



## **Terms of Reference – Review of Bullying, Harassment and Sexual Misconduct** **Elizabeth Broderick & Co**

### **Purpose**

NSW Parliament is seeking expert advice, information and recommendations that will assist the Parliament to ensure it provides a safe workplace that is free of bullying, harassment and sexual misconduct, recognising that the Parliament operates in a fraught, complex and potentially fluid regulatory environment. Further, NSW Parliament also wishes to provide a safe place for all visitors as they make use of the Parliaments facilities.

NSW Parliament is seeking a proposal from Elizabeth Broderick & Co for a project examining:

1. Whether the Parliament's policies and practices are fit for purpose and create a safe workplace free of bullying, harassment and sexual misconduct.
2. The factors and culture that may contribute to bullying, harassment and sexual misconduct in a complex Parliamentary workplace and the impact on attracting and retaining staff.
3. Strategies that may be implemented to ensure Parliament proactively provides a workplace free of bullying, harassment and sexual misconduct.
4. Any additional measures that might enhance the safety of visitors to the precinct.

### **Context**

Given recent events of sexual misconduct in the Federal Parliament and the focus on workplace bullying and harassment generally, the NSW Parliament's Parliamentary Executive Group (PEG) seeks to examine and ensure that all Members, Members' staff, Parliamentary staff and contractors are provided with a safe workplace and visitors with a safe place to visit.

The Premier commissioned former Sex Discrimination Commissioner Professor Pru Goward to undertake a review into Policies and procedures in Ministerial Offices regarding bullying, harassment and sexual misconduct. The recommendations of this review are relevant to NSW Parliament.

Earlier this year, a NSW Parliament Advisory Group on bullying, sexual harassment and sexual misconduct was established. The Advisory Group is chaired by the Deputy Speaker and reports to the PEG with advice and information.

Currently there is no capacity for the Parliament's administration to receive, investigate or report on the conduct of Members of Parliament, including sexual misconduct. To address this gap, in late 2020 the Presiding Officers brought forward a proposal for the creation of a Compliance Officer, who would have the power to investigate Members on a range of issues. The proposal was referred to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics and the Legislative Council Privileges Committee. The LC Privileges Committee handed down its final report on 11<sup>th</sup> May 2021 and the LA Committee is due to hand down its report shortly. There will be some overlap between the review and the implementation of the Compliance Officer initiative.

NSW Parliament consists of several groups, all of which are covered by different arrangements. NSW Parliament seeks to ensure that we provide a safe work environment for everyone, regardless of their employment arrangements.

1. **Members of Parliament** – covered by the Members Code of Conduct.

2. **Members of Parliament Staff** (including Electorate Office staff and Secretary/Research Assistants) – employed under the *Members of Parliament Staff Act 2013* (Part 3), the annual Determination of the Presiding Officers and governed by their own code of conduct. Members of Parliament Staff are also covered by a range of policies set by the Parliament, many of which are based on best practice from the broader public sector.
3. **Parliamentary staff** – no legislative basis for employment, but covered by an array of awards and other employment instruments. Covered by a separate code of conduct. Parliamentary Staff are also covered by a range of policies set by the Parliament, many of which are based on best practice from the broader public sector.

On top of this, people from executive government also regularly work in the parliamentary precinct, especially on sitting days including:

1. **Ministers of the Crown** – covered by Ministerial Code of Conduct
2. **Ministerial Staff** – employed under the *Members of Parliament Staff Act 2013* (Part 2) and governed by their own code of conduct and employment arrangements.

A wide variety of visitors also attend the parliament, including witnesses in committee hearings, people attending to view the operation of the chambers from the public galleries, attendees of events and exhibitions, people attending meetings and other relevant purposes.

The wide variety of people who attend the Parliament create a complex environment.

### **Methodology**

NSW Parliament seeks a proposal from Elizabeth Broderick & Co that recommends a suitable methodology that provides both qualitative and quantitative analysis. NSW Parliament is seeking evidence based findings and recommendations.

It is expected that interviews and workshops will be conducted with stakeholders to gain their views and experiences of bullying, harassment and sexual misconduct in the Parliamentary workplace.

The NSW Parliament Advisory Group on bullying, sexual harassment and sexual misconduct is a key stakeholder for establishing qualitative analysis and engagement with broader stakeholders.

### **Deliverables**

NSW Parliament seeks a comprehensive report of the findings and recommendations at the conclusion of the work. NSW Parliament also seeks briefings to PEG at key milestones throughout the project.

### **Timeframe**

It is anticipated that this project should take place over six months enabling comprehensive engagement with stakeholders and iterative change to occur. Phase 1 analysis of policies and practices is anticipated to provide an initial report by the first week of August 2021. The full project is anticipated to be completed by early February 2022, with further recommendations delivered throughout the duration of the project.

### **Governance**

The PEG is the Executive Sponsor and decision maker of the project.

The NSW Parliament Advisory Group on bullying, sexual harassment and sexual misconduct is a key stakeholder for establishing engagement with broader stakeholders and provision of qualitative analysis.

The Department of Parliamentary Service is the project team for delivery of the project.

**Contact**

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