

Parliamentary Service Determination 2013

FRLI: F2013L01201

Sponsor: President of the Senate and Speaker of the House of Representatives

Tabled: House of Representatives and Senate, 12 December 2013

PJCHR comments: First Report of 44th Parliament, tabled 10 December 2013

Response dated: 13 February 2014

Information sought by the committee

3.156 The committee sought further information as to why it was necessary to publicise employment decisions in the Public Service Gazette, in particular publication of decisions to terminate employment and the grounds for termination, and how this is compatible with the right to privacy and the Convention on the Rights of Persons with Disabilities.

3.157 The Presiding Officers' response is attached.

Committee's response

3.158 The committee thanks the Presiding Officers for their response.

3.159 The committee notes that the Presiding Officers intend to take advice from the Australian Public Service Commissioner on completion of his review whether the requirement for publication of termination decisions, and broader issues around the release of personal information, are in the public interest.

3.160 The committee requests that it be kept apprised of the review's progress and findings once finalised and whether any steps will be taken to address this issue.



PARLIAMENT OF AUSTRALIA

President of the Senate

Speaker of the House of Representatives

13 FEB 2014

Senator Dean Smith
Chair
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator

Parliamentary Service Determination 2013 [F2013L01201]

Thank you for your letters of 10 December 2013 on behalf of the Parliamentary Joint Committee on Human Rights in relation to *Parliamentary Service Determination 2013* (the Determination).

The Committee is seeking our views on why it is necessary to publish decisions to terminate employment and the grounds for termination in the *Public Service Gazette*. We note that the Committee has concerns about the compatibility of this requirement with the right to privacy and the Convention on the Rights of Persons with Disabilities.

The Determination is a legislative instrument made under the *Parliamentary Service Act 1999* (the Act). The Act, and the subordinate legislation made under it (principally Determination 2013 at present), follow the framework of the *Public Service Act 1999* and its subordinate legislation except where differences are necessary to reflect the unique character of parliamentary service and the obligation of parliamentary staff to serve the Parliament. In keeping with this principle, the provisions in the Determination governing the publication of employment decisions have the same effect as relevant provisions of the *Australian Public Service Commissioner's Directions* (the APS Commissioner's Directions).

The requirements for gazettal of employment decisions have been in place for many years. However, the concerns the Committee has raised suggest that the requirements for notifying termination decisions warrant further consideration. In this regard, we understand that the Committee has raised similar concerns with the Australian Public Service Commissioner, Mr Stephen Sedgwick, about the APS Commissioner's Directions and that the Commissioner proposes to consult publicly and to review whether the requirements for publication of termination decisions, and broader issues around the release of personal information, are in the public interest.

In the circumstances, we propose to take advice from Mr Sedgwick in his role as Parliamentary Service Commissioner on completion of the review mentioned above. We will advise you of the outcomes.

Yours sincerely

A handwritten signature in blue ink, reading "John J. Hogg". The signature is fluid and cursive, with the first name "John" and the last name "Hogg" clearly distinguishable.

SENATOR THE HON JOHN HOGG

A handwritten signature in blue ink, reading "Bronwyn Bishop". The signature is fluid and cursive, with the first name "Bronwyn" and the last name "Bishop" clearly distinguishable.

THE HON BRONWYN BISHOP MP

