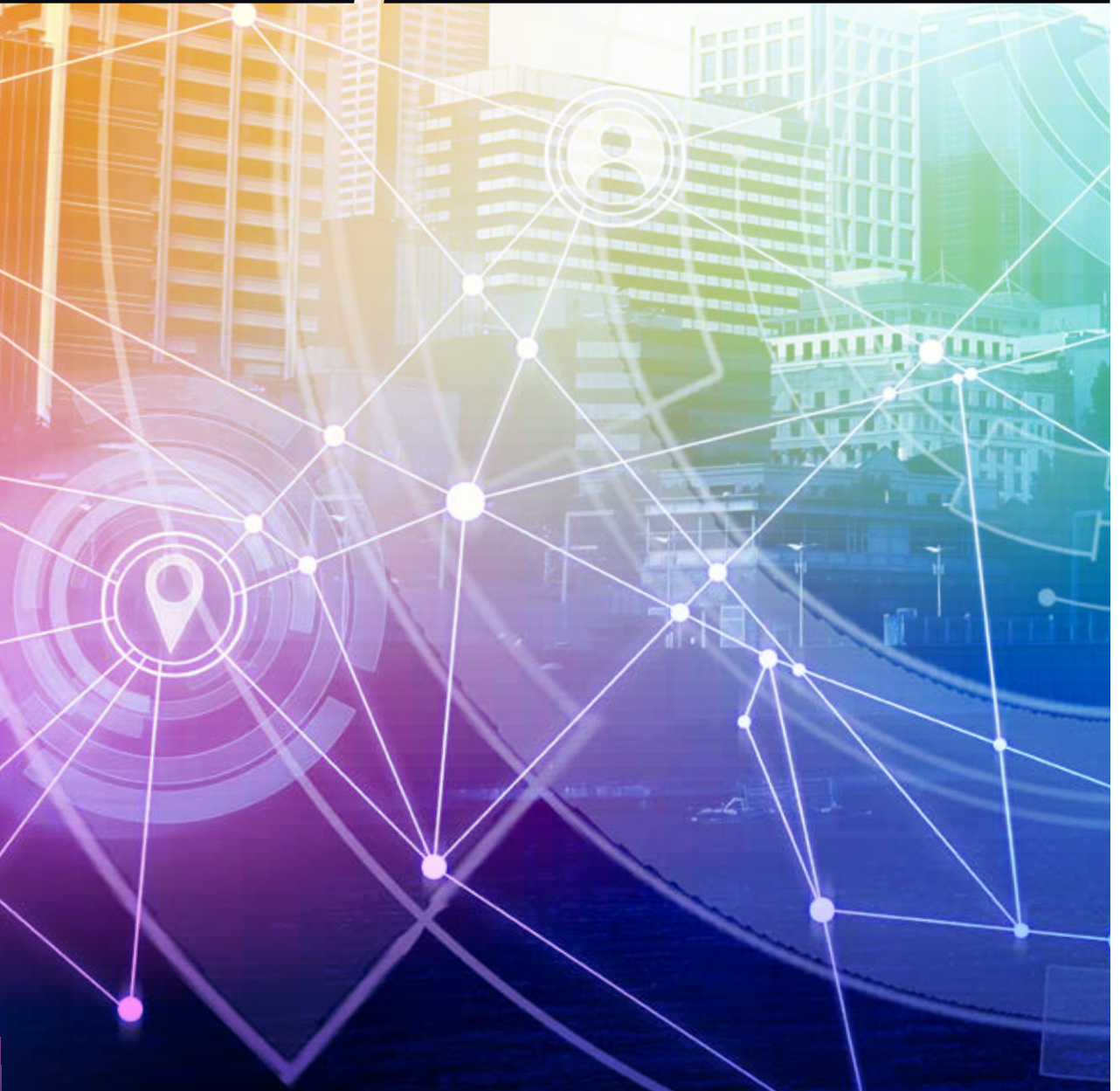




Parliamentary Service Commissioner  
**Annual Report 2017–18**

incorporating the annual report of the  
Parliamentary Service Merit Protection Commissioner







Parliamentary Service Commissioner

# Annual Report 2017–18

incorporating the annual report of the  
Parliamentary Service Merit Protection Commissioner

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This document must be attributed as the *Parliamentary Service Commissioner annual report 2017–18, incorporating the annual report of the Parliamentary Service Merit Protection Commissioner*.

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Parliamentary Service Commissioner

President  
Speaker

Letter of Transmittal

On behalf of Mr John Lloyd PSM, I have pleasure in presenting to you the Parliamentary Service Commissioner's annual report for the year ended 30 June 2018.

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 black ink, appearing to read 'Peter Woolcott', followed by a long, sweeping horizontal line that extends across the width of the signature area.

Peter Woolcott AO  
25 October 2018



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## Commissioner's overview

The principal functions of the Parliamentary Service Commissioner (PSC) are 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. The role is important however, the involvement of the PSC is intermittent.

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

A handwritten signature in black ink, appearing to read 'Peter Woolcott', followed by a long, sweeping horizontal flourish that extends across the width of the page.

Peter Woolcott AO  
Parliamentary Service Commissioner



## Introduction

The Parliamentary Service was established with the commencement of the *Parliamentary Service Act* (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 2018.

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 Department of 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.

The appointment of the previous Commissioner, Mr John Lloyd, ceased on 8 August 2018. My appointment commenced 9 August 2018.

Ms Linda Waugh is the Parliamentary Service Merit Protection Commissioner (Merit Protection Commissioner). Her appointment is for a five year term beginning on 25 June 2018. Ms Waugh also 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.

## 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 (the chamber departments) provide advice and support to the Senate, the House of Representatives, Senators, Members and committees.

DPS provides a range of support services 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 informs the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implication of proposals.

## 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 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 for Public Accounts and Audit.

The Secretaries of the chamber departments are Mr Richard Pye, Clerk of the Senate, and Mr David Elder, 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 Mr Elder's from 1 January 2014.

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**

On 31 August 2017 and 27 April 2018, representatives of the Australian Public Service Commission (APSC) and the Parliamentary departments met. The departments are considering proposing amendments to the Parliamentary Classification Rules to align more closely with the APS Classification Rules. Once agreed between departments, they will further consult with the APSC.

## **Information and Communications Technology**

The Parliament of Australia *ICT Strategic Plan 2013–18* has been used successfully as the basis for ICT planning, investment and governance for the four parliamentary departments. Oversight is provided by the Parliamentary ICT Advisory Board (PICTAB), whose members include the Parliamentary Service Commissioner.

With the formation of the 45th Parliament the representation of parliamentarians on PICTAB was increased from three to nine members. This includes three representatives from each of the Government, Opposition and Cross Bench. PICTAB continues to function as an effective advisory group on the use of ICT in the parliament and will play a pivotal role in the crafting of the new Australian Parliament Digital Strategy 2019–22, which will be developed by the end of 2018.

The previous Commissioner attended meetings of the PICTAB during 2017–18.

## **Liaison between the Australian Public Service Commission and the Parliamentary Service**

Representatives of the parliamentary departments and the APSC liaised on relevant issues throughout the year.

The Parliamentary departments are informed of major initiatives taken by the Australian Public Service Commissioner. The purpose is to ensure the Presiding Officers and Secretary are aware of employment changes that may be relevant to the management of Parliament House staff.

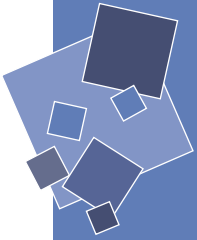
## **Staffing**

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

## **Financial summary**

The legislation establishing the special appropriations from which Department of the Senate and the Department of the House of Representatives draw down various monies to pay for Senators' and Members' remuneration and entitlements appropriations is administered by the Department of Finance and the APSC. These agencies are responsible for reporting these administered special appropriation items.

There are no separate financial reports for the Commissioner and Merit Protection Commissioner. Any costs for the Commissioners are included within the overall financial results of the APSC.



Parliamentary Service  
Merit Protection Commissioner  
**Annual report 2017–18**





Mr Peter Woolcott, AO  
Parliamentary Service Commissioner  
GPO Box 3176  
PARKES 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 2018. 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'.

Linda Waugh  
Parliamentary Service Merit Protection Commissioner  
19 October 2018

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## 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 the independent and impartial review of employment actions in Parliamentary Service. Merit-based recruitment services may also be provided to Parliamentary Service through the establishment of Independent Selection Advisory Committees (ISACs).

As noted in this report, there was only one review of action matter from Parliamentary Service this year. The majority of our work focused on outreach and proactive work with Parliamentary Service outlined in the following sections.

I note that for the majority of the year Ms Annwyn Godwin (former Merit Protection Commissioner) and Mr Mark Davidson (acting Merit Protection Commissioner) were responsible for discharging the duties of the Merit Protection Commissioner.

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 former Merit Protection Commissioner met with the Secretary of the Department of Parliamentary Services in 2017 to discuss the lessons learned from review as they affect employment decision making and integrity. The Acting Merit Protection Commissioner met with the Chief Operating Officer and the Assistant Secretary People and Governance Branch in April 2018 to discuss the Merit Protection Commissioner's contribution to the capability building of human resources staff.

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 commenced at the end of June 2017.



## 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 meet with staff in the Parliamentary Service 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 new applications for review were received by the Merit Protection Commissioner in 2017–18.

In 2017–18, the Merit Protection Commissioner finalised one review that was on hand at the beginning of the year. The review concerned the management of an employee's performance. It was completed within the target timeframe of 14 weeks from the date of receipt of the application and the department's decision was upheld.

### 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.

In 2017–18, the Merit Protection Commissioner did not receive any applications for review of a promotion decision within the Parliamentary Service.

### 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 2017–18.

## 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 2017–18.

## Governance, management and accountability

The Merit Protection Commissioner is Ms Linda Waugh. Ms Waugh commenced on 25 June 2018 following the resignation of Ms Annwyn Godwin on 31 December 2017. Mr Mark Davidson acted as Merit Protection Commissioner in the interim period.

### 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 2017–18, the Merit Protection Commissioner was supported by staff in the Office of the Merit Protection Commissioner within the Australian Public Service Commission. The majority of these employees are located in Sydney.

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



