**Governance and**

**Sustained**

**Cultural Change in Parliaments**

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Bruce Pope

Keira Smalley

Department of Parliamentary Services

Parliament of NSW

**Introduction**

Parliamentary institutions are often considered the cornerstone of modern democracies, responsible for enacting laws, representing citizens, and holding the executive government accountable.[[1]](#footnote-1) This unique societal role may suggest a need for a particularly high standard of professional and ethical behaviour. Parliaments have both the public visibility and the potential influence to act as a benchmark on matters of safety, inclusion and respect in the workplace and the broader community. Unfortunately, such a high standard of behaviour has not always been maintained in parliamentary environments. The number of parliaments both in Australia and overseas that have been the subject of reviews examining the prevalence of bullying and sexual harassment demonstrates this.[[2]](#footnote-2)

The need for organisations to effect cultural change is not new, and the interventions required to effectively address unwanted behaviours, whether it is unsafe work practices, bullying, harassment, or discrimination, are relatively well established and consistent across sectors and industries.[[3]](#footnote-3) Usually, interventions will include some or all of the following areas: policy, leadership and culture, training, reporting, complaints and investigations, monitoring, and supports.[[4]](#footnote-4) However addressing the challenges of implementing such changes within the parliamentary setting requires attention to the unique nature of these workplaces. This paper considers the critical role of integrating human related risk, through a lens of inclusion and diversity, into established governance frameworks within parliaments to support enduring positive change.

Parliamentary workplaces are often characterised by high-stress environments, power imbalances, and deeply ingrained cultural norms that can lead to bullying, harassment, and burnout.[[5]](#footnote-5) These are institutions founded and maintained upon the concept of strong debate, where conflict and opposition are baked-in modes of engagement.[[6]](#footnote-6)

Discussions about the challenges in changing parliamentary culture often cite parliamentary privilege as a major obstacle to reform. However, it is important to recognise that parliamentary privilege is limited to the words spoken in debate within the chambers and the procedures and reports of parliamentary committees. While it may be argued that speeches in the chambers have some impact on the broader parliamentary culture outside, understanding the narrow scope of parliamentary privilege is crucial. Clear distinctions about its limits are essential for interventions aimed at promoting positive cultural change across the parliamentary community to be effective.

Some have expressed a view that the best regulation for member’s conduct is the democratic requirement for regular, free and fair elections placing the onus for scrutinising member’s behaviour onto the voting public.[[7]](#footnote-7) It is true that parliamentary administration has limited authority over members, beyond informing them of specific legislative responsibilities, and this can create challenges in implementing change.[[8]](#footnote-8) In addition there is a substantial power imbalance between parliamentarians, their staff and parliamentary departmental staff.[[9]](#footnote-9) These structural and environmental conditions are both the basis for a need for cultural change and the barriers to bringing it about.

In Toxic Parliaments and What Can Be Done About Them Sawer and Maley find that toxic behaviours, such as bullying, harassment, and discrimination, are entrenched in many parliamentary systems, hindering effective governance and creating hostile work environments. This suggests the need for systemic change through enforceable standards, stronger accountability, and cultural reforms to foster respectful, inclusive, and productive parliamentary workplaces.[[10]](#footnote-10)

**Sawer and Maley** discuss the potential that the entry of women into parliamentary spaces presents to challenge toxic parliamentary cultures. A potential that has been thwarted by broad entrenched attitudes and constraints.[[11]](#footnote-11) We know that Australian parliaments have traditionally been male-dominated spaces, and that they have historically passed legislation that was harmful to Aboriginal and Torres Strait Islanders[[12]](#footnote-12), LGBTQIA+ people[[13]](#footnote-13), people with disabilities[[14]](#footnote-14), and people from culturally diverse backgrounds.[[15]](#footnote-15) It could be suggested that this negative legislative history has echoes in the experiences of people from diverse backgrounds who work in parliamentary environments today. Certainly, research shows that bullying and harassment is more often perpetrated against individuals in marginalised groups. However, as women entering parliament create the potential for positive change, diversification of perspectives, experiences and skills in the parliamentary workforce serves to challenge toxic culture and better reflect the diverse community that parliament is intended to represent. Importantly these benefits can only be fully realised when respect, safety and inclusion are the true constants in the experience of all those within the parliamentary workplace.

This paper suggests that governance structures that capture and track the experiences of people from diverse backgrounds through a risk-based approach will better support longer term and more effective change.

**The Broderick Review**

In July 2021, the NSW Parliamentary Executive Group[[16]](#footnote-16) announced the engagement of former Sex Discrimination Commissioner Elizabeth Broderick AO to lead an independent review into bullying, harassment, and sexual misconduct in NSW Parliament workplaces (the Broderick Review).[[17]](#footnote-17)

The findings of the review indicated that women, young people, people with diverse sexualities and genders reported a markedly worse experience within the parliamentary workplace, and that harmful behaviours disproportionately affect Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds.[[18]](#footnote-18) In addition the findings indicate that parliamentary members are the group who report having experienced or witnessed bullying, and/or sexual harassment in the highest numbers.[[19]](#footnote-19)

The review called for systemic change, including the establishment of an independent complaints process, improved leadership accountability, and clear behavioural standards. It emphasised the importance of creating a safer, more inclusive parliamentary workplace, with a focus on respect, diversity, and gender equity.[[20]](#footnote-20)

Commissioning a review of this kind is a significant step towards addressing the potentially toxic nature of parliamentary workplaces in itself. The implementation of the changes that it recommends, however, takes sustained commitment and is not without challenge. Authors such as Maley (2024)[[21]](#footnote-21), Mackay (2014)[[22]](#footnote-22) and Mahoney and Thelen (2010)[[23]](#footnote-23) have noted the particular challenges of creating lasting change in organisations with ‘institutional and cultural’ legacies as entrenched as those within parliaments.

The unique governance structures of NSW Parliament, where authority within the institution is diffused across three distinct departments and political parties,[[24]](#footnote-24)presents challenges for accountability and effective interventions to address harmful practices. Despite these challenges, much work has been delivered to support achieving a more safe, inclusive, and respectful work environment. In response to the review the following outlines some of the work that has been completed:

* A consolidated policy, *Prevention of Bullying, Harassment and Sexual Harassment*, has been introduced that specifically addresses leadership responsibility to be proactive in prevention, and laying out clear reporting pathways and support for staff who report.
* A two-part training program on appropriate workplace behaviour, incorporating diversity & inclusion considerations and trauma-informed response to complaints, has been introduced for all departmental staff, member’s staff and members. Feedback on the training has been consistently very positive.
* New Employee Assistance Programs are now in place that offer tailored support to members of the LGBTQIA+ community, and Aboriginal and Torres Strait Islanders.
* A LGBTQIA+ Taskforce has been established to develop a tailored strategy to enhance safety and reduce risk for LGBTQIA+ members and staff.
* The Parliamentary Advisory Group on Bullying, Harassment and Sexual Harassment has been reestablished with an independent chair. The group includes representatives from across the parliamentary community and was establish by the Parliamentary Executive Group to advise them on relevant matters by drawing on diverse perspectives and experiences from across the parliamentary community.

In addition, prior to the review work was already underway to establish the function of an Independent Complaints Officer (ICO), however Broderick underscored the importance of its introduction which occurred in 2022. The ICO is responsible for investigating allegations of bullying, harassment, and inappropriate behaviour by members. Additionally, the ICO has responsibility for handling complaints about minor breaches of the Members' Code of Conduct, particularly regarding the use of allowances, entitlements, and the pecuniary interests disclosure scheme.

The above is just a snapshot of some of the work that has been completed or is underway. Good progress has been made and we are now at a stage where many of the changes delivered are being transitioned into business as usual to support sustained ongoing improvement.

In his paper Modernising Parliamentary Workplaces: Safety, Diversity, and Representation David Blunt, the Clerk of the Parliaments in the Legislative Council in New South Wales, discusses the review and explores the need for comprehensive reforms in parliamentary workplaces to create safer, more inclusive environments that embrace diversity and ensure proper representation. The paper draws on Blunt's experience at the Parliament of NSW and reflects on various challenges and initiatives undertaken in the Parliament to address workplace culture, safety, and governance.[[25]](#footnote-25) Building on Blunt’s paper, I will now speak specifically to the issue of governance and outline the ways in which it is an essential area of focus when seeking to achieve comprehensive cultural reforms.

**Human related risk and Governance.**

Governance structures have traditionally had a focus on financial and legal risk however more recently there has been increasing recognition of the importance of a broader and more diverse spectrum of consideration.[[26]](#footnote-26) The importance of governance to provide oversight when addressing human related risk can be understood in this context. This is not to say that there is currently no consideration of human related risks associated with bullying, harassment, and discrimination and related work health a safety risks in establish governance structures, however an increased focus on such risks could assist to address unacceptable behaviour and improve the work environment.

Effective risk management that addresses various human-related risks could play a key role to improve productivity, reduce costs associated with complaints and claims, and reduce exposure to reputational damage. Integrating these aspects into risk management frameworks and actively assessing the effectiveness of measures to mitigate these risks could lead to a more comprehensive and resilient system and a safer, more inclusive, and respectful workplace.

The Secretary of NSW Treasury recently highlighted the increasing cost associated with psychological damage and related claims for the NSW Public Service.[[27]](#footnote-27) There is also growing recognition that psychological safety is a requirement for organisations to be able to effectively manage risk more broadly.

The NSW Work Health and Safety (WHS) regime, which is designed to ensure the health, safety, and welfare of workers by mandating compliance with WHS laws and regulations, has now explicitly recognised psychosocial risks factors in the workplace that can affect employees' mental health, such as bullying, harassment, excessive workload, poor management practices, and workplace culture. Under the NSW WHS Act, employers have a legal obligation to identify, manage, and eliminate or mitigate these psychosocial risks, just as they would with physical hazards.[[28]](#footnote-28) However, achieving psychological safety and addressing risk associated with inappropriate behaviour in workplaces remains elusive for many organisations. This paper suggests that two factors are important here; effective identification and reporting on these types of risks and assessments of the effectiveness of measures to mitigate these risks or ‘Diverse Risk Management’; and diverse perspectives being included in oversight and decision making or ‘Inclusive Oversight.

*Diverse Risk Management*

Human risk assessments including inclusion and diversity considerations could be incorporated into established risk management processes, identifying potential risks to the well-being of members and staff from all backgrounds, evaluating the impact of these risks, and implementing strategies to mitigate them, and assessing the effectiveness of these strategies. By proactively addressing human risks in this context there may be an increased visibility of such risks and the effectiveness of attempts to mitigate them, assisting to create a safer and more supportive working environment.

*Inclusive Oversight*

The Green Shoots of Change in the Boardroom review by Deloitte assesses the impact of board diversity. The review highlights the benefits of appointing board members from diverse backgrounds.[[29]](#footnote-29) The NSW Treasury is currently undertaking a consultation process to review the *Internal Audit and Risk Management Policy*. The purpose of the policy is to set minimum standards in relation to risk management, internal audit, and Audit and Risk Committees (ARCs). The policy also seeks to promote best practice standards and frameworks. [[30]](#footnote-30) Importantly for the discussion here the consultation paper identifies the importance of diversity of an Audit and Risk Committee (ARC).

Incorporating diverse perspectives into governance processes and decision making is important to understand and address human related risks. The experiences and needs of all members and staff should be considered to achieve more effective and equitable outcomes. While it may be impossible to design for every possible permutation and combination of diversity factors, by including diverse perspectives**, processes, and understandings can change and better consider the broad diversity of human experience and the diversity of human related risks. Put simply, approaches and systems can change to assume diversity of experience and identity rather than to assume experience and identity is homogenous.**

The establishment of the LGBTIQA+ Taskforce at the Parliament of NSW is a positive development in this regard. These sorts of developments can foster a culture of inclusivity and respect, reinforcing positive cultural change and arguably strengthening the democratic nature of Parliament.

**Conclusion**

Creating a safe, inclusive, and respectful workplace in parliamentary settings has some particular challenges, and requires a comprehensive approach that addresses cultural, behavioural, and governance-related challenges. Much has been achieved at the Parliament of NSW however it is recognised that to ensure long-term positive change ongoing ‘business as usual’ arrangements need to continue to address cultural and behavioural issues. While not a silver bullet to address all challenges to effective change, established governance structures could have an increased consideration of human related risks through a lens of inclusion and diversity, both in risk management and oversight arrangements. This would support the development of more mature policies and processes that genuinely achieve and sustain safe, inclusive, and respectful workplaces for everyone at Parliament.

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16. Note: The Parliamentary Executive Group includes the Presiding Officers (Speaker of the Legislative Assembly and President of the Legislative Council), the Clerks of the two Houses, and the CEO of the Department of Parliamentary Services. [↑](#footnote-ref-16)
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30. Note: The NSW Parliament voluntarily complies with the relevant legislation and policy to inform a best practice approach. [↑](#footnote-ref-30)