



DEPARTMENT OF THE LEGISLATIVE ASSEMBLY



EMPLOYMENT REPORT 2015 - 2016



Ref: 16/123.12

Hon. Gerry McCarthy MLA
Minister for Public Employment
GPO Box GPO Box 146
DARWIN NT 0801


Dear Minister McCarthy

2015-16 EMPLOYMENT REPORT DEPARTMENT OF THE LEGISLATIVE ASSEMBLY

I am pleased to submit to you the 2015-16 Employment Report for the Department of the Legislative Assembly (DLA) in accordance with section 18 of the *Public Sector Employment and Management Act*. Pursuant to my responsibilities as the Commissioner for Public Employment for DLA staff this report includes:

- (a) the extent to which the human resource management principle and performance and conduct principle have been upheld in the DLA during the financial year
- (b) measures taken to improve human resource management in DLA
- (c) the extent to which disciplinary, redeployment and inability procedures were invoked
- (d) those matters specified in section 28(2) in so far as they relate to DLA.

Yours sincerely



Hon Kezia Purick MLA
Speaker

30th September 2016

Legislative Assembly of the Northern Territory
Parliament House, State Square (GPO Box 3721) Darwin NT 0801
T (08) 8946 1433 la.speaker@nt.gov.au www.nt.gov.au/lant/parliament/parliament.shtml

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FUNCTIONS AND OBJECTIVES OF THE AGENCY

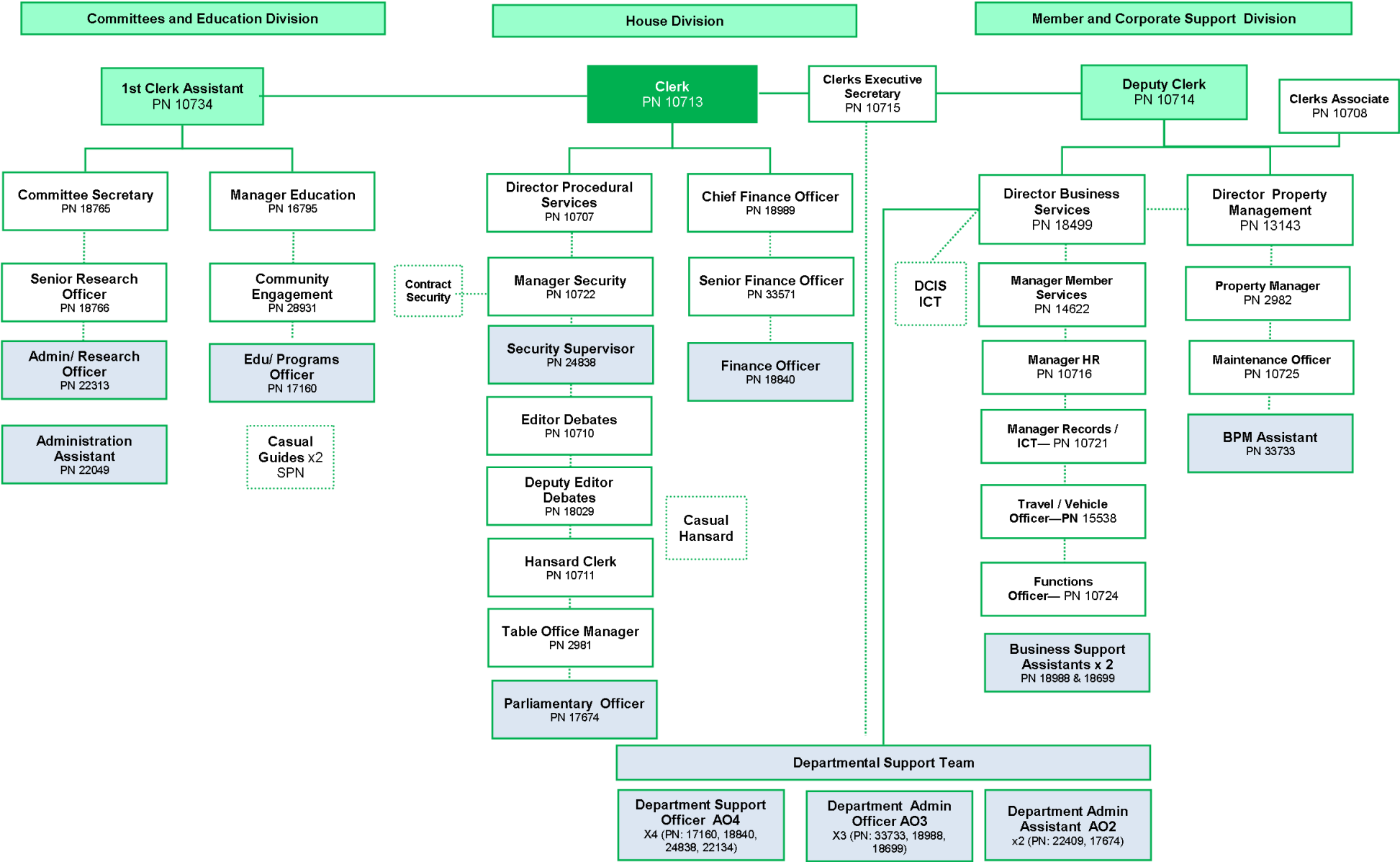
The function of the Department of the Legislative Assembly (DLA) is to facilitate the operations of the Legislative Assembly to make laws for the peace, order and good government of the Northern Territory.

The objectives of the agency are to provide advice and services which support the Assembly, its Members and Committees and promote community engagement.

LEGISLATION ADMINISTERED BY THE AGENCY

- *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*
- *Constitutional Convention (Election) Act*
- *Legislative Assembly (Disclosure of Interests) Act 2008*
- *Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008*
- *Legislative Assembly (Powers and Privileges) Act*
- *Legislative Assembly (Security) Act*
- *Legislative Assembly Members (Miscellaneous Provisions) Act*
- *Legislative Assembly Members' Superannuation Contributions Act*
- *Legislative Assembly Members' Superannuation Fund Act*

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY ORGANISATION CHART



DEPARTMENT DEMOGRAPHICS

Department of the Legislative Assembly

The Department is a small cohesive group of professionals working to further parliamentary democracy in the Northern Territory by supporting elected Members of the Legislative Assembly and their staff and maintaining the most recognisable public building in the Northern Territory. To facilitate this approach under our Strategic Plan, the Department of the Legislative Assembly's reporting structure was reviewed during the reporting period resulting in a realignment of reporting channels with the formation of three Divisions.

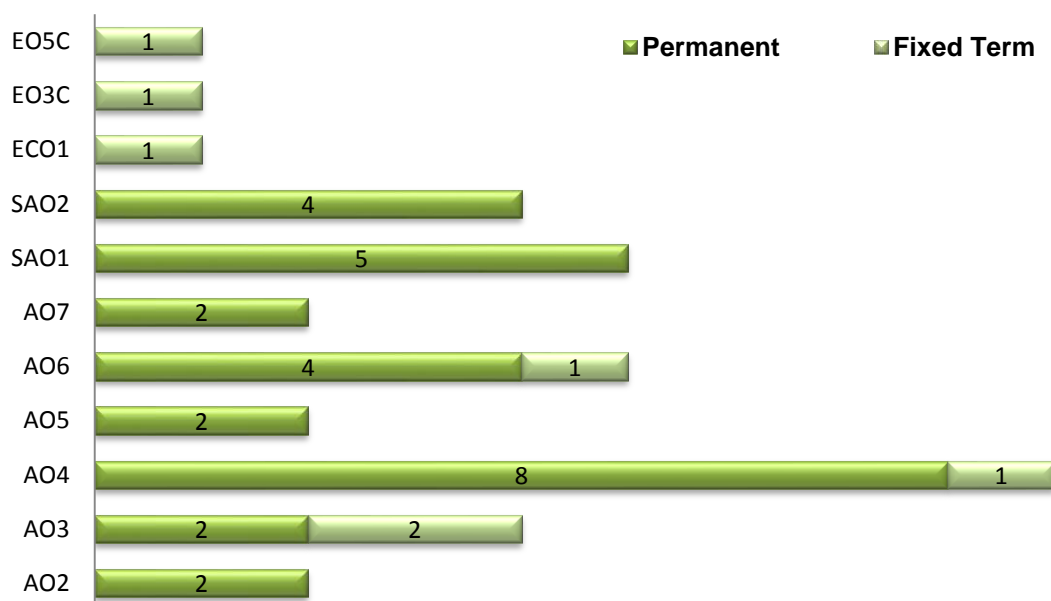
The House Division, the Member and Corporate Support Division and the Committees and Education Division work together to ensure we meet these goals.

The House Division reports directly to the Clerk and Chief Executive for all Procedural, Hansard, Security and Financial services. The Member and Corporate Support Division reports to the Deputy Clerk and the Committees and Education Division reports to the First Clerk Assistant.

The Department of the Legislative Assembly (DLA) has a funded establishment of 40 positions as at 30 July 2016 (3 executive, 36 permanent, and one fixed term). Of this, 36 are filled, one position in the member and Corporate Support Division and two positions in the Committees and Education Division office are vacant and under review. The position of Deputy Editor of Debates in the House Division is being recruited to. Seven positions are fixed term contracts and 29 staff are permanent employees.

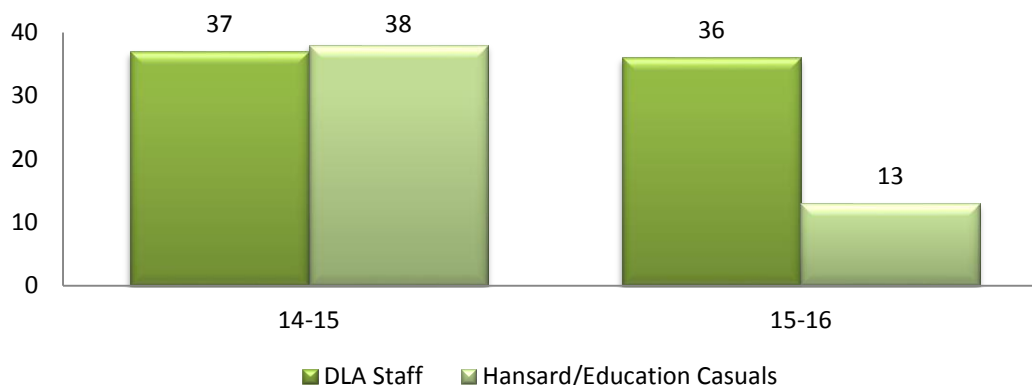
All DLA positions are in the administrative stream; however some are considered specialist. For example, Research Officers in Committees and Editors in Hansard. The sustainability of specialist positions relies on the agency developing the skills of existing staff in other work units to enable succession planning and short-term support for backfilling, or during peak periods of workflow.

Department Permanent and Fixed Term Positions

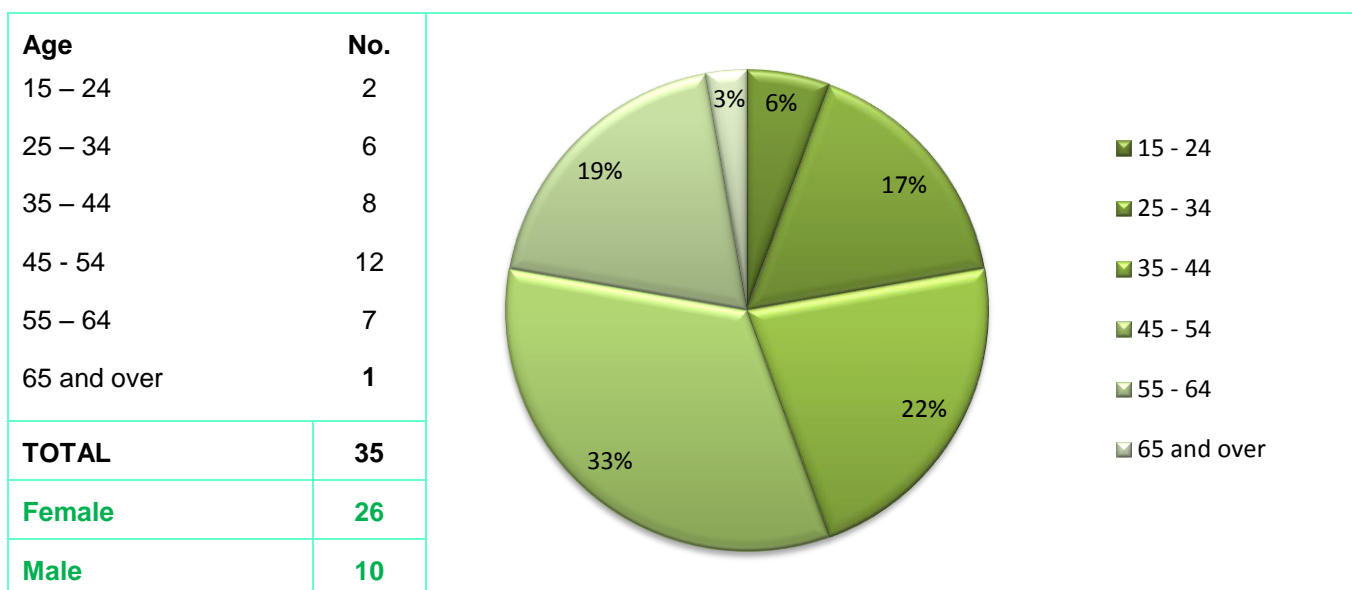


Department – Total Number of Employees

The total number of staff employed in the Department reduced by 26 between 2014/2015 and 2016/16 as per the table below. This reduction is attributed to a reduction of 25 casual AO2 positions in the Hansard unit. The Department has implemented a new model to produce the daily Hansard. One AO2 registry officer position in the Member and Corporate Support Division is vacant and has not been backfilled.



The median age of DLA staff is 47.5 years; eight staff are aged 55 years or older representing 22 percent of the workforce. Females represent 72 percent of the workforce and Males 28 percent.

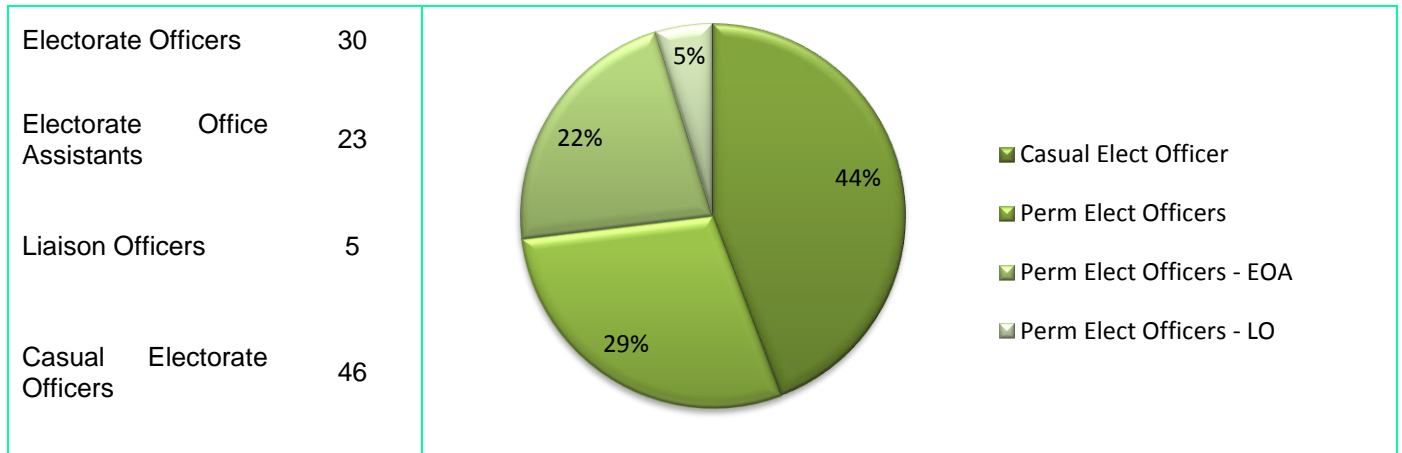


Electorate Office Staff

Clause 13 of Remuneration Tribunal Determination (RTD) No. 1 of 2015. The RTD creates an entitlement for support staff in electorate offices. The Department of the Legislative Assembly employs electorate office staff on behalf of Members of the Legislative Assembly, which includes electorate officers (EO's), electorate office assistants (EOA's) and electorate liaison officers (LO's), all of whom are employed on fixed term contracts of employment. Relief electorate officers (Casual EO's) are employed on casual employment contracts and can be used to backfill the electorate officer for periods of recreation or personal leave or approved training. All electorate office staff are remunerated at the Administration Officer (AO) 5 level.

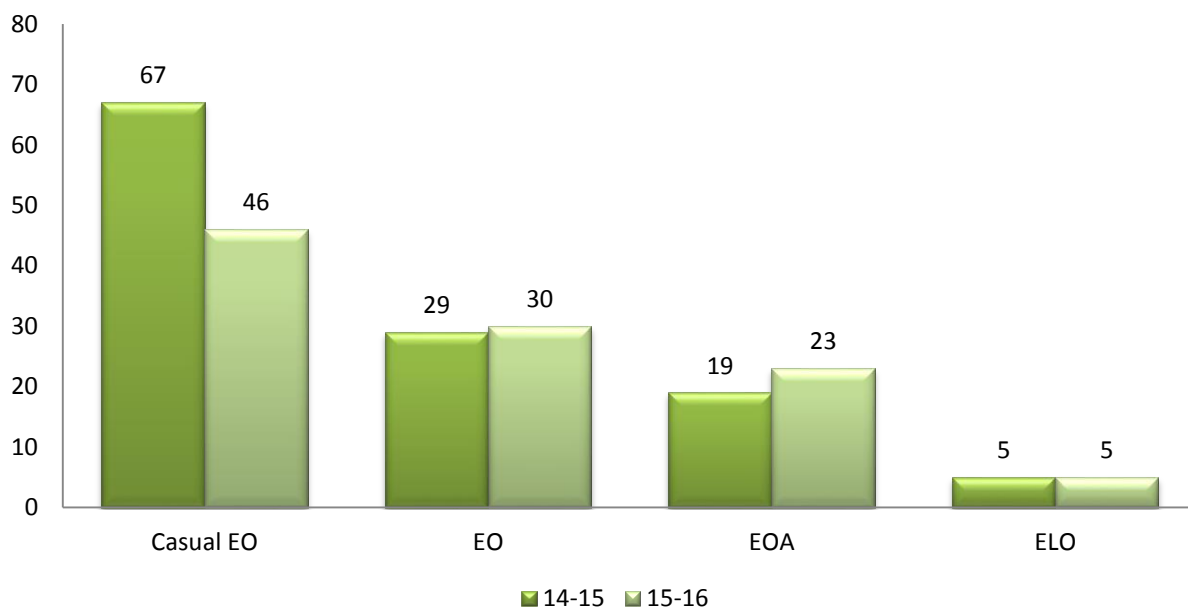
The RTD provides for one Full Time Equivalent (FTE) EO for each of the 25 electorate offices. These positions are filled by 30 people due to job share arrangements. Liaison Officers for Arnhem Arafura, Daly and Barkly are employed for 15 hours per week in Groote Eylandt, Maningrida, Wadeye and Borroloola respectively. The Stuart Liaison Officer is employed for 30 hours per week in Katherine. Electorate Office Assistants are employed for an average of eight hours per week to a maximum of 104 hours per quarter.

Electorate Offices – Fixed Term and Casual Positions

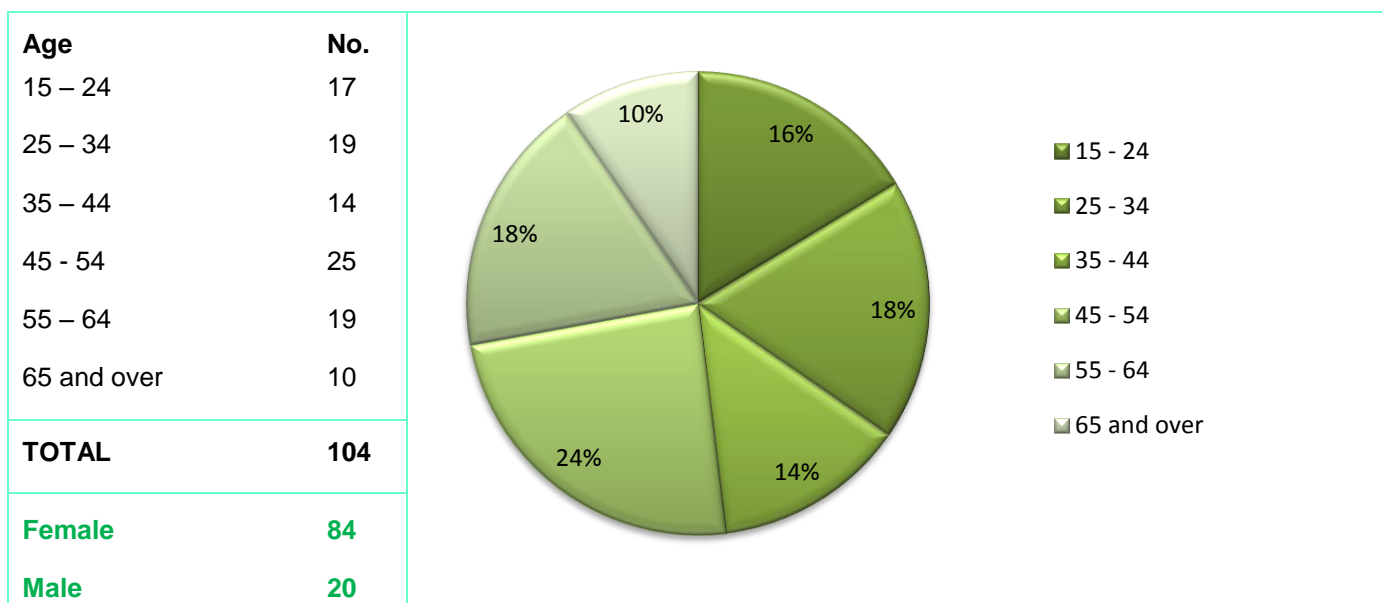


Electorate Offices – Total Number of Employees

The total number of electorate office staff reduced by 16 between 2014/2015 and 2016/16 as per the table below. This reduction relates to a reduction in the number of casual contracts due to a change in the way contracts were created in 2015. Casual staff no longer require separate contracts for every electorate office they provide support to, rather if they provide casual support to a number of Members in the same political party, they can do this under a single casual contract.



The median age of electorate office staff is 46.5 years; 29 staff are aged 55 years or older, representing 28 percent of the workforce. Females represent 81 percent of the workforce and males 19 percent.



Indigenous Employment

At 31 June 2016, 7.8 percent of staff identified as Indigenous, two who work for the Department and six who are electorate staff. These figures exclude Members and any casual employees not paid in period 27.

ATSI Summary Description	ATSI Identification	ATSI Description	Paid Employees
ATSI Identified	By Self-Declaration	Aboriginal	6
		Aboriginal and Torres Strait Islander	2
Non ATSI Identified	By Self-Declaration	Non-indigenous	70
		Information withheld	17
	Information Not Provided	Information Not Provided	7
Totals			102

Disability Employment

There is one permanent DLA staff member who identifies as having a disability that requires workplace adjustment. The Department is supportive of employees who require assistance and accommodate special needs in the workplace in consultation with the employee.

During the reporting period the DLA also supported a person with a disability with a return to work placement in conjunction with the Host Employment workers compensation rehabilitation program for 20 hours per week for 10 weeks. Host Employment is an incentive offered by NT Worksafe to assist workers who have been injured to return to the workforce. While there was not an ongoing permanent position for this person available, the placement was successful for both the employee and the Department.

UPHOLDING THE HUMAN RESOURCE MANAGEMENT PRINCIPLE

The DLA maintains a comprehensive suite of policies, procedures and guidelines to promote and uphold the Human Resource Management Principle in the department. The Human Resource (HR) unit is responsible for the currency of these documents and also provides a point of contact for any staff who have questions, concerns or require advice. The HR unit understands the confidentiality and sensitivity of questions from staff and treats all employees with respect when providing advice to their issues.

Merit Selection

The DLA's Recruitment and Selection Policy ensures that the most suitable applicants are selected to vacancies, and that selection processes is:

- Simplified (not lengthy or unduly process-oriented)
- Fair and transparent
- Courteous and respectful of applications
- Designed to assess applicants' suitability based on proven capabilities.

The Merit Principle is applied to ensure appointments, promotions or transfers are based on the person's suitability to perform the relevant duties, and having regard to the person's knowledge, skills, qualifications and experience, and potential for future development.

Selection panel members are impartial and required to be aware of equal employment opportunity principles and have a clear understanding of the level, duties and requirements of the vacancy. It is a standard practice of DLA to have one independent panel member, preferably from another Department on all assessment panels for permanent positions. All Selection panel members are required, unless there are unusual reasons, to have completed an NTPS Recruitment training course.

Backfilling Positions

The agency does not backfill short term vacancies where there is internal capacity to support the leave.

Seven vacancies were backfilled in the reporting period; one to cover long service leave absences and one long term vacancy of 12 months. Five positions were advertised through e-Recruit and four external applicants were appointed for fixed term periods. Two vacancies of less than six months were not advertised and filled internally providing higher duties to staff.

Fairness and Equity

The DLA Workplace Behaviour Policy and Guidelines provide direction to ensure a respectful, professional, fair equitable and courteous workplace. The DLA is committed to promoting an environment where employees respect each other and act in manner consistent in the workplace.

The Department is committed to promoting equal employment opportunities in the workplace for all current and potential employees and towards preventing inappropriate workplace behaviours. Everyone has the right to be treated equally in the workplace and their differences respected and valued. All people have equal opportunity to compete for employment, promotion and transfer, and to pursue careers within the public sector.

Flexible Workplace

The DLA promotes a flexible work policy to support employees to achieve a balance between their professional and personal lives. Arrangements are permitted at the Clerk's discretion where the requested hours do not prevent the employee from undertaking the core duties of their role.

This policy does not relate to executive contract officers, part-time employment or job sharing arrangements, infrequent absenteeism from work, or peak periods within the department such as Sittings Days or Committee work.

There is one DLA employee who has a flexible workplace agreement in place that is reviewed annually. One employee applied for and was approved a flexible agreement that did not commence due to a change in family circumstances.

Job Evaluation System

All DLA job descriptions are reviewed prior to advertising to ensure the selection criteria is current, accurate and written in plain English and clearly reflect the level of experience, education, qualifications, capabilities and leadership qualities required. Where tasks or responsibilities of a position change significantly, a JES evaluation is undertaken to ensure that positions are correctly classified and remunerated.

Workforce Development and Performance Management Processes

The DLA Work Partnership Plan (WPP) templates were revised in 2015. The WPP template has been developed to reflect the Capability Leadership Framework (CLF) criteria so that employees may better reflect on the skills and attributes required at their substantive level and not just the tasks of their job description. The intention of aligning the WPP and the CLF is to enable staff and their managers to reflect on strengths and areas for future skill development and discuss how to achieve their unit's outcomes.

Eighteen DLA staff were supported with training and development between 1 July 2015 and 30 June 2016, which was identified in their WPPs.

The WPP process and template is currently under review and DLA will consult with staff and other similar sized departments to redevelop the process so that it is more meaningful. At 30 June 2016, 60 percent of DLA staff had a current WPP with identified training or skill development targets identified.

Grievances

The DLA has a Grievance Resolution Policy that outlines decisions and actions in the workplace affecting employees should be fair and reasonable. Where an employee feels aggrieved by a workplace decision or action, his or her concerns need to be resolved in a sensitive, impartial and timely manner. The policy includes early intervention, fair process and the right for employees to lodge a grievance and victimisation protection.

Informal grievances and minor disputes between employees are managed internally wherever possible using mediation and by supporting units to put in place strategies to encourage employees to work together and address their differences before they escalate.

Employee Assistance Services (EAS) are promoted regularly and all staff are encouraged to use these services whenever they need to.

In the reporting period there were two informal grievances that were managed and resolved internally through mediation and referrals to the EAS. There was one formal grievance lodged with the Speaker as Commissioner for DLA staff that was being investigated by an independent external consultant and not finalised by the end of the reporting period.

Sharing Information

A monthly Board of Management meeting ensures a cohesive approach to the overall management and accountability of the Department and a professional service for Members. Monthly Staff Forums complement the Board meetings and keep all officers informed of management decisions. The forums allow management to listen and consult with staff.

The Human Resource unit publish a monthly bulletin to update staff on HR Topics of interest, including updated or new policies, results of the People Matter Survey, Christmas closedown notice and advice, staff movements and any other topics requested by staff.

The Clerk and Chief Executive of the Department maintains an open door policy to all staff, who may request a time to meet with him to discuss any concerns or issues they have in a confidential and supportive way.

The DLA maintains an intranet site where a comprehensive series of policies and procedures are published.

Overall the sharing of information in the department occurs frequently and in a number of different forums however the people matter survey results reflect that staff want to be consulted more and provided more opportunity to make suggestions regarding change.

UPHOLDING THE PERFORMANCE AND CONDUCT PRINCIPLE

The DLA maintains a comprehensive suite of policies, procedures and guidelines to promote and uphold the Performance and Conduct Principle in the department. Division and unit heads are responsible for ensuring these documents are upheld in the department.

Code of Conduct

The DLA requires the highest standard of professional conduct from all employees at all times. In addition to the Northern Territory Public Sector code, employees are also subject to a DLA specific code and guidelines that details employee conduct standards and requirements.

All employees are expected to carry out their duties and behave in a manner which conforms to the Department's values of respect, professionalism, impartiality, innovation and cooperation. The code also provides direction on the appropriate use of public resources.

Officers of the Department of the Legislative Assembly must strictly comply with clause 12.2 of the Code of Conduct that relates to the relationship between public sector officers of the Legislative Assembly and Members of the Legislative Assembly

The DLA has a series of policies, procedures and guidelines supplementing the code of conduct that include (but are not limited to) outside employment, disclosure of interests and complaints management.

When considering applications for outside employment or disclosure of interests, the Clerk, as Chief Executive will consider if there is a conflict of interest, whether perceived or real, between the employee's duties within the DLA and the proposed activity or association. In particular, consideration will be given to whether the employment or interest concerned is:

- in, or is entering into a contractual relationship with the DLA
- has a primary purpose to lobby agencies of the Northern Territory Government or Members of the Legislative Assembly, or
- is in a regulatory relationship with any government body.

In the reporting period, three staff were approved to engage in outside employment or voluntary roles and one employee disclosed a potential perceived conflict of interest relevant to their role.

There were a number of minor code of conduct breaches identified and resolved with counselling and education of the staff members involved. One code of conduct breach was identified and has not been resolved in the reporting period.

Workplace Behaviour

The Department of the Legislative Assembly is committed for ensuring that all reasonable steps are taken in providing employees in the workplace that is free from discrimination, harassment, bullying and violence. All employees have rights and responsibilities to ensure a workplace that is safe and supportive for everyone which promotes respect and dignity at all times.

All Department employees have shared obligations for creating a respectful and courteous workplace and must be familiar with and ensure compliance with this policy and guidelines at all times when interacting with and/or representing the Department. This includes when at work, outside workplace, attending work related functions and activities, and when using public or social media (e.g Facebook, Twitter, or blogs).

All Unit Heads are required to demonstrate appropriate workplace behaviour and attitudes at all times and must demonstrate respect, dignity and co-operation towards all employees. Any inappropriate behaviour observed or identified is to be promptly addressed, while maintaining confidentiality.

There were no instances of inappropriate workplace behaviour in the reporting period.

Discipline and Inability and Redeployment

The DLA maintains policies and procedures that guide the management of suspected breaches of discipline or inability. The process of investigation is managed in a fair, ethical and professional manner, based on the principles of natural justice.

Due to the small size of the Department serious discipline or inability processes are conducted with the assistance of external independent investigators or in consultation with the Solicitor of the Northern Territory (SFNT). This ensures there is no perception of bias in decision making.

Breaches may be investigated where the Clerk is satisfied there are reasonable grounds to suspect an employee has committed a breach that may include any wilful, negligent or otherwise unacceptable conduct, performance or behaviour by an employee.

Inability relates to the ability of an employee to undertake their duties. An inability process will only be commenced where a supervisor or unit head has serious and ongoing concerns regarding an employee's performance, despite undertaking a structured and thorough performance management and performance improvement process.

In the reporting period the department managed both discipline and inability processes. External independent investigators were engaged in consultation with SFNT.

LOOKING FORWARD

The Northern Territory Government surveyed all NTG employees in the People Matter Survey 2016 and provided a report to all Chief Executives. The DLA values the feedback provided by staff and actively encouraged all to participate. The report has in previous years been a useful mechanism to identify where the Department is achieving and if there are areas that need to be addressed. The results and the matters raised by staff become the subject of a future Staff Forums to address concerns and to consult further with staff.

In previous years the survey has provided valuable and meaningful data and an opportunity to consider what we can do better and how we can ensure the DLA remains a workplace where all staff wish to continue their career or, just as importantly, a workplace that is beneficial to the next stage of the employee's career elsewhere.

The data obtained in the *People Matter Survey 2016* is not as reliable and cannot be confidently compared to the 2014 results to identify areas of improvement or ongoing concerns of staff.

In 2014 the DLA response rate was 92%, representing 34 out of the 37 possible respondents. Only fixed term and permanent DLA staff were included in the 2014 survey cohort.

In 2016 the Office of the Commissioner for Public Employment (OCPE) expanded the DLA survey cohort to include casual contract employees who were paid during the survey period. This made the DLA baseline 66 employees. These additional casual employees have not been included in previous surveys. Casual employees work to support sittings of the Assembly and occasional tours of Parliament House. They do not have access to NTG email accounts outside of the hours they work.

The figure of 30 casual staff additionally does not correlate to the number of casual hansard and education staff who would have worked during the survey period. The demographics in the 2016 survey results indicate that some casual electorate staff may have inadvertently also been included in the email and survey link. MLAs and electorate staff were not to be included in the survey cohort.

While DLA raised concerns directly with OCPE, the response received was that the cohort was not negotiable, which is disappointing. The DLA results between 2014 and 2016 are therefore not a comparison of like for like and are not reliable as a percentage basis. The same cohort of fixed term and permanent staff in 2016 numbers is 36 FTE.

The DLA is considering the data collated on the basis that employees completed the survey in good faith so that their opinions could be heard and considered. The two areas that were highlighted as requiring attention were a better focus on consultation around change management and staff wanting greater access to skill development.

As a consequence of the Survey the DLA will engage an external professional to encourage a fresh and independent perspective through consultation with staff. This consultancy is being designed to promote the continuous improvement of the DLA corporate and workplace culture. The DLA Professional Excellence Guidelines will also be revisited in this context.

The HR unit will undertake a six monthly review of the implementation of the organisational structure which came into effect on 1 January 2016. Input from all staff will be encouraged.

The Work Partnership Plan template and performance process is now due for a review in terms of how they operate and their effectiveness. This will occur in the next reporting period.