

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**SENATE BUDGET ESTIMATES 2015**

Prime Minister and Cabinet Portfolio

**Department/Agency: Australian National Audit Office**

**Outcome/Program:**

**Topic:** Departmental Dispute Resolution

**Senator:** Senator Ludwig

**Question reference number: 229**

**Type of question: WRITTEN**

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

**Number of pages: 2**

**Question:**

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:
  1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
  2. Amount paid to each firm since the last budget.
  3. When the contract with the firm commenced.
  4. When the contract with the firm will expire.
  5. Why the firm was selected to provide the service.
  6. 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?
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**Answer:**

1. The ANAO's Enterprise Agreement 2011-2014, clause 59, details the Internal Fair Treatment Procedures to be followed to resolve workplace grievances and complaints.
2. In the last financial year, no firm has been engaged to resolve workplace disputes.

3. The ANAO's Procedures for Determining Breaches of the Code of Conduct and Sanctions outlines the process for investigation of alleged breaches and the sanctions that would apply. Those sanctions do not include mediation.
4. One firm has been engaged to investigate an alleged breach of the code of conduct.
  1. One payment was made at completion of the engagement.
  2. The amount paid was \$14,234.80.
  3. The contract commenced on 16 June 2014.
  4. The contract expired on 19 September 2014.
  5. The firm was engaged based on its relevant experience with APS reviews and code of conduct investigations and its highly regarded reputation.
  6. The firm was engaged to investigate an alleged breach of the code of conduct and details are not disclosed to protect the privacy of the individuals.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**BUDGET ESTIMATES 2015**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Australian Public Service Commission

**Outcome/Program:** 1.1

**Topic:** Departmental Dispute Resolution

**Senator:** Ludwig

**Question reference number:** 229

**Type of question:** written

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

**Number of pages:** 1

**Question:**

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  5. Why the firm was selected to provide the service.

Please provide a list of disputes referred to the firm, including a brief description of the dispute.

**Answer:**

1. Disputes between departmental and/or agency staff are either mediated internally by managers or with the assistance of a professional mediation service.
2. No outside firms are currently contracted to assist with this process.
3. Code of conduct violations are either investigated by agency staff or by professional investigators.
4. No outside firms are currently contracted to assist with this process.

**Senate Finance and Public Administration Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates Hearing May 2015

Prime Minister and Cabinet Portfolio

<b>Department/Agency:</b>	Office of the Inspector-General of Intelligence and Security
<b>Outcome/Program:</b>	Outcome 1
<b>Topic:</b>	Departmental Dispute Resolution
<b>Senator:</b>	Ludwig
<b>Question reference number:</b>	229
<b>Type of question:</b>	Written
<b>Date set by the committee for the return of answer:</b>	10 July 2015
<b>Number of pages:</b>	2
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Please provide a list of disputes referred to the firm, including a brief description of the dispute.

**Answer:**

1. Disputes between agency staff would be mediated in accordance with the OIGIS Enterprise Agreement 2011 – 2014. This requires that a dispute that cannot be resolved at the workplace level may be referred to Fair Work Australia to attempt to resolve the dispute, including by mediation. The agency of an employee who is a party to the dispute may appoint another person, organisation or association to accompany and/or represent them.
2. No outside firms are currently contracted to assist with the process.

3. Suspected code of conducted violations are handled in accordance with the OIGIS 'Procedure for determining suspected breaches of the APSC Code of Conduct' (last updated August 2012). While the procedure is silent in regards to mediation, it allows for a person from outside the agency to be selected to conduct an investigation if a person from within the agency cannot satisfy the requirement that the matter be investigated by someone who has not had a direct interest in the matter or may be otherwise perceived to be biased.
4. No outside firms are currently contracted to assist with the process.

Senate Finance and Public Administration Committee

**Senate Finance and Public Administration Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
BUDGET ESTIMATES 2015-16

Prime Minister and Cabinet

**Department/Agency:** National Australia Day Council

**Outcome/Program Group:** All

**Topic:** Departmental Dispute Resolution

**Senator:** Senator Ludwig

**Question reference number:** 229

**Type of question:** Written

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**Answer:**

1. NADC is a company entity and has internal policies and employment contracts to manage disputes.
2. No (sub-questions are therefore N/a)
3. N/a – Employees are not engaged under the APS Act.
4. No (sub-questions are therefore N/a)

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**ADDITIONAL ESTIMATES 2015-2016**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Office of the Commonwealth Ombudsman

**Outcome/Program:**

Outcome 1. Fair and accountable administrative action by Australian Government entities and prescribed private sector organisations, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting.

**Topic:** Departmental Dispute Resolution

**Senator:** Senator Ludwig

**Question reference number:** 229

**Type of question:** Written

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

**Number of pages:** 2

**Question:**

- (1) How are disputes between departmental and/or agency staff mediated?
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**Answer:**

- (1) Disputes between agency staff are mediated in accordance with the provisions in the Office of the Commonwealth Ombudsman Enterprise Agreement 2011-2014, through an internal review of actions or in accordance with the dispute resolution procedure.
- (2) Services are procured on a case-by-case basis:
  1. Fee for service
  2. \$1,935.50 to 'Coach-IT'
  3. 30 March 2015
  4. n/a
  5. Specialised skills and knowledge
  6. One matter involving alleged bullying and harassment.
- (3) Refer to (1) above.
- (4) No outside firms have been contracted to assist with this process.



Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Prime Minister and Cabinet Portfolio

**Department/Agency:** Office of National Assessments

**Outcome/Program:** 1

**Topic:** Departmental Dispute Resolution

**Senator:** Senator Ludwig

**Question reference number:** 229

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Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Prime Minister and Cabinet Portfolio

- f. Please provide a list of disputes referred to the firm, including a brief description of the dispute

**ONA Response:**

1. ONA seeks to resolve any disputes at the local level and if necessary in partnership with ONA HR staff. Disputes involving employment related matters are dealt with under the dispute resolution procedures in the ONA Enterprise Agreement or through procedures available in legislation.
2. No.
3. Suspected cases of misconduct are investigated and managed in line with established APS guidelines issued by the Australian Public Service Commission.
4. No.

**Senate Finance and Public Administration Legislation Committee**

**Additional Estimates – May 2015**

ANSWER TO QUESTIONS ON NOTICE

Prime Minister and Cabinet portfolio

**Department/Agency:** Office of the Official Secretary to the Governor-General

**Program 1:** Support for the Governor-General and Official Activities

**Outcome 1:** The performance of the Governor-General's role is facilitated through the organisation and management of official duties, management and maintenance of the official household and property and administration of the Australian Honours and Awards system.

**Topic:** Departmental Dispute Resolution

**Senator:** Ludwig

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Please provide a list of disputes referred to the firm, including a brief description of the dispute.

**Answer:**

1. Consistent with the Fair Work Act 2009, any disputes over matters covered by the Enterprise Agreement or disputes in relation to the National Employment Standards (NES) are settled through consultation, employee assistance and support (including the opportunity for representation of choice), and independent mediation if required.
2. No outside firms are contracted to assist with this process.
3. In accordance with the Office policy on Breach of Code of Conduct, the Official Secretary or authorised officer determines the course of action to be taken in regard to any suspected breaches of the Code of Conduct. Employee assistance and support (including the opportunity for representation of choice), and independent mediation is available if required.
4. No outside firms are contracted to assist with this process.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates Hearing 25-29 May 2015**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Department of the Prime Minister and Cabinet  
**Outcome/Program:** Outcome 1: Prime Minister and Cabinet  
**Topic:** Departmental Dispute Resolution

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 229

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**Answer:**

1. This depends on the nature and seriousness of the dispute. Minor disputes can be handled in the workplace with support from the manager where they are not directly involved in the dispute, and from experts in the People Branch of the Department. For more serious disputes, qualified external mediators can be engaged to assist.

2. Yes. The Department's Employee Assistance Programme provider, Optum, can provide mediation services.
3.
  - a. The Department does not record spending on, or action arising from, mediation in a way that would readily allow answers to be provided. To attempt to provide this information would require an unreasonable diversion of departmental resources.
  - b. 3 March 2014
  - c. These services are provided under a Memorandum of Understanding with the Department of Human Services. The services agreement provides that arrangements will remain in place until such time as they are replaced by a new agreement or terminated by either party to the agreement.
  - d. Optum is a qualified service provider with experience mediating employee disputes.
4. Managers and employees can engage the provider for these services directly. The Department does not hold a central record of disputes. To attempt to provide this information would require an unreasonable diversion of departmental resources.
5. PM&C employees do not typically mediate disputes between employees arising from alleged breaches of the code of conduct. The Department would engage a qualified external mediator if and when such a situation arose.
6. The Department has not engaged an external mediator for this purpose to date.
7. Not applicable.