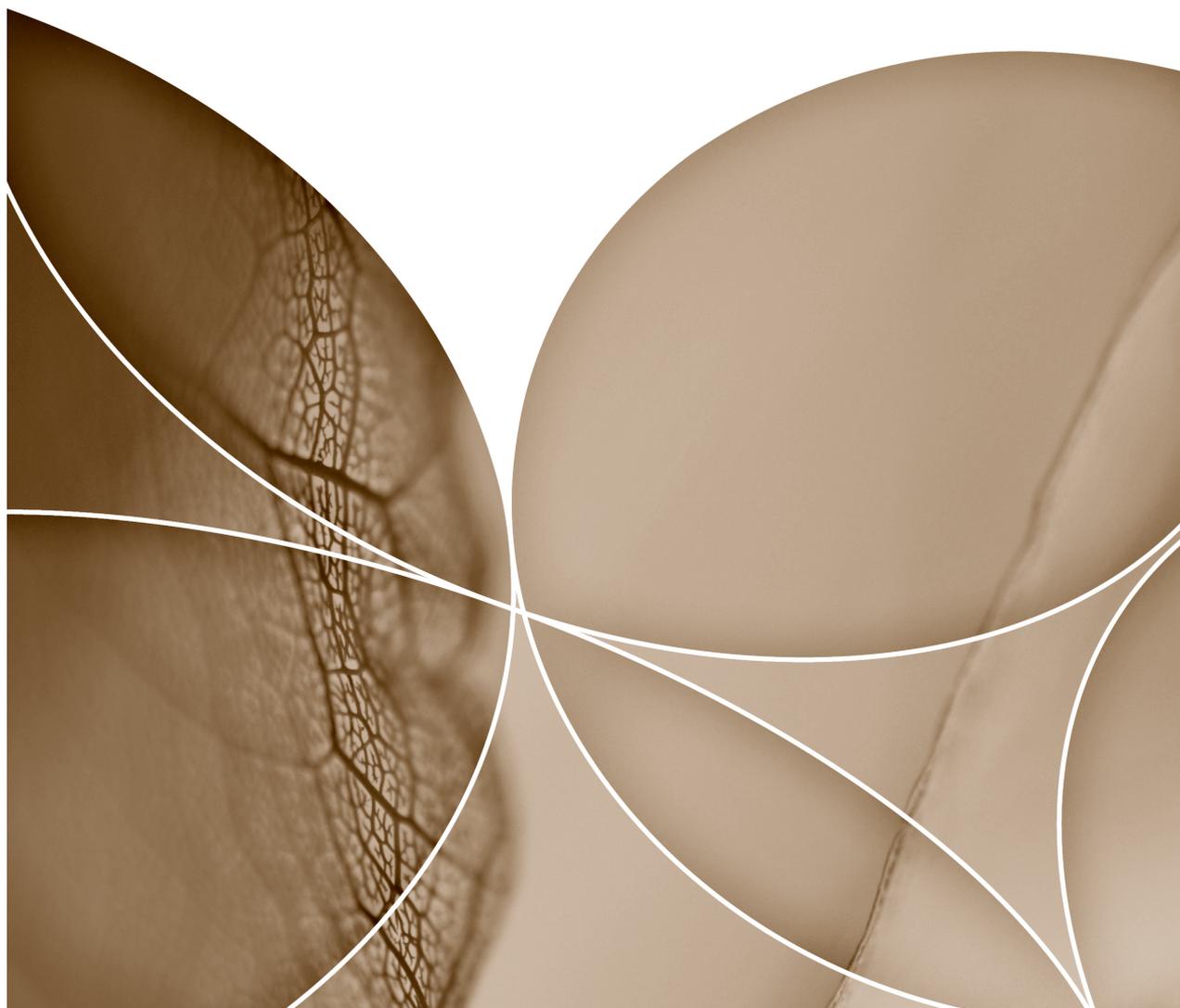




Parliamentary Service Commissioner  
**annual report 2010–11**



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PARLIAMENTARY SERVICE COMMISSIONER

Stephen Sedgwick

Mr Speaker

Mr President

**Letter of transmittal**

I have pleasure in presenting to you the annual Parliamentary Service Commissioner's report for the year ended 30 June 2011. 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, consisting of several fluid, overlapping strokes.

Stephen Sedgwick

October 2011



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## Introduction

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

The Speaker of the House of Representatives, Mr Harry Jenkins MP, and the President of the Senate, Senator the Hon John Hogg, are the Presiding Officers of the Parliament.

In addition to their procedural roles in the Chambers, the Presiding Officers are responsible for the administration of the three 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 Department of Parliamentary Services.

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

Mr Stephen Sedgwick is the Parliamentary Service Commissioner (the Commissioner). Mr Sedgwick's appointment is to 13 December 2014. 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). Her appointment is to 24 January 2013. Ms Godwin also holds the office of Public Service Merit Protection Commissioner concurrently.

The Presiding Officers have in place a standing acting arrangement that applies when the Commissioner or the Merit Protection Commissioner are absent or there are vacancies in their offices or they are, for any reason, unable to perform the duties of their offices. These circumstances will usually occur in conjunction with similar circumstances in the respective Public Service offices. Under the standing arrangement, a person acting in either of the Public Service offices is also appointed to act in the relevant Parliamentary Service office.

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





**Stephen Sedgwick**  
Parliamentary Service Commissioner

## Commissioner's overview

This is my second annual report since I was appointed Parliamentary Service Commissioner in December 2009. In my report last year, I noted that the Parliamentary Service, like the Australian Public Service (APS), operates in a complex environment of rising expectations, rapid technological change, a tight labour market and constrained budget resources. I also noted the need to discuss work and initiatives flowing from the report *Ahead of the game: Blueprint for the reform of Australian Government administration* (the *Blueprint*) with the heads of the parliamentary departments and how these might translate or flow on to the Parliamentary Service.

The *Blueprint* outlined a comprehensive reform agenda to ensure that the APS can meet today's challenges and better respond to the emerging needs of the Australian community. The Government accepted all of the *Blueprint's* proposals.

One of the significant reforms arising from the *Blueprint* is a series of proposed amendments to the *Public Service Act 1999* (PS Act). These reforms aim to support the APS workforce and leadership, and embed new practices and behaviour in the culture of the APS. The proposed amendments include a revised set of APS Values. Drafting is advanced and a Bill is expected to be ready for introduction in the second half of 2011. Many of the proposed amendments are relevant to the *Parliamentary Service Act 1999* (the Act). The parliamentary departments are considering the draft amendments with a view to introducing legislation to amend the Act at the same time as the Public Service legislation is introduced.

I have met with the heads of the parliamentary departments twice during the year. Our discussions have included the proposed PS Act amendments and some of the implications for the Parliamentary Service. We agreed that our organisations will consult on the provision of further training to the APS on parliamentary matters. Our discussions also included the proposed Parliamentary Budget Office and workplace relations matters.

This report presents information discussed in these interactions and those of staff in the Parliamentary Service and the Australian Public Service Commission. Detailed information about the individual departments can be found in their own respective annual reports.

A stylized, handwritten signature in black ink, consisting of several fluid, overlapping strokes.

**Stephen Sedgwick**  
Parliamentary Service Commissioner



## Administration of the Parliamentary Service

### Common service arrangements

Previous annual reports of the Parliamentary Service Commissioner (the Commissioner) referred to a number of initiatives by the parliamentary departments in response to the review in 2008 by the then Commissioner of the *Implementation of the amalgamation of the three former joint parliamentary departments into the Department of Parliamentary Services*.

The review made five recommendations and emphasised that the parliamentary departments should continue to work together to achieve economies of scale, in particular through shared services and strategic ICT. The parliamentary departments have continued to provide updates to the Commissioner on their progress.

One of the initiatives previously referenced was a working group set up to consider and report on opportunities for greater common service arrangements across the departments.

As reported in 2009–10 the Department of the House of Representatives provides payroll services to the Department of Parliamentary Services (DPS) and this arrangement continues to work well.

During 2010–11 the parliamentary departments have reported on the continuation of work towards common service arrangements across the departments. Initiatives reported to the Commissioner during the year included:

- the development by the chamber departments of a furniture style guide to provide a model for the procurement of administrative office furniture throughout Parliament House
- collaboration on a comprehensive services catalogue
- the development of a joint protective security policy for the parliamentary departments encompassing physical security, personnel security and ICT security.

In response to the 2008 review the Senior Management Coordination Group, representing the parliamentary departments, now monitors strategic ICT governance across the parliamentary administration.

In addition, consideration is being given to the provision by DPS of some occupational health and safety services to the chamber departments.

### Review of the Act

Previous Commissioners' annual reports referred to the review of the *Parliamentary Service Act 1999* (the Act) to assess whether proposed changes to the framework for the APS had application to the Parliamentary Service.

The review was halted when the Advisory Group established by the Prime Minister to review Australian Government administration was established. The Advisory Group presented its report *Ahead of the game: Blueprint for the reform of Australian Government administration* (the *Blueprint*). One of the significant initiatives arising from the *Blueprint* is a series of proposed amendments to the *Public Service Act 1999* (PS Act).

The parliamentary departments are considering the draft PS Act amendments with a view to identifying any implications for the Act and developing the necessary amending legislation. Ideally, that legislation will be introduced at the same time as the APS legislation is introduced.

Significant among the proposed amendments being developed are more concise Parliamentary Service Values that will be complemented in the legislation by a set of employment principles.

## **Inquiries**

One of the Commissioner's functions under the Act is 'to inquire into and report on matters relating to the Parliamentary Service' if requested by the Presiding Officers (s. 40(1)(b) of the Act). As at 30 June 2011 one inquiry under this provision was on hand.

## **Parliamentary Budget Office**

During the year the Joint Select Committee on the Parliamentary Budget Office (the Committee) inquired into the establishment of a Parliamentary Budget Office (PBO). The Committee recommended that the position of Parliamentary Budget Officer be established as an independent office of the Parliament through dedicated legislation. On 10 May 2011, the Government announced that it would establish an independent PBO as a separate entity headed by an independent statutory officer. The Government subsequently introduced legislation in August 2011 to amend the Act to establish the PBO.

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

Senior Parliamentary Service and Commission employees met in February 2011 and discussed a range of current issues, including the APS bargaining framework and initiatives arising from the *Blueprint*. The group intends to meet again when the detail of changes to the PS Act is available for consultation.

## Administrative arrangements

### Commissioner's role

The *Parliamentary Service Act 1999* (the Act) provides for an independent Parliamentary Service Commissioner (the Commissioner) appointed by the Presiding Officers. The Commissioner's role is to advise the Presiding Officers on the management 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 Act empowers the Presiding Officers to make determinations on a range of matters affecting the Parliamentary Service. The Act also requires the Presiding Officers to consult the Commissioner before making these determinations.

Section 42 of the 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 Parliamentary Service Merit Protection Commissioner (the Merit Protection Commissioner) includes inquiring into whistleblowers' reports and alleged breaches of the Code of Conduct, functions prescribed in determinations made for the purposes of section 33 of the Act (review of actions), and inquiring into actions at the request of the Presiding Officers.

Section 49 of the 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 at Appendix A.

### Roles and responsibilities of the individual departments

Three parliamentary departments are established under the Act.

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

Services provided by the Department of Parliamentary Services include information services to the Parliament (access, research, analysis and advice), security management and provision, facilities management and provision, visitor services, building management and maintenance, landscaping, ICT network management and maintenance, telecommunications management, broadcasting and records services.

Under the Act, the secretaries of the parliamentary departments have roles and responsibilities similar to those of Australian Public Service agency heads. The secretaries of the chamber departments are Dr Rosemary Laing, Clerk of the Senate, and Mr Bernard Wright, Clerk of the House of Representatives. Mr Alan Thompson is secretary of the Department of Parliamentary Services.

Dr Laing and Mr Wright were appointed by the Presiding Officers for non-renewable terms of ten years from 6 December 2009. Mr Thompson's appointment is for five years from 20 May 2008.

## Staffing summary

The following tables present a summary of Parliamentary Service staffing as at 30 June 2011.

Numbers are actual staff numbers at 30 June 2011

Category	Department			
	Senate	House of Representatives	Parliamentary Services	Total

### Categories of employments

Ongoing	147	133	735	1,015
Non-ongoing	27	25	112	164
<b>Total</b>	<b>174</b>	<b>158</b>	<b>847</b>	<b>1,179</b>

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

Full-time	144	135	649	928
Part-time	30	23	198	251
<b>Total</b>	<b>174</b>	<b>158</b>	<b>847</b>	<b>1,179</b>

### Employment by work group

Sec/SES	7	5	10	22
Executive*	48	59	172	279
Other	119	94	665	878
<b>Total</b>	<b>174</b>	<b>158</b>	<b>847</b>	<b>1,179</b>

\*Groups 7 and 8 of the Classification Rules

### Total staff numbers at 30 June

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number	1,295	1,313	1,259	1,311	1,286	1,193	1,181	1,256	1,223	1,181

### Staff turnover (ongoing employees)

There were 113 separations of ongoing employees during the year, representing 9.6% of ongoing staff.

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

Year	2007		2008		2009		2010		2011	
No / %	No	%	No	%	No	%	No	%	No	%
<b>SES/Secretary –</b>										
Male	10	42	11	50	13	54	9	47	8	36
Female	14	58	11	50	11	46	10	53	14	64
<b>Executive –</b>										
Male	167	59	175	57	166	55	152	54	155	56
Female	118	41	134	43	138	45	128	46	124	44
<b>Other –</b>										
Male	491	56	523	57	511	57	498	56	502	57
Female	381	44	402	43	384	43	384	44	376	43
<b>Total –</b>										
Male	668	57	709	56	690	56	659	56	665	56
Female	513	43	547	44	533	44	522	44	514	44

**Workplace Diversity**

Department	Senate	House of Representatives	Parliamentary Services	Total
<b>Gender –</b>				
Male	71	64	530	665
Female	103	94	317	514
English not first language spoken*	4	12	67	83
ATSI origin*	-	1	2	3
Staff who have identified a disability*	4	5	19	28

\*Information provided on a voluntary basis.

**Ongoing staff – age distribution**

Age	Under 25	25–34	35–44	45–54	Over 55
Number	31	175	269	284	256
%	3.1	17.2	26.5	28.0	25.2

## Financial summary

The following table presents a summary of the parliamentary departments' total revenue, 2010–11.

The Department of the Senate and the Department of the House of Representatives 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 Deregulation and the Australian Public Service Commission. These 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	Resources received free of charge	Sale of goods and services etc	Total	Departmental capital budget	Administered
Senate	20,060	2,875	615	23,550	810	*
House of Representatives	21,087	3,179	1,002	25,268	1,300	*
Parliamentary Services	102,045	171	6,256	108,472	48,743	28,383
<b>Total</b>	<b>143,192</b>	<b>6,225</b>	<b>7,873</b>	<b>157,290</b>	<b>50,853</b>	<b>28,383</b>

\* Not reported; see note above.

## Appendix A

# PARLIAMENTARY SERVICE MERIT PROTECTION COMMISSIONER'S REVIEW OF 2010–11

### Introduction

The Parliamentary Service Merit Protection Commissioner (the Merit Protection Commissioner) is Ms Annwyn Godwin. Ms Godwin was appointed by the Presiding Officers on 12 March 2008 and her appointment extends to 24 January 2013.

The Parliamentary Service Values set out in section 10 of the *Parliamentary Service Act 1999* (the Act) provide the context for the performance of the Merit Protection Commissioner's functions. One of these Values is that 'the Parliamentary Service provides a fair system of review of decisions taken in respect of Parliamentary Service employees'.

Those functions include the review of certain actions affecting Parliamentary Service employees in their employment, such as the review of promotion decisions and inquiries into Parliamentary Service actions, including certain breaches of the Parliamentary Service Code of Conduct.

### Outlook for 2011–12

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

### Overview

#### *Role*

The Merit Protection Commissioner is an independent statutory office established by section 47 of the Act. Under the Act, the Merit Protection Commissioner fulfils an ombudsman-like role for employment-related complaints, with powers to make recommendations and provide reports to the secretaries of the parliamentary departments.

#### *Functions*

The Merit Protection Commissioner's functions under the Act are set out in subsection 48(1) and include:

- a. to inquire into whistleblowing reports made to the Merit Protection Commissioner by employees alleging breaches of the Code of Conduct
- b. to inquire into alleged breaches of the Code of Conduct by the Parliamentary Service Commissioner and report to the Presiding Officers on the results of such inquiries including, where relevant, recommendations for sanctions
- c. to inquire into a Parliamentary Service action at the request of the Presiding Officers and to report to the Presiding Officers on the results of the inquiry
- d. such functions as are prescribed by determinations made for the purposes of section 33 (reviews of employment actions)
- e. such other functions as are prescribed by the determinations.

The review system, established under section 33 of the Act and by Parliamentary Service determinations made under the Act, gives Parliamentary Service employees the capacity to seek review of employment actions taken by secretaries of parliamentary departments or Parliamentary Service employees. The system allows for external review by the Merit Protection Commissioner or, in relation to promotion decisions, by a Promotion Review Committee established by the Merit Protection Commissioner.

### *Implementation of the review framework*

Parliamentary Service employees have access to the Act and determinations describing the functions of the Merit Protection Commissioner on the Parliament House website.

### *Organisation structure*

The Merit Protection Commissioner's casework is undertaken through the review team in the Ethics Group of the Australian Public Service Commission.

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

Readers with enquiries about the Merit Protection Commissioner's Annual Report should contact:

Office of the Parliamentary Service Merit Protection Commissioner  
Australian Public Service Commission  
16 Furzer Street  
Phillip ACT 2606  
Tel: (02) 8239 5330  
Fax: (02) 6267 4944  
Email: [review@apsc.gov.au](mailto:review@apsc.gov.au)

## Review of performance

### Casework under the Act

#### Applications for reviews of actions including promotion review

No applications for reviews of actions were received by the Merit Protection Commissioner in 2010–11. One application remains on hand from 2009–10.

#### Whistleblowing

One whistleblowing report from an employee of the parliamentary departments was carried over from 2009–10 and remains under consideration.

#### Litigation

Last year's report noted that the Merit Protection Commissioner had been a respondent to an application initiated before the Federal Court of Australia. The Federal Court had dismissed the application and awarded costs against the applicant. A subsequent application to the High Court for special leave to appeal was dismissed. The recovery of legal costs was pursued during 2010–11.

#### Other matters

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

In April 2011 the Merit Protection Commissioner issued revised Instructions about the procedures to be followed by an Independent Selection Advisory Committee and a Promotion Review Committee in performing its functions under Divisions 6.5 and 7.2 of the Parliamentary Service Determination 2003/2 respectively.

The work to amend the relevant Parliamentary Service determination to reflect better practice changes made in June 2010, which was set out in the 2009–10 Parliamentary Service Merit Protection Commissioner's report, has been progressed and is expected to be finalised in 2011–12.

## Management and accountability

The 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 Parliamentary Service functions. In this role, they are accountable to the Merit Protection Commissioner.

