Parliamentary Workplace Support Service

Review of Decision Guideline

Contents

1. Purpose 2
2. Key Principles 2
3. Review of decision 2
4. Requesting a review 3
5. Privacy and record keeping 4
6. Alternative review options 5
7. Support 5
8. Definitions 6
9. Document control 6

1. Purpose

The Parliamentary Workplace Support Service (PWSS) is committed to fair, consistent and transparent decision making and providing all Commonwealth Parliamentary Workplace (CPW) participants who are directly affected by a PWSS decision with access to a fair process for review.

This guideline provides information to CPW participants on the scope, eligibility, and process for reviews of PWSS decisions (reviews).

In accordance with Clause 77 of the *Commonwealth Members of Parliament (Staff) Act 1984* (MOP(S) Act) Enterprise Agreement 2024-27 (EA), a MOP(S) employee may also initiate a dispute relating to matters arising under the EA. Where there are inconsistencies between this guideline and the EA, the EA prevails.

2. Key Principles

- The PWSS will only review a matter once, unless new information becomes available.
- An application for review will not cease or suspend the action or decision while the review is being undertaken.
- Reviews are dealt with impartially, fairly, and as expeditiously as proper consideration of the matter allows.
- The review process will be undertaken discreetly, and will, so far as practical, maintain the confidentiality of all parties.
- The PWSS is unable to review a decision that has been made by someone external to the PWSS.
- A review of a decision does not prevent a CPW participant from pursuing other remedies or options available to them under applicable legislation.

3. Review of decision

The purpose of a review is to ensure that decisions made by the PWSS are reasonable and fair in the circumstances. Prior to a review, the PWSS will determine if the review request is a 'reviewable decision' (see section 3.2). During a review, an assessment is made as to whether a decision was made in accordance with applicable policies, procedures, and principles, and whether it represents an appropriate exercise of decision-making in the circumstances.

3.1 Eligibility

Current or former CPW participants who are directly affected by a PWSS decision can request a review of the decision.

3.2 Reviewable decisions

Only decisions made by the PWSS can be reviewed. PWSS decisions that may be reviewed include, but are not limited to:

- not proceeding with a facilitated discussion

- not releasing personal information to a CPW participant
- suspending a CPW participant from duties
- rejecting an application for ad hoc training or studies assistance
- rejecting a request for early intervention assistance.

The PWSS cannot review a decision made by someone external to the PWSS, such as an employing parliamentarian or the Independent Parliamentary Standards Commission (IPSC).

4. Requesting a review

4.1 Submit a request to the PWSS

A CPW participant directly affected by a decision made by the PWSS can submit a request for review. In the first instance, attempts should be made to achieve a resolution by discussing the matter with the original decision maker (where practicable).

If the matter cannot be resolved, a request for review can be made in writing within 28 days of the CPW participant receiving the PWSS' decision. The request should include:

- details of the original decision and/or a copy of the written decision which the applicant wishes to have reviewed
- reason(s) for requesting a review
- the outcome being sought
- any supporting information.

New information cannot be considered as part of a review of decision. If there is new information for the PWSS to consider, this should be submitted to the PWSS as a new matter for assessment.

4.2 Initial assessment

Before an application is accepted and assigned to a reviewer, a PWSS delegate who was not involved in the original decision must first be satisfied that a review of decision is appropriate in the circumstances. They may seek information from the applicant to inform this decision.

If the PWSS delegate forms the preliminary view that a review is not appropriate in the circumstances, the applicant will be advised and provided with an opportunity to comment prior to a final decision being made.

If the PWSS delegate determines that the decision is non-reviewable, or a review is not appropriate in the circumstances, the decision maker will advise the applicant in writing:

- that the decision is not reviewable, or a review is not appropriate.
- the reasons supporting their decision.

4.3 A review of decision is undertaken

If a PWSS delegate decides the decision is reviewable, the applicant and original decision maker (where practicable) will be notified.

The PWSS delegate may review the matter themselves or nominate another reviewer to conduct a review and provide recommendations.

The way in which reviews are conducted will vary depending on the circumstances, noting however:

- most reviews are done 'on the papers', i.e. the documentation and information used to inform the original decision is reviewed.
- the reviewer may direct a CPW participant to provide information as part of the review.
- the PWSS endeavours to have reviews completed within 30 days of receiving a request for review.

The PWSS will offer continued support through the review of decision process.

4.4 Outcome

Following completion of the review, the decision maker may decide to:

- confirm the outcome of the original decision
- vary the original decision
- set the decision aside and make a new decision
- take some other appropriate action.

It is open to the decision maker to recommend local resolution in accordance with the Local Resolution Policy, such as a facilitated conversation, mediation or conciliation.

The delegate will then advise the applicant, in writing, of:

- the decision made
- the reasons for that decision
- any action to be taken as a result of the review.

5. Privacy and record keeping

PWSS reviewers and other employees involved in a review of decision must manage the process discreetly and handle all personal information in accordance with the Privacy Act 1988.

All records relating to a review of action will be stored in accordance with the *Privacy Act 1988*.

6. Alternative review options

Individuals may consider a range of alternative review options, including where an action or decision is not eligible to be reviewed by the PWSS. Options include (but are not limited to):

- the Commonwealth Members of Parliament Staff Enterprise Agreement 2024-27 (EA) contains procedures for the resolution of disputes relating to the EA and the National Employment Standards.
- the Fair Work Commission – can assist in resolving disputes, including those arising from the EA or individual employment arrangements in the workplace should there be no resolution, and orders to stop bullying.
- the Fair Work Ombudsman – can investigate breaches of the *Fair Work Act 2009* and take appropriate enforcement action.
- the Australian Human Rights Commission – can investigate and resolve complaints about alleged breaches of human rights, including discrimination.
- Comcare – can investigate a work health and safety concern or incident.

7. Support

7.1 Parliamentary Workplace Support Service (PWSS)

The PWSS is available to provide a range of human resource and work health and safety support and guidance to Parliamentarians and employees. We also provide wellbeing, conflict resolution and early intervention support.

The PWSS can be contacted on 1800 747 977, by SMS on 0487 112 755, or by email at support@PWSS.gov.au. Visit pwss.gov.au for more information.

7.2 Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is a professional and confidential program which aims to enhance the emotional, mental and general psychological wellbeing of employees and their immediate family and household members. The EAP can be contacted 24 hours per day, 7 days per week. Employees and their families can access EAP services for work or personal issues, by calling 1300 360 364 or by visiting one.telushealth.com | Username: pwss | Password: Wellbeing.

7.3 Before Blue

Parliamentarians and MOP(S) Act employees have access to Before Blue, an early intervention mental health program which provides tools and support to manage stress, build resilience, and enhance overall mental wellbeing. This service was developed by Beyond Blue in partnership with Comcare.

The service can be accessed without a GP referral or mental health treatment plan. Neither the PWSS nor your employing parliamentarian receive any identifying information about employees who access the service.

You can access the service either through the website or app. Select ‘Sign up now’ and use the registration code: PWSS-B4B.

8. Definitions

Term	Definition
Commonwealth Parliamentary Workplace (CPW)	A CPW includes any workplace where parliamentary work occurs, such as Australian Parliament House and parliamentary precincts, ministerial, parliamentary and electorate offices, Commonwealth Parliamentary Offices, and home offices. This includes when that work may be remote from a CPW (for example, at external meetings/events or whilst travelling for work purposes).
Commonwealth Parliamentary Workplace (CPW) participant	For the purpose of this guideline, a CPW participant includes current and former: • Parliamentarians • MOP(S) Act employees • designated workers who carry out work in any capacity for a business or undertaking of the Commonwealth constituted by the provision of support to a parliamentarian (a worker within the meaning of the Work Health and Safety Act 2011) at a CPW.
Employee	Employees are employed under the *Members of Parliament (Staff) Act 1984 (Cth)*. MOP(S) Act employees are employed by Parliamentarians on behalf of the Commonwealth.
Parliamentarian	This term refers collectively to Members of the House of Representatives and Senators.

9. Document control

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