



PARLIAMENT OF AUSTRALIA

PRESIDENT OF THE SENATE
SENATOR THE HONOURABLE STEPHEN PARRY

27 May 2015

Senator Cory Bernardi
Chair
Finance and Public Administration Legislation Committee
Parliament House
Canberra ACT 2600



Dear Senator Bernardi

copy,

At the committee's estimates hearing on 25 May 2015 during its examination of the Department of Parliamentary Services, Senator Gallagher asked me about Ms Mills' termination entitlements and you then sought clarification about whether that approach was consistent for all departmental secretaries, to which I responded that it was (page 60).

Having checked the transcript, it seems to me that my answer could be misinterpreted and I therefore wish to provide further detail to clarify it.

The provision of the Parliamentary Service Act 1999 under which Ms Mill's appointment was terminated (section 61) mirrors, in essence, section 59 of the Public Service Act 1999 which provides for the termination of a departmental secretary's appointment. Although both provisions reflect the differences between the legislative and executive arms of government, the common element is the provision of a report by the Australian Public or Parliamentary Service Commissioner before an appointment is terminated. Determinations of terms and conditions for secretaries in both services include loss of office provisions which prescribe the entitlements of a secretary upon termination of appointment.

In this respect, Ms Mills' terms and conditions were consistent with departmental secretaries in the Australian Public Service, officers whose termination of employment arrangements are comparable.

In the Australian Parliamentary Service, however, Ms Mills' terms and conditions differ from the other departmental secretaries (the two Clerks and the Parliamentary Budget Officer) who, because of their independence, are covered by different arrangements for the termination of their appointments (in sections 60 and 64XE of the Parliamentary Service Act). Those arrangements involve decisions by one or both Houses of the Parliament for termination on specified grounds. There is consequently no remuneration for loss of office by these other office holders.

I trust this clarifies matters for the committee.

Yours sincerely

(STEPHEN PARRY)