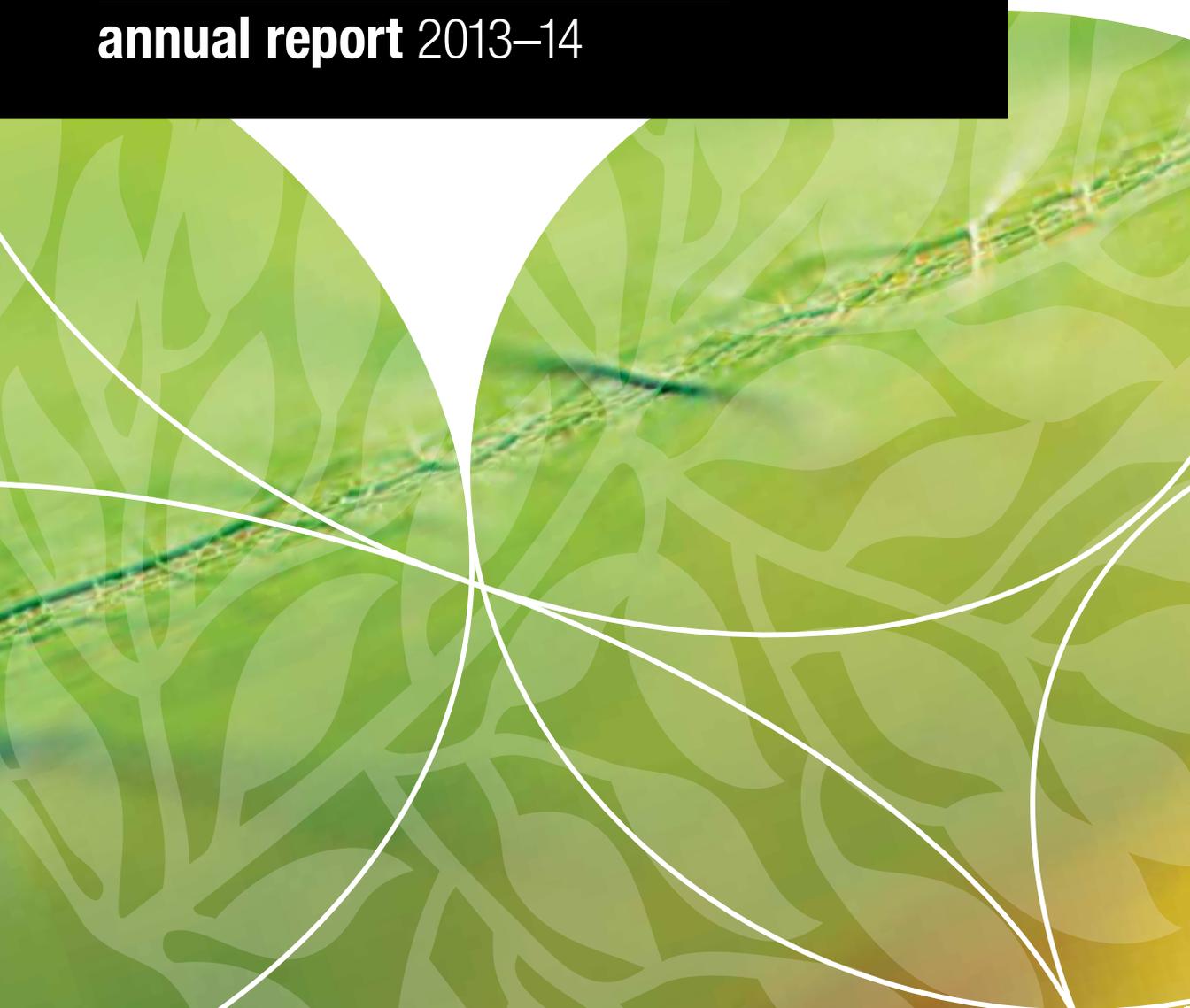




# Parliamentary Service Commissioner

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**annual report 2013–14**



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[http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Service\\_Legislation](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Service_Legislation)

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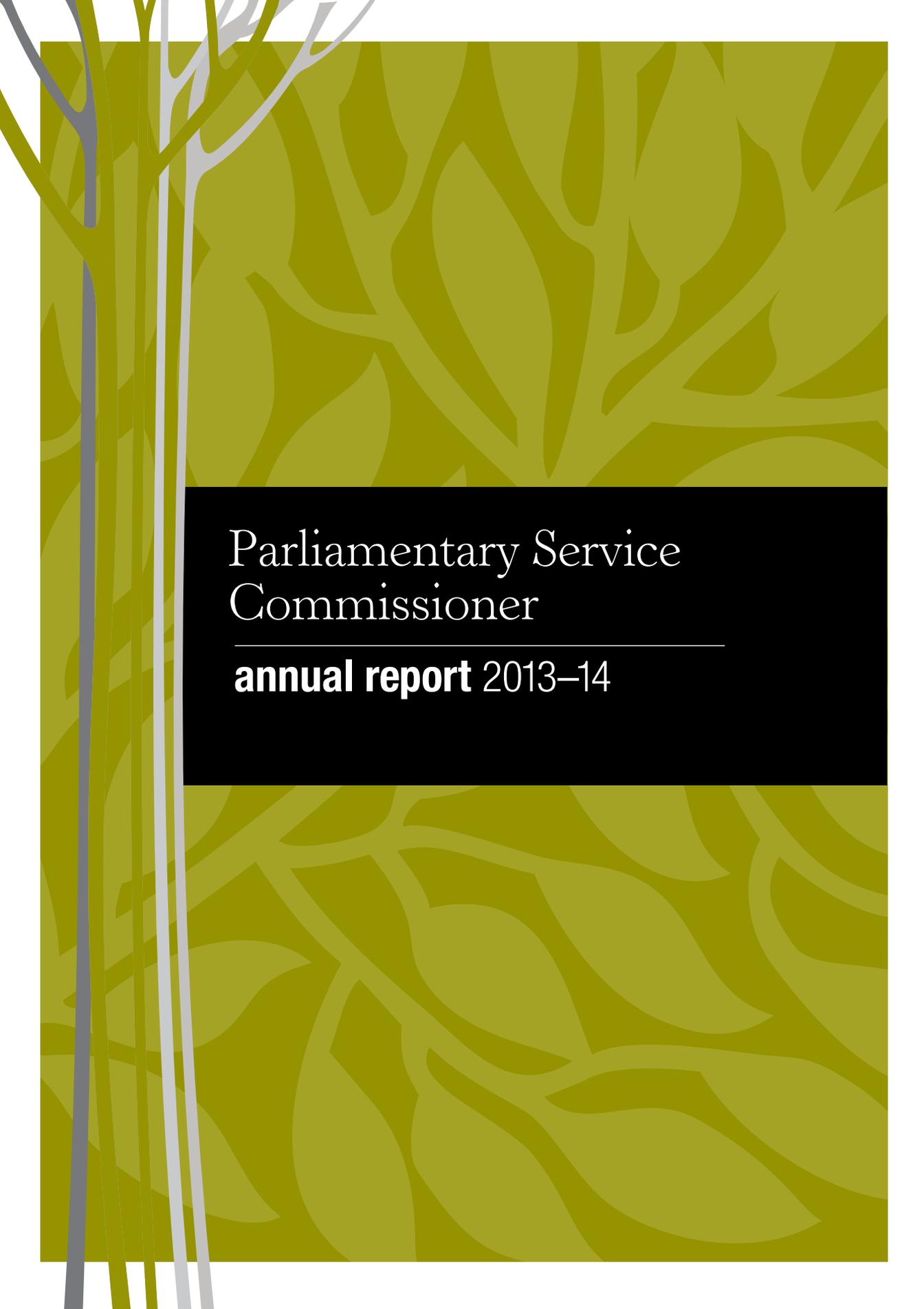
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The document must be attributed as the *Parliamentary Service Commissioner annual report 2013–14*.

Acknowledgments

Design and typesetting: Rachael Shields

The background of the cover features a stylized tree on the left side, with its trunk and branches extending upwards. The rest of the background is filled with a repeating pattern of stylized leaves in various shades of green and yellow. A black horizontal band is positioned in the middle of the cover, containing the title text.

Parliamentary Service  
Commissioner

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**annual report** 2013–14



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## PARLIAMENTARY SERVICE COMMISSIONER

Stephen Sedgwick

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 2014. 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 'Stephen Sedgwick'.

Stephen Sedgwick AO, FIPAA

October 2014

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## COMMISSIONER'S OVERVIEW

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My office has been involved in a number of matters impacting on the administration of the Parliamentary Service in 2013–14.

Amendments to the *Parliamentary Service Act 1999* came into effect on 1 July 2013 modelled on similar amendments to the *Public Service Act 1999* that came into effect on the same date. I reported on these amendments in last year's annual report.

The amended Parliamentary Service Act is supported by *Parliamentary Service Determination 2013* which also came into effect on 1 July 2013 and largely reflects arrangements in the Australian Public Service (APS). As required by the Parliamentary Service Act, I was consulted about the determination by the Presiding Officers before it was made. Following appropriate consultation, the Presiding Officers made two further determinations during 2013–14 amending Parliamentary Service Determination 2013, including amendments relating to the commencement of the *Public Interest Disclosure Act 2013*.

In 2013 I was asked by Senator the Hon John Hogg and Ms Anna Burke MP (the then Presiding Officers) to conduct an inquiry under section 40(1)(b) of the Parliamentary Service Act to verify the case for shared services arrangements in the Parliamentary Service and provide advice as to the steps necessary to establish such shared services arrangements if it was cost effective to do so. This included consideration of the transactional/processing elements of human resources management, financial and office services for the four parliamentary departments. I reported to the Presiding Officers in November 2013 and on 13 February 2014 the Presiding Officers decided, in the light of the report, not to proceed with any further work in this area for the time being.

The Department of Parliamentary Services (DPS) approached the Australian Public Service Commission this year and arranged to participate in the annual employee census conducted for the purposes of the Australian Public Service (APS) State of the Service Report so as to benchmark its results against the average for the APS. This is a sensible initiative for DPS. Other departments may care to consider, having regard to their role and functions, whether there is merit in participating in future surveys in light of the DPS experience.

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



Stephen Sedgwick AO, FIPAA

Parliamentary Service Commissioner

October 2014





## INTRODUCTION

---

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

The President of the Senate, Senator the Hon John Hogg, and the Speaker of the House of Representatives, the Hon Bronwyn Bishop MP, were the Presiding Officers of the Parliament as at 30 June 2014. Mrs Bishop MP was elected as Speaker on 12 November 2013, replacing Ms Anna Burke MP. Senator Hogg retired as a senator with effect from 30 June 2014 but remained as the President of the Senate until a new President of the Senate, Senator the Hon Stephen Parry, was elected on 7 July 2014.

In addition to their procedural roles in the Chambers, the Presiding Officers are responsible for the operation and 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.

Mr Stephen Sedgwick AO, FIPAA is the Parliamentary Service Commissioner (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). Ms Godwin's appointment is to 24 January 2018. She also holds the office of Merit Protection Commissioner in the Australian Public Service (APS) 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 offices in the APS. Under the standing arrangement, a person acting in either of the APS offices is also appointed to act in the relevant Parliamentary Service office.

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





# ADMINISTRATION OF THE PARLIAMENTARY SERVICE

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## Legislation

The Parliamentary Service Commissioner's Annual Report 2012–13 outlined amendments to the *Parliamentary Service Act 1999* (the Parliamentary Service Act) primarily modelled on changes to the *Public Service Act 1999* (the Public Service Act) that arose from the report *Ahead of the game: Blueprint for the Reform of Australian Government Administration*.

The *Parliamentary Service Amendment Act 2013* received the Royal Assent on 1 March 2013 and came into effect on 1 July 2013. Changes made by this Act included more concise Parliamentary Service Values, complemented in the legislation by a set of Employment Principles; expanded roles and responsibilities of Secretaries; revised roles of the Senior Executive Service; revised arrangements for the investigation of whistleblower reports by the Commissioner and the Merit Protection Commissioner; and a power for the Merit Protection Commissioner to delegate his or her powers to Parliamentary Service or APS employees.

The amended Parliamentary Service Act is supported by the *Parliamentary Service Determination 2013* (Determination 2013) made by the Presiding Officers with effect from 1 July 2013. The Presiding Officers made this determination after consultation with the Commissioner as required by the Parliamentary Service Act.

Determination 2013 was amended by the *Parliamentary Service Amendment Determination 2013 (No. 1)*, made by the Presiding Officers on 4 December 2013. The principal amendments provide for suspension of employees from duties and clarified arrangements for movement of employees between parliamentary departments.

Determination 2013 was further amended by the *Parliamentary Service Amendment (Public Interest Disclosure and Other Matters) Determination 2014* (the PID Amendment Determination), made by the Presiding Officers on 26 March 2014 following the commencement of the principal provisions of the *Public Interest Disclosure Act 2013* (the PID Act) on 15 January 2014. The PID Act established a framework to encourage and facilitate reporting of wrongdoing by public officials in the Commonwealth public sector. It provides for the making of 'public interest disclosures', for the investigation of such disclosures, and for the protection of disclosers.

The *Public Interest Disclosure (Consequential Amendments) Act 2013* repealed the Parliamentary Service whistleblowing scheme in section 16 of the Parliamentary Service Act and the functions of the Commissioner and Merit Protection Commissioner of inquiring into whistleblower reports. It also inserted new functions for the Commissioner and Merit Protection Commissioner to inquire into public interest disclosures in certain circumstances. The PID Amendment Determination provides details of how these functions operate alongside the inquiry powers set out in the PID Act. These changes were effective from the date of commencement of the PID Act.

The PID Amendment Determination also amends Determination 2013 in relation to certain actions a Secretary may take following a recommendation from the Merit Protection Commissioner in relation to the review of an action. This amendment clarifies that the written

procedures established under subsection 15(3) of the Parliamentary Service Act apply in relation to such actions.

The PID Amendment Determination made other minor changes, including clarifying the provisions for requiring employees to attend medical examinations.

The *Public Governance, Performance and Accountability Act 2013* (the PGPA Act), the principal provisions of which came into effect on 1 July 2014, sets out five general duties of officials under the PGPA Act. They are:

- a duty of care and diligence
- a duty to act honestly, in good faith and for a proper purpose
- a duty in relation to the appropriate use of position
- a duty in relation to use of information
- a duty to disclose material personal interests.

These duties are similar to elements of the Parliamentary Service Code of Conduct (section 13 of the Parliamentary Service Act). To ensure consistency between the general duties under the PGPA Act and the requirements of the Code of Conduct, amendments to the PGPA Act and the Parliamentary Service Act were made through the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*, which was passed by the Parliament on 26 June 2014.

## Information and communications technology

The Annual Report 2012–13 reported on the implementation of recommendations of the Roche Review of Information and Communication Technology Services provided to the Parliament which was tabled in October 2012. These included the appointment of a Chief Information Officer, the establishment of the Parliamentary ICT Advisory Board (PICTAB) and the consolidation of parliamentary ICT functions with the transfer of ICT staff from the chamber departments to the Department of Parliamentary Services on 1 July 2013.

PICTAB, whose members include the Parliamentary Service Commissioner, guided the development of the Parliament of Australia ICT Strategic Plan 2013–18 in consultation with stakeholders. The plan, approved by the Presiding Officers in October 2013, outlines how ICT will connect parliamentarians (including their electorate offices), the public and the parliamentary departments with the services they require and will be used as the basis for future ICT planning, investment and governance across the four departments.



## Parliamentary Administration Advisory Group

The Senior Management Coordination Group (SMCG), which operated across the parliamentary departments for a number of years, was replaced by the Parliamentary Administration Advisory Group (PAAG), which held its first meeting on 31 January 2014.

The Group's role is to support 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, initially:

- 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)
- Assistant Secretary, Corporate Services (Department of Parliamentary Services).

## Statutory office holder remuneration

In October 2012 the Presiding Officers agreed with the President of the Remuneration Tribunal that the responsibility they presently have for determining the remuneration of Parliamentary Service statutory office holders should move to the Remuneration Tribunal. This followed the transfer in 2011 of responsibility for Australian Public Service Secretaries' remuneration from the Prime Minister to the Tribunal. The move would require legislative change.

## Inquiries

Section 40(1)(b) of the Parliamentary Service Act enables the Commissioner to inquire into and report on matters relating to the Parliamentary Service, if requested by the Presiding Officers. In May 2013 the then Presiding Officers asked the Commissioner to conduct an inquiry under section 40(1)(b) into shared services arrangements in the Parliamentary Service. The outcome of this inquiry is reported in the Commissioner's overview.

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

Representatives of the parliamentary departments and the Commission have continued to liaise on management matters during the year. Senior executive employees from the parliamentary departments and the Commission met in April 2014 and discussed award modernisation, enterprise bargaining, recruitment arrangements and amendments to Determination 2013.





## ADMINISTRATIVE ARRANGEMENTS

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### Commissioner's role

The *Parliamentary Service Act 1999* (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 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 the House of Representatives, respectively, and to parliamentary committees and to Senators and Members.

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

The Department of Parliamentary Services provides a range of 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 APS agency heads.

Appointments to statutory offices under the Parliamentary Service Act are made by the Presiding Officers.

The Secretaries of the chamber 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 following the retirement of Mr Bernard Wright.

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.

Ms Carol Mills is Secretary of the Department of Parliamentary Services. She was appointed for five years from 28 May 2012.

## Parliamentary Librarian

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

## Staffing summary

The following tables present a summary of Parliamentary Service staffing as at 30 June 2014.

Numbers are actual staff numbers at 30 June 2014.

| Category  | Department |                          |                             |                        | Total       |
|---|------------|--------------------------|-----------------------------|------------------------|-------------|
|   | Senate     | House of Representatives | Parliamentary Budget Office | Parliamentary Services |             |
| <b>Categories of employment</b>   |            |                          |                             |                        |             |
| Ongoing   | 142        | 125                      | 34                          | 701                    | 1002        |
| Non-ongoing   | 18         | 29                       | 1                           | 121                    | 169         |
| <b>Total</b>  | <b>160</b> | <b>154</b>               | <b>35</b>                   | <b>822</b>             | <b>1171</b> |
| <b>Full-time and part-time employment (includes casual and sessional)</b> |            |                          |                             |                        |             |
| Full-time   | 133        | 132                      | 35                          | 604                    | 904         |
| Part-time   | 27         | 22                       | -                           | 218                    | 267         |
| <b>Total</b>  | <b>160</b> | <b>154</b>               | <b>35</b>                   | <b>822</b>             | <b>1171</b> |
| <b>Employment by work group</b>   |            |                          |                             |                        |             |
| Secretary/SES   | 6          | 5                        | 7                           | 13                     | 31          |
| Executive*  | 50         | 52                       | 21                          | 175                    | 298         |
| Other   | 104        | 97                       | 7                           | 634                    | 842         |
| <b>Total</b>  | <b>160</b> | <b>154</b>               | <b>35</b>                   | <b>822</b>             | <b>1171</b> |

\* Groups 7 and 8 of the Classification Rules

## Staff turnover (ongoing employees)

There were 112 separations of ongoing employees during the year, representing 9.3% of ongoing staff.

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

| Year            | 2009 |    | 2010 |    | 2011 |    | 2012 |    | 2013 |    | 2014 |    |
|-----------------|------|----|------|----|------|----|------|----|------|----|------|----|
|                 | No   | %  |
| Secretary/SES – |      |    |      |    |      |    |      |    |      |    |      |    |
| Male            | 13   | 54 | 9    | 47 | 8    | 36 | 8    | 36 | 14   | 47 | 16   | 52 |
| Female          | 11   | 46 | 10   | 53 | 14   | 64 | 14   | 64 | 16   | 53 | 15   | 48 |
| Executive –     |      |    |      |    |      |    |      |    |      |    |      |    |
| Male            | 166  | 55 | 152  | 54 | 155  | 56 | 148  | 54 | 156  | 54 | 158  | 53 |
| Female          | 138  | 45 | 128  | 46 | 124  | 44 | 127  | 46 | 133  | 46 | 140  | 47 |
| Other –         |      |    |      |    |      |    |      |    |      |    |      |    |
| Male            | 511  | 57 | 498  | 56 | 502  | 57 | 516  | 58 | 510  | 58 | 486  | 58 |
| Female          | 384  | 43 | 384  | 44 | 376  | 43 | 373  | 42 | 369  | 42 | 356  | 42 |
| Total –         |      |    |      |    |      |    |      |    |      |    |      |    |
| Male            | 690  | 56 | 659  | 56 | 665  | 56 | 672  | 57 | 680  | 57 | 660  | 56 |
| Female          | 533  | 44 | 522  | 44 | 514  | 44 | 514  | 43 | 518  | 43 | 511  | 44 |

### Workplace Diversity (ongoing employees)

| Department                              | Senate | House of Representatives | Parliamentary Budget Office | Parliamentary Services | Total |
|---|--------|--------------------------|-----------------------------|------------------------|-------|
| Gender –                                |        |                          |                             |                        |       |
| Male                                    | 57     | 50                       | 21                          | 445                    | 573   |
| Female                                  | 85     | 75                       | 13                          | 256                    | 429   |
| English not first language spoken*      |        |                          |                             |                        |       |
|   | 3      | 8                        | 3                           | 71                     | 85    |
| ATSI origin*                            |        |                          |                             |                        |       |
|   | -      | -                        | -                           | 4                      | 4     |
| Staff who have identified a disability* |        |                          |                             |                        |       |
|   | -      | 5                        | -                           | 3**                    | 8     |

\*Information provided on a voluntary basis.

\*\* DPS records show that three employees have disclosed a disability. Disability and disclosure will be a focus of the DPS diversity program actions in 2014-15.

### Total staff numbers at 30 June

| Year   | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--------|------|------|------|------|------|------|------|------|------|------|
| Number | 1311 | 1286 | 1193 | 1181 | 1256 | 1223 | 1181 | 1179 | 1186 | 1198 |

### Ongoing staff—age distribution

| Age        | Under 25 | 25-34 | 35-44 | 45-54 | 55 and over |
|------------|----------|-------|-------|-------|-------------|
| Number     | 18       | 162   | 291   | 269   | 262         |
| Percentage | 2        | 16    | 29    | 27    | 26          |

## FINANCIAL SUMMARY 2013–14

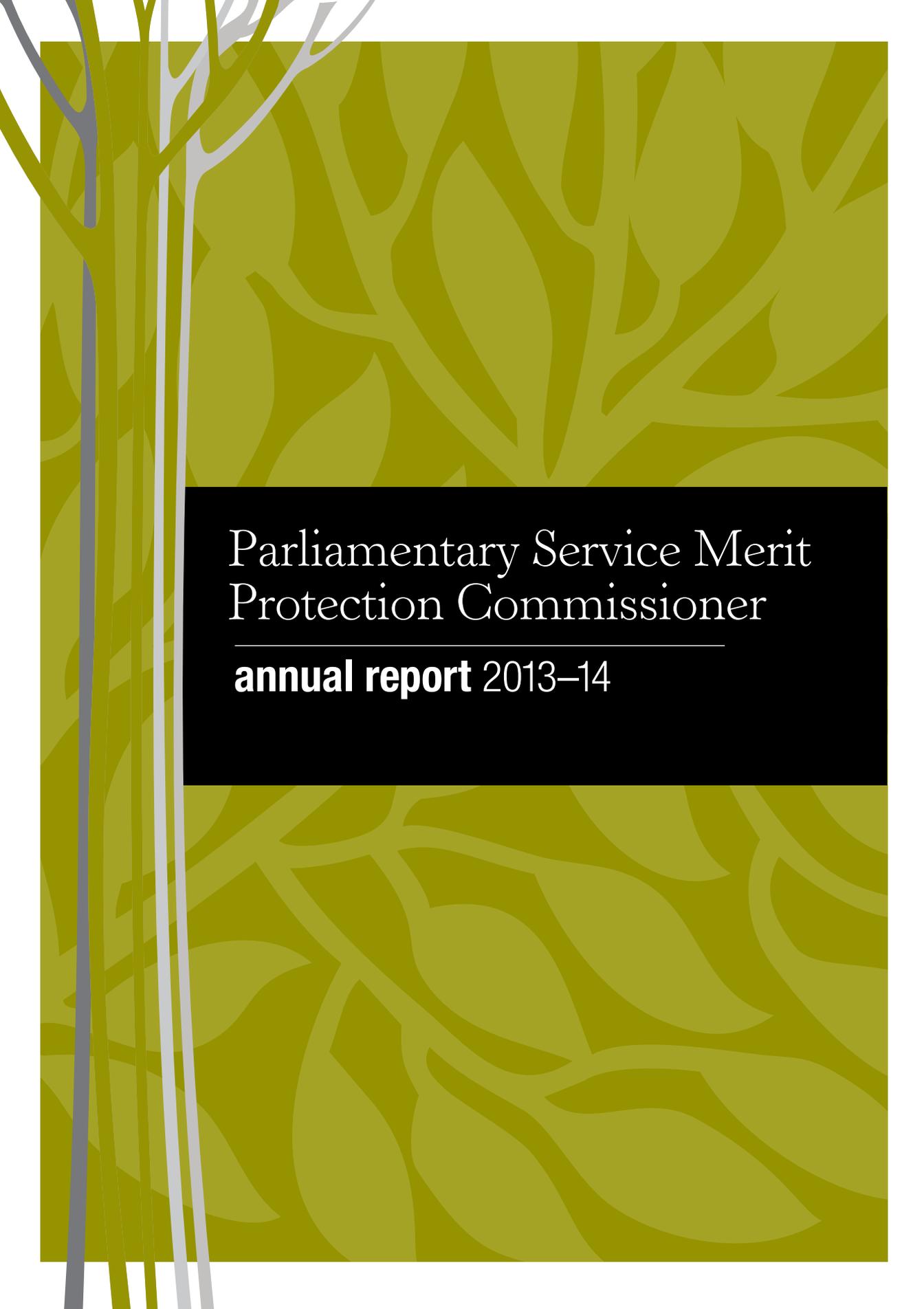
The following table presents a summary of the parliamentary departments' total revenue, 2013–14.

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. 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 |
|  | \$'000                  | \$'000                            | \$'000                         | \$'000  | \$'000                      | \$'000       |
| <b>Senate</b>                                  | 21,194                  | 1,931                             | 372                            | 23,497  | 373                         | -            |
| <b>House of Representatives</b>                | 21,486                  | 1,997                             | 1,078                          | 24,561  | 648                         | 314          |
| <b>Parliamentary Budget Office<sup>1</sup></b> | 8,274                   | 291                               | -                              | 8,565   | -                           | -            |
| <b>Parliamentary Services</b>                  | 106,998                 | 201                               | 8,721                          | 115,920 | 9,789                       | 20,437       |
| <b>Total</b>                                   | 157,952                 | 4,420                             | 10,171                         | 172,543 | 10,810                      | 20,751       |

<sup>1</sup> Revenue from government for the Parliamentary Budget Office includes \$0.7m of the \$6.0m special appropriation made under section 64D of Parliamentary Service Act.



The background of the cover features a stylized, light green leaf pattern on a darker green background. On the left side, there are several vertical lines representing tree trunks, with some branching out at the top. The text is centered in a black rectangular box.

Parliamentary Service Merit  
Protection Commissioner

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**annual report** 2013–14



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MERIT PROTECTION COMMISSIONER  
ANNWYN GODWIN

Mr Stephen Sedgwick, AO FIPPAA  
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 2014. 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 that reads 'Karin R Fisher'.

Karin Fisher  
Acting Merit Protection Commissioner  
October 2014



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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 and the conduct of merit-based recruitment through the establishment of Independent Selection Advisory Committees.

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 Independent Selection Advisory Committees (ISACs), the Merit Protection Commissioner promotes merit-based recruitment.

## FOCUS ON THE YEAR

---

The focus for 2013–14 was on embedding the legislative changes affecting the review functions of the Merit Protection Commissioner.

Work was undertaken in response to the changes introduced by the *Parliamentary Service Amendment Act 2013* which came into effect on 1 July 2013. The Merit Protection Commissioner issued new Instructions for the conduct of promotion review committees (PRCs) and Independent Selection Advisory Committees (ISACs).

Policies and guidelines, supporting documents and the website were updated to reflect the changes and the new functions of the Merit Protection Commissioner.

The Parliament passed the *Public Interest Disclosure Act 2013* (the PID Act) which came into effect on 15 January 2014. The PID scheme has resulted in repeal of the whistleblower scheme in the Parliamentary Service. The Merit Protection Commissioner was consulted on the development of the PID Act and has worked with the Commonwealth Ombudsman, the Inspector-General of Intelligence and Security and the Parliamentary Service Commissioner in implementing the changes.

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.

## OUTCOMES FOR THE YEAR

---

### 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 taken by Secretaries of parliamentary departments or Parliamentary Service employees.



The two main categories of reviews conducted by the Merit Protection Commissioner in 2013–14 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 external 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 five applications for review received by the Merit Protection Commissioner in 2013–14. Four applications were related to Code of Conduct matters and of these, two applications lapsed and two applications were on hand at the end of the reporting period. The remaining application was for a secondary review that was not accepted as the department had not conducted a primary review.

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.

## **INDEPENDENT SELECTION ADVISORY COMMITTEES**

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.

In 2013–14, the Merit Protection Commissioner finalised one request for an Independent Selection Advisory Committee (ISAC) from the Department of Parliamentary Services. The ISAC considered 121 applications and recommended 21 candidates.

## **OTHER FUNCTIONS**

The functions of the Merit Protection Commissioner include:

- establishing promotion review committees (PRCs) to conduct merits review of promotion decisions for jobs at the Parliamentary Service 2–6 classifications groups
- inquiries into whistleblower reports made by Parliamentary Service employees (until 15 January 2014)
- 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 2013–14.

## OUTLOOK FOR THE COMING YEAR

---

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

The Merit Protection Commissioner will issue written procedures for the Commissioner's new function of inquiring into breaches of the Code of Conduct by former employees in certain circumstances.

The Merit Protection Commissioner will discuss with the Parliamentary Service 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 2013–14, Ms Karin Fisher acted as Merit Protection Commissioner for the period 8 August to 25 October 2013.

## 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.

The Merit Protection Commissioner is 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.



