



Parliamentary Service Commissioner
Annual Report 2018–19

incorporating the annual report of the
Parliamentary Service Merit Protection Commissioner





Parliamentary Service Commissioner
Annual Report 2018–19

incorporating the annual report of the
Parliamentary Service Merit Protection Commissioner



© Commonwealth of Australia 2020

ISSN 1032 0350

ISBN 978-0-6486748-4-9

With the exception of the Commonwealth Coat of Arms and where otherwise noted, all material presented in this document is provided under a Creative Commons Attribution 3.0 Australia licence

(<http://creativecommons.org/licenses/by/3.0/au>).

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the CC BY 3.0 AU licence

(<http://creativecommons.org/licenses/by/3.0/au/legalcode>).

The document must be attributed as the *Australian Parliamentary Service Commissioner annual report 2018-19 incorporating the annual report of the Parliamentary Service Merit Protection Commission*.

Contact us

The Commission welcomes your comments on this report. To make a comment, or to request more information, please contact:

Media Enquiries
Australian Public Service Commission
Level 5, B Block, Treasury Building
Parkes Place West
Parkes ACT 2600

Email: media@apsc.gov.au

Website: www.apsc.gov.au

Website: www.aph.gov.au

Internet address for report:

[www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Service_Legislation](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Service/Legislation)

Internet address for report: www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Service_Legislation



Parliamentary Service Commissioner

President

Speaker

Letter of Transmittal

I have pleasure in presenting to you the Parliamentary Service Commissioner's annual report for the year ended 30 June 2019.

Section 42(1) of the *Parliamentary Service Act 1999* requires that, after the end of each financial year, the Commissioner must give a report to the Presiding Officers on the activities of the Commissioner during the year.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Woolcott', followed by a long, sweeping horizontal line.

Peter Woolcott AO

13 January 2020

Contents

Commissioner’s overview.....	2
Introduction.....	3
Administration of the Parliamentary Service	3

Appendix A

Parliamentary Service Merit Protection Commissioner’s Report 2018–19	7
----------------------------------------------------------------------------	---

Commissioner's overview

The principal functions of the Parliamentary Service Commissioner is to advise the Presiding Officers on the management of policies and practices of the Parliamentary Service and to conduct any inquiries about the Parliamentary Service at the request of the Presiding Officers.

This report presents information covering the four parliamentary departments. Further information about the individual departments can be found in their respective annual reports.

A handwritten signature in blue ink, consisting of a stylized 'P' followed by a series of connected loops and a long horizontal stroke that tapers to the right.

Peter Woolcott AO

Parliamentary Service Commissioner

13 January 2020

Introduction

The Parliamentary Service was established with the commencement of the *Parliamentary Service Act 1999* (the PS Act) on 5 December 1999.

The President of the Senate, Senator the Hon Scott Ryan, and the Speaker of the House of Representatives, the Hon Tony Smith MP, were the Presiding Officers of the Parliament at 30 June 2019.

In addition to their procedural roles in the Chambers, the Presiding Officers are responsible for the provision of services to the Parliament. They have individual responsibility, respectively, for the Department of the Senate and the Department of the House of Representatives, and joint responsibility for the Parliamentary Budget Office (PBO) and the Department of Parliamentary Services (DPS).

The role of the Presiding Officers in relation to the parliamentary departments is similar to the role of a Minister in relation to a department of state.

Mr Peter Woolcott AO is the Parliamentary Service Commissioner (Commissioner). Mr Woolcott commenced as Commissioner on 9 August 2018 and holds the office of the Australian Public Service Commissioner concurrently.

Ms Linda Waugh is the Parliamentary Service Merit Protection Commissioner (Merit Protection Commissioner). Her appointment commenced on 25 June 2018. Ms Waugh holds the office of the Australian Public Service Merit Protection Commissioner concurrently.

There are no specific appropriations for the offices of the Commissioner or the Merit Protection Commissioner.

Administration of the Parliamentary Service

Commissioner's role

The PS Act provides for an independent Commissioner appointed by the Presiding Officers. The Commissioner's role is to advise the Presiding Officers on the management of policies and practices of the Parliamentary Service and, if requested by the Presiding Officers, to inquire into and report on Parliamentary Service matters. The Commissioner is not subject to direction by or on behalf of the executive government in the performance of his functions.

The PS Act empowers the Presiding Officers to make determinations on a range of matters affecting the Parliamentary Service. The PS Act also requires the Presiding Officers to consult the Commissioner before making determinations.

Section 42 of the PS Act requires the Commissioner to give a report to the Presiding Officers for presentation to the Parliament on the activities of the Commissioner during the year.

In May 2019, the Parliamentary Services Commissioner was a member of the selection panel for the appointment of the Clerk of the House of Representatives.

Merit Protection Commissioner's role

The role of the Merit Protection Commissioner includes inquiring into actions at the request of the Presiding Officers and into alleged breaches of the Code of Conduct by the Commissioner and functions prescribed in determinations made for the purposes of section 33 of the PS Act.

These functions include reviewing employment actions and promotions, providing recruitment services and inquiring into alleged breaches of the Code of Conduct.

The Merit Protection Commissioner's report is at Appendix A.

Roles and responsibilities of the individual departments

Four parliamentary departments are established under the PS Act.

The Department of the Senate and the Department of the House of Representatives provide advice and support to the Senate, the House of Representatives, Senators, Members and parliamentary committees.

DPS provides a range of support for the Parliament and for Parliament House. These include library and research services, information and communication technology services, security services, building, ground and design integrity services, audio visual and Hansard services, art services, visitor services, food and beverage services, retail, health, banking and childcare services.

The PBO supports the work of parliamentarians by providing independent and non-partisan analysis of the budget impact of policy proposals and by publishing reports on budget issues.

Secretaries

Under the PS Act, the Secretaries of the parliamentary departments have roles and responsibilities similar to those of Australian Public Service agency heads.

The appointment of the Clerks of the Senate and the House of Representatives are made by the President and Speaker, respectively, after consulting Senators and members.

The Secretary of DPS is appointed by the Presiding Officers after receiving a report from the Commissioner.

The Parliamentary Budget Officer is appointed by the Presiding Officers after obtaining the approval of the Joint Committee of Public Accounts and Audit.

The Secretary of the Department of the Senate is Mr Richard Pye, Clerk of the Senate, and the Secretary of the Department of the House of Representatives is Ms Claressa Surtees, Clerk of the House of Representatives. They are appointed for non-renewable terms of ten years. Mr Pye's appointment is from 9 March 2017, and Ms Surtees' from 12 August 2019.

Ms Jenny Wilkinson is the Parliamentary Budget Officer and Secretary of the PBO. Her appointment is for a term of four years from 24 July 2017.

Mr Rob Stefanic was appointed to the position of the Secretary of DPS and commenced his five year term on 14 December 2015.

Dr Dianne Heriot holds the office of Parliamentary Librarian. Dr Heriot was reappointed for a second five year term on 10 May 2017.

Legislation

The four parliamentary departments are considering amendments to the *Parliamentary Classification Rules 2010* to better align with the *Public Service Classification Rules 2000*. Once any proposed amendments have been agreed, the parliamentary departments will consult further with the Australian Public Service Commission.

Information and Communications Technology

The Parliamentary Information and Communication Technology Advisory Board (PICTAB) is an advisory body established in 2012. Its role is to provide guidance on the delivery of the Australian Parliament Digital Strategy 2019–2022. PICTAB membership includes parliamentarians and representatives from the parliamentary departments and the Parliamentary Service Commissioner.

PICTAB continues to function as an effective advisory group on ICT strategy and risk, along with advice on a number of programs including a pilot Office 365 and Windows 10 Cloud Solution for Electorate Offices and the creation of the Cyber Security Operations Centre in 2018–19.

PICTAB met four times in 2018–19. The Commissioner, or the Merit Protection Commissioner as the Commissioner's representative, attended all PICTAB meetings during 2018–19.

Liaison between the Australian Public Service Commission and the Parliamentary Service

The Presiding Officers and Secretaries are informed of major initiatives taken by the Australian Public Service Commissioner in relation to employment in the Australian Public Service.

Representatives of the parliamentary departments and the APSC met throughout the year to discuss employment related issues.

Staffing and financial matters

All details relating to Parliamentary Service staffing and financial matters are provided in the respective departmental annual reports.

Any costs for the Commissioners are included within the overall financial results of the Australian Public Service Commission.



Parliamentary Service
Merit Protection Commissioner

Annual report 2018–19



merit

Mr Peter Woolcott, AO
Parliamentary Service Commissioner
GPO Box 3176
CANBERRA ACT 2601

Dear Parliamentary Service Commissioner

I am pleased to present the Parliamentary Service Merit Protection Commissioner's annual report for the year ended 30 June 2019. As required by section 49 of the *Parliamentary Service Act 1999* my report deals with the activities of the Office of the Parliamentary Service Merit Protection Commissioner; it is required that I must give a report to the Parliamentary Service Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Linda Waugh', written in a cursive style.

Linda Waugh
Parliamentary Service Merit Protection Commissioner
10 October 2019

Contents

Commissioner’s review	12
The year in review	13
Focus for the coming year	14
Outcomes for the year.....	14
Review of action performance.....	14
Promotion review performance	14
Independent selection advisory committee (ISAC) performance.....	15
Other functions	15
Governance, management and accountability.....	15
Role and functions.....	15
Organisational structure.....	16

Commissioner's review

The Parliamentary Service comprises the Department of Parliamentary Services, the Department of the Senate, the Department of the House Representative and the Parliamentary Budget Office.

As the Parliamentary Service Protection Commissioner (Merit Protection Commissioner) I am responsible for providing independent and impartial review of employment actions and merit-based recruitment services through the establishment of Independent Selection Advisory Committees (ISACs).

As indicated in this report, there was not significant demand on my statutory functions this year and the majority of work focused on outreach and proactive work with Parliamentary Service.



Linda Waugh

Merit Protection Commissioner

The year in review

The Parliamentary Service Merit Protection Commissioner (Merit Protection Commissioner) is an independent statutory office holder with functions aimed at ensuring accountability and integrity in employment decision-making in the Parliamentary Service. In particular, the Merit Protection Commissioner is responsible for:

- providing independent reviews of employment actions
- providing recruitment services and Code of Conduct inquiry services to departments.

The Merit Protection Commissioner met with the Secretary of the Department of Parliamentary Services in 2018–19 to discuss the role of the Office, and people management and integrity issues.

The Merit Protection Commissioner represents the Parliamentary Service Commissioner as a member of the Parliamentary Information, Communications and Technology Advisory Board which meets quarterly.

Staff of the Merit Protection Commissioner consulted with staff of the Department of Parliamentary Services on improving information on the website for Parliamentary Service employees regarding lodging reviews of action and seeking promotion reviews. This work was completed in October 2018.

Training was provided to an employee from the Department of the Parliamentary Service so they could be a MPC nominee on promotion review committees established to consider applications for promotion review from Parliamentary Service employees. The legislation requires the MPC nominee to be a Parliamentary Service employee. The two promotion reviews conducted in 2019 also provided an opportunity for discussion of recruitment and selection best practice between the Office and recruitment staff in the Department of Parliamentary Services.

Focus for the coming year

We have ongoing priorities to do the following:

- improve the service we provide to departments through online lodgement and a better service offering, as well as improved information on the MPC website, including case studies
- support departments in complex case management, including through the Code of Conduct inquiry service.

The Merit Protection Commissioner will continue her regular meetings with the Secretary of the Department of Parliamentary Services to explore ways to work more collaboratively.

Outcomes for the year

Review of action performance

The review system, established under section 33 of the *Parliamentary Service Act 1999* (the Parliamentary Service Act) and by the Parliamentary Service Determination 2013 (the Determination), allows Parliamentary Service employees to seek review of employment actions.

Parliamentary Service employees are able to apply directly to the Merit Protection Commissioner for a review of a determination that they have breached the Code of Conduct, and/or sanctions imposed as a result of a breach of the Code. Employees are also able to apply for review by the Merit Protection Commissioner of other employment decisions if they are not satisfied with the review undertaken in the parliamentary department.

No applications for review were received by the Merit Protection Commissioner in 2018–19.

Promotion review performance

The Merit Protection Commissioner establishes promotion review committees (PRCs) to conduct merits review of promotion decisions for jobs in Parliamentary classification groups 1 to 6.

The only ground for a review of a promotion decision is merit. The PRC has the power to confirm the promotion decision made by the department or substitute a different decision.

In 2018–19, the Merit Protection Commissioner received three applications for review of two promotion decisions in the Parliamentary Service. These applications resulted in the establishment of two PRCs. The PRCs upheld both promotion decisions.

Independent selection advisory committee (ISAC) performance

An ISAC is an independent three-member committee that makes recommendations to a Secretary about the suitability of candidates for employment opportunities at the Parliamentary Service 1–6 levels. An ISAC’s recommendation is not binding on a Secretary; however, if it is accepted, any resulting promotion decisions are not subject to promotion review.

There were no requests for the establishment of an ISAC in 2018–19.

Other functions

The functions of the Merit Protection Commissioner include:

- inquiring into and determining whether a Parliamentary Service employee, or former employee, has breached the Code of Conduct. (The request is made by the relevant Secretary and must have the written agreement of the Parliamentary Service employee or former employee).
- investigating a complaint by a former Parliamentary Service employee that relates to the employee’s final entitlements on separation from the Parliamentary Service.

The Merit Protection Commissioner was not asked to inquire into an alleged breach of the Code of Conduct or to investigate any complaints relating to entitlements on separation in 2018–19.

Governance, management and accountability

The Merit Protection Commissioner is Ms Linda Waugh. Ms Waugh’s five year appointment commenced on 25 June 2018. Mr Bruce Barbour acted as Merit Protection Commissioner for the period 28 June to 20 July 2018.

Role and functions

The Merit Protection Commissioner is an independent statutory office established under section 47 of the Parliamentary Service Act.

The Merit Protection Commissioner’s functions under the Parliamentary Service Act are set out in subsection 48(1) of the Act and in Parts 8, 9, 11 and 12 of the Determination.

Organisational structure

The Australian Public Service Commissioner, under subsection 49(2) of the *Public Service Act 1999*, makes available the services of employees of the Australian Public Service Commission to assist the Merit Protection Commissioner in the performance of her functions including her functions as Parliamentary Service Merit Protection Commissioner. In this role, the employees are accountable to the Parliamentary Service Merit Protection Commissioner.

In 2018–19, the Merit Protection Commissioner was supported by staff in the Office of the Merit Protection Commissioner within the Australian Public Service Commission. The Merit Protection Commissioner is based in the Commission's Sydney office and has staff in both the Sydney and the Canberra offices of the Commission. During 2018–19 the Merit Protection Commissioner was supported by 12 ongoing employees.

There is no appropriation for the Merit Protection Commissioner and her activities are included in the financial statements of the Australian Public Service Commission.

