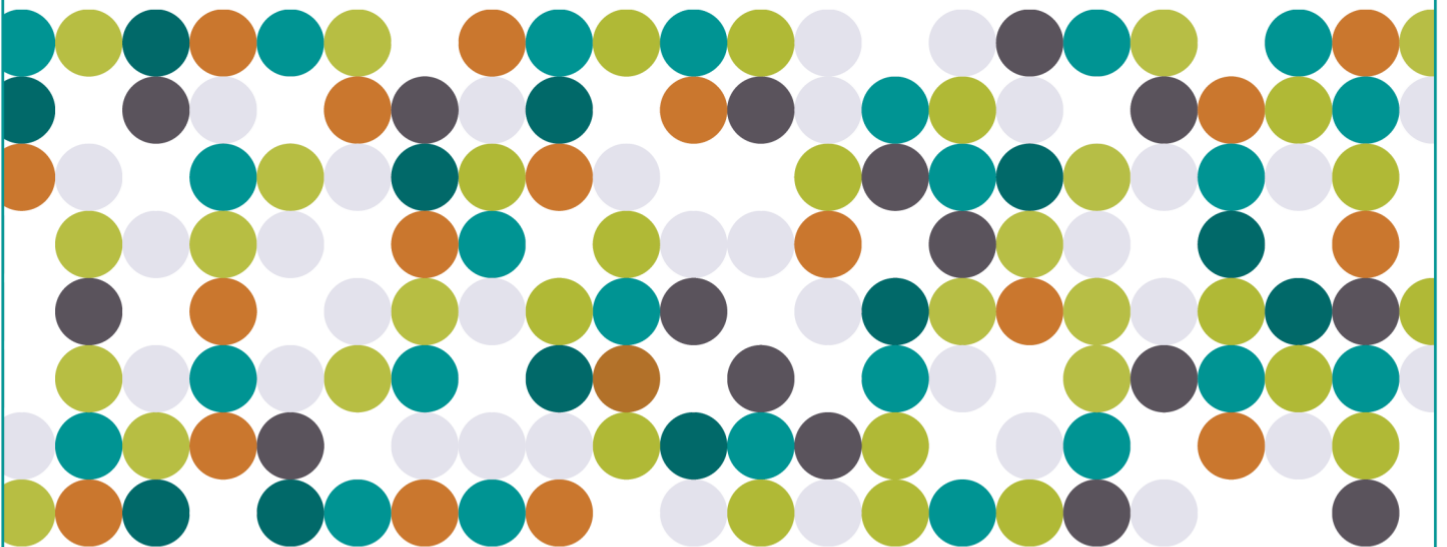




Parliamentary Service Commissioner

Parliamentary Service Commissioner Report 2022–23

Incorporating the report of the Parliamentary Workplace Support Service
and the report of the Parliamentary Service Merit Protection Commissioner



The Australian Public Service Commission welcomes enquiries and comments on this report.

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This document must be attributed as the *Parliamentary Service Commissioner Report 2022–23*.



The Hon Milton Dick MP
Speaker of the House of Representatives
PO Box 6022
House of Representatives Parliament House
Canberra ACT 2600

Senator the Hon Sue
President of the Senate
PO Box 6100
Senate Parliament
Canberra ACT 2600

Dear Mister Speaker and President

Parliamentary Service Commissioner Report 2022–23

In accordance with Section 42(1) of the *Parliamentary Service Act 1999*, I present to you the Parliamentary Service Commissioner Report 2022–23.

Yours sincerely

A handwritten signature in blue ink that reads 'Gordon de Brouwer'.

Dr Gordon de Brouwer PSM
Australian Public Service Commissioner
15 March 2024

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A message from the Commissioner

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

This report presents information relating to the four parliamentary departments. More information about the individual departments can be found in their respective annual reports.



Parliamentary Service Commissioner Dr Gordon de Brouwer

Image: Australian Public Service Commission

On 23 September 2021, the Parliamentary Workplace Support Service was established as a function of the Parliamentary Service Commissioner, through the Parliamentary Service Amendment (Independent Parliamentary Workplace Complaints Mechanism) Determination 2021 made under the *Parliamentary Services Act 1999*.

Gordon de Brouwer

Dr Gordon de Brouwer

Parliamentary Service Commissioner

15 March 2024

Introduction

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

As of 30 June 2023, the President of the Senate, Senator the Hon Sue Lines, and the Hon Milton Dick MP, were the Presiding Officers of the Parliament. The Hon Milton Dick MP became Speaker on 26 July 2022 after the Hon Tony Smith MP retired.

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

The role of the Presiding Officers relating to parliamentary departments is similar to the role of ministers relating to departments of state.

Parliamentary Officers for 2022–23:

Dr Gordon de Brouwer as Parliamentary Service Commissioner and holding the office of the Australian Public Service Commissioner concurrently.

Mark Davidson and Kirsteen Banwell (in a share arrangement) as Acting Parliamentary Services Merit Protection Commissioner and holding the office of Acting Australian Public Service Merit Protection Commissioner concurrently, since the resignation of Linda Waugh in November 2022.

Ms Meg Brighton, replaced by Ms Michelle Wicks in March 2023, as Acting CEO of the Parliamentary Workplace Support Service.

There are no specific appropriations for the offices of the Parliamentary Service Commissioner, Parliamentary Service Merit Protection Commissioner, or the Parliamentary Workplace Support Service.

Administration of the Parliamentary Service

Parliamentary Service Commissioner's role

The 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. If asked by the Presiding Officers, the Commissioner inquires into and reports on Parliamentary Service matters. The Commissioner is not subject to direction by or on behalf of the executive government in performing the role's functions.

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

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

Subsection 71(1) of the Act allows the Presiding Officers to make a determination conferring functions on the Commissioner as required or permitted by the Act, or that are necessary or convenient for carrying out or giving effect to the Act.

On 23 September 2021, the Parliamentary Service Amendment (Independent Parliamentary Workplace Complaints Mechanism) Determination 2021 was made. It conferred a new function on the Commissioner for the purposes of Section 40(1)(d) of the *Parliamentary Service Act 1999*.

The Parliamentary Workplace Support Service was established to give effect to the new function, which is independent of the government, political parties, individual employing parliamentarians and *Members of Parliament (Staff) Act 1984* employees. Oversight of the PWSS finalised at the end of September 2023 when the statutory PWSS was formally established. The role of the Parliamentary Service Commissioner extinguished on 30 September 2023.

Roles and responsibilities of the individual departments

Four parliamentary departments are established under the Act:

- The Department of the Senate and the Department of the House of Representatives both advise and support the Senate, the House of Representatives, senators, members and parliamentary committees.
- The Department of Parliamentary Services supports the Parliament and Parliament House. Support services cover library and research, information and communication technology, security, building, ground, and design integrity. Services also cover audio visual, Hansard, art, visitor, food and beverage, retail, health, banking, and childcare.
- The Parliamentary Budget Office supports the work of parliamentarians by providing independent and non-partisan analysis of the budget impact of policy proposals and by publishing reports on budget issues.

Secretaries

Under the Act, the secretaries of parliamentary departments have roles and responsibilities similar to those of Australian Public Service agency heads:

- The Clerk of the Senate and Clerk of the House of Representatives are appointed by the President and Speaker, respectively, after consulting senators and members.
- The Secretary of the Department of Parliamentary Services is appointed by the Presiding Officers after receiving a report from the Commissioner.
- The Parliamentary Budget Officer is appointed by the Presiding Officers after obtaining the approval of the Joint Committee of Public Accounts and Audit.

Department of the Senate

The Secretary of the Department of the Senate is Mr Richard Pye, Clerk of the Senate.

Department of the House of Representatives

The Secretary of the Department of the House of Representatives is Ms Claressa Surtees, Clerk of the House of Representatives.

Parliamentary Budget Office

The Parliamentary Budget Officer and the Secretary of the Parliamentary Budget Office is Dr Stein Helgeby.

Department of Parliamentary Services

The Secretary of the Department of Parliamentary Services is Mr Rob Stefanic.

The Parliamentary Librarian is Mr Steven Fox.

Information and communications technology

The Parliamentary Information and Communication Technology Advisory Board (PICTAB) is an advisory body established in 2012. Its role is to provide guidance on the delivery of the Australian Parliament Digital Strategy 2023–27. PICTAB membership includes parliamentarians and representatives from the parliamentary departments and the Commissioner.

PICTAB continues to function as an effective advisory group on information and communication technology strategy and risk. It also provides advice on a number of programs.

PICTAB met four times in 2022–23. The Parliamentary Service Merit Protection Commissioner, as the Commissioner's representative, attended all PICTAB meetings during the reporting year.

Liaison between the Australian Public Service Commission and the Parliamentary Service

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

The Commissioner's annual meeting with parliamentary department heads was held in November 2022. Representatives of the parliamentary departments and the Australian Public Service Commission met throughout the year to discuss employment-related issues.

Staffing and financial matters

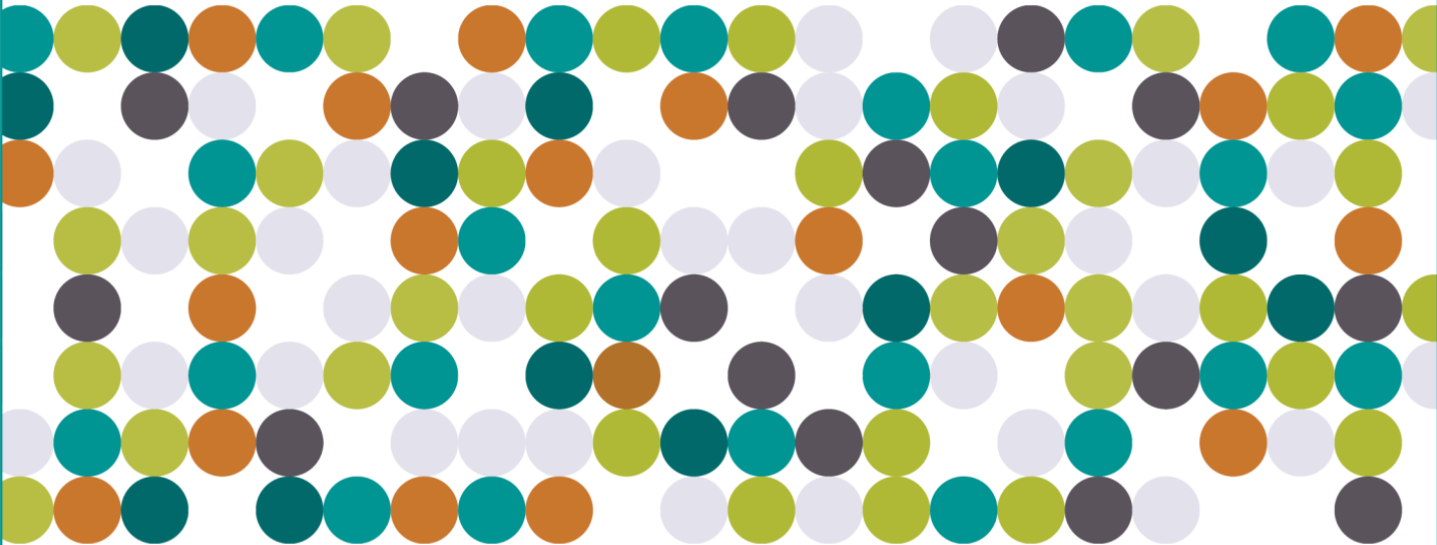
All details relating to Parliamentary Service staffing and financial matters are provided in their respective departmental annual reports.

Employees supporting the Commissioner are employees of the Commission and employed under the *Public Service Act 1999*. They are accountable to the Commissioner.

The Commission provides all corporate support and services to the Commissioner. There was no specific appropriation for the Commissioner in 2022–23.

Any costs for the Commissioner are included within the overall financial results of the Commission.

Parliamentary Workplace Support Service Report 2022–23





Dr Gordon de Brouwer
Parliamentary Service Commissioner
GPO Box 3176
CANBERRA ACT 2601

Dear Parliamentary Service Commissioner

I am pleased to present the Parliamentary Workplace Support Service Annual Report for the financial reporting period ending 30 June 2023. My report deals with the activities of the Parliamentary Workplace Support Service.

Yours sincerely

A handwritten signature in black ink that reads 'micks'.

Michelle Wicks
Acting CEO, Parliamentary Workplace Support Service
15 March 2024

Parliamentary Workplace Support Service's foreword

The Parliamentary Workplace Support Service provides an independent and confidential service for everyone who works in, or has worked in, a Commonwealth parliamentary workplace (CPW).

During the reporting period, the PWSS continued to work closely with parliamentarians, their staff, the parliamentary departments and stakeholders to establish itself as a core service within CPWs.

The PWSS had three core functions during 2022–23: support, including conflict resolution; education; and workplace investigations for parliamentarians and their staff. The support it provides is intentionally far reaching and includes prevention, early intervention, local resolution or mediation of issues.

The PWSS's targeted education and training function supports CPW participants to prevent and then manage workplace issues.

During the reporting period and where appropriate, the PWSS could also facilitate an independent investigation – referred to as a review – for complaints about workplace conflict involving parliamentarians and staff covered by the *Members of Parliament (Staff) 1984 Act*. (MOP(S) Act).

The PWSS underwent further change on 1 October 2023 with its establishment as an independent statutory agency. The establishment of the PWSS as a statutory agency responds to Recommendation 11 of the Australian Human Rights Commission report *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*. The legislation enables an expanded end-to-end human resources function to support parliamentarians in their role as individual employers, and their staff.



Michelle Wicks
Acting CEO, Parliamentary Workplace Support Service

Overview

About the Parliamentary Workplace Support Service

The PWSS was established on 23 September 2021 under the *Parliamentary Service Act 1999* as a function of the Commissioner. It existed in that state until 1 October 2023 when the independent statutory agency called the PWSS began.

The former PWSS was independent of executive government, of the political parties, and of the individual employing parliamentarians of MOP(S) Act employees. As an independent statutory office holder, the Commissioner provided oversight of the PWSS. The Commissioner was not subject to direction by, or on behalf of, government in the performance of their functions. It had oversight over the PWSS but was not involved in its day-to-day operations.

On 30 November 2021, the Australian Human Rights Commission published *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* which recommended expanding the PWSS to better support the entire CPW.

While the PWSS was a function of the Parliamentary Service Commissioner, the APSC provided it with some enabling services. PWSS staff are employed under the *Public Service Act 1999*.

Statutory functions and responsibilities

The PWSS was underpinned by a determination made by the Presiding Officers under the *Parliamentary Service Act 1999* (Parliamentary Service Determination 2013, Clause 112B), which conferred a function on the Commissioner:

- a) to establish and maintain a mechanism for:
 - (i) reviewing, and making recommendations in relation to, complaints about serious incidents or misconduct involving MOP(S) Act employees, parliamentarians, or both, in the course of their work; and
 - (ii) providing support to current or former Commonwealth parliamentary workplace participants in relation to such serious incidents or misconduct and other matters relating to work health and safety in the course of performing duties in a Commonwealth parliamentary workplace or in the course of performing duties as a Commonwealth parliamentary workplace participant;
- b) to provide for education of current Commonwealth parliamentary workplace participants, and for informing current or former Commonwealth parliamentary workplace participants, in relation to:
 - (i) the mechanism; and
 - (ii) serious incidents or misconduct involving MOP(S) Act employees, parliamentarians, or both, in the course of their work; and
 - (iii) other matters relating to work health and safety in the course of performing duties in a Commonwealth parliamentary workplace or in the course of performing duties as a Commonwealth parliamentary workplace participant;
- c) to take steps to assure the independence, confidentiality and quality of the practices and processes that comprise the mechanism or relate to the provision of information;
- d) if a complaint is upheld following review—to receive a report of the review;

- e) if a report of a review makes recommendations to a parliamentarian—to engage with the parliamentarian in relation to implementing the recommendations;
- f) if recommendations made to a parliamentarian are not implemented—to refer the report to the relevant Presiding Officer, in accordance with any procedure that applies under the mechanism (which, if the relevant House of the Parliament has determined a procedure, must be the procedure determined by that House).

Performance and outcomes

This report relates to the only complete financial year in which the former PWSS operated. In 2022–23, the PWSS was still investing time and effort to establish the PWSS as a trusted independent and confidential support service of high calibre.

The PWSS continued to test and refine processes and procedures to ensure they were fit for purpose and suited the operating environment.

There has been immense goodwill from leaders on all sides of the political spectrum, and from agencies already established within the CPW support ecosystem.

To raise awareness, the PWSS continued its comprehensive outreach engagement program involving the briefing of parliamentarians and/or their chiefs of staff, on its role and services. The PWSS's engagement with electorate offices covered all states and territories and included written correspondence to all 227 electorate offices.

The year saw an extensive expansion in the education functions of the PWSS. In total 98 education sessions were delivered, in person and virtually. These included culture building workshops, such as the 'Shared values and behaviours' and 'Team debrief' sessions. Sessions that targeted wellbeing and resilience included 'Recognising and managing vicarious trauma' and 'De-escalation strategies for constituents'.

Following its April 2022 expansion, the PWSS continued to engage with stakeholders including parliamentary departments, Parliamentary Budget Office, Office for Staffing Support, Departmental Liaison Officer Network, COMCAR drivers, relevant unions, and a range of contractors who work within the parliamentary precincts.

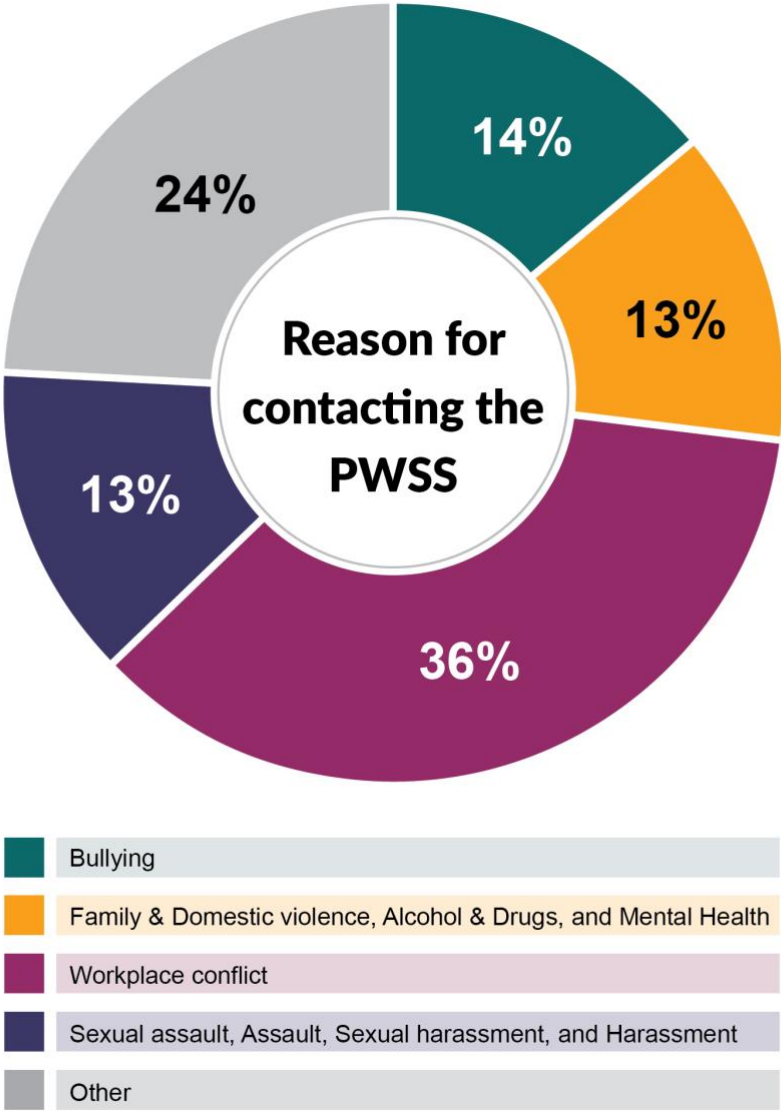
While the PWSS was initially established in the aftermath of allegations of a sexual assault occurring in Australian Parliament House, most complaints it received during the reporting year related to allegations of bullying or workplace conflict. These type of complaints often stem from poor communication, lack of clarity around and shared understanding of workplace expectations, managers ill-prepared for difficult conversations, and the absence of operational hygiene in managing an office.

The support the PWSS provided was and remains intentionally far-reaching and covers prevention, early intervention, local resolution or mediation of issues. Support includes counselling, crisis intervention, psychoeducation, and strategies. Topics included managing wellbeing, scaffolding individuals on how to raise concerns with supervisors and for supervisors to raise concerns with staff. Other topics included support for team discussions on recalibrating ways of working in an office.

In the reporting year, the PWSS continued to employ a team of experienced case coordinators with backgrounds in psychology, social work and/or counselling. Case coordinators are available 24 hours a day, seven days a week, every day of the year. In 2022–23, cases increased by over 200 per cent. Table 1 details the number of cases the PWSS managed in the reporting year.

Table 1: Number of cases the PWSS managed in 2022–23

Function	2022–23
Number of cases	411



Other includes when the reason for contacting the PWSS was not disclosed and where the contact was summarised as a request for information on the role and services the PWSS provided.

If a complaint cannot be resolved, the PWSS may commence an independent workplace review, where appropriate. Such a review is only available in certain circumstances.

The PWSS provides education which gives CPW participants customised training and development based on identified trends within parliamentary workplaces. This is to build the capability across the CPW to support the strengthening of a safe and respectful parliamentary workplace.

As part of this education, the PWSS can review and advise on processes and documentation contained within a parliamentary workplace.

Providing such advice is in the interest of improving systems in place in parliament.

Fictional education function case study

Mak works as an Electorate Officer Manager for a Minister. Their team regularly handles high volumes of aggressive and distressed calls from constituents, particularly during key political events. Mak speaks with a PWSS Case Coordinator and is offered individual follow-up to help maintain their wellbeing and development. The Case Coordinator suggests to Mak that the team might benefit from an education session on wellbeing and de-escalation strategies to help staff build skills in effective communication with escalated constituents while maintaining psychological safety and self-care.

With Mak's permission, a Learning and Development Coordinator contacts them to discuss the team's needs and arranges to facilitate a session in the electorate office within the fortnight.

During the session, team members mention that they are often exposed to constituents' trauma histories, by phone, in writing or through constituents sharing graphic pictures. During the session, the team recognises that the high-pressure nature of their work has contributed to tensions between staff members. The team recognises that staff do not always communicate as effectively or respectfully as they should. The number of recent staff movements was raised, and the team acknowledged it is still settling its culture.

The Learning and Development Coordinator discusses scheduling a shared values and behaviours workshop to help the team build a positive workplace culture and enhance ways of working together. The Learning and Development Coordinator suggests including a module on recognising and managing vicarious trauma to address and mitigate exposure to constituents' trauma-related material.

Following the session, Mak's Case Coordinator helps develop a support plan for the team that includes proactive individual wellbeing checks and access to debrief sessions facilitated by the PWSS. Mak is linked with PWSS staff for advice on strengthening the office's work health and safety policy and processes.

After three months, Mak reports that their team is working together more respectfully and efficiently and is happy with the office culture. Mak says that the team is proactively applying the wellbeing strategies and the office has implemented workload monitoring and management processes. The team reports that this has helped them manage their demanding roles.

The year ahead

The year ahead is set to be another compelling 12 months for the PWSS, full of challenges and change. Recommendation 11 from *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* called for the establishment of an Office of Parliamentarian Staffing and Culture. After consulting with those affected, the Australian Government decided to

establish this new human resources entity as an independent statutory agency, to be called the Parliamentary Workplace Support Service (PWSS). The new PWSS began operations on 1 October 2023.

The new PWSS is led by a Chief Executive Officer and has an Advisory Board. It integrates the functions and staff of the existing PWSS, and many functions previously performed by the Department of Finance to provide an end-to-end human resources function to parliamentarians and their staff. It will support parliamentarians and their staff to drive cultural change.

The statutory PWSS will be supported by a consultative committee made up of equal numbers of parliamentarians and their staff and external experts.

The workplace review function is expected to transition to the Independent Parliamentary Standards Commission (to be established by legislation to be introduced in 2024).

Appendix A: The Parliamentary Workplace Support Service's Statutory functions 2022–23

Function of Parliamentary Workplace Support Service

Statutory authority – Parliamentary Service

Provide support to current or former Commonwealth parliamentary workplace participants.

Parliamentary Service Act 1999 (Parliamentary Service Determination 2013, Clause 112B)

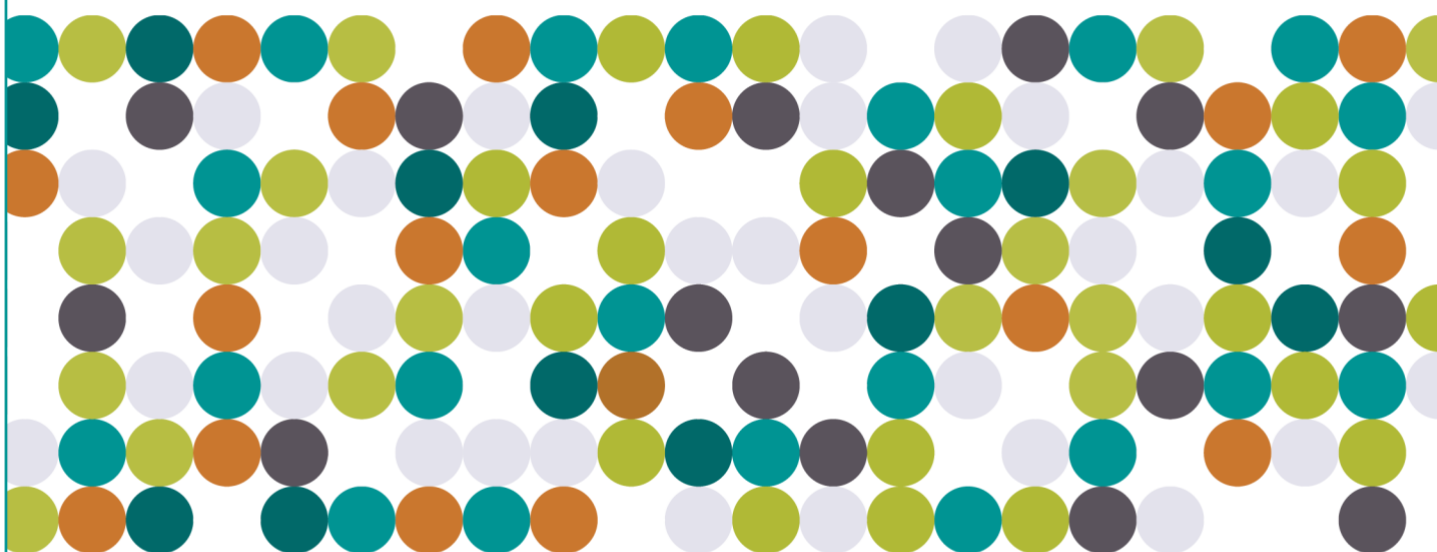
Review and make recommendations relating to complaints about serious incidents or misconduct involving current and former MOP(S) Act employees and Parliamentarians.

Parliamentary Service Act 1999 (Parliamentary Service Determination 2013, Clause 112B)

Provide education and advice to CPW participants.

Parliamentary Service Act 1999 (Parliamentary Service Determination 2013, Clause 112B)

Parliamentary Service Merit Protection Commissioner Report 2022–23





Dear Parliamentary Service Commissioner

I am pleased to present the Parliamentary Service Merit Protection Commissioner's Annual Report for the reporting period ending 30 June 2023, as required by Section 49 of the *Parliamentary Service Act 1999*. This report details the activities of the Parliamentary Service Merit Protection Commissioner during the year.

In preparing this report, I have taken into account the requirements relevant to my role as a statutory office holder in *Annual reports for non-corporate Commonwealth entities: Resource Management Guide No. 135*, issued by the Department of Finance.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mark Davidson', written in a cursive style.

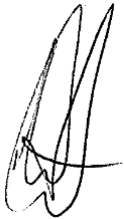
Mark Davidson
Acting Parliamentary Service Merit Protection Commissioner
15 March 2024

Parliamentary Service Merit Protection Commissioner's foreword

Annual report time is an opportunity to reflect on our achievements and our efforts to build an APS and Parliamentary Service underpinned by the principles of merit, accountability and transparency.

The role of Acting Merit Protection Commissioner has been shared between myself and Kirsteen Banwell since the resignation of Ms Linda Waugh as Parliamentary Service Merit Protection Commissioner in November 2022. I acknowledge Ms Waugh's service as Parliamentary Service Merit Protection Commissioner contributing to merit, fairness and integrity in the public sector.

I also wish to acknowledge the tremendous support provided by Merit Protection Commissioner staff to ensure the effective operation of this office. I look forward to the year ahead and continuing to engage with our colleagues in the Parliamentary Service.

A handwritten signature in black ink, appearing to be 'Mark Davidson', written in a cursive style.

Mark Davidson
Acting Parliamentary Service Merit Protection Commissioner

About us

The Parliamentary Service Merit Protection Commissioner is an independent statutory office holder established under Part 6 the *Parliamentary Service Act 1999* to perform duties and functions for the Parliamentary Service. These mirror the duties and functions of the Australian Public Service Merit Protection Commissioner under the *Public Service Act 1999*.

These functions are concerned with the implementation of, and compliance with, the Australian Public Service and Parliamentary Service employment framework and principles. This is achieved principally through reviews of workplace decisions affecting public sector employees and through promotion reviews. The Parliamentary Service MPC has other complaint and inquiry functions. It also provides recruitment and employment-related services to employers.

MPC staff are employees of the Australian Public Service Commission. Under Section 49(2) of the *Public Service Act 1999*, the staff necessary to assist the Parliamentary Service MPC must be made available by the APS Commissioner and the people engaged under that Act. The APSC provides corporate support, information systems and services to the MPC. The MPC is co-located with the APSC in its Canberra and Sydney offices.

Our vision

To be an independent and impartial public service leader for advancing fair and merit-based employment-related actions and decisions.

Our purpose

The MPC stands for fair and correct employment-related decisions in the Australian public sector. The MPC assists agencies and departments in meeting their obligations under the Parliamentary Service Values, Employment Principles and Code of Conduct to provide fair, flexible and rewarding workplaces.

Our legislation and statutory functions

The MPC's statutory functions are set out under the *Parliamentary Service Act 1999* and Parliamentary Service Determination 2013. The specific statutory authorities for each function is set out in Appendix B. This section summarises each function.

Review of Actions scheme

Parliamentary Service employees are entitled to seek a review of an action or decision that relates to their employment (excluding decisions to terminate). The Parliamentary Service MPC can conduct reviews in the following circumstances.

Review of a promotion decision

The MPC can review a decision by a Parliamentary Service Secretary to promote a Parliamentary Service employee to a classification mentioned in groups 1 to 6 in Schedule 1 to the Parliamentary Service Classification Rules 2010, or to engage an ongoing APS employee as an ongoing Parliamentary Service employee at a higher classification mentioned in any of the groups 1 to 6.

Direct review by Parliamentary Service MPC

The MPC can conduct a direct 'primary' review for a Parliamentary Service employee about decisions that relate to a breach of the Code of Conduct and/or a sanction decision.

The MPC may agree to conduct a direct review in other limited circumstances including when it is not appropriate for the department to conduct an internal review, such as when the:

- Secretary was directly involved in the decision
- action was very serious
- the action was alleged to be retribution for having previously applied for review of an action
- action was taken by a statutory officer who is managing the employee.

Secondary review by the Parliamentary Service MPC

For most employment-related decisions, Parliamentary Service employees are required to seek a primary internal review by their department in the first instance. Where the employee is not satisfied with the outcome of the primary review, they can apply to the MPC for a secondary review of the decision.

The MPC can conduct secondary reviews of decisions about leave applications, performance reviews and flexible working arrangements. An employee can also apply for a secondary review if the department refuses to conduct a primary internal review on the grounds their action was not reviewable.

Complaints and inquiries

The MPC may accept complaints and conduct inquiries and investigations under certain circumstances.

A former Parliamentary Service employee can make a complaint about the calculation of final entitlements on separation from the service. These complaints often relate to:

- payments made for leave accrued but not taken
- delays in receiving final payments
- whether the agency has provided adequate information to assist the employee to understand how their final payment was calculated.

The MPC can investigate these complaints if they cannot be otherwise resolved.

The MPC can conduct an inquiry into:

- a public interest disclosure that relates to an alleged breach of the Code of Conduct in accordance with the *Public Interest Disclosure Act 2013*
- an alleged breach of the Code of Conduct by the Parliamentary Service Commissioner
- an action, but only at the request of the Presiding Officer
- whether an employee, or former employee, has engaged in conduct that may have breached the Code of Conduct, but only at the request of a department, and only if the employee agrees.

Employer services

The MPC can assist employers by providing a range of recruitment and employment services. These services can assist an employer to make high-quality and timely recruitment decisions or to effectively manage allegations of misconduct or workplace disputes.

Independent Selection Advisory Committees

On request, the MPC can provide departments with an Independent Selection Advisory Committee, which is where the MPC conducts an entire recruitment and selection process on their behalf. Committees are independent, merit-based and cost-effective.

ISACs can only be established for recruitment for positions up to Group 6. A unique feature of an ISAC is that any resulting promotion decision is not subject to a promotion review by a Promotion Review Committee.

Recruitment services

The MPC can provide specialised recruitment services to public sector agencies and departments. Services include highly skilled and independent convenors or panel members who can assist with recruitment and make sure it is merit-based and complies with legislative requirements.

Workplace investigations and merits reviews of workplace decisions

One of the MPC's core functions is to conduct independent merits reviews of workplace decisions or actions for APS and Parliamentary Service employees. On request, the MPC can provide these services, as well as workplace investigation services, to non-APS agencies, non-APS Commonwealth entities, and state and territory agencies and departments.

Year-end totals

During 2022–23, the MPC received one application from a Parliamentary Service employee, seeking a review of a workplace decision that had affected their employment.

The application did not proceed to review on the basis it had been made outside of the legislated time frame. The MPC can accept applications that are out of time but only where there is evidence of exceptional circumstances to explain the delay. In this case, the applicant was not able to provide evidence of an exceptional circumstance to support the delay.

Table 1 shows the number of applications for review of a workplace decision and for a promotion review received over a five-year period. Table 2 shows the number of reviews of workplace decisions that were completed and the outcome of each review, for the same five-year period.

Table 1: Applications to the MPC for a review of a decision or action, over five years

Applications received	2018–19	2019–20	2020–21	2021–22	2022–23
Review of a workplace decision	0	1	1	0	1
Review of a promotion decision	3	0	0	0	0
Total	3	1	1	0	1

Table 2: Reviews of workplace decisions finalised and outcomes, over five years

Reviews	2018–19	2019–20	2020–21	2021–22	2022–23
Completed	0	1	0	1	0
Outcome	-	Confirmed	-	Varied	-

The performance and activities of the MPC as it relates to the APS can be located on the website at www.mpc.gov.au

Engagement

The MPC understands the importance of engaging and consulting with its stakeholders, to work together on service improvements to achieve effective and productive workplaces.

In 2023–24, the MPC will strengthen its commitment to its engagement work in accordance with its communications strategy, where it sets out to:

- raise awareness of the entitlement to seek a review
- educate the APS and the Parliamentary Service on the role of the MPC
- assist APS agencies and Parliamentary Service departments to continuously improve their practice.

Case summaries

Each year the MPC identifies topics from its review casework for the Parliamentary Service and the APS to develop informative and instructive case studies for its stakeholder groups. These include examples of good-quality decisions made by agencies that the MPC upheld and examples of errors or incorrectly applied policies resulting in decisions that it recommended be set aside or varied.

This year the MPC published seven case summaries of decisions on employment-related issues that demonstrate how it makes decisions and the factors it takes into account. The full set of case summaries is on the MPC website.

The use of artificial intelligence and automated processes in recruitment

In 2022, the MPC started a project with graduates placed at the APSC through its Graduate Development Program on the importance of merit and its implementation when using new technologies in recruitment.

Technological innovation has driven the introduction of artificial intelligence assisted and automated recruitment tools in public sector recruitment. Outcomes learned through the MPC's promotion reviews enabled it to produce a resource to assist agencies and departments in developing modern recruitment practices.

Like any emerging technology and new ways of doing things, artificial intelligence and automated processes bring a degree of risk and potential for unintended consequences. In public sector recruitment the risk is a compromise of the merit principle and applying it secondary to other priorities such as efficiency.

As a result of the research project (including a literature review and surveying of agency recruitment teams), the MPC published guidance material for using AI-assisted recruitment tools. A copy is on the MPC website.

Accountability

The APSC is included in the Department of the Prime Minister and Cabinet's Portfolio Budget Statements. The APS Commissioner is responsible for the APSC's financial and human resources and for assessing the level of its achievement against its outcome.

During 2022–23, the MPC had managerial responsibility for the work of the APSC employees made available to assist the MPC in exercising its functions.

Improving the way the MPC works

The MPC will evaluate its service delivery and foster a culture of continuous improvement through:

- Ongoing review of its website, taking into account user experience and feedback and relevant data analytics in identifying improvements.
- Lobbying for a fit-for-purpose case management system for MPC reviews of workplace decisions, the management of complaints, and the management of inquiries.
- Surveying a sample of APS employees to establish baseline measures for awareness of review entitlements, the Review of Actions scheme, and MPC's role. This data will inform the development of resources and services, and how best to target its communications. Once established, the MPC proposes to conduct the survey annually so it can observe shifts and trends.
- Continuing to receive and use feedback about MPC reviews of workplace decisions from applicants and agencies to inform its work and continuously improve.
- Improving MPC feedback surveys of applicants and agencies to understand their experience and views of the promotion review process and system.

Appendix B: The Parliamentary Service Merit Protection Commissioner's statutory functions

Function of the Merit Protection Commissioner	Statutory authority – Australian Public Service
Review of Actions scheme – other employment-related actions (workplace decisions) This includes Code of Conduct reviews, direct reviews of other matters and secondary reviews.	<i>Parliamentary Service Act 1999</i> Sections 33 and 48(1)(d) <i>Parliamentary Service Determination Part 9</i> Division 1 clauses 71 to 72, and 74 to 75 Division 3 clauses 94 to 108 Schedule 3 lists actions that are not reviewable
Review of Actions scheme – promotion and engagement This involves merits-based promotion reviews and review of engagement decisions relating to certain Parliamentary Service employees.	<i>Parliamentary Service Act 1999</i> Sections 33 and 48(1)(d) <i>Parliamentary Service Determination Part 9</i> Division 1 clauses 71, 72, 73 and 76 Division 2 clauses 77 to 93

Function of the Merit Protection Commissioner	Statutory authority – Australian Public Service
Review agency's determination that a former employee breached the Code of Conduct for behaviour they engaged in while an employee	<i>Parliamentary Service Act 1999</i> Sections 33 and 48(1)(e) Parliamentary Service Determination Part 11 Division 4 clauses 116 to 123
Review the actions of statutory office holders who are not agency heads that relate to a Parliamentary Service employee's employment	<i>Parliamentary Service Act 1999</i> Sections 33 and 48(1)(e) Parliamentary Service Determination Part 11 Division 1 Clause 113 Division 5 clauses 124(1) to (6)
Inquiry into an alleged breach of the Code of Conduct by the Parliamentary Service Commissioner	<i>Parliamentary Service Act 1999</i> Section 48(1)(b)
Inquiry into a Parliamentary Service action at the request of the Presiding Officers of the Australian Parliament	<i>Parliamentary Service Act 1999</i> Sections 48(1)(c), 48(2) and 48(4)
Inquiry into whether a current or former Parliamentary Service employee has breached the Code of Conduct	<i>Parliamentary Service Act 1999</i> Sections 48(1)(ca) and 48A Parliamentary Service Determination Part 11 Division 2 Clause 114
Investigate a complaint from a former employee about entitlements	<i>Parliamentary Service Act 1999</i> Subsection 48(1)(e) Parliamentary Service Determination Part 11 Division 1 clauses 113(2) and 115
Establish an Independent Selection Advisory Committee	Parliamentary Service Determination Part 8 Clauses 59 to 70

Appendix C: Definitions and Acronyms

Acronym	Definition
APS	Australian Public Service
APSC	Australian Public Service Commission
CPW	Commonwealth parliamentary workplace
ISAC	Independent Selection Advisory Committee
MOP	Members of Parliament
MPC	Parliamentary Service Merit Protection Commissioner
PICTAB	Parliamentary Information and Communication Technology Advisory Board
PWSS	Parliamentary Workplace Support Service
The Act	Parliamentary Service Act 1999