



Parliamentary Service Commissioner  
**ANNUAL REPORT**  
2014–15



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The document must be attributed as the Parliamentary Service Commissioner annual report 2014–15.

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Parliamentary Service Commissioner  
**ANNUAL REPORT**  
2014–15



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 2015. Subsection 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 'John Lloyd', with a long horizontal stroke extending to the right.

John Lloyd PSM  
October 2015

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## COMMISSIONER'S OVERVIEW

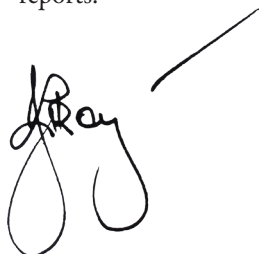
This is my first annual report since I was appointed Parliamentary Service Commissioner on 16 December 2014. In 2014-15 my office has been involved in a number of matters impacting on the administration of the Parliamentary Service.

Amendments to the *Parliamentary Service Act 1999* (Parliamentary Service Act) were made through the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014* to ensure consistency between the requirements of the Code of Conduct under the Parliamentary Service Act and the five general duties of officials set out in the *Public Governance, Performance and Accountability Act 2013 (the PGPA Act)*, the principal provisions of which came into effect on 1 July 2014. These amendments mirror amendments to the *Public Service Act 1999*.

I met with the heads of the parliamentary departments in February 2015 to discuss a range of matters, including award modernisation.

During the year I provided the Presiding Officers with reports under subsection 40(1)(b) and subsection 61(2) of the Parliamentary Service Act.

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 'John Lloyd', with a long diagonal line extending upwards and to the right from the top right of the signature.

Hon John Lloyd PSM

October 2015

## INTRODUCTION

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

The Speaker of the House of Representatives, the Hon Bronwyn Bishop MP, and the President of the Senate, Senator the Hon Stephen Parry, were the Presiding Officers of the Parliament at 30 June 2015. Senator Parry was elected President on 7 July 2014, replacing Senator the Hon John Hogg.

In addition to their procedural and other roles in relation to the Senate and House of Representatives respectively, the Presiding Officers are responsible for administration of the four parliamentary departments which comprise the Parliamentary Service. 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 and the Department of Parliamentary Services.

The role of the Presiding Officers in relation to the parliamentary departments is similar, but not identical, to that of a Minister administering an executive department.

The Hon John Lloyd PSM is the Parliamentary Service Commissioner (Commissioner). Mr Lloyd was appointed to the office by the Presiding Officers on 16 December 2014, replacing Mr Stephen Sedgwick AO, FIPAA. Mr Lloyd's appointment is to 13 December 2019. He also holds the office of Australian Public Service Commissioner until that date.

Ms Annwyn Godwin is the Parliamentary Service Merit Protection Commissioner (Merit Protection Commissioner). Ms Godwin's appointment is to 24 January 2018. She also holds the office of Public Service Merit Protection Commissioner concurrently.

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

## COMMISSIONER'S ROLE

The Parliamentary Service Act provides for an independent Commissioner appointed by the Presiding Officers. The Commissioner's role is set out in section 40 of the Parliamentary Service Act and includes advising the Presiding Officers on the management policies and practices of the Parliamentary Service; and inquiring into Parliamentary Service matters if requested by the Presiding Officers. The Commissioner is not subject to direction by or on behalf of the executive government in the performance of his functions.

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

Section 42 of the Parliamentary Service 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 public interest disclosures to the extent that such disclosures relate to alleged breaches of the Parliamentary Service Code of Conduct; functions prescribed in determinations made for the purposes of section 33 of the Parliamentary Service Act (review of actions); and inquiring into actions at the request of the Presiding Officers.

Section 49 of the Parliamentary Service Act requires the Merit Protection Commissioner to give a report to the Commissioner for inclusion in the Commissioner's report under section 42.

The Merit Protection Commissioner's report is included in this report.

## **ROLES AND RESPONSIBILITIES OF THE INDIVIDUAL DEPARTMENTS**

Four parliamentary departments are established under the Parliamentary Service Act.

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

The role of the Parliamentary Budget Office is to inform the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial impact of proposals.

The Department of Parliamentary Services provides support services for the Parliament and for Parliament House. Its services include library information and research services to the Parliament, security, facilities, visitor services, building management and maintenance, landscaping, ICT, telecommunications management, broadcasting and records services.

## **SECRETARIES**

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

Appointments to statutory offices under the Parliamentary Service Act are made by the Presiding Officers either jointly, or separately as in the case of the Secretaries of the house departments and with the approval of the Joint Committee of Public Accounts and Audit in the case of the Parliamentary Budget Officer.

The Secretaries of the house departments are Dr Rosemary Laing, Clerk of the Senate, and Mr David Elder, Clerk of the House of Representatives. They are appointed for non-renewable terms of ten years. Dr Laing's appointment is from 5 December 2009. Mr Elder was appointed from 1 January 2014.

Mr Phil Bowen PSM is the Parliamentary Budget Officer and Secretary of the Parliamentary Budget Office. His appointment is for a term of four years from 23 July 2012.

Dr Dianne Heriot has acted as Secretary of the Department of Parliamentary Services since 16 March 2015.



## PARLIAMENTARY LIBRARIAN

Dr Dianne Heriot also holds the office of Parliamentary Librarian. Her appointment is for five years from 10 May 2012.

## LEGISLATION

The most significant legislative change during the year was the commencement of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act), the principal provisions of which came into effect on 1 July 2014. This Act sets out five general duties of officials which are similar to elements of the Codes of Conduct under the Parliamentary Service Act and the *Public Service Act 1999* (the Public Service Act). To ensure consistency between the general duties under the PGPA Act and the requirements of the Codes of Conduct, minor amendments to the PGPA Act, the Parliamentary Service Act and the Public Service Act were made through the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

## STATUTORY OFFICE HOLDER REMUNERATION

The Parliamentary Budget Officer's remuneration is determined by the Remuneration Tribunal. The Commissioner's Annual Report 2013-14 referred to proposed legislative change to transfer the responsibility for determining the remuneration of the other Parliamentary Service statutory office holders from the Presiding Officers to the Remuneration Tribunal. The necessary amendments to the Parliamentary Service Act and the *Remuneration Tribunal Act 1973* are being developed as part of a package of amendments to be referred to the Office of Parliamentary Counsel in the following reporting period.

## REPORTS UNDER THE PARLIAMENTARY SERVICE ACT

The Commissioner provided the Presiding Officers with reports under subsection 40(1)(b) and subsection 61(2) of the Parliamentary Service Act during the year.

## INFORMATION AND COMMUNICATIONS TECHNOLOGY

The Commissioner's Annual Report 2013-14 reported on the development of the Parliament of Australia ICT Strategic Plan 2013-18 (the ICT Plan) under the oversight of the Parliamentary ICT Advisory Board (PICTAB), whose members include the Parliamentary Service Commissioner. The ICT Plan is used as the basis for ICT planning, investment and governance for the four parliamentary departments.

During 2014-15 parliamentarians and parliamentary departments have benefited from a refresh of end-of-life ICT equipment across the 250-plus electorate offices, Commonwealth parliamentary offices and Parliament House.

ICT security was improved for the parliamentary departments through the implementation of the Australian Signals Directorate's top four strategies for mitigating targeted cyber intrusions.

Upgraded assisted-listening device coverage delivered improved accessibility for visitors and occupants of the building who require hearing assistance. Enhancements to parliamentary internet and intranet sites delivered WCAG 2.0 AA standard compliance to make content accessible to a wider range of people with disabilities.

Enhancements to the APH website now provide live streams and on-demand historical footage of Parliament and improved search functionality. A number of Senators' and Members' services were made available for the first time on mobile devices for parliamentarians and staff.

## **PARLIAMENTARY ADMINISTRATION ADVISORY GROUP**

The Parliamentary Administration Advisory Group (PAAG) supports the Parliamentary Heads Group by overseeing the implementation of corporate initiatives and services of common interest across the parliamentary departments. Its members are an SES employee nominated by each of the Parliamentary Heads:

- Usher of the Black Rod, Department of the Senate
- Serjeant-at-Arms, Department of the House of Representatives
- Assistant Parliamentary Budget Officer, Corporate Strategy, Parliamentary Budget Office
- Chief Operating Officer, Department of Parliamentary Services.

## **LIAISON BETWEEN THE AUSTRALIAN PUBLIC SERVICE COMMISSION AND THE PARLIAMENTARY SERVICE**

The Commissioner attended a meeting of the heads of the parliamentary departments in February 2015. Representatives of the parliamentary departments and the Commission liaise on relevant issues.

## STAFFING SUMMARY

The following tables present a summary of Parliamentary Service staffing as at 30 June 2015. Numbers are actual (as opposed to FTE). For further information on staffing for each parliamentary department, please refer to each department's annual report.

### Staff numbers at 30 June 2015.

Category	Department				Total
	Senate	House of Reprs.	Parliamentary Budget Office	Parliamentary Services	

### Categories of employment

Ongoing	138	125	39	721	1023
Non-ongoing	21	26	-	141	188
Total	159	151	39	862	1211

### Full-time and part-time employment (includes casual and sessional)

Full-time	133	131	36	635	935
Part-time	26	20	3	227	276
Total	159	151	39	862	1211

### Employment by work group

Secretary/SES	6	5	7	18	36
Executive*	54	49	24	193	320
Other	99	97	8	651	855
Total	159	151	39	862	1211

\* Groups 7 and 8 of the Classification Rules

### Staff turnover (ongoing employees)

There were 124 separations of ongoing employees during the year, representing 10.6% of ongoing staff.

### Total staff numbers at 30 June

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<b>Number</b>	1286	1193	1181	1256	1223	1181	1179	1186	1198	1171

### Staff numbers by classification and gender at 30 June

Year	2010		2011		2012		2013		2014		2015	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<b>SES/Secretary</b>												
Male	9	47	8	36	8	36	14	47	16	52	19	53
Female	10	53	14	64	14	64	16	53	15	48	17	47
<b>Executive</b>												
Male	152	54	155	56	148	54	156	54	158	58	177	54
Female	128	46	124	44	127	46	133	46	140	42	153	46
<b>Other</b>												
Male	498	56	502	57	516	58	510	58	486	58	488	58
Female	384	44	376	43	373	42	369	42	356	42	357	42
<b>Total</b>												
Male	659	56	665	56	672	57	680	57	660	56	684	56
Female	522	44	514	44	514	43	518	43	511	44	527	44

### Workplace Diversity (ongoing employees)

Department	Senate	House of Representatives	Parliamentary Budget Office	Parliamentary Services	Total
<b>Gender</b>					
Male	57	49	23	461	590
Female	81	76	16	260	433
<b>English not first language spoken*</b>	2	2	8	52	64
<b>ATSI origin*</b>	-	-	-	6	6
<b>Staff who have identified a disability*</b>	1	3	-	9	13

\*Information provided on a voluntary basis.

### Ongoing staff—age distribution

Age	Under 25	25–34	35–44	45–54	55 and over
<b>Number</b>	23	185	300	280	235
<b>Percentage</b>	2.2	18.1	29.3	27.4	23.0

## FINANCIAL SUMMARY 2014–15

The following table presents a summary of the parliamentary departments' total revenue, 2014–15.

The Department of the Senate, the Department of the House of Representatives and the Department of Parliamentary Services are not responsible for preparing the administered schedules and notes relating to the special appropriations from which they draw down various monies to pay for Senators' and Members' remuneration and entitlements. The legislation establishing these appropriations is administered by the Department of Finance and the Australian Public Service Commission. Those agencies are responsible for reporting these administered special appropriation items and they are not included in the table below.

Parliamentary departments	Total revenue				Equity injection	
	Revenue from government \$'000	Resources received free of charge \$'000	Sale of goods and services etc \$'000	Total \$'000	Departmental capital budget \$'000	Administered \$'000
<b>Senate</b>	20,257	1,975	467	22,699	370	-
<b>House of Representatives</b>	20,672	2,047	1,120	23,839	649	325
<b>Parliamentary Budget Office</b>	7,013	341	-	7,354	-	-
<b>Parliamentary Services</b>	120,519	140	7,886	128,545	27,739	123,512
<b>Total</b>	168,461	4,503	9,473	182,437	28,758	123,837





Parliamentary Service  
Merit Protection Commissioner  
**ANNUAL REPORT**  
2014–15





Hon. John Lloyd PSM  
Parliamentary Service Commissioner  
16 Furzer Street  
Phillip ACT 2606

Dear Parliamentary Service Commissioner

I have pleasure in presenting to you the Parliamentary Service Merit Protection Commissioner's annual report for the year ended 30 June 2015. Section 49 of the *Parliamentary Service Act 1999* requires that, after the end of the each financial year, the Commissioner must give a report to the Parliamentary Service Commissioner on the activities of the Commissioner during the year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Annwyn Godwin', with a small flourish at the end.

Annwyn Godwin  
Parliamentary Service Merit Protection Commissioner  
September 2015



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## OVERVIEW

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The Parliamentary Service Merit Protection Commissioner (the Merit Protection Commissioner) is responsible for independent and impartial review of employment actions in the Parliamentary Service. Merit-based recruitment is also conducted through the establishment of Independent Selection Advisory Committees (ISACs).

In this role the Merit Protection Commissioner provides assurance to the Parliament and the community that the Parliamentary Service Employment Principles and Values are being applied effectively by decision-makers in the Parliamentary Service, with respect to staffing decisions. By reviewing departmental decisions the Merit Protection Commissioner supports fair, transparent, and ethical decision-making. Through her promotion review function and the establishment of ISACs, the Merit Protection Commissioner promotes merit-based recruitment and provides independent assurance on the quality of selection outcomes.

## FOCUS ON THE YEAR

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In 2014–15 the legislative changes affecting the review functions of the Merit Protection Commissioner were fully embedded. Work has also commenced on updating policies and guidelines, supporting documents, and the website, relating to the Merit Protection Commissioner role.

Discussions were held between staff supporting the Merit Protection Commissioner and the Parliamentary Service Liaison Officer through the year about the policy framework supporting the functions of the Merit Protection Commissioner.

The Merit Protection Commissioner was consulted on the Public Service Commissioner's submission to the Senate Standing Committee on Finance and Public Administration's Inquiry into the Performance of the Parliamentary Service in October 2014.

## OUTCOMES FOR THE YEAR

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### REVIEW OF ACTION PERFORMANCE

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

The two main categories of reviews conducted by the Merit Protection Commissioner in 2014–15 were:

- reviews of breaches of the Parliamentary Service Code of Conduct and/or sanctions imposed
- reviews of other 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—these reviews are commonly known as secondary reviews.

There were three applications for review received by the Merit Protection Commissioner in 2014–15 and two on hand at the beginning of the year. Four applications were related to Code of Conduct matters and, of these, two were finalised and two remained on hand at the end of the reporting period. The finalised reviews were both completed within the target timeframe of 14 weeks and the agency decisions were upheld. The other application was for a secondary review that was not accepted as review was not considered justified in all the circumstances.

The PS Act provides a right of review by the Merit Protection Commissioner of a determination that a former Parliamentary Service employee has breached the Code of Conduct where that finding was made after the employee left the employment and was related to actions the employee took when employed in the Parliamentary Service (Part 11, Division 4 of the Determination). No requests were received from former employees during the reporting period.

## 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. A PRC comprises a convenor, a nominee from the relevant department and a third member nominated by the Merit Protection Commissioner.

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 2014–15, the Merit Protection Commissioner convened one PRC to consider applications for review of three promotions arising from a selection exercise finalised in October 2014. The PRC upheld the three promotions 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. This effectively removes one level of recruitment administration for a department.

In 2014–15, the Merit Protection Commissioner finalised one request for an Independent Selection Advisory Committee (ISAC) from the Department of Parliamentary Services. The ISAC considered 121 applicants and recommended 21 applicants to the Secretary to fill the vacancies.

## OTHER FUNCTIONS

The functions of the Merit Protection Commissioner include:

- investigating a complaint by a former Parliamentary Service employee that relates to the employee's final entitlements on separation from the Parliamentary Service
- 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.)

The Merit Protection Commissioner was not required to exercise these functions during 2014–15.

## OUTLOOK FOR THE COMING YEAR

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The work of the Merit Protection Commissioner is largely demand-driven. Levels of casework are expected to be small.

During the year, the updates to policies, guidelines and supporting documents will be finalised and will be reflected in changes made to the website.

The changes to the PS Act in July 2013 enable the Merit Protection Commissioner to inquire into alleged breaches of the Code of Conduct on a fee-for-service basis. Over the next year I will be working towards establishing a panel of skilled persons to investigate Code breaches. This option will be available to departments and could assist with complex and contested cases that would benefit from an independent and credible investigation.

During 2015–16, I will be marketing ISACs to departments as a cost-effective way of selecting staff. The initial costs of establishing an ISAC are outweighed by savings in time and productivity through reducing the prospect of eliminating the need for promotion review. ISACs also provide departments and employees with greater confidence in the fairness and integrity of the selection process and outcomes.

The Merit Protection Commissioner will discuss with the Parliamentary Service departments lessons learned from her casework where appropriate.

## GOVERNANCE, MANAGEMENT AND ACCOUNTABILITY

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The Merit Protection Commissioner is Ms Annwyn Godwin. Ms Godwin was reappointed by the Presiding Officers for a second five year term in January 2013.

During 2014–15, Ms Karin Fisher acted as Merit Protection Commissioner for the period 8 August to 17 October 2014 and Ms Amanda MacDonald for the period 23 June to 30 June 2015.

## ROLE AND FUNCTIONS

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

The Merit Protection Commissioner's functions under the PS 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 2014–15, the Merit Protection Commissioner was supported by staff in the Ethics Group and the Employment Policy and Participation Group of the Australian Public Service Commission. The majority of these employees are located in Sydney.

The Merit Protection Commissioner receives some assistance from the Parliamentary Service Liaison Officer who is an employee of the Department of Parliamentary Services.

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



