

COV 16

## Department of Premier and Cabinet

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Letter to all Tasmanian Council Mayors

Dear Mayor

I wrote to all councillors in the State on 14 July 2021 raising a number of issues of importance to the local government sector, including confidentiality and the need to provide safe environments at councils for all councillors, employees and visitors.

You may recall from that letter that I expressed the importance of each council developing a workplace equality and respect Statement of Intent and for this to be signed by all councillors. In my view, this commitment is a valuable first step to ensure safe workplaces for all people. Given this, I request that you advise me in writing whether your council is supportive of such a measure by 30 August 2021.

As you will be aware, an independent review into the Tasmanian Parliamentary practices and procedures has recently been announced by the Government (**refer to Attachment A**). I recognise that a number of councillors have proposed a similar review of the Local Government sector. It is my view, should the sector want to undertake a similar process, that the Mayors and the Local Government Association of Tasmania (LGAT) should sponsor the review with the support of the Government. Such a review may assist in building a positive, safe environment in line with your obligations under the *Anti-Discrimination Act 1998* and the *Work Health and Safety Act 2012*.

As the elected leaders of your respective communities you are well placed to understand the needs of a range of stakeholders, including your fellow councillors, council staff and the ratepayers whom you serve. For this reason, should you collectively determine to sponsor a review, I would like to arrange a meeting with all Mayors and LGAT to seek agreement on next steps.

In considering this issue holistically however, I also believe that it would be prudent for the sector to initially determine the need to further develop a comprehensive understanding of the relevant legislative responsibilities in a work environment. In my view, councillors should consider whether they clearly understand their responsibilities under the *Anti-Discrimination Act* and the *Work Health and Safety Act* - appropriate training and education in this regard may support the sector progressing toward real cultural improvement. In supporting the sector in this matter, I have had initial discussions with the Anti-Discrimination Commissioner in relation to training opportunities and she is supportive of working with the sector to develop appropriate training modules and participating in sessions.

Should you wish, I look forward to meeting with you to discuss these issues more broadly.

Yours sincerely

Craig Limkin  
Director of Local Government



Peter Gutwein  
Premier of Tasmania

Share

28 July 2021

Peter Gutwein, Premier

## Terms of Reference finalised for independent review into Parliamentary practices and procedures

The Terms of Reference for the independent review of relevant policies and practices associated with Parliament, Ministerial and Parliamentary services staff, and electorate offices have now been finalised.

Premier Peter Gutwein said the review would be conducted by Anti-Discrimination Commissioner Sarah Bolt and will focus on identifying any gaps and potential improvements in current policies and procedures.

"When it comes to workplaces, we must lead by example, and this review will identify what is working well, along with any barriers or gaps that need addressing," the Premier said.

"This will allow us to identify any improvements to ensure we have best practice policies and procedures in place to firstly prevent, or if necessary, to support and work through concerns should they arise.

"I encourage anyone who wants to share their feedback or experiences to engage with this process and make a submission, which will be done in a safe and secure way with full confidentiality assured.

"I want to thank Ms Bolt for conducting this review and working with us to finalise the Terms of Reference, along with other members of Parliament, including both opposition parties, and the Independent Member for Clark Kristie Johnston, and the Independent Member for Nelson, Meg Webb, who have engaged with us through this process."

Anti-Discrimination Commissioner Sarah Bolt said the review would be conducted under safe and supportive conditions to ensure trust and foster open engagement.

"I am both delighted and pleased to have been asked to lead this significant and important work," Ms Bolt said.

"I want to reiterate that my role is to look at systemic issues, so that gaps related to workplace culture, policies and practices can be properly identified and addressed accordingly.

"I am mindful that the success of any review is dependent upon the level of participation and engagement of key stakeholders and I would encourage individuals that come forward, to please take the time to engage in the process and the opportunity to influence and make a positive difference."

A committee comprising members of both houses of Parliament has been established to support the work of the Reviewer and to lead implementation of any accepted recommendations upon completion of the review.

The Terms of Reference can be found at:

[http://www.dpac.tas.gov.au/independent\\_review\\_into\\_parliamentary\\_practices\\_and\\_procedures\\_to\\_support\\_workplace\\_culture](http://www.dpac.tas.gov.au/independent_review_into_parliamentary_practices_and_procedures_to_support_workplace_culture)  
(<https://tas.us20.list-manage.com/track/click?u=87871fbd094066173a964fba4&id=725f73bcf7&e=7286608c60>)

Anyone seeking further information can email [MPSReview@equalopportunity.tas.gov.au](mailto:MPSReview@equalopportunity.tas.gov.au)  
(<mailto:MPSReview@equalopportunity.tas.gov.au>) or call 6165 7515.

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**Independent Review into Parliamentary practices and procedures to support  
workplace culture (the Review)**

**Terms of Reference**

1. Request that the Anti-Discrimination Commissioner (the Commissioner) undertake a Review of the Tasmanian Ministerial and Parliamentary Services (MPS) workplace to ensure a safe and respectful workplace and reflect best practice in preventing and dealing with workplace discrimination, sexual harassment and bullying.
2. Request that in the Review the Commissioner:
  - a. Provides a safe and supportive environment that elicits trust and fosters open engagement.
  - b. Ensures the Review is founded on the principles of natural justice, includes safeguards for confidentiality, and provides mechanisms for persons who wish to engage in the review anonymously.
  - c. Ascertains whether there is workplace discrimination, sexual harassment and bullying within MPS and understands its nature and extent.
  - d. Ascertains and understands the existing perceptions of workplace culture within MPS.
  - e. Ascertains the existing awareness and understanding of responsibilities prescribed under the *Anti-Discrimination Act 1998* (Tas) within MPS.
  - f. Ascertains and understands the impact of workplace discrimination, sexual harassment and bullying on individuals, and any contributing factors, including workplace culture, on the prevalence of workplace discrimination, sexual harassment and bullying within MPS.
  - g. Reviews existing complaint and reporting mechanisms available to staff of MPS, and any cultural and/or structural barriers that may impede staff making complaints.
  - h. Reviews existing policies, procedures and practices that govern responses and outcomes, where workplace discrimination, sexual harassment and bullying is found to have occurred in MPS.
  - i. Reviews existing Human Resources practices within the MPS setting.
  - j. Refers through appropriate pathways including Human Resources, Tasmania Police, Equal Opportunity Tasmania and/or the Integrity Commission, for individual allegations by or against staff of MPS that require follow up or investigation.
3. With a focus on systemic issues, request that the Commissioner provide a report setting out findings and making recommendations as to:

- a. Any actions that should be taken to increase awareness of the impact of workplace discrimination, sexual harassment and bullying and improve workplace culture within MPS, including training and the role of leadership in promoting a workplace culture that does not tolerate workplace harassment.
- b. Any changes that should be made to legislative, regulatory, administrative, legal or policy areas to enhance protection against, and provide best practice responses to, workplace discrimination, sexual harassment and bullying within MPS.
- c. Any other actions or changes necessary to ensure a safe and respectful workplace free from workplace discrimination, sexual harassment and bullying within MPS and that set the standard for the broader community on best practice workplace policies and procedures that enable safe and respectful workplaces.

**Scope and Definitions:**

**Workplace sexual harassment:** sexual harassment as defined in the *Anti-Discrimination Act 1998* (Tas).

**Workplace bullying:** repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety as defined by *Worksafe Tasmania*.

**Workplace discrimination:** (including discrimination, prohibited conduct and victimisation) as defined in the *Anti-Discrimination Act 1998* with particular reference to sections 14 – 18 inclusive.

**MPS workplace:** the workplace includes all members of parliament, and the people working (in whatever capacity) in or for Parliament House, electorate offices and Ministers' offices. It also encompasses regularly contracted services including security, catering and cleaning staff. The scope of workplace extends to include work related travel and events.

**Review participants:** current and former staff and employees for the period 1 July 2019 to present.

The scope of the Review will include a survey, oral and written submissions.