

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Information to be published	Status
1. Decision notice	Published
2. Documents and schedule	Published
3. Additional information identified	No
4. Fees	N/A



11 January 2023



DECISION ON YOUR ACCESS APPLICATION

I refer to the access application you made under the *Freedom of Information Act 2016* (FOI Act) dated 24 November 2022. This application requested access to:

'The report, including findings and recommendations, as completed by Proximity, of the Independent Review of the Office of Minister Emma Davidson, MLA, the Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors, and Assistance Minister Families and Community Services. The focus of the review was on both the functions of the office (including roles, responsibilities, capabilities, and governance) and the culture, behaviours and working protocols within the office.'

Authority

I am an information officer appointed by Minister Rattenbury to make decisions about access to government information, in accordance with section 18 of the FOI Act.

Decision

1. GIVING FULL ACCESS

I have identified one document containing information within the scope of your access application.

I have decided to grant full access to this document.

If you have any questions in relation to your access application or the above, please contact me on [redacted] or email carol.bunt@act.gov.au.

Yours sincerely

A handwritten signature in cursive script that reads 'Carol Bunt'.

Carol Bunt (Ms)

Chief of Staff to the ACT Greens MLAs, Office of Shane Rattenbury

PROXIMITY

Independent Review of ACTLA (ACT Legislative
Assembly) Ministerial office: Functions and
Behaviours

Final Report

13 October 2022

proximity.com.au

The background features several overlapping circles in shades of blue, purple, and red. In the bottom right corner, there is a large graphic consisting of many thin, concentric, overlapping lines that form a circular shape, creating a grid-like or ripple effect.

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Executive Summary

Proximity Advisory Services (Proximity) was engaged to undertake a functional and cultural review (the Review) of the office of Minister Emma Davidson MLA, the Assistant Minister Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors (the Minister).

This Review was jointly initiated by the office of the leader of the ACT Greens, Minister Shane Rattenbury MLA and the ACT Chief Minister, as Minister of the *Legislative Assembly (Members' Staff) Act 1989* (ACT), as part of a series of ongoing actions focused on ensuring a positive culture and supporting the health and wellbeing of staff within the Legislative Assembly of the ACT (ACTLA) workplace. The Chief Minister leads the 10th Legislative Assembly as head of a coalition Australian Labor Party/ACT Greens Government, formed following the ACT election of October 2020.

This Review assessed functions and behaviours within the Minister's office and provides recommendations for continuing improvement. The experiences and perspectives of stakeholders (with direct knowledge of the office's operating context) were incorporated into the Review's analysis; key stakeholders were invited to participate through one-to-one confidential conversations with the Review team. The Review team also performed a desktop analysis of available documents and of similar reviews undertaken in other Australian parliaments. An additional priority was to understand external environmental factors and their influence on office-level processes – to achieve this, the Review team considered both the ACTLA context and the broader cultural context.

- Within the ACTLA, the Review's focus was to understand the establishment of the ministerial office, since its formation in November 2020, and the many factors that have shaped current practices. Maintaining a forward-focus, the Review team looked at the levels of support provided to a newly established MLA office, and a new ministerial office, in a government coalition arrangement.
- More broadly, the Review team integrated insights from recent comprehensive reviews of parliamentary workplaces at the Commonwealth level ('Set the Standard,' the Australian Human Rights Commission's report on the Independent Review into Commonwealth Parliamentary Workplaces) and for the New South Wales parliament ('Leading for Change: Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces 2022'). These reports provide a framework for understanding and pursuing better practice.

While the history of the office informs an understanding of its current state, the focus of the Review was to look ahead and recommend change where there was potential for continued improvement. The Review team identified opportunities for cultural and functional improvements based on current policy and practice and reviews and better practice identified in other parliaments. Comments and suggestions made by stakeholders were also considered. The Review team noted, on occasions, some comments made by interviewees were personal or political in nature and reflected the early days of the operations of the Minister's office. It was also clear to the Review team, in making comments, some interviewees did not have access to relevant information.

The Review team notes the Minister's office has matured since its establishment. There are many competing interests in supporting the Minister and managing the office, particularly with the diverse range of functions being performed. Finding the time to address cultural change and develop tools and skills to support staff was one of these competing pressures, particularly in the early days of establishing a ministerial office. Having induction, training and defined processes and protocols available at the start would have enabled a more timely and responsive approach to developing an effective operating environment. There is also clear acknowledgement that exemplary leadership, a positive culture and the wellbeing of staff directly impacts performance. There is a clear commitment from ministers, senior staff and other stakeholders to foster a positive culture and embed processes and appropriate behaviours in the workplace.

The Review addresses three current functional and cultural settings in the office. These reflect key themes - Systems, Leadership and Behaviours - identified as key pillars for supporting the office to effectively meet its obligations and performance.

Theme 1 (Systems): Staff need to be supported by a clearly defined and fit for purpose operating framework. This observation considered the consistency of systems and processes in the office, particularly in reducing uncertainty for staff who may be less familiar with working in a parliamentary or government workplace. How to undertake and manage the functions of a ministerial office requires a clear operating framework and policies to manage, such as employment responsibilities, sensitive and personal information, government processes and managing workflows.

Theme 2 (Leadership): Effective leadership capability is key to a high functioning and collaborative ministerial office. This observation examined the presence of accountable leadership and clear communications, and the importance of effective leadership in balancing complexity, competing interests within the office, and working across other legislative Assembly offices. Having clear expectations of roles and responsibilities, performance, workplace behaviours and support to improve leadership capability were elements looked at under this observation.

Theme 3 (Behaviours): Mature, respectful communications help build a safe workplace. This observation looked at how behaviours are supported and developed, including how effective office communications (aligned to the goal of a safe workplace) shape the verbal and non-verbal behaviours that are accepted and modelled. Performance feedback, transparency of information, codes of conduct, being empathetic and team building were key elements considered.

These three themes provided a 'point-in-time' snapshot. Building on the work in train in the Minister's office and across other parts of the Legislative Assembly; drawing from other workplace reviews and engaging with key stakeholders, the Review provided six priority recommendations.

Recommendation 1: Establish a centralised repository of contemporary workplace policy materials. Access to consistent and well-developed workplace and employment policy materials and the application of consistent processes will support office staff to better understand their responsibilities and obligations to create a safe workplace and address workplace issues as they arise.

Recommendation 2: Increase clarity of roles and accountabilities, including during periods of transition. Role clarity is considered an enabler of good performance as it supports staff to understand their accountabilities, work more efficiently and improve trust and connection between colleagues. Understanding what is to be achieved together with how to conduct business in a team environment is important to achieve outcomes. This understanding is also important to identify gaps in skills and where to improve capability. Consideration should be given to performance agreements for staff outlining roles, responsibilities and expected behaviours or ways of doing business.

Recommendation 3: Apply a consistent and effective complaints management process. A well-handled complaint can reduce the ongoing impact of the behaviours/activities for the complainant and provide an opportunity for promptly identifying systemic issues or improving business practices. Being clear on behavioural expectations in Recommendation 2 can assist in addressing early any complaints as they arise.

Recommendation 4: Strengthen collaborative behaviours. Effective collaboration within an office and across offices support coordinated and integrated outcomes for constituents, particularly for people being supported in the areas of the Minister's responsibility. Addressing the needs of vulnerable people requires staff to work together to solve problems. This requires the sharing of information, working as a team, having the right problem-solving attitude and a trusted operating environment to empower and support staff to be collaborative.

Recommendation 5: Conduct a regular pulse-check on workplace behaviours. A formal process of regular surveys, meetings or external reviews provides measurable feedback on progress of developing and sustaining a positive workplace culture. It is important to understand attitudes and feelings that are reflective of the leadership styles and culture. It is important to understand strengths and weaknesses, set measurable goals and share information with employees.

Recommendation 6: Ensure people feel supported and safe in the workplace. In addition to legal responsibilities on employers to set an environment that ensures employee health and safety, as far as is reasonably practicable, in a small workplace there are also interpersonal, cultural, and business continuity incentives to do so. Safe Work Australia provides detailed, practical guidance on how to achieve this goal.

These recommendations were developed in the context of Minister Davidson's office, in line with the scope of the Review. However, many of the recommendations are likely to apply more broadly across ACTLA offices, as themes emerged from consultation, research and other parliamentary reviews, which were not considered unique to Minister Davidson's office. By taking these recommendations on board, Minister Davidson and the Minister's office have an opportunity to show exemplary leadership and performance in the ACTLA, while also embedding the functions and behaviours needed to build and maintain a high performing team.

Some respondents wanted to see embedding of change within six months to have a 'high performing, happy and respectful office.' With broader support from Assembly processes, consultation with key stakeholders, including staff representatives and providing staff with the skills, training and tools, together with the strong commitment already identified, this could be achieved. Undertaking a pulse-check in Recommendation 5 could be used to assess progress.

Introduction

In July 2022, Proximity was engaged to undertake a functional and cultural review of the office of Minister Emma Davidson MLA, the Assistant Minister Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors (the Minister). The Minister was elected as a member of the tenth Legislative Assembly of the Australian Capital Territory (ACTLA) in October 2020 and appointed as a Minister sworn into nine portfolio areas on 4 November 2020, with the parliamentary term scheduled to run until October 2024.

This Review was jointly initiated by the office of the leader of the ACT Greens, Minister Shane Rattenbury MLA, and the ACT Chief Minister as administering Minister of the *Legislative Assembly (Members' Staff) Act 1989* (ACT) and with oversight of other key policies related to the performance and functions of ACTLA ministerial offices. It is part of a series of ongoing actions aimed at ensuring wellbeing of staff within the ACTLA workplace.

The Terms of Reference for this Review (see Annex A) provide a set of forward-looking objectives focused on supporting the Minister and the Minister's office to operate in a high-functioning, productive, safe and respectful way. To achieve these objectives, the Review was designed to:

- develop in-context observations that explore the current operating environment of the office - looking at changes which have occurred over time, broader cultural shifts, and where there are opportunities to do more; and
- translate observations into forward-looking guidance that gives a clear, actionable path toward better practice settings, with a focus on systems, leadership and behaviours.

The Review team's role was also to distinguish evidence-based factual stakeholder input, from comments of a political or personal nature. The Review team acknowledges the valuable input and time stakeholders provided for the Review and the suggestions they made from their previous experiences, to improve the culture within a ministerial office. It is noted that the opportunities to meaningfully explore or test some lines of enquiry were limited by the small number of consultations conducted.

This report focuses on the functional and cultural improvements that could also apply across other MLA offices.

Context

The Minister's office has operated for almost two years and undergone significant functional and operational improvements since its establishment. In the first 18 months, the office experienced high levels of staff turnover and a lack of clarity around performance

The context is important to consider, particularly in establishing, developing and influencing the performance of a minister's office. A brief outline of this backdrop follows.

Establishing better practice in parliamentary workplaces

In recent years there has been a growing spotlight on parliamentary workplaces across Australia. In 2021 the Sex Discrimination Commissioner Ms Kate Jenkins delivered '*Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*' (the Jenkins report). A multi-party Parliamentary Leadership Taskforce was established to oversee implementation of the recommendations. Additionally, in 2022 Ms Elizabeth Broderick delivered '*Leading for Change: Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces 2022*' (the Broderick report). The NSW Parliamentary Executive Group committed to 'making improvements that will address the matters raised in the report.'

Both reports give insights into how high-quality functional and cultural practices are being progressed in comparable workplaces, and the reports' findings are relevant to this Review.

Both reports are indicative of broader national and global cultural shifts. There is increasing awareness of mental health concerns and associated professional impacts, leading to growing emphasis on health and wellbeing in many diverse workplaces - from legal firms to hospitals to professional athletes. Equally important are grassroots movements focused on equality, such as #metoo (referenced in both reports), which draw attention to how an unequal distribution of power can result in harmful behaviours. Interdependencies between safe work environments and mature systems, leadership and behaviours have been drawn out in public discussion and provide a valuable point of reference for this Review.

The 10th Legislative Assembly

ACT Government composition

The *Parliamentary and Governing Agreement for the 10th Legislative Assembly* records details of the governing coalition between the Australian Labor Party (ALP) ACT Branch and the ACT Greens. The coalition is led by Andrew Barr MLA as Chief Minister of the ACT (and leader of the ALP ACT Branch).

Under the Administrative Arrangements instrument, Minister Davidson's work is interwoven with the responsibilities of several other ministers, including her coalition partners in the ALP (including the Minister for Corrections, Minister for Health, and Minister for Families and Community Services). The Minister's responsibilities also cut across multiple ACT Government Directorates¹.

More generally, the ACTLA is uniquely structured to have a broad remit - it is the only Australian parliament with responsibility for both state/territory and local government functions, and it is one of a small number of unicameral parliaments (not divided into upper and lower houses).

Responsibilities

The Minister's portfolio largely focuses on addressing the human services needs of some of the ACT's most vulnerable people. Among these duties, as the Minister for Mental Health, Minister Davidson administers a significant proportion of the *Mental Health Act 2015* (ACT) and the *Mental Health (Secure Facilities) Act 2016* (ACT). These two Acts reinforce the importance of people involved in the delivery of services to a person with a mental disorder or mental illness being: inclusive; having a high standard of skill and training; and recognising the experience and knowledge of close relatives, friends and carers.

The ACTLA is a high pressure and sometimes stressful environment - which is not dissimilar from other jurisdictions. The small number of staff in ministerial offices and the diversity and breadth of tasks is also a challenge for establishing a new ACTLA ministerial office.

Representation

The October 2020 election significantly shifted the distribution of party representation in the ACTLA, with ACT Greens representation growing from two to six members (of 25 MLAs), including three ministerial appointments (of a total of nine ministers making up the executive). Furthermore, the number of employees working within the ACTLA to support Greens MLAs rapidly grew from 11 in the 9th Legislative Assembly to 35 in the 10th Legislative Assembly, with few of these employees having previous parliamentary workplace

¹ These include the Community Services Directorate, Canberra Health Services, and ACT Health Directorate.

experience. Only Minister Rattenbury of the Greens MLAs had previous MLA and ministry experience.

Timing

The Minister was elected on 28 October 2020 and was appointed to the ministry on 3 November 2020 and commenced as Minister the following day. The Minister also took on her portfolio responsibilities during a challenging time for related issues in the ACT: the COVID-19 pandemic had raised the profile of mental health concerns and availability of services which had significantly impacted service planning and delivery for mental health services, particularly services within justice facilities. The pace of work was also exacerbated across ministerial offices by the frequency of cabinet meetings to respond to the pandemic. There were high level demands placed on the Minister and the office to support community needs and expectations over this period.

Approach

A simple 3-phase methodology was applied to develop and deliver the recommendations of this Review.



Figure 1. Review methodology

Discovery

Reviews and research of relevant legislation and materials was undertaken as part of this Review. In addition to obligations recorded in the *Legislative Assembly (Members' Staff) Act 1989* (ACT), other applicable or comparable legislation considered in the performance of this Review included the *Work Health and Safety Act 2011* (WHS Act), the *Fair Work Act 2009*, and the *Members of Parliament (Staff) Act 1984*. The Review also considered the ACTLA Standing Orders and Companion to the Standing Orders (including the code of conduct for all MLA), the ACTLA Ministerial Code of Conduct 2020, the Office of Legislative Assembly (OLA) policies and protocols, Safe Work Australia guidance material, as well as some relevant correspondence from the Minister's office, ACT Greens Party and the Community & Public Sector Union (CPSU).

Consultation

The information gathering phase of this Review was informed by discussions with Minister Davidson, as well as consultation with some current and former office staff. Additional consultation was held with ACT Greens Party ministerial colleagues; ministers' chiefs of staff; staff of other MLA offices; CPSU representatives; and other stakeholders. These meetings took place via in-person appointments, phone or video calls. For purposes of confidentiality, the report does not identify participants by name.

Report

The analysis and reporting phase of this project was conducted in parallel with, and building on, earlier research. It focused on gaining an understanding of current systems, processes, behaviours and accountabilities and work in progress to improve the operating framework and culture of the workplace in the ACT Legislative Assembly.

The Review team evaluated strategic material (including the Broderick and Jenkins reports) to establish a clear understanding of the importance of workplace culture and best-practice

functions and behaviours in the complex environment of parliamentary workplaces. By identifying the desirable outcomes most relevant to the Minister's office and ACTLA context, the Review could map progress toward better practice (from early days through to current settings) and develop insights on what remains to be address.

Additionally, the opportunities and pitfalls that often accompany a program of transformative workplace change were considered, and a shortlist of critical success factors relevant to the ACTLA was developed:



Figure 2. Critical success factors for workplace change

Following this analytical process, early observations were tested and validated with key stakeholders and against relevant documentation. These observations have been grouped under three themes (Systems, Leadership and Behaviours). These have been identified as key pillars for a high-functioning, productive, safe and respectful office.

Wherever possible, the Review sought to find both commonalities and inconsistencies between the Minister's office and other parts of the ACTLA environment with a view to supporting learning across the broadest cohort of MLA offices. Although the scale and scope of the Review did not allow for detailed analysis of other offices, many of the themes that emerged from consultation or research were considered unlikely to be unique to Minister Davidson's office.

The recommendations listed in the *Looking Forward* section of this report aim to provide the tools and guidance for practical changes to embed better practice working arrangements. Implementing these recommendations requires ongoing commitment and support and provides a framework for the Minister and staff to strengthen and sustain a well-functioning, productive and safe working environment.

Themes

<p>Theme 1 (Systems): Staff need to be supported by a clearly defined and fit for purpose operating framework.</p>	<p>This observation assesses the consistency of applying workplace policies, systems and processes.</p>
<p>Theme 2 (Leadership): Effective leadership capability is key to a high functioning and collaborative ministerial office.</p>	<p>This observation assesses the presence of accountable leadership and clear communications.</p>
<p>Themes 3 (Behaviours): Mature, respectful communications help build a safe workplace.</p>	<p>This observation assesses how behaviours are supported and developed.</p>

Over the two years in operation, the Minister's office has undergone significant functional and operational improvements since its establishment. In the first 18 months, the office experienced high levels of staff turnover and a lack of clarity around performance expectations, processes, and accountabilities. Feedback indicated some staff felt unsupported and vulnerable - working in what was a newly formed, high-pressure and new parliamentary environment. Since this time, changes have been made within the office to strengthen leadership, build team performance, and support the wellbeing of staff. Some examples of arrangements the chief of staff put in place over March and April 2022 included having regular team meetings, improved diary management and associated meeting management for the Minister, and a minister's office planning session to clarify and allocate portfolio responsibilities to ministerial advisers. The Review team has been advised of several other processes to be implemented that will enable consistent HR (Human Resources) processes, such as complaints escalation processes, exit interviews and more transparent recruitment processes. Progress should be picked up in regular pulse-checks.

Theme 1 (Systems): Staff need to be supported by a clearly defined and fit for purpose operating framework

The unique nature of an ACTLA ministerial office means there can be a lot of uncertainty for new staff members, particularly those who have not worked in a parliamentary workplace or in government before, due to the need to engage with complex issues at a strategic level and working in what was described as complex parliamentary processes. Without an effective operating framework, there is the risk of individuals feeling uncertain or overwhelmed by not having clear processes in place or guidance when faced with challenging or confronting issues or incidents, which can negatively impact wellbeing and or performance. Given the pace of change for a new parliament and new ministers, there is logically a time of transition as an office passes through a formative or reactive period and progresses towards being more structured and proactive. The review team acknowledged however this logical sequence of development was disrupted while we were all experiencing extraordinary workplace arrangements and pressures related to the pandemic.

There was a loss of staff and corporate memory in the transition from two Greens MLAs (one Minister and one non-Executive MLA who retired) in the 9th Assembly to six Greens MLAs (3 Ministers and 3 non-Executive MLAs). This meant most of the staff were new or left early in the 10th Assembly. Many staff had limited or no experience in establishing or running or working in a MLA or ministerial office. In its early stage, the Minister and minister's office did not appear to have ready access (via ACTLA or ACT Greens/Labor channels) to guidance on how to establish a ministerial office and what was required to ensure effective working arrangements within a coalition government. As a result, operating arrangements were put in place in a piecemeal and hurried way.

As the office has matured, there was a need to operationalise statutory and Legislative Assembly obligations relevant to the workforce (e.g. requirements under the WHS Act, application of codes of conduct and consultation requirements under enterprise agreements) and putting in place more transparent complaints management processes. Within previous ACTLA settings, there did not appear to be a readily accessible and structured way for MLAs to apply standard working arrangement policies or guidelines which might be available in other offices. While these resources may have been available, they were not apparent to those who were part of the consultation process. A new SharePoint portal (launched in September 2022) has been designed to centralise and promote the materials, which may improve awareness and uptake by MLA and their offices. The Review team also understands that work is underway to develop consistent workplace policy documents and practices - those relating to workplace conduct (such as improving awareness and access to the Employee Assistance Program (EAP), formalising exit interviews and relevant follow up action), and better coordination of workplace policies across the Greens' offices. Minister Rattenbury's chief of staff has taken responsibility for these matters and has put in place dedicated resources to ensure awareness and implementation of these necessary workplace practices to improve performance and the wellbeing and safety of staff.

Recent examples of a more broadly applied approach to training and support include:

- Workplace Respect Contact Officer training, delivered in May 2021;
- the requirement to have all staff undertake Respect in the Workplace training prior to the deadline of 15 April 2022;
- Mental Health First Aid for all Greens MLAs and staff during June and July 2022;
- Lifeline Dealing with People in Difficult Situations – offered to all OLA staff for voluntary attendance on 1 September 2022; and
- Lifeline Suicide Awareness - offered to all OLA staff for voluntary attendance on 8 September 2022.

Some stakeholders voiced the ongoing need for clear performance expectations and obligations that apply to them as individuals and their role working in a ministerial office. For staff who transitioned into the ACTLA alongside a Minister (or MLA) - from roles focused on working for a political party in 'campaign-mode' to become part of a coalition government - there was limited education, induction and training about the nature and expectations of their new 'ministerial adviser' roles. Importantly, there was little clarity of their accountabilities through, for example, performance agreements to support the Minister. The review team noted there are Legislative Assembly work level standards which contain overarching duties and expectations of staff at different levels and the *ACT Legislative Assembly Members' Staff Enterprise Agreement 2021-22* which outlines the terms and conditions that reflect the particular operational and business requirements of the Legislative Assembly which includes commitments to a healthy and safe working environment, development of staff, including the importance of performance management. These documents are key to the consolidation of policies in the Portal mentioned above.

It is understood that, following their election, MLAs undertake a half day seminar introducing them to their workplace obligations, including those outlined in the ACTLA Members Guide, the Standing Orders, and the companion to the Standing Orders. This program identifies MLA obligations in relation to key pieces of workplace legislation, with the aim of giving new ministers and members a strong foundation to ensure a smooth and timely transition to their position.

To support continued improvement of the office's functions, there must be a structured plan for onboarding, training, and inducting people into the office. Staff rely on these processes for shared understanding of how to work within the office and across ministerial offices. Review respondents referred to an 'overwhelming' workload in the early months of the Minister's appointment - part of this is likely to reflect the lack of understanding of the operating framework and guidance on how to give effect as a team to the Minister's priorities. The professional development of the Minister's staff does not appear to have been encouraged or formally supported: former staff described the pace of work and lack of direction and constructive feedback as not allowing time for on-the-job training or other development opportunities. Ongoing training and providing opportunities for staff to improve their performance, experience and career journeys should be a priority. Included in this training should be a focus on workplace skills and behaviours, leadership, teamwork and effective collaboration skills. The Review team was provided details of the decision to implement professional supervision arrangements in the Minister's office in late 2022, which will significantly lift the reflective learning and supported decision-making of staff.

A final and critical element of good operating systems relates to practices and duties under the WHS Act to ensure the health (including mental health and wellbeing) and safety of employees. An understanding of what constitutes acceptable behaviour and how to quickly respond to incidents or complaints was not universally understood. One Review participant noted the ACTLA WHS Committee maintained a primary focus on physical risks to staff and directed less attention to broader issues around workload stress or psychological safety. While mental health first aid training is increasingly available in the ACTLA, some stakeholders provided examples of behaviours that occurred in the Minister's office which contributed to the departure of former employees. These stakeholders reported that where concerns had been raised about what they described as inappropriate behaviours, they did

not feel there was an effective organisational response. A more transparent and supported approach (e.g. what to do, where to go and knowing the outcome of any complaint or incident reported) is considered necessary to address complaints and manage disputes. Some of the Review respondents said this could have alleviated the stresses experienced in the early days in the office.

Theme 2 (Leadership): Effective leadership capability is key to a high functioning and collaborative ministerial office

There is widespread recognition that a minister’s work is pressured, political and subject to immense scrutiny. As well as meeting high performance expectations, which can be thrust upon ministers with relatively little notice following an election, each minister must also establish and develop a ministerial office that provides dedicated and expert support for the minister to effectively meet their duties. As noted under Observation 1, there are many systemic challenges that influence the performance of a minister’s office and which leaders (not only ministers but also senior staff) must engage with and understand. This section of the report looks at the importance of effective leadership in balancing this complexity and establishing a high-functioning, productive, safe and respectful parliamentary workplace.

The ACTLA Ministerial Code of Conduct provides a starting point for understanding the leadership expectations that apply to ministerial roles. It lists ethical principles relevant to a Minister’s exercise of leadership in their office, including:

Integrity	Ministers must act according to the highest standards of personal integrity and probity
Accountability	Ministers are accountable for their own behaviour and the decisions and actions of their staff
Respect	Ministers must display respect for all people in their conduct

While these expectations are general in nature and consistent with the Fair Work Act, an international report prepared by the Commonwealth Parliamentary Association (CPA)² identifies multiple underlying issues specific to parliamentary workplaces that can be detrimental to these principles, including:

- the pronounced power imbalance between ministers and many of their staff or daily contacts
- working anti-social hours
- little to no performance management.

To set the conditions for high functioning offices in the ACTLA, the principles listed in the Ministerial Code of Conduct should be supplemented by a zero-tolerance approach for the whole office to bullying or harassment behaviours.

Effective leadership in the workplace requires a commitment to development and evaluation, including of leadership capability. The Review team did not observe robust or constructive mechanisms for some staff to receive feedback, learn and be aware of the impact of various management styles and behaviours potentially impacting others. Information sharing across offices on office practices and protocols and how to support staff is however occurring between ministers and senior staff.

² The joint Commonwealth Parliamentary Association and Commonwealth Women Parliamentarians report ‘Anti-Harassment Policy Guidelines: A toolkit for Commonwealth parliamentarians’ (2020)

This arrangement could be strengthened by having a senior, experienced minister or ex-minister or ex-chief of staff provide independent guidance and support to new ministers and senior advisers. This could be formalised as part of any induction or professional development program for new members, ministers and senior ministerial staff. Further, a key element of leadership relates to emotional intelligence, including the ability to better understand the impact of actions or words on others - developing this capability could be assisted by structured coaching or a 360-degree feedback process. Chiefs of staff and senior advisers have an obligation to ensure leadership and management behaviours reflect the codes of conduct required for staff of the Legislative Assembly and ensure they and staff of the office behave in a way consistent with the Ministerial Code of Conduct and they can work effectively with other offices to develop a team approach to solving problems and better supporting ministers.

Another key element of effective leadership relates to effective communications about decisions taken in the office, particularly where they impact the workforce. The Review was given examples of how ineffective communication (and sometimes the lack of consultation) had generated misinformation and uncertainty about roles, reasons for staff changes and reluctance to clarify information and actions taken by decision makers. Comments were made to the Review team by some about office budgets, recruitment decisions and pay and conditions, without the relevant information to hand. This caused tensions between various stakeholders. Transparency and sharing of relevant information where possible would alleviate such tensions and prevent the misinformation and misinterpretation of actions and decisions.

The Review team heard criticism directed to the Minister and Minister's office from staff representative groups about some of the broader policy issues the Government is addressing. As mentioned above, the Minister has a range of challenging portfolios and working with stakeholders and vulnerable people on these and other matters can be confronting and stressful for staff (and of course, the Minister). The Review team heard about the implementation of communication arrangements and handling strategies for staff who are challenged by people who have escalated their complaints and concerns to the Minister's office. As noted above Lifeline training has been made available to staff.

It is not unusual for parliaments and public sector agencies to have protocols in place to foster effective communication. For example, communication protocols between ministerial staff and public service staff exist in some Australian parliaments. Clear guidelines and protocols are also in place for external communication with stakeholders and media. An example of this is the Victorian Government Communication Requirements. We also note the Minister's commitment to developing negotiation skills through the formal Harvard Business School Negotiation Mastery training program.

Clear and consistent communication, openness and transparency of information helps align staff with achieving the Minister's objectives. This leadership in communication also develops trust which leads to more teamwork and collaborative behaviours. This is an area to strengthen in developing a positive workplace culture.

Theme 3 (Behaviours): Mature, respectful communications help build a safe workplace

The previous section considered the importance of communication for effective leadership - this section examines the role of communication in establishing constructive and safe workplace behaviours.

Improved office communications aligned to the goal of a safe workplace should recognise the importance of all communication channels, including verbal and non-verbal behaviours in shaping the message. The way people communicate in a workplace (especially leaders) is as impactful as the content they deliver. Based on information provided to this Review, the Minister's office can also improve verbal and non-verbal behaviours that are accepted and practised. While good communications are closely tied to many of the other elements of the

office's continuous improvements (i.e. improved role clarity, better policy guidance), and are likely to mature alongside them, it is also a critical capability that deserves dedicated attention and uplift.

During consultation, the Review team heard workplace communications in the Minister's office had been detrimentally impacted by:

- a lack of regular and considered feedback
- statements or actions (in front of colleagues) that were seen as inappropriate
- a description of a former employee as disloyal
- a description by others of a departed staff member as having been 'fired,' when they had resigned, and
- CPSU having open access to the office.

In its definition of *workplace conflict* as 'the continuous disrespectful and inappropriate behaviour, dispute or breakdown in communication between two or more individuals,' the CPA report shows the central role of communication in workplace culture. Descriptions provided by former staff of their reasons for leaving the Minister's office indicated workplace conflict contributed to their departures. Based on information provided to the Review, the Minister's office supports flexible work and is committed to supporting staff to schedule leave and keep 'time off in lieu' at minimum levels, with these settings regularly communicated to staff through the chief of staff. The office has also taken steps, such as regular meetings to improve information flows and consistency of its communications, both with internal and external stakeholders.

Clearer communication can also contribute to lifting workplace behaviours by opening a discussion on what is acceptable and how words or actions can impact on wellbeing. A positive step taken toward promoting this discussion is the office's commitment toward exit interviews of departing staff. There are strong indications concerns raised during the exit interview process have contributed to change and the process for raising matters with supervisors or other senior staff within the party is working successfully. To provide certainty for staff and encourage openness, the process should be captured in an office guideline.

Looking forward

The Minister's office has made good progress towards becoming a high-functioning and culturally collaborative office, and the Review team performed their evaluation in this light - with current settings considered as part of a continuum of progress toward behavioural and functional maturity.

Acknowledging this progress, and the pause for reflection that has been prompted by this Review, the remaining sections of the report aim to strengthen the Minister's office to build on current momentum and seize the unique opportunity presented by cultural shifts and the emerging reshaping of contemporary parliamentary workplaces. The critical success factors provide guidance on how this can be achieved. Using the Jenkins and Broderick reports as guide - in combination with the key principles of transformative change - the Review developed a picture of better practice settings for the Minister's office (and comparable offices throughout the ACTLA).

The recommendations that follow use the key themes of this Review (Systems-Leadership-Behaviours) to present a shortlist of prioritised actions that individually and in combination will support the Minister's office to continue making positive progress. Many of the recommended actions may be applicable across other ACTLA offices, as they reflect progress that many parliamentary workplaces are yet to embed. By getting this right, Minister Davidson and her office have an opportunity to show leadership in the ACTLA, while also embedding the functions and behaviours needed to build and maintain a high performing team.

Overview

The six recommendations that follow are designed to address key elements that can enable a successful, well-functioning office:

- consistent policies
- onboarding programs
- complaint escalation procedures
- sharing of previous processes and systems
- clear communication
- role clarification.

Systems

Recommendation 1: Establish a centralised repository of contemporary workplace policy materials

The cyclical redistribution of responsibilities across the ACTLA (prompted by election cycles or other factors) highlights the need for there to be a centralised mechanism for ensuring consistency in practices and policy, even as staff or leadership change. This will significantly support members that are seeking to rapidly establish a high-functioning office.

By establishing a readily accessible up to date repository for workplace policy materials that have been tested in the ACTLA environment, leaders and staff can have greater confidence that the systems in their office are mature and consistent with other parts of the ACTLA. This access should also be accompanied by effective awareness raising and practical guidance and case studies could be used to illustrate the importance of such policies.

Recommendation 2: Increase clarity of roles and accountabilities, including during periods of transition

Role clarity is often cited by human resources professionals as a key enabler of good performance, as it supports staff to work more efficiently and improves trust and connection between colleagues. The Jenkins report identified 'clarity around employment arrangements and expectations' as a desirable part of the future Commonwealth parliamentary workplace, reflecting the importance of role clarity not just for the individual but also for Ministers who rely on their team's professional performance. Staff who are clear on what their role is and why they are doing it should also understand the accountabilities linked to their performance.

To increase this clarity in the Minister's office, several complementary mechanisms may be considered:

- job descriptions should be detailed and clear about both day-to-day responsibilities and opportunities for development. The work underway to further develop Work Level Standards for MLA staff will significantly support this clarification.
- onboarding and training materials should reinforce expectations relevant to each role
- performance feedback should be delivered constructively, honestly and regularly
- performance management processes should be equipped to manage deficient performance
- external leadership programs should be available to all ministers and senior staff
- where staff turnover occurs or new appointments are made, the team's roles and accountabilities should be transparently aligned to the new structure.

Given the regular scrutiny and oversight mechanisms faced by ministerial offices, a robust performance management framework with clear measures of success, honest evaluation, and meaningful feedback provides a valuable way to check alignment with the principles of a safe workplace. The Jenkins report identified accountability as one of five key principles for a safe and respectful workplace - noting a lack of accountability in that report's context had contributed to a culture of fear and silence around inappropriate behaviours. Where the office makes a commitment to better practice behaviours, such as a zero-tolerance approach to bullying or harassment, a culture of accountability is key to the success of this commitment.

Role clarity and accountability also support staff to drive their own professional development by giving them clear parameters for their work. Within these parameters, staff can identify the knowledge they will be required to hold and find ways to address any capability and skillset gaps. For staff coming into a ministerial office without prior parliamentary workplace experience, potential areas of focus (raised by Review participants) for professional development training or detailed protocols could include:

- working in government to best support Ministers and government
- working in ACTLA
- managing policy papers and briefs
- management and record-keeping of sensitive and confidential information
- effective communications with different stakeholders
- working with vulnerable people
- meeting protocols for the Minister
- privacy and confidentiality training
- managing conflicts of interest.

The timing of when and how clarity of roles and accountabilities is established is also important in the ministerial office context. The Lencioni Method³ provides tools that would help during the establishment phase of a new office, with a series of key questions designed to align the priorities of everyone in the team (i.e. Why do we exist? How do we behave? What do we do? How will we succeed? What is most important, right now? Who must do what?). Answers to these questions could be revisited over time but would overcome much of the early uncertainty that existed in a newly established office.

There are inevitably different stages a new ministerial office will pass through before it can achieve the level of strategic clarity, accountability and performance it aspires to, but a clear cascading plan, which sets out how the roles and accountabilities of individual staff contribute to broader settings, is an important first step.

³ Refer Patrick Lencioni's model of 'The Five Behaviors' to guide teamwork and shape behaviours.

Annex B: List of materials reviewed

ACTLA Ministerial Code of Conduct 2020

ACTLA Standing Orders and Companion to the Standing Orders - including the Code of Conduct for all members of the Legislative Assembly for the Australian Capital Territory (continuing resolution 5).

ACTLA 10th Assembly Members Guide

ACTLA Work Level Standards (Final Draft)

Fair Work Act 2009 (Cth)

Leading for Change: Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces 2022, Elizabeth Broderick & Co, February 2022

Legislative Assembly (Members' Staff) Act 1989 (ACT)

Members of Parliament (Staff) Act 1984 (Cth)

Office of Legislative Assembly (OLA) policies and protocols, including:

Respect in the Workplace – Bullying and Harassment Policy

Risk Management Policy and Framework

Workplace Injury Prevention Policy

Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces, Australian Human Rights Commission, November 2021

Work Health and Safety Act 2011 (ACT)

Workplace Respect Contact – training materials

Work-related psychological health and safety: A systematic approach to meeting your duties (National guidance material), Safe Work Australia, January 2019

Annex A: Terms of Reference

These Terms of Reference (ToR) set out the approach for a functional and cultural (the Review) of the office of Minister Emma Davidson MLA, the Minister Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors, and Assistant Minister Families and Community Services. The Review will focus on both the functions of the office (including roles, responsibilities, capabilities, and governance) and the culture, behaviours and working protocols within the office.

The key objectives of this review are to:

- Identify opportunities and strategies for the Davidson Office to work more effectively in the remainder of the parliamentary term and ensure a high-functioning and culturally collaborative office.
- Establish examples of high-quality practice and identify strategies for further embedding this work and promulgating across other Ministers offices.
- Take a pulse-check on the current culture, administrative arrangements and workload of the Davidson Office through small or one-on one meetings with current and former staff and other relevant parties.
- Identify opportunities and strategies for how the Davidson Office can develop its succession, career and training and development planning for its staff.
- Consider how to assist the office to manage a complex and diverse portfolio, including sensitive and difficult constituent matters.
- Provide practical recommendations to support a high functioning team for the Davidson office and that may also be applied to other Ministerial offices.
- Ensure, in accordance with obligations under the *Work Health and Safety Act 2011* the workplace is psychologically safe, as far as reasonably practicable.

Many of the functional and behavioural initiatives already developed by the Minister's office are reflected in the above approach, with the recommendations in this report designed to shift the office further toward better practice. It is noted however that Safe Work Australia does not promote point-in-time interventions, it is focused on continuous promotion of healthy practices. As such, valuable ACTLA initiatives like mental health first aid training will be of greatest impact if they are part of staff's regular and ongoing development.

In the Minister's office, where the nature of the Minister's duties means staff are more likely to encounter stressed or vulnerable citizens on the phone or in their work than staff of other portfolio areas, the importance of fit for purpose resources to support staff and manage associated risks is heightened. To best support these staff, existing ACT Government resources, such as materials around high-stress calls that are available to Access Canberra staff, could be made available. Effective leadership means that the Minister's leadership team should acknowledge and ensure they are aware of the principal concerns of staff or of any potentially harmful incidents - this can be achieved through regular and focused engagement with staff and a protocol for handling and debriefing from challenging conversations.

The focus placed on early intervention in Safe Work Australia's systematic approach should also shape the forward activities of the Minister's office. Many of the concerns raised with the Review team related to behaviours or activities that had persisted over a period, which may have had a compounding negative impact on the affected individual. Efforts to identify potential concerns or harms earlier, to address them promptly, and to monitor and review the situation for any reoccurrence, will be valuable in maintaining a psychologically safe workplace going forward.

Conclusion

The ACTLA is well-positioned to leverage learnings from review processes underway in other parliamentary workplaces, as part of its continued effort to strengthen the conditions for a high performing workplace. While the recommendations of this Review were developed in the context of Minister Davidson's office, the themes that emerged from consultation and research may not be unique to Minister Davidson's office. The recommendations included provide a path to strengthen systems, processes and leadership experiences across the Minister's office and the MLA more broadly.

Minister Davidson and her office have an opportunity to show leadership across the ACTLA, while also embedding the functions and behaviours needed to build and maintain a productive, safe and high performing team.

The Review team thanks respondents and other stakeholders for their input to this report and acknowledges the priority afforded the Review to support a workplace which addresses cultural shifts in behaviours and operating environments to meet contemporary workplace standards and practices.

Pulse-checks are usually achieved through short, frequent surveys of staff. Given the small scale of the Minister's office, this process could be supported as needed by:

- surveys of a broader cohort
- one-on-one meetings
- confidential written submissions gathered by a third party
- analysis of other processes and data aimed at continuous improvement, including staff turnover rates or exit interview observations.

The pulse-check can also provide an additional vehicle for reinforcing expectations about appropriate behaviour (outside of any formal training mechanisms) by regularly presenting metrics and summary reports back to staff.

Behaviours

Recommendation 6: Ensure people feel supported and safe in the workplace

A commitment to making people feel safe in the workplace is consistent with employer obligations under the WHS Act to ensure the workplace is psychologically safe, as far as reasonably practicable. Other factors reinforcing the importance of workplace safety include relevant workers' compensation laws and sectoral research on better practice (which for the purpose of this report is focused on the Jenkins and Broderick reports). As part of its proposal for reforms within Commonwealth Parliamentary Workplaces, the Jenkins report recommends the establishment of a new Parliamentary Health and Wellbeing Service that would support a shift in safety and wellbeing practices toward a 'proactive and preventative approach that puts people at the centre.' These learnings can be readily adapted by the ACTLA to proactively strengthen the supports available to staff.

Safe Work Australia provides a guideline to support employers in meeting work related psychological health and safety duties, which includes the following systematic approach (see Figure 3).



Figure 3. Systematic approach to psychological health and safety, Safe Work Australia

Effectively developing a leadership tone that promotes and strengthens collaboration will require a different approach for different stakeholders. A series of considerations are included below.

- for stakeholders such as the CPSU, which has previously had conflict with the Minister's office, consideration may be given to conducting a facilitated meeting that sets a constructive forward path. This could alleviate the adversarial nature of the current relationship, which prompts friction, misinformation and personal criticisms.
- for collaboration across party lines, staff may be supported to build constructive relationships that align with the office's mission and given clear boundaries (as required) on the nature and extent of these relationships.
- for staff members, a genuine and honest discussion may be held (to the extent possible) where new decisions or changing commitments will impact them and or their work.
- for individuals within the office (including MLAs), the opportunity to participate in external mentoring or buddying opportunities will support professional development while also embedding collaborative behaviours.

Good collaboration can deliver multiple benefits to the Minister's office. Primarily, it will support the office to meet public expectations around the effective and routine performance of the Minister's duties. It will support the wellbeing and connectedness of staff, noting Safe Work Australia guidance material references collaborative behaviours as a positive marker of work-related wellbeing. Finally, it provides a prompt not to 'be an island,' as one Review participant characterised the previous office approach.

Recommendation 5: Conduct a regular pulse-check on workplace behaviours

Ministerial offices are subject to a range of shifting pressures and influences - such as those outlined in earlier sections of this Review - and staff must be equipped to maturely respond and adjust to these. Accordingly, any effort to continually improve the workplace, including its culture and behaviours, must adopt an equally dynamic approach.

The benefit of conducting a regular 'pulse-check' is that issues can be surfaced in a timely way, which may lessen any longer term negative impact. It also provides a mechanism for showing change over time, which may be valuable in the period following this Review given the attention and pause for reflection that has been prompted by this process. Outcomes of a pulse-check can be used to show continuing progress along the office's maturity continuum and as part of a celebration of success indicators for new processes and positive staff attitudes, behaviours and performance.

Recommendation 3: Apply a consistent and effective complaints management process

The Jenkins report consistently highlights the importance of setting an environment where it is safe to make a complaint, and where complaints are reliably addressed. For its part, the Broderick report aspires to ‘inform, empower, support and encourage everyone to speak up and take action.’ The high priority these two reports place on ensuring the systems that provide organisational safety - with fair, transparent or confidential processes - are functioning appropriately may provide an opportunity for the ACTLA to ensure its systems are fit for purpose.

Establishing a safe and trusted first point of contact for complaints is an important initial step in building a mature complaints management process, but this must be supported by rigorous follow-up actions. Key considerations when designing a policy of this nature should include:

- clearly defining and committing to relevant legislative obligations (i.e. WHS, privacy, public interest disclosures)
- determining and adhering to an appropriate timeframe for promptly handling the concern (noting a concern around timeframes associated with Arbitration and Conciliation Committee decision-making was raised in the periphery of this Review)
- transparency in decision-making and planned courses of action (to the extent possible)
- consistency of process across ministerial offices or throughout the ACTLA
- strategically supporting these settings through regular training and awareness-raising.

A well-handled complaint (relating to the ACTLA workplace) can control risks associated with the dissatisfaction of the complainant, loss of confidence in public administration, or third-party action (e.g. by a union body). It also presents an opportunity for identifying systemic issues or improving business practices. In establishing a robust process, the Minister’s office would proactively mitigate the finding in the Broderick report that ‘those working in Parliamentary workplaces have low confidence in structural or cultural protections to prevent bullying or to stop it once it is occurring.’

The Review also recognises the potential for complaints to be used as political instruments, again reinforcing the importance of consistent and mature management processes.

Leadership

Recommendation 4: Strengthen collaborative behaviours

A high functioning and collaborative ministerial office in the ACTLA environment includes the strong leadership behaviours modelled by the Minister and their chief of staff. Ministers have significant freedom to set the tone of their office, including in the behaviours or practices that are displayed or accepted. In parliamentary workplaces across Australia, this modelling has not always been fit for purpose. As noted in the Broderick report: ‘This is Parliament. It should set the standard for workplace culture, not the floor of what culture should be.’ Similarly, the Jenkins report sought as an outcome that ‘leaders prioritise a safe and respectful culture, set clear expectations, and model safe and respectful behaviour.’ Key to this, was the development of essential ‘people-leadership skills.’