Witness statement

Royal Commission into the Home Insulation Program

Royal Commissions Act 1902 (Cth)

Statement of: Aaron Hughes
Address: c/o Comcare, 121 Marcus Clarke Street, Canberra, ACT 2601
Occupation: Public Servant
Date: 4 May 2014

I, Aaron Hughes, state as follows.

1 This statement is further to my statement dated 1 May 2014, and in response to Dr Troy Delbridge's evidence given to the Royal Commission on 1 and 2 May 2014 insofar as it concerns me.

2 I had no involvement with the decision to employ Dr Delbridge or his engagement.

3 At all times Dr Delbridge worked in the Policy Section of the Home Energy Branch under the direction of Will Kimber.

4 At all times during Dr Delbridge's employment, I was the head of the Project Resources Section, subject to acting as Branch Head for a period of three weeks in late July to early August 2009.

5 The substantive Branch Head, Mr Keeffe, took a lengthy period of leave for personal reasons between July and the end of September 2009. I acted as Branch Head from the last week of July to mid-August, and another section head, Ms Avril Kent, acted as Branch Head after me.

6 There was no period during which the position of Branch Head was not filled, contrary to Delbridge's evidence to the Commission about there being "a vacuum": Transcript page 3379.

7 My duties, and the responsibilities of the Project Resources Section, did not involve Dr Delbridge or his work for the Policy Section.

8 As best I can recall, I had two work related dealings with Dr Delbridge.

9 My first dealing was via his email to me on 15 May 2009, copied to many others, requesting that an image on the HIP website be removed – see ringtail document DEB.002.001.0692.
I do not know why Dr Delbridge sent the email to me. However I raised it with Ms Tracey Bell, who was the Director of Communications for the HIP and cc'd into the email. I asked Ms Bell to resolve Dr Delbridge's concern, and understand that a compliant photograph was substituted for the photograph then on the web page.

My next dealing with Dr Delbridge occurred in the last week of July 2009, which occurred as follows.

In late July 2009, Mr Kimber came to my office and spoke to me in my capacity as Acting Branch Head, about Dr Delbridge's performance. Mr Kimber stated that he thought that Dr Delbridge's contract should be terminated. The main issues I recall Mr Kimber saying were as follows:

i. Dr Delbridge was already on an underperformance program and was not meeting requirements under that program.

ii. Dr Delbridge was consistently late arriving to work.

iii. Dr Delbridge was often inappropriately dressed for work (eg wearing cycling clothes well into the day).

iv. Dr Delbridge was undertaking inter-state travel without approval, and contrary to instruction.

Mr Kimber informed me that he had been discussing Dr Delbridge's work performance with the Human Resources Branch for some time, and that they supported his view that Dr Delbridge's contract should be terminated.

I said to Mr Kimber “I will talk with HR and hear their account of what has occurred” and get back to him.

Mr Kimber made no mention of Dr Delbridge raising safety issues about the program with any third party, whether that be State and Territory bodies or other Commonwealth bodies. Mr Kimber did not discuss the HIP in the context of why he wished to terminate Dr Delbridge’s contract or at all. As best I can recall, the only issues were those referred to in paragraph 12 above.

That day or soon after, I spoke with Mr Paul Monagle in the HR Branch about Mr Kimber's wish to terminate Dr Delbridge's contract. Mr Monagle confirmed Mr Kimber's account of events and

Signed: ____________________________

Taken by:
that the HR Branch had been actively working with Dr Delbridge in relation to his underperformance. Mr Monagle informed me that HR had told Dr Delbridge that his continuing failure to meet requirements under his underperformance program may lead to termination of his contract. Mr Monagle supported the view that Dr Delbridge's contract should be terminated.

17 A day or so later I spoke with Dr Delbridge about the proposed termination of his contract. I do not recall the day this occurred, but acknowledge that it may have occurred on 29 July 2009. I relayed the information I had received from Mr Kimber and Mr Monagle about Dr Delbridge's performance, as discussed in paragraphs 12 and 16 above. I asked Dr Delbridge for his views about these issues. He did not disagree with anything that had been said.

18 Dr Delbridge spoke to me in some detail about Mr Kimber’s performance as the Director of his Section. He was extremely critical of Mr Kimber’s management style and said several times “Mr Kimber and I have very different management styles, and I’ve had a very poor relationship with him for some time.”

19 I said to him “Is there a way we can fix this?”. Dr Delbridge said to me: “No. My relationship with Will is untenable. I think it’s best I left.”

20 I then said to him “Ok. Well if that’s how you feel we’ll progress it that way.”

21 Dr Delbridge then left my office.

22 There was no discussion about safety or risks arising under the HIP, or any aspect of the HIP. The conversation was only about Dr Delbridge’s work performance and his relationship with Mr Kimber.

23 I have read Dr Delbridge’s evidence concerning my meeting with him, and reject his claim about him informing me of perceived safety risks under the HIP program or anything else about the HIP. There was no discussion at all on that topic, or his views about the HIP or any divergence between his views and those of others with responsibility for running the HIP.

24 My conversation with Dr Delbridge that day was cordial, but quite personal and sensitive. He was plainly upset about his employment circumstances but agreed that he should leave. He made no claim about being bullied or harassed by anybody.

25 After my meeting with Dr Delbridge, I informed Mr Monagle and Mr Kimber of the outcome. I asked Mr Monagle to progress the termination of the contract.

Signed: 

Taken by:
On 29 July 2009, someone from HR Branch provided me with an intended letter of termination for me to sign as Assistant Secretary because, in that capacity, I had the delegation to terminate Dr Delbridge’s employment contract.

I accept that the letter of termination stating “This is a result of changed work requirements as the duties for which you are engaged are no longer available” is inaccurate, in that it does not reflect the reasons for the termination as I understood them from my conversations with Mr Kimber, Mr Monagle and Dr Delbridge. I do not know why the letter was written in that way, and relied on the HR Branch who had been managing the process with Mr Kimber and Dr Delbridge.

I cannot recall why the termination took effect that day, and can only note that Dr Delbridge had stated to me in our meeting that he thought it best he leave.

I do not have in my possession any written record of events concerning my dealings with Dr Delbridge.

SIGNED by the deponent at Canberra, ACT on 4 May, 2014.

Before me:

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Signature of witness

NAME: