



DECISION

Fair Work Act 2009

s.789FC - Application for an order to stop bullying

Applicant

(AB2025/40)

DEPUTY PRESIDENT DEAN

CANBERRA, 22 AUGUST 2025

Application for an FWC order to stop bullying – no bullying – application dismissed.

[1] This decision concerns an application made pursuant to s.789FC of the *Fair Work Act 2009* for an order to stop bullying that the Applicant alleges has taken place within his workplace.

[2] The Applicant is employed by the Australian Digital Health Agency (ADHA).

[3] This application initially named 7 employees of the ADHA as engaging in bullying behaviour towards him, with a further 4 employees being added to the application prior to the hearing (Persons Named).

[4] At the hearing of this matter which took place over 5 days, the Applicant was self-represented and Mr B Edghill of Sparke Helmore Lawyers appeared for the ADHA and the Persons Named. The Applicant gave evidence on his own behalf. The Persons Named gave evidence on their own behalf and on behalf of ADHA.

[5] For the reasons that follow, I find that the Applicant was not bullied at work, nor is he at any ongoing risk of bullying, and so I will dismiss his application.

Preliminary matters

[6] The ADHA made an application to prevent the public identification of the Persons Named and provided detailed submissions in support of that application. I made an order doing so with the consent of the Applicant, who gave consent at the time the order was made on the basis that he would also be the subject of the order. I was satisfied it was appropriate to make this order based on the matters set out in the submissions filed by the ADHA.

[7] While an order has been made to prohibit the identification of the Persons Named, it is necessary to indicate in broad terms their role for this decision to make sense. Each Person Named is given an identifier as follows:

PN1 – holds a senior HR role and reports to PN6. PN7 and PN4 report to PN1.

PN2 – is a senior manager in the IT department.

PN3 – works in the IT department providing IT support to staff and reports to PN8.

PN4 – holds a senior role in the work health and safety team.

PN5 – the Applicant’s line manager from his commencement in October 2023 until 11 June 2024.

PN6 – Senior HR manager.

PN7 - holds a HR role and reports to PN1.

PN8 – senior IT and operations role.

PN9 – the Applicant’s line manager from 26 August 2024 to 19 September 2024.

PN10 – the Applicant’s line manager from 11 June 2024 to 26 August 2024.

PN11 – ADHA in-house lawyer.

[8] There were applications made by the parties prior to the hearing relating to a range of issues, some of which were granted and some of which were not. For example, I agreed to add 4 Persons Named to the application at the request of the Applicant. I did this to ensure that the Applicant had a full opportunity to present his case and to minimise the risk of a second application being made by him which would traverse the same issues.

[9] I also agreed to remove PN11 from the application at the commencement of the hearing, at the request of ADHA, because the evidence was clear that PN11 had never met or spoken to the Applicant. The entirety of her contact with the Applicant was that she emailed a copy of the ADHA’s employer response to this application to the Commission and to each Person Named, and she attended one of the conciliation conferences conducted by the Commission.

Relevant legislation

[10] Section 789FC of the Act sets out when a person can make an application to the Commission for an order to stop bullying:

Application for an FWC order to stop bullying

(1) A worker who reasonably believes that he or she has been bullied at work may apply to the FWC for an order under section 789FF.

(2) For the purposes of this Part, worker has the same meaning as in the *Work Health and Safety Act 2011*, but does not include a member of the Defence Force.

Note: Broadly, for the purposes of the *Work Health and Safety Act 2011*, a worker is an individual who performs work in any capacity, including as an employee, a contractor, a subcontractor, an outworker, an apprentice, a trainee, a student gaining work experience or a volunteer.

(3)

[11] Section 789FD of the Act sets out the requirements for a person to have been bullied at work:

When is a worker bullied at work?

- (1) A worker is bullied at work if:
 - (a) while the worker is at work in a constitutionally-covered business:
 - (i) an individual; or
 - (ii) a group of individuals;
repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member; and
 - (b) that behaviour creates a risk to health and safety.
- (2) To avoid doubt, subsection (1) does not apply to reasonable management action carried out in a reasonable manner.
- (3) If a person conducts a business or undertaking (within the meaning of the *Work Health and Safety Act 2011*) and either:
 - (a) the person is:
 - (i) a constitutional corporation; or
 - (ii) the Commonwealth; or
 - (iii) a Commonwealth authority; or
 - (iv) a body corporate incorporated in a Territory; or
 - (b) the business or undertaking is conducted principally in a Territory or Commonwealth place;then the business or undertaking is a constitutionally-covered business.

[12] Section 789FF of the Act sets out when the Commission may make an order to stop bullying:

FWC may make orders to stop bullying

- (1) If:
 - (a) a worker has made an application under section 789FC; and
 - (b) the FWC is satisfied that:
 - (i) the worker has been bullied at work by an individual or a group of individuals; and
 - (ii) there is a risk that the worker will continue to be bullied at work by the individual or group;then the FWC may make any order it considers appropriate (other than an order requiring payment of a pecuniary amount) to prevent the worker from being bullied at work by the individual or group.
- (2) In considering the terms of an order, the FWC must take into account:
 - (a) if the FWC is aware of any final or interim outcomes arising out of an investigation into the matter that is being, or has been, undertaken by another person or body--those outcomes; and
 - (b) if the FWC is aware of any procedure available to the worker to resolve grievances or disputes--that procedure; and
 - (c) if the FWC is aware of any final or interim outcomes arising out of any procedure available to the worker to resolve grievances or disputes--those outcomes; and
 - (d) any matters that the FWC considers relevant.

Allegations of bullying

[13] The Applicant complained about multiple interactions and events. The most efficient way of dealing with this application is to provide a brief chronology of events and then set out in broad terms the allegations by reference to how they relate to each Person Named.

[14] The Applicant commenced employment with the ADHA in October 2023.

[15] On 19 September 2024 the Applicant emailed a complaint about his supervisor (PN9) to the *WHS and People Management* inbox. The email was titled “Official Complaint of Unprofessional Conduct, Harassment and Bullying against [Name]”. The complaint comprised 18 dot points as follows:

1. Constant nitpicking, intimidation and bullying
2. Constant unnecessary and unreasonable check-ins (demeaning questioning)
3. Unreasonable demands
4. Threatening behaviour
 - a. [Name] says, “I am your manager, I will keep asking questions”
 - b. [Name] says, “I will closely monitor you”
 - c. [Name] says, “You will stay at same band of APS6”
5. Request feedback but ultimately follows her own choices
6. Communicates rudely
7. Coercion behaviour
8. Lack of professionalism
9. Non-adherence to ADHA values: Respect and trusting
10. Imposes undue pressure
11. Insults me and makes me feel intimidated
12. Hurries me, calling immediately after every meeting
13. Unreasonable work expectations
14. Offers unhelpful criticism
15. Unneeded and unproductive conversations
16. [Name] continues to request that I present my tool evaluation reports, despite not having reviewed them
17. [Name] is meant to assist me, but I allege she is undermining my efforts. I feel pressured to quit.
18. I am filing this complaint because my manager, [NAME], ignored my concerns and instead threatened me with disciplinary action.

[16] It is worth noting that at the time the complaint was made, the Applicant had only been reporting to PN9 for around 3 weeks.

[17] The complaint did not contain examples or specificity of the allegations that had been made. Also on this day, the Applicant told his manager, PN9, that he would no longer work with her nor engage in any communication with her.

[18] On 4 October 2024 the Applicant extended his complaint to members of the IT department.

[19] The complaint was investigated by PN7 under the supervision of PN1. The investigation found no instances of inappropriate or unprofessional behaviour by PN9 or members of the IT department towards the Applicant.

[20] As part of the outcome of the investigation, the Applicant was informed of the avenues available to him to seek a review of the findings of the report. The Applicant did not avail himself of any of the review mechanisms available to him.

Summary of complaints

[21] In summary, the Applicant's complaints that form the basis of this application are that:

- a. He was micromanaged – he says that PN9's conduct included “excessive monitoring, undue pressure, public comments disclosing confidential information, imposition of unreasonable tasks, and a failure to respect boundaries”.
- b. There were conflicting directions and unclear reporting lines – he says that despite PN10 confirming to the Applicant that he reported to her (at that point in time), there was another manager who issued directions to the Applicant and sought updates from him which caused him confusion and anxiety.
- c. There were procedural deficiencies in the internal investigation of his complaint – in this regard he says the investigation “was selective and procedurally unfair” and that key allegations raised by him were omitted or misrepresented in the final report.
- d. There was a breach of confidentiality – he says he “disclosed his insights in confidence to [PN9], based on assurances of discretion. Despite this, investigation findings and internal discussions were shared by [PN11] and [PN9] with the individuals named in the Applicant's stop bullying application breaching trust and agency values”.
- e. Several of the Persons Named denied that the Applicant ever raised complaints with them or claim to have had little involvement, which he says is inconsistent with emails, records of meetings and contemporaneous notes.
- f. There is a risk of future bullying because individuals involved in the conduct remain in positions of authority.

[22] Given the volume of interactions the Applicant has complained of, it is not an efficient use of time to set them all out in this decision. A summary is adequate for the purpose of dealing with his allegations.

Allegations relating to PN1

[23] PN1 holds a senior HR role with the ADHA. PN1 says he first became aware of the Applicant when PN10 asked for assistance in managing the Applicant, in particular because of his refusal to undertake tasks and being argumentative in meetings. PN7 was tasked with assisting PN10 to manage the Applicant's behaviour.

[24] PN1 received and reviewed the Applicant's complaint which was sent on 19 September 2024.

[25] PN1 sent an email to the Applicant on 23 September 2024 informing him that his complaint was being referred to the Applicant's branch manager to review in accordance with the ADHA's policies. The email explained that the reason for the referral was that there had been no attempt to resolve the matters at a local level, and there was insufficient detail at that stage to support the complaint. It also explained that the branch manager would be responsible for gathering information about the Applicant's allegations.

[26] The branch manager subsequently referred the complaint back to PN1 who allocated the complaint to PN7 to conduct an investigation under his supervision. As will be explained later, the outcome of the investigation was that the complaint was found to be unsubstantiated.

[27] The Applicant's main complaint in relation to PN1 is that he bullied him by failing to adequately manage or investigate his complaint.

[28] The Applicant also complained about an exchange of messages via Teams that he had with PN1 on 23 September 2024 in which the Applicant first says: "Hi [Name], hope you are well. Do you have a minute please? I am writing in reference to your email regarding my harassment and bullying complaint against [PN9]. You advised me to contact [PN7] but she is currently out of the office". PN1 replied around one hour later saying: "Hello [Name], that is correct and [PN7] will be back tomorrow. Can it wait for [PN7] to be back? Or is it urgent?". The Applicant replied a few minutes later saying: "Thanks [Name]. It can wait. Have a great evening". PN1 responded one minute later saying: "thank you, you too".

[29] The Applicant also sent an email to PN7 in October 2024 and copied PN1 to the email. The email was titled "Supplementary Details Regarding Complaint Against [PN9] and Formal Complaint Submission Against IT Services Branch". The Applicant complained that PN1 did not take action in relation to the email, even though it was addressed to PN7.

[30] I find that PN1 has not engaged in any conduct that could be considered bullying. He followed the ADHA's policies by referring the Applicant's complaint to the branch manager for "local management action" in the first instance. He provided reasons to the Applicant for his decision to do this. It was completely appropriate to do so given the lack of any specificity in the 18 dot points that comprised the complaint.

[31] I also find that there is nothing in the message exchange between the Applicant and PN1 on 23 September that could possibly be considered bullying. It is nothing more than a polite message exchange.

[32] Finally, there was nothing unreasonable about not responding to an email that PN1 was copied to and that was not addressed to him. None of these matters can be considered bullying.

Allegations relating to PN2

[33] The Applicant alleges that PN2 excluded him from meetings and decision making, however he did not identify which meetings or decisions he was excluded from. In cross examination, the Applicant suggested the exclusion related to an incident involving PN3, the details of which are set out later in this decision.

[34] The Applicant also alleges that PN2 ought to have investigated his complaints, even though PN2 was not responsible for doing so.

[35] PN2 has not had any interaction with the Applicant since April 2024.

[36] It is difficult to see how PN2 could be the subject of any accusations of bullying. The Applicant did not make any complaint to PN2, and even if he did, PN2 was not responsible for investigating complaints. I accept the evidence of PN2 that he did not recall excluding the Applicant from any meetings that the Applicant should properly have been invited to as part of his role.

[37] There is nothing in the complaints made about PN2 that could, on any reasonable and objective view, be considered bullying.

Allegations relating to PN3

[38] The allegation in relation to PN3, who works in the IT department, is that PN3 ‘yelled’ at the Applicant on one occasion in October 2023.

[39] The Applicant had issues with his laptop within the first week of his employment in October 2023. He sought assistance from PN3 to resolve the laptop issues which took some time to resolve. The Applicant says PN3 yelled at him in front of other people saying “I am not your personal assistant, I’ve had enough!”.

[40] PN3, on the other hand, says that once the IT issue was fixed, the Applicant rudely said to him: “where can I file a complaint”. PN3 responded saying: “I don’t know and don’t care. Talk to your manager. I am not your assistant”.

[41] During the hearing, the Applicant acknowledged that he was told PN3’s mother was very sick at that time and PN3 was very stressed. PN3 also apologised to the Applicant the following working day.

[42] Related to this issue, the Applicant alleges that PN8, the manager of PN3, subsequently directed the Applicant to buy PN3 a coffee. This is covered in more detail later in this decision.

[43] The Applicant said that this incident “created a hostile and intimidating workplace environment, reinforcing a power imbalance and exposing me to a health and safety risk through humiliation and unreasonable demands”.

[44] The ADHA submitted that at most, PN3’s words (whether they be the words the Applicant says were spoken or whether they were the words that PN3 said) could be considered impolite, but it was not bullying. I agree with this submission. In my view, PN3’s response was not unwarranted given the comment by the Applicant that he was going to make a formal complaint about PN3 simply because of the time it took to resolve his IT issue.

[45] I find that this ‘incident’ falls well short of establishing unreasonable behaviour. In addition, there is certainly nothing that could be considered “repeated” unreasonable behaviour by PN3. As a result, I am satisfied that the conduct complained of by the Applicant did not constitute bullying by PN3.

Allegations relating to PN4

[46] It is undisputed that PN4 has never met or spoken to the Applicant. The extent of PN4's contact with the Applicant was limited to email correspondence in which the Applicant says he found aspects of two emails to be intimidating. It is on this basis that PN4 was included as a Person Named in this application.

[47] PN4 holds a senior role in the WHS team. She engaged in an email exchange with the Applicant between December 2024 and February 2025 regarding the Applicant's complaint about the air quality of the Canberra office. In the last of those emails, which provided a detailed and thorough response to the Applicant's concerns, she included the following paragraph:

“To further your confidence, I hold a Master of Occupational Hygiene. Occupational hygiene is a specialised area of work health and safety, and studies include focus on ventilation systems and their potential impacts on worker health. I hope that my experience and qualifications, coupled with my review of this matter goes some way to allaying your concerns”.

[48] The second complaint the Applicant made about PN4's emails was that she included the following in response to his statement that he hoped “transparency and accountability remained key priorities in addressing workplace health and safety concerns in line with the agency's values”. PN4's response was:

“With reference to your comments regarding transparency and accountability, I sincerely hope you're not suggesting that the WHS team or I have not been transparent or accountable. These are serious allegations to make”.

[49] To suggest that either of these two statements from PN4 is intimidatory or inappropriate, or that they amount to bullying, is absurd. These are perfectly reasonable statements given the Applicant's obvious reluctance to accept that there was no health issue with the air conditioning in the Canberra office, and his suggestion that the WHS team were not being transparent or accountable.

[50] PN4 has not engaged in any conduct that could reasonably be considered bullying.

Allegations relating to PN5

[51] PN5 was the Applicant's line manager from October 2023 when the Applicant commenced employment, to 11 June 2024. The Applicant has not reported to PN5 since 11 June 2024 and no longer works with her.

[52] The Applicant provided the following feedback about PN5 in March 2024:

“[Name] is a wonderful manager to work with, for the following reasons. I feel she is a supportive and kind team member. She never puts me under pressure. She is a great listener. I felt that [Name] trusts me, enabling me to perform my job and overcome challenges. Further, she always shares useful insights about what happens in the agency.”

[53] On 1 June 2024 at the end of their reporting relationship, the Applicant provided the following feedback about PN5:

“I wanted to express my sincere gratitude for your unwavering support during this period. Your clear and unambiguous explanations have been invaluable to me.”

[54] Notwithstanding the positive feedback given by the Applicant, PN5 has unfortunately found herself a Person Named in this application.

[55] The Applicant now alleges that PN5 excluded him from meetings and decision making processes. He says she did not investigate complaints that he made to her about various people.

[56] I accept the evidence of PN5 that she did not recall ever excluding the Applicant from any meetings or decision making processes he should have been included in and does not know what complaints the Applicant was referring to, other than having been told of some incidents that the Applicant told her not to act on.

[57] Obviously, PN5 has not engaged in any conduct that could be considered bullying. For the Applicant to make such allegations now, having given her such glowing feedback at the time, is in my view disingenuous.

Allegations relating to PN6

[58] PN6 has also never met or spoken with the Applicant. The complaint the Applicant has made about her is that she failed to ensure procedural fairness in the investigation of his complaint and that she endorsed a flawed investigation report prepared by PN7.

[59] In terms of the investigation report, PN6 received the investigation report from PN7, reviewed the report and supporting documents, and asked some clarifying questions which were addressed by PN7 in a further report. PN6 then accepted the report’s findings and signed off on the report on or around 10 December 2024. The report found there were no instances of inappropriate or unprofessional behaviour by PN9 or the IT team towards the Applicant.

[60] To the extent the Applicant complained that PN6 attended a conciliation conference conducted by the Commission, I reject the suggestion that this could be considered bullying. As a senior member of the HR team, it was perfectly appropriate (and in fact expected) that PN6 attend a conciliation conference scheduled by the Commission.

[61] Again, there is nothing in the Applicant’s complaints about PN6 that could in any way be considered unreasonable behaviour by PN6. Her sign off on the report in the circumstances was completely normal. There is no basis for this complaint at all.

Allegations relating to PN7

[62] PN7 was responsible for conducting the investigation into the Applicant’s complaint. As part of that process, she exchanged emails with the Applicant and met with him to obtain further information.

[63] The Applicant alleges that PN7 failed to adequately investigate his complaint.

[64] PN7 gave evidence, which I accept, that during her meeting with the Applicant on 14 October 2024, she asked questions in an attempt to ascertain some specificity as to the Applicant's allegations. I accept the Applicant did not provide any specificity but rather repeated the vague allegations that formed his written complaint.

[65] I am satisfied that PN7 conducted an appropriate investigation, which included seeking further information from the Applicant and interviewing relevant people including those who were the subject of the complaint. She also met with the Applicant on 11 December 2024 to discuss the outcome of the investigation with him.

[66] She also explained to him his options for seeking a review of the outcome if he was dissatisfied with it.

[67] I am satisfied that PN7 did not engage in any unreasonable behaviour toward the Applicant and there is no basis for the Applicant's complaints about her.

Allegations relating to PN8

[68] PN8 is the manager of PN3 and is a senior manager within the ADHA. The Applicant complained that PN8 discussed the Applicant's complaint about PN3 yelling at him with PN3 and PN2. It was, of course, entirely appropriate for PN8 to talk with them about the Applicant's complaint and seek to resolve it.

[69] The Applicant complained that PN8 instructed him to buy PN3 a coffee following the incident described above involving PN3. I am satisfied that no such direction was given. Rather, it was merely a suggestion by PN8 to the Applicant to rebuild their damaged working relationship.

[70] The Applicant also alleges that PN8 bullied him by declining a meeting request on 27 November 2023. What is clear from the evidence is that the Applicant sent a meeting request at 1:06pm to PN8 for a meeting at 1:45pm on the same day. PN8 responded at 1:08pm by saying "I can't do this time, sorry". At 1:10pm PN8 sent a Teams message to the Applicant asking him what he needed to discuss. The Applicant responded saying "I just wanted to let you know that the team seems to be under capacity, hence there was no progress on the project for this week. Would you still like to receive weekly updates or should we do fortnightly status updates?". PN8 replied saying "weekly please" and then "anything else?". The Applicant responded saying "that's all".

[71] Clearly, there is absolutely nothing unreasonable in the behaviour of PN8. To suggest that PN8 bullied the Applicant because he didn't meet with him in these circumstances is absurd.

Allegations relating to PN9

[72] PN9 gave uncontested evidence that the only contact she had with the Applicant was between 26 August 2024 when she commenced in her position as the Applicant's line manager, and 19 September 2024 when the Applicant refused to communicate further with her.

[73] The Applicant alleged that, for the three weeks he reported to PN9, he was subjected to excessive monitoring and micromanaging by her, and she excluded him from meetings and set him up for failure.

[74] Part of his complaint was in relation to “stand up” meetings that PN9 instituted when she commenced in the role. There were approximately 6 of these meetings in the few weeks she managed the Applicant. She described the purpose of those meetings to be to enable her to ask questions about work, share information and updates, and address any barriers and blockages affecting the work of the Applicant and another employee who reported to her.

[75] There is nothing unreasonable about conducting these types of meetings, and in fact such communication would normally be considered good management practice.

[76] The Applicant also complained of being excluded from meetings, which seemed to relate to PN9 having meetings with her manager that did not include the Applicant. Obviously, it is for PN9 to determine when the Applicant may reasonably be required to attend meetings, and PN9 is perfectly entitled to attend a meeting with her own manager without the Applicant in attendance, regardless of the topic to be discussed at any such meeting.

[77] Contrary to the Applicant’s evidence and submissions, the evidence shows that the Applicant engaged unreasonably toward PN9. For example, I accept that on 19 September 2024 the Applicant refused a reasonable request from PN9 to take her through a report that the Applicant had prepared.

[78] The Applicant also complained that PN9 asked questions during a meeting that was held between the Applicant, PN9 and another employee. The Applicant said that her questioning of the other employee disrupted his concentration which gave him a headache. In relation to this complaint, it is irrational to suggest in these circumstances that a manager asking questions during a meeting is bullying.

[79] I accept the evidence that PN9 has had no contact with the Applicant since 19 September 2024 and further has no reason to be in contact with the Applicant. During the few weeks that the Applicant reported to her, she was fully entitled to require him to provide updates on the matters he was working on, give him directions and assign him work to do.

[80] The Applicant was not bullied by PN9 and his criticism of her is unwarranted.

Allegations relating to PN10

[81] PN10 was the line manager of the Applicant from 26 August 2024, being the date from which he refused to report to PN9. He reported to PN10 until he made a bullying complaint about her, after which time he began reporting to a different manager who is not a Person Named in this application.

[82] The Applicant alleges that PN10 excluded him from meetings and decision-making processes. He alleged that PN10 was manipulative and deceptive and that she deliberately delayed finalising his performance midcycle review.

[83] The evidence is clear that PN10 sought a two-week extension from HR to complete the review because she had been performing higher duties and had not had the capacity to facilitate a performance review discussion with the Applicant earlier. This extension was granted by PN6. During that two-week time period, she was added as a Person Named in this application. As a result, she referred the finalisation of the performance review to HR.

[84] The Applicant alleged that PN10 placed him “in an unreasonable and untenable position by requiring me to collaborate with individuals whose perspectives were fundamentally misaligned with the needs of the business”. He says that even though he raised these concerns with PN10, she did not resolve the issue. He says PN10’s disregard for his concerns subjected him to undue stress and professional isolation.

[85] Finally, the Applicant complained that there was confusion about his reporting line because another manager sent him a work-related request. He said that happened one day before a conference that was conducted by the Commission in relation to this application, which he says was designed to frustrate or distract him. He sought clarification with PN10 as to who his line manager was, and PN10 clarified in writing that she was his line manager.

[86] Again, there is nothing in the conduct of PN10 that could in any way be considered unreasonable, and certainly nothing that would constitute bullying behaviour.

[87] It was clearly inappropriate for PN10 to complete the performance review having been added to this application and so no criticism of PN10 is warranted in this regard.

[88] The evidence does not support a finding that PN10 engaged in behaviour that placed the Applicant in the ‘untenable position’ he suggested.

[89] Further, there can be no reasonable basis to complain about uncertainty of his reporting line. PN10 made this abundantly clear to the Applicant at the relevant time that he was reporting to her.

[90] PN10 has not engaged in any unreasonable behaviour toward the Applicant.

Overall consideration as to bullying

[91] Having considered the allegations, individually and collectively, and in light of the findings already made, I am satisfied and find that the Applicant has not been bullied at work within the meaning of s.789FD.

[92] I agree with the ADHA’s submissions that:

“The evidence demonstrates on a number of occasions the Applicant has been unreasonable in his approaches to individual respondents. He’s been unreasonable in his expectations of them. He has been unreasonable in terms of being rude to them on many occasions, and in terms of making allegations against people that were unfounded and unfair. The evidence shows in response to that behaviour each of the individual respondents was consistently professional, consistently calm, consistently kind, consistently considerate toward the applicant. On many occasions they would have been entitled to respond to the applicant’s provocations in a much more robust manner than

the manner in which they did respond. But they didn't do that. They were consistently professional and consistently restrained.”

[93] I acknowledge the Applicant believes he has been bullied, however there is simply no objective basis whatsoever for him to hold such a belief.

Ongoing risk of bullying

[94] While I have found that no bullying has occurred, for completeness I find that there is no ongoing risk of bullying for the reasons already provided.

Conclusion

[95] Apart from the five days of hearing where the Applicant's complaints were traversed in detail, I have read, re-read and read again all the evidence. There is simply nothing in his complaints that could, on any reasonable and objective view, be considered bullying. In fact, the opposite is true. Each of the Persons Named has interacted with the Applicant professionally and appropriately.

[96] It is highly unfortunate that the Persons Named have been put through the ordeal of having to respond to this application given its lack of substance.

[97] If the Applicant remains employed with ADHA, he would be wise to focus on completing his duties to the best of his ability and refrain from making further baseless complaints.

[98] The Applicant has not been bullied at work. Accordingly, I dismiss the application.

 

DEPUTY PRESIDENT

Appearances:

Applicant on his own behalf.

B Edghill of Sparke Helmore Lawyers for Australian Digital Health Agency.

Hearing details:

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By video:

May 5, 6, 7, 19, 20.

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