

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

## Introduction

My working life spanned 45 years, nineteen of them at Parliament House. Five were either as a political staffer or a seconded departmental adviser. [REDACTED]

I've been variously employed under the Public Service Act, the Parliamentary Services Act and the Members of Parliament (Staff) Act.

I worked for three, now former, Members of Parliament [REDACTED]  
[REDACTED]  
[REDACTED]

I was employed between 1984 -1991 and 1993-2002 [REDACTED] working principally in the areas of labour economics, industrial relations, labour law and on Australia Government and public administration. [REDACTED]  
[REDACTED]

In 1983-84 and subsequently in 1991-93, 1995 and 2002-2009, I worked in what, for simplicity, I'll call the 'Department [REDACTED] as a legal policy specialist, latterly as member of the Senior Executive Service.

In [REDACTED]  
[REDACTED] 2008 I worked on the repeal of the Work Choices legislation and the enactment of the *Fair Work Act 2009*.

I have also been a lead negotiator in a series of enterprise agreements – [REDACTED]  
[REDACTED] where I represented the employees and [REDACTED]  
[REDACTED] where I acted for the employer.

In 2011-12, I worked in the public sector [REDACTED] as lead negotiator assisting with the preparation of their enterprise agreement.

In the early 1980s, I spent two years as a part-time tutor [REDACTED] I hold four degrees including two post graduate qualifications from that university spread across the disciplines of law, politics and economics.

While studying [REDACTED] in the 1970s I lived on campus, was assistant bursar of a university college where for a time I co-ordinated the student workforce. While undertaking Legal

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

Workshop in 1980 I returned to campus to be live-in Deputy Master of the same college, a position I relinquished at the end of 1982.

That's not what many might call a well mapped-out career but generally it was a happy one and often relevant to this Review's the terms of reference.

What follows focuses on three questions:

- Why parliament may no longer be as widely regarded as good a place to work
- Why a significant number of parliamentary and political staff do not regard Parliament House and the offices of some parliamentarians as safe places of work
- What might be done, beyond creating an independent complaints mechanism to deal with harassment and bullying, to address poor work practices and unreasonable work pressures in Commonwealth Parliamentary workplaces

## Framing the Problem

Perhaps I should consider myself lucky, but I recall working for Parliament and for individual Members overwhelmingly as positive experience.

I was not subject to bullying or any form of harassment and only rarely was treated in an unreasonable manner. That was pretty much the experience of most of my co-workers and contemporaries, male and female. That's not to say that each and every aspect of those workplaces was ideal. Nor would I claim that they were entirely free from unconscious or ingrained forms of bias.

I had excellent supervisors and work colleagues [REDACTED]  
Each of the four parliamentarians I was employed by over the years were easy to work with and a credit to their constituents. Each did the country a favour by going into public life.

Relations with political staff and other offices and those working in other parliamentary departments were, with very rare exceptions respectful, productive and cordial. I still count many of those I worked with as close and trusted friends as well as excellent company.

I have struggled to recall instances of bullying in parliamentary workplaces. One I saw first-hand and involved a Minister berating a parliamentary attendant. The poor behaviour there may or may not have gone unpunished. A second matter involved a very senior figure [REDACTED] publicly (and erroneously) taking [REDACTED] staff member to task. In that instance, the matter was reported to the [REDACTED] who personally reprimanded the senior MP involved. The third case involved a senior [REDACTED] journalist who had a reputation for 'chewing out and chewing up' research assistants. I had previously worked with one of his victims. I'm not sure how or if that matter was resolved except that my former work colleague soon left his employ. But those examples are each drawn from the [REDACTED] and that is now a very long time ago.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

I'm now well placed to look back on the past through rose tinted glasses should the urge come over me to acquire a pair. However, I don't believe my work experiences were particularly unusual or atypical.

## Public perceptions and staff morale

The catalogue of recent accusations and revelations that prompted this review are unsettling and on a scale that I had not anticipated or imagined.

Public trust is a fragile thing and the community reaction to those scandals and accusations of wrongdoing is as understandable as it has been withering.

What does not surprise me is that the public (in the main) find it easy to accept that still untested accusations against a number of MPs and staffers are more likely than not to be substantially correct.

Parliament and parliamentarians en masse, do not enjoy untarnished reputations in the wider community. Some of that negative sentiment might perhaps be explained away as part of a wider malaise or connected with perceptions of declining standards generally. But it is also entirely understandable that a public regularly exposed to doubtful behaviour ██████████ ██████████ on show at Question Time, and sometimes during televised Committee hearings, might reasonably conclude that standards of parliamentary behaviour are either unacceptably low or in chronic decline.

Although many more electors like and respect their local member, few would probably want to work for them or endure the hours, travel, dislocation and work pressures that come with their job or those of their staff.

My impression is that many current and former parliamentary and political staffers have formed similar negative views. Any pre-existing concerns and doubts have also acquired a harder edge.

This is incredibly disheartening and sad. Many first rate individuals have dedicated themselves to the political process and to serving the institutions of Australian democracy. They have every right to feel turned-off and more than a little let down.

Moreover, the problems and issues that fall within this Review's terms of reference are not new.

It highly regrettable that the matters underlying those of current and immediate concern were not fully or adequately addressed at an earlier time, especially when the opportunity presented itself – for instance, during and immediately after the Senate Finance and Public Administration Committee's Inquiry into the MoP(S) Act in 2003.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

## What's changed?

Some are no doubt wondering how we got here and why the protections legislated mostly in the 1980s and 1990s ultimately proved so inadequate in the parliamentary environment and some parliamentary workplaces.

In a way, it starts with two buildings.

The modesty and humble symbolism of the old 'wedding cake' is long gone. Like many of us who worked there, it is now (literally) a museum piece.

By contrast, the new and permanent Parliament House offers a more forbidding and increasingly fortified exterior. It is cast on an industrial scale, an insulated and compartmentalised city within a city. To many, it's a hard and outsized place, with lots of hard surfaces and, notwithstanding all the well manicured gardens and impressive public spaces, hard to warm to.

When I started working for two MPs back in 1981, Parliament comprised 125 Members of the House of Representatives and 64 Senators.

Each Member and Senator had only two electorate staff and ministerial staff and their Opposition equivalents were comparatively few in number – perhaps only several hundred in total if the apolitical Departmental Liaison Officers are excluded from the count.

Numbers of ministerial and Members and Senator's personal and political staff pretty much doubled between 1983 and 2007 and that rate of increase resumed after 2009. There are now over 2000 staffers employed under the *Members of Parliament (Staff) Act 1984*.

While the ranks of MoP(S) Act and political staffers have continued to swell, the number of parliamentary staff employed to provide independent advice and non partisan help to Members and Senators and parliamentary committees has declined over the last two decades. Largely they have fallen victim to the long run effects of the government efficiency dividend.

In my experience, the architecture, insularity and sheer size of current building also militates against more collegiate working arrangements. Individual parliamentary offices and workplaces are more "balkanised" and more "shut-off" than prior to 1988.

It is difficult to detect a unifying workplace culture, toxic or otherwise. And, to my mind, it's harder to identify a spirit of service to the greater good than it was in pre-1988 times.

There also have been significant changes to the "regulatory environment" in which Parliament operates. Some have helped. Some have had little positive impact at all.

In 1982 there was no MoP(s) Act, no Sex Discrimination Act, no Parliamentary Services Act and no Commonwealth Occupational Health and Safety Act. Prior to 1984, the majority of parliamentary

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

staffers, including ministerial and personal staff, generally were full-time employees engaged under the *Public Service Act 1922*.

Likewise, there were no general federal industrial laws constraining unfair dismissal and unlawful termination. There was no enterprise bargaining and there was still a Public Service Arbitrator. There was no permanent part-time work in the APS or in parliamentary workplaces. Pay and conditions were generally set by industrial awards and Public Service Board determinations.

There were five parliamentary Departments. Significantly, each was relatively small. Parliament did not have its own Budget Bills and there was no Parliamentary Budget Office.

Since the 1980s, of course, there have been massive changes to technology affecting the way that the work of the parliament and parliamentarians has been performed. In 2020-21, the phrase 'virtual parliament' has an entirely different and less critical import to what it would have had in the 1980s.

My guess is that staffing profiles have also changed significantly over the last forty years. Not only has the number of women parliamentarians increased but so too has the number and proportion of female employees and staffers.

Some heavily gendered tasks and work spaces (such as typing pools) have disappeared entirely. Seeing women in powerful and prominent positions is now (happily) a commonplace. (I still recall a number of news items in 1981 somewhat breathlessly recounting that the office of ██████████ ██████████ was entirely staffed by women. Thankfully, such colour pieces ceased to be newsworthy decades ago.)

Consistent with trends in wider society, the parliamentary workforce overall is less unionised than in the early 1980s, especially on the conservative side of politics. In some ways, and without ascribing blame, that too is unfortunate.

Unions can be a bulwark against poor or questionable behaviour in the workplace. They can act as a shield against forms of unreasonable pressure including those that arise from the demands of the job or the way that work is organised rather than the leanings and eccentricities of the boss. Unions have their own limitations. But for those who freely choose to join, they can provide useful support and a degree of reassurance.

My informed guess is that the majority of MP's staff are on average now younger than their equivalents of four decades ago and have less immediately relevant work experience - which is not to say they are any less hardworking, qualified or talented.

The pre-MoP(S) Act secondment model did though work to assist Ministers and backbenchers to recruit employees with at least relevant work experience. Clearly, to be seconded, an employee must necessarily have an existing job. In addition, many secondees would already have been picked out as potential future APS leaders or higher performers. Generally, they would have brought with them a

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

greater familiarity with government, modes of public administration and an understanding of public sector norms and ethics. High turnover rates and parliamentary workplaces increasingly populated with younger and less experienced MoP(S) Act employees, has probably though been the norm for some years.

Many of the legislated and institutional changes referred to above have mirrored shifts in society at large.

On the positive side, some of those initiatives reflected a desire for greater openness and accountability in government and in the way that Parliament and individual parliamentarians operate. Some of the post 1983 legislative activity noted above also had its genesis in broader efforts to strengthen and codify the workplace rights of individuals and limit the scope for employers to act capriciously.

To its credit, Parliament adopted many of those reforms though albeit sometimes slowly or even reluctantly.

Less encouragingly, debate over just how closely the employment status of persons engaged by the Parliament should mirror employment arrangements and pay and conditions elsewhere - principally those applying in the APS - has been a recurring source of friction. This has, at times, complicated and delayed pay negotiations and similarly generated a good many 'special pleadings'. Managers and workers alike, when it has suited, have argued the uniqueness of Parliament as workplace. "Parliamentary exceptionalism" has sometimes been an obstacle to otherwise sensible reforms.

As with many large organisations, neither Parliament nor the Parliament House fiefdoms have been total strangers to 'turf wars' or battles over the control of information and resources. My impression though is that Institutional politics are now more benign and less reflexive than they once were. That's notwithstanding some tensions being either inevitable or constitutionally pre-determined. If I was looking for a source or sources of a so-called toxic workplace culture, I'd be less likely to look in the same spots that I would have twenty of so years ago.

Parliamentary governance too appears to function much more smoothly than it did even a few years back. The things that matter most to the public, government and the MPs, such as the legislative and Chamber processes, continue to be run exceptionally well.

However, because of the need to keep the machinery of government and the legislative process moving, difficult organisational issues and staffing matters can sometimes be left for 'another day'. As we are now seeing, when that day does arrive, it may do so unexpectedly and in the form of a crisis. To be fair, some crises though are more difficult to prepare for and anticipate than others.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

## Bad behaviour, bad culture or bad system

For parliamentary workplaces, 2021 to date has been a year of “home-grown” crises – the silver lining being that a crisis may by definition immediately presage or constitute a turning point.

Unfortunately for those actually charged with arriving at rational and timely solutions, the long standing view that parliamentary politics are anchored in a toxic, excessively muscular and dated workplace culture sits very comfortably alongside specific accusations of sexism, sexual misconduct and bullying. They are mutually reinforcing.

What also sets recent events apart though – what has brought on the crisis - is the courage and the willingness a few individuals to put their own reputations on the line. Doing so has required them to not only assert their rights but challenge a set of cultural biases and institutional arrangements that many rightly see as anti-women. For those wanting fair treatment and a better system it’s been a big and exhausting battle fought on two fronts. What has helped keep them going is perhaps an understanding that a main point of contention is whether the system under fire is a sitting duck or a dead one.

The most telling criticism of current arrangements for dealing with instances of predatory or bullying behaviour is not that they are outmoded, unclear, unfair and almost unworkable. It is that they serve neither the interests of wronged employees nor those of well intentioned and otherwise decent and competent managers. They don’t work for parliament as an institution. They do not enhance its reputation. Nor do they serve its long term interests.

A well-resourced, independent, nuanced and credible complaints mechanism is needed to address this. Such a mechanism is overdue. The sooner it is established, the better.

Although crucial, an effective complaints mechanism is not though a universal panacea.

It will solve some problems. It may provide both relief and comfort. It may, for a time at least, act as a deterrent. But it won’t address the underlying and root causes of every workplace problem, gendered or otherwise.

## Getting things straight

More needs to be done clarify key roles and responsibilities and to deal expeditiously and sensitively with wider allegations of poor, doubtful and unlawful behaviour.

To do that though - to get the lines of authority and accountability straight - it is first necessary to understand and accurately describe the nature and extent of the problems.

Clarifying who may do what and how, will assist in restraining rogue and unauthorised conduct. It may also help in making accurate assessments of what and where the problems are, who is causing them, and how they might best be addressed.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

Like many of my former Parliamentary Service Act colleagues, I have been disappointed by the frequent and indiscriminate references to “a toxic workplace culture at Parliament House” and to “bad behaviour by parliamentary staff” in media coverage and reportage.

To treat parliament as a single workplace is to tar everyone with the same brush. That is, at best, sloppy journalism – often from people who ought ██████████ know better.

As the terms of reference for this review correctly imply, the work of Parliament is carried out in many disparate workplaces not all of which are located in Parliament House or Canberra.

Many of those working in Parliament House don't have that much in common or even see or speak to those located elsewhere in the building much less socialise with them. The building's architecture, daily work pressures and the intermittent and irregular nature of the parliamentary sitting pattern all tend to promote 'compartmentalism'.

Many “political staffers” never travel to Canberra. Less than a fifth of the 2000 plus MoP(S) Act staff are located here.

Most “parliamentary staffers” are based in Parliament House and only infrequently travel elsewhere for work purposes. For them, day to day work is routinely non partisan and apolitical.

Media coverage misappropriating the term “parliamentary staff” to refer to ministerial and political staff is a clear misnomer. Used correctly, that term actually refers to the very people who don't work directly for Members and Senators or Ministers. “Parliamentary staffers” are, in the main, the workers employed under the Parliamentary Services Act and DLO's whose employment is regulated by the Public Service legislation. So defined, it's not the conduct of these “parliamentary staffers” that has been the subject of the various scandals at the centre of politics during much of 2021.

This is not simply a matter of nomenclature or semantics. If anything, it's close to a case of misdirection that may be inadvertent or otherwise.

## A multiplicity of workplaces and workplace cultures, some better than others

In reality, the nature and tempo of work varies widely across a multitude of parliamentary work spaces. Staff work under differing industrial instruments and have differing rights, responsibilities and expectations. They are subject to different pressures. Some are in more precarious employment than others. Some have clear career paths. Others don't. Some work is highly partisan but other functions are not.

It is true, of course, that political and parliamentary staff do have things in common. They can be subject to competing work pressures and tight deadlines. Many are relatively poorly paid and have little control over their workflows or day to day work priorities. Many work long hours including regular blocks of unpaid overtime. Each of those pressure points reflects an imbalance of power and unrealistic work expectations common to many parliamentary offices/workplaces.



# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

Unclear lines of authority not only tend to promote borderline or unacceptable behaviour, they make it more difficult to address. It is much the same where power imbalances are extreme or insufficiently unconstrained.

## The Alcohol Thing

Not for the first time, I have read and heard suggestions that Parliament House has a problem with ‘the booze’.

Such accusations have been directed at individuals and groups of MPs over the years. They’ve often been ignored – possibly a wise course. Sometimes they have been met by fierce but self-outing denials. Occasionally, though to no great effect, the odd journalist has found themselves on the wrong end of a privileges complaint.

None of this is very surprising or, for that matter, particularly shocking. [REDACTED]

Whether there is too much drinking amongst MPs and staff and whether the situation is already out of control or merely heading that way is not for me to judge.

In my five years working in the Old Parliament House I did witness a lot of drinking in the hours after dinner until late night rising. But not all the drinking was being done by MPs or their staff. [REDACTED]

The Non Member’s Bar (aka the Staff Bar) did translate to the current building but quickly closed due to a lack of patronage – hardly proof that staffers or members were or are drinking their heads off.

The University College that I lived in and helped to run for much of the 1970s and early 1980s also boasted an in-house bar. There were occasional problems with loud and drunken behaviour. The bar’s existence too was also regarded as something of a mystery because the College concerned had been founded by a number of protestant churches including at least two that were strong temperance advocates.

But the real reason for the bar inside the College was that it was seen as preferable to students leaving campus, getting a ‘snout full’ and then attempting to drive back to the rooms on campus. There’s still something to be said for that line of thinking.

## Worse than elsewhere?

As with the “alcohol thing”, recent controversies have been supercharged by the view that far from setting an example, the Parliament - or at least parts of it – has far worse standards of conduct than

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

other workplaces – still too blokey, still stuck in the drinking and sexist culture of the 1950s or, perhaps, the late 1970s.

And there is anecdotal evidence, including from former MPs, to support that view.

Parliament can rightly claim that it has, like the rest of the country, come a long way in the last 30-40 years. But as a defence to the charge that it needs to do better it is a pretty weak one.

It is perhaps better to concede the mistake of not finishing the job of reform when the momentum was last there than prolonging a battle that cannot and does not deserve to be won.

## Locating the epicentre

From what I have seen, the staff and management in the two Chamber Departments and the Parliamentary Services Department have for many years have worked to the same high standards of integrity expected in the Australian Public Service, in other national institutions and in many leading and enlightened businesses. The same might confidently be said of out-posted and seconded public service employees including Departmental Liaison Officers.

Staff employed by Ministers, Shadows Ministers and by backbenchers constitute a large and very diverse group. With them it is less easy to generalise.

In my experience though, poor behaviour amongst MoP(S) staff is neither the norm nor particularly common. But clearly it does happen.

I'm concerned too about the wisdom of having such large cohorts of ministerial staff co-located and bunkered down in one wing of a building principally intended to accommodate the legislative arm of government, not the Executive. Other countries haven't followed this model nor once did we. If push came to shove, there's solid case for relocating and sizeable chunk of ministerial staff to their respective departments.

Every office, wherever located, may still provide a respectful and congenial working environment. As was argued by the late Harry Evans,\* much of this comes from top – from the Member, Senator or Minister, the person with the power to hire and fire. (\*In a submission to the ACT Legislative Assembly's Standing Committee on Administration and Procedure's Inquiry into 'The Appropriateness of a Code of Conduct for Members and Their Staff', August 2004 at pages 9-10)

My one experience of working for any length of time in a Minister's office was very positive. The office was well-ordered and those working there had a very clear idea of their responsibilities and how to discharge them. I'd like to think they were all like that.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

Likewise, in briefing ministers and their advisors on both sides of politics over the years, including for appearances before parliamentary committees, I cannot recall encountering any unprofessional, impolite or overbearing behaviour.

[REDACTED]

Does this prove that some workplaces have particular or more acute cultural issues than others? Not necessarily. Partly it is simple a matter of numbers. There are many more of Government staffers than on the Opposition side or working for cross-benchers and the Greens. In fact, there are between three and four times as many. So if it's a random problem, it's the government side that has the odds stacked against it. I'll leave it to readers to decide whether mere "randomness" is the correct explanation or not.

## Further Reforms

I support the Government's recently announced decision to adopt the recommendations of the Review of the Parliamentary Workplace: Responding to Serious Incidents (the Foster Review) but would leave open the option of further modifying those proposals in light of the findings and recommendations of this Inquiry.

Having an effective and independent complaints mechanism will help as will the massive jolt to existing habits and perceptions delivered by the events that led to this Inquiry and the Foster Review.

The broader brush Recommendations of the Foster Review regarding complaints body might be fleshed-out including by ensuring that the proposed complaints mechanism is adequately resourced and the person appointed to head it is subject to parliamentary approval and appointed for a fixed term – possibly a non renewable term of five years. Any appointee should only be able to be removed from office on specified grounds and by a motion carried by both Houses.

I would also recommend that this Review revisit in depth the Submissions to, and the Findings of, the 2003 Senate Finance and Public Administration Committee's Inquiry into Members of Parliamentary Staff. [Inquiry into Members of Parliament Staff \(MOPS\) – Parliament of Australia \(aph.gov.au\)](http://aph.gov.au)

I would also encourage the Review to treat the proposals set out below as relevant to the terms of reference that allow it evaluate "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)".

These additional measures may assist in clarifying existing roles and responsibilities. They might also provide employees with greater certainty and security but without reducing the capacity of MPs to staff their offices in a way that best suits their own interests and work priorities.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

## Options to Explore

**(1) To promote greater clarity and certainty, codify existing employment and related laws as they specifically apply to persons employed by Members of Parliament, Ministers and the Parliament.**

Comment: the proposed code might start life as a guide or handbook.

**(2) Re-think the scope and application of the provisions of the *Fair Work Act 2009* dealing with unfair dismissal and unlawful termination to Parliament and MoP(S) Act staff.**

Comment: given the unique circumstances in which MoP(s) Act employment may come to an end, it may be preferable to have separate set of provisions in the MoP(S) Act listing the circumstances in which a MoP(S) Act employee may be lawfully terminated with or without notice and specify the relevant notice periods. The intention would be to retain the existing list of proscribed grounds that make termination unlawful under the Fair Work Act and possibly add to them.

**(3) All Members and Senators should be encouraged to provide new employees with a detailed statement of the acts and functions they may and may not perform in the name of their Member or Senator. The statement should attempt to map out the scope of the employee's actual authority to act on the Member or Senator's behalf.**

Comment: again the intention would be to provide both the employer and the employee with greater clarity as to their rights, responsibilities and expectations. I would not initially institute this change by way of a legislated code but as a guide to best practice. A legislated code might though follow in time.

**(4) Consideration be given to creating a specialist cadre of permanent part-time and sessional staff employed under the Parliamentary Services Act to perform the non political functions that currently are (or could readily be) undertaken by MoP(S) Act staff in the Parliament House offices of Members and Senators.**

Comment: This is in large part an efficiency measure. But it also would provide some further clarity on the rights and responsibilities of a significant cohort of what presently are MoP(S) Act employees. It would provide the designated staff better security of tenure and the beginnings of a career path. At present, the high turnover of staff including after each general election involves a significant loss of expertise in performing important routine functions in parliamentary offices and places an additional burden on Members and Senators as well as on the Department of Parliamentary Services. The cost of employing these staff under the Parliamentary Services Act by re-deploying qualified existing staff would not be great. Any additional costs would be defrayed by a lessening of travel requirements and costs associated with high levels of staff turnover. The measure might initially be offered as an additional staffing option to Members and Senators.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

## **(5) Consideration be given to recasting arrangements for setting the pay and conditions of MoP(S) Act staff presently covered by the Commonwealth Members of Parliament Staff Enterprise Agreement**

Comment: two alternative mechanisms are suggested for supplementing existing arrangements. Enterprise bargaining in Commonwealth Public Sector post-dates the enactment of the MoP(S) Act. Nonetheless the two instruments have proven rather uncomfortable bedfellows. The theory underpinning direct enterprise bargaining is that agreements should be made between the employer and their employees. However, the current bargaining process involved in arriving at Members of Parliament Staff Enterprise Agreements has for many years involved Opposition and other non Government staffers having to form part of a bargaining unit which then negotiates their pay and conditions not with their own employer but with the designated Government Minister. This is a clear anomaly unique to Parliamentary employment. These arrangements are further complicated and potentially discredited when agreement is not reached in a reasonable timeframe and the Government then makes personal determinations to protect or enhance the conditions of its own employees but not those employed by other Members and Senators. I recall the latter issue arose in relation to an enterprise agreement being negotiated in 2001 and, I understand, similar concerns have also arisen with later agreements. If true, this is patently unfair and arguably a misuse of power as well as being contrary to the principles of enterprise bargaining. One simple fix would be to recognise that protracted and costly pay negotiations could simply be avoided by having the Remuneration Tribunal set the terms and conditions of the MoP(s) Act staff classifications that happen to fall within the present scope of enterprise agreement making. It is not as if the Remuneration Tribunal does not have (or could not readily acquire) the expertise to make the relevant determinations.

Alternatively, the MoP(S) Act could provide that staff covered by enterprise agreements that have reached their end date would, after a short cooling-off period, have their pay indexed AWE movements until a fresh agreement was made.

## **(6) Recruiting staff with a knowledge of government processes, improving staff retention and reducing staff turn-over.**

Comment: Replacing parliamentary secondment and staffing arrangements that applied prior to the enactment of the MOP(S) Act in 1984 reduced the proportion of Member's and Senator's staff drawn from government agencies. Combined with other factors such as a lack of job security, this has made it harder for Members and Senators to recruit more experienced employees with a good understanding of the workings of government. Concurrently, the use of the limited flexibility afforded by the Department of Finance's staffing and funding formulae, has incentivised MPs to structure their offices to employ additional but less well remunerated (mostly casual and part-time) staff. There is no problem in allowing individual Members and Senators more flexibility in their staffing choices. In fact there are arguments for allowing additional flexibility. But biasing the incentives towards one outcome inevitably skews total staffing profiles towards younger, less experienced staff and arguably more vulnerable staff. Given the very real costs of high staff turnover, a better option would be to increase directly the financial incentives for Members and Senators to retain existing staff and reward them for doing so.

# Independent Review Into Commonwealth Parliamentary Workplaces - Submission

---

Having more long term staff in each office might also address issues associated with employing younger and more vulnerable workers.

**(7) Quarantining measures to promote greater safety and fairness, including freedom from bullying and harassment at work, from the Efficiency Dividend.**

Comment: Some may see this as a largely symbolic measure but it would nonetheless be an important statement of intent in the current environment.

Bob Bennett



31 July 2021