

**Senate Finance and Public Administration Legislation Committee
—Budget Estimates Hearing—May 2015**

Answers to Questions on Notice

Parliamentary departments, Department of Parliamentary Services

Topic: **Departmental Dispute Resolution**

Question: **52**

Written: **Senator Ludwig**

Date set by the committee for the return of answer: 10 July 2015

1. How are disputes between departmental and/or agency staff mediated?
2. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 - a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b. Amount paid to each firm since the last budget.
 - c. When the contract with the firm commenced.
 - d. When the contract with the firm will expire.
 - e. Why the firm was selected to provide the service.
 - f. Please provide a list of disputes referred to the firm, including a brief description of the dispute.
3. How are code of conduct violations by departmental and/or agency staff mediated?
4. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 - a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b. Amount paid to each firm since the last budget.
 - c. When the contract with the firm commenced.
 - d. When the contract with the firm will expire.
 - e. Why the firm was selected to provide the service.
 - f. Please provide a list of disputes referred to the firm, including a brief description of the dispute.

Answer

1. Disputes are dealt with by the appropriate supervisor/manager initially. To facilitate resolution, disputes may be escalated internally and can be escalated externally to Fair Work Australia. A dispute may be mediated using an external provider to assist achieving a positive outcome.
2. No firms are currently contracted to assist with this process. The Department's Employee Assistance Program (EAP) provider, Davidson Trahaire Corpsych, can provide these services on a case by case basis.
 - a. Fees are paid on an hourly/daily rate for each consultation.
 - b. \$2,904 – one mediation.
 - c. Contract for EAP services commenced 27 March 2015.
 - d. Contract for EAP services is due to expire 27 March 2016.
 - e. The firm was selected based on the requirement for personnel on offer to be qualified psychologists.
 - f. Since 1 July 2014, one mediation process involving a contractor mediator has occurred. This involved a dispute between an employee and their supervisor.
3. Code of conduct investigations are conducted by a mix of suitable qualified DPS staff and external investigators. External investigators are appointed from panel arrangements managed by a variety of Commonwealth agencies.
4. a. Fees are paid on an hourly/daily rate for each consultation.

- b. CPM Reviews - \$79,100.35 has been paid since 1 July 2014. This amount includes payment for work undertaken prior to 1 July 2014.
HBA Consulting Pty Ltd - \$17,600
- c. There are no individual contracts with firms. Panel arrangements allow a range of Commonwealth agencies to leverage off open tender arrangements conducted by other agencies. The Department of Parliamentary Services uses panel arrangements for the provision of Workplace Investigation Services managed by other Commonwealth agencies including the Attorney-General's Department or the Australian Taxation Office.
- d. The expiry date is linked to the Standing Offer for services which is established through the panel arrangement. The expiry dates vary depending upon the Standing Offer. Standing Offer information is available on the Austender website.
- e. Firms have been selected to provide the services based on their inclusion, through an open tender arrangement, on a panel arrangement with another Commonwealth agency to provide workplace investigation services. In selecting a firm from a panel arrangement, consideration is given to skills, experience, availability and value for money.
- f. The following firms were engaged since the last budget to undertake code of conduct investigations:
 - CPM Reviews – Code of conduct investigation
 - CPM Reviews – Preliminary investigation into allegations of bullying and harassment
 - HBA Consulting – Code of conduct investigation
 - HBA Consulting – Code of conduct investigation