

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2011-2012

Prime Minister and Cabinet Portfolio

Department/Agency: Australian Public Service Commission

Outcome/Program:

Topic: Termination of employment of Ms Wolfe

Senator: Senator Ronaldson

Question reference number: Question Number 94

Type of question: Hansard, F&PA, p27, 24 May

Date set by the committee for the return of answer: 8 July 2011

Number of pages: 1

Question: Can you tell me on what grounds the Public Service Commissioner backed Dr Gumley's account of the requirements for Ms Wolfe's dismissal?

Answer:

The decision making process by the Public Service Commissioner (the Commissioner) under section 38 of the *Public Service Act 1999* (the Act) is not a merits review process.

The matters which must be addressed by the Commissioner in making the decision are set out in section 38 of the Act.

Under section 38 of the Act an Agency Head cannot terminate the employment of a Senior Executive Service employee unless the Commissioner has issued a certificate stating that:

- all relevant requirements of the Commissioner's Directions issued under section 36 of the Act have been satisfied in respect of the proposed termination; and
- the Commissioner is of the opinion that the termination is in the public interest.

In assessing the request from Dr Stephen Gumley, the delegate of the Secretary of the Department of Defence, for a section 38 certificate in regard to Ms Jane Wolfe, the then Commissioner took into account extensive information provided by both Dr Gumley and Ms Wolfe.