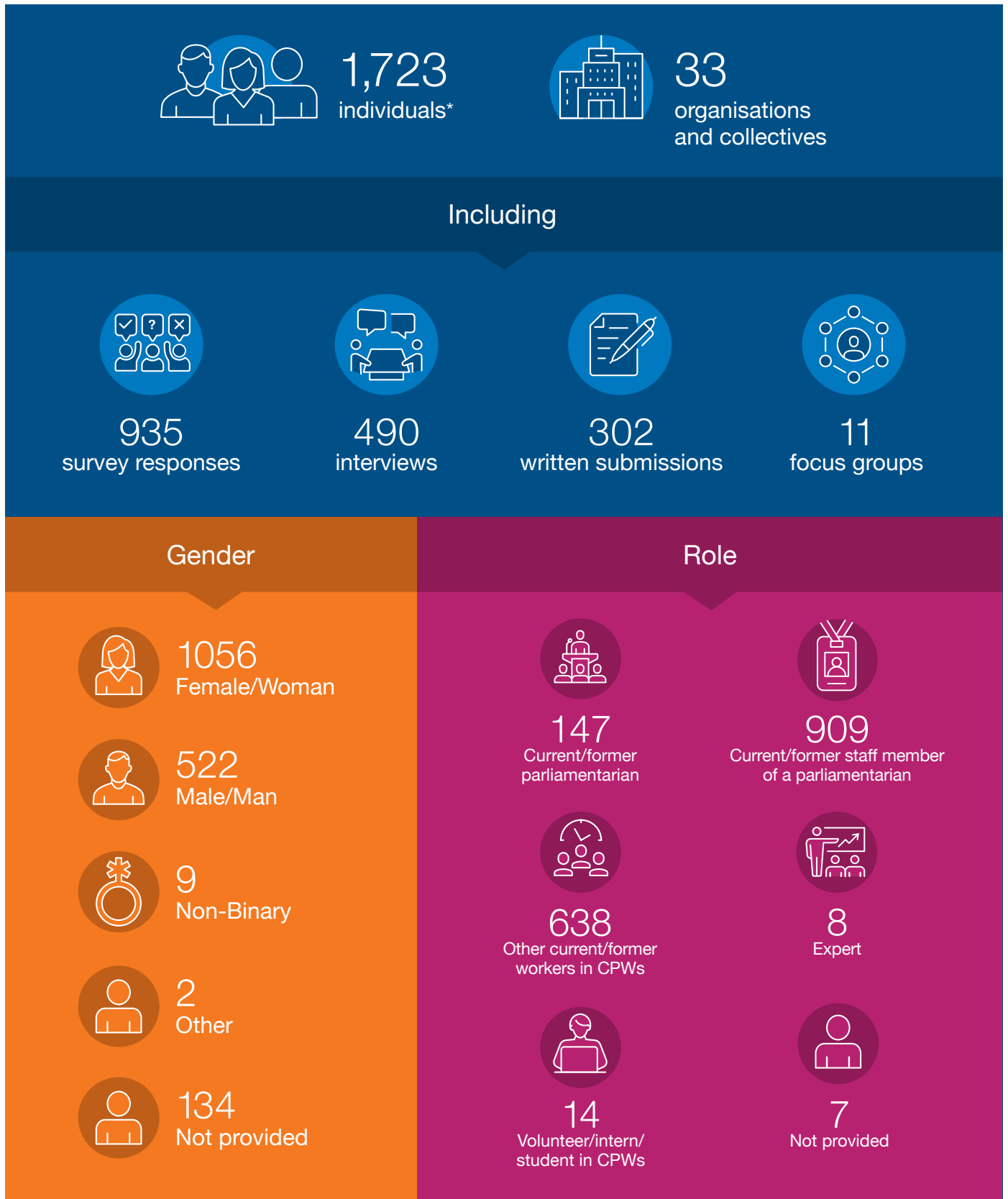
- interviews
- written submissions
- an online survey
- focus groups
- Requests for Information
- review of relevant data, legislation, policies and processes
- research.

The data gathering phase of the Review commenced in mid-May 2021, following ethics approval from the Human Research Ethics Committee of the University of New South Wales (HC210264). The Commission sought ethics approval to ensure that the proposed methodology was trauma-informed and aligned with best research practice.

(a) Participants

There were 1,723 individual and 33 organisational contributions to the Review.¹²⁷⁴ The demographics of participants are outlined in Figure 1 below, including participant gender and role. In addition to gender and role the Commission also requested demographic information from participants engaging in the Review. Due to the inconsistent provision of demographic information from participants and in some cases the small numbers of people in each category, the Commission does not include this information below. However, some of this demographic data is referred to in 4 ('What We Heard').

Figure 1. Total contributions to the Review



*Note: This figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).

(b) Qualitative data

(i) Interviews

The Commission undertook 490 interviews. Interviews commenced on 20 May 2021 and registrations closed on 20 August 2021.

Interviews were conducted face-to-face in Canberra, Sydney, Melbourne, Adelaide and Perth. Due to the impact of COVID-19 restrictions, in-person interviews scheduled for Brisbane, Hobart and Darwin were converted to online and telephone interviews. The majority of interviews from 24 June 2021 were conducted online or by telephone. In response to significant demand for interviews, the Commission extended the registration period and added additional phone and online interview opportunities to ensure that everyone who requested an interview was able to participate.

Each interview was conducted by two Commission team members. The one-hour interviews used a semi-structured format and focused on individual experiences and observations of workplace culture, policies, processes and practices in Commonwealth parliamentary workplaces and recommendations for the Review.

Interviews were recorded with the consent of participants. All responses provided through interviews were de-identified and treated as confidential. The Commission analysed transcriptions of the recordings to identify recurring themes, which are reflected in this Report.

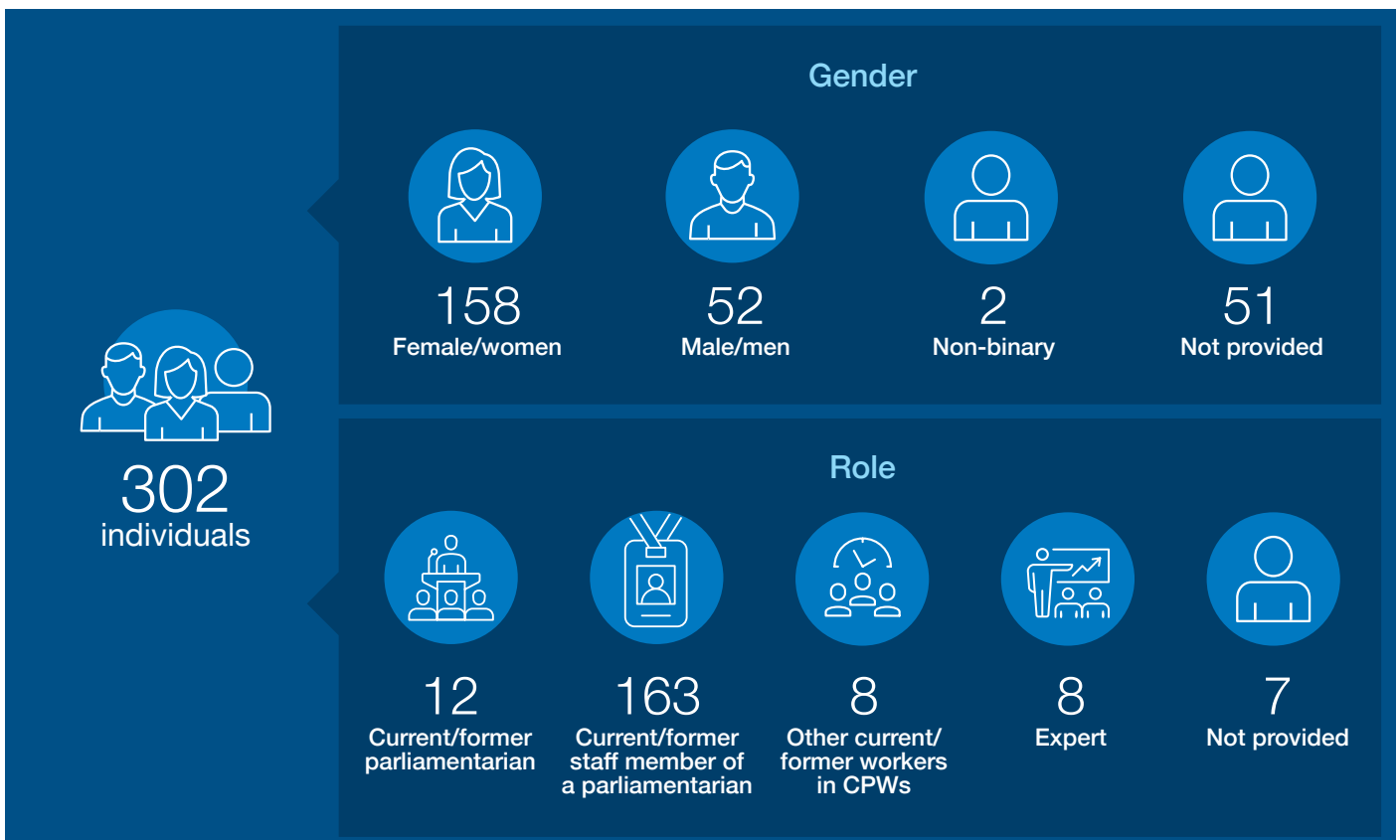
(ii) Submissions

The Commission accepted written submissions between 20 May 2021 and 31 July 2021 and submissions were received in a number of ways, including through an online form and by email. The Commission received 302 written submissions from 296 authors, including 263 individuals and 33 submissions received from organisations or groups.

Participants were able to make an anonymous, confidential or public submissions. The Commission received 156 confidential submissions,¹²⁷⁵ and 146 submissions where the person or organisation making the submission requested that it be made public. Public submissions were published on the Review website, however the Commission de-identified, edited or did not publish some public submissions to protect the identity of the authors and/or third parties or where otherwise appropriate.

The Commission analysed submissions to identify recurring themes, which are reflected in this Report.

Figure 2. Submissions received



(iii) Focus groups

The Commission conducted 11 focus groups with 38 individuals between 28 July 2021 and 10 September 2021.

While the focus groups were initially planned in-person, due to the impact of COVID-19 restrictions, they were conducted online. The format of these focus groups was semi-structured, with groups discussing a range of themes relevant to the Review.

Focus groups were primarily used to facilitate engagement in the Review by people who may have been less likely to make a written submission or register for an interview, or who felt more comfortable engaging in a group format.

Focus groups were conducted with the following groups (some groups had multiple focus groups):

All employees across parliamentary departments

Women across parliamentary departments

LGBTIQ+ employees across parliamentary departments

Aboriginal and/or Torres Strait Islander employees across parliamentary departments

Committee employees – Department of the Senate and Department of the House of Representatives

Parliamentary Budget Office/Library/Research/Hansard/Broadcasting employees

Visitor engagement, catering and events employees – Department of Parliamentary Services

Security employees – Department of Parliamentary Services

COMCAR drivers

Focus groups were recorded with the consent of participants. All responses provided through focus groups were de-identified and treated as confidential.

The Commission analysed transcriptions of the recordings to identify recurring themes, which are reflected in this Report.

(iv) Requests for Information

The Commission issued Requests for Information (RFI) to 11 Commonwealth departments and agencies and to all 227 parliamentarians. The types of information and documents requested included:

- demographic data (such as gender, age, diversity, length of service etc) of employees and other workplace participants (such as volunteers)
- data on complaints received in relation to workplace bullying, sexual harassment and sexual assault and referrals to external bodies/agencies
- data on internal support services and external service providers
- information on induction processes and training provided in relation to workplace bullying, sexual harassment and sexual assault
- policies and procedures relating to workplace bullying, sexual harassment and sexual assault and how that information is disseminated.

Between June and October 2021, the Commission sent requests to, and subsequently received responses from, the following departments and agencies:

- Australian Federal Police
- Comcare
- Department of Finance
- Department of Parliamentary Services
- Department of the House of Representatives
- Department of the Prime Minister and Cabinet
- Department of the Senate
- Fair Work Commission
- Fair Work Ombudsman
- Parliamentary Budget Office
- Prime Minister's Office

Additionally, 79 parliamentarians responded to the Commission's Request for Information.

(v) Research

The Commission undertook extensive review and analysis of Australian and international research and data relevant to bullying, sexual harassment and sexual assault, including:

- academic literature
- reports and recommendations of national and international reviews and inquiries
- relevant Commonwealth and state legislative frameworks and key case law
- good and promising practice approaches and strategies, including policies, practices or other measures being undertaken in Australia and overseas
- legal and regulatory approaches adopted in other jurisdictions
- available data, including from relevant regulatory agencies
- other sources of domestic and international data.

The Commission also met with a number of experts and organisations to inform this research work throughout the course of the Review.

(c) Quantitative data – Review Survey

The Commission engaged Roy Morgan Research to conduct the Review Survey. The survey received ethics approval from the Human Research Ethics Committee of the University of New South Wales (HC210264). The survey was conducted over a four-week period between 21 July and 16 August 2021.

The survey was designed to provide an accurate picture of the current workplace culture and the prevalence of bullying, sexual harassment, and sexual assault in CPWs.

All 4,008 people working in CPWs on 19 July 2021 over the age of 18 years were invited to participate in the survey, including:

- Commonwealth parliamentarians
- all people employed under the *Members of Parliament (Staff) Act 1984* (Cth) (MOP(S) Act), *Public Service Act 1999* (Cth) or the *Parliamentary Services Act 1999* (Cth).

There were 935 survey respondents. As a result, the survey response rate was 23%, almost a quarter of all people in CPWs.

The survey invitations were distributed by email. The Department of Finance, Department of Parliamentary Services, Department of the House of Representatives, Department of the Senate and Parliamentary Budget Office distributed the survey invitation to individuals by email. The invitation included a unique login for use by respondents.

The survey questionnaire was administered as an online Computer Assisted Web Interview (CAWI). This involved the respondent using an internet enabled device to answer the questionnaire that presented a series of customised questions based on their answers to previous questions.

In developing the survey instrument, the Commission ensured the questions aligned with best practice in undertaking surveys to measure prevalence and incidence of bullying, sexual harassment and sexual assault. Where possible, the Commission also aligned questions with the 2018 National Survey to provide a basis for benchmarking of results.

The Review Survey questionnaire is included at **Appendix 4**.

Reading and interpreting the Review Survey data and results

The responses to the Review Survey have been weighted. Weighting was applied to the responses to correct imbalances in the results due to any non-response bias (for example the over or under representation of particular groups) and to enable the results to be extrapolated to the general CPW population.

All sample survey results are subject to sampling variability, that is, they may differ from results obtained if all people working in CPWs had completed the survey or if the survey was repeated with a different sample of respondents. The Standard Error (SE) measures the extent that a survey estimate could vary by chance because only a sample of people were surveyed. The table below shows the standard errors, at a 95% confidence level, associated with various survey estimates for a sample of 935 respondents. For example, the SE for a survey estimate of 30% is plus or minus 2.9%. In other words, if 30% of all respondents had agreed with a particular statement there is a 95% chance that if the survey was repeated the proportion of respondents agreeing with the statement would fall within the range 27.1% and 32.9%.

Survey estimate	Standard error for a sample of n=935 (+ or -)
10%	1.9%
20%	2.6%
30%	2.9%
40%	3.1%
50%	3.2%
60%	3.1%
70%	2.9%
80%	2.6%
90%	1.9%

This table should be used to assist with the interpretation of results.

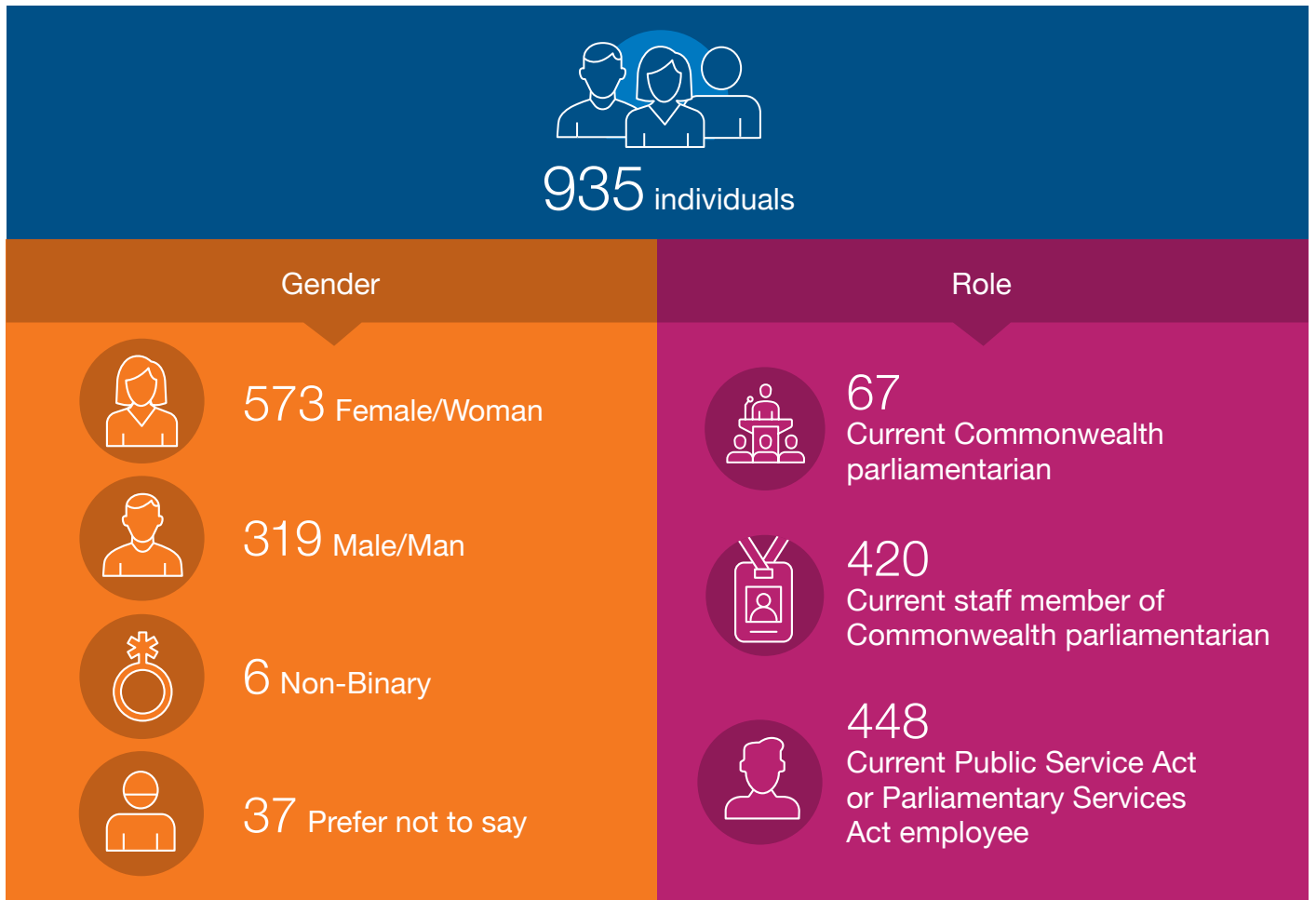
For some parts of the Review Survey, the number of responses returned insufficient data to be able to undertake detailed analysis. For other areas, specifically questions relating to sexual assault, the number of responses were too low to allow detailed reliable information to be extrapolated to the entire CPW workforce. While the Commission has been able to provide a broad overview of the experiences of sexual assault in CPWs, these observations should only be regarded as indicative of the nature and prevalence of sexual assault in CPWs and the experience of those people in CPWs who have experienced sexual assault.

The number of responses to some questions and by some groups also posed a potential confidentiality issue. As a result, the Commission has not published any results that could potentially result in the identification of respondent/s.

All numbers in this Report drawn from Review Survey results are rounded to the nearest whole number. As a result, percentages may not add up to 100% in some Figures due to this rounding of decimals and in some cases the numbers in the text (cumulated totals) may differ from the individual numbers shown in a Figure.

Unless otherwise indicated, statistics referred to in this document are in reference to findings from the Review Survey.

Figure 3. Participation in the Review Survey



(d) Communications and engagement

The Commission sought broad and diverse participation as a priority to ensure the Report represents a comprehensive understanding of Commonwealth parliamentary workplaces.

The Commission sought participation in the Review through direct engagement, briefings, social and traditional media, and word of mouth, including directly sending information on how to participate in the Review to:

- current Commonwealth parliamentarians
- current and former employees under the MOP(S) Act through the Department of Finance, for whom they had contact details
- all staff of the Department of the House of Representatives, the Department of the Senate, the Department of Parliamentary Services, the Parliamentary Budget Office, and to the Secretaries of all 14 Government Departments that report directly to cabinet ministers
- Press Gallery journalists and Community and Public Sector Union members.

Online and in-person briefings with Commonwealth parliamentarians, current staff of parliamentarians as well as staff of the parliamentary departments were also led by the Sex Discrimination Commissioner and the Review Team to outline how to participate in the Review.

In accordance with the Terms of Reference, all political parties and Independents were invited to nominate between five and ten current and/or former staff members to act as reference points for the Review team. These nominations will remain confidential.

Reference points were invited to participate in an interview as part of the Review and played a role in encouraging participation in the process through their networks. Reference points did not play an advisory role and did not have access to any information provided to the Review.

Appendix 3.

Internal systems
and processes
in Commonwealth
parliamentary
workplaces –
further information

This Appendix provides further information on the internal systems and processes in CPWs, which are outlined in 3.3 ('Internal systems and processes in Commonwealth parliamentary workplaces') of this Report.

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁷⁶

Department/ Policy	Brief outline of relevant content ¹²⁷⁷	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of Finance (Ministerial and Parliamentary Services)</p> <p><i>Workplace bullying and harassment policy¹²⁷⁸</i></p>	<p>Covers workplace bullying and harassment (including sexual harassment). Defines sexual harassment as including 'behaviour that may also be considered to be an offence under criminal law' including, among other things, sexual assault. (pp 7-8)</p> <p>States that workplace violence incidents '(i.e. physical assault or the threat of physical assault) should be reported to the police'. (p 8)</p> <p>Sets out responsibilities of MOP(S) Act employees, parliamentarians and the Department of Finance for preventing (or minimising the risk of) responding to workplace bullying. (pp 9-18)</p> <p>Sets out issues resolution procedure consisting of:</p> <ul style="list-style-type: none"> • self-management – by the complainant, assisted (by another person within the workplace) or represented • reporting to the Department of Finance by a MOP(S) Act employee, witness(es) or anonymously. The Department of Finance discourages anonymous reports as it will have limited ability to take action (except where there is an immediate risk to health and safety) • mediation – where appropriate, 'and subject to the complainant's consent', the Department of Finance 'will facilitate the provision of professional mediation services' to facilitate a voluntary mediation process • investigation – where the situation has not been resolved using 'less intrusive approaches' or it 'indicates a serious risk to health and safety if it continues', the Department of Finance 'may arrange a workplace investigation by an independent contracted provider' • Comcare intervention. (pp 19-25) 	<p>The policy is 'provided for' parliamentarians and MOP(S) Act employees. (p 4)</p> <p>'Volunteers, contractors and others in the workplace' may also access some methods outlined in the policy. (p 4)</p>	<p>Commenced 27 February 2012.</p> <p>Most recently updated on 22 June 2018.</p> <p>The Department of Finance informed the Commission that the policy is currently under review and that it intends to develop a standalone sexual harassment policy.¹²⁷⁹</p> <p>The most substantive change made in 2018 was to include additional information regarding workplace sexual harassment and 'information about making a complaint to the Australian Human Rights Commission'.¹²⁸⁰</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁷⁶

Department/ Policy	Brief outline of relevant content ¹²⁷⁷	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of Finance</p> <p><i>Managing and addressing inappropriate workplace behaviour policy</i></p>	<p>Covers 'inappropriate behaviour', as defined in the policy (pp 5-6). Some examples include (but not limited to) 'workplace harassment, bullying, sexual harassment and workplace incivility' (p 5, cl 9.3). States that 'there may be instances where inappropriate behaviour amounts to a criminal offence (eg, physical assault, stalking and nuisance phone calls)'. In such cases, police should be contacted for advice and assistance. (p 12, cl 16.2)</p> <p>In most cases, encourages resolution at the workplace level before making a formal complaint. (p 7, cl 10.4) Sets out available options to address inappropriate behaviour, including:</p> <ul style="list-style-type: none"> • Seeking advice from internal sources (eg, a manager or a Case Manager from the HR branch) or externally (eg, the Department's Employee Assistance Provider). (p 7, cl 11.1) • Self-help or intervention within the work area (eg, raise with their supervisor or manager). (pp 8-9, cls 12-13) • Formal complaint and investigation process (pp 10-11, cl 15). Complaints forwarded directly to the Assistant Secretary, HR Branch may be investigated through a preliminary investigation process. (p 10, cl 15.3) The Department of Finance may not be able to investigate a complaint in certain circumstances, including but not limited to where there are 'allegations of a criminal nature and any Departmental action could jeopardise any criminal process'. (11, cl 15.7) • External avenues (eg, Police, Australian Human Rights Commission, Comcare and the Fair Work Commission). (p 12, cl 16) • Workers have the right to seek a review of action under the <i>Public Service Act 1999</i> (Cth). (p 12, cl 17) 	<p>All workers in the Department of Finance, including its employees and any person defined as a worker under the <i>Work Health and Safety Act 2011</i> (Cth) (1 [cl 2.1]).</p> <p>Note: These are not MOP(S) Act employees.</p>	<p>The policy was created in September 2019, revised in March 2021 and last updated in May 2021.¹²⁸¹</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁷⁶

Department/ Policy	Brief outline of relevant content ¹²⁷⁷	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of Finance</p> <p><i>Procedures for determining breaches of the APS Code of Conduct</i>¹²⁸²</p>	<p>The Procedures are used to determine whether a relevant current or former employee has breached the APS Code of Conduct (the Code) and any sanction to be imposed where a breach is found. (p 1, cls 1.1- 1.2)</p> <p>Lists certain persons who ‘may decide whether or not to initiate an inquiry’ by which a ‘suspected breach of the Code is to be dealt with under these Procedures’ (defined as the ‘initial decision maker’). (pp 1-2, cl 2.1)</p> <p>The person deciding whether the relevant employee/former employee has breached the Code (the breach decision maker) ‘must be, and appear to be, independent and unbiased’. (p 2, cl 3)</p> <p>The Procedures provide for giving the relevant employee/former employee an opportunity to respond to the suspected breach of the Code. (p 3, cl 6) ‘The breach decision maker may determine the most appropriate process for applying these Procedures’. (p 3, cl 7.1)</p>	<p>Current Australian Public Service (APS) employees in the Department of Finance, or former APS employees who were employed in the Department of Finance at the time of the suspected misconduct. (p 1, cl 1.1)</p> <p>Note: These are not MOP(S) Act employees.</p>	<p>Established on 3 October 2019.</p> <p>The previous Procedures for determining breaches of the Code of Conduct were made on 23 March 2015 (p 1).</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁷⁶

Department/ Policy	Brief outline of relevant content ¹²⁷⁷	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of the Senate</p> <p><i>Workplace bullying, harassment and discrimination policy</i></p>	<p>Covers workplace bullying, harassment (including sexual harassment) and discrimination. (p 2, cl 2.2) Defines sexual harassment to include, among other things, 'sexual assault, which should be referred to police'. (p 12, cl 7.3)</p> <p>Note that the Department of the Senate's 'Supporting employees experiencing domestic or family violence' policy defines 'domestic and family violence' as including, but not limited to, 'sexual assault or other sexually abusive behaviour'. (p 2, cl 2.1)</p> <p>Allegations of inappropriate conduct by a person outside the department will usually be referred to the Usher of the Black Rod/ Chief Operating Officer for resolution in consultation with the Clerk. (p 3, cl 2.5)</p> <p>Sets out the responsibilities of the department, supervisors/managers, staff and the Human Resources Management (HRM) section. (pp 4-5, cl 3)</p> <p>Sets out the issue resolution procedure.</p> <p>Informal complaints (p 5, cl 4.1) Early informal intervention is encouraged (where possible).</p> <p>Formal complaints (p 6, cl 4.2) Formal process should be used where informal approach has been unsuccessful or is not appropriate. Formal complaint is made to the employee's Program Manager (SES) or HRM.</p> <p>HRM will 'make an assessment of the appropriate next steps' and it may involve engaging an independent party to give an assessment of the complaint(s). The Clerk will determine if the complaint is closed, mediated or dealt with under the 'Procedures for determining suspected breaches of the Parliamentary Service Code of Conduct'. (pp 6-7, cl 4.2)</p>	<p>'Applies to all employees and other workers, such as contractors and service providers working with' the Department of the Senate (p 3, cl 2.3)</p>	<p>The Department of the Senate advised the date of effect is September 2020.¹²⁸³</p> <p>The Department of the Senate noted that its complaint handling process was recently evaluated as part of its review of the 'Workplace bullying, harassment and discrimination' policy in 2020. Following that review, further information on the Department's processes was included in the policy and related advices.¹²⁸⁴</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁵

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of the Senate</p> <p><i>Workplace bullying, harassment and discrimination policy</i></p>	<p>No further action</p> <p>The policy sets out reasons why the department may not be able to investigate a complaint further, including (but not limited to) where the complaint:</p> <ul style="list-style-type: none"> • ‘may be considered a criminal offence (eg, sexual assault), where the matter may be referred to the police...’ • is made anonymously without ‘sufficient detail to allow investigation or resolution...’ • ‘the complaint is frivolous, vexatious or malicious...’. (p 7) <p>External complaints (p 9, cl 4.3)</p> <p>Outlines options to seek redress externally.</p>		

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁵

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of the Senate</p> <p><i>Procedures for determining suspected breaches of the Parliamentary Service Code of Conduct</i></p>	<p>The Procedures are used to determine whether a Parliamentary Services employee (or former employee) has breached the Parliamentary Service Code of Conduct (set out in section 13 of the <i>Parliamentary Service Act 1999</i> (Cth)) and 'any sanction to be imposed' if a breach is found. (p 1, cl 1)</p> <p>Not all suspected breaches of the Code of Conduct need to be dealt with formally under these Procedures. 'The Clerk may decide whether to deal with the suspected breach' informally, which may include taking administrative action. (p 2, cl 1)</p> <p>The Clerk appoints a decision maker to determine whether the relevant employee has breached the Code of Conduct ('decision maker'). (p 2, cl 2)</p> <p>The Clerk may appoint an investigator to help the decision maker by investigating the matter – 'may be an employee of the department or another person'. (p 3, cl 2)</p> <p>The Clerk will take reasonable steps to ensure the investigator, and the decision maker 'is, and appears to be, independent and unbiased'. (pp 2-3)</p> <p>Sets out procedural fairness requirements to be met before a determination is made as to whether the Code of Conduct has been breached and, if so, any sanction to be imposed. (pp 3-4)</p>	<p>Parliamentary Service employee, or former employee, in the Department of the Senate. (p 1, cl 1)</p>	<p>The Department of the Senate advised the date of effect is January 2016.¹²⁸⁶</p> <p>Stated to supersede the previous procedures.</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁵

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
Department of the Senate <i>HR Advice: Supervisors managing workplace bullying, harassment or discrimination situations</i>	<p>Provides guidance to supervisors on how they can manage workplace bullying, harassment or discrimination situations.</p> <p>Advises supervisors to contact the 'Parliamentary Security Operations Room' if anyone is 'unsafe in the workplace due to an actual or threatened assault, including sexual assault'. (p 1, cl 1) Provides information on support available through the Employee Assistance Program, particularly its dedicated Manager Support which can assist supervisors with various issues.</p>	Audience is stated to be supervisors.	The Department of the Senate advised the date of effect is September 2020. ¹²⁸⁷
Department of the Senate <i>HR Advice: Employees experiencing workplace bullying, harassment or discrimination</i>	<p>Provides information and guidance to employees on steps they can take if they believe they may have been subjected to workplace bullying, harassment or discrimination.</p> <p>Advises employees to contact the 'Parliamentary Security Operations Room' if they 'are unsafe in the workplace due to an actual or threatened assault, including sexual assault' (p 1, cl 1).</p> <p>Refers to available supports (p 3, cl 7). For example, encourages employees having a support person with them at meetings in relation to a complaint made by, or against, them. Also refers to the Employee Assistance Program.</p>	Audience is stated to be employees.	The Department of the Senate advised the date of effect is September 2020. ¹²⁸⁸

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁵

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of the House of Representatives</p> <p><i>Discrimination, bullying and harassment prevention policy and guidelines</i></p>	<p>Covers discrimination, bullying, harassment and other forms of unacceptable behaviour in the workplace. States that ‘there may be instances where workplace discrimination, bullying or harassment also amount to an offence under criminal law’. Incidents ‘involving physical or indecent assault’ is one of the examples provided. (p 19, cl 13)</p> <p>Sets out response process – includes informal and formal options.</p> <p>Informal options:</p> <ul style="list-style-type: none"> • Approach the person (if possible). • Report to supervisor or, if not appropriate, a more senior manager (eg, SES manager or the Clerk). They may conduct an initial informal investigation themselves or refer it elsewhere. Complaints of a serious nature may proceed to a formal investigation. (pp 11-12, cl 12.1) • Escalate beyond work area – employee may make a complaint to the Director, People Strategies who will decide if further action is required. Options include, but not limited to, appointing an independent investigator or recommending to the Clerk to proceed to a Code of Conduct investigation. (pp 14-15, cl 12.3). <p>There are two pathways to manage investigations – informal (which is preferable, where possible) and formal.</p> <ul style="list-style-type: none"> • Informal: early intervention and informal investigation (outcome can include, but is not limited to, ‘recommendation for mediation’, ‘informal warning’ or ‘recommendation for a formal investigation’). (pp 15-16, cl 12.4.1) 	<p>‘All employees carrying out work on behalf of the department’. May also ‘cover interactions between members of the public and employees’ (1, cl 1.3).</p>	<p>January 2014</p> <p>Revised in September and November 2020.</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁵

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of the House of Representatives</p> <p><i>Discrimination, bullying and harassment prevention policy and guidelines</i></p>	<ul style="list-style-type: none"> Formal: 'involves investigations which could take the form of a Code of Conduct or public interest disclosure investigation'. If a matter is referred for investigation, the independent investigator will conduct the investigation having regard to 'procedural fairness, natural justice, timeliness, and the individual's safety and wellbeing' (p 17, cl 12.4.3). Investigator reports findings and makes recommendations to the Director, People Strategies (p 17, cl 12.4.4). <p>Sets out employee options for assistance, advice or support (p 18, cl 12.6) and for reporting matter to an external agency (p 19, cl 13).</p>		

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁹

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of the House of Representatives</p> <p><i>Procedures for determining breaches of the Code of Conduct and determining sanctions</i></p>	<p>The Procedures are used to determine whether an employee (or relevant former employee) has breached the Parliamentary Service Code of Conduct and sanctions to be imposed on a current employee if a breach is found. (p 2)</p> <p>‘Not all suspected breaches of the Code need to be dealt with by way of determination under these procedures’. In some circumstances, another method may be more appropriate, including performance management. (p 2)</p> <p>The Clerk (or person authorised by the Clerk) appoints a decision maker to determine whether the relevant employee has breached the Code (‘breach decision maker’). (p 3)</p> <p>The Clerk may appoint an investigator to help by investigating the matter – may be an employee of the department or another person. (p 3)</p> <p>The Clerk will take reasonable steps to ensure the investigator, breach decision maker and the sanction delegate ‘is, and appears to be, independent and unbiased’. (p 3)</p> <p>The process for determining whether the Code has been breached, and deciding on sanctions, ‘must be consistent with the principles of procedural fairness’. (pp 3 and 5)</p>	<p>Parliamentary Service employee in the Department of the House of Representatives and relevant former Parliamentary Service employees. (p 2)</p>	<p>Commenced on 1 November 2019.</p> <p>Supersede the previous procedures made on 19 September 2013.</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁸⁹

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of Parliamentary Services</p> <p><i>DPS policy for preventing and responding to workplace bullying</i></p>	<p>Covers workplace bullying, harassment and discrimination. (p 1, cl 3)</p> <p>States that ‘incidents of workplace violence should be reported to HR Services & Strategy immediately’, which may then be referred to the police. ‘Workplace violence’ is referred to as ‘any action, incident or behaviour in which a person is assaulted, threatened, harmed or injured in circumstances relating to their work’. (p 5, cl 31)</p> <p>Sets out the responsibilities of the Department of Parliamentary Services (DPS), managers and employees in preventing workplace bullying and/or harassment.</p> <p>Sets out the process for reporting and responding to workplace bullying (p 7, cl 44-51). This includes, but is not limited to:</p> <ul style="list-style-type: none"> • The target or witness can report the behaviour to their manager, their manager’s manager, HR Services & Strategy or a member of the SES. • An employee can ask their Health and Safety Representative (HSR) or union representative to make a report on their behalf. <p>Sets out informal and formal resolution methods.</p> <p>Informal resolution Encourages employees ‘to try to address issues of bullying within the workplace’ (where possible). This includes approaching the individual or asking the relevant manager to discuss the matter with the individual. (p 9, cl 57-58)</p> <p>Refers to supports available to employees as being HR Services & Strategy, a Harassment Contact Officer, HSR or the EAP. (p 9, cl 59)</p> <p>Formal resolution Sets out circumstances for following a formal resolution process. Advises employees to contact HR Services & Strategy to discuss options. (p 9, cl 60)</p> <p>Formal complaints will usually be investigated and this may include by an independent third party in accordance with the ‘DPS Procedures for determining breaches of the Code of Conduct and for determining sanctions’. (p 9, cl 61)</p>	<p>Applies to all DPS employees. (p 1, cl 4)</p>	<p>21 June 2017 (replaces the previous policy). DPS advised that there have not been any revisions made since publication.¹²⁹⁰</p> <p>The policy provides that it will be reviewed every three years or earlier if needed. (p 1, cl 2)</p> <p>DPS informed the Commission that this policy is currently being reviewed/ updated. Key proposed changes include:</p> <ul style="list-style-type: none"> • ‘to be more broadly inclusive of harassment and discrimination’ and proposing to change the title to ‘Policy for Preventing and Responding to Workplace Bullying, Harassment and Discrimination’ • ‘to separate the reporting and responding process into a separate procedure’.¹²⁹¹

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁹²

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Department of Parliamentary Services</p> <p><i>DPS internal complaint management procedure</i></p>	<p>Outlines the types of complaints that may be raised by an employee or manager and the procedures for addressing them. (2, cl 6) Focuses on ‘complaints that relate to workplace matters that affect employees personally and that are not covered by other legislation or procedures’. (p 2, cl 6)</p> <p>The policy lists categories of complaints, which include ‘bullying, harassment or discrimination’. (p 3, cl 11) It is not clear if these procedures can be used for complaints of bullying and sexual harassment, given that there is a policy which applies to such complaints (being the ‘DPS Policy for preventing and responding to workplace bullying’).</p> <p>States that ‘a complaint may be made on an informal or formal basis, depending on the circumstances’. (p 3, cl 13)</p> <p>Supports available to employees include:</p> <ul style="list-style-type: none"> • supervisors and managers • EAP • a Harassment Contact Officer (where applicable) • a Health and Safety Representative (where applicable) • a union delegate, and/or • HR Services and Strategy. (p 6, cl 22) <p>Sets out the complaints management process. Key points include (but are not limited to):</p> <ul style="list-style-type: none"> • Informal resolution is encouraged (‘where possible and the employee is comfortable doing so’). (p 6, cl 25) • Where it is not possible to attempt informal resolution or it has been unsuccessfully attempted, ‘complaints should be made to the employee’s manager (or the next higher management level where the complaint involves the employee’s supervisor or manager)’. (p 7, cl 28) 	<p>DPS informed the Commission that it applies to all DPS employees.¹²⁹³</p>	<p>4 August 2016. DPS advised that there have not been any revisions made since publication.¹²⁹⁴</p> <p>The policy states that it will be reviewed every three years or earlier if needed (p 1, cl 3)</p> <p>DPS informed the Commission that this procedure is currently under review.¹²⁹⁵</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁹²

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
Department of Parliamentary Services <i>DPS internal complaint management procedure</i>	<ul style="list-style-type: none"> • ‘The manager/delegate may determine that no action is required in appropriate circumstances’. (p 7, cl 30) • It is more appropriate for serious complaints to be referred to the Director, HR Services and Strategy. ‘In these cases, a decision will be made on whether a preliminary or formal investigation is required’, e.g. a ‘review of action or Code of Conduct investigation’. (p 7, cl 34) • In some circumstances, HR Services and Strategy may need to ‘provide facilitated workplace resolution’. (p 7, cl 35) • It may be necessary to consider mediation between the parties. (p 7, cl 36) <p>Lists possible outcomes of an employee complaint, including but not limited to ‘providing training, counselling or information’ to an employee/group of employees (p 8, cl 39)</p>		
Department of Parliamentary Services <i>DPS procedures for determining breaches of the Code of Conduct and for determining sanctions</i>	<p>The Secretary of DPS ‘or a person authorised by the Secretary’ may appoint a decision maker to decide whether a Parliamentary Service (PS) employee in the DPS or a former PS employee has breached the PS Code of Conduct (Code) in section 13 of the <i>Parliamentary Service Act 1999</i> (‘breach decision maker’) (p 2, cl 1.1)</p> <p>The breach decision maker and the sanction decision maker ‘must be, and must appear to be, independent and unbiased’ (p 2, cls 1.2 and 3.1)</p> <p>The process for determining whether the Code has been breached, and for determining any sanction, must have ‘due regard to procedural fairness’. (p 2, cl 2.2)</p>	<p>Applies to Parliamentary Service employees in DPS and former Parliamentary Service employees (p 2, cl 1.1)</p>	<p>Commenced on 1 January 2017 and supersede the previous procedures (which may continue to apply for transitional purposes).</p> <p>DPS advised that there have not been any revisions made since publication.¹²⁹⁶</p>

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁹⁷

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Parliamentary Budget Office</p> <p><i>Appropriate workplace behaviour policy</i></p>	<p>Covers unlawful discrimination, harassment (including sexual harassment) and bullying in the workplace.</p> <p>In certain circumstances, the Parliamentary Budget Office (PBO) 'is required to treat a report of discrimination, harassment or bullying as a public interest disclosure' under the <i>Public Interest Disclosure Act 2013</i>. (p 5, cl 10)</p> <p>Sets out the responsibilities of the PBO, supervisors, managers and employees in relation to preventing or minimising the risk of unlawful workplace discrimination, harassment or bullying.</p> <p>Reporting</p> <p>Employees are encouraged to report alleged discrimination, harassment or bullying to their supervisor, manager or a member of the SES as soon as practicable. (p 11, cl 40)</p> <p>Refers to supports available to employees, including having a support person accompany them to meetings and access to PBO's EAP. (p 11, cls 43-44)</p> <p>Sets out informal and formal complaints resolution processes which can be used, depending upon the circumstances.</p> <p>Informal resolution</p> <p>Refers generally to complaints being dealt with informally in certain circumstances and 'after discussion about the proposed course of action with the Assistant Parliamentary Budget Officer, Corporate Strategy Branch' (or, if that is not appropriate, the Parliamentary Budget Officer). (p 13, cl 54)</p>	<p>Applies to employees of the Parliamentary Budget Office.</p>	<p>February 2015 (version 1)</p> <p>The PBO advised the Commission that it is 'currently consulting with staff as part of a periodic review of its suite of HR policies'.¹²⁹⁸</p> <p>The PBO informed the Commission of changes which, at this stage, it is proposing to make to the 'Appropriate workplace behaviour' policy. These include but are not limited to:</p> <ul style="list-style-type: none"> • Including a section on confidentiality • referring to 'a number of external complaint mechanisms' • expanding the definition of harassment to include 'all harassment, not just that which could be unlawful/discriminatory' • expanding and updating 'the definition and description of sexual harassment' and bullying • expanding the 'guidance on seeking advice or making a complaint'

Table 3.1: Brief outline of key policies addressing workplace bullying and sexual harassment at CPWs¹²⁹⁹

Department/ Policy	Brief outline of relevant content	Who it applies to	Publication date/ revision history Substantive changes (previous or proposed)
<p>Parliamentary Budget Office</p> <p><i>Appropriate workplace behaviour policy</i></p>	<p>Formal complaints</p> <p>Formal complaints can be made where the ‘complaint is unable to be resolved informally, or if the matter is of a more serious nature’.</p> <p>Formal complaints can be made to:</p> <ul style="list-style-type: none"> • ‘Assistant Parliamentary Budget Officer, Corporate Strategy Branch’ (or, if that is not appropriate, the Parliamentary Budget Officer), or • the ‘Parliamentary Service Commissioner’ or the ‘Merit Protection Commissioner’ (subject to legal requirements), or • ‘...an external body such as the Australian Human Rights Commission, the Fair Work Commission, the Fair Work Ombudsman or the Commonwealth Ombudsman’. <p>(p 13, cl 55)</p> <p>A course of action will be decided for formal complaints received by the Parliamentary Budget Officer (or Assistant Parliamentary Budget Officer). This may include appointing an independent, external investigator or considering the matter in accordance with the PBO’s ‘Procedures for Determining Suspected Breaches of the Code of Conduct’. Potential sanctions ‘may range from counselling and a written reprimand through to termination of employment’. (p 14, cl 56)</p> <p>Sets out circumstances where the ‘PBO may not be able to further investigate a grievance or complaint’, including (but not limited to) if the grievance or complaint:</p> <ul style="list-style-type: none"> • ‘...may be considered a criminal offence (eg sexual assault) where the matter must be promptly referred to the police for investigation’ • ‘...is made anonymously without providing sufficient detail to allow investigation or resolution of the matter’ • ‘...is frivolous, vexatious or malicious...’. <p>(p 15, cl 64)</p>		<ul style="list-style-type: none"> • rather than distinguishing between making ‘informal’ and ‘formal’ complaints, ‘referring to just the making of a complaint, and then ‘informal’ and ‘formal’ ways to deal with the complaint’.¹³⁰⁰ <p>PBO noted that staff feedback is very supportive of having a dedicated Harassment Contact Officer role.¹³⁰¹</p>

Note: While the various departments provided the Commission with a range of workplace policies and procedures, only those directly relevant to workplace bullying, sexual harassment and sexual assault were reviewed for the purpose of **Table 3.1**.

The Department of the Prime Minister and Cabinet (PM&C) informed the Commission that it is responsible for the employment framework of MOP(S) Act employees working at the Official Establishments (being The Lodge and Kirribilli House),¹³⁰² under an instrument of authorisation [from the Prime Minister] to delegate powers to PM&C to manage these staff.¹³⁰³ However, PM&C advised that PM&C's relevant workplace policies and procedures do not apply to these MOP(S) Act employees.¹³⁰⁴ It is not clear whether these employees are covered by relevant Department of Finance policies and procedures, indicating a potential gap in coverage for MOP(S) Act employees working in Official Establishments.

PM&C also manages approximately 28 non-MOPS Act employees (APS staff or contractors) who are based in CPWs or who have a 'significant amount of exposure with parliamentarians in parliamentary workplaces due to their support and advisory role and responsibilities'.¹³⁰⁵ These staff are subject to PM&C's relevant workplace policies and procedures that apply to PM&C's workers working in a CPW.¹³⁰⁶ As these policies are not specific to CPWs and given the small size of the cohort of relevant staff they apply to, they have not been included in this Appendix.

Communication and awareness of policies and procedures

Information provided to the Commission by the Department of Finance and the parliamentary departments indicates that internal workplace bullying and harassment (or similarly named) policies and associated support services are mainly communicated to staff via workplace intranet sites.¹³⁰⁷ For MOP(S) Act employees specifically, the Department of Finance advised that this information is published on the MaPS website, which is publicly accessible to parliamentarians and their staff.¹³⁰⁸

The Department of Finance and the parliamentary departments also stated that they communicate policies, procedures and supports by other means. This includes via all staff emails and meetings; e-learning modules and training sessions; presentations by Human Resources; as well as in factsheets, pamphlets, workplace posters, departmental circulars and newsletters.¹³⁰⁹

Staff are informed about internal policies, procedures and supports as part of the on-boarding and induction process; when changes are introduced or existing policies are updated, or periodically on an as-needs basis (such as via monthly or quarterly reminders to staff).¹³¹⁰

Advice, support and other services

Section 3.3 ('Internal systems and processes in Commonwealth parliamentary workplaces'), of the Report outlines some of the supports (including advice) which the Department of Finance and the parliamentary departments indicated they offer to employees working in CPWs. Further detail is provided below.

- (a) Department of Finance – parliamentarians and MOP(S) Act employees
- (i) Key supports available to MOP(S) Act employees and parliamentarians

Table 3.2 below provides a brief outline of key supports currently available to MOP(S) Act employees (and, in some cases, former employees) in relation to bullying, sexual harassment and sexual assault. It is based on the MaPS website and information provided by the Department of Finance. These support services are described as confidential, but there may be some exceptions, such as where there is a risk to health or safety.

The Department of Finance indicated that parliamentarians:

- have access to an Employee Assistance Program (EAP) through their relevant chamber department¹³¹¹
- can access some services outlined in the table below, such as the MaPS Help Desk, case managers, and Parliamentary Support Line 1800 APH SPT.¹³¹²

Table 3.2: Advice and supports provided to MOP(S) Act employees

Advice and support structure/ service	Description	Information about usage (where provided)
<p>MaPS Help Desk and case managers</p>	<p>The MaPS Help Desk provides ‘advice and support to MOP(S) Act employees’ and parliamentarians on a range of HR-related issues.¹³¹³ Matters relating to bullying, harassment and assault are escalated to a case manager.¹³¹⁴</p> <p>For formal complaints, a dedicated case manager is assigned and can provide support and confidential advice to the complainant.¹³¹⁵</p> <p>Former MOP(S) Act employees are also eligible to access a case manager.¹³¹⁶ Outside of bullying and harassment incidents, case managers can also provide ‘advice on HR and other employment matters’ to MOP(S) Act employees, parliamentarians and authorised officers.¹³¹⁷</p> <p>There are currently six case managers (excluding the Director overseeing the team).¹³¹⁸ Prior to 2021, some HR advice and support was provided by the Advice and Support Director roles.¹³¹⁹</p>	<p>The MaPS division received a total of 95,457 queries over the last five financial years, 246 of which related to workplace bullying, sexual harassment and sexual assault.¹³²⁰ This comprises ‘all incoming correspondence across MaPs logged in the call register system’ over the last five financial years, ‘including the Help Desk and all other entry points of communication’.¹³²¹</p>
<p>Parliamentary Support Line 1800 APH SPT (Established on 2 March 2021).</p>	<p>This is a free, confidential and independent 24/7 telephone service to support ‘current and former Commonwealth ministerial, parliamentary and electorate office staff, and those who have experienced serious incidents in a Commonwealth Parliamentary workplace’.¹³²² ‘Managers are also encouraged to access 1800 APH SPT’, including ‘for help in supporting an impacted staff member’.¹³²³</p>	<p>The Department of Finance indicated that the following number of calls were made to the service from the time of inception of this service on 2 March to June 2021:</p> <p>March: 57 April: 16 May: 13 June: 15.¹³²⁴</p>

Table 3.2: Advice and supports provided to MOP(S) Act employees

Advice and support structure/ service	Description	Information about usage (where provided)
Employee Assistance Program (EAP)	<p>The EAP offers free, confidential counselling and support which can be accessed by MOP(S) Act employees and their family/household members and, since April 2021, former MOP(S) Act employees (regarding their employment).¹³²⁵ 'The EAP also provides a 'Manager Support Program' to help managers manage their team 'and discuss complex challenges'.¹³²⁶</p> <p>Information provided by the Department of Finance indicates that on-site EAP services at Australian Parliament House (APH) has been 'made available in parliamentary sitting weeks, in addition to usual services'.¹³²⁷ It is not clear when this occurred, but it is referred to in the Minutes of the Work health and safety committee meeting on 26 February 2021.¹³²⁸</p>	<p>During the period from 3 May 2018 to 30 June 2021, 32 calls (out of a total of 451 clients accessing EAP counselling services) were categorised as relating to bullying, harassment (including sexual harassment) and workplace/independent investigations.¹³²⁹ There were 9 presentations to the EAP service for workplace discrimination, harassment or bullying during the period from December 2016 to March 2018.¹³³⁰</p>
NewAccess workplaces	<p>NewAccess workplaces offers free, confidential and independent mental health coaching services.¹³³¹ The MaPs website states that MOP(S) Act employees can access 'up to six mental health coaching sessions'.¹³³²</p>	<p>The data indicates that, as at 11 July 2021, less than 15 MOP(S) Act employees have accessed this service since its establishment in July 2020.¹³³³</p>
Staff Assistance Officers and Workplace Health and Safety (WHS) supports	<p>A number of Staff Assistance Officers (SAOs) are available who are 'trained to provide information and support' about workplace bullying and harassment but who do not, for example, investigate or manage complaints.¹³³⁴</p> <p>Health and safety representatives 'address more specific issues affecting MOP(S) Act employees in the work group they represent'.¹³³⁵ Staff are also able to contact their designated WHS Site officer.</p>	<p>The Department of Finance did not provide data on the number of contacts made with SAOs, health and safety representatives or WHS Site Officers. The Department of Finance informed the Commission that it does not have visibility of these interactions because of the nature of these roles.¹³³⁶</p>

In addition to the support services in Table 3.2 above, the Department of Finance indicated that MaPS is in the process of implementing enhancements to the 'wrap-around case management services' that it provides. This includes 'a more proactive risk-based approach to engagement with offices'; 'expansion of early intervention services'; and a direct case manager line so that 'staff can be immediately connected with a case manager'.¹³³⁷

(ii) Cultural team diagnostic reports

The Department of Finance informed the Commission that, in early 2020, MaPS started 'using cultural team diagnostic reports to support offices to respond to more systematic workplace issues'.¹³³⁸ MaPS may arrange for a psychologist from an independent external provider to conduct a cultural team diagnostic of a parliamentarian's office.¹³³⁹ The Department of Finance stated that this 'may be offered as one method to address a range of

issues, including (but not limited to) alleged incidents of inappropriate behaviour in the workplace.¹³⁴⁰ Participation in a cultural diagnostic is voluntary. According to the Department of Finance, once MaPS receives the recommendations, MaPS and the external provider discuss the outcome with the relevant parliamentarian. The Department of Finance informed the Commission that, since its inception, 'MaPS has arranged for, and completed, five cultural team diagnostic reports' for offices of parliamentarians.¹³⁴¹

(b) Non-MOP(S) Act Department of Finance employees working in CPWs

Non-MOP(S) Act Department of Finance employees working in CPWs can access HR support from the Case Support team if 'they have experienced workplace bullying, sexual harassment and/or sexual assault'.¹³⁴² Free, confidential counselling services offered through the EAP and the NewAccess program are also available for the Department of Finance's employees.¹³⁴³ The Department of Finance also has Mental Health Advisers who can 'provide practical intervention and support options to staff'.¹³⁴⁴ The Department of Finance informed the Commission that, in the last five years, it has not received any enquiries from non-MOP(S) Act employees working in CPWs in relation to workplace bullying, sexual harassment and sexual assault.¹³⁴⁵

(c) Parliamentary departments

The parliamentary departments indicated that the following number of enquiries/contacts were made to their EAP services over the last five financial years:

- Department of the Senate – less than 10 enquiries related to bullying or harassment
- Department of the House of Representatives – less than 5 enquiries were categorised as discrimination, harassment or bullying

- Department of Parliamentary Services – 19 presentations¹³⁴⁶ related to discrimination, harassment and workplace bullying.
- Parliamentary Budget Office – 0 presentations related to discrimination, harassment or bullying.¹³⁴⁷

The Department of the House of Representatives and the Department of Parliamentary Services currently have Harassment Contact Officers or similarly named roles. The Parliamentary Budget Office does not have a dedicated Harassment Contact Officer, but is currently exploring whether to create this role.¹³⁴⁸ Information provided by the Department of the Senate indicates that it was intending to re-establish the Harassment Contact Officer role.¹³⁴⁹

The Department of the House of Representatives indicated that its Workplace Equity and Harassment Contact Officers had received less than five enquiries related to workplace bullying, sexual harassment or sexual assault in the last five financial years.¹³⁵⁰ The Department of Parliamentary Services indicated that ten contacts were made to its Harassment Contact Officers regarding bullying and harassment issues in the 12-month period to 17 November 2020.¹³⁵¹

Reporting and complaints processes

(a) Department of Finance

(i) Reporting and complaints procedures set out in the Workplace bullying and harassment policy

As referred to in 3.3 ('Internal systems and processes in Commonwealth parliamentary workplaces') of this Report, the Workplace bullying and harassment policy (WBH policy) 'is provided for' parliamentarians and MOP(S) Act employees. The 'Issues resolution procedure' set out in the WBH policy encourages self-management at the earliest opportunity, 'where it is safe and practicable to do so'.¹³⁵² This includes where the complainant attempts to resolve the issue directly with the other person (if appropriate), as well as where the complainant is assisted or represented. Relevantly, MOP(S) Act employees can make a report to the Department of Finance, either directly (such as through the Help Desk/HR Advice and Support team)¹³⁵³ or via the WHS and Occupational Rehabilitation Services provider.¹³⁵⁴ While the Department of Finance accepts anonymous reports, these are discouraged because the WBH policy states that the Department of Finance has limited capacity to act on an anonymous report.

Under the WBH policy, the Department of Finance can 'facilitate the provision of' a professional mediator, where appropriate and with the complainant's consent.¹³⁵⁵ The WBH policy states that, where the matter remains unresolved using these other approaches, or if it poses 'a serious risk to health and safety', the Department of Finance may arrange a workplace investigation.¹³⁵⁶ This is conducted 'by an independent contracted provider', who is 'required to be impartial and objective'.¹³⁵⁷ The investigator provides a report to the Department of Finance at the end of the investigation.

If the complaint is substantiated, the Department of Finance has 'no capacity to take disciplinary action against either a parliamentarian or a MOP(S) Act employee'.¹³⁵⁸ Parliamentarians 'may decide to take appropriate management action' against an employee.¹³⁵⁹ If a complaint is substantiated against a parliamentarian, however, it is up to the employee to decide if they wish to take any further action, essentially externally.¹³⁶⁰

(ii) Reporting and complaints procedures for Department of Finance employees working in CPWs (non-MOP(S) Act employees)

Separate reporting and complaints procedures apply to Department of Finance employees working in CPWs.¹³⁶¹ These employees fall within the Department of Finance's 'Managing and addressing inappropriate workplace behaviour' policy (Managing Inappropriate Behaviour Policy). This applies to all workers in the Department of Finance and relates to inappropriate behaviour, including workplace bullying, harassment, sexual harassment and 'workplace incivility'.¹³⁶²

Under the Managing Inappropriate Behaviour Policy, resolution at the work area level is encouraged where appropriate, but is not a pre-requisite to making a formal complaint. Formal complaints are made directly with, or forwarded to, the Assistant Secretary, HR branch. As employees of the Department of Finance, they must comply with the Australian Public Service (APS) Code of Conduct. The Department of Finance has procedures in place for determining whether a current or former employee has breached the APS Code of Conduct and, if so, the sanction(s) to be imposed.¹³⁶³

(b) Parliamentary departments

Most of the policies of the parliamentary departments recognise that workplace bullying and harassment can be directed at, or perpetrated by, other people at the workplace, such as other parliamentary or

public servants, parliamentarians, political staffers, stakeholders or members of the public.¹³⁶⁴ The policies of the Department of the Senate and the Parliamentary Budget Office encourage employees to report such conduct to their supervisor/manager. The matter may in turn be referred to the Usher of the Black Rod/Chief Operating Officer (in the case of the Department of the Senate) or the Assistant Parliamentary Budget Officer, where appropriate.¹³⁶⁵


Under each of these policies, reporting options are limited to personnel internal to the departments. The relevant person depends on the nature of the complaint; whether an informal enquiry/report or formal complaint is being made; and whether informal or formal resolution processes are being pursued. On the face of these policies, therefore, there is no mechanism to report to someone independent of the workplace.

Most of the policies set out some options for dealing with formal complaints, which may include engaging an independent investigator. Under these policies, the decision-maker for complaints could be the most senior representative of the department (such as the Clerk or the Parliamentary Budget Officer), the manager or HR Director (or similarly named), depending on the nature of the complaint and whether informal or formal resolution processes are being pursued.¹³⁶⁶ Each of the parliamentary departments (except the Parliamentary Budget Office) provided procedures for determining a suspected breach of the Parliamentary Service Code of Conduct set out in section 13 of the *Parliamentary Service Act 1999* (Cth). Under these procedures, generally, the Clerk or Secretary (as relevant) appoints a 'breach decision-maker' and is required to take reasonable steps to ensure that this person is, and appears to be, 'independent and unbiased'.¹³⁶⁷

Because of the array of different policies and procedures which apply to employees of the parliamentary departments, the specific reporting and resolution pathway(s) which an employee should follow also depends on their employer or responsible entity.

Appendix 4.

Review Survey Questionnaire

PROGRAMME A FAST EXIT BUTTON IN A RED COLOURED BOX EG,  SO THAT IT APPEARS IN THE TOP RIGHT CORNER OF EVERY SCREEN AND WHEN CLICKED ON THE SURVEY IS IMMEDIATELY CLOSED DOWN SURVEY OPENING SCREEN

Thank you for participating in this survey.

IF, AT ANY TIME, YOU WISH TO URGENTLY EXIT FROM THE SURVEY SIMPLY CLOSE YOUR SCREEN, OR CLICK ON THE EXIT (X) SYMBOL IN THE TOP RIGHT HAND OF THE SCREEN. You can return to the survey at any time by logging in via the link in your email. When you log back into your survey you will automatically go to the next question you need to answer – no one can go back through your survey to see your previous answers.

You have been invited to take part in the survey because you work in one of the Commonwealth parliamentary workplaces. This includes people located in Canberra, Commonwealth Parliamentary Offices (CPO) and Electorate Offices.

In this survey, we ask you about your experience of working in a Commonwealth parliamentary workplace.

The survey includes questions about you and your workplace; sexual harassment, sexual assault, bullying, and support, procedures and responses to sexual harassment, sexual assault and bullying in Commonwealth parliamentary workplaces.

Some of the survey questions ask about incidents of sexual assault, sexual harassment and bullying that you may have experienced, witnessed or heard about. Some of the language used in this survey is explicit and some people may find it distressing and uncomfortable. However, it is important that we ask the questions in this way to ensure that you are clear on what we mean.

The survey is being conducted under UNSW Human Research Ethics Committee approval (HC Reference Number HC21064). You can read a full Participant Information Sheet prepared by the Australian Human Rights Commission by clicking [HERE].

If you have any concerns about the ethical considerations of this Review, you can contact the UNSW Human Research Ethics Coordinator on (02) 9385 6222 or via email at humanethics@unsw.edu.au, or you can raise your concerns with the Review Team at CPWReview@humanrights.gov.au or on 02 9284 9799.

If you have any questions about the Review or your participation in the survey, please contact the Review Team at CPWReview@humanrights.gov.au or on 02 9284 9799.

If you have any difficulties accessing the survey, please contact Roy Morgan on 1800 672 318 or AHRCworkplacesurvey@roymorgan.com.

The Ethics Approval process requires us to obtain your consent to do the survey by completing the table below before you start the survey. Please complete the Consent Form below and then start the survey by clicking on the NEXT button below.

Declaration by the participant

By checking the “next /start” questionnaire option below

I understand I am being asked to provide consent to participate in this Online Survey.

I have read the Participant Information Sheet and Consent Form – Online Survey.

I provide my consent for the information collected about me to be used for the purpose of the Review only.

I understand that if necessary, I can ask questions and the Review Team will respond to my questions.

I freely agree to participate in this Online Survey as described and understand that I am free to withdraw/ cease answering questions at any time prior to submitting the Online Survey and such withdrawal/cessation will not affect my relationship with any of the named organisations and/or Review Team members.

I understand that I can download a copy of this Consent Form from [HERE](#)

To start the survey, please click the “NEXT” button 

Thank you for participating in this survey. It is very important that the survey results are representative of the opinions and experiences of people who currently work in Commonwealth parliamentary workplaces. Please take the time to complete the survey honestly and carefully.

Tips for completing the survey

To navigate through the survey, please use the buttons within the survey (example below).

Next

Please DO NOT use the refresh, back or forward buttons on your browser.

If you wish to leave the survey and complete it later or if you are experiencing technical difficulties, you may close your browser.

Your responses will automatically be saved. When you want to return to the survey, click on the link provided in your email and you will automatically go to the next question you need to answer.

If you experience technical difficulties, please email us at AHRCworkplacesurvey@roymorgan.com.

Please remember to hit the OK button at the end of the survey to ensure your responses are submitted.

Thank you for your participation!

PLEASE MAXIMISE THIS WINDOW BEFORE YOU CONTINUE

To start the survey, please click the "NEXT" button

Next

[SINGLE]

QA1 First of all, can we find out a little bit about you? What is your age?

1	Record age
99	Prefer not to say

IF DOES NOT GIVE AGE (CODE 99 ON QA1) ASK QA2.

IF AGED 18 OR OLDER AT Q1 SKIP TO QA3

IF AGED UNDER 18 AT Q1 SHOW TERMINATE MESSAGE 1

TERMINATE MESSAGE 1

We are sorry but the survey can only be completed by people who are at least 18 years old. Thank you for your interest in the Review. Those under the age of 18 can take part in the Review by making a written submission or participating in an interview with the consent of their parent.

If you are interested in participating in the Review you can obtain further information by clicking on this link <https://humanrights.gov.au/CPWReview>

PROGRAMMER DISPLAY COUNSELLING MESSAGE ON CLOSING SCREEN MESSAGE IS PROVIDED AT THE END OF THIS DOCUMENT
[SINGLE]

QA2 To which of the following age groups do you belong?

1	17 or younger
2	18 to 20
3	21 to 25
4	26 to 29
5	30 to 39
6	40 to 49
7	50 to 59
8	60 to 64
9	65 or older
99	Prefer not to say

IF AGED 18 OR OLDER (CODE 2 TO 9 ON QA2) ASK QA3

IF AGE 17 OR YOUNGER (CODE 1 ON QA2) SHOW TERMINATE MESSAGE 1

TERMINATE MESSAGE 1

We are sorry but the survey can only be completed by people who are at least 18 years old. Thank you for your interest in the Review. Those under the age of 18 can take part in the Review by making a written submission or participating in an interview with the consent of their parent.

If you are interested in participating in the Review you can obtain further information by clicking on this link <https://humanrights.gov.au/CPWReview>

PROGRAMMER DISPLAY COUNSELLING MESSAGE ON CLOSING SCREEN SEE MESSAGE AT END OF THIS DOCUMENT

TERMINATE MESSAGE 2

Thank you for your time and assistance but for this survey we need to know your approximate age. Thank you for your interest in the Review. If you are interested in participating in the Review you can obtain further information by clicking on this link <https://humanrights.gov.au/CPWReview>

PROGRAMMER DISPLAY COUNSELLING MESSAGE ON CLOSING SCREEN

[SINGLE]

QA3 This survey is about your experiences while working in Commonwealth parliamentary workplaces including any time while you were working remotely, travelling for work or at a work-related event or function.

Are you currently working in a Commonwealth parliamentary workplace (including in Canberra, at Parliament House, in a Commonwealth Parliamentary Office (CPO) or Electorate Office)? If you are currently on leave or on secondment to another workplace, please say "Yes".

1	Yes I am currently working in a Commonwealth parliamentary workplace
2	No I am NOT currently working in a Commonwealth parliamentary workplace
3	Prefer not to say

IF CURRENTLY WORKS IN THE PARLIAMENTARY WORKPLACE (1 IN QA3 ASK QA4)

IF IS NOT CURRENTLY WORKING IN THE PARLIAMENTARY WORKPLACE OR PREFERS NOT TO SAY (CODE 2 OR 3 AT QA3) SHOW TERMINATE MESSAGE 3

TERMINATE MESSAGE 3

We are sorry but the survey can only be completed by people who are currently working in a Commonwealth parliamentary workplace. Thank you for your interest in the Review.

If you are interested in participating in the Review you can obtain further information by clicking on this link <https://humanrights.gov.au/CPWReview>

PROGRAMMER DISPLAY COUNSELLING MESSAGE ON CLOSING SCREEN

[SINGLE]

QA4 Which of the following best describes your current role? If you are on extended leave or on secondment to a non-parliamentary workplace organisation, please refer to your last parliamentary workplace role.

1	I am a current Commonwealth parliamentarian (Member or Senator)
2	I work for a Commonwealth parliamentarian (Member or Senator), employed under the <i>Members of Parliament (Staff) Act 1984</i> (Cth)(MOPS Act) – including personal employees and Electorate Officers
3	I work in a Commonwealth parliamentary workplace , as a person employed under the <i>Public Service Act 1999</i> (Cth) or the <i>Parliamentary Services Act 1999</i> (Cth) – this includes people working in hospitality, security, retail and cleaning services, as well as Parliamentary Department Heads, staff of Parliamentary Departments and Parliamentary Services Commissioners
98	Something else (specify)
99	Prefer not to say

IF CURRENTLY WORKS IN PARLIAMENTARY WORKPLACE (CODES 1 OR 2 OR 3 OR 98 ON QA4) ASK QA6
IF PREFERS NOT TO SAY (CODE 99 ON QA4) ASK QA5

[SINGLE]

QA5 In order to complete the survey, we need to know your current role in a Commonwealth parliamentary workplace.

Please be assured that your answers are strictly confidential and that no information collected in the survey will be used to identify you. If you would like to participate in the survey please indicate which of the following best describes your current role. If you would still prefer to not answer the question, simply tick the “Prefer not to say” answer and we will end the survey.

1	I am a current Commonwealth parliamentarian (Member or Senator)
2	I work for a Commonwealth parliamentarian (Member or Senator), employed under the <i>Members of Parliament (Staff) Act 1984</i> (Cth)(MOPS Act) – including personal employees and Electorate Officers
3	I work in a Commonwealth parliamentary workplace , as a person employed under the <i>Public Service Act 1999</i> (Cth) or the <i>Parliamentary Services Act 1999</i> (Cth) – this includes people working in hospitality, security, retail and cleaning services, as well as Parliamentary Department Heads, staff of Parliamentary Departments and Parliamentary Services Commissioners
98	Something else (specify)
99	Prefer not to say

IF CURRENTLY WORKS IN PARLIAMENTARY WORKPLACE (CODES 1 OR 2 OR 3 OR 98ON QA5) ASK QA6
IF PREFER NOT TO SAY (CODE 99 ON QA5) SHOW TERMINATE MESSAGE 4

TERMINATE MESSAGE 4

We are sorry but the survey can only be completed by people who are able to provide information about their work in a Commonwealth parliamentary workplace. Thank you for your interest in the Review. If you are interested in the Review through another mechanism (for example a written submission or interview), you can obtain further information by clicking on this link <https://humanrights.gov.au/CPWReview>

PROGRAMMER DISPLAY COUNSELLING MESSAGE ON CLOSING SCREEN

[SINGLE]

QA6 How long have you been working in your current role?

1	Less than 3 months
2	3 but less than 6 months
3	6 but less than 9 months
4	9 but less than 12 months
97	1 year or longer (Please specify number of years)

[SINGLE]

QA7 Where do you usually work when Parliament is NOT sitting?

1	I am usually based in Canberra, regardless of whether Parliament is sitting or not
2	I am usually based outside Canberra in a Commonwealth Parliamentary Office
3	I am usually based in an Electorate Office outside Canberra
97	I am usually based somewhere else (please specify)
98	Prefer not to say

IF BASED IN A COMMONWEALTH PARLIAMENTARY OFFICE OR IN AN ELECTORATE OFFICE OR SOMEWHERE ELSE, (CODE 2 OR 3 OR 97 ON QA7) ASK QA8

IF CURRENTLY WORKS IN PARLIAMENT HOUSE PARLIAMENTARY PRECINCT OR PREFERS NOT TO SAY (CODES 1 or 98 ON QA7) ASK QA9

[SINGLE]

QA8 Do you also travel to Canberra to work at Parliament House during sitting weeks?

1	Yes
2	No
3	Prefer not to say

[SINGLE]

QA9 Apart from your current role, have you held any other roles in a Commonwealth parliamentary workplace at any time?

1	Yes
2	No
3	Prefer not to say

IF PREVIOUSLY INVOLVED IN COMMONWEALTH WORKPLACE (CODE1 ON QA9) ASK QA10

IF NOT PREVIOUSLY INVOLVED IN COMMONWEALTH WORKPLACE OR PREFERS NOT TO SAY (CODE 2 OR 3 ON QA9) ASK QB1

[MULTIPLE]

PROGRAMMER USE THE FOLLOWING TRUNCATED DESCRIPTIONS FOR INSERTION OF QA4 or QA5 RESPONSE BEHAVIOURS

1 as a Commonwealth Parliamentarian

2 as a person who works for a Commonwealth Parliamentarian

3 as a person who works in a Commonwealth parliamentary workplace

96 as a specified text

QA10 Apart from your current role [WORKPLACE IN QA4], which of the following best describe the role(s) you have held in Commonwealth parliamentary workplaces?

If you have had more than one type of role please mark all other roles you have worked in.

1	Commonwealth parliamentarian (Member or Senator)
2	person working for a Commonwealth Parliamentarian (Member or Senator), employed under the Members of Parliament (Staff) Act 1984 (Cth)(MOPS Act)
3	person who works in a Commonwealth parliamentary workplace, including those employed under the Public Service Act 1999 or the Parliamentary Services Act 1999 (Cth)
98	Something else (specify)
99	Prefer not to say [SINGLE]

[SINGLE]

QA11 Apart from the time you have been in your current role, what is the total time you spent in these other roles?

1	Less than 3 months
2	3 but less than 6 months
3	6 but less than 9 months
4	9 but less than 12 months
97	1 year or more (Please specify number of years)

[ASK ALL]

[SINGLE]

QB1 In the next group of questions we would like you to think about what it is like working in your current role.

We are interested in your views, experiences and observations of what it is like to work in your current workplace. Which of the following statements best describes your current workplace?

1	It is always safe and respectful
2	It is mostly safe and respectful
3	It is sometimes safe and respectful
4	It is not usually safe and respectful
5	It is never safe and respectful
6	I don't know if it is safe and respectful
7	I prefer not to say [SINGLE]

IF PREFERS NOT TO SAY (CODE 7 IN QB1) ASK QB3

QB2 Why do you say that? [Free text response]

[SINGLE]

PROGRAMMER PRESENT AS A CAROUSEL

QB3 To what extent do you agree or disagree that in your current workplace:

QB4 SEXUAL HARASSMENT is NOT tolerated

QB5 SEXUAL ASSAULT is NOT tolerated

QB6 BULLYING is NOT tolerated

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know	Prefer not to say
1	2	3	4	5	6	7

[SINGLE]

PROGRAMMER PRESENT AS A CAROUSEL

QB7 The next questions are about how people are treated and behave at your current workplace. To what extent do you agree or disagree that:

QB8 People behave in a respectful way towards others

QB9 Recruitment, reward and recognition (including remuneration, career advancement and performance assessment) is fair and based on merit

QB10 People are treated fairly and equally, regardless of their personal characteristics such as gender, age, race or cultural background, sexual orientation, disability or religious beliefs

QB11 There are negative attitudes towards women

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know	Prefer not to say
1	2	3	4	5	6	7

[SINGLE]

PROGRAMMER PRESENT AS A CAROUSEL

QB12 I understand what acceptable behaviour is in relation to sexual harassment, sexual assault and bullying

QB13 I feel safe and supported to speak up about bullying, sexual harassment or sexual assault if it's happening to someone else

QB14 I feel safe and supported to raise complaints or concerns about sexual harassment, sexual assault or bullying if it happens to me

QB15 Fair and reasonable action is taken against anyone who engages in sexual harassment, sexual assault or bullying, regardless of their seniority or status

QB16 Complaints about sexual harassment, sexual assault and bullying are taken seriously

QB17 My direct manager/supervisor speaks regularly about sexual harassment, sexual assault and bullying

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know	Prefer not to say
1	2	3	4	5	6	7

[MULTIPLE]

QB18 In its Respect@Work Report the Australian Human Rights Commission found that there are a number of factors that may increase the risk of disrespectful behaviour in a workplace. These are listed below.

Which of the following factors do you consider apply to your current workplace: (select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 11

1	Power imbalances
2	Hierarchical structure/s
3	Competitive/high pressure environment
4	Gender inequality/male dominated workplaces
5	Leaders and workplace cultures that tolerate, trivialise or excuse sexual harassment, sexual assault or bullying
6	A culture of protecting 'high value' workers
7	General workplace incivility (such as disrespectful or offensive speech or behaviour)
8	Lack of awareness or understanding of sexual harassment, sexual assault or bullying
9	Long and/or irregular working hours
10	Physical isolation of your work area or space
11	Use of alcohol
12	None of these apply
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

PROGRAMMER PRESENT AS A CAROUSEL

QB19 The next questions are about safety and behaviour in your current workplace. To what extent do you agree or disagree that:

QB20 The level of alcohol consumption amongst people working in my workplace does NOT affect the safety of others

QB21 Drinking alcohol in the location I work in is generally seen as acceptable

QB22 Drinking alcohol during working hours is generally seen as acceptable.

QB23 Excessive drinking is common amongst people working at my workplace.

QB24 Disrespectful behaviour is seen as acceptable if the person has been drinking.

QB25 There is no pressure to socialise with colleagues outside working hours.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know	Prefer not to say
1	2	3	4	5	6	7

[SINGLE]

PROGRAMMER PRESENT AS A CAROUSEL

QB26 And now some questions about working hours at your current workplace. To what extent do you agree or disagree that:

QB27 My hours of work are safe and reasonable

QB28 The hours of work that people perform in my workplace does NOT affect their safety or the safety of others.

QB29 During sitting weeks, I frequently work long and irregular hours.

QB30 I frequently work long and irregular hours regardless of whether Parliament is sitting or not

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know	Prefer not to say
1	2	3	4	5	6	7

[SINGLE]

PROGRAMMER PRESENT AS A CAROUSEL

QB31 Now we'll ask you some questions about your direct manager/supervisor and about others in leadership roles at your current workplace. To what extent do you agree or disagree that:

QB32 People in leadership roles promote and encourage respectful workplace behaviour

QB33 My direct manager/supervisor understands the difference between reasonable performance management and bullying

QB34 There is a high degree of openness, trust and respect between me and my direct manager/supervisor

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know	Prefer not to say
1	2	3	4	5	6	7

[ASK ALL]

[SINGLE]

The next questions are about sexual harassment in Commonwealth parliamentary workplaces.

This includes any time while you were working remotely, travelling for work or at a work social event – such as after-work drinks or a function.

We would like to assure you that your answers to these questions are completely confidential. If you would prefer not to answer a particular question you can simply select “Prefer not to say” and move on to the next question.

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated or intimidated.

[SINGLE]

QC1 Have you ever personally experienced sexual harassment in a Commonwealth parliamentary workplace?

1	Yes
2	No
3	Don't know
4	Prefer not to say

[MULTIPLE]

QC2 While working in a Commonwealth parliamentary workplace or while engaging in work related activities, have you experienced, at any time, any of the following behaviours in a way that was unwelcome?

ALL STATEMENTS SHOULD BE ROTATED. HOWEVER, STATEMENT 'H' SHOULD NEVER APPEAR FIRST.

	Yes	No	Don't Know	Prefer not to say
A. Unwelcome touching, hugging, cornering or kissing	1	2	3	4
B. Inappropriate staring or leering that made you feel intimidated	1	2	3	4
C. Sexual gestures, indecent exposure or inappropriate display of the body	1	2	3	4
D. Repeated or inappropriate invitations to go out on dates	1	2	3	4
E. Intrusive questions about your private life or physical appearance that made you feel offended	1	2	3	4
F. Inappropriate physical contact	1	2	3	4
G. Being followed, watched or someone loitering nearby	1	2	3	4
H. Requests or pressure for sex or other sexual acts	1	2	3	4

[MULTIPLE]

QC3 And while working in a Commonwealth parliamentary workplace or while engaging in work related activities, have you experienced, at any time, any of the following behaviours in a way that was unwelcome?

ROTATE - STATEMENT 'O' SHOULD ALWAYS BE THE FINAL STATEMENT ASKED, AND ALL OTHERS SHOULD BE ROTATED.

	Yes	No	Don't Know	Prefer not to say
I. Sexually suggestive comments or jokes that made you feel offended	1	2	3	4
J. Sexually explicit pictures, posters or gifts that made you feel offended	1	2	3	4
K. Indecent phone calls, including someone leaving a sexually explicit message on voicemail or an answering machine.	1	2	3	4
L. Sexually explicit comments made in emails, SMS messages or on social media or via other digital or online communication channels	1	2	3	4
M. Repeated or inappropriate advances on email, social networking websites or internet chat rooms	1	2	3	4
N. Sharing or threatening to share intimate images or film of you without your consent	1	2	3	4
O. Any other unwelcome conduct of a sexual nature that occurred online or via some form of technology	1	2	3	4

IF NEVER EXPERIENCED SEXUAL HARASSMENT IN A COMMONWEALTH PARLIAMENTARY WORKPLACE (NOT CODE 1 AT ANY OF ITEM 'A' TO 'H' ON QC2 OR ITEM 'I' TO 'O' ON QC3) GO TO QC42

IF EXPERIENCED OTHER UNWELCOME CONDUCT OF A SEXUAL NATURE (CODE 1 AT STATEMENT "O") ASK QC3a

IF EXPERIENCED ANY SEXUAL HARASSMENT (ANY CODE 1 IN STATEMENTS A TO H IN QC2 OR STATEMENTS I TO N IN QC3) GO TO QC4

[SINGLE]

QC3a What was the other unwelcome conduct of a sexual nature that occurred online or via some form of technology that you experienced (please specify).

[MULTIPLE]

PROGRAMMER PRESENT AS A CAROUSEL

QC4 Thinking about the behaviours that you said you had experienced, please indicate WHERE these behaviours occurred (select all locations where these behaviours occurred).

PROGRAMMER USE THE FOLLOWING TRUNCATED DESCRIPTIONS OF THE BEHAVIOURS

- A. touching, hugging, cornering or kissing
- B. staring or leering
- C. sexual gestures, indecent exposure or display of the body
- D. repeated or inappropriate invitations to go out on dates
- E. intrusive questions about my private life or physical appearance
- F. inappropriate physical contact
- G. someone following, watching or loitering nearby
- H. requests or pressure for sex or other sexual acts
- I. sexually suggestive comments or jokes
- J. sexually explicit pictures, posters or gifts
- K. indecent phone calls or voice messages
- L. sexually explicit comments in emails, SMS messages or on social media
- M. repeated or inappropriate advances on email, social networking websites or internet chat rooms
- N. sharing or threats to share intimate images or film of me
- O. insert text from other-specify box at QC3a

I EXPERIENCED [insert truncated behaviour description] WHILE							
In Parliament House or the Parliamentary precinct	In a Commonwealth Parliamentary Office (outside Canberra)	In an Electorate Office	When travelling for work	At a work social event – such as after-work drinks or a function	Online or via electronic/digital means – such as via telephone, video call, email, text, social media or other digital platform	Some-where else	Prefer not to say
1	2	3	4	5	6	7	8

[SINGLE]

QC5 Thinking about ALL of the occasions when you have experienced sexual harassment in a Commonwealth parliamentary workplace, what would be the TOTAL number of times you have had these experiences over the time you've worked in Commonwealth parliamentary workplaces? If not sure please estimate the total number of occasions you have experienced sexual harassment in a Commonwealth parliamentary workplace.

1	Once
2	2 occasions
3	3 occasions
4	4 occasions
5	5 occasions
997	More than 5 occasions (please specify) <input type="text"/> <input type="text"/> <input type="text"/>
998	Don't know
999	Prefer not to say

IF ONLY ONE EXPERIENCE (CODE 1 IN QC5) ASK QC7

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 998 OR 999) ASK QC7

[SINGLE]

QC6 You said that you had experienced the behaviours listed below. Which of these incidents occurred MOST RECENTLY?

PROGRAMMER: LIST OF ALL HARASSMENT TYPES AND LOCATIONS FROM QC2 AND QC3 (LIST BOTH TYPE OF HARASSMENT AND WHERE IT OCCURRED)

1	Event
2	Event

[SINGLE]

QC7 Did your workplace at that time contain mainly men, mainly women or a roughly equal number of each? If you are unsure, please make your best guess.

1	Mainly men
2	Mainly women
3	Roughly equal numbers of men and women
98	Don't know
99	Prefer not to say

[MULTIPLE]

QC8 Please indicate WHERE the most recent incident occurred:

1	Parliament House or the Parliamentary precinct
2	Commonwealth Parliamentary Office (outside Canberra)
3	Electorate Office
4	When traveling for work
5	At a work social event – such as after-work drinks or a function
6	Online or via electronic/digital means – such as via telephone, video call, email, text, social media or other digital platform
97	Somewhere else (please specify)
98	Prefer not to say [SINGLE]

[SINGLE]

QC9 In what year did this happen?

1	2021
2	2020
3	2019
4	2018
5	2017
6	2016
7	Before 2016
98	Don't know
99	Prefer not to say

[SINGLE]

QC10 Was this most recent sexual harassment the only time it had happened to you or had it also occurred previously while engaged in a parliamentary workplace related activity?

1	The ONLY time it happened to me
2	Had also occurred previously
98	Don't know
99	Prefer not to say

[SINGLE]

QC11 For approximately how long did you experience this most recent sexual harassment?

If you are not sure, please provide your best estimate.

1	Less than 1 month
2	1 to 3 months
3	4 to 6 months
4	7 to 12 months
5	A year or longer
98	Don't know
99	Prefer not to say

[SINGLE]

QC12 Was there more than one person directly involved in subjecting you to this most recent sexual harassment?

1	Yes - more than one person involved
2	No - just one person involved
97	Don't know
98	Prefer not to say

IF SINGLE HARASSER OR DOES NOT KNOW HOW MANY OR PREFERS NOT TO SAY

(Code 2 or 97 or 98 AT QC12) ASK QC13

IF MORE THAN ONE HARASSER (Codes 1 ON QC12 ASK Q17)

[SINGLE]

QC13 Was the person who harassed you male, female or another gender?

1	Male
2	Female
3	Another gender
97	Don't know
98	Prefer not to say

[SINGLE]

QC14 Did you know this person?

1	Yes
2	No
99	Prefer not to say

[SINGLE]

QC15 What was the person's relationship to you? Were they

1	A Commonwealth Parliamentarian
2	Your direct manager or supervisor
3	Someone in a leadership/management role in the Commonwealth parliamentary workplace
4	A co-worker who was more senior
5	A co-worker at the same level as you
6	A co-worker at a lower level than you
7	A visitor in the workplace
97	Someone else (specify)
98	Don't know
99	Prefer not to say

[SINGLE]

QC16 About how old was the person?

1	15 -20 years
2	21-30 years
3	31-40 years
4	41-50 years
5	51-64 years
6	65+ years
98	Don't know
99	Prefer not to say

IF SINGLE HARASSER OR DOES NOT KNOW HOW MANY OR PREFERS NOT TO SAY (Code 2 OR 97 OR 98 AT QC12) ASKQC22*

[SINGLE]

QC17 How many people were directly involved in subjecting you to this most recent incident?
If not sure please make your best estimate.

1	Record
98	Don't know
99	Prefer not to say

[MULTIPLE]

QC18 What were the genders of the people who harassed you? (Please mark all that apply)

1	Male
2	Female
3	Another gender
97	Don't know
98	Prefer not to say [SINGLE]

[MULTIPLE]

QC19 How many of the people who harassed you were known to you?

1	All of them
2	Some of them
3	None of them
99	Prefer not to say [SINGLE]

[MULTIPLE]

QC20 What was the relationship between you and the people who harassed you?
Were they... (Mark all that apply)

1	A Commonwealth Parliamentarian
2	Your direct manager or supervisor
3	Someone in a leadership/management role in the Commonwealth parliamentary workplace
4	A co-worker who was more senior
5	A co-worker at the same level as you
6	A co-worker at a lower level than you
7	A visitor in the workplace
97	Someone else (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QC21 Which of the following age groups did the person or people who harassed you fall into?
If unsure, please make your best guess. (Mark all that apply)

1	15 -20 years
2	21-30 years
3	31-40 years
4	41-50 years
5	51-64 years
6	65+ years
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[ASK ALL]

[SINGLE]

QC22 As far as you know, has anyone else working in a Commonwealth parliamentary workplace also experienced this type of sexual harassment in a way that was unwelcome?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF OTHER PEOPLE HAVE EXPERIENCED THIS HARASSMENT (CODE 1 ON Q22), ASK Q23

IF NO ONE ELSE HAS EXPERIENCED THIS HARASSMENT OR DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 2 OR 98 OR 99 ON Q22), ASK Q24

[SINGLE]

QC23 And was the person/people who engaged in this conduct the same person/people who harassed you?

1	Yes
2	No
98	Don't know
99	Prefer not to say

[SINGLE]

QC24 Would you say that this type of behaviour was very rare, rare, occurred sometimes or was common at the time it happened to you?

1	Very rare
2	Rare
3	Occurred sometimes
4	Common
5	Very common
98	Don't know
99	Prefer not to say

[SINGLE]

QC25 Did you make a complaint or report about the incident of sexual harassment you most recently experienced?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF MADE A REPORT (CODE 1 ON Q25), ASK Q26

IF DID NOT MAKE A REPORT (CODE 2 ON Q25), ASK Q37

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 OR 99 ON Q25), ASK Q38

[MULTIPLE]

QC26 You've said that you made a complaint or report about the most recent experience of sexual harassment that you experienced. Who did you report the incident to? (Select all that apply)

1	A person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
2	A person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 1 in QC26) ASK QC27IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 2 in QC26) ASK QC28

IF DON'T KNOW OR PREFERS NOT TO SAY (Code 98 or 99 in QC26) ASK QC29

[MULTIPLE]

QC27 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to? (Select all that apply)

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know
99	Prefer not to say

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QC26) ASK QC28

[MULTIPLE]

QC28 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to? (Select all that apply)

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QC29 What was the time period between when the harassment began and when you first reported it?

1	Same day or next working day
2	Less than 1 month (but not straight away)
3	1 to 3 months
4	4 to 6 months
5	More than 6 months
98	Don't know
98	Prefer not to say

[SINGLE]

QC30 Has your complaint or report been finalised yet?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF COMPLAINT OR REPORT FINALISED (CODE 1 ON QC30) ASK QC31

IF COMPLAINT OR REPORT NOT FINALISED OR DOESN'T KNOW OR PREFERS NOT TO SAY (CODE2 OR 98 OR 99 ON QC30) ASK QC33

[MULTIPLE]

QC31 Were any of the following involved in helping to finalise your report or complaint (select all that apply)

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	The Australian Human Rights Commission or a state or territory anti-discrimination agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
97	Another person or organisation (please specify)
12	No one else was involved
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QC32 How long did it take to finalise your complaint or report? Was it...

1	Same day or next working day
2	Less than 1 month (but not straight away)
3	1 to 3 months
4	4 to 6 months
5	7 to 12 months
6	More than 12 months
98	Don't know
99	Prefer not to say

[MULTIPLE]

QC33 Did any of the following things occur as a result of your complaint or report? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 14

1	Your employer apologised for failing to prevent the harassment
2	Your employer paid you compensation because of the harassment
3	The harassment stopped
4	You received positive feedback for making the complaint
5	Your shifts were changed
6	You were transferred
7	You resigned
8	You were dismissed or lost your job
9	You were demoted
10	You were disciplined
11	You were denied workplace opportunities, such as training or promotion
12	You were ostracised, victimised, ignored by colleagues
13	You were labelled a trouble-maker
14	There were some other consequences for you (please specify)
15	There were no consequences for you [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QC34 Did any of the following things happen to the person who harassed you following your complaint? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 8

1	They were disciplined
2	They were formally warned
3	They were informally spoken to
4	They were transferred
5	They had their shifts changed
6	They resigned
7	They apologised
8	They paid you compensation
9	There were some other consequences for the harasser (please specify)
10	There were no consequences for the harasser [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QC35 Did any of the following happen as a result of your complaint or report? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 6

1	Your employer apologised for failing to prevent the harassment
2	Your employer paid you compensation because of the harassment.
3	Your employer developed or changed their existing policy on sexual harassment
4	Your employer changed a practice or procedure – for example, their complaints procedure.
5	Your employer implemented training or education
6	There were some other changes following your complaint or report (please specify)
7	There were no changes following your complaint or report [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QC36 On a scale of 1 to 5, where 1 means very unsatisfactory and 5 means very satisfactory, how would you rate the overall process of dealing with your complaint or report?

Very unsatisfactory	Unsatisfactory	Neither satisfactory nor unsatisfactory	Satisfactory	Very satisfactory	Don't know	Prefer not to say
1	2	3	4	5	98	99

IF QC36 ANSWERED ASK QC38

[MULTIPLE]

QC37 You have said that you did NOT make a complaint or report about the most recent incident of sexual harassment that you experienced. People decide not to make a complaint or report for many different reasons.

Which, if any, of the following were reasons why you did not make a complaint or report about the most recent incident of sexual harassment? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 9

1	I was too scared or frightened
2	I thought I'd be blamed or people would treat me like the wrongdoer
4	I thought people would think I was over-reacting
5	I thought I would not be believed
6	I wasn't aware of how the complaint process worked or who to report to
7	My family, friends or co-workers advised me not to make a report
8	It was easier to keep quiet
9	I thought it would not change things or nothing would be done
96	None of these [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF DOES NOT KNOW OR PREFERES NOT TO SAY (CODE 98 or 99 ON QC37) ASK QC38

[MULTIPLE]

QC37a And which, if any, of the following were reasons why you did not make a complaint or report about the most recent incident of sexual harassment? (Select all that apply)

RANDOMISE RESPONSE ITEMS 10 TO 18

10	I didn't think it was serious enough
11	I thought making a report would be embarrassing or difficult
12	I thought I would get fired
13	Concerns about lack of confidentiality
15	I thought my reputation or career would be damaged
16	I feared negative consequences for the person or people who harassed me
17	The person or people who harassed me were already being dealt with
18	I took care of the problem myself
97	Some other reason (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[ASK ALL]

[SINGLE]

QC38 Did you seek any support or advice about the most recent incident of sexual harassment?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF SOUGHT ADVICE OR HELP (CODE 1 ON QC38) ASK QC39

IF DID NOT SEEK ADVICE OR HELP (CODE 2 ON QC38) ASK QC41

IF DOES NOT KNOW OR PREFERES NOT TO SAY (CODE 98 or 99 ON QC38) ASK QC49

[MULTIPLE]

QC39 Who did you seek support or advice from? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 16

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	Australian Human Rights Commission or a State or Territory anti-discrimination Agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
12	Friends or family
13	A counsellor or psychologist
14	The internet (including search engines such as Google)
15	A community-based or religious service
16	1800 RESPECT
97	Another person or organisation (please specify _____)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QC40 On a scale of 1 to 5, where 1 means very unsatisfactory and 5 means very satisfactory, how would you rate the overall process of providing you with advice or support?

Very unsatisfactory 1	Unsatisfactory 2	Neither satisfactory nor unsatisfactory 3	Satisfactory 4	Very satisfactory 5	Don't know 98	Prefer not to say 99
--------------------------	---------------------	--	-------------------	------------------------	------------------	-------------------------

IF QC40 ANSWERED ASK QC42

[MULTIPLE]

QC41 You've said that you did NOT seek support in relation to the most recent incident of sexual harassment that you experienced. People decide not to seek support or advice for many different reasons. Which, if any, of the following were reasons that you did not seek support about the most recent incident of sexual harassment? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 7

1	I wasn't aware of how to seek support or advice or who to talk to
2	I thought I would not be believed
3	I thought seeking support would be embarrassing or difficult
4	Concerns about lack of confidentiality
5	I thought it would impact on my career
6	I did not need support
7	I thought people would think I was over-reacting
97	Some other reason (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[ASK ALL]

[MULTIPLE]

QC42 The next question is about any sexual harassment of another person that may have occurred at a Commonwealth parliamentary workplace while you were working there. At any time while you were working have you:

	Yes	No	Don't Know	Prefer not to say
Personally observed or witnessed another person who works or worked in Commonwealth parliamentary workplaces being sexually harassed?	1	2	3	4
Personally heard about it directly from another person being sexually harassed?	1	2	3	4
Personally heard about it from people – other than the person who was sexually harassed?	1	2	3	4

IF HAS WITNESSED OR HEARD ABOUT ONE OR MORE INCIDENTS OF HARASSMENT (AT LEAST ONE CODE 1 IN QC42) ASK QC43

IF HAS NOT WITNESSED OR HEARD ABOUT HARASSMENT (NO CODE 1 AT QC42) ASK QC49

[SINGLE]

QC43 Thinking about the most recent incident of sexual harassment that you witnessed or heard about. Did you take any action in relation to this incident?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF TOOK ACTION (CODE 1 AT QC43), ASKQC44

IF DID NOT TAKE ANY ACTION (CODE 2 AT QC43), ASK QC48

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 OR 99 AT QC43), ASK QC49

[MULTIPLE]

QC44 Which of the following actions did you take after witnessing or hearing about this most recent incident of sexual harassment? (Select all that apply)

1	Spoke to the harasser
2	Reported the harassment to a person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
3	Reported the harassment to a person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
4	Talked with or listened to the person who experienced the sexual harassment
5	Offered advice to the person who experienced the sexual harassment
6	Took other action (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 2 in QC44) ASK QC45

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 3 in QC44) ASK QC46

IF SPOKE TO HARASSER OR TALKED WITH, OR OFFERED ADVICE, OR TOOK OTHER ACTION OR DON'T KNOW OR PREFER NOT TO SAY (Code 1 OR 4, OR 5, OR 6, OR 98 or 99 in QC44) ASK QC47

[MULTIPLE]

QC45 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth Parliamentary workplaces (Please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 3 in QC44) ASK QC46

[MULTIPLE]

QC46 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to?

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QC47 Did any of the following things occur as a result of you taking action in relation to this most recent incident of sexual harassment? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 9

1	You received positive feedback for making the complaint
2	You were disciplined
3	You were transferred or changed your work hours
4	You resigned
5	You were dismissed
6	The harassment stopped
7	You were demoted
8	You were ostracised, victimised, ignored by colleagues
9	You were labelled a trouble maker
10	There were some other consequences for you (please specify)
11	There were no consequences for you [SINGLE]
97	Don't know [SINGLE]
98	Prefer not to say [SINGLE]

IF TOOK ACTION (CODE 1 AT QC43), ASK QC49

IF TOOK NO ACTION (2 ON QC43) ASK QC48

IF DON'T KNOW OR PREFER NOT TO SAY (CODE 98 OR 99 ON QC43) ASK QC49

[MULTIPLE]

QC48 People may decide not to take action after witnessing or hearing about sexual harassment for many different reasons. Which of the following were reasons why you decided not to take any action about the most recent incident of sexual harassment you witnessed? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 9

1	I didn't want to make things worse for the person who was being sexually harassed
2	I was worried about the negative impact that taking action might have on me
3	I didn't think it was serious enough to intervene or take action
4	I didn't think it was my responsibility
5	I knew that other people were supporting and assisting the person
6	I didn't know what to do
7	I didn't want to get involved
8	The person being sexually harassed asked me not to take any action
9	I didn't know if the person being sexually harassed wanted my help
98	Any other reasons – please specify
99	Prefer not to say [SINGLE]

[ASK ALL]

[MULTIPLE]

QC49 If you needed any information about sexual harassment, which of the following would you be likely to go to? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 16

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	Australian Human Rights Commission or a State or Territory anti-discrimination Agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
12	Friends or family
13	A counsellor or psychologist
14	The internet (including search engines such as Google)
15	A community-based or religious service
16	1800 RESPECT
97	Another person or organisation (please specify _____)
96	None of the above [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

The next questions are about whether you have experienced, witnessed or heard about sexual assault or attempted sexual assault in Commonwealth parliamentary workplaces.

This includes any time while you were working remotely, travelling for work or at a work social event – such as after-work drinks or a function.

We would like to assure you that your answers to these questions are completely confidential.

Defining sexual assault

Sexual assault is an act of a sexual nature carried out against a person's will through the use of physical force, intimidation or coercion, including any attempts to do this. This includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, penetration by objects, forced sexual activity that did not end in penetration and attempts to force a person into sexual activity.

Note, sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.

PLEASE NOTE THAT:

- IF YOU DO NOT FEEL COMFORTABLE ANSWERING ANY QUESTIONS ABOUT SEXUAL ASSAULT TICK I DO NOT WISH TO ANSWER ANY QUESTIONS ON SEXUAL ASSAULT IN THE QUESTION BELOW AND YOU WILL BE MOVED TO THE NEXT SECTION.
- IF THERE IS A PARTICULAR QUESTION ABOUT SEXUAL ASSAULT THAT YOU WOULD PREFER NOT TO ANSWER, YOU CAN TICK 'PREFER NOT TO SAY' AND MOVE ON TO THE NEXT SEXUAL ASSAULT QUESTION

[ASK ALL]

[SINGLE]

QD1 Have you ever personally experienced a sexual assault or attempted sexual assault in a Commonwealth parliamentary workplace?

1	Yes I have experienced an attempted or actual incident of sexual assault
2	I am not sure if I have experienced an attempted or actual incident of sexual assault
3	No I have NOT experienced an attempted or actual incident of sexual assault
4	Prefer not to say
5	I do not wish to answer ANY questions about sexual assault

PROGRAMMER DISPLAY THIS DISTRESS SUPPORT MESSAGE ON THE SAME SCREEN AS THE QUESTION AND RESPONSES

If at any stage you become distressed or require additional support from someone not involved in the Review, you can contact:

1800RESPECT the national sexual assault, domestic or family violence counselling service – Phone **1800 737 732** or visit 1800Respect online counselling or **www.1800respect.org.au**

The **PARLIAMENTARY SUPPORT LINE** an independent and confidential 24/7 telephone counselling, information and referral service on **1800 APH SPT (1800 274 778)**

LIFELINE the national crisis support and suicide prevention service Phone **131114** or visit **lifeline.org.au**

One of the state or territory sexual assault support services listed on the **AUSTRALIAN HUMAN RIGHTS COMMISSION'S SUPPORT SERVICES WEBPAGE** <https://humanrights.gov.au/our-work/sex-discrimination/list-support-services>

If your situation is urgent or you wish to report a criminal offence, contact **000** or **Police services** in your jurisdiction.

IF DOES NOT WISH TO ANSWER QUESTIONS ON SEXUAL ASSAULT (CODE 5 ON QD1) GO TO QE1

IF NOT SURE OR HAS NOT EXPERIENCED SEXUAL ASSAULT SAY (CODES 2 OR 3 OR 4 ON QD1) GO TO QD36

IF HAS EXPERIENCED SEXUAL ASSAULT (CODE 1 ON QD1) ASK QD2

[SINGLE]

QD2 How many times have you personally experienced actual or attempted sexual assault in a Commonwealth parliamentary workplace?

1	Once
2	More than once (please specify)
98	Don't know
99	Prefer not to say

[MULTIPLE]

INSERT VARIABLE WORDS:

IF SEXUAL ASSAULT OCCURRED ONCE, OR DOES NOT KNOW, OR PREFERS NOT TO SAY (CODE 1 OR 98 OR 99 ON QD2) INSERT 'this assault'

IF SEXUAL ASSAULT OCCURRED MORE THAN ONCE (CODE 2 ON QD2) INSERT 'these assaults'

QD3 You have told us that while working in a Commonwealth parliamentary workplace, you have personally experienced attempted or actual sexual assault. Where did [this assault/these assaults] occur?
(Mark all that apply)

1	Parliament House or the Parliamentary precinct
2	Commonwealth Parliamentary Office (outside Canberra)
3	Electorate Office
4	When traveling for work
5	At a work social event – such as after-work drinks or a function
97	Somewhere else (please specify)
98	Prefer not to say [SINGLE]

[SINGLE]

IF SEXUAL ASSAULT OCCURRED ONCE, OR DOES NOT KNOW, OR PREFERS NOT TO SAY (CODE 1 OR 98 OR 99 ON QD2) DISPLAY QD4

IF SEXUAL ASSAULT OCCURRED MORE THAN ONCE (CODE 2 ON QD2) DISPLAY QD5

QD4 In what year did this incident of actual or attempted sexual assault in a Commonwealth parliamentary workplace occur?

[SINGLE]

QD5 The next group of questions are about your most recent experience of actual or attempted sexual assault in a Commonwealth parliamentary workplace. In what year did the most recent incident of actual or attempted sexual assault you have experienced in a Commonwealth parliamentary workplace occur?

	Please insert year <input type="text"/>
98	Don't know
99	Prefer not to say

[SINGLE]

QD6 Was there more than one person directly involved in subjecting you to this actual or attempted sexual assault?

1	Yes - more than one person involved
2	No - just one person involved
98	Don't know
99	Prefer not to say

IF SINGLE PERPETRATOR (Code 2 ON QD6) ASKQD7

IF DOES NOT KNOW HOW MANY OR PREFERS NOT TO SAY (Code R 98 OR 99 ON QD6) ASKQD16

IF MORE THAN ONE PERPETRATOR (CODE 1 ON QD6) ASK QD11

[SINGLE]

QD7 Was this person male, female or another gender?

1	Male
2	Female
3	Another gender
97	Don't know
99	Prefer not to say

[SINGLE]

QD8 Did you know this person?

1	Yes
2	No
99	Prefer not to say

[SINGLE]

QD9 What was the person's relationship to you? Were they... (Mark all that apply)

1	A Commonwealth Parliamentarian
2	Your direct manager or supervisor
3	Someone in a leadership/management role in the Commonwealth parliamentary workplace
4	A co-worker who was more senior
5	A co-worker at the same level as you
6	A co-worker at a lower level than you
7	A visitor in the workplace
97	Someone else (specify)
98	Don't know
99	Prefer not to say

[SINGLE]

QD10 About how old was the person?

1	15 -20 years
2	21-30 years
3	31-40 years
4	41-50 years
5	51-64 years
6	65+ years
98	Don't know
99	Prefer not to say

IF SINGLE PERPETRATOR OR DOES NOT KNOW HOW MANY, OR PREFERS NOT TO ANSWER (Code 1 or 98 or 99 AT QD6) ASK QD16

[SINGLE]

QD11 How many people were directly involved in subjecting you to this most recent incident?
If not sure please make your best estimate.

1	Record
98	Don't know
99	Prefer not to say

[MULTIPLE]

QD12 What were the genders of the people involved? (Please mark all that apply)

1	Male
2	Female
3	Another gender
97	Don't know [SINGLE]
98	Prefer not to say [SINGLE]

[SINGLE]

QD13 How many of these people were known to you?

1	All of them
2	Some of them
3	None of them
99	Prefer not to say

[MULTIPLE]

QD14 What was the relationship between you and the people who sexually assaulted or attempted to sexually assault you? Were they ...

(Mark all that apply)

1	A Commonwealth Parliamentarian
2	Your direct manager or supervisor
3	Someone in a leadership/management role in the Commonwealth parliamentary workplace
4	A co-worker who was more senior
5	A co-worker at the same level as you
6	A co-worker at a lower level than you
7	A visitor in the workplace
97	Someone else (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QD15 Which of the following age groups did the person or people who assaulted or attempted to assault you fall into? If unsure, please make your best guess.

(Mark all that apply)

1	15 -20 years
2	21-30 years
3	31-40 years
4	41-50 years
5	51-64 years
6	65+ years
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QD16 Would you say that this type of behaviour was very rare, rare, occurred sometimes or was common at the time it happened to you?

1	Very rare
2	Rare
3	Occurred sometimes
4	Common
5	Very common
98	Don't know
99	Prefer not to say

[SINGLE]

QD17 Did you make a complaint or report about the actual or attempted sexual assault that you were most recently subjected to?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF MADE A REPORT (CODE 1 ON QD17), ASK QD19

IF DID NOT MAKE A REPORT (CODE 2 ON QD17), ASK QD18

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 or 99 ON QD17), ASK QD30

[MULTIPLE]

QD18 People decide not to make a complaint or report for many different reasons. Which of the following were reasons why you did not make a complaint or report about this incident of actual or attempted sexual assault? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 9

1	I was too scared or frightened
2	I thought I'd be blamed or people would treat me like the wrongdoer
4	I thought people would think I was over-reacting
5	I thought I would not be believed
6	I wasn't aware of how the complaint process worked or who to report to
7	My family, friends or co-workers advised me not to make a report
8	It was easier to keep quiet
9	I thought it would not change things or nothing would be done
96	None of these
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 OR 99 ON QD18) QD30

[MULTIPLE]

QD18a And which, if any, of the following were reasons why you did not make a complaint or report about this incident of actual or attempted sexual assault? (Select all that apply)

RANDOMISE RESPONSE ITEMS 10 TO 18

10	I didn't think it was serious enough.
11	I thought making a report would be embarrassing or difficult
12	I thought I would get fired
13	Concerns about lack of confidentiality
15	I thought my reputation or career would be damaged
16	I feared negative consequences for the person or people who [assaulted me
17	The person or people who assaulted me were already being dealt with
18	I took care of the problem myself.
97	Some other reason (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF DID NOT MAKE A REPORT (CODE 2 or 98 or 99 ON QD17, ASK QD30)

[MULTIPLE]

QD19 You've said that you made a complaint or report about the most recent experience of sexual assault that you experienced. Who did you report the incident to? (Select all that apply)

1	A person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
2	A person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 1 in QD19) ASK QD20

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QD19) ASK QD21

IF DON'T KNOW OR PREFER NOT TO SAY (Code 98 or 99 in QD19) ASK QD22

[MULTIPLE]

QD20 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 2 in QD19) ASK QD21

[MULTIPLE]

QD21 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to?

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QD22 What was the time period between when the incident occurred and when you first reported it?

1	Same day or next working day
2	Less than 1 month (but not straight away)
3	1 to 3 months
4	4 to 6 months
5	More than 6 months
98	Don't know [SINGLE]
98	Prefer not to say [SINGLE]

[SINGLE]

QD23 Has your complaint or report been finalised yet?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF REPORT FINALISED (CODE 1 ON QD23) ASK QD24

IF REPORT NOT FINALISED OR DON'T KNOW OR PREFER NOT TO SAY (CODE 2 OR 98 OR 99 ON QD23) ASK QD30

[MULTIPLE]

QD24 How was your complaint or report finalised? With the involvement of ...
(Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 11

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	The Australian Human Rights Commission or a state or territory anti-discrimination agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
12	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QD25 How long did it take to finalise your complaint or report? Was it ...

1	Same day or next working day
2	Less than 1 month (but not straight away)
3	1 to 3 months
4	4 to 6 months
5	7 to 12 months
6	More than 12 months
98	Don't know [SINGLE]
98	Prefer not to say [SINGLE]

[MULTIPLE]

QD26 Did any of the following things occur as a result of you reporting this incident? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 13

1	Your employer apologised for failing to prevent the harassment
2	Your employer paid you compensation because of the harassment
3	The harassment stopped
4	You received positive feedback for making the complaint
5	Your shifts were changed
6	You were transferred
7	You resigned
8	You were dismissed or lost your job
9	You were demoted
10	You were disciplined
11	You were denied workplace opportunities, such as training or promotion
12	You were ostracised, victimised, ignored by colleagues
13	You were labelled a trouble-maker
14	There were some other consequences for you (please specify)
15	There were no consequences for you [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QD27 Did any of the following things happen to the person or people who assaulted you following your complaint or after reporting the incident? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 11

1	They were disciplined
2	They were formally warned
3	They were informally spoken to
4	They were transferred
5	They had their work hours changed
6	They resigned
7	They apologised
8	They paid you compensation
9	They were reported to the Police
10	They were charged with assault
11	They were found guilty in a court of law
96	There were some other consequences for the person who subjected you to the attempted to actual assault (please specify)
97	There were no consequences for the person who subjected you to the attempted to actual assault [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QD28 Did any of the following happen as a result of your complaint or report? (Mark all that apply)

1	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace apologised for failing to prevent the sexual assault/attempted sexual assault
2	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace paid you compensation because of the sexual assault/attempted sexual assault
3	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace developed or changed their existing policy on sexual assault
4	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace changed a practice or procedure – for example, their complaints procedure
5	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace implemented training or education
6	There were some other changes following your complaint or report (please specify)
7	There were no changes following your complaint or report [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QD29 On a scale of 1 to 5, where 1 means very unsatisfactory and 5 means very satisfactory, how would you rate the overall process of dealing with your complaint or report?

Very unsatisfactory 1	Unsatisfactory 2	Neither satisfactory nor unsatisfactory 3	Satisfactory 4	Very satisfactory 5	Don't know 98	Prefer not to say 99
--------------------------	---------------------	--	-------------------	------------------------	------------------	-------------------------

[SINGLE]

QD30 Did you seek any support or advice about this most recent incident?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF SOUGHT SUPPORT OR ADVICE (CODE 1 ON QD30) ASK QD32

IF DID NOT SEEK SUPPORT OR ADVICE (CODE 2 ON QD30) ASK QD31

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 OR 99 ON QD30) ASK QD36

[MULTIPLE]

QD31 People decide not to seek support or advice for many reasons. Which of the following were reasons why you did not seek support or advice about this incident of actual or attempted sexual assault? (Select all that apply)

RANDOMISE RESPONSE ITEMS1 TO 7

1	I wasn't aware of how to seek support or advice or who to talk to
2	I thought I would not be believed
3	I thought seeking support would be embarrassing or difficult
4	Concerns about lack of confidentiality
5	I thought it would impact on my career
6	I did not need support
7	I thought people would think I was over-reacting
97	Some other reason (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF DID NOT SEEK SUPPORT OR ADVICE (CODE 2 ON QD30) ASK QD36

[MULTIPLE]

QD32 You've said that you sought advice or support about the most recent experience of sexual harassment that you experienced. Who did you seek advice or support from? (Select all that apply)

1	A person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
2	A person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 1 in QD32) ASK QD33

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QD32) ASK QD34

IF DON'T KNOW OR PREFER NOT TO SAY (Code 98 or 99 in QD32) ASK QD36

[MULTIPLE]

QD33 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QD32) ASK QD34

[MULTIPLE]

QD34 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to?

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QD35 On a scale of 1 to 5, where 1 means very unsatisfactory and 5 means very satisfactory, how would you rate the overall process of providing you with advice or support?

Very unsatisfactory	Unsatisfactory	Neither satisfactory nor unsatisfactory	Satisfactory	Very satisfactory	Don't know	Prefer not to say
1	2	3	4	5	98	99

[SINGLE]

QD36 The next question is about any actual or attempted sexual assault of another person that may have occurred at a Commonwealth parliamentary workplace while you were working there. At any time while you were working, have you ...

	Yes	No	Don't Know	Prefer not to say
Personally observed or witnessed someone being sexually assaulted?	1	2	3	4
Personally heard about it directly from a person who was sexually assaulted	1	2	3	4
Personally heard about it from a third person/someone other than the person who was sexually assaulted	1	2	3	4

IF HAS WITNESSED OR HEARD ABOUT ONE OR MORE ASSAULTS (AT LEAST ONE CODE 1 IN QD36) AND HAS EXPERIENCED AN ATTEMPTED OR ACTUAL INCIDENT OF ACTUAL OR ATTEMPTED SEXUAL ASSAULT (CODE 1 ON QD1) ASK QD37

IF HAS WITNESSED OR HEARD ABOUT ONE OR MORE ASSAULTS (AT LEAST ONE CODE 1 IN QD36) AND NOT SURE IF I HAVE AN EXPERIENCED ATTEMPTED OR ACTUAL INCIDENT OF ACTUAL OR ATTEMPTED SEXUAL ASSAULT OR HAS NOT EXPERIENCED AN ATTEMPTED OR ACTUAL INCIDENT OF ACTUAL OR ATTEMPTED SEXUAL ASSAULT (CODE 2 OR 3 ON QD1) ASK QD38

IF HAS NOT WITNESSED OR HEARD ABOUT ASSAULT (NO CODE 1 AT QD36) ASK QD44

[SINGLE]

QD37 And was the person/people who engaged in this conduct the same person/people who sexually assaulted or attempted to sexually assault you?

1	Yes
2	No
3	Don't know
4	Prefer not to say

[SINGLE]

QD38 Thinking about the most recent incident of actual or attempted sexual assault that you personally witnessed or heard about, did you take any action in relation to this incident?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF TOOK ANY ACTION (CODE 1 AT QD38), ASK QD40

IF DID NOT TAKE ANY ACTION (CODE 2 AT QD38), ASK QD39

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 or 99 AT QD38), ASK QD44

[MULTIPLE]

QD39 People may decide not to take action after witnessing or hearing about actual or attempted sexual assault for many different reasons. Which of the following were reasons why you decided not to take any action about the most recent incident of actual or attempted sexual assault you witnessed? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 12

1	I didn't want to make things worse for the person who was being sexually assaulted
2	I felt it would endanger the victim
3	I felt worried about my own safety
4	I was worried about the negative impact that taking action might have on me
5	I didn't think it was serious enough to intervene or take action
6	I didn't think it was my responsibility
7	I knew that other people were supporting and assisting the person
8	I didn't know what to do
9	I didn't want to get involved
10	The person being sexually assaulted asked me not to take any action
12	I didn't know if the person being sexually assaulted wanted my help
97	Any other reasons (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF DID NOT TAKE ANY ACTION (CODE 2 AT QD38), ASK QD44

[MULTIPLE]

QD40 Which of the following actions did you take after personally witnessing or hearing about this most recent incident of actual or attempted sexual assault? (Select all that apply)

1	Spoke to the person who committed the actual or attempted sexual assault
2	Reported the actual or attempted sexual assault to a person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
3	Reported the actual or attempted sexual assault to a person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
4	Talk with or listen to the person who experienced the actual or attempted sexual assault
5	Offer advice to the person who experienced the actual or attempted sexual assault
6	Take any other action (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QD40) ASK QD41

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 3 in QD40) ASK QD42

IF SPOKE TO HARASSER OR TALKED OR OFFERED ADVICE OR TOOK OTHER ACTION OR DON'T KNOW OR PREFER NOT TO SAY (Code 1 OR 4 OR 5 OR 6 OR 98 or 99 in QD40) ASK QD43

[MULTIPLE]

QD41 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 3 in QD40) ASK QD42

[MULTIPLE]

QD42 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to?

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QD43 Did any of the following things occur as a result of you taking action after witnessing or hearing about this most recent incident of actual or attempted sexual assault? (Select all that apply) RANDOMISE RESPONSE ITEMS 1 TO 8

1	You received positive feedback for taking action
2	You were disciplined
3	You were transferred or changed your work hours
4	You resigned
5	You were dismissed
6	You were demoted
7	You were ostracised, victimised, ignored by colleagues
8	You were labelled as a trouble-maker
95	There were some other consequences for you (please specify)
96	There were no consequences for you [SINGLE]
97	Don't know [SINGLE]
98	Prefer not to say [SINGLE]

[ASK ALL]
[MULTIPLE]

QD44 If you needed any information about actual or attempted sexual assault, which of the following would you be likely to go to? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 16

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	Australian Human Rights Commission or a State or Territory anti-discrimination Agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
12	Friends or family
13	A counsellor or psychologist
14	The internet (including search engines such as Google)
15	A community-based or religious service
16	1800 RESPECT
97	Another person or organisation (please specify _____)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

The questions in the next part of this survey are about bullying. We would like to assure you that your answers to these questions are completely confidential.

PLEASE NOTE THAT IF YOU DO NOT FEEL COMFORTABLE ANSWERING ANY QUESTIONS ABOUT BULLYING YOU CAN TICK "I DO NOT WISH TO ANSWER ANY QUESTIONS ON BULLYING" AND BE MOVED TO THE NEXT SECTION.

IF THERE IS A PARTICULAR QUESTION ABOUT BULLYING THAT YOU WOULD PREFER NOT TO ANSWER, YOU CAN TICK 'PREFER NOT TO SAY' AND MOVE ON TO THE NEXT BULLYING QUESTION.

[ASK ALL]

[SINGLE]

QE1 The next questions are about bullying you may have experienced or witnessed in Commonwealth parliamentary workplaces.

When we talk about bullying in this survey, we mean repeated and unreasonable behaviour that is directed towards a worker or a group of workers, and creates a risk to physical or mental health and safety.

Bullying can take different forms. It can:

- be physical, verbal or written
- occur face to face or through other methods of communication including phone, email, text or instant messages or social media
- be overt and obvious – or subtle

Bullying does NOT include:

- single incidents of unreasonable behaviour
- reasonable management action (such as conducting performance appraisals, counselling or disciplining a worker for misconduct, or modifying a worker’s duties) that is carried out in a reasonable manner

Have you ever personally experienced bullying in a Commonwealth parliamentary workplace?

1	Yes
2	No
97	Don't know
98	Prefer not to say
99	I do not want to answer ANY questions about bullying

IF DOES NOT WISH TO ANSWER QUESTIONS ON BULLYING (CODE 99 ON QE1) GO TO QF1

IF HAS NOT EXPERIENCED BULLYING OR DOESN'T KNOW OR PREFERS NOT TO SAY(CODES 2 OR 97 OR 98 ON QE1) GO TO QE41

IF HAS EXPERIENCED BULLYING (CODE 1 ON QE1) ASK QE2

[SINGLE]

QE2 We would like to understand what types of bullying behaviour you have experienced. Which of the following types of behaviour have you experienced in a Commonwealth parliamentary workplace? (Select all that apply)

STATEMENT 1 TO 9 SHOULD BE ROTATED

TYPES OF BULLYING		Yes	No	Don't Know	Prefer not to say
1.	Physical violence or threats of physical violence	1	2	3	4
2.	Abusive, insulting or offensive language or comments	1	2	3	4
3.	Aggressive or intimidating comments or conduct	1	2	3	4
4.	Belittling or humiliating comments or conduct	1	2	3	4
5.	Being treated detrimentally because I made or was involved in a workplace complaint or report	1	2	3	4
6.	Teasing, taunting, practical jokes	1	2	3	4
7.	Unjustified criticism or complaints	1	2	3	4
8.	Deliberate exclusion from work-related events or activities	1	2	3	4
9.	Withholding information that is vital for effective work performance	1	2	3	4

[SINGLE]

QE3 And which of the following types of behaviour have you experienced in a Commonwealth parliamentary workplace? (Select all that apply)

STATEMENT 10 TO 18 SHOULD BE ROTATED

TYPES OF BULLYING		Yes	No	Don't Know	Prefer not to say
10.	Setting unreasonable timelines or constantly changing deadlines	1	2	3	4
11.	Setting tasks that are unreasonably below or beyond a person's skill level	1	2	3	4
12.	Denying access to information, supervision, consultation or resources	1	2	3	4
13.	Others spreading misinformation, or malicious rumours	1	2	3	4
14.	Changing work arrangements such as rosters and leave to deliberately cause inconvenience	1	2	3	4
15.	Assigning meaningless tasks unrelated to the job	1	2	3	4
16.	Displaying offensive material (including images, videos or text)	1	2	3	4
17.	Pressure to participate in activities that were humiliating or intimidating to me or others	1	2	3	4
18.	Pressure to drink alcohol when I did not want to	1	2	3	4
19.	Any other repeated, unreasonable behaviour that was directed at me (or directed to a group that I was part of) and created a risk to my physical or mental health and safety	1	2	3	4

IF NEVER EXPERIENCED BULLYING (NOT CODE 1 AT ANY OF ITEM 1 TO 19 ON QE2 or QE3) GO TO QE41

IF EXPERIENCED OTHER BULLYING (CODE 1 AT STATEMENT "19") ASK QE3a

IF EXPERIENCED ANY SEXUAL HARASSMENT (ANY CODE 1 IN STATEMENTS 1 TO 9 IN QE2 OR STATEMENTS 10 TO 18 IN QE3 GO TO QE4

[SINGLE]

QE3a What was the other repeated, unreasonable behaviour that was directed at that you experienced (please specify)

PROGRAMMER PRESENT AS A CAROUSEL EACH ITEM 1 IN QE2 and QE3

[SINGLE]

QE4 Thinking about the bullying that you said you had experienced, please indicate WHERE this bullying occurred (select all locations where the bullying occurred)?

I EXPERIENCED [INSERT BULLYING TYPE] WHILE							
In Parliament House or the Parliamentary precinct	In a Commonwealth Parliamentary Office (outside Canberra)	In an Electorate Office	When traveling for work	At a work social event – such as after-work drinks or a function	Online or via electronic/digital means – such as via telephone, video call, email, text, social media or other digital platform	Somewhere else	Prefer not to say
1	2	3	4	5	6	7	8

[SINGLE]

QE5 Thinking about all the times you have experienced bullying in a Commonwealth parliamentary workplace. How many times have you experienced bullying in a Commonwealth parliamentary workplace?

1	Only one occasion
2	2 to 5 occasions
3	6 to 10 occasions
4	More than 10 occasions
98	Don't know
99	Prefer not to say

IF ONLY ONE OCCASION OR DOESN'T KNOW OR PREFERS NOT TO SAY (CODES 1 OR 98 OR 99 ON QE5) ASK QE7

[SINGLE]

QE6 You said that you had experienced the behaviours listed below. Which of these incidents occurred most recently:

NOTE TO PROGRAMMER LIST OF ALL BULLYING TYPES CODE AS 1 IN QE2 AND QE3

1	Bullying type
2	Bullying type

[SINGLE]

QE7 The next questions are about your MOST RECENT experience of bullying in a Commonwealth parliamentary workplace. Did your workplace at that time contain mainly men, mainly women or roughly equal numbers of each? If you are unsure, please make your best guess.

1	Mainly men
2	Mainly women
3	Roughly equal numbers of men and women
98	Don't know
99	Prefer not to say

[MULTIPLE]

QE8 Still thinking about the most recent incident, please indicate where it occurred.

1	Parliament House or the Parliamentary precinct
2	Commonwealth Parliamentary Office (outside Canberra)
3	Electorate Office
4	When traveling for work
5	At a work social event – such as after-work drinks or a function
6	Online or via electronic/digital means – such as via telephone, video call, email, text, social media or other digital platform
97	Somewhere else (please specify)
98	Prefer not to say [SINGLE]

[SINGLE]

QE9 In what year did this happen?

	Specify year
98	Don't know
99	Prefer not to say

[SINGLE]

QE10 Approximately how many months have you been subjected to this most recent experience of bullying?

If you are not sure, please provide your best estimate.

1	Less than 1 month
2	1 to 3 months
3	4 to 6 months
4	7 to 12 months
5	A year or longer
98	Don't know
99	Prefer not to say

[SINGLE]

QE11 Was there more than one person directly involved?

1	Yes – more than one person involved
2	No – just one person involved
3	Don't know
99	Prefer not to say

IF SINGLE BULLY (Code 2 AT QE11) ASKQE12

IF MORE THAN ONE BULLY (CODES 1 ON QE11) ASK QE16

IF DOES NOT KNOW HOW MANY OR PREFERES NOT TO SAY(CODES 3 OR 99 ON QE11) ASK QE21

[SINGLE]

QE12 Was the person male, female or another gender?

1	Male
2	Female
3	Another gender
97	Don't know
98	Prefer not to say

[SINGLE]

QE13 Did you know this person?

1	Yes	
2	No	
99	Prefer not to say	

[SINGLE]

QE14 What was the person's relationship to you were they ...

1	A Commonwealth Parliamentarian
2	Your direct manager or supervisor
3	Someone in a leadership/management role in the Commonwealth parliamentary workplace
4	A co-worker who was more senior
5	A co-worker at the same level as you
6	A co-worker at a lower level than you
7	A visitor in the workplace
97	Someone else (specify)
98	Don't know
99	Prefer not to say

[SINGLE]

QE15 About how old was the person

1	15 -20 years
2	21-30 years
3	31-40 years
4	41-50 years
5	51-64 years
6	65+ years
98	Don't know
99	Prefer not to say

IF SINGLE BULLY OR INTIMIDATOR (Code 1 AT QE11) ASK QE21

[SINGLE]

QE16 How many people were directly involved in subjecting you to this most recent incident? If not sure, please make your best estimate.

1	Record
98	Don't know
99	Prefer not to say

[SINGLE]

QE17 What were the genders of the people who bullied you? (Please mark all that apply)

1	Male
2	Female
3	Another gender
97	Don't know
98	Prefer not to say

[SINGLE]

QE18 How many of the people who engaged in the bullying were known to you?

1	All of them
2	Some of them
3	None of them
99	Prefer not to say

[MULTIPLE]

QE19 What was the relationship between you and the people who engaged in the bullying...
(Mark all that apply)

1	A Commonwealth Parliamentarian
2	Your direct manager or supervisor
3	Someone in a leadership/management role in the Commonwealth parliamentary workplace
4	A co-worker who was more senior
5	A co-worker at the same level as you
6	A co-worker at a lower level than you
7	A visitor in the workplace
97	Someone else (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QE20 Which of the following age groups did the person or people who engaged in the bullying fall into?
If unsure, please make your best guess. (Mark all that apply)

1	15 -20 years
2	21-30 years
3	31-40 years
4	41-50 years
5	51-64 years
6	65+ years
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QE21 As far as you know, has anyone else working in a Commonwealth parliamentary workplace also experienced this type of bullying?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF OTHER PEOPLE HAVE EXPERIENCED THIS BULLYING OR INTIMIDATION (CODE 1 ON QE21), ASK QE22
 IF NO ONE ELSE HAS EXPERIENCED THIS BULLYING OR (CODE 2 or 98 or 99 ON QE21), ASK QE24

[SINGLE]

QE22 And was the person/people who engaged in the bullying the same person/people who bullied you?

1	Yes
2	No
3	Don't know
99	Prefer not to say

[SINGLE]

QE23 Would you say that this type of behaviour was very rare, rare, occurred sometimes or was common at the time it happened to you?

1	Very rare
2	Rare
3	Occurred sometimes
4	Common
98	Don't know
99	Prefer not to say

[SINGLE]

QE24 Did you make a complaint or report about the incident of bullying you most recently experienced?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF MADE A REPORT (CODE 1 ON QE24), ASK QE26

IF DID NOT MAKE A REPORT (CODE 2 ON QE24), ASK QE25

DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 OR 99 ON QE24), ASK QE37

[MULTIPLE]

QE25 People decide not to make a complaint or report for many different reasons. Which, if any, of the following were reasons why you did not make a complaint or report about the most recent incident of bullying? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 18

1	I was too scared or frightened
2	I thought I'd be blamed or people would treat me like the wrongdoer
4	I thought people would think I was over-reacting
5	I thought I would not be believed
6	I wasn't aware of how the complaint process worked or who to report to
7	My family, friends or co-workers advised me not to make a report
8	It was easier to keep quiet
9	I thought it would not change things or nothing would be done
10	I didn't think it was serious enough.
11	I thought making a report would be embarrassing or difficult
12	I thought I would get fired
13	Concerns about lack of confidentiality
15	I thought my reputation or career would be damaged
16	I feared negative consequences for the person or people who bullied me
17	The person or people who bullied me were already being dealt with
18	I took care of the problem myself.
97	Some other reason (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF QE25 ANSWERED ASK QE37

[MULTIPLE]

QE26 You've said that you made a complaint or report about the most recent experience of bullying that you experienced. Who did you report the incident to? (Select all that apply)

1	A person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
2	A person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 1 in QE26) ASK QE27

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QE26) ASK QE28

IF DON'T KNOW OR PREFER NOT TO SAY (Code 98 or 99 in QE265) ASK QE29

[MULTIPLE]

QE27 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 in QE27) ASK QE28

[MULTIPLE]

QE28 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to?

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QE29 What was the time period between when the bullying began and when you first reported it?

1	Same day or next working day
2	Less than 1 month (but not straight away)
3	1 to 3 months
4	4 to 6 months
5	More than 6 months
98	Don't know
98	Prefer not to say

[SINGLE]

QE30 Has your complaint or report been finalised yet?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF COMPLAINT FINALISED (CODE 1 ON QE30) ASK QE31

IF COMPLAINT NOT FINALISED OR DOESN'T KNOW OR PREFERS NOT TO SAY (CODE2 OR 98 OR 99 ON QE30) ASK QE33

[MULTIPLE]

QE31 How was your complaint or report finalised? With the involvement of ...
(Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 11

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	The Australian Human Rights Commission or a state or territory anti-discrimination agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
97	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QE32 How long did it take to finalise your complaint or report? Was it...

1	Same day or next working day
2	Less than 1 month (but not straight away)
3	1 to 3 months
4	4 to 6 months
5	7 to 12 months
6	More than 12 months
98	Don't know
98	Prefer not to say

[MULTIPLE]

QE33 Did any of the following things occur as a result of your complaint or report? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 13

1	Your employer apologised for failing to prevent the harassment
2	Your employer paid you compensation because of the harassment
3	The harassment stopped
4	You received positive feedback for making the complaint
5	Your shifts were changed
6	You were transferred
7	You resigned
8	You were dismissed or lost your job
9	You were demoted
10	You were disciplined
11	You were denied workplace opportunities, such as training or promotion
12	You were ostracised, victimised, ignored by colleagues
13	You were labelled a trouble-maker
14	There were some other consequences for you (please specify)
15	There were no consequences for you [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QE34 Did any of the following things happen to the person/people who bullied you following your complaint or report? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 9

1	They were disciplined
2	They were formally warned
3	They were informally spoken to
4	They were transferred
5	The had their shifts changed
6	They resigned
7	They apologised
8	They paid you compensation
9	There were some other consequences for the person (please specify))
10	There were no consequences for the person [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QE35 Did any of the following happen as a result of your complaint or report? (Mark all that apply)

1	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace apologised for failing to prevent the bullying
2	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace paid you compensation because of the bullying
3	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace developed or changed their existing policy on bullying
4	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace changed a practice or procedure – for example, their complaints and reporting procedure.
5	Your employer or another organisation responsible for your work in a Commonwealth parliamentary workplace implemented training or education
6	There were some other changes following your complaint or report (please specify)
7	There were no consequences or changes following your complaint or report [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QE36 On a scale of 1 to 5, where 1 means very unsatisfactory and 5 means very satisfactory, how would you rate the overall process of dealing with your complaint or report?

Very unsatisfactory	Unsatisfactory	Neither satisfactory nor unsatisfactory	Satisfactory	Very satisfactory	Don't know	Prefer not to say
1	2	3	4	5	98	99

[SINGLE]

QE37 Did you seek any support or advice about the most recent incident of bullying?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF DID SEEK SUPPORT OR ADVICE (CODE 1 ON QE37) ASK QE39

IF DID NOT SEEK SUPPORT OR ADVICE, (CODE 2 ON QE37) ASK QE38

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 OR 99 ON QE37) ASK QE41

[MULTIPLE]

QE38 People decide not to seek support or advice for many different reasons. Which, if any, of the following were reasons why you did not seek support about the most recent incident of bullying? (Select all that apply)

1	I wasn't aware of how to seek support or advice or who to talk to
2	I thought I would not be believed
3	I thought seeking support would be embarrassing or difficult
4	Concerns about lack of confidentiality
5	I thought it would impact on my career
6	I did not need support
7	I thought people would think I was over-reacting
97	Some other reason (specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF DID NOT SEEK SUPPORT OR ADVICE, (CODE 2 ON QE37) ASK QE41

[MULTIPLE]

QE39 Who did you seek support or advice from? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 16

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	Australian Human Rights Commission or a State or Territory anti-discrimination Agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
12	Friends or family
13	A counsellor or psychologist
14	The internet (including search engines such as Google)
15	A community-based or religious service
16	1800 RESPECT
97	Another person or organisation (please specify _____)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[SINGLE]

QE40 On a scale of 1 to 5, where 1 means very unsatisfactory and 5 means very satisfactory, how would you rate the overall process of providing you with advice or support?

Very unsatisfactory	Unsatisfactory	Neither satisfactory nor unsatisfactory	Satisfactory	Very satisfactory	Don't know	Prefer not to say
1	2	3	4	5	98	99

[MULTIPLE]

QE41 The next question is about any bullying of another person that may have occurred at a Commonwealth parliamentary workplace at any time while you were working there that you may have observed, witnessed or heard about. Have you...

1	Observed or witnessed another person being bullied by someone working at the Parliamentary workplace or with it?
2	Heard about it directly from a person who was bullied?
3	Heard about it from people other than the person who was bullied?
4	No – I haven't observed or heard about any bullying [SINGLE]
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

IF HAS OBSERVED OR HEARD ABOUT BULLYING (CODE 1 or 2 or 3 on QE41) ASK QE42

IF HAS NOT OBSERVED OR HEARD ABOUT BULLYING, DOESN'T KNOW, OR PREFERS NOT TO SAY(CODE 4 or 98 or 99 on QE41) ASK QE48

[SINGLE]

QE42 Did you take any action in relation to the most recent incident of bullying that you witnessed or heard about?

1	Yes
2	No
98	Don't know
99	Prefer not to say

IF TOOK ACTION (CODE 1 AT QE42), ASK QE43

IF DID NOT TAKE ANY ACTION (CODE 2 or 98 or 99 AT QE42), ASK QE47

IF DOES NOT KNOW OR PREFERS NOT TO SAY (CODE 98 or 99 AT QE42), ASK QE48

[MULTIPLE]

QE43 Which of the following actions did you take after witnessing or hearing about this most recent incident of bullying? (Select all that apply)

1	Spoke to the bully
2	Reported the bully to a person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
3	Reported the bully to a person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
4	Talk with or listen to the person who experienced the bullying
5	Offer advice to the person who experienced the bullying
6	Take any other action (please specify)
98	Don't know [SINGLE]
99	Prefer not to say that [SINGLE]

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 ON QE43) ASK QE44

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 3 ON QE43) ASK QE45

IF SPOKE TO BULLY OR TALKED OR OFFERED ADVICE OR TOOK OTHER ACTION OR DON'T KNOW OR PREFER NOT TO SAY (Code 1 OR 4 OR 5 OR 6 98 OR 99 ON QE43) ASK QE46

[MULTIPLE]

QE44 Who was the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you made a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

**IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 3 n QE43) ASK QE45**

[MULTIPLE]

QE45 Who was the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you made a complaint or report to?

1	A union or employee representative
2	A lawyer or legal service
3	The Australian Human Rights Commission or a state or territory anti-discrimination agency
4	The Fair Work Commission or Fair Work Ombudsman
5	The Police
6	Comcare, Safe Work Australia or state/territory work health and safety authority
7	Another person or organisation (please specify)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[MULTIPLE]

QE46 Did any of the following things occur as a result of you taking action in relation to this most recent incident of bullying? (Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 9

1	You received positive feedback for making the complaint
2	You were disciplined
3	You were transferred or had your work hours changed
4	You resigned
5	You were dismissed
6	The bullying stopped
7	You were demoted
8	You were ostracised, victimised, ignored by colleagues
9	You were labelled as a trouble maker
10	There were some other consequences for you (please specify)
11	There were no consequences for you [SINGLE]
97	Don't know [SINGLE]
98	Prefer not to say [SINGLE]

IF TOOK ACTION (CODE 1 AT QE42), ASK QE48

[MULTIPLE]

QE47 People may decide not to take action after witnessing or hearing about bullying for many different reasons. Which of the following were reasons why you decided not to take any action about the most recent incident of bullying you witnessed? (Select all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 10

1	I didn't want to make things worse for the person who was being bullied
2	I was worried about the negative impact that taking action might have on me
3	I didn't think it was serious enough to intervene or take action
4	I didn't think it was my responsibility
5	I knew that other people were supporting and assisting the person
6	I didn't know what to do
7	I didn't want to get involved
8	The person being bullied asked me not to take any action
9	I didn't know if the person being bullied wanted my help
98	Any other reasons – please specify
99	Prefer not to say [SINGLE]

[ASK ALL]

[MULTIPLE]

QE48 If you needed any information about bullying, which of the following would you be likely to go to?
(Mark all that apply)

RANDOMISE RESPONSE ITEMS 1 TO 16

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Help Desk, Parliamentary Support Line)
5	The Workplace Health & Safety (WHS) Site Officer or Security Officer
6	A union or employee representative
7	A lawyer or legal service
8	Australian Human Rights Commission or a State or Territory anti-discrimination Agency
9	The Fair Work Commission or Fair Work Ombudsman
10	The Police
11	Comcare, Safe Work Australia or state/territory work health and safety authority
12	Friends or family
13	A counsellor or psychologist
14	The internet (including search engines such as Google)
15	A community-based or religious service
16	1800 RESPECT
97	Another person or organisation (please specify _____)
98	Don't know [SINGLE]
99	Prefer not to say [SINGLE]

[ASK ALL]
[MULTIPLE]

QF1 While working in Commonwealth parliamentary workplaces, have you received training/education on workplace bullying OR sexual harassment OR sexual assault?

1	Yes, training and education on workplace bullying
2	Yes, training and education on sexual harassment
3	Yes, training and education on sexual assault
4	No, I have not had training or education on any of these [SINGLE]
98	Don't know/Can't recall [SINGLE]

[MULTIPLE]

QF2 Which of the following supports provided by Commonwealth parliamentary workplaces for those affected by bullying, sexual harassment or sexual assault are you aware of? Please indicate all of the supports you are aware of.

1	Parliamentary Support Line on 1800 274 778
2	Employee Assistance Program
3	WHS Site Officer for your workplace or Health and Safety Representative for your workgroup
4	Staff Assistance Officer
5	MaPS (Ministerial and Parliamentary Services) Help Desk
6	MaPS (Ministerial and Parliamentary Services) Case Support team
7	MaPS (Ministerial and Parliamentary Services) Parliament House Office - during Sitting Periods
8	Other services I am aware of (Please specify)
97	None of these [SINGLE]

[SINGLE]

QF3 How knowledgeable are you about the policies, processes and practices in Commonwealth parliamentary workplaces in relation to sexual harassment, sexual assault or bullying?

1	I know nothing about them
2	I know very little about them
3	I have some knowledge about them
4	I know a lot about them
5	I know everything about them

[SINGLE]

QF4 Do you know how to make a report or complaint about sexual harassment, sexual assault or bullying in a Commonwealth parliamentary workplace?

1	Yes
2	No
98	Don't know
99	Prefer not to say

[SINGLE]

QF5 Who would you have the most confidence in making a report or complaint to?

1	A person or group INSIDE or RELATED to the Commonwealth parliamentary workplace
2	A person or organisation OUTSIDE/or INDEPENDENT of the Commonwealth parliamentary workplace
98	Don't know
99	Prefer not to say

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 1 ON QF5) ASK QF6

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 ON QF5) ASK QF7

IF DON'T KNOW OR PREFER NOT TO SAY (Code 98 or 99 ON QF5) ASK QF8

SINGLE]

QF6 Who is the person or group INSIDE or RELATED to the Commonwealth parliamentary workplace you would have the most confidence making a complaint or report to?

1	A Commonwealth Parliamentarian
2	Someone in a leadership/management role in the workplace
3	A co-worker/colleague
4	A workplace support service (eg, EAP, Parliamentary Support Line)
5	A workplace advice service (eg, Department of Finance – Ministerial and Parliamentary Services Help Desk or Advice and Support Branch)
6	A Human Resources Officer or equivalent
7	The Workplace Health & Safety (WHS) Site Officer or representative or Security Officer
8	Someone else associated with Commonwealth parliamentary workplaces (Please specify)
98	Don't know
99	Prefer not to say

IF A PERSON OR GROUP INSIDE OR RELATED TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE
(Code 1 ON QF5) ASK QF8

SINGLE]

QF7 Who is the person or group OUTSIDE or INDEPENDENT of the Commonwealth parliamentary workplace you would have the most confidence making a complaint or report to?

1	An independent reporting and complaints mechanism established for people working in Commonwealth parliamentary workplaces
2	A union or employee representative
3	A lawyer or legal service
4	The Australian Human Rights Commission or a state or territory anti-discrimination agency
5	The Fair Work Commission or Fair Work Ombudsman
6	The Police
7	Comcare, Safe Work Australia or state/territory work health and safety authority
8	Comcare, Safe Work Australia or state/territory work health and safety authority
8	Someone else outside Commonwealth parliamentary workplaces (Please specify)
98	Don't know
99	Prefer not to say

IF A PERSON OR GROUP OUTSIDE OR INDEPENDENT TO THE COMMONWEALTH PARLIAMENTARY WORKPLACE (Code 2 ON QF5) ASK QF8

[SINGLE]

QF8 If someone were to report or make a complaint about sexual harassment, sexual assault or bullying to a more senior staff member or leader in a Commonwealth parliamentary workplace, how likely is it that:

	Not at all likely	A little likely	Somewhat likely	Very likely	Extremely likely
the senior staff member or leader would support the person making the report?	1	2	3	4	5
the senior staff member or leader would take the report seriously?	1	2	3	4	5
the senior staff member or leader would protect the safety of the person making the report?	1	2	3	4	5
the senior staff member or leader would take action to address factors that may have led to the sexual harassment, sexual assault or bullying?	1	2	3	4	5
the person making the report or complaint would be subjected to retaliation/victimisation?	1	2	3	4	5
action would be taken against the person who engaged in the sexual harassment, sexual assault or bullying?	1	2	3	4	5

QF9 What suggestions do you have on how to ensure Commonwealth parliamentary workplaces are safe and respectful? (specify)

[SINGLE]

QG1 How do you describe your gender?

1	Woman/female
2	Man/male
3	Transgender
4	Non-Binary
5	Other (please specify)
99	Prefer not to say

[SINGLE]

QG2 Are you of Aboriginal and/or Torres Strait Islander descent?

1	Yes – Aboriginal
2	Yes – Torres Strait Islander
3	Yes – Both Aboriginal and Torres Strait Islander
4	No
98	Don't know
99	Prefer not to say

[SINGLE]

QG3 Do you have a disability?

1	Yes
2	No
3	Prefer not to say

[SINGLE]

QG4 Do you use a language other than English at home? If you use more than one language, please write the one that is used most often. Include the use of sign languages (for example, AUSLAN) in the 'Other' box.

1	No, English only
2	Yes, Mandarin
3	Yes, Italian
4	Yes, Arabic
5	Yes, Cantonese
6	Yes, Greek
7	Yes, Vietnamese
98	Other (Please specify)
99	Prefer not to say

[SINGLE]

QG5 Which of the following best describes your sexual orientation?

1	Straight or heterosexual
2	Gay
3	Lesbian
4	Bisexual
5	Pansexual
6	Queer
7	Asexual or Aromantic
8	Undecided, not sure or questioning
9	Other (SPECIFY)
10	Prefer not to say

ALL

That is the final question in the survey. Thank you for your time. You have made a valuable contribution to this important Review.

[ASK ALL]

PROGRAMMER DISPLAY COUNSELLING MESSAGE ON CLOSING SCREEN

Thinking about and relaying experiences of sexual harassment, sexual assault or bullying can be distressing. If your engagement with this survey has caused you any distress, or you require additional support from someone not involved in the Review, we encourage you to seek assistance. Free, confidential counselling support is available through:

1800RESPECT the national sexual assault, domestic or family violence counselling service – Phone **1800 737 732** or visit 1800Respect online counselling or **www.1800respect.org.au**

The **PARLIAMENTARY SUPPORT LINE** an independent and confidential 24/7 telephone counselling, information and referral service on **1800 APH SPT (1800 274 778)**

LIFELINE the national crisis support and suicide prevention service Phone **131114** or visit **lifeline.org.au**

One of the state or territory sexual assault support services listed on the **AUSTRALIAN HUMAN RIGHTS COMMISSION'S SUPPORT SERVICES WEBPAGE** **<https://humanrights.gov.au/our-work/sex-discrimination/list-support-services>**

If your situation is urgent or you wish to report a criminal offence, contact **000** or **Police services** in your jurisdiction.

QH1 We can also re-direct you to a list of support services or email a list of other organisations that can provide information and assistance with issues that may have been brought up by this survey. Would you like to see or receive this list?

- 1 Yes, please re-direct me to the list now
- 2 Yes, please email me the list (please enter your email address)
- 3 No

IF REQUESTED EMAIL (CODE 2 AT QH1) DISPLAY TEXT "THANK YOU. AN EMAIL CONTAINING THIS INFORMATION HAS BEEN SENT TO {INSERT EMAIL ADDRESS FROM S7}. IF IT DOES NOT APPEAR IN YOUR INBOX IN THE NEXT FEW MINUTES, PLEASE CHECK YOUR SPAM FOLDER.

IF REQUESTS THAT LIST IS SHOWN (1 in QH1) SHOW NATIONAL AND RELEVANT STATE LIST (re-direct to <https://humanrights.gov.au/our-work/sex-discrimination/list-support-services>)

TERMINATION COUNSELLING AND SUPPORT MESSAGE

If at any stage you become distressed or require additional support from someone not involved in the Review, you can contact:

1800RESPECT the national sexual assault, domestic or family violence counselling service – Phone **1800 737 732** or visit 1800Respect online counselling or **www.1800respect.org.au**

The **PARLIAMENTARY SUPPORT LINE** an independent and confidential 24/7 telephone counselling, information and referral service on **1800 APH SPT (1800 274 778)**

LIFELINE the national crisis support and suicide prevention service Phone **131114** or visit **lifeline.org.au**

One of the state or territory sexual assault support services listed on the **AUSTRALIAN HUMAN RIGHTS COMMISSION'S SUPPORT SERVICES WEBPAGE** **<https://humanrights.gov.au/our-work/sex-discrimination/list-support-services>**

If your situation is urgent or you wish to report a criminal offence, contact **000** or **Police services** in your jurisdiction.

Appendix 5.

Current standards and accountability mechanisms

This Appendix outlines the current standards and accountability mechanisms applicable to participants in Commonwealth parliamentary workplaces, as discussed in section 5.4 'Standards, reporting and accountability' of this Report.

1. Shared obligations

Application to	Mechanism	Complaints made to	Limitations
Everyone working in Commonwealth parliamentary workplaces.	Judicial accountability for individuals who breach the law, such as a criminal offence.	To the police.	Only applies to unlawful conduct.
	<i>Workplace Bullying and Harassment Policy</i> , ¹³⁶⁸ <i>Work Health and Safety Act 2011</i> (Cth) Arrangements are in transition.	Department of Finance administers reports and complaints. The new Parliamentary Workplace Support Service provides an independent and confidential complaints mechanism for serious incidents (implementing recommendation of the Foster Report). ¹³⁶⁹	The implementation of the Foster Report recommendations provide useful developments, such as a clear pathway for serious incidents, independence of investigations, and supports for reporters/complainants. It has limitations in its scope (limited to serious incidents), however, and has no sanctions or enforcement capacity. Broader work health and safety obligations in the workplace leave unclear accountabilities.
	<i>Sex Discrimination Act 1984</i> (Cth) and potential accountability through the courts.	Conciliation at the Australian Human Rights Commission. Federal Courts for a determination.	Action requires either a negotiated outcome or public action through the courts. The most likely outcome of a successful court case is financial compensation for an individual complainant, not necessarily the broader rectification of workplace issues. Lack of clarity in terms of how the laws may interact with parliamentary privilege in some circumstances.
<i>Fair Work Act 2009</i> (Cth) and potential accountability through the Fair Work Commission.	Application to the Fair Work Commission for orders to stop bullying or sexual harassment.	Bullying orders apply where conduct is repeated. Lack of clarity in terms of how the laws may interact with parliamentary privilege in some circumstances.	

2. Parliamentarians

Application to	Mechanism	Complaints made to	Limitations
All Parliamentarians.	Electoral accountability: Politicians are ultimately judged for their action at elections.	N/A	Voters may not have complete information; may not apply a common standard; and accountability for misconduct may not be a key driver when making voting decisions. ¹³⁷⁰
	Disqualification: The Australian Constitution and the <i>Commonwealth Electoral Act 1928</i> (Cth) provide limited grounds of disqualification. These are serious criminal offences, treason, bankruptcy, insolvency, bribery and interference with political liberty. ¹³⁷¹	Court of Disputed Returns (High Court of Australia).	These provisions are not designed to address broader misconduct issues.
	Parliamentary privilege: including the power to discipline members for misconduct. ¹³⁷² This power extends to conduct that brings the House into disrepute, or conduct that reflects adversely on the House. ¹³⁷³	Parliament Presiding Officers Privileges Committees	While parliamentary privilege has the potential for broad application, it has generally been used in a narrow way in the Australian Parliament. Privilege has largely been exercised when conduct may interfere with the operation of Parliament, rather than addressing behavioural conduct that may bring the Parliament into disrepute. In addition, the mechanisms for considering questions of privilege are generally controlled by Government members, and may therefore be influenced, or be perceived to be influenced, by political partisanship.

Application to	Mechanism	Complaints made to	Limitations
<p>Ministers</p>	<p>Doctrine of ministerial responsibility to Parliament.¹³⁷⁴</p>	<p>Issues can be raised by parliamentarians in Parliament.</p>	<p>Focus is on the conduct of ministerial duties, not standards of behaviour.</p> <p>Generally relies on governing party to act.</p>
	<p>Ministerial Statement of Standards issued and enforced by the Prime Minister. The Statement covers personal integrity, private interests and a prohibition on engaging in sexual relations with staff.¹³⁷⁵</p> <p>Ministers are expected to stand aside if the Prime Minister is satisfied that the Standards have been breached.</p>	<p>No formal mechanism for complaints.</p> <p>Issues would be raised with the Prime Minister.</p>	<p>Does not fully address behaviour standards.</p> <p>No independent accountability.</p>

3. Staff

Application to	Mechanism	Complaints made to	Limitations
Parliamentarians' staff	<p><i>Members of Parliament (Staff) Act 1984 (Cth):</i> Prime Minister establishes conditions of employment.¹³⁷⁶</p> <p><i>Fair Work Act 2009 (Cth)</i></p> <p><i>Work Health and Safety Act 2011 (Cth)</i></p> <p><i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i></p>	Issues would be raised with employer of the staff member.	<p>Only the employing parliamentarian has authority to act in relation to inappropriate workplace behaviour.¹³⁷⁷</p> <p>Lack of independent accountability and sanctions.</p>
Ministerial staff	<p>In addition to the above, by convention, ministerial staff are accountable to their Minister, and through their Minister to the Parliament.¹³⁷⁸</p> <p>A Statement of Standards of Ministerial Staff is set by the executive government.¹³⁸⁰</p> <p>The Standards set out matters relating to integrity, respectful behaviour and the responsibilities of their role.</p>	<p>Implementation is the responsibility of the Prime Minister's Office and the Government Staffing Committee.</p> <p>Any sanctions are imposed after consultation with the relevant Minister by the Chief of Staff of the Minister.</p>	<p>Accountability through Ministers is stretched, with the growing complexity of their work and the increase in numbers of ministerial staff: 207 in 1983 to 449 in 2019.¹³⁷⁹</p> <p>The Standards do not directly address workplace bullying, sexual harassment and sexual assault.</p> <p>No independent accountability or clear sanctions.</p>

Application to	Mechanism	Complaints made to	Limitations
Parliamentary Services staff	Values and Code of Conduct set out in the <i>Parliamentary Service Act 1999</i> (Cth) ¹³⁸¹	Employer mechanism	Legislated and enforceable standards of behaviour
Australian Public Service staff	Values and Code of Conduct set out in the <i>Public Service Act 1999</i> (Cth) ¹³⁸²	Employer mechanism Commonwealth Ombudsman for some matters	
Australian Federal Police	Provision for behavioural standards set out in <i>Australian Federal Police Act 1979</i> (Cth) ¹³⁸³	Employer mechanism – Professional Standards Overseen by Commonwealth Law Enforcement Ombudsman	

Appendix 6.

Comparable overseas
parliaments – timeframes
and whether former
members can bring
relevant complaints

This Appendix outlines whether comparable jurisdictions have time limits for bringing complaints of misconduct in a parliamentary context and whether former members can bring complaints. It relates to the discussion about complaints outlined in section 5.4 ‘Standards, reporting and accountability’ of this Report.

The table below indicates whether there are time limits for bringing, and whether former members of the parliamentary community can bring, relevant complaints in these parliaments, as set out in relevant policies.

Overseas Parliament	Time limit and former members of the Parliamentary community
<p>United Kingdom (UK) Parliament</p> <p>Bullying, harassment and sexual misconduct policies.</p>	<p>Currently, there is no time limit for bringing complaints of bullying, harassment and sexual misconduct.¹³⁸⁴</p> <p>After 28 April 2022, however, there will be a one year time limit for making bullying and harassment complaints.¹³⁸⁵</p> <p>The ICGS is available to former members of the Parliamentary community, whether or not the complainant and respondent are still members of the parliamentary community at the time of making the complaint.¹³⁸⁶ (as long as both the complainant and respondent were members of the Parliamentary Community at the time when the alleged conduct took place)</p>
<p>Scottish Parliament</p> <p>Reporting procedures supporting the Sexual Harassment policy.</p>	<p>There is no time limit for making a sexual harassment complaint and complaints can be made by and against ‘people who no longer work at the Parliament.’¹³⁸⁷</p>
<p>Canadian Parliament</p> <p>Code of Conduct for members of the House of Commons: Sexual Harassment between members.</p>	<p>A one year time limit exists for reporting sexual harassment allegations, with discretion to extend it in ‘exceptional circumstances’.¹³⁸⁸</p> <p>The process is discontinued if the complainant or respondent ceases to be a Member. This is the case except for when the respondent still remains a Member or, in the case of alleged vexatious/bad faith complaints, where the complainant is still a Member.¹³⁸⁹</p>
<p>Canadian Parliament</p> <p>Policies of the:</p> <ul style="list-style-type: none"> • Office of the Prime Minister and Ministers’ Offices • Members of the House of Commons 	<p>These policies do not specify if there is a time limit for complaints. The policy of the Office of the Prime Minister and Ministers’ Offices states, however, that ‘complaints should made as soon as possible’.¹³⁹⁰</p> <p>Former employees of Members and former employees of the Office of the Prime Minister and Ministers’ Offices may bring a complaint within three months of their departure, although there is discretion to accept out-of-time complaints (in the case of former employees of Members, there must be ‘extenuating circumstances’).¹³⁹¹</p>

Appendix 7.

United Kingdom Parliament Behaviour Code

This Appendix sets out a copy of the UK Parliament Behaviour Code which is discussed in section 5.4 'Standards, reporting and accountability' of this Report.



Behaviour Code

Whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

Respect and value everyone – bullying, harassment and sexual misconduct are not tolerated

If you have experienced bullying, harassment or sexual misconduct, you are encouraged to report it and/or seek support by contacting the Independent Complaints and Grievance Scheme (ICGS) Helpline on:

0808 168 9281 (*freephone*)
Support@ICGShelpline.org.uk

Recognise your power, influence or authority and don't abuse them

Think about how your behaviour affects others and strive to understand their perspective

Act professionally towards others

Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect

Speak up about any unacceptable behaviour you see

Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions

8.

Endnotes

- 1 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 10.
- 2 Deloitte Access Economics, *The Economic Costs of Sexual Harassment in the Workplace* (Final Report, 2019). See Chapter 4.
- 3 Productivity Commission, *Performance Benchmarking of Australian Business Regulation: Occupational Health & Safety* (Research Report, 2010).
- 4 Interview 69, *CPW Review*.
- 5 Interview 404, *CPW Review*.
- 6 Interview 177, *CPW Review*.
- 7 Interview 73, *CPW Review*.
- 8 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 139-152; Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021).
- 9 Interview 223, *CPW Review*.
- 10 Interview 88, *CPW Review*.
- 11 Interview 370, *CPW Review*; Interview 567, *CPW Review*.
- 12 Interview 567, *CPW Review*.
- 13 Individual, Submission W227, *CPW Review*.
- 14 Individual, Submission W120, *CPW Review*.
- 15 Media, Entertainment and Arts Alliance, Submission E15, *CPW Review*, 1.
- 16 Individual, Submission W199, *CPW Review*.
- 17 Interview 546, *CPW Review*.
- 18 Individual, Submission W131, *CPW Review*.
- 19 Interview 212, *CPW Review*.
- 20 Interview 304, *CPW Review*.
- 21 Individual, Submission W149, *CPW Review*.
- 22 Interview 18, *CPW Review*.
- 23 Interview 2, *CPW Review*; Interview 4, *CPW Review*; Interview 32, *CPW Review*; Interview 44, *CPW Review*; Interview 73, *CPW Review*; Interview 104, *CPW Review*; Interview 131, *CPW Review*.
- 24 Interview 2, *CPW Review*; Interview 63, *CPW Review*; Interview 68, *CPW Review*.
- 25 Interview 7, *CPW Review*.
- 26 Interview 41, *CPW Review*; Interview 54, *CPW Review*; Interview 131, *CPW Review*.
- 27 Interview 131, *CPW Review*.
- 28 Interview 60, *CPW Review*; Interview 145, *CPW Review*; Interview 419, *CPW Review*; Interview 239, *CPW Review*.
- 29 Interview 454, *CPW Review*.
- 30 Interview 313, *CPW Review*.
- 31 Interview 379, *CPW Review*.
- 32 Individual, Submission W243, *CPW Review*.
- 33 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018).
- 34 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018); Australian Human Rights Commission, *CPW Review Survey* (2021). Note, this is an indicative estimate based on a small number of respondents.
- 35 Interview 35, *CPW Review*.
- 36 Interview 110, *CPW Review*.
- 37 Interview 118, *CPW Review*.
- 38 'March4Justice – Equality, justice, respect and an end to gendered violence', *March4Justice*, (Web Page, 2021) <<https://www.march4justice.org.au/>>.
- 39 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 10.
- 40 Women's Gender Equality Agency, *Gender Equity Insights 2021: Making It a Priority* (Report, 2021) 8.
- 41 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 36, 726. See recommendation 47.
- 42 Parliament of Canada, *Review of the Code of Conduct for Members of the House of Commons: Sexual Harassment* (2017); Laura Cox, *The bullying and harassment of House of Commons staff – Independent Inquiry Report* (2018); Debbie Francis, *External Independent Review: Bullying and harassment in the New Zealand parliamentary workplace* (2019); Laura Dunlop QC, *Review of the Scottish Government Procedure for Handling Harassment Complaints involving Current or Former Ministers'* (2021).
- 43 Maureen F. Dollard et al, 'Psychosocial safety climate (PSC) and enacted PSC for workplace bullying and psychological health problem reduction' (2017) 26(6) *European Journal of Work and Organizational Psychology* 844.
- 44 Maureen F. Dollard et al, 'Psychosocial safety climate (PSC) and enacted PSC for workplace bullying and psychological health problem reduction' (2017) 26(6) *European Journal of Work and Organizational Psychology* 844.
- 45 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 269.
- 46 Cameron Boyd, 'The impacts of sexual assault on women', *Australian Centre for the Study of Sexual Assault* (Resource Sheet, April 2011) <<https://aifs.gov.au/sites/default/files/publication-documents/rs2.pdf>>.
- 47 Interview 4, *CPW Review*.
- 48 Interview 376, *CPW Review*.
- 49 Interview 345, *CPW Review*.
- 50 Deloitte Access Economics, *The Economic Costs of Sexual Harassment in the Workplace* (2019). See Chapter 4.
- 51 Deloitte Access Economics, *The Economic Costs of Sexual Harassment in the Workplace* (2019) 5-6.
- 52 Deloitte Access Economics, *The Economic Costs of Sexual Harassment in the Workplace* (2019) 4-5.
- 53 Rachael E. Potter et al, *Bullying and Harassment in Australian Workplaces: results from the Australian Workplace Barometer Project 2014/2015* (2016) 7.
- 54 Productivity Commission, *Performance Benchmarking of Australian Business Regulation: Occupational Health & Safety* (Research Report, 2010) 279.
- 55 Sarah Cameron and Ian McAllister, *The 2019 Australian Federal Election: Results from the Australian Election Study* (Australian Election Study, December 2019) 15. *The 2019 Australian Federal Election: Results from the*

- Australian Election Study (Australian Election Study, December 2019) 15.
- 56 Dr Simon Longstaff, 'Democracy, Trust and Legitimacy', *Parliament of Australia* (Web Page, July 2015) <https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/pops/pop63/c05>.
- 57 Individual, Submission W223, *CPW Review*.
- 58 Interview 69, *CPW Review*.
- 59 Department of the Prime Minister and Cabinet, Submission E60, *CPW Review*, 1.
- 60 Interview 73, *CPW Review*.
- 61 Interview 70, *CPW Review*.
- 62 Commonwealth of Australia, *Delivering for tomorrow: APS Workforce Strategy 2025* (2021) 12.
- 63 'Labour Force Australia', *Australian Bureau of Statistics* (Web Page, September 2021) <<https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/aug-2021>>.
- 64 National Skills Commission, *Recruitment Insights Report – July 2021* (July 2021) 3.
- 65 Australian Government, *Delivering for Tomorrow: APS Workforce Strategy 2025* (March 2021) 21.
- 66 Marian Baird et al, *Women and the Future of Work: Report 1 of The Australian Women's Working Futures Project* (2018) 27.
- 67 Google, 'Aristotle Project' *Rework* (Web Page) <<https://rework.withgoogle.com/print/guides/5721312655835136/>>.
- 68 Laura Delizonna, 'High-Performing Teams Need Psychological Safety. Here's How to Create It', *Harvard Business Review* (Web Page, 24 August 2017) <<https://hbr.org/2017/08/high-performing-teams-need-psychological-safety-heres-how-to-create-it>>.
- 69 Interview 165, *CPW Review*.
- 70 Laura Delizonna, 'High-Performing Teams Need Psychological Safety. Here's How to Create It', *Harvard Business Review* (Web Page, 24 August 2017) <<https://hbr.org/2017/08/high-performing-teams-need-psychological-safety-heres-how-to-create-it>>.
- 71 McKinsey & Company, *Diversity wins: How inclusion matters* (2020) 3.
- 72 Rocío Lorenzo et al, 'How Diverse Leadership Teams Boost Innovation', *Boston Consulting Group* (Web Page, January 2018) <<https://www.bcg.com/en-us/publications/2018/how-diverse-leadership-teams-boost-innovation>>.
- 73 Bankwest Curtin Economics Centre and Workplace Gender Equality Agency, *Gender Equity Insights 2020: delivering the business outcomes* (2020) 41.
- 74 Global Institute for Women's Leadership, *Women Political Leaders* (2020) 48-50.
- 75 Individual, Submission W223, *CPW Review*.
- 76 Interview 404, *CPW Review*.
- 77 Parliament of Australia, *The 46th Parliament Parliamentary Handbook of the Commonwealth of Australia 2020* (2020) Part 2C.
- 78 Parliament of Australia, *The 46th Parliament Parliamentary Handbook of the Commonwealth of Australia 2020* (2020) Part 2C.
- 79 Anna Hough, *Composition of Australian Parliaments by Party and Gender: A Quick Guide* (Research Paper Series, 8 June 2021) Table 1.
- 80 Anna Hough, *Composition of Australian Parliaments by Party and Gender: A Quick Guide* (Research Paper Series, 8 June 2021) Table 2.
- 81 Department of Finance, Request for Information, 27 July 2021. MOP(S) Act employment categories are discussed at section 1.2.
- 82 'APS Employment Data 30 June 2021', *Australian Public Service Commission* (Web Page, 3 September 2021) <<https://www.apsc.gov.au/employment-data/aps-employment-data-30-june-2021>>.
- 83 Department of Finance, Request for Information, 27 July 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 84 Department of Finance, Request for Information, 27 July 2021.
- 85 Department of Finance, Request for Information, 27 July 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.. The average length of service for electorate officers and personal staff was between 1-2 years. As data was provided to the Commission as time brackets (i.e. < 3 months, 1-2 years, 20-30 years) an average was taken of each of these categories to estimate the average length of service. Note, the use of estimates may impact the accuracy of this data.
- 86 Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021. Note, specific numbers (rather than age ranges) were given for people working at Kirribilli House or the Lodge, allowing for more accurate analysis for this cohort.
- 87 'Department of Parliamentary Services', *Parliament of Australia* (Web Page) <https://www.aph.gov.au/About_Parliament/Employment/Department_of_Parliamentary_Services>.
- 88 Departmental Liaison Officers other than those employed by the Department of Finance and the Department of the Prime Minister and Cabinet are not included in the data.
- 89 'Commonwealth Parliament Offices (MaPS state and territory offices)', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page) <<https://maps.finance.gov.au/about-maps-and-other-services/commonwealth-parliament-offices-maps-state-and-territory-offices>>.
- 90 *Australian Constitution* ss 49, 50
- 91 *Australian Constitution* ss 48, 66. Section 48 refers to the payment of Members of Parliament and Senators as an 'allowance'.
- 92 Save for constitutional disqualification under *Australian Constitution* s 44.
- 93 *Members of Parliament (Staff) Act 1984 (Cth)* ss 13, 20.
- 94 Department of Finance, *Commonwealth Members of Parliament Staff Enterprise Agreement 2020-2023* (2020).
- 95 *Members of Parliament (Staff) Act 1984 (Cth)* ss 16, 23.

- 96 *Public Service Act 1999* (Cth) ss 6(1), 13; *Parliamentary Service Act 1999* (Cth) ss 6(1), 13.
- 97 *Public Service Act 1999* (Cth) ss 14, 15; *Parliamentary Service Act 1999* (Cth) ss 14, 15.
- 98 *Parliamentary Service Act 1999* (Cth), Part 5.
- 99 *Public Service Act 1999* (Cth), Part 5.
- 100 *Parliamentary Service Act 1999* (Cth), Part 6; *Public Service Act 1999* (Cth), Part 6. Note that the offices of the Parliamentary and Public Service Commissioner, and of the Parliamentary and Public Service Merit Protection Commissioners, may be the same person. See *Parliamentary Service Act 1999* (Cth) ss 43(2), 50(2).
- 101 See, eg, Department of the House of Representatives, *Enterprise Agreement 2017-2020* (2017); Department of the Senate, *Enterprise Agreement 2017-2020* (2017); Department of Finance, *Department of Finance Enterprise Agreement 2019* (2019).
- 102 *Public Service Act 1999* (Cth) s 29; *Parliamentary Service Act 1999* (Cth) s 29.
- 103 See, eg, *Public Service Act 1999* (Cth) ss 26-27; *Parliamentary Service Act 1999* (Cth) ss 26-27; Australian Public Service Commission, *Public Sector Workplace Relations Policy 2020* (2020) [53].
- 104 *Public Service Act 1999* (Cth) ss 3(a); 10(5); *Parliamentary Service Act 1999* (Cth) ss 3(a), 10(1)(b).
- 105 Department of Finance, Request for Information, 27 July 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 106 Senate Finance and Public Administration References Committee, Parliament of Australia, *Staff employed under the Members of Parliament (Staff) Act 1984* (October 2003), 5-6; Anne Tiernan, *Power Without Responsibility? Ministerial Staffers in Australian Governments from Whitlam to Howard* (University of New South Wales Press, 2007) 5; Yee-Fui Ng, *The Rise of Political Advisors in the Westminster System* (Routledge, 2018) 38.
- 107 Maria Maley, 'Understanding the Divergent Development of the Ministerial Office in Australia and the UK' (2018) 53(3) *Australian Journal of Political Science* 320, 327.
- 108 Maria Maley, 'Understanding the Divergent Development of the Ministerial Office in Australia and the UK' (2018) 53(3) *Australian Journal of Political Science* 320, 329.
- 109 Commonwealth, *Parliamentary Debates*, House of Representatives, 9 May 1984, 2154 (John Dawkins).
- 110 John Dawkins, *Cabinet Submission no 534: The Employment of Staff by Ministers and other Members of Parliament* (18 November 1983 NAA: Cabinet Office: A11116/CA15).
- 111 *Members of Parliament (Staff) Act 1984* (Cth), ss 13, 20.
- 112 The *Members of Parliament (Staff) Act 1984* (Cth) identifies 'relevant office-holders' (see s 3; Figure 7) and also provides that the Prime Minister can determine certain Senators or Members should be empowered to employ staff taking into account their parliamentary duties (s 12). Examples of Senators and members empowered to employ personal staff due to a section 12 determination include Presiding Officers and Shadow Ministers.
- 113 *Members of Parliament (Staff) Act 1984* (Cth) s19.
- 114 Under the *Members of Parliament (Staff) Act 1984* (Cth) s 31, names and details of ministerial consultants must be tabled annually. Annual reports on the Department of Finance website dating back to 2011 show no engagements made under s 31. See, eg, 'Parliamentary Services', *Department of Finance* (Web Page) <<https://www.finance.gov.au/publications/parliamentary-services>>.
- 115 *Members of Parliament (Staff) Act 1984* (Cth) ss 13, 20.
- 116 *Members of Parliament (Staff) Act 1984* (Cth) ss 14, 21.
- 117 In relation to superannuation and termination of employment - *Members of Parliament (Staff) Act 1984* (Cth) ss 14-16, 21-23.
- 118 Which sets out terms and conditions, including in relation to salaries, allowances, leave and severance benefits, for Senior Staff, Advisers, Media Advisers, Assistant Advisers, Executive Assistants / Office Managers, Secretaries / Administrative Assistants, and Electorate Employees employed at the classifications listed in Attachments A, B and C of the Enterprise Agreement. *MOPS Enterprise Agreement 2020-2023, cl 2, Attachments A-C*.
- 119 *Members of Parliament (Staff) Act 1984* (Cth) ss 14, 21. For a list of current employment related determinations, see 'Employment instruments and authorisations', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 23 July 2021) <<https://maps.finance.gov.au/pay-and-employment/mops-act-employment/employment-instruments-and-authorisations>>; Department of Finance, Request for Information, 27 July 2021.
- 120 See, eg, Senate Finance and Public Administration References Committee, Parliament of Australia, *Staff employed under the Members of Parliament (Staff) Act 1984* (October 2003) 9; Department of Finance, Submission E76, *CPW Review*, 5.
- 121 'Statement of Standards for Ministerial Staff', *Special Minister of State* (Web Page) <<https://www.smos.gov.au/statement-standards-ministerial-staff>> notes iv, v.
- 122 'Statement of Ministerial Standards', *Department of the Prime Minister and Cabinet* (Web Page, 30 August 2018) <<https://pmc.gov.au/sites/default/files/publications/statement-ministerial-standards-3.pdf>>.
- 123 *Members of Parliament (Staff) Act* (Cth) ss 16 (1)-(2B); 23(1)-(2).
- 124 *Members of Parliament (Staff) Act 1984* (Cth) ss 16(5) and 23(4); Special Minister of State (Cth), *Direction 2019/6: Direction to Defer the Termination of Employment* (9 April 2019) <https://maps.finance.gov.au/sites/default/files/2019-10/direction_2019_6_direction_to_defer_the_termination_of_employment.pdf>.
- 125 *Members of Parliament (Staff) Act* (Cth) ss 16(3)(4), 23(2) (3).
- 126 'Ceasing employment: Termination by the employing parliamentarian', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 2 September 2021) <<https://maps.finance.gov.au/pay-and->

- employment/mops-act-employment/ceasing-employment>.
- 127 *Fair Work Act 2009* (Cth) ss 13, 14(1)(b), 380, 795(4) (h); *Fair Work Act Regulations 2009* (Cth) reg 6.08(1) (d). Under the Fair Work Act, the Commonwealth is a national system employer and the term 'national system employee' includes persons employed under the MOP(S) Act. See, also, 'Ceasing employment: Termination by the employing parliamentarian', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 2 September 2021) <<https://maps.finance.gov.au/pay-and-employment/mops-act-employment/ceasing-employment>>.
- 128 Department of Finance, Submission E76, *CPW Review*, 6.
- 129 Australian Government, *Independent Review into the workplaces of Parliamentarians and their staff: Terms of Reference* (2020) [2].
- 130 See definitions of 'Commonwealth employee', 'employment' and 'public authority of the Commonwealth' in *Sex Discrimination Act 1984* (Cth) s 4(1); *Disability Discrimination Act 1992* (Cth) s 4(1); *Age Discrimination Act 2004* (Cth) s 5. See also the broad definition of 'employment' in *Racial Discrimination Act 1975* (Cth) s 3(1).
- 131 *Sex Discrimination Act 1984* (Cth) s 28B.
- 132 *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Cth) sch 1 items 32-37, 40.
- 133 *Sex Discrimination Act 1984* (Cth) ss 9(5A), 28B.
- 134 *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Cth) sch 1 item 40.
- 135 *Sex Discrimination Act 1984* (Cth) ss 4, 9(5), 14(2).
- 136 *Racial Discrimination Act 1975* (Cth) ss 9, 15; *Sex Discrimination Act 1984* (Cth) s 14; *Disability Discrimination Act 1992* (Cth) s 15; *Age Discrimination Act 2004* (Cth) s 18.
- 137 *Disability Discrimination Act 1992* (Cth) s 15; *Age Discrimination Act 2004* (Cth), s 18.
- 138 *Disability Discrimination Act 1992* (Cth) s 4; *Age Discrimination Act 2004* (Cth), s 5.
- 139 *Racial Discrimination Act 1975* (Cth), s 9.
- 140 *Australian Human Rights Commission Act 1986* (Cth) pt IIB, div 1.
- 141 *Australian Human Rights Commission Act 1986* (Cth) s 46PO.
- 142 *Australian Constitution* s 49.
- 143 *Parliamentary Privileges Act 1987* (Cth); *Bill of Rights 1688* (UK) art 9.
- 144 *Australian Human Rights Commission Act 1986* (Cth) ss 30, 31, 32.
- 145 This section on the Fair Work system provides a high level and general summary of certain relevant provisions of the Fair Work Act and is not exhaustive. For more information see the following FWC publications: Fair Work Commission, *Anti-Bullying Benchbook* (October 2019) <<https://www.fwc.gov.au/resources/benchbooks/anti-bullying-benchbook>>; Fair Work Commission, *Unfair Dismissals Benchbook* (July 2021) <<https://www.fwc.gov.au/resources/benchbooks/unfair-dismissals-benchbook>>; Fair Work Commission, *General Protections Benchbook* (July 2021) <<https://www.fwc.gov.au/resources/benchbooks/general-protections-benchbook>>; 'How we're different: Fair Work Ombudsman', *Fair Work Commission* (Web Page) <<https://www.fairwork.gov.au/about-us/our-role-and-purpose/fair-work-commission-how-were-different#fair-work-ombudsman>>.
- 146 Eligible employees can apply for a stop sexual harassment order from 11 November 2021.
- 147 *Fair Work Act 2009* (Cth) ss 789FC(1), 789FC(2); *Work Health and Safety Act 2011* (Cth) ss 7, 12(1)(d).
- 148 *Fair Work Act 2009* (Cth) s789FF.
- 149 See *Obatoki v Mallee Track Health & Community Services and Others* [2015] FWC 3089.
- 150 *Fair Work Act 2009* (Cth) s789FF.
- 151 *Fair Work Act 2009* (Cth) ss 539(1), 539(2) item 38, 789FG.
- 152 *Fair Work Act 2009* (Cth), pt 3-1 div 3.
- 153 *Fair Work Act 2009* (Cth), pt 3-1 div 5.
- 154 *Fair Work Act 2009* (Cth) ss 338, 339.
- 155 An employee is a person who works under a contract of employment for an employer. Interns, volunteers and students do not fall within the ordinary meaning of 'employee'. See, eg, Fair Work Commission, *General Protections Benchbook* (July 2021) <<https://www.fwc.gov.au/documents/documents/benchbookresources/generalprotections/general-protections-benchbook.pdf>> 40, 43-44. National system employees who are not eligible to make a general protections claim may be able to make an application for unlawful termination under s 772 of the Fair Work Act, see *Dr Daniel Krcho v University of New South Wales T/A UNSW Sydney* [2021] FWCFB 350.
- 156 See items 3, 4 and 6 of the table at s342(1) of the *Fair Work Act 2009* (Cth).
- 157 *Fair Work Act 2009* (Cth) s 342. 'Adverse action' includes dismissing an employee and prejudicially altering their position. In some instances the (similar) provisions of Part 6-4, Division 2 of the *Fair Work Act 2009* (Cth) may apply in lieu of the Part 3-1 provisions.
- 158 *Fair Work Act 2009* (Cth) ss 340, 341.
- 159 *Fair Work Act 2009* (Cth) s 351. It is not unlawful discrimination when action is taken because of the inherent requirements of the particular position concerned: s 351(2)(b). For example, this may include circumstances where political opinion is an inherent requirement of a political position.
- 160 *Fair Work Act 2009* (Cth) s 361.
- 161 *Fair Work Act 2009* (Cth) s 385.
- 162 Section 14(1)(b) of the Fair Work Act expressly provides that the Commonwealth is a 'national system employer'. Under s 13 of the Fair Work Act, a 'national system employee' is someone employed by a national system employer. The *Fair Work Regulations 2009* (Cth) also show a clear intention to cover MOP(S) Act employees.

- 163 See, eg, Fair Work Commission, *Unfair Dismissals Benchbook* (July 2021) <<https://www.fwc.gov.au/documents/documents/benchbookresources/unfairdismissals/unfair-dismissals-benchbook.pdf>> 31-32.
- 164 See, eg, 'Ceasing Employment', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 2 September 2021) <<https://maps.finance.gov.au/pay-and-employment/mops-act-employment/ceasing-employment>>.
- 165 *Fair Work Act 2009* (Cth) ss 382, 383. The minimum employment period is 6 months (or 12 months for employees of Small Business Employers).
- 166 Currently \$158,500 (from 1 July 2021), but adjusted annually.
- 167 Or if it was consistent with the Small Business Fair Dismissal Code (in the case of employees of small business). *Fair Work Act 2009* (Cth) s 385.
- 168 *Fair Work Act 2009* (Cth) s 385.
- 169 *Fair Work Act 2009* (Cth) s 387(a), (b), (c).
- 170 *Fair Work Act 2009* (Cth) s 387(e).
- 171 See, eg, *Graham v Bankstown District Sports Club Ltd [2012] FWA 7977*.
- 172 See Note to *Fair Work Act 2009* (Cth) s 387; *Fair Work Act 2009* (Cth) s 123(1)(b); *Fair Work Regulations 2009* (Cth) reg 1.07.
- 173 See, eg, 'Model WHS Laws', *Safe Work Australia* (Web Page, 9 November 2020) <<https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws>>. Victoria has not adopted the model laws however the *Occupational Health and Safety Act 2004* (Vic) incorporates many similar features to the model laws. Western Australia is in the process of adopting the model laws which are expected to take effect in 2022. See 'Work health and safety laws', Government of Western Australia Department of Mines, Industry Regulation and Safety (Web Page) <<https://www.dmir.wa.gov.au/safety-regulation/work-health-and-safety-laws>>.
- 174 *Work Health and Safety Act 2011* (Cth) s 3.
- 175 *Work Health and Safety Act 2011* (Cth) s 4.
- 176 *Work Health and Safety Act 2011* (Cth) s 19(1).
- 177 *Work Health and Safety Act 2011* (Cth) ss 5, 12. Non-Commonwealth licensees are corporations or Commonwealth authorities who are licensed to self-insure their workers' compensation liabilities and/or claims management. Some, although not all, are also regulated under the WHS Act. See, eg, 'List of current and former self-insured licensees', *Safety, Rehabilitation and Compensation Commission* (Web Page) <<https://www.srcc.gov.au/current-self-insurers/list-of-current-and-former-self-insurers>>.
- 178 See, eg, *Work Health and Safety Act 2011* (Cth) pt 2 div 3
- 179 *Work Health and Safety Act 2011* (Cth) ss 14, 15.
- 180 *Work Health and Safety Act 2011* (Cth) s 16.
- 181 *Work Health and Safety Act 2011* (Cth) s 46.
- 182 *Work Health and Safety Act 2011* (Cth) pt 2 div 5. Civil penalty provisions also apply in certain circumstances – see pt 13 div 7.
- 183 A non-exhaustive list is set out at section 19(3) of the *Work Health and Safety Act 2011* (Cth).
- 184 *Work Health and Safety Act 2011* (Cth) s4, 247, 252.
- 185 *Work Health and Safety Act 2011* (Cth) s 7.
- 186 *Work Health and Safety Act 2011* (Cth) s 7(2)-(2G).
- 187 *Work Health and Safety Act 2011* (Cth) pt 2 div 3.
- 188 *Safety, Rehabilitation and Compensation Act 1988* (Cth) s 69(g); *Work Health and Safety Act 2011* (Cth) s 152; Comcare, Submission E78, *CPW Review*, 3.
- 189 *Safety, Rehabilitation and Compensation Act 1988* (Cth) s 69; Comcare, Submission E78, *CPW Review*, 3.
- 190 Comcare, Submission E78, *CPW Review*, 9; *Parliamentary Injury Compensation Scheme Instrument 2016* (Cth).
- 191 Sexual assault includes rape, attempted rape, aggravated sexual assault, indecent assault (including unwanted touching and kissing), penetration by objects, forced sexual activity without penetration and attempts to force sexual activity.
- 192 *Criminal Code Act 1899* (Qld) ss 347–349, read with s 1; *Crimes Act 1900* (NSW) s 611; *Crimes Act 1900* (ACT) s 54, read with s 50; *Criminal Code Act Compilation Act 1913* (WA) s 325 read with s 319; *Criminal Code Act 1924* (Tas) s 185, read with s 1; *Criminal Law Consolidation Act 1935* (SA) s 48, read with s 5(1), (3); *Crimes Act 1958* (Vic) s 38, read with s 35; *Criminal Code Act 1983* (NT) s 192(3).
- 193 *Parliamentary Privileges Act 1987* (Cth) section 15; *Rees v. McCay* [1975] 7 ACT R7 (14 August 1975).
- 194 See, eg, *Parliamentary Privileges Act 1987* (Cth) s 15; *Rees v. McCay* [1975] 7 ACT R7 (14 August 1975).
- 195 *Parliamentary Precincts Act 1988* (Cth) s 6(1).
- 196 'Parliamentary precincts and the exercise of authority', *Parliament of Australia* (Web Page) <https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7/HTML/Chapter4/Parliamentary_precincts_and_the_exercise_of_authority>.
- 197 *Parliament of Australia, Memorandum of Understanding on the Execution of Search Warrants in the Premises of Members of Parliament Between the Attorney-General, the Minister for Justice and Customs, the Speaker of the House of Representatives, and the President of the Senate* (2005) <https://www.aph.gov.au/-/media/Committees/Senate/committee/priv_ctte/current_inquiries/search_warrants_inquiry/MOU_and_Search_Warrants.pdf> [5.4].
- 198 Department of the Prime Minister and Cabinet, Correspondence, 5 November 2021.
- 199 Department of Finance, Request for Information, 27 July 2021.
- 200 Parliamentary Budget Office, Request for Information, 10 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 201 Department of the Senate, Submission E79, *CPW Review*.
- 202 Department of Finance, Request for Information, 24 August 2021.

- 203 Department of Finance, Request for Information, 24 August 2021.
- 204 Department of Finance, Request for Information, 27 July 2021.
- 205 Parliamentary Budget Office, Request for Information, 10 August 2021.
- 206 Department of Parliamentary Services, Request for Information, 24 September 2021.
- 207 Department of Parliamentary Services, Request for Information, 24 September 2021.
- 208 Department of Parliamentary Services, Request for Information, 24 September 2021.
- 209 The Department of Parliamentary Services advised of a number of 'activities [that] are restricted and not provided', including ad-hoc blood pressure monitoring (except as part of a first-aid response), interpretation of test results requested by a medical practitioner, monitoring of any condition that requires knowledge of advanced therapeutic responses, and for Canberra-based staff, dressing of wounds, ulcers or lesions, removal of sutures or staples, and arranging medical appointments staff (except as part of a response to a first aid incident). Department of Parliamentary Services, Request for Information, 24 September 2021.
- 210 Department of Parliamentary Services, Request for Information, 24 September 2021.
- 211 'Service Charter - What we do', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/resources/service-charter>>. See also 'Something happened to me – Have I experienced an incident?', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/something-happened-to-me>>
- 212 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021), 5.
- 213 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021), 12.
- 214 Senator Simon Birmingham, *Launch of Parliamentary workplace support service* (Media Release, 23 September 2021) <<https://www.financeminister.gov.au/media-release/2021/09/23/launch-parliamentary-workplace-support-service>>.
- 215 'Parliamentary Workplace Support Service – About us', *Australian Government* (Web Page) <<https://pwss.gov.au/about-us>>.
- 216 'Parliamentary Workplace Support Service – About us', *Australian Government* (Web Page) <<https://pwss.gov.au/about-us>>.
- 217 'Parliamentary Workplace Support Service – About us', *Australian Government* (Web Page) <<https://pwss.gov.au/about-us>>.
- 218 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021), 4.
- 219 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021), 11–15.
- 220 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021), 21.
- 221 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021), 8.
- 222 'What can I do if I am being bullied or harassed at work?', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/what-can-i-do-if-i-am-being-bullied-or-harassed-work>>.
- 223 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021), 4.
- 224 Department of Finance, Request for Information, 27 July 2021.
- 225 Department of Finance, Request for Information, 27 July 2021. Note that, in relation to non-MOP(S) Act employees working in CPWs for whom the Department of Finance is responsible, the Department of Finance informed the Commission that it did not receive any complaints in relation to workplace bullying, sexual harassment and/or sexual assault that occurred in CPWs in the last five financial years.
- 226 Department of Finance, Request for Information, 27 July 2021.
- 227 The number 181 captures where Department of Finance records indicate two complainants (inferred from two different job titles of complainant listed) in relation to a single complaint.
- 228 Department of Finance, Request for Information, 27 July 2021.
- 229 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 26–27.
- 230 Department of the Senate, Request for Information, *Workplace Bullying, Harassment and Discrimination Policy*, 30 July 2021; Department of the House of Representatives, Request for Information, *Discrimination, Bullying and Harassment Prevention Policy and Guidelines*, 2 August 2021; Parliamentary Budget Office, Request for Information, *Appropriate Workplace Behaviour Policy*, 10 August 2021; Department of Parliamentary Services, Request for Information, *DPS Policy for Preventing and Responding to Workplace Bullying*, 17 August 2021.
- 231 This number is based on data provided to the Commission by the Department of Parliamentary Services, in response to the Commission's Request for Information. Note that, from the data provided, it is not clear if these records of complaints refer to the total number of actual complaints, due to the potential of multiple complainants for a single complaint recorded. Department of Parliamentary Services, Request for Information, 17 August 2021.
- 232 Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Parliamentary Budget Office, Request for

- Information, 10 August 2021.
- 233 As at 1 October 2021, the Commission had received 79 responses to these requests for information.
- 234 Department of Finance, Request for information, 27 July 2021.
- 235 Department of Finance, Request for Information, 27 July 2021.
- 236 Department of Finance, Request for Information, *Senators and Members Quick Start Guide*, 27 July 2021.
- 237 Department of Finance, Request for Information, 27 July 2021.
- 238 Department of Finance, Request for Information, 27 July 2021.
- 239 Department of Finance, Request for Information, *Welcome pack email*, 27 July 2021.
- 240 Department of Finance, Request for Information, *New Employee Guide*, 27 July 2021.
- 241 'Employee induction checklist', *Department of Finance (Ministerial and Parliamentary Services)* (Web Document) <<https://maps.finance.gov.au/sites/default/files/2021-08/EmployeeinductionchecklistAug21.pdf>>.
- 242 Department of Finance, Request for Information, 13 September 2021.
- 243 Department of Finance, Request for Information, 13 September 2021.
- 244 Department of the Senate, Request for Information, 30 July 2021.
- 245 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 246 Department of Finance, Request for Information, 27 July 2021; Department of Finance, Request for Information, 23 September 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021.
- 247 Department of Finance, Request for Information, 27 July 2021.
- 248 'Circular 2021/9: Safe and Respectful Workplaces training program', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 7 September 2021) <<https://maps.finance.gov.au/circulars/circular-2021/9-safe-and-respectful-workplaces-training-program>>. See also, 'Safe and respectful workplaces training', Department of Finance (Ministerial and Parliamentary Services) (Web Page, 27 September 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/safe-and-respectful-workplaces-training>>.
- 249 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 250 Department of Finance, Request for Information, *WHS Training for MOPs Staff*, 27 July 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021.
- 251 Department of Finance, Request for Information, 27 July 2021; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 252 This figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).
- 253 Interview 431, *CPW Review*.
- 254 Interview 177, *CPW Review*.
- 255 Interview 100, *CPW Review*; Interview 177, *CPW Review*.
- 256 Interview 73, *CPW Review*.
- 257 Individual, Submission W226, *CPW Review*.
- 258 Individual, Submission E25, *CPW Review*.
- 259 Interview 73, *CPW Review*.
- 260 See, eg, Individual, Submission W109, *CPW Review*; Individual, Submission W113, *CPW Review*.
- 261 Interview 8, *CPW Review*.
- 262 Interview 35, *CPW Review*; Interview 128, *CPW Review*.
- 263 Individual, Submission E68, *CPW Review*, 1-2; Interview 455, *CPW Review*.
- 264 See, eg, Individual, Submission W231, *CPW Review*; Interview 16, *CPW Review*; Interview 152, *CPW Review*; Interview 157, *CPW Review*; Interview 196, *CPW Review*; Interview 407, *CPW Review*.
- 265 Interview 68, *CPW Review*; Interview 102, *CPW Review*; Interview 106, *CPW Review*; Interview 108, *CPW Review*.
- 266 Interview 108, *CPW Review*.
- 267 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015); Our Watch, *Promising Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women* (2015) <<https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/02/15002502/Promising-Practices-Workplace-Organisational-Approaches-PVAW.pdf>>; Department of the Prime Minister and Cabinet, *National Framework for Sexual Assault Prevention* (2004) <https://www.livingwell.org.au/wp-content/uploads/2012/11/sexual_assault_prevention.pdf>; VicHealth, *Violence against women in Australia: An overview of research and approaches to primary prevention* (2017); Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (2016); Safe Work Australia, *Work-Related Psychological Health and Safety: a Systematic Approach to Meeting Your Duties* (2019); Safe Work Australia, *Preventing Workplace Sexual Harassment: National Guidance Material* (2021); Debbie Francis, *External Independent Review: Bullying and Harassment in the New Zealand parliamentary workplace* (2019); World

- Health Organisation, *Violence against Women: Key facts* (2021) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>>; International Labor Organization, *Ending violence and harassment against women and men in the world of work* (2018) <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf>.
- 268 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020), 138-161.
- 269 Debbie Francis, *External Independent Review: Bullying and harassment in the New Zealand parliamentary workplace* (2019), 35; Gemma White, *Bullying and Harassment of MPs' Parliamentary Staff: Independent Inquiry Report* (2019).
- 270 The following reports and resources are key reference materials which identify the drivers and risk factors listed in this table: Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015); Our Watch, *Promising Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women* (2015); Department of the Prime Minister and Cabinet, *National Framework for Sexual Assault Prevention* (2004); VicHealth, *Violence against women in Australia: An overview of research and approaches to primary prevention* (2017); Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (2016); Safe Work Australia, *Work-Related Psychological Health and Safety: a Systematic Approach to Meeting Your Duties* (2019); Safe Work Australia, *Preventing Workplace Sexual Harassment: National Guidance Material* (2021); Debbie Francis, *External Independent Review: Bullying and Harassment in the New Zealand parliamentary workplace* (2019); World Health Organisation, *Violence against Women: Key facts* (2021), <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>>; International Labor Organization, *Ending violence and harassment against women and men in the world of work* (2018) <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf>
- 271 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020), 139-152; Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021).
- 272 Interview 73, *CPW Review*.
- 273 Interview 223, *CPW Review*.
- 274 Interview 88, *CPW Review*.
- 275 Interview 383, *CPW Review*.
- 276 Interview 243.1, *CPW Review*.
- 277 Interview 547, *CPW Review*.
- 278 Interview 74, *CPW Review*.
- 279 Interview 589, *CPW Review*.
- 280 Interview 472, *CPW Review*.
- 281 Interview 370, *CPW Review*; Interview 567, *CPW Review*.
- 282 Interview 567, *CPW Review*.
- 283 See, eg, Interview 100, *CPW Review*.
- 284 Individual, Submission W63, *CPW Review*.
- 285 See, eg, Individual, Submission W159, *CPW Review*.
- 286 Australian Political Studies Association and the Global Institute for Women's Leadership, Submission E39, *CPW Review*, 33.
- 287 Australian Human Rights Commission, *CPW Survey* (2021).
- 288 Australian Human Rights Commission, *CPW Survey* (2021).
- 289 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018) 38.
- 290 See, eg, Colleen E O'Connell and Karen Korabik, 'Sexual Harassment: the Relationship of Personal Vulnerability, Work Context, Perpetrator Status, and Type of Harassment to Outcomes', (2000) 56(3) *Journal of Vocational Behavior*, 299, 301-2; Regina Day Langhout et al, 'Sexual Harassment Severity: Assessing Situational and Personal Determinants and Outcomes 1' (2005) 35(5) *Journal of Applied Social Psychology* 975, 1001; Charmaine Mohipp and Charlene Y Senn, 'Graduate Students' Perceptions of Contrapower Sexual Harassment' (2008) 23(9) *Journal of Interpersonal Violence*, 1258.
- 291 Interview 100, *CPW Review*.
- 292 Interview 55, *CPW Review*; Interview 101 *CPW Review*; Interview 163, *CPW Review*; Interview 266, *CPW Review*; Individual, Submission W252, *CPW Review*.
- 293 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015) 22.
- 294 Individual, Submission W227, *CPW Review*.
- 295 Australian Human Rights Commission, *CPW Survey* (2021).
- 296 See, eg, Interview 229, *CPW Review*.
- 297 Individual, Submission, W120, *CPW Review*.
- 298 Media, Entertainment and Arts Alliance, Submission E15, *CPW Review*, 1.
- 299 Interview 123, *CPW Review*; Interview 131, *CPW Review*; Interview 255, *CPW Review*; Interview 456, *CPW Review*.
- 300 Interview 546, *CPW Review*.
- 301 Individual, Submission W214, *CPW Review*.
- 302 Interview 189, *CPW Review*.
- 303 Interview 9, *CPW Review*.
- 304 Individual, Submission W74, *CPW Review*.
- 305 Individual, Submission W96, *CPW Review*; Interview 8, *CPW Review*; Interview 22, *CPW Review*; Interview 221,

- CPW Review; Interview 224, CPW Review; Interview 255, CPW Review; Interview 283, CPW Review; Interview 304, CPW Review; Interview 379, CPW Review.
- 306 Interview 22, CPW Review.
- 307 Interview 221, CPW Review.
- 308 Interview 312, CPW Review.
- 309 Interview 9, CPW Review.
- 310 Interview 312, CPW Review.
- 311 Media, Entertainment and Arts Alliance, Submission E15, CPW Review, 1.
- 312 Individual, Submission W153, CPW Review.
- 313 See, eg, Interview 73, CPW Review.
- 314 Interview 560, CPW Review.
- 315 Individual, Submission W205, CPW Review.
- 316 Interview 100, CPW Review.
- 317 See, eg, Interview 13, CPW Review.
- 318 Individual, Submission W29, CPW Review.
- 319 Individual, Submission W228, CPW Review, 1.
- 320 Australian Human Rights Commission, CPW Survey (2021).
- 321 Individual, Submission W200, CPW Review.
- 322 See, eg, Laura Cox, *The Bullying and Harassment of House of Commons Staff* (2018), 58, 131, 135; Debbie Francis, *External Independent Review: Bullying and harassment in the New Zealand parliamentary workplace* (2019), 41; Naomi Ellenbogen, *An Independent Inquiry into Bullying and Harassment in the House of Lords* (2019), 100-102; Pru Goward, *Review of Policies and Procedures for Ministerial Offices – Bullying, Harassment, and Sexual Misconduct* (2021), 10-11; Emily Strickland, *Review of Harassment in the South Australian Parliament Workplace* (2021), 4; Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021), 43.
- 323 Individual, Submission W199, CPW Review.
- 324 Interview 212, CPW Review.
- 325 Interview 189, CPW Review.
- 326 Individual, Submission W137, CPW Review.
- 327 Individual, Submission W41, CPW Review, 2.
- 328 Interview 6, CPW Review.
- 329 Individual, Submission E26, CPW Review; Individual, Submission W200, CPW Review; Individual, Submission W258, CPW Review; Interview 132, CPW Review; Interview 174, CPW Review; Interview 445, CPW Review.
- 330 Individual, Submission W137, CPW Review.
- 331 Interview 104, CPW Review.
- 332 Interview 104, CPW Review.
- 333 Interview 100, CPW Review.
- 334 Individual, Submission W54, CPW Review.
- 335 Individual, Submission W57, CPW Review; Individual, Submission W181, CPW Review; Interview 26, CPW Review; Interview 385, CPW Review.
- 336 Individual, Submission W229, CPW Review.
- 337 See, eg, Individual, Submission W206, CPW Review; Interview 11, CPW Review; Interview 18, CPW Review; Interview 22, CPW Review; Interview 39, CPW Review; Interview 43, CPW Review; Interview 456, CPW Review.
- 338 See, eg, Interview 13, CPW Review; Interview 117, CPW Review; Interview 154, CPW Review.
- 339 Interview 141, CPW Review
- 340 Interview 141, CPW Review.
- 341 See, eg, Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020), 21.
- 342 See, eg, Interview 546, CPW Review.
- 343 Interview 546, CPW Review.
- 344 Interview 570, CPW Review.
- 345 Interview 446, CPW Review.
- 346 Individual, Submission, W186, CPW Review.
- 347 Interview 231, CPW Review.
- 348 Interview 56, CPW Review; Interview 454, CPW Review.
- 349 Interview 454, CPW Review.
- 350 Interview 454, CPW Review.
- 351 Individual, Submission W226, CPW Review.
- 352 Interview 231, CPW Review.
- 353 Interview 231, CPW Review.
- 354 Interview 493, CPW Review.
- 355 Interview 42, CPW Review.
- 356 Interview 454, CPW Review.
- 357 Interview 513, CPW Review.
- 358 Interview 513, CPW Review.
- 359 Interview 493, CPW Review.
- 360 Interview 117, CPW Review.
- 361 Individual, Submission W132, CPW Review.
- 362 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 39-40.
- 363 Interview 29, CPW Review.
- 364 Interview 432, CPW Review.
- 365 See, eg, Individual, Submission W131, CPW Review; Individual, Submission W171, CPW Review; Interview 424, CPW Review; Interview 547, CPW Review.
- 366 Individual, Submission W131, CPW Review.
- 367 Interview 4, CPW Review.
- 368 Interview 212, CPW Review.
- 369 Individual, Submission W54, CPW Review.
- 370 Interview 10, CPW Review.
- 371 Interview 181, CPW Review.
- 372 Interview 212, CPW Review.
- 373 Interview 193, CPW Review.
- 374 Individual, Submission W257, CPW Review.
- 375 Interview 108, CPW Review.
- 376 Interview 148, CPW Review.
- 377 Interview 118, CPW Review.
- 378 Individual, Submission W238, CPW Review.
- 379 Interview 18, CPW Review; Interview 243, CPW Review; Interview 442, CPW Review.
- 380 See, eg, Individual, Submission E43, CPW Review; Individual, Submission W29, CPW Review; Individual, Submission W124, CPW Review; Individual, Submission

- W229, *CPW Review*; Interview 11, *CPW Review*; Interview 17, *CPW Review*; Interview 30, *CPW Review*; Interview 32, *CPW Review*.
- 381 See, eg, Organisation, Submission E20, *CPW Review*, 14-15; Individual, Submission E68, *CPW Review*, 2; Individual, Submission W56, *CPW Review*; Individual, Submission W89, *CPW Review*; Individual, Submission W95, *CPW Review*; Individual, Submission W154, *CPW Review*; Individual, Submission W173, *CPW Review*; Individual, Submission W220, *CPW Review*; Interview 4, *CPW Review*; Interview 17, *CPW Review*; Interview 32, *CPW Review*.
- 382 See, eg, Individual, Submission E25, *CPW Review*; Individual, Submission W54, *CPW Review*; Individual, Submission W234, *CPW Review*; Individual, Submission W258, *CPW Review*; Interview 13, *CPW Review*.
- 383 See, eg, Organisation, Submission E20, *CPW Review*; Individual, Submission E41, *CPW Review*.
- 384 Australian Human Rights Commission, *CPW Survey* (2021).
- 385 Individual, Submission W124, *CPW Review*.
- 386 Individual, Submission W29, *CPW Review*.
- 387 Individual, Submission W64, *CPW Review*; Interview 203, *CPW Review*; Interview 404, *CPW Review*.
- 388 Individual, Submission W64, *CPW Review*.
- 389 Interview 203, *CPW Review*.
- 390 Interview 176, *CPW Review*.
- 391 Interview 228, *CPW Review*.
- 392 Interview 199, *CPW Review*.
- 393 Interview 189, *CPW Review*.
- 394 Individual, Submission W158, *CPW Review*.
- 395 Interview 108, *CPW Review*.
- 396 Interview 114, *CPW Review*.
- 397 Interview 43, *CPW Review*.
- 398 Interview 95, *CPW Review*.
- 399 Interview 126, *CPW Review*.
- 400 Interview 379, *CPW Review*.
- 401 Interview 13, *CPW Review*.
- 402 Interview 212, *CPW Review*.
- 403 Individual, Submission W210, *CPW Review*; Interview 147, *CPW Review*; Interview 212, *CPW Review*.
- 404 Interview 460, *CPW Review*.
- 405 Interview 6, *CPW Review*.
- 406 Interview 546, *CPW Review*.
- 407 See, eg, Submission W168, *CPW Review*; Interview 5, *CPW Review*; Interview 388, *CPW Review*.
- 408 Interview 304, *CPW Review*.
- 409 Individual, Submission W102, *CPW Review*.
- 410 Interview 36, *CPW Review*.
- 411 Interview 182, *CPW Review*.
- 412 Interview 537, *CPW Review*.
- 413 See, eg, United Kingdom Parliament, *Independent Complaints and Grievance Scheme Delivery Report* (2018), 15; Debbie Francis, *External Independent Review: Bullying and harassment in the New Zealand parliamentary workplace* (2019), 69-70a.
- 414 Interview 385, *CPW Review*.
- 415 Individual, Submission, W243, *CPW Review*.
- 416 See, eg, Individual, Submission W64, *CPW Review*; Interview 34, *CPW Review*.
- 417 Individual, Submission W252, *CPW Review*.
- 418 Individual, Submission W149, *CPW Review*.
- 419 Interview 18, *CPW Review*.
- 420 Interview 537, *CPW Review*.
- 421 Interview 118, *CPW Review*.
- 422 Interview 289, *CPW Review*.
- 423 See, eg, Community and Public Sector Union, Submission E19, *CPW Review*; Individual, Submission W41, *CPW Review*; Individual, Submission W55, *CPW Review*; Individual, Submission W132, *CPW Review*; Individual, Submission W199, *CPW Review*; Individual, Submission W205, *CPW Review*; Dr. Maria Maley, Submission W222, *CPW Review*; Interview 150, *CPW Review*.
- 424 Interview 31, *CPW Review*.
- 425 Individual, Submission W245, *CPW Review*.
- 426 Individual, Submission W157, *CPW Review*.
- 427 Interview 7, *CPW Review*; Interview 38, *CPW Review*; Interview 54, *CPW Review*; Interview 69, *CPW Review*; Interview 73, *CPW Review*; Interview 105, *CPW Review*; Interview 131, *CPW Review*; Interview 179, *CPW Review*; Interview 196, *CPW Review*; Interview 243, *CPW Review*; Interview 284, *CPW Review*; Interview 394, *CPW Review*; Interview 395, *CPW Review*; Interview 543, *CPW Review*.
- 428 Interview 206, *CPW Review*.
- 429 Interview 18, *CPW Review*.
- 430 Interview 176, *CPW Review*.
- 431 Interview 122, *CPW Review*.
- 432 Interview 18, *CPW Review*; Interview 22, *CPW Review*; Interview 231, *CPW Review*.
- 433 Interview 27, *CPW Review*.
- 434 Interview 7, *CPW Review*.
- 435 Interview 26, *CPW Review*.
- 436 Interview 123, *CPW Review*.
- 437 Individual, Submission W257, *CPW Review*.
- 438 Interview 26, *CPW Review*.
- 439 Interview 6, *CPW Review*.
- 440 Interview 59, *CPW Review*.
- 441 Interview 84, *CPW Review*.
- 442 Interview 59, *CPW Review*.
- 443 Focus Group, Women Employees in Commonwealth Parliamentary Workplaces, *CPW Review*.
- 444 Individual, Submission W226, *CPW Review*.
- 445 Interview 9, *CPW Review*; Interview 141, *CPW Review*; Interview 294, *CPW Review*; Interview 306, *CPW Review*; Interview 321, *CPW Review*; Interview 395, *CPW Review*; Interview 419, *CPW Review*; Interview 422, *CPW Review*.
- 446 Interview 294, *CPW Review*; Individual, Submission W240, *CPW Review*.
- 447 Interview 294, *CPW Review*.

- 448 Interview 395, *CPW Review*.
- 449 See, eg, Interview 8, *CPW Review*; Interview 34, *CPW Review*; Interview 215, *CPW Review*.
- 450 Individual, Submission W49, *CPW Review*.
- 451 Individual, Submission W49, *CPW Review*; Interview 54, *CPW Review*; Interview 94, *CPW Review*.
- 452 Interview 2, *CPW Review*; Interview 128, *CPW Review*; Interview 156, *CPW Review*; Interview 387, *CPW Review*; Interview 470, *CPW Review*.
- 453 Interview 278, *CPW Review*.
- 454 Interview 176, *CPW Review*.
- 455 Interview 176, *CPW Review*.
- 456 Interview 27, *CPW Review*.
- 457 Interview 128, *CPW Review*.
- 458 Individual, Submission W157, *CPW Review*; Interview 456, *CPW Review*; Interview 470, *CPW Review*.
- 459 Interview 470, *CPW Review*.
- 460 Interview 152, *CPW Review*.
- 461 Interview 312, *CPW Review*.
- 462 Individual, Submission E68, *CPW Review*, 3.
- 463 Interview 186, *CPW Review*.
- 464 Interview 312, *CPW Review*.
- 465 Interview 470, *CPW Review*.
- 466 Interview 470, *CPW Review*.
- 467 Interview 2, *CPW Review*; Interview 4, *CPW Review*; Interview 32, *CPW Review*; Interview 44, *CPW Review*; Interview 73, *CPW Review*; Interview 104, *CPW Review*; Interview 131, *CPW Review*.
- 468 Interview 2, *CPW Review*; Interview 63, *CPW Review*; Interview 68, *CPW Review*.
- 469 Interview 7, *CPW Review*.
- 470 Interview 41, *CPW Review*; Interview 54, *CPW Review*; Interview 131, *CPW Review*.
- 471 Interview 131, *CPW Review*.
- 472 Individual, Submission W75, *CPW Review*; Individual, Submission W155, *CPW Review*; Interview 13, *CPW Review*; Interview 32, *CPW Review*; Interview 44, *CPW Review*; Interview 172, *CPW Review*.
- 473 Interview 16, *CPW Review*.
- 474 See, eg, Individual, Submission W78, *CPW Review*; Individual, Submission W136, *CPW Review*; Interview 7, *CPW Review*; Interview 60, *CPW Review*; Interview 87, *CPW Review*; Interview 125, *CPW Review*; Interview 209, *CPW Review*; Interview 211, *CPW Review*; Interview 285, *CPW Review*; Interview 414, *CPW Review*; Interview 432, *CPW Review*; Interview 446, *CPW Review*; Interview 559, *CPW Review*.
- 475 Interview 100, *CPW Review*.
- 476 See, eg, Interview 8, *CPW Review*; Interview 16, *CPW Review*; Interview 17, *CPW Review*.
- 477 Interview 17, *CPW Review*; Interview 29, *CPW Review*; Interview 42, *CPW Review*.
- 478 Interview 55, *CPW Review*.
- 479 Interview 41, *CPW Review*.
- 480 Individual, Submission W197, *CPW Review*; Interview 38, *CPW Review*; Interview 143, *CPW Review*; Interview 157, *CPW Review*; Interview 186, *CPW Review*; Interview 225, *CPW Review*; Interview 353, *CPW Review*; Interview 565, *CPW Review*.
- 481 Interview 57, *CPW Review*.
- 482 Interview 41, *CPW Review*; Interview 42, *CPW Review*; Interview 61, *CPW Review*.
- 483 Individual, Submission W47, *CPW Review*; Individual, Submission W173, *CPW Review*; Individual, Submission W236, *CPW Review*.
- 484 Interview 100, *CPW Review*.
- 485 Interview 15, *CPW Review*; Interview 57, *CPW Review*; Interview 75, *CPW Review*; Interview 182, *CPW Review*.
- 486 Interview 17, *CPW Review*; Interview 182, *CPW Review*.
- 487 Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (2016); Safe Work Australia, *Work-Related Psychological Health and Safety: a Systematic Approach to Meeting Your Duties* (2019); Safe Work Australia, *Preventing Workplace Sexual Harassment: National Guidance Material* (2021).
- 488 Interview 182, *CPW Review*.
- 489 Interview 17, *CPW Review*.
- 490 Interview 316, *CPW Review*; Interview 394, *CPW Review*; Interview 420, *CPW Review*; Interview 456, *CPW Review*.
- 491 Interview 119, *CPW Review*.
- 492 Interview 35, *CPW Review*.
- 493 Interview 8, *CPW Review*; Interview 61, *CPW Review*; Interview 68, *CPW Review*; Interview 69, *CPW Review*; Interview 71, *CPW Review*.
- 494 Interview 8, *CPW Review*.
- 495 Interview 17, *CPW Review*.
- 496 Organisation, Submission E20, *CPW Review*, 25.
- 497 Individual, Submission W125, *CPW Review*; Interview 100, *CPW Review*; Interview 532, *CPW Review*.
- 498 Individual, Submission W125, *CPW Review*; Interview 100, *CPW Review*.
- 499 Interview 108, *CPW Review*.
- 500 Australian Human Rights Commission, *CPW Survey* (2021).
- 501 Australian Human Rights Commission, *CPW Survey* (2021). 33% of parliamentarians vs 14% MOPS staff and 14% of PSA employees saw the level of alcohol consumption amongst staff affected the safety of others.
- 502 Interview 5, *CPW Review*; Interview 30, *CPW Review*.
- 503 Interview 5, *CPW Review*.
- 504 Interview 3, *CPW Review*.
- 505 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*, 9; Individual, Submission W253, *CPW Review*, 6-7; Interview 104, *CPW Review*.
- 506 Focus Group, COMCAR Drivers (Australian Capital Territory), *CPW Review*.
- 507 Interview 60, *CPW Review*; Interview 145, *CPW Review*; Interview 419, *CPW Review*; Interview 239, *CPW Review*.
- 508 Interview 60, *CPW Review*.
- 509 Individual, Submission W186, *CPW Review*; Interview

- 145, *CPW Review*; Interview 234, *CPW Review*; Interview 443, *CPW Review*.
- 510 Interview 60, *CPW Review*; Interview 114, *CPW Review*.
- 511 Interview 238, *CPW Review*.
- 512 Community and Public Sector Union (CPSU), Submission E19, *CPW Review*, 7.
- 513 Individual, Submission W191, *CPW Review*; Individual, Submission W198, *CPW Review*; Individual, Submission W200, *CPW Review*; Individual, Submission W205, *CPW Review*; Individual, Submission W234, *CPW Review*; Individual, Submission W244, *CPW Review*; Interview 106, *CPW Review*; Interview 117, *CPW Review*.
- 514 Interview 67, *CPW Review*.
- 515 Interview 411, *CPW Review*.
- 516 Interview 454, *CPW Review*.
- 517 Interview 55, *CPW Review*.
- 518 Interview 41, *CPW Review*; Interview 317, *CPW Review*; Interview 353, *CPW Review*; Interview 411, *CPW Review*.
- 519 Interview 2, *CPW Review*.
- 520 Gender Equity Victoria, Submission E73, *CPW Review*, 19.
- 521 Gender Equity Victoria, Submission E73, *CPW Review*, 19.
- 522 Focus Group, COMCAR Drivers (Australian Capital Territory), *CPW Review*.
- 523 Individual, Submission W227, *CPW Review*.
- 524 Australian Human Rights Commission, *CPW Survey* (2021); Interview 17, *CPW Review*; Interview 39, *CPW Review*; Interview 69, *CPW Review*; Interview 124, *CPW Review*; Interview 125, *CPW Review*; Interview 448, *CPW Review*.
- 525 Safe Work Australia, *Work-Related Psychological Health and Safety: a Systematic Approach to Meeting Your Duties* (2019).
- 526 Focus Group, Committee Employees – Department of the House of Senate/Department of the House of Representatives, *CPW Review*; Interview 96, *CPW Review*; Interview 353, *CPW Review*; Interview 416, *CPW Review*.
- 527 Interview 416, *CPW Review*.
- 528 Individual, Submission W256, *CPW Review*; Individual, Submission, W40, *CPW Review*; Individual, Submission, W62, *CPW Review*; Interview 29, *CPW Review*; Interview 94, *CPW Review*; Interview 198, *CPW Review*; Interview 446, *CPW Review*.
- 529 Interview 44, *CPW Review*.
- 530 Individual, Submission W256, *CPW Review*; Individual, Submission, W40, *CPW Review*; Individual, Submission, W62, *CPW Review*.
- 531 For example, the 2018 National Survey found that fewer than one in five people (17%) who said they experienced sexual harassment in the workplace in the last five years made a formal report or complaint: Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018), 67. See also: Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); Australian Institute of Health and Welfare, *Sexual Assault in Australia* (2020); Bianca Fileborn, *Conceptual Understandings and Prevalence of Sexual Harassment and Street Harassment* (Resource Sheet, 2013) <<https://aifs.gov.au/publications/conceptual-understandings-and-prevalence-sexual-harassment-and-street-harassm>>; Therese MacDermott, 'The under-reporting of sexual harassment in Australian workplaces: are organisational processes falling short?' (2020) *Legal Studies*, 1.
- 532 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018).
- 533 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); Australian Human Rights Commission, *Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017); Paula McDonald et al, 'Action or inaction: bystander intervention in workplace sexual harassment' (2015), *The International Journal of Human Resource Management* 1, 16.
- 534 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018); Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020).
- 535 It should be noted that this is an indicative estimate based on a small number of respondents.
- 536 It should be noted that this is an indicative estimate based on a small number of respondents.
- 537 Interview 379, *CPW Review*.
- 538 Individual, Submission W256, *CPW Review*; Individual, Submission, W40, *CPW Review*; Individual, Submission, W62, *CPW Review*.
- 539 Individual, Submission W170, *CPW Review*.
- 540 Interview 546, *CPW Review*.
- 541 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020).
- 542 Interview 513, *CPW Review*.
- 543 Individual, Submission W72, *CPW Review*; Individual, Submission W91, *CPW Review*; Individual, Submission W173, *CPW Review*; Individual, Submission W225, *CPW Review*; Individual, Submission W229, *CPW Review*; Individual, Submission W251, *CPW Review*; Interview 7, *CPW Review*; Interview 74, *CPW Review*; Interview 220, *CPW Review*; Interview 262, *CPW Review*; Interview 321, *CPW Review*; Interview 433, *CPW Review*.
- 544 Interview 26, *CPW Review*.
- 545 Interview 262, *CPW Review*.
- 546 Interview 313, *CPW Review*.
- 547 See, eg, Dianne Gardner et al, 'An exploration of gender and workplace bullying in New Zealand' (2020) 41 (8), *International Journal of Manpower*, 1385-1395; Michelle M. Duguid et al, 'The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar

- others: A value threat approach' (2012), *Organization Science*, 23(2), 386.
- 548 See, eg, Michelle M. Duguid et al, 'The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar others: A value threat approach' (2012), *Organization Science*, 23(2), 386.
- 549 See, eg, Dianne Gardner et al, 'An exploration of gender and workplace bullying in New Zealand' (2020) 41 (8), *International Journal of Manpower*, 1385-1395; Michelle M. Duguid et al, 'The impact of categorical status, numeric representation, and work group prestige on preference for demographically similar others: A value threat approach' (2012), *Organization Science*, 23(2), 386.
- 550 Interview 177, *CPW Review*.
- 551 Interview 176, *CPW Review*.
- 552 Australian Human Rights Commission, *CPW Survey* (2021).
- 553 Individual, Submission W243, *CPW Review*.
- 554 Interview 17, *CPW Review*; Interview 39, *CPW Review*; Interview 69, *CPW Review*.
- 555 Interview 17, *CPW Review*.
- 556 Interview 108, *CPW Review*.
- 557 Interview 199, *CPW Review*.
- 558 Individual, Submission W148, *CPW Review*.
- 559 Interview 58, *CPW Review*.
- 560 Individual, Submission W74, *CPW Review*.
- 561 Individual, Submission E70, *CPW Review*.
- 562 Interview 2, *CPW Review*.
- 563 Interview 228, *CPW Review*.
- 564 Individual, Submission W170, *CPW Review*.
- 565 Individual, Submission W239, *CPW Review*.
- 566 Interview 119, *CPW Review*.
- 567 Interview 313, *CPW Review*.
- 568 Interview 118, *CPW Review*.
- 569 Interview 266, *CPW Review*.
- 570 Interview 88, *CPW Review*.
- 571 Interview 118, *CPW Review*.
- 572 65% of bullying incidents and 54% of sexual harassment incidents occurred in APH or the Parliamentary Precinct. See Australian Human Rights Commission, *CPW Survey* (2021).
- 573 Individual, Submission W83, *CPW Review*; Interview 119, *CPW Review*; Interview 220, *CPW Review*; Interview 186, *CPW Review*; Interview 189, *CPW Review*.
- 574 17% of sexual harassment incidents occurred at a work social event, compared to 1% of bullying incidents. See Australian Human Rights Commission, *CPW Survey* (2021).
- 575 25% of bullying incidents occurred in electorate offices, compared to 12% of sexual harassment incidents. See Australian Human Rights Commission, *CPW Survey* (2021).
- 576 Individual, Submission W75, *CPW Review*.
- 577 Interview 35, *CPW Review*.
- 578 Interview 43, *CPW Review*.
- 579 Interview 105, *CPW Review*.
- 580 Individual, Submission W243, *CPW Review*.
- 581 Individual, Submission W214, *CPW Review*.
- 582 Interview 58, *CPW Review*.
- 583 Interview 23, *CPW Review*.
- 584 Interview 110, *CPW Review*.
- 585 Individual, Submission W102, *CPW Review*.
- 586 Individual, Submission W49, *CPW Review*.
- 587 Individual, Submission W75, *CPW Review*.
- 588 Interview 26, *CPW Review*.
- 589 Interview 221, *CPW Review*.
- 590 Interview 43, *CPW Review*.
- 591 Interview 2, *CPW Review*.
- 592 Interview 4, *CPW Review*.
- 593 Interview 43, *CPW Review*.
- 594 Interview 14, *CPW Review*; Interview 17, *CPW Review*; Interview 54, *CPW Review*.
- 595 Interview 2, *CPW Review*.
- 596 Interview 58, *CPW Review*.
- 597 81% did not report sexual harassment, 5% preferred not to say and 1% did not know if they had reported. Due to rounding of numbers, figures do not add to 100%. See Australian Human Rights Commission, *CPW Survey* (2021).
- 598 Interview 119, *CPW Review*.
- 599 Individual, Submission W210, *CPW Review*.
- 600 Interview 118, *CPW Review*.
- 601 Interview 16, *CPW Review*.
- 602 Interview 212, *CPW Review*.
- 603 Individual, Submission W243, *CPW Review*.
- 604 Interview 172, *CPW Review*.
- 605 Interview 31, *CPW Review*.
- 606 Interview 93, *CPW Review*.
- 607 Individual, Submission W68, *CPW Review*.
- 608 Individual, Submission E17, *CPW Review*; Individual, Submission W102, *CPW Review*; Individual, Submission W159, *CPW Review*; Individual, Submission W199, *CPW Review*; Focus Group, Committee Employees – Department of the Senate/Department of the House of Representatives, *CPW Review*; Interview 7, *CPW Review*; Interview 96, *CPW Review*; Interview 100, *CPW Review*; Interview 107, *CPW Review*; Interview 110, *CPW Review*; Interview 118, *CPW Review*; Interview 123, *CPW Review*; Interview 193, *CPW Review*; Interview 198, *CPW Review*; Interview 205, *CPW Review*; Interview 518, *CPW Review*.
- 609 16% reported it being neither satisfactory nor unsatisfactory. See Australian Human Rights Commission, *CPW Survey* (2021).
- 610 Interview 110, *CPW Review*.
- 611 Interview 2, *CPW Review*.
- 612 Interview 84, *CPW Review*.
- 613 Interview 176, *CPW Review*.

- 614 Interview 101, *CPW Review*.
- 615 Interview 26, *CPW Review*.
- 616 Community and Public Sector Union (CPSU), Submission E19, *CPW Review*, 17.
- 617 37% of people agreed or strongly agreed with the statement, 15% neither agreed nor disagreed with the statement, and 19% said they 'didn't know'. See Australian Human Rights Commission, *CPW Survey* (2021).
- 618 Interview 220, *CPW Review*.
- 619 Individual, Submission E43, *CPW Review*, 2.
- 620 Interview 84, *CPW Review*.
- 621 Individual, Submission W186, *CPW Review*.
- 622 Interview 39, *CPW Review*.
- 623 Interview 110, *CPW Review*.
- 624 Individual, Submission W255, *CPW Review*.
- 625 Individual, Submission W99, *CPW Review*.
- 626 Interview 4, *CPW Review*.
- 627 Interview 20, *CPW Review*.
- 628 Interview 103, *CPW Review*.
- 629 Interview 117, *CPW Review*.
- 630 Individual, Submission W158, *CPW Review*.
- 631 Interview 262, *CPW Review*.
- 632 Interview 41, *CPW Review*.
- 633 Interview 174, *CPW Review*.
- 634 Interview 199, *CPW Review*.
- 635 Individual, Submission W180, *CPW Review*; Individual, Submission W198, *CPW Review*; Interview 4, *CPW Review*; Interview 31, *CPW Review*; Interview 59, *CPW Review*; Interview 243, *CPW Review*.
- 636 Interview 569, *CPW Review*.
- 637 Interview 108, *CPW Review*.
- 638 Australian Human Rights Commission, *CPW Survey* (2021). How knowledgeable are you about the policies, processes and practices in Commonwealth parliamentary workplaces in relation to sexual harassment, sexual assault or bullying? I know nothing about them: 8%. I know very little about them: 23%. I have some knowledge about them: 53%. I know a lot about them: 14%. I know everything about them: 2%.
- 639 Individual, Submission W101, *CPW Review*; Individual, Submission W191, *CPW Review*.
- 640 Individual, Submission E68, *CPW Review*; Individual, Submission W148, *CPW Review*; Interview 88, *CPW Review*; Interview 416, *CPW Review*.
- 641 Individual, Submission W140, *CPW Review*.
- 642 Individual, Submission W191, *CPW Review*.
- 643 Interview 172, *CPW Review*.
- 644 Community and Public Sector Union (CPSU), Submission E19, *CPW Review*, 7-8.
- 645 Interview 92, *CPW Review*.
- 646 Individual, Submission W123, *CPW Review*.
- 647 Interview 108, *CPW Review*; Interview 149, *CPW Review*.
- 648 Individual, Submission W255, *CPW Review*; Interview 57, *CPW Review*.
- 649 Department of Finance, Request for Information, 27 July 2021, 18-19, Attachment D; Department of the Senate, Request for Information, 30 July 2021, 12-14; House of Representatives, Request for Information, 2 August 2021, 9-10; Parliamentary Budget Office, Request for Information, 10 August 2021, 8; Department of Parliamentary Services, Request for Information, 17 August 2021, 14-17; Department of Finance, Request for Information, 23 September 2021, 2-6, Attachments B-G.
- 650 Including for example, optional online webinars, one-off face-to-face courses, or workshops on specific topics, or on-line modules, which are available on departmental learning hubs / portals and which staff can sign up for or access on an 'on-demand' basis. See, eg, Department of Finance, Request for Information, 27 July 2021, 18-19, Attachment D; Department of the Senate, Request for Information, 30 July 2021, 12-14; House of Representatives, Request for Information, 2 August 2021, 9-10; Parliamentary Budget Office, Request for Information, 10 August 2021, 8; Department of Parliamentary Services, Request for Information, 17 August 2021, 14-17; Department of Finance, Request for Information, 23 September 2021, 2-6 and Attachments B-G.
- 651 For example, the Department of Finance provided information on 14 different training courses that it offered in 2019/2020 and 2020/2021, and advised that feedback was collected for only 2 of the 14 courses; feedback was not collected for 11 of the 14 courses; and in relation to 1 course feedback had been requested from (but, at the time of the provision of information to the Commission, not provided by) the external provider. See Department of Finance, Request for Information, 27 July 2021, Attachment D. The Department of Parliamentary Services noted that they do not collect staff feedback in relation to any online training modules, but do collect staff feedback in relation to face to face training courses. See Department of Parliamentary Services, Request for Information, 17 August 2021, 15. The Department of the Senate advised that feedback forms were distributed for all training it provided. See Department of the Senate, Request for Information, 30 July 2021, 15.
- 652 Only 23% of people based in Canberra said they received no training on workplace bullying or sexual harassment or sexual assault—compared to 44% of employees based in Commonwealth Parliamentary Offices outside of Canberra, and 48% of people working in Electorate Offices outside of Canberra who said they had received no training on workplace bullying or sexual harassment or sexual assault. See Australian Human Rights Commission, *CPW Survey* (2021).
- 653 Interview 44, *CPW Review*.
- 654 See, eg, Individual, Submission W89, *CPW Review*; Individual, Submission W159, *CPW Review*; Individual, Submission W252, *CPW Review*; Interview 6, *CPW Review*; Interview 12, *CPW Review*; Interview 174, *CPW Review*; Interview 328, *CPW Review*.
- 655 Individual, Submission W38, *CPW Review*; Interview

- 4, *CPW Review*; Interview 7, *CPW Review*; Interview 44, *CPW Review*; Interview 74, *CPW Review*; Interview 100, *CPW Review*; Interview 105, *CPW Review*; Interview 193, *CPW Review*; Interview 198, *CPW Review*.
- 656 Department of Finance (Ministerial and Parliamentary Services), *Employee Induction Checklist* (2021) <<https://maps.finance.gov.au/sites/default/files/2021-08/EmployeeinductionchecklistAug21.pdf>>. This checklist is created and supplied by MaPS, and intended for use by parliamentarians or office managers to induct their new MOPS Act staff.
- 657 Interview 39, *CPW Review*.
- 658 Interview 61, *CPW Review*.
- 659 Individual, Submission W38, *CPW Review*; Interview 118, *CPW Review*.
- 660 Interview 44, *CPW Review*.
- 661 Interview 7, *CPW Review*.
- 662 Interview 118, *CPW Review*.
- 663 Interview 193, *CPW Review*.
- 664 Interview 4, *CPW Review*.
- 665 Interview 198, *CPW Review*.
- 666 Individual, Submission W38, *CPW Review*.
- 667 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015).
- 668 Interview 101, *CPW Review*.
- 669 Interview 454, *CPW Review*
- 670
- 671
- 672 Interview 564, *CPW Review*
- 673 Interview 357, *CPW Review*.
- 674 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 675 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 676 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 677 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 678 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 679 McKinsey & Company, *Diversity wins: How inclusion matters* (2020) 3; Rocío Lorenzo et al, 'How Diverse Leadership Teams Boost Innovation', *Boston Consulting Group* (Web page, January 2018) < <https://www.bcg.com/en-us/publications/2018/how-diverse-leadership-teams-boost-innovation>>.
- 680 Google, 'Aristotle Project' *Rework* (Web page) < <https://rework.withgoogle.com/print/guides/5721312655835136/>>.
- 681 Chloe Hart, Alison Dahl Crossley, and Shelley J. Correll, 'Study: When Leaders Take Sexual Harassment Seriously, So Do Employees' *Harvard Business Review* (Webpage, December 14, 2018) <<https://hbr.org/2018/12/study-when-leaders-take-sexual-harassment-seriously-so-do-employees>>.
- 682 Employers Network for Equality and Inclusion, *Inclusive Leadership... driving performance through diversity!* (2016).
- 683 Boris Groysberg et al, 'The Leader's Guide to Corporate Culture', *Harvard Business Review* (Web Page, January-February 2018) <<https://hbr.org/2018/01/the-leaders-guide-to-corporate-culture>>.
- 684 Chloe Hart, Alison Dahl Crossley, and Shelley J. Correll, 'Study: When Leaders Take Sexual Harassment Seriously, So Do Employees' *Harvard Business Review* (Web Page, December 14, 2018) <<https://hbr.org/2018/12/study-when-leaders-take-sexual-harassment-seriously-so-do-employees>>.
- 685 Jennifer J Fryed, 'When sexual assault victims speak out their institutions often betray them' *The Conversation* (Web Page, January 2019) <<https://theconversation.com/when-sexual-assault-victims-speak-out-their-institutions-often-betray-them-87050>>.
- 686 Interview 31, *CPW Review*.
- 687 Chloe Hart, Alison Dahl Crossley, and Shelley J. Correll, 'Study: When Leaders Take Sexual Harassment Seriously, So Do Employees' *Harvard Business Review* (Webpage, December 14, 2018) <<https://hbr.org/2018/12/study-when-leaders-take-sexual-harassment-seriously-so-do-employees>>.
- 688 Jennifer J Fryed, 'When sexual assault victims speak out their institutions often betray them' *The Conversation* (Web Page, January 2019) <<https://theconversation.com/when-sexual-assault-victims-speak-out-their-institutions-often-betray-them-87050>>.
- 689 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 624.
- 690 Richard Kelly, *Independent Complaints and Grievances Scheme* (2021) <<https://researchbriefings.files.parliament.uk/documents/CBP-8369/CBP-8369.pdf>>.
- 691 Maurcie Schweitzer, Alison Wood Brooks and Adam D. Galinsky, 'The Organisational Apology' *Harvard Business Review* (Web Page, September 2015) <<https://hbr.org/2015/09/the-organizational-apology>>.
- 692 Interview 43, *CPW Review*.
- 693 Interview 543, *CPW Review*.
- 694 Individual, Submission W81, *CPW Review*.
- 695 Interview 229, *CPW Review*.
- 696 Interview 186, *CPW Review*.
- 697 Andrea Leadsom MP, 'Oral Statement to Parliament: Independent Complaints and Grievances Scheme' *UK Government* (Web Page, 27 July 2018) <<https://www.gov.uk/government/speeches/independent-complaints-and-grievance-scheme>>.
- 698 Professor Sarah Childs, *The Good Parliament* (2016); Gemma White QC, *Independent Inquiry Report on Bullying and Harassment of MP's Parliamentary Staff* (2019); Debbie Francis, *Independent External Review into Harmful Behaviour within the Parliamentary Workplace* (2019).

- 699 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 732.
- 700 Champions of Change Coalition, *Disrupting the System: Preventing and Responding to Sexual Harassment in the Workplace* (2021) 42.
- 701 Interview 100, *CPW Review*.
- 702 The Governance Institute, Submission E55, *CPW Review*, 5.
- 703 Organisation, Submission E20, *CPW Review*; Individual, Submission W205, *CPW Review*; Individual, Submission W228, *CPW Review*; Interview 12, *CPW Review*; Interview 186, *CPW Review*.
- 704 Victorian Equal Opportunity and Human Rights Commission, *Guideline: Preventing and responding to workplace sexual harassment: Complying with the Equal Opportunity Act 2010* (2020); Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); Australian Human Rights Commission, *Equality across the board: investing in workplaces that work for everyone* (2021).
- 705 Australian Human Rights Commission, *CPW Survey* (2021).
- 706 Interview 101, *CPW Review*.
- 707 Interview 271, *CPW Review*; Interview 357, *CPW Review*; Interview 569, *CPW Review*.
- 708 Australian Human Rights Commission, *CPW Survey* (2021).
- 709 Debbie Francis, *Bullying and Harassment in the New Zealand Parliamentary Workplace* (May 2019).
- 710 Interview 223, *CPW Review*.
- 711 Interview 271, *CPW Review*.
- 712 Interview 363, *CPW Review*.
- 713 'Leveraging Leading and Lagging KPIs to step change Inclusion & Diversity', *PWC* (Web Page, 4 March 2019) <<https://www.pwc.ch/en/insights/hr/leveraging-kpis-for-inclusion-and-diversity.html>>.
- 714 Women's Gender Equality Agency, *Women in Leadership: Lessons from Australian companies leading the way* (2017) 21.
- 715 Interview 60, *CPW Review*.
- 716 Diversity Council Australia, *Building Inclusion: An Evidence-Based Model of Inclusive Leadership* (2015).
- 717 Juliet Bourke, Andrea Titus, 'The Key to Inclusive Leadership', *Harvard Business Review* (Web Page, March 6 2020) <<https://hbr.org/2020/03/the-key-to-inclusive-leadership>>.
- 718 Juliet Bourke, Andrea Titus, 'The Key to Inclusive Leadership', *Harvard Business Review* (Web Page, March 6 2020) <<https://hbr.org/2020/03/the-key-to-inclusive-leadership>>; Diversity Council Australia, *Building Inclusion: An Evidence Based Model of Inclusive Leadership* (2015); Dr Dnika J Travis, Dr Emily Shaffer and Dr Jennifer Thorpe-Moscon, *Getting Real About Inclusive Leadership: Why Change Starts With You* (2020).
- 719 Champions of Change Coalition, *A Gender Equal Future of Work: Discussion Guide for Leaders* (2018).
- 720 Australian Human Rights Commission, *Leading for Change: a blueprint for cultural diversity and inclusive leadership* (2016) 24.
- 721 'Changing the Conversation', *BHP* (Web page) <<https://www.bhp.com/news/case-studies/2017/09/changing-the-conversation>>.
- 722 Amy Edmondson et al, 'Psychological safety, emotional intelligence, and leadership in a time of flux', *Mckinsey & Company* (Web Page, July 2 2020) <<https://www.mckinsey.com/featured-insights/leadership/psychological-safety-emotional-intelligence-and-leadership-in-a-time-of-flux>>.
- 723 Aaron de Smet et al 'Psychological safety and the critical role of leadership development', *Mckinsey & Company* (Web Page, February 11 2021) <<https://www.mckinsey.com/business-functions/organization/our-insights/psychological-safety-and-the-critical-role-of-leadership-development>>.
- 724 Interview 415, *CPW Review*.
- 725 Aaron de Smet et al 'Psychological safety and the critical role of leadership development', *Mckinsey & Company* (Web Page, February 11 2021) <<https://www.mckinsey.com/business-functions/organization/our-insights/psychological-safety-and-the-critical-role-of-leadership-development>>.
- 726 Aaron de Smet et al 'Psychological safety and the critical role of leadership development', *Mckinsey & Company* (Web Page, February 11 2021) <<https://www.mckinsey.com/business-functions/organization/our-insights/psychological-safety-and-the-critical-role-of-leadership-development>>.
- 727 Commonwealth parliamentarians have been delegates to assemblies of the IPU and CPA that have unanimously adopted plans of actions for gender sensitive parliaments, and reported back on these plans to the parliament.
- 728 Inter-Parliamentary Union, *Evaluating Parliament: A Self-Assessment Toolkit for Parliaments* (2008).
- 729 Inter-Parliamentary Union, *Gender-Sensitive Parliaments: A Global Review of Good Practice* (2011); Organisation for Economic Cooperation and Development, *Toolkit for Mainstreaming and Implementing Gender Equality* (2018); Commonwealth Parliamentary Association, *Gender Sensitising Parliaments Guidelines: Standards and a Checklist for Parliamentary Change* (2020); Organisation for Security and Co-operation in Europe, *Realizing Gender Equality in Parliament: A Guide for Parliaments in the OCSE Region* (2021).
- 730 Inter-Parliamentary Union, *Evaluating the Gender Sensitivity of Parliaments: A self-assessment toolkit* (2016); European Institute for Gender Equality, *Gender Sensitive Parliaments Toolkit* (2018); UN Women, A primer for parliamentary action: *Gender-sensitive responses to COVID-19* (2020); Commonwealth Parliamentary Association, *A Checklist for a Gender Sensitising Parliament* (2020).
- 731 In March 2021, the Speaker of the Irish Parliament launched a 'Forum on a Family Friendly and Inclusive Parliament', having personally selected its 15 members among MPs—including the women's

- parliamentary caucus – parliamentary staff, academia, and the private and non-government sectors. The Forum is expected to report in late 2021. 'Terms of Reference of the Forum on a Family Friendly and Inclusive Parliament' *Houses of the Oireachtas* (Terms of Reference, 2021) <<https://www.oireachtas.ie/en/members/office-holders/ceann-comhairle/forum-on-a-family-friendly-and-inclusive-parliament/>>.
- 732 Inter-Parliamentary Union, *Gender-Sensitive Parliaments* (2011); Organisation for Economic Co-operation and Development, *Toolkit for Mainstreaming and Implementing Gender Equality* (2018); Organisation for Economic Co-operation and Development, *Realizing Gender Equality in Parliament* (2021).
- 733 UK Parliament, *Gender-Sensitive Parliament Audit* (2018).
- 734 Inter-Parliamentary Union, *Gender-Sensitive Parliaments* (2011); Organisation for Economic Co-operation and Development, *Toolkit for Mainstreaming and Implementing Gender Equality* (2018); Organisation for Economic Co-operation and Development, *Realizing Gender Equality in Parliament* (2021); 'Procedure Committee considers the broadening of eligibility for proxy voting' *UK Parliament* (Web Page, 23 September 2021). In September 2021, the UK House of Commons Procedure Committee launched an inquiry into extending its pilot on proxy voting from its current grounds to care for infants to also include long-term illness.
- 735 Inter-Parliamentary Union, *Gender-Sensitive Parliaments* (2011); Organisation for Security and Cooperation in Europe, *Realizing Gender Equality in Parliament* (2021).
- 736 Organisation for Security and Cooperation in Europe, *Realizing Gender Equality in Parliament* (2021).
- 737 International-Parliamentary Union, *Evaluating the Gender Sensitivity of Parliaments* (2016); *UK Parliament, Gender Sensitive Parliament Audit* (2018).
- 738 UK House of Commons Commission and House of Lords Commission, *Gender Sensitive Audit Response* (2019).
- 739 Workplace Gender Equality Agency, *Australia's Gender Equality Scorecard: key results from WGEA's 2019-200 reporting data* (2020); Workplace Gender Equality Agency, *Australia's Gender Equality Scorecard: key results from WGEA's 2014-15 reporting data* (2015)
- 740 Workplace Gender Equality Agency, *Australia's gender Equality Scorecard: key results from WGEA's 2019-20 reporting data* (2020).
- 741 Australian Human Rights Commission, *Leading for change: A blueprint for cultural diversity and inclusive leadership revisited* (2018).
- 742 Australian Human Rights Commission, *Leading for change: A blueprint for cultural diversity and inclusive leadership revisited* (2018).
- 743 Diversity Council of Australia and Pride Australia, *Intersections at Work: understanding the experiences of culturally diverse LGBTIQ+ Talent* (2018).
- 744 Workplace Gender Equality Agency, *Gender Equity Insights 2021: Making it a Priority* (2021).
- 745 Australian Institute of Company Directors, *Beyond 200: A study of gender diversity in ASX 201 – 500 companies* (2018).
- 746 Australian Human Rights Commission, *Respect@Work: Sexual Harassment National Inquiry Report* (2020).
- 747 Interview 546, *CPW Review*.
- 748 Interview 513, *CPW Review*.
- 749 'Monthly ranking of women in national parliaments', *Inter-Parliamentary Union* (Web Page, September 1 2021) <<https://data.ipu.org/women-ranking?month=9&year=2021>>. Women's representation in the Australian Senate is in line with the international benchmark, currently at 51%.
- 750 International Parliamentary Union, 'Women in National Parliaments: Archived Data' (Web Page) <<http://archive.ipu.org/wmn-e/classif-arc.htm>>.
- 751 'No. 3 – Women in the Senate', *Parliament of Australia* (Web Page) <https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Senate_Briefs/Brief03>.
- 752 Ferran Martinez i Coma and Duncan McDonnell, 'Australian Parties, Not Voters, Drive Under-Representation of Women' (2021) *Parliamentary Affairs* 1, 5; Interview 225, *CPW Review*.
- 753 Ferran Martinez i Coma and Duncan McDonnell, 'Australian Parties, Not Voters, Drive Under-Representation of Women' (2021) *Parliamentary Affairs* 1, 14-15.
- 754 Michelle K. Ryan et al, 'Getting on Top of the Glass Cliff: reviewing a decade of evidence, explanations, and impact' (2016) 27 *The Leadership Quarterly* 446.
- 755 'Representation of women in Australian parliaments', *Parliament of Australia* (Web Page) <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/Womeninparliament>.
- 756 UN Women, *Beijing Declaration and Platform for Action: Beijing+5 Political Declaration and Outcome* (1995) 119; United Nations, *Commission on the Status of Women, Agreed Conclusions 2021* (2021) (E/CN.6/2021/L.3).
- 757 UN Women, *Facts and Figures: Women's Leadership and Political Participation* (Web Page, 15 January 2021) <<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>>.
- 758 Electoral gender quotas have not been adopted uniformly in Australia. The ALP first introduced targets in 1994, with the aim that a minimum of 35 per cent of ALP candidates for winnable seats would be women by the year 2002. This target gradually increased to 40 per cent in 2009, and 50 per cent in 2015. Other major political parties have chosen less direct methods by which to achieve gender parity; some minor parties have chosen not to prioritise gender equality as a political goal.
- 759 Inter-Parliamentary Union, *Guidelines for Women's Caucuses* (2013); Lucina Di Meco, *Women's Political Networks: Defining Leadership, Breaking Barriers, and Fostering Change* (2017).
- 760 In the Australian context, the Hon Zali Steggall said:

- 'Often you tend to excuse behaviour by thinking maybe it's unique or one-off and by comparing notes you can actually come to realise that certain conduct is occurring more regularly than one might imagine and then it becomes much easier to call out.' Quoted in Katina Curtis, 'Female politicians reach out across party lines for support', *Sydney Morning Herald* (News Article, 19 March 2021).
- 761 Marian Sawyer, 'Gender Mainstreaming and the Substantive Representation of Women: where do parliamentary bodies fit?' (2020) 8(3) *Politics, Groups, and Identities* 648.
- 762 'What are my obligations under the Gender Equality Act?' *Victorian Commission for Gender Equality in the Public Sector* (Web page, 14 September 2021) <<https://www.genderequalitycommission.vic.gov.au/what-are-my-obligations>>. The Victorian Commission for Gender Equality in the Public Sector's framework applies to over 300 Victorian public sector organisations, including the Victorian parliamentary departments.
- 763 'Reporting' *Women's Gender Equality Agency* (Web Page) <<https://www.wgea.gov.au/what-we-do/reporting>>.
- 764 Workplace Gender Equality Agency, *Targets and Quotas Perspective Paper* (2016).
- 765 Workplace Gender Equality Agency, *Targets and Quotas Perspective Paper* (2016).
- 766 Iris Bohnet, *What works: gender equality by design* (2016).
- 767 T. W. Fitzsimmons, M. S. Yates and V. J. Callan, *Towards Board Gender Parity: Lessons from the Past - Directions for the Future* (2021).
- 768 Department of Foreign Affairs and Trade, *Women in Leadership Strategy* (2020).
- 769 Department of Foreign Affairs and Trade, *Women in Leadership Refresh Strategy* (2020).
- 770 Department of Foreign Affairs and Trade, *Women in Leadership Refresh Strategy* (2020).
- 771 Interview 259, *CPW Review*.
- 772 Interview 231, *CPW Review*.
- 773 Mandatory requirements for the content of annual reports are prescribed by sections 17AA to 17AJ of the *Public Governance, Performance and Accountability Rule 2014*. Statistics should be reported on 'the entity's APS employees on an ongoing and non-ongoing basis; including the following: staffing classification level; full-time employees; part-time employees; gender ('male'/'female'/'indeterminate'); staff location; employees who identify as Indigenous.
- 774 'Diversity, Inclusion & Wellbeing', *PricewaterhouseCoopers* (Web Page) <<https://www.pwc.com.au/about-us/diversity-and-inclusion.html>>.
- 775 'Inclusion & Diversity', *KPMG Australia* (Web Page) <<https://home.kpmg/au/en/home/about/values-culture/diversity-inclusion.html>>.
- 776 'Recruiting people with disability', *Public Service Commission* (Web Page) <<https://www.psc.nsw.gov.au/culture-and-inclusion/disability-employment/recruiting-people-with-disability>>.
- 777 'Aboriginal Employment and Development Program', *Public Service Commission* (Web Page) <<https://www.psc.nsw.gov.au/culture-and-inclusion/aboriginal-workforce/aboriginal-employment-and-development-program>>.
- 778 Australian Human Rights Commission, *Leading for Change: A Blueprint for Cultural Diversity and Inclusive Leadership Revisited* (2018).
- 779 SBS, *SBS Inclusion Plan FY21 (2020-2021)* <https://www.sbs.com.au/aboutus/sites/sbs.com.au/aboutus/files/sbs_inclusion_plan_fy21.pdf>.
- 780 Diversity Council of Australia, University of Sydney, *Counting Culture: Towards a standardised approach to measuring and reporting on workforce cultural diversity in Australia* (2021).
- 781 'Pride in Diversity', *Australian Workplace Equality Index* (Web Page) <<https://www.pid-awei.com.au/author/pride-in-diversity/>>.
- 782 Individual, Submission W74, *CPW Review*. Submission specifically called for a Gender Equality Network.
- 783 Individual, Submission E18, *CPW Review*; Interview 81, *CPW Review*; Interview 268, *CPW Review*.
- 784 Interview 210, *CPW Review*.
- 785 Interview 520, *CPW Review*.
- 786 EMILY's List, Submission E38, *CPW Review*.
- 787 Interview 576, *CPW Review*.
- 788 'Senate Statistics' *Parliament of Australia* (Web Page, 2 September 2021) <https://www.aph.gov.au/Parliamentary_Business/Statistics/Senate_StatsNet#/>; 'House of Representatives Statistics' *Parliament of Australia* (Web Page, 2 September 2021) <https://www.aph.gov.au/Parliamentary_Business/Statistics/House_of_Representatives_Statistics>.
- 789 Individual, Submission E69, *CPW Review*.
- 790 Inter-Parliamentary Union, *Gender-Sensitive Parliaments: A Global Review of Good Practice* (2011) 42.
- 791 Interview 159, *CPW Review*.
- 792 Interview 152, *CPW Review*.
- 793 Interview 193, *CPW Review*.
- 794 Individual, Submission W78, *CPW Review*; Submission W120, *CPW Review*; Submission W197, *CPW Review*.
- 795 While there is 'no global database' on parental leave entitlements in parliaments, parliamentary staff are commonly entitled to the same parental leave provisions as government employees, and the same is also the case for MPs in Sweden. Sweden is the only country in the world to give MPs the same parental leave provisions as the general population: approximately 13 months leave with 90 per cent of their salary.
- 796 Interview 513, *CPW Review*.
- 797 *Sex Discrimination Act 1984* (Cth) ss 7(2), 7AA(2).
- 798 *Disability Discrimination Act 1992* (Cth) ss 6, 15, 23, 24.
- 799 Individual, Submission W74, *CPW Review*; Individual, Submission W214, *CPW Review*; Interview 9, *CPW Review*; Interview 189, *CPW Review*.
- 800 Interview 74, *CPW Review*.

- 801 'House of Representatives Standing Orders' *Parliament of Australia* (Web Page, 19 September 2019) <https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/House_of_Representatives_Standing_Orders>; 'Senate: Standing Orders' *Parliament of Australia* (Web Page) <https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/standingorders/b00>.
- 802 Interview 449, *CPW Review*.
- 803 Individual, Submission W241, *CPW Review*.
- 804 Individual, Submission E68, *CPW Review*; Interview 190, *CPW Review*; Interview 261, *CPW Review*; Interview 312, *CPW Review*; Interview 456, *CPW Review*; Interview 473, *CPW Review*; Interview 565, *CPW Review*.
- 805 Interview 309, *CPW Review*.
- 806 Inter-Parliamentary Union, *Gender-Sensitive Parliaments: A Global Review of Good Practice* (2011) 30.
- 807 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020).
- 808 Australian Public Service Commission, *Unlocking Potential – Australian Public Service Workforce Contestability Review* (2015) 68.
- 809 'About MaPS', *Australian Government Department of Finance* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/about-maps-and-other-services/about-maps>>; Department of Finance, Submission E76, *CPW Review*, 8-9.
- 810 Department of the House of Representatives, *Parliament of Australia, 2020-21 Annual Report* (2021) 60; Department of Senate *2020-21-20 Annual Report* (2021) 24, 66.
- 811 Department of Parliamentary Services, *Parliament of Australia, 2020-21 Annual Report* (2021) 8, 18. See also 'Administration Responsibilities', *Australian Government Department of Finance* (Web Page, 8 January 2021) <<https://maps.finance.gov.au/about-maps-and-other-services/administration-responsibilities>>.
- 812 'Administration Responsibilities', *Australian Government Department of Finance* (Web Page, 8 January 2021) <<https://maps.finance.gov.au/about-maps-and-other-services/administration-responsibilities>>.
- 813 *Independent Parliamentary Expenses Authority Act 2017* (Cth) s 12; 'About IPEA', *Independent Parliamentary Expenses Authority* (Web Page) <<https://www.ipea.gov.au/about-ipea>>
- 814 Department of Finance, Submission E76, *CPW Review*, 6
- 815 Department of Finance, Submission E76, *CPW Review*, 6
- 816 Interview 174, *CPW Review*.
- 817 Individual, Submission W182, *CPW Review*.
- 818 Interview 188, *CPW Review*.
- 819 Interview 404, *CPW Review*.
- 820 Individual, Submission W258, *CPW Review*.
- 821 Interview 110, *CPW Review*.
- 822 Individual, Submission W122, *CPW Review*.
- 823 Department of Finance, Request for Information, 27 July 2021.
- 824 Department of Finance, Request for Information, 27 July 2021.
- 825 House of Commons Canada, 'Board of Internal Economy: Members By-Law – Part 3' (By-law, 25 March 2021) <<https://www.ourcommons.ca/DocumentViewer/en/boie/by-law/10000#ID0E0FD0AA>>; 'Pay, tax & benefits', *IPSA* (Web page) <<https://www.ipsaonline.org.uk/guidance/pay-and-benefits#employment-procedures>>.
- 826 In Canada, ministerial staff are employed under the *Public Service Employment Act 2003* (Canada) c 22, s 128. In the UK special advisers are appointed under the *Constitutional Reform and Governance Act 2010* (UK) s 15.
- 827 Debbie Francis, *Independent External Review into Bullying and Harassment in the New Zealand Parliamentary Workplace* (2019) 15-21. In New Zealand, staff of parliamentarians are employed by the Parliamentary Service but Members of Parliament have day to day control over their work. Ministerial staff are employed under the *Public Service Act 2020* (NZ) by the Department of Internal Affairs, but their day-to-day employment is controlled by their Minister and merit-based recruitment is not required (see s 70 as well as the definition of 'ministerial staff' under s 5(1)).
- 828 Debbie Francis, *Independent External Review into Bullying and Harassment in the New Zealand Parliamentary Workplace* (2019) 26-36; Gemma White, *Bullying and Harassment of MPs' Parliamentary Staff: Independent Inquiry Report for UK House of Commons* (11 July 2019) 47-52.
- 829 Debbie Francis, *Independent External Review into Bullying and Harassment in the New Zealand Parliamentary Workplace* (2019) 73-74.
- 830 Equal Opportunity Commission of South Australia, *Review of Harassment in the South Australian Parliament Workplace* (2021) 73.
- 831 Stephanie Richards, 'SA Parliament to set up HR unit to tackle harassment', *IN Daily* (Newspaper article, 19 August 2021) <<https://indaily.com.au/news/2021/08/18/sa-parliament-to-set-up-hr-unit-to-tackle-harassment/>>.
- 832 See generally, 'Ministerial and Parliamentary Services', *Australian Government Department of Finance* (Web Page) <<https://maps.finance.gov.au/>>.
- 833 'Safe and respectful workplace culture', *Australian Government Department of Finance* (Web Page) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture>>.
- 834 Individual, Submission W158, *CPW Review*.
- 835 Interview 114, *CPW Review*.
- 836 Individual, Submission W182, *CPW Review*.
- 837 Interview 108, *CPW Review*.
- 838 Emily's List Australia, Submission E38, *CPW Review*;

- Organisation, Submission E20, *CPW Review*.
- 839 Department of Finance, Submission E76, *CPW Review*, 9.
- 840 Department of Finance, Submission E76, *CPW Review*, 6.
- 841 Interview 76, *CPW Review*; Interview 271, *CPW Review*; Interview 397, *CPW Review*.
- 842 Department of Finance, Request for Information, 27 July 2021.
- 843 Interview 76, *CPW Review*; Interview 271, *CPW Review*; Interview 397, *CPW Review*.
- 844 Position Descriptions can (and in modern, agile workplaces, frequently do) acknowledge that role requirements may evolve over time, and provide for appropriate flexibility in relation to the particular duties and responsibilities required of employees—for example by listing key duties and responsibilities for each position, and noting that employees may also be required to perform other reasonable duties or responsibilities that they are skilled and equipped to perform, as lawfully and reasonably directed by their employer, in order to meet the changing needs of the employer/workplace.
- 845 Finance and Public Administration Legislation Committee, Department of the Prime Minister and Cabinet, *Estimates* (Web Page, 25 May 2021) <<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=id%3A%22committees%2Festimate%2F2a895067-c4f7-4f6b-991a-784a4a8ff0ba%2F0002%22;src1=sm1>>.
- 846 Interview with the Prime Minister's Office (PMO), 17 August 2021, *CPW Review*.
- 847 Interview 22, *CPW Review*.
- 848 Male Champions of Change, *40:40:20 For gender balance Interrupting bias in your talent processes* (2019).
- 849 See Connie Wanberg, *The Oxford handbook of organizational socialization* (Oxford University Press, 2012) 268; Talya N. Bauer, 'Onboarding: The power of connection', *SuccessFactors Inc.* (2013).
- 850 Interview 64, *CPW Review*.
- 851 See, eg, Connie Wanberg, 'Are Organizations On Board with Best Practices Onboarding?' in Connie Wanberg (ed), *The Oxford handbook of organizational socialization* (Oxford University Press, 2012), 267-284.
- 852 For information on informing new starters about their role and workplace, see Howard J Klein and Aden E Heuser, 'The learning of socialization content: A framework for researching orientating practices' in Joseph J. Martocchio (ed), *Research in personnel and human resources management* (Emerald Group Publishing Limited, 2008) vol 27, 279-336. Cited and endorsed in Connie Wanberg, *The Oxford handbook of organizational socialization* (Oxford University Press, 2012) 274.
- 853 Ken Coghill et al, 'Professional development programmes for members of parliament' (2008) 61(1) *Parliamentary Affairs* 73-98.
- 854 Department of Finance, Request for Information, 27 July 2021. As part of their paid duties, the nominated WHS Site Officer for each office is tasked with conducting a workplace safety induction (the content of which is outlined in Part B of the MaPS Induction checklist) for all new MOP(S) Act employees who join their office. WHS Site Officers are then required to report back to MaPS on a quarterly basis on, among other things, whether or not they have conducted inductions during the preceding quarter—but not on the number of inductions conducted or any other details. This appears to be the only process currently used to monitor or report on induction processes conducted for new MOP(S) Act employees.
- 855 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 688.
- 856 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 694.
- 857 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 689-691.
- 858 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 656-657.
- 859 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 658-659.
- 860 See, eg, Australian Human Rights Commission, *Ending Workplace Sexual Harassment: A resource for small, medium and large employers* (2014) 31; Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (2016) 13; Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 656-657; Safe Work Australia, *Preventing workplace sexual harassment: National guidance material* (2021) 13.
- 861 See, eg, Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 18; Safe Work Australia, *Preventing workplace sexual harassment: National guidance material* (2021) 5.
- 862 See Universities Australia, *Guidelines for University responses to sexual assault and sexual harassment* (2018); Western Sydney University, *Sexual Offences Response Policy and Procedures*; Deakin University, *Sexual Harm Response Policy* (2019); Victoria University, *Sexual assault response policy* (2019).
- 863 Blue Knot Foundation, *Organisational Guidelines for Trauma-Informed Service Delivery* (2020) 24.
- 864 WorkSafe Victoria, *Work-related gendered violence including sexual harassment: A guide for employers* (2020) 17. See, eg, Our Watch, *Responding to disclosures: Practice guidance* (2017); University of Sydney, *Guiding principles for responding to claims of historical sexual abuse* (2020) <https://www.sydney.edu.au/content/dam/corporate/documents/about-us/values-and-visions/final_guiding-principles-historical-claims_v06102020.pdf>.
- 865 *Work Health and Safety Act 2011* (Cth) s 19(1).
- 866 Australian Human Rights Commission, *Respect@Work:*

- National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 663.
- 867 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 673-675. See also Australian Human Rights Commission, *Good Business, Good Practice Factsheets* (Factsheet) <<https://humanrights.gov.au/our-work/employers/good-practice-good-business-factsheets>>.
- 868 Interview 312, *CPW Review*.
- 869 Interview 238, *CPW Review*.
- 870 Anne Tiernan, Submission E28, *CPW Review*, 5.
- 871 See, eg, Australian Public Service, *Highly Capable, Future-Ready: APS Learning and Development Strategy* (2021); NSW Public Service, *NSW Public Sector Capability Framework Version 2* (2020).
- 872 'Learning Approach', *Australian Public Service Academy* (Web Page, 30 June 2021) <<https://www.apsacademy.gov.au/about-us/learning-approach>>.
- 873 For example, the House of the Senate's onboarding/orientation program for senators has been identified in research as unique and as including aspects which represent leading practice for parliamentary workplace training programs, incorporating best practice adult learning techniques (such as experiential/simulated learning opportunities eg. a mock sitting). See Ken Coghill, Colleen Lewis and Katrin Steinack, 'How should elected members learn parliamentary skills: an overview' (2012) 65(3) *Parliamentary Affairs*, 505-519.
- 874 See section 3.2(l) for quantitative data collected in relation to the training these different cohorts said they receive, and the particular concerns raised by these cohorts about that training. For a discussion of the need to enhance induction processes for MOP(S) Act employees see section 4.3(e).
- 875 For further details on these best practice principles see Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 673-676.
- 876 Purna Sen et al, *What will it take? Promoting cultural change to end sexual harassment* (UN Women, September 2019) 38. See also Paula McDonald, Sara Charlesworth and Tina Graham, 'Developing a framework of effective prevention and response strategies in workplace sexual harassment' (2015) 53(1) *Asia Pacific Journal of Human Resources* 41-58, 45.
- 877 Purna Sen et al, *What Will It Take? Promoting cultural change to end sexual harassment* (UN Women, September 2019) 38.
- 878 Alison Stanley, *UK Parliament Independent Complaints and Grievance Scheme: Independent 18-month Review* (22 February 2021) 63. A recent review of RWB training conducted in the UK parliamentary workplace which noted the particular importance of ensuring that training materials were accessible to people with disability, and noting some steps taken by the UK Parliament in this regard.
- 879 Purna Sen et al, *What Will It Take? Promoting cultural change to end sexual harassment* (UN Women, September 2019) 38; Susan Bisom-Rapp, 'Sex harassment training must change: The case for legal incentives for transformative education and prevention' (2018) 71 *Stanford Law Review* 60, 71.
- 880 Alison Stanley, *UK Parliament Independent Complaints and Grievance Scheme: Independent 18-month Review* (22 February 2021) 61. This report notes that 89% of MPs had attended the training voluntarily – but that MP's staff and House of Lords Members' staff had very low attendance rates with only 18% of MP's staff and 2% of Lords Members' staff having completed the training at the time the report was published.
- 881 Alison Stanley, *UK Parliament Independent Complaints and Grievance Scheme: Independent 18-month Review* (22 February 2021) 64.
- 882 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); 'How to be an active bystander', Victorian Health Promotion Foundation (VicHealth) (Web Page, 24 September 2019) <<https://www.vichealth.vic.gov.au/media-and-resources/publications/bystander-research-project>>.
- 883 UK Parliament *Independent Complaints and Grievance Policy Programme Team, Independent Complaints and Grievance Scheme Delivery Report* (July 2018) 16.
- 884 Debbie Francis, *Independent External Review into Bullying and Harassment in the New Zealand Parliamentary Workplace* (2019) 67.
- 885 Australian Human Rights Commission, *CPW Survey* (2021).
- 886 Australian Human Rights Commission, *CPW Survey* (2021).
- 887 Australian Human Rights Commission, *CPW Survey* (2021). Only 23% of people based in Canberra said they received no training on workplace bullying or sexual harassment or sexual assault—compared to 47% of employees based in Commonwealth Parliamentary Offices outside of Canberra, and 48% of people working in Electorate Offices outside of Canberra who said they had received no training on workplace bullying or sexual harassment or sexual assault.
- 888 Department of Finance, Request for Information, 27 July 2021; Department of Finance, Request for Information, 23 September 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021; Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 889 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 890 Department of the House of the Senate, Request for Information, 30 July 2021.
- 891 Department of Finance, Request for Information, 27 July 2021; Department of the House of Representatives, Request for Information, 2 August

- 2021; Department of the Senate, Request for Information, 30 July 2021; Parliamentary Budget Office, Request for Information, 10 August 2021, 8; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 892 Individual, Submission W109, *CPW Review*.
- 893 Interview 43, *CPW Review*.
- 894 Amy Zadow et al 'Prevention of workplace bullying through work and organisational design' in Ernesto Noronha Premilla D'Cruz, Carlo Caponecchia, Jordi Escartín, Denise Salin, Michelle Rae Tuckey (ed), *Dignity and Inclusion at Work. Handbooks of Workplace Bullying, Emotional Abuse and Harassment* (Springer, 2019) vol 3, 29-58.
- 895 South Australian Equal Opportunity Commission, *Review of Harassment in the South Australian Parliament Workplace* (2021) 54-55.
- 896 Debbie Francis, *Independent External Review into Bullying and Harassment in the New Zealand Parliamentary Workplace* (2019) 69.
- 897 Not just parliamentarians and office managers, as is currently the case under the UK model.
- 898 Coghill, Ken et al, 'Professional development programmes for members of parliament' (2008) 61(1) *Parliamentary Affairs* 76.
- 899 See, eg, Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (2016) 15; Paula McDonald, Sara Charlesworth and Tina Graham, 'Developing a framework of effective prevention and response strategies in workplace sexual harassment', 53 *Asia Pacific Journal of Human Resources* (2015) 45; Helen Szoke, *Review of Sexual Harassment in Victorian Courts: Preventing and Addressing Sexual Harassment in Victorian Courts and VCAT* (March 2021) 79.
- 900 UK Parliament Independent Complaints and Grievance Policy Programme Team, *Independent Complaints and Grievance Scheme Delivery Report* (July 2018) 15-17.
- 901 It has been noted that this is not a compulsory course and there is no requirement for ongoing refresher training, nor has it been evaluated – see Naomi Ellenbogen, *An Independent Inquiry into Bullying And Harassment in the House Of Lords* (10 July 2019) 78.
- 902 Individual, Submission W181, *CPW Review*.
- 903 This issue is addressed in Australian Human Rights Commission, *CPW Review Report* (Part III, What We Heard, Understanding workplace cultures, drivers and risk factors in CPWs, Employment structures, conditions and systems, Insecure nature of employment).
- 904 *Commonwealth Members of Parliament Staff Enterprise Agreement 2020-23*, clause 8.
- 905 Interview 54, *CPW Review*.
- 906 Interview 110, *CPW Review*.
- 907 Interview 332, *CPW Review*.
- 908 Interview 537, *CPW Review*.
- 909 Individual, Submission W181, *CPW Review*.
- 910 Interview 393, *CPW Review*.
- 911 Individual, Submission E82, *CPW Review*.
- 912 'Ceasing employment: Termination by the employing parliamentarian', *Australian Government Department of Finance* (Web page) <<https://maps.finance.gov.au/pay-and-employment/mops-act-employment/ceasing-employment#termination-by-the-employing-parliamentarian>>.
- 913 The Department of Finance advised the Commission that this list of four reasons for dismissal is 'provided as guidance, dates back to at least December 2011 and is not intended to be exhaustive' - Department of Finance, Request for Information, 12 October 2021.
- 914 'MOP(S) Act Employees: Termination of Employment' *Australian Government Department of Finance* (Form, 2019) <https://maps.finance.gov.au/sites/default/files/2019-08/form_107.pdf>.
- 915 The remaining 3 reasons listed are: 'the Senator or Member having concerns about the performance and/or conduct of the Employee; the Employee having a conflict of interest; another reason (please specify the other reason)'.
- 916 Department of Finance, Request for Information, 27 July 2021. The DoF has advised that the 4 reasons for termination of a MOP(S) Act employee's employment that are listed on the MaPS 'Ceasing employment' webpage, including the reason that the 'parliamentarian has lost trust or confidence in the employee' is 'provided as guidance, dates back to at least December 2011 and is not intended to be exhaustive. The information on the webpage was revised prior to the launch of the new MaPS website on 28 June 2021, and is consistent with information provided on the previous MaPS website and aligns with the information included on Form 107 – Termination of Employment: Termination of employment.'
- 917 For example, a MOP(S) Act employee may engage in misconduct (eg. theft or disclosure of confidential information) in their course of their employment which causes their employing parliamentarian to lose trust and confidence in them, and this may well constitute a valid reason for the termination of their employment. However, for employees eligible to make an unfair dismissal claim under the Fair Work Act, in order to ensure that any dismissal effected for this reason is 'fair' and lawful and does not give rise to a breach of the unfair dismissal provisions of the Fair Work Act, it will be necessary for the parliamentarian to effect the dismissal in a procedurally fair manner. The Commission has recommended changes to the MOP(S) Act (below) to clarify this.
- 918 *Mammarella v Victorian Department of Parliamentary Services* [2019] FWC 6340.
- 919 *Mammarella v Victorian Department of Parliamentary Services* [2019] FWC 6340 at [61].
- 920 'Ceasing employment: Termination by the employing parliamentarian', *Australian Government Department of Finance* (Web page) <<https://maps.finance.gov.au/pay-and-employment/mops-act-employment/ceasing-employment#termination-by-the-employing-parliamentarian>>.
- 921 Department of Finance, Submission E76, *CPW Review*, 6.

- 922 This reflects the requirements which are in effect established through the operation of the unfair dismissal provisions of the Fair Work Act. In guidance material, the FWC explains the process that employers are required to undertake to ensure that a dismissal is 'fair'. It emphasises the need to have a valid reason for dismissal and to notify the employee of that reason. The FWC notes that this requires an employer to give notification to an employee of the proposed reason/s for their dismissal before the decision to terminate their employment is made and that such notification must be in explicit, plain and clear terms. Fair Work Commission, *Unfair Dismissal Benchbook* (July 2021) 131.
- 923 'Ceasing employment: Termination by the employing parliamentarian', *Australian Government Department of Finance* (Web page) <<https://maps.finance.gov.au/pay-and-employment/mops-act-employment/ceasing-employment#termination-by-the-employing-parliamentarian>>.
- 924 Information provided by the Department of Finance shows that over a four-year period, between 6 March 2017 and 7 June 2021, only 18 claims concerning unfair dismissal/termination of employment had been lodged by MOP(S) Act employees. Department of Finance, Request for Information, 17 August 2021. At least one of these claims includes more than one applicant.
- 925 *Work Health and Safety Act 2011* (Cth) s 19.
- 926 *Age Discrimination Act 2004* (Cth) s 18; *Disability Discrimination Act 1992* (Cth) s 15; *Racial Discrimination Act 1975* (Cth) ss 9, 15; *Sex Discrimination Act 1984* (Cth) s 14.
- 927 *Work Health and Safety Act 2011* (Cth) s 16.
- 928 The question of control is likely to be a question of fact in each circumstance.
- 929 Department of Finance, Submission E76, *CPW Review*, 6.
- 930 Comcare, Submission E78, *CPW Review*, 2.
- 931 Comcare, Submission E78, *CPW Review*, 2
- 932 Refer section 3.2
- 933 This list is not exhaustive. The WHS Act establishes multiple duty holders – refer generally *Work Health and Safety Act 2011* (Cth) pt 2.
- 934 Department of Finance, Submission E76, *CPW Review*, 6.
- 935 Senate Finance and Public Administration Committee, *Inquiry Into Members of Parliament Staff (MOPS)* (2003).
- 936 Anne Tiernan, *Power Without Responsibility? Ministerial Staffers in Australian Governments from Whitlam to Howard* (University of New South Wales Press, 2007) 233.
- 937 See, eg, Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015) 46, 49; Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 438.
- 938 Department of Finance, Request for Information, 27 July 2021; Department of Finance, Request for Information, *2016 COMCAR Drivers Survey Results*, 27 July 2021; Department of Finance, Request for Information, *2017 COMCAR Drivers Survey Results*, 27 July 2021; Department of Finance, Request for Information, *2018 COMCAR Drivers Survey Results*, 27 July 2021; Department of Finance, Request for Information, *2019 COMCAR Drivers Survey Results*, 27 July 2021; Department of Finance, Request for Information, *2020 COMCAR Drivers Survey Results*, 27 July 2021; Department of Finance, Request for Information, *MOP(S) Survey Results WHS Only*, 27 July 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021.
- 939 Governance Institute of Australia, Submission E55, *CPW Review*, 13.
- 940 Harry Jones, 'A Guide to Managing Monitoring and Evaluation Policy Influence: Background Note', *Overseas Development Institute* (February 2011) 3.
- 941 Samantha Stone-Jovicich, 'The journey to 'fit-for-purpose': developing a monitoring, evaluation, and learning (MEL) system for a complex project', *CSIRO* (August 2015).
- 942 Inter-Parliamentary Union, *Guidelines for the elimination of sexism, harassment and violence against women in parliament* (Guideline, 2019); Victorian Equal Opportunity & Human Rights Commission, *Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010* (Guideline, August 2020).
- 943 United Nations (UN) Women, *A Framework to Underpin Action to Prevent Violence Against Women* (2015) 30–1, 33; Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015) 46, 49.
- 944 Our Watch and Australia's National Research Organisation for Women's Safety (ANROWS), *Counting on Change: A Guide to Prevention Monitoring* (2017) 16.
- 945 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 717.
- 946 See, eg, Australian Human Rights Commission, *Review into the Treatment of Women in the Australian Defence Force* (Phase 2 Report, 2012); Australian Human Rights Commission, *Review into the Treatment of Women in the Australian Defence Force* (Audit Report, 2014).
- 947 See, eg, Australian Human Rights Commission, *Audit of university responses to the Change the course report: Snapshot of progress* (August 2018).
- 948 Qantas, *Corporate Governance Statement* (2021).
- 949 UK Parliament, House of Commons, *House of Commons Service: corporate plan 2018-19* (2018); UK Parliament, House of Commons, *House Service Strategy May 2021*

- (2021).
- 950 See Recommendation 46 in Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020). The Australian Government provided funding to the Attorney-General's Department in the 2021-22 Budget to progress this project.
- 951 See, eg, Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015); 49; Champions of Change Coalition, *Disrupting the System: Preventing and Responding to Sexual Harassment in the Workplace – Sexual Harassment: Practical Tools and Resources* (2021), 42. See also, Governance Institute of Australia, Submission E55, *CPW Review*.
- 952 See, eg, Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 714-715.
- 953 Interview 165, *CPW Review; Australian Political Studies Association and the Global Institute for Women's Leadership*, Submission E39, *CPW Review*.
- 954 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020). See also, Deborah Cobb-Clark, Submission E16, *CPW Review*.
- 955 UK Parliament House of Lords, Annual Report and Accounts 2019-20 (21 July 2020), 31; see also Recommendation 66 in Debbie Francis, *Independent External Review into Bullying and Harassment in the New Zealand Parliamentary Workplace* (2019) 83.
- 956 Department of Finance, Request for Information, 27 July 2021.
- 957 See, eg, Rose L. Siuta and Mindy E. Bergman, 'Sexual harassment in the workplace', *Oxford Research Encyclopedia of Business and Management* (Web Page, 25 June 2019) <<https://doi.org/10.1093/acrefore/9780190224851.013.191>>.
- 958 Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018).
- 959 Victorian Equal Opportunity & Human Rights Commission, *Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010* (Guideline, August 2020) 94.
- 960 Dr Andrew Brien, 'A Code of Conduct for Parliamentarians?' (Research Paper, Parliamentary Library, Parliament of Australia, 14 September 1998) 3, 16; Rick Stapenhurst and Riccardo Pelizzo, 'Legislative Ethics and Codes of Conduct' (Working Paper No 12-2004, World Bank Institute and Singapore Management University Social Sciences and Humanities, October 2004) 18.
- 961 Adapted from Victorian Equal Opportunity and Human Rights Commission, *Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010* (Guideline, 2020) 69.
- 962 'Parliamentary Privilege', *Parliament of Australia* (Infosheet) <https://www.aph.gov.au/about_parliament/house_of_representatives/powers_practice_and_procedure/00_-_infosheets/infosheet_5_-_parliamentary_privilege>; Gareth Griffith, 'Parliamentary Privilege: First Principles and Recent Applications' (Briefing Paper No 1/09, Parliamentary Library, Parliament of NSW, February 2009) 1, 6.
- 963 David Natzler, *Erskine May Parliamentary Practice* (LexisNexis UK, 25 ed, 2019) [15.26].
- 964 'No. 20 - Parliamentary Privilege', *Parliament of Australia* (Guide to Senate Procedure, June 2019) <https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Brief_Guides_to_Senate_Procedure/No_20>; Joint Committee on Parliamentary Privilege, UK Parliament, *Parliamentary Privilege – First Report* (1998-99, HL43-I, HC214-I) [3].
- 965 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 966 Anne Tiernan, *Power without responsibility: Ministerial staffers in Australian governments from Whitlam to Howard* (UNSW Press, 2007) 205.
- 967 Anne Tiernan, *Power without responsibility: Ministerial staffers in Australian governments from Whitlam to Howard* (UNSW Press, 2007) 223-225.
- 968 *Public Service Act 1999* (Cth) ss 10, 13, 15; *Parliamentary Service Act 1999* (Cth) ss 10, 13 and 15; *Australian Federal Police Act 1979* (Cth) pt V.
- 969 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 5.
- 970 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 5.
- 971 Senator the Hon. Simon Birmingham, 'Launch of Parliamentary Workplace Support Service' (Media Release, 23 September 2021) <<https://www.financeminister.gov.au/media-release/2021/09/23/launch-parliamentary-workplace-support-service>>.
- 972 Individual, Submission E61, *CPW Review*, 2.
- 973 Interview 176, *CPW Review*.
- 974 See, eg, Individual, Submission W225, *CPW Review*; Interview 23, *CPW Review*; Interview 38, *CPW Review*; Interview 92, *CPW Review*; Interview 212, *CPW Review*; Interview 312, *CPW Review*.
- 975 Sarah Cameron & Ian McAllister, *The 2019 Australian Federal Election: Results from the Australian Election Study* (Australian Election Study, December 2019) 15.
- 976 Australian Human Rights Commission, *Ending Workplace Sexual Harassment: A Resource for Small, Medium and Large Employers* (2014) 29, 32.
- 977 See, eg, Woolworths Group, *Our Code of Conduct: Creating better experiences together* (2019), <https://www.woolworthsgroup.com.au/icms_docs/183764_Code_of_Conduct.pdf>; Coles Group, *Code of Conduct* (2021), <https://www.colesgroup.com.au/FormBuilder/_Resource/_module/ir5sKeTxxEOndzd00hWjw/file/Code_of_Conduct.pdf>; ALDI Australia, *ALDI Australia Code of Conduct* (2015), <[439](https://corporate.aldi.com.au/fileadmin/fm-dam/pdf/Suppliers/2019/Documents/020401_-_Code_</p>
</div>
<div data-bbox=)

- of_Conduct.pdf>.
- 978 For example: National Australia Bank Ltd, *National Australian Bank Ltd Code of Conduct* (2020), <<https://www.nab.com.au/about-us/corporate-governance/code-of-conduct>>; Commonwealth Bank, *Commonwealth Bank Code of Conduct* (2020), <<https://www.commbank.com.au/content/dam/commbank-assets/about-us/2018-09/CBA-code-of-conduct.pdf>>; Westpac Group, *Westpac Group Code of Conduct* (2020), <<https://www.westpac.com.au/docs/pdf/aw/code-of-conduct.pdf>>; 'Culture and Conduct', ANZ (Web Page) <<https://www.anz.com.au/about-us/esg-priorities/fair-responsible-banking/culture-conduct/>>.
- 979 See, eg, Rio Tinto, *The way we work* (2017), <<https://www.riotinto.com/en/sustainability/ethics-integrity>>; BHP, *Code of Conduct* (2018), <<https://www.bhp.com/-/media/documents/ourapproach/codeofconduct/code-of-conduct---english.pdf>>.
- 980 See, eg, St Vincent's Health Australia, *St Vincent's Health Australia Code of Conduct*, <https://www.svhm.org.au/ArticleDocuments/608/SVHA_Code_of_Conduct_with_Child_Safety_addition-min.pdf.aspx?embed=y>; Mater, *Mater Code of Conduct Policy* (2020), <<https://www.mater.org.au/getattachment/Health/About/Credentialing/Code-of-Conduct-01-POL.pdf?lang=en-AU>>.
- 981 See, eg, University of Adelaide, *Code of Conduct* (2020), <<https://www.adelaide.edu.au/policies/2323/?dsn=policy.document;field=data;id=3842;m=view>>; The University of Newcastle, *Code of Conduct*, <https://www.newcastle.edu.au/_data/assets/pdf_file/0006/93561/2021-2010-Code-of-Conduct_Update_v2.pdf>; Curtin University, *Curtin University Code of Conduct*, <https://complaints.curtin.edu.au/local/docs/Code_of_Conduct.pdf>; Box Hill High School, *Code of conduct*, <<https://www.boxhillhs.vic.edu.au/page/180>>; ACT Government, *Mawson Primary School: Student Code of Conduct*, <https://www.mawsonps.act.edu.au/our_school/student_code_of_conduct>.
- 982 See, eg, Medical Board of Australia, *Good medical practice: a code of conduct for doctors in Australia* (2020) <<https://www.medicalboard.gov.au/codes-guidelines-policies/code-of-conduct.aspx>>; Nursing and Midwifery Board of Australia, *Code of conduct for nurses; Code of conduct for midwives* (2018) <<https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards.aspx>>; Financial Planning Association of Australia, *Code of Professional Practice* (2013) <https://fpa.com.au/wp-content/uploads/2015/09/FPA_CodeofPractice_July2013.pdf>; Fitness Australia, *Professional Practice in the Fitness industry: A Code of Ethical Conduct for Australian Registered Exercise Professionals* (2020) <<https://fitness.org.au/articles/policies-guidelines/code-of-ethical-conduct/4/73/20>>.
- 983 *Misconduct in the Banking, Superannuation and Financial Services Industry Final Report* (Final Report, 4 February 2019) vol 1, 24.
- 984 *Misconduct in the Banking, Superannuation and Financial Services Industry Final Report* (Final Report, 4 February 2019) vol 1, 106.
- 985 AFL Community, *Codes of Conduct* <http://www.aflcommunityclub.com.au/fileadmin/user_upload/Manage_Your_Club/2._Junior_Match_Policy/24._Codes_of_conduct.pdf>; AFL Community, *Sample Code of Conduct* <http://www.aflcommunity.com.au/fileadmin/user_upload/Manage_Your_Club/1._Quality_Club_Assessment/Swisse_Quality_Club_1.11_Sample_Code_of_Conduct.pdf>; MyCricket Community, *Codes of Conduct* (Web Page) <<https://www.community.cricket.com.au/clubs/protecting-your-club/codes-of-conduct>>; Netball Queensland, *2020 Netball Queensland Code of Conduct* (2020) <<https://qld.netball.com.au/sites/qld/files/2020-01/VWC2020CODEOFCONDUCT.pdf>>.
- 986 Australian Red Cross, *Code of conduct* (2011), <<https://www.redcross.org.au/getmedia/11595dae-6d1c-4cca-ba09-a86e27ff2d63/CodeOfConduct-Online-2-December-2011.pdf.aspx>>; Rotary Club of Sydney, *Rotarian Code of Conduct* <<https://sydneyrotary.com/rotarian-code-of-conduct/>>; Lions Australia, *Code of Conduct* (2019) <<https://lionsclubs.org.au/wp-content/uploads/2020/01/2020-LIONS-CLUB-CODE-OF-CONDUCT.pdf>>; Royal Australian Historical Society, *Our Code of Conduct* <<https://www.rahs.org.au/welcome-royal-australian-historical-society/our-code-of-conduct/>>.
- 987 Professor Andrew Podger, Submission E65, *CPW Review*, 1; Peter N Varghese, 'Parting Reflections' (Speech, Department of Foreign Affairs and Trade, 9 June 2016) <<https://www.dfat.gov.au/news/speeches/Pages/parting-reflections-secretarys-speech-to-ipaa>>.
- 988 House of Representatives Standing Committee of Privileges and Members' Interests, *Draft Code of Conduct for Members of Parliament* (Discussion Paper, November 2011) 23–24. See also 'Commonwealth Latimer House Principles' (Practitioner's Handbook, Commonwealth Secretariat, 2017) 103 [10.1.2].
- 989 House of Representatives Standing Committee of Privileges and Members' Interests, *Draft Code of Conduct for Members of Parliament* (Discussion Paper, November 2011) 24.
- 990 New South Wales Legislative Assembly, *Members' Code of Conduct* (2020); New South Wales Legislative Council, *Members' Code of Conduct* (2020); New South Wales Government, *Ministerial Code of Conduct* (2017); Victorian Government, *Code of conduct for ministers and parliamentary secretaries*; Victorian Parliament, *Members of Parliament (Standards) Act 1978* (Vic); Queensland Parliament, *Code of Ethical Standards* (2018); Queensland Government, *Ministerial Code of Conduct*. Australian Capital Territory Legislative Assembly, *Code of conduct for all members of the Legislative Assembly* (2021); Australian Capital Territory Government, *Ministerial Code of Conduct* (2020); South Australian Government, *Ministerial Code of Conduct* (2021); South Australian Parliament, *Statement of Principles for Members of Parliament* (2016); Western Australian Government, *Ministerial Code of Conduct* (2021); Western Australian Legislative Assembly, *Code of Conduct for Members of the Legislative Assembly*; Tasmanian Government, *Code of Conduct for Ministers* (2018); *Tasmanian House of Assembly, Code of Conduct* (2017); Northern Territory Legislative Assembly, *Code*

- of *Conduct and Ethical Standards* (2009).
- 991 United Kingdom: UK House of Lords, *Code of Conduct for Members of the House of Lords* (2021) 30; UK Parliament, *Behaviour Code* (2019).
Scotland: Scottish Parliament, *Code of Conduct for Members of the Scottish Parliament* (2021) section 7.
Canada: Canadian House of Commons, *Standing Orders Appendix II - Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members* (2021).
- 992 Debbie Francis, *External Independent Review: Bullying and harassment in the New Zealand parliamentary workplace* (2019) 68.
- 993 Interview 104, *CPW Review*.
- 994 See *Public Service Act 1999* (Cth), ss 10, 13, 15; *Parliamentary Service Act 1999* (Cth), ss 10, 13, 15.
- 995 House of Representatives Standing Committee of Privileges and Members' Interests, Parliament of Australia, *Draft Code of Conduct for Members of Parliament* (Parliamentary Paper No 436, 23 November 2011) 17.
- 996 'Harassment', *Australian Human Rights Commission* (Web Page) <<https://humanrights.gov.au/quick-guide/12040>>.
- 997 Parliamentary privilege includes the power to discipline members for misconduct. Sanctions for misconduct can be imposed through the House's power of contempt. See for example: Joint Committee on Parliamentary Privilege (UK), *First Report* (1998-99, HL 43, HC 214) [14].
- 998 *Work Health and Safety Act 2011* (Cth) s 19.
- 999 Interview 24, *CPW Review*.
- 1000 See, eg, National Library of Australia, *Code of conduct for readers and visitors*, <<https://www.nla.gov.au/about-us/corporate-documents/policy-and-planning/code-conduct-readers-and-visitors>>; Charlestown Square, *Conditions of Entry: Policy & Guidelines* (2016) <<https://www.charlestownsquare.com.au/Upload/CharlestownSquare/Media/terms-and-conditions/Conditions-of-Entry-CSQ.pdf>>; Adelaide Oval, *Conditions of Entry*, <<https://www.adelaideoval.com.au/conditions-of-entry/>>; Catholic Healthcare, *Visitors Code of Conduct* <https://www.catholichealthcare.com.au/globalassets/comms/covid/rac_visitors_code_of_conduct.pdf>; Port Macquarie Private Hospital, *Visitor Code of Conduct* <<https://www.portmacquarieprivate.com.au/For-Visitors/Visitor-Code-of-Conduct>>; Evergreen Life Care, *Visitor Code of Conduct*, <https://evergreenlifecare.org.au/wp-content/uploads/2020/05/Visitor-Code-of-Conduct_UpdateMay-2020_19.pdf>.
- 1001 See eg: UK Parliament, *Behaviour Code* (2019).
- 1002 Purna Sen et al, *What Will It Take? Promoting cultural change to end sexual harassment* (UN Women, September 2019) 29-33; Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 678-680.
- 1003 Blue Knot Foundation, *Organisational Guidelines for Trauma-Informed Service Delivery* (2020) 24. See also Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 31.
- 1004 Australian Human Rights Commission, *Good practice guidelines for internal complaint processes* (2014) 2; *SafeWork Australia, Guide for preventing and responding to workplace bullying* (2016) 19; *Inter-Parliamentary Union, Guidelines for the elimination of sexism, harassment and violence against women in parliament* (2019) 42; *Victorian Equal Opportunity and Human Rights Commission, Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010* (Guideline, 2020) 15.
- 1005 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 696; Victorian Equal Opportunity and Human Rights Commission, *Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010* (Guideline, 2020) 72; RMIT University and University of Wollongong – Alternative Reporting Project, Submission W195, *CPW Review* 3.
- 1006 RMIT University and University of Wollongong – Alternative Reporting Project, Submission W195, *CPW Review*, 6.
- 1007 See, eg, Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 698; Commonwealth Ombudsman, *Better Practice Complaint Handling Guide* 12, 36.
- 1008 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 700-701. See also, Emma Franklin and Kieran Pender, *Innovation-led cultural change: can technology effectively address workplace sexual harassment?* (Discussion Paper, International Bar Association, November 2020).
- 1009 VicHealth, *Take Action: Empowering bystanders to act on sexist and sexually harassing behaviours* (2019) 6-7; RMIT University and University of Wollongong – Alternative Reporting Project, Submission W195, *CPW Review*. See also Paula McDonald and Michael Flood, *Encourage. Support. Act! Bystander Approaches to Sexual Harassment in the Workplace* (Australian Human Rights Commission, June 2012). For an example of bystander reporting in practice, see 'Informal reporting of inappropriate personal conduct', *Office of the Legal Services Commissioner* (Web Page) <<https://www.olsc.nsw.gov.au/Pages/inappropriate-personal-conduct/informally-reporting-ipc.aspx>>.
- 1010 'Inappropriate personal conduct - sexual harassment and workplace bullying', *Office of the Legal Services Commissioner (NSW)* (Web Page) <https://www.olsc.nsw.gov.au/Pages/lsc_complaint/lsc_disciplinaryaction.aspx>.
- 1011 Amy Edmondson, 'Psychological safety and learning behavior in work teams' (1999) 44(2) *Administrative science quarterly* 350-383; Amy C Edmondson et al, 'Understanding psychological safety in health care and education organizations: a comparative perspective' (2016) 13(1) *Research in Human Development* 65-83, 66.
- 1012 See, eg, US Equal Employment Opportunity

- Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R Feldblum & Victoria A. Lipnic* (2016).
- 1013 US Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R Feldblum & Victoria A. Lipnic* (2016).
- 1014 Victorian Equal Opportunity and Human Rights Commission, *Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010* (Guideline, 2020) 72-75.
- 1015 Australian Human Rights Commission, *Good practice guidelines for internal complaint processes* (2014) 1-2.
- 1016 Gabrielle Appleby and Suzanne Le Mire, 'Judicial Conduct: Crafting a System that Enhances Institutional Integrity' (2014) 38 *Melbourne University Law Review* 1, 45; Dawn Oliver, 'Regulating the Conduct of MPs. The British Experience of Combating Corruption' in Paul Heywood (ed) *Political Corruption* (Blackwell 1997) 123, 123.
- 1017 United Kingdom, *Parliamentary Debates*, House of Commons, 19 July 2018, vol 645, col 627-661.
- 1018 The Commission recently observed an example of the issues that can arise when there is no independence involved in considering and resolving questions of parliamentarians' conduct. On 20 October 2021, the Speaker of the House of Representatives noted that the Manager of Opposition Business had raised as a matter of privilege whether the member for Pearce had failed to comply with the resolution of the House regarding the registration of members' interests such as would constitute a contempt of the House. The Speaker noted that he was 'satisfied that a *prima facie* case had been made out' and that he was willing to give 'precedence to a motion concerning privilege or contempt, as raised by the Manager of Opposition Business, referring the matter to the Committee of Privileges and Members' Interests'. The motion to make the referral to the Committee was rejected by a vote in the House. Commonwealth, *Parliamentary Debates*, House of Representatives, 20 October 2021, 75, 79.
- 1019 Gabrielle Appleby, 'Horizontal Accountability: The Rights-Protective Promise and Fragility of Executive Integrity Institutions' (2017) 23 *Australian Journal of Human Rights* 168.
- 1020 This was recommended by Laura Cox in *The bullying and harassment of House of Commons staff – Independent Inquiry Report* (2018) 114-115. The UK Independent Expert Panel has published (as at 8.10.21) 6 reports which name the respondent and detail the complaint. Factors that appear to have supported publication are where allegations have previously been made public through the press and social media and the seriousness of the breach. The complainants identities have been kept confidential unless they have consented to their name being reported.
- 1021 See for example reports of the UK Parliament's Independent Expert Panel: 'Reports', *Independent Expert Panel, UK Parliament*, (Web Page) <<https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/independent-expert-panel/reports/>>.
- 1022 Alison Stanley, *Independent Complaints & Grievance Scheme: Independent 18-month Review* (2021) 29.
- 1023 Australian Human Rights Commission, *CPW Survey* (2021).
- 1024 Australian Human Rights Commission, *CPW Survey* (2021).
- 1025 'What to expect', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/what-to-expect>>.
- 1026 'Commonwealth Integrity Commission consultation draft', *Attorney-General's Department* (Web Page) <<https://www.ag.gov.au/integrity/consultations/commonwealth-integrity-commission-consultation-draft>>.
- 1027 'Using the Independent Complaints and Grievance Scheme (ICGS): guide for complainants', *UK Parliament* (Online Guide) <https://www.parliament.uk/contentassets/3df71b70e8e847f498932d63dede801a/icgs-bullying-user-guide_complainants_interactive-pdfs_update.pdf>.
- 1028 'Something happened to me', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/what-to-expect>>.
- 1029 'Something happened to me', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/what-to-expect>>.
- 1030 *The Guide to the Rules relating to the Conduct of Members* (House of Commons Paper No 1882, 10 October 2019) 44 <<https://publications.parliament.uk/pa/cm201719/cmcode/1882/1882.pdf>>; Scottish Parliament, 'Guidance on the Code of Conduct for Members of the Scottish Parliament' (2 February 2021) 35 <<https://www.parliament.scot/msps/code-of-conduct/-/media/66bdc22ae8b7401c80464102503fe7f9.ashx>>.
- 1031 Department of the Prime Minister and Cabinet, Submission E60, *CPW Review* 7.
- 1032 Marian Sawyer, 'Dealing with toxic Parliaments: Lessons from Elsewhere' (2021) 36(1) *Australasian Parliamentary Review* 7, 22.
- 1033 Marian Sawyer, 'Dealing with toxic Parliaments: Lessons from Elsewhere' (2021) 36(1) *Australasian Parliamentary Review* 7, 22.
- 1034 Australian Political Studies Association and The Global Institute for Women's Leadership, Submission E39, *CPW Review* 8.
- 1035 Department of the Prime Minister and Cabinet, Submission E60, *CPW Review* 7.
- 1036 See, eg, Dr Maria Maley, Submission W222, *CPW Review* 3; Community and Public Sector Union, Submission E49A, *CPW Review* 6, 26.
- 1037 Dr Maria Maley, Submission W222, *CPW Review* 3.
- 1038 Independent Complaints and Grievance Policy Programme Team, UK Parliament, *Independent Complaints and Grievance Scheme Delivery Report* (2018) 80.
- 1039 United Kingdom, *Parliamentary Debates*, House of Commons, 17 July 2019, vol 663, col 921.

- 1040 Dame Laura Cox, *The bullying and harassment of House of Commons staff – Independent Inquiry Report* (2018) 121-122.
- 1041 Dame Laura Cox, *The bullying and harassment of House of Commons staff – Independent Inquiry Report* (2018) 125.
- 1042 'Reporting abuse in Defence', *Commonwealth Ombudsman* (Web Page) <<https://www.ombudsman.gov.au/How-we-can-help/australian-defence-force/reporting-abuse-in-defence>>.
- 1043 See, eg, the approach suggested in Laura Cox, *The bullying and harassment of House of Commons staff – Independent Inquiry Report* (2018) 128.
- 1044 'About us - Who can access the PWSS', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/about-us>>.
- 1045 'About us - Who can access the PWSS', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/about-us>>.
- 1046 'Support', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/support>>.
- 1047 See, eg, *Crimes Act 1900* (NSW) s 61KC.
- 1048 See, eg, *Crimes Act 1900* (ACT) s 35; *Crimes (Domestic and Personal Violence Act) 2007* (NSW) s 13; *Criminal Code 1899* (QLD) s359B; *Criminal Code 1913* (WA) s 338E; *Criminal Code Act 1924* (Tas) s 192; *Criminal Law Consolidation Act 1935* (SA) s 19AA.
- 1049 *Criminal Code Act* (Cth) s 474.17(1).
- 1050 Australian Human Rights Commission, *Respect@ Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 775-776.
- 1051 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 71.
- 1052 Australian Human Rights Commission, *Respect@ Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 756.
- 1053 See, eg, Interview 24, *CPW Review*; Interview 116, *CPW Review*; Interview 216; Interview 261, *CPW Review*; Interview 270, *CPW Review*; Interview 317, *CPW Review*.
- 1054 *Independent Commission Against Corruption Act 2012* (SA) s 54.
- 1055 Independent Commissioner Against Corruption (South Australia), *Statement About an Investigation – Misconduct by the Vice-Chancellor of the University of Adelaide* (26 August 2020) 3.
- 1056 Independent Commissioner Against Corruption (South Australia), *Statement About an Investigation – Misconduct by the Vice-Chancellor of the University of Adelaide* (26 August 2020) 10.
- 1057 Australian Human Rights Commission, *CPW Survey* (2021).
- 1058 Alison Stanley, *Independent Complaints & Grievance Scheme: Independent 18-month Review* (2021) 68-71; 'Equality, diversity and inclusion: Talk to Spot - Building a picture of harassment and discrimination at the Bar', *The Bar Council (UK)* (Web Page) <<https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>>.
- 1059 See, eg, Alison Stanley, *Independent Complaints & Grievance Scheme: Independent 18-month Review* (2021) 68-71.
- 1060 See, eg, Review of Sexual Harassment in Victorian Courts, *Summary Review of Interventions to Prevent and Respond to Sexual Harassment in Courts*, (Appendix 1, February 2021).
- 1061 Interview 88, *CPW Review*.
- 1062 Individual, Submission W228, *CPW Review*.
- 1063 'Equality, diversity an inclusion: Talk to Spot - Building a picture of harassment and discrimination at the Bar', *The Bar Council (UK)* (Web Page) <<https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>>.
- 1064 Emma Franklin and Kieran Pender, 'Innovation-led cultural change: can technology effectively address workplace sexual harassment?' (Discussion Paper, International Bar Association, November 2020) 8.
- 1065 Individual, Submission W228, *CPW Review*.
- 1066 'AFP National Guideline on the Confidant Network', *Australian Federal Police* (Web Document) <<https://www.afp.gov.au/sites/default/files/PDF/IPS/AFP%20National%20Guideline%20on%20the%20Confidant%20Network.pdf>>.
- 1067 Interview 202, *CPW Review*.
- 1068 See Elizabeth Broderick and Co., *Cultural change: Gender Diversity and Inclusion in the Australian Federal Police* (2016) 36, 37. Such strategies have been adopted by the Australian Defence Force and the Victoria Police. See 'Restorative Engagement and Redress Scheme', *Victorian Government* (Web Page) <<https://www.vic.gov.au/redress-police-employees>>; 'Defence Abuse – Restorative Engagement Program', *Commonwealth Ombudsman* (Fact Sheet) <https://www.ombudsman.gov.au/_data/assets/pdf_file/0021/46920/RE-factsheet-updated.pdf>.
- 1069 Department of the Prime Minister and Cabinet, Submission E60, *CPW Review*, 8.
- 1070 See, eg, Australian Institute of Criminology, 'Understanding Deterrence' (AI Crime Reduction Matters Series No 27, 4 November 2004); Chin Liew Ten and C Ashby, *Crime, guilt, and punishment: A philosophical introduction* (Clarendon Press Oxford, 1987) 7-8.
- 1071 Gerard Carney, *Members of Parliament: Law and Ethics* (Prospect Media, 2000) 260.
- 1072 Gender Equity Victoria, Submission E73, *CPW Review* 26.
- 1073 Debbie Francis, *External Independent Review: Bullying and harassment in the New Zealand parliamentary workplace* (2019) 88.
- 1074 UK Parliament, *Standing Orders* (HC 314, 6 November 2019) <https://publications.parliament.uk/pa/cm201919/cmstords/341/so_341_051119_web.pdf> 182-183.
- 1075 Professor Anne Tiernan, Submission E28, *CPW Review*, 5; Professor Andrew Podger, Submission E65, *CPW Review*, 2; Dr Maria Maley, Submission W222, *CPW Review*.
- 1076 *Public Interest Disclosure Act 2013* (Cth) s 6.
- 1077 See *Public Interest Disclosure Act 2013* (Cth) s 69 for the definition of 'public official'.
- 1078 Philip Moss, *Review of the Public Interest Disclosure Act 2013* (2016) 63.

- 1079 *Public Interest Disclosure Act 2013* (Cth) s 69.
- 1080 Interview 367, *CPW Review*.
- 1081 Interview 92, *CPW Review*.
- 1082 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 41, citing Australian Institute of Family Studies, *Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners* (2017) 9; Lilia Cortina, Victor Sojo and Tine Kohler, 'Busting the myths about sexual harassment', *Pursuit* (Web Page, 2020) <<https://pursuit.unimelb.edu.au/articles/busting-the-myths-about-sexual-harassment>>.
- 1083 Australian Human Rights Commission, *Ending Workplace Sexual Harassment: A Resource for Small, Medium and Large Employers* (2014) 45.
- 1084 See, eg, 'Respectful Workplace Policy – Office of the Prime Minister and Ministers' Offices', *Government of Canada* (Web Page, 29 September 2020) <<https://www.canada.ca/en/treasury-board-secretariat/services/respectful-workplace-policy-office-prime-minister-ministers-offices.html#toc5>>.
- 1085 'Vexatious, frivolous & unreasonable complaints policy', *Parliamentary Workplace Support Service* (Web Page) <<https://pwss.gov.au/resources/vexatious-frivolous-unreasonable-complaints-policy>>.
- 1086 Australian Human Rights Commission, *Ending Workplace Sexual Harassment: A Resource for Small, Medium and Large Employers* (2014) 46.
- 1087 Australian Human Rights Commission, *Respect@ Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 441-616.
- 1088 Australian Government, *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021* (Cth).
- 1089 *Sex Discrimination Act 1984* (Cth) s 28AA.
- 1090 See definition of 'worker' and 'worker in a business or undertaking' in s 4(1) of the *Sex Discrimination Act 1984* (Cth).
- 1091 See definition of 'employment' and 'State employee' in s 4(1) of the *Sex Discrimination Act 1984* (Cth).
- 1092 See definition of 'Commonwealth employee' in s 4(1) of the *Sex Discrimination Act 1984* (Cth).
- 1093 *Sex Discrimination Act 1984* (Cth) s 105.
- 1094 *Sex Discrimination Act 1984* (Cth) s 47A.
- 1095 *Australian Human Rights Commission Act 1986* (Cth) s 46PH(1)(b).
- 1096 *Fair Work Act 2009* (Cth) s 789FF.
- 1097 See the legislative note in s 387 of the *Fair Work Act 2009* (Cth).
- 1098 Attorney-General's Department, *Agreed response to the Review of the Model Work Health and Safety Laws* (26 May 2021) <https://www.ag.gov.au/sites/default/files/2021-05/Agreed-response-to-the-Review-of-the-Model-WHS-Laws_0.pdf>.
- 1099 Attorney-General's Department, *Workplace Health and Safety ministers focus on regulatory action to strengthen laws* (Media Release, 21 May 2021) <<https://www.attorneygeneral.gov.au/media/media-releases/whs-ministers-focus-regulatory-action-21-may-2021>>.
- 1100 See Safe Work Australia, *Guide for Preventing Workplace Sexual Harassment* (2021); Safe Work Australia, *Guide for Preventing Workplace Violence and Aggression* (2021).
- 1101 'Workplace Sexual Harassment', *Comcare* (Web Page) <<https://www.comcare.gov.au/safe-healthy-work/prevent-harm/workplace-sexual-harassment>>.
- 1102 Department of the Treasury, *Budget Paper No. 2* (11 May 2021) 32, 61.
- 1103 *Parliamentary Privileges Act 1987* (Cth) s 15; *Rees v McCay* [1975] 7 ACTR 4.
- 1104 *Work Health and Safety Act 2011* (Cth) s 19(1).
- 1105 *Work Health and Safety Act 2011* (Cth) s 19.
- 1106 *Work Health and Safety Act 2011* (Cth) ss 17-18; South Australian Equal Opportunity Commission, *Review of Harassment in the South Australian Parliament Workplace* (2021).
- 1107 *Work Health and Safety Act 2011* (Cth) ss 20-29.
- 1108 *Work Health and Safety Regulations 2011* (Cth) Part 3.1; Safe Work Australia, *Work-Related Psychological Health and Safety: A Systematic Approach to Meeting Your Duties* (National Guidance Material, January 2019; Victorian Equal Opportunity and Human Rights Commission, *Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010* (Guideline, 2020).
- 1109 *Work Health and Safety Act 2011* (Cth) s 47; Safe Work Australia, *Work-Related Psychological Health and Safety: A Systematic Approach to Meeting Your Duties* (National Guidance Material, January 2019).
- 1110 *Work Health and Safety Act 2011* (Cth) s 46.
- 1111 Department of Finance, Submission E76, *CPW Review*.
- 1112 Comcare, Submission E78, *CPW Review*.
- 1113 Individual, Submission W31, *CPW Review*; Individual, Submission W47, *CPW Review*; Individual, Submission W49, *CPW Review*; Individual, Submission W52, *CPW Review*; Individual, Submission W188, *CPW Review*; Individual, Submission W254, *CPW Review*; Interview 176, *CPW Review*.
- 1114 Department of Finance, Submission E76, *CPW Review*.
- 1115 Interview 117, *CPW Review*.
- 1116 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021).
- 1117 Department of Finance, Submission E76, *CPW Review*, 5.
- 1118 Comcare, Submission E78, *CPW Review*, 5.
- 1119 Community and Public Sector Union, Submission E19, *CPW Review*, 17.
- 1120 Individual, Submission W227, *CPW Review*.
- 1121 Interview 26, *CPW Review*; Interview 213, *CPW Review*.
- 1122 Marie Boland, *Review of the Model Work Health and Safety Laws* (December 2018).
- 1123 Marie Boland, *Review of the Model Work Health and Safety Laws* (December 2018).
- 1124 Black Dog Institute, Submission W183, *CPW Review*.
- 1125 *Sex Discrimination Act 1984* (Cth) s 106(1)(b).
- 1126 *Sex Discrimination Act 1984* (Cth) s 106(2).
- 1127 Australian Human Rights Commission, *Ending Workplace Sexual Harassment: A Resource for Small, Medium and Large Employers* (2014) 29.

- 1128 'Leadership and Culture', *Safe Work Australia* (Web Page, 2017) <<https://www.safeworkaustralia.gov.au/leadership-culture>>.
- 1129 *Work Health and Safety Act 2011* (Cth) s 14.
- 1130 Department of Finance, Submission E76, *CPW Review*, 6.
- 1131 Safe Work Australia, *Work-Related Psychological Health and Safety: A Systematic Approach to Meeting Your Duties* (National Guidance Material, January 2019).
- 1132 Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (May 2016).
- 1133 Safe Work Australia, *Preventing workplace sexual harassment* (National Guidance Material, 2021).
- 1134 Safe Work Australia, *Preventing workplace sexual harassment* (National Guidance Material, 2021).
- 1135 'Workplace Sexual Harassment', *Comcare* (Web Page, 2021) <<https://www.comcare.gov.au/safe-healthy-work/prevent-harm/workplace-sexual-harassment>>.
- 1136 Comcare, *Working Together: Promoting mental health and wellbeing at work* (2013).
- 1137 Victorian Equal Opportunity and Human Rights Commission, *Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010* (Guideline, 2020) 100.
- 1138 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021)
- 1139 The Department of the Prime Minister and Cabinet, Correspondence, 5 November 2021.
- 1140 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021), recommendation 7.
- 1141 Parliamentary Services Department, Parliament of Western Australia, Submission E84, *CPW Review*.
- 1142 Interview 31, *CPW Review*
- 1143 Interview 449, *CPW Review*.
- 1144 Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021), recommendation 7.
- 1145 Safe Work Australia, *Work-Related Psychological Health and Safety: A Systematic Approach to Meeting Your Duties* (National Guidance Material, January 2019); Safe Work Australia, *Preventing workplace sexual harassment* (National Guidance Material, 2021).
- 1146 Safe Work Australia, *Work-Related Psychological Health and Safety: A Systematic Approach to Meeting Your Duties* (National Guidance Material, January 2019), 6.
- 1147 'Facts and Figures about Mental Health', *Black Dog Institute* (Fact Sheet, 2020) <https://www.blackdoginstitute.org.au/wp-content/uploads/2020/04/1-facts_figures.pdf>.
- 1148 Australian Government National Mental Health Commission, *Blueprint for Mentally Healthy Workplaces* (2021) 3.
- 1149 Daniel Poulter et al, 'Mental health of UK Members of Parliament in the House of Commons: a cross-sectional survey' (2019) *BMJ Open*, 4-7.
- 1150 See, eg, Australian Public Service Commission and Comcare, *Working Together: Promoting mental health and wellbeing at work* (2013); Virginia Dickson-Swift et al, 'What really improves employee health and wellbeing' (2014) 7(3) *International Journal of Workplace Health Management*; Australian Government National Mental Health Commission, *Blueprint for Mentally Healthy Workplaces* (2021), 4.
- 1151 Australian Public Service Commission and Comcare, *Working Together: Promoting mental health and wellbeing at work* (2013) 1.
- 1152 Morten Birkeland Nielsen and Ståle Einarsen, 'Outcomes of exposure to workplace bullying: A meta-analytic review' (2012) 26(4) *Work & Stress: An International Journal of Work, Health & Organisations*; Valérie Boudrias, Sarah-Geneviève Trépanier and Denise Salin, 'A systematic review of research on the longitudinal consequences of workplace bullying and the mechanisms involved' (2021) 56 *Aggression and Violent Behavior*.
- 1153 Mika Kivimäki et al, 'Workplace bullying and the risk of cardiovascular disease and depression' (2003) 60(10) *Occupational and Environmental Medicine*; Michelle Rae Tuckey et al, 'Negative workplace behaviour: Temporal associations with cardiovascular outcomes and psychological health problems in Australian police' (2010) 26(5) *Stress and Health*; Tianwei Xu et al, 'Workplace bullying and workplace violence as risk factors for cardiovascular disease: A multi-cohort study' (2019) 40(14) *European Heart Journal*.
- 1154 Morten B. Nielsen et al, 'Workplace bullying and sleep: A systematic review and meta-analysis of the research literature' (2020) 51, *Sleep Medicine Reviews*.
- 1155 See, eg, Rebecca Law et al, 'Psychosocial Safety Climate as a Lead Indicator of Workplace Bullying and Harassment, Job Resources, Psychological Health and Employee Engagement' (2011) 43 *Accident Analysis and Prevention*, 1782; Eero Lehelma et al, 'Workplace Bullying and Common Mental Disorders: a Follow-Up Study' (2012) 66(6) *Journal of Epidemiology and Community Health*; John Hurley et al, 'Nexus Between Preventative Policy Inadequacies, Workplace Bullying, and Mental Health: Qualitative Findings from the Experiences of Australian Public Sector Employees' (2016) 25 *International Journal of Mental Health Nursing*, 12; Australian Human Rights Commission, *Respect@ Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020), 265-268.
- 1156 Australian Human Rights Commission, *CPW Survey* (2021).
- 1157 Interview 38, *CPW Review*.
- 1158 Interview 103, *CPW Review*.
- 1159 Interview 254, *CPW Review*.
- 1160 Interview 220, *CPW Review*.
- 1161 Interview 103, *CPW Review*.
- 1162 Interview 183, *CPW Review*.
- 1163 Interview 220, *CPW Review*.
- 1164 Individual, Submission W251, *CPW Review*.
- 1165 Interview 117, *CPW Review*; Interview 243, *CPW Review*.
- 1166 Interview 461, *CPW Review*.
- 1167 Australian Human Rights Commission, *CPW Survey* (2021).
- 1168 Department of Parliamentary Services, Request for

- Information, *Information about Parliamentary Health Services*, 17 August 2021.
- 1169 Department of Parliamentary Services, Request for Information, *Information about Parliamentary Health Services*, 17 August 2021.
- 1170 Department of Parliamentary Services, Request for Information, *Information about Parliamentary Health Services*, 17 August 2021.
- 1171 Department of Parliamentary Services, Request for Information, *Information about Parliamentary Health Services*, 17 August 2021.
- 1172 Department of Parliamentary Services, Request for Information, *Information about Parliamentary Health Services*, 17 August 2021.
- 1173 Individual, Submission W149, *CPW Review*.
- 1174 Individual, Submission W176, *CPW Review*; Interview 4, *CPW Review*; Interview 103, *CPW Review*; Interview 117, *CPW Review*; Interview 549, *CPW Review*.
- 1175 Interview 126, *CPW Review*; Interview 153, *CPW Review*; Interview 334, *CPW Review*; Interview 415, *CPW Review*; Interview 479, *CPW Review*; Interview 543, *CPW Review*.
- 1176 Department of Parliamentary Services, Request for Information, *Information about Parliamentary Health Services*, 17 August 2021.
- 1177 The Employee Assistance Program (EAP) is the service that most participants were aware of, with about nine in ten (89%) employees having heard of this service.
- 1178 Individual, Submission W99, *CPW Review*; Individual, Submission W255, *CPW Review*.
- 1179 Individual, Submission W158, *CPW Review*; Interview 101, *CPW Review*.
- 1180 Interview 262, *CPW Review*.
- 1181 Individual, Submission W149, *CPW Review*; Interview 68, *CPW Review*; Interview 76, *CPW Review*.
- 1182 Interview 33, *CPW Review*.
- 1183 Interview 564, *CPW Review*.
- 1184 Interview 148, *CPW Review*.
- 1185 Interview 565, *CPW Review*.
- 1186 Interview 68, *CPW Review*.
- 1187 Interview 564, *CPW Review*.
- 1188 Donna Trucillo, Submission E11, *CPW Review*.
- 1189 'National Workplace Initiative', *National Mental Health Commission* (Web Page, 2021) <<https://www.mentalhealthcommission.gov.au/Mental-health-Reform/National-Workplace-Initiative>>.
- 1190 National Mental Health Commission, *The Blueprint for Mentally Healthy Workplaces* (2021).
- 1191 Australian Public Service Commission, *APS Mental Health and Suicide Prevention Unit* (Web Page, 2021) <<https://www.apsc.gov.au/working-aps/diversity-and-inclusion/aps-mental-health-and-suicide-prevention-unit>>.
- 1192 See, eg, Jerome M. Adams, 'The Value of Worker Well-Being' (2019) 134(6) *Public Health Reports*; Amy Isham, Simon Mair and Tim Jackson, 'Worker wellbeing and productivity in advanced economies: Re-examining the link' (2021) 184 *Ecological Economics*.
- 1193 Kate Aubusson, 'Junior doctors on life support', *Sydney Morning Herald* (Web Page, 29 June, 2019) <<https://www.smh.com.au/national/nsw/junior-doctors-on-life-support-20190628-p5227a.html>>; 'MDOK', *Sydney Local Health District* (Web Page, 2021) <<https://www.slhd.nsw.gov.au/rpa/bptn/bpt.html>>.
- 1194 Kate Aubusson, 'Junior doctors on life support', *Sydney Morning Herald* (Web Page, 29 June, 2019) <<https://www.smh.com.au/national/nsw/junior-doctors-on-life-support-20190628-p5227a.html>>.
- 1195 'MDOK', *Sydney Local Health District* (Web Page, 2021) <<https://www.slhd.nsw.gov.au/rpa/bptn/bpt.html>>.
- 1196 'Safety – our first priority', *QANTAS Group* (Web Page) <<https://www.qantas.com/au/en/qantas-group/acting-responsibly/safety-our-first-priority.html>>.
- 1197 'Defence Health & Well-being "Fighting Fit"', *Australian Government Department of Defence* (Web Page) <<https://www1.defence.gov.au/adf-members-families/health-well-being>>.
- 1198 Interview 453, *CPW Review*; Department of Foreign Affairs and Trade, Request for Information, *DFAT – Staff and Family Support Office – Enhanced Model of Care*, 30 August 2021.
- 1199 Individual, Submission W149, *CPW Review*.
- 1200 Interview 68, *CPW Review*.
- 1201 See 'The NSQHS Standards', *Australian Commission on Safety and Quality in Health Care* (Web Page) <<https://www.safetyandquality.gov.au/standards/nsqhs-standards>>.
- 1202 See, eg, National Mental Health Commission, *The Blueprint for Mentally Healthy Workplaces* (2021).
- 1203 Individual, Submission W57, *CPW Review*; Interview 24, *CPW Review*; Interview 32, *CPW Review*; Interview 454, *CPW Review*.
- 1204 Individual, Submission W38, *CPW Review*; Interview 81, *CPW Review*; Interview 114, *CPW Review*; Interview 405, *CPW Review*.
- 1205 Senator Helen Cooney, Submission E12, *CPW Review*.
- 1206 In the UK, in response to the COVID-19 pandemic, the Leader of the House announced a change in Government policy towards virtual participation in debates on 16 November 2020. See United Kingdom House of Commons *Debates*, 16 November 2020, col.24 ff. This change was later reviewed by the House of Commons Procedure Committee. See, 'Procedure under coronavirus restrictions: call lists and time limits on speeches in debates', *UK Parliament* (Web Page, 2020) <<https://publications.parliament.uk/pa/cm5801/cmselect/cmproced/1031/103102.htm>>. Similarly, the Canadian House of Commons established a system for virtual voting. See House of Commons Canada Standing Committee on Procedure and House Affairs, *Carrying out Members' Parliamentary Duties: The Challenges of Voting During the Covid-19 Pandemic* (2020).
- 1207 Jessica Smith with Sarah Childs, *The Remotely Representative House? Lesson Learning from the Hybrid Commons*, Centenary Action Group (2021).
- 1208 For example, the Parliament of Andorra approved an amendment to its Rules of Procedure which permits remote voting (with the Speaker's approval) for MPs in cases of 'pregnancy, maternity, serious illness or hospitalization that prevents their physical presence'.

- See further, Organization for Security and Co-operation in Europe (OSCE), *Realizing Gender Equality in Parliament: A Guide for Parliaments in the OSCE Region* (2021).
- 1209 Interview 449, *CPW Review*.
- 1210 Interview 449, *CPW Review*.
- 1211 Interview 57, *CPW Review*.
- 1212 Interview 13, *CPW Review*.
- 1213 Interview 95, *CPW Review*.
- 1214 Inter-Parliamentary Union (IPU), *Gender-Sensitive Parliaments: A Global Review of Good Practice* (2011); Organization for Security and Co-operation in Europe (OSCE) *Realizing Gender Equality in Parliament: A Guide for Parliaments in the OSCE Region* (2021). Both reports found that aligning sittings with school holidays was the most widely practiced of these three arrangements.
- 1215 Inter-Parliamentary Union (IPU), *Gender-Sensitive Parliaments: A Global Review of Good Practice* (2011); Organization for Security and Co-operation in Europe (OSCE) *Realizing Gender Equality in Parliament: A Guide for Parliaments in the OSCE Region* (2021).
- 1216 *Australian Constitution* s 50.
- 1217 Individual, Submission W233, *CPW Review*; Interview 57, *CPW Review*; Interview 185, *CPW Review*.
- 1218 Interview 17, *CPW Review*; Interview 449, *CPW Review*.
- 1219 See, eg, Interview 114, *CPW Review*; Interview 117, *CPW Review*; Interview 174, *CPW Review*; Interview 175, *CPW Review*; Interview 185, *CPW Review*; Interview 229, *CPW Review*.
- 1220 Interview 5, *CPW Review*; Interview 8, *CPW Review*; Interview 17, *CPW Review*; Interview 30, *CPW Review*; Interview 61, *CPW Review*; Interview 68, *CPW Review*; Interview 69, *CPW Review*; Interview 71, *CPW Review*.
- 1221 See, eg, Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015); Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020).
- 1222 South Australian Equal Opportunity Commission, *Review of Harassment in the South Australian Parliament Workplace* (2021) 33-34, 66.
- 1223 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015), 26-27.
- 1224 Liz Wall and Antonia Quadara, 'Under the influence?: Considering the role of alcohol and sexual assault in social contexts' (2014) 18 *Australian Centre for the Study of Sexual Assault (ACSSA issues)*; Coreen Farris and Kimberly A Hepner, 'Targeting Alcohol Misuse: A Promising Strategy for Reducing Military Sexual Assaults?' (2015) 4(4) *Rand Health Quarterly*.
- 1225 Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020); Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and the Victorian Health Promotion Foundation (VicHealth), *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia* (2015), 26-27.
- 1226 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*; Interview 8, *CPW Review*; Interview 61, *CPW Review*; Interview 68, *CPW Review*; Interview 69, *CPW Review*; Interview 71, *CPW Review*; Australian Human Rights Commission, *CPW Review Survey* (2021). Also see, 'Use of Alcohol' in What We Heard.
- 1227 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 1228 Australian Human Rights Commission, *CPW Review Survey* (2021).
- 1229 Interview 106, *CPW Review*.
- 1230 Interview 108, *CPW Review*.
- 1231 Interview 108, *CPW Review*.
- 1232 Ewa Sygit-Kowalkowska and Marci Ziółkowski, 'Workplace stress and alcohol consumption. Research state-of-art review and further development' (2019) 32(2) *Alcoholism and Drug Addiction/Alkoholizm i Narkomania*; Foundation for Alcohol Research and Education, Submission E67, *CPW Review*.
- 1233 Interview 106, *CPW Review*.
- 1234 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*.
- 1235 Interview 108, *CPW Review*.
- 1236 Australian Public Service, *Code of Conduct* (2021) <<https://www.apsc.gov.au/publication/aps-values-and-code-conduct-practice/section-3-relationships-workplace>>.
- 1237 VicHealth, *Reducing alcohol-related harm in the workplace. An evidence review: summary report* (March 2012).
- 1238 VicHealth, *Reducing alcohol-related harm in the workplace. An evidence review: summary report* (March 2012).
- 1239 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*; Workplace Health and Safety Queensland, *Framework for alcohol and drug management in the workplace* (2012).
- 1240 National Centre for Education and Training on Addiction (NCETA), *Assessing workplace alcohol and drug risk* (2020).
- 1241 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*.
- 1242 Workplace Health and Safety Queensland, *Framework for alcohol and drug management in the workplace* (2012).
- 1243 Ewa Sygit-Kowalkowska and Marci Ziółkowski, 'Workplace stress and alcohol consumption. Research state-of-art review and further development' (2019) 32(2) *Alcoholism and Drug Addiction/Alkoholizm i Narkomania*.
- 1244 VicHealth, *Reducing alcohol-related harm in the workplace. An evidence review: summary report* (March 2012).
- 1245 'Alcohol, Tobacco and Other Drugs Program' *Australian*

- Government Department of Defence (Web Page, 2020) <<https://www1.defence.gov.au/adf-members-families/health-well-being/mental-health-programs/alcohol-program>>.
- 1246 'Alcohol, Tobacco and Other Drugs Program' Australian Government Department of Defence (Web Page, 2020) <<https://www1.defence.gov.au/adf-members-families/health-well-being/mental-health-programs/alcohol-program>>.
- 1247 'Alcohol, Tobacco and Other Drugs Program' Australian Government Department of Defence (Web Page, 2020) <<https://www1.defence.gov.au/adf-members-families/health-well-being/mental-health-programs/alcohol-program>>.
- 1248 VicHealth, *Reducing alcohol-related harm in the workplace. An evidence review: summary report* (March 2012); Ken Pidd, Ann Roche and Michael White, 'Workplace Drug and Alcohol Testing', *National Centre for Education and Training on Addiction (NCETA)* (2011).
- 1249 Ken Pidd, Ann Roche and Michael White, 'Workplace Drug and Alcohol Testing', *National Centre for Education and Training on Addiction (NCETA)* (2011).
- 1250 Ken Pidd, Ann Roche and Michael White, 'Workplace Drug and Alcohol Testing', *National Centre for Education and Training on Addiction (NCETA)* (2011).
- 1251 Ken Pidd, Ann Roche and Michael White, 'Workplace Drug and Alcohol Testing', *National Centre for Education and Training on Addiction (NCETA)* (2011).
- 1252 Ken Pidd, Ann Roche and Michael White, 'Workplace Drug and Alcohol Testing', *National Centre for Education and Training on Addiction (NCETA)* (2011).
- 1253 Ken Pidd, Victoria Kostadinov and Ann Roche, 'Do workplace policies work? An examination of the relationship between alcohol and other drug policies and workers' substance use' (2016) 28 *International Journal of Drug Policy*, 48-54; Ken Pidd and Ann Roche, 'Changing workplace culture: an integrated model for the prevention and treatment of alcohol-related problems' in David Moore and Paul Dietze (eds) *Drugs and Public Health: Australian Perspectives on policy and practice* (Oxford University Press 2008).
- 1254 BHP, *Our Code of Conduct* (2018) <<https://www.bhp.com/-/media/documents/ourapproach/codeofconduct/code-of-conduct---english.pdf>>.
- 1255 BHP, *Our Code of Conduct* (2018) <<https://www.bhp.com/-/media/documents/ourapproach/codeofconduct/code-of-conduct---english.pdf>>.
- 1256 Caroline Lippy and Sarah DeGue, 'Exploring alcohol policy approaches to prevent sexual violence perpetration' (2016) 17(1) *Trauma, Violence, & Abuse*.
- 1257 Interview 176, *CPW Review*; Interview 231, *CPW Review*; Interview 299, *CPW Review*; Interview 433, *CPW Review*.
- 1258 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*. This submission notes that the South Australian Parliament is currently developing their Code of Conduct in response to the Review of South Australian Parliament Workplace which names alcohol as a risk factor. See South Australian Equal Opportunity Commission, *Review of Harassment in the South Australian Parliament Workplace* (2021); Queensland Government, *Code of Conduct Ministerial Staff Members* (2021) <<https://www.premiers.qld.gov.au/right-to-info/published-info/assets/code-of-conduct-ministerial-staff.pdf?c>>; Queensland Government, *Code of Conduct: Opposition Staff Members* (2021) <<https://www.premiers.qld.gov.au/right-to-info/published-info/assets/code-of-conduct-opposition-staff.pdf>>.
- 1259 *Public Service Act 1999* (Cth) s 13(2).
- 1260 Australian Public Service Commission, *APS Values and Code of Conduct in Practice* (2018), 3.5.10.
- 1261 Queensland Government, *Code of Conduct Ministerial Staff Members* (2021) <<https://www.premiers.qld.gov.au/right-to-info/published-info/assets/code-of-conduct-ministerial-staff.pdf?c>>; Queensland Government, *Code of Conduct: Opposition Staff Members* (2021) <<https://www.premiers.qld.gov.au/right-to-info/published-info/assets/code-of-conduct-opposition-staff.pdf>>.
- 1262 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*; Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020).
- 1263 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*.
- 1264 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*, 5.
- 1265 Peter Anderson, 'Alcohol and the workplace' in Peter Anderson, Lars Møller and Gauden Galea (eds), *Alcohol in the European Union: Consumption, harm and policy approaches* (World Health Organization, Regional Office for Europe, 2012); VicHealth, *Reducing alcohol-related harm in the workplace. An evidence review: summary report* (March 2012); Ewa Sygit-Kowalkowska and Marci Ziółkowski, 'Workplace stress and alcohol consumption. Research state-of-art review and further development' (2019) 32(2) *Alcoholism and Drug Addiction/Alkoholizm i Narkomania*.
- 1266 Commonwealth of Australia Department of Health, *National Alcohol Strategy 2019-2028* (2019); 'What is Harm Minimisation?', *Commonwealth of Australia Department of Health* (Web Page, 2004) <<https://www1.health.gov.au/internet/publications/publishing.nsf/Content/drugtreat-pubs-front5-wk-toc~drugtreat-pubs-front5-wk-secb~drugtreat-pubs-front5-wk-secb-6~drugtreat-pubs-front5-wk-secb-6-1>>.
- 1267 Commonwealth of Australia Department of Health, *National Alcohol Strategy 2019-2028* (2019).
- 1268 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*; VicHealth, *Reducing alcohol-related harm in the workplace. An evidence review: summary report* (March 2012).
- 1269 See, eg, 'Australian Guidelines to Reduce Health Risks from Drinking Alcohol', *National Health and Medical Research Council* (Web Page, 2020) <<https://www.nhmrc.gov.au/health-advice/alcohol>>.
- 1270 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*.
- 1271 Interview 186, *CPW Review*.
- 1272 Interview 299, *CPW Review*.
- 1273 Foundation for Alcohol Research and Education, Submission E67, *CPW Review*.

- 1274 This figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).
- 1275 These include submissions identified as confidential, or for which consent to publishing has not been expressly provided by the author.
- 1276 The Department of Finance and each of the parliamentary departments did not provide separate policies dealing with workplace sexual assault. Rather, sexual assault is typically dealt with within the terms of the relevant workplace bullying and harassment (or similarly named) policy which applies to the department – see the above table. Generally, the policies provide that sexual assault (or workplace violence) should be reported to the police.
- 1277 This does not purport to be a comprehensive summary of each policy and procedure. Rather, it is intended to provide a high-level outline, particularly to highlight the policies and procedures which were in place during the relevant period, the type of workplace behaviour covered and the range of applicable complaint handling procedures.
- 1278 The policies and procedures referred to in Table 3.1 in the Appendix in this report were provided by the Department of Finance and the parliamentary departments in response to Requests for Information sent to them (separately) by the Commission.
- 1279 Department of Finance, Request for Information, 27 July 2021.
- 1280 See Department of Finance, *Circular No. 2018/06* (2018), <https://maps.finance.gov.au/sites/default/files/circulars/2018-06_departmental_circular.pdf>.
- 1281 Department of Finance, Request for Information, 27 July 2021.
- 1282 Department of Finance, *Procedures for determining breaches of the APS Code of Conduct* (2019) <<https://www.finance.gov.au/sites/default/files/2021-07/procedure-for-determining-breaches-of-the-aps-code-of-conduct.pdf>>.
- 1283 Department of the Senate, Request for Information, 30 July 2021.
- 1284 Department of the Senate, Request for Information, 30 July 2021.
- 1285 The Department of Finance and each of the parliamentary departments did not provide separate policies dealing with workplace sexual assault. Rather, sexual assault is typically dealt with within the terms of the relevant workplace bullying and harassment (or similarly named) policy which applies to the department – see the above table. Generally, the policies provide that sexual assault (or workplace violence) should be reported to the police.
- 1286 Department of the Senate, Request for Information, 30 July 2021.
- 1287 Department of the Senate, Request for Information, 30 July 2021.
- 1288 Department of the Senate, Request for Information, 30 July 2021.
- 1289 The Department of Finance and each of the parliamentary departments did not provide separate policies dealing with workplace sexual assault. Rather, sexual assault is typically dealt with within the terms of the relevant workplace bullying and harassment (or similarly named) policy which applies to the department – see the above table. Generally, the policies provide that sexual assault (or workplace violence) should be reported to the police.
- 1290 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1291 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1292 The Department of Finance and each of the parliamentary departments did not provide separate policies dealing with workplace sexual assault. Rather, sexual assault is typically dealt with within the terms of the relevant workplace bullying and harassment (or similarly named) policy which applies to the department – see the above table. Generally, the policies provide that sexual assault (or workplace violence) should be reported to the police.
- 1293 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1294 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1295 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1296 Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1297 The Department of Finance and each of the parliamentary departments did not provide separate policies dealing with workplace sexual assault. Rather, sexual assault is typically dealt with within the terms of the relevant workplace bullying and harassment (or similarly named) policy which applies to the department – see the above table. Generally, the policies provide that sexual assault (or workplace violence) should be reported to the police.
- 1298 Parliamentary Budget Office, Request for Information, 10 August 2021.
- 1299 The Department of Finance and each of the parliamentary departments did not provide separate policies dealing with workplace sexual assault. Rather, sexual assault is typically dealt with within the terms of the relevant workplace bullying and harassment (or similarly named) policy which applies to the department – see the above table. Generally, the policies provide that sexual assault (or workplace violence) should be reported to the police.
- 1300 Parliamentary Budget Office, Request for Information, 10 August 2021.
- 1301 Parliamentary Budget Office, Request for Information, 10 August 2021.
- 1302 Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 1303 Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 1304 Department of the Prime Minister and Cabinet,

- Request for Information, *Policies*, 26 August 2021; Department of the Prime Minister and Cabinet, Request for Information, 22 October 2021.
- 1305 Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 1306 Department of the Prime Minister and Cabinet, Request for Information, 26 August 2021.
- 1307 Department of Finance, Request for Information, 27 July 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1308 Department of Finance, Request for Information, 27 July 2021.
- 1309 Department of Finance, Request for Information, 27 July 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1310 Department of Finance, Request for Information, 27 July 2021; Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1311 Department of Finance, Request for Information, 27 July 2021.
- 1312 Department of Finance, Request for Information, 27 July 2021.
- 1313 Department of Finance, Request for Information, 27 July 2021.
- 1314 Department of Finance, Request for Information, 27 July 2021.
- 1315 Department of Finance, Request for Information, 27 July 2021.
- 1316 Department of Finance, Request for Information, 27 July 2021.
- 1317 'Case Management', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/case-management>>.
- 1318 Department of Finance, Request for Information, 27 July 2021.
- 1319 Department of Finance, Request for Information, 27 July 2021.
- 1320 Department of Finance, Request for Information, *Staff Help Desk Data*, 27 July 2021.
- 1321 Department of Finance, Request for Information, *Staff Help Desk Data*, 27 July 2021.
- 1322 'Parliamentary Support Line 1800 APH SPT', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/parliamentary-support-line-1800-aph-spt>>.
- 1323 'Parliamentary Support Line 1800 APH SPT', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/parliamentary-support-line-1800-aph-spt>>.
- 1324 Department of Finance, Request for Information, 27 July 2021.
- 1325 Department of Finance, Request for Information, 27 July 2021.
- 1326 'Employee Assistance Program (EAP)', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/employee-assistance-program-eap>>.
- 1327 Department of Finance, Request for Information, 27 July 2021.
- 1328 Department of Finance (Ministerial and Parliamentary Services), *Minutes – Work Health and Safety Committee Meeting* (26 February 2021) <<https://maps.finance.gov.au/sites/default/files/2021-04/WHS%20Committee%20Meeting%20Minutes%20-%2026%20February%202021.pdf>>.
- 1329 Department of Finance, Request for Information, 27 July 2021. Note: these figures relate to the EAP service available to MOP(S) Act employees.
- 1330 Department of Finance, Request for Information, 27 July 2021. Note: different issue categories were given for the 2016-2018 and 2018-2021 periods, potentially leading to differences in the types of bullying and harassment queries captured.
- 1331 'NewAccess workplaces – mental health coaching', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/newaccess-workplaces-mental-health-coaching>>.
- 1332 'NewAccess workplaces – mental health coaching', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/newaccess-workplaces-mental-health-coaching>>.
- 1333 Department of Finance, Request for Information, 27 July 2021.
- 1334 'Staff Assistance Officers', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/responding-and-support/staff-assistance-officers>>.
- 1335 Department of Finance, Request for Information, 27 July 2021.
- 1336 Department of Finance, Request for Information, 27 July 2021.

- 1337 Department of Finance, Request for Information, 27 July 2021.
- 1338 Department of Finance, Request for Information, 27 July 2021.
- 1339 Department of Finance, Request for Information, 27 July 2021.
- 1340 Department of Finance, Request for Information, 27 July 2021.
- 1341 Department of Finance, Request for Information, 27 July 2021.
- 1342 Department of Finance, Request for Information, 27 July 2021.
- 1343 Department of Finance, Request for Information, 27 July 2021.
- 1344 Department of Finance, Request for Information, 27 July 2021.
- 1345 Department of Finance, Request for Information, 27 July 2021.
- 1346 Department of Parliamentary Services, Request for Information, 17 August 2021. For Department of Parliamentary Services, presentations does not necessarily equal the number of individual staff who accessed EAP. Rather it refers to the number of enquiries received. If any person presented to the EAP on more than one occasion they are represented in the data more than once.
- 1347 Department of the Senate, Request for Information, 30 July 2021; Department of the House of Representatives, Request for Information, 2 August 2021; Parliamentary Budget Office, Request for Information, 10 August 2021; Department of Parliamentary Services, Request for Information, 17 August 2021.
- 1348 Parliamentary Budget Office, Request for Information, 10 August 2021.
- 1349 Department of the Senate, Submission E79, CPW Review.
- 1350 Department of the House of Representatives, Request for Information, 2 August 2021.
- 1351 Department of Parliamentary Services, Request for Information, 17 August 2021. The Department of Parliamentary Services indicated that this counts the number of enquiries received, not the number of individual staff making the enquiry so the same person could be counted more than once if they made more than one contact. Also, the Department of Parliamentary Services informed the Commission that data for the whole period of the last five financial years is not available.
- 1352 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1353 'What can I do if I am being bullied or harassed at work?', *Department of Finance (Ministerial and Parliamentary Services)* (Web Page, 28 June 2021) <<https://maps.finance.gov.au/safe-and-respectful-workplace-culture/what-can-i-do-if-i-am-being-bullied-or-harassed-work>>.
- 1354 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1355 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1356 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1357 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1358 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1359 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1360 Department of Finance (Ministerial and Parliamentary Services), *Workplace Bullying and Harassment Policy* (2021).
- 1361 Department of Finance, Request for Information, 27 July 2021.
- 1362 Department of Finance, Request for Information, *Managing and Addressing Inappropriate Workplace behaviour*, 27 July 2021.
- 1363 Department of Finance, Request for Information, 27 July 2021.
- 1364 Department of the Senate, Request for Information, *Workplace Bullying, Harassment and Discrimination Policy*, 30 July 2021; Department of the House of Representatives, Request for Information, *Discrimination, Bullying and Harassment Prevention Policy and Guidelines*, 2 August 2021; Parliamentary Budget Office, Request for Information, *Appropriate Workplace Behaviour Policy*, 10 August 2021.
- 1365 Department of the Senate, Request for Information, *Workplace Bullying, Harassment and Discrimination Policy*, 30 July 2021; Parliamentary Budget Office, Request for Information, *Appropriate Workplace Behaviour Policy*, 10 August 2021.
- 1366 Department of the Senate, Request for Information, *Workplace Bullying, Harassment and Discrimination Policy*, 30 July 2021; Department of the House of Representatives, Request for Information, *Discrimination, Bullying and Harassment Prevention Policy and Guidelines*, 2 August 2021; Parliamentary Budget Office, Request for Information, *Appropriate Workplace Behaviour Policy*, 10 August 2021; Department of Parliamentary Services, Request for Information, *DPS Policy for Preventing and Responding to Workplace Bullying*, 17 August 2021.
- 1367 Department of the Senate, Request for Information, *Procedures for determining suspected breaches of the Parliamentary Service Code of Conduct*, 30 July 2021; Department of the House of Representatives, Request for Information, *Procedures for determining breaches of the Code of Conduct and determining sanctions*, 2 August 2021; Department of Parliamentary Services, Request for Information, *DPS procedures for determining breaches of the Code of Conduct and for determining sanctions*, 17 August 2021.

- 1368 Department of Finance, Submission E76, *CPW Review*, 10.
- 1369 Senator the Hon. Simon Birmingham, 'Launch of Parliamentary Workplace Support Service' (Media Release, 23 September 2021) <<https://www.financeminister.gov.au/media-release/2021/09/23/launch-parliamentary-workplace-support-service>>; Stephanie Foster, *Review of the parliamentary workplace: responding to serious incidents* (2021) 58.
- 1370 *Australian Constitution s 44; Commonwealth Electoral Act 1928 (Cth) s 386*.
- 1371 *Australian Constitution s 44*.
- 1372 Joint Committee on *Parliamentary Privilege, UK Parliament, Parliamentary Privilege – First Report* (1998-99, HL43-I, HC214-I) ch 6.
- 1373 See, eg, expulsion of Hugh Mahon in 1920 for "Conduct unfitting for a member": Commonwealth, *Parliamentary Debates*, House of Representatives, 11 November 1920, 6382-89 (William Hughes, Prime Minister). See discussion in Enid Campbell, *Parliamentary Privilege* (Federation Press, 2003) 209. See, also, *Armstrong v Budd* (1969) 71 SR (NSW) 386.
- 1374 The source of the Westminster parliamentary system in Australia is its adoption of the *Commonwealth of Australia Constitution Act 1900*.
- 1375 Department of Prime Minister and Cabinet, *Statement of Ministerial Standards* (2018) 5-8.
- 1376 *Members of Parliament (Staff) Act 1984 (Cth) s 5*.
- 1377 Department of Finance, Submission E76, *CPW Review*, 12.
- 1378 Anne Tiernan, *Power without responsibility: Ministerial staffers in Australian governments from Whitlam to Howard* (UNSW Press, 2007) 205.
- 1379 Department of Prime Minister and Cabinet, *Our Public Service, Our Future – Report of the Independent Review of the Australian Public Service* (2019) 41.
- 1380 'Statement of Standards for Ministerial Staff', *Special Minister of State* (Web Page) <<https://www.smos.gov.au/statement-standards-ministerial-staff>>.
- 1381 *Parliamentary Service Act 1999 (Cth)*, ss 10, 13, 15.
- 1382 *Public Service Act 1999 (Cth)* ss 10, 13, 15.
- 1383 Australian Federal Police Act 1979 (Cth), Part V.
- 1384 UK Parliament, *Bullying and Harassment Policy for UK Parliament* (2021) 17; UK Parliament, *Sexual Misconduct Policy for UK Parliament* (2021) 15-16.
- 1385 UK Parliament, *Bullying and Harassment Policy for UK Parliament* (2021) 17.
- 1386 UK Parliament, *Bullying and Harassment Policy for UK Parliament* (2021) 13; UK Parliament, *Sexual Misconduct Policy for UK Parliament* (2021) 12.
- 1387 The Scottish Parliament, *Sexual Harassment Policy: Reporting Procedures and Support* (2019) 6.
- 1388 Canadian House of Commons, *Standing Orders Appendix II – Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members* (2021) cl 14(2).
- 1389 Canadian House of Commons, *Standing Orders Appendix II – Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members* (2021) cl 5.
- 1390 'Respectful Workplace Policy – Office of the Prime Minister and Ministers' Offices', *Canadian Parliament* (Web Page, 29 September 2020) <<https://www.canada.ca/en/treasury-board-secretariat/services/respectful-workplace-policy-office-prime-minister-ministers-offices.html#toc9>>.
- 1391 'Respectful Workplace Policy – Office of the Prime Minister and Ministers' Offices', *Canadian Parliament* (Web Page, 29 September 2020) <<https://www.canada.ca/en/treasury-board-secretariat/services/respectful-workplace-policy-office-prime-minister-ministers-offices.html#toc9>>; House of Commons Canada, *Members of the House of Commons Workplace Harassment and Violence Prevention Policy* (2021) <https://www.ourcommons.ca/content/boie/pdf/policy_preventing_harassment-e.pdf> 8.

