

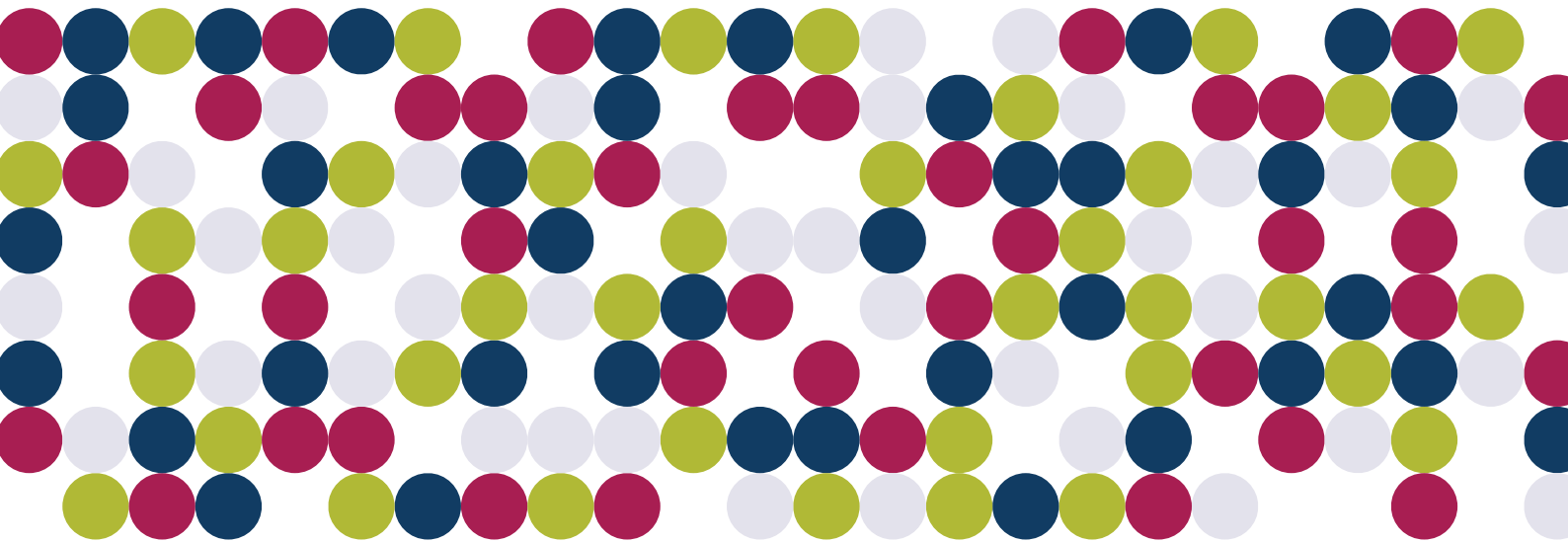


Parliamentary Service Commissioner

2021-22

Parliamentary Service Commissioner Report

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



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PARLIAMENTARY SERVICE COMMISSIONER REPORT

2021-22

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



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 Lines
President of the Senate
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

Dear Mr Speaker and President

PARLIAMENTARY SERVICE COMMISSIONER REPORT 2021–22

In accordance with Section 42(1) of the *Parliamentary Service Act 1999*, I
present to you the Parliamentary Service Commissioner Report 2021–22.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Peter Woolcott', followed by a long, sweeping horizontal flourish.

Peter Woolcott AO

27 January 2023

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COMMISSIONER'S OVERVIEW

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 4 parliamentary departments. More information about the individual departments can be found in their respective annual reports.

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*.

A handwritten signature in blue ink, appearing to read 'Peter Woolcott', with a long, sweeping flourish extending to the right.

Peter Woolcott AO
Parliamentary Service Commissioner

27 January 2023

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 2022, the President of the Senate, Senator the Hon Sue Lines, and the Speaker of the House of Representatives, the Hon Tony Smith MP, were the Presiding Officers of the Parliament. The current Speaker of the House of Representatives is the Hon Milton Dick MP, who was elected on 26 July 2022.

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. Presiding Officers for 2021-22:

Mr Peter Woolcott AO as Parliamentary Service Commissioner (the Commissioner) and holding the office of the Australian Public Service Commissioner concurrently.

Ms Linda Waugh as Parliamentary Service Merit Protection Commissioner and holding the office of the Australian Public Service Merit Protection Commissioner concurrently.

Ms Meg Brighton as Head of the Parliamentary Workplace Support Service and holding the office of the Parliamentary Workplace Support Service concurrently.

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 also 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 also 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 (PWSS) was established to give effect to the new function. The Commissioner maintains oversight of the PWSS, which is independent of the government, political parties, individual employing parliamentarians and *Members of Parliament (Staff) Act 1984* employees.

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 (APS) 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 Dr Dianne Heriot.

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 2019–2022. 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 3 times in 2021–22. 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 August 2021. Representatives of the parliamentary departments and the Australian Public Service Commission (the 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 the 2021–22 financial year.

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

PARLIAMENTARY WORKPLACE SUPPORT SERVICE REPORT

2021-22



Mr Peter Woolcott AO
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 2022. My report deals with the activities of the Parliamentary Workplace Support Service.

Yours sincerely

A handwritten signature in black ink that reads "MegBrighton".

Meg Brighton
Head, Parliamentary Workplace Support Service

27 January 2023

PARLIAMENTARY WORKPLACE SUPPORT SERVICE'S FOREWORD

The Parliamentary Workplace Support Service (PWSS) is a new function established in September 2021 to provide independent and confidential service for everyone who works in, or has worked in, a Commonwealth parliamentary workplace (CPW).

During the reporting period, the PWSS worked closely with parliamentarians, their staff, the parliamentary departments and stakeholders to establish itself as a core service within CPWs. The PWSS has appreciated the warm welcome from CPW participants and has worked at pace to build trust and confidence in the new service.

The PWSS has 3 core functions: 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' targeted education and training function supports CPW participants to prevent and then manage workplace issues.

Where appropriate, the PWSS will also facilitate an independent investigation – referred to as a review – for complaints about workplace conflict involving parliamentarians and *Members of Parliament (Staff) 1984 Act (MOP(S) Act)* staff. An independent investigator is assigned to independently investigate the allegations, with each step of the investigation conducted independently of the PWSS.

The PWSS will see further change in 2023. Following government consultation with MOP(S) Act employees and the Parliamentary Leadership Taskforce, agreement was reached to establish a new independent statutory human resource entity in 2023, to be known as the PWSS.

The PWSS will work closely with the Parliamentary Service Commissioner, the Department of Finance, and the Department of Prime Minister and Cabinet to ensure the new independent statutory entity and its services are geared around CPW clients and their needs.



Meg Brighton
Head, 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.

The PWSS is 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 provides oversight of the PWSS. The Commissioner is not subject to direction by, or on behalf of, government in the performance of their functions. It has oversight over the PWSS but is 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.

On 12 April 2022, the PWSS was expanded and now provides everyone who works or volunteers in a CPW with independent and confidential advice, support services and pathways to resolve workplace conflict.

While the PWSS is a function of the Parliamentary Service Commissioner (PSC), the Australian Public Service Commission provides it with some enabling services. The PWSS staff are employed under the *Public Service Act 1999*.

STATUTORY FUNCTIONS AND RESPONSIBILITIES

The PWSS is underpinned by a determination made by the Presiding Officers under the *Parliamentary Service Act 1999* (Parliamentary Service Determination 2013, Clause 112B), which confers 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 was the foundational year for the PWSS. In 2021–22, much time and effort were invested in establishing the PWSS as a trusted independent and confidential support service of high calibre.

It takes time for new entities to be trusted. Early months were spent establishing the PWSS as a service within the CPW, testing and refining processes and procedures to ensure they suit its 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 has engaged in a comprehensive outreach engagement program involving the briefing of parliamentarians and/or their chiefs of staff, on its role and services.

Following its April 2022 expansion, the PWSS published comprehensive updates on its website, and started a broad stakeholder awareness campaign targeting CPW participants to ensure awareness of its expanded scope.

These activities included engaging 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.

In addition, the PWSS was actively involved in the induction of the 47th Parliament, meeting with new parliamentarians and MOP(S) Act employees. These meetings were conducted both face-to-face, and face-to-screen with parliamentarians from both houses of parliament, and with MOP(S) Act employees based around the country.

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.

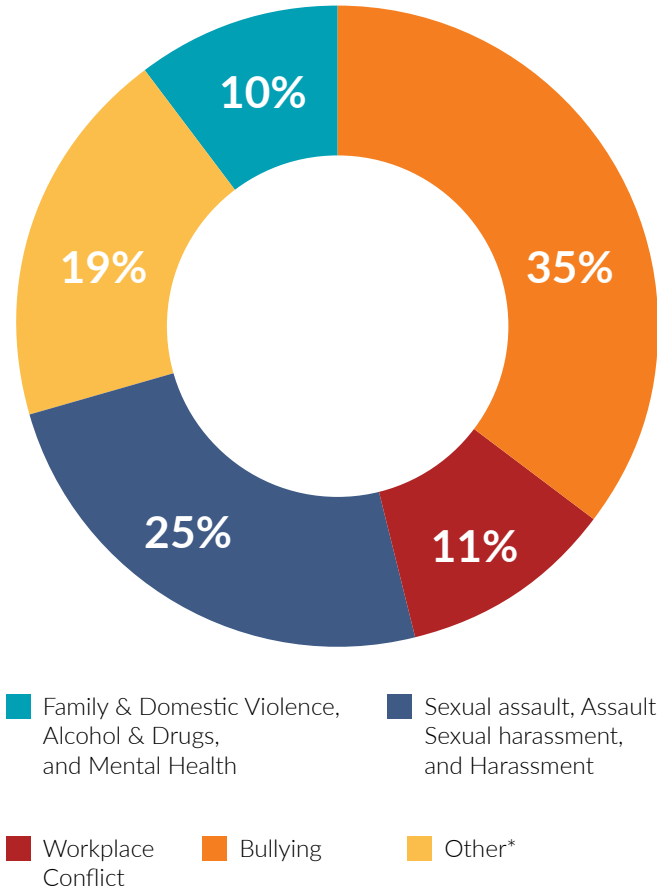
The support provided by the PWSS is intentionally far-reaching and covers prevention, early intervention, local resolution or mediation of issues. Support includes counselling, crisis intervention, psychoeducation, and strategies. Topics include managing wellbeing, scaffolding individuals on how to raise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

The PWSS employs a team of experienced case coordinators with backgrounds in support, social work and/or counselling. Coordinators are available 24 hours a day, 7 days a week, every day of the year. Table 1 details the number of cases the PWSS managed in 2021–22.

Table 1: Number of cases the PWSS managed in 2021–22

Function	2021–2022
Number of cases	121

Reason for contacting the PWSS

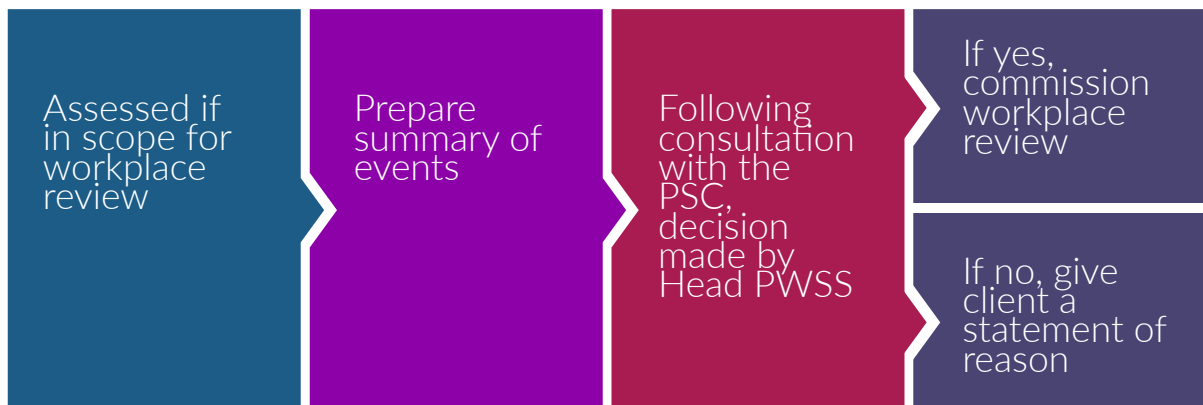


*Other includes when the reason for contacting the PWSS was not disclosed and where the contact was summarised as a request for information on the role and services the PWSS provided.

If a complaint cannot be resolved, the PWSS may start an independent workplace review, where appropriate (Figure 1). Such a review is only available if the:

- parties are current or former parliamentarians or MOP(S) Act employees at the time of the alleged conduct
- alleged conduct had the requisite link to the workplace
- complaint relates to a serious incident, or misconduct, or conduct that amounts to a work health and safety risk
- likelihood that a review will result in a finding given the age of the incident and what recommendations are possible.

Figure 1. PWSS independent workplace review process



Consistent with the central tenets of the PWSS, independent reviewers are required to conduct workplace reviews in a trauma-informed way. All reviewers are briefed on trauma-informed interviewing and investigation as part of their PWSS on-boarding.

Workplace reviews will consider if there has been a breach of workplace obligations and make findings on the balance of probabilities. The review process has been designed to be transparent and fair, with all parties given the opportunity to be interviewed and put forward their version of events.

It is expected that the parliamentarian will act on review recommendations, whether in respect of their employee or themselves. Failure to act results in the Commissioner referring the report to the relevant Presiding Officer, who then refers it to the Privileges Committee for appropriate consideration.

Table 2: Number of workplace reviews or investigations commissioned by the PWSS in 2021-22

Function	2021-22
Number of workplace reviews or investigations commissioned by the PWSS	0

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

An office defined as a CPW contacts the PWSS, reporting that they are interacting with some distressed or angry people, and these interactions are having a negative impact on office staff. The PWSS provides support to impacted employees, and suggests the whole office participate in a

half-hour workshop to learn strategies for de-escalating these types of situations.

The PWSS acknowledged there is no magic bullet for dealing with someone experiencing heightened emotions, however, the workshop better equipped the team to respond to escalated constituents in the future and identify and manage the impacts of vicarious actions.

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) (subject to the passage of relevant legislation).

The new PWSS will be led by a Chief Executive Officer and accountable Board. It will integrate the functions and staff of the existing PWSS except for the workplace review function which is expected to transition to the Independent Parliamentary Standards Commission (to be established). The new PWSS will perform the human resource-related functions currently performed by the Ministerial and Parliamentary Services Division of the Department of Finance. It will support parliamentarians and their staff to drive cultural change. The new PWSS will be supported by a consultative and advisory body made up of a membership of external experts, parliamentarians (multi-party) and MOP(S) Act staff.

The legislation is expected to be introduced in early 2023, with the new entity to begin mid-year. Work has already started on bringing together these functions and the PWSS is collaborating with the Parliamentary Service Commissioner, Departments of the Prime Minister and Cabinet, and Finance on the many and varied challenges associated with such significant change.

APPENDIX A: THE PARLIAMENTARY WORKPLACE SUPPORT SERVICE'S STATUTORY FUNCTIONS

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

2021-22



Mr Peter Woolcott AO
Parliamentary Service Commissioner
GPO Box 3176
PARKES ACT 2601

Dear Parliamentary Service Commissioner

I am pleased to present the Parliamentary Service Merit Protection Commissioner's Annual Report for the reporting period ending 30 June 2022. As required by Section 49 of the *Parliamentary Service Act 1999*, my report deals with the activities of the office of the Parliamentary Service Merit Protection Commissioner and has been given to the Parliamentary Service Commissioner.

Yours sincerely

A handwritten signature in blue ink that reads "Kirsteen Banwell".

Kirsteen Banwell
Acting Parliamentary Service Merit Protection Commissioner

27 January 2023

PARLIAMENTARY SERVICE MERIT PROTECTION COMMISSIONER'S FOREWORD

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

In November 2022, Ms Linda Waugh resigned as the Parliamentary Service Merit Protection Commissioner. The role of Acting Merit Protection Commissioner has been shared between myself and Mark Davidson since Ms Waugh's departure.

I would like to take this opportunity to acknowledge Ms Waugh's commitment to merit and fairness in employment-related decisions in the public sector.

I also wish to acknowledge the tremendous support provided by Commission 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.



Kirsteen Banwell
Acting Parliamentary Service Merit Protection Commissioner

OVERVIEW

ABOUT THE PARLIAMENTARY SERVICE MERIT PROTECTION COMMISSIONER

The Parliamentary Service Merit Protection Commissioner (Parliamentary Service MPC) is an independent statutory office holder established under Part 6 the *Parliamentary Service Act 1999* (the Act) 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*.

The Parliamentary Service MPC aims to assist parliamentary service departments to meet their obligations to provide a fair, flexible, safe and rewarding workplace. It does so by providing an independent system of review of employment-related decisions. The Parliamentary Service MPC also has complaint and inquiries functions and can provide recruitment and employment-related advice and services.

ABOUT THE OFFICE OF THE PARLIAMENTARY SERVICE MERIT PROTECTION COMMISSIONER

The staff who work with the Parliamentary Service MPC are employees of the Australian Public Service Commission (the Commission). Under Section 49(2) of the *Public Service Act 1999*, the Australian Public Service Commissioner must make staff available to assist the Parliamentary Service MPC to exercise its functions. Under this arrangement, staff are accountable to the Parliamentary Service MPC. The Commission provides all corporate support and services to the Parliamentary Service MPC. There is no separate budget appropriation for the Parliamentary Service MPC.

STATUTORY FUNCTIONS AND RESPONSIBILITIES

The following statutory functions of the Parliamentary Service MPC are set out in the Act and in the Parliamentary Service Determination 2013.

Review of action scheme

Parliamentary Service employees are entitled to seek a review of an action or decision that relates to their employment (excluding termination). Three types of reviews are available:

1. Review of a promotion decision (promotion 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 Public 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.

2. Direct review of a decision or an action (Parliamentary Service MPC direct review)

These are:

- a. determinations about a breach of the Code of Conduct and resulting sanction decision
- b. an action or decision where it was not appropriate for the department to conduct an internal review, such as when the Secretary was involved, the action was very serious, or when the action was alleged to be retribution for having previously applied for review of an action
- c. a review of an action taken by a statutory officer who is managing the employee.

3. Review of an action following an internal review (Parliamentary Service MPC secondary review):

When a Parliamentary Service employee is required to seek an internal review by their department before seeking a review from the Parliamentary Service MPC. Disputes about leave applications, performance reviews and flexible working arrangements mostly fall within this category. An employee can also apply for a secondary review if the department refuses to conduct an internal review on the grounds their action was not reviewable.

Independent Selection Advisory Committee

If asked to do so, the Parliamentary Service MPC may assist a Parliamentary Service Secretary with a recruitment process by establishing an Independent Selection Advisory Committee (ISAC). An ISAC can perform a staff selection exercise and make recommendations about the suitability of candidates for engagement or promotion (for classifications mentioned in any Groups 1 to 6). Any promotion or engagement decision resulting from an ISAC recommendation are excluded from the scheme and cannot be reviewed. The Parliamentary Service MPC will usually recover the cost for this service.

Inquiry and complaint functions

Former Parliamentary Service employees can ask the Parliamentary Service MPC to investigate a complaint about the entitlements received on leaving the service.

The Parliamentary Service MPC may also conduct inquiries into allegations that are:

- public interest disclosures relating to a breach of the Code of Conduct by employees of the Parliamentary Service

- a breach of the Code of Conduct by the Parliamentary Service Commissioner
- at the request of the Presiding Officer into an action by the Parliamentary Service
- a breach of the Code of Conduct by Parliamentary Service employees.

PERFORMANCE AND OUTCOMES

During 2021–22, the Parliamentary Service MPC did not receive any applications from a Parliamentary Service employee under the Review of Actions scheme. This is consistent with previous financial years where review numbers were nil or generally low.

The Parliamentary Service MPC did not receive any requests to form an ISAC nor any complaints. No inquiries were conducted. Table 1 details the number of applications received from Parliamentary Service employees from 2017–18 to 2021–22.

Table 1: Number of applications by statutory function from 2017–18 to 2021–22

Function	2017–18	2018–19	2019–20	2020–21	2021–22
Applications for review of a workplace action received	0	0	1	1	0
Applications for promotion and engagement decisions received	0	3	0	0	0

The Parliamentary Service MPC completed a review that was on hand as of 1 July 2022. The Parliamentary Service MPC recommended that the original decision be varied, and this was accepted and implemented. Table 2 shows the number of reviews of workplace decisions and their outcomes from 2017–18 to 2021–22.

Table 2: Review of workplace decisions completed and outcomes from 2017-18 to 2021-22

Review	2017-18	2018-19	2019-20	2020-21	2021-22
Completed	1	0	1	0	1
Outcome	Upheld	-	Upheld	-	Varied

In 2021-22, the Parliamentary Service MPC, through a range of strategies, continued to focus on improving ways of working and communicating with its stakeholders more effectively.

Stakeholder engagement

Increasing awareness of the entitlement to seek a review is critical to achieving the vision of the Parliamentary Service MPC, which is to support and contribute to safe, productive and harmonious workplaces in the APS and Parliamentary Service.

In 2020-21, the Parliamentary Service MPC piloted the Reach Out program for public sector employees to highlight key information about the review of workplace decisions and promotion decisions. The very effective pilot was developed into a calendar-year program of webinars and workshops, launched in February 2022. Reach Out continues to be further developed and refined.

The webinars are an effective way to introduce the Review of Actions scheme and the role of the Parliamentary Service MPC to new employees. Equally important, they are awareness sessions for existing employees, either as refresher training or for those who may not have received information during their induction about the scheme or Parliamentary Service MPC functions. Departments continued to be encouraged to incorporate webinar attendance into induction programs and promote attendance to existing employees.

The Parliamentary Service MPC attended 3 meetings of the Parliamentary Information Communications and Technology Advisory Board as the representative of the Commissioner.

The Parliamentary Service MPC met with the Secretary of the Department of the Parliamentary Services on 2 occasions.

Staff of the Parliamentary Service MPC gave a presentation to the Department of the House of Representatives on the role and function of the MPC. The Parliamentary Service MPC also presented to the Senior Executive team of the Department of the House of Representatives on good decision-making with a focus on procedural fairness and performance management.

Website

On 6 September 2021, the Parliamentary Service MPC launched a new website – www.mpc.gov.au. It included refreshed content and improved navigation for key stakeholders.

Main features of the new website include:

- extensive review and refresh of content and resources
- simplified online application forms accessible from the landing page, making it easier for employees to apply for a review, or to lodge a complaint about final entitlements
- webinar registration page for employees to sign up to join information sessions on the Review of Actions scheme
- video explainers to better communicate eligibility and the Parliamentary Service MPC’s role in supporting employees.

Tip sheets and video explainer

Through its review casework, the Parliamentary Service MPC identified the need for guidance material. Subsequently, 2 tip sheets were developed and published:

- **Determining review eligibility** – for agency decision makers holding a delegation to determine if an application from an employee for a review under Section 33 of the Act is reviewable.
- **Drafting formal directions** – for human resources practitioners and managers considering issuing a formal direction to an

employee to assist them with framing clear and comprehensible directions.

The Parliamentary Service MPC also developed and published 4 short entertaining and informative video explainers that can be viewed on its website. To better communicate with stakeholders, the Parliamentary Service MPC developed these to set out expectations and the steps required for:

- the entitlement to apply for a review of workplace decisions
- the entitlement to apply for a promotion review
- how performance management decisions are reviewed
- how breaches of the Code of Conduct or decisions to impose a sanction are reviewed.

THE YEAR AHEAD

The Parliamentary Service strives to be a model employer. This objective is underpinned by the Parliamentary Service Values and Employment Principles enshrined in the Act. The Parliamentary Service MPC plays an important role in ensuring that these values and principles are 'lived' and complied with both by employees and agencies. The Parliamentary Service MPC and the Review of Actions scheme also form part of the broader Parliamentary Service integrity framework.

Key priorities are driven by the statutory functions the Parliamentary Service MPC performs. Priorities are informed by the challenges and trends facing the Parliamentary Service. In 2022-23, the Parliamentary Service MPC will continue to provide guidance on good practice in decision making and people management and conduct effective and expert reviews. It will do this through the activities listed below.

Engaging with and supporting stakeholders

- Implement a targeted communication and engagement strategy to better engage with stakeholders
- Continue to implement and refine the Reach Out program with a focus on the webinar sessions to raise public sector employee awareness of their entitlements and how the

Review of Actions scheme operates

- Inform the Parliamentary Service about MPC services that can assist with the conduct of high-quality recruitment processes (for example, Independent Selection Advisory Committees and provision of highly experienced recruitment panel convenors and members)
- Continue to inform the Parliamentary Service and its employees of new initiatives, projects and resources.

Delivering new services and resources

- Develop a suite of online information and training products to support a range of statutory functions for educational and awareness-raising purposes.
- Start a project about merit policy and its implementation. A key focus will be on translating promotion review outcomes into services or resources to assist the Parliamentary Service with the evolution and development of modern recruitment practices, and to engage with the Commission and/or public sector reform processes relating to recruitment and merit-based selection and appointment.
- Publish new tip sheets, case studies and other resources for decision makers and employees.

Improving ways of working

- Undertake a post-implementation review to identify enhancements to further refine the website's content and functionality. The Parliamentary Service MPC plans to have regard to user experience and feedback and relevant data analytics in identifying website improvements.
- Identify and implement a software solution to better manage promotion review applications and cases.
- Continue to receive and use feedback about reviews of workplace decisions from applicants and agencies to inform Parliamentary Service MPC work and continuously improve.
- Develop a Parliamentary Service MPC business continuity plan to operate in conjunction with the Commission's business continuity plan.

APPENDIX B: THE PARLIAMENTARY SERVICE MERIT PROTECTION COMMISSIONER'S STATUTORY FUNCTIONS

Function of the Parliamentary Service MPC	Statutory authority – Parliamentary Service
Review of Actions scheme – promotion and engagement (includes review of promotion and engagement decisions of certain Parliamentary Service employees)	<i>Parliamentary Service Act 1999</i> Sections 33, 48(1)(d) and 48(1)(d) Parliamentary Service Determination Part 9 Division 1 clauses 71, 72, 73 and 76 Division 2 clauses 77 to 93
Review of Actions scheme – other employment-related actions (workplace decisions) (includes Code of Conduct, primary reviews of other matters and secondary reviews)	<i>Parliamentary Service Act 1999</i> Sections 33 and 48(1)(d) Parliamentary Service Determination Part 9 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 a department's determination that a former employee breached the Code of Conduct for behaviour engaged in while an employee	<i>Parliamentary Service Act 1999</i> Sections 33 and 48(1)(e) Parliamentary Service Determination Part 11 Division 3 Clause 115 Division 4 clauses 116 to 123 (review procedures)
review of the actions of a statutory office holder who is not a department head that relate to an employee's Parliamentary Service 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 a public interest disclosure alleging a breach of the Code of Conduct	<i>Parliamentary Service Act 1999</i> Sections 48(1)(a) and 48(2) Parliamentary Service Determination Part 11 Division 1 Clause 113
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)

Function of the Parliamentary Service MPC	Statutory authority – Parliamentary Service
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
operate the ISAC	Parliamentary Service Determination Part 8 Clauses 59 to 70

