

From: s22
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]
Date: Thursday, 23 July 2020 11:06:38 AM
Attachments: [image001.png](#)
[image002.png](#)

Thank you s22 – that's great news.

Regards

s22

From: s22
Sent: Thursday, 23 July 2020 9:29 AM
To: s22
Cc: s22
Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]
UNCLASSIFIED

Good morning s22

In s22 absence, I am writing to confirm that we have delegate approval to engage HBA Consulting to undertake the Code of Conduct investigation in line with the information outlined in the quote/below email trail. To confirm:

- Cost: up to \$13,200 (incl. GST). Total cost also includes \$1,200 for transcription services
- Commencement: week commencing 27 August 20
- Timeframe for completion: up to 3 weeks from commencement date
- Hours: up to 40 hours

s22 will be in touch with s22 on Monday to discuss the matter and provide relevant information gathered to date.

Happy to discuss if required.

Kind regards

s22

UNCLASSIFIED

From: s22 <s22@hbaconsulting.com.au>
Sent: Tuesday, 21 July 2020 4:16 PM
To: s22 <s22@finance.gov.au>
Cc: s22 <s22@finance.gov.au>; s22 <s22@hbaconsulting.com.au>
Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]
Thanks you s22

From: s22 <s22@finance.gov.au>
Sent: Tuesday, 21 July 2020 4:14 PM
To: s22 <s22@hbaconsulting.com.au>
Cc: s22 <s22@finance.gov.au>; s22 <s22@hbaconsulting.com.au>
Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]
UNCLASSIFIED

Thanks s22

I'll be seeking delegate approval on engaging an investigator shortly. I'll be in touch once I have the outcome.

Kind regards,

s22

UNCLASSIFIED

From: s22 <[REDACTED]@hbaconsulting.com.au>

Sent: Tuesday, 21 July 2020 3:52 PM

To: s22 <[REDACTED]@finance.gov.au>

Cc: s22 <[REDACTED]@finance.gov.au>; s22

<[REDACTED]@hbaconsulting.com.au>

Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]

Hi s22

Thanks for the email. I have spoken to s22 and we can confirm that he can begin work next week as indicated.

To be conservative, we would suggest adding in a day to the original 3-4 days in our proposal – but we cant see it taking more than around 4 days to complete, however the 5th day would provide a buffer if something unexpected came up. Assuming no delays in accessing and getting responses from people involved in the process, we would estimate the process to be completed within 2-3 weeks of commencement.

Regards

s22

Principal

HBA Consulting PL

s22

From: s22 <[REDACTED]@finance.gov.au>

Sent: Tuesday, 21 July 2020 3:19 PM

To: s22 <[REDACTED]@hbaconsulting.com.au>

Cc: s22 <[REDACTED]@finance.gov.au>

Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s22

Thanks for the chat the other day. I just wanted to confirm a few aspects of the case to ensure your quote is an accurate reflection of the scope of the investigation.

s22

[REDACTED]

The scope of the investigation will include:

- A desktop style review of the process and materials obtained to date through the internal investigation process (focusing on just one meeting)
- Any follow up regarding the review of existing material, which may include interviews or written correspondence with s22

If, on reviewing the existing material, the external investigator is not satisfied with the existing work, they may choose to start a fresh (with prior approval from Finance).

- Interviews with s22
- Review of s22 and any required follow up
- An interview with s22

- Completion of a final investigation report (draft to be sent through first)
- Updating the Case Manager upon request and as required, particularly if new allegations are made relevant to further potential breaches of the Code.
- Transcripts provided for all interviews.

Could you please get back to me with any revisions to the quote and also confirm that s22 would be able to commence with investigation as early as next week? Could you please also provide timing for the likely submission of the draft report (pending no delays from our side)?

Thanks,

s22



s22

Case Support

HR Branch

Business Enabling Services

Department of Finance

T: s22

E: s22@finance.gov.au

A: 1 Canberra Ave, Forrest ACT 2603

Please note that I work part-time. I am in the office Monday-Wednesday, flexible hours.

UNCLASSIFIED

From: s22@hbaconsulting.com.au>

Sent: Tuesday, 14 July 2020 11:48 AM

To: s22@finance.gov.au>

Subject: RE: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]

Importance: High

Hi s22

I hope that you, your team and family are keeping well during the challenging times at present.

Thank you for the opportunity to provide a proposal to undertake this piece of work.

Please find attached our proposal and the CV for our suggested consultant, s22.

If you have any questions in relation to it, please feel free to contact me on s22 or

s22.

Regards

s22

Principal

HBA Consulting PL

From: s22@finance.gov.au>

Sent: Tuesday, 14 July 2020 10:43 AM

To: s22@hbaconsulting.com.au>

Subject: Request for quote - Code of Conduct investigation [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s22

I hope this email finds you well.

We are seeking a quote for a code of conduct investigation. s22

[Redacted content]

s22

With the revised scope, I anticipate a further 2-3 interviews may need to be completed.

Happy to chat if needed.

Thanks,

s22

Case Support

HR Branch

Business Enabling Services

Department of Finance

T: s22

E: s22@finance.gov.au

A: 1 Canberra Ave, Forrest ACT 2603

Please note that I work part-time. I am in the office Monday-Wednesday, flexible hours.

UNCLASSIFIED

Finance Australian Business Number (ABN): 61 970 632 495
Finance Web Site: www.finance.gov.au

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If responding to this email, please send to the appropriate person using the suffix .gov.au.



s22 – Senior Workplace Investigator

Prior to joining HBA Consulting more than 10 years ago, s22 has over 30 years' experience working in the Commonwealth Public Service (up to the SES level) on a range of policy, program management and operational challenges with a strong focus on ensuring that the HR function makes an effective contribution to the achievement of corporate objectives. He is a highly experienced workplace investigator and generalist HR/IR consultant who works closely with his clients to help them achieve their HR and IR outcomes and enable them to understand and make well informed decisions.

He has worked with many Federal and State government departments and agencies as well as with organisations in the private and community sectors on a wide range of complex and sensitive workplace review and investigative assignments.

s22 is consistently complemented by the clients that he works with on the thoroughness and professional manner in which he conducts his work, and the clarity and insightfulness of his written reports.

Consulting Expertise - Workplace Investigations

- s22 has conducted numerous workplace investigations (around 100 in total with HBA Consulting), often involving complex and sensitive workplace issues, including harassment, bullying, conflicts of interest and Public Interest Disclosure matters.
- He is fully conversant with the APS Code of Conduct and Workplace Investigation processes, how the policies and procedures of each Agency interact with these and the importance of ensuring consistent and transparent application of the policies and procedures to each workplace investigation process.
- To date, all of s22 reports and their recommendations have been accepted by his clients, and none have been overturned following review by an external party (e.g. Fair Work Commission, Human Rights & Equal Opportunity Commission).

Recent investigative assignments

During the past 12 months, s22 has undertaken a diverse range of investigative assignments with organisations such as:

- ACT Justice and Community Safety Directorate
- Austrade
- Canberra Imaging Group
- Department of Communications and the Arts
- The Australian National Maritime Museum



Provision of Investigative Services to the Department of Finance

July 2020

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Executive Summary

Review and investigation processes are often complex and almost always overlaid with a layer of emotion that needs to be acknowledged and handled sensitively.

HBA Consulting understands these issues and, in addition to the legal, employment and policy related requirements of such processes, has an extensive record of delivering quality outcomes that are accepted by all key stakeholders.

Critical to this acceptance are a number of essential elements, including:

- Demonstrable experience in the design and conduct of reviews and investigations;
- An approach to review and investigation processes that addresses any actual and perceived conflict of interest issues through careful adherence to independence matters;
- A strong focus on procedural fairness, equity and natural justice principles;
- Broad and deep understanding of the applicable legal, employment and policy frameworks and requirements;
- Integrity and honesty of approach; and
- Thorough, logical and complete reporting outcomes that meet high quality standards.

HBA Consulting has an extensive, demonstrable record of providing investigatory and review services that are underpinned by these elements. Our proven track record of service delivery across a wide range of public sector organisations confirms our capabilities in this regard.

Our highly experienced team, have considerable knowledge and experience of working across the Australian Public Sector across a wide range of complex and sensitive investigatory assignments.

We look forward to assisting the Department of Finance with this important assignment.

Our Company Profile

HBA Consulting (HBA) is pleased to submit this proposal to assist the Department of Finance with a requirement for an investigation into allegations of misconduct – specifically relating to inappropriate behaviour on two occasions.

Our Company

HBA is a Canberra based consultancy that has operated for over twenty-three years and specialises in the provision of professional advice and assistance on workplace relations matters. HBA operates across the range of industry sectors but has particular expertise in assisting public sector organisations.

Our People

HBA consultants have extensive, practical experience in HR and workplace relations gained through their current and former roles as workplace relations consultants and senior management representatives. Our consultants collectively have decades of high-end experience in public sector employment matters (much of it at the SES level) and have a detailed knowledge of the historical and emerging employment frameworks of the Australian Public Service (APS), statutory authorities and government business enterprises. Our consultants also have conducted many PID investigations under the Commonwealth PID legislation, and so are fully conversant with the requirements, obligations and processes involved.

What We Do

Public sector employers access the services of HBA to ensure that workplace relations strategies and practices accord with the terms of current and emerging employment legislation and associated Government policy and that the opportunities presented by the prevailing legislation are optimised and human resource management objectives achieved.

We are engaged widely (by over 70 Commonwealth/ACTPS agencies and several private sector organisations) in all aspects of human resource management, workplace relations and workplace conciliation and mediation advice and support, ranging from strategic planning, the development of proposals, drafting agreements and related documentation, the consultation processes with staff and their representatives and in the implementation of agreements.

We have a long established, dedicated workplace investigations service that provides agencies with access to independent and impartial expert assistance in the investigation of workplace grievances and Code of Conduct matters.

Throughout the investigation process we offer the highest level of professionalism and maintain a strict quality control system with all investigation reports subject to rigorous internal peer review prior to finalisation.

This high standard of procedure ensures that agencies can be confident that recommendations made have a solid foundation in objectivity, impartiality and sound adherence to public administration principles.

Our Clients

HBA has steadily built its client base over the years to the point where we are the leading providers of human resource management and workplace relations services to Government and related agencies. An indicative list of clients we have provided HR related services to is contained in ***Appendix A***.

Our Understanding of Your Needs

HBA Consulting (HBA) is pleased to submit this proposal to assist the Department of Finance with a requirement for the investigation of a complaint in relation to allegations of possible workplace misconduct by an employee – involving one allegation that has been partially investigated internally, and another that is to now be included in this process.

We understand that the allegations relate to inappropriate behaviour, associated with action inconsistent with direction in relation to the partially investigated matter, and only generally described as similar behaviour for the second matter.

Based on the brief initial scope provided, we believe that the investigation will involve:

- A desktop style review of the process and materials obtained to date by the internal investigative process. This is to ensure that the external investigation maintains appropriate independence and may involve the checking of some information and potentially confirmation of records of interview etc with individuals involved to date.
- Interviews with up to 3 additional interviews with potential witnesses to the matter(s).
- An interview with the respondent.
- Completion of a final report into the matters.

Following confirmation of the Terms of Reference, the investigation report would typically include recommendations in relation to any findings of any breaches of the Code of Conduct and APS Values, as well as the identification of any opportunities for systemic improvement to avoid similar issues into the future.

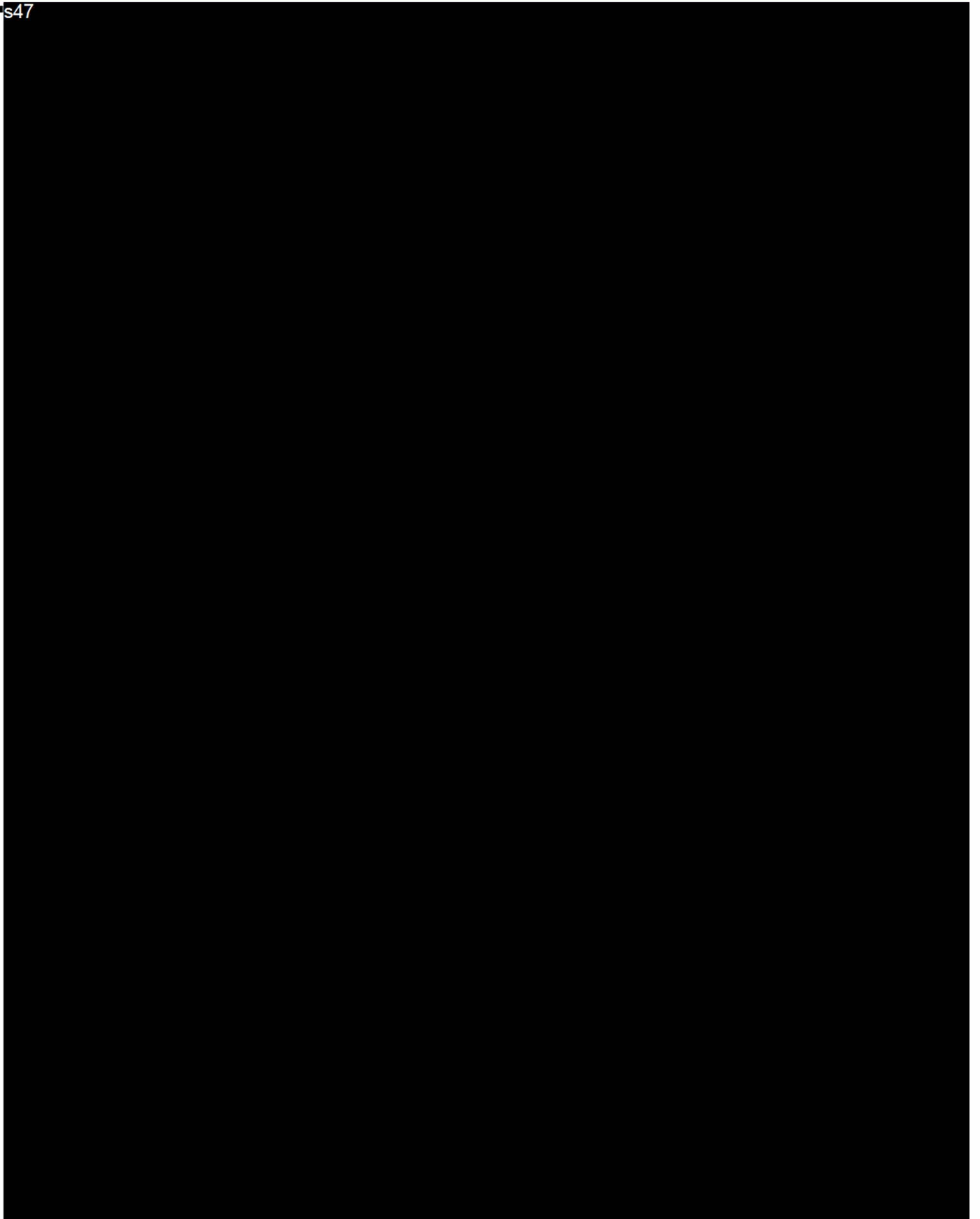
We understand that you require this assignment to commence in the near future and to be completed as soon as possible, to enable the matter to be addressed and resolved in a timely manner.

We would be happy to work with the Department of Finance to develop an agreed investigation plan that meets the needs of the process, any sensitivities associated with those involved in the investigation process and also minimises time and costs involved.

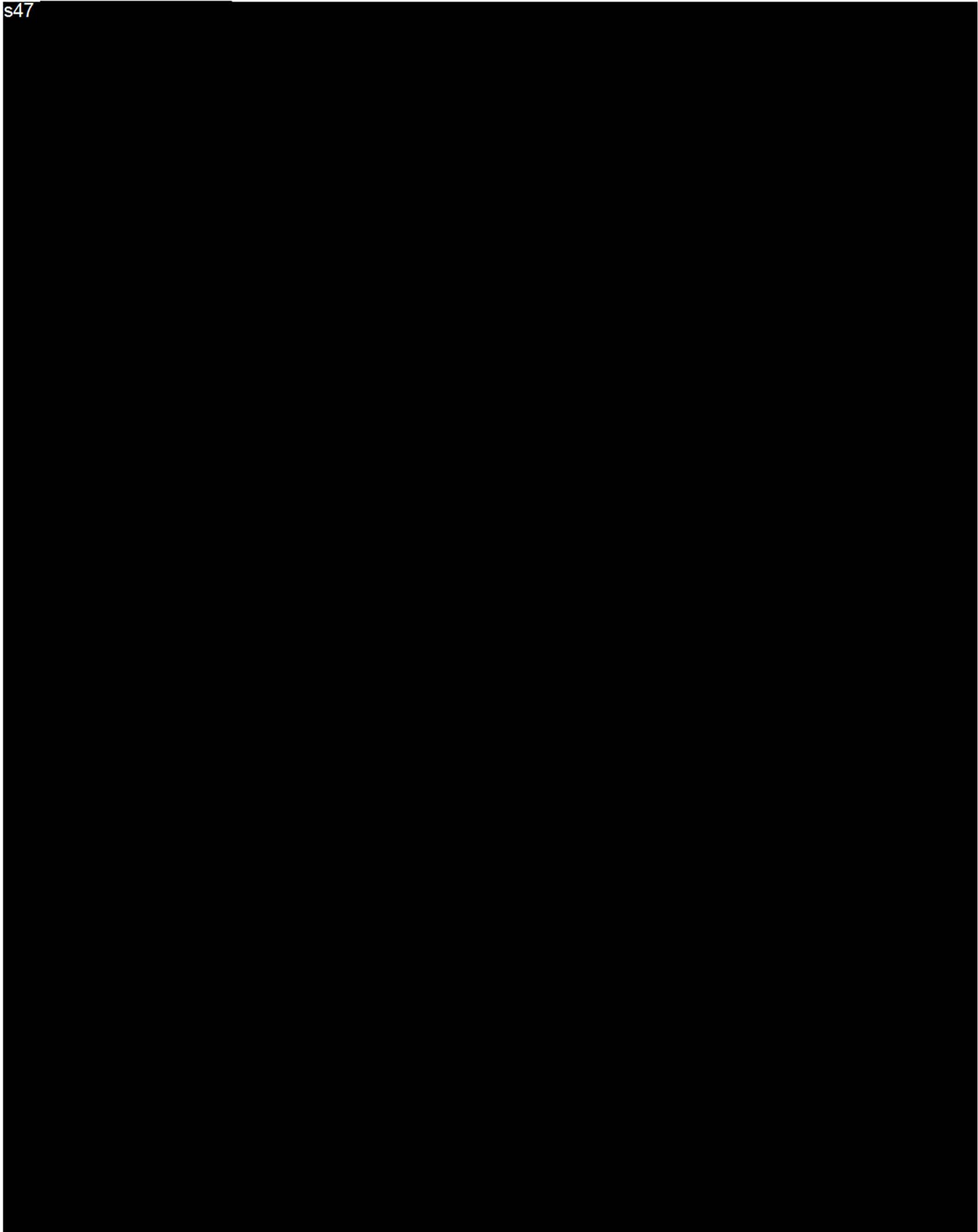
Based on the preliminary discussions we believe that it might take between 3-4 consulting days to complete. Given the current COVID 19 measures, we propose that the discussions be conducted via phone or video link with the Department, the witnesses and the respondent.

s47

A large, solid black rectangular box covers the majority of the page, indicating that the content has been redacted. The box starts below the header and extends nearly to the bottom of the page.



s47



HBA directs all requests for access to reports or advice about the outcomes of a report to the client.

Fees

Our usual fees for this assignment are structured on the following basis:

- An hourly rate of s47 [REDACTED]
- A daily rate of s47 [REDACTED] – based on an 8-hour day

Based on our understanding of the assignment, we would estimate the time required to undertake the work to be in the range of 3-4 consulting days to complete (depended upon the final numbers to be interviewed and the time required to review and confirm the work done to date internally on the investigative matter). This would equate to an estimated cost range of s47 [REDACTED] based on our standard rate.

Quality Assurance Requirements and Current Engagements

All HBA consultants currently possess deep and broad professional skills, knowledge and experience relevant to the requirements of the assignment, and a demonstrable and extensive professional history of applying the qualifications to consulting assignments of the type and nature required in by the Department of Finance .

HBA Consulting implements a strong internal quality assurance and peer review process for all assignments. This QA process will be overseen for this contract by s2 [REDACTED] (Senior Consultant HBA Consulting) and will ensure that the consultant used to perform this investigation meet the required professional standards.

In support of the effectiveness of our quality assurance processes, *to date no HBA review or investigation report has been:*

- rejected by a client;
- rejected in Court.

Also, the regular re-engagement by clients of HBA to undertake subsequent review and investigative processes further supports the rigour of our internal quality assurance processes.

In support of the currency of our qualifications, levels of training and knowledge of workplace investigations and reviews, HBA Consulting can confirm that it is presently on the following workplace investigation and review panels:

- Attorney Generals Department
- Australian Crime Commission
- ACT Government
- NSW Government

Appendix A – HBA Client List

ACT Public Sector

ACT Housing
ACT Health
ACT Work Cover
ACTION (public transport authority)
Calvary Hospital
Canberra Hospital
Chief Minister's Department
Legislative Assembly Secretariat
ACT Community Care
Canberra Institute of Technology
InTACT Group (Government information Technology Service)

Commonwealth Sector

Federal Magistrates Court of Australia
Department of Veterans Affairs
Department of the Treasury
Human Rights and Equal Opportunity Commission
Department of Prime Minister and Cabinet
Department of Industry
Department of Finance
Department of Environment
Attorney-General's Department
Department of the Senate
Department of Communication
ComSuper
Air Services Australia
IP Australia
Murray-Darling Basin Authority
National Archives of Australia
National Blood Authority
National Gallery of Australia
Australian Communications & Media Authority
Australian Competition and Consumer Commission
Office of the Governor-General
Australian Crime Commission
Office of the Privacy Commissioner
Australian Federal Police
Office of National Assessments
Australian Fisheries Management Authority

Australian Public Service Commission
Australian Institute of Health & Welfare
Relationships Australia
Australian Institute of Sport (AIS)
Royal Australian Mint
Australian Law Reform Commission
National Film and Sound Archive
Australian National Audit Office
Bureau of Meteorology

Universities

Australian National University
Australian Defence Force Academy
University of Canberra

Community Sector

Belconnen Community Service
Weston Creek Community Service
Woden Community Service
Communities @ Work
Community Housing Canberra

s22

From: s22
Sent: Wednesday, 22 July 2020 1:51 PM
To: s22
Cc: s22
Subject: RE: PGPA approval to engage HBA Consulting to conduct a Code investigation [DLM=Sensitive:Personal]

Hi s22

Expenditure is approved, thanks.

s22

s22 | Director
 Employee Relations
 HR Branch
 Department of Finance
 T: s22
 E: s22 @finance.gov.au
 A: One Canberra Ave, Forrest ACT, 2603

From: s22
Sent: Tuesday, 21 July 2020 5:34 PM
To: s22
Cc: s22
Subject: PGPA approval to engage HBA Consulting to conduct a Code investigation [DLM=Sensitive:Personal]

Sensitive:Personal

Good morning s22

Under 23(1) and 23(3) of the PGPA Act I am seeking your approval, as an appropriate delegate, to enter into an arrangement with HBA Consulting for up to a cost of \$13,200 (incl. GST) to undertake an investigation into

s22

I have sourced three quotes from the market (attached, see below for a summary). In considering the quotes I believe that the engagement of HBA Consulting represents best value for money.

s22 is supportive of engaging an external investigator.

Comparison of quotes:

| Company | Investigator | Total estimated time to complete | Total estimated cost (inc GST) | Hourly rate (inc GST) | Comments |
|-----------------|--------------|----------------------------------|--|-----------------------|---|
| HBA Consultants | s22 | Up to 40 hours | Up to \$12,000 (plus approx. \$1,200 for | s47 per 8 hr day | Comprehensive quote, responsive. Have quoted for five days of |

| | | | | | |
|-----|--|--|---------------------|--|---|
| | | | transcription fees) | | work but only expect it to take four days. Can start next week. |
| s47 | | | | | |

The scope of the investigation will include:

- A desktop style review of the process and materials obtained to date through the internal investigation process (focusing on just one meeting)
- Any follow up regarding the review of existing material, which may include interviews or written correspondence with s22. If, on reviewing the existing material, the external investigator is not satisfied with the existing work, they may choose to start a fresh (with prior approval from Finance).
- Interviews with s22
- Review of s22, and any required follow up
- An interview with s22
- Completion of a final investigation report (draft to be sent through first)
- Updating the Case Manager upon request and as required, particularly if new allegations are made relevant to further potential breaches of the Code.
- Transcripts provided for all interviews.

Thanks,



s22

Case Support

HR Branch

Business Enabling Services

Department of Finance

T: s22

E: s22 [@finance.gov.au](mailto:s22@finance.gov.au)

A: 1 Canberra Ave, Forrest ACT 2603

Please note that I work part-time. I am in the office Monday-Wednesday, flexible hours.

Sensitive:Personal